

COLOMBIA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Colombia is a constitutional, multi-party republic. On June 15, voters re-elected Juan Manuel Santos president in elections that observers considered free and fair. Authorities generally maintained effective control over security forces.

The most serious human rights problems were impunity, an inefficient judiciary, forced displacement, corruption, and societal discrimination. An inefficient justice system subject to intimidation limited the state's ability to prosecute effectively individuals accused of human rights abuses, including former members of paramilitary groups. The availability of drug-trafficking revenue often exacerbated corruption. Societal discrimination against indigenous persons and Afro-Colombians at times restricted the ability of these groups to exercise their rights.

Other problems included extrajudicial and unlawful killings; slow pace of investigations, trials, and indictments in cases related to extrajudicial killings; insubordinate military collaboration with members of illegal armed groups; forced disappearances; overcrowded and insecure prisons; harassment of human rights groups and activists, including death threats; violence against women and girls; trafficking in persons; and illegal child labor.

The government continued efforts to prosecute and punish perpetrators, including members of the security services, who committed abuses. It increased resources for the Attorney General's Office, prioritized human rights cases, and employed a new contextual analysis strategy to analyze human rights and other cases. Nonetheless, a high rate of impunity persisted.

Illegal armed groups--including the terrorist organizations Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), as well as organized crime groups (some of which contained some former paramilitary members)--committed numerous abuses, including the following: political killings; killings of members of the public security forces and local officials; widespread use of land mines and improvised explosive devices (IEDs); kidnappings and forced disappearances; sexual and gender-based violence; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; widespread recruitment and use of child soldiers; attacks against human rights activists; and killings, harassment, and intimidation of teachers and trade unionists. Illegal

armed groups continued to be responsible for most instances of forced displacement in the country. Some private entities violated labor 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 a very serious problem, and there were several reports that members of the security forces committed extrajudicial killings in connection with the internal armed conflict during the year (see section 1.g.).

Through July the Attorney General's Office registered 32 new cases of alleged aggravated homicides by agents of the state. During the same period, authorities accused 147 members of the security forces and arrested 16 of them for aggravated homicide or homicide of a civilian, most of which occurred prior to 2014.

According to the UN Office of the High Commissioner for Human Rights (OHCHR), there continued to be fewer reports of military officials presenting civilians as killed in combat than in 2008 or 2009, when several hundred of these alleged fatalities were reported. The OHCHR reported it had registered 11 possible cases of "illegal deprivations of the right to life" alleged to have been committed by security force members from January through August, but had not yet reached a conclusion on whether any of those cases met the definition. In several cases military officials stated that they believed an individual was fighting on behalf of the FARC, while community members claimed the victim had not been a combatant.

The investigation continued into allegations that military personnel killed a civilian, Jhon Favver Diaz, in February 2013 in the municipality of Leyva, Narino, and falsely presented him as a FARC guerrilla killed in combat.

On June 5, retired army major Marco Wilson Quijano Marino was apprehended in Cucuta after having escaped and fled from justice. Quijano had been sentenced in 2012 to 53 years in prison for killing a civilian whom he falsely presented as a guerrilla.

Human rights organizations, victims, and government investigators accused some members of government security forces, including enlisted personnel, noncommissioned officers, and officers, of collaborating with or tolerating the activities of organized criminal gangs, which included some former paramilitary

members. Such collaboration, in violation of orders from the president and military high command, may have facilitated unlawful killings or other crimes.

According to the Attorney General's Office, between January 1 and July 8, a total of 41 government employees, including several members of the armed forces, were arrested and charged with having links to illegal armed groups, mainly the group known as "Clan Usuga."

On July 5, the Attorney General's Office arrested Danny Julian Quintana, head of the illegal armed group "Los Rastrojos" in the Atlantic Coast, who was allegedly being protected and hidden by members of the national police. Quintana was charged with homicide, terrorism, conspiracy, and forced displacement.

Investigations of past killings proceeded, albeit slowly. The Attorney General's Office reported that through July, it had obtained 28 new convictions of security force members in cases involving homicide of a "protected person" (i.e., civilian), 19 new convictions in cases involving aggravated homicide committed by security force members, and no new convictions in cases involving "simple homicide" committed by security force members. All of the convictions corresponded to cases opened prior to 2014.

Some high-profile cases against military personnel resulted in convictions or were re-opened in large part due to testimony obtained through the "Justice and Peace" process, whereby former members of illegal armed groups can obtain reduced sentences for testifying fully and truthfully about their activities. The Attorney General's Office investigation into retired army general Mario Montoya Uribe and retired national police general Leonardo Gallego Castrillon for their past alleged support to paramilitary groups and their joint actions in operations such as "Operation Orion," a four-day military offensive against left-wing rebels in the slum areas around Medellin, in which community members alleged there were numerous arbitrary detentions and forced disappearances. Community members also alleged the operation created the conditions for then paramilitary groups to exert control in the area. The tribunal also ordered an investigation into generals Oscar Botero Restrepo, Carlos Alberto Ospina, and Ivan Ramirez, as well as colonels John Jairo Cardona Chaparro and German Morantes Hernandez, for their alleged support of paramilitary groups. Some of these officials were retired at the time the investigation was opened, while others had retired previously later.

In early September local media reported the Attorney General's Office asked its delegates to the Supreme Court of Justice to open an investigation into 11 army

generals whom Colonel Robinson Gonzalez del Rio had allegedly implicated in the “false positives” scandal in which thousands of civilians were allegedly killed and falsely presented as guerrilla combatants in the late 1990s to mid-2000s. Gonzalez del Rio, who was in custody, purportedly provided this information as part of his cooperation in an investigation into his alleged role in those extrajudicial executions. As of September 8, an official investigation had not been launched by the Supreme Court of Justice, which is the only entity authorized to investigate military officers who have the rank of general.

As of October the investigation continued of army Captain Mauricio Zambrano Castro, retired army general Francisco Rene Pedraza, and retired colonel Tony Alberto Vargas Petecua for the 2001 killings of 24 persons, forced disappearance of 10 others, and forced displacement of almost 1,900 persons in an incident known as the El Naya massacre.

Coordination Colombia, Europe, the United States, and other nongovernmental organizations (NGOs) considered organized criminal gangs to be a continuation of former paramilitary groups and in some cases accused elements of the government of collaborating with those groups to commit human rights violations. The government acknowledged that some former paramilitary members were active in organized criminal gangs but noted the gangs lacked the unified command structure and ideological agenda that defined the former United Self-Defense Forces of Colombia (AUC). The NGOs also included killings by these groups in their definition of “unlawful killings” (see section 1.g.).

According to the NGO Landmine Monitor, nongovernmental actors, particularly the FARC and ELN, planted IEDs and land mines (see section 1.g.).

Guerrillas, notably the FARC and ELN, committed unlawful killings. Organized criminal groups (some of which included some former members of paramilitary groups) committed numerous political and unlawful killings, primarily in areas under dispute with guerrillas or without a strong government presence (see section 1.g.).

At year’s end the investigation into the 2012 killing of land restitution leader Manuel Ruiz and his son, Samir, continued under the direction of the Attorney General’s National Directorate for Human Rights and International Humanitarian Law.

b. Disappearance

Forced disappearances, many of them politically motivated, continued to occur. Through September 2013 the National Search Commission had documented more than 85,000 disappearances since the decades-long internal conflict began, including 21,098 that were registered as forced disappearances. Of the 85,000 missing persons, 17,361 were found alive and 3,467 found dead, while the rest remained unaccounted for.

From January 1 through July, the Attorney General's Office obtained four new convictions of members of the security forces for the crime of forced disappearance.

The FARC, ELN, organized criminal gangs, and common criminals continued to kidnap persons, both for ransom and for political reasons (see section 1.g.).

The Unified Action Groups for Personal Liberty--military and police entities formed to combat kidnapping and extortion--and other security force elements freed 65 hostages in the first seven months of the year. The government reported that at least 10 kidnapping victims died in captivity in the first seven months of the year. During that period four kidnapping victims escaped from their captors, seven were released due to pressure from the military, and 73 were released by their captors.

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

Although the law prohibits such practices, there were reports that police, military personnel, and prison guards sometimes mistreated and tortured detainees. Members of the military and police accused of torture generally were tried in civilian rather than military courts. The NGO Center for Research and Education of the Populace (CINEP) reported that through June government security forces were involved in 10 incidents of torture (five by the national police, three by the army, one by the specialized police force known as the Section of Criminal Investigations (SIJIN), and one by security guards in the National Prison Institute (INPEC)).

On June 17, the Superior Judicial Council ordered the Attorney General's Office to prosecute the case of police officers assigned to the Santander departmental police who, in July 2013, allegedly tortured civilians Jose Fernando Ulloa and Manuel Eduardo Ulloa during questioning inside the police station. The case initially had

been assigned to the military and police justice system. The Inspector General's Office reported that a disciplinary investigation into the case was in an initial stage at the end of August.

According to the national police, residents of Buenaventura filed complaints of more than 10 cases of torture and homicide allegedly committed by the police between January and March, against the backdrop of the turf battles in which criminal organizations in the city allegedly tortured and chopped up members of rival groups.

Through July the Attorney General's Office charged 86 members of the security forces (23 police and 63 military members) with torture; most of the cases occurred prior to 2014. The Attorney General's Office reported one conviction of three members of the armed forces and no convictions of members of illegal armed groups in cases of torture through July 31.

CINEP reported criminal bands were responsible for at least four documented cases of torture through June. In six other documented cases, CINEP was not able to identify the party responsible for the abuses.

The Attorney General's Office in Villavicencio continued its investigation into the 2012 torture and killing of peasant leader Victor Manuel Hilarion Palacios, which was allegedly committed by army soldiers. As of August the investigation remained in the preliminary stage. The Inspector General's Office also continued a disciplinary investigation into the matter.

Prison and Detention Center Conditions

With the exception of new facilities, prisons and detention centers were overcrowded, lacked reasonable sanitation, and provided poor health care and nutrition to detainees. Poor training of officials remained a problem throughout the prison system.

Physical Conditions: The municipal, district, and departmental jails nationwide had a designed capacity of 2,961 inmates and as of August 31, a detained population of 2,341 individuals. The national prisons had a designed capacity of 76,553 individuals but were 53 percent over capacity; as of August 31, there were 116,873 prisoners and detainees--108,626 men and 8,247 women. Overcrowding existed in men's as well as women's prisons. During the year the government worked to provide staff gynecologists at women's prisons. As of August 1, there

were gynecologists on the medical staff of women's prisons in Bogota, Ibague, and Jamundi, and inmates at prisons elsewhere in the country were granted access to outside gynecologists who were contracted and brought in as needed. As of August 1, only women's prisons in Bogota, Ibague, and Jamundi had pediatrician staff. Children staying with their parents at detention facilities where pediatricians were not on staff could access outside pediatric health care via authorization and approved transfer to another facility. INPEC operates the national prisons and oversees the jails.

The law prohibits holding pretrial detainees with convicted prisoners, although this sometimes occurred. Authorities did not hold juvenile detainees and prisoners with adults but permitted children younger than three years of age to stay in prisons with their mothers. As of September INPEC registered 95 children living with their incarcerated mothers.

In late August approximately 90 persons who were under temporary detention status at a judicial facility in northwest Bogota were relocated to a public park and handcuffed to fences because the detention facility stated it had no room for additional inmates. The government solved the problem within 48 hours by requesting the judicial authorities transfer these persons to national prisons located in different parts of the country where spaces were available.

The Inspector General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. It reported that through August it conducted four investigations but reached no disciplinary verdicts. According to NGOs who worked with the prison community, there were numerous allegations of sexual violence and physical violence committed by guards and other inmates.

Many prisoners continued to face difficulties receiving adequate medical care. Nutrition and water quality were deficient and contributed to the overall poor health of many inmates. Inmates claimed that water was routinely rationed in many facilities. INPEC's declared state of emergency in the country's prisons due to overcrowding, problems with infrastructure, and poor sanitary conditions that threatened the health of the inmate population continued throughout the year.

INPEC's physical structures were in generally poor repair. The Inspector General's Office noted some facilities had poor ventilation and overtaxed sanitary systems. Prisoners in some high-altitude facilities complained of inadequate blankets and clothing, while prisoners in tropical facilities complained

overcrowding and insufficient ventilation contributed to high temperatures in prison cells. Some prisoners slept without mattresses on floors, while others shared cots in overcrowded cells.

Administration: INPEC used a centrally managed electronic database with regular updates, and each prison also had its own local database. Foreign diplomatic observers, however, found that the information in both systems often was not well coordinated, resulting in delays in locating foreign detainees, especially dual nationals who had Colombian citizenship in addition to foreign citizenship. Authorities regularly used alternative sentencing such as house arrest for nonviolent offenders to alleviate overcrowding.

Authorities permitted prisoners to exercise their religious observances. Some vegetarian and Muslim inmates reported difficulty receiving meals according to their needs. Prisoners had reasonable access to visitors and generally could submit complaints to judicial authorities and request investigations of inhuman conditions. Prisoners also were able to request that third parties from local NGOs or government entities, such as the Ombudsman's Office, represent them in legal matters and aid them in seeking an investigation of prison conditions. Although authorities investigated complaints, including complaints of prison guards soliciting bribes from inmates, some prisoners asserted the investigations were slow and the results not accessible to the public.

Independent Monitoring: The government permitted independent monitoring of prison conditions by local and international human rights groups who generally exercised a high degree of independence. INPEC required a three-day notice before granting consular access. Some NGOs complained that authorities, without adequate explanation, denied them access to visit prisoners.

Improvements: During the year Congress passed law 1709, proposed by the Ministry of Health, which stipulates that health care provided in the nation's prisons and jails have specialized services for all groups of the incarcerated population and include, at a minimum, primary health care for both men and women. The law stipulates that the National Fund for Incarcerated Persons must contract health services for all incarcerated persons.

The government continued a pilot program with local universities and other organizations to provide distance learning programs to inmates. Also, a total of 725 legal students and interns provided legal advice to prisoners through July.

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, there were allegations that authorities detained citizens arbitrarily. CINEP reported 22 cases of such arbitrary detentions in the first half of the year.

