

2023 Country Report on Human Rights Practices: Colombia

EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Colombia during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by government security forces and armed groups; arbitrary arrest or detention; serious abuses in a conflict; serious restrictions on freedom of expression and media freedom, including enforcement of or threat to enforce criminal libel laws to limit expression; serious government corruption; crimes involving violence or threats of violence targeting members of racial and ethnic groups, including Afro-Colombian and Indigenous peoples; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and significant or systematic restrictions on workers' freedom of association, such as violence against labor activists.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

Nonstate armed groups, including U.S.-designated terrorist organizations such as dissidents of the former Revolutionary Armed Forces of Colombia and the National Liberation Army, drug-trafficking organizations, and small criminal gangs, committed abuses. These groups were significant perpetrators of human rights abuses and violent crimes, including unlawful killings, kidnapping, human trafficking, bombings, restrictions on freedom of movement, sexual violence, unlawful recruitment and use of child soldiers, and threats of violence against journalists, women, human rights defenders, and religious leaders. The government generally investigated and prosecuted such actions when reported.

Section 1.

Respect for the Integrity of the Person

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, including extrajudicial killings, during the year. According to the nongovernmental organization (NGO) Temblores, from January 1 through July 31, police committed 12 homicides. In one case, on January 19, in the municipality of Venadillo, Tolima Department, police shot Ricardo Ivan Amaya, who subsequently died in police custody.

NGOs and other entities requested investigations of allegations. As of July 31, the Inspector General's Office reported 52 new disciplinary investigations against 39 members of the armed forces and police for alleged human rights abuses.

Investigations into violations by police during the 2021 national protests continued. In July, the attorney general charged national police colonel Edgar Vega Gomez with homicide for the death of

two protesters during the 2021 protests.

Investigations of killings proceeded, albeit slowly due to the high workload of judges, prosecutors, and law enforcement investigators. From January 1 through July 31, the Attorney General's Office registered four new victims of alleged aggravated homicides or homicides of civilians committed by state agents. During the same period, the Attorney General's Office formally charged and arrested four members of security agencies for aggravated homicides.

The NGO Center for Research and Popular Education (CINEP) reported criminal organizations and illegal armed groups were responsible for 28 extrajudicial executions that occurred between January and August.

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

The UN Office of the High Commissioner for Human Rights (OHCHR) reported that between January 1 and June 30, it received 113 allegations of homicides of human rights defenders. Of those allegations, the OHCHR confirmed 46 deaths were related to the individual's actions defending human rights and found 67 cases to be inconclusive. The OHCHR reported 39 victims were men, seven were women, nine were Afro-Colombians, and 11 were Indigenous persons. The OHCHR reported an increase in threats against human rights defenders during the electoral period in the first half of the year. On August 1, the ombudsman announced 92 homicides of social leaders occurred through the end of June. NGOs using different methodologies and definitions reported higher numbers of homicides of social leaders and human rights defenders. The NGO Institute for the Study of Development and Peace (INDEPAZ) reported 151 homicides of social leaders through November 25. NGOs considered the country as highly dangerous for environmental activists.

On August 4, armed groups killed Luis Eduardo Timaná in the municipality of Pradera (Valle del Cauca). Timaná was an Indigenous leader of the Kwet Wala Nasa community and candidate to the municipal council of Pradera, representing the MAIS Indigenous political party. Authorities opened an investigation into the incident.

According to the Attorney General's Office, in cases related to the more than 1,000 killings of human rights defenders from January 2016 to August 2023, the government had obtained 166 convictions. The motives for the killings varied, and it was often difficult to determine the primary motive in individual cases.

B. DISAPPEARANCE

According to the Attorney General's Office, there were no formal complaints of enforced disappearance from January 1 through August 1. Other entities reported different numbers, which varied widely depending on the role of the specific entity and their respective definitions of disappearance. The Office of the Ombudsman reported receiving notifications of 121 cases of enforced disappearance from January 1 through August 31. The National Institute of Forensic and Legal Medicine registered 3,290 cases between January 1 and August 1. Of these cases, 124 involved Afro-Colombians, 29 involved Indigenous persons, 1,316 involved women, and 19 involved members of the lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) community. Of the 3,290 cases, authorities found 126 persons dead and 1,326 alive; 1,838 remained missing. According to the Superior Judiciary Council, as of June 30, there were 16 convictions against 10 persons accused in connection with enforced disappearances.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, AND OTHER RELATED ABUSES

Although the law prohibited such practices, there were credible reports government officials employed them.

CINEP reported that through June 30, security forces were allegedly involved in two cases of abuse and inhuman treatment involving two victims, one in Tunja, Boyacá, and one in Bogotá. Temblores reported five cases of sexual assault committed by police against peaceful demonstrators. Temblores reported 68 cases of police violence between January 1 and June 30 as part of police actions by the Unit for Dialogue and Order Maintenance against peaceful demonstrators. The Attorney General's Office and the Inspector General's Office stated they launched internal investigations of all allegations of excessive use of force.

Authorities in the Attorney General's Office reported they did not formally charge any police or military members for alleged acts of torture.

CINEP reported one documented case of torture conducted by a criminal organization. CINEP reported armed groups were responsible for three documented cases of torture through June 30.

The government made improvements in investigating and prosecuting abuse cases, but claims of impunity for security force members continued. This was due in some cases to obstruction of justice and opacity in the process by which cases were investigated and prosecuted in the military justice system. Some NGOs commented 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. NGOs stated this arrangement could lead to biased investigations. Significant obstacles remained for reducing impunity, including inadequate protection of witnesses and investigators, use of delay tactics by defense attorneys, and the judiciary's failure to oversee cases effectively and ensure progress. NGOs also stated that inadequate coordination among government entities sometimes allowed statutes of limitations to expire, resulting in a defendant's release from jail before trial.

Prison and Detention Center Conditions

Conditions in prisons and detention centers were often harsh and life threatening due to physical abuse, overcrowding, inadequate sanitation, poor health care, and lack of other basic services.

