

2021 Trafficking in Persons Report: Colombia

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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 convicting traffickers for the forced recruitment of children—including a member of the National Liberation Army (ELN), adopting the 2020-2024 anti-trafficking national strategy, proposing a reorganization of the Commission for the Prevention of Recruitment, Use, and Sexual Violence against Children and Adolescents (CIPRUNNA) to better address forced child recruitment by illegal armed groups, and adopting new territorial plans for the fight against trafficking in 21 departments. Although the government meets the minimum standards, the government decreased the number of investigations, prosecutions, and convictions for trafficking crimes. For the fourth year in a row, authorities did not provide information on sentences given to traffickers, casting doubt that prescribed punishments were severe enough to deter the crime. Authorities

continued to identify victims but did not provide adequate services for them and did not have shelter available for adults—who made up the majority of the victims identified—or victims of labor trafficking. The Ministry of Interior (MOI) did not provide financial support for victim protection to departments and territories, and authorities did not fund civil society organizations that could amplify access to services and provide adequate assistance to all victims. In addition, the government did not effectively address forced labor through law enforcement or victim protection, resulting in impunity for labor traffickers and leaving unidentified victims without protection in critical sectors.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict cases of human trafficking. • Make efforts to combat forced labor by enhancing proactive identification of victims and increasing investigations, criminal prosecutions, and convictions of labor traffickers. • Take steps toward amending policies to fund civil society actors directly to provide shelter care for adult victims of trafficking and victims of forced labor. • Increase efforts to combat child sex trafficking in the tourism sector, especially in coastal cities. • Develop a record-keeping system to track data on anti-trafficking investigations, prosecutions, convictions, and sentencing. • Train prosecutors on the elements of human trafficking and promote the use of Law 985 regarding the criminalization of trafficking crimes, such as child sex tourism, forced criminality, and forced child recruitment under trafficking provisions. • Draft standard operating procedures for victim identification for border officials. • Train border officials on victim identification to prevent the inappropriate deportation and incarceration of victims. • Revise the definition of human trafficking under Colombian Law to more closely align with the definition in the 2000 UN TIP Protocol.

PROSECUTION

The government maintained mixed prosecution efforts and did not proactively investigate, prosecute, or convict cases of forced labor. 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 criminalized under the induction into prostitution law, which prescribed penalties that were not commensurate with those of other serious crimes.

Pandemic related lockdowns impacted judicial processes and affected the government's ability to operate, including a six-month national lockdown and a two-month closure of the courts. Information about sentences prescribed for trafficking crimes was unavailable, and arrests, investigations, prosecutions, and convictions decreased. In 2020, the government updated law enforcement data it reported in previous years. 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 addition, authorities did not confirm if cases were prosecuted or convicted using Article 188A of the penal code. The attorney general's office (AGO) received 185 possible cases of trafficking for investigation in 2020, compared to 203 in 2019 and 180 in 2018. Immigration officials opened three new cases for transnational sex trafficking involving 16 suspects and one case of forced labor involving one suspect. The government did not report whether these cases were referred to the national police for investigation or to the AGO for criminal prosecution. Additionally, police arrested 38 suspects for trafficking crimes (eight for crimes committed in 2020 and 29 for crimes committed in 2019 or prior), compared with 40 in 2019, 85 in 2018, 30 in 2017, and 29 in 2016. The AGO reported prosecuting 65 defendants, compared with 75 in 2019, 88 in 2018, 31 in 2017, and 59 in 2016. The government convicted 22 traffickers, compared with 36 in 2019, 34 in 2018, 21 in 2017, and 25 in 2016.

