



FIFTH ITEM ON THE AGENDA

**Special technical cooperation
programme for Colombia**

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.
3. The Office submitted a progress report to the 284th Session (June 2002) of the Governing Body on the start of implementation of activities in the framework of the Special technical cooperation programme for Colombia.
4. The new progress report, incorporated as an appendix, describes the activities to date that have been carried out since the last session of the Governing Body (June 2002).

Geneva, 18 October 2002.

Submitted for information.

Appendix I

I. Progress made in activities

Context in which the programme is being implemented

Since the progress report was submitted to the 284th Session (June 2002) of the Governing Body there has been no respite from the climate of violence, and in particular from assassinations of and threats against members of the trade union movement.

Workers' organizations continue to be threatened in the exercise of their trade union activities. Their officials insist that the Government should provide more human and budgetary resources to combat the impunity inherent in investigations into attacks against trade union officials and activists; to strengthen the human rights units; to make more effective the struggle against the paramilitary groups – those primarily responsible for attacks against members of the trade union movement – and to guarantee the lives of those responsible for pursuing trade union activities.

As already stated in numerous reports and statements to the Governing Body, the wave of violence and the threats against trade union officials are affecting the very survival of workers' and employers' organizations, thereby hindering the possibility of social dialogue and consultation, both necessary mechanisms to achieve more equitable working and living conditions.

Spokespersons from the human rights department of the Single Confederation of Workers of Colombia (CUT) indicated that so far this year approximately 100 trade union workers have been murdered, and even worse, in some of these cases protection plans had been approved but not implemented.

Following is a summary of the main activities carried out by the ILO between July and November 2002.

1. Human rights and the right to life

The following activities to establish the conditions to strengthen the guarantee of the right to life and the right to integrity of trade union officials and activists have been completed:

- During the last session of the Governing Body, it was agreed that, should the International Labour Conference adopt a recommendation of the Programme, Financial and Administrative Committee to use the budgetary surplus of the Organization for 2000-01 to strengthen the capacity of the ILO to respond to crisis situations, a part of these resources would be used to finance *Project Colombia*. It is in this framework that, with the authorization of the Director-General, the Office assigned resources to this area, to finance jointly with the National Social Assistance Secretariat of the Colombian Episcopal Conference and the AFL-CIO Solidarity Centre the temporary departure from Colombia of trade union officials, and in some cases of their families when, as a result of threats or assaults, their personal safety is at risk. During their stay abroad the beneficiaries will receive training to help them to reintegrate themselves into the labour force on their return.
- At the time of drafting this report, agreements were being negotiated with the abovementioned institutions, and had been submitted to their respective legal services. At the same time a consultation process has begun with the trade union confederations, to find out their position with regard to said agreements. It is hoped that with the consent of all the parties the agreements will be signed and begin to be implemented in November 2002. The parties are considering the transfer of funds by the ILO to the National Social Assistance Secretariat and the AFL-CIO Solidarity Centre. Both institutions will carry out the final selection process and monitoring of the persons to be temporarily transferred abroad (to Chile and Uruguay in the first case and to the United States in the second). The trade union confederations should propose the candidates.
- The Trades Union Congress (TUC) of the United Kingdom is also preparing a relief programme for the temporary departure of threatened trade union officials and activists, in which the Office will also be involved.

- With financial support from the ILO Regional Office for the Americas in Lima and the Ministry of the Interior, two national consultants and an international consultant made an assessment of the shortcomings in the composition, function, structure and budget of the Committee for the Regulation and Evaluation of Risks of the Ministry of the Interior. It is hoped that this assessment will help to improve procedures for the evaluation of risks and the measures of protection for trade union officials and activists.

The ILO – through its desk in Bogotá – participated actively in the meetings in which the consultants' progress was discussed and the conclusions were submitted. As mentioned previously, the human rights department of the CUT indicated that this year some of the murdered trade union officials had protection plans approved in March 2002 which had not been implemented owing to insufficient budgetary resources.

2. Freedom of association and promotion of the right to organize

In the framework of *Project Colombia*, and to be financed using surplus funds, a second component has been planned and designed: the development of conditions to strengthen freedom of association and promotion of the right to organize in Colombia, in accordance with the provisions of ILO Conventions. It is also planned to set up mechanisms to seek solutions at the national level to cases pending before the Committee on Freedom of Association. This component, in addition to social dialogue, should start to be applied once the allocation of the surplus funds has been approved.

3. Encouraging the development of collective bargaining

- In the area of collective bargaining in the public sector, Project COL/95 contributed the human and financial resources for a number of national seminars on wage policy and collective bargaining in the public sector which were held in the middle of the year in various cities in Colombia, with a view to drawing up public policy on labour issues, promoting dialogue and labour consultation, and the exchange of experiences and criteria on the subjects of greatest interest to workers in the public sector and to the Government.

