



Convention on the Rights of the Child

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Consideration of reports submitted by States parties under article 44 of the Convention

Fourth and fifth periodic reports of States parties due
in 2011

Colombia*

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** The annexes may be consulted in the files of the Committee secretariat.

Abbreviations and acronyms

ACPEM	High-level Presidential Advisory Office for Women's Equity
ACR	Colombian Agency for Reintegration
AEI	improvised explosive device
CAIVAS	sexual violence victim support centres
CAVIF	domestic violence victim support centres
CETI	committees on the eradication of child labour
CETS	child exploitation tracking system
CIA	Children's and Young Persons' Code
CNRR	National Reparation and Reconciliation Commission
COAT	Anti-Human Trafficking Operations Centre
COLDEPORTES	Colombian Institute of Sport
CONPES	National Economic and Social Policy Council
CONTCEPI	National Action and Coordination Commission on Indigenous Education Policy
CPN	National Commission on Training for Black Communities
CROJ	youth opportunity and referral centres
DANE	National Department of Statistics
DAS	Department of National Security (in process of being wound up)
DIJIN	Judicial and Investigative Police Directorate
ECH	ongoing household survey
ENDE	national school dropout survey
ENDS	national demographic and health survey
ENETI	national strategy on preventing and eradicating the worst forms of child labour and protecting young workers
ENSIN	national nutrition status survey
EPS	health insurer
ERM	mine-risk education
ESCNNA	commercial sexual exploitation of children and young persons
GADH	humanitarian assistance unit for ex-combatants
GDP	gross domestic product
GEIH	major integrated household survey
HAZ PAZ	policy on building family peace and harmony
ICBF	Colombian Family Welfare Institute
ICT	information and communication technologies

IIN	Inter-American Children's Institute
ILO	International Labour Organization
IMCI	integrated management of childhood illness strategy
INMLCF	National Institute of Forensic Medicine and Science
INPEC	National Prisons Institute
IOM	International Organization for Migration
IPS	health-care provider institution
ISP	Internet service provider
LJP	Justice and Peace Act
MAPAZ	model of psychosocial support for peace
MDG	Millennium Development Goals
MEN	Ministry of Education
MUSE	unexploded ordnance
NNA	children and young persons
PAHO	Pan American Health Organization
PAI	comprehensive early-childhood support plan
PAICMA	Presidential Programme on Comprehensive Action against Anti-personnel Mines
PAIPI	Comprehensive Early-Childhood Support Programme
PESCC	Sexuality and Citizenship Education Programme
PFTI	worst forms of child labour
PND	national development plan
RUPD	central register of displaced persons
SENA	National Learning Service
SIM	Colombian Family Welfare Institute information system
SIPI	early-childhood information system
SIRITI	integrated child labour records system
SISBEN	Social Programme Beneficiary Selection System
SNAIPD	National System of Integrated Services for Displaced Persons
SNBF	national family welfare system
SRPA	juvenile criminal justice system
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
VBG	gender-based violence
WCFI	women- and child-friendly institutions
WHO	World Health Organization

Introduction

(i) Colombia reaffirms its commitment to respect, uphold and promote human rights and to fully observe the related instruments to which it is a party and also the commitments stemming from them.

(ii) Colombia views the preparation and submission of treaty reports not only as the fulfilment of an international obligation but also, and primarily, as an opportunity to identify progress and challenges still to be addressed in promoting and protecting rights in our country and thereby enhance the comprehensive design and implementation of effective public policies.

(iii) The combined fourth and fifth periodic reports on the implementation of the Convention on the Rights of the Child, which cover the period from 2006 to 2010, are being submitted in accordance with the provisions of article 44 of the Convention, article 8 of the Optional Protocol thereto on the involvement of children in armed conflict and article 12 of the Optional Protocol thereto on the sale of children, child prostitution and child pornography. In their preparation account was taken of the treaty-specific guidelines regarding the form and content of reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention (CRC/C/58/Rev.2), adopted by the Committee on the Rights of the Child, and the recommendations made by that body to Colombia in June 2006 (CRC/C/COL/CO/3) with respect to the implementation of the Convention and in June 2010 concerning the application of the Optional Protocols (CRC/C/OPAC/COL/CO/1 and CRC/C/OPSC/COL/CO/1).

(iv) More than 30 organs of the executive and judiciary, oversight bodies and the electoral commission were involved in preparing the present report. Its production was overseen by an ad hoc executive secretariat composed of the Colombian Family Welfare Institute, the Ministry of Foreign Affairs, the Ministry of Education and the Ministry of Social Protection (now split into the Ministry of Health and the Ministry of Labour), the National Planning Department and the Presidential Human Rights and International Humanitarian Law Programme.

(v) The planning of the report was undertaken by the executive secretariat in 2010 and the report was drawn up in 2011. In the initial phase a schedule of activities and the methodology to be used were agreed upon and the entities to be responsible for providing inputs were identified. Subsequently the institutions concerned were called to several working meetings. The nature of the report was explained to the officials representing those institutions; they were informed about the Convention and Optional Protocols, made aware of the observations of the Committee and civil society organizations concerning their implementation and apprised of the Committee's reporting guidelines. The Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Children's Fund (UNICEF) participated in one of these sessions.

(vi) In broad terms, the work was divided among eight thematic panels. Each of these panels, which was entrusted, on the basis of the Committee's guidelines, with one section of the report, comprised institutions conversant with the topics dealt with in the relevant section and was headed by an official who maintained contact with the executive secretariat. The output of each thematic panel formed the subject of a document which was delivered by it to the executive secretariat. The executive secretariat collated the texts sent by the thematic panels and produced, as a single document, the report now being submitted to the Committee.

(vii) Monetary figures are expressed in Colombian pesos. As at 16 November 2011, 1,000 pesos were equivalent to 0.5199 United States dollars and to 0.3871 euros.

I. General measures of implementation

1. In compliance with the guidelines of the Committee on the Rights of the Child,¹ details are given below of the measures taken to implement policies, plans and programmes for the benefit of children.

A. Measures adopted to bring domestic legislation and practice into conformity with the provisions of the Convention and its Optional Protocols

1. International regulatory framework adopted by Colombia

2. The Convention was adopted by Colombia under Act No. 12 of 1991. Pursuant to the Convention a rights-based perspective has been incorporated by the State in public policies on children and young persons. Under Act No. 74 of 1968 the Colombian Government adopted the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which set forth the need for special measures of protection and assistance to be taken on behalf of all children and young persons without discrimination. These treaties and the American Convention on Human Rights adopted by Colombia under Act No. 16 of 1972 stipulate that the death penalty should not be imposed on persons below the age of 18 years who are criminally responsible and that children and young persons deprived of liberty should be separated from adults and be tried by specialized courts.

3. With respect to child labour, Colombia has ratified International Labour Organization (ILO) Conventions Nos. 138 and 182, which were adopted under Act No. 515 of 1999 and Act No. 704 of 2001. As to the Optional Protocols to the Convention on the Rights of the Child, Colombia adopted the Optional Protocol on the sale of children, child prostitution and child pornography under Act No. 769 of 2002 and the Optional Protocol on the involvement of children in armed conflict under Act No. 833 of 2003. Also, Colombia is a party to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, both of which were adopted under Act No. 800 of 2003.

4. Concerning adoptions and the transfer of children and young persons abroad, Colombia is a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 (Act No. 265 of 1996), the Convention on the Civil Aspects of International Child Abduction (Act No. 173 of 1994), the Inter-American Convention on the International Return of Children, signed in Uruguay on 15 July 1989 and adopted under Act No. 880 of 2004, and the Inter-American Convention on International Child Trafficking (Act No. 470 of 1998).

5. As regards the securing of maintenance, Colombia is a party to the Convention on the Recovery Abroad of Maintenance (Act No. 471 of 1988) and the Inter-American Convention on Maintenance Obligations (Act No. 449 of 1998).

¹ Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention on the Rights of the Child (CRC/C/58/Rev.2).

2. National regulatory framework

a. Constitution

6. At the national level, the Constitution, in line with the treaties acceded to by Colombia on children and young persons, lays down that the rights of children have precedence over the rights of others, the observance of the principle of the best interests of the child being established as a constitutionally mandated requirement. The principle of shared responsibility is also incorporated in the Constitution, whose article 44 stipulates that “the family, society and the State shall be obliged to assist and protect children in order to guarantee their harmonious and all-round development and the full exercise of their rights”.

7. By virtue of the constitutional corpus principle, rules and principles contained in treaties ratified by Colombia form an integral part of the national Constitution.

b. Children’s and Young Persons’ Code

8. The Children’s and Young Persons’ Code (Act No. 1098 of 2006), which entered into force in 2006, represents a major advance in the development of specialized legislation on the country’s children and young persons. This Act introduces structural changes in regard to the safeguarding, protection, promotion and restoration of the rights of children and young persons in that, fully in accordance with the concept of comprehensive protection, it abandons the former approach followed in the Children’s Code, which provided for the care of children in irregular situations (neglect, lack of family, deviant behaviour) and adopts an approach based on children and young persons as rights-holders, which is in accord with the provisions of the Convention on the Rights of the Child.

9. The principle of comprehensive protection of children and young persons (article 7 of Act No. 1098) encompasses their recognition as rights-holders, the safeguarding and observance of their rights, the prevention of threats to or infringement of those rights and the guarantee of their immediate restoration. These precepts are embodied in all policies, plans, programmes and activities pursued at the national, departmental, district and municipal levels, with the corresponding allocation of financial, physical and human resources.

10. Recognition refers not only to the inherent dignity of the human person from its conception and throughout its development but also to the dignity of childhood as a social category, which means changing the ways children and young persons are portrayed, recognizing their status and accordingly transforming social relations and practices.

11. Safeguarding entails adapting the coverage, accessibility, quality and efficiency of public services relating to groups of rights, taking into account the characteristics and needs of this population group with a view to effectively building an equitable society.

12. Prevention encompasses all potential risks to the free and autonomous exercise by children and young persons of their rights, including all actions aimed at the early detection of such risks, a full and deep understanding of their origin and nature and, naturally, measures to counter them.

13. Restoration of infringed rights entails a context of equity and respect. It involves the redefinition of the status of children whose rights have been violated and action by all those concerned and responsible for the restitution of those rights.

14. The Children’s and Young Persons’ Code sets out other principles which already formed part of domestic law, such as the best interests of the child and shared responsibility. The Code also establishes a differentiated approach with respect to the rights

of children and young persons through the inclusion of a gender, ethnic, cultural and age perspective.

15. It should be pointed out that article 6 of the Code stipulates that human rights treaties ratified by Colombia, especially those concerned with the rights of children and young persons, form part of the Code and are to serve as a guide to its interpretation and application.

16. With regard to youth criminal justice, the juvenile criminal justice system was established under the Code in line with the recommendations of the Committee on the Rights of the Child and with the provisions of Act No. 599 of 2000. This system is in conformity with the guidelines and principles set out in the treaties ratified by Colombia on this subject and with the following international instruments adopted by Colombia:

- The Beijing Rules or the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (United Nations resolution 40/33);
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty;
- The Riyadh Guidelines or the United Nations Guidelines for the Prevention of Juvenile Delinquency.

17. Since 1993 Colombia's Constitutional Court has issued various rulings on young persons in conflict with the criminal law, incorporating into case law the principles set out in treaties prior to the entry into force of the Code. Of the judgements rendered by the Constitutional Court on this subject, particular mention should be made of Decision C-019 of 1993, which stipulated that the second hearing principle must be observed in trials where the accused is an under-age person; Decision C-817 of 1999, which laid down that young persons in criminal proceedings were entitled to be assisted by a lawyer; and Decision C-203 of 2005, in which the Court stated that the following principles would apply with respect to the criminal responsibility of individuals below the age of 18 years as persons deserving of special protection:

(a) The principle of differentiation. The justice system applicable to persons below the age of 18 years must be fully geared to promoting the well-being and protection of children and young persons and ensuring proportionality between the offence and the institutional response.

(b) The principle of the reformatory and rehabilitative function of sanctions imposed on persons below the age of 18 years.

(c) The principle of promotion of the best interests of children involved in the commission of crimes and observance of their fundamental rights.

18. In conformity with international principles of youth justice, the Code establishes a number of specific, specialized bodies and authorities within the juvenile criminal justice system. These are as follows:

(a) Criminal investigation: the Juvenile Police Department;

(b) Prosecutors assigned to juvenile criminal courts;

(c) Trial courts: juvenile criminal courts; failing these, family courts of civil and criminal jurisdiction; and failing these, municipal courts;

(d) Supervisory courts: the aforementioned courts provided that they will not try the case concerned;

(e) High courts: a system which is being progressively instituted, the intention being that juvenile criminal divisions will operate at all judicial district high courts, being composed of two family-division judges and one criminal-division judge.

19. The development, implementation and achievements of the juvenile criminal justice system will be analysed in further detail in the present report in the chapter on special protection measures.

c. Other regulations

20. Following the promulgation of Act No. 985 of 2005, Colombia has adopted measures to curb human trafficking and taken steps to provide support and protection for trafficking victims. Also, two important laws which equip the State with judicial tools to combat commercial sexual exploitation of children and young persons have been adopted: Act No. 679 of 2001 and Act No. 1236 of 2009. Under the Public Order Statute (Act No. 1453 of 2011) the crime of child trafficking has been defined as a separate offence. This instrument stipulates that “anyone offering, delivering, accepting or obtaining a child or carrying out any act or transaction whereby a child is sold to a person or group of persons for remuneration or any other consideration shall be liable to imprisonment for a term of fifteen to thirty years and to a fine of between one thousand and two thousand times the current statutory minimum monthly wage”. Consent given by the victim shall not constitute grounds for exemption from criminal liability. This definition criminalizes the entire chain of sale and makes it possible to prosecute all persons involved in the offence. Act No. 1257 of 2008 contains provisions on raising awareness of, preventing and punishing violence and discrimination against women and Act No. 1329 of 2009 is aimed at combating commercial sexual exploitation of children and young persons.

21. As indicated to the Committee in the report submitted to it by Colombia under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/COL/1), the Criminal Code (Act No. 599 of 2000) establishes the offence of unlawful recruitment of children and young persons and article 20 of the Children’s and Young Persons’ Code lays down the right of children and young persons to be protected from wars and armed conflicts. Act No. 1421 of 2010, which extends and amends Act No. 1106 of 2006, Act No. 782 of 2002 and Act No. 418 of 1997, stipulates that the definition of victim of political violence is understood to include any under-age person taking part in hostilities.

22. Mention should also be made of the creation, under Decree No. 3043 of 2006, of the High-level Presidential Advisory Office for Social and Economic Reintegration of Insurgents and Rebel Groups, one of whose main functions is to assist and advise the Colombian Family Welfare Institute in connection with the formulation of policies and strategies relating to the demobilization and reintegration of child members of illegal organized armed groups and the prevention of their recruitment.

3. Specialized government bodies for children and young persons

23. The establishment of units specializing in child and youth matters in the branches of government and organs of the State is required under the terms of the Children’s and Young Persons’ Code. Certain institutions are noteworthy in this connection. The Counsel-General’s Office, through the Office of the Specialized Counsel for Child, Youth and Family Rights, undertakes high-level oversight, prevention, management supervision and intervention functions with respect to the administrative and judicial authorities. The Office of the Comptroller-General of the Republic is responsible for conducting post-audits and selective audits on finance management, administration and outcomes of child, youth and family policies, programmes and projects.

24. The functions of the Ombudsman’s Office which relate to children and young persons are discharged through the Office of the Divisional Ombudsman for Children’s, Young Persons’ and Women’s Rights and involve the dissemination, protection and

promotion of rights and the monitoring of public policies concerned with children's and young persons' human rights.

25. In conformity with the Children's and Young Persons' Code, the Juvenile Police Department is responsible in conjunction with the national family welfare system for ensuring the comprehensive protection of children and young persons as part of the duties and functions assigned by law to the national police in three areas of activity — prevention, supervision and oversight, and criminal investigation — aimed at reducing the different factors which impair the rights of children and young persons.

4. Public policies on children and young persons

26. Book III of the Children's and Young Persons' Code sets forth the principles and objectives to be adhered to in public policies on children and young persons and by those responsible for formulating, executing and evaluating such policies. The objectives established by law in regard to public policies on children and young persons are as follows: first, channelling resources and activities of the State to achieve the necessary conditions that will allow the development of the capacities and opportunities of children and young persons, as legal subjects, in the responsible exercise of their rights; secondly, updating information systems and strategies to ensure appropriate and timely decision-making; thirdly, formulating and implementing measures to achieve the inclusion of the child population on a basis of equality; and fourthly, emphasizing the importance of inter-institutional and intersectoral coordination.

27. The guiding principles of public policies as laid down in article 203 of the Children's and Young Persons' Code are taken into account in related plans and activities of the State. They are: the child's best interests; primacy of rights; comprehensive protection; equity; policy integration and coordination; mutual support; social participation; priority of public policies on children and young persons; financing, administration and efficiency of public investment and spending; and gender mainstreaming. The Colombian State is thus observing the guidelines set forth in the related treaties. Mayors, governors and the President of the Republic are responsible for the design, execution and evaluation of public policies on children and young persons. That responsibility is non-delegable and entails public accountability.

B. National strategies, plans of action and policies to uphold, promote, guarantee and safeguard the rights of children and young persons in Colombia

28. The Colombian Government's policy on children and young persons for the period from 2004 to 2014 has been incorporated in the 2002–2006 National Development Plan "Towards a Community State" adopted under Act No. 812 of 2003, the 2006–2010 National Development Plan "A Community State: Development for All" issued in Act No. 1151 of 2007, and the 2010–2014 National Development Plan adopted under Act No. 1450 of 2011.

29. As regards the situation of children and young persons, the 2002–2006 National Development Plan was aimed at the development and protection of human capital as from early childhood; the provision of support to displaced persons; the expansion of the school meals programme and its targeting of the most vulnerable population groups; the creation of partnerships between childcare services provided by "community mothers", preschool facilities and educational establishments in order to contribute to the education of under-5-year-olds; the implementation of school transport projects in order to facilitate student access and retention; and the prevention and combating of domestic violence and

child labour. In the institutional sphere this National Development Plan established measures to enhance the operational efficiency and coordination of the national family welfare system at the regional and local levels through the social policy councils under the direction of the Colombian Family Welfare Institute. As a result, programmes and projects for the benefit of children and young persons have been included in local development plans and resources have been allocated for that purpose.

30. In line with this National Development Plan, support under public family welfare programmes has since 2004 been targeted through the Social Programme Beneficiary Selection System (SISBEN)² for determining eligibility for State welfare assistance, with priority accorded to children under 5 years of age living in SISBEN level-1 and level-2 households. Also, the multiple welfare services scheme has been adopted as a community-based, early-childhood social support mechanism. The legislative bill which subsequently became the Children's and Young Persons' Code, promulgated in November 2006, was one of the constituent elements of the National Development Plan. With a view to achieving food security, the number of recipients of assistance under the Children's Breakfasts with Love programme has been increased from 500,000 to 1,300,000 children. In this connection, the Colombian Family Welfare Institute, as a participant in the National System of Integrated Services for Displaced Persons, has executed special programmes such as the mobile support units programme, the extended relief and recovery operations programme and the emergency food rations programme, in addition to providing support to displaced persons under its various regular programmes.

1. 2010–2014 National Development Plan “Prosperity for All”

31. One main area of the 2010–2014 National Development Plan is concerned with promoting equality of opportunities for social prosperity. The plan accordingly sets out a comprehensive development and welfare policy incorporating:

(a) Early-childhood care. Although the policy is aimed at assisting all children, emphasis will be placed on poor and vulnerable population groups with a view to reducing disparities and building equity. Its components are as follows: health, nutrition, nursery education, support and protection. The target population also includes families since it is not possible to change the living conditions of under-6-year-olds without changing the family environment. The impact of the policy will be measured and assessed through the establishment of a comprehensive early-childhood care baseline.

(b) Child and youth support. Following an approach based on the premise that children and young persons are rights-holders, ongoing training strategies will be implemented, in application of the principle of shared responsibility, for parents, educators and carers on child-rearing standards, values, emotional learning, family finances and the prevention of domestic violence and child abuse. Precise guidelines exist for the 6- to 12-year-old and 12- to 18-year-old groups. One of the most important objectives with respect to these population groups is that of reducing child labour.³

32. Details of the individual strategies, plans and measures will be given in the chapters relating to each of the topics covered by the present report.

² SISBEN is a targeting tool to identify the poorest and most vulnerable households, families or individuals and thus those entitled to assistance under social welfare programmes.

³ For further information on this National Development Plan, see the link <http://www.dnp.gov.co/PND/PND20102014.aspx>.

2. Cross-cutting plans and programmes: multi-year national plans and programmes

33. Colombia has established a series of national programmes and policies for the benefit of children and young persons which address different issues of major importance in safeguarding, enforcing, promoting and restoring the rights of children and young persons. These programmes have been formulated from a comprehensive, long-term perspective with a view to establishing better conditions for the realization of the rights of Colombian children and youth. Details are given below of the plans and strategies developed according to the type of violation.

a. *National Child and Youth Plan*

34. In fulfilment of the commitment made in 2002 at the special session on children held by the General Assembly of the United Nations, at which the document “A world fit for children” was adopted, Colombia, with support from UNICEF and the United Nations Population Fund, has designed and is implementing the National Child and Youth Plan, 2009–2019, which is aimed at the achievement of twelve goals, grouped in four categories, as follows:

(a) Survival: (i) all alive; (ii) none without a family; (iii) all healthy; and (iv) none undernourished or hungry;

(b) Development: (i) all receiving high-quality, non-discriminatory education; (ii) all engaging in play; and (iii) all able to deal with feelings and emotions;

(c) Citizenship: (i) all registered; and (ii) all participating in community life;

(d) Protection: (i) none maltreated or abused; (ii) none engaging in harmful or violent activities; and (iii) juveniles who are charged with breaches of the law to benefit from due process and receive educational and proportional punishments.

b. *Violence*

35. The National Plan on Building Family Peace and Harmony (*Haz Paz*), 2005–2015, directed by the Colombian Family Welfare Institute, is set out in the *Haz Paz* policy and serves as a guide to the formulation of the departmental *Haz Paz* plans currently being developed at 33 regional centres of the Colombian Family Welfare Institute by the bodies constituting the national family welfare system.

c. *Sexual violence*

36. The following activities have been undertaken on this issue:

- The National Plan of Action on the Prevention and Eradication of Commercial Sexual Exploitation of Children and Young Persons, 2006–2011. This plan represents major progress by the Colombian Government, with the support of civil society and international cooperation agencies, in addressing the problem of sexual exploitation. The plan is in response to the need for the establishment of effective and coordinated inter-institutional mechanisms for the prevention, detection, reporting and rejection of sexual violence and the formulation and dissemination of rights restoration strategies.
- The national comprehensive anti-human trafficking strategy, 2007–2012. The specific objectives of this strategy are: to prevent human trafficking through programmes, projects and measures pursued by the public authorities in conjunction with civil society and international organizations; to ensure comprehensive high-level care and protection for trafficking victims through the operation of

comprehensive protection mechanisms; to strengthen international cooperation mechanisms with the aim of maximizing the outcome of comprehensive efforts to combat human trafficking; and to strengthen the State bodies responsible for investigating and prosecuting human trafficking offences with a view to enhancing the efficiency and effectiveness of the punishment of this crime.

- The national policy on sexual and reproductive health. The aim of this policy is to improve sexual and reproductive health and promote the exercise of the sexual and reproductive rights of the entire population, with emphasis on reducing vulnerability factors and risk behaviour, encouraging protective factors and providing support for groups with specific needs.

The policy is coordinated by the Ministry of Social Protection and incorporates the following action areas: (a) safe motherhood; (b) domestic and sexual violence; (c) prevention and treatment of sexually transmitted diseases, including HIV/AIDS; (d) cervical cancer; (e) sexual and reproductive health of the youth population; and (f) family planning.

d. Child labour

37. The national strategy on preventing and eradicating the worst forms of child labour and protecting young workers, 2008–2015, was designed and is being implemented by the Colombian Government in conjunction with employers', workers' and civil society organizations and with ongoing support from ILO. The main objective of this strategy is to focus and direct the actions of the State and the private sector with a view to encouraging children's and young persons' enrolment in school, the provision of services and families' access to social programmes that will enable under-18-year-olds to refrain from engaging in or to be withdrawn from employment activities which constitute the worst forms of child labour. Steps are also being taken to provide access to benefits under the general welfare policy. For the period from 2010 to 2014 particular importance has been attached to the following action areas under the national strategy on preventing and eradicating the worst forms of child labour and protecting young workers:

- Annual monitoring of child labour conditions through the major integrated household survey module and operation of the integrated child labour records system;
- Use of the Comprehensive Childcare and Supplementary Schooling Fund by the family allowance funds, with priority accorded to regions affected by this problem;
- Implementation of special support schemes by the Colombian Family Welfare Institute, with emphasis on victims of commercial sexual exploitation, mining and quarrying work, forced recruitment and indigenous labour exploitation;
- Promotion of the child labour eradication strategy in the regions and enforcement and checking of social clauses in procurement contracts by members in conjunction with the trade unions.

38. With respect to measures to prevent the worst forms of child labour, the Colombian Family Welfare Institute, in compliance with the Children's and Young Persons' Code, issued Resolution No. 6018 of 2010, the purpose of which is to identify and support children and young persons whose rights have been threatened, contravened or infringed and to assist them under the specialized support programme for children and young persons engaged in the worst forms of child labour.

e. *Food and nutrition security*

39. The strategy adopted under the National Food and Nutrition Security Plan is aimed at ensuring that the Colombian people have access to, receive and consume food of sufficient quantity, variety, quality and safety in a regular and appropriate manner. The coordination of different intersectoral programmes, projects and activities within the social welfare system has been planned with a view to achieving that goal. Also, the sustainable and competitive domestic production of foods in the basic shopping basket is being promoted and encouraged in order to guarantee continuous supplies and create conditions that will enable the population, in particular vulnerable groups, to have access to at least those foods which make up the basic shopping basket, thus ensuring that their dietary needs are met.

40. With regard to feeding, document 91 (2005) of the National Economic and Social Policy Council (CONPES), entitled “Colombia’s targets and strategies for the attainment of the Millennium Development Goals to 2015”, establishes an overall under-five malnutrition rate of 3 per cent as a national target. This document also sets out the components of the strategy for preventing child malnutrition, namely the promotion, protection and support of early breastfeeding, the training of mothers and the continued operation of the food and nutrition plan.

f. *Prevention of the recruitment and use of children and young persons by illegal armed groups and organized criminal groups*

41. CONPES document 3673 contains the public policy on preventing the recruitment and use of children and young persons by illegal armed groups and organized criminal groups. The measures which have been designed and are being implemented under this policy are detailed in the chapter entitled “Special protection measures”.

g. *Ethnic groups*

42. CONPES document 3660 sets out the public policy on promoting equality of opportunities for the black, Afro-Colombian, creole and native islander population groups. With regard to the guideline strategies and goals contained in this policy, particular mention should be made of those relating to children and young persons belonging to these ethnic groups. One of the problem areas where targets are proposed in regard to children and young persons concerns the low levels of schooling resulting from difficulties of student access and retention and education quality. The following aims have been put forward in connection with this problem area:

- Ensuring the incorporation of a cultural approach in literacy programmes.
- Facilitating children’s and young persons’ access to and retention in nursery, pre-primary, primary and secondary education. This aim is centred on ensuring comprehensive nutrition, health and nursery care provision for 45,000 under-5-year-old Afro-Colombians by 2010; ensuring comprehensive support during 2010 for 13,000 Afro-Colombian children in the department of Chocó under ethno-development plans which take account of cultural needs and characteristics; building child and family centres in the department of Chocó with a capacity of 3,500 places to provide comprehensive early-childhood care facilities; and strengthening the implementation of the early-childhood information system for purposes of recording and classifying the under-5 population.

43. With regard to pre-primary, primary and secondary education, the execution of 33 school infrastructure projects has been planned for 31 educational establishments in 13 municipalities which have a majority Afro-Colombian population, for the benefit of 13,870 students. There are also plans to classify the Afro-Colombian population on the basis of

school enrolment, educational provision outside the school system and resource allocation for this population group under the school meals programme.

- Improving the quality and relevance of education. This aim entails the conduct of a differentiated training, monitoring and evaluation exercise involving local authorities in areas having Afro-Colombian inhabitants with a view to the implementation of the operational guide to the provision of comprehensive early-childhood care services and the design and execution of the comprehensive early-childhood support plan.

44. Training is being organized with a view to the dissemination and validation of the document “Child development and early-childhood skills” sent to 3,500 educators working with under-5-year-olds and assistance is being given in connection with the design and implementation of ethno-educational projects aimed at strengthening communities’ own educational processes and providing guidance on the education of their inhabitants in line with the organizational, social, cultural and linguistic principles specific to each community. A total of 103,758 students, 3,254 teachers and 258 educational establishments should benefit from these measures.

- Strengthening Afro-Colombian family structures and value systems. The following measures have been adopted to achieve this aim: the design and implementation, with the participation of the Afro-Colombian people, of technical guidelines on differentiated support in accordance with their traditions and cultural specificities; the formulation and introduction of differentiated menus for the Afro-Colombian population under dietary supplementation programmes operated by the Colombian Family Welfare Institute; the precise and up-to-date classification of Afro-Colombian juveniles who commit crimes or breaches of the law; and the execution of projects established for the care and rehabilitation of young persons within the juvenile criminal justice system.

h. Juvenile criminal justice system

45. CONPES document 3629 sets out the objectives to be pursued in order to ensure adequate support for young persons in conflict with the criminal law. More specific details in this connection are contained in the relevant section of the present report.

i. National policy on social and economic reintegration of illegal armed groups and their members

46. The policy on social and economic reintegration of illegal armed groups and their members, which is contained in CONPES document 3554, establishes the general objective of bringing about the social, community and economic reintegration of individuals who have been demobilized or released from illegal armed groups. As regards children and young persons, the policy is aimed at promoting their continuation in the school system through their reintegration in formal education, given the preventive and remedial functions of education. Further details of the institutional regulations and services relating to the provision of support for children and young persons who have been released or rescued from illegal organized armed groups appear in the present report in the chapter entitled “Special protection measures”.

j. Early childhood

47. The national public policy on early childhood is contained in CONPES document 109 of 2007. The main objective set out in that document is to promote children’s all-round development from conception to the age of 6 years in line with their specific needs and characteristics and thereby contribute to the attainment of equity and social inclusion in

Colombia. Various specific aims have been put forward to achieve this objective, as follows:

- (a) Strengthening and expanding nursery education provision through comprehensive care schemes in community, family and institutional settings;
- (b) Promoting the topic of early childhood for the purpose of raising the country's awareness of the crucial importance of the first years of life to human development and as a factor in the nation's progress and development;
- (c) Promoting sociocultural and educational practices that enhance the overall development of under-6-year-olds;
- (d) Ensuring the comprehensive protection and restoration of the rights of children, especially those belonging to at-risk groups;
- (e) Encouraging families and primary carers and also child development centres and communities to relate to children in an equitable and inclusive manner on the basis of respect for cultural diversity and child-rearing standards;
- (f) Creating and strengthening the necessary mechanisms for designing, executing, monitoring and evaluating the early-childhood policy and conducting periodic reviews to ensure efficient and effective public administration.

48. Act No. 1295, promulgated in 2009, regulates comprehensive early-childhood support for sectors in SISBEN levels 1, 2 and 3. The aim of this Act is to contribute to progressively improving the quality of life of expectant mothers and under-6-year-old children in SISBEN-classified households through inter-institutional coordination, with an obligation on the part of the State to guarantee the right to food, adequate nutrition, nursery education and comprehensive health care.

49. CONPES document 91 sets out the goals of reducing under-5 mortality to 17 deaths per thousand live births and under-1 mortality to 14 deaths per thousand live births and achieving and maintaining vaccination coverage levels at 95 per cent for children below the age of 5 years in all the country's municipalities.

C. Institutional framework

50. Under the Children's and Young Persons' Code the Colombian Family Welfare Institute is entrusted with the task of coordinating the bodies responsible for guaranteeing, safeguarding, protecting and restoring rights at the municipal, departmental and national levels. The Colombian Family Welfare Institute currently has regional centres in all departmental capitals and provides support to vulnerable population groups across the country through 200 area centres, its programmes and services benefiting some 10 million Colombians.

51. The design, execution and evaluation of public policies on children and young persons at the national, departmental, district and municipal levels are the responsibility of the President of the Republic, governors and mayors. The National Social Policy Council is responsible for designing public policies aimed at safeguarding and protecting the rights of children and young persons and ensuring their restoration in cases of infringement. It is also entrusted with the task of mobilizing and allocating resources to finance these policies. It is composed of:

- (a) The President of the Republic or the Vice-president, who will serve as chairperson;

(b) The Minister of Social Protection, the Minister of the Interior and Justice, the Minister of Finance and Public Credit, the Minister of Education, the Minister of the Environment, Housing and Local Development, the Minister of Culture and the Minister of Communications, or Deputy Ministers;

(c) The director of the National Planning Department or assistant director;

(d) The director of the Colombian Family Welfare Institute, who will perform technical secretariat functions;

(e) One governor representing the governors;

(f) One mayor representing the mayors;

(g) One indigenous authority representing the indigenous local authorities.

52. The National Planning Department, the Ministry of Social Protection and the Ministry of Education, with technical assistance from the Colombian Family Welfare Institute, are formulating minimum technical guidelines to be included in child and youth development plans taking life-cycle stages into account and following an approach based on rights protection and restoration. The Children's and Young Persons' Code stipulates that the social policy councils⁴ are to be responsible for functional inter-institutional coordination and the design and adoption of the public policy on children and young persons at the departmental and municipal levels. A differentiated priority public policy on children and young persons must be in place at the local level to promote coordination of the work of the municipal councils, departmental assemblies and Congress. In municipalities where the Colombian Family Welfare Institute does not have an area centre, coordination of the national family welfare system is undertaken by the social policy councils. The latter are required to meet at least four times per year and submit periodic reports to the departmental assemblies and municipal councils.

D. Budget allocated to promoting, safeguarding and restoring the rights of children and young persons

1. Education budget

53. Investment in comprehensive early-childhood support provision between 2007 and 2010 rose from 47,238 million to 472,699 million pesos, making a total investment of 959,334 million pesos during that period.⁵ There has been a progressive increase in the resources allocated to guaranteeing children's right to education. In 2004, public spending on education as a percentage of GDP was 4.5 per cent and by 2010 had reached 4.98 per cent.⁶ The rise in public spending represents, in current pesos, an increase of about 99 per cent, from 13.5 billion pesos in 2004 to approximately 27 billion in 2010. The national

⁴ The social policy councils shall meet in all departments, municipalities and districts under the chairmanship of the governor and mayor, who may not delegate their attendance or responsibilities, on pain of being charged with misconduct. They shall be responsible for coordinating the functions of national and local institutions; their attendance shall include organized civil society; and they shall establish their own regulations and composition. Authorities with competence in the area of rights restoration and members of the public legal service shall in all cases form part of the councils.