In 2020, authorities convicted 10 traffickers for forced recruitment, including a member of the National Liberation Army (ELN), bringing the total number of those ever convicted for forced recruitment in Colombia to 19. More than half of all people ever convicted for forced recruitment in Colombia were convicted in 2020. Officials did not indicate which law was used for the prosecution or conviction of trafficking crimes committed by illegal armed groups. The AGO reported it did not keep a record of sentences prescribed for trafficking crimes. The government did not report information on sentences issued for trafficking crimes for the fourth year in a row. A congressional hearing highlighted that since 2010, there have been 1,817 cases of child sex trafficking, but only 54 convictions, illustrating that authorities have brought roughly only three percent of cases of child sex trafficking to justice. Elected officials indicated that convicted traffickers rarely receive sentences as prescribed in the anti-trafficking law and noted only one of 43 traffickers convicted between 2013 and 2018 received a sentence as prescribed in the anti-trafficking law. The large number of laws criminalizing trafficking crimes likely created confusion among those charged with the prosecution and conviction of traffickers and led to a disjointed and ineffective response. The Ministry of Labor (MOL) did not investigate cases or increase inspections of forced labor, and authorities did not have a protocol to connect labor inspectors with police or provide guidance on trafficking indicators for front-line personnel. 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 national police reported some difficulty deploying teams to municipalities to investigate alleged trafficking incidents due to safety measures implemented in light of the pandemic. Immigration officials noted the closure of official border crossings due to the pandemic limited law enforcement's ability to investigate potential cases and screen some potential victims for trafficking indicators. International borders were closed from March to September and the border with Venezuela remained closed at the end of the year.

Illegal armed groups and criminal organizations continued to forcibly recruit children for armed conflict. These groups exploited child soldiers in forced labor and sex trafficking, forcing them to work at checkpoints and prohibit strangers from entering illegal armed group strongholds. Forced recruitment of children by illegal armed groups and criminal organizations remained a significant concern. In 2020, the Special Jurisdiction for Peace (JEP) made progress in "macro

case” 007 concerning the recruitment of child soldiers. Fifteen former Revolutionary Armed Forces of Colombia (FARC) commanders testified at the transitional justice court regarding their role in the forced recruitment of children. Former child soldiers participated in accordance with the court’s victim-centered approach. An NGO reported impunity in cases of forced child recruitment remained a problem, with the ongoing concern that Colombian illegal armed groups continue to strengthen their operations using children in Colombia and nearby Venezuela. At the end of 2020, the AGO had 2,249 active cases for the forced recruitment of children into armed conflict and 2,263 cases for the use of children in forced criminality or other illicit activities by illegal armed groups.

Corruption and official complicity in trafficking crimes remained concerns. Officials from the inspector general’s office noted judicial leniency toward public officials involved in trafficking crimes. While the government investigated and, in some cases, 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. In 2020, the AGO opened investigations into public officials, including one into local government offices in the Engativa neighborhood of Bogota for complicity in a transnational sex trafficking case; another into officers from the national police who were allegedly notifying traffickers of upcoming raids; and a third into public servants who knowingly falsified documentation for underage victims who were later exploited in Mexico and Spain. In addition, authorities indicted one officer from the Colombian Family Welfare Institute (ICBF) for human trafficking. All cases, including the indictment, remained open at the end of the reporting period. Authorities did not provide information on the sentence prescribed for the public official convicted in 2019 for the sex trafficking of a 14-year-old girl in 2014. 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 and child sex tourism were prevalent. Authorities penalized potential victims for crimes their traffickers compelled them to commit. In 2020, an investigative press report alleged immigration officials near the Colombia-Venezuela border subjected Venezuelan women working in commercial sex—many of whom may have been victims of trafficking—to degrading treatment and deportation using dangerous illegal border crossings without screening them for trafficking indicators. 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. In 2019, authorities appropriated a total of 2.1 billion Colombian pesos (\$616,370) for the implementation of anti-trafficking efforts, including 855.68 million Colombian pesos (\$250,600) including technical assistance and anti-trafficking training. Authorities collaborated with Ecuador, Spain, the United States, and international organizations on trafficking-related law enforcement operations.

PROTECTION

The government maintained protection efforts; however, services available were cursory and efforts to protect most victims were inadequate. In 2020, the government continued to identify a greater number of adult victims but did not provide them or victims of forced labor with shelter. The MOI identified 100 victims of trafficking, of whom 71 were exploited in sex trafficking, four in forced labor, nine in forced begging, two in indentured servitude, and 14 unknown. In addition, the government reported identifying four individuals in servile marriage, but it was unclear if these individuals were forced or coerced to marry for the purposes of exploitation. This compared with 124 potential victims identified in 2019, including 12 in servile marriage; 114 in 2018, including nine in servile marriage; and 96 in 2017, including two in servile marriage. Of the total number of victims, nine were men, and seven identified as LGBTQI+. Authorities reported that 32 of the 71 victims of sex trafficking were adults, 19 children. The ICBF reportedly assisted 144 victims of forced recruitment in 2020, compared with 180 in 2019 and 196 in 2018. The AGO reported identifying 124 potential victims, 72 Colombians, one Peruvian, one Venezuelan, and 50 without record of nationality. 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 by the AGO constituted trafficking as defined in international law.

