



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Third periodic reports of States parties due in 2003

Addendum

COLOMBIA* **

[28 June 2004]

* For the second periodic report submitted by the Government of Colombia, see CRC/C/70/Add.5; for the consideration of that report by the Committee, see CRC/C/SR.655, 656 and 669 and CRC/C/15/Add.137.

** This report is issued unedited.

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Introduction

1. The Government of Colombia submitted its second periodic report on the implementation of the Convention on the Rights of the Child in August 1998. The report was issued by the United Nations as document CRC/C/70/Add.5 on 5 January 2000. The Committee on the Rights of the Child examined the report at its 655th and 656th meetings (see CRC/C/SR.655 and 656), held on 27 September 2000, and issued its concluding observations in document CRC/C/15/Add.137 of 16 October 2000.
2. The Government, together with the Colombian Family Welfare Institute (ICBF) - the body responsible for coordinating the management and implementation of government and State policy on the promotion, enforcement and assurance of children's rights - and all the national and local bodies that have contributed in so many ways to fulfilling the State party's commitments in this area, hereby submits its third periodic report to the Committee on the Rights of the Child, which sets out the progress made and the obstacles and challenges faced by Colombia in this area.
3. Despite the difficult situation in the country, progress has been made in various areas, but some activities have only just begun and much remains to be done.
4. This report describes the situation of children in the period between 1998 and 2002 and part of 2003, on the understanding that knowledge of the actual conditions in the country must be the starting point for reformulating policies and reorienting action.
5. First, there is a description of the methodology followed in preparing the report, and then some basic information is provided about Colombia to introduce the reader to the general situation in the country.
6. The report contains 10 chapters on the various topics. The part on general measures of implementation describes the international and domestic legal framework, policies on children in Colombia, aspects of public policy (including information about budget expenditure on children) and information and training activities in the context of the principles and provisions of the Convention. The basic concepts of the applicable laws and the definition of the child are then addressed.
7. Next, information is presented on the exercise of children's rights in Colombia. These are grouped together in accordance with the reporting guidelines of the Committee on the Rights of the Child, as follows: civil rights and freedoms; the family environment and alternative care; basic health and welfare; and education, leisure and cultural activities. Each chapter contains a general outline (legislation, national plans and policies, information activities and training), an analysis of the situation of children regarding the group of rights in question, and concluding remarks.
8. Then there are references to special protection measures for children in categories that broadly correspond to those set out in the above-mentioned guidelines: children in situations of emergency; children displaced by violence and removed from the armed conflict; children in conflict with the law; children in situations of exploitation and abuse; and children from ethnic minorities.

9. The last chapter is dedicated to the follow-up to the concluding observations and recommendations of the Committee, although in fact the whole report deals with this follow-up. Lastly, some general conclusions are drawn.

METHODOLOGY USED TO PREPARE THE REPORT

10. In preparing its third periodic report to the Committee on the Rights of the Child within the framework of the Convention on the Rights of the Child, the Colombian Government put the Colombian Family Welfare Institute and the Ministry of Foreign Affairs in charge of a process of constructive participation by State bodies, using the methodology proposed by the Inter-American Children's Institute (IIN), an advisory body in children's matters for Latin American and Caribbean countries.

11. During the whole process, a rights-based, country-specific and participatory approach was taken to drawing up the report, with the aim of laying the foundations for the organization and introduction of a system for reporting on and monitoring the implementation of the Convention and providing a starting point for the Ten-Year Plan for Children, which was drawn up at the same time as the report.

12. Colombia's third periodic report gives an overview of the situation of children and the Government's action regarding the observance of their rights. Although there are some gaps in the information presented, the document is a collective effort that describes the general picture of the situation of children on the basis of information made available by official, up-to-date sources. For this purpose, it was necessary to prepare reports on specific institutions, sectors and areas of law and to consult secondary and unofficial sources.

13. The participatory approach to the compilation of this report prompted the Government to revitalize its action to help children and to link that action to a country perspective, recognizing children's issues as a matter of public concern and taking a rights-based approach to them that involves taking a critical look at progress and infringements in relation to each right. The stages in the preparation of the report are described below.

A. Review and preparation

14. This stage was devoted to studying and reviewing the previous reports (from 1992 and 1998) and the methods used in their preparation, bearing in mind the Committee's recommendations, the results of self-assessment and the observations of civil-society organizations in their reports on the issue.

15. The previous reports dealt with the Government's political will and action to help children and with critical areas of children's rights, and identified the need to strengthen or realign some policies.

16. The challenge this time is to go beyond a sectoral and fragmented view of the situation of children and move towards a country perspective and a comprehensive approach to rights. In addition, this report seeks not just to describe the Government's action but also to analyse the

situation in such a way as to make it possible to view the implementation of children's rights in context and to identify strengths, weaknesses and possible future action, and thus contribute to the formulation of the Ten-Year Plan for Children and public policy on children.

B. Methodology proposed by the Inter-American Children's Institute

17. The methodology proposed by the Inter-American Children's Institute was used, with constant support and advice from Dr. Jorge Freyre, a Uruguayan consultant from the Inter-American Children's Institute. The methodology was chosen at an initial training workshop held in the last week of April 2003 for delegates from State bodies; then the process proper, organized into three stages, got under way.

18. The Institute's methodology allows the necessary basic information to be compiled for an analysis of the rights situation as required for the preparation of periodic reports, as well as laying the foundations for a system to monitor and evaluate the implementation of rights in the country.

19. The preparation of the report also involved a comprehensive review of the proposed methodology and the adaptation of the "rights matrix" to the context of Colombia.¹ State bodies and individual experts were involved in drafting the report and unofficial sources and non-governmental organizations were consulted, with the latter asserting their independence in the process so that they could maintain their own critical view of the situation.

C. Stage I: Information collection

20. For three months, information was collected using the "child rights matrix" as the basic tool. This matrix uses qualitative and quantitative indicators to give a comprehensive picture of the situation with regard to each right. The next step was to distinguish primary and secondary information sources. Each official body involved was responsible for obtaining and reporting information where this was feasible and within its sphere of competence.

21. Organizing the information into categories of rights was a challenge, as organizations usually organize it according to their own requirements or those of the sector that they are part of, and there are different reporting periods for each issue. The next step was to create a "snapshot of 2002".

22. Researching data by region, gender and ethnic group was not possible in most cases because of the way the information systems are organized; although improvements have been made in information-gathering as compared to previous years, there is still no single official system, which is why information is predominantly broken down by sector and recorded and assessed using different methods. It was therefore decided to ask for the most recent official information with regard to each right, and to make any necessary clarifications regarding the handling of the information.

23. Two group meetings were held during this stage to review the information collected and make any necessary adjustments. Given the difficulty in collecting the information, it was necessary to focus on a small group of the most representative indicators that could feasibly be

collected for each right. As a result of this process, basic information was obtained for each right; in some cases this was crucial information, while in others very little information was obtained. This stage was lengthy and required a great deal of effort from all the organizations and professionals involved in the search for reliable information that would serve as a baseline for the analysis of the situation with regard to the rights of the child in Colombia.

D. Stage II: Information analysis

24. Following the proposed methodology, analysing the information involved an initial study of all the information collected; then, in group workshops, critical aspects of the rights situation were analysed in greater depth and gaps in the information were identified. Other ways to search for and process the information, including looking through working papers and management reports, were thus required.

25. The initial analysis focused on checking the information collected for consistency and representativeness. We also looked for the greatest possible congruence between the data collected and the focus on rights. This stage took approximately two months, during which an intersectoral analytical workshop was held, with the participation of 60 representatives of the various official bodies involved in the process. The analysis was done in two stages, the first dedicated to a general review of the information collected on each right and the second to an analysis of the information by area and topic of law.

26. After a critical reading of the data, it was deemed necessary to evaluate the information, any gaps and new sources. The workshop thus focused on identifying the fundamental points related to the priority information needs by right and by area, formulating recommendations to evaluate the information, and determining what was required to consolidate the basic input by area and topic.

27. This process needed to be expanded by having consultancy and analysis groups work on areas of rights and specific topics. Accordingly, the methodology was adjusted to ensure that the analysis continued to focus on “tracer”, or vital, indicators and maintained a rights-based approach, a country perspective and broad participation.

28. Efforts were made to complete the data by carrying out specific research, identifying the vital data by right and by area, analysing the data and drawing up a preliminary document on the respective areas of law.

29. At the end of this stage, a drafting committee consisting of representatives of the Ministry of Foreign Affairs, the Institute of Forensic Medicine and the Colombian Family Welfare Institute was established, initially to review the information and draft the various chapters of the report. The final drafting was the responsibility of the Ministry of Foreign Affairs and the Colombian Family Welfare Institute, assisted by the Office of the Vice-President.

E. Stage III: Drafting the report

30. In drafting the report, preliminary reports were drawn up for each thematic area and area of rights, so that by the end of October there was a complete first draft of the report. Over the

next two months, the drafting was focused on checking that the report followed the general United Nations reporting guidelines and on setting out the information by area of rights or by topic in order to ensure coherence and consistency in the presentation of the situation of children in the context of the situation in the country.

31. The final revisions and adjustments were done by the Colombian Family Welfare Institute, the Ministry of Foreign Affairs and the Office of the Vice-President; the report was formally sent to the Committee on the Rights of the Child by the Ministry of Foreign Affairs, with the endorsement of the Office of the Vice-President.

I. BASIC INFORMATION ABOUT COLOMBIA

32. Colombia is a social State, governed by law and organized as a unitary, democratic, participatory and pluralistic republic, decentralized with autonomous territorial units. It is founded upon respect for human dignity, the work and solidarity of the individuals constituting it and the primacy of the general interest.

A. General political structure

33. **Political organization.** The Constitution establishes three branches of public power: the executive, the legislature and the judiciary.² The President of the Republic is Head of State and Head of Government, and is elected for a period of four years by popular vote. The last election took place in May 2002, and resulted in the election of Dr. Álvaro Uribe Vélez as President.

34. Ministers and heads of administrative departments direct and control the public administration; their number and their titles are determined by law. The departmental governors and municipal mayors are elected by popular vote. Public institutions, supervisory bodies and State-owned industrial and commercial enterprises also form part of the executive branch.

35. The Legislative branch consists of the bicameral Congress of the Republic, which amends the Constitution, adopts legislation and exercises political control over the Government and the administration. The upper chamber, or Senate, is made up of 100 senators who are elected by a national constituency and 2 more who are elected by special constituencies for indigenous peoples. The lower chamber, or House of Representatives, is made up of 241 representatives, elected by regional and special constituencies. Legislators are elected for a period of four years.

36. The judicial authorities render independent and autonomous decisions. They consist of the Constitutional Court, which is responsible for maintaining the supremacy and integrity of the Constitution; the Supreme Court of Justice, which is the highest court of ordinary jurisdiction (with criminal, civil and labour divisions); the Council of State (the highest court for administrative disputes, and the Division of Consultation and the Civil Service); the Higher Council of the Judiciary (the highest administrative and disciplinary organ of the judiciary); the Office of the Attorney-General (the Attorney-General and deputy prosecutors); and the judicial district higher courts (usually located in departmental capitals and presided over by circuit or municipal court judges).

37. It is worth noting the role in children's affairs of the juvenile court judges, attached to the High Council of the Judiciary, who adopt protective measures and pass verdicts and sentences in cases where children are in conflict with the law under the applicable code. They have a different role to that of children's advocates, who are civil servants with legal training employed by the Colombian Family Welfare Institute to represent and protect children in all circumstances and to act on their behalf in administrative proceedings concerning their protection.

38. The public supervisory bodies are made up of the Office of the Controller-General of the Republic and the Public Prosecutor's Office. The latter is the responsibility of the Attorney-General, who is elected by the Senate; its function is to ensure compliance with the Constitution, laws, judicial decisions and administrative decisions, protect human rights and defend the collective interests of society and the environment.

39. The Ombudsman, under the direction of the Public Prosecutor's Office, ensures the promotion, exercise, dissemination and defence of human rights, and is elected by the House of Representatives.

40. The main political parties are the Liberals and the Conservatives; they have existed since the mid-nineteenth century, cover all the national territory, are classless and have liberal ideologies. Nowadays there are also other parties, which include the Frente Social y Político and the Polo Democrático.

41. **Territory.** Colombia is a country of considerable geographical, ethnic and cultural diversity. It covers an area of 1,141,748 km² and is divided into the following territorial units: departments, districts, municipalities and indigenous territories. The municipality is the basic unit of the political and administrative structure of the State. There are currently 32 departments and 1,098 municipalities.

42. **Ethnic characteristics.** The people of Colombia are predominantly of mixed race. There are three main ethnic and social groups which stand apart from the majority of the population both geographically and culturally: the Afro-Colombian communities, the indigenous peoples and the native islanders (*raizales*) of San Andrés y Providencia. Recently the Rom, or Gypsies, have been recognized as a separate group. There are 93 indigenous peoples in the country (11 are in the process of being recognized), belonging to various ethnic groups which represent 2 per cent of the total population.³ According to the National Indigenous Organization of Colombia (ONIC), 93 per cent of indigenous people live in rural areas and approximately 115,000 of them do not own any land. The Afro-Colombian population accounts for about 26 per cent of the total population.

43. **Languages and religions.** Spanish is recognized as the national language, although it has marked dialectal and regional characteristics. There is also great linguistic wealth in the country's indigenous communities; 64 languages, from 22 families of indigenous languages, have been identified. The native islanders of San Andrés y Providencia form part of the Afro-Anglo-West Indian culture; they use English as their official language and San Andrés creole in the home. In the Caribbean area of mainland Colombia, the inhabitants of San Basilio de Palenque speak Palenquero (the other Afro-Colombian creole). The Rom or Gypsy groups, of Eastern European origin, speak their own language, Romany.

44. The 1991 Constitution established freedom of worship; thus everyone has the right to profess their religion freely and to disseminate it individually or collectively. According to the Register of Religious Groups, there are at present nearly 1,000 such groups in Colombia.

B. Sociodemographic indicators

45. In 2003, the population of Colombia was estimated at 44,583,577, of which 51 per cent was female and 49 per cent male; 70 per cent of the population lived in urban areas. There were 16,716,530 children aged under 18 (37.4 per cent of the population), 14,121,712 under 15 (32 per cent), 4,791,042 under 5 (10.7 per cent), and 985,355 under 1 (2.21 per cent).

46. In 2002, Colombia had 8,688,768 young people aged between 10 and 19, representing one fifth of the total population: 4,499,771 between the ages of 10 and 14 and 4,188,997 between 15 and 19.⁴

Table 1

Demographic indicators 1998-2002

Indicator	1998	1999	2000	2001	2002
Total population	40 826 814	41 589 018	42 321 386	43 070 703	43 834 114
Total men	20 117 331	20 554 940	20 914 523	21 282 226	21 666 433
Total women	20 649 484	21 034 078	21 406 863	21 788 477	22 167 682
Total urban population	28 734 719	29 432 716	30 048 759	30 693 455	31 346 069
Total rural population	12 038 276	12 106 296	12 250 542	12 341 939	12 429 770
Under 1 year old	975 042	974 809	983 845	984 025	985 174
Under 5 years old	4 783 064	4 783 911	4 783 709	4 784 582	4 790 163
Under 15 years old	13 660 046	13 780 236	13 850 555	13 962 496	14 059 095
Under 18 years old	16 135 021	16 268 561	16 355 613	16 490 400	16 613 523

Source: National Department of Statistics (DANE) forecasts.

47. In 1998, 66.58 per cent of the population under the age of 18 (37.4 per cent of the total population) lived in urban areas, and the remainder in rural areas; by 2002, the proportion living in urban areas had risen to 67.42 per cent.

48. In 2002, 979,260 babies were born; the total fertility rate was 2.6 children per woman, the fertility rate among women aged between 15 and 19⁵ was 79.5⁶ and the crude birth rate (live births per 1,000 inhabitants) was 22.4. The data show a significant drop in the birth rate in comparison with 1970, when on average almost five children were born per woman.

49. Colombians' life expectancy at birth, in the period 1985-1990, was estimated at 67.9 years: 64.2 years for men and 71.7 for women. Improvements in basic sanitation and health care, as well as changes in morbidity and mortality, are reflected in an increased life expectancy at birth in 2002 of 72.2 years for the population as a whole, and 69.2 and 75.3 years for men and women respectively.

50. The increase in life expectancy at birth reflects a number of factors that affect the pattern of mortality among the population of Colombia:⁷ a considerable reduction in mortality by sex and age; the country's progress in controlling the main causes of general and infant mortality and, consequently, the general downward trend in mortality; a change in the general pattern of mortality, reflecting the country's progress towards the situation observed in societies with low mortality rates, where mortality has been reduced among 5- to 9-year-olds; big differences in mortality figures around the country, which show a difference of at least 10 years in life expectancy between more highly developed areas and less fortunate ones; and the impact of violence on the adult male population, particularly males between 15 and 40 years of age.

Table 2

**Overview of the fertility, birth and mortality rates,
and life expectancy at birth, 1990-2002**

Period	Total fertility rate per woman	Crude birth rate (per 1,000 inhabitants)	Infant mortality rate (per 1,000)	Life expectancy at birth (years)
1990-1995	3.1	26.97	32.0	69.69
1995-2000	2.8	24.49	30.0	70.66
2002	2.6	22.4	25.6	72.2

Source: National Department of Statistics.

1. Infant mortality

51. In Colombia, 2.6 per cent of children born alive die before their first birthday. However, the infant mortality rate has dropped considerably in recent decades: during the period 1985-1990 it was estimated at 41.4 per 1,000 live births, whereas it is now at 25.6. This figure is an average for the whole country (see figure 1): the figure is 31.1 for boys and 22.5 for girls, per 1,000 live births.⁸

2. Education

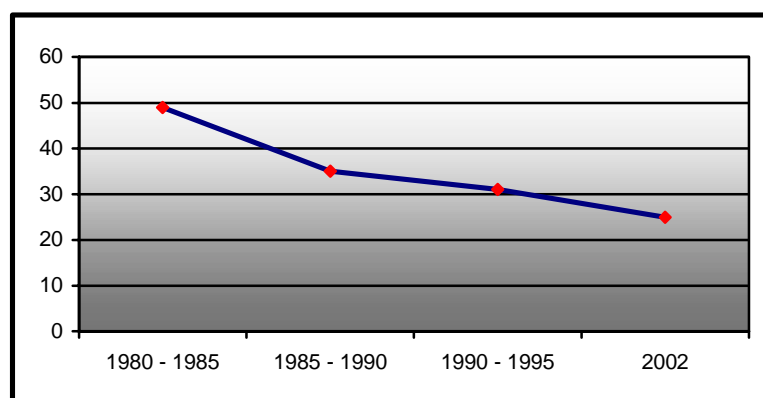
52. The illiteracy rate has been falling consistently in Colombia, from 10.8 per cent in 1990 to 7.5 per cent in 2001.⁹ In 2002, approximately 10 million pupils attended preschool or primary, secondary or intermediate school.¹⁰ Of these, 78 per cent were in the public sector. It is estimated that 75 per cent of pupils live in urban areas and the remaining 25 per cent in rural areas.

53. In 1998, the net coverage for preschool education was 27 per cent, for primary education 83.5 per cent, and for secondary education 51.4 per cent. In 2002, the levels of coverage were 30.6 per cent for preschool education, 82.3 per cent for primary education and 54.7 per cent for secondary education.¹¹ From 1998 to 2000, the dropout rate rose from 6.8 per cent to 9.4 per cent in preschool; from 7.3 per cent to 7.9 per cent in primary school; from 6.1 per cent to 6.5 per cent in secondary school; and from 3.6 per cent to 3.8 per cent at

the intermediate level. In 2001, 16 per cent of the population aged between 5 and 17 - that is, almost 2 million school-age children and teenagers - was outside the education system. In urban areas, approximately 12 per cent of the population in this segment was outside the system, and in rural areas the figure was as high as 25 per cent.¹²

Figure 1

Infant mortality rate, 1980-2002



Source: Ministry of Social Protection.

3. Poverty indicators

54. The social indicators traditionally used to measure poverty¹³ in Colombia are the poverty line, which is based on income, and the index of unmet basic needs, which is based on needs. In addition to these indicators, there are other important social measurements that give information about education and health.

55. The number of people living below the poverty line nationwide rose from 51.5 per cent in 1998 to 59.8 per cent in 2000. Over the same period, it rose from 41.8 per cent to 51 per cent in urban areas and from 75.8 per cent to 82 per cent in rural areas. Some 38.9 per cent of Colombian children live in poverty and 17.5 per cent in extreme poverty.¹⁴

56. It is estimated that 52.8 per cent of Colombian young people (4,587,670) are living in poverty and 23.75 per cent (1,089,572) in extreme poverty.¹⁵

57. There are approximately 24 million people living in poverty in the country, of whom around 10 million are farm workers, day labourers and small farmers. Approximately 8 million live in urban areas and 6 million in rural areas.

58. In the 1990s, two indexes were introduced that were intended to have a wider scope than conventional measures of poverty and inequality;¹⁶ they were the Quality of Life Index (QLI) and the Human Development Index (HDI). The QLI focuses on abilities and achievements, rather than on income. It reflects the situation of each person in relation to the

welfare of others, and provides a cardinal measure on a continuous scale. The QLI can be used to compare the welfare of different households and to evaluate their quality of life on a scale of 0 to 100, in which the cut-off point depends on the particular social policy concerned. The application of the QLI to decisions on the transfer of resources to municipalities is under consideration, in accordance with the constitutional principles that give precedence to distribution according to need (like the index of unmet basic needs) and not according to income. The Quality of Life Index for 2000 was 75.7 per cent - 83.3 per cent for the urban sector and 55.5 per cent for the rural sector.¹⁷

4. The Human Development Index

59. Human development, defined as the process through which people have access to greater opportunities, is based on three indicators: longevity, as measured by life expectancy at birth; level of education, as measured by a combination of the adult literacy rate (weighting, two thirds) and the gross enrolment rate for primary, secondary and higher education combined (weighting, one third); and sufficient income to access and enjoy basic goods and property, that is, the standard of living as measured by real per capita gross domestic product (GDP) (purchasing power parity in dollars).

60. The human development of the Colombian population was measured during the 1990s and until 2001. Significant improvements were noted, such as the rise in the life expectancy index from 0.714 to 0.781 (life expectancy rose by 4.1 years): this trend reflects important demographic and epidemiological changes. Combined enrolment rates for the three levels of education mentioned above rose from 0.594 to 0.682 and the illiteracy rate fell from 10.8 to 7.5. The GDP index also rose, although not by as much, moving from 0.625 to 0.688, with several significant variations over the decade.¹⁸

61. The HDI rose in the period 1990-2001 from 0.711 to 0.771. The educational component performed better despite changes in the GDP index. However, it is important to note that the two indexes did not behave in a uniform manner throughout the decade. For example, between 1994 and 1997, the educational component was the driving force behind the rise in the HDI. However, it lost ground as a result of families' reaction to the economic crisis in 1999, which was reflected in a fall in school enrolment. In spite of this, the adult literacy rate continued to move in the right direction.

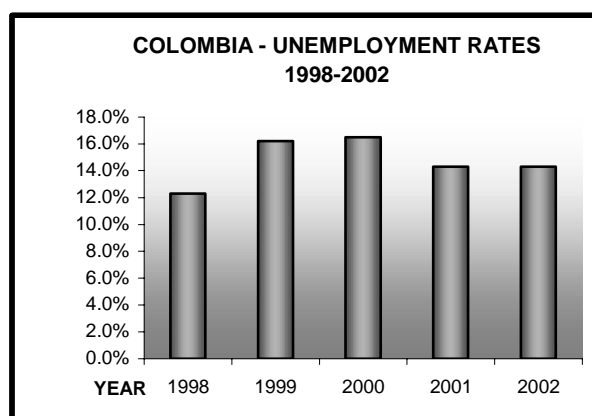
62. Indicators such as those for male mortality, migration, women as heads of household and school absenteeism have worsened as a result of the economic recession and the widespread intensification of the violence.

C. Colombian economic context

63. In recent years, the country has faced a complex economic situation characterized by one of the most intense economic crises it has ever known. The fall in GDP led to a reduction in the growth rate (which had been over 5 per cent between 1993 and 1995). The growth rate fell to minus 1 per cent in 2002, but the sharpest fall was in 1999, when it fell to minus 4.2 per cent.

64. The fall in GDP was partly due to strong growth in public spending in the 1990s, which led to an increase in domestic and foreign debt and phenomena such as higher unemployment and a surge in the informal economy. Domestic debt produced a sharp rise in interest rates, which hit sectors like construction and industry, the main generators of employment.

Figure 2
Unemployment rates, 1998-2002



Source: Central Bank of Colombia.

65. Unemployment rose from 12.3 per cent in 1998 to 16.5 per cent in 2000. In 2001, it dropped by 2.2 per cent, and remained stable at this level in 2002. In 2003, it was at 14.6 per cent. Incomes have fallen and the proportion of people in cities with salaries lower than or equal to the minimum wage has increased.

66. In the past decade, the employment situation has been marked by a rush of workers into the informal sector, which accounted for 61.3 per cent of total employment in 2002. Moreover, employment in the public sector has decreased because of the reorganization and streamlining of this sector.¹⁹

67. Alongside this surge in informal employment, there has been a high rate of underemployment (32 per cent in 2002). “Underemployment” is understood to mean working on activities that require a shorter working day than normal for less than the legal minimum wage, or that require inferior abilities and skills.²⁰

68. In addition, the inflation rate fell from 16.7 per cent in 1998 to 6.9 per cent in 2002, a significant reduction of 9.7 per cent; in 2003 it was 6.5 per cent.

69. The situation of widespread violence has led to a significant decrease in investment and the escalation of the conflict has inhibited commercial confidence in the country. Some experts have calculated that if the country had been at peace, GDP would have grown by an extra 1.5 per cent per annum in recent years.

Table 3
Foreign debt, 1998-2002

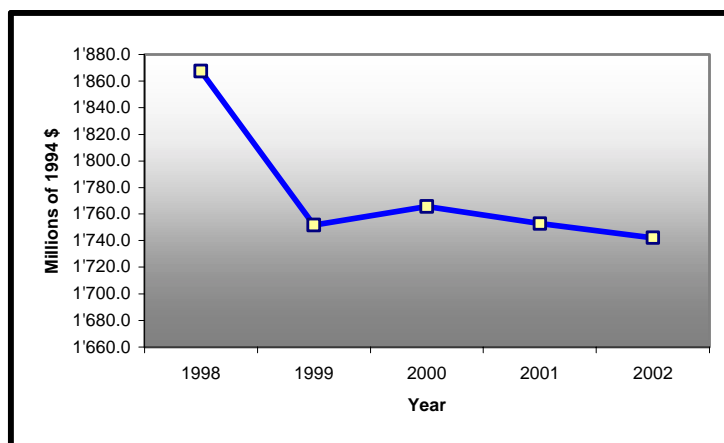
Year	Millions of dollars	Percentage of GDP
1998	36 681	37.3
1999	36 733	42.6
2000	36 131	43.1
2001	39 039	47.8
2002	37 340	46.3

Source: Central Bank of Colombia.

70. Foreign debt left the Colombian economy very vulnerable to international financial crises. The debt rose to US\$ 37,340 million in 2002, which represents 46.3 per cent of total national product (as measured by GDP). In view of this situation, the Government has adopted strict fiscal budgets since 1999 and has floated the peso against the dollar.

71. Per capita income decreased by 6.2 per cent between 1998 and 1999, and slightly increased, by 0.8 per cent, in 2000; but by 2002 it had decreased by about 6.5 per cent.

Figure 3
Per capita income, 1998-2002



Source: Central Bank of Colombia.

72. There were significant differences between men's and women's income, these throughout the decade, notwithstanding the fluctuations in per capita GDP. Women's income was 18 per cent lower than that of men in 1994 and 16.4 per cent lower in 2001.

73. Regarding equity in the distribution of income in the country, there was a deterioration in Colombia's Gini coefficient, from 0.48 in 1994 to 0.53 in 2002.²¹

74. There are marked differences in per capita income between departments; it is lowest in Chocó and highest in Bogotá. The crisis at the end of the 1990s was reflected in the situation in the departments. In 2001, no department had managed to regain its 1997 level; in some, the 1999 crash was so severe that per capita income was reduced to 1990 levels or even lower. That was the case in departments like Huila, Guajira, Norte de Santander and Chocó; in others, such as Valle, Tolima, Magdalena and Córdoba significant progress has been made.²²

75. In Latin America, social spending represents a high proportion (14.1 per cent on average) of public spending.²³

76. Social spending, meaning investment in education, health care, social security, housing and public services, began to grow faster in 1992, and had doubled by 1996. However, since then it has been falling; this trend was particularly noticeable in 1999 and 2000.

77. According to data from the household surveys conducted by the National Department of Statistics (DANE) and the national accounts, there was a direct relationship between the reduction in spending between 1997 and 2000 and the decrease in educational coverage for the poorest 30 per cent of the population, as in that period there was a reduction in school attendance at all levels of education. This is a very worrying situation because once a pupil leaves the education system, it is difficult for them to return, and dropping out has a direct impact on the training of human capital, on future household income and therefore on human development.

78. As far as health care is concerned, there was a widespread decrease in participation in the social security system between 1997 and 2000, except in the first income decile, in which there was an increase in participation from 38.97 per cent to 44 per cent. In the other low-income groups, below deciles 2 and 3, participation fell from 47 per cent to 37 per cent in the second decile and from 47 per cent to 38 per cent in the third. Health coverage is lower even though social spending in this sector was not reduced during the period in question.

79. In spite of a boost at the beginning of the 1990s, the downward trend in social spending contrasts with the growth in the public debt. This shows what a difficult economic situation the country is facing.

D. The armed conflict and enforced displacement

80. The most critical problem in Colombia today is the internal armed conflict. Dealing with this conflict requires a multifaceted approach and recognition of the diverse causes and factors that complicate the problem. In spite of the improvements in some of the country's socio-economic indicators in recent years, the effects of the armed conflict which has its roots in bipartisan conflicts, have been exacerbated since the 1990s by phenomena such as drug trafficking and high levels of crime and violence in all their various guises.

81. The violence has become more widespread and more intense; it involves more and more social groups and is characterized by constant fighting and the expansion of armed groups throughout the country. Thus, “in 1985, guerrillas were present in 17 per cent of municipalities, and in 1995 that figure reached 58 per cent; if you add to that the areas where other illegal armed groups are present, approximately 75 per cent of the country is experiencing some level of armed conflict”.²⁴

82. Guerrilla activity, which in previous years was mainly confined to remote rural areas, has over the last five years spread to large cities and areas of economic importance. Meanwhile, the self-defence groups have been concentrating on achieving greater legitimacy in the regions where they are present.

83. Developments in the Colombian armed conflict in the period 1998-2002 suggest that the conflict is worsening. The fight for resources and for control of territory and the population has been waged under a reign of terror and fear, at great human, social, economic and political cost, and amidst worrying examples of violations of human rights and international humanitarian law.

84. The course of the conflict has been dictated by illegal armed groups trying to gain control of influential areas which would guarantee them access to regions with a high strategic value. Accordingly, the activities of the illegal armed groups have been directed at civilians, and displacement has been a consistent feature of their tactics.

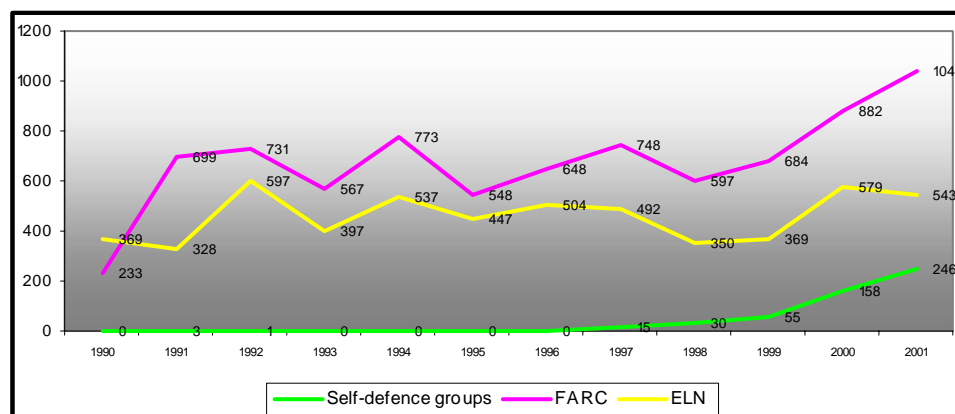
85. Deplorable acts are being committed against civilians throughout Colombian territory; the illegal armed groups have resorted to operations that amount to massacres (defined as the violent killing of three or more persons²⁵), with the aim of disrupting the enemy’s support networks, families or militias or intimidating the general public. The killing can be indiscriminate, but targeted assassinations are another method they use.

86. In the ongoing power struggle, control of strategic territories passes from one illegal armed group to another. These groups impose rules that suit their interests and introduce a “friend or foe” logic to the conflict. This logic is apparent in the areas where there is confrontation between guerrillas and self-defence groups, such as Sierra Nevada de Santa Marta, Norte de Santander, Arauca, Urabá, Córdoba, Magdalena Medio and Putumayo, where the illegal armed groups have been extremely active and where targeted assassinations and massacres of civilians have been frequent since 1998.

87. At the same time, the insurgents have stepped up their harassment of the police, highway robberies and the sabotage of economic infrastructure; however, there has been a reduction in their financing activities, such as robberies from banks and businesses in the towns they attack. These changes are due in large part to the diversification of the methods they use to obtain financial resources, which now depend largely on kidnapping, extortion and drug trafficking.

Figure 4

Trends in the armed activities of the Fuerzas Armadas Revolucionarias de Colombia (FARC) (Revolutionary Armed Forces of Colombia), the Ejército de Liberación Nacional (ELN) (National Liberation Army) and the self-defence groups, 1990-1991



Source: Office of the President of the Republic, National Strategy Room.

88. The problem of people displaced by the violence worsened in the years leading up to 2002 as the internal armed conflict flared up and spread, mostly as a result of the activities of self-defence and guerrilla groups who wanted to take control of certain areas, but also, indirectly and to a lesser extent, as a result of the presence of State forces in areas where they clashed with illegal groups.

89. This phenomenon is not only one of the most serious human rights violations, it also exacerbates poverty and the vulnerability of the population by destroying the foundations of the social order and reducing human capital, as a result of the fall in income of the population affected and the effect of being uprooted on people's ability to live their lives as they wish. It is estimated that out of every 100 displaced households, 31 are living in extreme poverty and 54 on the poverty line.

90. The displacement of populations has come to be used by combatants as a strategy of war, as it enables them to extend their sphere of influence and gain access to strategic resources, establish ways to control and take land, money and political decisions, transport weapons and open up channels for illegal activities.

91. According to official statistics, a total of 1,056,008 persons were displaced between 1995 and 2002, and this figure rose to 1,243,581 in 2003, giving a sustained half-yearly increase of 45 per cent.²⁶ It is estimated that 48 per cent of them are women and 44 per cent school-age children between the ages of 5 and 14. In terms of ethnic origin, Afro-Colombians account for 18 per cent and indigenous people for 5.4 per cent of the total number of displaced persons.

92. The year 2002 saw the largest enforced displacement of persons in Colombia since 1985, as a result of the greater pressure and control exerted on the civilian population by the parties to the armed conflict. This led to a significant increase in the number of areas from which people were expelled, profound changes in the social and demographic make-up of towns and the break-up of some ethnic groups.

93. In the face of this situation, the current Government has acknowledged the size of the problem. Although the problem is still of worrying proportions, the Government managed, through its “democratic security” policy, to reduce the figure in 18 months from 379,289 persons displaced in 2002 to 182,076 in 2003, a fall of 52 per cent.

94. The retaking by the armed forces of territory controlled by outlawed armed groups, the presence of the national police in 1,096 of the 1,098 municipal administrative centres and the Government’s overall drive to boost development by increasing social investment have all contributed to the above-mentioned fall.

95. From a broader perspective, the levels of violence are compounded not only by the armed conflict but also by poverty, marginalization and social injustice. In such a situation, children are vulnerable, and their safety and fundamental rights are badly affected.

96. More specifically, children are victims of the armed conflict when they are forcibly recruited by armed groups (fighters), kidnapped or displaced, including in border areas. They are also victims of terrorism when they become involved in criminal gangs (hired killers).²⁷ However, the Colombian Government is achieving good results with its policy to extricate youngsters from the illegal armed groups by strengthening the bodies responsible for this, including the Colombian Family Welfare Institute and the Ministry of Defence. Some 726 youngsters were extricated in December 2003, as compared with only 10 in November and December 1999. This basically shows two things: one, the effectiveness of the extrication policy and, two, the need to strengthen even further the State’s capacity to care for this vulnerable population group, as the institutions concerned have been inundated as a result of the exponential increase in the number of youngsters extricated from armed groups.

E. Human rights policy and international humanitarian law

97. The ultimate objective, measure and limit of State and social intervention are set out in the Charter of Rights and Duties, which is part of the Colombian Constitution. The Charter defines traditional democratic freedoms in the form of powers granted to citizens, which they can invoke against any arbitrary acts committed by State bodies. It also makes the State the guarantor of fundamental rights, civil and political rights and so-called economic, social and cultural rights.

98. The Constitutional Court has ruled that the international human rights treaties ratified by Colombia take precedence in the domestic legal order, and that the Constitution takes precedence over all other types of legislation; the treaties and the Constitution then form what is known as the “constitutional block”.

99. Since the armed parties to the internal conflict - specifically the guerrilla and self-defence groups - have intensified the conflict, dehumanizing it and increasingly involving the civilian population, the State has begun to apply an international humanitarian law perspective to its policy and action in the field of human rights.

100. The Colombian Government has been working to promote, enforce and guarantee human rights, acknowledging the serious obstacles posed by the internal armed conflict to the exercise of human rights. Despite the significant and valuable progress made in the field of human rights, the Government, between 1998 and 2002, acknowledged that there was a need for greater rights protection and a clearer focus on resolving the problems that gave rise to the conflict, while maintaining its position that the political will for peace and the protection and defence of fundamental human rights were separate but complementary issues.

1. Policy to promote, enforce and guarantee human rights and apply international humanitarian law, 1998-2002

101. The main aims of this policy are to step up the fight against impunity by pressing for investigations where these are most needed, protect human rights defenders and trade union leaders, combat self-defence groups and kidnappers, take proper care of the displaced population and strengthen the State, particularly by modernizing the public security forces. Some of the main results achieved with this policy are outlined below.

102. The Government's commitment to human rights is reflected in the presence in Colombia of an office of the United Nations High Commissioner for Human Rights, under an agreement reached in 1997 and renewed until 2006.

103. In the regional context, the Colombian Government has improved its relations with the Inter-American Commission on Human Rights, and invited its representatives to visit the country in 2001. During their visit, they highlighted the Government's readiness to promote programmes to protect human rights defenders, trade unionists and journalists, as well as its efforts to expedite the administration of justice and initiate a peace process.

104. In the meantime, as part of a policy to expedite the administration of justice and combat impunity, steps were taken to reach amicable settlements in seven cases referred to the Inter-American Commission on Human Rights concerning massacres, disappearances and other serious human rights violations. One case in which an amicable settlement was reached concerned the 1992 Villatina massacre of eight young persons (aged between 8 and 17, except for one aged 22) from the Villatina Caycedo district of Medellín by a group of police officers, for which a complaint had been filed with the Inter-American Commission.

105. In 1998, the Colombian State recognized its international responsibility in the Villatina case before the Inter-American Commission, and the President publicly recognized that responsibility and gave the family of each victim a document constituting a deed of moral reparation and compensation.

106. In 2002, an amicable settlement was signed that sets out commitments with regard to the admission of responsibility, the right to justice, individual and social reparation in the field of health and education, and the construction of a monument as a mark of reparation.

