

COLOMBIA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Colombia is a constitutional, multiparty republic. In June 2014 voters re-elected Juan Manuel Santos president in elections that observers considered free and fair. Civilian authorities generally maintained effective control over security forces.

The government's negotiations with the Revolutionary Armed Forces of Colombia (FARC) marked significant progress with the announcement on September 23 of a six-month deadline to sign a final peace accord, an agreement on transitional justice, and a timeline for the FARC to begin disarmament within 60 days of the signing of a peace accord.

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 government's ability to prosecute effectively individuals accused of human rights abuses, including former members of paramilitary groups. The availability and influence 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 and attacks against human rights groups and activists, including death threats and killings; violence against women and girls; trafficking in persons; and illegal child labor.

The government continued efforts to prosecute and punish perpetrators of abuses, including members of the security services. It increased resources for the Attorney General's Office, prioritized human rights cases, and employed a contextual analysis strategy to analyze human rights and other cases. Nonetheless, the system generally failed to close out cases quickly and efficiently.

Illegal armed groups--including the FARC and the National Liberation Army (ELN), as well as organized crime groups (some of which contained 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.

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 serious problem, and there were three reports that members of the security forces committed extrajudicial killings in connection with the internal armed conflict during the year (see section 1.g.).

During the year through June, the Attorney General's Office registered three new cases of alleged aggravated homicides by agents of the government. During the same period, authorities accused seven members of the security forces and arrested 10 of them for aggravated homicide or homicide of a civilian. On April 12, during an event for families of victims of 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, the attorney general stated there were 22 open investigations against generals for their alleged historical involvement in false positive cases.

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 registered eight possible cases (including one child) of "illegal deprivations of the right to life" alleged to have been committed by security force members from January 1 through September 20, but it did not conclude that any of the eight was such a case. In several cases military officials stated they believed an individual was fighting on behalf of the FARC, while community members claimed the victim was not a combatant. In other cases military officials stated the killings were military mistakes.

The nongovernmental organization (NGO) Coordination Colombia, Europe, the United States (CCEEU) reported that on February 10 in Puerto Tolima, military personnel allegedly killed Anderson Daza Hernandez. The military announced a successful operation against the FARC resulting in one death that occurred at the same time and place as Hernandez's disappearance. Two days later police confirmed that Hernandez was dead and that his remains were taken to Ibagué.

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

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 would be in violation of orders from the president and military high command.

According to the Attorney General's Office, during the year through June, authorities arrested and charged 51 government employees, including several members of the armed forces, with having links to illegal armed groups, mainly the group known as "Clan Usuga."

On April 29, the Attorney General's Office arrested six army sergeants, one other soldier, and three civilians for trafficking weapons, ammunition, and explosives stolen from different military facilities and afterwards sold to the FARC, organized criminal groups, and common criminals.

Investigations of past killings proceeded, albeit slowly. The Attorney General's Office reported that during the year through June, it obtained one new conviction of security force members in cases involving homicide of a "protected person" (i.e., civilian) and no new convictions in cases involving aggravated homicide or "simple homicide" committed by security force members.

Some high-profile cases against military personnel resulted in convictions or were reopened in large part due to testimony obtained through the "Justice and Peace" process, whereby former members of illegal armed groups may obtain reduced sentences for testifying fully and truthfully about their activities. The Attorney General's Office investigation continued into retired army general Mario Montoya Uribe and retired national police general Leonardo Gallego Castrillon. They were

accused of allegedly supporting paramilitary groups and their alleged joint actions in operations, such as “Operation Orion,” a 2002 military offensive against guerrillas in Medellin, during which community members alleged there were numerous arbitrary detentions and forced disappearances. Community members also alleged the operation created the conditions for paramilitary groups to exert control in the area.

On July 26, the Attorney General’s Office issued arrest orders against three army officers (Captain Jose Liborio Bermudez, Lieutenant Nofar Fabian Motta, and the noncommissioned officer John Fredy Moncada) for their alleged participation in the El Aracatazzo massacre that took place in 1995, in the municipality of Chigorodo, Antioquia Department, in which members of the military, along with members of paramilitary groups, allegedly tortured and killed 18 civilians.

In 2014 the “Justice and Peace” tribunal 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.

In September 2014 local media reported the Attorney General’s Office asked the Supreme Court of Justice to open an investigation into 11 army generals whom Colonel Robinson Gonzalez del Rio 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 own alleged role in those extrajudicial executions.

The CCEEU and other NGOs considered organized criminal bands 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 national, unified command structure and explicit ideological agenda that defined past paramilitary groups, including the disbanded 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, nonstate actors, particularly the FARC and the ELN, planted IEDs and land mines (see section 1.g.).

Guerrillas, notably the FARC and the ELN, committed unlawful killings. Organized criminal groups (some of which included 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 killing in 2012 of land restitution leader Manuel Ruiz and his son, Samir, continued under the direction of the Office 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 the end of 2014, the National Search Commission documented more than 100,687 disappearances during the half-century conflict, including 22,261 that were registered as forced disappearances. Of the missing persons, 503 were found alive and 1,038 found dead, while the rest remained unaccounted for. From January 1 through the end of July, 3,400 disappearances were registered, including 59 registered as forced disappearances.

During the year through June, the Attorney General's Office obtained 44 new convictions of members of the security forces for the crime of forced disappearance.

The FARC, the 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 72 hostages in the first seven months of the year. The government reported that at least one kidnapping victim died in captivity in the first eight months of the year. During that period 15 kidnapping victims escaped from their captors, two were released due to pressure from the military, and 54 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 during the year through June 30, government security forces were involved in 28 incidents of torture.

On August 17, the Attorney General's Office arrested four current and former army members (Luis Arturo Ardila Alza, Manuel Segundo Melendez Acosta, Eduardo Alberto Fuentes Marenez, and Jaider Jesus de Arco Martinez) for their alleged participation in a case of torture against a civilian carrying a large amount of money between the municipalities of Nechi and Montecristo. Allegedly the soldiers tortured the businessman to compel him to confess that the money was obtained illegally.

During the year through June, the Attorney General's Office charged three members of the security forces (one police and two military members) with torture; two of the cases occurred prior to 2015. The Attorney General's Office reported no convictions of members of the armed forces or members of illegal armed groups in cases of torture during the year through June.

CINEP reported criminal bands were responsible for at least 11 documented cases of torture during the year through June 30. In 10 other documented cases, CINEP was not able to identify the party responsible for the abuses.

Prison and Detention Center Conditions

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

Physical Conditions: The national prisons had a design capacity of 78,044 individuals but were 54.8 percent over capacity. Overcrowding existed in men's as well as women's prisons. The National Prison Institute (INPEC) operated the national prisons and oversaw 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 21, INPEC registered 86 children living with their incarcerated mothers.

