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2023 Trafficking in Persons Report: Colombia

COLOMBIA (Tier 1)

The Government of Colombia 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, if any, on its anti-trafficking capacity; therefore Colombia remained on Tier 1. These efforts included adopting a trafficking victim identification protocol for migrants, identifying more victims, developing an anti-trafficking strategy for prosecutors, and partnering with international organizations to train labor inspectors on forced labor issues. Although the government meets the minimum standards, judicial authorities did not criminally prosecute or convict labor trafficking cases, and efforts to prosecute or convict complicit officials were insufficient. Trafficking convictions decreased for the fourth year in a row and reached a 10-year low. Additionally, adult trafficking and labor trafficking victims did not receive adequate services, despite making up 95 percent of those identified.

PRIORITIZED RECOMMENDATIONS:

- Combat forced labor by proactively identifying victims and criminally investigating and prosecuting labor traffickers.
- Improve victim services by authorizing and financing government ministries and agencies to provide departments and municipalities with funding for the direct and specialized provision of services for adult trafficking victims and victims of forced labor.
- Criminally investigate and prosecute officials complicit in facilitating or perpetrating trafficking crimes.

- Vigorously investigate and prosecute trafficking crimes, and seek adequate penalties for convicted traffickers, which should involve significant prison terms.
- Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked.
- Revise the definition of human trafficking under Colombian law to align more closely with the 2000 UN TIP Protocol definition.
- Draft, approve, and fund a victim identification protocol for law enforcement and train authorities on its use.
- Expand training for border officials on the newly developed victim identification protocol for migrants and establish a referral mechanism to route trafficking cases for criminal prosecution.

PROSECUTION

The government maintained mixed prosecution efforts for sex trafficking but did not make adequate efforts to prosecute labor trafficking. 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; however, authorities did not consider or investigate these crimes as potential human trafficking, including in cases that appear to fit within the international law definition of trafficking. The Attorney General's Office (AGO) investigated and prosecuted some sex trafficking crimes under other provisions of the penal code, including article 213 "induction into prostitution", article 214 "coercion to engage in prostitution", Article 213A "exploitation of the prostitution of a minor", and article 217A "solicitation of commercial sex with a child"; the penalties prescribed under these laws were similar to those prescribed under article 188A, with the exception of article 214, which only prescribed penalties of nine to 13 years' imprisonment and a fine.

According to public government reports, the sex crimes unit of the national police opened 210 trafficking cases under articles 214, 213A, and 217A of penal code, compared with 309 cases in 2021. In 2022, law enforcement officials arrested 26 suspects for trafficking and related crimes. The AGO investigated 53 possible cases of trafficking, including 41 for sex trafficking, involving 21 individuals and 12 for forced labor, involving six individuals. The AGO's investigated one individual for servile

marriage, but it was unclear if this constituted a trafficking case as defined in international law. In addition, it also investigated 258 cases of unspecified trafficking involving 132 individuals, including three with cases aggravating factors such as age or psychological immaturity of the victim. This compared with 226 possible cases of trafficking, including seven cases of forced labor involving nine individuals in 2021, and 185 possible cases of trafficking in 2020. In 2022, the AGO prosecuted one individual for sex trafficking using article 188A and 68 individuals for sex trafficking crimes using several different articles of the penal code; this compared with the prosecution of 70 sex trafficking defendants in 2021 and 65 in 2020. The AGO did not criminally prosecute any labor traffickers. Judicial authorities reported convicting four sex traffickers, compared with eight in 2021 and 22 in 2020. Courts did not convict any labor traffickers and over previous years only convicted one labor trafficker in 2018. In 2022, Colombia had the lowest number of convictions in a decade, and judicial authorities did not share data on the sentences given to convicted traffickers. The AGO reported investigating and prosecuting some trafficking crimes as other forms of sexual exploitation including 213 cases of possible sex trafficking, involving 221 individuals, and prosecuting 16 cases of sex trafficking, involving 23 individuals.

