

# COLOMBIA 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Colombia is a constitutional, multiparty republic. Presidential and legislative elections were held in 2018. Voters elected Ivan Duque Marquez president in a second round of elections that observers considered free and fair and the most peaceful in decades.

The Colombian National Police force is responsible for internal law enforcement and is under the jurisdiction of the Ministry of Defense. The Migration Directorate, part of the Ministry of Foreign Affairs, is the immigration authority. The Colombian National Police shares law enforcement investigatory duties with the Attorney General's Corps of Technical Investigators. In addition to its responsibility to defend the country against external threats, the army shares limited responsibility for law enforcement and maintenance of order within the country. For example, military units sometimes provided logistical support and security for criminal investigators to collect evidence in high-conflict or remote areas. Civilian authorities generally maintained effective control over security forces. Members of the security forces committed some abuses.

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

The government took steps to investigate, prosecute, and punish officials who committed human rights abuses, although some cases continued to experience long delays.

Illegal armed groups, including dissidents of the Revolutionary Armed Forces of Colombia (FARC), National Liberation Army (ELN), and drug-trafficking gangs, continued to operate. Illegal armed groups, as well as narcotics traffickers, were significant perpetrators of human rights abuses and violent crimes and committed acts of extrajudicial and unlawful killings, extortion, and other abuses, such as kidnapping, torture, human trafficking, bombings, restriction on freedom of

movement, sexual violence, recruitment and use of child soldiers, and threats of violence against journalists, women, and human rights defenders. The government investigated these actions and prosecuted those responsible to the extent possible.

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

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that the government or its agents committed arbitrary or unlawful killings. According to the nongovernmental organization (NGO) Center for Research and Education of the Populace (CINEP), from January 1 through August 19, there were 15 cases of “intentional deaths of civilians committed by state agents.”

For example, in June a group of army soldiers allegedly killed rural community leader Salvador Jaime Duran in the department of Norte de Santander. A local community association responded by detaining six army soldiers whom they identified as responsible for the killing, ultimately turning the soldiers over to the Attorney General’s Office. According to press reports, army officials said they were in the area conducting security and defense operations when they were attacked. The investigation into the killing continued as of the end of August.

On September 8, police officers allegedly killed civilian Javier Humberto Ordonez Bermudez in Bogota. According to press reports, Ordonez was drinking publicly in violation of COVID-19 restrictions and officers told him he would be fined for public intoxication. A video of the incident shows police officers using taser shocks and beating Ordonez to restrain him. Ordonez later died in the hospital, and an autopsy revealed the beating was the cause of death. President Duque, the minister of defense, and other government officials condemned the killing, and authorities arrested the two police officers allegedly responsible. The inspector general banned the two officers from public service for 20 years. The attorney general appointed a special human rights prosecutor to lead the investigation into the killing. Ordonez’ killing sparked widespread demonstrations.

Illegal armed groups, including the ELN, committed numerous unlawful or politically motivated killings, often in areas without a strong government presence (see section 1.g.).

Investigations of past killings proceeded, albeit slowly. From January 1 through August, the Attorney General's Office registered 25 new cases of alleged aggravated homicide by state agents for killings that occurred between 2008 and August 2020. During the same period, authorities formally charged six members of the security forces with aggravated homicide or homicide of a civilian, with all six of those crimes occurring in previous years.

Efforts continued to hold officials accountable in "false positive" extrajudicial killings, in which thousands of civilians were killed and falsely presented as guerrilla combatants in the late 1990s to early 2000s. As of June the Attorney General's Office reported the government had convicted 1,740 members of the security forces in 270 cases related to false positive cases since 2008.

The Attorney General's Office reported there were open investigations of 14 retired and active-duty generals related to false positive killings as of August. The Attorney General's Office also reported there were 2,286 open investigations related to false positive killings or other extrajudicial killings as of July 31.

In addition the Special Jurisdiction for Peace (JEP), the justice component of the Comprehensive System for Truth, Justice, Reparation, and Nonrepetition provided for in the 2016 peace accord with the FARC, continued to take effective steps to hold perpetrators of gross violations of human rights accountable in a manner consistent with international law. This included activities to advance Case 003, focused on extrajudicial killings or "false positives" committed by the First, Second, Fourth, and Seventh Army Divisions. As of August 31, the JEP reported it had received 250 "voluntary versions" in the case from alleged perpetrators recounting their versions of events that occurred during the conflict. Such testimony led investigators to uncover a mass grave of alleged false positive victims in the department of Antioquia. On July 25, retired army general William Henry Torres Escalante admitted his responsibility for false positives before the JEP and apologized to the families of the victims.

In 2019 there were allegations that military orders instructing army commanders to double the results of their missions against guerillas, criminal organizations, and illegal armed groups could heighten the risk of civilian casualties. An independent commission established by President Duque to review the facts regarding these alleged military orders submitted a preliminary report in July 2019 concluding that the orders did not permit, suggest, or result in abuses or criminal conduct, and that the armed forces' operational rules and doctrine were aligned with human rights

and international humanitarian law principles. As of September a final report had not been issued.

Human rights organizations, victims, and government investigators accused some members of government security forces of collaborating with or tolerating the activities of organized-crime gangs, which included some former paramilitary members. According to the Attorney General's Office, between January and September, nine members of government security forces were formally accused of having ties with illegal armed groups.

According to a February 26 report from the Office of the United Nations High Commissioner for Human Rights (OHCHR), there were 108 verified killings of social leaders and human rights defenders in 2019. According to the Attorney General's Office, in the cases of more than 400 killings of human rights defenders from January 2016 to August 2020, the government had obtained 60 convictions. According to the OHCHR, 75 percent of the 2019 social leader killings occurred in rural areas, and 98 percent occurred in areas where the ELN and other criminal groups were present. The motives for the killings varied, and it was often difficult to determine the primary or precise motive in individual cases. For example, on March 19, armed men reportedly kidnapped and killed crop substitution activist Marco Rivadeneira in Puerto Asis, Putumayo. On April 10, authorities arrested Abel Antonio Loaiza Quinonez, alias "Azul," in Puerto Asis. According to officials in the Attorney General's Office, Azul was a senior member of an illegal armed group linked to several killings in the region, possibly including the killing of Rivadeneira.

The Commission of the Timely Action Plan for Prevention and Protection for Human Rights Defenders, Social and Communal Leaders, and Journalists, created in 2018, strengthened efforts to investigate and prevent attacks against social leaders and human rights defenders. The Inspector General's Office and the human rights ombudsman continued to raise awareness on the situation of human rights defenders through the public "Lead Life" campaign, in partnership with civil society, media, and international organizations. Additionally, there is an elite corps of the National Police, a specialized subdirectorate of the National Protection Unit (NPU), a special investigation unit of the Attorney General's Office responsible for dismantling criminal organizations and enterprises, and a unified command post, which shared responsibility for protecting human rights defenders from attacks and investigating and prosecuting these cases.

By law the Attorney General's Office is the primary entity responsible for investigating allegations of human rights abuses committed by security forces, with the exception of conflict-related crimes, which are within the jurisdiction of the JEP (see section 1.c. for additional information regarding investigations and impunity).

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities during the year. According to the National Institute of Forensic and Legal Medicine, from January 1 through June, a total of 2,052 cases of disappearances were registered, including 53 forced disappearances. The government did not provide information on the number of victims of disappearances who were located.

According to the Attorney General's Office, as of October there were no convictions in connection with forced disappearances.

The Special Unit for the Search for Disappeared Persons, launched in 2018, continued to investigate disappearances that occurred during the conflict.

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

Although the law prohibits such practices, there were reports government officials employed them. CINEP reported that through August, security forces were allegedly involved in six cases of torture, including nine victims. Members of the military and police accused of torture generally were tried in civilian rather than military courts.

The Attorney General's Office reported it convicted 18 members of the military or police force of torture between January and July 31, all for crimes occurring in previous years. In addition the Attorney General's Office reported 50 continuing investigations into alleged acts of torture committed by the police or armed forces through July. All but one of the investigations were linked to alleged crimes committed in previous years.

CINEP reported organized-crime gangs and illegal armed groups were responsible for six documented cases of torture through August.