On July 21, the Superior Judiciary Council ordered INPEC to transfer persons already sentenced or issued imprisonment orders to prisons and to eliminate the overcrowding of judicial detention facilities in Bogota. The Superior Judiciary Council stated that the maximum time that a person may remain in these judicial detention facilities is three days. The same rules apply to jails located inside police stations.

The Inspector General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. It reported that during the year through March 25, it conducted 21 investigations and issued four disciplinary verdicts. According to NGOs working 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 authorities routinely rationed water in many facilities. INPEC's state of emergency in the country's prisons continued throughout the year. It was first declared in 2013 due to overcrowding, problems with infrastructure, and poor sanitary conditions that threatened the health of the inmate population.

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 that 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 both Colombian and foreign citizenships.

Some vegetarian and Muslim inmates reported difficulty receiving meals according to their needs. Prisoners generally could submit complaints to judicial authorities, request investigations of inhuman conditions, and 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 that 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: In May, INPEC launched a campaign to raise awareness and strengthen a culture of human rights within the institution. The Office of the Director General of INPEC developed a strategy to identify and combat the most common violations of human rights in the prison system. On August 10, the Ministry of Justice established by decree the Monitoring Committee on the Conditions of Detention of the Penitentiary System. During the year the government worked to provide staff gynecologists at women's prisons. As of September 21, there were gynecologists on the medical staffs of the women's prisons in Bucaramanga, Ibagué, and Jamundí, and inmates at prisons elsewhere in the country had access to outside gynecologists.

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, there were allegations that authorities detained citizens arbitrarily. CINEP reported 87 cases during the year through June 30.

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. Formed in 2011, the Migration Directorate, part of the Ministry of Foreign Affairs, is Colombia's immigration authority. The CNP shares law enforcement duties with the Attorney General Office'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.

By law the Attorney General's Office is the main entity responsible for investigating allegations of human rights abuses by security forces. 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 resulting from action by security forces when there were allegations of foul play. In some cases the first responders were CNP members, who then investigated the death. Some NGOs complained that the military investigators, not members of the Attorney General's Office, were sometimes the first responders in cases of deaths resulting from actions of security forces and might make decisions about possible foul play.

The government made improvements in investigating and trying abuses, but claims continued of impunity for security force members. This was due in some cases to obstruction of justice, opacity in the process by which cases are investigated and prosecuted in the military justice system, a lack of resources for investigations and inadequate protection of 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.

During the year through June, the regional offices of the Attorney General's Office reportedly obtained convictions against three members of the armed forces: two for the crime of homicide of a civilian and one for the crime of aggravated homicide.

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 Attorney General's Office made some progress, however, in prosecuting higher-ranking members of the military, bringing to trial five colonels of the Medellin-based Pedro Nel Ospina battalion--Edgar Avila, Jose Zanguna Duarte, Diego Padilla, Raul Huertas, and Carlos Cadena--for extrajudicial killings. The Attorney General's Office continued investigations into numerous

general and field-grade officers for involvement in alleged “false positives” cases and other abuses.

The Attorney General’s Office continued its investigation into army generals Luis Alfonso Zapata Uribe and Hector Jaime Fandino Rincon for their alleged complicity in the massacre in San Jose de Apartado in 2005.

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 may 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. Authorities generally respected these rights.

Arbitrary Arrest: While the government characterized detentions as based on compliance with legal requirements, NGOs characterized them 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.” CINEP reported security forces arbitrarily detained 87 persons during the year through June 30.

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 July 31, 36.4 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 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 functioning. The Attorney General's Office had a witness protection program for criminal cases, but some of those who did not enter the program allegedly 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." According to the Ministry of Defense, human rights abuses are not considered acts related to 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 retirement.

According to domestic NGOs, more than 10 initiatives for military justice reform were presented in the previous four years, but few were enacted due to removal from the legislative process owing to procedural problems or rejection by the Constitutional Court. In early April the government dropped proposed jurisdictional adjustments from its proposed military justice reform legislation to address concerns that the legislation could lead to some human rights cases being heard by military courts. As of October, despite explicit declarations from officials to the contrary, some NGOs remained concerned that military justice reform efforts may allow certain human rights cases to fall within the military justice system's jurisdiction.

According to the Supreme Judicial Council, from January 11 through September 2, authorities assigned to the civilian justice system 70 of 71 homicide cases reviewed

for jurisdiction. During the same period, they assigned no cases to the military justice system. The magistrates abstained from ruling on the proper jurisdiction in one case, in which they determined that they either did not have enough information to rule or that a conflict of interest with the case prevented them from ruling; the case on which the Supreme Judicial Council abstained from ruling remained in military jurisdiction.

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 Inspector General's Office investigates allegations of misconduct by public employees, including members of government 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 was 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 21, the Inspector General's Office opened five disciplinary processes against members of the armed forces and police for human rights offenses, compared with 40 such investigations opened during 2014.

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. Authorities did hold some members of human rights advocacy groups on charges of conspiracy, rebellion, or terrorism, which the groups described as government harassment tactics against human rights advocates. According to INPEC, through July there were 2,381 detainees in prisons, jails, or under house arrest who were accused or convicted of rebellion or aiding and abetting the insurgency. Of those, 1,332 were sentenced. 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 government 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 Inter-American Commission of Human Rights (IACHR), which in turn may submit the case to the Inter-American Court on Human Rights. The court may 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 government, but the government admitted that the pace of restitution was slow. The Administrative Department for Social Prosperity (DPS) handles problems 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 October 28, a total of 7,712,014 victims were

registered with the Victims' Unit. Of these, 6,499,042 were victims of displacement. As of the same date, 5,973,748 of those registered received some form of assistance or reparations. The Land Restitution Unit, a semiautonomous entity in the Ministry of Agriculture, is responsible for returning land to displaced victims of conflict. As of September 9, the government received more than 82,000 restitution claims, of which 22,796 had complete administrative documentation; of the latter, 8,864 were pending a restitution ruling. Cases covering 18,882 persons received restitution rulings, covering more than 419,000 acres of land.

Through August 31, more than 55,000 victims came forward to reclaim land. More than 38,400 claims fell within the government's target areas for restitution and went into active review. The Ministry of Foreign Affairs reported that as of September 14, courts handed down 1,286 decisions corresponding to 2,644 cases. The Inspector General's Office intervened to support land claimants in 679 cases through July.

As of September the Land Restitution Unit received 53 requests for collective restitution of ethnic territories or individual restitution claims. Of the 53,211 cases received, 1,577 belonged to individuals self-identified as Afro-Colombian and 1,014 to individuals identified as indigenous.

For many small landowners, formal land titling remained a daunting process. Without full and documented legal title, farmers were 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 or e-mail, or monitor telephone conversations, including in prisons. Government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization, and evidence obtained in such a manner may not be used in court.

During the year through June, the Attorney General's Office initiated no criminal investigations of government agents for illegal monitoring activities. During the

year through August 25, the Inspector General's Office initiated 16 disciplinary investigations of public servants accused of illegal monitoring.

