



United Nations Special Rapporteur on trafficking in persons, especially women & children

End of mission statement of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally, on her visit to Colombia from 21 to 30 May 2023

Bogotá, 30 May 2023

1. The Special Rapporteur is grateful to the Government of Colombia for the invitation to visit, for the excellent cooperation and constructive engagement during the visit, and willingness to facilitate requests for meetings and agreeing a comprehensive agenda. She particularly thanks the Ministry of Foreign Affairs for their excellent support and well-organized engagement with her mandate, in advance of the visit and during the country visit. She commends the cooperative approach of all authorities and the willingness to engage in an open and constructive dialogue on the challenges faced in combating trafficking in persons, especially women and children.
2. The Special Rapporteur also thanks the UN Country Team, in particular OHCHR Colombia, for their support and assistance during the visit, and thanks the UN agencies who facilitated meetings and arranged visits throughout the country.
3. The Special Rapporteur held several high-level meetings, including with Government Ministers and senior Government officials in Bogotá. She also visited Cartagena, Cúcuta, Apartado, Necocli, Pasto, and Ipiales. She visited Cúcuta prison. The Special Rapporteur also visited the Constitutional Court and the Ombudsman. She also met with UN agencies.
4. Throughout her visit, the Special Rapporteur met with human rights defenders, civil society and victims / survivors of human trafficking for all purposes of exploitation. The Special Rapporteur is particularly grateful to the victims / survivors of trafficking in persons, and their family members, who met with her, and whose testimonies of serious human rights violations will inform the analysis and recommendations presented in the Report.

Comprehensive application and implementation of international legal obligations on trafficking in persons

5. The Special Rapporteur highlights the importance of comprehensive interpretation and application of the international legal definition of trafficking in persons, to all forms of trafficking. The Special Rapporteur highlights the importance of ensuring full implementation of obligations in relation to prevention, assistance and protection of victims, and ensuring accountability for conflict related

trafficking. The Special Rapporteur highlights the need to ensure the application of the definition of trafficking to:

- Recruitment and use of children under the age of 18 (and not limited to children under 15 years)
- Forced recruitment by armed groups
- Forced labour
- Forced criminality
- Exploitation in begging
- Child and forced marriage
- Sexual exploitation

Trafficking in Persons, Conflict, Security and Peace building

6. The Special Rapporteur highlights that trafficking in persons is a serious violation of human rights, and a violation of international humanitarian law. It is also a serious crime, and may constitute a violation of international criminal law. The Special Rapporteur highlights the importance of continued progress in implementation of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, and welcomes the policy and plans to achieve Total Peace.
7. The Special Rapporteur is particularly concerned at the prevalence of trafficking in persons, especially children, by non-state armed groups and criminal organisations. Trafficking in persons for all purposes of exploitation occurred throughout the conflict, and continues to undermine the process of peace-building. The Special Rapporteur observed that trafficking in persons is committed by non-state armed groups and criminal organisations to support their activities and to control communities, and particularly impacts upon Afro-Colombian communities, indigenous peoples, rural communities and Venezuelan migrants. The Special Rapporteur highlights the urgency of continued measures to promote demobilisation, disarmament and reintegration, noting that the prevalence of arms hinders measures to combat trafficking in persons. The Special Rapporteur also highlights the links between trafficking in persons and related activities of armed groups and criminal organisations, such as illegal mining and deforestation, and drugs offences. Conflict related displacement contributes also to increased risks of trafficking in persons, due to loss of livelihoods (particularly for rural and peasant communities), loss of shelter and housing, and breakdown of community and family networks.

