

## COLOMBIA

### EXECUTIVE SUMMARY

Colombia is a constitutional, multiparty republic. In June 2010 Juan Manuel Santos was chosen president in elections that were considered generally free and fair. The internal armed conflict continued between the government and terrorist organizations, particularly the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). Security forces reported to civilian authorities. Although significantly fewer than past years, there were instances in which elements of the security forces acted independently of civilian control.

The most serious human rights problems were impunity and an inefficient judiciary, corruption, and societal discrimination. Impunity and an inefficient justice system subject to intimidation limited the state's ability to prosecute effectively those accused of human rights abuses and to process former paramilitaries. Corruption often was exacerbated by drug-trafficking revenue. Societal discrimination against indigenous persons and Afro-Colombians negatively affected the ability of these groups to exercise their rights.

Other problems included extrajudicial killings, insubordinate military collaboration with members of illegal armed groups, forced disappearances, overcrowded and insecure prisons, harassment of human rights groups and activists, violence against women, trafficking in persons, and illegal child labor.

The government continued efforts to improve respect for human rights and prosecute and punish officials, including members of the security services, who committed abuses, but some impunity persisted. The government took significant steps to increase resources for the Prosecutor General's Office.

Illegal armed groups, including the FARC, ELN, and organized crime groups that included some former paramilitary members, committed numerous abuses, including the following: political killings; killings of members of the public security forces and local officials; widespread use of land mines; kidnappings and forced disappearances; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; widespread recruitment and use of child soldiers; attacks against human rights activists; violence against women, including rape and forced abortions; and harassment, intimidation, and killings of teachers and trade

unionists. Illegal armed groups continued to be responsible for most instances of forced displacement in the country.

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

### **a. Arbitrary or Unlawful Deprivation of Life**

Political and unlawful killings remained a very serious problem, and there were several reports that members of the security forces committed extrajudicial killings during the internal armed conflict (see section 1.g.). There were significantly fewer reports of military officials presenting fatally wounded civilians as killed in combat than in 2008 or 2009, when several hundred fatalities were reported.

However, the Center for Popular Research and Education (CINEP), a local human rights nongovernmental organization (NGO), reported examples of extrajudicial executions and excessive police violence against civilians. CINEP reported that there were at least seven unlawful killings committed by state agents during the year. Most victims were caught in the cross fire during confrontations between the army or police and illegal armed groups. In several cases military officials stated they believed an individual was fighting on behalf of the FARC, while community members claimed the victim had not been a combatant. CINEP and other NGOs considered the organized criminal gangs to be a continuation of the paramilitary groups and attributed some reports of human rights violations committed by these groups to the government. The government acknowledged that some former paramilitary members were active in organized criminal gangs but noted that the gangs lacked the unified command structure and ideological agenda that defined the former United Self-Defense Forces of Colombia (AUC). The NGOs also included killings by these groups in their definition of “unlawful killings” (see section 1.g.).

For example, CINEP alleged that on January 22, members of the army’s Third Brigade killed Anderson Dagua, a member of the Nasa ethnic group, during a firefight with the FARC in Caloto, Cauca. The army contended that the military killed only FARC members. The Prosecutor General’s Office continued to investigate the case at year’s end.

CINEP also reported that on June 10, members of the army’s 18th Brigade shot and killed Humberto Peroza Wampiare, a local indigenous leader of the Hitnu people. The army initially reported Peroza as killed in combat with the FARC. On June 18, however, the army issued a press release indicating it had begun a

disciplinary investigation into the case. The Prosecutor General's Office continued to investigate the case at year's end.

At year's end the trial continued of Lieutenant Munoz Linares, charged with the rape of a 14-year-old girl and subsequent killing of the girl and two other children in Arauca in October 2010.

Some members of government security forces, including enlisted personnel, noncommissioned officers, and senior officials, were accused of collaborating with or tolerating the activities of organized criminal gangs, which included some former paramilitary members. Such collaboration, in violation of orders from the president and military high command, may have facilitated unlawful killings or other crimes.

In conformity with the law, military or civilian authorities investigated killings committed by security forces. Investigations of past killings proceeded, albeit slowly. As of November 15, the Prosecutor General's Office reported it had achieved 158 convictions of 439 military personnel for extrajudicial executions since 2000. Some high-profile cases against military personnel resulted in convictions or were reopened in large part due to testimony obtained through the Justice and Peace process.

According to the NGO Landmine Monitor, nongovernmental actors, particularly the FARC and ELN, planted new land mines (see section 1.g.).

Guerrillas, notably the FARC and ELN, committed unlawful killings. Organized criminal groups that included some former members of paramilitary groups committed numerous political and unlawful killings, primarily in areas under dispute with guerrillas or without a strong government presence (see section 1.g.).

## **b. Disappearance**

Forced disappearances, many of them politically motivated, continued to occur. As of September 30, the National Search Commission had documented more than 63,000 disappearances since the decades-long internal conflict began, including 16,884 that were registered as forced disappearances, with 11,064 found alive and 2,448 found dead. According to the commission, between January 1 and September 30, 10,236 individuals were registered as disappeared, including 2,479 registered as forced disappearances. Not all disappearances registered in 2011 occurred during the year.

The Displaced and Disappeared Persons Unit of the Prosecutor General's Office, created in December 2010, had 22 prosecutors, 44 prosecutorial and judicial assistants, and 85 investigators from the national judicial police who were responsible for investigating and prosecuting more than 18,000 suspected forced disappearances and forced displacements. The Prosecutor General's Office charged two members of the armed forces in cases of forced disappearance and returned 1,665 remains to family members during the year.

Kidnapping, both for ransom and for political reasons, remained a serious problem. The FARC and ELN, as well as organized criminal gangs and common criminals, continued the practice. The Ministry of Defense reported that 298 people were kidnapped during the year (77 by the FARC, 31 by the ELN, four by organized criminal gangs, and the rest by other illegal groups), compared with 282 in 2010. The Ministry of Defense reported that 187 of the kidnappings were for extortion, similar to the 188 reported in 2010. Some human rights groups questioned the government statistics, arguing that many cases went unreported and that several hundred kidnapping victims were held at year's end. All illegal groups, including guerrillas, had killed some kidnapping victims (see section 1.g.).

The Unified Action Groups for Personal Liberty (GAULA)--military and police entities formed to combat kidnapping and extortion--and other elements of the security forces freed more than 133 hostages during the year. Fondelibertad, a government entity that compiles statistics on kidnapping and extortion, reported that at least 24 kidnapping victims died in captivity in the first 10 months of 2011, compared with six between January and August 2010.

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

Although the law prohibits such practices, there were reports that the police, military, and prison guards sometimes mistreated and tortured detainees. Members of the military and police accused of torture generally were tried in civilian rather than military courts. CINEP asserted that during the first six months of the year, government security forces were involved in 12 incidents of torture, compared with 16 in the first six months of 2010. The Prosecutor General's Office charged 36 members of the armed forces with torture during the year; not all cases occurred during the year.

CINEP reported that illegal armed groups were responsible for at least 15 cases of torture through June, compared with seven in the same period of 2010.

### **Prison and Detention Center Conditions**

With the exception of new facilities, prison conditions were poor, particularly for prisoners without significant outside support. The National Prison Institute (INPEC) runs the country's 142 national prisons and is responsible for inspecting municipal jails. According to INPEC more than 99,000 prisoners were held in facilities designed to hold fewer than 64,000. Approximately 7,400 prisoners were women. According to a November report by Point of View Corporation based on data from INPEC, 85 percent of prisons experienced overcrowding, with approximately 27,000 inmates living in prisons that held more than double their designed capacity. Information comparing conditions in men's versus women's prisons was not available, but overcrowding existed in women's prisons as well. The Buen Pastor women's prison in Bogota held close to 1,800 women even though it was designed for 1,100 prisoners. The Inspector General's Office reported that some facilities had poor ventilation, overtaxed sanitary and medical systems, and inadequate food. The Inspector General's Office called on INPEC to take significant steps to improve prisoners' access to medical care, noting that such care was inadequate under the contract provider. Prisoners in some high-altitude facilities complained of inadequate blankets and clothing, while prisoners in tropical facilities complained that overcrowding and inadequate ventilation caused high temperatures in prison cells. Prisoners generally had access to potable water, but in May Congressman Ivan Cepeda presented a report documenting water shortages at the prison in Valledupar, Cesar.

Lack of security and an insufficient budget also remained serious problems in the prison system. Many of INPEC's prison guards were poorly trained, but improved training, increased supervision, and more accountability for prison guards alleviated some of the problems caused by inadequate security, overcrowding, access to medical care, and other concerns.

INPEC reported that through October there were 13 violent inmate deaths related to fighting among inmates. The Prosecutor General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally.

The law prohibits holding pretrial detainees with convicted prisoners, although this sometimes occurred. Juvenile detainees and prisoners were not held with adults,

but 160 children younger than three years old were permitted to stay with their mothers.

Prisoners had reasonable access to visitors and were allowed to continue their religious practices; however, some NGOs complained that they were denied access to visit prisoners without adequate explanations. Prisoners had access to legal representatives and could submit complaints to judicial authorities and request investigations of inhumane conditions. While authorities investigated such claims, some prisoners complained that the investigations were slow and the results not accessible to the public. The government continued a pilot program with local universities and other organizations to identify and attend to human rights issues within prisons. Prisoners could seek out third parties from local NGOs or government entities, such as the Ombudsman's Office, to represent them in legal matters and in seeking investigations of prison conditions.

The government permitted independent monitoring of prison conditions by local and international human rights groups, and such monitoring occurred during the year.

In April the press reported on prisoner conditions at the Tolemaida Military Reclusion Center, stating that many of the approximately 300 military officers and enlisted men detained (most of whom had been convicted, some for serious crimes including torture and homicide) were living in privileged conditions and that the facility did not comply with numerous prison system regulations. To investigate the allegations, the Ministry of Defense created a verification commission composed of the inspector general of the armed forces, inspector general of the army, vice-minister of defense for policy and international affairs, and director of INPEC. In its report, released in May, the commission admitted that the center had become "an unprecedented administrative mess, with high levels of corruption," and made recommendations to ensure the facility complied with INPEC regulations and prevent a similar situation from taking place in other military reclusion centers. The government reported that the director of the center was replaced and that all directors of military reclusion centers received training on INPEC regulations.

Despite this attention NGOs and the press reported that high-level military officers continued to enjoy privileged detention conditions. For example, according to these reports, three such officers, convicted and sentenced for serious crimes, were held at a large military base in Bogota, where they lived in apartments, enjoyed freedom of movement within the base, ate in the officers' dining room, and

interacted with active-duty officers. The three officers remained in detention at the military base at year's end.

The FARC and ELN continued to deny the International Committee of the Red Cross (ICRC) access to hostages from police and military.

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

Although the law prohibits arbitrary arrest and detention, there were allegations that authorities detained citizens arbitrarily.

#### **Role of the Police and Security Apparatus**

The Colombian National Police (CNP) is responsible for internal law enforcement and is under the jurisdiction of the Ministry of Defense. Law enforcement duties are shared with the Prosecutor General's Corps of Technical Investigators (CTI). 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 hard-to-reach areas. The government continued to expand education and training for the armed forces in human rights and international humanitarian law.

The Prosecutor General's Office is the main entity responsible for investigating human rights abuses by security forces. As of November 15, a total of 1,746 armed forces personnel had been arrested and were awaiting trial for extrajudicial executions, all of which occurred before 2011. However, claims of impunity continued to be widespread, due in some cases to obstruction of justice, a lack of resources for investigations and protection for witnesses and investigators, delaying 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 caused periods of incarceration to end, thereby resulting in a defendant's release from jail before trial. Many human rights groups criticized the Prosecutor General's Office for indicting low-ranking military personnel while avoiding investigations of higher-ranking commanders. The Ministry of Defense relieved from duty eight officers and 19 noncommissioned officers of the armed forces for inefficiency, unethical conduct, corruption, and other causes. Since 2000 at least 581 officers and 1,636 noncommissioned officers and soldiers have been retired from the army for these reasons.

