



SIXTH ITEM ON THE AGENDA

**Special technical cooperation
programme for Colombia (2001-03)**

1. At its 281st Session (June 2001), the Governing Body of the ILO asked the Office to prepare a substantive 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 acting Director of the Regional Office for the Americas, Mr. Agustín Muñoz.
3. The progress report included in the appendix describes the activities carried out in the framework of the *Special technical cooperation programme for Colombia* since the last session of the Governing Body.

Geneva, 21 February 2002.

Submitted for information.

Appendix

I. Progress made in activities

1. Human rights and the right to life

With a view to establishing the conditions to strengthen the guarantee of the right to life and the right to the integrity of trade union and business leaders by adopting a series of measures which will make it possible to apply sanctions to those who endanger the lives of persons exercising their trade union rights, the following activities have been initiated, and in some cases completed:¹

- The ILO entrusted a team of consultants with the task of evaluating the general human rights situation in Colombia, in particular in respect of impunity. The aim of this activity was to identify and classify the difficulties associated with the climate of impunity surrounding the investigations conducted to identify the perpetrators of assassinations and kidnappings of trade union leaders and activists. These consultants also carried out a regional study of progress made in individual cases selected by the trade union confederations themselves.
- Consultations were held for the purpose of designing a training programme for judges and prosecutors, the aim of which is to improve the training and efficiency of these officials, who are responsible for processing cases relating to violations of fundamental human rights in the labour sphere.² This activity has already been completed; the training programme submitted will undergo a technical analysis by the Office prior to its implementation.
- The ILO – through its desk in Bogotá – continued to participate in the meetings of the Committee for the Regulation and Evaluation of Risks of the Ministry of the Interior of Colombia, together with the Office of the United Nations High Commissioner for Human Rights, as well as in the drawing up – in conjunction with the representatives of the groups at risk under the responsibility of the Committee – of the terms of reference and in the choice of the consultants who will be responsible for assessing shortcomings in the composition, function, structure and budget of the Committee. On the basis of the consultants' assessment, a proposal will be put forward as to how to improve the procedures for the evaluation of risks and the measures of protection for trade union leaders and activists, and also how this activity should be monitored. The ILO has agreed to participate in financing the consultants, within the framework of the *Special technical cooperation programme*.

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

A study is being conducted into the current situation of freedom of association and the right to organize in Colombia in order to ascertain the types and principal characteristics of the violations, restrictions and limitations to freedom of association that exist in the country, with particular attention to any special aspects in the regions, economic sectors and public and private areas. This study is being examined by the ILO's technical units.

A training and assistance programme was prepared for the processing of cases pending before the ILO supervisory bodies. In parallel, the Ministry of Labour was provided with a database organized by subject concerning the complaints pending and the recommendations made for cases already concluded. Trials on the database began in January 2002.

¹ Reports on the consultations mentioned in this document will be submitted to the constituents once they have been reviewed by the ILO technical units.

² Activities 1.2 and 1.3, GB.282/5, para. 10 (Immediate objectives).

3. Encouraging the development of collective bargaining

In 2001 three seminars were conducted on collective bargaining. These seminars, in which the trade union confederations participated, were held in the cities of Cúcuta (15-17 November), Pereira (22-24 November) and Villavicencio (29 November-1 December). These activities provided over 100 trade unionists with information about the current situation and trends in collective bargaining in various regions of the country.

The ILO has instructed two consultants to arrange a series of regional seminars for employers concerning freedom to organize and collective bargaining. These seminars will be held as soon as all the arrangements have been completed, which should be in March 2002.

In respect of collective bargaining in the public sector, the draft document relating to the regulatory decree for the implementation of the Labour Relations (Public Service) Convention, 1978 (No. 151), and to the proceedings that will govern employment conditions in the public administration adopted by the sectoral committee of the public sector in October 2001, was objected to with new arguments by the legal secretariat of the Office of the President of the Nation.

4. Promotion of fundamental labour rights

With regard to the elimination of child labour, with the support of IPEC and Project COL/95 a pilot experiment was conducted in a number of zones of the country which served to draw up “a model for productive education to eradicate child labour”. An awareness project was also arranged, as well as teacher training on the subject of child labour. A further activity was the preparation of a programme to actively seek out, identify and attend to all the needs of child and young workers.

Project COL/95/003 also collaborated in legislative initiatives undertaken to put an end to the exploitation of children at work, and supported the design and implementation of local inspection offices. This project also produced a management model for the inspection, supervision and monitoring of work, a tool which will enable labour inspectors to participate more actively in preventing and monitoring early involvement in work by children, as well as in attending to all the needs of children taken out of work.

Through the National Association of Manufacturers (ANDI), 26 sub-projects were conducted for the elimination of child labour. These activities were participated in and supported by non-governmental organizations and employers' foundations.

In the framework of the campaigns to promote awareness of fundamental rights, the ILO financed the publication of 3,000 pamphlets prepared by the Ministry of Labour to increase public awareness of how these rights should be guaranteed and to instruct the public about the denunciation proceedings available to them to ensure respect for those rights.

