



SEVENTH 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. Muñoz.
3. The Office submitted a progress report to the 285th Session (November 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 (November 2002).

Geneva, 21 February 2003.

Submitted for information.

Appendix I

I. Progress made in activities

Context in which the programme is being implemented

1. The situation in Colombia is still serious. Acts of violence, attributed to guerrilla groups or paramilitary forces, continue to be committed against the population in general and in particular against officials and activists of trade unions and employers' organizations. Since the last progress report was submitted to the 285th Session (November 2002) of the Governing Body, there have been no significant changes in the general climate of violence, though as regards the killings and threats against members of the trade union movement, the Government reports that there have as yet been no new victims this year. According to trade union sources,¹ although the killings have not stopped far fewer trade unionists were murdered in November and December 2002 and January 2003. Officials and activists from workers' and employers' organizations are upholding their demands concerning the need to combat impunity, the usual outcome of investigations into attacks against them. As the Governing Body has already been informed, the latent threat and the attacks against trade union officials are undermining the very foundations of their organizations, thereby reducing the possibility of social dialogue and consultation. According to the information provided in a communication of 24 January 2003 by the Attorney-General's Office and the Coordinator of the Internal Working Group for Human Rights of the (then) Ministry of Labour and Social Security (now the Ministry of Social Protection), 114 trade unionists were murdered in 2002. According to trade union sources the number could be much higher, which is why human rights organizations are still engaged in updating in an attempt to determine the figures as at the end of December 2002. At the time of writing this report, no figures were available for January. The great majority of the United Self-Defence Forces of Colombia (AUC), considered by some human rights organizations to be the paramilitary group that carries out the most human rights violations in the country, have declared an indefinite truce. The main armed groups are the FARC, the ELN and the self-defence or paramilitary groups.
2. At the XV American Regional Meeting, held in Lima in December 2002, the Director-General met with the Colombian Government, employers' and workers' representatives attending the event. Their discussions addressed the support Colombia still receives from the Office for the protection of fundamental human rights at work and the related activities. They also assessed progress in the implementation of the Special technical cooperation programme for Colombia. The Deputy Minister of Labour provided information on the legal and organizational reforms proposed by the Government, in particular those relating to the labour sector; she mentioned the proposal to combine the labour, health and social security sectors in a new Ministry of Social Protection. The workers' representatives expressed concern at the continuing murders and kidnappings of trade union activists and the difficulty of bringing those responsible to justice. They also expressed concern at what they considered to be insufficient willingness on the part of the labour authorities to partake in dialogue, at the proposed labour reforms, on which there have been no consultations, and at the project to merge the labour and health ministries. In February 2003, by a presidential decree the ministries of labour and health were reorganized to become the Ministry of Social Protection and among other bodies a Vice-Ministry of Labour Relations was created to be responsible for employment protection and promotion and occupational safety policies. The employers' representative stressed the need to reform some aspects of the labour legislation, observing that it would be best for such reform to be the outcome of social dialogue. Reiterating support for the Special technical cooperation programme for Colombia developed by the ILO, he recommended more integrated action among United Nations bodies.
3. According to a communication contained in a letter of 7 January sent to the Director-General of the ILO by the Minister of Foreign Affairs setting out commitments, inter alia, to the protection of fundamental rights at work, the Government has reactivated the Inter-Institutional Commission for

¹ Escuela Nacional Sindical de Medellín.

the Promotion and Protection of Workers' Human Rights. Established in 1997 by Decree No. 1413, the Commission had ceased operating for a time, among other reasons because it was not allocated sufficient funding to carry out its work. The Commission met last January. It adopted a workplan and established two working groups for its implementation. The first was given responsibility for issues pertaining to justice and the protection of workers' human rights, and the prevention of any violations of those rights. The second working group was set up to address the promotion and protection of the exercise of freedom of association, the right to organize, bargain collectively and conclude collective agreements, and the right to strike.