Abusive Physical Conditions: Overcrowding existed in both men's and women's prisons. The governmental National Prison Institute (INPEC), which operated the national prisons and oversaw the jails, estimated prisons and jails were approximately 22 percent over capacity. According to the Ombudsman's Office, police stations and transitory detention spaces were greater than 50 percent over capacity. The law prohibited holding pretrial detainees with convicted prisoners, but often this law was not followed. The practice of preventive detention, in combination with inefficiencies in the judicial system, also resulted in overcrowding.

There were cases where prisons and pretrial holding facilities had inhuman conditions, deficiencies in the supply of drinking water, sanitation, medical and psychological services, and an unreliable supply of medicines. The unreliable supply of medicines was especially serious in temporary detention centers such as police stations and temporary detention centers of the Attorney General's Office.

Many prisoners faced difficulties receiving adequate medical care. INPEC's physical structures were generally in poor repair. The Inspector General's Office noted some facilities had poor ventilation and sanitary systems. Some prisoners slept on floors without mattresses, while others shared cots in overcrowded cells.

According to the umbrella human rights NGO Coordinación Colombia Europa Estados Unidos, there were allegations prison guards and inmates committed numerous incidents of sexual and physical violence, including gender-based violence.

Physical abuse by prison guards, prisoner-on-prisoner violence, and authorities' failure to maintain control were problems. Between January 1 and August 8, INPEC reported 22 new disciplinary investigations against 26 prison guards for physical abuse and inflicting personal injuries, and one investigation of sexual abuse.

INPEC reported 97 deaths in prisons, jails, pretrial detention facilities, and other detention centers through August 8. Of these deaths, eight were caused by fights, three by suicide, and 69 by natural causes.

Administration: Authorities investigated credible prisoner complaints of mistreatment and inhuman conditions. Some prisoners asserted the investigations were slow. The prisoner advocacy NGO Committee for Solidarity with Political Prisoners (CSPP) reported INPEC officials frequently denied them access to visit inmates without adequate explanation, despite CSPP making the requests using the proper administrative processes.

Independent Monitoring: The government permitted independent monitoring of prison conditions by local and international human rights groups.

D. ARBITRARY ARREST OR DETENTION

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. There were allegations, however, authorities detained citizens arbitrarily.

Arrest Procedures and Treatment of Detainees

Officials were required to bring detained persons before a judge within 36 hours of arrest, 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 but were overloaded with cases. Detainees received prompt access to legal counsel and family members, as provided by law. Bail was generally available except for serious crimes such as murder, rebellion, or narcotics trafficking. Authorities generally respected these rights.

Arbitrary Arrest: Even though the law prohibited arbitrary arrest and detention, this law was not always respected. NGOs described some arrests as arbitrary. According to Coordinación Colombia Europa Estados Unidos, police misused a temporary protection mechanism to arbitrarily detain protesters, and from January 1 to August, 39 persons were arbitrarily detained using this legal mechanism.

Through June 30, Temblores reported 26 cases of arbitrary detention by police involving 145 victims. CINEP reported two cases of arbitrary detention, with 14 victims, by the army, and one case of arbitrary detention, with four victims, by the Attorney General's Office. According to the Inspector General's Office, between January 1 and July 31, there was one case of arbitrary detention reported. The Attorney General's Office reported no cases or investigations initiated for this crime.

Pretrial Detention: The civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. According to INPEC, approximately 23 percent of prison detainees were in pretrial detention. The failure of many jail supervisors to keep mandatory detention records or follow notification procedures made it difficult to account for all detainees. 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 believed authorities deliberately subjected some community leaders to extended pretrial detention.

E. DENIAL OF FAIR PUBLIC TRIAL

The law provided for an independent judiciary, and the government generally respected judicial independence and impartiality. Much of the judicial system was overburdened and inefficient. Subornation, corruption, and intimidation of judges, prosecutors, and witnesses hindered the independence of the judiciary.

Trial Procedures

The law provided for the right to a fair and public trial, and the judiciary generally enforced this right. The use of delay tactics by defense lawyers, prosecutors' heavy caseloads, and other problems hampered the efficiency of the judiciary. Military trial judges were required to issue rulings within eight days of a court-martial hearing.

Political Prisoners and Detainees

The government declared 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 of human rights advocates. According to INPEC, the government held 570 persons on charges of rebellion or of aiding and promoting insurgency; the government prosecuted and won convictions in many of these cases. The government provided the International Committee of the Red Cross with access to these prisoners.

F. TRANSNATIONAL REPRESSION

Not applicable.

G. PROPERTY SEIZURE AND RESTITUTION

The law provided a legal basis for assistance and reparations to victims of the 52-year internal armed conflict between the government and the insurgency group the Revolutionary Armed Forces of Colombia (FARC), including victims of government abuses, but the government acknowledged the pace of restitution was slow.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The law prohibited such actions, but there were allegations the government sometimes failed to respect these prohibitions. Government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization; the law barred evidence obtained in this manner from being used in court.

NGOs accused domestic intelligence and security entities of illegally monitoring lawyers and human rights defenders. On August 31, the Attorney General's Office charged five police officers with illegally monitoring the communications of two household employees as part of an investigation into actions by members of the government.

I. CONFLICT-RELATED ABUSES

The government and the FARC, formerly the country's largest guerrilla insurgency group, continued to implement the 2016 peace accord. In 2017, the FARC completed its disarmament, and as of July, nearly 13,000 former members were engaged in reincorporation activities, including participation in a political party. From the outset, an estimated 800 to 1,500 FARC dissidents did

not participate in the peace process. As of October, NGOs estimated there were approximately 5,500 FARC dissidents, including new recruits, combatants who refused to sign the peace accord, and former combatants who signed the accord but returned to arms. A significant percentage of FARC dissidents were unarmed members of support networks that facilitated illicit economies. On October 16, the government signed a three-month ceasefire agreement with the FARC dissident group Estado Mayor Central.

