

Trading Away Human Rights

Why the EU-Colombia Free Trade Agreement is a Step in the Wrong Direction





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Introduction

The European Commission is currently negotiating a Free Trade Agreement (FTA) with Colombia.¹ With serious and systematic violations of human and trade union rights in Colombia, such negotiations will not help the situation but instead appear to legitimise it.

The proposed Agreement would give special trade preferences to a government that has done little to respect workers' rights and has repeatedly failed to implement its international human and trade union rights obligations. Colombia remains the most dangerous place in the world for trade unionists,² and impunity remains the norm in the vast majority of cases of human rights violations.

The Colombian regime has dedicated substantial resources to a public relations campaign to convince the international community that the situation is improving. However, contrary to its claims, this report shows that assassinations of trade unionists, extrajudicial executions, forced displacement, torture and forced disappearances have all recently increased. It also highlights how measures taken by the Colombian authorities to address the problem of impunity for perpetrators have been wholly inadequate.

Colombian civil society organisations, including all three of Colombia's trade union confederations, have expressed strong opposition to the proposed FTA³. They, like European civil society organisations, have also expressed disappointment at the lack of any wider consultation process in the FTA negotiations.

For the EU to press ahead with such an agreement would send completely the wrong signal and demonstrate an astonishing lack of regard for human and workers' rights. Rewarding Colombia with a trade deal before there has been an improvement in the situation would also clearly be at odds with the EU's desire to advance the protection of human rights internationally.

Similar trade agreements that Colombia has negotiated with Canada, the United States, and the EFTA group of countries have all been delayed owing to human rights concerns. For the EU to unilaterally press ahead with such an agreement is therefore also out of step with the international consensus on this issue.

Only 0.3% of EU trade is with Colombia, and EU-commissioned modelling of the proposed deal concludes that it will have no practical impact on EU employment or wages. Therefore the main effect of this trade deal is not economic, but a political upgrading of relations with the Colombian regime, effectively endorsing its terrible human rights record.⁴

We therefore call for an immediate halt to the EU's trade negotiations with Colombia.

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COLOMBIA

1. Human Rights in Colombia

The United Nations has described Colombia as the worst humanitarian catastrophe in the Western Hemisphere.⁵ Human rights violations – perpetrated by all parties to the conflict – are a daily occurrence, with the Colombian State being responsible for the majority of them.⁶

In addition, the proportion of abuses attributable to state forces has increased dramatically in recent years with the Colombian Army, in particular, being responsible for well over a thousand cases of **extrajudicial executions** of civilians.⁷

Human rights organisations say that these illegal killings by members of the Army doubled during the first five years of the Uribe presidency compared to the previous five years.⁸ During her November 2008 visit to Colombia, Dr Navi Pillay, the UN High Commissioner for Human rights, accused the Colombian Army of a “crime against humanity” due to the “systematic and widespread” nature of the murders.⁹

Yet despite the international criticism – and claims by senior Colombian officials that progress has been made – a February 2009 report of the Colombia office of the UN High Commission for Human Rights found that in relation to extrajudicial executions “**the number of complaints and the number of registered victims show that institutional policies adopted by the Ministry of Defence and the Army High Command to combat such practices have not had a significant impact in reducing the occurrence of these acts.**”¹⁰

By far the most common human rights abuse perpetrated in Colombia is that of **forced displacement**. With over four million internally displaced people¹¹, the country now has the second highest number of internal refugees in the world after Sudan. Recently there has been a huge upsurge in the numbers being forced from their homes each year: 221,638 in 2006, 305,966 in 2007 (a 38% increase) and 380,000 in 2008 (a 25% increase).¹² Despite the vast numbers affected, the Colombian regime continues to deny the seriousness of this issue, has ignored real opportunities to return land, and has done little to address the causes or humanitarian consequences of the displacement.¹³

There is also strong evidence to suggest that the numbers of people being **forcibly disappeared**¹⁴ and the number of cases of torture¹⁵ are both increasing. In May 2009 the UN also reported on an upsurge in the numbers of death threats – against both individuals and groups of people or entire communities – being issued by paramilitary groups.¹⁶

Whilst certain indicators have improved, for example cases of kidnapping have fallen, many others, as outlined above, have deteriorated and the overall picture remains one of widespread and systematic abuses.

