

Supplementary report to regular reports IV and V of Colombia to the committee on the rights of the child

Corresponding to the 2006-2010 period



**SUPPLEMENTARY REPORT TO REGULAR REPORTS IV AND V OF
COLOMBIA TO THE COMMITTEE ON THE RIGHTS OF THE CHILD
CORRESPONDING TO THE 2006-2010 PERIOD**

ALLIANCE FOR COLOMBIAN CHILDREN MONITORING ROUNDTABLE

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Supplementary Report Colombia

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Introduction

In compliance with its obligation, at the end of 2011, the Colombian State presented “Regular Reports IV and V (2006-2010 period) on the “measures adopted to make effective the rights acknowledged in the Convention on the Rights of the Child and on the progress made in terms of the enjoyment of them” to the Committee on the Rights of the Child.

Alianza por la Niñez Colombiana is a network that brings together the most well-known organizations in the national, regional and local spheres, which work together in the defense and full guarantee of children’s rights in Colombia¹. It works on the institutional strengthening of the State to make policies on childhood and adolescence and it has prepared this Official Additional Report to the State Report, in which it reflects on the State’s fulfillment of the effective guarantee of the rights established in the Convention on the Rights of the Child in the country and on the follow-up of the recommendations made by the Committee on the Rights of the Child in response to reports submitted in the past. Likewise, this report has taken into account the recommendations made to Colombia about the Universal Periodic Review regarding children’s rights in Colombia, expressed as part of the 16th Session of Periodic Reviews (UPR) of the United Nations Commission on Human Rights in 2013.

This report aims to provide items that contribute to discussion on the relevance of actions carried out by the Colombian State to fulfill the obligations established in the Convention and try to emphasize the need to change and formulate policies, programs and projects that lead to the comprehensive guarantee of rights of the country’s children and adolescents.

In order to prepare the report, a process was followed which included: consulting the opinion of children and adolescents through focus groups in different regions and an online area on the internet; consulting member organizations of Alianza por la Niñez Colombiana and the review of figures and research available on each one of the topics to be analyzed. To write the report for the Committee, the recommendations given by the Committee on the Rights of the Child and the International NGO Coalition were taken into account.

¹The organizations that it brings together include Fundación Retrepo Barco; ALDEAS INFANTILES SOS; Fundación Plan; World Vision; Save the Children International; Fundación Telefónica; Fundación Exito; Childhood Observatory of Universidad Nacional; Kid Save; Pontificia Universidad Javeriana - School of Psychology; RED PAI-Child Protection Network; Research and Development Center of Colombia (CINDE).

1.1 Country Background

To analyze what has occurred with the rights of children and adolescents in the 2006-2010 period, it is necessary to keep in mind the different assessments that, from one side or another of the political spectrum, try to explain what has occurred on the subject through an argumentative study of the right or wrong answers of public policy in that respect and based on the different evaluations and figures that try to take account the higher or lower level of satisfaction of Colombians’ rights in these years.

In effect, in accordance with the government’s statements at the time, coverage of the right to education was increased with 1.4 million school places. However, as will be seen later in this text, its quality has been severely questioned.

Regarding the right to health, in said years, the subsidized care system for the poorest and most vulnerable people achieved 7.8 million new people registered on the system. This undoubtedly presents huge difficulties in its quality and to date, it has reform attempts that have not satisfied the different social sectors, in spite of the urgency of reformulating the guidelines that govern this topic.

According to official statistics, in this period, there was a significant reduction in poverty, as it went from 57% in 2002 to 49% in 2006. Similarly, the rate of destitution decreased 6% from 20.7% to 14.7%².

Additionally, as an expression of the progress in economic and social rights in said period, the government at that time indicated that 3.1 million Colombians became new beneficiaries of the mains water service.

In other studies, like the World Bank Report with the title “Economic Mobility and the Rise of the Latin American Middle Class”, written in 2012, it is stated that the middle class in the region “recently expanded by 50 percent—from 103 million people in 2003 to 152 million in 2009. For Colombia, the middle class grew in this period from 7.1 to 13.6 million.”³

The sustained growth of the Colombian economy between 2002 and 2010 was over 6% and in the opinion of the government of the time, it constitutes the reason why, together with security, it provided the conditions for social development and achieving the written results.

In effect, the official evaluations state that the democratic security policy started by the government bore tangible fruits. According to official figures, while there were 115 cases of massacres in 2002, in 2009, there were 29, representing a 74.78% difference.

²SINERGIA (National System for the Evaluation of Management and Results), National Planning Department. Results Evaluation National Development Plan 2005 “Hacia un Estado Comunitario” (Toward a Community State). Evaluation Series No. 27, February 2006. p. 115

³World Bank. “Economic Mobility and the Rise of the Latin American Middle Class”. 2012. At: <http://www.bancomundial.org/es/news/press-release/2012/11/13/new-world-bank-report-finds-colombia-middle-class-doubles-over-last-decade>

Likewise, in 2002, 2,882 kidnaps were perpetrated, while in 2009, the figure came to 213, which means a 92.87% reduction in that period. According to the government, homicides reduced by 45%, displacements reduced by around 70% and the attacks on populations reduced by 96.88% in the same period.

However, from another perspective, it is considered that the country's experience in that period was characterized by an average economic growth mainly driven by mining development and foreign investment and the consolidation of the presence of the Colombian State in several of the country's regions through military and institutional strengthening carried out through a "democratic security" policy. This policy led to peace agreements just with the paramilitary groups and marked war and persecution of guerrilla groups. Likewise, in some people's opinion, economic and social inequality, the loss of social battles and weakening of social organizations persisted in this period⁴.

According to critics of the government, human rights violations persisted during this period of time. This is reflected in different expressions of violence that cover crimes committed by members of the State, such as the so-called "falsos positivos (false positives)", which consisted of more than 3,000 extrajudicial executions (a significant part of them in the period analyzed) carried out by, among others, active soldiers against common citizens in order to receive work or economic benefits. It is also reflected in expressions of violence such as the maintenance of forced recruitment of children and kidnapping of members of the civil population by guerrilla and paramilitary groups and emerging criminal gangs.

Colombia also saw the "continuation of homicides, threats, terrorist attacks, information theft and the following and intimidation of human rights defenders and their organizations in different regions of the country by different armed groups. Homicides, threats and harassment of those who work for the rights of displaced people are particularly worrying, especially leaders of women's groups and for land restitution"⁵, as expressed in the Report of the United Nations High Commissioner for Human Rights.

According to the High Commissioner the persistence of the prolonged internal armed conflict "...continues to pose many challenges for the country, including the complete disregard for international humanitarian law by guerrilla groups. This situation is exacerbated by violence against civilians committed by illegal armed groups that emerged after the demobilization of paramilitary organizations, links between illegal armed groups and drug trafficking, and the particularly acute impact of the internal armed conflict on indigenous peoples and Afro-Colombian communities."⁶

In the 2006-2010 period, the phenomenon of forced displacement continued to occur, which has led to Colombia becoming the country with the second largest number of internally displaced people (9% of the country's total), according to figures collected since the mid-eighties⁷.

In effect, as is known, the National Information Network of the Victims' Unit⁸ collects figures on forced displacement in Colombia dating back to before 1985. As of August 2013, 5,244,963 people were recorded as displaced, 5,247,857 as received and 5,258,862 were declared. Out of this group, 2,561,735 are women, 2,452,069 are men, 278 belong to LGBTI sectors, 8,228 are not reported and 5,654 do not state their gender. Children and adolescents comprise 1,900,470, approximately 36% of the people declared.

The demobilization of paramilitary groups ended in 2006, in compliance with the agreements signed with the government. Although this reduced the levels of violence in several of the country's areas, in others, these same groups continued their activities or new structures arose comprised of demobilized members of the paramilitary groups, causing violent events, such as massacres, selective murders, threats, forced displacement and sexual violence. The victims of these groups included social, indigenous and Afro-Colombian leaders and local officials, who in many cases were connected to land restitution processes or handling public resources⁹.

Although the rates of homicide decreased in several cities, in others, they were maintained or increased because of the persistence of organized violence, particularly violence related to planting illegal crops or drug trafficking. This situation continued to feed the internal armed conflict and led to new illegal armed groups¹⁰.

In the urban environment, common crime, criminal gangs and urban militias played a destabilizing role which resulted in people's rights being violated, particularly those of the child and adolescent population. In turn, children and adolescents "are exposed to being victims of threats, massacres, homicides, disappearances, torture, indiscriminate attacks, accidents from antipersonnel mines and unconventional weapons, armed confrontations and restrictions on the circulation of essential goods and supplies"¹¹.

During the period, in spite of the published government evaluations, poverty persisted in different population groups, especially in rural areas and suburban areas of the large cities. In 2010, almost 12 million people lived in the rural areas of Colombia (a little more than a quarter of the national population), out of which, 65.2% lived in poverty and 21.5% lived in extreme poverty or destitution. In rural areas, poverty was 39% and destitution was 8.7%¹².

According to the report by the National Administrative Department of Statistics (DANE in its Spanish acronym) "Pobreza Monetaria Año Móvil Julio 2012 - Junio 2013 (Monetary Poverty, Rolling Year July 2012 - June 2013)"¹³, in Colombia, 32.2% of the population lives in monetary poverty, while 10.1% lives in extreme monetary poverty. In the urban centers, 28.0% of people live in monetary poverty and 6.5% in extreme monetary poverty. While in the rest of the country (population centers and dispersed rural areas), 46.0% of people live in monetary poverty and 21.8% in extreme monetary poverty.

⁸RNI - Red Nacional de Información (National Information Network). Information cut-off date: 8/31/2013 12:00:00 a.m. Consulted on October 8, 2013: http://rni.unidadvictimas.gov.co/?page_id=1629

⁹Annual Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia 2009.

¹⁰The data reported by Legal Medicine shows that while cities such as Bogotá have had a continuous reduction of homicide since the middle of the nineties, in population groups related to drug trafficking, such as Tumaco in Nariño, the rate has lingered at around 150 for every 100,000 residents. Legal Medicine. Homicide 2006. Descripción del Comportamiento del Homicidio 2010 (Description of the Behavior of Homicide 2010). Forensis (National Institute of Legal Medicine and Forensic Science) 2006 and 2010.

¹¹Ombudsman's Office. Sixteenth Report from the Ombudsman's Office to the Congress of the Republic. Bogotá, D. C. Ombudsman's Office, January-December 2008. p. 79.

¹²Perry, Santiago. La pobreza rural en Colombia (Rural Poverty in Colombia). RIMISP (Latin American Center for Rural Development). Bogotá, 2010. p. 2.

¹³For this period of analysis, nationally, on average, a four-person home is considered as poor if its monthly income is less than COP 817,080. In the urban centers, this value is COP 901,789 and in the rest of the country it is COP 540,088. In turn, nationally, on average, a 4-person home is considered to be in extreme poverty if its monthly income is less than COP 366,755. In the urban centers, this value is COP 383,402 and in the rest of the country it is COP 312,322.

⁴Special supplement Desde Abajo Newspaper. Uribe 2002-2010, el día después (Uribe 2002-2010, The Day After). Bogotá, 2010.

⁵Annual Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia 2010.

⁶Annual Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia 2009.

⁷According to UNHCR, the data is variable and if you review the figures of organizations dedicated to studying this problem, the number of people affected can amount to more than 5 million people. See electronic document

<http://www.acnur.org/t3/operaciones/situacion-colombia/desplazamiento-interno-en-colombia/> Consulted on January 14, 2013.

According to the Multidimensional Poverty Index for children and adolescents (MPI-C), 33.98% of the child population lives in conditions of multidimensional poverty and among children aged 3 to 5 years, the rate of poverty is higher, as it affects 36.9%, followed by the group of adolescents aged 12 to 17 years with 35.2%.

The inequality measured through the Gini Coefficient remained high in the 2006-2010 period. In 2010, it was 0.585, which positioned Colombia as one of the 7 most unequal countries in the world and the second in the Latin American region, after Honduras. In 2011, the Gini index for Colombia was 0.548. Regarding the departments, Chocó, Guajira, Córdoba, Huila and Cauca presented the highest inequality in 2011; their indexes fluctuated between 0.554 and 0.567. While, Cundinamarca, Caquetá, Atlántico, Risaralda and Meta had lower inequality with indexes between 0.458 and 0.492¹⁴.

For 2012, The Human Development Index¹⁵ of Colombia was 0.719, with a 0.2 difference from the Inequality-adjusted Human Development Index (0.519)¹⁶. Said difference between the indicators represents inequality related to life expectancy, education and control of income¹⁷. Taking into account that in 2010, the difference between the Human Development Index (0.84) and the Inequality-adjusted Human Development Index (0.492)¹⁸ was 0.48, it can be confirmed that in the last two years, there has been a decrease in inequality in our country.

In the time period analyzed, there was an elevated rate of unemployment, especially in the younger population. Said rate for the 2006-2010 period slightly decreased from 12.6% to 11.7%¹⁹. As posed by some economic analysts, “Despite presenting a higher rate of growth in the last 30 years, the last four years were very discouraging in terms of results in the labor market. The rate of unemployment presented a very slight decrease, being one of the highest in the Latin American region, and informal labor worsened, going from 37.8% in 2006 to 42.3% in 2009”²⁰. This affected families’ economic stability and its effects were directly or indirectly reflected in the situation of children and adolescents.

In its report on the main indicators of the labor market, the DANE indicates that in the rolling quarter June-August 2013, the national rate of unemployment was 9.5%. For this period of time, young people, i.e., people aged 14 to 28 years, represented 32.5% of the working-age population. This group increased its universal rate of participation to 58.1%²¹.

In the 2005-2010 period, social expenditure was around 14% of the GDP, a percentage lower than that allocated in other countries of the region²². According to the Colombian Ministry of Education, in 2012, 3.8% of the GDP was allocated to public spending in primary and high school²³. Similarly, there was an important change in the distribution of social expenditure, which was redirected to programs focused on conditional transfers. In the case of the “Familias en Acción” Program, it went from having 700,000 beneficiary families in 2006 to 2.6 million in 2010²⁴.

1.2 Comments on the State’s Report

In the report presented to the CRC about the 2006-2010 period, reference is mainly made to the regulations and policy proposals and not to the results in the guarantee of children’s rights. The data on the situation of children in the country is limited and it is only provided on some topics, mainly on education and health. There are topics that are just cited and not analyzed regarding the guarantee of rights, such as: abandonment, consumption of psychoactive substances, recreation, culture, early-childhood development, sex trade, traffic of children and kidnapping. Other topics present limited information, such as disabled children, street children and the quality of education. The above confirms that greater criteria are needed for its preparation.

There are weaknesses in the public information system for the recording and follow-up of the guarantee of children’s and adolescents’ rights. However, with the support of Cooperación Internacional²⁵, the Colombian State took the first steps to consolidate an integrated national information system that takes into account the guarantee of children’s and adolescents’ rights. From 2012, the process will be resumed with the leadership of the SUIN Roundtable²⁶ (especially of the ICBF as one of its members), but this requires the motivation of greater financial, political and technical commitments by the different State institutions, as well as strengthening the system in the municipalities and departments.

¹⁴Ministry of Health and Social Protection. Análisis de la situación de la salud en Colombia (Analysis of the Health Situation in Colombia), 2013. Consulted on October 8, 2013: <http://www.minsalud.gov.co/Documentos%20y%20Publicaciones/An%C3%A1lisis%20de%20situaci%C3%B3n%20de%20salud%20por%20regiones.pdf>

¹⁵The Human Development Index is comprised of indicators with three dimensions: life expectancy, education and income for the resources necessary for a dignified standard of living.

¹⁶The effects of inequality on human development can be found in the Inequality-adjusted Human Development Index (IHDI), which considers the average level of human development and its distribution throughout the dimensions of life expectancy, education and income. If there is no inequality, the IHDI is equal to the HDI. Any difference between the two indicates inequality. The bigger the difference, the bigger the inequality.

¹⁷United Nations Development Program (UNDP). Human Development Report 2013. The Rise of the South: Human Progress in a Diverse World. New York. 2013. Consulted on October 8, 2013: <http://www.undp.org/content/dam/undp/library/corporate/HDR/2013GlobalHDI/Spanish/HDR2013%20Report%20Spanish.pdf>

¹⁸It takes into account the property of the world (from the Gini coefficient) and violence (measured by the rate of homicide and displacement).

¹⁹Botero García. Jesús. Desempleo e informalidad en Colombia. un modelo de equilibrio general computable (Unemployment and Informal Labor in Colombia: A Computable General Model of Balance). Universidad EAFIT. p. 1.2011. Electronic document consulted on January 29, 2013, available at: http://www.banrep.gov.co/documentos/conferencias/Medellin/2011/Desempleo%20e%20informalidad_Jesus_Botero.pdf

²⁰Parra, Mónica, et al. Análisis y perspectiva del desempleo en los últimos 12 años. Estudio para el Instituto de Estudios del Ministerio Público – Procuraduría General de la Nación (Analysis and Perspective of Unemployment in the Last 12 Years. Study for the Institute of Studies of the Public Prosecutor - Colombian Attorney General). Electronic document consulted on Saturday, February 2, 2013, available at: <http://www.fedesarrollo.org.co/wp-content/uploads/2011/08/An%C3%A1lisis-y-perspectiva-del-desempleo-en-los-%C3%BAltimos-12-a%C3%B1os-INFF-201001004.pdf>

²¹DANE. Mercado laboral de la juventud (14 a 28 años) Trimestre móvil junio-agosto de 2013 (Youth (14 to 28 Years) Labor Market, Rolling Quarter June-August 2013). Bogotá. 2013

²²Sarmiento, Alfredo. 2012 Financiación pública en infancia y adolescencia (Public Financing in Childhood and Adolescence). Colombia 2005-2015. Bogotá. 2012. Preliminary version. p. 12.

²³Preliminary information

²⁴ECLAC. Conditional Transfer Programs Evaluation of the recent experience in Latin America and the Caribbean. Santiago. 2011. p. 111.

²⁵The consultant, Alfredo Sarmiento, produced two documents for the Monitoring System of Children’s and Adolescents’ Rights on structuring, one on the conceptual framework in 2009 and another on the value chains of the indicators in 2010.

²⁶Unique National Information System, which is comprised of the different State organizations that have direct responsibility in the guarantee of children’s rights.

In 2006, after a long process of advocacy by civil society, the country has made significant progress in changing its internal legislation with the formulation of Law 1098, Code for Children and Adolescents, which sustains the doctrine of comprehensive protection and contains the fundamental parts of the Convention's principles. The design of the code's contents was led by the Colombian Institute for Family Welfare and Alianza por la Niñez Colombiana.

As well as its legal purposes, the code also helps to position the concept of the comprehensive guarantee of children's and adolescents' rights; with the need to restructure the State institutions nationally and regionally for the development of actions aimed at guaranteeing children's rights, and with the obligatory nature of allocating the necessary resources for its compliance.

As the code was originally conceived and written as a second-level law, it requires the development of regulations in different topics for its full compliance, through specific regulations that enable it to be applied effectively. This regulation has not been fully completed, which hinders the strict implementation of the code. For example, it requires the more accurate establishment of the procedural actions that the family welfare attorneys must fulfill to ensure the due process (Administrative Process for Reestablishing Rights - PARD); the administrative procedure for removing the restriction on access to the record of adoption processes, reiterating the assumptions in which it proceeds; establishing terms of the reestablishment measures not included in Law 1098 of 2006, but created by the ICBF; the terms and scope of the follow-up of the reestablishment measures decreed by the administrative authority in its failure; the definition of the governing entity of the System of Adolescent Criminal Liability and the roles and responsibilities of each actor in the system's operations; the definition of sanctions of the media and the body responsible for doing this; the procedure for review by Family Court mentioned in Section 2 of Article 119 of the Code; and the procedure that must be followed after the non-standardization of the measures decreed by the Family Court; among others.

In a survey carried out in 2010 by Alianza por la Niñez Colombiana of local actors (officials and members of civil society) on the implementation and development of the code²⁷, it was found that only 45% of public officials and members of civil society who work to guarantee children's rights considered that important changes have occurred in the rights situation in the three years the code has been in effect. The people consulted considered that institutional action continues to respond to irregular situations and not to the doctrine of comprehensive protection that establishes four fundamental actions: recognition, guarantee, prevention and reestablishment.

In the period after the Code for Children and Adolescents was passed, the ICBF incorporated the concept of duties of members of the child and adolescent population into its narrative in favor of children's rights.

