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**NAVAL
POSTGRADUATE
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MONTEREY, CALIFORNIA

THESIS

**BARRIERS TO COMBATING HUMAN TRAFFICKING
IN COLOMBIA**

by

Daniel Joseph Wilcox

March 2015

Thesis Advisor:
Second Reader:

Rodrigo Nieto-Gómez
Maiah Jaskoski

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BARRIERS TO COMBATING HUMAN TRAFFICKING IN COLOMBIA

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Submitted in partial fulfillment of the
requirements for the degree of

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ABSTRACT

Despite international and domestic policies and programs intended to combat human trafficking, Colombia remains one of the countries with the highest instances of human trafficking in the Western Hemisphere. Factors contributing to human trafficking in Colombia, such as internal violence and displacement, drug trafficking, a weak central government, and widespread corruption, have overpowered what energies the government marshaled against it. Moreover, governmental anti-trafficking programs tend to be underfunded, poorly administered, and quickly abandoned by Colombian officials. Additionally, hardline U.S. anti-drug policies in the region have aggravated the human trafficking problem without significantly affecting the flow of illegal drugs into the United States. Consequently, thwarting human trafficking, protecting and providing for its victims, and prosecuting perpetrators of the crime have been significantly challenging in this South American country.

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LIST OF ACRONYMS AND ABBREVIATIONS

AUC	Autodefensas Unidas de Colombia
BACRIM	Bandas Criminales Emergentes
COAT	Operational Anti-Trafficking in Persons Center
CPTP	Centro de Pensamiento Sobre Trata de Personas
ENS	Escuela Nacional Sindical
FARC	Armed Revolutionary Forces of Colombia
FGN	Fiscal General de la Nación
ICBF	Colombian Child Welfare Institute
IO	international organization
IOM	International Organization for Migration
NGO	nongovernmental organization
OAS	Organization of American States
RITRA	Information Registry on Human Trafficking
TVPA	Victims of Trafficking and Violence Protection Act of 2000
UN	United Nations
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development

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I. THESIS INTRODUCTION AND OVERVIEW

As a source country for what some researchers believe to be around 70,000 annual victims—primarily for sex and forced labor—Colombia consistently ranks as one of the countries with the highest instances of human trafficking in the Western Hemisphere.¹ Yet, Colombia has signed and ratified all five relevant international protocols on human trafficking, and the United States has certified it as a top-tier country in the fight against human trafficking for thirteen consecutive years (from 2001 to 2013).² This Tier 1 rating signified the Colombian government fully complied with the minimum standards for the elimination of trafficking as established by the United States’ Victims of Trafficking and Violence Protection Act of 2000 (TVPA).³ Only in 2014 did the government’s ranking drop to a Tier 2, which, by definition, indicates that not all minimum standards were met, but that the country is making significant efforts to do so.⁴

With the TVPA, the United States set standards for action and attached monetary and social incentives to compliance.⁵ According to the TVPA, “the President is authorized to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities designed to meet the minimum standards for the elimination of trafficking.”⁶ Conversely,

¹ Miriam Wells, “UN Warns of Rise in Human Trafficking within Colombia,” InSightCrime, April 16, 2013, <http://www.insightcrime.org/news-briefs/un-warns-growing-human-trafficking-colombia/>; U.S. Department of State, *Trafficking in Persons Report: 2014* (Washington, DC: U.S. Department of State, 2014), 134, <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>; Clare Ribando Seelke, *Trafficking in Persons in Latin America and the Caribbean*, (CRS Report No. 33200) (Washington, DC: Congressional Research Service, 2014), 5–6, <http://www.fas.org/sgp/crs/row/RL33200.pdf>; Smriti Rao and Christina Presenti, “Understanding Human Trafficking Origin: A Cross-Country Empirical Analysis,” *Feminist Economics* 18, no. 2 (2012): 245, doi:10.1080/13545701.2012.680978; Martti Lehti and Kauko Aromaa, “Trafficking for Sexual Exploitation,” *Crime and Justice* 34, no. 1 (2006): 199, doi:10.1086/650306.

² Seelke, *Trafficking in Persons in Latin America and the Caribbean*, 15; Tier placement data compiled from Colombia country profiles in annual TIP reports from 2001 to 2013 at U.S. Department of State, “Trafficking in Persons Report,” August 22, 2014, <http://www.state.gov/j/tip/rls/tiprpt/index.htm>.

³ Bureau of Public Affairs Department of State. The Office of Website Management, “Victims of Trafficking and Violence Protection Act of 2000,” *U.S. Department of State*, October 28, 2000, <http://www.state.gov/j/tip/laws/61124.htm>.

⁴ U.S. Department of State, *Trafficking in Persons Report: 2014*, 43, 134–35.

⁵ Victims of Trafficking and Violence Protection Act of 2000, H.R. Rep No. 3244 at 1 (2000).

⁶ *Ibid.*, 134

governments that fail to meet the minimum standards for elimination of human trafficking and are not making “significant efforts” to bring themselves into compliance will not only suffer the international stigma associated with receiving a lower ranking, but are also subject to monetary consequences.⁷ In such instances, the TVPA directs withdrawal of “nonhumanitarian, nontrade-related foreign assistance,”⁸ or, in the case of a country that was not receiving such assistance, “the United States will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs.”⁹ And, in either case,

The President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director’s best efforts to deny, any loan or other utilization of the funds of the respective institution to that country (other than for humanitarian assistance, for trade-related assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit to that government).¹⁰

The United States is willing to help, but support is contingent on playing by U.S. rules.

In addition to the Colombian and U.S. governments, many other entities have been committed to reducing human trafficking in Colombia. The United Nations (UN), of which Colombia has been a member state since 1945, has established a shared definition and expectations in the battle to eliminate human trafficking worldwide, carrying out its anti-human trafficking work through the United Nations Office on Drugs and Crime (UNODC), which has an office in Bogotá, Colombia.¹¹ Colombia is also a member of the International Organization for Migration (IOM), which is active in the country and remains dedicated to “assist States in the development and delivery of programmes,

⁷ Ibid.

⁸ Ibid., 103.

⁹ Ibid., 110.

¹⁰ Ibid.

¹¹ United Nations. *United Nations Convention against Transnational Organized Crime* (General Assembly Resolution No. 55/25) (New York: UN, 2001), <http://www.undocs.org/A/RES/55/25>; United Nations, “United Nations Member States,” accessed February 17, 2015, <http://www.un.org/en/members/index.shtml>; United Nations Office on Drugs and Crime, “Colombia,” accessed February 12, 2015, <http://www.unodc.org/colombia/es/index.html>.

studies and technical expertise on combating migrant smuggling and trafficking in persons, in particular women and children, in a manner consistent with international law.”¹² These organizations, among others, provide support, guidance, and reporting regarding the human trafficking problem in Colombia.¹³

In spite of all efforts to suppress it, human trafficking continues to be a sizable issue in Colombia: victimization remains high while prosecutions and convictions of perpetrators remain low (there were less than thirty verified convictions between 2005 and 2010).¹⁴ The question remains: why?

A. MAJOR RESEARCH QUESTION AND ITS SIGNIFICANCE

Why does Colombia continue to be a major source of human trafficking in the Western Hemisphere despite current policies and programs and the intervention of the international community?

Colombia is a key ally with which the United States wishes to continue to partner economically and politically, and friction over unabated human rights violations has challenged the positive relationship between the two countries.¹⁵ U.S. foreign assistance to Colombia has averaged nearly \$743 million annually over the last five years—funds that, according to the United States Agency for International Development (USAID), were spent in an effort to deepen trade relationships, continue regional economic integration, enforce labor laws, dismantle transnational criminal networks, and combat

¹² International Organization for Migration, “Member States,” November 2014, <http://www.iom.int/cms/en/sites/iom/home/about-iom-1/members-and-observers/governments/member-states.html>; International Organization for Migration, “Mission,” accessed February 17, 2015, <http://www.iom.int/cms/en/sites/iom/home/about-iom-1/mission.html>.

¹³ Benjy Hansen-Bundy, “Colombia Neglects Sex Trafficking Victims: NGO,” *Colombia Reports*, February 20, 2013, <http://colombiareports.co/colombia-neglects-sex-trafficking-victims-ngo/>.

¹⁴ Lehti and Aromaa, “Trafficking for Sexual Exploitation,” 199; Elvia Vargas Trujillo, Carmen Elisa Flórez, and Laura María Mendoza Simonds, *Trata de Personas En Colombia: Una Aproximación a La Magnitud Y Comprensión Del Problema* (Bogotá D.C., Colombia: Organización Internacional para las Migraciones, 2011), 46, <http://www.oim.org.co/trata-de-personas/1522-trata-de-personas-en-colombia-una-aproximacion-a-la-magnitud-y-comprension-del-problema.html>.

¹⁵ Secretary of State, *FY 2014 Department of State Operations Congressional Budget Justification* (Washington, DC: U.S. Department of State, 2013), 173, 586, <http://www.state.gov/s/d/rm/rls/statecbj/2014/pdf/index.htm>.

human rights violations, among other things.¹⁶ Many of these efforts are tied to factors affecting human trafficking in Colombia. Yet, some individuals and organizations outside the government, such as Amnesty International, view the lack of progress in human rights in Colombia as reason to cut off U.S. aid to the country and lobby for just that.¹⁷

The Department of State also recognizes that Colombia needs to try harder to fight human trafficking. Citing slacking government efforts to combat human trafficking, the State Department demoted Colombia's TVPA ranking in its most recent report—an act that can carry negative financial and political implications, as mentioned previously.¹⁸ Moreover, because the demotion was based on subjective factors, there is an inherent political aspect to the ranking—a message that the United States is not happy with Colombia's progress. According to the TVPA, the minimum standards for the elimination of trafficking against which countries are ranked are as follows:

- 1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- 2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
- 3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.
- 4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.¹⁹

¹⁶ Average computed from 2008-2012 figures, USAID, "FY 2012 Total Foreign Assistance Profile: Colombia," January 28, 2013, <https://eads.usaid.gov/gbk/data/profile.cfm>; Secretary of State, *FY 2014 Department of State Operations Congressional Budget Justification*, vii, 173, 500, 520–21.

¹⁷ Amnesty International, "U.S. Policy in Colombia," accessed September 4, 2014, <http://www.amnestyusa.org/our-work/countries/americas/colombia/us-policy-in-colombia>.

¹⁸ U.S. Department of State, *Trafficking in Persons Report: 2014*, 43, 134.

¹⁹ Department of State. The Office of Website Management, "Victims of Trafficking and Violence Protection Act."

The first standard requires prohibition and punishment only in cases of “severe forms of trafficking in persons.”²⁰ The second and third standards deal exclusively with the legal status of human trafficking in, requiring certain laws be enacted that carry appropriate minimum sentences but carrying no explicit requirement for enforcement of said laws. And while the fourth standard is all about, it is incredibly subjective, suggesting—still not requiring—that “the government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.”²¹

The TVPA recommends evaluators study certain factors when ranking a country’s efforts. In determining “serious and sustained efforts to eliminate severe forms of trafficking in persons,” officials should consider whether the government does the following:

- “vigorously” investigates and prosecutes serious human trafficking crimes, protects and assists victims,
- adopts measures to prevent trafficking in persons,
- cooperates with other governments on such matters, extradites perpetrators when appropriate,
- monitors immigration and emigration patterns to identify and circumvent human trafficking, and
- “vigorously” investigates and prosecutes public officials complicit in human trafficking.²²

In sum, governments should seriously try to eliminate human trafficking, and officials should consider their efforts when determining rankings. Even if the word *must* is substituted for *should*, evaluators are still responsible for deciding, in their own opinion, whether or not a government’s efforts meet the threshold of “serious and sustained.”²³

Regardless of Colombia’s ranking, the United States remains committed to aiding the country. While the U.S. Department of State indicates that the United States’ primary interests in Colombia are centered on the illicit drug trade and spreading state control into

²⁰ Department of State. The Office of Website Management, “Victims of Trafficking and Violence Protection Act.”

²¹ Ibid.

²² Ibid.

²³ Department of State. The Office of Website Management, “Victims of Trafficking and Violence Protection Act.”

areas controlled by insurgent and paramilitary groups, it acknowledges that the threat from human trafficking remains a national security concern.²⁴ Moreover, as this thesis explains, drug trafficking and limited state control are linked in very important ways to human trafficking. Thus, to successfully reduce human trafficking, the two governments must first understand why Colombia continues to be a major source of human trafficking in the Western Hemisphere—what are the causal factors and how have policies in the region affected them? Until these questions are answered and funding, policies, and procedures are adjusted accordingly, the problem will persist.

B. THE ARGUMENT

This thesis argues that the Colombian government's political will to combat human trafficking has been insufficient to overcome its capability gap. Internally, decades of political and drug-related conflicts have destroyed, corrupted, and diverted state capacity. This has left little power to prevent human trafficking, protect and care for its victims, or investigate, prosecute, and convict its perpetrators. Accordingly, most Colombian efforts to combat human trafficking have been prompted by external influences and abandoned before achieving substantive results.

Armed insurgent groups, ungoverned territory, and the fight against the illicit drug trade are seen as paramount, leaving little time to focus on human trafficking. It could also be argued that eliminating these major problems is one of the best ways to increase capability to eradicate human trafficking. Yet, the manner in which governments now fight against them is making the situation worse; the international community may need to redefine what it means to combat insurgency, drugs, and human trafficking within Colombia. Based on available evidence, the active presence of large, armed, nongovernmental groups is the major factor inhibiting Colombia's capacity and will to combat human trafficking, resulting in no significant reduction to the problem over at least the last fourteen years.

²⁴ Secretary of State, *FY 2014 Department of State Operations Congressional Budget Justification*, 173; Bureau of Western Hemisphere Affairs, "U.S. Relations with Colombia," Fact Sheet, U.S. Department of State, (November 19, 2013), <http://www.state.gov/r/pa/ei/bgn/35754.htm>.

C. RESEARCH DESIGN

This thesis is a single case study of Colombia. It draws resources from some primary governmental, news media, non-governmental, and international organizational sources as well as many secondary academic sources. U.S. government sources provide credible data on relationships and transactions with Colombia, and data from the Colombian government is useful in assessing how Colombian officials behave and report human trafficking within their own country. International sources like the United Nations Office on Drugs and Crime (UNODC) and the International Organization for Migration (IOM) provide some of the most substantive material available on the subject of human trafficking, and NGOs working in the region supply insightful firsthand knowledge on the subject.

D. THESIS OVERVIEW AND CHAPTER OUTLINE

This thesis is organized starting with large concepts—defining human trafficking is and why it is a problem, along with the organizations that set the standards for fighting it—then moves onto specifics, such as the nature of human trafficking in Colombia and what is currently being done to combat it. Chapter II delves into the human trafficking problem both generally and as it exists in Colombia, and reviews literature on the subjects. Chapter III discusses Colombian programs and efforts to combat human trafficking over the last fifteen years, identifying a common pattern of failure and neglect. Chapter IV addresses the links between drug trafficking and human trafficking in Colombia, showing how the former helps facilitate the latter. Chapter V provides a critical analysis of U.S. policy in Colombia and the Latin American region as an inflammatory factor in the human trafficking situation. Finally, Chapter VI summarizes the major findings and explores the way ahead in combating human trafficking in Colombia.

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II. THE HUMAN TRAFFICKING PROBLEM AND LITERATURE REVIEW

Literature on human trafficking in Colombia tends to focus on one or two individual aspects, without attempting to tie all relevant information into a complete causal flow that could be used to identify the root causes and explain how past and current anti-human trafficking efforts affect the issue. Researchers have written about problems involving definitions and victim identification; quantifying the problem; victimization factors; the legal system; and demand, corruption, and complacency. However, the relationship between Colombian capability and will to combat human trafficking, and the barriers to success, requires further analysis, which this thesis provides.

A. DEFINING HUMAN TRAFFICKING

Human trafficking is different from the smuggling of migrants, which is defined as “procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”²⁵ Willing subjects of migrant smuggling, however, risk becoming victims to human trafficking as they place themselves under the power of the smugglers in a country where they are strangers and have arrived illegally.²⁶ A portion of human trafficking involves migrant smuggling, but many trafficked individuals initially pass between states legally, and others never leave their country of origin. In this sense, *trafficking* is a bit of a misnomer, as it typifies only one subset of the problem—victims transported across state boundaries. Article 3, paragraph (a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (hereafter referred to as the Protocol) establishes the internationally accepted definition of human trafficking:

²⁵ United Nations, *Convention against Transnational Organized Crime*, 41.

²⁶ Kristof Van Impe, “People for Sale: The Need for a Multidisciplinary Approach towards Human Trafficking,” *International Migration* 38, no. 3 (January 1, 2000): 113–14, doi:10.1111/1468-2435.00117.

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.²⁷

Because human trafficking involves a wide range of activities, and even consent is irrelevant in the case of a child (under eighteen years old), the stereotype of a victim who is abducted and sold into prostitution or slavery in a foreign country describes only a small portion of the problem.²⁸

The Protocol defines the crime so broadly that many trafficked individuals are not recognized as such by the general community.²⁹ For example, because she is not a stereotypical victim, a woman engaging in forced prostitution in her own country is less likely to be identified than someone in a similar situation operating in a foreign state mainly because the former seems less out of place. Considering that commercial sexual exploitation claims an estimated 75 percent of all human trafficking victims, the majority of which are intranational, victim identification is a major obstacle.³⁰ In an article for *Crime and Justice*, Martti Lehti and Kauko Aromaa estimated “60–80 percent of trafficking for sexual exploitation is domestic, and the bulk of cross-border trafficking is regional.”³¹ In other words, a crime that is publicly thought to involve movement across international borders, usually does not. Consequently, many victims are harder to detect.

²⁷ United Nations. *United Nations Convention against Transnational Organized Crime*, 32.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Central Intelligence Agency, “The World Factbook: Field Listing: Trafficking in Persons,” accessed May 26, 2014, <https://www.cia.gov/library/publications/the-world-factbook/fields/2196.html>.

³¹ Lehti and Aromaa, “Trafficking for Sexual Exploitation,” 133.

Like most of the world, the preponderance of victims detected in South America (89.4 percent between 2007 and 2010) were trafficked within the region.³² Globally, the instances of known domestic trafficking rose from 19 to 31 percent between 2007 and 2010.³³ These figures, however, are likely understated, as government officials have historically tended to view human trafficking as primarily an international problem, creating a black hole for investigation and reporting involving citizens still in their own countries.³⁴ Consequently, the apparent surge in domestic trafficking may be more a reflection of greater sensitivity to the problem than an actual increase in victims.

B. CHARACTERIZING THE SCOPE AND NATURE OF HUMAN TRAFFICKING

Even with a workable definition, it is impossible to measure the true scope of human trafficking. Lehti and Aromaa declared that “accurate information on the volume of the crime does not exist,” due to poor and varied definitions, deficient data-collection and reporting, and victims inability or unwillingness to report crimes and participate in prosecuting perpetrators.³⁵ Because of this, many researchers have been quick to latch onto anything that looks like a solid number and taken the source reliability for granted. One commonly reported number provides a good insight to this problem. A 2013 article claiming to reveal the extent of human trafficking in Colombia reported that “an estimated 70,000 people fall victim to human trafficking in Colombia every year.”³⁶ This number, however, was taken from a different article published a few days prior that cited a 2012 article from another source that had pulled the number from an estimate the IOM allegedly mentioned in a UN radio broadcast from 2003 (which is no longer available for

³² United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2012* (New York: United Nations, 2012), 42, http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf.

