

solidar



**ECONOMIC &
SOCIAL RIGHTS
REPORT
COLOMBIA**



ECONOMIC & SOCIAL RIGHTS REPORT COLOMBIA

Summary

SOLIDAR network is active in Colombia with its partner organisation to enhance the progressive implementation of Economic and Social Rights, namely freedom of association, the right to social protection and decent work for all.

In 2019, our network held two meetings - led by the Escuela Nacional Sindical (ENS) - to discuss the current situation of Economic and Social Rights (ESR) in the country and define how the EU can be a strong CSO partner in promoting those rights.

This paper brings together the main outcomes of these meetings and it is structured along two thematic areas:

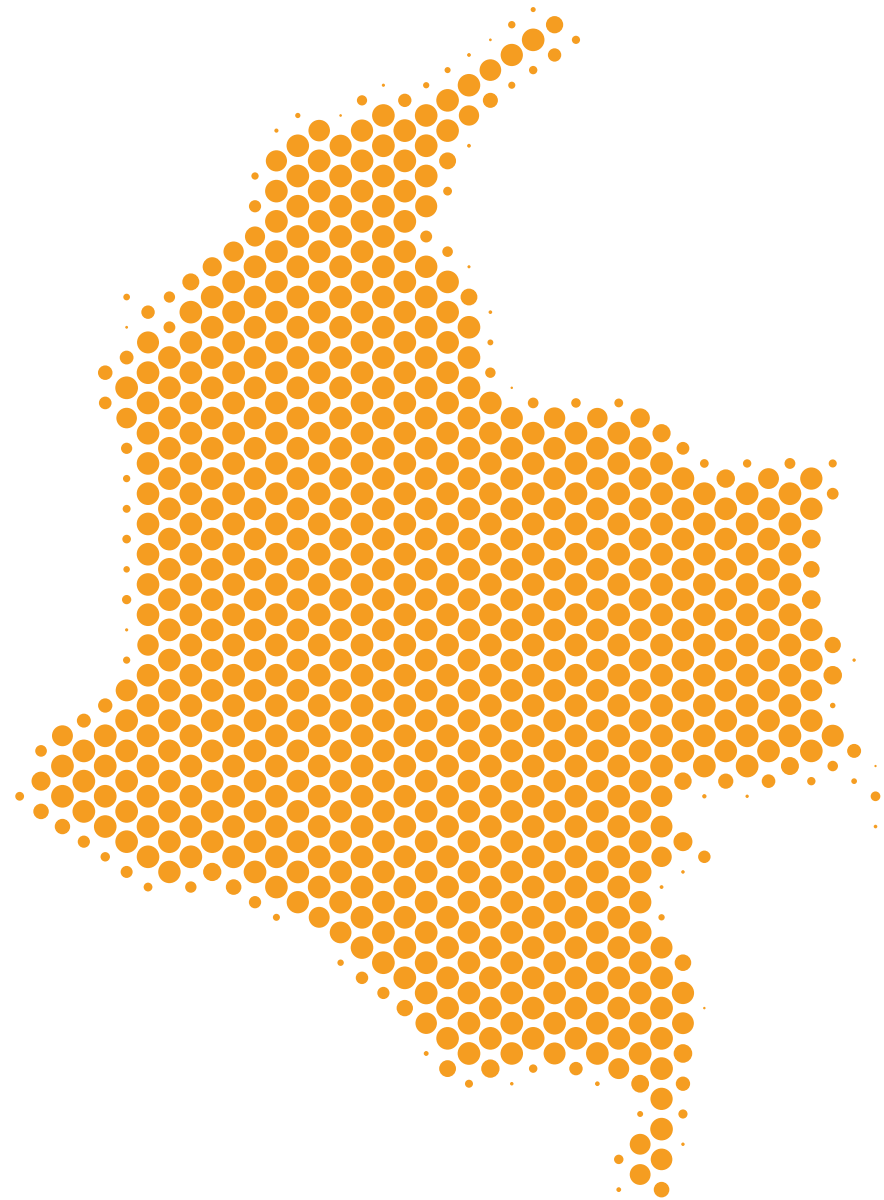
1. Enabling Environments for CSOs
2. Fundamental Rights at Work

FOCUS ON SUSTAINABLE DEVELOPMENT GOALS



OUTLINE

1. Introduction	4
2. Enabling Environments for CSOs	6
3. Fundamental Rights	9
4. Conclusions	11
5. Contributors	12





1. INTRODUCTION

The EU's involvement with Colombia in the past ten years has been mostly focused on supporting the peace process. The armed conflict which has afflicted Colombia since the 1960s has gravely undermined economic and social development, caused the death of more than 200,000 people and internally displaced over 5 million. The EU has worked alongside Colombia to build peace, and appointed a Special Envoy, Eamon Gilmore, in 2015. The following year saw the creation of the EU Trust Fund for Colombia, with the objective *“to support the implementation of the provisions established in the Peace Agreement between the Government of Colombia and the FARC and to accompany the Colombian population in overcoming the negative effects of the 50-year old internal armed conflict.”*¹ The Fund also gives priority to rural areas, which are deemed disproportionately affected by the conflict.