²⁷ Durán Ernesto and Torres, Astrid. Análisis y recomendaciones sobre el desarrollo, implementación, aplicación y reglamentación del Código de la infancia y la adolescencia a tres años de su entrada en vigencia (Analysis and Recommendations on the Development, Implementation, Application and Regulation of the Code for Children and Adolescents Three Years after It Came into Effect). Bogotá. October 2010.

For this, it supported it with the theory which indicates that at the same time as working for children's rights, it is necessary to require duties from them. In this vein, documents were published such as: "Derechos y deberes de los niños y las niñas a la identidad" (Children's Rights and Duties for Identity)²⁸ "Derechos y deberes de los niños y las niñas con el medio ambiente" (Children's Rights and Duties for the Environment)²⁹ and "Derechos y deberes de los niños y niñas a vivir y crecer con el amor de papá y mamá" (Children's Rights and Duties to Live and Grow with the Love of Their Parents)³⁰, where duties are mentioned such as "loving our brothers and sisters", "making the most of our free time", "behaving well", "respecting and following the rules they set at home" and other similar duties.

It is important to take into account that the exercise of rights does not depend on the observance of a book of duties, as the precepts on which the first are based, as established in the Convention on the Rights of the Child, are established autonomously and without being dependent on them in any way. However, in 2011, when the change in administration took place in the ICBF, it generated a change in the approach related to "duties" and the "guarantee of rights" was resumed, at least at the central/national level.

The Code for Children and Adolescents established that it is mandatory for the mayors and governors to include topics of childhood and adolescence in their Development Plans; in the preparation of analyses on the situation children and in the formulation of differential and priority public policy for this population. Since the development of the National "Hechos y Derechos" Strategy (2009), significant progress has been made in the guarantee of rights in the departments and municipalities. The strategy was initially a partnership between the Attorney General and UNICEF, later the ICBF, Federation of Departments, the different Public Prosecutors, the Presidency and some international cooperation organizations (World Vision, Fundación Plan, Save the Children and IOM) were incorporated. The strategy is aimed at advocacy activities and the strengthening of technical capacity in topics of childhood and adolescence in the departments and municipalities, with the aim for the population to include these topics in the development plans; for the necessary funds to be allocated and for their rights to be guaranteed. From the Colombian Attorney General, specifically the Attorney for the Defense of Children's and Family Rights, follow-up, supervision and control actions have been developed by requiring Public Accountability Reports from the national and regional governors on the topics of childhood and adolescence.

On the other hand, the Code for Children and Adolescents establishes that the National System of Family Welfare (SNBF in its Spanish acronym), led by the ICBF as a governing body, must ensure the coordination of the organizations responsible for children's and adolescents' rights, prevent the violation of the rights and ensure their protection and reestablishment in the national, departmental and municipal spheres (Art. 205). Research on the SNBF carried out in 2011 concludes that "on the one hand, there is a National System of Family Welfare with the role and on the other hand, there is a complex reality in which there is frequent tension between the institutions, but in spite of this, they achieve a certain degree of coordination in the resolution of specific cases"³¹. The lack of coordination in the SNBF has led to a delay in the application of instruments to ensure children's and adolescents' rights, with the harm that this may cause to the children's and adolescents' quality of life³².

²⁸ ICBF. Derechos y deberes de los niños y las niñas a la identidad (Children's Rights and Duties for Identity). ICBF. Bogotá, 2009.

²⁹ ICBF. Derechos y deberes de los niños y las niñas con el medio ambiente (Children's Rights and Duties for the Environment). ICBF. Bogotá, 2009.

³⁰ ICBF. Derechos y deberes de los niños y niñas a vivir y crecer con el amor de papá y mamá (Children's Rights and Duties to Live and Grow with the Love of Their Parents). ICBF. Bogotá, 2010.

³¹ Durán, Ernesto, Guáqueta, Camilo & Torres, Astrid. Restablecimiento de derechos de niños, niñas y adolescentes en el Sistema nacional de bienestar familiar (Re-establishment of Children's and Adolescents' Rights in the National System of Family Welfare). Revista Latinoamericana de Ciencias Sociales, Niñez y Juventud (Latin American Social Sciences Magazine, Childhood and Youth), 2 (9), pp. 549-559. 2011.

³² Report XVIII from the Ombudsman's Office to the Congress of the Republic - Part One. Ombudsman's Office. Bogotá, 2011. p. 191.

As expressed by the Ombudsman's Office: "This partial progress in the institutions hinders official progress from materializing in the daily life of children and young people. Also, the code's great progress in recognizing them as citizens with their own rights is not reflected in the institutions and therefore, it has not been transferred to other spheres of social and political life (family, community and social)"³³.

A significant change in the 2006-2010 period regarding the SNBF was the opening of family service offices in almost all of the country's municipalities, in compliance with the Code for Childhood and Adolescence, which amounted to 1,092 in 1,102 municipalities³⁴. Meanwhile, the ICBF maintained 201 local centers located in the capital cities and intermediate cities of the country, increasing the number of family welfare attorney offices³⁵.

One of the several conditions to ensure a good quality and timely response is to ensure that family welfare attorney offices as well as the family service offices operate 24 hours a day, 7 days a week. However, this is only achieved in a few of them, in some of the departmental capital cities.

During the 2006-2010 period, CONPES (National Council for Social and Economic Policy) Document 109 of 2007 was issued, through which the national "Colombia for Early Childhood" public policy was passed. This policy aims to promote the all-round development of children from gestation to 6 years of age, responding to their needs and specific characteristics and helping to achieve equality". Advocacy actions and work that Alianza por la Niñez Colombiana and other organizations had been developing to establish an early-childhood policy with specific comprehensive actions and goals were established with the CONPES.

Some progress was made in the 2006-2010 period in resources allocated to guaranteeing children's rights, but this was insufficient, as established by a study on the topic: "Although there are funds to start to guarantee children's and adolescents' rights straight away, these are not necessarily sufficient.

On the one hand, national transfers contribute to the guarantee of rights with certain limits and on the other hand, the restrictions on local tax collection prevent it from being assisted with their own funds."³⁶ "...Sixty years of uninterrupted positive growth in Colombia did not give the expected structural solution to overcome poverty, reduce inequality and give priority to childhood."³⁷ That is why the recommendation made by the Committee to the Colombian State regarding the need to increase and equally distribute the budget dedicated to Colombian children is still relevant.

The non-discrimination principle is stated in the Constitution and in national laws. However, weaknesses keep arising in the comprehensive and differential responses to the most vulnerable and excluded population groups, which include indigenous children, Afro-Colombian children, disabled children and LGBTI adolescents and young people. In sectors such as

education, actions persist that promote discrimination and do not respond to a differential approach, as they do not have sufficient trained personnel to attend to the individual cultural traits and diversity³⁸. A group that is particularly vulnerable to discrimination is the group of LGBTI adolescents and young people. The absence of local and national public policy that ensures their protection and participation in decisions regarding matters that concern them as emerging social group is worrying. This lack of social and political visibility may constitute a factor that worsens situations of exclusion and violence³⁹.

Regarding gender equality, there was progress in access to education and health. However, the progress made in accessibility did not mean better conditions in the quality of service in response to a differential approach and recognition of gender differences. On the other hand, girls continue to face much higher levels of risk of sexual abuse, the sex trade and domestic child labor.

³³ Ibid.

³⁴ Colombian Attorney General. Comisarías de familia, línea de base nacional. Procurando la Equidad 6 (Family Service Offices, National Baseline Seeking Equality 6). December 2011.

³⁵ Article 79 of the Code for Childhood and Adolescence establishes the formation of family welfare attorney offices as multidisciplinary teams in psychology, social work and nutrition that will assist the family welfare attorney as an administrative authority responsible for preventing, guaranteeing and reestablishing children's and adolescents' rights.

³⁶ Alianza por la Niñez Colombiana. Recursos para la infancia y la adolescencia: Una prioridad a nivel territorial (Resources for Children and Adolescents: A Territorial Priority). 2011. p. 47.

³⁷ Sarmiento, Alfredo. La crisis económica y la niñez (The Economic Crisis and Childhood). Alianza por la Niñez Colombiana. Bogotá. 2010.

³⁸ Report XV from the Ombudsman's Office to the Congress of the Republic (2004-2008) - Part One Ombudsman's Office. Bogotá, D.C., 2007. pp. 133-134.

³⁹ The Planning Secretariat of the Capital District prepared and analysis of the LGBTI child and adolescent population group. Cfr: <http://www.sdp.gov.co/portal/page/portal/PortalSDP/actualidad-SDP-home/DIAGNOSTICO-planeacion-baja.pdf>

3.1. Civil Rights

3.1.1. Birth Registration

In its recommendations for the previous report, the Committee stated the need for the State to give “priority to the immediate registration of all children”. The 2010 National Demographics and Health Survey showed that 3.5% of the country’s children were not registered at birth. The departments with the highest percentages of unregistered children were: Chocó with 9.8%, Vichada with 9.4% and Córdoba and Guajira with 8%, which are departments where the majority of the population is comprised of Afro-Colombians or indigenous people. The main reasons to not register children were: the death of the child, the parents not having identification documents, the father not being present and the registration place being very far away.

It is acknowledged that the State has carried out actions to make progress in the registration of children, such as the implementation of registration in hospitals and clinics in compliance with the Code for Children and Adolescents and the signing of the International Cooperation Agreement in 2007 between departmental and municipal governors, the National Civil Registry, UNHCR, UNICEF, Fundación PLAN and IOM to support Care Units for the Vulnerable Population (UDAPV in its Spanish acronym)⁴⁰. However, making birth registration widespread is still a challenge, particularly in the Afro-Colombian and indigenous population and the population in dispersed rural areas.

3.1.2. Expression and Participation

“In my house, they sometimes ask for my opinion and when I give it they say it is wrong...

On the street, they ignore children’s opinions, because they don’t understand them.”⁴¹

“Often, because we are children, they don’t pay attention to our opinions.”⁴²

“Although we know that our opinions are small, we think they should be taken into account, but this doesn’t happen, because adults think we are not capable of giving good ideas.”⁴³

Article 31 of the Code for Children and Adolescents established the right to participation and joint responsibility of the State, family and society to guarantee it. On the other hand, the “Hechos y Derechos” Strategy, included in the 2006-2010 National Development Plan, poses the need “to encourage child and adolescent participation to strengthen their thinking capacity and help to build a democratic culture”⁴⁴.

⁴⁰ Historical Behavior of the National Civil Registry Service UDAPV 2000-2012. <http://www.registraduria.gov.co/-UDAPV,286-.html>

⁴¹ Participatory inquiry with children. Barranquilla, December 2012.

⁴² Participatory inquiries with children. Bucaramanga 2012.

⁴³ Participatory inquiries with children. Bucaramanga 2012.

⁴⁴ Participación de niñas, niños, adolescentes y jóvenes. Estrategia Hechos y Derechos Seis claves. Participation of children, adolescents and youth. “Hechos y Derechos” Strategy - Six Keys. Colombian Attorney General. 2008. pp. 10, 29.

Through the “Hechos y Derechos” Strategy, children and adolescents of the country’s different regions are developing participation processes regarding the guarantee of their rights, with the aim to position the relevant topics on the public agenda of the municipalities and departments, which is specifically established in the municipal and departmental development plans.

In this framework, in the areas for Public Accountability required by the Colombian Attorney General, particularly the attorney for the defense of child, adolescent and family rights, representatives of the country’s different regions have had the opportunity to express their concerns and proposals to the governors. These processes have been implemented since 2009. On average, three processes a year are implemented.

The National Inter-institutional Participation Roundtable initially led by Alianza por la Niñez and later as part of the “Hechos y Derechos” Strategy published the conceptual guidelines for participation in which 6 keys to participation are established so that it can be developed under basic fundamental criteria⁴⁵: which will be at any age, in conditions of equality, in multiple scenarios, levels and forms, in a favorable environment and in an autonomous, comprehensive and continuous manner, with a real impact.

Currently, the importance of the Participation Protocol of child and adolescent victims of armed conflict for the implementation of Victims’ Law is highlighted. This protocol is in the design process undertaken by the Administrative Unit for Comprehensive Reparations and Care of Victims and Land Restitution (to date, this report has still not been made known). It is hoped that said protocol contains a differential, methodological approach that provides protection and security to children and that its implementation is ensured in all of the national territory.

In spite of this progress, there are still many challenges to achieve widespread and in-depth participation of this population group. There are still cultural and formal/institutional difficulties in the recognition of children as rights subjects, with the capacity to give their opinion on situations that directly affect them. The development of more participation methodologies is required, taking into account child age groups and developing deeper processes in the State institutions (National and Regional) so that the children’s proposals are really taken into account.

Additionally, it must be taken into account that by virtue of the Convention on the Rights of the Child, Articles 12 and 13, children have the right to participate in decisions that affect them and that are adopted in the protection of the State entities, which includes the judiciary of public power. For example, this implies that those who have been affected by violence that results from the armed conflict, through forced displacement, antipersonnel mines against them or illegal recruitment, must be heard by the judges, who must decree the necessary measures of satisfaction in their favor in the legal processes that are followed against those responsible for these criminal acts, as provided by Law 1448 of 2011, Victims’ Law. Evidently, children must be able to participate in the legal processes in which their reparations are decided, which is coherent with the provisions of other principles of the same regulatory instrument and of Article 31 of Law 1098 of 2006. To date, according to the sentences decreed by the ordinary jurisdiction or by the jurisdiction in charge of peace and justice processes, this has not occurred in any process.

⁴⁵ Participación de niñas, niños, adolescentes y jóvenes. Estrategia Hechos y Derechos Seis claves. Participation of children, adolescents and youth. “Hechos y Derechos” Strategy - Six Keys Bogotá. 2008.

On the other hand, in the online inquiry made for this report, between October 2012 and February 2013, in which more than 750 children and adolescents participated, in their opinion, school and family are the places where they are allowed to participate to some extent, while in political and social areas, their participation is more limited. The answers to the question about how often their ideas are taken into account were: At home or in their family they are taken into account sometimes 54.1%, always 37.4% and never 8.5%. In school, they are taken into account always 25.7%, sometimes 59.3% and never 15%. In the neighborhood and city this proportion is 11.4% always, 38.1% sometimes and 50.5% think that their opinions are never taken into account.

Answers like the one obtained from one of the girls consulted when asking her about her participation at school and at home show that there are still difficulties among adults to accept the participation of children:

“Yes, when we say to the teacher, let’s wash the floor instead of sweeping it and the teacher does that ... In my house, I buy what I want with what I earn from work, but to eat, I have what my mother makes.”⁴⁶

Participation in political decisions that affect them is limited, as expressed by a boy consulted:

“Our ideas are not taken into account by adults. They listen to us, but they don’t take our ideas into account. For example, the governors can listen to us, but they do not take our decisions into account. In my community, we would tell the Mayor to build us a playground for children; maybe he would listen to us, but he would never build the playground.”⁴⁷

The State’s report to the Committee refers to experiences including children and adolescents in interactive processes such as the “Youth Speak Up and Propose the Country” Strategy of the ICBF, in which around 2,000 children participated in different regions of the country. Although this kind of experience, like others implemented in some regions, is significant, they are limited to a small number of children.

Initiatives carried out by the National Ministry of Education, such as the establishment of “School Governments” in the State educational institutions and the participation of young people in the international Youth Parliament Project promoted by Mercosur, create a potential opportunity for participation. Although these mechanisms are institutionalized in the school centers, this does not mean that all children are provided with effective participation or that they have the possibility to effectively have an influence on the school organization and decision-making processes with an approach that takes them into account as active rights subjects.

⁴⁶ Participatory inquiries with children. Quibdó, November 2012.

⁴⁷ Participatory inquiries with children. Cauca, November 2012.

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An evaluation carried out in 2010⁴⁸, which addresses the topic of participation, social advocacy and influence of children and young people, shows that there are few areas and scenarios created for these purposes, an aspect which limits the exercise of their rights and their recognition as citizens. In places such as school, in spite of the presence of a “School Government”, a large part of the relations are marked by an adult-centric and hierarchical relationship, which is also often authoritarian. Nationally, there is little knowledge of the operations of the “School Government” and little credibility of its usefulness: 61.1% of adolescents (male and female) knows about the operations of the school government. However, 55.4% thinks that it has not carried out any coordination of collective interest⁴⁹.

An online participation exercise carried out by this report asked children and adolescents what actions they proposed to improve the situation of their rights, to which they answered:

- 1) Help all children to have parents and to have a healthy wellbeing, to be safe.
- 2) Help all children to have parents and homes.
- 3) Help children to not lack anything, above all food, housing and clothes, so that in this way, they are well.
- 4) Make all children recycle.
- 5) Ensure loving, respectful and happy homes.
- 6) Protect them against those who treat them badly.
- 7) Ensure that all children can go out and nothing will happen to them.
- 8) Stable, well-remunerated work with good hours so that parents can spend quality time with their children, strengthening the family bond.
- 9) wEnd all the injustice and end all the corruption.
- 10) Protection for all Colombian children and adolescents.
- 11) Do everything possible so that children have a nutritious and healthy diet and a dignified home.
- 12) Clean and more abundant parks.

⁴⁸ Evaluation of Colombia’s Country Strategic Plan (CSP II) National Preliminary Document CPO 12 As an Adolescent I Build a Life, Community and Country. Plan, Colombia, 2010, pp. 10 - 12.

⁴⁹ Evaluation of Colombia’s Country Strategic Plan (CSP II) National Preliminary Document CPO 12 As an Adolescent I Build a Life, Community and Country. Plan, Colombia, 2010, pp. 11.

Currently, advances in telecommunications have favored the development of new participation mechanisms based on building social networks and popularizing media, which have provided the possibility of including children and adolescents in exercises of information, education and monitoring their rights. Some State entities use these mechanisms. However, it must be taken into account that access to this technology is still limited in a large part of the national territory, mainly in rural areas and that, on the other hand, because of financial situations, a significant percentage of children do not have access to it. According to the DANE, in 2010, only 19.3% of homes had internet connection, 24.4% in the urban centers and 1.6% in the rest⁵⁰.

Television continues to be the main type of media that the country's children and adolescents have access to, as shown in the quality of life survey of the DANE in 2010 and which, according to the data of ENSIN (National Survey of the Nutritional Situation in Colombia) 2010, they dedicate most time to each day. The actions carried out by the State to provide access to good-quality television continue to be limited. The content of television programs often normalize violence, portray criminals such as drug traffickers as heroes, degrade the image of women showing them as sexual objects and promote consumption practices that do not favor children's development.

3.1.3. Ethnic and Cultural Diversity

Most indigenous and Afro-Colombian communities live in poverty and are excluded, being the most vulnerable population groups in the exercise of their rights. The 2006 analysis of poverty and inequality in Colombia indicated that "67.9% of indigenous people are poor and 29.8% live in destitution; in turn, the Afro-Colombian communities have 62% poverty and 25% destitution"⁵¹.

Given the characteristics identified in these communities, the conditions of vulnerability are growing, especially for those who live in rural areas⁵². Poverty limits the satisfaction of basic needs, affecting the child population of Afro-Colombian and indigenous communities more strongly⁵³. Likewise, the physical location of the settlements of ethnic population groups are connected to armed conflict. Children and adolescents have been victims of forced armed recruitment in their territories.⁵⁴

“We need them to protect us. Gangs, the sale and consumption of drugs, sexual violence and the war that wants to rule our neighborhoods and lands worry us,” they stated in an announcement sent by Afro-Colombian, black, Raizal and Palenquero children and adolescents to the world summit of Afro-descendant leaders in September 2013 in Colombia.

⁵⁰ DANE. Basic Information and Communication Technology Indicators. Year 2010 June 7, 2011 Electronic document consulted on March 14, 2013, available at: http://www.dane.gov.co/files/investigaciones/boletines/tic/bol_tic_2010.pdf.

⁵¹ López, Hugo and Núñez, Jairo Pobreza. Desigualdad en Colombia (Inequality in Colombia). Analysis and strategies. National Planning Department. 2007. p. 96.

⁵² Report of the Secretary-General on Children and Armed Conflict in Colombia. United Nations Security Council. 2012. p. 3.

⁵³ Ibid. 18. p. 3.

⁵⁴ To cite just one case, in "2010, the Observatory of the Presidential Program on Human Rights and International Humanitarian Law reported that there had been an increase in cases of forced recruitment of Sikuani and Guayabero indigenous children in the Guaviare Department." United Nations, Op. Cit. p. 6.