³³ *Ibid.*, 51.

³⁴ *Ibid.*; U.S. Department of State, *Trafficking in Persons Report: 2013* (Washington, DC: U.S. Department of State, 2013), 132, <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>.

³⁵ Lehti and Aromaa, “Trafficking for Sexual Exploitation,” 142.

³⁶ Charles Parkinson, “Report Reveals Extent of Human Trafficking in Colombia,” InSightCrime, November 18, 2013, <http://www.insightcrime.org/news-briefs/report-reveals-extent-of-human-trafficking-in-colombia>.

verification).³⁷ Multiple other reports and articles have referenced the same number, attributing it to different dates and sources that ultimately lead back to the same unverifiable origin.³⁸ Even if the original broadcast were available, the number remains a self-declared, and inherently unreliable, estimate.

To combat the lack of quantifiable data, organizations commonly use other methods such as the number of victims that self-identify in surveys, other government identified victims, investigations initiated, prosecutions, and convictions of human trafficking offenses to estimate the scope of the problem. Colombia, for instance, had 207 registered cases of human trafficking in between 2005 and 2010, of which 170 involved sexual exploitation, 30 were for forced labor, 2 for begging, and 5 for servile marriage; 187 of the cases were international and 20 domestic.³⁹ Even officially reported numbers, however, are unreliable since poor and varied definitions of human trafficking and a lack of good data collection within individual countries complicate accurate assessments.⁴⁰ Colombia, for example, reported 65 convictions for human trafficking crimes between 2005 and 2010, but, following an internal government study, later said a more accurate number was 26.⁴¹

Victimization surveys in Colombia showed an average of 76 percent of all crimes go unreported, with homicide and car theft (for insurance reasons) being the only two

³⁷ Women's Link Worldwide, *La Trata Y La Explotación En Colombia: No Se Quiere Ver, No Se Puede Hablar*, November 15, 2013, http://www.womenslinkworldwide.org/wlw/new.php?modo=detalle_proyectos&tp=proyectos&dc=71&lang=en; La Fundación Esperanza, "Metamorfosis de La Esclavitud: Manual Jurídico Sobre Trata de Personas" (Bogotá, Colombia: La Fundación Esperanza, 22 April 13), 18, <http://observatoriodemigraciones.org/librosfundaci%C3%B3n.shtml?apc=g-xx-1-&x=37>.

³⁸ Wells, "Rise of Human Trafficking within Colombia"; Helda Martinez, "Trafficking Victims' Ordeal Never Over," *Inter Press Service*, June 10, 2009, <http://www.ipsnews.net/2009/06/rights-colombia-trafficking-victims-ordeal-never-over/>.

³⁹ Vargas Trujillo, Flórez, and Mendoza Simonds, *Trata de Personas En Colombia*, 50.

⁴⁰ United Nations Office on Drugs and Crime, *International Framework for Action: To Implement the Trafficking in Persons Protocol* (New York: United Nations, 2009), 6, http://www.unodc.org/documents/human-trafficking/Framework_for_Action_TIP.pdf.

⁴¹ Data compiled from 2006 through 2011 annual TIP reports (pages 94, 82, 95, 108, 116, and 125 respectively) at U.S. Department of State, "Trafficking in Persons Report"; Vargas Trujillo, Flórez, and Mendoza Simonds, *Trata de Personas En Colombia*, 46.

with moderately reliable reporting.⁴² Trafficking is among the worst-reported crimes with only about 40,000 victims identified globally in 2012—less than 0.2 percent of the estimated total. The inability to quantify the extent of human trafficking inhibits useful research and complicates combating the problem. Some words that keep cropping up in human trafficking research are *detected*, *reported*, *estimated*, and *unknown*, all of which indicate the inherent fallibility of existing quantitative research.

There is substantive data available on a number of victimization susceptibility issues prevalent in Colombia, but with very little said to tie them into a coherent whole or differentiate between causal and incidental factors. The groups most vulnerable include internally displaced persons, minority groups, and those closely associated with criminal organizations.⁴³ According to the IOM, “personal characteristics common among trafficking victims...include a tendency to take risks in order to fulfill one’s goals, a focus on short-term rewards that may result from short-term risks, and a lack of familial support and/or strong social networks.”⁴⁴

Women and children are the two groups most likely to become victims of human trafficking in Colombia. Sexual exploitation is the gravest trafficking problem in Colombia, and females represent 98 percent of the victims worldwide.⁴⁵ Children make up 27 percent of detected trafficking victims in the region.⁴⁶ According to Louise Shelley in *Human Trafficking: A Global Perspective*, “traffickers prey on the vulnerable: individuals without parents or with ailing parents, single mothers seeking ways to support their children, the desperately poor, and refugees from conflicts”—all of which are

⁴² Elvira Maria Restrepo, “The Pursuit of Efficiency and the Colombian Criminal Justice System,” in *Criminality, Public Security, and the Challenge to Democracy in Latin America*, ed. Marcelo Bergman and Laurence Whitehead (Notre Dame, IN: University of Notre Dame Press, 2009), 180–181, 194, <http://site.ebrary.com/lib/nps/docDetail.action?docID=10423319>.

⁴³ U.S. Department of State, *Trafficking in Persons Report: 2013*, 131.

⁴⁴ Seelke, *Trafficking in Persons in Latin America and the Caribbean*, 4.

⁴⁵ Philip Hunter, ed., *Human Trafficking and Business: Good Practices to Prevent and Combat Human Trafficking* (United Nations Global Initiative to Fight Human Trafficking, 2010), 17, http://www.ilo.org/sapfl/Informationresources/NonILOpublications/WCMS_142722/lang--en/index.htm.

⁴⁶ United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2012*, 14.

readily available in Colombia.⁴⁷ In general, children are more vulnerable than adults due to their lack of life experience, dependence on others, and social and legal standing.⁴⁸ Moreover, a full one-third of Colombian children spend some time during childhood without a father, and it is not unusual for children to live away from parents with other family members or friends—an arrangement increasing their susceptibility to trafficking since they are in the care of people who generally know and care for them less.⁴⁹

Women are more vulnerable than men based on physical strength and because many societies disempower women, providing them with lesser access to education, work, and legal services.⁵⁰ In Colombia, there is a “lingering machismo (chauvinistic attitudes and practices) that tends to lead to discrimination against women and girls,” which not only places them at increased risk of trafficking and other violent crimes, but also makes their cases less likely to draw serious attention from authorities.⁵¹ Nevertheless, women and children are not the only victims of trafficking in Colombia; trafficked men usually end up doing manual-labor type work. According to the United Nations, there are approximately 250,000 people in forced labor in Latin America and the Caribbean as a result of human trafficking.⁵² Within Colombia, victims of forced labor often participate in domestic service, mining, and agriculture, producing products such as bricks, coal, coffee, emeralds, gold, pornography, and sugarcane.⁵³

Forced labor flourishes in Colombia because workers have little protection against it. Typically unionizing can help a repressed workforce; however, changes in the labor

⁴⁷ Louise Shelley, *Human Trafficking: A Global Perspective* (New York: Cambridge University Press, 2010), 95.

⁴⁸ United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2012*, 15.

⁴⁹ Elzbieta M. Goździak, “On Challenges, Dilemmas, and Opportunities in Studying Trafficked Children,” *Anthropological Quarterly* 81, no. 4 (2008): 916.

⁵⁰ United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2012*, 15.

⁵¹ Seelke, *Trafficking in Persons in Latin America and the Caribbean*, 4; Annsley Chapman and Cheryl Seelhoff, “Femicide Epidemic Spreads,” *Off Our Backs* 36, no. 2 (January 1, 2006): 6.

⁵² Hunter, *Human Trafficking and Business: Good Practices to Prevent and Combat Human Trafficking*, 17.

⁵³ U.S. Department of State, *Trafficking in Persons Report: 2013*, 131; Bureau of International Labor Affairs, “List of Goods Produced by Child Labor or Forced Labor,” U.S. Department of Labor, September 30, 2013, <http://www.dol.gov/ilab/reports/child-labor/list-of-goods>.

market, anti-trade union policies, and, most notably, violence against trade unionists have driven membership down to less than 5 percent of Colombian workers—the lowest level in the Americas.⁵⁴ From 2002 to 2010, murders of Colombian trade unionists have ranged from 39 to 191 each year.⁵⁵ Additionally, the Escuela Nacional Sindical (ENS), a Colombian labor research center, reported on violence other than murder, stating that in 2010 alone there were “seven cases of forced disappearances, 21 assassination attempts, 35 forced displacements, five kidnappings, three arbitrary detentions and 338 death threats against trade unionists.”⁵⁶ The ENS also pointed out that “in 95.6 percent of cases involving the murder of trade unionists since 1986, there have been no convictions.”⁵⁷

C. INTERNAL CONFLICT AND HUMAN TRAFFICKING IN COLOMBIA

Compounding the problem, traffickers often operate in “zones of impunity” and prey on vulnerable populations unlikely to seek help from authorities.⁵⁸ Insurgency and paramilitary groups such as the Armed Revolutionary Forces of Colombia (FARC) participate in human trafficking in Colombia, often in large areas outside of government control.⁵⁹ A report prepared for the United Nations Security Council stated that “Boys and girls as young as 8 years old are recruited, often forcibly, into armed groups, paramilitaries, and militias in Colombia. They face harsh punishments, including death if they attempt to desert. They are used as combatants, spies, messengers, porters, kidnappers, guards, cooks, sexual companions, human shields, and for placing bombs.”⁶⁰ As of 2003, Human Rights Watch reported that at least 25 percent of irregular

⁵⁴ Justice for Colombia, “About Colombia,” accessed May 18, 2014, <http://www.justiceforcolombia.org/about-colombia/>.

⁵⁵ Bureau of International Labor Affairs, *Republic of Colombia Labor Rights Report* (Washington, DC: U.S. Department of Labor, 2011), http://www.dol.gov/ilab/reports/pdf/colombia_LRR.pdf.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ U.S. Department of State, *Trafficking in Persons Report: 2013*, 8–9.

⁵⁹ John Rapley, “The New Middle Ages,” *Foreign Affairs* 85, no. 3 (May 1, 2006): 96, doi:10.2307/20031970.

⁶⁰ Coalition to Stop the Use of Child Soldiers, “Child Soldiers: 1379 Report,” November 2002, 23, https://www.essex.ac.uk/armedcon/story_id/1379%20Report%20.pdf.

combatants in Colombia were children (with conservative estimates exceeding 11,000).⁶¹ While most child combatants were probably not forced to join, they were often deceived into doing so.⁶² Irregular forces prey upon the children's naïveté and dismal living conditions, promising them money and a better life; once volunteers learn the truth, it is too late.⁶³ It did not help that there was little social stigma against child soldiers: it was not until 1999 that the Colombian government prohibited military recruitment of those under eighteen into their own forces.⁶⁴

D. INEQUALITY AND DISPLACEMENT AS HUMAN TRAFFICKING FACTORS

Economic inequality further heightens the susceptibility of Colombians to become victims of human trafficking. While the economy has been growing at a fairly steady rate over the last three years, overall income distribution is quite unequal. Colombia's Gini index (a measure of inequality in the distribution of family income) is 55.9, placing it as one of the ten worst of the 140 countries for which data is available, and a full third of the population lives below the poverty line.⁶⁵ Considering the destitute state in which many Colombians live, it is understandable that some want to believe traffickers' promises of a better life. Furthermore some victims may consider their exploitation preferable to other depravities and injustices they believe could await them outside their current situation (an idea often reinforced by their captors).

These economic factors coupled with violence in rural areas have displaced many Colombians making them exponentially more vulnerable to trafficking. According to the Central Intelligence Agency, "Colombia is the largest source of Latin American refugees in Latin America."⁶⁶ In 2005, Human Rights Watch reported that "after Sudan, Colombia

⁶¹ Human Rights Watch, *"You'll Learn Not to Cry: Child Combatants in Colombia"* (New York: Human Rights Watch, 2003), 4–5, <http://www.hrw.org/reports/2003/colombia0903/colombia0903.pdf>.

⁶² *Ibid.*, 4, 6.

⁶³ *Ibid.*, 10.

⁶⁴ Coalition to Stop the Use of Child Soldiers, "Child Soldiers," 24.

⁶⁵ Central Intelligence Agency, "The World Factbook: South America: Colombia," June 22, 2014, <https://www.cia.gov/library/publications/the-world-factbook/geos/co.html>.

⁶⁶ *Ibid.*

has the world's largest internal displacement crisis. In the last three years alone, nearly 5 percent of Colombia's 43 million people has been forcibly displaced...because of the country's armed conflict."⁶⁷ War has displaced hundreds of thousands of women and children in Colombia, with the vast majority moving from rural to urban areas.⁶⁸ These individuals "are disproportionately affected by unemployment, discrimination and lack of access to training opportunities to enter the labour market; they are therefore among the groups in the country that are most vulnerable to human trafficking."⁶⁹ While Colombia has a program to help the internally displaced, registration can be confusing and, of those that succeed, only about half received assistance which was usually limited to three months.⁷⁰

There is also a correlation between victimization and poor people moving out of rural areas and into affluent urban neighborhoods.⁷¹ This phenomenon holds true both domestically and internationally, where there are vast differences between industrialized and developing countries.⁷² Whether this relationship is more causal or incidental, however, requires further research. For, as Lehti and Aromaa point out, there is also a correlation between economic inequality, drugs, and prostitution (including trafficking for sexual exploitation).⁷³ More directly, there is also a correlation between drug traffickers, insurgents, guerrillas, and terrorists—all of which operate in Colombia—who use humans as a commodity that, unlike drugs, can be sold multiple times.⁷⁴ In sum, there are a wide range of factors creating an unfortunate synergy wherein many

⁶⁷ Michael Bochenek, "Colombia: Displaced and Discarded: The Plight of Internally Displaced Persons in Bogotá and Cartagena," *Human Rights Watch* 17, no. 4(B) (2005): 3, <http://www.hrw.org/sites/default/files/reports/colombia1005.pdf>.

⁶⁸ Human Rights Watch, *Child Combatants in Colombia*, 6; Bochenek, "Colombia," 19.

⁶⁹ Hunter, *Human Trafficking and Business: Good Practices to Prevent and Combat Human Trafficking*, 41.

⁷⁰ Bochenek, "Colombia," 4–5.

⁷¹ Lehti and Aromaa, "Trafficking for Sexual Exploitation," 133.

⁷² *Ibid.*, 138.

⁷³ *Ibid.*

⁷⁴ Shelley, *Human Trafficking*, 2010, 87.

Colombians are more likely to take risks increasing their vulnerability to be trafficked and incentivizing traffickers to operate in the country.

E. THE OFFICIAL COLOMBIAN POSITION ON HUMAN TRAFFICKING

Regardless of the nature and scope of human trafficking in Colombia, all aspects have been criminalized through Law 985, which prohibits “the capture, transfer, or receipt of a person within the country or overseas for the purposes of exploitation.”⁷⁵ Article 219 of the criminal code also penalizes organizing or facilitating sex tourism, but, as of 2013, authorities had not prosecuted anyone under the statute.⁷⁶ Since 1971, the government has substantially reformed their criminal justice system several times and added many new laws.⁷⁷ Some of the laws, however, address activities better handled outside the criminal system, so the net effect has been general inefficiency and a massive judicial backlog.⁷⁸

While Colombia has taken steps to restore efficiency, it has often been at the cost of quality. Judicial reforms started in 1991 created a special unit charged with all criminal investigations and prosecutions, the Fiscal General de la Nación (FGN), in an attempt to streamline the system.⁷⁹ Arguably, however, the FGN has made conditions worse by generating efficiency but at the same time increasing arbitrariness through questionable legal practices.⁸⁰ One of the biggest problems with the new system is that police effectiveness is being measured based on numbers of arrests, which incentivizes capture of petty thieves over more organized crimes such as human trafficking.⁸¹ Additionally, no single entity handles internal trafficking, and some police officers in the local sex

⁷⁵ United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2012*, 122.

⁷⁶ U.S. Department of State, *Trafficking in Persons Report: 2013*, 133.

⁷⁷ Restrepo, “The Pursuit of Efficiency and the Colombian Criminal Justice System,” 173–74.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*, 175.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*, 180.

crimes units that investigate them have “solicited bribes or sexual services in exchange for protecting brothels where trafficking victims were exploited.”⁸²

Strong anti-trafficking laws will have little to no impact on the scope of the problem if implementation is sporadic and punishment is unlikely. As Shelley points out, in contrast to narcotics traffickers, “few human traffickers are incarcerated and almost none have lost the proceeds of their crime.”⁸³ Mark Ungar and Ana Laura Magaloni explain that, “for the system to work as a deterrent, citizens and potential delinquents must perceive that the detention and punishment of offenders is likely,” but that “penal institutions in Latin America are unable to apprehend dangerous delinquents efficiently, which means that the deterrence does not work well in that region.”⁸⁴ Likewise, “lack of interagency coordination and adequate resources hinder efforts to more effectively combat child labor and human trafficking.”⁸⁵ Additionally, while the FARC and other non-state armed groups continue to recruit children from Colombia, Ecuador and Panama, the Colombian government has not broached the issue during ongoing peace negotiations.⁸⁶

Colombia partially justifies its slow progress as a failure of the international community. In a 2008 statement to the United Nations, Maria Isabel Nieto, Colombia’s Vice-Minister of Interior, claimed “Colombia is a leader in the fight against Human Trafficking, not only in Latin America, but also in the Western Hemisphere,” but lamented that “in spite of the efforts, to date the international response to Human

⁸² U.S. Department of State, *Trafficking in Persons Report: 2011* (Washington, DC: U.S. Department of State, 2011), 126, <http://www.state.gov/j/tip/rls/tiprpt/2011/index.htm>.

⁸³ Shelley, *Human Trafficking*, 2010, 88.

⁸⁴ Mark Ungar and Ana Laura Magaloni, “Latin America’s Prisons: A Crisis of Criminal Policy and Democratic Rule,” in *Criminality, Public Security, and the Challenge to Democracy in Latin America*, ed. Marcelo Bergman and Laurence Whitehead (Notre Dame, IN: University of Notre Dame Press, 2009), 244.

⁸⁵ Bureau of International Labor Affairs, *2012 Findings on the Worst Forms of Child Labor* (Washington, DC: U.S. Department of Labor, 2013), 157, <http://www.dol.gov/ilab/reports/pdf/2012TDA.pdf>.

⁸⁶ *Ibid.*, 158.

Trafficking has proved partial and insufficient.”⁸⁷ She called for the “adoption of concrete actions...in accordance with *the principle of shared responsibility*” to the worldwide problem.⁸⁸ For Ms. Nieto, demand and complacency are the primary problems.

