



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

Forty-second session

SUMMARY RECORD OF THE 1147th MEETING (Chamber B)

Held at the Palais Wilson, Geneva,
on Friday, 26 May 2006, at 10 a.m.

Chairperson: Ms. KHATTAB

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Third periodic report of Colombia (CRC/C/129/Add.6; CRC/C/COL/Q/3 and Add.1)

1. At the invitation of the Chairperson, Mr. Concha, Ms. Díaz, Ms. Forero Ueros, Ms. Londoño Soto, Mr. Matute, Mr. Mejía, Mr. Mesa, Ms. Peñuela, Mr. Rueda Prada, Ms. Vanegas Cubillos and Ms. Vargas Silva (Colombia) took places at the Committee table.
2. Ms. FORERO UCROS (Colombia) said that the armed conflict in Colombia continued to hinder the enjoyment of civil, political, economic, social and cultural rights. Children were among the worst affected by anti-personnel mines, unexploded ordnance, forced conscription, displacement, murders and sexual violence. The Committee should take that situation into account in its consideration of the State party's efforts to implement the Convention.
3. Ms. LONDOÑO SOTO (Colombia) said that, while Colombia had experienced strong economic growth, almost half the population continued to live in poverty. Children in rural areas were the worst affected, since their plight was exacerbated by social inequality and regional disparities. Many children had been recruited as soldiers, forcibly displaced, or injured by anti-personnel mines as a direct consequence of the armed conflict.
4. There had, however, been many positive developments in the area of children's rights. Infant and maternal mortality had decreased, as had growth retardation. Health care had been extended to the entire indigenous population, and more families were covered by the health-care system than in previous years. More girls were attending and completing school, and fewer children were dropping out of school or repeating years. Measures were being taken to improve curricula and teaching methods in order to motivate students and provide them with skills that they could use throughout their lives. The proportion of registered births had increased. Measures were being taken to raise children's awareness and understanding of their rights.
5. The Senate was currently drafting legislation to incorporate the rights under the Convention into domestic law. Preliminary work in that area had involved civil society, United Nations agencies, academics and the Office of the Attorney-General. The Government was finalizing its national policy on early childhood, which took an integrated approach to the survival and emotional, psychological and cognitive development of children from conception to the age of 6. A national plan on childhood, which would soon be introduced, set out measures to protect children's rights in the next decade. The country's 32 departments and 1,098 municipalities would be responsible for implementing the plan.
6. Steps had been taken to ensure effective and coordinated local management of maternal and child health, nutrition, sexual and reproductive health, water and basic sanitation, civil registration, and education. A national information system had been established to provide information on children and young people. Data were disaggregated by gender and by rural and urban areas. The Alliance for Children brought together State bodies, national and international non-governmental organizations (NGOs), academics and international cooperation agencies to promote and protect children's rights.

7. Mr. ZERMATTEN (Country Rapporteur) said that there appeared to be a vicious circle in which armed conflict led to forced displacement, which in turn increased poverty. Many children were being recruited as child soldiers, which meant they were involved in armed conflict. The State party should indicate how it intended to remedy that situation.
8. He commended the reporting State for its ratification of the optional protocol on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict. He welcomed Colombia's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and International Labour Organization (ILO) Convention No. 138 concerning the Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. He also welcomed the State party's national action plan to eradicate child labour.
9. Other positive developments included the ratification of the Rome Statute of the International Criminal Court and ratification of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction. The reporting State had made significant progress in mine clearance, and he asked how it planned to continue those efforts. He commended the State party for introducing legislation in accordance with the Inter-American Convention on the International Return of Children, and welcomed the Constitutional Court's condemnation of the Government's low level of assistance and protection for displaced persons. It was encouraging to see that the Constitutional Court had passed a decision authorizing abortion in certain circumstances. He welcomed the State party's cooperation with the Office of the United Nations High Commissioner for Human Rights.
10. He requested information on the results of the measures taken to address many of the issues raised in the Committee's concluding observations on Colombia's second periodic report (CRC/C/15/Add.137). In particular, he wished to know whether those measures had benefited all children, whether they had been evaluated and how successful they had been.
11. He asked what stage had been reached in the State party's consideration of its draft legislation on children and young people. He enquired whether that legislation was in accordance with the Convention and when it would enter into force.
12. The Government should consider amending Law No. 882 of 2004, which decriminalized sexual abuse on the grounds that sexual abuse was physical abuse and therefore was already penalized. He enquired whether the Government would reintroduce the crime of child abuse in its draft legislation on children and young people.
13. He requested additional information on the current status of the national action plan for children. In particular, he asked when it would enter into force and how long it would last.
14. It was important to ensure that family and social services were decentralized to all departments and municipalities, and he requested information on the status of the municipal and departmental strategy for children and young people. He wished to know whether the