Trafficking of children, including conflict related trafficking, recruitment and use

8. The Special Rapporteur highlights that recruitment and use of children by non-state armed groups is a form of trafficking in persons and a grave violation of international law. International law on trafficking in persons defines a child as any person under the age of eighteen. Recruitment and use of children by non-state armed groups and criminal organisations is a strategy used to support the activities of groups. Children are used in support roles as well as in direct combat roles. Girls are also targeted for purposes of sexual exploitation, and sexual slavery. Children are recruited and used to support the illicit activities of armed groups and criminal organisations.
9. The Special Rapporteur highlights the limited assistance and protection given to children who escape from armed groups or criminal organisation, who are victims of trafficking and at high risk or reprisals, including killings, violence and re-trafficking. The Special Rapporteur highlights the

urgency of expanding reintegration measures to assist children and young people and ensure access to psycho-social assistance, medical assistance including reproductive and sexual health, as well as education, training and employment. The Special Rapporteur highlights the importance of ensuring full implementation of the non-punishment principle, and recognition of the serious human rights violations and violations of IHL arising in the context of conflict related trafficking of children.

Trafficking in Persons in Conflict and conflict-affected areas

10. The Special Rapporteur highlights the work of the Agency for Reintegration and Normalization, as measures to prevent trafficking in persons in conflict affected areas, and risks of re-trafficking, and further highlights the importance of measures to strengthen reintegration processes with a broader focus on community-based initiatives, reconciliation, locally led efforts and support for women former combatants' leadership.
11. Noting the particular risks of trafficking in persons for all purposes of exploitation among indigenous and Afro-Colombian communities, and the disproportionate effect of the conflict on Indigenous and Afro-Colombian communities, the Special Rapporteur highlights the need to strengthen measures to implement the ethnic chapter of the Final Agreement, to prevent trafficking, assist and protect victims, developing survivor-centred and survivor-led programmes, and measures to combat impunity. Such measures should be long-term, and fully resourced, and not ad-hoc or short term.

Trafficking in the context of migration

12. In the context of migration, the Special Rapporteur highlights the high risks of trafficking in persons, particularly for purposes of sexual exploitation. Girls and young women among Venezuelan migrants are particularly at risk of trafficking for purposes of sexual exploitation, at border crossings and throughout Colombia. The Special Rapporteur highlights the importance of strengthening prevention measures, particularly in border areas, and in rural areas.
13. The Special Rapporteur particularly commends the Temporary Protection status granted to Venezuelans, and its importance as a measure to reduce the risks of trafficking in persons. The Special Rapporteur recommends the continued extension of access to Protection status to ensure regularisation of status, as an important measure to reduce vulnerability and risks of trafficking in persons. Some delays have been experienced in accessing documentation and securing protection status. The Special Rapporteur recommends that increased resources are provided to reduce delays, and limit the vulnerabilities that arise during such periods of delay.
14. The Special Rapporteur highlights the importance of expanding safe, regular migration opportunities, and effective access to international protection, and calls on the international community to expand resettlement opportunities, ensure family reunification and protection of the right to seek and enjoy asylum. The Special Rapporteur recommends reform of the asylum system (including the revision of Decree 1067 of 2015) and prioritizing of the processing of asylum applications of victims of trafficking, regardless of their nationality, in line with the international guidelines on protection. Further the Special Rapporteur highlights the importance of continued access to temporary protection measures for Venezuelans who entered the country irregularly after 31 January 2021 and extension of the "Primero la Niñez" initiative which ensures access to Colombian nationality by birth (children born in Colombia from Venezuelan parents). In addition,

to prevent risks of trafficking, livelihoods and labour opportunities for refugee women should be strengthened, including through access to education and training.

