



SEVENTH ITEM ON THE AGENDA

**Report of the Special Representative of
the Director-General for cooperation with
Colombia**

**(b) Comments on the second report of the
Special Representative of the Director-
General for cooperation with Colombia,
presented by the Workers' group
(Geneva, March 2001)**

These are comments by the members of the Workers' group concerning the second report of the Special Representative of the Director-General for cooperation with Colombia:

1. We welcome the appeal made by Mr. Albuquerque to the Colombian Government to go beyond its expression of good will and take "firmer and more decisive action" to implement effective protection measures for trade unionists.
2. However, we observe that the figures relating to the number of murders of Colombian trade union officials and trade unionists are inaccurate when stating that there were "approximately" 112 in 2000. A thorough comparison of the figures provided by various sources of information has increased to 128 the number of trade unionist deaths. In 16 of these cases, the respective investigations are taking place to identify the trade union organizations to which the victims belonged, but there is no doubt as to their status as trade unionists.
3. Mr. Albuquerque's introduction is not clear when it states that paramilitary groups are mainly responsible for the murders of trade union officials and trade unionists, as indicated by the direct contacts mission (see report). However, Mr. Albuquerque's report emphasizes the findings of the Inter-Institutional Commission for the Promotion and Protection of Workers' Human Rights, which show that in 65 per cent of the cases of trade unionist murders, there is some indication that the majority of them are committed by paramilitary groups. Nonetheless, the report fails to mention that the Colombian State is, in the first instance, responsible for guaranteeing the lives and safety of trade unionists and the rest of the Colombian population.

4. In this context, it would be relevant to quote a paragraph from the report presented by the United Nations High Commissioner for Human Rights on the human rights situation in Colombia at its 57th session, which states that: *“Human rights violations committed by paramilitary groups entail State responsibility in a number of ways. First, as regards the setting in which such violations take place, the State bears some general responsibility for the existence, development and expansion of the paramilitary phenomenon. Second, there are situations in which official support, acquiescence or connivance have been contributory factors in such violations. Acts perpetrated by paramilitary groups and facilitated by inaction on the authorities part must also be regarded as human rights violations. The Columbian State has positive obligations to protect human rights and prevent their violation.”*
5. In his report, the Special Representative emphasizes the suspension and dismissal from service of members of the armed forces and the police for human rights violations. However, until present no judicial proceedings have been brought against these people – least of all convictions for such violations.
6. Mr. Albuquerque stresses the progress made in supervising Government measures to combat self-defence groups, with the creation of a “commission of notables”. This commission was agreed upon during negotiations between the Columbian Government and FARC. However, it is not yet operational and there is no guarantee for the Columbian trade union movement that this will be a mechanism that stops the paramilitaries’ offensive against them.
7. The same observation applies to the other recently created bodies mentioned in the report of the Representative. Previous ILO reports have shown that Columbia does not lack mechanisms and bodies aimed at protecting the exercise of fundamental human rights, including workers’ and trade union rights. Nonetheless, the number of murdered trade unionists and trade union officials, instead of decreasing, is on the increase.
8. As already mentioned, the report highlights the willingness of the Government to implement protective measures for Columbian trade unionists. However, it is not enough for the trade union movement that the Government verbally expresses its willingness to protect them, as it must provide real protection. In this sense, it should be mentioned that since June 2000 there have been no resources for the programmes aimed at protecting the human rights of trade union officials and workers, and that only now, during this meeting and a few days before the presentation of this report, a budget is being approved, which will not in the slightest cover the approved protection structures.
9. With regard to the steps taken to increase the budgetary allocation that the Government has earmarked for a protection programme for trade union officials, the report does not reflect the situation by stating that “a little under 100 (trade union officials) are in a programme known as the Social Protection Programme for Witnesses and Threatened Persons”. In reality, only 30 trade union officials benefit from the programme. Furthermore, 52 structures have been approved for as many other trade union officials, but these have not been implemented owing to a lack of budgetary funds.
10. Concerning the creation and operation of the Special Committee for the Handling of Conflicts referred to the ILO, we welcome its creation but should emphasize that it is only in the regulatory stages and is still not operational.
11. With regard to the commitment of employers’ associations, those most concerned fail to acknowledge the commitment made to encourage amongst their members the adoption of measures to protect trade union officials and unionized workers. On the contrary, we believe that there is no employers’ policy for respecting freedom of association and the

right to organize in the slightest, given that the least attempt made by a group of workers to establish a trade union organization results in their dismissal. This anti-trade union policy explains the nine cases appearing before the Committee on Freedom of Association.

12. In the final paragraphs of the report, Mr. Albuquerque acknowledges the decision of the Colombian Government to adopt measures intended to counteract the human rights violations of the most vulnerable groups of the population. However, declarations of good will are not enough and instead of this, effective measures are needed to counteract the violation of human rights, and particularly in our case, trade union rights. Figures do not lie, and according to those of last year, ten trade unionists were murdered per month – that is, one every three days. This proportion remains the same during the present year.
13. Regarding the impunity situation, Mr. Albuquerque, supported by reports made by the High Commissioner and the Colombian Commission of Jurists, concludes that such a situation is due to the weaknesses and shortcomings in the administration of justice, such as structural and functional defects and budgetary limitations. We would like to add to these factors, the lack of genuine political will to clarify all violations of which Colombian trade unionists, amongst others, have been the victims. Verbally, the Government is committed to the struggle against impunity, but, in practice, it is not making the effort required to make progress in this arduous and difficult task.
14. Along these lines, and as a conclusion, Colombian trade unionists need your support in order to commit the Colombian Government to create a commission against impunity by Presidential Decree, which trade unionists have called a **Truth Commission**, with the participation of the ILO and the main supervisory bodies of Columbia, along with Colombian workers and employers. In view of the aim of this commission, it would require sufficient authority to investigate the cases of violations of the fundamental rights of Colombian trade unionists that have been repeatedly denounced. These crimes cannot be left unpunished simply because they have been forgiven or forgotten. Those responsible for such violations must be prosecuted and convicted.
15. The Workers' group consider that, given the scale of the murders of Colombian trade union officials and trade unionists, which reflects a serious and widespread state of affairs, a decision should be made at the next ILO Conference, to be held in June 2001, to establish a **Commission of Inquiry** on Colombia. The ILO provides workers with specific mechanisms to deal with situations that seriously affect trade unionists, such as the one denounced in Columbia, and we request the Governing Body to use this mechanism.
16. Lastly, we would like to stress the fact that democracy can only represent an empty concept in Columbia as long as the murders of trade unionists and violations of their human rights continue. Furthermore, we would especially like to stress, as stated by the Committee on Freedom of Association, that freedom of association and the right to organize: “can only be exercised in conditions in which fundamental human rights, and in particular those relating to human life and personal safety, are fully respected and guaranteed”.¹

Submitted for information.

Geneva, 4 June 2001.

¹ *Digest of decisions and principles of the Committee on Freedom of Association*, 4th edition, 1996, paras. 46 and 47.

