

Colombia - United States Department of State

COLOMBIA: Tier 1

The Government of Colombia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Colombia remained on Tier 1. These efforts included hosting two roundtable discussions with civil society organizations, identifying more victims, approving a decree to mitigate forced child recruitment by illegal armed groups, maintaining a robust response to the Venezuelan migration crisis, which likely reduced the vulnerability to trafficking, and opening 37 investigations under the Special Jurisdiction for Peace related to child recruitment. Although the government meets the minimum standards, it did not provide minimally adequate services for the growing number of victims identified and did not have shelter available for adults, which made up nearly 90 percent of identified victims. The Ministry of Interior (MOI) did not coordinate effectively with departments and municipalities to guarantee victim protection. Efforts to address forced labor through law enforcement or victim protection were deficient, resulting in impunity for forced labor and unidentified victims without protection in critical sectors, such as floriculture, coffee production, and extractive industries. Although forced recruitment of youth and forced criminal activity by illegal armed groups or organized criminal groups were illegal and growing problems, the government initiated fewer criminal cases and has not charged or convicted any member of armed groups for child recruitment since 2017. The absence of proactive victim identification efforts and standardized protocols combined with a systematic misunderstanding of trafficking led to the penalization of trafficking victims, and authorities did not criminally prosecute or convict most complicit officials, undercutting efforts to hold traffickers accountable. For the third year in a row, authorities did not fund civil society organizations to amplify and ensure adequate victim assistance and services.

PRIORITIZED RECOMMENDATIONS:

Revise medium-term assistance provisions within the law to include shelter care for adult victims of trafficking. • Make efforts to combat forced labor by enhancing proactive identification of victims and increasing investigations and criminal prosecutions of labor traffickers. • Vigorously investigate, prosecute, and convict trafficking cases, including those involving members of illegal armed groups or organized criminal groups involved in forced child recruitment or forced criminal activity. • Cease the deportation and incarceration of victims. • Fund civil society actors to increase specialized services for all victims, including adults. • Significantly improve efforts to coordinate with departments and municipalities to ensure all victims receive adequate protection. • Hold public officials complicit in trafficking criminally accountable. • Increase efforts to combat child sex trafficking in the tourism sector, especially in coastal cities. • Strengthen and expand efforts to reform the Special Work Permit (PEP-FF) sponsorship program to ensure Venezuelan workers, holders of this permit, are not bound to abusive employers. • Draft, finalize, disseminate, and

train immigration officials, including those working near border crossings, on standard operating procedures for victim identification that include information on trafficking indicators. • Finalize the national anti-trafficking strategy and include ways to address present challenges, such as the mass migration of Venezuelans, prevalence of child sex tourism, and the forced recruitment of children into illegal armed groups. • Revise the definition of human trafficking under Article 188A to ensure force, fraud, or coercion are essential elements of the crime as established under the 2000 UN TIP Protocol.

PROSECUTION

The government maintained mixed prosecution efforts. While there was a slight increase in the number of prosecutions, authorities did not make enough progress to combat trafficking as investigations decreased and convictions remained low for the scope of the problem. Article 188A of the penal code criminalized sex and labor trafficking and prescribed punishments of 13 to 23 years' imprisonment plus fines between 800 and 1,500 times the monthly minimum salary. Penalties under Article 188A were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Article 188A of the penal code is inconsistent with the definition of trafficking under international law, as the law did not include force, fraud, or coercion as an essential element of a trafficking crime. Authorities sometimes charged traffickers with lesser crimes, such as induction into prostitution or pimping. The law criminalized forced child recruitment and forced criminal activity by illegal armed groups under separate statutes.