2. Trade Union Rights in Colombia

Colombia is the most dangerous country on earth for trade unionists. Thousands of union leaders and activists have lost their lives with over 500 murdered since President Uribe came to power in 2002 – **more than in the rest of the world combined during the same period**. The International Trade Union Confederation (ITUC) says that around two thirds of all trade unionist killings in the world each year occur in Colombia and has documented **a 25% increase in murders during 2008** – directly contradicting the claims of improvement made by the regime.¹⁷

Other types of violations against trade unionists are also growing. A study by Colombia’s principal trade union confederation documents 605 separate abuses perpetrated against union members during 2007¹⁸. The study found that **in 2008 the overall number of abuses had increased by 20% to 728 cases.**¹⁹

However, rather than tackling the increasing anti-trade union violence, the Colombian regime have dedicated substantial resources to public relations campaigns and diplomatic offensives aimed at convincing the international community that the problem is under control. These efforts, which are sometimes taken at face value, are conspicuous by the distorted picture they paint of the situation. The misrepresentations are extreme, as the following examples illustrate:

Claim: In April 2009 President Uribe told reporters that in recent years there had been 184 convictions of those responsible for murdering trade unionists.²⁰

Reality: The most reliable source of such statistics, the Colombian National Trade Union School (ENS), provides radically different numbers, with their director, Dr Luciano Sanin, testifying to a US Congressional Committee on February 12th 2009 that the number of successful prosecutions is only 90.²¹ President Uribe had simply doubled the true number – though even his inflated figure is hardly impressive as it still represents an impunity rate of well over 90%.

Claim: The Colombian authorities routinely claim that 38 trade union activists were assassinated during 2008.²²

Reality: In fact, as documented by the International Trade Union Confederation (ITUC)²³ and others, the true figure was 49 – once again the reality has simply been falsified, this time by disregarding 25% of the murders.

Claim: In a February 14th 2009 speech President Uribe claimed that “so far this year not one trade unionist has been killed in Colombia”.²⁴

Reality: As of February 14th 2009 five trade unionists had been murdered in Colombia.²⁵ The confirmed number at the time of publication had risen to 28.

In addition to the human rights violations perpetrated against trade unionists, the Colombian regime systematically denies working people their fundamental labour rights as enshrined in ILO conventions. Examples include the denial of the right to form a trade union, strict limitations on the right to strike, severe obstacles to collective bargaining and regular violations of the right to freedom of association.

Where laws guaranteeing some of these standards do exist, the Colombian authorities have systematically failed to enforce them whilst in huge swathes of the Colombian economy trade unions are in effect simply not permitted to exist. **As a result of these policies, coupled with the violence facing those that engage in trade union activities, union density in Colombia today is below 5% and fewer than 2% of Colombian workers are covered by collective bargaining agreements** – down from 15% just twenty years ago.

For a more comprehensive examination of these issues see Appendix 2.

3. Impunity

At the core of the human rights crisis in Colombia is the problem of impunity. **The failure of the Colombian authorities to effectively investigate, prosecute and punish abuses has created an environment in which abusers correctly assume that they will not be held accountable for their crimes.** Indeed, according to Amnesty International’s 2009 report on Colombia “impunity remained the norm in most cases of human rights abuses.”²⁶

Whilst some high-profile cases are investigated the vast majority are not. For example, according to the CUT trade union confederation, impunity for the killers of trade unionists remains at over 97%.²⁷ The CUT also point out that in the small number of cases where progress has been made it is almost always against the gunmen who carried out the murder (who generally have no idea why they are being asked to commit the crime) rather than against the intellectual authors who planned and paid for the killing.

A similar pattern can be seen in other types of abuses such as extrajudicial executions, where impunity remains at over 99%,²⁸ and forced displacement, where the UN recently showed that 98% of cases remain unpunished.²⁹

Furthermore, while according to Colombian norms, human rights crimes should be subject to the civilian criminal justice system, many are dealt with by the military system – a key barrier to bringing perpetrators to justice. For this reason, the UN has repeatedly recommended that the Colombian authorities ensure that the civilian and not the military justice system deal with cases which could involve human rights violations³⁰ – a recommendation that has been ignored.

