



TENTH ITEM ON THE AGENDA

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

1. At its 278th Session (June 2000), 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, Mr. Rafael Albuquerque, former Minister of Labour of the Dominican Republic, would report through the Director-General to the Governing Body 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 decided to review all pending questions at its session in June 2001.¹
2. Mr. Albuquerque visited Colombia for the second time from 27 January to 3 February 2001. His report on the mission is appended.
3. Submitted for information.

Geneva, 22 March 2001.

¹ Governing Body, Minutes of the 278th Session (June 2000), First sitting, p. I/22; see also GB.278/3/2 and GB.278/4.

Appendix

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

Mr. Juan Somavia
Director-General

Sir,

In accordance with my mandate as your Special Representative for cooperation with Colombia I present my second report for the Governing Body session to be held in March 2001.

Following the November 2000 session of the Governing Body, an ILO desk was set up in Bogotá with my assistant, Mr. Marcelo Castro Fox, in charge. He has completed the tasks assigned to him in accordance with our mandate to my entire satisfaction. On my next visit to Colombia, from 27 January to 3 February 2001, I was able to note the progress made and difficulties encountered in implementing the plan of action I had drawn up, and pursued direct contacts with the social partners, government authorities and representatives of non-governmental organizations (NGOs), diplomatic missions and specialized agencies of the United Nations.¹ I was thus able to collect valuable information on the general situation in the country with regard to trade union rights and the security of trade union officials and members within the framework of the conclusions of the direct contacts mission and the recommendations of the Committee on Freedom of Association. I would like to emphasize the continuing cooperation I have received from the following: the Minister of Labour and his staff; the assistance provided by trade union officials and representatives of employers' organizations towards fulfilling my mandate; the efforts made by the Office of the Attorney-General to provide more up-to-date information on the inquiries carried out into the regrettable attacks on trade union officials and members; the implementation of security measures by the Minister of the Interior and the Director-General for Human Rights; the Minister of Foreign Relations and the Vice-Chancellor; the Director of the Colombian Commission of Jurists and his staff; the Director of the Office in Colombia of the United Nations High Commissioner for Human Rights (OHCHR) and his staff; the Resident Coordinator and other officials of the UNDP in Bogotá; the Director of the Andean Multidisciplinary Advisory Team based in Lima and his staff; and the Deputy Director of the ILO Regional Office for the Americas in Lima, with whom I had enriching discussions on shared aspects of the mandates of each agency; and the representatives of the diplomatic missions interviewed, who assessed the complex political situation in Colombia from their own country's standpoint.

Introduction

General situation

The period under review (December 2000 to March 2001) was marked by the support provided to the Government by countries and international organizations and by the joint action taken by political parties, human rights organizations and other groups of civil society with the express aim of achieving peace and putting an end to the situation of violence that has afflicted Colombia for 36 years.

In this context, peace negotiations were resumed between the Government and the main guerrilla group, the Revolutionary Armed Forces of Colombia (FARC). Talks were also initiated with the rebel group National Liberation Army (ELN) to establish a new "détente zone". Both

¹ A list of the persons interviewed is annexed to the report.

processes are basically aimed at agreeing on a policy of respect for human rights and the application of international humanitarian law in the armed conflict affecting Colombia.

Regrettably, at the same time, murders have continued to be committed (approximately 112 in 2000), not only of trade union officials and workers, but also of teachers, journalists, human rights defenders, politicians and owners of small, medium-sized and large enterprises, to mention but a few of the groups of civil society that have been hit hardest. Persons in these categories, and in many cases their family members as well, also suffered as targets of kidnappings and attacks. The wave of violence has also hit women and children, who have been killed either indiscriminately or in combat after being recruited by groups operating outside the law.

The harsh reality affecting the trade unions is part of the general state of violence faced by Colombian society as a whole. This is borne out by the kidnapping last year of the daughter of the president of the National Association of Manufacturers (ANDI), who was recently released by the FARC. It is also this climate of indiscriminate violence that has resulted in increasing numbers of massacres of civilians that have claimed an estimated 400 victims only in the first 60 days of this year.

From being targeted against trade union officials, violence increasingly tends to be directed at the rank-and-file membership of workers' organizations in different regions of the country and this, coupled with displacements of trade union officials and members as a result of threats, has weakened the trade union movement.

There is a general consensus that the rebel forces and paramilitary groups are responsible for most of the murders, threats and extortion suffered by the civilian population and that they are increasingly linked to drug trafficking. However, it should also be pointed out that members of the Government's security forces have also been implicated in violations of human rights, including murder. In several regions and municipalities of Colombia there are still members of the security forces and civil society who continue to give their individual support – whether actively or passively – to the actions of illegal armed groups, contrary to the stance taken by senior officials in the central administration. Although in the past senior officials were hardly ever brought to trial, it seems that this approach is now changing. In the last few months the Government has suspended and dismissed from active service members of the armed forces and the police suspected of having committed violations of human rights. However, the number of high-ranking officers that have been subjected to such measures is still very low, and it is therefore to be hoped that the near future will see an increase in inquiries enabling senior officers to be brought to account for such violations.