The attorney general's office (AGO) received 188 possible cases of trafficking (compared with 222 cases in 2018, 164 in 2017, and 150 in 2016), of which 57 were prioritized and investigated for ties to organized crime and continued to be under investigation at the end of the reporting period (55 for sex trafficking and two for forced labor). Authorities prosecuted 33 suspects (compared with 26 in 2018, 31 in 2017, and 59 in 2016), and convicted 19 traffickers (compared with 19 in 2018, 21 in 2017, and 25 in 2016). Additionally, police arrested 27 suspects for trafficking crimes, 19 for sex trafficking and eight for sex trafficking and forced labor (compared with 70 suspects in 2018, 30 in 2017, and 29 in 2016). For the third year in a row, authorities did not provide any or sufficient details on sentences issued for trafficking crimes. Prosecutors' ability to increase convictions for trafficking crimes may be related to an absence of adequate protection mechanisms, which can affect victims' willingness to cooperate with law enforcement in cases against their traffickers. In one highly publicized case from 2018, authorities sentenced three traffickers to eight years in prison. Although Colombian law prohibited forced child recruitment and forced criminal activity by illegal armed groups or organized criminal groups, authorities did not consider such crimes to be human trafficking and have investigated these cases as other crimes.

Forced recruitment of children by illegal armed groups and criminal organizations remained a significant concern. In 2019, the Special Jurisdiction for Peace (JEP) opened 37 investigations into ex-combatants for forced child recruitment, and those remained open at the end of the reporting period. According to an NGO, impunity in cases of forced child recruitment remained a challenge, and authorities have not convicted any member of an armed group for child recruitment since 2017, despite the ongoing concern that Colombian illegal armed groups continue to strengthen

their operations using children in Colombia and nearby Venezuela. The AGO received 329 cases of forced child recruitment involving 354 victims, compared with 388 cases investigated in 2018. Of the 1,872 cases reported in previous years, authorities indicated that 409 were confirmed to be trafficking crimes. In 2019, 399 of those cases were still open, but officials did not report how many of those were for trafficking crimes. The Ministry of Labor (MOL) offered a preview of a victim identification protocol, which has been in development since 2016, to 23 regional labor inspection sites. The protocol remained unfinished at the end of the reporting period. The MOL did not make efforts to investigate cases or increase inspections of forced labor, and authorities did not have a protocol to connect labor inspectors with police or to provide guidance on trafficking indicators for front-line personnel.

Corruption and official complicity in trafficking crimes remained concerns. In 2019, in a case dating back to 2014, authorities convicted one complicit official for the sex trafficking of a 14-year-old girl. Officials from the inspector general's office noted judicial leniency towards public officials involved in trafficking crimes. Local government officials in a department with heightened vulnerabilities and high prevalence of trafficking reported brothel raids in places suspected of child sex trafficking did not result in identified victims or new investigations, raising serious concerns of police complicity. While the government investigated and, in some cases, arrested officials involved in cases of complicity, authorities often opted for disciplinary measures in lieu of prison time, a response that was not commensurate with the severity of the crime and hindered efforts to combat trafficking. As part of an ongoing prevention campaign, the AGO provided some training for public servants, including police and immigration officials on victim identification. In 2019, authorities reportedly requested 1.3 billion Colombian pesos (\$396,490) for the implementation of anti-trafficking law. Authorities collaborated with the United States and other governments on law enforcement operations.

PROTECTION

The government identified an increased number of victims; however, victim protection efforts were cursory and inadequate. In 2019, authorities identified 124 victims of trafficking (compared with 114 in 2018, 96 in 2017 and 68 in 2016), of whom 110 were adults, 14 were children, 109 were female, and 15 were male. Eighty-one were victims exploited in sex trafficking, six in forced labor, 12 in servile marriage, 11 in domestic service, and 14 were unknown. In 2019, authorities identified the first case involving a transgender woman exploited domestically in sex trafficking. The government reported following a national trafficking victim assistance plan to refer victims to services, and it could provide emergency assistance, which included a medical and psychological examination, clothing, hygiene kits, issuance of travel and identity documents, and shelter for five days with a maximum extension of five additional days. In fewer cases, and after administrative approval, authorities could provide medium-term assistance including educational services, job skills training, assistance with job placement, economic support, and legal assistance, including witness protection. The government indicated law enforcement officials used the UNODC victim identification protocol; however, many law enforcement officials working on trafficking cases were not aware of this or any protocol to identify victims. The municipality of Cali, with the support of an international organization, developed a victim identification protocol; however, officials did not report if anyone received training on its use. The government offered some training on victim identification as part of its prevention campaigns. Nonetheless, some

