

REPUBLIC OF COLOMBIA

**LAWS GOVERNING EXPLOITATIVE CHILD
LABOR REPORT**

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Introduction

This report on the laws of Colombia that govern exploitative child labor has been prepared pursuant to section 2102(c)(9) of the Trade Act of 2002 (“Trade Act”) (Pub. L. No. 107-210). Section 2102(c)(9) provides that the President shall:

[w]ith respect to any trade agreement which the President seeks to implement under trade authorities procedures, submit to the Congress a report describing the extent to which the country or countries that are parties to the agreement have in effect laws governing exploitative child labor.

The President, by Executive Order 13277 (67 Fed. Reg. 70305 (Nov. 21, 2002)), assigned the responsibility under section 2102(c)(9) to the Secretary of Labor and provided that it be carried out in consultation with the Secretary of State and the United States Trade Representative (USTR). The Secretary of Labor subsequently provided that such responsibilities would be carried out by the Secretary of State, the USTR and the Secretary of Labor (67 Fed. Reg. 77812 (Dec. 19, 2002)).

Pursuant to Section 2102(c)(9) of the Trade Act, this report provides information on the laws of Colombia that govern exploitative child labor. The report relies upon research, reports and materials prepared by U.S. Government agencies, the Government of Colombia, international organizations such as the International Labor Organization (ILO) and nongovernmental organizations.

Exploitative Child Labor

There is no universally accepted definition of the term “exploitative child labor.” ILO Convention 138 on the Minimum Age for Admission to Employment provides that the minimum age of admission into employment or work in any occupation “shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15.”¹ Countries whose economies and educational facilities are insufficiently developed may initially specify a minimum legal working age of 14 when ratifying the convention. Additionally, under Article 7(1) of the Convention, “National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.” Countries that have specified a minimum legal working age of 14 may permit persons 12 to 14 years of age to engage in light work, as defined in Article 7(1). Examples of such light work may include work in a family business, on a family farm, after school or in a legitimate apprenticeship opportunity that is not hazardous and does not affect a child’s attendance at school.

¹ ILO Convention 138, Article 2(3).

The ILO has defined the “worst forms” of child labor in ILO Convention 182 on the Worst Forms of Child Labor, which prohibits such labor for “all persons under the age of 18.”² Under Article 3 of ILO Convention 182, the term “worst forms of child labour” comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic purposes;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.³

According to Convention 182, the types of work referred to under Article 3(d) “shall be determined by national laws or regulations or by the competent authority . . . taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labor Recommendation, 1999.”⁴

Republic of Colombia

Colombia ratified ILO Convention 138 on the Minimum Age for Admission to Employment on February 2, 2001 and ILO Convention 182 on the Worst Forms of Child Labor on January 28, 2005.⁵

The Colombian Code for Children and Adolescents sets the minimum age for work at 15. Children under 15 years may perform artistic, sports or cultural work with authorization from the labor inspectorate or local authority.⁶ A labor inspector or relevant local government official must also provide authorization for adolescents aged 15 to 17 to work.⁷ Adolescents aged 15 and 16 may work only 6 hours per day (30 hours per week) and until 6 p.m.; those age 17 may work 8 hours per day (40 hours per week) and until 8 p.m.⁸

² ILO, *C182 Worst Forms of Child Labour Convention*, 1999, Articles 2, 3 and 4; available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.

³ *Ibid.*, Article 3.

⁴ *Ibid.*, Article 4.

⁵ ILO, *Ratification by Country*, <http://www.ilo.org/ilolex/english/newratframeE.htm>. For information on the prevalence and nature of child labor in Colombia, enforcement of child labor laws and policies and programs on the issue, please see the U.S. Department of Labor’s 2009 Trade and Development Act Report and the Trafficking Victims Protection Reauthorization Act reports available at: <http://www.dol.gov/ilab/highlights/if-20101215.htm>.

⁶ Government of Colombia, *Código de la Infancia y la Adolescencia*, Ley 1098 of 2006, (November 8, 2006), Article 35; available from http://www.presidencia.gov.co/prensa_new/leyes/2006/noviembre/ley1098081106.pdf.

⁷ *Ibid.*, Articles 35, 113.

⁸ *Ibid.*, Articles 114, 117.