On May 7, the Foundation for the Freedom of the Press (FLIP) indicated that during marches and protests to commemorate Labor Day on May 1, members of the Anti-Riot Squad of the national police (ESMAD) arbitrarily detained and mistreated Esteban Vanegas, a cameraman for *El Colombiano*, in Medellin after he filmed police reaction to the protest. Vanegas was released 12 hours later with no charges filed against him. The Inspector General's Office reported a disciplinary investigation was in an initial stage at the end of August.

Role of the Police and Security Apparatus

The Colombian National Police (CNP) is responsible for internal law enforcement and is under the jurisdiction of the Ministry of Defense. The CNP shares law enforcement duties with the Attorney General's Corps of Technical Investigators (CTI). In addition to its responsibility to defend the country against external threats, the army shares 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 remote areas. The government continued to expand education and training of the armed forces in human rights and international humanitarian law.

The Attorney General's Office is the main entity responsible for investigating allegations of human rights abuses by security forces during the year and in previous years. Of these alleged abuses, extrajudicial killings were the highest profile and most controversial. The CTI, which consists of civilian authorities under the Attorney General's Office, typically investigated deaths committed by security forces when there were allegations of foul play. In some cases the first responders were CNP members, who then investigated the death. From January 1 through July, the 30 regional offices and the Human Rights Unit of the Attorney General's Office accused a total of 147 members of the security forces of aggravated homicide or homicide of a protected person. Of these, 140 were members of the armed forces and seven were members of the CNP. Through July the regional offices of the Attorney General's Office reported obtaining

convictions against 47 members of the security forces during the year: 28 for the crime of homicide of a civilian and 19 for the crime of aggravated homicide.

The government made improvements in investigating and trying abuses, but there continued to be claims of impunity for security force members. This was due in some cases to obstruction of justice; a lack of resources for investigations and inadequate protection for witnesses and investigators; delaying tactics by defense attorneys; the judiciary's failure to exert appropriate controls over dockets and case progress; and inadequate coordination among government entities that sometimes allowed statutes of limitations to expire, resulting in a defendant's release from jail before trial.

Although many human rights groups continued to criticize the Attorney General's Office for indicting low-ranking military personnel while allegedly avoiding investigations of higher-ranking commanders, the office continued its investigation into Army Generals Luis Alfonso Zapata Uribe and Hector Jaime Fandino Rincon for their alleged complicity in the 2005 massacre in San Jose de Apartado, but it had not formally pressed charges as of October 9.

On June 10, the criminal division of the Supreme Court of Justice upheld a lower court's 2009 conviction and 37-year sentence of retired army general Jaime Humberto Uscategui Ramirez. The Supreme Court upheld the ruling that Uscategui was the "author by omission" of the aggravated murders, kidnappings, and forced disappearances in Meta department that comprised what became known as the Mapiripan Massacre of 1997. The court upheld previous rulings that Uscategui had deliberately chosen not to act to prevent paramilitary groups from committing the massacre against members of the civilian community.

On May 26, the Attorney General's Office announced that two army colonels, Jose Javier Vivas and Nelson de Jesus Arevalo, were formally charged for their participation in covering up irregularities in the killing of an unarmed civilian teenager, Diego Felipe Becerra, a crime allegedly committed by lower-ranking CNP members. Becerra had been caught spray-painting graffiti on a Bogota wall and was shot in the back. The alleged perpetrators were charged with framing Becerra with robbery and paying false witnesses to say he had a weapon in order to cover up their actions. On August 23, a criminal judge ordered the precautionary imprisonment of the following police personnel: Colonel John Henry Pena Riveros and sergeants Nelson Giovanni, Tovar Pineda, and Fleiber Leandro Zarabanda Payan. They were charged with procedural fraud, due to their participation in the manipulation the crime scene. On August 29, the Inter-

American Commission of Human Rights (IACHR) also agreed to accept the case presented by Becerra's parents for review.

The Inspector General's Office reported that no disciplinary investigation had been launched as of September into the allegations against Vivas and Arevalo. The Military Justice System reported it had initiated an investigation into events surrounding the death of Becerra but as of September had not begun any investigation into alleged criminal activity by Vivas or Arevalo specifically.

Arrest Procedures and Treatment of Detainees

Police apprehended suspects with warrants issued by prosecutors based on probable cause, but 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. CTI members who accompanied military units could issue such warrants. Authorities must bring detained persons before a judge within 36 hours to determine the validity of the detention, bring formal charges within 30 days, and start a trial within 90 days of the initial detention. Bail is generally available except for serious crimes such as murder, rebellion, or narcotics trafficking. Public defenders contracted by the Office of the Ombudsman assisted indigent defendants. Detainees received prompt access to legal counsel and family members as provided for by law. In general authorities respected these rights.

Arbitrary Arrest: While the government characterized detentions as based on compliance with legal requirements, NGOs characterized as "arbitrary detention" arrests allegedly based on tips from informants about persons linked to guerrilla activities, detentions by members of the security forces without a judicial order, detentions based on administrative authority, detentions during military operations or at roadblocks, large-scale detentions, and detentions of persons while they were "exercising their fundamental rights." Prominent human rights NGOs complained that the government arbitrarily detained more than 20 persons, particularly community leaders, labor activists, and human rights defenders. CINEP reported security forces arbitrarily detained 22 persons through June.

Pretrial Detention: The Superior Judicial Council reported the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. Implementation of the oral accusatory system, enacted throughout the criminal justice system in 2008, significantly lessened the delays and eliminated the lack of transparency that encumbered the previous system.

Nevertheless, a large backlog of cases from the previous system remained. The failure of many local military commanders and jail supervisors to keep mandatory detention records or follow notification procedures made accounting for all detainees difficult. As of August 31, 35 percent of detainees in prisons and jails were in pretrial detention. No information was available on the average length of time detainees spent in pretrial detention. In some cases detainees were released without a trial because they had already served more than one-third of the maximum sentence that corresponded to their charges.

Civil society groups complained that authorities subjected some community leaders to extended pretrial detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence. Much of the judicial system was overburdened and inefficient, and subornation and intimidation of judges, prosecutors, and witnesses hindered judicial independence. Although the Attorney General's Office had a witness protection program for criminal cases, those who did not enter the program remained vulnerable to intimidation, and many refused to testify.

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 excludes civilians from military jurisdiction, and civilian courts must try retired military and police personnel, but military courts are responsible for service-related acts committed prior to their retirement.

In October 2013 the Constitutional Court overturned a constitutional amendment related to the jurisdiction of cases in military and civilian courts enacted in late 2012, citing the violation of a procedural rule as the cause for disapproving the constitutional amendment. Implementing legislation, a second key military justice reform measure, was passed in June 2013 to carry out some elements of the annulled constitutional amendment, but it was overturned by the Constitutional Court in June 2014 with the explanation that it could not stand if the constitutional amendment to which it was linked had been overturned. As of September a third military justice reform bill known as an "ordinary law" was pending in congress.

According to the Supreme Judicial Council, through July authorities assigned 111 homicide cases to the civilian justice system, in a total of 128 cases reviewed for jurisdiction. During the same period, they assigned nine cases to the military

justice system and abstained from ruling on the proper jurisdiction in eight cases, for which the magistrates determined that they either did not have enough information to rule, or a conflict of interest with the case prevented them from ruling. In the event of abstention, cases remained in their original jurisdiction. Many additional cases were voluntarily transferred as part of a coordination effort in which officials from the military justice system and the Attorney General's Office met regularly to resolve jurisdiction issues without resorting to a lengthy, higher-level review by the Superior Judicial Council.

The military penal code denies commanders the power to impose military justice discipline on, and extends legal protection to, service members who refuse to obey orders to commit human rights abuses. The army also has discretionary authority to dismiss personnel implicated in human rights abuses.

The Attorney General's Office is responsible for investigations and prosecutions of criminal offenses. Its Human Rights Directorate, which includes 13 satellite offices, specializes in investigating human rights crimes, and its 115 specialized prosecutors were handling 6,185 active cases as of July 31.

The Inspector General's Office 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 Attorney General Office's Human Rights Unit for additional criminal proceedings. Critics claimed the unit had been considerably less active than in previous years in pursuing disciplinary processes against members of the armed forces and police for human rights offenses. As of September 1, the Inspector General's Office had opened two disciplinary processes against members of the armed forces and police for human rights offenses, compared with 256 such investigations opened during the same period in 2013.

Trial Procedures

Under the accusatorial criminal procedure code implemented in 2008, the prosecutor presents an accusation and evidence before an impartial judge at an oral, public trial. The defendant is presumed innocent until proven guilty beyond a reasonable doubt and has the right to confront the evidence against him at trial, present his own evidence, and communicate with an attorney of choice (or have one provided at public expense). Defendants have adequate time and facilities to prepare their defense. No juries are involved. Crimes committed before 2008 are processed under the prior written inquisitorial system in which the prosecutor is an

investigating magistrate who investigates, determines evidence, and makes a finding of guilt or innocence. The trial consists of the presentation of evidence and finding of guilt or innocence to a judge for ratification or rejection.

In the military justice system, military judges preside over courts-martial without juries. Counsel may represent the accused and call witnesses, but most 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. The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Political Prisoners and Detainees

The government declared that it did not hold political prisoners. Some members of human rights advocacy groups were held on charges of conspiracy, rebellion, or terrorism, which the groups described as harassment tactics by the government against human rights advocates. According to INPEC there were 257 detainees in prisons, jails, or under house arrest who had been accused or convicted of rebellion or aiding and abetting the insurgency. The government provided the International Committee of the Red Cross (ICRC) regular access to these prisoners.

Civil Judicial Procedures and Remedies

Citizens may sue a state agent or entity in the Administrative Court of Litigation for damages resulting from a human rights violation. Although critics complained of delays in the process, the court generally was considered impartial and effective. Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the IACHR, which in turn may submit the case to the Inter-American Court on Human Rights. The court can order civil remedies, including fair compensation to the individual injured.

Property Restitution

The Victims' and Land Restitution Law (Victims' Law) continued to provide a legal basis for assistance and reparations to persons, including victims of the state,

but the government admitted that the pace of restitution was slow. The Administrative Department for Social Prosperity (DPS) handles issues related to victims, poverty, consolidation, historical memory, and protection of children and adolescents. The Victims' Unit of the DPS has the governmental lead on attention to victims. As of September 1, a total of 6,864,934 victims have been registered with the Victims' Unit. Of these, 5,897,435 were victims of displacement. The Restitution Unit, a semiautonomous entity in the Ministry of Agriculture, is responsible for returning land to displaced victims of conflict. As of July the government had received more than 66,000 restitution claims, of which 3,600 were pending a restitution ruling and 1,430 had received restitution, covering 75,300 acres of land.

Through July more than 66,000 victims had come forward to reclaim land. More than 57,391 claims fell within the government's target areas for restitution and had gone into active review. The Ministry of Foreign Affairs reported that as of August 15, courts had handed down 675 decisions corresponding to 1,434 cases. The Inspector General's Office intervened to support land claimants in seven cases from January through August.

As of July the Land Restitution Unit had received seven requests for collective restitution of ethnic territories, covering 4,794 families and 425,000 acres of land. For individual restitution claims, of the 66,000 cases received, 1,214 belonged to individuals self-identified as Afro-Colombian, 805 for individuals identified as indigenous, and 393 self-identified as belonging to "other" ethnic groups.

For many small landowners, formal land titling remained a daunting process. Without full and documented legal title, farmers are more vulnerable to displacement. Government agencies and human rights groups estimated that illegal groups, including guerrillas, seized between 2.7 and 9.9 million acres of land from small landowners during the decades-long conflict. Former paramilitary groups and the FARC stole nearly 80 percent of the land, only a small fraction of which the government reclaimed after the demobilization of the AUC in 2006.

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

The law prohibits such actions, but there were allegations that the government failed to respect these prohibitions. Government authorities generally need a judicial order to intercept mail, e-mail, or monitor telephone conversations, including in prisons. Government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial

authorization, although evidence obtained in such a manner could not be used in court.

Through July the Attorney General's Office initiated three criminal investigations of state agents for illegal monitoring activities (two members of the national police and one member of the armed forces). In addition, through August the Inspector General's Office had initiated two disciplinary investigations of public servants accused of illegal monitoring.

On February 4, the Attorney General's Office issued a warrant to search an undercover office of the Army Intelligence Unit, known by its code name "Andromeda." *Semana* magazine later alleged that the Army Intelligence Unit was using the Andromeda office illegally to wiretap personal telephones of peace negotiators belonging to both the government and FARC negotiating teams. Following these revelations the Ministry of Defense suspended General Mauricio Zuniga, director of Army Intelligence, and General Jorge Zuluaga, director of Technical Intelligence for the army. As of October 8, neither Zuniga nor Zuluaga had been arrested or formally charged.

On May 7, the Attorney General's Office searched the office of another Army Intelligence Unit undercover office. During the search operation, Andres Fernando Sepulveda, dubbed "the hacker" by local media, was arrested for allegedly participating in the illegal wiretapping of communications of peace negotiating teams and government officials, including President Santos. On August 12, David Parra Amin, a police sergeant assigned to the SIJIN in Bogota, was arrested after a video was released in which he was seen allegedly exchanging intelligence information with Sepulveda. Parra Amin, who was accused of being the liaison between the hacker and the Bogota Metropolitan Police, reported that he planned to cooperate with the criminal investigation and provide information about the others who were involved in the operation. Parra Amin claimed he had received several death threats since agreeing to cooperate with the investigation.

On August 20, the Attorney General's Office ordered Kurman Hernan Rivera, Mauricio Solano Bautista, Carlos Arturo Rojas, and Marco Arias Rojas, all of whom were colonels working in the Army Intelligence Unit, to attend judicial hearings regarding their alleged participation in the illegal wiretapping operations. During the August 25 hearing, Colonel Rivera, who was alleged to be the coordinator of the Andromeda operation, declined to testify and remained silent throughout the proceedings. On September 1, the Attorney General's Office created a special group to continue the investigation into this case, assigning five

prosecutors, five assistant prosecutors, and 30 judicial police investigators. The Inspector General's Office also launched a disciplinary investigation into the case, which was in an initial stage at the end of August.

