



Colombia: Commitments and Achievements of a Nation in Progress

Colombia, as a member State of the ILO, has been committed to the Organization's principles by adopting its main instruments and incorporating within its national legislation the provisions necessary to overcome most of the existing divergent legislation and by having defined as a priority the design and implementation of public policies to advance in the establishment of better labor conditions¹.

The Government of Colombia is aware of the enormous challenges for the achievement of these objectives, imposed by the situation of violence that affected many sectors of the population for many years. In recent years the Colombian State with a spirit of cooperation has increased its efforts to fight against impunity, strengthen social dialogue and continue developing tools to guarantee the protection of labor rights for all citizens.

At the same time, Colombia has actively participated in the discussions carried out at the competent bodies of the ILO to provide in an open and transparent way progress reports on the steps taken, achievements and difficulties encountered during the process of improving and strengthening labor relations in the country.

To this regard, the constructive attitude and the will to work together on the basis of trust are essential. ILO's cooperation and support for Colombia, through its headquarters in Geneva and its Representation in Bogotá, have been an invaluable asset to the efforts made at the national level and the Government acknowledges this as the decisive element that has allowed Colombia to become a Nation in progress.

Background

- In June 2006, in the framework of the 95th International Labor Conference, Colombian employers, workers and Government representatives signed the

¹ It is important to recall that Colombia currently exceeds the South-American average regarding the amount of ratified labor agreements: to date, 60 have been ratified, among them conventions on fundamental rights. Furthermore, it is worth noting that the fundamental labor conventions are an integral part of the National Constitution by the express virtue of the same, and even the Constitutional Court of Colombia has allowed the internal repercussions of the decisions of the International Labor Conference relating to the termination of the legal effects resulting from labor agreements considered obsolete or useless in the achievement of the ILO's objectives.



Tripartite Agreement on the Right of Association and Democracy.

- In December 2006, in compliance with the Tripartite Agreement, an ILO Representation was established in Bogota.
- In 2007, during the 96th International Labor Conference, it was agreed that a High Level Mission appointed by the Director General of the ILO was to visit Colombia to identify any new measures required to guarantee the effective implementation of the Tripartite Agreement and the Technical Cooperation Program for Colombia.
- In March 2008, during the meeting of the Governing Body, the Director General of the ILO submitted the Report of the High Level Mission, which recognized the efforts and progress of Colombia and the will of the Government and the social partners to continue working on the agenda agreed upon during the visit of the Mission.
- In 2008, during the 97th International Labor Conference, the Government of Colombia offered to voluntarily appear before the Committee on the Application of Standards to submit a progress report on different areas related to labor relations in Colombia.
- In its conclusions, the Committee recalls the steps taken by the Government and the social partners in Colombia to achieve a greater application of Convention 87 (On Freedom of Association) and considers that they represent *initial important steps* towards keeping the vital issues relating to the application of this Convention within the central focus of national dialogue and debate.
- The Committee also took note of the acts of violence still occurring against trade unionists and the ongoing difficulties regarding the application of justice, however it stated that it further *observed the significant efforts made by the Government to strengthen the special Protection Program*.

The progress achieved by Colombia may be evident in the following areas in particular: protecting the right to life of trade unionists and teachers; fight against impunity; promoting social dialogue and legislative developments concerning labor rights.

Progress in the implementation of the Tripartite Agreement

- **Security and Justice**

As a result of the commitment of the Government of Colombia to fight violence and impunity, between 2002 and 2008, the rate of homicides of the Colombian population



was reduced by 44.1%. The rate of homicides of trade union members was reduced by 81%.

Total Homicides Colombian Population vs. Total Trade Unionist Homicides

Year	Total Homicides	Unionist Homicides
2001	27.841	205
2002	28.837	196
2003	23.507	101
2004	20.167	89
2005	18.112	40
2006	17.479	60
2007	17.198	26
2008	16.140	38
2002 - 2008	-44%	-81%

Source: Ministry of Social Protection

Trade Unionist Homicides per presidential administrations vs. cases with a proffered sentence

*Up to March 2009

Presidential Administration	President	Homicides	Sentences proffered
Period 1986 – 1990	Virgilio Barco	336	0
Period 1990 – 1994	César Gaviria	509	0
Period 1994 – 1998	Ernesto Samper	724	0
Period 1998 – 2002	Andrés Pastrana	603	7
Period 2002 -2006	Álvaro Uribe 1	315	39
Period 2006-2010*	Álvaro Uribe 2	*93	138

Source of homicide cases: Ministry of Social Protection (with information from the National Police and the Presidential Program for Human Rights). Source of number of sentences: Attorney General and the



Superior Council of the Judiciary.

In October 2006, as part of the implementation of the Tripartite Agreement, the Office of the Attorney General established a Specialized Sub-unit to handle the cases involving violence against trade unionists. It is composed of 126 officers, among them, 19 prosecutors.

To complement their task, the Superior Council of the Judiciary created three Specialized Courts exclusively dedicated to handle cases of violence against trade unionists. These Courts were transitory initially and are now permanent.

The actions carried out by the Sub-unit of the Attorney General's Office have led to great progress concerning convictions. In 2002, two convictions were proffered, and to date 190 have been proffered, 75 of which took place in 2008. By virtue of these sentences, 281 people have been convicted, 175 out of which are in prison.