According to NGOs monitoring prison conditions, there were numerous allegations of sexual and physical violence committed by guards and other inmates. In June seven members of the army were charged with raping a 12-year-old indigenous girl in the department of Risaralda. The Attorney General's Office was investigating the incident and prosecuting the accused persons. According to one NGO, police officers allegedly sexually assaulted three women who were protesting police violence in September.

The Attorney General's Office is the primary entity responsible for investigating allegations of human rights abuses committed by security forces, with the exception of conflict-related crimes, which are within the jurisdiction of the JEP. The JEP continued investigations in its seven prioritized macro cases with the objective of identifying patterns and establishing links between perpetrators, with the ultimate goal of identifying those most criminally responsible for the most serious abuses during the conflict.

Some NGOs complained that military investigators, not members of the Attorney General's Office, were sometimes the first responders in cases of deaths resulting from actions of security forces and might make decisions about possible illegal actions. The government made improvements in investigating and trying cases of abuses, but claims of impunity for security force members continued. This was due in some cases to obstruction of justice and opacity in the process by which cases were investigated and prosecuted in the military justice system. Inadequate protection of 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 statutes of limitations to expire--resulting in a defendant's release from jail before trial--were also significant obstacles.

The military justice system functioned under both the old inquisitorial and a newer accusatory justice system, which was not yet fully implemented. Transition to the new system continued slowly, and the military had not yet developed an interinstitutional strategy for recruiting, hiring, or training investigators, crime scene technicians, or forensic specialists, which is required under the accusatory system. As such, the military justice system did not exercise criminal investigative authority; all new criminal investigation duties were conducted by judicial police investigators from the CNP and the Attorney General's Corps of Technical Investigators.

## **Prison and Detention Center Conditions**

With the exception of some new facilities, prisons and detention centers were harsh and life threatening due to overcrowding, inadequate sanitary conditions, poor health care, and lack of other basic services. Poor training of officials remained a problem throughout the prison system.

Physical Conditions: Overcrowding existed in men's and in women's prisons. The National Prison Institute (INPEC), which operated the national prisons and oversaw the jails, estimated there were 106,700 persons incarcerated in 132 prisons at a rate of approximately 29 percent over capacity. The government made efforts to decrease the prison population in the context of COVID-19. In March the government issued a decree suspending new prisoner admissions during the pandemic, and there was an overall slowdown in judicial proceedings during the COVID-19 pandemic. On April 14, the government issued a decree allowing for the compassionate release of prisoners who were 60 years or older, pregnant women, mothers of children younger than age three, persons with disabilities or chronic serious illnesses, those sentenced to five years or less, and offenders with 40 percent of their sentence complete.

The law prohibits holding pretrial detainees with convicted prisoners, although this frequently occurred. Juvenile detainees were held in separate juvenile detention centers. The Superior Judiciary Council stated the maximum time that a person may remain in judicial detention facilities is three days. The same rules apply to jails located inside police stations. These regulations were often violated.

The practice of preventive detention, in combination with inefficiencies in the judicial system, continued to result in overcrowding. The government continued to implement procedures introduced in 2016 that provide for the immediate release of some pretrial detainees, including many accused of serious crimes such as aggravated robbery and sexual assault.

On March 21, 24 prisoners died during a failed escape attempt at La Modelo Prison in Bogota. The attempted escape took place during coordinated riots with 19 other prisons that occurred in apparent response to the health and sanitation conditions exacerbated by the COVID-19 lockdown and suspension of prison visits. A November Human Rights Watch report alleged the deaths were consistent with intentional homicide. The attorney general and inspector general launched investigations into the prison authority's use of force during the attempted escape and overall handling of the COVID-19 pandemic.

Physical abuse by prison guards, prisoner-on-prisoner violence, and authorities' failure to maintain control were problems. INPEC's office of disciplinary control continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. As of July 29, INPEC reported disciplinary investigations against 135 prison guards for such actions as physical abuse and inhuman treatment.

INPEC reported 392 deaths in prisons, jails, pretrial detention, or other detention centers through July 29, including 37 attributed to internal fights.

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. Inmates stated authorities routinely rationed water in many facilities, which officials attributed to city water shortages.

INPEC's physical structures were generally in poor repair. The Inspector General's Office noted 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 contributed to high temperatures in prison cells. Some prisoners slept on floors without mattresses, while others shared cots in overcrowded cells.

Administration: Authorities investigated credible prisoner complaints of mistreatment and inhuman conditions, including complaints of prison guards soliciting bribes from inmates, but some prisoners asserted the investigations were slow.

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. In March the government suspended prison visits to mitigate the spread of COVID-19.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. There

were allegations, however, that authorities detained citizens arbitrarily. CINEP reported 31 cases of arbitrary detention committed by state security forces through August 19.

### **Arrest Procedures and Treatment of Detainees**

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. Public defenders contracted by the Office of the Ombudsman assisted indigent defendants but were overloaded with cases. Detainees received prompt access to legal counsel and family members as provided for by law. Bail was generally available except for serious crimes such as murder, rebellion, or narcotics trafficking. Authorities generally respected these rights.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention; however, this requirement was not always respected. NGOs characterized some arrests as arbitrary detention, including arrests allegedly 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.” For example, NGOs alleged that on May 20, members of the army’s Seventh Division arbitrarily detained and searched crop substitution leader Ariolfo Sanchez Ruiz along with a group of rural farmers in the department of Antioquia. According to media reports, army soldiers killed Sanchez. Army officials stated that soldiers were in the area to eradicate illicit crops and that the killing was under investigation.

Pretrial Detention: The judicial process moved slowly, and the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. Of the 106,700 prison detainees, 29,450 were in pretrial detention. The failure of many jail supervisors to keep mandatory detention records or follow notification procedures made accounting for all detainees difficult. In some cases detainees were released without a trial because they had already served more than one-third of the maximum sentence for 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 and impartiality. Much of the judicial system was overburdened and inefficient, and subornation, corruption, and intimidation of judges, prosecutors, and witnesses hindered judicial functioning.

#### **Trial Procedures**

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. While the government began implementing an accusatory system of justice in 2005, the use of delay tactics by defense lawyers to slow or impede proceedings, prosecutors' heavy caseloads, and other factors, diminished the anticipated increased efficiencies and other benefits of adopting the adversarial model. Under the criminal procedure code, the prosecutor presents an accusation and evidence before an impartial judge at an oral, public trial. Defendants are presumed innocent until proven guilty beyond a reasonable doubt and have the right to confront the trial evidence and witnesses against them, present their own evidence, and communicate with an attorney of their choice or have one provided at public expense. Defendants had adequate time and facilities to prepare their defense. Defendants are not compelled to testify or confess guilt and have the right to appeal their proceedings. Although defendants have the right to an interpreter, the court system lacked interpreters for less commonly encountered languages. Crimes committed before 2005 are processed under the prior written inquisitorial system in which the prosecutor investigates, determines evidence, and makes a finding of guilt or innocence. In those cases, 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. Counsel may represent the accused and call witnesses, but most fact finding takes place during the investigative stage. Military trial judges are required to issue rulings within eight days of a court-martial hearing. Representatives of the civilian Inspector General's Office are required to be present at a court-martial.

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

## **Political Prisoners and Detainees**

The government declared that it did not hold political prisoners; nevertheless, authorities held some members of human rights advocacy groups on charges of conspiracy, rebellion, or terrorism, which the groups described as government harassment against human rights advocates. According to INPEC, the government held 66 persons on charges of rebellion or of aiding and promoting insurgency. The government provided the International Committee of the Red Cross (ICRC) regular access to these prisoners.

## **Civil Judicial Procedures and Remedies**

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

## **Property Restitution**

The 2011 Victims' and Land Restitution Law (Victims' Law) continued to provide a legal basis for assistance and reparations to victims of the conflict, including victims of government abuses, but the government acknowledged that the pace of restitution was slow. From January through August 31, the Inspector General's Office, an independent and autonomous public institution, assisted in 171 cases related to land reclamation, i.e., requests for restitution.

