

108th Session, Geneva, June 2019

Committee on the Application of Standards

Following the decisions made during the informal tripartite consultations on the working methods of the CAS in March 2019, governments appearing on the preliminary list of individual cases have now the opportunity, if they so wish, to supply on a purely voluntary basis, written information before the opening of the session of the Conference.

Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Colombia

Forced Labour Convention, 1930 (No. 29)

Colombia (ratification: 1969). The Government has provided the following written information:

In Colombia, forced labor is considered a criminal offense and is prohibited by the Political Constitution. For our country, human trafficking is a phenomenon of global nature and effects that results to blatant human rights violations, which is why the National Government reaffirms its total rejection to this criminal phenomenon and reiterates its firm commitment to approach it within a comprehensive manner. This commitment was reflected in the Bases of **The National Development Plan (NDP) 2018-2022: 'Pact for Colombia, pact for equity'**, in which trafficking in persons is identified as one of the main crimes committed by organized criminal groups and they set out strategies for its prevention and combat at the national and international level.

Articles 1, 1), 2, 1), and, 25 of the Convention. Trafficking in Persons

1. Concrete measures to implementing the seven axes of action of the National Strategy on combating trafficking in Persons.

1). During 2018, the relationship between the crime of trafficking in persons and the irregular and massive migration of the Venezuelan population to Colombia was evidenced. In this context, the National Government adopted The National Council of Economic and Social Policy (CONPES, for its initials in Spanish) 3950: Strategy for the Attention of Migration from Venezuela, which contains a line of action on trafficking in persons.

2). During the year 2018, the sixteen (16) national entities that make up the Inter-Institutional Committee to Combat Trafficking in Persons continued to implement public policy, which was finalized with the approval of its Action Plan on May 30, 2018 and will be in effect until June 1, 2019. In this working path, coordinated actions were defined, specifically, in the area of prevention and knowledge management, with central actors such as civil society, academia, the

private sector, international organizations, among others.

3). Different actions were undertaken in terms of decentralization of public policy and strengthening of agreement spaces and coordination with territorial entities through 44 technical advisory services (12 face-to-face and 32 virtuals) to the 32 Departmental, Municipal and District Committees. Through this technical assistance, it was possible to build and approve the action plans of eleven (11) Departmental Committees: Atlántico, Casanare, Huila, Vaupés, Cesar, Risaralda, Cauca, Bogota, Caldas, La Guajira, and Magdalena. In order to fulfill the objective of providing theoretical and practical tools regarding the elements, characteristics, and consequences of human trafficking, public officials, the educational community and private companies have been trained, which allow them to have the necessary skills to serve as multipliers in the work of awareness and identification of possible or future victims.

4). During the year 2018, two (2) sustainable and coordinated prevention strategies stand out: the intersectoral campaign **#EsoEsCuento** and the Public Hearings against Trafficking in Persons and the Commercial Sexual Exploitation of Children and Adolescents. Through the crime prevention program of the Prosecutor General of the Nation, **Futuro Colombia**, prevention seminars were held in 30 cities of the country. In these, informative pieces were disseminated in 500 schools of the district and carried out preventive days with 270 educational institutions in highly vulnerable areas throughout the national territory, with an approximate of 4,500 sensitized students. The training was provided to 2792 public and private servants on case identification, complaint routes, and victim assistance. SENA and the Ministry of Health training in the year 2018 to 1354 professionals who are caring for victims of sexual violence.

2. Measures adopted to ensure effective protection and assistance to victims provided for in decree number 1066 of 2015.

1). By issuing Resolution No.8378 of July 4, 2018, the ICBF adopted the technical guidelines for the care of children and adolescents' victims of human trafficking. This guideline guarantees the assistance to children and adolescents' victims of human trafficking in any exploitation purpose, defined by the competent Administrative Authorities (Family Advocate or Family Commissioner) within the framework of the Administrative Process of Restoration of Rights, through specialized assistance modalities.

According to SIM reports¹, the number of girls, boys, and adolescents who entered the Administrative Process of Restoration of Rights for the reason of entry victims of human trafficking were 24 in the period from January 1, 2018, to December 31, 2018. Of these 24 victims: twenty-two are victims of trafficking for sexual exploitation and two for sexual tourism; twenty-one are women and three are men; one was between 6 and 11 years old, twenty-one were between 12 and 17 years old, and two were over 18 years old.

2). In 2018, 114 victims of trafficking in persons were identified, of which: 50 victims received support in terms of employability through the National Apprenticeship Service (SENA); 16 victims received accommodation; 14 victims received material support; 4 victims received documentation; 17 victims received transportation service; 17 victims received medical assistance; 18 victims received psychological assistance; 14 victims received security and 5 victims received legal advice. Of the 114 cases attended by the Ministry of the Interior during 2018, 54% (62 cases) are receiving immediate assistance services from the territorial

¹ The Instituto Colombiano de Bienestar Familiar (ICBF) has a Missional Information System developed to cover the information needs of this entity originated in its mission processes, through the case-by-case registration of the services provided to children and adolescents

committees and the competent entities.

