



Colombia

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Colombia is a constitutional, multiparty democracy with a population of approximately 44.8 million. In May 2006 independent presidential candidate Alvaro Uribe was reelected in elections that were considered generally free and fair. The 43-year internal armed conflict continued between the government and terrorist organizations, particularly the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted in violation of state policy.

Although serious problems remained, the government's respect for human rights continued to improve, which was particularly evident by progress in implementing the Justice and Peace Law. The following societal problems and governmental human rights abuses were reported during the year: unlawful and extrajudicial killings; forced disappearances; insubordinate military collaboration with new illegal groups and paramilitaries who refused to demobilize; torture and mistreatment of detainees; overcrowded and insecure prisons; arbitrary arrest; high number of pretrial detainees, some of whom were held with convicted prisoners; impunity; an inefficient judiciary subject to intimidation; harassment and intimidation of journalists; unhygienic conditions at settlements for displaced persons, with limited access to health care, education, or employment; corruption; harassment of human rights groups; violence against women, including rape; child abuse and child prostitution; trafficking in women and children for the purpose of sexual exploitation; societal discrimination against women, indigenous persons, and minorities; and illegal child labor.

The FARC and ELN committed the following human rights abuses: political killings; killings of off-duty members of the public security forces and local officials; kidnappings and forced disappearances; massive forced displacements; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; widespread recruitment of child soldiers; attacks against human rights activists; and harassment, intimidation, and killings of teachers and trade unionists.

New illegal groups committed numerous human rights abuses. The last United Self Defense Forces of Colombia (AUC) block demobilized in August 2006, but AUC members who refused to demobilize, AUC members who demobilized but later abandoned the peace process, and other criminal groups remained the object of security force action. (The new illegal groups, which the government also described as new criminal groups, consisted of demobilized paramilitaries who returned to violence, individual paramilitaries who never demobilized, common criminals, and narcotics traffickers primarily involved in criminal activity. These new groups lacked the organization, reach, and military capacity of the former AUC and focused primarily on narcotics trafficking and extortion rather than fighting the FARC or ELN. In these circumstances, it was often difficult to determine responsibility for abuses committed.) The AUC demobilization led to a reduction in killings and other human rights abuses, but paramilitaries who refused to demobilize and new criminal groups continued to commit numerous unlawful acts and related abuses, including: political killings and kidnappings; physical violence; forced displacement; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; recruitment and use of child soldiers; and harassment, intimidation, and killings of human rights workers, journalists, teachers, and trade unionists.

Government steps to improve the human rights and security situation showed demonstrable results. Government statistics indicated that during the year there were decreases in massacres (34 percent) and kidnappings (29 percent). The Justice and Peace Law process helped clarify more than 3,000 crimes and led to the exhumation of 1,196 remains in 1,009 mass graves. The Supreme Court and prosecutor general's investigations of links between politicians and paramilitary groups implicated 52 congressmen, 11 governors, and 19 mayors, a number of whom were in jail at year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

- a. Arbitrary or Unlawful Deprivation of Life

Political and unlawful killings remained an extremely serious problem, and there were periodic reports that members of the security forces committed extrajudicial killings during the internal armed conflict (see section 1.g.).

Guerrillas, notably the FARC and ELN, committed unlawful killings (see section 1.g.).

Paramilitary members who refused to demobilize and new illegal group members committed numerous political and unlawful killings, primarily in areas under dispute with guerrillas or lacking a strong government presence (see section 1.g.).

The Jesuit-founded Center for Popular Research and Education (CINEP), a local human rights nongovernmental organization (NGO), claimed there were at least 238 political and unlawful killings, committed by all actors, during the first six months of the year, 77 more than reported in the same period in 2006. Some NGOs, such as CINEP, considered the new illegal groups to be a continuation of the paramilitary groups and attributed reports of human rights violations committed by these groups directly to the government. They also included killings by these groups in their definition of "unlawful killings."

The government's Presidential Program for Human Rights reported that, during the first seven months of the year, 65 persons died in 15 massacres (defined by the government as killings of four or more persons) perpetrated by illegal armed groups, a 44 percent decrease from the same period in 2006 (see section 1.g.).

Some members of government security forces, including enlisted personnel, noncommissioned officers, and senior officials, in violation of orders from the president and the military high command, collaborated with or tolerated the activities of new illegal groups or paramilitary members who refused to demobilize. Such collaboration often facilitated unlawful killings and may have involved direct participation in paramilitary atrocities.

Some reports suggested that tacit nonaggression pacts between local military officers and paramilitaries who refused to demobilize or new illegal groups existed in certain regions, such as eastern Antioquia, Choco, Meta, and Narino departments and indicated that members of the security forces assisted, or sought the assistance of, criminal groups. Impunity for these military personnel remained a problem.

While civilian courts made some progress on cases against military personnel, impunity for military personnel who collaborated with paramilitary members who refused to demobilize and new illegal groups remained a problem.

The Inter-American Court of Human Rights, on May 11 and July 4, issued rulings in two cases related to military collusion with paramilitaries. The government agreed to comply with the rulings in both cases.

In conformity with the law, military or civilian authorities investigated killings committed by security forces. Civilian courts tried a number of military personnel accused of human rights violations. Investigations of past killings proceeded, albeit slowly. There were significant convictions in high-profile cases against military personnel, including convictions in the cases of Santo Domingo (1998), the La Gabarra massacre (1999), and Arauca (2004).

Both governmental and nongovernmental actors used landmines. Preliminary reports indicated that landmines, used primarily by the FARC and ELN, caused 187 deaths and 687 injuries during the year (see section 1.g.). The government expressed its commitment to removing the remaining 29 government-controlled minefields, as the security situation permits.

b. Disappearance

Forced disappearances, many of them politically motivated, continued to occur. CINEP reported 31 victims of forced disappearance during the first six months of the year, a decrease of 58 percent compared with 73 victims in the same period in 2006.

Although kidnapping, both for ransom and for political reasons, continued to diminish, it remained a serious problem. According to the Presidential Program for Human Rights, there were 289 kidnappings during the first eight months of the year, compared with 476 in the same period in 2006. The government's National Fund for the Defense of Personal Liberty (Fondolibertad) reported 393 kidnappings for extortion during the first nine months of the year.

GAULA (Unified Action Groups for Personal Liberty, a military and police entity formed to combat kidnapping and extortion) and other elements of the security forces freed 194 hostages during the first eight months of the year. However, Fondolibertad reported that at least 18 kidnapping victims died in captivity during the first nine months of the year, compared with 20 in all of 2006.

The FARC and ELN as well as the new illegal groups continued the practice of kidnapping. There were numerous reports

that guerrillas killed kidnapping victims, including 11 departmental legislators from Valle de Cauca on June 18 (see section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, there were reports that the police, military, and prison guards sometimes mistreated and tortured detainees. Members of the military and police accused of torture were tried in civilian rather than military courts. CINEP asserted that, as of June, government security forces were involved in 74 incidents of torture, a 46 percent increase compared with the first six months of 2006. CINEP also reported that, during the first six months of the year, there were 66 victims of torture by the armed forces. On June 27, authorities detained three army officers for involvement in the torture of 27 soldiers in Tolima.

On February 9, army troops and local police allegedly arbitrarily detained and abused an indigenous person, Nasa Jimi Vladimir Ascue, in Toribio, Cauca. He was held in a local police station, where he was accused of being a member of a local militia, beaten, and pressured to sign a statement that he was not mistreated before his release. The investigation ordered by the Prosecutor General's Office had not begun by year's end.

On March 11, in Barrancabermeja, Santander, National Police officers allegedly detained and tortured local unionists Ariel Corzo Diaz, an officer of the National Assembly of the Union Sindical Obrera (USO), and Fredy Hidalgo, the USO's local attorney. At year's end the Prosecutor General's Office had not opened an investigation in the case.

According to CINEP, on June 25, in the municipality of Tulua, Valle, troops of the army's Third Brigade arbitrarily detained, sexually abused and tortured farmers Viviana Herminia Mosquera, Maria Eugenia Mosquera, Alcibiades Granada Mosquera, Fair Granada, and Gerson Ladino Suarez and looted their property. The Prosecutor General's Office did not open an investigation in the case.

CINEP reported that demobilized paramilitaries were responsible for at least 28 cases of torture as of June. For example, CINEP stated that on April 12, demobilized AUC paramilitaries allegedly tortured and killed Uriel Henao, a farmer in La Dorado, Caldas.

Prison and Detention Center Conditions

With the exception of new facilities, prison conditions were poor, particularly for prisoners without significant outside support. The National Prison Institute (INPEC) runs the country's 141 national prisons and is responsible for inspecting municipal jails.

Overcrowding, lack of security, corruption, and an insufficient budget remained serious problems in the prison system. As of September, more than 62,600 prisoners were held in facilities designed to hold fewer than 52,600; overcrowding rates exceeded 66 percent in 11 installations. Many of INPEC's 8,881 prison guards and administrative staff were poorly trained; The NGO Committee in Solidarity with Political Prisoners (CSPP) noted a continued decrease in corruption in the prison system resulting from improved training, increased supervision, and more accountability for prison guards.

Constrained budgets adversely affected prison conditions. An October report by the Inspector General's Office on Combita Prison found violations of health standards, such as a lack of potable water and a proliferation of insects and rodents. INPEC spent \$2.23 dollars (4,459 pesos) per day on each inmate for food. Private sources continued to supplement food rations of many prisoners. CSPP reported that there were 315 patients per doctor in the prisons.

INPEC reported that, from January 1 to July 31, there were seven violent deaths among inmates related to fighting and riots. From January to July, there were 11 riots at various penal institutions. The Prosecutor General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. According to the Supreme Judicial Council, there were no judgments for excessive force made against prison guards during the year.

Pretrial detainees were held with convicted prisoners. Minors were not held with adults; however, minor children of female prisoners were able to stay with their mothers in some cases.

The government permitted independent monitoring of prison conditions by local and international human rights groups, and such monitoring occurred during the year. The FARC and ELN continued to deny the International Committee of the Red Cross (ICRC) access to police and military hostages.

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, there were some allegations that authorities detained citizens arbitrarily.