Despite this situation of disregard for human rights and international humanitarian law, it is important to point out that the violence is not the result of a state policy. Notwithstanding the will expressed by the Colombian Government to implement protection measures for trade unionists, the results still leave much to be desired, particularly as regards impunity, security measures for trade union officials and members and their premises, as well as political action that would demonstrate in practice effective machinery to combat the paramilitary groups. Consequently, the Government should take firmer and more decisive action to implement these measures.

These matters will be examined in greater depth below.

A. Information regarding the recommendations of the Committee on Freedom of Association concerning pending cases

Case No. 1787

Measures taken to clarify the divergencies in the figures given by the Government, the central trade union organizations and NGOs for trade union officials and members murdered in recent years

The subcommission of the Inter-Institutional Commission for the Promotion and Protection of Workers' Human Rights set up for this purpose has met 11 times since it was established in October 2000. As a result of its work, a report is being prepared by consensus among its members concerning the number of trade union officials and members murdered from 1990 to 2000. In 65 per cent of these cases, there are no further details on the presumed identity of the perpetrators, but there is some indication that most of them were committed by paramilitary groups on the pretext that the victims had collaborated with or were members of guerrilla groups. In the year 2000, some 112 trade union officials and members were murdered. Of these, approximately 20 per cent were officials and 80 per cent members of different trade unions.

At the end of February 2001, the Single Confederation of Workers of Colombia (CUT) reported to the Inter-Institutional Commission that 25 trade union officials and members had been murdered in the first three months of 2001, an alarming proportion since, if it does not decrease, by the end of this year it could exceed the number of victims for 2000. Mr. Valmore Locarno Rodríguez and Mr. Victor Hugo Orcasita, president and vice-president, respectively, of a coalmining enterprise union, and Mr. Juan Rafael Atencia Miranda, a petroleum company employee, were murdered in mid-March this year. The President of the CUT stated that 920 trade union members have been murdered in the last ten years.

Measures adopted to initiate an urgent inquiry in the matter of the participation by public officials in the creation of self-defence or paramilitary groups and the passivity, connivance or collaboration of such officials by deed or omission vis-à-vis such groups resulting in the violation of human rights in general. Steps to disband the self-defence groups wherever they operate and to neutralize and punish all their leaders, members and financial backers

The high command of the paramilitary groups admitted having massacred 794 persons last year, who they believed to have collaborated with or been members of the guerrilla forces. In recent years the paramilitary forces have become a powerful irregular army backed by a political programme, with its own leaders, support base, secure financing and territorial aspirations. These groups are ready to use their death-dealing capacity to gain a foothold in the regions controlled by the guerrilla forces. There are increasingly clear indications that they have made the transition from a military phase to a more political and territorial phase. In a little under two years their membership has doubled, with a recruiting policy financed by drug trafficking and the collection of "contributions" to guarantee the protection of their "benefactors" against the guerrillas. The paramilitary forces have grown from 4,000 to 8,000 men armed with modern weapons, with combat experience and extensive knowledge of guerrilla warfare strategy. If they continue to increase at this rate, their membership could match that of the guerrilla groups, which are some 21,000 strong.

While the paramilitary forces were born out of the excesses committed by the guerrillas, there is a widespread perception that they will not disappear with the end of the conflict with the left-wing rebels. It is increasingly clear that the paramilitary forces want political and territorial power. This explains why they have declared rebellion against the State, seeking political status on the same terms as the guerrilla movements. They have now begun to clash with the security forces, obviously with a view to being included in political negotiations by this Government or the next. Their

aggressive plans for military and political expansion lie behind the peasant massacres – in which 100 were killed in the first two weeks of January 2001 – and the increasingly frequent murders, kidnappings and targeted attacks. A new means of pressure used by the paramilitary groups is to issue coercive “summons” to trade union leaders in the interior to get them to leave their positions to supporters or members of the paramilitary groups or to take steps to “dismantle” the trade union. The number of members of paramilitary groups killed and captured is still far from reaching the levels hoped for as a result of the Government’s strategy of a full frontal attack on this scourge.

Faced with this phenomenon, the Ministry of Defence issued a report on 4 December 2000 stating that members of the paramilitary groups are implicated in 73 per cent of the inquiries opened by the Office of the Attorney-General in cases of violation of human rights and that five times as many paramilitary group members have been captured as guerrillas. The Ministry recognizes, however, that despite the measures taken to combat the paramilitary groups, these have continued to grow, increasing their territorial coverage and their capacity to destabilize institutions. It should be pointed out that the military have some 150,000 men to combat armed groups. By the end of 2001 there will be three times as many professional soldiers as in 1998 and the air force will have doubled in strength, which means that if a serious compromise is reached there will be a better chance of restoring public order and sovereign control by the State.

