

OIM%20Estudio%20Exploratorio%20sobre%20Trata%20de%20Personas%202006.pdf.

⁷⁶⁸ UN Committee on the Rights of the Child, *Consideration of Reports of States Parties: Chile*, para. 36.

⁷⁶⁹ U.S. Embassy- Santiago, *reporting*, November 30, 2007.

⁷⁷⁰ Ministry of Justice and Human Rights of Argentina,

Iniciativa Niñ@ Sur, [online] [cited March 16, 2008]; available from <http://www.derhuman.jus.gov.ar/direcciones/asistencia/ninosur.htm>. See also Child Rights Information Network, *MERCOSUR*, [online] 2007 [cited December 26, 2007]; available from <http://www.crin.org/espanol/RM/mercosur.asp>.

Colombia

<i>Selected Statistics and Indicators on Child Labor⁷⁷¹</i>	
Working children, 5-14 years (%), 2001:	10.4
Working boys, 5-14 years (%), 2001:	14.1
Working girls, 5-14 years (%), 2001:	6.6
Working children by sector, 5-14 years (%), 2001:	
- Agriculture	35.6
- Manufacturing	12.6
- Services	49.9
- Other	1.9
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	116
Net primary enrollment rate (%), 2006:	88
School attendance, children 5-14 years (%), 2001:	90.4
Survival rate to grade 5 (%), 2005:	82
ILO-IPEC participating country:	Yes
*Must pay for miscellaneous school expenses.	

Incidence and Nature of Child Labor

In Colombia, children in urban areas work primarily in commerce and service industries. Specific urban sectors include work in domestic service in third party homes, bakeries, automobile repair, and food preparation.⁷⁷² In rural areas, children work in the production of coffee, sugar cane, fruits, and vegetables. Many children work as domestic servants or in family businesses, often without pay.⁷⁷³ The Colombian Family Welfare Institute (ICBF) estimates that about 80 percent of

working children work in the informal sector.⁷⁷⁴ Children mine emeralds, gold, clay, and coal under dangerous conditions.⁷⁷⁵ According to the Colombia Department of National Statistics and the Colombian National Mining Company, estimates of children working in illegal mines range from 10,000 to 200,000.⁷⁷⁶ Children are also used in the cultivation of coca for illegal purposes and in the processing and transportation of illicit drugs.⁷⁷⁷

Many children are victims of commercial sexual exploitation, including pornography, prostitution, and sexual tourism. According to reports by the IOM and the Ministry of Social Protection (MSP), an estimated 25,000 minors work in the commercial sex trade in Colombia.⁷⁷⁸ Colombia is a major source of girls trafficked for the purpose of commercial sexual exploitation. Children are trafficked internally from rural to urban areas.⁷⁷⁹ According to the IOM report, Colombian children are trafficked for purposes of commercial sexual exploitation, forced labor in domestic service, agriculture, mines and factories, forced recruitment as child soldiers, begging, and servile matrimony.⁷⁸⁰

Children in Colombia are recruited, sometimes forcibly, by insurgent and paramilitary groups to serve as combatants and perform forced labor in the country's ongoing conflict. An estimated 6,000 to 16,000 children are child combatants.⁷⁸¹ Many are forced to participate in and are victims of human rights violations such as torture and murder. Girl combatants are subject to sexual exploitation by other group members.⁷⁸² Children demobilized from the United Self-Defense Forces of Colombia (AUC) were not officially delivered to the Colombian Institute for Family Welfare (ICBF) as required by the demobilization process.⁷⁸³

Reportedly, children have been used by government armed forces as informants.⁷⁸⁴ Many demobilized children have been held by government forces and agencies much longer than the 36 hours required by law, before being turned over to ICBF.⁷⁸⁵

Child Labor Laws and Enforcement

The minimum employment age in Colombia is 15 years. Adolescents under 15 may perform artistic or cultural work.⁷⁸⁶ Authorization from a labor inspector or other designated authority is required for minors to work.⁷⁸⁷ Adolescents ages 15 and 16 may only work 6 hours per day or 30 hours per week and until 6 p.m.; and those age 17 may work 8 hours per day, 40 hours per week, and until 8 p.m. The law also prohibits minors from work that is exploitive or hazardous.⁷⁸⁸

