

COLOMBIA 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Colombia is a constitutional, multi-party republic. In 2010 voters elected Juan Manuel Santos president in elections that observers considered free and fair. Authorities maintained effective control over security forces. Security forces committed human rights abuses.

The most serious human rights problems were impunity, an inefficient judiciary, forced displacement, corruption, and societal discrimination. Impunity and an inefficient justice system subject to intimidation limited the state's ability to prosecute effectively individuals accused of human rights abuses and to bring to trial former members of paramilitary groups. The availability of drug-trafficking revenue often exacerbated corruption. Societal discrimination against indigenous persons and Afro-Colombians at times restricted the ability of these groups to exercise their rights. Other problems included extrajudicial and unlawful killings; slow prosecution of extrajudicial killings; insubordinate military collaboration with members of illegal armed groups; forced disappearances; overcrowded and insecure prisons; harassment of human rights groups and activists, including death threats; violence against women and girls; trafficking in persons; and illegal child labor.

The government continued efforts to prosecute and punish perpetrators, including members of the security services, who committed abuses: It increased resources for the Prosecutor General's Office, prioritized human rights cases, and employed a new contextual analysis strategy. Nonetheless, a high rate of impunity persisted.

Illegal armed groups--including the terrorist organizations Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), as well as organized crime groups that contained some former paramilitary members--committed numerous abuses, including the following: political killings; killings of members of the public security forces and local officials; widespread use of land mines and improvised explosive devices (IEDs); kidnappings and forced disappearances; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; widespread recruitment and use of child soldiers; attacks against human rights activists; violence against women, including rape and forced abortions; and killings, harassment, and intimidation of teachers and trade

unionists. Illegal armed groups continued to be responsible for most instances of forced displacement in the country.

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

a. Arbitrary or Unlawful Deprivation of Life

Political and unlawful killings remained a very serious problem, and there were several reports that members of the security forces committed extrajudicial killings in connection with the internal armed conflict during the year (see section 1.g.). There continued to be fewer reports of military officials presenting civilians as killed in combat than in 2007 and 2008, when several hundred such fatalities occurred. The Prosecutor General's Office is principally responsible for investigating human rights abuses committed by security forces.

Through September the Prosecutor General's Office registered three new cases of alleged aggravated homicides by agents of the state. Through October authorities accused 216 members of the security forces and arrested 72 of them for the crimes of aggravated homicide or homicide of a civilian, all but three of which occurred prior to 2013.

Coordination Colombia, Europe, United States (CCEEU), a local human rights nongovernmental organization (NGO), reported at least seven incidents of extrajudicial executions by state security forces and 25 additional deaths due to use of force or illegal use of force through September. Most victims were caught in the cross fire during confrontations between the army or police and illegal armed groups. In several cases military officials stated that they believed an individual was fighting on behalf of the FARC, while community members claimed the victim had not been a combatant. The CCEEU and other NGOs considered organized criminal gangs to be a continuation of paramilitary groups and in some cases accused the government of collaborating with those groups to commit human rights violations. The government acknowledged that some former paramilitary members were active in organized criminal gangs but noted that the gangs lacked the unified command structure and ideological agenda that defined the former United Self-Defense Forces of Colombia (AUC). The NGOs also included killings by these groups in their definition of "unlawful killings" (see section 1.g.).

According to a CCEEU report, on February 6 army officers killed a civilian, Jon Favver Diaz, and falsely presented him as a FARC guerrilla killed in combat. The report alleged that army troops manipulated the crime scene and forced

witnesses to delete photographs and videos that could have served as evidence of the extrajudicial execution.

Human rights organizations, victims, and government investigators accused some members of government security forces, including enlisted personnel, noncommissioned officers, and senior officials, of collaborating with or tolerating the activities of organized criminal gangs, which included some former paramilitary members. Such collaboration, in violation of orders from the president and military high command, may have facilitated unlawful killings or other crimes.

On September 9, the Sixth Specialized Court sentenced Colonel Publio Hernan Mejia, former commander of the La Popa Battalion based in Valledupar; Colonel Pastor Ruiz Mahecha; and sergeants Aureliano Quejada and Efrain Andrade to 19 years in prison for having collaborated in 2002 with paramilitary commanders “Jorge 40” and Hernan Giraldo Serna.

The Corps of Technical Investigators, which are civilian authorities under the Prosecutor General’s Office, typically investigated deaths committed by security forces when there were allegations of foul play. In some cases the first responders were members of the national police, who then investigated the death. Through September authorities arrested 146 members of the military in connection with cases of “questionable conduct,” all of which occurred prior to 2013.

Investigations of past killings proceeded, albeit slowly. The Prosecutor General’s Office reported that through September, it obtained 42 new convictions of security force members in cases involving homicide of a “protected person” (i.e., civilian), 17 new convictions in cases involving aggravated homicide, and one new conviction in cases involving “simple homicide.” The convictions corresponded to cases opened prior to 2013.

Some high-profile cases against military personnel resulted in convictions or were reopened in large part due to testimony obtained through the Justice and Peace process. On September 6, based on information provided by several demobilized paramilitary leaders, including alias “Don Berna,” the Superior Tribunal of Justice and Peace of Medellin ordered the Prosecutor General’s Office to investigate army general Mario Montoya Uribe and police general Leonardo Gallego Castrillon for their past alleged support to paramilitary groups and their joint actions in operations, such as “Orion” carried out in slum areas around Medellin. The tribunal also ordered an investigation into generals Oscar Botero Restrepo, Carlos

Alberto Ospina, and Ivan Ramirez, as well as colonels John Jairo Cardona Chaparro and German Morantes Hernandez, for their alleged support of paramilitary groups.

The penal investigation of army captain Mauricio Zambrano Castro, retired army general Francisco Rene Pedraza, and retired colonel Tony Alberto Vargas Petecua, for the 2001 killings of 24 persons, forced disappearance of 10 others, and forced displacement of almost 1,900 persons in an incident known as the El Naya massacre, continued at year's end. The Inspector General's Office declined to open a disciplinary investigation in this case.

According to the NGO Landmine Monitor, nongovernmental actors, particularly the FARC and ELN, planted IEDs and land mines (see section 1.g.).

Guerrillas, notably the FARC and ELN, committed unlawful killings. Organized criminal groups that included some former members of paramilitary groups committed numerous political and unlawful killings, primarily in areas under dispute with guerrillas or without a strong government presence (see section 1.g.).

At year's end the investigation into the March 2012 killing of land restitution leader Manuel Ruiz and his son Samir continued under the direction of the prosecutor general's national unit for displacement and forced disappearance.

b. Disappearance

Forced disappearances, many of them politically motivated, continued to occur. Through September the National Search Commission had documented more than 85,000 disappearances since the decades-long internal conflict began, including 21,098 that were registered as forced disappearances, with 17,631 found alive and 3,467 found dead. According to the commission, between January 1 and September 12, 8,347 individuals were registered as disappeared, including 1,213 registered as alleged forced disappearances. Not all disappearances registered during the year occurred in 2013, since some were registered years after the actual disappearance.

From January 1 through September, the Prosecutor General's Office obtained 22 convictions of members of the military for the crime of forced disappearance. Through September the Displaced and Disappeared Persons Unit in the office recovered 110 missing persons – 97 were recovered alive and 13 were found dead. The unit continued to charge individuals engaged in forced disappearances.

The FARC, ELN, organized criminal gangs, and common criminals continued to kidnap persons, both for ransom and for political reasons (see section 1.g.).

The Unified Action Groups for Personal Liberty – military and police entities formed to combat kidnapping and extortion – and other security force elements freed more than 79 hostages during the year. The government reported that at least two kidnapping victims died in captivity in the first nine months of the year, compared with nine between January and October 2012. During that period 12 kidnapping victims escaped from their captors, eight were released due to pressure from the military, and 86 were released by their captors.

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

Although the law prohibits such practices, there were reports that police, military personnel, and prison guards sometimes mistreated and tortured detainees. Members of the military and police accused of torture generally were tried in civilian rather than military courts. The NGO Center for Popular Research and Education (CINEP) asserted that through June government security forces were involved in six incidents of torture (one by the national police and five by the army), compared with eight in the first 10 months of 2012. According to CINEP, on January 28, in El Tarra, Norte de Santander, troops of the army's 33rd brigade tortured Yovany Perez Bautista, Carmen Eli Perez Bautista, and Yurgen Antonio Ascanio Ascanio, farm workers at the Las Brisas ranch. CINEP reported the troops accused the farm workers of being guerrillas and tortured them as part of interviews to gather information related to "Megateo," a leader of the Popular Liberation Army.

Through October the Prosecutor General's Office charged 130 members of the security forces (72 police and 58 military members) with torture; most of the cases occurred prior to 2013. The Prosecutor General's Office reported one conviction of a member of the armed forces and no convictions of members of illegal armed groups in cases of torture through October.

CINEP reported criminal bands were responsible for at least eight cases of torture through June. In six other cases, CINEP was not able to identify the responsible party.

The Prosecutor General's Office in Villavicencio continued its investigation into the January 2012 torture and killing allegedly committed by army soldiers of Victor Manuel Hilarion Palacios, a well-known peasant leader. As of October the investigation remained in the preliminary stage. The Inspector General's Office also continued a disciplinary investigation into the matter.

On April 19, the 33rd Circuit criminal judge sentenced police officers Carlos Augusto Diaz and Carlos Danilo Posada, both of the Metropolitan Police of Bogota, to four years and three months of prison and a fine of approximately 20 million pesos (COP) (\$10,300) for having set fire to a 15-year-old boy who was sleeping under a bridge in 2012, causing him injuries that ultimately resulted in his death.

Prison and Detention Center Conditions

With the exception of new facilities, prisons and detention centers were overcrowded, lacked reasonable sanitation, and provided poor health care and nutrition to detainees. Poor training of officials remained a problem throughout the prison system.

Physical Conditions: The municipal jails and 138 national prisons had a designed capacity of 75,726 individuals but were 56 percent over capacity. As of August 31, there were 118,478 prisoners and detainees – 109,392 men and 9,086 women. Overcrowding existed in men's as well as women's prisons. The government recognized that women's prisons lacked gynecologists and that prisons where children stayed with their parents did not have pediatricians on staff. The National Prison Institute (INPEC) operates the national prisons and oversees the jails.

The law prohibits holding pretrial detainees with convicted prisoners, although this sometimes occurred. Authorities did not hold juvenile detainees and prisoners with adults but permitted children younger than three years of age to stay in prisons with their mothers. As of September 17, INPEC registered 87 children living with their incarcerated mothers.

The Inspector General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. It reported that through October it registered 89 investigations (both active and inactive) implicating 159 guards. It reached one disciplinary verdict during the year. In addition INPEC's Internal Affairs Office investigated 47 reports of

physical abuse and one case of sexual abuse. Between January and October, there were 88 prison deaths: 67 attributed to natural causes, 11 attributed to suicide, seven to fighting among inmates, two to accidents, and one to intoxication. INPEC registered 997 violent prison disturbances through August.

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. On May 31, in accordance with the Ministry of Justice, INPEC declared a state of emergency in the country's prisons due to overcrowding, problems with infrastructure, and poor sanitary conditions that threatened the health of the inmate population.

INPEC's physical plant was in poor repair. The Inspector General's Office noted that 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 caused high temperatures in prison cells. Many prisoners slept without mattresses on floors, while others shared cots in overcrowded cells.

Administration: INPEC used a centrally managed electronic database with regular updates, and each prison also had its own local database. Foreign diplomatic observers, however, often found that the information in both systems was not well coordinated, resulting in delays in locating foreign detainees. Authorities regularly used alternative sentencing such as house arrest for nonviolent offenders to alleviate overcrowding.

Authorities permitted prisoners religious observance. Some vegetarian and Muslim inmates reported difficulty receiving meals according to their needs. Prisoners had reasonable access to visitors and generally could submit complaints to judicial authorities and request investigations of inhumane conditions. Prisoners also were able to request that third parties from local NGOs or government entities, such as the Ombudsman's Office, represent them in legal matters and aid them in seeking an investigation of prison conditions. Although authorities investigated complaints, some prisoners asserted the investigations were slow and the results not accessible to the public.

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.

