

Document #1402372

USDOS – US Department of State

Trafficking in Persons Report 2017 - Country Narratives - 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. The government demonstrated serious and sustained efforts by removing a legal requirement for victims to file a complaint against their traffickers before receiving assistance, identifying more victims, increasing funding for government agencies providing services, increasing the number of investigations, taking law enforcement action against complicit officials, providing training and developing tools for labor inspectors, and strengthening internal coordination to combat trafficking, including approving the 2016-2018 anti-trafficking strategy. Although the government meets the minimum standards, it failed to fund the national anti-trafficking strategy, it reduced funding for specialized NGOs, and long-term care for trafficking victims remained insufficient.

RECOMMENDATIONS FOR COLOMBIA

Vigorously prosecute and convict traffickers; in partnership with civil society and through dedicated funding from national and local governments, increase specialized services and shelter available to all trafficking victims; improve access to long-term care for trafficking victims; increase efforts to identify child victims exploited in sex trafficking, forced begging, and within informal sector activities, such as street vending; increase anti-trafficking training for law enforcement officials, prosecutors, judges, and labor inspectors; fully fund the national anti-trafficking strategy; vigorously investigate, prosecute, and convict illegal armed groups or organized crime groups involved in forced child recruitment or forced criminal activity; increase efforts to hold public officials complicit in trafficking criminally accountable; and improve data collection and disaggregation, such as by finalizing and implementing the national trafficking information system.

PROSECUTION

The government maintained law enforcement efforts. Article 188 A of Law 985 of the penal code prohibits all forms of trafficking and prescribes punishments of 13 to 23 years imprisonment plus fines up to 1,500 times the monthly minimum salary. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 188 B provides aggravating factors, which if present, increase the article 188 A punishment by one-third to one-half, including if the victim is younger than 18 years of age. Article 141 prohibits forced prostitution in situations of armed conflict and prescribes a penalty of 160 to 324 months imprisonment and a fine. Authorities sometimes charged traffickers with lesser crimes, such as induction into prostitution or pimping. Police arrested 29 suspects for trafficking or trafficking-related crimes (41 in 2015 and 37 in 2014). In 2016, the government opened 150 investigations for trafficking or trafficking-related crimes (135 in 2015 and 122 in 2014); prosecuted 59 trafficking cases with an unknown number of defendants; and convicted 25 individuals of trafficking and trafficking-related crimes (31 in 2015 and seven in 2014). It was unclear how many convictions were for forced labor or for sex trafficking. Authorities indicated convicted traffickers received an average of 10.5 years imprisonment in 2016. Sixteen of the cases investigated were referred from the anti-trafficking hotline (56 in 2015 and 176 in 2014). Government officials did not consider forced child recruitment or forced criminal activity by illegal armed groups or organized criminal groups to be trafficking in persons, and therefore investigated or prosecuted these cases as other crimes. Social workers and other officials interacting with potential trafficking victims, such as children exploited in sex trafficking or in the worst forms of child labor, did not always refer these cases for criminal investigation. In 2016, the Colombian Child Welfare Institute (ICBF) referred 170 cases of potential forcible recruitment or forcible use of children in the commission of criminal activities; however, it was unclear how many were investigated, prosecuted, or convicted. Authorities collaborated with the several foreign governments on anti-trafficking law enforcement operations and investigations, including an operation in which two U.S. citizens were arrested for allegedly running a child sex tourism business.

Trainings provided to law enforcement, prosecutors, and members of the judiciary decreased, compared with 2015, when authorities trained a variety of officials on human trafficking, often through partnerships with international organizations. The government indicated several cases of alleged official complicity were open and at different stages of the judicial process. The investigation into the alleged involvement of police officials with criminal gangs that sexually exploited children in Bogota remained open. In February 2016, the director of the national police stepped down after evidence surfaced of an alleged trafficking ring inside a police training facility where young male cadets were sold into prostitution to high-ranking officials and members of the legislature. In October, the investigation of the former director was closed because evidence showed that he was not serving as director of the national police during the time of the incident and did not have command and control of the unit in question. In November, authorities formally charged a retired colonel for his alleged role in this case and a retired police major also faced charges. In May, a judge convicted 12 individuals, including nine immigration officials and two police officers, for their involvement with a criminal network engaged in human trafficking and drug smuggling. Two immigration officials were sentenced of 10 months in prison and ordered to pay a fine of 71 minimum salaries, and all other individuals were awaiting sentencing at the end of the

reporting period. During the reporting period, courts convicted an individual in the 2013 case of municipal employees in the department of Antioquia for their involvement in the commercial sexual exploitation of children, two other individuals awaited oral hearings, and one remained under investigation.