The Land Restitution Unit, a semiautonomous entity in the Ministry of Agriculture, is responsible for returning land to displaced victims of conflict. The unit reported that as of July 31, it had received 571 requests for collective restitution of territories of ethnic communities.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, but there were allegations the government failed to respect these prohibitions. Government authorities generally need a judicial order to intercept mail or email or to monitor telephone conversations, including in prisons. Government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization; the law bars evidence obtained in this manner from being used in court.

NGOs continued to accuse domestic intelligence or security entities of spying on lawyers and human rights defenders.

In May media reported that members of the intelligence community, including its cyber intelligence unit, had inappropriately developed dossiers on 130 politicians, judges, former members of the military, human rights defenders, and journalists. The government subsequently announced the dismissal of 11 army members for inappropriate surveillance of domestic and foreign citizens. The Attorney General's Office reported that as of August 13, there were two criminal investigations underway in connection with the allegations. The Inspector General's Office reported that as of August 31, there were 16 disciplinary investigations of state agents in connection with the allegations.

### **g. Abuses in Internal Conflict**

The government and the FARC, formerly the country's largest guerrilla insurgency group, continued to implement the 2016 peace accord. In 2017 the FARC completed its disarmament, and as of November 3, nearly 14,000 former members had begun reincorporation activities, including the formation of a political party. An estimated 800 to 1,500 FARC dissident members did not participate in the peace process from the outset. As of November FARC dissident numbers had grown to approximately 2,600 due to new recruitment and some former combatants who returned to arms. Some members of the FARC who did participate in the peace process alleged the government had not fully complied with its commitments, including ensuring the security of demobilized former combatants or facilitating their reintegration, while the government alleged the FARC had not met its full commitments to cooperate on counternarcotics efforts. In August 2019 a small group of FARC dissidents called for a return to armed conflict, alleging the government had not lived up to its obligations under the peace agreement. This did not result in a significant response from former FARC combatants who have been participating in the peace process. Following the signing of the 2016 peace accord, three transitional justice mechanisms were established and were operational throughout the year: the Commission for the

Clarification of Truth, Coexistence, and Nonrepetition; the Special Unit for the Search for Disappeared Persons; and the JEP.

The ELN, a leftist guerilla force of approximately 2,500 armed members, continued to commit crimes and acts of terror throughout the country, including bombings, violence against civilian populations, and violent attacks against military and police facilities. Illegal armed groups and drug gangs, such as the Gulf Clan, also continued to operate. The Colombia-Europe-United States Coordination Group and other NGOs, considered some of these illegal armed groups to be composed of former paramilitary groups. The government acknowledged that some former paramilitary members were active in illegal armed groups but noted these groups lacked the national, unified command structure and explicit ideological agenda that defined past paramilitary groups, including the disbanded United Self-Defense Forces of Colombia.

Killings: The military was accused of some killings, some of which military officials stated were “military mistakes” (see section 1.a.). In other cases military officials stated they believed an individual was fighting on behalf of an illegal armed group, while community members stated the victim was not a combatant. On May 18, media reported members of the army’s Second Division killed Emerito Digno Buendia Martinez in Cucuta and injured three other rural farmers. According to a statement from the army, soldiers in the area engaged in illicit crop eradication efforts were fired upon first. Community leaders and NGOs disputed the army’s account and denounced the killing.

Armed groups, notably the ELN, FARC dissidents, and the Gulf Clan, committed unlawful killings, primarily in areas with illicit economic activities and without a strong government presence. Government officials assessed that most of the violence was related to narcotics trafficking enterprises.

Independent observers raised concerns that inadequate security guarantees facilitated the killing of former FARC militants. According to the UN Verification Mission, as of November 3, a total of 232 FARC former combatants had been killed since the signing of the 2016 peace accord. The Attorney General’s Office reported 22 cases with convictions, 15 in the trial stage, 17 under investigation, and 44 with pending arrest warrants. The United Nations also reported the government began to implement additional steps to strengthen security guarantees for former FARC combatants, including deploying additional judicial police officers and attorneys to prioritized departments, promoting initiatives for prevention of

stigmatization against former combatants, and establishing a roadmap for the protection of political candidates, including the FARC political party.

Abductions: Organized-crime gangs, FARC dissidents, the ELN, and common criminals continued to kidnap persons. According to the Ministry of Defense, from January 1 to June 30, there were 13 kidnappings, five attributed to the ELN, and the remaining attributed to other organized armed groups. On August 12 in Pailitas, Cesar, the ELN allegedly kidnapped farmer Andres Jose Herrera Orozco.

Between January and June, the Ministry of Defense reported 15 hostages had been freed, one hostage died in captivity, and seven were released after pressure from the government.

The Special Unit for the Search for Disappeared Persons provided for in the peace accord is mandated to account for those who disappeared in the context of the armed conflict and, when possible, locate and return remains to families. According to the Observatory of Memory and Conflict, more than 80,000 persons were reported missing as a result of the armed conflict, including 1,214 military and police personnel who were kidnapped by the FARC and ELN.

Physical Abuse, Punishment, and Torture: From January through August, CINEP reported FARC dissidents and organized-crime gangs were responsible for nine documented cases of torture.

The ELN, FARC dissidents, and other groups continued to lay land mines. According to the Integral Action against Land Mines of the High Commissioner for Peace, there were 13 persons killed and 74 wounded as the result of improvised explosive devices and land mines between January 1 and September 1.

Child Soldiers: There were reports the ELN, FARC dissident groups, the Gulf Clan, and other illegal armed groups recruited persons younger than age 18. According to the Child and Family Welfare Department, 6,860 children separated from armed illegal groups between November 16, 1999, and July 31, 2020. The government concluded a program to counter recruitment of child soldiers that had reached 500 at-risk villages, an estimated 28,250 minors, and 15,000 families. It announced the next iteration of the child recruitment prevention program in July that expanded the definition of recruitment measures, including the use of children for illicit economies and sexual coercion. Government and NGO officials confirmed rates of child recruitment increased with the appearance of COVID-19 and related confinement measures.

Other Conflict-related Abuse: During the year reports of other human rights abuses occurred in the context of the conflict and narcotics trafficking. Drug traffickers and illegal armed groups continued to displace predominantly poor and rural populations (see section 2.e., Status and Treatment of Internally Displaced Persons).

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected this right. Violence and harassment, as well as the criminalization of libel, inhibited 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 domestic NGO Foundation for Press Freedom (FLIP), through August 14, there were 98 threats against journalists, some involving more than one target, for a total of 126 journalists affected by threats. FLIP reported 304 incidents of violence or harassment, including 80 journalists who were physically assaulted. According to FLIP, one journalist, Jose Abelardo Liz, was killed in connection with his work. Liz, an indigenous radio journalist, worked for a radio station in Corinto, Cauca. FLIP also reported that between January and August, no journalists were illegally detained. The Attorney General's Office reported that from January through August, they obtained seven convictions in cases of homicides of journalists.

As of July 31, the NPU provided protection services to 182 journalists. Some NGOs raised concerns about perceived shortcomings in the NPU, such as delays in granting protection and the appropriateness of measures for addressing specific threats.

Censorship or Content Restrictions: FLIP alleged some journalists practiced self-censorship due to fear of being sued under libel laws or of being physically attacked, mostly by nongovernment actors. FLIP asserted that the high degree of impunity for those who committed aggressions against journalists was also a factor. In May media reported that members of the intelligence community inappropriately followed, monitored, and profiled 52 journalists.

Libel/Slander Laws: By law slander and libel are crimes. The government did not use prosecution to prevent media outlets from criticizing government policies or public officials. Political candidates, businesspersons, and others, however, publicly threatened to sue journalists for expressing their opinions, alleging defamation or libel. FLIP reported that through August 22, there were 88 cases alleging libel or slander affecting 98 journalists.