The MSP Resolution No. 4448 of 2005 identifies the worst forms of child labor that are prohibited for all minors under 18 years. Minors are not permitted to perform most forms of work related to agriculture, fisheries, lumber, mining, industrial manufacturing, utilities, construction, heavy equipment, and transportation. Unskilled labor such as shoe shining, domestic service, trash collection, work in clubs and bars, and street sales is also prohibited. Also, minors may not work under conditions that may harm their psychosocial development.⁷⁸⁹ Individuals, businesses, and civic organizations must report child labor law violations.⁷⁹⁰ The ILO CEACR has requested clarification on exceptions in Resolution No. 4448 that allow adolescents ages 16 and 17 to work at night.⁷⁹¹

The Constitution prohibits slavery, servitude, and human trafficking.⁷⁹² The trafficking of children under 18 years is punishable by fines and 17 to 35 years incarceration. Trafficking children under 12 years is punishable by 20 to 35 years imprisonment.⁷⁹³ Inducing prostitution is punishable by 2.7 to 6 years incarceration and fines. Penalties for forced prostitution range from 6.7 to 13.5 years incarceration and fines. Penalties increase by one-third to one-half for both induced and forced prostitution if the victim is under 14 years or if the crime involves international trafficking.⁷⁹⁴ Crimes involving child pornography are punishable by 8 to 12 years incarceration and

fines. The use of the mail or the Internet for sexual contact with a minor is punishable by 6.7 to 15 years incarceration and fines, with increased penalties if the victim is under 12 years.⁷⁹⁵

Posting child pornography on the Internet is punishable by fines and the cancellation or suspension of the Web site. Tourist agencies can be penalized for involvement in child sex tourism by fines and the suspension or cancellation of services.⁷⁹⁶ Forced prostitution and sexual slavery related to the country's ongoing armed conflict are punishable by imprisonment from 13.3 to 27 years and fines.⁷⁹⁷

Minors may not serve in the armed forces.⁷⁹⁸ The law regards minors that participate in the country's hostilities as victims.⁷⁹⁹ The recruitment of minors by armed groups in relation to the ongoing conflict is punishable by 8 to 15 years in prison and fines.⁸⁰⁰ The commission of terrorist acts involving a minor is punishable by 16 to 30 years incarceration and fines.⁸⁰¹ Armed groups must place all minor recruits with ICBF in order to participate in the government's demobilization process.⁸⁰² Punishments for crimes involving illegal drugs, such as drug cultivation, manufacturing, and trafficking, are increased if the crimes involve a minor.⁸⁰³

The MSP's 276 inspectors are responsible for conducting formal sector child labor inspections. However, according to USDOS, the MSP does not have sufficient resources to enforce labor laws effectively.⁸⁰⁴ ICBF, Family Commissioners, the Children and Adolescent Police, the Prosecutor General, and the National Ombudsman are responsible for enforcing laws related to children.⁸⁰⁵

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

The Plan for Childhood (2004-2015) contains provisions relating to child labor, and to specific worst forms including trafficking, recruitment into armed groups, and commercial sexual exploitation.⁸⁰⁶ The recently adopted National Strategy to Eradicate the Worst Forms of Child Labor 2008-2015 identifies criteria for guiding future actions, such as making the family the center of intervention, considering the child's age when designing responses, reinforcing children's rights,

improving education services for working children so as to prevent the worst forms of child labor, concentrating resources on priority sectors, and coordinating actions across agencies.⁸⁰⁷ The National Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation of Boys, Girls, and Adolescents Less than 18 Years of Age (2006-2011) has as objectives improved information and legislation, prevention, provision of services to children, institutional capacity-building, and participation of children.⁸⁰⁸

