

Colombia

Incidence and Nature of Child Labor

The Colombian National Administrative Department of Statistics estimated that 10.4 percent of children ages 5 to 14 were working in Colombia in 2001.⁹⁹³ Children are found working primarily in the informal sector;⁹⁹⁴ the vast majority of children work in agriculture, commerce, industry, and services.⁹⁹⁵ In rural areas, most working children participate in uncompensated family agricultural and mining activities, including in illegal gold, clay, coal, emerald, and limestone mines.⁹⁹⁶ In urban areas, children are found working as domestic servants,⁹⁹⁷ and also in the retail and services sectors, and in activities such as street vending and waiting tables.⁹⁹⁸ Children also work in coca picking and other aspects of the drug trade.⁹⁹⁹

Children are involved in commercial sexual exploitation in Colombia.¹⁰⁰⁰ Commercial sexual exploitation of children is found especially in urban centers and in areas where there are large numbers of men who are separated from families due to work.¹⁰⁰¹ Children are involved in commercial sexual exploitation either on the streets or in private establishments such as bars, brothels, or massage parlors, and tend to range in age from 13 to 17 years.¹⁰⁰² Colombia is a source and transit country for girls trafficked for sexual exploitation.¹⁰⁰³ There are also reports of internal trafficking of boys for forced labor.¹⁰⁰⁴

⁹⁹³ This figure includes children working outside the home in the productive sector of the economy. It does not measure work in activities in the household, regardless of the amount of time devoted to such activities. Another 29.9 percent of children ages 15 to 17 years were also found working. See National Administrative Department of Statistics, *Encuesta Nacional de Trabajo Infantil*, Bogotá, November 2001, 30, 52-54, 149. For more information on the definition of working children, please see the Data Sources section of this report.

⁹⁹⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Colombia*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27891.htm>.

⁹⁹⁵ National Administrative Department of Statistics, *Encuesta Nacional de Trabajo Infantil*, 55.

⁹⁹⁶ ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining-Colombia*, project document, COL/01/P50/USA, Geneva, September 25, 2001, 5-7. See also U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6d.

⁹⁹⁷ Watchlist on Children and Armed Conflict, *Colombia's War on Children*, New York, February 2004, 22; available from <http://www.watchlist.org/reports/colombia.report.pdf>.

⁹⁹⁸ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*, October 2001.

⁹⁹⁹ In 2000, an estimated 200,000 children were involved in such activities. See Colombian Ombudsman's Office, *Informe sobre los derechos humanos de la niñez en Colombia durante el año 2001*, 2001, 26. See also U.S. Embassy- Bogotá official, email communication to USDOL official, February 20, 2004.

¹⁰⁰⁰ U.S. Department of State, *Country Reports- 2003: Colombia*, Section 5. The Human Rights Ombudsman's Office estimates that 25,000 children in total in Colombia are engaged in some form of commercial sexual exploitation. See U.S. Embassy- Bogotá, *unclassified telegram no. 7759*, August 19, 2003.

¹⁰⁰¹ This category includes men in the armed forces, truckers, and migrant workers. See ECPAT International, *Colombia*, in ECPAT International, [database online] n.d. [cited May 26, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=37&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

¹⁰⁰² Ibid.

Children are recruited, sometimes forcibly, by guerrilla and paramilitary groups in Colombia to serve as combatants, and are used by government armed forces as informants.¹⁰⁰⁵ They are also used as messengers, spies, and sexual partners, and to carry out such tasks as kidnapping and guarding of hostages and transporting and placing bombs.¹⁰⁰⁶ There are reports that high rates of school dropout, due to various aspects of the armed conflict, increase children's vulnerability to sexual exploitation, child prostitution, or recruitment into an armed group.¹⁰⁰⁷

The Constitution requires children ages 5 to 15 years to attend school, and education is free in state institutions.¹⁰⁰⁸ In reality, school is not always available or accessible to school-age children.¹⁰⁰⁹ School dropouts have increased due to the armed conflict, and teachers have been targets of murders, threats, and displacement.¹⁰¹⁰ In 2001, the gross primary enrollment rate was 109.6 percent and the net primary enrollment rate was 86.7 percent.¹⁰¹¹ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In

¹⁰⁰³ U.S. Department of State, *Trafficking in Persons Report- 2004: Colombia*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm>. See also U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6f.