An investigation continued into abuses by the Army Intelligence Unit, known by its code name "Andromeda." *Semana* magazine alleged that the 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. Neither Zuniga nor Zuluaga was arrested or charged as of October.

On April 10, a court sentenced Andres Fernando Sepulveda, known as "the Hacker" by local media, to 10 years in prison for spying, use of malicious software, and excessive abuse of information systems in the tapping of communications of peace negotiating teams and government officials, including President Santos. Sepulveda was arrested in May 2014 during the Attorney General's Office investigation into an Army Intelligence Unit undercover office. On May 26, courts sentenced a member of the National Directorate of Intelligence to four years and four months in prison and an army corporal to six years and eight months in prison for supplying information to Sepulveda.

The legal case of David Parra Amin, a police sergeant assigned to the Section of Criminal Investigations in Bogota, who was accused of being the liaison between Sepulveda and the Bogota Metropolitan Police, continued. Parra Amin stated 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 received several death threats since agreeing to cooperate with the investigation.

A CTI investigation continued into allegations that the dismantled Administrative Department of Security (DAS) 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.

On April 30, Maria del Pilar Hurtado, former DAS director (2007-08), was sentenced to 14 years in prison, and Bernardo Moreno, private secretary to former president Uribe, was sentenced to eight years under house arrest for their involvement in the DAS illegal surveillance case.

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.

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 payments 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 (the FARC and the 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 its hope to open formal peace negotiations with the ELN.

Guerrilla group members continued to demobilize on an individual basis. During the year through July, according to the Ministry of Defense, 659 members of guerrilla groups demobilized (546 from the FARC, 111 from the ELN, and two 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.

During the year through July, the Human Rights Directorate of the Ministry of Defense, in conjunction with the ICRC, conducted 10 human rights training sessions for 600 ministry personnel. In addition the Ministry of Defense reported giving more than 16,600 employees additional training related to human rights. In September the International Defense Institute for Legal Studies conducted training for 40 unit commanders and military legal advisers with the objective of

strengthening the working relationships between unit leaders and their operational legal advisers.

The government's Legal Framework for Peace serves as a basis for an eventual transitional justice system, to be devised by government and FARC negotiators in Havana. The framework stipulates that the judiciary prioritize cases involving those most responsible for genocide, crimes against humanity, and war crimes committed in a systematic manner and that it provide suspended 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 other cases and permits former combatants not convicted of crimes against humanity to serve as elected officials.

Critics of the legislation argued that provisions for reduced or suspended sentences and stipulations that only those most responsible for the worst crimes be prosecuted, as well as the focus 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 2013 hearing, the NGO 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 because it would be impossible to investigate and criminally prosecute all crimes committed during the past 50 years.

In 2013 the Constitutional Court conditionally upheld the Legal Framework for Peace. Through two special communiques, the court declared that such a transitional justice strategy was a legitimate mechanism for achieving peace and 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.

On September 23, the government and the FARC announced a preliminary framework agreement on transitional justice. The full text of the agreement was under negotiation as of November. A joint government-FARC communique

indicated that those deemed most responsible for the most serious crimes would face a tribunal and would be required to provide the complete truth to receive special judicial benefits, including sentences of five to eight years of restricted liberty and labor, while those that opt not to confess would face prison sentences of up to 20 years.

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 implementation. Participants in the justice and peace process may receive reduced sentences if they comply with the terms of the JPL. Testimony from voluntary confessions also initiated 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 June 30, a total of 5,024 former paramilitary and guerrilla defendants participated in confession hearings. During these sessions the defendants confessed to 57,207 crimes, and information was obtained that resulted in the exhumation of 978 victims. As of the same date, 813 defendants were formally charged in presentations before the courts by the Office of the Attorney General Office's Justice and Peace Unit. During the year through June, 1,106 defendants reached their eight-year maximum incarceration dates under the agreed arrangement, and authorities released 39 for reintegration into society. The Justice and Peace Unit moved to expel from the JPL process those defendants who do not fully comply by confessing crimes, turning over illegally acquired assets, and ceasing their criminal activity.

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 to be used for required victim reparations.

On August 18, the Supreme Court of Justice confirmed the sentence against three former mayors of the municipality of Astrea, Cesar Department. Garibaldi Lopez Acuna, Jaime Sajonero Pallares, and Edgar Orlando Barrios Ortega were convicted of conspiracy and providing support to paramilitary groups. The three were linked to the G8 criminal group, led by former paramilitary leader Jorge Tovar Pupo.

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 for being granted legal status and suspended sentences for lesser crimes. The law also provides for establishing and institutionalizing formal archives, a Center for Historical Memory for collecting oral testimony and material documentation concerning violations of international human rights norms and law, and for 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, 80 percent of whom were unarmed civilians.

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 13 such killings during the first half of the year.

CINEP reported that criminal organizations were also implicated in 57 unlawful killings during the first six months of the year.

The investigation continued into allegations that military personnel of the army's Heroes of Arauca battalion killed civilian Ever Lopez on March 5 in the municipality of El Castillo, Meta Department.

According to the human rights advocacy NGO Minga, as of August 21, seven years after the events took place, the legal cases involving five victims associated with the 2008 Soacha extrajudicial killings scandal were still in the initial investigation stage at the Attorney General's Office. The cases of three more victims were in evidence hearings, the case of another victim was pending plea bargain arrangements with four soldiers who accepted their responsibility in the crimes, and the cases of five victims were in final allegation hearings. As of August 21, there were no convictions.

Guerrilla groups were also responsible for killings of government security forces and civilians. The FARC killed persons it suspected of collaborating with government authorities or rival drug-trafficking groups. The Ombudsman's Office documented numerous actions affecting the civilian population. For example, on May 29, members of the FARC Daniel Aldana Mobile Column killed Selgibes

Jasier Zambrano Rosero, a 38-year-old civilian, and seriously injured Diana Marcela Quinones Garcia, a 16-year-old who was pregnant at the time.

In some areas of the country, the FARC and the ELN worked together to control drug production, processing, and transit areas, and 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 including aggravated homicide.

Abductions: According to the NGO Fundacion Pais Libre, between January 1 and July 31, criminals and illegal armed groups kidnapped 111 persons, including 65 for extortion. Pais Libre also reported that authorities rescued 37 kidnapping victims, 54 were released by captors, 12 were presumed to remain in captivity, two were released due to pressure by authorities, five were able to escape, and one 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 in prisoner exchanges. The government reported that guerrillas kidnapped 22 persons (seven by the FARC and 15 by the ELN) from January 1 to July 31.

The FARC and the ELN released some kidnapping victims. On July 7, members of the FARC's 32nd Front kidnapped army Lieutenant Cristian Moscoso Rivera during an attack on a convoy of petroleum trucks. Moscoso was released on July 19.

The ICRC reported that from January 1 through September 21, it participated in 14 operations to release persons in the hands of nonstate actors, six with the ELN and eight with the FARC.

