

# COLOMBIA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Colombia is a constitutional, multiparty republic. Presidential and legislative elections were held in 2018. In June 2018, voters elected Ivan Duque Marquez president in a second round of elections that observers considered free and fair and the most peaceful in decades.

The Colombian National Police (CNP) force is responsible for internal law enforcement and is under the jurisdiction of the Ministry of Defense. The Migration Directorate, part of the Ministry of Foreign Affairs, is the immigration authority. The CNP shares law enforcement investigatory duties with the attorney general's Corps of Technical Investigators. In addition to its responsibility to defend the country against external threats, the army shares limited responsibility for law enforcement and maintenance of order within the country. For example, military units sometimes provided logistical support and security for criminal investigators to collect evidence in high-conflict or remote areas. Civilian authorities generally maintained effective control over security forces.

Significant human rights issues included: reports of unlawful or arbitrary killings; reports of torture and arbitrary detention by both government security forces and illegal armed groups; criminalization of libel; widespread corruption; rape and abuse of women and children by illegal armed groups; violence and threats of violence against human rights defenders and social leaders; violence against and forced displacement of Afro-Colombian and indigenous persons; violence against lesbian, gay, bisexual, transgender, and intersex persons; forced child labor; and killings and other violence against trade unionists.

The government took steps to investigate, prosecute, and punish officials who committed human rights abuses, although some cases experienced long delays that raised concerns about accountability.

The National Liberation Army (ELN) perpetrated armed attacks across the country during the year, including a car bomb attack on a police academy in Bogota that killed 22 persons. Other illegal armed groups, including dissidents of the Revolutionary Armed Forces of Colombia (FARC) and drug-trafficking gangs, continued to operate. Illegal armed groups, as well as narcotics traffickers, were significant perpetrators of human rights abuses and violent crimes and committed acts of extrajudicial and unlawful killings, extortion, and other abuses, such as

kidnapping, torture, human trafficking, bombings and use of landmines, restriction on freedom of movement, sexual violence, recruitment and use of child soldiers, and intimidation of journalists, women, and human rights defenders. The government investigated these actions and prosecuted those responsible to the extent possible.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that the government or its agents committed arbitrary or unlawful killings. According to the nongovernmental organization (NGO) Center for Research and Education of the Populace (CINEP), from January 1 through August 26, there were 10 cases of “intentional deaths of civilians committed by state agents.”

For example, in April the attorney general opened an investigation into the killing of Dimar Torres, a demobilized member of the FARC who was allegedly shot four times by an army soldier while leaving his village to buy tools. According to the Attorney General’s Office, Colonel Jorge Armando Perez Amezquita planned and ordered the killing. The colonel’s involvement was discovered later in the investigation; the case against him was initially delayed as authorities deliberated whether to proceed in the military or ordinary justice system. In November a military judge decided the investigation into the killing of Torres, including the case against Colonel Perez, would proceed in the ordinary justice system. On November 27, the army soldier who carried out the killing was convicted and sentenced to 20 years in prison. The investigation into the alleged role of the colonel and four other soldiers continued as of the end of November.

Illegal armed groups, including the ELN, committed numerous unlawful or politically motivated killings, often in areas without a strong government presence (see section 1.g.).

Investigations of past killings proceeded, albeit slowly. From January 1 through September, the Attorney General’s Office registered seven new cases of alleged aggravated homicide by state agents. During the same period, authorities formally charged eight members of the security forces with aggravated homicide or homicide of a civilian, with six of those crimes occurring in previous years. The Attorney General’s Office reported that through August, it obtained two new

convictions of security force members in cases involving homicide of a “protected person” (i.e., civilians and others accorded such status under international humanitarian law).

Efforts continued to hold officials accountable in “false positive” extrajudicial killings, in which thousands of civilians were killed and falsely presented as guerrilla combatants in the late 1990s to early 2000s. As of June the Attorney General’s Office reported the government had convicted 1,709 members of the security forces in cases related to false positive cases since 2008.

Some human rights organizations alleged that officials recently promoted within the senior ranks of the military could be linked to past extrajudicial killings.

The Attorney General’s Office reported there were open investigations of 20 retired and active-duty generals related to false positive killings as of June. The Attorney General’s Office also reported there were 2,504 open investigations related to false positive killings or other extrajudicial killings as of May 20.

In addition, the Special Jurisdiction for Peace (JEP), the justice component of the Comprehensive System for Truth, Justice, Reparation, and Nonrepetition provided for in the 2016 peace accord with the FARC, reviewed some investigations related to false positive or extrajudicial killings. This included activities to advance Case 003, focused on extrajudicial killings committed by the First, Second, Fourth, and Seventh Army Divisions. For example, on April 25, the JEP began to review the case against retired general Mario Montoya Uribe for his involvement in false positive killings. The JEP also continued to review the case against retired general William Henry Torres Escalante. On March 5, retired colonel Gabriel Rincon Amado, sentenced in 2017 to 46 years in prison for his involvement in the false positive killings of five men from Soacha, apologized before the relatives of the victims and the JEP magistrates and admitted he had a responsibility in the killings.

During the year there were allegations that military orders instructing army commanders to double the results of their missions against guerillas, criminal organizations, and illegal armed groups could heighten the risk of civilian casualties. In a July preliminary report, an independent commission established by President Duque to review the facts regarding these alleged military orders concluded that the orders did not permit, suggest, or result in abuses or criminal conduct, and that the armed forces’ operational rules and doctrine were aligned

with human rights and international humanitarian law principles. As of November a final report had not been issued.

Human rights organizations, victims, and government investigators accused some members of government security forces of collaborating with or tolerating the activities of organized-crime gangs, which included some former paramilitary members. According to the Attorney General's Office, between January and September, no members of government security forces were arrested for ties with illegal armed groups.

According to a March 14 UN report, the UN Office of the High Commissioner for Human Rights (OHCHR) reported 115 verified killings of social leaders and human rights defenders in 2018. According to the Attorney General's Office, in the cases of 308 killings of human rights defenders from January 2016 to August 2019, the government had obtained 42 convictions, 55 alleged perpetrators had ongoing trials, 41 had been charged, and 40 were under investigation. According to the OHCHR, 37 percent of the killings occurred in the departments of Antioquia, Cauca, and Norte de Santander; 27 percent of the killings were of members of indigenous and Afro-Colombian communities. The motives of the killings varied, and it was often difficult to determine the primary or precise motive in individual cases. For example, on June 21, in Tierralta, Cordoba, prominent social leader and land rights activist Maria del Pilar Hurtado was shot and killed by two men riding a motorcycle. As of September authorities had not identified the killers, but the Inspector General's Office opened a disciplinary investigation into local public officials for alleged irregularities related to the handling of alleged threats against the victim.

The Commission of the Timely Action Plan for Prevention and Protection for Human Rights Defenders, Social and Communal Leaders, and Journalists, created in November 2018, strengthened efforts to investigate and prevent attacks against social leaders and human rights defenders. The Inspector General's Office and the human rights ombudsman continued to raise awareness on the situation of human rights defenders through the public "Lead Life" campaign, in partnership with civil society, media, and international organizations. Additionally, there is an elite corps of the National Police, a specialized subdirectorate of the National Protection Unit (NPU), a special investigation unit of the Attorney General's Office responsible for dismantling criminal organizations and enterprises, and a unified command post, which shared responsibility for protecting human rights defenders from attacks and investigating and prosecuting these cases. The Attorney General's Office reported that the combined effort identified or arrested a suspect

in 47 percent of the cases of killings of social leaders and that 255 persons had been arrested and charged for their involvement in such cases.

By law the Attorney General's Office is the primary entity responsible for investigating allegations of human rights abuses committed by security forces, with the exception of conflict-related crimes, which are within the jurisdiction of the JEP. The JEP continued investigations of cases opened in 2018 and accepted new cases during the year.

Some NGOs complained that military investigators, not members of the Attorney General's Office, were sometimes the first responders in cases of deaths resulting from actions of security forces and might make decisions about possible illegal actions. The government made improvements in investigating and trying cases of abuses, but claims of impunity for security force members continued. This was due in some cases to obstruction of justice and opacity in the process by which cases were investigated and prosecuted in the military justice system. Inadequate protection of witnesses and investigators, delay tactics by defense attorneys, the judiciary's failure to exert appropriate controls over dockets and case progress, and inadequate coordination among government entities that sometimes allowed statutes of limitations to expire--resulting in a defendant's release from jail before trial--were also significant obstacles.

