

COLOMBIA 2021 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. There were credible reports that members of the security forces committed some abuses.

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

The government generally took steps to investigate, prosecute, and punish officials who committed human rights abuses, although some cases continued to experience long delays. The government generally implemented effectively laws criminalizing official corruption. The government was implementing police

reforms focused on enhancing community-police relations, accountability, and human rights.

Armed groups, including dissidents of the Revolutionary Armed Forces of Colombia, National Liberation Army, and drug-trafficking gangs, continued to operate. 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

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 26, there were 28 cases of “intentional deaths of civilians committed by state agents.”

According to government and NGO reports, police officers killed multiple civilians during nationwide protests that began on April 28. The NGO Human Rights Watch collected information linking 25 civilian deaths during the protests to police, including 18 deaths committed with live ammunition. For example, according to Human Rights Watch and press reports, protester Nicolas Guerrero died from a gunshot wound to the head on May 3 in Cali. Witness accounts indicated a police shooter may have been responsible for Guerrero’s death. As of July 15, the Attorney General’s Office opened investigations into 28 members of the police for alleged homicides committed during the protests, and two police officers were formally charged with homicide. Police authorities and the Attorney General’s Office opened investigations into all allegations of police violence and excessive use of force.

Armed groups, including the National Liberation Army (ELN), committed numerous unlawful killings, in some cases politically motivated, usually in areas without a strong government presence (see section 1.g.).

Investigations of past killings proceeded, albeit slowly due to COVID-19 pandemic and the national quarantine. From January 1 through July 31, the Attorney General's Office registered six new cases of alleged aggravated homicide by state agents. During the same period, authorities formally charged four members of the security forces with aggravated homicide or homicide of a civilian.

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 1,437 members of the security forces in cases related to false positive cases since 2008. Many of those convicted in the ordinary and military justice systems were granted conditional release from prisons and military detention centers upon transfer of their cases to the Special Jurisdiction for Peace (JEP). The military justice system developed a protocol to monitor the whereabouts of prisoners granted conditional release and was responsible for reporting any anomalies to the JEP's Definition of Juridical Situation Chamber to take appropriate action.

The Attorney General's Office reported there were open investigations of five retired and active-duty generals related to false positive killings as of July 31. The Attorney General's Office also reported there were 2,535 open investigations related to false positive killings or other extrajudicial killings as of July 31.

In addition the JEP, the justice component of the Comprehensive System for Truth, Justice, Reparation, and Nonrepetition provided for in the 2016 peace accord with the Revolutionary Armed Forces of Colombia (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" largely committed by the First, Second, Fourth, and Seventh Army Divisions. In a February 18 ruling, the JEP concluded that, from 2002 to 2008, the army killed at least 6,402 civilians and falsely presented them as enemy combatants in a "systematic crime" to claim

rewards in exchange for increased numbers of for combat “enemy” casualties. Several former soldiers and army officers, including colonels and lieutenant colonels convicted in the ordinary justice system, admitted at the JEP to additional killings that had not previously been investigated nor identified as false positives.

On July 6, the JEP issued charges of crimes against humanity and war crimes against a retired brigadier general, nine other army officers, and one civilian in a case concerning the alleged extrajudicial killing and disappearance of at least 120 civilians in Norte de Santander in 2007 and 2008. The killings were allegedly perpetrated by members of Brigade 30, Mobile Brigade 15, and Infantry Battalion 15 “General Francisco de Paula Santander.” On July 15, the JEP issued a second set of war crimes and crimes against humanity indictments against 15 members of the Artillery Battalion 2 “La Popa” for killings and disappearances that took place in the Caribbean Coast region between 2002 and 2005.

In 2019 there were allegations that military orders instructing army commanders to double the results of their missions against guerillas, criminal organizations, and 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 July 31, 15 police officials were formally accused of having ties with armed groups.

According to a February 22 report from the Office of the UN High Commissioner for Human Rights (OHCHR), 133 human rights defenders were killed in 2020, but the OHCHR was only able to document 53 of those cases, due to COVID-19 pandemic-related movement restrictions. According to the Attorney General’s Office, in the cases of more than 400 killings of human rights defenders from

January 2016 to August 2021, the government had obtained 76 convictions. According to the OHCHR, 77 percent of the 2020 human rights defender killings occurred in rural areas, and 96 percent occurred in areas where illicit economies flourished. The motives for the killings varied, and it was often difficult to determine the primary or precise motive in individual cases. For example, on August 21, two armed men entered the motorcycle shop of Eliecer Sanchez Caceres in Cucuta and shot him multiple times, killing him. Sanchez was the vice president of a community action board and had previously complained to authorities about receiving threats from armed groups. Police officials immediately opened an investigation into the killing, which was underway as of October 31.