3). During 2018, the Ministry of Internal Affairs allocated \$ 2'256,900,000 COP for the implementation of the National Strategy to Combat Trafficking in Persons.

3. Measures to ensure better identification of trafficking in persons situations for both sexual and labor exploitation.

1). On July 16, 2018, the National Public Policy for the Prevention and eradication of the commercial sexual exploitation of children and adolescents ESCNNA was approved. It establishes the actions of the State in the National, Departmental and Municipal order for the prevention of situations of commercial sexual exploitation, attention to the victims with differential focus, as well as the strengthening in the prosecution of the exploiters.

The policy proposes three main axes: 1). Promotion of Rights, Prevention, Participation, and social mobilization; two). Attention and restoration of rights and 3). Judicialization, surveillance, and control of sexual exploiters. Likewise, some transversal axes are proposed such as: 1. Institutional architecture and public policy management 2. International Cooperation and Foreign Policy 3. Knowledge Management 4. Monitoring and Evaluation of Public Policy

2). The Ministry of Labor has articulated the development of an inspectors network, capable of identifying possible cases of Trafficking in Persons for Forced Labor purposes through a theoretical-practical toolkit. The Ministry of Labor has also carried out a strategy for the prevention of Fraudulent Work Offers routes. The main objective is to propose and coordinate mechanisms to prevent trafficking in persons by alerting the public about the risks of falling into a Fraudulent Labor Offer, for which three different awareness and prevention campaigns have been developed, having a considerable impact about the population at the national level. Throughout these campaigns have been able to serve more than 200 people and only for the year 2018 were received a total of 80 requests for verification of job offers of which 65 were to present many of the features to be considered as fraudulent job offers.

3). The National General Attorney led four (4) public hearings against trafficking in persons, sexual abuse and exploitation of women, children and adolescents in Cartagena de Indias: April 9; Medellín: July 12; Cali: September 11; Leticia: December 13. Within the framework of the hearings, 156 key actors of civil society, private enterprise, the media, the Academy, public institutions, human rights activists, the tourism sector, international cooperation agencies, among others, they have signed the 6 pacts for the eradication of trafficking in persons and the commercial sexual exploitation of children and adolescents. The pacts have been signed by more than 50 allies in the eradication of human trafficking and commercial sexual exploitation of children and adolescents and have engaged different actors in actions of prevention, care, punishment, prosecution, information exchange, among other fundamental actions for the fight against trafficking in persons. Seven governorates (Bolívar, Antioquia, Valle, Nariño, Chocó, Cauca, and Amazonas) held accounts and made commitments regarding the fight against trafficking in persons and sexual exploitation; 1,600 actors were summoned to the hearings and 1,318 people attended the hearings.

4). In the weeks between July 30 and August 3, 2018, Colombia dedicated efforts in carrying out prevention and awareness-raising actions at the national and territorial levels. On July 30, 2018, the Ministry of Foreign Affairs launched the campaign #ReaccionemosEnLasRedes, OjoConLaTrata, which aims to make visible the possible risk scenarios that are found in social networks, which are the main means of recruitment of victims of human trafficking. The

strategy is aimed at young people between 18 and 35 who are active in digital media and has pedagogical material on warning signs, myths about this crime and more frequent exploitation purposes abroad.

4. Information about the investigations undertaken, the judicial procedures carried out and the resolutions issued in the cases of trafficking, specifying the difficulties faced by the competent authorities in this area:

1) The Office of the National General Attorney has twenty-six (26) prominent prosecutors specializing in the investigation of cases of human trafficking, and two (02) exclusive prosecutors of the Internal Working Group for Children Trafficking in Persons, Child Pornography and Related Offenses. According to the results of the investigations, 123 convictions have been issued to date. Prosecutors have been trained for the proper understanding of the criminal offense that punishes trafficking in persons.

2) Statistics on the investigation and prosecution of the crime of trafficking in persons: During 2018 the number of investigations (entries) for the crime of trafficking in persons was 222. The foregoing represents an increase in the number of investigations compared to the previous year (164). On the other hand, in 2018, the number of cases in court was fourteen (14), the number of people accused in 2018 was twenty-six (26) and the number of people convicted was nineteen (19).

3). Through Vesta I and II judicial operatives, the capture, and dismantling of dedicated criminal networks of human trafficking in Cartagena were achieved. For the first time, there is a conviction for trafficking in persons for the purpose of domestic servitude in Colombia. In 2018, 18 leaders of procuring and national and foreign sexual predators were captured, those accused of subjecting, through humiliation to more than 250 victims, among women, girls, and adolescents.