The Code for Children and Adolescents sets the minimum age for hazardous work at 18.⁹ The Labor Code specifically prohibits children under 18 from work in underground mining and industrial painting.¹⁰ Resolution No. 01677 of 2008 provides a more extensive list of activities within 11 occupational categories and sub-categories identified as the worst forms of child labor.¹¹ The activities in which minors are not permitted to work include a variety of tasks within agriculture, livestock raising, hunting and forestry, fishing, mining and quarrying, manufacturing, construction, transport and storage, health services and defense. Minors are also prohibited from engaging in work in public utilities such as electricity, water and gas. They are also banned from working in informal-sector activities and unskilled work, including street vending, domestic service and garbage scavenging and recycling.¹²

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.¹³ The Code for Children and Adolescents authorizes family ombudsmen from Municipal Ombudsman Offices 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.¹⁴ Resolution No. 2438 of 2010 specifies penalties of up to 40 times the minimum monthly wage for violations of child labor laws, including Resolution No. 01677.¹⁵

The Ministry of Social Protection (MSP), the National Police, the Office of the Inspector General, the General Comptroller Office, and the National and Municipal Ombudsman Offices enforce child-labor related laws. The MSP has 424 inspectors who conduct labor inspections, while the National Police, and the Offices of the Attorney General, the Inspector General, and the National Ombudsman have established children and youth units.¹⁶ Under the Colombian Action Plan Related to Labor Rights, the Government of Colombia committed to create a separate labor ministry and strengthen its institutional capacity to enforce labor laws, including by hiring 480 new labor inspectors between 2011 and 2014.¹⁷ The Colombian National Institute for Family Welfare (ICBF) operates a hotline that receives complaints of violations of children's

⁹ Ibid., Articles 35, 117.

¹⁰ Government of Colombia, *Código Sustantivo del Trabajo* (with modifications until 2009) (June 7, 1951), article 242; available from http://www.secretariasenado.gov.co/senado/basedoc/codigo/codigo_sustantivo_trabajo.html#1.

¹¹ Government of Colombia, *Resolución No. 01677*, (May 16, 2008); available from <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30364>.

¹² Ibid.

¹³ Government of Colombia, *Código Sustantivo del Trabajo*, article 486(2).

¹⁴ Government of Colombia, *Código de la Infancia y la Adolescencia*, articles 20(13), 54- 55.

¹⁵ Government of Colombia, *Resolución No. 2438*, (June 28, 2010); available from <http://www.minproteccionsocial.gov.co/Normatividad/RESOLUCIÓN%202438%20DE%202010.pdf>.

¹⁶ Government of Colombia, *Código de la Infancia y la Adolescencia*, articles 89, 210-213. See also Government of Colombia, *Derechos Laborales: Sistema de Inspección Vigilancia y Control*, [cited May 6, 2011]; available from <http://www.derechoshumanos.gov.co/Sindicalismo/Paginas/dl-sisinspeccion.aspx>. See also Ministry of Defense, *Resolución 2062 of 2007*, (June 15, 2007); available from <http://www.policia.gov.co/portal/page/portal/INSTITUCION/normatividad/RESOLUCIONES/RESOLUCI%D3N%20DIPRO%20P%DABLICADA%20150607.doc>. See also IOM, *Dimensiones de la trata de personas en Colombia* (Bogota: 2006), 27; available from http://white.oit.org.pe/ipe/doc/documentos/oim_trata_col.pdf.

¹⁷ Governments of Colombia and the United States, *Colombian Action Plan Related to Labor Rights*, March 7, 2011, 1; available from http://www.ustr.gov/webfm_send/2787.

rights, including child labor.¹⁸ In May 2011, the MSP launched, with the support of ILO-IPEC, a new monitoring system. The Government will use it to register and monitor working children.¹⁹

In March 2011, the Colombian National Department of Statistics released the results of the 2009 child labor survey. According to the report, 9.2 percent (1,050,147) of children aged 5 to 17 are economically active, up from 6.9 percent (787,000) in 2007, an increase of approximately 33.3 percent.²⁰ According to the Government of Colombia, the impact of the global economic crisis on Colombian households is one of the reasons for this increase, as it may have led to an increase in child labor to generate additional family income.²¹