107. The Government has also recognized the risks and dangers facing human rights defenders and supported the legitimate work of non-governmental human rights organizations operating within the Constitution and the law. Accordingly, an open-door policy has been followed in respect of individuals and private organizations working to defend and promote human rights, and measures have been taken to protect the lives and physical safety of these individuals and members of these organizations.

108. The Government rejects the illegal “self-defence” groups set up in Colombia by various social groups and sectors in response to the guerrilla movements, and has taken special measures to cut all links between State employees and such groups. At the same time, substantial progress has been made in combating outlawed groups, and positive results have been achieved in tackling both subversive and self-defence groups.

109. Further progress has been made by the competent State judicial bodies in punishing violations of human rights and breaches of international humanitarian law by illegal armed combatants. It is well known that breaches of international humanitarian law are now being dealt with by the courts as a result of the hard work and prompt investigations carried out by the Office of the Attorney-General; a total of 184 investigations have been opened into 785 members of illegal armed groups and 463 arrest warrants have been issued.

110. Despite this progress, it should be pointed out that the illegal armed groups have grown too large for the Colombian judicial apparatus to cope with.

111. As part of a comprehensive strategy to weaken and disband the illegal armed groups in Colombia, a number of steps have been taken to disrupt their finances by giving the State greater institutional and legal powers to track down, seize and terminate their ownership of assets from illegal activities. For this purpose, the Office of the Attorney-General, the Intelligence and Financial Administration Unit of the Ministry of Finance and the National Narcotic Drugs Department work together and exchange information.

112. Disciplinary inquiries were undertaken to tackle and sanction the links between State employees and illegal self-defence groups: in 2001, 38 employees were being investigated for direct involvement, 49 for omissions, 2 for support and 1 for tolerance of such links. Procedurally speaking, 61 of these inquiries were at the preliminary stage, 1 at the appeal stage and 8 at the formal investigation stage.

113. To combat kidnapping and attacks on personal liberty, the National Fund for the Defence of Personal Liberty (Fondelibertad), a fund set up by Act No. 282 of 1996 and administered by the Ministry of Defence, was launched. The operational aspects of the campaign are the responsibility of the 28 Unified Action Groups for Personal Liberty (“Gaula” groups), which consist of members of the national police and the military and are coordinated by the Department of National Security (DAS) and the Technical Investigation Unit of the Public Prosecutor’s Office.

114. Special mention should be made of the work done by the Gaula groups to reduce the number of kidnappings: in 2000, 3,114 cases were reported, but the figure fell to 3,041 in 2001 and 2,986 in 2002. According to information provided by Gaula groups, 1,254 children were kidnapped between January 1996 and December 2001, of whom 26 died in captivity, and 321 were kidnapped in 2002.²⁸

115. The Government also passed Act No. 733 to introduce tougher penalties for kidnapping, extortion and terrorism, particularly in cases involving minors, older people and individuals whose position makes them a prime target for such violations of human rights.

116. The Government also acknowledged that enforced displacement was a problem, and drew up policies to deal with it. The range of programmes it developed to take care of the people affected are coordinated by the Social Solidarity Network and are intended primarily to attend to the most pressing needs of people displaced by political violence, older people living in extreme poverty, indigenous people and disabled persons.

117. The Programme of Comprehensive Care for the Displaced Population and the Social Solidarity Network are trying to find ways to improve living conditions for displaced people by providing comprehensive assistance that will enable families to become productive again and to recover their emotional stability, either by returning to their place of origin or by relocating elsewhere in the country.

118. Under this programme, 9,923 million pesos was spent on emergency humanitarian assistance, which was sufficient to take care of 9,282 families in 18 departments in the country. In addition, under the resettlement arrangements, 9,285 households and 1,813 individuals benefited from expenditure of 13,099 million pesos on income-generating projects, training for entry into the job market and housing projects in towns and in the countryside.

119. The Social Solidarity Network not only drew up the strategic guidelines for dealing with and taking care of the displaced population, but also supported projects that avoided displacement in high-risk areas; such projects benefited 4,669 households and 13,020 individuals in 15 departments at a cost of 2,345 million pesos. Under the Programme of Comprehensive Care for the Displaced Population, a total of 25,368 million pesos was spent in 2002 on 151 projects that benefited 23,236 families and 14,833 individuals in the 33 departments in the country.

120. The Government has been consolidating the national system of comprehensive care for the displaced population, which is run by the Social Solidarity Network, and the National Council on Comprehensive Care for the Displaced Population, the national coordinating body, thereby making it possible to review and adopt additional legal instruments such as Decree No. 2007 of 2001, which partially regulates a number of articles of Act No. 387 of 1997, concerning the provision of timely assistance for rural population groups displaced by the violence to enable them to return to their place of origin if they so wish or to resettle elsewhere. Other measures have been adopted to cater for these groups, including Decree No. 2562 of 2001, which regulates the same Act, concerning the provision of State-run educational services for the displaced population.

121. Ways are also being studied to exempt displaced males from compulsory military service; a provisional military service record has been introduced for men aged between 18 and 23 years who have been displaced by the violence. Accordingly, in December 2001, the Ministry of Defence issued its decision No. 1879, endorsing National Economic and Social Policy Council document No. 3115 of May 2001, which adopted the sectoral budgets for the Plan of Action as well as the National Plan of Comprehensive Care for the Displaced Population, amending Decree No. 173 of 1998.

122. As far as the role of the armed forces is concerned, their commitment to uphold human rights and international humanitarian law has been strengthened, and violations by some of its members have been acknowledged. Consequently, the Government has taken educational, preventive and disciplinary measures that have led to improvements in the behaviour of agents of the State towards citizens. Training in this area has been decisive in improving the military's performance of its tasks. Colombia is the leader in this field in Latin America: over 120,000 members of the public security forces have received special training in this topic in the last five years.

123. Efforts have been made to build up military capacity, make the armed forces more professional and reform the military criminal justice system. These efforts include the adoption of Act No. 522 of August 1999, adopting the new Code of Military Criminal Justice, and, under special powers granted to the President for this purpose, the reform of labour and discipline in the public security forces, and the decrees regulating it, particularly Decrees No. 1790 and No. 1797 concerning the retirement of officers and non-commissioned officers, regardless of their length of service, and the definition of particularly serious human rights violations in the disciplinary regime as "very serious" forms of misconduct.

124. To tackle the various types of human rights violations and breaches of international law, while taking account of the recommendations of the international community, the legislative measures listed below, among others, have been adopted.

125. Act No. 415 of 1997: the main thrust of this law is to modernize sentencing in Colombia, bearing in mind the current trends in punishment and types of punishment, which are intended to be more humane and to facilitate the person's effective reintegration into the community. Pursuant to the Act, up to 1998 around 300 individuals benefited from parole and around 4,400 enjoyed prison benefits.

126. Act No. 446 of 1998: this law seeks to promote self-produced legal settlements, that is, agreements reached directly and on equitable terms by the parties concerned, with the help of arbitrators and conciliators. In this way, agreements can be more easily reached on the conflicting claims without excessive and costly formalities or the expensive rituals of protracted legal proceedings. The Act promotes conciliation and arbitration centres where the parties can find a simple set-up for dealing with and resolving disputes. Decree No. 1477 of 2000 established mediation centres (*casas de justicia*) in an attempt to give communities easier access to formal and informal legal services so that disputes can be resolved peacefully and harmonious relations maintained. These centres are the responsibility of the Ministry of Justice. In addition,

an educational and promotional campaign was run in the media to raise public awareness and understanding of human rights and international humanitarian law and to promote respect and peaceful coexistence.

127. Act No. 589 of 2000: this law defines the enforced disappearance of persons, genocide and the enforced displacement of persons as offences, while increasing the penalties for torture and adopting other criminal policy measures relating to enforced disappearance.

128. Act No. 599 of 2000, containing the amended criminal code: this law, which has been in force since July 2001, defines the offences against the person and property that are protected under international humanitarian law, responds to concerns about justice in relation to the handling of the conflict in Colombia, and guarantees observance of the core humanitarian principles, in accordance with Colombia's international commitments arising from its ratification of the four Geneva Conventions of 1949 and their two additional protocols.

129. Act No. 707 of 28 December 2001: this law adopted the Inter-American Convention on Forced Disappearance of Persons.

130. Act No. 731 of 14 January 2002: this law lays down rules intended to benefit rural women. Its aim is to improve their quality of life, with priority being given to those on low incomes, and contains specific measures aimed at achieving gender equity in the countryside.

131. Act No. 734 of 2002, adopting the reform of the Single Disciplinary Code: the code is compatible with international standards and recommendations, and is applicable to all public servants, including retirees. It brings together the various disciplinary regulations so that they are not scattered among different regimes.

132. Act No. 742 of 5 June 2002, adopting the Rome Statute of the International Criminal Court: the instrument of ratification was deposited on 5 August 2002.

133. Moreover, the Monitoring Centre for the Presidential Human Rights and International Humanitarian Law Programme is now operational: this mechanism is responsible for identifying progress in and obstacles to the implementation of government policy and for producing studies on related topics and issues.

2. Policies in the field of human rights and international humanitarian law, 2002-2006

134. The present Government has a human rights policy focused on the prevention of violations of human rights and international humanitarian law, which includes decentralization and the empowerment of local authorities, raising awareness and providing training, and ensuring that the issue is addressed in local development plans.

135. An early-warning system has been introduced and the Government has decided to set up an inter-agency early-warning committee, comprising the Vice-President and the interior and defence ministers.

136. A learning strategy aimed at communities has been introduced to put human rights values at the centre of the response by civil society to violations. The aim is to ensure the continuity of programmes designed to promote, publicize and ensure respect for human rights and international humanitarian law, and to strengthen programmes for the protection of human rights defenders, trade unionists, indigenous advocates and social and political activists who are being persecuted and threatened, as well as witnesses, judges and personnel involved in criminal proceedings.

137. Comprehensive care for the victims of enforced displacement includes establishing the conditions for peaceful coexistence through the legitimate exercise of authority and the fulfilment of the State's duties in the areas of security, defence and justice. To achieve this, democratic authority needs to be restored and consolidated throughout national territory. Action is being taken in four basic areas: prevention and protection; emergency assistance; creating the necessary conditions for resettlement; and strengthening the national system of comprehensive care.

138. With regard to removing children from the armed conflict, the Government is taking steps to prevent minors from being recruited into illegal armed groups and encouraging them to leave such groups voluntarily by strengthening institutions in areas with a strong presence of armed groups.

139. In order to comply with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, a national plan of action is being developed that covers prevention, information management, care for victims and professional procedures for eradicating landmines.

140. The gravity and extent of the problems in the field of human rights and international humanitarian law in Colombia, as well as the country's international commitments in this field, make it necessary to draw up a national plan of action. Such a plan would contain inter-agency agreements and would draw on the consensus in society to identify the priority areas for assistance, and would guide government action in the short, medium and long term.

141. Meanwhile, the Office of the Ombudsman is designing and implementing a model for the follow-up, evaluation and monitoring of public policies that affect human rights. The Office of the Vice-President, as chair of the Intersectoral Standing Commission on Human Rights and International Humanitarian Law, is responsible for coordinating policy and, to this end, evaluates results and institutional management.

142. The points set out above are consistent with the current national development plan entitled "Towards a community-based State", one of the main objectives of which is to provide democratic security. The Government proposed to provide security and protection for all Colombians, ensure the viability of democracy and consolidate the legitimacy of the State through the strict observance of human rights, political pluralism and citizen participation. For this purpose, a comprehensive strategy has been put into effect; its main aims are to strengthen the public security forces, dismantle drug-trafficking networks and stop illegal drug production, reinforce the system of justice and help economically depressed areas and areas where fighting continues.

143. Since the present Government took office, the public security forces have been reinforced so that democratic authority can be exercised throughout national territory. In 2003, the public security forces increased their coverage from 86 per cent to 93 per cent of national territory.

144. In a whole series of operations, the various public security forces have acted to cut down the trade in illegal drugs by reducing the crop-growing area, closing down processing facilities and targeting property and assets acquired through drug-related activities. According to official figures from the Integrated System for Monitoring Illicit Crops (SIMCI), in June 2003 the area cultivated had fallen by 32.4 per cent as compared with 2002 and 52.3 per cent as compared with 2001. Moreover, comparing the whole of 2003 with the whole of 2002, the increase in solid and liquid inputs seized rose by 14.9 per cent and coca-crop spraying by 1.9 per cent according to figures from the defence ministry.

145. Progress has been made in weakening illegal groups, with the arrest and prosecution of 133 leaders and 627 members of subversive, self-defence and drug-trafficking organizations. According to figures from the defence ministry, 3,166 members of self-defence groups, 6,967 members of subversive groups and 46,444 persons in the drug trade were captured in 2003.

146. Another important achievement was the demobilization of 1,561 members of subversive groups in the Government's first year of office. This is a particularly remarkable figure considering that the peace agreements signed with nine guerrilla movements in the past had led to 4,715 persons laying down their arms voluntarily as a group. In 2003, 2,538 members of outlawed armed groups were voluntarily demobilized. Attention is drawn in particular to the current demobilization of self-defence groups, a historic event resulting from the Government's efforts to pave the way for a negotiated peace. It is also important to note that the number of fighters demobilized between January and June 2003 was 41 per cent higher than in the same period in the previous year.

147. Moves to strengthen the delivery of justice have concentrated on promoting alternative, extrajudicial dispute-settlement mechanisms. A start has also been made on streamlining the administration of justice through better coordination, better information systems and the simplification and harmonization of rules and regulations. It is against this background that the programme on mediation centres and information-collection centres has been speeded up: in the Government's first year of office, 10 new mediation centres were opened, bringing the total to 31 in 25 municipalities - 97 per cent of the year-end target.

148. Work has also been done to develop economically depressed areas and those where the fighting is at its most intense. This work has benefited 1,775,764 Colombians in these areas. The fact that elections went off smoothly at the end of 2003 is also worth highlighting.

149. The practical results of the democratic security policy are clearly reflected in the substantial improvement in the indicators for homicides, massacres, enforced displacement, kidnappings and attacks on the civilian population and infrastructure, as shown in the table below.

Table 4

**The human rights situation in figures, and the results of operations
by the public security forces**

	2002	2003	Variation
Homicides	28 837	23 013	-20%
Homicides of trade unionists	121	52	-57%
Homicides of mayors	13	9	-31%
Homicides of councillors	80	75	-6%
Homicides of indigenous people	180	164	-9%
Homicides of teachers	79	41	-48%
Victims of massacres	680	423	-37%
Number of massacres	115	77	-33%
Homicides of journalists	10	7	-43%
Kidnappings	2 986	2 200	-26%
Attacks on towns	32	5	-84%
Communications masts blown up	62	19	-69%
Electricity pylons blown up	483	326	-32%
Oil pipelines blown up	74	179	+141%
Bridges blown up	100	33	-67%
Attacks on aqueducts	12	3	-84%
Members of self-defence groups killed by the public security forces	187	346	+85%
Members of self-defence groups captured	1 356	3 166	+133%
Subversives killed by the public security forces	1 690	1 919	+14%
Subversives captured by the public security forces	3 763	6 967	+85%

Source: Office of the President of the Republic, Annual report on human rights and international humanitarian law, 2003.

150. This, then, is the picture in Colombia with regard to human rights; it is the starting point for the review of children's rights, which cannot be considered without reference to this background and the prevailing conditions in the country.

II. GENERAL MEASURES OF IMPLEMENTATION **(arts. 4, 42 and 44, para. 6)**

151. In accordance with the guidelines established by the Committee on the Rights of the Child, the legislative and administrative measures relating to the implementation of policies, plans and programmes for children are presented below.

A. Legal framework

1. International framework

152. Colombia ratified the Convention on the Rights of the Child by means of Act No. 12 of 28 January 1991, considering it to be the overarching international framework for matters concerning children. By virtue of this Convention, progress has been made in Colombia in incorporating a children's rights perspective into public policy. Children are thus not seen as embodying a collection of needs to be met, but rather as the legitimate subjects of rights. Consequently, their rights are intrinsic to their existence, and it is the duty of the State, society and the family to guarantee the full exercise of those rights.

153. In accordance with its commitment to this policy in favour of children, Colombia is acting on the relevant international agreements, particularly those adopted within the framework of the World Summit for Children. For this purpose, it has been directing its efforts at the national level since the beginning of the 1990s, in cooperation with all the governmental and non-governmental organizations concerned, to improving the welfare and development of Colombian children. In the period 1998-2002, the goals for 2000 and 2002 were reviewed and the strategy for the Children's Covenant was devised and implemented with a view to decentralizing the Plan of Action for Children (PAFI) and ensuring that the other components of the Covenant were implemented at the local level.²⁹

154. Colombia has made important strides in the ratification of international instruments, among which the following are worthy of mention:

- The Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (Act No. 762 of 2002). The instrument of ratification was deposited with the General Secretariat of the Organization of American States on 11 February 2004;
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted in New York on 25 May 2000, and approved by Act No. 765 of 2002. The instrument of ratification was deposited on 11 November 2003, and the Optional Protocol entered into effect for Colombia on 11 December 2003;
- The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Act No. 469 of 1999), ratified on 6 March 2003;

- The Rome Statute of the International Criminal Court (Act No. 742 of 2002), ratified on 5 August 2002;
- The International Labour Organization (ILO) Convention (No. 138) concerning Minimum Age for Admission to Employment (Act No. 515 of 1999), ratified on 2 February 2001;
- The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, also known as the “Ottawa Convention” (Act No. 554 of 2000), ratified on 6 September 2000;
- The Inter-American Convention on International Traffic in Minors (Act No. 470 of 1998), ratified on 23 August 2000;
- The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Act No. 525 of 1999), ratified on 5 April 2000;
- The Inter-American Convention to Prevent and Punish Torture (Act No. 409 of 1997), ratified on 2 December 1998.

155. Similarly, during the period covered by this report, Congress has started the adoption process and begun the ratification process for several other human rights and international humanitarian law instruments, including the following: the Inter-American Convention on Forced Disappearance of Persons (Act No. 707 of 2001); 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 United Nations Convention against Transnational Organized Crime (Act No. 800 of 2003); the International Convention for the Suppression of Terrorist Bombings (Act No. 804 of 2003); the International Convention for the Suppression of the Financing of Terrorism (Act No. 808 of 2003); the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Act No. 833 of 2003); and the International Convention against the Taking of Hostages (Act No. 837 of 2003).

2. National framework³⁰

156. In conformity with the Convention on the Rights of the Child, the Colombian Constitution proclaims the concept of comprehensive care and the shared responsibility of the State, society and the family in respect of children.

157. As a result of legislative and institutional developments, steps have been taken to facilitate and promote strategies for social mobilization, cultural change, children’s rights education, the proper administration of resources and services, and the proper implementation of legislation. Moreover, even before the entry into force of the Convention and the enactment of the 1991 Constitution, Colombia had a specific statutory instrument for children in the form of the Juvenile Code (Decree No. 2737 of 1989).

158. Pursuant to the recommendations made by the Committee following its consideration of the second periodic report of Colombia (covering the period 1994-1998), it was considered necessary to reform the Juvenile Code, and steps have been taken to do this.

159. An initial draft amendment, entitled the “Children’s Code”, was submitted to Congress in 1997. Its main features included the expansion of the rights and duties of children; the introduction of a specific provision to protect the rights of the unborn child; the stipulation that a lack of material resources should not, in any circumstances, be sufficient cause to separate the child from his or her family; and the advancement of other principles related to citizenship, personal care and parental authority.

160. A second draft amendment, prepared in 2000, contained a number of proposals, including: that there should be a shift away from the concept of children in an “irregular situation” towards one of comprehensive protection in terms of the commitment and shared responsibility of the family, society and the State; that institutionalization and the adoption of special protection measures should be undertaken as a last resort; and that new legislation concerning children and young persons in conflict with the law should emphasize the criminal law model of due process, move away from the supervisory approach that relies on the discretion of judges, and reflect the principle of comprehensive protection. Similarly, the draft amendment endorsed the legislative criterion stipulated in the ordinary penal code whereby minors under the age of 18 may be charged, since this criterion is compatible with the measures being adopted, the aim of which is to make possible a change in the situation of the young person and his or her family. Nevertheless, these measures have not yet resulted in the desired reforms.

161. Efforts are currently under way to table a children’s bill before Congress in 2004. To a large extent, this bill incorporates essential aspects of the proposals included in the second draft amendment. The bill is aimed at all children as fully-fledged subjects of rights up to the age of 18, including those who have reached this age after having been the subject of special measures of protection afforded by the State. This includes newborns, preschool children, adolescents and young persons, without discrimination of any kind, in keeping with the universal principles of dignity, material equality, equity and social justice, solidarity, the primacy of children’s rights, the best interests of the child and children’s participation in matters that concern them.

162. The bill is based on a premise that is essential from the perspective of culture, society, institutions and the legal system, which is that children and young people are persons. This means that they possess, as their inalienable birthright, the fundamental qualities of freedom, responsibility, dignity and independence. They are therefore full-fledged subjects of universal, indivisible, interdependent and interrelated human rights.³¹

163. The bill also emphasizes that children and young people cannot complete the process of their education by themselves; to do so, they need the responsible and ongoing support of adults, who, in this respect, are considered their mentors.

164. The current reform proposal, which has been championed by a group of governmental and non-governmental organizations, incorporates the ideas and outcomes of the previous proposals and is based on the contributions of experts in the field.

165. High-level representatives from various social organizations have participated in this process, thereby giving effect to the constitutional principles that recognize participatory democracy (art. 40), according to which civil society has the right to participate in the conduct of public affairs under the terms established by law. Their participation is also in line with Act No. 134 of 1998, which regulates the right of social organizations to participate in the formulation of development plans and in legislative initiatives. The Constitution also specifies the duties of citizens, which include participating in and contributing to the pursuit of the general welfare (art. 95).

166. In pursuing this process, the aim is to produce legislation that is based on and applicable to the real situation of children in Colombia and their institutional treatment, as well as with the conceptual input produced since the entry into force of the Convention on the Rights of the Child and the Constitution.

167. In short, Colombian laws and regulations have contributed significantly to establishing the basic principles relating to children and to specifying the content and scope of those principles. In particular, Colombia's legislation has established the following principles: the primacy of the rights of the child over the rights of others; the provision of special protection by the State, the family and society; the best interests of the child; human dignity; social solidarity; the full recognition of children's rights; and the inviolability of the rights, guarantees and freedoms of children.

168. Moreover, it should be noted that several other laws concerned with the welfare of children were enacted during the reporting period. These include Act No. 679 of 2001, which aims to provide measures to prevent, deal with and protect against abuse, exploitation, trafficking and sex tourism, among other things; Act No. 509 of 1999, which concerns social security for "community mothers"; Act No. 575 of 2000, which amends Act No. 294 of 1996 on preventing, remedying and sanctioning domestic violence; and Act No. 721 of 2001, which amends Act No. 75 of 1968 on DNA genetic testing.

169. The importance of keeping pace with new, worldwide, legal and political trends concerning children, which pose major challenges to the Colombian legal system, is recognized. One of these challenges is to abandon the positivist tradition in favour of interdisciplinary dialogue. Nevertheless, Colombian laws and regulations have contributed significantly to establishing the fundamental principles relating to children and to specifying the content and scope of those principles.

B. Institutional framework

1. National Family Welfare System

170. Act No. 7 of 1979 defines family welfare as a public service to be provided by the State and delivered by the National Family Welfare System (SNBF) through all the legally authorized public and private organizations coordinated by the Colombian Family Welfare Institute at the national, departmental and municipal levels. The aim is to strengthen family ties, ensure that members fulfil their duties and obligations and offer them support to do so, protect children's rights and provide protection to minors.

171. Consistent with this legal framework, decrees Nos. 1137 and 1138 of 1999 were issued. They organized the National Family Welfare System and restructured the Colombian Family Welfare Institute, creating the minimum conditions necessary for decentralizing the delivery of family welfare services by establishing municipal and departmental social policy councils to be responsible for coordinating the implementation of social policy for children and the family.

2. Social policy councils

172. These are strategic and functional bodies whose purpose is to participate in the formulation of social policy and coordinate the National Family Welfare System. Their primary responsibility is to define the integration, planning and system of responsibilities of local bodies with respect to social matters, and, in particular, with respect to policy on children and the family. The process of bringing actors together, raising their awareness, training them and improving their performance is based on participation, management and coordination that takes into account the needs and proposals of the various regions of the country.

3. The Colombian Family Welfare Institute

173. The Colombian Family Welfare Institute (ICBF) is a government agency responsible for promoting, defending and protecting the rights of Colombian children and their families. The Institute has been reorganized into two main departments: a technical department, charged with carrying out the projects and programmes assigned to the Institute; and a local management department, responsible for coordinating the National Family Welfare System in all municipalities and departments of the country. In order to achieve this, emphasis has been placed on conducting joint efforts with various social actors to coordinate and formulate social policy for children.

174. The decentralized structure of the Colombian Family Welfare Institute consists of a national headquarters, 28 regional offices, 5 departmental agencies and 203 municipal centres, which together ensure its presence throughout the national territory.

175. The policies, projects, plans and programmes of the Colombian Family Welfare Institute are implemented in line with the guidelines contained in the National Development Plan. The Institute currently caters for 5,738,744 Colombian children through 138,250 service units.

C. Policies for children in Colombia

176. Colombia's childcare policy for the period 1998-2002 was set out in the National Development Plan entitled "Change for building peace",³² in which a number of strategies were formulated, with a view to:

- Reshaping political and governmental institutions in order to strengthen democracy, restore governance and guide society's efforts. This would require greater decentralization through citizen participation and the reorganization of the State;
- Strengthening the social fabric by means of a public commitment to making education, health and nutrition universally accessible;

- In light of the situation in the country, focusing peacebuilding efforts on the negotiations surrounding the armed conflict, on the one hand, and on sectoral measures aimed at dealing with the root causes of the violence and boosting production through exports and regional competitiveness, on the other.

1. The family and children: a national priority

177. Within this framework, the overall guidelines of the policy towards children and the family in Colombia have focused on creating better conditions for the individual and collective development of children and their families. The national childcare policy³³ was translated into the following:

- *Actions aimed at promotion and prevention:* steps were taken to improve education and training, communication and research activities in order to strengthen programmes of promotion, prevention and support relating to family welfare;
- *National Food and Nutrition Plan, 1996-2005:* this was aimed at improving the dietary and nutritional status of the most vulnerable members of the population, giving priority to children in State schools, particularly in rural and urban marginalized areas, where the greatest nutritional deficiencies are to be found;
- *National Family Violence Prevention and Care Plan:* the government policy for prevention, detection, monitoring and care in the area of domestic violence, “Make peace: Peace begins at home”, was a cross-cutting strategy in all children’s programmes and actions aimed at promoting a culture of peace. Similarly, it reaffirmed the family’s role in instilling the fundamental principles and values needed to achieve social cohesion by educating citizens to be responsible, independent, principled and free to exercise their right to life;
- *Comprehensive care programmes for children:* these were aimed at improving the living conditions of children and young people through comprehensive action aimed at prevention, the active and organized participation of the community, self-management and training. They were the largest programmes of the Colombian Family Welfare Institute in terms of expenditure on prevention. In this connection, encouragement was given to the development of new models of care with the cooperation of the Institute, the family allowance funds, the municipal authorities and communities, with a view to reassigning and making optimum use of resources, and to strengthening the comprehensive care of children through strategic partnerships with new local partners. Act No. 715 of 2001 made a notable contribution in this area by promoting the committed participation of local authorities in schemes to increase supplementary feeding for schoolchildren in all municipalities of the country;
- *Special protection for persons under the age of 18:* within the framework of comprehensive protection, special protection measures were reviewed and updated with regard to legislation, procedures and legal proceedings. These efforts were aimed at increasing the number of family placement measures - in preference to

institutional measures - for children and young persons whose rights had been violated, while taking into account regional and cultural particularities. In 2002, 29.11 per cent of such children were placed in families, and the rest were placed in institutions. This figure will serve as a baseline for the next period, during which efforts will be made to increase family placement from 29 to 40 per cent. The protection programmes refer to the comprehensive treatment - legal, nutritional and social - that is provided to neglected, abandoned or physically or psychologically at-risk children. These programmes take into account and cater to the particular interests and needs of children with physical or mental disabilities, behavioural problems related to violations of the law, or grave afflictions caused by the conflicts and misfortunes arising from situations of social imbalance.³⁴ In such cases, special protection is provided to minors through specialized centres in accordance with the conditions and guidelines of the Colombian Family Welfare Institute, which is the agency responsible;

- *National policy on the elimination of child labour*: the Government's policy in this area is directed towards the gradual elimination of child labour in Colombia and gives priority to eliminating the worst forms of it. Accordingly, it protects young workers between the ages of 15 and 17 who are engaged in hazardous employment, in keeping with the principle of restoring their rights within the framework of comprehensive protection;
- *Comprehensive policy to prevent the consumption of psychoactive substances*: this policy is aimed at dealing with problems related to the consumption of psychoactive substances and narcotics by strengthening and maintaining the Rumbos programme. This programme is aimed at preventing the consumption of psychoactive substances and offering alternatives for the treatment, rehabilitation and social reintegration of affected persons through the coordination of efforts;
- *National Plan of Assistance for Persons with Disabilities*: based on Act No. 361 of 1997, which established the National Advisory Committee for Persons with Disabilities, the purpose of this plan is to protect and assist persons with disabilities. The National Plan of Assistance for Persons with Disabilities was developed in 1999 and comprises five spheres of action: prevention, social and family rehabilitation and integration, employment integration, educational integration and the accessibility of information and public facilities.

2. Social policy for children at the local level

178. During the reporting period, it was necessary to strengthen cooperation at the local level with regard to participation in the formulation of social policy and the design and administration of children's services. In response to this need, within the context of the National Family Welfare System and under the direction of the Colombian Family Welfare Institute, steps were taken to promote joint efforts by various social actors to formulate and implement plans, programmes, projects and services for children.

179. The process of decentralization, which was launched more than 10 years ago, provided the framework for action to strengthen participatory local planning. Such action was aimed at

consolidating investment in children's welfare and achieving the goals of both development and welfare. Action was taken in three areas: the promotion and development of a culture guaranteeing the rights of the child; the provision of assistance and support for families in fulfilling their responsibilities; and targeted intervention to restore children's rights when these had been violated.³⁵

180. The practice of local management led to the establishment of institutions and methods of cooperation, negotiation and participation that reflected the sociocultural, economic and political realities of the various regions. This led to the implementation of strategies that resulted in the establishment of nearly 1,000 social policy councils, 600 of which were operational in 2002; consultation workshops on participation in drawing up children's policy; situation-based social analyses; and the establishment and operation of children's and family monitoring centres.³⁶

3. A commitment to children and the family as an element of social policy

181. The implementation of Colombia's policy on children was guided by the plan put forward by the Colombian Family Welfare Institute, for the period 1999-2002, entitled "Children and the family: A policy of social commitment". Efforts centred on three strategies: the reorganization of the Institute's structure, functions and competencies; the reorientation of its services; the strengthening of cooperation and strategic partnerships with various social actors; and the consolidation of its finances. In this connection, the following results, among others, were achieved:³⁷

- Improvements in the nutritional status of vulnerable groups of the population through action to provide dietary and nutritional support, by monitoring the nutritional status of the children benefiting from the institutional programmes provided under the National Food and Nutrition Plan. In terms of nutritional care provided to children and young people, ICBF was able to reach 2,246,255 recipients;
- The implementation of measures aimed at prevention and care in the area of domestic violence. Thanks to these measures, the goal set for the four-year period was met, and 151,068 families - representing some 563,603 persons - were assisted through various institutional programmes designed to help families by detecting and preventing domestic violence. During this period, 2,295 educators were trained, and assistance was provided to 127,812 children and young persons in clubs for pre-teens and teenagers;
- Improvements in the provision of comprehensive protection to highly vulnerable children in order to guarantee their rights and to consolidate and promote the family. In this connection, the proportion of protection procedures requiring less time to complete than the national average was maintained at 45 per cent. Of the protection institutions with which the Colombian Family Welfare Institute has contracts, 38.2 per cent completed a grading, self-evaluation and consolidation process, and 12.6 per cent were provided with assistance, in line with the objective of taking measures to prevent and deal with domestic violence. Services were provided to 883,127 abandoned or at-risk minors;

- The redefinition of the functions, relationships and areas of responsibility of the National Family Welfare System in order to facilitate the participation, cooperation, co-financing and decentralized implementation of the policy on children and the family. Accordingly, progress was achieved in developing and establishing a total of 1,009 social policy councils, 600 of which were operational in November 2002. Success was also achieved in introducing the topic of children and the family in the development plans of 850 municipalities around the country;
- The redefinition of the organization and functioning of the Colombian Family Welfare Institute. The Institute's methods were redirected towards the development of the National Family Welfare System and local management. Given that the Institute's income consists of parafiscal revenue raised by a 3 per cent payroll levy, it is important to emphasize that the collection rate rose from 89.2 per cent in 1998 to 98.2 per cent in 2001 - a significant achievement considering the difficult economic and security situation in that period. In 1998, at the beginning of the four-year period, the Institute's budget spending amounted to 97.5 per cent of the budget allocated to it. In 2001, the figure was 92.9 per cent.

182. It should be noted that three scenarios arose during the process of strengthening and decentralizing the National Family Welfare System: in the first, the Colombian Family Welfare Institute was competent to formulate policy and deal with local authorities as regards the direct delivery of services; in the second, the Institute was retained as a service-provider; and, in the third, with regard to internal decentralization, while the Institute continued to perform its functions, it stepped up preparations to deal with new trends and, with regard to external decentralization, it focused on sharing responsibility and financing with the municipalities and on establishing procedures to evaluate the impact of programmes and services.

D. Goals of public policy on children

183. The current Government has identified a number of priorities to guide the policy, plans and programmes set out in the National Development Plan for 2002-2006 entitled "Towards a community-based State".³⁸ This plan is aimed at achieving a participatory, decentralized and effectively managed State that will provide democratic security, stimulate economic growth and job creation, build social equity and increase the transparency and efficiency of the State.

1. Building social equity

184. The Government is working to expand and improve social protection and social security in order to implement its social equity strategy with regard to children, young persons and the family. Efforts in this area are geared to improving the living conditions of children, by recognizing them as subjects of rights and taking into account a number of aspects, such as: the participatory approach to the formulation of public policy for children; the investment of available resources in programmes and services for children, young persons and the family according to local needs; targeting the beneficiaries of the National Family Welfare System through the System for Selecting the Beneficiaries of Social Programmes (SISBEN); the

provision of assistance for children whose rights have been violated, giving precedence to the family and social environment and strengthening the social and protective role of the family; and the design and validation of technical standards for the delivery of quality services.

185. The goal of building social equity implies the need to promote the development of a more equitable society, striking a balance in development policies between generating the conditions necessary for faster economic growth, on the one hand, and a more equitable distribution of income for the benefit of all sectors, on the other.

186. Efforts to reach this goal have been oriented towards increasing the effectiveness of social expenditure to ensure that more resources produce better results; improving the targeting of such expenditure so that resources reach those who are most needy; and strengthening the system of social welfare and assistance to ensure that, in times of economic crisis, the future of the most vulnerable groups is not jeopardized.

187. Similarly, the process of decentralization and local development needs to be strengthened by overcoming difficulties related to cooperation, promoting efficiency in the area of social investment, allocating resources on an equitable basis and seeking ways to boost the managerial capacity of local authorities - all of this while taking into account the progress already made in this area. Accordingly, a policy based on further decentralization and greater regional autonomy is being pursued. This policy is accompanied by efforts to strengthen local democracy and the participation of civil society in the conduct of public affairs, to go further with administrative and fiscal decentralization, and to base regional legislation and development on planning and management processes that reflect regional particularities.

188. In addition, the Government has adopted a comprehensive approach to social welfare, defining it in Act No. 789 of 2002 as a system comprising a set of public policies geared to reducing vulnerability and to improving the quality of life of Colombians, especially the most vulnerable among them. This approach is based on the observation that if nothing is done to protect income, individuals are very vulnerable to sharp drops in national production and to higher unemployment. This is the framework for social welfare within which Colombia's social and children's policy is being implemented.

2. Institutional plan proposed by the Colombian Family Welfare Institute for 2003-2006: Efficient management in the service of children and the family³⁹

189. In accordance with the National Development Plan and its own mandate, the Colombian Family Welfare Institute is focusing efforts on developing a food and nutritional security policy; optimizing the administrative procedures related to protection and adoption, giving precedence to placement in a family environment; strengthening the Government's family welfare policy with respect to building peace and keeping families together ("Make peace"); developing the National Family Welfare System; promoting the conclusion of agreements with local organizations that give priority to children and the family; improving planning; and introducing quality management.

190. Consequently, institutional action will address the following strategic areas: making optimum use of services, coordinating the National Family Welfare System and enhancing the quality of institutional management. Thus, in following and putting into practice policies to help children and the family, the Colombian Family Welfare Institute has set out three guiding principles as the pillars of its institutional role: the first of these is “nourishing”, the second is “growing and learning”, and the third is “re-establishing family ties”. All three drawn on the concept of comprehensive protection and are based on broad notions of food security (in the first case), the development of freedoms and potential (in the second) and the effect of family ties on the recognition of children as subjects of rights (in the third).

191. During the period covered by this report, significant progress was achieved in coordinating the National Family Welfare System. Given the complex social, political and economic factors that have major consequences for Colombian children and families, it is essential for there to be continuity in the actions undertaken, and for local management to be comprehensive in nature. One of the main ways to achieve this is by strengthening the social policy councils and ensuring they are operational in every municipality in the country.

192. It should be noted that the current Government in Decree No. 3264 of 2002, further reorganized the operational structure of the Colombian Family Welfare Institute. It is hoped that this reorganization will enable the Institute to meet its goals in the area of children’s rights.

E. Ten-Year Plan for children

193. In accordance with its national and international obligations towards children, as well as with those undertaken at the most recent inter-ministerial meeting in Latin America (held in Kingston, Jamaica, in 2000), Colombia is in the process of formulating a ten-year plan for children “that forms part of the nation’s social policy and allows for the effective implementation of the rights of the child in such a way as ensure their protection and restoration”.⁴⁰ The inter-ministerial meeting called for a change from an approach centred on survival to one oriented to protecting, promoting and guaranteeing the rights of participation and comprehensive development.⁴¹ The latter approach finds expression in four major internationally agreed aims: the promotion of a healthy life; the prevention of HIV/AIDS and adequate care for children with HIV/AIDS; access to a quality education; and the protection of children from all types of violence, ill-treatment, abuse or neglect within the framework of special protection.

194. The process of formulating the ten-year plan is aimed at establishing goals for 2010, based on a system of participatory management. As the coordinating and integrating agency of the National Family Welfare System, the Colombian Family Welfare Institute is carrying out the coordination and functional integration of the various social, government, civil-society, community, family and child stakeholders.

F. Budget expenditure on children⁴²

195. To give an account of expenditure on children and the family in the reporting period, it is necessary to take into account spending patterns during the decade and to differentiate between expenditure specifically aimed at children - that is, expenditure that corresponds to a specific policy on children and young persons - and social expenditure that benefits this population group without being aimed directly at it - chiefly, expenditure on health and education.⁴³

196. As stated earlier, the Colombian Family Welfare Institute is financed from a 3 per cent monthly payroll contribution that all public and private employers must make (pursuant to Act No. 27 of 1974, Act No. 7 of 1979 and Act No. 89 of 1988). This contribution is calculated on the basis of total monthly wage payments, including all types of emoluments.

197. These revenues are thus tax-based and provide the Institute with its own resources. The fact that the Institute's revenue depends almost entirely on this parafiscal tax means that expenditure on children has not grown steadily, but rather has fluctuated in line with the national economy. When the economy is in recession, revenues decline and in times of crisis the situation of vulnerable groups, especially children and young persons, becomes even more precarious.

