



SIXTH ITEM ON THE AGENDA

**Special Technical Cooperation  
Programme for Colombia (2001-03)**

1. At its 281st Session (June 2001), the Governing Body of the ILO asked the Office to prepare a technical cooperation programme for Colombia.
2. The Special Technical Cooperation Programme for Colombia was submitted to the 282nd Session (November 2001) of the Governing Body by the Director of the Regional Office for the Americas, Mr. Agustín Muñoz. Since that time, the Office has submitted regular reports to each session of the Governing Body on the activities undertaken under the Special Programme.
3. The Office submitted the last progress report on the activities initiated under the Special Technical Cooperation Programme for Colombia at the 286th Session (March 2003) of the Governing Body.
4. The latest progress report, incorporated as an appendix, describes the activities that have been carried out to date since the last session of the Governing Body (March 2003).

Geneva, 10 June 2003.

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## Appendix

### I. Progress made in activities

#### *Context in which the programme is being implemented*

1. The climate of violence unfortunately persists. An increase in military operations carried out in the field by the Government appears to be bringing in its wake a selective and violent response by the subversive groups in the cities, aggravating the prevailing urban insecurity. This has involved the murder of hostages (including a governor, ex-ministers and various military personnel) by the FARC when attempts have been made to rescue them. It should be noted that the ceasefire declared in December 2002 by the paramilitary United Self-Defence Forces of Colombia (AUC) is holding.
2. The latest information shows that social tensions persist and indeed in some cases are on the increase, despite the Government's statements concerning its efforts to overcome them. This is reflected, for example, in statements made by workers who have reiterated claims that trade union leaders and their families are still being threatened, assaulted and in some cases murdered. These social tensions clearly have an impact on labour relations.
3. The Government has launched a policy of economic reform (scaling down the machinery of the State, tax, labour and pension reforms, etc.), through legislation that has come under fire from certain sectors of society, especially the workers. It must be recalled that the reforms in question were made without any consultations with the National Consultation Committee on Labour and Wage Policies which was established under Article 56 of the Constitution and operates under the terms of Act No. 278 of 30 April 1996. One function of the Committee is to assess draft legislation drawn up by the Executive. A referendum is planned for July 2003 on 19 proposals that would extend the reforms, strengthen efforts to combat corruption and reduce public expenditure (this would involve a two-year pay freeze for public employees). This referendum has already given rise to heated debate. Workers' representatives oppose the referendum and the reforms. The employers, on the other hand, are favourable to the Government's reforms and to the planned referendum.
4. Workers have persistently demanded that normal collective bargaining be allowed to take place freely and trade union organizations be allowed to carry on their normal activities. The three central trade union organizations have repeated complaints regarding violations of the right of association and collective bargaining. They emphasize that the Government continues to impede the establishment of trade unions and adopts measures intended to make it impossible for existing ones to continue operating. Similarly, they have emphasized that in a number of companies, and with the tacit agreement of the Government, the implementation and renewal of collective agreements is blocked by the submission of counter-proposals. According to the same trade union sources, other contraventions of the principle of freedom of association have included attempts to promote "bosses' unions" which are set up with the intention of luring away members of existing unions. This practice, it is claimed, combines different forms of anti-union discrimination by promoting "collective accords" with non-unionized workers and with "parallel" unions, and by granting benefits to non-unionized workers. There have also been complaints of serious violations of the right of collective bargaining in the public sector.