Role of the Police and Security Apparatus

The National Police are responsible for internal law enforcement and are under the jurisdiction of the Ministry of Defense. Law enforcement duties are shared with the Department of Administrative Security (DAS) and the Prosecutor General's Corps of Technical Investigators. The army also shared limited responsibility for law enforcement and maintenance of order within the country. For example, military units sometimes provided logistical support and security for criminal investigators to collect evidence in high-conflict or hard-to-reach areas. The army also supported the National Police in providing security, especially by establishing perimeters around rural municipalities. The army also occasionally provided support in guarding prisons. During the year the Human Rights Unit of the Prosecutor General's Office issued preventive detention orders for 50 members of the armed forces for human rights violations or paramilitary collaboration. However, claims of impunity continued to be widespread due, in some cases, to obstruction of justice and a lack of: resources for investigations, protection for witnesses and investigators, and coordination between government entities. During the year the Ministry of Defense relieved from duty 59 officers and 223 noncommissioned officers of the armed forces for inefficiency, unethical conduct, corruption, and reasonable suspicion regarding possible violations of human rights.

Arrest and Detention

Police apprehended suspects with warrants issued by prosecutors based on probable cause. However, a warrant is not required to arrest criminals caught in the act or fleeing the scene of a crime. Members of the armed forces detained members of illegal armed groups captured in combat but were not authorized to execute arrest warrants; however, members of Technical Investigative Unit from the Prosecutor General's Office, who accompanied military units, could issue such warrants.

The law requires law enforcement authorities to inform suspects promptly of the reasons for an arrest and bring suspects before a senior prosecutor within 36 hours of detention. Prosecutors must rule on the legality of detentions within 72 hours. These requirements were enforced in practice. In the case of most felonies, detention prior to the filing of formal charges cannot exceed 180 days, after which a suspect must be released. In cases of crimes deemed particularly serious, such as homicide, terrorism, or rebellion, authorities are allowed up to 360 days to file formal charges before a suspect must be released. Habeas corpus is available to address cases of alleged arbitrary detention.

A new criminal procedure code, which applied to 19 departments during the year, was scheduled to take effect in the remaining 11 departments on January 1, 2008. Under this new code, suspects must be brought before a judge within 36 hours to determine the validity of the detention. Formal charges must then be brought within 30 days, and a trial must start within 90 days of the initial detention. Crimes committed before implementation of the new code must be tried under the previous system.

While individuals accused of lesser offenses have access to bail, it generally is not available for serious crimes such as murder, rebellion, or narcotics trafficking. Detainees have the right to prompt access to counsel of their choice, and public defenders from the Office of the Human Rights Ombudsman assist indigent defendants.

Prominent human rights NGOs complained that the government arbitrarily detained hundreds of persons, particularly social leaders, labor activists, and human rights defenders. CINEP reported that security forces arbitrarily detained 187 persons during the first six months of the year, compared with 223 in the same period of 2006. Many of these detentions took place in high-conflict areas (notably in the departments of Arauca, Cesar, Meta, and Putumayo), where the military was involved in active hostilities against insurgents. For example, CINEP reported the following:

- On January 6, in Santa Rosa del Sur, Bolivar, troops assigned to the Nueva Granada Battalion of the Fifth Brigade arbitrarily detained Luis Alberto Lopez in Mina Paraiso.
- On February 15, in the municipality of Lebrija, Santander, National Police accompanied by civilians arbitrarily detained Maria Cardona Mejia, Wilson Ferrer Diaz, Carmen Teresa Palmarosa Bruges, and Jeferson Orlando Corredor, members of the Permanent Committee for the Defense of the Human Rights district office in Santander, as they were returning from a march in support of human rights.
- On April 12, in Arauquita, Arauca, troops assigned to the Fifth Mobile Brigade arbitrarily detained and transported in a military helicopter three local farmers, Jose Abelardo Sanchez, Helena Gomez, Francisco Antonio Gomez, and 12-year-old Einer Andres Sanchez Gomez.

The government and prominent local NGOs frequently disagreed on what constituted "arbitrary detention." While the government characterized detentions based on compliance with legal formalities, NGOs applied other criteria in defining "arbitrary detention," such as arrests based on tips from informants about people linked to guerrilla activities, detentions by members of the security forces without a judicial order, detentions based on administrative authority, detentions during military operations, large-scale detentions, and detentions of persons while they were "exercising their fundamental rights."

Due to overcrowding, convicted individuals in some cases remained at police stations for up to seven months before being transferred to a prison. However, under the new accusatory justice system, individuals were detained at police stations for a maximum of 36 hours before being released or moved to a longer-term detention facility.

According to INPEC, as of August there were eight pretrial detainees and 113 convicted prisoners held in police jails, which were often overcrowded. Failure on the part of many local military commanders and jail supervisors to keep mandatory detention records or follow notification procedures made accounting for all detainees difficult. Trial delays were caused by large numbers of detainees, financial constraints, and staff shortages.

e. Denial of Fair Public Trial

While the law provides for an independent judiciary, much of the judicial system was overburdened, inefficient, and hindered by subordination and intimidation of judges, prosecutors, and witnesses. In these circumstances, impunity remained a serious problem. The Supreme Judicial Council (CSJ) reported that the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees.

Judicial authorities frequently were subjected to threats and acts of violence. According to the National Association of Judicial Branch Employees and the Corporate Fund of Solidarity with Colombian Judges, no judicial branch employees were killed, but 63 received threats against their lives. Unlike the previous year, no employee was kidnapped, "disappeared," or obliged to leave the country in self-imposed exile because of death threats. Unlike in previous years, judges and prosecutors assigned to small towns did not need to work out of departmental capitals due to security concerns. Although the Prosecutor General's Office ran a witness protection program for witnesses in criminal cases, witnesses who did not enroll in the program remained vulnerable to intimidation, and many refused to testify.

The civilian justice system is composed of four functional jurisdictions: civil, administrative, constitutional, and special. The civil jurisdiction is the largest and handles all criminal, civil, labor, agrarian, and domestic cases involving nonmilitary personnel. The Supreme Court of Justice is the highest court within the civil jurisdiction and serves as its final court of appeal.

The Constitutional Court is the sole judicial authority on the constitutionality of laws, presidential decrees, and constitutional reforms. The Constitutional Court also may issue advisory opinions on the constitutionality of bills not yet signed into law and acts within its discretion to review the decisions of lower courts on "tutelas," or writs of protection of fundamental rights, which can be filed before any judge of any court at any stage of the judicial process by any citizen.

The special jurisdiction of the civilian justice system consists of the justices of the peace program and the indigenous jurisdiction. The CSJ is responsible for the administration and discipline of the civilian justice system.

The Supreme Court, the Council of State, the Constitutional Court, and the CSJ are coequal supreme judicial bodies that sometimes issued conflicting rulings and frequently disagreed about jurisdictional responsibilities.

The military justice system consists of 44 military courts and the Supreme Military Tribunal, which serves as the court of appeal for all cases tried in military courts. The Supreme Court of Justice serves as a second court of appeal for cases in which sentences of six or more years in prison are imposed.

The military justice system may investigate and prosecute active duty military and police personnel for crimes "related to acts of military service." The military penal code specifically defines torture, genocide, massacre, and forced disappearance as crimes unrelated to military service. All human rights violations are considered unrelated to military service and are handled by the civilian justice system. The military penal code specifically excludes civilians from military jurisdiction, and civilian courts must try retired military and police personnel, although military courts are responsible for service-related acts committed prior to their retirement. The military penal code denies commanders the power to impose military justice discipline on their subordinates and extends legal protection to service members who refuse to obey orders to commit human rights abuses.

The Office of the Prosecutor General is responsible for investigations and prosecutions of criminal offenses. Its Human Rights Unit, which included 15 satellite offices in seven regional capitals, specialized in investigating human rights crimes. The unit's 45 specialized prosecutors and 62 assistant prosecutors were handling a total of 4,122 cases at year's end.

The Office of the Inspector General investigates allegations of misconduct by public employees, including members of the state security forces. The Inspector General's Office referred all cases of human rights violations it received to the prosecutor general's Human Rights Unit.

Through August the Office of the Inspector General had opened disciplinary processes against 1,887 members of the armed forces for human rights offenses, all of which were referred to the prosecutor general for criminal investigation. In addition the Prosecutor General's Office brought charges against 616 members of the armed forces; information was

unavailable on trial outcomes for those convicted during the year.

Trial Procedures

The country continued implementing a new oral accusatorial-style criminal procedure code, which was scheduled to be in place nationwide on January 1, 2008. The code replaced the Napoleonic written inquisitorial system whereby a person was detained pending an investigation that involved the formal acceptance of evidence, without an actual trial.

Under the new code, the prosecutor files a formal charge with a judge, and the accused is notified of the charge. Trials are public and juries are used. Defendants have the right to be present and consult with an attorney, the right to confront witnesses, and the right to present evidence. The accused is presumed innocent and has a right of appeal.

In the military justice system, military judges preside over courts-martial without juries. Counsel may represent the accused and call witnesses, but the majority of fact-finding takes place during the investigative stage. Military trial judges issue rulings within eight days of a court-martial hearing. Representatives of the civilian Inspector General's Office are required to be present at courts-martial.

Criminal procedure within the military justice system includes elements of the inquisitorial and accusatorial systems. Defendants are considered innocent until proven guilty and have the right to timely consultation with counsel. A Constitutional Court ruling forbids military attorneys from undertaking defense counsel duties. Defendants must retain counsel at their own expense or rely on defenders paid by a special military officers' fund.

Military justice system reforms begun in 2005 continued through the year; the reforms aimed to establish a forensic investigative corps, transition to an accusatorial system, and establish a military defense corps.

Civilian courts convicted military members for past human rights violations, for instance:

- On September 15, the Supreme Court overturned two prior acquittals to convict Major Luis Fernando Campuzano for allowing AUC members unfettered access to La Gabarra, Norte de Santander, which led to the killing of 27 persons in 1999. He was sentenced to 40 years in prison.
- On September 21, the 12th Circuit Court of Bogota convicted two pilots and a technician to six years' house arrest for manslaughter. The judge ruled that a 1998 bombing, which killed 17 persons in Santo Domingo, was an unintentional military error and that the three posed no threats to society.

Political Prisoners and Detainees

The government stated that it did not hold political prisoners. Some human rights advocacy groups characterized as political detainees some detainees held on charges of rebellion or terrorism in what the groups claimed were harassment tactics by the government against human rights advocates. During the year there were 2,298 prisoners accused of rebellion or aiding and abetting insurgency. The government provided the ICRC access to these prisoners.

