

USDOS – US Department of State

2022 Trafficking in Persons Report: Colombia

Colombia (Tier 1)

The Government of Colombia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Colombia remained on Tier 1. These efforts included increasing investigations, identifying more victims, adopting a new victim identification protocol for labor inspectors, and improving the existing centralized system for victim referral. In addition, the government announced the creation of a special law enforcement unit for the investigation of forced recruitment of child soldiers and increased prevention efforts to mitigate child sex tourism. Although the government meets the minimum standards, trafficking convictions decreased significantly, and authorities did not criminally prosecute or convict cases of official complicity. Proactive victim identification efforts were generally insufficient, particularly among migrants, and services for forced labor and adult victims were inadequate. The government did not make efforts to criminally investigate, prosecute, and convict cases of forced labor, resulting in impunity for labor traffickers and leaving unidentified victims without protection in critical sectors.

PRIORITIZED RECOMMENDATIONS:

- Make efforts to combat forced labor by enhancing proactive victim identification and increasing criminal investigations, prosecutions, and convictions of labor traffickers.
- Vigorously investigate, prosecute, and convict traffickers, including complicit officials.
- Take steps towards amending policies to fund civil society actors to increase specialized services for all victims of trafficking, including shelter care for adult victims of trafficking and victims of forced labor.
- Draft a victim identification protocol for law enforcement and border officials and train authorities on its use.
- Develop a record-keeping system to track anti-trafficking investigations, prosecutions, convictions, and sentencing data.
- Train prosecutors on the elements of human trafficking and the use of Article 188A of the penal code to investigate and prosecute all trafficking crimes, such as child sex tourism, forced criminality, forced labor, and the unlawful recruitment or use of child soldiers under trafficking provisions.
- Increase efforts to combat child sex trafficking in the tourism sector, especially in coastal cities.
- Revise the definition of human trafficking under Colombian Law to align more closely with the 2000 UN TIP Protocol definition.

PROSECUTION

The government maintained mixed prosecution efforts for sex trafficking cases and did not investigate, prosecute, or convict any cases of forced labor, despite the identification of victims of such crimes. Article 188A of the penal code criminalized sex and labor trafficking and prescribed punishments of 13 to 23 years' imprisonment plus fines between 800 and 1,500 times the monthly minimum salary. Penalties under Article 188A were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Article 188A of the penal code is inconsistent with the definition of trafficking under international law as the law did not include force, fraud, or coercion as an essential element of a trafficking crime. The law criminalized forced child recruitment and forced criminal activity by illegal armed groups under separate statutes, and authorities did not view these crimes as human trafficking. Child sex trafficking and child sex tourism crimes were most often investigated and prosecuted under the induction into prostitution law, which prescribed penalties that were not commensurate with those of human trafficking and other serious crimes.

Authorities did not provide sufficient details on the cases investigated, prosecuted, or convicted and, because Colombia's law was broad, it was unclear if the cases reported constituted trafficking as defined in international law. In 2021, law enforcement officials arrested 132 suspects for possible trafficking crimes, compared with 38 in 2020, 40 in 2019, and 85 in 2018. The attorney general's office (AGO) investigated 226 possible cases of trafficking, compared with 185 in 2020, 203 in 2019, and 180 in 2018. The government reported prosecuting 36 cases of sex trafficking, involving 70 defendants, compared with 65 cases in 2020, 75 in 2019, and 88 in 2018. There was a notable decrease in the number of convictions. Authorities reported convicting eight traffickers—four whose cases were under appeal at the end of 2021—compared with 22 in 2020, 36 in 2019, and 34 in 2018. Authorities did not prosecute or convict any new cases of forced labor. Authorities did not have a protocol to connect labor inspectors with police and, although officials identified victims of forced labor, authorities did not criminally investigate cases of forced labor. Prosecutors' inability to increase convictions for trafficking crimes may be related to an absence of adequate protection mechanisms, which can affect victims' willingness to cooperate with law enforcement in cases against their traffickers. The AGO did not keep a record of sentences prescribed for trafficking crimes and, as a result, it was difficult to assess whether traffickers received punishment stringent enough to deter the crime. There were numerous laws criminalizing trafficking crimes, which likely created confusion among prosecutors and judicial officials and led to a disjointed and ineffective law enforcement and prosecutorial response. In 2021, the Constitutional Court ruled in favor of a trafficking survivor who, with the support of NGOs, filed a case against the state after officials from the AGO inaccurately classified the case as induction into prostitution instead of human trafficking, which left her and her family unprotected, vulnerable, and unable to access to services available to victims of human trafficking under Colombian law.

