

A Human Rights Report on Trafficking in Persons, Especially Women and Children

Colombia



Population: 44,205,293 (July 2010 est.)
Population Growth Rate: 1.184% (2010 est.)
Birth Rate: 17.76 births/1,000 population (2010 est.)
Life expectancy: total population: 74.31 years
male: 70.98 years
female: 77.84 years (2010 est.)
Literacy Rate: total population: 90.4%;
male: 90.1%;
female: 90.7% (2005 census)
Net Migration Rate: -0.26 migrant(s)/1,000 population (2009 est.)
Unemployment Rate: 12% (2009 est.)
Gross Domestic Product per Capita: \$9,200 (2009 est.)
Religions: Roman Catholic 90%, other 10%
Language: Spanish
Ethnic Groups: mestizo 58%, white 20%, mulatto 14%, black 4%, mixed black-Amerindian 3%, Amerindian 1%
Capital: Bogotá¹

Trafficking Routes

Colombia is a source, transit, and destination country for trafficking in persons, mostly women and children. Victims are trafficked from Colombia to Ecuador, Panama, and throughout Latin America, the Caribbean, Western Europe, Asia, the Middle East, and the United States.² The Japanese mafia is known to be involved in the trafficking of women from Colombia for sexual exploitation.³ Victims are trafficked to Colombia from Ecuador and Peru.⁴ Colombian children are trafficked to the tourist city of Cartagena and to the coastal regions of Colombia for the purpose of sexual exploitation.⁵

Factors That Contribute to the Trafficking Infrastructure

¹ CIA, THE WORLD FACTBOOK (2010), <https://www.cia.gov/library/publications/the-world-factbook/geos/co.html>.

² Press Release, International Organization for Migration (IOM), National Shared Database on Human Trafficking, Aug. 24, 2007, available at: <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAM/cache/offonce?entryId=14988>.

³ Helda Martínez, *Trafficking Victims' Ordeal Never Over*, INTER PRESS SERVICE NEWS AGENCY, June 10, 2009, available at: <http://ipsnews.net/news.asp?idnews=47163>.

⁴ *Id.* at 3.

⁵ *Preventing child sexual exploitation in the tourist sector of Cartagena*, CHILDREN OF THE ANDES, (July 29, 2009), available at: <http://www.childrenoftheandes.org/index23df.html?id=74>.

Colombia has the third-highest number of trafficking victims in Latin America, following the Dominican Republic and Brazil.⁶

Human trafficking in Colombia is a very complex situation that involves issues of armed conflict, economic crisis, displaced people, forced recruitment to the armed forces, and drug trafficking.⁷

The armed conflict in Colombia has created the displacement of thousands of citizens who are vulnerable to being victims of human trafficking. The conflict has significantly increased the illegal immigration to Ecuador; once in the country, many Colombian migrants become victims of networks of human trafficking or prostitution rings, most exploiting women and children.

Colombia has the second-highest population of internally displaced persons (IDPs) in the world after Sudan.⁸ These IDPs are more vulnerable to human trafficking and child soldier recruitment because they lack the stabilizing factors such as family or dependable income to shield them from traffickers or militia groups.⁹

Forms of Trafficking

Several organized human trafficking networks for the purposes of sexual exploitation and drug trafficking have been found in Colombia.¹⁰ These networks operate both nationally and internationally. The Japanese mafia, or *yakuza*, has ties to criminal groups in countries of origin for victims trafficked to Japan, including Colombia.¹¹

Colombian women and children are trafficked internally for the purpose of forced begging, forced labor, domestic servitude, and sexual exploitation through prostitution or pornography.¹² Victims are usually coerced through false promises of jobs. Trafficking in Colombia is also related to recruitment into the armed forces, especially of minors.¹³

The trafficking of organs is also a point of concern. Colombia is one of the top five “hot spots” in the world for organ trafficking due to its proximity to medical tourists from the United States seeking cheap operations and Web sites that offer liver and kidney transplants within 90 days.¹⁴

Government Responses

⁶ Martinez *supra* at 3.

⁷ Gloria Helena Rey, *El Mercado de la Infamia*, INTER PRESS SERVICE (2006), available at: <http://ipsnoticias.net/nota.asp?idnews=38423>.