experts indicated that in some cases, law enforcement officials retrieved data from victims' phones for evidentiary purposes and released the victims without referring them to adequate services. Despite the government's concern with forced labor in areas such as legal and illegal mining, emerald extraction, coal, domestic service, agriculture near the coffee belt, cattle herding, and crop harvesting, the MOL did not train inspectors to identify the crime, and it did not have a protocol for victim identification. Efforts to combat labor trafficking remained deficient, and cases of forced labor were likely overlooked and underreported. In 2019, officials from the MOL held a meeting to introduce a victim identification protocol under development since 2016 to a selected number of officials, but it did not finalize its approval or begin its implementation. Government authorities and NGOs reported that some officials working with victims of the armed conflict did not have enough training on victim identification; therefore, some victims may be unidentified and vulnerable to trafficking and new patterns of recruitment.

The MOI and the Colombian Family Welfare Institute (ICBF) were the entities responsible for victim protection; the former was responsible for the protection of adult victims and the latter responsible for the protection of child and adolescent victims of trafficking. The national government did not have dedicated funding for specialized victim services, and it relied solely on individual departments and municipalities for the provision of services. Government officials and NGOs asserted government-funded victim assistance was cursory and insufficient. While assistance for underage victims was limited and, in some places non-existent, some department ICBF authorities assisted victims and provided outpatient case management services to aid in their recovery. In most parts of the country, department ICBF authorities did not fund physical spaces where child victims could go, and as a result, coordination for services was left to the last minute, making it unreliable and difficult to obtain. The ICBF partially funded two shelters for child and adolescent victims, at least one of which had a multi-disciplinary team trained to work with victims of sexual abuse, including sex trafficking; however, funding was insufficient to provide the comprehensive assistance victims needed. Local ICBF officials in Bogota operated a shelter for underage victims of commercial sexual exploitation that could provide care for trafficking victims but did not report how many victims received care in 2019. Authorities sometimes placed victims in hotels on a case-by-case basis. In contrast, adult victims did not receive specialized shelter assistance or any assistance beyond emergency care despite making up almost 90 percent of victims identified. Authorities did not report if any of the 110 adult victims identified received care in any non-specialized shelter. In addition, for the fourth year in a row, authorities did not fund other civil society organizations that could amplify efforts to protect victims, compared with 2015 when the government was funding a specialized shelter that could assist adult victims of trafficking in Bogota. In 2019, authorities at the national level reportedly requested 107 million pesos (\$32,630) to fund third party providers for the provision of victim services. At the local level, municipalities and departments allocated 195 million pesos (\$59,470) for prevention and victim protection after a request from the MOI.

According to experts, some victims who did not self-identify were not legally considered victims and faced limitations receiving care. In 2019, authorities provided emergency assistance to 106 victims, 79 received housing, 77 medical care, and 81 psychological assistance (compared with 114 victims that received emergency care in 2018). Officials indicated that 66 victims received medium term assistance, which might have included some financial assistance (compared with 62 who received medium-term care in 2018). The ICBF provided shelter to and began restoring the rights of 171 underage victims of forced recruitment but did not provide details of the assistance provided to victims of sex trafficking or forced labor. According to ICBF officials, the process of rights restoration included an evaluation of

each case and the provision of mental and physical health services depending on each victim's needs. The government did not provide shelter to victims of forced labor or adult victims of trafficking.