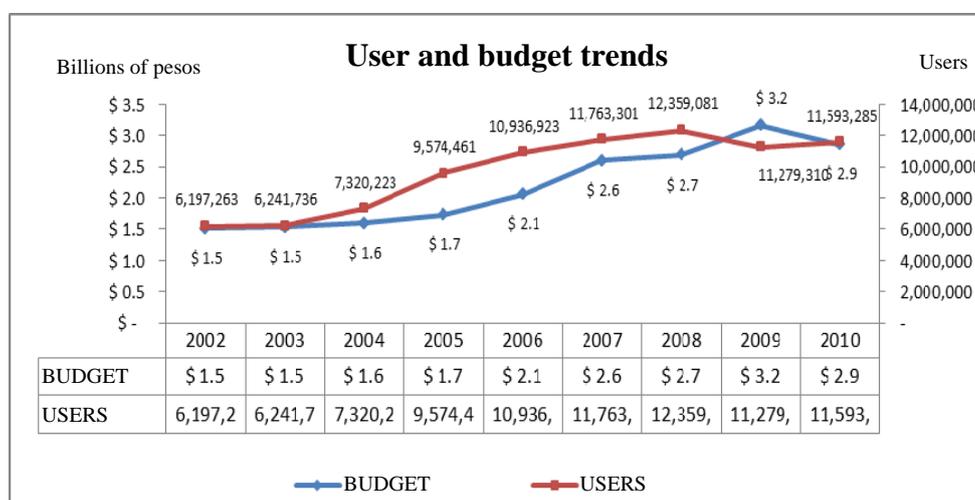
⁵ The figure includes only resources of the Ministry of Education (excluding infrastructure), resources of the Colombian Family Welfare Institute invested in nutrition, resources of the 810 municipalities receiving funds under the general system of contributions (CONPES document 123) and resources of the Bogotá and Medellín city authorities and of the provincial authorities of Antioquia, Atlántico, Cundinamarca and Vaupés.

⁶ Public spending on primary and secondary education, as a percentage of GDP, was 3.5 per cent for 2004, rising to 3.9 per cent in 2010.

Government has since 2008 allocated resources for free education provision so that schooling costs (academic fees and additional services) can be waived in the case of students in SISBEN level-1 and level-2 households, indigenous students, students with disabilities and displaced students. In 2008, 4,598,071 students benefited from this measure, with an investment of 137,942 million pesos; in 2009 the costs were waived for 5,230,446 students, with an investment of 186,913 million pesos; and, in 2010, the number of beneficiaries reached 5,326,059, with an investment of 196,769 million pesos. The goal of the education policy for the period from 2010 to 2014 is the universal provision of free education.

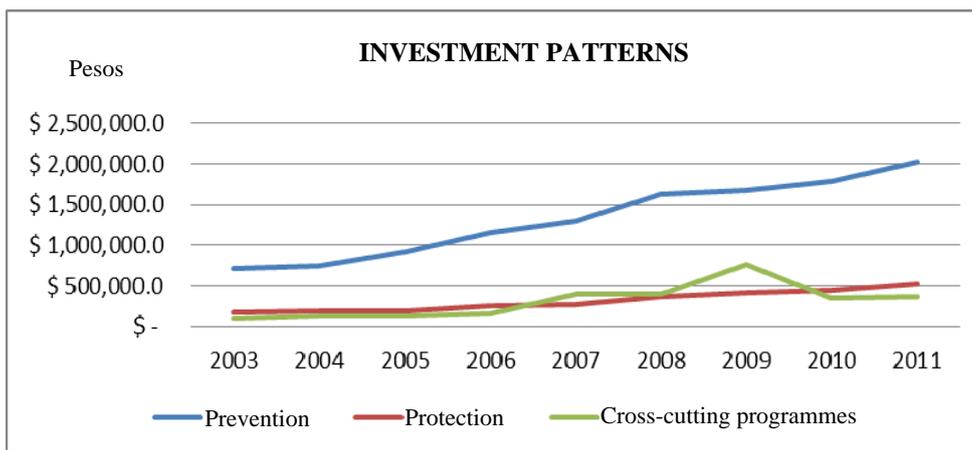
2. Investment by the Colombian Family Welfare Institute

54. The Colombian Family Welfare Institute has been transforming and reorganizing its programmes on preventing rights violations and restoring rights in cases of infringement, targeting its activities in favour of the poorest and most vulnerable. It has expanded its coverage from 9.5 million beneficiaries in 2005 to 11.6 million in 2010, which meant an increase in the total budget from 1.73 billion pesos in 2005 to 2.86 billion in 2010.



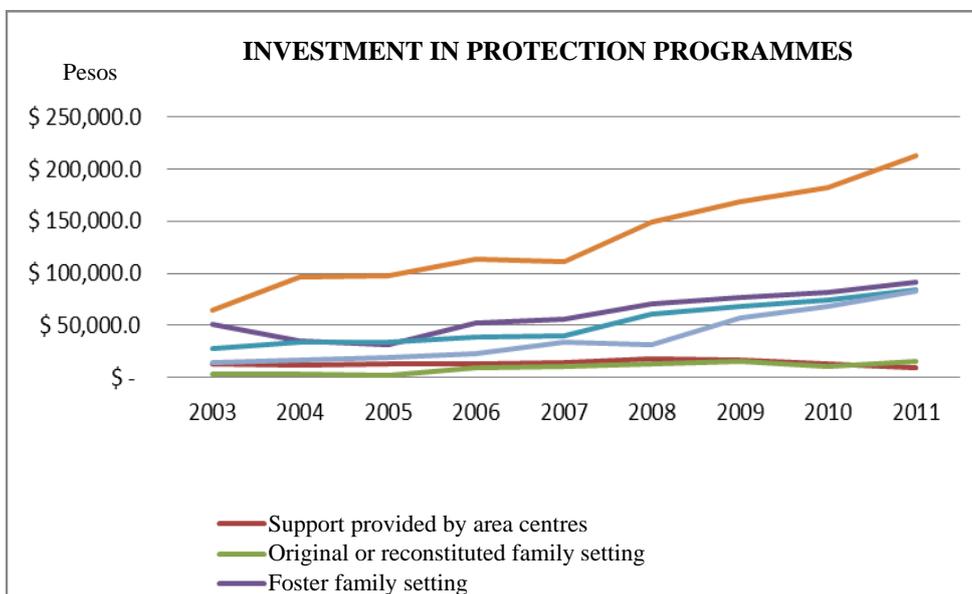
Figures

- (a) The Colombian Family Welfare Institute currently provides 15 million daily food rations.
- (b) In 2010 it invested 1.02 billion pesos in early-childhood strategies, benefiting 3.5 million under-6-year-olds and expectant or nursing mothers, thus exceeding the 2005 investment of 775,000 million pesos, from which 2.87 million children benefited.
- (c) It is building 896 new premises and upgrading 1,064 (mainly child day-care centres, nurseries and multiple and combined welfare facilities).



(d) Its investment budget for the period from 2003 to 2011 averaged 1,954,543.6 million pesos, of which 68 per cent was earmarked for prevention initiatives, 16 per cent for protection initiatives and the remaining 16 per cent for activities cutting across both initiatives. Three programmes are being executed under the prevention initiative: (i) early-childhood support; (ii) child and youth support; and (iii) family support.

55. With regard to investment in protection programmes, particular mention should be made of the amounts allocated to institutional care, which is the largest area of investment under this initiative and covers existing institutionalized services provided through residential care and rehabilitation institutions for children who have been separated from their family environment and whose placement in a foster family setting is not possible. Investment in this area rose from 64,759.11 million pesos for 2003 to 212,949.75 million pesos with respect to 2011.



E. International assistance and aid

56. The supply and demand study on international cooperation for children and young persons (2006–2010) conducted by the Presidential Agency for Social Action and International Cooperation yields the following information:

- International cooperation funding. During the period from 2006 to 2010, 882 international cooperation projects aimed at children and young persons were approved and/or initiated for the sum, at constant 2010 prices, of 622,474.7 million pesos, of which 515,776.8 million (83 per cent) represent international cooperation resources and 106,697.9 million (17 per cent) the national counterpart contribution.
- Current project status. As at 2010, 545 of the 882 projects had been fully executed (63 per cent), 316 were in progress (36 per cent) and 6 (0.007 per cent) had been approved by the cooperating agencies.
- Budget by source of cooperation. Cooperation for the benefit of children and young persons in Colombia is provided by 28 agencies. On the basis of the amounts invested, the agencies and/or countries with the highest participation levels for the period from 2006 to 2010 were the Global Fund (22 per cent), Spain (11 per cent), Canada (10 per cent), the Pan American Health Organization/World Health Organization (9 per cent), the United States of America (9 per cent), the Netherlands (9 per cent), UNICEF (6 per cent) and the World Food Programme (6 per cent), equivalent to 82 per cent of official cooperation.
- Concentration of international cooperation by type. The predominant type of international cooperation during the period was technical and financial cooperation, at 88 per cent, followed by humanitarian assistance, representing 9.2 per cent.⁷ These results show that both the supply of and demand for cooperation have primarily involved development projects and not welfare activities.
- Concentration of cooperation by action area. The area in which most international cooperation activities were undertaken was capacity-building of duty-bearers (the State, society and the family), at 87 per cent. Cooperation in capacity-building of rights-holders (children and young persons) amounted to 13 per cent. Cooperation directed at duty-bearers was concerned essentially with direct community support, meaning assistance in the provision of services or direct support for persons and/or communities benefiting from programmes and projects (33 per cent). The level of cooperation in the area of premises and equipment (31 per cent) was also high. It comprises, in rank order, the building, upgrading and equipping of educational establishments (classrooms, libraries and recreational facilities), at 62 per cent; the refurbishment and fitting out of leisure facilities, such as parks, sports premises and cultural facilities, at 22 per cent; the refurbishment of centres for the dispensing of dietary supplements, both within educational establishments and elsewhere, at 9 per cent; and other areas (with low percentage shares). International cooperation activities are also aimed to a significant extent at institution-building with a view to improving administration skills, at 22 per cent. Technical cooperation is provided in this area for the purpose of enabling government agencies and their personnel to enhance their intervention capacities with respect to safeguarding the rights of children and young persons.
- Geographical concentration of international cooperation. Of the 882 projects initiated in the period from 2006 to 2010, 122 have nationwide coverage (14 per

⁷ Cooperation provided in support of victims of violence largely falls in the category of technical and financial cooperation.

cent). International resources amounting to 71,746,261 dollars have been mobilized under these projects. The remaining international resources mobilized (155,521,561 dollars) were distributed among local authorities.

F. Independent national human rights institution

57. The Ombudsman's Office is the independent government institution responsible for promoting the effective realization of human rights through their advocacy, dissemination, safeguarding, protection and defence and the observance of international humanitarian law. Its functions are established in article 282 of the Constitution.

58. Between 2000 and 2010 the Ombudsman's Office documented the situation relating to children's rights in the context of the armed conflict which the country is experiencing; it monitors compliance with orders issued by the Constitutional Court concerning children and forced displacement and actively participates in the task force charged with collecting information under the monitoring and reporting mechanism established in resolution 1612 adopted by the United Nations Security Council.

59. The Ombudsman's Office has also designed risk indicators on preventing illicit recruitment, a legal and ethical road map and regulatory principles for the provision of support to children and young persons released from armed conflict situations. It has executed a project under which 170 such children and young persons participated in a human rights advocacy and defence initiative aimed at promoting the physical and psychological recovery and social and community reintegration of under-18-year-old victims of violence.

G. Measures adopted to publicize the rights of children and young persons and human rights

60. The Children's and Young Persons' Code fully incorporates the human rights treaties relating to children. For the purpose of their due implementation the national Government adopted the 2010 General Operational Plan, which sets out information-dissemination mechanisms, such action being regarded as a prerequisite for regulatory effectiveness. The objective of the activities provided for under the plan is to publicize the three components of the Children's and Young Persons' Code, namely the restoration of rights; the juvenile criminal justice system; and the national family welfare system and public policies. The target is to implement 140 activities, of which 125 have been carried out (a 89 per cent completion rate). The goals established in the plan with regard to disseminating the rights of children and young persons are outlined below.

1. Restoration of rights

61. Goal 1: implementing the programme "Colombia makes progress in the observance of human rights from early childhood". To date a pilot trial has been organized to provide training for 75 "community mothers" at the Cundinamarca and Bogotá regional centres and for 4,279 parents of the Mártires, Bosa and Ciudad Bolívar districts of Bogotá in the obligations of the State, the family and society toward children and their duty to fulfil them.

62. Goal 8: conducting legal analyses of family law within the framework of the implementation of the Children's and Young Persons' Code. Six such analyses have now been completed on different topics.

63. Goal 9: drafting, adopting and publicizing technical guidelines on administrative procedures for the restoration of rights and provision of support to children and young

persons released from illegal organized groups. This document has been drawn up, adopted by Resolution 6018 of 30 December 2010 and published on the web page of the Colombian Family Welfare Institute.

2. Juvenile criminal justice system

64. Goal 2: Circulating the guideline document among the regional centres and practitioners. The document has now been distributed and presented to service practitioners.

3. National family welfare system and public policies

65. Goal 9: holding six workshops in six of the country's regions for public officials who work with children, covering topics relating to the interpretation, application and implementation of Act No. 1098 of 2006.

66. Goal 10: preparing a consolidated list of frequently asked questions and answers on Act No. 1098 of 2006. This list, which has been updated to 30 December 2010, has been sent to officials of the Colombian Family Welfare Institute who are responsible for the Act's implementation and circulated via its intranet.

67. Goal 11: broadcasting 30 television programmes "Living a life with well-being" on the institutional channel. This target has been exceeded, 50 programmes having been transmitted.

68. Goal 12: broadcasting 30 radio programmes "Family life with well-being" on Caracol Radio every Sunday. This target has been exceeded, 37 programmes having been transmitted.

69. Goal 13: broadcasting 20 programmes on child-rearing standards via the RCN radio network from Monday to Friday. In all 45 programmes have been transmitted.

70. Goal 14: printing 1,000 copies of the Children's and Young Persons' Code with colour cover page.

71. Goal 19: providing training for 500 public employees from 19 regional centres of the Colombian Family Welfare Institute in forensic interviewing of child victims of sexual abuse. Between 2007 and 2010 the Rodrigo Lara Bonilla Judicial College trained 7,049 judiciary employees in the adoption of a human rights approach within the juvenile criminal justice system. The public legal service, in the discharge of its assigned function of prevention, has, with technical assistance from UNICEF, taken steps to promote the implementation of the Children's and Young Persons' Code through macro-regional forums at the national level, divided into three stages:

- First stage (2007): raising awareness of the statutory instrument, the objective being to enable relevant stakeholders to assimilate the new legal context and define their social responsibilities;
- Second stage (2008): monitoring the application of the statutory instrument, the specific objective being to identify, through regional assessments, the difficulties encountered in the implementation of the Act and application of its regulations;
- Third stage (2009): evaluating the implementation process.

H. Activities undertaken to disseminate the reports and their observations

72. Whenever the Colombian State becomes a party to an international human rights instrument, and including during its negotiation, the Ministry of Foreign Affairs

communicates the final text, or the text under negotiation, to all relevant bodies. In the specific case of the Convention on the Rights of the Child and its two Optional Protocols, the Ministry distributed the instrument, following its ratification by Colombia, among all government authorities, which are in turn responsible for transmitting it to different institutions and population groups. Also, there are technological tools on the web pages of the various State institutions through which this and other international human rights instruments can be consulted, thereby increasing dissemination and familiarization.

73. Prior to initiation of the process of preparing periodic treaty reports and after the treaty monitoring bodies have adopted their conclusions, the Ministry of Foreign Affairs team convenes meetings of the State institutions to brief them on: (a) the treaties in question; (b) the reporting guidelines issued by the United Nations; (c) the comments made by civil society organizations; and (d) the concluding observations and recommendations of the treaty monitoring body concerned.

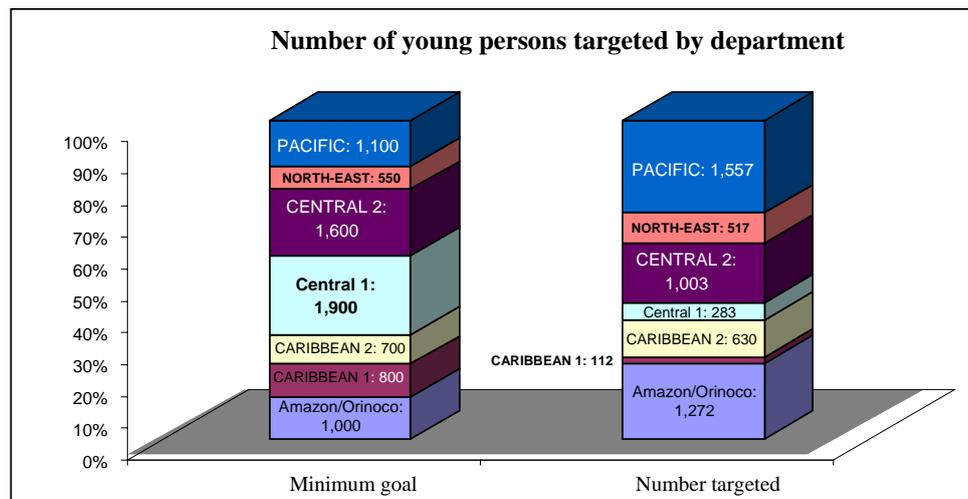
74. For the preparation of the present report a briefing session was held on 18 March 2011. That meeting was attended by 33 government authorities and representatives of OHCHR and UNICEF in Colombia.

I. Cooperation with civil society and children's groups

75. One of Colombia's priorities in regard to children and young persons has been to promote their right of participation. One of the institutional tools to advance the realization of this right is the Facts and Rights Strategy, which enabled children and young persons to speak with departmental governors about a variety of topics on the occasion of the tenth meeting of governors (July 2010). At that event, good departmental practices with respect to the right of participation were identified, giving rise to recommendations which shaped the national development plan guidelines. A further initiative is the "Young persons have their say" strategy, which is being implemented with the participation of the International Organization for Migration and the Colombian Family Welfare Institute. Under this strategy 76 municipal committees were set up with the involvement of operators from the seven macro-regions of Nariño and Cauca (Pacific), Putumayo (Amazon and Orinico), Córdoba and San Andrés y Providencia (Caribbean 2) and Quindío (Central 2), Guajira (Caribbean), Cundinamarca and Bogotá (Central 1) and Santander, Boyacá, Casanare, Arauca and Vichada (North-East) which have been formed in order to undertake this participatory process. The strategy involves action to develop coordination with the different agencies of the national family welfare system and institutions working with youth at the local level.

76. As a result of this process, 5,374 young persons across the country were targeted and engaged through media initiatives (local radio spots, notices and leaflets) in July 2011, the purpose being to present to them the aims and achievements of the strategy and to motivate them through the opportunity to learn about their right of participation, identity, social skills, participatory mechanisms, the legal framework of participation, communication as a vehicle of social change, public policies on youth, strategic planning, project formulation and youth action.

Number of young persons targeted in the seven macro-regions compared with the minimum goals



77. The departments of Nariño and Cauca (Pacific macro-region), Putumayo (Amazon and Orinoco macro-region), Córdoba and San Andrés y Providencia (Caribbean 2 macro-region) and Quindío (Central 2 macro-region) showed the highest percentage of young persons targeted, exceeding the minimum goals set by 10 per cent.

II. Definition of the child

78. Article 3 of the Children's and Young Persons' Code defines a child as a human being between the age of 0 and 12 years and a young person as a human being between the age of 12 and 18 years. It should be noted that Colombian law provides that all children and young persons shall enjoy without discrimination the rights set forth in the Convention on the Rights of the Child, human rights treaties ratified by Colombia, the Constitution and statutory instruments, in accordance with the universal principles of dignity, equality, equity, social justice, mutual support, primacy of rights, comprehensive protection, best interests, shared responsibility and participation. In the case of indigenous peoples, capacity to exercise rights shall be governed by their own regulatory systems, which have to be in conformity with the Constitution. This definition, which is in line with article 1 of the Convention, recognizes children and young persons as rights-holders and provides for the comprehensive protection, safeguarding and observance of their rights, the prevention of threats to or infringement of those rights and their immediate restoration in cases of violation. The new definition recognizes children's active role in their development and no longer embodies the notion whereby children were identified as passive agents of public action. It should be pointed out that article 90 of the Civil Code lays down that the legal existence of every human being commences at birth, i.e. upon total separation from its mother. Babies who die in the womb or before being totally separated from their mothers or who do not survive separation, even for a moment, must be deemed never to have existed. Article 91 of the Civil Code nonetheless stipulates that the law "shall protect the life of the human being about to be born".

79. The Youth Act (Act No. 375 of 1997) defines a youth as a human being above the age of 14 years and below the age of 26 years. Also, domestic law accords differential and preferential treatment to vulnerable young persons and youths, such as those belonging to ethnic groups or suffering from disabilities.

80. In Colombia, marriage may be lawfully entered into as from the age of 14 years, in accordance with article 140 of the Civil Code. However, persons aged between 14 and 18 years may not do so without the express written consent of their parents or, failing them, their guardian.

III. General principles

A. Non-discrimination

1. Measures to combat gender-based discrimination

81. The most recent major legislative development aimed at combating gender-based discrimination and violence is Act No. 1257 of 2008, which lays down rules on awareness-raising, prevention and punishment in relation to violence and discrimination against women, amends the Criminal Code, Code of Criminal Procedure and Act No. 294 of 1996 [on the family] and incorporates other provisions. The Act includes a clause stipulating that members of the forces of law and order or other forces who commit acts of violence against women and girls must be investigated and punished. Also, in line with article 4 of the Convention on the Elimination of All Forms of Discrimination against Women (Act No. 51 of 1981), article 12 of the Children's and Young Persons' Code provides for the integration of a gender perspective, meaning the recognition of social, biological and psychological differences between individuals according to their sex, age and ethnicity and the role played by them in the family and within their social group. That perspective has to be taken into account in the application of all legislation relating to children and young persons and in the spheres of their development.

82. On the basis of these provisions, measures have been undertaken to bring about the elimination of discrimination against girls, including in particular, pursuant to Act No. 1257 of 2008 and in response to the requirements set out in Constitutional Court Ruling 092 of 2008 (Displaced women), the establishment of the Inter-institutional Communications Committee on the Eradication of Gender-based Violence, which on 2 November 2010 launched an information strategy directed at:

- Public officials with a view to making them aware of their duties and responsibilities with respect to the implementation of the new procedures established to prevent, deal with and punish violence against women;
- Women so that they know their rights and how to exercise them;
- Non-abusive men and society in general to ensure that they do not tolerate violence against women.

83. Through the competition *Young Lions Slide Prix 2011* the High-level Presidential Advisory Office for Women's Equity and the Office of the Vice-President of the Republic arranged training for 196 advertisers in the prevention of sexual violence against girls aged between 10 and 14 years and organized the production of 47 Internet items, 31 publicity initiatives, 16 fact sheets on preventing sexual exploitation of children and young persons, 115 print items (posters and placards) and 13 videos. Also, during two years (2009 and 2011), support was provided for the drawing competition on gender equality launched by the European Union and aimed at children aged between 8 and 10 years with the theme "Once upon a time there were a boy and a girl; together they wanted to make the world a better place".

84. The National Institute of Forensic Medicine and Science, which has a nationwide presence with eight regional offices, 25 divisional offices and 114 basic units, has undertaken the following activities:

(a) It has drawn its employees' attention to the Children's and Young Persons' Code and to the responsibilities assumed under CONPES document 3629 of 2009 (concerning the juvenile criminal justice system);

(b) It has prepared, on the basis of the work carried out at six national meetings with psychiatrists and psychologists of the Institute between 2006 and 2010, the "Guide to conducting forensic psychological and psychiatric assessments on children and young persons who are alleged victims of sex crimes", in which the gender perspective has been included as a key element;

(c) It has held awareness workshops on gender-based violence since 2009;

(d) It has strengthened its institutional capacity through international cooperation and the building of a body of knowledge on gender-based violence;

(e) It is developing an institutional gender-based violence support system;

(f) Since January 2010 it has been distributing audiovisual material aimed at raising its users' awareness of gender-based violence and forced displacement;

(g) It has published the third version of the "Technical rules on the adoption of a comprehensive forensic approach in the investigation of sex crimes";

(h) In 2010 it provided training for 225 experts on topics relating to gender-based violence, sex crimes, torture and other cruel and inhuman treatment and the differentiated handling of victims of forced displacement, armed conflict and domestic violence;

(i) It has distributed the "Technical rules on the adoption of a comprehensive forensic approach in the investigation of sex crimes" among its employees.

2. Measures to combat discrimination against children with disabilities

85. The Convention on the Rights of Persons with Disabilities was adopted by Colombia under Act No. 1346 of 2010 and ratified on 10 May 2011 and the rights of children with disabilities are dealt with in article 36 of the Children's and Young Persons' Code. The Colombian Family Welfare Institute operates programmes for the restoration of the rights of children with disabilities under different care arrangements (foster care, home-based care and non-residential, semi-residential and residential care services for disabled and mentally disturbed persons) and invested 406,446 million pesos for that purpose in the period from 2004 to 2010. It has each year dealt with an average of 10,749 children with disabilities. See, in this connection, table 3 of the annex.

3. Measures to combat discrimination against children of ethnic groups

86. The Constitution fully protects the language, traditions, culture and assets of ethnic groups and their right to political participation and to an education which respects and enhances their cultural identity. Article 13 of the Children's and Young Persons' Code lays down that "children and young persons belonging to indigenous peoples or to other ethnic groups shall enjoy the rights established in the Constitution, in international human rights instruments and in the Children's and Young Persons' Code without prejudice to the principles governing their cultures and social organization".

87. National institutions, in line with the Convention on the Elimination of All Forms of Racial Discrimination, the ILO Indigenous and Tribal Peoples in Independent Countries Convention, 1989 (No. 169), Constitutional Court Rulings 004 and 005 of 2009

(on protection of the fundamental rights of indigenous persons and Afrodescendants displaced by armed conflict) and the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001), formulate and execute policies with a differentiated approach, strengthen the capacities of organizations and authorities of ethnic groups and provide training for their personnel on the ethnic, historical, normative and cultural specificities of ethnic peoples in Colombia to ensure that the pace and way of life of these peoples are appreciated, understood and taken into account in the operation of programmes extended to the territories in which they reside.

88. In this connection the Colombian Family Welfare Institute has drawn up and adopted a general guideline framework of differentiated support, which is key to its dealings with ethnic group communities. It undertakes preliminary consultations (Decree No. 1320 of 1998) with the different groups' lawfully constituted traditional authorities to guarantee their right of participation for the purpose of coordinating its projects, initiatives and programmes in line with local and regional sociocultural situations. In this regard, particular mention should be made of the adjustments which in 2010 were made, on the basis of differential ethnic criteria, to the technical guidelines for various programmes of the Colombian Family Welfare Institute, such as the community welfare services programme, the school meals programme, the Children's Breakfasts with Love programme and programmes on junior and youth clubs, elderly care, outpatient nutritional care, maternal and child welfare and nutritional rehabilitation centres.

B. Best interests of the child

89. The concept of the best interests of the child, which is set forth in article 8 of the Children's and Young Persons' Code as "the requirement of every individual to guarantee the full and simultaneous enjoyment of all human rights of children and young persons, which are universal, paramount and interdependent", is the guiding principle in society's actions and public policies directed at children and young persons as well as in specific decisions relating to situations where the rights and interests of children and young persons have to be reconciled with those of others. On this point the Constitutional Court has ruled that the concept of the best interests of the child is not an abstract but rather a real and relational principle which can thus only be applied by giving due consideration to the special and unique status of children and young persons.

90. The Constitutional Court held that, in order to justify decisions in the best interests of the child, at least four basic conditions must be fulfilled: (a) the interests of the child or young person for whose defence actions are taken have to be real (relationship to his or her particular needs and specific physical and psychological aptitudes); (b) the non-relevance of the arbitrary opinion of others; in other words, the child's or young person's survival and protection are not dependent on the will of parents or of public officials responsible for protecting them; (c) since a relational principle is involved, ensuring protection entails a balance of conflicting interests, the weighing of which must be guided by the safeguarding of this principle; (d) it has to be demonstrated that those interests are conducive to the achievement of a supreme legal good, namely the full and harmonious development of the child's or young person's personality. This rationale is clearly reflected in article 44 of the Constitution, which stipulates that the rights of children have primacy over the rights of others by reason of the special level of protection which children require.

C. Right to life, survival and development

91. All children and young persons resident in the national territory are guaranteed the right to a decent life without discrimination, as stated in Colombia's previous report to the

Committee on the Rights of the Child. A full appreciation of the situation regarding the enjoyment of this right by children in Colombia can be gained from the following data which relate to the period from 2004 to 2010 and are based on consolidated figures as at 31 December 2010 from the National Institute of Forensic Medicine and Science and the Juvenile Police Department:

- 1,262 suicides of children and young persons (see table 24 for a statistical breakdown by gender, year, age group and department).
- 36,034 cases of persons between the ages of 5 and 17 years involved in traffic accidents without suffering fatal injuries. Most victims in cases of this kind were males, whose total number is estimated at 21,169, the estimated number of female victims totalling 14,865. It should be noted that the number of cases of under-age persons injured in traffic accidents has declined over the years.
- 3,938 deaths of under-age persons in traffic accidents, of which 2,684 involved males and 1,254 females. Although the total for 2010 is a partial figure, it represents the largest number of deaths of both males (464) and females (238) from traffic accidents in the period referred to. The situation regarding investigations of cases of culpable homicide resulting from traffic accidents can be seen in table 20.
- 6,531 killings of children and young persons (see table 21 for a statistical breakdown by gender, year, age group and department). To deal with this situation the national Government is implementing the national policy and strategy on public safety and social order, one of whose action areas is prevention and provision of support following a differentiated approach. The situation regarding investigations of cases of intentional homicide whose victims were under-age persons can be seen in table 22 of the annex.

1. Non-imposition of capital punishment on offenders below the age of 18 years

92. The prohibition of capital punishment in Colombia is constitutionally mandated. Article 11 of the Constitution stipulates: “The right to life is inviolable. There shall be no death penalty.” The guiding principles of Colombian juvenile criminal justice are thus in line with the provisions of the Convention on the Rights of the Child.

2. Registering of deaths and extrajudicial killings of children and young persons

93. For the purpose of investigating cases involving extrajudicial killings, in particular when the victims are under-age persons, the Attorney-General’s Office has set up a database to ascertain the extent of the issue. It also organizes technical and legal committees to assess investigative difficulties and (in cases where members of the forces of law and order are allegedly responsible) participates in meetings with the military criminal justice authorities and the Counsel-General’s Office to determine the court which has jurisdiction to investigate cases lacking a priori clarity as to whether or not the crime in question was connected with the military services. It should be pointed out that there is no criminal offence classification of “extrajudicial killing” in Colombia.

94. Such conduct may, depending on the circumstances and the assessment made by the prosecutor in each specific case, be classified as murder of a protected person, this offence being established in article 135 of the Criminal Code, or as aggravated murder, which is defined in articles 103 and 104 of the Criminal Code. For details of the status of investigations pursued in the Attorney-General’s Office against law enforcement personnel for alleged commission of punishable acts of this kind, see table 23.

D. Respect for the views of the child

95. The right of children and young persons to be heard is established in article 26 of the Children's and Young Persons' Code, which stipulates that, in any judicial or other proceedings in which persons below the age of 18 years are involved, they shall have the right to be heard and to have their views taken into account. The exercise of this right has to be consistent with children's and young persons' freedom of expression, which is guaranteed in article 34 of the Children's and Young Persons' Code, and their right of participation, which is provided for in article 30 of the Code. In order to ensure the right of children and young persons to participate in judicial and administrative proceedings, educational initiatives have been directed at officials of the national family welfare system, justice practitioners and public defence lawyers operating within the national system of legal aid, among other professionals, to enhance their understanding and recognition of children's and young persons' ability to form and express their own opinions, according to their verbal and preverbal communication facilities, in connection with acts constituting violations of their fundamental rights, in acknowledgement of the right to be heard in such proceedings.

96. Various institutions have, in line with their areas of responsibility, undertaken activities aimed at guaranteeing the effective enjoyment of a child's right to have his or her views respected, including, in particular, the following:

- *The Counsel-General's Office.* The right of children and young persons to be heard has been promoted through the work of the family attorneys in the context of discussions held in the departmental and municipal social policy councils and through the youth councils.
- *The Ministry of Social Protection.* The Ministry of Social Protection has promoted the design, validation, implementation and evaluation of a discussion forum held with children and young persons on progress in safeguarding their rights. This forum took place at the tenth meeting of governors and is part of the public accountability initiatives conducted in the country's departments.
- *The National Institute of Forensic Medicine and Science.* The National Institute of Forensic Medicine and Science has included the duty to respect children's and young persons' views in its technical rules and in information-dissemination, awareness-raising and training activities for its experts. For example, it is stipulated in the "Technical rules on the adoption of a comprehensive forensic approach in the investigation of sex crimes" that whenever medical examinations are to be carried out on child or youth crime victims their views shall be taken into account. It has been laid down in the forensic psychological and psychiatric evaluation protocol that, in the case of interviews and examinations, if the child or young person is competent, he or she must give his or her free and informed consent to be examined. Also, the "Guide to conducting forensic psychological and psychiatric assessments on children and young persons who are alleged victims of sex crimes" stipulates that, before a child or young person is interviewed and undergoes a mental examination, the procedure has to be explained to him or her, and the legal representative's informed consent and the child's or young person's agreement have to be obtained.

IV. Civil rights and freedoms

A. Birth registration, name and nationality

97. Article 44 of the Constitution provides that children have the right to a name and to a nationality.⁸ The Children's and Young Persons' Code incorporates this constitutionally mandated requirement in its article 25, which lays down that children and young persons have the right to an identity and to preserve its constituent elements, such as name, nationality and family relations, in accordance with the law. For such purposes they must be registered immediately after birth in the civil register.

