

# Slavery in Domestic Legislation

## Colombia

### Slavery

- [Constitution of Colombia \(1991\) \(Translated from Spanish to English by ConstitutionFinder\)](#)
- [Act 985 of 2005 - Human Trafficking 1 / 16 \(Translated from Spanish to English by Google Translate\)](#)

### Legislation

Provision	Text
Constitution of Colombia (1991) (Translated from Spanish to English by ConstitutionFinder)	<p><b>Article 17.</b> Slavery, servitude, and the slave trade in all forms are prohibited.</p> <p><b>Article 21.</b> The right to dignity is guaranteed. The law will provide the manner in which it will be upheld.</p> <p><b>Article 24.</b> Any Columbian citizen, except for the limitations established by law, has the right to move about freely across the national territory, to enter and exit the country, and to remain and reside in Colombia.</p> <p><b>Article 28.</b> Every person is free. No one may be importuned in his/her person or family, sent to jail or arrested, nor may his/her home be searched except pursuant to a written order from a competent legal authority, subject to legal process and for reasons previously established by law.</p>
Act 985 of 2005 - Human Trafficking 1 / 16 (Translated from Spanish to English by Google Translate)	<p>CHAPTER I Definitions</p> <p><b>Section 1.</b> Object. This law is to take prevention, protection and assistance necessary for ensure respect for human rights of victims and potential victims of trafficking in persons, both resident and translocated into the country, as Colombians abroad, and to strengthen the state's action against this crime.</p> <p><b>Article 2.</b> Principles. The interpretation and application of This law is guided by the following principles:</p> <ol style="list-style-type: none"> <li>1. The State has an obligation to exercise diligence due to prevent trafficking in persons, investigate and prosecute perpetrators, and to assist and protect victims of it.</li> <li>2. State action in this area aims to prevent violations of human rights by reason of trafficking people.</li> <li>3. Measures against human trafficking will not result in Act 985 of 2005 - Human Trafficking 2 / 16 detriment of fundamental rights or the dignity of victims.</li> <li>4. This Act shall be construed in a manner consistent with Act 800 of 2003.</li> <li>5. State action against trafficking in persons shall tend, within the existing legal framework for working together and harmony with civil society organizations and industry general private.</li> </ol> <p><b>Article 3.</b> Trafficking.</p> <p><b>Article 188A</b> of the Act 599 2000, added by Act 747 of 2002 and amended by Act 890 of 2004 shall read as follows:</p> <p>"</p> <p><b>Section 188A.</b> Trafficking. He who captures, transfers, harbors or receives a person within the territory or to Outside, the purpose of exploitation shall be liable to thirteen (13) to twenty (23) years and a fine of eight hundred (800) to one thousand five hundred (1,500) monthly legal minimum wage. "</p> <p>"For purposes of this Article shall be by holding the obtain financial gain or other benefit for himself or for another person, through the exploitation of prostitution or other forms of sexual exploitation, forced labor or services services, slavery or practices similar to slavery, servitude, exploitation of begging others, marriage servile, the removal of organs, sexual tourism and other forms of exploitation. "</p> <p>"The consent of a victim to any form of holding as defined in this Article shall not constitute grounds for exemption from criminal responsibility. "</p> <p>CHAPTER II National Strategy against trafficking Act 985 of 2005 - Human Trafficking 3 / 16</p> <p><b>Section 4.</b> National Strategy National Government decree adopted the National Strategy against Trafficking People who will be the focus of government policy in this field. In the formulation of this strategy will intervene IADC to Combat Trafficking in Persons referred to Chapter VI of this law. The actions of the strategy incumbent upon the authorities of other branches of government or agencies autonomous, and which by its nature can not be dictated by decree shall be taken by the leadership of the respective entity through appropriate administrative action. For the development of the national strategy will be considered the following objectives:</p> <ol style="list-style-type: none"> <li>1. Develop frameworks for information on the causes, patterns, regional characteristics and consequences of trafficking.</li> <li>2. Prevent trafficking in persons through social measures economic, political and legal.</li> <li>3. Reinforce its persecution of organizations criminals and, in general, investigation, prosecution and punishment the crime of trafficking.</li> </ol>

4. Protect and assist victims of trafficking in persons, in physical and psychological fields, social, economic and legal.
5. Promote interagency working and cooperation in the fight against trafficking.
6. Others that the Interagency Committee deems necessary.

Paragraph. The National Strategy will include targets and indicators Management periodically to measure the efficiency and effectiveness in meeting the goals set here.