Numerous provisions criminalizing trafficking crimes within the penal code led to an inconsistent law enforcement and prosecutorial response. Inadequate protection mechanisms for victims might affect their willingness to cooperate with law enforcement in cases against the traffickers, which in turn can hinder prosecutors' efforts to convict trafficking crimes. According to an investigative press report, prosecutors and law enforcement officials did not understand the crime and lack of victim-centered, trauma-informed screening for trafficking indicators forced victims to retell their story numerous times, leading to revictimization. Authorities did not have a protocol to connect labor inspectors with police or refer labor violations for criminal investigation. An NGO noted judges and prosecutors lacked training on the proper codification of the crime in the penal code, which led to the misidentification of victims.

Corruption and official complicity in trafficking crimes remained significant concerns. While the government investigated and arrested some complicit officials, authorities often opted for disciplinary measures in lieu of criminal prosecution; a response that was not commensurate with the severity of the crime and hindered efforts to combat trafficking. In December 2022, authorities in Cartagena arrested a police officer – assigned to the child protection unit – for exploiting children in sex trafficking. The individual was detained and awaiting trial at the end of the reporting period. Early in 2023, a former high-ranking official accused elected officials of exploiting congressional aides in sex trafficking. In January 2023, the AGO opened an investigation into the allegations, and the case remained open. In 2021, the government reported registering 40

investigations into official complicity in trafficking crimes between 2010 and 2021, including the 2021 case of a prosecutor and a law enforcement official indicted for trafficking crimes. Officials did not report prosecuting or convicting any of the allegedly complicit officials. In previous years, some officials noted judicial leniency toward public officials involved in trafficking crimes.

Authorities trained – in some cases with the support of international organizations – immigration officials, police, and members of the AGO on the law, traffickers' recruitment tactics, and the investigation and prosecution of trafficking crimes. Authorities collaborated with countries in the region and international organizations on trafficking-related law enforcement operations. In 2022, officials investigated a trafficking case with Spain and Ecuador that led to the arrest of one trafficker, and another with France and Spain that led to the arrest of 12 alleged traffickers.

PROTECTION

The government maintained inconsistent protection efforts. As in previous years, services remained limited and efforts insufficient to meet the needs of victims. The majority of trafficking victims identified were adults and did not receive adequate long-term protection to aid in their recovery. The government identified 148 trafficking victims, of whom 122 were exploited in sex trafficking and 26 in forced labor. The 148 victims included 123 adults, 25 children; 121 females and 27 males; 22 girls, three boys; 16 individuals that identified as LGBTQI+; 73 foreign nationals (72 Venezuelans and one Brazilian); and nine individuals with disabilities. The government also identified 30 victims for unspecified exploitation in 2022.

This compared with identifying 140 victims in 2021, of whom 112 were exploited in sex trafficking, 18 in forced labor, two in forced begging, and eight in indentured servitude. In 2021, authorities also reported nine individuals in servile marriage and 32 victims of unspecified exploitation.

It was unclear if cases of unspecified exploitation constituted trafficking as defined in international law, or if the individuals in servile marriage were forced or coerced to marry for the purposes of exploitation.

In previous years, the government reported law enforcement officials used a victim identification protocol developed by an international organization; however not all officials understood the protocol. Civil society actors reported officials did not regularly use victim identification procedures. The Ministry of Labor (MOL) had a victim identification protocol for labor inspectors, but it did not include a comprehensive referral mechanism for the criminal prosecution of labor traffickers, and the government did not report using the protocol widely. In 2022, the MOL increased the number of labor inspectors by 30 percent. These

inspectors had a broad inspection mandate and did not specialize in the identification of forced labor. According to officials, immigration authorities had a human rights protocol that included general instructions for the identification of trafficking victims. In 2022, immigration officials conducted 47 interviews with potential trafficking victims intending to leave the country, of which only one stayed as a result of the government's intervention. In 2021, the constitutional court ordered the government to develop a protocol for the identification of trafficking victims in the migration context. In 2022, authorities approved a protocol, and the MOI trained some border officials on its use and referred 39 victims to care. The MOI's Operating Center for the Fight Against Human Trafficking (COAT) was the centralized entity responsible for victim referral and had a publicly available victim referral mechanism. The Colombian Institute for Family Wellbeing (ICBF) had a specialized referral mechanism to guide trafficking victims to care; however, civil society actors reported once authorities admitted child victims into the administrative process for the restoration of their rights, the services were not always specialized to meet the needs of trafficking victims. An investigative report asserted victim services in Colombia were inadequate. Observers reported victims could follow the COAT's referral mechanism independently; however, the mechanism did not adequately address victim security.