The military justice system functioned under both the old inquisitorial and a newer accusatory justice system, which was not scheduled to be fully implemented until 2020. Transition to the new system continued slowly, and the military had not yet developed an interinstitutional strategy for recruiting, hiring, or training investigators, crime scene technicians, or forensic specialists, which is required under the accusatory system. As such, the military justice system did not exercise criminal investigative authority; all new criminal investigation duties were conducted by judicial police investigators from the CNP and the attorney general's Corps of Technical Investigators.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities during the year. According to the National Institute of Forensic and Legal Medicine, from January 1 through July 31, a total of 3,788 cases of disappearances were registered. The government did not provide information on the number of victims of disappearances who were located.

According to the Attorney General's Office, on April 29, retired police general Mauricio Santoyo was arrested for his alleged participation in the forced disappearance of two persons in Medellin in 2000.

In the context of implementation of the 2016 peace accord, the government launched the Special Unit for the Search for Disappeared Persons in November 2018 to investigate disappearances that occurred during the conflict. The unit visited 10 cities throughout the year, where teams of forensic scientists began gathering information (see section 1.g.).

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the law prohibits such practices, there were reports that government officials employed them. CINEP reported that through October security forces were allegedly involved in nine cases of torture. Members of the military and police accused of torture generally were tried in civilian rather than military courts.

Between January and September, the Attorney General's Office did not charge any members of the military or police force with torture.

CINEP reported organized-crime gangs and illegal armed groups were responsible for four documented cases of torture through October.

According to NGOs monitoring prison conditions, there were numerous allegations of sexual and physical violence committed by guards and other inmates.

### **Prison and Detention Center Conditions**

With the exception of some new facilities, prisons and detention centers were harsh and life threatening due to overcrowding, inadequate sanitation, poor health care, and lack of other basic services. Poor training of officials remained a problem throughout the prison system.

Physical Conditions: Overcrowding existed in men's and in women's prisons. The National Prison Institute (INPEC), which operated the national prisons and oversaw the jails, estimated there were 124,574 persons incarcerated in 133 prisons at a rate of approximately 50 percent over capacity.

The law prohibits holding pretrial detainees with convicted prisoners, although this frequently occurred. Juvenile detainees were held in separate juvenile detention centers. The Superior Judiciary Council stated the maximum time that a person may remain in judicial detention facilities is three days. The same rules apply to jails located inside police stations. These regulations were often violated.

The practice of preventive detention, in combination with inefficiencies in the judicial system, continued to exacerbate overcrowding. The government continued to implement procedures introduced in 2017 that provide for the immediate release of some pretrial detainees, including many accused of serious crimes such as aggravated robbery and sexual assault.

Physical abuse by prison guards, prisoner-on-prisoner violence, and authorities' failure to maintain control were problems. The Inspector General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. As of July the Inspector General's Office reported disciplinary investigations against 20 prison guards for such actions as physical abuse and inhuman treatment. In the first six months of the year, INPEC carried out 114 disciplinary investigations, related principally to physical abuse but also to two cases of sexual abuse.

INPEC reported 103 deaths in prisons, jails, pretrial detention, or other detention centers through July 31, including five attributed to internal fights.

Many prisoners continued to face difficulties receiving adequate medical care. Nutrition and water quality were deficient and contributed to the overall poor health of many inmates. Inmates stated authorities routinely rationed water in many facilities, which officials attributed to city water shortages.

INPEC's physical structures were generally in poor repair. The Inspector General's Office noted some facilities had poor ventilation and overtaxed sanitary systems. Prisoners in some high-altitude facilities complained of inadequate blankets and clothing, while prisoners in tropical facilities complained that overcrowding and insufficient ventilation contributed to high temperatures in prison cells. Some prisoners slept on floors without mattresses, while others shared cots in overcrowded cells.

Administration: Authorities investigated credible prisoner complaints of mistreatment and inhuman conditions, including complaints of prison guards

soliciting bribes from inmates, but some prisoners asserted the investigations were slow.

Independent Monitoring: The government permitted independent monitoring of prison conditions by local and international human rights groups. INPEC required a three-day notice before granting consular access. Some NGOs complained that authorities, without adequate explanation, denied them access to visit prisoners.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. There were allegations, however, that authorities detained citizens arbitrarily. CINEP reported 23 cases of arbitrary detention committed by state security forces through June 30.

#### **Arrest Procedures and Treatment of Detainees**

Authorities must bring detained persons before a judge within 36 hours to determine the validity of the detention, bring formal charges within 30 days, and start a trial within 90 days of the initial detention. Public defenders contracted by the Office of the Ombudsman assisted indigent defendants but were overloaded with cases. Detainees received prompt access to legal counsel and family members as provided for by law. Bail was generally available except for serious crimes such as murder, rebellion, or narcotics trafficking. Authorities generally respected these rights.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention; however, this requirement was not always respected. NGOs characterized some arrests as arbitrary detention, including arrests allegedly based on tips from informants about persons linked to guerrilla activities, detentions by members of the security forces without a judicial order, detentions based on administrative authority, detentions during military operations or at roadblocks, large-scale detentions, and detentions of persons while they were “exercising their fundamental rights.” For example, NGOs alleged that in July government forces illegally arrested nine farmers in Bolivar Department. The army claimed the farmers were members of the ELN, but protesters alleged there was no evidence of an affiliation with armed groups and the arrests were based on a stigmatization of rural workers in the region.



Pretrial Detention: The judicial process moved slowly, and the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. Of the 124,574 prison detainees, 41,802 were in pretrial detention. The failure of many local military commanders and jail supervisors to keep mandatory detention records or follow notification procedures made accounting for all detainees difficult. In some cases detainees were released without a trial because they had already served more than one-third of the maximum sentence for their charges.

Civil society groups complained that authorities subjected some community leaders to extended pretrial detention.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Much of the judicial system was overburdened and inefficient, however, and subornation, corruption, and intimidation of judges, prosecutors, and witnesses hindered judicial functioning.

### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. While the government began implementing an accusatory system of justice in 2005, the use of delay tactics by defense lawyers to slow or impede proceedings, prosecutors' heavy caseloads, and other factors diminished the anticipated increased efficiencies and other benefits of adopting the adversarial model. Under the criminal procedure code, the prosecutor presents an accusation and evidence before an impartial judge at an oral, public trial. Defendants are presumed innocent until proven guilty beyond a reasonable doubt and have the right to confront the trial evidence and witnesses against them, present their own evidence, and communicate with an attorney of their choice (or have one provided at public expense). Defendants had adequate time and facilities to prepare their defense. Defendants are not compelled to testify or confess guilt and have the right to appeal their proceedings. Although defendants have the right to an interpreter, the court system lacked interpreters for less commonly encountered languages. Crimes committed before 2005 are processed under the prior written inquisitorial system in which the prosecutor is a magistrate who investigates, determines evidence, and makes a finding of guilt or innocence. In those cases the trial consists of the presentation of evidence and finding of guilt or innocence to a judge for ratification or rejection.

In the military justice system, military judges preside over courts-martial. Counsel may represent the accused and call witnesses, but most fact finding takes place during the investigative stage. Military trial judges are required to issue rulings within eight days of a court-martial hearing. Representatives of the civilian Inspector General's Office are required to be present at a court-martial.

Criminal procedure within the military justice system includes elements of the inquisitorial and accusatory systems. The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are considered innocent until proven guilty and have the right to timely consultation with counsel.

### **Political Prisoners and Detainees**

The government declared that it did not hold political prisoners; nevertheless, authorities held some members of human rights advocacy groups on charges of conspiracy, rebellion, or terrorism, which the groups described as government harassment against human rights advocates. According to INPEC, the government held 670 persons on charges of rebellion or of aiding and promoting insurgency. The government provided the International Committee of the Red Cross (ICRC) regular access to these prisoners.

### **Civil Judicial Procedures and Remedies**

Citizens may sue a government agent or entity in the Administrative Court of Litigation for damages resulting from a human rights violation. Although critics complained of delays in the process, the court generally was considered impartial and effective. Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission on Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights. The court may order civil remedies, including fair compensation to the individual injured.

### **Property Restitution**

The 2011 Victims' and Land Restitution Law (Victims' Law) continued to provide a legal basis for assistance and reparations to victims of the conflict, including victims of government abuses, but the government acknowledged that the pace of restitution was slow. The Inspector General's Office, an independent and

autonomous public institution, assisted in 277 cases related to land reclamation, i.e., requests for restitution.

The Land Restitution Unit, a semiautonomous entity in the Ministry of Agriculture, is responsible for returning land to displaced victims of conflict. The unit reported that as of the end of 2018, it had reviewed 276 requests for collective restitution of ethnic territories covering an area of 17.1 million acres, including 99,754 families, and 122,463 individual restitution claims, of which 18,478 were awaiting final judicial decision.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, but there were allegations the government failed to respect these prohibitions. Government authorities generally need a judicial order to intercept mail or email or to monitor telephone conversations, including in prisons. Government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization; the law bars evidence obtained in this manner from being used in court.