The continuing failure to bring perpetrators to account is tantamount to a green light for the abuses to continue. Until effective steps are taken to address impunity, it will be difficult for the Colombian regime to convince anyone that it is taking human rights seriously.

4. Dangerous Accusations

Rather than working with human rights organisations, trade unions and other civil society organisations to overcome the human rights crisis in Colombia, one of the responses of the Colombian regime has been to attempt to **discredit those who speak out about the situation in Colombia and to paint the victims of the human rights crisis as in some way responsible for their own victimisation.**

On repeated occasions, senior officials, including President Uribe himself, have accused those who express opposition to the regime or its policies of being allies or sympathisers of ‘terrorism’. Such comments have the effect of encouraging further violence against such people with army-backed paramilitaries regularly citing alleged links to ‘terrorism’ as a justification for their attacks on trade unionists, human rights activists and others.

A small selection of these statements and their consequences follow:

- On February 7th 2009 during a speech in the city of Villavicencio President Uribe accused those involved in human rights works and peace advocacy, as well as those who opposed Free Trade Agreements, of being the ‘*Intellectual Bloc of the FARC*’.³¹ The week following the speech, two trade union leaders³² involved in campaigning for human rights and against Free Trade Agreements were both murdered. Several human rights organisations also received death threats accusing them of links to the FARC.
- According to a November 14th 2008 statement from Human Rights Watch, President Uribe responded to concerns about ongoing assassinations of trade unionists by claiming that those being murdered were “a bunch of criminals dressed up as unionists.”³³
- On May 6th 2008 during a speech in the city of Monteria, President Uribe launched a personal attack on Dr Ivan Cepeda, the leader of the National Movement of Victims, probably the largest coalition of human rights organisations, victims groups and trade unions in Colombia, in the following terms: “*There are people in Colombia, like Doctor Ivan Cepeda who hide behind the so-called protection of victims... This serves as a way to instigate the violation of the human rights of those people who do not share their ideas. And nothing happens to them. Under the pretext of protecting victims they go overseas to discredit the Colombian government, to say to their friends in the international community that the FTA [Free Trade Agreement] must not be approved, that human rights are not respected here... And if attention is called to them, if they are disagreed with, if they are contradicted, they immediately go out, in cowardly fashion, to say that the government is putting them in danger... Now, I ask those in the international community who always believe them, that before taking pity on the crocodile tears of these human rights frauds, they should come and see what is really happening in Colombia....*”³⁴ Dr Cepeda subsequently received a flood of death threats from army-backed paramilitary groups.³⁵

- On February 10th and 11th 2008 on national radio and then again in newspaper articles on February 17th and March 20th President Uribe's closest adviser, Jose Obdulio Gaviria, declared that those involved in the March 6th 2008 national day of action against violence were in fact affiliated with the FARC guerrilla group.³⁶ This led to an upsurge in violence against those involved in organising the day of action including the majority of the major human rights groups and trade unions in Colombia. The wave of attacks included the killings of eleven trade unionists – the most intense period of violence experienced by the Colombian trade union movement in many years – as well as numerous threats and attacks on human rights defenders, leading the UN High Commission for Human Rights to issue an urgent statement expressing their concern at the situation.³⁷

Such remarks, of which the above are only a small selection³⁸, as well as putting lives at risk, would appear to indicate a belief that civil society groups are part of the problem rather than part of the solution to Colombia's difficulties.

5. The Position of the European Commission

The European Commission suggests that an EU-Colombia Free Trade Agreement could actually improve the human and trade union rights situation in Colombia. The argument is that the trade agreement could include language on such rights which would make the agreement conditional in some way on improvements in Colombia's performance.

This is very unlikely, for two reasons. First, such language would have to be very strong – binding in fact – to have any impact. Past experience of weak commitments in such trade deals suggests that without some enforcement mechanism, little is achieved. Such binding language would require there to be a formal review process for hearing complaints (from whatever source) and would need to be backed with the possible suspension or ending of the agreement.

The second reason why even strong language in an agreement would not improve matters is that such language already exists in the EU Generalised System of Preferences (GSP+) that already applies to Colombia. This requires adherence to key UN and ILO human and trade union rights conventions (and environmental treaties), and if these conventions are not applied or implemented, the European Commission could mount an investigation and ultimately suspend or withdraw GSP+ status. But despite the reports from trade unions, the ILO and the UN, the European Commission has refused even to investigate Colombia and, on the contrary, renewed Colombia's GSP+ status last December without regard to the increasing abuses.