PROTECTION

The government increased protection efforts. The Ministry of Interior (MOI) reported authorities identified 68 trafficking victims (67 in 2015 and 59 in 2014). Of the identified victims, 47 were sex trafficking victims, 10 were forced labor victims, four were victims of forced begging, three were domestic servitude victims, and four were unidentified. The ICBF identified 46 cases of child trafficking, 39 girls and 7 boys (39 girls and 6 boys in 2015). Authorities and an international organization identified at least 167 children who separated from illegal armed groups in 2016 (229 in 2015 and 243 in 2014). In 2016, the recruitment of children by illegal armed groups for armed conflict reached a historic low after the government signed a peace accord with the Revolutionary Armed Forces of Colombia (FARC) to end a more than five-decade conflict. During the reporting period, the FARC had released 57 children from its ranks, all of whom received medical and psychological evaluations from an international organization before referring them to the ICBF for additional reintegration services. The Ministry of Labor (MOL) and an international organization began drafting a protocol for the identification of trafficking victims that will be included in the training manual provided to all labor inspectors. In 2016, the MOL provided anti-trafficking training to 10 officials from the inspection and surveillance unit on developing an identification protocol for labor trafficking victims.

Presidential decree 1069 of 2014, which clarified the implementation of Law 985, mandated the government to provide emergency trafficking victim protection and assistance, which includes medical and psychological assessments and assistance, clothing and hygiene kits, housing, transportation, legal advice, issuance of travel and identity documents, and repatriation; and medium-term assistance, such as educational services, job training and job search assistance, and economic support. Emergency assistance was provided for five calendar days, and could be extended for an additional three calendar days as needed; medium-term assistance was provided for up to six months, and could be extended for an additional three months. Of the 76 identified victims, the government provided 63 with emergency assistance and 37 with medium-term assistance. In addition, 19 victims received protective measures and 38 received repatriation assistance. All 46 child victims identified by the ICBF received services. In August 2016, the constitutional court invalidated language in article 7 of Law 985 of the penal code, which had required victims to file an official complaint against their traffickers in order to receive assistance. The Interagency Committee for the Fight against Trafficking in Persons (ICFTP), which coordinated the efforts of 16 national entities, created formal instructions for each agency in the committee to standardize reporting, identification of victims, and provision of rapid assistance. NGOs acknowledged improved coordination, but criticized delays in service delivery, the lack of long-term victim assistance, and lack of attention to vulnerable populations. NGOs indicated the absence of formal procedures for engagement with civil society resulted in uncoordinated and limited engagement by the government. The government did not

operate specialized shelters dedicated to adult trafficking victims, but it referred victims to NGOs for these services. The ICBF provided shelters for child trafficking victims. Shelter and services for male victims were very limited. NGOs asserted Afro-Colombian, indigenous, LGBTI, and disabled persons received insufficient attention, but the government reported maintaining a shelter for LGBTI victims of violence, an indigenous training center, and policies to assist disabled victims.

Authorities increased budget resources to government agencies responsible for assisting trafficking victims. In 2016, the government appropriated 2.3 billion pesos (\$766,284) for internal trafficking victims and earmarked 222.8 million pesos (\$74,230) to assist Colombian trafficking victims abroad [compared with 596.1 million pesos (\$198,601) in 2015 for internal victims and 200 million pesos (\$66,633) for Colombian victims abroad]. The government also disbursed 15.7 billion pesos (\$5,230,718) to provide services to child victims of sexual violence, including child trafficking victims. The national government ceased funding to specialized NGOs; however, some states continued to provide emergency assistance to victims. Authorities lacked sufficient funding and personnel to provide specialized services, reintegration work with families, and vocational training for children. Decree 1069 makes local governments responsible for providing services beyond emergency care, but most had no funding dedicated to providing specialized services.