A CTI investigation continued into allegations that the dismantled Administrative Department of Security (DAS) had engaged in illegal surveillance of high-court magistrates, journalists, human rights organizations and activists, opposition leaders, and the vice presidency.

The investigation of former DAS director Jorge Aurelio Noguera Cotes for conspiracy, abuse of power, illicit violation of communications, and illicit use of equipment for his participation in the DAS illegal surveillance case continued as of October. Noguera was already serving a prison sentence of 25 years for his former links with paramilitary groups.

The Supreme Court of Justice trial of Maria del Pilar Hurtado, former DAS director (2007-08), and Bernardo Moreno, private secretary to former president Uribe, for their involvement in the DAS illegal surveillance case continued as of October.

NGOs continued to accuse domestic intelligence or security entities of spying on lawyers and human rights defenders, threatening them, and breaking into their homes or offices to steal information. For example, on February 21, unknown persons broke into the offices of the human rights NGO Corporacion Sembrar, where they took computers and documents related to human rights abuses and extrajudicial executions allegedly committed by military units. The stolen computers also contained information related to meetings with the government and documents related to the security situation of civil society organizations in Bolivar department.

The government continued to use voluntary civilian informants to identify terrorists, report terrorist activities, and gather information on criminal gangs. Some national and international human rights groups criticized this practice as subject to abuse and a threat to privacy and other civil liberties. The government maintained that the practice was in accordance with the "principle of solidarity" outlined in the constitution and that the Comptroller General's Office strictly regulated the payment to such informants.

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

The country's decades-long internal armed conflict involving government forces and two terrorist guerrilla groups (FARC and ELN) continued. Multiple abuses occurred in the context of the conflict and narcotics trafficking. The government continued formal peace negotiations with the FARC throughout the year, and in June it announced plans to open formal peace negotiations with the ELN.

Guerrilla group members continued to demobilize on an individual basis. As of the end of August, according to the Ministry of Defense, 868 members of guerrilla groups had demobilized (762 from the FARC, 105 from the ELN, and one from other dissident groups). The Organization of American States (OAS) verified all stages of demobilization and reintegration into society of former combatants from the guerrilla and former paramilitary groups.

Through June the Human Rights Directorate of the Ministry of Defense, in conjunction with the ICRC, conducted six human rights training sessions for 932 ministry personnel. During the same period, the Ministry of Defense trained 32 military justice and civilian personnel through its Defense Institute of International Legal Studies. In addition the Ministry of Defense reported that it reached a total of more than 250,000 employees through additional training related to human rights.

The government's Legal Framework for Peace serves as a framework for transitional justice should peace talks succeed. The framework allows the judiciary to prioritize cases involving those most responsible for genocide, crimes against humanity, and war crimes committed in a systematic manner and to provide suspended sentences or alternative sentences in exchange for demobilizing, acknowledging responsibility, clarifying the truth about crimes committed, providing reparations to victims, and releasing hostages and child soldiers. It also allows for waiving criminal prosecutions for all other cases and permits former combatants not convicted of crimes against humanity to serve as elected officials.

Critics of the legislation argued that the provisions for reduced or suspended sentences and stipulations that only those most responsible for the worst crimes must be prosecuted, as well as focusing only on war crimes committed in a systematic manner, would amount to permitting impunity for many who should otherwise be investigated, tried, and punished in accordance with the country's international obligations. At the Constitutional Court's July 2013 hearing, Human Rights Watch argued the legislation is at odds with victims' rights and that this reform would violate international obligations. In response President Santos

asserted at the hearing that the law closes windows for impunity and upholds the rights of victims of conflict. Santos stated the Legal Framework for Peace was a realistic, transparent, and holistic transitional justice strategy in that it would be impossible to investigate and criminally prosecute all crimes committed during the past 50 years.

In August 2013 the Constitutional Court conditionally upheld the Legal Framework for Peace. The court expressed, through two special communiques, the view that such a transitional justice strategy was a legitimate mechanism for achieving peace and that it was in accordance with the constitution. The court clarified, however, that authorities would need to implement the framework in compliance with the country's international obligations. The court also included parameters for interpretation and development of future implementing legislation, including that those deemed "most responsible" could not have their sentences suspended completely.

Implementation of the 2005 Justice and Peace Law (JPL) continued. The Justice and Peace Unit in the Attorney General's Office is responsible for the required investigation and prosecution of demobilized persons, and an interagency commission on justice and peace coordinates its implementation. Participants in the justice and peace process could receive reduced sentences if they complied with the terms of the JPL. Testimony from voluntary confessions also triggered investigations of politicians, military members, major agricultural producers, and government officials' past ties to paramilitary forces. Some of the investigations resulted in prosecutions and convictions.

As of October 1, a total of 4,995 former paramilitary and guerrilla defendants (postulados) had participated in confession hearings (versiones libres). During these sessions the postulados confessed to 39,546 crimes, and information was obtained that resulted in the exhumation of 5,616 victims. As of October 1, a total of 978 postulados had been initially charged, and 15 of these had been formally charged in presentations before the courts by the Attorney General's Office's Justice and Peace Unit. Through September, 232 defendants reached their eight-year maximum incarceration dates under the agreed arrangement and five were released to be reintegrated into society. Defendants who do not fully comply by confessing crimes, turning over illegally acquired assets, and ceasing their criminal activity are moved for expulsion from the JPL process by the Attorney General's Justice and Peace Unit.

Application of the JPL continued to face many challenges. Thousands of former paramilitary members remained in legal limbo due to resource and capacity constraints at the Attorney General's Office. There was also little land or money confiscated from former paramilitary leaders.

On July 29, the Attorney General's Office charged 14 persons with aggravated conspiracy for their alleged past links to the Elmer Cardenas Block of the now disbanded AUC. Among those charged were city council members, former mayors, former employees of mayoral offices, notary employees, and businesspersons. A delegate prosecutor to the Supreme Court also brought charges against two military generals. In addition to the criminal investigations, the Inspector General's Office also opened disciplinary investigations through its regional offices in Cordoba, Antioquia, Choco, and Apartado. All disciplinary investigations were in initial stages at the end of June.

The creation of a truth-seeking mechanism in Law 1424 of 2010 (the Legal Status for Ex-Combatants Law) requires demobilized paramilitary fighters who did not commit crimes against humanity to provide testimony on the actions and structures of illegal armed groups to the Center for Historical Memory as a requirement to being granted legal status and suspended sentences for lesser crimes. Moreover, the Victims' Law provides for the establishment and institutionalization of formal archives, a Center for Historical Memory for collecting oral testimony and material documentation concerning violations of international human rights norms and law, and directing construction of the National Museum of Memory in consultation with victims. The Center for Historical Memory documented the killing of at least 220,000 citizens in the context of the armed conflict from 1958 to 2012.

Civil society groups also accused all sides of the armed conflict of having engaged in activities that targeted noncombatant civilians, including women and children.

Killings: Security forces were implicated in alleged unlawful killings. CINEP reported there were nine such killings during the first six months of the year (CINEP attributed four to the army, four to the CNP, and one to INPEC employees).

A criminal investigation continued into the 2013 alleged extrajudicial executions by military personnel of peasants Gumerindo Guerrero Preciado and John Freddy Garcia Bastidas. The Inspector General's Office had not opened any disciplinary investigation in this case as of September.

According to the human rights advocacy NGO Minga, the legal cases involving three victims associated with the 2008 Soacha extrajudicial killings scandal were still in the initial investigation stage at the Attorney General's Office as of September. The case of one more victim was in an evidence hearing, and the case of one additional victim was in a final allegation hearing. From January to September, there were no convictions reached.

Guerrilla groups were also responsible for unlawful killings of government security forces and civilians. For example, on July 30, in Miranda, Cauca, as a result of a FARC IED attack on military units, a neighboring house exploded, killing a two-year-old girl and wounding her four-year-old brother and parents.

In many areas of the country, FARC and ELN worked together to attack government forces or demobilized paramilitary members; in other areas they fought each other. Various courts convicted members of the FARC secretariat in absentia on charges that included aggravated homicide.

The FARC killed persons it suspected of collaborating with government authorities or rival drug-trafficking groups. For example, on March 15, in the rural area of Tumaco, Narino, police officers Major German Olinto Mendez Pabon and Edilmer Munoz Ortiz were kidnapped by rebels belonging to the Daniel Aldana group of the FARC's 29th Front, while the police officers were allegedly unarmed and doing community service in plain clothes. Three days later the dead bodies of both were found with evident signs of torture.

Abductions: According to the NGO Fundacion Pais Libre, between January 1 and June 30, a total of 135 persons were kidnapped, 61 percent of which for extortion. Pais Libre also reported that authorities rescued 57 kidnapping victims, 58 were released by captors, 10 were presumed to remain in captivity, one was released due to pressure by authorities, three were able to escape, and six died in captivity. FARC and ELN guerrillas continued to take hostages for ransom and for political reasons. The FARC also held prominent citizens and security force members to use as pawns in prisoner exchanges. The government reported that guerrillas kidnapped 36 persons (19 by the FARC and 17 by the ELN) from January 1 to July 31.

The FARC and ELN released some kidnapping victims. For example, in March in Meta department, on the road between Vista Hermosa and San Juan de Arama, five petroleum company employees kidnapped by the FARC's 27th front were released due to pressure by the army and air force. The ICRC reported that in some

exceptional cases, it had requested and been granted access to persons in the hands of nonstate armed actors, but from January through August, it had not participated in the release of any such persons.

Several victims' groups continued to demand that the FARC reveal the whereabouts of hundreds of police officials, soldiers, and civilians considered missing. The Ministry of Defense reported that through July, it had registered 25 civilians, no members of the armed forces, and one member of the police who were presumed to be in FARC captivity.

Courts convicted some FARC members of kidnappings. Through July the Attorney General's Office reported one conviction during the year for kidnappings committed by the FARC. In January, FARC leaders, including Timoleon Jimenez and Ivan Marquez, were sentenced in absentia by a criminal judge in Valledupar to 38 years in prison for the 2001 kidnapping and killing of Maria Consuelo Araujo, former minister of culture. Since Marquez was a member of the FARC's peace negotiating team in Havana, arrest warrants against him were suspended.

Physical Abuse, Punishment, and Torture: The Presidential Program of Comprehensive Action against Antipersonnel Mines declared that IEDs, deployed primarily by the FARC and ELN, caused 27 deaths and 161 injuries from January through the end of August, including at least 30 children or adolescents.

Several human rights NGOs stated that the FARC charged civilian families for the replacement cost of the land mines and IEDs when innocent family members accidentally set them off. The International Campaign to Ban Land Mines declared that the FARC continued to be the largest individual user of land mines and IEDs and that the ELN also continued to use land mines and IEDs. Government humanitarian demining brigades cleared more than 456,982 acres and destroyed 48 land mines, IEDs, and unexploded munitions between January 1 and July 31.

The government continued to employ one civilian organization to engage in demining activities, the Halo Trust. From January through July, the Halo Trust cleared more than 16,812 acres and destroyed 28 land mines, IEDs, and unexploded munitions. One other civilian organization completed the accreditation process during the year, while two other civilian organizations were preparing their applications for accreditation.

There were numerous reports that FARC and ELN guerrillas mistreated civilians and prisoners, including injured and sick persons.

International organizations reported that systemic sexual violence against women and girls by some armed actors persisted (see section 6, Women). Human rights NGOs Sisma Mujer, Amnesty International, and others reported that sexual violence remained one of the main tools used by armed actors to instill fear and force displacement. The standing orders of the FARC, which had large numbers of female combatants, prohibited pregnancies among its troops, and there were numerous credible reports of compulsory abortions. The government continued to employ an interagency investigative unit in Bogota, the Elite Sexual Assault Investigative Unit (GEDES), which was dedicated to the investigation of sexual assault cases (see section 6, Women).

Child Soldiers: The recruitment and use of children by illegal armed groups was widespread. The FARC and ELN routinely engaged in forced recruitment of persons under 18 years of age, with the Colombian Family Welfare Institute (ICBF) estimating that the average age of recruitment was 12 years.

The ICBF stated that it was impossible to know how many children were serving as soldiers for the FARC but reported that more than 5,564 children had demobilized from illegal armed groups between 1999 and June 2014. Of the children who had demobilized by June, 24.6 percent were of indigenous descent and 15.4 percent were Afro-Colombian. The FARC and other illegal armed groups reportedly used children to fight, recruit other children to act as spies, gather intelligence, serve as sex slaves, and provide logistical support.

The ICBF continued its educational outreach program that included a component on prevention of forced recruitment by illegal armed groups. The program, with a budget of more than 65 billion pesos (COP) (\$28.9 million), maintained teen and preteen clubs and other avenues for educational outreach in 32 departments and 811 municipalities.

During the year the Interagency Committee for the Prevention of the Recruitment and Use of Children by Illegal Armed Groups implemented 47 programs and projects aimed at preventing recruitment, use, and sexual violence of children. The committee supported 213 cases in the Attorney General's Office and constructed a communication strategy with a focus on the integral rights of children and guidelines for the prevention of sexual violence. The committee also formed immediate action teams in 186 municipalities across 22 departments.

The use of child soldiers by armed groups was prohibited by law.

International organizations continued to identify recruitment of indigenous youth by illegal armed groups as a serious concern. The FARC continued to issue warnings to indigenous communities outlining a policy to conduct child recruitment and warning recipients not to challenge it.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Other Conflict-related Abuses: Guerrilla groups and organized criminal groups prevented or limited the delivery of food and medicines to towns and regions in contested drug-trafficking corridors, straining local economies and increasing forced displacement.

Guerrillas routinely used civilians to shield combatant forces and forcibly displaced peasants to clear key drug and weapons transit routes in strategic zones. Guerrillas also imposed de facto blockades of communities in regions where they had significant influence. For example, international organizations reported many incidents in which illegal armed groups forcibly recruited indigenous persons or forced them to collaborate, restricted their freedom of movement, and blockaded their communities. During the year the UN Permanent Forum on Indigenous Issues received reports of rape, forced recruitment, use of minors as informants, and other abuses in the context of conflict.