Children are engaged in the worst forms of child labor in Colombia, most commonly in agriculture and mining.²² In the agricultural sector, children may be exposed to long hours, the elements and high levels of dust, perform physically arduous tasks, use dangerous tools and face high risk of occupational injury.²³ They work in the production of coffee, sugarcane and coca, an illegal stimulant. Reportedly, children are engaged in the production of a variety of vegetables and fruits, cotton and livestock.²⁴ Children are also engaged in artisanal mining, where they are exposed to toxic gases, long hours, explosives, and dangerous chemicals such as nitric acid. They work in emerald, gold, clay and coal mining, breaking rocks, digging in dirt with picks or their bare hands, removing water from mines and lifting heavy loads.²⁵ Limited evidence suggests that indigenous Wayúu children work alongside their families in the

¹⁸ ICBF, *Línea Gratuita Nacional de Bienestar*, [[cited May 18, 2011]; available from <http://www.icbf.gov.co/icbf/directorio/portel/libreria/php/03.1201.html>.

¹⁹ Government of Colombia, *Decreto 1228 of 2011*, (April 15, 2011); available from <http://wsp.presidencia.gov.co/Normativa/Decretos/2011/Documents/Abril/15/dec122815042011.pdf>. See also Ministry of Social Protection, *Para 2014, más de 600 mil niños no estarán en el mercado laboral* May 4, 2011; available from <http://www.minproteccionsocial.gov.co/Paginas/Para-2014,-m%C3%A1s-de-600-mil-ni%C3%B1os-no-estar%C3%A1n-en-el-mercado-laboral.aspx>.

²⁰ National Department of Statistics, *Boletín de Prensa: Trabajo Infantil 2009*, Bogotá, March 4, 2011, 6-7; available from http://www.dane.gov.co/daneweb_V09/index.php?option=com_content&view=article&id=126&Itemid=67. See also National Department of Statistics, *Boletín de Prensa: Trabajo Infantil 2007*, December 5, 2008, 8; available from http://www.dane.gov.co/files/investigaciones/boletines/ech/jobinfantil/bol_trabinf_0109.pdf.

²¹ PANDI Agency, *Entre 2007 y 2009 el trabajo infantil aumentó en un 34%*, April 29, 2011; available from <http://www.agenciapandi.org/es/component/content/article/1-latest-news/506-en-colombia-aumento-el-trabajo-en-un-34-pero-el-trabajo-infantil.html>.

²² National Department of Statistics, *Boletín de Prensa: Trabajo Infantil 2009*, 1,8, 14.

²³ International Center of Education and Human Development (CINDE), *Caracterización de la Situación del Trabajo Infantil en Algunos Cultivos del Sector Agrícola y sus Factores Asociados en Ocho Municipios Colombianos*, 2006, 8-13. See also ILO-IPEC, *Trabajo Infantil Indígena en Colombia: Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones* 2010, 46-47; available from www.ilo.org/ipecinfo/product/download.do?type=document&id=13293.

²⁴ ILO-IPEC, *El trabajo infantil en la agricultura: el caso del sector café: Particularidades y Recomendaciones de Política*, October 2007, 9. See also ILO-IPEC, *Trabajo Infantil Indígena en Colombia*, 46-47, 53-54. See also International Center of Education and Human Development (CINDE), *Caracterización de la Situación del Trabajo Infantil en Algunos Cultivos del Sector Agrícola y sus Factores Asociados en Ocho Municipios Colombianos*, 8-9.

²⁵ Red Andi, *Niños y Niñas Exponen sus Vidas Mientras Trabajan en la Minería Artesanal* [May 30, 2007 [cited May 13, 2011]; available from <http://www.redandi.org/sugestao-de-pauta/ninos-y-ninas-exponen-sus-vidas-mientras-trabajan-en-la-mineria-artesanal>. See also Cardona Carlos Mario, "Los niños mineros, cifras escondidas en un 'socavón' " *El Liberal* (Popayán), November 7, 2010; available from http://www.elliberal.com.co/index.php?option=com_content&task=view&id=39769&Itemid=87. See also Héctor Rodríguez, "Mineritos Madrugan Para Evadir Controles," *El Tiempo*, June 19, 2007, [cited May 16, 2011]; available from <http://www.eltiempo.com/archivo/documento/MAM-2532998>

production of salt, talc and gypsum, and indigenous *Kametsa* and *Inga* adolescents work in wood extraction.²⁶