198. The elasticity of the revenue of the Colombian Family Welfare Institute as a proportion of GDP is not always unitary; on average, it is 0.85 per cent, which means that for each 1 per cent increase in GDP, the Institute's revenues grow by 0.85 per cent. At the beginning and at the end of the decade, the ratio of social welfare spending to GDP was generally stable; but, since 1997, spending on children's programmes has been cut. Moreover, public sector finances in general - not only welfare funding - have fallen sharply.⁴⁴

199. Nevertheless, an appraisal of the specific programmes reveals that there has been a growing national concern with children's issues in recent years, despite the fact that the resources allocated to them have not been sufficient. The Institute's budget performance by accounting period is presented in table 6.

200. This overview of expenditure on children shows the level of commitment needed to support action in the field of children's rights that is aimed at achieving long-term benefits. The fact that there is an institute to coordinate the National Family Welfare System means that the situation of children receives at least a minimum level of attention and opens up the possibility of combining the efforts of other State institutions in order to make the best use of resources and provide quality services.

Table 5

Expenditure on children's programmes, 1995-2001
(in millions of 1994 pesos)

Year	Colombian Family Welfare Institute	Other institutions	Total
1997	341 888	415	342 303
1998	337 868	452	338 320
1999	315 191	537	315 728
2000	285 948	11	285 959
2001	298 320	17	298 337
1991-1994	713 046	1 481	714 520
1995-1998	1 259 904	3 421	1 273 088
1999-2001	899 459	566	900 025

Source: Figures provided by the National Human Development Programme, based on information provided by various institutions and the Office of the Controller-General of the Republic.

Table 6
Budgetary performance - income from 3 per cent parafiscal levy

Year	Budgeted (millions of pesos)	Collected
1998	801 299.0	714 599.8
1999	866 723.3	812 410.9
2000	939 397.2	852 283.4
2001	1 013 907.0	995 519.7
2002	1 057 386.6	1 069 893.0
2003*	1 132 634.3	882 065.7

Source: Colombian Family Welfare Institute, Financial Department, 2003.

* At 30 September 2003.

G. Monitoring and support provided by the international community and Colombian non-governmental organizations

201. On balance, the interaction between civil-society institutions and the Colombian Government has been positive, in that it has allowed for an ongoing dialogue on the design and implementation of children's programmes. It should be noted that civil society now plays an important pioneering role in research, analysis and the implementation of practical measures with regard to issues that have either not been addressed by the Government or that have benefited from civil society's day-to-day experience, which is reflected in various ways in local and regional plans.

202. However, the most important aspect of the relationship between the State and civil society is unquestionably the inclusion of children's issues on the public agenda - not only as an issue that is the exclusive responsibility of the public authorities but also as one for which responsibility is shared, by virtue of the fact that it involves the family, society and the State as joint partners in the protection of the rights of the child.

203. Noteworthy among the areas of cooperation with both national and international non-governmental organizations (NGOs) is the assistance provided to persons affected by the internal armed conflict⁴⁵. These include persons who have been forcibly displaced and are thus removed from the conflict, as well as those involved in prostitution and life in the street. NGOs have also cooperated with the Government in the areas of domestic violence, sexual exploitation, child abuse, sexual and reproductive health, nutritional rehabilitation and strengthening the institutions of the Colombian Family Welfare Institute and the National Family Welfare System, among others.⁴⁶ These joint efforts have led to a second evaluation of the impact of community homes; an evaluation of children's breakfasts; programmes providing conditional grants to poor families; an evaluation of re-education methods; the design of a model for oversight, advisory services and technical assistance; and the development of a living conditions index for children.

204. Cooperation efforts have focused on three main programme areas: local development, public policy, and communication and social mobilization.⁴⁷ In addition, financial cooperation was provided by the European Union to increase the supply and enhance the quality of services in the areas of promotion, prevention, care and rehabilitation targeting children and young persons whose rights had been violated and their families. Cooperation projects were also set up in conjunction with countries such as the United States, Italy, Switzerland, Germany, Canada, Japan, Mexico, Honduras, the Bolivarian Republic of Venezuela, Ecuador and Chile.

205. Within the context of Colombia's childcare policy and National Development Plan, 1998-2002 - which, as noted previously, is based on the principles of decentralization, participation and shared responsibility, and is geared towards restoring the social fabric and promoting the construction of a participatory State - NGOs have played a major role in formulating Colombia's public policy on children, as well as in the substantive discussions that recommended the development of partnerships between the Government, NGOs and civil-society organizations.

206. While progress has been made in the past decade in the procedures for consultation, coordination, and assessment in the delivery of comprehensive care for children, the efforts that stand out in the reporting period are those which have arisen out of strategic partnerships forged by civil-society organizations and which have influenced policy-making and led to the redesign of projects and programmes.

207. Thus, efforts to strengthen networks of organizations concerned with similar children's issues are reflected at the local, regional and national levels. One example of this is the Alliance for Children national movement,⁴⁸ which was established by NGOs, State institutions (such as the Colombian Family Welfare Institute and the Social Welfare Department of the Capital District), international cooperation agencies and the United Nations Children's Fund (UNICEF). The main objectives of the Alliance for Children are to give civil society a greater say in public policies affecting children, young people and the family; to consolidate the sharing of responsibility between the State, society and the family; to raise awareness in society at large, of the need to fulfil its commitments towards children and to strive to create a child-friendly culture; and to improve local, regional and national coordination.

208. The main activities of the Alliance for Children during the reporting period were to draft working and discussion papers on children's issues (including "Towards a public policy on children and young people"⁴⁹ and "Fundamental components of a national development plan for preschool children") and to organize national and regional forums in 2002, thereby starting a discussion on experiences with children and young persons and on plans and programmes to help them (including progress made and limitations).

H. Information and training activities in the context of the principles and provisions of the Convention

209. The Colombian Government has taken various steps to ensure that adults, as well as children, are broadly familiar with the principles and provisions of the Convention. During the

period 1998-2002, in its capacity as coordinator of the National Family Welfare System, the Colombian Family Welfare Institute advocated a policy to promote and develop a children's rights culture. This policy was translated into strategies, as well as into training, communication and research activities, which resulted in a campaign to help children in all regions of the country and the establishment of links with various social actors.

210. The result of the political measures and decision to promote children's rights is reflected in the strategies described below:

211. **Children's and family monitoring centres.**⁵⁰ These were proposed as part of a strategy based on education, community participation and social science research, and were set up to provide a permanent mechanism for the in-depth study and understanding of the lives of Colombian children, as well as to bring about a change in beliefs, attitudes and practices with respect to guaranteeing the rights of children. During the last two years of the five-year period, 175 monitoring centres were established throughout the country. Each of them provides a local outlet for children's rights education and produces proposals for research into social phenomena that have an impact on the situation of Colombian children.

212. **Community education project.** From the educational standpoint, various activities were conducted in conjunction with institutional, community and other organizations in the National Family Welfare System to review and update the "community education project". The project is based on sharing know-how and promotes discussion on innovative and alternative educational proposals, as well as the implementation of educational strategies for a rights-based culture, thereby allowing for the training to be replicated at the local level. These activities were accompanied by the provision of ongoing advisory services and technical assistance not only at the regional level but also in the organization of national events.

213. **Children's Communication Project.**⁵¹ The objective of this project was to help bring about cultural change and develop policies that would ensure that children are recognized and respected as the subjects of rights. Through the use of various communication strategies, efforts were made in all parts of the country to establish partnerships with other governmental organizations, NGOs and various local actors, to respect cultural and ethnic diversity and to help spread the principle of comprehensive protection. The strategies implemented were based on research, education, the inclusion of the topic of children on the public agenda; the promotion of and support for community-based initiatives related to children; and the generation, promotion and communication of knowledge about children's issues.

214. The work carried out under the Children's Communication Project during the reporting period included the ongoing implementation of information and awareness-raising strategies aimed at children and adults regarding children's rights. Noteworthy among its achievements are the provision of training in participatory research to some 25 governmental and non-governmental organizations in certain parts of the country, including Quindío and Bogotá; the development of proposals for research into communications processes of benefit to children, as well as other specialized research; the development of training courses for teachers from

school communities in various regions of the country; and, beginning in 2000, the quarterly publication of *Hojas*, with a circulation of 500 copies, which publicizes experiences with and approaches to the care for children throughout the country. The Children's Communication Project has also set up a specialized documentation centre containing 770 documents and 70 videos focusing on children's issues from the viewpoint of prevention, which were accessed by 9,820 users (33 per cent from ICBF, 18 per cent from NGOs and 49 per cent from the general public and 130 registered institutions). The project also promotes events, forums, think tanks and focus groups on children and their rights.

215. Other activities related to publicity and communication centred on the design and implementation of various communication projects in the mass media (the national press, radio and television) to inform children about their rights. Likewise, steps were taken to promote a series of audio recordings aimed at community actors, on programmes set up to provide assistance to children. Attention is drawn here to the strategic partnerships set up with private film companies, as a result of which an outlet was found to project films for the purpose of awareness-raising, communication and education for an audience of some 2,100,000 persons living in two large Colombian cities, Bogotá and Medellín.

216. **Production of publicity materials.** There are a number of good examples of the resolve of the local and regional authorities to promote and publicize children's rights, such as the design and production of stickers based on children's drawings. Posters, pamphlets and leaflets targeting community actors and civil-society organizations were also produced.

217. Similarly, posters illustrating the slogan "I have my rights" were produced and distributed, as were technical working papers on "Comprehensive protection: A new paradigm for the Colombian Family Welfare Institute" and on the "Rights perspective", which set out the general guidelines for the introduction and social assimilation of a children's rights perspective.

218. In order to allow children to experience their rights through play, and help establish child-friendly culture, the Colombian Family Welfare Institute has developed a game called "One, two, three: The rights of the child for you and me".

219. Underlying the majority of these activities and projects was the concept that the rights of the child have primacy over the rights of others.

220. Numerous campaigns were carried out, materials produced and training days organized for public servants and officials of the National Family Welfare System. Notable among these were activities centred on the subject of rights from the perspective of education and development, the sanctity of life, the participation and the strengthening of the family, and community solidarity. The sectors of education, health and culture were chief among those in which the topic of children's rights was incorporated in communication, educational and research strategies.

III. DEFINITION OF THE CHILD (art. 1)

221. For the Colombian State a “child” means “every human being below the age of eighteen (18) years”, as set forth in article 1 of the Convention on the Rights of the Child, and it assigns the status of adult from that age onwards through formal mechanisms of recognition, and official identification through the identity card system.

222. Colombia has been keeping pace with international proposals and thinking, passing through various stages in the definition of the child and in the adoption of protection measures. Children were initially viewed as subject to absolute parental authority and were expected to acquiesce passively in all adult decisions; at a second stage, consideration was given to the child’s situation of need or difficulty, in which the legislator intervened to protect minors from exploitation; and at a third stage, children were defined as owners of their own rights, a definition that required the adult world to recognize them not only under the law, but also as subjects in the course of development, capable of taking responsibility for their own lives and demanding the exercise of their rights.

223. Within this framework, the country has promoted the acquisition of full protection that considers children, adolescents and young people as subjects of rights, recognizing all the guarantees due to everyone regardless of their stage of development so as to prevent actions that impair their integrity and undermine their fundamental rights.

224. This concept of full protection embraces both the notion of childhood and the condition underlying the notion described in the preamble to the Constitution and in the Convention on the Rights of the Child itself. “It is therefore affirmed that the principles enshrined in the Constitution are adopted as values to be promoted or established and as the aims of State action, defining children through their status as children, based on the principle of the intrinsic dignity of a human being in the course of development, as the subject of rights and not the object of assistance or care.” This implies an obligation of action on the part of the State from the moment of birth, and the study of measures for the protection and exercise of rights in a manner consistent with the person’s age.

225. Where young people are concerned, the Youth Act, enacted on 4 July 1997, defines young people as persons aged 14-26. The purpose of the Act is to promote comprehensive training of youth, their involvement and active participation in economic, social and political life, and their full, interdependent exercise of their citizenship. This definition does not override age limits established in other laws for adolescents and young people, in which penal guarantees, protection systems, civil responsibilities and civic rights are established.

IV. GENERAL PRINCIPLES (arts. 2, 3, 6 and 12)

226. The 1991 Colombian Political Constitution recognizes the priority of the *best interests of the child*, a formulation that gained greater ground with the country’s ratification of the Convention on the Rights of the Child. The principle of the best interests of the child, insofar as

it grants special treatment that everyone is required to provide, is flexible under the law in order to keep pace with a child's development and is ideal for ensuring dignified and protective treatment of minors.⁵²

227. Children's fundamental rights are also enshrined as principles and, according to constitutional theory, are considered as rights, obliging the State to ensure that they are exercised in the best possible manner, both *de facto* and *de jure*.

228. To that end, any action that threatens the lives and dignity of children is punishable in Colombia, a fact that has led to legislative advances in favour of protection, sanctions and penal measures against any person who threatens or harms children in any way. In this context, sterling work is being done on measures for demobilized minors and inhibiting and preventing their participation in or recruitment for acts such as armed conflict.

229. The fundamental principle of *life* is recognized as a principle that informs all State action from the moment of conception. For this reason, Colombian legislation on the right to life grants special protection to an unborn child and a pregnant woman. Life is the prime and fundamental human right, since it is the basic premise on which the exercise of all other rights is founded.

230. At the same time, the Constitutional Court establishes that any custom deemed to be anti-life, practised for religious, economic, biological or social reasons, directly related to a specific culture, must be changed.⁵³ In this framework, among other prohibitions, it should be pointed out that no practice of abortion will be condoned for cultural reasons. The protection of life is an imposed legal minimum and is binding on all Colombians.⁵⁴

231. The principle prohibiting *discrimination* declares that "the child shall enjoy special protection and shall enjoy opportunities and services, all provided by law and by other means, so that he or she may develop physically, mentally, morally, spiritually and socially in a healthy and normal manner, and in conditions of freedom and dignity", implying the State's obligation to guarantee children's rights, regardless of their race, sex or physical, psychological or social condition. It constitutes an obligation on the State as a whole that is applicable to all children in Colombia and is not subject to territoriality or nationality. In this context, Colombian legislation and the principles enshrined in the Constitution define and indicate the measures needed to generate proper attention to the entire population on the part of the State. Proof of this may be found in the transition from a single-culture to a multicultural concept, with, in addition, recognition of and respect for difference, a principle that must inform any political or administrative decision.

232. Lastly, the principles enshrined in the Constitution indicate, in their turn, the obligation of the State to guarantee children's *freedom of expression* and the validity of their opinions in situations that affect them. Regarding this principle contained in the Convention and notwithstanding the measures promulgated, the country does not yet possess secure mechanisms that patently indicate such participation on the part of children, despite the efforts deployed on many fronts to make it a reality.

233. The foregoing indicates the Colombian Government's intention and political will to guarantee the fulfilment of the fundamental principles enshrined in the Convention. However, this process needs to be strengthened through evaluation of the application of the constitutional norms for their enforcement. The challenge that remains to be faced, therefore, involves an extensive task of national reflection and consensus that would firmly establish the notion of children as subjects of rights.

V. CIVIL RIGHTS AND FREEDOMS (arts. 7, 8, 13-17 and art. 37, para. (a))

234. Recognition of civil rights and freedoms is a vital requirement for the construction of democracy and citizenship of individuals; it is a fundamental condition for the guarantee and protection of the principles and provisions contained in the Convention on the Rights of the Child.

235. Participation and national identity are two further fundamental components of democracy, in that they allow all persons to play an active part in society and its decision-making. Sustained work with children and young people on the promotion and guarantee of their rights is vital for the construction of more democratic and equitable societies.

236. In this context, during the last five-year period Colombia has been devising policies and programmes aimed at boosting a strengthened culture of democracy that promotes *the right to an identity*, favours *recognition of and respect for others* - ethnic and cultural differences - fosters children's and young people's *freedom of expression and participation* and protects their right to *freedom of association*.

237. In particular, the relevant information is organized in the light of the above considerations with a view to providing a contextual analysis indicating the actual situation and the country's progress regarding civil rights and freedoms.

A. General framework⁵⁵

238. The individual is free as long as he or she acts within the law and may be punished only if he or she infringes that law. The State is enjoined to protect this principle of freedom enshrined in the Political Constitution of Colombia.

239. Civil freedoms are those that enable men and women to acquire knowledge, develop their capacities and faculties, and share their ideas with others. The value of those freedoms for human beings cannot be overemphasized, making political leaders' recognition of and respect for them an essential condition for the realization of the democratic ideal.

B. The status of children

240. Despite the scant information available, the table below provides statistics on the status of those rights.

Table 7
Statistics for 2002

Indicator	Data
Percentage of minors with civil registration	83.50%
Number of registry offices	2 276
Number of public and private organizations promoting cultural events	5 441
Recipient population (students)	148 215
Percentage of schools with school boards of governors	90%
Number of religious organizations	768
Ethnic education programme coverage (2001)	158 600
Number of Afro-Colombian beneficiaries	400
Number of ICETEX recipients	2 550
Percentage of municipalities with youth councils	15%
Percentage of departments with youth councils	12%
Number of child and youth radio and television programmes	1 290
Number of children's rooms in libraries	448
Number of games libraries and child beneficiaries	53 in 20 departments and 1,200 children covered
Number of public schools and colleges with better access to information	2 117
Number of beneficiary children with better access to information	745 800
Number of youth organizations (children's and youth clubs)	3 254
Coverage of pre-juvenile and juvenile clubs	49 000

Source: National Demographic and Health Survey, 2000, Ministry of Culture, Department of Planning, Youth Advisory Services, Ministry of Communications, IBCF.

1. Identity

241. A central component of this group of rights, identity is based on two fundamental aspects: civil registration of births, and manifestations of ethnic and cultural identity.

242. **Civil registration of births.** During the period 1998-2002, the National Civil Registry Office developed a programme to improve the national system for civil registration and vital statistics, which was initiated in the second half of 1998 as a strategy for expanding coverage, improving the service for the civil registration of births, especially in indigenous communities, border areas and in scattered populations and those displaced by the violence in the country, and to convene other governmental and non-governmental actors to take structural action for a more modern and timely service.

243. A series of measures were issued to facilitate access to the civil registration services: in accordance with internal regulations, notaries, mayors and magistrates were authorized to render that service. There are currently 2,276 offices authorized to provide registration services in the country, broken down as follows: 846 notaries, 142 inspection offices, 32 magistrates' offices,

10 town halls and 203 consulates, all complementing the work of the 1,134 registry offices located throughout the country. During the five-year reporting period, mechanisms were put in place for registering children in hospitals.

244. At the same time, in response to the situation of conflict facing the country and in accordance with the Committee's recommendations, the main actions for improving the civil registration and identification of minors focused on the most vulnerable population groups; that is, those living in border areas and families displaced by the violence. To that end, the Registry Office, the Office of the United Nations High Commissioner for Refugees and the *Corporación Opción Legal* have been implementing a joint project to develop programmes of awareness-raising, training and public information on the subject of forced displacement and to mount campaigns for the civil registration and official identification of persons displaced by the violence. In that connection, the recently created Mobile Unit functions as a peripatetic office for the public and has been active in the departments of Bolívar, Magdalena, Sucre and Córdoba.

245. Also, through an agreement with UNICEF and the Organization of Ibero-American States, a project has been carried out to guarantee the right to have a name and an identity for children living in the north-eastern and south-eastern regions of the country, in the departments of Vichada, Guainía, Guajira, Cesar, Antioquia, Chocó, Putumayo, Nariño and Norte de Santander.

246. It is important to note there are no data available on the total number of children registered, owing to difficulties experienced by the National Civil Registry Office in consolidating the information of all the offices and branches authorized to provide civil registration services in the country, and to current technological and personnel problems that are hindering achievement of the expected results. The overall results of the National Demographic and Health Survey of 2000 yield the following data.

Table 8

Total births registered - 2000

Region	Atlántico	Pacífico	Central	Oriental	Bogotá	Total
	(percentages)					
Registered	68.7	82.2	86.6	90.3	93.1	83.5
Unregistered	31.3	17.7	13.4	9.7	6.9	16.5

n = 4,462.

Table 9

Rural population - registered births - 2000

	Atlántico	Pacífico	Central	Oriental	Total
	(percentages)				
Registered	56.8	75.3	76.3	85.7	74.5
Unregistered	43.2	24.4	23.7	14.3	25.5

n = 1,394.

Table 10**Urban population - registered births - 2000**

	Atlántico	Pacífico	Central	Bogotá	Oriental	Total
	(percentages)					
Registered	73.9	87.1	91.9	93.1	93.7	87.6
Unregistered	26.1	12.9	8.1	6.9	6.3	12.4

n = 3,067.

247. The data show that 83.5 per cent of all births of children under five in the country were registered. The proportion of children with civil registration increases from 67 per cent of those under 1 year of age to 89 per cent of 4-year-olds, showing a significant differential among the unregistered: 12.4 per cent in the urban sector as against 37.5 per cent in the rural sector. Those figures show that the births of approximately 16.5 per cent of the infant population are yet to be registered. The reasons adduced by parents for their failure to register their children are shown in table 11.

Table 11**Reasons for non-registration of children**

Reason	Total average	Urban	Rural
Father unidentified	22.2	27.4	16.7
Lack of time	19.1	20.3	17.8
Lack of necessary papers	11	11.5	9.5
Too expensive	10.6	4.5	17.1
Too far	7.8	2.6	13.4
Very small child	5.5	5.7	5.2

n = 738.

Source: National Demography and Health Survey, 2000.

248. **Respect for ethnic and cultural diversity.** A series of mechanisms have been put in place to protect the Colombian nation's ethnic and cultural diversity in recognition of the various lifestyles existing in its territory. Colombia changed from a single-culture to a multicultural nation with the adoption of the Political Constitution.

249. The 1991 Constitution fully recognizes the rights of ethnic groups and lays down the conditions that enable them to participate in the economic, social, political and cultural life of the national society. For the first time, rights for the Negro communities were specifically established within our constitutional system, affording them the necessary guarantees for their enjoyment of those rights. For instance, the Constitution established the right of the Afro-Colombian communities to recognition of collective property on rural land bordering the Pacific Basin as wasteland ancestrally inhabited by members of the community and on which

they practised their traditional production methods. Also recognized was the right to assistance in achieving their development on an equal footing with their compatriots and enjoying recognition of their special cultural characteristics. A special committee, set up to develop the aforementioned transition article, produced a law governing that population group in 1993.

250. The Colombian State also ensures the integration of the Roma or gypsy people through plans for reducing poverty and improving their quality of life, respecting their special cultural characteristics and devising, together with the Roma themselves, measures to address their main problems. Also being promoted are programmes to protect the inhabitants of the San Andrés and Providencia archipelago as a strategic area for developing the country's tourism, benefiting its *raizal* communities (Afro-Caribbean English-speaking, largely Negro, population).

251. ICBF has been working with the indigenous peoples for over two decades. It is currently endeavouring to support activities to promote those communities' development in order to reaffirm their cultural identity, practices and customs and enliven their social and cultural structures, thus enabling them to enhance their living conditions and facilitating their growth as persons and groups capable of exercising their rights. This population group also benefits from the programme of "Support of the development of families for their social and cultural strengthening", which, in consultation with the communities, aims to facilitate and adapt socialization processes with indigenous children, and the programme of "Support to indigenous families, black and *raizal* communities in training and development". Protection measures for indigenous children include children's homes and malocas (indigenous-style homes) in order to strengthen the socializing function of families with children under 7 years of age.

252. Development of these programmes involves institutional adaptation and calls for prior consultation on indigenous life projects, as well as recognition of the indigenous authorities as partners of the State authorities, and of the village councils as special public entities. Training workshops are being held in order to make for broader understanding of ethnic differences and are aimed especially at protection teams in tonal centres responsible for catering to those peoples.

253. At the same time, Act No. 70 of 1992, based on the 1991 Political Constitution, recognizes the rights of the Afro-Colombian population as an ethnic group, and, as early as 1997, guidelines were established for improving the quality of life of black communities and strengthening them as an ethnic group, as well as promoting institutional management on their behalf.

254. Considerable progress was made as a result of the implementation of the existing laws. During the period 1996-2001, the Colombian Agrarian Reform Institute (INCORA) granted 80 collective title deeds for an area of 3,728,000 hectares, benefiting 36,359 families located in the departments of Chocó, Antioquia, Valle del Cauca, Cauca and Nariño. The 20 additional deeds being processed and due to come into effect in 2002 cover 303,354 hectares and will benefit 6,813 families.

255. The National Culture Plan, "Towards Democratic Cultural Citizens" was spawned by a regional and local consultation in which 23,000 Colombians participated. It contains proposed lines of action that, from the cultural point of view, endeavour to form culturally democratic

citizens. The plan has been formulated for the period 2001-2010 and encompasses four policy areas: participation, creation, memory and cultural dialogue, as well as avenues for realizing them. In implementation of the Plan, the following strategies have been devised targeting children and young people: promotion of autonomous cultural expressions by young people as an engine of cultural transformation, stimulation of creative talent among minors, and training of children and young people in various contexts, as subjects of creation and enjoyment.

256. In 2002 there were 5,441 organizations dealing with the promotion of cultural and artistic activities for children and adolescents, including municipal cultural centres, museums, libraries, choirs, bands, training schools and artistic groups, and 768 organizations devoted to religious activities, including churches, ministers' associations and religious federations, with recognized legal personality and promoting the right to freedom of thought, conscience and religion.

257. In parallel, awareness campaigns and programmes were conducted by the Ethnic Culture Unit of the Ministry of Culture and included "Colombia, many ways of being", the poster collection "Long live diversity", and the development of 10 projects for recovering cultural memory with indigenous peoples in the departments of Antioquia, Magdalena, Nariño, Tolima, Cauca, San Andrés and Chocó. Through the PCiN, the strategy entitled *Por si las moscas ... la rana* (Where there are flies there's a frog) was developed in book and radio form comprising a collection of 15 stories and myths of the Colombian oral tradition.

258. **Ethnic Education Programme.** In order to help develop the appropriate regulations, the Ministry of National Education has an ethnic education programme, whose fundamental aim is protection of the human condition and respect for multicultural, ethnic and gender diversity and personal life choices with a view to recreating national identity. The programme's coverage in 2001 was 158,600 children and young people enrolled in schools and hailing from indigenous populations; that is, 24 per cent of the indigenous population scattered throughout villages and departments in the country's five microregions.

Table 12

Coverage of the Ethnic Education Programme by geographical area

Macroregion	Total population	Population enrolled in schools	Percentage
Costa Atlántica	209 370	68 557	32.74
Costa Pacífica Occidente	301 902	39 370	13.04
Centro Oriente	36 056	1 897	5.26
Orinoquía	69 866	32 309	46.24
Amazonía	48 621	16 467	33.86
Total	665 815	158 600	24.05

Source: Form C-600 MEN DANE YEAR 2000.

259. The Ministry of National Education, in collaboration with the National Pedagogical Commission of Negro Communities of the Ministry of the Interior, adopted measures to promote respect for autonomy and cultural identity within ethnic education policy. Likewise, the curricular guidelines for the Chair of Afro-Colombian Studies were drawn up as part of the activities to commemorate the 150th anniversary of the legal abolition of slavery in Colombia. This Chair is currently in operation in the educational establishments in Bogotá, and curriculum-content outreach and training workshops are being held with teachers and education authorities in 15 departments.

260. The Educational Credits Fund of the Colombian Institute for Educational Loans and Technical Studies Abroad (ICETEX) has been providing economic assistance to 2,250 beneficiaries for the completion of technical, technological and university studies⁵⁶. Despite the coverage, in terms both of applications and of support mechanisms only 27 per cent of the demand is met, owing to budgetary constraints.

261. To that end, through agreements concluded between the Ministry of the Interior and Caldas University, the Pereira Technological University, Tolima University and the Universidad Distrital of Bogotá, approximately 400 places were awarded to Afro-Colombians for study under the various academic programmes offered by these establishments during the period 1997-2001.

2. Participation

262. The results in this area have been grouped into categories considered representative for purposes of the organization and analysis of the information available on the subject: training and, participation bodies.

263. **Training and empowerment.** Progress in this area is mainly linked to the school environment. Colombia has given substantial normative recognition to the subject in the field of education, through the institutionalization of the school boards of governors, student representatives, and the collective preparation of handbooks on coexistence in schools. Despite the 90 per cent coverage of primary and secondary schools in the country, it must be acknowledged that there are no registration or monitoring mechanisms for making evaluations that would show the degree of development and organization of these bodies or their actual impact on school organization and operation. However, it is important to point out that over the past two years the Ministry of Education has made considerable efforts to strengthen the school-board establishment procedures.

264. At the same time programmes and campaigns have been developed with the aim of promoting and introducing practices relating to coexistence and acts of solidarity and respect performed between members of communities. Although it must be recognized that no general evaluation of the results of these projects exist, it is important to draw attention to the evolution of some of them, such as:

265. The programme “Building a culture of peace in schools and colleges in Colombia”, coordinated by the Ministry of National Education, is concerned with the prevention and resolution of school conflicts and has been implemented through the departmental secretariats for education. Several departments are currently running training programmes for students, teachers and parents on the subject of conflict resolution under an agreement between the Ministry of National Education and the Canadian firm Network Conflict Resolution. Some departments, including El Valle, Risaralda and Sucre, have supplemented this training process with a Chair of Peace and have adopted it as a general policy for the departmental education system. The objectives of this programme include promotion of active participation of students as school mediators and as managers of peace projects for their colleges.

266. As of October 2002 training was being provided in 2,132 educational establishments in 90 municipalities for 11,212 parents, 49,779 students, 17,266 teachers, 1,951 managers and 204 unit heads, making a total of 80,412 peace agents in the educational communities. At the same time, with the support of the Ministry of National Education, educational establishments in several departments and municipalities are conducting school training programmes to promote a culture of democratic participation that would benefit and stimulate the development of children’s and young people’s exercise of full citizenship.

267. These include the programme “New school system” (Nuevo sistema escolar), which developed a participation component for strengthening the process for the establishment of school boards of governors. In addition, as part of the activities of the coexistence component of the project on education in the rural sector (PER), an educational offers portfolio on coexistence in schools was prepared, promoting institutional programmes and projects on training for coexistence, and a few particularly aimed at strengthening school participation; they include Paco, Ariadna, School boards of Governors: a space for democracy and youth participation, Youth School for democracy; and Training for civic and school participation.

268. The Model for Addressing School Conflicts forms part of the project entitled “Areas suitable for daily attention to school conflicts” developed in the north-western commune of Medellín, Antioquia, and carried out by the Corporation for Community Development and Social Integration (CEDECIS), with support from Save the Children UK, since 1998.

269. The programme “Children and young people recover their voices in peacebuilding processes”, which includes the educational project “Children and young people as peacebuilders”, is an experiment being conducted in 32 official educational institutions and protection establishments in Colombia.

270. The project “New citizens’ voices of the Bogotá District development plan” encourages children and families to participate in activities for promoting civic empowerment and commitment. This project covers three population groups at levels 1 and 2 and involves the participation of 9,600 children aged 4-5, who are looked after in kindergartens, informal

crèches and neighbourhood homes or are involved in other projects of the Administrative Social Welfare Department; children aged 4-12 invited by the Local Operation Centres (one group for each locality), and families that use the services of the Administrative Social Welfare Department (one group for each locality).

271. **Participation bodies.** As part of the guarantee of children's right of participation, a series of bodies have been created in which children can exercise this right. They include:

272. **Youth councils.** The councils are bodies for dialogue and consultation among the administration, national and territorial public entities, private organizations and organized youth groups. Their organization and functioning, regulated since 2000, established the basic composition of district, municipal or local youth councils, with no fewer than 5 and no more than 15 councillors elected by popular and direct votes of the young people.

273. In addition, a special community membership was established, whereby municipalities and districts with youth organizations of peasants (*campesinos*), indigenous inhabitants, Afro-Colombians and *raizales* recognized as minorities, will have an unelected representative on the Youth Council. Each of those communities will have an additional representative on the Council, appointed directly by their youth organizations.

274. There are 176 youth councils in the country in as many municipalities; that is, 12 per cent of all municipalities. The councils are composed of young people between 12 and 18 years of age. The current figure represents a substantial increase over the 20 that existed during the previous five-year period. There are also three departmental councils and a Bogotá District youth council.

275. Although they have not been evaluated, they are known to help define municipal policy and formulate programmes and projects for these population groups; they also serve as excellent forums for young people to become aware of their communities' problems and make proposals for projects to be undertaken.

276. Other participation initiatives deserving of special mention for their success in opening up real participation spaces for children and young people are:

- The “Children in Congress” programme, through which Congress was presented with the Child and Recreation Day bill, which was later passed into law in the Republic in 2001;
- “Oasis of Peace”, a programme of the National Recreation Plan 1999-2002. In 2000 a group of child leaders representing each of the localities of Bogotá was formed in order to propose programme activities, developing strategies such as broadcasts, an opinion poll and the rights forum, all of which enabled over 900 children from the capital to participate. In the same year, the “National Oasis of Peace” was organized,

with the participation of 120 children from all departments in Colombia; as a result of this forum, the children produced the “Cartagena Declaration, a proposal from the children of Colombia”;

- In 2002, the National Oasis of Peace increased its participation to over 900 children from all over the country and the “rights gauge” (derechómetro) was introduced as a voting medium to discover children’s views regarding violations of their rights.

277. An evaluation of those programmes shows a significant increase in children’s participation. Public polls of children and adolescents led to the organization of regional dialogues, and, under UNICEF leadership, some 400,000 children in 43 municipalities in the country gained recognition for their participation capacity.

3. Freedom of expression

278. The development of this right is part and parcel of the Children’s Communication Plan (PCiN), the aim of which is to help generate cultural change and develop policies that reflect recognition of and respect for children as subjects of rights through strategies aimed at promoting children’s and young people’s presence and active participation in communication processes, according to their mandates, capacities and skills such as the organization of youth clubs.

279. **Child and youth radio.** One of the strategies developed by PCiN is the National Children’s Radio Network, composed of 76 community stations throughout the country, which have presented active children’s radio programmes with the participation of children and young people from different regions. The initiative promoted the establishment of six networks in all: Magdalena Medio, Montes de María, Boyacá, Caquetá, Chocó and Huila. Of particular interest is the children’s radio programme “Alharaca”, a weekly programme broadcast by 76 community stations throughout the country.

280. The development of these strategies promoted spaces in which children and young people produced their own programmes. Each of the stations belonging to the network for the support of children has child communication teams composed of 15 children on average, with a total of 1,290 children producing their own radio programmes.

281. **Child and youth television.** In Colombia, both the quality and quantity of programmes for children and young people have improved. The television stations Canal Uno, Canal A, Señal Colombia, private stations, local commercial stations and regional stations have all invested in this type of programme.

282. Pursuant to Act No. 335 of 1996,⁵⁷ Inravisión and Señal Colombia devoted 40 hours to making and airing programmes produced by ethnic groups, thus helping to protect and strengthen Afro-Colombian cultural identity.

Table 13

Children's programmes on public television stations

Station	Programme and content
Señal Colombia	Higher, faster, stronger; Recreation (children's sport) Always together; Candyfloss (children and their relationship with the world) History of inventions (their relationship with themselves) Wanana, Jaibaná (animated cartoons) Alphabet soup; Halfway there (Spanish) Mathematics all the way The world of water Colombia: a growing country Animatronix (informatics) Que viva el arte; Fondo y forma, Soñarte; Félix; El concierto (art) Jugando ando con Nico y Meco (children's cultural expression) Materile.rile.ro; Our resources; Eco-education (environmental education) Small debates (children's forum) Great adventures (children's cultural expression) Growing up in a family
Canal Uno	Verde Biche
Canal A	Ecology Tierranautas Magic compass Aprender TV
Caracol	Club 10 (children's magazine) Vivan los niños (novel) Abriendo campo (Forging ahead)
RCN	Jack the alarm clock (children's magazine) Pa ciencia (science and technology in Colombia) De pocas pulgas (novel)

283. The Ministry of Communications is developing various strategies for improving access to information by the population as a whole and by children and young people in particular. They include the programme "Computers for education" programme, aimed at providing public schools in all regions in Colombia with reconditioned computers. As of 2002, a total of 19,215 computers had been installed in 2,117 public schools in 597 municipalities; and the Internet Portal programme that serves for periodical publications on exchange and discovery of successful experiences of participation in educational communities.

284. In parallel, the Ministry has developed programmes designed to promote and improve access to information by persons with hearing difficulties. These programmes have benefited 161 children in the departments of Atlántico, Bolívar, Calda, Córdoba, Chocó, Meta, Vichada and in the districts of Barranquilla, Bogotá and Santa María. Eight computers with the corresponding JAWS software were installed and are accessible to blind people in libraries and institutions with access to the blind in the departments of Antioquia, Atlántico, Boyacá, Cauca, Huila, Meta, Norte de Santander, Valle and the city of Bogotá, from which 63,615 children

and young people benefited. Lastly, in Bogotá a permanent help-site was set up to facilitate access by the deaf to the telephone service, benefiting 15,776 children and young people.

285. **Pre-juvenile and youth clubs.** At the same time, ICBF has a Pre-juvenile and youth clubs programme, the purpose of which is to strengthen the organization and association of children and young people in the country's various municipalities. The year 2002 witnessed promotion of the organization of 49,000 children and young people aged 7-18 through the functioning of 2,013 pre-juvenile clubs and 1,241 youth clubs throughout the national territory.

4. Access to information

286. The Ministry of Culture has encouraged the creation of public libraries. There are currently 1,187, of which 448 have special children's rooms. The country also has 53 games libraries catering to an average of 1,200,000 children aged 3-12.

C. Concluding remarks

287. Despite the numerous programmes and activities carried out by various State agencies to promote the participation of children and young people, no figures are available for measuring progress on this group of rights at the national level. There is a patent need to establish a system of indicators with their corresponding baseline data so that the country could evaluate the status of children's and young people's civil rights and freedoms.

288. While the country's existing legislation on the promotion of these rights and freedoms is sufficiently broad and consistent with the national Constitution, it is often out of step with traditional practices that still persist in families, schools and public and private institutions, a situation reflected in the upsurge of legal guardianship measures taken with regard to children and young people who are constrained to resort to that measure in order to defend their most basic rights to life, education, unhampered development of their personality, freedom of thought, religious belief, and the freedom not to be recruited into the army. At the same time, it must be recognized that the situation the country is experiencing - including poverty, violence and inequality - is patently reflected in children and young people and makes for a scenario that is not propitious to the enjoyment of civil rights and freedoms of people as a whole, let alone children under 18.

289. While it is true that numerous and considerable efforts have been made to train and mobilize children to exercise their rights, little progress has been made in generating their own participation. It is therefore necessary to ensure the continuity, empowerment, qualification and recognition of bodies such as the municipal youth councils and the National Children's Council with a view to converting them into legitimate bodies for dialogue, consultation and decision-making by those groups.

290. The bulk of programmes and strategies have focused on social and educational issues, with less emphasis on family-oriented activities. There is a need to promote within families "acceptance of practices conducive to greater participation on the part of their children as part of a widespread change towards the creation of a more open democratic society, with greater opportunities of equal rights for all".⁵⁸ Despite its structural changes, the family continues to be the core of the child socialization process.

**VI. FAMILY ENVIRONMENT AND OTHER TYPES OF GUARDIANSHIP
(arts. 5, 9, 10, 11, 18, 19, 20, 21, 25, 27 and 39)**

291. The Colombian State considers the family to be the basic unit of society, as set forth in the 1991 National Constitution, and has assigned it priority in the national development plans of the last two presidential terms. In that context the family unit is viewed as the fundamental unit for the training and formation of subjects of law, the initial promoter of democratic relations.

292. The country recognizes the transformation of the notion of family from a traditional concept encompassing the entire family to the recognition of different definitions embracing not only family linked by blood ties - biological ties - but also that niche of emotion that sustains the development of all members and particularly sustains the care and rearing of infants, children and adolescents.

293. The population's behaviour has changed in recent years, especially its models of family relations, due to modernization of living patterns and forced migration from country to town - Afro-Colombian, mixed-race and indigenous - caused by violence, displacements and the desire for a better life.

294. Migration has obliged many members of the population, especially in rural areas, to settle in suburbs and squatter areas around large- and medium-sized towns, changing their traditional living conditions, their family and community structure and their means of subsistence.

