



2008 Human Rights Reports: Colombia

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Colombia is a constitutional, multiparty democracy with a population of approximately 45 million. In May 2006 independent presidential candidate Alvaro Uribe was reelected in elections that were considered generally free and fair. The 44-year internal armed conflict continued between the government and terrorist organizations, particularly the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted in violation of state policy.

Although problems remained, the government's respect for human rights continued to improve, which was particularly evidenced by progress in implementing the Justice and Peace Law (JPL). The following societal problems and governmental human rights abuses were reported during the year: unlawful and extrajudicial killings; forced disappearances; insubordinate military collaboration with new illegal groups and paramilitaries who refused to demobilize; torture and mistreatment of detainees; overcrowded and insecure prisons; arbitrary arrest; a high number of pretrial detainees, some of whom were held with convicted prisoners; impunity; an inefficient judiciary subject to intimidation; harassment and intimidation of journalists; unhygienic conditions at settlements for displaced persons, with limited access to health care, education, or employment; corruption; harassment of human rights groups; violence against women, including rape; child abuse and child prostitution; trafficking in women and children for the purpose of sexual exploitation; societal discrimination against women, indigenous persons, and minorities; and illegal child labor.

The FARC and ELN committed the following human rights abuses: political killings; killings of off-duty members of the public security forces and local officials; kidnappings and forced disappearances; massive forced displacements; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; widespread recruitment of child soldiers; attacks against human rights activists; and harassment, intimidation, and killings of teachers and trade unionists.

New illegal groups also committed numerous human rights abuses. The last United Self Defense Forces of Colombia (AUC) block demobilized in 2006, but AUC members who refused to demobilize, AUC members who demobilized but later abandoned the peace process, and other new illegal groups remained targets of security force action. (The new illegal groups consisted of demobilized paramilitaries who returned to violence, individual paramilitaries who never demobilized, common criminals, and narcotics traffickers primarily involved in criminal activity. These new groups lacked the organization, reach, and military capacity of the former AUC and focused primarily on narcotics trafficking and extortion rather than fighting the FARC or ELN. In these circumstances, it was often difficult to determine responsibility for abuses committed.)

The AUC demobilization led to a reduction in killings and other human rights abuses, but paramilitaries who refused to demobilize and new illegal groups continued to commit numerous unlawful acts and related abuses, including: political killings and kidnappings; physical violence; forced displacement; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement;

recruitment and use of child soldiers; and harassment, intimidation, and killings of human rights workers, journalists, teachers, and trade unionists.

Government statistics indicated that during the year killings decreased 6.2 percent and kidnappings decreased 14.3 percent compared with the same period in 2007. Through December the JPL process helped clarify over 20,000 crimes and led to the exhumation of 1,788 remains in 1,441 common graves, while the Supreme Court and prosecutor general's investigations of links between politicians and paramilitary groups implicated 70 representatives, 15 governors, and 31 mayors, many of whom were in jail at year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Political and unlawful killings remained an extremely serious problem, and there were periodic reports that members of the security forces committed extrajudicial killings during the internal armed conflict (see section 1.g.). There were credible reports of military officials paying illegal groups to forcibly recruit young men, transport them to another town, and turn them over to local brigades who then killed them and presented them as guerillas killed in combat.

Guerrillas, notably the FARC and ELN, committed unlawful killings (see section 1.g.).

Paramilitary members who refused to demobilize and new illegal group members committed numerous political and unlawful killings, primarily in areas under dispute with guerrillas or without a strong government presence (see section 1.g.).

The Jesuit-founded Center for Popular Research and Education (CINEP), a local human rights nongovernmental organization (NGO), claimed there were at least 220 political and unlawful killings, committed by all actors, during the first six months of the year, 18 more than reported in the same period in 2007. Some NGOs, such as CINEP, considered the new illegal groups to be a continuation of the paramilitary groups and attributed reports of human rights violations committed by these groups directly to the government. They also included killings by these groups in their definition of "unlawful killings."

The Ministry of Defense reported that 169 persons died in 37 massacres (defined by the government as killings of four or more persons), a 32 percent increase from 2007 (see section 1.g.).

Some members of government security forces, including enlisted personnel, noncommissioned officers, and senior officials, in violation of orders from the president and the military high command, collaborated with or tolerated the activities of new illegal groups or paramilitary members who refused to demobilize. Such collaboration often facilitated unlawful killings and may have involved direct participation in paramilitary atrocities.

Some reports suggested that in certain regions, such as eastern Antioquia, Choco, Meta, and Narino departments, there were corrupt dealings between local military officers and new illegal groups or paramilitaries who refused to demobilize. Although impunity for these military personnel remained a problem, the Ministry of Defense carried out investigations and handed over culpable parties to civilian authorities in several high-profile cases during the year.

In conformity with the law, military or civilian authorities investigated killings committed by security forces. Civilian courts tried a number of military personnel accused of human rights violations. Investigations of past killings

proceeded, albeit slowly. There were significant convictions in high-profile cases against military personnel in large part due to testimony in the Justice and Peace process; these included convictions in the cases of killings of counternarcotics police by the military in Jamundi and the 2005 San Jose de Apartado massacre of eight persons.

Both governmental and nongovernmental actors used landmines. Preliminary reports indicated that landmines, used primarily by the FARC and ELN, caused 147 deaths and 564 injuries during the year (see section 1.g.). The government completed clearing 12 landmine areas and continued efforts to demine 15 others.

b. Disappearance

Forced disappearances, many of them politically motivated, continued to occur. CINEP reported 27 victims of forced disappearance during the first six months of the year, compared with 31 victims in the same period in 2007. According to the Presidential Program and the Disappeared Persons registry (SIRDEC), coordinated by the National Institute of Legal Medicine and Forensic Science, 133 persons were reported as forcibly disappeared in the first nine months of the year. The government allocated 658 million pesos (approximately \$267,000) to develop and run the SIRDEC registry and to implement an interinstitutional national plan to combat forced disappearances. The plan has four components: an information system, search capacity, identification of remains, and assistance to victims' families.

Although kidnapping, both for ransom and for political reasons, continued to diminish, it remained a serious problem. The government's National Fund for the Defense of Personal Liberty (Fondolibertad) reported 197 kidnappings for extortion during the year, a decrease of 14 percent from 2007.

GAULA (Unified Action Groups for Personal Liberty, a military and police entity formed to combat kidnapping and extortion) and other elements of the security forces freed 222 hostages during the year; Fondolibertad reported that at least 14 kidnapping victims died in captivity during the year, compared with 22 during 2007.

The FARC and ELN as well as the new illegal groups continued the practice of kidnapping. Guerrillas frequently killed kidnapping victims (see section 1.g.).

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 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 74 incidents of torture, a 46 percent increase compared with the first six months of 2007. CINEP also reported that, during the first six months of the year, there were 66 victims of torture by the armed forces.

CINEP reported that:

- On February 15, in the municipality of Armenia, Quindio, units of the National Police tortured two suspected consumers of psychoactive substances and executed Geovanny Londono Castrillon.
- On March 15, in the municipality of Puerto Asis, Putumayo, troops assigned to the Battalion Domingo Rico stopped and tortured Manuel Antonio Jimenez, affiliated with the local branch of one of the country's largest agricultural unions.
- On April 3, in the municipality of Montanita, Caqueta, troops assigned to the army's 12th Brigade and the Sixth Mobile Brigade tortured Brayan Esteban Carvajal. There were no known developments in either case at year's end.

CINEP reported that demobilized paramilitaries were responsible for at least 19 cases of torture as of June.

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 139 national prisons and is responsible for inspecting municipal jails.

Overcrowding, lack of security, corruption, and an insufficient budget remained serious problems in the prison system. As of year's end, more than 69,000 prisoners were held in facilities designed to hold fewer than 50,000; overcrowding rates exceeded 27 percent in 139 installations. Many of INPEC's 13,000 prison guards and administrative staff were poorly trained. The NGO Committee in Solidarity with Political Prisoners noted that improved training, increased supervision, and more accountability for prison guards has helped, but expressed fear that greater privatization of the prisons system may lead to further corruption.

Constrained budgets adversely affected prison conditions. INPEC spent 4,941 pesos (\$2.00) per day on each inmate for food. Private sources continued to supplement food rations of many prisoners.

INPEC reported that during the year there were 40 violent deaths among inmates related to fighting and riots. From January to September 30, there were 14 riots at various penal institutions. The Prosecutor General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. According to the Superior Judicial Council (CSJ), there were four judgments for excessive force made against prison guards during the year.

Pretrial detainees were held with convicted prisoners. Minors were not held with adults; however, minor children of female prisoners were able to stay with their mothers in some cases.