Children work on the streets in urban areas, where they may be exposed to long hours, the elements and risk of physical injuries and robberies. They lift heavy loads in markets and are engaged in street vending.²⁷ Children are also involved in recycling, where they are exposed to toxic substances such as lead and sulfuric acid as well as dangerous waste.²⁸

Children are engaged in domestic service in Colombia. Indigenous families in rural areas often send their children to urban households to work as domestic workers.²⁹ Child domestic workers may work up to 12 hours per day and perform household chores such as ironing, cleaning and cooking.³⁰ Children working in domestic service are vulnerable to physical and sexual abuse by their employers.³¹

The National Strategy to Eradicate the Worst Forms of Child Labor (2008-2015) is the primary framework to address the worst forms of child labor in Colombia.³² In December 2010, the Government established guidelines for a new program that aims to target children who are engaged in the worst forms of child labor.³³ In April 2011, the Government approved the National Development Plan (2010 – 2014), which seeks to create more jobs, reduce poverty and provide greater security as a way to promote social prosperity. One of its goals is to rescue more than 600,000 children from child labor.³⁴

The Constitution prohibits slavery, servitude and human trafficking and the Penal Code establishes strict sanctions for violations.³⁵ The Penal Code also penalizes commercial sexual

²⁶ ILO-IPEC, *Trabajo Infantil Indígena en Colombia*, 47-48.

²⁷ Bogota City Council, *El 59 % de los niños y niñas trabajadores en Bogotá son menores de 15 años*, [June 12, 2010]; available from http://concejodebogota.gov.co/prontus_concejobogota/site/artic/20100611/pags/20100611160828.php, *ibid.* See also Maria Eugenia Pico and Myriam Salazar, "El Trabajo Infantil como Práctica de Crianza: Contexto de una Plaza de Mercado," *Hacia la Promoción de la Salud* 13 (January - December 2008), 103, 111-112; available from http://promocionsalud.ualdas.edu.co/downloads/Revista13_6.pdf. See also ILO-IPEC, *Trabajo Infantil Indígena en Colombia*, 49.

²⁸ Bogota City Council, *El 59 % de los niños y niñas trabajadores en Bogotá son menores de 15 años*. See also ILO-IPEC, *El trabajo Infantil en la Recolección de Residuos Sólidos sobre reciclables: Caracterización y Recomendaciones de Política*, September 2007, 18-21. See also ILO-IPEC, *Invertir en la familia. Estudio sobre factores preventivos y de vulnerabilidad de familias rurales y urbanas con hijos vinculados al trabajo doméstico en hogares de terceros: el caso de Colombia*, 2007, 57; available from http://white.oit.org.pe/ipecc/documentos/invertir_familia_tid_col.pdf.

²⁹ ILO-IPEC, *Invertir en la familia*, 86-87, 91. See also ILO-IPEC, *Trabajo Infantil Indígena en Colombia*, 40-42.

³⁰ ILO-IPEC, *Invertir en la familia*, 93, 95. See also ILO-IPEC, *Trabajo Infantil Indígena en Colombia*, 40-41, 43.

³¹ ILO-IPEC, *Invertir en la familia*, 95, 118, 123.

³² Interagency Committee for the Elimination of Child Labor and the Protection of Young Workers, *Estrategia Nacional para Prevenir y Erradicar las Peores Formas de Trabajo Infantil y Proteger al Joven Trabajador - 2008-2015*, Bogota, January, 2008, 70; available from http://white.oit.org.pe/ipecc/documentos/estrategia_ti_colombia.pdf.

³³ ICBF, *Lineamiento Técnico para el Programa Especializado de Atención a Niños, Niñas y Adolescentes Vinculados a Peores Formas de Trabajo Infantil con sus Derechos Amenazados, Inobservados o Vulnerados*, November 30, 2010, 11-13; available from

<http://www.fondocanadienseparalaninez.com/images/stories/documentos/lm10.pm03%20%20%206%20poblacion%20especial%20trabajo%20infantil%20definitivo%201.pdf>.