¹⁰⁰⁴ U.S. Department of State, *Trafficking in Persons Report: Colombia*.

¹⁰⁰⁵ Estimates of the number of child soldiers in Colombia range from 11,000 to 14,000. See Watchlist on Children and Armed Conflict, *Colombia's War on Children*, 1, 3, 27. See also U.S. Department of State, *Country Reports- 2003: Colombia*, Section 5, 6c, 6d. See also United Nations Economic and Social Council, *Organization of the Work of the Session: Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia*, E/CN.4/2004/13, February 17, 2004, paras. 52, 58, 64. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Colombia*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=820. Various Colombian paramilitary and guerrilla groups have been included on the UN list of Parties to Armed Conflict that Recruit or Use Children in Armed Conflict. See United Nations Economic and Social Council, *Rights of the Child: Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, Olara Otunnu*, E/CN.4/2004/70, January 28, 2004, 13.

¹⁰⁰⁶ Coalition to Stop the Use of Child Soldiers, "Colombia," in *Global Report 2001*, London, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/3b4a7c9286eda15580256aec004d7c65?OpenDocument>. Young people, including peasant girls, are also used as forced labor in the illegal gasoline trade, and some are forced to carry out torture and executions. See Watchlist on Children and Armed Conflict, *Colombia's War on Children*, 21, 27-29.

¹⁰⁰⁷ Coalición contra la vinculación de niños niñas y jóvenes al conflicto armado en Colombia, *Niñez, escuela y conflicto armado en Colombia*, October 2003; available from http://www.coalico.org/documentos/InformeCNE_oct.doc. Children are also sometimes recruited in schools to join armed groups. See United Nations Economic and Social Council, *The right to education: Report submitted by Katarina Tomasevski, Special Rapporteur, Addendum: MISSION TO COLOMBIA (1-10 October 2003)*, E/CN.4/2004/45/Add.2, February 17, 2004, para. 49.

¹⁰⁰⁸ *Constitución Política de Colombia de 1991, actualizada hasta reforma de 2001*, (1991), Article 67; available from <http://www.georgetown.edu/pdba/Constitutions/Colombia/col91.html>.

¹⁰⁰⁹ United Nations Economic and Social Council, *The right to education: Addendum*, para. 8. While the basic costs of primary education are covered, parents must incur expenses such as matriculation fees, books, school supplies, and transportation costs. See U.S. Department of State, *Country Reports- 2003: Colombia*, Section 5.

¹⁰¹⁰ Watchlist on Children and Armed Conflict, *Colombia's War on Children*, 18. See also United Nations Economic and Social Council, *The right to education: Addendum*, para. 2.

¹⁰¹¹ World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

2000, the gross primary attendance rate was 139.5 percent (142.8 percent for boys, 136.1 percent for girls), and the net primary attendance rate was 92.8 percent (92.5 percent for boys, 93.1 percent for girls).¹⁰¹²

Child Labor Laws and Enforcement

The Constitution sets the minimum age for employment at 14 years, and the Minors' Code defines special conditions under which children ages 12 and 13 are authorized to perform light work with permission from parents and labor authorities.¹⁰¹³ Article 44 of the Constitution calls for the protection of children against all forms of exploitation, which includes economic and labor exploitation, and hazardous work.¹⁰¹⁴ The Minors' Code defines hazardous work and sets the minimum age for such work at 18 years.¹⁰¹⁵ The Constitution also prohibits slavery and forced or compulsory labor.¹⁰¹⁶

Trafficking in persons within the country as well as across national borders for the purposes of exploitation, prostitution, pornography, begging, or forced labor is prohibited by law. Penalties range from 10 to 15 years imprisonment plus a fine, but can be increased if the victim is a minor.¹⁰¹⁷ Law 548 of 1999 establishes that persons under the age of 18 cannot perform military service,¹⁰¹⁸ and Article 22 of Decree 128 prohibits children from working in intelligence activities.¹⁰¹⁹ Recruitment of children under 18 years by armed groups is punishable by 6 to 10 years in prison.¹⁰²⁰