Ethnic-racial discrimination against Afro-Colombian children and adolescents is also reflected in the school environment. According to the study, "They Are Also Equal Here"⁵⁵, in some academic environments, "Racism is expressed 'subtly', but no less effectively and violently ... the teachers deny racism in the institution, but highlight the issue and the natural inclination of Afro-Colombians toward dance and sport, building narratives on their recreational and sports skills, compared to problems in academic performance."⁵⁶

The serious situation in which indigenous children and adolescents live is shown in their nutritional conditions. ENSIN 2010 showed that the percentage of all types of malnutrition in indigenous children was significantly higher than malnutrition in the rest of the population. The percentage of chronic malnutrition in indigenous children under 5 years was 29.5% compared to 13.2% in the general population and the percentage of global malnutrition was 7.5%, compared to 3.4% in the general population. The most concerning information found was that 9.4% of indigenous children under 5 years presented severe chronic malnutrition, more than three times the national average (3%).

According to the results of the research, "La niñez y el futuro de los pueblos indígenas (Children and the Future of Indigenous Communities)"⁵⁷, in the indigenous communities, there is no permanent care from the State or the health service providers through preventative intervention and programs, and the causes of death of children are preventable, given that they are mainly the result of malnutrition, respiratory infections, tuberculosis and whooping cough. This research also indicates that more than 60% of children in three of the communities analyzed are born with a weight below the normal weight and the food assistance provided by the State is insufficient and not all of them receive it. Regarding education, it states that no child went to the initial forms of education and levels of pre-school attendance are less than 50%. Attendance in primary education varies between the communities reaching 99% (children of the Awa community) in some and 57% (children of the Yukpa community) in others. The levels of secondary education are worryingly low, reaching just 38% in the case of children of the Awa community⁵⁸.

Added to the above are the serious violations of their rights that they are exposed to from armed conflict and the presence of illegal armed groups, because they result in attacks on schools, hospitals and towns and the occurrence of selective murders, disappearances and forced displacement⁵⁹. The use of indigenous and Afro-descendant children and adolescents by the different illegal armed groups continues to be a constant violation of their rights and constitutes one of the main causes of forced displacement in their communities⁶⁰.

⁵⁵ Vásquez, Carmen. Aquí ellos también son iguales: Una aproximación al racismo en el ámbito escolar (They Are Also Equal Here: An Approach to Racism in the School Environment). In: Afro-reparaciones: Memorias de la esclavitud y justicia reparativa para negros, afrocolombianos y raizales (Afro-Reparations: Memories of Slavery and Reparation Justice for Black, Afro-Colombian and Raizal People). Center of Social Studies Universidad Nacional de Colombia. Bogotá, 2007. pp.647-660.

⁵⁶ Mosquera, Claudia et al. Afro-reparaciones: Memorias de la Esclavitud y Justicia Reparativa para negros, afrocolombianos y raizales (Afro-Reparations: Memories of Slavery and Reparation Justice for Black, Afro-Colombian and Raizal People). CES (Center of Social Studies) Collection. Afro-Colombian Studies Series. Universidad Nacional de Colombia. Bogotá, 2007. p. 57.

⁵⁷ CODACOP (Corporation for the Support of Popular Communities) "La niñez y el futuro de los pueblos indígenas (Children and the Future of Indigenous Communities). Kimpres. Bogotá. 2010.

⁵⁸ Ibid. pp14-18,20-21.

⁵⁹ Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia, 2007.

⁶⁰ UNHCR, Armed Recruitment of Children in Colombia Forces Indigenous off Their Land. 2009. Electronic document consulted on Tuesday, March 12, 2013, available at: http://www.acnur.org/index.php?id_pag=8879

On the other hand, the presence of children and adolescents of the Embera Chamí, Embera Wounan, Embera Catíos, Zenúes and Sikuani indigenous communities as victims of the sex trade in several areas of the country is recognized: Cali, Medellín, Montería, Sincelejo, Quibdó and Arauca⁶¹. Illegal mining (gold and coltan) in the departments of Guaviare and Guainía, on the borders with Venezuela and Brazil, also attracts Puinave indigenous children who are subjected to sexual abuse in exchange for payment in money by settlers and miners, which include Brazilian citizens and illegal armed groups.

It must be highlighted that although the Colombian State did not initially adhere to the United Nations Declaration on the Rights of Indigenous People, it did adhere to it at the end of the period analyzed⁶².

The country is still far from achieving the safety of the physical integrity of all members of ethnic communities, from providing differentiated and favorable assistance to indigenous and Afro-descendant children and adolescents and from ensuring the full exercise of their rights, specifically in health and education, as requested by the Committee in 2006.

Family environment and alternative forms of care (articles 5, 9 to 11 and 18 (paragraphs 1 and 2), 19 to 21, 25, 27 (paragraph 4) and 39)

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*"In homes, adults are mistreated in front of children, they argue and that is why children do the same at school, because they come with the same problem from home. When these fights occur, for a while it makes you frightened, but then you learn how to fight and how to argue, and so at school you do the same thing. If you are not doing anything and someone comes and hits you, it is because they learned to do that."*⁶³

In 2006, 13,540 cases of child abuse were reported, assessed by Legal Medicine; the greatest risk of suffering from abuse being in the age range from 10 to 14 years and girls receiving most abuse from both parents⁶⁴. Reports of domestic violence and abuse did not significantly vary in the 2006--2010 period. In 2010, Legal Medicine reported having assessed 7,319 assaults against girls and female adolescents and 6,412 against boys and male adolescents. Many of the girls and female adolescents who were assaulted were carrying out housework, a role that is assigned to women in the country.

Child abuse "presents differences from 10 years of age. While for males it presented a slight decrease, for women it presented a fairly significant increase"⁶⁵. For boys aged 10 to 14 years, there is a rate of 98.07 per one hundred thousand inhabitants and for those aged 15 to 17 years, there is a rate of 91.30 per one hundred thousand inhabitants. While for girls aged 10 to 14 years, it is 112.95 and for those aged 15 to 17 years, it is 177.59 per one hundred thousand inhabitants. The main perpetrators continue to be the parents in 62.4% of the cases and other family members in 37.5% of the cases.

Assaults are part of the environment in which many children grow up, as they mention:

*"Domestic violence is when families hit each other. In my house, there is a girl they keep shut inside. If they see her outside, they hit her with a belt. If my father gets involved, he hits my mother and if my siblings get involved, he also hits them. As they don't let her go out, she takes pills..."*⁶⁶ *"Say rude things, abuse them, not help them and be bad people. I have seen them slap children, they hit them and tell them they never should have been born."*⁶⁷

Although legal regulations are developed like Law 1257 of 2008, which regulates raising awareness, prevention and punishment of all forms of assault against women, the reality has not changed. In 2010, the Colombian Attorney General reported that out of the 108,778 cases of HIV, women and girls represent 80% of the victims⁶⁸.

⁶³ Participatory inquiry with children. Cauca, November 2012.

⁶⁴ National Institute of Legal Medicine and Forensic Science. Forensis, Domestic Violence. Colombia. 2006. pp. 93-94.

⁶⁵ National Institute of Legal Medicine and Forensic Science. Forensis. Descripción del Comportamiento de la Violencia Intrafamiliar (Description of the behavior of Domestic Violence). Colombia. 2010. p 103.

⁶⁶ Participatory inquiry with children. Cartagena, December 2012.

⁶⁷ Participatory inquiry with children. Cali, November 2012.

⁶⁸ Attorney General. Citizen Care System "80% of victims of domestic violence are women," indicated the Attorney General at the National Meeting of Family Service Offices. Colombian Attorney General. Bulletin 518. 2012. Electronic document consulted on February 3, 2013, available at: http://www.procuraduria.gov.co/portal/_80_de_las_victimas_de_violencia_intrafamiliar_tiene_rostro_de_mujer___senaló_Procuradur_a_durante_Encuentro_Nacional_de_Comisarios_y_Comisarias_de_Familia.news

⁶¹ Fundación Antonio Restrepo Barco, Fundación Renacer and Plan (2008) Escenarios de la Infamia. Explotación Sexual de Niños, Niñas y Adolescentes (Scenarios of Infamy: Sexual Exploitation of Children and Adolescents). Bogotá. p 60-61

⁶² UN. Racial Discrimination in Colombia: Alternate Report to the Committee on the Elimination of Racial Discrimination. 2009. p. 9.

According to Legal Medicine, 6,564 boys and 7,649 girls are abused in Colombia. In total, 14,213 cases of child abuse were reported in 2011.

According to the 2011 Forensis report⁶⁹, out of the 17,717 years of healthy life that were lost due to domestic violence committed against children and adolescents, 11,091 were of females. This is a figure almost double the 6,626 of healthy life lost in men. As the age increases, the number of cases of domestic violence suffered by girls increases, to the point that half of the recorded cases are presented in girls aged 15 to 17 years. At home, at night time and at the weekend were the places and situations in which the highest number of cases of domestic violence was recorded⁷⁰.

The figures of violent deaths of children under 18 years are alarming, especially in the 15 to 17 years age group. In 2010, there were 973 violent deaths in this age group, out of which, 98 corresponded to women⁷¹.

The National Institute of Legal Medicine and Forensic Science reveals that for 2012, in this same age group, there were 1,145 homicides: 974 of males and 171 of females. These figures provide evidence of the involvement of children and adolescents in this internal conflict that afflicts the country, as well as common crime and organized crime.

In Colombia, suicide is mainly a problem among adolescents and young people⁷². In 2009, 193 cases of suicide were reported of children aged 10 to 17 years. Out of the total percentage of suicides in the country, the percentage of suicide of adolescents aged between 15 and 17 years has increased, going from 5.97% in 2008 to 6.86% in 2010. This situation reflects the mental health problem experienced by this population group. In 2012, 175 people between 6 and 17 years took their own life, out of which, 115 were male and 60 were female. According to the Quarterly Epidemiological Bulletin, presented by the National Institute of Legal Medicine and Forensic Science, in the first semester of 2013, 48 boys and 28 girls between 13 and 17 years of age committed suicide.

Another problem is the rate of accidents. In 2010, there were 180 accidental deaths in the 0 to 4 years age range; 92 in the 5 to 9 years age range; 90 in the 10 to 14 years age range and 102 in the 15 and 17 years age range. In the 0 to 4 years age range, out of the 180 victims, 134 were girls and in the other age ranges, the highest frequency was in boys⁷³. In 2012, there were 463 accidental deaths in the 0 to 17 years age range, out of which, 315 were of boys and 148 of girls⁷⁴.

In 2011, there was a total of 19,617 sentences on sex crimes. The most affected population group is of girls aged between 10 and 14 years with 7,304 cases and boys aged between 5 and 9 years with 1,476 cases⁷⁵. In the case of sex crimes, a study carried out by the Institute of Studies of the Public Prosecutor indicates that the impunity of sex crimes in 2006 in national territory fluctuated between 92 and 93%⁷⁶.

Associated with the situations presented, mainly with the families' precarious living conditions, the country presents worrying figures of child abandonment. Between 2008 and 2011, 3,280 entries of abandoned children into ICBF programs were reported⁷⁷. The 2010 National Demographics and Health Survey shows that only 56.1% of children aged under 15 years live with both parents, 35.4% of them live with just one of their parents, generally the mother and 7.1% of them do not live with either of their parents⁷⁸.

Equally worrying are the cases of failures provide child support, which record high levels of reports in the country's penal system. "The District Attorney's database indicates that in the criminal system, between 2005 and 2010, around 250 thousand processes were filed for failure to provide child support."⁷⁹ To these cases must be added those that are not reported for fear of a violent response from the father and the barriers that are sometimes put up by the justice system for receiving claims, specifically because of attitudes of officials playing down the importance of reports made by women. "When they consider them to be domestic matters they put up obstacles. On occasions, they indicate that if the women have enough money to cover their children's expenses, they should not resort to the legal system."⁸⁰

In a study by the Colombian Institute for Family Welfare published in the El Tiempo newspaper on November 4, 2013, it was reported that 1,200 processes are opened each month for responsible parenting processes. The cases doubled this year, going from 7,500 to more than 15,000. The family courts have opened 44,913 records, which means an average of 41 cases a day. It also confirms that 145,000 mothers registered their sons and daughters alone.

In 2008, the ICBF reported a total of 58,527 children and adolescents assisted in the protection system for rights violations, out of which 48% were female and 52% were male, the majority coming from urban areas, 10,984 had been put up for adoption and had not been with their families for more than a year⁸¹. The majority of these children and adolescents who were put up for adoption and were found in protection institutions consisted of cases called "difficult adoption" cases because of their age or another condition.

The 2010 management report of the Colombian Institute for Family Welfare⁸² indicates that in Colombia, 711,000 children and adolescents were assisted with forms of protection, because their rights were threatened and/or violated and a measure was ordered to reestablish their rights.

In its 2012 management report, the Colombian Institute for Family Welfare⁸³ reports that 69,684 children and adolescents were put under protection with the main reasons for entry being abuse, special conditions of their guardians, being victims of sexual violence, sexual abuse, abandonment, consumption of psychoactive substances, being on the streets, malnutrition, emergency situations and threats to their integrity. If we add the reports of the National Institute of Legal Medicine and Forensic Science, Forensis for 2012, regarding domestic violence and sexual violence, it gives us a result of 161,728 cases, which indicates that less than 50% of these cases have been attended to by the ICBF.

⁶⁹ National Institute of Legal Medicine and Forensic Science and National Reference Center Group on Violence Forensis 2011. Life Data. Bogotá. 2011.

⁷⁰ National Institute of Legal Medicine and Forensic Science and National Reference Center Group on Violence Forensis 2011. Life Data. Descripción del Comportamiento de la Violencia Intrafamiliar (Description of the behavior of Domestic Violence). Colombia. 2011.

⁷¹ National Institute of Legal Medicine and Forensic Science. Forensis. Comportamiento del homicidio (Behavior of Homicide). Colombia. 2011. p. 21.

⁷² National Institute of Legal Medicine and Forensic Science. Forensis. Qué ha pasado con el suicidio en Colombia durante los últimos 13 años (What Has Happened with Suicide in Colombia over the Last 13 Years?) 2009. p. 72.

⁷³ Ibid. pp 309-310.

⁷⁴ National Institute of Legal Medicine and Forensic Science, 2012.

⁷⁵ National Institute of Legal Medicine and Forensic Science, Forensis, 2011, p. 213.

⁷⁶ Institute of Studies of the Public Prosecutor, La gesta y el cantar, sistema penal acusatorio, delitos sexuales y política pública. p. 45.

⁷⁷ Pandi-Aldeas Infantiles. Cada día son abandonados dos niños en Colombia. Abandono: un delito que se castiga con cárcel (Every day, two children are abandoned in Colombia. Abandonment: A Crime Punished with Prison). Bogotá, 2011. p. 1.

⁷⁸ PROFAMILIA. 2010 National Demographics and Health Survey. PROFAMILIA- Ministry of Protection - ICBF - USAID. Bogotá, 2011, p. 38.

⁷⁹ Bernal Carolina et al. DeJusticia Center for the Study of Law, Justice and Society. El Delito de Inasistencia Alimentaria: Diagnóstico Acerca de su Conveniencia (The Crime of Failure to Provide Child Support: Analysis of its Appropriateness). USAID. 2012. p. 38.

⁸⁰ Bernal Carolina et al. 2012. Op. Cit. p. 60

⁸¹ Durán, Ernesto. Situación de los derechos de la infancia de niños y niñas que han perdido el cuidado de sus padres o están en riesgo de perderlo (Rights Situation of Children who Have Lost the Care of Their Parents or Are at Risk of Losing It). Electronic document consulted on February 2, 2013. Available at: <http://www.aldeasinfantiles.org.co/Conozcanos/abogacia/Documents/situacion-de-derechos-ni%C3%B1os-as-sin-cuidado-de-sus-padres-o-en-riesgo-de-hacerlo.pdf>

⁸² Colombian Institute for Family Welfare, 2010 Management Report, p. 13.

⁸³ Colombian Institute for Family Welfare, p. 22.

In a report published on April 3, 2013, the La Patria newspaper indicated that the ICBF has 14,408 children and adolescents under its care through the Foster Homes program. Out of which, 2,590 (18%) of them are disabled. This indicates that only 2.02% of the children under protection are attended to in the Foster Home Program.

In accordance with Resolution 5930 of 2010, the Colombian Institute for Family Welfare recognizes two types of family care: Foster Home and Protection Home. It is necessary to clarify that the Protection Home category does not meet the requirements of the United Nations Guidelines for Alternative Care⁸⁴. Taking into account the resolution and the more than 700 institutional operators that provide protection services to the ICBF, it is clear that the general principles of the alternative shelter categories are not met, which must be fully taken into account as part of efforts to prevent children from being separated from their parents.

The Committee has made recommendations to the Colombian State for the review and adjustment of the adoption program. Figures from research carried out on the topic show that Colombia is one of the countries where the most children are given up for international adoption, being among the three countries of Latin America with the highest rates of foreign adoption, together with Guatemala and Haiti. As indicated by Representative of the Congress, Ángela Robledo, in a debate on political control over adoption in the country by foreigners, during the 2006-2010 period, Colombia gave up 1,639 children for adoption to foreign families in 2006, 1,617 in 2007, 1,617 in 2008, 1,413 in 2009 and 1,798 in 2010⁸⁵.

Additionally, in one of its recommendations, the Committee on the Rights of the Child has stated that it is “concerned by the practices of private adoption houses for pregnant women, which may influence the informed consent of these women to adoption and encourage the sale of children”⁸⁶. Beyond questioning adoption by foreign families, this document intends to emphasize the need to promote adoption by national families more and for the State to have a greater level of control and the State’s bodies must ensure consent on this subject is free from force, deceit or leading to error.

In this sense, in the process of reestablishing rights, it is recommended to keep in mind the Sentence on Guardianship for the protection of fundamental rights 844 of 2011, through which the Constitutional Court urged the ICBF to design a protocol that the employees must follow to apply the different measures for reestablishing rights, particularly the declaration of adoptability and preventing mistakes from being made. In response to this, the ICBF issued Circular Notice 012 of 2012, through which it specifies 9 criteria for the processes of reestablishing the rights of children or adolescents before being put up for adoption. These criteria consist of the search for family networks and connections of the children and adolescents; their participation in these processes; the benefit of the family unit as the best nucleus for them to grow up in; and consent for communication, only exceptionally decreeing measures that separate children or adolescents from their family. Thanks to this sentence, all of the protocol was modified for the declaration of adoptability.

In terms of the verification of each child or adolescent’s rights (Article 52 of Children and Adolescents Law), it is necessary to point out that this verification is often not carried out. This often occurs, because of insufficient presence of family welfare attorney offices and their technical teams. Colombia has 1002 municipalities and only 200 local area centers.

⁸⁴ Guidelines on Alternative Care of Children, passed by Resolution 64/142 passed by the UN on December 18, 2009

⁸⁵ Robledo, Ángela. Colombia entrega lo más preciado: sus niños y niñas. A propósito del debate sobre adopciones (Colombia gives up its most valuable thing: its children. For the Purposes of the Debate on Adoption). 2010. p. 5.

⁸⁶ Recommendations of the Committee on the Rights of the Child regarding the Report Submitted by the Colombian State on the Implementation of the Optional Protocol to the Convention on the Rights of the Child regarding the Sale of Children, Child Prostitution and Child Pornography. 2003-2008 p. 61. 2010.

5.1 Health and Sanitary Services

Although the Committee recommended that the State prioritize assigning sufficient funds to counteract the growing inequality and effectively reduce discrepancies in the standard of living, particularly in the urban and rural areas, inequality and inequity have persisted in the 2006-2010 period. Regarding the human rights situation in Colombia, the High Commissioner for Human Rights stated, “Despite progress in health-service coverage, full enjoyment of the right to health continues to be restricted. Approximately 17.5% of the population suffers from at least one serious health problem and inequality and insufficient access, availability and quality of health services persist for people living in poverty.”⁸⁷

In spite of these conditions, progress has been made in indicators such as the reduction of the infant mortality rate, which at the end of the 2006-2010 period was 15 per 1000 in the urban area and 17 per 1000 in the rural area⁸⁸. The indicators during the 2006-2010 period reflect strongly marked disparities in departments such as Chocó, Vaupés, Vichada, Guainía and Amazonas (where the population is mainly indigenous or Afro-Colombian), with figures that are double the national average and according to the DANE, with levels of infant mortality higher than 40 for every 1000 live born⁸⁹. Similarly, according to the wealth index, the infant mortality observed in the lowest socioeconomic level is almost double of that corresponding to the highest socioeconomic level (23 vs. 12 per 1000)⁹⁰. Also, particularly in the rural areas and areas with an indigenous population, recent studies show that in some indigenous groups the mortality rate can be 10 times the national average⁹¹.

