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2019 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; therefore Colombia remained on Tier 1. These efforts included investigating more trafficking cases, launching a new national anti-trafficking information system, investigating and prosecuting officials allegedly complicit in trafficking crimes, and convicting the first case of domestic servitude. In addition, the government conducted a study on the vulnerability of Venezuelan victims, and began developing a strategy to assist municipalities on prevention, protection, and prosecution of trafficking cases. Although the government meets the minimum standards, it did not provide adequate services to all identified victims, and a large number of victims, including Venezuelans, and child sex trafficking victims in cities like Cartagena, did not receive adequate protection services or adequate reintegration assistance. The government did not sufficiently fund civil society actors, and interagency coordination efforts to combat trafficking were inadequate. The Ministry of Labor (MOL) made insufficient efforts to identify or investigate cases of forced labor.

PRIORITIZED RECOMMENDATIONS

Provide services for all victims of trafficking and develop a case management database to ensure all victims are referred to care. • Fund civil society actors to increase specialized services for all victims, including adults. • Proactively investigate and criminally prosecute labor trafficking cases, and increase efforts to identify victims. • Provide comprehensive and specialized care for all victims, including financial support, shelter, and assistance beyond emergency care for adequate reintegration of victims to avoid re-trafficking. • Increase efforts to combat child sex trafficking in the tourism sector, especially in coastal cities. • Develop a new national anti-trafficking strategy that includes present challenges, such as the mass migration of Venezuelans, prevalence of child sex tourism, and the forced recruitment of children into illegal armed groups. • Train labor inspectors on trafficking and finalize the identification protocol. • Ensure all 32 regional committees dedicate specialized funding for victim services and develop an implementation partnership with civil society actors. • Screen for trafficking indicators among incoming Venezuelan migrants, and provide adequate services for those identified. • Strengthen efforts to provide adequate services to women and children released from the ranks of illegal armed groups and to prevent new patterns of recruitment. • Vigorously investigate, prosecute, and convict trafficking cases, including cases involving members of illegal armed groups or organized criminal groups involved in forced child recruitment or forced criminal activity. • Continue to hold criminally accountable public officials complicit in trafficking. • Implement the newly developed national trafficking information system. • Revise the definition of human trafficking under Article 188A to ensure force, fraud, or coercion are essential elements of the crime as established under the 2000 UN TIP

Protocol.

PROSECUTION

The government increased law enforcement efforts. Article 188A of the penal code criminalized sex trafficking and labor trafficking and prescribed punishments of 13 to 23 years' imprisonment plus fines up 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. Authorities sometimes charged traffickers with lesser crimes, such as induction into prostitution or pimping. The law criminalized forced child recruitment and forced criminal activity by illegal armed groups under separate statutes.

The Attorney General's Office (AGO) opened 222 cases (164 in 2017 and 150 in 2016), prosecuted 26 suspects (31 in 2017 and 59 in 2016), and convicted 19 of trafficking and trafficking-related crimes (21 in 2017 and 25 in 2016). Additionally, police arrested 70 suspects for trafficking or trafficking-related crimes (30 in 2017 and 29 in 2016). During the reporting period, the government secured its first conviction for domestic servitude and sentenced the convicted trafficker to 13 years' imprisonment. In other cases, the government reported sentences for traffickers ranged from 13 to 23 years; however, authorities did not provide sufficient details on penalties prescribed for trafficking cases. In 2018, authorities investigated a case against a large sex trafficking ring that led to the arrest of 18 alleged traffickers and the identification of more than 250 victims, most believed to be underage. The case remained open at the end of the reporting period. In another case, the AGO and the Cartagena police opened an investigation into a suspected child sex trafficking case, in which traffickers advertised a hunting tour to alleged child sex tourists, used drugs to control the victims, and transported them to remote locations to be hunted and raped by individuals purchasing sex.

Although Colombian law prohibited forced child recruitment and forced criminal activity by illegal armed groups or organized criminal groups, such crimes are not considered to be human trafficking, and government officials investigated these cases as other crimes. The AGO reported investigating 1,104 cases of forcible use of children in the commission of criminal activities, and 388 cases of forcible recruitment. The government did not provide updates on the status of the 1,872 cases that were under investigation in 2017 for trafficking-related crimes tied to illegal armed groups, and did not report whether new cases were opened in 2018.

The MOL did not report having a protocol to connect labor inspectors with police. Despite the MOL's efforts to strengthen inspections and enforce labor laws more broadly, it did not make efforts to proactively investigate cases or increase inspections of forced labor.

Corruption and official complicity in trafficking crimes remained significant concerns, although the government made progress on three cases reported during the year. In 2018, authorities opened investigations into three police officers; one for his alleged role in a child sex trafficking ring and the other two for accepting bribes to overlook an extensive sex trafficking ring operating in Cartagena. At the end of the reporting period, one case was in the trial phase and officials associated with second case were indicted. The government provided the venues for international organizations to conduct two capacity building workshops on investigative techniques and victim identification reaching 170 officials, including police, armed forces, and prosecutors. Authorities collaborated with the United

States and other Latin American countries on law enforcement operations.