The Ministry of Social Protection (formerly the Ministry of Labor and Health),¹⁰²¹ the Colombian Institute of Family Welfare (ICBF), the Minors' Police, the Prosecutor's Office for the Protection of the Child and Family, and Family Commissioners are the entities authorized to implement and enforce the country's child labor laws and regulations.¹⁰²² According to the U.S. Department of State, the Ministry of Social

¹⁰¹² USAID, *Global Education Online Database: Country Table: Colombia*, in USAID, [database online] n.d. [cited March 11, 2004]; available from http://esdb.cdie.org/cgi-bin2/broker.exe?_service=default&_program=gedprogs.centry_3.sas&cocode=5COL+&ssc=EDD06101+&ssc=EDD06102+&ssc=EDD06103+&ssc=EDD06110+&ssc=EDD06111+&ssc=EDD06112+&year=1111&output=1.

¹⁰¹³ The Minors' Code also prohibits children under the age of 12 from working, sets limits on the number of hours children ages 12 to 17 may work, and forbids employment of children at night. See U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6d.

¹⁰¹⁴ *Constitución Política de Colombia*, Art. 44.

¹⁰¹⁵ ILO, *The effective abolition of child labour*, 2003, 46, 47; available from <http://www.ilo.org/public/english/standards/decl/download/review03/childlabour.pdf>. Penalties of 1 to 40 minimum monthly salaries are imposed for violating child labor laws. See U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6d.

¹⁰¹⁶ *Constitución Política de Colombia*. See also U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6c.

¹⁰¹⁷ George Sadek, The Protection Project, email communication to USDOL official, June 3, 2004. See also U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6f.

¹⁰¹⁸ Coalition to Stop the Use of Child Soldiers, "Global Report 2001: Colombia."

¹⁰¹⁹ Coalition to Stop the Use of Child Soldiers, *CHILD SOLDIER USE 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict*, London, January 16, 2004; available from [http://www.child-soldiers.org/cs/childsoldiers.nsf/569f78984729860e80256ad4005595e6/024632d9b53d8a7a80256e2e005cbc83/\\$FILE/ChildSoldiers2003-Colombia.pdf](http://www.child-soldiers.org/cs/childsoldiers.nsf/569f78984729860e80256ad4005595e6/024632d9b53d8a7a80256e2e005cbc83/$FILE/ChildSoldiers2003-Colombia.pdf).

¹⁰²⁰ Becker, "World Report 2004."

¹⁰²¹ Ministerio de la Protección Social, *Bienvenidos: Ministerio de la Protección Social*, [previously online] [cited August 13, 2003]; available from <http://www.mintrabajo.gov.co/NewSite/MseContent/home.asp> [hard copy on file].

¹⁰²² U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

Protection conducts child labor inspections, but the system lacks resources and is only able to cover a small percentage of the child labor force employed in the formal sector.¹⁰²³

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Colombia's National Development Plan 2002-2006 includes provisions to address child labor,¹⁰²⁴ and the Third Plan for the Elimination of Child Labor and the Protection of Working Youths 2003-2006 aims to increase awareness of child labor, to expand the number of institutions involved in combating child labor at local and national levels, and to strengthen legislative protections for children.¹⁰²⁵ With support from ILO-IPEC and Canada, the government is working to improve cooperation and coordination among national, regional, and municipal governments in combating child labor.¹⁰²⁶

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	2/2/2001	✓
Ratified Convention 182		
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan		

ICBF, in collaboration with UNICEF, the ILO, IOM, and the Ombudsman's office, is conducting a campaign to prevent the involvement of minors in armed conflict. The program, launched in January 2004, includes awareness raising activities, formal education, and vocational training in conflict regions.¹⁰²⁷ ICBF also administers a reinsertion program for former child soldiers.¹⁰²⁸ The Colombian Ministry of Interior operates a program that finds housing for and provides grants and training to demobilized child combatants.¹⁰²⁹ The Government of Colombia also participates in a 3-year inter-regional ILO-IPEC project funded by USDOL that aims to prevent and reintegrate children involved in armed conflict.¹⁰³⁰ Government

¹⁰²³ U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6d.

