

**Written Information for the examination of Colombia
by the UN Human Rights Committee**

Submitted by Corporación Espacios de Mujer and the Global Alliance against Traffic in Women

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1. Introduction

The Global Alliance Against Traffic in Women (GAATW) is an Alliance of non-governmental organisations from Africa, Asia, Europe, and the Americas. Member organisations provide assistance to migrants, survivors of trafficking, sex workers, informal workers, victims of gender-based violence, and others. The GAATW International Secretariat is based in Bangkok, Thailand and coordinates the activities of the Alliance, initiates research, and advocates on behalf of the Alliance.

Corporación Espacios de Mujer is a member organisation of GAATW, based in Medellín and Antioquia, Colombia. It develops programmes to prevent human trafficking and support survivors of human trafficking (especially women survivors), migrants returned to Colombia and women in sex work. Using a gender and human rights perspective, it works to empower people to recover and claim their rights.

This submission addresses Colombia's efforts to eliminate forced labour and trafficking in persons (arts. 2, 7, 8 and 26). In particular, this submission analyses the implementation of the National Strategy to Combat Trafficking in Persons 2020-2024 in the areas of prevention, assistance and access to justice. This submission concludes by suggesting questions for the Government of Colombia that may assist the Human Rights Committee in its examination.

2. Overview of the National Strategy to Combat Trafficking in Persons 2020-2024

Law 985 of 2005 of the Congress of the Republic imposes an obligation on the government to create a national strategy to combat trafficking in persons. Under Law 985, this strategy must include:

- I. measures for gathering information about the nature and scale of trafficking in persons in Colombia;
- II. prevention strategies through socio-economic measures;
- III. measures to strengthen the investigation and punishment of the crime; and
- IV. measures for the protection of and assistance to victims through inter-institutional coordination.

In response, the National Strategy for the Fight against Trafficking in Persons 2020-2024 was adopted by *Decree 1818 of 2020* and it is the main public policy instrument on trafficking in persons in Colombia.

3. Implementation of the National Strategy to Combat Trafficking in Persons

3.1. General observations

In general, the State continues to limit its actions to combat trafficking in persons to focus only on perpetrators and criminalisation. This is at the expense of strategies for prevention, assistance and protection.

To date, the State's efforts have also lacked sufficient analysis of the social, cultural and historical asymmetries that place women, children and adolescents at the base of the hierarchical structure of Colombian society, and the effect this has on their vulnerability to trafficking in persons. There has also been insufficient analysis of the ways in which certain ethnic or social groups have historically been more vulnerable to trafficking in persons. As a result, most anti-trafficking initiatives have failed to take into account structural causes, including economic inequality, discrimination and violence against women, internal displacement and international migration, armed conflict and corruption.

There is also no annual process by which the State is held accountable to its obligations under the National Strategy. Whilst Law 985/2005 obliges the central government to prepare periodic reports for Congress and the President on its management of the fight against trafficking in persons, these reports are not shared with academia and civil society. This is despite the fact that academia and civil society contribute significantly to the information contained within the reports.

3.2. Prevention

There is no fixed budget allocation for prevention activities and these activities have so far been limited to raising awareness through public communications about what trafficking is and how to identify it.

Although false job offers are the most common mechanism used by traffickers to recruit victims in Colombia, there has been little effort to increase the coverage of social services or to generate decent job opportunities.

The state has also failed to meaningfully facilitate access to employment schemes for victims of trafficking in order to prevent re-trafficking. Servicio Nacional de Aprendizaje (the National

Service for Learning) reports that during 2022, no victims of trafficking were referred by the Centro Operativo Anti-Trata for training and human development programmes.

There has also been very little effort to tackle unequal power relations and the subordination of certain people in society. We believe this can be done through increasing the knowledge of the general population about their rights and the mechanisms they can use to assert their rights.

Despite the importance of involving the education sector in the development of prevention actions, trafficking in persons is not included in the basic, secondary or higher education curricular, and the number of teachers trained in the prevention of trafficking in persons remains low. To our knowledge, no guidelines or directives have been issued to education providers on this topic.

Whilst the National Plan stipulates the training of public officials and civil servants to prevent and identify human trafficking, only a few sectors of the central and territorial governments report work in this regard. There is also no monitoring of those who have already received training to ensure that training efforts are not duplicated or to identify outstanding training needs.