F. FEAR IMPEDES THE FIGHT AGAINST HUMAN TRAFFICKING

Fear is another great inhibitor of the criminal justice system, and Colombia has done little to ensure the safety of victims who wish to come forward. Victims worry not only about themselves, but also their families at home since they are often the subject of coercive threats—threats that traffickers do not make idly.⁸⁹ For this reason, the U.S. Department of State Trafficking in Persons reports have consistently cited problematic witness protection programs as a contributing factor to the strangled success of anti-trafficking efforts in the country. Using words such as “limited,” “underfunded,” “ineffective,” and “inadequate,” the reports describe a system that is unable to overcome the victims’ reluctance to testify.⁹⁰ Fear not only keeps victims and witnesses from cooperating with the criminal justice system, but also affects officials. Public prosecutors, investigators, and judges must choose to either absolve criminals, “or condemn the culprit but pay with their life or at the cost of the safety or tranquility of their families.”⁹¹ Between 1979 and 1991, “forty judges per year were the victims of violence,” and even after legally safeguarding the anonymity of judges and prosecutors working on serious crimes, “the level of violence against judges in Colombia is still high by international standards.”⁹² Again, the danger of retribution is significantly higher in cases of organized

⁸⁷ Maria Isabel Nieto, “Colombia Mission to UN Statement on Human Trafficking” (United Nations, June 3, 2008), <http://www.un.org/ga/president/62/ThematicDebates/humantrafficking/colombia.pdf>.

⁸⁸ *Ibid.* Emphasis in original.

⁸⁹ Shelley, *Human Trafficking*, 2010, 109.

⁹⁰ Information drawn from report years 2001 through 2013 and the respective page numbers are as follows: 18, 40, 48, 230, 85, 94, 82, 95, 108, 116, 125, 121, and 133 at U.S. Department of State, “Trafficking in Persons Report.”

⁹¹ Restrepo, “The Pursuit of Efficiency and the Colombian Criminal Justice System,” 194.

⁹² *Ibid.*, 196–97.

crime; therefore “Even when publicly known hard criminals are caught, there is often no evidence to prosecute them.”⁹³

G. THE DEMAND SIDE OF HUMAN TRAFFICKING

Of course, if there were no demand for the products of human trafficking, there would be few perpetrators needing prosecution. Like the illegal drug trade, researchers have made a strong case for understanding the importance of human trafficking demand on rates of victimization. To remain competitive in domestic and international markets for these goods, it helps to be able to pay your workers as little as possible, and human trafficking is a tempting source of cheap labor. Additionally, the legal nature of prostitution in Latin America and other areas of the world fuels human trafficking for sexual exploitation and complicates victim detection. Experts estimate somewhere between 400,000 and 2,500,000 victims are trafficked annually in the Americas, with Colombia being one of the top-three source countries.⁹⁴ Citizens are routinely trafficked within the country and region as well as to other areas of the world including Belgium, Britain, Germany, Hong Kong, Japan, the Netherlands, Singapore, Spain, and the United States.⁹⁵ All of these countries have legal or limitedly legal prostitution.⁹⁶ Neither the UN nor the U.S. protocols on human trafficking directly address the issue of prostitution; consequently, there is no correlation between prostitution laws and TVPA tier ranking.

As with most crimes, human trafficking is a covert activity that may be difficult to identify even when interacting with the perpetrators or victims. Not all women engaged in the sex trade are victims of trafficking, not all migrant workers are performing forced labor, and not everyone engaged in human smuggling is participating in human trafficking. While the uncertainty of victimization frustrates those actively working to

⁹³ Ibid., 195.

⁹⁴ Lehti and Aromaa, “Trafficking for Sexual Exploitation,” 199.

⁹⁵ Ibid., 202.

⁹⁶ ProCon.org, “100 Countries and Their Prostitution Policies,” November 4, 2009, <http://prostitution.procon.org/view.resource.php?resourceID=000772>; Bureau of Democracy, Human Rights, and Labor, *2008 Human Rights Report: China (includes Tibet, Hong Kong, and Macau)* (Washington, DC: U.S. Department of State, February 25, 2009), <http://www.state.gov/j/drl/rls/hrrpt/2008/eap/119037.htm>.

eradicate the problem, it has the inverse effect on those who indirectly profit from it. For example, shoppers looking for the lowest price can ignore the paltry wages paid to some workers and johns can justify paying for sex—they just have to tell themselves that some people might be exploited, but certainly not the ones they know about; they are just people who are willing to do some unsavory things because they need the money. In the Netherlands, for example, which is one of the top countries of export for Colombians trafficked into the sex industry, “Amsterdam’s Red Light District is a major tourist destination for buyers seeking commercial sexual services.”⁹⁷ Many women there are trapped by pimps who charge them exorbitant amounts for rent and other necessities and often keep their legal documents to ensure the women cannot escape.⁹⁸

Corruption and complicity in business and government inhibit otherwise effective anti-trafficking measures.⁹⁹ Louise Shelley, a leading U.S. expert on transnational crime, argues that “the profits involved and the demand for trafficked people are so significant that awareness campaigns are not enough to prevent the continued growth of trafficking and smuggling.”¹⁰⁰ There is a strong push-pull force incentivizing criminals to facilitate human trafficking; potential victims to be less wary than they should; and customers, beneficiaries, and government officials to ignore probable indicators. Shelley reasons that trafficking could not exist without the legitimate community’s complicity.¹⁰¹ She explains that “newspapers run advertisements for escort services, apartment owners rent to brothel keepers, hotels even facilitate trafficking rings by providing women to their customers,” and “factories contract with human smugglers and traffickers to provide them needed manpower even though these employers know these workers have no work

⁹⁷ Shared Hope International, “Demand: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States” (September 2009), 49, <http://sharedhope.org/wp-content/uploads/2012/09/DEMAND.pdf>.

⁹⁸ *Ibid.*, 52–53.

⁹⁹ Louise Shelley, “Human Trafficking as a Form of Transnational Crime,” in *Human Trafficking*, ed. Maggy Lee (Portland, OR: Willan Publishing, 2007), 133, books.google.com/books?isbn=1843922428.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

permits.”¹⁰² In short, the very people in positions to identify and curtail trafficking are often those actively or passively supporting it.¹⁰³

H. CONCLUSION

In conclusion, researchers have said a lot about human trafficking in Colombia, but what remains is to tie it all together. An analysis is needed that identifies the main barriers to progress, including specific programs and their likely reasons for failure, and illuminates the correlation between capability and will to eliminate human trafficking in Colombia. This thesis provides just such a critical examination, without which anti-human trafficking efforts are doomed to remain ineffective.

¹⁰² Ibid.

¹⁰³ Shelley, *Human Trafficking*, 2010, 103.

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III. COLOMBIAN ANTI-TRAFFICKING PROGRAMS AND EFFORTS

When the United States first officially identified Colombia as a major source for human trafficking, U.S. officials also hailed the Colombian government as a leader in the fight against human trafficking. From the first Trafficking in Persons report in 2001 through the 2013 publication, the U.S. Department of State ranked Colombia as a “Tier 1 state”—the top grade—signifying full compliance with the Victims of Trafficking and Violence Protection Act of 2000’s minimum standards for the elimination of human trafficking.¹⁰⁴ In 2004, the U.S. Department of State praised:

The [Colombian] government has shown political will at the highest levels to address one of the largest national outflows of trafficking victims in the Western Hemisphere, brought about by a guerrilla insurgency and narco-criminal enterprises. In response, the government’s inter-agency committee is a model for the hemisphere: coordinating prevention campaigns, promoting law enforcement, launching a criminal database, and facilitating intra-government cooperation.¹⁰⁵

Ten years later, the State Department dropped Colombia’s top-tier ranking for the first time, citing, among other issues, the lack of any “tangible results” in efforts to combat human trafficking from the previously-lauded model program.¹⁰⁶ What happened to cause such a dramatic change in Colombia’s anti-trafficking efforts? The simple answer is: almost nothing.

Colombian government efforts seldom rose above the bare minimum required to placate U.S. officials and “earn” a Tier 1 ranking—it just took a while for the United States to start ranking Colombia based on merit rather than political goodwill. This chapter argues that the Colombian government has focused its anti-trafficking efforts

¹⁰⁴ For annual Tier 1 rankings, see the Colombia country section in reports dated 2001 through 2013 U.S. Department of State, “Trafficking in Persons Report”; U.S. Department of State, *Trafficking in Persons Report: 2001* (Washington, DC: U.S. Department of State, 2001), 5, <http://www.state.gov/documents/organization/4107.pdf>.

¹⁰⁵ U.S. Department of State, *Trafficking in Persons Report: 2004* (Washington, DC: U.S. Department of State, 2004), 230, <http://www.state.gov/j/tip/rls/tiprpt/2004/index.htm>.

¹⁰⁶ U.S. Department of State, *Trafficking in Persons Report: 2014*, 137.

mainly on high-profile problems as necessary to remain in the good graces of the international community, while doing little to resolve the underlying issues or enforce preventative measures domestically. This chapter will discuss the Colombian legal framework against human trafficking then analyze the government's actions and inactions regarding sex tourism, public awareness, anti-trafficking organization, training, victim protection, and prosecution of perpetrators.

A. THE COLOMBIAN LEGAL FRAMEWORK AGAINST HUMAN TRAFFICKING

Laws are the foundation for a solid anti-trafficking program, and Colombia has created a suitable set of them. In 1996, Colombian President Ernesto Samper Pizano established the Interinstitutional Committee to Combat Trafficking in Persons (Comité Interinstitucional para la Lucha contra el Tráfico de Mujeres).¹⁰⁷ As justification, he cited article 13 of the Colombian National Constitution, which holds that “all people are born free and equal before the law and establishes a State obligation to protect the weak and punish any abuse or mistreatment perpetrated against them.”¹⁰⁸ The government enacted a law in 2001 that established human trafficking as a distinct crime, then broadened the definition and stiffened penalties in 2002 and 2004.¹⁰⁹ In August of 2005, the government enacted Law 985 of 2005, “making a victim’s consent to his or her movement irrelevant in proving whether trafficking has occurred,” and formally charging “the Interinstitutional Committee to Combat Trafficking in Persons, headed by the Minister of Interior and Justice, with coordinating antitrafficking policies and developing

¹⁰⁷ *La Republica de Colombia Decreto 1974 de 1996, 1974*, vol. 42.912, 1996, http://www.icbf.gov.co/cargues/avance/docs/decreto_1974_1996.htm.

¹⁰⁸ *Ibid.* My translation.

¹⁰⁹ U.S. Department of State, *Trafficking in Persons Report: 2002* (Washington, DC: U.S. Department of State, 2002), 40, <http://www.state.gov/j/tip/rls/tiprpt/2002/index.htm>; U.S. Department of State, *Trafficking in Persons Report: 2003* (Washington, DC: U.S. Department of State, 2003), 48, <http://www.state.gov/j/tip/rls/tiprpt/2003/index.htm>; U.S. Department of State, *Trafficking in Persons Report: 2005* (Washington, DC: U.S. Department of State, 2005), 85, <http://www.state.gov/j/tip/rls/tiprpt/2005/index.htm>.

a comprehensive national action plan.”¹¹⁰ At this point, Colombia had laid a solid legal framework for human trafficking prevention, victim assistance, and criminal prosecution.

B. A CASE STUDY OF CHILD SEX TOURISM IN COLOMBIA

In addition to standard human trafficking laws, the government recognized the plight of minors ensnared in the business of sex tourism in Colombia and took steps to ward off the practice. A candid quote by a retired U.S. schoolteacher in 2007 is indicative of the nature of the sex-tourism problem:

On this trip, I’ve had sex with a 14-year-old girl in Mexico and a 15-year-old in Colombia. I’m helping them financially. If they don’t have sex with me, they may not have enough food. If someone has a problem with me doing this, let UNICEF feed them.¹¹¹

Employees of Fundación Renacer, a civil service organization in Colombia that is “dedicated to eradicating the commercial sexual exploitation of boys, girls, and adolescents,” help describe the Colombian sex trafficking environment.¹¹² In 2008, a news website quoted Mayerlin Verqara Perez, a Fundación Renacer program coordinator, as saying: “It’s become a lot worse in the last 10 years...there are more children doing sex work and they’re starting younger.”¹¹³ In another interview for the same news outlet, Fabian Cardenas, regional director of Fundación Renacer, explained that the situation was complicated because adults were facilitating the trade:

“The authorities are doing a lot of surveillance, but the simple fact of looking like a tourist means you’re likely to be offered these things by people working in the informal tourism industry.” Cardenas said it was common for male tourists to be approached by waiters, bellhops and taxi drivers offering introductions to sex workers and escort services. Even the

¹¹⁰ U.S. Department of State, *Trafficking in Persons Report: 2006* (Washington, DC: U.S. Department of State, 2006), 94–95, <http://www.state.gov/j/tip/rls/tiprpt/2006/>.

¹¹¹ U.S. Department of State, *Trafficking in Persons Report: 2008* (Washington, DC: U.S. Department of State, 2008), 15, <http://www.state.gov/j/tip/rls/tiprpt/2008/index.htm>.

¹¹² Fundación Renacer, “Quiénes Somos Nosotros,” accessed February 3, 2015, <http://fundacionrenacer.org/?p=12>.

¹¹³ PlusNews, “Colombia: Sex Tourism Booming on the Caribbean Coast,” *IRINnews*, November 18, 2008, <http://www.irinnews.org/report/81528/colombia-sex-tourism-booming-on-the-caribbean-coast>.

drivers of the horse-drawn carriages that ferry tourists around the old city earn a commission for delivering clients to sex clubs.¹¹⁴

In response to the sexual trafficking of minors, the Colombian government amended Article 219-A of the Colombian criminal code in 2008 to make offering or facilitating the sexual services of minors a crime punishable by a prison term from ten to fourteen years and a monetary fine.¹¹⁵ Additionally, the government “targeted and provided information to tourism industries in 23 Colombian cities to prevent commercial sexual exploitation.”¹¹⁶ Again, it seemed as though the government was off to a good start.

Nevertheless, a new law and some propaganda were not enough to make the sex tourism problem shrink substantially. Fundación Renacer claims on their website home page that 48,915 sexual victims younger than 18 years old were identified in Colombia between 2008 and 2012.¹¹⁷ While the source of this number is not apparent and may be inflated, the Colombian government also indicated a continuing problem within the Country. The Colombian Child Welfare Institute (ICBF), a government agency, cited 49 cases of child sex tourism in 2011 and “reported identifying 415 children in prostitution through September 2012.”¹¹⁸ Admittedly, there is a noticeable discrepancy between the numbers reported by the Colombian government (which is likely low) and Fundación Renacer (which is likely high), but the fact remains that sex trafficking of minors remained a known issue in Colombia. Consequently, the government tried again in 2012, developing a national strategy geared toward “the prevention of sexual exploitation of children in the context of travel and tourism,” in which it “worked with civil society to certify hotels and tourism establishments committed to combating sexual exploitation of

¹¹⁴ Ibid.

¹¹⁵ *Delitos Contra La Libertad, Integridad Y Formación Sexuales, Ley 1236*, vol. 47.059, 2008, http://www.oas.org/dil/esp/Ley_1236_de_2008_Colombia.pdf.

¹¹⁶ U.S. Department of State, *Trafficking in Persons Report: 2009* (Washington, DC: U.S. Department of State, 2009), 108–109, <http://www.state.gov/j/tip/rls/tiprpt/2009/index.htm>.

¹¹⁷ Fundación Renacer, “Fundación Renacer,” accessed February 3, 2015, <http://fundacionrenacer.org/>.

¹¹⁸ U.S. Department of State, *Trafficking in Persons Report: 2012* (Washington, DC: U.S. Department of State, 2012), 123, <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>; U.S. Department of State, *Trafficking in Persons Report: 2013*, 132.

children.”¹¹⁹ This pattern of creating new laws, strategies, and propaganda, however, was sabotaged by a lack of dedicated follow-through.

While the necessary human trafficking laws were in place, officials never closed the loop with the criminal justice system. Despite clear evidence that many individuals were offering and facilitating the sexual services of minors (acts strictly prohibited by Colombian law in 2008), as of the 2014 Trafficking in Persons report, Colombia had not convicted anyone under the statute.¹²⁰ Ironically, Canada has used a similar law multiple times, including at least once for offenses committed in Colombia. In July 2010, the *Canadian Press* reported that a judge had ordered 11 years in prison for a 59 year-old man who was caught trying to ship home 21 homemade DVDs chronicling his sexual exploits with minors and who “admitted to having sex with girls ranging in age from eight to 14” in Colombia and Cambodia.¹²¹

The lack of convictions cannot be tied to elimination of the problem through other means, because it has not stopped. Recent reporting indicates that sex tourism is still a major problem in Colombia—and the government knows it. In October 2014, the *Miami Herald* reported that “Colombian and U.S. authorities, working with two nonprofit groups, staged three simultaneous raids in the cities of Cartagena, Medellin and Armenia. By the time the busts were over, 55 children, some as young as 11 and 12, had been rescued from sex-traffickers.”¹²² That same year, Colombian authorities, in conjunction with United States Immigration and Customs, arrested nine people, including a former

¹¹⁹ U.S. Department of State, *Trafficking in Persons Report: 2013*, 133.

¹²⁰ U.S. Department of State, *Trafficking in Persons Report: 2008*, 95; U.S. Department of State, *Trafficking in Persons Report: 2012*, 123; U.S. Department of State, *Trafficking in Persons Report: 2013*, 133; U.S. Department of State, *Trafficking in Persons Report: 2014*, 137.

¹²¹ Terri Theodore, “Crown Wants 12-Year Term for Cdn Sex Tourist Who Abused in Colombia, Cambodia,” *Canadian Press*, July 22, 2010, <http://search.proquest.com.libproxy.nps.edu/docview/645277584/6F1E174C6DD24778PQ/5?accountid=12702>; Tamsyn Burgmann, “Cdn Sex Tourist Gets 11 Years for Sex with Young Girls in Colombia, Cambodia,” *Canadian Press*, July 28, 2010, <http://search.proquest.com.libproxy.nps.edu/docview/733077462/6F1E174C6DD24778PQ/6?accountid=12702>.

¹²² Jim Wyss, “Authorities Seek U.S. Links After Colombian Child-Sex Sting,” *Miami Herald*, October 30, 2014, <http://www.miamiherald.com/news/nation-world/world/americas/colombia/article3470873.html>.

beauty pageant queen, on child-prostitution charges.¹²³ Commenting on the raids, Luis Gonzalez, with Colombia's attorney general's office, admitted that child-sex trafficking "is a problem that worries us greatly because it's growing exponentially."¹²⁴ As the *Miami Herald* reported: "Not only is the government seeing an increase in the number of travelers searching for underage sex, but it has also detected larger, more-sophisticated operations; 'one of the things that worries us is the link between business conferences and the illegal sex trade,' Gonzalez said."¹²⁵ Regardless of how worried the government actually is or not, the fact remains that up until now they have failed to use the legislation in place to help fight child sex tourism.

