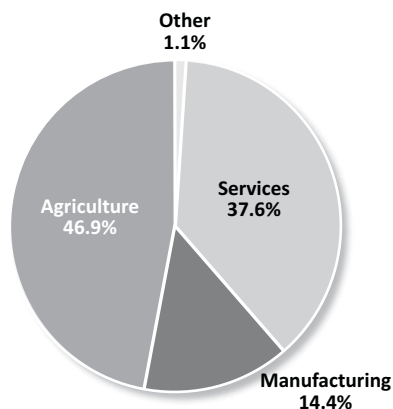


In 2011, Colombia made a minimal advancement in efforts to eliminate the worst forms of child labor. For the first time, the Justice and Peace Court sentenced a former paramilitary leader to 8 years in prison for recruitment of children, among other crimes, and required reparations for the victims. The Government also amended the Penal Code to stiffen penalties for child trafficking and the use and recruitment of children for begging and illicit activities. It established a separate Ministry of Labor and created the Administrative Department for Social Prosperity and the National Agency to End Extreme Poverty, to help lift 1.4 million people out of extreme poverty. In February 2012, the Government began to provide free public education from kindergarten through high school. However, children continued to be forcibly recruited by non-state armed groups, and the UN High Commissioner for Human Rights and the UN Secretary-General have reported cases of children used by the National Armed Forces as informants, in direct contravention of both national law and military policy. In addition, the National Strategy to Eradicate the Worst Forms of Child Labor has not been fully implemented. Children also continued to engage in other worst forms of child labor, particularly in hazardous activities in agriculture and in mining.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	5.4 (474,034)
Attending School	5-14 yrs.	92.5
Combining Work and School	7-14 yrs.	5.5
Primary Completion Rate		113.9

Working Children by Sector, Ages 5-14



Sources:

Primary completion rate: Data from 2009, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from GEIH Survey, 2009.(2)



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Colombia, many in hazardous activities in agriculture and mining.(3, 4) Reportedly, some children work in the production of coffee, sugarcane, and coca (an illegal stimulant) and help produce vegetables, rice and livestock. Limited evidence suggests that children work in the production of cotton and fruits.(5-9) These children may perform physically arduous tasks such as lifting heavy loads.(5) Children are also engaged in artisanal mining, which exposes them to toxic gases, long hours, explosives and dangerous chemicals such as nitric acid. They reportedly mine emeralds, gold, clay and coal; they also work breaking rocks, digging with picks or their bare hands, removing water from mines and lifting heavy loads.(6-8) Limited evidence suggests that indigenous *Wayúu* children work alongside their families in the production of gypsum, salt and talc, and that indigenous *Kametsa* and *Inga* adolescents are engaged in logging.(9)

A 2007 study by the Colombian National Institute for Family Welfare (ICBF) estimates that 4,457 children live on the streets of 16 Colombian cities.(10) They are engaged in begging, stealing, street vending, garbage scavenging and commercial sexual exploitation. Children working on the streets are susceptible to many dangers, including severe weather, vehicle accidents, criminal elements, abuse and physical injuries from lifting heavy loads.(10) Garbage scavenging exposes children to

dangerous waste and toxic substances such as lead and sulfuric acid.(11, 12)

Domestic service is another common form of child labor in Colombia. Indigenous families in rural areas often send their children to urban households to be domestic workers.(9, 13) These children may work up to 12 hours per day performing household chores. They are vulnerable to physical and sexual abuse at the hands of their employers and often are denied salaries and time off.(13)

Children are also engaged in commercial sexual exploitation, including child pornography and sex tourism.(14-16) In the province of Sucre, indigenous *Zenous* children are sometimes the victims of sex tourism. In Bogotá, underage boys are solicited for sexual purposes; in Cúcuta, criminal bands use the Internet and cell phones to engage children in commercial sexual exploitation.(14-16) Children are also trafficked domestically and internationally for the purpose of commercial sexual exploitation.(16, 17)