The government permitted independent monitoring of prison conditions by local and international human rights groups, and such monitoring occurred during the year. The FARC and ELN continued to deny the International Committee of the Red Cross (ICRC) access to police and military hostages.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The National Police are responsible for internal law enforcement and are under the jurisdiction of the Ministry of Defense. Law enforcement duties are shared with the Department of Administrative Security and the Prosecutor General's Corps of Technical Investigators. The army also shared 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. During the year the Human Rights Unit of the Prosecutor General's Office issued preventive detention orders for at least 225 members of the armed forces for human rights violations or extrajudicial killings. 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, and inadequate coordination among government entities. During the year the Ministry of Defense relieved from duty 80 officers and 213 noncommissioned officers and soldiers of the armed forces for inefficiency, unethical conduct, corruption, and suspected involvement in human rights violations.

Arrest and Detention

Police apprehended suspects with warrants issued by prosecutors based on probable cause. However, 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 Technical Investigative Unit from the Prosecutor General's Office, who accompanied military units, could issue such warrants.

After a four-year transition, a new criminal procedure code, employing an accusatorial system, took effect nationwide in all departments on January 1. Under this new code, persons detained 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. Crimes committed before implementation of the new code must be tried under the previous system.

The previous system required law enforcement authorities to inform suspects promptly of the reasons for an arrest and bring suspects before a senior prosecutor within 36 hours of detention. Prosecutors had to rule on the legality of detentions within 72 hours. Under both the new and previous systems, in most felony cases, detention prior to the filing of formal charges cannot exceed 180 days, after which a suspect must be released. Under the old system, in cases of crimes deemed particularly serious, such as homicide, terrorism, or rebellion, authorities were allowed up to 360 days to file formal charges before a suspect must be released. Habeas corpus is available to address cases of alleged arbitrary detention.

Bail is not available for lesser offenses or serious crimes such as murder, rebellion, or narcotics trafficking. Detainees have the right to prompt access to counsel of their choice, and nearly 1,600 public defenders from the Office of the Human Rights Ombudsman assisted indigent defendants.

Prominent human rights NGOs complained that the government arbitrarily detained hundreds of persons, particularly social leaders, labor activists, and human rights defenders. CINEP reported that security forces arbitrarily detained 224 persons during the first six months of the year, compared with 187 in the same period of 2007. Many of these detentions took place in high-conflict areas (notably in the departments of Arauca, Cesar, Meta, and Putumayo), where the military was involved in active hostilities against insurgents. For example, CINEP reported the following:

- On March 27, in Miranda, Cauca, troops assigned to the 57th Anti-guerrilla Battalion stopped and detained farmers Jose Libardo (president of a local rural organization), Jose William Prado, Duvan Casamachin, and Raul Grisales Dagua.
- On April 11, in Cartagena de Chaira, Caqueta, troops assigned to the 22nd Mobile Brigade and members of the public prosecutor's 251st Specialized Anti-terrorism Unit, stopped and detained 24 persons in Caguan, Monserrate, and Puerto Camellias in Caqueta Department.

The government and prominent local NGOs frequently disagreed on what constituted "arbitrary detention." While the government characterized detentions based on compliance with legal formalities, 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, large-scale detentions, and detentions of persons while they were "exercising their fundamental rights."

According to INPEC, unlike in previous years, there were no pretrial detainees or convicted prisoners held in police

jails, due to restrictions under the new accusatory system. Failure on the part of many local military commanders and jail supervisors to keep mandatory detention records or follow notification procedures made accounting for all detainees difficult. Trial delays were caused by large numbers of detainees, financial constraints, and staff shortages.

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 these circumstances, impunity remained a serious problem, although the government took action to address these issues. The CSJ reported that the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. Implementation of the new criminal accusatory system reduced the time for resolving new criminal cases by over 75 percent, with conviction rates of approximately 60 percent under the new system, compared with 3 percent under the old system. However, a large backlog of old-system cases remained.

Judicial authorities were subjected to threats and acts of violence. According to the National Association of Judicial Branch Employees and the Corporate Fund of Solidarity with Colombian Judges, 91 judicial employees solicited varying forms of protection from the Office of Protection in the Prosecutor General's Office for reasons including threats during the year. Although the Prosecutor General's Office ran 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 civilian justice system is composed of four functional jurisdictions: ordinary, administrative, constitutional, and special. The ordinary jurisdiction is the largest and handles all criminal, civil, labor, agrarian, and domestic cases involving nonmilitary personnel. The Supreme Court is the highest court within the civil jurisdiction and serves as its final court of appeal.

The Constitutional Court is the sole judicial authority on the constitutionality of laws, presidential decrees, and constitutional reforms. The court also may issue advisory opinions on the constitutionality of bills not yet signed into law and acts within its discretion to review the decisions of lower courts on "tutelas," or writs of protection of fundamental rights, which can be filed before any judge of any court at any stage of the judicial process, by any citizen.

The special jurisdiction of the civilian justice system consists of the justices of the peace program and the indigenous jurisdiction. The CSJ is responsible for the administration and discipline of the civilian justice system.

The Supreme Court, the Council of State, the Constitutional Court, and the CSJ are co-equal supreme judicial bodies that sometimes issued conflicting rulings and frequently disagreed about jurisdictional responsibilities.

The military justice system consists of 44 military courts and the Supreme Military Tribunal, which serves as the court of appeals for all cases tried in military courts. The Supreme Court serves as a second court of appeal for cases with prison sentences of six or more years.

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 are handled by the civilian justice system. 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 Prosecutor General's Office is responsible for investigations and prosecutions of criminal offenses. Its Human Rights Unit, which included 13 satellite offices, specialized in investigating human rights crimes. As of December the unit's 101 specialized prosecutors were handling a total of 4,510 cases.

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's Human Rights Unit.

Through September the Office of the Inspector General opened disciplinary processes against 1,173 members of the armed forces for human rights offenses, all of which were referred to the prosecutor general for criminal investigation. In addition the Prosecutor General's Office brought charges against 357 members of the armed forces; complete information was unavailable on those convicted during the year.

Trial Procedures

During the year the country completed its transition to the oral accusatorial-style criminal procedure code, which replaced the written inquisitorial system in which a person was detained pending an investigation that involved the formal acceptance of evidence without an actual trial.

Under the new 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 to present his own evidence. No juries are involved.

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 special military officers' fund.

Military justice system reforms begun in 2005 continued through the year; the reforms aimed to establish a forensic investigative corps and a military defense corps. The Ministry of Defense continued to examine how to finance a transition to the oral accusatory system used by the civilian judiciary. While reform has been slow, the military justice system has greatly increased its cooperation with civilian justice counterparts and has worked to expedite the transfer of over 600 human rights cases from military justice to civilian systems.

Civilian courts convicted military members for past human rights violations, for instance:

- On April 2, the Second Penal Circuit Court of Antioquia sentenced five soldiers to 34 years in prison for the homicide and torture of Juan de Jesus Rendon Alzate in 2004.
- On April 21, a court sentenced army Lieutenant Carlos Andres Lora Cabrales and Third Corporal Cesar Augusto Mosquera Guerrero to 30 years' imprisonment for the murder of indigenous Kankuamo tribal member Juan Enemias

Daza Carillo in 2004. Seven other soldiers convicted for involvement in the crime received varying sentences.

- On May 7, in the case of the murder of 10 policemen and a civilian in Jamundi, the Fourth Circuit Penal Judge in Cali sentenced Colonel Bayron Carvajal to 54 years in prison, Lieutenant Harrison Eladio Castro to 52 years, and 13 other soldiers under their command to 50 years each.
- On August 29, a court sentenced retired soldiers Roberto Camacho Riano, Jorge Alberto Navarro Devia, and Evert Ospina Martinez to 18 years' imprisonment for the murder of Paez indigenous member German Zapata Escue, killed more than 20 years ago on the Jambalo Reservation in Cauca.
- On September 5, the Specialized Circuit Penal Judge of Manizales sentenced a noncommissioned army officer, a paramilitary member, and a former mayoral candidate in Riosucio, Caldas, to 40 years' imprisonment for the murder of four indigenous leaders, including Fabio Hernan Tapasco, in a 2003 case under investigation by the Inter-American Court on Human Rights.

In December the government began a publicly televised system of reporting complaints against military members, hosted by the Presidency, with participation by the Prosecutor General's Office, the Inspector General's Office, and the human rights ombudsman.

Political Prisoners

The government stated that it did not hold political prisoners. Some human rights advocacy groups characterized as political detainees some detainees held on charges of rebellion or terrorism in what the groups claimed were harassment tactics by the government against human rights advocates. During the year there were 3,336 prisoners accused of rebellion or aiding and abetting insurgence, 2,263 of whom were accused of supporting the FARC. The government provided the ICRC access to these prisoners.

Civil Judicial Procedures and Remedies

Citizens can sue a state agent or body in the Administrative Court of Litigation for damages for a human rights violation. Although critics complained of delays in the process, the court generally was considered impartial and effective.

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

The law prohibits such actions; while the government generally respected these prohibitions in practice, there were exceptions. 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 in hot pursuit, and government authorities generally adhered to these regulations.

Government authorities generally need a judicial order to intercept mail or monitor telephone conversations, even 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.