5. At the same time, although there was a drop in the number of trade unionists murdered during the first five months of 2003 (according to the Government and the trade unions, 14 trade unionists were murdered during the period from January until the beginning of May),<sup>1</sup> the problems of violence, anti-union discrimination, abduction of employers and impunity persist.<sup>2</sup>

### ***Human rights and the right to life***

6. With regard to measures to enable threatened trade unionists to leave Colombia temporarily, the programmes established under an agreement between the Office, the AFL-CIO Solidarity Centre, the National Social Assistance Secretariat and the Colombian Episcopal Conference continue to be implemented, as the Governing Body was informed at its last session in March 2003.
7. Under this programme, the Solidarity Centre has identified two new candidates for whom appropriate arrangements are being made. The National Social Assistance Secretariat has also indicated that two other trade union officials have left the country under this programme with their families, and two other candidates have been identified; arrangements are now being made for their departure.
8. However, selecting candidates is a difficult and delicate task for these institutions, since they are dealing with people whose lives are presumably threatened, and the selection process itself, which involves the national trade union confederations which hitherto have put forward candidates, is not yet working as smoothly as one might wish.

### ***Promotion of the fundamental rights at work***

9. On 13 May, the planned National Forum on Fundamental Human Rights and Rights at Work was held as part of an initiative to promote and raise awareness of the fundamental rights at work. As a result of the Forum, similar activities are planned in different provinces. These regional activities to promote the fundamental human rights and rights at work will be supported by the Subregional Office for the Andean Countries and the joint US-DOL/ILO Project. Planning of these activities has begun and they will continue to take place throughout the coming months. The Governing Body will be informed of these activities in due course.
10. A programme to promote the ILO Declaration on Fundamental Principles and Rights at Work has also been launched by the United Nations radio station in Colombia. This is part of a broad campaign of dissemination under the US-DOL/ILO Project.
11. Following discussions with academic institutions, agreement was reached at a recent meeting with representatives of some of the country's major universities on a programme to promote the fundamental rights. This will be implemented during August 2003.
12. With regard to child labour, the IPEC Colombia Programme on 29 April 2003 officially presented the System of Information on Child Labour in Colombia and a book on the National Child Labour Survey (*Encuesta Nacional de Trabajo Infantil*). The information system consists of a web site

<sup>1</sup> According to the Government's data, a total of 86 murders were recorded during the same period (January-May) in 2002. compared to 14 this year.

<sup>2</sup> According to a document produced by the National Trade Union School in Medellín, during the period from January to April 2003, a total of 82 death threats were registered, as well as 26 (illegal) detentions, 11 attempted killings, 6 kidnappings and 12 cases of hostage taking, all against trade union members and premises. This document also provides information by region on anti-union assaults and violations, in the form of a map showing the distribution of such anti-union acts. According to the latest communiqué from the CUT, the trade union leader, Mr. Gómez, was murdered on 1 May 2003, and family members of other trade unionists have been taken hostage. The Government has stated that the Internal Human Rights Group of the Ministry of Social Protection has repeatedly requested information, from the Attorney-General's Office and from the trade unions, concerning threats and assaults against various trade union officials, with a view to passing this information on to the ILO.

presenting statistical data on the extent of child and adolescent labour in the country, a number of investigations on the realities and conditions in which children work, and a digest of national and international laws in this area. There is also information on progress in implementing the national plans for the elimination of child labour and for the protection of young workers. The National Child Labour Survey sets out the results of a demographic analysis of the Colombian population between the ages of 5 and 17 years. The Programme of Action on “Dissemination, awareness-raising and training for trade union officials, civic leaders, parents, children and young workers with a view to the elimination of child labour in Colombia”. Lastly, a programme of action is being developed with the ANDI and will be implemented in the Department of Cauca.