Children are used by adults for illegal activities such as coca production and its processing, and the transport of illicit drugs. Indigenous *Wayúu*, *Kankuamo*, and *Wiwa* children have been involved in the illegal sale of gasoline from Venezuela.(9, 18) Children are victims of forced labor to perform coca cultivation and domestic work; they are also forcibly recruited as child soldiers by non-state armed groups. Children from Ecuador are trafficked into Colombia for labor exploitation.(20, 22, 23)

Under Colombian Law, the National Armed Forces is banned from recruiting minors younger than age 18. However, reports from the UN High Commissioner for Human Rights and the UN Secretary-General state that members of the National Armed Forces have used some children as informants, an illegal act in direct contravention of both national law and military policy.(19-22) In addition, the UN has reported that children have been killed or threatened by non-state armed groups on suspicion of being informants for the National Armed Forces.(21, 23)

Children also continue to be recruited by illegal armed groups. Reports estimate that 11,000 to 14,000 children, including indigenous children, act as combatants in various non-state armed groups.(20, 24-27) According to reports, many of them handle explosives, transport food supplies and perform intelligence and logistical activities. A 2012 UN report states that female combatants are subject to sexual exploitation by other group members.(26, 33, 34) Children from Ecuador and Panama are also recruited by Colombian non-state armed groups.(28, 29)

Laws and Regulations on the Worst Forms of Child Labor

The Code for Children and Adolescents sets the minimum age for work at 15. Children younger than age 15 may perform artistic, sports or cultural work with authorization from the labor inspectorate or local authority, and adolescents ages 15 to 17 can work only with authorization from a labor inspector or relevant local government official.(30) The Code for Children and Adolescents also sets the minimum age for hazardous work at 18. The Labor Code prohibits children younger than age 18 from work in underground mining and industrial painting.(30, 31) Resolution No. 01677 of 2008 provides a more extensive list of activities identified as the worst forms of child labor within 11 occupational categories and subcategories. These include agriculture, livestock raising, hunting and forestry, fishing, mining and quarrying, manufacturing, construction, transport and storage, health services, defense; they also include informal sector activities such as street vending, domestic service, and garbage scavenging and recycling.(32)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Labor Code authorizes inspectors to issue fines of up to 100 times the minimum monthly wage for labor law violations, including those related to child labor.(31) The Code for Children and Adolescents authorizes family ombudsmen—municipal government agencies charged with protecting children's rights—to penalize parents or legal guardians for failing to protect children against economic exploitation; the worst forms of child labor; work harmful to the health,

safety and integrity of children; or work that limits their right to education. Penalties include fines of up to 100 times the minimum monthly wage and imprisonment.(30)

The Constitution prohibits slavery, servitude, and human trafficking; the Penal Code establishes sanctions for violations. The Penal Code penalizes commercial sexual exploitation of children—including prostitution, pornography and sex tourism—with incarceration and fines.(33) Colombian law penalizes tourism agencies and hotel owners linked to child sex tourism with fines and cancellation of their right to operate; it also requires that tourism agencies, airlines, and hotels adopt a code of conduct to prevent commercial sexual exploitation of children.(34, 35)

The Penal Code punishes crimes involving the use of minors in the cultivation, manufacture and trafficking of illegal drugs and penalizes the use of minors in terrorist activities.(33) Law 975 of 2005 establishes that non-state armed groups must place all underage recruits under the care of ICBF in order to participate in the Government's demobilization process.(36) The Code for Children and Adolescents and directives by the Ministry of Defense prohibit members of the National Armed Forces from using children in intelligence activities or operations, while the Penal Code sets penalties for the recruitment and involvement of minors in the armed conflict.(19, 30, 33, 37)