Improvements: In January INPEC funded programs to fumigate prisons (to control the insect and rodent populations) and improve water quality in all of its centers. In May it implemented new sanitary protocols to identify and correct sanitary deficiencies and increased the amount of resources for solid waste removal.

During the year the government implemented an “emergency process” to address what it called the “prison crisis.” Included in this process was the development of 24 specialized action plans, such as activities oriented towards attacking corruption, promoting respect for human rights among inmates and guards, reducing overcrowding, ensuring the fiscal health of the institution, improving security, and improving access to basic health services. INPEC worked with private health provider CAPRECOM to set up immediate action teams to provide general medical, dental, optometric, and pharmaceutical services and improve the quality and coverage of health-care services provided to inmates. In August INPEC made a formal request to the National Civil Service Commission to increase the number of in-house employees assigned to provide health services to inmates. Although a 2012 decree allowed health-care providers other than CAPRECOM to provide health services to the incarcerated population, the Ministry of Health did not establish formal mechanisms for other health-care providers to do so by year’s end.

The government continued a pilot program with local universities and other organizations to provide distance-learning programs with major universities in the country. A total of 877 legal students and interns provided legal advice to prisoners through August. INPEC dedicated COP 500 million (\$258,000) to its educational plan for the year and offered human rights training to its employees as well as specialized training for prison guards. Through October, 3,873 INPEC employees participated in the specialized training.

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, there were allegations that authorities detained citizens arbitrarily. According to CINEP there were 39 cases of such arbitrary detentions in the first half of the year.

On August 29, according to Corporacion Sembrar, a human rights NGO based in Bogota, antiriot police in Soacha, Cundinamarca, arbitrarily detained 10 men after what the men described as their participation in a “peaceful protest.” Corporacion Sembrar further alleged that during the detention police subjected the men to

different forms of torture, including electric shock. According to press reports, a judge ordered their release September 25, citing the lack of evidence against them.

Role of the Police and Security Apparatus

The Colombian National Police (CNP) is responsible for internal law enforcement and is under the jurisdiction of the Ministry of Defense. The CNP shares law enforcement duties with the Prosecutor General's Corps of Technical Investigators (CTI). 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. The government continued to expand education and training of the armed forces in human rights and international humanitarian law.

The Prosecutor General's Office is the main entity responsible for investigating human rights abuses that security forces committed during the year and in previous years. Of these abuses, extrajudicial killings were the highest profile and most controversial. From January 1 through October, the 30 sectional offices of the Prosecutor General's Office accused 211 members of the security forces of aggravated homicide or homicide of a protected person. Of these, 195 were members of the armed forces and 16 were members of the national police. In addition the Human Rights Unit of the Prosecutor General's office accused 171 members of the military of these crimes during the year, all for acts committed before 2013. Through October the regional offices of the Prosecutor General's Office reported obtaining convictions against three members of the armed forces.

The government made considerable improvements in investigating and trying abuses, but claims of impunity for security force members continued to be widespread. This was due in some cases to obstruction of justice, a lack of resources for investigations and adequate protection for 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 periods of incarceration to expire, resulting in a defendant's release from jail before trial.

Although many human rights groups continued to criticize the Prosecutor General's Office for indicting low-ranking military personnel while avoiding investigations of higher-ranking commanders, the office opened a judicial

investigation of army generals Luis Alfonso Zapata Uribe and Hector Jaime Fandino Rincon for their alleged complicity in the 2005 massacre in San Jose de Apartado, based on testimony provided by an army captain and at least 10 former members of paramilitary groups.

Arrest Procedures and Treatment of Detainees

Police apprehended suspects with warrants issued by prosecutors based on probable cause, but a warrant is not required to arrest criminals caught in the act or fleeing the scene of a crime. Members of the armed forces detained members of illegal armed groups captured in combat but were not authorized to execute arrest warrants. CTI members who accompanied military units could issue such warrants. 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. Bail is available for all except serious crimes such as murder, rebellion, or narcotics trafficking. Public defenders contracted by the Office of the Ombudsman assisted indigent defendants. Authorities granted detainees prompt access to legal counsel and family members as provided for by law. In general authorities respected these rights.

Arbitrary Arrest: While the government characterized detentions as based on compliance with legal requirements, NGOs characterized as “arbitrary detention” arrests 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.” Prominent human rights NGOs complained that the government arbitrarily detained dozens of persons, particularly community leaders, labor activists, and human rights defenders. CINEP reported security forces arbitrarily detained 39 persons through September.

Pretrial Detention: The Superior Judicial Council reported that the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. Implementation of the oral accusatory system, enacted throughout the criminal justice system in 2008, significantly lessened the delays and eliminated the lack of transparency that encumbered the previous system. Nevertheless, a large backlog of cases from the previous system remained. 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. No information was available on the percentage of detainees in

pretrial detention or average length of time detainees spent in pretrial detention. In some cases detainees were released without a trial because they had already served more than one-third of the maximum sentence that corresponded to 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. Much of the judicial system was overburdened and inefficient, and subornation and intimidation of judges, prosecutors, and witnesses hindered judicial independence. Although the Prosecutor General's Office had a witness protection program for criminal cases, those who did not enter the program remained vulnerable to intimidation, and many refused to testify.

The military justice system may investigate and prosecute active-duty military and police personnel for crimes "related to acts of military service." The military penal code specifically excludes civilians from military jurisdiction, and civilian courts must try retired military and police personnel, although military courts are responsible for service-related acts committed prior to their retirement.

In October the Constitutional Court overturned a constitutional reform enacted in late 2012 and implementing legislation passed in June, citing the violation of a procedural rule as the cause for disapproving the legislation. The new laws would have further defined the jurisdiction of military and civilian courts for crimes allegedly committed by military and police personnel by listing seven human rights violations that must be tried exclusively in civilian courts: torture, extrajudicial killings, forced displacement, sexual violence, crimes against humanity, genocide, and forced disappearance. The legislation stipulated that all other violations of international humanitarian law (war crimes) were to be tried in military courts and required the military and civilian justice systems to decide on the proper jurisdiction of pending cases within one year of the amendment's enactment.

Through July authorities transferred 76 homicide cases from the military to the civilian justice system. During the same period they transferred 33 cases from the civilian justice system to the military justice system. Many cases were transferred as part of a plan in which officials from the military justice system and the Prosecutor General's Office met regularly to analyze cases to agree on those to be

transferred without being referred to a lengthy, higher-level review by the Superior Judicial Council.

The military penal code denies commanders the power to impose military justice discipline on, and extends legal protection to, service members who refuse to obey orders to commit human rights abuses. The army has discretionary authority to dismiss personnel implicated in human rights abuses.

The Prosecutor General's Office is responsible for investigations and prosecutions of criminal offenses. Its Human Rights Unit, which includes 12 satellite offices, specializes in investigating human rights crimes, and its 114 specialized prosecutors were handling 6,661 active cases as of November 15.

The Inspector General's Office investigates allegations of misconduct by public employees, including members of the state security forces. The Inspector General's Office referred all cases of human rights violations it received to the Prosecutor General Office's Human Rights Unit for additional criminal proceedings. As of September 15, the Inspector General's Office opened 256 disciplinary processes against members of the armed forces and police for human rights offenses.

Trial Procedures

Under the accusatorial criminal procedure code implemented in 2008, the prosecutor presents an accusation and evidence before an impartial judge at an oral, public trial. The defendant is presumed innocent until proven guilty beyond a reasonable doubt and has the right to confront the evidence against him at trial, present his own evidence, and communicate with an attorney of choice (or have one provided at public expense). Defendants have adequate time and facilities to prepare their defense. No juries are involved. Crimes committed before 2008 are processed under the prior written inquisitorial system in which the prosecutor is an investigating magistrate who investigates, determines evidence, and makes a finding of guilt or innocence. 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 without juries. Counsel may represent the accused and call witnesses, but most fact finding takes place during the investigative stage. Military trial judges issue rulings within eight days of a court-martial hearing. Representatives of the civilian Inspector General's Office are required to be present at courts-martial.

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

Political Prisoners and Detainees

The government declared that it did not hold political prisoners. Some members of human rights advocacy groups were held on charges of conspiracy, rebellion, or terrorism, which the groups described as harassment tactics by the government against human rights advocates. According to INPEC there were 2,440 detainees accused or convicted of rebellion or aiding and abetting the insurgency; 1,395 of them had been sentenced, and 1,042 were in pretrial detention either in prisons, under house arrest, or under surveillance with an electronic monitoring device pending sentencing. The rest were under provisional liberty pending judicial decisions. The government provided the International Committee of the Red Cross (ICRC) regular access to these prisoners.

Civil Judicial Procedures and Remedies

Citizens can sue a state 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 of Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights (IA Court). The court can order civil remedies, including fair compensation to the individual injured.

Regional Human Rights Court Decisions

The country is subject to the jurisdiction of the IA Court. As of year's end, the court had issued two binding decisions against the government, with which the government had not fully complied but generally acknowledged its duty to do so.

Property Restitution

The Victims' and Land Restitution Law (Victims' Law) continued to provide a legal basis for assistance and reparations to persons, including victims of the state, but the government admitted that the pace of restitution was slow. The Administrative Department for Social Prosperity (DPS) handled issues related to victims, poverty, consolidation, historical memory, and protection of children and adolescents. The Victims' Unit of the DPS has the governmental lead on attention to victims. The Restitution Unit, a semiautonomous entity in the Ministry of Agriculture, is responsible for returning land to displaced victims of conflict. As of October the government provided restitution to 373 of the target total of 360,000 families by 2022.

Through October more than 40,000 victims had come forward to reclaim land. More than 9,800 claims fell within the government's target areas for restitution and went into active review. As of the end of August, 2,538 claims moved forward to the judicial process. The Ministry of Foreign Affairs reported that as of the end of October, courts had handed down 614 decisions, while the Superior Judicial Council, the body in charge of the judicial portion of restitution, reported that courts had handed down 277 decisions. The Inspector General's Office intervened to support land claimants in 191 cases from January through July.

According to the Ethnic Affairs Office of the Special Administrative Unit for the Management and Restitution of Stripped Land, the unit had received 883 applications for restitution from people self-identified as Afro-Colombian and 590 applications from those self-identified as indigenous.

For many small landowners, formal land titling remained a daunting process. Without full and documented legal title, farmers are more vulnerable to displacement. Government agencies and human rights groups estimated that illegal groups, including guerrillas, seized between 2.7 and 9.9 million acres of land from small landowners during the decades-long conflict. Former paramilitary groups and the FARC stole nearly 80 percent of the land, only a small fraction of which the government reclaimed after the demobilization of the AUC in 2006.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected the law, although there were some allegations of exceptions. Government authorities generally need a judicial order to intercept mail or monitor telephone conversations, including in prisons. Government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations

without judicial authorization, although evidence obtained in such a manner could not be used in court.

Through October the Prosecutor General's Office initiated two criminal investigations of state agents for illegal monitoring activities. The accused were both members of the national police. In addition through September the Inspector General's Office had initiated three disciplinary investigations of public servants accused of illegal monitoring.

A CTI investigation continued into allegations that the dismantled Administrative Department of Security (DAS) had engaged in illegal surveillance of high-court magistrates, journalists, human rights organizations and activists, opposition leaders, and the vice presidency. As of November 15, at least 11 cases related to illegal surveillance by the DAS had resulted in convictions, while 52 other cases continued.

The investigation of former DAS director Jorge Aurelio Noguera Cotes for conspiracy, abuse of power, illicit violation of communications, and illicit use of equipment for his participation in the DAS illegal surveillance case continued at year's end. Noguera was already serving a prison sentence of 25 years for his former links with paramilitary groups.

An investigation by members of the accusations commission of the House of Representatives into former president Alvaro Uribe Velez for his involvement in the DAS illegal surveillance case was officially opened during the year but was suspended in May after the defense charged that the representatives serving as investigators should be recused.

The Supreme Court of Justice trial of Maria del Pilar Hurtado, former DAS director (2007-08), and Bernardo Moreno, private secretary to former president Uribe, for their involvement in the DAS illegal surveillance case continued as of October.