While the more recent raids noted above might indicate a renewed interest in curtailing the sex trade in Colombia, it is unlikely a concern originating from the Colombian government. Both anti-trafficking operations were done with U.S. assistance, illuminating once again the role external actors play on the Colombian government's efforts to combat human trafficking. Colombia says all the right things and enacts the right laws, but usually only acts when induced to do so by international attention or pressure and usually fails with critical follow-through activities.

Traffickers seem to have picked up on this hands-off approach. In spite of the raids and arrests, Colombians do not seem to be deterred from participating in the child sex-trade. Meredith Hoffman's interview of a cabbie in Colombia in early 2015 illustrates this point well:

Luis, a cabbie, told me he handles about 10 different prostitutes, some minors and some of legal age. He drives the girls to clients and takes passengers to the girl of their choice. 'I have the luck of always picking up foreigners who come for this,' Luis told VICE News. Fares give him anywhere between \$30 and \$100 for being taken to a girl, depending on

¹²³ Nicolas Bedoya, "Cartagena Beauty Queen Arrested in Child Sex Tourism Ring Bust," *Colombia Reports*, October 14, 2014, <http://colombiareports.co/beauty-queen-among-five-arrested-cartagena-child-sex-tourism-ring-bust/>.

¹²⁴ Wyss, "Colombian Child-Sex Sting."

¹²⁵ *Ibid.*

how beautiful she is. ‘The underage girls always earn more, for being young.’¹²⁶

Luis seemed only too happy to reveal his participation in trafficking minors for sexual exploitation, even boasting that younger meant more money for him. It is quite likely that the reason the illicit Colombian trade in child sex continues to grow is because the government has yet to prove their commitment to solving the problem by prosecuting and convicting the individuals who facilitate it. It remains to be seen whether these most recent crackdowns will bear any fruit in court, but there is little historical evidence to believe that it will of its own accord.

C. A CHALLENGE: LOW COLOMBIAN PUBLIC INTEREST IN COMBATING HUMAN TRAFFICKING

As evidenced by the case of sex tourism and minors, combating human trafficking in Colombia requires more than just good laws; it requires the concerted participation of officials and the general citizenry. The reality is, however, that human rights violations such as trafficking in persons are not the top priority for most Colombians. AmericasBarometer conducted surveys in Colombia between 2005 and 2010, asking citizens what they believed to be the “gravest problem confronting Colombia” and giving them a number of options, ranging from “water” or “beggars” to “terrorism” and “human rights violations;” Table 1 lists the top responses.¹²⁷ Despite an extensive list of documented human rights abuses by the government, military, and non-state actors in Colombia, issues of violence and unemployment greatly overshadow the problem.¹²⁸

¹²⁶ Meredith Hoffman, “Sex Tourism Drives Underage Prostitution Boom in Cartagena, Colombia,” *VICE News*, January 7, 2015, <https://news.vice.com/article/sex-tourism-drives-underage-prostitution-boom-in-cartagena-colombia>.

¹²⁷ Data compiled from annual surveys between 2005 and 2010 in Latin American Public Opinion Project, “The AmericasBarometer,” accessed January 2, 2015, <http://www.LapopSurveys.org>.

¹²⁸ Bureau of Democracy, Human Rights, and Labor, *2010 Country Reports on Human Rights Practices: Colombia* (Washington, DC: U.S. Department of State, 2011), 1–2, <http://www.state.gov/j/drl/rls/hrrpt/2010/index.htm>; Latin American Public Opinion Project, “AmericasBarometer”; The only exception was 2008 when the Colombian military successfully rescued former Colombia presidential candidate Ingrid Betancourt and fourteen other hostages from the FARC, making international news and raising kidnapping up to the second gravest problem, which pushed unemployment to third. See Chris Kraul, “15 Hostages Freed as FARC Is Fooled in Cunning Operation,” *Los Angeles Times*, July 3, 2008, <http://www.latimes.com/world/la-fg-hostages3-2008jul03-story.html#page=1>.

Table 1. Survey responses to the question “What is the gravest problem confronting Colombia?” indicate a low concern for human rights violations among Colombian citizens (answers are listed by year as a percentage of total answers).¹²⁹

	2005	2006	2007	2008	2009	2010
Unemployment	23.77	23.77	20.71	13.21	26.06	28.89
Violence	29.17	32.72	31.40	27.03	17.89	17.69
Armed Conflict	8.44	4.12	6.47	8.99	4.25	4.02
Economic Situation*	5.00	4.39	2.04	2.95	12.36	10.12
Kidnapping	0.47	0.61	8.04	*22.07	2.30	1.81
Human Rights Violations	0.27	0.27	0.61	0.20	0.54	0.54

*In 2009 the potential response was changed from *economy* to *economic problems/crisis*

**The Colombian military rescued fifteen FARC captives this year—a highly publicized event

These survey answers should not be taken to mean that Colombians are ignorant of the human trafficking problem in their country—only that most acknowledge more immediate threats to their well-being. On the other hand, it must not be assumed that citizens are as aware as they should be about the prevalence of human trafficking and what they can do to inhibit its growth. Regardless of how one interprets the results, the argument remains: combatting human trafficking requires public assistance, and citizens will only become involved once they are convinced of the gravity of the problem. Hence, awareness campaigns are integral to any successful anti-trafficking strategy.

D. HUMAN TRAFFICKING AWARENESS CAMPAIGNS—MORE FOR SHOW THAN EFFECT?

Colombian officials, in concert with NGOs, have made multiple attempts to raise public awareness of human trafficking through a variety of media. For example, the Ministry of Justice worked in 2001 to include a trafficking story line into a national soap opera, and UNODC did the same in 2005.¹³⁰ Between 2006 and 2008, the government worked with NGOs to spread awareness through print, radio, and television, sometimes

¹²⁹ Data compiled from annual surveys between 2005 and 2010 in Latin American Public Opinion Project, “AmericasBarometer.”

¹³⁰ U.S. Department of State, *Trafficking in Persons Report: 2002*, 402006; U.S. Department of State, *Trafficking in Persons Report: 2006*, 35.

using celebrities to get the message out, and introduced an anti-trafficking website, which used the catchphrase: “the next victim could be you.”¹³¹ In 2010, the Ministry of Education formalized awareness efforts by adding trafficking in persons information to their sexual education curriculum.¹³² And, by the end of 2013, with the help of international organizations, every department in Colombia had established anti-trafficking committees, a number of which may have initiated some form of local awareness campaigns.¹³³ Thus, public awareness campaigns have operated fairly regularly in Colombia over the years.

Certain awareness campaigns have also targeted specific populations at risk to human trafficking. In 2009, the National University of Colombia, the Ministry of the Interior and of Justice, and UNODC reported that “modeling and beauty competitions were the most widely employed means used by traffickers to lure young women into exploitative situations, including for the purpose of sexual exploitation.”¹³⁴ In response, pageant coordinators distributed information on human trafficking identification and ways to avoid becoming a victim to 750 girls and 176 parents.¹³⁵ In a more hands-on approach, beginning in 2002, and continuing through at least 2004, the government sent officials to try to identify potential victims at airports and inform them about the risks of human trafficking.¹³⁶ During this time government agents were, reportedly, able to dissuade dozens of potential victims from boarding planes by telling them their job offers

¹³¹ U.S. Department of State, *Trafficking in Persons Report: 2007* (Washington, DC: U.S. Department of State, 2007), 82, <http://www.state.gov/j/tip/rls/tiprpt/2007/index.htm>; U.S. Department of State, *Trafficking in Persons Report: 2008*, 95; U.S. Department of State, *Trafficking in Persons Report: 2009*, 108–109.

¹³² U.S. Department of State, *Trafficking in Persons Report: 2010* (Washington, DC: U.S. Department of State, 2010), 117, <http://www.state.gov/j/tip/rls/tiprpt/2010/index.htm>.

¹³³ U.S. Department of State, *Trafficking in Persons Report: 2013*, 133.

¹³⁴ United Nations Office on Drugs and Crime, “In Colombia, Beauty Pageant Contestants Get Involved in Fighting Human Trafficking,” September 8, 2010, <https://www.unodc.org/unodc/en/frontpage/2010/September/colombia-uses-modeling-competition-to-educate-public-on-human-trafficking.html>.

¹³⁵ *Ibid.*

¹³⁶ U.S. Department of State, *Trafficking in Persons Report: 2003*, 48; U.S. Department of State, *Trafficking in Persons Report: 2004*, 33, 230; U.S. Department of State, *Trafficking in Persons Report: 2005*, 85.

were likely fraudulent and warning them of the potential dangers they faced.¹³⁷ Given this information, it would seem that the Colombian government has been intent on curtailing human trafficking in the country.

Upon closer inspection, however, the government's efforts appear to be more for the international community's benefit than for the victims of trafficking. While the Colombian government happily reported successes at airports, the U.S. Department of State warned that "Colombia's land border and seaports are poorly monitored," and "despite prevention efforts, this outbound trafficking continues largely unabated."¹³⁸ And at the same time the government was touting its ever-increasing number of anti-trafficking committees, the U.S. Department of State reported that the committees "maintained varying degrees of activity and civil society actors noted that some existed in name only."¹³⁹ Moreover, in 2005, the U.S. Department of State admonished that the Colombian government "relied heavily on NGOs and international organizations to educate officials and the public about trafficking."¹⁴⁰ The themes of overreliance and showboating have continued to appear through current reporting.¹⁴¹

Even one of the most promising programs has been neglected in spite of its apparent utility and popularity. In 2007 the government took over a national call center, which was originally set up by the IOM.¹⁴² The center operated as a human trafficking hotline for citizens to call with questions or to report suspected trafficking incidents, and received over 9,000 calls—mostly inquiries about the legitimacy of advertised job opportunities—before shutting down in 2010 due to a lack of funding.¹⁴³ After reopening a little over a year later, it fielded some 8,000 calls in the first six months and was still

¹³⁷ U.S. Department of State, *Trafficking in Persons Report: 2003*, 482; U.S. Department of State, *Trafficking in Persons Report: 2004*, 33.

¹³⁸ U.S. Department of State, *Trafficking in Persons Report: 2004*, 230.

¹³⁹ U.S. Department of State, *Trafficking in Persons Report: 2013*, 133.

¹⁴⁰ U.S. Department of State, *Trafficking in Persons Report: 2005*, 85.

¹⁴¹ U.S. Department of State, *Trafficking in Persons Report: 2014*, 137.

¹⁴² U.S. Department of State, *Trafficking in Persons Report: 2008*, 95.

¹⁴³ *Ibid.*; U.S. Department of State, *Trafficking in Persons Report: 2009*, 108–109; U.S. Department of State, *Trafficking in Persons Report: 2010*, 117; U.S. Department of State, *Trafficking in Persons Report: 2012*, 123.

operating as of last reporting, but NGOs have recently reported that “the hotline was not always answered, and staff members were not adequately trained.”¹⁴⁴ The lack of funding, personnel to answer phones, and proper training indicate better than any public statements the government’s level of dedication to the program: very low indeed. As the evidence piles up against Colombia, incidents that might be viewed as anomalies individually, together form a picture of governmental concern for appearances but debilitating lack of interest in committing the resources necessary to genuinely turn things around.

E. A DEFUNCT ANTI-TRAFFICKING SYSTEM HAMPERS PROGRESS

The Colombian government’s apathy toward human trafficking is further evidenced by the fundamental faults of its anti-trafficking system. The 2014 Trafficking in Persons report described, in part, the state of disrepair of Colombia’s anti-trafficking apparatus:

While Colombian law penalizes all forms of trafficking, governmental structures and law enforcement practices did not reflect this comprehensive approach. Data collection remained strong on law enforcement efforts against transnational trafficking but was uneven on efforts against internal sex trafficking and forced labor. As in previous years, one prosecutor handled all transnational trafficking cases for the entire country and faced a significant caseload. The government assigned only one prosecutor in Bogotá to oversee cases of internal trafficking in the city, with no reduction in prior workload. Outside of Bogotá, local prosecutors handled internal trafficking cases as well as prosecutions for other crimes. Many of these prosecutors were overburdened, underfunded, and lacked trafficking expertise. Law enforcement officers reported that social workers and other officials interacting with potential trafficking victims, such as children in commercial sexual exploitation, did not always refer these cases for criminal investigation. In some cases, this was because officials inaccurately believed that it was permissible under Colombian law for a child between 14 and 18 to engage independently in commercial sex; any minor engaging in prostitution for the benefit of a third-party, including a family member, is a trafficking victim. Colombian authorities did not consider forced child recruitment by illegal armed groups to be human trafficking, but rather a war crime. Children forced to

¹⁴⁴ U.S. Department of State, *Trafficking in Persons Report: 2012*, 123; U.S. Department of State, *Trafficking in Persons Report: 2014*, 137.

engage in criminal activity by organized criminal groups, as well as former child soldiers who did not leave illegal armed groups before turning 18, were not explicitly included in the trafficking definition in the law, and authorities did not investigate these cases as human trafficking.¹⁴⁵

These critiques highlight the systemic problem in Colombia of the government publicizing anti-trafficking programs but failing to achieve the promised outcomes because of subsequent neglect.

One after another, programs and plans suffered from the Colombian *advertise then neglect* syndrome, wherein the government responded in a seemingly appropriate manner whenever a human trafficking issue garnered too much attention, only to abandon their resolve once the spotlight had moved on. In 2007, the U.S. Department of State reported that Colombia did not yet have “a formal mechanism for identifying trafficking victims among vulnerable populations, such as displaced persons or women in prostitution.”¹⁴⁶ The Colombian government quickly responded that it had instituted a database—The Information Registry on Human Trafficking (RITRA)—that the IOM helped create and the Government of the Netherlands helped fund, meant to track and monitor statistics on trafficking cases, including victim information “to help determine areas where Colombians are vulnerable to being trafficked.”¹⁴⁷ The Colombian government also stated it was working to open the Operational Anti-Trafficking in Persons Center (COAT) which would serve as a “central repository of anti-trafficking information for victims.”¹⁴⁸ Again, it seemed that the government was taking appropriate measures to address its shortcomings in fighting human trafficking.

These programs, however, never produced the intended outcome. Three years after implementing its database, Colombia released a government-sponsored study that

¹⁴⁵ U.S. Department of State, *Trafficking in Persons Report: 2014*, 135–36.

¹⁴⁶ U.S. Department of State, *Trafficking in Persons Report: 2008*, 95.

¹⁴⁷ International Organization for Migration, “National Shared Database on Human Trafficking,” August 24, 2007, <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2007/pbn-listing/national-shared-database-on-human-traffi.html>; U.S. Department of State, *Trafficking in Persons Report: 2008*, 94–95.

¹⁴⁸ U.S. Department of State, *Trafficking in Persons Report: 2008*, 94–95.

“noted a need to improve mechanisms for identifying victims of internal trafficking.”¹⁴⁹ In 2011, officials complained their “efforts to investigate trafficking crimes were limited by resources” and a government-sponsored study “highlighted the inconsistency in victim and case data from COAT from 2005 through 2010.”¹⁵⁰ Later, human trafficking experts in Colombia admitted that while the state had created more than one database to gather and track human trafficking information, the government had yet to produce results.¹⁵¹ Without reliable information, the battle against human trafficking in Colombia could gain little traction.

Civil society also worried that Colombia had not properly equipped itself to fight human trafficking. Angela Ospina, Director of CPTP (a Colombian-based think tank on human trafficking), pointed out that the country had advanced laws against human trafficking, including Act 985 of 2005, but lacked the necessary resources for trafficking prevention and victim care.¹⁵² More problematic, in 2011, NGOs and international organizations (IOs) “expressed concern that some government officials had a limited understanding of human trafficking, and could therefore not effectively identify and assist victims.”¹⁵³ Indeed, as of 2014, the U.S. Department of State was still reporting that the Colombian government was not “effectively employing formal procedures to identify trafficking victims among vulnerable populations within the country,” and “civil society organizations were critical of the government’s ability to identify and assist trafficking victims within the country.”¹⁵⁴ It is a poor commentary on the efficacy of human trafficking awareness campaigns in Colombia if the government officials charged with combatting human trafficking do not understand the subject well.

¹⁴⁹ U.S. Department of State, *2010 Country Reports on Human Rights Practices*, 126.

¹⁵⁰ U.S. Department of State, *Trafficking in Persons Report: 2012*, 122.

¹⁵¹ D. F., “Este Domingo, Miles de Razones Para Hablar de La Trata de Personas,” coopercom.CO, September 23, 2012, <http://coopercom.co/inicio/35-internacionales/1022-este-domingo-miles-de-razones-para-hablar-de-la-trata-de-personas->.

¹⁵² Ibid.

¹⁵³ U.S. Department of State, *Trafficking in Persons Report: 2012*, 122.

¹⁵⁴ U.S. Department of State, *Trafficking in Persons Report: 2014*, 136.

F. THE DISCONNECT BETWEEN GOVERNMENT TRAINING AND UNDERSTANDING

If the Colombian government is to be believed, however, their officials should be well trained on human trafficking matters. Yet, the evidence shows a marked deficit in understanding. Since at least 2001, the Colombian government has been working with NGOs and using international assistance to train police and government officials in combatting human trafficking and aiding victims.¹⁵⁵ The government reported coordinating with an IO in 2011 to train more than 400 officials and hundreds more in 2012; they trained prosecutors, judicial officials, police, and other government officials on investigating and prosecuting human trafficking cases and assisting trafficking victims.¹⁵⁶ Additionally, the national government encouraged each department to implement its own anti-trafficking committee and happily reported that, by 2009, fifteen departments had established theirs, with eleven more added the next year, and anti-trafficking committees in all thirty-two departments by the end of 2011.¹⁵⁷ To show off its exemplar programs, the government put on a “national workshop for these departmental committees to share challenges and best practices,” during which “Colombian authorities hosted visiting delegations from Trinidad and Tobago, Chile, and Panama, and shared best practices from the anti-trafficking center with these delegations.”¹⁵⁸ Once more, Colombia appeared to be on the right track but the fruits of their labors would tell a different story.

By 2011, individuals inside and outside the Colombian government were acknowledging the committees’ grave inadequacies. Civil society actors questioned the committees’ efficacy, complaining, as noted previously, that some “existed in name

¹⁵⁵ U.S. Department of State, *Trafficking in Persons Report: 2002*, 40; U.S. Department of State, *Trafficking in Persons Report: 2005*, 85.

¹⁵⁶ U.S. Department of State, *Trafficking in Persons Report: 2012*, 122; U.S. Department of State, *Trafficking in Persons Report: 2013*, 132.

¹⁵⁷ U.S. Department of State, *Trafficking in Persons Report: 2010*, 1172011; U.S. Department of State, *Trafficking in Persons Report: 2011*, 127.