295. The main casualty of this situation is the family, which is directly affected by social, cultural, economic and political phenomena that make it even more vulnerable, and weakens its role as the provider of care and protection for its members. This situation has, in turn, led children and young people to leave home, thus exposing themselves to conditions that undermine and compromise the enjoyment of their rights.

296. Within the framework of the Convention on the Rights of the Child, and aware of its duty to ensure the strengthening of the family and the protection of children parted from their parents or at risk of becoming so, the Colombian State indicates in the following paragraphs the progress achieved, the difficulties encountered, and its prospects for action regarding the family environment and the action it has taken.

A. General framework

1. Laws and rules designed to regulate the right to have a family

297. The Colombian State has established its position through legislative measures as well as prevention, care and monitoring measures relating to the family environment that seek to provide elements for supporting and reinforcing the family.

298. The 1991 Constitution provides an important legislative framework through its articles 3, 15 and 42-45, in which, inter alia, it propounds the primacy of the inalienable rights of persons and protects the family as the basic institution of society; it promotes equal rights and opportunities for women and men and gives particular support to pregnant women and female heads of household; in other words, the Constitution establishes comprehensive protection of the family as an obligation of the State. It also declares that all children without exception, whether

born in or out of wedlock, adopted, conceived naturally or with scientific assistance, shall have equal rights and duties and that responsible parenthood is a legal obligation. A couple has the right to decide freely and responsibly how many children they will have and is responsible for their support and upbringing as long as they are minors or disabled. The Constitution also declares the primacy of the fundamental rights of children and adolescents.

299. It is within this constitutional framework that the Congress of the Republic promulgated the following laws regarding the protection and strengthening of the family and the benefits it provides.

Table 14

Family legislation

Act	Subject
Act No. 446 of 1998	Administrative conciliation in family matters.
Act No. 495 of 1999	Issues provisions relating to the sole urban or rural dwelling belonging to a female head of household.
Act No. 575 of 2000	Partially amends Act No. 298 of 1996 and seeks a more effective and immediate solution to the situation of violence, especially for the benefit of women and minors, who are the main victims of this type of crime; it transfers competence regarding violence.
Act No. 590 of 2000	Enacts provisions for promoting the development of micro, small and medium enterprises.
Act No. 750 of 2002	Grants special support regarding house arrest and community work for female heads of household and establishes day-care centres for children of prisoners.
Act No. 755 of 2002	Awards the husband or permanent companion four days' paid paternity leave.
Act No. 790 of 2002	Creates the programme for the overhaul of the public administration, grants certain extraordinary powers to the President of the Republic and creates the "Social Reserve" (Retén Social) to guarantee job stability for female heads of household and the disabled.
Act No. 797 of 2003	Apportions maintenance payments between a permanent female companion and a former wife in proportion to the time spent in cohabitation.
Decree No. 354 of 1998	Recognizes non-Catholic religious marriages.
Decree No. 1133 of 2000	Regulates Act No. 546 of 1999 and accords priority to female heads of household.
Decree No. 1214 of 2000	Regulates Act No. 446 of 1998 and refers to Conciliation and Arbitration Centres.
Decree No. 652 of 2002	Regulates Acts No. 294 of 1996 and No. 575 of 2000.
Decree No. 190 of 2003	Regulates Act No. 780 of 2002.

2. Policies, plans and programmes

300. Included in the national programmes proposed during the five-year period 1998-2002 as part of the “National Development Plan: Change for Peacebuilding” and continued during the subsequent period with the “National Plan: Towards a Community State 2002-2006”, is the policy on peace and coexistence within the family, entitled “Haz Paz” (Make Peace), whose purpose is prevention, detection, vigilance and attention to domestic violence, based on principles of equity, participation and decentralization. This programme’s target population is made up of families, with emphasis on ill-treated children, women victims of spousal abuse, and abandoned or ill-treated adults.

301. In this programme, prevention involves identifying the reasons why cultural, community and family problems start in the first place and then persist. It establishes lines of action for cultural change, social communication, the strengthening of factors that afford protection for families, couples and individuals, increases social monitoring, early detection and monitoring of cases of domestic violence and develops activities such as the National Monitoring System and attention to individuals and families experiencing episodes of physical, sexual and emotional abuse.

302. Regarding programmes for strengthening conditions of equality, the work promoted by the Office of the President of the Republic, through the Advisory Council for the Equality of Women, aims to help build up greater equity in access to income-generating opportunities, employment, and human and organizational development of urban and rural women. It is the body that implements the Programme of Comprehensive Support for Women Heads of Families and of Microenterprises in rural and urban areas at levels 1 and 2. Its aim is to provide integral support for developing and strengthening female heads of household involved in small businesses, affording them the possibility of joining in productive activities.

303. Where family policy is concerned, priority is given to implementing inclusive programmes based on gender perspectives and intergenerational relations. Worthy of particular mention are programmes for households headed by women and for nursing mothers, programmes for training young women and adolescent girls in sex education and reproductive health, and monitoring, prevention and attention to situations of domestic violence, especially violence against women, and spousal abuse. This policy identifies women as the instigators and generators of change based on the principle of equity and is accompanied by programmes for training fathers and reflection on gender in matters of masculinity and femininity.

304. During the reporting period, CONPES document No. 381 of 2000 was formulated and includes the Families in Action programme, devised to lend both educational and nutritional support to poor families identified by the System for the Selection of Beneficiaries for the Social Investment Project (SISBEN) at level 1 and in municipalities with fewer than 100,000 inhabitants. The Families in Action programme is part of the political strategy to protect the poorest of the poor and applies the Social Risk Management guidelines.⁵⁹ Its aim is to improve the living conditions of poor families, reducing conditions of vulnerability and increasing family money incomes in order to increase and sustain the investment that families make in their children as human capital. Under the programme a food subsidy is granted to

children under 7 and a schooling subsidy to children aged 7-18, on condition that the families fulfil certain obligations. The impact of the programme is measured by, inter alia, school attendance, use of health services, family consumption and health practices.

305. The subsidy is paid in cash to the parents. It is dependent on attendance at growth and development monitoring sessions, and on the child's school attendance. It is paid to mothers, identified as those who apportion income to food, education and health. The basic purpose of the programme is to strengthen the role of women and mothers in decision-making within the home and to inspire changes in family behaviour. It is also accompanied by actions for promoting family and community health and education with a view to reinforcing the beneficiary families' human capital.

306. At the same time, during this period the national Government implemented family protection and care programmes through ICBF, in keeping with its commitment to the strengthening, integration and harmonious development of the family and the protection of children's rights. ICBF has provided care for vulnerable families and children classified as high-risk; that is, in situations of abandonment or risk. To that end, services were provided on three fronts devoted to the promotion of factors protective of a culture of guaranteed rights, support for the welfare of the family and its training, socializing and caregiving role, as well as care of children in situations of abandonment or threat of abandonment; and, lastly, specialized activities for the restoration of violated rights.

307. The following paragraphs indicate the various strategies and programmes for attention to the family and the training of institutional and community actors to work with specific family groups.⁶⁰

308. The programme entitled Support for families in training and development⁶¹ comprises all activities designed to empower the family as a basic unit of human development in order to promote the exercise of children's rights and to fulfil its socializing function. Within that framework, families have received attention through the following programmes: Child and Family Care Programme (FAMI) for pregnant women, nursing mothers and children under 2 years of age; the Mother and Infant programme geared to the training and development of families and to improving the diet of pregnant women, nursing mothers and children under 7 years of age from rural areas; establishment of the "Family educator", a community leader who serves as mediator and facilitator for the settlement of family disputes, and promotion of culture of respect for the rights of children; the School for Families is intended to support families in their training role through processes of reflection and participation; the Family Protection Department supports institutions whose social purpose is to provide care for children, the family and the community. These programmes are devised with comprehensive activities and, are intended to help provide adequate attention to very young children.⁶²

309. In the same context, attention is given to ethnic groups (indigenous, Afro-Colombian and *raizal* communities) in order to contribute to their development; these programmes are based on the reaffirmation of their values and cultural and ethnic identity, and the reinforcement of the role of families in guaranteeing children's rights. There are also programmes for strengthening families in rural areas and others to support families in general, whether directly or indirectly linked to official childcare programmes; they include family guidance and counselling, schools for parents, and therapy.

310. Where psychosocial care is concerned, attention focuses on support to families displaced by the armed conflict, at the various stages of the care process, through the supply of food supplements that contribute to their food security, the strengthening of their capacity to cope with adversity, and the identification of alternatives for a better life. In the framework of SNBF, this care is provided as a matter of priority for pregnant and nursing mothers, preschool children, and schoolchildren and young persons up to 18 years of age from displaced families.

311. For its part, ICBF caters for children separated from their parents, through a number of alternatives that seek to protect them and restore their rights that have been threatened or undermined by a situation of abandonment or danger. Article 31 of the Juvenile Code (seven sections with two paragraphs) refers to children rendered vulnerable (abandoned) by the permanent or temporary absence of the persons legally and morally responsible for their care and upbringing or who, if present, do not adequately fulfil their obligations. The danger lies in the risk to the child's physical, psychological and moral integrity, including children in the care of persons who have a legal obligation to act as caregivers and guarantors of their upbringing and development.

312. In the context of joint responsibility, alternatives for the care of unprotected children and adolescents are implemented in three scenarios: within the family, in the community, or in an institution with a view to integrating them into the family, community or social environment.

3. The framework of the family

313. Care provided within the framework of the family comprises measures of restoration, safeguarding or both pertaining to the exercise of the rights of the child. Its aim is one of providing comprehensive care in the original or a substituted environment in propitious conditions facilitating the child's development as a person, a family member and a member of society. This measure, which is known as "family placement", is avoided wherever the children concerned live within a family structure or have collateral relations who have an obligation, in the breakdown or absence of such a structure, to help them or take on the role of guardians in the absence of the parents. If the children concerned have families but are at risk, the family is responsible for contributing to their maintenance for the period of the administrative protection procedures undertaken in agreement with the Family Ombudsman.

314. The form of care known as "foster homes" (*Hogares sustitutos*) (ordinary, special and biological) is provided by selected third families which can meet certain minimum standards of care provision and are in a position voluntarily to provide full-time care for children who are abandoned or at risk and to provide them with an affectionate environment and full care. This service is provided on a temporary or permanent basis in line with the protective measure taken and intervention to promote reintegration into the family where possible. *Special foster* homes care for disabled children who are abandoned or at risk; *support* (biological) *homes* care for children, with or without disabilities, in socially highly vulnerable families which are totally lacking in physical and financial resources and unable to provide basic care and attention. The child will thus remain in the foster home temporarily until the family of origin recovers its ability to provide care and attention. There are also *support homes providing targeted financial aid*, designed to provide financial support to families to enable them to meet basic needs.

315. In cases where reintegration into the family is impossible the Family Ombudsman, in accordance with the Juvenile Code, will extend the duration of the family placement measure; in addition, professional aid to the family group will be strengthened in order to improve links with the biological family environment. In the context of care of this kind the identification of siblings in order to promote preservation of family bonds has been of vital importance.

316. Another form of care is that provided by Friendly Foster Homes (*Hogares Sustitutos Amigos*), which consist of families voluntarily applying to the ICBF to take in a boy or girl who is abandoned or at risk in order to provide the care necessary for the child's development and take responsibility for its maintenance while its legal position is being determined.

317. A Protection Home (*Casa Hogar de Protección*) is a long-stay service for children between ages 12 and 18. These homes provide protection and care for small groups (maximum number 12) of children until they are able to become independent and manage for themselves. This service is provided through a non-governmental organization registered with or with links to the SNBF and undertakes the protection of children with particular characters, either because they have been abandoned or because it has proved impossible to procure their adoption through the administrative protection process.

318. Finally, adoption - a protective measure which restores the fundamental right to belong to and grow up and develop in a family (in accordance with article 92 of the Juvenile Code) --irrevocably establishes a new parent-and-child bond between the child and the adopting family.

319. In this measure vital importance is attached to the criteria applied during the decision-making process. The decisions themselves are to the greatest possible extent arrived at jointly with and communicated to the children concerned, the best interests of the child always being paramount. Family placement in a foster home is a temporary measure taken while the situation with regard to adoption is being determined. Likewise, this administrative process of protection is studied and conducted speedily with a view to avoiding exposure of the children concerned repeatedly to traumatic situations, such as frequent transfers from one home to another, frequent losses of emotional attachments and cultural uprooting. In all cases the appropriateness and timeliness of integration into a new family by means of adoption is considered.

4. Social action of a community nature

320. The second form of care is that of social action of a community nature. This consists of measures effected through primary systems of linkage with the family, peer groups and institutional and community networks. Action of this kind seeks to involve families in the shaping and development of choices of means of strengthening the bonds of affection and a family's ability to sustain itself.

321. Assistance and advisory services for children and families imply the provision of psychosocial care for families having difficulty in handling their relationships - disputes within the family, victims of armed conflict situations or both. Care for children whose rights have been violated includes the provision of care at the zonal centre, where comprehensive diagnoses are carried out and the involvement of the family and the support networks is secured. Other support services for abandoned children or children at risk and their families are concerned with

cases of undernourishment among children under age 5 years; the *Ambulatory Nutritional Restoration Service* exists for such cases.⁶³ There are also *mobile units*, consisting of interdisciplinary teams which travel around conflict zones providing support to families threatened or affected by the violence.

322. The services are provided under contractual management arrangements on a semi-residential, non-residential and supportive intervention basis for between 10 months (a minimum) and 12 months per year. A choice of forms of care is available for children who, although not abandoned or in situations of extreme danger, can be protected in primary socialization areas. Care of this kind is designed for minors who enjoy a measure of family support; priority is given to cases in which that network of support is unable to ensure effective protection of the child's rights.

323. The aim of semi-residential care under contractual management is to provide comprehensive and specialized care to overcome the problems of families which have difficulty in settling their disputes. Where a family is showing signs of improvement with regard to the protection and adequate care of the children, the latter are kept in care for eight hours each day.

324. Non-residential care under contractual management is a service providing care for children whose bonds of affection and solidarity with their families or social networks have not been completely broken and who are registered in the regular education system; it provides support to families with the aim of strengthening their function as primary providers of care and socialization and is provided for four hours daily.

325. *Support activities for children* under contractual arrangements consists of processes of ambulatory care providing support and psychological and social guidance for families; it seeks to contribute to comprehensive training, the construction of life projects for children and adolescents and the strengthening of family and social bonds.

326. *Zonal care* is another service. It comprises the care provided by the ICBF by means of guidance and interdisciplinary support in the legal, psychological, nutritional, educational and social spheres. This service is designed for families in situations where their rights are threatened or affected, and especially families with children at risk on account of violence within the family or of armed conflict, or (where children under 5 years of age are involved) in cases of undernourishment, with or without illness in addition, deserving of intervention by a specialized team. This service is available to families who seek it on their own initiative or who are referred to zonal care centres by other bodies of the SNBF.

327. Zonal care includes the implementation of the legislation currently in force regarding alimony, custody, care of the person, visits, contested paternity and maternity, paternity investigations, suspension and deprivation of parental authority, permission to leave the country, etc. Extrajudicial care is provided by the Family Ombudsman, with the support of an extrajudicial team, and is orientated towards conciliation or introduction of suits and guidance in civil litigation involving proceedings before family judges concerning situations infringing rights.

5. Institutional framework

328. Care within the institutional framework⁶⁴ is directed to the provision of comprehensive care for children who are abandoned or in extreme physical or psychological danger.

B. Situation regarding the family environment

329. Our culture, and its expression in law, considers the family to be the primary area for socialization and the development of the individual and the fundamental institution in society. A recent study in Colombia⁶⁵ describes the family, considers it in the context of strategies to cope with crisis or hazardous situations and throws light on action by the State as supportive of strategies favouring survival and development.

330. The information available to us relates to households, and tells us nothing about the extended family (the members of which, while near relatives, live in separate households).⁶⁶

331. On the basis of this qualification two forms of definition of Colombian families may be distinguished. On the basis of parenthood, one may distinguish biparental households (consisting of the two parents and children), lone-parent households (consisting of one of the parents and the children) and non-family households (single-person or more than one person without any blood relationship). These households may be nuclear (consisting of parents and children) or extended (described above). On a life-cycle basis (a form of measurement of the ages of primary family nuclei based on the stages reached in the family cycle) the following classification may be established: the start of cohabitation; constitution (families with children under age 12); intermediate (with children between ages 12 and 18); consolidated (with adult children); and “empty nest” (no children, or adult children living away from home).

332. In statistical terms, it has been observed that in recent years in families in Colombia, when classified by parenthood, biparental nuclear households (i.e. consisting of father, mother and children) predominate. Nationwide, they make up 48 per cent of households, followed by extended-family households with 34 per cent.

333. The classification of families in urban areas indicates that in biparental households men predominate as household heads; 58 per cent of heads of households are between 30 and 50 years of age; two thirds are legally married; one third are cohabiting: They have the second highest average incomes per head, ranking immediately behind single-person households.

334. During the 1990s in urban areas, the proportion of biparental (nuclear and extended) households showed a steady decline. The “gap” was filled by single-person households. This tendency was observed in all the large towns in Colombia. Single-person households had the highest level of income per head. In 48 per cent of single-person households the occupant was over 50 years of age; in barely 9 per cent of cases was the occupant under age 25. Families of this type may become predominant, and a trend in this direction may emerge in the towns during the coming years, as it has in other large cities worldwide.

335. An analysis of families on a life-cycle basis reveals certain characteristic features. The majority of families (60 per cent) have children under age 12 or over age 18 living under the same roof (stages (i) and (ii) of the life-cycle); 46 per cent of the children are under age 12, 31 per cent are over age 18 and 24 per cent are adolescents between ages 12 and 18 (a distribution similar to that of families in other Latin American countries).

336. This statistical information throws light on the importance of the work and the concern of the State with the strengthening of households as the fundamental basis for the promotion of social development and, by definition, of the development of healthy individuals, the starting point of the process being the family - the cradle and support of the development of children.

Table 15
Households according to stage reached in life cycle

Households according to parental status	Single-person	Initial stage	Stage I	Stage II	Stage III	Stage IV	Extended biparental	Total
Single-person	766 556							766 556
Nuclear biparental		204 300	1 979 096	1 104 791	881 101	402 874		4 572 161
Nuclear lone-parent			256 528	257 836	486 107			1 000 471
Extended biparental		35 920	514 779	294 680	780 188	158 991		1 784 558
Extended lone-parent			92 839	116 392	70 276		510 996	1 422 987
Total	766 556	240 220	2 843 242	1 773 699	2 850 156	561 865	510 596	9 546 734

Source: Calculations by the Social Mission on the basis of the 1997 quality-of-life survey.

337. As regards the formal constitution of households, it is observed that, while legal marriage still predominates, in recent years (1988-1998) the numbers of cohabitations has been increasing; this must be attributed to the guarantees which have been granted over the last decade by means of legislative proposals

338. As regards the size of households, the demographic changes which have taken place in recent years, and particularly the change in the fertility rate, has led to a significant reduction in the size of households, which has fallen from 6.1 persons per household in 1972 to 4.1 in 1998 and 2.6 in 2002. However, in poor families there are on the average approximately 4.7 children.

Table 16
Usual membership of households

Zone	Urban	Rural	Total
Number of members	(percentages)		
1	7.4	8.5	7.7
2	13.9	11.7	13.3
3	19.8	16.4	18.9
4	22.8	19.5	21.9
5	15.8	15.2	15.7
6	9.3	12.1	10
7	5.3	7.6	5.9
8	2.4	4	2.9
9+	3.3	5	3.7
Total	100	100	100
Average	4.1 members	4.4 members	4.2 members
Children adopted	7.10%	11.90%	8.40%

Note: De facto population, i.e. including both habitual and non-habitual residents.

339. According to the 2000 National Demographic and Health Survey (ENDS 2000), the percentage distribution of households according to the sex of the head of the households, size and residence of children with their parents in Colombia, revealed that in urban areas 68.7 per cent of heads of households were men and 31.3 per cent women, while in rural areas 81 per cent were men and 19 per cent women, giving an average of 72 per cent men and 18 per cent women.

340. Successive data demonstrates how the proportion of households headed by women is increasing; in 1995 the proportion was 24 per cent and in 2000, 28 per cent. This may be partly due to the conflictual situation, which has given rise to situations of widowhood and separation, especially in rural areas.

341. The ENDS survey indicates that 72 per cent of the population lives in urban areas; 48 per cent of the population is masculine; there are 92 men for every 100 women (87 per cent in urban areas and 101 per cent in rural areas; the corresponding figures for 1995 were 92.8 per cent and 107.0 per cent). This indicates that as a result of displacements from rural areas to the towns there are today fewer women in rural areas and more in urban areas.

342. The situation with regard to the abandonment of children is related to questions of life with others and family bonds. According to ENDS 2000, the proportion of children adopted had fallen by 4 per cent; in 1995 the proportion was 12 per cent. In Bogotá the proportion of children adopted was only 3 per cent as compared with 11 per cent in the Atlántica region, and particularly in the Bolívar-Sucre-Córdoba subregion, where 15 per cent of all children under age 15 were adopted. A similar level of adoption was encountered in the Litoral Pacífico district.

343. Nearly two out of three children under age 15 (61 per cent) were living with both biological parents, 27 per cent with the mother only, less than 3 per cent with the father only and 8 per cent without either parent. The fathers of 86 per cent of the children living with their mothers alone were still alive; the mothers of 89 per cent of those living with their father alone were still alive. The figures reveal a significant increase in the numbers of children living with only one parent by comparison with 1995; this is a consequence of the increase in the numbers of separations of married couples.

344. The lower the age of a child, the greater the probability that he or she will be living with both biological parents. Seventy per cent of children under age 3 were living with both parents; in the age group 15-19 years the proportion was only 56 per cent. Ninety-seven per cent of children under age 3 were living with one or both parents; the proportion in the age group 10-14 years was 88 per cent. In rural areas the proportion of children living with both parents was relatively high (67 per cent, compared with 59 per cent in urban areas).

345. Indigenous families are organized in a variety of ethnic and social groups and enjoy an equal variety of forms of social organization; these are reflected in the forms of family relationships and the principles underlying traditional models of child-rearing. The public policy of the ICBF recognizes this principle of respect for cultures and thus attaches vital importance to the transmission of cultural values and the effectiveness of endogenous socialization strategies

and forms of social control (self-regulation) in its programmes for the care and support of indigenous families. The comprehensive care given to indigenous families in 2000 comprised 1,212,787 places.

Table 17

Care provided to all ethnic groups for 2002

Programme of care	Units	Places	Users
Support for ethnic groups	3 967	165 087	205 844
Support for the development of families of ethnic groups aimed at their social and cultural strengthening	150	6 306	25 403
Support for indigenous families and Afro-Colombian and <i>raizal</i> communities in areas of training and development	525	28 726	47 087
Families, women and children (FAMI-HCB)	47	605	1 136
Mother and infant	175	19 854	33 854
Family educator	26	750	2 480
School for families	16	860	2 960
Comprehensive care for women during pregnancy, childbirth and breastfeeding (children under age 2)	237	5 950	5 950
New services	24	707	707
Support for indigenous families and Afro-Colombian and <i>raizal</i> communities in their socializing function with children (either sex) under age 7	1 296	16 417	16 457
HCBs - families full-time - ethnic groups	787	9 580	9 620
HCBs - families half-time - ethnic groups	497	6 130	6 130
Homes for small children - ethnic groups	8 000	645	645
Malocas	4	62	62

Source: Performance against social targets 2002 - ICBF Programming Subdirectorate.

346. ENDS 2000 indicates that 54 per cent of rural families are nuclear, 32 per cent extended, 5 per cent composite and 8 per cent single-person. Among the nuclear families 41 per cent are complete nuclear households, 7 per cent are incomplete and 6 per cent consist of childless couples. Four out of five households (81 per cent) are headed by men and only 19 per cent by women.

347. The average size of households is 4.5 persons (4.7 where headed by a man and 4.1 per cent when headed by a woman). There are persons aged over 64 living in 37 per cent of households headed by women and 22 per cent of households headed by men; 67 per cent of minors are living with both parents; the highest number of children living without either parent is found in the Pacífico region.

348. The data reveal that a high percentage of families remain nuclear and maintain links with the extended families. This situation makes for the protection and maintenance of the minimum conditions within which children should develop.

349. However, during the last few years the increasing intensity of the armed conflict and enforced displacements have undermined the structure and stability of rural families, breaking them up and forcing them into hazardous situations, thereby radically changing their living conditions.

350. The activities of the State in support of rural families through the ICBF lay special emphasis on care for families in outlying rural areas. It backs up its socializing function with the mother-and-infant programme, which in 2002 reached 530 users and 6,150 developing families, and also 3,090 users in the form of support of the psychosocial and nutritional development of schoolchildren.

351. The situation regarding displacements, which became acute in 2001 and 2002, demanded emergency attention and a protracted inter-institutional operational strategy, implemented within the framework of the National System of Care for population groups displaced by the violence. Care for the displaced families was directed to the provision of support through the distribution of food - thus ensuring food security - and psychosocial assistance, designed to strengthen their ability to face up to adversity and to define alternative courses of action in order to obtain better living conditions. Priority is given to pregnant and nursing women, children under school age, schoolchildren and young persons up to age 18 belonging to displaced families.

352. Against this background of generalized violence the problem of domestic violence, on account of its scale and prevalence, is considered to be a public health problem. The protective measures taken by the ICBF reveal alarming information on the situation.

Table 18

ICBF active cases

Complaints received by type of ill-treatment	2000	2001	2002
Psychological ill-treatment	197	234	239
Negligence or carelessness	2 087	2 432	2 677
Physical ill-treatment	3 231	3 469	3 871
Social ill-treatment	203	311	267
Sexual abuse	1 081	1 190	1 450
Ill-treatment during pregnancy	15	28	41
Total	6 814	7 664	8 554

Source: ICBF: Protection Implementation Department.

353. It will be observed that the number of complaints recorded by the care services concerning ill-treatment rose steadily, by 25 per cent between 2000 and 2002, and those concerning sexual abuse by 34 per cent, while complaints concerning ill-treatment during pregnancy almost doubled every year.

354. According to figures produced by the National Forensic Medicine Institute, in 2000, of the 65,585 decisions concerning domestic violence, 15.9 per cent related to children under age 18; in 2001, of the 69,681 cases of domestic violence, 15.7 per cent concerned acts of violence against minors; and in 2002, of a total of 64,979 judgements concerning personal injuries based on complaints to the courts concerning domestic violence, 15.9 per cent concerned acts of violence against minors. The national rate of reporting of cases of domestic violence is 184 cases per 100,000 inhabitants; 62 per cent of cases of domestic violence relate to violence between spouses, 26 per cent to ill-treatment of family members and 16 per cent to ill-treatment of children. In other words, of the 178 judgements handed down every day concerning personal injuries arising from domestic violence, 28 (15.7 per cent) concerned ill-treatment of children; in all, in 2002, 10,337 children were severely injured due to ill-treatment in Colombia.⁶⁷ The figures do not include sexual abuse of children.

355. According to the data, of the 10,337 cases, 30 per cent were committed by the father, while in 28 per cent of cases the mother was the aggressor. According to the complaints received by the ICBF Citizens' Care Centre the principal aggressors are mothers; children spend the greater part of the time with their mothers and are subject to constant verbal, physical and psychological aggression which frequently does not give rise to physical injury deserving of the attention of the forensic services.

356. As regards age, severe physical ill-treatment is mainly (in 58 per cent of cases) directed at children between ages 5 and 14. Next in order of importance is the group of adolescents (ages 15-17), with 24 per cent of cases reported, followed by children between ages 1 and 4 (13 per cent). In 2002, 319 babies less than 1 year of age (3 per cent of all cases of ill-treatment of children) were severely ill-treated. Of all the children ill-treated in Colombia in 2002, 45 per cent were male and 55 per cent female.

357. The State is facing up to the problem of domestic violence and the ill-treatment of children through the design and implementation of the *National Peace-Building and Harmonious Family Life Policy - Haz Paz* (Make peace). The results of this measure by the State to promote family life clearly show it to be a successful positioning and confirmation of the policy established on the basis of CONPES document 3077 of 1 June 2000 and the consolidation of inter-institutional work with the participation of some 16 institutions of national scope and their regional agencies and developed in concert with the social policy councils.⁶⁸

358. From the successes and measures taken by the different institutions the following information on the component elements of this policy may be derived. These comprise, firstly, *prevention*, namely the design of a communications strategy for large-scale measures, involving pilot projects in three departments of the country and a large-scale nationwide campaign, the conduct of local and regional experiments for the promotion of the culture of the rights of the child and a range of campaigns and training exercises for institutions and social actors in the different territories. Preventive methodologies have also been developed; these include *Vínculos afectivos, perspectiva de género y derechos humanos* (Bonds of affection, gender perspective and human rights), designed by the Rafael Pombo Foundation, *Estrategía y Manuales de Trabajo para la Prevención de la Agresión de los Niños en Instituciones Educativas* (Strategy and instruction manuals for the prevention of aggression against children in educational establishments), BID, Medellín, and the *Haz Paz todos los Días* (Make peace every day) strategy.

359. Measures have been taken to promote detection systems such as the system for the detection of domestic violence in educational establishments. In the Caldas department a model system has been developed for the identification and treatment of schoolchildren with slight and moderate neurological, sensorial and intellectual deficiencies, and a strategy for the detection of domestic violence through a call centre in the ICBF has been implemented. The aim of this scheme is to make a telephone line available to the general public, with particular emphasis on women and children, over which they can make known their needs and their concerns regarding their integrity, their well-being and the exercise of their rights. A model has been designed for the intersectoral public health system for the monitoring of domestic violence (physical and sexual); it will form an element in the SIVIGILA public health supervisory system, with the training of epidemiologists and the conduct of a test of the model.

360. Other fundamental elements in the handling of situations of domestic violence, in addition to the crisis warning system through a call centre in the ICBF, are the creation of clinics to deal with cases of ill-treatment, the preparation, testing and distribution of guides for the care of ill-treated women and children, the publication of technical regulations for the forensic treatment of victims of sexual crimes and the evaluation of the process.

361. As a matter of priority a systematized model of care for victims of sexual crimes involving ill-treatment of children has been developed and applied as a pilot project in five municipalities. Progress has also been made with a model of health care for women victims of domestic violence, including dependent minors; in addition, legal and forensic investigations and analyses have been carried out on 474 particularly serious cases of ill-treatment of children.

362. It is considered that great progress has been made in the process of training and skills development in the area of domestic violence and the ill-treatment of children; this has led to an increase in the number of complaints. However, the problem still remains; and a commitment is needed from entities of State, NGOs, civil society and the community in general to combine their forces and develop measures which will contribute to the eradication of the problem.

363. The ICBF is currently working together with the Ministry of Social Protection and other responsible agencies to implement the public health system of monitoring of domestic violence as a public health matter attached to the SIVIGILA, since as yet there is no nationwide information system.

364. In addition, the presidential programme entitled Families in Action has granted targeted subsidies to families. These consist of a food subsidy of 46,500 pesos per month paid to families with children under age 7; a primary schooling subsidy of 14,000 pesos monthly to children in the second to fifth grades (inclusive) of primary education; and a secondary schooling subsidy of 28,000 pesos monthly to minors between the 6th and 11th grades inclusive at school. These subsidies are paid to mothers of families as incentives to participation, and also to the leadership of the woman in the family nucleus and in the community and municipal environment.

365. The resources for the period 2000-2002 came in the main from two loans from multilateral banks and a counterpart contribution from the national budget. The World Bank loan amounted to US\$ 150 million; the Inter-American Development Bank loaned US\$ 85 million; and the counterpart contribution from the national budget amounted to US\$ 30 million, making a total of US\$ 265 million.

366. The operating results for 2002 show that aid was extended to 622 municipalities in 26 departments; 353,008 families benefited from the scheme, and 496,779 families were registered. Payments made totalled 61,257,740,000 pesos as compared with a liquidated value of 67,443,668,000 pesos.⁶⁹

367. According to the general report of the ICBF⁷⁰ in October 2002, it is estimated that during the first payment cycles in 2002 the number of families receiving subsidies was 222,255 and that 533,293 children in all benefited from the scheme. A breakdown by type of subsidy reveals that 203,419 children received food subsidies, 214,623 primary schooling subsidies and 115,251 secondary schooling subsidies.

368. In this programme the promotion of education and family health was conducted by means of prior activities organized in forums and assemblies of entitled mothers: these activities were designed to situate the programme and establish a minimum level of organization among the families involved. The programme covered 16 departments, approximately 160 municipalities, 189 trained municipal officials, 3,100 trained women leaders and 8,500 entitled women; 170 meetings on care were held.

369. As regards care for women from the perspective of the principle of equity, the current prospect of the programme of “comprehensive support for women heads of families and of rural and urban microenterprises at levels 1 and 2” is one of reaching some 27,000 women, as individuals or in associations, 9,500 (35.18 per cent) in urban areas and 17,500 (64.81 per cent) in rural areas. The programme is directed towards women heads of families displaced or living in urban or rural areas who have, individually or in associations, incomes in cash or in kind of less than twice the statutory minimum wage. This implies the promotion of rural microenterprises of an individual or family nature, headed by women with assets (other than immovable assets) not exceeding \$15,000 in value and with less than three employees. It also targets collective rural microenterprises headed by women with assets (not including immovable assets) not exceeding \$70,000 in value, with less than 10 employees and with possibilities of insertion into regional production chains.

370. As regards other programmes of care for children directed by the ICBF,⁷¹ such as training and development support for families, in 1999 the Family Educator programme had 79,634 users; the FAMI had 486,882; the school for parents had 273,024; the family guidance and advice service 128,951; the mobile units 4,310; the therapeutic care services 98,511; the comprehensive assistance services for indigenous families 86,197; the care services for pregnant adolescents 332 women; and care for nursing mothers and children of preschool age 20,228. The figures for 2002 were as follows: FAMI, 373,354 users; the mother and child programme, 58,080; nursing mothers and children of preschool age, 20,824; Family Educator, 207,908; the school for families, 255,124; support for indigenous families, 116,897; family guidance and advice, 26,769; care for pregnant adolescents, 218; therapeutic care, 21,519; new forms of care, 18,886. These figures include care given to indigenous families.

371. Significant changes have occurred in the care given to children who are abandoned, at risk, or both. In 1999 there were in all 14,346 users, distributed as follows: 11,685 children were placed in normal foster homes (HSNs) and 2,661 in special foster homes (HSEs). In 2000,

care was provided to 13,447 children, 10,488 in HSNs and 2,403 in HSEs. During the same year two programmes came into operation: the Protective Home scheme, with 163 users, and the Preparation for Productive Life scheme, with 293 users. In 2002 care in the family environment was strengthened, with 15,801 users; the forms of care were implemented and diversified as follows: 13,300 users in HSNs, 1,483 in HSEs, 843 in Child Support Homes, 76 in Friendly Foster Homes and 99 in Protective Homes.

372. These figures reflect the determination of the Government, and the measures taken by it, to strengthen and create a range of forms of care in a family environment for children abandoned or at risk, promoting affectionate environments and care for children. Although the coverage of this measure of family placement is still small, these efforts constitute a priority in the work of the next few years with the aim of giving this approach greater importance than institutionalization measures.

373. As regards the Adoptions Programme, the ICBF is the central authority and official spokesperson at international level on the subject of adoptions. It coordinates national and intercountry adoption procedures, accredits international agencies which may contact Colombia to conduct adoption procedures, authorizes and supervises the functioning of adoption homes and private organizations which support its work.

374. During the period 1997-2003, 18,227 children entered the scheme; 52.6 per cent were aged 3 years or less; the next largest group consisted of children over age 7 (29.9 per cent), followed by the group of children aged 4-6 years (17.5 per cent).

375. In 2002, 30 per cent of adoptions were effected by Colombian families (90 per cent through ICBF procedures and 10 per cent by the Adoption Homes). The other 70 per cent were effected by foreigners (50 per cent through ICBF and 50 per cent through the Homes). The ICBF is working on the reformulation and improvement of the adoption procedures in order to increase the children's chances of meeting a family (establishment of clear guidelines and standards, reorganization of procedures and proceedings, definition of the official position of Colombia, as a country, with regard to reasonable expenditure directly related to the adoption process, alternative opportunities for children whose placement is difficult on account of their age, of disabilities or because they form part of a group of siblings).

Table 19

Children admitted to the programme by current age criteria, 1997-2003

Age	1998	1999	2000	2001	2002	2003	Total 1997-2003	Percentage
No information	13	15	3	8	2	0	46	0.25
0-3 years	1 622	1 657	1 637	1 703	1 470	122	9 591	52.49
4-6 years	485	536	577	598	508	40	3 182	17.42
7 years and over	796	983	966	860	933	81	5 452	29.84
Total with information available	2 916	3 191	3 183	3 169	2 913	243	18 271	100

376. During the same period, 11,252 adoption rulings were delivered (this is the number of children actually adopted). Of these rulings, 64.3 per cent concerned children aged 3 years or less, 17.9 per cent children aged 4-6 years and 17.6 per cent children aged 7 years or more.

377. During the last seven years, of the 6,614 families resident abroad and applying for adoptions, 22.7 per cent were in the 36-38 years age group, followed by those in the 31-33 years age group (19.16 per cent); only 6.52 per cent of the families were over 45 years of age.

Table 20

Classification by age of foreign families seeking to adopt children

Year	No info.	25-27	28-30	31-33	34-35	36-38	39-41	42-44	45 and over	Total
1997	5	19	61	235	216	289	185	121	78	1 209
1998	4	12	59	178	152	220	151	92	41	909
1999	2	6	70	173	125	169	116	52	38	751
2000	1	11	76	141	143	158	121	70	53	774
2001	1	13	86	175	152	196	180	95	61	959
2002	4	24	130	315	303	391	289	181	149	1 786
2003	1	4	21	50	31	37	38	33	11	226
Total	18	89	503	1 267	1 122	1 460	1 080	644	431	6 614
% of total	0.27	1.35	7.61	19.16	16.96	22.07	16.33	9.74	6.52	100

378. With its adoption procedure the ICBF is pursuing a legitimate and constitutional aim, namely to ensure that a child finds a suitable and stable home favouring its balanced and complete growth and development, always bearing in mind that the family is the natural and propitious environment for the development of human beings and deserves the special protection and priority attention of the State, inasmuch as the satisfactory organization of the latter depends to a considerable degree on stable and harmonious coexistence in society.

379. As regards the process of adoption, Colombia ranks fourth in numbers of adoptions. Adoptions in the United States and France predominate; Sweden is next in ranking. As regards the origins of the adoptive families, 91 of every 100 adopted children live in countries other than Colombia.

380. Since the first half of 2002, with the general situation of children abandoned who are susceptible of adoption in mind, and in line with the relevant psychosocial and legal studies, work has been proceeding on the reformulation of the technical and administrative structures and a reform of the laws and regulations. The fundamental criteria governing the proceeding are the quality of care in the family environment, priority for alternative forms of care in a family, endeavours to identify existing family and community support networks and priority for Colombian families wishing to adopt.

381. In 2002 a total of 620,655 children abandoned and/or at risk received care through the social services. During the same year, 7,696 children received semi-residential care; 72 per cent of them were at risk. Non-residential care was given to 8,553 children, 43 per cent of whom were at risk. Child support institutions provided care to 37,677 children, 7,130 of whom were

at risk, while the institutional establishments provided care to 27,734 children, 5,353 of whom were abandoned or at risk. These figures reveal the increasing scale of the problem and also its complexity when it is studied in the context of the other evils affecting the physical and psychological integrity of children. Of particular note is the high percentage of care provided by the emergency centres; in 2002 they received a total of 13,118 minors, making up 48 per cent of all the institutional care of a residential character provided. In this branch the forms of care provided have focused on the improvement of the quality of the service provided. In that context an important role is played by measures to support families in order to secure the speedy reintegration of the child in line with the protective measure adopted and the conditions for return (or an alternative measure).

