Analysis document

Summary

Hearing on Human Rights in Colombia - November 27, 2013

Impacts of free trade agreements on human rights

Introduction

The Trade Agreement between the EU, Colombia and Peru, signed in June 2012 and subsequently ratified in December of the same year by the European Parliament, provisionally entered into force on August 1, 2013, in a context of high social and political tension reflected in significant social demonstrations during 2013.

The Trade Agreement has led to serious questions on the situation of human rights, the lack of specific and efficient labour, social and environmental standards, the continuing violence in Colombian regions, and the potential impacts of the Agreement on sectors of the Colombian economy.

Given this reality, the European Parliament called for the development of a road map on human rights, labour rights and environmental rights, which “should be aimed essentially at safeguarding human rights, enhancing and improving trade unionists’ rights and protecting the environment”\(^1\). The Parliament noted on several occasions that both the Trade Agreement and its accompanying roadmap could serve as tools for monitoring the human rights situation in Colombia. We therefore call upon the European Parliament to use the Roadmap and to take appropriate measures in light of the current situation.

This document details the current situation, and outlines the concerns which still exist about the main focuses set out in the Roadmap (human rights and labour rights), as well as the potential impacts of the Trade Agreement.

Summary – Conclusions

The general human rights situation in Colombia remains of serious concern:

- Murders continue to be committed against human rights defenders, land restitution leaders, small farming and indigenous leaders fighting for their land and opposing dams or mining projects. Between January and September 2013, at least 52 defenders were killed.
- The criminalization of social protest continues to affect freedom of expression and assembly. There are reports of stigmatisation by high officials, and violent repression, resulting in up to 15 killings during the last national strike.
- Several legislative initiatives could promote impunity and have been strongly questioned by UN mechanisms.
- The number of displaced people is increasing every day, with over 250,000 new cases in 2012. Today in Colombia 5.7 million displaced people are registered. There is a 99.5 % rate of impunity for this crime.

The labour situation does not show substantial improvements:

- Violence against trade unionists remains in almost total impunity (93%).
- The existing Labour Action Plan (LAP) under the FTA between Colombia and the United States has failed. During the first two years of the implementation of the LAP signed in April

\(^1\) Resolution of the European Parliament on the Trade Agreement between the European Union, Colombia and Peru (2012/2628(RSP)).
2011, 47 unionists were killed, 18 were attacked, 6 were forcibly disappeared and there were reports of around 760 death threats\(^2\). Between January and September 2013 at least 11 trade unionists were killed.
- Out of 22 million workers only 8 million have an employment contract\(^3\).

The FTA between the EU and Colombia could have negative effects for Colombia:

- In 2012, exports to the EU were centred on the following products, notably the primary sector: 86% traditional products, including 42.4% coal and 30% oil\(^4\).
- Imports of agricultural products have grown from one million to ten million tonnes, and between 2000 and 2012, one million agricultural hectares were used for other purposes, affecting negatively the rice, milk, oilseeds, potatoes, sugar, vegetables and coffee sectors.
- Between 2012 and 2013, the volume of imports of primary goods increased by 45.6%, while exports fell by 1%. Consequently, the prices paid to Colombian agricultural producers fell by 8%.
- Europe produces in 14 days the amount of milk that Colombia produces in a year. In line with the SPS/WTO regulations, industrial milk is being imposed as the only kind permitted to be marketed which would mean the demise of the Colombian milk market.

The Oidhaco network therefore considers that neither the human rights situation nor the labour situation in Colombia is improving. In addition, the FTA with the European Union could have negative effects on many sectors of the Colombian economy and deepen an export model based on the export of natural resources which does not allow for inclusive or sustainable development.

Recommendations

In light of the ratification by the European Parliament of the EU - Colombia Free Trade Agreement and the adoption of a resolution calling for a roadmap and Human Rights, Labour Rights and Environmental Rights, we ask the European Parliament to:

- Implement a monitoring system on the issues mentioned in the Road Map and not just the direct impacts of the trade agreement. This monitoring system should:
  - be transparent via public hearings and periodic reports;
  - include sectors of Colombian society, both directly affected by the implementation of the agreement, and also human rights organisations, environmental organisations and trade unions;
  - be implemented by the Parliament as a whole and in particular by the sub-committee on human rights (DROI), the environment committee (ENVI) and the international trade committee (INTA)
- Fulfil its commitment to labour rights to use the trade agreement and the roadmap to publicly demand that the Colombian government implement effective measures for the protection of human rights, labour rights and the environment.
- Demand that the European Commission and the Council of the European Union develop a regular monitoring mechanism, with a transparent and inclusive approach in line with the human rights clause included in the agreement.
- Demand that the European Commission and the Council of the European Union specify the criteria and measures which apply in the case of violations of human rights and labour rights and environmental rights in Colombia.

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\(^2\) Escuela Nacional Sindical, “A dos años del Plan de Acción Laboral”
\(^3\) “The U.S.-Colombia Labor Action Plan: Failing on the Ground”; A Staff Report on behalf of U.S. Representatives George Miller and Jim McGovern to the Congressional Monitoring Group on Labor Rights in Colombia”
\(^4\) Ministerio de Comercio (Colombian Trade Ministry)