## Arrest Procedures and Treatment While in Detention

Police apprehended suspects with warrants issued by prosecutors based on probable cause, but a warrant is not required to arrest criminals caught in the act or fleeing the scene of a crime. Members of the armed forces detained members of illegal armed groups captured in combat but were not authorized to execute arrest warrants; however, members of the CTI, who accompanied military units, could issue such warrants. Detained persons must be brought before a judge within 36 hours to determine the validity of the detention. Formal charges must then be brought within 30 days, and a trial must start within 90 days of the initial detention. Bail is available for all crimes, except serious ones such as murder, rebellion, or narcotics trafficking. Approximately 1,800 public defenders contracted by the Office of the Ombudsman assisted indigent defendants. Detainees were granted prompt access to legal counsel and family as provided for by law. In general these rights were respected in practice.

Prominent human rights NGOs complained that the government arbitrarily detained dozens of persons, particularly community leaders, labor activists, and human rights defenders. CINEP reported that security forces arbitrarily detained 75 persons through December 1.

Arbitrary Arrest: The government and prominent local NGOs frequently disagreed on what constituted “arbitrary detention.” While the government characterized detentions based on compliance with legal requirements, NGOs applied other criteria in defining “arbitrary detention,” such as arrests 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.”

Pretrial Detention: The Superior Judicial Council reported that the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. Implementation of the oral accusatory system, enacted throughout the criminal justice system in 2008, significantly increased conviction rates on newer cases while also lessening the delays and eliminating the secrecy that encumbered the old system. However, a large backlog of old-system cases remained. The failure of many local military commanders and jail supervisors to keep mandatory detention records or follow notification procedures made accounting for all detainees difficult.

Civil society groups complained that some community leaders were subjected to extended pretrial detention. For example, on September 26, a judge released the former spokesman of the NGO National Movement of Victims of State Crimes (MOVICE)-Sucre, Carmelo Agamez, from prison in Sincelejo, Sucre. Authorities arrested Agamez in 2008 and charged him with conspiracy for alleged ties to paramilitary groups. Agamez was released because he had served three-fifths of the maximum sentence he would have received had he been found guilty. The trial against him continued at year's end.

#### **e. Denial of Fair Public Trial**

While the law provides for an independent judiciary, much of the judicial system was overburdened, inefficient, and hindered by subornation and intimidation of judges, prosecutors, and witnesses. In 2009 the UN special rapporteur on the independence of judges and lawyers reported that a high level of threats and attacks against judicial personnel contributed to a high rate of impunity; although the government attempted to address the situation, there was little change.

Judicial authorities were subjected to threats and acts of violence. Although the Prosecutor General's Office had a witness protection program for witnesses in criminal cases, witnesses who did not enter the program remained vulnerable to intimidation, and many refused to testify.

The military justice system may investigate and prosecute active-duty military and police personnel for crimes "related to acts of military service." The military penal code specifically defines torture, genocide, massacre, and forced disappearance as crimes unrelated to military service. All human rights violations are considered unrelated to military service and must be handled by the civilian justice system, although due to delays, this did not always happen in practice. More than 170 homicide cases were transferred from the military to the civilian justice system in the first six months of the year. Many cases were transferred as part of a plan in which officials from the military justice system and the Prosecutor General's Office met regularly to analyze cases in an attempt to reach agreement on those to be transferred without being referred to a lengthy, higher-level review by the Supreme Judicial Council. The military penal code specifically excludes civilians from military jurisdiction, and civilian courts must try retired military and police personnel, although military courts are responsible for service-related acts committed prior to their retirement.

The military penal code denies commanders the power to impose military justice discipline on their subordinates and extends legal protection to service members who refuse to obey orders to commit human rights abuses. The army has discretionary authority to dismiss personnel who may be implicated in human rights abuses.

The Prosecutor General's Office is responsible for investigations and prosecutions of criminal offenses. Its Human Rights Unit, which includes 13 satellite offices, specializes in investigating human rights crimes, and its 102 specialized prosecutors were handling a total of 5,731 active cases at the end of June.

The Inspector General's Office investigates allegations of misconduct by public employees, including members of the state security forces. The Inspector General's Office referred all cases of human rights violations it received to the Prosecutor General Office's Human Rights Unit. As of November the Inspector General's Office had opened 110 disciplinary processes against members of the armed forces for human rights offenses and resolved 125 processes, including some from previous years.

### **Trial Procedures**

Under the new accusatorial criminal procedure code, the prosecutor presents an accusation and evidence before an impartial judge at an oral, public trial. The defendant is presumed innocent and has the right to confront the evidence against him at trial and present his own evidence. No juries are involved. Crimes committed before implementation of the new code are processed under the prior written inquisitorial system in which the prosecutor is an investigating magistrate who investigates, determines evidence, and makes a finding of guilt or innocence. The "trial" consists of the presentation of evidence and finding of guilt to a judge for ratification or rejection.

In the military justice system, military judges preside over courts-martial without juries. Counsel may represent the accused and call witnesses, but the majority of fact-finding takes place during the investigative stage. Military trial judges issue rulings within eight days of a court-martial hearing. Representatives of the civilian Inspector General's Office are required to be present at courts-martial.

Criminal procedure within the military justice system includes elements of the inquisitorial and accusatorial systems. Defendants are considered innocent until proven guilty and have the right to timely consultation with counsel. A

Constitutional Court ruling forbids military attorneys from undertaking defense counsel duties. Defendants must retain counsel at their own expense or rely on defenders paid by a private fund.

In November the government advocated deep changes to the military justice system, including a constitutional reform that would presume jurisdiction for the military courts when alleged crimes are committed by military personnel “in the course of duty.” Some observers expressed concern that these reforms could lead to human rights abuses by military personnel being investigated and tried in the military justice system, in contravention of a 1997 Constitutional Court decision that human rights cases be handled by the civilian judiciary.

In June the Ministry of Defense announced 15 measures designed to reduce impunity for human rights violations committed by members of the armed forces. These measures are in addition to the 15 measures adopted in 2008 because of investigations carried out in the aftermath of the Soacha cases (see section 1.g.).

In the past year civilian courts convicted military members for past human rights violations. For instance, on April 29, the former commander of the army’s 13th Brigade, retired general Jesus Armando Arias Cabrales, was sentenced to 35 years in prison for his role in the 1985 Palace of Justice case. This was the second-most severe sentence in the country’s history for an officer of his rank, after retired general Jaime Humberto Uscategui’s sentence of 40 years (see section 1.c.), which was under appeal at year’s end. Cabrales was held responsible for giving orders for the identification and interrogation of 11 civilians rescued from the palace who later disappeared. In May the Inspector General’s Office appealed the conviction on the basis that there was no proof that Arias Cabrales had ordered or participated directly in the disappearances. Arias Cabrales continued to be held at a military base in Bogota while his case was pending appeal.

### **Political Prisoners and Detainees**

The government stated that it did not hold political prisoners. Members of human rights advocacy groups were held on charges of conspiracy, rebellion, or terrorism, which the groups described as harassment tactics by the government against human rights advocates (see section 5). According to INPEC there were 1,920 detainees accused or convicted of rebellion or aiding and abetting insurgence. The government provided the ICRC access to these prisoners.

### **Civil Judicial Procedures and Remedies**

Citizens can sue a state 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.

### **Property Restitution**

On June 10, President Santos signed the Victims' Assistance, Reparations, and Land Restitution Law (Land and Victims' Law), intended to benefit approximately four million citizens in the next 10 years with assistance and reparations to victims, including victims of the state. The law establishes a new institutional framework for reparations. Programs previously administered by the Presidential Agency for Social Action (Accion Social) were redistributed and assigned to various units within the newly created Administrative Department for Social Prosperity (DPS). This new department includes administrative units for victims, consolidation, historical memory, combating poverty, and protection of children and adolescents. The Victims' Administrative Unit has the governmental lead on attention to victims and assumed the functions previously under the National Commission for Reparation and Reconciliation.

In anticipation of the Land and Victims' Law, in October 2010 the government began implementing a land restitution and formalization of a "shock plan." By year's end the government had restored and titled 1.7 million acres to more than 30,000 families. Of these, 269,800 acres were transferred to indigenous communities, 44,800 to the internally displaced, and 16,400 to Afro-Colombian communities. Focus areas of the plan included Antioquia, Bolivar, Cesar, Choco, and Magdalena. With the Land and Victims' Law, the government established a new goal to deliver 2.97 million acres to 160,000 families by 2014.

For many small landowners, formal land titling remained a daunting process. Government agencies and human rights groups estimated that illegal groups, including guerrillas, have seized between 1.1 and 2.7 million acres of land from small landowners during the decades-long conflict. Paramilitary groups stole the majority of the land, only a fraction of which was reclaimed by the government after the demobilization of the AUC in 2006.

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

The law prohibits such actions, and while the government generally respected these prohibitions in practice, there were allegations of exceptions by some

intelligence agencies. The law requires government authorities to obtain a warrant signed by a senior prosecutor to enter a private home without the owner's consent, unless the suspect has been caught during hot pursuit, and government authorities generally adhered to these regulations.

Government authorities generally need a judicial order to intercept mail or monitor telephone conversations, including in prisons. However, government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization, although evidence obtained in such a manner could not be used in court.

Credible allegations of Administrative Department of Security (DAS), the now dismantled civilian intelligence agency, surveillance of high court magistrates, journalists, human rights organizations and activists, opposition leaders, and the vice presidency prompted an investigation by the CTI in 2009 that continued at year's end. Press reports and court documents indicated DAS surveillance designed to prepare prosecutions against victims and disrupt human rights groups' activities included physical monitoring of individuals and their families, telephone and e-mail intercepts, and collection of personal and financial data. NGOs continued to accuse domestic intelligence entities of spying on human rights defenders, threatening them, and breaking into their homes to steal information. In April unknown assailants attempted to break into the apartment of Zoraida Hernandez, president of the NGO Sembrar Corporation and spokeswoman for MOVICE. In May thieves broke into the home of Danilo Rueda, a human rights lawyer with the Interchurch Commission of Justice and Peace, and stole information documenting alleged military human rights abuses.

During the year the Prosecutor General's Office continued to investigate numerous DAS employees and achieved several convictions by year's end. In July the Prosecutor General's Office asked the Supreme Court to impose the maximum sentence, 12 years, on six former senior and mid-level DAS employees: Martha Leal, former deputy director of operations; Jacqueline Sandoval Salazar, former director of counterintelligence; Jorge Armando Rubiano Jimenez, former member of the counterintelligence division; Hugo Daney Ortiz, former deputy director of operations; Jose Alexander Velasquez, former coordinator of the counterintelligence division's verification group; and Enrique Alberto Ariza Rivas, former director of intelligence. They were charged with aggravated conspiracy, illegal violation of communications, improper authorization of transmission equipment, and abuse of authority.

In August three former DAS officials--Gustavo Sierra, Fabio Duarte Traslavina, and German Enrique Villalba Chaves--were sentenced to prison for their role in illegal wiretapping. They were charged with illicit violation of communications, use of illicit transmission equipment, abuse of authority, and aggravated conspiracy. Sierra, former DAS subdirector for analysis, was sentenced to eight years in prison, while Duarte and Villalba received six years and one month for their participation in the DAS subunit that carried out the illegal operations.

On September 15, a judge sentenced former DAS director Jorge Noguera (2002-05) to 25 years in prison for his ties to paramilitary groups and his role in creating the intelligence unit that illegally collected information on NGOs, opposition politicians, and journalists. Former DAS director Maria del Pilar Hurtado (2007-08) was granted political asylum in Panama while the prosecutor general was in the process of filing illegal wiretapping charges against her. In May a Colombian judge issued a warrant for her arrest, and the Prosecutor General's Office requested that Interpol issue a Red Notice (a call for the provisional arrest of a wanted person, with a view to extradition) for Hurtado's detention. At the time the Panamanian government stated it would not extradite Hurtado. In December the government formally requested Hurtado's extradition; the request was pending at year's end.