On October 17, the government and the FARC announced an agreement to locate and identify the missing and disappeared victims from the armed conflict and to begin immediately to share information with the ICRC.

Courts convicted some FARC members of kidnappings. During the year through June, the Attorney General's Office reported four convictions for kidnappings committed by the FARC. On April 7, FARC leader Henry Castellanos Garzon was sentenced to 30 years for the 2000 kidnapping of Alexander Carmona and Esteban Madero Velilla in Bogota. Carmona and Madero were taken to the Sumapaz region and delivered to the FARC's Eastern Block, who kept them in captivity for almost two years.

Physical Abuse, Punishment, and Torture: The Presidential Directorate for Comprehensive Action against Antipersonnel Mines reported that IEDs, deployed primarily by the FARC and the ELN, caused 13 deaths and 107 injuries from January 1 through the end of July, including at least 11 minors. 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. 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 military's humanitarian demining battalion cleared more than 36 acres and destroyed 57 land mines, IEDs, and unexploded munitions during the year through July. HALO Trust, a civilian organization, also continued to engage in demining activities. From January 1 through August 15, HALO Trust cleared more than 18 acres and destroyed 60 land mines, IEDs, and unexploded munitions. In total, since September 2013, when HALO Trust initiated operations in the country, the group has cleared approximately 38 acres and destroyed 168 land mines, IEDs, and unexploded munitions.

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 illegal armed groups 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 the ELN routinely engaged in forced recruitment of persons under age 18. According to the UN, illegal armed groups killed or threatened children with death on suspicion of being informants for the military. The Colombian Family Welfare Institute (ICBF) estimated the average age of recruitment was 12 years. Having admitted a practice of recruiting minors in the

context of the peace talks, on February 12, the FARC announced that it would cease recruitment of individuals younger than 17.

The ICBF stated that it was impossible to know how many FARC child soldiers exist but reported that more than 5,800 children demobilized from illegal armed groups between 1999 and July 2015. Of the children who demobilized through July, 9.36 percent were of indigenous descent and 6.49 percent were Afro-Colombian. Between January and September, 176 children demobilized. The FARC and other illegal armed groups reportedly used children as combatants and recruiters of other children to act as spies, gather intelligence, serve as sex slaves, and provide logistical support.

The ICBF provided demobilized children extensive assistance, including education, health care, and psychological support. The ICBF continued its educational outreach program, which included a component on prevention of forced recruitment by illegal armed groups. The program, with a budget of more than 79 billion Colombian pesos (COP) (\$26.5 million), maintained teen and preteen clubs and other avenues for educational outreach in 32 departments and 926 municipalities, reaching 196,000 children.

During the year the Interagency Committee for the Prevention of the Recruitment and Use of Children by Illegal Armed Groups implemented 53 programs and projects in 991 municipalities aimed at preventing recruitment, use, and sexual violence against children. The committee supported 102 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 29 municipalities across 20 departments. The Attorney General's Office prioritized key cases for processing under the JPL. Cases in which former paramilitaries were accused of recruiting child soldiers were included in the prioritized cases.

The penalty for leaders of armed groups who use child soldiers is life imprisonment.

International organizations continued to identify recruitment of indigenous youth by illegal armed groups as a serious concern.

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, including efforts of international relief and humanitarian organizations. These actions strained local economies and increased forced displacement. In June and July, the FARC conducted multiple strikes against oil pipelines and tanker trucks. On June 8, FARC guerrillas conducted the first of five attacks on the Transandino Pipeline. The attacks resulted in an estimated 410,000 gallons of crude oil entering the river systems of Narino Department in what the government described as the worst oil spill in the country in a decade. Also on June 8, FARC attackers hijacked 19 oil tankers in Putumayo Department and forced the drivers to dump 130,000 gallons of crude oil on the road, contaminating local water supplies for thousands and damaging the fragile riverine ecosystem, which local inhabitants depend on for sustenance and livelihood.

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, the 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 displace residents forcibly 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 the domestic NGO Foundation for Press Freedom (FLIP), during the year through August 31, there were 91 incidents of violence and harassment against journalists, although FLIP noted many incidents might have gone unreported in the most dangerous areas of the country. FLIP reported 33 threats, some aimed at more than one journalist at the same time. FLIP also reported that one journalist was detained, 15 were physically attacked, and 17 were victims of harassment or intimidation due to their reporting.

The Human Rights Unit of the Attorney General's Office was investigating 53 active cases of crimes against journalists. As of June 30, it won 15 convictions of 41 persons for such crimes.

According to FLIP, during the first nine months of the year, four journalists were killed, but the organization noted it was not able to determine whether the killings were related to the journalists' work.

On September 10, journalist Flor Alba Nunez Vargas was shot and killed while entering the offices of a radio station in Pitalito, Huila Department. Nunez previously received threats concerning her coverage of the killing of an animal in August 2014. On September 26, police arrested Juan Camilo Ortiz in Los Palmitos, Sucre Department, in connection with the case.

As of August 31, FLIP reported that authorities brought five persons to trial in three prominent cases related to violence against journalists, including three former employees of the defunct intelligence agency DAS, in the case of threats and harassment against journalist Claudia Julieta Duque.

The National Protection Unit allotted COP 6 billion (\$2 million) to the protection of threatened journalists. Through September at least 137 journalists were added to the protection program.

Censorship or Content Restrictions: The government does not engage in censorship. FLIP alleged that some journalists avoided discussing or pursuing certain matters due to fear of being sued under libel laws or of being physically

attacked, mostly by nongovernment actors. FLIP argued that the high degree of impunity for those who committed aggressions against journalists was also a factor in the alleged self-censorship.

Libel/Slander Laws: By law slander and libel are crimes. There is no specific legislation for slander against public officials. The government did not use prosecution 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 nine new cases during the year of journalists being sued, involved in judicial proceedings, or prosecuted for slander or libel.

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 aggravated kidnapping, torture, and rape of journalist Jineth Bedoya in 2000 continued, as did the case against another accused individual, Mario Jaime Mejia. Bedoya requested in 2012 that her case be transferred for prioritized processing to the Attorney General's special unit for crimes against personal freedom, but the government did not provide information about whether this 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 and has no onerous legislation or policies censoring online content. During the year there were no credible reports that the government monitored private online communications without appropriate legal authority. The investigation continued into past abuses by the Army Intelligence Unit known as "Andromeda." On April 10, Andres Fernando Sepulveda was sentenced to 10 years in prison for, among other crimes, spying and the use of malicious software in the tapping of communications of peace negotiating teams (see also section 1.d.).

The International Telecommunication Union estimated 52.4 percent of the population used the internet in 2014. Despite improvements, obstacles to

widespread internet access remained, including poor infrastructure, lack of development, and high costs. In view of the general climate of violence and impunity, self-censorship occurred both online and offline, particularly within communities at risk in rural areas.

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.

On January 16, the Attorney General's Office arrested the presumed FARC member known as "Wiston" and "el Gordo" on charges of interference with public universities in Medellin, Antioquia Department. He was convicted of similar charges in 2009.