³⁴ Government of Colombia, *Plan Nacional de Desarrollo (2010 - 2014): Prosperidad para Todos*, (April 28, 2011), 270; available from <http://www.dnp.gov.co/PORTALWEB/LinkClick.aspx?fileticket=kAOLJQpFDbk%3d&tabid=1238>.

³⁵ Government of Colombia, *Constitución (with modifications until 2009)*, (July 6, 1991), article 17; available from http://wsp.presidencia.gov.co/Normativa/Documents/ConstitucionPoliticaColombia_20100810.pdf. See also Government

exploitation of children—including through prostitution, pornography and sex tourism—with incarceration and fines.³⁶ Law 679 of 2001 penalizes tourism agencies and hotel owners with fines and cancellation of their registration and right to operate for involvement in child sex tourism. It requires that hotels, airlines and tourist agencies include warnings about penalties for commercial sexual exploitation of children on information they provide to customers.³⁷ Law 1336 of 2009 requires that tourism agencies, airlines and hotels adopt a code of conduct to prevent commercial sexual exploitation of children.³⁸

The Anti-Human Trafficking Operations Center (COAT) leads efforts to combat trafficking by operating a hotline, tracking cases, coordinating investigations and facilitating access to social services among victims of trafficking. The Attorney General's Office and the National Police also receive training in combating human trafficking³⁹ and they investigate cases of commercial sexual exploitation and human trafficking.⁴⁰ In 2010, the ICBF established an exclusive hotline to report cases of child commercial sexual and trafficking.⁴¹

A 2006 study conducted by Plan International, Antonio Restrepo Barco Foundation, and Renacer Foundation found 2,117 children engaged in commercial sexual exploitation in 11 cities in Colombia.⁴² Children are also involved in child pornography and sex tourism and are trafficked for the purpose of commercial sexual exploitation domestically and internationally.⁴³

of Colombia, *Ley 599 of 2000 -Código Penal*, Articles 188A-188-B; available from http://www.secretariasenado.gov.co/senado/basedoc/ley/2000/ley_0599_2000_pr007.html#213.

³⁶ Government of Colombia, *Ley 599 of 2000 -Código Penal*, Articles 213-219.

³⁷ Government of Colombia, *Ley 679 of 2001*, (August 3, 2001), Articles 16-20; available from <http://www.mincomercio.gov.co/eContent/documentos/normatividad/leyes/Ley679de2001.pdf>, *ibid*.

³⁸ Government of Colombia, *Ley 1336 de 2009*, (July 21, 2009), Articles 1-2, 9; available from <http://www.mincomercio.gov.co/eContent/documentos/Normatividad/leyes/Ley1336de2009.pdf>.

³⁹ ICBF, *ICBF abre línea gratuita nacional contra abuso y explotación sexual infantil*, June 17, 2010; available from http://www.icbf.gov.co/icbf/directorio/portel/libreria/pdf/BOLETIN_LINEAGRATUITA_17-06-10.pdf. See also U.S. Embassy - Bogota, *reporting* March 9, 2011.

⁴⁰ UN - Colombia, *COAT - Trata de personas*, UN radio; available from <http://www.nacionesunidas.org.co/index.shtml?apc=tt--1--&x=55958>. See also U.S. Embassy - Bogota, *reporting*, March 9, 2011. See also Government of Colombia, *Código de la Infancia y la Adolescencia*, Article 89 (11-12). See also Office of the Attorney General, *Informe de Gestión - August 2009 - November 2010*, December 2010, 46; available from <http://fqn.fiscalia.gov.co:8080/Fiscalia/archivos/InformedeGestion/infogestion2009-2010.pdf>.

⁴¹ ICBF, *ICBF abre línea gratuita nacional contra abuso y explotación sexual infantil*.