In July a Bogota superior tribunal judge ordered the preventive detention of Bernardo Moreno, former secretary to former president Uribe, following a petition by the victims and supported by the Prosecutor General's Office that asserted Moreno attempted to interfere with the investigation of the presidency's alleged role in the wiretapping scandal. On August 18, an investigative commission in the House of Representatives conducted a public hearing as part of its investigation into former president Uribe's role in the illegal wiretapping. At year's end the congressional panel had not announced a decision to proceed with a formal probe into Uribe's alleged wrongdoing.

On October 31, President Santos issued a decree that dismantled the DAS and called for the final transfer of the majority of the 6,500 DAS employees to the Prosecutor General's Office, Ministry of Foreign Affairs, Ministry of Interior, and CNP by December 31. The National Intelligence Directorate, created by executive decree on November 3, is responsible for intelligence alone and does not have arrest authority.

The government continued to use voluntary civilian informants to identify terrorists, report terrorist activities, and gather information on criminal gangs.

Some national and international human rights groups criticized this practice as subject to abuse and a threat to privacy and other civil liberties.

### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

The country's decades-long internal armed conflict involving government forces and two terrorist guerrilla groups (FARC and ELN) continued. The conflict and narcotics trafficking, which both fueled and prospered from the conflict, were the central causes of multiple violations of citizens' rights.

Guerrilla group members continued to demobilize. At the end of October, according to the Ministry of Defense, 1,314 members of guerrilla groups had demobilized, compared with approximately 2,045 during the same period in 2010, a 36 percent reduction in demobilizations. The Organization of American States (OAS) verified all stages of demobilization and reintegration into society of former combatants from both guerrilla and paramilitary groups.

### **Killings**

Security forces were responsible for alleged unlawful killings. CINEP reported that there were five such killings during the first six months of the year, compared with 37 in the same period of 2010. The Prosecutor General's Office reported that as of June it was pursuing 1,592 cases involving 2,731 victims of extrajudicial killings by the armed forces that had occurred since 1985. A large number of the reported cases involved army members. As of November the Prosecutor General's Office had obtained convictions of 393 accused members of the security forces. In total, 4,124 individuals were implicated in the 1,633 cases before the Human Rights Unit. At year's end the Prosecutor General's Office was investigating 18 colonels, 27 lieutenant colonels, 58 majors, and 107 captains, in addition to thousands of lower-ranked military personnel.

According to CINEP, the Office of the UN High Commissioner for Human Rights (OHCHR), and the Presidential Program for Human Rights, the number of extrajudicial killings falsely reported as killed in combat fell significantly compared with previous years. The Prosecutor General's Human Rights Unit reported it did not open any new cases of extrajudicial killings alleged to have occurred during the year. However, CINEP documented five cases involving four victims through November. For example, CINEP reported that on June 10, soldiers from the 18th Brigade shot and killed indigenous leader Humberto Peroza Wampiare and alleged he was killed in combat in rural Arauca. Peroza was a

member of the Hitnu ethnic group and lived in the indigenous reserve La Voragine. On June 18, army General Navas issued a statement indicating the army was working with the Office of the Inspector General to investigate the case and the soldiers involved.

On June 3, a judge in Cimitarra (Santander) handed down the first convictions linked to the 2008 Soacha “false positives” cases. The judge found eight soldiers guilty of aggravated homicide and forced disappearance for the March 2008 killings of Eduardo Garzon Paez and Daniel Andres Pesca Olaya. Both were reported as killed in combat in Cimitarra by members of the Caldas Battalion of the army’s Fifth Brigade. All eight military defendants, which included the battalion commander, were convicted of two counts of aggravated homicide and forced disappearance. Their sentences ranged from 28 to 55 years in prison. At year’s end there were at least 10 other legal cases involving 14 victims associated with the Soacha scandal that were pending in courts in Bogota, Cucuta, and Bucaramanga.

The government continued reforms to improve the human rights performance of the security forces. The Ministry of Defense continued to implement an agreement with the OHCHR to monitor seven of the ministry’s 15 measures to improve adherence to human rights. The first four measures evaluated included the role of inspector delegates, operational legal advisors, inspections teams, and the complaints system. During joint UN-Defense Ministry visits to military bases, the ministry and the armed forces granted OHCHR staff broad access to files and military personnel to determine if the measures were being implemented effectively. The ministry also created four offices of indigenous affairs in each of the military commands and named 73 regional officials to liaise with indigenous communities.

FARC and ELN guerrillas killed members of government security forces. For example, on October 10, FARC guerrillas detonated explosives and killed seven soldiers in the municipality of Caloto in Cauca Department. On November 26, the FARC executed four hostages--army Sergeant Jose Libio Martinez (who had been held by the FARC for 14 years), police Colonel Edgar Yeside Duarte, Lieutenant Elkin Hernandez Rivas, and Alvaro Moreno. FARC guerrillas killed the four men with gunshots to the back of the head when the military attempted to rescue them. A fifth hostage, police Sergeant Luis Alberto Erazo Mayo, kidnapped in 1999, escaped.

The FARC used ruses to kill civilians and government security forces. For example, on August 7, suspected FARC guerrillas detonated a remote-controlled improvised explosive device hidden in sugar to kill community leader Maria Elizabeth Quiroz in Campamento, Antioquia.

In many areas of the country, the FARC and ELN worked together to attack government forces or demobilized paramilitary members; in other areas, especially in Arauca, Valle del Cauca, Cauca, and Narino departments, they fought each other. Various courts convicted members of the FARC secretariat in absentia on charges including aggravated homicide.

The FARC killed persons it suspected of collaborating with government authorities or alleged paramilitary groups. The CNP reported that through September the FARC had killed at least 225 civilians. For example, on May 7, members of the FARC's 30th Front forcibly abducted five Afro-Colombian men from the same family in Bajo Naya, Cauca Department, and the next day told the victims' family members that the men were dead.

### **Abductions**

Organized criminal gangs, FARC and ELN guerrillas, and common criminals continued to take hostages for ransom. According to the Ministry of Defense, of the 298 individuals kidnapped during the year; 177 were attributed to common crime. Organized criminal gangs were responsible for 13 kidnappings. Forty of the 298 individuals kidnapped continued to be held by their captors at year's end.

The FARC and ELN continued to commit numerous kidnappings, which remained a major source of revenue. The FARC also held politicians, prominent citizens, and security force members to use as pawns in prisoner exchanges. Fondelibertad reported that guerrillas kidnapped 108 persons (77 by the FARC and 31 by the ELN) during the year.

On September 29, assailants abducted the 10-year-old daughter of the mayor of Fortul, Arauca, as she arrived at school with her mother. The abductors released her mother and held the girl for 20 days before releasing her in the nearby municipality of Arauquita on October 17. On November 20, authorities arrested three members of the FARC and charged them with the kidnapping. The investigation continued at year's end.

FARC members were convicted for kidnappings. For example, on June 14, a Villavicencio judge sentenced former FARC member Daniel Vega Quitora to nine years and four months in prison for kidnapping Meta Governor Alan Jara, who was held for more than seven years.

Foundation Free Country (Fundacion Pais Libre), an NGO that monitors kidnapping, continued to criticize Fondelibertad's numbers and said that simple kidnappings were not documented comprehensively. As a result families of victims who were not officially declared as "kidnapped" were unable to obtain government benefits. The foundation counted 229 kidnappings through September, a 10 percent increase over its calculations for 2010. It considered 62 percent of kidnappings were for ransom.

### **Physical Abuse, Punishment, and Torture**

According to preliminary reporting from the Presidential Program of Integrated Action Against Anti-Personnel Mines, land mines, deployed primarily by the FARC and ELN, caused 369 injuries and 65 deaths through October, approximately a 30 percent increase in injuries and more than double the number of deaths compared with the same period in 2010. An estimated 65 percent of landmine victims during the year were military personnel. As of October land mines killed or injured at least 30 children. The International Campaign to Ban Land Mines stated that the FARC continued to be the largest individual user of land mines and that the ELN also continued to use land mines. Government humanitarian demining brigades cleared more than 390,000 square yards and destroyed 173 land mines, improvised explosive devices, and unexploded munitions through November.

### **Child Soldiers**

The recruitment and use of children by illegal armed groups was widespread. In 2010 UNICEF estimated the number of children participating in illegal armed groups ranged from 10,000 to 13,000. The Colombian Family Welfare Institute (ICBF) reported that it was impossible to know how many children were serving as soldiers for the FARC. However, in May the ICBF reported that 4,631 children had demobilized from illegal armed groups between 1999 and April 2011. On August 9, the ICBF director reported to Congress that 328 children had demobilized in the first seven months of the year, 85 percent of whom were boys. She reported that child recruitment continued to be a problem in the departments of Choco, Putumayo, Narino, and Cauca. In 2010 the UN reported that the FARC

used children to fight, recruit other children to act as spies, gather intelligence, serve as sex slaves, and provide logistical support. The penalty for leaders of armed groups who use child soldiers is life imprisonment. The government agreed to the International Criminal Court's penalty for child recruitment when it ratified the Rome Statute in 2002 but delayed application of the law to provide an incentive to all illegal groups, especially the FARC, to free recruited children. The delay remained in effect at year's end.

International organizations continued to identify recruitment of indigenous youth by illegal armed groups as a serious concern. In February the UN Permanent Forum on Indigenous Issues called on illegal armed groups to cease recruiting indigenous youth and urged the groups to release any children they had recruited. The FARC continued to issue warnings to indigenous communities outlining a policy to conduct child recruitment and warning recipients not to challenge it. In June the Regional Indigenous Council of Cauca denounced the FARC's "systematic" forced recruitment of children, including some as young as eight years old.

Also see the Department of State's *Trafficking in Persons Report*

### **Other Conflict-related Abuses**

Guerrilla groups and organized criminal groups prevented or limited the delivery of food and medicines to towns and regions in contested drug-trafficking corridors, straining local economies and increasing forced displacement. The FARC attacked medical personnel and medical centers. For example, on July 11, the FARC used explosives to destroy a medical center in Yarumal, Antioquia. The FARC used elaborate ruses to attack security forces. On December 6 in Florencia, Putumayo, suspected FARC guerrillas planted explosives on the body of a person they had killed; when a team of police investigators arrived to investigate the corpse, the FARC detonated the explosives, injuring four police officers.

Guerrillas forcibly displaced peasants to clear key drug and weapons transit routes in strategic zones and remove individuals who collaborated with the government or organized criminal gangs, which included paramilitary members who refused to demobilize. Guerrillas also imposed de facto blockades of communities in regions where they had significant influence. For example, international organizations reported many incidents in which illegal armed groups forcibly recruited indigenous people or forced them to collaborate, restricted their freedom of

movement, and blockaded their communities. During the year the UN Permanent Forum on Indigenous Issues, which visited the country in 2010, continued to receive reports of rape, forced recruitment, use of minors as informants, and other abuses in the context of conflict.

Organized criminal groups also continued to displace civilians residing along key drug and weapon transit corridors (see section 2.d.).

International organizations reported that systemic sexual violence against women and girls by some armed actors persisted (see section 6, Women). The human rights NGO Sisma Mujer, Amnesty International, and others reported that sexual violence remained one of the main tools used by armed actors to force displacement. In December the Office of the UN High Commissioner for Refugees (UNHCR) and the UN Development Program reported that 17 percent of forced displacements were the result of sexual violence.

Organized criminal gangs and FARC and ELN guerrillas routinely interfered with the right to privacy. These groups forcibly entered private homes, monitored private communications, and engaged in forced displacement and conscription. The standing orders of the FARC, which had large numbers of female combatants, prohibited pregnancies among its troops. There were numerous credible reports of compulsory abortions to enforce the order.

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

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press and functioning democratic political system combined to ensure freedom of speech and of the press.

Violence and Harassment: The independent media were active and expressed a wide variety of views without restriction. However, journalists reported being harassed by political candidates, public servants, and some security forces, particularly leading up to the October 30 local elections. According to the NGO Foundation for Press Freedom (FLIP), as of November 1, of 112 violations of press freedom, 35 cases were perpetrated by political candidates or public servants.