Organized criminal gangs, and FARC and ELN guerrillas forcibly entered private homes, monitored private communications, and engaged in forced displacement and conscription. Organized criminal groups also continued to displace civilians residing along key drug and weapon transit corridors (see section 2.d.).

There were reports that the FARC, ELN, and other armed actors engaged in the extraction of and cross-border trade in conflict minerals, which contributed to abuses by providing funding for weapons and by prompting rebels to forcibly displace residents in order to clear mining areas.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights. Violence and harassment, as well as the criminalization of libel, inhibited freedom of the press, and the government frequently influenced the press, in part through its large advertising budgets. The independent media were active and expressed a wide variety of views without restriction.

Violence and Harassment: According to FLIP, through August 20, there were 98 incidents of violence and harassment against journalists, although FLIP noted many incidents might have gone unreported in the most dangerous areas. FLIP reported 37 threats, some of them aimed at more than one journalist at the same time. FLIP also reported six journalists were detained, 30 were physically attacked, and 45 were victims of harassment or intimidation due to their reporting.

The Human Rights Unit of the Attorney General's Office was investigating 36 active cases of crimes against journalists and as of July 31 had obtained 14 convictions of 40 persons for such crimes.

According to FLIP, during the first eight months of the year, two journalists were killed, (one in Buenaventura in February and another in Taraza, Antioquia, in August), but the organization noted it had not been able to determine whether the killings were related to the journalists' work.

On February 19, in Buenaventura, Valle del Cauca, two unknown men shot and killed Yonni Caicedo, a television cameraman working with the stations TV Noticias and Mas Noticias. Caicedo had allegedly been threatened several times before his death.

Investigations continued into alleged 2013 killing of lawyer and radio host Edison Alberto Molina. FLIP asserted that Molina was killed because of his investigative reporting on corruption cases involving the local mayor's office.

Investigations also continued into the 2013 attack on Ricardo Calderon, a prominent journalist and chief investigator at *Semana* magazine, the country's leading weekly news publication. As of July 31, the case remained in a preliminary stage.

As of September FLIP reported that authorities brought three persons to trial in prominent cases related to violence against journalists, including the case in which Hugo Daney Ortiz Garcia and Jorge Armando Rubiano Jimenez, both former

employees of the defunct intelligence agency DAS, were accused of threatening and harassing journalist Claudia Julieta Duque.

The Ministry of Interior allotted 2.5 percent of its annual budget (approximately COP 7.5 billion or \$3.3 million) to the protection of threatened journalists. Through July at least 20 journalists were added to the protection program.

Censorship or Content Restrictions: While the government did not censor journalists, according to FLIP many journalists avoided discussing or pursuing certain matters due to fear of being sued under libel laws or of being attacked. In the case of journalist Luis Agustin Gonzalez, who published an article against former Cundinamarca governor Leonor Serrano de Camargo, the charge of libel resulted in his imprisonment before the ruling was overturned by the Constitutional Court. FLIP added that although nonstate violence was the main reason for self-censorship, a high degree of impunity for those who committed aggressions against journalists was also a factor.

Libel Laws/National Security: Laws against slander or libel are included in the criminal code. There is no specific legislation for slander against public officials. The government did not use prosecution under these laws to prevent the media from criticizing government policies or public officials. Political candidates, businesspersons, and others, however, sued journalists for expressing their opinions, alleging defamation or libel. FLIP noted that while there were two new cases during the year of journalists being imprisoned for slander or libel, as of August 12 cases of journalists being sued for slander or libel remained pending.

Nongovernmental Impact: Members of illegal armed groups sought to inhibit freedom of expression by intimidating, threatening, kidnapping, and killing journalists. National and international NGOs reported that local media representatives regularly practiced self-censorship because of threats of violence from these groups.

The trials of alleged former members of paramilitary groups--Jesus Emiro Pereira (alias Huevoepisca), and Alejandro Cardenas (alias JJ)--who were charged with the 2000 aggravated kidnapping, torture, and rape of journalist Jineth Bedoya continued at year's end, as did the case against another of the men she accused, Mario Jaime Mejia. Bedoya requested in 2012 that her case be transferred to the attorney general's special unit for crimes against personal freedom for prioritized processing, but the government did not provide information about whether this had occurred by year's end. Bedoya's case also continued in the IACHR.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The International Telecommunication Union indicated 49 percent of the population accessed the internet in 2012.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. There was evidence, however, that guerrillas maintained a presence on many university campuses to generate political support for their respective causes and undermine support for their enemies through both violent and nonviolent means. In May the FARC marked its 50th anniversary and reportedly staged demonstrations at several public universities, including the National University in Bogota, the University of Narino, and Atlantico University, leaving pro-FARC leaflets and other propaganda and painting pro-FARC graffiti messages on university buildings. During one such protest, three students at Atlantico University in Barranquilla died while they were allegedly handling small explosives used in the protests.

Organized criminal gangs and FARC and ELN guerrillas killed, threatened, and displaced educators and their families for political and financial reasons, often because teachers represented the only government presence in the remote areas where the killings occurred.

According to the Colombian Federation of Educators, six educators were killed through August. Threats and harassment caused many educators and students to adopt lower profiles and avoid discussing controversial topics.

On August 18, Carmelo Gutierrez, a teacher at the Francisco de Paula Santander School in Galapa, Atlantico, was killed in his house. Gutierrez was shot three times by an alleged contract killer. Neighbors said that before his death he had been working to organize a neighborhood watch committee and to dissuade young persons from getting involved in illegal drugs.

The Attorney General's Office's investigations continued into the 2013 killing of Manuel Ruiz Tovar, a teacher in Las Victorias Rural Educational Center located in the area of El Cedro, in Nechi, Antioquia.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, and the government generally respected these rights. Freedom of association was limited by threats and acts of violence committed by illegal armed groups against NGOs, indigenous groups, and labor unions (see section 1.g.). There were reports that riot police used excessive force to break up demonstrations.

According to a citizen editorial posted on the online news portal *Las 2 Orillas*, in August in Turbo, Antioquia, during a strike by plantain and banana workers, one protester was killed and two others wounded when a local police officer who was supporting the actions of riot police allegedly opened fire as the victims departed the protest. No information was available regarding the status of investigations into the incident.

The Attorney General's Office investigations continued into the 2013 death of Juan Camilo Acosta, a 19-year-old student who was allegedly shot by ESMAD members with a tear gas rifle.

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. While the government generally respected these rights, there were exceptions. Military operations and armed conflict in certain rural areas restricted freedom of movement.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: There were no government restrictions of movement within the country. Organized criminal gangs and FARC and ELN guerrillas continued to establish illegal checkpoints on rural roads. According to Pais Libre, from January through June 30, there were 62 illegal checkpoints recorded. The checkpoints particularly affected the departments of Cauca, Norte de Santander, Arauca, Antioquia, Narino, and Putumayo. International organizations also reported that illegal armed groups confined rural communities through roadblocks, curfews, car bombs at egress routes, and IEDs in areas where narcotics cultivation and trafficking persisted. According to the UN Office for the Coordination of Humanitarian Affairs' (OCHA) monitoring in the nine departments where it had a presence, between January and August, nearly 333,000 persons faced mobility restrictions that limited their access to essential goods and services due to armed incidents, protests, and geographical factors. OCHA also reported that from January to September, armed clashes, weapons contamination (land mines and other explosive remnants of armed conflict), and roadblocks caused by protests and conflict made it difficult for national and international humanitarian actors and the government to deliver humanitarian assistance to an estimated 28,800 persons in need.

Exile: The law prohibits forced exile, and the government did not employ it. Many persons went into self-imposed exile because of threats from organized criminal gangs and FARC and ELN guerrillas.

Internally Displaced Persons (IDPs)

The armed conflict, especially in remote areas, was the major cause of internal displacement. The government, international organizations, and civil society identified various factors driving displacement, including threats and physical, psychological, and sexual violence by illegal armed groups against civilian populations, particularly women and girls; competition and armed confrontation between and within illegal armed groups for resources and territorial control; confrontations between security forces, guerrillas, and organized criminal gangs; and forced recruitment of children or threats of forced recruitment. Some NGOs asserted that counternarcotics efforts, illegal mining, and large-scale commercial ventures in rural areas also contributed to displacement.

The government's budget for implementation of the 2011 Victims and Land Restitution Law was COP 54.9 trillion (\$24.4 billion) over 10 years. As of September 1, the Victims' Unit, a government entity responsible for assisting and providing reparations under the Victims' Law, listed 5,897,435 IDPs in the Single Victims Registry. Of those, 41,093 were due to displacements that occurred during the year. Victims' Unit statistics showed that new displacements occurred primarily in areas where narcotics cultivation and trafficking persisted, especially where guerrilla groups and organized criminal gangs were present.

As of September 1, the government had registered an accumulated total of 5,897,435 persons displaced since 1985 (including those displaced in years before the registration system was established). A 2008 court order requires the government to include displacements from all previous years in the national registry. The government's national registry included registered IDPs whose applications for recognition had been accepted under defined criteria.

The Victims' Unit maintained the Single Victims Registry as mandated by the Victims' Law. Despite improvements in the government registration system, IDPs experienced delays in receiving responses to their displacement claims as a result of a large backlog of claims built up during several months. International organizations and NGOs remained concerned about the slow and insufficient institutional response to displacement. Government policy provides for an appeals process in the case of refusals.

The FARC, ELN, and organized criminal gangs continued to use force, intimidation, and disinformation to discourage IDPs from registering with the government. Guerrilla agents sometimes forced local leaders and community members to demonstrate against government efforts to eradicate illicit crops and sometimes forced communities to displace as a form of coerced protest against eradication. International organizations and civil society expressed concern over urban displacement caused by violence stemming from territorial disputes between criminal gangs, some of which had links to larger criminal and narcotics trafficking groups.

The Victims' Unit cited threats, recruitment by illegal armed groups, homicides, and physical and sexual violence as the primary causes of intra-urban displacement.

Through September 1, the government registered 134,645 IDPs (including those displaced from years prior to 2014) who identified themselves as indigenous and 625,849 who identified themselves as Afro-Colombian. Indigenous persons constituted 5 percent and Afro-Colombians 33 percent of new IDPs registered by the government. The ICRC and the UNHCR reported that in some departments displacement disproportionately affected indigenous and Afro-Colombian groups.

The National Indigenous Organization of Colombia estimated the number of displaced indigenous persons to be much higher than indicated by government reports, since many indigenous persons did not have adequate access to registration locations due to geographic remoteness, language barriers, or unfamiliarity with the national registration system.

The local NGO Association of Internally Displaced Afro-Colombians (AFRODES) stated that threats and violence against Afro-Colombian leaders and communities continued to cause high levels of forced displacement, especially in the Pacific Coast region. AFRODES and other local NGOs repeatedly expressed concern that large-scale economic projects, such as agriculture and mining, contributed to displacement in their communities.

The government, international humanitarian assistance organizations, and civil society groups observed that internal displacement and refugee flows continued. The NGO Consultancy for Human Rights and Displacement (CODHES) reported 15,210 persons displaced in mass displacement events (displacement of 50 or more persons) through June and indicated that the departments with the highest numbers of IDPs from mass displacements in the year were Choco (9,010), Cauca (1,926), Narino (1,623), Valle del Cauca (1,284), and Norte de Santander (748). CODHES also reported that, through June, one land-rights claimant and two employees of the land restitution unit were killed, three land rights leaders were threatened, and one member of a land rights accompaniment organization was threatened.

In April a land restitution leader in the Uraba region, Jesus Adan Quinto, who had received death threats and was a beneficiary of security measures provided by the National Protection Unit, was killed near his house when he was walking towards a neighborhood store without the security of his bodyguards, who were engaged elsewhere when he decided to venture out of his house alone.

The regional Office of the Attorney General in Tumaco continued the investigation into the 2012 killing of Miller Angulo, an Afro-Colombian activist who was a leader of AFRODES and of a community land-claim process, in Tumaco, Narino.

More than 50 government agencies are responsible for assisting to registered IDPs under the Victims' Law. During the year the Victims' Unit budgeted approximately COP 345 billion (\$153 million) for direct IDP assistance.

International organizations and NGOs maintained that the quality of programs providing emergency assistance, housing, and income generation needed strengthening. Emergency response capacity at the local level was weak, and IDPs continued to experience prolonged periods of vulnerability while waiting for assistance.

A specialized unit of the Attorney General's Office, established through an agreement with the government's former social agency, Accion Social (which was replaced by the DPS), the Attorney General's Office, and the CNP investigated and prosecuted cases of forced displacement and disappearances.

Several international organizations, international NGOs, and domestic nonprofit groups, including the International Organization for Migration, World Food Program, ICRC, and Colombian Red Cross, coordinated with the government to provide emergency relief and long-term assistance to displaced populations.

The Victims' Unit and other government agencies improved their response to mass displacement events throughout the year and were assisted by international organizations such as the ICRC. International organizations and civil society reported that a continuing lack of local capacity to accept registrations in high-displacement areas often delayed by several weeks or months assistance to persons displaced individually or in smaller groups. Humanitarian organizations attributed the delays to a variety of factors, including the lack of personnel, funding, declaration forms, and training. Intense fighting and insecurity in conflict zones, including areas in the departments of Antioquia, Cauca, Choco, and Narino, sometimes delayed national and international aid organizations from reaching newly displaced populations.

Despite several government initiatives to enhance IDP access to services and awareness of their rights, in many parts of the country, municipalities did not have the resources or capacity to respond to new displacement and provide humanitarian assistance to IDPs. Many IDPs continued to live in poverty in unhygienic conditions and with limited access to health care, education, and employment.

Displaced persons also sought protection across international borders due to the internal armed conflict. The UNHCR stated in its 2013 *Global Trends* report that Colombia was the country of origin for 397,300 refugees and persons in a refugee-like situation, the majority in Ecuador, Venezuela, Costa Rica, and Panama. The UNHCR also reported that an estimated 1,000 Colombians crossed into Ecuador every month. The governments of Colombia and Ecuador continued to meet throughout the year regarding the situation of Colombian refugees in Ecuador, and the Colombian government offered a program to assist Colombian refugees in Ecuador who returned to Colombia.