¹⁰²⁴ ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining: Technical Progress Report*, Geneva, February 24, 2003, Section II B.

¹⁰²⁵ The plan was launched in December 2003 by the Ministry of Social Protection and ICBF. See Comité Interinstitucional para la Erradicación del Trabajo Infantil y la Protección del Joven Trabajador, *III Plan Nacional para la Erradicación del Trabajo Infantil y la Protección del Trabajo Juvenil 2003-2006*, ILO, Bogotá, 2003, 51-52. See also ILO-IPEC, *Prevention and Elimination of Child Domestic Labour in South America*, technical progress report, Geneva, February 26, 2004, 10. See also Government of Colombia, *Avances en la Erradicación del Trabajo Infantil en Colombia: Informe Solicitado por el Departamento de Trabajo de los Estados Unidos*, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", August 17, 2004.

¹⁰²⁶ U.S. Embassy- Bogotá, *unclassified telegram no. 8509*, August 2004.

¹⁰²⁷ Project support is provided by USAID, the Swedish International Development Cooperation Agency, and the Swedish and Norwegian embassies. See "Organismos de derechos humanos lanzan campaña para prevenir que niños ingresen al conflicto," *El Espectador* (Bogotá), January 29, 2004; available from <http://www.elespectador.com/2004/20040129/paz/nota1.htm>.

¹⁰²⁸ U.S. Department of State, *Country Reports- 2003: Colombia*, Section 5.

¹⁰²⁹ Human Rights Watch, *You'll Learn Not to Cry: Child Combatants in Colombia*, Washington, September 2003, 113-14.

¹⁰³⁰ The project was funded in 2003. See International Child Labor Program U.S. Department of Labor, *Prevention and Reintegration of Children Involved in Armed Conflict: An Inter-Regional Program*, project summary.

officials, along with representatives from UNICEF, UNDP and NGOs, received training on child rights and the importance of community involvement to prevent the recruitment of minors into the armed conflict.¹⁰³¹

IOM, in collaboration with the Ministry of Foreign Affairs and *Fundación Esperanza*, operates a migrant information center in Bogotá's international airport whose services include assistance to trafficking victims.¹⁰³² Colombia hosted a regional workshop in April 2004 to discuss best practices in the fight against commercial sexual exploitation of children,¹⁰³³ and a governmental inter-agency advisory committee meets every 2 months to discuss trafficking in persons. The committee's activities include information campaigns, information exchange among government entities, trafficking hotlines for victims, and closer cooperation with Interpol.¹⁰³⁴ In July 2004, Colombian officials participated in a forum that resulted in guidelines to develop an inter-institutional and international protocol to guarantee protection to trafficking victims.¹⁰³⁵

Until 2004, the government was participating in an ILO-IPEC regional project funded by USDOL to prevent and eliminate the involvement of children in domestic labor,¹⁰³⁶ and another ILO-IPEC project to combat the commercial sexual exploitation of children.¹⁰³⁷ In 2004, the government began participating in a new USDOL-funded ILO-IPEC regional project to combat children's involvement in both domestic labor and commercial sexual exploitation.¹⁰³⁸ Colombia is also participating in a USDOL-funded ILO-IPEC project to prevent and eliminate child labor in small-scale mining,¹⁰³⁹ and cooperates with MINERCOL, the parastatal mining corporation, to combat child labor in the informal mining sector.¹⁰⁴⁰ The government also

¹⁰³¹ The training was organized by IOM. See IOM, "COLOMBIA - Workshop to Prevent the Forced Recruitment of Minors", [online], August 10, 2004; available from <http://www.iom.int/en/news/PBN100804.shtml>.

¹⁰³² The center was opened in February 2004. See IOM, "COLOMBIA - Migrant Information Center", [online], February 20, 2004; available from <http://www.iom.int/en/archive/PBN200204.shtml>.

¹⁰³³ Participants included government representatives, employer organizations, unions, and NGOs from Latin America and the Caribbean. See Mayte Puertes, ILO-IPEC official, email communication to USDOL official, April 29, 2004.

¹⁰³⁴ The committee is comprised of representatives from the Presidency, the Ministry of Foreign Affairs, the Ministry of Interior and Justice, the Department of Security (*Departamento Administrativo de Seguridad*), the Office of the Inspector General, the Office of the Prosecutor General, and Interpol. See U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Colombia*.