98. Article 109 of Decree-Law No. 1260 of 1970, in line with Decree No. 1694 of 1971, provides that persons aged between 7 and 17 years are to be identified by means of an identity card. From 2003 to 31 July 2011, according to figures from the National Civil Registry Office, 7,136,363 births were registered, 10,818,278 identity cards were issued to persons aged between 7 and 14 years and the identity cards of 1,431,842 persons aged between 14 and 17 years were renewed. Under the PMT II technology modernization project, the National Civil Registry Office has since July 2008 been executing the "900 new offices" subproject, the purpose of which is to install civil registration software in public hospitals, clinics, registry offices, consulates and notaries' offices. The implementation of this system means that all newborn babies leaving hospital premises are in possession of registration documents. With regard to children born elsewhere, the National Civil Registry Office, through the vulnerable persons support unit and in coordination with international cooperation agencies and other State authorities, including the Colombian Family Welfare Institute, is taking measures to ensure that such children and also displaced persons and conflict victims are guaranteed the right to an identity.

99. Directive No. 12 of 22 August 2005, issued by the Counsel-General's Office, promotes a strategy for the benefit of children below the age of 5 years which is aimed at expanding birth registration and vaccination coverage nationwide. Under Directive No. 8 of 2006 and Directive No. 3 of 2007 the Counsel-General's Office has instructed governors,

⁸ Constitution of Colombia, article 96:

"The following are Colombian nationals:

1. By birth:

(a) Natives of Colombia if their father or mother was a native of Colombia or a Colombian national or, in the case of children of foreign nationals, if either of their parents was domiciled in the Republic at the time of their birth; and

(b) Children of a Colombian father or mother who were born on foreign soil and subsequently became domiciled in Colombian territory or were registered at a consular office of the Republic;

2. By naturalization:

(a) Foreign nationals who apply for and obtain naturalization papers in accordance with the law, which will specify cases where naturalized Colombians forfeit such nationality;

(b) Latin American and Caribbean nationals by birth domiciled in Colombia who, with government authorization and in accordance with the law and the principle of reciprocity, apply for registration as Colombians to the municipal authority of the location where they settle; and

(c) Members of indigenous peoples who share border territories with Colombia, in application of the principle of reciprocity under public treaties.

No Colombian by birth may be deprived of his or her nationality. The status of Colombian national will not be forfeited through the acquisition of another nationality. Naturalized Colombians will not be required to renounce their original or adopted nationality.

Those who have renounced Colombian nationality may recover it pursuant to the law [...]."

mayors and other authorities to ensure the observance of the right to a name and nationality. In 2007 the Counsel-General's Office introduced a national-level procedure involving the communication of instructions to the National Civil Registry Office, municipal authorities and local registry offices with a view to promoting the establishment of mechanisms under which children are registered at the time of birth.

B. Preservation of the identity of adopted children

100. As mentioned above, the Colombian State guarantees the right of all children and young persons to an identity. It should, however, be noted that one of the legal effects of adoption is the establishment of a relationship by law between adoptee and adopter, which extends to relatives in all lines and degrees of relationship by blood, adoption or affinity. Also, adopted children have to bear the surnames of the persons adopting them. As regards the forename, this may be changed only in cases where the adoptee is under 3 years of age or consents to the change or the court finds justified reasons for so doing.

101. In order to guarantee in adoption cases the continuity of children's ethnic, religious, cultural and linguistic backgrounds, the adoption of an indigenous child where the adopters are members of its community will take place in conformity with its customs and practices, in line with the indigenous authorities' judicial powers. If the adopters do not belong to the indigenous child's community, the adoption process will be subject to prior consultation with and the favourable opinion of the authorities of the original community unless by virtue of the principle of the best interests of the child it is necessary to protect the child for reasons of abuse or domestic violence.

C. Freedom of expression and the right to seek, receive and impart information

102. Article 34 of the Children's and Young Persons' Code lays down that children and young persons in Colombia have the right to seek, receive and impart information and ideas through the media available to them. The national Government has developed programmes and strategies directed at children and young persons with a view to the effective realization of this right. The public policy on children and young persons establishes citizenship as one of the four categories of rights and stipulates, as a policy objective, that social forums must include the participation of all children and young persons.

103. The National Child and Youth Plan, 2009–2019, reasserts this policy objective, participation being a key cross-cutting element of the process of inclusion and the exercise of other rights of children and young persons. The social policy councils, as consultative, coordinating, advisory and decision-making bodies, make it possible to define strategies for the formulation and comprehensive and coordinated execution of social policies in departments and municipalities and encourage the effective participation of this population group.

104. The youth councils, as collegial civil-society bodies enjoying autonomy in the discharge of their responsibilities and functions within the national youth system and operating at both the national and the local level (departments, districts and municipalities), serve as the mouthpiece for this population group and represent its interests before governmental authorities and non-governmental organizations (NGOs). As at December 2010 there were 461 municipal youth councils, three district youth councils, 11 departmental youth councils and 20 local youth councils (in the city of Bogotá). The membership of these bodies comprises persons elected by the youth population by direct popular vote (60 per cent) and representatives of youth organizations (40 per cent).

1. Facts and Rights Strategy: departments and municipalities working for children and young persons

105. The Facts and Rights Strategy was included in the 2006–2010 National Development Plan “A Community State: Development for All” as a mechanism to help reduce poverty and promote equity. Its operational plan incorporates the following measures aimed at strengthening child and youth participation nationwide:

- Mayors’ and governors’ meetings: declarations by children and young persons;
- Public accountability initiatives to safeguard the rights of children and young persons (execution: 2010–2011);
- Child and youth policies in departments and municipalities.

2. National Network on Participatory Experiences

106. This network involves initiatives led by children and young persons across the country and supported by a number of State authorities and international cooperation agencies to promote the right of participation and to share experiences. Details of the programmes and the institutions which have carried out projects concerned with child and youth participation in Colombia are set out below.

a. Colombian Family Welfare Institute

107. The Colombian Family Welfare Institute operates the junior and youth clubs programme, under which training, educational and participation initiatives are undertaken. During the period from 2004 to 2010 the number of children and young persons benefiting from these initiatives exceeded 654,325, with an investment of more than 96,247,904,197 pesos. In 2010 adjustments were made to the guidelines for regular prevention programmes involving ethnic groups (indigenous, Afro-Colombian, black, creole, native islander and Roma) with the aim of implementing and reinforcing a truly differentiated approach. The fourth intergenerational regional meeting on child and youth participation organized within the framework of technical cooperation received from the Inter-American Children’s Institute was attended by children and young persons from 13 countries of the Americas. The Colombian Family Welfare Institute has also encouraged children’s freedom of expression through a manifesto of proposals drawn up by 300 young persons to uphold their rights as part of the initiative “Youth has a voice and offers it to the country”. Under this strategy 28 regional meetings have been held, with the participation of 2,000 child and youth leaders, and 1,500 young persons have benefited from prevention and protection programmes operated by the Colombian Family Welfare Institute.

b. Ministry of Education

108. The Ministry of Education has promoted various strategies to encourage child and youth participation in local and national educational forums. These initiatives are as follows:

- The school governing body. The role of this body is to ensure the democratic participation of all strata of the educational community. Its executive board comprises representatives of the educational community, students and former pupils. It is set up on a participatory basis.
- The student spokesperson. This final-grade pupil is responsible for promoting the exercise of students’ rights and duties as established in the Constitution, laws, regulations and rules of good order. Since 2001 the Youth Training and Studies Centre has convened and held nine national meetings of student spokespersons and student representatives.

- The youth parliament project. This initiative by the education sector of Mercosur is aimed at generating participatory processes and debate among young people of the region. The initiative, in which 5,359 Colombian students have taken part, has included international forums such as the Ibero-American Congress on Education: 2021 Goals, held in Buenos Aires, Argentina, and the Youth Parliament session in Montevideo, Uruguay, which resulted in a regional declaration to the social forum of the Mercosur summit in Foz do Iguaçu, Brazil.
- The programme on basic standards of citizenship skills. This programme is designed to develop learning criteria for all grades of primary and secondary education in three action areas: (1) peace and social order; (2) democratic participation and responsibility; and (3) pluralism, identity and appreciation of differences. The programme is being carried out at 909 educational establishments under 57 certified education secretariats and involves approximately 186,000 students and 3,023 teachers.
- The *Eduderechos* rights education programme. This initiative, which is aimed at promoting the exercise of human rights, focuses on developing basic and citizenship skills in line with other cross-cutting programmes (the sexuality and citizenship education programme and the environmental education programme). It is being implemented at 87 educational establishments under 15 education secretariats with the participation of 4,272 students and 670 teachers and senior managers.

c. *Ministry of the Environment, Housing and Local Development*

109. The initiatives described below have been undertaken by the Ministry of the Environment, Housing and Local Development with a view to promoting children's and young persons' right to freedom of association.

- The young environmentalists project, which is part of the National Community Environmental Promotion Programme, is designed to generate environmental education, management and participation initiatives within the context of sustainable development in line with local policies and needs. It is also aimed at assessing the environmental education and participation situation with respect to communities, institutions and authorities on the basis of local, municipal and regional environmental management tools and the development of participatory forums. To date, 3,000 children and young persons have received training.
- The National Young Environmentalists Network, in which over 5,000 children and young persons take part, provides a forum for dialogue, discussion and knowledge- and experience-sharing with the aim of encouraging the recognition, identification and definition of socio-environmental problems, the local assimilation of global commitments and the assumption of responsibilities for building sustainable communities.
- The national youth symposium "We will care for Colombia" was organized, together with preparatory regional meetings, for the purpose of establishing a charter of responsibilities for Colombian children and youth, and the national young environmentalists' symposium was held in Bogotá D.C. with the participation of 200 young people from Colombia. Particular mention should also be made of the first national conference of young environmentalists, which brought together 200 young persons from 25 of the country's departments and resulted in the preparation of a socio-environmental participatory appraisal on Colombian children and youth.

d. *Ministry of Culture*

110. A national symposium on early childhood and youth organized in Santa Marta by the Ministry of Culture was attended by representatives from different communities, who discussed the major obstacles facing children during the period of early childhood. The meeting enabled the conclusion to be drawn that there was a need to strengthen both institutional and public understanding of and involvement in children's issues, increase the level of investment and effectiveness of government resources in addressing the needs of children, establish a strategy for coordination between the different public and private bodies responsible for promoting children's rights and strengthen public administration with the incorporation of a differential and do-no-harm approach in action in support of children and young persons.

e. *Presidential Agency for Social Action and International Cooperation*

111. The Presidential Agency for Social Action and International Cooperation has implemented the Assemblies for My Rights programme. The purpose of the programme is to make child participation forums available so that children and young persons who are victims of displacement can exercise their right of participation, express their views and put forward proposals with the aim of encouraging public policy and citizenship development from childhood. The results of these assemblies are discussed and adopted by the children and young persons and submitted by them, as a public instrument, to the municipal panels on strengthening displaced persons' organizational capabilities and to the authorities.

f. *Young Colombia Presidential Programme*

112. The Young Colombia Presidential Programme has developed initiatives to promote and encourage observance of children's and young persons' right to freedom of association in different areas such as sport, sexual health and civic participation. These initiatives are as follows:

- The *Golombiao* Football for Peace scheme. Between 2004 and 2010, 72,608 young persons from different departments of the country, including indigenous and Afrodescendent communities, participated in the scheme.
- The youth volunteering scheme. This project, in which 310 young persons have taken part, is aimed at the implementation of civic participation strategies and sustainable environmental, recreational, cultural, artistic and economic practices.

g. *Ombudsman's Office*

113. This institution has promoted a human rights education programme involving schemes for providing support to girls and boys released from illegal armed groups. Over 240 children and young persons from different departments of the country have participated in the programme, which receives assistance from the Government of Belgium and is implemented in coordination with the Colombian Family Welfare Institute and the International Organization for Migration.

h. *Ministry of Information and Communication Technology*

114. The Ministry of Information and Communication Technology has set up schemes to facilitate access to information about State institutions through the Government Online programme, which is to include information aimed at children and young persons on individual institutions and their activities in an educational format via an interactive interface (Decree No. 1151 of 2008, which lays down general guidelines for the government online strategy of the Republic of Colombia). It has developed guidelines on the preparation of style manuals for community broadcasting stations, which have been in

use since 2003 and which highlight the importance of taking account of children and young persons and their rights in programme planning and implementation by these broadcasting stations. Since 2006, to assist with training initiatives for broadcasting stations, it has produced the handbook “How to do radio with and for children and young persons”, which is aimed at community radio licensees, members of programming boards, directors, producers, coordinators, scriptwriters, announcers, correspondents, volunteers and persons jointly responsible for the running of community broadcasting stations.

i. Counsel-General’s Office

115. Through its Directive No. 2 of 2010 concerning the national public policy on youth, the Counsel-General’s Office urged governors and mayors to take measures to promote the setting up of departmental, district, municipal and local youth councils and encourage young persons’ participation and involvement in the formulation of youth development plans through an approach that recognizes them as social stakeholders in the national public policy on youth. In 2004, technical guidelines were prepared regarding the requirement that the views of children and young persons be listened to and taken into account in judicial proceedings. The family attorneys ensure that this obligation is fulfilled.

j. Office of the Comptroller-General of the Republic

116. The educational community and youth social audit project is aimed at promoting and encouraging participatory fiscal auditing by young persons through the organization of a diploma course for teachers and ninth-, tenth- and eleventh-grade students with a view to establishing citizens’ watchdog groups to address topics of relevance to them and engaging youth in public affairs within their municipal and departmental settings. In 2010, the project was undertaken in seven municipalities of 12 departments for the benefit of 956 students and 146 watchdog groups were set up with support from the German Agency for Technical Cooperation (GTZ).

k. National panel on child and youth participation

117. This is a forum for dialogue between governors and children and young persons from different departments. It was established in June 2007 and is involved with initiatives undertaken through the Alliance for Colombian Children and the Facts and Rights Strategy. As part of its work a text entitled “Six keys” was published, summarizing the conceptual and operational framework developed to enable children and young persons to realize their right of participation in a genuine, meaningful and positive manner.

3. 2010 Colombian youth declaration to the national Government

118. On 21, 22 and 23 July 2010 the provincial government of the department of Meta organized and conducted, in association with the Colombia Youth Presidential Programme and the International Organization for Migration and with support from the Colombian Family Welfare Institute, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme, the national youth symposium “Colombia’s target: youth 20/20”, whose most important outcome was a declaration to the national Government by 254 young persons from across Colombia setting out the priority issues for the country. Also, sociopolitical essays were presented by 154 young persons.

D. Freedom of thought, conscience and religion

119. Articles 16, 18 y 19 of the Constitution establish respectively the rights to free development of personality, freedom of conscience and freedom of worship. As stipulated in article 37 of the Children's and Young Persons' Code, these rights are fundamental freedoms of children and young persons.

E. Freedom of association and peaceful assembly

120. Articles 38 and 39 of the Constitution provide for the fundamental rights to freedom of assembly and association. With regard to children and young persons, these rights are incorporated in article 32 of the Children's and Young Persons' Code. This article lays down that children and young persons have the right to associate and assemble for social, cultural, sporting, recreational, religious, political or any other purposes. It also states that this right specifically encompasses the right to join associations, including their executive bodies, and to promote and form associations composed of children and young persons.

F. Protection of privacy and protection of the image

121. The right to privacy is established in article 15 of the Constitution and, with respect to children and young persons, has been incorporated in article 33 of the Children's and Young Persons' Code. This article lays down that children and young persons have the right to personal privacy through protection from arbitrary or illegal interference with their private or family life, home or correspondence. They are also protected from all acts which may impair their dignity.

G. Access to information from a diversity of sources and protection from material injurious to the child's well-being

122. With regard to protection from material harmful to children and young persons, article 20 (4) of the Children's and Young Persons' Code stipulates they must be protected from rape, incitement or encouragement to, or coercion into, prostitution, sexual exploitation, pornography and any other conduct which may infringe their sexual freedom, integrity or development. Article 47 of this instrument lays down the following responsibilities of the media:

- To promote the rights, freedoms, social well-being and physical and mental health of children and young persons;
- To respect children's and young persons' right to freedom of expression and to information;
- To adopt policies on the dissemination of information concerning children and young persons which take into account the primacy of their rights;
- To promote the disclosure of information that will make it possible to trace the parents of children or young persons who have been separated from them for any reason;
- To refrain from disclosing material that discriminates against children and young persons;
- To refrain from making broadcasts which harm the moral, physical or psychological integrity of persons below the age of 18 years or which incite violence, defend

crimes or misdemeanours or contain descriptions of a gruesome or pornographic nature;

- To refrain from broadcasting cigarette or alcohol advertisements during hours classified as children's viewing times;
- To refrain from interviewing, naming or disclosing particulars that identify or could serve to identify children or young persons who have been victims, perpetrators or witnesses of unlawful acts.

123. Details of programmes and strategies to prevent children and young persons from having access to information which may harm their sexual freedom, integrity and development appear below in the chapter entitled "Special protection measures".

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment

124. The prohibition of torture and cruel treatment or punishment in Colombia is constitutionally mandated under the terms of article 12 of the Constitution. The Children's and Young Persons' Code, in incorporating the right of children and young persons to personal integrity, states that they have the right to be protected from any act or conduct of whatsoever nature which may cause death or physical, sexual or psychological harm or suffering. Protection from mistreatment and abuse (being understood as any form of injury, punishment, humiliation or physical or psychological abuse) specifically covers neglect, negligent treatment, ill-treatment, sexual exploitation, abusive sexual acts and rape and generally any form of violence or assault. Also, article 45 of the Children's and Young Persons' Code lays down that it is not permitted at formal and informal State and private educational establishments to impose punishments which involve physical or psychological mistreatment or to adopt measures which in any way impair the dignity of children and young persons.

1. Programmes of the Colombian Family Welfare Institute for the prevention of child abuse

125. The Institute's Homes with Well-being programme targets poor and vulnerable population groups in the country's different departments and is aimed at promoting the enhancement of child-rearing skills and children's and young persons' all-round growth in a harmonious living environment, the advancement of sound sexual and reproductive health and the development of protective factors for risk reduction in regard to accommodation and housing conditions through an educational, psychological and social strategy that encourages improvements in quality of life and well-being.

- Measures to promote prosocial behaviour, aimed at children aged between 3 and 6 years and their families. Under the national policy on building family peace and harmony the Colombian Family Welfare Institute has set itself the challenge of developing models for preventing, detecting and dealing with domestic violence. On the basis of a needs prioritization exercise and review of international experiences in preventing early-childhood violence, a model for promoting prosocial behaviour was formulated, implemented and validated during the period from 2005 to 2007 with the participation of the Ministry of Social Protection, the education secretariats of the cities of Pasto, Tunja and Armenia and the Colombian Family Welfare Institute's specialist teams (national headquarters and regional centres of Boyacá, Nariño and Quindío) under a cooperation agreement between the Colombian Family Welfare Institute and the Inter-American Development Bank (ATN/JF-7574-CO).

126. Prosocial behaviour promotion model. This educational strategy, which is aimed at 3- to 6-year-olds attending community childcare centres and preschool facilities operated by the Colombian Family Welfare Institute, incorporates two key components: (a) technical assistance in the implementation of activities by “community mothers” and nursery teachers to promote prosocial behaviour; and (b) family advice for parents and/or carers, primarily in cases identified as involving a high risk of early aggression or inappropriate sexual behaviour. The model is in operation nationwide.

127. Child-rearing training for families. The purpose of this initiative is to offer instruction to parents and carers on the appropriate upbringing of their children through relationship and child-rearing skills training in the areas of dialogue, peaceful resolution, respect, democracy and mutual support. In 2010 the scheme covered 30 departments, with a total of 36,332 beneficiaries.

128. Domestic violence victim support centres. The aim of this inter-institutional management model is to combine the efforts of the competent State authorities in order to ensure comprehensive, timely, effective and restorative support for families which are victims of domestic violence. Centres with personnel of the Colombian Family Welfare Institute operate in Neiva and Bogotá only, while the prosecution service has 25 centres across the country.

2. Female genital mutilation

129. Female genital mutilation has been practised in Colombia by the Embera Chamí indigenous community in the municipalities of Pueblo Rico and Mistrató in the department of Risaralda. The Colombian Government has endeavoured to discourage this practice through educational initiatives to promote the sexual and reproductive rights of Embera women and girls. A central inter-institutional panel was set up for that purpose in 2007, comprising State agencies and the United Nations Population Fund, the Comprehensive Programme against Gender-based Violence of the Millennium Development Goals Achievement Fund and the International Organization for Migration, which have provided technical and financial support for the project. Further details of this project are contained in the section entitled “Measures to prohibit and eliminate all forms of harmful traditional practices, female genital mutilation and early and forced marriage” in the chapter “Disablement, basic health and well-being”.

I. Measures to promote physical and psychological recovery and social reintegration of child victims

1. Sexual violence

130. The objective of the National Plan on Preventing and Eradicating Commercial Sexual Exploitation of Children and Young Persons, 2006–2011, is to strengthen the development of prevention, early-detection and support measures that will guarantee the realization of the rights of child and youth victims of this crime. The proposed areas of implementation of these measures are as follows: (i) situational analysis; (ii) regulations; (iii) support, restitution and redress; (iv) prevention; (v) institutional strengthening and coordination; and (vi) child and youth participation.

2. Victims of armed conflict

131. The Colombian Family Welfare Institute has devised and is operating a specialized programme of assistance for children and young persons released from illegal organized armed groups, which is being carried out under a support model on preparing for a productive social life with a rights-based approach through initiatives involving rights

restoration, citizenship development and social integration. The model is implemented in four phases under different arrangements (institutional care and family and social support settings), in which measures are undertaken on the basis of rights areas, as follows:

- Identification and diagnosis, the purpose of which is to define the child's or young person's profile;
- Intervention, which is aimed at the development and execution of a comprehensive family support plan;
- Consolidation, which refers to the period in which children's and young persons' preparation for an independent social and productive life is intensified with a view to their social integration;
- Post-discharge monitoring, a follow-up procedure carried out for a period of at least six months in order to check the conditions of social integration.

3. Trafficking victims

132. The national comprehensive strategy to combat trafficking includes the design and execution of programmes of assistance for the purpose of victims' physical, psychological and social recovery. Support measures include, at a minimum, the following:

- Under programmes of short-term assistance: the return of victims to their place of origin; safety; adequate housing; medical, psychological and material assistance; and legal advice and information;
- Under programmes of longer-term assistance: training and help in seeking employment opportunities and legal support, especially in the filing of legal action to claim compensation for the harm suffered.

V. Family environment and alternative care

A. Family environment and parental guidance in a manner consistent with the evolving capacities of the child

133. Article 42 of the Constitution states that the family is the basic unit of society. It also lays down that the family's honour, dignity and privacy are inviolable and that family relations are based on equality of rights and mutual respect among all its members. The Children's and Young Persons' Code stipulates that the father and mother have joint and shared responsibilities towards the children and are both responsible for their guidance, support, care and upbringing in order to ensure that children and young persons achieve the highest level of enjoyment of their rights during their development.

134. The Colombian Family Welfare Institute's guidelines on families' inclusion and support — the solidarity model — state that the family is an "ecosystemic unit for survival and building a solidarity of destinies through daily rituals, stories and ideas about life and the interplay of the evolutionary cycles of all family members in their sociocultural situations". This flexible and systemic definition includes all aspects of particular significance for the development of children's and young persons' capacities. The Constitution and domestic law uphold the concept of the evolving capacities of children and young persons, the first years of life being considered the most important period for a child's development. The right to all-round development in early childhood is fully recognized in different national and international instruments adopted by Congress. Article 29 of the Children's and Young Persons' Code states that this is the stage of development

when the foundations of the cognitive, emotional and social development of the human person are established.

135. In line with the foregoing, the Colombian Government has developed a specialized public policy for this population group, entitled “Colombia working for early childhood”, in which the family is regarded as an educating agent and as “the most conducive environment for creating strong bonds, encouraging socialization and promoting human development and also, from the State’s and society’s viewpoint, as their social capital [...]. Within the context of the public policy on early childhood, the importance of the family lies in the fact that it constitutes the setting in which children’s links with the world are forged, a key aspect in their development as psychosocial entities”.

136. In implementing this policy the State has since 2008 carried out dissemination, validation, outreach and training activities for parents, carers, physicians and teachers across the country with a view to reinforcing the concepts of child development and early-childhood skills. As regards measures to provide comprehensive early-childhood support, the Ministry of Education and the Colombian Family Welfare Institute have implemented a family environment scheme targeting children and their families (mother, father and/or carer) and also expectant and breastfeeding mothers. In addition, a parental education programme has been set up and is being implemented at formal and non-formal educational establishments in accordance with the provisions of Act No. 1404 of 2010.

137. The State is conducting awareness and promotional campaigns and undertaking programmes aimed at the reinforcement and assimilation of child-rearing standards and the provision of training consistent with the child’s or young person’s development and life-cycle stage. The Ministry of Education has implemented various support schemes which have been designed to operate in different demographic, social and cultural situations and to meet the needs of children and their families, specifically targeting vulnerable population groups. Educational activities have been introduced in the following settings in line with those measures:

- The family setting. The aim is to enhance the levels of care provided to children by their families in cases where, owing to geographical or other restrictions, they do not have access to formal services such as welfare support or preschool facilities. The scheme is aimed at under-5-year-olds, their families (father, mother and/or carer) and also expectant and nursing mothers.
- The institutional setting. Comprehensive early-childhood support is provided in an appropriate environment by an interdisciplinary team. The components of this scheme are childcare, nutrition and nursery education. It is intended for under-5-year-olds in urban areas who do not have access to comprehensive care facilities owing to the lack of provision.
- The community setting. This scheme, which supplements existing comprehensive care services, is run for children by their community welfare support facility with the aim of ensuring a healthy and appropriate environment that will promote the development of children’s learning skills and competences through enriching teaching methods. The scheme is intended for under-5-year-olds who currently attend community childcare centres operated by the Colombian Family Welfare Institute.

138. With regard to education, article 7 of the General Education Act (Act No. 115 of 1994) and Decree No. 1286 of 2005 establish the obligations, rights and duties of families regarding the education of their children, including parents’ participation in improving the educational processes of State and private establishments. A further development in Colombian legislation has been the promulgation of the Comprehensive Family Protection Act (Act No. 1361 of 2009), under which the State is required to

formulate and execute the public policy on the family, set up the national family monitoring centre and design and carry out activities to celebrate national family day (15 May).

B. Parents' common responsibilities, assistance to parents and the provision of childcare services

139. With respect to parents' common responsibilities, the law reaffirms the principle that the primary responsibility for a child's upbringing and development rests with the parents. As mentioned above, the Children's and Young Persons' Code stipulates that the family, society and the State have a shared responsibility in regard to the care, support and welfare of children and young persons. Parents are specifically required under the Constitution, the Convention on the Rights of the Child, other treaties on children, young persons and the family, case law, the Children's and Young Persons' Code (arts. 8, 9 and 14) and other regulations to ensure that their children's rights are fully and simultaneously realized in accordance with the principle of the best interests of the child as an active rights-holder. Article 14 of the Children's and Young Persons' Code states that parental responsibility complements parental authority as established by civil law. It also sets out the obligations of parents with respect to the upbringing of children and young persons and the provision of care, guidance and support during their development. These are joint and shared responsibilities of both parents, who must ensure that children's and young persons' rights are realized to the maximum extent. Also, parents' responsibilities and the specific obligations of the family are laid down in article 39 of the Children's and Young Persons' Code.

140. With a view to assisting parents, the Colombian Government has promoted various programmes, as outlined below:

- First, as part of early-childhood support services a cross-cutting training strategy is currently being implemented for parents and carers. This family education programme involves working with parents or carers of children who use the services and covers various topics, including children's rights, acceptable child-rearing standards and prevention of maltreatment, violence and sexual abuse.
- Secondly, parents who work are entitled to high-quality childcare services. Provision has been made to this end in the three support settings already referred to (family, institutional and community).
- Thirdly, parents of children and young persons suffering from any form of disability receive appropriate additional forms of assistance, such as non-residential and semi-residential support. Comprehensive family assistance plans tailored to families' circumstances and needs are drawn up by the care institution with the family.

141. The programmes of assistance provided for this population group include the home-based care scheme, under which a monetary grant is made available and participants benefit from the family support and strengthening strategy, whose purpose is to counsel, help and strengthen families of children with disabilities and displaced families (floating families and those moving between municipalities or departments, across borders or as a result of armed conflict) who, because of their situation of poverty, have difficulty meeting their children's needs.

142. The purpose of this strategy is to strengthen families of children with disabilities who receive home-based care services from the Colombian Family Welfare Institute in order to enable them to fulfil their responsibility of providing for their children's needs. It also promotes the inclusion of children with disabilities and their families as the main

actors in the identification of their needs. The strategy fosters self-esteem and self-recognition among family unit members, especially carers of children with disabilities, and encourages their recognition as citizens and as stakeholders in the formulation of disability policy and the development of social networks to promote the inclusion of children with disabilities.

143. The strategy is implemented in three phases (evaluation, intervention and consolidation), its aim being to provide social welfare measures that take into account the specific circumstances of each family, especially the situation of parents and carers.

- Fourthly, the Code of Substantive Labour Law, in line with Act No. 755 of 2002 and Act No. 1468 of 2011, affords special protection to pregnant working women. The statutory benefits include paid maternity leave (14 weeks; 16 weeks for multiple births). Under the terms of Constitutional Court Decision C-174-09 of 18 March 2009, husbands or partners are entitled to eight working days' paid paternity leave. Documentary evidence of eligibility for paid paternity leave is constituted by the birth certificate, which has to be presented to the health insurer⁹ within 30 days following the date of birth.
- Fifthly, article 57 (6) of the Code of Substantive Labour Law lays down the obligation of employers to grant necessary paid leave to employees in cases of duly proven domestic upheaval without any requirement on the employee's part to make up the days of leave granted. Although domestic upheaval is not defined in the Code of Substantive Labour Law, it has been construed as any family occurrence whose severity affects the normal performance of workers' occupations, where fundamental rights of major importance in their personal or family life may be threatened or where their emotional stability may be affected owing to severe mental suffering.¹⁰

The Government also promotes employment conditions that help parents fulfil their parental responsibilities. Such initiatives include microenterprise support offered by the National Learning Service and the Women's Foundation.

144. In accordance with article 42 of the Constitution (“[...] Children who are born in or out of wedlock, adopted or conceived naturally or with scientific assistance shall have equal rights and duties [...]”), all guarantees that are established for biological parents are accorded and extended to adoptive parents on the same conditions, the date of birth being deemed equivalent, where applicable, to the date of official handover of the adopted baby. With regard to the provision of childcare services, article 51 of the Constitution lays down that under-1-year-olds are entitled to free treatment at public and private health centres. Articles 27, 28, 36, 41, 56 and 205 of the Children's and Young Persons' Code provide for the compulsory inclusion of all children and young persons in the comprehensive health system, establish free education at State establishments and stipulate that parents who provide comprehensive care for their disabled children are to receive a special allowance from the State.

145. Under this group of articles the State is obliged to support families in order to ensure that their children receive the food necessary for their all-round development and is required to guarantee the level and quality of care received by pregnant women and their children during the first five years of life. In addition, these articles lay down that agencies

⁹ Under the comprehensive social security system, health insurers are responsible for the provision of medical care. For further details on this matter; see Act No. 100, of 1993, on the Senate's web site: http://www.secretariasenado.gov.co/senado/basedoc/ley/1993/ley_0100_1993.html.

¹⁰ As stated by the Constitutional Court in its Decision C-930 of 10 December 2009, reporting judge Dr. Jorge Ignacio Pretelt Chaljub.

of the national family welfare system must, in line with their areas of responsibility, make adequate funds available to the family so that it can ensure that its children's rights are met until it can provide for their fulfilment itself. They also stipulate that local authorities are required to allocate budget resources to safeguard and protect children's and young persons' rights and to guarantee their restoration in cases of infringement.

C. Separation of children and young persons from their parents

146. Article 44 of the Constitution states that one of the fundamental rights of children and young persons is their right to a family and not to be separated from it. The Children's and Young Persons' Code establishes in article 22 the right of children and young persons to a family and their right to grow up within their family, to be accepted by it and not to be expelled from it; it lays down that children below the age of 18 years may only be separated from their family if their family cannot guarantee the conditions for the realization and exercise of their rights; and it prohibits the separation of children and young persons from one or both parents for financial reasons. The Colombian State thus ensures that children and young persons are not separated from their families except where necessary for the best interests of the child. Therefore, any decisions establishing the need for children below the age of 18 years to be separated from their parents must be based on the children's best interests.

147. With regard to children and young persons belonging to ethnic minorities, article 70 of the Children's and Young Persons' Code lays down the requirement that preliminary consultations be held with the authorities of the original community of children below the age of 18 years in order to allow their permanent separation from their parents.

148. Colombian law permits judicial intervention on children's and young persons' behalf where there is disagreement as to their place of residence or generally whenever disagreement exists concerning arrangements to ensure the comprehensive protection of their rights. Decisions whereby the separation of children or young persons from their parents is held to be necessary have to be approved by authorities competent to assess situations in which a child's or young person's best interests may possibly be threatened or infringed. Those authorities must be in possession of all information required to substantiate their decisions, which have to be the outcome of a critical examination of the evidence gathered in the administrative or judicial proceedings. Administrative decisions which determine the legal status of children or young persons are subject to judicial review by a family court, given that such decisions alter the measures to protect the rights of under-18-year-olds.

149. It should be noted that article 81 of the Children's and Young Persons' Code establishes the duty of the administrative authorities to ensure that legal proceedings are promptly resolved and to adopt measures to prevent any interruptions to them. To that end it lays down strict time limits. Failure to observe such time limits will give rise to the loss of jurisdiction and the initiation of appropriate disciplinary investigations.

150. With regard to expert examinations, the National Institute of Forensic Medicine and Science has formulated guidelines to be followed in the conduct of family appraisals in cases where the authorities request forensic psychiatric or psychological assessments in connection with family proceedings involving children or young persons.

151. In proceedings to determine parental authority and custody, the authority has to ascertain whether a person's mental structure enables him or her to assume and efficiently fulfil his or her role as father or mother. The purpose of the assessment is to identify the father's and/or mother's personality traits, the following aspects of which are evaluated:

- Aptitudes and attitudes that enable the parent to provide for accommodation, food and clothing needs;
- Ability to establish strong and long-lasting bonds of affection that will ensure the emotional well-being of under-18-year-olds;
- Level of moral development in order to judge whether the parent can offer a healthy environment for the upbringing of his or her children;
- Level of overall functioning for the purpose of determining the parent's degree of psychological and relationship integration;
- Presence or absence of mental illness.

152. In connection with family proceedings involving the regulation of visits, the quality of the relationships between a family's members, especially between fathers, mothers, sons and daughters, have to be ascertained and steps must be taken to determine whether they possess personality or psychopathological characteristics that may affect family harmony. The purpose of such expert examinations is to identify personality traits, bonds of affection with their children, their outlook regarding the relationship with their children, the presence or absence of illness and the treatment needs of the parents (or guardians) and the child.