FLIP reported that press freedom violations were most common in regions most affected by the conflict, including Arauca, Guaviare, Caqueta, and North Santander.

Nongovernmental Impact: Members of illegal armed groups intimidated, threatened, kidnapped, and killed journalists. National and international NGOs reported that local media representatives regularly practiced self-censorship because of threats of violence. As of July, 211 journalists were receiving protection from the Ministry of the Interior and Justice's protection program. The ministry also supported an alert network organized for journalists by providing a small number of radios and an emergency telephone hotline. The Human Rights Unit of the Prosecutor General's Office was investigating more than 100 individuals involved in 45 active cases of crimes against journalists. At year's end the unit had achieved 18 convictions of 26 perpetrators.

According to FLIP, during the year one journalist, Luis Eduardo Gomez, was killed, compared with two journalists killed in 2010. On June 30, unknown assailants killed the independent journalist near his home in Arboletes, Antioquia. Authorities continued to investigate Gomez's death at year's end.

On May 26 in Popayan, Cauca, two gunmen attempted to shoot journalist Hector Aurelio Rodriguez Castro as he arrived at the radio station where he worked. Police, who were already providing Rodriguez with protection, quickly intervened and arrested Andres Neil Palacios Mena and Luis Alberto Palacios Hurtado. The two were convicted of attempted murder in September and sentenced to nine years in prison.

FLIP reported that 118 journalists received death threats, compared with 56 in 2010. Two journalists went into voluntary exile because of threats, the same number as in 2010.

The Prosecutor General's Office made progress investigating the abduction and rape in 2000 of investigative journalist Jineth Bedoya. In May Bedoya's lawyers presented the case before the Inter-American Commission for Human Rights. The Prosecutor General's Office also interviewed former paramilitary elements with knowledge of the case. The case was pending at year's end.

Censorship or Content Restrictions: On September 12, a judge in Fusagasuga convicted Luis Agustin Gonzalez, editor of the regional newspaper *Democratic Cundinamarca*, on charges of libel and slander due to an editorial he wrote in 2008

questioning a gubernatorial candidate. The Superior Tribunal of Cundinamarca was reviewing an appeal of the ruling at year's end.

### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

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

There were no government restrictions on academic freedom or cultural events. However, guerrillas maintained a presence on many university campuses to generate political support for their respective causes and undermine support for their enemies through both violent and nonviolent means. Organized criminal gangs and FARC and ELN guerrillas threatened, displaced, and killed educators and their families for political and financial reasons, often because teachers represented the only government presence in the remote areas where the killings occurred. According to the Presidential Program for Human Rights, assailants killed 15 educators through October, a decrease of 44 percent from the same period in 2010. Threats and harassment caused many educators and students to adopt lower profiles and avoid discussing controversial topics.

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

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. Freedom of association was limited in practice by threats and acts of violence committed by illegal armed groups against NGOs, indigenous groups, and labor unions (see section 1.g.).

Although the government does not prohibit membership in most political organizations, membership in organizations that espoused or carried out acts of violence, such as the FARC, ELN, and paramilitary groups, was illegal.

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

See the Department of State's *International Religious Freedom Report*

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and while the government generally respected these rights in practice, there were exceptions. Military operations and occupation of certain rural areas restricted freedom of movement in conflict areas.

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

In-country Movement: Organized criminal gangs and FARC and ELN guerrillas continued to establish illegal checkpoints on rural highways and rivers, but an enhanced government security presence along major highways suppressed kidnappings. The government reported only one kidnapping at an illegal roadblock, occurring in the municipality of Totoro, Cauca, in March (see section 1.b.). In addition, on July 25, the mayor of Almaguer, Cauca, was kidnapped while traveling a rural road at night. He escaped from his captors--10 unidentified armed men--two weeks later. International organizations also reported that illegal armed groups confined rural communities, hindered return, and prevented the free movement of people, especially in areas where narcotics cultivation and trafficking persisted.

Exile: The law prohibits forced exile, and the government did not employ it. However, many persons went into self-imposed exile because of threats from organized criminal gangs and FARC and ELN guerrillas.

#### **Internally Displaced Persons (IDPs)**

The internal armed conflict, especially in remote areas, was the major cause of internal displacement. The government, international organizations, and civil society identified various factors driving displacement, including threats and physical, psychological, and sexual violence by illegal armed groups against civilian populations; competition and armed confrontation between illegal armed groups for resources and territorial control; confrontations between security forces, guerrillas, and organized criminal gangs; and forced recruitment of children or threats of forced recruitment. Some NGOs complained that counternarcotics efforts, illegal mining, and large-scale economic projects in rural areas also

contributed to displacement. The Land and Victims' Law provides for the restitution of land stolen by illegal armed groups from IDPs and other victims. The government estimated the law would require more than \$20 billion and a decade to implement.

Estimates of the numbers of IDPs varied. Accion Social registered 143,116 new displacements during the year, a 7 percent increase from the same period in 2010.

DPS statistics showed that new displacements primarily occurred in areas where narcotics cultivation and trafficking persisted, especially where guerrilla groups and organized criminal gangs were present, such as the Bajo Cauca area of the department of Antioquia, as well as in the departments of Cauca, Choco, Narino, and Meta. According to the DPS, during the year Antioquia registered the highest number of IDPs (29,170), followed by Valle del Cauca (22,608), Narino (21,571), Cauca (13,647), Cordoba (10,257), Caqueta (8,066), Choco (7,033) and Tolima (5,549). The NGO Consultancy for Human Rights and Displacement (CODHES) estimated that 259,146 persons were displaced during the year. According to CODHES the departments that received the highest number of IDPs during the year were Antioquia (64,043), Narino (28,694), Cauca (19,549), Valle del Cauca (17,489), and Cordoba (10,561).

The government has registered an accumulated total of 3.9 million persons displaced since 1997 (including those displaced in years before the registration system was established), while CODHES estimated that more than five million persons had been displaced as a result of the conflict since 1985. Accion Social attributed a large part of the growth in cumulative IDP registrations in recent years to a 2008 court order requiring the government to include displacements from all previous years in the national IDP registry. The court order also prohibited the government from removing an individual from the IDP registry regardless of how many years had passed since displacement. Because of the continuing nature of the conflict and cumulative nature of government IDP registrations, the country had one of the largest populations of registered IDPs in the world.

The government's national registry included registered IDPs whose applications for recognition had been accepted under defined criteria, while CODHES estimated new displacements based on information from the media, civil society, and fieldwork. CODHES also included as IDPs an undetermined number of coca and opium poppy producers who migrated in response to governmental drug eradication efforts, as well as those who migrated due to poor economic conditions and food insecurity resulting from the armed conflict.

Despite improvements in the government registration system, international organizations and NGOs remained concerned about underregistration of IDPs. CODHES cited the government's denial of many registrations, lack of access to the registration system in some areas, and fear of retaliation from illegal armed groups as obstacles to full registration. The Monitoring Commission for Public Policy on Forced Displacement, a civil society body that evaluates and reports on internal displacement, noted important advances in the inclusion of IDPs in the national system, but it expressed concern over the rising rate of refusals and what it characterized as a 29 percent underregistration rate. During the year Accion Social refused approximately 28 percent of IDP registrations as ineligible, compared with a 31 percent refusal rate in 2010. Accion Social reported that the relatively higher refusal rate in recent years was a result of improved verification of IDPs. Government policy provides for an appeals process in the case of refusals.

FARC and ELN guerrillas and organized criminal gangs continued to use forced displacement to gain control over strategic or economically valuable territory, weaken their opponents' base of support, and undermine government control and authority. Illegal armed groups also used land mines and roadblocks to confine entire villages to protect illicit crops and prevent pursuit by state security forces. The FARC, ELN, and organized criminal gangs continued to use force, intimidation, and disinformation to discourage IDPs from registering with the government. Guerrilla agents often forced local leaders and community members to demonstrate against illicit crop eradication efforts and sometimes forced communities to displace as a form of coerced protest against eradication. International organizations and civil society expressed concern over the increase in urban displacement caused by violence stemming from territorial disputes between criminal gangs, some of which had links to larger criminal and narcotics trafficking groups.

According to DPS statistics, during the year the government registered 10,550 persons as intraurban IDPs. The Medellin Human Rights Ombudsman's Office reported that there were 8,434 intraurban IDPs in Medellin through October. The Medellin ombudsman did not use the same registration criteria as the DPS. The report cited threats, recruitment by illegal armed groups, homicides, violence, and sexual violence as the primary causes of intraurban displacement.

During the year the government registered 4,961 new IDPs who identified themselves as indigenous and 34,851 who identified themselves as Afro-Colombian. Indigenous persons constituted 3 percent of new IDPs registered by

the government and Afro-Colombians 23 percent. The government reported that indigenous people made up 2.5 percent and Afro-Colombians 9 percent of the total IDP population. The ICRC and UNHCR reported that indigenous and Afro-Colombian groups were disproportionately affected by displacement in some departments.

The National Indigenous Organization of Colombia (ONIC) estimated the number of displaced indigenous persons to be much higher than indicated by government reports, since many indigenous persons did not have adequate access to registration locations due to geographic remoteness, language barriers, or unfamiliarity with the national registration system. In 2010 ONIC Director Javier Sanchez told the Inter-American Commission for Human Rights that at least 64 indigenous communities risked extinction as a result of the conflict, the primary cause for the displacement of indigenous peoples. CODHES estimated that the departments with the highest level of displacement of indigenous persons included Putumayo, Cordoba, Choco, Cauca, Narino, Caqueta, Meta, and Guaviare. The local NGO Association of Internally Displaced Afro-Colombians (AFRODES) reported in 2010 that 76 percent of displaced who registered did not answer the question about ethnicity; therefore, official statistics underrepresented the impact of displacement on Afro-Colombian communities. AFRODES estimated that Afro-Colombians made up as much as 25 percent of the total displaced population.

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 also repeatedly expressed concern that large-scale economic projects, such as agriculture and mining, contributed to displacement in their communities.

The government, international humanitarian assistance organizations, and civil society groups observed that mass displacements continued, representing 11 percent of the total 143,116 persons displaced during the year according to government statistics. The National Observatory for Displacement reported 80 mass displacement events affecting more than 19,000 persons during the year, 15,782 of whom were included in the national registry, compared with 58 mass displacement events affecting 8,971 persons in 2010. According to the DPS, the departments with the highest numbers of IDPs from mass displacements in the year were Antioquia, Narino, Cordoba, Cauca, and Choco. CODHES reported 58 mass displacement events during the year, affecting approximately 26,900 persons, primarily in the departments of Cauca, Narino, Cordoba, and Antioquia.

The UN Office for the Coordination of Humanitarian Affairs, the UNHCR, and other international organizations reported on mass displacements in other departments throughout the year. For example, in February and early March, approximately 800 Afro-Colombians were forced to displace from rural communities near Buenaventura, Valle de Cauca, after illegal armed groups perpetrated a series of violent events including killings, the forced disappearance of a community leader and her husband, and threats. In early August 168 individuals from 62 families were forced from rural communities in Pradera, Antioquia, after the FARC attacked army forces in the area.

CODHES also reported that at least nine IDP community and land-rights leaders were killed during the year, bringing the number of such leaders killed since 2002 to 54. On June 8, unknown assailants shot and killed Afro-Colombian IDP community leader and land tenure advocate Ana Fabricia Cordoba on a bus in Medellin. Cordoba had previously reported receiving threats related to her advocacy, and the government stated that Cordoba had not complied with the police-conducted risk analysis required to grant her government protection. On December 17, unknown assailants killed Alexa Gomez Polaina, president of Weavers of Life, an association that advocates the rights of displaced people. Investigation of both cases continued at year's end, as did investigations of similar cases in previous years. On December 4, President Santos announced that the government would offer financial rewards for information leading to the arrest and conviction of those who threatened or killed land-rights leaders.