In a speech at the end of February 2001, the Chief of State outlined a plan of action to deal a decisive and crushing blow to the paramilitary forces. He stated that over 400 members of illegal self-defence groups had been killed in combat or captured in 2000, 150 per cent more than the figures for 1999. He also stated that over 700 members of these groups – almost 10 per cent of their total number – were now being held in Colombian prisons.

By virtue of the discretionary powers granted to him under Decree 2010 to carry out dismissals without holding an inquiry, at the end of February 2001 the Director of the Police dismissed approximately 65 uniformed officers for links with paramilitary groups and violations of human rights. The list includes the captain of police involved in the attack on trade union leader Mr. Wilson Borja Díaz.

As regards measures to punish the financial backers of the paramilitary groups, a special committee was set up on 25 February 2000, which has appointed a financial brigade, including members of the Office of the Attorney-General, the Ministry of Finance and the state security bodies, to prosecute persons financing the paramilitary groups. This decision was adopted at a meeting attended by the Vice-President of the Republic, the Minister of Defence, the Minister of Justice, the Minister of the Interior, the Procurator-General, the Attorney-General, the Ombudsman, the Director of the Security Administrative Department (DAS), the Director of the Police, the Commander-in-Chief of the Army and various commanding officers of the Armed Forces.

In November 2000, representatives of different political forces signed the National Agreement on a Common Front for Peace and against Violence. One of the points of this agreement refers to Government commitment to the fight against the groups known as self-defence groups. On this occasion the Chief of State confirmed his decision to combat these groups.

In a press release dated 25 January 2001 issued in Madrid, the European Union, the Central and Eastern European countries associated with it, as well as Cyprus, Malta, Turkey, Iceland, Liechtenstein, Norway and other members of the European Economic Area noted the efforts undertaken by the Government to curb the activities of the paramilitary groups and urged it to take the necessary measures to achieve further progress in this direction. At the same time, representatives of diplomatic missions in Colombia informed me that although there are members of the armed forces participating in or encouraging the actions of the self-defence groups, they are doing so individually, and there is by no means any state policy to collaborate with such groups.

In its human rights report issued on 26 February 2001, the Government of the United States highlights areas of progress in the Colombian Government’s struggle against the paramilitary forces, although it states that this progress is still insufficient and that there are still some links between the paramilitary groups and armed forces personnel, contrary to the stance taken by senior civilian and military officials of the central administration.

With the resumption of negotiations between the Government and the FARC, who had stalled talks until the Government provided convincing proof that it was combating the paramilitary forces, agreement was reached to appoint a “commission of notables” which would supervise the measures adopted by the public authorities in this domain. This is a very interesting new mechanism, representing as it does a considerable step forward in the supervision of state measures to combat the self-defence groups, especially in view of the fact that these groups are responsible for most of the murders of trade union officials and members.

Once again it must be pointed out that despite all of these efforts on the part of the Government, it has not been possible to prevent massacres and murders from continuing, and therefore the responsible authorities must be urged to take effective action with regard to the adoption of measures to dismantle, neutralize and punish the so-called self-defence groups.

Steps to initiate inquiries into new cases of attacks on trade union officials and members

In December 2000 Mr. Wilson Borja, President of the National Federation of State Workers (FENALTRASE), was the victim of an attack which left him and others wounded, as well as two dead. The Government assisted Mr. Borja in leaving the country and the Office of the Attorney-General ordered the arrest of several persons in the police and armed forces, including a captain of police and two captains of the armed forces. Trade union leaders asked the state security bodies to demonstrate how far they had investigated Mr. Borja’s complaint of having been threatened in September 2000. The leaders of the United Self-Defence Units of Colombia (AUC) claimed responsibility for the attack, alleging that it was a failed attempt to kidnap the trade union leader because of his suspected links with the guerrilla forces. As a result of the attack, Mr. Luis Eduardo Garzón, President of the Single Confederation of Workers of Colombia (CUT), also left the country as his life was and still is in danger. At the beginning of 2001, Mr. José Luis Güetera Montero, President of the Trade Union of Agricultural Workers (SINTRAINAGRO), was murdered. The person suspected of having perpetrated the homicide, who is accused of being a member of the self-defence groups (paramilitary forces), has been arrested.

Steps taken to increase the budgetary allocation that the Government has earmarked for a programme of protection of trade union officials, and to adopt additional measures in consultation with trade union organizations

Although there are no official figures, it is estimated that over 200 trade union officials have been threatened with death in Colombia. A little under 100 of these are in a programme known as the Special Protection Programme for Witnesses and Threatened Persons. This programme is under the oversight of the Ministry of the Interior and offers humanitarian assistance to persons who have been threatened and need to leave high-risk areas; it provides means of communication, bodyguards’ expenses, shielding for trade union premises, self-defence courses and “hard” protection measures including vehicles and up to two bodyguards assigned to protected persons by the Security Administrative Department (DAS).