NGOs continued to accuse domestic intelligence or security entities of spying on lawyers or human rights defenders, threatening them, and breaking into their homes or offices to steal information. For example, Jimmy Alexander Moreno, a community leader in Floridablanca, Santander, reported that members of the investigative body of the army's Fifth Brigade illegally followed, harassed, and videotaped him in June. The NGO Movement for Victims of the State reported the Fifth Brigade's involvement, which police later confirmed.

The government continued to use voluntary civilian informants to identify terrorists, report terrorist activities, and gather information on criminal gangs. Some national and international human rights groups criticized this practice as subject to abuse and a threat to privacy and other civil liberties. The government maintained that the practice was in accordance with the “principle of solidarity” outlined in the constitution and that the payment to such informants was strictly regulated by the Comptroller General’s Office.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The country’s decades-long internal armed conflict involving government forces and two terrorist guerrilla groups (FARC and ELN) continued. The government continued formal peace negotiations with the FARC throughout the year, and in August it announced plans to open formal peace negotiations with the ELN. Multiple abuses occurred in the context of the conflict and narcotics trafficking.

Guerrilla group members continued to demobilize. As of the end of August, according to the Ministry of Defense, 917 members of guerrilla groups had demobilized, compared with approximately 840 during the same period in 2012, an 8 percent increase in demobilizations. The Organization of American States (OAS) verified all stages of demobilization and reintegration into society of former combatants from the guerrilla and former paramilitary groups.

The Ministry of Defense continued to implement an agreement with the Office of the UN High Commissioner for Human Rights (OHCHR) to monitor seven of the ministry’s 15 measures to improve adherence to human rights. The ministry conducted four human rights training sessions planned and executed by the military for 187 ministry personnel, and it trained 122 military justice and civilian personnel through Defense Institute of International Legal Studies training by year’s end. The ministry participated in a nationwide series of human rights forums organized by the Presidential Program on Human Rights.

The government also passed the Legal Framework for Peace, a constitutional reform to serve as a framework for transitional justice should peace talks be successful. The framework allows the judiciary to prioritize cases involving those most responsible for genocide, crimes against humanity, and war crimes committed in a systematic manner and to provide suspended sentences or alternative sentences in exchange for demobilizing, acknowledging responsibility, clarifying the truth about crimes committed, providing reparations to victims, and

releasing hostages and child soldiers. It also allows for waiving criminal prosecutions for all other cases and permits former combatants not convicted of crimes against humanity to serve as elected officials.

Some NGOs criticized the legislation, claiming that provisions for reduced or suspended sentences and stipulations that only those most responsible for the worst crimes must be prosecuted amounted to impunity. On August 28, the Constitutional Court rejected a challenge to the law by a human rights legal defense group. The court expressed, through two special communiques, the view that such a transitional justice system was a legitimate mechanism for achieving peace and that it was in accordance with the constitution. The court also stated that authorities would need to implement the framework in compliance with the country's international obligations. The court included parameters for interpretation and development of future implementing legislation, including that those deemed "most responsible" could not have their sentences suspended completely.

Implementation of the 2005 Justice and Peace Law (JPL) continued. The Justice and Peace Unit in the Prosecutor General's Office is responsible for the required investigation and prosecution of demobilized persons, and an interagency commission on justice and peace coordinates its implementation. Participants in the justice and peace process could receive reduced sentences if they complied with the terms of the JPL. Testimony from voluntary confessions also triggered investigations of politicians, military members, major agricultural producers, and government officials' past ties to paramilitary forces. Some of the investigations resulted in prosecutions and convictions.

As of July, 4,151 former paramilitary and guerrilla defendants (postulados) had participated in confession hearings (versiones libres). During these sessions the postulados confessed to 42,309 crimes, and information was obtained that resulted in the exhumation of 5,301 victims. As of May, 1,126 postulados had been initially charged, and 680 of these had been formally charged in presentations before the courts by the Prosecutor General's Office's Justice and Peace Unit. Postulados who do not fully comply by confessing crimes, turning over illegally acquired assets, and ceasing their criminal activity are moved for expulsion from the JPL process by the Prosecutor General's Justice and Peace Unit. As of July the Justice and Peace Unit prosecutors had filed for the expulsion of 88 postulados before the Justice and Peace courts.

Application of the JPL continued to face many challenges. Thousands of former paramilitary members remained in legal limbo due to resource and capacity constraints at the Prosecutor General's Office. There was little land or money confiscated from former paramilitary leaders. Nonetheless, leading daily newspaper *El Tiempo* reported that in a landmark decision on October 30, the Court of Justice and Peace sentenced former AUC commander Ever Veloza Garcia, alias HH, to seven years in prison, making him the highest-ranked commander of a former paramilitary group to be convicted under the JPL to date.

As provided by a 2010 law and as approved during the year by the Constitutional Court, the government worked to establish a limited version of a truth commission. The Victims' Law provides for the establishment and institutionalization of formal archives and a Center for Historical Memory for collecting oral testimony and material documentation concerning violations of international human rights norms and law and for directing construction of the National Museum of Memory in consultation with victims. The Center for Historical Memory issued a report July 23 that documented the killing of at least 220,000 Colombians in the context of the armed conflict since 1958.

Killings: Security forces were implicated in alleged unlawful killings. CINEP reported there were five such killings during the first six months of the year, compared with six in the same period in 2012.

According to the OHCHR and the Presidential Program for Human Rights, there continued to be fewer reports of military officials presenting civilians as killed in combat than in 2008 or 2009, when several hundred fatalities were reported. The Prosecutor General Office's Human Rights Unit reported that it opened three new cases on homicides alleged to have been committed by a security force member during the year. The CCEEU reported seven cases of alleged extrajudicial executions, including "false positives," and 25 additional deaths caused by excessive use of force, illegal use of force, or arbitrary use of force.

According to the CCEEU, on March 4, in the Paraiso village area of the Roberto Payan municipality in Narino Department, after combat between the armed forces and FARC guerrillas, members of the military arrested rural peasants Gumercindo Guerrero Preciado and John Freddy Garcia Bastidas and took them to military facilities for questioning. Their corpses were allegedly delivered two days later to their relatives with evident signs of torture and acid burns in their faces. Criminal military judge #89 opened a penal investigation. The army also opened a preliminary disciplinary investigation into members of Mobile Brigade 32.

According to the human rights advocacy NGO Minga, the legal cases involving five victims associated with the 2008 Soacha extrajudicial killings scandal were still in the initial investigation stage at the Prosecutor General's Office at year's end. The cases of three more victims were in evidence hearings, and the cases of three additional ones were in final allegations hearings. Defendants in the cases of three other victims received sentences during the year, and two of them were pending appeals. The criminal board of the Superior Tribunal of Cundinamarca declared the case related to the August 2 killing of Fair Leonardo Porrason a crime against humanity.

Guerrilla groups were also responsible for unlawful killings of government security forces and civilians. For example, on July 20, in Fortul, Arauca, a group of FARC rebels killed 15 army soldiers and wounded five as the soldiers were washing their clothes.

In many areas of the country, the FARC and ELN worked together to attack government forces or demobilized paramilitary members; in other areas they fought each other. Various courts convicted members of the FARC secretariat in absentia on charges that included aggravated homicide.

The FARC killed persons it suspected of collaborating with government authorities or rival drug-trafficking groups. For example, on April 28, in the Puerto Jordan area of Tame, Arauca, FARC rebels killed a three-year-old child and his father during an attack committed with an IED thrown into a house; 11 other persons, including two army soldiers, were wounded.

All guerrilla groups killed some kidnapping victims.

Abductions: According to NGO Fundacion Pais Libre, between January and June 123 persons were kidnapped; 55 percent of them were extortion kidnappings. Pais Libre also reported that authorities rescued 47 kidnapping victims, 42 were released by captors, 14 were presumed to remain in captivity, 10 were released due to pressure by authorities, six were able to escape, and no information was available about the number who died in captivity. FARC and ELN guerrillas continued to take hostages for ransom and for political reasons. The FARC also held prominent citizens and security force members to use as pawns in prisoner exchanges. The government reported that guerrillas kidnapped 40 persons (23 by the FARC and 17 by the ELN) from January 1 to September 19, compared with 15 from January to July 2012.

The FARC and ELN released some kidnapping victims. For example, on August 27, ELN guerrillas released Canadian engineer Gernot Wober, an employee of a multi-national mining company, whom they had kidnapped and held since January 18.

Several victims' groups continued to demand that the FARC reveal the whereabouts of hundreds of police officials, soldiers, and civilians still considered missing. The Ministry of Defense reported that through September, it had registered 27 civilians and one member of the police who were presumed to still be in FARC captivity.

Courts convicted some FARC members for kidnappings. Through October the unit to combat kidnapping and extortion at the Prosecutor General's Office reported 13 convictions during the year for kidnappings committed by the FARC, while the Human Rights Unit reported 61 such convictions in the same period. For example, on March 21, the second specialized criminal judge of Antioquia sentenced Luis Norbey Caicedo Correa (alias Esneider or Manchas), head of the FARC mobile column Jacobo Arenas, to 51 years' imprisonment for the 2007 kidnappings of Juan David Arango Velez and Sergio Jaramillo Arriola.

Physical Abuse, Punishment, and Torture: The Presidential Program of Comprehensive Action against Antipersonnel Mines declared in a preliminary report that IEDs, deployed primarily by the FARC and ELN, caused 31 deaths and 254 injuries as of August. IEDs killed or injured at least 38 children or adolescents during the year. Several human rights NGOs stated that the FARC charged civilian families for the replacement cost of the land mines and IEDs when innocent family members accidentally set them off. The International Campaign to Ban Land Mines declared that the FARC continued to be the largest individual user of land mines and IEDs and that the ELN also continued to use land mines and IEDs. Government humanitarian demining brigades cleared more than 2.1 million square feet and destroyed 114 land mines, IEDs, and unexploded munitions by year's end. The government also concluded the accreditation process for a civilian organization to engage in demining activities. The certification process continued for two other civilian organizations at year's end.

There were numerous reports that FARC and ELN guerrillas mistreated civilians and prisoners, as well as injured and sick persons.

Child Soldiers: The recruitment and use of children by illegal armed groups was widespread. The FARC and ELN groups routinely engaged in forced recruitment of persons under 18 years of age and voluntary recruitment of persons under 15.

The Colombian Family Welfare Institute (ICBF) stated that it was impossible to know how many children were serving as soldiers for the FARC but reported that more than 5,000 children had demobilized from illegal armed groups between 1999 and September 2012. The FARC reportedly used children to fight, recruit other children to act as spies, gather intelligence, serve as sex slaves, and provide logistical support.

During the year the ICBF initiated a new educational outreach program that included a component on prevention of forced recruitment by illegal armed groups. The program, with a budget of more than COP 32 billion (\$16.5 million), established teen and preteen clubs and other avenues for educational outreach in 32 departments and 811 municipalities.

During the year the government expanded the scope of the Interagency Committee for the Prevention of the Recruitment and Use of Children by Illegal Armed Groups to include sexual violence against children perpetrated by nonstate armed groups.

The penalty for leaders of armed groups who use child soldiers is life imprisonment.

International organizations continued to identify recruitment of indigenous youth by illegal armed groups as a serious concern. The FARC continued to issue warnings to indigenous communities outlining a policy to conduct child recruitment and warning recipients not to challenge it.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Other Conflict-related Abuses: Guerrilla groups and organized criminal groups prevented or limited the delivery of food and medicines to towns and regions in contested drug-trafficking corridors, straining local economies and increasing forced displacement.

Guerrillas routinely used civilians to shield combatant forces and forcibly displaced peasants to clear key drug and weapons transit routes in strategic zones.

Guerrillas also imposed de facto blockades of communities in regions where they had significant influence. For example, international organizations reported many incidents in which illegal armed groups forcibly recruited indigenous persons or forced them to collaborate, restricted their freedom of movement, and blockaded their communities. During the year the UN Permanent Forum on Indigenous Issues received reports of rape, forced recruitment, use of minors as informants, and other abuses in the context of conflict.

Organized criminal gangs and FARC and ELN guerrillas forcibly entered private homes, monitored private communications, and engaged in forced displacement and conscription. Organized criminal groups also continued to displace civilians residing along key drug and weapon transit corridors (see section 2.d.).