Given that the available GSP+ mechanisms have been ignored and have not led to an improvement in the situation, there is no evidence to suggest that a trade agreement - no matter how strong the language - would lead to an improvement in human and trade union rights in Colombia either. This is all the more likely given that GSP+ status is far more economically advantageous to Colombia than a Free Trade Agreement would be³⁹.

Conclusion

The human rights situation in Colombia remains critical with many types of abuses, including murders of trade unionists, increasing in recent years. The response of the Colombian authorities to the situation has been inadequate and there is strong evidence that they have attempted to mislead the international community as to the severity of the situation.

Furthermore, it is clear that Colombia is still failing to live up to its international obligations and that it has not 'effectively implemented' the recommendations made to it by either the UN High Commission for Human Rights or the International Labor Organisation. More worryingly, senior government officials continue to put lives at risk by making unfounded accusations against those who speak out about the violations of human and workers' rights.

This situation is unlikely to change until international pressure on the regime is stepped up. It is encouraging that Canada, Norway (EFTA) and the United States have all withheld ratification of their own Free Trade Agreements with Colombia, citing human rights concerns.

The European Union should immediately suspend its Free Trade Agreement negotiations with Colombia. This would send a strong message that Europe is not willing to reward those who show such brazen disregard for fundamental human and workers' rights. To push ahead with the Agreement would destroy the international consensus on this issue, ignore the concerns of Colombian civil society organisations and make a mockery of the very rights that the EU claims to champion.

Appendix 1: Canada, the EFTA and the United States

Should the EU proceed with a Free Trade Agreement with Colombia it would set a worrying precedent. To date, others who have engaged in similar negotiations have, in light of the facts, decided to delay any approval due to human rights concerns.

Canada

On March 26th 2009 the Government of Canada introduced Bill C-23 into Parliament. This Bill is the legislation to implement the Canada-Colombia Free Trade Agreement (CCFTA) and on May 25th 2009 it was called for its second reading in the Canadian Parliament. However, during the debate⁴⁰, the minority Conservative Party Government faced strong criticism, focusing on Colombia's human rights record, from all three opposition parties causing the government to pull Bill C-23 from its order of business before a vote was called. In September Bill C-23 was introduced to Parliament for a second time and again a fierce debate ensued and no vote was called. Strong calls have now been made by the opposition, trade unions and other civil society partners for the government to be required to contract for a third-party independent Human Rights Impact Assessment before any further moves towards ratification of the CCFTA.

Norway (EFTA)

The proposed Free Trade Agreement between Colombia and the EFTA group of countries has been severely delayed due to the Norwegian government not submitting it to Parliament for ratification owing to human rights concerns. Norwegian Finance Minister, Kristin Halvorsen, has told the press "We are not satisfied with the way human rights and fundamental labour rights are dealt with in this agreement".⁴¹ Norway is understood to wish to have further discussion around human rights concerns before moving ahead with ratification and the issue is not currently (as of October) on the Norwegian legislative agenda.

United States

In April 2008 then-President Bush sent the US-Colombia Free Trade Agreement to Congress for ratification over the objections of Congressional leaders who had reservations about the human rights situation in Colombia. Days after Bush submitted it, House Majority leader Nancy Pelosi said that she was not willing to move ahead with the legislation until there was "concrete and sustained" progress on human rights in Colombia. She then removed the 'Fast Track' rules from the FTA legislation – delaying the deal indefinitely.

During the presidential campaign Barack Obama repeatedly expressed his opposition to the proposed agreement with Colombia "because the violence against unions in Colombia would make a mockery of the very labor protections that we have insisted be included in these kinds of agreements."⁴² Obama reiterated his opposition during the October 15th 2008 televised debate with John McCain during which he stated that "The history in Colombia right now is that labor leaders have been targeted for assassination on a fairly consistent basis and there have not been prosecutions."⁴³ In perhaps his strongest comments Obama described Colombia as having "a government that is under a cloud of potentially having supported violence against unions, against labor, against opposition," before adding "That's not the kind of behaviour that we want to reward. I think until we get that straightened out it's inappropriate for us to move forward."⁴⁴

More recently Secretary of State Hilary Clinton told Congressional leaders that "continued violence and impunity in Colombia directed at labor and other civic leaders makes labor protections impossible to guarantee in Colombia today. Colombia must improve its efforts."⁴⁵ The proposed US-Colombia agreement is therefore not currently on the legislative agenda in Washington.