Civil society organizations indicated access to services remained a significant challenge, particularly for adult victims of sex trafficking and victims of forced labor. Adults represented 95 percent of the victims identified but did not receive specialized services, including but not limited to, shelters where victims could stay without pressure, access to mental health providers with appropriate complex trauma training, or sufficient access to education and employment opportunities to meaningfully support victim reintegration. One NGO reported mental health services were deficient and contributed to a mental health crisis among victims. Authorities allocated indirect funding for victim protection in the national budget; however, a presidential decree delegated victim care and protection to individual departments and municipalities. MOI officials at the national level relied on local municipalities and departments to provide victim care. According to observers, the MOI did not provide sufficient funding or support to municipalities for victim assistance, contributing to an inconsistent approach across the country that left victims unprotected and with inadequate access to services for their recovery. A press report indicated anti-trafficking municipal technical committees were severely underfunded and had significant staffing challenges, as officials served short-term contracts and lacked institutional knowledge.

The MOI and the ICBF were responsible for victim protection; the former was responsible for protecting adult victims and the latter was responsible for protecting child victims. Emergency victim assistance could include 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, which could include educational services, job skills training, assistance with job placement, economic support, and legal assistance, including witness protection. In 2022, authorities provided emergency assistance to 100 trafficking victims, including 40 who received temporary shelter. Officials did not provide services to the forced labor victims identified. This compared with 140 victims assisted in 2021, including 54 who received temporary shelter care. According to media reports, the Bogota district government provided emergency assistance to 59 potential victims in 2022. In 2022, two NGOs in Cali and Medellin reported assisting 48 adult trafficking victims, including men and LGBTQI+ individuals, with the support of international organizations. The ICBF reportedly assisted 214 former child soldiers in 2022, compared with 158 in 2021. The Office of the Ombudsman reported providing legal and psychological assistance to trafficking victims in 37 cases. ICBF officials did not provide details on the kind of assistance provided to victims of child sex trafficking or forced child labor during the year. An NGO, mostly government-funded, provided shelter assistance for 114 child victims of sexual exploitation, including sex trafficking in 2022.

ICBF authorities did not have government operated spaces where victims could go. They relied on regional governments and municipalities, and as a result, coordination for services was unreliable and difficult to obtain. The ICBF partially funded two shelters for child victims, one of which had a multi-disciplinary team trained to work with victims of sexual abuse, including sex trafficking; however, the number shelters and ICBF provided funding was insufficient to provide the comprehensive assistance victims needed. Local ICBF officials in Bogota operated a shelter for child victims of commercial sexual exploitation that could provide care for trafficking victims but did not report how many victims received care in 2022. Authorities sometimes placed victims in hotels on a case-by-case basis. Lack of funding for civil society organizations possibly hindered the government's ability to mitigate the crime; victims who did not receive adequate care were less likely to assist authorities in the case against the traffickers. Law enforcement officials reportedly referred forced child begging cases to the local family advocate officials (*comisarias*) – the departmental or municipal entity responsible for the protection of child victims of familial abuse – that, instead of placing children under the protection of ICBF regional authorities to conduct a risk assessment returned child victims to their parents or adult guardians, which in some cases, allowed the exploitative cycle to continue as children were back on the street the next day. The government did not have specialized shelters for adult victims or anyone exploited in forced labor, despite needs by these populations.