Protection of Refugees

Access to Asylum: Domestic law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to the government, it approved 52 of the 641 applications for refugee status received since 2009. Between January and August, the government received 319 new applications for refugee status, of which it approved one and rejected 277; the others were pending. The government also reported a continuing rise in the smuggling of migrants from outside the region en route to the United States and Canada. According to local media, most of the undocumented migrants were Cubans, followed by Asians, and most entered through Ecuador, Venezuela, and Brazil. While the government generally provided access to the asylum process for such persons who requested international protection, many abandoned their applications and continued on the migration route. The constitution provides that every foreigner legally living in the country, including those with refugee status, should have many of the same civil rights as Colombian citizens, including access to education, health services, justice, and the right to earn wages. Through October no reports of discrimination against refugees' civil rights had been received. Some international organizations asserted that during the year the government routinely denied protection to Cubans and Venezuelans seeking refugee or asylum status.

In September the government deported two Venezuelan activists, Lorent Gomez Saleh and Gabriel Valles, back to Venezuela under a statute that allows for the deportation of individuals who have violated the terms of their visas or who pose a threat to national security. Neither individual sought asylum in Colombia, and government officials stated they explained procedure to the two on a timely basis.

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

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on nearly universal suffrage. Active-duty members of the armed forces and police may neither vote nor participate in the political process. Civilian public employees are eligible to vote, although they may participate in partisan politics only during the four months immediately preceding a national election.

Elections and Political Participation

Recent Elections: During the year the government held congressional and presidential elections. Juan Manuel Santos won a second four-year term as president in elections that the OAS electoral observation mission considered generally free and fair. The OAS mission noted the elections involved the lowest levels of violence in 38 years. The Electoral Observation Mission (MOE), an independent election monitoring NGO, reported that through June no political candidates were killed, two were attacked, one was kidnapped, and six were threatened, for a total of nine incidents of “political violence.”

According to the NGO New Rainbow Foundation, electoral fraud remained a serious concern. The NGO reported that parties paid voters to register and vote in municipalities in which they were not resident. The foundation claimed six parties’ rosters for House of Representatives elections and eight parties’ rosters for Senate elections included candidates with financial ties to illegal groups. The MOE estimated the areas with the highest proportion of irregular voters were the departments of Cordoba, Sucre, Bolivar, Atlantico, Meta, Casanare, Choco, and Valle del Cauca. The government continued the use of a new finance tool to ensure transparency of campaign funds, disqualified candidates with pending criminal investigations, and canceled the national identification cards of voters who could not demonstrate residence or employment in the municipality where they were registered to vote.

Two former New Rainbow Foundation employees, Ariel Avila and Leon Valencia, as well as journalist Gonzalo Guillen and activist Claudia Lopez (now a senator), who coauthored the NGO’s report on political party corruption and alleged ties to illegal armed groups, continued to receive death threats. Investigations continued into former La Guajira governor Francisco Gomez for his alleged involvement in the death threats, for links to former paramilitary groups, and for involvement in various killings.

The Attorney General's Office continued to investigate the 2011 killing of Eladio Yascual Imbaquin, the MOE regional coordinator in Putumayo.

Political Parties and Political Participation: Organized criminal gangs and the FARC threatened and killed government officials (see section 1.g.). According to the National Federation of Municipal Councils, four municipal council members were killed through August 9.

Some local officials resigned because of threats from the FARC. Through July the National Protection Unit (NPU), under the Ministry of Interior, had provided protection to 279 mayors, seven governors, and 4,504 other persons, including members of departmental assemblies, council members, judges, municipal human rights officers known as "personeros," and other officials related to national human rights policies. A 2012 decree stipulates that the CNP's protection program and the NPU assume shared responsibility for protecting municipal and district mayors.

Participation of Women and Minorities: The law requires that women fill at least 30 percent of appointed government positions, that candidate lists consist of at least 30 percent women, and that the government report to congress each year the percentage of women in high-level government positions. There were 23 women elected to the 102-member Senate and 33 women elected to the 166-member House of Representatives. There were five women in the 16-member cabinet and five on the 23-member Supreme Court of Justice.

Two indigenous senators and one indigenous member of the House of Representatives occupied seats reserved for indigenous persons. There were no indigenous persons in the cabinet or on any of the high courts. An August reform of the internal structure of the Administrative Department of the Presidency eliminated the Presidential Program for Indigenous Affairs.

There were nine self-identified Afro-Colombian members of the House of Representatives. There were an additional two seats reserved for representatives of Afro-Colombian communities that, as of October 8, were being contested. Although there were no seats reserved for Afro-Colombians in the Senate, there were two Afro-Colombian senators. There were no Afro-Colombian cabinet ministers, but one Afro-Colombian woman continued in her post as the high presidential advisor for women's equality. An August reform of the internal structure of the Administrative Department of the Presidency eliminated the Presidential Program for Afro-Colombian Affairs.

During the March 9 legislative elections, two persons who were allegedly not of Afro-Colombian descent, Maria del Socorro Bustamante and Moises Orozco Vicuna, were elected to the two seats in the House of Representatives reserved for representatives of Afro-Colombian communities. Their candidacy had been endorsed by a small Afro-Colombian organization, but not the major ones. Members of the Afro-Colombian community, the Inspector General's Office, and other government and nongovernmental institutions brought a lawsuit to challenge the election of these representatives, but the Superior Judicial Council ruled their election legitimate because there was no requirement that the representatives must be of Afro-Colombian descent themselves to represent Afro-Colombian interests. As of October 8, the seats remained unfilled as further legal challenges were pending.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively, although officials sometimes engaged in corrupt practices without punishment. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem. Drug-trafficking revenues exacerbated corruption.

Corruption: In February, *Semana* magazine released information regarding a corruption scandal that allegedly involved several members of the military, including generals, colonels, and lieutenant colonels. The article cited hours of audio recording that allegedly implicated the officials in contracting irregularities and "kickbacks" of up to 50 percent on government contracts, including to officials who were already under investigation for involvement in extrajudicial execution cases. In addition to the criminal investigation launched by the Accusations Commission of the Congress, with participation by delegate prosecutors, the Inspector General's Office reported launching a disciplinary investigation that was in an initial stage at the end of August.

The investigation continued into the March 2013 killing of Stalin Ortiz, a city council member in Buenaventura, possibly because of his efforts to uncover corruption at the Luis Ablanque de la Plata Hospital and affiliated health-care network, including improper hiring of the mayor's brothers and alleged money laundering by criminal organizations to move drugs and weapons.

As of October Samuel Moreno Rojas, a former mayor of Bogota charged in 2011 with failing to fulfill his public duty and contracting irregularities, remained in detention as his trial continued.

A special investigative unit of the Supreme Court of Justice, which examined members of congress and senior government officials, reported that from January through September 18, it had won five convictions against former senators and former members of congress and opened new investigations involving six former senators and former members of congress. As of September 18, the unit had opened no new investigations involving former or current governors, but it obtained the conviction of one former governor for a case opened in a prior year. The Attorney General's Office investigated inspectors, comptrollers, and other high officials accused of corruption and other wrongdoing.

The primary government body to design and enforce policies against corruption is the Presidential Program for Modernization, Efficiency, Transparency, and Combating Corruption, led by the anticorruption czar. The primary government institution that investigates and prosecutes corruption is the Attorney General's Office, but congress plays an investigative role in cases where high-level government officials are involved.

The Ministry of Defense continued the "Line of Honor" campaign launched in 2012 to encourage the reporting of corruption by members of the security forces and the civilian workforce. The government also continued its Presidential Program for Modernization, Efficiency, Transparency, and Combating Corruption.

Financial Disclosure: By law public officials must file annual financial disclosure forms with the tax authority. The information is not made public. The law states that persons who intend to hold public office or work as contractors for the state for more than three months shall submit a statement of assets and income, as well as information on their private economic activity. Public officials must submit an annual update of this information before the last day of February, but they are not required to file periodically when changes occur in their holdings during the year or when they enter or leave office. The law does not address assets and income of spouses and dependent children. The Administrative Department of Public Service is in charge of preparing the required forms, and the human resources chief in each entity is responsible for verifying the information submitted. Congress maintained a website on which members could voluntarily post their financial information.

Public Access to Information: The law provides for public access to government information, and the government generally provided this access. 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. The law outlines procedures for accessing information and identifies a narrow list of exceptions, including cases related to national security, international affairs, criminal proceedings, and the privacy of public officials and private individuals. The law requires public entities to provide information proactively and in a reasonably short timeframe, and it allows them to use diverse communication strategies and channels. The law includes sanctions for noncompliance and appeal mechanisms for disclosure denials. The Public Ministry, made up of the Inspector General's Office, the Human Rights Ombudsman's Office, and municipal offices for the defense of human rights (personarias), is in charge of ensuring effective compliance with this law.

Section 5. 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 the government and local human rights groups often differed in their evaluations and analyses of the human rights situation, government officials often were cooperative and willing to listen to groups' concerns.

NGOs reported receiving criticism from high-level officials, including members of previous administrations, suggesting that some NGOs were linked to guerrilla groups. While some NGOs were credibly reported to be linked to such groups, imprecise or generalized statements put other NGOs at risk of retaliation by organized criminal gangs. While most NGOs noted a more positive, conciliatory tone from the government in the past four years, some also stated that, as in previous years, the government arbitrarily arrested and detained some human rights activists, particularly in high-conflict areas. NGOs claimed the Attorney General's Office pursued numerous unfounded judicial cases against legitimate human rights defenders with the purpose of discrediting their work. The government charged that some human rights activists engaged in activities that supported terrorism.

President Santos, former vice president Garzon, and other senior government officials continued to make public statements in support of human rights defenders. As of July the NPU's COP 313 billion (\$139 million) protection program had

provided protection to a total of 7,527 individuals. Among the NPU's protected persons were 622 human rights activists.

According to the NGO Somos Defensores (We Are Defenders), 30 human rights activists were killed and 105 threatened during the first half of the year. Somos Defensores reported that the departments most affected by the attacks were Antioquia, Santander, Bogota, Cauca, Valle del Cauca, and Choco. CODHES reported that threats and attacks against female leaders of the IDP population and activists seeking land restitution continued to rise during the year.

Several NGOs reported receiving threats in the form of e-mails, mail, telephone calls, false obituaries, and objects related to death, such as coffins and funeral bouquets. According to the OHCHR, reports of threats continued to increase. The government condemned the threats and called on the Attorney General's Office to investigate them, although some activists claimed the government did not take the threats seriously.

Government Human Rights Bodies: The ombudsman is independent, submits an annual report to the House of Representatives, and has responsibility for providing for the promotion and exercise of human rights. According to human rights groups, the Ombudsman's Office was underfunded, which limited its ability to monitor violations effectively. Members of the ombudsman's regional offices reported threats from illegal armed groups through pamphlets, e-mails, and violent actions.

The National System for Human Rights and International Humanitarian Law, which is coordinated by a commission of 11 senior government officials and led by the vice president, designs, implements, and evaluates the government's human rights and international humanitarian law policies. The Office of the Presidential Advisor for Human Rights, which was moved in an August restructuring of the presidency from being directly under the vice president to being under a new minister counselor for postconflict, citizen security, and human rights coordinates national human rights policy and actions taken by government entities to promote or protect human rights. The program publishes regional, national, and thematic reports on human rights topics. The program continued to host public forums with civil society groups, local and national government groups, and the international community. The program continued to advocate for implementation of the public policy recommendations from 32 regional forums conducted in 2012 and 2013.

Both the Senate and House of Representatives had human rights committees, which served solely as forums for discussion of human rights problems.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The 2011 antidiscrimination law specifically prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, but many of these prohibitions were not universally enforced.

Women

Rape and Domestic Violence: Although prohibited by law, rape, including spousal rape, remained a serious problem. The law provides for sentences ranging from eight to 30 years' imprisonment for violent sexual assault. For acts of spousal sexual violence, the law mandates prison sentences of six months to two years and denies probation or bail to offenders who disobey restraining orders. There was no comprehensive or consolidated database on the incidence of sexual violence, but NGO groups claimed that rape continued to be underreported.

The Attorney General's Office indicated that many cases went unreported. Members of illegal groups, former paramilitary members, and guerrillas also continued to rape and sexually abuse women and children.

Prosecution rates for rape were historically low. Women's groups such as Sisma Mujer assessed the extent of rape and domestic violence to be widespread and the law enforcement response to be generally ineffective. The government continued to employ GEDES in Bogota, which is dedicated to the investigation of sexual assault cases. The GEDES investigative model uses a multi-disciplinary task force approach that includes prosecutors, investigators, and forensic specialists from the CNP and the Attorney General's Office, all working together under a common investigative and prosecution model. GEDES reported that between January and July 31, there were 274 new convictions obtained in sexual assault cases and 95 additional active cases being prepared for trial. In addition, through August the Inspector General's Office reported two open disciplinary investigations into members of the security forces for sex crimes, one of which began during the year.

The law allows authorities to prosecute domestic violence offenders when the victim does not testify if there is another witness. Judicial authorities may remove an abuser from a household and require the abuser to undergo therapy. The law

provides for both fines and prison time if an abuser causes grave harm or the abuse is recurrent, but authorities reportedly did not impose fines.

Another law augments both jail time and fines if the crime causes “transitory or permanent physical disfigurement,” such as the increasingly common acid attacks, in which an attacker throws acid onto the victim’s face. For example in March in Bogota, Natalia Ponce de Leon was victim of an acid attack that caused serious burns to her face and her body. The Attorney General’s Office brought charges against the alleged attacker, Jhonattan Vega.

The law requires the government to provide victims of domestic violence immediate protection from further physical or psychological abuse. The ICBF provided safe houses and counseling for some women and children who were victims of domestic violence, but its services could not meet total demand. In addition to fulfilling traditional family counseling functions, ICBF family ombudsmen handled domestic violence cases.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but isolated incidents were reported in some indigenous communities (see section 6, Children).