The government continued to use a network of voluntary civilian informants to report terrorist activities and identify terrorists. Some national and international human rights groups criticized the network as subject to abuse and a threat to privacy and other civil liberties.

New illegal groups, paramilitaries who refused to demobilize, and FARC and ELN guerrillas routinely interfered with the right to privacy. These groups forcibly entered private homes, monitored private communications, engaged in forced displacement and conscription, and abused family members. The standing orders of the FARC, which had large numbers of female combatants, prohibited pregnancies among its troops, and there were credible reports of forced abortions to enforce the order.

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

The country's 44-year-long internal armed conflict, involving government forces, two terrorist groups (FARC and ELN), and new illegal groups, continued. The conflict and narcotics trafficking, which both fueled and prospered from the conflict, were the central causes of multiple violations of human rights.

After the last AUC block demobilized in 2006, the government confronted militarily any groups that did not demobilize as well as new illegal groups. There were no further paramilitary demobilizations beyond approximately 34,000 that collectively demobilized after the process began in 2003. The Organization of American States (OAS) continued to verify all stages of demobilization and reincorporation of former combatants into society. The OAS estimated that there were approximately 23 new illegal groups operating in the country.

Killings

Security forces were allegedly responsible for unlawful killings. CINEP reported that there were 76 such killings during the first six months of the year, compared with 128 in the same period of 2007. The Prosecutor General's Office reported 788 active investigations of extrajudicial killings that occurred between January 2001 and September 30, 2008. Five of these investigations concluded during the year, resulting in 23 convictions. The majority of the killings under investigation occurred in the departments of Antioquia (65), Meta (66), and Narino (22). A large number of the reported cases allegedly involved the army and included investigations of four colonels, seven majors, and 32 captains. The investigations concerned 1,183 victims (1,092 males and 91 females), 52 of whom were minors. Statistics on the annual number of cases varied among NGOs, international organizations (such as the UN or OAS), and the government in part because of differences in reporting formats, such as in categorizing cases by victims, incidents, or complaints.

A July 2007 Ministry of Defense directive focusing on extrajudicial killings created a senior-level committee, which continued to review cases with the UN High Commissioner for Human Rights (UNHCHR) and permitted the UNHCHR to visit all seven army divisions to review cases with the commanders of the units. Through its efforts, over 600 human rights cases were transferred during the year from the military to the civilian justice system. The committee's work also led to orders in 2007 instructing military commanders to emphasize demobilization over captures and capture over kills, to ensure the development and implementation of revised rules of engagement for military personnel, and to provide logistical assistance and support for civilian investigators.

Reports of extrajudicial killings during the year included:

- On September 23, the Medical Examiner's Office reported it had identified 19 cadavers in Ocana, Norte de Santander, and Cimitarra, Santander. Investigations found that the bodies were reported as enemies killed in combat but later discovered to be extrajudicial killings; they matched the reports of missing persons from Soacha, Cundinamarca. In response to these killings, the Ministry of Defense dismissed 27 officers, including three generals (two of them division commanders) for command negligence. The ministry also dismissed nearly 50 officers for command negligence or omission in an attempt to implement recent directives on command responsibility.
- Between June and September, the Prosecutor General's Office identified the remains of 11 youths in Toluviejo,

Sucre, whom the army allegedly reported as killed in combat.

According to CINEP, extrajudicial killings attributed to the government were a combination of false reports of guerrillas killed in combat and "social cleansing" (including vagrants, homosexuals, and other "undesirables"). Examples of extrajudicial executions by security forces reported by CINEP and the UNHCHR included:

- On January 20, troops of the 13th Mobile Brigade allegedly executed Hugo Armando Torres and Heynar Alexander Guerrero in Nueva Union in Teteye de Puerto Asis, Putumayo, presenting them as aliases "Turbino" and "Celeno", guerrillas killed in combat, which community members denied.
- On February 8, troops of the Operations Command Five of the Ninth Brigade allegedly executed Saul Dimas Pastrana, Eder Olmost Escobar, Yamith Castano Duenas, and Carlos Olmes Sanchez in Bajo Piravante de Campoalegre, Huila, presenting them as guerrillas killed in combat from the Teofilo Forero mobile column of the FARC, which their relatives denied.
- On March 28, troops of Operations Command Three of the 93rd Anti-guerrilla Battalion of the Eighth Brigade in Aguabonita de Manzanares, Caldas, allegedly executed Juan Esteban Lopez Ramirez, Julian Alberto Jimenez, Oscar Alexander Ramirez Otalvaro, and Cesar Augusto Cardona, four youths who were camping in Manzanares, presenting them as members of a delinquent group in the service of the drug traffickers. Five others with them reportedly escaped.

There were developments in some continuing cases and little change in others. Cases involving killings in 2006 included:

- On January 21, authorities placed into preventive detention four soldiers from the Fourth Engineering Battalion, "General Pedro Nel Ospina," on charges of homicide for the death of Diego Silver Garcia Suaza in Santa Barbara (Antioquia).
- On February 12, the Prosecutor General's Office filed charges against Captain Hector Martin Pita Vasquez for his role in the 2002 Ville de Rosario massacre in Carmen de Bolivar.
- On June 18, the Prosecutor General's Human Rights Unit filed charges against retired sergeant Luis Eduardo Mahecha Hernandez for his participation in the murder of Jose Orlando Giraldo Becerra in Golondrinas, Tolima.
- In July the Inspector General's Office charged two sergeants major and five soldiers for their involvement in the killing of Edilberto Vasquez Cardona. Disciplinary investigations continued at year's end.

Actions in killings that took place before 2006 included:

- In the 2005 case of eight civilians killed in San Jose de Apartado, Antioquia: On June 17, Lieutenant Colonel Orlando Espinosa Beltran and Major Jose Fernando Castano Lopez were arrested. On June 20, Albeiro Manuel Gomez Martinez, a former paramilitary, was also linked to the massacre and detained. Captain Guillermo Armando Gordillo Sanchez, detained in November 2007 on charges of homicide in the case, pled guilty to his participation and cooperated with prosecutors to identify others involved. On September 23, former paramilitary Uber Dario Yanes was arrested in connection with the massacre.
- The second specialized judge in Buga sentenced four of nine paramilitaries to 40 years in prison in the 2005 killing of 12 minors in Buenaventura, Valle de Cauca.

- Trial proceedings continued at year's end against four ex-paramilitaries, including Victor Manuel Mejia Munera, for their role in the 2004 massacre of 11 peasant farmers in Tame, Arauca.

- On May 9, the Prosecutor General's Office issued preventive detention measures against Captain Juan Carlos Rodriguez Agudelo, Corporal Francisco Blanco Esteban, and Albeiro Perez Duque on charges of aggravated homicide, aggravated forced disappearance, and aggravated torture for involvement with paramilitary forces in the killings of Jhon Jairo Iglesias Salazar, Araceli Londono Varona, Ananias Mojica, and Jesus Antonio Cespedes Salgado (alias Jose Cespedes) in 2003 in Cajamarca, Tolima. On August 15, the Prosecutor General's Office issued arrest warrants for three more soldiers. On September 9, authorities charged Rodrigo Molina and Julio Gomez Naranjo in the murders. Jair Nunez Reina, convicted earlier in the case, filed an appeal. Trials for all defendants continued at year's end.

- On September 2, judicial police units of the Prosecutor General's Office in Valledupar, Cesar, arrested Lieutenant Colonel Jaime Artuto Remolina Fontalvo, commander of the 10th Brigade's Energy and Infrastructure Protection Battalion Three, for the murder of Luis Alfonso Hernandez Moreno, who disappeared in 1998.

On April 18, the Prosecutor General's Office indicted nine additional suspects, including five members of the armed forces, for their role in the 2000 killing of 40 persons in Cienaga, Magdalena; the case continued at year's end.

Paramilitary members who refused to demobilize and new illegal groups killed journalists, local politicians, human rights activists, indigenous leaders, labor leaders, and others who threatened to interfere with their criminal activities, showed leftist sympathies, or were suspected of collaboration with the FARC. They also reportedly committed massacres and "social cleansing" killings of prostitutes, homosexuals, drug users, vagrants, and gang members in city neighborhoods they controlled. New illegal groups, according to CINEP, were responsible for the deaths of 148 civilians from January through June, a 13.5 percent increase from 128 deaths reported during the same period in 2007.

On January 23, the Prosecutor General's Office confirmed the arrest warrant of Sor Teresa Gomez as the primary intellectual author in the January 2007 killing of human rights activist Yolanda Izquierdo in Monteria, Cordoba.

On January 17, the second penal circuit judge in Antioquia convicted Hermen Jose Munoz Gonzalez (sentencing him to 28 years and nine months in prison) and began trial proceedings against Julio Cesar Silve Borja, Edwin Harvey Arroyo Cuervo, and Pablo Jose Montalvo Cuitiva for their role in the murder of Afro-Colombian leader Orlando Valencia in 2005. On September 10, Fredy Rendon Herrera and Elkin Jorge Castaneda Naranjo were placed in preventive detention for their participation in the killing. On October 3, authorities also charged Horacio Restrepo Urrego with participating in the murder. On October 14, unknown assailants killed Uco Alberto Hoyos Rivas, a witness in the case who was under the Ministry of Interior and Justice's protection program.