Nongovernmental Impact: Members of illegal armed groups inhibited freedom of expression by intimidating, threatening, kidnapping, and killing journalists. National and international NGOs reported local media representatives regularly practiced self-censorship because of threats of violence from these groups. For example, media reported that eight journalists in the department of Magdalena received death threats from the ELN in August.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. Due to the general climate of impunity and violence in some areas, self-censorship occurred both online and offline, particularly within rural communities.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

#### **Freedom of Peaceful Assembly**

The law provides for the freedom of peaceful assembly, and the government generally respected this right. Some NGOs alleged that riot police (Esmad) used excessive force to break up demonstrations. The CNP reported that from January through August 5, a total of 28 Esmad members were under investigation in connection with 13 cases of excess use of force. The Inspector General's Office separately reported 94 active disciplinary actions against Esmad during the year.

In June a coalition of social organizations began a 16-day march from Popayan to Bogota to draw attention to the violence in rural territories. Participating organizations alleged harassment by police along the way.

On September 9-10, following the killing of Javier Humberto Ordonez Bermudez, there were violent protests in Bogota in response to the alleged excessive use of force by the police. According to media reports, protesters destroyed 50 neighborhood police outposts and at least 10 persons died during two nights of demonstrations. The Ministry of Defense reported that ELN and FARC dissidents infiltrated the protests and provoked violence.

In September, October, and November, labor federations, student groups, and human rights organizations staged a separate set of largely peaceful demonstrations throughout the country to protest a range of social and economic conditions and policies. According to police estimates, there were 142 centers of protest activity countrywide during the September protests, including caravans, marches, and rallies.

### **Freedom of Association**

The law provides for the freedom of association, and the government generally respected this right. Freedom of association was limited, however, by threats and acts of violence committed by illegal armed groups against NGOs, indigenous groups, and labor unions.

Although the government does not prohibit membership in most political organizations, membership in organizations that engaged in rebellion against the government, espoused violence, or carried out acts of violence, such as FARC dissidents, the ELN, and other illegal armed groups, was against the law.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, although there

were exceptions. Military operations and insecurity in certain rural areas restricted freedom of movement.

In-country Movement: The government required asylum seekers and individuals without regularized migration status to have a *salvoconducto* (safe passage document) to travel throughout the country. Illegal armed groups continued to establish checkpoints on rural roads and took advantage of the COVID-19 pandemic to establish their own curfews and movement restrictions in an effort to expand their territorial control.

International and civil society organizations also reported that illegal armed groups confined rural communities through roadblocks, curfews, car bombs at egress routes, and improvised explosive devices in areas where illicit crop cultivation and narcotics trafficking persisted. According to the UN Office for the Coordination of Humanitarian Affairs, by the end of September, 61,000 persons lived in communities that suffered from confinement, limiting their access to essential goods and services due to armed incidents and geographical factors.

#### **e. Status and Treatment of Internally Displaced Persons**

There were approximately eight million internally displaced persons (IDPs) in the country, largely a result of the armed conflict and continuing violence in rural areas. Threats posed by illegal armed groups drove internal displacement in remote areas as well as urban settings. After the 2016 peace accord, FARC withdrawal resulted in a struggle for control by other illegal armed groups, causing violence and internal displacement. The government, international organizations, and civil society groups identified various factors causing displacement, including threats, extortion, and physical, psychological, and sexual violence by illegal armed groups against civilian populations, particularly women and girls. Other causes of displacement included competition and armed confrontation among and within illegal armed groups for resources and territorial control; confrontations between security forces, guerrillas, and organized-crime gangs; and forced recruitment of children or threats of forced recruitment. Drug trafficking, illegal mining, and large-scale commercial ventures in rural areas also contributed to displacement. Local institutions that lacked the capacity in many areas to protect the rights of, and provide public services to, IDPs and communities at risk of displacement were impacted by the COVID-19 national quarantine. Consequently, the government continued to struggle to provide adequate protection or humanitarian assistance to newly displaced populations.

The UN Office for the Coordination of Humanitarian Affairs reported that approximately 37,760 persons were affected in 84 displacement events in 2019 and that 15,400 persons were affected in 52 displacement events between January and August 21. Departments with the highest rate of mass displacements included Antioquia, Cauca, Choco, Narino, and Norte de Santander.

The Victims' Unit maintained the Single Victims Registry as mandated by law. Despite improvements in the government registration system, IDPs experienced delays in receiving responses to their displacement claims due to a large backlog of claims built up during several months, lack of the unit's presence in rural areas, and other constraints. The closure of many government offices during the months-long national quarantine due to COVID-19 resulted in many IDPs being unable to file their displacement claims. Government policy provides for an appeals process in the case of refusals.

The ELN and other armed groups continued to use force, intimidation, and disinformation to discourage IDPs from registering with the government. 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 extortion, forced recruitment by illegal armed groups, killings, and physical and sexual violence as the primary causes of intraurban displacement. The UN High Commission for Refugees (UNHCR) reported that in some departments displacement disproportionately affected indigenous and Afro-Colombian groups.

As of June the government registered approximately 361,150 IDPs who identified as indigenous, and 1,114,350 who identified as Afro-Colombian. Indigenous persons constituted approximately 4.5 percent and Afro-Colombians approximately 14 percent of new IDPs registered by the government.

The NGO National Association of Displaced Afrodescendants (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 expressed concern that large-scale economic projects, such as agriculture and mining, contributed to displacement in their communities.

By law 52 government agencies are responsible for assisting registered IDPs. In addition dozens of international organizations; international NGOs; domestic nonprofit groups; and multilateral organizations, including the International Organization for Migration, World Food Program, ICRC, UNHCR, and Colombian Red Cross, coordinated with the government to provide emergency relief and long-term assistance to displaced populations.

International organizations and NGOs remained concerned about the slow and insufficient institutional response to displacement. As a result, NGOs took responsibility for providing humanitarian assistance to recently displaced individuals. International organizations and civil society reported that a lack of local capacity to accept registrations in high-displacement areas often delayed assistance to persons displaced individually or in smaller groups. Humanitarian organizations attributed the delays to a variety of factors, including the lack of personnel, funding, declaration forms, and training. Insecurity in communities affected by the conflict and reduced mobility during the COVID-19 national quarantine, including areas in the departments of Antioquia, Cauca, Choco, Narino, and Norte de Santander, often delayed national and international aid organizations from reaching newly displaced populations.

Despite several government initiatives to enhance IDP access to services and awareness of their rights, municipalities in many parts of the country did not have the resources or capacity to respond to new displacements and provide humanitarian assistance to IDPs. Many IDPs continued to live in poverty in unhygienic conditions and with limited access to health care, education, shelter, and employment. During the COVID-19 pandemic, some humanitarian organizations increased health promotion education and the distribution of hygiene supplies.

The government estimated that 400,000 to 500,000 Colombians, many of whom had been displaced by the conflict in Colombia and registered as refugees in Venezuela, prior to the signing of the 2016 peace accord, had returned from Venezuela as of August.

#### **f. Protection of Refugees**

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

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. The government reported it had approved 339 requests for recognition of refugee status in 2019 and was processing a caseload of 17,000 requests it received in 2019 and 2020. Venezuelans represented approximately 95 percent of applications during the year. The government increased the validity period of a salvoconducto from three months to six months and removed the previous bar on employment for permit holders. The newly opened asylum office in Bogota cleared its case backlog dating back to 2017.

There was a steady migration flow from Venezuela until the closure of international borders in March, due to the COVID-19 national quarantine. Despite the closure of international borders, some humanitarian travel continued to be allowed. Since March an estimated 110,000 Venezuelans returned to their country. According to migration officials, as of August the country hosted more than 1.7 million Venezuelans, a net decrease from the beginning of the year. As Colombia's economy began reopening after September 1, Venezuelans began entering Colombia again even though the official land border remained closed. While the government generally provided access to the asylum process for persons who requested international protection, many opted for alternative migration status. The government continued to grant Colombian citizenship to Venezuelan children born in Colombia on or after August 19, 2015, and by August approximately 46,000 children born to Venezuelan parents in Colombia had received citizenship.

Temporary Protection: The government also provided temporary residence permits (PEPs) to Venezuelans who met certain eligibility requirements. Approximately 690,000 Venezuelans who entered with passports legally were granted PEPs in the 2017-2019 period, according to migration officials. PEPs provide access to work, primary and secondary education, and the social insurance system, as well as the ability to open bank accounts. Migration officials announced an open renewal period for PEPs beginning in June; by August 18, nearly 200,000 Venezuelans had renewed their PEPs.