Government could require municipal and departmental governments to invest more heavily in children's programmes and requested information on the work of the 175 children's and family monitoring centres.

15. He expressed concern that the budget of the Colombian Family Welfare Institute came from a 3 per cent salary tax, since that meant that its budget could decrease in times of crisis. In that connection, he asked whether the Institute's funding was adequate and whether the State party planned to change its method of funding.

16. He asked whether the State party planned to establish children's rights units for rural, Afro-Colombian and indigenous children. He expressed concern that budget allocations for education, health and social programmes had decreased. Between 1995 and 2001, the budget for the Colombian Family Welfare Institute had dropped from 2.5 per cent of public spending to 1.5 per cent. He wished to know how much of the Institute's budget was used for children's programmes, and what percentage of public spending it represented. The delegation should explain how much of that budget was earmarked for direct assistance and how much was spent on operating costs. He requested a detailed breakdown of public spending in the areas of health, protection and education.

17. Mr. PARFITT said that the State party should consider civil society organizations and NGOs as partners when it drafted legislation and developed programmes. He expressed concern at reports that some government officials' criticism of certain NGO representatives had affected their safety, and he asked how the State party intended to ensure that the rights of civil society stakeholders were protected at all times.

18. He requested examples of legislation, programmes and court decisions that upheld the principle of the best interests of the child, and asked whether the proposed national plan of action for children and all child-related programmes would be based on that principle. He wished to know the number of complaints that had been received by the Ombudsman, and requested information on any investigations into complaints and on government follow-up to the Ombudsman's recommendations. He wondered whether, in areas where there was no local ombudsman's office, individuals could travel to offices in neighbouring areas or if there was a telephone number that they could call.

19. Ms. VUKOVIC-SAHOVIC expressed concern at the apparent lack of protection of children's right to life in the State party. She requested information on the number of children killed in the armed conflict during the reporting period, and on services provided to child survivors of violence and children who might have been involved with armed groups. She also wish to know if persons guilty of violence against children were prosecuted and punished.

20. Mr. LIWSKI requested information on measures to eliminate discrimination against children and adolescents from the most vulnerable sectors of society, such as Afro-Colombians, indigenous people and displaced persons. He would welcome information on efforts to promote children's participation in society and protect their right to be heard in the schools, in government bodies, the family and the judicial system. He wondered how the Government protected children's right to freedom of association.

21. He asked how the State party followed up the recommendations of its international partners on ways of improving the situation of children. He wished to know how the Government assisted the International Committee of the Red Cross (ICRC) in removing children from armed conflict situations and asked whether ICRC representatives were free to visit children's detention centres. He wondered what impact Plan Colombia would have on the implementation of the Convention. The delegation should indicate whether the draft reform of legislation relating to children and young people would include provisions on adoption and would place emphasis on the need to ensure transparency and security in international adoptions.

22. Mr. FILALI said that, although the State party's legislation appeared to be in conformity with the Convention in defining a child as a person under 18 years of age, in practice that age limit was not always respected. According to information that he had received, boys could marry at the age of 14 and girls at the age of 12. Boys could begin attending military schools at the age of 15. The age of sexual consent was certainly not 18, and child labour began at a much earlier age than 18. With regard to the age of criminal responsibility, he wished to know at what age children had the right to be heard in court proceedings and at what age a child could be detained or imprisoned or required to appear before a juvenile court judge rather than a children's advocate.