In infant mortality, neonatal mortality occupies a large percentage, around 63% of the cases occur in the first 28 days after birth⁹². One aspect that continues to be fairly problematic is maternal mortality. Particularly in the 2008-2009 period, there was an increase of almost ten deaths per one hundred thousand live born”; a “worrying situation because Colombia must maintain a sustained reduction to achieve the goal set for 2015”⁹³. According to the analysis of the Ministry of Health and Social Protection about the health situation in Colombia, in 2010, there were 485 maternal deaths in the country: 40.41% (196 deaths) was due to unclassified obstetric conditions; 21.44% (104 deaths) to edema, proteinuria and hypertensive disorders during pregnancy, birth and puerperium and 16.70% (81 deaths) due to complications during labor and birth⁹⁴. The departments of Amazonas, Vichada and Guajira, where the majority of the population is indigenous, present the highest maternal mortality rates, between 220 and 391 deaths for every one thousand live-born babies.

⁸⁷ Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia. A-HRC-16-22. Thursday, February 03, 2011. p. 18.

⁸⁸ Profamilia, Ministry of Social Protection National Demographics and Health Survey. Bogotá, 2010.

⁸⁹ DANE. Vital Statistics. Estimaciones de Mortalidad infantil nacional, departamental y municipal periodo 2005-2010 (Estimates of National, Departmental and Municipal Mortality Rates for the 2005-2010 Period).

⁹⁰ ENDS (National Demographics and Health Survey), Infant and Child Mortality. Bogotá, 2010, p 208.

⁹¹ CODACOP (Corporation for the Support of Popular Communities) “La niñez y el futuro de los pueblos indígenas (Children and the Future of Indigenous Communities). Kimpres. Bogotá. 2010. p. 13.

⁹² RMinistry of Health and Social Protection. Análisis de la situación de la salud en Colombia (Analysis of the Health Situation in Colombia), 2013. Consulted on October 8, 2013: <http://www.minsalud.gov.co/Documentos%20y%20Publicaciones/An%C3%A1lisis%20de%20situaci%C3%B3n%20de%20salud%20por%20regiones.pdf>

⁹³ Así Vamos en Salud (How We Are in Health). 2010 Annual Report: Cómo va la salud en Colombia (How Health Is in Colombia). Bogotá, 2011. p. 21.

⁹⁴ Ministry of Health and Social Protection. Análisis de la situación de la salud en Colombia (Analysis of the Health Situation in Colombia), 2013. Consulted on October 8, 2013: <http://www.minsalud.gov.co/Documentos%20y%20Publicaciones/An%C3%A1lisis%20de%20situaci%C3%B3n%20de%20salud%20por%20regiones.pdf>

Similarly, late maternal mortality has tended to increase, going from 73.06 in 2005 to 75.31 in 2010. While the rate of late maternal mortality decreased in 2008, coming to 62.34 and later increased to 75.31 in 2010. Prenatal control in Colombia increased by 3.86% in the 2005-2010 period. All of the regions have increase the percentage of live births with four or more prenatal controls, with the exception of Amazonía-Orinoquía, where coverage decreased by 6.30%. The regions that have experienced the greatest increase are Central, Pacific and Eastern regions with 5.76%, 4.99% and 4.23%, respectively.

A very worrying piece of data is the increase in the low birth weight figure, which went from 8.85% in 2004 to 8.85% in 2009⁹⁵. The State report does not take this piece of information into consideration and shows the increase in the gap for a wide group of children due to the increase in extreme poverty (especially in rural areas) and food insecurity. The Ministry of Health and Social Protection indicates that the prevalence of low birth weight constitutes one of the main risk factors for neonatal mortality. In our country, this value tended to increase during the 2005-2010 period. Around 9% of children are born weighing less than 2,500 grams⁹⁶.

According to the report of the Ombudsman's Office, the right to health was the second most violated right, with "the denial of the provision of the service, the deficient and untimely medical assistance/care and the failure to pay health contributions being the most recurring behavior"⁹⁷. The above is partly due to the health system model that prioritizes cover without guaranteeing appropriate quality, as referred to by one of the children consulted:

“They don't attend to you quickly and there is never medication, they just give you the basic. They don't give you the service you deserve.”⁹⁸

“If the girl has insurance and the boy doesn't, they attend to the girl first.”⁹⁹

The system maintains differences in registration, like the difference in early childhood, which presents “significantly lower registration with 73%”¹⁰⁰. Effectively, the ENDS (2010) data shows that children and adolescents are those who are least registered with a health service provider and in 2010, 13% in the 0-9 age group and 12.9% in the 10-19 age group were still not registered. Although there are differences like those quoted, it must be highlighted that in the 2006-2010 period, there was a significant increase in registration on the General Social Security Healthcare System of Colombia. The ENDS (2010) shows that between 2005 and 2010, “registration on the General Social Security Healthcare System in Colombia increased by 19 percent going from 69 to 88%”¹⁰¹.

Vaccination coverage increased, but there is still 20% of the child population that has not completed the full vaccination schedule, with important differences in coverage between regions (while in Nariño, 93.7% has all the vaccinations for the age, in Guajira, only 70.3% has them).¹⁰²

⁹⁵ Así Vamos en Salud (How We Are in Health). 2010 Annual Report: Cómo va la salud en Colombia (How Health Is in Colombia). Bogotá, 2010. p. 27.

⁹⁶ Ministry of Health and Social Protection. Análisis de la situación de la salud en Colombia (Analysis of the Health Situation in Colombia), 2013. Consulted on October 8, 2013: <http://www.minsalud.gov.co/Documentos%20y%20Publicaciones/An%C3%A1lisis%20de%20situaci%C3%B3n%20de%20salud%20por%20regiones.pdf>

⁹⁷ Report XVI from the Ombudsman's Office to the Congress of the Republic Bogotá. 2008. p. 117.

⁹⁸ Participatory inquiries with children. Chocó, November 2012.

⁹⁹ Participatory inquiries with children. Montería, December 2012.

¹⁰⁰ ICBF. Optando por la Paz y la Prosperidad Social (Opting for Peace and Social Prosperity). First public accountability exercise on the rights of children, adolescents and young people. Bogotá. 2012.

¹⁰¹ ENDS. 2010. p. 401.

¹⁰² Profamilia. Situation of the children in Colombia. 2010 Electronic document consulted on January 24, 2013, available at:

http://www.profamilia.org.co/encuestas/Profamilia/Profamilia/documentos/boletines/prensa/Situacion_de_los_Ninos_y_Ninas_en_Colombia.pdf

According to the “Analysis de la situación de salud en Colombia (Analysis of the Health Situation in Colombia)”¹⁰³, in 2011, in Colombia, vaccination coverage was around 85% in all the biologicals. The highest vaccination coverage for polio was in the Eastern and Caribbean regions with 90.13% and 89.06%, respectively. While the lowest coverage was in the Amazonía-Orinoquía (70.55%) and Central (75.42%) regions.

According to the Analysis of the Health Situation in Colombia on the Growth and Development Program, “The minimum activities stipulated by the regulation to be carried out in the controls are not being adequately carried out. The head circumference measurement or age for 19% of children who attend the controls is not recorded. Both of these pieces of information are an important factor in the evaluation and can serve as a warning about the alterations in development.”¹⁰⁴ The ENDS (2010) showed that only 76% of children under 5 years attended growth and development programs.

The average duration of the breastfeeding period decreased between 2005 and 2010 from 2.5 months to 1.8 months. The average total time of the breastfeeding period was 14.9 months in 2010. The creation of the new Ten-year Plan for Breastfeeding must be highlighted, which aims to improve these indicators¹⁰⁵.

The country has elevated levels of infant malnutrition. In 2010, the percentage of children under 5 years with chronic malnutrition was 13.2%, with important differences between the rural areas (17.0%) and urban areas (11.6%) and the level of education of the mothers. For mothers with no education, 31.3% has children with chronic malnutrition. In indigenous children, the percentage of chronic malnutrition came to a worrying 29.5%, with high levels of anemia and zinc deficiencies¹⁰⁶.

Equally worrying is the food insecurity data: “The prevalence of food insecurity in homes was 42.7%, distributed as follows: slight 27.9%, moderate 11.9% and severe 3.0%. The prevalence of food insecurity in rural homes was 57.5%”¹⁰⁷.

As some children and adolescents who participated in the inquiries mention, the situation of food insecurity and malnutrition is seen on a daily basis in rural and urban communities:

“In our community, children eat approximately twice a day, because the financial situation of their parents is critical.” “There is hunger and malnutrition in the community. It would be good for there to be more monitoring or visits to families so that they are aware of the crisis they are going through. Carry out projects with evidence for the government, so that it is made aware of the community's reality. Some days there is no money and many families go to sleep without eating anything in the day... I would prefer to have a lot of rice with less meat, because that is more filling. In our neighborhood there is a high level of malnutrition.”¹⁰⁸

¹⁰³ Ministry of Health and Social Protection. Análisis de la situación de la salud en Colombia (Analysis of the Health Situation in Colombia), 2013. Consulted on October 8, 2013: <http://www.minsalud.gov.co/Documentos%20y%20Publicaciones/An%C3%A1lisis%20de%20situaci%C3%B3n%20de%20salud%20por%20regiones.pdf>

¹⁰⁴ Ministry of Social Protection. Análisis de la situación de salud en Colombia 2002-2007 (Analysis of the Health Situation in Colombia, 2002-2007). Bogotá, 2010.

¹⁰⁵ Ministry of Social Protection. Ten-year Plan for Breastfeeding 2010-2020. Bogotá, 2010.

¹⁰⁶ Ministry of Social Protection, Colombian Institute for Family Welfare (ICBF). ENSIN (National Survey of the Nutritional Situation in Colombia) Bogotá, 2010. p. 178.

¹⁰⁷ Ibid. p. 351-352.

¹⁰⁸ Participatory inquiries with children. Barranquilla, December 2012.

Regarding sexual and reproductive health, the State report states the benefits of the Friendly Services Model Strategy for adolescents and young people implemented by the Ministry of Health with the support of UNFPA. This process was started in 2008 and it is hoped that it will have an important impact on adolescent health, by adjusting health services to the needs and realities of adolescents and young people in the framework of the rights perspective (promotion of health and wellbeing), emphasizing decisions about their healthy and responsible sexuality.

Teenage pregnancy in Colombia has decreased. However, in 2010, the rate was 19.5%, which is still a high figure. Similarly, it is necessary to note that there are important differences between the departments that fluctuate between 16% and 33%. Additionally, the persistence of pregnancy in girls under 15 years (5.2%) is worrying¹⁰⁹.

On this aspect, it must be noted that many of these pregnancies are the result of criminal carnal access, as certified by the DANE. This body records an annual average of 5,300 girls under 14 years who between 2000 and 2012, gave birth to their children in public hospitals without the police or legal authorities having started appropriate investigations on these events, as in Colombia, any sexual relations with children under said age are considered to be illegal. It must be specified that in 22% of these events, the sex offenders, who are considered as such even when they have the consent of the assaulted girl, as this is irrelevant when determining the nature of the crime, are relatives of the victim. An analysis of the DNA of the victim's father would be sufficient evidence to sentence the accused. In spite of this, these processes are not carried out, the cases are not reported with sufficient severity, the Children's Police Department does not investigate them and the prosecutors or judges do not process the cases to the necessary degree.

Furthermore, teenage pregnancy creates a greater level of vulnerability in the health of teenage mothers and their sons/daughters, to the extent to which they are more exposed to mortality and school abandonment¹¹⁰, aspects which in the future, have an impact on their health and social development.

According to the National Demographics and Health Survey, the proportion of pregnant adolescents in all levels of education increased: 52% (2005) and 55% (2010) without education; 42% (2005) and 47% (2010) in primary education; 17% (2005) and 18% (2010) in secondary education; and 9% (2005) and 11% (2010) in higher education¹¹¹. According to the data of the Ministry of Education for 2011, between 20% and 45% of pupils who left the education system reported parenthood as the main reason¹¹².

One of the girls consulted says:

“We see that today there are many pregnant adolescents and child malnutrition has increased. Our recommendation is for young people to be taught how to use family planning methods and also to give talks to young people to raise their awareness of the consequences of pregnancies at a young age and that in the end it is the babies who suffer. Raise awareness of the families... (and) the trust of the parents so that their children trust them more and tell them what happens.”¹¹³

¹⁰⁹ ENDS, Teenage Pregnancy. 2010. p. 114.

¹¹⁰ The Andean Sub-regional Committee for Adolescent Pregnancy Prevention Adolescent Pregnancy in the Andean Sub-region Quito, 2008. pp. 21-24.

¹¹¹ CONPES Document 147, data taken from the Demographics and Health Survey, Profamilia, 1990, 1995, 2000, 2005, and 2010.

¹¹² CONPES Document 147, p. 10

¹¹³ Participatory inquiry with children. Cartagena. February 2013.

Finally, environmental health is another problematic issue, as told by some of the children and adolescents consulted:

“Children get ill because of the dust in the streets and also because in the rainy season, there are lots of puddles of water and many mosquitoes. My mother sweeps and we breathe in the dust and get sick.” “In stagnant waters there are a lot of infections and I shouldn't play with it because there is infection there.”¹¹⁴

Regarding sanitary services, a study by ECLAC¹¹⁵ showed that in 2007, in Colombia, there was evidence of severe and moderate deficiencies in the home assessment categories of housing, sanitation and access to drinking water, primarily in the rural areas. In the housing home assessment, the study showed severe deficiencies for 3.3% of the urban population and 5.9% of the rural population. While those considered less severe had figures above the Latin American average, reaching 17% in the urban population and 43.5% in the rural population.

As of 2010, according to the Quality of Life Survey (ECV in its Spanish acronym) carried out by the DANE, little more than 75% of the country's homes had a sewer services. However, the differences in coverage were significant between the municipal centers and the rest of the country. For the former, coverage came to 91.8% and for the latter, only 15.1% of the homes had the services. The mains water data for the same year showed 95.9% coverage in the urban centers and 57.1% in the rest of the country (57.1%).

The results of the same survey for 2011 indicate that 87.3% of the population has access to running water and 72.3% to a sewer system. Access to services is greater in the urban areas or centers than in the rural area or rest of the country. Electricity: urban centers (99.5%) and the rest of the country (89.9%); natural gas: urban centers (65.6%) and the rest of the country (4.0%); Mains water: urban centers (96.0%) and the rest of the country (56.3%); Sewer system: urban centers (89.1%) and the rest of the country (12.3%); Garbage collection: urban centers (97.2%) and the rest of the country (18.3%); Telephone: urban centers (46.2%) and the rest of the country (3.3%)¹¹⁶.

The quoted figures have a differential affect on women, increasing their vulnerability to the violation of their other rights, as stated by the UNDP, “In Colombia, 16% of homes are in precarious settlements. The prevalence of female leadership is greater in this kind of settlement. It is known that the lack of basic services has a significant impact on women. Together with children and adolescents, women are the main ones responsible for supplying water to the family, a task which takes up a lot of time and energy and that is one more factor that increases the gender gap. Similarly, the lack of lighting poses a significant threat to people's safety, above all for women, for whom it can create the risk of suffering from sexual violence.”¹¹⁷

¹¹⁴ Participatory inquiry with children. Montería, December 2012.

¹¹⁵ ECLAC and UNICEF. Child Poverty in Latin America and the Caribbean, Santiago de Chile, 2010

¹¹⁶ Ministry of Health and Social Protection. Analysis of the Health Situation in Colombia, 2013. Consulted on October 8, 2013:

<http://www.minsalud.gov.co/Documentos%20y%20Publicaciones/An%C3%A1lisis%20de%20situaci%C3%B3n%20de%20salud%20por%20regiones.pdf>

¹¹⁷ UNDP. La equidad de género en Colombia (Gender Equality in Colombia). Bogotá, 2007. p. 24.

5.2 Disabled Children

Care for the child population with some kind of disability has not been developed by the State. This is a significant deficiency, given that in its recommendations, the Committee stated the need for the Colombian State to double its efforts in professional and financial resources for this population group.

The results of the 2005 National Census reported that in Colombia, there are 632,255 disabled people, out of which, 10% are children and adolescents¹¹⁸. The document, “Discapacidad en Colombia: Reto para la Inclusión en Capital Humano (Disability in Colombia: A Challenge to Include Human Capital)”, shows that in 2010, “for every one thousand children registered aged zero to four years, 5.5 are disabled children. In children aged 5 to 9 years the rate is 10%; in the 10 to 14 age group it is 12.1; and in young people from 15 to 19 years, it is 10.7%.”¹¹⁹ In all ages, the proportion is higher in males.

The main causes of disability are general illnesses (42%), accidents (16.4%), hereditary genetic alterations (15.7%), conditions of the mother during pregnancy (7.6%) and complications at birth (4.5%). The remaining percentage corresponds to unknown factors. This categorization also showed that there is a greater probability of preventable disability in regions with a higher level of poverty. Children aged 0 to 18 make up 16.8% of the total of disabled people¹²⁰. Similarly, 13% of all people who require the support of another person are aged between 5 and 14 years. The role of caring for this population group has been mainly assigned to women.

The lack of financial resources in the home is added to this worrying information. According to the 2005 census, some kind of disability is more common in homes with children under 5 years. On the other hand, the disabled population is discriminated against. According to the mentioned investigation, around 22% disabled people perceive negative attitudes from other people, circumstances that affect children between 10 and 14 years more, as well as those aged between 5 and 9 years, because they perceive that most of these attitudes come from their own family nucleus¹²¹.

Discrimination is also reported at school, which is mainly from the classmates, especially in the 5 to 14 years age group. Said work also showed that in the departments where there is less exclusion, there is a percentage of the disabled population that is not registered with the health system: 29.2% of children aged 0 to 4 years, 28.5% aged 5 to 9 years and 26.0% aged 10 to 14 years. In the departments where there is high exclusion, the figures worsen, 44.6% aged 0 to 4 years, 25.9% aged 5 to 9 years, and 34% aged 10 to 14 years are not registered. The ICBF only attends to 5.2% of the disabled population under 5 years¹²², in prevention, protection or rights restitution programs. 23% of children and adolescents attended to by this institution have some kind of disability. This is a clear indicator of the lack of an inclusive institutional service for this population group, which forces many families to resort to services other than the State services.

Access to education for the disabled population increased in the 2006-2010 period, although regional disparities persist regarding the educational institutions and preparation of the teachers to attend to disabled children and adolescents, with greater difficulties in the rural area. The proportion of disabled students enrolled is 0.9% in pre-school, 1.4% in primary education, 0.9% in secondary education and 0.4% in high school. Most of the enrolled disabled students are in primary education (66%¹²³).

“The national average of teachers with training in inclusive education is 0.9% per institution and of support personnel it is just 0.5%.”¹²⁴ The recorded figures of 2010 for school attendance show a critical situation for this population group: 87.9% of disabled people do not attend an educational establishment and this percentage is 70.9% in children aged 0 to 4 years¹²⁵.

Despite the fact that Article 47 of the General Law on Education (Law 115 of 1994) makes it mandatory to include specific inclusion programs for the disabled population in the regional development programs, in many municipalities there is no clear and consistent information on the disabled child population and the programs carried out for them to exercise their rights¹²⁶. In 2011, 116,153 disabled children were attended to in the education system according to the National Ministry of Education.

Disability significantly increases in children and adolescents of marginalized communities and communities with less opportunities for them to fulfill their rights, such as indigenous and Afro-Colombian communities. The disabled population presents a higher level of illiteracy than the national population in general¹²⁷.

A situation that affects the disabled child population is financial exploitation. Cases of children used for begging have been reported. However, this issue has not been systematically documented by the State, which contributes to the absence of specific protection policy.

The Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, Law 1618 (2013) and the Code for Children and Adolescents (Law 1098) clearly established the rights of disabled children and adolescents.

However, the protection actions that they establish have not been regulated and therefore, they have not been effective. Regarding Paragraph 2 of Article 36, which states that “parents who assume the comprehensive care of a disabled child will receive a special social benefit from the State”, to date, said benefit has not been regulated.