5. Copies of the reports or data published by the Observatory on the crime of trafficking in persons and by the Inter-institutional Committee for the fight against trafficking in persons:

In October 2018, the Trafficking in Persons Observatory began to be implemented, in order to illustrate the impact of the crime of human trafficking in the country in accordance with the number of registered cases, ongoing legal proceedings, existing convictions and the application of current national and, international regulations on trafficking in persons. The presentation was developed through two (2) academic meetings with the Judicial School Rodrigo Lara Bonilla of the Superior Council of the Judiciary.

Within the framework of the Observatory, the Subcommittee on Knowledge Management was created, whose main developments focused on:

1. Research on Venezuelan Migration and Trafficking in Persons. For this research, an instrument was created to measure the vulnerability of Venezuelan migrants to the crime of trafficking in persons, subsequently applied to two hundred and seventy-eight (278) Venezuelan migrants at the Salitre Transportation Terminal in the city of Bogotá. The investigation may be consulted in the following link:

https://www.mininterior.gov.co/sites/default/files/migracion_venezolana_y_la_trata_de_personas.pdf

2. The Guiding on Assistance to Victims of Trafficking in Persons in Colombia was drawn up, addressed to the territorial committees.

3. A training and capacity-building plan for the judicial branch and the conceptual module on trafficking in persons for criminal judges were prepared.
4. The Academy obtained a space to present studies related to human trafficking. In this scenario, the University of La Sabana presented the results of its investigation "The relationship between trafficking in persons and the recruitment of minors in the Colombian armed conflict."
5. The trafficking micro site was built on the website of the Ministry of the Interior, which may be consulted at the following link: <https://www.mininterior.gov.co/tags/trata-de-personas>.

Article 2, 2), a). The purely military character of the work carried out in the framework of the obligatory national service.

- 1). By decree 977 of 2018, decree 1070 of 2015 was partially modified, in relation to the regulation of the service of recruitment, control reservations, and mobilization, thus regulating the law 1861 of 2017. The Decree of 2018 indicates that the SENA will determine the types of productive labor training to which the conscript incorporated for the provision of military service will have access, having as a priority those that apply to the mission of each institution.
- 2). The INPEC, has an agreement with the Ministry of Defense that allows the provision of mandatory military service in the INPEC for which, during the first 3 months should be trained in specific issues of the prison area that provide them with the necessary tools for the adequate performance of its institutional functions as Auxiliary of the Custody of the INPEC, based on the principle of Human Dignity and the framework of Human Rights.

Articles 1, 1), and 2, 1). Workers in situations of vulnerability in illegal gold mines and the risk of forced labor. Information on the allegations of the CGT(Workers General Union) and measures taken to protect workers in this sector, in order to prevent them from returning to forced labor.

- 1) In 2018, a program was carried out jointly with various State entities to verify the working conditions of workers in the mining sector, especially in the departments of Cundinamarca, Norte de Santander, Boyacá and Antioquia. During these visits, a total of 15 bocaminas were reviewed, as a result of which precautionary measures of a preventive nature, of paralysis or prohibition of work and exploitation tasks, were imposed, so that they were executed by the Ministry of Labor.
- 2) Likewise, the Ministry of Labor has carried out preliminary inquiries and Administrative Sanctioning Procedures to companies in the MINING sector, for alleged violations of labor regulations and comprehensive social security. This is how in the year 2018, fines have been imposed on 57 mining sector companies for a total value of COP \$ 1,895,963,002, 323 preventive assistance and 285 reactive inspections have been made in mines and quarries. By 2019, 191 visits are planned.

With cooperation from the Government of the United States, two cooperation projects with civil society are being carried out:

1. **Somos Tesoro:** Objective: Reduce child labor (CL) in mining areas and improve the quality of life of children and families in mining areas in Colombia.
Most relevant achievements: 13,229 Children Girls and Adolescents have participated in the educational component with emphasis on prevention of child labor; 4,312 households participated in the livelihoods component; More than 280 miners have received training; 477 teachers trained in the "PAZalobien" methodology and in the prevention of child labor; work has been done with 8 mayors' offices (mayors, police stations, CIETIS) and participatory and

joint elaboration of the technical annex of the policy of prevention and eradication of child labor and protected adolescent work.

2. Pillars: Objective:

To build capacity of civil society organizations to better understand and address child labor and promote better working conditions in the artisanal and small-scale gold mining sector.

Most relevant achievements: 3 solidarity networks formed; 60 civil society organizations participating; a full diagnosis previous situational of the political and economic; two established municipal CIETIs; three solidarity networks officially presented to government entities; three work risk assessment tools shared with the ICBF for validation; Strengthening plans (3) established for each network.