23. Ms. SMITH asked whether corruption in the administration affected the resources allocated for social development. She requested information on the number of births registered since 2000 and on efforts to register children who had not been registered at birth. She asked whether any steps had been taken to establish a system of indicators to evaluate the status of children's and young people's civil rights and freedoms. The Government should develop programmes to increase awareness of children's rights in order to combat traditional attitudes in families, schools and the administration. The State party had a responsibility to find ways to make children, particularly the most vulnerable children, aware of their rights and enable them to seek redress for any violation of those rights.

24. The CHAIRPERSON said that, in its reservation to article 38 of the Convention, the State party indicated that in Colombia the minimum age for recruitment into the armed forces was 18. However, upon ratifying the Optional Protocol on the involvement of children in armed conflict, the State party had stated that minors under 18 could be recruited into the armed forces with the consent of their parents, and she expressed concern that that provision could be abused. She recalled the State party's obligations under the Hague Convention on the Civil Aspects of International Child Abduction, and asked why it had not ratified the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children.

25. She was concerned at the persistence of discrimination and ethnic, regional and gender-related disparities, which had been aggravated by the armed conflict. The unequal distribution of State funds was also a concern. Only 33 per cent of the rural population had access to health care and, in the mostly Afro-Colombian Choco area, 47 per cent of the population lived below the poverty line. Regional vaccination rates varied from 25 per cent to nearly 90 per cent. In areas affected by the armed conflict, which were often heavily Afro-Colombian, threats to teachers had led to the closure of many schools, and the delivery of

food and medicine was severely hampered. Despite legal recognition of their collective land rights, indigenous and Afro-Colombian groups had no real control over their land owing to the presence of armed groups. Indigenous people and Afro-Colombians were over-represented among the victims of the armed conflict.

26. Although the Committee appreciated the State party's efforts to strengthen State authority and improve security, it was concerned at the absence of a legal framework to guarantee human rights. The State party had no legislation prohibiting racial discrimination, and had not addressed the deplorable situation of indigenous people, particularly indigenous women and children. The State party also lacked a human rights-based education strategy and did not allocate sufficient funding for education. Deprived young people from both rural and urban areas were recruited into the armed forces, and young girls were subjected to sexual violence and forcible recruitment by armed groups. Indigenous, Afro-Colombian and displaced women continued to be victims of violence and discrimination. She wished to know how the State party intended to address those problems.

27. The State party must develop a comprehensive data collection system that would provide disaggregated data, particularly data on vulnerable groups. Complete and accurate data would be useful in developing policies and programmes to remedy the human rights situation in Colombia.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

28. Ms. LONDOÑO SOTO (Colombia) said that international instruments took precedence over domestic legislation. The Government was continuing its efforts to amend domestic legislation in order to bring it fully into line with the Convention, particularly in the area of juvenile justice.

29. The Colombian Family Welfare Institute was the central authority that coordinated national and intercountry adoption procedures. The Institute supervised all authorized adoption institutions, and intercountry proceedings were conducted in compliance with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

30. Under Colombian legislation, a child was any person under 18 years of age. The legal voting age was 18; the minimum age for marriage was 14 for boys and 12 for girls, although marriage at such a young age was subject to parental consent. Children could participate in the criminal justice process, including hearings and trials, from the age of 12; there was no minimum age limit for participation in administrative proceedings. The minimum age for admission to employment was 15; in exceptional cases, children could start work as early as age 12.

31. Mr. FILALI requested information on Constitutional Court rulings concerning the definition of the child, the age of sexual consent and the minimum age for marriage.

32. Ms. LONDOÑO SOTO (Colombia) said that engagement in sexual relations with children under 14 years of age was a punishable offence. If the victim was disabled or otherwise impaired, or if consent had been obtained through physical force or intimidation, sexual relations with persons over 14 years of age were also punishable.

