

COLOMBIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Colombia is a constitutional, multiparty republic. Presidential and legislative elections were held in 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 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 Colombian National Police 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. Members of the security forces committed some abuses.

Significant human rights issues included: reports of unlawful or arbitrary killings; reports of torture and arbitrary detention by government security forces and illegal armed groups; rape and abuse of women and children, as well as unlawful recruitment of child soldiers by illegal armed groups; criminalization of libel; widespread corruption; violence against and forced displacement of Afro-Colombian and indigenous persons; violence against lesbian, gay, bisexual, transgender, and intersex persons; 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 continued to experience long delays.

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in addition to 5,250 cases of sexual abuse of a minor. The ICBF provided psychosocial, legal, and medical care to victims.

Child, 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.

On May 27, police dismantled a child sexual-trafficking ring in the department of Meta. Police raided a residential building after neighbors reported suspicious activity. When police officers entered, they found five rooms where “webcam modeling” was taking place--minors performing sex acts for a live virtual audience for a fee. Police captured the webcam business owner and her recruiter. As of September they were facing charges of pornography with an underage person, forced prostitution, and facilitation to offer sexual activities with persons younger than 18. According to media reports, the economic fallout from COVID-19 pandemic resulted in an increase in “webcam modeling.”

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

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<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 promotes the boycott of Israeli products 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. Law 1996, adopted in 2019, recognizes that persons with disabilities older than 18 have full legal capacity.

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.

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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 at the municipal level, but several government ministries reported progress, such as adding ramps, designating parking spaces, and improving bathroom access.

Members of National/Racial/Ethnic Minority Groups

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. NGOs and the OHCHR reported that Afro-Colombian and indigenous communities continued to be disproportionately affected by illicit economic activities in rural territories that lacked sufficient state presence.

The government continued 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

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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 law gives special recognition to the fundamental rights of indigenous persons, who make up approximately 4.4 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 842 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. In October indigenous communities convened in several cities to hold a protest known as a *minga* to draw attention to violence in rural territories and to press for increased government attention to the 2016 peace accord implementation.

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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, 274 indigenous persons had been killed. The OHCHR's February report noted particular concern for the safety of indigenous communities, particularly in the department of Cauca, where the OHCHR registered the killing of 66 members of the indigenous Nasa people. In July soldiers from the army's Second Division allegedly killed indigenous leader Joel Aguablanca Villamizar during a military operation targeting the ELN.

Despite precautionary measures ordered by the Inter-American Commission on Human Rights, ethnic Wayuu children continued to die of malnutrition. According to a 2015 government survey, 77 percent of indigenous households in the department of La Guajira, where the largest number of Wayuu lived, were food insecure. An August Human Rights Watch report stated that the travel restrictions associated with the government's COVID-19 national quarantine severely limited the Wayuu's access to food.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

There were allegations of police violence based on sexual orientation. There were no reports of official discrimination based on sexual orientation in employment, housing, statelessness, or access to education; however, there were reports of discrimination with respect to access to health care. The government approved a national action plan to guarantee lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights for the 2019-2022 period. In August the constitutional court

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determined that medical insurance companies must bear the costs of gender affirmation and reassignment surgeries.

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 the first eight months of the year, the Ombudsman's Office reported 388 cases of violence against LGBTI persons, up from up from 309 cases in the whole of 2019. The primary forms of abuse were physical, sexual, and psychological aggression, in addition to economic discrimination.

The Ombudsman's Office reported the killings of 63 LGBTI persons from January to August and also cited 36 cases of aggression by police officers. The majority of the victims were transgender women. In July an unknown assailant shot and killed LGBTI leader Mateo Lopez Mejia in Circasia, Quindio, while he led a community event in a sports complex. As of August the Attorney General's Office reported 29 open investigations into excessive use of force by military or police against LGBTI persons.

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 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. As part of COVID-19 national quarantine, some cities instituted movement restrictions based on gender. NGOs noted this resulted in discrimination against the transgender community and a loss of access to services.

HIV and AIDS Social Stigma

There were confirmed reports of societal violence or discrimination against persons with HIV/AIDS. On May 29, paramedics in Bogota allegedly refused to provide medical care upon learning the patient was HIV positive. The patient died 90 minutes after the paramedics left. Bogota city officials subsequently opened an

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investigation. 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

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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.

The government has the authority to fine labor rights violators. The law 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 acknowledged 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 penalties under the law, which are commensurate with those prescribed for other violations regarding denials of civil rights such as discrimination, would be sufficient to deter violations but were not levied consistently.