Government officials penalized trafficking victims for crimes committed as a direct result of being trafficked. The government reported indicting 283 trafficking victims by the end of 2022; the indictments may have been for crimes committed before authorities identified them as victims, or as a result of being trafficked. In previous years, the lack of proactive victim identification and screening procedures may have resulted in the deportation of unidentified victims, including Venezuelans. Authorities did not screen Venezuelan women in commercial sex for trafficking indicators many of whom may have been victims of trafficking. In some cases, authorities deported potential victims back to Venezuela, punishing them for immigration violations and crimes committed as a direct result of being trafficked. The Ministry of Foreign Affairs facilitated the repatriation of eight foreign victims identified in 2022.

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, held four technical advisory meetings in 2022. Authorities continued implementing the 2020-2024 NAP, and all departments had territorial plans to combat trafficking. In 2022, officials appropriated 7.6 billion Colombian pesos (\$1.57 million) and allocated an undetermined amount of that funding for the implementation of the NAP to support previously established awareness campaigns, including one focused on child sex tourism in Cartagena, and for the operation of a phone app used to report trafficking crimes. During the previous reporting period, officials allocated 3.11 billion Colombian pesos (\$641,250) for the NAP and anti-trafficking activities. Reporting via the app was not anonymous and may have hindered reporting of crimes due to fear of reprisal. In addition to the app, the government operated different telephone hotlines where anyone could report crimes, including a 24-hour anti-trafficking telephone hotline. Authorities received 1,285 calls to the available hotlines in 2022; an estimated 21 percent of cases were believed to be trafficking and referred to the COAT for further action. The government did not report how many investigations stemmed from the calls, how many victims it identified, or how many of the cases referred led to criminal prosecutions.

The AGO adopted a new anti-trafficking strategy, and officials reported conducting three operations, arresting 10 alleged traffickers, and identifying and repatriating eight victims to Colombia as a direct result of the strategy. The strategy developed also focused on combating migrant smuggling and disrupting the transnational criminal networks that engage in human trafficking and migrant smuggling. Insufficient training for officials on the difference between human trafficking and migrant

smuggling could lead to confusion and hinder the effectiveness of judicial authorities to prosecute the crime. In 2022, the MOL – with the support of an international organization – trained officials from 15 territorial directorates on forced labor. Officials participated in an exchange with the governments of Ecuador and Peru to discuss ways to mitigate and identify forced labor.

Authorities did not acknowledge that forcible recruitment or use of children by illegal armed groups are forms of human trafficking. However, illegal armed groups and criminal organizations continued to forcibly recruit or use child soldiers in armed conflict and exploit children in forced labor and sex trafficking. ICBF officials reported armed groups recruited or used 20 children between January and June 2022. According to a report, illegal armed groups forcibly recruited or used 159 children in 66 cases in 2022. In November 2022, 218 demobilized former child soldiers and their families submitted written testimony to the Special Jurisdiction for Peace (JEP) in reaction to the 2021 testimony of 26 former FARC-EP members as part of "macro case 07" investigating historical cases of forced child recruitment or use in armed conflict. Early in 2023 – at the request of the JEP – the government publicly acknowledged child soldiers as victims of Colombia's internal conflict in response to the 2021 commentary from a former high-level official who called child soldiers "war machines."

Between 2020 and 2022, 37 percent of victims identified were Venezuelan migrants. By the end of 2022, the country hosted nearly 2.5 million Venezuelans. By February 2023, 1.49 million had completed the regularization process to receive 10-year temporary protected status, which provides access to financial assistance, education for school-aged children, health insurance, employment, and immediate help to cover basic needs. The government had policies to regulate recruitment agencies, including those placing workers abroad and had regulations that prohibited worker recruitment fees. The MOL did not report investigating recruitment agencies for fraudulent employment claims, compared with nine investigations in 2021. In 2022, the government entered a partnership with another government to combat child sex trafficking and the forced recruitment or use of children into armed conflict. The government did not make efforts to reduce the demand for commercial sex acts.