In order to promote gender issues, two consultants were asked to carry out studies with a view to establishing – in the Presidential Commission for the Equality of Women – a documentation centre specializing in the analysis, monitoring and dissemination of legislation and practice relating to gender policies, both in Colombia and other countries with a view to achieving the implementation of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). This centre will provide both governmental and non-governmental bodies with information. In this connection, a number of meetings were held at the Presidential Commission for Equality and there will be ongoing coordination with the AMAT gender specialist. In addition, a computer programme has been acquired and contact was made with other documentation centres. The revision of the Penal Code has also been initiated in conjunction with officials from the Office of the People's Advocate; this revision will take into consideration progress made in this sphere.

5. Bringing labour legislation into line with international labour standards

With regard to gender issues, from 13-14 December 2001 a seminar/workshop was held in Bogotá on “Preparing a participative assessment for the programme to strengthen the trade union participation of women in Colombian trade union confederations”.

Also with respect to gender, three consultants carried out an assessment of the establishment and development of women's secretariats and departments in the three trade union confederations of Colombia, with a view to preparing a programme to strengthen women's participation in the trade union movement. With this objective in mind, consensus is already being sought among the trade union confederations for the implementation and monitoring of the consultants' proposals and also with regard to identifying standard working methods to use when conducting studies in each of the trade union organizations. Survey forms were designed for these studies and participative self-assessment days were held at each trade union confederation.

Concerning the implementation of the Labour Relations (Public Service) Convention, 1978 (No. 151), and the procedures to determine employment conditions in the public administration, the ILO requested a consultant to collaborate in preparing the draft document relating to the regulatory decree concerning collective bargaining. This document was submitted to the constituents and accepted by those meeting in the sectoral committee of the public sector in October 2001 (see point 3).

6. Promotion of social dialogue

Technical studies were conducted as a way of facilitating the adoption of consultation agreements, both at the regional and national levels. Along these same lines, the ILO financed the preparation of studies to analyse the economic effects of current Colombian labour legislation on labour stability, training and productivity. Consideration will be given to the effects that the various types of labour contracts have on employment, labour turnover and investment in training. The ILO also financed studies to consider the economic criteria and mechanisms involved in the fixing of wages and minimum wages, as well as their effects on employment, and also to evaluate the impact of alternative options.

II. Organizational and institutional aspects of the programme

On 1 February 2002 the person in charge of the United States Department of Labor (US-DOL) project took up his duties. In December he participated in the mission which the Director of the Andean Multidisciplinary Advisory Team (AMAT) and an official of the InFocus Programme on Promoting the Declaration carried out in Bogotá to permit him to meet the social partners.

III. Financial aspects of the special technical cooperation programme and of its projects

The activities and missions referred to above have been financed under the ILO regular budget. In February 2002 the activities relating to labour relations that come under the US-DOL project began, financed with contributions from the United States Government. The activities developed by the COL/95/003 projects are also still under way, with contributions by the Government of Colombia, as are activities under the International Programme on the Elimination of Child Labour (IPEC), with financial support provided in Colombia by the Governments of Spain and the United States.³ However, there are some activities that it has not been possible to get under

³ IPEC activities have been incorporated into the *Special programme* in the framework of the promotion of fundamental rights at work, which is an area to which the constituents attach particular importance. IPEC has continued to implement direct intervention projects to cooperate with the State and Colombian civil society in the progressive elimination of child labour, contributing in this way to ensuring a more effective implementation of Conventions Nos. 138 and 182, the latter having already been approved by the Colombian Congress, but still pending deposit. With this same

way owing to Project Colombia's lack of funds. This project has a budget of US\$2,270,600 and it is the main instrument in the *Special technical cooperation programme* to provide assistance in the areas of human rights and the right to life. As indicated in the document submitted during the last session of the Governing Body,⁴ Project Colombia was to grant "*protection funds*" to the trade union confederations to finance the relocation costs of trade union leaders and their families when, as a result of threats or assaults, their personal safety is at risk. This project will also finance, through "*assistance funds*", the training and reintegration into the workforce of trade union leaders and activists who have had to leave their place of residence to escape from violence. As regards the promotion of social dialogue, Project Colombia includes among its objectives the drawing up and implementation of training programmes for members of the trade union movement.

During the last session of the Governing Body, the spokesperson for the Workers' group, the delegate of the Government of Colombia, the Director-General of the ILO and the Director of the Regional Office for the Americas referred in their statements to the need for those countries that have expressed their concern at the situation of the trade union movement in Colombia to take some practical steps. Some governments have shown interest in contributing to the financing of Project Colombia, but no contributions have yet been received. The Director-General firmly intends to continue supporting the implementation of the programme's various activities with ILO regular budget resources, and continues to hope that those countries interested in collaborating in the protection of members of the Colombian trade union movement will shortly provide the necessary resources to finance Project Colombia.

objective, the projects developed by the ANDI in collaboration with the ILO have also been implemented.

⁴ See para. 13 of document GB.282/5.