33. Measures to increase children's participation included the introduction of student representatives in schools and students' involvement in discussions on educational curricula. Children also participated in activities carried out by international partners such as Plan International, particularly at the local level.
34. Achievements in the area of gender equality included the partial decriminalization of abortion, higher school completion rates for girls than boys, and the establishment of a division for children, women, the family and the elderly in the Office of the Ombudsman. Moreover, Congress was headed by a woman. Legislation granted women the right to run for public office, and 20 Bogotá subdistricts had woman mayors. The Advisory Council for the Equality of Women had established a gender observatory. Women of reproductive age had priority access to health care, and the Constitutional Court had handed down various rulings in favour of women's reproductive rights and their right to work.
35. In the context of a programme to promote children's awareness of their rights, some 40,000 local multipliers, including youth leaders, had been trained in human rights.
36. Ms. DÍAZ (Colombia) said that 40 school programmes were currently being implemented to promote the development of civic skills, including democratic and peaceful coexistence and respect for diversity. Between 2003 and 2005, the civic skills of 1 million children had been assessed and the findings had been used to formulate standards for all educational establishments. The aim was to transcend the boundaries of civic education and transform schools into laboratories of democracy. Although the programmes were part of the national education policy, regional specificities were taken into account; local education authorities were responsible for the implementation of such programmes.
37. A special department had been established to deal with issues pertaining to vulnerable groups, including rural populations, ethnic minorities, children with special needs and displaced persons. In consultation with Afro-Colombian and indigenous groups, measures were being taken to promote respect for autonomy and cultural identity within ethnic education policy, including through the recruitment of indigenous and Afro-Colombian teachers.
38. Between 1994 and 2004, public expenditure on education had increased from 3.1 per cent to 4.8 per cent of Colombia's gross domestic product (GDP).
39. Mr. RUEDA PRADA (Colombia) said that 81 per cent of the population was covered by the General Health Insurance Scheme; the number of beneficiaries from the poorest segments of society had increased from 10 million in 2002 to over 18 million in 2005. Over the same period, public expenditure on health care had increased by 40 per cent. The health-care system was based on a two-pronged approach: it included a contributive system for those who could afford to pay and a subsidized system for the poor. Coverage for the indigenous population was 100 per cent and a positive discrimination policy was applied to Afro-Colombians.
40. The CHAIRPERSON requested information on eligibility criteria for health insurance coverage for indigenous people.

41. Mr. RUEDA PRADA (Colombia) said that the indigenous authorities drew up lists of applicants and submitted them to the local authorities for enrolment. At present, sufficient funds were available to extend the General Health Insurance Scheme to all indigenous persons.

42. Ms. LONDOÑO SOTO (Colombia) said that the armed conflict affected children disproportionately, and the Government was engaged in negotiations with a view to demobilizing illegal armed groups. Despite the persisting violence, the number of child victims of homicide, while remaining unacceptably high, had decreased by approximately two thirds between 2002 and 2005. During the same period, suicide among children had decreased by 6 per cent.

43. The CHAIRPERSON asked what measures were being taken to encourage victims to report human rights violations committed by illegal armed groups.

44. Ms. LONDOÑO SOTO (Colombia) said that representatives of NGOs, the Colombian Family Welfare Institute, local ombudsman's offices and the Church encouraged victims to report violations of human rights and international humanitarian law at the local level. The Office of the Ombudsman and the Colombian Family Welfare Institute operated a toll-free 16-hour hotline for human rights violations and a 24-hour hotline for violations of international humanitarian law. Despite those efforts, many victims remained reluctant to report violations for fear of retaliation.

45. Mr. ZERMATTEN asked what proportion of the State party's total public expenditure in 2005 had been allocated to the Colombian Family Welfare Institute. He wondered whether the State party intended to review its method of financing the Institute.

