



EMBASSY *of* COLOMBIA

W A S H I N G T O N

COLOMBIA'S COMMITMENTS TO ADDRESS LABOR AND HUMAN RIGHTS CONCERNS

Since his election in 2002, President Uribe has made significant improvements in the areas of security and labor rights. Today, he continues to make strong commitments that will further cement the progress Colombia is already experiencing.

Attacking Impunity: Full Sentences for Those Who Join Black Eagles or other criminal gangs

- Demobilized combatants who ask to be considered under the Justice and Peace Law receive full sentences for the crimes they have committed. However, the Law allows alternative sentencing, at the discretion of a Judge, if the demobilized individual complies with all the conditions set forth by the law. If he or she does not comply with the conditions and returns to illegal activity, the original sentence is reactivated, and the individual will be prosecuted to the fullest extent of the law.
- Active members of The Black Eagles and other illegally armed groups are being actively pursued by the Colombian army and police and will be investigated and judged under the criminal code provisions. They are not eligible for the Justice and Peace Law.

Strengthening protection duties

- The responsibility of protecting labor union members, originally held by Department of Administrative Security –DAS-, will be transferred to the police. This is in response to requests from members of the vulnerable populations the program protects.
- Given that new concerns have arisen, the government is considering hiring private security firms to provide this protection. A study is currently being conducted and will be available in the coming days. These security companies would be supervised by the Superintendent of Security, and must comply with all the requirements set forth by law. The Colombian Police and DAS will strictly monitor all security details.
- The Principle of Confidence, which allows those protected to suggest individuals for their security detail, will continue.

Regulating Cooperatives

- The Bill addressing the abuse of Cooperatives was voted on in the Colombian House of Representatives and is now under consideration in the Senate. It is expected to be approved in the near future, and be implemented in 2009.
- This bill increases the fiscal tax on Cooperatives from 5 percent to 9 percent. This tax is paid to contribute with the funding of the Family Welfare Institute –ICBF- and the National Training Service – SENA-.
- The Cooperatives will have seats in the ICBF and SENA board of directors.



- The Superintendent of Economic Solidarity, as well as, its enforcement capabilities will be strengthened. The “ordinary compensation” (wage for cooperatives) will be at least the minimum wage.
- This will be the base for calculating social security and taxes.
- If Cooperative fail to comply with the regulations six months after the law is passed, they will be subject to dissolution.
- If labor intermediation is discovered, there will be penalties for the contractor and for the cooperative.

Supervising Bankruptcy

- The Government has made clear that bankruptcy cannot be used to undermine union rights in Colombia.
- Through objective criteria, the Superintendent of Industries declares insolvency and bankruptcy. Labor rights and obligations are the priority in case of bankruptcy or liquidation.

Facilitating Union Registration

- The procedures have been streamlined in the last year to ensure adequate and timely registration:
 - On May 24, 2007 the Government issued a resolution that established:
 - The reduction in time for registration from 15 to 5 working days
 - Specific causes for rejecting registration
 - On February 22, 2008, in response to union concerns, the Government issued a new resolution specifying that the creation of a union is for the objectives defined by law, such as to defend rights of workers and improve work conditions in the work relationship.
- The Ministry of Social Protection will be implementing a socialization program to ensure better and broader understanding of this legal framework.

Defining Who Are Essential Workers with Respect to Public Strikes

- The Government is drafting a bill which defines the criteria for determining essential services, which will be presented to Congress in the second half of 2008. This bill will clearly specify the public services that are prevented from striking in order to preserve social harmony and national interest.

Flexibility in the Definition of Mandatory Arbitration

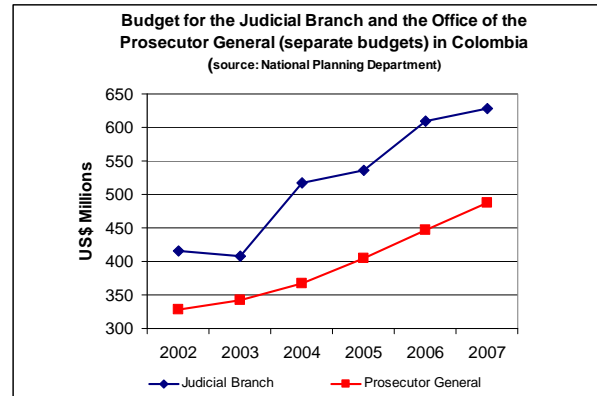
- The Government has sent an urgent bill to Congress which addresses concerns about the definition of mandatory arbitration. This bill would allow the option of convening an arbitration panel of workers and employers, changing the Ministry of Social Protection’s ability to convene mandatory arbitration.





Strengthening the Prosecutor General’s ILO Subunit

- On January 21, 2008, President Uribe signed a Decree that provided extraordinary funding to the Prosecutor General’s Office. This resulted in the creation of 2,166 new posts to help combat violence towards unionists and impunity, and to promote a more effective justice system. This increase will expedite processes under the Peace and Justice Law and human rights-related investigations. This is equivalent to an increase of 12% in human resources, and implies an investment of over US \$49 million. Of the 2,166 new posts, 418 will be new prosecutors (12% increase), and 545 new investigators (14% increase).



Providing Judges for Labor Union Cases

- Judge Sanchez was one of three “back-log” judges who work on cases related to union members. These “back log” judges can only be assigned by the judicial branch for six month terms with the option of being renewed. The decision to re-appoint a sitting judge is made by 68 magistrates.

Reintegration of Workers Who Participated in the Ecopetrol Strike

- The strike at Ecopetrol was declared illegal on April 22nd 2004. On May 26th the workers, the company and the Government agreed to establish a binding voluntary arbitral tribunal. The tribunal ruled on 161 claims - the results of which are being implemented.

Broaden dialogue of labor unions

- President Uribe issues a decree on February 14, 2008, which invites international union organizations and the ILO representative in Colombia to take part in the Permanent Commission on Policies on Salary and Labor
- The labor dialogue will be the primary mechanism for protective measures for labor groups.