The Government of Colombia participates in projects to combat child labor with the assistance of foreign governments and international organizations. A 39-month USDOL-funded project for USD 5.1 million started in October 2007. This project, managed by an association led by Partners of the Americas, seeks to withdraw 3,663 and prevent 6,537 children from exploitive child labor in Colombia.⁸⁰⁹ The Government participates in a USD 3.5 million, USDOL-funded 4-year project implemented by World Vision to combat exploitive child labor by improving basic education. This project seeks to withdraw 2,081 children from hazardous agricultural labor and prevent a further 2,419 children from entering that work.⁸¹⁰ The Colombian Institute of Geology and Mining implements a project with UNDP to eradicate child labor in mining. With financial support from the Governments of Canada and the United Kingdom, and technical assistance from ILO-IPEC, the Government is implementing a child labor survey and consolidating the National Policy for the Prevention and Elimination of Child Labor.⁸¹¹ The Ministry of Education's Policy Guide for Vulnerable Populations includes strategies to address child labor.⁸¹² The Government of Colombia also participated in a Phase II USD 2.6 million regional project and a Phase III USD 3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain and implemented by ILO-IPEC.⁸¹³

ICBF, IOM, and the Ministry of Defense administer programs that provide services to former child soldiers and seek to prevent further recruitment of children by armed groups. These programs receive assistance from the United States and from several foreign governments.⁸¹⁴ The Colombian Government participated in a USD 7 million, 3-year

inter-regional ILO-IPEC project funded by USDOL to combat the involvement of children within armed groups. This project, which ended in 2007, withdrew 789 children from child soldiering and prevented an additional 673 children from becoming child soldiers in Colombia.⁸¹⁵ The military distributes educational kits to schools in areas where children are at risk for recruitment into armed groups, and awareness-raising materials for children to prevent their involvement in armed groups.⁸¹⁶

The Government of Colombia participates in a USD 5.5 million USDOL-funded ILO-IPEC regional project to combat child domestic labor and commercial sexual exploitation. The goal of this project is to withdraw 2,185 children from exploitive child labor and prevent 2,920 children from entering such work in Colombia, Chile, Paraguay, and Peru.⁸¹⁷ The National Police conduct a family and community education program to prevent the commercial sexual exploitation of children.⁸¹⁸ The Inter-institutional Committee against Trafficking in Persons, the IOM, and various ministries have implemented anti-trafficking awareness-raising activities and are developing a database for tracking trafficking cases. The IOM and various NGOs provide support services to trafficking victims.⁸¹⁹ Colombian foreign missions provide assistance to trafficking victims.⁸²⁰

⁷⁷¹ For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Colombia, *Código de la Infancia y la Adolescencia*, Ley 1098 of 2006, (August 29, 2006), article 35; available from http://www.secretariasenado.gov.co/compendio_legislativo.htm. See also Government of Colombia, *Constitución Política de Colombia de 1991, con reformas hasta marzo 2005*, article 67; available from <http://www.georgetown.edu/pdba/>. See also Government of Colombia, *Código de la Infancia y la Adolescencia*, article 28. See also Government of Colombia, *Ley 715*, (December 21, 2001); available from http://www.secretariasenado.gov.co/compendio_legislativo.htm. See also U.S. Department of State, "Colombia," in *Country Report on Human Rights Practices-*

2007, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/>.

⁷⁷² Comité Interinstitucional Nacional de Erradicación del Trabajo Infantil y Protección del Joven Trabajador, *Estrategia Nacional para Prevenir y Erradicar las Peores Formas de Trabajo Infantil y Proteger al Joven Trabajador-2008-2015*, Bogota, January 2008, 25-26; available from http://www.crin.org/docs/estrategia_ti_colombia.pdf.

⁷⁷³ *Ibid.*, 26.

⁷⁷⁴ U.S. Department of State, "Country Reports- 2007: Colombia," section 6d.

⁷⁷⁵ ILO-IPEC, *Diagnóstico sobre el Trabajo Infantil en el Sector Minero Artesanal en Colombia*, Lima, 2001, 49, 50, 61, and 62; available from http://www.oit.org.pe/ipecc/documentos/http://www.oit.org.pe_ipecc_boletin_documentos_mineriacol.pdf.

⁷⁷⁶ U.S. Department of State, "Country Reports- 2007: Colombia," section 6d.

⁷⁷⁷ IOM, *Panorama sobre la trata de personas. Desafíos y Respuestas: Colombia, Estados Unidos y República Dominicana*, Bogota: IOM, 2006, 14, 20; available from <http://www.oim.org.co/modulos/contenido/default.asp?idmodulo=7&idlibro=115>. See also United Nations Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Colombia*, CRC/COL.CO/3, Forty-second session, June 8, 2006, para 82, 88; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G06/424/77/PDF/G0642477.pdf?OpenElement>.

