



EIGHTH ITEM ON THE AGENDA

Complaint concerning the non-observance by Colombia of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), made by delegates to the 86th (1998) Session of the Conference under article 26 of the Constitution of the ILO

1. During the 86th Session of the Conference, the Director-General of the ILO received a letter dated 17 June 1998, signed by Lord Brett, Workers' delegate from the United Kingdom and Chairperson of the Workers' group, on his own behalf and on behalf of certain Workers' delegates, presenting a complaint under article 26 of the Constitution, to the effect that the Government of Colombia had failed to adopt measures to ensure the satisfactory implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The complaint relates to murders and other acts of violence against trade unionists, to the situation of impunity and to restrictions to trade union rights in legislation. In November 1998, the Officers recommended that the Governing Body take the following decisions: (a) the Government of Colombia, as the Government against which the complaint has been filed, should be requested by the Director-General to communicate its observations on the complaint so as to reach him not later than 15 January 1999; and (b) the Governing Body, during its 274th Session, should decide, in the light of: (i) the information provided by the Government of Colombia in connection with the complaint; and (ii) the recommendations of the Committee on Freedom of Association regarding the complaint and the cases which are still pending, whether they should be referred as a whole to a Commission of Inquiry (see document GB.273/15/2).
2. At its March and November 1999 meetings, the Committee on Freedom of Association noted the contents of the complaint submitted pursuant to article 26 and the Government's replies thereto and considered that it was for the Governing Body, on the basis of its reports and its conclusions adopted in the pending cases concerning Colombia, to take a

decision as to the appropriateness of appointing a Commission of Inquiry (see 314th Report, paragraph 141 and 319th Report, paragraph 219).

3. At its November 1999 session, the Governing Body heard about an agreement dated 16 November 1999 concluded between the representatives of the Government of Colombia and the representatives of the workers of Colombia in which the Governing Body was requested to carry out a direct contacts mission in the country. Having noted the contents of this agreement, the Governing Body “agreed that it would decide whether or not to establish a Commission of Inquiry for Colombia in June 2000” and that “making the decision at that time would enable the Governing Body to take into account the information provided by the direct contacts mission and the Committee on Freedom of Association”. The direct contacts mission took place in Colombia (Bogotá and Medellín) from 7 to 16 February 2000. According to the agreement concluded between the Government and the union confederations of Colombia, the mandate of the mission consisted of evaluating “the situation in Colombia with respect to freedom of association, particularly as regards the cases currently before the Committee on Freedom of Association”, submitting a progress report to the Committee on Freedom of Association at its March 2000 meeting and submitting a full report for consideration at its May 2000 meeting (see document GB.278/3/2).
4. At its June 2000 session, the Governing Body requested the Director-General to appoint a Special Representative of the Director-General for cooperation with Colombia in order to assist in and verify the actions taken by the Government and the employers’ and workers’ organizations to implement the conclusions of the direct contacts mission and the recommendations of the Committee on Freedom of Association in the pending cases concerning Colombia. For this purpose, the Governing Body requested the Director-General to consider favourably the technical cooperation needs that may be required by constituents. The Special Representative would report through the Director-General to the Governing Body at its November and March sessions on the general situation in the country as it affects trade union rights and the security of trade unionists and on progress achieved in the implementation of the above recommendations. The Special Representative would advise on any other steps that could be taken by the Governing Body. The Governing Body requested the Director-General to establish with the Government the appropriate conditions for the Special Representative to carry out his or her mission. The Governing Body would review all pending questions at its session in June 2001.
5. The Director-General appointed Mr. Rafael Alburquerque, former Minister of Labour of the Dominican Republic, as his Special Representative for Cooperation with Colombia. The Special Representative submitted two reports to the Governing Body at its November 2000 and March 2001 sessions (see documents GB.279/9, GB.279/9(Add.1) and GB.280/10). The Special Representative has submitted a further report to the current session of the Governing Body (see document GB.281/7/1).
6. At its March 2001 meeting, the Committee on Freedom of Association examined and formulated conclusions and recommendations on Cases Nos. 1787, 1948, 1955, 1962, 1964, 1973, 2015, 2046 and 2051 concerning Colombia (see the Committee’s 324th Report, document GB.280/9).

7. At its May-June 2001 meeting, the Committee on Freedom of Association examined and formulated conclusions and recommendations on a further case (Case No. 2068) concerning Colombia and submitted its report to the Governing Body.¹
8. Furthermore, at its November-December 2000 session, the Committee of Experts on the Application of Conventions and Recommendations examined certain legislative aspects raised in the complaint submitted under article 26 of the Constitution of the ILO resulting from a legislative amendment adopted shortly after the visit of the direct contacts mission (see Report III (Part 1A), pages 246-248 and 377-378).
9. ***The Governing Body is invited to decide what effect should be given to the complaint made under article 26 of the Constitution.***

Geneva, 18 June 2001.

Point for decision: Paragraph 9.

¹ Document GB.281/2 (325th Report of the Committee on Freedom of Association).