Sexual Harassment: The law provides measures to deter and punish harassment in the workplace, such as sexual harassment, verbal abuse or derision, aggression, and discrimination. Nonetheless, NGOs reported that sexual harassment remained a pervasive and underreported problem. No information was available as to whether the government implemented the law effectively. During the year the government created an undercover unit to combat sexual harassment on the bus system in Bogota.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children; the information and means to do so; and the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. The UN Population Fund reported the maternal mortality ratio to be 83 per 100,000 births. At a July event on antidiscrimination hosted by the United Nations and the National University of Colombia, representatives of the National Ombudsman stated that limits on emergency contraception were a problem.

In March the Constitutional Court validated the practice of surgical sterilization of minors with intellectual and psychosocial disabilities (see section 6, Persons with Disabilities).

Investigations continued into the 2013 gender-based violence complaint of 60 women in Santa Marta. Ten of the women reported being victims of forced sterilization by armed criminal bands that operated in the area.

Illegal armed groups continued to force women to have abortions. Female combatants who demobilized from the FARC reported that women in the FARC were repeatedly forced to have abortions, with most experiencing between one and seven abortions.

Discrimination: Although women enjoy the same legal rights as men, serious discrimination against women persisted (see section 7.d.).

The Office of the Advisor for the Equality of Women has primary responsibility for combating discrimination against women, but advocacy groups reported that the office remained seriously underfunded. The government continued its national public policy for gender equity. Through an August restructuring of offices in the presidency, the Office of the Advisor for the Equality of Women was moved from being directly under the vice president to under the Legal Department in the Director of the Administrative Department of the Presidency. The policy includes directives for incorporating women in the construction of a peace agreement (which was accomplished during the year); affording women access to economic autonomy, decision-making positions, health and reproductive rights, and a life free of violence; and incorporating a gender focus into education. On March 10, in commemoration of the International Women's Day, the government presented its Inter-Institutional Strategy for Combating Impunity and Providing Holistic Assistance to Victims of Gender-Based Violence and Sexual Violence in the Armed Conflict. Through August the strategy had been adopted in Barrancabermeja (Santander), Mocoa (Putumayo), and Cucuta (Norte de Santander).

The Ministry of Defense continued implementing its protocol for managing cases of sexual violence and harassment involving members of the military. The Attorney General's Office reported that through July it had seven active investigations in cases of alleged sexual violence by members of the security forces.

Children

Birth Registration: Citizenship is derived by birth within the country's territory. Most births were registered immediately following birth. If a birth is not registered within one month, parents can be fined and denied public services.

Child Abuse: Child abuse was a serious problem. The ICBF reported 4,525 cases of child abuse through August. The ICBF reported 4,304 cases of sexual abuse against children during the same period. The Attorney General's Office reported that 3.7 percent of the investigations it opened during the year for sex crimes involved sexual abuse of children, most of whom were under the age of 14 (the minimum age of consent).

Early and Forced Marriage: Marriage is legal at age 18. Boys over 14 and girls over 12 may marry with the consent of their parents. According to a 2012 UN Children's Fund report, 23 percent of women ages 20-24 were married or in a civil union before age 18.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but several indigenous groups reportedly practiced FGM/C. No accurate statistics existed regarding the practice, which generally includes types I and IV, according to the World Health Organization's classification system. Government efforts to prevent FGM/C included achieving in 2011 a continuing commitment from the sizable Embera-Chami indigenous group to renounce the practice. The tribe's commitment continued, but in July Risaralda department officials reported a new case to the Child Welfare Institute. The victim was an eight-day-old indigenous female infant from the Embera tribe who was taken to a public hospital with burns on her genitals. In response the departmental ombudsman for Risaralda called upon municipal mayors in the department where indigenous communities are present, as well as the Colombian Institute of Family Welfare, ICBF, Regional Indigenous Council of Risaralda, and Ministry of Health, emphasizing the necessity to completely eradicate the practice and adding that the Embera tribe involved in this incident had committed discontinuing the practice.

The UN Population Fund continued supporting a consulting project on FGM/C with indigenous peoples. The project's goal was to eradicate harmful practices to the life and health of indigenous girls and women nationwide, with an emphasis on the departments of Risaralda and Choco. Also during the year, the government encouraged dialogue with representatives of indigenous communities, including in Valle de Cauca, to persuade them to abandon the practice of FGM/C.

Sexual Exploitation of Children: Sexual exploitation of children remained a problem. The law defines demand for the sexual exploitation of a minor as “directly or through a third party, requesting or demanding performance of carnal or sexual acts with a person under 18 years of age, through payment or promise of payment in cash, kind, or compensation of any nature.” Sexual exploitation of a minor or facilitating the sexual exploitation of a minor carries a penalty of 14 to 25 years in prison, with aggravated penalties for perpetrators who are family members of the victim and for cases of sexual tourism, forced marriage, or sexual exploitation by illegal armed groups. The law prohibits pornography using children under age 18 and stipulates a penalty of 10 to 20 years in prison and a fine. The minimum age for consensual sex is 14. The penalty for sexual activity with a child under 14 ranges from two to 10 years in prison.

The government did not report how many individuals were convicted under these statutes during the year. Through July 31, the ICBF assisted 4,165 children victimized by sexual violence, including sexual exploitation, with psychosocial, medical, and legal support. The law authorizes the government to confiscate profits from hotels and other establishments where minors are sexually exploited.

Under the leadership of the Ministry of Commerce, Industry, and Tourism and the Ministry of Labor, the ICBF and the CNP continued to execute a national strategy for the prevention of sexual exploitation of children and adolescents in the context of travel and tourism. The awareness campaign supported workshops and forums. The ICBF, in partnership with civil society organizations, also continued an internet hotline to combat child commercial sexual exploitation and pornography. Through August the NGO Fundacion Renacer, along with local authorities, had certified 142 hotels and other tourism establishments nationwide that committed to combating sexual exploitation of children and adolescents. Fundacion Renacer and local authorities had also trained a total of 6,376 hotel and private company employees on methods for combating sexual exploitation of children through in-person and virtual trainings. The hotels were located mainly in the larger Bogota and Cartagena metropolitan areas and in the coffee-producing region, which is another major tourist destination.

Child Soldiers: Guerrillas continued the practice of forcibly recruiting and using children as soldiers, including indigenous children (see section 1.g.). According to the United Nations, illegal armed groups killed or threatened children with death on suspicion of being informants for the military. The Attorney General’s Office prioritized key cases to be processed under the Peace and Justice Law. Cases in

which former paramilitaries were accused of recruiting child soldiers were included in the prioritized cases.

Displaced Children: CODHES estimated that between 54 and 56 percent of persons registered as displaced since 1985 were minors at the time they were displaced (see also section 2.d., IDPs).

International Child Abduction: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/english/legal/compliance.html as well as country-specific information at <http://travel.state.gov/content/childabduction/english/country/colombia.html>.

Anti-Semitism

The Jewish community had an estimated 5,000 members. According to the NGO Confederation of Jewish Communities in Colombia, there was an increase in anti-Semitic comments posted on social media sites following the escalation of the Israeli-Palestinian conflict in the summer. The confederation also noted a case in which a fellow passenger verbally attacked a Jewish passenger and intentionally knocked off his yarmulke during a domestic airlines flight.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to public buildings, air travel and other transportation, access to health care, or the provision of other state services. Somos Defensores and other NGOs claimed these laws were seldom enforced. There is no law mandating access to information and telecommunications for persons with disabilities. The Office of the Presidential Advisor for Human Rights under the Minister Counselor for Post-Conflict, Public Security, and Human Rights, along with the Human Rights Directorate at the Ministry of Interior, is responsible for protecting the rights of persons with disabilities.

The constitution establishes education as a fundamental right. Although children with disabilities attended school at all levels, advocates noted the vast majority of teachers and schools were neither trained nor equipped to educate children with disabilities successfully. Advocacy groups also stated children with disabilities entered the education system later and dropped out at higher rates than children without disabilities. Advocates also noted that children with disabilities were more vulnerable to sexual and other forms of abuse and that citizens with disabilities were hampered in their ability to vote and participate in civic affairs due to lack of adequate transportation or adequate access to voting facilities in numerous locations throughout the country. Persons with disabilities were unemployed at a much higher rate than the general population (see section 7.d.).

On March 11, the Constitutional Court issued a decision upholding the legality of forced surgical sterilization of children with cognitive and psychosocial disabilities in certain cases. The court's decision stated, "In cases in which it has been proven that it is impossible for the child to develop the necessary understanding to decide about sterilization in the future, the parents or legal guardian may request authorization from a judge to utilize surgical contraception...A person who does not have the capacity to understand what sterilization consists of or what its consequences are would have difficulty understanding the responsibilities of parenthood and the implications of procreating." The ruling went on to state, "The decision to submit to surgical contraception assures a more dignified life condition for those who cannot make decisions related to the exercise of their reproductive rights and could be in risk of forced pregnancies that would violate their personal dignity."

In 2013 the State Council ordered all public offices to make facilities accessible to persons with disabilities and asked public officials to include requirements for accessibility when granting licenses for construction and occupancy. The State Council also asked every municipality to enforce rules that would make all public offices accessible to persons with disabilities "in a short amount of time." No information was available on how many public offices and facilities had complied with the order and undertaken accessibility reconstruction projects during the year. No information was available on fines or other penalties assessed against public offices that had not complied with the order.

Statutory Law 1618 passed in 2013 established a deadline of February 27, 2015, for public offices to comply with new accessibility requirements. The law stipulates that the National Council on Disability would be charged with monitoring compliance with the law.

During the year the municipal government of Bogota issued Decree 324, which adopts measures to guarantee effective access for persons with disabilities to the integrated public transportation system in the capital city.

National/Racial/Ethnic Minorities

According to the 2005 national census, approximately 4.5 million persons, or 10 percent of the country's population, described themselves of African descent. A 2011 UN report estimated Afro-Colombians made up 15 to 20 percent of the population, while human rights groups and Afro-Colombian organizations estimated the proportion to be 20 to 25 percent.

Afro-Colombians are entitled to all constitutional rights and protections, but they faced significant economic and social discrimination. According to a 2012 UN report, 32.7 percent of the country's population lived below the poverty line, but in Choco, the department with the highest percentage of Afro-Colombian residents, 71 percent of residents lived below the poverty line, 41 percent in extreme poverty. Choco continued to experience the lowest per capita level of social investment and ranked last in terms of infrastructure, education, and health. Maternal mortality in Choco was four times higher than the national average. Choco also continued to experience some of the country's worst political violence, as organized criminal gangs and FARC and ELN guerrillas struggled for control of the department's drug- and weapons-smuggling corridor (see section 1.g.). The UN report further explained that in Narino, another department with a high percentage of Afro-Colombians, the illiteracy rate was six times higher than the national average.

In 2010 the government approved a policy to promote equal opportunity for black, Afro-Colombian, Palenquera, and Raizal populations. (Palenquera populations along some parts of the Caribbean coast, Raizal populations in the San Andres archipelago, and blacks and Afro-Colombians are Colombians of African descent who self-identify slightly differently based on their unique linguistic and cultural heritages.) The government's Observatory against Racism and Discrimination continued to monitor the use of specialized approaches in public policies for ethnic minorities, conduct studies on racism and discrimination, and make recommendations to other public entities regarding the promotion of equal opportunities. The Ministry of Interior continued to provide technical advice and funding for productive and self-sustaining projects presented by Afro-Colombian communities. The government also continued a working committee on Afro-

descendant issues with other members of the Andean Community of Nations and maintained a binational ethnic affairs committee with Ecuador.

A 2011 antidiscrimination law imposes a penalty of one to three years in prison or a fine of approximately COP 5.3 million to eight million (\$2,350 to \$3,550). It also adds a chapter on discrimination to the penal code that includes not only racism but discrimination based on ethnic origin, religion, nationality, political ideology, sex, and sexual orientation.

In July an Afro-Colombian CNP patrolman, Jonatan Martinez, reported to the Attorney General's Office that his superior, Sergeant Fredy Quintero, was discriminating against him because of his race, calling him a slave and "black toast," ordering him to clean the toilets, and making reference to his "chains." The Attorney General's Office reported its investigation was in preliminary stages at the end of August. Neither the Inspector General's Office nor the Military Justice System had opened investigations in the case as of October 8, but the CNP reported that it had launched a disciplinary investigation, which was in an initial stage at the end of August.

The National Autonomous Congress of Afro-Colombian Community Councils and Ethnic Organizations for Blacks, Afro-Colombians, Raizales, and Palanqueras, consisting of 112 representatives, continued to meet with government representatives on issues that affected their communities. Some Afro-Colombian communities, however, complained that those elected to the National Autonomous Congress were not representative of their interests.

During the year the presidential counselor for human rights, the Special Administrative Unit for Victims Assistance and Holistic Reparations, and the Ministry of Interior formed a joint commitment to coordinate on public policies regarding the situation of Afro-Colombian women survivors of violence in the context of the armed conflict. These entities launched a study, which as of August had produced two preliminary results: a statistical analysis of actions during the armed conflict that victimized Afro-Colombian women as documented in the National Victims' Registry, and an analysis of the situation of Afro-Colombian women victims living in Cartagena.

Indigenous People

The constitution and laws give special recognition to the fundamental rights of indigenous people, who make up approximately 3.4 percent of the population, and

require the government to consult beforehand with indigenous groups regarding governmental actions that could affect them.

The law accords indigenous groups perpetual rights to their ancestral lands, but the demarcation of those lands was often disputed between indigenous groups, neighboring landowners, and the government. Traditional indigenous groups operated 722 reservations, accounting for approximately 28 percent of the country's territory, with officials selected according to indigenous traditions. Many indigenous communities, however, had no legal title to the lands they claimed, and illegal armed groups often violently contested indigenous land ownership and recruited indigenous children to join their ranks.

The law provides for special criminal and civil jurisdictions within indigenous territories based on traditional community laws. Legal proceedings in these jurisdictions were subject to manipulation and often rendered punishments more lenient than those imposed by regular civilian courts.

