

To the
U.S. TRADE REPRESENTATIVE
regarding
WORKER RIGHTS
and
ANDEAN TRADE PREFERENCE ACT (ATPA)
ELIGIBILITY
for
COLOMBIA

Submitted by:

U.S./Labor Education in the Americas Project (US/LEAP)
September 15, 2004

**ATPA 2004 ANNUAL REVIEW:
WORKER RIGHTS COMMENTS
and
COLOMBIA
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The U.S./Labor Education in the Americas Project (US/LEAP) is an independent non-profit organization that supports the basic rights of workers in Latin America. US/LEAP has a strong interest in Colombia, as evidenced in our testimony before the USTR TPSC in March, 2004 regarding negotiations for a free trade agreement with Colombia.

We have little to add to the basic comments presented in March and our position that credible progress against impunity should be a necessary, although not sufficient, precondition to consideration of a free trade agreement with Colombia. Colombia remains the most dangerous place in the world to be a trade unionist. Despite a decline last year in the number of murders of trade unionists, more trade unionists were again killed in Colombia than all other countries combined. Other forms of violent harassment of trade unions have reportedly increased. And impunity remains nearly total: over 99% of trade union murders in the past decade have gone unpunished.

In addition, Colombian labor law contains legal obstacles to freedom of association and the right to collective bargaining and needs to be reformed to bring into compliance with international standards, public sector workers are regularly denied their right to organize and bargain collectively, labor laws with respect to child labor are not fully enforced, and the current government has abolished the Ministry and Labor as a stand-alone agency.

From a purely objective perspective, Colombia has the worst worker rights abuses in the Andean region. Nevertheless, this submission does not constitute a worker rights petition requesting review of Colombia's eligibility for ATPA and ATPDEA benefits.

As a matter of policy, US/LEAP and other worker rights advocacy organizations do not submit petitions without the general support of the labor unions in the country at issue. Because some segments of the Colombian trade union movement are opposed in principle to the unilateral nature of the ATPA (and GSP) worker rights review process (arguing that it essentially grants the U.S. government authority over Colombian internal affairs), we have been asked not to submit a formal worker rights petition at this time.

Nevertheless, violations of worker rights in Colombia, especially the level of violence and lack of progress on impunity, are of increasing concern to the U.S. public, members of Congress, and the international community. US/LEAP urges USTR to not misunderstand the absence of a formal worker rights petition on Colombia: no country in Latin America is of more concern to worker rights advocacy organizations than Colombia.