¹⁵⁸ U.S. Department of State, *Trafficking in Persons Report: 2010*, 117.

only”—a sentiment they reiterated in subsequent years.¹⁵⁹ And despite regular meetings of the interagency anti-trafficking committee “to coordinate efforts and to implement the national strategy to combat trafficking,” government officials freely admitted that their “lack of legal guidelines for the care and protection of victims remained a significant challenge” to combatting human trafficking in the country.¹⁶⁰ As of the end of 2013, the interagency antitrafficking committee had still not completed a national strategy or finalized the victim protection decree that were initially drafted in 2008 (and had been required by law since 2005).¹⁶¹ In fact, the U.S. State Department reported that the antitrafficking committee had not produced any “tangible results” whatsoever.¹⁶² To make matters worse, despite the government’s evident inability to run an effective anti-trafficking program alone, it continually shunned guidance from NGO experts in respect to proposed human trafficking policy—further evidence that the government’s dedication has been seriously limited.¹⁶³

G. FAILURE TO PROTECT CITIZENS BEFORE AND AFTER VICTIMIZATION

Considering the Colombian government’s minimal efforts to address obvious human trafficking problems in the country, it is not surprising that the programs to resolve underlying issues have failed to work well. Despite a national displacement crisis, the Colombian government has done little to reduce the effects of this human trafficking factor. In 2005, Human Rights Watch reported that “after Sudan, Colombia has the world’s largest internal displacement crisis,” and “in the last three years alone, nearly 5 percent of Colombia’s 43 million people has been forcibly displaced...because of the country’s armed conflict.”¹⁶⁴ Displacement removes individuals and families from social

¹⁵⁹ U.S. Department of State, *Trafficking in Persons Report: 2012*, 123; U.S. Department of State, *Trafficking in Persons Report: 2013*, 133; U.S. Department of State, *Trafficking in Persons Report: 2014*, 137.

¹⁶⁰ U.S. Department of State, *Trafficking in Persons Report: 2011*, 126.

¹⁶¹ U.S. Department of State, *Trafficking in Persons Report: 2014*, 137; U.S. Department of State, *Trafficking in Persons Report: 2006*, 94.

¹⁶² U.S. Department of State, *Trafficking in Persons Report: 2014*, 137.

¹⁶³ *Ibid.*

¹⁶⁴ Bochenek, “Colombia,” 3.

structures that would normally guard against human trafficking predation. It also places people in an economically desperate situation where they are more likely to take greater personal risks in order to make enough money to live better. Subsequently, in 2006, the Colombian government sponsored a few programs like micro-lending for women and anti-child labor programs intended to target vulnerable populations.¹⁶⁵ Considering the imposing scope of displacement in the country and its serious effects on the human trafficking problem, such infrequent programs are too limited to meet Colombians' needs.

Displaced females are especially susceptible to human trafficking. Displacement disproportionately increases the risk of girls and women to be trafficked, in part, because of strong gender inequality in Colombia and the predominance of trafficking for sexual exploitation. Sexual exploitation accounts for the largest number of human trafficking victims in Colombia, and females represent the vast majority of them (up to 98 percent by some accounts).¹⁶⁶ Moreover, violence against females is already prevalent and tolerated in many areas of Colombia, which both encourages traffickers and masks instances of human trafficking violence. In a 2012 report, Human Rights Watch warned:

For displaced women and girls, available evidence strongly suggests that the prevalence of these and other forms of gender-based violence is even higher: up to almost one in two displaced women, according to one survey conducted by USAID and Profamilia. As the country's Constitutional Court concluded, patterns of violence and discrimination within Colombian society are "exacerbated and worsened by [displacement], impacting displaced women most acutely."¹⁶⁷

In short, the trafficking of females in Colombia can often hide amidst existing, largely-tolerated violence against women, and displacement aggravates the issue.

¹⁶⁵ U.S. Department of State, *Trafficking in Persons Report: 2007*, 82.

¹⁶⁶ Hunter, *Human Trafficking and Business: Good Practices to Prevent and Combat Human Trafficking*, 17.

¹⁶⁷ Human Rights Watch, "Rights Out of Reach: Obstacles to Health, Justice, and Protection for Displaced Victims of Gender-Based Violence in Colombia" (Human Rights Watch, November 14, 2012), 1, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/HumanRightsWatch_Submission_Colombia56_PS_WG_en.pdf.

The government's actions to reduce violence against women in Colombia mirror the *advertise then neglect* policies illustrated previously. According to Human Rights Watch, "Colombia has made important progress in constructing a legal and policy framework to protect women and girls from gender-based violence and to promote the rights to health and justice for survivors."¹⁶⁸ In 2008 and 2011, "the Congress passed some of the most comprehensive legislation on violence against women in the region ...the Constitutional Court ordered various ministries to address gender-based violence against displaced women and girls," and "the government issued regulations to implement the laws and court orders, and developed a comprehensive 'referral pathway' to ensure that service providers can guide victims of gender-based violence to all of the services available in the government's integrated, multi-sector response to the problem—including health services, justice, protection, and psycho-social support."¹⁶⁹ By all accounts, Colombia was positioned to start changing how its society viewed and dealt with violence against women. The question then became: was it working?

Human Rights Watch asked just that. The group interviewed nearly 200 displaced women and girls, government officials and health care practitioners, rights advocates, service providers, and other civil society representatives and made two important discoveries. First, the organization found that "the legal framework and referral pathway, when properly applied, can be effective, with government officials helping displaced victims of gender-based violence to access justice and health services."¹⁷⁰ Second, the report revealed that "in the cases reviewed by Human Rights Watch, far more often than not, the framework and pathway are not properly applied, the victims do not receive the medical attention they are entitled to, and the perpetrators are not brought to justice."¹⁷¹ The setup was solid, even exemplar, but the implementation was simply missing.

One reason perpetrators are not often brought to justice is directly related to this largely-ignored issue of overlooking violence against women. It is common for human

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid., 2.

¹⁷¹ Ibid.

traffickers to use violence and threatened violence to control their victims, even after they have been “freed.” Experts have discovered that most trafficking victims experience post-traumatic stress that usually takes months to decrease significantly under the best circumstances.¹⁷² In one study, the U.S. Department of State found that “76 percent of 207 trafficked women interviewed were physically assaulted by their trafficker, pimp, madam, brothel and club owner, clients, or boyfriend,” and reported that “90 percent of victims reported being physically forced or intimidated into sex or other sexual acts, and 91 percent of victims reported being threatened with death, beatings, increased debt, harm to their children and families, or re-trafficking.”¹⁷³ Thus, violence and threatened violence haunts victims long after the physical abuse ends.

It is not surprising then that victims fear testifying in the prosecution of their former traffickers. The case of a 28-year old Colombian woman typifies the fear of potential witnesses. “Maria” was a victim of human trafficking for sexual exploitation in Singapore but was able to escape back to Colombia; upon her return she reported the crime to authorities who started an investigation, and two months later she was murdered in her home when a vase of flowers exploded moments after a motorcyclist delivered it to her.¹⁷⁴ These real and perceived threats to their safety make victims less willing to cooperate with authorities. Unfortunately, due to the nature of the crime, prosecution of cases for human trafficking relies significantly on the testimonies of victims. If these witnesses are unable or unwilling to assist out of fear, then a conviction is unlikely.

One way of dealing with victims’ concerns of reprisal is through a witness protection program. In Colombia’s case, however, a government official admitted that “the country’s condition does not allow us to protect witnesses of trafficking.”¹⁷⁵ While the U.S. Department of State has acknowledged that at least a handful of victims

¹⁷² U.S. Department of State, *Trafficking in Persons Report: 2008*, 21.

¹⁷³ *Ibid.*

¹⁷⁴ Mónica Hurtado and Catherine Pereira-Villa, “Dynamics of Human Trafficking: The Colombia-East Asia Case,” *Colombia Internacional* 76 (2012): 169.

¹⁷⁵ Elaine Pearson, *Human Traffic, Human Rights: Redefining Victim Protection* (London: Anti-Slavery International, 2002), 193, http://www.antislavery.org/includes/documents/cm_docs/2009/h/hum_traff_hum_rights_redef_vic_protec_final_full.pdf.

participated in Colombia's witness protection program over the years, officials have also consistently criticized the program as "limited," "underfunded," and "inadequate"; most victims refused participation in the program and did not wish to testify against their traffickers because of intimidation and fear of retaliation.¹⁷⁶ Again, this is an instance where more effective implementation of an existing program would have helped deter human trafficking in Colombia.

The lack of a robust, effective witness protection program not only hinders known victims from participating in the legal system, it also encourages unknown victims to remain undiscovered. This phenomenon is not unique to human trafficking. In a study to determine the reasons why people do or do not report crime, Wesley G. Skogan found that "people do not report when they think nothing will happen as a result."¹⁷⁷ In the case of human trafficking, this becomes a destructive cycle that feeds on itself: victims do not report because of threats and a lack of safeguards, witness non-participation leads to fewer known instances of trafficking and lower prosecution and conviction rates among those that are investigated; the low percentage of traffickers punished for their crimes indicates to victims that nothing will come of reporting, and the traffickers continued liberty leaves them free to intimidate their victims—thus, the cycle continues.

H. PROSECUTING HUMAN TRAFFICKERS IN COLOMBIA—WHAT THE NUMBERS REVEAL

In spite of the prosecutorial challenges, Colombia has successfully convicted some human trafficking perpetrators, but the exact numbers are questionable. Table 2 lists all of the investigations, prosecutions, and convictions the Colombian government reported to the U.S. Department of State since trafficking in persons reporting was instituted in 2001. In reviewing the reports, it is often unclear with investigations and prosecutions whether they are new cases started that year or a summary of ongoing cases.

¹⁷⁶ U.S. Department of State, *Trafficking in Persons Report: 2002*, 40; U.S. Department of State, *Trafficking in Persons Report: 2003*, 48; U.S. Department of State, *Trafficking in Persons Report: 2005*, 85; U.S. Department of State, *Trafficking in Persons Report: 2006*, 94; U.S. Department of State, *Trafficking in Persons Report: 2008*, 95; U.S. Department of State, *Trafficking in Persons Report: 2010*, 116; U.S. Department of State, *Trafficking in Persons Report: 2011*, 126–27.

¹⁷⁷ Wesley G. Skogan, "Citizen Reporting of Crime: Some National Panel Data," *Criminology* 13, no. 4 (1976): 549, doi:10.1111/j.1745-9125.1976.tb00685.x.

Some confusion is understandable, considering the anti-trafficking structural challenges and failures (including databases) this chapter highlighted earlier.

Table 2. The reported human trafficking investigations, prosecutions, and convictions in Colombia between 1998 and 2013 show inconsistent numbers and reveal unreliable data.¹⁷⁸

Year	Investigations	Prosecutions	Convictions
1998-2000	99		13
2001			
2002			16
2003	306	16	3
2004	20	16	0
2005		25	2
2006	49	75	10
2007	182	44	6
2008	159	20	16
2009	215	200	14
2010	144		17
2011		56	16
2012	128	18	10
2013		44	12

The most troubling detail about Colombia’s statistics is that even the number of convictions is unreliable. If there is one statistic in all of human trafficking reporting that should be dependable, it is the number of individuals convicted of the crime. There is no question as to the date of conviction or the number of individuals convicted—it is not an estimate; it is a fact.

Colombia, however, seems to have had trouble separating fact from fiction when it comes to human trafficking. From 2005 and 2010, for example, the government initially reported 65 convictions for human trafficking crimes, but, following an internal

¹⁷⁸ Data drawn from annual reports, Colombia sections in U.S. Department of State, “Trafficking in Persons Report.”

government study, later said a more accurate number was 26.¹⁷⁹ This revised number aligns much better to what the United Nations found. In an effort to identify the usual types of actions for which individuals were being convicted of human trafficking, UNODC created a database and populated it with cases for which there was sufficient detail to consider them reliable. In the end, UNODC had compiled a list of eighteen Colombian prosecutions, involving 48 defendants and at least 66 victims, between 1999 and 2012, noting that this was not likely a comprehensive list.¹⁸⁰ A synopsis of the Colombian cases in the UNODC Human Trafficking Case Law Database is shown in Table 3. Depending on whether the 2005 dates are inclusive or exclusive and where one starts and stops counting, the database reveals anywhere from 27 to 31 convictions for human trafficking, roughly aligning with the Colombian government’s revised number but still different. The point is that there is no authoritative source, either within or outside the Colombian government, on human trafficking convictions in the country—another failure born of neglect.

¹⁷⁹ Data compiled from 2006 through 2011 annual TIP reports (pages 94, 82, 95, 108, 116, and 125 respectively) at *ibid.*; Vargas Trujillo, Flórez, and Mendoza Simonds, *Trata de Personas En Colombia*, 46.

¹⁸⁰ Data taken from Colombian cases in United Nations Office on Drugs and Crime, “Human Trafficking Case Law Database,” accessed January 3, 2015, <http://www.unodc.org/cld/index.jspx>.

Table 3. Colombian criminal cases in the UNODC Human Trafficking Case Law Database show a tendency to prosecute and convict international cases of human trafficking over domestic ones.¹⁸¹

Case	Verdict		Plaintiffs		Type
	Year	Defendants	Convictions	/ Victims	
Proceso No. 14561	1999	2	2	1	International
Proceso No. 15940	2000	2	2	4	International
Pareja and Álvarez	2002	2	2	1	International
González et al	2005	4	3	3	Domestic
Morales et al	2006	5	5	10+	International
Ruis and Giraldo	2007	2	2	11+	International
Garcia et al	2008	7	7	4	International
Saldarriaga et al	2008	3	3	1	International
Gutierrez and Calvo	2008	2	2	1	International
Valencia et al	2008	4	4	2	Domestic
Anonymous, Criminal Case No 63-001-60-00-059-2007-00893	2008	2	2	2	Domestic
Muñoz	2009	1	1	13+	International
Gil	2009	1	1	3	Domestic
M.N.A.A.	2009	1	0	1	International
R.H.C., J.C.M. and S.C.C.	2009	3	0	4	International
Giraldo and Cortés	2009	2	0	1	International
Proceso No. 34728	2010	1	1	3	Domestic
Proceso No33882	2012	4	4	1	Domestic
Totals:		48	41	66+	

¹⁸¹ Data taken from Colombian cases in *ibid.*

I. COLOMBIA FAVORS FIGHTING THE OBVIOUS PROBLEMS

The data available regarding convictions is quite telling about where Colombia chooses to focus its energies to fight human trafficking. The UNODC database exposes a disproportionate number of convictions for international trafficking cases in relation to domestic cases, especially considering their prevalence. Only six of the eighteen cases resulting in convictions (13 of the 66 plus victims) in UNODCs database were for domestic human trafficking; the remaining two-thirds were international. This is an eye-opening revelation, considering that up to 80 percent of human trafficking in Colombia is domestic, so the expectation would be for a preponderance of non-international convictions.¹⁸² What does this apparent discrepancy say about Colombia? One thing it indicates is that, in cases where other countries are interested and involved, Colombia is more likely to take decisive action. It is all part of advertising human trafficking successes for obvious cases and neglecting cases outside the limelight.

Because of the heightened outside awareness in international cases, this is one area in which Colombia applies consistent—if insufficient—effort. Beginning with the programs mentioned earlier to dissuade travelers at high risk for victimization, by 2001, government officials and members of NGOs had arranged to meet returning victims at the airport, and the Colombian government was able to offer them some limited social services.¹⁸³ The government also reported it had instructed its consulates to provide victim assistance and “contracted 46 legal advisors and 16 social workers to help Colombian victims abroad.”¹⁸⁴ In 2003, the U.S. Department of State reported that “Colombia is one of the leading countries engaged in cooperative international law enforcement...against traffickers,” citing “numerous international operations in coordination with other governments, particularly Spain, The Netherlands, and Japan, which have led to the freeing rescue of hundreds of trafficking victims and over 100

¹⁸² Lehti and Aromaa, “Trafficking for Sexual Exploitation,” 133; United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2012*, 42.

¹⁸³ U.S. Department of State, *Trafficking in Persons Report: 2001*, 18.

¹⁸⁴ *Ibid.*

arrests.”¹⁸⁵ Table 4 shows the reported results of Colombia’s transnational anti-human trafficking efforts over the years.

¹⁸⁵ U.S. Department of State, *Trafficking in Persons Report: 2003*, 48.

Table 4. The number of Colombian victims freed, identified, or referred for assistance in foreign lands (listed for each year when specific numbers were reported) shows a continued, if inconsistent, effort to curtail the international human trafficking problem.¹⁸⁶

	2004	2005	2006	2009	2010	2011	2012	2013	2014
Victims Freed, Identified, or Referred for assistance	14	9	33	22	110	106	9	38	60

¹⁸⁶ Numbers collected from Trafficking in Persons Reports, Colombia sections for respective reporting years, U.S. Department of State, “Trafficking in Persons Report.”

As in each previous effort, however, Colombia's international anti-trafficking programs have not been free from critique or neglect. For instance, consular services are limited to Colombian consular districts with at least 10,000 Colombian residents, making them unavailable to many internationally trafficked Colombians.¹⁸⁷ Additionally, NGOs reported that at times "corruption of [Colombian] government officials was a problem, particularly in providing fraudulent travel documents," leading to investigations but no convictions.¹⁸⁸ In spite of high reporting, a 2010 government study found that "in 70 percent of the cases of transnational trafficking registered by authorities between 2006 and 2010, there was no information regarding the form of trafficking, calling into question the accuracy of this data."¹⁸⁹ And even the victims who were helped were sometimes "critical of assistance they had received from consular staff."¹⁹⁰ Other sources agreed that assistance was inadequate, as indicated in this excerpt from the 2013 Trafficking in Persons report:

NGOs, as well as some local officials and trafficking victims, asserted that government-funded victim assistance was cursory and argued that at times authorities put victims' security at risk due to bureaucratic delays in the provision of assistance. Local governments responsible for providing services beyond emergency care reported that they had no dedicated resources to do so. Reintegration services, including employment assistance, were virtually nonexistent. Services for male victims were very limited.¹⁹¹

Overall, Colombia provided a higher degree of services to prevent and restore internationally trafficked citizens, but only to the degree necessary to compensate for the higher level of international awareness such cases garnered.

¹⁸⁷ U.S. Department of State, *Trafficking in Persons Report: 2008*, 95.

¹⁸⁸ *Ibid.*, 94; U.S. Department of State, *Trafficking in Persons Report: 2006*, 94.

¹⁸⁹ U.S. Department of State, *Trafficking in Persons Report: 2012*, 122.

¹⁹⁰ U.S. Department of State, *Trafficking in Persons Report: 2013*, 133.

¹⁹¹ *Ibid.*, 132–33.

J. CONCLUSION

The Colombian government has often initiated decent programs and policies in response to publicized concerns about specific human trafficking problems in the country; however, subsequent neglect usually sabotaged their utility. The government established laws that they did not enforce, hyped databases they did not populate, started and stopped anti-trafficking campaigns as interest waxed and waned, created committees that did not produce results, trained personnel who proved uninformed and ineffective, publicly worried about human trafficking victims but did little to help them individually, and largely failed to convict traffickers unless it would be too obvious if they did not. Overall, the Colombian government took steps to fight human trafficking only to the extent it became necessary to appease international opinion, allowing the trafficking in persons to continue largely unabated over the years.

Successfully combating human trafficking requires significant governmental effort and public involvement—two things that Colombia has been unable to muster. Chapter IV delves into one of the possible reasons why the government has lacked the strength necessary to meet this challenge.