15. The Special Rapporteur notes that Colombia is increasingly a country of transit for a wide range of nationalities in the context of migration particularly through the Darién gap, onwards to Panama. The Special Rapporteur commends the ongoing work by civil society and international organisations to highlight protection risks, including of trafficking in persons and to provide humanitarian assistance to migrants. There are particular concerns that children and young people may be trafficked for use in support roles by criminal organisations across the irregular migration route. Trafficking for purposes of sexual exploitation of children and women travelling alone particularly in border areas, but also along the migration route, is a serious concern. Abuse of the vulnerability of migrants, for purposes of sexual exploitation, particularly women and girls is a serious concern. The Special Rapporteur highlights specific concerns raised by UNICEF and others, in relation to unaccompanied and separated children transiting through the Darién gap, who may be at serious risk of trafficking in persons for all purposes of exploitation.
16. The Special Rapporteur highlights the urgent need to provide safe accommodation, access to water and sanitation facilities, medical and psycho-social assistance, and legal assistance in border areas and areas of high numbers of migrants transiting toward the Darién gap. The Special Rapporteur highlights the urgent need to expand the presence of civilian entities, to increase resources and staffing and presence of civilian entities in areas where there are high numbers of migrants, and in border areas. The issuing of alerts by the Ombudsman's office, is an important measure to highlight such risks and to activate more protection measures. While protection pathways are in place, in practice implementation is weak, and victims of trafficking, and those at risk of trafficking remain without safe accommodation, assistance or protection.

Unaccompanied and Separated Children

17. The Special Rapporteur is particularly concerned at the risks faced by unaccompanied and separated children in the context of migration and internal displacement. Urgent action is needed to expand the resources, capacity and presence of ICBF in areas where there are high risks of trafficking, and to develop safe accommodation, and long-term assistance and protection measures, particularly recognising the gender dimensions of risks of trafficking for purposes of sexual exploitation. The Special Rapporteur also highlights the unaccompanied and separated children are targeted for trafficking by armed groups and criminal organisations, for purposes of forced criminality, and forced labour, and child marriage.

National Development Plan

18. The Special Rapporteur welcomes priorities in the National Development Plan, such as human security and social justice, climate action, and tackling inequality. The Plan also includes total peace as one of its cross-cutting elements and highlights the centrality of the Final Agreement to achieve peace. The Special Rapporteur highlights the importance of ensuring budgetary resources are allocated across all levels of government, to provide assistance and protection to victims of trafficking, and strengthen measures to prevent trafficking in persons, particularly in rural areas, in conflict affected areas, and among migrant, Afro-Colombian and indigenous communities.

The Rights of Victims: Assistance and Protection of victims

19. The Special Rapporteur highlights the need for urgent measures to strengthen the provision of assistance and protection to victims of trafficking and persons at risk of trafficking. The limited provision of shelters, and safe accommodation, is a serious concern and increases risks of re-trafficking. Urgent attention is needed to expand the provision of safe accommodation for victims, across the country, particularly in conflict affected and rural areas, among Afro-Colombian and indigenous communities, and in areas affected by migration.
20. Currently, the provision of short-term assistance, fails to ensure the rights of victims. The Institute for Family Wellbeing (ICBF) provides partial funding for two shelters that could assist girl victims of trafficking. However, by presidential decree, state authorities can only provide shelter for five days and can extend for five additional days with proper approval and under extenuating circumstances. The COAT (Centro Operativo Anti-Trata) registers cases and sends them to the relevant territorial authorities for action (usually the interinstitutional committees in each department). However, department/municipal authorities do not have accommodation or assistance facilities, and there is limited follow-up on those cases. Territorial authorities are underfunded and do not have budgetary or human resources to assist victims. In the absence of assistance and protection, victims are vulnerable to revictimization.
21. Departments and municipalities have limited funding for the provision of victim services, and victim assistance. The Municipality of Bogota appears to be the only entity in the country that has allocated a budget to help with victim protection (since 2022). The absence of specialized shelters in border regions and areas affected by migration, requires urgent attention, given significant concerns in relation to trafficking and protection risks.
22. A survivor-centred response is urgently required, with comprehensive measures to provide access to safe accommodation, and long term assistance and social inclusion measures, including psycho-social assistance, medical assistance, access to employment and training. The Special Rapporteur highlights the importance of strengthening partnerships with civil society and the private sector to expand such measures. Assistance to victims should be unconditional, and long term.
23. The privacy of victims must be protected, and comprehensive measures are required to ensure protection of victims and witnesses against reprisals, intimidation and risks of re-trafficking. A comprehensive programme of witness protection is required to support victim participation in criminal proceedings.
24. Identification of victims of trafficking and persons at risk of trafficking remains weak, with low numbers of victims identified. The Special Rapporteur highlights the importance of full implementation of the Constitutional Court judgment in the *Yolande* case, and the positive obligation on the State to identify victims of trafficking for all purposes of exploitation.
25. The Special Rapporteur highlights the need for greater awareness and training on the non-punishment principle to protect the rights of victims of trafficking.