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, seven educators were killed during the year through August 27. Threats and harassment caused many educators and students to adopt lower profiles and avoid discussing controversial topics.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for the freedom of assembly, and the government generally respected this right.

In early March members of the CNP's Anti-Riot Squad (ESMAD) allegedly advanced on protesters near the Miraflores farm located in Corinto, Cauca Department, and burned the protesters' tents. ESMAD members also allegedly used tear gas and other nonlethal means to disperse the protesters.

No information was available regarding the status of investigations into the death of a protester at a strike by plantain and banana workers in Turbo, Antioquia Department, in August 2014. According to a citizen editorial posted on the online news portal *Las 2 Orillas*, the protester was killed and two others injured when a local police officer who was supporting the actions of riot police allegedly opened fire as the victims departed the protest.

Freedom of Association

The law provides for the freedom of association, and the government generally respected this right. 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.). Some NGOs alleged that riot police used excessive force to break up demonstrations.

Although the government does not prohibit membership in most political organizations, membership in organizations that engaged in rebellion against the government, espoused violence, or carried out acts of violence, such as the FARC, the 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. The government generally respected these rights, although 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 on movement within the country. Organized criminal gangs and FARC and ELN guerrillas

continued to establish illegal checkpoints on rural roads. From January 1 through July 31, the NGO Pais Libre recorded 14 illegal checkpoints. The checkpoints particularly affected the departments of Putumayo, Arauca, Antioquia, and Norte de Santander.

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 departments where it operated, between January 1 and August 25, nearly 2,278,000 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, of the persons affected during this time, 1,530,000 faced mobility restrictions due to armed fights, attacks against infrastructure or civil assets, armed clashes, weapons contamination (land mines and other unexploded ordinance), and illegal road and river blocks, caused by armed actors.

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, extortion, 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 (\$18.4 billion) over 10 years. As of October 1, the Victims' Unit, a government entity responsible for assisting and providing reparations under the Victims' Law, listed 6,499,042 IDPs in the Single Victims Registry, with registrants dating back for nearly 70 years. Of those, 37,216 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.

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 were accepted under defined criteria.

The Victims' Unit maintained the Single Victims Registry as mandated by law. Despite improvements in the government registration system, IDPs experienced delays in receiving responses to their displacement claims because 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, the 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 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 extortion, recruitment by illegal armed groups, homicides, and physical and sexual violence as the primary causes of intraurban displacement. The ICRC and UNHCR reported that in some departments displacement disproportionately affected indigenous and Afro-Colombian groups. Through September 1, the government registered 160,255 IDPs (including those displaced during years before 2014) who identified themselves as indigenous, 673,374 who identified themselves as Afro-Colombian, 804 who identified themselves as Palenquera (inhabitants of the Caribbean coast), and 9,463 who identified themselves as Raizales (inhabitants in the San Andres archipelago). Indigenous persons constituted 5 percent and Afro-Colombians, 20 percent of new IDPs registered by the government.

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 continued and refugee flows to bordering countries increased.

According to the National Protection Unit, during the year more than 700 land restitution leaders were requesting protection from the government, with the departments of Bolivar, Sucre, and Cordoba registering the most requests. On May 19, land restitution claimant Octavio Aviles Guerra was killed in the municipality of Ayapel, Cordoba Department. Aviles, along with his mother, was in the process of requesting the restitution of part of a farm.

On August 3, unidentified armed men shot and killed the Afro-Colombian leader Genaro Garcia, president of the community council Alto Mirain Tumaco, Narino Department. On August 24, the FARC accepted responsibility for the killing of Garcia.

There were no developments in the 2014 killing of land restitution leader Jesus Adan Quinto, who received death threats.

Fifty-two government agencies are responsible by law for assisting registered IDPs. During the year the Victims' Unit budgeted approximately COP 543 billion (\$182 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, Social Action (which the DPS replaced), 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, the World Food Program, the ICRC, and the 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. UNHCR stated that Colombia was the country of origin for 360,000 refugees and persons in a refugee-like situation, the majority in Ecuador, Venezuela, Costa Rica, and Panama. UNHCR estimated that between 1,000 and 1,500 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.

On August 19, the government of Venezuela began closing parts of its border with Colombia, ostensibly to confront crime in the area. The Venezuelan government also expelled alleged Colombian nationals from the border area. In the first month following the measures, authorities deported approximately 1,500 Colombians, and another 20,000 returned to Colombia on their own. Those expelled to Colombia claimed that the Venezuelan government or its agents illegally confiscated their belongings and real estate. The Colombian government responded to the humanitarian crisis created by the expulsions by providing tents, food, and, in some cases, employment opportunities to the returning citizens. The Colombian government urged that all expulsions take place through a legal process, including the right to appeal, that those expelled be permitted to collect their belongings in Venezuela, and that allowances be made for individuals who need to cross the border for educational and employment reasons. As of October the two governments continued to discuss the matter.

Protection of Refugees

Access to Asylum: The 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 61 of the 1,410 applications for refugee status received since 2009. Between January 1 and July 31, the government received 172 new applications for refugee status, of which it approved one and rejected 77; the others were pending.

The government reported a continuing rise in the smuggling of migrants from outside the region through Colombia 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.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government through free and fair periodic elections based on nearly universal suffrage, and citizens exercised this right. 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: In 2014 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. On October 25, the country held departmental and local elections, involving 110,000 candidates running to be one of the country's 32 governors, 1,100 mayors, and thousands of local council seat holders. According to the NGO Foundation of Peace and Reconciliation, during the year through September 23, seven candidates were killed, four were attacked, and 28 were threatened.

According to the Foundation of Peace and Reconciliation and the Electoral Observation Mission (MOE), 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. In advance of the 2015 elections, NGOs estimated individuals registered to vote in precincts where they were not legally resident in more than 600 municipalities. According to the Foundation of Peace and Reconciliation, the areas with the highest proportion of irregular voters were the departments of Boyaca, Antioquia, Cundinamarca, Narino, and Bolivar. The government continued the use of a new finance tool to provide 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. The Foundation of Peace and Reconciliation claimed 11 parties' rosters for elections included candidates with financial ties to illegal groups.

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, claimed to have received death threats in 2014. Investigations continued into the threats. No arrests were made during the year through September. The trial continued of former La Guajira governor Juan Francisco Gomez Cerchar 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.). Some local officials resigned because of threats from the FARC. Through September the National Protection Unit (NPU), under the Ministry of Interior, provided protection to 174 mayors, 10 governors, and 4,650 other persons, including members of departmental assemblies, council members, judges, municipal human rights officers, and other officials related to national human rights policies. By decree the CNP's protection program and the NPU assume shared responsibility for protecting municipal and district mayors.

Participation of Women and Minorities: During the March 2014 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. Legal challenges following the election kept the individuals from assuming their seats. One of the candidates, Maria del Socorro Bustamante, died of natural causes on March 20.