Government enforcement of applicable laws was inconsistent. Despite steps by the Ministry of Labor to strengthen its labor law inspection system, the government did not 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. 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.

In March and April, the Ministry of Labor passed multiple resolutions requiring the Vice Ministry of Labor Relations and Inspections and other labor law enforcement agencies to comply with national mandates aiming to prevent the spread of COVID-19, as well as to ensure proper oversight of petitions stemming from the labor and employment impacts of the pandemic and national lockdown. These resolutions stipulated that the labor inspectorate suspend activities entailing physical contact with parties during the national health emergency, including field-based inspections and activities of the mobile inspection units as well as hearings related to the conciliation of labor conflicts, with exceptions as determined by

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regional- and national-level officials. The resolutions also suspended the labor inspectorate's review and adjudication of labor complaints, including conducting investigations and adjudicating fines and appeals, for violations not directly related to the pandemic, including illegal labor intermediation (abusive subcontracting) and freedom of association violations.

Excepted from these measures were COVID-19-related priorities such as Ministry of Labor outreach on labor law compliance, including on occupational safety and health issues, as well as administrative actions related to petitions regarding layoffs and furloughs stemming from the pandemic and lockdown. The measures established that because furloughs and layoffs had a national economic and social impact, all petitions, including those filed with the ministry's regional offices, were centralized and handled by the ministry's Special Investigations Unit for rigorous oversight (see section 7.e.). This unit, which is part of the labor inspectorate, has the power to investigate and impose sanctions in any jurisdiction. Under normal circumstances, the vice minister of labor relations and inspections decides on a case-by-case basis whether to assign the unit or the regional inspectors to investigate a particular worksite or review a particular case. Prior to the onset of COVID-19, the unit was reportedly overburdened with cases, resulting in denials of union requests for review. In September the Ministry of Labor passed a resolution lifting the suspension of the review and adjudication of non-COVID-19-related labor cases.

As part of its commitments under the 2011 labor action plan, the government continued to take steps to protect internationally recognized labor rights. Inspections by the Ministry of Labor for abusive subcontracting in the five priority sectors of palm oil, sugar, ports, mines, and cut flowers were, however, infrequent, prior to the COVID-19-related suspension of inspections. Critics claimed inspections lacked necessary rigor, assessed fines were not collected, and abusive subcontracting continued. Prior to the onset of COVID-19, it was unclear whether there were any new fines assessed for abusive subcontracting or for abuse of freedom of association in any of the five priority sectors. The government continued to engage in regular meetings with unions and civil society groups on these and related issues.

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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 abusive subcontracting and 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.

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 August the commission met virtually two times during the year, once in Bogota and once in Pasto.

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 labor activists engaged in efforts to form a union, as well as former unionists under threat because of their past activities. As of August the NPU was providing protection to 301 trade union leaders or members. Less than 1 percent of the NPU's budget was dedicated to unionist protection as of August. Between January 1 and July 31, the NPU processed 193 risk assessments of union leaders or members; 150 of those individuals were assessed as facing an "extraordinary threat," and the NPU provided them protection measures. The NPU reported that the average time needed to implement protection measures upon completion of a risk analysis was

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60 days in regular cases or five days for emergency cases. NGOs complained that this length of time left threatened unionists in jeopardy.

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. According to the Attorney General's Office, through July 31, one unionized teacher was registered as a victim of homicide.

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 217 cases of homicides of unionists between January 2011 and July 2020. Whereas between January 2011 and August 2016, there were 20 sentences for homicides issued, between September 2016 and July 2020, an "elite group" working under a national strategy to prioritize cases of homicides against unionists reached 40 sentences. 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.

The Attorney General's Office reported the killing of eight trade unionists through July. In 2019 the Attorney General's Office reported 10 trade unionists killed, down from 24 in 2018. The National Union School (ENS), a labor rights NGO and think tank, reported 14 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. Through August the ENS reported 38 death threats, nine nonlethal attacks, one case of forced disappearance, and seven cases of harassment.

Violence, threats, harassment, and other practices against trade unionists continued to affect the exercise of the right to freedom of association and collective bargaining.

Unions cited multiple instances in which companies fired employees who formed or sought to form new unions. Some employers continued to use temporary

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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 two months of the year, prior to the onset of COVID-19 and the related suspension of administrative actions by the Ministry of Labor, the Vice Ministry of Labor Relations and Inspections reported 62 workers benefited from six formalization agreements that the Ministry of Labor reached with employers in key sectors, including commerce, agriculture, health, and transport. 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 a 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 were 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

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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 6,860, of whom 11 percent were indigenous and 8 percent Afro-Colombian.