According to UNHCR, there were more than nine million persons of concern (including refugees, asylum seekers, IDPs, returned IDPs, returned refugees, stateless persons, and others of concern) residing in the country in 2018, compared with 7.7 million in 2017.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and 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: Legislative and presidential elections were held in March and May 2018, respectively. Because no presidential candidate won more than 50 percent of the vote in the election, as required for a victory in the first round, in June a second election was held, in which voters elected Ivan Duque Marquez president. Observers considered the elections free and fair and the most peaceful in decades. There were no reports of election-related violence during the June 2018 presidential runoff, in which the candidate of the Democratic Center party, Ivan Duque Marquez, defeated the candidate of Humane Colombia, Gustavo Francisco Petro Urrego. The then minister of defense, Luis Carlos Villegas Echeverri, described it as the most peaceful election in decades. The leading domestic elections NGO, Electoral Observation Mission, deployed 3,524 nonpartisan volunteers to monitor the elections. International observers included an electoral observation mission of the Organization of American States. The first local and regional elections since the signing of the 2016 peace accord took place in October 2019 and were largely peaceful and the most inclusive in the country's history. Observers reported some indications of electoral fraud, including vote buying.

Political Parties and Political Participation: Organized-crime gangs, FARC dissidents, and the ELN threatened and killed government officials (see section 1.g.). As of June 31, the NPU, under the Ministry of Interior, was providing protection to 421 mayors, 20 governors, and 787 other persons, including members of departmental assemblies, council members, judges, municipal human rights officers, and other officials related to national human rights policies. By decree the CNP's protection program and the NPU assume shared responsibility for protecting municipal and district mayors.

As part of the 2016 peace accord, the FARC registered a political party in 2017 under the name People's Alternative Revolutionary Force, maintaining the same acronym. The accord guaranteed the FARC political party 10 seats in Congress--

five each in the Senate and in the House of Representatives--in the 2018 and 2022 elections.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate.

#### **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. Revenues from transnational organized crime, including drug trafficking, exacerbated corruption.

Corruption: Through September the Attorney General's Office registered 30,724 allegations related to corruption and registered 4,070 formal corruption charges. In April the comptroller general, the attorney general, and the inspector general established a unit to monitor funds allocated as part of the COVID-19 response, following allegations of corruption. The Attorney General's Office announced investigations into more than 40 public officials, including the minister of agriculture, governors, and mayors, for corruption related to the administration of contracts for COVID-19 emergency support.

Financial Disclosure: By law public officials must file annual financial disclosure forms with the tax authority. The information is not made public. The law states that persons who intend to hold public office or work as contractors for the government for more than three months shall submit a statement of assets and income as well as information on their private economic activity. The human resources chief in each entity is responsible for verifying the information submitted. Congress maintained a website on which members could voluntarily post their financial information.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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. Government officials were typically cooperative and willing to listen to local human rights groups' concerns.

Several NGOs reported receiving threats in the form of email, mail, telephone calls, false obituaries, and objects related to death, such as coffins and funeral bouquets. The government condemned the threats and called on the Attorney General's Office to investigate them. Some activists claimed the government did not take the threats seriously.

The government announced advances in the investigations into attacks and killings of human rights defenders and assigned priority resources to these cases.

Through July the Attorney General's Office reported 471 active investigations into threats against human rights defenders. There were three convictions in cases of threats against human rights defenders during the year.

As of July the NPU's protection program provided protection to more than 7,000 individuals. Among the NPU's protected persons were 5,144 human rights activists.

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, underfunding of the Ombudsman's Office limited its ability to monitor violations effectively. The ombudsman, as well as members of his regional offices, reported threats from illegal armed groups issued through pamphlets, email, and violent actions.

The National System for Human Rights and International Humanitarian Law--led by a commission of 18 senior government officials, including the vice president--designs, implements, and evaluates the government's policies on human rights and international humanitarian law. The Office of the Presidential Advisor for Human Rights coordinates national human rights policy and actions taken by government entities to promote or protect human rights.

Both the Senate and House of Representatives have human rights committees that served as forums for discussion of human rights problems.

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

### **Women**

Rape and Domestic Violence: Although prohibited by law, rape of men or women, 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. By law femicide is punishable with penalties of 21 to 50 years in prison, longer than the minimum sentence of 13 years for homicide.

Violence against women, as well as impunity for perpetrators, continued to be a problem. Members of illegal armed groups continued to rape and abuse women and children sexually. Family-violence hotlines reported a 160 percent increase in calls during the COVID-19 national quarantine.

The government continued to employ the Elite Sexual Assault Investigative Unit interagency unit in Bogota, which was dedicated to the investigation of sexual assault cases. From January through July, the Attorney General's Office opened 58,000 investigations into domestic violence, with women identified as the victim in 39,000 of those investigations.

The law requires the government to provide victims of domestic violence immediate protection from further physical or psychological abuse.

The Ministry of Defense continued implementing its protocol for managing cases of sexual violence and harassment involving members of the military. The district secretary of women in Bogota and the Ombudsman's Office offered free legal aid for victims of gender violence and organized courses to teach officials how to treat survivors of gender violence respectfully.

The law augments both imprisonment and fines if a crime causes "transitory or permanent physical disfigurement," such as acid attacks, which have a penalty of up to 50 years in prison.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but isolated incidents were reported in several indigenous communities in different parts of the country. Two-thirds of women from the Embera community had undergone FGM/C, according to the UN Population Fund.

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, which carries a penalty of one to three years' imprisonment.

Nonetheless, NGOs reported sexual harassment remained a pervasive and underreported problem in workplaces and in public.

Coercion in Population Control: Coerced abortion is not permitted under the law, and there were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The law, however, allows the involuntary surgical sterilization of children with cognitive and psychosocial disabilities in certain cases.

Through August 31, the Attorney General's Office reported opening five investigations related to cases of forced abortion.

Discrimination: Although women have the same legal rights as men, discrimination against women persisted. The Office of the Advisor for the Equality of Women has primary responsibility for combating discrimination against women, but advocacy groups reported that the office remained seriously underfunded. The government continued its national public policy for gender equity.

## **Children**

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

Child Abuse: Child abuse was a serious problem. The Attorney General's Office reported almost 7,850 criminal prosecutions for sexual crimes against minors through August. The Colombian Family Welfare Institute (ICBF) reported that between January and June 30, there were approximately 4,730 cases of child abuse in addition to 5,250 cases of sexual abuse of a minor. The ICBF provided psychosocial, legal, and medical care to victims.

Child, Early, and Forced Marriage: Marriage is legal at the age of 18. Boys older than 14 and girls older than 12 may marry with the consent of their parents. According to UNICEF, 5 percent of girls were married before age 15 and 23 percent before age 18.

Sexual Exploitation of Children: Sexual exploitation of children remained a problem. The law prohibits sexual exploitation of a minor or facilitating the sexual exploitation of a minor and stipulates a penalty of 14 to 25 years in prison, with

aggravated penalties for perpetrators who are family members of the victim and for cases of sexual tourism, forced marriage, or sexual exploitation by illegal armed groups. The law prohibits pornography using children younger than 18 and stipulates a penalty of 10 to 20 years in prison and a fine for violations. The minimum age for consensual sex is 14. The penalty for sexual activity with a child younger than 14 ranges from nine to 13 years in prison. The government generally enforced the law.

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

Displaced Children: The NGO Consultancy for Human Rights and Displacement estimated in 2016 that 31 percent of persons registered as displaced since 1985 were minors at the time they were displaced (see also section 2.e.).

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The Jewish community, which had an estimated 5,000 members, continued to report instances of anti-Israeli rhetoric connected to events in the Middle East, accompanied by anti-Semitic graffiti near synagogues, as well as demonstrations in front of the Israeli embassy that were sometimes accompanied by anti-Semitic comments on social media. In particular the Colombian Confederation of Jewish Communities expressed concern over the presence of BDS (Boycott, Divestment, Sanctions) Colombia, which promotes the boycott of Israeli products and travel and does not actively counter the conflation of anti-Israeli policies with anti-Semitic rhetoric.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## Persons with Disabilities

The law punishes those who arbitrarily restrict the full exercise of the rights of persons with disabilities or harass persons with disabilities, but enforcement was rare. The law prohibits discrimination against persons with physical and mental disabilities but does not explicitly prohibit discrimination against persons with sensory or intellectual disabilities. No law mandates access to information and telecommunications for persons with disabilities. Law 1996, adopted in 2019, recognizes that persons with disabilities older than 18 have full legal capacity.