In this respect, it should be mentioned that a serious crisis is still being experienced by workers' organizations in the public sector as a result of massive dismissals stemming from a financial readjustment. It has also not yet been possible to implement the Labour Relations (Public Service) Convention, 1978 (No. 151). As indicated in previous reports submitted to the Governing Body, attempts to regulate this instrument by the legal secretariat of the Office of the President of the Nation of the previous administration raised objections. This situation became more complex as a result of Constitutional Court Decision No. C-201 dated 19 March 2002, which ruled in favour of the constitutionality of the articles in the Substantive Labour Code that restrict the right to collective bargaining for the public employee trade unions.

- In the framework of the US DOL project, the first consultation activities were carried out to get a sectorial and enterprise-level study under way on collective bargaining in Colombia. Along the same lines, international consultations were held to determine the shortcomings in the collective dispute settlement systems and to establish one which would enable tripartite consensus to be reached; the consultants should submit their preliminary results in November.
- Activities were carried out to promote collective bargaining in enterprises. The related consultations should be held next year.

4. Promotion of fundamental labour laws

The US DOL Project commissioned a study on the possibilities and features of a campaign to promote fundamental labour rights; the results are being examined by communication experts at the ILO in Geneva. On the basis of this initial activity it is hoped to implement a programme to disseminate the Declaration in the coming months.

Concerning the elimination of child labour, IPEC continues to provide technical assistance and cooperation to the Government for the formulation and implementation of a national policy to prevent and eliminate child labour and to protect young workers. The main progress achieved, with

the cooperation of the government, employers' and workers' organizations that make up the Interinstitutional Committee, is as follows:

- The action programmes carried out with the trade union confederations CUT and CTC (Confederation of Workers of Colombia), resulted, in the first case, in the establishment of childhood and youth secretariats in four of the country's cities; the strengthening and institutionalization of the youth group of the CUT; the drawing up of guidelines incorporating the policy proposals and guiding principles for action of the Department of Childhood and Working Youth of the CUT. The CTC carried out a number of national-level awareness workshops and seminars as well as sectorial seminars; awareness-raising materials were also designed and published, including an educational brochure for workers on the reasons for and consequences of child labour and its worst forms.
- The Action Plan for the elimination of child labour gave priority to focusing on prohibited work: child labour in small-scale mining, in domestic work, in street and marketplace trade, and in sexual exploitation. In each of these spheres projects and action programmes were formulated and put into practice.
- Together with the ANDI, action programmes designed to eliminate child labour in various municipalities are being formulated and approved.

5. Bringing labour legislation into line with international labour standards

As stated in the previous report to the Governing Body, the US DOL Project commissioned consultants to assess national policies and programmes for employment creation, self-employment and micro-enterprises for poor women who are heads of households. The programme of work makes provision for a brief review of the policies that have been implemented since the 1991 Constitutional reform and an examination of the legal and institutional framework governing prevailing policies and programmes. Provision is also made for an evaluation and summary of the programmes under way and some recommendations will be submitted.

National legislation has still not been brought into line with Convention No. 151. This situation, as indicated in the previous report and described in point 2 of this document, has become more complex as a result of Constitutional Court Decision No. C-201 of 19 March 2002, which ruled in favour of the constitutionality of the articles in the Substantive Labour Code that restrict the right to collective bargaining for the public employee trade unions.

6. Promotion of social dialogue

The studies funded by the ILO to analyse the economic effects of current Colombian labour legislation on labour stability, employment training and productivity, which analysed economic criteria and the mechanisms for establishing salaries and the effect of these on employment, were submitted to the Government and the social partners. They will be submitted to and discussed at tripartite meetings to help encourage social dialogue.

The Office will continue to support the work of the *Special Committee for the Handling of Conflicts referred to the ILO*. The Committee was set up in 2000, during the mandate of the Special Representative of the Director-General for Cooperation with Colombia. It is tripartite in nature and its objective is to create a space for dialogue to address complaints already before the Committee on Freedom of Association and new complaints relating to violations of ILO Conventions. The current administration has now committed itself to supporting the work of the Committee as to date it has intervened in hardly any of the complaints submitted to it.

If the allocation of funds is confirmed it is hoped to also put into motion the third component of the programme relating to the promotion of social dialogue either at the end of the year or at the beginning of 2003. The objective is for trade union and business leaders from various levels and geographic spheres to increase their knowledge of dialogue and bargaining techniques, as well as of the technical aspects of the subjects being dealt with in the framework of the Consultation Committee on Labour and Wage Policies (CCPLS).

II. Financial and organizational aspects of the Special technical cooperation programme for Colombia

The implementation of the programme has been coordinated by the Regional Director and the Deputy Regional Director of the ILO Regional Office for the Americas, by the Director ad interim of the ILO Andean Multidisciplinary Advisory Team, and by the Director-General's Office.

With the funds allocated under the surplus it is hoped to implement in full the three components contained in the approved proposal, as indicated above, namely:

- Human rights at work and suitable protection of life.
- Freedom of association and promotion of the right to organize.
- Promotion of social dialogue.

Considering that the total amount earmarked is insufficient to contract an international expert to manage all activities relating to the programme, the possibility is being examined of contracting a national professional to coordinate the three components and the related activities.