In many cases, due to a lack of formal identification and an insufficient understanding of trafficking, authorities penalized victims for unlawful acts traffickers compelled them to commit. Several NGOs and some government officials reported cases of Venezuelan trafficking victims deported back to Venezuela for prostitution-related crimes. In a separate case, a 16-year-old victim faced criminal charges for the recruitment of two other victims after traffickers had recruited her. In a case reported last year, NGOs confirmed the deportation of 23 Venezuelan victims who were allegedly forced to have sex with tourists via debt-based coercion. The government did not report assisting victims through the victim and witness protection program, compared with five assisted in 2018. Some victims were reluctant to report their exploitation or testify against their traffickers for fear of reprisals or lack of trust in the justice system. In 2019, there were 64 Colombian victims of trafficking identified in foreign countries; of which 33 were repatriated by the Ministry of Foreign Affairs (MFA) with the support of international organizations or the victims themselves, as compared with seven in 2018. Officials from the MFA did not indicate how much funding was allocated for the repatriation of victims or earmarked for repatriation assistance in 2019, compared with the 400 million pesos (\$122,000) earmarked in 2018. With the assistance of a foreign government, authorities strengthened asset forfeiture measures to disburse victim compensation funds expeditiously, but it did not report if any victims received compensation as a result of these measures.

PREVENTION

The government increased prevention efforts. The Interagency Committee for the Fight Against Trafficking in Persons (ICFTP), chaired by the MOI and comprising 16 government entities, conducted 20 technical advisory meetings (compared with 44 in 2018) that sought to improve coordination between the ICFTP and its regional committees and make recommendations for the preparation of territorial action plans. In response to the influx of more than 1.8 million Venezuelans arriving in Colombia since 2016, the government continued to provide temporary resident permits, healthcare, education for school aged children, and social services, likely reducing their vulnerability to trafficking. In 2019, authorities issued approximately 754,085 temporary resident permits during the year. In 2019, Colombia approved the PEP-FF program for Venezuelans, which, while a positive development, it tied employment permits to a job and employer, leaving those employees vulnerable to trafficking. To mitigate future exploitation, the government approved birthright citizenship to 45,000 children born in Colombia after 2015 to Venezuelan parents. In 2019, the MOI held three events reaching 698 public officials to better understand regional trafficking issues affecting areas with high prevalence, including the coffee belt, Caribbean region, and the department of Tolima. The MOI, with the support of international organizations, held 32 training events reaching 2,423 individuals, including government officials, students, and civil society organizations on anti-trafficking awareness. In 2019, the MOL began a mandatory virtual training program for its inspectors, which included a module on human rights and forced labor. Observers expressed concerns about insufficient interagency communication and the absence of high-level decision-makers at ICFTP meetings who could help expedite services for victims identified. Authorities continued to use the expired 2016-2018 national anti-trafficking strategy. In 2019, the MOI hosted and funded two civil society roundtables to

discuss the development of the new anti-trafficking strategy, which was not completed at the end of the reporting period.

In 2018, the government established a national mechanism to study prevalence, trends, and root causes of trafficking domestically; in 2019, the government focused on investigating the characteristics of victims of trafficking and traffickers, combating stereotypes associated with trafficking victims, and investigated the economic and labor factors that lead to victimization and trafficking. The Observatory's work also identified the trafficking indicators specific to indigenous communities and illegal armed groups. Officials at the MOI continued implementing two multi-year campaigns made possible mostly with the assistance of international organizations. In 2019, authorities dedicated 36 million pesos (\$10,980) for one of the ongoing campaigns, and provided 10 million pesos (\$3,050) to a victim-led NGO for a new awareness campaign. In addition, authorities reportedly requested 308 million pesos (\$93,940) for the national fund and for the implementation of anti-trafficking policies. The MOL maintained an awareness campaign from previous years focused on educating potential job seekers on the dangers of fraudulent employment recruiting; the campaign reached 60 individuals and identified 40 fraudulent employment offers. Colombia continued to operate a 24-hour anti-trafficking hotline, which in 2019 received 1,261 calls that led to the identification of 93 potential TIP cases, compared to 18 in 2018. Through the hotline, the government provided advice on job offers abroad to prevent potential labor trafficking, including corroborating the veracity and legality of employers.