The government approved measures to formalize a referral mechanism to provide protection for victims who assist in the penal process. During the reporting period, the government assisted five victims, witnesses, and family members 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. There were no reports that victims were detained, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to human trafficking. The government again did not provide updates on the 2014 media report alleging a trafficking victim was incarcerated due to testimony of another victim's father, who alleged she was a recruiter in a trafficking ring. Authorities could provide foreign trafficking victims with temporary permission to remain in the country during the investigative process on a case-by-case basis; however, authorities have never reported doing so. In July, a civil court upheld a settlement for back wages and benefits for a forced labor victim, but there were no reports on the number of trafficking victims who received restitution to which they were entitled under articles 102 and 103 of the criminal procedure code.

PREVENTION

The government maintained prevention efforts. The government treated different forms of trafficking as distinct crimes subject to different government entities' jurisdiction, which resulted in uneven interagency coordination of anti-trafficking efforts. The ICFTP continued to hold monthly formal meetings, and in June, the government approved the 2016-2018 anti-trafficking strategy. NGOs reported increased government coordination with civil society following the adoption of the national anti-

trafficking strategy. The government did not fund the national anti-trafficking strategy and NGOs indicated insufficient funding for the plan created assistance gaps, leading to inadequate services for victims. Civil society reported that there was inconsistent coordination and engagement with NGOs. NGOs and international organizations noted the absence of a national trafficking information system hindered monitoring, research, and evaluation of the impact of trafficking in persons in Colombia; however, authorities reported progress in developing this system. Members of civil society continued to file petitions to obtain statistical information from the ICFTP and the MOI. Authorities maintained an interagency commission for the prevention of child recruitment by armed groups and a separate committee on child sexual exploitation. During the reporting period, the MOI advised departments on ways to include an anti-trafficking strategy in their annual development plans and on procedures to request funding from the national government. Consequently, increasing local government coordination on anti-trafficking initiatives, leading five departments to allocate budgets to combat trafficking and 21 departments to include an anti-trafficking strategy in their development plans. The MOI consulted periodically with anti-trafficking committees in the 32 departments, but NGOs indicated the committees lacked expertise and funding. Colombia's anti-trafficking operations center's toll-free 24-hour hotline received 1,320 calls, including 16 suspected trafficking cases, which were under investigation. Authorities continued several interrelated trafficking awareness campaigns, commemorated World Day Against Human Trafficking in July in various parts of the country, and conducted other prevention efforts, often in partnership with an international organization and NGOs. The government, working with an international organization, designed a strategy and campaign to prevent fraudulent recruiting, which can lead to forced labor, and distributed materials at a public event; however, it did not report efforts to reduce the demand for forced labor. Authorities conducted investigations for child sex tourism and reported the arrest of one person for this crime. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Colombia is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor in Colombia and in Asia, the Caribbean, Europe, Mexico, and Central and South America. Groups at high risk for trafficking include internally displaced persons, Afro-Colombians, Colombians with disabilities, indigenous Colombians, and Colombians in areas where armed criminal groups are active. Sex trafficking of Colombian women and children occurs within the country and around the world, particularly in Latin America, the Caribbean, and Asia. Authorities reported high rates of children exploited in sex trafficking in areas with tourism and large extractive industries. Sex trafficking in mining areas sometimes involves organized criminal groups. Transgender Colombians and Colombian men in prostitution are vulnerable to sex trafficking within Colombia and in Europe. Colombian labor trafficking victims are found in mining, agriculture, and domestic service. Colombian children working in the informal sector, including as street vendors, are vulnerable to labor trafficking. Colombian children and adults are exploited in forced begging in urban areas. Illegal armed groups forcibly recruit children to serve as combatants and informants, cultivate illegal narcotics, and exploit them in

sex trafficking. Children and adolescents who separate from the ranks of illegal armed groups are vulnerable to trafficking. Organized criminal groups and other individuals force vulnerable Colombians, including displaced persons, into prostitution and criminal activity—particularly to sell and transport illegal narcotics and serve as lookouts and assassins. Such groups use false job opportunities and feigned friendship or romance to recruit victims and threats to maintain control over them. Colombia is a destination for foreign child sex tourists, primarily from North America and Europe.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2016 to March 2017)


Country:

Colombia

Source:

USDOS – US Department of State [\(/en/source/11558.html\)](/en/source/11558.html)

Original link:

<https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271166.htm> (<https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271166.htm>)

Document type:

Periodical Report

Language:

English

Published:

27 June 2017

Document ID:

1402372 (former ID [342485 \(/en/document/342485\)](/en/document/342485))

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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.