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 not aware of protocol to identify victims. The municipality of Cali had

a victim identification protocol that was developed with the support of an international organization; however, it was unclear if officials used it or if anyone received training on its use during the reporting period. The government offered some training on victim identification as part of its prevention campaigns. Nonetheless, experts indicated in some cases, law enforcement officials retrieved data from victims' phones for evidentiary purposes and released the victims without referring them to adequate services. 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 MOL did not train inspectors to identify the crime, and a victim identification protocol for labor inspectors – in development since 2016 with the support of an international organization – remained unfinished. Government authorities and NGOs reported that some officials working with victims of the armed conflict did not have enough training on victim identification; therefore, some victims may have been unidentified and vulnerable to trafficking and new patterns of recruitment.

Of the 100 victims identified, authorities provided emergency assistance to 71 victims; of these 57 received temporary shelter, compared with 79 victims who received temporary shelter in 2019. Forty-four victims received medium-term assistance, compared with 66 in 2019. The government did not provide shelter to forced labor victims or adult trafficking victims. The ICBF did not provide details of the assistance provided to victims of child sex trafficking or forced child labor. Authorities identified 495 child victims of forced recruitment by illegal armed groups in 2020, of whom 63 reported being recruited during the reporting period. The ICBF reportedly provided support services to every underage victim of forced recruitment. To an international organization, ICBF officials reported assisting 144 victims of forced recruitment in 2020, compared with 180 in 2019 and 196 in 2018.

The MOI and the ICBF were responsible for victim protection; the former was responsible for the protection of adult victims and the latter responsible for the protection of child and adolescent victims of trafficking. According to ICBF officials, the process of rights restoration included an evaluation of each case and the provision of mental and physical health services depending on each victim's needs. In 2020, authorities reported adopting victim referral protocols in 13 departments, but did not indicate how many officials were trained or how many

victims were referred to services using these protocols. The government reported following a national trafficking victim assistance plan to refer victims to services, which by decree could include 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 could provide medium-term assistance including educational services, job skills training, assistance with job placement, economic support, and legal assistance, including witness protection. Authorities reported allocating 470.93 million Colombian pesos (\$137,920) for victim protection and assistance, including 123.9 million Colombian pesos (\$36,290) for victim transportation services. According to the MOI, most of the funding was used for technical assistance for regional and municipal trafficking in persons committees; however, the national government relied solely on individual departments and municipalities for the provision of services. According to experts, some victims who did not self-identify were not legally considered victims and did not receive care.

Government officials and NGOs asserted government-funded victim assistance was cursory and insufficient. In 2020, authorities noted the pandemic reduced availability of in-person services, limiting emergency assistance, and NGOs, especially those providing shelter, reported an increase in operating costs associated with victim testing and required personal protective equipment. In addition, quarantine measures and social distancing requirements complicated efforts to find housing for trafficking victims, as there were fewer spots available. While assistance for underage victims was limited, and in some places non-existent, some department ICBF authorities assisted victims and provided outpatient case management services to aid in their recovery. In most parts of the country, department 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 and adolescent 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 2020. Authorities sometimes placed victims in hotels on a case-by-case

basis. In contrast, adult victims did not receive specialized shelter assistance or any assistance beyond emergency care despite making up the majority of the victims identified. Authorities did not report if any of the 32 adult victims identified received care in any non-specialized shelter. In 2020, some department anti-trafficking committees, including in Bogota and Caldas department, signed initial agreements with an NGO to provide shelters for trafficking victims, but authorities did not indicate if they referred any victims to these shelters for care. Lack of funding for civil society organizations fighting to combat trafficking 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.