⁴² Plan International, and Antonio Restrepo Barco Foundation, and Renacer Foundation, *Escenarios de la Infamia*, 2006, 90, 98, 100; available from <http://plan.org.co/quienes-somos/prensa-y-publicaciones/publicaciones/desde-las-campanas/escenarios-de-la-infamia/?searchterm=escenarios>. See also El Tiempo, "Turismo sexual con menores ahora tiene a Bogotá, Cúcuta, Cali y Medellín como nuevos destinos", May 30, 2009; available from <http://www.eltiempo.com/archivo/documento/CMS-5313087>. See also Ardila Laura, "Los niños con precio," *El Espectador* March 19, 2011; available from <http://www.elespectador.com/impreso/nacional/articulo-257928-los-ninos-precio>. See also Ardila Laura, "Dos extranjeros en líos," *El Espectador* March 20, 2011; available from <http://www.elespectador.com/impreso/nacional/articulo-258159-dos-extranjeros-lios>.

⁴³ U.S. Department of State, "Colombia (Tier 1)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142982.pdf>. See also Plan International, Antonio Restrepo Barco Foundation, and Renacer Foundation, *Escenarios de la Infamia*, 67. See also Clara Isabel Vélez, "Trata, una forma de esclavitud," *El Colombiano*, April 5, 2009; available from http://www.elcolombiano.com/BancoConocimiento/T/trata_una_forma_de_esclavitud/trata_una_forma_de_esclavitud.asp?CodSeccion=21.

Children are victims of forced labor in coca cultivation, mining and quarries and domestic work and are forcibly recruited as child soldiers.⁴⁴ Children from Honduras and Nicaragua have been found working under forced labor conditions in fishing. Children from Ecuador are trafficked for labor exploitation.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) lays out the strategy to combat commercial sexual exploitation of children.⁴⁶ The National Strategy to Combat Trafficking in Persons (2007-2012) guides government efforts to combat human trafficking, including the trafficking of children.⁴⁷

The Penal Code penalizes crimes involving the use of minors in the cultivation, manufacture and trafficking of illegal drugs, with penalties of 16 to 30 years and fines of up to 100,000 times the equivalent of the minimum monthly wage.⁴⁸ Nonetheless, evidence indicates that children are used by adults for illegal activities, such as coca production and processing and the transport of illicit drugs.⁴⁹

The compulsory and voluntary recruitment age for military service is 18 years.⁵⁰ The Penal Code punishes forced prostitution and sexual slavery related to armed conflict with imprisonment and fines, and it penalizes the recruitment of minors by illegal armed groups and the armed forces. It likewise penalizes the use of minors in terrorist activities with prison terms of 16 to 30 years and fines of up to 45,000 times the equivalent of the minimum monthly wage.⁵¹

Law 782 of 2002 regards minors that participate in the country's hostilities as victims.⁵² However, the Code for Children and Adolescents allows the Office of the Attorney General to prosecute a minor when he or she has violated international humanitarian law or committed

⁴⁴ U.S. Department of State, "Colombia," in *Country Report on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm>. See also U.S. Embassy - Bogota, *reporting, March 9, 2011*. See also Vélez, "Trata, una forma de esclavitud."

⁴⁵ Monica Hurtado, *Trata de Infantes y Adolescentes en Colombia (1999-2006)*, ILO-IPEC, 2007, 46. See also U.S. Embassy - Bogota, *reporting, March 9, 2011*. See also David Khoudour-Castéras, *Efectos de la Migración sobre el Trabajo Infantil en Colombia*, ILO-IPEC, 2007, 20-21.

⁴⁶ Instituto Colombiano de Bienestar Familiar, UNICEF, ILO-IPEC, and Renacer Foundation, *Plan de Acción Nacional para la Prevención y Erradicación de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes Menores de 18 años 2006-2011*, Bogota, 2006, 59; available from <http://www.unicef.org.co/pdf/ESCNNA.pdf>.

⁴⁷ Government of Colombia, *Estrategia Nacional Integral de Lucha contra la Trata de Personas 2007-2012*, February 2008, 2; available from <http://www.contralatrata.org/docs/pa/ml-plan-estategian-col.pdf>.

⁴⁸ Government of Colombia, *Ley 599 of 2000 -Código Penal*, Articles 382-384.

⁴⁹ Vélez, "Trata, una forma de esclavitud." See also ILO-IPEC, *Trabajo Infantil Indígena en Colombia*, 53.