153. With respect to persons below the age of 18 years, their level of psychomotor development, the presence or absence of illness, the quality of bonding, their perception of and expectations concerning their separation from their parents and their treatment needs have to be determined. To guarantee children's and young persons' contact with their parents in the case of confrontational relationships, articles 253 and 256 of the Civil Code regulate parental visits. Under conciliation proceedings, parents may agree on the method, time and place and their commitments with regard to the regulation of visits.

154. It should be noted that case documents are subject to confidentiality in order to respect children's and young persons' right to privacy and the administrative authorities must therefore refrain from disclosing any decisions to be taken in the proceedings, on pain of being charged with misconduct.

155. The Children's and Young Persons' Code lays down that, in procedures for the restoration of children's and young persons' rights, all individuals involved and interested parties, including persons below the age of 18 years, have to be summoned and heard. The children or young persons and their family members undergo assessments from different aspects (law, psychology, social work, nutrition and diet) to provide an understanding of the family's situation and a basis for the related judicial or administrative decisions.

156. The Colombian State avoids the unnecessary separation of parents from their children, to which end it affords practical and psychological assistance to families, and technical and administrative guidelines have been drawn up for an action strategy and support system on restoring the rights of children, young persons and individuals above the age of eighteen years with disabilities whose rights are threatened, infringed or contravened. The psychosocial and therapeutic component of these guidelines incorporates psychosocial measures to assist in the rebuilding of life plans and bonds and in the grieving process in order to ensure children's and young persons' personal, family and social development and emotional stability in cases where families or attachment networks offer the conditions to safeguard their rights.

157. With a view to strengthening family bonds, alternatives and solutions to specific situations of children or young persons and their family members or attachment network, such as emotional distress, behavioural disturbance or trauma, are explored under the therapeutic component.

158. The guidelines also include a family component, which is concerned with the pursuit of measures to achieve the active and ongoing participation of the family or attachment network in the rights restoration process or, if the family or attachment network is absent, in the process of grieving and acceptance of its loss and the search for alternative arrangements for re-establishing bonds. Steps have to be taken by the specialist interdisciplinary teams of the competent authority or institution within the time limits specified in the Act on Administrative Procedures for the Restoration of Rights to check the family's living conditions and its capacity as duty-bearer. Also, emphasis is to be placed on the importance of attachment networks in the process of developing emotional ties and safeguarding the rights of children and young persons.

159. In line with article 9 of the Convention on the Rights of the Child, the Children's and Young Persons' Code does not specify any age limit for children and young persons to be heard or to participate in rights restoration procedures conducted for their benefit. If any child, having regard to his or her life-cycle stage, is not able to speak, a medical, psychological, nutritional and social assessment will be carried out to identify his or her condition in each of these areas and a specialist opinion or appraisal will be obtained on the findings and will form part of and serve as evidence in the rights restoration procedure.

160. Colombian law states that the due process rights of children and young persons include their right to be heard and have their views taken into account in accordance with their life-cycle stage and their cognitive and emotional development. In this connection, article 81 of the Children's and Young Persons' Code stipulates that the authorities, in exercise of the powers vested in them by law, have a duty to ensure equality of the parties in the proceedings and to prevent, remedy and punish by statutorily defined sanctions any acts contrary to the principles of justice, integrity, probity and good faith which have to be observed in the proceedings and any attempted abuse of legal process.

1. Children and young persons in institutional care or family placement settings

161. In cases where children or young persons are placed in residential institutions or with families, the State guarantees parents' regular contact with their children provided that this is consistent with the best interests of the child.

2. Young persons in conflict with the criminal law

162. To ensure that young persons who have committed breaches of the criminal law are not separated from their parents except in cases where the competent authorities consider such separation necessary (as a last resort and for the shortest time possible), the juvenile criminal justice system requires that they preferably remain within their own family setting provided that this meets the conditions required for their development.

163. Decree No. 860 of 2010 regulates family responsibilities in juvenile criminal proceedings, laying down that both parents have to be present at the related hearings, except in court procedures where the judge deems their attendance inappropriate, and that the parents must supervise the young person's conduct during enforcement of the penalty imposed by the court, ensuring that it is duly and fully carried out. In cases where custodial sentences are imposed on young persons, their parents or the persons responsible for their care must make regular visits to the place of detention for the purpose of ascertaining the young person's situation and must participate and assist in social rehabilitation measures and inform the competent authority of any anomalies.

3. Children and young persons living on the streets or engaged in the worst forms of child labour

164. Programmes concerned with the provision of support for children and young persons living on the streets or engaged in the worst forms of child labour incorporate the principle that the child's best interests must be the primary consideration, which means ensuring all-round development and a decent life within and outside the family setting through a series of actions and measures to that end.

4. Family reunification of immigrants and refugees

165. The regulations on family reunification of immigrants and refugees take into consideration the right of children and young persons not to be separated from their parents unless such separation is necessary for their best interests. Decree No. 4503, of 2009, amending refugee status determination procedures, establishes the principle of family unity in line with the stipulations of article 9 of the Convention on the Rights of the Child. In cases where applications are made, refugee status will be extended to persons below the age of 18 years, persons of full age up to the age 25 years who are financially dependent on the refugee, children of any age if they lack capacity under the provisions of Colombian law, for as long as such incapacity continues, and children of the spouse or partner whose situation is as described above, provided that they live with the refugee.

5. Family reunification procedures

166. The Colombian Government, with support from the Office of the United Nations High Commissioner for Refugees, has conducted family reunification procedures involving under-age persons who are outside the national territory in cases where their mother or father is recognized as a refugee. During the period under review four family reunification procedures were carried out for the purpose of furnishing documentation and granting under-age persons access to Colombian territory, two cases originating in Africa and two in Latin America. In such procedures the Ministry of Foreign Affairs undertakes, through its consulates, to arrange for the issuance of refugee visas and, where necessary, the processing of travel documents, with assistance from international organizations such as the International Committee of the Red Cross.

6. Abduction

167. Colombia is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, which was adopted under Act No. 173 of 1994. Pursuant to its article 7 and in accordance with article 20 (10) of the Children's and Young Persons' Code, the Colombian Family Welfare Institute is required, in cases relating to the abduction of children or young persons, to ensure during the administrative phase of international return procedures that the family advocates take provisional measures aimed at preventing further harm to the child or young person. It is also required to give instructions for the establishment of immediate contact between the child and its parents.

168. Under that international instrument, the Colombian Government is obliged, through the Colombian Family Welfare Institute, as the governing body for child, youth and family policy, to trace persons below the age of 18 years who have been wrongfully removed or retained (art. 7 (a)). In compliance with this provision the Colombian Family Welfare Institute requests the Department of National Security, which is responsible for monitoring borders and maintaining criminal and police records on Colombian citizens, to indicate the child's or young person's last known address. Such requests are also addressed to health insurers, the Ministry of Education and the Juvenile Police Department for the purpose of locating the parents and the child or young person.

169. The Government also offers practical assistance in discovering the whereabouts of parents and children who have been separated, in application of the Vienna Convention on Consular Relations, which was adopted in Colombia by Act No. 17 of 1971. Pursuant to that instrument, Colombian consulates are required to check whether the parents and children appear on the lists of nationals resident in the country where they exercise consular functions.

7. Separation owing to parents' serving of custodial sentences

170. In cases where children or young persons are separated from their parents as a result of measures taken by the State, such as the imposition of custodial penalties on the parents, efforts must be made to avoid separating a mother from her newborn. In this connection, article 153 of Act No. 65 of 1993 lays down that the General Directorate of the National Prisons Institute is obliged to allow female inmates' children to remain in prison nurseries up to the age of 3 years and must ensure their comprehensive protection. It should be noted that the prison welfare service pays particular attention to children at such places of detention in order to strengthen the care given by their mothers and their bonds of affection during the first years of life.

171. The Colombian Family Welfare Institute, as the governing and coordinating body for the national family welfare system, has prepared technical and administrative guidelines for the scheme operated by it jointly with the National Prisons Institute concerning the provision of support for children up to the age of 3 years in women's prisons, adopted by Resolution No. 2570 of 2010, the aim of which is to coordinate measures that will make it possible to enhance the standards of their care and guarantee comprehensive protection within the context of safeguarding their rights.

8. Separation of families owing to public order situations

172. Colombia has taken all necessary steps to trace and reunite children and parents separated owing to public order disturbances. The Colombian Family Welfare Institute contributes to the realization of the right to family reunification (this being an indicator of effective enjoyment of rights, in accordance with Constitutional Court Decision T-025 of 2004) through measures aimed at protecting children and young persons who have been separated from their families as a result of displacement and ensuring their family reunion if circumstances so allow. These measures are carried out once cases become known either following a request by the family or following detection by the mobile support units of the Colombian Family Welfare Institute which assist displaced persons.

D. Family reunification

173. In Colombia there are no restrictions on the entry of Colombian or foreign parents or children for the purpose of family reunification. Applications by parents or children to enter the country are dealt with in a humane and expeditious manner in accordance with the principle of the best interests of the child. Requests by parents not to be expelled are also dealt with humanely following completion of administrative formalities which respect their rights. Children and young persons in the country are never expelled or deported. In cases which involve unaccompanied children or young persons a rights restoration procedure is initiated and steps are carried out with a view to their subsequent return to their country of origin.

174. Colombia recognizes the right to family reunification of children and young persons who are resident in the country but do not have nationality status or official leave to remain there. The views of the children or young persons concerned are taken into account when

decisions relating to family reunification are taken. Also, children and young persons are permitted to enter or leave the country in order to visit their parents and parents are permitted to enter or leave the country in order to visit their children. It should be noted that Colombia will provide further information on this matter in the report to be submitted by it under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was adopted under Act No. 146 of 1994.

E. Recovery of maintenance for the child

175. The right to maintenance is regulated by Decree No. 2237 of 1989, in line with the Children's and Young Persons' Code. Maintenance is defined in it as everything essential for the provision of sustenance, shelter, clothing, health care, recreation, all-round education or instruction and generally everything required for children's and young persons' overall development. Maintenance also includes the requirement to pay the costs of pregnancy and childbirth to the mother. The above regulations stipulate that, in the event of a breach of the maintenance obligation towards an under-age person, an application for its payment may be made by either parent, a relative or the guardian or carer to the family advocate, competent judge, family commissioner or police inspector of the child's place of residence. Also, these officials are required, if they become aware of the situation, to take steps *ex officio* to ensure the enjoyment of this right.

176. The right to maintenance is inalienable and may not be sold or transferred in any manner. The person responsible for maintenance payments is not entitled to offset any debts owed by the applicant to that person. The imposition of an order for withdrawal of parental authority will not give rise to cessation of the maintenance obligation.

177. This obligation will cease when an under-age person is handed over for adoption. Anyone failing or refusing to comply with the maintenance obligation towards an under-age person will not have any say in the claim for personal care and custody or in the exercise of other rights over the under-age person. The court will, where necessary, rule on the care and custody of an under-age person or persons on whose behalf the procedure has been initiated, without prejudice to the relevant judicial proceedings. A pregnant woman may claim maintenance in respect of her unborn child from the legitimate (married) father or, in the case of a child born out of wedlock, from the person who has acknowledged paternity.

F. Children and young persons deprived of a family environment

178. Where parents cannot care for a child or young person, efforts are made, with the assistance of the State, to arrange for a member of the extended family to take over its care. This State intervention process is regulated under the family inclusion and support guidelines produced by the Colombian Family Welfare Institute, one of whose basic tools is the engagement of family and institutional assistance networks and relationship processes. In this connection, the family advocates' offices are required to approach the extended family or attachment network if the child or young person cannot be with his or her parents. In such cases, monitoring and assistance measures are undertaken by the psychosocial unit.

179. The placement of children and young persons in institutional care as an exceptional measure is appropriate if the family advocate and specialist interdisciplinary team conclude, on the basis of documentary evidence adduced in the proceedings, that the family setting poses a risk that the child's or young person's rights may be threatened or infringed or is not sufficiently suitable to ensure the continued personal care of the child or young person and guarantee the effective realization of his or her rights. In such cases, children and

young persons who are separated from their family environment will receive appropriate care from the State under comprehensive support schemes for whose operation human and financial resources are made available and technical and administrative guidelines, quality standards and supervisory procedures are in place to ensure the suitability of the care provided. In the examination, choice and supervision of alternative placement settings due account is taken of the views of the children and young persons, having regard to their age, maturity and mental health. Their referral to particular facilities and services may be changed or altered according to the circumstances and the course of the administrative procedure for the restoration of rights, in all cases taking into consideration their best interests (family, social and educational circumstances and conditions of cognitive and overall development). In order that a child or young person may be placed in an institutional setting, it is necessary for such setting to ensure his or her enrolment and continuation in the school system, with due regard paid to his or her level of development, culture, ethnicity and general condition.

180. The care arrangements are as follows:

- **Fostering:** a rights restoration measure designed to provide children and young persons with comprehensive protection in favourable conditions within a foster family setting that will contribute to their personal, family and social development and make it possible for them to overcome the situation of vulnerability in which they find themselves.
- **Semi-residential:** a specialized rights restoration service for children and young persons who are psychoactive substance users. Under this arrangement the child or young person, while remaining in the care of his or her original family, is required to attend institutional treatment and support sessions for eight hours per day on working days in the month.
- **Residential:** a rights restoration measure whose purpose is to provide children and young persons suffering from disabilities with comprehensive protection 24 hours a day, seven days a week, in an institution specializing in disability care and support. It should be noted that placement in such residential institutions is needs-based in accordance with the nature of the disability and the condition of the child or young person.

181. With regard to the management of programmes for children and young persons who do not have a family or who, despite having a family, are at risk or may suffer infringement of their rights, the relevant administrative authority undertakes monthly monitoring, as stipulated in the technical and administrative guidelines and instructions issued by the Colombian Family Welfare Institute.

182. The State is responsible for the instruction and preparation of persons entrusted with the care of children and young persons who do not have a family. These measures involve screening, induction, ongoing training and the use of participatory educational methods that make it possible to strengthen support skills and competencies. Care facilities have to meet certain requirements. Resolution No. 5930 of 2010, for example, regulates different aspects of foster care, such as the operation of the service, carers' responsibilities, grounds for withdrawal of fostering status, stages of support provision from a rights perspective, sound child-rearing practices, health, food and nutrition, sanitation and specific support for children and young persons with disabilities or illnesses requiring special care.

183. The fostering guidelines include a structured foster family pre-selection and selection process, which is rigorously followed. They require checks to be carried out concerning personal, family and social suitability, physical and mental health and age ranges of carers at the time of selection and the maximum age for a foster mother, her schooling, time available to care for the child or young person and experience of bringing

up or working with children or young persons. Persons selected are additionally required to furnish particulars of their identity, studies, state of health and experience and other details of importance in rating and determining the suitability of the foster family and ensuring the proper care of the child or young person and the stability of the programme. Also, foster families' structure and functioning are examined through the conduct of demographic analyses, quality standards checks, interviews, psychological appraisals and psychometric tests, the use of evaluation profiles and guide charts and the assessment of housing conditions. On completion, this process is followed by a training and skills development stage, which includes initial instruction, an educational workshop and an observation visit to an existing foster family.

184. As regards children and young persons with disabilities, families are sought to participate in the shelter care programme, which is also operated through the fostering services and applies appropriate specialized standards consistent with the quality of care required. The families' training follows a process similar to that just described while taking into account the specialized skills necessary for working with children who suffer from disabilities.

185. The views of children and young persons at care facilities are listened to through different procedures and approaches such as: (a) the suggestions box, where complaints and suggestions deposited have to be passed on to and answered by the family advocate team; (b) the satisfaction survey, which makes it possible to gauge how pleased or displeased under-18-year-olds are with the service provided, with a view to the adoption of improvement measures in the light of the findings; and (c) the coexistence pacts, which enable disputes to be resolved and agreements and compromise solutions to be reached between children or young persons and adults.

186. Supervision of alternative care arrangements (foster and shelter care placements) is undertaken through a series of organized activities to monitor, check and record levels of compliance with structural, procedural and outcome standards, as set out in the care provision contracts, with the use of follow-up and advisory strategies in order to improve service quality and guarantee the realization or restoration of care recipients' rights. Visits are carried out at least three times a year and/or whenever deemed necessary by the supervisor on the basis of the situation regarding service provision.

G. Periodic review of placement

187. Colombia has adopted statutory and administrative measures to ensure that periodic reviews are conducted with respect to all children and young persons in care under the different programmes and institutional arrangements operated within the national family welfare system, i.e. fostering, shelter care, institutions, residential facilities and custody or detention centres. The technical and administrative guidelines for an action strategy and support system on restoring the rights of children, young persons and individuals above the age of eighteen years with disabilities whose rights are threatened, infringed or contravened, which were adopted under Resolution No. 5929 of 2011, incorporate a survival component or category whose policy objectives encompass the right of children and young persons to life, adequate standards of health and nutrition, access to medical and social services and a standard of living consistent with their physical, mental, spiritual, moral and social development.

188. The realization of these rights entails the need for children and young persons to have the basic conditions for their survival, to which end a series of measures must be taken with a view to ensuring the provision of: (a) medical care through arrangements with institutions of the national family welfare system which are responsible for the health

sector; and (b) food in line with the nutritional requirements of under-18-year-olds according to gender, age, weight, body mass index and growth as well as the development of suitable dietary habits.

189. In cases involving the restoration of children's or young persons' rights where it is necessary to guarantee comprehensive support 24 hours a day, seven days a week, and their separation from their original family or extended family environment is appropriate, the national Government, through the Colombian Family Welfare Institute, will, in line with the specific situation concerning the violation of their rights, ensure the provision of specialized support through their placement in a foster family, volunteer foster care or specialist residential care setting, which must guarantee medical care through arrangements with health-care provider institutions.

190. The specialist interdisciplinary team of the institution or of the health service contractor must submit its plan for the duration of children's and young persons' stay in foster or institutional care, with details of strategies and measures to promote each care recipient's advancement, including partnerships with families and with the respective agencies involved in safeguarding the child's or young person's rights, in line with their areas of responsibility.

191. Physical and mental health care and treatment have to be undertaken in accordance with the aforementioned guidelines. Follow-up has to be carried out in the manner outlined below:

- Health. Follow-up should be monthly in the case of under-1-year-olds and yearly in the case of over-1-year-olds. If a follow-up date is fixed at the time of the initial assessment, follow-up must take place on that date and, if no date is fixed, follow-ups must take place at least once per year following the initial assessment.
- Dentistry. Follow-up should take place every six months unless it is necessary to undertake it at an earlier time. The purpose is to maintain oral health and combat the main dental diseases. Checks are carried out in addition to bacterial plaque removal, fluoride and sealant application and supragingival scaling (mechanical plaque control).
- Nutrition. Follow-up is to be undertaken as follows: (a) under-2-year-olds: monthly; (b) children aged from 2 to 5 years: quarterly; and (c) over-5-year-olds: half-yearly.

192. Follow-up in other areas and especially for individuals with disabilities should be on a quarterly basis or consistent with the nature of the disability and its degree of severity, taking into account the findings of the overall appraisal. Agencies engaged under contract to provide treatment for children and young persons with mental or psychosocial disabilities must, in accordance with the technical guidelines referred to above, offer care services of a high standard which:

- Are tailored to the specific characteristics of the disability;
- Promote and develop inter-institutional coordination with a view to the provision of overall support within the framework of the national family welfare system;
- Ensure that the care institution's specialist interdisciplinary team conducts appropriate assessments to establish the degree of disability and its impact;
- Ensure that auxiliary nursing personnel are trained in handling emergency situations;
- Guarantee the prompt and timely supply of drugs and medical services by the health-care provider institution. Only in cases of emergency can the practitioner, following arrangements with the competent health body and clearance from the area centre, obtain the necessary drugs to deal with such situations;

- Ensure that appropriate steps are taken to prevent any deterioration in the care recipient's health;
- Guarantee that any special dietary requirements of care recipients are met;
- Ensure the availability of information on the care recipient's health-care provider institution and also the care recipient's clinical history.

Health service contractors are required to make all necessary arrangements with the health-care provider institution to guarantee appropriate and timely treatment in accordance with individual children's or young persons' situations and to check the conditions under which care is provided. The specialist interdisciplinary team of the health service contractor or of the Colombian Family Welfare Institute has to provide psychological and social support to children or young persons and to their families or attachment networks. Examinations are carried out with sufficient frequency to ensure the child's or young person's protection and well-being, in line with the health protocols implemented by the health-care provider institution.

H. National and intercountry adoption

193. Adoption is regulated by articles 61 to 78 of the Children's and Young Persons' Code. The system of adoption is also implemented in accordance with the technical guidelines for the adoption programme (Resolution No. 3748, of 2010, of the Colombian Family Welfare Institute). This system is in conformity with the precepts of the Convention on the Rights of the Child and of other treaties ratified by Colombia, such as the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Adoption in Colombia is viewed as an exceptional rights restoration measure aimed at safeguarding the rights of children and young persons. Such a measure is appropriate only if all other measures of comprehensive protection taken by the authority have proved ineffective in achieving the realization of the rights of under-18-year-olds. The measures which first have to be contemplated by the authorities are the issue of a warning to the child's or young person's parents or carers and their compulsory attendance on an educational course; the immediate removal of the child or young person from the activity constituting an infringement of, or a threat to, his or her rights or from any unlawful activities in which he or she may be engaged and the assignment of the child or young person to a specialized rights restoration programme; immediate placement in a family setting; placement in an emergency care centre in cases where placement in a temporary shelter is inappropriate; or any other arrangement to guarantee the child's comprehensive protection.

194. Colombian law lays down that in the administrative and judicial stages of the adoption process, whether national or intercountry, the best interests of children eligible for adoption must be the paramount consideration, precisely in view of their specific and evident vulnerability. In accordance with the regulations in force, the entities empowered to conduct adoption procedures are the Colombian Family Welfare Institute, as the competent authority, the institutions duly authorized by it and the family courts. Their decisions are to be based on:

- The evidence adduced and submitted in the administrative procedure for the restoration of rights in which it was concluded that all the child's or young person's rights had clearly been violated by his or her parents, carers or extended family, who did not permit the child's or young person's reunion or placement to safeguard his or her rights;
- The suitability of the applicant families;

- The evidence filed in the judicial adoption proceedings.

195. In the administrative and judicial stages of the adoption process the authorities guarantee children's and young persons' right to be heard, to have their views taken into account and to participate in programmes for their benefit. Also, their individual conditions and the surrounding circumstances have to be determined taking into consideration their age, development or maturity, life history and expectations concerning the adoption process. To that end, officials of the family advocates' offices and of the regional adoption committee or authorized institution are required to assist children or young persons and their families and to provide such support as each situation requires. It may happen in the administrative and judicial stages that the child states that it does not agree to be adopted, a decision which must be taken into consideration by the authorities.

196. Interdisciplinary studies have to be conducted as part of this process in order to check that applicant families meet the mental, physical, social and moral suitability criteria, as laid down in the Children's and Young Persons' Code. For this purpose the members of each applicant's nuclear or extended family are interviewed and account is taken of the views and best interests of children and young persons who belong to those families and who may be affected by their parents' decisions and/or by the judicial rulings in any adoption proceedings.

197. The Children's and Young Persons' Code states that the eligibility of an under-18-year-old for adoption may be established in the following ways:

- Upon his or her being declared eligible for adoption in the administrative procedure for the restoration of rights conducted by the family advocate or in legal proceedings before the family court should the former lack jurisdiction. A direct and immediate consequence in such cases is the termination of parental authority.
- If the adoption has previously been agreed to by the persons exercising parental authority before the family advocate.
- Upon the authorization of the adoption by the family advocate in the cases provided for by law (absence of a parent, not only if deceased but also if suffering from mental illness or serious psychological impairment certified by the National Institute of Forensic Medicine and Science).

198. Once an adoption declaration is made by a family court, the ruling must be entered in the civil register. This entry renders all the rights and obligations inherent in the parental-child relationship between adopter and adoptee applicable as from the date of submission of the application. The adopted child thus ceases to belong to its biological family and all blood relationships are extinguished.

199. With regard to administrative adoption procedures, the authority responsible for obtaining the consent of parents wishing to give up their under-age children for adoption has a mandatory obligation to provide comprehensive, appropriate and timely advice and must make the parents aware of the possible alternatives available for dealing with the situation which they are experiencing and ask them to think about any prejudices which might affect their decision, especially if it is noticed that they are anxious. Consent must be given freely and not be the result of force, deception or error, social or economic pressure, ignorance or temporary desperation. During the administrative procedure the child or young persons is afforded the opportunity to meet and integrate with the applicant family for the purpose of recognition and mutual acceptance. This is a time of intimacy between the child or young person and the applicant family's members, as provided for in the technical guidelines of the programme.

200. Traditional authorities play an important role in adoption procedures involving members of ethnic groups. Efforts are made to ensure that the adoption allows cultural,

linguistic, genetic and territorial identities to be preserved and maintained and the children or young persons to return to their original communities. Therefore, whenever the person eligible for adoption belongs to an ethnic group, the procedure is conducted in accordance with its customs and practices and, if the adoptive parents are not members of the adoptee's original community, the adoption process will be subject to prior consultation with and the favourable opinion of the child's or young person's original traditional authority. Wherever possible, the under-age person will be listened to and his or her views will be treated as valid by the civil and traditional authorities.

201. Colombian adoption law requires post-adoption follow-up to be carried out with a view to ascertaining the children's or young persons' emotional state and adoptees' relationships with their parents and extended family and their level of well-being.

202. However, as stipulated in the Children's and Young Persons' Code, adoption applications submitted by Colombian nationals have precedence and intercountry adoptions are permitted in cases where children or young persons are difficult to place by reason of their particular circumstances (three or more siblings; two siblings, one of whom is over 8 years old; one child over 8 years old not suffering from any disability or illness; one physically or mentally disabled child of any age; one child with a chronic illness, such as HIV, heart disease or kidney disease).

203. In this connection, there has been a 9 per cent increase in domestic adoptions over the past four years, from 4,038 between 2002 and 2005 to 4,413 between 2006 and 2009, and, according to the findings of the Counsel-General's Office, in 2006, in the case of 4,200 difficult-to-place children, the Colombian Family Welfare Institute has sought to secure their adoption by foreign families.

204. The Children's and Young Persons' Code lays down that adopted children and young persons may leave the country only when the adoption judgement becomes enforceable. The emigration authorities will require a copy of the writ of execution. In such cases and upon the entry of any child or young person into the country, compliance will be checked by the Department of National Security.

205. Also, the legislation on adoption in Colombia provides as follows in line with the requirements of the Convention on the Rights of the Child (art. 2):

- Information concerning costs, expenses and fees charged by agencies or institutions for the provision of intercountry adoption services has to be made available to the public;
- Neither the Colombian Family Welfare Institute nor the institutions authorized by it to implement the adoption programme may directly or indirectly receive any remuneration for the handover of a child or young person for adoption, on pain of withdrawal of the institution's licence;
- In no circumstances may parents be rewarded for giving up their children for adoption or pressure be exerted on them in order to obtain their consent;
- Parents may not receive any gifts from adoptive families prior to adoption;
- Gifts from foreign institutions or individuals to the Colombian institutions as remuneration for the handover of children or young persons for adoption are strictly prohibited.

206. On the matter of informed consent, the Counsel-General's Office, in line with the requirements laid down in Constitutional Court Decision T-510 of 2003 and in article 66 of the Children's and Young Persons' Code, issued Directives 017 and 033, of 2007, on the rules governing informed consent to the adoption of a child.

I. Illicit transfer and non-return of children and young persons

207. As mentioned above, Colombia is a party to the Convention on the Civil Aspects of International Child Abduction and to the Inter-American Convention on the International Return of Children (Act No. 880 of 2004). Also, the Children's and Young Persons' Code stipulates that consent is required for a child or young person to be allowed to leave the national territory. In cases where under-18-year-olds have to leave the country without one of their parents, consent must be granted by the parent who is not travelling. The consent form has to be presented at airports and border points to the migration services of the National Department of Security.

208. It should be noted that the Colombian Family Welfare Institute has a budget allocation to meet the costs of transferring under-18-year-olds to their country of habitual residence for the purpose of providing financial assistance in order that parents, children and young persons can exercise their rights. Also, the Colombian Family Welfare Institute — in compliance with the stipulations of article 7 (a) of the Hague Convention — endeavours, through effective and efficient communication with the migration authorities, to locate or trace abducted children and young persons whose whereabouts are unknown and for whose return an application has been lodged.

J. Abuse and neglect, including physical and psychological recovery and social reintegration

209. National law, policy and practice protect children and young persons from all forms of corporal punishment, physical and mental violence and any other types of abuse irrespective of the situation in which they occur. Article 44 of the Constitution lays down that children and young persons must be protected from all forms of physical or psychological violence. Article 18 of the Children's and Young Persons' Code stipulates that children and young persons have the right to be protected from maltreatment and abuse of any nature by their parents, persons responsible for their care, their legal representatives and members of their family, school or community group.

210. The Children's and Young Persons' Code defines child abuse as "any form of injury, punishment, humiliation or physical or psychological maltreatment, neglect or negligent treatment, ill-treatment or sexual exploitation, including abusive sexual acts and rape, and generally any form of violence or assault against a child or young person". Article 14 of the Code stipulates that the exercise of parental responsibility may in no circumstances entail physical or psychological violence or acts which impede the exercise of children's and young persons' rights; article 39 (9) establishes the obligation of families to refrain from any act or conduct which involves physical, sexual or psychological abuse; article 41 (8) requires the State to promote respect for physical, mental and intellectual integrity among all social strata; article 45 prohibits cruel, humiliating or degrading punishment, stipulating that senior management and teaching personnel at formal, non-formal and informal State and private educational establishments may not impose punishments which entail physical or psychological abuse of students in their charge or take measures which in any way impair their dignity; and article 199 provides for the loss of statutory privileges in the case of parents, guardians or carers who commit offences against the sexual freedom, integrity and development of under-18-year-olds. These precepts have been reiterated in high-court judgements.

211. The following policies, programmes and projects have been developed in this connection:

- The national policy on building family peace and harmony, which incorporates the four key components of prevention, detection and monitoring, support and institutional change aimed at preventing all forms of violence and promoting peaceful coexistence.
- The strategy “Colombia makes progress in the observance of duties and rights”, which includes “community mothers”, user parents, children and young persons, its goals being the enhancement of family and community well-being and the development of excellent citizens from early childhood.
- The Ministry of Education project entitled “Citizenship skills in the context of violence”, whose purpose is to help identify, upgrade and organize structured programmes that will build citizenship skills in situations of violence with the aims of contributing to the transformation of teaching practices at educational establishments and providing teachers with tools to create a democratic, inclusive and protective environment within educational establishments. The programmes operated under the project are the Classrooms in Peace programme, the School and Displacement programme and the *Red@prender* programme.

Support services for children and young persons in foster or institutional care are regulated by an ethical code which is contained in the technical and administrative guidelines for the restoration of rights and covers situations which constitute rights violations, thus providing guidance on the protection of care recipients. Each of the institution’s programmes must publicize this list of prohibitions and include it in internal staff regulations and in its rules of good order or coexistence pacts. It is also required to make these technical guidelines known to its personnel and to under-18-year-olds who participate in the programmes.

212. In connection with the implementation of the public policy on children from pregnancy to the age of 6 years, the Ministry of Education — in line with the protection, life and survival, development and nursery education and participation categories of its comprehensive support components — requires operators of the Comprehensive Early-Childhood Support Programme to adopt measures aimed at safeguarding the right of children to enjoy a full life in conditions that will ensure respect for their dignity and their right to be cared for and protected from conduct which may impair their all-round development as human beings. Also, mechanisms for peaceful coexistence at educational establishments have been provided for under the General Education Act and Decree No. 1860 of 1994 and have been included in student regulations and rules of good order.

213. From 2008 to 2010 the Ministry of Education, in partnership with the Colombian Family Welfare Institute and the International Organization for Migration, executed the project “Weaving bonds, weaving dreams, weaving life from early childhood”, which involved the provision of training for educators through a family resilience approach with a view to strengthening strategies to uphold, safeguard and promote rights in early childhood.

214. The Colombian Family Welfare Institute has set up a free national helpline for children and young persons to make complaints and allegations. Via this helpline they are able to report cases of abuse known to them, as victims or as witnesses, and they are not obliged to identify themselves. Children and young persons can also report any abuse of which they are victims or have knowledge to the teaching personnel and senior management at the educational establishment which they attend, who, in compliance with the provisions of the Children’s and Young Persons’ Code, must initiate the support procedures designed for dealing with such cases and refer the matter to the competent authority.

215. In application of the principle of shared responsibility, Colombian law requires all citizens to inform the competent bodies of violence or abuse of any kind against children and young persons of which they have knowledge. The State and all its agencies have a

mandatory obligation to take timely action in order to ensure the realization, protection and restoration of the rights of under-18-year-olds.

Social reintegration

216. The Colombian Government is committed to adopting appropriate measures to promote the physical and psychological recovery and social rehabilitation of all children and young persons who have been victims of any form of neglect, violence or mistreatment, sexual abuse, sexual exploitation, sale or trafficking, torture or other cruel, inhuman or degrading treatment or punishment. It has provided guidance to that end in the technical and administrative guidelines regulating the conduct of administrative procedures for the restoration of rights, whose purpose is to re-establish the human dignity of under-18-year-olds and to secure the effective exercise of their rights when violated or threatened. These procedures are set out in the Children's and Young Persons' Code and in the aforementioned technical and administrative guidelines for an action strategy and support system on restoring the rights of children, young persons and individuals above the age of eighteen years with disabilities whose rights are threatened, contravened or infringed. The Government, in conformity with article 60 of the Children's and Young Persons' Code, takes steps to ensure, in cases where children or young persons are victims of acts which violate their rights, that the full enjoyment of those rights is guaranteed under specialized support programmes. Such programmes should address social problems affecting children and young persons and be formulated as part of the public policies on children and young persons within the national family welfare system. Also, article 198 of the Code stipulates that the national Government and departmental, district and municipal governments are required, under the supervision of the governing body of the national family welfare system, to design and execute specialized support programmes for children and young persons who are crime victims that take into account the type of offence and the principles of best interests, primacy of rights and comprehensive protection.

