

# COLOMBIA 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Colombia is a constitutional, multiparty republic. In 2014 voters elected Juan Manuel Santos president in elections that observers considered free and fair.

Civilian authorities generally maintained effective control over security forces.

The most significant human rights issues included extrajudicial and unlawful killings; reports of torture and arbitrary detention; corruption; rape and abuse of women and children by illegal armed groups; forced abortion carried out by illegal armed groups; and violence against lesbian, gay, bisexual, transgender, and intersex persons. Violence against and forced displacement of Afro-Colombian and indigenous persons persisted, as did illegal child labor and killings and other violence against trade unionists.

The government took steps to investigate, prosecute, and punish officials who committed human rights abuses, including judges, mayors, and other local authorities.

The government and the Revolutionary Armed Forces of Colombia (FARC), formerly the country's largest guerrilla insurgency group, continued to implement the November 2016 peace accord. The agreement provides for the creation of a Comprehensive System for Truth, Justice, Reparation and Non-Repetition, including the establishment of a Special Jurisdiction for Peace (SJP, or JEP in Spanish) designed to investigate and ensure accountability for serious conflict-related crimes. The FARC completed its disarmament on August 15, and former members reincorporated as a political party on September 1. The government and a smaller guerrilla force, the National Liberation Army (ELN), announced on September 4 a temporary, bilateral ceasefire (the first-ever such agreement during the 50-year conflict with the ELN), which began on October 1 while peace talks continued. There were reports the ELN violated the agreement during the year. The ELN perpetrated armed attacks across the country for much of the year, mostly prior to the temporary ceasefire. In September the government received an offer from the Gulf Clan (formerly known as Clan Usuga or Los Urabenos), the country's largest criminal organization, to demobilize through a surrender ("sometimiento") process, or submission to justice. Illegal armed groups and drug trafficking gangs continued to operate, with approximately 2,900 members nationwide. Illegal armed groups, as well as narcotics traffickers, were significant

perpetrators of human rights abuses and violent crimes and committed acts of extrajudicial and unlawful killings, political killings, extortion, kidnapping, torture, human trafficking, bombings and use of landmines, restriction on freedom of movement, recruitment and use of child soldiers, and intimidation of journalists, women, and human rights defenders.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports the government or its agents committed arbitrary or unlawful killings, and related investigations and prosecutions proceeded slowly (see section 1.g.).

For example, on October 5, at least seven persons, including two members of the Awa indigenous people, were killed and another 20 injured in the southwestern municipality of Tumaco, Narino Department, during a protest against government coca eradication operations, according to the Inter-American Commission on Human Rights (IACHR). Some eyewitnesses alleged that members of the antinarcotics police force fired their weapons into the crowd, while others alleged FARC dissidents first attacked the protesters and authorities, and that the security forces acted in self-defense. On October 10, the Minister of Defense announced the government would transfer 102 police officers out of Tumaco in an effort to restore public trust. Media reported the government suspended four police officers. The president ordered a prompt and thorough investigation. The vice president traveled to the region to oversee the investigation and the government response to community concerns. The IACHR urged authorities to investigate the events thoroughly and “to ensure the safety and integrity of the campesino, indigenous, and Afro-descendant communities.”

Nongovernmental monitors reported a decrease in extrajudicial killings and an overall reduction in violence. According to the National Police, between January 1 and October 25, there were 9,380 homicides and 69 terrorist attacks, compared with 9,850 homicides and 138 terrorist attacks over the same period in 2016, a decrease they attributed to the implementation of the peace accord between the government and the FARC (see section 1.g.).

From January 1 through July, the Attorney General’s Office registered three new cases of alleged aggravated homicides by state agents. During the same period,

authorities formally accused 19 members of the security forces and arrested three for aggravated homicide or homicide of a civilian, 16 of them for crimes that occurred prior to 2016. The Attorney General's Office registered the arrest of eight members of the security forces in connection with homicides.

There were developments in efforts to hold officials accountable in false positive extrajudicial killings, in which thousands of civilians were killed and falsely presented as guerrilla combatants in the late 1990s to late 2000s. As of March 15, the Attorney General's Office reported 455 open investigations, 836 cases in the prosecution phase, and 238 cases in the sentencing phase related to false positive killings. The Attorney General's Office reported that from 2008 through 2016, it had reached convictions in 1,414 false positive cases, with defendants ranging up to the rank of colonel.

On April 3, Lieutenant Colonel Gabriel Rincon Amado and 20 soldiers under his command were convicted for their role in "false positive" killings in Soacha in 2008 and received sentences ranging from 38 to 52 years in prison.

The Attorney General's Office reported that as of June, there were open investigations against 18 retired and active duty generals related to false positive killings, although no new investigations were opened in 2016 or 2017. The Attorney General's Office reported investigations against two other generals were closed in 2016 and 2017.

The Attorney General's Office reported that the case against retired general William Henry Torres Escalante involving false positive killings was transferred to the special investigations unit in 2016, after a court upheld his indictment. Torres Escalante was granted conditional liberty on August 4 under the transitional justice mechanism of the peace accord. According to media reports, in December the Superior Court of Yopal revoked Torres Escalante's conditional liberty and ordered that he be rearrested. The court held that conditional liberty could only be granted once the Special Jurisdiction for Peace was operational. Media reported that retired general Mario Montoya Uribe was scheduled to appear before a judge to face charges related to false positive killings in 2016, but the hearing was postponed. The Attorney General's Office reported the investigation of Montoya Uribe was in the preliminary investigation and inquiry phase as of June.

On November 14, Human Rights Watch (HRW) issued a public statement alleging five army officers recommended for promotion were "credibly linked" to false positive killings. HRW stated two of the five officers in question--Brigadier

General Francisco Javier Cruz Ricci, the then commander of the army's Sixth Division, and Colonel Miguel Eduardo David Bastidas--were under investigation by the Attorney General's Office for alleged involvement in false positive cases. According to HRW, General Cruz Ricci was under investigation for the killing of two civilians in July 2004, when he commanded the Ninth Special Energy and Roads Plans Battalion of the 27th Brigade. HRW's statement further alleged that Juan Pablo Rodriguez Barragan, former commander of the armed forces, was under investigation for false positive extrajudicial killings allegedly committed under his command.

Subsequently, media reported David Bastidas' name was removed from the promotion list after prosecutors sought his arrest in connection with the false positive extrajudicial killings of Uber Esneider Giraldo, Disney Villegas, and 30 other persons, as well as other crimes allegedly committed when he was second-in-command of the Fourth Artillery Battalion "Jorge Eduardo Sanchez." The Senate voted to approve the remaining promotions on December 5.