The Office of the Presidential Advisor for Human Rights under the high counselor for postconflict, public security, and human rights, along with the Human Rights Directorate at the Ministry of Interior, is responsible for protecting the rights of persons with disabilities. According to Somos Defensores and other NGOs, the law was seldom enforced.

Although children with disabilities attended school at all levels, advocates noted the vast majority of teachers and schools were neither trained nor equipped to educate children with disabilities successfully. Advocacy groups also stated children with disabilities entered the education system later than children without disabilities and dropped out at higher rates. Persons with disabilities were unemployed at a much higher rate than the general population.

In 2013 the State Council ordered all public offices to make facilities accessible to persons with disabilities and asked public officials to include requirements for accessibility when granting licenses for construction and occupancy. The State Council also asked every municipality to enforce rules that would make all public offices accessible to persons with disabilities "in a short amount of time." It was not clear if much progress had been made at the municipal level, but several government ministries reported progress, such as adding ramps, designating parking spaces, and improving bathroom access.

## Members of National/Racial/Ethnic Minority Groups

According to the 2018 national census, approximately 9.3 percent of the country's population described themselves as being of African descent. A 2011 UN report estimated Afro-Colombians made up 15 to 20 percent of the population, while human rights groups and Afro-Colombian organizations estimated the proportion to be 20 to 25 percent.

Afro-Colombians are entitled to all constitutional rights and protections, but they faced significant economic and social discrimination. According to a 2016 UN report, 32 percent of the country's population lived below the poverty line, but in Choco, the department with the highest percentage of Afro-Colombian residents, 79 percent of residents lived below the poverty line. NGOs and the OHCHR reported that Afro-Colombian and indigenous communities continued to be disproportionately affected by illicit economic activities in rural territories that lacked sufficient state presence.

The government continued a policy to promote equal opportunity for black, Afro-Colombian, Palenquera, and Raizal populations. (Palenquera populations inhabit some parts of the Caribbean coast, Raizal populations live in the San Andres Archipelago, and Blacks and Afro-Colombians are Colombians of African descent who self-identify slightly differently based on their unique linguistic and cultural heritages.) The Ministry of Interior provided technical advice and funding for social projects presented by Afro-Colombian communities.

The National Autonomous Congress of Afro-Colombian Community Councils and Ethnic Organizations for Blacks, Afro-Colombians, Raizals, and Palenqueras, consisting of 108 representatives, met with government representatives on problems that affected their communities.

### **Indigenous People**

The law gives special recognition to the fundamental rights of indigenous persons, who make up approximately 4.4 percent of the population, and require the government to consult beforehand with indigenous groups regarding governmental actions that could affect them.

The law accords indigenous groups perpetual rights to their ancestral lands, but indigenous groups, neighboring landowners, and the government often disputed the demarcation of those lands. Traditional indigenous groups operated 842 reservations, accounting for approximately 28 percent of the country's territory.

Illegal armed groups often violently contested indigenous land ownership and recruited indigenous children to join their ranks.

The law provides for special criminal and civil jurisdictions within indigenous territories based on traditional community laws. Legal proceedings in these jurisdictions were subject to manipulation and often rendered punishments more lenient than those imposed by civilian state courts.

Some indigenous groups continued to assert they were not able to participate adequately in decisions affecting their lands. The constitution provides for a “prior consultation” mechanism for indigenous communities, but it does not require the government to obtain the consent of those communities in all cases. In October indigenous communities convened in several cities to hold a protest known as a *minga* to draw attention to violence in rural territories and to press for increased government attention to the 2016 peace accord implementation.

The government stated that for security reasons, it could not provide advance notice of most military operations, especially when in pursuit of enemy combatants, and added that it consulted with indigenous leaders when possible before entering land held by their communities.

Despite special legal protections and government assistance programs, indigenous persons continued to suffer discrimination and often lived on the margins of society. They belonged to the country’s poorest population and had the highest age-specific mortality rates.

Killings of members and leaders of indigenous groups remained a problem. According to the NGO National Indigenous Organization of Colombia, since the signing of the peace accord, 274 indigenous persons had been killed. The OHCHR’s February report noted particular concern for the safety of indigenous communities, particularly in the department of Cauca, where the OHCHR registered the killing of 66 members of the indigenous Nasa people. In July soldiers from the army’s Second Division allegedly killed indigenous leader Joel Aguablanca Villamizar during a military operation targeting the ELN.

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

associated with the government's COVID-19 national quarantine severely limited the Wayuu's access to food.

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

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

Despite government measures to increase the rights and protection of LGBTI persons, there were reports of societal abuse and discrimination as well as sexual assault. NGOs claimed transgender individuals, particularly transgender men, were often sexually assaulted in so-called corrective rape. In the first eight months of the year, the Ombudsman's Office reported 388 cases of violence against LGBTI persons, up from up from 309 cases in the whole of 2019. The primary forms of abuse were physical, sexual, and psychological aggression, in addition to economic discrimination.

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

Transgender individuals cited barriers to public services when health-care providers or police officers refused to accept their government-issued identification. Some transgender individuals stated it was difficult to change their gender designation on national identity documents and that transgender individuals whose identity cards listed them as male were required to show proof they had performed mandatory military service or obtained the necessary waivers from that service. As part of COVID-19 national quarantine, some cities instituted

movement restrictions based on gender. NGOs noted this resulted in discrimination against the transgender community and a loss of access to services.

### **HIV and AIDS Social Stigma**

There were confirmed reports of societal violence or discrimination against persons with HIV/AIDS. On May 29, paramedics in Bogota allegedly refused to provide medical care upon learning the patient was HIV positive. The patient died 90 minutes after the paramedics left. Bogota city officials subsequently opened an investigation. In its most recent demographic and health survey (2015), the government reported the responses of 78 percent of those surveyed indicated discriminatory attitudes towards persons with HIV/AIDS, reflecting low levels of social acceptance throughout the country.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join unions, bargain collectively, and conduct legal strikes, and it prohibits antiunion discrimination. Members of associated workers' cooperatives are not allowed to form unions, since the law recognizes members of a cooperative as owners. The law prohibits members of the armed forces and police from forming or joining unions. The law provides for automatic recognition of unions that obtain 25 signatures from potential members and that comply with a registration process. Public-sector employees have the right to bargain collectively. The government and employers generally respected freedom of association and collective bargaining in practice.

The law permits associated workers' cooperatives (CTAs), collective pacts, and union contracts. Under collective pacts, employers may negotiate accords on pay and labor conditions with workers in workplaces where no union is present or where a union represents less than one-third of employees. Law and regulations prohibit the use of CTAs and collective pacts to undermine the right to organize and bargain collectively, including by extending better conditions to nonunion workers through such pacts. Through a union contract, a company may contract a union, at times formed explicitly for this purpose, for a specific job or work; the union then in essence serves as an employer for its members. Workers who belong to a union that has a union contract with a company do not have a direct employment relationship with either the company or the union. Labor disputes for

workers under a union contract may be decided through an arbitration panel versus labor courts if both parties agree.

The law does not permit members of the armed forces, police, and persons performing “essential public services” to strike. Before conducting a strike, unions must follow prescribed legal procedures, including entering into a conversation period with the employer, presenting a list of demands, and gaining majority approval in the union for a strike. The law limits strikes to periods of contract negotiations or collective bargaining and allows employers to fire trade unionists who participate in strikes or work stoppages ruled illegal by the courts.

The government has the authority to fine labor rights violators. The law stipulates that offenders repeatedly misusing CTAs or other labor relationships shall receive the maximum penalty and may be subject to losing their legal status to operate. Employers who engage in antiunion practices may also be imprisoned for up to five years, although government officials acknowledged a fine was more likely than imprisonment. Prohibited practices include impeding workers’ right to strike, meet, or otherwise associate, and extending better conditions to members of collective pacts than to union members. The penalties under the law, which are commensurate with those prescribed for other violations regarding denials of civil rights such as discrimination, would be sufficient to deter violations but were not levied consistently.

