

## STATE PARTY EXAMINATION OF COLOMBIA'S FOURTH TO FIFTH PERIODIC REPORT

68<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD  
12 JANUARY – 30 JANUARY 2015

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*Colombia ratified the Convention on the Rights of the Child (CRC) 28 January 1991. On 20 and 21 January 2015, the Committee on the Rights of the Child (the Committee) examined the third to fifth report of Colombia. It was last examined on 26 May 2006.*

*Colombia ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict (OPAC) on 25 May 2005 and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 11 November 2003. It was last examined under OPAC on 20 January 2015 and under OPSC on 21 January 2015.*

*This review covered Colombia's integrated CRC, OPAC and OPSC report.*

### Opening Comments

The delegation of Colombia was led by Ms. Cristina Plazas Michelsen, Director of the *Instituto Colombiano de Bienestar Familiar (ICBF)*. She was supported by a delegation consisting of the Vice-Minister of Working Relations at the Ministry of Work, the Delegate Procurator for Childhood and Family at the National Attorney General's Office, the Ambassador at the Permanent Representation of Colombia to the United Nations, the Director of the Unit for the Attention and Reparation to Victims, the Director of Human

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at 1

[www.childrightsconnect.org/index.php/publications-resources/crc#countrysum](http://www.childrightsconnect.org/index.php/publications-resources/crc#countrysum)

Rights and DIH at the Ministry for Foreign Relations, the National Director of Victims and Users at the Office of the Attorney General, and of the Director of Childhood and Adolescence at the ICBF.

Ms. Michelsen stated that the State party had been making significant steps towards peace and affirmed that reconciliation would be the outcome of the instilment of a human rights culture in the State.

Ms. Michelsen added that, in 2006, the government had adopted a Code for children's rights to domestic international law instruments in the State. She pointed out that the government was working on many issues, including poverty, health and children victims of the ongoing armed conflict.

Mr. Gehad Madi, Ms. Maria Herczog, Mr. Wanderlino Nogueira Neto and Ms. Kirsten Sandberg, the members of the task force for Colombia, welcomed the delegation and the progress made by State party.

## **General Measures of Implementation**

### ***Legislation***

The Committee welcomed the adoption of the Code of Childhood and Adolescence in 2006 but enquired about the effectiveness of its implementation. The delegation said that law number 1098 of 2006, establishing the Code of Childhood and Adolescence, ensured the correct transposition of the CRC into the domestic legal system.

### ***Coordination and monitoring***

The Committee welcomed the introduction of the new ICBF structure but raised concerns about the lack of capacity of its regional branches, particularly in the region of Antioquia. The delegation answered that the ICBF was able to monitor the actions of the local authorities related to children's rights of 96.4 per cent of the local authorities in the State and that plans to cover 100 per cent of the State's territory started to be carried out in 2015. It also stated that the ICBF had a strong institutional presence in the State's territories and that the government had implemented development plans for territorial management, social mobilisation and child participation in 5 regions.

It further added that local authorities collected information on the situation of children's rights in their district and that the government developed its strategies around this data.

### ***Dissemination and training***

The Committee noted that dissemination of knowledge on children's rights was limited in the State party and asked about plans to increase awareness. It asked whether social workers and people working in the justice system received appropriate training on children's rights. The Committee further enquired about the inclusion of human rights in schools' curricula. The delegation replied that 8000 teachers had been trained on human rights and that the government had started to develop a national human rights education plan in 2014. It added that local authorities received training on the Code of Childhood and Adolescence.

### ***Budget***

The Committee noted that the budget allocated to early childhood had increased between 2003 and 2010; however, it expressed concerns about its decrease to the same level of 2003 in recent years. The delegation affirmed that the budget for early childhood had doubled over the last past 5 years.

## **Definition of the Child**

The Committee asked about plans to move the minimum age of marriage from 14 to 18 in the State party. The delegation did not answer to this question.