Government officials did not report deporting trafficking victims; however, media reports indicated that border authorities continued deporting alleged trafficking victims for prostitution-related crimes without proper screening for trafficking indicators. Forty-three Colombian trafficking victims were identified in foreign countries; 17 were repatriated by the Ministry of Foreign Affairs (MFA) compared with 33 in 2019 and seven in 2018. MFA officials did not keep record of funding provided for the repatriation of victims during the reporting period. According to officials, many victims returned in pandemic repatriation flights and such expenses were included as general expenses paid for by the government.

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 19 virtual technical advisory meetings (compared with 20 meetings in 2019 and 44 in 2018). The ICFTP sought to improve coordination between it and its regional committees and make recommendations for the preparation of territorial action plans. The MOI reported that 21 territories adopted anti-trafficking plans and by the end of 2020, all 32 departments had adopted territorial plans to combat trafficking. In addition, authorities approved the 2020-2024 national action plan and appropriated some funding for its implementation from the general fund to combat trafficking in persons. The government

allocated 606.41 million Colombian pesos (\$177,600) for awareness campaigns, including a television and social media campaign with the support of national celebrities to promote trafficking awareness and advertise the anti-trafficking hotline. Immigration officials held events to educate migrant children on trafficking crimes, and the MOL, with the support of an international organization, held an event to educate communities on ways to identify fraudulent employment opportunities. Authorities reported reaching 22,328 people through virtual events as part of a long-standing awareness campaign; however, an elected official noted the government's ongoing campaigns were mostly dormant during the year, despite the critical need to promote awareness during the COVID-19 pandemic. Due to growing concerns of gender-based violence, including trafficking, during mandatory isolation and quarantines, the health ministry introduced a new hotline to report these crimes.

Colombia continued to operate a 24-hour anti-trafficking hotline, which in 2020 received 1,625 calls and five led to investigations, but authorities did not report how many victims were identified or if any led to prosecutions. The AGO monitored a general hotline for citizens to report crimes (Line-122), and in 2020, authorities indicated 14 calls were for trafficking crimes. During the reporting period, with the support of a foreign government and an international organization, authorities launched a cellphone app to report trafficking cases; however, reporting via the app was not anonymous and could hinder reporting of crimes due to fear of reprisal.

In response to the influx of more than 1.7 million Venezuelans arriving in the country since 2016, the government provided temporary residence permits, health care, education for school-aged children, and social services, likely reducing their vulnerability to trafficking. In 2020, the MOI developed a regional plan to mitigate child sex tourism in coordination with six Caribbean region anti-trafficking committees. An international organization reported that 49 children were victims of forced recruitment by illegal armed groups, compared to 99 in 2019 and 292 in 2018. An NGO noted there was a nine percent increase in encounters that involved child soldiers in the first half of 2020, with 40 separate events involving 190 children. Authorities announced the reorganization of CIPRUNNA to create a more decentralized structure and enlist support from municipalities, strengthen coordination between government institutions, increase the number of government agencies under CIPRUNNA from nine to 22,

and to seek international cooperation in combating child soldiering. Authorities allocated approximately 1.5 billion Colombian pesos (\$439,300) for the reorganization of CIPRUNNA. While the government did not sign any new international agreements in 2020, authorities participated in virtual exchanges with Ecuador and Peru to promote transnational cooperation. The government did not make any efforts to reduce the demand of 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 in 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 Bogota and Antioquia Department, and 44 percent of domestic cases were identified in Bogota. 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+, 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. 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 in Europe. Traffickers exploit Colombian nationals in forced labor, mainly in mining for the extraction of 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, Cordoba, Narino, and Cauca, forcibly recruit children, including Venezuelan, indigenous, and Afro-Colombian youth, to serve as combatants and informants and harvest illicit crops, and to exploit them in sex trafficking. Between 2017 and 2019, early alert systems identified 182 municipalities where children were vulnerable to forced recruitment by illegal armed groups. 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.” 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 those in irregular migration status, 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. Youth living under poor social and economic conditions are at a high risk of human trafficking. The pandemic led an economic contraction of 6.8 percent, creating hardships and likely increased the vulnerability to trafficking of LGBTQI+ individuals, irregular migrants, and indigenous communities that relied on the informal sector.

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