382. As regards care provided at zonal level on request, the situation during the period under study was as follows.

Table 21

Care provided at zonal level by ICBF

Care provided locally (proceedings)	1999	2000	2002
	(Users)		
Extrajudicial care for children and families	330 910	458 441	362 557
Assistance to children and families in civil proceedings	54 342	51 190	43 776
Assistance and advice to children and families			83 834
Care for children whose rights have been infringed			1 412
Ambulatory nutritional restoration (children under age 5 years)	130 545	120 134	43 635

383. The figures reveal a change in the pattern of care. However, demand in the zonal care centres has remained steady; in 2002 there were 535,214 applications, not including 31,514 persons who received care from the mobile units. Concerns are arising with regard to the type of care given to families and the follow-up and implementation of the measures or proceedings decided upon. The results of the care given to families are still poor on account of the length of periods of care (delays in fixing appointments on account of the excessive concentration of demand in the local ICBF centres), the restriction of care proceedings to precise requests and, in some cases, because the applicant withdraws from the proceedings or, simply, because the measure is not implemented.

384. Finally, it is also the concern of the State to provide full care for children who have abandoned their homes, mainly on account of situations of domestic violence, and are living on the streets. In such circumstances the violation of their rights increases.⁷² There are, too, other programmes, such as those designed to protect children and adolescents in situations involving their sale, trafficking in them and other situations such as their illicit abduction and separation

from their parents without their consent. To deal with such situations special measures have been taken within the framework of international and domestic legislation and a communications strategy has been developed within the mass media and alternative means.

385. In this context progress is being achieved with measures to prevent crimes of this kind by promotion of a culture of respect for human dignity and freedom through the training of officials in institutions and providers of welfare services (especially in highly vulnerable zones) to take preventive measures and provide care for the victims of such crimes; through coordination between institutions working in the areas of family location, reunification and counselling to secure the restitution and repatriation of children; through protective measures to be taken in the absence of legal representatives of the children; and through measures of international cooperation with the IMO to strengthen institutional management, training public officials in this field.

386. As regards the illicit abduction or detention of minors, at December 2002 there were 112 outstanding cases, which are reported to have been under investigation since 1998. During the first eight months of 2003, 35 applications for the return of individuals from abroad were submitted; this is a considerable increase over previous years. It should be noted that many international applications for the return of individuals have to be made through consular channels. Obstacles have arisen in the conduct of these proceedings, the principal one being that of determining competence for the handling and solution of cases of this kind. On this subject attempts are being made to advance the submission to Congress of legislation establishing competence in matters of family law.

387. Since this subject is closely related to that of trading and trafficking in persons, steps have been taken to coordinate measures for the prevention and suppression of crimes of this kind with the Committee on Trading and Trafficking. It is sought to establish frontier control mechanisms for minors which will permit identification and verification of the documents carried by them on leaving the country or, where the children concerned are aged 5 years or less, those presented by their parents, relatives or friends.

C. Reflections on children and the institutions

388. The Government of Colombia is aware of the impact of the model of institutionalization on children (a model subjected to worldwide criticism on account of its high cost and poor results, since it aggravates uprooting in families and society and other collateral problems, including social and emotional isolation and the impossibility for members of the population groups concerned to contribute to the construction of genuine life projects), is making efforts in the technical field to design and flesh out, with the concept of comprehensive protection in view, a system of care for children abandoned, at risk or both which will promote a move away from institutionalization and the strengthening of family and community networks.

389. Thus the creation of circumstances favouring a radical overhaul of the institutions is becoming a priority requiring not only the political will and a knowledge of the structure of the State but also an intersectoral focus which will permit identification of the financial and human resources available in the institutions and organizations and rest on the principle of advocacy of the cause of children, their families and the community.

390. To that end it is important to recognize the family as a principal actor and intensify efforts with families to foster the possibility of reintegration; should that prove impossible, priority is to be given to the restoration of that right through adoption. When the circumstances are such as to render adoption impossible, attention should be directed to constructing life projects with these children which involve not only care but also their full development.

391. Thus the strengthening of the biological family becomes a strategy for the reduction of recourse to institutions. To that end it is necessary to recognize the influence of poverty and unemployment on the vulnerability of the family without that recognition leading to the criminalization of poverty. In that connection subsidy programmes have been introduced as an alternative form of care and support for the upbringing of children.

392. Consequently the creation of a better care infrastructure, better orientation in family planning, more effective social initiatives targeting the family, strengthening of parental education, improvements in the training of the personnel in the centres and more and better investigations into the experiences of young people entering society, the manner in which they constitute families and form relationships could offer other suitable means of moving closer to more human processes.

393. Finally, although the efforts made by the State to provide care for children abandoned, at risk or both, in which the national Government has favoured the forms of care in the family rather than institutionalization, must be recognized, institutional forms of care still prevail in dealing with the growing problems of abandonment, a phenomenon which is aggravated by the complexity of the situation in the country, the endemic outbursts of conflict and the incidence of poverty.

394. The strengthening of alternative measures requires a structural vision of the situation of the family and of children in general; attention must no longer be concentrated on the child, but instead directed towards the strengthening of the social fabric and the organization of the family as the carer and protector of children. Further reflection is also needed regarding the responsibility of the family, and also with regard to the responsibility of the State for guaranteeing minimum conditions for families to enable them adequately to fulfil their role.

395. Without concentrating attention exclusively on the economic factor, it is important to recognize that when a family does not have an assured source of income it has great difficulty in achieving equilibrium. While family members are not assured of having the resources necessary to meet their needs, they are perpetually in danger of giving rise to difficult and conflictual relationships.

396. In addition, socio-economic malaise degenerates into evils such as citizens' insecurity, criminality and others which affect the stability of the family group and, ultimately, satisfactory conditions for the development of children.

397. Thus, without losing sight of the complex dynamic functioning within the family, in which each member has rights and duties, and in which all the links - emotional, social, economic, political, cultural, religious - which bind them together in mutual coexistence are

visible, it must be recognized that domestic violence, considered as a public health problem, demands a priority effort which requires continuity, perseverance and evaluation of its implementation.

398. The State of Colombia has given expression to this effort in programmes for the care of the family, which were put in place and consolidated during the period 1998-2002.

VII. BASIC HEALTH AND WELFARE **(arts. 6, 18, 23, 24, 26 and 27)**

399. Entitlement to basic health and welfare is part of a range of rights related to life and survival, which comprises all rights guaranteeing the life, health, nutrition and welfare of boys and girls.

400. Life constitutes the defining and pivotal element of the rights of the child. Consequently, the Government of Colombia is committed to identify mechanisms safeguarding life, ensuring respect for its absolute value and raising life expectancy, reducing infant mortality, combating diseases and restoring health.

A. General framework

401. **Laws and statutory instruments governing the rights to life, health and a healthy environment.** The rights to life, physical integrity, health, social security, balanced nutrition, a name, a nationality, a family, being with one's family, care and affection, education and culture, recreation and freedom of opinion are enshrined in the 1991 Constitution.

402. Government action aimed at guaranteeing human rights, and in particular the rights of the child, is based on a legal framework comprising the following instruments:

- Act No. 100 of 1993, establishing the General Health Insurance Scheme (SGSSS) and stipulating and regulating children's participation in the scheme;
- Act No. 99 of 1993, establishing the Ministry of the Environment, restructuring the public sector responsible for managing and preserving the environment and the renewable natural resources, and setting up the National Environmental System (SINA);
- Act No. 142 of 1994, establishing the system of public home-services;
- Decision No. 244 of 2003 of the National Social Security Health Board (CNSSS), giving priority to the participation of children;
- Resolution No. 412 of 2000, establishing activities, procedures and initiatives to meet induced demand for health care, providing for obligatory compliance and regulating the adoption of technical standards and guidelines for specific protection and timely detection measures against diseases that may affect public health;

- Act No. 715 of 2001, establishing the obligatory provision of public health services to the population as a whole, and to children in particular, based on criteria of equity, efficiency and financial sustainability;
- Decision No. 72 of 1996 of the National Social Security Health Board (CNSSS), providing for the Obligatory Healthcare Plan, which entails compulsory care of children under one for health promotion and illness prevention.

403. Medical attention in Colombia is provided through the General Health Insurance Scheme. Minors are entitled to participate on a priority basis, under Act No. 100/93 and Decision No. 244 of 2003 of the National Social Security Health Board (CNSSS), which provides for immediate care in emergency units and precludes any waiting periods.

404. **National plans and policies aimed at implementing the rights to life, health and a healthy environment.** The sections of the 1998-2001 and 2002-2006 National Development Plans regarding the family and children, entitled respectively “Change for building peace” and “Towards a communal State”, set out the basic government policy, whose main thrusts are as follows:

405. The *National plan to promote, protect and support breastfeeding* (1998) encourages healthy ways of life aimed at providing care during the early years of infancy and strengthening the link between mother and child as a means of protecting health and welfare. The *Policy on sexual and reproductive health* (2003), the *Expanded immunization programme (PAI)* and the *National food and nutrition plan* (1996-2005) are designed to contribute to the improvement of the Colombian population’s situation with respect to education, health, food and nutrition through multisectoral initiatives in the areas of health, nutrition, food, education, agriculture, communications and environmental protection. The *Sewage treatment plan* provides for strategies and instruments for improving inter-agency coordination with a view to upgrading surface water resources in view of sewage generated by the communities. The *Water Culture* programme seeks to recover and store water resources in order to satisfy drinking water demand. Lastly, the *National environmental education policy* aims at raising awareness of the importance of water resources for the quality of life and fostering the sense of responsibility for their preservation, especially among preschool and primary school children.

406. Environmental education, developed jointly by the Ministry of National Education (MEN) and the Ministry of the Environment, Housing and Spatial Development, is linked to an appropriate context-based policy on regional development in that area.

407. The initiatives in question contribute to the health of children and the exercise of their right to life and to a healthy environment but are not undertaken exclusively for their benefit.

408. In that connection, the following objectives are pursued: expanding and improving social protection and social security in order to strengthen and enlarge health service coverage, achieve financial sustainability and organize the cancer treatment system with a view to protecting the family, children and other young people; decentralizing the Colombian Family Welfare Institute (ICBF); increasing food allotments; building the social safety net; supporting

the creation of a unified information system for older persons; placing special emphasis on care in cases of domestic violence (a public health issue); and assisting persons with disabilities by developing a national plan to that effect.

409. **Funding the implementation of national plans and policies.** Health care and social security have been financed with national budget funds transferred to the departments, districts and municipalities in the form of subsidies and through participation in the National Investment Budget (ICN) (until 2001) and through the General revenue sharing system (SGP) (beginning in 2002). According to information provided by the Ministry of Social Protection, investment in the period 1998-2001 was broken down as follows:

Table 22

Investment in health care, 1998-2001

(thousand pesos)

	1998	1999	2000	2001
Infrastructure	124 751 088	187 387 436	169 401 669	132 343 438
Research	6 562 544	6 423 502	6 162 588	10 771 779
Training	10 623 934	6 965 867	8 027 359	7 838 354
Other	23 338 889	82 172 619	15 400 473	29 274 319
Total	165 276 455	282 949 425	198 992 089	180 227 891

410. Under the current National Development Plan: “Towards a communal State”, the budget appropriation for the social sector, which comprises the areas of health, employment, education, culture, housing, basic sanitation and royalties amounted, for the first year (2002), to Col\$ 112 billion.

411. **Jurisdictions.** The following bodies are responsible for ensuring countrywide the basic conditions for an appropriate exercise of the group of rights related to life and survival.

412. *National level:* Ministry of Social Protection, Colombian Family Welfare Institute (ICBF), Social Security Institute (ISS), National Health Superintendency, Ombudsman’s Office and bodies providing health services on a national scale.

413. *Departmental level:* Departmental governorates, health secretariats, regional units of the Colombian Family Welfare Institute (ICBF) and the Social Security Institute (ISS), administrative units of (contributive and subsidized) benefit schemes and (public or private) bodies providing health services.

414. *Municipal level:* Municipal authorities, municipal health secretariats, municipal bodies, the Social Security Institute (ISS), administrative units of (contributive and subsidized) benefit schemes and (public or private) bodies providing health services.

415. The approximately 2,000 paediatric units registered with the Compulsory system of health care quality guarantee of the General Health Insurance Scheme (SGSSS)⁷³ are broken down as follows: 1,113 (55.6 per cent) regular neonatal care units, 521 (26.0 per cent) paediatric

out-patient units, 323 (16.1 per cent) paediatric surgery units and 43 (2.1 per cent) regular paediatric care units. No reliable information is available on health-care facilities specifically for adolescents.

B. Situation of children regarding the rights to life, health and a healthy environment

416. Subject to data availability, the following 1998-2002 rates describe the exercise of the rights to life, health and a healthy environment by the Colombian children.

1. Mortality

417. Infant mortality, closely related to the living conditions of the population, is a measure of a country's state of health and serves as a development indicator. It correlates with life expectancy at birth. In Colombia the infant mortality rate has decreased in recent years. Per 1,000 live births, it dropped from 28.1 in 1998 to 25.6 in 2002; and has averaged 31.1 and 22.5 among males and females, respectively.

418. Nevertheless, infant mortality still soars in some regions, such as the departments of Chocó (98.8 per 1,000 live births), Caquetá (70.9), Cauca (64.1), Arauca (61.2) and Nariño (59.8), where the proportion of indigenous and Afrocolombian population is greater.

419. The infant mortality rate correlates negatively with human development indicators and positively with proximity to the poverty line. A high level of human development and low poverty indicators are characteristic of departments with the highest infant mortality rates, such as Chocó, the former National Territories, Cauca and Nariño. In 2002, the primary causes of mortality among up to 1-year-olds were perinatal period diseases, respiratory system diseases, infectious intestinal diseases, nutritional deficiency, and other forms of illness related to ill-defined indications, symptoms and states.

420. *The rate of mortality among up to 5-year-olds* has increased slightly, from 33 in 1998 to 34 in 2002. Some of its primary causes are respiratory disorders in the perinatal period, congenital malformations, acute respiratory infections, other diseases having originated in the perinatal period and infectious intestinal diseases.

421. The prevalent causes of mortality are directly linked to living conditions. In particular, intestinal and respiratory infections and nutritional deficiency point to serious social problems and inadequate health care.

422. **Mortality related to violence.** The condition of children and adolescents is seriously affected by violence. The Forensic Medicine and Forensic Sciences Institute (IML), responsible for monitoring the situation in question, takes a medical analysis approach based on an epidemiological methodology and operates 123 care centres countrywide.

423. Fatal externally caused injuries are homicides, suicides and deaths caused by road or other accidents, while non-fatal ones are related to domestic violence, sexual offences, interpersonal violence and road accidents.

424. In 2002, of the 4,174 violent deaths of minors on which a medicolegal report was drawn up, 53 per cent were homicides, 18.3 per cent were due to road accidents, 20.5 per cent were caused by other accidents, 6.6 per cent were suicides and 1.7 per cent were due to an unknown cause. Five out of ten violent deaths occur among 15- to 17-year-old boys or girls. In the above period, the homicide rate increased from 10 to 12.⁷⁴

425. Since the above rates display no statistically significant variation among different population groups, the phenomenon can be expected to amplify as the population increases.

426. **Externally caused non-fatal injuries.** Underreporting hinders identification of injuries of this type. Of the 20,284 medicolegal reports drawn up on persons under 18 by the Forensic Medicine and Forensic Sciences Institute (IML) in 2002, 48.5 per cent involved child-battering, 44.8 per cent sexual abuse and 6.5 per cent spousal violence. In the period 1998-2002, the number of medicolegal reports increased by 2.7 per cent, reflecting mainly a rise in the number of cases of sexual abuse and child-battering.

427. In 1999 was launched the *National policy for building peace and family cohabitation* ("Make peace"), aimed at strengthening the individuals, families and communities in a bid to promote coexistence and conflict resolution through peace, in particular by adopting four approaches: prevention, early detection and vigilance, care, and institutional change.

428. **Morbidity.** The illness and death risk factors to which Colombian children are exposed have various causes that are related to social and environmental problems compounded by the quality of public services, the armed conflict, displacement and structural weaknesses linked to exclusion and impoverishment, which restrict access to health services.

429. The current structure of health services has made it difficult to plan and follow up on activities commensurate with the existing risk factors. The social security system has clearly been unable to provide universal health coverage and there is lack of clarity regarding the responsibility and jurisdictions of the various components of the General Health Insurance Scheme (SGSSS) in the area of public health.

430. Despite progress made in the last 10 years, respiratory infections and diarrhoeal diseases afflicting children under five continue to pose a public health problem, as primary causes of morbidity and mortality in that population group, especially in the less developed communities. Although mortality from acute diarrhoeal disease (ADD) has dropped in the above group, the trend of the prevalence of the disease among children has not changed.

431. The diseases in question are persistent and seriously affect children under 5, among whom prevalence rates in 2002 were 14 per cent for ADD and 12.6 per cent for acute respiratory infections - main cause of the need for medical attention among children in that age group.⁷⁵ One of the initiatives undertaken by the Government for purposes of prevention in view of the situation is the strategy of Care in the area of the most frequent diseases affecting children (AIEPI), aimed at providing comprehensive care for children under 5.⁷⁶

432. In addition to AIEPI, public health initiatives designed to reduce the incidence of infectious diseases in the country include the preparation of *Care Handbooks* for an effective standardized treatment of cases of acute respiratory infection and acute diarrhoeal disease; the

promotion of *Institutional units for oral rehydration (UROI)* in health establishments, *Communal units for oral rehydration and health improvement (UROCS)*; and, in the homes, monitoring and evaluation of locally developed methods.

2. Vaccination

433. In 2002 the coverage of vaccination among up to 1-year-olds increased slightly, although in the case of mumps, rubella and measles it attained 93.3 per cent, a rate 18.6 per cent higher than in 2000. San Andrés is the only department with effective coverage rates of almost all vaccines (not BCG). The coverage rate of any vaccine is under 70 per cent in Guainía, Vaupés, Guaviare and Nariño. Coverage of vaccination against *Haemophilus Influenzae* type B is the lowest.

434. The government vaccination programme is among the most comprehensive in America, comprising the following vaccines: BCG (tuberculosis), OPV (poliomyelitis), DPT (diphtheria, pertussis and tetanus), HB (Hepatitis B), Triple viral (mumps, rubella and measles), Hib (meningitis caused by *Haemophilus Influenzae* type B), TD (tetanus and diphtheria) and FA (yellow fever). The programme's target population are boys and girls under 5 and women of childbearing age (10 to 49 years). The pentavalent vaccine (DTPw-HB/Hib) was introduced in 2002.

435. National plans against diseases include *Eradication of measles*, *Certification of eradication of poliomyelitis* and *Elimination of neonatal tetanus*. In the last year, identification efforts were intensified at the communal level through referral, local and national workshops and the mass media campaign *All days are vaccination days*; opening hours were extended; and the availability of vaccines was ensured.

436. Nevertheless, vaccination coverage has decreased and failed to attain effective coverage rates⁷⁷ for any vaccine since 1997. The basic causes are vaccine shortages, a decrease in human resources specialized in identifying minors and women of childbearing age or in pregnancy, the allocation of responsibilities to the public and the private sector, the exacerbation of the armed conflict, the health-care hours and weaknesses in the system of monitoring the public health aspects of vaccine-preventable diseases.

3. Nutrition

437. Food security in Colombia is gravely impaired by the armed conflict, the increase in illegal crops, drug trafficking and the conditions of forced displacement faced by a very large part of the population. These factors are compounded by unemployment and economic recession, whose indicators have soared, especially in the period 1997-1999.

438. In 2000, as a result of exclusion and poverty, 13.5 per cent of children under 5 were affected by chronic malnutrition⁷⁸ or showed stunted growth, including children (2.8 per cent) at risk from severe malnutrition, while prevalence was highest among 12- to 24-month-olds.

439. Among children under 5, 0.8 per cent suffered from acute malnutrition⁷⁹ or emaciation, including severe cases (0.1 per cent). Prevalence was highest again among 12- to 24-month-olds, followed by the 3-year and 6-month-olds.

440. Overall malnutrition⁸⁰ had an incidence of 6.7 per cent and was severe in 0.8 per cent of the cases. Prevalence was highest (10 per cent) among 12- to 24-month-olds. Severe malnutrition affected 2 per cent of 2-year-olds.⁸¹ Compared to the findings of the 1995 *National Demographic and Health Survey*, there has been improvement on all indicators, particularly with regard to chronic malnutrition.

441. Malnutrition indicators attained their highest values in the departments of Cauca and Nariño, followed by Tolima, Huila and Caquetá. In Bolívar, Sucre and Córdoba, chronic malnutrition reached 18 per cent. That region also displays the highest risk from severe chronic malnutrition (5 per cent). In Atlántico, Bolívar, Norte de Santander, Medellín and Valle, the prevalence of stunted growth was below 9 per cent. In the Pacific coast area, malnutrition rates dropped from 16 and 17 per cent for chronic and overall malnutrition, respectively, in 1995, to 10 per cent in 2000.

442. No countrywide data are available on malnutrition among schoolchildren and nutrition-related disorders in the adolescent population but local studies show that these issues may be regarded as public health problems. Moreover, symptoms of anorexia and bulimia are beginning to attain significant proportions.

443. **Food supplementation programmes.** The Colombian Family Welfare Institute (ICBF) conducts a number of activities related to nutritional issues. Its regional units have introduced innovative care methodology enhancing food security and address the needs of the dispersed rural population. Moreover, as part of comprehensive protection activities for boys and girls under 18, the Institute supplies full daily nutrition for minors receiving care. In the last five years the Institute has provided care to an annual average of 5.5 million persons in the poorest and most vulnerable groups, which make up approximately 57.2 per cent of the country's total population. In all such projects, daily rations consist of "Bienestarina" food products. "Bienestarina" food production in 2002 amounted to 28,813 metric tons and necessitated an outlay of Col\$ 62,997 million.

4. Breastfeeding

444. Although the duration of exclusive breastfeeding has increased considerably according to the indicators (from 0.6 months in 1992 to 1.7 months in 2000), the average for exclusive breastfeeding through the age of six months has decreased significantly (from 15 per cent in 1995 to 11 per cent in 2000). This decrease may be due to traditional belief that infants need water in that period, lack of information, inadequate advice by health personnel or commercial advertising for breast milk substitutes.

445. Some of the basic measures that should be taken on a countrywide basis are the following: planning, forming and supporting community-based groups promoting exclusive breastfeeding through the age of six months and breastfeeding with food supplements through the age of two years; using breastfeeding indicators at community level; continuous monitoring of compliance with the International Code of Marketing Breast-milk Substitutes and updating Decree No. 1397/92 that provided for its adoption; and strengthening the role of Woman- and Child-Friendly Institutions (IAMIs).

Table 23**Coverage of ICBF food-supplementation programmes, 2002**

Population group	Module	% of daily calorie requirement	Users attended	Outlay in 2002 (million pesos)
Pregnant and breastfeeding women	FAMI	30	386 446	39 338
	Mother and childcare	8	273 588	10 899
Children under 2	FAMI	50		
	Mother and childcare	20		
Children under 5	Community welfare homes	70	811 637	345 843
	Children's homes	70	126 142	111 048
	Nutritional recovery centres	80	65 745	3 789
	Community nursery	50	3 755	1 104
	Children's breakfast	20	78 652	circa 510
Schoolchildren and adolescents	Lunch	30	524 798	32 870
	Fortified supplementary snack	20	1 350 372	46 150
	Breakfast	20	209 229	8 485
	Breakfast-lunch	39	161 856	20 122

Source: ICBF, National Headquarters, Planning Division.

Table 24**Breastfeeding rates**

Indicator	1995	2000
	(per cent)	
Exclusive breastfeeding through the age of 6 months	15.80	11.60
Breastfeeding through the age of 12 months	42.00	49.00
Breastfeeding through the age of 24 months	16.50	27.60

Source: PROFAMILIA, *National Demographic and Health Survey (ENDS)*, 1995 and 2000.

5. Sexual and reproductive health

446. In recent years, the situation of adolescent boys and girls with regard to reproductive health has constantly been a matter of concern. A significant rise in teenage fertility and early maternity and paternity, coupled with undesired pregnancies and abortion, have become a serious public health issue, aggravating the social, economic and health conditions faced by the population group in question. According to the *National Demographic and Health Survey (ENDS)*, pregnancies at an early age are part of cultural standards in some regions and ethnic groups, in particular the indigenous and Afrocolombian population. In fact, 19 per cent of pregnant women are adolescent.

447. In 2000, 15 per cent of teenage girls were mothers and 4 per cent were pregnant for the first time - a total of 19 per cent to be compared with 17 per cent in the 1995 *Survey*. One out of five 17-year and one out of three 19-year-old girls has been pregnant at least once. Moreover, adolescents have limited access to sexual and reproductive health services meeting their particular needs, make little use of contraceptives or apply rather ineffective contraceptive methods.

448. *Use of contraceptives:* Colombia has made outstanding progress with regard to family-planning programmes, ranking - with Brazil - first among Latin American countries in that area. According to the *National Demographic and Health Survey (ENDS)*, coverage of contraceptives in 2000 was 77 per cent among married or cohabiting women,⁸² 84 among other sexually active women and 53 per cent among all women of childbearing age.

449. *Prenatal care:* The coverage and quality of prenatal care and delivery services are crucial to the perinatal health of women, child health and the level of health in the country as a whole. In 2000, institutional care of pregnant women increased from 82 per cent in 1995 to 91 per cent,⁸³ consisting of medical care (87 per cent) and infirmary care (4 per cent). No care is provided in the remaining 9 per cent of the cases. Care by midwives is minimal and statistically insignificant. Prenatal care is more frequent for first-borns and diminishes with the number of children.

450. The first three months of pregnancy absorb 50 per cent of total prenatal care. The average number of prenatal visits is six, unchanged since the 1995 *Survey*. There is blatant inequality with regard to access to prenatal services, which is more difficult for women in rural areas or with a low level of education: pregnant women receiving prenatal care were 94 per cent in urban but 84 per cent in rural areas, while the percentage of pregnant women receiving medical care was 99.1 per cent for women with higher education but 59.4 per cent for women with intermediate education.⁸⁴

451. *Maternal mortality:* Maternal mortality in Colombia decreased from 71 per 100,000 live births in 1998 to 67.7 in 1999⁸⁵ (34 per cent reduction). Despite this positive change, maternal mortality has not decreased as expected, its current level is not warranted by the country's degree of development and it displays significant regional disparities. At the national level, its main causes are toxemia (38 per cent), followed by complications of childbirth (18 per cent), abortion (17 per cent), haemorrhage (17 per cent), puerperal complications (6 per cent) and other pregnancy-related complications (4 per cent).

6. HIV/AIDS

452. Of the 38,879 cases of HIV/AIDS infection reported in Colombia since 1983, 3.2 per cent have been boys and girls under 15, infected through vertical transmission from the mother. In fact, 78.3 per cent of those children were under 5.

453. The notification rate increased from 7.4 per 100,000 inhabitants in 1998 to 9.85 per 100,000 inhabitants in 2002. In the same period, the number of cases increased from 3,050 to 4,313, the male/female ratio decreased from 3.9 to 2.8 and the majority of cases occurred in the departments of Valle, Antioquia and Bogotá.

454. The following table shows the change in the number of cases in the period 1998-2002. Attention is drawn to the figures regarding children under 5.

Table 25

Number of reported HIV/AIDS cases by age group, 1998 and 2002

Year \ Age group	0-4	5-14	15-24	Total
	(per cent)			
1998	10.17	3.85	85.90	649
2002	15.57	4.57	79.86	700

455. The situation presented is increasingly complex. Stemming the epidemic among women of childbearing age and children requires adequate preventive measures and prenatal control. Prenatal control in Colombia gives pregnant women access to a consulting process to determine whether diagnostic tests for HIV are necessary. If the mother is infected, available comprehensive care measures, drugs and advice on breast milk substitutes reduce the probability of infection of the child from 30 to 2 per cent.

456. Since 1992, the Ministry of Health has launched information campaigns for AIDS prevention, using the media to broadcast advertising slogans such as “Without a condom, forget it” or “If you take to protection, AIDS has no chance”. Those campaigns have emphasized affection and responsibility in sexual relations and have significantly raised public awareness and increased the demand for advice.

457. Pursuing similar objectives, the Ministry of National Education (MEN) has produced teaching material inviting reflection on the various major issues contained in the sexual education curriculum. A series of documents have been made available for use in teachers’ training activities and by the educational institutions.

7. Assistance for persons with special limitations or abilities

458. In 1997, Act No. 361, aimed at protecting and assisting persons with disabilities, was approved and the National Advisory Committee for Persons with Disabilities was established. The *National Plan of Assistance for Persons with Disabilities*, drawn up in 1999, comprises five areas of action: prevention, social and family rehabilitation and integration, employment integration, educational integration and provision of access to information and to public facilities.

459. The above plan, developed under the leadership of the Office of the Presidential Adviser for Social Policy, entailed the political commitment and active participation of all public bodies and the formulation of a government policy for assisting persons with disabilities. Moreover, substantial progress has been made with regard to policy development in some of the country’s regions, confirming the commitment to strengthen regional implementation.

460. Using education to support the comprehensive care process, a programme designed to open up educational opportunities for children with disabilities has been implemented. It includes teaching material and guidelines for early disability detection and recourse to specialized services.

461. No official data is collected with regard to the breakdown of educational institutions in terms of the type of services - "special" or not - that are supplied. However, a survey into the operation of 240 inclusive educational institutions participating in a competition in 2001 found that about 51 per cent accepted children with various limitations while 49 per cent accepted children with one type of limitation only.

462. The following educational assistance figures show the development of educational integration: 14,536 in 1997, 15,121 in 1998, 19,322 in 1999, 20,382 in 2000 and 30,236 in 2001.

463. In 1999, the Colombian Family Welfare Institute (ICBF) assisted, in protection agencies, 4,555 boys and girls with disabilities and a high degree of vulnerability and, in special foster homes, 2,296 boys and girls with disabilities. Six pamphlets on comprehensive care for boys and girls with specific limitations (visual or auditory impairment, mental retardation, autism, profound deafness and Down syndrome) were drawn up, published and distributed.⁸⁶ In 2002, 4,418 boys and girls who had been abandoned and/or were at risk were assisted in the various services.

C. Health care

464. Access to health services in Colombia is possible through participation in one of two schemes: the contributive system, for those who can afford to pay, and the subsidized system. Boys and girls accede to health services through the participation of their families in one of these schemes.

Table 26

Membership of the subsidized system

Year	Total population	Population with UBN	Participants	Coverage %
1998	40 772 994	15 361 454	8 527 061	55.51
2002	43 775 839	16 424 878	11 444 003	69.67

Source: Ministry of Social Protection, General Directorate of Economic Security.

465. Access to health services and participation in a social security scheme were significantly affected by the economic crisis of 1999 and coverage failed to increase in that year.

Table 27**Children covered by the contributive system**

Years of age	1998	1999	2000	2001	2002
Under 1	126 081	117 240	136 616	171 710	179 135
1 to 4	693 750	638 432	782 225	895 793	944 702
5 to 14	1 788 627	1 619 627	2 070 542	2 400 438	2 380 681
Total	9 963 342	9 202 886	11 444 878	12 768 538	13 057 976

Source: Ministry of Social Protection, Solidarity and Guarantee Fund (FOSYGA), Settlement procedures. Calculated data.

466. One of the achievements of the General Health Insurance Scheme (SGSSS) is the financing of the participation of more than 11 million poor (8,483,138 entitled beneficiaries), which has meant the absorption of a relatively greater expenditure for health by 69 per cent - the worst off - of the population. Under the Constitution, priority within that group is given to pregnant women and infants under 1. Another positive feature of the scheme is that both the contributive system and the subsidized system cover not only the participants but also the members of their families.

D. Healthy environment

467. Environmental protection translates into ecological order, namely, inter alia, uncontaminated water, air and soil, safe foodstuffs, decent workplaces and healthy living. While environmental protection is conducive to the preservation and improvement of the health of human beings, environmental degradation impairs their health both directly and indirectly and compromises sustainable development. The quality of the environment is therefore crucial to the health of children and adolescents, the most vulnerable population group.

468. The relation between the population and the environment is unfavourably affected by some social and cultural factors, and by facets of industrial and non-industrial production, such as:

- Poverty and an unfair income distribution: they contribute to environmental degradation, leading to unhealthy housing conditions, partial or total unavailability of drinking water and lack of adequate wastewater and sewage disposal;
- Irrational consumption and exploitation of natural resources: it downgrades the habitat through contamination, dangerous residual waste, depletion of the ozone layer and loss of diversity, as a result of inappropriate standards of production and consumption and patterns of behaviour.

469. The health of Colombian children will be better protected if the quality of drinking water and other environmental resources is monitored effectively.

470. Clearly, the sanitary quality of Colombia's physical environment is still unsatisfactory. The inadequacy of basic sanitation is pathogenic. In 1993, the World Health Organization (WHO) indicated that 44 per cent of the diseases that most frequently affect public health are related to sanitation, causing outbreaks of acute diarrhoeal disease, vector-borne diseases and other ailments. In fact, 870 Colombian municipalities with fewer than 1,250 inhabitants are beset by serious problems related to the water supply.

Table 28

Access to domiciliary public services in 2000

(per cent)

Population served by an aqueduct	94.80
Urban population connected to an aqueduct	96.50
Rural population connected to an aqueduct	27.30
Population with access to water of good quality	70.00
Population with access to sewage disposal services	87.30
Sewer system coverage in cities	89.80
Urban population with access to a garbage collection service	84.20

471. In view of the lack of data regarding children and adolescents living in poor housing or in conditions posing a risk to their health and development, the housing shortage - 2 million households - and aqueduct and sewer rates of coverage are used as reference figures. In the period 1993-2001, aqueduct coverage⁸⁷ in the urban areas increased, from 76 per cent at the start of the period to 95 per cent in the major cities and the metropolitan areas (Bogotá, Cali, Medellín, Barranquilla), 88 per cent in department capitals and in cities with more than 100,000 inhabitants and 86 per cent in other urban areas. Despite this progress, 2.7 million people lack access to aqueduct service and 44 per cent of all municipalities lag behind the national average (91 per cent aqueduct coverage).⁸⁸

472. Although the sewer system coverage in urban areas increased from 64 per cent in 1993 to 80 per cent in 2001, 6.3 million people still lack access to that service. The situation is critical in department capitals with fewer than 100,000 inhabitants, where more than 54 per cent of the population is deprived of adequate waste-water management.⁸⁹ Sewer system coverage is under 60 per cent in 30 per cent of the municipalities (more than 300), and no more than 50 per cent in some cities, such as Florencia, Montería, Buenaventura and Maicao.

473. There are no figures regarding children and adolescents affected by disease as a result of environmental contamination. The number of families affected has changed as follows: 51,938 families in 1998, 242,500 in 1999, 94,453 in 2000, 39,811 in 2001 and 67,261 in 2002.

E. Concluding remarks

474. The regulatory framework ensuring the exercise of the children's right to health has not developed appreciably. Moreover, implementation of the standards is limited by scarce resources, operational difficulties and the management of administrative agencies and service providers.

475. Children accede to health services through participation of their families in one of the existing health insurance schemes. There are - sometimes substantial - differences between the contributive system and the subsidized system with regard to benefits.

476. Morbidity and mortality depend on factors directly linked to living conditions. In particular, intestinal and respiratory infections and nutritional deficiency point to serious social problems and inadequate health care.

477. The economic crisis and rising poverty are increasingly restricting the families' access to basic foodstuffs, posing risks to the nutrition of children and thereby affecting their development. The situation created by violence in all its forms and the impact of that situation on children give serious cause for concern. The various activities that address that problem should be strengthened.

478. Various policies and programmes have reduced the rates of infant mortality and raised some indicators related to children's development. Their implementation, however, is hindered, mainly by the conflict situation, the serious economic and social crisis throughout the country and natural disasters, which make the population's access to goods and services increasingly difficult. The contribution of NGOs and international cooperation agencies to the improvement of some indicators analysed in this report should be acknowledged.

479. The implementation of Act No. 100/93 has allowed Colombia to improve the financing of the health system (on the basis of social solidarity, since those able to pay contribute to subsidies in favour of the others), but much remains to be done in connection with public health issues, for instance, ensuring that subsidies are systematically better targeted and developing the supply of health services. The existing system is decentralized and aims at equity, but also poses difficult challenges that the Government and society must meet in order to eliminate the inequalities still affecting much of the Colombian population.

480. The preparation of statutory instruments and guides for assistance pursuant to Resolution No. 412 of 2000 is one example of progress achieved under the Obligatory Healthcare Plan of the General Health Insurance Scheme (SGSSS). The statutory provisions linked to the improvement and maintenance of children's health govern in particular the early detection of growth and development disorders among children under 10 and young persons (up to 29 years of age), assistance in case of pregnancy-related disorders, childbirth care, postnatal infant care, vaccination under the *Expanded immunization programme (PAI)*, preventive care in view of oral health and early detection of vision disorders. The guides address problems related to underweight at birth, disorders related to insufficient protein or calorie intake or to obesity, acute respiratory infections (ARI) among children under 5, acute diarrhoeal disease (ADD) and assistance for abused women and minors.

481. Political, administrative and financial decentralization has placed new responsibilities on the municipalities, which have a duty to address the social needs of their citizens. The inability of most of the municipalities to bear these responsibilities and of the departmental and central authorities to provide the necessary technical assistance hamper the adequate supply of the services in question.

482. Further efforts are needed to reduce infant mortality throughout the country and bridge the significant regional differences. All data broken down by department that are available display considerable disparities - in rates of coverage, other rates and the applicable number of doses - to the disadvantage of the relatively remote departments, characterized by higher population dispersion and problems related to illegal crops and armed conflict. In view of this situation, more intensive and effective work is required in order to bring about change and raise the country's human development index.

483. In line with the priorities set in the National Development Plan for 2002-2006, the current Government considers the *Expanded immunization programme (PAI)* as the main initiative undertaken in favour of the health of children; and there are plans to solve the problems related to low vaccination coverage, which in recent years has exposed the country to maximum levels of risk from vaccine-preventable diseases. It is expected that in 2006 all children under 5 will be covered under the General Health Insurance Scheme (SGSSS). Clearly, the approach required in order to bridge the gap between the centre and the regions is to provide targeted assistance to vulnerable groups, such as the indigenous and Afrocolombian communities and the population dispersed in areas difficult to reach or living in conditions of forced displacement.

VIII. EDUCATION, RECREATION AND ACTIVITIES **(arts. 28, 29 and 31)**

484. In view of the rights of the child, the relevant area of action includes all endeavours necessary for persons under 18 to live up to their potential and attain the goals vital to them, integrally and comprehensively; and involves the rights to education, culture, play and recreation.

485. The importance of education for children makes it a crucial component of governmental action for the development of their abilities. This applies not only to formal education, but also to the strategies and plans aimed at ensuring the full development of all Colombian children.

486. From the viewpoint of comprehensive protection, the concept of *development* implies adequate assistance and care for children from birth up to adulthood, and unfailing support throughout infancy, childhood and early and late adolescence. The country and in particular its public institutions are aware of the importance of children's development and attention is paid to its various stages.

A. General framework⁹⁰

487. **Laws, statutory instruments and regulations.** The General Education Act (Act No. 115 of 1994) contains basic provisions on education as a public service fulfilling a social role in view of personal, family and social needs. The law is based on the principles - enshrined in the Constitution - of every person's right to education and of the freedom to teach, learn, carry out research and lecture, and on the public-service character of education. Article 67 of the Constitution forms the basis for the organization and supply of formal, non-formal and informal education to school-age children and adolescents, adults, peasants, members of ethnic groups, persons with physical, sensory and mental limitations or exceptional abilities and persons in need of social rehabilitation. Formal education comprises the preschool, basic (primary and secondary) and intermediate levels.