Civil Judicial Procedures and Remedies

Citizens can sue for damages for a human rights violation against a state agent or body in the Administrative Court of Litigation. Although critics complained of delays in the process, the court was generally considered to be impartial and effective.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; while the government generally respected these prohibitions in practice, there were exceptions. The law requires government authorities to obtain a warrant signed by a senior prosecutor to enter a private home without the owner's consent unless the suspect has been caught in hot pursuit, and government authorities generally adhered to these regulations.

Government authorities generally need a judicial order to intercept mail or monitor telephone conversations, even in prisons. However, government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization; such evidence could not be used in court.

The government continued to use a network of civilian informants to identify terrorists and sympathizers. Some national and international human rights groups criticized the network as subject to abuse and a threat to privacy and other civil liberties. The government maintained that the network was voluntary and established to facilitate citizens' right to self-

defense.

On June 26, the Inspector General's Office sanctioned six senior members of the Intelligence Directorate of the National Police (DIPOL), including its director, for illegally wiretapping paramilitary members incarcerated in Itagui prison and several citizens, among them congressmen, civil employees, journalists, and international members of NGOs who made contact with the prisoners or participants in the peace process. Generals Jorge Daniel Castro and Guillermo Chavez, then director of the National Police and head of DIPOL, respectively, were asked to resign; 10 other officials of that rank sought retirement.

New illegal groups, paramilitaries who refused to demobilize, and FARC and ELN guerrillas routinely interfered with the right to privacy. All groups forcibly entered private homes, monitored private communications, engaged in forced displacement and conscription, and abused family members. The standing orders of the FARC, which used large numbers of female combatants, prohibit pregnancies among its troops.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The country's 43-year-long internal armed conflict, involving government forces, two terrorist groups (FARC and ELN), and new illegal groups, continued. The conflict and narcotics trafficking, which both fueled and prospered from the conflict, were the central causes of multiple violations of human rights.

After the last AUC block demobilized in August 2006, the government confronted militarily any groups that did not demobilize as well as new criminal groups. The government reported that during the year it demobilized 155 individual paramilitary members who had previously refused to demobilize, bringing the total number of paramilitaries demobilized to approximately 34,000 since the process began in 2003. The Organization of American States (OAS) continued to verify all stages of demobilization and reincorporation of former combatants into society. The OAS verification mission's 10th report noted "emerging situations of possible rearmament and the appearance of armed groups claiming to be the 'new generation of paramilitaries,'" who in some cases "were recruiting former paramilitary combatants." The OAS estimated that there were approximately 20 new illegal or criminal groups (with 3,000 members) operating in the country.

Killings

Security forces were allegedly responsible for unlawful killings. CINEP reported that there were 128 such killings during the first six months of the year, compared with 92 in the same period of 2006. According to the Prosecutor General's Office, there were 170 active investigations of extrajudicial killings that occurred from January 2001 to August 31, 2007. Six of these investigations concluded during the year, resulting in nine convictions (eight military personnel and one police officer). The majority of the killings being investigated occurred in the departments of Antioquia (71), Meta (32), and Norte de Santander (13); 86 percent of them occurred in rural areas. A large number of the reported cases allegedly involved the Fourth Infantry Battalion, the 12th Mobile Brigade, and the 15th Mobile Brigade and included investigations of six colonels, seven majors, and 15 captains. The investigations concerned 388 victims (349 men, 39 women), 40 of whom were minors.

A Ministry of Defense directive focusing on extrajudicial killings created a senior-level committee on July 11. The committee reviewed cases with the UN High Commissioner for Human Rights (UNHCHR) and permitted the UNHCHR to visit all seven army divisions to review cases with the commanders of the units. The committee also developed an action plan to accelerate progress in these cases and worked to improve communication and information sharing with the Prosecutor General's Office. Through its efforts 600 human rights cases were transferred during the year from the military to the civilian justice system. The committee's work also led to orders instructing military commanders to emphasize demobilization over captures and capture over kills, to ensure the development and implementation of revised rules of engagement for military personnel, and to provide logistical assistance and support for civilian investigators.

Reports during the year included:

- On January 27, troops assigned to the Codazzi Battalion allegedly shot at a truck, killing Fabio Ramirez and wounding his wife, Alicia Aponte, and their two minor children in Mateguadua, municipality of Florida, Valle.
- On May 24, NGOs reported that members of the 13th Mobile Brigade detained and killed Awa indigenous community member Miguel Moran Acosta. According to military officials, Moran Acosta died in combat.

According to CINEP, extrajudicial killings attributed to the government were a combination of false reports of guerrillas killed in combat and "social cleansing" (including vagrants, homosexual populations, and other "undesirables"). Examples of extrajudicial executions by security forces reported by CINEP and the UNHCHR included:

- January 29: Members of the 12th Mobile Brigade stopped Fidelino Mahecha Ramirez's vehicle in the municipality of Vista Hermosa (Meta) and killed him. The army reported the incident as a guerrilla killed in a combat operation, and no further investigation was conducted.

- March 8: Units of the 12th Mobile Brigade in Granada, Meta, killed Galician Aurelio Mancera, nephew of Asael Mancera Field, a soldier of the same mobile brigade. Witnesses filed a formal denunciation, and the investigation by the prosecutor general's human rights unit of the murder as an extrajudicial killing continued at year's end.
- April 5: Members of the Seventh Infrastructure Battalion, killed John Freddy Marquez and injured Jose Manuel Cannon in Barrancabermeja, Santander, for an unspecified charge as "delinquents," a term sometimes used to refer to social cleansing.

There were developments in some continuing cases and little change in others.

- The death of 10 persons in April 2006, allegedly killed by members of the 12th Brigade in the hamlet of Sanza, San Juan de Arama, Meta, and reported by Amnesty International, remained under Military Justice System investigation at year's end.
- On May 4, the Circuit Court of El Santuario, Antioquia, sentenced three soldiers, Jose Arlet Marin Serna, Luis Oscar Gil Montoya, and Davinson Andres Gil Ciro, to 12 to 16 years' imprisonment for the April 2006 killing of two farmers in San Luis, Antioquia.
- According to CINEP, in March 2006 soldiers from the Fourth or 17th Brigade killed Nelly Johana Durango in San Jose de Apartado, Antioquia. CINEP alleged that the soldiers subsequently presented her as an enemy combatant. There were no developments at year's end.
- In July the Inspector General's Office charged two sergeants major and five soldiers for their involvement in the January 2006 killing of Edilberto Vasquez Cardona. Disciplinary investigation continued at year's end.
- On March 5, the Supreme Judicial Council assigned the case of the January 2006 killings of four persons in Montebello, Antioquia, to the Prosecutor General's Office. According to the allegations, members of the Fourth Brigade's Pedro Nel Ospina Battalion summarily executed the victims and subsequently presented them as enemy combatants. The investigation continued at year's end.
- In January the Prosecutor General's Office charged two soldiers of the Fourth Brigade, Aisnel Gomez Loaiza and John Raul Cano Galeano, with the 2005 death of Frey Marcial Restrepo in San Francisco, Antioquia.
- Continued ballistics checks and a lack of witness cooperation frustrated progress in the 2005 case in which a grenade allegedly from the army's 17th Brigade killed San Jose de Apartado community leader Arlen Salas David.
- On May 2, authorities indicted one officer, 10 soldiers, and two civilians for their role in the 2004 killing of Kankauamo indigenous leader Victor Hugo Maestre Rodriguez. The case remained under investigation at year's end.
- On July 31, public hearings began in the trial against seven soldiers from the Pijaos Antiterrorist Battalion for their alleged involvement in the 2004 killing in Cajamarca of five persons in Cajamarca, Tolima. The trial was ongoing at year's end.
- On August 23, a Bogota court sentenced four soldiers and one civilian guide to 40 years' imprisonment for the 2004 killing of three trade union members near Saravena, Arauca.
- On May 9, the Prosecutor General's Office issued preventive detention measures against Captain Juan Carlos Rodriguez Agudelo, Corporal Francisco Blanco Esteban, and Albeiro Perez Duque on charges of aggravated homicide, aggravated forced disappearance, and aggravated torture for involvement with paramilitary forces in the killings of Jhon Jairo Iglesias Salazar, Araceli Londono Varona, Ananias Mojica, and Jesus Antonio Cespedes Salgado (alias Jose Cespedes) in 2003 in Cajamarca, Tolima. On August 15, the Prosecutor General's Office issued arrest warrants for three more soldiers in this case, which remained under investigation at year's end.

In response to UNHCHR's June 2006 request, the Office of the Inspector General investigated 37 cases of alleged killings of persons who had been presented as enemies killed in combat and subsequently identified 29 cases that were extrajudicial killings. Of these, the military justice system was investigating one case, the Supreme Council of the Judiciary was reviewing another for jurisdiction, and the remaining 27 were being investigated by the Prosecutor General's Office. As of September, the Prosecutor General's Office had issued seven preventive detention orders in two of its cases.

In September 2006 the Prosecutor General's Office detained army Major Jorge Alberto Mora Pineda, commander of the antikidnapping unit in Barranquilla, for his alleged role in a false kidnapping operation in August 2006 in which members of the unit killed six persons. The Prosecutor General's Office investigated six members of the GAULA and one agent from

the DAS. The case was in its preliminary trial phase at year's end.

On February 22, ex-soldier Miguel Angel Molina Delgado was convicted and sentenced to 43 years and 9 months in prison on charges of homicide and trafficking firearms for launching a grenade into a house, killing a minor and injuring three persons in 2005.

On September 12, the Prosecutor General's Office initiated investigations against Captain Gabriel Bonilla Gonzalez, deputy commander of the Mobile Anti-Disturbance Squadron (ESMAD) and two staff, Edwin Lugo Escalante and Pedro Cuadros Castaneda, in the 2005 killing of Jhonny Silva Aranguren during a protest at Valle University.

On November 23, Captain Guillermo Armando Gordillo Sanchez was detained on charges of homicide in the 2005 case of eight civilians killed in San Jose de Apartado, Antioquia. On February 23, the Prosecutor General's Office began questioning 69 members of the brigade in connection with the massacre. The investigation continued at year's end, with almost half the members questioned.