The Inter-Institutional Commission for the Promotion and Protection of Workers’ Human Rights criticizes structural, operational and financial shortcomings of the programme, such as inadequate budgetary allocations not only to finance new measures but even to cover those already implemented; the low level of professionalism of some of the bodyguards selected by the protected persons themselves; the lack of uniform criteria to evaluate risks in different regions of the country and a delay by the DAS in accounting for the funds allocated. In order to remedy these shortcomings the Commission proposed that the Government recognize the protection programme as a special emergency programme in order to prevent delays in allocating resources and that it seek the opinion of experts in other countries in order to evaluate its effectiveness. During my visit I not only urged the authorities to strengthen this programme but also emphasized the need to finance some 50 new protection measures that had already been approved by the Ministry of the Interior. At least two of the trade union leaders murdered in March 2001 would have been included in the list of persons covered by these measures. Regrettably, the necessary financial resources to implement the new measures and to maintain those already in place have not been released by the Treasury.

On the subject of protection of trade union officials and members, a programme of fellowships for groups of trade unionists who have received death threats has been organized jointly between the Department of Labor of the United States, the CUT and the American Center for International Labor Solidarity of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). It is not exile, but a temporary stay of up to six months so that the official does not lose touch with the grass roots. The Government is studying agreements for the protection of trade union officials with Canada, Spain and possibly the European Union. In addition, in mid-February 2001, the Inter-Institutional Commission for the Promotion and Protection of Workers' Human Rights began examining specific proposals for joint action by the institutions represented in it in order to improve the system of protection of trade union officials and members.

In this context, mention should be made of the tripartite commitment made during the session of the Standing Committee on Consultation on Labour and Wages Policies held on 23 February 2001 to establish a commission which will evaluate measures for the protection of trade union officials and members.²

Measures to combat the extremely serious and intolerable situation of impunity

While the representatives of the three trade union confederations with whom I spoke acknowledged that the State does not encourage violence against the trade union movement, they did hold the Government responsible for the situation of impunity prevailing in the country.

Both the Office in Colombia of the United Nations High Commissioner for Human Rights, and non-governmental organizations, such as the Colombian Commission of Jurists, are of the view that the principal factors of impunity relate to weaknesses and shortcomings in the administration of justice, such as structural and functional defects, budgetary restrictions, lack of stability of officials and in many cases a lack of any requirement for professional qualifications when officials are appointed. The lack of security discourages victims and witnesses from making complaints or becoming involved in investigations. Likewise, the programme for the protection of judicial officials, victims, witnesses and other people involved in legal proceedings has serious limitations, not only of a budgetary nature but also of a strategic one.

The Office of the Prosecutor-General informed me that it has only 300 agents to cover investigations of alleged criminal participation by public officials throughout the country.

During the meetings I held with officials from the Office of the Attorney-General, I was informed that the difficulties they face in carrying out their investigations include a lack of security for prosecutors and judges, which renders the system vulnerable; in addition, the proceedings are often paralysed due to the absence of these officials, which culminates in the release of the accused parties. A case in point is the fact that in December 2000 at least eight officials from the Technical Investigation Body (CTI) of the Office of the Attorney-General of Chocó were kidnapped by groups of insurgents.

Nevertheless, it should be noted that the responsible authorities told me emphatically that they are making every effort to punish those responsible for massacres, murders, threats and extortion. As regards judicial proceedings against members of the military, the Office of the Attorney-General informed me that in the last three years it has issued indictments against 98 members of the military and 58 national police officers for alleged human rights violations. It appears from various reports that the number of murders attributed to the security forces is currently lower than in previous years.

The relevant legal reforms are now under way to put an end to interference by the military criminal justice system in the investigation of cases of violations of human rights and of international humanitarian law. In fact, Colombia's new military criminal code excludes from the military justice system the crimes of forced disappearance, genocide and torture. Furthermore, this body of legislation provides for the establishment of an independent judicial body, accords the army

² See Annex 3 to this report.

legal protection if it refuses to carry out illegal orders which would result in human rights abuses, and prevents unit commanders from judging their subordinates.

Mention should also be made of the presidential measures adopted whereby the military can remove any human rights abusers from office; the decision by the Constitutional Court to classify as human rights violations offences which cannot be deemed to correspond to normal military service; the passing of Act No. 589/00 which contains the legal definitions of forced disappearance, genocide, forced displacement and torture, offences that have been taken up in the new ordinary criminal code – which will come into force in the middle of this year – and which gives the ordinary courts jurisdiction in these cases. However, I am concerned by the statement made by the Office in Colombia of the United Nations High Commissioner for Human Rights whereby in 2000 and in 2001 to date, major cases involving violations of human rights and international humanitarian law have remained under the competence and jurisdiction of the military courts. It is to be hoped that with the entry into force of the new codes the military criminal justice system will refer these questions to the ordinary courts. Since mid-1997 the Constitutional Court has ordered that 1,307 cases relating to human rights violations by members of the military that were being heard by the military criminal courts be referred to the ordinary courts. Allow me to mention a recent decision handed down by a military court ordering the imprisonment of a retired general and a lieutenant colonel. For the first time an omission by a high-ranking officer which facilitated a raid by the paramilitaries which resulted in the massacre of 49 people in mid-July 1997 was punished by a military court under the offence of “perversion of the course of justice by omission”.