On September 13, an International Criminal Court (ICC) delegation, including Chief Prosecutor Fatou Bensouda, visited Bogota in the context of the ICC's preliminary examination of the situation in Colombia. According to a public statement, the delegation sought to obtain information concerning the status of national proceedings related to false positive killings, as well as information about aspects of the future SJP, sexual and gender-based crimes, and forced displacement.

On April 18, the then commander of the army General Alberto Jose Mejia Ferrero honored Sergeant Carlos Mora, a whistleblower in the false positives scandal. Mejia urged the army's leaders to hold themselves and their units to the highest standards of transparency and to respect human rights and international humanitarian law. In December the president elevated General Mejia to serve as armed forces commander, replacing Juan Pablo Rodriguez Barragan, who retired.

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

Investigations of past killings proceeded, albeit slowly. The Attorney General's Office reported that through July, it obtained three new convictions of security force members in cases involving homicide of a "protected person" (i.e., civilians

and others accorded such status under international humanitarian law), four new convictions in cases involving aggravated homicide, and 11 new convictions in cases involving “simple homicide” committed by security force members. Of these sentences, 15 corresponded to cases that took place before 2017.

Illegal armed groups, including the ELN and narcotics traffickers, were significant perpetrators of violent crimes and committed unlawful killings (see section 1.g.).

The UN Office of the High Commissioner for Human Rights (OHCHR) reported 73 social leaders were killed between January and December 20. For example, on June 7, Bernardo Cuero Bravo, a prominent human rights activist and Afro-Colombian community leader, was shot and killed in his home in Villa Esperanza, Atlantico. Bravo worked as an attorney for the National Association of Displaced Afrodescendants (AFRODES). The president addressed the attacks on social leaders at the one-year anniversary of the peace accord saying, “Every murder, every attack, every threat hurts us,” and pledging to “protect [social] leaders and to capture those responsible.”

The IACHR held a public hearing at the request of the government on “Investigation of Attacks on Human Rights Defenders in Colombia” during its 161st Period of Sessions in March. Civil society organizations that participated urged the government to investigate and address the root causes of violence against social and ethnic leaders. The deputy attorney general provided updates on progress in cases of human rights defenders killed in 2016 and 2017, stating that, of 74 individuals that had been linked to the killings, 58 persons had been arrested, four had been sentenced, and six were on trial. According to the Attorney General’s Office, of 118 cases in 2016 and 2017, 59 showed procedural advances. The Attorney General’s Office Special Investigation Unit provided for in the peace accord was established. The focus of the unit was on investigating and prosecuting criminal organizations and their support networks.

On November 30, the Minister of Defense attributed the delay in investigating and prosecuting killings of social leaders to difficulty in determining motive and delays in reaching the remote crime scenes. He announced a rapid response mechanism that he stated would ensure a combined security force/Attorney General’s Office response within two hours to any attack on a social leader, anywhere in the country.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities. From January 1 through the end of July, however, a total of 3,957 persons were registered as missing, including 79 persons believed to be victims of forced disappearances. The National Institute of Forensic Medicine and Forensic Science reported that from 1938 to 2016, a total of 120,104 cases of disappearances were registered, including 25,102 cases of forced disappearances. The government did not provide information on the number of victims of forced disappearances who were located nor a disaggregation of the number found alive or dead.

The Attorney General's Office indicated that between January 1 and July 31, there were no new convictions of members of the security forces involved in forced disappearances cases.

As part of a peace process confidence-building measure, the FARC agreed in 2015 to search for those missing in the conflict. The government agreed to accelerate the identification of anonymous victims killed in security operations and extrajudicial killings and to turn over their remains to family members. The parties also agreed to create a new search unit for the missing, which was established in April by presidential decree 589 and would receive technical support from the international community.

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

Although the law prohibits such practices, under articles 137 and 178 of the criminal code, there were reports government officials committed abuses. The nongovernmental organization (NGO) Center for Research and Education of the Populace (CINEP) reported that through June 30, security forces were allegedly involved in 17 cases of torture, four committed by the National Prison Institute (INPEC) and 13 by the National Police. Members of the military and police accused of torture generally were tried in civilian rather than military courts.

Between January 1 and July 31, the Attorney General's Office charged five members of the police force with torture; all the cases occurred prior to 2017. During the same period, the Attorney General's Office reported four convictions of members of the security forces and one conviction of a member of an illegal armed group in a case of torture.

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

According to NGOs monitoring prison conditions, there were numerous allegations of sexual and physical violence committed by guards and other inmates.

### **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 other basic services. Poor training of officials remained a problem throughout the prison system.

Physical Conditions: INPEC, which operated the national prisons and oversaw the jails, estimated there were 115,950 persons incarcerated in 136 prisons across the country, of whom 19,167 were in pretrial detention. Overcrowding existed in men's as well as in women's prisons. INPEC cited several prisons in Cali, Santa Marta, Valledupar, Itagui, and Apartado that were more than 200 percent overcrowded. INPEC reported 48 percent of federal prisons were overcrowded.

The law prohibits holding pretrial detainees with convicted prisoners, although this sometimes occurred. The Superior Judiciary Council stated the maximum time that a person may remain in judicial detention facilities is three days. The same rules apply to jails located inside police stations. These regulations were often violated.

The practice of preventive detention, in combination with inefficiencies in the judicial system, continued to exacerbate overcrowding. In July the government began to implement new procedures that provide for the immediate release of some pretrial detainees, including many accused of serious crimes such as aggravated robbery and sexual assault.

The Inspector General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. No further information was available at year's end regarding the status of the 54 investigations opened in 2016.

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 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 on floors without mattresses, while others shared cots in overcrowded cells.

Administration: 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. Authorities investigated prisoner complaints of inhuman conditions, including complaints of prison guards soliciting bribes from inmates, but some prisoners asserted the investigations were slow and the results were not accessible to the public.

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

Improvements: During the year the Attorney General's Office assigned 27 additional prosecutors to units aimed at preventing noncriminal cases from entering the criminal justice system, including prisons, thereby freeing up both prosecutors and judges to focus on genuine criminal cases.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention; however, there were allegations that authorities detained citizens arbitrarily. CINEP reported 45 cases of arbitrary detention committed by state security forces 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. The Migration Directorate, part of the Ministry of Foreign Affairs, is the immigration authority. The CNP shares law enforcement investigatory duties with the Technical Investigation Body. 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.