5.3 Mental Health and Use of Psychoactive Substances

Prevention and care of mental health problems in children and adolescents starts to occupy a place in the public agenda. At the end of the 2006-2010 period, a study directed specifically at the adolescent population was carried out. This study concluded that many mental disorders start at 4 years of age.

¹¹⁸ Pandi News Agency Report Colombia inclusiva. Por un país para todos (An Inclusive Colombia: For a Country for Everyone). 2010.

¹¹⁹ Gómez, Julio. Colombia Líder & Fundación Saldarriaga Concha. Discapacidad en Colombia: Reto para la Inclusión en Capital Humano (Disability in Colombia: A Challenge to Include Human Capital) Bogotá, 2010. p. 42.

¹²⁰ Ibid. p. 53.

¹²¹ Ibid. p. 68.

¹²² Ibid. pp. 53 and 90

¹²³ Sarmiento, Alfredo. Situación de la educación en Colombia Preescolar, básica, media y superior Una apuesta al cumplimiento del derecho a la educación para niños, niñas y jóvenes (The Situation of Pre-school, Primary School, High School and Higher Education in Colombia: An Attempt to Fulfill Children's and Adolescents' Right to Education). Education: A Commitment by Everyone Project. Bogotá. 2011. p. 111.

¹²⁴ Ibid. p. 116.

¹²⁵ Gómez, 2010 Op. Cit. p. 120.

¹²⁶ Gómez, 2010 Op. Cit. pp. 130-131.

¹²⁷ Sarmiento 2011. Op. Cit. p. 19.

In said study, it was found that 16% of adolescents has suffered or suffers from mental disorders. Out of this proportion, 17.4% is female and 14.8% is male. The study also indicated that 11% of adolescents had considered committing suicide (14.3% female and 7.6% male)¹²⁸.

In the consumption of psychoactive substances, it was found that there is the possibility of accessing them from 11 years of age. Cigarette consumption has decreased. However, it is a problem that affects 15% of the school population in high school and tends to increase in higher education, Out of the students between 11 and 18 years who participated in the National Study on the Consumption of Psychoactive Substances, 40% stated having consumed alcoholic drinks in the last month, 5% stated they consumed alcohol on a daily basis, 11.7%, 3 to 6 six times a week and 24%, 1 or 2 times a week¹²⁹.

The consumption of cocaine increased in the school population. The prevalence of its use at some point in life went from 1.9% in 2004 to 3.3% in 2011.

Despite the fact that there is a proposal to create a national Statute on Drugs and an Advisory Commission for drug policies (Resolution 0832 of December 10, 2012, of the Ministry of Justice), a real policy to prevent the consumption of drugs in Colombia that prioritizes reducing the vulnerability of children and adolescents has not been consolidated.

In turn, Law 1566 of July 31, 2012, through which regulations are stipulated to ensure the comprehensive care of people who consume psychoactive substances and the national “entity committed to the prevention of the consumption, abuse and addiction to psychoactive substances” is created, does not establish differential actions for the care of children and adolescents.

¹²⁸ Ministry of Social Protection, UNODC. Situación de Salud Mental del Adolescente (Mental Health Situation of Adolescents). National Mental Health Study-Colombia. 2010. pp. 157-158.

¹²⁹ Interior Ministry, Ministry of Education, Ministry of Health, UNODC Estudio Nacional de Consumo de Sustancias Psicoactivas en Población Escolar Colombia 2011 National Study on the Consumption of Psychoactive Substances in the School Population, Colombia 2011. Bogotá. 2011. p. 20.

Education, leisure and cultural activities (articles 28, 19, 30 and 31)

06

6.1 Right to Education

Illiteracy continued to decrease and the national average came to 6.7% in 2010¹³⁰. Worrying levels of illiteracy persist in departments where the majority of the population is indigenous or Afro-Colombian (according the 2005 census, the Guajira Department has a rate of illiteracy that is 11 times higher than the national average¹³¹), as well as in the poor rural population and disabled population.

In 2011, the illiteracy rate in people over 15 years decreased by 0.5% to 5.8%. However, there are differences between the municipal centers and the rest of the country, as the illiteracy rate in people over 15 years is almost 4 times higher in the rest of the country than in the municipal centers. Between 2010 and 2011, this figure decreased by 0.3%, while in the municipal centers it decreased by 0.6%¹³².

In the 2006-2010 period, there were some changes in the levels of education coverage with significant increases in the levels of coverage in secondary and high school. Net coverage in the period: went from 61.83% in 2006 to 61.8% in 2010 for kindergarten; from 91.56% in 2006 to 89.66% in 2010 for primary education, from 64.75% to 70.81% for secondary education and from 36.03% to 41.65% for high school. In gross coverage, there was a change from 93.74% to 89.37% for kindergarten, from 120.22% to 117.45% for primary education, from 93.01% to 103.74% for secondary education and from 68.87% to 78.61% for high school¹³³.

Despite the fact that, as mentioned, the opening of 1.4 million new school places was reported in the period, large inequality persisted in education coverage in this period between the departments with higher or lower levels of income and development. This is how in Bogotá (capital of the country), in 2010, the levels of net coverage were 88.85% in primary school, 84.83% in secondary school and 54.40% in high school, and in the Atlántico Department, the performance of the figures was 96.07% in primary school, 75.35% in secondary school and 44.75% in high school. Contrary to this, in departments with lower income and with an ethnic population, the figures had a different performance. In the Vaupés Department (where the majority of the population is indigenous) the net levels of coverage for 2010 were 64.99% in primary school, 26.26% in secondary school and 7.48% in high school. In the Chocó Department (where the majority of the population is Afro-Colombian) the net levels of coverage for 2010 were 82.78% in primary school, 59.78% in secondary school and 18.15% in high school¹³⁴. With this same logic, there were large gaps in education coverage between the urban and rural areas. While the net national high school coverage in urban areas was 48.4%, in rural areas, it was 19%¹³⁵.

¹³⁰ 2010-2014 National Development Plan “Prosperidad para Todos” (Prosperity for All). Executive summary. Bogotá. 2011.

¹³¹ Rodríguez, Mónica. Educación y pobreza. Un análisis de eficiencia relativa departamental (Education and Poverty: An Analysis of Relative Departmental Efficiency). Dissertation of Masters in Economic Sciences. Universidad Nacional de Colombia. 2012.

¹³² Ministry of Health and Social Protection. Análisis de la situación de la salud en Colombia (Analysis of the Health Situation in Colombia). 2013. Consulted on October 8, 2013: <http://www.minsalud.gov.co/Documentos%20y%20Publicaciones/An%C3%A1lisis%20de%20situaci%C3%B3n%20de%20salud%20por%20regiones.pdf>.

¹³³ Statistics of the education sector. Electronic document consulted on September 20, 2013, available at: http://menweb.mineducacion.gov.co/seguimiento/estadisticas/principal.php?seccion=9&id_categoria=2&consulta=cobertura_nivel&nivel=9&dpto=&et=&mun=&ins=&sede=&consulta_detalle=et. Consulted on September 10, 2013.

¹³⁴ Ibid. Consulted on Friday, September 20, 2013.

¹³⁵ National Ministry of Education Colombia aprende. Plan sectorial educativo 2011-2014 (Colombia Learns: Sectoral Education Plan 2011-2014). Bogotá. SF

In 2012, according to official data from the Ministry of Education, 5,292,319 girls and boys enrolled with educational establishments, that is, 10,674,609 pupils were enrolled. In 2012, the net coverage rate¹³⁶ was 63.39% in kindergarten, 87.10% in primary school, 71.48% in secondary school and 40.98% in high school. The highest net coverage rates were in the departments of Casanare (103.88%), Sucre (95.55%) and Cesar (94.01%). In Casanare, there was a net coverage rate of 78.45% in kindergarten, 102.00% in primary school, 85.40% in secondary school and 44.03% in high school. While in Sucre, these figures were 67.51% in kindergarten, 95.10% in primary school, 73.72% in secondary school and 38.11% in high school. For Cesar, the values are 65.94% in kindergarten, 93.85% in primary school, 69.36% in secondary school and 34.62% in high school.

In turn, the lowest net coverage rates were in the departments of Vichada (66.75%), Vaupés (62.32%) and Guaviare (59.18%). In Vichada, the net coverage rate was 38.2% in kindergarten, 66.96% in primary school, 33.37% in secondary school and 15.01% in high school. For Vaupés, these rates were 25.29% in kindergarten, 63.35% in primary school, 31.81% in secondary school and 9.36% in high school. Finally, in Guaviare, the figures were 37.54% in kindergarten, 58.24% in primary school, 43.64% in secondary school and 19.62% in high school.

Inequality in terms of access is also a variable to consider in the case of pre-school education. However, since 2010, the country has made big efforts in early childhood and the National “De Cero a Siempre” Strategy was created, which seeks the all-round education of this population group in different formal and informal areas for this service. The strategy has managed to conceptualize and commit the different public sectors to developing coordinated, comprehensive actions and to promote all-round early-childhood development (in the framework of Law 1098).

Regarding quality and measurement through the SABER tests: 57% of private education institutions obtained high, superior or very superior results in the Saber 11 tests of 2009, compared to 23% of the State educational institutions, which is even more critical in the rural areas, where only 4% of the official schools obtained these results¹³⁷. As expressed by the Ministry of Education, “the results on quality demonstrate huge gaps according to the socioeconomic and regional conditions and by area (rural-urban)”¹³⁸.

International assessment applied to Colombian students, such as the PISA tests in 2009 showed that almost half of the country’s students at 15 years of age have difficulties that prevent them from reaching an acceptable “minimum level of literacy to continue making successful progress in their schoolwork and to play a role in society. Also, although only 17% of these results are related to the young people’s socioeconomic conditions, the private schools have better results than the State schools”¹³⁹.

One of the problems that afflicts the country is the precarious nature of the educational facilities and their equipment in a large part of Colombia, which does not meet the needs of the educational community for all the levels of the system. As recommended by the CRC, there needs to be greater resources to ensure the right to education.

However, the Ombudsman’s Office has indicated that the allocated resources are still not sufficient and due to this, “it is observed that a large part of the educational establishments of the official sector in the years observed (2006-2007) lack adequate infrastructure to ensure minimum sanitary facilities for students of both sexes, as well as sufficient classrooms and areas for sport, technology and recreation for the development of their intellectual, social and creative capacity. Some are still located in environmentally at-risk areas, as well as those near military targets”¹⁴⁰.

This point was also mentioned in the inquiries with children and adolescents who say that:

“They don’t like the school facilities, because the bathrooms and classrooms aren’t clean. The bathrooms are a complete disaster”¹⁴¹; “The school and garden facilities are insufficient; they need libraries, computer rooms and administrative facilities”¹⁴²; “There are run down classrooms that are dangerous...They are run down, because the walls are coming apart; they could fall on top of the children... My school needs computers”; “They need to improve sanitation. It is really bad, because they stop the water in the bathrooms and there is just one bathroom for boys and girls”¹⁴³.

Factors such as the teachers’ level of training and their workload affect the quality of education, as told by the children and adolescents consulted.

“We need more teachers for other subjects. We have just one teacher for all subjects, because sometimes the teacher has studied to teach Spanish and doesn’t know English.”¹⁴⁴ “There are qualified teachers, but each teacher must teach just one subject. There are also many teachers who you don’t see for very long for this same reason and so one class is extended, because they put several subjects with just one teacher”¹⁴⁵; “There is more coverage, but the classrooms are more crowded, the quality of education has worsened considerably and there are many children who go to school not because they like it, but because they have to.”¹⁴⁶

“Some of the teachers do not have training on teaching, which means that the education isn’t very good and the relation between pupils and teachers is indifferent. Many pupils leave school because there is no government support to ensure the opportunity for these children to be able to continue studying as their families do not have sufficient financial resources. As recommendations, we propose that there should be follow-up of the educational institutions, greater control of overcrowding, hiring of trained teachers to be teachers, more resources so that the pupils can study without problems and a real policy that includes all of the population in education, maintaining the cultural differences that exist.”¹⁴⁷

¹³⁶ Net Coverage Rate (NCR): The relationship between all the pupils enrolled in a level of education who have the theoretical age corresponding to the level and the total population in this age group. It is calculated in this way for each level of education.

¹³⁷ ICFES. State high school exam. Results of the 2005-2010 period. Bogotá. 2011. p. 55.

¹³⁸ Ministry of Education Methodologies, allocation and uses of SGP (General Participation System) resources - validity 2011. Consulted on Saturday, April 20, 2013, at: www.mineducacion.gov.co/.../articles-266598_archivo_ppt_sgp2.ppt

¹³⁹ Ombudsman’s Office Op. Cit. p. 110.

¹⁴⁰ Ombudsman’s Office, Op.Cit. p. 105.

¹⁴¹ Participatory inquiry with children. Tumaco. November 2012

¹⁴² Participatory inquiry with children. Armenia, December 2012.

¹⁴³ Participatory inquiry with children. Chocó, December 2012.

¹⁴⁴ Participatory inquiry with children. Jamundí. November 2012

¹⁴⁵ Participatory inquiry with children. Cali, February 2013.

¹⁴⁶ Participatory inquiry with children. Bucaramanga.

¹⁴⁷ Participatory inquiry with children. Bucaramanga, December 2012.

Regarding issue of school dropouts, it is important to point out that the country has low retention capacity of adolescents in the education system. It is important to highlight that as unemployment arises in families, school dropouts increase and children start to work on generating income for their families, as stated in the study led by Sarmiento. This study shows that in 2008, the rate of school dropouts was 28.7%¹⁴⁸. Although the school dropout rate has decreased since then, it is still very high. Likewise, other studies, such as the one by the Institute of Urban Studies of Universidad Nacional in collaboration with the Ministry of Education in 2011, indicated that a total of 360,480 students dropped out of school because of circumstances related to the long distances between school and home, as well as low school performance. Other aspects indicated that this is not just a problem of the families' income, but also of access to education centers and the lack of motivation with the low quality of education.

Other studies show that measures such as making the school day longer may be a factor that helps to prevent school dropouts and the repetition of school grades¹⁴⁹. However, the school day has only been made longer in a few of the educational institutions of the country's capital.

The rates of repetition in the country in the 2006-2010 period were low. For example, in 2007, the rate was 3.7% in primary education. This situation could be due to the maintenance of the so-called "automatic promotion" in this period, through which there was particular flexibility and students passing to the next grade was guaranteed. The effects of this situation in terms of quality and the students' effective learning have not been measured.

Although there have been reductions in students falling behind in the grade they should be in because of their age, in 2008, more than 50% boys and 40% girls had fallen behind in their grade. This situation was more critical among the poorest children, while members of the highest decile were behind in at least a quarter of a grade¹⁵⁰.

In 2008, free education was declared in the public sector for primary education and in 2010, for all basic compulsory education through Sentence C-376 of the Constitutional Court, as a result of the advocacy work in the Colombian Coalition for the Right to Education. Until 2010, free education was established for primary education and the socioeconomic levels with the lowest resources. Since 2012, education is free for all levels of public sector education (pre-school, primary school, secondary school and high school). The resources established per student (who arrives directly to the educational institutions) are very low to satisfy the needs of the educational institutions, specifically those related to the quality of education.

Free education (school tuition) does not eliminate the maintenance costs of students with scarce resources in the educational system, including the costs of school supplies, transportation and uniforms. The conditional benefit programs, through strategies such as Familias en Acción or Red Unidos, promoted access to education for the children of families who require the benefits and as a condition to access them. However, these strategies continue to create dependencies that cannot be equated to a universal rights perspective.

Even when there has been progress in the budget in the education sector, there is still backwardness. In 2010, investment in education came to 4.99% of the GDP^x, still far from the established goal of 6%.

¹⁴⁸ Sarmiento Op. Cit. p. 60.

¹⁴⁹ Jaramillo, Sandra, et al. Deserción y Repetición en los primeros grados de la básica primaria: factores de riesgo y alternativas de política pública (Dropouts and Repetition in the First Grades of Primary Education: Risk Factors and Public Policy Alternatives). Education: A Commitment by Everyone Project. Bogotá, 2010. p. 83.

¹⁵⁰ Sarmiento Op Cit. pp. 84-85.

¹⁵¹ Ministry of Education Revolución Educativa (Education Revolution). 2010. Electronic document, consulted on April 20, 2013, available at: http://www.mineducacion.gov.co/1621/articles-233263_archivo_pdf_presentacional_05_2010.pdf

The investment in pre-school education made by the Colombian State was lower than that of other countries of the region with similar development in the 2006-2010 period. While countries like Argentina, Chile and Mexico invested between 0.6% and 0.5% of the GDP, Colombia invested 0.1%¹⁵².

Expenditure in the quality of education continues to be behind: "In Effect, the proportion of the SGP (General Participation System) allocated to quality has not been improved, but it has been reduced. While in 2002, 6.5% of the SGP was allocated to improving quality, in 2009, this percentage dropped to 6%"¹⁵³. This has an effect on the results obtained in the tests on quality (SABER) and leads to a gap in learning which shows that "in Colombia, there are high levels of inequality in the academic results of students related to the socioeconomic level of their families, the kind of education management and the geographical area of the schools they attend"¹⁵⁴.

6.2. Rest, Play, Leisure and Recreational, Cultural and Artistic Activities

Actions with the aim to ensure the access of children and adolescents to recreational, cultural and artistic activities do not have an important place in the report submitted by the State. On this aspect, the report only states the benefits that the measure of extending the school day could represent, which is still not adequately implemented in the country and does not replace the State obligation to guarantee these rights.

The National Reading Plan stands out in this field, which has strengthened the municipal public library system with a moderate budget. However, in 2010, important deficiencies persisted in the equipment of the libraries, in terms of books as well as technology. Only 58% of the municipality libraries connected to the national network of public libraries has internet access¹⁵⁵.

On the other hand, the "Music for Healthy Coexistence" Project also stands out, which since 2002, has been sponsoring the development of music education projects for children of several Colombian municipalities¹⁵⁶. There is little information on actions carried out in recreation and sport for children and adolescents, which shows the limited importance it has in the public agenda.

A fundamental element for the improvement of recreational and sports activities is the investment in infrastructure, which as of 2010 was significantly behind, as reported in the 2010-2014 National Development Plan, which says that although there are some 54,780 areas, approximately 27% of them is incomplete, 15% is in an average state and 40% is in a bad state¹⁵⁷. This aspect was one of the twelve most voted by children and adolescents who participated in the online inquiry carried out by organizations belong to Alianza por la Niñez Colombiana¹⁵⁸.

¹⁵² Sarmiento, Alfredo. Situación de la educación en Colombia Preescolar, básica, media y superior Una apuesta al cumplimiento del derecho a la educación para niños, niñas y jóvenes (The Situation of Pre-school, Primary School, High School and Higher Education in Colombia: An Attempt to Fulfill Children's and Adolescents' Right to Education). Education: A Commitment by Everyone Project. Bogotá, 2011 p. 29.

¹⁵³ Piñeros Luis. Una mirada a las cifras de la educación en Colombia 2002-2009 (A Look at the Education Figures in Colombia 2002-2009). Education: A Commitment by Everyone Bogotá, 2010. p. 30.

¹⁵⁴ Ibid.

¹⁵⁵ 2010-2014 National Development Plan "Prosperidad para Todos" (Prosperity for All). Executive summary. Bogotá. 2011. p. 21.

¹⁵⁶ ICBF. Optando por la Paz y la Prosperidad Social (Opting for Peace and Social Prosperity). First public accountability exercise on the rights of children, adolescents and young people. Bogotá, 2012.

¹⁵⁷ Ibid.

¹⁵⁸ Online participatory inquiry with children. October 2012 - February 2013.

The 2012 Culture Consumption Survey asks about the perceptions, tastes and cultural practices of men and women in Colombia, in aspects such as participation in cultural areas, use of free time, purchase of video games and music or attending art courses or workshops.

Taking a population of 4,321,000 children aged 5 to 11 years as a basis: 2,192,000 boys and 2,129,000 girls, the survey reveals that on average, a girl spends 16.3 hours a week (Monday and Friday) in activities in her free time, while a boy spends 17.3 hours.

These activities are recreation (71.3%); physical activity (55.9%), cultural shows and events (20%); audiovisual media and the media (67.2%); reading (48.6%); passive leisure (65.9%); social life and enjoyment (53.7%); hobbies and games (47.7%); interactive activities (25.2%), trips (7.7%) and sport (56.2%). In this last activity, there is a big gender difference, as 1,256,000 boys and just 881,000 girls practice a sport.