Some indigenous groups continued to assert that they were not able to participate adequately in decisions affecting their lands. Indigenous leaders complained of 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 operating in or around such areas and before building roads or other public works on or near their lands. The constitution provides for this "prior consultation" mechanism for indigenous communities, but it does not require the government to obtain the consent of those communities in all cases.

The government stated that for security reasons it could not provide advance notice of most military operations, especially when in pursuit of enemy combatants, and added that it consulted with indigenous leaders when possible before entering land held by the communities. The law permits the presence of government security forces on indigenous lands, but defense ministry directives instruct security forces to respect the integrity of indigenous communities, particularly during military and police operations.

Despite special legal protections and government assistance programs, indigenous people continued to suffer discrimination and often lived on the margins of society. The indigenous people were the country's poorest population and had the highest age-specific mortality rates. Indigenous women faced triple discrimination on the basis of gender, ethnicity, and lower economic status. As of July 31, the Attorney

General's Office reported there were 30 active investigations of military members and three active investigations of members of the CNP accused of violating the rights, culture, or customs of indigenous groups.

CINEP expressed concern for the safety of indigenous protesters due to reported disproportionate use of violence against them by the security forces and two death threats from organized crime groups against individual leaders.

Killings of members and leaders of indigenous groups remained a problem. The NGO National Indigenous Organization of Colombia registered 11 homicides of indigenous persons from January through October 15.

On February 21, in Jambalo, Cauca Department, a group of indigenous persons belonging to the Chiefs' Association of Norte del Cauca reported FARC rebels attacked them. The association reported three members of their community were injured in the attack.

The Attorney General's Office continued its investigation into the deaths of Zenu indigenous community members Adalberto Murillo Teheran and Luis Carlos Padilla Lopez.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Some transgender individuals complained that it was difficult for them to change the gender designation on national identity documents and that transgender individuals whose identity cards listed them as male were still required to show proof that they had provided mandatory military service or obtained the necessary waivers from that service. Despite government measures to increase the rights and protection of lesbian, gay, bisexual, and transgender (LGBT) persons, there were reports of societal abuse and discrimination.

The Attorney General's Office announced on August 20 that the office was investigating at least 30 alleged homicides of LGBT individuals that had occurred since January 1. Half of the killings occurred in the city of Medellin, and all of them were in the preliminary stages of investigation. Colombia Diversa, an NGO focused on addressing violence and discrimination due to sexual orientation,

claimed at least 15 killings through August due to prejudice regarding sexual orientation or gender identity.

Colombia Diversa also reported 14 cases of police abuse of persons due to their sexual orientation or gender identity, with the majority of complaints coming from transgender individuals. According to NGOs working on LGBT issues, these attacks occurred frequently, but victims did not pursue cases due to fear of retaliation. NGOs also reported several cases of threats against human rights defenders working on LGBT issues as well as a high level of impunity for crimes against members of the LGBT community. Such organizations partially attributed impunity levels to the failure of the Attorney General's Office to distinguish and effectively pursue crimes against the LGBT community.

Members of the transgender community cited barriers to public services when health-care providers or police officers refused to accept government-issued identification with transgender individuals' names and photographs.

NGOs claimed that discrimination and violence in prisons against persons due to their sexual orientation or gender identity remained a problem. In addition there were instances where authorities denied medical services to transgender individuals.

The Ministry of Interior, Ombudsman's Office, and Inspector General's Office met with academics and research groups to identify the problems and proposals for a national public policy framework on LGBT rights and held hearings at a national level on the subject. The sessions responded to a 2011 Constitutional Court ruling that the agencies collaborate to create such a framework. During the year the Ministry of Interior's LGBT unit, in coordination with several other ministries, committed to forming a national framework on LGBT problems by year's end. In addition the Attorney General's Office National Directorate for Public Policy formed a gender working group and tasked it with producing a report on access to justice related to sexual orientation and gender identity.

The manual of administrative procedures for blood banks issued by the Ministry of Health states that to protect the recipient of a transfusion from HIV/AIDS, it excludes those who have had "male homosexual relations in the past 15 years." In 2012 the Constitutional Court ordered the Ministry of Health to remove selection criteria based on the sexual orientation of donors, but the regulation reportedly had not been changed as of September. During the year the Ministry of Health initiated a joint working group to study the matter further.

The Ministry of Interior's Office of Indigenous and Minority Affairs working group for urgent LGBT cases, with participation by the Attorney General's Office and Ministry of Defense, continued to hold interinstitutional meetings to inform civil society about vulnerable groups, articulate action plans on how to address vulnerabilities, follow the progression of cases through various state entities, and employ protocols for attending to victims.

The ministry continued its public information campaigns on LGBT rights through national and regional television and radio networks. In July the ministry hired ATENEA Consultancy Group to formulate an administrative decree establishing a national LGBT public policy and action plan for the LGBT community.

The Bogota Mayor's Office instituted an LGBT advisory council made up of eight representatives from the LGBT community. During the year the advisory council formulated a plan for promoting inclusion of LGBT workers in the workplace.

HIV and AIDS Social Stigma

There were no confirmed reports of societal violence or discrimination against persons with HIV/AIDS. In the most recent demographic and health survey (2010), 51.8 percent of respondents reported discriminatory attitudes towards those with HIV.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions, conduct legal strikes, and bargain collectively, and it prohibits antiunion discrimination. The law places some restrictions on forming and joining a union, particularly for workers in indirect contracting situations (although legal ambiguities also allow some indirectly contracted workers to form unions). The law prohibits members of the armed forces and police from forming or joining unions. The labor code provides for automatic recognition of unions that obtain 25 signatures from potential members and that comply with a registration process.

The law does not permit members of some public-sector unions, armed forces, police, and persons performing "essential public services" to strike. The government published a summary of doctrine, case law, and jurisprudence that

narrowed the definition of essential services for use by labor inspectors and the judiciary in 2011, but some members of the labor community criticized the document as continuing to lean toward an overly broad definition. Before conducting a strike, unions must follow prescribed legal procedures, including entering into a conversation period with the employer, presenting a list of demands, and gaining majority approval in the union for a strike. The law limits strikes to occurring only during periods of contract negotiations or collective bargaining and allows employers to fire trade unionists who participate in strikes or work stoppages determined to be illegal by the courts.

The law gives public-sector employees the right to bargain collectively. During the year the government issued Decree 160, which outlines new mechanisms to strengthen the collective bargaining of public-sector employees at all levels.

The law permits associated workers' cooperatives (CTAs), collective pacts, as well as union contracts, known as "contratos sindicales." Under collective pacts employers may negotiate accords on pay and labor conditions with groups of workers in workplaces where no union is present or where a union represents less than one-third of employees. Law and regulations prohibit the use of CTAs and collective pacts to undermine the right to organize and bargain collectively, including by extending better conditions to nonunion workers in such pacts. CTAs must register with the government and provide compensation at least equivalent to the minimum wage and the same health and retirement benefits normally offered to directly hired employees. Under a contrato sindical, a company may contract the union, at times formed explicitly for this purpose, for a specific job or work; the union then in essence serves as an outsourcing agent for its members. Workers who belong to a union that has a contrato sindical with a company do not have a direct employment relationship with either the company or the union. Labor disputes for workers under a contrato sindical may be decided through an arbitral panel versus labor courts if both parties agree.

The government generally enforced applicable laws, but a lack of inspectors, as well as an overburdened judicial system, inhibited speedy and consistent application. The maximum penalty for violations of labor laws, including those that prohibit the misuse of CTAs, is 5,000 times the minimum monthly wage, or COP 3.1 billion (\$1.4 million). The law also stipulates that repeat offenders misusing CTAs or other labor relationships shall receive the maximum penalty and could be subject to losing their legal status to operate altogether. Employers who engage in antiunion practices may also be penalized with up to five years' imprisonment. Prohibited practices include impeding workers' right to legally

strike, meet, or otherwise associate, and extending better conditions to members of collective pacts than union members. The government has the authority to fine labor rights violators. Total fines on CTAs and pre-CTAs through July amounted to COP seven billion (\$3.1 million). The National Learning System (SENA), the agency tasked with collecting the fines, reportedly did not have an adequate administrative process in place to allow for the collection of fines. During the year SENA began to implement a November 2013 resolution that authorizes it to require and hold collateral payment from an enterprise pending the outcome of a judicial appeal. SENA had previously been barred from collecting these fines if an enterprise could demonstrate that it had filed a judicial appeal of the case. As of October SENA reportedly had not exercised the provisions of the resolution; however, there also reportedly were no relevant appeals of fines since the decree's issuance.

The Ministry of Labor's Special Investigations Unit continued to exercise its power to investigate and sanction in any jurisdiction. The Ministry of Labor's Department of Investigation, Monitoring, Control, and Territorial Management decides on a case-by-case basis whether to assign the Special Investigations Unit or the regional inspectors to investigate certain sites.

The Ministry of Labor leads a tripartite Inter-Institutional Commission for the Promotion and Protection of the Human Rights of Workers, with participation by the government, organized labor groups, and the business community. On August 22, the commission launched its first meeting in the regions with a meeting in Cucuta.

As part of its commitments under the 2011 Colombian Action Plan related to Labor Rights (Labor Action Plan), the government continued to take steps to increase the effective enforcement of freedom of association and collective bargaining, including labor inspections by the Ministry of Labor in five sectors: palm oil, sugar, ports, mines, and cut flowers. Critics claimed inspections lacked necessary rigor, assessed fines were not collected, and new forms of abusive contracting appeared. The government continued to engage in regular meetings with unions and civil society groups regarding the status of its efforts to implement the Labor Action Plan. The Ministry of Labor continued to build its technical capacity in several areas, such as inspection procedures to identify ambiguous and disguised employment relationships.

The Ministry of Labor, in collaboration with the International Labor Organization (ILO), conducted technical training for labor inspectors nationwide on how to

identify antiunion conduct, as well as training for both inspectors and unionized workers on how to promote legal mechanisms for demanding labor rights. The ministry continued to employ a telephone- and internet-based complaint mechanism to report alleged labor violations. Due to previous complaints by labor groups that the two systems did not provide an option to track progress on cases, during the year the ministry unified that data from the two sources and implemented the use of a data tracking system that allowed them to better track and respond to citizen cases. According to ministry officials, this new system allowed the ministry to increase the intake of citizen petitions by 670 percent and reduced the wait time for a response from nearly three hours to almost instantaneous. During the first six months of the year, the government reported the system allowed them to attend to 630,209 citizens.

Judicial police, the CTI, and prosecutors investigating criminal cases of threats and killings are required to determine during the initial phase of an investigation whether a victim was an active or retired union member or was actively engaged in union formation and organization. It could take several months to transfer cases from regional field offices of the Attorney General's Office to the Human Rights Directorate and its labor subunit, and cases are transferred only at the request of the attorney general instead of automatically. From January through August, 265 prosecutors and investigators of the Attorney General's Office participated in a degree program in judicial investigation for cases of violence against unionists.

The government continued to include persons who were engaged in efforts to form a union, as well as former unionists under threat because of their past activities, in its protection program for labor activists. As of July the NPU provided protection to 7,527 at-risk individuals, of whom 670 were trade union leaders or members (others protected included journalists, human rights advocates, and land restitution claimants). Approximately 18 percent of the NPU's budget was dedicated to unionist protection, and more than half of the unionists who were enrolled were provided with "hard" protection schemes that included at least one bodyguard. Between January and August 20, the NPU processed 442 risk assessments of union leaders or members; 277 of those cases were assessed as having an "extraordinary threat" or "extreme threat," and NPU provided them protection measures. The processing time before individuals received benefits under the protection program averaged 80 days, with most cases passing through the risk analysis stage in the first 30 days.

The protection and relocation of teachers falls under the Ministry of National Education and the Departmental Education Secretaries, but the NPU retains some

responsibilities for the risk analysis and protection of family members. Through September the NPU evaluated 203 threat cases against teachers, of which 87 were found to be of extraordinary or extreme risk.

While there were some emblematic convictions in cases of unionist killings from previous years, the pace of investigations and convictions remained slow, and high rates of impunity continued. Labor groups stated more needed to be done to address impunity for perpetrators of violence against trade unionists and the large number of threat cases. The Attorney General's Office indicated it prioritized cases in order of severity and had a backlog of lower-priority cases. By July 31, the labor subunit of the Attorney General's Office had obtained 655 convictions of at least 537 individuals since the unit was founded in 2006 for violent acts against trade unionists. Many of these convictions were from older cases. As of October there had been two cases that had resulted in convictions in the more than 100 allegedly labor-related homicides that had occurred since 2011. The labor subunit had been assigned 972 active cases through July. The majority of the cases remained under investigation or were in the preliminary stages of the prosecutorial process. The unit had a staff of 24 full-time prosecutors.

Violence, threats, harassment, and other practices against trade unionists continued to affect the exercise of the right to freedom of association and collective bargaining. Violence and discrimination against union members discouraged some workers from joining and engaging in union activities. Teachers continued to make up the largest percentage of union members and constituted the largest percentage of victims of violence by illegal armed groups. According to the Colombian Federation of Educators, between January and August, six educators were killed (see section 2.a.).

The National Union School (ENS), a labor rights NGO and think tank, reported that 16 trade unionists were killed through September 4. ENS and other labor groups stated that focusing on killings alone masked the true nature and scope of the violence against labor activists. Labor groups noted that in some regions nonlethal violations continued to increase. ENS reported 183 violations during the first eight months. In addition to the reported homicides, the NGO said there were 105 death threats, 17 nonlethal attacks, eight arbitrary detentions, 37 cases of harassment, and two cases of illegal raids.

On April 16, unidentified persons bombed the offices of the municipal workers union, Sintraemcali, in Cali, Valle de Cauca, and on May 21, the personal vehicle of the union's vice president, Jose Ernesto Reyes, was set ablaze by an explosive

device outside his home. Although the attacks were nonlethal, Sintraemcali leaders reported they were concerned for their safety. The attacks followed public apologies issued to the Sintraemcali union by Senator Jose Obdulio Gaviria. Gaviria and the national government had been ordered by a judge to issue public apologies to the Sintraemcali union in regard to statements that stigmatized the union in the past.