217. With regard to child and youth victims of physical or sexual violence crimes, the Colombian Government has adopted appropriate measures to ensure that they receive compensation. However, the right to such compensation is not enforceable unless the person under investigation is located and held responsible for the punishable act since the obligation to compensate the victim will arise only in the event of a conviction. In this connection the Code of Criminal Procedure stipulates, in articles 102 *et seq.*, that the interlocutory procedure for comprehensive redress is the process to be followed for obtaining full compensation for harm caused by criminal acts. The law also provides for an additional safeguard for securing such compensation in cases where the victims are children or young persons. Under this additional safeguard, which is established in article 197 of the Children's and Young Persons' Code, the interlocutory procedure for comprehensive redress has to be initiated *ex officio* by the justice practitioner if it was not requested by the parents, legal representatives or family advocate concerned within 30 days of the date when the judgement of conviction became final, which does not happen in other cases.

218. It should again be pointed out that the State ensures that the views of children and young persons are respected in order to guarantee the exercise of their rights and freedoms, since they have the right to participate actively in all initiatives and programmes for their benefit and in all decisions directly or indirectly affecting them. It should be emphasized that action pursuant to the Children's and Young Persons' Code is centred on restoring the rights of under-18-year-olds irrespective of the reason for their inclusion in that process so that the child or young person is not pigeonholed or categorized by the circumstances which gave rise to his or her situation of vulnerability.

VI. Disability, basic health and welfare

A. Survival and development and health and medical services, in particular primary health care

1. Infant and under-5 mortality

219. According to annual reported data on vital statistics produced by the National Department of Statistics, the infant mortality rate in Colombia has declined steadily over the past ten years. The rate per thousand live births was 22.9 in 2004 and 20.6 in 2008, representing a 10.1 per cent reduction. The 2010 national demographic and health survey reaffirms this trend and also shows that there are no significant differences between rural and urban areas. However, this survey reveals regional differences, the highest mortality levels being found in the Pacific Coast region. The survey further shows that the mortality rate among the lowest stratum is almost twice that for the highest stratum. Child or under-5 mortality fell 10.1 per cent in the period between 2004 and 2008, the mortality rate of 27.7 in 2004 having declined to 24.9 by 2008. The main causes of death in under-1-year-olds, according to the 2009–2010 basic health indicators, are specific neonatal respiratory disorders (23.3 per cent), congenital malformations, deformations and chromosomal abnormalities (20.3 per cent), other conditions originating in the perinatal period (11.1 per cent), newborn bacterial sepsis (8.7 per cent) and acute respiratory infections (7.2 per cent). As regards under-5-year-olds, the main causes of death are acute respiratory infections (11.4 per cent), accidental drowning and submersion (10.1 per cent), congenital malformations, deformations and chromosomal abnormalities (8.3 per cent) and intestinal infectious diseases (6.7 per cent).

2. Child morbidity

220. Growth and development programmes have been one of the strategies for reducing the incidence of common childhood illnesses. According to the findings of the 2010 national demographic and health survey, 76 per cent of children under 5 years of age are registered for these programmes, with an average annual consultation rate of 2.6. Of the children enrolled on the programmes, 35 per cent received antiparasitic drugs and 27 per cent were given iron supplements.

221. Acute respiratory infections, diarrhoea and malnutrition constitute the main health problems, being the principal causes of death in this population group. According to assessments carried out under the 2010 national demographic and health survey, 9 per cent of children showed respiratory symptoms such as coughing, shortness of breath or agitated breathing in the two-week period prior to the assessment. It was also found that the higher the mother's level of education, the greater the likelihood that medical attention would be sought for the child's treatment. These findings showed no variation compared with the assessments made under the 2000, 2005 and 2010 surveys.

222. Also, 13 per cent of children suffered from diarrhoea in the two weeks prior to the assessment, prevalence being slightly higher among boys than among girls and greater in rural than in urban areas. These findings showed no variation compared with the assessments made under the 2000, 2005 and 2010 surveys. According to childcare interventions, 88 per cent of mothers are aware of oral rehydration salts and respond to treatment strategies developed by the health sector.

223. Under the system for monitoring public health events of significance, no cases of poliomyelitis, measles or diphtheria in children below the age of 5 years have been recorded. According to this monitoring process, for 2008 the incidence of whooping cough

was 8.2 per hundred thousand under-5 and that of congenital syphilis was 2.60 per thousand live births.

224. The integrated management of childhood illness (IMCI) strategy defined by the World Health Organization and UNICEF is being implemented in Colombia in the provision of health care for under-5 under its three components (administrative, clinical and community). This strategy, whose purpose is to ensure comprehensive health care for children below the age of 5 years, includes health promotion and protection activities that will help expand vaccination coverage and improve under-5 care and treatment practices and knowledge within the home, thereby contributing to healthy growth and development.

225. Local authorities, insurers, health service providers, families and communities participate in the implementation of the IMCI strategy. In addition to helping improve early-childhood health, the strategy is aimed at enhancing staff performance and achieving increased efficiency of health services in the area of family and community care.

226. In order to strengthen the strategy, the subcomponents covering tuberculosis, HIV, nutrition and support for abused children were upgraded in 2008. In 2009 a subcomponent on oral health, epilepsy, asthma, obesity and diabetes was incorporated in the clinical component. Also, in that year, manuals were reviewed with experts and educational material for health professionals was adapted and updated. There is now better coordination between the different programmes on children in several cities, especially Bogotá, Barranquilla and Cartagena. The number of health insurers, health-care provider institutions and local authorities providing comprehensive health services for the child population is continually increasing. All departments apart from Bolívar and Valle del Cauca show progress in this area.

3. Low birth weight

227. Reported figures for vital statistics on birth registration show an increase in the percentage of children born with low weight, the rate of 8.13 per cent for 2004 having risen to 8.85 per cent by 2008.

4. Nutritional status and breastfeeding

228. The national demographic and health survey established that since the year 2000 the percentage of Colombian children who have been breastfed at any time has exceeded 95 per cent. Specifically, it was 95.5 per cent in that year, 97.1 per cent in 2005 and 96 per cent in 2010. The upward trend in breastfeeding observed since the start of this century is in line with the recommendations of the Committee on the Rights of the Child. With regard to exclusive and total breastfeeding, the former shows a rise in 1995 (0.5 per cent), 2000 (0.7 per cent) and 2005 (2.2 per cent) and a fall in 2010 (1.8 per cent). Total breastfeeding increased significantly in 1995 (11.3 per cent), 2000 (13.1 per cent) and 2005 (14.9 per cent) and remained stable in 2010 (14.9 per cent).

a. Early initiation of breastfeeding

229. With regard to initial breastfeeding, the figures for newborns breastfed within one hour of birth, which is the recommended practice, show a rate of 57 per cent for 2010, which is an improvement compared with the reported rate of 49 per cent for 2005 but represents a significant decline in relation to 2000 (61.3 per cent). Also, the percentage of newborns who received breast milk during the first day of birth has fallen sharply, from 86.6 per cent in 2000 to 22.4 per cent in 2005 and to 19.7 per cent in 2010. Supplementary feeding patterns show variations between 2005 y 2010, with an increase in the use of formula for infants below the age of six months from 30.4 to 35.6 per cent respectively but a decrease in consumption of other liquids from 19.8 to 14.4 per cent for the same years.

During the period 2003–2005 various strategies were implemented under Colombia's ten-year breastfeeding promotion, protection and support plan.

230. In Colombia there are now 330 health-care provider institutions which implement the women- and child-friendly institutions (WCFI) strategy. The aim of this strategy is to improve the quality and sensitivity of the care provided to pregnant women, nursing mothers, infants and small children. Action under the strategy is centred on encouraging, protecting and supporting breastfeeding and on promoting sexual and reproductive rights and the rights of the child. The strategy is founded on ten overarching criteria requiring a ten-step application process:

- (a) Adoption of a policy to ensure quality and sensitivity in the care of mothers and their children;
- (b) Capacity and skills development through personnel training;
- (c) Training for pregnant women and their family members;
- (d) High-quality and sensitive birth delivery care without unnecessary medical intervention in an atmosphere of privacy and respect, encouraging the presence of the partner, husband or a person close to the mother;
- (e) Effective assistance for mothers in the postpartum period and help with breastfeeding;
- (f) Action to promote, protect and support exclusive, on-demand breastfeeding;
- (g) Maintenance of regular contact of the family with the child while it remains in the health institution;
- (h) Elimination of bottle-feeding, the use of dummies and the supplying of artificial milk and glucose water;
- (i) Creation of child-friendly facilities;
- (j) Provision of effective institutional and community support for mothers.

b. Consumption of vitamin A

231. In the national demographic and health survey, mothers of under-3-year-olds were asked whether their children ate fruit and vegetables rich in vitamin A, the findings being that 50 per cent had eaten such foods in 2005 and 45 per cent in 2010. During 2005, children in rural areas had received lower doses of this vitamin than children in urban areas (44.3 per cent for rural areas and 52.6 per cent for urban areas). Consumption of this vitamin by under-3-year-olds in 2010 was 46.2 per cent in urban areas compared with 42 per cent in rural areas. The consumption of such foods is directly proportional to higher levels of education and family wealth and a smaller number of children.

c. Consumption of iron, folic acid and calcium supplements during pregnancy

232. According to the national demographic and health survey, women aged between 20 and 24 years had the highest levels of consumption of iron, folic acid and calcium supplements during pregnancy. In 2005, 78 per cent of them received iron, 58 per cent folic acid and 55 per cent calcium. Coverage for 2010 was far greater: 87 per cent of women in this age range received iron, 85 per cent folic acid and 79.5 per cent calcium. Women below the age of 20 years also had access to these supplements, with consumption rates rising from 74.3 per cent for iron, 54 per cent for folic acid and 51 per cent for calcium in 2005 to 86 per cent for iron, 84.9 per cent for folic acid and 81.6 per cent for calcium in 2010. Women in the 25- to- 49-year age range had similar consumption levels to younger women. During 2005, 80 per cent of women in urban areas took iron supplements

compared with 65.3 per cent in rural areas. In that year, 58 per cent of women in urban areas consumed folic acid and 57.3 per cent calcium, while 45 per cent of those in rural areas consumed folic acid and 42 per cent calcium. The figures for 2010 show an improvement, with the level of consumption of these supplements exceeding 80 per cent for women in urban areas and 74 per cent in rural areas. The provision of micronutrients to pregnant women and the child population is guaranteed through the mandatory health plan. Also, under-5-year-olds are supplied with antiparasitic drugs under this plan.

d. *Nutritional status of children below the age of 5 years*

233. The new growth standards published by the World Health Organization in 2006 have been adopted in Colombia in order to establish the nutritional status of children under 5 years of age. On the basis of the new standards, the following rates emerged from the 2010 national demographic and health survey.

Undernutrition trends in under-5-year-olds
(NHCS percentages)¹¹

Type of undernutrition	2000	2005	2010
Chronic (height-for-age)	13.5	12	9
Moderate	10.7	10	7.4
Severe	2.8	2.1	1.6
Acute (weight-for-height)	0.8	1	0.7
Mild	0.7	1	0.7
Moderate/severe	0.1	1	0.0
Overall (weight-for-age)	6.7	7	4.5
Mild	5.9	1	4.0
Moderate/severe	0.8	6	0.5

- Chronic undernutrition (height-for-age). In 2010, 13.2 per cent of children below the age of 5 years showed growth retardation, with 3 per cent having severely stunted growth. Stunting is most prevalent among 1- and 2-year-olds and its worst rates are to be found in SISBEN level-1 and level-2 households and among children with low birth weight (27 per cent) or a birth height of less than 47 cm (24 per cent). However, chronic undernutrition has fallen by 17 per cent over the past five years.
- Overall undernutrition (weight-for-age). Overall undernutrition in children below the age of 5 years was 3.4 per cent in 2010, which represents considerable progress given that this rate was 7 per cent in 2005 and exceeded 10 per cent in 1995. Undernutrition of this type is found primarily in large families, in children born to mothers with low levels of education and in SISBEN level-1 and level-2 households. This rate has fallen two percentage points compared with 2005.
- Acute undernutrition (weight-for-height). According to data obtained in 2010, fewer than 1 per cent of children suffer from undernutrition of this type. Such cases are for the most part found in children below the age of 6 months whose mothers have low levels of education. This variable has remained stable since 2000.
- In the aggregate, the departments with the highest undernutrition rates are La Guajira (11.2 per cent), Magdalena (6.8 per cent), Chocó (6.3 per cent) and

¹¹ Source: National demographic and health surveys, 2005–2010.

Amazonas (5.8 per cent). Chronic undernutrition is found predominantly in the Atlantic subregion (4.9 per cent) and Orinoco-Amazon subregion (3.6 per cent).

Growth retardation by age group and Beneficiary Identification System (SISBEN) classification level, 2005–2010¹²

Classification level	2005 Age group			2010 Ages
	0–4	5–9	10–17	5–17
SISBEN 1 (%)	17.2	19	23.1	13.4
SISBEN 2 (%)	11.1	11.3	15.4	8.8
SISBEN 3 (%)	6	6.8	9.4	6.9
SISBEN 4–6 (%)	3	9.4	7.6	5.5

234. It can be seen from the above table, which shows the results of the 2005 and 2010 surveys on growth retardation for all age groups, that SISBEN level-1 and level-2 households have the highest prevalence of chronic undernutrition.

e. Nutritional status of children aged between 5 and 17 years

235. The 2010 national nutrition status survey showed a significant improvement in stunting and wasting rates among children aged between 5 and 17 years, which fell from 13.9 to 10 per cent and from 3 to 2.1 per cent respectively between 2005 and 2010. However, one in every ten children between the ages of 5 and 17 years suffers from growth retardation.

236. In 2005, 19 per cent of children aged between 5 and 9 years and 23.1 per cent of children between 10 and 17 years of age were stunted and underweight. These rates are at present being maintained, with 13.4 per cent of all children aged between 5 and 17 years suffering from chronic undernutrition.

237. The departments having the highest prevalence of chronic undernutrition in 2010 were Amazonas, at 31.5 per cent, Vaupés, at 29.3 per cent, and Cauca, at 22.3 per cent, while in 2005 this situation was more pronounced in La Guajira, Cesar and Magdalena among children between 5 and 9 years of age and among 10- to 17-year-olds in the Pacific region (Cauca and Nariño) and in La Guajira.

238. Growth retardation is more prevalent in rural than in urban areas, a situation which is maintained in both assessment years. In 2005, the figure for 5- to 9-year-olds with stunted growth was 18.5 per cent in rural areas compared with 9.7 per cent in urban areas. The same trend was found among 10- to 17 year-olds with stunted growth, of whom 23.9 per cent live in rural areas and 12.9 per cent in urban areas. In 2010, this stunting rate was 15.2 per cent in rural areas, which is higher than the urban rate (7.9 per cent). According to socioeconomic characteristics, children with the highest prevalence of stunting were those born to mothers with no education (31.3 and 10.8 per cent respectively) compared with those whose mothers had completed higher education (7.8 and 1.6 per cent respectively).

239. As with under-5-year-olds, a significant difference could be observed in growth retardation and severe stunting among 5- to 17-year-old indigenous children included in the sample compared with Afro-Colombian or Afrodescendent children (29 and 6.3 per cent as against 7.6 and 0.8 per cent respectively). Also, growth retardation among indigenous

¹² Source: 2010 national nutrition status survey.

children in this population group was over three times the national average (29 as against 9.3 per cent).

f. Overweight or obesity in young persons

240. Levels of overweight or obesity in young persons have increased in the past five years, rising from 10.3 per cent in 2005 to 17.5 per cent in 2010. According to the findings of the national nutrition status survey, overweight is proportional to the young person's SISBEN level classification: the higher the level, the higher the overweight rate.

241. In 2005, 6.8 per cent of young persons classified as SISBEN level 1 were overweight or obese and the proportion of such young persons in levels 3 to 6 exceeded 13.8 per cent. In 2010, 14.3 per cent of young persons in SISBEN level 1, 21.1 per cent of those in level 3 and 22.3 per cent of those in level 4 or above suffered from obesity.

242. Obesity levels in urban areas are higher than those found in rural areas. In 2005, the urban rate was 11.6 per cent as against a rural rate of 7.2 per cent. Overweight levels for 2010 show an increase both in urban areas, where the rate was 19 per cent, and in rural areas, where the level reached 13.4 per cent. The departments having the highest overweight or obesity prevalence in 2010 were San Andrés (31.1 per cent), Guaviare (22.4 per cent) and Cauca (21.7 per cent). In 2005 the highest rates were found in Amazonas (14.4 per cent) and the city of Cali (16.3 per cent).

g. Policies and strategies to address child nutritional status

243. In order to deal with the nutrition situation of children and young persons Colombia has put in place various mechanisms aimed at overcoming the different problems arising in this area. Initiatives pursued in connection with nutritional status include the national food and nutrition security policy. This policy is directed at the entire Colombian population and involves the implementation of measures that will help reduce social and economic inequalities associated with food and nutrition insecurity among population groups in vulnerable circumstances.

244. Priority has thus been given to measures aimed at the most vulnerable population groups, such as persons displaced by violence, persons affected by natural disasters, ethnic groups, children, pregnant women, breastfeeding mothers and groups with the highest levels of poverty, i.e. those classified as SISBEN levels 1 and 2. The general objective is to ensure that the entire population has access to, receives and consumes food of sufficient quantity, variety, quality and safety in a regular and appropriate manner. With a view to achieving that goal, the national Government and local governments are coordinating efforts so that the different plans, programmes, projects and strategies being pursued will have a greater impact on the lives of the people. Although disparities still exist between population groups, Colombia has improved the nutritional status of its people, in particular that of children and young persons.

245. It should be noted in this connection that the country produces fortified foods such as wheat flour and salt. Also, work began in 2004 on dietary handbooks for the Colombian people which include infant-feeding instructions according to life-cycle stages, i.e.: (a) pregnant women and nursing mothers; (b) under-2-year-olds; and (c) over-2-year-olds. The handbooks have been undergoing updating since 2010.

246. The Colombian Family Welfare Institute has developed various programmes aimed at ensuring adequate nutrition for children and young persons. Of these schemes, mention may be made of the Family, Women and Children Programme, which includes the provision of dietary supplements to pregnant women and mothers of under-2-year-olds, the early-childhood breakfasts programme (children aged between 6 months and 5 years), the community welfare services programme (under-7-year-olds), the preschool facilities

(traditional, infant and nursery) programme (under-5-year-olds), the community child day-care programme (children aged between 2 and 5 years) and the nutritional rehabilitation programme. There are other support schemes which are directed at vulnerable population groups such as displaced persons, indigenous persons, persons in emergency situations owing to natural disasters and dispersed rural communities, in addition to a community nutrition programme concerned with the supply of germinated food (*Bienestarina*).¹³

247. In parallel with the foregoing, the Ministry of Education, in coordination with the Colombian Family Welfare Institute, is implementing a nutritional support programme for children and young persons under which fortified midday meals and snacks are provided for 5- to 18-year-olds in school canteens. It should be noted that these school feeding programmes have been receiving assistance from the family allowance funds and the private sector since 1997.

248. Mention should also be made of action by the Colombian Family Welfare Institute to develop nutritional rehabilitation programmes with the setting up of dedicated centres in 2007 and the introduction of the Children's Breakfasts with Love programme in 2002. These programmes have had a very favourable reception, with the result that over 1.6 million children currently receive dietary supplements.

249. With regard to children and young persons, steps have been taken to expand the school meals programme, which is expected to benefit more than 4 million children attending school, with priority given to 5- to 9-year-olds. An annual investment of 510,000 million pesos has been earmarked for that purpose. Particular mention should also be made of the work being carried out at the national level by the health sector in the areas of micronutrient supply under the health plans, risk identification through growth and development monitoring and immunization, in addition to the IMCI strategy and WCFI initiative, which are being implemented jointly at 338 health-care provider institutions and in the community.

5. Emergency situations

250. The extended relief and recovery operations programme is implemented in 21 departments and in Bogotá through 4,251 delivery points for served rations and the provision of food parcels. Between 2006 and 2010, 1,682,750 persons were assisted under this programme through its logistics and supply support system. In 2006 a process was initiated to expand coverage to the south of the country, specifically in Valle del Cauca, Nariño, Cauca and Putumayo. During the past four years, food rations have been enriched with vitamins and minerals and fortified wheat flour has been added to them. At the present time there are 76 mobile support units covering the country. A further strategy to deal with emergency situations involves the distribution of emergency food rations at the national level in order to guarantee assistance in all parts of the country. There are currently 1,799 co-implementers, who supply supplementary rations and undertake assessment and coordination activities.

6. Vaccination

251. Measures were adopted during the period between 2004 and 2010 to promote and strengthen the Expanded Programme on Immunization and the IMCI strategy and to encourage and protect breastfeeding through the WCFI strategy. These strategies have had

¹³ This is a blended cereal-legume flour enriched with vitamins and minerals and combined with skimmed milk powder. It is used as a dietary supplement for babies from the age of six months. It may also be consumed by pregnant women, breastfeeding mothers, older persons and undernourished persons. It is made with fortified wheat flour, defatted soy flour, full milk, vitamins and minerals.

a major impact and proved highly effective in reducing child morbidity and mortality since they are also aimed at promoting childhood vaccination.

252. Particularly noteworthy among the main achievements of the programme are the results of the committed action of the Ministry of Social Protection and the departmental and district health directorates, which have intensified their efforts to attain and maintain effective vaccination coverage levels and guarantee biological product availability and cold-chain efficiency with a view to ensuring the quality of vaccines and immunization materials and eliminating barriers to vaccination. Under this programme, national immunization coverage for all vaccination products has consistently been maintained at over 91 per cent since 2002. Thanks to immunization, Colombia successfully eradicated poliomyelitis in 1991, has made progress in eliminating neonatal tetanus (the number of annually recorded cases having fallen from approximately 2,000 in 1990 to five in 2009, which represents a 99.7 per cent reduction) and diphtheria as public health problems. Also, since 2002 there have been no recorded cases of measles and in 2006 the elimination of congenital rubella syndrome was certified by the Pan American Health Organization.

Immunization coverage for all vaccination products, Colombia, 2002–2009¹⁴

<i>Biological product</i>	<i>Percentage coverage</i>								<i>Children vaccinated in the period</i>
	2002	2003	2004	2005	2006	2007	2008	2009	
Polio	82.8	92.3	89.0	93.1	93.9	92.8	92.0	92.1	6 380 698
DPT	80.4	92.0	89.1	93.1	93.5	92.9	92.2	92.2	6 353 653
BCG	87.2	96.8	91.8	93.7	95.8	93.3	92.6	90.2	6 500 246
Hepatitis B	78.2	91.9	89.0	93.1	93.5	93.1	92.2	92.2	6 333 576
Haemophilus influenza B	68.9	92.9	88.6	93.0	93.4	92.9	92.1	92.2	6 244 973
Triple viral	93.3	92.8	91.6	94.1	95.4	94.6	92.4	95.2	6 540 314

253. During that period the immunization schedule was expanded with the incorporation of vaccines such as rotavirus as from the second half of 2008. This vaccination strategy, which initially targeted children with low birth weight and those with immunosuppression, was extended in 2009 to all under-1-year-olds. Pneumococcal vaccination was included in 2006, initially targeting high-risk population groups. In 2009 it was extended to under-1-year-olds in the ten departments with the highest respiratory disease mortality rates (Caquetá, Amazonas, Cauca, Vichada, Guainía, San Andrés y Providencia, Chocó, Putumayo, Guaviare and Vaupés).

7. Maternal mortality

254. A major policy objective of the Colombian Government has been to improve the maternal mortality rate. The strategies formulated with a view to preventing maternal deaths include enhanced monitoring of maternal mortality and extreme maternal morbidity, which has enabled shortcomings in the health system to be identified and health-care strategies and interventions to be developed. The introduction of the patient management model at medium- and high-complexity health-care provider institutions together with improvements in the mandatory quality-assurance system and the conduct of reviews and evaluations have ensured high-quality obstetric care. The training strategies formulated and implemented for staff who provide pregnancy care have proved very effective in addressing the main causes of obstetric morbidity and maternal mortality.

¹⁴ Source: National Department of Statistics, 2005 (projections).

255. Hypertensive disorders of pregnancy (eclampsia and pre-eclampsia) are the main cause of maternal mortality, followed by post-partum haemorrhage. It has been possible to reduce the maternal mortality rate from 78.7 per hundred thousand live births in 2004 to 62.8 per hundred thousand live births in 2008.

8. Maternal, delivery and newborn care; personnel training in hospital and delivery care

256. Ensuring pregnancy support for women and their families has been one of the strategies implemented by the Colombian Government to safeguard the right to life of the unborn child and its mother. This strategy includes regular training of gynaecological and obstetric personnel in topics relating to maternity support and care, safe motherhood and emergency care. Also, pregnancy, delivery, post-partum and newborn care guidelines have been prepared and are periodically updated. Specific mention should be made of the introduction of “code red” procedures to ensure timely and appropriate management of obstetric emergencies, which has made it possible to control or reduce the number of preventable maternal deaths.

257. According to data on vital statistics, in 2008 83.6 per cent of births were to women who had received four or more antenatal check-ups during pregnancy and the proportion of births in health institutions was 98.13 per cent. An increase of 2.23 per cent can be seen in comparison with 2004, the institutional birth attendance rate for that year having stood at 95.94 per cent. The skilled birth attendance rate in 2008 was 98.15 per cent, which meets Colombia’s targets set for 2014, in line with the Millennium Development Goals.

258. It should also be noted that emphasis has been placed by the Colombian State on promoting family planning, introducing modern methods in the health system, enhancing counselling services and providing family planning advice during pregnancy and in the post-partum period with a view to increasing birth spacing and reducing unplanned pregnancies.

259. It is important to point out that this strategy is being coordinated with the IMCI strategy and with other sexual and reproductive health and childcare programmes. It has been in operation in Colombia since 1991 and has undergone substantial developments throughout its structure. Together with IMCI it is now the main strategy for comprehensive early-childhood support provision.

B. Efforts to address the most prevalent health challenges and promote the physical and mental health and well-being of children and young persons and to prevent and deal with communicable and non-communicable diseases

260. Colombia’s national mental health policy is contained in Resolution No. 2358 of 1998, which sets out its general objectives of promoting mental health, preventing the onset of mental illness and improving access to care and the coverage and quality of care. This policy is aimed at developing a culture of mental health, preventing the onset of mental health problems, reorganizing and improving the quality of the services offered, promoting the psychosocial rehabilitation of individuals, groups and communities and strengthening the network of institutions and the provision of services in the field of mental health, in line with the recommendations of the Committee on the Rights of the Child.

261. The National Public Health Plan for the four-year period 2007–2010 was formulated and adopted under Decree No. 3039 of 2006 with a view to strengthening the regulatory framework, making it possible to pursue a holistic approach to treating mental illness and not one based on disease classification.

262. Measures concerned with the mental health of children and young persons include screening through the use of tools such as the reporting questionnaire for children (RQC) and the APGAR (adaptability, partnership, growth, affection and resolve) family function test, which allow the early identification of warning signs indicating the possible presence of disorders or problems relating to the mental health of children or family members and their prompt referral to low-, medium- or high-complexity health services, as appropriate.

263. For the purpose of implementing these initiatives, steps have been taken to develop institutional capacities through the provision of training for health professionals and departmental and municipal officers on mental health issues and easy-to-apply, high-impact strategies such as screening, brief interventions, motivational interviews and family support and help groups. A further activity carried out has been the setting up of an early warning system that makes it possible to identify cases requiring immediate intervention, such as those where children are at high risk of developing mental disorders owing to their family situation or contextual factors.

264. Also, comprehensive primary-care guidelines are being prepared on learning disorders and hyperactivity attention-deficit disorders in children and young persons with a view to standardizing the treatment process in Colombia's current health system.

C. Reproductive health rights of young persons and measures to promote a healthy lifestyle

265. Work is being carried out in Colombia to transform sexual and reproductive health statistics through ongoing efforts and initiatives aimed at improving the administration of the components of the national policy on sexual and reproductive health, especially with regard to young persons, within a framework of intersectoral participation that will make it possible to ensure the protection of human rights, the development of life skills and the responsible exercise and enjoyment of sexual and reproductive rights. Pregnancy prevention initiatives are accordingly being pursued, targeting adolescents in particular.

266. One major step taken in this connection was the introduction in 2007 of the youth-friendly service model, under which health services have been adapted to the needs and expectations of the youth population, thereby facilitating access to such services. This model constitutes a guide to the organization and provision of health services for the population (aged between 10 and 29 years in the case of youth services) and promotes young persons' involvement and participation with the aim of helping to prevent frequent problems at this stage of their development.

267. The components of the model include access to and timely provision of services; health professionals and personnel; administrative and management procedures; availability of a broad range of services; and youth, social and community participation. Activities are undertaken with a view to the dissemination and assimilation of information on sexual and reproductive health, sexual and reproductive rights and gender equality among young persons. Other measures implemented include medical care, health promotion and disease prevention activities.

268. Colombia currently has approximately 712 youth-friendly services with a presence in over 543 municipalities nationwide. Also, intersectoral coordination has enabled work to be undertaken in conjunction with the education sector, which has led to the pursuit of measures by youth-friendly services jointly with the Sexuality and Citizenship Education Programme. Other activities carried out and coordinated with the education sector involve initiatives to develop youth life skills, including assertive decision-making, through information dissemination, training and awareness-raising on topics concerned with sexual and reproductive health education, family planning, availability of advisory services and

access to contraceptive methods. Topics relating to the prevention of sexually transmitted diseases, such as HIV/AIDS, are also covered.

Pregnancy and sexually transmitted diseases among young persons

269. Adolescent pregnancy in Colombia increased during the 1990s, becoming a public health problem and hence a national policy priority in an attempt to control it and reduce its rates.

270. In this connection, according to the findings of the latest national demographic and health survey (conducted in 2010), there has been a slight decline in adolescent pregnancy in Colombia for the first time since 1990. It can be seen from this survey that the percentage of females aged between 15 and 19 years who were or had been pregnant fell from 20.5 per cent in 2005 to 19.5 per cent in 2010, representing a 1 per cent reduction, which is of great significance since it shows a real possibility of improving the rate of adolescent pregnancy, which poses a public health challenge.

271. During recent years Colombia has taken major steps to coordinate and strengthen intersectoral projects such as the Sexuality and Citizenship Education Programme and the National Plan on Preventing Adolescent Pregnancy and also to reinforce and expand youth-friendly health services nationwide as a positive response to the needs of young persons in the areas of health care and sexual and reproductive health, thereby providing effective access to family planning programmes. It is hoped that through these measures the reduction in the rate of unplanned pregnancies among under-19-year-olds will continue and that the target of no pregnancies among under-14-year-olds will be achieved.

D. Measures to prohibit and eliminate all forms of harmful traditional practices, female genital mutilation and early and forced marriage

272. The Embera Wera project involving indigenous Embera women in the department of Risaralda, a community which practised female genital mutilation or circumcision as part of its initiation rituals and as a cultural tradition, was aimed at ending this practice and protecting the rights of the women of this indigenous community. The project was implemented in partnership with the United Nations Millennium Development Goals Achievement Fund, the United Nations Population Fund and the International Organization for Migration, in conjunction with the Ombudsman's Office, the Counsel-General's Office, the Colombian Family Welfare Institute, the Ministry of the Interior and the Ministry of Social Protection. The participation of the Embera indigenous community, primarily the women, led to the adoption, in November 2010, of the decision to suspend the practice of female genital mutilation.

E. Measures to protect children and young persons from substance abuse

273. In 2007 the National Demand Reduction Commission directed the task of formulating the public policy to curb consumption of psychoactive substances. The strategic objectives of this policy are to reduce vulnerability to substance use through integrated action aimed at the macrosocial, microsocial and personal factors most predictive of abuse and to limit the impact of abuse through the provision of timely and comprehensive information, services, assistance and support to individuals, families and communities. This policy is also directed at strengthening the capacities of local authorities in order to improve the quality and timeliness of their response to psychoactive substance abuse and its consequences.

274. Also, steps are being taken to support and promote the implementation of programmes and strategies aimed at the child and youth population with a view to preventing substance abuse and promoting healthy lifestyles and environments and efforts are being made to widen the coverage of these programmes and conduct regular assessments of their results. They include the I and My Life programme of the Surgir organization and the School Guidance Zones and Skills for Living programmes of Fundación Leones Educando.

F. Measures to ensure the protection of children and young persons with incarcerated parents and children living in prison with their mothers

275. Under Act No. 65, of 1993, children up to the age of 3 years are permitted to remain in penal institutions with their mothers. However, in view of the complexity of this situation with regard to the exercise of children's rights, the Colombian Family Welfare Institute set up a specific programme in 2000 to provide them with comprehensive support (food, care and protection) through the community welfare services scheme.

276. In 2004 some components of the programme were strengthened, namely nutritional aspects, support procedures for children in women's State prisons, infrastructure and equipment, and the provision of food and care for under-3-year-olds, pregnant women and nursing mothers. These changes have led to improvements in the programme with the establishment of basic care units for under-3-year-olds.

277. The main objective of the nutritional aspects component of the programme is to promote the psychological, moral and physical development of children living with their mothers in State penitentiaries. This component is being implemented in eight departments (Antioquia, Cauca, Risaralda, Valle, Cesar, Santander, Tolima and Norte de Santander) and in the city of Bogotá. On average, 155 children have received support each year since 2000.

278. Procedures have also been established so that children who are not living with their mothers in prison and who need support are included in the network of early-childhood care services in the vicinity of the prison and can be with their mothers at night-time.

Social security and childcare services and facilities

279. With regard to preventing violations of the rights of children and young persons, major progress has been made in the area of early-childhood support, as evidenced by the continued operation of the programmes of the Colombian Family Welfare Institute. Since 2007 these programmes have accorded priority to enhancing the services offered through nurseries and multiple and combined welfare facilities with the goal of providing care for more than 1.3 million children and young persons by the end of 2010, with an investment of 797,000 million pesos.

280. In connection with support for displaced persons, the Colombian Family Welfare Institute is addressing this problem through the implementation of special programmes such as the extended relief and recovery operations programme, the emergency food rations programme and the mobile support units programme, which are aimed at re-establishing the dignity and integrity of children and young persons. Between 2006 and 2010, 173,255 children and young persons received assistance under the programme on administrative procedures for the restoration of rights. The Colombian Family Welfare Institute has devoted considerable efforts to overhauling processes, updating or establishing support guidelines, developing teaching strategies that adopt a roots-based approach to children's and young persons' education and in some cases conducting assessments of family bonds,

which are carried out according to the strictest criteria with the primary aim of determining whether families love and respect their children and safeguard their rights.

281. Steps have been taken to promote the creation of a comprehensive information system and the development of a remote control board to enable every rights restoration case processed at each of the 33 regional centres of the Colombian Family Welfare Institute to be monitored from its headquarters. Also, the facilities, technology and support mechanisms have been enhanced to provide the Colombian Family Welfare Institute's staff with suitable premises for dealing with members of the public who come in person to the institution and the number of family advocates employed has been increased (from 560 in 2006 to 1,120 in 2010) in order to deal with rights restoration procedures and inquiries in the best possible way.