In September 2006 the Prosecutor General's Office detained one officer, one noncommissioned officer, and four soldiers in the 2005 killing of Luis Orozco and Mario Pineda in Tierralta, Cordoba. The case was in its preliminary phase and pending at year's end.

On September 18, the Circuit Court of Marinilla convicted a sergeant major and four soldiers of the Fourth Brigade, Dairo Francisco Mendoza Torres, John Jairo Cuervo Rodriguez, Jonathan Ortiz Suaza, and Diego Leon Botero Murillo, of murdering Jose Valencia Morales, who disappeared in 2004.

On September 3, the Specialized Circuit Court of Arauca sentenced Gustavo Adolph Sastoque Murillo, a retired police officer, to 32 years' imprisonment for aggravated homicide, attempted homicide, and torture in the 2002 Saravena, Arauca, killing of two individuals. Three officers have been convicted since 2002 in connection with the case.

On January 23, the 41st Circuit Court of Bogota sentenced Francisco Chalito Gualtero, a retired army officer, to 29 years in prison for the 1993 aggravated homicides of four farmers in the municipality of Hacari, Norte de Santander.

In 2005 the Prosecutor General's Office issued an arrest warrant for Sergeant Sergio Salazar Soto for conspiracy in helping paramilitary members kill 40 persons in Cienaga, Magdalena, in 2000. On April 18, the Prosecutor General's Office indicted nine additional suspects, including five members of the armed forces, for their role, and the case continued at year's end.

On November 28, a judge exonerated Brigadier General Jaime Uscategui and sentenced former army colonel Hernan Orozco to 40 years' imprisonment for the 1997 massacre in Mapiripan of at least 27 civilians. The Prosecutor General's Office appealed the Uscategui verdict, and the case remained pending at year's end.

In April former AUC member Victor Manuel Mejia Munera was indicted for his role in the 2004 paramilitary massacre of 11 peasant farmers in Tame, Arauca. In October authorities captured three other ex-paramilitaries. The trial had not begun at year's end.

Paramilitary members who refused to demobilize and new illegal groups killed journalists, local politicians, human rights activists, indigenous leaders, labor leaders, and others who threatened to interfere with their criminal activities, showed leftist sympathies, or were suspected of collaboration with the FARC. They also reportedly committed massacres and "social cleansing" killings of prostitutes, homosexuals, drug users, vagrants, and gang members in city neighborhoods they controlled. New illegal groups, according to CINEP, were responsible for the deaths of 128 civilians from January through June, a 52 percent increase from 58 deaths reported during the same period in 2006.

On January 31, unknown assailants killed human rights activist Yolanda Izquierdo outside her home in Monteria, Cordoba. Izquierdo was a leader of the Popular Housing Organization, a group that assisted internally displaced persons to reclaim land seized by paramilitary groups. The government arrested the suspected perpetrator; issued an arrest warrant for Sor Teresa Gomez, the suspected intellectual author; and sought an additional six individuals it thought might link the crime to demobilized paramilitary leaders held in Itagui prison.

There were no known developments, and none were expected, in the investigation of the January 2006 killing of Freddy Abel Espitia, president of the Committee of Displaced Persons of Cotorra in Cordoba Department.

In October 2006 authorities indicted and detained Hermen Jose Munoz Gonzalez ("Diomedes"), a suspected ex-paramilitary member, on murder charges in the killing of Afro-Colombian leader Orlando Valencia in 2005. Authorities also arrested AUC member Julio Cesar Silva Borja ("El Indio") in September 2006 and Pablo Jose Montalvo Cuitiva ("Alfa 11"), the suspected perpetrator, in November 2006. Their trials had not started by year's end. In October 2006 the Prosecutor General's Office also opened an investigation into the alleged involvement of two police officers in the killing. On July 12,

authorities linked two additional members of the former AUC Bloque Elmer Cardenas to the murder and, on July 13, arrested Horacio Restrepo Urrego in connection with Valencia's death. The trials were pending at year's end.

The trials continued of nine alleged paramilitaries for aggravated homicide and other charges in the 2005 abuse and killing of 12 minors in Buenaventura, Valle de Cauca.

In compliance with the Justice and Peace Law, demobilized paramilitary members continued revealing the existence of mass graves, which the Prosecutor General's Office uncovered across the country. By year's end the Prosecutor General's Office had discovered approximately 1,196 bodies in 1,009 mass graves.

Guerrilla group force levels continued to decline. There were an estimated 2,263 guerrilla desertions during the first nine months of year. Additionally, during the first eight months of the year, 2,280 members of guerrilla groups were demobilized, compared with an estimated 1,990 demobilized in all of 2006.

FARC and ELN guerrillas killed journalists, religious leaders, candidates for public office, local elected officials and politicians, alleged paramilitary collaborators, and members of government security forces. In many areas of the country, the 9,500-member FARC and the 2,000-member ELN worked together to attack government forces or demobilized paramilitary members; in other areas, especially in Arauca, Valle, Cauca, and Narino departments, they fought each other. Various courts indicted members of the FARC secretariat in absentia on charges ranging from kidnapping and terrorism to aggravated homicide. The entire FARC secretariat was convicted in November in absentia for the 1998 massacre in Billar, Caqueta.

The Presidential Program for Human Rights reported that during the year the FARC killed at least 17 persons in three massacres, while another 111 persons were killed in massacres in which the perpetrators remained unidentified. There were several FARC massacres of public security forces. The Presidential Program for Human Rights reported that between January and October, the FARC had killed 65 members of the public security forces and the ELN had killed four.

Representative incidents included:

- January 21: In Buenaventura, Valle de Cauca, the FARC detonated two explosives during a police patrol, killing six persons, including two police officers; 14 others, including six police officers, were injured.
- March 3: Members of the 27th and 43rd FARC fronts attacked army personnel in Guayabero, Meta, killing seven soldiers and injuring four others.
- April 14: In Valle de Guamuez, Putumayo, members of the 32nd FARC front detonated an explosive during a police patrol, killing three officers and injuring four others.
- May 10: In Tulua, Valle de Cauca, members of the Victor Saavedra column of the FARC attacked an army patrol, killing 10 soldiers and injuring 16 others.
- September 3: The ICRC recovered the bodies of 11 departmental legislators killed while being held by the FARC. Although the FARC claimed the 11 hostages were killed in a cross-fire with government security forces in Narino Department on June 18, forensic evidence developed by an international commission and the Prosecutor General's Office indicated the FARC executed them.

The FARC also killed persons it suspected of collaborating with government authorities or paramilitary groups. According to the government's tracking system, the FARC killed 130 demobilized paramilitaries during the year.

On March 7, the Prosecutor General's Office detained a member of the FARC's Teofilo Forero column for his role in a 2005 massacre of city council members and their family members in Campoalegre, Huila. Six others were linked to the case, five of whom were captured. Two of those linked to the case were convicted and incarcerated.

Abductions

New illegal groups, paramilitaries that refused to demobilize, and FARC and ELN terrorists continued to take hostages for ransom. The FARC and ELN also kidnapped politicians, prominent citizens, and members of the security forces to use as pawns in a prisoner exchange. The National Indigenous Organization (ONIC) stated that through July the FARC kidnapped 12 indigenous persons.

New illegal groups often abducted persons suspected of collaboration with guerrillas, almost all of whom were presumed dead.

The National Foundation for the Defense of Personal Liberty (Fondelibertad) reported that new illegal group members continued to be responsible for kidnappings during the year, but those numbers were not differentiated from kidnappings due to common crime, since the government statistics considered new illegal groups as criminals. Common crime accounted for 244 kidnappings (or 61 percent of those in which a perpetrator was identified) during the year.

The FARC and ELN continued to commit numerous kidnappings. Fondelibertad reported that during the year guerrillas kidnapped 149 persons (38 percent of those in which a perpetrator was identified), the FARC 121 persons, and the ELN 28 persons.

Kidnapping for ransom remained a major source of revenue for both the FARC and ELN. The FARC continued to hold political and foreign-born hostages taken in previous years, including:

- In 2003: U.S. citizens Marc Gonsalves, Thomas Howes and Keith Stansell. Although the FARC did not provide proof-of-life-for these hostages, military forces seized proof-of-life materials during a November operation.

- In 2002: Former presidential candidate Ingrid Betancourt; former senator Jorge Eduardo Gechem; former member of congress Francisco Giraldo; the former governor of Meta, Alan Jara; and former members of Congress, Orlando Bernal, Luis Eladio Perez, Gloria Polanco, and Consuelo Gonzalez; and at least four foreign-born persons.

When proof-of-life videos were obtained, debate arose over the possibility of an exchange of hostages for imprisoned FARC members. In December President Uribe agreed to create an encounter zone to conduct negotiations on a humanitarian exchange with the FARC. The FARC rejected the offer but said it would unilaterally release three Colombian hostages, although the initial attempt at year's end was unsuccessful.

Physical Abuse, Punishment, and Torture

According to preliminary reporting from the Presidential Program of Integrated Action Against Anti-personnel Mines, 1,774 landmine explosions killed 187 persons and injured 687 others during the year; 154 of the victims were military personnel, while 33 were civilians. The International Campaign to Ban Landmines stated that the FARC continued to be the largest individual user of landmines and that the ELN also continued to use landmines.

Child Soldiers

Guerrillas used children as soldiers. The Ministry of Defense estimated that 4,620 FARC members and 1,330 ELN members were minors and that most guerrilla fighters had joined the guerilla ranks as children. Human Rights Watch reported that there were approximately 11,000 child soldiers, stating the percentage of those in the FARC and the ELN had increased relative to those who may have joined new criminal groups.

Other Conflict-Related Abuses

Guerrillas failed to respect injured and medical personnel. Both the FARC and the ELN frequently executed injured prisoners, threatened and harassed doctors and nurses, and killed enemy combatants receiving medical care. On February 28, members of the Tulio Varon Front of the FARC in Venadillo, Tolima, attacked a marked Red Cross ambulance, injuring a nurse, Maribel Sanabria.

New illegal groups also prevented or limited the delivery of food and medicines to towns and regions considered sympathetic to guerrillas, straining local economies and increasing forced displacement.

Guerrillas forcibly displaced peasants to clear key drug and weapons transit routes and remove potential government or new illegal group collaborators from strategic zones. Guerrillas also imposed de facto blockades of communities in regions where they had significant influence. For example, ONIC reported many incidents in which illegal armed groups forcibly recruited indigenous people or obligated them to collaborate, restricted their freedom of movement, and blockaded their communities.