In 2011, the Government of Colombia modified the Penal Code to stiffen penalties for child trafficking and the use and recruitment of children for begging and illicit activities. It punishes child trafficking with jail terms of 30 to 60 years and fines of 1,000 to 2,000 times the minimum monthly wage.(38) Jail terms can be increased by 33 to 50 percent if the crime results in the disability of the child or if the perpetrator is a relative or a social service professional. It also fines individuals who profit from child trafficking with prison terms of 10 to 30 years and fines of 650 to 50,000 times the minimum monthly wages.(38) The Penal Code penalizes the use of children in the commission of crimes with prison terms of 10 to 20 years, which can be further increased by 33 percent if the victim is under age 14. It penalizes the use of children for the purpose of begging with jail terms of 3 to 7 years, which can be increased by 50 percent if the perpetrator is a relative.(38) In addition, in June 2011, the Colombian Congress approved legislation that regulates intelligence activities, including prohibiting government agencies from using children in intelligence operations.(39)

Colombian legislation relevant to the worst forms of child labor undergoes frequent changes. However, it is not clear whether those changes have been disseminated to relevant groups, including the general public as well as enforcement officials, employers and civil society organizations.

While the Constitution establishes free and compulsory education until the age of 15, rural children's access to education is complicated by the armed conflict, displacement, long distances between their homes and schools, and in some cases cultural factors that value labor over schooling.(40, 41)

Institutional Mechanisms for Coordination and Enforcement

The Interagency Committee for the Elimination of the Worst Forms of Child Labor coordinates efforts to combat the worst forms of child labor. It is chaired by the Ministry of Labor (MOL)—formerly the Ministry of Social Protection (MSP)—and includes 13 government agencies and representatives from trade unions, business associations and civil society organizations.(42) The National Interagency Committee for the Prevention and Eradication of Child Commercial Sexual Exploitation directs efforts to combat the commercial sexual exploitation of children. It is also led by the MOL and includes 11 government agencies and representatives from the private sector, trade unions and civil society organizations.(35) The Inter-Agency Committee to Combat Trafficking of Persons leads efforts to combat human trafficking. Fourteen government agencies are part of the committee, including the Ministry of Interior and Justice, ICBF, the Ministry of Labor and the Attorney General's Office. Coordinated by the Colombian Vice President, the Inter-Agency Committee for the Prevention of the Recruitment and Use of Children by Illegal Armed Groups guides efforts to protect children from being recruited by non-state armed groups.(43, 44) To strengthen inter-agency coordination, the MOL coordinates working groups to combat child labor in mining and in indigenous communities, and to provide social services to working children. In 2011, the Government established a working group to combat child begging.(45) In addition, the Government will begin to provide tailored technical assistance to local child labor committees in 2012.(45)

In November, the Government of Colombia established a new MOL, replacing the old MSP that covered both health and labor issues. The new MOL leads efforts to protect worker's rights, promote the creation of dignified work and ensure that labor legislation is enforced. The MOL is developing policies and coordinating actions to combat child labor.(46, 47)

Child labor laws are enforced by the MOL, the Ministry of the Interior, the National Police and the Offices of the Inspector General, the General Comptroller, and the National and Municipal Ombudsmen. The MOL has 524 labor inspectors who conducted 8,782 inspections, opened 115 administrative investigations for violations of child labor laws and imposed nine sanctions during the reporting period.(45) However,

Colombia

there is no information available about the number of working children who were found as a result of the inspections.

In 2011, the MOL, along with the ILO-IPEC, trained 400 labor inspectors and other government officials on child labor, and operated a monitoring system to identify and monitor children engaged in child labor.(48, 49) As of February 2012, the monitoring system identified 32,115 children engaged in child labor and 172,713 children at risk of working; it also rescued 2,421 children from child labor.(49) To improve data sharing and coordination with ICBF, this monitoring system software is being updated with the support of the IDB.(48) The monitoring system started operations in May 2011; it is not clear whether labor inspectors have begun to use this system to conduct inspections.