The National Development Plan (NDP) 2018-2022 “Pacto por Colombia, Pacto por la equidad” aims to reach equity by enhancing entrepreneurship and legality. Cross-cutting areas include, among others, environmental sustainability; digital transformation; public services in water and energy; mining resources; peace building; ethnic groups; people with disabilities; and equality for women. The Plan also has a regional component, which is more territorialised and prioritises differentiated goals. The NDP 2018-22 has been designed to help realise the 2030 Agenda commitments, with the Sustainable Development Goals (SDGs) being mainstreamed throughout the strategy paper.

¹ Agreement establishing the European Union Trust Fund for Colombia and its internal rules, https://ec.europa.eu/international-partnerships/system/files/eu-colombia-trust-fund-signed_en.pdf



TABLE 1. COLOMBIA AT A GLANCE

Population ²	49.648,685 million (2018)
Gross Domestic Product (GDP) ³	USD 331.047 billion
Human Development Index (HDI) and ranking ⁴	0,761 (79 out of 189 countries)
Total social protection expenditure including health (percentage of GDP) ⁵	14.1% of GDP (2015)
SDG indicator 1.3.1: Percentage of population covered by at least one social protection benefit (effective coverage), 2015 or latest available year ⁶	40.8%
Global Index Score ⁷	69.6 (67 th out of 162 countries)

² World Bank, "Colombia", Country profiles, <https://data.worldbank.org/country/colombia?view=chart>

³ Ibidem.

⁴ United Nations Development Programme, "Country profile: Colombia", Human Development Reports, 2019: <http://hdr.undp.org/en/countries/profiles/COL>

⁵ The expenditure on social protection and health refers only to the central government sector. International Labour Organisation, World Social Protection Report 2017 – 19: <https://www.social-protection.org/gimi/gess/ShowWiki.action?id=594#tabs-3>

⁶ Table B.3 Social protection effective coverage (SDG indicator 1.3.1). The proportion of the population protected in at least one area (SDG indicator 1.3.1 (a): Proportion of the total population receiving benefits under at least one of the contingencies (contributory or non-contributory benefit) or actively contributing to at least one social security scheme. International Labour Organisation, World Social Protection Report 2017 – 19: <https://www.social-protection.org/gimi/gess/ShowWiki.action?id=594#tabs-3>

⁷ Bertelsmann Stiftung, Sustainable Development Report Dashboards 2019, 2019: <https://dashboards.sdginde.org/#/COL> [Regional average score 67.1]

2. ENABLING ENVIRONMENT FOR CIVIL SOCIETY ORGANISATIONS (CSOs)

Since its 2012 Communication⁸, the EU has acknowledged civil society as a strategic partner. This political commitment is reflected in the EU roadmaps for Engagement with Civil Society.

The Roadmap for Colombia, covering the years 2018-2020, was approved by no less than 16 Member States⁹, whose efforts are in line with those of the EU delegation. Three commitments are outlined: 1) doubling efforts to promote a favourable space for CSOs; 2) providing for CSOs' meaningful and structured participation in national and international policy-making as well as in EU programming; 3) capacity-building of CSOs.

There are four particular areas where the parties vowed to work together with CSOs.

Three are internal to Colombia: 1) The implementation of the peace agreements between the Government and the FARC-EP; 2) the constitutional reform and the subsequent new judicial framework to judge war crimes; and 3) the electoral process for the 2018 presidential election.

The fourth challenge identified was the realisation of an international package, comprising i) the advancement of Agenda 2030 and SDGs; ii) climate change iii) development cooperation; iv) the fight against corruption; v) and the road to joining the Organisation for Economic Cooperation and Development (OECD).

⁸ European Commission, COM (2012) 492 final, *The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations, 2012*, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012DC0492&from=FR>

⁹ Namely France, Germany, Belgium, Italy, Poland, the United Kingdom, Romania, the Netherlands, Austria, Spain, Portugal, Czech Republic, Sweden, Denmark, Finland and Ireland.