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IV. DRUG TRAFFICKING FACILITATES HUMAN TRAFFICKING

Drug trafficking in Colombia has been a major U.S. concern for many years, while Colombia's human trafficking problem has passed relatively unnoticed in the public eye. Yet, the two are related in a number of notable ways. This chapter argues that drug trafficking has primed Colombia for human trafficking to flourish, thus being one of the most significant barriers to combatting human trafficking in the country. After defining the pertinent terms and describing the human trafficking marketplace in Colombia, this chapter will discuss each of the following mechanisms listed by which drug trafficking shapes the marketplace for human trafficking: drug trafficking limits the State's reach and weakens its institutions, overwhelms and diverts state resources, creates a mold for human trafficking participation, degrades societal and familial security environments, and changes how individuals and societies view risky and illicit behavior.

It is not the intent of this chapter to calculate the degree to which drug trafficking affects human trafficking or to recommend how to remedy the problem—those are subjects for further research and debate. This chapter's purpose is to illuminate the ways in which the two are causally linked and set the stage for Chapter V's discussion on how U.S. and Colombian policies have unintentionally facilitated human trafficking.

A. DEFINITIONS AND NATURE OF DRUG AND HUMAN TRAFFICKING IN COLOMBIA

Before evaluating the relationship between drug and human trafficking, one must first understand the terms themselves. The United Nations Office on Drugs and Crime defines drug trafficking as “a global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws.”¹⁹² Colombia fits into this realm as a cultivator of opium poppy and cannabis and the world's leading producer of coca, with the United States as a major market for all three.¹⁹³

¹⁹² United Nations Office on Drugs and Crime, “Drug Trafficking,” accessed December 15, 2014, <http://www.unodc.org/unodc/en/drug-trafficking/index.html>.

¹⁹³ Central Intelligence Agency, “The World Factbook: South America: Colombia.”

Similar to drug trafficking, human trafficking covers a variety of activities but involves humans as products in place of illicit substances. Exploitation of people is what is illegal in human trafficking, as is apparent in this definition provided by the United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.¹⁹⁴

Of special note is that, under this definition, a person need not even leave their own home to be considered trafficked so long as they are being exploited through some form of deception or coercion described above. Moreover, in the case of a minor (under 18 years of age), consent is not a factor; in other words, any child who is used per the definition is considered trafficked.¹⁹⁵

While the exact extent of the human trafficking problem in Colombia (and the world) is unknown, there is ample evidence that it is a large problem involving all types of trafficking (a theme discussed in more detail in Chapter I). As a source for what some researchers believe to be around 70,000 annual victims, Colombia consistently ranks as one of the countries with highest instances of human trafficking in the Western Hemisphere.¹⁹⁶ Colombian victims include men, women, and children, and many, especially the children, never actually leave the country. Most victims are exploited

¹⁹⁴ United Nations. *United Nations Convention against Transnational Organized Crime*, 32, 41.

¹⁹⁵ *Ibid.*

¹⁹⁶ Wells, "Rise of Human Trafficking within Colombia"; U.S. Department of State, *Trafficking in Persons Report: 2014*, 134; Seelke, *Trafficking in Persons in Latin America and the Caribbean*, 5–6; Rao and Presenti, "Understanding Human Trafficking Origin," 245; Lehti and Aromaa, "Trafficking for Sexual Exploitation," 199; Shelley, *Human Trafficking*, 2010, 268.

sexually, but forced labor is not uncommon either.¹⁹⁷ Trafficking organizations range from large, transnational criminal organizations down to local family units who exploit their own children, and the crime nearly always involves complicity of law enforcement, military personnel, politicians, or other state authorities.¹⁹⁸

B. A DESCRIPTION OF THE HUMAN TRAFFICKING MARKETPLACE

It is no secret that both drug and human trafficking flourish in Colombia; their relationship, however, is often less apparent. The human trafficking marketplace consists of certain minimum requirements, without which it would cease to exist. To the extent that drug trafficking creates or augments these elements, it is facilitating human trafficking. Like any other ongoing marketplace, human trafficking requires supply, demand, and a medium in which to operate.

Since people are the product in human trafficking, supply is determined by the availability of individuals to be trafficked. If no one were available, there would be no supply, and human trafficking would cease. Yet, it would be naïve to think that anyone is absolutely exempt from the possibility of falling prey to determined traffickers. It is more useful to think of supply as a range of vulnerability in which anything that raises an individual's chances of being trafficked increases the supply. Vulnerability could increase because the individual is less willing or able to protect themselves or because external protections are weakened or compromised. This chapter will illustrate how drug trafficking affects both vulnerability factors.

Demand is necessary because without it there would be no benefit in supplying the product, so human trafficking would end. Like supply, to be useful measure, demand must be considered in degrees rather than as present or absent. The reasons to demand trafficked persons parallel the types of trafficking: sexual exploitation, forced labor or

¹⁹⁷ Wells, "Rise of Human Trafficking within Colombia"; Seelke, *Trafficking in Persons in Latin America and the Caribbean*, 5–6; Amnesty International, "U.S. Policy in Colombia"; Lehti and Aromaa, "Trafficking for Sexual Exploitation," 142, 199; Shelley, *Human Trafficking*, 2010, 90, 268; Bureau of International Labor Affairs, "List of Goods Produced by Child Labor or Forced Labor."

¹⁹⁸ Shelley, *Human Trafficking*, 2010, 84–85; Clare M. Ribando, *Trafficking in Persons: U.S. Policy and Issues for Congress* (CRS Report No. RL30545) (Washington, DC: Congressional Research Service, 2007), 5.

begging, and organ harvesting (although much less frequent). In line with classic economic theory, demand increases as costs go down, and this chapter will explain a number of ways in which drug trafficking drives down the costs of human trafficking.

The final aspect of a marketplace, the operational medium, is essential for both communication and the actual transaction. The buyer and seller need some way to communicate their desires and intentions with each other, or the marketplace fails. The method (verbal, written, or signaled) is not as important as the ability to send and receive messages reliably. They must also have access to a physical or virtual space, depending on the nature of the transaction, to exchange the goods or services. As with the other two elements, the medium can be measured along a scale, ranking the ease of communication and transaction. Anything that interferes would make the marketplace less viable, and anything that increases its reliability and freedom of operation would make the marketplace more viable. As this chapter explains, drug trafficking strengthens—sometimes even creates—the communication and transaction mediums for human trafficking to occur.

In sum, drug trafficking facilitates human trafficking by strengthening the marketplace for trafficked persons and their services. It does so by increasing victim vulnerability factors (more supply), lowering the costs of bringing a trafficked person to market (more demand), and creating spaces for buyers and sellers to communicate and exchange goods (more reliable medium). Absent any one of these items, the strength of the human trafficking marketplace in Colombia would dissipate substantially.

C. SOME DIRECT LINKS BETWEEN DRUG TRAFFICKING AND HUMAN TRAFFICKING

Some links between illegal drugs and human trafficking are obvious. The jobs integral to cultivating, protecting, and transporting drugs creates a demand for laborers. Drug trafficking groups in Colombia often enlist children to fight, act as sexual slaves, or participate in the drug trade as cultivators, transporters, security, dealers, and even enforcers; such actions, whether voluntary or not, are de facto human trafficking because

of the minors' legal inability to consent.¹⁹⁹ This is one way in which drug trafficking increases demand for human trafficking.

Additionally, individuals who begin as drug mules are sometimes forced into human trafficking (usually women for sex).²⁰⁰ This is possible because participating in drug running—an illegal act—significantly heightens the individual's vulnerability to trafficking, as she has already entered the criminal marketplace, a fact that human traffickers can leverage to their benefit. Finally, human traffickers frequently use drugs to entrap and control victims for sexual exploitation, increasing their vulnerability through addiction.²⁰¹ The increased vulnerability as a result of drug trafficking in these instances increases the supply aspect of human trafficking.

D. DRUG TRAFFICKING LIMITS THE STATE'S REACH AND WEAKENS ITS INSTITUTIONS

More pervasive than the obvious links are the indirect causal links between drug trafficking and human trafficking in Colombia. Drug trafficking has weakened or compromised state institutions, allowing human trafficking to flourish. In many regions of Colombia armed groups involved with drug trafficking “substitute for the state, imposing a very authoritarian regime, defining and applying their own laws and regulations, and providing education, police, and civil justice to solve conflicts among the population.”²⁰² In effect, drug trafficking has created safe havens (the communication

¹⁹⁹ Shelley, *Human Trafficking*, 2010, 71, 269; U.S. Department of State, *Trafficking in Persons Report: 2008*, 94.

²⁰⁰ Shelley, *Human Trafficking*, 2010, 90–91, 220, 255–56; International Organization for Migration, “Straddling the Border: Drug Mules and Human Trafficking,” *Global Eye on Human Trafficking*, no. 5, 2009, 1, https://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/projects/showcase_pdf/global_eye_fifth_issue.pdf; Lehti and Aromaa, “Trafficking for Sexual Exploitation,” 197.

²⁰¹ Ribando, *Trafficking in Persons*, 5; Shelley, *Human Trafficking*, 2010, 123, 128–29, 241–42, 247.

²⁰² Francisco E. Thoumi, “Illegal Drugs in Colombia: From Illegal Economic Boom to Social Crisis,” in *The Political Economy of the Drug Industry: Latin America and the International System*, ed. Menno Vellinga (Gainesville, FL: University Press of Florida, 2004), 73.

and transaction mediums), wherein criminals such as human traffickers can operate with relative impunity.²⁰³

Being able to operate freely in a criminal enterprise also affects the other two elements of the human trafficking market. Less external oversight means fewer protections for potential victims, increasing their vulnerability to exploitation. It also means lower costs for those who wish to benefit from the exploitation, greatly increasing demand. Perpetrators are encouraged to continue operations because they are making a profit and operating in a space with little chance of law enforcement disrupting their activities. Moreover, other beneficiaries, such as men who desire to have sex with minors, are much more willing to participate when the chances of getting caught are low.

Not only has drug trafficking pushed the legitimate state out of certain spaces, it has also infiltrated and weakened areas the state purportedly still controls. Drug traffickers have developed an extensive subversive network within Colombia, causing people to distrust the government and disassociate themselves from the state and making authorities “impotent and incapable of defeating contraband.”²⁰⁴ Such impotence stems from the wide array of actors involved in the illegal drug industry, including guerrillas; paramilitaries; peasants; army members; public employees; politicians; police; and other professionals such as chemists, pilots, lawyers, and bankers.²⁰⁵ With so many “legitimate” citizens involved in organized crime, it is not surprising that human trafficking has become just one more overlooked problem.

Even when human trafficking victims are discovered, they seldom testify against their abusers because of a legitimate fear of personal or family retaliation, distrust of police and legal systems, and inadequate state protections to overcome those barriers—all of which are partially attributable to the drug war. With low chances of losing their

²⁰³ Bilal Y. Saab and Alexandra W. Taylor, “Criminality and Armed Groups: A Comparative Study of FARC and Paramilitary Groups in Colombia,” *Studies in Conflict & Terrorism* 32, no. 6 (2009): 457, doi:10.1080/10576100902892570.

²⁰⁴ Quote by Fanny Kertzman, director of Customs Control in Colombia in Nazih Richani, *Systems of Violence: The Political Economy of War and Peace in Colombia* (Albany, NY: State University of New York Press, 2002), 100; Thoumi, “Illegal Drugs in Colombia,” 141.

²⁰⁵ Richani, *Political Economy of War and Peace in Colombia*, 100; Thoumi, “Illegal Drugs in Colombia,” 76.

human products or getting caught and convicted, human traffickers are free to publicly and privately exploit their victims again and again.²⁰⁶ Hence, it is not surprising that trafficking in people now generates more money for organized crime than anything besides trafficking in drugs and arms.²⁰⁷

E. DRUG TRAFFICKING OVERWHELMS AND DIVERTS STATE RESOURCES

While the existence of drug trafficking supports human trafficking, strong antidrug policies tend to exacerbate the human trafficking problem. Domestic and international hardline policies against the drug trade have caused what state resources are available to be diverted, in large part, to anti-drug activities, simultaneously making drug trafficking more costly and human trafficking less so. Chapter V discusses this dynamic in much more detail. Thus, for basic economic reasons, policymakers and enforcers are inadvertently encouraging drug traffickers to diversify into human trafficking operations. In retrospect, the evidence is painfully obvious. For example, prisons throughout the world are filled with convicts doing time for drug offenses while containing conspicuously few people convicted of human trafficking; such striking empirical evidence has not gone unnoticed by drug traffickers.²⁰⁸

In Colombia, the human trafficking problem is eclipsed by conflicts between state actors, paramilitary groups, drug traffickers, and insurgents. Human trafficking is inherently difficult to recognize, since it “does not often contribute to greater rates of visible violence or upheaval,” and because victims almost never self-identify.²⁰⁹ Consequently, it is easy for governments and societies to allow other problems to overshadow interest in human trafficking issues, which lowers the perpetrators’ and beneficiaries’ costs because they are less likely to get caught doing business. Chapter V further elaborates on how anti-drug policies affect human trafficking.

²⁰⁶ Shelley, *Human Trafficking*, 2010, 224; R. E. Bell, “Sex Trafficking: A Financial Crime Perspective,” *Journal of Financial Crime* 9, no. 2 (2001): 168.

²⁰⁷ Bell, “Sex Trafficking,” 168.

²⁰⁸ Shelley, *Human Trafficking*, 2010, 88.

²⁰⁹ *Ibid.*, 79.

F. DRUG TRAFFICKING CREATES A MOLD FOR HUMAN TRAFFICKING PARTICIPATION

In addition to financial and other incentives for drug traffickers to diversify into human trafficking, their experience makes the transition relatively smooth and effective. Preexisting trafficking corridors, contacts, skills, and techniques are often easily transferrable between the two illicit activities. Author R. E. Bell explained:

Organised crime groups, used to trafficking in other commodities such as drugs and arms, have identified an opportunity to use their infrastructures to trade in another market. A senior Belgian police officer has commented: “It’s the same organisations, same money-laundering systems, same safe houses, same personnel—just a different commodity.” An attractive feature from the traffickers’ perspective is that the initial investment of working capital required for trafficking in women will often be less than that required for drug trafficking. Profits obtained from trafficking in women can then be used to finance other criminal activity. As with their dealings in other criminal markets, organized crime groups may use bribery and corruption of police or other officials to facilitate their trafficking.²¹⁰

In this sense, Colombia matches the global pattern in that human trafficking has been experiencing significant growth in areas where drug crime networks are well established, with a significant amount of evidence showing the two often operate simultaneously in criminal organizations.²¹¹ In addition to Bell’s example above, Louise Shelley helps explain the overlap, noting that “becoming a human trafficker requires the acquisition of certain skills,” including “recruitment, transportation, procurement of false documents, marketing, and money laundering”—all of which can be gleaned from the drug trade.²¹² She further observes that “the areas where drug crime networks are well established are increasingly important growth areas for human trafficking” throughout the world.²¹³

Bilay Y. Saab and Alexandra W. Taylor use a related argument to explain how different relationships with the drug trade influenced later criminal activities in the FARC

²¹⁰ Bell, “Sex Trafficking,” 167.

²¹¹ Ibid.; Saab and Taylor, “Criminality and Armed Groups,” 456; Shelley, *Human Trafficking*, 2010, 44, 88–89, 121, 167, 256, 268, 285–87.

²¹² Shelley, *Human Trafficking*, 2010, 89–90.

²¹³ Ibid., 88.

and the Autodefensas Unidas de Colombia (AUC). Saab and Taylor outline the FARC's relationship with the drug trade as a peripheral one because its leadership wished to maintain an aura of political legitimacy, whereas the AUC had no such limitations and maintained "in house" drug capabilities.²¹⁴ The authors' make the point that the FARC's decision not to embed themselves directly in the drug trade initially denied the organization certain skills: "Armed insurgents who have not traditionally participated in drug production, trafficking, and money laundering may find it difficult to quickly acquire the necessary skills and networks and may instead turn to criminal partners to carry out these activities."²¹⁵ The reverse was also true—AUC members (now known as *Bandas Criminales Emergentes* or BACRIMs following the AUC's official demobilization) had acquired the skills and networks, which helps explain their diversification into other criminal activities, including human trafficking.²¹⁶ In sum, drug traffickers are more and more often drawn to human trafficking as a low-risk, high-profit investment in their criminal portfolio that they feel comfortable adding because of its synergistic overlaps with the drug trade.

G. DRUG TRAFFICKING DEGRADES SOCIETAL AND FAMILIAL SECURITY ENVIRONMENTS

Through widespread violence and human displacement, drug trafficking further destabilizes the Colombian security environment, fertilizing the soil from whence human trafficking springs. The drug conflict did not initiate the Colombian displacement crisis (peasants have been forced off their lands at least since the 1950s), nor is it the sole contributor today, but drug trafficking and antidrug measures have certainly perpetuated and enhanced Colombia's displacement problems.²¹⁷ According to the United Nations Global Initiative to Fight Human Trafficking, displaced individuals "are

²¹⁴ Saab and Taylor, "Criminality and Armed Groups," 456.

²¹⁵ Ibid.

²¹⁶ Ibid., 456–57.

²¹⁷ Harvey F. Kline, *State Building and Conflict Resolution in Colombia, 1986-1994* (Tuscaloosa, AL: The University of Alabama Press, 2001), 23; Marc W. Chernick, "Colombia: Does Injustice Cause Violence?," in *What Justice? Whose Justice? Fighting for Fairness in Latin America*, ed. Susan Eva Eckstein and Timothy P. Wickham-Crowley (Berkeley, CA: University of California Press, 2003), 186.

disproportionately affected by unemployment, discrimination and lack of access to training opportunities to enter the labour market; they are therefore among the groups...most vulnerable to human trafficking.”²¹⁸ With some 300,000 new internally displaced persons each year as a result of conflict between government and illegal armed groups and drug traffickers, nearly six million Colombians now fall into this vulnerable category.²¹⁹ Making matters worse, Colombian support for both displaced persons and victims of human trafficking is woefully inadequate—likely for the same reason: the ongoing conflict consumes state capacity, leaving too little attention and resources to provide the requisite victim assistance.²²⁰

Displaced individuals are more vulnerable to trafficking not only because they have been forced away from homes, jobs, and social support structures, but also because there is often a fundamental shift in the constitution of their own family. Many displaced personnel have lost a head of household as the men are initially killed or are lost to the family through emotional isolation or overconsumption of alcohol; the women are left to fend for themselves and frequently turn to prostitution as the only available resource for the immediate survival of their families.²²¹ Entering prostitution places women at exceptionally high-risk for succumbing to human trafficking, becoming one of the estimated 400,000 to 2,500,000 victims of human trafficking for sexual exploitation in the Americas.²²² Hence, even where drug trafficking does not affect human trafficking directly, its ever-present effects of violence and displacement greatly enhance the vulnerability of many Colombians, increasing the marketplace’s supply.