282. Support services for children are provided in family, non-residential, semi-residential, residential and alternative care settings. Of the young persons undergoing administrative procedures for the restoration of their rights, 289 are in higher education, 166 are following technological courses, 115 are pursuing university studies and 3,282 are participating in the technical training scheme set up under an agreement between the Colombian Family Welfare Institute and the National Learning Service.

VII. Education, leisure and cultural activities

A. The right to education

283. Article 44 of the Constitution establishes the right to education as one of the fundamental rights of children and young persons. Pursuant to this constitutionally mandated requirement, the national Government has addressed structural aspects of the education sector with a view to creating an institutional environment consistent with enactments pursuant to the Constitution and with the obligation to guarantee the right to education. The most important regulations derived from the Constitution in the area of education include the General Education Act (Act No. 115 of 1994), which lays down general rules for regulating educational services and non-formal education; Act No. 715 of 2001, which amends the system of transfers from central government to local authorities and defines the areas of responsibility of each level of government in regard to education; and the Children's and Young Persons' Code, which establishes substantive and procedural rules for the comprehensive protection of children and young persons. It should be noted that the Children's and Young Persons' Code stipulates that children and young persons have the right to high-quality education, which the State has a duty to provide, and to receive one year of pre-primary education and nine years of schooling at the primary and lower-secondary levels. Education in State establishments is to be free of charge and any person declining to admit an under-18-year-old to a State school will incur a fine equivalent to 20 times the current minimum wage.

284. The General Education Act defines, *inter alia*, the purposes of education, the general responsibilities of the educational community, society and the family, the structure of educational services, support schemes for population groups and the organization of service provision. It also sets out criteria for the formulation of general guidelines on curriculum planning, school study programmes, the organization of educational establishments, the development of the institutional education project and the creation of a national educational evaluation system which provides for professional performance appraisals of teachers and senior managers, assessments of students' academic attainment and support for educational establishments with poor results.

285. Act No. 715 of 2001 meant a significant change in the method of financing and allocating resources of the education sector from an input system of funding to a resource allocation system based on the criteria of beneficiary population, school-age population to be served and equity. A per-pupil allocation was thus fixed according to the educational level (pre-primary, primary and secondary) and area (rural and urban) in order to rectify problems of regional inequity in resource distribution. Also, under the terms of the Act, staffing costs are to be based on technical criteria relating to the requirements for educational service provision.

286. In line with the provisions of the General Education Act, Act No. 1064 of 2006 lays down the conditions for supporting and strengthening education for work and human development programmes and amends the definition of non-formal education as contained in the General Education Act. Act No. 1064 also sets out the need to regulate the requirements and procedures which institutions providing these programmes have to observe in order to obtain accreditation, as a mechanism for ensuring the quality of such education.

287. Since 2010 the national Government has promoted the education policy entitled “Quality education: the way to prosperity”, whose purpose is to guarantee children’s and young persons’ right to an education of a high standard which develops them as citizens who possess ethical values, uphold the public good, exercise their human rights, fulfil their social obligations and peacefully coexist and which creates legitimate opportunities for progress and prosperity, contributes to closing inequity gaps and is competitive. This policy is centred on the institution of education and sets out the obligation regarding the participation of the whole of society within a context of diversity, multiculturalism and pluri-ethnicity. The following strategic objectives, which reflect the policy commitment to improving education quality with equity, have been put forward with a view to achieving the above aims:

- Offering high-quality nursery education as part of comprehensive care provision, applying a differentiated and social-inclusion approach and adopting a child’s rights perspective;
- Improving education quality at all levels by strengthening skills development, the assessment system and the quality assurance system;
- Reducing rural-urban gaps and disparities between diverse and vulnerable groups and regions on a basis of equality of conditions with respect to educational access and retention and the provision of high-quality education at all levels;
- Offering education of relevance and incorporating innovation with a view to building a more competitive society;
- Strengthening the management of the education sector in order to make it a model of efficiency and transparency;
- Countering the impact of extreme weather conditions on educational services and developing the sector’s institutional capacities to ensure education provision in emergency situations.

288. Progress has been made over the past year in the following areas of implementation of this new education policy: the introduction of changes to the criteria for allocating and distributing education sector resources, with improved conditions of social equity in relation to funding; the design and implementation of the project on transforming education quality, involving direct support for educational establishments which have historically shown poor educational performance; the upgrading of the reading plan; the promotion of good order in school and society; the programming of supplementary schooling activities;

and the safeguarding of the right to education in the face of the extreme weather conditions experienced by Colombia during the past year.

1. Early childhood

289. In line with the stipulations of the Children's and Young Persons' Code, Colombia has formulated an education policy aimed at ensuring that children from birth to the age of 5 years have permanent access to optimum educational facilities which enhance and develop their capacities through a holistic approach that simultaneously guarantees the provision of childcare, health care and nutritional support. The development of the education policy on early childhood has been guided by the following general criteria:

- It is inclusive, equitable and supportive in that it takes account of children's ethnic, cultural and social diversity;
- It acknowledges that all children, irrespective of the sociocultural environment in which they grow up, have the ability to develop their skills if they are in a setting which provides for their basic care, emotional and dietary needs;
- It is comprehensive since it takes into consideration the fact that the educational environments in which children develop (the family and the community) require coordinated action with the health and welfare sectors in order to ensure children's appropriate development.

2. Pre-primary, primary and secondary education

290. The format for presenting the achievements of education policies in the years under review adopts the four elements which reflect States' obligations concerning the right to education, namely availability, accessibility, acceptability and adaptability, as set out below.

291. The availability obligation relates to the duty of the State to ensure sufficient educational provision to meet demand with adequate facilities and sufficient resources, educational materials and teaching staff. In this connection, the following measures have been pursued in the implementation of the policies outlined in chapter I:

- There has been a progressive increase in the resources allocated to guaranteeing children's right to education. In 2004, public spending on education as a percentage of GDP was 4.5 per cent and by 2010 had reached 4.98 per cent. The rise in public spending represents, in current pesos, an increase of about 99 per cent, from 13.5 billion pesos in 2004 to approximately 27 billion in 2010.
- The education system has been reorganized in an attempt to make better use of physical, human and infrastructure resources, with the assignment of teachers and funding to areas of children's residence and the continuation of the institutional reorganization strategy implemented to ensure continuous educational provision from the pre-primary to the secondary level and more efficient utilization of available resources. This strategy has helped to improve school retention rates, particularly in the transition between levels (from the fifth to sixth grade, i.e. between primary and lower-secondary education, and from the ninth to tenth grade, i.e. between lower- and upper-secondary education).
- The definition of the teaching workforce has been adjusted in line with enrolment trends and personnel movements in order to assign teachers on the basis of student location and maximize the use of infrastructure.
- With regard to educational premises, progress has been made by Colombia during recent years in upgrading and expanding school facilities, with the creation of

12,732 classrooms between 2002 and 2010 to provide approximately 649,410 places, with an investment of some 1.2 billion pesos.

- Monitoring and oversight mechanisms have been reinforced, thereby strengthening local administrations, and the management capacity of education secretariats has been enhanced, with emphasis on optimizing the quality of information, in particular on students and teachers.
- The measures referred to have made possible the expansion and progressive universalization of elementary education (0 to 9 years). In 2010 the gross coverage rate in Colombia was 109.1 per cent and the net coverage rate was 91.3 per cent. The gross coverage rate for 2010 in rural areas was 103.07 per cent.
- The overall gross coverage rate (from foundation level to upper-secondary level) rose from 95.51 per cent in 2004 to 104 per cent in 2010. The largest increases were recorded in the lower- and upper-secondary levels.
- In rural areas, the overall gross coverage rate (from foundation level to upper-secondary level) rose from 80.83 per cent in 2002 to 94.41 per cent in 2010 and shows improvements at all educational levels. Despite these advances, further progress needs to be made towards closing the educational gaps between rural and urban areas and between regions, especially in secondary education.
- The overall net coverage rate rose from 86.21 per cent in 2004 to 91.9 per cent in 2010, with increases at all levels.
- Regarding overall enrolment trends, the number of persons enrolled rose from 10.5 million in 2004 to 11.2 million in 2010. With respect to enrolment from 0 to 11 only (excluding adult education), the number rose from 9,742,803 in 2004 to 9,898,484 in 2010. In 2009 the overall gross coverage rate broken down by gender was 106.04 per cent for females and 101.43 per cent for males, the overall net coverage rates being 89.3 per cent and 89.4 per cent respectively. Coverage rates are slightly better for boys at the primary level but slightly better for girls at the lower- and upper-secondary levels.
- With regard to diverse and vulnerable population groups, provision for displaced persons of school age increased by 161 per cent between 2007 and 2010, having risen from 213,762 students enrolled in 2007 (as at December 2007) to 557,860 in 2010 (as at 30 June 2010).
- As to the effective enjoyment of the right to education for displaced persons, the third report of the Review Commission for Public Policy on Forced Displacement showed that, in 2010, 87.1 per cent of displaced children between the ages of 5 and 17 years who were entered in the central register of displaced persons attended an educational establishment while, in 2008, the percentage of displaced children between the ages of 5 and 17 years included in the register who attended an educational establishment was 80.3 per cent.
- A comparison with attendance figures for all 5- to 16-year-olds shows a progressive narrowing of the gap. The difference between the overall attendance rate and the attendance rate for displaced persons was 9.2 percentage points in 2008, falling to 2.9 percentage points by 2010 (the attendance rate for all 5- to 16-year-olds was 89.5 per cent in 2008 and 90 per cent in 2010).
- Overall enrolment rates for ethnic groups (indigenous, Afro-Colombian, Roma and other ethnic minorities) have increased, the number enrolled having risen from 738,323 in 2005 to 859,875 in 2010. In the case of indigenous peoples, the increase in enrolment between 2005 and 2010 was 4 per cent, the number enrolled having

risen from 362,183 to 371,844, with coverage reaching 79 per cent by 2010. Over the same period there was a 5 per cent increase in the enrolment rate for persons with disabilities, the number enrolled having risen from 102,272 to 108,762, with coverage reaching 28 per cent by 2010. Despite this progress, diverse and vulnerable population groups continue to pose major challenges for Colombia in the area of educational provision.

- The average number of years in education for the 15- to 24-year-old age group, which is one measure of educational outcomes, also shows a rising trend, having increased from 9.05 in 2004 to 9.15 in 2009.

292. The accessibility obligation comprises three aspects: non-discrimination, physical accessibility and economic accessibility. Colombia has achieved steady progress in making education more accessible to all, especially for the most vulnerable groups. To that end various measures have been adopted in the course of the period under review, resulting in improvements in student access, retention and completion rates for the various population groups, as indicated below:

- The establishment of free education on a national level. The national Government has since 2008 allocated resources for free education provision so that schooling costs (academic fees and additional services) can be waived in the case of students in SISBEN level-1 and level-2 households, indigenous students, students with disabilities and displaced students. In 2008, 4,598,071 students benefited from this measure, with an investment of 137,942 million pesos; in 2009 the costs were waived for 5,230,446 students, with an investment of 186,913 million pesos; and in 2010 the number of beneficiaries reached 5,326,059, with an investment of 196,769 million pesos. The goal of the new education policy for the period from 2010 to 2014 is the universal provision of free education.
- The design, development and implementation of flexible educational arrangements to address the specific needs of diverse and vulnerable population groups in an effective and relevant manner. In the case of persons affected by violence, child workers and other vulnerable groups, steps have been taken to ensure the provision of an all-round education through schemes which include the following components applied according to the beneficiary's age and educational level: action to supplement schooling costs (meals, transport, school uniforms and clothing assistance), psychosocial support, attendance monitoring and home tutoring for students at risk of dropping out, workshops with parents and counsellors, employment training and comprehensive care for under-5-year-old children of student beneficiaries, among other measures. Between 2005 and 2010 the number of displaced persons between 5 and 17 years of age enrolled under flexible educational schemes rose from 24,734 to 126,636, which represents 20 per cent of total State enrolment for this population group.
- The introduction of the inclusion programme for persons with special educational needs. In 2010 a total of 20,370 million pesos was allocated in addition to the transfer sum per assisted child on the basis of amounts assessed according to type of local authority, area and educational level.
- The development of policy guidelines on educational provision for indigenous and black communities, ethno-educational projects and tools for monitoring and evaluating these initiatives. By 2010, assistance had been provided for the coordinated formulation of ethno-educational projects in 49 indigenous communities covering a total of 1,663 educational establishments, 230,670 students and 7,785 teachers. With regard to Afrodescendent communities, the San Basilio de Palenque ethno-educational project has been implemented and projects are being formulated

with the community councils of collectively held territories in the department of Nariño. Also, the Afro-Colombian studies programme has been upgraded with the participation of 400 of the country's teachers and the atlas of Afro-Colombian cultures has been published on the Ministry of Education's web page.

- In connection with the organization of the teaching workforce, the Ministry of Education held a special competitive examination for entry to the teaching profession aimed at ethno-educators for the Afro-Colombian and native islander population groups with the objective of increasing the relevance of ethno-educational projects through the recruitment of teachers from the 29 local authority areas where these peoples are the majority inhabitants, thereby ensuring that the teachers responsible for the education of Afro-Colombians have a greater cultural affinity and a knowledge of the communities and can empathize with the life plans and social and legal situation of the people. In 2006 a comprehensive ethno-educational test was held in order to select ethno-educators for the Afro-Colombian population. A total of 17,849 individuals applied. Information-dissemination workshops were organized for purposes of this test, the number of participants totalling 4,035, and 4,042 teachers have been appointed as ethno-educators in 29 certified local authority areas.
- The Ministry of Education participates in the expert working group on the implementation of the intersectoral policy on preventing the recruitment and use of children and young persons by illegal armed combatants and in the National Mine-Risk Education Committee, which is directed by the Presidential Programme on Comprehensive Action against Anti-personnel Mines. At these forums: (i) efforts are coordinated so that measures pursued by the education sector in the areas of educational access, retention and quality will help to reduce the risk of recruitment and mine-related accidents through projects such as the citizenship skills project and the mine-risk education action project; and (ii) the other sectors forming part of the Committee's membership are provided with information on conflict situations which pose barriers to student access or retention, with a view to seeking alternative solutions.

293. As coverage rates have risen, the education policy has strengthened the mechanisms for improving the quality and relevance of education in order to ensure its acceptability in different social and cultural situations. Noteworthy measures pursued in this connection include the following:

- The development and dissemination of quality benchmarks. As guideline standards for teaching activities, these benchmarks form a key component of all-round education, as defined in the General Education Act, and have been formulated for the purpose of ensuring students' development of their skills irrespective of their social, economic or cultural background. They were drawn up in a way that allows coordination between the pre-primary, primary, secondary and higher education levels. As at 2010, quality benchmarks had been produced for: (i) skills in language, mathematics, science and citizenship; (ii) skills in foreign languages (English in particular); (iii) general concepts of technology; (iv) educational concepts for the teaching of philosophy, physical education, leisure, sport and art; (v) teacher profiles; and (vi) flexible educational schemes.
- The strengthening of institutional management with a view to improving education quality. In order to achieve this objective, strategies have been designed to develop institutional education plans that will help maintain institutional autonomy in regard to public policies and enhance teaching, with the aim of meeting local, regional and global educational needs.

- The establishment of the National Bilingualism Programme (English as a foreign language). This training programme has made it possible to improve Colombian teachers' standard of English. An assessment of language communication skills levels was initially carried out with the participation of 13,324 (88 per cent) of the total of 15,000 teachers of English. On the basis of the findings various initiatives were developed in order to improve teachers' language proficiency through online, attendance and immersion courses run by State and private universities and high-quality language centres in different regions of the country, providing training for 3,486 teachers at level B1 and 3,935 at level B2. Steps were also taken to promote the use of the media and information and communication technologies (ICT) for educational purposes with a view to improving the standard of English as a foreign language through the development of an education website on the Colombia is Learning (*Colombia Aprende*) portal, where the public can find over 900 digital items, online courses, chats, teachers' networks, websites of interest (links), events and activities.
- The safeguarding and restoration of the rights of children and young persons. The Ministry of Education has been involved in the Facts and Rights Strategy, which promotes public action aimed at safeguarding and restoring children's and young persons' rights, places emphasis on the responsibility of civil society with regard to the observance of rights and makes it possible to monitor progress in the realization of the rights of children and young persons.
- Evaluation. One major achievement has been the strengthening of the national evaluation system, under which progress is reviewed, weaknesses are identified and improvement measures are proposed, with ongoing monitoring of each of the factors associated with the teaching and learning process. In addition to national and international, internal and external evaluation methods applied to the country's students, advances have been made in consolidating the status of the teaching profession through a merit-based approach where the best teachers are selected by public competitive examination, their work performance is assessed annually and their personal and professional development constitutes a key factor in their eligibility for pay increases in accordance with the promotion roster.
- Flexibility. Education must have the necessary flexibility to respond to students' needs and to changes in their social and cultural situations. Significant progress has been made during recent years with respect to the statistics on overage students, grade repetition and school dropout. The dropout rate declined by 1.4 percentage points between 2004 and 2009, having fallen from 6.5 per cent to 5.15 per cent. The repetition rate fell from 3.4 per cent in 2004 to 3.1 per cent in 2008.

294. The main measures adopted and progress achieved in regard to securing children's continuation in the school system and the strategies implemented to enhance the relevance of education in line with students' situational needs can be seen in the following action areas:

- One of the most important developments has been the organization of the national school dropout survey conducted in 2009 and 2010 by the Ministry of Education. Work had previously been carried out on the basis of data from household surveys which investigated school non-attendance but not dropout and which did not take the educational community into consideration. The findings thus revealed primarily economic factors but not factors relating to the functioning of the education system. Assessments are now based on factors associated with student dropout, including variables concerning educational establishments and the conditions of education provision, with differences between regions and areas, as well as variables relating to the home, family and social situation.

- An information system on school dropout monitoring, prevention and analysis has been designed, enabling head teachers of educational establishments, education secretariats and the Ministry of Education to track individuals most at risk of dropping out and to design and implement strategies to ensure their continuation in school.
- In the light of the findings of the national school dropout survey, steps have been taken to encourage the adoption of targeted, regionalized student-retention measures whose design, development and implementation take account of the type of local authority, population group, region and area and are formulated on the basis of identified causes of dropout. The main significant achievements up to 2010 in the pursuit of these objectives are as follows:
 - Free education provision has been introduced for the most vulnerable students at the lower- and upper-secondary levels. The current Government's intention is to progress to universal free education as from 2012.
 - The budgetary allocation within the general system of contributions to finance school feeding programmes in 2010 amounted to 103,926 million pesos. In addition, the Colombian Family Welfare Institute has programmed an investment of 444,980 million pesos for the benefit of 4,057,932 students. It is estimated that, with these resources, some 50 per cent of pupils enrolled in State education will have been included in the school meals programme by 2010. In accordance with Act No. 1176 of 2007, local authorities, in targeting the school meals programme, are required, in line with the recommendation of the district and/or municipal social policy councils, to select State educational establishments and give priority to those which serve displaced persons and rural and indigenous communities and to educational establishments with a high proportion of persons classified as SISBEN levels 1 and 2. The investment of financial surpluses of cooperatives and mutual associations, together with education secretariats' allocated funds, in educational establishments which serve vulnerable population groups is also being promoted. In 2010 the sum of 47,947,318,930 pesos from surpluses of cooperatives was invested in, *inter alia*, educational premises, school meals and transport, uniforms and materials at the pre-primary, primary and secondary levels.

295. As regards supplementary assistance, intersectoral coordination with the Families in Action programme and the programme on the Social Protection Network for Eradicating Extreme Poverty (the *Unidos* Network programme) has been strengthened. The Families in Action programme is an initiative by the national Government which contributes to human capital development through the provision of food grants to under-7-year-olds and education grants to students aged between 7 and 17 years from families in SISBEN level-1 households, displaced families and indigenous families. The grants are given to the mother provided that certain commitments are fulfilled by the family. In order to qualify for education grants, families have to guarantee that under-18-year-olds attend school. The Ministry of Education is working in conjunction with the National Programme Coordination Office and education secretariats in certified local authority areas to monitor beneficiary students' attendance at school (see, in this connection, table 1 of the annex).

296. The *Unidos* Network programme is a social welfare scheme which is aimed at families in extreme poverty and displaced families and is based on a management model that provides for preferential access to State social services. Under this programme the formation of joint units comprising education secretariats and local *Juntos* Network teams is being promoted for the purpose of undertaking tracking and georeferencing operations and giving priority support to the targeted population outside the education system.

297. With regard to the causes of student dropout that are linked to the relevance of education, progress has been made in the development of new arrangements for the provision of educational services and the introduction of flexible schemes, details of which appear in the discussion of the accessibility element. As regards the dropout factors linked to the value placed on education (little desire to study and little importance attached to education by children or parents), the implementation of the “Not one fewer” strategy was begun in 2005, its aim being to bring about a lasting transformation in negative collective attitudes towards education.

B. Aims and quality of education

298. In line with the provisions of Act No. 115 of 1994 and Act No. 715 of 2001, Decree No. 1290 of 2009 regulates the assessment of primary and secondary students’ learning and progress and sets out general criteria for establishing an institutional evaluation system. Of the most noteworthy aspects, mention may be made of the following:

- Evaluation is regarded as an ongoing process whereby students’ performance levels are assessed in relation to their abilities;
- Strengthening of educational establishments’ independence in determining their own institutional evaluation system;
- Definition of the responsibilities, rights and duties of all those involved in the evaluation process, i.e. the Ministry of Education, education secretariats in certified local authority areas, educational establishments, parents and students;
- Comprehensive supplementary survey of evaluation methods applied in different contexts (institutional, national and international).

C. Cultural rights of children belonging to indigenous and minority groups

299. With respect to ethnic and cultural diversity, a policy on educational support for ethnic groups has been designed by the Ministry of Education with the participation of the communities involved, in accordance with the requirements of the Constitution and the General Education Act and in conformity with the regulations promulgated in regard to educational provision for diverse population groups. To that end contacts were established with coordination bodies representing grass-roots organizations such as the National Action and Coordination Commission on Education Policy for Indigenous Peoples and the National Education Commission for Black Communities, working groups for the Roma people, departmental panels on the coordination of education policy for ethnic groups, etc.

300. Also, policy guidelines on provision of support for indigenous peoples and black communities and mechanisms for communication between ethnic groups and education secretariats have been established and tools have been developed for monitoring and evaluating these processes.

Vulnerable population groups

301. With regard to vulnerable persons, policy guidelines on educational support for vulnerable population groups were designed and disseminated by the Ministry of Education in 2005. These guidelines provide information for education secretariats in certified local authority areas on how to administer education service provision for the most vulnerable and the most at risk (persons affected by violence, persons with special educational needs

and socially at-risk children and youth, among others) in order to ensure that it is inclusive, equitable and of a high standard.

302. Decree No. 366 of 2009 regulates the organization of teaching support services for students with disabilities and for gifted and talented students within the framework of inclusive education. In this connection an additional 20 per cent is assigned by the Ministry of Education to supplement the resources allocated per student in order to co-finance the costs of educational services for students with disabilities and for gifted and talented students. As part of the regulations aimed at guaranteeing the effective enjoyment of the rights of displaced persons the national Government promulgated Decree No. 250, of 2005, adopting the National Plan on Integrated Services for Persons Displaced by Violence. This decree requires the education sector to promote the following measures for the benefit of displaced persons:

- Including and retaining under-age persons within the formal education system in accordance with relevant regulatory provisions;
- Expanding educational coverage for children and young persons through the allocation of school places;
- Implementing flexible educational schemes geared to specific situations in order to ensure the right of displaced under-aged persons to education;
- Strengthening educational services in areas to which displaced groups return or relocate;
- Improving education quality through the implementation of teacher training schemes and programmes in order to maximize the effectiveness of teaching activities with a view to adequately meeting the educational needs of the beneficiary population;
- Supporting the construction, repair and adaptation of premises and the provision of equipment for educational establishments which serve displaced communities.

In expanding the scope of the foregoing the Ministry of Education has issued guidelines with a view to enabling local authorities to guarantee the continuation of education service provision in emergency situations. These guidelines require education secretariats to implement emergency and contingency action plans in coordination with regional and local disaster prevention and relief committees. Education secretariats are also required to participate in the formulation and implementation of standard integrated plans to assist displaced persons, in coordination with regional and local committees for the support of displaced population groups.

303. As part of the measures to ensure that vulnerable and diverse population groups have access to and continue in education, guidelines have been drawn up by the Ministry of Education for the management of resources earmarked under the general system of contributions for the purpose of ensuring the provision of free education for displaced students, indigenous students, students with disabilities and students in SISBEN level-1 and level-2 households.

D. Education on human rights and civic education

304. Colombia has formulated three projects in this area: (a) environmental education; (b) sexuality education; and (c) citizenship development and human rights education. The environmental education project contributes to building citizens who possess an ethical and responsible attitude towards sustainable management of the environment, are able to make decisions from an environmental management perspective and have respect for themselves, for others and for their environment.

305. Some 5,000 teachers have undergone training and 175,000 students have benefited through this project under tripartite agreements concluded between departmental education secretariats, autonomous regional corporations and the Ministry of Education, with the result that the programme is currently at different stages of implementation in 22 of the country's departments.

306. The project on sexuality education puts forward new ways of learning about the reality of sexual and reproductive rights and sets out a strategy for translating the promotion of these rights into educational practice.

307. The project on citizenship development and human rights education entails the assimilation and practical application in daily school life of skills that will enable children and young persons to act in society in a peaceful and democratic fashion, to treat individuals as an end and not as a means and to develop skills enabling them to behave as active citizens so that they can peacefully resolve conflicts facing them in the school, family or community environment. A pilot project implemented in 2010 enabled some 670 teachers of 12 education secretariats to receive training, for the benefit of over 4,700 students. Also, 2,500 teachers have undergone direct training through the provision of assistance in the setting up of 60 expert regional teams and the development of working groups at 1,000 educational establishments, benefiting 181,680 students.

E. Rest, play, leisure and recreational, cultural and artistic activities

308. Under the General Education Act the appropriate use of free time is recognized as one of the purposes of Colombian education. Decree No. 1729 of 2008 lays down regulations in partial implementation of article 16 of Act No. 789 of 2002, which established the Comprehensive Childcare and Supplementary Schooling Fund. These regulatory provisions are essentially concerned with the following aspects relating to the organization of supplementary schooling programmes: general and specific objectives, beneficiaries, planning, evaluation, agreements and review and oversight measures. In this connection the Ministry of Education, in conjunction with the Family Benefit Supervisory Authority, has issued guidelines to education secretariats in local authority areas on providing support for supplementary schooling programmes with a view to promoting the appropriate planning, implementation and monitoring of the programmes and guaranteeing the quality of programme content and of the activities organized under the strategy.

309. Pursuant to the supplementary schooling guidelines, the Ministry of Education and the Family Benefit Supervisory Authority assist the education secretariats and family allowance funds in implementing supplementary (extracurricular) activities as an adjunct to educational establishments' curriculum courses with the aim of providing educational guidance on the use of free time in pursuits that will enhance the basic and citizenship skills of vulnerable children and youth. Such assistance has included the definition of support arrangements to ensure that activities and content are of high quality and the establishment of criteria for targeting vulnerable students, including persons who are displaced or poor and child workers.

310. According to data supplied by the Family Benefit Supervisory Authority, there were 6,457,945 recorded supplementary schooling activities between the fiscal years 2007 and 2010. This figure relates not to individual children included in the strategy but to instances of use by beneficiaries.

311. In order to improve the monitoring of the strategy and of its impact on school retention, the Ministry of Education has initiated a process of adapting the student enrolment information system for the purpose of identifying individual beneficiaries. According to the national school dropout survey conducted by the Ministry of Education in

2010, around 53 per cent of students take part in a course or programme during out-of-school hours.

312. The current education policy includes plans to expand the implementation of supplementary schooling activities as an extension of the school day to all education secretariats in certified local authority areas in conjunction with the Ministry of Culture and the Colombian Institute of Sport. Also, the following measures have been pursued:

- Enhancing the relevance of education. With regard to the promotion of employment skills, proposals have been put forward regarding the development of flexible responses that will facilitate student mobility between different levels of training and between the education system and the labour market. In particular, efforts have been made to strengthen and encourage technical and technological education. The policy for the period from 2006 to 2010 prioritized the necessity of learning a foreign language, with preference given to English as the language of globalization and competitiveness, the involvement of secondary-level students in higher education and the world of work and the use of the media and information and communication technologies.
- Linking secondary education with higher education and with education for work and human development. Such links make it possible to build the skills needed for improving school leavers' employability and to foster the competitive integration of education with the world of work and encourage higher-level training and lifelong learning. Two major strategies have been implemented to achieve these ends: (a) coordination with employment training programmes offered by the National Learning Service; (b) strategic partnership links between secondary and higher educational establishments and industry, with a revised range of technical and technological courses and enrolment grants for grade-10 and -11 students who on commencing secondary education begin studying these new courses. As at 2010, 1,200 educational establishments across the country were offering link options to their secondary-level students, 40,000 young persons were receiving grants from the Secondary Education Promotion Fund to pursue technical studies at higher educational institutions and 453,751 were following technical courses offered by the National Learning Service while completing their final school year.

VIII. Special protection measures

A. Children outside their country of origin who have sought refugee protection, unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration

1. Internal displacement

313. The legal framework regulating State support for forcibly displaced persons in Colombia is constituted by Act No. 387 of 1997, Decree No. 2569 of 2000, Decree No. 250 of 2005 (the National Plan on Integrated Services for Persons Displaced by Violence) and the orders issued on this matter by the Constitutional Court (Decision T-025 of 2004, Rulings 177 and 178 of 2005 and Ruling 008 of 2009).

314. The national Government's concern to develop policies for the provision of comprehensive support and protection to victims of forced displacement with the incorporation of a differentiated approach is also evident in the Children's and Young Persons' Code, which stipulates in article 20, paragraphs (6), (7), (10) and (11), that

children and young persons have the right to be protected from, among other risks, war and internal armed conflict, recruitment and use by illegal organized armed groups, illicit transfer and retention abroad for any purpose and forced displacement.

315. In this connection the National System of Integrated Services for Displaced Persons (SNAIPD) is a forum for public, private and community-based entities to formulate policies and adopt measures for preventing forced displacement with a view to intensifying their efforts and reinforcing their commitment to developing actions and responses that will have an impact on the displaced population from a national, regional and local perspective.

316. SNAIPD is composed of the following 27 entities: the Presidential Agency for Social Action and International Cooperation, the Office of the Vice-President of the Republic, the Ministry of the Environment, Housing and Local Development, the Ministry of Trade, Industry and Tourism, the Ministry of Education, the Ministry of the Interior and Justice, the Ministry of Finance and Public Credit, the Ministry of Defence, the Ministry of Agriculture and Rural Development, the Ministry of Communications, the Department of Planning, the Ombudsman's Office, the National Learning Service, the National Housing Fund, the National Television Commission, the Colombian Family Welfare Institute, Banco Agrario, the Colombian Rural Development Institute, the Foreign Trade Bank of Colombia, the High-level Presidential Advisory Office for Women's Equity, the National Reparation and Reconciliation Commission, the National Civil Registry Office, the National Institute of Forensic Medicine and Science, the Supervisory Authority for Notaries and Registrars, the Attorney-General's Office and the Agricultural Finance Fund.

317. Given the complexity of this phenomenon, the existence of a "unconstitutional state of affairs" was declared in 2004 by the Constitutional Court in Decision T-025, referred to above, with a view to ensuring effective enjoyment of the rights of displaced persons and institutional capacity to implement relevant constitutionally and statutorily mandated measures. Pursuant to that pronouncement the Government issued the National Plan on Integrated Services for Persons Displaced by Violence, in which the following main approaches were incorporated: a differentiated approach to children and young persons, who were viewed as a specific category of analysis, a territorial approach, a humanitarian approach, a restorative approach and a rights-based approach. The key aim of this plan was to draw up the Government's general policy and action strategies on preventing and dealing with internal forced displacement within Colombia and restoring the rights of this population group. Also, CONPES document 3400 refers to determining the "targets [and] prioritization of budgetary resources for the provision of support to persons displaced by violence in Colombia".

318. The 2006–2010 National Development Plan established a forced displacement, human rights and reconciliation policy which incorporates the Constitutional Court's recommendations. It was specified in that policy that to address the situation of people forcibly displaced by violence the State would guarantee comprehensive support for this population group through an approach based on the enjoyment of rights, assigning resources of up to 4.1 billion pesos to that end. The 2010–2014 National Development Plan maintains, with a few adjustments, the policy pursued in recent years with regard to displaced persons and provides for specific measures aimed at countering the effects of displacement, with emphasis on achieving the effective realization of rights.

319. Public policies on the provision of comprehensive support and protection to victims of forced displacement establish specific guidelines to enable the entities comprising SNAIPD and other agencies to promote the rights of displaced children and youth and pursue differential measures that take into account the specific violations to which this population group is exposed.

320. As part of all these developments the Colombian Government, with a view to addressing the problem of forced displacement of children and young persons, set up in October 2008, with the support of civil society and displaced persons' organizations, the National Expert Committee on Constitutional Court Ruling 251, which is composed of the Colombian Family Welfare Institute, the Ministry of Social Protection, the Ministry of Education, the Ministry of Defence, the Presidential Programme on Comprehensive Action against Anti-personnel Mines and the Office of the Vice-President of the Republic (technical coordination unit of the Intersectoral Commission for the Prevention of Recruitment of Children and Young Persons).

321. The National Expert Committee has designed and put into operation a programme of differentiated protection, known as My Rights First, for child and youth victims of forced displacement. This is a coordinated joint initiative involving national and local bodies. To date 16 specialist local teams have been set up to agree on and execute strategies for providing differentiated protection under the programme. Through activities carried out in implementation of the programme it has been possible to identify and assist 45,000 children and young persons in 98 municipalities in 12 of the country's departments.

322. The Colombian Family Welfare Institute has developed various programmes of differentiated support for child and youth victims of displacement such as:

- The programme of assistance for families in emergency situations;
- The extended relief and recovery operations programme (an agreement between the Colombian Family Welfare Institute, the Presidential Agency for Social Action and International Cooperation and the World Food Programme);
- The programme on the operation of a fund to cover charges or fees for services.