Investigations into the 2013 killing of the leader of the Sintrainagro labor union, Juan Carlos Munoz, remained in an initial stage as of October. Munoz had been advocating on behalf of approximately 90 workers who had been dismissed, and he had received earlier death threats.

Unions cited multiple instances in which companies fired employees who formed or sought to form new unions. Some employers continued to use temporary contracts, service agencies, and other forms of subcontracting to limit worker rights and protections and to lower costs. Fines assessed by the government did little to dissuade violators, since fines were often not collected. In the first six months of the year, the government reported that 7,451 workers benefitted from 24 formalization agreements that the Ministry of Labor reached with employers in the departments of Antioquia, Boyaca, Cundinamarca, Cesar, Quindio, Risaralda, Sucre, and Valle, in the commercial, health, transportation, palm, services, furniture, consumables, and agricultural sectors.

Labor confederations and NGOs reported that some business owners in several sectors used “simplified stock corporations” (SAS), *contratos sindicales*, or temporary service agencies in an attempt to circumvent new legal restrictions on cooperatives. Of those CTAs that transformed their labor relationships into direct-hire relationships, a number reportedly did so in order for SASs to hire workers directly. There were continued reports that CTAs changed their legal status into SAS or other labor subcontracting mechanisms but continued to violate certain contracting laws, including on labor intermediation. Many unions noted that the SAS were simply another form of subcontracting. While in theory SAS workers can exercise their right to organize and bargain collectively with SAS management, it appeared that in some cases the SAS had little or no control over the conditions of employment. The Ministry of Labor stated that an SAS, like any corporate structure, could be fined for labor violations if they occurred.

From January through July, the Ministry of Labor fined two SASs that were being misused, with fines totaling COP 249 million (\$110,000). For example, the Ministry of Labor fined a company called Palmas Oleaginosas Bucarelia S.A.,

which operated as a palm oil producer in the area of Puerto Wilches, for using seven CTAs to employ 200 workers indirectly for what the ministry determined to be “core mission activities.” According to ENS, although the company signed a formalization agreement with the ministry to avoid paying the fine, the company hired only 45 of the workers directly and hired the rest as third-party contractors through an SAS. The company later converted itself into a separate SAS and dissolved the parent company completely, in effect leaving both the fine and the formalization agreement pending. According to ENS, the new SAS belonged to the same owners and was carrying out the same activities but did not formalize the majority of the workers.

The Port Worker’s Union estimated that 60 percent of the workforce in ports was employed under flexible nonunion contracts during the year.

Subcontracting institutions were also common in the palm oil sector. Las Brisas, a large employer in the palm sector and the first to be fined for using illegal cooperatives, stated in 2013 that it did not plan to pay Ministry of Labor sanctions or formalize workers under new labor laws. During the year the Ministry of Labor remitted the fine to SENA for collection and also worked with the Superintendent of Corporations to liquidate Las Brisas’ assets. Through August the Ministry of Labor had sanctioned palm oil producer Palmas de Cesar and nine of its cooperatives due to illegal labor intermediation. The company was fined 3,500 minimum monthly salaries (COP 2.15 million or \$960).

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law in all cases, and there continued to be some reports that such practices occurred. The law prescribes punishments of 13 to 23 years’ imprisonment plus fines for forced labor violations, penalties that are sufficiently stringent.

Organized criminal gangs, and FARC and ELN guerrillas practiced forced conscription in rural and urban areas, sometimes killing deserters or threatening them and their families. There were some reports that FARC and ELN guerrillas and organized criminal gangs used forced labor, including forced child labor, in coca cultivation and illegal mining in areas outside government control (see section 1.g.), as well as forced criminal activity in urban areas. The ICBF noted it was difficult to produce exact statistics on the number of children who participated in illegal armed groups due to the groups’ clandestine nature.

Forced labor in other sectors, including organized begging, mining, agriculture, and domestic service, also remained a serious problem. Afro-Colombians, indigenous Colombians, and inhabitants of marginalized urban areas were at the highest risk of forced labor, domestic servitude, forced begging, and recruitment by illegal armed groups.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 15 and at 18 for hazardous work. Children who are 15 and 16 years of age may work no more than 30 hours per week, and children age 17 may work no more than 40 hours per week. Children under 15 may work in arts, sports, or recreational or cultural activities for a maximum of 14 hours per week. In all of these cases, working children and adolescents must have signed documentation filed by their parents and approved by a labor inspector or other local authority.

The law prohibits child workers from working at night or where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. Hazardous work includes an extensive list of activities within 11 occupational categories and subcategories identified as the "worst forms of child labor," including agriculture, hunting and forestry, fishing, mining and quarrying, manufacturing, construction, transport and storage, health services, and defense. The government, however, approved some agricultural apprenticeship programs for children ages 14 to 17 through SENA. For 14-year-old children, the program is for education only, and these children are not permitted to work.

The law authorizes inspectors to issue fines of up to 5,000 times the minimum monthly wage for labor law violations, including child-labor violations. A violation deemed to endanger a child's life or threaten moral values might be punished by temporary or permanent closure of the establishment. Nationwide labor inspectors are responsible for enforcing child labor laws. In February the Ministry of Labor created a separate child labor inspection unit based in Bogota and with nationwide responsibilities to investigate cases of child labor and carry out activities to prevent child labor. The government provided guidelines to labor inspectors to help ensure that children younger than 15 do not work and that adolescents ages 15 to 17 who have work permits are not engaged in dangerous

work. Inspectors monitored the formal sector through periodic inspections, but an estimated 80 percent of all child labor occurred in the informal sector of the economy. Resources and training remained inadequate for effective enforcement. Through April labor inspectors conducted 597 visits of worksites and checked whether adolescent workers who had been granted work permits were properly employed. Forty-six work permits were revoked during those inspections.

Government agencies carried out several activities to eradicate and prevent exploitative child labor. With ILO assistance the government continued to improve cooperation among national, regional, and municipal governments through its national plan to eradicate child labor and protect working youth. It also continued to employ a monitoring system to register working children. The government also sought to reduce demand for child labor through public awareness and training efforts, often working with international and civil society organizations. An online training program for labor inspectors in various departments continued to provide inspectors and other officials with details on how to approach situations involving the worst forms of child labor.

The government, through the Ministry of Labor, continued to follow the 2008 plan outlined in the National Strategy to Prevent and Eradicate the Worst Forms of Child Labor and Protect Young Workers, and it also continued its roundtable discussion group, which includes government representatives, members of the three largest labor confederations, and civil society. The group concentrated its efforts on formalizing an integrated registration system for information on child labor that would permit public and private entities to register information about child workers.

The government continued to combat illegal mining and formalize artisanal mining production, with the goal of eradicating child labor and forced labor. Regional ICBF offices were charged with leading efforts to combat child labor in mining at the local level, working with the Ministry of Labor and other government agencies to coordinate responses. The Department for Social Prosperity implemented the More Families in Action program to combat poverty through conditional cash transfers; it included a specific focus on addressing child labor. In 2013 the program began to implement an initiative to prevent child labor in six mining communities in the Departments of Antioquia and Bolivar. In interagency child labor meetings, the Ministry of Labor reported that children found working in illegal mining operations were attended to by whatever government presence was available in the area, whether police, the ICBF, teachers, or the DPS. While all

agencies had directives on how to handle and report child labor cases, it was unclear whether all cases were referred to the ICBF.

The ICBF implemented several initiatives aimed at preventing child labor, including the Healthy Generations and Thriving Cities for Children and Adolescents programs. The CNP continued its awareness efforts to reduce child labor, including a campaign, Open Your Eyes, which taught children and adolescents to be mindful of their surroundings when they are at recreational areas, sporting events, and other public places where they might be targeted for child labor. The CNP taught children and their parents about potential dangers and illegal activities for youth, including child labor. This outreach continued to include activities for children on a bus equipped with interactive displays. In addition some regions initiated their own activities to combat child labor. For instance, the department of Atlantico carried out an initiative that raised awareness, actively searched for children who work or are at risk of working, and strengthened interagency coordination through a one-stop center to handle child labor cases.

Child labor remained a problem in the informal and illicit sectors. In May the National Administrative Department of Statistics (DANE) published the results of a 2013 survey of child labor that measured child labor during October-December 2013. DANE data noted that, of the 11.2 million children between the ages of five and 17, an estimated 1.1 million worked outside the home (approximately 12.5 percent of the country's boys and 6.6 percent of all girls). The national rate of children who worked outside the home was 9.7 percent, with 5.6 percent of children ages five to 14 working and 23.1 percent of children ages 15 to 17 working. For the period of the study, 30.3 percent of the children that worked did not attend school. According to the study, 51.3 percent of child laborers in urban areas engaged in commerce, hotel, and restaurant work, while 67 percent of child laborers in rural areas engaged in agriculture, fishing, cattle farming, hunting, and forestry work; 52 percent of working children ages five to 17 did not receive payment.

Significant incidences of child labor occurred in the production of clay bricks, coal, emeralds, gold, coca, and pornography. Children also worked as street vendors and domestic servants and were engaged in begging and garbage scavenging. According to the Ministry of Labor and the ILO, more than 20,000 children were engaged in domestic service. There were also reports that children were involved in agriculture, including coffee production and small family production centers in the "panela" (unrefined brown sugar) market, as well as

children working as “pimpeneros” selling inexpensive Venezuelan gasoline. Commercial sexual exploitation of children occurred (see section 6).

Prohibitions against children working in mining and construction were reportedly largely ignored. Some educational institutions modify schedules during harvest seasons so that children may help on the family farm. Children worked in artisanal mining of coal, clay, emeralds, and gold under dangerous conditions and in many instances with the approval or insistence of their parents. The government’s efforts to assist children working in illegal mining focused on the departments of Boyaca, Bolivar, Cesar, Cundinamarca, and Narino.

There continued to be instances of forced child labor in mines, quarries, and private homes. According to government officials and international organizations, children were recruited, sometimes forcibly, to work in the illegal drug trade and other illicit activities. The FARC, ELN, and organized criminal gangs forced children into sexual servitude or to serve as combatants or coca pickers (see section 1.g.). Children working in the informal sector, including as street vendors, were also vulnerable to labor trafficking. ICBF identified 664 cases of forced child labor from January through August.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination in respect to employment or occupation regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. Complaints of quid pro quo sexual harassment are filed not with the Ministry of Labor but with the criminal courts; however, the government reported in 2012 that a system to follow up cases of sexual harassment at the workplace had been developed to enable labor inspectors to intervene, together with a protocol for receiving sexual harassment complaints for the purpose of providing legal advice and informing labor inspectors and public prosecutors. The government did not effectively enforce the law in all cases.

Women faced hiring discrimination, were affected disproportionately by unemployment, and received salaries that generally were not commensurate with their education and experience. According to Sisma Mujer, women on average received between 18 and 23 percent less than the average wages of their male

counterparts. According to the UN resident coordinator, persons with disabilities were unemployed at a much higher rate than the general population, and unemployment among women was double that of men. The UN resident coordinator also stated that employment differences further highlighted societal discrimination based on race, noting that a black woman in the country earned on average 50 percent less than a man who is neither black nor indigenous.

e. Acceptable Conditions of Work

The minimum monthly wage as negotiated through a tripartite commission was COP 616,000 (\$270) for all sectors, which was an increase of 4.5 percent. According to the most recent report by the national tax authority, issued in 2013, 32.2 percent of the national population lived in poverty: 28 percent of the urban population and 46 percent of the rural population lived below the poverty line. The share of the national population living in extreme poverty was 10.1 percent. In urban areas 6.5 percent of the population lived in extreme poverty, while in the rest of the country 21.8 percent of inhabitants lived below the extreme poverty line.

The law provides for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. The law provides for paid annual civil and religious holidays for all workers. Employees who work at least one full year are entitled to at least 15 days of paid vacation. The law stipulates that workers receive premium compensation for additional hours worked over the regular workweek of 48 hours and for work performed on Sundays. The law permits compulsory overtime only in exceptional cases where the work is considered essential for the company's functioning.

The law provides for workers' occupational safety and health in the formal sector. The standards set out in the law were generally current and appropriate for the country's main formalized industries. The law does not cover informal sector workers, including many mining and agricultural workers. In general the law protects workers' rights to remove themselves from situations that endangered health or safety without jeopardy to their employment, although some violations of this right were reported during the year. In cases of formal grievances, authorities generally protected employees in this situation.

The Ministry of Labor enforced labor laws, including occupational safety and health regulations, in the formal sector through periodic inspections by labor inspectors. As of September there were 692 inspectors employed by the Ministry around the country. Individual labor violations can bring fines of up to 5,000 times

the minimum monthly wage. Unionists stated that fines were too low to achieve a formalized labor force. While the government's labor inspectors undertook administrative actions to enforce the minimum wage in the formal sector, the government remained unable to enforce the minimum wage in the informal sector.

To encourage the formalization of labor, the Ministry of Labor continued to promote formal employment generation in regions with high rates of informal employment. According to the National Administrative Department of Statistics, approximately 51 percent of the economy was in the formal sector. The ministry reported that from the first trimester of 2012 through the first trimester of 2014, formalization laws and coordinating tax cuts contributed to the creation of 242,809 formal sector jobs for young persons and 81,536 jobs for women over 40 years of age. The government also continued to support complementary social security programs to increase the employability of extremely poor individuals, displaced persons, and the elderly. During the year the government issued Decree 567, which creates a National Network of Labor Formalization with the objective of training workers and companies in strategies for formalization. Also during the year, through Decree 1047, the government expanded membership into the social security system to taxi drivers.

Nonunion workers, particularly those in the agricultural and port sectors, reportedly worked under hazardous conditions because they feared losing their jobs in third-party contracting mechanisms or informal arrangements if they criticized abuses.

Security forces reported that illegal armed groups, including the FARC, ELN, and organized criminal groups, engaged in illegal mining of gold, coal, coltan, nickel, copper, and other minerals. Illegal mines were particularly common in Antioquia, Cordoba, Choco, and Tolima.