Some NGOs complained that 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. By law the Attorney General's Office is the main entity responsible for investigating allegations of human rights abuses committed by security forces. The government made improvements in investigating and trying abuses, but claims of impunity for security force members continued. 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, and a lack of resources for investigations. Inadequate protection of witnesses and investigators, delay 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--were also significant obstacles.

The military functions under both the old inquisitorial and a newer accusatory system. The military had not trained its criminal justice actors to operate under the accusatory system, which they were to begin to implement during the year. The military also had not developed an interinstitutional strategy for recruiting, hiring, or training investigators, crime scene technicians, or forensic specialists, which is required under the accusatory system. As such the military justice system did not exercise criminal investigative authority; all new criminal investigations duties are conducted by judicial police investigators from the CNP and Corps of Technical Investigators.

The Attorney General's Office reported open investigations into 18 retired and active duty generals for alleged involvement in false positive extrajudicial killings (see section 1.a.).

## **Arrest Procedures and Treatment of Detainees**

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. 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: The law prohibits arbitrary arrest and detention; however, this requirement was not always respected. NGOs characterized some arrests 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.”

Pretrial Detention: The judicial process moved slowly, and the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. 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. INPEC estimated that 19,167 prisoners, or 17 percent of the country’s prison inmates, were being held in pretrial detention. In some cases detainees were released without a trial because they had already served more than one-third of the maximum sentence for 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 and impartiality. Much of the judicial system was overburdened and inefficient, however, and subornation, corruption, and intimidation of judges, prosecutors, and witnesses hindered judicial functioning.

The government continued efforts to investigate, prosecute, and punish perpetrators of abuses, including public officials and members of the security

services. Despite governmental improvements, the system struggled to close out cases quickly and efficiently.

The Inspector General's Office conducts disciplinary investigations into allegations of misconduct by public employees, including members of government security forces. In addition to conducting its own investigations, the Inspector General's Office referred all cases of human rights violations it received to the attorney general's Human Rights Unit for separate criminal proceedings. No further information was available at year's end regarding the status of disciplinary processes against members of the armed forces and police for alleged offenses.

### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. While the government began implementing an accusatory system of justice in 2008, the use of delay tactics by defense lawyers to slow or impede proceedings, prosecutors' heavy caseloads, and other factors diminished the anticipated increased efficiencies and other benefits of adopting the adversarial model. Under the existing criminal procedure code, the prosecutor presents an accusation and evidence before an impartial judge at an oral, public trial. Defendants are presumed innocent until proven guilty beyond a reasonable doubt and have the right to confront the trial evidence and witnesses against them, present their own evidence, and communicate with an attorney of their choice (or have one provided at public expense). Defendants have adequate time and facilities to prepare their defense. Defendants are not compelled to testify or confess guilt and have the right to appeal their proceedings. Although defendants have the right to an interpreter, the court system lacked interpreters for less commonly encountered languages. Crimes committed before 2008 are processed under the prior written inquisitorial system in which the prosecutor is a magistrate who investigates, determines evidence, and makes a finding of guilt or innocence. In those cases 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. 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 accusatory systems. The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are considered innocent until proven guilty and have the right to timely consultation with counsel.

### **Political Prisoners and Detainees**

The government declared that it did not hold political prisoners; nevertheless, authorities held some members of human rights advocacy groups on charges of conspiracy, rebellion, or terrorism, which the groups described as government harassment against human rights advocates. According to INPEC, the government held a total of 427 pretrial and 545 convicted detainees on charges of rebellion or of aiding and promoting insurgency. The government provided the International Committee of the Red Cross (ICRC) regular access to these prisoners.

### **Civil Judicial Procedures and Remedies**

Citizens may sue a 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 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 2011 Victims' and Land Restitution Law (Victims' Law) continued to provide a legal basis for assistance and reparations to persons, including victims of government abuses, 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. Through July 31, a total of 8,504,127 victims registered with the Victims' Unit of the DPS. Of these, 7,243,838 were victims of forced displacement, with 360,325 registered during 2016, the latest date for which information was available. The government did not provide information on the number of those registered who received some form of assistance. Both individual and collective reparations are mandated by the

Victims' Law; however, the original budget for implementation of the law contemplated only 4.5 million victims. The Land Restitution Unit, a semiautonomous entity in the Ministry of Agriculture, is responsible for returning land to displaced victims of conflict.

The Land Restitution Unit reported that it reviewed 148 requests for collective restitution of ethnic territories and 106,833 individual restitution claims, of which 8,551 were awaiting final judicial decision. The claims encompassed more than 12 million acres benefitting 52,017 families. Of the 106,833 individual cases received through July 3, a total of 3,285 belonged to individuals who self-identified as Afro-Colombian, 1,992 belonged to individuals who self-identified as indigenous, and 654 belonged to individuals who self-identified as belonging to other ethnic groups.

#### **f. Arbitrary or Unlawful 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 email or to monitor telephone conversations, including in prisons. Government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization; the law bars evidence obtained this way from being used in court.

On September 11, Jorge Aurelio Noguera, the former director of the dismantled Administrative Department of Security (DAS), was sentenced to seven years in prison for engaging in illegal monitoring activities against human rights defenders, journalists, and civil society organizations during former president Uribe's administration.

As of July the Attorney General's Office initiated one new criminal investigation of government agents for illegal monitoring activities.

The Inspector General's investigation continued into journalist Vicky Davila's accusations that police had been monitoring her communications, including trailing and wiretapping her and her reporting team, since 2014.

An investigation continued into abuses by the Army Intelligence Unit, known by its code name "Andromeda." In 2016 *Semana* magazine alleged the unit illegally wiretapped personal telephones of peace negotiators belonging to both the

government and FARC negotiating teams. General Mauricio Forero, former head of the military's intelligence center, left the army in 2016 due to alleged connections to Andromeda. As of 2016 he had not been charged or arrested in connection with these allegations.

There were no developments regarding the case of Martha Ines Leal, former DAS director of operations; Jorge Lagos, former DAS intelligence director; and Fernando Tabares, former DAS counterintelligence director, who submitted to the IACHR allegations that the Attorney General's Office placed undue pressure on them in order to coerce them into testifying in the DAS illegal surveillance case. DAS allegedly engaged in illegal surveillance of high-court magistrates, journalists, human rights organizations and activists, opposition leaders, and the vice presidency.