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: On May 16, *Semana* magazine published an article alleging corruption involving members of the military assigned to the Fernando Landazabal Battalion located south of Bogota. A former member of the battalion accused the leadership of the unit of contracting irregularities and profiting from the contracting of members of the battalion as private security escorts. There was no information on the status of any investigation into the allegations.

In February 2014 *Semana* published an article alleging corruption involving several members of the military, including generals, colonels, and lieutenant colonels. The article cited hours of secretly recorded audio 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 cases of extrajudicial execution. 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.

The investigation continued into the 2013 killing of Stalin Ortiz, a city council member in Buenaventura, allegedly 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.

On August 4, the Inspector General's Office barred former mayor of Bogota Samuel Moreno Rojas from holding public office for 18 years. Moreno was charged in 2011 with failing to fulfill his public duty and contracting irregularities, and he remained in detention as his criminal trial continued into its fourth year.

A special investigative unit of the Supreme Court of Justice charged with investigating members of congress and senior government officials reported that from January 1 through June 30, it opened 291 investigations, of which 67 were closed for lack of evidence. As of June 30, the unit opened 64 new investigations involving former or current governors. During the same period, the unit won no convictions in cases against governors, members of congress, and senior government officials.

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 government for more than three months shall submit a statement of assets and income, as well as information on their private economic activity. 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.

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 were typically 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 recent years, some also stated that, as in previous years, the government arbitrarily arrested and detained some human rights activists, particularly in high-conflict areas. Some NGOs claimed the Attorney General's Office pursued 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.

According to the NGO Somos Defensores (We Are Defenders), 34 human rights activists were killed and 332 threatened during the first half of the year. Somos Defensores reported that the departments most affected by the attacks were Cauca, Antioquia, Caldas, Bogota, Bolivar, Caqueta, and Meta.

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. The government condemned the threats and called on the Attorney General's Office to investigate them. Some activists claimed the government did not take the threats seriously.

Through June the Attorney General's Office investigated 110 cases of threats against human rights defenders, none of which resulted in convictions.

President Santos and other senior government officials continued to make public statements in support of human rights defenders. As of June 30, the NPU's COP 428 billion (\$144 million) protection program provided protection to a total of

9,998 individuals. Among the NPU's protected persons were 625 human rights activists.

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 they alleged 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 a commission of 11 senior government officials coordinates and the vice president leads--designs, implements, and evaluates the government's human rights and international humanitarian law policies. The Office of the Presidential Advisor for 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 that 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. 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. The law imposes a penalty of one to three years in prison or a fine of approximately COP 5.3 million to 8 million (\$1,780 to \$2,680).

During the year through June, the law was applied in 19 cases. On February 27, an official in Pereira was convicted under the law, sentenced to 16 months in prison, and fined COP 6 million (\$2,000).

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. In June congress passed a law making femicide a crime, with penalties of 21 to 50 years in prison, without the possibility of suspensions or reductions, and longer than the minimum sentence of 13 years for homicide. The crime of femicide is defined as the killing of a woman either for being a woman, because of her gender identity, or as a part of a cycle of sexual, physical, or psychological violence.

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, including former paramilitary members, and guerrillas also continued to rape and abuse women and children sexually.

Prosecution rates for rape have historically been 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 Attorney General's Office created teams in each of its 35 regional directorates that specialize in providing technical assistance and other support in cases of sexual violence, including sexual violence within the context of the internal armed conflict. The government continued to employ the GEDES interagency unit in Bogota, which is dedicated to the investigation of sexual assault cases. The unit uses a multidisciplinary task force approach that includes prosecutors, investigators, and forensic specialists from the CNP and the Attorney General's Office, working together under a common investigative and prosecutorial model. Through June the Attorney General's Office opened 12,458 investigations for sexual abuses. The Superior Judicial Council reported that, between January and April, there were 625 new convictions obtained for sexual abuse, including sexual assault, with 1,200 more cases awaiting sentencing. In addition, during the year through September, the Inspector General's Office reported six open disciplinary investigations into members of the security forces for sex crimes.

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 provision augments both jail time and fines if the crime causes “transitory or permanent physical disfigurement,” such as acid attacks, in which an attacker throws acid onto the victim’s face. For example, in Bogota on September 3, Jenny Pardo, a 28-year-old university student, was the victim of an acid attack that burned 26 percent of her body. In March 2014, also in Bogota, Natalia Ponce de Leon was the victim of an acid attack that caused serious burns to her face and body. The trial of Ponce de Leon’s alleged attacker, Jhonattan Vega, continued as of September.

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.

The Ministry of Defense continued implementing its protocol for managing cases of sexual violence and harassment involving members of the military.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but isolated incidents were reported in several indigenous communities. 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 on September 1, according to media reports, a six-month-old indigenous child of the Embera-Chami community of Antioquia died after an ablation surgery. In July 2014 an infant from the Embera-Chami tribe was taken to a public hospital with burns on her genitals.

The UN Population Fund (UNFPA) continued to support a consulting project on FGM/C with indigenous peoples. The project’s goal was to eradicate practices harmful to the life and health of indigenous girls and women nationwide, with an emphasis on the departments of Risaralda and Choco. In July and August, the ICBF signed conventions of cooperation with the UNFPA to promote gender and reproductive rights within the Embera communities and, among other goals, to

work toward the eradication of FGM/C. 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 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.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children; to manage their reproductive health; and to have access to the information and means to do so, free from discrimination, coercion, and violence.

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 operating 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 being subjected to 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. The policy includes directives for affording women access to economic autonomy, decision-making positions, health and reproductive rights, and a life free of violence, as well as incorporating a gender focus into education.

Children

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

Child Abuse: Child abuse was a serious problem. The ICBF reported 3,451 cases of child abuse during the year through June 30. The ICBF reported 3,642 cases of sexual abuse against children during the same period. The Attorney General's Office reported that 56 percent of the investigations it opened during the year for sex crimes involved sexual abuse of children, most of whom were under age 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.

Female Genital Mutilation/Cutting (FGM/C): See information for girls under 18 in women's section above.

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 reported that from January 1 through April, 413 individuals were convicted for sexual activity with a child under 14.

Displaced Children: The NGO Consultancy for Human Rights and Displacement 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 Abductions: 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/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/en/country/colombia.html.

Anti-Semitism

The Jewish community had an estimated 5,000 members. The Jewish community reported continued negative comments on social media sites promoting hatred of Jews. It also reported the use of excerpts from *The Protocols of the Elders of Zion*, the vindication of Hitler, or the negation of the Holocaust by social media users. The community reported one case of vandalism to a menorah statue in Bogota during the year.

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 but not sensory or intellectual disabilities in employment, education, access to public buildings, air travel and other transportation, access to health care, or the provision of other government services. 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. Somos Defensores and other NGOs claimed these laws were seldom enforced.

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 than children without disabilities and dropped out at higher rates. 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.).

