



FOR INFORMATION

TWENTIETH ITEM ON THE AGENDA

Report of the Director-General

Fourth supplementary report: Implementation process of the Tripartite Agreement on Freedom of Association and Democracy in Colombia

1. The Tripartite Agreement on Freedom of Association and Democracy (hereinafter, the “Agreement”) was signed by representatives of the Government of Colombia and by representatives of the Colombian employers’ and workers’ organizations. This Agreement was submitted to the Committee on the Application of Standards at the 95th Session (June 2006) of the International Labour Conference and to the Governing Body at its 297th Session (November 2006).¹ The parties agreed, among other things, to promote decent work and to strengthen the defence of the fundamental rights of workers, their trade union leaders and their organizations, specifically as regards respect for human life, trade union freedoms, freedom of association and of speech, collective bargaining, and free enterprise for employers.
2. In order to facilitate the implementation of the Agreement, the Office established a permanent representation in Colombia.² That representation, as well as the ILO Subregional Office for the Andean countries and the ILO Regional Office for the Americas, with the support and constant guidance of the Director-General’s Office, has carried out various activities with a view to the aforementioned aims.
3. The Regional Director for the Americas and the Director of the Subregional Office for the Andean countries have carried out missions in Colombia to follow up personally the activities developed under the Agreement. On those occasions, they met the highest government authorities and the social partners in tripartite and individual meetings.
4. Under the instructions of the Director-General and in order to fulfil the commitment made at the 96th Session (June 2007) of the International Labour Conference to carry out a high-level mission to identify new requirements in order to guarantee the effective application of the Agreement and the technical cooperation programme, the Regional Director for the Americas, the Director of the Subregional Office for the Andean countries and the Director of the Relations, Meetings and Document Services Department carried out a preparatory

¹ GB.297/TC/5/2.

² GB.298/TC/4.

mission to identify, with the government, employers' and workers' representatives, the conditions necessary for a high-level mission to take place. They met separately with each of the sectors and a tripartite meeting was held. They received a document from the Single National Unit containing a proposed agenda for the meetings of the high-level mission. Furthermore, they held a meeting with the Inter-institutional Committee for the Promotion and Protection of Workers' Human Rights.

5. In September 2007, in Port-of-Spain, within the framework of the XV Inter-American Conference of Ministers of Labour of the Organization of American States, the Director-General and the Regional Director for the Americas met the Colombian Minister of Social Security and representatives of the employers' and workers' organizations. At that meeting, they reviewed the progress made regarding the Agreement and the conditions necessary for the success of the high-level mission. The Director-General suggested that an agenda for the implementation of the Tripartite Agreement should be established by consensus in order to prioritize the issues and set down the commitments necessary for the effective implementation of the Agreement. Once this process has been completed, the high-level mission to Colombia will be able to take stock of the progress made and the persistent difficulties impeding the implementation of the Agreement.
6. The Director-General subsequently had an audience with the President of Colombia in New York (September 2007). The Director-General expressed his concern regarding the implementation of the Agreement and advocated that measures be taken to allow concrete progress to be made on the provisions contained in the Agreement requiring government action. President Uribe reiterated the Government's willingness to make progress in fulfilling the Agreement and to make any extra effort required, and he underlined some of the measures taken to that end.
7. For its part, the office of the ILO permanent representation in Colombia has carried out numerous activities since March 2007. The following should be highlighted: (a) it has participated in various meetings with officials of the Office of the Attorney-General to obtain information about the different cases under investigation concerning attacks perpetrated against members of the trade union movement; (b) it has supported the resumption of the activities of the Inter-institutional Committee for the Promotion and Protection of Workers' Human Rights and participated in the meetings of this body; (c) it has met three judges who were assigned this year to consider exclusively cases of attacks against members of the trade union movement, with a view to providing them with any assistance it is able to, within the scope of its competence; (d) it has supported the resumption of the activities of the Special Committee on the Handling of Conflicts referred to the ILO (CETCOIT). In this context, the office of the ILO permanent representation in Colombia has advised many employers' and workers' organizations on how the CETCOIT works, which has allowed a considerable percentage of these cases to be channelled through national courts. Advice has been given to 144 trade union and employers' organizations³ in relation to conflicts concerning the application of the ILO Conventions ratified by the Government of Colombia; (e) as the Government has provided the funding for the first phase of the projects involved in the Agreement, the office is holding consultations with the parties interested in identifying candidates to coordinate the projects. Contracts are presently being processed for those selected; (f) as a result of the mission led by the Regional Director for the Americas (see paragraph 3 above), the office has participated in meetings with the aim of establishing an agenda of work to bring to fruition the commitments made under the Agreement. That agenda should contain concrete actions consistent with the provisions of the Agreement. To that end, it encouraged the

³ The list of workers' and employers' organizations that have received assistance is available, for reasons of confidentiality, only to Colombian trade union confederations and employers' associations, respectively.

holding of tripartite meetings to reach a consensus on the content, the financing and the methods of execution of the projects inspired by the commitments made in the Agreement. Furthermore, representatives of various governments have been contacted to suggest that, given their interest in seeing progress made on labour issues in Colombia, they consider the possibility of increasing their funding of ILO technical cooperation activities in Colombia.

8. The Office wishes to highlight the cooperation of the Government of Colombia with the ILO officials in their work to conclude the Tripartite Agreement on Freedom of Association and Democracy. Equally, it recognizes the good will of the leaders of the Colombian workers' and employers' organizations. It has, as a result, identified areas of concern in each of these sectors, enabling it to proceed with the implementation of the Agreement, thus strengthening dialogue with the Government and the social partners and supporting tripartite dialogue between the interested parties in Colombia.

Geneva, 1 November 2007.

Submitted for information.