⁷⁷⁸ IOM, *Panorama sobre la trata de personas*, 18. See also Ministry of Social Protection, *Informe especial sobre violencia contra la infancia en Colombia*, Bogota, 2006, 231; available from <http://www.minproteccion-social.gov.co/entornoambiental/library/documents/DocNewsNo15086DocumentNo1819.PDF>.

⁷⁷⁹ U.S. Department of State, "Colombia (Tier 1)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/>.

⁷⁸⁰ IOM, *Dimensiones de la trata de personas en Colombia*, Bogota: IOM, 2006, 20; available from <http://www.oim.org.co/modulos/contenido/default.asp?idmodulo=7&idlibro=114>.

⁷⁸¹ Ministry of Social Protection, *Informe especial sobre violencia contra la infancia en Colombia*, 188. See also Human Rights Watch, *You'll Learn Not to Cry: Child Combatants in Colombia*, Washington, DC, September 2003, 5; available from <http://www.hrw.org/reports/2003/colombia0903/>.

⁷⁸² Human Rights Watch, *You'll Learn Not to Cry*, 6-7, 57-58, 64-65. See also Guillermo González Uribe, *Los Niños*

de la Guerra, Bogota: Editorial Planeta, 2002.

⁷⁸³ United Nations Security Council, *Children and armed conflict: Report of the Secretary-General*, New York, December 21, 2007, 26-27; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N07/656/04/PDF/N0765604.pdf?OpenElement>.

⁷⁸⁴ United Nations Committee on the Rights of the Child, *Concluding Observations: Colombia*, para 80. See also United Nations Security Council, *Children and armed conflict: Report of the Secretary-General*, 26. See also Human Rights Watch, *You'll Learn Not to Cry*, 102-103.

⁷⁸⁵ Defensoría del Pueblo, *Caracterización de las niñas, niños y adolescentes desvinculados de los grupos armados ilegales*, Bogota, November 2006, 44; available from <http://www.unicef.org/colombia/conocimiento/estudio-o-defensoria.htm>.

⁷⁸⁶ Government of Colombia, *Código de la Infancia y la Adolescencia*, article 35.

⁷⁸⁷ *Ibid.*, article 113.

⁷⁸⁸ *Ibid.*, articles 114 and 117.

⁷⁸⁹ Government of Colombia, *Resolución No 4448: Por la cual se desarrolla la facultad contenida en el numeral 23 del artículo 245 del Decreto 2737 de 1989 o Código del Menor*, (December 2, 2005); available from <http://www.minproteccion-social.gov.co/MseContent/images/news/DocNewsNo648901.doc>.

⁷⁹⁰ Government of Colombia, *Código de la Infancia y la Adolescencia*, article 40.

⁷⁹¹ ILO Committee of Experts, *Direct Request, Night Work of Young Persons (Industry) Convention, 1919 (No. 6) Colombia (ratification: 1983)*, Geneva, 2007; available from <http://www.ilo.org/ilolex/>.

⁷⁹² Government of Colombia, *Constitución Política de Colombia*, article 17.

⁷⁹³ Government of Colombia, *Código Penal, with modifications*, (July 24, 2000), articles 188-A and 188-B; available from http://www.secretariasenado.gov.co/compendio_legislativo.htm.

⁷⁹⁴ *Ibid.*, articles 213, 214, and 216.

⁷⁹⁵ *Ibid.*, article 218 and 219. See also Government of Colombia, *Decree 1524*, (July 24, 2002), articles 4 and 9; available from http://www.presidencia.gov.co/prensa_new/decretos/linea/2002/julio/24/dec1524240702.pdf.

⁷⁹⁶ Government of Colombia, *Law 679*, (August 3, 2001), articles 7, 10, 16-20; available from http://www.secretariasenado.gov.co/compendio_legislativo.htm.

⁷⁹⁷ Government of Colombia, *Código Penal, with modifications*, article 141.

⁷⁹⁸ Government of Colombia, *Resolución No. 4448*, article 1.

⁷⁹⁹ Government of Colombia, *Ley 782*, (December 23,

2002), article 6; available from http://www.secretariasenado.gov.co/compendio_legislativo.htm.