An international organization reported that 99 children were victims of forced recruitment by illegal armed groups, compared to 292 in 2018. To the same organization, ICBF reported assisting 180 victims of forced recruitment in 2019, compared with 196 in 2018. In November, authorities approved decree 2081 to strengthen existing legislation and create the inter-sectoral presidential advisory council focused on mitigating the forced recruitment of children by illegal armed groups. The government had over 208 officials working in eight departments and 17 municipalities on programs to prevent child recruitment; however, many areas where illegal recruitment of children was prevalent did not have state presence. Authorities cooperated with foreign governments and participated in training events organized by international organizations. Colombia co-hosted a binational anti-trafficking roundtable with the Bahamas, signed a bilateral accord with, and established the third bi-national anti-trafficking work plan with Peru. In addition, 120 officials from Ecuador and Colombia participated in a bilateral exchange to share best practices to combat trafficking. The government did not make any efforts to reduce the demand of commercial sex during the reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Colombia, and traffickers exploit victims from Colombia abroad. Traffickers exploit Colombian men, women, and children in sex trafficking and forced labor in Colombia and throughout Latin America, Asia, and Europe. Traffickers exploit Colombians in Israel, and the United Arab Emirates, mainly in Dubai. According to a government agency, in 2019, nearly 55 percent of transnational cases were Colombian victims exploited in trafficking in Turkey. Traffickers lured victims with fraudulent employment opportunities to later exploit them in sex trafficking and forced labor. In 2019, all

victims exploited in Turkey originated in Valle del Cauca, 84 percent were exploited in sex trafficking, 13 percent in forced labor, and three percent in forced marriage. Thirty-eight percent of victims in domestic trafficking cases were from Bogota and Antioquia department, and 44 percent of domestic cases were identified in Bogota. Government reports released in 2019 indicate that since 2013 roughly 90 percent of victims identified in Colombia were adults. Groups at high risk for trafficking include displaced Venezuelans, Afro-Colombians, indigenous communities, individuals with disabilities, internally displaced persons, and those living in areas where illegal armed groups and criminal organizations are active. Sex trafficking of Colombian women and children occurs within the country and around the world. Colombian women and children are victims of sex trafficking within Colombia in areas with tourism and large extractive industries. Transgender Colombians and Colombian men in commercial sex are vulnerable to sex trafficking within Colombia and in Europe. Traffickers exploit Colombian nationals in forced labor, mainly in mining for the extraction of coal, alluvial gold, and emeralds; agriculture in coffee harvesting and palm production; begging in urban areas; and domestic service. Traffickers exploit Colombian children working in the informal sector and in street vending in forced labor. Illegal armed groups, particularly in the departments of Choco, Norte de Santander, Cordoba, Nariño, and Cauca forcibly recruit children, including Venezuelan, indigenous, and Afro-Colombian youth, to serve as combatants and informants, harvest illicit crops, and to exploit them in sex trafficking. Between 2017 and 2019, early alert systems identified 182 municipalities where children were vulnerable to forced recruitment by illegal armed groups. Women, children, and adolescents who separate from the ranks of illegal armed groups are vulnerable to trafficking. Traffickers recruit vulnerable women and girls in dire economic circumstances, mostly Colombians and displaced Venezuelans, into “webcam modeling”. In some cases, traffickers drugged women and girls using fear and coercion through debt and extortion to force victims to perform live streaming sex acts. In 2019, government officials in a border town expressed concern about the burgeoning webcam industry and its ties to sex trafficking. Displaced Venezuelans, including women, children, transgender individuals, and those in irregular migration status were the most vulnerable to sex trafficking and forced labor. In a notable case, traffickers drugged and dressed a boy in girls’ clothing to exploit him in sex trafficking. Traffickers target impoverished women and girls to exploit them in sex trafficking; this vulnerable population represented 80 percent of sex trafficking cases. Youth living under poor social and economic conditions are at a high risk of becoming trafficking victims.