The government budgeted 1.5 trillion pesos (approximately \$776 million) to assist IDPs during the year. Assistance to registered IDPs was delivered through Accion Social, the ICBF, the Ministry of Social Protection (MSP), and other governmental ministries and agencies. During the year Accion Social budgeted approximately 815 billion pesos (\$421 million) for direct IDP assistance, providing emergency food assistance to 600,000 persons, primarily IDPs. Accion Social also coordinated the return of approximately 19,965 displaced households during the year. International organizations and NGOs acknowledged the government's significant progress in improving programs and budgets for IDP assistance but maintained that the quality of programs providing emergency assistance, housing, income generation, and land restitution needed more improvement. CODHES estimated that more than half of displaced women were not registered and therefore were not receiving any emergency assistance. In 2010 Accion Social, the Prosecutor General's Office, and the CNP established a specialized unit to investigate and prosecute cases of forced displacement and disappearances. The unit included 22 prosecutors from the Prosecutor General's Office, 44 prosecutor

and judicial assistants, and 85 investigators from the National Judicial Police. At year's end the displacement unit was working to transfer approximately 50,000 pending complaints from other units in the Prosecutor General's Office for possible investigation.

Assistance organizations pointed out that emergency response to mass displacements was more difficult and costly to mount, because most displacements took place in remote locations; however, the speed and effectiveness of the response continued to improve. Accion Social and other government agencies began response to most mass displacement events immediately. International organizations and civil society reported that a lack of local capacity to accept registrations in high-displacement areas often delayed by several weeks or months assistance to persons displaced individually or in smaller groups. Intense fighting and insecurity in conflict zones, including areas in the departments of Antioquia, Cauca, and Narino, sometimes delayed national and international aid organizations from accessing newly displaced populations. The government took steps with international organizations and NGOs to improve the registration system and reduce the wait time, including prioritizing the vulnerable cases, holding registration fairs in high-displacement areas, and deploying more resources and equipment.

Despite several government initiatives to enhance IDP access to services and awareness of their rights, many IDPs continued to live in poverty with unhygienic conditions and limited access to health care, education, or employment. In 2004 the Constitutional Court ordered the government to reformulate its IDP programs and policies, including improving the registration system. Since then the court has issued more than 100 follow-up decisions, some addressing specific cross-cutting issues such as gender, disabled persons, and ethnic minorities, and others analyzing specific policy components such as land and housing.

In its March 16 report to the Constitutional Court, Accion Social cited improvements in institutional and territorial coordination, enhanced registration systems, involvement of IDP and community authorities and associations, increased IDP policy and program budget, and improved monitoring and evaluation of assistance and rights. The Monitoring Commission for Public Policy on Forced Displacement acknowledged some of the improvements cited in the government response but asserted that significant gaps remained.

On October 13, the Constitutional Court issued another follow-up decision that recognized significant progress in health and education but identified significant

shortcomings, including in the areas of displacement prevention, housing, and income generation. The court also acknowledged the importance of the new Land and Victims' Law and asked the government for a complete report on how IDPs' rights would be addressed under the new legal framework and the budget required for that purpose.

Several international organizations and domestic nonprofit groups, such as the International Organization for Migration (IOM), World Food Program, ICRC, and Colombian Red Cross, coordinated with the government to provide emergency relief and long-term assistance to displaced populations.

Displaced persons also sought protection across international borders as a result of the internal armed conflict. The UNHCR reported in its 2010 *Global Trends* report released in June that Colombia was the country of origin for 113,233 refugees and 59,954 asylum seekers, the majority in Ecuador, Venezuela, Costa Rica, and Panama. In 2010 the governments of Colombia and Ecuador formed a bilateral refugee commission to discuss the situation of Colombian refugees in Ecuador, including plans for voluntary returns. In September Foreign Minister Maria Angela Holguin announced that the government would contribute \$500,000 to UNHCR Ecuador for programs in support of Colombian refugees in Ecuador. She also announced a contribution of \$200,000 to the IOM to support voluntary returns of Colombian refugees from Ecuador.

### **Protection of Refugees**

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government reserved the right to determine eligibility for asylum based upon its own assessment of the nature of an applicant's claim. According to the government, it had approved 109 applications of the 890 applications for refugee status since 2003. The majority of those who had presented applications abandoned them and left before a refugee status determination was completed. As of June the government had received 61 applications for refugee status: five were approved, 37 were rejected, and the others were pending at year's end. According to the government, 101 recognized refugees resided in the country. During the year the government received 131 applications for refugee status, including from persons from Cuba, Eritrea, Ethiopia, and Afghanistan. Of these cases, two persons were approved for refugee status, 112 were rejected, and 17 were pending at year's end. The government also reported an increase in the smuggling of migrants from outside the region,

primarily from Asia and East Africa, en route to the United States and Canada. The government regularly provided access to the asylum process for such persons who requested international protection; however, nearly all abandoned their applications and continued on the migration route before a refugee status determination was completed.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, generally free and fair elections based on nearly universal suffrage. Active-duty members of the armed forces and police may not vote or 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: On October 30, the government held elections for local positions including governors, departmental representatives, mayors, and municipal councilors. The Electoral Observation Mission (MOE), an independent election-monitoring NGO, reported that between February and election day, of the approximately 102,000 candidates for local office, 41 were killed, 23 were attacked, seven were kidnapped, and 88 were threatened, for a total of 159 incidents of “political violence,” compared with 149 during the previous local elections in 2007.

According to the NGO New Rainbow Foundation, electoral fraud remained a serious concern. The NGO reported that parties supported candidates with questionable financial ties paid voters to register and vote in municipalities in which they were not resident. According to New Rainbow Foundation, all parties’ rosters included candidates with questionable ties. The MOE estimated that 600,000 people registered to vote in precincts where they were not legally resident. The government took steps to reduce fraud, introducing a new finance tool to ensure transparency of campaign funds, disqualifying candidates with pending criminal investigations, and canceling the national identification cards of voters who could not demonstrate residence or employment in the municipality where they registered to vote.

Following the election, on November 27, two men shot and killed Eladio Yascual Imbaquin, the MOE regional coordinator in Putumayo. The Prosecutor General's Office continued to investigate the case at year's end.

In June 2010 Juan Manuel Santos won a four-year term as president in elections that the OAS electoral observation mission considered generally free and fair. The OAS mission also noted that the 2010 elections involved the lowest levels of violence in 30 years.

Political Parties: Political parties could operate without restrictions or outside interference. The Liberal and Conservative parties previously dominated politics. The 2010 election of President Santos and the second-place showing of Antanas Mockus of the newly established Green Party reflected a continued widening of the political arena. More than a dozen political parties from across the political spectrum were represented in Congress.

Organized criminal gangs and the FARC threatened and killed government officials (see section 1.g.). According to the Presidential Program for Human Rights, seven municipal council members were killed through September, compared with eight in the same period in 2010.

Some local officials resigned because of threats from the FARC. A Ministry of Interior and Justice program provided protection to 199 mayors, 103 members of departmental congresses, and 2,448 council members as of July.

Participation of Women and Minorities: The law requires that women be placed in at least 30 percent of appointed government posts and that the government report to Congress each year the percentage of women in high-level government positions. There were 15 women in the 102-member Senate and 19 in the 165-member House of Representatives. There were four women in the 16-member cabinet and three on the 23-member Supreme Court. In January the country's first female prosecutor general was sworn in; however, the validity of her election was challenged on several grounds.

Two indigenous senators and two indigenous members of the House of Representatives occupied seats reserved for indigenous persons. There were no indigenous persons in the cabinet or on any of the high courts.

Eleven Afro-Colombians served in Congress. There were eight self-identified Afro-Colombian members of the House of Representatives--six were elected, and

two occupied seats reserved for Afro-Colombians. Although there were no seats reserved for Afro-Colombians in the Senate, there were three Afro-Colombian senators. Two Afro-Colombians served as deputy magistrates on the Constitutional Court. There were no Afro-Colombian cabinet ministers.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively; however, officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem. Drug trafficking revenues exacerbated corruption.

On April 28, the Prosecutor General's Office, acting on a warrant issued by the Supreme Court, arrested and charged a senator for contracting irregularities associated with public works in Bogota, where the senator's brother served as mayor. In June the Senate voted to suspend the senator. In September the Supreme Court denied his appeal to be released on bail pending his trial. The former senator's trial began in November and continued at year's end.

On May 3, the Inspector General's Office suspended the mayor of Bogota for failing to fulfill his public duty and for contracting irregularities. On June 22, the Prosecutor General's Office filed charges against the suspended mayor on accusations that included failure to execute public contracts legally and embezzlement. On September 23, a Bogota judge ordered the former mayor detained pending trial on the basis that he could influence the judicial process by obstructing justice. The investigations followed the Democratic Pole party's own internal investigation, which found the mayor had benefitted from contracting processes that were not transparent. In October the inspector general suspended him from public office for 12 months. At year's end he remained in jail while the criminal investigation against him continued.

Investigations into a 2009 corruption scandal involving inappropriate use of the Agriculture Ministry's irrigation and drainage loan program continued during the year. On July 19, the inspector general barred the former agriculture minister from public service for a period of 16 years because of irregularities associated with contracts issued by the ministry during his tenure as minister. On September 16, the prosecutor general formally charged the former minister with embezzlement and failure to execute public contracts legally. At year's end he remained in jail

while the trial continued. The Prosecutor General's Office continued to investigate other former government officials in connection with the scandal.

The Justice and Peace Law (JPL) process continued to expose corruption and paramilitary ties within the government and security forces. The president continued funding for the Supreme Court's investigative unit, which examined members of Congress and senior government officials. At year's end a total of 94 sitting or former congressional representatives and senators had been investigated; subsequently, 25 were acquitted and 37 convicted. Fifteen governors were investigated, eight of whom were convicted.

The primary government body to design and enforce policies against corruption was the Presidential Program for Modernization, Efficiency, Transparency, and Combating Corruption, led by the anticorruption czar. The primary government institution that investigates and prosecutes corruption is the Prosecutor General's Office, but the Congress plays an investigative role in cases in which high government officials are involved.

By law public officials must file annual financial disclosure forms with the tax authority. This information is not public. The Senate maintained a Web site on which senators could voluntarily post their financial information.

The law provides for public access to government information, and the government generally provided this access in practice. While there are no prohibitive fees to access government information, there were reports that some low-level officials insisted on bribes to expedite access to information.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 often were cooperative and responsive to their views. The government and local human rights groups often differed in their evaluations and analyses of the human rights situation. NGOs reported that criticism from high-level officials, including former president Uribe, linking them to guerrilla groups put them at risk of retaliation by organized criminal gangs. While most NGOs noted a more positive, conciliatory tone by the Santos government, some also said that the government arbitrarily arrested and detained human rights activists, particularly in high-conflict areas. NGOs claimed

that the Prosecutor General's Office had pursued numerous unfounded judicial cases against legitimate human rights defenders with the purpose of discrediting their work. The government charged that some human rights activists engaged in activities that supported terrorism (see section 1.e.).

President Santos, Vice President Garzon, and other senior government officials continued to make public statements in support of human rights defenders during the year. The Ministry of Interior's 145 billion peso (\$75 million) protection program provided protection to a total of 8,880 people, including 1,531 human rights activists, as of July (see section 2.a.).

According to the NGO We Are Defenders (Somos Defensores), 29 human rights activists were killed and 93 threatened during the first half of the year. CODHES and We Are Defenders reported a rising trend of attacks against women leaders of the IDP population and activists seeking land restitution.

Several NGOs reported receiving threats in the form of e-mails, mail, telephone calls, obituaries, objects, or directly from unknown individuals. According to the OHCHR, reports of threats continued to increase during the year. The government condemned the threats and called on the Prosecutor General's Office to investigate them. The Prosecutor General's Office investigated 100 cases of threats against human rights defenders during the year. None of the investigations had resulted in a prosecution at year's end.

The government continued to meet with representatives of the OHCHR, local NGOs, and the diplomatic corps to discuss steps it had taken to comply with OHCHR recommendations to improve human rights practices. While acknowledging progress on several recommendations, the OHCHR and local NGOs reported that the government had not fully implemented all of them by year's end.