Appendix 2: “Effective Implementation” of Core Labour Standards⁴⁶

The ILO has repeatedly criticised Colombia for violating core labour standards. According to Tarsicio Mora, the leader of Colombia’s largest labour federation (CUT), “the attitude and policies of the Government towards labour rights has repeatedly demonstrated a lack of will on their part to respect the rights of workers to join a union and exercise even their most basic labour rights.”⁴⁷

As with so many other issues, the Colombian authorities have made repeated efforts to convince the international community that the labour rights situation is improving whilst the reality on the ground indicates otherwise. One clear example is the regular claim made that the ILO has given Colombia a clean bill of health by removing the country from the supposed ILO ‘blacklist’ of countries that violate core labour standards. The reality is that no such ‘blacklist’ exists and, in reality, Colombia continues to come under heavy scrutiny at the ILO.

The Right to Form a Trade Union and to Freedom of Association

According to the ILO, a government may have registration requirements in place for a union to be officially recognised, although these must be merely a formality. If a union is forced to seek prior permission to legalise a union then that is considered a violation of ILO Convention 87. According to the Colombian trade union movement, the Ministry of Social Protection in fact uses the registration process to arbitrarily deny or delay union registration. The ENS (National Trade Union School) has stated that 253 new unions were denied registration between 2003 and 2008, often on spurious grounds. Also significant is that between 2000 and 2002 only four union registrations were denied, indicating that since the Uribe administration took power in 2002 it has become substantially more difficult to form a trade union. In addition, the Ministry of Social Protection has revoked the registration of various trade unions, often at the request of employers who object to having unionised workers in their workplaces.

The ILO has also criticised the use of blacklisting in Colombia stating that “all practices involving the blacklisting of trade union officials or members constitute a serious threat to the free exercise of trade union rights...” whilst an additional area of concern is that of temporary contracts. Law 50 (article 46 of the Colombian Labour Code) allows employers to hire workers on such contracts and to renew them indefinitely. Though these workers can officially join a union, in practice contracts are not renewed if they do so; a severe limitation on Freedom of Association.

The Right to Strike

The right to strike is severely limited in Colombia and it is still illegal, for example, for a federation or confederation of trade unions to call a strike – a clear violation of ILO Convention 87. Colombian legislation also allows for the dismissal of union officials and members who have taken part in what the Colombian authorities describe as ‘illegal’ strikes, even though such strikes should be considered lawful under international norms.

Law 1210⁴⁸ of 2008 gives the President the powers to order the end of any strike deemed to affect the economy – in effect any strike whatsoever. This provision clearly goes much further than the ILO definition of what is deemed to be an “essential service” and the ILO has repeatedly noted that strikes in several sectors of the Colombian economy that have been declared ‘illegal’ by the authorities do not in fact fall into the category of “essential services”.

Whilst the Colombian authorities have argued that Law 1210 takes the authority to rule on the legality of strikes away from the Ministry of Social Protection and gives it to the courts, as recommended by the ILO, in fact Article 4 of the law still allows the Ministry to intervene in the process and contest the lawfulness of a strike.

The Right to Collective Bargaining

The right of Colombian workers and their trade unions to bargain collectively with employers in Colombia is severely limited and less than 2% of working people in the country are covered by collectively bargained agreements. Colombian legislation is clearly in violation of ILO Convention 151⁴⁹ with Article 416 of the Labour Code expressly prohibiting those who work in the public sector from bargaining collectively. Changes in legislation in 2005 also forbid the right to collectively bargain on the issue of pensions – a key demand of trade unions anywhere in the world.

The situation in the private sector, where collective bargaining is officially permitted, is not much better with ‘collective agreements’ (known as ‘pactos colectivos’), which are signed with non-unionised workers, being encouraged. In practice these agreements are drafted by the employer and workers are forced to sign them under threat of being fired. The Colombian trade union movement alleges that the agreements, which now make up more than a third of all employer-employee agreements in Colombia, are designed to undermine trade unions in the workplace by offering, in most cases temporarily, better terms and conditions to those workers who refuse to join, or resign from, their trade union.