Access to policy-making process:

During the peace process in the country and especially the years 2012-2016, several dialogue mechanisms were established to involve CSOs in it. These organisations were able to provide substantial input to the 2016 Peace deal, especially in relation to the victims of the conflict. The momentum they gained during the process - that led to the deal with the FARC-EP- carried on afterwards, and allowed them to take a pro-active role when it came to talks with the ELN in October 2017.

Nonetheless, with the presidential transition in 2018, controversy arose over the methods employed by the government to guarantee peace, leading to a growing perception of insecurity and the FARC-EP rearming in 2019.

Currently, the atmosphere could be described as one of distrust among CSOs towards the Colombian institutions. Too often, CSOs' role in policy-making is one of mere spectator instead of an actor. As it is a consultative process, and therefore non-binding, the government does not actually have to pay heed to CSOs' recommendation, which undermines the legitimacy and inclusivity of the very process. All in all, the enabling space which had widened for civil society at the time the peace process started began to shrink following the 2018 presidential election and the weakening of the political will that had prevailed in the previous period.

The EU's involvement with Colombian civil society has been more consistent. Seminars and workshops are organised prior to the Human Rights dialogues, giving CSOs the possibility to discuss and contribute indirectly to the sessions. The EU's calls for tender also feature a criterion for institutional strengthening, which explicitly promotes CSOs' participation in governance. SOLIDAR Network in the country considers that the structured dialogue between the European Union and Colombian CSOs without the intermediation of the government should continue.

Support for Human Right Defenders:

Human Right Defenders (HRDs) in Colombia are victims of violations of their right to life, to freedom of association, of movement, of conscience and opinion.

According to the ITUC, Colombia remained the deadliest country for workers and union members with 34 assassinations in 2018, 10 attempted murders and 172 recorded cases of threats to life¹⁰.

In the early days of September 2019, the biggest teachers union in the country, FECODE (Federación Colombiana de Trabajadores de la Educación) received death threats. The union received e-mails warning them that a “Black September” was awaiting them and that “the time has come to cleanse this country, death to all collaborators of the guerrillas, namely social and union leaders”¹¹.

The protection of the environment is closely linked to the land struggle, the conflict over natural resources and the building of infrastructure

¹⁰ 2019 ITUC Global Rights Index.

<https://www.ituc-csi.org/IMG/pdf/2019-06-ituc-global-rights-index-2019-report-en-2.pdf>

¹¹ Richard Aguirre Fernández, “Las Águilas Negras amenazan a Fecode con un “septiembre negro””, *El Colombiano*, 3/09/2019:

<https://www.elcolombiano.com/colombia/vuelven-a-aparecer-amenazas-contra-los-profesores-de-fecode-OG11538565>





at the expense of communities. In the year 2017, Colombia was the third most dangerous country for environmental activists with 24 cases of murders, behind Brazil and the Philippines¹². A symbolic case which sparked a lot of emotion in the country was the joint killing of two activists affiliated to the *Movimiento Ríos Vivos* along with two of their family members, in May 2018¹³. According to the United Nations High Commissioner for Human Rights, the signature of the Peace Agreements could have led to a “power vacuum” in several areas of the country, leaving them “vacant” for the emergence of new militias and other armed groups that compete for territorial control.

The government denies the systematic character of these assassinations, which is an act of omission further endangering the lives of HRDs. The investigations rarely lead to a trial, which not only leaves the culprit unpunished but also contributes to fuelling the insecurity.

¹² Tatiana Pardo Ibarra, “En 2017 fueron asesinados 207 defensores del ambiente y el territorio”, *El Tiempo*, 24/07/2019: <https://www.eltiempo.com/vida/medio-ambiente/defensores-y-lideres-del-ambiente-asesinados-en-colombia-en-el-2017-246904>

¹³ Ration International pour les Droits Humains, “Colombia: Asesinato de dos integrantes del Movimiento Ríos Vivos Antioquia, y dos de sus familiares », 11/05/2018 : <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/colombia-asesinato-de-dos-integrantes-del-movimiento-rios-vivos>

3. FUNDAMENTAL RIGHTS AT WORK

Forced labour:

Even though Colombia has ratified ILO Conventions 29 and 105 on forced labour, there is still a long way to go to eliminate the problem. Article 17 of the national constitution prohibits slavery, serfdom and human trafficking; forced labour in any form is made a criminal offence in the Código Penal, articles 141 and 188A. Colombia has still not ratified the 2014 ILO protocol on forced labour, a legally binding document requiring States to take measures for prevention, protection of victims, access to justice and remedy. What is more, the state body in charge of the matter has a very narrow conception of forced labour, which is almost identical to that of human trafficking. In doing so, the Colombian legislation leaves other types of forced labour (that the ILO would distinguish as a separate issue from human trafficking) out of its field of action. Despite the Ministry of Work taking the lead on public policy to combat human trafficking, the legislation on the matter is actually rather fragmented and some measures are embedded in policies targeting specific groups, for example within the Labour Migration Policy. In this case, a vulnerable group, namely migrants, has an additional text, specific to it, that guarantees its protection from human traffickers.