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### CHAPTER III

#### Prevention of human trafficking

**Article 5.** Prevention. The Colombian State, through National Government of its judicial and police and national and local authorities, take measurements and advance campaigns and prevention programs is people, based on the protection of Human Rights which take into account that demand is one of the root causes; consider the factors that increase vulnerability to trafficking, including inequality, poverty and discrimination in all its forms, and attend diversity cultural and ethnic diversity of potential victims.

**Article 6.** Of actions on prevention of trafficking. Under the National AIDS Strategy trafficking in persons, shall be the institutions Been defined in this Act to make, at least the following actions on prevention of trafficking in persons:

1. Under the coordination of the Ministry of Interior and Justice, and in collaboration with institutions related to the topic defined by the Interinstitutional Committee, to establish programs prevention, targeting vulnerable communities to trafficking people.
2. The Government, through the Ministry of Education and in collaboration with institutions related to the topic, design and implement programs that are taught compulsorily prevention of trafficking in levels of primary, secondary and higher education.
3. Organize and develop, on an ongoing basis, activities training to inform and update servers public entities Agency Committee considers Act 985 of 2005 - Human Trafficking 5 / 16 appropriate, on all aspects related to this matter, especially the identification of potential victims, la force, existing instruments for the protection of Human rights victims, how crime operates national organized crime related to trafficking, and investigation and prosecution tools available.
4. Implement public awareness programs to give know the problem of human trafficking that occurs both within the country and externally, and promote information regarding the dangers of international migration carried out under conditions of vulnerability, risk, irregularity or illegality. Be responsible for these actions, the Ministry of Communications, the Commission National TV, the police and judicial authorities in within their powers, and other entities that determine Agency Committee.
5. The Ministry of Interior and Justice to advise departmental and municipal authorities to include, in their development plans, programs to prevent trafficking people and care for the victims of it.

### CHAPTER IV

#### Protection and assistance to victims of trafficking People

**Section 7.** Protective measures and assistance to victims. With In order to protect and assist victims of crime of trafficking people, the National Strategy will include the design and implementation assistance programs aimed at their physical, psychological and social, and based on the protection of their rights Human. These actions should ensure the protection of privacy and identity of victims, and include at least: Act 985 of 2005 - Human Trafficking 6 / 16l. Immediate assistance programs must meet, at least the following needs: Return of the victims their place of origin if they so request, security, accommodation appropriate, medical, psychological and material, and information and legal advice regarding the rights and legal procedures to follow. These benefits are subject to proper regulation. 2. Mediate assistance programs including, among others aspects. Training and support in seeking opportunities employment, and legal support throughout the process legal, especially in the exercise of judicial actions claim compensation for damage suffered by the victims.

3. In each of Colombia Consulate abroad should provide the necessary information and temporary measures ensure the safety of the victim, safeguard their dignity and personal integrity and support in the efforts to be forward the authorities of the foreign country. This provision does not involve the increase of staff in the staffing.

Consulates shall tend also to encourage analysis issue and sensitize the media and authorities foreign address the situation of its victims. Paragraph 1 °. The provision of assistance will mediate subject to which the victim reported the crime to the authorities competent. This condition can not be required to provide immediate assistance.

Paragraph 2 °. The Government will coordinate with relevant agencies the organization of a repatriation program for trafficked persons who are abroad.

**Section 8.** Linking to the protection programs prosecution.

In deserving cases, following a risk assessment by the Agenda for Protection and Assistance to Victims and Act 985 of 2005 - Human Trafficking 7 / 16

Witnesses from the Attorney General's Office, in accordance with their own provisions, and through the same program will provide comprehensive protection for witnesses and victims of trafficking individuals and their families to first-degree relatives, affinity one in civil law and spouse, partner or life partner, throughout the criminal process or while risk factors exist which justify it.

**Section 9.** Assistance to minors.

If that victims are minors, the Institute Colombian Family Welfare is the entity responsible for provide care and assistance required, for which it must take into account their special vulnerabilities, rights and needs special.

In these cases they should ensure, without prejudice to the other provisions under the legislation on the subject, at least, medical and psychological assistance provided by specialized people, temporary accommodation in appropriate locations reintegration into the education system, legal advice throughout the legal process to the child and their families and reintegration of children to their families after verification dealers that do not belong to his family

and that ensure the security and attention.

#### CHAPTER V

##### Strengthening of actions against human trafficking

**Article 10.** Strengthening the judicial investigation and policing action.

The Attorney General's Office, Police And the DAS will train members in specialized form its institutions in the investigation and prosecution of crimes directly or indirectly with the phenomenon of trafficking people and work toward effective international cooperation in judicial and police, in relation to these conduct Ley 985 of 2005 - Human Trafficking 8 / 16 TAS. This measure would not increase its plants personal. Each year these entities provide reports of their Actions in this area which will be taken into account by the Interagency Committee for the fight against human trafficking in the performance of their duties.