Labour ‘Cooperatives’

The term ‘cooperative’ is misleading in the case of Colombia, with labour cooperatives being far from the self-managed, democratic associations of workers that one might imagine. In fact, labour cooperatives are established by employers with the express intention of avoiding their responsibilities to employees. Members of such cooperatives are not legally recognised as employees and are instead classified as ‘associates’ – excluding them from the limited labour protections that do exist in Colombia as well as from the rights to bargain collectively, to join a trade union or to strike. In addition, legislation relating to pay and working hours does not apply to those belonging to labour cooperatives – creating an underclass of heavily exploited workers.

The ILO has strongly criticised the use of labour cooperatives, and particularly the prohibition on the right to organise, pointing out that the situation is a clear violation of Convention 87. Yet despite this, the cooperatives are becoming increasingly common in Colombia with certain employers forcing their workers to join up in order to keep their jobs – a move which allows them to avoid their obligations whilst keeping the same workers in place.

Rural workers have been particularly exploited by the cooperatives, with low wages, a lack of benefits of any sort and dangerous working conditions commonplace in the sector. Former state owned entities that have been privatised, for example in health, telecommunications, energy and finance, have also seen the labour cooperative system used to avoid providing labour guarantees. New private owners refuse to recognise existing trade unions, dismiss workers and then rehire them through cooperatives on short-term contracts (or in some cases via temporary agencies) with longer hours, lower wages and an effective ban on union membership.

(Endnotes)