²¹⁸ Hunter, *Human Trafficking and Business: Good Practices to Prevent and Combat Human Trafficking*, 41; Mauricio Reina, “Drug Trafficking and the National Economy,” in *Violence in Colombia 1990-2000: Waging War and Negotiating Peace*, ed. Charles Bergquist, Ricardo Peñaranda, and Gonzalo Sánchez (Wilmington, DE: Scholarly Resources Inc., 2001), 94.

²¹⁹ U.S. Department of State, *Trafficking in Persons Report: 2013*, 131; Central Intelligence Agency, “The World Factbook: South America: Colombia”; Bochenek, “Colombia,” 3, 19; Human Rights Watch, *Child Combatants in Colombia*, 6.

²²⁰ U.S. Department of State, *Trafficking in Persons Report: 2013*, 131; Bochenek, “Colombia,” 4–5.

²²¹ Donny Meertens, “Victims and Survivors of War in Colombia: Three Views of Gender Relations,” in *Violence in Colombia 1990-2000: Waging War and Negotiating Peace*, ed. Charles Bergquist, Ricardo Peñaranda, and Gonzalo Sánchez (Wilmington, DE: Scholarly Resources Inc., 2001), 163.

²²² Lehti and Aromaa, “Trafficking for Sexual Exploitation,” 199.

H. DRUG TRAFFICKING CHANGES HOW INDIVIDUALS AND SOCIETIES VIEW RISKY AND ILLICIT BEHAVIOR

The drug trade has also adversely affected the economy, making it difficult for many Colombians, not just those who have been displaced, to live well. The money flow from drugs has, among other things, forced monetary policy (e.g., revaluation of the peso), distorted national markets, and weakened the viability of legal businesses—all without providing productive links to the economy aside from increased construction in some areas.²²³ The end result is a more expensive country to live in, with nonparticipants in the drug trade hurting the most. Some citizens see the vast disparity in wealth between them and those who are rich and decide to try and improve their economic situation through prostitution or questionable work offers domestically and internationally—actions that increase vulnerability and often lead to human trafficking.²²⁴

Over time, illicit activity in Colombia, particularly the drug trade, has skewed the Colombian perception of how to deal with criminal activities, including human trafficking. Francisco E. Thoumi notes that Colombians have historically “learned to live in an environment with many organizations that today would be considered criminal,” but “were accepted as normal and justified because of poverty, inequality, social exclusion and other reasons or accepted as part of modernization.”²²⁵ The institutional crisis in Colombia characterized by drug trade violence and corruption has led to a society in which most people care only about themselves or immediate family and are less able or interested to care about the plight of others, resulting in an apathy toward human trafficking offenses even when observed.²²⁶ Such individual disinterest has culminated in an entire society that devalues human rights, if not in policy certainly in practice.²²⁷

²²³ Reina, “Drug Trafficking and the National Economy,” 92–93.

²²⁴ Ibid.; Shelley, *Human Trafficking*, 2010, 94, 163, 267–68.

²²⁵ Francisco E. Thoumi, “Colombian Organized Crime: From Drug Trafficking to Parastatal Bands and Widespread Corruption,” in *Traditional Organized Crime in the Modern World*, ed. Dina Siegel and Henk Van de Bunt (New York: Springer, 2012), 133.

²²⁶ Thoumi, “Illegal Drugs in Colombia,” 80.

²²⁷ Luis Alberto Restrepo M., “The Equivocal Dimensions of Human Rights in Colombia,” in *Violence in Colombia 1990-2000: Waging War and Negotiating Peace*, ed. Charles Bergquist, Ricardo Peñaranda, and Gonzalo Sánchez (Wilmington, DE: Scholarly Resources Inc., 2001), 96, 98.

Colombian desensitization stems in large part from a sense of resignation toward the inevitable. Luis Alberto Restrepo M., a philosopher at the National University in Bogotá, explained:

The majority of the Colombian population has become accustomed to viewing human rights violations as endemic occurrences or as natural disasters, as normal as landslides or earthquakes. By way of excusing Colombians, this insensitivity stems in good measure from the impotence of citizens isolated by an all-powerful, generalized, and out-of-control violence...Who knows since when—perhaps since the beginning—Colombian society has been in the habit of accepting with a certain resignation the terrible crimes of humanity. If one keeps in mind that respect for human rights is the fundamental premise of all ethics and judicial order, one must necessarily conclude that this premise is extremely weak and fragile in the minds of the Colombian people.²²⁸

Any individual or state capacity or will that might be left to combat human trafficking has been degraded by drug traffickers infiltrating, corrupting, and attacking the political and legal systems in Colombia to the point that it is unlikely they can function properly to investigate, prosecute, or convict the traffickers.²²⁹ Consequently, the drug trade has weakened the expected societal check against illegality in Colombia, increasing the vulnerability of many to human trafficking, inspiring others to perpetrate, and encouraging others to partake. All the while, reminding the general populace that they have bigger problems and it is none of their business anyway. Through the mechanism of altered perception of illegality, drug trafficking affects supply, demand, and medium for operation in a way advantageous to the trafficking of humans.

I. CONCLUSION

Drug trafficking increases the factors that make people more susceptible to human trafficking, prospective culprits more likely to engage in human trafficking, and society and the state less able and willing to deal with the problem. Drug trafficking in Colombia and the fight against it has allowed non-state entities to control entire sections of the

²²⁸ Ibid., 96.

²²⁹ Ron Chepesiuk, *The Bullet or the Bribe: Taking Down Colombia's Cali Drug Cartel* (Westport, CT: Praeger Publishers, 2003), 253; Restrepo, "The Pursuit of Efficiency and the Colombian Criminal Justice System," 195.

country and compromised much of the remaining state capacity elsewhere in terms of dealing with human trafficking. Additionally, through their normal course of operations, drug traffickers have developed practices and contacts that also work well for human trafficking operations, easing and encouraging transition between the two activities as authorities fight against drug trafficking. Finally, the persistence of drug trafficking and its accompanying violence and human displacement have made individuals less risk-adverse in their personal lives and society more crime-tolerant in general. Through these mechanisms, drug trafficking has strengthened the marketplace for human trafficking, which is why drug trafficking is one of the biggest barriers to controlling the human trafficking problem in Colombia.

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V. U.S. POLICIES HAVE AGGRAVATED THE HUMAN TRAFFICKING PROBLEM

In December of 1823, President James Monroe delivered a message to Congress that became known as the Monroe Doctrine, expressing a renewed U.S. interest in the Western Hemisphere and declaring it off-limits to European colonization.²³⁰ This U.S.-knows-best approach toward Latin America has led to a number of unintended and undesirable outcomes. In Colombia, strong U.S. anticommunist and antidrug policies have precipitated violence and weakened the government's capacity to govern, thus facilitating criminal activity including the trafficking of persons in the country.

Chapter IV described the links between drug trafficking and human trafficking; this chapter takes the causal chain one step back, illuminating the significant links between U.S. policy and the evolution of those factors that facilitate human trafficking. U.S.-sponsored anticommunist activities, antidrug efforts, and violence in Latin America are rather well studied subjects, but the human trafficking link is less so. There is ample evidence that the United States played out its Cold War policies in the region, including armed support of groups willing to fight against communism.²³¹ Researchers have written prolifically about the drug trade and interactions between U.S. policy and the Colombian government, to include the links between drug policy and increased internal conflict, revolving primarily around insurgent groups, paramilitaries, and the armed forces.²³² A number of authors have even described how these hardline policies have had a destabilizing influence in the region.²³³ Of all that has been written, however, the

²³⁰ Our Documents, "Monroe Doctrine (1823)," accessed February 10, 2015, <http://www.ourdocuments.gov/doc.php?flash=true&doc=23>.

²³¹ George C. Herring, *From Colony to Superpower: U.S. Foreign Relations Since 1776* (New York: Oxford University Press, 2011), 626; Chernick, "Does Injustice Cause Violence?," 190.

²³² See Mark Peceny and Michael Durnan, "The FARC's Best Friend: U.S. Antidrug Policies and the Deepening of Colombia's Civil War in the 1990s," *Latin American Politics and Society* 48, no. 2 (July 1, 2006): 95–116; Suresh Naidu and Oeindrila Dube, *Bases, Bullets, and Ballots: The Effect of U.S. Military Aid on Political Conflict in Colombia* (Washington, DC: Center for Global Development, 2010), http://www.cgdev.org/sites/default/files/1423498_file_Dube_Naidu_Military_Aid_FINAL.pdf; Maiah Jaskoski, *Military Politics and Democracy in the Andes* (Baltimore: Johns Hopkins University Press, 2013).

²³³ Chernick, "Does Injustice Cause Violence?," 190.

particular effect of U.S.-sponsored policies on the persistence of violence and corruption and its link to human trafficking in Colombia is a little discussed theme—one which this chapter will elucidate.

Like in a three-act play, the United States performed a role in Colombia, portraying a character who believed he was doing the right things but failed to honestly reflect on the effects of his actions on those around him. This chapter sets the stage by examining the relationship between the Colombian state and organized crime. Act 1 introduces the United States as a post-World War II policymaker in Latin America. In Act 2, drugs take center stage as the United States tries to ban them from the neighborhood but they refuse to leave. Act 3 shows the United States rounding up his neighbors in an all-out war against drugs, with violent results. Finally, the chapter presents the moral of the story, observing how oppressive U.S. policies affected Colombian society and the nature of organized crime, unintentionally allowing human trafficking to prosper.

A. SETTING THE STAGE: THE STATE AS A DETERMINANT OF CRIMINALITY

Bruce Bagley has written: “States determine the form or type of organized crime that can operate and flourish within a given national territory.”²³⁴ Since colonization, domestic factors have allowed economic crime to be a mainstay in the area now known as Colombia.²³⁵ After gaining independence from Spain and splitting from Ecuador and Venezuela in the first half of the nineteenth century, Colombia has suffered one civil war after another.²³⁶ Moving into the twentieth century, a weak central government that is unable to exert influence over all of the country, coupled with constant violence and economic protectionist policies like extremely high tariffs, have facilitated the spread of

²³⁴ Bruce Bagley, “Drug Trafficking and Organized Crime in the Americas: Major Trends in the Twenty-First Century,” *Woodrow Wilson Center Update on the Americas* (August 2012), 11, <http://www.wilsoncenter.org/sites/default/files/BB%20Final.pdf>.

²³⁵ Thoumi, “Colombian Organized Crime,” 132.

²³⁶ *Ibid.*

criminal gangs specializing in illegal emerald mining and exporting, a small arms black market, and many small-scale domestic crimes.²³⁷

Colombia's geography also curtailed effective state control, facilitating organized crime. Francisco E. Thoumi attributes some of the country's inability to maintain law and order to the difficulties imposed by terrain:

Very high mountain ranges and thick unhealthy tropical forests have made integration very costly and difficult. This promoted the development of strong local identities and a very weak national identity. Indeed, it may be asserted that Colombia is a country but not a nation in the sense of having an identity that generates cohesion among its members. Colombia is a country with very low levels of trust, solidarity, reciprocity, and empathy.²³⁸

In such an environment, Thoumi notes, organized crime was usually a local issue that was often "accepted as normal and justified because of poverty, inequality, social exclusion, and other reasons or accepted as part of modernization."²³⁹ As the violence continued unabated in the 1940s and 1950s, guerrilla organizations with liberal or conservative ideologies, including the FARC, appeared in opposition to the state, but their main goal was often to capture land and displace opponents.²⁴⁰ In sum, domestic instability and the lack of a strong central government caused Colombian policies to focus on survival, leaving little room to worry about crime that did not explicitly threaten the state.

Thus, the Colombian state was already poorly positioned to deal with crimes against individuals such as human trafficking. State reach was limited, leaving rural populations vulnerable, and geographic barriers had inhibited the formation of a unified national or social identity that would have helped eschew human rights violations, like trafficking in persons, among its citizenry. Such a weakened state also left the country markedly vulnerable to outside influence.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Ibid.

B. ACT 1: U.S. POLICY TRANSITIONS IN LATIN AMERICA

The end of World War II and beginning of the Cold War marked a transition in how the United States viewed and interacted with Latin America. Historian George C. Herring noted that, in the late 1940s, the United States was turning away from its earlier Good Neighbor policies in Latin America and toward “active involvement centered around anti-communism.”²⁴¹ One prominent example of this was an anti-communism resolution the United States sponsored at the creation of the Organization of American States (OAS) in 1948, ensuring that the OAS’s charge “to enforce regional security” had a particular Cold War flavor.²⁴²

U.S.-inspired anti-communist sentiments gave conservative political leaders in Colombia the excuse they needed to try and exterminate left-aligned parties. Marc W. Chernick explained that the push to exclude communists led Colombian National Front leaders to aggressively and violently attack the major Liberal-Communist self-defense communities, including bombing campaigns beginning in the mid-1960s.²⁴³ According to Chernick, this policy of exclusion and elimination proved to be a serious mistake, converting “what had been armed self-defense communities into a mobile guerrilla force.”²⁴⁴ He described one particularly inciting incident:

The 1964 bombing of the first community, Marquetalia (in Tolima), became part of the iconography of the subsequent guerrilla insurgency. According to Manuel Marulanda Velez, then military leader of the self-defense communities, he and a small fighting force withstood the onslaught of a combined force of sixteen thousand troops from the Colombian Army and Air Force (Marulanda 1973: 79–80). Marulanda escaped the assault and went on to found a more modern guerrilla force, the Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia; FARC).²⁴⁵

²⁴¹ Herring, *Colony to Superpower*, 626.

²⁴² *Ibid.*, 626–27.

²⁴³ Chernick, “Does Injustice Cause Violence?,” 190.

²⁴⁴ *Ibid.*

²⁴⁵ *Ibid.*

The United States was happy to help Colombia in its fight against Communism—after all, it was a conflict the United States instigated that aligned neatly with U.S. Cold War ideology.²⁴⁶ As the turn toward violence indicates, during this time, human rights concerns were not paramount in Colombia for either government. If extrajudicial killing could be tolerated and even condoned, then less-egregious matters, including trafficking in persons, were unlikely to make their way onto the national agenda.

C. ACT 2: THE U.S. PUSH TO CRIMINALIZE THE DRUG TRADE

The story of U.S. influence in Latin America continued with burgeoning interest in the drug trade. The Mexican drug trade began as a legitimate industry centered on the political elite that only became criminal when U.S. pressure drove Mexico to prohibit it. To Mexican elites like Colonel Esteban Cantu, Governor of Baja California (1914-1920), the drug trade was just another aspect of business that they could conduct with more control and impunity than others.²⁴⁷ At first opium poppy was cultivated and imported for medical use, and consumption was not a big concern in Mexico; the United States, on the other hand, had developed a prohibitionist mentality toward it.²⁴⁸ The United States imposed its will on Mexico insomuch that, following the Harrison Narcotic Act in 1914 that regulated opium production, Mexico prohibited marijuana and opium poppy cultivation and marketing in 1920 and 1926 respectively.²⁴⁹ Nevertheless, demand did not diminish, and smugglers took advantage of the profits to be made in the freshly criminalized trade.²⁵⁰

Once the drug trade became illegal, the political elite continued to run the various enterprises with little trouble from those charged to enforce anti-drug laws. One author, Luis Astorga, noted that governors, political protégés, members of police agencies, and

²⁴⁶ Ibid.

²⁴⁷ Luis Astorga, “Organized Crime and the Organization of Crime,” in *Organized Crime and Democratic Governability*, ed. John Bailey and Roy Godson (Pittsburgh, PA: University of Pittsburgh Press, 2001), 62.

²⁴⁸ Ibid., 60–61.

²⁴⁹ Ibid.

²⁵⁰ Ibid.

the like used traffickers to “do their dirty work” and did not worry about “moral considerations and the illegal nature of the activities.”²⁵¹ All the while, Department of Health agents who were charged with enforcing the antidrug policy in Mexico were complicit in the drug trade. There were too few of them to cover the vast Mexican territory. Worse yet, as Astorga points out, for a time “the agents were paid with the drugs they seized, which, of course, they then sold,” perpetuating the problem.²⁵² After the United States stepped up their anti-drug efforts in the post-World War II era, the drug enforcement responsibility shifted to the Mexican Army who continued with the tradition of protecting important political families, shifting blame to “traffickers, police agents, commanders, and other low-level officials.”²⁵³ Hence, the drug trade in Mexico began as a top-down business model with the elites running the show and minimal trouble from anti-drug laws and their enforcers.

Colombia also joined the drug trade, and business grew rapidly. Beginning with marijuana then quickly moving to cocaine, organized crime groups realized huge profits in the illicit market.²⁵⁴ As the country became more connected with the outside world, organized crime took on a transnational aspect and Colombia became a leading player in the global cocaine business.²⁵⁵ Criminal elements “included many independent operators,” but also “two loosely organized large syndicates...based in Medellin and Cali,” and “other significant trafficking groups...in Bogotá and the Caribbean coast.”²⁵⁶ This was the beginning of what became known as drug cartels.²⁵⁷ Both Mexico and Colombia housed large drug trafficking enterprises that, while illicit, operated relatively freely and peacefully at first. Under these circumstances, the drug trade did not significantly affect the state of human trafficking within Colombia. Yet, all that was about to change.

²⁵¹ Ibid., 62–63.

²⁵² Ibid., 72–73.

²⁵³ Ibid., 73.

²⁵⁴ Thoumi, “Colombian Organized Crime,” 134–35.

²⁵⁵ Ibid., 132.

²⁵⁶ Ibid., 134.

²⁵⁷ Ibid.

D. ACT 3: THE U.S. WAR ON DRUGS

Peace did not last long, as the United States pushed the countries to actively combat the trade in drugs. U.S. government-sponsored efforts may have even created the need for a response in Colombia. By pushing a significant amount of marijuana cultivation out of Mexico and then coca out of Peru and Bolivia, U.S.-led drug eradication programs simply transferred drug production to Colombia.²⁵⁸ To put this in context, in 1985, “Peru produced roughly 65% of the world’s supply of coca leaf while Bolivia grew approximately 25% and Colombia 10% or less,” but “by 2000, Colombia cultivated an estimated 90% of the world’s coca leaf while production in Peru and Bolivia dwindled to historic lows.”²⁵⁹ Still, the Colombian government did not view the increasing domestic drug cultivation or even its accompanying organized crime as a serious danger—it was seen as a U.S. and European consumer problem; U.S. policymakers, on the other hand, viewed drugs as a direct security threat against which they declared all-out war.²⁶⁰ In spite of anti-trafficking efforts, a persistent global demand for drugs provided a strong economic incentive for enterprising criminals to produce them and share in the estimated \$150 billion annually from drug sales in the United States alone.²⁶¹

A lack of political and individual will further hampered drug reform efforts in Colombia. Many of the individuals who were in positions to act against the drug trade were also either using drugs or profiting from the illicit practice; hence, they were complicit in its continuation.²⁶² Even the military, which began antidrug efforts in the

²⁵⁸ Kline, *State Building and Conflict Resolution in Colombia*, 21; Peceny and Durnan, “The FARC’s Best Friend,” 102–103, 106; Bruce Bagley, “The Evolution of Drug Trafficking and Organized Crime in Latin America,” *Sociologia, Problemas E Práticas*, no. 71 (March 1, 2013): 107.