During the reporting period, the Government of Colombia engaged in efforts to implement the Colombia Action Plan Related to Labor Rights, an agreement reached between the United States and Colombia on serious and immediate labor concerns in Colombia that were to be addressed before the U.S.–Colombia Trade Promotion Agreement would be sent to the U.S. Congress. Among its Action Plan commitments, Colombia agreed to strengthen its labor inspectorate system. Important progress has been made but challenges remain.(50) For example, reports suggest that labor inspectors continue to lack adequate equipment, resources, and data systems needed for labor law enforcement.(48, 51, 52)

The National Police (CNP) and the Offices of the Attorney General, the Inspector General and the National Ombudsman have established children and youth units. ICBF operates a hotline that receives complaints of violations of children's rights, including child labor.(30, 48, 53) During the reporting period, ICBF received 2,713 complaints of child labor, and it, along with other government agencies, provided social services in 1,654 cases.(48)

In 2011, ICBF decided that its regional offices would lead efforts to combat child labor in mining at the local level, and that they would work with the MOL and other government agencies to coordinate responses. ICBF regional offices are required to ensure that labor inspectors periodically conduct inspections in mines and quarries, that children who are found working receive ICBF social services and that ICBF regional offices notify the respective authorities of child labor infractions.(54) The Ministry of Education set up a monitoring system to track school desertion, which will also identify child labor.(45)

The Ministry of the Interior leads efforts to combat trafficking by operating a hotline, tracking cases, coordinating

investigations and facilitating access to social services for victims of trafficking. The Office of the Attorney General (OAG) and the National Police also investigate cases of commercial sexual exploitation and human trafficking.(48, 55) ICBF has an exclusive hotline to report cases of child commercial sexual exploitation and trafficking. In 2011, it reported 700 cases of child commercial exploitation, including 589 cases of child prostitution, 62 cases of child pornography and 49 cases of child sex tourism.(48, 56) The Government of Colombia, in partnership with UNODC, trained officials from the OAG, ICBF, the Offices of the National Ombudsman and the Inspector General as well as local law enforcement officials on how to respond to human trafficking.(57) In 2011, the Government conducted 12 operations, identified 21 victims of trafficking including a child, and captured 40 suspects of human trafficking, including 16 individuals involved in a network that recruited young girls for sexual exploitation. It investigated 72 cases and initiated 56 prosecutions.(57) The OAG convicted 16 individuals with sentences of 2 to 26 years and fines of \$47,000 to \$310,000, in addition to sentencing 7 individuals to house arrest.(57) No information is available about how many of these cases involved children. During the reporting period, the Government acknowledged that it lacks adequate resources to conduct investigations of human trafficking cases.(57)

In regard to the use of children in armed conflict, the National Ombudsman operates an early warning system to prevent the recruitment of children by illegal non-state armed groups, and the OAG investigates and prosecutes cases of child recruitment.(21, 58) As of March 2012, the OAG has opened 188 cases, charged 67 individuals and sentenced 49 individuals.(58) In December 2011, the Justice and Peace Court for the first time sentenced a former paramilitary leader to 8 years in prison for recruitment of children, among other crimes, and required that reparation be paid to victims.(20) No information is available about the number of investigations, prosecutions or convictions regarding the use of children as informants by members of the National Armed Forces; which is in direct contravention of both national law and military policy. In its 2012 Annual Report, the UN High Commissioner for Human Rights urges the Government of Colombia to effectively implement Security Council Resolution 1612 of 2005, which establishes a monitoring mechanism to collect reliable information on the recruitment and use of child soldiers. In addition, the UN High Commissioner urges the Government to collaborate with the UN Task Force on Children and Armed Conflict, and to comply with recommendations made by the UN Secretary-General and the Working Group on Children in Armed Conflict, which call on

the Government to ensure that the National Armed Forces do not use children for military activities.(19, 59, 60)