Rural areas and Rural reform

26. The Special Rapporteur highlights the particular risks of trafficking in persons, and the weakness of prevention, assistance and protection measures in rural areas. The commitment to comprehensive rural reform to promote the rights of rural communities, in particular of women,

is welcome. The Special Rapporteur highlights the risks of trafficking for purposes of labour exploitation in rural areas, particularly in illegal mining, in illicit activities, including coca production, and for purposes of sexual exploitation. The Special Rapporteur highlights the importance of continued measures to strengthen the rights of peasants and rural women. The Special Rapporteur also highlights the risks of child labour in rural areas, which may lead to child trafficking.

Trafficking for purposes of labour exploitation

27. The resources and capacity of the Labour Inspectorate should be significantly expanded to strengthen the prevention of trafficking in persons for labour exploitation, particularly targeting high-risk sectors such as mining, agriculture and domestic work. Currently, there is limited identification of victims of trafficking or persons at risk of trafficking for purposes of labour exploitation. High levels of informality in agriculture and domestic work are a serious concern, as are the risks of trafficking in the context of illegal mining. Further measures are required to ensure proactive identification of victims and persons at risk, and referral for assistance and protection. Procedures for referral to law enforcement bodies should be developed to combat impunity for trafficking for the purposes of labour exploitation. As present, there are no reported criminal prosecutions or convictions for trafficking for purposes of labour exploitation. There is an absence of specialized services for victims of trafficking for purposes of labour exploitation.
28. Measures are urgently required to promote and protect the rights of domestic workers, who are particularly at risk of trafficking. The intersections of gender inequality, and racial discrimination, are prevalent in the context of domestic work. Heightened risks of exploitation are prevalent for Afro-Colombian, and Venezuelan migrant women in particular.

Role of Trade Unions

29. The Special Rapporteur highlights the importance of continued strengthening of the role of trade unions, and collective bargaining, to prevent trafficking in persons, and to promote partnerships with trade unions to identify and assist victims of trafficking and persons at risk of trafficking, for purposes of labour exploitation.

Business and Human Rights

30. The Special Rapporteur highlights the importance of strengthening action with businesses and the private sector to prevent trafficking in supply chains and to promote effective due diligence measures in consultation with affected communities, trade unions and civil society and ensuring the rights of workers.

Combating Impunity, promoting accountability and ensuring effective investigations

31. The Special Rapporteur highlights the need for coordinated action to strengthen prevention of trafficking and to ensure effective investigations, combating impunity and promoting accountability. This requires measures to increase the presence of civilian authorities in areas affected by armed group violence, expansion of the deployment and territorial capacity of the Attorney General's Office and the Public Prosecutor's Office in areas affected by conflict and violence, and measures to review the capacity and methodology of the Intersectoral Commission for Rapid Response to Early Warnings to ensure the implementation of concrete measures aimed at preventing violence and responding promptly to early warnings.

Rights of Persons with Disabilities

32. The Special Rapporteur highlights the urgency of ensuring that all measures to prevent trafficking in persons, and provide assistance and protection, ensure the rights of persons with disabilities, and are designed and led by persons with disabilities.

Rights of LGBT persons

33. The Special Rapporteur highlights particular risks of trafficking in persons that may be faced by LGBT persons, due to discrimination, stigma or marginalisation within society, and highlights the importance of ensuring effective access to assistance and protection without discrimination. Effective prevention measures, with the support of civil society, and LGBT led organisations is critical. The Special Rapporteur welcomes measures already taken to promote the rights of LGBT persons within Colombia and urges continued measures especially to protect the rights of trans persons and prevent risks of trafficking in persons for purposes of sexual exploitation, including by armed groups and criminal organisations.

