



Colombia

- Population: 48.9 million
- GDP per capita (in US dollars): 7,903
- Presidential regime
- Human development index (HDI): 0.720 (97th rank among 187 countries)
- Gender inequality index (GII): 0.429 (92nd rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 37 on a scale from 0 (highly corrupt) to 100 (very clean)

- No official national statistics on prostitution.
- Prostitution is admitted as long as there is consent and no minor is engaged. Procuring is punished with a 2 to 4 year sentence in prison and a fine ranging from 50 to 500 times higher than the minimum legal monthly salary (article 213). The sentence is from 14 to 25 years is accompanied by a fine 67 to 750 times higher than the minimum salary if the victim is a minor (article 213A). Sex tourism is sentenced to 4 to 8 years' imprisonment when children are involved (article 219).
- The 188 Penal Code article punishes human trafficking with 13 to 23 years in prison and a fine up to 1,500 times higher than the minimum legal monthly salary. The 1719 law dated 2014 provides a specific conviction for exploiting somebody in the domestic war environment.
- A total of 16 complaints for the human trafficking offence and 23 persons arrested were counted in 2014. For the same year, the U.S. Department of State mentions, 5 convictions of international sex traffickers and 2 convictions of sex traffickers operating within the country, with sentences ranging from 3 to 22 years in prison.
- Sex tourism market exists that targets minors. This mainly occurs on the Atlantic coast, in Cartagena and Barranquilla, in Medellin or in the capital city of Bogota. Almost 35,000 minors are engaged in sexual exploitation in Colombia including 2,000 in Cartagena.
- Every year, almost 35,000 Colombian women are probably victims of trafficking with purposes of sexual exploitation abroad (*Fondation Scelles*, 2013).
- The economic crisis in Venezuela encourages an increasing number of Venezuelans to cross the Colombian border in order to prostitute themselves (*The Wall Street Journal*, August 28th 2015).

- Colombia is mainly a country of origin for the victims of trafficking for sexual exploitation, but on a smaller scale, it is also a destination country. Colombian victims are mostly exploited within the country but are also sent to other Latin-American countries, the Caribbean, and Asia.

Sexual Violence and the Colombian War

In the 3rd Global Report on sexual exploitation, the Fondation Scelles pointed out the link between the Colombian war and the young Colombians' vulnerability to exploitation and sexual violence. In terms of sexual violence, Colombia has recently defined a common plan of action, through which authorities dealing with sexual offences operate as “inter-committees”. These inter-committees,

- fight against human trafficking (985 law dated 2005),
- fight against children and teenagers' sexual exploitation (1336 law dated 2009),
- work towards the prevention and care of victims of sexual violence (1146 law dated 2007),
- fight against violence towards women (1257 law dated 2008),
- Additionally, the 0552 decree of 2002 prevents sexual violence, utilization, and the recruiting of children and teenagers by criminal gangs and groups infiltrating the Colombian war (such as *Bandas Criminales – BACRIM* in Colombia as a paramilitary structure).

For three years, the Colombian government has been involved in a peace process with the illegal armed group of the Revolutionary Armed Forces of Colombia (FARC). Sexual violence in this war is a recurring issue in negotiations, as it is a violation of human rights and a breach of international humanitarian law. Different forms of sexual abuses are used directly and indirectly by the guerilla fighters (prostitution, human trafficking, children and teenagers pornography and sexual exploitation for commercial purposes).

One of the most notable improvements since 2013 is the 1719 law of 2014 regarding the access to justice for the victims of sexual violence in the war environment because it brings about a change of the Penal Code. This law makes the national legislation compatible with the international treaties related to human rights, humanitarian law, and sexual violence (which were ratified by Colombia). This law aims to:

- Create mechanisms in order to lessen impunity, provide affirmative actions and protection measures in favor of victims through a human rights approach.
- Identify the cases in which sexual violence is comparable to a war crime. According to the national law, these war crimes can be denounced, be subject to investigation and judged at any moment as long as it is a customary practice which is operated on a large basis, in a systematic, generalized and invisible way.

Likewise, the law calls into question the use of violence and takes into account other elements such as coercive environments of offences induced through threats or abuse of power. It also provides penalties for those who practice forced pregnancy, sterilization and nakedness; behaviors associated with sexual violence and are products of armed conflicts.