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 regarding human rights defenders through the Lead Life campaign, in partnership with civil society, media, and international organizations. Additionally, there was an elite Colombian National Police (CNP) corps, 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, except for conflict-related crimes, which are within the jurisdiction of the JEP (see section 1.c. for additional information regarding investigations and impunity).

b. Disappearance

According to the Attorney General's Office, there were six formal complaints of forced disappearance from January 1 through July. As of December 2020, the National Institute of Forensic and Legal Medicine registered 32,027 cases of forced disappearance since the beginning of the country's armed conflict. Of

those, 923 persons were found alive and 1,975 confirmed dead. According to the Attorney General's Office, as of July 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 19 cases of torture, including 40 victims. Members of the military and police accused of torture generally were tried in civilian rather than military courts. NGOs including Human Rights Watch reported that police beat and sexually assaulted demonstrators during the nationwide April-June protests. Human Rights Watch documented 17 cases of beatings, including one that resulted in death. The human rights Ombudsman's Office and multiple NGOs reported at least 14 cases of alleged sexual assault by police officers during the protests. Police launched internal investigations of all allegations of excessive use of force.

The Attorney General's Office reported it convicted six members of the military or police force of torture between January and July 31. In addition the Attorney General's Office reported 50 continuing investigations into alleged acts of torture committed by police or the armed forces through July.

CINEP reported organized-crime gangs and armed groups were responsible for four documented cases of torture including seven victims through August. CINEP reported another 19 cases of torture in which it was unable to identify the alleged perpetrators. According to government and NGO reports, protesters kidnapped 12 police officials during the nationwide protests, torturing some.

According to NGOs monitoring prison conditions, there were numerous allegations of sexual and physical violence committed by guards and other inmates.

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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 goal of identifying those most 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.

President Duque signed three decrees in March to modernize the military justice system. The decrees transfer the court system from the Ministry of Defense to a separate jurisdiction with independent investigators, prosecutors, and magistrates. This was a step toward transitioning the military justice system from the old inquisitorial to a newer accusatory justice system. Transition to the new system continued slowly, and the military had not 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.

In June, President Duque announced police reform plans focused on enhancing community-police relations, accountability, and human rights. Since the announcement, the CNP established a human rights directorate that responds directly to the director general of police and hired a civilian to oversee it. In partnership with a local university, the CNP also developed a human rights certification course for the entire police force and began training 100 trainers to

replicate this 200-hour academic and practical course throughout the country. The CNP also enhanced police uniforms with clear and visible identifiable information to help citizens identify police officers who utilize excessive force or violate human rights protocols.

Prison and Detention Center Conditions

Apart from 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 99,196 persons incarcerated in 132 prisons at a rate of approximately 17 percent over capacity. The government made efforts to decrease the prison population in the context of COVID-19.

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 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.

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 31, INPEC reported 14 disciplinary investigations against prison guards for such actions as physical abuse and personal injuries. The Inspector General's Office reported 46 disciplinary investigations of INPEC officials from January through August 5.

INPEC reported 159 deaths in prisons, jails, pretrial detention, or other detention centers through July 31, including four 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.

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 85 cases of arbitrary detention involving 394 victims committed by state security forces through August 1. Other NGOs provided higher estimates of arbitrary detention, reporting more than 2,000 cases of arbitrary arrests, illegal detentions, or illegal deprivations of liberty committed in the context of the national protests.

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.” Multiple NGOs alleged that police abused a temporary protection mechanism during the national protests to detain protesters arbitrarily. For example, NGOs and press reported that police in Cali arbitrarily detained protester Sebastian Mejia Belalcazar on May 28 for more than 24 hours. Mejia alleged police beat and threatened him before releasing him. According to NGOs, there was no official record of the arrest.

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 99,196 prison detainees, 26,651 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 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 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 107 persons on charges of rebellion or of aiding and promoting insurgency and had convicted 34. The government provided the International Committee of the Red Cross 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 Seizure and Restitution

The 2011 Victims' and Land Restitution 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 July, the Inspector General's Office, an independent and autonomous public institution, assisted in 1,425 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 15, it had received 1,845 requests, 68 of them for collective restitution of territories of ethnic communities. From January through July 15, courts issued 212 rulings ordering restitution of 229 land titles.