Illegal armed groups and criminal organizations continued to forcibly recruit and use child soldiers for armed conflict and exploit them in forced labor and sex trafficking. In August, the Special Jurisdiction for Peace (JEP) presented a strategy to prioritize an inquiry into crimes involving the forced recruitment of child soldiers that took place between 1996 and 2016 as part of "macro case 07." In 2021, the JEP called 26 former members of the Revolutionary Armed Forces of Colombia (FARC-EP) to testify on the recruitment of child soldiers, compared with 15 in 2020. The government created a special task force against the recruitment of children and indicated it would deploy 2,200 police officers to support the armed forces in the protection of children and criminal investigation of child recruiters. As part of that initiative, authorities released a list of the 30 most-wanted child soldier recruiters. In 2020, an NGO reported impunity in cases of forced child recruitment and ongoing concern that Colombian illegal armed groups continued to strengthen their operations using children in Colombia and nearby Venezuela. Authorities conducted operations to disrupt the illicit activities of illegal armed groups, including several airstrikes that led to the death of approximately six child soldiers. In response, when discussing the event with media outlets, a high-level official deemed child soldiers recruited by armed groups as "war machines," which demonstrated a complete disregard for the need to treat such children primarily as victims. Authorities did not acknowledge that forcible recruitment of children by illegal armed groups is a form of human trafficking.

Corruption and official complicity in trafficking crimes remained significant concerns. Officials reported opening 40 investigations into official complicity in trafficking crimes between 2010 and 2021; this included the 2021 case of a prosecutor and a law enforcement official indicted for trafficking crimes. Authorities did not indicate how many of the 40 investigations led to prosecutions or convictions. Last year, officials from the inspector general's office noted judicial leniency toward public officials involved in trafficking crimes. While the government investigated and frequently arrested complicit officials, authorities often opted for disciplinary measures in lieu of prison time, a response that was not commensurate with the severity of the crime and hindered efforts to combat trafficking. Authorities did not provide updates to the complicity cases reported last year, including the investigation of a local government official from the Engativa neighborhood of Bogota for complicity in a transnational sex trafficking case; the case of officers from the national police who were allegedly notifying traffickers of upcoming raids; or the case of the public servants who knowingly falsified documentation for underage victims who were later exploited in Mexico and Spain. Sources reported there was complicity in the police department and the attorney general's office in the city of Cartagena, in which child sex trafficking, including child sex tourism, involving both Colombian and foreign exploiters was prevalent. Authorities provided training—in some cases with the support of international organizations—to immigration officials, police, and members of the AGO on the law, understanding trafficker recruitment tactics, and the investigation and prosecution of trafficking crimes. The ombudsman's office trained approximately 1,100 public officials, including military and police, on the proactive identification of victims. Authorities collaborated with many countries in the region and international organizations on trafficking-related law enforcement operations. In 2021, civil society organizations from Ecuador recommended updating bilateral agreements between the two countries to improve law enforcement cooperation in cases of trafficking.

PROTECTION

The government maintained protection efforts. As in previous years, services remained cursory and efforts insufficient. The government identified more victims, but it did not make efforts to provide shelter or adequate care for adults and victims of forced labor. The government identified 181 victims of trafficking, of whom 112 were exploited in sex trafficking, 18 in forced labor, two in forced begging, eight in indentured servitude, and 32 unknown. In addition, the government reported identifying nine individuals in servile marriage, but it was unclear if these individuals were forced or coerced to marry for the purposes of exploitation. Of these victims, 39 were men, and 14 identified as LGBTQI+. This compared with 100 victims identified in 2020, of whom 71 were exploited in sex trafficking, four in forced labor, nine in forced begging, two in indentured servitude, four in servile marriage, and 14 unknown. Immigration authorities identified 21 victims of trafficking. In addition, the Ministry of Defense (MOD) identified 170 child soldiers, compared with 63 in 2020. Other government entities and stakeholders also reported work with this population, and there may be overlap within this data. Some data was duplicative or contradictory, as no single agency was responsible for maintaining comprehensive protection or law enforcement data, and because Colombia's law was broad, it was unclear if the cases reported constituted trafficking as defined in international law.