In mid-February 2001, the Inter-Institutional Commission for the Promotion and Protection of Workers' Human Rights began to deal with proposals to combat the situation of impunity prevailing in the country.

Cases Nos. 1948, 1955, 1962, 1964, 1973, 2015, 2046 and 2051

The Government has continued to send information relating to these cases. It should be noted that the official responsible for my desk in Bogotá is attending the consultation hearings under way at the Ministry of Labour to try to reach negotiated solutions to the conflicts contained in these cases. In addition, it is hoped that the establishment of the “Special Committee for the Handling of Conflicts referred to the ILO” which I suggested on my previous visit and which has now been set up and whose regulations have been approved, will provide a useful forum for dealing with both new conflicts which by their nature the parties may wish to submit to the ILO, as well as with the cases which are already before the Committee on Freedom of Association.

B. Information concerning the ratification of Conventions Nos. 151 and 154

In December 2000 the Minister of Foreign Affairs ordered that the ratification instruments for these two Conventions be deposited in Geneva. Likewise, the bilateral public sector committee attached to the Standing Negotiation Committee on Wages and Labour Policies has just approved a draft regulatory decree for the implementation of the provisions of Convention No. 151. It will now be examined by the legal department of the Office of the President.

C. Information on proposed legislation intended to bring certain aspects of national legislation into line with international labour standards

With the exception of the draft regulatory decree to implement the provisions of Convention No. 151, I have not seen any advances in other proposed legislation.

D. General evaluation of the points of my mandate taking into account actions by the Government and the social partners and the events that have occurred since the November 2000 meeting of the Governing Body

Positive aspects

- Establishment and operation of the subcommission of the Inter-Institutional Commission for the Promotion and Protection of Workers' Human Rights, whose objective it is to consolidate the number of trade union members and officials who have been murdered in the past ten years.
- Agreement between the Government and the FARC to appoint a "commission of notables" to supervise the measures adopted by the Government to make headway in the struggle against the paramilitaries.
- Creation and operation of the Special Committee for the Handling of Conflicts referred to the ILO.
- Decision by the Inter-Institutional Commission for the Promotion and Protection of Workers' Human Rights to establish a working group that will begin in mid-February 2001 to deal with concrete proposals for joint action by the institutions represented in it against impunity and to improve the system of protection for trade union members and officials.
- Deposition with the Office of Conventions Nos. 151 and 154. A draft regulatory decree for the implementation of the first of these instruments was also drawn up.
- Tripartite agreement reached during the 23 February 2001 meeting of the Standing Negotiation Committee on Wages and Labour Policies to set up a committee to evaluate measures for the protection of trade union members and officials.
- Commitment by the representatives of the employers' organizations, on the visit they accorded me, to encourage their members to adopt protection measures for trade union members and officials, such as changes of schedule, transfer to other premises, etc.
- Reforms of the military justice system in order to refer to the civil justice system cases relating to officials accused of flagrant human rights violations.

Negative aspects

- The number of murders of trade union members and officials for the year 2000 – the figure rose to 112. This corresponds to an increase of over 100 per cent with respect to 1999 when 53 cases were registered.
- The situation of impunity owing to the lack of investigation into offences continues to be critical in the interior of the country. To a great extent this situation stems from the difficulties encountered by the investigatory bodies owing to the types of offences, the fear of the witnesses and the lack of cooperation by the security forces and local authorities in collaborating and clarifying the facts.
- There have been no significant advances to date in the struggle against the paramilitaries despite government efforts to implement new mechanisms.
- Insufficient budgetary resources to meet the needs of the Protection Programme for Witnesses and Threatened Persons.
- Lack of progress in the processing of proposed legislation intended to bring certain aspects of national legislation into line with international labour standards relating to essential public

services where strikes may be prohibited to the possibility of summary proceedings before the courts against an administrative decision that a strike is illegal, and to the transformation of compulsory arbitration into arbitration that must be ratified by the parties in dispute at the request of the Minister of Labour, in cases where a strike lasts for more than 60 days.