323. The Colombian Family Welfare Institute has also implemented regular programmes and allocated specific resources to support displaced persons according to their particular life-cycle stage, as listed below:

- The maternal and child welfare programme for displaced persons;
- The outpatient nutritional care programme for displaced persons;
- The community welfare services programme for displaced persons;
- The Happy Homes for Peace programme;
- The Children's Breakfasts with Love programme;
- The preschool facilities programme;
- The school meals programme;
- The junior and youth clubs programme;
- The programme of assistance to strengthen families of ethnic groups;
- The project to strengthen the educational and cultural development of the Sikuani ethnic group;
- The mobile support units programme;
- The programme of home-based care for forcibly displaced children and youth suffering from disabilities;
- The programme of home-based care for forcibly displaced children and youth orphaned as a result of armed violence;

- The family assistance units programme (family and social support, community and institutional care settings and family reunion);
- The Homes with Well-being programme.

2. Family reunion of child victims of forced displacement

324. Between 2008 and the first quarter of 2011 there were 176 cases in which child and youth victims of forced displacement were reunited with their parents or carers.

3. Returnee children

325. The voluntary return of Colombians resident in neighbouring countries is regulated by memorandums of understanding concluded with Ecuador, Panama and Venezuela. The Presidential Agency for Social Action and International Cooperation, as coordinator of SNAIPD, is the executing authority for such memorandums. Since 2008 it has been operating a protocol on the provision of assistance in the return of displaced persons which sets out the measures and steps to be taken for the purpose of assisting the individual or collective return and/or relocation of nationals who are in an irregular migration situation or who possess refugee status or temporary protection status in border countries. The country from which most return applications are submitted is Ecuador.

326. The Presidential Agency for Social Action and International Cooperation maintains records listing the families who have lodged applications for their return to the country and specifying the responses given and the support arrangements. According to data from these records, 56 applications were received between 2010 and the present time (55 from Ecuador and one from Venezuela); of these 56 applications five cases have been fully processed, one case is in progress, seven cases were entered in the central register of displaced persons but their processing was discontinued and the remaining 43 cases are not registered in the central register.

B. Children in armed conflict, including physical and psychological recovery and social reintegration

1. Follow-up to the Committee's concluding observations and recommendations on the third periodic report (CRC/C/COL/CO/3, paras. 80 and 81)

327. Before Colombia submitted to the Committee on the Rights of the Child (in September 2008) and defended before the Committee (in June 2010) its initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Committee formulated a number of recommendations on the basis of the third periodic report on the implementation of the Convention. Details of the follow-up measures taken in response to those recommendations are given below.

“Adequately monitor compliance with the provisions of the Protocol to the Convention on the involvement of children in armed conflict [...] and pay special attention [...] to measures aimed at the prevention of recruitment [...] of children.”

328. The various State bodies involved in protecting children's rights monitor compliance with the Optional Protocol on the involvement of children in armed conflict. Colombia has submitted and defended its initial report on the implementation of this instrument. It has set up (under Decree No. 4690 of 2007) an intersectoral commission for the prevention of recruitment and use of children and young persons by illegal organized groups and has adopted a public policy on preventing the recruitment of children and young persons (CONPES document 36373). Also, the Ombudsman's Office, an autonomous and

independent body within the executive and member of the task force charged with gathering and transmitting information under the monitoring and reporting mechanism established in Security Council resolution 1612 (2005), monitors the situation relating to children affected by the Colombian armed conflict. The measures falling within the areas of responsibility of government institutions in the implementation of the public policy on preventing recruitment, the strategies of that policy, the procedures for the prevention of recruitment and other related aspects are described in CONPES document 3673 annexed to the present report.

“Issue clear instruction and training to members of the military not to submit captured and demobilized child soldiers to interrogation and ensure that they are handed over to civilian authorities within the 36-hour timeline” and “[n]ever use children for military intelligence purposes, as it places them at risk of being victims of retaliation by illegal armed groups”.

329. The Military Forces High Command has issued a mandatory reiterative circular on respecting and upholding the rights of children and young persons, point 3 of which draws attention to the prohibition regarding the use of children and young persons in information-gathering and intelligence activities or as ground patrol guides in the conduct of military operations. Point 4 of the circular restates the prohibition on interviewing and interrogation and emphasizes the requirement that children and young persons be handed over to the Colombian Family Welfare Institute within 36 hours of their demobilization. For purposes of enforcement of these rules, ongoing coordination and fluid channels of communication are maintained between the law enforcement services and the Colombian Family Welfare Institute.

330. The Colombian Family Welfare Institute and the Ministry of Defence have concluded inter-administrative collaboration agreement 059 of 2009, which is aimed at providing training for members of the forces of law and order on their obligations under applicable law towards children and young persons in the context of the armed conflict, particularly with regard to the protection and assistance to be given to children and young persons at risk of forced recruitment, and covers the areas of prevention, education, evaluation, monitoring and institution-building.

“Substantially increase the resources for social reintegration, rehabilitation and reparations available to demobilized child soldiers as well as for child victims of landmines. Additional resources should be sought from international donors and technical assistance requested from OHCHR and UNICEF.”

331. The Colombian Family Welfare Institute has encouraged the development of psychosocial intervention and support initiatives for children, young persons and families affected by armed violence within the country on the basis of the following considerations:

- Procedures are developed from children’s and young persons’ own experiences in order to address the dynamics, expectations and concerns of children, young persons, their families and society. Factors such as flexibility, participation, respect and recognition of each child and young person and of the conditions for their social integration are instrumental in the success of intervention and support measures.
- In the pursuit of initiatives for the social integration of children and young persons, working with families is not an isolated strategy but a key component in securing the restoration of their rights and their social integration.
- Strengthening families’ protective capacities and their ability to meet the basic needs of their members helps to reduce the risks of recruitment and use of children and young persons by illegal armed groups.

332. The Colombian Agency for Reintegration undertakes action based on early prevention with the aim of strengthening communities, institutions and families in regard to child and youth protection. Accordingly, the measures proposed by the Agency since 2010 have been concerned with: (a) community reintegration; (b) social reintegration; and (c) regionalization of the Agency's prevention strategy in its 30 support service centres.

“Undertake necessary and targeted measures to locate and remove landmines.”

333. Demining of areas bordering rural schools or other places frequented by children and young persons is a priority. The Presidential Programme on Comprehensive Action against Anti-personnel Mines (PAICMA) is responsible for coordinating and regulating measures to eliminate hazards arising from the presence or suspected existence of anti-personnel mines or unexploded ordnance. Between 2008 and 2010, in response to the Colombian Government's obligations in this matter it enhanced its technical mine-clearance capacities and made progress in regulating humanitarian demining operations.

334. During the same period four humanitarian demining squads were set up, making it possible to step up operations to identify and clear mined areas, and 23 departmental committees on comprehensive action against anti-personnel mines were created. Also, PAICMA and UNICEF have concluded an action agreement targeting nine municipalities in three departments and 29 educational establishments with the aim of providing guidelines on how to introduce mine-risk education in schools in municipalities that are most at risk owing to the laying of anti-personnel mines.

335. PAICMA, in conjunction with indigenous authorities and civil society organizations, is formulating an anti-personnel mine-risk education project for the Embera Katio people, which will be carried out in the municipalities of Montelíbano (township of San José de Ure), Puerto Libertador and Tierralta, located in the department of Córdoba.

“Take due account of the victimization of former child soldiers in peace negotiations with illegal armed groups as well as their accountability for such war crimes. Legal advice should be sought from OHCHR on how to integrate minimum human rights standards and a child's rights perspective in the legal framework of peace negotiations, with special attention to the basic principles of truth, justice and reparations for the victims.”

336. For reasons of space it is not possible to give details of all the measures undertaken by the State in this connection. However, some are particularly noteworthy, as outlined below.

(a) The Justice and Peace Act (Act No. 975 of 2005), which constitutes the main legal framework for the peace process with self-defence groups, lays down that the granting of privileges as provided for in the Act is subject to the handover of the recruited children or young persons. As at 31 August 2011, as a result of the application of this Act, confessions had been secured in 1,448 cases of unlawful recruitment and the former commander of the Élmér Cárdenas division of Autodefensas Unidas de Colombia, Fredy Rendón Herrera, known as *El Alemán*, had admitted responsibility for the recruitment of 309 children and young persons.

(b) The Victim and Land Restitution Act (Act No. 1448 of 2011) states that children and young persons recruited and/or used and also children conceived as a result of rape in armed conflict situations are deemed victims and qualify for benefits under the provisions of the Act, while its article 13 stipulates that the “State shall afford special guarantees and measures of protection to groups exposed to increased risk [...] such as women, young persons, children [...]”.

(c) The National Reparation and Reconciliation Commission has set up an expert panel on the rights of children and young persons. This team's main achievement was the inclusion of children released from illegal armed groups as beneficiaries of administrative proceedings for redress from the State (article 5 of Decree No. 1290 of 2008). The inter-institutional victim support model — developed with assistance from the Counsel-General's Office, the Ministry of the Interior and Justice, the Ombudsman's Office and the Attorney-General's Office under the sponsorship of the Swedish International Development Cooperation Agency — incorporates classification and registration tools based on a differentiated approach with a view to rectifying deficiencies occasioned by the war.

337. Also, the President of the Republic has declared that the release of recruited children is a prerequisite for the initiation of any peace process with illegal organized armed groups.

2. Follow-up to the observations and recommendations of the Committee on the implementation of the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/COL/CO/1)

338. The most important measures taken by Colombia in connection with these observations and recommendations are described below.

(a) The Intersectoral Commission for the Prevention of Recruitment has negotiated and secured approval of the public policy on preventing the recruitment and use of children and young persons (CONPES document 3673), for whose implementation the sum of 360,977 million pesos has been committed up to 2014. Also, its technical secretariat is undertaking a process of regionalization (focusing on 145 municipalities in 31 departments and six districts of Bogotá) in coordination with civil society organizations. Prevention procedures were adopted by the Intersectoral Commission in 2010. The application of these procedures depends on their timescales (medium-term action: early-prevention procedure; short-term action: urgent prevention procedure; immediate action: protective prevention procedure). One of the areas of activity of the Intersectoral Commission's technical secretariat under its 2011–2014 strategic plan is the operation of an information system and monitoring centre whose purpose is to document violations of children's rights in the context of the armed conflict and to review and assess the application of CONPES document 3673 throughout the national territory.

(b) The law enforcement services have received specific instructions relating to the protection of children's and young persons' rights. Point 4 of the aforementioned mandatory reiterative circular issued by the Military Forces High Command on respecting and upholding the rights of children and young persons draws attention to the prohibition regarding the participation of children and young persons in certain activities which, as stated by the Committee, compromise the principle of distinction. The circular states, *inter alia*, that:

“[...] [T]o that end it shall be forbidden to carry out activities such as painting their faces in camouflage colours, organizing military aircraft flights in which children participate, arranging visits to military units with [their] participation [...], providing weapons when taking photographs, dressing them in military clothing, supplying headbands or other military accessories and transporting them in military vehicles [...]”

(c) The specialized support programme for children and young persons which is operated by the Colombian Family Welfare Institute provides assistance to all children and young persons who are rescued or released from any illegal group. Also, the technical guidelines for this programme incorporate differentiated approaches (gender, ethnicity, special population groups, children and young persons with disabilities, etc.).

(d) The involvement of children and young persons as witnesses or victims in criminal proceedings is regulated by the provisions of international law and by the stipulations of the Children's and Young Persons' Code, in particular in book II, entitled "Juvenile criminal justice system and special procedures relating to [child and youth] victims of crime" (articles 139 to 200, particularly articles 150, 151, 181.3 and 192 to 200).

(e) A legislative bill on adoption of the 2008 Convention on Cluster Munitions is being prepared by the Ministry of Foreign Affairs and the Ministry of Defence for presentation to Congress. It should be pointed out that, in accordance with internal procedures, any treaties and the laws adopting them have to be referred to the Constitutional Court for judicial review prior to ratification of the instrument concerned.

(f) The Intersectoral Commission's technical secretariat, the Presidential Programme for Indigenous Communities and the Presidential Programme for Afro-Colombian, Native Islander and Creole Communities are taking steps to develop procedures for preventing recruitment in indigenous and Afrodescendent communities.

(g) Inter-institutional coordination is ensured through the execution of the national policy on social and economic reintegration of illegal armed groups and their members, as contained in CONPES document 3554 of 2008, and the policy on preventing the recruitment and use of children and young persons by illegal armed groups and organized criminal groups, as contained in CONPES document 3673 of 2010, and also through the work of the Intersectoral Commission on Prevention of Recruitment.

(h) With regard to training efforts, particular mention should be made of the framework agreement of understanding concluded between the national police service and UNICEF on enhancing police force members' technical expertise and knowledge relating to children's rights in the light of domestic and international law and on strengthening activities pursued jointly by UNICEF and the national police service to protect children and young persons from, in particular, forced recruitment and sex crimes. In 2009 and 2010 the Ministry of Defence's humanitarian assistance unit for ex-combatants organized training on recruitment prevention in 16 departments, more than 70 municipalities and 5 townships (7 community-based prevention agreements, radio spots on the issue of prevention in 3 municipalities and training sessions at 136 educational establishments for the benefit of 11,882 students and 3,087 parents) and established partnerships with 6 schools in Bogotá, which have made it possible to provide training on recruitment prevention for 186 teachers and 884 students. Also, the Gender and Specific Population Groups Section of the National Reparation and Reconciliation Commission has undertaken training initiatives with officials at the regional centres on the adoption of a differentiated approach and the situation of child and youth victims of armed conflict.

(i) PAICMA, in compliance with the orders issued by the Constitutional Court in its Ruling 251 of 2008, carried out in 2008 and 2009 a pilot project in the municipality of Samaniego (Nariño) on prevention of accidents involving anti-personnel mines, unexploded ordnance and improvised explosive devices, specifically aimed at children and young persons. The methodology applied will be replicated in other municipalities across the country. Also, training activities targeting children and young persons have been organized on the risks of anti-personnel mines and unexploded ordnance with particular emphasis on the identification and exploration of safe behaviour, taking into account the cultural characteristics of the region, and steps have been taken, in coordination with the Colombian Family Welfare Institute, to involve individuals and facilities providing care services for children and young persons (mobile support units, "community mothers" and mothers participating in the Family, Women and Children Programme).

339. In 2009, on the basis of this experiment, PAICMA formulated six differentiated prevention strategies under the national My Rights First programme on differential support

for child and youth victims of forced displacement, namely: (a) coordination and strengthening of relations between institutions and with organizations; (b) identification of protective cultural and risk factors (recognition of children and young persons as active rights-holders); (c) strengthening and consolidation of protective family and community environments; (d) participatory reorganization and assimilation of institutional detection, prevention and support procedures; (e) examination with children and young persons of the present-day situation concerning the effective exercise of their rights in the municipality; and (f) institution-building and awareness-raising among the municipal committees. These strategies were officially put forward in March 2010 and it was decided to implement them in six municipalities affected by the problem: Chaparral and Planadas in Tolima, Tame and Saravena in Arauca, and Barbacoas and Policarpo in Nariño.

340. Particular mention should be made of the publication of the book entitled “*La Escuela enseña sobre el riesgo de las minas antipersonal*” (“The school teaches about the risk of anti-personnel mines”) and the participatory preparation of guidelines on formulating education strategies with regard to the risks of anti-personnel mines, unexploded ordnance and improvised explosive devices. These guidelines are aimed at all organizations which conduct mine-risk education projects, their expert teams and personnel on the ground, educators trained in these procedures, public authorities with responsibilities in this sphere and media involved in the communication of mine-risk education messages. The guidelines are expected to form a consultative document for the committees on comprehensive action against anti-personnel mines.

a. Minimum age for military conscription

341. All Colombian males are obliged to have their military service status determined upon reaching the age of majority (18 years) except in the case of final-year students, whose status will be determined when they obtain their school-leaving certificate, in accordance with the stipulations of article 10 of Act No. 48 of 1993. No child or young person may be recruited by the Colombian police or military forces.

b. Minimum age for voluntary recruitment

342. Citizens who volunteer to perform military service have to have reached the age of majority (18 years) and must present their identity card as proof of this.

c. Developments concerning legal and policy measures undertaken for the implementation of the Optional Protocol and exercise of jurisdiction over such crimes

343. The most important public policy development to give effect to the Optional Protocol was the preparation of CONPES document 3673, previously referred to. A further noteworthy development was the adoption of the Victim and Land Restitution Act (Act No. 1448 of 2011), which constitutes the legal framework for the provision of assistance, support, protection and redress to victims of gross violations of international human rights norms and breaches of international humanitarian law, a project which, in the words of Norbert Wühler, director of reparations programmes at the International Organization for Migration, represents the “most ambitious and comprehensive” reparations programme seen in the world. The Act incorporates a number of provisions for the benefit of children and young persons (arts. 3, 13, 32, 35, 38, 40, 114, 136, 145, 149, 176, 181 to 191 and 193). Mention should also be made of the promulgation of the Public Security Regulations (Act No. 1453 of 2011), under whose provisions the use of children for the commission of crimes is established as a separate offence.

344. As already stated, the implementation of the justice and peace process has led to the securing of a number of confessions to unlawful recruitment (article 162 of the Criminal

Code), which totalled 1,448 as at 31 August 2011, and the following data have been recorded as at 15 July 2011 in connection with this crime by the National Human Rights Unit in the Attorney-General's Office: 238 cases assigned, 200 cases opened, 211 persons involved, 62 persons prosecuted, 53 persons detained, 22 convictions, 37 persons convicted and 944 accredited victims.

d. *Measures taken through technical cooperation and financial assistance to provide for the physical and psychological recovery of children and young persons who have been recruited or used in hostilities*

345. The most important steps aimed at securing the physical and psychological recovery of children and young persons who have been recruited or used in hostilities are being taken within the framework of the specialized support programme, whose components fall into four categories of children's and young persons' rights (survival, development, citizenship and protection). A total of 4,736 children and young persons benefited from the programme between November 1999 and 22 September 2011. As at that date, 489 children and young persons were receiving support.

346. The programme is conducted in four phases — (a) identification, admission and assessment; (b) intervention and future planning; (c) preparation for discharge; and (d) follow-up — through the following care arrangements:

- Transition centres. These institutional care facilities constitute the first support stage. They are places of reception at which the young person undergoes emotional stabilization and builds up trust with the programme.
- Specialized care centres. These institutional facilities constitute the second stage of the programme. The young person's all-round development is continued through access to health services; school enrolment, attendance and advancement; the pursuit of sporting, cultural and recreational activities; engagement and contact with the family; and participation in training initiatives.
- Youth centres. These institutional care facilities constitute the third support stage, whose aim is to prepare the young person for successful integration into social and family life.
- Foster care. This is an arrangement under which a child or young person is placed on a voluntary, full-time basis with a family selected and trained in accordance with technical standards developed by the Colombian Family Welfare Institute. The foster family guarantees an environment of affection and comprehensive support for the restoration of the child's or young person's rights.
- Home-based care. Under this arrangement, support is provided within the child's or young person's original family or attachment network. It involves a process of monitoring and review for the period required in each individual case. This work is carried out by specialist interdisciplinary teams from the area centres, support units or family commissioners' offices.

347. The Colombian Family Welfare Institute has concluded the following agreements in this connection:

(a) An agreement with UNICEF on strengthening the institutional capacity of the Colombian Family Welfare Institute in developing prevention, assistance, family support and productive employment programmes and projects for child and youth victims of the armed conflict in Colombia;

(b) An agreement with the International Organization for Migration on combining technical, human and financial resources with a view to formulating strategic

guidelines for the intersectoral policy on preventing the recruitment and use of children and young persons by illegal organized armed groups and to upgrading the specialized support programme for child and youth ex-combatants and/or victims of armed violence;

(c) An agreement with the Madrid Autonomous Community on strengthening the social integration strategy of the support programme for children and young persons released from illegal armed groups;

(d) An agreement with War Child on strengthening the support given to children and young persons released from illegal armed groups and on preventing their involvement in the conflict.

348. Measures have been pursued by the Colombian Agency for Reintegration with a view to guaranteeing continuity of support for children and young persons assisted under the Colombian Family Welfare Institute's programme once they reach the age of majority. Work was carried out with the youth opportunity and referral centres by the Colombian Family Welfare Institute and the Colombian Agency for Reintegration in 2008 and 2009, with technical and financial assistance from the International Organization for Migration. The youth opportunity and referral centres have made it possible to create a transition route from children's and young persons' process of rehabilitation with the Colombian Family Welfare Institute to their process of reintegration with the Colombian Agency for Reintegration. An assessment of the youth opportunity and referral centres was conducted in 2010 and, in order to ensure that this task was undertaken in a comprehensive manner, a differentiated care strategy — the model of psychosocial support for peace — was formulated for youth within the Colombian Agency for Reintegration. This strategy has been implemented by the Colombian Agency for Reintegration with assistance from the Colombian Family Welfare Institute and the International Organization for Migration.

349. The purpose of this model is to provide a differentiated strategy for promoting the development of responsible attitudes among ex-combatant and demobilized youth aged between 18 and 25 years within a framework of legality with a view to their effective reintegration. During 2010, 2,320 initiatives were undertaken in application of this model, as follows: 228 community and 31 family activities; 2,004 workshops, home visits and family counselling sessions; and 57 health promotion and prevention actions.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation and child labour

350. Article 20 of the Children's and Young Persons' Code lays down that children and young persons must be protected from economic exploitation, especially from being employed in begging, in work which owing to its nature or to the conditions under which it is performed may adversely affect their health, integrity or safety or hamper their right to education, and in the worst forms of child labour, in accordance with ILO Convention No. 182 (adopted under Act No. 704 of 2001). Article 35 of the Code stipulates that the minimum age for admission to employment is 15 years. In order to work, juveniles aged between 15 and 17 years must obtain authorization from the labour inspectorate or, failing that, from the local authority.

351. In the 2002–2006 and 2006–2010 National Development Plans and the document *Visión Colombia II Centenario: 2019*, which are of strategic importance for public policy development, reference was made to the need to strengthen the State's policy on preventing child labour and protecting young workers. Against that background the national strategy on preventing and eradicating the worst forms of child labour and protecting young

workers, 2008–2015, arose as the result of efforts directed by the national, departmental and municipal inter-institutional committees on the eradication of child labour and the protection of young workers. These entities comprise governmental institutions and employers' and workers' organizations and receive technical assistance from ILO, in conformity with the provisions of Decree No. 859 of 1995, under which the inter-institutional committee on the eradication of child labour and the protection of young workers was established.

352. The main objective of this national strategy is to focus and direct the actions of public and private bodies in support of children and young persons who are engaged in or at risk of becoming engaged in the worst forms of child labour with a view to ensuring that they attend school and receive adequate social services. Steps are also taken to provide their families with access to welfare programmes so that children and young persons do not become involved in the worst forms of child labour. The national strategy on eradicating child labour is thus coordinated with the national strategy on reducing poverty and inequity.

353. Noteworthy developments include the furtherance of policy decentralization and the formulation of departmental and local inter-institutional plans; the fulfilment of sexual and reproductive health policy objectives for the purpose of preventing school dropout and early entry into the labour market in highly vulnerable conditions; the strengthening of education grant programmes; the incorporation of child labour eradication targets in employment-generation and banking opportunity programmes, with emphasis on the worst forms of child labour; the pursuit of preventive action through training and skills development for labour inspectors and the conduct of studies on updating the conditions and occupations that are dangerous to children and young persons, these activities forming the basis of Resolution No. 1677 of 2008, which lists activities deemed to constitute the worst forms of child labour and classifies hazardous activities and working conditions that are harmful to the physical or psychological health or well-being of persons below the age of 18 years, and Resolution No. 2438 of 2010, which adopts employment authorization and application forms for children and young persons; the ongoing review and evaluation of instruments which authorize youth employment; the promotion of the application of the ILO Minimum Age Convention (No. 138), for which purpose steps have been taken to involve family advocates, family commissioners and mayors; the production of a handbook for inspectors containing guidance on enhancing the effectiveness of regulations for the protection of children's and young persons' labour rights; and the adoption, under Resolution No. 6018 of 2010 issued by the Colombian Family Welfare Institute, of technical guidelines on the specialized support programme for children and young persons engaged in the worst forms of child labour whose rights are threatened, infringed, or contravened. Also, ILO and the Government are taking steps to set up an information and registration system relating to children and young persons in employment and those engaged in the worst forms of child labour.

354. In order to monitor the implementation of the national strategy on preventing and eradicating the worst forms of child labour and protecting young workers, the Counsel-General's Office has developed a review mechanism which is applied at the departmental and municipal levels. The mechanism establishes whether components on eradicating child labour have been incorporated in departmental and municipal development plans, operational plans, institutional action plans and annual investment operational plans, for which purpose assistance has been provided by ILO and the departmental and municipal committees on the eradication of child labour. Also, a partnership comprising the Ministry of Social Protection, the Ministry of Education, the Colombian Family Welfare Institute, the National Learning Service, a number of trade unions, universities and private sector operators, such as Save the Children, Fundación Pro Niño, Partners of the Americas, Visión Mundial and Fundación Telefónica, has been set up

under the national strategy and is pursuing prevention and support intervention initiatives for the benefit of 29,968 children and young persons.

355. The national strategy has been disseminated and implemented in the country's 32 departments via the committees on the eradication of child labour (32 departmental and 170 municipal committees) and through awareness-raising activities on the prevention and gradual eradication of child labour which have been undertaken nationwide with the participation of over 3,000 civil society actors. The national Government has taken steps to coordinate the leading child and youth care institutions and has entrusted the National Department of Statistics with the task of surveying and quantifying the problem.

356. Since 2003 the National Department of Statistics, the Ministry of Social Protection and the Colombian Family Welfare Institute have conducted two-year surveys to monitor the issue of child labour. The comparison and analysis of information gathered by the National Department of Statistics in the 2003 and 2005 ongoing household surveys and the 2007 and 2009 major integrated household surveys have made it possible to define public policy indicators with respect to child labour, which have been incorporated in the current National Development Plan (2011–2014), whose execution — a task which falls to the State, the family and society by virtue of the principle of shared responsibility — is being coordinated with the national strategy on preventing and eradicating the worst forms of child labour and protecting young workers. The questionnaire used in these surveys is being adjusted in order to improve the monitoring of child labour indicators through the surveys and thus provide a better picture of trends in this phenomenon over the past ten years, with consideration given to aspects not previously taken into account (for example, related activities inside the general production boundary, such as own-consumption, work of children and young persons as employees of a dependant or as unpaid employees of a third party, marginal labour, etc.).

2. Sexual exploitation and sexual abuse

357. Sexual violence is understood in Colombia in a broad sense (sexual abuse, sexual exploitation and trafficking for sexual purposes) and is being addressed intersectorally by bodies which encourage reporting and promote social and legal penalties and inter-institutional action in order to guarantee comprehensive support for children and young persons. These bodies, which serve as advisory agencies to the national Government, are the inter-institutional committee on combating human trafficking, set up under Act No. 985 of 2005; the inter-institutional consultative committee on the prevention of sexual violence and the provision of comprehensive support for sexually abused children and young persons, set up under Act No. 1146 of 2007; and the national inter-institutional committee set up under Act No. 1336 of 2009 to execute the public policy on preventing and eradicating commercial sexual exploitation of children and young persons. Also, the penalties imposed on perpetrators of crimes against sexual freedom, integrity and development have been increased under Act No. 1236 of 2008.

358. As regards public policy, the Colombian Family Welfare Institute and the Ministry of Trade, Industry and Tourism provided technical assistance during 2010 to the social policy councils for the purpose of enabling them to address the issue of sexual exploitation and sexual abuse, in particular commercial sexual exploitation of children and young persons for purposes of sex tourism, from an intersectoral perspective.

359. Noteworthy among the initiatives pursued in regard to the prevention, punishment and eradication of sexual violence are the signing of a deed of undertaking in December 2008 by State institutions (the Attorney-General's Office, the Colombian Family Welfare Institute, the national police service and the Counsel-General's Office), Fundación Restrepo Barco (representing NGOs) and *Revista Semana*, and the steps being taken by the National Department of Statistics in compliance with the Regulations on Preventing and Combating

Child Exploitation, Pornography and Sex Tourism (Act No. 679 of 2001) to identify risk factors conducive to commercial sexual exploitation of children and young persons on the basis of data obtained from the survey conducted at formal educational establishments on sexual behaviour and attitudes to sexuality among children and young persons, covering the sixth to the eleventh grades in 2006 and 2010 and the seventh to the eleventh grades in 2008. The survey was carried out in Bogotá and Cartagena in 2006, in Barranquilla, Cali, Girardot, Medellín, Pereira, Santa Marta and Soledad in 2008 and in Armenia, Cúcuta, Quibdó and Villavicencio in 2010.

a. Reporting mechanisms

360. In addition to traditional reporting mechanisms, the Healthy Internet website (www.internetsano.gov.co) developed by the Ministry of Information and Communication Technology is operated by the national Government. In 2009 it received 2,171 reports of websites using children and young persons in pornography. On the basis of these reports the computer crime office of the Judicial and Investigative Police Directorate requested the Ministry of Information and Communication Technology to instruct Internet service providers to block 1,034 websites. In 2010, 5,650 reports were submitted, giving rise to the issuance of orders to Internet service providers to block 1,309 websites with pornographic content involving children and young persons.

b. Prevention

361. Particularly noteworthy in the area of prevention are the signing of a mutual agreement in January 2009 by the Colombian Family Welfare Institute, the municipal authorities of Armenia, Cartagena, Cúcuta and Dosquebradas and the provincial government of Córdoba (incorporating the municipalities of Lorica, Montelíbano, Montería and Tierralta) with the aim of encouraging information-dissemination, training and social mobilization activities against commercial sexual exploitation of children and young persons, and the work of the commission of experts comprising officials of the Colombian Family Welfare Institute, the Ministry of Information and Communication Technology, the Ombudsman's Office, the Attorney-General's Office, the Judicial and Investigative Police Directorate, the *Redepaz* peace network and UNICEF, which, pursuant to article 19 of Act No. 1336 of 2009, has updated the document "Criteria for the classification of Internet web pages with child pornography content", which serves as a tool for use by authorities responsible for web page classification. Such classification enables administrative and judicial investigation bodies to prosecute this crime.

362. It should also be noted that the national police service has since 2004 been carrying out ongoing online cyber patrols, which have made it possible to block 5,325 web pages with pornographic content involving the use of children and young persons and to conduct criminal investigations in different Colombian cities in coordination with the Attorney-General's Office and police forces of other countries.

3. Sale, trafficking and abduction

Follow-up to the observations and recommendations of the Committee on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/COL/CO/1)

363. As regards the recommendation concerning the establishment of a central database in order to identify child and youth victims of crimes covered by the Optional Protocol, article 77 of the Children's and Young Persons' Code provides for the setting up of an information system to be administered by the Colombian Family Welfare Institute on rights restoration measures. The Colombian Family Welfare Institute currently operates an

information system in which situations of violence against children and young persons that are reported by members of the public are recorded. The information is classified in the system by type of claim and subclassified as pornography, sex tourism or child prostitution, in accordance with the Protocol. Through the information system it is possible to obtain data broken down by sex, age, ethnic group, geographical location, background and relationship between the victim and the perpetrator. For the purpose of surveying and identifying this problem nationwide, the National Department of Statistics, in conformity with article 13 of Act No. 1336 of 2009, is working in conjunction with the other entities forming the Committee (referred to above) established under this Act.

364. With respect to the recommendation regarding adaptation of the legislation so that it satisfies the obligation set out in the Protocol “with regard to the sale of children, a concept which is similar to trafficking in persons but not identical”, the offence of child trafficking was incorporated in the Criminal Code under Act No. 1453 of 2011:

“Article 188C. Trafficking in children and young persons. Anyone involved in any act or transaction whereby a [child or young person] is sold, delivered or trafficked for remuneration or any other consideration to a person or group of persons shall be liable to imprisonment for a term of thirty (30) to sixty (60) years and to a fine of between one thousand (1,000) and two thousand (2,000) times the current statutory minimum monthly wage. Consent given by the victim or by the victim’s parents, representatives or carers shall not constitute grounds for exemption from criminal liability or extenuating circumstances.”

365. The penalty will be increased by between one third and one half if: (a) the victim is physically or psychologically impaired or mentally immature or disturbed, either temporarily or permanently; (b) the person responsible is a relative of the child or young person up to the third degree of relationship by blood, the second degree by affinity or the first degree by force of law; (c) the perpetrator or accomplice is a health worker or health-care practitioner, domestic servant or childcare provider; or (d) the perpetrator or accomplice is a person who is responsible for providing comprehensive support and protection to the child or young person.

366. In order to strengthen coordination between the Colombian Family Welfare Institute and other relevant entities, a matter about which the Committee has expressed concern, the role of technical secretariat of the national inter-institutional committee set up to execute the public policy on preventing and eradicating commercial sexual exploitation of children and young persons was assigned to the Colombian Family Welfare Institute by Act No. 1336 of 2009.

367. The Colombian Government, through the prevention and communication panel of the national inter-institutional committee set up under Act No. 1336 of 2009, has undertaken information-dissemination, training and mobilization initiatives targeting different population sectors with a view to increasing awareness and knowledge of the Optional Protocol. Also, the Colombian Family Welfare Institute will continue its work of publicizing and raising the visibility of the Protocol in the media through its high-impact communication strategy. As at 30 June 2011, training had been provided on the prevention strategy for 21,374 individuals, including representatives of the tourism, hotel, education and transport sectors, public servants, parents, children and young persons, in the following prioritized municipalities: Armenia, Bahía Solano, Cartagena, Cúcuta, Dosquebradas, Girardot, Leticia, Lórica, Medellín, Montelíbano, Montería, Muzo, Nuquí, San Pablo, Santa Marta, Tierralta, Trujillo and Valledupar. In addition, the Colombian Family Welfare Institute is developing a human rights training module under which the Convention on the Rights of the Child, its two Optional Protocols and the recommendations and observations of the Committee will be disseminated and promoted via the online education platform (www.escuelavirtual.icbf.gov.co).

368. To increase budget allocations for coordination, prevention, promotion, protection, care, investigation and suppression of acts covered by the Optional Protocol, the National Planning Department, in conformity with Act No. 679 of 2001, which was amended and supplemented by Act No. 1236 of 2009, has fixed a ceiling on the budgetary resources which may be invested in four specific areas: (a) construction of children's homes or hostels; (b) assistance, rehabilitation, guidance and physical and psychological recovery programmes for child and youth victims; (c) financing of return programmes and information-dissemination mechanisms aimed at preventing these crimes; and (d) research into the causes of and solutions to the problem. The decrees regulating this fund have already been adopted by the Colombian Family Welfare Institute and the National Taxation and Customs Directorate, which are coordinating efforts with a view to ensuring the revenue to guarantee the fund's operation.