According to the results obtained, 96.9% of children aged 5 to 11 years watch television. Out of these, 2,132,000 are boys and 2,053,000 are girls. 57.1% purchase video games, 40.3% play video games, 39.6% listen to recorded music, 39% listen to the radio and 33.7% have been to the cinema in the last 12 months.

The children in this age range have also participated in different cultural scenarios. Going to the theater, dance and opera (24.5%) stands out; followed by participation in fairs and exhibitions (21.2%); attending concerts, recitals, music shows in open and closed areas (live) (14.6%) and visits to exhibitions, fairs and photography, painting, illustration, sculpture and graphic arts exhibitions (12.6%).

Around half of the children aged 5 to 10 years go to cultural areas such as libraries (41.4%), followed by museums (15.6%), cultural centers (15.1%), historical monuments, archaeological sites, national monuments and historical centers (13.1%) and art galleries and exposition rooms (5.4%).

Special protection measures (articles 22, 30, 32 to 36, 37b to 37d, 38, 39 and 40)

07

7.1. Children Outside Their Country of Origin who Try to Obtain Protection as Refugees, Unaccompanied Child Asylum Seekers, Internally Displaced Children and Children Affected by Migration

The situation of internal displacement was one of the points on which, in its 2006 recommendations, the Committee expressed “serious concern about the high number of children who continue to be displaced in Colombia” and shared the concern expressed by the Constitutional Court in Sentence T025 of 2004, referring to the lack of care and specific support for displaced children and adolescents, considering that they comprise more than half of the displaced population. In response to this, a substantial increase in resources for displaced people, an increase in cooperation with UNHCR, an increase in psychosocial care for children and the distribution of humanitarian assistance to maintain the principle of distinction are recommended.

As expressed by the Constitutional Court in Order 251 of 2008, “child victims of forced displacement are the most vulnerable and indefensible beings”, they suffer from irreparable losses of fundamental stages in the growth process and their families change. Girls are more exposed to: sexual abuse due to a lack of protection and financial issues; the sex trade because of the family’s economic needs; housework (they are employed more easily than boys) and school dropouts, as they end up assuming the care of their siblings.

Regarding this point, in the official report, the State claims that one of the greatest achievements is the generation of CONPES 3400 and making the policy on forced displacement, human rights and reconciliation, which arose from the 2006-2010 Development Plan. In spite of this progress, State actions are still insufficient to ensure the rights of the considerable number of child and adolescent victims of displacement. The State mentions a series of actions carried out through the responsible agencies (like the former Acción Social and ICBF), but the information is still not fully presented, taking into account the indicators ordered by the Constitutional Court, which do not allow the progress of the effective enjoyment of their rights to be measured.

According to data from the Department for Social Prosperity (DPS in its Spanish Acronym), in 2010, there was a total of 798,018 households and 3,486,305 people registered as displaced¹⁵⁹. These figures are far below those reported by the Consultancy for Human Rights and Displacement (CODHES), based on their own information system, which for 2010 showed 5,186,260 displaced people, with the number of displaced people just in 2010 being 280,041, which corresponds to around 56,000 households.

¹⁵⁹ Statistics of the displaced population in the RPD to July 2010. Electronic document consulted on Saturday, January 12, 2013, available at: http://www.dps.gov.co/Estadisticas/SI_266_Informacion%20PAG%20WEB%20%284-08-2010%29%20ver%202.htm

For August 2013, the National Information Network of the Victims' Unit¹⁶⁰ reports 5,244,963 people as displaced, 5,247,857 people received and 5,258,862 declared. Just in 2013, 43,973 people had been displaced, 49,900 were received and 203,332 were declared.

The differences between the official records and those of civil society organizations occur because, as stated by the High Commission on Human Rights, in Colombia, there is "a continuous under-registration of cases... with higher frequency in areas of hostilities," as illustrated through specific cases¹⁶¹. The official figures broken down for the child population issued by the Department for Social Prosperity show that in the 2006-2010 period, there was a decrease in the number of displaced children and adolescents, as in 2007, the figures reported 71,468 girls and 75,551 boys, while in 2010, the figure came to 30,450 girls and 32,029 boys. The fact is that although there is a decrease, displacement persists as an alarming situation that violates the rights of children and adolescents and their families.

According to recent figures of the Victims' Unit on the reporting of victimizing events by age¹⁶², 49,950 girls and 52,824 boys were recorded as victims of the armed conflict in 2011, 34,155 girls and 36,219 boys in 2012 and 10,561 girls and 11,204 boys in 2013. The main victimizing events in chronological order include: displacement, threats, homicide and terrorist acts.

In response to Sentence T025 and Order 251 of 2008 of the Constitutional Court, at the end of the period (2010), the State implemented the "My Rights First" program for the differential protection of displaced children and adolescents. Said program has received critical comments from the monitoring roundtable of the Order¹⁶³, which say that establishing the special care strategy has focused specifically on education and housing, it has not been possible to "prevent displacement and its effects on children pose a challenge for the State as a whole and specifically for the local and national governments"¹⁶⁴. According to these analysts, "weaknesses reoccurred in coordination, absence of monitoring and belonging of the programs underway of each one of the entities responsible for providing care to children and adolescents to guarantee their rights. Nor was it possible to attend to the cases of the 18,000 children and adolescents contributed by the civil society organizations.

To date, the program has not only failed to respond to the original obligation to respond to the identified needs of this population, but it also fails to comply with the individual requirements feature of the program referred to as a requirement in Order 251"¹⁶⁵.

The Ombudsman's Office¹⁶⁶ states that in 2010, a state of unconstitutional items persisted, even when Sentence T025 of 2004 and its Orders contributed to the recognition of displacement and raising the awareness of society about its victims. This body states, "There is a state of unconstitutional things in the occurrence of events such as forced displacement, in the precarious care for victims of forced displacement and in the weak policy to end displacement." Similarly, it states, "the inclusion of victims in the registry of the displaced population has been

a barrier for access to care, because the centralization of the assessment in Bogotá has not allowed the inclusion of people and communities displaced from municipalities that are a part of it... This problem has had the consequence of the under registration of the displaced population." The main barriers to care for the displaced population have arisen in humanitarian emergency care.

For the Ombudsman's Office, care of children and adolescents "is aimed at minimal guarantees of a temporary nature in basic health issues and it is not aware of the rights violations that have specific effects on each child"¹⁶⁷. It also states that the responses for women, disabled people and indigenous people are not sufficient.

In 2011, Law 1448 of Victims and Land Restitution was issued, which decreed measures of care, assistance and comprehensive reparations for victims of the internal armed conflict. Title VII of the Law is dedicated to child and adolescent victims of armed conflict who have suffered from displacement, disappearances or armed recruitment, sexual violence, kidnapping, the death of one or more parents or injuries from antipersonnel mines, unexploded ordnance or improvised explosive devices, which indicates that their right to the truth, justice and comprehensive reparations is given priority. At the time this report was prepared, the victim reparations processes were just starting and there was no evidence in them of the application of the prevalence of child and adolescent rights established in the National Constitution.

Another problem associated with the pressure generated by armed conflict is the refugee situation. According to UNHCR, it is calculated that there are 500,000 Colombian refugees who live in the surrounding countries. The main receiver country of Colombian refugees in 2010 was Ecuador (53,342 people) and around 70% of them were women and children¹⁶⁸.

For this refugee population, there are barriers to attaining and access to programs and services:

“They don't want to receive my girls. It's like just by hearing the accent they deny you the opportunity. I spend the day walking, asking for places in different schools. In all of them they ask for documents legalized in Colombia; in some, as soon as you say you're Colombian they say no, or later, or that so-and-so is not there. The eldest does not have the certificate or grades. She is 13 years old and was studying in Colombia, but here they don't want to let her enroll. I told the principal that we had to run away suddenly one day and that is why I don't have any documents or the birth certificate... They rejected refuge to a friend of mine and her children are not studying, because they ask her for the same legalized documents and she cannot go back to obtain them, because of the problems she has. She would be at too much risk for a document and it also costs a lot of money. Here they don't understand your situation”¹⁶⁹.

¹⁶⁰ RNI - Red Nacional de Información (National Information Network). Information cut-off date: 8/31/2013 12:00:00 a.m. Consulted on October 8, 2013: http://rni.unidadvictimas.gov.co/?page_id=1629

¹⁶¹ Annual Report from the High Commissioner of Human Rights. March 4, 2010, A/HRC/13/72.

¹⁶² RNI - Red Nacional de Información (National Information Network). Information cut-off date: 8/31/2013 12:00:00 a.m. Consulted on October 8, 2013: http://rni.unidadvictimas.gov.co/?page_id=1629

¹⁶³ Work document of the critical comments by the monitoring roundtable of Order 251 about the "My Rights First" Program for differential protection of displaced children and adolescents in the case of forced displacement. 2010.

¹⁶⁴ Ibid. p. 47.

¹⁶⁵ Follow-up Roundtable p. 48.

¹⁶⁶ Ombudsman's Office, Report Eighteen Op. Cit. p. 140.

¹⁶⁷ Ibid. p. 154.

¹⁶⁸ UNHCR. Policy Development and Evaluation Service. In the Shoes of Refugees: Providing Protection and Solutions for Displaced Colombians in Ecuador. Ana Guglielmelli White. 2011. p. 8.

¹⁶⁹ Huepa, Johanna. Derecho a la educación de niños y niñas colombianos/as en situación de refugio en Ecuador (The Right to Education of Colombian Child Refugees in Ecuador). p. 4. Electronic document consulted on February 13, 2013, available at: <http://www.uasb.edu.ec/UserFiles/369/File/PDF/CentrodeReferencia/Temasdeanálisis2/ninezadolescenciayjuventud/articulos/Huepa.pdf>

7.2. Children and Adolescents in Armed Conflict, Including Their Physical and Psychological Recovery and Their Reintegration into Society

The persistence of armed conflict directly affected children and adolescents of several regions in the country throughout the 2006-2010 period. In 2008, the Ministry of Defense estimated that the number of children who participate in armed groups was around 8,000. Said figure could be between 11,000 and 14000, according to nongovernmental sources¹⁷⁰. Regarding the 2009-2012 period, the United Nations Security Council 2009-2012 “verified 343 cases of recruitment and use of children in 23 of the country’s 32 departments”¹⁷¹. This situation has also been reported by civil society organizations such as the Coalition against the Involvement of Children and Youth in Armed Conflict in Colombia (COALICO), an organization which has been showing the systematic involvement of children and adolescents in the conflict¹⁷².

The figures of cases of disassociation and reintegration of children and adolescents attended by the ICBF from 1999 to 2012 amounts to 5,005, a small number if it is compared to the number involved in the conflict by the guerrilla, paramilitaries or criminal gangs. Recruitment is a historical phenomenon in said groups’ areas of action, where socioeconomic vulnerability and social exclusion affect children and adolescents¹⁷³.

The United Nations (UN) identified that between 2011 and 2013, there have been at least 625 cases of children recruited. In turn, the most recent report by the UN Secretary-General on Children and Armed Conflict in Colombia, protected by the provisions of Resolution 1612 that governs the subject, mentions that the use and recruitment of children by organized groups outside the law is a systematic and generalized phenomenon with at least 300 cases reported in 23 departments in 2012¹⁷⁴.

According to the ICBF Bulletin “Vulnerabilidad, reclutamiento y utilización de niños, niñas y adolescentes por grupos armados organizados al margen de la ley (Vulnerability, Recruitment and Use of Children and Adolescents by Organized Illegal Armed Groups)”¹⁷⁵, in 2011, 282 children and adolescents disassociated themselves from these groups, distributed as follows: 203 from the Revolutionary Armed Forces of Colombia (FARC), 3 from the United Self-Defense Forces of Colombia (AUC), 44 from the National Liberation Army (ELN), 24 from criminal gangs, 6 to be established, 1 from the Popular Liberation Army (EPL) and 1 from the Guevarista Revolutionary Army (ERG).

While in 2012, 124 children and adolescents disassociated themselves: 90 from the Revolutionary Armed Forces of Colombia (FARC), 16 from the National Liberation Army (ELN), 2 from the Popular Liberation Army (EPL) and 16 from criminal gangs. In general, the largest number of disassociated children and adolescents come from the guerrilla groups.

According to a description of this population group, 84.3% of the children and adolescents disassociated from Organized Illegal Armed Groups after combat, 74.8% in ambushes and 61.5% in armed captures.

There has been very poor prosecution of the crime. The following is a summary of the figures, deficiencies, achievements and realities in the subject.

- The crime was criminalized for the first time in Law 418 of 1997. That is why, in our country, no legal sentence was ruled in this respect between 1964, the date these recruitments started, and 1997.
- In spite of the fact that it was recognized as a crime, not one single sentence was ruled between 1997 and 2007.
- According to data received in August 2013, the ordinary justice system has made 47 condemnatory sentences, which correspond to processes in which members of the Human Rights Unit of the Colombian District Attorney acted; the entity that provided us with this information. Similarly, in accordance with the reports of the country’s district attorney offices, as of December 2012, the justice administration had adopted 49 more sentences of this kind. In total, the ordinary justice system has ruled approximately a few more than 100 sentences punishing this crime with its regulatory recognition as a crime.

If we take into account that more than a decade ago, it was established that child victims of armed recruitment by the guerrilla or self-defense groups could amount to 14,000, according to different estimations already quoted in this document, and that to date, the ICBF has already attended to 5,200 children in its specialized programs, it is clear that the number of sentences ruled is very low.

In reality, it is incomprehensible that in the field of ordinary jurisdiction, the State has not made quicker progress in criminal trials of possible perpetrators with the aim to establish their responsibility in the recruitment of children. This is fairly surprising when we know that the life stories and testimonies of more than 5,000 children to date who have left illegal armed groups and have been attended to by the ICBF would be a sufficient trial basis for these investigations and punitive trials. It is clear that the District Attorney must have requested these investigations from the ICBF years ago. Likewise, said entity must have initiated the corresponding criminal reports that show the recruitments that it can verify in its own files of the last 15 years, according to the accounts of children who have been attended to by this official body and with which it can identify the responsible groups.

With the aim to rectify this situation, for the first time, after the recognition of the crime and later, 15 years after starting to receive and treat children who have suffered from this crime, in 2013, the ICBF decided to establish reports for 900 cases. This is an important figure, although, it is very likely to be less than the events known by its workers, who currently respond to 5,265 victims.

¹⁷⁰ Interview with Sergio Tapia, President and International Human Rights Attorney of the International Tribunal on Children Affected by War and Poverty. El Espectador, November 19, 2008.

¹⁷¹ United Nations Op. Cit. p. 5.

¹⁷² COALICO. Monitoring Bulletin No. 9. Statistics Bulletin 2009-2011. Bogotá, 2012.

¹⁷³ ICBF. Child Wellbeing Observatory. Bulletin 3. Vulnerabilidad, reclutamiento y utilización de niños, niñas y adolescentes por grupos armados organizados al margen de la ley (Vulnerability, Recruitment and Use of Children and Adolescents by Organized Illegal Armed Groups). Bogotá, 2012. p. 5.

¹⁷⁴ Office for the Coordination of Humanitarian Affairs (OCHA). 2014 Humanitarian Needs Overview. 2013.

¹⁷⁵ Colombian Institute for Family Welfare (ICBF) and International Organization for Migration (IOM). Vulneración, reclutamiento y utilización de niños, niñas y adolescentes por grupos armados organizados al margen de la ley (Vulnerability, Recruitment and Use of Children and Adolescents by Organized Illegal Armed Groups). In: Child Wellbeing Observatory. No. 3. Bogotá. 2012. Consulted on October 15, 2013:
http://www.icbf.gov.co/portal/page/portal/PortalICBF/Bienestar/Programas%20y%20Estrat%C3%A9gias/ObservatorioBienestar/Boletines/OBSERVATORIONINEZ_N3.pdf

¹⁷⁶ Ombudsman’s Office, UNICEF and ICBF (2006). Caracterización de las niñas, niños y adolescentes desvinculados de los grupos armados ilegales: inserción social y productiva desde un enfoque de derechos humanos (Description of Children and Adolescents who Left Illegal Armed Groups: Social and Productive Insertion from a Human Rights Approach.). Downloaded on August 5, 2012, from: http://www.unicef.org/colombia/pdf/co_resources_ID1_introduccion.pdf

Undoubtedly, these reports partly correct a situation that, according to Article 150 of Law 1098 of 2006, Code for Children and Adolescents, since a long time before, obliged the family welfare attorneys to take the testimonies of child victims of the crime, through a questionnaire sent by the attorney or judge of the process, once it had been initiated. Definitively, in recent years, the practice of testimonies has not been observed as rigorously as necessary, nor has it made progress as quickly as it should.

One the other hand, as has already been mentioned, the population of rural children and adolescents and those of ethnic origin who live in areas of conflict presented a higher level of vulnerability to the violation of their rights, including a greater level of recruitment¹⁷⁷.

However, for the 2006-2010 period as stated by some of the people interviewed to carry out this report, the child victims of conflict were made completely invisible, “it seemed like the armed conflict only affected adults”¹⁷⁸. To the extent that the different forms of involvement of children in armed groups were not visible, not just as soldiers, but also in spying, charging extortion, participation in cocaine production or in the groups’ maintenance work, nor was their use as human shields recognized and in the case of girls, as sexual partners of the combatants, with many cases of sexual violence occurring.¹⁷⁹

Involvement in armed groups has become a constant problem in rural areas, the outskirts of large cities and in intermediate cities where opportunities for study and work are scarce, a situation that armed groups take advantage of.

The actions presented in the official report aimed at preventing this situation include the formulation of CONPES 3376 of 2010, the construction of roadmaps to prevent forced recruitment and special programs for the reintegration of children and adolescents.

These prevention roadmaps have started to be implemented, but their impact has been very limited, as risk factors such as child labor or domestic violence have increased. The presence of antipersonnel mines or of illegal armed groups in the territory has not decreased and, except for free education, which has an influence on school dropouts, aspects related to illegal recruitment continue to have a very negative effect.

Furthermore, the National Planning Department (DNP) and the Intersectoral Commission for the Prevention of Recruitment have recognized that in 2013, it is not known with certainty, how much was invested by the public bodies involved in the framework of this public policy, nor in which places the expenditures announced in 2010 in the mentioned CONPES were made.

In effect, the amount the policy to prevent recruitment announced would be invested is equivalent to more than COP 100 billion. However, it has not been possible to establish whether in reality, it was executed or not, or which of the 133 prevention actions referred to in the cited CONPES were carried out to the point that the State agencies state that, *“this such partial information does not allow decisions to adequately be made, which is why it is necessary to call upon the Intersectoral Committee, with the aim to report their obligations in a timely manner and with the necessary quality”*¹⁸⁰.

¹⁷⁷ Report of the Secretary-General on Children and Armed Conflict in Colombia. Security Council S/2012/171

¹⁷⁸ Worker of an NGO member of Alianza por la Niñez Colombiana. Interview carried out on February 11, 2012.

¹⁷⁹ Ruiz Botero, Luz, “Nos pintaron pajaritos”. El conflicto armado y sus implicaciones en la niñez colombiana... (They Gave us False Illusions: Armed Conflict and its Implications for Colombian Children...) Instituto Popular de Capacitación, IPC: Bogotá, Colombia: Fundación Cultura Democrática, Fucude, Medellín. 2008. p. 71.

¹⁸⁰ Intersectoral Commission for the Prevention of Recruitment of Children, Adolescents and Youth by Organized Illegal Armed Groups. “Results of the follow-up interviews to CONPES 3673 of 2010. Report information in the period from January 1, 2013 to July 31, 2013. September 2013

According to the data from the same government, 6 entities did not produce a single report, such as the *“ICBF (with 16 actions), District Attorney (with 4 actions), Attorney General (with 11 actions), Interior Ministry (with 6 actions), Agencia Colombiana para la Cooperación (with 5 actions), Territorial Consolidation Unit (with 1 action shared with ANSPE (National Agency for Overcoming Extreme Poverty) and DPS)”*¹⁸¹, *“concentrate approximately 50% of the total activities”*¹⁸², which increases concerns resulting from the lack of harmony in the reports on these topics¹⁸³.

7.3. Children Affected by Antipersonnel Mines

According to the records of the Office for the Coordination of Humanitarian Affairs in Colombia, the country came to take first place in the world as the nation with most victims of antipersonnel mines in the 2006-2010 period, with official data at the end of 2008 of three victims a day. The official information shows that out of the 10,253 victims recorded since the nineties, 2,126 died by 2013. Out of the total victims, 3,895 were civilians and the rest in the military, 87% men, 3% women, 2% girls and 8% boys. Land mines affect children and adolescents from rural areas in 31 of the country’s 32 departments.