⁸ Arthur Brice, *Guerilla war displaces millions of Colombians*, CNN, May 22, 2009, available at: <http://edition.cnn.com/2009/WORLD/americas/05/22/colombia.displaced/index.html>.

⁹ *Id.* at 8.

¹⁰ *Colombia: desarticulan dos redes de trata de personas*, LA NACION, Oct. 18, 2007, available at: http://www.lanacion.com.ar/nota.asp?nota_id=954276.

¹¹ FANNY POLANIA MOLINA, LIBERTADLATINA.ORG, JAPAN, THE MECCA FOR TRAFFICKING IN COLOMBIAN WOMEN, <http://www.libertadlatina.org/paper30ColombiaJapan.pdf>.

¹² IOM *supra* at 2.

¹³ Martinez *supra* at 3.

¹⁴ World Health Organization, *Five organ trafficking hotspots*, REUTERS, Aug. 6, 2007, available at: <http://www.reuters.com/article/latestCrisis/idUSL01426288>.

The criminal code of Colombia prohibits prostitution-related activities, including procurement (that is, enticing a person to engage in sexual intercourse or prostitution).¹⁵ The code criminalizes trafficking in persons, penalizing “any person, who promotes, entices, coerces, facilitates, cooperates in, or in any manner participates in the entry into or departure from Colombia without the requisite legal formalities.” Punishment is imprisonment from six to eight years and a fine.¹⁶ In particular, the code expressly outlaws trafficking in persons for purposes of prostitution.¹⁷

The code outlaws child pornography. Anyone who photographs, films, sells, buys, or exhibits pornographic materials involving children is subject to punishment by imprisonment from six to eight years and a fine.¹⁸ The code explicitly criminalizes sex tourism. The code provides that any person who directs, organizes, or promotes tourist activities that include the sexual abuse of minors will be punished by imprisonment from three to eight years. The penalty is increased if the offense is committed against a minor younger than 12 years of age.¹⁹

The Colombian constitution prohibits slavery or any form of forced labor.²⁰ Law No. 190 of 1995 provides for the elimination of corruption in the administrative section.²¹

Use of children in intelligence activities by any group, including the armed forces, is forbidden.²² Under Law No. 782, the Colombian Family Welfare Institute must implement a special program benefiting all children who have participated in the country’s ongoing conflict or have been victims of political violence.²³

In 2007, the U.N. Office of Drugs and Crime worked with the government of Colombia to promote awareness and propose new legislation.²⁴

The International Organization for Migration (IOM) turned over to the government its inter-institutional database on human trafficking (RITRA), and its national hotline against trafficking in persons was transferred to Colombia’s Ministry of Interior and Justice.²⁵

¹⁵ Código Penal de Colombia art. 213 (Colombia), *available at*: <http://www.derechos.org/nizkor/colombia/doc/penal.html>.

¹⁶ Código Penal de Colombia art. 188 (Colombia), *available at*: <http://www.derechos.org/nizkor/colombia/doc/penal.html>.

¹⁷ Código Penal de Colombia art. 215 (Colombia), *available at*: <http://www.derechos.org/nizkor/colombia/doc/penal.html>.

¹⁸ Código Penal de Colombia art. 218 (Colombia), *available at*: <http://www.derechos.org/nizkor/colombia/doc/penal.html>.

¹⁹ Código Penal de Colombia art. 219 (Colombia), *available at*: <http://www.derechos.org/nizkor/colombia/doc/penal.html>.

²⁰ Constitution of Colombia art. 17, *available at*: http://confinder.richmond.edu/admin/docs/colombia_const2.pdf.

²¹ Código Penal de Colombia art. 190 (Colombia), *available at*: <http://www.derechos.org/nizkor/colombia/doc/penal.html>.

²² Ministerio de Defensa Nacional Decreto Numero 128 art. 22 (2003) (Colombia), *available at*: <http://www.dafp.gov.co/leyes/D0128003.HTM>.

²³ Senado de la Republica de Colombia, Ley 782 (1997), Diario Oficial Art. 8 and Art. 17 (Colombia), *available at*: <http://www.secretariasenado.gov.co/>.

²⁴ UN Office on Drugs and Crime Annual Report 2007, *UN Office on Drugs and Crime Annual Report 2007 (2006)*, *available at*: http://www.unodc.org/documents/about-unodc/AR06_fullreport.pdf.