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.

The Attorney General's Office reported that as of July 31, there were no active criminal investigations underway in connection with illegal communications monitoring. The Inspector General's Office reported that as of August 5, there were 40 disciplinary investigations against 38 state agents in connection with illegal surveillance and illegal monitoring of communications.

g. Conflict-related Abuses

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 July nearly 13,000 former members were engaged in 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 October, NGOs estimated FARC dissident numbers had grown to approximately 5,200 due to new recruitment and some former combatants who returned to arms. A significant percentage of FARC dissidents were unarmed members of support networks that facilitated illicit economies. Some members of the FARC who participated 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 and other peace accord commitments. 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 that NGOs estimated at 2,400 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. Armed groups and drug gangs, such as the Gulf Clan, also continued to operate. For example, on June 15, a vehicle-borne improvised explosive device detonated at a military base housing the army's 30th brigade in Cucuta, Norte de Santander. At least 44 persons were injured in the explosion, including military officials. President Duque's helicopter was hit with gunfire in the same region on June 25. The Attorney General's Office announced the arrest of 10 alleged members of a FARC dissident group in connection with both attacks. On August 30, an improvised explosive device detonated at a police station in Cucuta, injuring at least 13 persons. The ELN took credit for the attack. The Colombia-Europe-United States Coordination Group and other NGOs considered some of these armed groups to be composed of former paramilitary groups. The government acknowledged that some former paramilitary members were active in armed groups but noted these illegal 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 armed group, while community members stated the victim was not a combatant. On March 2, the army bombed a FARC dissident site in Guaviare and reported killing 13 FARC dissidents. According to press reports, some of those killed may have been children. Officials acknowledged minors were present at the site, describing them as young combatants recruited by the FARC dissident group, and claimed the

attack on the site fell within the bounds of international law.

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. The government reported that between January and July 28, there were 109 killings of state security force members, including 53 police officers, allegedly committed by armed groups. 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 September 24, a total of 291 FARC former combatants had been killed since the signing of the 2016 peace accord. The Attorney General's Office reported 34 homicide cases with convictions, 37 in the trial stage, 17 under investigation, and 42 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 81 kidnappings, six attributed to the ELN and the remainder attributed to other organized armed groups. On April 18 in Arauca, FARC dissidents kidnapped army lieutenant colonel Pedro Enrique Perez. According to press reports, the FARC dissidents were holding the military officer in Venezuela and released a proof-of-life video in September.

Between January and June, the Ministry of Defense reported five civilians and one member of the military remained in captivity. The Attorney General's Office reported two convictions as of July 31 for the crime of kidnapping.

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 because 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 ELN and organized-crime gangs were responsible for four documented cases of serious abuse that included seven victims.

The ELN, FARC dissidents, and other groups continued to lay land mines. According to the High Commissioner for Peace, 10 persons were killed and 104 wounded as the result of improvised explosive devices and land mines between January 1 and September 12.

Child Soldiers: There were reports the ELN, FARC dissident groups, the Gulf Clan, and other armed groups recruited persons younger than age 18. According to the Child and Family Welfare Department, 7,023 children separated from armed groups between November 16, 1999, and June 30. Government and NGO officials confirmed rates of child recruitment increased with the appearance of COVID-19 and related confinement measures. The government continued efforts to combat child recruitment via the Intersectoral Committee for the Prevention of Recruitment and Utilization of Children and the “Join Me” program, which focused on high-risk areas.

Other Conflict-related Abuse: Reports of other human rights abuses occurred in the context of the conflict and narcotics trafficking. Drug traffickers and armed groups continued to displace predominantly poor and rural populations (see section 2.e., Status and Treatment of Internally Displaced Persons). Armed groups, particularly in the departments of Cauca, Choco, Cordoba, Narino, and Norte de Santander, forcibly recruited children, including Venezuelan, indigenous, and Afro-Colombian youth, to serve as combatants and informants, harvest illicit crops, and be exploited in sex trafficking.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and

Other Media

The law provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. NGOs and journalists alleged increased harassment and threats from state officials, including police officers, during coverage of the nationwide protests. 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 September 6, there were 99 threats against journalists, some involving more than one target, for a total of 117 journalists affected by threats. FLIP reported 129 incidents of violence or harassment, affecting 158 journalists. According to multiple NGOs, including Amnesty International, journalists Jose Alberto Tejada and Jhonatan Buitrago began receiving death threats, and Tejada was the subject of a plot to kill him. NGOs alleged the threats against both journalists, which began with the onset of national protests in April, were connected to their coverage of the demonstrations. FLIP also reported that between January and August, 17 journalists were illegally detained. The Attorney General's Office reported that from January through July, it had obtained no convictions in cases of homicides of journalists but had 21 open investigations involving alleged threats against journalists.