Government Policies on the Worst Forms of Child Labor

The National Strategy to Eradicate the Worst Forms of Child Labor (2008-2015) is the primary framework that addresses the worst forms of child labor in Colombia. During the reporting period, the MOL provided technical assistance to 262 municipalities to implement the National Strategy.(42, 45) The Office of the Inspector General raised awareness of child labor among elected mayors and governors and continued to monitor the implementation of the National Strategy with support from the ILO-IPEC.(45)

The National Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation of Boys, Girls, and Adolescents Less than 18 Years of Age (2006-2011) laid out the strategy to combat commercial sexual exploitation of children during the reporting period.(61) The National Strategy to Combat Trafficking in Persons (2007-2012) guides government efforts to combat human trafficking, including the trafficking of children. The National Policy to Prevent the Recruitment of Children and Adolescents by Illegal Armed Groups directs efforts to prevent the recruitment and use of children by non-state armed groups.(24, 43)

The Government of Colombia has mainstreamed child labor concerns into the National Development Plan (2010-2014), the 10-year National Plan for Children and Adolescents (2009-2019), and the National Strategy to End Extreme Poverty.(62-65) In 2011, the Government established the Administrative Department for Social Prosperity to lead government efforts to combat poverty, promote social inclusion and assist vulnerable populations, including child laborers. It also created the National Agency to End Extreme Poverty to help design and implement policies to lift 1.4 million people out of extreme poverty by 2014.(66-68)

During the reporting period, the Ministry of Education and the Superintendency of Family Subsidy provided general guidelines for Family Compensation Funds to carry out after-school programs targeting vulnerable populations, including child laborers, under the National Fund to Assist Children and After-School Programs. Employers and government agencies are required by law to support Family Compensation Funds, which are private non-profit organizations that provide social assistance for middle- and low-income workers and their families, as well as benefits for the unemployed.(69, 70)

Despite these multiple efforts, gaps remain. The Government has established zero tolerance for child labor in its National

Strategy to Eradicate the Worst Forms of Child Labor, but it has not prioritized specific forms of child labor or geographical areas for targeting, nor has it provided a timeframe for meeting child labor eradication goals.(42) As a result, government efforts may not be focused on the areas of greatest need or on the most vulnerable populations, particularly children who work in agriculture. According to the Office of the Inspector General, in 2010, some of the country's provinces and main cities also did not fully implement the national strategy or allocate funding for child labor initiatives.(48, 71)

In 2011, the Government also carried out a national child labor survey and was analyzing the data as of the end of the reporting period.(72) However, it does not collect in-depth information about child labor-related health, occupational safety and other risks, nor does the Government include data on hard-to-reach populations, such as children involved in commercial sexual exploitation or illicit activities.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government continued to implement actions in support of the National Strategies to Eradicate the Worst Forms of Child Labor and to Combat Trafficking in Persons. It carried out awareness-raising campaigns to combat child labor, child commercial sexual exploitation and human trafficking, and it assisted victims of such practices.(48, 73) ICBF provided social services to 1,900 children who were involved in mining and 6,328 children engaged in domestic service and sexual violence, including in commercial sexual exploitation and pornography. It removed 282 children who were recruited by non-state armed groups.(48) The Government also conducted a national child labor survey in the 24 main cities and their metropolitan areas.(72)

In 2011, the Governments of Canada and Spain funded NGOs and international organizations to support Colombia's effort to combat child labor. ICBF and the province of Tolima partnered with the Canadian Agency for International Development, the ILO-IPEC and Telefónica Foundation to combat child labor in nine of Tolima's municipalities.(74, 75) This initiative raised awareness of child labor among teachers, parents and children, helped local governments set up child labor committees, improved inter-agency coordination, rescued 803 children from child labor and prevented 129 children from working.(74) The Government of Colombia partnered with UNICEF to carry out a campaign to prevent the recruitment of children by non-state armed groups; it reached out to more than 50,000 children and trained more than 3,000 members of the police

Colombia

and armed forces on international humanitarian law and on the protection of the rights of children in armed conflict.(48, 76)