In previous years, the government reported that law enforcement officials used a victim identification protocol developed by an international organization; however, many law enforcement officials working on trafficking cases were unaware of any protocol to identify victims. Experts indicated that in some cases, law enforcement officials retrieved data from victims' phones for evidentiary purposes and did not refer the victims to adequate services. In July 2021, the constitutional court ordered the government to develop a victim identification protocol to help officials identify victims, including among migrants. However, authorities did not report finalizing the victim identification protocol by the end of the year.

In 2021, the Operating Center for the Fight Against Human Trafficking (COAT) began operating as a centralized entity to refer cases involving children using the existing protocol developed by the Colombian Institute for Family Wellbeing (ICBF). The government did not have referral protocols in cases involving adult victims or anyone exploited in forced labor. In 2020, authorities adopted victim referral protocols in 13 departments but did not indicate how many officials the government trained or how many victims it referred to services using these protocols. With the support of an international organization and a foreign government, authorities finalized the victim identification protocol for labor inspectors that was pending since 2016. The MOL disseminated the protocol to 136 labor inspectors in seven regions but did not train the labor inspectors to use it, despite the government's concern with forced labor in sectors such as legal and illegal mining, emerald extraction, coal, domestic service, agriculture near the coffee belt, cattle herding, and crop harvesting. The protocol did not include a referral mechanism for criminal prosecution if inspectors detected indicators of forced labor. In addition, the government offered some training on victim identification and assistance as part of its prevention campaigns.

Authorities provided emergency assistance to the 181 victims identified, including 54 who received temporary shelter. Of the 181 victims identified, 158 received at least one service from the available medium-term assistance provisions. Immigration officials did not report referring the 21 victims they identified to care, and it was unclear what services were provided to the 170 child soldiers identified by the MOD. The government did not provide shelter to forced labor victims or adult trafficking victims. The ICBF reportedly assisted 158 child soldiers in 2021, compared with 144 in 2020, 180 in 2019, and 196 in 2018. An international organization verified 106 children were recruited by illegal armed groups, compared with 66 in 2020, 99 in 2019, and 292 in 2018. To the same international organization, ICBF officials reported assisting 77 demobilized children that separated from illegal armed groups between January and September 2021, compared with 192 in 2020, 180 in 2019, and 196 in 2018. The ICBF did not provide details of the assistance provided to victims of child sex trafficking or forced child labor.

The Ministry of Interior (MOI) and the ICBF were responsible for victim protection; the former was responsible for protecting adult victims, and the latter was responsible for protecting and assisting child victims. Victim services included emergency assistance, including medical and psychological examination, clothing, hygiene kits, issuance of travel and identity documents, and shelter for five days with a maximum extension of five additional days. In fewer cases, and after administrative approval, authorities provided medium-term assistance, including educational services, job skills training, assistance with job placement, economic support, and legal assistance, including witness protection. Year to year, authorities allocated funding for victim protection and assistance under the national budget and mainly used it for victim repatriation and technical assistance for regional and municipal trafficking in persons committees. Funding was not used to provide shelter or meaningful care directly to victims, given that by decree, national authorities relied solely on individual departments and municipalities for the provision of services. This led to an inconsistent approach across the country that often left victims unprotected and unable to navigate access to adequate and necessary services for their recovery.

ICBF authorities did not fund physical spaces where child victims could go and, as a result, coordination for services was left to the last minute, making it unreliable and difficult to obtain. The ICBF partially funded two shelters for child victims, at least one of which had a multi-disciplinary team trained to work with victims of sexual abuse, including sex trafficking; however, funding was insufficient to provide the comprehensive assistance victims needed. Local ICBF officials in Bogota operated a shelter for underage victims of commercial sexual exploitation that could provide care for trafficking victims but did not report how many victims received care in 2021. Authorities sometimes placed victims in hotels on a case-by-case basis. Lack of funding for civil society organizations hindered the government's ability to mitigate the crime; victims who did not receive adequate care were less able and willing to assist authorities in the case against their traffickers and less likely to provide input for the improvement of the overall response. The government did not have shelter services for adult victims or anyone exploited in forced labor.