## **General Principles**

### ***Non – discrimination***

The Committee raised concerns about the existing discrimination against indigenous and Afro descendant children in the State, and asked about plans to make this issue a priority. The Committee further asked whether bilingual education was available for children of indigenous communities. The delegation answered that, in 2011, the government had started to guarantee protection to the most vulnerable groups and had strengthened this protection by adopting, in 2014, law number 1953 to provide indigenous communities with more autonomy in the fields of health and education. Additionally, resources had been allocated to protect indigenous languages and to teach these languages in schools.

The Committee was concerned about the practice of expelling girls from schools because of pregnancy. The delegation stated that no girls could be expelled from school if pregnant, and that pregnant girls could enjoy of time flexibility to be able to attend medical appointments.

The Committee enquired about discrimination against children with disabilities, HIV affected children and LGBTI children. The delegation did not address these questions.

### ***Best interests of the child***

The Committee acknowledged that children's rights were given primacy over other rights in the 1991 Constitution of the State party and asked whether there were difficulties in implementing this principle. It also enquired about the training provided to personnel dealing with child rights related issues. The delegation said that the best interest principle had been incorporated into the State's legislation and that police forces received appropriate training on it.

### ***The right to life, survival and development***

The Committee raised concerns about children growing up in the general situation of violence in the State party. It also noted that the improvement of the economic performance of the State had not brought equitable distribution of resources amongst the population. The delegation said that the government acknowledged the need for further efforts in this sense.

### ***Respect for the views of the child***

The Committee asked if children's opinions were taken into account by local authorities. The Committee also enquired about the inclusion of children's voices in the peace process. The delegation answered that children could be heard nationwide through their participation in meetings and workshops. It also stated that 3 children had taken part in the Havana peace talks, where they could make their own recommendations.

## **Civil Rights and Freedoms**

### ***Corporal punishment***

The Committee noted that corporal punishment was not prohibited in the legislation of the State and asked if the government had any plans to ban this practice. The delegation did not address this question.

### ***Right to a nationality***

The Committee noted that the regions with the highest percentage of indigenous populations had the lowest rate of birth registration and asked whether indigenous children could enjoy

their rights enshrined in Article 7 of the CRC. The delegation said that the Congress of the State had passed an order to address the needs of indigenous children.

## **Family Environment and Alternative Care**

### ***Family support***

The Committee expressed concerns about the number of children abandoned by their families and asked about efforts to prevent separation. The delegation said that trained staff helped families during family crisis as a form of prevention.

### ***Institutions and family-based care***

The Committee noted that there were more than 700 institutions in the State party and asked about their regulation. The delegation answered that the institutions non-compliant with government's guidelines on alternative care had been closed.

### ***Adoption***

The Committee asked about the situation of international adoption in the State. The delegation replied that the State was complying with the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption, thanks to appropriate processes to assure transparency, such as the on-going monitoring of the 8 institutions in charge of adoption. The Committee suggested that domestic adoption as a way to prevent institutionalisation of children.

## **Disabilities, Basic Health and Welfare**

### ***Health services***

The Committee raised concerns about the high rates of maternal and child mortality in the State, especially among indigenous and Afro-Colombian communities. The delegation explained that there was a gap between the policies and the implementation process but that preventive measures existed.

The Committee asked about plans for vaccination. The delegation answered that vaccination rates had increased but recognised that it was made difficult by the migration and the movement of people within the State.

### ***Children with disabilities***

The Committee noted that there was a lack of strategy on inclusive education and made reference to the issue of infrastructure accessibility. The delegation did not reply to this question.

### ***Adolescent Health***

The Committee expressed concerns about the high number of early pregnancies and asked about programmes and campaigns on reproductive health. The delegation answered that a programme on the use of contraceptives had been launched in 2012 and that 860 medical teen-friendly services had been established in 2014. It also stated that sexual intercourse under the age of 14 was considered as a crime.

The Committee asked about abortion measures. The delegation explained that abortion was prohibited in the Constitution of the State, except in cases of rape, malformation and danger to the life of the mother.