The National Liberation Army (ELN) committed crimes and acts of terror throughout the country, including bombings, violence against civilian populations, and violent attacks against military and police facilities. The government began a six-month ceasefire with the ELN on August 3, which the UN Verification Mission monitored. Illegal armed groups and drug gangs, such as the Clan del Golfo, committed abuses.

Killings: Regarding extrajudicial executions from the conflict, as of August 31, the Attorney General's Office reported 3,433 open investigations, with 3,006 cases in the initial prosecution phase and 427 cases advancing to the trial phase.

The 2016 peace accord's transitional justice framework established the Special Jurisdiction for Peace (JEP) as an accountability mechanism to investigate serious crimes committed during the 52-year internal armed conflict between the government and the FARC. The JEP proceedings in the false-positives case included cases of forced disappearances in addition to extrajudicial killings.

The JEP promoted reconciliation and took steps to hold accountable the perpetrators of violence during the armed conflict. The JEP continued investigations in its 10 prioritized macro cases opened by the end of 2022 focusing on incidents within a certain region, incidents by specific actors, and incidents against certain categories of victims. (A macro case was a comprehensive, thematic case centered on multiple instances of a specific type of abuse during the armed conflict.) Efforts held officials accountable in so-called false-positive extrajudicial killings. ("False-positive killings" was a term used in cases where civilians were killed and falsely presented as guerilla combatants.) Court records stated there were 6,402 of these killings from 2002 to 2008. As of September 1, the JEP reported 3,797 members of the armed forces voluntarily accepted JEP jurisdiction for legal proceedings related to false positives and 508 members gave testimony in the false-positives case known as "macro case 03." Many of those convicted in the ordinary and military justice systems were granted conditional release from prisons and military detention centers upon agreeing to submit to the jurisdiction of the JEP.

On June 28, eight former members of the army admitted their involvement in extrajudicial killings publicly for the first time and apologized to victims in hearings in Dabeiba, Antioquia. Two other indicted former members of the army refused to accept responsibility and faced prosecution.

On August 30, the JEP brought charges against retired general Mario Montoya, former commander of the army, and eight other military members for war crimes and crimes against humanity for their role in 130 extrajudicial killings. This was the first indictment of a high-ranking military official under the JEP's macro case on false-positive killings. The case centered on extrajudicial killings by the military in 2002-2003, when Montoya was commander of the Fourth Brigade, based in Medellin. Multiple subordinates of Montoya testified Montoya was aware of the killings and he attempted to portray the killings as the result of legitimate military operations. The Attorney General's Office reported that as of August 1, they had 15 open investigations of 20 retired generals related to false-positive killings.

The military was accused of some killings, some of which military officials stated were "military mistakes." In other cases, military officials stated they believed the victim was fighting on behalf of an armed group, while community members stated the victim was not a combatant. Following a March 2022 military operation that killed 11 individuals in Puerto Leguizamo, Putumayo, the attorney general announced charges against 25 officials. In July, the Inspector General's Office investigated 12 military officials involved with the operation and concluded the military tampered with the crime scene by moving dead bodies and placing weapons near them.

Armed groups, notably the ELN, FARC dissidents, and the Clan del Golfo, committed unlawful killings, primarily in areas with illicit economic activities and without a strong government presence. The government reported that between January 1 and June 30, armed groups allegedly killed 85 members of state security forces. The Attorney General's Office reported the investigation of two cases with 11 victims. Government officials stated most of the violence was related to narcotics trafficking. The Attorney General's Office reported that from January 1 to July 31, there were 45 cases with 93 homicides of civilians not related to the conflict but committed by FARC dissidents, ELN, and other illegal armed groups.

Some members of the FARC who participated in the peace process alleged the government had not fully complied with its commitments, such as ensuring the security of demobilized former combatants and facilitating their reintegration. Independent observers raised concerns that inadequate security guarantees facilitated the killing of former FARC combatants. According to INDEPAZ, between January 1 and October 11, 34 demobilized FARC combatants were killed. Between the signing of the peace accord in 2016 and August 2, the Attorney General's Office investigated homicides of demobilized former FARC combatants, resulting in 54 convictions in the homicides of 48 former combatants. As of September, 52 cases were in the trial stage, 37 were under investigation, 64 had pending arrest warrants, and 11 were being closed due to the death of the accused.

According to the UN Verification Mission, the violence against demobilized former FARC combatants continued in several regions in which illegal armed groups exercised social and territorial control. Since the signing of the 2016 peace accord, observers verified a total of 375 killings of former combatants (including 11 women, 54 Afro-Colombians, and 35 Indigenous persons), 129 attempted homicides (including 10 women), and 32 cases of former combatants deemed missing (all men). INDEPAZ reported 315 killings of former combatants since 2017.

The ELN, FARC dissidents, and other groups continued to lay land mines. According to the OHCHR, from January 1 to July 23, the Comprehensive Action Group Against Antipersonnel Mines reported five persons died from landmine explosions and 58 were wounded.

Abductions: Criminal organizations, FARC dissidents, the ELN, and common criminals kidnapped persons. According to the Ministry of Defense, there were 3,875 kidnappings from January 1 to June 30. Of the kidnappings, 15 were attributed to FARC dissidents, 13 to the ELN, and the remainder to other organized armed groups and criminal organizations.

On July 3, the ELN kidnapped a police sergeant and her children. The victims were released six days later. On July 29, the ELN kidnapped Sergeant Luis Alberto Gómez, commander of the police force in the municipality of Genova, Nariño. Gomez was released on August 2 as part of the demands made by the national government during the August 3 start of the bilateral ceasefire with the ELN. Between January 1 and July 31, four victims of kidnapping died while in captivity. As of August 10, the Attorney General's Office reported seven convictions for kidnapping.