In its annual report published in March, the OHCHR registered 72 complaints of illegal surveillance and robbery of information of human rights defenders and social activists in 2016. While statistics for 2017 were unavailable as of year's end, 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. Abuses in Internal Conflicts**

The government and the FARC continued to implement the November 2016 peace accord during the year. The FARC completed its disarmament on August 15, and former members reincorporated as a political party on September 1. Other observers contended the establishment of transitional justice mechanisms was proceeding slowly and that there was no coordinated plan for the collective reintegration of the FARC. Despite the peace accord with the FARC, an estimated 800 to 1,500 FARC dissident members were not participating in the peace process.

Illegal armed groups, dissident FARC members, and the ELN attempted to take over narco-trafficking networks vacated by the FARC, according to an October report by the International Crisis Group entitled *Colombia's Armed Groups Battle for the Spoils of Peace*.

The ELN, a smaller leftist guerilla force of approximately 3,400 armed combatants and militia, continued to commit crimes and acts of terror throughout the country. On September 4, the government and the ELN announced a temporary, bilateral ceasefire scheduled from October 1 through January 9, 2018. On September 29, the ELN ordered its members to implement the ceasefire. Under the ceasefire the ELN committed to stop hostage taking, attacks on infrastructure including oil pipelines, the use of land mines, and the recruitment of minors, while the government committed to improve protection for community leaders, improve conditions of detention for 450 rebels, and participate in a Monitoring Verification Mechanism together with representatives of the ELN, United Nations, and Catholic Church. There were reports the ELN may have violated the agreement during the year. Prior to the ceasefire, the ELN carried out bombings in Bogota and attacks in rural areas, causing a spike in violent attacks against military and police facilities.

There was a reduction in overall violence, which observers attributed to the implementation of the peace accord between the government and the FARC and the temporary bilateral ceasefire with the ELN. In 2016 the Conflict Analysis Research Center (CERAC) reported levels of violence in the country fell to their lowest in 52 years in terms of the number of victims, combatants killed and injured, and the number of other violent acts. CERAC estimated the ceasefire and implementation of the accord prevented the deaths of nearly 2,800 persons between mid-2016 and July 2017.

Illegal armed groups and drug gangs such as the Gulf Clan continued to operate. The Colombia-Europe-United States Coordination Group and other NGOs considered organized criminal bands to be a continuation of former paramilitary groups. 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.

In September the government received an offer from the Gulf Clan to demobilize through a surrender (“sometimiento”) process, or submission to justice, but the

effort did not progress. Illegal armed groups and drug trafficking gangs continued to operate with approximately 2,900 members nationwide.

Killings: The OHCHR registered three possible cases of “illegal deprivation of the right to life” alleged to have been committed by security force members from January 1 through July 31. In several cases military officials stated they believed an individual was fighting on behalf of the ELN, while community members claimed the victim was not a combatant. In other cases military officials stated the killings were military mistakes. For example, on April 9, the OHCHR received a report alleging that members of the army had killed Eduardo Antonio Gutierrez, a road worker building a new road in the municipality of Morales. Security forces claimed, without providing evidence, that Gutierrez was a member of the ELN.

Conflicting reports indicated security forces may have fired on unarmed persons, killing at least seven, in Tumaco on October 5 (see section 1.a.).

According to authorities, 69 terrorist actions were reported between January and September. Guerrillas, notably the ELN, committed unlawful killings.

For example, on February 19, a bomb in downtown Bogota killed one police officer and wounded 24 others, along with two civilians. The ELN claimed responsibility for the attack, which took place one week after the ELN began peace talks with the government.

On June 17, a bomb at a shopping center in Bogota killed three persons in what authorities described as a terrorist attack, part of a surge in clashes between security forces and rebel groups. National Police later arrested eight members of the People’s Revolutionary Movement rebel group in connection with the attack.

On October 1, three police officers were killed in an assault on a rural area in the municipality of Miranda, department of Cauca. Police suspected FARC dissidents of perpetrating the attack.

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.

Organized criminal gangs and guerrilla groups 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. For example, on September 10, in Guaviare Department, unknown persons killed student and social leader Ivan Torres Acosta after he received threats issued through pamphlets encouraging him to stop his work with youth; media reports alleged FARC dissidents were responsible.

Civil society observers raised concerns inadequate security guarantees were facilitating the killing of former FARC militants in retaliation for revealing information about trafficking networks as part of the peace agreement. For example, according to the United Nations, from April through December, 34 former FARC members and 13 of their family members were killed. The Attorney General's Office was investigating the cases. According to the United Nations, there was one conviction and arrests in three additional cases.

Abductions: The ELN, organized criminal gangs, and common criminals continued to kidnap persons, both for ransom and for political reasons. For example, on July 22, the ELN kidnapped Carlos Omar Delgado, former mayor of Toledo, Norte de Santander; Delgado was freed on August 25. In June ELN forces kidnapped a Dutch couple in Norte de Santander. *El Tiempo* newspaper also reported the kidnapping of 12 merchants and the killing of four members of the security forces in Arauca Department during the year.

The United Action Groups for Personal Liberty reported 132 kidnappings during the year, 31 fewer than in 2016. The same organization reported 25 hostages were freed through July. It also estimated criminal groups committed 83 percent of the kidnappings and that the ELN committed 13 percent; in the remaining 4 percent, it was not able to identify the party responsible. On October 4, the Ministry of Defense reported kidnappings had declined from 166 cases in 2016 to 149 during the year.

Physical Abuse, Punishment, and Torture: CINEP reported criminal bands were responsible for five documented cases of torture. In 11 other documented cases, CINEP was not able to identify the party responsible for the abuses.

According to the NGO Landmine Monitor, nonstate actors, particularly the ELN, planted improvised explosive devices (IEDs) and land mines. Ecopetrol reported on March 29 that guerrillas continued to surround targeted areas with antipersonnel mines and to attack members of the armed forces assigned to secure its pipelines. The Cano Limon-Covenas pipeline was attacked 45 times during the year.

Child Soldiers: There were reports the ELN and other illegal armed groups recruited persons under age 18. In February 2016 the FARC announced it would stop recruiting minors under the age of 18. There were no reports during the year that the FARC violated this commitment.

Other Conflict-related Abuses: During the year reports of other human rights abuses occurred in the context of the conflict and narcotics trafficking. Drug traffickers, guerrilla fighters, and other illegal armed groups continued to displace predominantly poor and rural populations (see section 2.d., Internally Displaced Persons).