International organizations reported that systemic sexual violence against women and girls by some armed actors persisted (see section 6, Women). Human rights NGOs Sisma Mujer, Amnesty International (AI), and others reported that sexual violence remained one of the main tools used by armed actors to force displacement. There were numerous credible reports of compulsory abortions. The standing orders of the FARC, which had large numbers of female combatants, prohibited pregnancies among its troops.

There were reports that the FARC, the ELN, and other armed actors engaged in the extraction of and cross-border trade in conflict minerals, which contributed to abuses by providing funding for weapons and by prompting rebels to forcibly displace residents in order to clear mining areas.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights. Violence and harassment, as well as the criminalization of libel, served to inhibit 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 NGO Foundation for Press Freedom (FLIP), there were 122 incidents of violence and harassment against journalists, compared with 158 in 2012, although FLIP noted many incidents might have gone unreported in the most dangerous areas. FLIP reported 52 threats, some of them

aimed at more than one journalist at the same time. FLIP reported 11 journalists were detained, 34 were physically attacked, and four were victims of harassment or intimidation due to their reporting.

The Human Rights Unit of the Prosecutor General's Office was investigating 102 active cases of crimes against journalists and at year's end had achieved one conviction.

According to FLIP, during the first nine months of the year, three journalists were killed, but in only one of the three cases could FLIP verify that the journalist had been killed because of his work.

On September 11, in Puerto Berrio, Antioquia, two gunmen shot and killed journalist and lawyer Edison Alberto Molina, who hosted a program on a local radio station, *Legal Advice*. According to the Prosecutor General's Office, as of October the investigation was in the preliminary stages. FLIP asserted that Molina was killed because of his investigative reporting on corruption cases involving the local mayor's office.

On May 1, unidentified assailants attacked Ricardo Calderon, one of the country's most prominent journalists and chief investigator at *Semana* magazine, the country's leading weekly news publication, while he was traveling in his car on the road between Bogota and Ibague. The assailants allegedly shot his vehicle five times before Calderon escaped and went to a police station for help. Calderon had published several investigative pieces that had nationwide impact, including investigations into allegations of illegal wiretapping by the DAS and special treatment of prisoners at the military prison on Toleraida Military Base. President Santos condemned the attack and ordered the director of the National Police to lead the investigation. The Human Rights Unit at the Prosecutor General's Office initiated an investigation as well, which was in preliminary stages as of October.

As of September FLIP reported that authorities brought six persons to trial in two prominent cases, the killings of journalist Rafael Enrique Prins and Jose Orlando Sierra Hernandez. On December 24, a specialized judge in Pereira released the alleged intellectual author of the Sierra killing. FLIP issued a press release alleging the judge released the suspect even after a witness in the case confirmed the suspect had paid for the killing.

The Ministry of Interior allotted nearly 5 percent of its annual budget (approximately COP 11 billion or \$7 million) to the protection of threatened

journalists. Through July at least 93 journalists were added to the protection program.

Censorship or Content Restrictions: While the government did not censor journalists, according to FLIP many journalists avoided discussing or pursuing certain matters due to fear of being sued under libel laws or of being attacked. FLIP added that although nonstate violence was the main reason for self-censorship, a high degree of impunity for those who committed aggressions against journalists was also a factor.

Libel Laws/National Security: Laws against slander or libel are included in the criminal code, but there is no specific legislation for slander against public officials. The government did not specifically use prosecution under these laws to keep the media from criticizing government policies or public officials. Political candidates, business people, and others, however, sued journalists for expressing their opinions, alleging defamation or libel. FLIP noted that while there were no new cases during the year of journalists being imprisoned for slander or libel, as of September, 18 cases of journalists being sued for slander or libel remained pending.

Nongovernmental Impact: Members of illegal armed groups sought to inhibit freedom of expression by intimidating, threatening, kidnapping, and killing journalists. National and international NGOs reported that local media representatives regularly practiced self-censorship because of threats of violence from these groups.

The trials of three alleged former members of paramilitary groups--Mario Jaime Mejia (alias El Panadero), Jesus Emiro Pereira (alias Huevoepisca), and Alejandro Cardenas (alias JJ)--who were charged with the 2000 aggravated kidnapping, torture, and rape of journalist Jineth Bedoya continued at year's end. Bedoya requested in 2012 that her case be transferred to the prosecutor general's special unit for crimes against personal freedom for prioritized processing, but this had not occurred by year's end. Bedoya's case also continued in the Inter-American Commission on Human Rights.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate

legal authority. The International Telecommunication Union indicated 49 percent of the population accessed the internet in 2012.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. There was evidence, however, that guerrillas maintained a presence on many university campuses to generate political support for their respective causes and undermine support for their enemies through both violent and nonviolent means. According to a military intelligence report published in *El Tiempo* newspaper, despite their ideological differences, the FARC and ELN formed an alliance at the University of Antioquia to recruit students.

Organized criminal gangs and FARC and ELN guerrillas 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.

According to the Colombian Federation of Educators and the Prosecutor General's Office, 11 educators were killed through October, compared with 14 through October 2012. Threats and harassment caused many educators and students to adopt lower profiles and avoid discussing controversial topics.

On March 11, unidentified armed men killed Mario Manuel Ruiz Tovar, a teacher in Las Victorias Rural Educational Center located in the area of el Cedro, in Nechi, Antioquia. According to witnesses the armed men forcibly removed Ruiz Tovar from the school. Residents later found his body on the road leading into town. As of October the Prosecutor General's Office investigation was in its preliminary stage.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights. Freedom of association was limited by threats and acts of violence committed by illegal armed groups against NGOs, indigenous groups, and labor unions (see section 1.g.). There were reports that riot police used excessive force to break up demonstrations.

According to press reports, on August 26, in Fusagasuga, Cundinamarca, during the national protests related to the agrarian strike, police officers in the antiriot

squad (ESMAD) allegedly killed Juan Camilo Acosta, a 19-year-old student, by shooting him with a tear gas rifle. The Prosecutor General's Office opened an investigation, which was in its initial stages as of October.

Although the government does not prohibit membership in most political organizations, membership in organizations that espoused or carried out acts of violence, such as the FARC, ELN, and paramilitary groups, was illegal.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: There were no government restrictions of movement within the country. Organized criminal gangs and FARC and ELN guerrillas continued to establish illegal checkpoints on rural highways. According to Pais Libre, during the first six months of the year, illegal checkpoints increased from 48 to 58, compared with the same period in 2012. The checkpoints particularly affected the departments of Cauca, Norte de Santander, Arauca, Antioquia, Narino, and Putumayo. This figure did not include the illegal roadblocks that took place during the October agrarian strikes in which protesters blocked almost every major roadway connecting major cities. International organizations also reported that illegal armed groups confined rural communities through roadblocks, curfews, car bombs at egress routes, and IEDs in areas where narcotics cultivation and trafficking persisted.

Exile: The law prohibits forced exile, and the government did not employ it. Many persons went into self-imposed exile because of threats from organized criminal gangs and FARC and ELN guerrillas.

Internally Displaced Persons (IDPs)

The armed conflict, especially in remote areas, was the major cause of internal displacement. The government, international organizations, and civil society identified various factors driving displacement, including threats and physical, psychological, and sexual violence by illegal armed groups against civilian populations, particularly women and girls; competition and armed confrontation between and within illegal armed groups for resources and territorial control; confrontations between security forces, guerrillas, and organized criminal gangs; and forced recruitment of children or threats of forced recruitment. Some NGOs asserted that counternarcotics efforts, illegal mining, and large-scale commercial ventures in rural areas also contributed to displacement.

The government's budget for implementation of the 2011 Victims and Land Restitution Law was COP 54.9 trillion (\$28.3 billion) over 10 years, a 50 percent increase over the original estimate.

As of October 1, the Victims' Unit, a government entity responsible for assisting and providing reparations under the Victims' Law, listed 504,158 IDPs in the Single Victims Registry. Of those, 55,151 were due to displacements that occurred during the year. Victims' Unit statistics showed that new displacements occurred primarily in areas where narcotics cultivation and trafficking persisted, especially where guerrilla groups and organized criminal gangs were present.

Through September the government had registered an accumulated total of 5,087,092 persons displaced since 1985 (including those displaced in years before the registration system was established). A 2008 court order requires the government to include displacements from all previous years in the national registry. The government's national registry included registered IDPs whose applications for recognition had been accepted under defined criteria.

During the year the Victims' Unit maintained the Single Victims Registry as mandated by the Victims' Law. Despite improvements in the government registration system, IDPs experienced delays in receiving responses to their displacement claims as a result of a large backlog of claims built up during several months. International organizations and NGOs remained concerned about the slow

institutional response to displacement. Government policy provides for an appeals process in the case of refusals.

The FARC, ELN, and organized criminal gangs continued to use force, intimidation, and disinformation to discourage IDPs from registering with the government. Guerrilla agents sometimes forced local leaders and community members to demonstrate against government efforts to eradicate illicit crops and sometimes forced communities to displace as a form of coerced protest against eradication. 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 narcotics trafficking groups.

The Victims' Unit cited threats, recruitment by illegal armed groups, homicides, and physical and sexual violence as the primary causes of intraurban displacement.

Through September the government registered 4,048 IDPs (including those displaced from years prior to 2013) who identified themselves as indigenous and 59,365 who identified themselves as Afro-Colombian. Indigenous persons constituted 1 percent and Afro-Colombians 12 percent of new IDPs registered by the government. The ICRC and the UNHCR reported that in some departments displacement disproportionately affected indigenous and Afro-Colombian groups.

The National Indigenous Organization of Colombia estimated the number of displaced indigenous persons to be much higher than indicated by government reports, since many indigenous persons did not have adequate access to registration locations due to geographic remoteness, language barriers, or unfamiliarity with the national registration system.

The local NGO Association of Internally Displaced Afro-Colombians (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 repeatedly expressed concern that large--scale economic projects, such as agriculture and mining, contributed to displacement in their communities.

The government, international humanitarian assistance organizations, and civil society groups observed that internal displacement and refugee flows continued. The NGO Consultancy for Human Rights and Displacement (CODHES) reported 26,162 persons displaced in mass displacement events (displacement of 50 or more

persons) through September and indicated that the departments with the highest numbers of IDPs from mass displacements in the year were Cauca (6,695), Narino (4,572), Antioquia (2,722), Choco (2,423), and Valle del Cauca (1,633). CODHES also reported that five land-rights leaders were killed through September.

The regional office of the prosecutor general in Tumaco continued the investigation into the 2012 killing of Miller Angulo, an Afro-Colombian activist who was a leader of AFRODES and a leader of a community land-claim process, in Tumaco, Narino Department. At least 20 other AFRODES leaders who reported similar threats received some protective measures during the year, although some reported they were not satisfied with the types of measures authorities provided.

The Victims' Unit, ICBF, Ministry of Social Protection, and other governmental ministries and agencies provided assistance to registered IDPs. During the year the Victims' Unit budgeted approximately COP 439 billion (\$226 million) for direct IDP assistance.

International organizations and NGOs maintained that the quality of programs providing emergency assistance, housing, and income generation needed strengthening. Emergency response capacity at the local level was still weak, and IDPs continued to experience prolonged periods of vulnerability while waiting for assistance.

A specialized unit of the Prosecutor General's Office, established through an agreement with the government's former social agency, Accion Social (which was replaced by the DPS), the Prosecutor General's Office, and the CNP investigated and prosecuted cases of forced displacement and disappearances. Through October the unit received nine new cases for investigation.

Several international organizations, international NGOs, and domestic nonprofit groups, including the International Organization for Migration, World Food Program, ICRC, and Colombian Red Cross, coordinated with the government to provide emergency relief and long-term assistance to displaced populations.

The Victims' Unit and other government agencies improved their response to mass displacement events throughout the year and were assisted by international organizations such as the ICRC. International organizations and civil society reported that a continuing lack of local capacity to accept registrations in high-displacement areas often delayed by several weeks or months assistance to persons displaced individually or in smaller groups. Humanitarian organizations

attributed the delays to a variety of factors, including the lack of personnel, declaration forms, and training. Intense fighting and insecurity in conflict zones, including areas in the departments of Antioquia, Cauca, and Narino, sometimes delayed national and international aid organizations from accessing newly displaced populations.