The year 2006 was the one that presented the highest number of victims (1,235) from the use of antipersonnel mines and unexploded ordinance, according to the official data provided by the Comprehensive Action against Antipersonnel Mines Program. The number of people affected decreased from that year on and the figures for the remaining years of the period were: 978 victims in 2007, 857 in 2008, 748 in 2009 and 552 in 2010.

According to the National Information Network of the Victims’ Unit¹⁸⁴, 706 people were affected by antipersonnel mines in 2011, 734 in 2012 and 59 up to August 2013. It is estimated that in 2011, 5% were children and adolescents, in 2012, 22%, and in 2013, 34%.

The recommendations of the CRC to the State in 2006 established the need to increase efforts to assist civilian victims, especially child and adolescent victims and their families, given the serious repercussions this has on their lives. Similarly, it made it and it makes it imperative to demand the end to the use of this kind of war material from the armed actors. The State created an office (under the Colombian Vice-presidency) for the coordination of specific actions for the affected population.

Again, it has also been stated that investment needs to be increased in prosthetics for victims and in comprehensive treatment for physical and emotional rehabilitation from the effects generated by this situation¹⁸⁵. This implies disrupting life projects, physical development problems, resentment and reorganization of family life, because of the need to organize a special care structure for the victims.

¹⁸¹ Ibidem

¹⁸² Ibidem

¹⁸³ Ibidem

Intersectoral Commission for the Prevention of Recruitment of Children, Adolescents and Youth by Organized Illegal Armed Groups. “Results of the follow-up interviews to CONPES 3673 of 2010. Report information in the period from January 1, 2013 to July 31, 2013.” September 2013.

¹⁸⁴ RNI - Red Nacional de Información (National Information Network). Information cut-off date: 8/31/2013 12:00:00 a.m. Consulted on October 8, 2013: http://rni.unidad-victimas.gov.co/?page_id=1629

¹⁸⁵ OCHA. La situación de las minas antipersonal en Colombia (The Situation of Antipersonnel Mines in Colombia) 2009. Bogotá. 2009. Electronic document consulted on Saturday, March 02, 2013, available at:

[http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/946DAB92079CE242C12575E100500210/\\$file/180209+Separata+MAP+2009.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/946DAB92079CE242C12575E100500210/$file/180209+Separata+MAP+2009.pdf)

It is imperative to indicate in this section that, according to the Presidential Program for Comprehensive Action against Antipersonnel Mines (PAICMA in its Spanish acronym), between 2005 and 2013, around 1.5 km² was demined in the country out of a total of 120 km² which are spread out in 31 departments that suffer from this problem, according to government estimates.¹⁸⁶ There is 118.5 km² left to demine, which suggests that efforts in the context of a possible post-conflict situation will be arduous, and while war confrontations increase, the use of these weapons will continue to have an impact on the forced displacement of children, and therefore, on their possible recruitment

7.4. Economic Exploitation of Children and Adolescents, Including Child Labor

“Some children are exploited. Their parents don’t do anything and send their children to work and when they return they make them do the housework as well.”¹⁸⁷

According to reports by the DANE, the rate of labor participation of children and adolescents (without including housework) decreased from 8.9% in 2005, to 6.9% in 2007. However, in 2009, this rate increased to 9.2% and in 2011, it came to 12.85%. In 2009, the country had 1,050,047 children and adolescents working¹⁸⁸ and in 2011, there were 1,465,000. There are gender differences in child labor that make girls especially vulnerable to housework, one of the most recurring forms of child labor in the cities and in the countryside.

According to the 2011 National Survey on Child Labor (DANE), 15.6% of children between 5 and 17 years of age works, with the percentage of children who live in rural areas being higher. Out of these working children, 70.8% attends school and 20.7% does not attend school. Most children say that they work because they need to help with the family’s economic situation (38.7%) and another high percentage says that it is because they like to have their own money (33.5%).

It is worth clarifying that the Child Labor figures do not include household chores and domestic labor, which makes the situation of girls in Colombia invisible. Children between 5 and 17 years of age participate more in chores such as cooking, ironing, washing, looking after small children and/or unwell people, washing pots, plates and dishes; cleaning and maintenance of the home and running errands and/or buying groceries.

In 2012, according to the DANE, approximately 1,111,000 children between 5 and 17 years of age work in Colombia. 55% of the national total of this population group carried out housework. The main chores carried out by boys were: running errands and/or buying groceries (88.2%) and cleaning and maintaining the home (84.6%). In turn, the main chores carried out by girls were: cleaning and maintaining the home (93.3%) and running errands and/or buying groceries.

¹⁸⁶ Interview with Pablo Parra, member of Programa Presidencial para la Acción Integral contra Minas Antipersonal (Presidential Program for Comprehensive Action against Antipersonnel Mines). August 2006.
¹⁸⁷ Participatory inquiry with children. Cartagena, December 2012.
¹⁸⁸ Bohórquez, Margarita. El trabajo infantil en Colombia. Reporte de resultados del Sistema de Seguimiento y Evaluación de la Protección Social. (Child Labor in Colombia: Report on the Results of the Follow-up and Evaluation System of Social Protection). Ministry of Social Protection. Bogotá, 2011.

Regarding the number of hours that girls spend working, it was found that 40.9% spend less than 15 hours a week, 21.5% spend 15 to 29 hours a week and 29.2% work 30 hours or more a week working. The Integrated Information System for the Identification, Registration and Description of Child Labor and its Worst Forms (SIRITI in its Spanish acronym) of the Ministry of Labor currently has records of 14,963 girls who carry out housework or chores, out of which, 29% is comprised of girls aged 5 to 11 years and 71% is comprised of girls aged 12 to 17 years. Regarding the kind of activities they carry out, 7,309 girls (48.8%) carry out the worst forms of work, whether it is because of the activity or conditions in which they carry it out, such as the sex trade, mining, activities under environmental, security or health risks or work with long hours. 46.7% (6,992 girls) carry out other work and 4.5% carry out housework.

As stated in one of the testimonies collected in the “Because I’m a Girl” (2012) book, the situation and living conditions of girls in Colombia drive them into to housework:

“I told my Dad that I was now big enough to work in a family home to help my siblings. I came to Quibdó and a lady took me on to look after a boy. I worked for seven years in that house, from when I was 11 to 17 years old. I looked after the boy, I washed him and I did everything for him. Later, I studied at a school and with what I earned, I sent money and clothes to my parents for my siblings and this is how I helped them to move forward. I cried a lot, because it was very hard for me.”¹⁸⁹

The difficult financial situation of a large proportion of adolescents has led to them being used in drug trafficking. In 2010, drug trafficking was the second cause of the adolescent population being brought before the justice system and in this same year, in the January-November period, a total of 7,682 cases was reported, a figure that shows an 18.02% increase from the same period in 2009¹⁹⁰.

The existence of the National Strategy to Prevent and Eradicate Child Labor and Protect the Working Youth 2008–2010 is recognized, as well as the work carried out through it¹⁹¹. However, its impact on the problem presented in the figures is questioned. The main recommendation of the CRC to the State on this topic was to intensify efforts through adequate budget allocations to combat the financial exploitation of children and adolescents.

The reduction of child labor requires political and institutional commitment that responds the comprehensive guarantee of their rights and the socioeconomic wellbeing of their families.

7.5. Child and Adolescent Victims of Sexual Abuse

*Do you feel safe at home or at school?
“I don’t feel safe. They can even rape you at school when everyone has left.”
“In other schools, they abuse girls. They tell them not to say anything, because if they do, they will do something worse to them. This happened once when I was in Cartagena.”¹⁹²*

¹⁸⁹ Escobar, Manuel. Because I’m a Girl: The Situation of Girls in Colombia 2012. PLAN. Bogotá. p. 51.
¹⁹⁰ Casos de niños “mula” aumentaron 18 por ciento en el 2010 (Cases of “Mule” Children Increased by 18 Percent in 2010) El Tiempo. Sunday, December 26, 2010. Electronic document consulted on Monday, February 04, 2013, available at: http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW_NOTA_INTERIOR-8680520.html
¹⁹¹ ILO-IPEC. Development of Public Policy for the Prevention and Eradication of Child Labor in Colombia. Systematization of an Experience. Bogotá, 2009. p. 72.
¹⁹² Participatory inquiries with children. Cartagena.

In spite of the recommendation from the CRC in which it urges the State to reinforce control mechanisms regarding the number of cases of sexual abuse, the problem is still in similar conditions. In the findings of Legal Medicine regarding sexual relations, in 2008, 21,202 cases of abuse were recorded, out of which 16,120 were on people over 18 years of age; in 2009, the total recorded was 21,612 cases, 18,328 of them on children and adolescents; and in 2010, the total was 20,142, out of which, 17,318 cases were on children and adolescents¹⁹³. The age range in which girls are most abused is 10 to 14 years. While the age at which sexual abuse was most committed against boys was from 5 to 9 years.

In 85% of cases reported of sexual abuse of children, family members and known people are the assailants. Also, out of the places where this crime is committed, the following stand out: the child's home (70%), the assailant's bedroom (7%), schools and gardens (4%) and public areas (4%)¹⁹⁴.

According to Legal Medicine, between January and September 2013, 11,333 cases of sexual violence against children and adolescents under 17 years were presented. Out of which, 9,423 cases were of girls, that is 83%, a considerably higher figure than the 1,910 cases of boys reported.

The majority of these cases continues to arise in girls aged between 10 and 14 years and boys aged between 5 and 9 years. Furthermore, people close to the victims prevail as the main assailants: 38% family members, 9% neighbors, 9% friends, 2% classmates and 1% teachers¹⁹⁵.

In the context of armed conflict, a worrying situation persists of sexual abuse of children and adolescents by different illegal armed groups. As stated by the High Commissioner for Human Rights, there are several cases which "illustrate how women and girls, and occasionally men, are victims of the sexual violence generated by all parties to the conflict, as well as by illegal armed groups that emerged after the demobilization of paramilitary organizations"¹⁹⁶. That is why, it is important that the victim reparations processes established in Law 1448 of 2011 clearly and differentially consider the effects of sexual violence on children and women.

7.6. Sex Trade

Through the research carried out by Fundación Renacer, Fundación Plan and Fundación Restrepo Barco, it was calculated that in 2006, there were more than 30,000 child and adolescent victims of sexual exploitation, although there are no official figures to that respect¹⁹⁷. In light of the difficulty of obtaining reliable information on a problem that occurs in secrecy, this data shows us the seriousness of a problem that has not been sufficiently recognized by the country.

¹⁹³ Cifras de Abuso Sexual Infantil en Colombia (Figures of Sexual Abuse of Children in Colombia). Legal Medicine. 2012 Electronic Document, consulted at: http://redcontraelabusosexual.net/RED/index.php?view=article&catid=73%3Acifras-de-abusosexualinfantilencolombia&id=128%3Acifrasdeabusosexualinfantilencolombia&format=pdf&option=com_content&Itemid=133

¹⁹⁴ Jiménez, Gilma. Senator. Spokesperson of the Life Imprisonment Referendum for Rapists and Murderers. Primero Nuestros Niños y Niñas (Our Children First). Electronic document found at: <http://gilmajimenez.com/cifrasviolencia>

¹⁹⁵ National Institute of Legal Medicine and Forensic Science, 2013.

¹⁹⁶ United Nations. Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia, A/HRC/16/22 February 2011 p. 25.

¹⁹⁷ Fundación Plan et al. Escenarios de la infamia. Explotación sexual de niños, niñas y adolescentes (Scenarios of Infamy: Sexual Exploitation of Children and Adolescents). 2006. Electronic document consulted on Friday, February 15, 2013, available at: http://www.iin.oea.org/IIN/cad/actualizacion/pdf/modulo3_2009/Escenarios%20de%20la%20infamia.pdf

It must also be taken into account that the current reports may reflect under registration of this kind of case. For example, in the most recent report by Legal Medicine (September 2013) on sexual violence, suspected sexual exploitation represents only 0.15% of recorded cases. According to the institution, in the year so far, 17 children, 5 boys and 12 girls, have been victims of this kind of crime in Colombia¹⁹⁸.

The State report establishes the issue in a fairly general way and highlights the positive aspects of the care provided by the ICBF, which covers a minimal amount of the cases of children who are victims of this crime (less than 5%). This violation of children's and adolescents' rights was also indicated in the CRC's recommendations to the Optional Protocol in 2010, where the progress made with the formulation for the National Plan for the Prevention and Eradication of the Child and Adolescent Sex Trade 2006-2011 is recognized. However, at the same time, it laments the lack of intersectoral coordination to promote and comprehensively apply what is established in the plan and to fulfill the State's obligations.

The lack of knowledge on the topic has led to many cases of the child sex trade not being attended to and reported with the urgency they require. The expert organizations on the topic highlight that "penal conduct classified as a crime against an individual's liberty, integrity and sexual formation in the Penal Code is referred to as sexual abuse. That is, Colombian legislation punishes violation or sexual abuse, but not sexual exploitation"¹⁹⁹.

Legislation, such as laws 985 (2005), 1329 (2009) and 1336 (2009), provided legal elements to empower the fight against exploitation and combat trafficking, pornography and sex tourism. However, in spite of these measures, Colombia continues to be one of the countries in Latin America with the highest participation in international networks of child pornography and sexual exploitation²⁰⁰. The association of tourism with child sexual exploitation generates a normalizing perspective in society of the situation of transgression.

7.7. Sale and Traffic of Children and Adolescents

Regarding this point, the CRC made recommendations to the State about the corresponding optional protocol. However, there are multiple deficiencies that are reflected in the report and registration of investigations and punishments for those responsible for this practice in the country, which reflects it being made invisible by the State.

Between 2007 and 2010, The Ombudsman's Office reported 3,879 cases of missing children under 14 years of age²⁰¹. It is estimated that the reasons for these disappearances include the sale and trafficking of children and adolescents. However, most of the cases are not investigated in depth, or if they are investigated, they do not obtain results. In light of this inaccuracy, it is necessary to increase protection measures and expand the design of prevention and establishment measures, as well as creating statistical records that make these transgressions visible, also indicating their differences and implications in terms of gender.

¹⁹⁸ National Institute of Legal Medicine and Forensic Science - January to September 2013.

¹⁹⁹ Rivera Nelson, Renacer Team - Granada Contreras Luz Alcira World Vision. First Alternate Report on the Implementation of the Optional Protocol to the Convention on the Rights of The Child regarding the Sale of Children, Child Prostitution and Child Pornography. Recommendations of the Committee on the Rights of the Child regarding the Report Presented by the Colombian State. Colombia 2003-2008. Bogotá, 2010. p. 31.

²⁰⁰ Alianza por tus Derechos. Colombia: 35 mil niños víctimas de abusos sexuales (35 Thousand Child Victims of Sexual Abuse). Bogotá, 2012. Electronic link: <http://www.alianzaportusderechos.org/articulo/colombia-35-mil-ninos-victimas-de-abusos-sexuales/>

²⁰¹ Jiménez, Op. Cit., Consulted on January 25, 2013 at <http://gilmajimenez.com/cifrasviolencia>

According to the National Information Network of the Victims' Unit²⁰², in 2011, 221 cases of forced disappearances of children and adolescents were reported. The following year, 317 cases were reported and in 2013 up to August, 45 cases were reported.

The records of organizations that have approached the topic of the sale of children and adolescents show that although this situation has few official reports, it occurs with a certain frequency in populations far from urban centers²⁰³. Economic necessity is indicated as a causal factor that has sometimes led to rural families giving up their daughters and sons as a measure to meet their needs.

The trafficking of children and adolescents in its other forms such as work or forced services, servile marriage, forced begging and organ extraction has not received sufficient attention from the State.

Colombia is considered to be one of the main countries of origin for international and national trafficking of women, children and adolescents. Between 2007 and 2009, the Central Directorate of the Judicial Police and Intelligence (DIJIN in its Spanish Acronym) indicated that out of 121 investigations on human trafficking, 115 corresponded to children and adolescents²⁰⁴. According to some reports, the main victims of this act are women and girls (80% to 95%), specifically for sexual purposes. However, it is indicated that children are also involved in other forms of exploitation and there are weaknesses in the capture and prosecution of the traffickers²⁰⁵.

7.8. Street Children and Adolescents

As established in the State report, in the 2006-2010 period, progress was made in the design of care strategies, through actions developed by international cooperation projects. However, progress was not made in a complete process of the description and official recognition of the national problem, one of the recommendations made by the CRC in 2006, but just on a focused exercise in the main cities of the country²⁰⁶.

The ICBF indicated that in 2007, there were 4,457 street children and adolescents²⁰⁷, who were victims of all kinds of violence and discrimination and were deprived of most of their rights. It was recorded that 33% of female adolescents who live in these conditions have been pregnant and 12% of children and adolescents who live on the streets have been sexually abused²⁰⁸. It also showed the consumption of psychoactive substances: "Every day, cigarettes are consumed in 28% of the cases, marijuana in 24%, crack in 23%, inhalable substances in 17%, cocaine in 7% and alcoholic drinks in 4%."²⁰⁹

²⁰² RNI - Red Nacional de Información (National Information Network). Information cut-off date: 8/31/2013 12:00:00 a.m. Consulted on October 8, 2013: http://rni.unidad-victimas.gov.co/?page_id=1629

²⁰³ Rivera-Granada. Op. Cit. p.14.

²⁰⁴ Technical Team of Corporación Espacios de Mujer. La Trata de personas en Colombia: La esclavitud moderna (Human Trafficking in Colombia: Modern Slavery). Electronic document consulted on Sunday, March 3, 2013, available at:

<http://www.espaciosdemujer.org/sitio/attachments/article/8/colombia/La%20Trata%20en%20Colombia.pdf>

²⁰⁵ Ibid.

²⁰⁶ ICBF. European Union. Caracterización Social y Cuantificación de NNA en situación de calle. Estudio realizado en 16 Ciudades de Colombia (Social Description and Quantification of Street Children and Adolescents: A Study Carried out in 16 Cities of Colombia). 2007.

²⁰⁷ Alianza por tus Derechos. Colombia: Más de 4 mil niños viven en la calle, reporta el ICBF (Colombia: More than 4 Thousand Children Live on the Streets Reports the ICBF). 2007. Electronic document consulted on March 2, 2013, available at:

<http://www.alianzaportusderechos.org/articulo/colombia-mas-de-4-mil-ninos-viven-en-la-calle-repo/>

²⁰⁸ ICBF, European Union 2007. Op Cit. p. 51.

²⁰⁹ Ibid. p. 46.

Although the State established care and prevention programs as conditional benefits aimed at families who have children on the streets, with the aim to contribute to the needs and reduce the risk of falling into this situation, these strategies are insufficient given the complexity of the problem which requires specific action aimed at improving structural problems.

It is necessary to insist on the differentiation between a girl or boy living on the street and criminals, because this association is common in the popular stereotype and in the same culture of the State institutions that intervene in the problem.

7.9. Adolescents who Break the Law

Are there adolescents who break the law in your community?

What happens when this occurs?

*"Yes, there are (drug) consumers, thieves, con men, hired killers and drug dealers."
"They are treated badly by the police, because they verbally insult them and mistreat them. They take them away, they hit them, they wash them with a pressured hose and they release them."²¹⁰*

The Special Bulletin of the ICBF indicated that "adolescents who break the law are those who in their transgression reflect inequality, social vulnerability, poverty, exclusion from the education system and the formal labor market. The large majority presents a life marked by domestic violence, abuse and exploitation. Abuse of psychoactive substances completes this picture"²¹¹.

As recorded in the State's report, the phenomenon of crimes committed by adolescents is increasing and its figures are worrying. The criminal activities most committed by children and adolescents are: drug trafficking, theft, weapon trafficking and personal injuries²¹².

The Code for Children and Adolescents established the principles and rules that must govern the operation of the System of Adolescent Criminal Liability (SRPA in its Spanish acronym), specifically, it establishes that its purpose is of an educational nature and that it is different to the adult system in the processes as well as its punishments.

The code established the age of criminal responsibility at 14 years, it restricted the loss of freedom to serious crimes and facilitated the inclusion of young people in a complex legal system. Currently there are Special District Attorneys, Criminal Court Judges for Adolescents, Criminal Courtrooms and Family Courtrooms of the Judicial District Superior Tribunals, Supreme Court of Justice, Judicial Police, National Police, Public Ombudsmen and Family Welfare Attorney Offices.