On February 29, the Prosecutor General's Office arrested and held without bail Major Oscar Alberto Acuna Arroyo, Captain Alvaro Camargo Camargo, and soldiers Fabio Arturo Medina Torreglosa, Luis Alfredo Colume Salgado, Angel Manuel Jimenez Oviedo, and Federman Cura Jaramillo. They were arrested for the execution in 2006 of Daladier Herrera Osorio and Omar Alfredo Osorio Almanza, who had been reported guerrillas killed in combat. The trial had not begun at year's end.

Guerrilla group force levels continued to decline. During the year, 3,461 members of guerrilla groups demobilized, compared with an estimated 3,192 demobilized in 2007.

FARC and ELN guerrillas killed journalists, religious leaders, candidates for public office, local elected officials and politicians, alleged paramilitary collaborators, and members of government security forces. In many areas of the

country, the 8,000- to 9,000-member FARC and the 2,000-member ELN worked together to attack government forces or demobilized paramilitary members; in other areas, especially in Arauca, Valle, Cauca, and Narino departments, they fought each other. Various courts indicted members of the FARC secretariat in absentia on charges ranging from kidnapping and terrorism to aggravated homicide, in cases such as the murder of Antioquia ex-governor Guillermo Gaviria Correo and the murder of ex-minister Gilberto Echverry Mejia.

The Presidential Program for Human Rights reported that during the first nine months of the year, the FARC killed at least 250 persons, while another 84 persons were killed in massacres in which the perpetrators remained unidentified. The Presidential Program for Human Rights reported that between January and September, the FARC killed 286 members of the public security forces and the ELN killed 44. Representative incidents included:

- On February 13, in Puerto Asis, Putumayo, three soldiers were killed and two wounded after the 48th Front of the FARC attacked the soldiers with dynamite and pipe bombs.
- On April 25, in Santa Cruz, Narino, two soldiers were killed and two others wounded by an explosive planted by the FARC.
- On June 4, in Genova, Quindio, members of the 50th Front of the FARC detonated explosives as a police transport of 25 police passed, killing three of the police.
- On August 4, in Melgar, Tolima, members of the FARC detonated an explosive device against a Public Forces Helicopter School helicopter, killing three army soldiers.
- On September 1, in Cali, Valle de Cauca, members of the FARC detonated a car bomb in front of a courthouse, killing four civilians and injuring 26 others.

The FARC also killed persons it suspected of collaborating with government authorities or paramilitary groups. According to the government's tracking system, the FARC killed 297 demobilized paramilitaries during the year.

Abductions

New illegal groups, paramilitaries who refused to demobilize, and FARC and ELN terrorists continued to take hostages for ransom. The FARC and ELN also kidnapped politicians, prominent citizens, and members of the security forces to use as pawns in a prisoner exchange.

New illegal groups often abducted persons suspected of collaboration with guerrillas, almost all of whom were presumed dead.

The National Foundation for the Defense of Personal Liberty (Fondolibertad) reported that new illegal group members continued to be responsible for kidnappings, but those numbers were not differentiated from kidnappings due to common crime, since the government statistics considered new illegal groups as criminals. Common crime accounted for 221 kidnappings during the year.

The FARC and ELN continued to commit numerous kidnappings. Fondolibertad reported that during the year, guerrillas kidnapped 156 persons (38 percent of those in which a perpetrator was identified), the FARC 117 persons, and the ELN 39 persons.

Kidnapping for ransom remained a major source of revenue for both the FARC and ELN. The FARC continued to hold political and foreign-born hostages taken in previous years.

On July 2, the armed forces rescued three U.S. contractors and 12 Colombians held by the FARC. The FARC continued to hold 25 political hostages, as well as an estimated 700 economic hostages. The military liberated 222 hostages during the year.

Physical Abuse, Punishment, and Torture

According to preliminary reporting from the Presidential Program of Integrated Action Against Anti-personnel Mines, 410 landmine explosions killed 146 persons and injured 565 others during the year, compared with 187 killed and 687 injured in 2007; 506 of the victims were military personnel, while 205 were civilians. The International Campaign to Ban Landmines stated that the FARC continued to be the largest individual user of landmines and that the ELN also continued to use landmines.

Child Soldiers

Guerrillas and illegal armed groups used children as soldiers. The Ministry of Defense continued to believe that more than 4,600 FARC members and more than 1,300 ELN members were minors and that most guerrilla fighters had joined the guerrilla ranks as children. Human Rights Watch reported that in 2003 there were approximately 11,000 child soldiers and that the FARC, ELN, and the new armed groups have continued recruitment since then.

Other Conflict-related Abuses

Guerrillas failed to respect injured and medical personnel. Both the FARC and the ELN frequently executed injured prisoners, threatened and harassed doctors and nurses, and killed enemy combatants receiving medical care.

On April 16, members of the FARC in Yarumal, Antioquia, attacked a military ambulance and killed the two injured soldiers inside.

On July 18, in Tibu, Norte de Santander, FARC members intercepted an ambulance with an injured civilian and killed the driver; the civilian died of his original injury due to lack of medical assistance.

On December 7, in San Vicente de Caguan, Caqueta, FARC members attacked a medical mission, killing eight, including two civilian medical workers from the Colombian Family Welfare Institute.

New illegal groups also prevented or limited the delivery of food and medicines to towns and regions considered sympathetic to guerrillas, straining local economies and increasing forced displacement.

Guerrillas forcibly displaced peasants to clear key drug and weapons transit routes and remove potential government or new illegal group collaborators from strategic zones. Guerrillas also imposed de facto blockades of communities in regions where they had significant influence. For example, the National Indigenous Organization of Colombia (ONIC) reported many incidents in which illegal armed groups forcibly recruited indigenous people or obligated them to collaborate, restricted their freedom of movement, and blockaded their communities in Choco, Norte de Santander, Narino, and other departments.

Paramilitary members who refused to demobilize and new illegal groups continued to displace civilians residing along key drug and weapons transit corridors.

Section 2 Respect for Civil Liberties, Including:

a. 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.

The independent media were active and expressed a wide variety of views without restriction. A number of independent newspapers and magazines published freely, and all print media were owned privately. Privately owned radio and television stations broadcast freely.

Government security forces and corrupt officials occasionally subjected journalists to harassment, intimidation, or violence.

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. One journalist went into voluntary exile during the year; at year's end 146 were receiving protection from the Ministry of the Interior and Justice's protection program, and the government was investigating the threats.

According to the NGO Foundation for Press Freedom, there were 72 death threats against journalists during the year, compared with 85 in 2007 (see section 1.g.). Two of those threatened left the country due to the threats. There were no journalists killed due to their profession during the year.

The Ministry of the Interior and Justice operated a program funded at 112.5 billion pesos (approximately \$45.7 million) that provided protection to 10,716 persons, including 154 media representatives. The ministry also supported an alert network organized for journalists by providing a small number of radios and an emergency telephone hotline.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that in 2007 there were 26 users of the Internet per 100 inhabitants.

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. New illegal groups and FARC and ELN guerrillas threatened, displaced, and killed educators and their families for political and financial reasons. According to the Vice President's Office, various assailants killed 30 educators during the year. 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 AUC, FARC, and ELN, was illegal.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

The Roman Catholic Church retained a de facto privileged status. Accession to a 1997 public law agreement with the state is required for non-Catholic religions to minister to their adherents in public institutions and to perform marriages recognized by the state. When deciding whether to grant accession, the government considers a religion's total membership, its degree of popular acceptance within society, and other relevant factors.

Societal Abuses and Discrimination

New illegal groups and FARC and ELN guerrillas harassed, threatened, and sometimes killed religious leaders and activists, although often for their role as community leaders rather than for religious reasons (see section 1.g.). Four non-Catholic pastors disappeared in the second half of the year. The Presidential Program for Human Rights reported that illegal armed groups, especially the FARC, made numerous threats against priests and other religious workers.

The Jewish community had an estimated 4,000 members. Increased reports of anti-Semitism continued, including graffiti painted on the exterior walls of synagogues and anti-Semitic statements in pamphlets published by small anti-Semitic organizations.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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.

New illegal groups, paramilitaries that refused to demobilize, and FARC and ELN guerrillas continued to establish illegal checkpoints on rural highways, but an enhanced government security presence along major highways reduced the number of kidnappings.

The law prohibits forced exile, and the government did not employ it. However, many persons went into self-imposed exile because of threats from new illegal groups and FARC and ELN guerrillas.