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected this right. 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), through December 11, there were 302 incidents of violence and harassment against journalists, including the killing of one journalist, although FLIP noted many other incidents might have gone unreported in the most dangerous areas of the country. During the same period, FLIP reported 128 threats, some aimed simultaneously at more than one journalist. FLIP also reported six journalists were illegally detained, 43 journalists were physically attacked, and 14 were stigmatized or harassed due to their work. According to FLIP, the justice sector brought to trial eight persons involved in four cases of violence against journalists, although investigations continued.

As of July the Human Rights Unit of the Attorney General's Office was investigating 46 active cases of crimes against journalists. Eight cases were in the trial stage, and one person was convicted for such crimes.

On September 8, in the case of journalist Flor Alba Nunez Vargas, Juan Camilo Ortiz was sentenced to 47 years in prison, while Ortiz's alleged accomplice,

Jaumeth Albeiro Florez, known by the alias “Chori,” remained at large. The intellectual authors of the crime were unknown.

As of June 30, the National Protection Unit (NPU) provided protection services to 15 journalists. The NPU’s Protocol for Attention to Cases of Journalists and/or Social Communicators, issued in September 2016, aimed to provide more robust risk studies and meet the particular needs of this group. Some NGOs raised concerns about perceived shortcomings in the NPU, such as delays in protection being granted and in the appropriateness of measures to specific threats.

Censorship or Content Restrictions: FLIP alleged that some journalists practiced self-censorship 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.

Libel/Slander Laws: By law slander and libel are crimes. There is no specific law against slandering public officials, and the government did not use prosecution to prevent media from criticizing government policies or public officials. Political candidates, businesspersons, and others, however, publicly threatened to sue journalists for expressing their opinions, alleging defamation or libel. FLIP reported no new cases were filed against journalists for libel or slander as of August 18, although 27 prosecutions of journalists for libel or slander continued from 2013.

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 local media representatives regularly practiced self-censorship because of threats of violence from these groups.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. Due to the general climate of violence and impunity, self-censorship occurred both online and offline, particularly within communities at risk in rural areas.

The 2016 investigation continued into past abuses by the Army Intelligence Unit known as “Andromeda” (see section 1.f.).

The International Telecommunication Union estimated 58 percent of the population used the internet in 2016.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

#### **Freedom of Peaceful Assembly**

The law provides for the freedom of peaceful assembly, and the government generally respected this right. Some NGOs alleged that riot police used excessive force to break up demonstrations. During a three-week strike in Buenaventura that began May 16 and concluded with the signing of an accord with the government on June 6, local social and human rights organizations accused the armed forces and National Police Anti-Riot Squad of using excessive force and alleged that at least 1,300 demonstrators were injured.

#### **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.

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 FARC dissidents, the ELN, and other illegal armed groups, was against the law.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement**

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, ELN guerrillas, and other illegal armed groups continued to establish illegal checkpoints on rural roads.

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), between January and October, more than 105,000 persons faced mobility restrictions that limited their access to essential goods and services due to armed incidents and geographical factors. This reflected a 54 percent increase compared with 2016. Additionally, OCHA identified 25 events where humanitarian actors faced restrictions in access to communities by armed groups.

#### **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 and confrontations between security forces, guerrillas, and organized criminal gangs, in addition to forced recruitment of children or threats of forced recruitment, were also drivers of displacement. Some NGOs asserted that

counternarcotics efforts, illegal mining, and large-scale commercial ventures in rural areas also contributed to displacement.

The NGO Consultancy for Human Rights and Displacement (CODHES) reported 12,346 persons displaced from January through July 31. The NGO indicated the departments with the highest numbers of IDPs from mass displacements in the year were Choco (22 displacements), Antioquia (12 displacements), Norte de Santander (10 displacements), and Narino (11 displacements). CODHES also reported six land-rights leaders were killed and five land-rights claimants were killed from January 1 through July 30.

As of July the NPU was providing protection services to 344 land-restitution leaders.

As of November 1, the government reported the Victims' Unit listed 8,250,270 displaced in the Single Victims Registry, with registrants dating back to 1985. Victims' Unit statistics showed new displacements occurred primarily in areas where narcotics cultivation and trafficking persisted, especially where guerrilla groups and organized criminal gangs were present.

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. Government policy provides for an appeals process in the case of refusals.

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 intra-urban displacement. UNHCR reported that in some departments displacement disproportionately affected indigenous and Afro-Colombian groups.

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

The NGO 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.

Fifty-two government agencies are responsible by law for assisting registered IDPs. International organizations and NGOs maintained that the quality of programs providing emergency assistance, shelter, 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 cases of forced displacement and disappearances.

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

The Victim's Unit was unable to provide humanitarian assistance for recent displacements until August due to contracting delays. International organizations and NGOs remained concerned about the slow and insufficient institutional response to displacement. As a result, NGOs took responsibility for providing humanitarian assistance to recently displaced individuals. 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. Insecurity in communities affected by the conflict, 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 displacements 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. 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 400 and 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.

### **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 had approved 50 applications for refugee status since 2009. Between January 1 and October 2, the government reported it received 400 new applications for refugee status, none of which was approved during the year. Venezuelans represented 85 to 90 percent of applications during the year. Authorities stated that the asylum process took at least one year, during which solicitants were given a permit to stay in the country but were not allowed to work.

Responding to increased migration flows, the government introduced in February registration for border mobility cards that allow Venezuelans the right to enter Colombia temporarily for family or business purposes. The cards do not afford bearers the right to travel beyond border areas, to work, or to reside in Colombia. As of October 31, more than 1.2 million border cards had been issued to Venezuelans. In addition, the government established a “Special Residency Permit” (PEP) to allow Venezuelans who had legally entered Colombia before July 28 to regularize their status and receive work authorization. As of October 31, the last day to register for the PEP, approximately 79,000 PEPs had been issued.



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 INTERPOL, as many as 34,000 migrants were detected in the country during the year. INTERPOL and migration officials reported most of the undocumented migrants were Haitians (20,366) and Cubans (8,167), followed by Africans and Asians, and that most entered through Ecuador, Venezuela, and Brazil. While the government generally provided access to the asylum process for 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 held by secret ballot and based on nearly universal suffrage. Active-duty members of the armed forces and police may neither vote nor participate in the political process. Civilian public employees are eligible to vote, although they may participate in partisan politics only during the four months immediately preceding a national election.