To reduce poverty, the Government of Colombia implements several programs, including Families in Action and the United Network. These programs benefit more than 4 million families through conditional cash transfers and social services such as education, health, job training and microfinance.(64, 77, 78) A 2011 evaluation of Families in Action found that the program has increased high school completion rates among child beneficiaries—particularly girls and rural children—and that it has improved infant health.(79) A 2006 impact evaluation had found that Families in Action helped reduce child labor by 5.5 percentage points among children ages 10 to 17 in rural areas.(80)

To improve access to education, the Ministry of Education implements a national awareness-raising campaign to get children into school and keep them there. ICBF provides meals to more than 4 million school children across the country.(81, 82) In February 2012, the Government began to provide free public education from kindergarten through high school, as required by law. It expects 8.5 million children to

benefit, particularly vulnerable children.(83, 84)

The Government participates in MERCOSUR’s Southern Child Initiative (Niñ@Sur) that seeks to defend the rights of children and adolescents by carrying out public campaigns against commercial sexual exploitation, trafficking and child labor; by providing mutual technical assistance in raising domestic legal frameworks to international standards on those issues; and by fostering the exchange of best practices related to victim protection. In 2011, Niñ@Sur member countries met to discuss violence against children, child trafficking and the commercial sexual exploitation of children.(85, 86)

Colombia, represented by its Ministry of Commerce, Industry and Tourism, is a member of the Joint Regional Group for the Americas; other members include Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname and Uruguay. The Joint Group conducts prevention and awareness-raising campaigns to combat the commercial sexual exploitation of children in Latin America.(86) In 2011, the Joint Group met to discuss the initiatives carried out by member countries and the progress made to combat child sexual exploitation.(87)

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Colombia:

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Better disseminate information on child labor, including by— <ul style="list-style-type: none"> • Providing up-to-date information about changes in child labor legislation to provincial and municipal governments and to labor inspectors and law enforcement officials. • Establishing a one-stop online tool with updated information about child labor laws for employers, social-service providers, workers and families. 	2009, 2010, 2011
	Ensure that legislation and policies that prohibit the use of children by the National Armed Forces for intelligence activities are enforced, including by— <ul style="list-style-type: none"> • Developing protocols to ensure that members of the Armed Forces do not use children as informants. • Setting up mechanisms to file complaints about cases of the use of children for intelligence activities and to conduct investigations. • Punishing members of the Armed Forces who violate legislation related to the use of children for intelligence activities. • Fully implementing the UN recommendations on children and armed conflict, particularly UN Security Council Resolution 1612 of 2005. 	2011

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Make information publicly available on child labor law enforcement efforts such as the number of children rescued from child labor, including human trafficking.	2009, 2010, 2011
	Clarify whether labor inspectors have begun to use data from the new child labor monitoring system to conduct labor inspections.	2011
	Ensure that labor inspectors have adequate equipment and resources to perform inspections in target areas with reported high incidences of child labor.	2009, 2011
	Provide adequate resources to law enforcement officials to conduct investigations of human trafficking cases.	2011
Policies	Establish specific targets and deadlines in the National Strategy to Combat the Worst Forms of Child Labor that take into account different forms of child labor, the populations most vulnerable to child labor and the prevalence of child labor in different geographical areas, particularly child labor in agriculture.	2009, 2010, 2011
	Continue strengthening the implementation of the National Strategy to Combat the Worst Forms of Child Labor by— <ul style="list-style-type: none"> Increasing resources to municipalities and provinces to implement action plans to combat child labor. Encouraging municipalities and provinces to carry out activities related to child labor. 	2010, 2011
Social Programs	Collect more disaggregated survey information about activities, sectors and geographical areas where children work, including information about health, occupational safety and other risks.	2010, 2011
	Conduct studies on the worst forms of child labor such as street work, the recruitment of children by illegal armed groups and children's involvement in other illicit activities, including commercial sexual exploitation, trafficking, illegal mining, coca cultivation and drug trafficking.	2009, 2010, 2011

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