²⁵ IOM-Colombia, (April 2009), *available at*: <http://iom.int/jahia/Jahia/pid/448>.

On July 24, 2009, a project to prevent trafficking and other criminal activities related to migration and to abolish the causes of displacement as a result of internal conflict was announced by the Social Platform on Migration (HERMES) and a group of parliamentarians from the House and Senate in Colombia. The project will be funded by a departure tax on Colombians traveling abroad and a percentage of the income of the Revolving Fund of the Ministry of Foreign Affairs.²⁶

Nongovernmental and International Organizations Responses

Children of the Andes is a charitable organization that works with local nongovernmental organizations in Colombia to provide support to child victims of sexual exploitation and trafficking and to promote long-term development through education, health, protection, and peace-building initiatives.²⁷

Fundación Esperanza (Hope Foundation) aims to reduce the numbers of women and children trafficked out of Colombia and assists victims of sexual exploitation. The organization conducts legal research for a publication on the issues of trafficking and sexual exploitation and offers counseling, advice, and information through a toll-free hotline.²⁸

The IOM implements assistance programs for trafficking victims that provides health care, education, and microcredit assistance. The IOM supports victims of human trafficking from Bucaramanga; the displaced women belong to the Asociación Luz y Vida (Light and Life Association), and IOM assists them through its Assistance for Displaced Persons and Vulnerable Population Programme and Social Marketing Strategy by providing them with jobs making sacks for coffee.²⁹

Multilateral Initiatives

Since 2005, the government of Japan has funded an NGO in Colombia to distribute information on trafficking in persons at international airports in the country. The government of Japan has also cooperated with the Catholic Church of Colombia on public awareness campaigns and protection for victims.³⁰

The seventh South American Conference on Migration took place in Asunción, Paraguay, May 4–5, 2006. The 11 participants included vice ministers and high-level representatives from South American Migration Dialogue member countries, and representatives from Argentina,

²⁶ *Proponen Proyecto de Ley de Creación del “Sistema Nacional de Migraciones” en Colombia*, FUNDACIÓN ESPERANZA, July 29, 2009, available at: http://www.fundacionesperanza.org.co/joomla/index.php?option=com_content&task=view&id=182&Itemid=1.

²⁷ Children of the Andes, *What We Do*, July 29, 2009, <http://www.childrenoftheandes.org/index31bd.html?id=whatwedo>.

²⁸ Fundación Esperanza, (2008), http://www.fundacionesperanza.org.co/joomla/index.php?option=com_content&task=view&id=56&Itemid=125.

²⁹ Press Release, Displaced Women Work with Colombia's Famous Juan Valdéz Coffee (IDB) (Feb 24, 2009), available at: <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAM/cache/offonce?entryId=23142>.

³⁰ MOFA, The recent Actions Japan has taken to combat TIP (Trafficking in Persons), February 2010, http://www.mofa.go.jp/POLICY/i_crime/people/action0508.html.

Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela. The members signed the “Declaration of Asunción” that calls for respect of the human rights of migrants and recognition of the development contribution of migrants to countries of destination. It also requests the inclusion of migration and development as a priority theme in the agenda of all regional and bilateral meetings, the support of programs that facilitate voluntary returns, and reduction of the transfer cost of remittances.³¹

In August 2007, the Colombian government and the Organization of American States organized a seminar in Bogota, Colombia. Its purpose was to communicate the principles and international judicial framework for combating human trafficking and the importance of legislating and cooperating regionally.³²

Since 2008, representatives from the country of Trinidad and Tobago have met with Colombian officials to discuss their concerns about trafficking in persons and how to develop mechanisms to combat the issue.³³

³¹ International Organization for Migration (IOM), Main Events Leading up to the UN High-Level Dialogue on International Migration and Development Migration and Development: An IOM Perspective, (2006), <http://www.un.int/iom/Asuncion.html>.

³² Organization of American States, Sección Contra La Trata de Personas, Actividades, (Aug 21, 2007), http://www.oas.org/atip/atipESP_Detail.asp.

³³ T&T in US Human Trafficking Report Trinidad and Tobago, GURADIAN, June 19, 2009. <http://guardian.co.tt/news/general/2009/06/19/tt-us-human-trafficking-report>.