As part of the peace accord, the government and the FARC agreed to take steps to register a political party comprised of former FARC members. The accord, which requires implementing legislation, guaranteed 10 seats for FARC representatives in the Senate and House of Representatives in the 2018 and 2022 elections. It also provided for security guarantees for the new political party, state financing for the new party's 2018 and 2022 Senate and presidential campaigns, and access to media under the same conditions as other parties. On September 1, the FARC officially relaunched as a political party under the name People's Alternative Revolutionary Force (Fuerza Alternativa Revolucionaria del Comun), maintaining the same acronym.

### **Elections and Political Participation**

Recent Elections: In 2015 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 more than 12,000 local council members. According to the NGO Foundation of Peace and Reconciliation, during the election period, seven candidates were killed, four were attacked, and 28 were threatened. The Electoral Observation Mission (MOE), an independent electoral monitoring NGO, reported that in the first seven months of the year, 49 public officials and political and social leaders were killed, 21 were victims of attacks, two were kidnapped, and 57

received death threats, for a total of 129 incidents of “political and social violence.”

According to the MOE, electoral fraud remained a serious concern. The NGO Foundation of Peace and Reconciliation reported that in 2015 parties paid voters to register and vote in municipalities in which they were not resident. In advance of the 2018 elections, the MOE estimated that the areas with the highest proportion of irregular voters were Meta, Vichada, and Vaupes. 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.

Political Parties and Political Participation: Organized criminal gangs and the ELN threatened and killed government officials (see section 1.g.). As of August 22, the NPU, under the Ministry of Interior, provided protection to 1,891 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: No laws limit participation of women or members of minorities in the political process, and they did participate.

#### **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. Revenues from transnational organized crime, including drug trafficking, exacerbated corruption.

Corruption: In June the top anticorruption official, Luis Gustavo Moreno Rivero, was arrested for alleged corruption. According to media reports, Moreno allegedly accepted a bribe from former Cordoba governor Alejandro Lyons, who was also facing charges related to alleged embezzlement of public funds during his time as governor. Related reporting linked Moreno to bribery cases involving members of the Supreme Court, including former court president Leonidas Bustos. On September 19, Francisco Ricaurte, former chief justice of the Supreme Court of

Justice, was arrested for his alleged role in corruption. Investigations in the cases continued at year's end.

A special investigative unit of the Supreme Court of Justice, charged with investigating members of congress and senior government officials, reported that since January 1, the unit opened 56 investigations against former governors and 38 against sitting governors, and it reported one conviction in these cases.

The Attorney General's Office reported that for the year through July 31, it had investigated 17 inspectors, six comptrollers, and 593 other senior government officials. In addition, as of July 31, the Attorney General's Office was investigating 922 cases of corruption against 735 public servants, of which seven were in the preliminary investigation phase and two had been brought to trial.

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.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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. Government officials were typically cooperative and willing to listen to local human rights groups' concerns.

In a communique issued on December 20, the OHCHR reported 73 social leaders were killed between January and December (see section 1.a.). Several NGOs reported receiving threats in the form of email, 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 July 31, the Attorney General's Office reported 34 active investigations and no convictions in cases of threats against human rights defenders.

As of June 30, the NPU's 480 billion Colombian pesos (COP) (\$160 million) protection program provided protection to a total of 6,067 individuals. Among the NPU's protected persons were 575 human rights activists.

To help monitor and verify that human rights were respected throughout implementation of the peace accord, the government formally renewed the mandate of the OHCHR in 2016 for a period of three years. The accord requests that the OHCHR include a "special chapter on implementation of the agreements from the standpoint of human rights" in its annual reports.

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. Ombudsman Carlos Alfonso Negret Mosquera was elected to serve a four-year term ending in August 2020. According to human rights groups, underfunding of the Ombudsman's Office limited its ability to monitor violations effectively. The ombudsman, as well as members of his regional offices, reported threats from illegal armed groups issued through pamphlets, email, and violent actions.

The National System for Human Rights and International Humanitarian Law--led by a commission of 11 senior government officials and the vice president--designs, implements, and evaluates the government's policies on human rights and international humanitarian law. 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.

Both the Senate and House of Representatives have human rights committees that served as forums for discussion of human rights problems.

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

### **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. By

law femicide is punishable with penalties of 21 to 50 years in prison, longer than the minimum sentence of 13 years for homicide.

Violence against women, and impunity for perpetrators, continued to be a problem. Members of illegal armed groups, including former paramilitary members, and guerrillas also continued to rape and abuse women and children sexually.

The government continued to employ the Elite Sexual Assault Investigative Unit interagency unit in Bogota, which was dedicated to the investigation of sexual assault cases. Through the end of July, the Attorney General's Office opened 14,249 investigations for sexual abuses.

The law requires the government to provide victims of domestic violence immediate protection from further physical or psychological abuse.

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

The law augments both jail time and fines if a crime causes "transitory or permanent physical disfigurement," such as acid attacks.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but isolated incidents were reported in several indigenous communities.

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, which carries a penalty of one to three years' imprisonment. Nonetheless, NGOs reported sexual harassment remained a pervasive and underreported problem.

Coercion in Population Control: Coerced abortion was not permitted under the law, although the government reported illegal armed groups carried out forced abortions. Forced surgical sterilization of children with cognitive and psychosocial disabilities in certain cases is legal.

Through July 31, the Attorney General's Office reported it opened 400 investigations related to cases of forced abortion, 13 of which had occurred during the year. A two-year Attorney General's Office investigation that concluded in 2016 documented 214 cases of girls who were subjected to rape, forced sterilization, forced abortion, and other forms of sexual violence by the FARC. In

January, Spain extradited a Colombian man--Hector Albeidis Arboleda, known as "the Nurse"--who was accused of performing up to 500 forced abortions for the FARC between 1998 and 2003. According to media reports, Arboleda was to be tried on various charges, including torture, homicide, attempted homicide, and forced abortion.

Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: Although women have the same legal rights as men, serious discrimination against women persisted. 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.

## **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 6,157 cases of sexual abuse against children in the first seven months of the year.

Early and Forced Marriage: Marriage is legal at age 18. Boys older than 14 and girls older than 12 may marry with the consent of their parents.

Sexual Exploitation of Children: Sexual exploitation of children remained a problem. 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 nine to 13 years in prison. According to the ICBF, in 2016 through July, there were 206 reported cases of commercial sexual exploitation of children.

Since 2009 the NGO Renacer Foundation certified 300 tourism-related businesses as committed to the fight against the sexual exploitation of children and adolescents. In cooperation with the government, Renacer trained 20,823 employees of these businesses in how to identify and fight sexual exploitation.