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

Displaced persons also sought protection across international borders due to the internal armed conflict. The UNHCR stated in its 2012 *Global Trends* report that Colombia was the country of origin for 394,100 refugees and persons in a refugee-like situation, the majority in Ecuador, Venezuela, Costa Rica, and Panama. The World Food Program in Ecuador estimated between 1,000 and 1,200 Colombians fled to Ecuador every month. The governments of Colombia and Ecuador continued to meet throughout the year regarding the situation of Colombian refugees in Ecuador, and the Colombian government continued a program to assist Colombian refugees in Ecuador who returned to Colombia. Support offered during the year included income generation programs and assistance with registering for government of Colombia assistance programs.

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. According to the government, it approved 201 of the 960 applications for refugee status received since 2006. Between January and September, the government received 70 applications for refugee status, of which it approved two and rejected 29; the others were pending. According to the government, 201 recognized refugees resided in the country. The government also reported an increase in the smuggling of migrants from outside the region, primarily from Asia and East Africa, en route to the United States and Canada. While the government regularly provided access to the asylum process for such persons who requested international protection, nearly all abandoned their applications and continued on the migration route before a refugee status determination was completed.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right through periodic and generally free and fair elections 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: In 2011 the government held elections for local positions including governors, departmental representatives, mayors, and municipal councilors. The Electoral Observation Mission (MOE), an independent election-monitoring NGO, reported that between February 2011 and election day, of the approximately 102,000 candidates for local office, 41 were killed, 23 were attacked, seven were kidnapped, and 88 were threatened, for a total of 159 incidents of “political violence,” compared with 149 during the previous local elections in 2007.

According to the NGO New Rainbow Foundation, electoral fraud remained a serious concern. The NGO reported that parties paid voters to register and vote in municipalities in which they were not resident. The foundation claimed all parties’ rosters included candidates with questionable financial ties. The MOE estimated 600,000 individuals registered to vote in precincts where they were not legally resident. The government introduced a new finance tool to ensure transparency of campaign funds, disqualified candidates with pending criminal investigations, and canceled the national identification cards of voters who could not demonstrate residence or employment in the municipality where they were registered to vote.

On May 13, authorities revealed details of a plan to kill two former New Rainbow Foundation employees, Ariel Avila and Leon Valencia, as well as journalists Gonzalo Guillen and Claudia Lopez, who coauthored the NGO’s report. After the National Protection Unit (NPU) informed the individuals of intelligence reports concerning a plot to kill them, Avila and Leon left the country temporarily. Guillen fled the country October 17. On October 12, the government arrested the former governor of La Guajira, Francisco Gomez, and charged him with links to former paramilitary groups and involvement in various killings.

The Prosecutor General's Office continued to investigate the postelection killing of Eladio Yascual Imbaquin, the MOE regional coordinator in Putumayo.

In 2010 Juan Manuel Santos won a four-year term as president in elections that the OAS electoral observation mission considered generally free and fair. The OAS mission noted that the 2010 elections involved the lowest levels of violence in 30 years.

Political Parties: Organized criminal gangs and the FARC threatened and killed government officials (see section 1.g.). According to the National Federation of Municipal Councils, six municipal council members were killed through June, compared with five from January through September in 2012.

Some local officials resigned because of threats from the FARC. As of October the NPU, under the Ministry of Interior, had provided protection to 237 mayors, seven governors, and 3,058 other persons, including members of departmental congresses, council members, judges, municipal human rights officers known as "personeros," and other officials related to national human rights policies. Decree 1225 of 2012 stipulated that the CNP's protection program and the NPU would assume shared responsibility for protecting municipal and district mayors.

Participation of Women and Minorities: The law requires that women fill at least 30 percent of appointed government posts and that the government report to congress each year the percentage of women in high-level government positions. There were 18 women in the 102-member Senate and 22 women in the 165-member House of Representatives. There were 12 women in the 29-member cabinet and five on the 23-member Supreme Court of Justice.

In the 2011 municipal elections, with the enactment of the Law of Quotas, which mandated that candidate lists have at least 30 percent women, 108 female mayors were elected, corresponding to 10 percent of the country's mayors; 1,875 councilwomen were elected, corresponding to 17 percent of municipal council members.

Two indigenous senators and two indigenous members of the House of Representatives occupied seats reserved for indigenous persons. There were no indigenous persons in the cabinet or on any of the high courts, although there was an indigenous person assigned to the post of presidential advisor on indigenous affairs.

Afro-Colombians served in congress. There were seven self-identified Afro-Colombian members of the House of Representatives--five elected and two in seats reserved for Afro-Colombians. Although there were no seats reserved for Afro-Colombians in the Senate, there were two Afro-Colombian senators. There was one Afro-Colombian cabinet minister and one Afro-Colombian named as the high presidential advisor for women's equality.

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. Drug-trafficking revenues exacerbated corruption.

Corruption: *Semana* magazine reported a city council member in Buenaventura, Stalin Ortiz, was killed in March, possibly because of his efforts to uncover corruption at the Luis Ablanque de la Plata Hospital and affiliated health-care network, including improper hiring of the mayor's brothers and alleged money laundering by criminal organizations to move drugs and weapons.

At year's end Samuel Moreno Rojas, a former mayor of Bogota charged in June 2011 with failing to fulfill his public duty and contracting irregularities, remained in detention as his trial continued. On September 23, the 34th criminal judge of the Bogota circuit denied Moreno's renewed request for dismissal of the case.

On January 20, the Inspector General's Office issued a disciplinary ruling against former senator Ivan Moreno Rojas, who was accused of contracting irregularities, barring him from public office for a period of 20 years.

A special investigative unit of the Supreme Court of Justice, which examined members of congress and senior government officials, reported that during the year it opened investigations involving two former senators and members of congress, resulting in no acquittals, five convictions, no cases closed for lack of evidence, and no cases closed for having exceeded the statute of limitations. As of September the unit had not opened any new investigations involving current or former governors, but it achieved the conviction of one former governor for a case opened in a prior year. The Prosecutor General's Office investigated inspectors, comptrollers, and other high officials. As of year's end the prosecutor general was

working on 2,941 cases related to corruption, most of which were under investigation or in preliminary stages of prosecution, but 36 had gone to trial by year's end.

The primary government body to design and enforce policies against corruption is the Presidential Program for Modernization, Efficiency, Transparency, and Combating Corruption, led by the anticorruption czar. The primary government institution that investigates and prosecutes corruption is the Prosecutor General's Office, but congress plays an investigative role in cases where high government officials are involved.

Whistleblower Protection: The law provides protection to public and private employees who make internal disclosures or lawful public disclosures of evidence of illegality. No information was available whether authorities effectively implemented the law to protect whistleblowers from retaliation.

Financial Disclosure: By law public officials must file annual financial disclosure forms with the tax authority. This information is not public. The law states that persons who intend to hold public office or work as contractors for the state for more than three months shall submit a statement of assets and income as well as information on their private economic activity. Public officials must submit an annual update of this information before the last day of February, but they are not required to file periodically when changes occur in their holdings during the year or when they enter or leave office. The law does not address assets and income of spouses and dependent children. The Administrative Department of Public Service is in charge of preparing the required forms, and the human resources chief in each entity is responsible for verifying the information submitted. Congress maintained a website on which members of congress could voluntarily post their financial information.

Public Access to Information: The law provides for public access to government information, and the government generally provided this access. While there are no prohibitive fees to access government information, there were reports that some low-level officials insisted on bribes to expedite access to information. The law outlines procedures for accessing information and identifies a narrow list of exceptions, including cases related to national security, international affairs, criminal proceedings, and the privacy of public officials and private individuals. The law requires public entities to provide information proactively and in a reasonably short timeframe, and it allows them to use diverse communication strategies and channels. The law includes sanctions for noncompliance and appeal

mechanisms for disclosure denials. The Public Ministry, made up of the Inspector General's Office, the Human Rights Ombudsman's Office, and municipal offices for the defense of human rights (personarias), is in charge of ensuring effective compliance with this law.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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. Although the government and local human rights groups often differed in their evaluations and analyses of the human rights situation, government officials often were cooperative and responsive to groups' views.

NGOs reported receiving criticism from high-level officials, including members of previous administrations, suggesting that some NGOs were linked to guerrilla groups. While some NGOs were credibly reported to be linked to such groups, imprecise or generalized statements put other NGOs at risk of retaliation by organized criminal gangs. While most NGOs noted a more positive, conciliatory tone from the government in the past two years, some also stated that the government arbitrarily arrested and detained some human rights activists, particularly in high-conflict areas. NGOs claimed the Prosecutor General's Office pursued numerous unfounded judicial cases against legitimate human rights defenders with the purpose of discrediting their work. The government charged that some human rights activists engaged in activities that supported terrorism.

President Santos, Vice President Garzon, and other senior government officials continued to make public statements in support of human rights defenders. As of August the NPU's COP 360 billion (\$185 million) protection program had provided protection to a total of 7,795 individuals. Among the NPU's protected persons were 590 human rights activists.

According to the NGO Somos Defensores (We Are Defenders), 37 human rights activists were killed and 86 threatened during the first half of the year. Somos Defensores reported that the departments most affected by the attacks were Antioquia, Santander, Bogota, Cauca, Valle del Cauca, and Choco. CODHES and Somos Defensores reported that threats and attacks against female leaders of the IDP population and activists seeking land restitution continued to rise during the year.

Several NGOs reported receiving threats in the form of e-mails, mail, telephone calls, obituaries, and objects related to death, such as coffins and funeral bouquets. According to the OHCHR, reports of threats continued to increase during the year. The government condemned the threats and called on the Prosecutor General's Office to investigate them, although some activists claimed the government did not take the threats seriously. The Prosecutor General's Office investigated 127 cases of threats against human rights defenders during the year. None of the investigations had resulted in a conviction as of year's end.

The government continued to meet with representatives of the OHCHR, local NGOs, and the diplomatic corps to discuss steps it had taken to comply with OHCHR's February 2012 recommendations to improve human rights practices. The recommendations pertained to many areas, including land restitution, attacks on human rights defenders, and preventing extrajudicial killings. While acknowledging progress on several recommendations, the OHCHR and local NGOs reported the government had not fully implemented all of them by year's end.

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, the Ombudsman's Office was underfunded, which limited its ability to monitor violations effectively. Members of the ombudsman's regional offices reported threats from illegal armed groups through pamphlets, e-mails, and violent actions.

The National System for Human Rights and International Humanitarian Law, which is coordinated by a commission of 11 senior government officials and led by the vice president, designs, implements, and evaluates the government's human rights and international humanitarian law policies. The Presidential Program for Human Rights, which operates under the authority of the vice president, coordinates national human rights policy and actions taken by government entities to promote or protect human rights. The program publishes regional, national, and thematic reports on human rights topics. During the year the program continued to host public forums with civil society groups, local and national government groups, and the international community and completed forums in all 32 departments and the federal district of Bogota. Representatives of the local, regional, and national levels of government participated, as did civil society groups and international observers. The program compiled findings and recommendations

from all 33 forums to constitute a revised national policy on human rights and international humanitarian law, which President Santos signed December 5.

Both the Senate and House of Representatives had human rights committees, which serve solely as forums for discussion of human rights problems.

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

Although the 2011 antidiscrimination law specifically prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, many of these prohibitions were not enforced. For example, the manual of administrative procedures for blood banks issued by the Ministry of Health states that to protect the recipient of a transfusion from HIV/AIDS, it excludes those who have had “male homosexual relations in the past 15 years.” In June 2012 the Constitutional Court asked the Ministry of Health to remove the selection criteria based on sexual orientation donors, but the regulation reportedly had not been changed at year’s end.

On April 10, the Constitutional Court struck down a lawsuit disputing the constitutionality of the 2011 law.

Women

Rape and Domestic Violence: Although prohibited by law, rape, 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 and denies probation or bail to offenders who disobey restraining orders. There was no comprehensive or consolidated database on the incidence of sexual violence, but NGO groups claimed that rape continued to be underreported.