Progress reported by the Sub-unit of Violence Against Unionists

Sentences per Year	Amount
Year 2000	1
Year 2001	1
Year 2002	10
Year 2003	7
Year 2004	12
Year 2005	8
Year 2006	11
Year 2007	44
Year 2008**	75
Year 2009*	21
Total	190

Source: National Unit for Human Rights of the Attorney General's Office.

*Numbers to April 20, 2009

**50 correspond to anticipated sentences, 22 of which correspond to anticipated sentences against



stipulations of the Justice and Peace Law. The 75 convictions proffered during 2008 were a part of 58 investigations.

- **Protection Program**

Since 1997, Colombia counts with a Protection Program under the leadership of the Ministry of Interior and Justice, which provides security for people who have been threatened or are vulnerable taking into account the situation of violence in the country. The Program covers, among others, trade union members, journalists, social leaders, public servants and members of political parties.

In 2002, the Protection Program's budget was US \$1.7 million. In 2008 US \$42 million were allocated to the Program, 11 million out of which were exclusively allocated for the protection of trade unionists, benefiting 1980 members of trade unions in Colombia. US \$45 million have been allocated for the Protection Program in 2009.

463 people are in charge of protecting trade union leaders. In its ten years of existence, not a single union leader covered by the Protection Program with "hard" protection measures has been victimized.

**Labor Leaders and Activists benefiting from the Protective Measures
 2002- 2008**

Target Group	2002		2003		2004		2005		2006		2007		2008	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Unionists *	1,566	32.24	1,424	27.27	1,615	29.65	1,493	27.11	1,504	24.67	1,959	20.74	1,980	22.66
Other Beneficiaries **	3,291	67.76	3,797	72.73	3,831	70.35	4,014	72.89	4,593	75.33	7,485	79.26	8,736	77.34
Total	4,857	100	5,221	100	5,446	100	5,507	100	6,097	100	9,444	100	10,716	100

Source: Ministry of the Interior and Justice

* The numbers registered per year correspond to the unionists provided with protective measures for each period, therefore they may not be accumulated.

** Leaders or activists of political groups; leaders and activists of social, civic, community, association, peasant and ethnical organizations; Leaders or activists of Human Rights organizations and members of the Medical Mission; witnesses in cases of violations against Human Rights and infringements to International Humanitarian Right; journalists and social communicators; mayors, representatives,



council-members and ombudsmen; displaced population; officers of the Human Rights or Peace Policies of the National Government; and former officers of the Human Rights or Peace Policies of the National Government.

- **Social Dialogue**

The Government of Colombia is permanently open to dialogue. The President of the Republic meets periodically with the representatives of workers and employers to exchange appreciations on different aspects of labor relations. On May 5 this year, the most recent meeting took place and it was dedicated to discuss the impact of the international financial crisis.

Likewise, in the framework of the Permanent Commission on Wages and Labor Policies, the Ministry of Social Protection periodically meets with the workers to discuss different issues of the labor agenda. In 2008, the Commission met on 10 occasions and it has gathered 6 times so far this year.

Colombia counts also with other scenarios for social dialogue. In the framework of the Tripartite Agreement, the Special Commission for the Handling of Conflicts Referred to the ILO (CETCOIT) was reactivated in 2006. It has met 52 times since then. There's also an Inter Agency Commission for Human Rights in which the judiciary, the Government and the trade unions analyze and follow-up the investigations on violence against trade unionists.

Colombia, is a highly decentralized country composed by 32 Departments, each of which counts with social dialogue mechanisms in which local and national authorities participate.

Finally, it should be pointed out that in the last 3 years, 29 events to inform and promote the fundamental rights at work have been carried out, 27 out of which were regional and two of them national in scope.

- **Legislative achievements in 2008 - 2009**

Law 1210, which conveyed upon the judges the responsibility to declare the illegality of collective work stoppages. The Law stipulates that 60 days after the declaration of a strike, the parties to the conflict must summon an arbitration court. This regulation fully overcomes two of the legislative divergences as indicated by the Committee on the Application of Standards of the ILO.



Law 1233, which sets forth the special contributions by Cooperatives and Pre-cooperatives of Associated Labor for the Servicio Nacional de Aprendizaje - SENA (National Learning Service), to the Instituto Colombiano de Bienestar Familiar – ICBF (Colombian Family Welfare Institute) and to the Family Compensation Bureaus. This stipulates that the associates may not be paid less than one minimum wage and also expressly forbids the use of labor intermediaries.

Sentences, C-465 issued May 14, 2008; C-466 issued May 14, 2008; C-617 issued June 25, 2008; C-619 issued June 25, 2008; C-621 issued June 25, 2008; C-622 issued June 25, 2008; C-667 issued July 2, 2008 and C-695 issued July 9, 2008, by the Constitutional Court, ordering the Ministry of Social Protection to accept the deposit for the inscription of new union organizations, as well as their statutory amendments.

Labor Inspection, the Government of Colombia, with the assistance of USAID, is implementing a project to modernize and strengthen labor inspection, oversight and control, with a preventive approach.

One of its main purposes is to increase the staff of the territorial inspection directions with more than 200 new posts, improve the assignment of duties and the extension of the profile of inspectors.

Number of Inspectors

Years	Number of Labor Inspector positions
Currently	289
*For 2009	95
*For 2010	40
Total	424

* 212 posts were created through Decree 1294 of 2009 for the Inspection and Oversight System, 135 of which are for labor inspectors. Of these, 95 shall be opened in 2009 and another 40 in 2010, in addition to those already in place.

Source: Ministry of Social Protection