NGOs continued to accuse domestic intelligence or security entities of spying on lawyers and human rights defenders.

On July 9, the Attorney General's Office arrested the former intelligence director of the disbanded Administrative Department of Security, Laude Jose Fernandez Arroyo, for illegally wiretapping the communications of several companies and private citizens.

#### **g. Abuses in Internal Conflict**

The government and the FARC, formerly the country's largest guerrilla insurgency group, continued to implement the 2016 peace accord. The FARC completed its disarmament, and former members reincorporated as a political party in 2017. An estimated 800 to 1,500 FARC dissident members did not participate in the peace process from the outset. As of November, FARC dissident numbers had grown to approximately 2,500 due to new recruitment and some former combatants who returned to arms. Members of the FARC who did participate in the peace process alleged the government had not fully complied with its commitments to ensure the security of demobilized former combatants or to facilitate their reintegration, while the government alleged the FARC had not met its full commitments to cooperate

on counternarcotics efforts. In August a small group of FARC dissidents called for a return to armed conflict, alleging the government had not lived up to its obligations under the peace agreement. Following the signing of the 2016 peace accord, three transitional justice mechanisms were established and were operational throughout the year: The Commission for the Clarification of Truth, Coexistence, and Nonrepetition; the Special Unit for the Search for Disappeared Persons; and the JEP.

The ELN, a smaller leftist guerilla force of approximately 3,000 armed combatants, continued to commit crimes and acts of terror throughout the country, including bombings, violence against civilian populations, and violent attacks against military and police facilities. Illegal armed groups and drug gangs, such as the Gulf Clan, also continued to operate. The Colombia-Europe-United States Coordination Group (CCEEU) and other NGOs considered some of these illegal armed groups to be composed of former paramilitary groups. The government acknowledged that some former paramilitary members were active in illegal armed groups but noted these groups lacked the national, unified command structure and explicit ideological agenda that defined past paramilitary groups, including the disbanded United Self-Defense Forces of Colombia (AUC).

Killings: The military was accused of some killings, some of which military officials stated were “military mistakes” (see section 1.a.). In other cases, military officials stated they believed an individual was fighting on behalf of an illegal armed group, while community members stated the victim was not a combatant. For example, media reported that Jose Albeiro Chaparro and Eliecer Gonzalez Chaparro were allegedly killed by members of Army Task Force Quiron during confrontations between the army and FARC dissidents in May. According to the army, both men were identified as FARC dissidents who were armed and had attacked the implicated soldiers. Community leaders disputed the army’s account, saying the victims were day laborers on their way to work at a neighboring farm. They further alleged that the army manipulated the crime scene.

In addition, in November opposition legislators accused then minister of defense Guillermo Botero of withholding information regarding the military’s August 29 aerial attack on an alleged FARC dissident camp that killed 14 persons, including eight minors. Botero subsequently resigned under congressional pressure on November 6.

Guerrillas, notably the ELN, committed unlawful killings. On January 17, a total of 22 persons were killed and 68 injured in a car bomb attack on the General

Santander National Police Academy. The Attorney General's Office identified the attacker as Jose Aldemar Rojas, an ELN operative, who died in the attack.

Illegal armed groups committed numerous political and unlawful killings, primarily in areas under dispute with guerrillas or without a strong government presence.

Organized-crime gangs and guerrilla groups killed, threatened, and displaced educators and their families for political and financial reasons, often because teachers represented the only government presence in the remote areas where the killings occurred.

Independent observers raised concerns that inadequate security guarantees were facilitating the killing of former FARC militants. According to the October 1 *Report of the Secretary-General on the UN Verification Mission in Colombia*, 147 former FARC combatants had been killed since the signing of the 2016 peace accord. According to the report, of those 147 cases, the Attorney General's Office reported 13 cases with convictions, 13 in the trial stage, 27 under investigation, and 30 with pending arrest warrants. The United Nations also reported the government began to implement additional steps to strengthen security guarantees for former FARC combatants, including deploying additional judicial police officers and attorneys to prioritized departments, promoting initiatives for prevention of stigmatization against former combatants, and establishing a roadmap for the protection of political candidates, including the FARC party.

Abductions: Organized-crime gangs, the ELN, and common criminals continued to kidnap persons, both for ransom and for political reasons. According to the Ministry of Defense, from January 1 to June 30, there were 31 kidnappings attributed to common criminals, seven cases to the ELN, and three to organized armed groups. On July 18, in Riosucio, Choco, ELN rebels kidnapped local businessman Edwin Octavio Sanchez Correa. As of November the victim remained in captivity and no arrests had been made.

Between January and June, the Ministry of Defense reported 19 hostages had been freed, two hostages died in captivity, and seven were released after pressure from the government.

The Special Unit for the Search for Disappeared Persons provided for in the peace accord is mandated to account for those who disappeared in the context of the armed conflict and, when possible, locate and return remains to families.

According to the Observatory of Memory and Conflict, more than 80,000 persons were reported missing as a result of the armed conflict, including 1,214 military and police personnel who were kidnapped by the FARC and ELN.

Physical Abuse, Punishment, and Torture: CINEP reported FARC dissidents and organized-crime gangs were responsible for six documented cases of torture in the first six months of 2018, the most recent data available.

The ELN, FARC dissidents, and other groups continued to lay land mines. According to the NGO Group of Integral Action against Land Mines, there were 72 victims of improvised explosive devices and land mines between January 1 and June 30.

Child Soldiers: There were reports the ELN and other illegal armed groups recruited persons younger than 18. The government continued a program to counter recruitment of child soldiers. By year's end it had reached 500 at-risk villages, an estimated 28,250 minors, and 15,000 families.

Other Conflict-related Abuses: During the year reports of other human rights abuses occurred in the context of the conflict and narcotics trafficking. Drug traffickers, guerrilla fighters, and other illegal armed groups continued to displace predominantly poor and rural populations (see section 2.e., Internally Displaced Persons).

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected this right. Violence and harassment, as well as the criminalization of libel, inhibited freedom of the press, and the government frequently influenced the press, in part through its large advertising budgets. The independent media were active and expressed a wide variety of views without restriction.

Violence and Harassment: According to the domestic NGO Foundation for Press Freedom (FLIP), through August 16, there were 83 threats against journalists and 250 incidents of violence or harassment. FLIP also reported that between January and August, no journalists were illegally detained and 21 were physically assaulted. One was ordered detained for failure to comply with a protective order

related to a defamation case, but the detention order was never enforced. According to FLIP, there were three convictions for threats against journalists through September.

As of June 30, the NPU provided protection services to 162 journalists. Some NGOs raised concerns about perceived shortcomings in the NPU, such as delays in granting protection and the appropriateness of measures for addressing specific threats.

Censorship or Content Restrictions: FLIP alleged some journalists practiced self-censorship due to fear of being sued under libel laws or of being physically attacked, mostly by nongovernment actors. FLIP asserted that the high degree of impunity for those who committed aggressions against journalists was also a factor.

Libel/Slander Laws: By law slander and libel are crimes. There is no specific law against slandering public officials, and the government did not use prosecution to prevent media outlets from criticizing government policies or public officials. Political candidates, businesspersons, and others, however, publicly threatened to sue journalists for expressing their opinions, alleging defamation or libel. FLIP reported one defamation case filed against a journalist during the year.

Nongovernmental Impact: Members of illegal armed groups inhibited freedom of expression by intimidating, threatening, kidnapping, and killing journalists. National and international NGOs reported local media representatives regularly practiced self-censorship because of threats of violence from these groups. For example, NGOs reported on the June killing of Libardo Montenegro, a reporter for the community radio station in Samaniego, Narino. No arrests were made, but NGOs reported the killing might have been a response to Montenegro's coverage of drug-related violence in the region. In August, five journalists in Valle de Cauca received threats via text message after reporting on power cuts to municipalities in the area. Those responsible for the threats were unknown.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. Due to the general climate of impunity and violence in some areas, self-censorship occurred both online and offline, particularly within rural communities.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

#### **Freedom of Peaceful Assembly**

The law provides for the freedom of peaceful assembly, and the government generally respected this right. Some NGOs alleged that riot police (*Esmad*) used excessive force to break up demonstrations.

On January 1, the National Police issued a directive to govern their response to demonstrations. NGOs and press reports alleged the directive had not been entirely effective in managing protests peacefully, citing the use of police force during university protests in September. Human rights groups and NGOs also alleged the Esmad used excessive force to suppress protests by indigenous groups in March and April. Indigenous communities joined together to hold sustained protests (known as a *minga*) that closed highways as they called for increased government attention to address violence against social leaders, implement the 2016 peace accord, and fulfill agreements reached with indigenous communities after two months of strikes in late 2018.