Government officials did not report deporting trafficking victims during the reporting period. In 2021, immigration authorities reported screening migrants for trafficking indicators; however, the absence of a formal victim identification protocol to screen migrants for trafficking indicators, particularly near border crossings, could have led to the deportation of unidentified victims. Venezuelan women in commercial sex—many of whom may have been victims of trafficking—were not screened for trafficking indicators, and if believed to be working in the country illegally, authorities often deported them back to Venezuela, punishing them for immigration violations and crimes that their traffickers may have compelled to commit. The Ministry of Foreign Affairs (MFA) received 31 requests for repatriation but did not indicate how many it approved. This compared with 17 repatriations in 2020, 33 in 2019, and seven in 2018. MFA officials did not indicate how much funding the government provided for the repatriation of victims.

PREVENTION

The government increased prevention efforts. The Interagency Committee for the Fight Against Trafficking in Persons (ICFTP), chaired by the MOI and comprising 16 government entities, conducted four virtual technical advisory meetings, compared with five meetings in 2020, three in 2019, and two in 2018. All departments had territorial plans to combat trafficking. In 2021, the MFA defined and updated the territorial plans to improve coordination with the tourism, hotel, and services sector to amplify an ongoing prevention campaign, which reached employees, clients, and hotel guests. Authorities continued using the 2020-2024 national action plan. In 2021, officials appropriated some funding from the total 3.11 billion Colombian pesos (\$770,980) the government allocated for all anti-trafficking efforts. The government continued with the implementation of previously established awareness campaigns, and as focus increased to reduce child sex trafficking in the tourism sector, many efforts centered around amplifying such campaigns in key locations, such as Cartagena. In 2021, the Ministry of Commerce (MOC) adopted a national action plan to increase crime prevention efforts—including for human trafficking—in the tourism sector. As part of this initiative, authorities trained public servants, tourism service providers, unions, and service providers, among others. In addition, the MOC launched an awareness campaign through local media, government social media pages, and tourist information stands to educate tourists on ways to prevent and eradicate commercial sexual exploitation of children in the tourism sector. The national police conducted an awareness campaign against child sex tourism that included a mobile information booth and a robust educational campaign. In 2021, the Ministry of Labor (MOL) indicated inspections remained virtual, which likely limited their ability to identify indicators of trafficking.

Colombia continued to operate a 24-hour anti-trafficking hotline, which in 2021 received 1,382 calls, of which 116 were possible cases of trafficking that were referred to the COAT for further action. Officials did not report how many led to criminal investigations or prosecutions. The AGO monitored a general hotline for citizens to report crimes (Line-122), and authorities indicated 21 calls were for trafficking crimes in 2021. The government operated a cellphone app where the public could report cases of trafficking in 2021; authorities identified Venezuelan victims in the country and Colombian victims in Mexico, Turkey, and Turks and Caicos. Reporting via the app was not anonymous and may have hindered reporting of crimes due to fear of reprisal.

In response to the influx of more than 1.8 million Venezuelans into the country since 2016, in February 2021, the government granted temporary protected status (TPS) to migrants who arrived before January 2021, likely reducing their vulnerability to trafficking. TPS increased access to financial assistance for Venezuelan households, access to the education system for school-aged children, health insurance, access to employment, and immediate help to cover basic needs. By November 2021, authorities had pre-registered 1.5 million people. The government had policies to regulate recruitment agencies, including those placing workers abroad, and had regulations that prohibited worker recruitment fees. In 2021, the MOL reported conducting nine investigations into recruitment agencies for fraudulent employment claims and finalized one investigation, compared with 18 investigations and five finalized in 2020 and 17 investigations and 29 finalized in 2019. Investigations into fraudulent activity could carry over from previous years. Officials could fine recruitment agencies for fraudulent employment opportunities once cases were finalized; only three finalized