Physical Abuse, Punishment, and Torture: CINEP reported that from January through August, the ELN and criminal organizations were responsible for four documented cases of serious physical abuse that included seven victims. Members of armed groups raped and sexually abused women and children.

Other Conflict-related Abuse: Other human rights abuses occurred in the context of the conflict and narcotics trafficking. Drug traffickers and armed groups displaced predominantly poor and rural populations. Armed groups, particularly in the departments of Cauca, Choco, Córdoba, Narino, and Norte de Santander, exploited children, including Venezuelan, Indigenous, and Afro-Colombian children, in human trafficking by forcibly recruiting them to serve as combatants and informants, to harvest illicit crops, and to be exploited in sex trafficking.

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. NGOs and journalists alleged increased harassment and threats from state officials, including police. Violence and harassment, as well as the criminalization of libel, inhibited freedom of the press.

Violence and Harassment: According to the journalists' NGO Fundación para la Libertad de Prensa (FLIP), from January 1 to August 31, there were 410 incidents of violence and harassment against journalists, including threats, physical aggression, and harassment. These threats were made by both governmental and nongovernmental actors.

From January 1 through July 31, the Attorney General's Office investigated two cases of homicide of journalists from 2022, 133 cases of threats against 146 journalists, one case of sexual harassment of a journalist, and 50 cases of physical injuries of journalists. The Attorney General's Office rarely obtained convictions in these cases.

Press freedom organizations reported that in June, a journalist from the department of Chocó was a victim of threats, kidnapping, and sexual violence, including technology-facilitated gender-based violence, in retaliation for her publications on security, judicial, and public-order issues. The source of these threats was unclear.

The Ministry of Interior maintained a National Protection Unit (NPU) for the protection of threatened journalists. Some NGOs raised concerns regarding perceived shortcomings in the NPU, such as delays in granting protection and the appropriateness of measures for addressing specific threats.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: FLIP alleged some journalists practiced self-censorship due to fear of being sued under libel laws or of being physically attacked, mostly by nongovernment actors. FLIP asserted the high degree of impunity for those who committed aggressions against journalists was a factor in self-censorship.

In July, the publisher *Editorial Planeta* decided not to publish an investigation by journalist Laura Ardila of the network and influence of a political family known as the Char clan from the Caribbean Coast of the country. Dozens of X (formerly Twitter) accounts harassed and intimidated Ardila with messages that include sexist and misogynistic comments. Ardila informed FLIP she received at least 20 messages a day, which she saw as a campaign of harassment and to discredit her. The book was ultimately published in September by a different publisher.

Libel/Slander Laws: Slander and libel were crimes. The government did not use prosecution to prevent media outlets from criticizing government policies or public officials. Political candidates, businesspersons, and others, alleging defamation or libel, publicly threatened to sue journalists for expressing opinions. Two journalists were arrested as a result of Attorney General's Office investigations for libel and slander. As of July 31, the Attorney General's Office received complaints filed against 319 journalists for alleged crimes such as libel and slander.

Nongovernmental Impact: Members of armed groups inhibited freedom of expression by intimidating, threatening, kidnapping, and killing journalists. National and international NGOs reported media regularly practiced self-censorship because of threats of violence from armed groups.

The journalist Yamir Jhan Pico, director of the digital media organization *Caribe Noticias 24/7*, left the country due to death threats he received, despite receiving government protection.

Internet Freedom

The government reported it did not restrict or disrupt access to the internet or censor online content.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

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

Freedom of Association

The law provided for the freedom of association, and the government generally respected this right. Freedom of association was limited, however, by threats and acts of violence committed by armed groups against NGOs, Indigenous groups, and labor unions.

C. FREEDOM OF RELIGION

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

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation. Military operations and insecurity in certain rural areas restricted freedom of movement.

In-country Movement: The government required asylum seekers and individuals without regularized migration status to have a *salvoconducto* (safe passage document) to travel throughout the country; however, humanitarian legal assistance organizations reported long delays in receiving these documents.

International and civil society organizations reported armed groups restricted movement of rural communities through roadblocks, curfews, car bombs along egress routes, and improvised explosive devices in areas where illicit crop cultivation and narcotics trafficking persisted.

In August, the UN Office for the Coordination of Humanitarian Affairs reported a 33 percent decrease in the number of persons displaced between January and June, compared with the same period in 2022. During the same period, the United Nations registered a 2 percent increase in incidents where armed groups confined communities. Communities that suffered restricted movement due to armed incidents and geographical factors had limited access to essential goods and services.

E. PROTECTION OF REFUGEES

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

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees.

While the government generally provided narrow access to the asylum process for persons who requested international protection, the government encouraged asylum applicants to accept alternative migration status such as Temporary Protective Status. The government granted citizenship to children born in Colombia to Venezuelan parents on or after August 19, 2015.

Durable Solutions: The law allowed a 10-year temporary protective status for Venezuelans, providing a pathway to legal residence. A total of 2.5 million Venezuelan migrants were eligible, although the government had not fully implemented the program. Officials reported 1.9 million persons had obtained the status, while an additional 600,000 Venezuelans were in the process of obtaining the status. The status allowed authorities to grant Venezuelans who qualified formal access to work, health care, and education.

F. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS (IDPS)

There were approximately 6.7 million IDPs living in the country, largely because of the armed conflict and violence in rural areas. Threats posed by armed groups created internal displacement in both remote areas and urban settings. Many IDPs lived in poverty in unhygienic conditions and with limited access to health care, education, shelter, and employment.

The government, international organizations, and civil society groups identified various factors causing displacement and confinements, including threats, extortion, and physical, psychological, and sexual violence by armed groups against civilian populations, particularly against women and girls. Other causes included competition and armed confrontation among and within armed groups for resources and territorial control; confrontations among security forces, guerrillas, and criminal gangs; and forced recruitment of children or threats of forced recruitment by illegal armed groups. Drug trafficking, illegal mining, and large-scale commercial ventures in rural areas also contributed to displacement.