In March 2014 the Constitutional Court issued a decision upholding the legality of forced surgical sterilization of children with cognitive and psychosocial disabilities in certain cases.

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 complied with the order and undertook accessibility reconstruction projects during the year.

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 and 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 illegal armed groups 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 inhabit some parts of the Caribbean coast, Raizal populations live 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 *National Development Plan 2014-18* stipulates that the budgetary resources allocated to Afro-Colombian, Palenquera, and Raizal populations be no less than what was assigned in the 2010-14 period. The government's Observatory against Racism and Discrimination continued to monitor the use of specialized approaches in public policies for ethnic minorities, to conduct studies on racism and discrimination, and to 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. During the year through July, the government provided training to 21 Afro-Colombian, Palenquera, and Raizal community councils in four departments. The government also continued a working committee on problems of Afro-descendants with other members of the Andean Community of Nations and maintained a binational ethnic affairs committee with Ecuador.

The National Autonomous Congress of Afro-Colombian Community Councils and Ethnic Organizations for Blacks, Afro-Colombians, Raizales, and Palenqueras, consisting of 108 representatives, continued to meet with government representatives on problems that affected their communities. Some Afro-Colombian communities, however, complained that those elected to the National Autonomous Congress did not represent their interests.

Indigenous People

The constitution and law give special recognition to the fundamental rights of indigenous persons, 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 indigenous groups, neighboring landowners, and the government often disputed the demarcation of those lands. 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 persons continued to suffer discrimination and often lived on the margins of society. They belonged to 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 June the Attorney General’s Office reported there were no active investigations of military members nor members of the CNP accused of violating the rights, culture, or customs of indigenous groups.

Killings of members and leaders of indigenous groups remained a problem. During the year through August 11, the NGO National Indigenous Organization of Colombia (ONIC) reported that 28 indigenous persons were killed, 35 were subject of attacks, and 19 were threatened. ONIC reported a total of 3,423 cases of human rights violations against indigenous communities during the same period.

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. Members of the transgender community, however, cited barriers to public services when health-care providers or police officers refused to accept government-issued identification with transgender individuals' names and photographs. 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 performed mandatory military service or obtained the necessary waivers from that service. 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.

Despite government measures to increase the rights and protection of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, there were reports of societal abuse and discrimination. As of June the Attorney General's Office was investigating at least 55 alleged homicides of LGBTI individuals that occurred since January 1. Of these cases, 45 were in the preliminary stages of investigation as of June 30. Colombia Diversa, an NGO focused on addressing violence and discrimination due to sexual orientation, claimed at least 43 killings during the year through September 1 due to prejudice regarding sexual orientation or gender identity.

Colombia Diversa also reported five 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 LGBTI problems, 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 LGBTI issues as well as a high level of impunity for crimes against members of the LGBTI community. Such organizations partially attributed impunity levels to the failure of the Attorney General's Office to distinguish and effectively pursue crimes against the LGBTI community.

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 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 was not changed as of September.

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, bargain collectively, and conduct legal strikes, and it prohibits antiunion discrimination. Members of associated workers' cooperatives are not allowed to form unions, since the law recognizes members of a cooperative as owners. The law prohibits members of the armed forces and police from forming or joining unions. The law provides for automatic recognition of unions that obtain 25 signatures from potential members and that comply with a registration process.

The law gives public sector employees the right to bargain collectively.

The law permits associated workers' cooperatives (CTAs), collective pacts, as well as union contracts. 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 through such pacts. CTAs, when used as the law intended, must register with the government and comply with applicable law. Under a union contract, 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 union contract with a company do not have a direct employment relationship with either the company or the union. Labor disputes for workers under a union contract may be decided through an arbitration panel versus labor courts if both parties agree.

The law does not permit members of the armed forces, police, and persons performing "essential public services" to strike. 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 government has the authority to fine labor rights violators. The government frequently enforced most applicable law, but a lack of an inspection strategy, as well as an overburdened judicial system, inhibited speedy and consistent application. The maximum penalty for violations of law, including those that prohibit the misuse of CTAs, is 5,000 times the minimum monthly wage or COP 3.2 billion (\$1.1 million). The law also stipulates that offenders repeatedly misusing CTAs or other labor relationships shall receive the maximum penalty and may be subject to losing their legal status to operate altogether. Employers who engage in antiunion practices may also be imprisoned for up to five years, although government officials admitted a fine was more likely than imprisonment. Prohibited practices include impeding workers' right legally to strike, meet, or otherwise associate, and extending better conditions to members of collective pacts rather than union members. Through August the government reported that total fines on subcontracting entities for abusive forms of subcontracting amounted to COP 1.3 billion (\$436,000). The National Training Institute (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.

The Ministry of Labor's Special Investigations Unit continued to exercise its power to investigate and impose sanctions 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.

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 protect internationally recognized labor rights. Labor inspections by the Ministry of Labor for abusive subcontracting in the five priority sectors of palm oil, sugar, ports, mines, and cut flowers remained infrequent, however. Critics claimed

inspections lacked necessary rigor, assessed fines were not collected, and abusive subcontracting continued. The government continued to engage in regular meetings with unions and civil society groups.

The Ministry of Labor, in collaboration with the International Labor Organization (ILO), continued technical training for labor inspectors on how to identify antiunion conduct via a virtual training program. They also implemented methods, including contract and process maps, as strategic planning tools to prioritize interventions. The ministry continued to employ a telephone- and internet-based complaint mechanism to report alleged labor violations. Through June the government reported the mechanism allowed its personnel to attend to 810,000 citizens. Union members complained that current systems did not allow citizens to register anonymous complaints.

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 is an active or retired union member or is actively engaged in union formation and organization, but it was unclear whether they actually did this. It could take several months to transfer cases from regional field offices of the Attorney General's Office to the ministry's Human Rights Directorate and its labor subunit, and cases are transferred only at the request of the attorney general instead of automatically. In August, 49 prosecutors and investigators of the Attorney General's Office participated in a training program focused on the rights of unionists to associate freely.

The government continued to include in its protection program for labor activists persons engaged in efforts to form a union, as well as former unionists under threat because of their past activities. As of June 30, the NPU provided protection to 598 trade union leaders or members (others protected included journalists, human rights advocates, and land restitution claimants). Approximately 13.5 percent of the NPU's budget was dedicated to unionist protection. Between January 1 and June 30, the NPU processed 242 risk assessments of union leaders or members; 165 of those cases were assessed as posing an "extraordinary threat" or "extreme threat," and the NPU provided them protection measures. The processing time before individuals received benefits under the protection program averaged 120 days, with most cases passing through the risk analysis stage in the first 100.

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. During the

year through June 30, the NPU evaluated 98 threat cases against teachers and found 58 to be of extraordinary or extreme risk.

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. As of June, two cases resulted in convictions in the more than 200 acts of violence against unionists that occurred since 2011.

