

Now is NOT the time for the Columbia FTA

The U.S.-Colombia free trade agreement is the wrong trade model at the wrong time.

Instead of helping workers here or in Colombia, the U.S.-Colombia free trade agreement would reward a country with a history of extreme violence that has utterly failed to protect workers' rights. This agreement, negotiated by the Bush Administration before the financial meltdown of 2008 and the current unemployment crisis, contains too many flawed trade policies of the past. Instead of wasting valuable time and effort advancing this inadequate agreement, President Obama should instead focus on effective job creation measures (including currency rebalancing, infrastructure investment, and robust training and education) and reforming our trade model (so that it strengthens labor rights protections for all workers, safeguards domestic laws and regulations, and promotes the export of goods rather than jobs).

The Economic Policy Institute reports that this agreement will likely result in the loss or displacement of 55,000 jobs. Even the U.S. International Trade Commission, known for rosy projections about free trade agreements, did not predict this agreement would create any jobs. In exchange for a trade agreement that promises to do more harm than good to our economy, the U.S. will gain a trading partner that has long been the most dangerous country in the world for trade union members. In the past 25 years, almost 2,900 trade unionists have been murdered in Colombia. And those who murder, assault, and threaten workers who try to better their lives by forming a union still operate with near impunity, confident they will not be punished for their crimes.

In April 2011, the Obama Administration negotiated a separate Labor Action Plan with the Colombian government. Unfortunately, the Labor Action Plan failed to thoroughly address the changes needed to Colombian law and practice and failed to require sustained, meaningful, and measurable results prior to ratification or implementation of the agreement. So far, the Plan has had no real effect on the lives of Colombia's workers. By voting on the Colombia free trade agreement now, the Congress will be losing leverage to secure meaningful changes for working people in Colombia.

Violence and Threats Have Been on the Increase and the Death Toll Continues to Mount

According to the Escuela Nacional Sindical (the National Labor School, ENS), in 2010 there were 51 reported murders of trade unionists in Colombia, an increase over the previous year, when 48 trade unionists were murdered. So far in 2011, 22 additional trade unionists have been murdered—15 since the Labor Action Plan was announced. The chart below reflects some of the reported human rights violations committed against trade unionists in 2010 alone.

Types of Human Rights Violations 2010	Total
Threats	338
Murders	51
Forced Displacement	35
Attempted Murder	21
Assault	16

Recent attacks show just how dangerous it can be for those trying to promote the rights of workers in their search for more just and equitable wages and working conditions. For example, on May 23, 2011, Carlos Arturo Castro Casas, 41, an engineer, father of three, and member of the SINTRAEMCALI union since 1991 was killed. The car he was traveling in was stopped by two armed men, who shot him in the neck. He was taken to a hospital, but died of his wounds soon after his arrival. And Ramiro

Antonio Sánchez Muñoz, member of the ASOGRECON union, was killed April 8, 2011, in Puerto Boyacá, Boyacá department. According to witnesses, he was shot repeatedly by two men riding a motorbike as he was leaving a union meeting. According to Justice for Colombia, the union had been organizing workers and the local community to demand that oil companies hire local labor. And while it is true that the current level of anti-labor assassinations is lower than it was in the 1990s, the reduction is in part because the campaign of terror has mostly worked. Workers see what happens to union members who lead organizing campaigns or dare to strike. The U.S. would be rewarding this campaign of terror by approving this agreement now.

Impunity for Crimes against Trade Unionists Remains High

Impunity in cases of violence against trade unionists remains an extremely serious problem, standing at roughly 95% according to an analysis of government data by ENS and Colombian Commission of Jurists. Also troubling, the Office of the Attorney General is currently investigating only about a quarter of all reported assassinations of trade unionists and only 3% of cases of other forms of anti-union violence.

The low *quantity* of prosecutions and convictions is troubling enough. The low *quality* of investigations, prosecutions, and sentences, however, further undermine the pursuit of justice in Colombia. In nearly all anti-union violence cases, they are not investigated in context with similar cases against members of the same union, in the same area, or around the same time. The failure to investigate the cases in context means that important connections are not made that could lead to identification of other perpetrators as well as intellectual authors and beneficiaries. Investigators and prosecutors often fail to follow up on credible evidence that implicates members of the armed forces, politicians or business leaders. If Congress acts on the Colombia trade agreement now, it will have little ability to enforce Colombia's promises to deal with the impunity problem down the road. Because the Labor Action Plan is **not** part of the implementing legislation—the promises to improve this process will be extremely difficult to enforce.

The Labor Action Plan is Incomplete

The Labor Action Plan signed on April 7, 2011 contains several provisions that the Colombian trade unions have long fought for, and which the AFL-CIO has supported, but it only partially addresses International Labor Organization recommendations regarding the shortcomings of Colombian labor law, so it leaves many loopholes that employers can use to continue to violate workers' rights.

Additionally, despite the commitment to issue new laws and regulations and institute other measures, **nothing** in the Labor Action Plan requires Colombia to establish a meaningful record of enforcement of these commitments **prior** to the ratification or implementation of this agreement. Indeed, so far, we have yet to see evidence of a meaningful record of enforcement. Workers report that employers continue to use a variety of tools (including labor intermediation and *pactos colectivos*) to prevent workers from exercising their fundamental rights—and that the government has not been more aggressive in addressing worker complaints that their rights have been violated.

Bottom line: The Labor Action Plan contains important commitments, but even if fully implemented, it will not ensure that Colombian workers can safely exercise their rights to freely associate and collectively bargain.