PROTECTION

The government identified and assisted an increased number of victims; however, protection efforts were cursory and inadequate. In 2018, authorities reported identifying 114 possible victims (96 in 2017 and 68 in 2016). Of these, 67 were possible victims of sex trafficking, 17 in forced labor, four in forced begging, eight in servile marriage, and 13 were unknown. The Colombian Family Welfare Institute (ICBF) identified 24 children exploited in trafficking in 2018 (7 on 2017 and 46 in 2016). Authorities reported following a national trafficking victim assistance plan to refer the 114 identified victims to services; however, NGOs and some local officials asserted government-funded victim assistance was cursory and insufficient. The government reported that law enforcement officials used a victim identification protocol developed by an international organization; however, it was unclear whether officials received training on its implementation.

Despite a modest increase in the reported number of victims identified, in one highly publicized case involving more than 250 women and girls, many who were victims of trafficking, the government did not provide adequate services for those identified as victims. Authorities provided an orientation for victims on services available, including information on immigration protections for foreign victims, and ways to participate in the prosecution against their traffickers. The government reported one victim chose to cooperate with law enforcement in the prosecution of her traffickers. Some experts indicated that in some cases, law enforcement officials retrieved data from victims' phones for evidentiary purposes and released them without referring them to adequate services. Despite the government's concern with forced labor in areas such as illegal mining, domestic servitude, agriculture near the coffee belt, cattle herding, and crop harvesting, the MOL did not have inspectors trained on victim identification. In 2018, with the support of an international organization, the MOL worked to finalize a victim identification protocol for labor inspectors.

Under Colombian law, the government was responsible for providing victims with emergency assistance and medium-term assistance. Emergency assistance included a 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. Medium-term assistance included educational services, skills training, assistance with job placement, and economic support for six months with a maximum extension of three additional months. In practice, some observers indicated that there were not enough specialized services available for victims of trafficking, including employment assistance and reintegration services. Government officials indicated that survivors receiving medium-term assistance were also eligible to receive shelter; however, Colombian policy did not stipulate shelter as part of medium-term assistance. The national government did not have dedicated funding for specialized victim services, and it relied solely on individual departments for the provision of services. The ICBF funded emergency assistance for children, but in many parts of the country, it did not fund physical spaces where child victims could go. As a result, there were reports that coordination for adequate services was left to the last minute, making it unreliable and difficult to obtain. The ICBF partially funded six 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. Authorities sometimes placed victims in hotels on a case-by-case basis. The government did not fund other civil society organizations specialized on working with victims of trafficking.

Of the 114 identified victims, the government provided emergency assistance to 114 victims and

medium-term assistance to 62, compared to 96 victims in 2017 (37 with emergency assistance and 59 with medium-term assistance). Of those receiving medium-term assistance, 50 received employment assistance, 16 received shelter, 17 medical assistance, 18 psychological assistance, and five received legal advice. The ICBF began restoring the rights of 24 child victims of sex trafficking. According to officials, the process included an evaluation of each case and the provision of mental and physical health services depending on each victim's needs. In 2018, the government adopted two resolutions to guide officials on actions to guarantee the rights of child victims of trafficking. The government did not provide shelter to victims of forced labor or male victims of trafficking.

The Office of the Ombudsman had 25 trained staff known as *duplas*; they provided psychological and pro-bono legal assistance to victims of gender-based violence, including trafficking. In 2018, *duplas* assisted roughly 50 victims. The Ministry of Interior (MOI) reported coordinating with the departmental, municipal, and district committees to provide services for adult victims of trafficking, but did not report if it assisted beyond emergency care. NGOs expressed concern with the lack of financial support from the government and insufficient coordination and communication among agencies to provide care. Civil society organizations reported a case where staff from a domestic violence shelter turned a trafficking victim away because they could not provide specialized care, allegedly leaving the victim unprotected and vulnerable to re-trafficking.

Authorities penalized victims for unlawful acts traffickers compelled them to commit. In a case involving 49 victims of trafficking, including 23 Venezuelan women and girls, the government determined the individuals were not victims of trafficking when they did not self-identify. Authorities reported initiating deportation proceedings to return victims back to Venezuela. In this case, traffickers allegedly forced women to have sex with tourists using debt-based coercion, confiscating their identification documents to control their movements. The victims were living in the same place they were working. The government assisted five trafficking victims through the victim and witness protection program. Some victims were reluctant to report their exploitation or testify against their traffickers due to fear of reprisals or lack of trust in the justice system. In a separate case involving 10 Venezuelan victims of forced criminality, government officials reported providing some psycho-social assistance to victims.