The Prosecutor General’s Office reported that between January and October, there were 3,257 new cases of rape, 6,549 cases of sexual assault, and 897 sexual crimes committed against “persons unable to resist,” such as children and persons with disabilities. The Prosecutor General’s Office indicated that many cases went unreported. Members of illegal groups, former paramilitary members, and guerrillas raped and sexually abused women and children.

Prosecution rates for rape have historically been low. Through October the Prosecutor General’s Office opened 25,155 new investigations for sexual crimes.

As of November 15, 2,030 investigations were in the accusations or formal charging stage, 21,566 were in the pretrial investigation stage, 63 resulted in convictions during the year, 33 were closed without decisions, and 1,463 were kept open but archived for lack of evidence. In addition the Inspector General's Office reported 136 open disciplinary investigations into members of the security forces for sex crimes, four of which were opened during the year.

A 2012 law allows authorities to prosecute domestic violence offenders when the victim does not testify if there is another witness. Judicial authorities may remove an abuser from a household and require therapy. The law provides for both fines and prison time if an abuser causes grave harm or the abuse is recurrent; however, authorities did not impose fines. Another 2012 law augments both jail time and fines if the crime causes "transitory physical disfigurement," such as the increasingly common acid attacks, in which an attacker throws acid onto the victim's face. The Prosecutor General's Office reported 60 open investigations related to acid attacks, not all of which occurred during the year.

For example, on June 20, a court sentenced Alexis Eduardo Ramirez Romana to 16 years and six months in prison for throwing acid on the face of Daysi Natalia Valencia Gonzalez in Bogota in 2011.

The Prosecutor General's Office reported opening 34,009 new investigations for cases of domestic violence through October. The victims in 30,987 of the cases were women, and the victims in 2,683 cases were minors. The law requires the government to provide victims of domestic violence immediate protection from further physical or psychological abuse. The ICBF provided safe houses and counseling for some women and children who were victims of domestic violence, but its services could not meet the demand. In addition to fulfilling traditional family counseling functions, ICBF family ombudsmen handled domestic violence cases.

Female Genital Mutilation/Cutting (FGM/C): Several indigenous groups reportedly practiced FGM. No accurate statistics existed regarding this practice (see section 6, Children).

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. Nonetheless, NGOs reported that sexual harassment remained a pervasive and underreported problem. No information was available as to whether the government implemented the law effectively.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children and the information and means to do so free from discrimination. Women and men had access to contraception, skilled attendance during childbirth, prenatal care, and obstetric care. During the year a group of 60 women participated in a mass filing of a gender-based violence complaint in Santa Marta. Ten of the women reported being victims of forced sterilization by armed criminal bands that operated in the area.

Illegal armed groups continued to force women to have abortions. Female combatants who demobilized from the FARC reported that women in the FARC were repeatedly forced to have abortions, with most experiencing between one and seven abortions. The Prosecutor General's Office reported opening 21 new investigations in cases of forced abortion through October.

Discrimination: Although women enjoy the same legal rights as men, serious discrimination against women persisted. Women faced hiring discrimination, were affected disproportionately by unemployment, and received salaries that generally were not commensurate with their education and experience. According to government statistics, 54 percent of working-age women participated in the labor force. According to Sisma Mujer and the Ministry of Labor, women on average received 79 percent of the average wages of their male counterparts. The country's National Administrative Department of Statistics reported women earned an average of 23.3 percent less than their male counterparts.

The Office of the Presidential High Advisor for the Equality of Women has primary responsibility for combating discrimination against women, although advocacy groups reported that the office remained seriously underfunded. On September 11, the high advisor announced the government's launch of a national public policy for gender equity. The policy includes directives for incorporating women in the construction of a peace agreement; affording women access to economic autonomy, decision-making positions, health and reproductive rights, and a life free of violence; and incorporating a gender focus into education.

The Ministry of Defense continued implementing its protocol for managing cases of sexual violence and harassment involving members of the military. The Prosecutor General's Office reported that through October it had 116 active investigations in cases of alleged sexual violence by members of the security forces.

Children

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

Child Abuse: Child abuse was a serious problem. The ICBF reported 31,945 cases of child abuse through July, including psychological and physical abuse, negligence, and abuse of a fetus in the womb. The ICBF reported 11,767 cases of sexual abuse against children through September 5. The Prosecutor General's Office reported that 49 percent of the investigations it opened during the year for sex crimes involved sexual abuse of children, most of whom were under the age of 14 (the minimum age of consent). On June 16-18, the Ministry of Trade, Industry, and Tourism sponsored an international conference on the commercial and sexual exploitation of children and adolescents in the city of Villavicencio, with participation by local and national government and private businesses. In addition, during the first half of the year, the ICBF conducted workshops that provided training and technical assistance on how to attend to child victims to 271 professionals who made up the interdisciplinary regional teams of local ombudsman's offices in the departments of Cauca, Amazonas, Bolivar, Guajira, Boyaca, Arauca, and Quindio.

Forced and Early Marriage: Marriage is legal at age 18. Boys over 14 and girls over 12 may marry with the consent of their parents. According to a 2012 UN Children's Fund report, 23 percent of women ages 20-24 were married or in a civil union before age 18.

Harmful Traditional Practices: Several indigenous groups reportedly practiced FGM/C. No accurate statistics existed regarding the practice, which falls into types I and IV, according to the World Health Organization's classification system. Government efforts to prevent FGM/C included achieving in 2011 a continuing commitment from the sizable Embera-Chami indigenous group to renounce the practice. The tribe's commitment continued during the year. The UN Population Fund continued supporting a consulting project on FGM/C with indigenous peoples during the year. The project's goal is to eradicate harmful practices to the life and health of indigenous girls and women nationwide, with an emphasis on the departments of Risaralda and Choco. Also during the year, the government encouraged dialogue with representatives of indigenous communities, including in Valle de Cauca, to persuade them to abandon the practice of FGM/C.

Sexual Exploitation of Children: Sexual exploitation of children remained a problem. The law defines sexual exploitation of a minor as “directly or through a third party, requesting or demanding performance of carnal or sexual acts with a person under 18 years of age, through payment or promise of payment in cash, kind, or compensation of any nature.” Sexual exploitation of a minor carries 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. Encouraging or forcing a minor into prostitution carries a penalty ranging from two to eight years in prison and a fine. The law prohibits pornography using children under age 18 and stipulates a penalty of 10 to 20 years in prison and a fine. The minimum age for consensual sex is 14. The penalty for sexual activity with a child under 14 ranges from two to 10 years in prison.

There were no comprehensive statistics on numbers of individuals convicted under these statutes during the year. According to the ICBF, through September 5, there were 491 reports of minors engaging in independent or forced prostitution and 170 of child pornography. Through September 11, the ICBF assisted 12,911 children victimized by sexual violence, including sexual exploitation, with psychosocial, medical, and legal support. The law authorizes the government to confiscate profits from hotels and other establishments where minors are sexually exploited, and the Prosecutor General’s Office received seven cases under this law during the year.

Under the leadership of the Ministry of Commerce, Industry, and Tourism and the Ministry of Labor, the ICBF and the CNP continued to execute a national strategy for the prevention of sexual exploitation of children and adolescents in the context of travel and tourism. The awareness campaign supported workshops and forums. The ICBF, in partnership with civil society organizations, also launched an internet hotline to combat child commercial sexual exploitation and pornography. Through October the NGO Fundacion Renacer, along with local authorities, had certified more than 100 hotels and other tourism establishments nationwide that committed to combating sexual exploitation of children and adolescents. The hotels were located mainly in the larger Bogota and Cartagena metropolitan areas and in the coffee-producing region, which is another major tourist destination.

Child Soldiers: Guerrillas continued the practice of forcibly recruiting and using children as soldiers, including indigenous children (see section 1.g.). According to the UN, illegal armed groups killed or threatened children with death on suspicion of being informants for the military.

Displaced Children: CODHES estimated that 38 percent of persons registered as displaced since 1985 were minors (see also section 2.d., IDPs).

International Child Abduction: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish community had an estimated 5,000 members. There were no known reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to public buildings, air travel and other transportation, access to health care, or the provision of other state services. Somos Defensores and other NGOs claimed these laws were seldom enforced. There is no law mandating access to information and telecommunications for persons with disabilities. The Presidential Program for Human Rights is responsible for protecting the rights of persons with disabilities.

The constitution establishes education as a fundamental right. Although children with disabilities attend school at all levels, advocates noted that the vast majority of teachers and schools were neither trained nor equipped to successfully educate children with disabilities. Advocacy groups also stated that children with disabilities entered the education system later and dropped out at higher rates than children without disabilities. Advocates also noted that children with disabilities were more vulnerable to sexual and other forms of abuse and that citizens with disabilities were hampered in their ability to vote and participate in civic affairs

due to lack of adequate transportation or adequate access to voting facilities in numerous locations throughout the country.

In November 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.”

National/Racial/Ethnic Minorities

According to the 2005 national census, approximately 4.5 million persons, or 10 percent of the country’s population, described themselves 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 the UN report, 46 percent of the country’s population lived below the poverty line, but in Choco, the department with the highest percentage of Afro-Colombian residents, 71 percent of residents lived below the poverty line, 41 percent in extreme poverty. Choco continued to experience the lowest per capita level of social investment and ranked last in terms of infrastructure, education, and health. Maternal mortality in Choco was four times higher than the national average. Choco also continued to experience some of the country’s worst political violence, as organized criminal gangs and FARC and ELN guerrillas struggled for control of the department’s drug- and weapons-smuggling corridor (see section 1.g.). The UN report further explained that in Narino, another department with a high percentage of Afro-Colombians, the illiteracy rate was six times higher than the national average.

In 2010 the government approved a policy to promote equal opportunity for black, Afro-Colombian, Palenquera, and Raizal populations. (Palenquera populations along some parts of the Caribbean coast, Raizal populations 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 government’s Observatory against Racism and Discrimination continued to monitor the use of specialized approaches in public policies for ethnic minorities, conduct studies on racism and discrimination, and make

recommendations to other public entities regarding the promotion of equal opportunities. The Ministry of Interior continued to provide technical advice and funding for productive and self-sustaining projects presented by Afro-Colombian communities. During the year 26 of the country's community councils (of Afro-descendants, Palenqueras, and Raizales) and 48 Afro-Colombian NGOs received government training in governance, understanding of their rights, including the rights of women, and leadership renewal. The government also continued a working committee on Afro-descendant issues with other members of the Andean Community of Nations and maintained a binational ethnic affairs committee with Ecuador.

A 2011 antidiscrimination law imposes a penalty of one to three years in prison or a fine of approximately COP 5.3 million to eight million (\$2,700 to \$4,100). It also adds a chapter on discrimination to the penal code that includes not only racism but discrimination based on ethnic origin, religion, nationality, political ideology, sex, and sexual orientation. Through October the government reported that authorities had charged 57 persons under the antidiscrimination law.

Through August the Ministry of Interior's Department for Black, Afro-Colombian, Raizal, and Palenquera Community Affairs (DACN) had trained 520 government employees throughout the country on Afro-Colombian problems, including on the prevention and eradication of racism and racial discrimination.

On June 1, the Ministry of Interior issued a resolution to support the work of the National Autonomous Congress of Afro-Colombian Community Councils and Ethnic Organizations of Blacks, Afro-Colombians, Raizales, and Palenqueras, along with their departmental assemblies. The resolution called for the communities to assemble in each department in July and August and for a meeting of the National Autonomous Congress of Afro-Colombian Community Councils from October 23 to 27. At that meeting the communities elected 112 representatives to interact with the government on prior consultation and land restitution problems, but some Afro-Colombian communities complained that those elected were not representative of their interests.

Through August the DACN registered 76 Afro-Colombian community councils; issued certifications to 1,769 individuals, qualifying them to apply for jobs, scholarships, and discounts reserved for Afro-Colombians; and issued 2,239 other ethnic certifications.

Indigenous People

The constitution and laws give special recognition to the fundamental rights of indigenous people, 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 the demarcation of those lands was often disputed between indigenous groups, neighboring landowners, and the government. Traditional indigenous groups operated 712 reservations, accounting for approximately 27 percent of the country's territory, with officials selected according to indigenous traditions. Many indigenous communities, however, had no legal title to the lands they claimed, and illegal armed groups often violently contested indigenous land ownership.