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. The Ombudsman's Office was underfunded, which limited its ability to monitor violations effectively. Members of the ombudsman's regional offices were under constant threat from illegal armed groups via pamphlets, e-mails, and violent actions.

On November 2, President Santos signed a decree creating the National System for Human Rights and International Humanitarian Law. The system is coordinated by

a commission of 11 senior government officials, led by the vice president, and is charged with designing, implementing, and evaluating the government's human rights and international humanitarian law policies. The Presidential Program for Human Rights, which operates under the authority of the vice president, coordinates national human rights policy and actions taken by government entities to promote or protect human rights. The program published the *Human Rights Observer* magazine, which provided analyses of major human rights issues and developments.

Both the Senate and House of Representatives have human rights committees, which serve solely as forums for discussion of human rights issues.

Implementation of the 2005 JPL continued. The Justice and Peace Unit in the Prosecutor General's Office is responsible for the required investigation and prosecution of demobilized persons, and an interagency commission on Justice and Peace coordinates its implementation. During the year 4,643 persons were presented as eligible for the JPL; 4,140 of these were former paramilitary members, including at least 29 commanders, and 503 were former guerrilla members. Testimonies of more than 2,433 individuals were taken, in which the Prosecutor General's Office identified 52,263 crimes, including more than 46,000 homicides. There were 66,773 victims involved in the 52,263 identified crimes. At year's end 362,369 victims had registered with the Prosecutor General's Office, including 38,604 who registered by October 31. Between January and October, the government exhumed 428 graves involving the remains of 573 persons. During the year the government identified 304 remains, 250 of which were returned to family members by the end of October. Testimony from the voluntary confessions also triggered investigations of politicians, military members, major agricultural producers, and government officials' ties to paramilitary forces.

The application of the law continued to face many challenges, including thousands of former paramilitary members who remained in legal limbo, and there was little land or money confiscated from paramilitary leaders. There were 10 convictions of paramilitary leaders since the law's implementation in 2005, seven in 2011.

Since 2009 the government's Program of Administrative Reparations paid approximately 700 billion pesos (\$362 million) in reparations to victims of illegal armed groups. Through May the Victim Protection Program under the Ministry of Interior and Justice protected 48 victims involved in the Justice and Peace process. As part of institutional reforms, the government allowed the mandate of the National Commission for Reparation and Reconciliation, including the Historical

Memory Group, to expire. As provided by a 2010 law, the government was working to establish a limited version of a truth commission. The Land and Victims' Law provides for the establishment and institutionalization of formal archives and a Center of Historic Memory for collecting oral testimony and material documentation concerning violations of international human rights norms and law.

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

Although the law specifically prohibits discrimination based on race, gender, disability, language, or social status, in practice many of these prohibitions were not enforced.

### **Women**

Rape and Domestic Violence: Although prohibited by law, rape, 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 and denies probation or bail to offenders who disobey restraining orders. There was no comprehensive or consolidated database on the incidence of sexual violence. However, in January the "Leave My Body Out of War" campaign published the results of an Oxfam-funded 2010 survey that sought to analyze the rate and prevalence of sexual violence against women in the country between 2001 and 2009. The survey was based on interviews conducted with 2,693 women in 15 of the country's 407 municipalities identified as "conflict-affected." The study extrapolated the survey results to estimate that 489,687 women had been victims of sexual violence. Almost 20 percent of these were instances of rape; almost half of these women were raped at least twice (33 percent on three or more occasions). Sexual harassment, regulation of social life, forced domestic labor, forced prostitution, forced abortion, forced pregnancy, and forced sterilization were all included under the definition of sexual violence. The study estimated that 30 percent of the violence was perpetrated by armed actors. However, a March study published by NGO Point of View Corporation and Benetech cautioned against citing the results of the study, noting the survey sample was drawn from only 15 municipalities and did not include nonconflict-affected zones.

Prosecution rates for rape were low, and the Prosecutor General's Office attempted to improve this. In light of low prosecution rates, in 2008 the Constitutional Court directed the Prosecutor General's Office to advance investigations into 183 alleged

cases of sexual violence. As of September 2010 only four cases had resulted in a conviction, and 140 remained in the investigative stage. Journalist Jineth Bedoya, who was abducted and raped in 2000 when she was entering a prison to conduct an interview, lobbied the Inter-American Court of Human Rights to take up her case. The Prosecutor General's Office increased efforts to investigate the crime; at year's end the investigation continued. The National Institute for Legal Medicine and Forensic Science identified 18,044 cases of suspected sex crimes through the end of November, including rape, but indicated that many cases went unreported. New illegal group members, former paramilitary members, and guerrillas, raped, sexually abused, and sometimes sexually mutilated women and children for fraternizing with the enemy, working as prostitutes, having sexual relations outside of marriage, or violating imposed codes of conduct or restrictions on dress (see section 1.g.).

Although prohibited by law, domestic violence, including spousal abuse, remained a serious problem. Judicial authorities may remove an abuser from the household and require therapy or reeducation. The law provides both fines and prison time if the abuser causes grave harm or the abuse is recurrent; however, provisions for fines were not applied. The National Institute for Legal Medicine and Forensic Science reported more than 38,000 cases of domestic violence against women, but it noted that only a small percentage of cases were brought to its attention for investigation and follow-up and that true numbers were likely significantly higher. The law requires the government to provide victims of domestic violence with immediate protection from further physical or psychological abuse. The ICBF provided safe houses and counseling for victims, but its services could not meet the magnitude of the problem. In addition to fulfilling traditional family counseling functions, ICBF family ombudsmen handled domestic violence cases. The Human Rights Ombudsman's Office conducted regional training workshops to promote the application of domestic violence statutes.

Sexual Harassment: The law provides measures to discourage and punish harassment at the workplace, such as sexual harassment, verbal abuse or derision, aggression, and discrimination. Nonetheless, sexual harassment remained a pervasive problem. In the Oxfam-funded study, approximately 7 percent of those surveyed experienced sexual harassment, although the incidence was likely significantly higher.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children and the information and means to do so free from discrimination. Women and men had access to contraception, skilled attendance

during childbirth, prenatal care, and obstetric care. Approximately 1 percent of those interviewed in the Oxfam study reported having been forced to have an abortion. Illegal armed groups forced women to have abortions. For example, female combatants who demobilized from the FARC reported that women in the FARC were repeatedly forced to have abortions, with most experiencing between one and seven abortions.

Discrimination: Although women enjoy the same legal rights as men, serious discrimination against women persisted. Women faced hiring discrimination were affected disproportionately by unemployment and had salaries that generally were not commensurate with their education and experience. Only 43 percent of women participated in the labor force; they were paid on average 40 percent less than men participating in similar or equal work.

The president's adviser for equality of women has primary responsibility for combating discrimination against women, although her office remained seriously underfunded. In October the government hosted the first national strategy conference as part of a campaign to highlight women's rights. The campaign sought to reduce violence against women, especially displaced women, and establish government policies to respond better to women who are victims of violence.

## **Children**

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

Child Abuse: Child abuse was a serious problem. The National Institute for Legal Medicine and Forensic Sciences reported more than 6,000 cases of child abuse through June. The ICBF reported 6,328 cases of sexual abuse against children through August. The institute also estimated that approximately 86 percent of reported sex crimes involved sexual abuse of children, most of whom were under age 14 (which is the minimum age of consent). In November the vice president and the government's senior advisor for equality of women launched a campaign to prevent sexual abuse of children. Numerous government and private sector entities participated in the campaign.

Sexual Exploitation of Children: By law sexual exploitation of a person under 18 years of age carries a penalty of 14 to 25 years in prison. Encouraging or forcing a

minor into prostitution carries a penalty ranging from two to eight years in prison and a fine. The law prohibits pornography using children under 18 years of age and stipulates a penalty of 10 to 20 years in prison and a fine. The minimum age of consensual sex is 14. The penalty for sexual activity with a child under age 14 ranges from two to 10 years in prison. According to the ICBF, through September there were 466 reports of minors engaging in independent or forced prostitution and 46 of child pornography. The ICBF identified 39 children through September engaged in activities involving child sex tourism and assisted 6,328 children victimized by sexual violence, including sexual exploitation, with psychosocial, medical, and legal support. The law authorizes the government to confiscate profits from hotels and other establishments where minors are sexually exploited.

Child Soldiers: Guerrillas forcibly recruited and used children as soldiers, including indigenous children (see section 1.g.). According to the UN, illegal armed groups killed or threatened children with death on suspicion of being informants for the military.

Displaced Children: According to government registrations, 36 percent of IDPs during the year were children (see section 2.d.).

International Child Abduction: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance

### **Anti-Semitism**

The Jewish community had an estimated 5,000 members. There were limited, isolated reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report*

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government sought to enforce these prohibitions. No law mandates access to public buildings, information, and telecommunications for persons with disabilities, limiting the power of the government to penalize schools or offices without access, but both national and local governments promoted programs aimed at improving access for the disabled. The Presidential Program for Human Rights is responsible for protecting the rights of persons with disabilities.

### **National/Racial/Ethnic Minorities**

According to the 2005 national census, approximately 4.5 million persons, or 10 percent of the country's population, described themselves as of African descent. A November UN report estimated that Afro-Colombians composed 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 the UN report, 45.5 percent of the country's population lived below the poverty rate, but in Choco, the department with the highest percentage of Afro-Colombian residents, 70.5 percent of residents lived below the poverty line (41 percent in extreme poverty). Choco continued to experience the lowest per capita level of social investment and ranked last in terms of infrastructure, education, and health. Maternal mortality in Choco was four times higher than the national average. It also continued to experience some of the country's worst political violence, as organized criminal gangs and FARC and ELN guerrillas struggled for control of the department's drug- and weapons-smuggling corridor (see section 1.g.). The UN report further explained that illiteracy rates were six times the national average in Narino, another department with a high percentage of Afro-Colombians.

In 2010 the government approved a policy to promote equal opportunity for black, Afro-Colombian, Palenquera, and Raizal populations. (Palenquera populations along some parts of the Caribbean coast, Raizal populations in the San Andres archipelago, and blacks and Afro-Colombians are all Afro-descendants who self-identify slightly differently based on their unique linguistic and cultural heritages.) In November President Santos signed into law an antidiscrimination bill that imposes a penalty of one to three years in prison or a fine of approximately 5.3 million to 8 million pesos (\$2,740 to \$4,140). It also adds a chapter on discrimination to the penal code that includes not only racism but discrimination

based on ethnic origin, religion, nationality, political ideology, sex, and sexual orientation.

### **Indigenous People**

The constitution and laws give special recognition to the fundamental rights of indigenous people, who compose approximately 3.4 percent of the population, and require that the government consult beforehand with indigenous groups regarding governmental actions that could affect them.

The law accords indigenous groups perpetual rights to their ancestral lands. Traditional indigenous authorities operated 807 reservations, accounting for 30 percent of the country's territory, with officials selected according to indigenous traditions. However, many indigenous communities had no legal title to lands they claimed, and illegal armed groups often violently contested indigenous land ownership. Through its land restitution and formalization "shock plan," as of July the government had restored 269,800 acres of land to indigenous communities.

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

Some indigenous groups continued to argue that they were not able to participate adequately in decisions affecting their lands. Indigenous leaders complained of the occasional presence of government security forces on indigenous reservations and asked that the government consult with indigenous authorities prior to taking military action against illegal armed groups operating in or around such areas. In March the Constitutional Court ordered the suspension of a major road project and several mining projects in Choco Department for failure to consult with indigenous groups prior to initiating those projects. As part of the judgment, the court asked Interconexion Electrica SA (ISA), the country's largest electricity distributor, to stop work on a binational power line project intended to interconnect Colombia's transmission lines with Panama's. In response, ISA officials began to develop plans to initiate consultations with indigenous groups in Choco.