In November student groups, labor unions, and human rights activists engaged in mostly peaceful protests throughout the country, advocating for changes to the government's social and economic policies. Some NGOs and media reports accused security forces of using excessive force after protests turned violent, and media outlets reported that the Attorney General's Office opened 11 investigations involving the Esmad resulting from the protests in Bogota.

#### **Freedom of Association**

The law provides for the freedom of association, and the government generally respected this right. Freedom of association was limited, however, by threats and acts of violence committed by illegal armed groups against NGOs, indigenous groups, and labor unions.



Although the government does not prohibit membership in most political organizations, membership in organizations that engaged in rebellion against the government, espoused violence, or carried out acts of violence, such as FARC dissidents, the ELN, and other illegal armed groups, was against the law.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, although there were exceptions. Military operations and insecurity in certain rural areas restricted freedom of movement.

In-country Movement: The government required asylum seekers and individuals without regularized migration status to have *salvaconductos* (safe passage documents) to travel throughout the country. Organized-crime gangs, ELN guerrillas, and other illegal armed groups continued to establish illegal checkpoints on rural roads.

International and civil society organizations also reported that illegal armed groups confined rural communities through roadblocks, curfews, car bombs at egress routes, and improvised explosive devices in areas where illicit crop cultivation and narcotics trafficking persisted. According to the UN Office for the Coordination of Humanitarian Affairs, between January and August, more than 342,000 persons faced mobility restrictions that limited their access to essential goods and services due to armed incidents and geographical factors.

### **e. Internally Displaced Persons**

There were approximately 7.8 million internally displaced persons (IDPs) in the country, largely a result of the armed conflict. Threats posed by illegal armed groups drove internal displacement in remote areas as well as urban settings. In some areas the FARC withdrawal resulted in a struggle for control by other illegal armed groups, causing violence and internal displacement. The government, international organizations, and civil society groups identified various factors

causing displacement, including threats, extortion, and physical, psychological, and sexual violence by illegal armed groups against civilian populations, particularly women and girls. Other causes of displacement included competition and armed confrontation among and within illegal armed groups for resources and territorial control; confrontations between security forces, guerrillas, and organized-crime gangs; and forced recruitment of children or threats of forced recruitment. Drug trafficking, illegal mining, and large-scale commercial ventures in rural areas also contributed to displacement. Local institutions lacked the capacity in many areas to protect the rights of, and provide public services to, IDPs and communities at risk of displacement, and consequently the government struggled to provide adequate protection or humanitarian assistance to newly displaced populations.

The UN Office for the Coordination of Humanitarian Affairs reported that 33,400 persons were affected in 112 displacement events in 2018 and that 12,000 persons were affected in 37 displacement events between January and June 2019. Departments with the highest rate of mass displacements included Antioquia, Choco, Cordoba, Narino, and Norte de Santander.

The Victims' Unit maintained the Single Victims Registry as mandated by law. Despite improvements in the government registration system, IDPs experienced delays in receiving responses to their displacement claims due to a large backlog of claims built up during several months, lack of the unit's presence in rural areas, and other constraints. Government policy provides for an appeals process in the case of refusals.

The ELN and organized-crime gangs continued to use force, intimidation, and disinformation to discourage IDPs from registering with the government. International organizations and civil society expressed concern over urban displacement caused by violence stemming from territorial disputes between criminal gangs, some of which had links to larger criminal and narco-trafficking groups.

The Victims' Unit cited extortion, forced recruitment by illegal armed groups, killings, and physical and sexual violence as the primary causes of intraurban displacement. The Office of the UN High Commissioner for Refugees (UNHCR) reported that in some departments displacement disproportionately affected indigenous and Afro-Colombian groups.

As of June the government registered 212,081 IDPs who identified as indigenous, and 834,597 who identified as Afro-Colombian. Indigenous persons constituted

approximately 3 percent and Afro-Colombians approximately 11 percent of new IDPs registered by the government.

The NGO National Association of Displaced Afrodescendants (AFRODES) stated that threats and violence against Afro-Colombian leaders and communities continued to cause high levels of forced displacement, especially in the Pacific Coast region. AFRODES and other local NGOs expressed concern that large-scale economic projects, such as agriculture and mining, contributed to displacement in their communities.

By law, 52 government agencies are responsible for assisting registered IDPs. In addition, dozens of international organizations; international NGOs; domestic nonprofit groups; and multilateral organizations, including the International Organization for Migration, World Food Program, ICRC, UNHCR, and Colombian Red Cross, coordinated with the government to provide emergency relief and long-term assistance to displaced populations.

International organizations and NGOs remained concerned about the slow and insufficient institutional response to displacement. As a result, NGOs took responsibility for providing humanitarian assistance to recently displaced individuals. International organizations and civil society reported that a lack of local capacity to accept registrations in high-displacement areas often delayed assistance to persons displaced individually or in smaller groups. Humanitarian organizations attributed the delays to a variety of factors, including the lack of personnel, funding, declaration forms, and training. Insecurity in communities affected by the conflict, including areas in the departments of Antioquia, Cauca, Choco, Narino, and Norte de Santander, sometimes delayed national and international aid organizations from reaching newly displaced populations.

Despite several government initiatives to enhance IDP access to services and awareness of their rights, municipalities in many parts of the country did not have the resources or capacity to respond to new displacements and provide humanitarian assistance to IDPs. Many IDPs continued to live in poverty in unhygienic conditions and with limited access to health care, education, shelter, and employment.

Displaced persons also sought protection across international borders. UNHCR estimated that Colombia was the country of origin for 400,000 refugees and persons in a refugee-like situation, the majority in Ecuador, with additional populations in neighboring countries, including Costa Rica and Panama. The

governments of Colombia and Ecuador continued to meet throughout the year regarding the situation of Colombian refugees and asylum seekers in Ecuador, and the Colombian government offered a program to assist Colombians abroad who returned to Colombia. In addition, the government estimated that 500,000 Colombians, many of whom were displaced by the conflict in Colombia and registered as refugees in Venezuela, had returned from Venezuela as of August.

#### **f. Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government reported it had approved 86 requests for recognition of refugee status of the 6,451 applications it received from 2016 to July 23, 2019. Venezuelans represented approximately 95 percent of applications during the year. Authorities stated the asylum process took at least one year, during which applicants were given a permit to stay in the country but were not allowed to work. In October the government opened an asylum office in Bogota to increase its capacity to process a backlog of more than 5,000 cases.

During the year there was a large increase in migration flows from Venezuela. According to migration officials, as of November the country hosted more than 1.5 million Venezuelans. While the government generally provided access to the asylum process for persons who requested international protection, many opted for alternative migration status. In August the government issued an administrative resolution granting Colombian citizenship to Venezuelan children born in Colombia on or after August 19, 2015, immediately granting citizenship to 24,000 children.

Temporary Protection: The government also provided temporary residence permits (PEPs) to Venezuelans who met certain eligibility requirements. Approximately 600,000 Venezuelans who entered with passports legally were granted PEPs in 2017-18, according to migration officials. PEPs provide access to work, primary and secondary education, and the social insurance system as well as the ability to open bank accounts. The temporary residency permit is valid for up to two years. In August the government announced a two-year extension for PEPs issued in 2017.

According to UNHCR, there were more than nine million persons of concern (including refugees, asylum seekers, IDPs, returned IDPs, returned refugees,

stateless persons, and others of concern) residing in the country in 2018, compared with 7.7 million in 2017.

### **g. Stateless Persons**

Not applicable.

## **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on nearly universal suffrage. Active-duty members of the armed forces and police may neither vote nor participate in the political process. Civilian public employees are eligible to vote, although they may participate in partisan politics only during the four months immediately preceding a national election.

### **Elections and Political Participation**

Recent Elections: Legislative and presidential elections were held in March and May 2018, respectively. Because no presidential candidate won more than 50 percent of the vote in the election, as required for a victory in the first round, in June a second election was held, in which voters elected Ivan Duque Marquez president. Observers considered the elections free and fair and the most peaceful in decades. There were no reports of election-related violence during the June 2018 presidential runoff, in which the candidate of the Democratic Center party, Ivan Duque, defeated the candidate of Humane Colombia, Gustavo Petro. The then minister of defense, Luis Carlos Villegas, described it as the most peaceful election in decades. The leading domestic elections NGO, Electoral Observation Mission, deployed 3,524 nonpartisan volunteers to monitor the elections. International observers included an electoral observation mission of the Organization of American States. The first local and regional elections since the signing of the peace accord took place on October 27 and were largely peaceful. Observers reported some indications of electoral fraud, including vote buying.