⁸⁰⁰ Government of Colombia, *Código Penal, with modifications*, article 162.

⁸⁰¹ *Ibid.*, articles 343 and 344.

⁸⁰² Government of Colombia, *Ley 975*, (July 25, 2005), article 10; available from http://www.secretariasenado.gov.co/compendio_legislativo.htm.

⁸⁰³ Government of Colombia, *Código Penal, with modifications*, articles 375 and 384.

⁸⁰⁴ U.S. Department of State, "Colombia," in *Country Report on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/>.

⁸⁰⁵ Government of Colombia, *Código de la Infancia y la Adolescencia*, articles 11, 79-95. See also IOM, *Dimensiones de la trata de personas en Colombia*, 27-28.

⁸⁰⁶ Government of Colombia, *Plan Decenal de Infancia (2004-2015) para Colombia*, 20-41; available from http://www.icbf.gov.co/ESPANOL/planes/plan_decenal/plan_decenal.html.

⁸⁰⁷ Comité Interinstitucional Nacional de Erradicación del Trabajo Infantil y Protección del Joven Trabajador, *Estrategia Nacional para las Peores Formas de Trabajo Infantil- 2008-2015*, 46-50.

⁸⁰⁸ ICBF, UNICEF, ILO-IPEC, and Fundación Renacer, *Plan de acción para la prevención y erradicación de la explotación sexual comercial de niños, niñas y adolescentes menores de 18 años 2006-2011*, Bogotá, 2006, 43; available from <http://www.oit.org.pe/ipec/pagina.php?seccion=23&pagina=102>.

⁸⁰⁹ U.S. Department of Labor, *Cooperative Agreement: Partners of the Americas and Associates*, September 27, 2007.

⁸¹⁰ World Vision, *Combating Exploitive Child Labor Through Education in Colombia*, project document, Washington, DC, 2005.

⁸¹¹ ILO-IPEC Geneva official, E-mail communication to USDOL official, December 12, 2007.

⁸¹² Ministry of Education, *Lineamientos de política para la atención educativa a poblaciones vulnerables*, Bogotá, July

2005, 32-35; available from <http://www.mineducacion.gov.co/cvn/1665/articulo-90668.html>.

⁸¹³ ILO-IPEC official, E-mail communication to USDOL official, February 4, 2008.

⁸¹⁴ Colombian Family Welfare Institute, *Servicios del Instituto Colombiano de Bienestar Familiar*, [online] [cited December 11, 2007]; available from <http://www.icbf.gov.co/espanol/general1.asp>. See also, IOM, *Atención a niños, niñas y jóvenes desvinculados de los grupos armados ilegales*, [online] [cited December 11, 2007]; available from <http://www.oim.org.co/modulos/contenido/default.asp?idmodulo=190>. See also Ministry of Defense, *Reclutamiento de Menores: Otra agresión de los grupos ilegales contra la niñez colombiana*, December 11, 2007; available from <http://alpha.mindefensa.gov.co/index.php?page=181&id=3295>.

⁸¹⁵ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: An Inter-Regional Program*, project document, Geneva, September 17, 2003. See also ILO-IPEC official, E-mail communication to USDOL official, October 4, 2007.

⁸¹⁶ Ministry of Defense, *Reclutamiento de Menores*. See also UN Committee on the Rights of the Child, *Concluding Observations: Colombia*, para 80.

⁸¹⁷ ILO-IPEC, *Prevention and Elimination of Child Domestic Labour (CDL) and of Commercial Sexual Exploitation of Children (CSEC) in Chile, Colombia, Paraguay and Peru*, project document, Geneva, September 8, 2004, 27.

⁸¹⁸ ECPAT International CSEC Database, *Colombia*, accessed December 11, 2007; available from <http://www.ecpat.net/>.

⁸¹⁹ U.S. Department of State, "Country Reports- 2007: Colombia," section 5. See also National Police News Agency, *Que Nadie Dañe Tus Sueños*, Press Release, March 6, 2006; available from http://www.policia.gov.co/_85256EA10053F753.nsf/0/AA9949A80C6E0D510525712C004BFCA9?Open.

⁸²⁰ U.S. Department of State, "Country Reports- 2007: Colombia," section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2007: Colombia."