The new system has been progressively implemented since 2007. In a recent evaluation of the system, several obstacles were found that prevent the educational purpose for which it was created from being achieved, which are: 1. Failure to establish a governing body of the system; 2. Little understanding or clarity of the role of the competent authority to reestablish the rights of adolescents in the criminal process for adolescents; 3. Insufficient appropriation

²¹⁰ Participatory inquiry with children. Armenia, October 2012.

²¹¹ ICBF. Special Bulletin, Adolescentes en conflicto con la ley (Adolescents who Break the Law). Bogotá. 2012. p. 4.

²¹² ICBF. Child Wellbeing Observatory. Adolescentes en Conflicto con la Ley (Adolescents who Break the Law). System of Adolescent Criminal Liability 2012. p 3. Electronic document consulted on Sunday, March 03, 2013, available at : <http://www.icbf.gov.co/portal/page/portal/PortalICBF/Bienestar/Programas%20y%20Estrat%C3%A9gias/ObservatorioBienestar/Boletines2/Boletin%20Especial%20n1.pdf>

and allocation of resources to finance the System of Adolescent Criminal Liability (SRPA) and programs that fulfill the punishments and technical guidelines; 4. Little or no areas to take adolescents to who are caught carrying out criminal activities in each municipal jurisdiction; 5. There is not a training curriculum for human resources that intervene in all the stages of the adolescent criminal liability process; 6. There are no guides for the implementation of Restorative Justice; 7. The Ministry of Health's failure to assign financial resources and programs for comprehensive and specialized healthcare for adolescents who commit crimes; 8. The system does not have an integrated information, follow-up and social reintegration system; 9. The adoption of the policy to prevent child and adolescent criminality is pending; 10. No specialized programs are provided for children aged under 14 years who commit crimes.²¹³

Furthermore, the entities that adolescents who are sentenced by the justice system are referred to, where they are punished for the crimes they committed, do not have detox programs for drug consumption. It is worth highlighting that 65% of young people responsible for the crimes are also regular consumers of these substances, as established by the Colombian Attorney General and Fundación Restrepo Barco²¹⁴. In the same way, it is necessary to note that the institutions the adolescents are referred to do not attend to the mental health problems that some of them suffer from. The Social Security Healthcare System does not act in the framework of these problems, nor is it required for these purposes.

An analysis document of the System of Adolescent Criminal Liability produced by Alianza por la Niñez Colombiana indicates that "the application of the system has showed a series of inconsistencies that in some cases are caused by legal deficiencies, in others, by problems of discretionary interpretation of the laws and in others, by the lack of specialized training programs for all the workers who are involved in the process, as well as the very low institutional offer through which punishments not involving imprisonment can be fulfilled in all of the country's municipalities. Additionally, the lack of physical places in each municipality where adolescents caught committing crimes can be taken to and the low presence of places to provide preventative detention, as well as the insufficient number of places for prison punishment."²¹⁵

CONPES Document 3629 on social policy on the issue states, "The offer to attend to the punishments of the SRPA is asymmetrical in itself and comes from the general outline of the Children's Code."²¹⁶ So there is a new system that is implemented by the old system of institutions built on the logic of the irregular system.

In addition to these problems in the system, the same government and some media carried out a stigmatization campaign of the offending adolescent population, they questioned the existing system and demanded more severe punishment, stating that stronger repressive measures were needed, not comprehensive protection. As a result of this, in 2011, there was a reform to the SRPA expressed in Law 1453 of 2011, through which sentences were increased for adolescent offenders and imprisonment regulations were imposed on the specialized care institutions.

²¹³ Report of the SRPA Evaluation Commission 2012.

²¹⁴ Colombian Attorney General and Fundación Restrepo Barco. "Pescadores de ilusiones: niños y jóvenes infractores de la ley penal: política pública, reeducación y sistema de responsabilidad penal para adolescentes (Ley 1098/2006) (Fishermen of Illusions: Child and Youth Offenders of Criminal Law: Public Policy, Reeducation and the System of Adolescent Criminal Liability (Law 1098/2006)" E. Miguel Alvarez Correa G., Elkin Louis G., Sandra Parra D. Colombia. Institute of Studies of the Public Prosecutor.

²¹⁵ Alianza por la Niñez Colombiana. Propuesta para la comisión de evaluación del sistema de responsabilidad penal para adolescentes consagrada en el artículo 110 de la Ley 1153 de 2011. (Proposal for the Evaluation Commission of the System of Adolescent Criminal Liability established in Article 110 of Law 1153 of 2011), December 2011.

²¹⁶ National Council for Social and Economic Policy. CONPES Document 3629. System of Adolescent Criminal Liability. Care Policy for Adolescents who Break the Law December 2009

At the end of the period, the system moved in the context of a new law that posed a new model of comprehensive protection with institutions that came from an irregular situation model and presented resistance to change and with a national government concerned about restraining and punishing the criminal adolescent population.

7.10. Children Affected by Natural Disasters (Emergency Situations)

The country is exposed to natural disasters: 86% of the population is exposed to a medium and high risk of earthquake, 28% to a high risk of floods and 31% to a medium and high risk of landslides (World Bank 2012). The nation is in third place, after Bangladesh and China, in the Climate Change Vulnerability Index. Population groups living in poverty are most affected by this, especially children and adolescents.

National risk management policies have made progress, but there is still a need for this issue to be given greater priority for allocating resources and implementing risk management and response strategies in emergency situations, specifically by the regions (departments and municipalities). The response of State institutions to emergencies is often uncoordinated and does not establish differential priorities for the child and adolescent population.

In fact, the Disaster Risk Management approach in Colombia is essentially disaster awareness, reduction and management (coming from the United Nations International Strategy for Disaster Risk Reduction): In legislation, standards and action programs, there is no evidence of the children's rights approach or the differential approach for comprehensive protection. The emphasis is just on saving lives, treating all vulnerable people or people affected by the disasters in the same way. From this perspective, the population under 18 years of age is not subject to care or education according to its characteristics and needs, nor is it an actor in its own protection (prevention). It is just a passive and anonymous subject, without a clear intention for the effective enjoyment of its rights²¹⁷.

One of the situations that occurs in the country is related to the fact that the population that is more frequently affected by natural phenomena is usually also the victim population of the armed conflict, especially the displaced population. However, it has been identified that there is no organization and coordination between different legislation on the issue, as well as in the actions that are implemented for the comprehensive care of people, especially children and adolescents affected by and/or victims of both problems²¹⁸.

The same situation is repeated regarding the impact of climate change, which is directly related to DRM. According to the National Adaption to Climate Change Plan (DNP, 2012), "Most disasters in Colombia are due to climate variation. 90% of emergencies reported by the National Unit for Disaster Risk Management in the 1998-2011 period in the country (13,624 in total) are related to hydroclimatological phenomena and other related phenomena." Furthermore, it also directly and indirectly affects the country's socioeconomic development, the deficiencies of which are reflected in the perpetuation of poverty, which in turn, has a stronger impact on children and adolescents. No measures are provided in that respect in the report of the Colombian state to the CRC.

²¹⁷ Alianza por la Niñez Colombiana. Estudio sobre la articulación institucional en el diseño e implementación de la política pública para la Gestión del Riesgo de Desastres Naturales y la Atención y Reparación Integral a las Víctimas del Desplazamiento Forzado en Colombia (Study on Institutional Coordination in the Design and Implementation of Public Policy for Natural Disaster Risk Management and Comprehensive Reparations and Care for Victims of Forced Displacement in Colombia). Researcher: Henry Díaz. February 2014.

²¹⁸ Ibidem.

The review of the guarantee of children's and adolescents' rights in Colombia in the 2006-2010 period reveals a difficult reality that affects people who live in contexts of social and economic inequality to a greater extent and that in many cases is added to the existence of internal armed conflict, generating greater situations of rights violations in the child and adolescent population.

Economic and social inequality is particularly evident in rural areas and in regions with greater presence of the ethnic population (indigenous people and Afro-Colombians), such as the cases of the Orinoquia and Pacific coast regions.

It is recognized that in the 2006-2010 period, important legislative progress was made, such as the issue of the Code for Children and Adolescents (Law 1098). There was also progress in the guarantee of rights such as the right to a birth certificate, education with education coverage mainly in primary schools and recognition of free education, comprehensive early-childhood development, though the public policy of comprehensive early-childhood care and the "Cero a Siempre" Strategy and health with the increase of access to the system, full vaccination systems and reduction of the infant mortality rate.

However, there are still gaps to be addressed related to access and the quality of the different sectoral programs, their opportunity and complementarity, mainly in rural areas and regions of the country with a higher indigenous and Afro-Colombian population. This situation is reflected in the figures of indicators including those related to the food security of indigenous and rural children; domestic violence against children; absence from school of the disabled population; educational coverage in secondary and high school; the child and adolescent sex trade and the worst forms of child labor with marked use of girls in housework.

National and regional public management continue to respond to a sectoral logic that hinders the comprehensive response from the State in guaranteeing children's rights. In this way, the lack of coordination also causes the duplication of efforts and resources and the lack of consolidation of the National System of Family Welfare in the country.

The signed international agreements and regulations on children and adolescents to a large extent do not reflect the different situations of vulnerability of children affected by the armed conflict, such as displacement, forced recruitment and the different forms of violence against children, among others.

*"For them to leave all the communities... for a committee to be formed out of this group and for them to hold it when decisions are going to be made and when this group of children has an idea, they (the State) take it into account."*²¹⁹

*"The government must emphasize its health policies in the rural districts which don't have these services and where there are insufficient training conditions. They must carry out an in-depth study and develop sex education. Due to the lack of employment, there isn't good nutrition. Parents go to mine and they leave us with our older siblings. There is a lot of garbage and the houses don't have sanitation."*²²⁰

*"Increase the classroom areas to prevent overcrowding in schools and so that it is more comfortable. Also for classes to not just be theoretical and to also involve going out, trips, practical things, trips to museums or things like that so that it isn't just theory, which is very boring. In this way, we would all be motivated to study."*²²¹

*"To know how to manage money...to be given job opportunities. For the ICBF to focus on the population that really needs a home and listen more to children than to adults, because children's welfare has this purpose, not to humiliate or judge children. Listen to children."*²²²

In response to the concerns expressed by children and adolescents in the participatory inquiries carried out and the analysis on the situation of their rights, we suggest that in its comments, the Committee compels the Colombian State to make the following commitments:

- The State (Department for Social Prosperity) must ensure the improvement of families' living conditions, specifically those of families that live in poverty and extreme poverty, so that the families can fulfill their role of joint responsibility in the comprehensive protection of children's rights.
- In all the entities that comprise it, the National System of Family Welfare (SNBF) must lead progress in the prioritization, coordination, complementarity and harmonization of actions directed at children and adolescents to guarantee their rights. Also the sufficient and timely allocation of resources.
- From the experience of the "Cero a Siempre" Strategy (Comprehensive Early-childhood Development), it is important that through the National System of Family Welfare, the State continues efforts and sustainability aimed at the population of children aged 6 to 18 years. This implies the construction of the Comprehensive Child and Adolescent Care Roadmap and the allocation of the necessary resources, with the aim to make progress in guaranteeing their rights from the creation of Comprehensive Protection, as established by Law 1098.

²¹⁹ Inquiry with children and adolescents. Cartagena. December 2012 4.

²²⁰ Inquiry with children and adolescents. Quibdó. November 2012

²²¹ Inquiry with children and adolescents. Floridablanca. December 2012

²²² Inquiry with children. Bogotá. December 2012

► Through the SUIN Roundtable, the SNBF must continue to strengthen the national information and monitoring system of the situation of children's and adolescents' rights, with a differential approach. This system must be nationally and regionally positioned, so that there can be coordinated and comprehensive follow-up of the guarantee of children's rights and the respective adjustments can be made in policies and programs for children and adolescents.

► With the support of the ICBF and Ministry of Health, the National Registry must comply with that established in Law 1098 on the right of the country's children to a birth certificate. This effort must be prioritized in the rural and spread out areas with specific attention to the indigenous and Afro-Colombian population groups.

► The National Ministry of Education must emphasize the improvement of the quality of education, taking into account the low results in national and international tests. To achieve this, it must largely increase the resources allocated for this topic, which currently do not exceed 10% of the transfer amounts to the regions.

► Taking into account the existing gaps in access to secondary and high school, the Ministry of Education must prioritize coverage and investment (6% of the GDP) to achieve widespread education, especially in the country's rural areas, regions where there is a larger presence of indigenous and Afro-Colombian communities, and for the disabled population. This recommendation was also made by the countries in the 16th Session of the UPR in 2013 to Colombia: "Develop effective measures to guarantee inclusive education that allows the effective enjoyment of excluded children's right to education, such as those who belong to ethnic groups, disabled children or rural populations."

► In the same sense, the Ministry of Education must promote and supervise the consolidation of the inclusive education model that allows education to be provided to all children, taking into account their individual characteristics, conditions and differential situations.

► In the context of the peace process in the country, the Ministry of Education must include subjects related to peace and reconciliation in the curriculum guidelines or programs.

► The Ministry of Culture must increase the public offer directed at children and adolescents in leisure, recreational and cultural activities throughout the national territory.

► The Ministry of Health must ensure universal access to health services at all levels, without any discrimination and regulate and apply the special and differentiated care established in the Reform of the General System of Social Security.

► The Ministry of Health must carry out the strategies to reduce levels of teenage pregnancy and reduce the incidence of sexually transmitted diseases, emphasizing adolescent-friendly care.

► The State must strengthen the implementation of the food and nutritional security policy to eradicate hunger and malnutrition, specifically in rural areas and areas with more vulnerable population groups.

► The ICBF must strengthen actions aimed at strengthening parental responsibility, with emphasis on positive child raising and protection.

► The National System of Family Welfare must prioritize and strengthen family care strategies, increasingly reducing institutional care. Strengthen alternative kinds of shelter, taking into account the benefits of keeping children as close as possible to their normal place of residence, with the aim to facilitate contact with their family and possible reintegration. Similarly, siblings that maintain bonds in different alternative shelter environments must not be separated, unless there is a clear risk of abuse or another reason that is in the child's best interests.

► The ICBF must ensure that financial and material poverty, or conditions directly and exclusively attributable to poverty, do not constitute the only justification for separating children from their parents' care. In the first case, it must ensure support for the family to overcome the conditions that violate their children's rights or put them at risk.

► The ICBF must carry out greater control and follow-up of adoption processes, prioritizing national adoptions, and of the supervision of private adoption processes.

► The Executive Committee for Comprehensive Reparations and Care of Victims (Law 1448, Article 162) and the Colombian Institute for Family Welfare must submit regular reports supported with indicators with a differential perspective (gender, age, disability and ethnicity) which account for progress in the guarantee of rights prevalent in child and adolescent victims of the armed conflict.

► The Colombian Institute for Family Welfare and the Unit for Comprehensive Reparations and Care of Victims must develop in a coordinated, complementary and harmonious manner, the design, implementation and evaluation of priority care roadmaps for child and adolescent victims of armed conflict, especially for issues related to the access to truth, justice, comprehensive reparations, reestablishment of prevalent rights, protection against all forms of violence and reconciliation (Law 1448, Article 187). The above as a result of the child's best interests. This recommendation is related to the recommendations made by the countries in the 16th Session of the UPR in 2013 to Colombia: "The inclusion of child victims of the armed conflict in the comprehensive reparations and care processes, mainly children recruited or used by the armed groups, victims of APMs, children separated from their families and displaced children."

► With the assistance of the Office of the United Nations High Commissioner for Refugees (UNHCR), the Department of Foreign Affairs and the Colombian Institute for Family Welfare must carry out joint programs with the governments of other countries, which are the largest receivers (Ecuador, Venezuela, Panama, Brazil and Peru) of the child population displaced because of the internal armed conflict, to ensure their comprehensive care and reestablishment of their most important rights in conditions of equality without discrimination.

► The Special Administrative Unit for Comprehensive Reparations and Care of Victims and the Colombian Institute for Family Welfare must present, execute and evaluate a program to implement the Participation Protocol of children and adolescents in the implementation of Law 1448 (Victims' and Land Restitution Law). As a minimum, said program must include interdisciplinary psychosocial assistance, methodologies with a differential approach (age, gender, disability, ethnic group and culture), establish the means and instruments to carry it out, ensure protection and safety measures and also procedures that strengthen communication channels that ensure that its proposals are taken into account and when they are not, that there is a response justifying why.

► The ICBF must strengthen the Administrative Process for Reestablishing Rights (PARD) of children to respond to those established in the Code for Children and Adolescents. Specifically, verification of the guarantee of rights (before the PARD); the roadmap for the verification (or working hours or 24 continuous hours); the classification of reconcilable and irreconcilable rights (sexual abuse and child abuse are irreconcilable); notifications (guarantee of the right to due processing and the right to defense of the parties involved); and the parties' procedural rights in all the stages of the PARD must be ensured.

► The National System of Family Welfare must strengthen the prevention strategies of any kind of mistreatment or abuse and increase the severity of the punishments for those who attack children and adolescents in some way. This recommendation is related to the recommendations made by the countries in the 16th Session of the UPR in 2013 to Colombia: "The protection of children against any form of violence and the strengthening of measures for investigation, trial and punishment of the assailants, as well as for reestablishing the victims' rights."

► The State (ICBF, Ministry of Education and Ministry of Health) must regulate and execute the "social contribution that it is obliged to give to parents who assume the comprehensive care of a disabled child", established in Article 36 of the Code for Children and Adolescents.

► The Inter-institutional Committee to Eradicate the Worst Forms of Child Labor must present the evaluation of the National Strategy and consolidate effective actions aimed at reducing all forms of child labor, mainly child housework and mining work.

► The Ministry of Health must strengthen national policies to prevent the consumption of psychoactive substances in the population under 18 years of age and ensure timely care for consumers of these substances.

► The Ministry of Justice must ensure that there is no impunity of those responsible for the sexual exploitation and abuse of children and adolescents and apply sanctions against the legal authorities that are accommodating with this crime. This recommendation is related to the recommendations made by the countries in the 16th Session of the UPR in 2013 to Colombia: "The fight against sexual violence against women and girls and the development of effective measures to reestablish their rights through an action plan with the participation of civil society organizations. A special call is made for the persecution and sentencing of abuses committed in the context of armed conflict."

► It is recommended that the Colombian State ratifies Optional Protocol III of the Convention on the Rights of the Child and includes children as a particularly vulnerable population group to be protected in the New National Strategy to Fight against Human Trafficking. This is a recommendation made by the countries in the 16th Session of the UPR in 2013 to Colombia.

► Regarding the System of Adolescent Criminal Liability, the State must establish the governing body (Ministries of Justice in the framework of the National System of Family Welfare) and this must ensure that it works to protect and guarantee the rights of offending adolescents, fulfilling the specific and differentiated educational purpose and ensure restorative justice, which is clearly differentiated in processes and punishments from the adult criminal system. Resources must also be assigned to finance the system.

► The State must formulate the policy to prevent child and adolescent criminality, having the comprehensive protection of this population's rights as a basic component.

► Through all the public and private entities that comprise the National System for Disaster Risk Management (SNGRD in its Spanish acronym), the National Environmental System and the control entities must include in its policies programs and budgets, differential analysis activities of the impact of emergency situations and disasters caused by natural phenomena and climate change. Using the children's rights and differential approach, plan actions for disaster risk-management, adaption, immediate response, recovery and rehabilitation, among others in the context of prevention, protection and reestablishment of children's rights.

► Through the National System for Disaster Risk Management and the Unit for Comprehensive Reparations and Care of Victims, the Colombian State must establish coordination between the issues (actors, powers, coordination scenarios, regulatory references and international references) for the adoption of protocols and comprehensive care roadmaps in the context of armed conflict, taking into account that the population most affected by natural disasters is the population that is the victim of forced displacement, especially children.

► In the context of the current peace process in the country, The Colombian State must promote the education/culture of peace promotion among citizens which involves specific programs and a differential perspective with children to reduce situations of violence and inequality. These programs must consider practices including: 1. Peaceful community living - reconciliation. 2- Strengthening the social fabric- 3- Regaining trust. 4- Credibility of State institutions 4- Strengthening capacity to reestablish life projects. 5- Respect for human dignity. 6- Human rights culture. 7 – Strengthening capacity for participation in the construction of public policy related to peace and reconciliation, a democratic culture, and demanding rights.



Informe complementario Colombia

Organizaciones que suscriben este informe:



Save the Children

