



European Trade Union Confederation (ETUC)
Confédération européenne des syndicats (CES)



22 February 2012

Dear Member of the European Parliament,

On behalf of the European Trade Union Confederation (ETUC), the Trade Union Confederation of the Americas (TUCA), the International Trade Union Confederation (ITUC) and the Council of Global Unions (CGU), we write to share our concerns with you regarding the proposed European Union Free Trade Agreement with Colombia and Peru.

As a result of continuing violence in Colombia and violation of human and labour rights, and the weakening of the Andean Community through individual EU trade agreements rather than bloc-to-bloc relations, the ETUC and TUCA call for legislators to oppose the EU-Colombia/Peru FTA. We reaffirm our joint statement in 2011 calling for a vote against the FTA on these grounds.

The reality on the ground

Despite a welcome shift in rhetoric by the Santos Administration and the negotiation of the US-Colombia Labour Action Plan, agreed to in April 2011, the reality on the ground for Colombian workers remains completely unacceptable. Union leaders and labour activists continue to be assassinated, threatened, and intimidated, and the perpetrators enjoy almost complete impunity.

In Colombia, there continues to be a systematic exclusion of workers and trade unions - through appalling levels of violence, high levels of impunity for those responsible for those crimes, and labour law and policy that by design continues to undermine the free exercise of fundamental labour rights, including freedom of association. As a result, fewer than 5% of Colombian workers are today members of a union and fewer than 2% of workers are covered by a collective bargaining agreement.

Anti-union violence still remains at alarming levels. In 2011, at least 29 trade union leaders and activists were murdered. In many cases, those responsible are “demobilized” paramilitaries who subsequently reorganized into new criminal organizations to carry out the same bloody legacy. Ten more were the objects of unsuccessful attempts on their lives. At least 3 trade unionists have been murdered in January 2012 alone. This brings the total murdered since records were kept in 1986 to over 2,900. Each year, hundreds of trade unionists also receive explicit death threats, 342 in 2011, which are often effective in chilling freedom of association as trade unionists know that such threats are often carried out. The protection schemes available for trade unionists remain deficient.

On 17 January 2012, two gunmen entered the home of Mauricio Redondo, a provincial leader of the Unión Sindical Obrera (USO). The gunmen fired multiple shots into Redondo and his partner, Janeth Ordóñez, in a cold-blooded assassination leaving behind five orphaned children. Both Redondo and Ordóñez were active local activists on community level workers' issues. This followed the torturing and beating to death of trade unionist Victor Manuel Hilarion Palacios on 9 January, killed by the army while travelling to Rio Nevada for work.

As Human Rights Watch reports, the rate of impunity for these assassinations remains above 90 per cent. The actual rate of impunity is even higher when one considers the numerous defects with the few sentences achieved and the fact that many of those sentenced are not in custody. Indeed, the 2011 ILO High Level Mission to Colombia confirmed that *"impunity has prevailed in Colombia for a long period and has caused immense damage to the country and suffering to its people"* and that *"the great majority of homicide cases remained unresolved."* The recent promises by the government to improve both the quantity and quality of the investigations and prosecutions - and thereby reduce the level of impunity - have yet to be fully realized.

Finally, the country's labour laws and the failure to effectively enforce them constitute a major barrier to the exercise of freedom of association and the right to collective bargaining. The ILO on numerous occasions has issued detailed observations as to the numerous ways in which the laws fall far short of ILO Conventions 87 and 98 - which Colombia has ratified. Among the most destructive practices is the continuing use of labour cooperatives and the existence and emergence of other forms of disguised employment which rob workers of the enjoyment of their fundamental rights. Although the government recently issued legislation and regulations attempting to sanction the use of illegal cooperatives, the failure to clearly prohibit other forms of indirect employment has allowed employers to invent new forms of indirect employment that have the same debilitating impact on workers.

Sustainable Development Chapter inadequate to guarantee rights

The ETUC, ITUC, TUCA and CGU believe that the Agreement and its Sustainable Development Chapter do not provide the solid basis required to ensure that human and trade union rights are respected. In particular, the Agreement fails to specify measures that would help improve Colombia's performance on human rights or to stipulate actions required in cases of complicity or tolerance of human rights violations. The provisions of the Sustainable Development Chapter are not effectively enforceable, as the Chapter is not subject to the same dispute settlement procedures as the rest of the FTA but rather provide merely for consultations. Furthermore, it is unclear whether the human rights provisions will be enforceable in the event of the Agreement entering into force provisionally.

According to the Sustainability Impact Assessment prepared at the request of the European Commission, the Agreement would not contribute to strong and sustainable growth and development in either the EU or Colombia. On the contrary, the SIA concludes that expansion of trade resulting from the Agreement would exacerbate internal conflicts in Colombia and would put immense stress on its resources.

We consider that a vote for the EU-Colombia FTA would disregard the terrible human rights record in Colombia and would damage the EU's reputation as a leading force in the promotion of human rights and basic freedoms. Indeed, it would symbolically endorse the appalling labour rights violations in the most dangerous country in the world for a trade

unionist and weaken the pressure on the Colombian government to fulfill its human rights obligations. Therefore, we would request the Members of the European Parliament not to support the Agreement at this time.

We would appreciate receiving your views on the issue and we look forward to hearing from you. The workers of Colombia count on your support.

Yours sincerely,



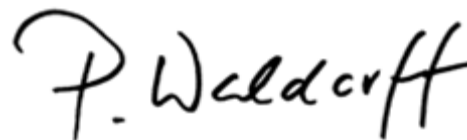
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