¹⁰³⁵ The forum was organized by IOM and funded by the U.S. Department of State, and served to strengthen cooperation among the three participating countries, Colombia, the Dominican Republic and the United States. See IOM, "COLOMBIA - First International Forum on the Implementation of Justice in Trafficking", [online], July 13, 2004; available from <http://www.iom.int/en/news/PBN130704.shtml>. See also IOM, "COLOMBIA - Urgent Strategy to Combat Trafficking and Protect Victims", [online], July 20, 2004; available from <http://www.iom.int/en/news/PBN200704.shtml>.

¹⁰³⁶ This 3-year project was funded in 2000, and is also being implemented in Brazil, Paraguay, and Peru. See ILO-IPEC, *Prevention and Elimination of Child Domestic Labor in South America*, project document, RLA/00/P53/USA, Geneva, September 2000, 1. The project was extended until July 2004. See ILO-IPEC, *South America child domestics March 2004 TPR*, 1.

¹⁰³⁷ U.S. Embassy- Bogotá, *unclassified telegram no. 8509*.

¹⁰³⁸ ILO-IPEC, *Prevention and elimination of child domestic labour (CDL) and of commercial sexual exploitation of children (CSEC) in Chile, Colombia, Paraguay and Peru*, Geneva, September 30, 2004.

¹⁰³⁹ This 2-year project was funded in 2001. See ILO-IPEC, *Small Scale Mining-Colombia, project document*, 1. The project has been extended through December 2004. See ILO-IPEC, *Programme for the Prevention and Elimination of Child Labour in small-scale mining in Colombia*, project revision, March 30, 2004.

¹⁰⁴⁰ U.S. Embassy- Bogotá, *unclassified telegram no. 8509*.

participates in a USD 3.5 million USDOL-funded education initiative in Colombia to improve access to quality, basic education for working children and children at risk of entering work.¹⁰⁴¹

Colombia's National Development Plan 2002-2006 as well as the Education Development Plan 2003-2006 list increasing educational access, and improving educational quality and efficiency as their objectives.¹⁰⁴² Through a loan from the World Bank, the government is working to improve educational quality and access in the country's rural areas.¹⁰⁴³ The government also provides scholarships and cash grants for education to poor families, with support from the World Bank.¹⁰⁴⁴ ICBF oversees government programs on child welfare and protection, and provides funding to children's programs implemented by non-governmental organizations.¹⁰⁴⁵ Through a programmatic structural adjustment loan from the World Bank, the government worked to establish explicit targeting policy and practices to expand poor children's access to ICBF Assistance and Prevention programs.¹⁰⁴⁶ UNICEF's work in Colombia focuses on promoting educational access and quality, and reducing dropout, as well as on protecting victims of the armed conflict.¹⁰⁴⁷

¹⁰⁴¹ The 4-year project was funded in September 2004. See U.S. Department of Labor, *United States Provides over \$110 Million in Grants to Fight Exploitive Child labor Around the World*, press release, Washington, DC, October 1, 2004.

¹⁰⁴² United Nations Economic and Social Council, *The right to education: Addendum*, para. 12, 18.

¹⁰⁴³ The 5-year loan was awarded in 2000. See World Bank, *Rural Education Project*, [online] [cited June 1, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050578>.

¹⁰⁴⁴ The World Bank provides support through a 3-year loan awarded in 2001. See World Bank, *Human Capital Protection Project*, [online] [cited June 1, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P069964>.

¹⁰⁴⁵ U.S. Department of State, *Country Reports- 2003: Colombia*, Section 5.

¹⁰⁴⁶ The World Bank awarded Colombia the 6-month USD 200 million loan in September 2003. The project closed in March 2004. See World Bank, *CO: Programmatic Labor Reform and Structural Adjustment Loan*, in World Bank, [online] [cited June 1, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P079060>.

¹⁰⁴⁷ UNICEF Colombia, *Acciones de UNICEF en el país*, in UNICEF Colombia, [online] n.d. [cited March 25, 2004]; available from <http://www.unicef.org.co/04-unicol.htm>.