Disappearances

34. The Special Rapporteur highlights serious concerns that victims of trafficking may also be victims of enforced disappearances and urges greater attention to this risk, and to more effective investigations, accountability and reparations. Such disappearances may occur in the context of the conflict and ongoing actions of armed groups and criminal organisations, and in the context of migration and displacement.

The role of the health sector in prevention and protection

35. The Special Rapporteur highlights the important role of the health sector, in raising awareness of risks of trafficking, identifying victims of trafficking and persons at risks of trafficking and referring victims and persons at risk to assistance and protection. Further measures are required to prevent discrimination and stigmatisation of victims of trafficking for purposes of sexual exploitation, and persons at risk of trafficking, in particular sex workers. Further training is required for health care workers to strengthen action to combat trafficking in persons, and promote human rights-based responses.

Rule of Law, role of law enforcement bodies and policing

36. The Special Rapporteur highlights the need to strengthen the role of police officers, in proactive measures to identify victims, and ensuring effective access to protection, promoting the rights of victims and ensuring trauma informed, gender and child sensitive responses. The Special Rapporteur highlights the need for increased presence and capacity of police services in areas with a high presence of non-stated armed groups and criminal organisations, to combat impunity for trafficking in persons by such groups and to protect against reprisals against human rights defenders and community organisations, engaged in action to combat trafficking. Expanded capacity and resources, and a comprehensive programme is needed to ensure effective protection to victims and witnesses in the context of criminal investigations.

37. The Special Rapporteur highlights the limited capacity for effective investigations and prosecutions and the need for continued training, specialisation and additional budgetary and human resources for effective investigations, including into technology facilitated trafficking, online sexual exploitation, and related cyber-criminal activities.
38. The Special Rapporteur welcomes the commitment to international cooperation in investigations, and in provision of assistance to victims, and highlights the need for bilateral agreements and memorandums of understanding, to facilitate mutual legal assistance, effective investigations, and victim and witness assistance and protection.
39. The Special Rapporteur welcomes the commitment to ensuring the protection of human rights in prisons and highlights the need for training of prison services and all prison staff, to detect victims of trafficking in particular for purposes of forced criminality and immigration related offences, and to ensure awareness of referral pathways for assistance and protection, including legal assistance. Greater attention is needed to the gender dimensions of such risks, in particular in the context of migration.

Independence of Judges and Lawyers

40. Continued action is needed to strengthen the independence of judges and lawyers and training on trafficking in persons for all purposes of exploitation, as well as on the rights of victims. Measures to prevent corruption are essential, as are measures to ensure protection against intimidation and violence by armed groups and criminal organisations.

Reparations and access to compensation.

41. The Special Rapporteur highlights the importance of ensuring access to reparations for victims of conflict related trafficking in persons, for all purposes of exploitation, including forced recruitment, recruitment and use of children, sexual exploitation and sexual slavery, forced labour, domestic servitude and forced criminality. Access to compensation for victims of trafficking appears to be very limited. The Special Rapporteur highlights the need to expand access to legal assistance, including in compensation proceedings, and to strengthen training of lawyers, prosecutors on judges on the rights of victims to compensation.

Access to Justice for children

42. The Special Rapporteur welcomes the commitment to strengthening child friendly justice procedures, and to ensuring access to justice for child victims of trafficking, including in the context of conflict. Continued strengthening of measures to ensure effective access to justice for child victims of trafficking in the context of recruitment and use by armed groups will be essential, also in engaging with the transitional justice processes.

Prevention of trafficking in persons for purposes of sexual exploitation

43. The Special Rapporteur highlights the urgency of more effective measures to prevent trafficking in persons for purposes of sexual exploitation particularly in the context of tourism. Such measures should be survivor led and survivor centred, ensuring long term, unconditional access to assistance, training and employment opportunities and education. Access to safe accommodation and protection from reprisals is urgently required. The Special Rapporteur highlights the importance of supporting exit programmes, where desired, for sex workers, including older sex workers, and combating stigma and discrimination. The Special Rapporteur highlights the urgency

of measures to prevent violence, exploitation and trafficking of children of sex workers. The Special Rapporteur highlights the importance of preventing trafficking in persons among LGBT sex workers and ensuring access to assistance and protection without discrimination.