⁵⁰ Government of Colombia, *Ley 548 of 1999*, Article 2; available from http://www.secretariasenado.gov.co/senado/basedoc/ley/1999/ley_0548_1999.html. See also Government of Colombia, *Ley 418 of 1997*, (December 26, 1997), Article 17; available from http://www.secretariasenado.gov.co/senado/basedoc/ley/1997/ley_0418_1997.html, *ibid.*

⁵¹ Government of Colombia, *Ley 599 of 2000 -Código Penal*, Articles 141, 162, 343-344.

⁵² Government of Colombia, *Ley 782 of 2002*, (December 23, 2002), Article 6 available from http://www.secretariasenado.gov.co/senado/basedoc/ley/2002/ley_0782_2002.html, *ibid.*

genocide.⁵³ Law 975 of 2005 establishes that armed groups must place all minor recruits under the care of the ICBF in order to participate in the government's demobilization process.⁵⁴

Although the recruitment of children below the age of 18 into the National Armed Forces is prohibited, reports state that children have been used as informants by members of the National Armed Forces, in direct contravention of military policy, and have participated in civic-military activities.⁵⁵ In addition, children continue to be recruited by illegal armed groups. A 2008 report by the UN Office of the High Commissioner for Human Rights contains an estimate indicating that 11,000 to 14,000 children, including indigenous children, were acting as combatants in various non-state groups.⁵⁶ According to a 2008 study, many of them handle explosives, transport food supplies and perform intelligence and logistical activities. Female combatants are subject to sexual exploitation by other group members.⁵⁷ Children from Ecuador are also recruited by Colombian non-state groups.⁵⁸

In 2010, the Government of Colombia adopted the National Policy to Prevent the Recruitment of Children and Adolescents by Illegal Armed Groups, which guides efforts to prevent the recruitment and use of children by non-state groups.⁵⁹ The Government also removed from unlawful conscription 338 children who were recruited by illegal armed groups.⁶⁰

⁵³ Government of Colombia, *Código de la Infancia y la Adolescencia*, Article 175, *ibid*.

⁵⁴ Government of Colombia, *Ley 975 of 2005*, (July 25, 2005), Article 10(3); available from http://www.secretariassenado.gov.co/senado/basedoc/ley/2005/ley_0975_2005.html.

⁵⁵ UN Security Council, *Report of the Secretary-General on children and armed conflict* New York, April 23, 2011, paras 153-156; available from http://www.un.org/children/conflict/_documents/S2011250.pdf, *ibid*.

⁵⁶ *Ibid.*, paras 154-155. See also UN Human Rights Council, *Summary Prepared by the Office of the High Commissioner for Human Rights, in accordance with Paragraph 15(C) of the Annex to Human Rights Council Resolutions 51* UN Human Rights Council, Geneva, September 19, 2008, para 21; available from http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/CO/A_HRC_WG6_3_COL_3_E.pdf. See also Springer Natalia, *Prisioneros Combatientes* 2008, 5,8; available from http://www.colombiasoyyo.org/docs/resumen_informe_Mayanasa.pdf.

⁵⁷ UN Security Council, *Report of the Secretary-General on children and armed conflict* paras 154,157-158, 160. See also "Entre 8.000 y 11.000 niños, soldados de la guerrilla y el Ejército colombiano," *El Mundo*, February 12, 2010; available from <http://www.elmundo.es/elmundo/2010/02/12/solidaridad/1265972669.html>. See also Springer Natalia, *Prisioneros Combatientes* 4-5.

⁵⁸ "Silencio y temor por rondas de las FARC para reclutar menores," *El Universo* (Guayaquil, Ecuador), December 5, 2010; available from <http://www.eluniverso.com/2010/12/05/1/1355/silencio-temor-rondas-farc-reclutar-menores.html>. See also Noticias RCN, *Ecuador está preocupado por reclutamiento de menores por parte de las Farc*, [[cited May 17, 2011]; available from http://www.canalrcnmsn.com/noticias/ecuador_est%C3%A1_preocupado_por_reclutamiento_de_menores_por_parte_de_las_farc.

⁵⁹ Government of Colombia, *Conpes 3673*, (July 19, 2010), 86-88; available from <http://www.vertice.gov.co/LinkClick.aspx?fileticket=q-XVX4r0W8o%3D&tabid=69&mid=489>.

⁶⁰ UN Security Council, *Report of the Secretary-General on children and armed conflict* para 47.