Paramilitary members who refused to demobilize and new illegal groups continued to displace civilians residing along key drug and weapons transit corridors or suspected of collaborating with guerrillas.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice.

The independent media were active and expressed a wide variety of views without restriction. A number of independent newspapers and magazines published freely, and all print media were owned privately. Privately owned radio and television stations broadcast freely.

Government security forces and corrupt officials occasionally subjected journalists to harassment, intimidation, or violence.

Members of illegal armed groups intimidated, threatened, kidnapped, and killed journalists. National and international NGOs reported that local media representatives regularly practiced self-censorship because of threats of violence. Seven journalists went into voluntary exile during the year; all were receiving protection from the Ministry of Interior's protection program, and the government was investigating the threats. In October journalists Hollman Morris and Geovanny Alvarez Castro left the country following death threats from illegal armed actors. Additionally, journalist Gonzalo Guillen fled his home in Bogota after receiving more than 20 death threats.

According to the NGO Foundation for Press Freedom (FLIP), there were 85 death threats against journalists for the year, compared with 77 in 2006 (see section 1.g.). On January 10, journalist and former community leader Elacio Murillo was killed in Istmina, Choco. On January 12, Franklin Diaz Mosquera, a member of the new illegal group, Aguilas Negras, a criminal group focusing on criminal and narcotics activity, was arrested and charged in his murder. The police believed other suspects were involved, and an investigation continued at year's end.

The Ministry of Interior and Justice operated a \$39.5 million (76.63 billion pesos) program that provided protection to 9,444 persons, including 128 media representatives (compared with 94 in 2006). The ministry also supported an alert network organized for journalists by providing a small number of radios and an emergency telephone hot line.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. However, guerrillas maintained a presence on many university campuses to generate political support for their respective causes and undermine support for their adversaries through both violent and nonviolent means. New illegal groups and FARC and ELN guerrillas threatened, displaced, and killed educators and their families for political and financial reasons. According to the Vice President's Office, various assailants killed 26 educators during the first seven months of the year. Threats and harassment caused many educators and students to adopt lower profiles and avoid discussing controversial topics.

The Ministry of Education, in conjunction with the Colombian Federation of Educators and the Presidential Program for Human Rights, operated a program for at-risk educators with 78 regional committees to investigate specific threats against educators and, in some cases, facilitate relocation with continued employment as educators. Approximately 15 threatened educators have been successfully relocated since 2004.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. Freedom of association was limited in practice by threats and acts of violence committed by illegal armed groups against NGOs, indigenous groups, and labor unions (see section 1.g.).

Although the government does not prohibit membership in most political organizations, membership in private organizations that espoused or carried out acts of violence, such as the AUC, FARC, and ELN, was illegal.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

The Roman Catholic Church retained a de facto privileged status. Accession to a 1997 public law agreement with the state is required for non-Catholic religions to minister to their adherents in public institutions and to perform marriages recognized by the state. When deciding whether to grant accession, the government considers a religion's total membership, its degree of popular acceptance within society, and other relevant factors.

Societal Abuses and Discrimination

New illegal groups and FARC and ELN guerrillas harassed, threatened, and sometimes killed religious leaders and activists, although often for political rather than religious reasons (see section 1.g.). The Presidential Program for Human Rights reported that illegal armed groups, especially the FARC, made numerous threats against priests and other religious workers.

The Jewish community had an estimated 4,000 members. There were increased reports of anti-Semitism, including graffiti painted on the exterior walls of synagogues and anti-Semitic statements in pamphlets published by small anti-Semitic organizations.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and while the government generally respected these rights in practice, there were exceptions. Military operations and occupation of certain rural areas restricted freedom of movement in conflict areas.

New illegal groups, paramilitaries that refused to demobilize, and FARC and ELN guerrillas continued to establish illegal checkpoints on rural highways, but enhanced government security presence along major highways reduced the number of kidnappings.

In February members of the FARC stopped eight buses in Hormiga, Putumayo, blocking the road from Orito, and stopped three cars in Tibu, Norte de Santander, after blocking rural access routes.

The law prohibits forced exile, and the government did not employ it. However, many persons went into self-imposed exile because of threats from new illegal groups and FARC and ELN guerrillas.

Internally Displaced Persons (IDPs)

The internal armed conflict was the major cause of internal displacement. Estimates of the numbers of IDPs varied. In the first nine months of the year, Accion Social (formerly known as the Social Solidarity Network), the government's internal welfare and foreign coordination agency, registered 140,183 newly displaced persons, compared with 110,302 during 2006. The NGO Consultancy for Human Rights and Displacement (CODHES) estimated that 305,000 persons were displaced during the year, a 27 percent increase compared with CODHES' estimate for 2006. Statistics differed because the government registered new IDPs whose applications for recognition had been accepted, while CODHES estimated new displacements based on information from the media, civil society, and some field work. CODHES also included as displaced persons an undetermined number of coca and opium poppy producers who migrated in response to government drug eradication efforts. However, in September the ICRC forecast an 8 percent increase in the number of IDPs it would assist during the year, primarily due to a continued rise in the number of individual displacements. The Office of the UN High Commissioner for Refugees (UNHCR) estimated that more than three million citizens had been displaced at some point during the past 15 years. Most IDPs were rural peasants displaced to cities.

The FARC and ELN continued to discourage IDPs from registering with the government through force, intimidation, and disinformation; guerrilla agents often infiltrated IDP receptor communities.

The UNHCR reported that it was difficult to estimate the number of indigenous or Afro-Colombian IDPs because of geographic isolation, displacement within traditional territories, and their tendency to seek assistance from communities or local organizations rather than the government. The ONIC reported that 7,190 indigenous persons were displaced during the year. The government registered 3,754 new IDPs who identified themselves as indigenous in the first nine months of the year. CODHES estimated that during the year 12 percent of the displaced population was Afro-Colombian. New illegal groups and FARC and ELN guerrillas continued to use forced displacement to gain control over strategic or economically valuable territory, weaken their opponents' base of support, and undermine government control and authority.

International humanitarian assistance organizations and NGOs observed that the rate of mass displacements (a displacement of 50 persons or more at one time) had decreased. The ICRC assisted 25 percent fewer IDPs subjected to mass displacements. These organizations pointed out that, while the emergency response to such mass displacements was often rapid and adequate, assistance to those displaced individually or in smaller groups was frequently delayed for several days or weeks. In addition, due to the intensity of the fighting in conflict zones, including areas in the departments of Narino, Valle de Cauca, Arauca, Antioquia, Choco, and Norte de Santander, national and international aid organizations often could not access many newly displaced populations.

CODHES reported that Narino, home to many Afro-Colombian and indigenous people, was "the department most gravely affected by forced displacements." For example, in March the UN Office of the Commissioner for Humanitarian Affairs (OCHA) reported that FARC incursions and confrontations with the armed forces plus the presence of the emerging illegal

group, Organizacion Nueva Generacion, displaced approximately 9,000 persons from as many as 28 rural villages to the coastal areas of El Charco and La Tola in the department of Narino. FARC offensives caused additional displacements in Narino later in the year. For example, in September FARC incursions led to displacement of more than 1,000 indigenous Awa to Inda Sabaleta near Tumaco.

OCHA reported on several mass displacements in various other departments throughout the year. In April threats in Arauca Department by both FARC and ELN guerrillas and new illegal groups displaced more than 700 persons, many of them from the Gauibos indigenous community, to the municipality of Tame near the Venezuelan border, according to OCHA and the ICRC. In May military conflicts with the FARC and ELN caused displacements of almost 400 persons in Cauca Department. In July a series of FARC threats led to the displacement of approximately 400 Afro-Colombians in Condoto, Choco. In the first nine months of the year, ICRC and OCHA reported several mass displacements in Uraao, San Francisco, and Sonson in Antioquia Department.

In addition to displacements of resident population, at least six leaders of IDP organizations were killed in the first nine months of the year. Press reports indicated that most of these IDP leaders were seeking reparations or return of land that former paramilitary groups had forced them to surrender.

Government assistance to IDPs increased during year by more than 10 percent to approximately \$500 million (950 billion pesos). Assistance was delivered through Accion Social, the Colombian Family Welfare Institute (ICBF), the Ministry of Social Protection (MSP), and other governmental ministries and agencies.

Despite several initiatives to enhance IDP access to services and knowledge of their rights, many IDPs continued to live in unhygienic conditions with limited access to health care, education, or employment. In addition, several international organizations and domestic nonprofit groups, such as the International Organization for Migration (IOM), the ICRC, the Colombian Red Cross, and the Catholic Church worked with the government to provide emergency (first 90 days) relief and long-term assistance to displaced populations.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing assistance to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The government reserved the right to determine eligibility for asylum, based upon its own assessment of the nature of an applicant's claim. According to the government, as of September, 145 recognized refugees resided in the country, and two refugee cases were approved and 11 rejected during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, generally free and fair elections held on the basis of nearly universal suffrage. Active duty members of the armed forces and police may not vote or participate in the political process. Civilian public employees, although eligible to vote, may participate in partisan politics only during the four months immediately preceding a national election.

Elections and Political Participation

In May 2006 independent candidate Alvaro Uribe won a second term as president in elections that were considered generally free and fair, despite a concerted campaign by the FARC and AUC to disrupt or manipulate the outcome. The OAS electoral observation mission stated that the elections took place "in an atmosphere of freedom, transparency, and normalcy."

On October 28, there were local elections for governors, mayors and department and town councils; according to the OAS electoral mission chief, the elections proceeded smoothly. Twenty-five candidates were killed leading up to the elections. The number was significantly lower than in previous years, due in part to improved security conditions.

Political parties could operate without restrictions or outside interference. The Liberal and Conservative parties previously dominated politics. The reelection of President Uribe as an independent in 2006 and the second-place showing of the Polo Democratico presidential candidate, Carlos Gaviria, reflected a widening of the political arena. More than 20 political parties from across the political spectrum were represented in Congress.

New illegal groups, paramilitaries that refused to demobilize, and the FARC threatened and killed government officials (see section 1.g.). According to the National Federation of Councils (FENACON), 16 council members were killed during the year, compared with 23 in 2006. FENACON attributed 50 percent of attacks on council members to the FARC.

Scores of local officials throughout the country resigned because of threats from the FARC. A Ministry of Interior and Justice program provided protection to 330 mayors, one former mayor, and 1,945 council members during the year.