1. The EU was originally negotiating this deal with the wider Andean Community of nations, however only Colombia and Peru have agreed to press ahead with negotiations.
2. See the ITUC Annual Survey of Trade Union Rights Violations <http://www.ituc-csi.org>
3. May 19th 2009 joint statement released by the Central Unitaria de Trabajadores (CUT), the Confederación General del Trabajo (CGT) and the Confederación de Trabajadores de Colombia (CTC).
4. Under the current GSP+ arrangements, EU trade with Colombia is very small – 0.3% of the EU's imports come from Colombia (€4.6bn) and the same proportion of EU exports go there (€3.5bn). That makes Colombia the 45th in the list of imports to the EU and 46th in the list of exports from the EU – lower than countries like Kazakhstan, Iraq and Angola. About half of the EU's imports from Colombia are mineral products (47%) and 32% are vegetables – other imported goods include base metals (7.5%). EU exports to Colombia are led by machinery and mechanical appliances (30%), chemicals (20%), and vehicles (17%).
5. See <http://www.un.org/news/briefings/docs/2004/OCHABrf.doc.htm>
6. The Colombian Commission of Jurists (<http://www.coljuristas.org>) says that in cases of extrajudicial executions, political homicides and forced disappearances committed in the 2002 to 2007 period where the perpetrator is known, some 74.6% of cases can be attributed either directly or indirectly to State agents. Colombia's largest human rights organisation, the Permanent Committee for the Defence of Human Rights (<http://www.comitepermanente.org>), has made similar findings. In cases of torture a June 2008 study by the World Organisation Against Torture (<http://www.omct.org>) attributed some 90.1% of cases to the Colombian State.
7. Estimated figures range from around 1,000 to over 2,000. As of May 2009 the human rights unit of the Colombian Attorney General's Office had registered 1,025 cases of extrajudicial executions in the period since President Uribe took power. Human rights groups argue that the figure is far higher.
8. "Report of the member organisations of the ODHACO network and other international organisations on the occasion of the Universal Periodic Review", available at <http://www.colombianatverket.se/files/080718%20UPR%20Colombia%20EN.pdf>
9. <http://www.humanrights-geneva.info/Colombia-UN-confirms-systematic.4608> Subsequent to the High Commissioner's visit the UN's Special Rapporteur on Extrajudicial Executions, Professor Philip Alston, visited Colombia in June 2009. At the end of the visit he said that he believed that the Colombian Army was involved in "a practice which is better characterised as cold-blooded, premeditated murder of innocent civilians for profit." See <http://www.reliefweb.int/rw/rwb.nsf/db900sid/MUMA-7T679S?OpenDocument>
10. See the February 2009 'Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia', available at http://www.hchr.org.co/documentoseinformes/informes/altocomisionado/Informe2008_esp.pdf
11. The Internal Displacement Monitoring Centre, part of the Norwegian Refugee Council, puts the total figure of those displaced in Colombia at over 4.6 million, representing nearly 10% of the population. See [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/A7E1B7BD7528B329C12575E500525165?OpenDocument#expand](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/A7E1B7BD7528B329C12575E500525165?OpenDocument#expand)
12. Figures from Consultoría para los Derechos Humanos y el Desplazamiento (<http://www.codhes.org>), also reported on by the BBC at <http://news.bbc.co.uk/1/hi/world/americas/8014085.stm>
13. A 2009 ruling by the Colombian Constitutional Court described the Government's response to the displacement crisis as an "unconstitutional state of affairs". In July 2009 the Court described the Government's response to the crisis as "insufficient" and said that "progress is slow in comparison to the dimension of the problem." See <http://colombiareports.com/colombia-news/news/4818-government-does-not-do-enough-for-displaced-constitutional-court.html> In July 2009 the Colombian authorities accused human rights groups of exaggerating the problem, http://www.eltiempo.com/colombia/politica/cifras-de-desplazamiento-son-menores-a-las-divulgadas-por-ammistia-internacional-dice-el-gobierno_5642035-1
14. According to the Colombian Commission of Jurists (cited in <http://www.ipsnews.net/news.asp?idnews=42993>) the numbers of people being forcibly disappeared by state agents has risen fourfold in the past five years. According to the UN, Colombia is the only Latin American nation where people continue to be forcibly disappeared, and, as of August 2009, the country has still not ratified the UN's 'International Convention for Protection from Forced Disappearances'.
15. Due to the fact that many, probably the majority, of victims are killed after being tortured, the overall number of cases, and therefore trends, are notoriously difficult to document. The only recent statistic available is cited in the US State Department's annual human rights report on Colombia (<http://www.state.gov/g/drl/rls/hrrpt/2007/100633.htm>) which records a 46% increase in cases of torture in the first six months of 2007 as compared to the same period in 2006. In 2008 the World Organisation Against Torture (<http://www.omct.org>) stated that "the practice of torture is systematically and deliberately used in Colombia as a form of political persecution and to sow terror."
16. See http://www.unhcr.org/refworld/publisher/UNPRESS./COL_4a27c61b1e.0.html
17. According to the International Trade Union Confederation (<http://www.ituc-csi.org>) and Colombia's principle trade union confederation, the Central Unitaria de Trabajadores de Colombia (<http://www.cut.org.co>), 39 trade unionists were murdered in 2007 in Colombia. In 2008 the figure was 49 murders, a 25% increase.
18. Not only murders but forced disappearances, arbitrary detentions, assaults, death threats and torture.
19. July 2009 report presented by Dr Luis Alberto Vanegas, director of the human rights department of the Central Unitaria de Trabajadores de Colombia (CUT), to the biannual Congress of the Irish Congress of Trade Unions (ICTU).
20. See text of press statement at <http://web.presidencia.gov.co/sp/2009/abril/18/04182009.html>
21. See <http://edlabor.house.gov/documents/111/pdf/testimony/20090212JoseLucianoSaninVasquezTestimony.pdf>
22. For example, in a February 2009 speech given by President Uribe (http://web.presidencia.gov.co/discursos/discursos2009/febrero/declaracion_14022009.html) and in a September 2009 letter sent to the British Trades Union Congress (TUC).
23. See the ITUC Annual Survey of violations of trade union rights, <http://survey09.ituc-csi.org/>