Internally Displaced Persons (IDPs)

The internal armed conflict, especially in remote areas, was the major cause of internal displacement. International organizations and civil society identified various factors driving continuing displacement including confrontations between security forces, terrorists, and new illegal groups, greater competition among illegal armed groups for resources, and threats and violence from new illegal groups. Most IDPs were rural peasants displaced to cities. Estimates of the numbers of IDPs varied. Accion Social, the government's internal welfare and foreign coordination agency, registered 325,162 newly displaced persons at year's end, a number expected to rise as regional reporting was incorporated into its database. (By the end of 2008, Accion Social's revised 2007 registration count was 353,657.) The department of Narino registered the highest number of IDPs (22,531), followed by Magdalena (18,823), Antioquia (18,015) and Tolima (15,902). The NGO Consultancy for Human Rights and Displacement (CODHES) estimated that 270,675 persons were displaced during the first six months of the year, a 41 percent increase compared with CODHES' estimate for the same period in 2007.

The government has registered a total of 2.8 million IDPs since 1995, while CODHES estimated that as many as 4.3 million persons have been displaced since 1985. The government registered new IDPs whose applications for recognition had been accepted, while CODHES estimated new displacements based on information from the media, civil society, and field work. CODHES also included as IDPs an undetermined number of coca and opium poppy producers who migrated in response to government drug eradication efforts, as well as those who migrated due to poor economic conditions resulting from the armed conflict. During the year the ICRC provided assistance to 73,258 newly displaced persons, 14,514 persons from massive displacements (groups of 50 or more persons or 10 or more families) and 58,744 persons in individual displacements.

New illegal groups and FARC and ELN guerrillas 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 landmines and roadblocks to confine entire villages in order to protect illicit crops and to prevent pursuit by state security forces. The FARC and ELN continued to use force, intimidation, and disinformation to discourage IDPs from registering with the government; guerrilla agents often infiltrated IDP receptor communities.

During the year the government registered 8,736 new IDPs who identified themselves as indigenous and 28,995 new IDPs who identified themselves as Afro-Colombian. ONIC estimated the number of displaced indigenous people to be much higher, since many indigenous people did not have adequate access to registration locations due to geographic remoteness, language barriers, or unfamiliarity with the national registration system. CODHES estimated that 21 percent of the displaced population was Afro-Colombian. According to UNHCR, indigenous and Afro-Colombian groups were disproportionately affected by displacement.

The government, international humanitarian assistance organizations, and NGOs observed that the rate of mass displacements remained approximately the same during the year. According to Accion Social, the departments with the highest numbers of IDPs from massive displacements were Narino with 4,831, Arauca with 2,541, Cauca with 2,438, and Choco with 2,128. The assistance organizations pointed out, however, that the emergency response to mass displacements was becoming more difficult and costly to mount as the increased security in cities and towns meant displacements were now taking place in more remote locations. Additionally, the continuing high volume of displacement claims received by the government frequently delayed by several weeks or months assistance to persons displaced individually or in smaller groups. Intense fighting in conflict zones, including areas in the departments of Antioquia, Arauca, Cauca, Narino, Putumayo, and Norte de Santander, often prevented national and international aid organizations from accessing newly displaced populations.

According to Accion Social's national IDP registry, Narino and Cauca, home to many Afro-Colombian and indigenous people, were among the departments most gravely affected by forced displacements during the year. In August, for example, the UN Office of the Commissioner for Humanitarian Affairs (OCHA) reported that confrontations between the new illegal group, Organizacion Nueva Generacion, and the armed forces displaced more than 1,000 persons from the Policarpa area in Narino. OCHA also reported in August that FARC and ELN incursions and confrontations with the armed forces displaced approximately 1,300 persons from villages around the town of Lopez de Micay, Cauca.

OCHA, the ICRC, and the UNHCR reported on several other mass displacements in other departments throughout the year. On August 14, OCHA reported that nearly 300 Embera indigenous people in the rural area of Alto Baudo in the department of Choco fled their homes to escape abuses and threats from members of a new illegal group known as Los Rastrojos. OCHA reported that FARC threats and pressure against manual coca eradication efforts in the area displaced nearly 4,000 persons in February, approximately 800 persons in April, and more than 2,000 persons in July from rural villages near the Antioquia towns of Ituango, Taraza, and Valdivia. In January threats in the department of Arauca by both FARC and ELN guerrillas and new illegal groups displaced more than 2,000

persons, many of them from the Gauibos and the Siriri-Catleya indigenous communities, to the municipalities of Tame and Saravena near the Venezuelan border, according to the ICRC and the UNHCR.

CODHES also reported in November that at least seven IDP community leaders were killed in the first six months of the year. On June 29, for instance, unknown assailants shot and killed Martha Cecilia Obando, an active IDP leader in the locally displaced and Afro-Colombian communities in Buenaventura, Valle de Cauca, who had recently voiced concerns about perceived corruption by local authorities and had openly criticized attacks on the community by local criminal groups. On November 28, Carlos Rodolfo Cabrera Huertas, the leader of an IDP association and a member of an IDP municipal committee in the Arauca department, was murdered. On December 1, Alfredo Jaraba and his wife Luz Mary Lopez, both members of an IDP organization, and two of their children were killed in Cartagena.

The government budgeted approximately 1.25 trillion pesos (approximately \$508 million) to provide assistance to IDPs during the year. Assistance was delivered through Accion Social, the Colombian Family Welfare Institute (ICBF), the Ministry of Social Protection (MSP), and other governmental ministries and agencies.

Despite several government initiatives to enhance IDP access to services and knowledge of their rights and notable improvements in meeting the social and economic needs of IDPs, many IDPs continued to live in unhygienic conditions with limited access to health care, education, or employment. Several international organizations and domestic nonprofit groups, such as the International Organization for Migration (IOM), the ICRC, and the Colombian Red Cross worked with the government to provide emergency relief and long-term assistance to displaced populations.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing assistance to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. 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, as of September 145 recognized refugees resided in the country, and two refugee cases were approved and 11 rejected during the year.

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 held on the basis of nearly universal suffrage. Active duty members of the armed forces and police may not vote or participate in the political process. Civilian public employees, although eligible to vote, may participate in partisan politics only during the four months immediately preceding a national election.

Elections and Political Participation

In 2006 independent candidate Alvaro Uribe won a second term as president in elections that were considered generally free and fair, despite a concerted campaign by the FARC and AUC to disrupt or manipulate the outcome. The OAS electoral observation mission stated that the elections took place "in an atmosphere of freedom, transparency, and normalcy."

In October 2007 there were local elections for governors, mayors, and department and town councils; according to the OAS electoral mission chief, the elections proceeded smoothly. Although 25 candidates were killed in the preelection period, this number was significantly lower than in previous years.

Political parties could operate without restrictions or outside interference. The Liberal and Conservative parties previously dominated politics. The reelection of President Uribe as an independent in 2006 and the second-place showing of the Polo Democratico presidential candidate, Carlos Gaviria, reflected a widening of the political arena. More than 20 political parties from across the political spectrum were represented in Congress. In 2007 Polo Democratico candidate Samuel Moreno was elected mayor of Bogota.

New illegal groups, paramilitaries that refused to demobilize, and the FARC threatened and killed government officials (see section 1.g.). According to the Presidential Program on Human Rights, three municipal council members were killed during the year, compared with 16 in 2007.

Some local officials throughout the country resigned because of threats from the FARC. A Ministry of Interior and Justice program provided protection to 295 mayors, 60 former mayors, and 2,370 council members during the first nine months of the year.

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 19 women in the 102-member Senate and 17 in the 166-member House of Representatives. There were three women in the 13-member cabinet and four on the 23-member Supreme Court. Additionally, there were 11 women on the higher courts: one on the Constitutional Court, eight on the State Council, and two on the CSJ.

Two indigenous senators and one indigenous member of the House of Representatives occupied seats reserved for indigenous persons. There were no indigenous cabinet members and no indigenous persons on any of the nation's high courts.

There were three Afro-Colombian senators, one of them a woman, and seven Afro-Colombian members of the House of Representatives, two of whom occupied seats reserved for Afro-Colombians. There was one Afro-Colombian cabinet minister; there were no Afro-Colombians on any high court.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government actively prosecuted cases of governmental corruption; however, officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a problem. Drug trafficking revenues exacerbated corruption.

In December the criminal chamber of the Supreme Court sentenced Miguel Angel Bermudez, ex-governor of Boyaca, to 11 years in prison for irregularities in school and library contracts throughout the department.

The JPL process continued to expose corruption and paramilitary ties within the government and security forces, and President Uribe urged the Supreme Court to punish public officials found guilty. The president continued funding for the Supreme Court's investigative unit, which investigated members of Congress and senior government officials.

On September 8, CNP General Antonio Gomez Mendez was dismissed as a result of alleged ties to narcotics traffickers and former paramilitary leaders.

Investigations by the Supreme Court and the Prosecutor General's Office of links between politicians and paramilitary groups implicated 70 congressmen, 15 governors, and 31 mayors. By the end of December, 33 congressmen, 22 mayors, and eight governors were in jail.