46. Mr. LIWSKI asked whether public health expenditure had increased with the introduction of the two-pronged system. He wished to know whether the reported decrease in the availability of health-care services in 2003 meant that certain sectors of the population were being excluded from coverage. The delegation should explain the significant reduction in participation in the social security system since 1997.

47. Mr. FILALI asked whether many victims of crime and violence had brought charges against the perpetrators, and whether legal proceedings against the perpetrators had been successful.

48. The CHAIRPERSON requested information on the establishment of a legal framework of guarantees for victims, in accordance with the proposal made by the High Commissioner for Human Rights.

49. Ms. LONDOÑO SOTO (Colombia) said that the percentage of registered births had increased from 87 per cent in 2002 to 90 per cent in 2005. Since 2003, local authorities had worked with the Colombian Family Welfare Institute to raise certain State organizations' awareness of the national plan of action. The Government was making efforts to ensure that the national plan was compatible with the Millennium Development Goals.

50. She announced that many obstacles to the State party's signature of the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children had been overcome.
51. The CHAIRPERSON enquired whether the State party had participated in the Malta process relating to visitation rights of children and parents.
52. Mr. ZERMATTEN wished to know whether the draft legislation on children and young people was compatible with the Convention.
53. He asked whether the State party would introduce support for single-parent families. Some 30,000 abandoned children lived in institutions, and he wished to know whether that number could be reduced. He wondered how those institutions were monitored, and whether there were complaint and review procedures.
54. He enquired whether the State party would take measures to bring its international adoption into line with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.
55. Some 32 per cent of juvenile offenders were sentenced to deprivation of liberty, which had resulted in the detention of over 15,000 children. He asked whether the State party was taking steps to change its sentencing policy and to shorten the length of sentences. He enquired whether the draft legislation on children and young people would improve conditions for children in detention. The State party should improve training for legal officers in order to speed up the processing of young offenders. He asked how juvenile penal institutions and police stations were monitored and how children could lodge complaints if they were subjected to corporal punishment, harassment or solitary confinement.
56. Ms. VUCKOVIC-SAHOVIC requested information on the cost of education, and financial assistance for children who lived below the poverty line. She enquired about the status of the national development plan for human rights education. She asked whether the State party planned to reduce discrimination in the field of education against girls and some indigenous groups, and to make education more accessible in remote areas.
57. Ms. SMITH wondered whether there were any plans to increase the number of venues where children could engage in sports and leisure activities, and whether measures would be taken to encourage proper use of such venues. She requested information on the availability of library and information services for children throughout the country.
58. Mr. PARFITT said that it was necessary to increase the visibility of disabled children and improve their integration into society. He wished to know what measures would be taken to obtain information about such children in order to facilitate identification, service provision and monitoring. He asked whether the State party intended to introduce early detection and prevention programmes. He enquired how many disabled children lived in institutions and how such institutions were monitored. He wondered whether there were any plans to make education more accessible for disabled children and to provide relevant training for teachers.

59. He enquired about measures to assist families living in poverty, particularly in rural areas, and requested additional information on the operation of social security programmes. He asked how the problem of child abuse within the family was being addressed. In particular, he wished to know whether the impact of the programme “Make Peace: Peace begins at home” had been assessed.

60. He asked about the State party’s plans to reunify families. He wished to know whether families that had been abandoned by the breadwinner received assistance in claiming and obtaining maintenance.

61. He enquired about measures to improve access to education for displaced children and children from certain ethnic minorities. There had been complaints about the lack of respect for the languages and cultures of indigenous and Afro-Colombian children, and he wondered how the educational reform would address that issue.

62. He asked whether the State party intended to request the Office of the United Nations High Commissioner for Human Rights to extend the mandate of the High Commissioner’s offices in Colombia beyond 2006.

63. The CHAIRPERSON asked what measures the State party would take to assist, protect and rehabilitate the large numbers of displaced children living in shantytowns. She requested information on measures to protect children from trafficking, sex tourism and sexual exploitation.

The meeting rose at 1 p.m.