Displaced Children: The NGO Consultancy for Human Rights and Displacement estimated in 2016 that 31 percent of persons registered as displaced since 1985 were minors at the time they were displaced (see also section 2.d.).

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

The Jewish community, which had an estimated 5,000 members, continued to report instances of anti-Israeli rhetoric connected to events in the Middle East, accompanied by anti-Semitic graffiti near synagogues, as well as demonstrations in front of the Israeli embassy that were sometimes accompanied by anti-Semitic comments on social media. In particular, the Colombian Confederation of Jewish Communities expressed concern over the presence of BDS (Boycott, Divestment, Sanctions) Colombia, which aggressively promotes the boycott of Israeli products, culture, and travel and does not actively counter the conflation of anti-Israeli policies with anti-Semitic rhetoric.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://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. No law mandates access to information and telecommunications for persons with disabilities. A 2015 law punishes those who arbitrarily restrict the full exercise of the rights of persons with disabilities or harass persons with disabilities.

The Office of the Presidential Advisor for Human Rights under the High 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. According to Somos Defensores (We Are Defenders) and other NGOs, these laws were seldom enforced.

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. Persons with disabilities were unemployed at a much higher rate than the general population.

Forced surgical sterilization of children with cognitive and psychosocial disabilities in certain cases is legal.

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.”

### **National/Racial/Ethnic Minorities**

According to the most recent (2005) national census, approximately 4.5 million persons, or 10 percent of the country’s population, described themselves as being 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 2016 UN report, 32 percent of the country’s population lived below the poverty line, but in Choco, the department with the highest percentage of Afro-Colombian residents, 79 percent of residents lived below the poverty line.

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 Ministry of Interior continued to provide technical advice and funding for social projects presented by Afro-Colombian communities.

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.

### **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 (1,392,623 indigenous), 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 710 reservations, accounting for approximately 28 percent of the country's territory. 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. 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.

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. As of the end of July, the Attorney General's Office reported there were 17 active investigations of military members and 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. Through September 1, the NGO National Indigenous Organization of Colombia reported 30 indigenous persons were killed. For example, on October 24, the ELN shot and killed indigenous governor Aulio Isarama Forastero in Choco.

Despite precautionary measures ordered by the IACHR, ethnic Wayuu children continued to die of malnutrition. NGOs and civil society leaders reported during the year that members of the Wayuu community received threats and were targeted by gunmen.

### **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. A 2015 Constitutional Court decision required that the Ministry of Education modify its educational materials to address discrimination based on sexual orientation or gender identity in schools. In May a proposed constitutional referendum to prevent same-sex couples from adopting failed in a congressional committee vote.

Transgender individuals cited barriers to public services when health-care providers or police officers refused to accept their government-issued identification. Some transgender individuals stated it was difficult 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 they had performed mandatory military service or obtained the necessary waivers from that service. NGOs claimed discrimination and violence in prisons against persons due to their sexual orientation and gender identity remained a problem.

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 well as sexual assault. NGOs claimed transgender individuals, particularly transgender men, were often sexually assaulted in so-called corrective rape. The Constitutional Court pronounced in 2016 that transgender persons faced discrimination and social rejection within the LGBTI

community and recommended measures to increase respect for transgender identities in the classrooms.

As of July 31, the Attorney General's Office was investigating at least eight alleged homicides of LGBTI individuals that had occurred since January 1. Seven of the cases were in the investigation stage, and one was in the trial stage.

The NGO Colombia Diversa also reported three cases, involving four victims, 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, the ministry excludes those donors who had "male homosexual relations in the past 15 years." In 2012 the Constitutional Court ordered the ministry 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), the government reported the responses of 85 percent of those surveyed indicated discriminatory attitudes towards persons with HIV/AIDS, reflecting low levels of social acceptance throughout the country.

## **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. Public-sector employees legally have the right to bargain collectively. The government and employers generally respected freedom of association and collective bargaining in practice. Workers faced some obstacles to exercising those rights, and the government faced numerous challenges effectively enforcing applicable laws governing those two rights.

The law permits associated workers' cooperatives (CTAs), collective pacts, and union contracts. Under collective pacts employers may negotiate accords on pay and labor conditions with 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. Through a union contract, a company may contract a union, at times formed explicitly for this purpose, for a specific job or work; the union then in essence serves as an employer 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 periods of contract negotiations or collective bargaining and allows employers to fire trade unionists who participate in strikes or work stoppages ruled illegal by the courts.

The government has the authority to fine labor-rights violators. The government sought to enforce most applicable labor laws, 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 3.4 billion (\$1.13 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. 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 to strike, meet, or otherwise associate, and extending better conditions to members of collective pacts than to union members. Through March the government reported fines on certain subcontracting entities for abusive forms of subcontracting at a value of COP 2.283 billion (\$761,000).

The Ministry of Labor's Special Investigations Unit continued to exercise its power to investigate and impose sanctions in any jurisdiction. The vice minister for labor relations decides on a case-by-case basis whether to assign the Special Investigations Unit or the regional inspectors to investigate certain sites. The unit was reportedly overburdened with cases, resulting in denials of recent union requests for review by the unit.

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 business community. The commission met in August.

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 a virtual training program to prepare labor inspectors to identify antiunion conduct. It 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. Union members complained that existing systems did not allow citizens to register anonymous complaints and noted that complaints registered through the telephone and internet systems do not result in action.

Judicial police, the Technical Investigation Body, 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 did so. It could take several months to transfer cases from regional field offices of the Attorney General's Office to the Attorney General's Human Rights Directorate, and cases are transferred only with the approval of the attorney general in response to direct requests, instead of automatically.

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. Through July the NPU provided protection to 440 trade union leaders or members (others protected included journalists, human rights advocates, and land restitution claimants). Approximately 12 percent of the NPU's budget was dedicated to unionist protection. Between January 1 and September 30, the NPU processed 171 risk assessments of union leaders or members; 96 of those cases were assessed as posing an "extraordinary threat," and the NPU provided them protection measures. The NPU reported that through June, the average time needed to implement protection measures upon completion of a risk analysis was 50 days in regular cases or five days for emergency cases. NGOs, however, complained about slow processing times.

The protection and relocation of teachers falls under the Ministry of National Education and the departmental education secretaries, but the NPU retains some responsibilities for the risk analysis and protection of family members. Through July 31, the NPU evaluated 99 threat cases against teachers and found 62 to be of extraordinary 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 July 31, the Attorney General's Office reported 753 sentences against 620 persons in cases of violence against unionists since 2006 that were filed in the Human Rights Directorate. Between January 1 and July 31, the Attorney General's Office reported 78 sentences in cases of violence against union leaders.