As of June 30, the NPU provided protection services to 187 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 the high degree of impunity for those who committed aggressions against journalists was also a factor.

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 September 6, there were five cases of judicial harassment affecting journalists.

Nongovernmental Impact: Members of 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.

Internet Freedom

The government reported it did not restrict or disrupt access to the internet or censor online content, including during the national protests. Civil society organizations reported interruption of internet and cell service during protests, which government officials attributed to acts of vandalism during the protests. 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, but the government did not always respect these rights. During mostly peaceful nationwide protests that began on April 28, protesters and NGOs alleged that members of the police force used excessive force to curb demonstrations, including killing protesters. Some of the protests were violent, including attacks on police officers, police stations, looting, and burning of government buildings and public transportation. Protesters also erected thousands of roadblocks, impeding the delivery of food, supplies, and emergency services.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. NGOs alleged that police, including riot police, used excessive force to break up demonstrations during nationwide protests. The protests began on April 28, initially in response to a since-canceled tax reform, but also as a continuation of a protest movement that began in November 2019, which then stalled with the onset of the COVID-19 pandemic and a six-month national quarantine. Protests occurred in more than 860 of the country's 1,103 municipalities and were mostly peaceful, with most violence occurring in the southwestern city of Cali. Human Rights Watch collected information, with support from the Attorney General's Office, linking 25 civilian deaths during the protests to police, including 18 deaths committed with live ammunition. The NGO Instituto de Estudios para el Desarrollo y la Paz (INDEPAZ) reported as many as 80 deaths occurring in the context of the protests. The Attorney General's Office reported 57 deaths during the protests, with 29 of those deaths related to the demonstrations. The Ministry of Defense reported three police officers killed during the protests. The Ministry of Defense also reported 1,140 civilians and 1,738 police officers injured, although NGOs reported civilians often did not report their injuries for fear of retaliation. While most protests were peaceful, demonstrators committed acts of violence, including looting hundreds of commercial buildings, burning police stations, and attacking and largely disrupting the public transportation system in Cali. On May 28, President Duque deployed the military to the regions most affected by violence. The military largely worked to dismantle more than 3,000 roadblocks erected by protesters.

The Attorney General's Office reported that from April 28 through July 15, there were 312 investigations of police for illegal use of force during the protests. As of July 15, 28 members of the police were under active investigation for alleged homicide in the context of the protests. The Inspector General's Office reported 312 disciplinary investigations of police for misconduct during the protests.

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 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 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 and the Right to Leave the Country

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. Armed groups continued to establish checkpoints on rural roads to establish their own curfews and movement restrictions to expand their territorial control.

International and civil society organizations also reported that 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 (OCHA), by September, 40,000 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 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 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 armed groups against civilian populations, particularly women and girls. Other causes of displacement included competition and armed confrontation among and within 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 often lacked the capacity in many areas to protect the rights of, and provide public services to, IDPs and communities at risk of displacement. Consequently, the government continued to struggle to provide adequate protection or humanitarian assistance to newly displaced populations.

OCHA reported that 25,366 persons were affected in 94 displacement events in 2020 and that 48,597 persons were affected in 98 displacement events between January and July. 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. 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 regarding 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 armed groups, killings, and physical and sexual violence as the primary causes of intraurban displacement.

The Office of the UN High Commission for Refugees (UNHCR) reported that displacement disproportionately affected indigenous and Afro-Colombian groups.

As of June the government registered 483,260 IDPs who identified as indigenous, and 1,127,913 who identified as Afro-Colombian. Indigenous persons constituted approximately 6 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, International Committee of the Red Cross, 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 regarding 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, 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, or asylum seekers, as well as 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. Of the approximately 37,000 applications received, the government reported it had approved 753 requests for recognition of refugee status from January 2017 through June. Venezuelans represented approximately 95 percent of applications during the year.