Government enforcement of applicable laws was inconsistent. Despite steps by the Ministry of Labor to strengthen its labor law inspection system, the government did not establish a consistent national strategy to protect the rights to freedom of association and collective bargaining. The government did not have in place a system to ensure timely and regular collection of fines related to these protections. Structural challenges adversely affected prosecutions, which resulted in a continued high rate of impunity for violators of these rights, including in cases of threats and violence against unionists.

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

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

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

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

The Ministry of Labor, in collaboration with the International Labor Organization (ILO), continued to train labor inspectors through a virtual training campus to prepare labor inspectors to identify abusive subcontracting and antiunion conduct, among other violations. It also implemented methods, including contract and

process maps, as strategic planning tools to prioritize interventions. The ministry continued to employ a telephone- and internet-based complaint mechanism to report alleged labor violations. Union members complained that the systems did not allow citizens to register anonymous complaints and noted that complaints registered through the telephone and internet systems did not result in action.

The Ministry of Labor leads a tripartite Interinstitutional Commission for the Promotion and Protection of the Human Rights of Workers, with participation by the government, organized labor groups, and the business community. As of August the commission met virtually two times during the year, once in Bogota and once in Pasto.

Judicial police, the Technical Investigation Body, and prosecutors investigating criminal cases of threats and killings are required to determine during the initial phase of an investigation whether a victim is an active or retired union member or is actively engaged in union formation and organization, but it was unclear whether they did so. It could take several months to transfer cases from regional field offices of the Attorney General's Office to the Attorney General's Human Rights Directorate, and cases are transferred only with the approval of the attorney general in response to direct requests, instead of automatically.

The government continued to include in its protection program labor activists engaged in efforts to form a union, as well as former unionists under threat because of their past activities. As of August the NPU was providing protection to 301 trade union leaders or members. Less than 1 percent of the NPU's budget was dedicated to unionist protection as of August. Between January 1 and July 31, the NPU processed 193 risk assessments of union leaders or members; 150 of those individuals were assessed as facing an "extraordinary threat," and the NPU provided them protection measures. The NPU reported that the average time needed to implement protection measures upon completion of a risk analysis was 60 days in regular cases or five days for emergency cases. NGOs complained that this length of time left threatened unionists in jeopardy.

The protection and relocation of teachers falls under the Ministry of National Education and the departmental education secretaries, but the NPU retains some responsibilities for the risk analysis and protection of family members. According to the Attorney General's Office, through July 31, one unionized teacher was registered as a victim of homicide.

In cases of unionist killings from previous years, the pace of investigations and convictions remained slow, and high rates of impunity continued, although progress was made in the rate of case resolution. The Attorney General's Office reported receiving 217 cases of homicides of unionists between January 2011 and July 2020. Whereas between January 2011 and August 2016, there were 20 sentences for homicides issued, between September 2016 and July 2020, an "elite group" working under a national strategy to prioritize cases of homicides against unionists reached 40 sentences. Labor groups stated more needed to be done to address impunity for perpetrators of violence against trade unionists and the large number of threat cases.

The Attorney General's Office reported the killing of eight trade unionists through July. In 2019 the Attorney General's Office reported 10 trade unionists killed, down from 24 in 2018. The National Union School (ENS), a labor rights NGO and think tank, reported 14 trade unionists were killed through August. The ENS and other labor groups stated that focusing on killings alone masked the true nature and scope of the violence against labor activists. Labor groups noted that in some regions, nonlethal violations continued to increase. Through August the ENS reported 38 death threats, nine nonlethal attacks, one case of forced disappearance, and seven cases of harassment.

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

Unions cited multiple instances in which companies fired employees who formed or sought to form new unions. Some employers continued to use temporary contracts, service agencies, and other forms of subcontracting, including cooperatives, to limit worker rights and protections. Fines assessed by the government did little to dissuade violators because fines were often not collected. The government continued to reach formalization agreements with firms engaged in abusive subcontracting or that had labor conflict during the year. In the first two months of the year, prior to the onset of COVID-19 and the related suspension of administrative actions by the Ministry of Labor, the Vice Ministry of Labor Relations and Inspections reported 62 workers benefited from six formalization agreements that the Ministry of Labor reached with employers in key sectors, including commerce, agriculture, health, and transport. During this time, however, there were no formalization agreements reached in any of the five priority sectors. Labor rights groups expressed concern that previously signed formalization agreements were not sufficiently monitored by the ministry.

Labor confederations and NGOs reported that business owners in several sectors used “simplified stock corporations” (SAS), union contracts, foundations, or temporary-service agencies in attempts to circumvent legal restrictions on cooperatives. While in theory SAS workers may exercise their right to organize and bargain collectively with SAS management, it appeared that in some cases the SAS had little or no control over the conditions of employment. The Ministry of Labor stated that a SAS, like any corporate structure, may be fined for labor violations. Labor confederations and NGOs reported these enforcement actions did not address the scope of abusive subcontracting and illegal labor intermediation in the country.

The port workers’ labor union reported Buenaventura port operators engaged in abusive subcontracting through SAS and that Ministry of Labor inspections and adjudication of cases at the Buenaventura port were ineffective in safeguarding the rights to freedom of association and collective bargaining.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law in all cases, and there were reports that such practices occurred. The law prescribes punishments sufficient to deter violations. The ILO noted the law permits military conscripts to be compelled to undertake work beyond that of a military nature, such as activities designed to protect the environment or natural resources.

There were reports ELN guerrillas and organized-crime gangs used forced labor, including forced child labor, in coca cultivation and illegal mining in areas outside government control as well as forced criminality, such as extortion, in urban areas. The ICBF indicated that between November 16, 1999, and July 31, 2019, the number of children and adolescents who had demobilized from illegal armed groups was 6,860, of whom 11 percent were indigenous and 8 percent Afro-Colombian.

Forced labor in other sectors, including organized panhandling, mining, agriculture (especially near the coffee belt), cattle herding, crop harvesting, forced recruitment by illegal armed actors, and domestic service, remained a serious problem. Afro-Colombians, indigenous persons, Venezuelan migrants, and inhabitants of marginalized urban areas were at the highest risk of forced labor, domestic servitude, forced begging, and forced recruitment. Authorities did not make efforts

to investigate cases or increase inspections of forced labor, and officials did not have a protocol to connect labor inspectors with police or to provide guidance for front-line personnel on indicators of forced labor. This resulted in impunity for forced labor and unidentified victims without protection in critical sectors, such as floriculture, coffee production, and extractive industries.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment at 15 and for hazardous work at 18. Children ages 15 and 16 years may work no more than 30 hours per week, and children age 17 may work no more than 40 hours per week. Children younger than 15 may work in arts, sports, or recreational or cultural activities for a maximum of 14 hours per week. In all these cases, working children and adolescents must have signed documentation filed by their parents and be approved by a labor inspector or other local authority.

The law prohibits child workers from working at night or where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. The law authorizes inspectors to issue fines that would be sufficient to deter violations, but the government did not enforce the law effectively in all cases. A violation deemed to endanger a child's life or threaten moral values may be punished by temporary or permanent closure of the establishment. Nationwide, labor inspectors are responsible for enforcing child labor laws and supervising the formal sector through periodic inspections. An estimated 80 percent of all child labor, however, occurred in the informal sector of the economy. The number of labor inspectors was insufficient to enforce the law effectively.

Government agencies carried out several activities to eradicate and prevent exploitative child labor. Prior to the COVID-19-related suspension of labor inspections in March, the Ministry of Labor conducted 215 worksite inspections to ensure that adolescent workers were employed with proper authorization and received proper protections. Through these inspections, 17 authorizations were revoked for noncompliance. With ILO assistance the government continued to improve cooperation among national, regional, and municipal governments on child labor problems. It also continued to employ a monitoring system to register working children, although the system was not always regularly updated. The government also sought to reduce demand for child labor through public awareness

and training efforts, often working with international and civil society organizations.