Representative Alfonso Antonio Campo Escobar of Magdalena, who resigned in June 2007, was convicted and sentenced to 10 years in prison and fined 1.72 million pesos (\$700) for collaboration with paramilitary groups. Campo accepted a five-year sentence in exchange for a guilty plea to election crimes and aggravated delinquency.

By law, public officials must file annual financial disclosure forms.

The law provides for public access to government information, and the government generally provided such 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 4 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. Although government officials generally were cooperative and responsive to their views, NGOs claimed that criticism from high-level officials, including President Uribe, put them at risk for retaliation by new illegal groups. Many domestic NGOs also contended that the government arbitrarily arrested and detained human rights activists, particularly in high-conflict areas.

While the Uribe administration maintained an open dialogue with NGOs and met with them regularly during the year, NGOs complained that they had difficulty arranging meetings with government officials or receiving prompt replies to their correspondence. NGOs also complained about what they described as intolerant and hostile statements from the government regarding the work of human rights defenders.

Several thousand human rights and civil society NGOs were registered in the country, although most existed only on paper. Local human rights NGOs had far-reaching influence. By sharing information and disseminating it to international human rights organizations and the media, they raised the country's human rights profile and contributed to significant levels of international attention.

The government and prominent local human rights groups differed in their evaluations and analyses of the human rights situation, which led to mutual suspicion. The government asserted that some human rights activists engaged in activities that supported terrorism (see section 1.e.).

According to the NGO Colombian Commission of Jurists (CCJ), 11 human rights activists were killed during the year. The CCJ attributed two of the killings to paramilitaries but did not know whether the perpetrators were part of the Justice and Peace process or had refused to demobilize. Three of the killings were attributed to government security forces, and the other six were attributed to unidentified armed groups. According to an unconfirmed NGO submission to the UNHCHR, human rights defenders and labor unionists were killed after a peaceful rally against paramilitary violence on March 6. At year's end the Prosecutor General's Office had found no information supporting the NGO claim but continued investigating the cases linked to the protest.

After these demonstrations, several NGOs reported receiving e-mail threats from newly formed illegal groups. The UNHCHR expressed concern over the threats, the government condemned them, and investigations by the Prosecutor General's Office continued at year's end.

A Ministry of Interior and Justice program provided protection to more than 966 human rights activists during the year (see section 2.a.). The government enhanced this security at 129 NGO offices during the year.

The government cooperated with international organizations. The UNHCR, the IOM, the International Labor Organization (ILO), the UNHCHR, and the ICRC had an active presence in the country and carried out their work without government interference.

The government continued to meet with the UNHCHR, local NGOs, and members of the diplomatic corps to discuss steps it has taken to comply with UNHCHR recommendations on improving human rights practices. While acknowledging progress on several recommendations, the UNHCHR and local NGOs reported that the government had not fully implemented most of them by year's end. In September 2007 the government extended the UNHCHR's mandate for three years.

The national human rights ombudsman is independent, reports to the inspector general, and has responsibility for ensuring the promotion and exercise of human rights. During the year Congress reelected Human Rights Ombudsman Volmer Perez. The government generally cooperated with the ombudsman, whose Bogota office was the headquarters of a national early warning system designed to alert public security forces of impending human rights violations, particularly large-scale massacres. The office was underfunded and understaffed, which limited its ability to monitor human rights violations effectively. Regional human rights ombudsmen were under constant threat from illegal armed groups.

The Presidential Program for Human Rights, which operated under the authority of the vice president, coordinates national human rights policy and actions taken by government entities to promote or protect human rights. It is the government's primary interlocutor with domestic and international NGOs and with foreign governments on human rights issues. The program publishes the Human Rights Observer magazine, which provides analyses of major human rights issues and the human rights situation in various regions of the country.

Both the Senate and House of Representatives have human rights committees. The committees serve as forums for discussion of human rights issues but have no authority to draft legislation.

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 under the law, and an interinstitutional commission on Justice and Peace was created to coordinate its implementation. Approximately 3,667 persons had been presented as eligible for the JPL, most participating in the formal demobilization process and others "demobilizing" afterward; 3,577 of these were in paramilitary organizations, including 25 of the "comandantes" and 90 from guerilla organizations. More than 1,600 proffers or "version libres" have been taken, in which almost 20,000 crimes have been identified by the Prosecutor General's Office, over 18,000 of them homicides. There were 27,104 victims involved in the 20,000 identified crimes; defendants confessed to, and accepted, 6,000 of these crimes, involving 8,468 victims. Over 3,800 of these confessed crimes were murders. A total of 179,000 victims had registered with the Prosecutor General's Office, and 1,441 graves had been exhumed involving 1,788 persons; remains of 547 victims were identified, and 283 were returned to their families. Testimony from the voluntary confessions also triggered investigations of politicians, military members, major agricultural producers, and government officials' ties to paramilitary forces.

During the year the government began the Program of Administrative Reparations to give reparations to victims of illegal armed groups. The Victim Protection Program under the Ministry of Interior and Justice protected 104 persons involved in the Justice and Peace process, and during the year the government spent 1.71 billion pesos (approximately \$695,000) on the program. The National Commission of Reconciliation and Reparation maintained offices in nine cities, including Sincelejo, Barranquilla, Bucaramanga, and Medellin. The centers contained one-stop

informational centers for victims and assisted victims with enrollment, and receipt of legal and psychological support.

In spite of the advances in the implementation of the Justice and Peace process, the OAS reported continuing shortfalls in victims' support and participation in the process. The OAS also reported that victims received wrong or little information about the process, that they were highly susceptible to killings, threats, and intimidation, and that government effort was uncoordinated.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Although prohibited by law, rape, including spousal rape, remained a serious problem. On July 28, the president ratified a new law that increased the legal penalties for sex crimes. The law provides for sentences ranging from eight to 15 years' imprisonment for violent sexual assault. For acts of spousal sexual violence, the law mandates sentences of six months to two years and denies probation or bail to offenders who disobey restraining orders. The National Institute for Legal Medicine and Forensic Science, which reported 8,836 cases of suspected sex crimes, including rape, in the first eight months of the year, indicated that many cases went unreported. New illegal group 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. The ICBF provided psychosocial, medical, and legal support to victims of sexual violence.

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 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 approximately 5,803 cases of domestic violence against women during the first eight months of the year but noted that only a small percentage of cases were brought to its attention for investigation and follow-up. The law stipulates that the government must provide victims of domestic violence with immediate protection from 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.

Adult prostitution is legal in designated "tolerance zones," but enforcement of, and restriction to, the zones remained difficult. Prostitution was widespread and exacerbated by poverty and internal displacement. Sex tourism existed to a limited extent, particularly in coastal cities such as Cartagena and Barranquilla, where marriage and dating services were often fronts for sexual tourism. The law prohibits organizing or facilitating sexual tourism and provides penalties of three to eight years' imprisonment. Trafficking in women for sexual exploitation continued to be a problem.

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. Since the law was enacted, the Ministry of Social Protection had received 375 complaints that it investigated.

Although women enjoy the same legal rights as men, discrimination against women persisted. Women faced hiring discrimination, were disproportionately affected by unemployment, and had salaries that generally were incompatible with their education and experience. Female workers in rural areas were affected most by wage discrimination and unemployment.

The president's advisor for equality of women has primary responsibility for combating discrimination against women. The advisor ran a program to help women who were microbusiness entrepreneurs and heads of families to get favorable lines of credit for their companies. During the year the government provided to women 6,217 microcredit loans, in the amount of 6.2 billion pesos (approximately \$2.5 million). In the first 10 months of the year, the government held 17 seminars attended by 11,258 women on establishing microbusinesses. NGOs such as the Popular Women's Organization in Barrancabermeja, Santander, and the Women's Path to Peace in Medellin, Antioquia, promoted women's involvement and equality, particularly through peace initiatives.

Children

The government generally was committed to children's rights and welfare. The ICBF monitored all government child protection and welfare programs and also funded nongovernmental programs that benefited children.

Child abuse was a serious problem. The National Institute for Legal Medicine and Forensic Sciences reported approximately 7,628 cases of child abuse in the first nine months of the year. The institute also estimated that approximately 40 percent of the 9,959 reported sex crimes involved sexual abuse of children, most of whom were under age 14.

According to the Inspector General's Office, 3,588 minors were reported as sexual workers, although many other cases went unreported. Children were trafficked for sexual exploitation.

Guerrillas forcibly recruited and used children as soldiers. The Ministry of Defense reported an increase in the number of minors who deserted illegal armed groups. At least 318 children (244 of them former members of the FARC) surrendered to state security forces during the year and were transferred to the ICBF, which operated a reintegration program for former child soldiers.

According to government registrations, 75 percent of IDPs were women and children. Displaced children particularly were vulnerable to physical abuse, sexual exploitation, and recruitment by criminals.

Trafficking in Persons

Although the law prohibits trafficking in persons, there were reports that persons were trafficked from, through, and within the country.