According to migration officials, as of August the country hosted more than 1.7 million Venezuelans. 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: On February 8, the government announced the granting of a 10-year Temporary Protective Status (TPS) providing an immediate pathway to legal residence for nearly one million Venezuelans and extending legal protections to all 1.7 million Venezuelans in Colombia. TPS allows authorities to

identify irregular Venezuelans in a biometric registry; grant Venezuelans formal access to work, health, and education; and facilitate participation in the national COVID-19 vaccination plan. As of October the government had preregistered nearly 1.4 million Venezuelans in TPS.

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.

According to Colombia Migration, the national border control agency, in 2020 there were nearly 4,000 cases of irregular migrants, mostly Haitians, transiting Colombia en route to Central and North American countries. By August approximately 71,000 migrants had crossed from Colombia to Panama, and a large group of migrants on the northern Colombian coast numbered more than 20,000 persons. The flow consisted of Brazilians of Haitian descent, Chileans, Cubans, Haitians, and Venezuelans, in addition to a small number of migrants from other countries.

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 more than 3,500 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 30, the NPU, under the Ministry of Interior, was providing protection to 255 mayors, 16 governors, and 435 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, now known as the Commons 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. There were numerous reports of government corruption during the year, particularly at the local level. Revenues from transnational organized crime, including drug trafficking, exacerbated corruption.

Corruption: Through July 31, the Attorney General's Office registered 8,414 allegations related to corruption and 51 active investigations. In August press reports alleged government contractors embezzled a \$17 million advance from the Ministry of Technology and Communications in connection with a project to connect rural schools to the internet. The contractors allegedly failed to comply with the commitments in the contract, and the Inspector General's Office opened an investigation.

Section 5. Governmental Posture Towards 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. The Attorney General's Office reported that as of August 10, it had convicted and sentenced 89 persons for the homicides of human rights defenders.

Through July the Attorney General's Office reported 961 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 8,000 individuals. Among the protected persons were 4,000 human rights defenders and social leaders.

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 armed groups issued through pamphlets, email, and violent actions.

The National System for Human Rights and International Humanitarian Law – led by a commission of 21 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 and Societal Abuses

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 armed groups continued to rape and abuse women and children sexually.

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 63,000 investigations into domestic violence, with women identified as the victim in 50,000 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 Secretariat 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.

Reproductive Rights: 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.

Contraception was widely available. The government provided access to sexual and reproductive services and emergency contraception was available for survivors

of sexual violence, including survivors of conflict-related sexual violence.

Discrimination: Although women have the same legal rights as men, discrimination against women persisted. There is no law prohibiting access to credit based on gender. 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.

Systemic Racial or Ethnic Violence and Discrimination

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 Peoples

The law gives special recognition to the fundamental rights of indigenous persons, who make up approximately 4.4 percent of the population, and requires 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. 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. Indigenous communities participated in the April-June nationwide protest 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 continued. According to INDEPAZ, since the signing of the peace accord, 343 indigenous leaders had been killed. In April unidentified armed men kidnapped and killed Governor Sandra Liliana Pena Chocue, an indigenous person. In her role as governor, Pena worked to clear the indigenous reserve of illicit crops.

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. The OHCHR's February report noted disproportionately high COVID-19 mortality rates among rural indigenous communities that lacked access to health-care facilities.

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 Colombian Family Welfare Institute (ICBF) reported that between January and July 31, there were approximately 8,500 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 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 July 30, police dismantled a sex-trafficking ring operating in three cities, arresting five persons. The criminal organization behind the sex-trafficking ring deceived women with false job advertisements to lure them to China for sexual exploitation. Human traffickers recruited vulnerable women and girls in dire economic circumstances, mostly Colombians and displaced Venezuelans, into “webcam modeling.” In some cases traffickers drugged victims using fear and coercion through debt and extortion to force them to perform live-streaming sex acts. Government officials and civil society organizations expressed concern regarding the burgeoning webcam industry and its ties to sex trafficking. 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, with 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. 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.

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 most 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.” The government reported progress during the year at both the national and municipal level, including accessibility adaptations at ports, airports, and other mass transport

terminals.

HIV and AIDS Social Stigma

There were confirmed reports of societal violence or discrimination against persons with HIV and AIDS. 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 and AIDS, reflecting low levels of social acceptance throughout the country.