Political Parties and Political Participation: Organized-crime gangs and the ELN threatened and killed government officials (see section 1.g.). As of May 31, the NPU, under the Ministry of Interior, was providing protection to 387 mayors, 17 governors, and 1,674 other persons, including members of departmental assemblies, council members, judges, municipal human rights officers, and other officials related to national human rights policies. By decree the CNP's protection

program and the NPU assume shared responsibility for protecting municipal and district mayors.

As part of the peace accord, the FARC registered a political party in 2017 under the name People's Alternative Revolutionary Force, maintaining the same acronym. The accord guaranteed the FARC political party 10 seats in Congress-- five each in the Senate and in the House of Representatives--in the 2018 and 2022 elections.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. The share of female officials in the cabinet was more than 50 percent.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively, although officials sometimes engaged in corrupt practices without punishment. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem. Revenues from transnational organized crime, including drug trafficking, exacerbated corruption.

Corruption: Through September the Attorney General's Office registered 31,239 allegations related to corruption and had formally begun investigating 4,014. In September authorities sentenced Aida Merlano to 15 years in prison for buying votes to win a seat in the March 2018 election for seats in Congress. The first politician to be jailed for buying votes, Merlano escaped police custody on October 1 and remained at large as of November.

Financial Disclosure: By law public officials must file annual financial disclosure forms with the tax authority. The information is not made public. The law states that persons who intend to hold public office or work as contractors for the government for more than three months shall submit a statement of assets and income as well as information on their private economic activity. The human resources chief in each entity is responsible for verifying the information submitted. Congress maintained a website on which members could voluntarily post their financial information.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were typically cooperative and willing to listen to local human rights groups' concerns.

Several NGOs reported receiving threats in the form of email, mail, telephone calls, false obituaries, and objects related to death, such as coffins and funeral bouquets. The government condemned the threats and called on the Attorney General's Office to investigate them. Some activists claimed the government did not take the threats seriously.

The government announced advances in the investigations into attacks and killings of human rights defenders and assigned priority resources to these cases.

Through July the Attorney General's Office reported 753 active investigations into threats against human rights defenders. There were three convictions in cases of threats against human rights defenders during the year.

As of May 31, the NPU's protection program provided protection to a total of 7,313 individuals. Among the NPU's protected persons were 4,519 human rights activists.

To help monitor and verify that human rights were respected throughout implementation of the peace accord, the government formally renewed the mandate of the OHCHR in October for a period of three years. The accord requests that the OHCHR include a "special chapter on implementation of the agreements from the standpoint of human rights" in its annual reports.

Government Human Rights Bodies: The ombudsman is independent, submits an annual report to the House of Representatives, and has responsibility for providing for the promotion and exercise of human rights. According to human rights groups, underfunding of the Ombudsman's Office limited its ability to monitor violations effectively. The ombudsman, as well as members of his regional offices, reported threats from illegal armed groups issued through pamphlets, email, and violent actions.

The National System for Human Rights and International Humanitarian Law--led by a commission of 18 senior government officials, including the vice president--designs, implements, and evaluates the government's policies on human rights and international humanitarian law. The Office of the Presidential Advisor for Human Rights coordinates national human rights policy and actions taken by government entities to promote or protect human rights.

Both the Senate and House of Representatives have human rights committees that served as forums for discussion of human rights problems.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Although prohibited by law, rape of men or women, including spousal rape, remained a serious problem. The law provides for sentences ranging from eight to 30 years' imprisonment for violent sexual assault. For acts of spousal sexual violence, the law mandates prison sentences of six months to two years. By law femicide is punishable with penalties of 21 to 50 years in prison, longer than the minimum sentence of 13 years for homicide.

Violence against women, as well as impunity for perpetrators, continued to be a problem. Members of illegal armed groups, including former paramilitary members and guerrillas, also continued to rape and abuse women and children sexually.

The government continued to employ the Elite Sexual Assault Investigative Unit interagency unit in Bogota, which was dedicated to the investigation of sexual assault cases. From January to August, the Attorney General's Office opened 26,968 new investigations for sexual crimes, compared with 28,942 in 2018.

The law requires the government to provide victims of domestic violence immediate protection from further physical or psychological abuse.

The Ministry of Defense continued implementing its protocol for managing cases of sexual violence and harassment involving members of the military. The district secretary of women, in Bogota, and the Ombudsman's Office offered free legal aid for victims of gender violence and organized courses to teach officials how to treat survivors of gender violence respectfully.



The law augments both imprisonment and fines if a crime causes “transitory or permanent physical disfigurement,” such as acid attacks, which have a penalty of up to 50 years in prison.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but isolated incidents were reported in several indigenous communities in different parts of the country. Two-thirds of women from the Embera community had undergone FGM/C, according to the UN Population Fund.

Sexual Harassment: The law provides measures to deter and punish harassment in the workplace, such as sexual harassment, verbal abuse or derision, aggression, and discrimination, which carries a penalty of one to three years’ imprisonment. Nonetheless, NGOs reported sexual harassment remained a pervasive and underreported problem in workplaces and in public.

Coercion in Population Control: Coerced abortion is not permitted under the law. The law allows the involuntary surgical sterilization of children with cognitive and psychosocial disabilities in certain cases.

Through August 18, the Attorney General’s Office reported opening 18 investigations related to cases of forced abortion.

Discrimination: Although women have the same legal rights as men, discrimination against women persisted. The Office of the Advisor for the Equality of Women has primary responsibility for combating discrimination against women, but advocacy groups reported that the office remained seriously underfunded. The government continued its national public policy for gender equity.

## **Children**

Birth Registration: Citizenship is derived by birth within the country’s territory in most cases. Most births were registered immediately. If a birth is not registered within one month, parents may be fined and denied public services.

Child Abuse: Child abuse was a serious problem. The Attorney General’s Office reported that 53 percent of its nearly 27,000 investigations into sexual crimes through July 31 involved a minor younger than 14. The Colombian Family Welfare Institute (ICBF) reported that between January and July 31, there were 6,150 cases of sexual abuse against children.

Early and Forced Marriage: Marriage is legal at the age of 18. Boys older than 14 and girls older than 12 may marry with the consent of their parents. According to UNICEF, 5 percent of girls were married before age 15 and 23 percent before age 18.

Sexual Exploitation of Children: Sexual exploitation of children remained a problem. The law prohibits sexual exploitation of a minor or facilitating the sexual exploitation of a minor and stipulates a penalty of 14 to 25 years in prison, with aggravated penalties for perpetrators who are family members of the victim and for cases of sexual tourism, forced marriage, or sexual exploitation by illegal armed groups. The law prohibits pornography using children younger than 18 and stipulates a penalty of 10 to 20 years in prison and a fine for violations. The minimum age for consensual sex is 14. The penalty for sexual activity with a child younger than 14 ranges from nine to 13 years in prison. The government generally enforced the law.

The Attorney General's Office reported opening 796 investigations related to cases of child pornography and sentenced 24 perpetrators. In September, Liliana Campo Puello, whom authorities charged with running an extensive child trafficking ring for the purposes of sexual exploitation, pleaded guilty and was sentenced to eight years in prison. Her father, Carlos Enrique Campo Caballero, was also convicted and sentenced to 56 months' imprisonment. The judge in the case accused Puello of continuing to operate the trafficking ring while imprisoned. In 2018 authorities in Cartagena arrested Puello as part of a three-day operation, during which they arrested 18 persons and charged them with the sexual exploitation of more than 250 women and girls. Prosecutors alleged that some of the women and girls were tattooed and trafficked for purposes of commercial sexual exploitation. Media reported authorities conducted several raids to dismantle networks of sexual exploitation of minors in Cartagena and other cities in 2018. In total, 42 persons were captured, and goods valued at 154 billion Colombian pesos (\$49 million) were seized. Commercial sexual exploitation of children in mining areas remained widespread.

Displaced Children: The NGO Consultancy for Human Rights and Displacement estimated in 2016 that 31 percent of persons registered as displaced since 1985 were minors at the time they were displaced (see also section 2.e.).

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the

Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The Jewish community, which had an estimated 5,000 members, continued to report instances of anti-Israeli rhetoric connected to events in the Middle East, accompanied by anti-Semitic graffiti near synagogues as well as demonstrations in front of the Israeli embassy that were sometimes accompanied by anti-Semitic comments on social media. In particular the Colombian Confederation of Jewish Communities expressed concern over the presence of BDS (Boycott, Divestment, Sanctions) Colombia, which aggressively promotes the boycott of Israeli products, culture, and travel and does not actively counter the conflation of anti-Israeli policies with anti-Semitic rhetoric.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law punishes those who arbitrarily restrict the full exercise of the rights of persons with disabilities or harass persons with disabilities, but enforcement was rare. The law prohibits discrimination against persons with physical and mental disabilities but does not explicitly prohibit discrimination against persons with sensory or intellectual disabilities. No law mandates access to information and telecommunications for persons with disabilities.