4. Objectives, activities and results indicators were established for each working group. It should be mentioned that in each case, specific references have been made to the ILO, its instruments (Conventions and Recommendations) and its supervisory bodies. As regards the first group, under the heading "Activities", for example, paragraph 5 indicates that the recommendations of the Committee on Freedom of Association concerning a specific case (Case No. 1787) and the observations of the Committee of Experts should be taken into account so that follow-up measures to these recommendations are adopted to provide for and protect workers' rights. As regards the second group, explicit reference is again made to the ILO's instruments under the headings "Objectives" (paragraph 2), "Activities" (paragraphs 2, 4, 5 and 6) and "Indicators" (paragraph 3). In each case, it is suggested that the provisions of Conventions Nos. 87, 98, 151 and 154 be taken into account, with a view to adopting the necessary measures to guarantee their application and aligning the national legislation accordingly. It is further indicated that the Ministry of Labour's Conflict Resolution Committee is operational and was convened three times but fell short of a quorum owing to the absence of the trade union sector.
5. It should be pointed out that the Government is being counted on to provide the resources the Inter-Institutional Commission needs in order to operate adequately and avoid becoming inoperative for lack of funding, as has occurred in the past.
6. In any event, trade union officials have expressed serious reservations about government decisions that are inconsistent with agreements reached in such institutions. A case in point was a disagreement, conveyed to the Government, concerning some of the items agreed by consensus in the second working group of the Inter-Institutional Commission. The upshot was that the trade union confederations addressed observations to the Government.
7. The most recent changes in the Single Confederation of Workers of Colombia (CUT) are worth highlighting. At the end of 2002, the CUT held its elections. Despite the acute situation of conflict prevailing in the country and the high level of insecurity in some regions, the process was relatively normal and free of any such events or accusations as to affect the legitimacy of the elections. Following the CUT elections there has been a renewal of the strong cohesion between unions within the *Comando Nacional Unitario* (which brings together the three confederations in a united front).
8. Despite the fact that the above endeavours reflect the wishes of all the social players, including workers' organizations, the latter are especially worried about some measures taken by the Government. For example, recent labour, pension and taxation reforms, adopted in December 2002 and followed by the adoption of an Act for putting them to a national referendum, have aroused concern among workers' organizations owing to the negative repercussions they could have not only on workers but on society in general. It should be pointed out that this opinion is not shared by the employers' organizations. The Act in question has been submitted to the Constitutional Court for assessment. Should the Court find it to be constitutional, a referendum will be held.

Human rights and the right to life

9. Within the framework of *Project Colombia*, which is part of the Special technical cooperation programme, and as a follow-up to the agreement established with the AFL-CIO Solidarity Centre, action has been taken to enable the temporary departure from Colombia of six threatened trade union officials. Intensive efforts are under way to help other trade union officials to leave the country in the near future.
10. For the same purpose, the National Social Assistance Secretariat of the Colombian Episcopal Conference has concluded a similar agreement with the ILO. The signing of the agreement and the allocation of resources from the financial surplus of the ILO, with the Governing Body's approval, will soon help trade union officials whose lives or safety may be at risk to leave the country.

11. At the same time, negotiations continue between the Office and the Trades Union Congress (TUC) of the United Kingdom with a view to establishing a mechanism similar to those mentioned above in order to assist the temporary departure from Colombia of other Colombian trade union officials whose lives and physical integrity may be at risk.
12. It should be pointed out in this connection that the safety of employers and employers' organizations is likewise a matter of concern to the ILO and will be incorporated in its future activities.

Promotion of fundamental rights at work

13. The Government of Colombia has expressed an interest in joining forces with the Office to promote the Declaration on Fundamental Principles and Rights at Work. In February, arrangements were laid down for coordination between the ILO and the Vice-Ministry of Labour and with Colombian trade union and employers' confederations, with a view to carrying out a series of activities in this area, the progress of which will be reported to the Governing Body in due course. There is common ground here with initiatives taken in this area under the project financed by the United States Department of Labor (US-DOL Project), which forms part of the Special cooperation programme.
14. To promote respect for human rights and the fundamental rights of workers, the Government of Colombia has planned a National Forum on Human Rights, with the support of the ILO Andean Multidisciplinary Advisory Team. The forum will be held during the first week of March and will be followed by dissemination activities in various provinces of the country.
15. Among the activities of the US-DOL Project, continued support is being given to those aimed at strengthening the capabilities of Colombian trade union officials, with a particular focus on gender issues in the scheduled training activities.