Domestic workers are in an occupation which is very exposed to labour rights and human rights violations. In September 2018, for the first time, a Colombian court gave a verdict on a case of human trafficking for domestic labour purposes. A woman was convicted and sentenced to 13 years in prison, for making a pregnant 18 year-old



indigenous woman work 12 hours a day, while withholding her salary and restricting her freedom of movement. The prosecutor who led the case had been trained by the United Nation's Office against Drugs and Crime – UNODC. He was able to demonstrate that the victim was vulnerable due to her indigenous origin, low level of education, economic struggle in her place of origin, and pregnancy, and that there was an abuse of that vulnerability. The “vulnerability” element was fundamental to proving that domestic work was in fact a form of human trafficking¹⁴.



There is currently no cooperation instrument between the EU and Colombia which focuses on forced labour mitigation. However, in the recent context of important migration waves coming from Venezuela to Colombia, it would be highly recommended to conduct new investigations, especially in the regions bordering with Venezuela and in the ones where State presence is scarcest. Special attention should also be paid to economic activities like forestry, mining and coca plantations.

Freedom of Association:

Freedom of Association in Colombia is guaranteed by article 38 of the 1991 Constitution. Nevertheless, Escuela Nacional Sindical (ESN) points out that there is barely any mention of the freedom to join a trade union in the National Development Plan 2018-2022. The only time this is mentioned is in relation to Labour Inspection. This neglect of freedom of association when it comes to trade unions does not contribute to fostering a safe place for trade union leaders or members to operate.

While the Trade Agreement signed between Colombia, Peru, Ecuador and the European Union and its chapter IX titled Sustainable Trade and Development specifically mentions that the signatory countries have to respect freedom of association and collective bargaining, its potential to produce real policy changes has not been exploited by the EU.

¹⁴ United Nations' Office for Drugs and Crime, "Primera condena en Colombia por trata de personas con fines de servidumbre doméstica", 9/01/2019: <https://www.unodc.org/unodc/es/frontpage/2019/January/primera-condena-en-colombia-por-trata-de-personas-con-fines-de-servidumbre-domstica-.html>

4. CONCLUSIONS

The current situation of vulnerability and violence that social leaders are facing in Colombia is putting the sustainability of the Colombian peace process at stake.

In this context, SOLIDAR joins its members' and other CSOs call [on the Colombian government](#) and the International Community to take effective measures to ensure the protection of human rights and democracy in the country. These measures should not include the militarisation of specific areas or the protection of certain individuals that are threatened, but rather be a systematic approach that will guarantee the implementation of the Peace Agreement.

Through its members, and through its programme [Organising International Solidarity](#), SOLIDAR is active in Colombia and in Latin America to promote the progressive implementation of Economic and Social Rights and protect their defenders. Together with its members, SOLIDAR reaffirms its solidarity with the families and communities affected by these crimes and its commitment to a political solution to the armed conflict.



ORGANISATIONS INVOLVED IN THE PROJECT

1. Escuela Nacional Sindical (ENS)
2. Instituto Popular de Capacitación (IPC)
3. Movimiento por la Paz
4. Central Unitaria de Trabajadores (CUT)
5. Central Unitaria de Trabajadores de Bolívar (CUT Bolívar)
6. Confederación de Trabajadores de Colombia (CTC)
7. ACEB-CTC
8. Sintradian



ORGANISING
INTERNATIONAL
SOLIDARITY

solidar

Rue de Pascale 4-6
B-1040 Brussels – Belgium
www.solidar.org

Responsible Editor: SOLIDAR aisbl
Authors: Julie Martinaud (SOLIDAR)
Coordination: Barbara Caracciolo, Violeta Meotto,
Yblin Roman
Graphic Design: Dagmar Bleyová | Printed on Recycled Paper
Images from SOLSOC

SOLIDAR is a European network of 60 NGOs working to advance social justice in Europe and worldwide. SOLIDAR voices the concerns of its member organisations to the EU and international institutions across the policy sectors social affairs, international cooperation and lifelong learning. For more info www.solidar.org
© SOLIDAR January 2020



This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of SOLIDAR and do not necessarily reflect the views of the European Union

Organising International Solidarity (OIS)
A presentation of the OIS programme can be found at the following link:
<https://prezi.com/view/9zuxuivoqUSD3w1pGJSz/>