The NGO National Association of Displaced Afro-descendants stated threats and violence against Afro-Colombian leaders and communities caused high levels of forced displacement, especially in the Pacific coast region.

Local institutions in many areas lacked the capacity to protect the rights of and provide public services to IDPs and communities at risk of displacement. Consequently, the government struggled to provide adequate protection and humanitarian assistance to newly displaced populations.

Section 3.

Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal suffrage. Active-duty members of the armed forces and police could neither vote nor participate in the political process. Civilian public employees were eligible to vote, and they could participate in partisan politics but only during the four months immediately preceding a national election.

ELECTIONS AND POLITICAL PARTICIPATION

Abuses or Irregularities in Recent Elections: National and regional elections were widely reported to be fair and free of abuses and irregularities. Criminal gangs, FARC dissidents, and the ELN threatened and killed government officials. The ELN, for example, threatened to attack some local political candidates who did not support the ELN. As of May 31, the NPU, under the Ministry of Interior, was providing protection to 335 mayors, 18 governors, and 867 other persons, including members of departmental assemblies, council members, and judges. By decree, the national police's protection program and the NPU shared responsibility for protecting municipal and district mayors.

Political Parties and Political Participation: On January 30, the Inter-American Court for Human Rights ruled that between 1984 and 2016, state agents, including military intelligence officers and paramilitaries acting in concert with state agents, killed or disappeared 5,733 candidates and other persons affiliated with the left-wing political party Union Patriótica in a "generalized, systematic" effort to debilitate the party.

Section 4.

Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented these laws effectively, although officials sometimes engaged in corrupt practices without punishment. There were numerous reports of government corruption during the year, particularly at the local level and in relation to the implementation of peace accord funds. There was corruption within the justice system. Revenues from transnational organized crime, including drug trafficking and illegal gold mining, exacerbated corruption.

Corruption: The Attorney General's Office opened investigations into President Petro's son and brother for allegedly accepting irregular payments, some of which allegedly financed Petro's 2022 campaign. Administrative corruption in ports facilitated the transit of illicit drugs. Journalists reporting on corruption regularly faced threats.

The prosecutors investigating members of congress and senior government officials reported that since January, they had initiated 12 new investigations of nine former senators and three former house representatives, 36 investigations of 39 former governors, 94 investigations of 25 governors, and four investigations of former mayors.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were often cooperative and responsive to the views of these groups.

Retribution against Human Rights Defenders: Several human rights NGOs reported receiving threats in the form of emails, mail, telephone calls, false obituaries, and objects related to death, such as coffins and funeral bouquets. The government often condemned the threats and called on the Attorney General's Office to investigate them. From January 1 to August 11, the Attorney General's Office investigated 642 cases of threats against human rights defenders. Some activists

claimed the government did not take the threats seriously, due to the delayed responses in risk assessments following previous threats and attacks and slow implementation of the subsequent recommendations.

The governmental Ombudsman's Office, as well as members of the ombudsman's regional offices, received threats from armed groups through pamphlets, email, and violent actions.

Between January and June, the Attorney General's Office reported 127 attacks against human rights defenders. The Ombudsman's Office verified 91 homicides. In these cases, several individuals were arrested and charged, but no convictions were issued.

The government announced progress in the investigations into attacks and killings of human rights defenders. According to the Superior Judiciary Council, between January and June, there were three convictions in cases of threats against human rights defenders. In addition, 24 persons were convicted for homicides of human rights defenders.

As of May 31, the NPU provided protection to a total of 9,444 persons, including 197 leaders or representatives of human rights organizations, 420 leaders or representatives of community organizations, 160 leaders or representatives of peasant organizations, 78 activists from human rights organizations, 204 persons from victims' organizations, and 117 leaders or representatives of social organizations.

Government Human Rights Bodies: The ombudsman was independent, submitted an annual report to the House of Representatives, and had responsibility for providing for the promotion and exercise of human rights. The Ombudsman's Office regularly issued alerts for areas it assessed as at risk of conflict. The government was often slow to implement the recommendations in the alerts.

The National System for Human Rights and International Humanitarian Law – led by a commission of 21 senior government officials, including the vice president – designed, implemented, and evaluated the government's policies on human rights and compliance with international humanitarian law. The National System was a large and active entity.

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

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: The law prohibited rape of women or men, including spousal rape. Rape by a spouse or a current or former cohabitant or co-parent was an aggravated offense that was treated under the law as a violent sexual assault. There were no laws specifically on "corrective rape." The law provided for sentences ranging from eight to 30 years' imprisonment for violent sexual assault. For acts of spousal sexual violence, the law mandated prison sentences of six months to two years.

Gender-based violence, as well as impunity for perpetrators, was a problem. The law required the government to immediately protect survivors of domestic violence from further physical or psychological abuse, but the law was not always enforced, particularly in rural areas.

Female Genital Mutilation/Cutting (FGM/C): The law prohibited FGM/C, but incidents were reported in several Indigenous communities. Two-thirds of women from the Embera community

underwent FGM/C, according to the UN Population Fund. Local officials confirmed a high level of underreporting on a regional and national scale.

Other Forms of Gender-based Violence or Harassment: By law, femicide was punishable with penalties of 21 to 50 years in prison. The law augmented both imprisonment and fines if a crime caused “transitory or permanent physical disfigurement,” such as in the case of acid attacks, which had a penalty of up to 50 years in prison. The government did not always enforce the law effectively.

The law provided for measures to deter and punish harassment in the workplace such as sexual harassment, verbal abuse or derision, aggression, and discrimination. The government did not always enforce the law effectively. The Attorney General’s Office and the Inspector General’s Office opened numerous cases against members of the military and police for rape, abuse, and sexual harassment of women, Afro-Colombian and Indigenous leaders, and members of the LGBTIQI+ community. NGOs reported sexual harassment was a pervasive and underreported problem in workplaces and in public.