Forced labor in other sectors, including organized panhandling, 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, Venezuelan migrants, and inhabitants of marginalized urban areas were at the highest risk of forced labor, domestic servitude, forced begging, and forced recruitment. Authorities did not make efforts to investigate cases or increase inspections of forced labor, and officials did not have a protocol to connect labor inspectors with police or to provide guidance for front-line personnel on indicators of forced labor. This resulted in impunity for forced labor and unidentified victims without protection in critical sectors, such as floriculture, coffee production, and extractive industries.

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 ages 15 and 16 years 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.

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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. Prior to the COVID-19-related suspension of labor inspections in March, the Ministry of Labor conducted 215 worksite inspections to ensure that adolescent workers were employed with proper authorization and received proper protections. Through these inspections, 17 authorizations were revoked for noncompliance. 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*. 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

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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. 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 2019, 5.4 percent of children were working, with 42 percent of those engaged in agriculture, livestock raising, fishing, and hunting, and 30 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 46 percent of children who were engaged in an employment relationship did not receive remuneration.

Significant rates of child labor occurred in the production of clay bricks, coal, coffee, emeralds, gold, grapes, coca, pome and stone fruits, pornography, and sugarcane. Forced child labor was prevalent in the production of coca. Children

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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. Commercial sexual exploitation of children occurred (see section 6, Children). Penalties for crimes related to the worst forms of child labor were commensurate with penalties in law for other analogous serious crimes, such as kidnapping.

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 informal mines and quarries, and in 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 to harvest coca (see section 1.g.). Children working in the informal sector, including as street vendors, were also vulnerable to forced labor. 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

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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. There are legal restrictions against women being employed in the construction sector. The government did not effectively enforce the law in all cases. Penalties were not commensurate with laws related to civil rights, such as election interference.

Unemployment disproportionately affected women, who faced hiring discrimination and received salaries that generally were not commensurate with their education and experience. Media reported that on average women earned 12 percent less than men for the same work. 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 (OSH) in the formal sector. The legal standards were generally up to date and appropriate for the main formal industries. The government did not effectively enforce OSH laws in all cases. 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.

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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 OSH regulations, through periodic inspections by labor inspectors. Inspectors have the authority to perform unannounced inspections and may also initiate sanction procedures, including after opening investigations. The number of inspectors during the year was approximately the same as in 2019 and was insufficient to enforce the law effectively. The Ministry of Labor reported that as of January, 211 inspectors were 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 government continued to promote formal employment generation. Eligibility to enroll and pay into the traditional social security system, which includes health and pension plans, is conditioned on earning the legal minimum monthly wage. In August the Ministry of Labor issued a decree implementing a National Development Plan, allowing those that earn less than the legal minimum monthly wage, often because of part-time, informal, or own-account work, to contribute to a new, parallel "social protection floor" system that includes a subsidized health plan and retirement savings plan. While employer abuse of this new system is prohibited, labor unions complained it opens the door for employers to move full-time workers into part-time positions to take advantage of the new system and announced they would legally challenge the measure.

DANE reported that in February, prior to the onset of COVID-19, 50.4 percent of workers employed in 13 principal cities and metropolitan areas were paying into the pension system. The proportion of informal workers in 23 cities and metropolitan areas surveyed was 47.9 percent, according to DANE. In February, DANE reported the national unemployment rate was 12.2 percent. The government continued to support complementary social security programs to increase the employability of extremely poor individuals, displaced persons, and

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the elderly. The economic impacts related to COVID-19 were significant. DANE reported that the national unemployment rate reached 19.8 percent in June, down from 21.4 percent in May, with the rate reaching 24.9 percent in the country's 13 principal cities and metropolitan areas.

The Ministry of Labor reported being inundated with cases related to the labor and employment impacts of COVID-19. In May the ministry reported 3,271 requests from employers for permissions to lay off or furlough workers and 3,510 labor complaints related to such actions taken by employers. Labor unions, NGOs, and workers' organizations alleged a range of labor abuses related to the fulfillment of labor contracts during the pandemic, including employers forcing workers to sign unpaid leaves of absence in lieu of authorized furloughs, dismissals without severance pay, salary reductions under threats of dismissal, and the imposition of part-time, temporary, or hourly work with negative consequences for workers' entitlement to social security benefits. In April the Minister of Labor reported opening 2,413 investigations into these and other practices.

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 June 30, a total of 80 workers died as a result of accidents in the mines, the majority due to explosions, poisoned atmosphere, cave-ins, and floods. The National Mining Agency reported 82 workers killed in 2019.