E. Final observations

Despite the serious and often chaotic situation described, I must acknowledge the Government's decision to adopt measures intended to counteract the human rights violations of the most vulnerable groups of the population. However, despite the will expressed by the national authorities, there is clear evidence of the difficulties involved in implementing many of the action plans against paramilitary groups in regions, departments and municipalities in the interior of the country where even members of the security forces and civil society continue to individually support – either actively or passively – the actions of illegal armed groups. More progress is needed in the “détente” committees established in the interior of the country towards relaxing the often hostile pressures that exist between civil society and the police and military forces, but there is still a long way to go. The institutional structure, the distribution of powers and the allocation of resources and incomes adopted in the 1991 Constitution to activate a decentralizing process between the central power and the interior of the country was used by the insurgent forces to fragment the national territory and thus neutralize the directives issued by the national authorities to keep public order. The unity of the country is indispensable for the peace process to be successful, paving the way for coordinated and parallel action by the national authorities with the regional, departmental and municipal power groups. In this connection, I wish to mention the Tripartite Declaration for Peace agreed to by the representatives of the workers' and employers' organizations and of the government authorities during the meeting of the Standing Negotiation Committee on Wages and Labour Policies held on 23 February 2001.³

For the above reasons, I feel that the best contribution the Organization could make is to go on supporting the workers' organizations in their appeals to the Government and also to continue supporting the Government as long as it demonstrates its commitment to comply with the ILO's recommendations and conclusions, at least in the specific areas relating to the mandate I have been given. I sincerely hope that the Government will redouble its efforts to put into practice the recommendations and conclusions of the Committee on Freedom of Association and of the direct contacts mission carried out in February 2000 in order to improve the desperate situation affecting the Colombian trade union movement.

Geneva, 9 March 2001.

(Signed) Rafael F. Albuquerque.

³ See attached document.

Annex 1

Persons interviewed

Office of the Vice-President of the Republic

Gustavo Bell Lemus, Vice-President

Ministry of Labour and Social Security

Angelino Garzón, Minister of Labour

Jorge Giraldo, Ministry Adviser

Orlando Rodríguez, Ministry Adviser

Jorge Luis Villada, Ministry Adviser

Ligia Cáceres, Coordinator of the Human Rights Unit

Diana Muñoz, Head of the Advisory Office for International Affairs

María Teresa Lozada Isaza, Advisory Office for International Affairs

Alberto Orgulloso, Member of the COL-ILO Project

Ministry of National Defence

Fernando Ramírez Acuña, Minister of Defence

Carlos Castillo Beltrán, Colonel

Ministry of Foreign Affairs

Guillermo Fernández de Soto, Minister of Foreign Affairs

Jairo Montoya, Deputy Minister

Gonzalo Jiménez, Deputy Director of Economic Agencies

Patricia Klein, Second Secretary, Office for Multilateral Agencies

Ministry of the Interior

Claudia Cáceres, General Human Rights Directorate

Office of the Attorney-General

Jaime Córdoba Treviño, Deputy Attorney-General

Pedro Elías Díaz Romero, Director, National Human Rights Unit

Giovanni Alvarez, Specialized Prosecutor

Yolanda Sarmiento, Prosecutor assigned to the International Affairs Directorate

Office of the Prosecutor General

Jaime Bernal Cuellar, former Prosecutor General

Office of the Ombudsman

Eduardo Cifuentes Muñoz, Ombudsman

**Subcommission for the Consolidation of Lists of
Murdered Trade Union Members and Officials**

Ligia Cáceres, Coordinator of the Human Rights Unit of the Ministry of Labour

Elizabeth Perdomo, Ministry of Labour

Fernando Ibarra, Office of the Vice-President

Milena Lasso, Office of the Attorney-General

Lucy Meco, Office of the Ombudsman

Domingo Tovar, CUT

Congress

José Jaime Nicholls, Senator

Single Confederation of Workers of Colombia (CUT)

Luis Eduardo Garzón, President

Héctor Fajardo Abril, Secretary-General

Jesús A. González, Director, Human Rights Department

Confederation of Workers of Colombia (CTC)

Apecides Alvis, President

Miguel Morantes, General Secretary

General Confederation of Democratic Workers (CGTD)

Cérvulo Bautista, Prosecutor

National Association of Manufacturers (ANDI)

Luis Carlos Villegas, President

Alberto Echevarría, Executive Director

National Federation of Merchants (FENALCO)

Augusto Zuluaga

Mario Gómez

Asobancaria

Jorge Humberto Botero, former President

Colombian Commission of Jurists

Gustavo Gallón Giraldo, Director

Ana María Díaz

Office in Colombia of the United Nations High Commissioner for Human Rights

Anders Kompass, Director

Liliana Valiña, Human Rights Officer

Miguel Angel Sánchez Vicente, Human Rights Officer

United Nations Development Programme (UNDP)

Francesco Vincenti, Resident Representative

Freddy Justiniano, Assistant Resident Representative

Roberto Lippi, Head, Information Management and Analysis Programme

American Center for International Labor Solidarity (AFL-CIO)