Discrimination: Although women had the same legal rights as men, discrimination against women persisted. The Office of the Advisor for the Equality of Women had primary responsibility for combating discrimination against women, but advocacy groups reported the office was not always effective. The government continued its national public policy promoting gender equity. The law did not specifically require equal pay for equal work, and there were legal restrictions on women’s employment in some industries. Unemployment disproportionately affected women, who faced hiring discrimination and received salaries that generally were not commensurate with their education and experience.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception was widely available. The government provided access to sexual and reproductive services. Emergency contraception and postexposure prophylaxis were available for survivors of sexual violence, including survivors of conflict-related sexual violence.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

Afro-Colombians and Indigenous individuals were entitled to all constitutional rights and protections but faced significant economic and social discrimination. Afro-Colombian labor unions reported discrimination in the port sector.

NGOs and the OHCHR reported Afro-Colombian and Indigenous communities were disproportionately affected by illicit economic activities in territories with weak local governments. According to the Truth Commission’s final report, 38 percent of Afro-Colombians and 27 percent of Indigenous persons were registered as victims of the conflict, despite together representing less than one quarter of the country’s population.

The government promoted equal opportunity for Black, Afro-Colombian, Palenquera, and Raizal populations. The Petro administration acknowledged that prior government policies disproportionately excluded Afro-Colombian, Indigenous, and ethnic communities from opportunities for health care, education, and economic growth. The vice president launched a strategy to advance the implementation of the ethnic chapter of the peace accord, which supported Afro-Colombians and established a directorate under the new Ministry of Equality to focus on Afro-Colombian communities. The Ministry of Interior provided technical advice and funding for social projects proposed by Afro-Colombian communities.

INDIGENOUS PEOPLES

Killings of members and leaders of Indigenous groups continued. In the first half of the year, INDEPAZ reported more than 20 deaths of Indigenous social leaders, constituting nearly 20 percent of all social leaders killed. As of August, the OHCHR reported the homicide of 11 Indigenous human rights defenders. Activists and political analysts noted increasing killings of and threats to Indigenous leaders, many of whom were environmental activists. The United Nations received reports of an increasing number of Indigenous children and adolescents, including many girls, being recruited by illegal armed groups. Of the 48 cases of child recruitment by illegal armed groups verified by the OHCHR, 25 included Indigenous children.

Despite special legal protections and government assistance programs, Indigenous persons suffered discrimination and lacked access to basic services and equal access to employment. Indigenous communities were often among the poorest in the country, were food-insecure, and had the highest age-specific mortality rates. Many of these communities lacked access to health-care facilities, sanitary and hygiene products, and clean water. Poor economic conditions also made health-related isolation recommendations difficult due to overcrowded housing.

The law required the government to consult beforehand with Indigenous groups regarding governmental actions that could affect them. The law gave Indigenous groups perpetual rights to their ancestral lands, but Indigenous groups, neighboring landowners, and the government often disputed the demarcation of those lands. Armed groups often violently contested Indigenous land ownership and recruited Indigenous children to join their ranks.

Some Indigenous groups asserted they were not able to participate adequately in decisions affecting their lands. Indigenous communities such as the Wayuu community in La Guajira protested private and government entities that developed projects on Wayuu territories without consulting them.

The government stated it consulted with Indigenous leaders when possible before entering Indigenous lands, but for security reasons, the government could not provide advance notice of most military operations, especially when in pursuit of enemy combatants.

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

CHILDREN

Child Abuse: Child abuse was a serious problem. Multiple laws against child abuse existed; however, these laws were not always enforced effectively. The Colombian Family Welfare Institute provided psychosocial, legal, and medical care to victims.

Child, Early, and Forced Marriage: Marriage was legal at age 18. Boys older than 14 and girls older than 12 could marry with the consent of their parents. The government effectively enforced the law. According to UNICEF, 5 percent of all girls in the country were married before age 15, and 23 percent were married before age 18.

Sexual Exploitation of Children: The law prohibited sexual exploitation of a child or facilitating the sexual exploitation of a child and stipulated a penalty of 14 to 25 years in prison. The law prohibited pornography using children younger than 18 and stipulated a penalty of 10 to 20 years in prison and a fine for violations. The government generally enforced the law, but rates of prosecution and conviction were low. Penalties existed for sexual exploitation by armed groups, sex tourism, and commercial sexual exploitation; however, judicial authorities prosecuted very few cases. In 2022, convictions for human trafficking, which included cases of child sex trafficking, were the lowest in a decade.

ANTISEMITISM

The Jewish community, with an estimated 5,000 members, reported instances of antisemitic graffiti, including near synagogues, and antisemitic comments on social media.

For further information on incidents of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: Consensual same-sex conduct between adults, cross-dressing, and other sexual or gender characteristic-related behaviors were legal.

Violence and Harassment: There were reports of societal abuse and sexual assault of LGBTQI+ persons. According to the NGO Colombia Diversa, from January 1 to September 10, there were 23 homicides of LGBTQI+ persons, including 12 gay men, six transgender women, three lesbian women, one transgender man, and one nonbinary person. The NGO Caribe Afirmativo reported that on May 1, Dani Sharith Polo, known as "La Pola," a representative of LGBTQI+ victims in the Colombian Caribbean, was attacked and later died. There were allegations of police violence based on sexual orientation.

The country experienced high levels of impunity for crimes against LGBTQI+ persons, especially against transgender individuals. Investigators and police often mislabeled the gender identities of victims and improperly interviewed LGBTQI+ victims, leading to intentional and unintentional intimidation. LGBTQI+ NGOs noted it was common for police either in conversation or in their reports to identify transgender victims as "a man disguised as a woman" or vice versa.

Discrimination: The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. The government did not enforce the law, however, especially when it concerned transgender individuals. The law explicitly recognized LGBTQI+ couples and their families and granted them rights equal to rights of other persons.