²⁵⁹ Bagley, “Evolution of Drug Trafficking and Organized Crime in Latin America,” 102.

²⁶⁰ Kline, *State Building and Conflict Resolution in Colombia*, 21, 23; Chepesiuk, *The Bullet or the Bribe*, 261; Thoumi, “Colombian Organized Crime,” 138.

²⁶¹ Bagley, “Drug Trafficking and Organized Crime in the Americas,” 1–2.

²⁶² Álvaro Camacho Guizado and Andrés López Restrepo, “From Smugglers to Drug Lords to Traquetos: Changes in the Colombian Illicit Drug Organizations,” in *Peace, Democracy, and Human Rights in Colombia*, ed. Christopher Welna and Gustavo Gallón (Notre Dame, IN: University of Notre Dame, 2007), 64, 78.

1980s was sometimes directly paid off by drug traffickers and preferred to spend the millions of dollars in U.S. aid earmarked for fighting drugs to fight guerrillas instead.²⁶³

The Colombian government came to see drug trafficking as a danger to democracy only once “drug groups became so powerful that any politician, judge, or journalist opposing them was either bought off or killed.”²⁶⁴ That said, the traffickers did not resort to violent, subversive methods until after the state started fighting them openly.

Generally, the harder the government pushed against organized crime, the more ingrained the criminals became in politics and society. In response to an extradition treaty with the United States in 1978, for example, traffickers built stronger links within the political system ranging from paying off politicians to direct attempts by Pablo Escobar, a notorious Colombian drug lord, to get elected to Congress.²⁶⁵ Both the cartels and paramilitary organizations developed links within the military, police forces, economic elites, and politicians (to include at least one Colombian president).²⁶⁶ Some guerrilla and paramilitary groups even took over control of entire rural municipalities, siphoning off the federal funds, running the illicit drug trade largely unencumbered, investing in legitimate businesses to “complement their income and launder some of their illicit profits,” and inducing voters to “elect the candidates they supported in order to obtain revenues from municipal investment projects and employees including those in education and in the health sector.”²⁶⁷ It was like trying to get free from Chinese handcuffs by tugging harder and harder—a losing strategy.

U.S. hardline antidrug policies infected Colombia, throwing the country’s drug trade into a spiral of violence. During 1983 and 1984, the Betancur administration, largely influenced by Justice Minister Rodrigo Lara Bonilla, ramped up antidrug efforts with direct attacks on drug centers and personnel, to which the drug traffickers responded

²⁶³ Kline, *State Building and Conflict Resolution in Colombia*, 15–16.

²⁶⁴ *Ibid.*, 21.

²⁶⁵ Thoumi, “Colombian Organized Crime,” 137–38.

²⁶⁶ Bagley, “Drug Trafficking and Organized Crime in the Americas,” 12; Thoumi, “Colombian Organized Crime,” 135.

²⁶⁷ Thoumi, “Colombian Organized Crime,” 137.

by assassinating Minister Lara, causing the administration to counterattack even more forcibly.²⁶⁸ By the end of 1984, the government had “seized 2,851,000 kilograms of marijuana and 23,931 kilograms of cocaine, destroyed 268 cocaine-processing laboratories, and arrested 2,773 individuals.”²⁶⁹ The tit-for-tat of violence escalated in late 1986 when assassins killed a prominent newspaper editor and longtime critic of the drug trade, prompting the Barco government to issue a self-proclaimed ““offensive without precedent”” against the drug trade,” to which the narcotraffickers responded by increasing assassinations, killing fifty-seven judges and twenty-four journalists in 1987 alone.²⁷⁰ The attack-assassination-retaliation cycle continued, culminating in a U.S.-backed, all-out war against the Medellín cartel that eventually killed its leader and shattered the organization.²⁷¹

Strong anti-drug policies, headed by the United States, caused both drug and human trafficking problems to grow. Eradication efforts in neighboring countries moved more production into Colombia, fighting the trade enhanced political corruption, and campaigns to eliminate trafficking organizations increased internal violence in the country. All of these factors—more drug trafficking, worse corruption, and more violence—fueled the human trafficking enterprise as illustrated in Chapter IV. Moreover, the drug trade persisted.

E. MORAL OF THE STORY: HARDLINE POLICIES DID MORE HARM THAN GOOD

Dissolving the cartels did not eliminate the drug trade as hoped; conversely, it diversified and multiplied the groups involved. Anti-cartel efforts, including killing Pablo Escobar, head of the Medellín cartel, in 1993 and offering plea bargains to the heads of the Cali cartel in 1994–95 effectively disbanded the two most prominent drug trafficking organizations in Colombia. As the drug trade fragmented, some 300 new, smaller organizations, including insurgent and paramilitary groups, entered the mix. The FARC

²⁶⁸ Kline, *State Building and Conflict Resolution in Colombia*, 24.

²⁶⁹ *Ibid.*

²⁷⁰ *Ibid.*, 45–46.

²⁷¹ *Ibid.*, 46–50.

also stepped into the vacuum and became a prominent player. Participating in the drug trade increased the FARC's military power but decreased its popular support as the organization's ideology became infiltrated with drug economics, politics, and practices.²⁷² Consequently, while the cartel-led drug trade had originally been relatively controlled and nonviolent, government action against it was a catalyst that resulted in even worse problems for the state, while still looking like a political victory for the U.S.-Colombian war on drugs.

Along with devolving drug trafficking governance to a plethora of smaller groups, the breakup of the cartels caused drug traffickers to diversify their economic interests, including into direct participation in human trafficking. As Chapter IV illustrated, this new generation of drug traffickers in Colombia was well motivated to participate in human trafficking activities. The new organizations were more flexible and prone to violence, and many quickly realized that “their skills could be profitable in other criminal activities: selling ‘protection’ to businesses (extortion), assaults, kidnappings, prostitution, gambling, retail drug sales in local markets, etc.”²⁷³ One of their top concerns was to avoid overly intense government interest, and the new drug groups were better suited to such a purpose. The government did not view them as a direct threat to the state in the same way it had the cartels, and the new organizations learned and adapted, operating primarily at the municipal and departmental, rather than national levels, and becoming more subtle in their political alliances.²⁷⁴

These drug war “victories,” coupled with state-led decentralization, exacerbated the devolution of state control to paramilitary and insurgent groups in many areas of Colombia and partially transformed political and ideological groups such as the FARC

²⁷² Bagley, “Evolution of Drug Trafficking and Organized Crime in Latin America,” 102–103, 107; Kline, *State Building and Conflict Resolution in Colombia*, 186; Frank Safford and Marco Palacios, *Colombia: Fragmented Land, Divided Society* (New York: Oxford University Press, 2002), 346, 357, 360–61; International Institute for Strategic Studies, *The FARC Files: Venezuela, Ecuador and the Secret Archive of “Raúl Reyes”* (London: International Institute for Strategic Studies, 2011), 222–23; Saab and Taylor, “Criminality and Armed Groups,” 457, 459; Shelley, *Human Trafficking*, 2010, 87; Chepesiuk, *The Bullet or the Bribe*, 259.

²⁷³ Thoumi, “Colombian Organized Crime,” 140.

²⁷⁴ Bagley, “Evolution of Drug Trafficking and Organized Crime in Latin America,” 108.

and ELN into more economically motivated criminal enterprises.²⁷⁵ Writing on the destabilizing influence of decentralization on the Colombian state, Kent Eaton emphasizes how antidrug policies facilitated the phenomenon: “The inability of the police to monitor how illicit armed groups were abusing decentralization has a number of causes, including the U.S.-funded war on drugs that re-oriented police work in the 1990s to focus overwhelmingly on narco-trafficking.”²⁷⁶ As authorities fixated more and more on drugs, the attention they could spare for other criminal conduct—namely human trafficking.

Attacking cartels also inadvertently revitalized the Colombian insurgency. Mark Peceny and Michael Durnan described how antidrug policies enriched warring factions (particularly the FARC):

The destruction of the Colombian drug cartels, however, dismantled the most powerful military opponents of the FARC in many regions and decreased the ability of drug-trafficking operations to resist paying taxes to the FARC as part of the price of doing business. The successful interdiction of coca being flown from Peru, combined with the disruption of the drug cartels’ transnational supply networks, increasingly pushed coca cultivation into the areas of Colombia where the FARC had long had a significant presence. This shift in production provided the FARC with unprecedented opportunities to tax the drug trade. Meanwhile, aerial fumigation may have deepened Colombian coca workers’ support for the FARC against a government that was threatening their health and livelihood. All of these unintended consequences of successful U.S. antidrug policies worked together to provide the FARC with unprecedented opportunities to strengthen its decadeslong insurgency against the Colombian state during the 1990s.²⁷⁷

Ultimately, stronger antidrug policies in Colombia have led to more criminal entities, increased drug-related violence, and an influx of wealth to insurgent movements and other armed, non-state actors.

²⁷⁵ See Kent Eaton, “The Downside of Decentralization: Armed Clientelism in Colombia,” *Security Studies* 15, no. 4 (2006): 533–62, doi:10.1080/09636410601188463.

²⁷⁶ *Ibid.*, 537, 547.

²⁷⁷ Peceny and Durnan, “The FARC’s Best Friend,” 97.

Thoumi points out that proponents of the hardline stance against drugs argue that the nearly \$8 billion the United States gave Colombia under Plan Colombia to fight drug production and trafficking since 2001 helped “beat back the FARC guerrillas, demobilize many—but not all—of the country’s paramilitary bands, and substantially reduce the country’s astronomically high levels of drug-related violence”; yet, “as of 2010 Colombia remained a principal source of coca leaf and refined cocaine in the Andes, and drug-related violence and criminality appeared to be once again on the rise,” particularly due to the high number of small drug gangs vying for territory and supremacy and without any governing force.²⁷⁸

The fight against organized crime in Colombia has fed, rather than suppressed its contributing factors. The high levels of violence over many years now has displaced many Colombians and accustomed them to its prevalence and convinced them of the inability of the state to protect them; consequently, they do not consider themselves part of a shared nationality, distrust the central government, and are more likely to become involved with organized crime.²⁷⁹ All of these tie-ins with the legitimate workings of the state have occurred despite (and in some cases because of) the country’s hardline anti-drug stance, and they all subsequently facilitate human trafficking.²⁸⁰

While more oppressive government strategies have resulted in criminal organization evolution, not eradication, more tolerant or cooperative strategies have occasionally succeeded in reducing violence, if not the amount of organized crime. For instance, the mayor of Medellín significantly lowered the rate of violence in the city for a time using a collaborative strategy of “informal negotiations with the gangs as new mayoral initiatives to reduce gang violence (e.g., increased social services, expanded educational opportunities, jobs programs, and new public recreational spaces for youth).”²⁸¹ Again, this illustrates the direct link between level of violence and measure of

²⁷⁸ Bagley, “Drug Trafficking and Organized Crime in the Americas,” 5, 9; Thoumi, “Colombian Organized Crime,” 140.

²⁷⁹ Thoumi, “Colombian Organized Crime,” 141.

²⁸⁰ *Ibid.*, 138.

²⁸¹ Bagley, “Drug Trafficking and Organized Crime in the Americas,” 10–11.

force inherent in antidrug policies, and as Chapter IV illustrated, increased violence in Colombia is one of the primary factors precipitating human trafficking in the country.

F. CONCLUSION

This chapter outlined U.S. and Colombian policies intended to crush communism and drugs, highlighting the strategies' tragic effects—a case of the medicine being worse than the disease. U.S.-led anti-communist efforts effectively created the FARC—the oldest insurgent movement in the world. And, while Colombia has never been free of organized crime, it enjoyed relatively low levels of drug-related violence until U.S. anti-drug efforts induced the country to take oppressive action against large, organized crime groups. Such hardline policies have not succeeded in eliminating the drug problem; rather, they have splintered large drug trafficking groups, leaving openings for outside contenders, including greater participation by insurgent groups.

In the interest of avoiding further reprisals, most of these new groups operated on a smaller scale and diversified their criminal activities, with many participating in human trafficking as a low-risk, high-profit venture, as Chapter IV clearly detailed. Moreover, the drug conflict in Colombia fed long-term violence, widespread displacement, economic hardship, deep-seated corruption of public officials, and a general desensitization toward illicit activity in the country—all of which are factors that contribute to human trafficking. Drug trafficking and the fight against it strengthened incentives for individuals to participate in human trafficking and provided them with the skills, networks, and spaces necessary to make it profitable while, simultaneously, enlarging the pool of potential victims and reducing the chances of getting caught or punished.

The most success drug eradication efforts have achieved to-date is to shift cultivation and trafficking from one place to another, but the cost, in both money and blood, has been terrible. In light of this evidence, perhaps hardline U.S. anti-drug activists should take a moment to review the unintended negative consequences of their imposed oppressive strategies, or as Winston Churchill once said: “However beautiful the strategy,

you should occasionally look at the results.”²⁸² After all, as the Mexican case showed, such an outcome is not unique to Colombia—it may be unintended, but cannot be considered unanticipated anymore.

²⁸² BrainyQuote, “Winston Churchill Quotes,” accessed September 22, 2014, <http://www.brainyquote.com/quotes/quotes/w/winstonchu135256.html>.

VI. CONCLUSIONS AND WAY AHEAD

From the beginning, the U.S. Department of State applauded Colombia's conformity with all of the TVPA's minimum standards for the elimination of trafficking. Colombia signed and ratified all of the appropriate treaties and enacted the laws necessary to criminalize human trafficking and prosecute its perpetrators.²⁸³ The Colombian government appeared to be putting its best foot forward, and the United States officially certified the efforts with a top-tier ranking from 2001 through 2013.²⁸⁴

Despite international and domestic policies and programs intended to combat human trafficking, Colombia has among the highest instances of human trafficking in the Western Hemisphere.²⁸⁵ In 2014, Colombia lost its Tier-1 ranking, meaning the United States no longer believed the Colombian government was in full-compliance with anti-trafficking minimum standards.²⁸⁶ This thesis, moreover, provided evidence signifying that Colombia had been generally underperforming the entire time.

Colombia is not entirely to blame for the persistence of human trafficking. The nature of the crime allows it to remain relatively hidden and easy to ignore, and its incredibly broad definition muddies the issue of consent and blurs the line between child abuse and human trafficking. More significantly, violent conflict has plagued the country for decades, reducing state capacity in certain areas to practically nothing. Consequently, thwarting human trafficking, protecting and providing for its victims, and prosecuting perpetrators of the crime have been extraordinarily challenging.

Regardless of the difficulties in combating human trafficking, the Colombian government has displayed insufficient will to stay in the fight long enough to achieve substantial results. Most seemingly-solid programs turned out to be mere smoke and mirrors: the government responded publicly to external events and concerns only to

²⁸³ Seelke, *Trafficking in Persons in Latin America and the Caribbean*, 15.

²⁸⁴ Tier placement data compiled from Colombia country profiles in annual TIP reports from 2001 to 2013 at U.S. Department of State, "Trafficking in Persons Report."

²⁸⁵ U.S. Department of State, *Trafficking in Persons Report: 2014*, 134.

²⁸⁶ *Ibid.*, 43, 134–35.

quietly abandon the projects once the spotlight had passed. As Chapter III revealed, the government established laws that it did not enforce, hyped databases it did not populate, started and stopped anti-trafficking campaigns as interest waxed and waned, created committees that did not produce results, trained personnel who proved uninformed and ineffective, publicly worried about human trafficking victims but did little to help the individually, and largely failed to convict traffickers unless it would be too obvious if they did not. NGOs and IOs did most of the substantive work, but it was still not enough.

The factors contributing to human trafficking in Colombia overpowered what energies the government marshaled against it. Drug trafficking fed the human trafficking marketplace, influencing causal factors and disrupting preventative mechanisms. The drug conflict limited the state's reach, compromised its institutions, and established a pathway for criminal groups to transition to human trafficking. It also increased human displacement and created heavy economic burdens, making people more vulnerable to trafficking and less sensitive to the risks involved. Ironically, the harmful effects of drug trafficking on human trafficking increased proportional to the amount of effort with which governments fought drug trafficking.

The United States pushed Colombia into the anticommunist and anti-drug programs that indirectly exacerbated the human trafficking problem. As part of its Cold War with the Soviet Union, the United States encouraged and supported Colombia in attacking leftist movements, increasing the violent political divide in the country. Later, U.S.-led anti-drug efforts throughout the region pushed cultivation into Colombia, and subsequent oppressive policies fragmented the drug trade without reducing the overall demand for drugs. Consequently, many new criminal organizations entered the enterprise, engrained themselves in sub-national politics, and diversified their portfolio of illicit activities. In the end, the United States did not successfully destroy communism or drugs in Colombia, but increased violence and enabled human trafficking to prosper.

Hardline U.S. policies against drugs in Mexico had an incredibly similar effect. As Mexico actively fought against organized crime, it experienced the same results as Colombia—greatly increased chaos and violence. President Calderon developed a punitive strategy that was “catastrophic in terms of deaths resulting from conflicts

between traffickers, conflicts between traffickers and the security forces and the deaths of innocent people caught in the crossfire, deliberately or by mistake.”²⁸⁷ Similar to the Colombian experience, the breakup of a “broad coalition” involved with the illicit drug trade led to “an extremely bloody fratricidal war” involving smaller groups and more diversified criminal enterprises.²⁸⁸

Until the late 1980s, a hegemonic coalition of drug traffickers, under the leadership of Miguel Angel Felix Gallardo, operated relatively peaceably in Mexico; however, upon Gallardo’s arrest in 1989, the group split then split again, becoming violent competitors.²⁸⁹ As was the case in Colombia, firefights “between traffickers and police officers and the military grew in direct proportion to the increase in the demand for drugs, the expansion of the market, and the arrival of a new generation of traffickers.”²⁹⁰ In the end, military campaigns against major trafficking groups, such as President Vicente Fox’s efforts against the Tijuana and Juárez cartels in 2000, may have displaced major groups but only in trade-off for many smaller and more violent trafficking organizations.²⁹¹ Mexico illustrates that the relationship between hardline anti-drug policies and a deteriorating domestic situation are not unique to Colombia.

Understanding that the Colombian case is not an anomaly, policymakers and academics in Colombia and the United States must be cognizant of the links between drug trafficking, antidrug efforts, and human trafficking. In the past, such links were either unknown or ignored, and well-intentioned policy compounded Colombia’s problems, rather than solved them. Going forward, more research is needed into the nature of human trafficking in Colombia, focusing on how to protect the individuals at greatest risk and deter those most likely to exploit them. At a bare minimum, the governments involved should reevaluate an ongoing strategy that continues to make things worse.

²⁸⁷ Luis Astorga, “Mexico: Organized Crime Politics and Insecurity,” in *Traditional Organized Crime in the Modern World*, ed. Dina Siegel and Henk Van de Bunt (New York: Springer, 2012), 163.

²⁸⁸ *Ibid.*, 151–52.

²⁸⁹ *Ibid.*, 153–54.

²⁹⁰ Astorga, “Organized Crime and the Organization of Crime,” 75.

²⁹¹ Bagley, “Drug Trafficking and Organized Crime in the Americas,” 8.

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