The country was a major source for trafficking in persons, primarily for sexual and labor purposes. During the year the national trafficking prevention hotline received 10,115 calls, 6.7 percent directly related to trafficking. Most calls were preventative in nature, with callers asking for information on a potential trafficking scheme. The vast majority of trafficking victims were young women, although children and young men were also at risk. Destinations and routes included Chile, Bolivia, Ecuador, Peru, Venezuela, Costa Rica, Panama, El Salvador, Mexico, Aruba, Jamaica, Trinidad and Tobago, Curacao, the Netherlands, Italy, Germany, Spain, Japan, Singapore, Portugal, Hong Kong, and the United States. Internal trafficking of women and children from rural to urban areas for sexual exploitation and forced labor remained a serious problem. Victims also transited the country from other South American countries on their way to Europe and the United States.

Many traffickers disclosed the sexual nature of the work they offered but concealed information about working conditions, clientele, freedom of movement, and compensation. Others disguised their intent by portraying themselves as modeling agents, offering marriage brokerage services, providing study programs, or operating lottery or bingo scams with free trips as prizes. Recruiters reportedly loitered outside high schools, shopping malls, and parks to lure adolescents into accepting nonexistent jobs abroad. The IOM and domestic NGOs estimated that international organized crime networks were responsible for most transnational trafficking. Domestically, organized crime networks, some related to illegal armed groups, were also responsible for trafficking for sexual exploitation or organized begging, and the armed conflict made a large number of internal trafficking victims vulnerable.

The law provides for prison sentences between 13 and 23 years and fines up to 1,000 times the monthly minimum wage for trafficking offenses. These penalties may be increased by up to one-third if there are aggravating circumstances, such as trafficking of children younger than 14. Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom also may be brought against traffickers. While limited resources hindered prosecutions, the Prosecutor General's Office continued to open new investigations and continued progress on current trials.

With the support of the IOM, the National Committee against Trafficking (composed of 14 agencies) prepared information campaigns and promoted information exchange among government agencies and began use of a database to monitor trafficking cases. The Prosecutor General's Anti-Trafficking Unit, in coordination with the Ministry of Interior and Justice, has the lead on combating trafficking. The government cooperated with foreign counterparts on investigations.

The country's diplomatic missions worked with the IOM to repatriate victims. The IOM strengthened government institutions involved in antitrafficking efforts and assisted trafficking victims; during the year IOM and the UN Office on Drugs and Crime trained officials on specific trafficking issues and provided awareness-raising training to NGO groups. The IOM also provided victims with job training and employment opportunities, temporary emergency shelter, necessary medical and psychological care, and opportunities for social reintegration. The Hope Foundation, an antitrafficking NGO, provided educational information, social support, and counseling to trafficking victims. The Rebirth Foundation (another antitrafficking NGO) provided housing, psychosocial therapy, medical care, and legal assistance to child victims of sexual exploitation.

The IOM and the government advertised a national hotline to prevent trafficking and report violators. The IOM worked with the government to continue its antitrafficking public awareness campaign that included placing posters in airports, bus stations, consulates, and travel agencies, and running public service announcements on radio and television.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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 for persons with disabilities, thus limiting the power of the government to penalize those schools or offices without access, but both national and local governments tried to address this with programs aimed at improving access. The law provides persons with physical disabilities access to voting stations. The Presidential Program for Human Rights is responsible for protecting the rights of persons with disabilities.

The Colombian Association for Physical Medicine and Rehabilitation reported that only approximately 15 percent of

persons with disabilities received medical attention adequate to prevent complications arising from their disabilities. According to press reports, only 7,000 of Bogota's 100,000 persons with disabilities had access to public education.

National/Racial/Ethnic Minorities

According to the national census, approximately 4.3 million persons, or 10 percent of the population, were of African origin. However, some human rights groups and Afro-Colombian organizations estimated that there were as many as 10 million Afro-Colombians. While Afro-Colombians are entitled to all constitutional rights and protections, they faced significant economic and social discrimination. An estimated 76 percent of Afro-Colombians lived in poverty; their infant mortality rate was four times that of the general population, and the number without any education was three times higher than the national average. Choco, the department with the highest percentage of Afro-Colombian residents, had the lowest per capita level of social investment and ranked last in terms of education, health, and infrastructure. It also continued to experience some of the country's worst political violence, as new illegal groups and FARC and ELN guerrillas struggled for control of the department's drug- and weapons-smuggling corridor (see section 1.g.).

On May 21, the government launched the Commission for Advancement of Afro-Colombians, whose objective is to evaluate the socioeconomic conditions of Afro-Colombians and provide recommendations to the government. The vice president led nine regional workshops to collect information and input from civil society. The commission also supported two university studies on Afro-Colombian issues, the first by the Universidad de los Andes was released on November 6.

Indigenous People

The constitution and laws give special recognition to the fundamental rights of indigenous people, who comprised 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 approximately 710 reservations—accounting for 30 percent of the country's territory—as municipal entities, 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.

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. The law permits indigenous communities to educate their children in traditional dialects and in the observance of cultural and religious customs. Indigenous people are not subject to the national military draft.

Indigenous leaders complained about 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 and guerrillas operating in or around such areas. 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 accessing land held by the communities. The law permits the presence of government security forces on lands of indigenous communities; however, Ministry of Defense directives instructed security forces to respect the integrity of indigenous communities, particularly during military and police operations. The Ministry of Defense's Integrated Policy on Human Rights stresses the importance of protecting indigenous communities.

The Ministry of Interior and Justice, through its Office of Indigenous Affairs, is responsible for protecting the territorial, cultural, and traditional rights of indigenous people. Ministry representatives, together with inspector general and human rights ombudsman representatives, worked with other governmental human rights organizations and NGOs to promote indigenous interests and investigate violations of indigenous rights. The ministry is also responsible for buying land to add to indigenous reserves.

Despite special legal protections and government assistance programs, indigenous people continued to suffer discrimination and often lived on the margins of society. The indigenous were the country's poorest population and had the highest age-specific mortality rates and rates of intestinal diseases, tuberculosis, hepatitis, and malaria.

Parties in the internal armed conflict continued to victimize members of indigenous communities. In March UNHCHR reported that ethnic groups, particularly indigenous and Afro-Colombian populations, were increasingly vulnerable as a result of the internal armed conflict.

The NGO National Organization of Indigenous of Colombia claimed that government security forces were responsible for 20 extrajudicial killings of indigenous people during the year. Although complete data were not available for the year, the Presidential Program on Human Rights reported that, from 2002 to 2007, homicides of indigenous people declined 45 percent, kidnappings declined 87 percent, and displacement declined 15 percent.

On October 14, about 7,000 indigenous persons from Northern Cauca demonstrated for the return of ancestral lands and an end to accusations of indigenous-FARC links. The two-day protest led to violent clashes between security forces trying to open the blocked Pan-American Highway and protesters, leaving at least 150 injured (both protesters and police) and one dead according to the government. The government reported that forensic evidence proved a homemade explosive device--not the policeman filmed shooting a gun during the protests--killed the individual.

On October 20, ONIC convoked over 12,000 indigenous protesters to participate in an eight-day march to Cali. President Uribe met with indigenous groups but failed to reach an agreement, and the protesters marched to Bogota on November 21 to meet with the president again.

There were no known developments in the investigations of the 2006 beating of Wayuu indigenous community members Roberto Solano Uriana and Lorenzo Rafael Solano and the trials of seven military and civilian suspects for the 2006 killing of five members of the Awa indigenous community.

The UNHCHR continued to criticize threats and violence against indigenous communities, characterized government investigations of human rights violations against indigenous groups as inadequate, and appealed to the government to do more to protect indigenous people.

Other Societal Abuses and Discrimination

Colombia Diversa, an NGO focused on violence and discrimination due to sexual orientation, reported at least 41 killings during the year due to prejudice regarding sexual orientation. The Constitutional Court recognized the right of same-sex couples to pension benefits and gave greater economic rights to same-sex couples. In spite of the court rulings, Colombia Diversa reported at least three cases of pension benefits being withheld from same-sex partners. Colombia Diversa also reported cases of police abuse against persons due to their sexual orientation, with the majority of complaints coming from transgender individuals. The group also claimed that violence in prisons against persons due to their sexual orientation remained a problem.

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

Section 6 Worker Rights

a. The Right of Association

The law provides for the right to organize unions, and the government generally respected this right in practice. The law does not cover members of the armed forces or police. The number of unions and union members continued to decline. Approximately 742,000 workers (4 percent of the workforce of 18.2 million) were union members. Almost 60 percent of the workforce was employed in the informal sector.

The labor code provides for automatic recognition of unions that obtain 25 signatures from potential members and comply with a registration process. Unions claimed that this process was slow and was used to block union registration. Some union leaders claimed that forming a union was a lengthy, bureaucratic process, and that union organizers were often fired before the union was officially established. In May 2007 the MSP issued a resolution reducing wait times and implemented procedures to discipline officials for failure to comply with the regulations. Pursuant to a Constitutional Court ruling during the year, the MSP began a thorough review of union registration procedures to further simplify union registration.