**Article 11.** Strengthening international cooperation.

The Government will identify the countries involved in activities related to trafficking in Colombia, those for which Colombia is a place of transit or destination transnational activities and is actively working in the fight against this crime, to give priority in the issue of international cooperation in this field.

#### CHAPTER VI

##### IADC

**Article 12.** Interagency Committee for the fight against trafficking.

The Interagency Committee for the Fight Against Trafficking in Women and Children, established by Decree 1974, 1996, shall be referred to the Interinstitutional Committee to Combat Trafficking in Persons and its integration and functions are governed by the provisions of this Act.

**Article 13.** Object. IACSD to Fight

Trafficking in Persons is the advisory body Government and the agency coordinating the actions develop the Colombian State through the National Strategy to Combat Trafficking in Persons.

**Article 14.** Integration Committee.

The Committee shall consist the following members:

1. The Minister of Interior and Justice or his delegate, who preside.

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2. The Minister of Foreign Affairs or the director Consular and Colombian Communities Abroad, or delegate.

3. The Minister of Social Welfare or his representative.

4. The Minister of Education or his representative.

5. The Director General Administrative Department Security or his delegate.

6. The Director General of Police or his delegate.

7. The Attorney General's Office or his representative.

8. The Attorney General's Office or his representative.

9. The Ombudsman or his delegate.

10. The Assistant Director-General of the Bureau of Interpol Colombia or his delegate.

11. The Director General of the Colombian Family Welfare Institute Family or his delegate.

12. The Director (a) Presidential and Gender Equality their delegations (A).

13. The Director (a) of Fondelibertad or his delegate.

14. The Director (a) General of the Special Administrative Unit Financial Information and Analysis or his delegate.

Paragraph 1 °. If members appoint a Delegatura the Committee, this will be permanent features and decision making.

Paragraph 2 °. The Committee will promote the creation of Committees Act 985 of 2005 - Human Trafficking 10/16 Departmental and regional or municipal anti-trafficking people, which will be chaired by the relevant governors or mayors, and should also have a entity to act as Technical Secretary. The National Strategy adopted by the Committee shall be the basis of its formulation Action against Trafficking locally making the necessary adjustments consult the specificities of the territory and population respective.

Paragraph 3 °. The Committee may invite to its meetings any another entity of the State, legal persons under private law and international organizations aimed at combating trafficking in persons, or the protection of the rights Human victims of the same organizations that have to the promotion and defense of human rights and individuals whose presence is necessary for the performance of the functions of the Committee.

**Article 15.** Functions.

The Inter-Agency Committee Combat Trafficking in Persons shall exercise the following functions:

1. Develop and recommend to Government Strategy

National Anti-Trafficking in Persons, which is the focus of policy State in this matter, and track their implementation.

2. Coordinate the review processes and agreements Colombia international has signed on Human rights and those related to trafficking for track your performance and recommend appropriate subscription agreements or treaties and other arrangements that needed to strengthen international cooperation against trafficking.

3. Serve as an advisory body and recommend the implementation of actions to different departments or agencies of the State in Act 985 of 2005 - Human Trafficking 11/16 combating trafficking.

4. Being a coordination body for state entities and private agencies involved in implementing the National Strategy regarding agency actions to be undertaken.

5. Make recommendations regarding criminal prosecution the crime of human trafficking and strengthening the State capacity in this field.

6. Recommend the adoption of laws or regulations to various state agencies in the fight against

trafficking people.

7. Track and study the effects of standards programs and activities to combat trafficking in Human rights and recommend measures and actions for adaptation and improvement.

8. Coordinate the design and implementation of the National Information on Trafficking in Persons defined in this law.

9. Propose the investigations referred to in

**Article 20** of this law.

10. Design your own plan of action and make its own rules procedure. Paragraph 1 °. For the effective discharge of its functions, Committee may incorporate specialized groups in different areas.

Paragraph 2 °. The Committee will ensure that the formulation of recommendations coordination and consistency off the actions and recommendations of the State agencies responsible for the promotion and protection of human rights and address the functions developed by the Committee for Assistance to Compatriots Act 985 of 2005 - Human Trafficking 12/16 Ministry of Foreign Affairs.

Paragraph 3 °. Ministries and other members of the Committee constitutionally or legally required to file management reports Congress to include in such a balance of actions in the field of fight against trafficking people. In the case of the Attorney General's Office, its balance will be part of the annual report of the Council Superior Judiciary.