488. In the period 2000-2002, legal provisions - such as the reform of the regional participation system - were adopted in connection with preschool, basic and intermediate education. Pursuant to Legislative Act No. 01 of 2001, Act No. 715 of 2001 contains statutory provisions on resources and jurisdictions. Regulatory instruments issued under that act include the following: Executive order No. 1278 of 2002, establishing the rules and regulations governing the profession of teachers; Executive order No. 1283 of 2002, organizing the system of education inspection and supervision; Decree No. 230 of 2002, regulating a new system for student evaluation and promotion; Resolution No. 144 of 2001, providing for a 40-week school period; Decree No. 3020, stipulating organization criteria and procedures for the public education teaching and administrative staff supplied by regional authorities; Decree No. 1850 of 2002, governing the organization of school days and working days for teachers and administrators in public formal-education institutions managed by the departments, districts and certified municipalities; and Decree No. 1528 of July 2002, governing contracts for the provision of public education services.

489. The following legislation was adopted in earlier legislative periods: Act No. 181 of 1995, containing provisions on the right to practice physical education and on sport, recreation and use of free time; Act No. 397 of 1997, establishing the *National Plan for Culture*, also known as “National system for artistic and cultural education”;⁹¹ Act No. 387 of 1997 and Regulatory Decree No. 2562 of November 2001 (implementing that act), specifying education sector jurisdictions with regard to the adoption of special programmes in basic and intermediate education for displaced people; Resolution No. 569 of 4 April 2000, establishing the design and structure of the “Future Colombia” programme; and Decree No. 955 of 1999, implementing the *Public Investment Plan* for the period 1998-2002.

B. National plans and policies in the area of education

490. **Ten-Year Education Plan.** It provided a framework for countrywide action during the period 1996-2005. Further plans are formulated on that basis with a view to fulfilling the aspirations of families, communities, students, teachers, municipalities and institutions at all levels. This document was prepared as a follow-up to a commitment - contained in article 72 of the General Education Act (1994) - to make the Ministry of National Education (MEN) responsible for drawing up, in coordination with regional authorities, every 10 years at the least, a *Ten-Year Educational Development Plan* as a basis for meeting constitutional and legal obligations related to the provision of educational services.

491. **Education policy under the National Development Plan.** Referred to as “Change for building peace, 1998-2002”, this policy aimed at the following objectives: mobilizing society as a whole in a bid to eliminate within four years dropping out of school before the ninth grade; providing incentives to improve the social and economic conditions of the population on an equitable basis and broaden the range of social opportunities, particularly for population groups made vulnerable in view of their social, economic, cultural, ethnic, regional, religious or gender characteristics; contributing to the development of a culture of peace and to coexistence in daily life through solidarity, tolerance and respect for human rights; and enhancing efficiency and equity with regard to the allocation of public resources, based on criteria of income, regional redistribution and gender.

492. **Strategic Education Plan:** The *Strategic Education Plan, 2000-2002* of the Ministry of National Education (MEN) focused on resolving structural problems and enhancing coverage, quality and equity. It comprised the following main thrusts: increasing coverage on an equitable basis, improving the quality of education, modernizing the school environment, reorganizing sector institutions and implementing civic mobilization and information plans and programmes.

493. Steps were taken to launch alternative programmes designed to increase coverage. Such initiatives as the *Rural Education Programme (PER)* assist the displaced population and enhance the coverage and quality of education in rural areas in the regions of the Colombian Massif, Suroriente and Putumayo.

494. Other programmes have been aimed at curriculum improvement, educational achievement assessment, comprehensive teacher's training and the complementary school day. The *Strategic Education Plan* refers to further areas of action and initiatives, such as the *New Technologies Programme, Infrastructure improvement, School libraries, Employment in action, Basic and intermediate education viability, Subsector information system, Educational management reform* and *International cooperation*.

C. Prospects: an educational revolution

495. The Government plans to reform the education system within the framework of the 2002-2006 National Development Plan with a view to broadening and improving the education offered to all children in the country. To that end, efforts are made to increase opportunities for access to the primary and secondary schools; promote conditions favourable to staying in the school system at all grades; and enable every child to develop the skills necessary for creative participation in building a more equitable, caring and productive country.

496. The aim of educational reform is to respond to the education coverage and quality requirements of social and economic development and improve the quality of life of the population. Three key policy targets have been set with regard to education: enhancing its coverage, improving its quality and raising the efficiency of the education sector.

497. **Other national plans and policies related to education.** The following national initiatives, planned by various public bodies in their respective areas of responsibility, are expected to contribute to strengthening the education sector:⁹²

- *ONDAS* is the basic COLCIENCIAS strategy for educating and training staff to promote science and technology among children and adolescents. Launched in 2001, it is currently implemented in 16 departments;
- The *National Physical Education Plan* is based on a social, inter-institutional and interdisciplinary pact aimed at meeting social needs and expectations related to physical education;
- “*Future Colombia*” Programme: This initiative has been designed and implemented by the Office of the Attorney-General as a service to the community with a view to preventing juvenile delinquency and criminality, reducing the relevant indicators, ensuring respect for the law and enhancing informal social control.

Launched in 1993, it invites young people to joint action inspired by a culture based on principles and beliefs conducive to the voluntary acceptance of authority and the rule of law. By promoting among the adolescent population values conducive to national peace, the programme is also expected to prepare individuals to play a leading role in establishing conditions of peaceful coexistence;

- *National Plan for Culture: Towards a democratic and culture-based civic-mindedness.* This initiative, a basis for concerted action, has enabled 23,000 Colombians participating in discussions at the regional and local level to propose cultural activities aimed at building civic-mindedness based on culture. Drawn up for the period 2001-2010, it comprises, in addition to activities necessary for its implementation, the following three areas of political action: participation; creation and memory; and cultural dialogue.

498. **Children's rights in educational programmes and in the law.** Training in human rights and participation has been developed through educational programmes on social-science subjects, the Constitution and democracy, ethical issues and human values.

499. The General Education Act provides for the establishment "in every public education facility, of a School Government comprising the rector, the Management Board and the Academic Board". School governments conduct activities that encourage democratic participation in school life. Furthermore, with a view to human rights mainstreaming, mechanisms are promoted in all educational establishments to ensure the representation of students by a member of the terminal class, elected as a spokesperson for the students and an advocate for their rights and obligations.

500. The *Institutional Education Project (PEI)* and the *Coexistence Handbook* allow parents, teachers and students to develop collectively guidelines and standards for self-control and discipline.

501. Article 42 of Decree No. 1860 (3 August 1994) stipulates that "in implementing the provisions of articles 138 and 141 of Act No. 115 (1994), school texts must be selected and acquired by the educational establishment in accordance with the institutional educational approach with a view to offering students teaching material and pertinent information on any subject or education project".

502. At the higher education level, there are in the country 13 formal education programmes⁹³ on comprehensive care for children and 346 related faculties distributed as follows: 81 (23.4 per cent) in law, 63 (18.2 per cent) in psychology, 40 (11.7 per cent) in medicine, 35 (10.1 per cent) in nursing and 27 (7.8 per cent) in dentistry, plus others in social work, physiotherapy, occupational therapy, sociology, nutrition and dietetics, respiratory therapy, anthropology and physical therapy.

503. Of the 34,098 professionally trained students who graduated in 2000, 29.4 per cent had specialized in health sciences, 30.8 per cent in education and 39.7 per cent in social science, law and political science. In the same year, of the 11,566 professionals who received postgraduate degrees, 48 per cent had specialized in various areas of education, 33.9 per cent in social science, law and political science and 18 per cent in various areas of health.

D. Affirmative policies for improving education for vulnerable groups

504. Section III of the General Education Act, entitled “Modalities of educational assistance for population groups”, provides for the education of persons with exceptional limitations or abilities, of the peasant and rural population and of ethnic groups; and for *social rehabilitation* education. Initiatives in these areas, including activities and plans of other public entities, such as the Colombian Family Welfare Institute (ICBF), are described below.

505. **Education for the rural population.** Educational decentralization has enhanced the availability, coverage and quality of education for the rural population. In the period considered, policy focused on making educational processes better and accessible to more boys and girls living in the countryside. Although in recent years the rural population has been decreasing as a result of migration and forced displacement towards urban areas, estimates in the *National Demographic and Health Survey (ENDS)* of 2000 indicate that at least 12 million people, including 5,702,754 children, live in dispersed rural areas and small communities.⁹⁴

506. According to the 1993 census, 9,600,000 Colombians (29 per cent of the total population) constitute “dispersed rural population” or inhabit communities with fewer than 5,000 people. Moreover, according to the same census and the 1995 survey conducted by the National Administrative Department of Statistics and the Ministry of National Education (DANE-MEN), of the total number of rural school-age children (3- to 19-year-olds), 2,098,753 - only 45 per cent - were actually attending school.

507. Of the 37,396 schools on record, 98 per cent are public. Overall enrolment in preschool education amounted to slightly less than 8 per cent of 3- to 5-year-olds (according to the same 1995 survey), indicating that efforts in the area of initial education are still incipient. The coverage of primary education is 86 per cent. Among adolescents aged 14 to 19, four out of five are out of school because of employment, migration to cities or illegal activities.

508. Accordingly, it is crucial to continue to develop activities under the *Rural Education Project (PER)* and alternative initiatives designed and developed on the basis of pedagogical approaches geared to the needs of the population. NGOs and family allowance funds, for instance CAFAM, have made key contributions to that effort with initiatives such as New School, accelerated learning, Telesecundaria, System for Tutorial Learning (SAT), Rural Education Service (SER) and the programme of continuing education for adult learners.⁹⁵

509. *Education for the indigenous and Afrocolombian population.* Education policy implemented in the area of ethno-education and Afrocolombian education aims at raising the educational level of these communities through the design and implementation of appropriate educational and pedagogical approaches, strategies and initiatives.

510. Accordingly, the *Indigenous Ethno-education Project*, implemented since 1996, aims to improve the quality of life of indigenous communities by providing education services that match their practices, customs and languages. School attendance rates among 5- to 11- and 12- to 18-year-olds in indigenous communities are approximately half the rates in the rural population. Significant progress, however, is reported in connection with initiatives such as the *Local Development Programme*, supported by UNICEF, under which more than 3,000 indigenous boys and girls were taught in 2001 using curricula adapted to the social and

cultural requirements of the ethnic groups concerned, while an even greater number will address rights-related issues in the framework of their cultures. Clearly, however, much remains to be done.⁹⁶

511. The Colombian Family Welfare Institute (ICBF) supports activities contributing to the development of families in the indigenous, black and “*raizal*” communities in order to build a culture conducive to the exercise of human rights, coexistence and the families’ balanced progress within their social and cultural environment. The Institute also supports activities assisting such families comprising currently or recently pregnant women, breastfeeding mothers or children under 2. Other activities supported by the Institute aim at the development of 2- to 7-year-olds and are carried out with specific groups in accordance with local cultural patterns.

512. *Assistance for persons with special limitations and abilities.* Efforts are under way to ensure the education of persons with exceptional limitations or abilities in line with the *National Plan of Assistance for Persons with Disabilities* and the aims of the *Strategic Education Plan*.⁹⁷ Development of such activities is deliberately slow-paced, using teaching techniques and learning paces adapted to the beneficiaries (children, adolescents and adults) in an effort to create conditions conducive to free development and peaceful coexistence. Under programmes designed for the visually impaired, the National Institute for the Blind (INCI) ensures the availability and maintenance of specialized equipment and materials; procedures are in place to provide assistance for persons with vision limitations; and blindness prevention strategies are implemented. Furthermore, work has been done to enhance educational assistance for the deaf: inter alia, in order to help deaf children under 5 to communicate, a bilingual model has been adopted and communication services accessible to them have been designed; and a non-formal education project for hearing impaired persons has been launched. All such initiatives are developed jointly with the National Institute for the Deaf (INSOR).

513. In the same area and as part of an assistance module of the Colombian Family Welfare Institute (ICBF) entitled *Support for the Attention of Deaf Children*, activities are conducted, providing training for parents and attention for children under 5 who were born deaf or acquired deafness in their first two years in order to facilitate socialization through the acquisition and practice of sign language. This effort follows the recommendations of the National Family Welfare System (SNBF).

514. *Educational assistance for displaced people.* The Ministry of National Education (MEN) promotes assistance for displaced school-age children through special basic- and intermediate-education programmes, ensuring that educational services - in a grade corresponding to the children’s age and academic level - are available throughout the year. To that end, educational institutions are obligated to accept children in that category on a priority basis, without document requirements, providing the requisite certificates and waiving payment of education fees. These measures are implemented as part of the comprehensive protection and training policy of the Colombian Family Welfare Institute (ICBF).

515. *Educational assistance for the population living in border areas.* Policy is based on principles of border area integration and development established under the Constitution. The conclusion of direct agreements between the Colombian border departments and their adjoining counterparts in the neighbouring country is viewed as a key to community development, better

public services and environment protection. This policy is underpinned by the Borders Act (Act No. 191 of 1995). Border area educational strategy objectives are to eradicate illiteracy, facilitate mobility, enhance the coverage and quality of education and supply pertinent formal and non-formal education.

516. Some of the activities developed under agreements such as mentioned above provide for bilingual intercultural education for indigenous peoples living both in Colombia and in a neighbouring country, including alphabet standardization and bilingual or multilingual teaching (through, inter alia, curriculum consolidation, teacher training or production of teaching material). These activities are implemented through such projects as *Schools without Borders*, *Citizens without Borders*, bilingual education projects and programmes for training in English and environment education under the Amazon Cooperation Treaty, *Border network of general-public libraries* (under a 1991 agreement with Ecuador) and through an exchange of University of the West Indies (UWI) lecturers between Jamaica and Colombia, in agreement with the Comisión de Vecindad set up in May 2001.

E. Public education policy funding

517. The education sector has been financed with national budget funds transferred to the departments, districts and municipalities in the form of subsidies and participation in the National Investment Budget (ICN) (until 2001) and (as of 2002) through the General revenue sharing system (SGP); funds provided under Act No. 21 of 1982 for infrastructure and staff of the official intermediate education establishments; with external credit contributions (Rural Education Programme) and financial resources from the National Royalties Fund; funds of the regional authorities. Financing is also provided by the private sector, government bodies, NGOs and international cooperation agencies.

518. Budget allocations in the period considered were subject to significant variations caused by such events as the Social Investment Fund (FIS) liquidation process; the termination of the Educational Compensation Fund; the consolidation, merging or transformation of some public bodies; the credit squeeze; and the introduction of the programmes of the current Government. Education sector programme execution in 1998 amounted to Col\$ 5,748,180 million.

519. Education sector appropriations for 2000 amounted to Col\$ 6,793,157 million, broken down into Col\$ 5,476,666 million for operation and Col\$ 1,316,491 million for investment.⁹⁸

520. Legislative Act No. 01 of 2001 provided for steadily increasing regional funding over seven years. Thereafter the volume of transfers will again depend on the level of National Investment Budget (ICN). The Government hopes to realize a fiscal saving level to the extent that funds are allocated on the basis of current and expected beneficiaries of services provided (in other words, regional authorities are funded as a function not of their payroll but of the current and expected number of children enrolled under conditions of efficiency).

521. Until 2001, the Constitution permitted a two-tier funding system, combining subsidization and participation in the National Investment Budget (ICN). Subsidies were used by the departments and districts to finance public education and health services. Participation funds were used for investment in various social sectors, including education and health, at the

municipal level. This dual system sparked off crises caused by overspending on education and health at the regional level. Legislative Act No. 1 established the current system, providing for national income sharing with the regional authorities, and thereby establishing a constitutional basis for education reform through Act No. 715 of 2001.

522. In addition to education sector resources, funds for child and adolescent education are contributed by various bodies and commercial or industrial enterprises of the State, such as Ecopetrol, Telecom, Office of the Controller-General of the Republic and the Ministry of Defence, although no data are available on these contributions. The Colombian Family Welfare Institute (ICBF) funds the care of preschool children from the 3 per cent payroll contribution made by all public and private employers.

523. In the period 1999-2002, *secondary and basic education subsidies* enabled 258,097 first-, second- and third-level students to gain access to private schools. Moreover, funds were earmarked for providing educational assistance to persons with exceptional limitations or abilities; and support was provided to low-income families through the specialized education subsidy fund of MEN-ICETEX (Colombian Institute of Educational Loans and Technical Studies Abroad).

524. As stated in chapter VI, school subsidies were extended to children aged 7 to 10 at level 1 of the System for the Selection of Beneficiaries of Social Investment Projects (SISBEN) under educational subsidy provisions and as part of the *Families in Action* programme. This activity lasted 10 months in 2001. The amount per pupil was Col\$ 12,000 in grades 2-5 and Col\$ 24,000 in grades 6-11. In 2002 the monthly cost per enrolled child was Col\$ 14,000 for grades 2-5 and Col\$ 28,000 for grades 6-11. Subsidies require mothers to guarantee school attendance, evidenced by no more than eight - not validly justified - absences during the school year.

525. *Jurisdiction with regard to the guaranteed exercise of the right to education.* The Ministry of National Education (MEN) is responsible for monitoring the exercise of all Colombian children's right to education. The jurisdiction of national authorities, districts, certified municipalities and non-certified departments, districts and municipalities is established as part of the education reform pursuant to Act No. 715 of 2001.

526. Under Act No. 715, national-level responsibilities are as follows: formulation of sector development policies and objectives; regulation of public and private education services; design and maintenance of an information system for the education sector; design and establishment of instruments and mechanisms ensuring education quality; development of general rules and mechanisms for teaching-staff evaluation; provision of technical and administrative assistance to regional bodies; creation of incentives for the various municipalities and educational institutions to attain targets with regard to coverage, quality and efficient use of administrative resources; and regulation of education-related matters under the General revenue sharing system (SGP).

527. Act No. 715 also defines the responsibilities of the departments, districts and municipalities, particularly with regard to the administration, management, planning and provision of educational services in their respective areas. Educational institutions are in charge of the preparation of the *Institutional Education Project (PEI)* and expected to comply with the pedagogical and educational processes and procedures of formal education.

528. In that context, the Colombian Family Welfare Institute (ICBF) provides decentralized services in all municipalities of the country through 203 municipal centres and care service units, supporting, through its prevention initiatives, preschool education and promoting comprehensive care for the most vulnerable children.

529. In view of their mission, the Ministry of Culture and the Colombian Athletic Institute (Coldeportes) encourage the organization of cultural, artistic and sport facilities for the population as a whole and, in particular, for children and adolescents, thereby promoting healthy recreation and contributing to their development and to the improvement of their living conditions and way of life.

530. According to articles 112, 113 and 114 of the General Education Act (Act No. 115), “universities and other higher education institutions shall have an education department or another academic unit dedicated to education, professional training, postgraduate studies and refresher training for educators. Teacher training colleges, appropriately reorganized and approved, shall be authorized to train educators for preschool and basic primary education. No data are available regarding the number of educators trained in that area but it is presumed that most have participated in workshops on the relevant rights and their exercise”.

531. *Data collection regarding children and adolescents attending education centres.* In coordination with the National Department of Statistics (DANE), every educational institution submits, on an annual basis, form C-600, designed for the collection of information on coverage by sector, gender and age group.

532. *Cooperation agreements.* The Ministry of National Education (MEN) comprises an international cooperation unit which cooperates closely with the Ministry of Foreign Relations and the Colombian Agency for International Cooperation (ACCI) and is responsible for concluding agreements and approving activities for bilateral or multilateral cooperation with organizations such as the Organization of American States (OAS), the Organization of Ibero-American States for Education, Science and Culture (OEI), the Convenio Andres Bello (CAB), UNESCO and other organizations of the United Nations system. International cooperation contributions are grants but cooperation among Latin American and Caribbean countries is horizontal and based on cost-sharing.

533. *Regulations regarding public vocational orientation services.* Under article 13 (f) of the General Education Act, the comprehensive development of the students through organized initiatives aimed at “developing educational, professional and occupational orientation activities” is a primary objective at every educational level. Educational establishments are therefore expected to develop vocational orientation programmes for their students. Under article 40 of Decree No. 1680 (3 August 1994), “every educational establishment shall provide a student orientation service, generally aimed at contributing to the full development of the students’ personality”.

F. The situation of children with regard to education

534. Basic education indicators show that illiteracy in Colombia has steadily declined from 10.8 per cent in 1992 to 7.5 per cent in 2001.⁹⁹

1. Coverage

535. Basic and intermediate education gross coverage¹⁰⁰ in 2002 was 82 per cent and net coverage¹⁰¹ 78 per cent. Without underestimating the importance of primary basic education, special attention should be paid to the levels of preschool, secondary and intermediate education, especially in rural areas. With regard to preschool education countrywide, gross coverage was 35 per cent and net coverage 30.6 per cent, but in the rural areas the respective figures were 29 and 24 per cent.

536. Between 1998 and 2002, *net coverage* increased for preschool education (from 27 to 30.6 per cent), although in the last three years it was stable; decreased for primary basic education (from 83.5 to 82.3 per cent in 2002),¹⁰² although in the last three years it was constant; and increased slightly for secondary basic education (from 51.4 to 54.7 per cent).

537. The overall school enrolment indicator (based on all education coverage figures) increased from 0.59 in 1990 to 0.68 in 2001. The trend, however, has not been constant: having peaked in 1997 (0.72), it subsequently declined as a result of the economic crisis and the concomitant rise in the dropout rate.¹⁰³

538. Education coverage is characterized by disparities between rural and urban areas and a decrease between primary and secondary education and between the latter and intermediate education. Gross coverage indicators of approximately 100 per cent in primary basic education suggest that average installed capacity is commensurate with the size of the corresponding age group in both the urban and the rural areas. A marginal increment of coverage at that level would require better tuning of the supply to the demand, especially in the remotest areas and among the population most dispersed. Gross coverage of secondary basic education (79 per cent) is characterized by a significant disparity between urban areas (96 per cent) and rural areas (35 per cent). The gross and net coverage of intermediate education are, respectively, 56 and 27 per cent.

2. Children's access to education and retention in school

539. The rates of the official offer of education openings are as follows: 64 per cent at the preschool level, 79 per cent in primary education, 67 per cent in secondary education and 71 per cent in private higher education.

540. According to enrolment statistics on the various levels and ages, the 2001 preschool education supply, representing in absolute terms a total countrywide coverage of 1,058,345 boys and girls aged 3 to 6, was broken down into 629,432 children in public and 428,913 in private education; while 854,424 children were in urban and 203,921 in rural areas.

541. To finance school transport, thereby promoting school attendance and retention, the regional authorities drew on their own funds or on the General revenue sharing system (SGP).

542. Article 67 of the Constitution stipulates that "education shall be offered free of charge in State institutions, subject to payment of education fees by those who can afford to pay ...

The Government and the regional authorities shall participate in the management, funding and administration of State education services according to the provisions of the Constitution and the laws”.

3. Dropout rate

543. Between 1998 and 2000, dropout rates increased from 6.82 to 9.4 per cent for the preschool level, from 7.32 to 7.9 per cent for primary education, from 6.12 to 6.5 per cent for secondary education and from 3.62 to 3.8 per cent for intermediate education. This general rise - peaking at the preschool level - gives cause for concern. It is linked to specific economic, social and political factors compounded by poverty, armed conflict and forced displacement.¹⁰⁴ The highest dropout rate in primary education occurred in the first grade (18 per cent), in secondary education in the sixth grade (15 per cent) and in intermediate education in the ninth grade (13 per cent). The dropout rate in rural areas (30 per cent) tended to be higher. According to various studies,¹⁰⁵ the increase observed in 1999 was due to the economic crisis, which affected especially the poorest families and students, many of whom were compelled to work for their livelihood.

544. According to the *National Demographic and Health Survey (ENDS)* of 2000, the causes of absenteeism from school were the economic situation and, in 21 per cent of the cases, dislike for school. Among girls, 11 per cent of dropouts left school because of pregnancy or to get married, but causes related to the armed conflict and forced displacement also had an effect.

4. Quality

545. A National System for Education Quality Evaluation (SABER)¹⁰⁶ countrywide review of the 1997 and 1999 language and mathematics achievement of 50,000 third-, fifth-, seventh- and ninth-grade students¹⁰⁷ showed that test scores were below expectations.

546. Moreover, scores in the examinations of the Colombian Institute for the Development of Higher Education (ICFES) in the 1990s suggested that many (50 per cent) of the private schools had a low academic performance while the percentage of high-performance schools decreased. These findings lead to the troubling conclusion that students are increasingly less well prepared for acceptance into public and private higher education.

547. To assess the education situation, the Government has relied mainly on SABER and State examinations and ensured participation in Latin American congresses and experiments on education issues, in the Third International of Mathematics and Sciences Study (TIMSS) and in the Latin American Laboratory for the Assessment of the Quality of Education (LLECE).

548. In that connection and as part of educational decentralization, regional authorities have gradually become involved in the development of mechanisms designed to evaluate and support strategies for improving education quality. Although such initiatives are still in the nascent state, there is already evidence of regional involvement in curriculum improvement, educational achievement assessment, comprehensive teacher's training and the complementary school day.

G. The situation at the various educational levels

1. Preschool education and development

549. In the area of assistance for preschool children, the Colombian Family Welfare Institute (ICBF) has promoted the mobilization of the family, the public sector and civil society on the basis of solidarity towards ensuring the comprehensive protection of all children. Such protection requires primarily the development of appropriate relations and the empowerment of the families, mainly through programmes providing families with training and development support to enable them to fulfil their socializing role vis-à-vis children under 7.

550. The above strategies were implemented in the form of various assistance modules promoted - by means of awareness-raising, information, training and participation initiatives - through *Training and development support for families* as ways of generating a human development context and encouraging the exercise of children's rights, thereby contributing to the children's value-based social and mental development. This sub-project was implemented during 2002 through various modules, one of which was "Family, woman and infancy" (FAMI-HCB), whose countrywide coverage was 16,229 care service units and 486,882 users in 1999 and 15,721 care service units and 373,754 users in 2002.¹⁰⁸ It provided development support for families with pregnant women, breastfeeding mothers and children under 2 living in conditions of emotional, nutritional, economic and social vulnerability and sought to enhance its social impact by involving the parents and siblings in the infants' development from birth to 2 years of age.

551. The mother and childcare module provided support for families in rural areas, in the form of food supplementation and training in health care, nutrition and family relations in order to prevent nutritional deterioration among pregnant women, breastfeeding mothers and children under 7 and to promote breastfeeding and a culture conducive to healthy ways of living and to attitudes and behaviour that ensure peaceful coexistence.

552. Between 1999 and 2002, the programme for parents and families expanded from 273,024 to 392,568 users (a 43.7 per cent increase) in urban, rural and "*raizal*" high-vulnerability areas. The programme entitled "Support for socializing role of families with children under seven" sought to promote understanding of a child's development at the preschool age and raise awareness of the education that the child must receive from the parents in that period in order to develop in a balanced and comprehensive way and in full exercise of her or his rights. This programme covered issues related to nutrition, health and a healthy environment.

553. Other modules that operated on the same principles were community welfare homes for ages up to 7, which dropped from 64,890 care service units¹⁰⁹ and 905,351 children in 1999 to 63,821 units and 805,770 children in 2002; children's homes, which dropped from 1,046 units and 130,027 children in 1999 to 1,023 units and 124,566 children in 2002; and units for breastfeeding women and preschool children, whose number in the same period decreased from 151 to 140 while their coverage increased from 20,228 to 20,824 beneficiaries. The number of community nurseries in 2002 was 50 units and they attended 3,732 beneficiaries.¹¹⁰

554. Currently, the above services are being developed, mainly through reviewing and improving the pedagogical models used in assisting vulnerable population groups and conducting family enhancement initiatives and related community activities with a view to ameliorating rearing models, fostering coexistence within the family and enhancing the sense of social responsibility involved in caring for children, especially those that are most vulnerable.

555. *Preschool level.* Coverage of preschool education in 2002 was 30.6 per cent, up by almost three percentage points since 1998. This has been due to the efforts of the Government to ensure that children get on-board the so-called “Grade 0”. The co-financing by the Government and the municipalities undertaken to that effect has produced significant results in all departments and has raised the preschool level in 750 municipalities.

556. University departments, government bodies and NGOs are studying rearing models and making significant progress in assessing preschool education needs and formulating relevant proposals.

2. Primary education level

557. In 1999, 5,131,463 children were enrolled in primary education, improving the coverage that had so far been achieved in the 1990s in the framework of the *Action plan for children (PAFI)*. During the period considered, school attendance increased by 6.2 per cent. In 2002, coverage was 82.3 per cent, with a 6.62 per cent repetition and a high dropout rate, a worrisome indication of the inability of the system to retain the schoolchildren. Overage and underage schoolchildren were estimated at, respectively, 17 and 10 per cent and therefore approximately 90 per cent of the pupils were of an age corresponding to their educational level.

558. The promotion rate in primary school increased from 77 to 83.5 per cent. In particular, it increased from 83 to 87 per cent in the urban areas and from 68.4 to 77.6 per cent (namely, by 9.6 percentage points) in the rural areas.¹¹¹ Average school enrolment in the rural and urban areas increased, respectively, from 3 to 3.7 years and from 3.1 to 3.8 years as additional capacity was created and subsidies were offered to schoolchildren from poor families.

559. The Government, in a bid to strengthen the basic education level, has promoted activities such as “Rationalization plan”, “Wayfarer plan”, “New school-system”, “Accelerated learning”, “Teacher training”, “Rural education”, “Teaching expedition” and “Builders of a new country”.

3. Secondary education level

560. Between 1993 and 2000, secondary education enrolment increased by 38 per cent: from 3,087,777¹¹² to 4,272,012 students. Net coverage was 54.7 per cent in 2002 and the repetition rate was 5.11 per cent in 2001. Although no 2002 data are yet available, observations point to a retention level higher in secondary than in primary education. The percentage of underage and overage students was 19 and 12 per cent respectively.¹¹³

561. A number of experiments were undertaken in recent years in order to strengthen secondary education by addressing issues related to adolescent students and formulating educational strategies adapted to their age. In that context, NGOs, in cooperation with the Government, have developed activities within the school environment, testing new alternatives and educational projects for adolescents and other young people.

562. Although sporadic and local, such experimental initiatives pave the way to improved educational quality, more effective teaching methods and higher retention at the various levels. An important related development has been the creation of school governments, discussed in chapter V of this report. Such projects provide alternative models for training in democracy and promoting the students' active participation in building and strengthening the educational process.

563. The *Young Colombia* programme, promoted by the Office of the President of the Republic,¹¹⁴ has encouraged non-formal educational methods for young people deprived of schooling. The programme entitled *Young People in Action* provided young people from highly vulnerable environments in various parts of the country with training in the production sector. Furthermore, the Colombian Family Welfare Institute (ICBF) promotes, with adolescents and young people, opportunities for community-based comprehensive training through the *adolescent- and early-adolescent clubs*.¹¹⁵

H. The right to cultural development

564. In the cultural area, significant progress was made on the promotion of free recreational activities and on the constructive use of free time through initiatives undertaken by various governmental bodies and NGOs and consisting of cultural and artistic training projects for children, adolescents and other young people.

565. Government initiatives involving cultural events included the *National plan for recreation* and the *National children's day campaign*, both under the auspices of the Office of the President of the Republic. Moreover, initiatives promoted and implemented in the various regions by spouses of heads of department and social welfare agencies as part of cross-cutting and intersectoral action implemented throughout the country in the form of eight broad-participation projects. Furthermore, Houses of culture, Houses of youth and, in the Ministry of Culture, a Directorate for Children were launched. This directorate promotes cultural strategies and activities related to the rights of children on topics such as "fundamental importance of children now", "children as citizens", "children as generators of culture" and "children as the ultimate goal of national and cultural identity".

566. The programmes developed aimed to strengthen the personal and collective sense of identity, encourage a return to cultural roots and, with regard to children, help to build an identity and imagery through, inter alia, artistic events. The *National Council of Boys and Girls*, consisting of 7- to 17-year-old representatives of various regions of Colombia and supported by the Network of cultural organizations of infancy (ROCIN),¹¹⁶ was set up and organized to that end.

567. Ministry of National Education (MEN) programmes have shown that schools located in small municipalities or in rural areas usually have at their disposal more space for student recreation than schools in or around the cities. With regard to training and development, the importance of managing class and recreation time appropriately and sharing the use of nearby public parks is therefore underscored as a way of mitigating recreation space scarcity in establishments with high enrolment.

568. The goals of cultural initiatives for boys and girls are to encourage a healthy and community-based development through cultural and training activities aimed at the formation of musical, cultural and artistic groups for pedagogical, therapeutic or conflict-related assistance purposes; and, in general, to contribute to the integral development of the children, their families and their communities.

I. Concluding remarks

569. Significant progress has been made towards ensuring the exercise of the right to education and development, especially in the educational sector, through the steady promotion of school enrolment and increased coverage. However, the success of projects aimed at guaranteeing quality and lowering the dropout rate require enormous efforts. As regards the coverage of education at the various levels, satisfactory enrolment rates have yet to be attained with regard to primary, secondary and higher education.

570. In view of the continuing inability of the school system to provide adequate training for adolescents and other young persons and to ensure their retention, assistance for that group is a priority. The situation is largely affected by the escalation of the armed conflict and by poverty (stemming from structural weaknesses), factors that increase the vulnerability of children, adolescents and other young persons deprived of protection.

571. Increased participation in outlaw armed groups and concomitant situations of forced displacement have affected particularly poor women and minors.

572. Official reports show dropout rates equal to 7.7 per cent in areas with no conflict, while in regions affected by violence the corresponding rates are 7.8 per cent in areas with self-defence groups, 8.7 per cent in areas with guerrilla groups and 9.8 per cent in areas with outlaw groups. Accordingly, over and above reactive and assistance-based activities that - while restricting the effects of the phenomenon - fail to effectively address its structural causes, there is a need for comprehensive and sector-oriented measures.

573. Government action for education had traditionally been limited to the formal sector but in recent years the scope of such action has been broadened and initiatives have been taken in line with international approaches to preschool children. The Colombian Family Welfare Institute (ICBF) promotes related experimental activities benefiting the more vulnerable population groups.

574. The Office of the President of the Republic, through the Ministry of Culture and the regional authorities responsible for promoting sport and recreation, has demonstrated its commitment to policies aimed at the comprehensive development of children through the

reinforcement of cultural, sport and recreational strategies and activities. The scope of such steps should be broadened in a rights perspective. Furthermore, these steps should not be viewed as isolated measures but as components of national *comprehensive action plans* addressing the needs and interests of boys and girls in all regions of the country.

IX. SPECIAL PROTECTION MEASURES **(arts. 22, 30, 32, 33, 34, 35, 37, 38, 39 and 49)**

575. *Special protection measures of a legal, educational and assistance-related character*, aimed at restoring infringed rights and guaranteeing the access of children and adolescents to fundamental goods and services, are introduced in the framework of Comprehensive Protection, based on the principles of respect and assistance for all Colombian boys and girls.

576. The situation of children countrywide is becoming increasingly difficult as a result of mounting indigence, which compounds the social, economic and political problems that directly affect their lives, survival and enjoyment of intrinsic rights. The country is torn between the need to make more funds available for assisting a growing number of children and adolescents in need of special protection and the exigencies of fiscal deficit control and macroeconomic adjustment.

577. Infringement of human rights is closely related to the quality of life of the population: enjoyment of the rights is not a compensation but a crucial prerequisite for development. Colombia's serious inequality- and poverty-related problems have an obvious impact on the many children and adolescents exposed to armed conflict, forced displacement, child labour practices, abuse, exploitation, consumption of alcohol, and psychoactive substances, delinquency and other related harmful conditions. The solution requires efforts by the State and society as a whole towards the development of structural and comprehensive public policies contributing to both human development and economic growth.

578. The situation of disadvantaged children and the related Government action in the last five years is analysed, in line with the Convention, on the basis of a classification of such children into four broad categories: children facing exceptional conditions, children in conflict with criminal law, children in situations of exploitation and abuse and children belonging to minorities or indigenous groups.

579. For each of these categories, the children's situation is presented in the context of relevant laws, statutory instruments, regulations, assistance plans and initiatives, and progress assessments and constraints on restoring the children's rights.

A. Children facing exceptional conditions

1. General framework

580. **Laws, statutory instruments and regulations governing special protection measures for boys and girls.** In view of the conflict and violence besetting the country, the adoption of provisions for the protection of children affected by armed conflict or conflict-related displacement has been a main area of action. The main legislative advances on such issues are discussed below.

581. Act No. 418 of 1997, amended by Acts No. 548 of 1999, No. 642 of 2001 and No. 782 of 2002 and implemented through Decree No. 128 of 2003, prohibits the enlistment of persons under 18 years for military service.

582. Decree No. 489 of 1999 provides for assistance for displaced population groups and the role of the Social Solidarity Network (RSS) in the promotion and development of programmes for the prevention of displacement, the design of mechanisms and measures aimed at eliminating its causes, the coordination of procedures for legal and juridical assistance for displaced people, the adoption and management of initiatives aimed at ensuring the social, employment-related, productive and cultural integrity of the population concerned, and the coordination and implementation of measures for the voluntary return of displaced people to their places of origin or their resettlement in other areas in the country.

583. Act No. 759 of 2002 lays down rules for the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and provides for the eradication of anti-personnel mines in Colombia.

584. Act No. 833 of 2003 provided for the adoption of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Constitutional control procedures are currently in progress in view of the ratification of that instrument.

585. **Social programmes and policies.** Assistance for minors disengaged from armed conflict or displaced is mainly provided through two public institutions: the Colombian Family Welfare Institute (ICBF) and the Social Solidarity Network (RSS), supported by international cooperation agencies, mainly the International Organization for Migration (IOM) and the World Food Programme (WFP). The programme is managed at the national level.

586. In dealing with the armed conflict situation, the Government conducts, since 1999, intersectoral programmes for the disengagement of minors from the conflict and their social reintegration. The main goal is to provide disengaged minors with support for reorganizing their lives.

587. The *Assistance programme for armed-conflict victims* is mainly implemented through specialized centres, where the young people in question receive assistance and advice for social rehabilitation. The following modules are used:

588. *Transition homes:* This programme's current first phase consists in providing assistance to boys and girls by court decision or Family Ombudsman decision; and conducting psychological and social assessments to determine host conditions in view of socialization.

589. *Specialized assistance centres:* The goal of this initiative is the restoration of infringed human rights through comprehensive (vocational, sport, academic, cultural and employment-related areas) assistance for minors. Minors undergo medical and psychological assessments in view of arrangements for embarking on the life plan to lead and facilitating their social inclusion.

590. *Houses of the adolescent*: This initiative aims at facilitating the socialization process, thereby contributing to social integration.

591. Social and family-related assistance measures can be classified under two headings: *Home mentoring*, a phase in which disengaged minors and other young people - after receiving assistance in transition homes, specialized assistance centres or houses of the adolescent - live in a foster family environment when it is impossible to return to their own families; and *Family reintegration*, a phase in which the children or young people concerned - subject to a diagnostic assessment by the establishment - return to their home of origin or stay with relatives.

592. Assistance programmes focus on family, social, cultural and economic integration. Generally speaking, priority is given to the safety of the disengaged person and his or her family. Family integration requires identifying a suitable family for the child or adolescent to facilitate basic contact in view of further reintegration. Conceptually and methodologically, orientation aims to respond appropriately to the phenomenon by strengthening family and community networks in order to ensure support that meets the particular needs of the given population group.

593. Assistance policy for displaced families is formulated in National Economic and Social Policy Council (CONPES) document No. 3057 of 10 November 1999, containing the Action plan for forced displacement prevention and attention. The Social Solidarity Network (RSS), entity coordinating the National system of comprehensive care for the displaced population (SNAIPD), supports and promotes at the regional level programmes and projects designed to address the phenomenon of forced displacement.

594. Assistance comprises projects for humanitarian care, recovery and prevention. It also includes emergency activities to address displacement, whether on a collective, individual or family scale; productive activities for social and economic stabilization, voluntary return or both; employment-related training; housing improvement projects; and projects aimed at strengthening human ties and peaceful coexistence.