Violence, threats, harassment, and other practices against trade unionists continued to affect the exercise of the right to freedom of association and collective bargaining. According to the Colombian Federation of Educators, during the year through August 27, seven educators were killed.

The National Union School (ENS), a labor rights NGO and think tank, reported that 18 trade unionists were killed during the year through September 30. 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 during the same period 76 death threats, nine nonlethal attacks, six arbitrary detentions, 12 cases of harassment, two forced disappearances, two cases of illegal raids, and two kidnappings.

On June 1, unidentified armed men killed treasurer of the Union of Judicial Employees (Asonal) Alex Fabian Espinosa Carvajalino in his Cucuta home.

Investigations continued into the 2013 killing of the leader of the Sintrainagro labor union, Juan Carlos Munoz. Munoz was advocating on behalf of approximately 90 dismissed workers, and he 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 nine months of the year, the government reported that 20,648 workers benefited from 82 formalization agreements that the Ministry of Labor reached with employers in

the departments of Antioquia, Bolivar, Bogota, Boyaca, Caqueta, Cesar, Choco, Narino, Norte de Santander, Quindio, Risaralda, Santander, and Valle del Cauca.

Labor confederations and NGOs reported that some business owners in several sectors used “simplified stock corporations” (SAS), union contracts, or temporary service agencies in an attempt to circumvent legal restrictions on cooperatives. 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, may be fined for labor violations if they occurred.

Subcontracting mechanisms were also common in the palm oil sector. According to ENS, Indupalma, a large employer in the palm sector located in the municipality of San Alberto, hired more than 2,000 workers through illegal cooperatives. This was the only company in the region that continued using labor intermediation with illegal cooperatives with no sanctions or corrective measures by the Ministry of Labor.

Las Brisas, the first palm sector business 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 law, appealed the fine, and filed for bankruptcy. During the year the Council of State upheld the 2011 fine. Following the failure of the Las Brisas appeal, the Ministry of Labor is required to reactivate the fine so that SENA can undertake collection.

In June, two collective bargaining agreements were reached between the Port Worker’s Union and Buenaventura employers Sociedad Portuaria de Buenaventura and Tesca. The agreements were the first collective bargaining agreements in the Buenaventura port in 24 years. Even with the agreements, the Single Confederation of Workers of Colombia stated that the majority of the 3,000 workers in the port were subcontracted and did not benefit from collective agreements.

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 as well as 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 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 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 may be punished by temporary or permanent closure of the establishment. Nationwide labor inspectors are responsible for enforcing child labor laws. In 2014 the Ministry of Labor created the Child Labor Eradication Internal Working Group based in Bogota but with nationwide responsibilities to investigate cases of child labor and carry out activities to prevent child labor. The government provided guidelines to labor inspectors designed to help prevent children younger than 15 from working and adolescents ages 15 to 17 who have work permits from engaging 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.

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, although the system was not always regularly updated. 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. 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. In 2014 the government approved "Child Labor Pacts," an initiative to address the implementation of child labor policies in the country's departments.

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 continued to implement 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 whatever government presence was available in the area attended to children found working in illegal mining operations, 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 continued to implement several initiatives aimed at preventing child labor, including producing an extensive section of its website designed specifically for young audiences to educate children on child labor, their rights, and how to report child labor. The Ministry of Labor created the Network Against Child Labor in which the ministry operates alongside member businesses that have pledged to work within the network to prevent and eradicate child labor.

Child labor remained a problem in the informal and illicit sectors. In April the National Administrative Department of Statistics (DANE) published the results of a 2014 survey of child labor that measured child labor during October-December 2013. DANE data noted that, of the 11.2 million children between ages five and 17, an estimated one million worked outside the home (approximately 67 percent boys and 33 percent girls). The national rate of children who worked outside the home was 9.3 percent, with 5.4 percent of children ages five to 14 working and 22.3 percent of children ages 15 to 17 working. For the period of the study, 30.1 percent of the children who worked did not attend school. According to the study, 57.4 percent of child laborers in urban areas engaged in commerce, hotel, and restaurant work, while 72.1 percent of child laborers in rural areas engaged in agriculture, fishing, cattle farming, hunting, and forestry work; 53.1 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 unrefined brown sugar market, as well as children selling inexpensive Venezuelan gasoline. Commercial sexual exploitation of children occurred (see section 6, Children, Sexual Exploitation of Children).

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 Chico and Bolivar.

There continued to be instances of forced child labor in mines, quarries, and private homes. According to government officials and international organizations, illegal drug traders and other illicit actors recruited children, sometimes forcibly, to work in their illegal activities. The FARC, the 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. The ICBF identified 615 cases of forced child labor from January 1 through June 30.

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 and Occupation

The law prohibits discrimination in respect to employment or occupation regarding race, sex, religion, political opinion, national origin or citizenship, 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. The government reported in 2012 that a system to follow up cases of sexual harassment at the workplace was developed to enable labor inspectors to intervene. This system was created 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.

Unemployment disproportionately affected women. They faced hiring discrimination and received salaries that generally were not commensurate with

their education and experience. According to the NGO Sisma Mujer, on average women were paid 20.2 percent less than men. Among employees with a university education, women on average received between 11 and 23 percent less than the average wages of their male counterparts. A senior government official estimated that 85 percent of persons with disabilities were unemployed.

e. Acceptable Conditions of Work

The minimum monthly wage as negotiated through a tripartite commission was COP 644,350 (\$216) for all sectors, which was an increase of 4.6 percent. According to the national tax authority, as of June, 28.2 percent of the national population lived in poverty: 24.6 percent of the urban population and 40.1 percent of the rural population lived below the poverty line. The share of the national population living in extreme poverty was 7.9 percent.

The law provides for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. Exceptions to this may be granted by the Ministry of Labor and were frequently found in the mining sector. 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 nighttime work, additional hours worked over the regular workweek of 48 hours, and 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 legal standards were generally current and appropriate for the country's main formal 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 endanger 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 is required to enforce labor laws, including occupational safety and health regulations, in the formal sector through periodic inspections by labor inspectors. The government reported that as of October, the ministry employed 827 inspectors around the country, although not all conducted worksite inspections. Individual labor violations can bring fines of up to 5,000 times the minimum monthly wage. Unionists stated that fines must be collected 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 DANE, in the second quarter of the year, approximately 48.5 percent of the economy was in the formal sector. The government also continued to support complementary social security programs to increase the employability of extremely poor individuals, displaced persons, and the elderly.

Nonunion workers, particularly those in the agricultural and port sectors, reportedly worked under hazardous conditions because they feared losing their jobs in subcontracting mechanisms or informal arrangements if they criticized abuses. Some unionized workers who alleged they suffered on-the-job injuries complained that companies illegally fired them despite existing legal protections designed to keep them from being fired. Only the courts may order reinstatement, and the workers complained the courts were slow. The Ministry of Labor may sanction a company found to have broken the law in this way, but it may offer no other guarantees to workers.

Security forces reported that illegal armed groups, including the FARC, the 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.