

The International Federation of Air Line Pilots' Associations



By Email and Registered Mail

2 May 2018

Dr. Paulo Abrão
Executive Secretary
Inter-American Commission on Human Rights
Organization of American States
1889 F Street NW, Washington, DC, 20006, United States of America

Subject: Case number MC-757-17

Dear Dr. Abrão,

I am writing on behalf of the International Federation of Airline Pilots' Associations (IFALPA) to supplement our previous letter to you dated 8 March 2018, regarding the petition of the Asociación Colombiana de Aviadores Civiles (Acdac), case number MC-757-17, concerning their rights to freedom of association, to collective bargaining and to strike.

Acdac's petition was made through Colombia's Central Union of Workers (CUT) to The Inter-American Commission on Human Rights (IACHR) to stay the decision of Colombia's Supreme Court of Justice and direct that the Colombian Government to take action to reinstate the 108 Pilots who were improperly dismissed and an additional 113 pilots who had their contracts suspended for exercising their right to strike. IFALPA, as a representative of pilots throughout the world, fully supports Acdac's petition.

We understand that the petition is based on the following improper actions by the Colombian Government and Courts:

With a legal strike by Avianca Pilots in progress, the Colombian government unilaterally and improperly convened a compulsory Arbitral Tribunal which allowed Avianca to refuse to negotiate a collective agreement with Acdac.

The Supreme Court of Justice in Colombia, ignoring its own precedents and those of the Constitutional Court and the Council of State, decided that the strike of the pilots was illegal because airline pilots provide an essential service. The Supreme Court ignored ILO Fundamental Conventions 87 and 98, and Technical Convention 154,¹ ratified by Colombia, and part of the Colombian Political Constitution. ILO doctrine was also ignored, particularly that of the Committee on Freedom of Association and the Committee of Experts, which established that transportation in general does not constitute an essential public service.² The service

¹ [International Labour Organization - Ratifications for Colombia](#)

² [International Labour Organization Principles Concerning the Right to Strike – page 20](#)

provided by airline pilots, in particular, is not classified as an essential service.³

The actions of the Colombian government and Courts violates articles 8 and 16 of the American Convention on Human Rights,⁴ and the protocol of San Salvador.⁵ The violations were verified by the Ombudsman of Colombia and by the President of the Human Rights Commission of the Congress of the Republic of Colombia.

This issue, now before the Commission, has far reaching effects for all workers in the Americas and throughout the world. The flagrant contravention of the fundamental labor conventions is a troubling trend toward governments favoring corporate interests over workers' rights.

IFALPA respectfully requests that the IACHR urge the Colombian Government to comply with the labor conventions they have ratified and to take the necessary measures to require Avianca to reinstate the dismissed pilots.

Sincerely,



Captain Ron Abel
President

CC: Asociación Colombiana de Aviadores Civiles, Acdac
IFALPA Member Association Presidents
IFALPA Directors

³ [Freedom of Association - Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO - Fifth \(revised\) edition – paragraph 587](#)

⁴ [American Convention on Human Rights "Pact of San Jose, Costa Rica" Costa Rica, 1969](#)

⁵ [Additional Protocol to the American Convention on Human Rights "Protocol Of San Salvador"](#)

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