2. The situation of children facing exceptional conditions

595. **Young people involved in armed conflict.** Recruitment of children under 18 into outlaw armed groups is considered alarming at home and at the international level. In view of sketchy official and non-official information available and the extensive absence of recorded figures as a result of the conflict, the various estimates undertaken highlight the seriousness of the situation. According to the Ombudsman's Office, approximately 6,000 children participate in an armed group.¹¹⁷ The majority of child combatants seem to come from Meta, Putumayo, Tolima, southern Caquetá, Guaviare, Urabá areas near Antioquia and Chocó and southern Bolívar.

596. Outlaw armed groups (guerrilla, paramilitary and drug traffickers) recruit boys and girls mainly in the rural area. Unemployment, domestic violence and lack of development opportunities incite young people to join an armed group in a bid to rise socially and to help their families.

597. According to the Colombian Family Welfare Institute (ICBF), a total of 1,426 children disengaged from armed groups through deliberate surrender or capture were assisted in specialized centres between 1999 and 2003 (of whom 726 in 2003). There is a contingency plan for timely and prompt assistance in cases of collective surrender.

598. In line with the policy of ensuring security through democracy, the Government is committed to the restoration of infringed children's rights and the development of a culture of respect for those rights. National-level initiatives designed to that purpose, such as *Children disengaged from conflict*, aim at providing children with prospects different from conflict-related life models, remove the children from the armed conflict and teach them alternative ways of life consistent with a culture of peace.

599. Plans for cooperation to that end between competent regional bodies aim at developing the children's employment potential, vocational skills and mental abilities. The Colombian Family Welfare Institute (ICBF) is involved in the design and implementation of relevant programmes to ensure the access of disengaged minors to health services, education and food, especially in areas where the concentration of outlaw armed groups is significant.

600. The programme was launched in 1999, with assistance provided to 10 young persons. Of the number of disengaged boys and girls assisted since then (100 in 2000, 196 in 2001, 394 in 2002 and 726 in 2003), 72.8 per cent have been male and 27.2 per cent female; 62.4 per cent had been with the Revolutionary Armed Forces of Colombia (FARC), 15.3 per cent with the National Liberation Army (ELN), 17.6 per cent with the United Self-Defence Forces of Colombia (AUC), 1.8 per cent with other groups (ERG, EPL, ERP and People's Militia) and 2.7 per cent had had no affiliation; and 68 per cent surrendered deliberately, 26 per cent were captured and 6 per cent negotiated the terms of their surrender.

601. Of the total number of the minors assisted, 52.2 per cent have finished primary education, 24.9 per cent have not, 8 per cent have not been to school and there is no information about 14.7 per cent.

602. Assistance is provided to disengaged children and adolescents in 5 transition homes with a 135 person capacity, 15 comprehensive care centres with a 396 person capacity, 5 houses of the adolescent with a 116 person capacity and protection network units with a 100 person capacity, including mentoring homes. These facilities are located in Bogotá, Medellín, Cali, Bucaramanga, Risaralda and Meta.

603. Assistance for children disengaged from the armed conflict is a national priority requiring an increasing number of activities supported by the National Family Welfare System (SNBF) and international cooperation agencies in the areas of education, food, nutrition, use of free time and strengthening of the social fabric and community life in urban and rural areas where the recruitment risk is higher. It is also necessary to build the capacities of the Colombian Family Welfare Institute (ICBF) at the national, regional and municipal levels.

604. An evaluation and monitoring system is being designed and, in coordination with the Ministry of National Education (MEN), a policy is being formulated to ensure countrywide education coverage. Joint action with the Ministry of Social Protection is aimed at providing priority health care in conjunction with social and economic rehabilitation projects for minors.

605. In the framework of the Twenty-eighth International Conference of the Red Cross and Red Crescent (December 2003), Colombia committed to rehabilitating child combatants recruited by force. Steps to implement that obligation are taken by such bodies as the Office of the Vice-President of the Republic, the Office of the High Commissioner for Peace and the Colombian Family Welfare Institute (ICBF).

606. **Young persons displaced by violence.** Violence in Colombia exerts a serious economic, social and security-related impact on all the country's regions, aggravating the displacement situation, a national problem affecting a number of population sectors and geographic areas. In the various regions, the armed conflict has mainly affected - and caused an exodus among - the rural population, compelling it to seek refuge and protection in urban centres.

607. The situation of displaced families - for instance, being constantly on the move to avoid identification - hinders systematic collection of information and there are various estimates of the amplitude of the phenomenon. The Unified registry of displaced population (SUR) was launched in 2001 through the Social Solidarity Network (RSS). Its main objective is to identify displaced people through declarations to the competent authorities and maintain a database with up-to-date information on the population concerned and the emergency assistance provided. The number of persons entered in SUR, 1,056,008 in 2002 and 1,243,581 in 2003,¹¹⁸ corresponds to approximately 400,000 households, displaced individually or collectively.

608. According to the Consultancy on Human Rights and Displacement (CODHES), there are in the country, since 1985, 2,900,000 displaced persons.¹¹⁹

609. According to SUR data, more than 70 per cent of the displaced population are women and children at risk, who flock to the cities, aggravating the urban problems. Displaced persons under 18 (370,003 persons, consisting of 187,755 boys and 182,248 girls) are a particularly vulnerable group in view of the impact of displacement on their psychological situation and problems such as loss of contact with parents and other family relations, dropping out of school, food insecurity, malnutrition and exposure to contagious and infectious diseases.

610. As some municipal areas are displaced population "releasers" and others "receivers" (1,023 and 899, respectively, out of a total number of 1,098 such areas), municipal organization and planning faced situations of imbalance. Displacement during the period considered is discussed below.¹²⁰

611. Displaced persons initially turn to relatives, friends or assistance programmes for shelter and food until they find housing. In order of importance, their main needs are food (78.5 per cent), work (63.5 per cent), housing (55.9 per cent) and health care (52.4 per cent).¹²¹ The problems of displaced persons are addressed by means of three broad strategies: emergency assistance, recovery and return.

612. The Colombian Family Welfare Institute (ICBF), the Social Solidarity Network (RSS), the Colombian Agency for International Cooperation (ACCI) and the World Food Programme (WFP) have concluded a Col\$ 130 million agreement for providing emergency support to the population displaced by violence in Colombia: As of 2002, 375,000 persons had been assisted under the Protracted Relief and Recovery Operation (OPRS).

613. In 2002, OPRS expanded the range of WFP operations for the displaced population; developed a new module for relief food distribution (“community kitchens”), particularly in urban areas with a considerable percentage of displaced persons; and intensified food assistance for preschool children and ill-nourished mothers. Of the assistance provided, 53 per cent went to training, building work and the development of work-for-food farming activities.¹²² During 2002 and 2003, support was provided for a total number of 345 food projects targeting displaced families in 13 departments, while 2,202,640 food rations were distributed to family groups totalling 153,000 persons.

614. Through projects jointly developed by the Colombian Family Welfare Institute (ICBF), other agencies of the National Family Welfare System (SNBF) and the National system of comprehensive care for the displaced population (SNAIPD), timely assistance was provided in areas affected by collective displacement, such as Arauca, Caldas and Huila.

615. The current Government has implemented a system for humanitarian assistance for children and for the comprehensive restoration of their rights, basing its action on psychological, social, cultural, labour, economic and political criteria. These activities have mainly been carried out through 29 *mobile units*,¹²³ operating in 23 high-risk departments affected by violence, and municipal centres - responsible for food and psychological care in 155 communities - through which 25,202 families have been assisted. Assistance provided by these units comprises five components: psychological and social care; food security; cultural and educational administration; management in cooperation with local bodies and with the communities; and direct and comprehensive care for victims of violence in areas with limited institutional assistance possibilities, in emergency situations and when affected population groups request assistance. The National Family Welfare System (SNBF) and the National system of comprehensive care for the displaced population (SNAIPD) cooperate closely on these initiatives.

616. As of September 2003, the Colombian Family Welfare Institute (ICBF) had spent Col\$ 2,863 million on activities for displaced Colombian boys and girls.

617. The following activities are also being implemented:

- Special assistance for the indigenous population (assistance guidelines are being developed);
- Under an agreement concluded with the Social Solidarity Network (RSS), priority psychological and social assistance is provided to children, pregnant and breastfeeding women and orphans;
- In border areas, food support is provided to victims of collective displacement scheduled to return to their place of origin, in cooperation with RSS and the United Nations High Commissioner for Refugees (UNHCR) and in line with the assessments necessary according to child assistance programmes run by the Colombian Family Welfare Institute (ICBF).

618. In the second half of 2002, the Government focused on return-oriented activities and began to develop a strategy for the recuperation of the countryside by concentrating programmes and agencies in so-called “rehabilitation zones”. Such zones were first set up in seven regions, comprising 14 out of the existing 32 departments.

619. Under current government policies, municipal bodies responsible for health, education and welfare assist the children and adolescents of displaced families on a priority basis as part of regular health, food, education and preschool care programmes.

620. Pursuant to Act No. 387 of 1997, Decree No. 2562 of November 2001, National Economic and Social Policy Council (CONPES) document No. 3057 of 10 November 1999 and Sentence SU-1150 of 2000, the Ministry of National Education (MEN) coordinates with the departmental, district and municipal education secretariats the adoption of special basic and intermediate education programmes for the displaced population.

621. Education secretariats provide these services - in grades corresponding to the displaced children’s age and academic level - throughout the year.

622. To that end, public educational institutions are obligated to accept displaced children without document requirements, provide the requisite school certificates and waive payment of any tuition and board fees.

B. Children in conflict with the law

1. General framework

623. **Laws, statutory instruments and regulations.** As stated in chapter II of this report, the Government has drafted bills for a reform of the Juvenile Code. Nevertheless, the Juvenile Code currently in force contains in section V comprehensive provisions with regard to the commission of or participation in a criminal offence by a minor. In Colombia, persons under 18 are considered to have no penal responsibility and a special procedure is in force for their protection.

624. In a bid to reassess the legal concept of childhood and improve procedural guarantees for minors, the new legislation proposed by the Government for underage wrongdoers seeks to establish a system of juvenile penal responsibility. There is vigorous debate on the following aspects of this draft legislation, which has aroused much controversy: applicable system, minimum age for considering minors to be penally responsible, absence of penal responsibility and intrinsic rights.

625. The main point regarding the above issues is to shift from a guardianship-based towards a rehabilitation-oriented system of justice; and, instead of applying to minors indictment and incrimination models designed for adults, to opt for comprehensive education-based approaches comprising effective measures for prevention, rehabilitation and special protection. The challenge is to identify alternative methods, including community-based measures.

626. Lastly, consideration must be given to the viability of any system of justice, in view of existing institutional capacity, and to shared responsibility, an issue inextricably linked to

three interrelated elements that must be taken into account with regard to assistance: the children and adolescents in conflict with the law; the victims of an offence; and society, which bears a moral responsibility to restore.

627. **Plans and programmes for children in conflict with criminal law.** The Juvenile Code and the services provided by the Colombian Family Welfare Institute (ICBF) are designed to protect, educate and comprehensively assist children and adolescents in conflict with the law, with a view to restoring and guaranteeing the full enjoyment of their rights.

628. Central to the plans and programmes designed to assist the above group is the issue of the administration of justice in accordance with the legislation in force. Placement in an institution presupposes the need for effective control based on criteria such as relapse into the given offence, non-compliance with measures previously imposed, seriousness of the fault committed or perceived threat to life or personal safety. That option is regarded as a measure of last resort and the relevant decision is made by the competent authority, namely, in the case of adolescents aged 12 to 18 in conflict with the law, a juvenile judge or family comprehensive judge, and in the case of children or adolescents having committed a minor offence or those under 12 having committed a criminal offence, the Family Ombudsman.

629. The assistance programme is implemented in the form of re-education modules providing minors having committed a criminal or lesser offence with comprehensive care, including specialized care when warranted. This includes the possibility of referral to reception centres, immediate provisional service and long-term placement, procedures that, if they involve confinement, presuppose diagnostic examination and special observation. An observation centre is expected to carry out a full and thorough assessment in order to enable the judge to take the most appropriate decision in each case. Confinement entails comprehensive re-education. Placement is ordered by a judge for the purpose of treatment or more effective supervision, when warranted.

630. Semi-confinement centres and open residences are facilities complementary to the above and support the pedagogical work of re-socialization and re-education of minors.

2. Situation of children in conflict with criminal law

631. The number of prosecutions, the typology of offences committed and the assistance services provided in the period 1998-2002 indicate that children in conflict with criminal law constitute a phenomenon of growing proportions, as the following table shows.

Table 29
Number of cases heard

1998	25 765
1999	30 116
2000	31 354
2001	32 763
2002	35 799

Source: High Council of the Judiciary, Administrative branch, Social Development unit, Statistics.

632. The increase, during the above period, in the number of proceedings involving minors in conflict with the law (from 25,765 in 1998 to 35,799 in 2002, namely by 10,038) by 38 per cent occurred mainly in 1999 (17 per cent) and 2002 (9 per cent).

633. Official figures reported by the National Police indicate an average annual number of 6,481 arrests and 7,960 perpetrators of minor offences.¹²⁴ Arrests of minors have increased significantly (from 18,784 in 1998 to 21,427 in 2002 and 24,374 in 2003).

634. Between 2001 and 2002 the above increase may have been due to the implementation as of 24 July 2001 of the new Criminal Code and criminal procedures (Acts No. 599 and No. 600 of 2000), under which - while some offences formerly considered to be misdemeanours became felonies - misdemeanours are not explicitly defined, raising the number of court cases involving minors. Juvenile offences account for 7.8 per cent of the national crime rate.

635. Offences against the law are a mainly urban phenomenon. Statistics show that they occur mainly in the larger cities, Bogotá, Medellín and Cali, spreading from there to the respective regions (Cundinamarca, Antioquia and Valle).

636. In the period 1998-2002, the most frequent crime was by far robbery (57.5 per cent), followed by battery (20.2 per cent) and offences against public order, infringements of liberty and indecent assault (5.9 per cent).

Table 30

**Cities or areas with a high concentration of young persons
in conflict with the law**

City or area	1998	1999	2000	2001	2002	Per cent
Bogotá	3 207	5 039	5 323	5 843	6 475	20.60
Medellín	4 106	4 963	5 146	4 780	4 960	15.80
Cundinamarca	176	1 545	1 983	2 616	2 389	7.60
Cali	1 841	2 592	2 228	2 058	2 121	6.80
Bucaramanga	1 195	1 199	1 187	1 716	2 065	6.60
Villavicencio	541	635	714	705	1 599	5.10
Ibagué	1 061	1 067	1 198	1 307	1 591	5.10
Manizales	1 839	1 464	1 574	1 520	1 530	4.90
Antioquia	975	1 112	1 043	1 245	1 392	4.40
Buga	757	1 024	1 214	1 253	1 171	3.70
Armenia	574	453	450	714	1 125	3.60
Neiva	1 020	1 320	1 031	1 007	1 045	3.30
Popayán	758	788	814	884	935	3.00
Pasto	621	876	855	886	881	2.80
Cartagena	538	553	727	809	754	2.40
Baranquilla	594	569	535	527	724	2.30
Pereira	1 122	823	977	1 007	662	2.10
Other areas		4 094	4 355	3 886	4 380	13.90
Total	20 925	26 022	26 999	28 877	31 419	100.00

637. Surveys¹²⁵ show that 99 per cent of institutionalized child offenders grew up in a low social and economic environment, in extreme poverty or in households headed by women (31 per cent).¹²⁶ Other widespread traits are a high dropout rate (48 per cent), extensive consumption of psychoactive substances, linkages to organized crime and a history of exclusion at the family, school and employment levels. Delinquency among young people is not a personal and isolated condition. Understanding it requires awareness of the underlying social processes.

638. In a bid to improve assistance for child offenders, Colombia increased the number of courts from 21 in 1995 to 49 in 2002. Youth courts exist in 21 judicial districts and are supported in all areas of the country by family courts and family comprehensive courts.

639. Assistance measures for child offenders are as follows: caution, counselling on rules of conduct and assisted liberty combined with family environment services. In 2002, the related coverage was 67 minors in semi-confinement towards social reintegration, 5,011 minors under supportive supervision (assisted liberty) and 156 minors receiving care for underage offenders.

640. In 2002, institutions with specialized reception, observation and re-education services (confinement centres, semi-confinement centres and open residences) providing minors in a process of reintegration into the family and the community with comprehensive care, treatment and training assisted in total 15,318 children and adolescents. At the end of the five-year period considered, a total number of 20,562 children and adolescents were receiving assistance in connection with a situation of conflict with the law.

641. Under court decisions carried out by the Colombian Family Welfare Institute (ICBF), approximately 32 per cent of the minors are deprived of liberty and placed in re-education centres, 48 per cent are in programmes of assisted liberty and 20 per cent benefit from other rehabilitation measures.

642. There have been some significant variations in the coverage of institutional services. Referral to reception centres has decreased by 3,221 persons, while the number of persons placed in confinement increased from 740 in 1998 to 1,149 in 2002. Despite Government efforts to encourage alternative assistance measures in the light of the personal and social and economic background of the minors concerned and of the seriousness of the offences committed, the trend towards internment continues.

Table 31

**Coverage of ICBF assistance - Children in conflict with the law -
Institutionalization**

Type of assistance facility	1998	1999	2000	2001	2002	Change (%)
Reception centres	13 218	15 055	13 526	11 812	9 997	-24.40
Observation centres	3 684	1 818	1 757	3 272	3 131	-15.00
Confinement facilities	704	778	785	831	1 149	63.20
Semi-confinement facilities	1 000	1 248	926	785	1 012	1.20
Open residences	151	104	67	105	29	80.70
Total	18 757	19 003	17 061	16 805	15 318	

643. Relapsing, a significant aspect of juvenile delinquency, attains 25 per cent in some departments but that may be an underestimate due to inadequate information and the difficulty that courts or institutions have in identifying recidivists. An additional problem is that renewed institutionalization may not imply recidivism and therefore may not be an accurate indication of actual behavioural relapsing. Moreover, “escapees” taken to court appear as recidivists. These various factors make a reliable quantification of relapsing difficult.

644. In view of their impact on human rights and civic coexistence, their increasing spread and the limited progress made by government initiatives, issues related to children in conflict with the law are a major concern.

645. Accordingly, Colombia has undertaken activities aimed at improving the assistance processes and services by developing an institutional approach requiring service providers to implement self-evaluation models and by building comprehensive protection capacities.

646. Despite the progress achieved, there are still considerable operational weaknesses, including shortage of law and other professionals (judges, counsels, attorneys and psychosocial support teams) necessary for implementing the legal processes; insufficient supply of services; concentration of that supply in the main urban centres; difficulties of coordination and synergy with Colombian Family Welfare Institute (ICBF) units; and inadequate information, monitoring and evaluation systems.

647. The above problems are compounded by inadequate preventive and post-institutionalization programmes; insufficient attention paid to such related phenomena as drug addiction; scanty family-related work; the related difficulty of taking into consideration the specific situation (as opposed to the general context) in which the individual boys or girls live; and lack of opportunities and supportive social conditions conducive to adaptation to the environment.

648. The problem is too great for the current assistance capacity. The existing assistance is focussed on judicial processes and intervention rather than on training and prevention. It is necessary to strengthen coordination and synergy between the various public bodies responsible under the Constitution for child protection and assistance.

649. The Government is taking steps for the technical reorganization of assistance processes by strengthening programme and service monitoring and evaluation procedures; improving their quality; and building - on a participatory basis - comprehensive and context-based assistance approaches involving alternative activities and minimum guaranteed fulfilment of the rights of children in conflict with the law. An essential related element has been the exchange of views regarding the youth court system and regional management in the framework of government policy.

C. Children in situations of exploitation and abuse

1. General framework

650. **Laws, statutory instruments and regulations.** In the five-year period considered, legislative work has focused on statutory instruments aimed at eradicating child labour and protecting underage workers and children victims of abuse and sexual exploitation.

651. The following international instruments have been ratified: Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, which entered into force in Colombia as of 11 December 2003; and International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment, which entered into force in Colombia as of 2 February 2002.

652. Regarding legislation on the situation of exploited and abused children, progress has been made inter alia through the enactment of the following laws:

- Act No. 470 of 1998, adopting the Inter-American Convention on International Traffic in Minors, concluded in Mexico on 18 March 1994.
- Act No. 679 of 2001, establishing provisions for preventing and opposing the exploitation of minors and their use for purposes of pornography and sexual tourism in line with article 44 of the Constitution.
- Act No. 704 of 2001, adopting International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, adopted by the General Conference of ILO at its eighty-seventh session on 17 June 1999. Constitutional control procedures are currently in progress in view of the ratification of that instrument.
- Act No. 747 of 2002, amending and completing the Criminal Code (Act No. 599 of 2000), establishing the sale of and traffic in human beings as a crime and reactivating the Committee to Combat the Traffic in Women and Children under the authority of the Ministry of the Interior and Justice, with a view to formulating national strategies for prevention and assistance to victims and strengthening the operation of the authorities investigating and prosecuting the networks perpetrating that crime.
- Act No. 782 of 2002, establishing - in articles 13 and 14 - forms of protected child labour for persons over 16.
- Decree No. 933 of 2003, governing the implementation of apprenticeship contracts.
- Act No. 800 of 2003, adopting 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 United Nations Convention against Transnational Organized Crime”, adopted by the General Assembly of the United Nations on 15 November 2000.

This legislation aims at the development of a national policy that ensures the effective abolition of child and adolescent labour, raises progressively the minimum employment age and - for all persons under 18 - prohibits and eliminates the worst forms of child labour, namely those that affect the children's physical, mental and moral development, including the use, recruitment or supply of children for prostitution or the production of pornographic material or spectacles.

653. **Plans and programmes for children in situations of exploitation and abuse.** The policies, plans and programmes described below have been formulated on the basis of the Government's priorities with regard to the protection of minors in situations of abuse and economic, employment-related or sexual exploitation.

654. **Child labour.** Colombia has been developing over 1,995 action plans for eradicating child labour and improving living conditions for working boys and girls. Under the 1995-1998 plan, activities were undertaken to raise public awareness of the issue and - through research showing its extent - put it on the public agenda. The second plan, implemented in the period 2000-2002, has comprised strategies aimed at bringing about cultural reform in this area, introducing intersectoral public policies, creating a national information subsystem and offering specific assistance for underage workers.

655. The Third National Plan of Action for the Elimination of Child Labour, drawn up with a view to promoting decentralization and the participation of regional stakeholders, was introduced in late 2003.

656. **Sexual abuse and exploitation.** Policy in this area is aimed at promotion, prevention and assistance. This political commitment translates into mobile offering comprehensive care through, inter alia, professional teams in municipal units of the Colombian Family Welfare Institute (ICBF) and other operators, such as specialized NGOs, proposing a change of life and ways out of the situation in question. The model implemented comprises early diagnosis, individual and family care plans adapted to the life prospects of the assisted children and acquisition of skills, attitudes and values in line with every child's interests and expectations.

2. The condition of children in situations of exploitation and abuse

657. **Child labour.** Comprehensive information on children and adolescent victims of economic exploitation or carrying out any type of work is provided, in relation to employment in general, in the "Characterization of 5 to 17 years old population in Colombia" (November 2001), drawn up by the National Department of Statistics (DANE) and the International Programme on the Elimination of Child Labour (IPEC) Colombia, the 1996 survey on children and adolescents and the 1997 survey on the quality of life.

658. The quality of life survey includes a permanent section on child employment, following up the situation and the effect of measures taken in that area (ILO International Programme on the Elimination of Child Labour (IPEC), Quality of Life Survey 2003 (including the child labour module due to be completed in 2003)).

659. According to the “Characterization of 5 to 17 years old population in Colombia”, 1,568,000 children and adolescents work - for or without pay) in the production of marketable goods and services. The figure underscores the magnitude of the problem. In fact, if account is taken of 184,000 children and adolescents registered as job seekers, the total number of labour market participants aged 5 to 17 is approximately 1,752,000.

660. In order of age group size, working children and adolescents showed the following breakdown: 29.9 per cent were aged 15-17, 19 per cent were aged 12-14, 12.1 per cent were aged 10-11 and 5.1 per cent were aged 5-9. Areas with the highest child labour rates are the Pacific region (18.5 per cent), the eastern region (16.4 per cent), the central region (15.6 per cent), the Atlantic region (13.8 per cent) and the city of Bogotá (14.5 per cent).

661. The breakdown by number of hours of work per week was as follows: 61 per cent of working children and adolescents worked less than 24 hours, 23.2 per cent worked 25 to 48 hours and 15.7 per cent over 48 hours. Moreover, 10 per cent were self-employed, 35 per cent were manual workers, 12 per cent were unremunerated assistants, 19 per cent carried out unremunerated work for their families and 4 per cent were domestic workers. In respect of remuneration, 52 per cent received no pay, 26 per cent received less than one fourth of the legal minimum wage, 16 per cent less than half the legal minimum wage and only 1 per cent were paid the minimum wage rate. Employers were mainly parents (49.9 per cent), other relatives (16.3 per cent) and non-relatives (23.8 per cent), the remaining 10 per cent of working children and adolescents being self-employed.

Table 32
Child-dominated employment sectors
(per cent)

Employment sectors	Agriculture	Trade	Manufacturing	Services	Other sectors
Boys	31.5	20.7	7.9	4.3	5.5
Girls	36.4	32.7	12.5	11.7	6.1

662. According to the DANE survey, 10.8 per cent of children and adolescents attending school had a job, while 35.9 of those who worked did not attend school.

663. The reasons given for working were “the need to participate in the work of the family” (28.9 per cent), the wish to have money of one’s own (27.5 per cent), “the duty to help the family” (16.1 per cent) and the view that work confers decency (1.4 per cent). There were also other motives (16.1 per cent).

664. The causes behind child labour are multiple. They range from belief in the - culturally or otherwise - perceived pedagogical value of work to, inter alia, social and economic justifications for children’s work as necessary for survival or for eluding abuse or abandonment.

Table 33

Worst forms of child labour in Colombia

Activity	Number of persons	Source
Armed conflict	6 000	Ombudsman's Office
Sexual exploitation	25 000	Ombudsman's Office
Domestic work	323 000	UNICEF
Mining	200 000	MINERCOL
Construction	33 428	DANE
Manufacturing	195 892	DANE
Illegal crop cultivation	200 000	Ombudsman's Office
Trade	187 744	DANE

665. Employment seriously affected the education of boys and girls, correlating with the dropout rate, low performance and school absenteeism or, in some cases, leading to illiteracy. According to some surveys,¹²⁷ approximately 30 per cent of adolescents above 14 who combined school and work dropped out of school definitively. Girls employed as domestic workers lagged behind by as many as five school-years.

666. Other effects of child and adolescent labour included physical and health problems or the premature introduction into practices - such as alcohol consumption - or entry into states - such as motherhood - that are incompatible with the workers' age.

667. In view of the extent of the problem, government action has aimed at developing effective national and regional child-labour eradication plans in conjunction with strategies for research, cultural reform and direct intervention to improve the living conditions of underage workers. This action received inter-agency support through cooperation with international organizations such as OIM-IPEC and domestic governmental organizations or NGOs. In 2002, the Colombian Family Welfare Institute (ICBF), through its external services, assisted 1,414 boys and girls in a situation of employment-related exploitation.

668. **Children in situations of sexual exploitation and abuse.** Sexual exploitation and abuse of boys and girls constitutes one of the most pressing problems in Latin America in view of the increase in the number of cases, the gravity of the impact of such practices on the dignity and physical and psychological well-being of minors and the linkages with international traffic networks which the individual countries lack the law enforcement capacity to combat.

669. In 2002, the Forensic Medicine and Forensic Sciences Institute (IML) drew up 14,421 reports on cases of sexual abuse of minors, corresponding to a 0.08 per cent increase over the preceding year. Of the above total number of cases, 26 per cent occurred in the city of Bogotá.

670. According to Colombian Family Welfare Institute (ICBF) data, between 2001 and 2002 the number of minors joining protection programmes for victims of sexual offences increased by 20 per cent. In total, 3,748 children and adolescents were assisted in that period.

671. The situation with regard to the sexual exploitation of minors - defined as receiving payment or reward for making minors available for such activities as pornography or sexual tourism and for kidnapping, selling or trafficking in minors for purposes of sexual exploitation - is preoccupying, although there are no official estimates of the number of victims. This situation worsens as the armed conflict and forced displacement escalate, leaves families - and especially minors - highly vulnerable and unprotected in terms of rights.

672. In view of the countrywide spread of sexual abuse and exploitation, a project for the "design and implementation of models of comprehensive care for victims of sexual offences" has been promoted since February 2000 under the *National policy for building peace and family cohabitation* ("Make peace") and in cooperation with the various stakeholders, basically with a view to restoring the victims' rights through measures taken at the level of the justice, education, health and social protection sectors. This project has been effectively reinforced by improving the prevention measures adopted and the assistance provided to victims through the training of public servants and welfare service providers, especially in areas particularly vulnerable.

673. During the period considered, sexual violence has been on the public agenda as a human rights issue. Moreover, joint, coordinated, intersectoral and interdisciplinary work was undertaken in order to develop processes of comprehensive care for sexual violence victims and for raising public awareness of the issue. As a result of that activity, the number of sexual violence cases reported to the authorities countrywide increased by 50 per cent.

674. The problems posed by the situation of *street children and young street inhabitants, users of psychoactive substances* are related to the abuse and exploitation of minors. Although characterization of this phenomenon, which has multiple causes and takes different forms in the various regions, is a complex exercise, the Government carries out activities for studying and controlling the situation. No official figures are available at the national level, but local studies on Bogotá,¹²⁸ where the prevalence of the phenomenon is highest, have produced some estimates.

675. The Bogotá survey identified 10,477 street children and young street inhabitants (of whom 1,786 or 17 per cent provided no information). The male/female rate (82.1 per cent/17.7 per cent) observed among the persons surveyed reflected the pattern observed in 1999. Minors represented 26.7 per cent of the total.

Table 34
Street children and young street inhabitants - Bogotá, 2001

Age group	Number	Percentage
Under 7	297	2.8
8-11	216	2.1
12-16	826	7.9
17-21	1 457	1.9
22-27	1 743	16.6
28-39	2 802	26.7
Over 40	3 124	29.8
NA	12	0.1
Total	10 477	100.0

Source: DANE-IDIPRON survey.

676. This population group had a low educational level: approximately 50 per cent of the persons surveyed had not completed any grade and only 2.5 per cent had finished secondary school. For their livelihood, they mainly resort to mendicancy or product recycling. Their family history is characterized by deep alienation and they are prey to feelings of helplessness.

677. In the capital, these problems are mainly addressed by means of three approaches, as a function of the age of the persons assisted and the assisting agency.¹²⁹ Children under 7 are assisted mainly by the Colombian Family Welfare Institute (ICBF), while persons aged 9 to 22 are assisted by the District Institute for the Protection of Children and Young People (IDIPRON). The assistance model, whose goal is re-socialization, comprises six phases: street, attention club, engagement, personalization, socialization and social integration.

678. At the national level, minors are assisted by the Colombian Family Welfare Institute (ICBF), and in particular through 11 institutions serving as specialized service providers to 4,500 to 5,000 boys and girls per year. The number of street children assisted by the Colombian Family Welfare Institute (ICBF) was 6,183 in 1998, 4,951 in 1999, 4,887 in 2000, 8,025 in 2001 and 5,293 in 2002.

679. The quest for alternative assistance approaches to this phenomenon has been cyclical, depending on the momentum that pioneering NGOs, specialized in direct intervention, manage to build. In general, however, there has been insufficient awareness of the phenomenon, which usually is addressed partially or as an aspect of related social scourges. In view of that situation, the current Government - with European Community assistance - has launched a programme aimed at providing street children with support, combined with relevant research and descriptive work, in 15 Colombian cities.

680. Psychoactive substances consumption is another aspect of the situation of abused or exploited children. Studies show that such consumption is on the increase among minors. According to a 1996 study undertaken by the National Narcotic Drugs Department there are practically no new cases of psychoactive substance consumption after the age of 18.

681. The national survey on the consumption of psychoactive substances among persons aged 10 to 24 who attended school, conducted in 82 communities in 2001, provided analytical countrywide information on alcohol, cigarette, marihuana, cocaine, heroine and ecstasy consumption, confirming the above trends.

682. Observations show that consumption starts at an increasingly early age. On the average, Colombian children begin to consume alcohol at the age of 12.9 years (15.2 per cent do so before the age of 10), cigarettes at 13.7 and marihuana and cocaine at 14.8. Geographically, with regard to marihuana, cocaine and heroine consumption, Medellín leads with 82.9 per cent and is followed by Mazinales, Pereira and Armenia, while the departments with lowest consumption are Arauca, Santa Marta, Riohacha, Valledupar and Sincelejo.

683. There are no national figures on children involved in coca and poppy cultivation (who are referred to as "raspachines" or "scrapers"). The studies available tend to take an anthropological approach, describing personal, cultural, social, economic and regional circumstances rather than providing statistical information.

684. Besides persons (known as “mules”) transporting drugs as part of large-scale international trafficking, boys, girls and adolescents are victims of the illicit trade of drugs at the domestic level insofar as minors are used to distribute the substances in question in the schools and recreation facilities. Detection of this activity is difficult. Law enforcement authorities report cases where drug-related roles are assigned to children within the family.

685. The increase in the number of children and adolescents involved in such activities gives cause for concern, as the relevant Colombian Family Welfare Institute (ICBF) assistance figures, shown in the following table, indicate:

Table 35
ICBF assistance figures, 1998-2002

Year	1998	1999	2000	2001	2002
Module					
Semi-internal services	532	533	1 387	721	1 274
External services				87	204
Support facilities				52	265
Internal services	435	420	1 387	1 553	1 405
Total	967	953	2 774	2 413	3 148

686. To meet increased demand for attention in view of the above deterioration, recourse to external services and support facilities was necessary in 2001 and 2002.

687. During the period considered, some positive results in this area were achieved through the following measures: establishment of local, regional and departmental networks linked to the educational system and the regional authorities; implementation of training programmes for law enforcement personnel in relation to children enrolled in school and youngsters deprived of schooling; development of 16 regional community-based projects for prevention in 10 departments; and implementation of the Colombia Drug Information System (SIDCO) of the National Drugs Directorate on drugs production and traffic.

688. Despite progress in respect of prevention, little has been achieved in terms of improving the situation. Treatment, 95 per cent private, is costly and not of the best quality. Currently the national assistance programme in this area is managed by the Ministry of Social Protection, in charge of the implementation of a comprehensive care policy.

D. Children belonging to ethnic minorities

1. General framework

689. **Laws, statutory instruments and regulations.** Based on the 1991 Constitution and the perception of the Colombian nation as multi-ethnic, multicultural and committed to the development of the rights of the indigenous peoples as ethnic groups, the State of Colombia has made progress in terms of adopting statutory instruments that protect and govern the rights of indigenous people in general.

690. Colombian legislation comprises a series of texts that establish special rights for the Colombian indigenous communities and are based on the recognition of the right to difference and of rights regarding regional issues, authority, autonomy and cultural self-determination, including Act No. 21 of 1991, adopting International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, and Decrees No. 1396 and 1397 of 1996, establishing the Commission on the human rights of indigenous peoples, the National commission on indigenous areas, a Standing committee for coordination and a special programme for assisting the indigenous peoples.

691. **Plans and programmes for children belonging to ethnic minorities.** Government policy seeks to reinforce the ethnicity and culture of indigenous peoples through programmes supportive of activities strengthening the cultural identity, practices and customs of indigenous communities, building their social and cultural structures, improving their living conditions and empowering them to ensure the exercise of their intrinsic personal and collective rights.

692. As stated in chapter VIII of this report, the Government implements ethnic education programmes whose main objective is to defend the human condition and promote a national identity based on respect for a multicultural society, ethnic diversity, gender differences and personal choice in life.

693. Provisions for special protection for indigenous children and young people¹³⁰ are based on the principle of empowering the indigenous peoples to administer justice in their regions. The policy implemented encourages local social and cultural processes through strategies aimed at effective endogenous socialization and social control (self-regulation).

694. The areas of institutional intervention are interrelated structurally, functionally and operationally; starting from the basis that the culture is an integrated whole that identifies an indigenous people. The Project for comprehensive care for indigenous families and minors addresses the areas of special and preventive protection, in accordance with comprehensive care provisions and the Juvenile Code.

695. The fact that a community turns to the National Family Welfare System (SNBF) does not prejudice the recognition of the community's ethnic and cultural identity or its right to act and participate in decision-making concerning its interests, provided that such acts or decisions meet minimum legal requirements.

2. The situation of children belonging to ethnic groups

696. Cases requiring protection under article 30 of the Juvenile Code are rare in the indigenous communities. Protection is generally related to hunger and malnutrition caused by the indigenous groups' reduced control over their environment and means of production as a result of migration from settlements, violence, drug trafficking and illegal crops. Assistance in such cases is provided in the framework of so-called multicultural protection, whereby children are offered protection as part of preserving and promoting the indigenous communities through institutionalized relations between the Family Ombudsman and the indigenous authorities.

697. The situation of ethnic minority children has been affected not only by structural poverty-related conditions but also by armed conflict and forced displacement. Although no relevant information is available, there is awareness of the importance of assisting and protecting the indigenous population in this regard.

E. Competent organizations and cooperation agreements

698. The Government meets its obligations in respect of the situation of children whose rights have been infringed through the Colombian Family Welfare Institute (ICBF), which is responsible for - and in charge of - public policy with regard to children.

699. **Organizations responsible for guaranteeing the rights of children.** Assistance policies and programmes for children in special situations provide for the participation of various sectors. The operational coordination of that participation is ensured by the Colombian Family Welfare Institute (ICBF), coordinator of the National Family Welfare System (SNBF).

700. **Cooperation and assistance agreements.** During the period considered, the Colombian Family Welfare Institute (ICBF) concluded various bilateral and multilateral cooperation agreements with international organizations that provide assistance to the displaced population in Colombia (World Food Programme (WFP), the United Nations High Commissioner for Refugees (UNHCR), the Humanitarian Aid Department of the European Commission (ECHO) and the United Nations Children's Fund (UNICEF)).

701. Moreover, in the framework of the national policy, the Institute implemented agreements with non-governmental entities engaged in international cooperation, such as the International Committee of the Red Cross (ICRC), Save the Children, Doctors without Borders, the Panamerican Development Foundation (PADF), CHF International (Cooperative Housing Foundation), and formed international partnerships with regional or local bodies and NGOs, according to specific needs and interests.

702. Attention should be drawn to the role of NGOs, think tanks, action groups, service providers, pressure groups and technical and political discussion groups that addressed the various assistance models and approaches.

F. Concluding remarks

703. Aware of the importance of childhood and adolescence for an individual's development of the serious difficulties involved in improving the conditions affecting children and adolescents, the Government made during the five-year period considerable efforts to restore the rights of the boys and girls affected by abuse, exploitation and conflict with the law. Clearly, however, Colombian children and adolescents continue to be seriously exposed to harmful conditions and little has been achieved in terms of reducing the impact of the above problems.

704. The legislative and assistance measures taken have proved inadequate in the face of the country's economic, social and conflict-related situation, which has deteriorated in the last five years. Improving the values of indicators designed to assess situations that warrant special

protection requires the development of policies and programmes to ameliorate the living conditions of the population in general and the most vulnerable families in particular. It is indispensable to strengthen the family, which forms the basis for the fulfilment of the vital aspirations of the individuals, particularly the children.

705. Accordingly, it is crucial that all government sectors jointly develop alternative measures for comprehensive care, focusing on promotion, support and assistance activities for the families, and giving to such activities priority over institutionalization. With regard to information systems, priority is given to strengthening and improving management, especially in areas of protection where data collection, reporting and analysis are inadequate.

706. Although special protection measures address specific situations involving the restoration of infringed rights, it is necessary to broaden the scope of intervention towards promotion, prevention and assistance through a context-based approach reflecting the various areas, factors and actors involved, taking a multi-faceted view of children; and considering the family and the community as affective and social networks of support in order to generate new alternatives to institutionalization and remedial action.