### ***HIV/AIDS and Syphilis***

The Committee enquired about strategies to prevent the transmission of HIV/AIDS and Syphilis. The delegation replied that there were various plans in action, including a 4 pillar

strategy to eliminate mother-to-child transmission of HIV/AIDS. It also said that screening for syphilis for pregnant women was made available.

### ***Breastfeeding***

The Committee expressed concerns about the declining of exclusive breastfeeding and asked about efforts to promote this practice. The delegation explained that breastfeeding was related to social conditions, like employment, and that measures to address this issue included a 1 week paternal allowance, a system of friendly-rooms available for breastfeeding in employment areas and the establishment of milk banks.

### ***Female Genital Mutilation***

The Committee expressed concerns about the persistence of the Female Genital Mutilation (FGM) and asked about plans to legally ban it. The delegation explained that there was just one community who practiced FGM and that the Ministry of Health, together with the Ombudsman of the State, had established a mechanism to sanction perpetrators. It also stated that there had been a reduction in the number of cases reported to hospitals.

### ***Drug and substance abuse***

The Committee asked for information on alcohol and drug abuse among adolescents. The delegation did not respond to this question.

### ***Suicide***

The Committee asked about school programmes and campaigns to prevent suicide among teenagers. The delegation did not answer to this question.

### ***Quality of water***

The Committee asked about plans to reduce pollution and to improve the quality of water. The delegation answered that more than 5000 projects on drinking water had been implemented in the State in the last 4 years.

## **Education, Leisure and Cultural Activities**

### ***Access to education***

The Committee asked if progress in access to education had been made and enquired about plans to make education free at all levels. The delegation said that 5 per cent of the national GDP was invested on education and that the government developed a 2014-2018 plan to make the State one of the most educated countries. It also affirmed that 8.9 million children were currently in the education system.

The Committee asked about access to education for indigenous children. The delegation affirmed that plans to extend the coverage of education to indigenous children had been made.

### ***Quality of education***

The Committee asked what kind of support was provided to teachers, especially to those working in rural areas. It further enquired about plans to make a full school day programme implemented. The delegation stated that the teachers had been trained to improve teaching practices and that the government had increased the wages by 15 per cent for those teaching in rural areas. It also informed the Committee that the government had increased its investment in the school transport system and in the school feeding programme, with 30900 meals being provided in 2014. The delegation further stated that the government aimed at making the State free of illiteracy by 2018.

The Committee asked questions about the quality of schools' infrastructures. The delegation recognised the need for further work on this issue and stated that the government was committed to invest more resources on infrastructures.

### ***Leisure and cultural activities***

The Committee asked about leisure activities for children in rural areas. The delegation did not answer to this question.

## **Special Protection Measures**

### ***Juvenile justice***

The Committee asked about the government's intentions to lower the age of criminal responsibility. It asked for more information on the issues of deprivation of liberty, prevention of violence in detention facilities and the protection of child victims or witnesses during judicial proceedings. The delegation explained that children could be considered as criminally responsible between the age of 14 and 18. It also stated that deprivation of liberty was used as a last resort and that the government used a pedagogic model to ensure restorative justice.

### ***Violence against children***

The Committee expressed major concerns on the number of child victims of State violence. The delegation stated that only 1 per cent of murdered children was victim of violence perpetrated by State officials. However, these crimes were considered particularly serious. The Committee further enquired about the attacks on schools made by military actors in Antioquia. The delegation replied that 2 criminal proceedings had been made on these events and that the Ministry of Education had programmes to consolidate schools as protective environments. It made the example of the relocation of a police station in the Putumayo region because of its proximity to a school.

The Committee acknowledged that the 2012 law had increased sanctions and prosecutions related to domestic violence and asked about the impact of this law, especially on girls. The delegation stated that more than 1.2 million families had benefited from the government's training programme on domestic violence and that there were 31 care centres for victims of sexual violence and 32 centres for victims of family violence in the State. It also affirmed that legislation to prevent violence against women had been put in place.