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 or have exploited Colombian nationals in at least 28 countries, including Argentina, Aruba, The

Bahamas, Barbados, Belize, Bolivia, Chile, China, Curacao, Dominican Republic, Ecuador, Egypt, El Salvador, France, Guatemala, Haiti, India, Jamaica, Japan, Mexico, Panama, Peru, Poland, Sint Maarten, Spain, Trinidad and Tobago, Türkiye, and the United Arab Emirates, mainly Dubai. Traffickers lure victims with fraudulent employment opportunities to later exploit them in sex trafficking and forced labor. In 2022, 36 percent of victims in domestic trafficking cases were from Bogotá and Antioquia Department, and 59 percent of victims were identified in Bogotá, Antioquia, and Norte de Santander. Government reports indicate 95 percent of victims identified in Colombia were adults, 74 percent were victims of sex trafficking, 16 percent were victims of forced labor, and 32 percent were Venezuelan nationals. Groups at high risk for trafficking include Venezuelans, LGBTQI+ individuals, Afro-Colombians, members of Indigenous groups, individuals with disabilities, migrants, including those traveling north with intentions to cross the Darien, internally displaced persons, and those living in areas with active illegal armed groups and criminal organizations. There were nearly 2.5 million Venezuelans living in Colombia, of which 90 percent were believed to be working in the informal sector, were at high risk for sex and labor trafficking. A seven-month investigative report uncovered cases of Venezuelan children in Cartagena being exploited in forced begging by family members and acquaintances. 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. Venezuelan migrants in border cities working in the informal sector often used their daily earnings to cover the costs of pay-per-day rooms, or *pagadarios*, and, when they could not pay, some owners allegedly exploited migrant tenants in forced criminality or sex trafficking as means for paying rent.

Sex trafficking of Colombian women and girls was prevalent in the country, particularly in densely populated cities and 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 recruit vulnerable women and girls, mostly Colombians and displaced Venezuelans, into “webcam modeling” – an unregulated industry that continued to grow. In some cases, traffickers drugged women and girls, employed fear and coercion tactics, and created situations of financial indebtedness and extortion to force victims to perform live streamed sex acts. Government officials and civil society organizations have expressed concern about the burgeoning webcam industry and its ties to sex trafficking.

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. In 2022, an international NGO

indicated *pagadarios* in Bogota were a gateway to the recruitment of victims by criminal groups, who often induced migrants to consume drugs to foster a dependency that would compel them into criminality. Traffickers operating fake charities offered shelter to vulnerable migrants to later exploit them in sex trafficking and forced criminality.

Illegal armed groups, particularly in the departments of Cauca, Chocó, Córdoba, Nariño, and Norte de Santander forcibly recruit or use children, including Venezuelan, Indigenous, and Afro-Colombian youth, to serve as combatants and informants, to harvest illicit crops, and to exploit them in sex trafficking. In 2022, an international organization reported 77 percent of municipalities in Chocó department and 33 percent of municipalities in Nariño department were at high risk for child soldier recruitment, particularly Indigenous and Afro-Colombian children. According to an investigative report released in 2023, El Tren de Aragua – Venezuela’s most powerful criminal gang – and the National Liberation Army (ELN) operate sex trafficking networks in the border town of Villa del Rosario in the Norte de Santander department. These groups exploit Venezuelan migrants and internally displaced Colombians in sex trafficking and take advantage of economic vulnerabilities and subject them to debt bondage. According to sources, members of El Tren de Aragua gained the trust of their victims by housing them in *pagadarios* in Colombia, providing them food, allowing them to incur daily debts, and, when they are unable to pay, exploiting them in sex trafficking. They allegedly marked women and girls behind their ears to prove ownership. El Tren de Aragua reportedly used the local transportation hub in Cúcuta to transfer victims of trafficking to other countries in the region, including Argentina, Ecuador, and Peru. In addition, they had “agents” who facilitated their operations in Bogota, Cali, Medellín, Pereira, and border cities. Several illegal armed groups, including ELN, Segunda Marquetalia, FARC-EP, and Clan del Golfo, are known to operate in areas where vulnerable people may be exploited in human trafficking and other illicit activities. Women, children, and adolescents who demilitarized and separated from illegal armed groups are vulnerable to trafficking.

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