3.3. Assistance

There is no fixed budget allocation for the assistance and protection of victims, instead all responsibility is delegated to the territories. Only a few territorial governments designate a specific budget for action against trafficking in persons, and of those, a large proportion of the budget is exclusively allocated for the payment of fees and running costs of the territorial committees that are mandated to implement the National Strategy.

It is unclear to civil society how the central government is ensuring that each territory is implementing the approaches and principles set out in the National Strategy as there is no monitoring mechanism articulated within the National Strategy to monitor the actions that are the responsibility of the territorial governments.

This is particularly concerning due to the fact that most of the territorial governments report that many victims did not complete the assistance processes being offered to them. In the absence of a formal monitoring mechanism, it is impossible for the central government to assess the effectiveness of assistance processes. The central government has also failed to consult with civil society organisations within the territories on this issue.

Whilst the National Strategy highlights the role of coordination between different state actors at the national, departmental and municipal level, coordination remains weak. There is still no single national registry of victims of trafficking that integrates the different information systems used by different government bodies and in different territories. In the absence of a specialised body in

charge of monitoring the assistance and reintegration of victims, it is also unclear whether there is any process in place for monitoring the implementation of individual reintegration plans for victims of trafficking.

We are concerned that transitional protective environments are also not guaranteed for all victims of human trafficking. In particular, there are no designated temporary shelter services for men or LGBTQI+ persons.

There is also no guidance for consular officials as to how to assist Colombian victims abroad, nor is there any clearly articulated policy about the duty of the Colombian government to assist victims who are abroad.

3.4. Access to Justice

The National Strategy reduces access to justice to the possibility of financial compensation in criminal proceedings, rather than a comprehensive approach to reparations which would include truth and reconciliation processes, acknowledgement of rights violations, and guarantees of non-repetition.

In respect of financial compensation, victims of trafficking can seek reparation in two ways. The first way is through a criminal trial in which a person is convicted for the crime of trafficking in persons and the opening of a reparation incident is requested within the framework of the criminal proceeding. Currently though, the prosecution of traffickers in Colombia is extremely rare. The second option is through administrative reparation under Law 1448 of 2011. However, this is limited to only those who have been victims of human trafficking in connection with the armed conflict.

Since the publication of the First Assessment Report in 2016, the central government has failed to provide consistent information on the prosecution of the crime of trafficking in persons. The information made available about prosecutions is not disaggregated and is limited to indicating only the number of complaints that entered the system, and not their conclusion.

In addition, the police and prosecutors frequently fail to initiate criminal proceedings, following the initiation of the administrative process for victims of trafficking. For instance, in many cases victims will inform the competent authorities of the identity of their perpetrators, but when the competent authority reports this information to the police, no action is taken.

We also remain concerned about the fact that upon rescue, many victims are reluctant to participate in prosecutions due to a belief that they will not receive adequate support, including protection measures that also allow them to earn a living.

4. Suggested questions for the Government of Colombia

In light of the above, we wish to suggest the following questions for the Government of Colombia to assist the Committee in its assessment of the implementation of the National Strategy:

- I. Why is there currently no National Information System on Trafficking in Persons that integrates and unifies the different information systems and allows for cross-referencing data, facilitating interoperability, and creating a single registry of victims of trafficking in persons?
- II. What mechanisms or instruments are used to monitor the actions that are the responsibility of territorial governments, considering that the Strategy does not mention anything specific?
- III. What economic, human and technical resources do the territories have at their disposal to implement the approaches and principles set out in the Strategy?
- IV. Why are the periodic reports required under Law 985/2005 not shared with civil society and academia?
- V. Why is trafficking in persons excluded from the school and university curricula and what efforts are being made to increase the number of teachers who are trained in the prevention of trafficking in persons?
- VI. How many public officials and civil servants at the national and territorial level are trained to prevent and identify human trafficking? What monitoring is being done of those who have already received the training?
- VII. What strategies have been used to engage the media in adequately addressing the fight against human trafficking?
- VIII. What plans and programmes does the State at different levels offer to the population at risk, so that they have viable alternatives for their economic empowerment and can prevent the situation of exploitation?
- IX. With regard to establishments suspected of promoting and enabling the crime of trafficking, how many establishments have received sanctions?
- X. What is the current situation of victims of trafficking of foreign nationality in Colombia? What type of coordination has been established with the countries of origin?
- XI. What kind of services does the State offer to the victims, to provide them with financial stability and to assist them to get out of the situation of exploitation?
- XII. Why is the information on prosecution not disaggregated and limited to indicating only the number of complaints entered into the system but not their conclusion?