The law requires that women be placed in at least 30 percent of appointed government posts and that the government report to Congress each year the percentage of women in high-level government positions. There were 13 women in the 102-member Senate, including its president, and 17 women in the 166-member House of Representatives. There were five women in the 13-member cabinet and two on the 23-member Supreme Court.

Two indigenous senators and one indigenous member of the House of Representatives occupied seats reserved for indigenous persons. There were no indigenous cabinet members and no indigenous persons on any of the nation's high courts.

There were two Afro-Colombian senators and seven Afro-Colombian members of the House of Representatives, two of whom occupied seats reserved for Afro-Colombians. There was one Afro-Colombian cabinet minister; there were no Afro-Colombians on any high court.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government actively prosecuted cases of governmental corruption; however, officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a problem. Drug-trafficking revenues exacerbated corruption.

In January the Prosecutor General's Office charged two members of the governor's staff in Guajira with defrauding the government of more than \$150,000 (300 million pesos) by illegally adjusting pensions.

The Justice and Peace Law process continued to expose corruption and paramilitary ties within the government and security forces, and President Uribe urged the Supreme Court to punish public officials found guilty. The president continued funding for the Supreme Court's investigative unit, which investigates members of Congress and senior government officials.

Investigations by the Supreme Court and Prosecutor General's Office of links between politicians and paramilitary groups implicated 52 congressmen, 11 governors, and 19 mayors; 18 congressmen, 14 mayors, and two governors were in jail at year's end. On December 19, Erik Morris became the first sitting congressman convicted of paramilitary ties; he was sentenced to six years' imprisonment and fined \$480,000 (960 million pesos).

In January 2006 the Inspector General's Office opened an investigation into Edilberto Castro Rincon, governor of Meta Department, for spending public funds for personal electoral benefit. According to investigators, Rincon signed contracts amounting to 28 percent of the department's budget in less than one month's time leading up to elections. The Inspector General's Office conducted seven different investigations involving Rincon, three of which resulted in charges against him.

In December 2006 an appellate court placed Barranquilla Mayor Guillermo Hoenigsberg under house arrest as part of a criminal proceeding for cost overruns on the renovation of Barranquilla's City Hall. Hoenigsberg remained under investigation for embezzlement and public contract fraud.

In December 2006 the Inspector General's Office charged the mayor of Cali, Apolinar Salcedo, with receiving kickbacks from public contracts and prohibited him from serving in office for 16 years. In May the Inspector General's Office charged Salcedo with corruption but reduced the period of ineligibility to serve in office from 16 to 14 years. Salcedo appealed his case, and a decision was pending at year's end.

By law public officials must file annual financial disclosure forms.

The law provides for public access to government information, and the government generally provided such access in practice. While there are no prohibitive fees to access government information, there were reports that some low-level officials insisted on bribes to expedite access to information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although government officials generally were cooperative and responsive to their views, NGOs claimed that criticism from high-level officials, including President Uribe, put them at risk for retaliation by illegal armed groups. In June the NGO Human Rights First expressed concern that a

prosecutor was investigating charges of slander and libel against Ivan Cepeda, the director of a human rights umbrella organization, for calling for the resignation of a mayor. Cepeda and his family received numerous threats on their lives. Many domestic NGOs also contended that the government arbitrarily arrested and detained human rights activists, particularly in high-conflict areas.

While the Uribe administration maintained an open dialogue with NGOs and met with them several times during the year, NGOs complained that they had difficulty arranging meetings with government officials or receiving prompt replies to their correspondence.

Several thousand human rights and civil society NGOs were registered in the country, although most existed only on paper. Local human rights NGOs had far-reaching influence. By sharing information among themselves and disseminating it to international human rights organizations and the media, they raised the country's human rights profile and contributed to significant levels of international attention.

The government and prominent local human rights groups differed in their evaluations and analyses of the human rights situation, which led to mutual suspicions. The government asserted that some human rights activists engaged in activities that supported terrorism (see section 1.e.). Human rights groups requested the government to remove the offenses of slander and libel from the criminal code and cited the cases of Ivan Cepeda and Principe Gabriel Gonzalez Arango as examples of the government's attempts to harass human rights defenders. The Prosecutor General's Office was appealing an acquittal of Gonzalez Arango, who remained under protection by the government due to paramilitary threats resulting from his trial.

According to the NGO Colombian Commission of Jurists (CCJ), five human rights activists were killed during the year. The CCJ attributed some of the killings to paramilitaries but did not know whether the perpetrators were part of the Justice and Peace process or had refused to demobilize.

Several NGOs reported receiving e-mail threats from newly formed criminal groups. The UNHCHR expressed concern over the threats, the government condemned them, and investigations by the Prosecutor General's Office continued at year's end.

There were several reports of thefts of computers and electronic data from human rights groups. On June 2, the office of the NGO Fellowship of Reconciliation was robbed; three computers containing victims' information were taken, while other valuables, such as a television set, money, and passports, were left untouched. On June 14, the office of the NGO JustaPaz was robbed. Witnesses and local security guards saw two men running from the building carrying a computer; the National Police have an arrest warrant associated with the case. On October 21, unidentified persons broke into the office of Colombia's Evangelical Council and stole three computers; the investigation continued at year's end.

A government program provided protection to more than 537 human rights activists during the year (see section 2.a.). The government has fortified 94 NGO offices since 2000.

The government cooperated with international organizations. The UNHCR, the IOM, the International Labor Organization (ILO), the UNHCHR, and the ICRC had an active presence in the country and carried out their work without government interference.

The government continued to meet with the UNHCHR, local NGOs, and members of the diplomatic corps to discuss steps it has taken to comply with UNHCHR recommendations on improving human rights practices. While acknowledging progress on several recommendations, the UNHCHR and local NGOs reported that the government had not fully implemented most of them by year's end. In September the government extended the UNHCHR's mandate for three years.

The national human rights ombudsman is independent, reports to the inspector general, and has responsibility for ensuring the promotion and exercise of human rights. The government generally cooperated with the ombudsman, whose Bogota office was the headquarters of a national early warning system designed to alert public security forces of impending human rights violations, particularly large-scale massacres. The office was underfunded and understaffed, which limited its ability to monitor human rights violations effectively. Regional human rights ombudsmen were under constant threat from illegal armed groups.

The Presidential Program for Human Rights, which operated under the authority of the vice president, coordinates national human rights policy and actions taken by government entities to promote or protect human rights. It is the government's primary interlocutor with domestic and international NGOs and with foreign governments on human rights issues. The program publishes the *Human Rights Observer* magazine, which provides analyses of major human rights issues and the human rights situation in various regions of the country.

Both the Senate and House of Representatives have human rights committees. The committees serve as forums for discussion of human rights issues but have no authority to draft legislation.

Pursuant to a September 2006 decree implementing the Justice and Peace Law, the Prosecutor General's Office started taking voluntary statements of demobilized paramilitaries, while encouraging victims' participation in the process. The Justice and Peace Law process helped clarify more than 3,000 crimes leading to the exhumation of 1,196 remains in 1,009 mass graves. Testimony from the voluntary confessions also triggered investigations of politicians' ties to paramilitary forces, including two congressmen and one governor.

Although more than 89,000 victims provided information to Justice and Peace prosecutors and investigators, the OAS noted problems in obtaining victims' participation in the process. The OAS reported that victims were misinformed or received little information about the process, that they were highly susceptible to killings, threats, and intimidation, and that government efforts were uncoordinated. The National Commission for Reconciliation and Reparations established offices in the cities of Sincelejo, Barranquilla, Bucaramanga, and Medellin. The centers contained one-stop informational centers for victims and assisted victims with enrollment and receipt of legal and psychological support. The Prosecutor General's Office created a 24-hour telephone hot line to increase access by victims living in remote areas. On September 18, the Ministry of Interior and Justice issued a decree creating an integrated program to protect approximately 70,000 victims who had denounced paramilitary crimes or sought redress under the Justice and Peace Law.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although the law specifically prohibits discrimination based on race, gender, disability, language, or social status, many of these prohibitions were not enforced in practice.

Women

Although prohibited by law, rape, including spousal rape, remained a serious problem. The law provides for sentences ranging from eight to 15 years' imprisonment for violent sexual assault. For acts of spousal sexual violence, the law mandates sentences of six months to two years and denies probation or bail to offenders who disobey restraining orders. The Institute for Legal Medicine and Forensic Science, which reported 14,299 cases of suspected sex crimes, including rape, indicated that many cases went unreported. New illegal group members and guerrillas raped, sexually abused, and sometimes sexually mutilated women and children for fraternizing with the enemy, working as prostitutes, having sexual relations outside of marriage, or violating imposed codes of conduct or restrictions on dress. The ICBF provided psychosocial, medical, and legal support to victims of sexual violence.

Although prohibited by law, domestic violence, including spousal abuse, remained a serious problem. Judicial authorities may remove an abuser from the household and require therapy or re-education. The law provides prison time if the abuser causes grave harm or the abuse is recurrent; however, provisions for fines were not applied. The Institute for Legal Medicine and Forensic Science reported approximately 26,260 cases of domestic violence against women during the first seven months of the year but noted that only a small percentage of cases were brought to its attention. The law stipulates that the government must provide victims of domestic violence with immediate protection from physical or psychological abuse. The ICBF provided safe houses and counseling for victims, but its services were dwarfed by the magnitude of the problem. In addition to fulfilling traditional family counseling functions, ICBF family ombudsmen handled domestic violence cases. The Human Rights Ombudsman's Office conducted regional training workshops to promote the application of domestic violence statutes.

Adult prostitution is legal in designated "tolerance zones," but enforcement of, and restriction to, the zones remained difficult. Prostitution was widespread and exacerbated by poverty and internal displacement. Sex tourism existed to a limited extent, particularly in coastal cities such as Cartagena and Barranquilla, where marriage and dating services were often fronts for sexual tourism. The law prohibits organizing or facilitating sexual tourism and provides penalties of three to eight years' imprisonment. Trafficking in women for sexual exploitation continued to be a problem.

A 2006 law applicable to both the private and public sectors provides measures to discourage and punish harassment at the workplace, such as sexual harassment, verbal abuse or derision, aggression, and discrimination. Nonetheless, sexual harassment remained a pervasive problem.