24. For text of speech see http://web.presidencia.gov.co/discursos/discursos2009/febrero/declaracion_14022009.html
25. They were Adolfo Tique of the SINTRAGRITOL trade union (assassinated on January 1st 2009), Diego Rasedo Guerra of the ASOGRAS trade union (assassinated on January 7th 2009), Arled Samboni Guaca of the FENSUAGRO trade union (assassinated on January 16th 2009, Leovigildo Mejia of ASOGRAS (assassinated on January 28th 2009) and Luis Alberto Arango of the ASOPESAM trade union (assassinated on February 12th 2009)
26. See <http://thereport.amnesty.org/eng/Regions/Americas/Colombia>
27. Information provided by Dr Luis Alberto Vanegas, director of the human rights department of the Central Unitaria de Trabajadores de Colombia (CUT), shows that of 2,832 assassinations of trade unionists that his department had registered, in only 56 cases had charges been brought against the presumed author.
28. Study by five US human rights organisations, available at <http://www.lawg.org/storage/lawg/documents/eejointmemo.pdf>
29. According to the Colombia office of the UN High Commission for Refugees, while 619,000 displaced people were officially registered between 2002 and 2006, investigations were only initiated for 6,501 cases; of these, 32 went to trial in criminal courts, and there were sentences in 13 of these cases. See 'Assessment of public policy for comprehensive attention to forced displacement in Colombia', UNHCR, Office for Colombia, August 2007.
30. According to the February 2009 'Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia', available at http://www.hchr.org.co/documentoseinformes/informes/altocomisionado/Informe2008_esp.pdf, "military judges still accept jurisdiction in cases which should be tried in civilian courts. In some instances, they even ordered parallel investigations into cases that the Attorney General's Office was investigating." The same issue, along with recommendations to change the situation, has been raised in every UN report since 2002, available at <http://www.hchr.org.co/documentoseinformes/informes/altocomisionado/informes.php3?cod=12&cat=11>
31. The FARC is the principle guerrilla group operating in Colombia. For the text of the speech, in Spanish, see <http://web.presidencia.gov.co/sp/2009/febrero/07/07072009.html>
32. The victims were Luis Alberto Arango, president of the ASOPESAM trade union who was gunned down on February 12th in the city of Barrancabermeja, and Guillermo Antonio Ramirez, who had been an activist for over 20 years in the SER-FECODE trade union who was murdered on February 15th in the town of Belen de Umbria.
33. See <http://www.hrw.org/en/news/2008/11/14/delay-consideration-colombia-trade-deal>
34. For the text of the speech see http://web.presidencia.gov.co/discursos/discursos2008/mayo/terminal_06052008.html
35. Interview with Dr Ivan Cepeda.
36. See <http://www.hrw.org/en/news/2008/03/25/letter-president-lvaro-uribe>
37. See <http://www.hchr.org.co/publico/comunicados/2008/comunicados2008.php3?cod=8&cat=73>
38. Other examples include an April 19th 2007 speech in which President Uribe accused those who campaigned against Free Trade Agreements and for a suspension of US military aid of being "friends of the guerrillas", and a September 8th 2003 speech to the military high command in which he attempted to link human rights defenders to 'terrorists' by claiming that "every time a security policy to defeat terrorism appears in Colombia, when the terrorists begin to feel weak, they immediately send their spokespeople to talk about human rights... These human-rights traffickers must take off their masks, appear with their political ideas and drop this cowardice of hiding them behind human rights."
39. A Free Trade Agreement would allow reciprocal access to Colombian markets for EU exports, whereas GSP+ simply allows Colombian goods preferential access to the EU. Most of the tariffs applied to Colombian exports by the EU have already been removed under GSP+.
40. See <http://www2.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&Parl=40&Ses=2&DocId=3915220>
41. See http://www.bilaterals.org/article.php3?id_article=14790%20
42. See <http://blogs.wsj.com/washwire/2008/04/02/obama-vows-opposition-to-colombia-trade-deal/>
43. See <http://elections.nytimes.com/2008/president/debates/third-presidential-debate.html>
44. See <http://blogs.wsj.com/washwire/2008/04/04/obama-refutes-colombian-president/?mod=WSJBlo>
45. See http://www.foreignpolicy.com/files/KerryClintonQFRs.pdf/t_blank
46. Unless otherwise stated, the information in this Appendix is taken from two sources: "Labour Rights and Freedom of Association in Colombia", published by the CUT, CTC and CGT trade union confederations in Colombia, and "Colombia: Continued Violence, Impunity and Non-enforcement of Labor Law Overshadow the Government's Minor Accomplishments", published by the AFL-CIO trade union confederation in the USA.
47. Speech at the September 2008 conference of the Trades Union Congress (TUC).
48. Article 1 (2) of the law is the relevant section.
49. Convention 151 covers the 'Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service'