In the March decision, the Constitutional Court recognized unconditionally the "indigenous peoples' right to free, prior, and informed consent" during all phases of a project. According to the ruling, consent should be the end goal of any prior consultation process and must be obtained in three specific instances: when a

project displaces communities; when it involves storing or disposing of toxic waste in ethnic territories; or when it causes social, cultural, or environmental impacts that put the existence of the community at risk. It also orders related jurisprudence to be translated into the local Embera language and published.

In May the Constitutional Court struck down strict mining regulations passed in 2010 but stated they would remain in effect for two years to give Congress time to approve an alternate bill. In its ruling the court declared the mining code unconstitutional because indigenous communities and Afro-Colombians living in mining areas had not been consulted.

The government stated that for security reasons it could not provide advance notice of most military operations and that it consulted with indigenous leaders when possible before entering land held by the communities. The law permits the presence of government security forces on indigenous lands; however, Ministry of Defense directives instruct security forces to respect the integrity of indigenous communities, particularly during military and police operations.

Despite special legal protections and government assistance programs, indigenous people continued to suffer discrimination and often lived on the margins of society. The indigenous people were the country's poorest population and had the highest age-specific mortality rates. Indigenous women tended to face triple discrimination on the basis of gender, ethnicity, and reduced economic status.

The Presidential Program for Human Rights reported that through September there were 71 homicides of indigenous people, compared with 68 for the same period in 2010. According to ONIC, on November 12, presumed members of the FARC shot and killed Fabio Domico Domico, vice governor of the Embera Katio community in Dabeiba, Antioquia. Domico was in charge of developing plans to safeguard his community. ONIC reported that the FARC, ELN, and organized criminal groups targeted indigenous groups in an effort to seek territory for drug-trafficking activities, among other motives. In July indigenous groups reported that 73 indigenous persons were injured in a FARC attack in Toribio, Cauca, when a bus loaded with explosives was detonated in the town center.

In February the UN Permanent Forum on Indigenous Issues recognized government efforts in fully recognizing the rights of indigenous groups but noted that the situation of these groups remained "extremely serious, critical, and profoundly worrisome."

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Nevertheless, despite government measures to increase the rights and protection of lesbian, gay, bisexual, and transgender (LGBT) persons, there were reports of abuse and discrimination.

Colombia Diversa, an NGO focused on violence and discrimination due to sexual orientation, reported at least 51 killings as of December 31 due to prejudice regarding sexual orientation or gender identity. The organization reported that on March 17, Gabriela Alejandra Guerrero, a transgender activist in Pasto, Narino, and member of the Southern Transgender Foundation, was killed, allegedly by a group called the Hitler Brotherhood of Pasto. According to a local rights organization, the local LGBT community had been receiving threats since 2010.

Colombia Diversa reported cases of police abuse against persons due to their sexual orientation, with the majority of complaints coming from transgender individuals. According to LGBT NGOs, these attacks frequently occurred, but victims did not pursue cases for fear of retaliation. NGOs also reported several cases of threats against human rights defenders working on LGBT issues as well as a high level of impunity for crimes against members of the LGBT community. Such organizations partially attributed impunity levels to failure of the Prosecutor General's Office to distinguish and follow crimes against the LGBT community effectively.

A 2010 study by Bogota's Department of Sexual Diversity reported that 98 percent of the LGBT community faced discrimination, particularly in schools and workplaces. The report showed that 53 percent of the community had been physically attacked for their sexual orientation or gender identity, and in 61 percent of cases the attacker was closely related to the victim. Transgender individuals were victimized the most (64 percent of that community), followed by lesbians (57 percent).

Members of the transgender community cited barriers to public services when health-care providers or members of the police refused to accept government-issued identification with transgender individuals' names and photos.

NGOs claimed that discrimination in prisons against persons due to their sexual orientation or gender identity remained a problem. In addition, there were instances where medical services for transgender individuals were denied. On June 15, the Constitutional Court ordered INPEC to create a training program for guards and prisoners on LGBT rights.

On November 2, the Constitutional Court ruled that the Ministry of the Interior, Ombudsman's Office, and Inspector General's Office must collaborate to create a national public policy framework on LGBT rights. The decision came in response to a suit by a transgender individual alleging he was denied entrance to a concert due to his transgender identity. In its decision the court noted that sexual behavior "does not justify unequal treatment."

### **Other Societal Violence or Discrimination**

There were no confirmed reports of societal violence or discrimination towards persons with HIV/AIDS.

## **Section 7. Worker Rights**

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

The law allows some workers to form and join unions, conduct legal strikes, and bargain collectively, and it prohibits antiunion discrimination. The law places some restrictions on forming and joining a union, particularly for workers in indirect contracting situations (although legal ambiguities also allowed some indirectly contracted workers to form unions). Members of the armed forces and police are prohibited from forming or joining unions. The labor code provides for automatic recognition of unions that obtain 25 signatures from potential members and comply with a registration process.

Members of some public sector unions, armed forces, police, and persons performing "essential public services" are not permitted to strike. The prohibition of strikes typically included a wide range of public services not considered "essential" as defined by the International Labor Organization (ILO). However, during the year the government published a summary of doctrine, case law, and jurisprudence that narrowed the definition of essential services for use by labor inspectors and the judiciary. Some members of the labor community criticized this document as continuing to lean toward an overly broad definition of essential services.

Before conducting a strike, unions must follow prescribed legal procedures, including entering into a conversation period with the employer, presenting a list of demands, and gaining majority approval in the union for a strike. By law strikes are limited to periods of contract negotiations or collective bargaining and allows employers to fire trade unionists who participate in strikes or work stoppages determined to be illegal by the courts.

The law prohibits public-sector collective bargaining agreements. Public sector employees can negotiate mutually approved agreements, but by definition these are not collective bargaining agreements. The law permits associated workers' cooperatives (CTAs) as well as collective pacts. Under collective pacts employers may negotiate accords on pay and labor conditions with groups of workers in workplaces where no union is present or where a union represents less than one-third of employees. The ILO continued to raise concerns regarding collective pacts, noting that they should be possible only in the absence of trade union organizations. 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 in such pacts. CTAs must register with the government and provide compensation at least equivalent to the minimum wage and the same health and retirement benefits normally offered to directly hired employees.

During the year the government made legal reforms, including narrowing the scope of legal uses of CTAs and prohibiting the misuse of CTAs or other labor relationships that negatively affect labor rights. Maximum penalties for violation can exceed 5,000 minimum monthly wages, or 2.6 billion pesos (\$1.3 million). The government also revised the criminal code to strengthen penalties for employers who engage in antiunion practices by penalizing such conduct with up to five years' imprisonment. Prohibited practices include impeding workers' right to legally strike, meet, or otherwise associate and extending better conditions to members of collective pacts than those in unions.

The government generally enforced applicable laws, but a lack of inspectors trained in the most recent laws, as well as an overburdened judicial system, inhibited speedy and consistent application. The Ministry of Social Protection was charged with enforcing labor laws for most of the year. However, in November the government created a separate Ministry of Labor. At year's end the new ministry continued to build its technical capacity in several areas, including inspection procedures to enforce the new regulations on CTAs and other forms of

third-party contracting. The government has the authority to fine labor rights violators but seldom shut down repeat offenders.

During the year the government investigated more than 907 CTAs and pre-CTAs, and it had sanctioned 176 as of August 31. The total amount of the fines levied against CTAs and pre CTAs was approximately 1.62 billion pesos (\$838,000). In 2010 the government sanctioned 125 CTAs and imposed fines totaling 514 million pesos (\$266,000).

On April 7, the government committed to a Labor Action Plan to protect internationally recognized labor rights, prevent violence against labor leaders, and prosecute the perpetrators of such violence. In addition, on May 26, the government signed a tripartite accord to advance labor rights with the business community, General Labor Confederation (CGT), and Colombian Pensioners' Confederation. The accord reinforced many of the commitments of the plan. It also included a commitment for reparations of unionist victims through the Justice and Peace Law and attention to ILO cases covering labor violence and impunity.

As part of its commitments under the action plan, the government took several steps to increase the effective enforcement of freedom of association and collective bargaining. For instance, by year's end the government was completing the hiring and training of 100 new labor inspectors, half of whom would specifically cover CTA issues in problem sectors. The government also implemented an enforcement plan for inspections of temporary service agencies and assigned 100 additional full-time judicial police investigators to support prosecutors who cover criminal cases involving unionists. The government improved the technical capacity of Ministry of Labor personnel by improving inspection procedures and methodology and developing a field guide for inspectors.

The Ministry of Social Protection (as of November the Ministry of Labor) established a telephone and Internet complaint mechanism to report alleged labor violations. However, labor groups expressed concern that the two systems did not provide an option to track progress on cases.

The Prosecutor General's Office issued a directive requiring the judicial police, the Technical Investigative Body, and prosecutors investigating criminal cases to determine during the initial phase of an investigation whether a victim was an active or retired union member or was actively engaged in union formation and organization. The government also broadened the scope of coverage for its protection program to include labor activists, persons who are engaged in efforts to

form a union, and former unionists under threat because of their past activities. By year's end these changes were in place, and several activists had been approved for protection under the program.

As of July the Ministry of Interior and Justice provided protection to 8,880 at-risk individuals, of whom 1,454 were trade union leaders or members (others protected included journalists, human rights advocates, and social leaders). The Ministry of Education managed a separate protection (transfer) program for educators, the majority of whom were unionized. Since 2000 the Prosecutor General's Office obtained 452 convictions of at least 592 individuals for violent acts against trade unionists, including 91 during the year. A special labor subunit set up in 2006 was assigned 1,465 cases to investigate and process, the majority of which remained under investigation or were in the preliminary stages of the prosecutorial process.

During the year the Prosecutor General's Office reported convictions in several high-profile cases. In January four individuals were sentenced to 23-36 years in prison as coauthors of the August 2010 murder of Sintraempaques leader Luis German Restrepo Maldonado. In July demobilized AUC member Ricardo Lopez Lora (alias La Marrana or Rober) accepted responsibility for the 1997 kidnapping and disappearance of Ramon Alberio Beltran Gil. Beltran was a member of the agricultural union Sintrainagro, and his killing was ordered by Carlos Castano Gil, who, according to the union, believed Beltran was collaborating with leftist guerrillas.

In practice violence, threats, harassment, and other practices against trade unionists continued to affect the exercise of the right to freedom of association, as violence and discrimination against union members discouraged some workers from joining and engaging in union activities. Labor unions assessed that high unemployment, a large informal economy, antiunion attitudes, and violence against trade union leaders contributed to making organizing difficult, limiting workers' bargaining power across sectors. Unions were generally independent of the government and political parties.

The Presidential Program for Human Rights reported that 20 trade unionists were killed through October, compared with 30 during the same period in 2010, while the National Union School (ENS), a labor rights NGO and think tank, reported that 29 trade unionists were killed during the year, compared with 51 in 2010. ENS and government figures differed because of different definitions of trade union membership and interpretations of homicide motives.

For example, on August 22, in Monteria, Cordoba, unknown individuals on a motorcycle shot and killed University of Cordoba security guard Luis Alfonso Diaz Villa. Diaz Villa was a member and activist in the University of Cordoba employees' union Sintraunicol. The ENS reported that Diaz Villa had been an active member of the union with service on its executive board. Sintraunicol denounced the killing in a public statement, tying it to the union's long history of victimization by illegal armed groups. At year's end the case was under investigation by the special ILO labor violence case unit of the Prosecutor General's Office.

The ENS and other labor groups continued to note that focusing on killings alone masked the true nature and scope of the antiunion violence. Labor groups noted that in some regions nonlethal violations were on the rise. The ENS reported 480 violations for the year; in addition to the 29 reported homicides, there were 342 death threats, 10 nonlethal attacks, three disappearances, 16 arbitrary detentions, 34 cases of forced displacement, 43 cases of harassment, two cases of torture, and one kidnapping.

Teachers continued to make up the largest percentage of union members and were the largest percentage of victims of violence by illegal armed groups. The Presidential Program for Human Rights reported that 12 of the 20 unionists killed as of October were teachers, while ENS reported 14 of 29 unionists killed were teachers. The teachers union Colombian Federation of Educators (FECODE) reported that 21 unionized educators were killed during the year.