Although women enjoy the same legal rights as men, discrimination against women persisted. Women faced hiring discrimination, were disproportionately affected by unemployment, and had salaries that generally were incompatible with their education and experience. Female workers in rural areas were affected most by wage discrimination and unemployment.

The president's advisor for equality of women has primary responsibility for combating discrimination against women. The advisor ran a program to help women who were microbusiness entrepreneurs and heads of families to get favorable lines of credit for their companies. During the year the government provided 8,965 microcredit loans to women, in the amount of \$8.35 million (16.7 billion pesos). NGOs such as the Popular Women's Organization in Barrancabermeja, Santander, and the Women's Path to Peace in Medellin, Antioquia, promoted women's involvement and equality, particularly through peace initiatives.

In January 2006 Congress created an Observatory for Gender Affairs to monitor and improve gender equality and enacted a law to combat workplace harassment, including sexual harassment. No information was available on its effectiveness.

In August 2006 the government published its National Plan for the Defense of Woman's Rights, which outlined 116 measures to combat domestic violence, enhance women's rights after the dissolution of a marriage, and protect women in the workplace.

Children

The government generally was committed to children's rights and welfare. The ICBF oversees all government child protection and welfare programs and also funds nongovernmental programs that benefit children.

Public schooling is provided to age 18 and is universal, compulsory, and free to age 15. The National Department of Statistics (DANE) estimated that more than nine million children between ages six and 15 attended school. The government covered most basic costs of primary education. However, families were obliged to pay for books and school supplies, transportation, and additional matriculation fees after age 15; these costs often were prohibitive, particularly for the rural poor. According to the government, 4.75 million children attended public or private schools, while 211 thousand did not, primarily because they worked full or part time.

While the government provided equal medical care to boys and girls, medical facilities were not widely available, especially in rural areas.

Child abuse was a serious problem. The National Institute for Legal Medicine and Forensic Sciences reported approximately 7,028 cases of child abuse during the year. The institute also estimated that approximately 42 percent of the 16,891 reported sex crimes involved sexual abuse of children, most of whom were under age 14.

According to a report by the Inspector General's Office, 3,588 minors were reported as sexual workers, although many other cases went unreported. Children were trafficked for sexual exploitation.

The law prohibits service in the public security forces before age 18, and government practice complied with the law. Guerrillas, however, forcibly recruited and used children as soldiers (see section 1.g.).

A 2002 UNICEF study estimated that 83 percent of child soldiers volunteered to join guerrilla and then AUC paramilitary groups and did so because of limited educational and economic opportunities and a desire for acceptance and camaraderie. Nevertheless, many children found membership in guerrilla and paramilitary organizations difficult, and the Ministry of Defense reported an increase in the number of minors who deserted illegal armed groups. At least 709 children (494 of them former members of the FARC) surrendered to state security forces during the year and were transferred to the ICBF, which operated a reintegration program for former child soldiers.

The UNHCR reported that 74 percent of IDPs were women and children. Displaced children particularly were vulnerable to physical abuse, sexual exploitation, and recruitment by criminals.

Trafficking in Persons

Although the law prohibits trafficking in persons, there were reports that persons were trafficked from, through, and within the country.

The country was a major source for trafficking in persons, primarily for sexual and labor purposes. As of September the IOM's trafficking prevention hot line received 244 calls related to trafficking. The vast majority of trafficking victims were young women, although children and young men were also at risk. Destinations included Venezuela, Ecuador, El Salvador, Aruba, Panama, The Netherlands, Chile, Costa Rica, Curacao, Italy, Jamaica, Mexico, Spain, Japan, Hong Kong, and the United States. Internal trafficking of women and children from rural to urban areas for sexual exploitation and forced labor remained a serious problem. Victims also transited the country from other South American countries on their way to Europe and the United States.

Many traffickers disclosed the sexual nature of the work they offered but concealed information about working conditions, clientele, freedom of movement, and compensation. Others disguised their intent by portraying themselves as modeling agents, offering marriage brokerage services, providing study programs, or operating lottery or bingo scams with free trips as prizes. Recruiters reportedly loitered outside high schools, shopping malls, and parks to lure adolescents into accepting nonexistent jobs abroad. The IOM and domestic NGOs estimated that international organized crime networks were responsible for most transnational trafficking. Domestically, organized crime networks, some related to illegal armed groups, were also responsible for trafficking for sexual exploitation or organized begging, and the armed conflict created situations of vulnerability for a large number of internal trafficking victims.

The law provides for prison sentences of between 13 and 23 years and fines of up to 1,000 times the monthly minimum wage for trafficking offenses. These penalties may be increased by up to one-third if there are aggravating circumstances, such as trafficking of children under the age of 14. Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom also may be brought against traffickers. While limited resources hindered prosecutions, during the year the Prosecutor General's Office handled 208 trafficking investigation cases, 15 of which resulted in indictments. Trials in 44 cases were pending at year's end.

With the support of the IOM, the National Committee against Trafficking (composed of 14 agencies) prepared information campaigns, promoted information exchange among government agencies, and planned the implementation of a database to monitor trafficking cases. The Prosecutor General's Anti-Trafficking Unit, in coordination with the Ministry of Interior and Justice, has the lead on combating trafficking. The government cooperated with foreign counterparts on investigations.

The country's diplomatic missions provided legal and social welfare assistance to victims abroad and worked with the IOM to repatriate victims. The IOM strengthened government institutions involved in antitrafficking efforts and assisted trafficking victims; during the year IOM trained 285 officials on specific trafficking issues and provided awareness-raising training to 30 NGO groups. The IOM also provided victims with job training and employment opportunities, temporary emergency shelter, necessary medical and psychological care, and opportunities for social reintegration. The Hope Foundation, an antitrafficking NGO, provided educational information, social support, and counseling to trafficking victims. The Rebirth Foundation (an antitrafficking NGO) provided housing, psychosocial therapy, medical care, and legal assistance to child victims of sexual exploitation.

The IOM started a campaign to advertise a national hot line to prevent trafficking and report violators. The IOM also continued its antitrafficking public awareness campaign that included placing large posters in airports, bus stations, foreign consulates, and travel agencies and running professionally produced public service announcements on radio and television.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government effectively enforced these prohibitions. No law mandates access to public buildings for persons with disabilities. The law provides persons with physical disabilities access to voting stations. The Presidential Program for Human Rights is responsible for protecting the rights of persons with disabilities.

The Colombian Association for Physical Medicine and Rehabilitation reported that only approximately 15 percent of the disabled population received medical attention adequate to prevent complications arising from disabilities. According to press reports, only 7,000 of Bogota's 100,000 persons with disabilities had access to public education.

National/Racial/Ethnic Minorities

According to the national census, approximately 4.3 million persons, or 11 percent of the population, was of African origin. However, some human rights groups and Afro-Colombian organizations estimated that there were as many as 10 million Afro-Colombians. While Afro-Colombians are entitled to all constitutional rights and protections, they faced significant economic and social discrimination. An estimated 75 percent of Afro-Colombians lived in poverty; their infant mortality rate was five times that of the general population, and the number without any education was 30 percent higher than the national average. Choco, the department with the highest percentage of Afro-Colombian residents, had the lowest per capita level of social investment and ranked last in terms of education, health, and infrastructure. It also continued to experience some of the country's worst political violence, as new illegal groups and FARC and ELN guerrillas struggled for control of the department's drug- and weapons-smuggling corridor (see section 1.g.).

Indigenous People

The constitution and laws give special recognition to the fundamental rights of indigenous people, who comprised approximately 2 percent of the population, and require that the government consult beforehand with indigenous groups regarding governmental actions that could affect them.

By law indigenous groups have perpetual rights to their ancestral lands. Traditional indigenous authorities operated approximately 545 reservations—accounting for 30 percent of the country's territory—as municipal entities, with officials selected according to indigenous traditions. However, many indigenous communities had no legal title to lands they claimed, and illegal armed groups often violently contested indigenous land ownership. The National Agrarian Reform Institute administered a program to buy lands declared to belong to indigenous communities and return those lands to them.

The law provides for special criminal and civil jurisdictions within indigenous territories based on traditional community

laws. Proceedings in these jurisdictions were subject to manipulation and often rendered punishments that were more lenient than those imposed by regular civilian courts. The law permits indigenous communities to educate their children in traditional dialects and in the observance of cultural and religious customs. Indigenous men are not subject to the national military draft.

Indigenous leaders complained about the occasional presence of government security forces on indigenous reservations and asked that the government consult with indigenous authorities prior to taking military action against illegal armed groups and guerrillas operating in or around such areas. The government stated that for security reasons it could not provide advance notice of most military operations and that it consulted with indigenous leaders when possible before accessing land held by the communities. The law permits the presence of government security forces on lands of indigenous communities; however, Ministry of Defense directives instructed security forces to respect the integrity of indigenous communities, particularly during military and police operations.

The Ministry of Interior and Justice, through its Office of Indigenous Affairs, is responsible for protecting the territorial, cultural, and traditional rights of indigenous people. Ministry representatives resided in all regions of the country and worked with other governmental human rights organizations and NGOs to promote indigenous interests and investigate violations of indigenous rights.

Despite special legal protections and government assistance programs, indigenous people continued to suffer discrimination and often lived on the margins of society.

Parties in the internal armed conflict continued to victimize members of indigenous communities. In March UNHCHR reported that ethnic groups, particularly indigenous and Afro-Colombian populations, were increasingly vulnerable as a result of the internal armed conflict. ONIC reported that violence during the year killed 43 indigenous persons and displaced 7,190 others.

The Presidential Program on Human Rights reported a reduction in homicides (28 percent), kidnappings (25 percent), displacement (54 percent), and forced migration of indigenous peoples in the first eight months of the year.

Investigations continued at year's end into allegations that, in February and March 2006, military officials beat Wayuu indigenous community members, Roberto Solano Uriana and Lorenzo Rafael Solano.

In August 2006 hooded gunmen in Ricaurte, Narino, killed five members of the Awa indigenous community, including a former governor of the Chinbuza indigenous reserve. An investigation by the Prosecutor General's Office identified 11 suspects, of whom six were military officers and five were civilians. Authorities detained seven of the suspects and were searching for remaining four.