Rhett Doumitt, Representative for the Andean Region

Benjamin David, Coordinator for Latin America

EUA/Labour Education in the Americas Project

Stephen Coats, Executive Director

United Nations High Commissioner for Human Rights

Mary Robinson, High Commissioner

Embassy of Germany

Peter von Jagow, Ambassador

Stefan Bredohl

Embassy of Spain

Julia Alicia Olmo y Romero, Chargé d'Affaires

Embassy of the United States of America

Mari Dieterich, Labour and Human Rights Attaché

Embassy of France

Daniel Parfait, Ambassador

Romain Vuillaume, First Secretary

Embassy of the United Kingdom

Robert Tinline, Second Secretary

Embassy of Sweden and President-in-Office of the European Union for Colombia, Ecuador and Venezuela

Björn Sternby, Ambassador

Department of Labor of the United States of America

Robert Wholwey, Regional Adviser

Laura Buffo, Programming Manager

Carlos H. Romero III, Official

Andean Multidisciplinary Advisory Team

Daniel Martinez, Director

Juan Manuel Sepúlveda, Activities with Workers' Organizations

María Luz Vega, Legislation, Labour Relations and Labour Administration

Regional Office for the Americas

Agustín Muñoz, Regional Deputy Director

Annex 2

Standing Negotiation Committee on Wages and Labour Policies

Tripartite Declaration for Peace, Life and Freedom of All Colombians

Deeply concerned and distressed by the violence afflicting Colombia, which has cost the lives of thousands of Colombians, be they peasants, workers, trade union officials, entrepreneurs or public servants, and which has violated the right to freedom of many, and resulted in the displacement of people who have had to leave their homes in order to save their lives, the central organizations of trade unions and pensioners, employers' organizations and representatives of the Government assembled here

Consider

- that it is essential that peace be attained in Colombia as soon as possible and that peaceful coexistence and tolerance be definitively established throughout the country and in every part of society;
- that millions of Colombians show daily that this is possible and feasible, displaying their willingness by constantly demanding a solution to the conflict through political negotiation, as is also being done by social leaders and organizations in this country and in public demonstrations by thousands of citizens calling for an end to the conflicts;
- that despite this determination on the part of the Colombian people, the armed conflict persists and, among other devastating effects, continues to result in the death of trade union and social leaders, kidnappings of entrepreneurs and an increase in the displaced population.

Therefore, we the undersigned, convinced that peace will come to Colombia sooner or later,

Condemn

All forms of violence manifested in murders of Colombians and Colombian residents, kidnappings, forced disappearance, massacres, forced displacement, the use of unconventional weapons seriously affecting the civilian population, and violations of human rights and international humanitarian law.

Declare

- our firm commitment to building a society in which people can coexist peacefully in all respects, and one in which social justice and respect for human and labour rights constitute the foundation of democracy, and to guaranteeing progress with stability;
- our determination to maintain dialogue as the main instrument for seeking peace and hence our willingness to continue to promote actively all actions conducive to enabling the Colombian people to achieve its aspirations for peace and progress.

Therefore, committed as we are to respecting human rights and international humanitarian law and convinced that this will enable Colombia to achieve the peace we all desire, we, the undersigned

Once again call on

- all Colombians, without exception, to continue in the steadfast pursuit of peace through political negotiation, without becoming discouraged or dispirited;
- all of the parties to the conflict to respect the life and freedom of all trade union officials and, in general, of all workers, employers, public servants and their families. In this context, we urgently call upon all those involved in the conflict to declare a truce to prevent trade union officials from being murdered and entrepreneurs from being kidnapped and murdered.

We hope that in this way Colombia will achieve the peace and social progress that we all desire and to which we, the undersigned, commit all our efforts.

Bogotá, 23 February 2001.

(Signed)

ANGELINO GARZON
Minister of Labour and Social Security

AUGUSTO RAMIREZ O.
Minister of Economic Development

JUAN CARLOS ECHEVERRY
National Planning Department

LUIS CARLOS VILLEGAS
ANDI

PATRICIA CARDENAS
ASOBANCARIA

RAFAEL MEJIA LOPEZ
SAC

HECTOR FAJARDO ABRIL
CUT

APECIDES ALVIS FERNÁNDEZ
CTC

JUAN MANUEL SANTOS C.
Minister of Finance and Public Credit

JORGE MARIO DIAZ
Ministry of Agriculture

[illegible]
Deputy Minister of Development

SABAS PRETEL DE LA VEGA
FENALCO

JOSE MIGUEL CARRILLO
ACOPI

JULIO ROBERTO GOMEZ
CGTD

HILVO CARDENAS RUIZ
CPC

Annex 3

Standing Negotiation Committee on Wages and Labour Policies

Tripartite Agreement to Guarantee the Security and Life of Officials of Trade Unions and Employers' Organizations of Colombia

Convinced of the urgent need to achieve peace, expressed in terms of peaceful coexistence of Colombians,