369. With respect to the Committee's concern regarding the adoption process, the reader is referred to section H of the chapter entitled "Family environment and alternative care". As regards the recommendations on developing comprehensive procedures for the early identification of child victims, adopting measures to ensure that children and young persons are not stigmatized and are protected at all stages of criminal proceedings, allocating resources for the legal representation of child and youth victims, ensuring the participation of victims and preventing their revictimization, the provision of comprehensive and timely assistance to sexually abused children and young persons is guaranteed through 33 sexual violence victim support centres (CAIVAS). Also, article 3, additional clause 1, of Act No. 1098 of 2006 provides as follows: "In cases of doubt as to whether a child is of full age or under age, the latter shall be presumed [...]."

370. As to the recommendation concerning the strengthening of international cooperation with United Nations agencies and programmes, interregional programmes and NGOs in the development and implementation of measures with a view to the effective application of the Protocol, noteworthy initiatives include the work conducted by a commission of experts comprising the Judicial and Investigative Police Directorate, INTERPOL, the Ministry of Information and Communication Technology, the Colombian Family Welfare Institute and UNICEF for the purpose of implementing the child exploitation tracking system, which is a tool for linking and organizing information on child pornography through online data networks.

371. With regard to combating human trafficking, measures have been adopted pursuant to Act No. 985 of 2005, referred to above, with a view to curbing this crime and providing support and protection to its victims. The most significant measures include the raising of the penalty for offenders; the setting up of the inter-institutional committee on combating human trafficking; the formulation, by that committee, of the national comprehensive anti-human trafficking strategy, which was adopted under Decree No. 4786 of 2008; the institution of the Anti-Human Trafficking Operations Centre in Bogotá, whose role is to investigate, handle and provide information on human trafficking cases;¹⁵ and the decentralization of the public policy on combating human trafficking through the establishment of over 20 departmental and municipal committees for the prevention and prosecution of this crime and the provision of support for its victims, with assistance from the International Organization for Migration.

¹⁵ It is here that individuals can make enquiries and raise concerns prior to travelling and victims may seek redress. The Centre's employees have been trained in different fields in order to offer the best support to victims of this crime.

a. *Legal and policy developments*

372. With respect to the provisions of the Optional Protocol, the Criminal Code was amended during the reporting period with the establishment of new offences and the modification of some existing offence classifications. Owing to space restrictions, the Committee is invited to consult, in particular, articles 188A (Human trafficking), 188E (Trafficking in children and young persons), 213 (Incitement to prostitution), 213A (Procuring involving minors), 214 (Coercion into prostitution), 216 (Aggravating circumstances), 217 (Encouragement of child prostitution), 217A (Commercial sexual exploitation of persons below the age of 18 years), 218 (Pornography with persons below the age of 18 years), 219 (Sex tourism), 219A (Use or facilitation of the use of the media to offer sexual activities with persons below the age of 18 years) and 219B (Failure to report).¹⁶

b. *Measures to establish liability of legal persons*

373. In order to ensure that corporate entities in sectors where exploitation, pornography and sex tourism involving children and young persons most frequently occur are held liable a code of conduct has been approved to that end, in compliance with the requirements of Act No. 1336 of 2009. Adopted under Resolution No. 3840 of 2009 issued by the Ministry of Trade, Industry and Tourism, this code, which has been drawn up under a participatory process involving civil society and hotel and tourism industry associations, contains oversight measures to be complied with by tourist service providers.

c. *Prevention measures and promotion of awareness of the harmful effects of offences under the Optional Protocol*

374. Since 2009 the national police service, the *Redepaz* peace network, the Ministry of Information and Communication Technology and a number of educational establishments have conducted prevention campaigns to protect children and young persons from Internet exploitation using tools such as the pamphlet “Your ten online behaviour tips” (www.tus10comportamientosdigitales.com).

375. In addition to launching the Healthy Internet website, the Ministry of Information and Communication Technology has set up in conjunction with the Colombian Family Welfare Institute a free-of-charge national helpline for reporting Internet websites that contain child pornography and has taken steps in partnership with the national police service to block access to these websites. In the past two years 2,975 Internet addresses with child pornography content have been detected and access to them has been blocked by Internet service providers pursuant to the provisions of Decree No. 1524 of 2002, whose objective, as set out in its article 1, is to “establish technical and administrative measures to prevent under-age persons from gaining access to pornographic information of any kind appearing on the Internet or in computer systems accessible via global data networks”.

376. The policy on responsible use of information and communication technologies was launched by the Ministry of Information and Communication Technology and the National University of Colombia at the international seminar “*I trust in ICT (2010)*” held in Bogotá on 10 and 11 November 2010 with a view to promoting appropriate use of the Internet, particularly among children and young persons. The policy is also aimed at encouraging self-regulation in the use of global information networks through legal representatives of Internet service providers and administrators.

¹⁶ The texts of these provisions, details of their entry into force, related case law and other relevant information can be found at: http://www.secretariasenado.gov.co/senado/basedoc/ley/2000/ley_0599_2000.html.

d. *Other measures*

377. Other measures have been adopted by the national Government in connection with the prevention of child sexual exploitation, as follows:

(a) The online course “ICT centres for children” run by the National Academy for ICT Managers since 2009.¹⁷

(b) The dissemination of information and provision of training on Resolution No. 3840 of 2009.

(c) The development of educational content for an online course on preventing commercial sexual exploitation of children and young persons organized by the Colombian Ministry of Trade, Industry and Tourism and the Tourism Promotion Fund with technical assistance from the Colombian Family Welfare Institute and UNICEF.

(d) The national and international campaign “I am not a tourist destination” conducted via the media through television commercials, radio spots, website banners and advertising panels in the public transport system.¹⁸

(e) The preparation and publication by the Colombian Family Welfare Institute of the family rights charter, which is used by psychosocial support teams as an up-to-date consultation tool to deal with frequent problems.

(f) The design and implementation, under the National Plan on Preventing and Eradicating Commercial Sexual Exploitation of Children and Young Persons, 2006–2011, of a communication strategy using promotional materials and items (billboards, T-shirts, booklets, leaflets, ballpoint pens and bracelets) with the aim of developing and encouraging information and prevention measures against commercial sexual exploitation of children and young persons.

(g) The organization by the Colombian Family Welfare Institute and the Office of the Deputy Minister for Tourism of training and awareness-raising activities aimed at tourism operators. The prioritized municipalities are tourist destinations, namely Bahía Solano, Barranquilla, Buenaventura, Chiquinquirá, Coveñas, Espinal, Ipiales, Nuquí, Providencia, Puerto Gaitán, Riohacha, San Agustín, San Martín, Santa Marta, Tolú and Tumaco. As at 30 June 2011, training had been provided for some 350 individuals.

(h) The implementation of a project on prevention and eradication of commercial sexual exploitation of children and young persons and child street trading in municipalities within the coal-mining area of the department of Cesar (Bosconia, El Paso and Valledupar).

e. *Measures taken to promote social reintegration and physical and psychological recovery of child victims of offences under Optional Protocol*

378. The Committee has referred to the need for adequate programmes of assistance and reintegration to be provided in Colombia for sexually exploited and/or trafficked children and young persons. There are currently in operation 40 local committees on the prevention and eradication of commercial sexual exploitation of children and young persons, whose work involves monitoring plans formulated on the basis of local contexts and dynamics, anticipating risk situations and encouraging reporting. In compliance with the requirements set out in article 4 of Act No. 1146 of 2007, over 55 [local] inter-institutional consultative committees on the prevention of sexual violence and the provision of comprehensive support for sexually abused [children and young persons] have been set up in different cities and municipalities.

¹⁷ For further information see the website <http://academia.telecentros.org.co/oferta>.

¹⁸ See www.youtube.com/watch?v=ipTaNbRkKWU.

379. In this connection the Colombian Family Welfare Institute provides comprehensive support to safeguard and restore infringed rights of child and youth victims of commercial sexual exploitation under the following arrangements: residential care (24 hours a day, seven days a week); non-residential care (four hours a day, five days a week); support intervention (active searches) and the shelter and development programme (comprehensive support comprising an active search stage and a semi-residential or residential care stage). Under Resolution No. 3917 of 19 September 2008 the Colombian Family Welfare Institute adopted technical and administrative guidelines on provision of support through the shelter and development programme for child and youth victims of commercial sexual exploitation and street children, which were updated and adopted under Resolution No. 6024 of 2010. Also, technical guidelines on the specialized support programme for sexually abused children and young persons whose rights are threatened, contravened or infringed were adopted under Resolution No. 6022 of 30 December 2010.

380. The support intervention arrangement involves the provision of assistance to children and young persons in their own home setting in order to enable families or attachment networks to overcome and prevent situations where the child's or young person's rights are threatened, contravened or infringed. It comprises ten sessions per month, individual and family support, examinations of social and family environments, steps to ensure (or monitor) integration in the school system and training activities with families so that they understand the child's or young person's problems and can address situations constituting rights violations.

381. The shelter and development programme offers a comprehensive process entailing search, pick-up, round-the-clock admission (no limit on the day or time of arrival) and continuous support 24 hours a day, seven days a week. It is aimed at restoring fundamental rights in an environment of affection and protection that will help create tools for personal development, rebuild protective networks, facilitate access to services and opportunities and define an alternative life plan for 7- to 17-year-olds involved in commercial sexual exploitation or living on the streets. The activities carried out under this arrangement comprise the provision of psychosocial support for the child or young person, the development of skills and abilities for the purpose of encouraging personal advancement, the coordination of social support networks in order to promote the safeguarding of rights and the provision of specialized residential care.

382. A total of 762 child and youth victims received support under these arrangements in 2008 with an investment of 3,125,672,000 pesos; 2,134 were supported in 2009 with an investment of 3,632,000,000 pesos; and 2,294 were given support in 2010. Also, 587 reports (508 on child prostitution, 56 on child pornography and 23 on child sex tourism) were received via the helpline (018000 918080) in 2010.

383. Children and young persons rescued from situations of sexual exploitation receive support under administrative procedures for the restoration of rights through the family advocate teams.

f. Measures adopted during the stages of the criminal justice process

384. With a view to advancing the coordinated work of ensuring comprehensive and timely support for sexually abused children and young persons and reducing levels of revictimization the Attorney-General's Office and the Colombian Family Welfare Institute concluded an inter-administrative agreement in 2008 on the construction of CAIVAS centres (33 as at 31 July 2011). A total of 21,525 children and young persons received support at these centres between 2007 and 2010, with an investment of 4,321,000,000 pesos.

385. The interdisciplinary teams at the 33 CAIVAS centres include 99 professionals (family advocates, social workers and psychologists) who have undergone training in therapeutic care procedures for sexually abused children and young persons.

386. Also, 886 officials from the Attorney-General's Office, the Juvenile Police Department, the Counsel-General's Office and area centres of the Colombian Family Welfare Institute have received training in support procedures, inter-institutional coordination and detection of abuse and commercial sexual exploitation of children and young persons. Under an agreement concluded with the International Criminal Investigative Training Assistance Programme, 417 officials from area centres of the Colombian Family Welfare Institute have been trained in the Rapport, Anatomy Identification, Touch Inquiry, Abuse Scenario and Closure (RATAC) protocol on forensic interviewing of sexually abused children and young persons.

g. Efforts to promote international cooperation concerning the prevention, detection, investigation, prosecution and punishment of offences covered by the Protocol

387. The campaign "No truck with human trafficking" launched in December 2009 with support from the European Union and the International Organization for Migration is aimed at promoting the use of the free-of-charge national human-trafficking helpline and also the reporting of possible cases of trafficking and the provision of clear information on the crime of human trafficking through this facility. In addition, nine international and bilateral meetings on human trafficking have been held, allowing experiences and lessons learned to be shared.

h. Steps taken to support international cooperation in order to assist the physical and psychological recovery, social reintegration and repatriation of victims of offences covered by the Protocol

388. The International Organization for Migration has worked with the Government on this issue, providing support in connection with: (a) the decentralization of the public policy on human trafficking and the formulation of strategies to assist trafficking victims; (b) the setting up of a central body of governmental agencies with responsibility for conducting investigations with a view to the prosecution of traffickers and for providing support to witnesses and victims of human trafficking in Colombia; (c) the development of prevention, assistance and reintegration programmes for human trafficking victims in Colombia (2001–2007); (d) the prevention of trafficking of internally displaced persons in Medellín; (e) the production of training materials (Dealing with trafficking; a concept guide to human trafficking; a teachers' handbook on implementation of the programme on prevention of human trafficking and migrant smuggling; and a manual on providing assistance to human trafficking victims in Colombia); and (f) the preparation of surveys (Dimensions of human trafficking in Colombia; Overview of human trafficking and protection of victims and witnesses of trafficking: concepts and discussions; Project at the Colombia-Venezuela border and Project at the Colombia-Ecuador border).

D. Children in street situations

389. Through the Colombian Family Welfare Institute the national Government has formulated a support process beginning with patrols by the Juvenile Police Department, which is responsible for the detection of children and young persons living on the streets and their immediate referral to emergency centres, temporary shelters or area centres of the Colombian Family Welfare Institute. At these facilities their rights situation is checked and a decision is made as to whether it is necessary to initiate administrative procedures for the restoration of their rights. The support process may also be activated on the basis of reports

submitted, for immediate action, to the competent area centre or to the Juvenile Police Department. In addition, mobile family advocate units are operated by the Colombian Family Welfare Institute in the City of Bogotá to offer assistance to families with street children. Family and social protection factors are generated on the basis of such interventions.

390. To provide a broad understanding of the situation of street children from study data the Colombian Family Welfare Institute and the European Union conducted an analysis in 2006 on support and prevention schemes for children, young persons and families in street situations in 16 Colombian cities (Armenia, Barranquilla, Bogotá, Bucaramanga, Buenaventura, Cali, Cartagena, Cúcuta, Manizales, Medellín, Montería, Pasto, Pereira, Santa Marta, Tunja and Villavicencio). On the basis of that study a set of factors was produced in order to develop an institutional care approach, effective care delivery by service contractors to the main rights areas, proactive living habits with families or attachment networks and institution-building through cross-cutting projects, preventive measures and gender mainstreaming.

391. The fifth census of street dwellers was conducted in the city of Bogotá in 2007. It identified 8,385 individuals who were not permanently living in standard accommodation or were at risk of finding themselves in such a situation;¹⁹ 8.4 per cent of this total being below 18 years of age, an indication of the decline in the number of street children since 2001.

392. This issue has been included in local development plans with a view to offering social reintegration and rehabilitation services to street children. One of the most successful cases was that of Bogotá. Its District Institute for Child and Youth Protection provides daily assistance to under-18-year-olds in street situations through an educational initiative under a comprehensive support and learning programme for children and young persons living on the streets and under comprehensive residential and non-residential support and learning schemes. The assistance includes primary, secondary and higher (technological) education services. Beneficiaries also receive other services such as housing and equipment, food and nutrition monitoring, recreation, social welfare, family engagement and help in obtaining study grants and gaining access to higher-level studies.

393. Agreements on addressing the issue of street children among other problems have been concluded by the national Government, through the Colombian Family Welfare Institute, with UNICEF, ILO, Fundación Telefónica Colombia, the National Learning Service and NGOs.

E. Children in conflict with the law and child victims and witnesses

1. Administration of juvenile justice

394. The Children's and Young Persons' Code establishes a special system for the prosecution and care of over-14-year-olds who infringe the criminal law: the juvenile criminal justice system. This is defined as a series of principles, norms, procedures, specialized judicial authorities and administrative institutions governing or involved in the investigation and trial of offences committed by persons aged between 14 and 18 years at the time of perpetration of the punishable act and includes support protocols to safeguard the right to due process and to differential treatment and the creation of special bodies such as the Juvenile Police Department and specialized judicial authorities (courts, prosecution

¹⁹ Department of Social Integration and District Institute for Child and Youth Protection. Fifth census of street dwellers in Bogotá, 2007.

offices and legal aid services) which have undergone specific training in working with young persons.

395. The juvenile criminal justice system ensures that assistance is afforded throughout the trial by a family advocate who as duty-bearer participates in all judicial procedures and takes administrative steps to safeguard the juvenile's rights (checking the situation regarding observance of their rights, family contact and participation during the trial and monitoring of care services for young persons sentenced under the juvenile criminal justice system).

396. The Colombian Family Welfare Institute, as the coordinating body, has issued technical and administrative guidelines on the care of juveniles in the criminal justice system of Colombia, which are based on the Beijing Rules and Riyadh Guidelines among other relevant international instruments. Work is currently being carried out to ensure that all measures imposed have an educational and rehabilitative function.

397. CONPES document 3629 on the juvenile criminal justice system was adopted in December 2009, its aim being to align and adapt institutional services of a specialized, educational and differentiated nature. This document contains five objectives to strengthen the implementation of the system: (a) providing institutional services that are appropriate, strategic and in line with the requirements, processes, procedures and ends of the juvenile criminal justice system and safeguard the rights of young persons in conflict with the law; (b) allocating sufficient specialized human resources at both the national and local levels to provide services within the juvenile criminal justice system that will promote its implementation and operation and the effective attainment of its ends; (c) strengthening and reinforcing the participation, integration and coordination of entities which form part of the juvenile criminal justice system and the alignment and coordination of this system with other systems, in particular the national family welfare system; (d) achieving local authorities' participation, involvement and shared responsibility with regard to the functioning of the juvenile criminal justice system; and (e) advancing the establishment of a juvenile criminal justice information system.

2. Juvenile Police Department

398. In line with the precepts of the Children's and Young Persons' Code, the national police service has elevated the Juvenile Police Department to area status, which entailed the progressive strengthening of this specialist role in the areas of human capital, logistical resources and training. While in 2007 there were 1,022 police officers specializing in juvenile matters, the number as at 30 June 2011 stood at 2,229.

399. The public legal service has increased its complement of public defence lawyers specializing in juvenile criminal justice, which rose from 60 in 2008 to 144 in 2011. The Colombian Family Welfare Institute has set up 142 family advocates' offices with single jurisdiction and 120 with combined jurisdiction to assist young persons involved in the juvenile criminal justice system. According to figures updated to 30 June 2011, the Attorney-General's Office has established 236 divisional prosecution offices at juvenile criminal courts and recorded 26,969 youth crime reports, including current and pending cases.

400. It should also be noted that the Counsel-General's Office takes steps to guarantee observance of the rights of young persons in hearings at supervisory courts, trial courts and high courts of the country's judicial districts and judicial youth service centres with a view to ensuring that the principles of human dignity, best interests, primacy of rights, parents' participation and victims' rights are upheld in criminal proceedings.

3. Criminal liability

401. Offenders below the age of 14 years do not come under the criminal justice system but undergo administrative procedures for the restoration of rights. The penalties provided for in the Children's and Young Persons' Code are 36 hours' temporary admission or support, remand custody, detention in specialized care centres, placement in semi-institutional care, non-custodial supervision and community service. The table below shows existing punishments, the number of facilities where they are executed and their duration.

<i>Measure/penalty</i>	<i>Facility</i>	<i>Number of facilities</i>	<i>Average length of stay</i>
Temporary admission or support	Transition centre	135	36 hours
Remand custody	Specialized remand centre	24	4 months with an extension of a further month
Detention in specialized care centres	Specialized care centre	21	1 to 5 years
Placement in semi-institutional care	Open residential	6	1 to 3 years
	Semi-residential	1	1 to 3 years
	Non-residential	35	1 to 3 years
Non-custodial supervision	Probation	32	6 months to 2 years
Community service	Community service	35	1 to 6 months
	Post-institutional support	1	

402. In accordance with Act No. 1453 of 2011, which amended certain provisions of the Children's and Young Persons' Code, offenders aged between 14 and 16 years come under the juvenile criminal justice system but may only receive non-custodial sentences unless they are found guilty of intentional homicide, abduction, any form of extortion or aggravated crimes against sexual freedom, integrity and development, in which case they will be detained in specialized care centres. Custodial sentences will be for a term of between two and eight years. If the young person was coerced into committing the offence or unlawfully recruited, a custodial sentence will not be imposed. The punishment of detention at a specialized care centre will be applied to persons aged over 16 and under 18 years who are found guilty of offences for which the minimum penalty laid down in the Criminal Code is a term of six or more years' imprisonment. In such cases the period of detention at a specialized care centre will be from one to five years.

403. Offenders who reach the age of majority before fully serving their sentence will complete the sentence at the specialized care centre but such centres will apply specific and differentiated treatment to offenders aged below and above 18 years, including physical separation and any other safeguards provided for in applicable domestic and international law.

F. Children deprived of their liberty

1. Children deprived of liberty, including any form of detention, imprisonment or placement in custodial settings

404. The Children's and Young Persons' Code provides for the establishment of the Juvenile Police Department as a specialized body responsible for guaranteeing the safety of children and young persons, offering the necessary logistical support for their transfer to courthouses or hospital premises, preventing any impairment to them and ensuring their proper conduct and that of the institution. The police service has recorded the arrests of 56,092 under-18-year-olds who have been held in police custody for alleged conflict with the law. Of those detainees, 88 per cent are male and 12 per cent are female; 36 per cent are aged 17 years, 30 per cent 16 years, 20 per cent 15 years, 10 per cent 14 years, 1 per cent under 14 years and 3 per cent over 18 years; and 20 cases (0.035 per cent) have been referred to ethnic authorities for adjudication and sentencing in accordance with the provisions of the Children's and Young Persons' Code. It is possible to observe a decline in arrests, which is linked to progress in the implementation of the criminal justice system. See, in this connection, table 118 of the annex.

405. Youth involvement in crime has risen from 9 to 16 per cent over the past seven years. Arrest trends remain stable during the period: 91 per cent of individuals arrested are male and 9 per cent female, with most juveniles aged between 16 and 17 years (see table 119 of the annex).

406. During the period between March 2007 and 31 December 2010 the specialized juvenile criminal prosecution service recorded the conduct of judicial proceedings against 46,811 children and young persons, of whom 42 per cent have been convicted and 20 per cent have reoffended. According to figures from the Statistical Division of the Administrative Chamber of the High Council of the Judiciary, the Colombian judiciary had processed 35,128 trial court hearings between the entry into operation of the juvenile criminal justice system and 26 July 2010 and had held 59,047 supervisory court hearings as at 30 June 2010 according to data furnished by that same body. The annual breakdown of the 59,047 supervisory court hearings is as follows: 7,203 (12.2 per cent) in 2007, 15,388 (26.1 per cent) in 2008, 28,713 (48.6 per cent) in 2009 and 7,743 (13.1 per cent) as at 30 June 2010.

407. An assessment of supervisory court decisions rendered during the period under review shows that 83 per cent of applications for the exercise of prosecutorial discretion were authorized, precautionary safeguard measures were imposed in 74 per cent of applications and arrests were allowed in 93 per cent. During the same period 12,948 juveniles were convicted: 11,843 males (536 in 2007, 3,033 in 2008, 4,976 in 2009 and 3,298 in 2010 — to 30 June) and 1,105 females (90 in 2007, 275 in 2008, 455 in 2009 and 285 in 2010 — to 30 June); and 324 juveniles were acquitted: 300 males (43 in 2008, 150 in 2009 and 107 between 1 January and 30 June 2010) and 24 females (4 in 2008, 8 in 2009 and 12 between 1 January and 30 June 2010).

408. The percentage breakdown of punishments imposed is as follows: probation: 31 per cent; good behaviour bonds: 25 per cent; cautions: 13 per cent; placement in semi-institutional care: 15 per cent; detention in specialized care centres: 10 per cent; community service: 4 per cent; other: 2 per cent. According to figures from the High Council of the Judiciary for the first half of 2010, the percentage breakdown of offences allegedly committed by juveniles is as follows: theft: 40.2 per cent; drug trafficking and other breaches of the law: 29 per cent; homicide: 4.8 per cent; bodily harm: 2 per cent; sexual abuse involving a person under 14 years of age: 1.6 per cent; domestic violence: 0.9 per cent; other: 21.5 per cent.

409. In compliance with the requirement set out in article 156 of the Children's and Young Persons' Code, i.e. that juveniles from indigenous communities be tried in accordance with the rules and procedures of their own communities, the Attorney-General's Office has referred 22 cases to the specialized indigenous judicial system. The Attorney-General's Office has initiated investigations into 47 instances of mistreatment at places of detention (43 cases of assault involving children and young persons and four cases of assault allegedly committed by the authorities in charge).

410. It should also be pointed out that, in line with the Children's and Young Persons' Code and Decree No. 860 of 2010, which regulates the responsibilities of the family in trials involving young persons in conflict with the law, the family advocates' offices have instructed families to participate in the criminal proceedings.

2. Physical and psychological recovery and social reintegration

411. Educational measures undertaken with young persons focus on promoting a culture of respect for and an understanding of the importance and *raison d'être* of rules and on encouraging conduct that is respectful of the rights of all individuals. To that end the learning process is reinforced by the observance of coexistence pacts whose fulfilment through discipline enables young persons' development to take place in a harmonious environment where the use of free time for the pursuit of academic, cultural and sporting activities encourages changes in cognitive structures and thus in the behaviour which brought them into conflict with the law.

3. Training activities

412. The Juvenile Police Department has carried out training activities with and for its personnel on differentiated treatment in cases of arrest of young persons for the commission of unlawful acts. Police teams have been set up with responsibility for conducting criminal investigations in coordination with the Attorney-General's Office. Teams have also been set up with responsibility for external and perimeter security of transition and specialized centres where juvenile offenders are detained. Police officers entrusted with juvenile criminal justice matters have undergone training to ensure safety at juvenile criminal court hearings, and logistical and human resources have been made available to assist the authorities in transferring juvenile offenders to hospitals, specialized centres and other premises.

G. Children belonging to a minority or an indigenous group

413. The Constitution fully protects the language, traditions, culture and assets of ethnic groups and their right to political participation and to an education which respects and enhances their cultural identity. Article 13 of the Children's and Young Persons' Code lays down that "children and young persons belonging to indigenous peoples or to other ethnic groups shall enjoy the rights established in the Constitution, in international human rights instruments and in the Children's and Young Persons' Code without prejudice to the principles governing their cultures and social organization".

414. The "Indigenous peoples' legal road map: support pathways and return processes for indigenous child and youth victims of political violence" drawn up with representative indigenous organizations in Colombia was published in 2005 with support from the Colombian Ombudsman's Office, the Latin American Human Rights Association, the International Organization for Migration and the United States Agency for International Development. The Colombian Family Welfare Institute plays a key role, through the family

advocates' offices, in the implementation of this legal road map for the purpose of coordinating the work of the ordinary and special indigenous courts.

415. In a broader context the 2006–2010 National Development Plan sets out general and specific strategies for the benefit of all ethnic groups (indigenous, Afro-Colombian, native islander and gypsy or Roma) that are consistent with the particular characteristics of each group. These strategies are aimed at enhancing institutional capacity to support ethnic groups at the national and local levels and at pursuing intercultural initiatives that will make it possible to coordinate programmes, schemes and projects with a view to improving their living conditions. Also, work has been undertaken since 2007 on developing specific guidelines for these communities that take account of their specific cultural traits and traditional organizational patterns.

416. The plan's implementation undergoes monitoring and review, with the formulation of interaction and support strategies with the country's ethnic communities on the basis of a differentiated approach which forms a cross-cutting element of the intervention measures adopted by the Colombian Family Welfare Institute. The activities outlined below are noteworthy in this connection:

(a) Assistance with initiatives to promote food self-sufficiency and cultural advancement among families in indigenous communities. The programme of assistance to strengthen families of ethnic groups implemented by the Colombian Family Welfare Institute is aimed at supporting measures and activities to promote the development of families in indigenous, black, native islander and Roma communities and thereby enable them to reassert their cultural identities, customs and practices and strengthen their social, economic and political structures, thus improving their living conditions and allowing them to grow as individuals and groups capable of exercising their inherent rights. This model of differentiated support for the country's ethnic groups and their families in the areas of food self-sufficiency and cultural advancement has been introduced at 23 of the Colombian Family Welfare Institute's 33 regional centres.

(b) Differentiated menus with an ethnic approach. The dietary programmes and services operated by the Colombian Family Welfare Institute among and for indigenous communities and ethnic groups have been adapted to take account, through differentiated menus, of the traditional foods and preparations in each cultural environment. This work has been undertaken by the Nutrition Subdirector and the national specialist ethnic affairs team. The primary objective of these menus is to guarantee the food security of children and young persons in accordance with ethnic groups' own dietary patterns and to develop inter-institutional participation in the planning and implementation of production projects that will improve families' food security.

(c) Agreement No. 288 of 2007 concluded by the Colombian Family Welfare Institute and the National Learning Service. The aim of this agreement is to provide supplementary and graduate training for the different ethnic peoples (Afro-Colombian, black, native islander, creole, indigenous and Roma).

(d) Monitoring of compliance with Constitutional Court Ruling 005. Pursuant to the orders issued by the Constitutional Court in its Ruling 005 of 2009, supplementing Decision T-025 of 2004, the Colombian Family Welfare Institute has taken part in national panel meetings on developing specific plans of assistance for the provision of protection, care and support to Afro-Colombian victims of forced displacement. The strategy for the coordinated formulation of these plans is based on a six-phase action methodology involving the participation of the national Government, local governments, traditional authorities, and representatives and organizations of displaced persons and of the 60 Afro-Colombian communities referred to in Ruling 005 of 2009.

List of annexes

1. Statistical information

2. Laws and regulations (in digital version only)

- Act No. 1146, of 2007, promulgating rules for the prevention of sexual violence and the provision of comprehensive support to sexually abused children and young persons.
- Act No. 1151, of 2007, promulgating the 2006–2010 National Development Plan.
- Act No. 1236, of 2008, amending certain articles of the Criminal Code relating to crimes of sexual abuse.
- Act No. 1295, of 2009, regulating comprehensive early-childhood support for sectors in SISBEN levels 1, 2 and 3.
- Act No. 1336, of 2009, supplementing and reinforcing the provisions of Act No. 679, of 2001, on combating exploitation, pornography and sex tourism involving children and young persons.
- Act No. 1361, of 2009, establishing the Comprehensive Family Protection Act.
- Act No. 1404, of 2010, establishing the parental education programme at pre-primary, primary and secondary educational establishments.
- Act No. 1453, of 2011, amending the Criminal Code, the Code of Criminal Procedure, the Children's and Young Persons' Code and the rules on termination of ownership rights and incorporating other provisions concerning security.
- Act No. 1448, of 2011, laying down measures for the provision of support, assistance and comprehensive redress to victims of the internal armed conflict and incorporating other provisions.
- Decree No. 1290, of 2008, establishing the administrative programme of individual reparations for victims of illegal organized armed groups.
- Decree No. 4786, of 2008, adopting the national comprehensive anti-human trafficking strategy.
- Decree No. 1290, of 2009, regulating the evaluation of learning and advancement of students at the primary and secondary levels of education.
- Decree No. 4503, of 2009, amending the procedure for recognition of refugee status, laying down rules for the Advisory Commission on Refugee Status Determination and incorporating other provisions.
- Decree No. 860, of 2010, promulgating regulations to Act No. 1098 of 2006 (Children's and Young Persons' Code).
- Resolution No. 1677, of 2008, of the Ministry of Social Protection, listing the activities deemed to constitute the worst forms of child labour and classifying hazardous activities and working conditions that are harmful to the physical or psychological health or well-being of persons below the age of eighteen years.
- Resolution No. 3917, of 2008, of the Colombian Family Welfare Institute, adopting technical and administrative guidelines on the provision of support under the shelter and

development programme for children and young persons in situations of commercial sexual exploitation or in street situations.

- Resolution No. 3840, of 2009, of the Ministry of Trade, Industry and Tourism, establishing the code of conduct provided for in article 1 of Act No. 1336 of 21 July 2009 [on prevention of the use and sexual exploitation of children and young persons by providers of tourism services and accommodation services] and incorporating other provisions.
- Resolution No. 2438, of 2010, of the Ministry of Social Protection, adopting employment authorization and application forms for children and young persons and incorporating other provisions.
- Resolution No. 3748, of 2010, of the Colombian Family Welfare Institute, adopting technical and administrative guidelines for the adoption programme and incorporating other provisions.
- Resolution No. 5930, of 2010, of the Colombian Family Welfare Institute, adopting technical guidelines on residential and foster care arrangements for restoring the rights of children, young persons and individuals above the age of eighteen years with disabilities whose rights are threatened, contravened or infringed.
- Resolution No. 6018, of 2010, of the Colombian Family Welfare Institute, adopting technical guidelines on the specialized support programme for children and young persons engaged in the worst forms of child labour whose rights are threatened, contravened or infringed.
- Resolution No. 6024, of 2010, of the Colombian Family Welfare Institute, adopting technical guidelines on family support and strengthening arrangements for restoring the rights of children, young persons and individuals above the age of eighteen years with disabilities whose rights are threatened, contravened or infringed.
- Resolution No. 5929, of 2011, adopting technical and administrative guidelines for an action strategy and support system on restoring the rights of children, young persons and individuals above the age of eighteen years with disabilities whose rights are threatened, contravened or infringed.
- Reiterative circular of the Inspector-General of the Military Forces on protection of the civilian population and its property (27 May 2010).
- Mandatory Reiterative Circular of the Military Forces High Command on respecting and upholding the rights of children and young persons (6 July 2010).
- Ministry of Defence Standing Directive No. 11, of 21 July 2010, on strengthening the policy of zero tolerance of sexual abuse.

3. Judicial verdicts (in digital version only)

- Constitutional Court Ruling 251, of 2008, on protection of the fundamental rights of children and young persons displaced by armed conflict, within the framework of measures to overcome the unconstitutional state of affairs declared in Decision T-025 of 2004.
- Constitutional Court Decision C-174, of 2009, concerning paid paternity leave.

4. Plans, programmes and CONPES documents (in digital version only)

- National Child and Youth Plan, 2009–2019.
 - National Plan on Building Family Peace and Harmony, 2005–2015.
 - National Plan of Action on the Prevention and Eradication of Commercial Sexual Exploitation of Children and Young Persons, 2006–2011.
 - National comprehensive anti-human trafficking strategy, 2007–2012.
 - National policy on sexual and reproductive health.
 - National strategy on preventing and eradicating the worst forms of child labour and protecting young workers, 2008–2015.
 - National Food and Nutrition Security Plan.
 - My Rights First programme.
 - CONPES document 109 of 2007: National public policy on early childhood “Colombia working for early childhood”.
 - CONPES document 3554 of 2008: National policy on social and economic reintegration of insurgents and rebel groups.
 - CONPES document 3629 of 2009: Juvenile criminal justice system: policy of support for youth in conflict with the law.
 - CONPES document 3660 of 2010: Policy on promoting equality of opportunities for black, Afro-Colombian, creole and native islander population groups.
 - CONPES document 3673 of 2010: Policy on preventing the recruitment and use of children and young persons by illegal armed groups and organized criminal groups.
 - Protocol on the provision of assistance in the return of displaced persons.
 - National Plan on Building Family Peace and Harmony (*Haz Paz*), 2005–2015.
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