On June 8, in Dosquebradas, Risaralda, unknown assailants shot and killed Jorge Eliecer de los Rios Cardenas, a teacher and member of the Risaralda Educators Union. The victim was also an environmentalist and member of a local environmental NGO. Before his death he had publicly criticized a local mining project by a multinational company in the municipality of Quinchia. Two suspects in the case were brought to trial on October 24 and acquitted. An appeal was pending at year's end.

Labor groups recognized that important advances were made by the labor subunit of the Prosecutor General's Office but said more needed to be done to end impunity for perpetrators of violence against trade unionists. They also claimed prosecutors charged with carrying out investigations into historic impunity cases failed to look for patterns among groups of homicide cases, such as evidence of antiunion biases as a motive for violence.

Workers, including some public employees, exercised the right to strike in practice. Unions cited multiple instances in which companies fired employees who formed or sought to form new unions. Employers continued to use temporary contracts, service agencies, and CTAs to limit worker rights and protections and lower costs. Many employers used CTAs to engage in illegal subcontracting, and in some cases private sector employers forced workers to join CTAs they themselves managed. In practice nominal fines assessed by the government did little to dissuade violators, although strengthened laws and penalties established during the year regarding CTAs and other forms of illegal labor intermediation influenced several companies to contract CTA workers directly. Despite these new laws, unions continued to voice reservations about the strength of the law and decree regarding CTAs as well as the government's ability to regulate adequately due to labor inspector shortages.

Employers continued to use collective pacts with workers, sometimes to weaken or replace the benefits of a collective bargaining agreement. For instance, labor groups noted that when a union presented a collective bargaining proposal, employers offered some workers better conditions and pay in exchange for their leaving the union and joining the pact. This undermined organized labor's ability to bargain collectively. The ILO expressed concern about acts of antiunion discrimination at the enterprise level and in the public sector.

Labor confederations and NGOs reported that some business owners in several sectors turned CTAs into "simplified corporations," union contracts, or temporary service agencies in an attempt to circumvent new legal restrictions on cooperatives. Some labor confederations identified the most problematic sectors as ports, textiles, and health care. Some companies, including Carrefour, Exito, Fabricato, and some sugar refineries, established formal employment relationships by directly contracting workers who were previously employed through CTAs. However, the majority of companies contracting their workers through CTAs and temporary service agencies did not transform their labor relationships into direct-hire contracts. The ENS and other labor organizations expressed concern that new legislation banning the misuse of some forms of third-party contracting would not be effectively enforced due to a long-standing permissive culture in the labor inspectorate. The labor organizations urged the government to emphasize the details of new legislation in training for new inspectors under the Labor Action Plan.

Approximately 75 percent of the workforce in ports was employed under flexible nonunion contracts. Some sugar and ethanol refineries also utilized CTAs as a

means of subcontracting labor to third parties, and some sugarcane cutters, predominantly Afro-Colombian and indigenous men, were required to belong to a CTA to gain employment. However, this phenomenon was changing at year's end, as a number of large sugar refineries offered direct contracts to cane cutters in CTAs. Due to legal ambiguities and lack of enforcement, some indirectly contracted workers formed unions. For instance, sugarcane cutters formed unions to enhance collaboration. Although the law does not clearly define if this is legally permissible, the unions were respected throughout the sugarcane sector.

CTAs and other subcontracting institutions were also common in the palm oil sector. After collective bargaining broke down over salary negotiations at one palm oil plantation in the region of Puerto Wilches, direct and subcontracted workers at five other plantations joined the strike to demand direct employment relationships for palm workers they believed to be performing core and permanent labor functions and thus illegally subcontracted. The sector-wide strike ended when local and national government officials, palm oil company executives, CTA owners, and union members reached an agreement to begin labor inspections to identify the misuse of CTAs and other subcontracting institutions. By year's end the Ministry of Labor was reviewing the results of labor inspections conducted in response to the strike.

Workers participated in multiple strikes in the oil region of Puerto Gaitan, Meta. Community members joined the protests, demanding better infrastructure and benefits. Many of the demonstrations were led by a sector-wide energy workers' union, the Petroleum Industry Workers' Union, which claimed significant increases in membership by subcontracted workers during the year. Another union, which primarily represented directly contracted workers, negotiated a separate accord with one major oil multinational, sparking conflict between the unions. On several occasions protests led to violence, and some unions and NGOs alleged that the government sometimes used excessive force to end the protests. Allegations by industry representatives, members of the labor community, and government representatives on the sources and nature of the violence did not coincide. The government established a series of roundtables to discuss social and labor issues in Puerto Gaitan, and Ministry of Labor officials conducted inspections of CTAs in the region. Union groups and NGOs expressed doubts about the government's commitment to resolving the conflict.

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

The law prohibits all forms of forced or compulsory labor, but there were some reports that such practices occurred.

Organized criminal gangs and FARC and ELN guerrillas practiced forced conscription, sometimes killing deserters or threatening them and their families. There were some reports that FARC and ELN guerrillas and organized criminal gangs used forced labor, including forced child labor, in coca cultivation in areas outside government control (see section 1.g.). An international organization estimated that 10,000 children participated in illegal armed groups. Forced labor, including organized begging, also remained a serious problem.

Also see the Department of State's *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 18 for hazardous work. Children ages 15 and 16 may work no more than 30 hours per week, and children age 17 may work no more than 40 hours per week. Children under the age of 15 may work in arts, sports, or recreational or cultural activities for a maximum of 14 hours per week. In all of these cases, working children and adolescents must have signed documentation filed by their parents and approved by a labor inspector or other local authority. Hazardous work includes an extensive list of activities within 11 occupational categories and subcategories identified as the "worst forms of child labor," including agriculture, hunting and forestry, fishing, mining and quarrying, manufacturing, construction, transport and storage, health services, and defense. The government, however, approved some agricultural apprenticeship programs for children from 14 to 17 through the National Service Learning Agency. For 14-year-old children, this program is education-only, and children are not permitted to work. Child workers are prohibited 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 of up to 100 times the minimum monthly wage for labor law violations, including child labor violations. 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. The government provided guidelines to labor inspectors to help ensure children younger than age 15 do not work and adolescents ages 15 to 17 who have work permits are not engaged in dangerous work. In the formal sector (which covered approximately 20 percent

of the child labor force), they did so through periodic inspections. However, resources and training remained inadequate for effective enforcement.

Government agencies carried out several activities to eradicate and prevent exploitative child labor. With ILO assistance the government worked to improve cooperation among national, regional, and municipal governments through its national plan to eradicate child labor and protect working youth. It also launched a new monitoring system to register working children. The government also sought to reduce demand for child labor through public awareness and training efforts, often working with international and civil society organizations. For instance, through February the government participated in a project with NGO partners that supported the implementation of the national strategy to eradicate the worst forms of child labor and provided educational services to more than 10,000 children engaged in mining, street vending, commercial sexual exploitation, construction, and agriculture.

A “virtual” training program for labor inspectors in various departments continued to provide inspectors and other officials with details on how to approach situations involving the worst forms of child labor. The program also included a course manual developed and published by the ILO and made available online. The ILO reported that 400 public officials received the training during the year.

As part of its National Strategy for Social Prosperity, the government committed to strengthening poverty reduction through a national social protection program, the United Network. One of the strategy’s goals is to prevent children under 15 from working. Within the framework of United Network programming, the ICBF established a partnership with the IOM to combat child labor in five municipalities with high rates of child labor. During the year 648 children and their families benefitted from specialized counseling and assistance designed to prevent child labor

The CNP also carried out awareness efforts to reduce child labor. Through its flagship “Open your Eyes” program, the CNP taught children and their parents about potential dangers and illegal activities for youth, including child labor. The program incorporated training for parents and children as well as activities on an interactive bus for children.

Child labor remained a problem in the informal and illicit sectors. According to a National Administrative Department of Statistics (DANE) study conducted in 2009 and published in 2011, of the 11.4 million children between the ages of five and

17, approximately one million worked. NGOs reported that 37.6 percent of children who worked did not receive payment. According to the DANE study, most child laborers were engaged in agriculture, commerce, retail, and manufacturing. Significant incidences of child labor occurred in the production of clay bricks, coal, emeralds, gold, coca, and pornography. Through August the ICBF reported 1,102 complaints of labor exploitation and 551 child victims of commercial sexual exploitation.

In practice prohibitions against children working in mining and construction were largely ignored. Some educational institutions modify schedules during harvest seasons so that children may help on the family farm. Children worked in artisanal mining of coal, clay, emeralds, and gold under dangerous conditions and in many instances with the approval or insistence of their parents. The ICBF identified and assisted approximately 1,900 children working in illegal mining operations during the year. Most children were found working in the departments of Bolivar, Cesar, Narino, and Boyaca. Estimates of the total number of children who worked in illegal mining operations varied from 10,000 to 200,000.

There were instances of forced child labor in mines, quarries, and private homes. According to government officials and international organizations, children also worked, sometimes forcibly, in the illegal drug trade and other illicit activities. Several thousand children were forced to serve as combatants, prostitutes, or coca pickers for the FARC, ELN, and organized criminal gangs, which included some former members of paramilitary groups (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor*

#### **d. Acceptable Conditions of Work**

The monthly minimum wage was approximately 535,600 pesos (\$277), a 4 percent increase from 2010. In a study on poverty released in 2010, DANE estimated the poverty income level at 281,384 pesos (\$146) monthly. In December, for the first time since 2006, the tripartite commission of employers, workers, and government representatives charged with negotiating the minimum wage came to an agreement on the 2012 wage, which was to increase by 5.8 percent to 566,700 pesos (\$293).

The labor code provides for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. The law provides for paid annual civil and religious holidays for all workers. Employees who work at least one full year are

entitled to at least 15 days of paid vacation. The code stipulates that workers are entitled to receive premium compensation for additional hours worked over the regular workweek of 48 hours and for work performed on Sundays. Compulsory overtime is permitted only in exceptional cases where the work is considered essential for the company's functioning.

The government remained unable to enforce the minimum wage in the informal sector, which, according to the Office of the Inspector General, constituted approximately 60 percent of the workforce. The Ministry of Social Protection enforced labor law, including occupational safety and health regulations, in the formal sector through periodic inspections by labor inspectors. There were 524 labor inspector positions including the additional 100 labor inspectors hired under the Labor Action Plan. At year's end the government employed more than 470 labor inspectors; some positions were empty as a result of attrition and because of the difficulty of identifying candidates to work in certain regions.

The law provides protection for workers' occupational safety and health in the formal sector. Informal sector workers, including many mining and agricultural workers, were not protected by these laws. The law provides workers with the right to leave a hazardous work situation without jeopardizing continued employment. A scarcity of government inspectors, poor public safety awareness, and inadequate attention by unions resulted in a high level of industrial accidents and unhealthy working conditions in the formal and informal sectors. A labor NGO reported an increase in health and safety problems in illegal mining. Nonunion workers, particularly those in the agricultural and port sectors, reportedly worked under hazardous conditions because they feared losing their jobs in third-party contracting mechanisms or informal arrangements if they criticized abuses.

Security forces and other officials closed more than 325 illegal mines and detained more than 1,200 persons as part of a comprehensive interagency initiative to combat illegal mining. Security forces reported that illegal armed groups including the FARC, ELN, and organized criminal groups engaged in illegal mining of gold, coal, coltan, nickel, copper, and other minerals in at least 17 of the country's 32 departments. Illegal mines were especially common in Antioquia, Cordoba, Choco, and Tolima. According to government studies, the FARC could be receiving approximately 1.6 billion pesos (\$828 million) per year from these activities.

According to Ingeominas, the government geological and mining oversight institute, there were 127 deaths due to mining accidents during the year, compared with 173 in 2010. Reports to the government of mining accidents increased 16 percent, but Ingeominas attributed the rise to increased reporting due to improvements in awareness of mine safety issues.