Aware that murders and threats against the life and security of officials of trade unions and employers' organizations and their families constitute an affront to human rights, international humanitarian law and the desire of all citizens for peace, and

Determined to take the necessary measures to deal with and counteract this situation, without prejudice to the responsibilities of the Colombian State,

Agree:

1. to reject all forms of violence, especially murders, massacres, kidnapping and disappearance of Colombians;
2. within the terms of reference of this Standing Negotiation Committee, to adopt all the necessary measures to preserve the life and security of Colombian officials of trade unions and employers' organizations;
3. to establish an Ad Hoc Tripartite Committee consisting of one representative each of the trade unions, employers' organizations and the Ministry of Labour which shall, within a time limit of 30 days, submit to the Standing Negotiation Committee a proposal for measures which can be adopted to further and implement the aims expressed in this Agreement;
4. that the measures referred to in points 2 and 3 shall cover, at least, the following aspects: (a) identification of threats; (b) procedure to be followed for the implementation of such measures; (c) follow-up and financing; (d) participation in the implementation of the measures by international organizations invited by the Standing Committee; and (e) the implications and subsequent commitments for the parties;
5. should one or more of the measures agreed upon require the adoption of specific regulatory provisions, the Government commits itself to seeking administrative and legislative procedures that will enable this need to be met expeditiously and to carry them out as a matter of urgency.

Bogotá, 23 February 2001.

(Signed)

ANGELINO GARZON
Minister of Labour and Social Security

AUGUSTO RAMIREZ OCAMPO
Minister of Economic Development

JUAN CARLOS ECHEVERRY
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Annex 4

Regulations governing the operation of the Special Committee for the Handling of Conflicts referred to the ILO

The “**Special Committee for the Handling of Conflicts referred to the ILO**” (CETCOIT), created in accordance with an agreement dated 31 October 2000 made by the Standing Negotiation Committee on Labour and Wage Policies (CPCPLS), is a body responsible for addressing conflicts that have arisen in areas governed by *ILO Conventions ratified by Colombia* relating to freedom of association. Its powers, constituents and functions are governed from a structural and functional point of view by the Standing Committee which was set up as a constitutional body and which is defined by Act No. 278 of 1996.

These regulations are adopted in order to establish procedures for the operation of the Committee and the handling of matters within its jurisdiction, without detriment to the regulations in force in Colombia governing conflict resolution.

Functions

According to the agreement governing its establishment, the CETCOIT shall have the following functions:

1. to obtain information and to study and evaluate situations brought to its attention by state institutions and trade union and employers’ organizations of any level in relation to freedom of association, so as to present documented recommendations to the CPCPLS; and
2. at the request of the parties concerned, to intervene in the handling of conflicts and complaints submitted to it concerning freedom of association, related to the ILO Conventions ratified by Colombia.

In both cases, the CETCOIT will only act at the request of the parties.

The cases in question may have already been submitted to the ILO in Geneva or may relate to new conflicts that could subsequently be presented to the ILO.

In both cases, addressing a conflict or complaint to the CETCOIT does not preclude the parties from submitting the matter to the relevant legal bodies or to the ILO at any time.

Constituents

The “**Special Committee for the Handling of Conflicts referred to the ILO**” shall comprise nine (9) persons, that is three (3) representatives each from the Employers’, Workers’ and Government sectors, respectively. The members of the Special Committee must be representative of each sector and be fully aware of the nominative and social framework of labour relations. Each of the parties shall appoint their delegates to this Committee in accordance with the above criteria.

Coordination and technical secretariat

In order to coordinate the sessions of the Committee, and to represent it, the members of the CETCOIT will elect from their number a president who will exercise his functions for a period of six months. At the end of this period a new president will be elected from one of the other sectors, in a rotating manner. The first president will be from the Government sector.

The Committee will have a technical secretariat, which will deal exclusively with administrative and operational matters, and which will provide the necessary logistical and secretarial support for the operation of the CETCOIT and will serve as the contact point for the

receipt of information and documentation submitted to the Committee. It should be recalled that during its first phase of operation the secretariat will receive ILO support under Project COL/95/003.

Operation

The CETCOIT will meet at least once a month to coordinate and review activities and to monitor the evaluation of cases.

General criteria

1. All requests must be submitted to the Committee in writing by the persons concerned, must contain the necessary grounds and justifications, indicate the type of actions to be pursued and the points on which intervention is required, and contain all documentation considered relevant to the case.
2. The Committee may appoint from among its constituents a subcommittee of three members to handle individual cases under examination. The members of the subcommittee will make their recommendations according to the principle of unanimity.
3. The technical secretariat will officially contact parties which have submitted complaints to the ILO, to invite them to request the CETCOIT to review their cases.
4. Any party may desist from a complaint and the related procedure at any time.
5. The results will be documented in a formal instrument within three days of the completion of the procedure and this instrument will be sent to the parties involved and to the Standing Negotiation Committee.