It should be noted that a bill on prostitution was presented before Congress, allowing the authorities to establish a better-organized welfare system in favor of prostituted persons and to ensure adults (aged 18 in Colombia) individual and social rights. The bill did not pass due to opposing views on the subject.

Human Trafficking – Prevention, Assistance to Victims and Legal Proceedings

In the face of human trafficking, the Colombian State approved the 1069 Decree dated June 12th 2014; it regulates the measures, which organizations in charge of the implementation of the assistance and protection for trafficking victims must follow. Simultaneously, the 2014-2018 Decree of national strategy concerning the fight against human trafficking is being adopted; it is the result of a participative process and collaboration between the government, civil organizations, victims of trafficking and international cooperation organizations. This policy aims to fight human trafficking and to ensure victims' rights through measures and mechanisms dealing with prevention, protection, assistance, legal proceedings and legal penalties. According to the Ministry of Interior, during 2014, 41 victims of external trafficking and 3 victims of domestic trafficking were assisted, among whom 33 were women and 15 victims of sexual exploitation. In 2013, out of the 62 assisted victims of domestic trafficking, 47 were women and 35 were sexually exploited victims.

Inquiries and Legal Action for Human Trafficking

In 2014, 4 operations were conducted by the Colombian national Police and INTERPOL. They resulted in the dismantling of criminal networks involved in human trafficking:

- “Alianza 16” dismantled a transnational criminal network that smuggled individuals from the city of Pereira to Panama and the Bahamas,
- “Patria 10” dismantled a criminal trafficking operation that took part in armed conflict,
- “Patria 12” dismantled an domestic trafficking organization,
- “Allianza 115” arrested a member of a trafficking criminal organization from Pereira as an origin city with Singapore as a destination.

In 2014, according to the Dirección de Investigación Criminal e Interpol (DIJIN), there were 16 complaints for human trafficking offences and 23 arrested individuals. According to the United Nations Office on Drugs and Crime (UNODC) in Colombia, 317 inquiries have been initiated these last years in relation with human trafficking, and 53 sentences have been pronounced against the perpetrators. The National report on human rights in Colombia (for the Ministry of Interior), from January 2013 to January 2014, highlights the collaboration work between the State institutions and international bodies. This was also highlighted in the 2014 U.S. Department of State Report on Trafficking in Persons.

In order to prevent the occurrence of offences, Colombia created prevention campaigns such as “Con la Trata de Personas, no hay Trato” (There is no possible negotiation with human trafficking), the play “5 Mujeres, un mismo Trato” (5 women, an only treatment) with the main actors being victims of trafficking, as well as a hotline (Linea Gratuita Nacional contra la Trata de Personas) with the following phone number at the national level: 01 8000 52 2020 and at the international level: (57)+1 6001035. This hotline works 24 hours a day, on a daily basis. It is important to note that they are supported by the Centro Operativo Anti Trata de Personas (COAT), which is an organization that is in charge of helping trafficking victims and coordinating the authorities' efforts to question and proceed trafficking networks. According to the Colombian Ministry of Interior, in 2014 the COAT assisted 72 victims of trafficking, including 63 victims of domestic trafficking and 9 victims of external trafficking.

In recent years, there has been a dismantling of domestic sex trafficking organizations; one of them concerned a woman coming from Anserma (Caldas). She was locked up in a bar where she was sexually exploited and suffered psychological and physical abuse. Finally she escaped from the bar and informed authorities that there were other women who were also unwillingly locked up. Three men were arrested on the charge of human trafficking.

Minors as Main Victims of Sex Tourism

Websites that are available only from outside the country offer “drug tourism” and “clandestine sexual services”. Internet users have no access to them from Colombia, as their IP address is blocked. Local authorities have identified 3,000 websites, 20 of which offered prostituted minors. That being said, word-of-mouth can still allow tourists to choose Medellin, for example, as a destination for drug consumption and sexual services (*Semana*, 2013).

An UNODC Colombia study reports that most of the “narco-tourism” amateurs are from North-American, Israel, Italy and Germany. Israelis often go to Medellin to spend their sabbatical year that is awarded to them after their military service. The tourists are between 19 and 25 years old and their favorite cities are Bogota, Medellin and Cartagena.