The Office of the Presidential Advisor for Human Rights under the high counselor for postconflict, public security, and human rights, along with the Human Rights Directorate at the Ministry of Interior, is responsible for protecting the rights of persons with disabilities. According to Somos Defensores and other NGOs, the law was seldom enforced.

Although children with disabilities attended school at all levels, advocates noted the vast majority of teachers and schools were neither trained nor equipped to educate children with disabilities successfully. Advocacy groups also stated children with disabilities entered the education system later than children without

disabilities and dropped out at higher rates. Persons with disabilities were unemployed at a much higher rate than the general population.

In 2013 the State Council ordered all public offices to make facilities accessible to persons with disabilities and asked public officials to include requirements for accessibility when granting licenses for construction and occupancy. The State Council also asked every municipality to enforce rules that would make all public offices accessible to persons with disabilities “in a short amount of time.” It was not clear if much progress had been made.

### **National/Racial/Ethnic Minorities**

According to the 2018 national census, approximately 9.3 percent of the country’s population described themselves as being of African descent. A 2011 UN report estimated Afro-Colombians made up 15 to 20 percent of the population, while human rights groups and Afro-Colombian organizations estimated the proportion to be 20 to 25 percent.

Afro-Colombians are entitled to all constitutional rights and protections, but they faced significant economic and social discrimination. According to a 2016 UN report, 32 percent of the country’s population lived below the poverty line, but in Choco, the department with the highest percentage of Afro-Colombian residents, 79 percent of residents lived below the poverty line.

In 2010 the government approved a policy to promote equal opportunity for black, Afro-Colombian, Palenquera, and Raizal populations. (Palenquera populations inhabit some parts of the Caribbean coast, Raizal populations live in the San Andres archipelago, and Blacks and Afro-Colombians are Colombians of African descent who self-identify slightly differently based on their unique linguistic and cultural heritages.) The Ministry of Interior provided technical advice and funding for social projects presented by Afro-Colombian communities.

The National Autonomous Congress of Afro-Colombian Community Councils and Ethnic Organizations for Blacks, Afro-Colombians, Raizals, and Palenqueras, consisting of 108 representatives, met with government representatives on problems that affected their communities.

### **Indigenous People**

The constitution and law give special recognition to the fundamental rights of indigenous persons, who make up approximately 3.4 percent of the population, and require the government to consult beforehand with indigenous groups regarding governmental actions that could affect them.

The law accords indigenous groups perpetual rights to their ancestral lands, but indigenous groups, neighboring landowners, and the government often disputed the demarcation of those lands. Traditional indigenous groups operated 710 reservations, accounting for approximately 28 percent of the country's territory. Illegal armed groups often violently contested indigenous land ownership and recruited indigenous children to join their ranks.

The law provides for special criminal and civil jurisdictions within indigenous territories based on traditional community laws. Legal proceedings in these jurisdictions were subject to manipulation and often rendered punishments more lenient than those imposed by civilian state courts.

Some indigenous groups continued to assert they were not able to participate adequately in decisions affecting their lands. The constitution provides for a "prior consultation" mechanism for indigenous communities, but it does not require the government to obtain the consent of those communities in all cases. Indigenous communities joined together to hold weeks-long protests known as the "Minga for Defending Life, Territory, Democracy, Justice, and Peace" that closed highways as they called for increased government attention to systemic violence facing indigenous communities.

The government stated that for security reasons, it could not provide advance notice of most military operations, especially when in pursuit of enemy combatants, and added that it consulted with indigenous leaders when possible before entering land held by their communities.

Despite special legal protections and government assistance programs, indigenous persons continued to suffer discrimination and often lived on the margins of society. They belonged to the country's poorest population and had the highest age-specific mortality rates.

Killings of members and leaders of indigenous groups remained a problem. According to the NGO National Indigenous Organization of Colombia, since the signing of the peace accord, 177 indigenous persons had been killed. For example, on June 23, the press reported the killing of Carlos Biscue, an indigenous leader on

the Huellas Indigenous Reservation in Caloto, Cauca. Biscue, an agricultural producer and community organizer, was shot by armed intruders during a party in his honor. On October 29, FARC dissidents allegedly involved in narcotrafficking killed five members of the Nasa indigenous community, including the indigenous reserve governor and spiritual leader, in La Luz village in the semiautonomous municipality of Taceuyo, Cauca. On the following day, the government announced the deployment of 2,500 troops to the area to reinforce security, restore order, and capture those responsible. President Duque also announced plans to accelerate implementation of the *Cauca Social Plan*, a program to create greater socioeconomic opportunities for the inhabitants of Cauca through interventions in the areas of education, entrepreneurship, infrastructure, and rural development.

Despite precautionary measures ordered by the Inter-American Commission on Human Rights, ethnic Wayuu children continued to die of malnutrition. The United Nations and the government reported an increase in binational Wayuu families, including children, arriving in Colombia due to deteriorating conditions in Venezuela. The National Indigenous Organization of Colombia reported that a series of threats and armed confrontations led to the displacement of indigenous persons from the Jurado municipality. According to the indigenous organization, more than 1,500 Embera Katio, Jumara Carra, Wounaan, and Embera persons had been displaced to Santa Terecita and Dos Bocas.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

There were no reports of official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. The Ministry of Interior issued a public policy framework to guarantee the effective exercise of the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. The framework has three pillars: protection of civil and political rights; promotion of democratic participation; and the right to health care, education, work, housing, recreation, sport, and culture.

Despite government measures to increase the rights and protection of LGBTI persons, there were reports of societal abuse and discrimination as well as sexual assault. NGOs claimed transgender individuals, particularly transgender men, were often sexually assaulted in so-called corrective rape. In 2017 (the most recent data available), the Ombudsman's Office reported 155 cases of abuse against LGBTI persons: 60 percent of these involved psychological abuse, 27 percent physical violence, 11 percent economic discrimination, and 2 percent sexual

violence. NGOs claimed that 109 LGBTI individuals were killed in 2017, with most victims being gay men or transgender women. In August, LGBTI activist and teacher Ariel Lopez was killed by armed intruders in his home in Barranquilla. Lopez had coordinated programs aimed at supporting implementation of the 2016 peace accord and strengthening and protecting LGBTI rights.

Transgender individuals cited barriers to public services when health-care providers or police officers refused to accept their government-issued identification. Some transgender individuals stated that it was difficult to change their gender designation on national identity documents and that transgender individuals whose identity cards listed them as male were required to show proof they had performed mandatory military service or obtained the necessary waivers from that service.

Established in 2013, the National Bureau of Urgent Cases (BNCU) is an interagency group that deals with cases of violence and discrimination against LGBTI persons. It comprises the Ombudsman's Office, the Office of the Attorney General, the National Police, the Office of the Presidential Advisor for Human Rights, the NPU, and the Ministry of Interior. The BNCU continued to hold meetings with local authorities and civil society concerning the proper implementation of protections for LGBTI persons and maintained a list of urgent cases requiring further investigation by national authorities. During the year the BNCU defended the rights of LGBTI persons to display public affection and to enjoy public spaces without fear of prosecution from local authorities.

In its most recent demographic and health survey (2015), the government reported that 67 percent of women and 59 percent of men surveyed approved the recognition of legal rights for same-sex couples, although only 30 percent of women and 26 percent of men approved of adoption by such couples, reflecting low to moderate levels of social acceptance throughout the country.

### **HIV and AIDS Social Stigma**

There were no confirmed reports of societal violence or discrimination against persons with HIV/AIDS. In its most recent demographic and health survey (2015), the government reported the responses of 78 percent of those surveyed indicated discriminatory attitudes towards persons with HIV/AIDS, reflecting low levels of social acceptance throughout the country.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions, bargain collectively, and conduct legal strikes, and it prohibits antiunion discrimination. Members of associated workers' cooperatives are not allowed to form unions, since the law recognizes members of a cooperative as owners. The law prohibits members of the armed forces and police from forming or joining unions. The law provides for automatic recognition of unions that obtain 25 signatures from potential members and that comply with a registration process. Public-sector employees have the right to bargain collectively. The government and employers generally respected freedom of association and collective bargaining in practice.