In 2018, the government earmarked 400 million pesos (\$123,270) for repatriation assistance, compared with 222.8 million pesos (\$68,660) in 2017. The government provided repatriation assistance to seven victims (compared with 35 in 2017), and the ICBF reported providing emergency assistance, birth registration, and school enrollment to the 24 child victims it identified. Under the law, prosecutors could seek restitution for victims; however, the government did not report seeking restitution on any case. The department of Guaviare allocated 215.2 million pesos (approximately \$66,320) for its restitution program, but did not report whether it used it. In coordination with an international organization, the government registered and assisted 196 children and adolescents demobilized from illegal armed groups and criminal organizations. NGOs reported some officials working with victims of the armed conflict may not have enough training on victim identification; therefore, some victims may be unidentified and vulnerable to trafficking and new patterns of recruitment.

PREVENTION

The government maintained prevention efforts. The Interagency Committee for the Fight Against Trafficking in Persons (ICFTP), chaired by the MOI and comprising 16 government entities, conducted 44 technical advisory meetings that sought to improve coordination between the ICFTP and its regional committees and make recommendations for the preparation of territorial action plans. Observers

expressed concerns about insufficient interagency communication and absence of high-level decision makers at ICFTP meetings who could help expedite services for victims identified. The government continued the implementation of the 2016-2018 national anti-trafficking strategy, which expired at the end of the year. Authorities appropriated 2.3 billion pesos (\$708,780) for the implementation of the anti-trafficking strategy. In 2018, the government began implementing a national information system (SNITP) to collect and analyze data from the interagency and the 32 regional committees. In response to the Venezuelan migration crisis, the government developed a strategy aimed at implementing tools for the protection of victims, prevention of the crime, and prosecution of traffickers preying on this vulnerable population.

The government established a national mechanism to study prevalence, trends, and root causes of trafficking domestically; in 2018, the focus was the nexus of Venezuelan migration and trafficking. For the first half of the reporting period, the MOL maintained an awareness campaign from previous years focused on educating potential job seekers on the dangers of fraudulent job opportunities; the campaign reached 85 individuals.

Authorities conducted anti-trafficking awareness and activities, including a campaign to educate the public on the dangers of fraudulent employment opportunities internationally and domestically. Government officials participated in a public forum to raise awareness on trafficking in persons and the commercial sexual exploitation of children. Through an international organization, the ICBF trained 125 family members and service providers on the restoration of a child's rights, including child survivors of trafficking. The government made some efforts to prevent child sex trafficking, including signing a memorandum of understanding among relevant government agencies in Cartagena to address the pervasive problem with child sex trafficking in the tourism sector. The government did not report other efforts to reduce the demand for commercial sex or forced labor.

CIPRUNNA was the interagency commission for the prevention of child recruitment by armed groups and child sexual exploitation. The government did not report whether CIPRUNNA officials referred any cases to the AGO during the reporting period. Through the Special Jurisdiction for Peace (JEP), a transitional justice mechanism established as part of the 2016 peace accord, officials began investigating the historical recruitment of children for armed conflict. An NGO reported forced child recruitment by illegal armed groups increased to 50 in 2018, compared to 24 in 2017. However, recruitment of children remained significantly lower than pre-peace accord levels. In collaboration with a foreign government and an international organization, authorities coordinated activities to aid reintegration and prevent future recruitment. Although the Colombian military continued to engage in some civic-military activities, there were no reports of the use of children among its ranks. With the support of international organizations, the government conducted awareness campaigns in 167 municipalities and 22 departments to prevent the forced recruitment of children. Colombia's 24-hour anti-trafficking hotline received 971 calls and authorities identified 18 victims. Through the hotline, the government provided advice on job offers abroad, including corroborating the veracity and legality of employers.

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 men, women, and children in sex trafficking and forced labor in Colombia and throughout Latin America, Asia, and Europe. Groups at high risk for trafficking include Venezuelan migrants, internally displaced

persons, Afro-Colombians, Colombians with disabilities, indigenous persons, and Colombians 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 prostitution are vulnerable to sex trafficking within Colombia and in Europe. Traffickers exploit Colombian nationals in forced labor, mainly in mining, agriculture, begging in urban areas, and domestic service. Traffickers exploited Colombian children working in the informal sector, including street vendors, in forced labor. Illegal armed groups forcibly recruit children, including Venezuelan youth, to serve as combatants and informants, harvest illicit crops, and to exploit them in sex trafficking. Women, children, and adolescents who separate from the ranks of illegal armed groups are vulnerable to trafficking. Venezuelan migrants are particularly vulnerable to trafficking; in 2018, media sources reported a case where an alleged trafficker who disguised himself as a friar was operating a shelter for migrants exploiting them into sex trafficking. Venezuelan women and girls made up a significant portion of victims identified in sex trafficking during the year.

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