

RESOLUTION

IUF-HRCT TRADE GROUP MEETING

SAO PAULO 12 December 2014

In defence of the right to strike and freedom of association in Spain

The Spanish Constitution states that the right to strike is one of the fundamental rights on which the social and democratic state and the rule of law are based. It enjoys the maximum level of guarantees and is binding on all public authorities.

In Spain, for over thirty-five years, workers have been democratically and constitutionally exercising this **right which is personal but one that is exercised collectively** .

Latterly, this constitutional right is being questioned by the public authorities with **criminal proceedings against workers** who legitimately participated in strikes convened by the most representative trade unions against the labour reforms, for alleged criminal activities during those strikes. It is not a question of defending possible over-stepping of the bounds of the exercise of the right to strike, but that in any case the authorities should **rule out recourse to imprisonment of those who organize or participate in a peaceful strike**. These measures imply grave risks of abuse and serious threats to freedom of association.

Numerous accusations and charges, with applications for imprisonment, are being directed against the trade union movement, their leaders and activists, for the legitimate and constitutional exercise of the right to strike which, let us not forget, means the right to require others to join the strike and to participate, within the law, in collective actions. They are a response to a form of government characterised by **restrictions on the basic civil rights and liberties** which form the model of coexistence and the social and democratic state and rule of law established by the Spanish Constitution.

The persecution of trade union freedom is linked to other initiatives by the Spanish Government to restrict public liberties and limit rights, such as the latest **legal reforms of the Criminal Code or public security**, or those which deny free legal aid in access to justice.

It is not possible to remain silent or impassive in the face of this attempt to **delegitimize the responses of labour to the unjust reforms imposed by the political authority**, setting conditions on the future conduct of such strikes, when they are not introducing hypothetical labour reforms which are harmful or detrimental to workers, in yet another backward step for democracy.

The limitations on fundamental trade union rights, as well as leading to a grave imbalance in labour relations, frustrate progress on conditions of work and the well-being of society.

In the face of this situation, the global meeting of the IUF-HRCT Trade Group considers unacceptable the continuing attack on constitutional rights that is occurring, in a singular manner, through the intervention of the public authorities in Spain against trade union freedoms. By this means, some

260 workers and trade unionists, most of them members of the CCOO and the UGT, are now the subject of administrative and criminal proceedings for participating in the convocation, extension and organization of general strikes. As an example, we cite the demand for prison sentences of sixty years for eight Airbus workers accused of exercising the right to strike on 29 September 2010. Paradoxically, on International Human Rights Day, they had to appear in court for an oral conciliation hearing in which the prosecutor repeated the demand for the sentence.

The IUF-HRCT Trade Group expresses its solidarity with the Spanish workers and trade unions and demands that the Spanish Government cease its campaign of criminalization of the right to strike.