The law permits associated workers' cooperatives (CTAs), collective pacts, and union contracts. Under collective pacts, employers may negotiate accords on pay and labor conditions with workers in workplaces where no union is present or where a union represents less than one-third of employees. Law and regulations prohibit the use of CTAs and collective pacts to undermine the right to organize and bargain collectively, including by extending better conditions to nonunion workers through such pacts. Through a union contract, a company may contract a union, at times formed explicitly for this purpose, for a specific job or work; the union then in essence serves as an employer for its members. Workers who belong to a union that has a union contract with a company do not have a direct employment relationship with either the company or the union. Labor disputes for workers under a union contract may be decided through an arbitration panel versus labor courts if both parties agree.

The law does not permit members of the armed forces, police, and persons performing "essential public services" to strike. Before conducting a strike, unions must follow prescribed legal procedures, including entering into a conversation period with the employer, presenting a list of demands, and gaining majority approval in the union for a strike. The law limits strikes to periods of contract negotiations or collective bargaining and allows employers to fire trade unionists who participate in strikes or work stoppages ruled illegal by the courts.

Government enforcement of applicable laws was inconsistent. Despite significant steps by the Ministry of Labor to strengthen its labor law inspection system, the government did not provide sufficient staffing or resources or establish a consistent national strategy to protect the rights to freedom of association and collective



bargaining. The government did not have in place a system to ensure timely and regular collection of fines related to these protections and structural challenges adversely affected prosecutions, which resulted in a continued high rate of impunity for violators of these rights, including in cases of threats and violence against unionists.

The government has the authority to fine labor-rights violators. The penalties under the law would be sufficient to deter violations but were not levied consistently. The law also stipulates that offenders repeatedly misusing CTAs or other labor relationships shall receive the maximum penalty and may be subject to losing their legal status to operate. Employers who engage in antiunion practices may also be imprisoned for up to five years, although government officials admitted a fine was more likely than imprisonment. Prohibited practices include impeding workers' right to strike, meet, or otherwise associate and extending better conditions to members of collective pacts than to union members.

The Ministry of Labor's Special Investigations Unit, which is part of the labor inspectorate and overseen by the vice minister for labor relations and inspections, continued to exercise its power to investigate and impose sanctions in any jurisdiction. The vice minister for labor relations decides on a case-by-case basis whether to assign the Special Investigations Unit or the regional inspectors to investigate certain sites or review particular cases. The unit was reportedly overburdened with cases, resulting in denials of recent union requests for review by the unit.

The Ministry of Labor leads a tripartite Interinstitutional Commission for the Promotion and Protection of the Human Rights of Workers, with participation by the government, organized labor groups, and the business community. As of June the commission met two times during the year in Bogota.

As part of its commitments under the 2011 *Colombian Action Plan Related to Labor Rights (Labor Action Plan)*, the government continued to take steps to protect internationally recognized labor rights. Labor inspections by the Ministry of Labor for abusive subcontracting in the five priority sectors of palm oil, sugar, ports, mines, and cut flowers remained infrequent, however. Critics claimed inspections lacked necessary rigor, assessed fines were not collected, and abusive subcontracting continued. In the first six months of the year, there were no new fines assessed for illegal labor intermediation or for violations of freedom of association in any of the five priority sectors. During this time there were also no fines collected in any of the five priority sectors for such violations, although four

finances for violations from previous years were finalized for future collection. The government continued to engage in regular meetings with unions and civil society groups.

The Ministry of Labor, in collaboration with the International Labor Organization (ILO), continued to train labor inspectors through a virtual training campus to prepare labor inspectors to identify antiunion conduct, among other violations. It also implemented methods, including contract and process maps, as strategic planning tools to prioritize interventions. The ministry continued to employ a telephone- and internet-based complaint mechanism to report alleged labor violations. Union members complained that the systems did not allow citizens to register anonymous complaints and noted that complaints registered through the telephone and internet systems did not result in action.

Judicial police, the Technical Investigation Body, and prosecutors investigating criminal cases of threats and killings are required to determine during the initial phase of an investigation whether a victim is an active or retired union member or is actively engaged in union formation and organization, but it was unclear whether they did so. It could take several months to transfer cases from regional field offices of the Attorney General's Office to the Attorney General's Human Rights Directorate, and cases are transferred only with the approval of the attorney general in response to direct requests, instead of automatically.

The government continued to include in its protection program for labor activists persons engaged in efforts to form a union as well as former unionists under threat because of their past activities. As of May the NPU was providing protection to 306 trade union leaders or members. Approximately 6 percent of the NPU's budget was dedicated to unionist protection as of April. Between January 1 and July, the NPU processed 185 risk assessments of union leaders or members; 108 of those individuals were assessed as facing an "extraordinary threat," and the NPU provided them protection measures. The NPU reported that during the year the average time needed to implement protection measures upon completion of a risk analysis was 60 days in regular cases or five days for emergency cases. NGOs, however, complained about slow processing times.

The protection and relocation of teachers falls under the Ministry of National Education and the departmental education secretaries, but the NPU retains some responsibilities for the risk analysis and protection of family members. Through July 31, the NPU evaluated 78 threat cases against teachers and found 50 to be facing extraordinary risk.

In cases of unionist killings from previous years, the pace of investigations and convictions remained slow, and high rates of impunity continued, although progress was made in the rate of case resolution. The Attorney General's Office reported receiving 205 cases of homicides of unionists between January 2011 and June 2019. Whereas between January 2011 and August 2016, 20 sentences for homicides were issued, between September 2016 and June 2019--following the creation of an "elite group" and implementation of a strategy to prioritize cases of homicides against unionists--29 sentences were issued. Labor groups stated more needed to be done to address impunity for perpetrators of violence against trade unionists and the large number of threat cases.

Violence, threats, harassment, and other practices against trade unionists continued to affect the exercise of the right to freedom of association and collective bargaining. According to the Attorney General's Office, through September 19, one teacher was registered as a victim in cases of homicide.

The Attorney General's Office reported the killing of 27 trade unionists between January 2018 and June 2019. There was progress in the investigation and prosecution of several of these cases, with persons implicated in three of the cases receiving a sentence, five cases in which trials were continuing, and three cases in which charges had been filed. The National Union School (ENS), a labor rights NGO and think tank, reported 11 trade unionists were killed through August. The ENS and other labor groups stated that focusing on killings alone masked the true nature and scope of the violence against labor activists. Labor groups noted that in some regions, nonlethal violations continued to increase. The ENS reported 136 death threats, six nonlethal attacks, two cases of forced displacement, four cases of harassment, and one illegal raid.

Unions cited multiple instances in which companies fired employees who formed or sought to form new unions. Some employers continued to use temporary contracts, service agencies, and other forms of subcontracting, including cooperatives, to limit worker rights and protections. Fines assessed by the government did little to dissuade violators because fines were often not collected. The government continued to reach formalization agreements with firms engaged in abusive subcontracting or that had labor conflict during the year. In the first six months of the year, the government reported 480 workers benefited from 15 formalization agreements that the Ministry of Labor reached with employers in key sectors, including manufacturing, health, transport, and hospitality. During this time, however, there were no formalization agreements reached in any of the five

priority sectors. Labor rights groups expressed concern that previously signed formalization agreements were not sufficiently monitored by the ministry.

Labor confederations and NGOs reported that business owners in several sectors used “simplified stock corporations” (SAS), union contracts, foundations, or temporary service agencies in attempts to circumvent legal restrictions on cooperatives. While in theory SAS workers may exercise their right to organize and bargain collectively with SAS management, it appeared that in some cases the SAS had little or no control over the conditions of employment. The Ministry of Labor stated that an SAS, like any corporate structure, may be fined for labor violations. Labor confederations and NGOs reported these enforcement actions did not address the scope of abusive subcontracting and illegal labor intermediation in the country.

The port workers’ labor union reported Buenaventura port operators engaged in abusive subcontracting through SAS and that Ministry of Labor inspections and adjudication of cases at the Buenaventura port were ineffective in safeguarding the rights to freedom of association and collective bargaining.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law in all cases, and there continued to be reports that such practices occurred. The law prescribes punishments sufficient to deter violations. The ILO noted the law permits military conscripts to be compelled to undertake work beyond that of a military nature, such as activities designed to protect the environment or natural resources.

There were reports ELN guerrillas and organized-crime gangs used forced labor, including forced child labor, in coca cultivation and illegal mining in areas outside government control as well as forced criminality, such as extortion, in urban areas. The ICBF indicated that between November 16, 1999, and July 31, 2019, the number of children and adolescents who had demobilized from illegal armed groups was 6,700, of whom 11 percent were indigenous and 8 percent Afro-Colombian.