Violence and discrimination against union members discouraged some workers from joining and engaging in union activities. The MSP reported that 38 trade unionists were killed during the year, compared with 26 in 2007, while the National Labor College (ENS), a labor rights NGO, reported that 46 trade unionists were killed, compared with 39 in 2007. ENS and government figures differed because of different methodological conceptions of trade union membership.

The ENS claimed that "most of the violations of the human rights of trade unionists" were associated with industrial disputes, even though they took place in the context of war and were committed, in most cases, by one of the belligerent parties."

Teachers made up the largest percentage of union members who were victims of violence by illegal armed groups, both because they constituted 34 percent of all registered unionists and because of their presence in rural, conflict-ridden parts of the country. The MSP reported that 55 percent of all unionists killed during the year were teachers.

The government provided protection to 10,716 at-risk individuals of whom 1,980 were union members (others protected included journalists, local leaders, and human rights advocates); the protection program received annual funding of 112.5 billion pesos (approximately \$45.7 million).

Since 2001 the Prosecutor General's Office had prosecuted 126 cases, leading to the conviction of 247 perpetrators of violent acts against trade unionists. A special labor subunit, launched by the government in 2006 to prosecute those who commit such acts and staffed with 19 prosecutors and 96 investigators, resolved 80 of the cases, convicting 154 individuals.

Union leaders recognized important advances made by the new labor subunit of the Prosecutor General's Office but said more needed to be done to end impunity for perpetrators of violence against workers.

The law provides for the right to strike, and workers exercised this right in practice; however, members of the armed forces, police, and persons performing "essential public services" were not permitted to strike. The government declared illegal four of the 12 work stoppages requested before Law 1210 moved the power to declare strikes illegal from the executive branch to the judicial branch during the year.

Before conducting a strike, public sector unions must follow prescribed legal procedures and give advance notice to

their employers and local authorities. The law prohibits the use of strikebreakers. The law prohibiting public employees from striking was often ignored. Due to new legislation, employees no longer need to accept binding arbitration if they cannot reach an agreement.

There were reports that employers increasingly used temporary contracts and cooperatives--both of which are legal--to reduce nonwage costs and avoid unionization. In a work stoppage related to this issue, more than 18,000 sugarcane cutters in the department of Valle del Cauca walked off their jobs on September 15; while demands for a formal work contract with worker and union rights was not met because subcontracted workers are not covered by the labor code, the workers did negotiate an agreement with some benefit and pay increases.

b. The Right to Organize and Bargain Collectively

The law provides workers the right to organize and bargain collectively, and the government respected this right in the private sector; however, collective bargaining was not implemented fully in the public sector. Labor unions assessed that high unemployment, a large informal economic sector, antiunion attitudes, and violence against trade union leaders made organizing difficult, which limited workers' bargaining power in all sectors.

In 2007 the president agreed with a 2006 ILO request and a 2005 Constitutional Court ruling that public sector unions should be able to bargain collectively. A November 2007 ILO mission reported formation of a tripartite subcommittee to discuss public sector bargaining. The ILO and the Ministry of Social Protection continued working with unionists to reach agreement on implementing the collective bargaining arrangement.

Collective pacts between individual workers and their employers were not subject to collective bargaining. Collective pacts give employers the right to negotiate accords on pay and labor conditions at any time with groups of workers when no union is present or when a union represents less than one-third of the employees. Labor groups complained that employers used collective pacts, permitted by law, to discourage labor organization. There were reports 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, which undermined organized labor's ability to bargain collectively.

The continued growth and prevalence of workers' cooperatives further diminished collective bargaining because these workers were not covered by the labor code. Due to a law related to cooperatives passed in June, workers' cooperatives were required to register with the MSP. There were an estimated 3,939 such cooperatives with 88,137 associated workers. Workers' cooperatives were obligated to provide compensation at least equivalent to the minimum wage and the same health and retirement benefits normally offered by employers to directly hired employees.

While the law prohibits antiunion discrimination, some longstanding ILO criticisms of the labor code remained, including the practice of firing labor union workers who participate in legal strikes or work stoppages, the prohibition of strikes in a wide range of public services that are not necessarily essential, and the government's power to intervene in disputes through compulsory arbitration to end a strike. In response to these concerns, the Congress passed bills in June that brought laws closer to ILO standards. The new laws transfer authority for declaring whether a strike is legal from the executive to independent labor judges; make binding arbitration mandatory only if both parties request it; require workers' cooperatives to pay into the social security system and benefits programs; and levy heftier fines on cooperatives that do not comply with current laws. The MSP reported numerous investigations into cooperative abuses and in November alone investigated more than 100 cooperatives at the port of Buenaventura.

While a government decree prohibits the use of workers' cooperatives as labor subcontractors, most cooperatives

engaged in subcontracting, and in some cases, private sector employers forced workers to form cooperatives and were themselves managing the cooperatives' daily operations. The government has the authority to fine labor rights violators but not to shut down repeat offenders. In practice nominal fines assessed by the government did little to dissuade violators.

There are no special laws or exemptions from regular labor laws in export processing zones. Labor law applies in the country's 15 free trade zones where its standards were enforced.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were some reports that such practices occurred (see section 6.d.).

New illegal groups and both FARC and ELN guerrillas practiced forced conscription. There were some reports that FARC and ELN guerrillas and new illegal groups used forced labor, including child labor, in areas outside government control (see section 1.g.). There were also reports of forced commercial sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment

While there are laws to protect children from exploitation in the workplace, child labor remained a significant problem, particularly in the informal sector. The ICBF reported that at least 2.5 million children worked, of whom an estimated 80 percent were working illegally. By September the ICBF reported 164 complaints of labor exploitation and 280 child victims of commercial sexual exploitation. During the first semester of the year, ICBF assisted 1,958 children victimized through commercial sexual exploitation throughout the country.

The minimum age for employment is 15. Minors between 15 and 17 years of age must obtain authorization from the local inspection units of the MSP. Such minors may work only six hours per day and 30 hours per week, with no work hours past 6 p.m. Minors between 17 and 18 years of age may only work eight hours per day, 40 hours per week with no work hours past 8 p.m. Minors under age 15 may receive authorization from the local inspection unit to engage in remunerated activities in art, culture, recreation, or sport. However, the authorization establishes the maximum number of hours and specific labor conditions. For example, a minor younger than 15 may not engage in remunerated activities more than 14 hours per week. According to the National Department of Statistics, there were 11.9 million children between the ages of five and 17, of whom approximately 1.1 million worked, nearly 90 percent more than 15 hours a week in their home.

The legal minimum age for work was consistent with completing basic education; 19.9 percent of working children did not attend school. All child workers were prohibited from working at night or performing work where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. Although children were prohibited from working in a number of specific occupations, including mining and construction, in practice these prohibitions largely were ignored.

Estimates of the number of children who worked in illegal mining operations varied from 10,000 to 200,000. According to the National Statistical Institute, children also worked as coca pickers or in other aspects of the illegal drug trade.

Several thousand children were forced to serve as FARC or ELN guerrilla combatants or members of new illegal groups (see section 1.g.), prostitutes, or coca pickers. The minor's code provides for fines of up to 40 times the minimum monthly wage for violations of child labor laws. A violation deemed to endanger a child's life or threaten moral values may be punished by temporary or permanent closure of the responsible establishment.

The MSP's 276 labor inspectors nationwide were responsible for enforcing child labor laws in the formal sector (which covered approximately 20 percent of the child labor force) through periodic inspections. Resources were inadequate for effective enforcement. With assistance from the ILO, the government worked to improve cooperation among national, regional, and municipal governments through its national plan to eradicate child labor and protect working youth. The ILO's International Program on the Elimination of Child Labor operated a program to prevent children from engaging in commercial sexual exploitation, while private groups and foreign governments conducted programs to remove children from the worst forms of child labor.

e. Acceptable Conditions of Work

The government establishes a uniform minimum wage every January that serves as a benchmark for wage bargaining. The monthly minimum wage, which is negotiated by a committee of representatives of business, organized labor, and the government, was approximately 433,700 pesos (\$176), a 6.3 percent increase from the previous year. If the negotiation process fails to reach agreement, as occurred during the year for the fifth time in the last eight years, the president can set the minimum wage unilaterally. The national minimum wage did not provide sufficient income to purchase the basic market basket of goods for a family of four. Furthermore, it was difficult to enforce the minimum wage in the informal sector.

The labor code provides for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. 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 law provides comprehensive protection for workers' occupational safety and health, which the MSP enforced through periodic inspections. However, 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. Workers in the informal sector sometimes suffered physical or sexual abuse. The law provides workers with the right to remove themselves from a hazardous work situation without jeopardizing continued employment, and the government enforced this right. Nonunion workers, particularly those in the agricultural and in some parts of the flower sector, reportedly worked under hazardous conditions because they feared losing their jobs if they criticized abuses. However, the flower growers' association implemented voluntary principles on environmental and worker safety and reduced the use of pesticides by more than 60 percent.