Freedom of association

16. Also within the framework of the abovementioned Project, a tripartite workshop was organized in February to help to align the national legislation with the recommendations the Committee on Freedom of Association and the Committee of Experts have made on the full application of Conventions Nos. 87 and 98. As to alignment of the national legislation with the provisions of Convention No. 151, it has been agreed with the Government and the social partners that the ILO Multidisciplinary Advisory Team will provide the necessary technical assistance by supplying legislative and practical information on other countries, and that activities will be sponsored to further the quest for an appropriate solution to this problem.
17. The training programme for judges and magistrates on international labour standards, during which particular emphasis will be placed on national standards concerning freedom of association and the right to collective bargaining, will be held from 17 to 21 March 2003, as planned; the course is being organized and developed with the support of the International Training Centre, Turin.
18. As regards child labour, through the Universidad Central de Colombia, IPEC carried out an assessment of the Colombian national policy on child labour for the 1995-2002 period, the results of which were submitted to a national seminar, held on 27 November 2002 and attended, inter alia, by government representatives (Ministries of Labour, Education and Health, and the Colombian Institute for Social Welfare), employers' representatives (ANDI) and representatives from workers' organizations (CUT, CGTD, CTC) and non-governmental organizations.
19. Within the framework of the National Committee, IPEC has drawn up a programme for the prevention and elimination of child labour at the *Corporación de Abastos* (CORABASTOS), a food storage and distribution enterprise in the locality of Kennedy, in collaboration with the Administrative Department of Social Welfare (the Office of the Mayor of Bogotá) and the Executive Secretariat of the Convenio Andrés Bello. Implementation of the programme will begin in February 2003.
20. A project for the elimination of child labour is being carried out with the CGTD. During the period in question, the CGTD has conducted many awareness-raising activities with its rank-and-file members and initiated the first phase of its action plan. A number of workshops were likewise held to raise awareness amongst trade union officials, the families of children affected by child labour and community leaders. Recreational and informal educational activities are being carried out with children and young people. As an active member of the Inter-Institutional Commission, the CGTD

has also helped to validate the results of a study on the effectiveness of the national policy for the elimination of child labour.

21. In the course of the next two months, with IPEC's support, employers (through various foundations and employers' associations) are to embark on activities for the elimination of child labour. A programme has already been approved and documents and funding are in the process of being formalized.

Other technical support activities

22. According to the Government's commitment set out in the aforementioned letter sent by the Minister of Foreign Affairs to the Director-General of the ILO, the Special Committee for the Handling of Conflicts referred to the ILO, which was established in 2000 during the mandate of the Special Representative of the Director-General for Cooperation with Colombia, is soon to be reactivated. It should be mentioned in this connection that with the help of a consultant a document has been prepared on alternative means of conflict resolution and has the approval of the Government and the social partners. The Special Committee, which is tripartite in nature and is intended as a forum for social dialogue to address cases already referred to the Committee on Freedom of Association and new complaints relating to violations of ILO Conventions, has unfortunately been able to intervene in virtually none of the cases submitted to it. The Government is being relied upon to provide the support needed to reactivate the Committee, in accordance with its commitment.
23. The Consultation Committee on Labour and Wage Policies, which has carried out its activities with ILO support, has met twice in the last two months and addressed the issues of labour reform and pensions, minimum wages and the timetable for discussions on Conventions Nos. 151 and 154.
24. According to the abovementioned letter from the Minister of Foreign Affairs, Project COL/95/003 is to be reactivated in order to implement and provide support for a whole series of activities that will help to improve the social climate in Colombia.

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

25. 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 of the ILO Andean Multidisciplinary Advisory Team, and by the Director-General's Office.
26. With the funds allocated under the surplus, implementation is under way of 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.
27. A selection process is currently under way to find, with the agreement of the social partners, a suitable professional to coordinate the Special technical cooperation programme for Colombia.