The government, through the Ministry of Labor, followed the *National Policy to Prevent and Eliminate Child Labor and Protect the Young Worker*. It also continued its roundtable discussion group, which included government representatives, members of the three largest labor confederations, and civil society. The group concentrated its efforts on formalizing an integrated registration system for information on child labor that would permit public and private entities to register information about child workers.

The government, including through a cooperative agreement between the Ministry of Mines and Energy and the ICBF, continued to combat illegal mining and formalize artisanal mining production, with goals including the elimination of child labor and forced labor. Regional ICBF offices led efforts to combat child labor in mining at the local level, working with the Ministry of Labor and other government agencies to coordinate responses. The Department for Social Prosperity continued to implement the More Families in Action Program to combat poverty through conditional cash transfers, which included a specific focus on addressing child labor. In interagency child labor meetings, the Ministry of Labor reported that whichever government presence was available in the area--whether police, the ICBF, teachers, or the Administrative Department for Social Prosperity--attended to children found working in illegal mining operations. While all agencies had directives on how to handle and report child labor cases, it was unclear whether all cases were referred to the ICBF.

The ICBF continued to implement several initiatives aimed at preventing child labor, including producing an extensive section of its website designed specifically for young audiences to educate children on child labor, their rights, and how to report child labor. The Ministry of Labor continued its work with the Network against Child Labor in which the ministry operated alongside member businesses that pledged to work within the network to prevent and eradicate child labor.

Child labor remained a problem in the informal and illicit sectors. The National Administrative Department of Statistics (DANE) collected and published information on the economic activities of children between the ages of five and 17 through a module in its Comprehensive Household Economic Survey during the fourth quarter of each calendar year. According to DANE's most recent survey, conducted in 2019, 5.4 percent of children were working, with 42 percent of those engaged in agriculture, livestock raising, fishing, and hunting, and 30 percent in

commerce, hotels, and restaurant work. To a lesser extent, children were engaged in the manufacturing and transport sectors. Children also routinely performed domestic work, where they cared for children, prepared meals, tended gardens, and carried out shopping duties. DANE reported that 46 percent of children who were engaged in an employment relationship did not receive remuneration.

Significant rates of child labor occurred in the production of clay bricks, coal, coffee, emeralds, gold, grapes, coca, pome and stone fruits, pornography, and sugarcane. Forced child labor was prevalent in the production of coca. Children were also engaged in street vending, domestic work, begging, and garbage scavenging. There were reports that children engaged in child labor in agriculture, including coffee production and small family production centers in the unrefined brown sugar market. Commercial sexual exploitation of children occurred (see section 6, Children). Penalties for crimes related to the worst forms of child labor were commensurate with penalties in law for other analogous serious crimes, such as kidnapping.

Prohibitions against children working in mining and construction were reportedly largely ignored. Some educational institutions modify schedules during harvest seasons so that children may help on the family farm. Children worked in the artisanal mining of coal, clay, emeralds, and gold under dangerous conditions and in many instances with the approval or insistence of their parents. The government's efforts to assist children working in illegal mining focused on the departments of Amazonas, Antioquia, Bolivar, Boyaca, Caldas, Cauca, Cesar, Choco, Cordoba, Cundinamarca, La Guajira, Narino, Norte de Santander, and Valle del Cauca.

There continued to be instances of child trafficking with the purpose of forced labor in informal mines and quarries, and in private homes. According to government officials and international organizations, illegal drug traders and other illicit actors recruited children, sometimes forcibly, to work in their illegal activities. The ELN and organized crime gangs forced children into sexual servitude or criminality to serve as combatants or to harvest coca (see section 1.g.). Children working in the informal sector, including as street vendors, were also vulnerable to forced labor. The ICBF identified children and adolescents who qualified for and received social services.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation based on race, ethnicity, sex, religion, political preference, national origin or citizenship, gender, disability, language, sexual orientation or gender identity, HIV-positive status or infection with other communicable diseases, or social status. Complaints of quid pro quo sexual harassment are filed not with the Ministry of Labor but with the criminal courts. There are legal restrictions against women being employed in the construction sector. The government did not effectively enforce the law in all cases. Penalties were not commensurate with laws related to civil rights, such as election interference.

Unemployment disproportionately affected women, who faced hiring discrimination and received salaries that generally were not commensurate with their education and experience. Media reported that on average women earned 12 percent less than men for the same work. In a previous year, a senior government official estimated that 85 percent of persons with disabilities were unemployed. Afro-Colombian labor unions reported discrimination in the port sector.

#### **e. Acceptable Conditions of Work**

The legal minimum monthly wage is approximately twice the amount of the poverty line; however, almost one-half of the total workforce earned less than the minimum wage.

The law provides for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. Exceptions to this may be granted by the Ministry of Labor and were frequently granted in the mining sector. The law stipulates that workers receive premium compensation for nighttime work, hours worked in excess of 48 per week, and work performed on Sundays. The law permits compulsory overtime only in exceptional cases where the work is considered essential for the company's functioning.

The law provides for workers' occupational safety and health (OSH) in the formal sector. The legal standards were generally up to date and appropriate for the main formal industries. The government did not effectively enforce OSH laws in all cases. The law does not cover informal-sector workers, including many mining and agricultural workers. In general the law protects workers' rights to remove themselves from situations that endanger health or safety without jeopardy to their employment, although some violations of this right were reported during the year.

In cases of formal grievances, authorities generally protected employees in this situation.

The Ministry of Labor is required to enforce labor laws in the formal sector, including OSH regulations, through periodic inspections by labor inspectors. Inspectors have the authority to perform unannounced inspections and may also initiate sanction procedures, including after opening investigations. The number of inspectors during the year was approximately the same as in 2019 and was insufficient to enforce the law effectively. The Ministry of Labor reported that as of January, 211 inspectors were in provisional status. Individual labor violations can result in penalties insufficient to deter violations. Unionists stated that more fines needed to be collected to impact occupational safety and health problems.

While the government's labor inspectors undertook administrative actions to enforce the minimum wage in the formal sector, the government did not effectively enforce the law in the informal sector.

The government continued to promote formal employment generation. Eligibility to enroll and pay into the traditional social security system, which includes health and pension plans, is conditioned on earning the legal minimum monthly wage. In August the Ministry of Labor issued a decree implementing a National Development Plan, allowing those that earn less than the legal minimum monthly wage, often because of part-time, informal, or own-account work, to contribute to a new, parallel "social protection floor" system that includes a subsidized health plan and retirement savings plan. While employer abuse of this new system is prohibited, labor unions complained it opens the door for employers to move full-time workers into part-time positions to take advantage of the new system and announced they would legally challenge the measure.

DANE reported that in February, prior to the onset of COVID-19, 50.4 percent of workers employed in 13 principal cities and metropolitan areas were paying into the pension system. The proportion of informal workers in 23 cities and metropolitan areas surveyed was 47.9 percent, according to DANE. In February, DANE reported the national unemployment rate was 12.2 percent. The government continued to support complementary social security programs to increase the employability of extremely poor individuals, displaced persons, and the elderly. The economic impacts related to COVID-19 were significant. DANE reported that the national unemployment rate reached 19.8 percent in June, down from 21.4 percent in May, with the rate reaching 24.9 percent in the country's 13 principal cities and metropolitan areas.

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

Nonunion workers, particularly those in the agricultural and port sectors, reportedly worked under hazardous conditions because they feared losing their jobs through subcontracting mechanisms or informal arrangements if they reported abuses. Some unionized workers who alleged they suffered on-the-job injuries complained that companies illegally fired them in retaliation for filing workers compensation claims. Only the courts may order reinstatement, and workers complained the courts were backlogged, slow, and corrupt. The Ministry of Labor may sanction a company found to have broken the law in this way, but it may offer no other guarantees to workers.

Security forces reported that illegal armed actors, including FARC dissidents, the ELN, and organized-crime groups, engaged in illegal mining of gold, coal, coltan, nickel, copper, and other minerals. Illegal mines were particularly common in the departments of Antioquia, Boyaca, Choco, Cundinamarca, and Valle del Cauca.

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