Forced labor in other sectors, including organized begging, mining, agriculture (especially near the coffee belt), cattle herding, crop harvesting, forced recruitment by illegal armed actors, and domestic service, remained a serious problem. Afro-Colombians, indigenous persons, and inhabitants of marginalized urban areas were

at the highest risk of forced labor, domestic servitude, forced begging, and forced recruitment. The government did not effectively enforce the law, and the Ministry of Labor did not report having a protocol to connect labor inspectors with police in cases of forced labor.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment at 15 and for hazardous work at 18. Children 15 and 16 years of age may work no more than 30 hours per week, and children age 17 may work no more than 40 hours per week. Children younger than 15 may work in arts, sports, or recreational or cultural activities for a maximum of 14 hours per week. In all these cases, working children and adolescents must have signed documentation filed by their parents and be approved by a labor inspector or other local authority.

The law prohibits child workers from working at night or where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. The law authorizes inspectors to issue fines that would be sufficient to deter violations, but the government did not enforce the law effectively in all cases. A violation deemed to endanger a child's life or threaten moral values may be punished by temporary or permanent closure of the establishment. Nationwide, labor inspectors are responsible for enforcing child labor laws and supervising the formal sector through periodic inspections. An estimated 80 percent of all child labor, however, occurred in the informal sector of the economy. The number of labor inspectors was insufficient to enforce the law effectively.

Government agencies carried out several activities to eradicate and prevent exploitative child labor. The Ministry of Labor conducted 1,142 worksite inspections from July 2018 through June 2019 to ensure that adolescent workers were employed with proper authorization and received proper protections. Seven authorizations were revoked as a result of these inspections. With ILO assistance the government continued to improve cooperation among national, regional, and municipal governments on child labor problems. It also continued to employ a monitoring system to register working children, although the system was not always regularly updated. The government also sought to reduce demand for child labor through public awareness and training efforts, often working with international and civil society organizations.

The government, through the Ministry of Labor, followed the *National Policy to Prevent and Eliminate Child Labor and Protect the Young Worker*, updated for the period 2019-29. It also continued its roundtable discussion group, which included government representatives, members of the three largest labor confederations, and civil society. The group concentrated its efforts on formalizing an integrated registration system for information on child labor that would permit public and private entities to register information about child workers.

The government, including through a cooperative agreement between the Ministry of Mines and Energy and the ICBF, continued to combat illegal mining and formalize artisanal mining production, with goals including the elimination of child labor and forced labor. Regional ICBF offices led efforts to combat child labor in mining at the local level, working with the Ministry of Labor and other government agencies to coordinate responses. The Department for Social Prosperity continued to implement the More Families in Action program to combat poverty through conditional cash transfers, which included a specific focus on addressing child labor. In interagency child labor meetings, the Ministry of Labor reported that whichever government presence was available in the area--whether police, the ICBF, teachers, or the Administrative Department for Social Prosperity--attended to children found working in illegal mining operations. While all agencies had directives on how to handle and report child labor cases, it was unclear whether all cases were referred to the ICBF.

The ICBF continued to implement several initiatives aimed at preventing child labor, including producing an extensive section of its website designed specifically for young audiences to educate children on child labor, their rights, and how to report child labor. The Ministry of Labor continued its work with the Network against Child Labor in which the ministry operated alongside member businesses that pledged to work within the network to prevent and eradicate child labor.

Child labor remained a problem in the informal and illicit sectors. Although the government did not publish data on child labor, the National Administrative Department of Statistics (DANE) collected and published information on the economic activities of children between the ages of five and 17 through a module in its Comprehensive Household Economic Survey during the fourth quarter of each calendar year. According to DANE's most recent survey, conducted in 2018, 5.9 percent of children were working, with 43 percent of those engaged in agriculture, livestock raising, fishing, and hunting and 28 percent in commerce, hotels, and restaurant work. To a lesser extent, children were engaged in the

manufacturing and transport sectors. Children also routinely performed domestic work, where they cared for children, prepared meals, tended gardens, and carried out shopping duties. DANE reported that 48 percent of children who were economically engaged did not receive remuneration.

Significant rates of child labor occurred in the production of clay bricks, coal, coffee, emeralds, gold, coca, pornography, and sugarcane. Forced child labor was prevalent in the production of coca. Children were also engaged in street vending, domestic work, begging, and garbage scavenging. There were reports that children engaged in child labor in agriculture, including coffee production and small family production centers in the unrefined brown sugar market, as well as selling inexpensive Venezuelan gasoline. Commercial sexual exploitation of children occurred (see section 6, Children).

Prohibitions against children working in mining and construction were reportedly largely ignored. Some educational institutions modify schedules during harvest seasons so that children may help on the family farm. Children worked in the artisanal mining of coal, clay, emeralds, and gold under dangerous conditions and in many instances with the approval or insistence of their parents. The government's efforts to assist children working in illegal mining focused on the departments of Amazonas, Antioquia, Bolivar, Boyaca, Caldas, Cauca, Cesar, Choco, Cordoba, Cundinamarca, La Guajira, Narino, Norte de Santander, and Valle del Cauca.

There continued to be instances of child trafficking with the purpose of forced labor in mines, quarries, and private homes. According to government officials and international organizations, illegal drug traders and other illicit actors recruited children, sometimes forcibly, to work in their illegal activities. The ELN and organized-crime gangs forced children into sexual servitude or criminality to serve as combatants or coca pickers (see section 1.g.). Children working in the informal sector, including as street vendors, were also vulnerable to labor trafficking. The ICBF identified children and adolescents who qualified for and received social services.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation based on race, ethnicity, sex, religion, political preference, national origin or citizenship, gender, disability, language, sexual orientation or gender identity, HIV-positive status or infection with other communicable diseases, or social status. Complaints of quid pro quo sexual harassment are filed not with the Ministry of Labor but with the criminal courts. The government did not effectively enforce the law in all cases.

Unemployment disproportionately affected women, who faced hiring discrimination and received salaries that generally were not commensurate with their education and experience. The NGO Sisma Mujer reported that on average women were paid 28 percent less than men. In a previous year, a senior government official estimated that 85 percent of persons with disabilities were unemployed. Afro-Colombian labor unions reported discrimination in the port sector.

#### **e. Acceptable Conditions of Work**

The legal minimum monthly wage is approximately twice the amount of the poverty line; however, almost one-half of the total workforce earned less than the minimum wage.

The law provides for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. Exceptions to this may be granted by the Ministry of Labor and were frequently granted in the mining sector. The law stipulates that workers receive premium compensation for nighttime work, hours worked in excess of 48 per week, and work performed on Sundays. The law permits compulsory overtime only in exceptional cases where the work is considered essential for the company's functioning.

The law provides for workers' occupational safety and health in the formal sector. The legal standards were generally up to date and appropriate for the main formal industries. The law does not cover informal-sector workers, including many mining and agricultural workers. In general, the law protects workers' rights to remove themselves from situations that endanger health or safety without jeopardy to their employment, although some violations of this right were reported during the year. In cases of formal grievances, authorities generally protected employees in this situation.



The Ministry of Labor is required to enforce labor laws in the formal sector, including occupational safety and health regulations, through periodic inspections by labor inspectors. The number of inspectors was insufficient to enforce the law effectively. In April 2018 the Civil Service Commission held a national examination that provided opportunities for labor inspectors in provisional appointments to become permanently hired inspectors. Many of these inspectors failed to pass the examination, however, resulting in high turnover during the year. In August the Ministry of Labor reported that approximately 245 inspectors remained in provisional status. Individual labor violations can result in penalties insufficient to deter violations. Unionists stated that more fines needed to be collected to impact occupational safety and health problems.

While the government's labor inspectors undertook administrative actions to enforce the minimum wage in the formal sector, the government did not effectively enforce the law in the informal sector.

The Ministry of Labor continued to promote formal employment generation. As of July, DANE reported that 50.6 percent of workers employed in 13 principal cities were paying into the pension system. The proportion of informal workers in 23 cities and metropolitan areas surveyed was 47.5 percent, according to DANE. The government continued to support complementary social security programs to increase the employability of extremely poor individuals, displaced persons, and the elderly.

Nonunion workers, particularly those in the agricultural and port sectors, reportedly worked under hazardous conditions because they feared losing their jobs through subcontracting mechanisms or informal arrangements if they reported abuses. Some unionized workers who alleged they suffered on-the-job injuries complained that companies illegally fired them in retaliation for filing workers compensation claims. Only the courts may order reinstatement, and workers complained the courts were backlogged, slow, and corrupt. The Ministry of Labor may sanction a company found to have broken the law in this way, but it may offer no other guarantees to workers.

Security forces reported that illegal armed actors, including FARC dissidents, the ELN, and organized-crime groups, engaged in illegal mining of gold, coal, coltan, nickel, copper, and other minerals. Illegal mines were particularly common in the departments of Antioquia, Boyaca, Choco, Cundinamarca, and Valle del Cauca.

According to the National Mining Agency, through August 7, a total of 56 workers died as a result of accidents in the mines, the majority due to cave-ins.