707. A major challenge facing the Government through the Colombian Family Welfare Institute (ICBF), which is in charge of the National Family Welfare System (SNBF), is the need to raise the timeliness, flexibility and quality of special protection services and of administration in the area of protection.

708. Legislative reform, through appropriate resolutions, and nationwide commitment, based on shared responsibility and an awareness of the priority of children's interests, are crucial in this regard. The Government is irrevocably committed to implementing comprehensive protection, demanding, recognizing and restoring the rights of boys and girls.

X. FOLLOW-UP OF THE OBSERVATIONS OF THE COMMITTEE

709. Colombia, in fulfilment of its obligations as State Party to the Convention on the Rights of the Child, has translated its commitment into the implementation of plans, projects, programmes and services and into legislative, administrative and judicial measures for the promotion, defence and guarantee of children's rights.

710. Some progress has been made as a follow-up on the observations of the Committee on the Rights of the Child regarding the Second Report, submitted in 1998. This progress is described in greater detail in the individual chapters of this report.

711. Colombia's *Third Report to the Committee on the Rights of the Child* has been prepared according to the general guidelines laid down by the Committee and has been enriched with methodology proposed by the Interamerican Children's Institute (IIN). That methodology not only was used in drawing up the report, but also generated an intersectoral and inter-institutional process for the review of the rights of children in the country.

712. In that process, a group of NGOs that acts as a think tank on children-related issues decided, as a matter of principle, to remain independent in order to take a critical stance towards the scope and the limitations of government action in view of the situation regarding the rights of

the child. That independence was respected implicitly by the governmental and non-governmental bodies throughout the discussions in the various forum with a view to ensuring a rich dialogue on all issues involved. In fact, some of the research papers that had been prepared were consulted in drafting this report.

713. The preparation of this report was guided by the observations and recommendations of the Committee on the Rights of the Child and by the wish to describe accurately government action and its scope, using faithfully the information found in or provided by the various sources with regard to the period considered.

714. Dispersion of data sources, diversity of information recording, reporting and assessment methodologies, divergence between official and non-official assessments and lack of a unified information system regarding the situation of children continue to be a weakness that makes the description and analysis of some issues difficult. These problems were partly solved by seeking complementary information in management reports, organization proposals and qualitative analyses contributed by project directors, leaders or managers.

715. The five-year period examined was characterized by a difficult political and economic situation. The Pastrana administration tried to improve the situation by launching a process of dialogue and negotiation, which failed miserably. That is why the current administration has changed course towards strengthening security democratically by ensuring control over the territory in order to guarantee the protection of the population, promote social development in the regions, improve social conditions and foster coexistence. Accordingly, the policies adopted favour a social protection system based on a risk-management approach of preventing and mitigating the impact of the social crisis, especially among the most vulnerable population groups.

716. Regarding progress in the legislative area, reference is made to the Government's failed attempts to reform the Juvenile Code. That failure complicates the process of taking judicial and administrative measures, since in some cases it is difficult to define *inter alia* the very idea of a situation of conflict with the law in view of the offenders' age, the type of offences committed and the protection procedures envisaged. The Government, however, remains committed to the reform and has drawn up a new bill entitled "Draft law on children".

717. In the legislative area, significant progress has been made in the form of, *inter alia*, the ratification of such international instruments as the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment; and the passage into law of Act No. 833 of 2003, adopting the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and of Act No. 679, promoting resolute inter-agency cooperation and government action against sexual exploitation, abuse, traffic and tourism.

718. In order to develop a government policy based on the principles of shared responsibility, participation and decentralization, social policy councils were promoted at the national and the regional level as a strategic element crucial to the operation of the National Family Welfare System (SNBF) and the formulation of a social policy for the children. In that connection, some

noteworthy local experimental projects were implemented, such as the creation and operation in Bogotá of supervisory protection councils, set up by the community as conciliatory bodies protecting children's rights, a good example of alternative assistance, prevention and comprehensive protection measures for minors.

719. The Ombudsman's Office has played an important role with regard to the rights of the child by providing a monitoring and follow-up system through a bulletin published periodically and containing the findings of field research and cogent arguments and recommendations for guaranteeing the implementation of those rights.

720. The Government realizes that its efforts are countered by the consequences of the poverty trapping twenty four million Colombians, which is compounded by forced displacement due to an escalation of the armed conflict. That complex situation overtaxes the capacity of the State and affects the implementation of the Convention.

721. Government action has led to some noteworthy progress in respect of the main issues that the Committee on the Rights of the Child has raised and on which it has made recommendations to Colombia. That progress has been achieved through the adoption of general measures of implementation, the improvement of training, the involvement of children, adolescents and other young people in various activities conducive to peaceful coexistence and the promotion of comprehensive training and development involving the sectors of education, culture, recreation and protection in participatory pedagogical models for the enhancement of children's prospects in life.

722. In the period considered, steps were taken, under the policy on the child and the family, to strengthen the National Family Welfare System (SNBF) and to bring about structural reforms in the Colombian Family Welfare Institute (ICBF), the agency in charge of that policy. Decrees No. 1137 and No. 1138 introduced a new approach to assistance for children, through an Institute serving the regions and promoting the participatory formulation of social policy advantageous to children. The functional structure of ICBF was further modified by the current Government through Decree No. 3264 to facilitate a rights-based pursuit of the Institute's goals.

723. A comprehensive childcare policy was developed through activities implemented under initiatives such as the following: *National Food Programme*, *Special Comprehensive Care for Minors*, *National Care Plan for the Disabled*, *National Plan for the Eradication of Child Labour*, *Combating Drugs*, *RUMBOS Assistance Programme* and *National policy for building peace and family cohabitation* ("Make peace") (prevention, observation and assistance in relation to domestic violence). Initiatives designed and developed within the framework of social protection with a view to providing support against social and economic insecurity included the following programmes: *Families in Action*, *Young People in Action* and *Employment in Action*.

724. The budget for initiatives aimed at assisting children was seriously affected by the fiscal crisis and the intensification of the armed conflict. In fact, the Colombian Family Welfare Institute (ICBF) is financed by means of parafiscal revenue and is therefore dependent on the country's economic performance. Expenditure on children, which mainly takes place as part of investment in education and health, is thereby affected adversely.

725. The Government has sought to implement the fundamental principles of the Convention. Accordingly, work has been done - albeit timidly - on developing cross-cutting policies based on a comprehensive, socially inclusive, inter-generational and gender-sensitive perspective; and on promoting respect for multicultural society and for the dignity of minorities and ethnic groups. The adoption of these principles through the National Development Plan and the departmental and municipal plans ensures - albeit indirectly - their application in the form of a broader scope of public services and strengthened mechanisms for equitable access to such services.

726. Some progress - insufficient, in view of the political, economic and social conditions prevailing in the country - has been achieved by the State as a guarantor of the above rights and is crucial to the fulfilment of that commitment. Such significant steps comprise the population register, whose coverage has attained 84 per cent (the aim being full coverage) and constitutes a key prerequisite for the enjoyment of goods and services by boys and girls.

727. With regard to family and alternative forms of supervision, the Government proposed strengthening - through assistance programmes and family support - assistance options other than institutionalization. Institutionalization, however, remains predominant in view of the critical situation and the complexity of problems. Nevertheless, programmes in the area of promotion of a culture guaranteeing the exercise of human rights and activities for prevention, support and family welfare have been strengthened through the development of community linkages and association with regional social actors, on the view that family and community networks can help to contain the vulnerability of Colombian boys and girls.

728. The *National policy for building peace and family cohabitation* (“*Make peace*”) and the related monitoring, assistance and prevention measures in relation to domestic violence, considered to be a public health issue, is crucial to strengthening the family and reducing abandonment and other risk factors affecting children. Related initiatives include the *Schools for parents* and *Schools for families* programmes which provide families with advice and guidance.

729. With regard to child adoption programmes, capacity-building measures are taken with an emphasis on the following elements: family assistance through multiple assistance alternative and psychosocial and legal support; where possible and as a function of their age and condition, participation of the boys or girls in decisions regarding their situation; preference for family-based alternative measures over institutionalization; and, lastly, preference for adoption by Colombian rather than foreign families.

730. In the area of basic health and welfare, the Government has developed considerable activities to ensure adequate health care at all ages, giving priority to children under five, pregnant women and breastfeeding mothers.

731. In the face of persisting regional differences, compounded by the armed conflict, special emphasis has been placed on nutritional and food initiatives to ensure a minimum level of food security and on increasing social security coverage among the population, ultimately helping the children.

732. The decline in the rate of mortality provides evidence of sustained and effective measures in the area of health. That trend must be reinforced through preventive and educational programmes. Despite the progress achieved, assistance for young people, through education,

promotion and assistance programmes related to sexual and reproductive health, must be pursued more forcefully. It is also necessary to raise the effectiveness of assistance during pregnancy and early infancy, and vaccination coverage, to adequate levels in order to counter the alarming situation that prevailed in the period considered.

733. With regard to HIV/AIDS, underreporting and deficient care continue to give cause for concern. It has not yet been possible to overcome the barriers that stand in the way of addressing the problem and provide adequate assistance. The situation is critical - and of unknown proportions - among children.

734. Education and development coverage has been sustained, despite some variations caused by the acute crisis in 1999 and 2000. However, the recrudescence of the armed conflict and the economic crisis have taken a heavy toll in terms of the dropout rate, raising the level of vulnerability and helplessness among many children. There is therefore a need to continue addressing the dropout problem, particularly pronounced in the upper grades (and therefore indicative of higher prevalence among adolescents and other young people).

735. Although the gap between rural and urban areas with regard to education opportunities persists, significant initiatives have been undertaken with a view to strengthening the education system in the rural areas. Affirmative action policies have guided such measures and lead to specific objectives with regard to the participation of minorities in the education system. A relevant example is the development of the ethno-education in the main indigenous communities and areas in the country.

736. There has been conspicuous progress in relation to education in democracy. Human rights are now a subject taught by various institutions of higher education and hands-on democratic training is provided through the introduction of school governments in all educational establishments.

737. With regard to special protection measures, the Committee's recommendations have been followed and the situation has been described in relation to the four groups provided for: children in exceptional situations (armed conflict and displacement), children in conflict with the law, children in situations of exploitation and abuse and children belonging to ethnic minorities.

738. Assistance for children and families affected by the armed conflict and forced displacement has been a top priority, addressed through emergency programmes and sustained action. Also comprehensive assistance initiatives - include alternative-assistance, training and re-socialization projects - have been designed and implemented for young persons disengaged from the armed conflict. Assistance coverage among the growing number of disengaged minors (who have entered the programmes voluntarily or by capture) has increased significantly.

739. Legislative measures for protection in view of displacement were implemented and national coordination strategies for launching operational mechanisms for timely assistance were strengthened. The Government, however, realizes that the proportions of problems and phenomena such as displacement exceed its capacity to take action.

740. The Government is well aware of the aggravation - as a result of structural causes that add to the complexity of the relevant problems - of the situation with regard to children in

conflict with the law. Although significant progress has been achieved in terms of differentiation of the modes of intervention, towards reinforcement of alternative measures replacing institutionalization, internment is still more frequent than family-based methods. The conceptual and methodological models used provide for improved living and assistance conditions for institutionalized minors and for strengthening educational processes aimed at helping the young people concerned to build their lives.

741. The Government is also aware of the pressing need for legislative reform in respect of the penal responsibility of adolescents in line with the concept of comprehensive protection based on the provisions of the Convention. Accordingly, a “Draft law on children” is scheduled for submission to the Congress.

742. The Government has undertaken considerable efforts for education, prevention and attention in relation to children in situations of exploitation, abuse or both, especially by promoting the formulation of action plans at the national level and the formation of intersectoral working committees for assistance in this area. However, the growing proportions of the phenomenon, the structural difficulties faced by the country and extensive underreporting (for lack of adequate information systems or research sources) impede assistance and an assessment of its scope.

743. The Government recognizes that the rights of the child is an issue of interest to all and is progressively establishing them as such, on the view that infringement of the rights of boys and girls seriously diminish their integrity and dignity as human beings. Accordingly, shows its political resolve to generate mechanisms of human rights promotion, protection and defence through public initiatives in various human rights areas and special situations.

744. The Government, aware of the achievements and obstacles identified, shall continue to be open to observation by the international community and to receive recommendations and support regarding the objectives of activities with a view to optimizing effectiveness in the use of resources and the implementation of strategies in the face of structural poverty and a situation of violence and conflict.

CONCLUSIONS

745. Drawing up the Third Report of Colombia to the Committee on the Rights of the Child has been a valuable exercise in analysing and exchanging views on the situation of children in the country.

746. Viewing the situation of Colombian boys and girls from the perspective of rights provides an incentive to continue strengthening participatory schemes involving effectively the children and adolescents in issues that affect them and to underscore the significance of their participation in the processes of education, organization and definition of their social role as citizens.

747. With regard to the family environment, the relevant discussion is aimed at identifying alternatives that strengthen the family per se, as an “actor”, as an environment essential to the life, growth and development of children and as a shield from abandonment and infringement of rights. It is therefore necessary to shift away from approaches that fail to focus on child-centred care and view family assistance and the reinforcement of the affective and social ties that link the family and the child as secondary.

748. Basic health and welfare priorities necessitate effective vaccination coverage, timely and speedy access to health services as early as pregnancy, preventive care in view of the various risk factors and adequate health care in connection with the diseases prevalent among children.

749. Current major challenges include the following tasks: eliminating malnutrition, guaranteeing the rights to food and adequate nutrition; supporting the comprehensive care policies and programmes with regard to sexual and productive health, especially those addressing the adolescents, and enhancing the effectiveness of such services provided to women, especially during pregnancy; raising awareness of controlling the situation in respect of HIV/AIDS, a disease still cloaked in a shroud of mystery that prevents a clear assessment of the phenomenon; strengthening comprehensive health improvement policies, with the emphasis on such crucial issues as mental health, strongly affected by structural situations related to public health, including generalized violence, domestic violence and the consumption of psychoactive substances; and strengthening epidemiological monitoring.

750. Further priorities are the following tasks: continuing to develop and implement a comprehensive assistance policy for persons with special abilities, building on the significant progress achieved in that area; and strengthening the structural aspects of policies and programmes related to the environment, viewing it as a factor protecting life and ensuring survival, especially among the youngest.

751. With regard to education, culture and the development process in general, the primary importance of *preschool education* and care for children at that age is indisputable. Progress in that area is only beginning to take place in Colombia and there is a need for effective projects conducive to social cohesion. Joint efforts are required to ensure the appropriation of the idea that the interests of children concern society as a whole and there is therefore also a need for discussion on pedagogical issues from the perspective not only of formal education, but also of the comprehensive education and development of human beings.

752. Against the backdrop of a rights-based perception of the need for comprehensive protection, a view resolutely adopted by the country, it is necessary to continue to develop the forms of assistance provided in situations where the rights of children are infringed by restoring those rights through context-based alternatives involving promotion, prevention and appropriate intervention.

753. Fundamental work has been accomplished in implementing commitments made pursuant to the Convention in the following areas: strengthening the educational and training processes; ensuring social mobilization for children; enacting appropriate legislation; upgrading public

management through the efficient administration of services provided to children on a participatory basis; and carrying out all of these tasks on the basis of guidelines aimed at formulating public policy through regional participation.

754. Drawing up this Third Report has made it possible to identify not only information-related inadequacies and weaknesses, but also progress achieved and initiatives and activities undertaken by the Government in its capacity as guarantor of human rights. It has been possible to show the significance of the achievements accomplished in the various areas of children's rights despite administrative limitations, low institutional capacity and the economic and social crisis in recent years.

755. The various public bodies, cognizant of the particular characteristics of the national context, have sought to identify new and better alternatives in the area of support for building a public policy for children translating into plans, programmes, projects and services addressing the relevant priorities.

756. Regional management has paved the way to new, bottom-up ways of formulating and implementing policy, an exercise that must be strengthened through joint search for alternative forms of cooperation among the various social actors.

757. The lack of a unified official information system on child-related issues continues to be a major weakness. Sectoral or issue-oriented approaches to policy formulation and implementation contribute to the dispersion and fragmentation of information.

758. Scarcity of information regarding some areas hardly allows to even sketch the reality experienced by Colombian boys and girls. On the other hand, it has been possible to outline the basic situation concerning children's rights. The competent bodies and government actors must fill in this outline with more specific and complete data in the interest of improving the living conditions of children. In that sense, this report constitutes a basis and a starting line for establishing *a monitoring and follow-up system* regarding the exercise of those rights.

759. This collective exercise has made it possible to draw attention to the significant contributions of civil society organizations (CSOs) which, under the leadership of NGOs, the academia and community-based organizations, have encouraged discussion and critical thought. Those outstanding contributions show the converging interest of all concerned in improving the living conditions of our boys and girls.

760. This Third Report to the Committee on the Rights of the Child has prompted a nationwide exchange of views that has generated resolve to face the existing situation with a heightened sense of responsibility.

761. The distance so far covered is hardly the beginning of a long way towards building an integrated system aimed at ensuring the exercise of children's rights with the help of resolute government action.

Notes

- ¹ Inter-American Children's Institute - Save the Children Sweden, "Guía par la región América Latina y el Caribe" (available at <http://www.iin.oea.org>).
- ² Political Constitution of Colombia 1991, title V "Concerning the organization of the State", arts. 113 ff.
- ³ Ministry of Health - Colombian Family Welfare Institute, *La aplicación práctica de la política de reconocimiento a la diversidad étnica y cultural. Protección a niños, niñas y jóvenes indígenas*, vol. I (Bogotá, 1999).
- ⁴ University of Valle, Centre for Research into Health and Violence (CISALVA), Cali, 1999.
- ⁵ The indicators for population trends are calculated per 1,000 inhabitants.
- ⁶ National Department of Statistics (DANE), *Proyecciones de Población - Situación de Salud en Colombia: Indicadores Básicos* (Bogotá, 2003).
- ⁷ National Department of Statistics, *Colombia: Proyecciones departamentales de población por sexo y edad 1990-2015* (Bogotá, 1998).
- ⁸ National Department of Statistics - Ministry of Health, *Indicadores Básicos* (Bogotá, 2002).
- ⁹ National Department of Statistics, *Encuesta Nacional de Hogares* (National Household Survey) (Bogotá, 2002).
- ¹⁰ Calculations based on the enrolment information provided by education departments.
- ¹¹ Ministry of Education, "Derecho a la Educación: Documento preliminar, 1998-2002" (Bogotá, 2003).
- ¹² National Department of Statistics, *Encuesta Nacional de Hogares* (Bogotá, 2001).
- ¹³ Jorge Iván González (lecturer, National University of Colombia, and researcher, National Human Development Programme), "Artículo académico de economía" (Bogotá, June 2002).
- ¹⁴ National Planning Department, "Coyuntura económica y social", *Boletín SISD* No. 30 (2000), p. 10.
- ¹⁵ University of Valle, Centre for Research into Health and Violence (CISALVA), Cali, 1999.
- ¹⁶ Jorge Iván González, op. cit.
- ¹⁷ National Planning Department, "Economic indicators" (Bogotá, March 2002).

- ¹⁸ United Nations Development Programme (UNDP), National Planning Department, Colombian International Cooperation Agency and National Human Development Programme, *Diez años de Desarrollo Humano en Colombia* (Bogotá, 2003), cited in Colombian Family Welfare Institute, Technical Department, “Ejes misionales: Marco general” (preliminary paper, Bogotá, 2003).
- ¹⁹ Ibid., p. 8.
- ²⁰ National Department of Statistics, *Encuesta Nacional de Hogares* (Bogotá, 2001).
- ²¹ National Planning Department, *Indicadores Sociales* (2002) (available at <http://www.dnp.gov.co>).
- ²² Colombian Family Welfare Institute, op. cit., pp. 9-10.
- ²³ Nohora Rey de Marulanda, “Elementos económicos de la gerencia social” (American Institute for Social Development (INDES) and Inter-American Development Bank (IDB), Bogotá, 1999).
- ²⁴ Elsie Garfield et al., “Violencia, paz sostenible y desarrollo”, in Marcelo Giugale, Olivier Lafourcade and Connie Luff, eds., *Colombia: fundamentos económicos de la paz* (Bogotá, Banco Mundial - Alfaomega, 2003) p. 5.
- ²⁵ Office of the Vice-President of the Republic, Monitoring Centre for the Presidential Human Rights and International Humanitarian Law Programme, “Colombia, conflicto armado, regiones” (Bogotá, 2002).
- ²⁶ Social Solidarity Network, *Registro Único de Población Desplazada* (Bogotá, 2003).
- ²⁷ The sociocultural context in which these children are born is one in which members of their families have been involved with armed groups for two or three generations: this is the reality they know as they grow up, from the moment the socialization process begins until they themselves join an armed group.
- ²⁸ Data on kidnapping provided by the National Fund for the Defence of Personal Liberty (Fondelibertad).
- ²⁹ The Children’s Covenant was a strategy based on the following: the rights of the child, communication and social mobilization, the Plan of Action for Children, and the Children’s Ombudsman (*Oidor de los Niños*). The latter post was created by the Government to oversee the fulfilment of Colombia’s obligations towards children.
- ³⁰ The following sources were consulted in drafting this section: Colombian Family Welfare Institute, Technical Department, “Ejes misionales: Marco general”, (preliminary paper, Bogotá, 2003); Colombian Family Welfare Institute, “Informe de empalme, 1998-2002” (Bogotá, 2002).

³¹ Report of the World Conference on Human Rights (A/CONF.157/24 (Part I)), chap. III, “Vienna Declaration and Programme of Action”, para. 5: “All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”

³² Office of the President of the Republic, National Planning Department, “National Development Plan, 1998-2002: Change for building peace” (Bogotá, Tercer Mundo Editores, 1998).

³³ These are the general guidelines of the childcare policy, which are contained in the National Development Plan for 1998-2002.

³⁴ “Social imbalance” here refers to situations arising from structural problems of a political, economic or social nature that have a profound and permanent impact on children’s living conditions and lifestyles.

³⁵ Colombian Family Welfare Institute, Technical Department, “Política de niñez” (working paper, Bogotá, 2001).

³⁶ Colombian Family Welfare Institute, Technical Department, “Articulando bienestar” (Bogotá, 2001).

³⁷ Colombian Family Welfare Institute, “Informe de empalme 1998-2002” (Bogotá, 2002).

³⁸ Office of the President of the Republic, National Planning Department, “National Development Plan, 2002-2006: Towards a community-based State” (Bogotá, 2002).

³⁹ Colombian Family Welfare Institute, Planning Department, Organizational Improvement Division, “Plan indicativo institucional 2003-2006: La gestión eficiente para el servicio de la niñez (Bogotá 2003).

⁴⁰ Centre for Multidisciplinary Research into Development (CIMDER) and United Nations Children’s Fund (UNICEF) “Línea base para el seguimiento y evaluación de las políticas de infancia y adolescencia en Colombia” (Cali, 2003) p. 16.

⁴¹ Ibid.

⁴² National Human Development Programme, “Finanzas públicas, niñez y juventud” (Bogotá, 2003).

⁴³ Colombian Family Welfare Institute, Technical Department, “Ejes misionales: Marco general” (preliminary paper, Bogotá, 2003).

⁴⁴ The *Directorio de la Oferta de Servicios para Población Vulnerable* (a directory of services for vulnerable population groups), produced in 2002 by the National Planning Department, the United Nations Development Programme, the Colombian Family Welfare Institute and Misión Social, includes, in addition to the names of State institutions, those of private institutions offering such services.

⁴⁵ Some of the NGOs that have participated in these joint efforts are: Save the Children, Visión Mundial, Plan Internacional, Corporación Ayuda Humanitaria, Comitato Internazionale per lo Sviluppo dei Popoli (CISP), Leak and Watts, and Acción contra el Hambre. National NGOs include: Fundación Corona, Fundación Antonio Restrepo Barco, Corporación Opción Legal, Fundación Esperanza, Fundación Afecto, Fundación Rafael Pombo and Fundación Pies Descalzos. Other participants include: the University of the Andes, the National University of Colombia and the Colombian Red Cross.

⁴⁶ Cooperation programmes and projects have been undertaken with the World Food Programme (WFP), the United Nations Development Programme (UNDP), the International Labour Organization (ILO), the World Health Organization (WHO), the World Bank and the Food and Agriculture Organization of the United Nations (FAO), as well as with the International Organization for Migration (IOM) and the International Committee of the Red Cross (ICRC). At the regional level, cooperation has been received from the Organization of American States (OAS), the Inter-American Children's Institute (IIN), the Inter-American Court of Human Rights (IACHR), the Inter-American Development Bank (IADB), the Pan American Health Organization (PAHO) and the Andean Development Corporation.

⁴⁷ Colombia has also strengthened its relations with international organizations; international cooperation has been provided by various agencies of the United Nations system, including the United Nations Children's Fund (UNICEF).

⁴⁸ Information taken from working papers and public presentations made in Bogotá in 2003 on the purpose and the administration of the Alliance for Children movement in the context of establishing the Ten-Year Plan for Children.

⁴⁹ Aljandro Acosta Ayerbe and Fadua Kattah Beainy, *Hacia la construcción de una política pública de infancia y adolescencia* (Bogotá 2002).

⁵⁰ Colombian Family Welfare Institute, Technical Department, "Articulando bienestar", (Bogotá, 2002).

⁵¹ Colombian Family Welfare Institute, Communications Office, "Documento de aporte al tercer informe de Colombia al Comité de los Derechos del Niño" (Bogotá, 2003).

⁵² Judgement ST-477/95 of the Constitutional Court.

⁵³ Judgements ST-491/93, ST-326/93, ST-090/94, ST-122/94, ST-166/94, ST-302/94, ST-358/95 and ST-451/94 of the Constitutional Court.

⁵⁴ Judgements ST-394/96 and ST-523/97 of the Constitutional Court.

- ⁵⁵ The main source for the preparation of this section was: Naranjo, Vladimiro. *Teoría constitucional e instituciones políticas*, Sixth edition. Bogotá. Temis, 1995.
- ⁵⁶ Afro-Colombian beneficiaries in 1996 and 2000 numbered 1,509 and 1,041 respectively.
- ⁵⁷ This Act establishes permanent access by ethnic groups to the electromagnetic spectrum, public communication services and creation of their own communication media.
- ⁵⁸ Fifth Ministerial Meeting on Children and Social Policy in the Americas. *Participation of children and adolescents in Latin America and the Caribbean. Discussion paper*. Kingston, 2000.
- ⁵⁹ CONPES document No. 3144, December 2001. CONPES document No. 3981, June 2000.
- ⁶⁰ It should be pointed out that the comprehensive nature of these programmes not only strengthens the role of the family, but also contributes to children's training and development. Some of them have therefore been dealt with in the section entitled "Education and development".
- ⁶¹ ICBF (Technical Department). *Programming guidelines 2002*. Bogotá, 2002.
- ⁶² These programmes are dealt with in greater detail in the section, "Education and development".
- ⁶³ In this group of services nutritional restoration is related to care at the zonal level, in line with technical and programming structures; but in an emergency its nature may be more closely related to the operations of the special protection services.
- ⁶⁴ The services and forms of care within the institutional framework designed for children in situations of vulnerability are described in greater detail in Chapter 9: "Special protective measures".
- ⁶⁵ DNP, Familias: Estrategías frente al Riesgo, Bogotá, 2003.
- ⁶⁶ The DANE defines "household" as "a person or a group of persons, who may or may not have links of consanguinity, occupying the whole or part of a dwelling, sharing meals and recognizing the authority of one person (head of household)".
- ⁶⁷ ICBF (Technical Department, Subdirectorato for Direct Intervention, Haz Paz group), Estado del Arte. Política de Paz y Convivencia Nacional, Bogotá, 2003.
- ⁶⁸ ICBF - Haz Paz Group, op. cit., p. 1.
- ⁶⁹ Information up to September 2002.
- ⁷⁰ ICBF, Territorial Management Department, *Familias en Acción*, Bogotá, 2002.

- ⁷¹ ICBF, Programming Subdirector, *Ejecución de metas 1999-2002* (Performance of tasks 1999-2002), Bogotá, 2003.
- ⁷² The situation of street children is discussed in chapter IX (Special protective measures).
- ⁷³ Ministry of Social Protection, General Directorate of Service Quality, "Working document", Bogotá, 2000.
- ⁷⁴ Forensic Medicine and Forensic Sciences Institute, National Violence Referral Centre (CRNV), *Medicina Legal en Cifras 1998-2002* (*Legal Medicine in Figures, 1998-2002*), Bogotá, 2003.
- ⁷⁵ Ministry of Health, *Informe Nacional* (*National Report*), Bogotá, 2000.
- ⁷⁶ Acosta Ayerbe, Alejandro and Kattah Beainy, Fadua, *Hacia la construcción de una política pública de infancia y adolescencia* (*Towards developing a government policy for children and adolescents*), Bogotá, 2002.
- ⁷⁷ An effective coverage rate is equal to at least 95 per cent of the age group concerned.
- ⁷⁸ Underheight/age and gender.
- ⁷⁹ Underweight/height and gender.
- ⁸⁰ Underweight/age and gender.
- ⁸¹ PROFAMILIA. *Encuesta Nacional de Demografía y Salud* (*National Demographic and Health Survey*) (*ENDS*) Bogotá, 2000.
- ⁸² Ibid., p. 53.
- ⁸³ Ibid., p. 107.
- ⁸⁴ Ibid., p. 108.
- ⁸⁵ National Administrative Department of Statistics (DANE), *Estadísticas vitales* (*Vital statistics*), Bogotá, 1999.
- ⁸⁶ Republic of Colombia, *Informe de la Década. Plan de acción a favor de la Infancia* (*PAFI*) 1990-2000 (*Action plan for children* (*PAFI*), 1990-2000), Bogotá, 2001.
- ⁸⁷ Nominal aqueduct coverage: number of users connected to a water supply network, even if that service is provided for less than 24 hours per day or has a quality rating under 100 per cent.
- ⁸⁸ The lag is mainly observed in department capitals with fewer than 100,000 inhabitants and in municipalities with 12,000 to 70,000 inhabitants.
- ⁸⁹ The situation is worst in Puerto Íñirida, Mitú, Puerto Carreño and San Andrés.

⁹⁰ Ministry of National Education (MEN), *Informe Derecho a la Educación, 1998-2002 (Report on the Right to Education, 1998-2002)*, Bogotá, August 2003.

⁹¹ The Ministry of Culture has in various ways participated in initiatives based on a view of education as a public process that is part of comprehensive training and should begin in the form of recreation and amusement. The contributions of the Ministry of Culture are described in greater detail in chapter V (“Civil Rights and Freedoms”).

⁹² Documentation for use in the preparation of this report was provided in August 2003 by the public bodies concerned, in consultation with the Ministry of National Education (MEN).

⁹³ Colombian Institute for the Development of Higher Education (ICFES), *Boletín estadístico (Statistical bulletin)*, Bogotá, 2000.

⁹⁴ National Administrative Department of Statistics (DANE), *Proyecciones, 1995-2005 (1995-2005, forecasts)*. Accessible at <http://www.dane.gov.co>.

⁹⁵ Acosta Ayerbe, Alejandro and Kattah Beainy, Fadua, op. cit.

⁹⁶ Reported by Acosta Ayerbe, Alejandro, Interview with Sara Benjumea, Officer for Basic Services and Local Development, UNICEF-Colombia, 2002.

⁹⁷ Information on the educational integration of this population group and the coverage of the assistance extended to it is provided in chapter VII (“Basic Health and Welfare”).

⁹⁸ Ministry of National Education (MEN), *Informe de Gestión, 1999-2000 (Management Report, 1999-2000)*, Bogotá, year, p. 270.

⁹⁹ National Administrative Department of Statistics (DANE), *Encuesta Nacional de Hogares (National Household Survey)*, Ciudad, 2001.

¹⁰⁰ Gross coverage: Total enrolment at a given level/Total population of the age corresponding to that level. The following age groups are used in this case: age 5-6 for preschool education, age 7-11 for primary education, age 12-15 for basic secondary education and age 16-17 for intermediate education.

¹⁰¹ Net coverage: Enrolment of pupils of the age corresponding to a given level/Total population of the age corresponding to that level.

¹⁰² National Administrative Department of Statistics - Ministry of National Education (DANE-MEN), C-600, *Estadísticas educativas, 1998-2002 (Education Statistics, 1998-2002)*, Bogotá, 2003.

¹⁰³ Ibid.

¹⁰⁴ DANE-MEN, op. cit. (C-600).

- ¹⁰⁵ Acosta Ayerbe, Alejandro and Kattah Beainy, Fadua, op. cit., p. 47.
- ¹⁰⁶ Acosta Ayerbe, Alejandro and Kattah Beainy, Fadua, op. cit., p. 47.
- ¹⁰⁷ Ministry of National Education (MEN), *Evaluación del sistema SABER 1997-1999 (SABER system evaluation, 1997-1999)*, Bogotá, 1999.
- ¹⁰⁸ Colombian Family Welfare Institute (ICBF), Planning Subdivision, *Ejecución de metas: 1998-2002 (Attainment of objectives: 1998-2002)*, Bogotá, 2003.
- ¹⁰⁹ In this case, homes with care capacity for 15 children in accordance with ICBF guidelines.
- ¹¹⁰ Colombian Family Welfare Institute (ICBF), Planning Subdivision, op. cit.
- ¹¹¹ Acosta Ayerbe, Alejandro and Kattah Beainy, Fadua, op. cit., p. 49.
- ¹¹² Calculations of the Social unit of the National Planning Department (DNP), based on data of the National Administrative Department of Statistics (DANE).
- ¹¹³ MEN, *Informe Derecho a la Educación*, op. cit., p. 11.
- ¹¹⁴ This programme is described in chapter V (“Rights and civil liberties”).
- ¹¹⁵ This programme is described in chapter V (“Rights and civil liberties”).
- ¹¹⁶ This programme is described in chapter V (“Rights and civil liberties”).
- ¹¹⁷ Ombudsman’s Office, *Boletín Informativo (Information Bulletin)*, Bogotá, 2002 - UNICEF. *Informe Mundial de Infancia (State of the World’s Children)*, 2002.
- ¹¹⁸ Social Solidarity Network (RED), *Informe Planeación Sistema Único de Registro (SUR)*, (Report on the Unified registry of displaced people), Bogotá, 2004.
- ¹¹⁹ Consultancy on Human Rights and Displacement (CODHES), *Informe ejecutivo (Executive Report)*, Bogotá, 2003.
- ¹²⁰ Social Solidarity Network (RSS), *Informe Derecho a la protección integral en caso de ser refugiado o desplazado (Report on the Right of refugees and displaced persons to comprehensive protection)*, Bogotá, 2002.
- ¹²¹ Ibid., p. 4.
- ¹²² World Food Programme (WFP), *Informe Anual 2002 (Annual Report, 2002)*, Bogotá, 2002.
- ¹²³ Mobile units provide psychological and social assistance and attend to food security, cultural and educational administration and management in cooperation with local bodies and with the communities.

¹²⁴ Ombudsman's Office, Boletín N° 6 (Bulletin No. 6), Bogotá, 2000, p. 8.

¹²⁵ Ombudsman's Office, op. cit., p. 9.

¹²⁶ PROFAMILIA, op. cit.

¹²⁷ National Administrative Department of Statistics (DANE), *Encuesta de Calidad de Vida 1997 (Quality of Life Survey)*, Bogotá, 2007.

¹²⁸ National Administrative Department of Statistics (DANE) and District Institute for the Protection of Children and Young People (IDIPRON), *Censo Sectorial de Habitantes de Calle. Informe Final, (Sectoral Survey on Street Children, Final Report)*, Bogotá, 1999-2001.

¹²⁹ This classification is the result of applying the legal regulations cited in the third sectoral census (*Tercer Censo Sectorial 2001*, Bogotá, 2001).

¹³⁰ Esther Sánchez, "La aplicación práctica de la política de reconocimiento a la diversidad étnica y cultural" (Ministry of Health, Colombian Family Welfare Institute, Bogotá, 2002).

List of annexes

LEGAL INSTRUMENTS

Act No. 424 of 1998, providing for follow-up of the international conventions signed by Colombia.

Act No. 470 of 1998, adopting the “Inter-American Convention on International Traffic in Minors”.

Act No. 515 of 1999, adopting the International Labour Organization (ILO) “Convention No. 138 concerning Minimum Age for Admission to Employment”, adopted by the General Conference of ILO at its fifty-eighth session.

Act No. 525 of 1999, adopting the “Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction”.

Act No. 707 of 2001, adopting the “Inter-American Convention on Forced Disappearance of Persons”.

Act No. 762 of 2002 adopting the “Inter-American Convention on the Elimination of all forms of Discrimination against Persons with Disabilities”.

Act No. 765 of 2002 adopting the “Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography”.

Act No. 800 of 2003, adopting 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 United Nations Convention against Transnational Organized Crime”.

Decree No. 1138 of 1999, establishing the Colombian Family Welfare Institute (ICBF).

Act No. 509 of 1999, providing for some benefits for “community mothers” in respect of Social Security and for the granting of a pension allowance.

Decree No. 1137 of 1999, organizing the Family Welfare Administrative System, restructuring the Colombian Family Welfare Institute (ICBF) and containing other provisions.

Act No. 575 of 2000, partially amending Act No. 294 of 1996 in order to prevent, remedy and punish domestic violence.

Act No. 721 of 2001, amending Act No. 75 of 1968 on DNA genetic tests.

Act No. 750 of 2002, establishing rules with regard to special assistance, in connection with house-arrest and community work, for women heads of household.

Act No. 755 of 2002, amending article 236 of the Substantive Employment Act (María Act).

Act No. 715 of 2001, establishing basic rules in connection with resources and jurisdiction under articles 151, 288, 356 and 357 (Legislative Act No. 01 of 2001) of the Constitution, and containing other provisions for, inter alia, the organization of the provision of education and health services.

Decree No. 2562 of 2001, implementing Act No. 387 of 18 July 1997 with regard to the provision of public education services to displaced population and containing other provisions.

Decree No. 1278 of 2002, establishing the rules and regulations governing the profession of teachers.

Decree No. 1283 of 2002, organizing an inspection and monitoring system for preschool, basic and intermediate education.

Decree No. 1528 of 2002, regulating partially articles 23 and 27 of Act No. 715 of 2001.

Decree No. 1850 of 2002, governing the organization of school days and working days for teachers and administrators in public formal-education institutions managed by the departments, districts and certified municipalities, and containing other provisions.

Decree No. 2978 of 2002, correcting an error in Act No. 715 of 2001, establishing basic rules in connection with resources and jurisdiction under articles 151, 288, 356 and 357 (Legislative Act No. 01 of 2001) of the Constitution, and containing other provisions for, inter alia, the organization of the provision of education and health services.

Decree No. 3020 of 2002, stipulating organization criteria and procedures for the public education teaching and administrative staff supplied by regional authorities, and containing other provisions.

Decree No. 230 of 2002, establishing rules in connection with the curriculum, student evaluation and promotion and institutional assessment.

Act No. 418 of 1997, establishing some instruments for promoting coexistence and the effectiveness of the courts, and containing other provisions.

Act No. 548 of 1999, extending the period of validity of Act No. 418 of 26 December 1997, and containing other provisions.

Act No. 642 of 2001, clarifying article 2, paragraph 2, of Act No. 548 of 1999 with regard to the recruitment of high-school graduates for military service.

Act No. 782 of 2002, extending the period of validity of Act No. 418 of 1997, extended and amended by Act No. 548 of 1999, and amending some of its provisions.

Act No. 679 of 2001, establishing provisions for preventing and opposing the exploitation of minors and their use for purposes of pornography and sexual tourism.

Decree No. 128 of 2003, regulating Act No. 418 of 1997, extended and amended by Act No. 548 of 1999 and Act No. 782 of 2002 in connection with integration into civil society.

Decree No. 933 of 2003, governing the implementation of apprenticeship contracts, and containing other provisions.