NGOs reported transgender individuals faced significant discrimination in accessing public services. According to the NGO Foundation Group of Action and Support for People with Trans Life Experience (in Spanish, Fundación GAAT), in addition to the bullying and discrimination they faced in public, transgender individuals had difficulty accessing formal jobs; health services, including mental health support; and education. Only four of every 100 transgender individuals had formal jobs, according to Fundación GAAT. The organization reported that delays for transgender individuals in receiving updated identification documents were obstacles to employment. Transgender individuals cited barriers to public services when health-care providers and police refused to accept their government-issued identification.

Availability of Legal Gender Recognition: The country recognized male, female, transgender, or nonbinary markers as the gender in legal identification documents. NGOs such as Caribe Afirmativo highlighted that updating a gender designation was difficult due to the financial costs associated with acquiring the underlying documents, such as birth certificates and updated medical documents.

Some transgender individuals stated it was difficult to change their gender designation on national identity documents and that transgender individuals whose identity cards listed them as male were required to show proof they had performed mandatory military service or obtained the necessary waivers from that service.

Involuntary or Coercive Medical or Psychological Practices: Laws did not prohibit so-called conversion therapy. Fundación GAAT estimated approximately 20 percent of LGBTQI+ persons had been a victim of so-called conversion therapy. NGOs reported transgender individuals, particularly transgender men, were often sexually assaulted in so-called corrective rape. A university study estimated the majority of those experiencing so-called conversion therapy received it from a religious figure or a medical provider. Official data for victims of conversion therapy did not exist because conversion therapy was not considered a crime and the practice was not legally regulated.

Medically unnecessary and irreversible “normalization” surgeries were not performed on nonconsenting adult intersex persons. Information on “normalization” surgeries on children was not available.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: No restrictions existed on the freedom of expression, association, or peaceful assembly of LGBTQI+ persons.

PERSONS WITH DISABILITIES

Persons with disabilities did not have access to education, employment, health services, public buildings, and transportation on an equal basis with others. The law prohibited arbitrary restriction on the full exercise of the rights of persons with disabilities or harassment of persons with disabilities; however, enforcement was rare. The law prohibited discrimination against persons with physical and mental disabilities but did not explicitly prohibit discrimination against persons with sensory or intellectual disabilities. No law mandated access to information and telecommunications for persons with disabilities.

According to the NGO Somos Defensores, government authorities seldom enforced laws providing rights to individuals with disabilities. Access of persons with disabilities to education, health services, public buildings, and transportation was generally not on an equal basis with other persons. Persons with disabilities were unemployed at a much higher rate than the general population. A senior government official estimated 85 percent of persons with disabilities were unemployed.

The government made efforts to improve and address disability rights. The recently created Ministry of Equality and Equity housed the Vice Ministry of Diversity, which managed the Persons with Disabilities portfolio. The National Development Plan included measures to address and close gaps that prevented persons with disabilities from fully enjoying their rights. The government also increased student quotas at universities for persons with disabilities and provided legal and tax incentives for employers to hire persons with disabilities.

Although children with disabilities attended school at all grade levels, advocates noted most teachers and schools were neither trained nor equipped to successfully educate children with disabilities. Advocacy groups also stated children with disabilities entered the education system later than children without disabilities and dropped out at higher rates.

OTHER SOCIETAL VIOLENCE OR DISCRIMINATION

There were confirmed reports of societal violence and discrimination against persons with HIV and AIDS. In a 2022 survey, the government reported a high proportion of persons with HIV decided to keep their diagnosis hidden from their partner, spouse, family, work, and friends primarily due to fear of rejection, stigma, and discrimination. Many persons with HIV suffered exclusion from or

reduction of social activities, religious activities, and family activities. In a survey, more than 15 percent of individuals with HIV reported online aggression occurring at least once due to their HIV diagnosis. Furthermore, 17.9 percent of individuals with HIV surveyed reported they lost their job at least once; more than one-quarter of these persons said their job loss was due to their HIV diagnosis.

Section 7.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The law provided for the right of certain workers to form and join unions, bargain collectively, and conduct legal strikes. The law prohibited antiunion discrimination. Members of associated workers' cooperatives, however, were not allowed to form unions, since the law recognized members of a cooperative as owners. The law also prohibited members of the armed forces and police from forming or joining unions.

The law provided for automatic recognition of unions that obtained 25 signatures from potential members and complied with a registration process.

The law provided for associated workers' cooperatives, collective pacts, and union contracts. Under collective pacts, employers could negotiate accords on pay and labor conditions with workers in workplaces where no union was present or where a union represented less than one-third of employees. Law and regulations prohibited the use of workers' cooperatives and collective pacts to undermine the right to organize and bargain collectively, including by extending better conditions to nonunion workers through such pacts.

A company could contract a union, at times formed explicitly for this purpose, for a specific job or work; the union then in essence served as an employer for its members. Workers who belonged to a union that had a union contract with a company did not have a direct employment relationship with either the company or the union.

Labor disputes for workers under a union contract could be decided through an arbitration panel, as opposed to deciding in labor courts, if both parties agreed. Prohibited practices included an employer impeding workers' rights to strike, meet, or otherwise associate, and extending better conditions to members of collective pacts than to union members. Unions cited multiple instances in which companies fired employees who formed or sought to form new unions.

The government had the authority to fine violators of labor rights. The law stipulated that offenders repeatedly misusing workers' cooperatives or other labor-contracting mechanisms should receive the maximum penalty and could be subject to losing their legal status to operate. Employers who engaged in antiunion practices could also be imprisoned for up to five years, although government officials acknowledged a fine was more likely than imprisonment. Penalties were commensurate with penalties prescribed for other violations regarding denials of civil rights, such as discrimination. The Ministry of Labor's Special Investigations Unit, part of the labor inspectorate, had the authority to investigate and impose sanctions; it was reportedly overburdened with cases, resulting in delays responding to union requests for review. Through August 11, no new fines were assessed for abusive subcontracting in the five priority sectors of palm oil, sugar, ports, mines, and cut flowers. One fine was imposed for freedom of association violations in the sugar sector. The government engaged in regular meetings with unions, civil society groups, and the business sector on these and related issues.