Role of civil society and human rights defenders

44. The Special Rapporteur is concerned at the high levels of violence, killings, and intimidation of human rights defenders and members of civil society, including those supporting victims of trafficking, persons at risk of trafficking, migrants and refugees, and LGBT persons. Continued action is essential to strengthen the role of civil society in measures to prevent trafficking in persons, first and foremost by ensuring their safety. Expanded resources, and long-term support for more effective prevention and assistance programmes are essential, including for survivor led and survivor-centred organisations. The Special Rapporteur welcomes the design of an Action Plan for the Comprehensive Programme for Safeguards for Women Leaders and Human Rights Defenders, and recommends that the participation of women leaders and HRDs engaged in action to prevent trafficking in persons.

Women Peace and Security

45. As Colombia develops its Women Peace and Security action plan, the Special Rapporteur highlights the importance of ensuring that measures to prevent trafficking in persons for all purposes of exploitation, and to protect and promote the rights of victims are included in the NAP. Survivor led and survivor centred responses should be included in the NAP. It is critical also to recognise the trafficking in persons for purposes of sexual exploitation, including sexual slavery, child and forced marriage are forms of sexual violence in conflict. Continued measures to promote gender equality and women's empowerment among communities particularly affected by trafficking in persons should be incorporated into the Women Peace and Security NAP. These include migrant communities, rural and peasant communities, Afro-Colombian communities and indigenous peoples, and LGBT persons. The Special Rapporteur highlights the importance of ensuring that the rights of women and girls with disabilities are prioritised in the NAP, including through measures to prevent trafficking in persons, and promote participation of disability led organisations in design and implementation of the NAP.

Youth Peace and Security

46. The Special Rapporteur highlights the importance of Youth, Peace and Security measures to prevent trafficking of young persons, including recruitment and use of children, and forced recruitment of young persons, as well as trafficking of young persons for purposes of forced criminal activity, sexual exploitation and forced labour.

Transitional Justice and peace building

47. The Special Rapporteur highlights the importance of ensuring accountability for conflict related trafficking in persons, highlighting that recruitment and use of children, forced recruitment and trafficking in persons for purposes of sexual exploitation, sexual slavery and child and forced marriage are also forms of sexual violence in conflict. Further action is needed to protect the rights of victims of conflict related trafficking, including effective access to reparations and guarantees of non-recurrence.

Climate Change

48. The Special Rapporteur highlights the impact of climate change and environmental degradation on increased risks of trafficking in persons, due to climate related displacement and disasters and loss of livelihoods. The Special Rapporteur also highlights that those sectors contributing negatively to climate change are also those with high risks of trafficking for purposes of forced labour (mining, intensive agriculture).

Human Security

49. The Special Rapporteur welcomes the attention to Human Security, and highlights the importance of integrating measures to prevent trafficking in persons and protect the rights of victims in policies and actions on Human Security.

Coordination of action to combat trafficking

50. The Special Rapporteur highlights the need for more effective coordination and planning on actions to combat trafficking across all levels of administration. The Special Rapporteur highlights concerns that current measures are fragmented, particularly on conflict related trafficking. Recruitment and use of children, forced recruitment, are addressed separately from trafficking in persons, limiting the effectiveness of responses.
51. The Special Rapporteur recommends strengthening of the Inter-institutional Committee for the fight against human trafficking headed by the Ministry of the Interior and its coordination with the local committees to ensure an effective response. The Special Rapporteur further recommends strengthening of the National Information System on human trafficking given significant underreporting, lack of data collection disaggregated by nationality, as well as high levels of impunity

Role of the Media

52. The Special Rapporteur highlights the role of the media in raising awareness of trafficking in persons and the obligation to ensure protection of the privacy of victims, promoting the rights of victims.