**Article 16.** Operation.

To facilitate compliance its functions, the Committee will have a Technical Secretariat permanent basis that will ensure the successful implementation of the functions described in the previous article by the Minister of Interior and Justice, who may delegate the dependence designee to the effect, without simultaneously increasing officials in their personnel.

The Committee shall meet ordinarily at least once every two months, convened by the Technical Secretariat. They also may meet when the president extraordinarily the Committee deems appropriate. The Technical Secretariat will report bimonthly to members the Committee on its work and actions advanced to comply with this law. It shall also annual reports to the President on the same sense.

#### CHAPTER VII

##### National Information System on Trafficking in Persons

**Article 17.** Definition and operation.

The National Information on Human Trafficking will be a tool collection, processing and analysis of statistical information Act 985 of 2005 - Human Trafficking 13/16 and academic on the causes, characteristics and dimensions internal and external trafficking in Colombia, as a basis for policy, strategic plans and programs, and for measuring compliance with the objectives outlined in the National Strategy.

The Technical Secretariat of the Committee will develop, coordinate and maintain the operation of the information system. For this collect and collate statistical information to provide the various entities comprising the Committee the results of academic research, social and criminological to which

**Article 19** of this law, data that will be updated permanently.

**Article 18.** Provision of information. The Technical Secretariat design a form to the institutions that comprise the Committee to facilitate the collection of data. Entities and state agencies which manage information involving trafficking in persons shall assist the Technical Secretariat, providing data that is required development of information system referred the This provision, in no case may relate to matters legal reserve.

The data provided to the Technical Secretariat may make public aware of numerical and statistical summaries, not including personal data of victims and that are not possible any information derived from our individual character could be used for discriminatory purposes or may threaten the rights to life and privacy of victims.

**Article 19.** Research on Trafficking in Persons.

The National Government and the entities that comprise the Interagency Committee, made by themselves or in partnership with institutions higher education and research, research Act 985 of 2005 - Human Trafficking 14/16

on issues related to trafficking, such as the causes that drive it, the consequences for children and adults, the effectiveness of existing legislation, the characteristics victims and their national and international crime connected to these events, and regional particularities phenomenon within the country. The result of these investigations will guide public policy on trafficking in state l people.

#### CHAPTER VIII

##### Final Provisions

**Article 20.** Resources.

The Ministry of Interior and Justice, is authorized to administer by the Secretariat Inter-Agency Technical Committee to Combat Trafficking Person A special account, not legal, as a separate system that will channel resources to fight trafficking in persons, which will be implemented according to guidelines and programs that are defined in the National Strategy. The specific sources of the special account to which this Article may include the following resources:

1. The items to be assigned to the National Budget.
2. The proceeds of the crime of money laundering and trafficking people, as far as determinable.
3. The donations received.
4. The proceeds of the national and international cooperation international.
5. Others to obtain any title.

Paragraph 1 °. How to receive and manage resources Act 985 of 2005 - Human Trafficking 15/16 from donors and international cooperation to referred to in this Article shall be subject to regulation exclusive destination to ensure the aims of special account in accordance with the laws standards which govern the international economic cooperation.

Paragraph 2 °. The national government will regulate what is necessary for the creation, proper

administration and management of this account special.

Paragraph 3 °. The creation of this special account does not preclude institutions that are part of the Interagency Committee to Combat Trafficking in Persons to include in their budget items for actions against human trafficking persons defined in the National Strategy.

**Article 21.** Control measures. The Comptroller General Republic shall, within the framework of its functions, control expedite the use of resources to integrate this special account.

Entities that run funds from this account yield a detailed special activities developed under them, which will be given before the Committee Inter-matter of the present law and to the Comptroller General of the Republic.

The control in this article shall be without prejudice other controls that generally set the law in this such accounts.

**Article 22.** Added and

**Article 35** of Act 906 of 2004 with paragraph 32 of the following lines:

"32. Trafficking in Persons, where the conduct involves the transfer or transportation of persons or from outside the country, or host reception and collection of these. "

**Article 23.** Effect. This law governs from its publication and repeals all rules to the contrary.

The honorable President of the Senate,

Claudia Blum Barberi.

The Secretary General of the honorable Senate of the Republic

Ramón Emilio Otero Dajud.

The President of the honorable House of Representatives

Julio E. Gallardo Archbold.

The Secretary General of the honorable House

Representatives

Angelino Lizcano Rivera.

REPUBLIC OF COLOMBIA - GOVERNMENT

Publication and enforcement.

Given in Bogotá, D. C., to August 26, 2005.

ALVARO URIBE VELEZ

The Minister of Interior and Justice,

Sabas Pretelt de la Vega.

The Minister of Social Protection

Diego Palacio Betancourt.