## **Freedom of association**

13. As a follow-up to the tripartite workshop that took place in February 2003 and that intended to promote efforts to bring national legislation into line with the recommendations of the Committee on Freedom of Association and the Committee of Experts with regard to the application of Conventions Nos. 87 and 98, a number of seminars with trade union organizations have been launched and will conclude their work in May. These workshops are being held in three major cities (Santa Marta, Medellín, and Calí). A national event on this subject is planned for 16 June in Cartagena. All these activities are part of the US-DOL/ILO project.
14. With this follow-up to the tripartite workshop in mind, the Subregional Office for the Andean Countries has prepared a paper on “essential services”. This will serve as a basis for other seminars and workshops aimed at bringing national laws into line with the principles set out in Convention No. 87, taking into consideration the pending observations of the ILO’s supervisory bodies.
15. The Inter-Institutional Commission for the Promotion and Protection of Workers’ Human Rights met in its third session on 23 April 2003. As regards the observance by Colombia of Conventions Nos. 87, 98, 151 and 154, it was agreed at this meeting that a tripartite subcommittee or working group should be set up to analyse the real obstacles to the application of these Conventions and, on the basis of its recommendations and conclusions, determine how these Conventions should be applied in practice and how the Government can contribute to removing these obstacles. In the meantime, with the assistance of the Subregional Office and the US-DOL/ILO Project, the initiatives referred to above have been launched. At the same time, during the last mission of the Subregional Office Director Mr. Hernández Pulido, agreement was reached on a series of workshops on the application of Convention No. 151, culminating in a national workshop to draw up proposals.
16. The Consultation Committee on Labour and Social Policies also met during the year. It would appear that the Committee has not reached agreement on labour legislation and pensions. It is focusing its efforts on discussion of proposals relating to employment policies. In any event, certain members of the Committee have considered the need to reactivate the Committee for the Handling of Conflicts.
17. As planned, and as the Governing Body was informed in the previous report, a course on international labour standards for judges and magistrates was held from 17 to 20 March 2003. The course placed special emphasis on national standards relating to freedom of association and the right to collective bargaining. Given the level of interest created by the course among the participants and the “Rodrigo Lara Bonilla” School for the Judiciary, it was agreed that another course should be organized with the help of the Subregional Office and with contributions from the ILO’s International Labour Standards Department and the International Training Centre in Turin. The course will take place in October 2003 and will conclude by devising teaching material for use in the course on international labour standards and the fundamental principles and rights at work at the “Rodrigo Lara Bonilla” School for the Judiciary.

## **Other technical support activities**

18. On the basis of the results of a consultation exercise conducted in 2002 on training in conflict resolution (part of the US-DOL / ILO Project), a meeting had been planned for 14 May, with the support of the Subregional Office and the Project, with the Committee for the Handling of Conflicts. The purpose of the consultation was to examine different methods of resolving disputes. It has been found necessary to postpone this seminar to another date in the near future. A cycle of three

seminars has been held on the same subject area with the employers' organization ANDI, and other similar activities with the trade union organizations are planned for July and August.

19. It must be emphasized that during the most recent mission of the Director of the Subregional Office with experts on employers' and workers' activities, a programme of activities was devised as part of the Special Technical Cooperation Programme for Colombia, which are to be implemented with the help of various government authorities (Ministry of Social Protection, Attorney-General's Office, Procurator-General's Office, Ministry of National Defence, Ministry of Education), and the central trade unions. In the latter case, the proposal was drawn up with the collaboration of the three national confederations. With regard to the employers' organizations, consultations are under way with a view to formulating a plan of action. The Governing Body will be informed in due course of the plan adopted with a view to ensuring the continued implementation of the Special Technical Cooperation Programme for Colombia.

## **II. Organizational and financial aspects of the Special Technical Cooperation Programme for Colombia**

20. The implementation of the Programme has been coordinated by the ILO Regional Office for Latin America and the Caribbean, the Subregional Office for the Andean Countries and the Office of the Director-General.
21. In response to the request made by the Government and certain workers' organizations, and in accordance with the information already given to the Governing Body, the Director-General is continuing to hold consultations with a view to appointing a coordinator for the Special Programme. At the same time, in order to respond to the concerns expressed by the workers' organizations, the possibility of obtaining funds from other donors is being examined to defraying the cost of appointing the coordinator. It is hoped that, once the appointment is made, it will be possible to reactivate the project COL/95/003, and the Government will be able to allocate the resources required for the Inter-Institutional Commission for the Promotion and Protection of Workers' Human Rights.