In October 2014, in the USA, the specialized police questioned a person visiting Medellin to have and film sexual relations with minors. These minors were recruited by a taxi driver who offered sexual services to tourists visiting the city. This person was in charge of transporting foreigners to clandestine places where minors, between the ages of 15 and 17, were prostituted. These inquiries determined that the teenagers were given 2C-B, a psychedelic and hallucinogenic drug (*Fiscalía General de la Nación*, October 14th 2014).

During a session of the Senate human rights Commission, a “sex tourism warning” was launched at the beginning of 2015 before the high tourist season and foreigners’ arrival in the city. Almost 35,000 minors are confronted with sexual exploitation in Colombia, including 2,000 in Cartagena according to the UNICEF (*Vice News*, December 27th 2014).

Pornography Involving Minors

In April 2015, after a two year police inquiry, members of a criminal organization were arrested in the city of Barranquilla. They specialized in pedopornographic recording (erotic dances and pornographic scenes) on a video “chat”, which implicated minors between the ages of 13 and 17. These pictures were then marketed on official websites for adults. The gang registered the minors with identity documents of others. It operated with local clients who had sexual relations with minors ranging from 100,000 up to 150,000 COP (30 to 45 US\$). Then the videos were offered to clients, who were mostly foreigners, through the private “chat” (*Fiscalía General de la Nación*, April 27th 2015).

Child and Teenage Commercial Sexual Exploitation

Children and teenage commercial sexual exploitation occurs in different forms (prostitution, pornography, trafficking with sexual purposes, sexual exploitation in tourism, travelling and mining exploitation domains). Even if these situations are acknowledged by

government organizations and civil society, they are difficult to identify because of the lack of attention given to the issue, confusing sexual exploitation with other types of violence (such as sexual abuses), as well as myths and cultural practices that perpetuate violence against children in some regions.

A February 2015 report by experts chosen by the government and the FARC denounced sexual abuses in Melgar and Giraldot, near Tolomaida, the most important military base in Colombia (*Vega Cantor, 2015*). In these two cities, while the “Colombia plan” was being implemented between 2003 and 2007, 53 minors are believed to have been abused by soldiers and North American mercenaries who were sent to the Colombian territory. Some of them have even filmed these acts and resold the videos. The following text which was written by Renán Vega Cantor, a national educational University teacher, maintains: “they contribute to the population’s unsafety in the war zones but also in other zones where lots of them are in contact with civilians” (*Vega Cantor, 2015*).

NGO Contribution

The Renacer Foundation, a private NGO, has been working for over 28 years for the prevention and suppression of children and teenage commercial sexual exploitation. They develop intervention policy plans intended to help and take care of victims or potential victims. It also launches campaigns for preventing and denouncing trafficking on a national scale.

From 2013 up to now, 990 children have been identified as victims of sexual commercial exploitation in the cities of Bogota and Cartagena. 65% of them have taken measures to receive compensations for the life long discrimination that were caused by these offences.

In collaboration with the State, the Renacer Foundation hosts 200 children in Bogota and 75 children in Cartagena, on a daily basis. 390 complaints from children who were victims of commercial sexual exploitation have been pursued in Cartagena and Bogota. Sentences were pronounced (8 in Cartagena and 11 in Bogota). Thus, according to the Renacer Foundation, 32 people in Cartagena and 35 people in Bogota have been punished with exemplary sentences ranging from 17 to nearly 33 years in prison.

In recent years, private tourism companies have decided that all their employees and collaborators should adopt behaviors favoring children’s protection in the face of commercial sexual exploitation. The Renacer Foundation, as a local partner of the NGO ECPAT International, works and accompanies 234 private tourism companies (hotels, travel agencies) who have promised to build shelters in order to protect children from the commercial sexual exploitation in the cities of Bogota, Cartagena, Barranquilla, Bucaramanga, Medellin, Leticia, Santa Marta and Girardot. They have been developing norms of corporative social responsibility and of co-responsibility that are certified by “the Code” (the only international certification of children’s protection in the face of children and teenage commercial sexual exploitation associated with traveling and tourism). Finally, recent studies by the Renacer Foundation have revealed that criminal groups offer children and teenage for commercial sexual exploitation on mining and/or quarrying sites.

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