The Committee emphasised that impunity was much greater for crimes committed against children than for those committed against adults. The delegation affirmed that impunity was considered as another form of violence and that the ICBF had started to deal with this challenge and that work was done in relation to access to justice, prioritisation of issues and prevention of crimes.

The Committee also raised concerns about the participation of children in bull-fighting activities. It asked if plans to set a minimum age for their involvement in these events had been made. The delegation did not respond to this question.

### ***Child labour***

The Committee welcomed the State's 2008-2015 national strategy for the prevention of child labour but pointed out that 1.7 million of children between 5 and 17 years old worked in productive activities in 2011. It further raised concerns about children working in activities related to illegal crops and asked about the training provided to labour inspectors and about the number of cases brought before courts. The delegation did not answer to this question.

The Committee asked about regulations of mining companies' activities and their impact on the rights of the child. The delegation said that the government monitored and regulated the activities of mining companies with regard to the environment and to the families of the employees. It added that the Ministry of Labour intervened to ensure stability to these families.

### ***Sexual abuse***

The Committee noted that sexual violence had become a weapon of war among armed groups and asked for information and measures taken on this issue. The delegation answered that 7333 boys and girls had been counted as victims of sexual abuse who received psycho-social services. It also said that the Ministry of Justice worked to ensure reporting and prosecution.

### ***Children living on the street***

The Committee welcomed the efforts made by the government on the question of street children but noted that they were limited to the main cities of the State party. The delegation did not reply to this question.

### ***Child Trafficking***

The Committee highlighted that the State party was one of the countries with the highest number of children trafficked both nationally and internationally. It asked about measures taken to rehabilitate and reintegrate children victims of trafficking. The delegation did not address this question.

### ***Torture***

The Committee asked whether there were cases of torture against children by State agents or non-state armed groups. The delegation answered that 2 cases of torture had been reported prior to 2013 and that the Attorney General Office had begun to investigate into those cases.

### ***Internal Displaced Children***

The Committee noted that over 5 million people were internally displaced in the State and that half of these people were children. It asked about the government's efforts to address the root causes of forced displacement. The delegation stated that, in 2007, the ICBF had initiated a programme to help demobilised children, which followed the guidelines provided by UNICEF and other international bodies. It also said that the government was able to provide different care to each case and that 47 per cent of displaced children were reunified with their families. Child victims of forced displacement were helped psychologically through art and reading programmes. The delegation explained that one of the root causes of forced displacement was the threat of recruitment and that the government had established 'peace schools' in the regions formerly affected by forced child recruitment, such as in the municipality of Monterrey.

### ***OPAC***

The Committee noticed that 46 per cent of children's deaths were due to violence between armed groups and asked about strategies to stop violence. The delegation responded that, in 2012, the government had recognised the existence of an armed conflict in the State and that 31 per cent of its victims were children. The government was committed to provide reparation and care to all the victims under the principles of international humanitarian law.

The Committee emphasised the importance of having a specific approach for each category of child victim. The delegation stated that there was a system of different care for each case and added that there were 2 million children who were victims of the armed conflict.

The Committee acknowledged that non-state armed groups continued to recruit children and noted that the government of the State party considered these children as criminals rather than victims. The delegation said that there were 7500 child victims of forced recruitment and that the government was committed to tackle this situation. It also added that, since 2007, the ICBF had been providing particular care to children who left armed groups.

The delegation informed the Committee that 1106 child victims of landmines had been assisted by the ICBF's landmines unit.

### **Concluding Remarks**

Mr. Gehad Madi, Ms. Maria Herczog, Mr. Wanderlino Noguiera Neto and Ms. Kirsten Sandberg, the members of the task force for Colombia, thanked the delegation for the informative dialogue and stated that problems related to implementation, prosecutions and impunity still needed to be addressed in the State party.

The delegation thanked the Committee for the constructive dialogue and affirmed that children occupied a priority place in the implementation of public policies in the State party. It further acknowledged the challenges related to the gap in the provision of services to children between urban and rural areas and assured the Committee that work would be done to improve children's lives country-wide.