investigations since 2019 have resulted in fines. Authorities did not report if any finalized case in 2021 was referred for criminal investigation. Authorities cooperated with foreign governments to investigate cases of trafficking, including a case with Ecuador that led to the arrest of six individuals for trafficking crimes. The government did not make any efforts to reduce the demand for commercial sex during the reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Colombia, and traffickers exploit victims from Colombia abroad. Traffickers exploit Colombian adults and children in sex trafficking and forced labor in Colombia and Latin America, Asia, and Europe. Traffickers exploit Colombians in Israel and the United Arab Emirates, mainly Dubai. According to a Colombian government agency, in 2019, nearly 55 percent of transnational trafficking cases with a Colombia nexus involved Colombian victims exploited in trafficking in Turkey. Traffickers lured victims with fraudulent employment opportunities later to exploit them in sex trafficking and forced labor. In 2019, 38 percent of victims in domestic trafficking cases were from Bogotá and Antioquia Department, and 44 percent of domestic cases were identified in Bogotá. Government reports released in 2019 indicate that since 2013 roughly 90 percent of victims identified in Colombia were adults. Groups at high risk for trafficking include displaced Venezuelans, LGBTQI+ individuals, Afro-Colombians, members of Indigenous communities, individuals with disabilities, internally displaced persons, and those living in areas where illegal armed groups and criminal organizations are active. An international NGO interviewed 2,216 Venezuelan migrants who arrived in Colombia between 2019 and 2021, of which 907 reported experiencing trafficking or exploitation—324 of those in 2021. Sex trafficking of Colombian women and children occurs within the country and around the world. Colombian women and children are victims of sex trafficking within Colombia in areas with tourism and large extractive industries. Transgender Colombians and Colombian men in commercial sex are vulnerable to sex trafficking within Colombia and Europe. Traffickers exploit Colombian nationals in forced labor, mainly in mining to extract coal, alluvial gold, and emeralds; agriculture in coffee harvesting and palm production; begging in urban areas; and domestic service. Traffickers exploit Colombian children working in the informal sector and street vending in forced labor. Illegal armed groups, particularly in the departments of Choco, Norte de Santander, Córdoba, Nariño, and Cauca, forcibly recruit children, including Venezuelan, indigenous, and Afro-Colombian youth, to serve as combatants and informants, to harvest illicit crops, and to exploit in sex trafficking. In 2021, JEP officials announced that between 1996 and 2016, 18,677 children were recruited and used by the FARC-EP for the armed conflict, with the majority of cases taking place between 1996 and 2016. Between 2017 and 2019, early alert systems identified 182 municipalities where children were vulnerable to forced recruitment by illegal armed groups. Several illegal armed groups, including ELN, Segunda Marquetalia, FARC-D, Clan del Golfo, are known to operate in areas where vulnerable people may be exploited through human trafficking and other illicit activities. Women, children, and adolescents who separate from the ranks of illegal armed groups are vulnerable to trafficking. Traffickers recruit vulnerable women and girls in dire economic circumstances, mostly Colombians and displaced Venezuelans, into “webcam modeling,” a phenomenon that grew due to the pandemic. In some cases, traffickers drugged women and girls using fear and coercion through debt and extortion to force victims to perform live streaming sex acts. Government officials and civil society organizations have expressed concern about the burgeoning webcam industry and its ties to sex trafficking. Displaced Venezuelans, including women, children, transgender individuals, and undocumented migrants, were the most vulnerable to sex trafficking and forced labor. Traffickers target impoverished women and girls to exploit them in sex trafficking; this vulnerable population represented 80 percent of sex trafficking cases. In 2021, more than 130,000 migrants—mostly Haitians—transited the town of Necoclí intending to cross the Darién gap, many of whom were highly vulnerable to human trafficking. Youth living under poor social and economic conditions are at a high risk of human trafficking. The pandemic led to an economic contraction of 6.8 percent, creating hardships and likely increasing the vulnerability to trafficking of LGBTQI+ individuals, undocumented migrants, and Indigenous communities that relied on the informal sector.

ecoi.net summary:



Annual report on
trafficking in persons (covering
April 2021 to March 2022)

Country:

Colombia

Source:

[USDOS – US Department of
State](#)

Original link:

<https://www.state.gov/reports/2022-trafficking-in-persons-report/colombia/>

Document type:

Periodical Report

Language:

English

Published:

29 July 2022

Document ID:

2077598

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