The UNHCHR continued to criticize threats and violence against indigenous communities, characterized government investigations of human rights violations against indigenous groups as inadequate, and appealed to the government to do more to protect indigenous people.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right to organize unions, and the government generally respected this right in practice. The law does not cover members of the armed forces or police. The number of unions and union members continued to decline. Approximately 742,000 workers (4 percent of the workforce of 18.2 million) were union members. Almost 60 percent of the workforce was employed in the informal sector.

The labor code provides for automatic recognition of unions that obtain 25 signatures from potential members and comply with a registration process. Unions claimed that this process was slow and was used to block union registration, specifically in the cut flower sector. Some union leaders claimed that forming a union was a lengthy, bureaucratic process, and that union organizers were often fired before the union was officially established. On May 24, the MSP issued a resolution reducing from 15 to two days the time period within which it must respond to an application for union registration; in the case of a denial, two months are allowed for amendment of the application. MSP is required to issue a decision within five days of receiving all documents and, if does not, administrative silence is deemed in favor of the application. MSP officials are subject to discipline for failure to comply with the regulations.

Pursuant to a June 2006 tripartite agreement among the government, trade confederations, and business groups, a resident ILO representative arrived in January to establish an ILO office in the country. In October the government transferred \$4.0 million (8.0 billion pesos) to the ILO office to finance special projects included in the tripartite agreement, focusing on employment generation for women, youth, and the displaced, as well as social dialogue on labor issues. In addition the tripartite partners agreed to reconvene the National Settlement Commission for Labor and Salary, which had

been boycotted by labor representatives prior to the May presidential election, and removed the country from discussion in the ILO's Committee for the Application of Standards for the first time in 21 years.

FARC and ELN guerrillas and new illegal groups continued to target labor members for political reasons, but some killings of union members resulted from robberies, domestic disputes, and other nonpolitical motives (see section 1.g.). Violence against union members and antiunion discrimination discouraged some workers from joining unions and engaging in trade union activities. According to the MSP, 26 trade unionists, including unionized teachers, were killed during the year, compared with 60 in 2006. According to the National Labor College (ENS), a labor rights NGO, 39 trade unionists were killed during the year, compared with 72 in 2006. ENS and government figures differed because the ENS counted nonaffiliated advisers to unions, retired and inactive union members, and rural community organization members as trade unionists, which the MSP did not.

Teachers made up the largest percentage of union members who were victims of violence by illegal armed groups. The ENS reported that 24 unionized teachers, four of whom were leaders, were killed during the year, while the MSP registered killings of 18 unionized teachers, three of whom were leaders.

By the end of the year, the government had assigned 13 prosecutors and 78 investigators to a new subunit of the Prosecutor General's Office dedicated to prosecuting cases of violence against trade unionists, which began work in January. In October 2006 the Prosecutor General's Office worked with the three largest unions to identify 187 priority cases of violence against trade unionists. By year's end, 13 of the 187 had been prosecuted, resulting in conviction and imprisonment of 25 perpetrators. The new labor subunit prosecuted 10 of the cases, accounting for 17 of the individuals convicted.

A court convicted former AUC leader Salvatore Mancuso and two other paramilitary members for the 2001 murder of USO President Sarah Marrugo; a special labor judge sentenced Mancuso to 40 years' imprisonment.

Union leaders recognized important advances made by the new labor sub-unit of the Prosecutor General's Office but said more needed to be done to end impunity for perpetrators of violence against workers. According to the Prosecutor General's Office, the motives in most of the cases they prosecuted were not due to the victim's union affiliation. The majority stemmed from personal disputes or common crimes, such as robberies. The courts found that the victim's union affiliation was the primary motive in only 15 percent of their cases.

The government continued its protection program for threatened union members, providing protection measures for more than 1,900 unionists during the year.

While the law prohibits antiunion discrimination, some long-standing ILO criticisms of the labor code remained, including the practice of firing labor union unionists who participated in legal strikes or work stoppages, the prohibition of strikes in a wide range of public services that are not necessarily essential, and the government's power to intervene in disputes through compulsory arbitration to end a strike. The government disputed these ILO criticisms.

b. The Right to Organize and Bargain Collectively

The law provides workers the right to organize and bargain collectively, and the government respected this right in the private sector; however, collective bargaining was not implemented fully in the public sector. Unions claimed that fewer than 150,000 of their members had collective bargaining contracts. High unemployment, a large informal economic sector, traditional antiunion attitudes, and violence against trade union leaders made organizing difficult. Weak union organization limited workers' bargaining power in all sectors.

Collective pacts between individual workers and their employers were not subject to collective bargaining. Collective pacts give employers the right to negotiate accords on pay and labor conditions at any time with groups of workers when no union is present or when a union represents less than one-third of the employees. Labor groups complained that employers used collective pacts, permitted by law, to discourage labor organization. In practice, when a union presented a collective bargaining proposal, employers offered some workers better conditions and pay in exchange for their leaving the union and joining the pact, which undermined organized labor's ability to bargain collectively.

The continued growth and prevalence of workers' cooperatives further diminished collective bargaining. Workers' cooperatives are required to register with the superintendent of economic cooperatives, who estimated the number of such cooperatives at more than 3,000 with more than 400,000 associated workers. Workers' cooperatives were obligated to provide compensation at least equivalent to the minimum wage and the same health and retirement benefits offered by traditional employers.

Most cooperatives engaged in subcontracting, and in some cases, private sector employers forced workers to form cooperatives and were themselves managing the cooperatives' daily operations. The government has the authority to fine labor rights violators but has no recourse to shut down repeat offenders. In practice, nominal fines assessed by the

government did little to dissuade violators. A 2006 government decree prohibits the use of workers' cooperatives as labor subcontractors and raised the maximum fine for illegal cooperatives.

The law provides for the right to strike, and workers exercised this right in practice; however, members of the armed forces, police, and persons performing "essential public services" were not permitted to strike. The government did not declare illegal any of the seven strikes that occurred during the year, although it registered more than 941 work stoppages, only one of which was declared illegal.

Before conducting a strike, public sector unions must follow prescribed legal procedures and give advance notice to their employers and local authorities. The law prohibits the use of strikebreakers. The law prohibiting public employees from striking was often ignored. By law public employees must accept binding arbitration if they cannot reach an agreement.

There are no special laws or exemptions from regular labor laws in export processing zones. Labor law applies in the country's 15 free trade zones where its standards were enforced.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were some reports that such practices occurred (see section 6.d.).

New illegal groups and both FARC and ELN guerrillas practiced forced conscription; forced labor was also involved in prostitution. There were some reports that FARC and ELN guerrillas and new illegal groups used forced labor, including child labor, in areas outside government control (see section 1.g.).

d. Prohibition of Child Labor and Minimum Age for

Employment

While there are laws to protect children from exploitation in the workplace, child labor remained a significant problem, particularly in the informal sector. The ICBF reported that at least 2.5 million children worked, of whom only an estimated 20 percent were working legally. The ICBF's most recent report on the subject (2001) estimated that there were 25,000 child sexual workers.

The minimum age for employment is 15 years. Minors between 15 and 17 years of age must obtain authorization from the local inspection units of the MSP. Such minors may work only six hours per day and 30 hours per week, with no work hours past 6 p.m. Minors between 17 and 18 years of age may only work eight hours per day, 40 hours per week with no work hours past 8 p.m. There is an exception to the minimum age: minors under age 15 may receive authorization from the local inspection unit to engage in remunerated activities in art, culture, recreation, or sport. However, the authorization establishes the maximum number of hours and specific labor conditions. For example, a minor under age 15 may not engage in remunerated activities more than 14 hours per week.

The legal minimum age for work was consistent with completing basic education, but only 38 percent of working children attended school. All child workers are prohibited from working at night or performing work where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. Although children are prohibited from working in a number of specific occupations, including mining and construction, in practice these prohibitions largely were ignored.

Estimates of the number of children who worked in illegal mining operations varied from 10,000 (DANE) to 200,000 (state mining company) According to DANE, children also worked as coca pickers or in other aspects of the illegal drug trade. Children were also recruited as soldiers by FARC and ELN forces and were engaged in illegal labor and fighting by new criminal groups.

Although there were no reports of forced child labor in the formal economy, several thousand children were forced to serve as FARC or ELN guerrilla combatants or members of new illegal groups (see section 1.g.), prostitutes, or coca pickers. The minor's code provides for fines of up to 40 times the minimum monthly wage for violations of child labor laws. A violation deemed to endanger a child's life or threaten moral values may be punished by temporary or permanent closure of the responsible establishment.

The MSP's 276 labor inspectors nationwide were responsible for enforcing child labor laws in the formal sector (which covered approximately 20 percent of the child labor force) through periodic inspections. Resources were inadequate for effective enforcement. With assistance from the ILO, the government worked to improve cooperation among national, regional, and municipal governments through its national plan to eradicate child labor and protect working youth. The ILO's International Program on the Elimination of Child Labor operated a program to prevent children from engaging in commercial sexual exploitation, while World Vision and Partners of the Americas conducted programs to remove children from the worst forms of child labor.

e. Acceptable Conditions of Work

The government establishes a uniform minimum wage every January that serves as a benchmark for wage bargaining. The monthly minimum wage, which is negotiated among representatives of business, organized labor, and the government, was approximately \$205 (433,700 pesos), a 6.3 percent increase from the previous year. If the negotiation process fails to reach agreement, the government can set the minimum wage unilaterally. The national minimum wage did not provide sufficient income to purchase the basic market basket of goods for a family of four. Furthermore, it was difficult to enforce the minimum wage in the informal sector.

The labor code provides for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. The code stipulates that workers are entitled to receive premium compensation for additional hours worked over the regular workweek of 48 hours and for work performed on Sundays. Compulsory overtime is permitted only in exceptional cases where the work is considered essential for the company's functioning.

The law provides comprehensive protection for workers' occupational safety and health, which the MSP enforced through periodic inspections. However, a scarcity of government inspectors, poor public safety awareness, and inadequate attention by unions resulted in a high level of industrial accidents and unhealthy working conditions. Workers in the informal sector sometimes suffered physical or sexual abuse. The law provides workers with the right to remove themselves from a hazardous work situation without jeopardizing continued employment, and the government enforced this right. Nonunion workers, particularly those in the agricultural and in some parts of the flower sector, claimed they often continued working in hazardous conditions because they feared losing their jobs if they criticized abuses. However, the flower growers' association recently implemented voluntary principles on environmental and worker safety and reduced use of pesticides by more than 60 percent.