Government enforcement of applicable laws was inconsistent. Penalties were rarely applied against violators. The government reported some progress in implementing a new system for fine collection that would help ensure timely and regular collection of fines related to these protections.

Despite steps by the Ministry of Labor to strengthen its labor law inspection system, the government did not establish a consistent, robust national strategy to protect freedom of association and collective bargaining. Structural problems adversely affected prosecutions, which resulted in a continued high degree of impunity for violators of these rights, including in cases of threats and violence against unionists. The government continued to reach labor formalization agreements with firms engaged in abusive subcontracting or that had labor conflict during the year. Most of the agreements resulted in direct employment contracts, and a few were indefinite-term contracts. Labor rights groups expressed concern these agreements were not sufficiently monitored by the Ministry of Labor to ensure they were followed.

Field-based inspections by the Ministry of Labor for abusive subcontracting in the five priority sectors were infrequent. Critics claimed inspections lacked necessary rigor, assessed fines were not collected, and abusive subcontracting continued.

The ministry employed a telephone- and internet-based complaint mechanism to report alleged labor violations, and it provided a mechanism for submitters to track the status of their cases. Union members complained the systems did not allow citizens to register anonymous complaints and registered complaints did not result in any government action.

Some employers used temporary contracts, temporary service agencies, and other forms of subcontracting, including cooperatives, to limit worker rights and protections. Labor confederations and NGOs reported enforcement actions did not eliminate abusive subcontracting and illegal labor intermediation.

Violence, threats, harassment, and other practices against trade unionists affected the exercise of the right to freedom of association and collective bargaining. The tripartite Interinstitutional Commission for the Promotion and Protection of the Human Rights of Workers did not meet during the year.

Judicial police and prosecutors investigating criminal cases of threats and killings were required to determine during the initial phase of an investigation whether a victim was an active or retired union member or engaged in union formation and organization, but it was unclear whether investigators did so.

It could take several months to transfer labor-related cases from regional field offices of the Attorney General's Office to the Attorney General's Human Rights Directorate. Cases were transferred only with the approval of the attorney general in response to direct requests, instead of automatically. Authorities did not criminally prosecute or convict any cases of forced labor during the year.

The government included in its protection program labor activists engaged in efforts to form a union, as well as former unionists under threat because of their past activities. As of May 31, the NPU was providing protection to 244 trade union leaders or members, a decrease from the prior year. Between January 1 and August 3, the NPU processed 44 new risk assessments of union leaders or members and developed 90 work plans of protective measures for the same population, all of which were active as of August 24. The NPU provided protection in 40 cases which were assessed as facing an "extraordinary threat." The NPU reported the average time needed to implement protection measures upon completion of a risk analysis was 78 days in regular cases.

In cases of unionist killings from previous years, the pace of investigations and convictions was slow, and high rates of impunity continued, although the attorney general made progress in sentencing. Three homicides of unionists occurred during the year.

With respect to cases of threats against unionists, the Attorney General's Office reported receiving 58 cases in 2022 and 33 cases as of August 18. None of these cases reached the trial phase; however, charges were filed in two cases of threats against union leaders.

The National Union School (ENS) and other labor groups stated 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 increased. Through October 13, the ENS reported 25 death threats, four assassination attempts, one abduction, and one case of harassment.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

See the Department of State's annual *Trafficking in Persons* Report at <https://www.state.gov/trafficking-in-persons-report/>.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: The law provided for a minimum wage for all sectors, and it was above the poverty line.

The law provided for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. Exceptions to this could be granted by the Ministry of Labor and were frequently granted in the mining sector. The law stipulated that workers receive premium compensation for nighttime work (work performed from 9 p.m. to 6 a.m.), hours worked in excess of 48 per week, and work performed on Sundays. The law permitted compulsory overtime only in exceptional cases where the work was considered essential for the company's functioning.

Occupational Safety and Health: The law provided for workers' occupational safety and health (OSH) in the formal sector. The legal standards were appropriate for the main formal industries. The law did not cover informal-sector workers, including many mining and agricultural workers. In general, the law protected workers' rights to remove themselves from situations that endangered health or safety without jeopardy to their employment. In cases of formal grievances, authorities generally protected employees in this situation.

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 reported abuses. Some unionized workers who alleged they suffered on-the-job injuries complained companies illegally fired them in retaliation for filing workers compensation claims. Only the courts could order reinstatement, and workers complained the courts were backlogged, slow, and corrupt. The Ministry of Labor could punish a company found to have broken the law in this way, but it did not offer other guarantees to workers.

Security forces reported armed actors, including FARC dissidents, the ELN, and criminal groups, engaged in illegal mining of gold, coal, coltan, nickel, copper, and other minerals. Illegal mines, which lacked safety precautions, were particularly common in the departments of Antioquia, Boyacá, Choco, Cundinamarca, and Valle del Cauca. The government reported that between

January 1 and July 31, security agencies and other authorities closed more than 2,446 illegal mines as part of the interagency initiative to combat illegal mines. Most of these mines were in Antioquia, Boyacá, Cauca, Santander, and Valle del Cauca. During the same period, the Attorney General's Office reported the prosecution of 816 individuals involved in illegal mining activities.

Wage, Hour, and OSH Enforcement: The Ministry of Labor was required to enforce labor laws in the formal sector, including wage, hour, and OSH regulations, through periodic inspections by labor inspectors. The government did not effectively enforce the laws in all cases. Inspectors had the authority to perform unannounced inspections and could also initiate sanction procedures, including after opening investigations. The number of inspectors was insufficient to enforce the law effectively. Penalties were commensurate with those for negligence and fraud but were applied rarely to violators. Unionists stated more fines needed to be collected to cause a reduction in wage and hour violations and OSH problems.

The national statistical service reported that from April through June, 55.8 percent of all laborers worked in the informal sector. The government did not enforce labor laws in this sector.