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 regular civilian courts.

Some indigenous groups continued to assert that they were not able to participate adequately in decisions affecting their lands. Indigenous leaders complained of the occasional presence of government security forces on indigenous reservations and asked that the government consult with indigenous authorities prior to taking military action against illegal armed groups operating in or around such areas and before building roads or other public works on or near their lands. The constitution provides for this "prior consultation" mechanism for indigenous communities, but it does not require the government to obtain the consent of those communities in all cases.

On August 29, the government announced further reforms to the "prior consultation" mechanism to reduce the time the process normally takes before a project can be approved. On November 7, the government enacted a presidential directive on prior consultation to further define the process, but some indigenous and Afro-Colombian community groups complained they had not been consulted before its enactment.

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 the communities. The law permits the presence of government security forces on indigenous lands, but defense ministry directives instruct security forces to respect the integrity of indigenous communities, particularly during military and police operations.

Despite special legal protections and government assistance programs, indigenous persons continued to suffer discrimination and often lived on the margins of society. The indigenous persons were the country's poorest population and had the highest age-specific mortality rates. Indigenous women faced triple discrimination on the basis of gender, ethnicity, and reduced economic status. As of November 15, the Prosecutor General's Office reported there were 27 active investigations of military members accused of violating the rights, culture, or customs of indigenous groups.

AI expressed concern for the safety of indigenous protesters due to reported disproportionate use of violence against them by the security forces and a death threat from an organized crime group against individual leaders. On October 16, ESMAD units moved in to disperse an indigenous demonstration blocking the road to Buenaventura in the Valle del Cauca region. AI alleged that police fired tear gas canisters directly at demonstrators and also beat them repeatedly. AI reported that more than 60 persons were injured, 16 seriously and alleged riot police prevented injured demonstrators from receiving medical treatment for several hours. On October 15, the criminal group los Rastrojos sent a written threat to indigenous leaders in several regions warning that if they did not stop protests they would be targeted for "social cleansing."

Killings of members and leaders of indigenous groups remained a problem. The Prosecutor General's Office registered 27 homicides of indigenous persons from January 1 through October. According to press reports, on May 2, in Tuchin, Cordoba, four armed men shot and killed Zenu indigenous community members Adalberto Murillo Teheran and Luis Carlos Padilla Lopez. The Prosecutor General's Office opened an investigation that was in its preliminary stages as of October 4.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Nevertheless, despite government measures to increase the rights and protection of lesbian, gay,

bisexual, and transgender (LGBT) persons, there were reports of societal abuse and discrimination.

Colombia Diversa, an NGO focused on addressing violence and discrimination due to sexual orientation, issued a preliminary report documenting at least 18 killings through August due to prejudice regarding sexual orientation or gender identity.

Colombia Diversa also reported cases of police abuse of persons due to their sexual orientation, with the majority of complaints coming from transgender individuals. According to NGOs working on LGBT issues, these attacks occurred frequently, but victims did not pursue cases due to fear of retaliation. NGOs also reported several cases of threats against human rights defenders working on LGBT problems as well as a high level of impunity for crimes against members of the LGBT community. Such organizations partially attributed impunity levels to the failure of the Prosecutor General's Office to distinguish and follow crimes against the LGBT community effectively.

Members of the transgender community cited barriers to public services when health-care providers or police officers refused to accept government-issued identification with transgender individuals' names and photographs.

NGOs claimed that discrimination in prisons against persons due to their sexual orientation or gender identity remained a problem. In addition there were instances where authorities denied medical services to transgender individuals.

The Ministry of Interior, Ombudsman's Office, and Inspector General's Office met with academics and research groups to identify the problems and proposals for a national public policy framework on LGBT rights and held hearings at a national level on the subject. The sessions responded to a 2011 Constitutional Court ruling that the agencies collaborate to create such a framework. During the year the Ministry of Interior's LGBT unit, in coordination with several other ministries, established a national framework on LGBT problems, an effort that continued at year's end.

The Ministry of Interior's Office of Indigenous and Minority Affairs working group for urgent LGBT cases, with participation by the Prosecutor General's Office and Ministry of Defense, held interinstitutional meetings to inform civil society about vulnerabilities in human rights, articulate action plans on how to address vulnerabilities, follow the progression of cases through various state entities, and define protocols on how to best attend to victims.

The ministry continued its public information campaigns on LGBT rights through national and regional television and radio networks during the year.

Other Societal Violence or Discrimination

There were no confirmed reports of societal violence or discrimination against persons with HIV/AIDS or other groups not covered above, including religious groups. The Prosecutor General's Office reported that through October it had opened one case on charges of discrimination on the basis of HIV infection.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for workers to form and join unions, conduct legal strikes, and bargain collectively, and it prohibits antiunion discrimination. The law places some restrictions on forming and joining a union, particularly for workers in indirect contracting situations (although legal ambiguities also allow some indirectly contracted workers to form unions). The law prohibits members of the armed forces and police from forming or joining unions. The labor code provides for automatic recognition of unions that obtain 25 signatures from potential members and that comply with a registration process.

The law does not permit members of some public-sector unions, armed forces, police, and persons performing "essential public services" to strike. The government published a summary of doctrine, case law, and jurisprudence that narrowed the definition of essential services for use by labor inspectors and the judiciary in 2011, although some members of the labor community criticized the document as continuing to lean toward an overly broad definition. 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 determined to be illegal by the courts.

The law gives public-sector employees the right to bargain collectively, including on their salaries, but stipulates that local and departmental-level public sector workers are restrained to the salary limits set in agreements at the national level.

The law also places additional collective bargaining restrictions on some working conditions, such as organizational structure and certain administrative procedures.

The law permits associated workers' cooperatives (CTAs), collective pacts, as well as union contracts. Under collective pacts employers may negotiate accords on pay and labor conditions with groups of workers in workplaces where no union is present or where a union represents less than one-third of employees. Under union contracts, the union, at times formed for the purpose, hires out members as an outsourcing agent. 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 in such pacts. CTAs must register with the government and provide compensation at least equivalent to the minimum wage and the same health and retirement benefits normally offered to directly hired employees.

The maximum penalty for violations of laws prohibiting the misuse of CTAs is 5,000 times the minimum monthly wage, or COP 2.9 billion (\$1.5 million). The law also stipulates that repeat offenders misusing CTAs or other labor relationships shall receive the maximum penalty and could be subject to losing their legal status to operate altogether. Employers who engage in antiunion practices may be penalized with up to five years' imprisonment. Prohibited practices include impeding workers' right to legally strike, meet, or otherwise associate, and extending better conditions to members of collective pacts than union members.

The government generally enforced applicable laws, but a lack of inspectors trained in the most recent laws at the local level, as well as an overburdened judicial system, inhibited speedy and consistent application. 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 increase the effective enforcement of freedom of association and collective bargaining, including labor inspections by the Ministry of Labor in five sectors: palm oil, sugar, ports, mines, and cut flowers.

The Ministry of Labor continued to build its technical capacity in several areas, such as inspection procedures to enforce the new regulations on CTAs. The procedures included training on an inspection guide complemented by regional seminars.

The government has the authority to fine labor rights violators. In January the government passed Law 1610, which increases the fines for labor violations from

up to 100 times the minimum monthly wage to up to 500 times the minimum monthly wage. The Ministry of Labor reported it conducted 4,111 investigations for all types of labor violations and imposed 3,097 penalties and fines during the year, totaling more than COP 250 billion (\$128.8 million). Total fines on CTAs and pre-CTAs during the year amounted to COP 155 billion (\$79.9 million), but none of the fines had been collected by year's end. The government's National Learning Institute, the agency tasked with collecting the fines, reportedly did not have an adequate administrative process in place to allow for the collection of fines. The Ministry of Labor's Special Investigations Unit continued to exercise its power to investigate and sanction in any jurisdiction. The Ministry of Labor's Department of Investigation, Monitoring, Control, and Territorial Management decides on a case-by-case basis whether to assign the Special Investigations Unit or the regional inspectors to investigate certain sites.

The government worked closely with the International Labor Organization (ILO) to develop a comprehensive plan for the ILO to provide additional technical assistance to the Ministry of Labor. The Ministry of Labor, in collaboration with the ILO, conducted a five-day training course in the cities of Bogota, Cali, Barranquilla, and Arauca on judicial investigations of antiunionist violence. The ministry continued to employ a telephone- and internet-based complaint mechanism to report alleged labor violations. Labor groups expressed concern that the two systems did not provide an option to track progress on cases.

Judicial police, the CTI, and prosecutors investigating criminal cases of threats and killings are required to determine during the initial phase of an investigation whether a victim was an active or retired union member or was actively engaged in union formation and organization. The Human Rights Unit of the Prosecutor General's Office undertook training with three homicide units on managing crime scenes of labor cases to avoid losing valuable evidence. It could take several months to transfer cases from regional field offices of the Prosecutor General's Office to the Human Rights Unit and its labor subunit.

The government continued to include in its protection program for labor activists persons who were engaged in efforts to form a union, as well as former unionists under threat because of their past activities. As of November 15, the NPU provided protection to 8,088 at-risk individuals, of whom 639 were trade union leaders or members (others protected included journalists, human rights advocates, and land restitution claimants). Nearly 20 percent of the NPU's budget was dedicated to unionist protection, and approximately one-half of the unionists who were enrolled were provided with "hard" protection schemes that included a

bodyguard. During the year the NPU conducted an audit of all its enrollment lists and removed old names that had dropped off the rosters but had not been formally removed from their total count in prior years. The Ministry of Education managed a separate protection (transfer) program for educators, the majority of whom were union members.

Between January 1 and October 31, the NPU received 565 risk assessments of union leaders or members. After the NPU conducted risk assessments, it classified 203 of those cases as having an “extraordinary threat” or “extreme threat” and provided them protection measures. The processing time before individuals received benefits under the protection program averaged 55 days, with most cases passing through the risk analysis stage in the first 30 days.

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 September the NPU evaluated 799 threat cases against teachers, of which 70 were found to be of extraordinary or extreme risk.

By the end of 2012, the labor subunit of the Prosecutor General’s Office had obtained 550 convictions of at least 599 individuals for violent acts against trade unionists since the unit was founded in 2006. The office assigned the labor subunit 69 new cases during the year, bringing its total number of active cases to 991 through August. The majority of those cases remained under investigation or were in the preliminary stages of the prosecutorial process. The unit had a staff of 25 full-time prosecutors.

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 were generally independent of the government and political parties.

Violence and discrimination against union members discouraged some workers from joining and engaging in union activities. The Prosecutor General’s Office reported that 13 trade unionists (not including unionized educators) were killed through October. Teachers continued to make up the largest percentage of union members and constituted the largest percentage of victims of violence by illegal armed groups. According to the Colombian Federation of Educators and the Prosecutor General’s Office, between January and October, 11 educators were killed.

The National Union School (ENS), a labor rights NGO and think tank, reported that 26 trade unionists were killed through December. The ENS and other labor groups reiterated 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 201 violations for the year. In addition to the reported homicides, there were 143 death threats, 11 nonlethal attacks, 11 arbitrary detentions, 18 cases of harassment, and two cases of illegal raids. The regional offices of the Prosecutor General's Office reported a combined total of 162 cases opened from January 1 through October for alleged threats against unionists. They reported that in 14 of those cases a suspect had been identified.

On January 28, in Corinto, Cauca, unknown assailants shot and killed the leader of the Sintrainagro labor union, Juan Carlos Munoz, while he was waiting for transportation to go to his job cutting sugarcane. Munoz had been advocating on behalf of approximately 90 workers who had been dismissed, and he had received earlier death threats.

While there have been some emblematic convictions in cases of unionist killings from previous years, the pace of investigations and convictions remained slow and high rates of impunity continued. Labor groups stated that more needed to be done to address impunity for perpetrators of violence against trade unionists and the large number of threat cases. The Prosecutor General's Office indicated that it prioritized cases in order of severity and had a backlog of lower-priority cases.

The investigation into the 2012 killing of Miguel Angel Mallama, a founding member of the Union of Workers and Public Employees of Jamundi Township (Sintraxamundi), continued at year's end.