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 Attorney General's Office, through July 31, 166 teachers were registered as victims in cases of homicide.

The National Union School (ENS), a labor rights NGO and think tank, reported 14 trade unionists were killed through August. 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 94 death threats, four nonlethal attacks, nine arbitrary detentions and 16 cases of harassment, and one case of an illegal raid.

For example, in June unidentified gunmen killed Mauricio Velez Lopez, national vice president of the National Public University Workers Union (Sintraunal).

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. Fines assessed by the government did little to dissuade violators because fines were often not collected. In the first eight months of the year, the government reported 1,211 workers benefited from 14 formalization agreements that the Ministry of Labor reached with employers in Bogota and the departments of Amazonas, Barrancabermeja, Caqueta, Casanare, Valle del Cauca, Cesar, Choco, Huila, Norte de Santander, Putumayo, Quindio, and Uraba.

Labor confederations and NGOs reported that business owners in several sectors used "simplified stock corporations" (SAS), union contracts, foundations, or temporary service agencies in attempts to circumvent legal restrictions on cooperatives. While in theory SAS workers may 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.

According to ENS, Indupalma, a large employer in the palm sector located in the municipality of San Alberto, Cesar Department, employed more than 1,500 workers through illegal cooperatives. This reportedly 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.

Metal and mineworkers' union SINTRAIME reported that inspections for abusive subcontracting carried out by the Ministry of Labor at the Drummond coalmines were ineffective in safeguarding the freedom of workers to organize.

### **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 reports that such practices occurred. The law prescribes punishments of 13 to 23 years' imprisonment plus fines for forced labor violations.

There were reports ELN guerrillas and organized criminal gangs used forced labor, including forced child labor, in coca cultivation and illegal mining in areas outside government control as well as forced labor for criminal activity, such as extortion, 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. In February 2016 the FARC announced it would stop recruiting children under the age of 18. The FARC reached an agreement with the government in May 2016 on how to release minors already in the ranks and facilitate their reintegration. As of June 14, the FARC released 88 children, according to UNICEF. As part of a temporary bilateral ceasefire between the government and the ELN scheduled from October 1 to January 12, 2018, the ELN committed to stop the recruitment of minors.

Forced labor in other sectors, including organized begging, mining, agriculture, forced recruitment by illegal armed actors, 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 forced recruitment.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://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 for hazardous work at 18. 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, including agriculture, hunting and forestry, fishing, mining and quarrying, manufacturing, construction, transport and storage, health services, and defense, and subcategories identified as the “worst forms of child labor.”

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. It was unclear what actions this group took. 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.

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 included government representatives, members of the three largest labor confederations, and civil society. The group concentrated its efforts on formalizing an integrated registration system for information on child labor that would permit public and private entities to register information about child workers.

The government continued to combat illegal mining and formalize artisanal mining production, with goals including the elimination of 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 interagency child labor meetings, the Ministry of Labor reported that whichever government presence was available in the area--whether police, the ICBF, teachers, or the DPS--attended to children found working in illegal mining operations. 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 continued its work with the Network against Child Labor, in which the ministry operates alongside member businesses that 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 2015 survey of child labor that measured child labor during October-December 2014. DANE data noted that, of the 11.1 million children between ages five and 17, an estimated one million worked outside the home (approximately 68 percent boys and 32 percent girls). The national rate of children who worked outside the home was 7.8 percent, with 4.2 percent of children ages five to 14 working and 19.8 percent of children ages 15 to 17 working. For the period of the study, 29.8 percent of the children who worked did not attend school. According to the study, 36.3 percent of child laborers in urban areas engaged in commerce, hotel, and restaurant work, while 36.6 percent of child laborers in rural areas engaged in agriculture, fishing, cattle farming, hunting, and forestry work; 47.2 percent of working children ages five to 17 did not receive payment.

Significant rates 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. 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 selling inexpensive Venezuelan gasoline. Commercial sexual exploitation of children occurred (see section 6, 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 Antioquia and Boyaca.

There continued to be instances of child trafficking with the purpose of forced 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 ELN and organized criminal gangs forced children into sexual servitude or criminality 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 651 children and adolescents who qualified for and received social services.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation based on race, sex, religion, political preference, national origin or citizenship, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or infection with 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 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 DANE, 43.1 percent of working-age women were engaged in economic activity, compared with 56.9 percent of men. Sisma Mujer reported on average women were paid 28 percent less than men. In a

previous year, a senior government official estimated that 85 percent of persons with disabilities were unemployed.

#### **e. Acceptable Conditions of Work**

The minimum monthly wage as decreed by the government was COP 689,454 (\$230) for all sectors. According to DANE, as of December 2016, 28 percent of the national population lived in poverty: 24.9 percent of the urban population and 38.6 percent of the rural population lived below the poverty line. The share of the national population living in extreme poverty was 8.5 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 granted 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, hours worked in excess of 48 per week, 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 up to date 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 in the formal sector, including occupational safety and health regulations, through periodic inspections by labor inspectors. The government reported that as of June 30, the ministry employed 859 inspectors countrywide, although not all conducted worksite inspections and most had little training in occupational safety and health issues. Individual labor violations can bring fines of up to 5,000 times the minimum monthly wage, but infractions for occupational safety and health can trigger fines of only up to 1,000 times the minimum monthly wage. Unionists stated that more fines needed to be collected to impact occupational safety and health issues.

While the government's labor inspectors undertook administrative actions to enforce the minimum wage in the formal sector, the government did not conduct any action to do so in the informal sector.

To encourage the formalization of labor, the Ministry of Labor continued to promote formal employment generation. As of the first quarter of the year, the proportion of informal workers was 47.3 percent in cities and metropolitan cities, according to DANE. Formalization agreements in firms with illegal subcontracting increased during the year; however, some labor rights groups expressed concern that the formalization agreements were not sufficiently monitored by the Ministry of Labor. The government 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 through 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 in retaliation for filing workers compensation claims. Only the courts may order reinstatement, and workers complained the courts were backlogged, slow, and corrupt. 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 actors, including FARC dissidents, 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 the departments of Antioquia, Bolivar, Cauca, Cordoba, Choco, Narino, and Tolima.

According to the National Mining Agency, through July 31, there were 43 mine accidents reported, causing 51 miners' deaths. The majority of both accidents and deaths were due to cave-ins. There were no reports of nonmining major industrial accidents through October.