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's national action plan guarantees lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) rights for the 2019-22 period. In August 2020 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 LGBTQI+ 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. The NGO Colombia Diversa reported between January 1 and August 18, there were 39 homicides of LGBTQI+ persons, including 26 transgender individuals. The primary forms of abuse were physical, sexual, and psychological aggression, in addition to economic discrimination.

The Attorney General's Office reported investigating 185 killings of LGBTQI+ persons from 2008 through July 31. Most of the victims were transgender women. In June, Luciana Moscoso Moreno, a transgender woman and member of the Trans Community Network, was killed in her apartment after receiving threats and hate messages. As of August the Attorney General's Office reported five open

investigations into excessive use of force by military or police against LGBTQI+ 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.

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 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, robust national strategy to protect the rights to freedom of association and collective bargaining. The government did not fully implement, but continued to pilot test, a new system to replace traditional fine collection 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.

The Ministry of Labor’s Special Investigations Unit, which is part of the labor inspectorate, has the authority 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. The unit was reportedly overburdened with cases, resulting in delays in union requests for review.

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. Critics claimed inspections lacked necessary rigor, assessed fines were not collected, and abusive subcontracting continued. 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 July the commission met once during the year in a virtual session.

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 July the NPU was providing protection to 290 trade union leaders or members. The NPU reported it did not maintain information on the budget dedicated to unionist protections. Between January 1 and June 30, the NPU processed 174 risk assessments of union leaders or members; 91 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, four teachers were registered as victims 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 232 cases of homicides of unionists between January 2011 and January 2021. The Attorney General's Office reported advancements in 43 percent of these cases: 65 sentences against defendants had been handed down in 43 cases; 38 cases had reached the trial phase; seven cases had charges filed; and nine cases had warrants for arrest, while 116 cases remained under preliminary investigation. 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 five trade unionists through July. In 2020 the Attorney General's Office reported 14 trade unionists killed, down from 19 in 2019. The National Union School (ENS), a labor rights NGO and

think tank, reported six 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 51 death threats, three nonlethal attacks, two cases of forced displacement, and 25 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. Through June 30, the Vice Ministry of Labor Relations and Inspections reported 130 workers benefited from eight formalization agreements that the Ministry of Labor reached with employers in key sectors, including commerce, agriculture, health, and transport. During this time, however, there was only one formalization agreement reached in the labor action plan's 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, FARC dissidents, 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 June 30, 2021, a total of 7,023 children and adolescents had demobilized from armed groups, of whom 12 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 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. In July the Ministry of Labor and the UN Office on Drugs and Crime published a manual and protocol to help labor inspectors identify and refer possible cases of labor trafficking in the formal economy to judicial authorities for criminal investigation and prosecution. Impunity nevertheless remained for forced labor, and unidentified victims remained 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. Through June 30, the Ministry of Labor conducted 86 worksite inspections to ensure that adolescent workers were employed with proper authorization and received proper protections. Through these inspections, 10 authorizations were revoked for noncompliance. During this time the ministry granted 179 permits for adolescent work. With ILO assistance the government continued to improve cooperation among national, regional, and municipal governments on child labor problems. It also updated an information system to register working children that permits public and private entities to provide information. 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 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 survey published in April, 4.9 percent of children were working, with 44 percent of those engaged in agriculture, livestock raising, fishing, and hunting, and 32 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 45 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

Wage and Hour Laws: 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.

Occupational Safety and Health: 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 2020 and was insufficient to enforce the law effectively. The Ministry of Labor reported that as of March, more than one-fourth (227) of the 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.

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.

According to the National Mining Agency, through July 16, a total of 87 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 this number was on par with deaths as of this date in 2020.

Security forces reported that 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, which lacked safety precautions, were particularly common in the departments of Antioquia, Boyaca, Choco, Cundinamarca, and Valle del Cauca.

Informal Sector: 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. The government developed plans to implement National Development Plan provisions that allow those who 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. As of August these provisions were under legal review by the Constitutional Court. 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.

DANE reported that for the second trimester, 50.3 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 48.5 percent, according to DANE. In June, DANE reported the national unemployment rate was 14.4 percent, down from 21.4 percent at the height of the economic impact from COVID-19 in May 2019. The government continued to support complementary social security programs to increase the employability of extremely poor individuals, displaced persons, and the elderly.

The Ministry of Labor reported continued problems addressing high numbers of labor complaints related to the labor and employment impacts of COVID-19. 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.