Unions cited multiple instances in which companies fired employees who formed or sought to form new unions. Employers continued to use temporary contracts, service agencies, CTAs, and other forms of subcontracting to limit worker rights and protections and to lower costs. Many employers used subcontracting to avoid labor law protections for employees. Fines assessed by the government did little to dissuade violators, since fines were often not collected, and many companies chose to appeal rather than pay the fines. According to ASOCANA, an association of workers in the sugar sector, the strengthened laws and penalties governing CTAs and other forms of illegal labor intermediation influenced several companies to contract CTA workers directly. ASOCANA reported that, as of November, 84

CTAs in the sugar industry were disbanded and that 6,825 of the association's 9,153 sugarcane cutters (74 percent) had direct work contracts with an employer in accordance with regulations of the labor code.

During the year there were increasing reports that illegitimate cooperatives, which lack financial and operational independence from end users, were changing their legal status into simplified stock corporations (SAS) while they continued to violate certain contracting laws, including on labor intermediation, and undermine labor rights. Many unions noted that these SAS entities were simply another form of subcontracting. While in theory SAS workers can exercise their right to organize and bargain collectively with SAS management, it appeared that in some cases the SAS had little to no control over the conditions of employment (much like illegitimate cooperatives). The Ministry of Labor claimed that any corporate structure, including an SAS, can be fined for labor violations.

While some academics and unionists defended the function of union contracts, others believed that unions formed for the purpose of outsourcing overstated true union participation statistics and limited collective bargaining rights.

Of those CTAs that transformed their labor relationships into direct-hire relationships, a number converted into SASs in order to hire workers directly. Labor confederations and NGOs reported that some business owners in several sectors used SASs, union contracts, or temporary service agencies in an attempt to circumvent new legal restrictions on cooperatives. Unions continued to voice reservations about the strength of the law regarding CTAs and labor intermediation as well as the government's ability to regulate adequately due to labor inspector shortages.

The Port Worker's Union estimated that 60 percent of the workforce in ports was employed under flexible nonunion contracts during the year. The Ministry of Labor reported that in the port sector of Buenaventura, it conducted 34 inspection visits through September 4, resulting in the opening of one investigation and the sanctioning of nine companies for a variety of labor law violations. Labor mediations resulted in settlements of more than COP seven billion (\$3.6 million).

Some sugar and ethanol refineries also utilized CTAs as a means of subcontracting labor to third parties, and some sugarcane cutters, predominantly Afro-Colombian and indigenous men, were required to belong to a CTA to gain employment. A number of large sugar refineries directly contracted cane cutters that had formerly been in CTAs, often through an SAS. Labor groups raised concerns that the

companies were using SASs as another method of labor intermediation. Although the law does not clearly define whether this is legally permissible, the unions were respected throughout the sugarcane sector. Unionists argued that the use of outsourcing through a SAS structure in La Cabana, a sugar-producing company, was similar to an illegal cooperative because the SAS lacked operational independence and limited the workers to negotiating work conditions only with the SAS management and not the primary company. When a union of sugarcane cutters attempted to negotiate working conditions early in the year, they were denied the right to bargain collectively with the contracting company. The Ministry of Labor stated there was no direct employer-employee relationship between the sugarcane cutters, who are employed under a SAS model, and the company.

CTAs and other subcontracting institutions were also common in the palm oil sector. Las Brisas, a large employer in the palm sector and the first to be fined for using illegal cooperatives, stated that it did not plan to pay Ministry of Labor sanctions or formalize workers under new labor laws. In a separate case, the palm oil company Bucarelia changed its registered company activity from the production of palm oil to “commercialization” of palm oil. Some argued that this move was designed to avoid formalizing workers by attempting to limit the company’s mission-critical activities, and thus the number of workers they were required to directly hire versus those they could subcontract, to only those employees that were involved in the marketing and selling of the palm oil and not the workers involved in the cultivation and production of palm oil.

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 some reports that such practices occurred.

Organized criminal gangs and FARC and ELN guerrillas practiced forced conscription in rural and urban areas, sometimes killing deserters or threatening them and their families. There were some reports that FARC and ELN guerrillas and organized criminal gangs used forced labor, including forced child labor, in coca cultivation and illegal mining in areas outside government control (see section 1.g.). The ICBF noted it was difficult to produce exact statistics on the number of children who participated in illegal armed groups due to the groups’ clandestine nature.

Forced labor in other sectors, including organized begging and domestic service, also remained a serious problem.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 15 and at 18 for hazardous work. Children who are 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 under 15 may work in arts, sports, or recreational or cultural activities for a maximum of 14 hours per week. In all of these cases, working children and adolescents must have signed documentation filed by their parents and 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 government updated its list of hazardous activities in October through resolution 3597. Hazardous work includes an extensive list of activities within 11 occupational categories and subcategories identified as the "worst forms of child labor," including agriculture, hunting and forestry, fishing, mining and quarrying, manufacturing, construction, transport and storage, health services, and defense. The government, however, approved some agricultural apprenticeship programs for children ages 14 to 17 through the National Service Learning Agency. For 14-year-old children, the program is education only, and these children are not permitted to work.

Law 1610, passed in January, authorizes inspectors to issue fines of up to 500 times the minimum monthly wage for labor law violations, including child-labor violations. A violation deemed to endanger a child's life or threaten moral values might be punished by temporary or permanent closure of the establishment. Nationwide labor inspectors are responsible for enforcing child labor laws. The government provided guidelines to labor inspectors to help ensure children younger than 15 do not work and that adolescents ages 15 to 17 who have work permits are not engaged in dangerous work. Inspectors monitored the formal sector (which covered approximately 20 percent of the child-labor force) through periodic inspections. Resources and training remained inadequate for effective enforcement. Through October labor inspectors conducted 929 inspections of

worksites and checked whether adolescent workers were employed but did not report how many children were identified.

Government agencies carried out several activities to eradicate and prevent exploitative child labor. With ILO assistance the government continued to improve cooperation among national, regional, and municipal governments through its national plan to eradicate child labor and protect working youth. It also continued to employ a monitoring system to register working children. The government also sought to reduce demand for child labor through public awareness and training efforts, often working with international and civil society organizations. An online training program for labor inspectors in various departments continued to provide inspectors and other officials with details on how to approach situations involving the worst forms of child labor.

The government, through the Ministry of Labor, continued to follow the 2008 plan outlined in the National Strategy to Prevent and Eradicate the Worst Forms of Child Labor and Protect Young Workers, and it also continued its roundtable discussion group, which includes 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 continued to combat illegal mining and formalize artisanal mining production, with the goal of eradicating child labor and forced labor. Regional ICBF offices were charged with leading efforts to combat child labor in mining at the local level, working with the ministry and other government agencies to coordinate responses. In interagency child labor meetings, the Ministry of Labor reported that children found working in illegal mining operations were attended to by whatever government presence was available in the area, whether police, the ICBF, teachers, or the DPS. 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 CNP carried out awareness efforts to reduce child labor, including a campaign, Open Your Eyes, which taught children and adolescents to be mindful of their surroundings when they are at recreational areas, sporting events, and other public places where they might be targeted for child labor. The CNP taught children and their parents about potential dangers and illegal activities for youth, including child

labor. This outreach continued to include activities for children on a bus equipped with interactive displays.

Child labor remained a problem in the informal and illicit sectors. According to a National Administrative Department of Statistics study published during the year, of the 11.3 million children between the ages of five and 17, an estimated 1.1 million worked outside the home (approximately 13.1 percent of the country's boys and 6.8 percent of all girls). The national rate of children who worked outside the home was 9 percent, with 5.4 percent of children ages five to 14 working and 24.3 percent of children ages 15 to 17 working. Including children who work in and around their homes in domestic labor activities for more than 15 hours per week (but who did not work outside the home), the national rate of children who worked outside the home was 15.2 percent, or 15.5 percent of all boys and 14.8 percent of girls. Eight percent of children between the ages of five and 17 either worked outside the home or engaged in domestic labor activities for more than 15 hours per week; 38.6 percent of all children between the ages of 15 and 17 either worked inside or outside the home. According to the study, 47.5 percent of child laborers in urban areas engaged in commerce, hotel, and restaurant work, while 68.9 percent of child laborers in rural areas engaged in agriculture, fishing, cattle farming, hunting, and forestry work; 47.9 percent of working children ages five to 17 did not receive payment.

Significant incidences of child labor occurred in the production of clay bricks, coal, emeralds, gold, coca, and pornography. Commercial sexual exploitation of children also occurred (see section 6). Children also worked as street vendors and domestic servants and were engaged in begging and garbage scavenging. According to the Ministry of Labor and the ILO, more than 20,000 children were engaged in domestic service. There were also reports that children were involved in small family production centers in the "panela" (unrefined brown sugar) market, as well as children working as "pimpeneros" selling inexpensive Venezuelan gasoline.

Prohibitions against children working in mining and construction were largely ignored. Some educational institutions modify schedules during harvest seasons so that children may help on the family farm. Children worked in artisanal mining of coal, clay, emeralds, and gold under dangerous conditions and in many instances with the approval or insistence of their parents. The ICBF's efforts to assist children working in illegal mining focused on the departments of Boyaca, Bolivar, Cesar, Cundinamarca, and Narino.

There continued to be instances of forced child labor in mines, quarries, and private homes. According to government officials and international organizations, children were recruited, sometimes forcibly, to work in the illegal drug trade and other illicit activities. The FARC, the ELN, and organized criminal gangs forced several thousand children into prostitution or to serve as combatants or coca pickers (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The minimum monthly wage was COP 589,500 (\$303) for all sectors. According to the national tax authority (DIAN), as of June, 32.2 percent of the national population was living in poverty: 28 percent of the urban population and 46 percent of the rural population lived below the poverty line. The share of the national population living in extreme poverty was 10.1 percent. In urban areas 6.5 percent of the population lived in extreme poverty, while in the rest of the country 21.8 percent of inhabitants lived below the extreme poverty line.

The law provides for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. The law provides for paid annual civil and religious holidays for all workers. Employees who work at least one full year are entitled to at least 15 days of paid vacation. The law stipulates that workers receive premium compensation for additional hours worked over the regular workweek of 48 hours and for 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 standards set out in the law were generally current and appropriate for the country's main formalized industries. The law does not cover informal sector workers, including many mining and agricultural workers.

The Ministry of Labor enforced labor laws, including occupational safety and health regulations, in the formal sector through periodic inspections by labor inspectors. As of September, there were 634 inspector positions, 546 of which were filled. Unionists stated that fines were too low to achieve a formalized labor force. Most of the companies fined preferred to go through an appeals process instead of paying the fine or directly hiring workers to eliminate the fine.

While the government's labor inspectors undertook administrative actions to enforce the minimum wage in the formal sector, the government remained unable to enforce the minimum wage in the informal sector, which, according to the DIAN, employed approximately 49 percent of workers who earned the minimum wage or less during the year.

To encourage the formalization of labor, the Ministry of Labor continued to promote formal employment generation in regions with high rates of informal employment. According to the National Administrative Department of Statistics, approximately 51 percent of the economy was in the formal sector. From November 2011 to May, the ministry reported that the formalization laws and coordinating tax cuts generated 841,000 formal sector jobs for young people and 23,587 jobs for women over 40 years of age. A government program existed to increase the employability of extremely poor and displaced persons. Another program, aimed at elderly persons who were without a pension or living in extreme poverty, provided social services to more than 1,229,250 citizens since its launch in 2003 through August. A third program assisted elderly persons who, due to their participation in an informal economy, earned less than the minimum monthly salary. Participants of the program received a government payment in proportion to their personal retirement fund contributions.

Nonunion workers, particularly those in the agricultural and port sectors, reportedly worked under hazardous conditions because they feared losing their jobs in third-party contracting mechanisms or informal arrangements if they criticized abuses.

Between January and August, security forces and other officials closed more than 374 illegal mines as part of a comprehensive interagency initiative to combat illegal mining. Security forces reported that illegal armed groups, including the FARC, the ELN, and organized criminal groups, engaged in illegal mining of gold, coal, coltan, nickel, copper, and other minerals. Illegal mines were particularly common in Antioquia, Cordoba, Choco, and Tolima.

According to the National Agency of Mines, the government geological and mining oversight institute, there were 62 deaths due to mining accidents through July.