

COLOMBIA

CRC A/49/41 (1994)

Preliminary observations

273. The Committee began consideration of the initial report of Colombia (CRC/C/8/Add.3) at its 113th, 114th and 115th meetings (CRC/C/SR.113-115), held on 17 and 18 January 1994. In view of the fact that it was not possible during the session to fully clarify a number of serious concerns about the implementation of the Convention, the Committee decided to continue consideration of the initial report of Colombia at a future session and adopted at the 130th meeting, held on 28 January 1994, the following preliminary observations. In this connection, the Committee requests the State party to provide it with written answers to the questions set out in the list of issues (CRC/C.5/WP.2) which had been formally transmitted to the State party. Equally, the Committee requests the State party to provide it with additional information on particular areas of concern identified by the Committee, as set out in section (d) below. The Committee recommends that the information requested be submitted by 28 February 1994.

(a) Introduction

274. The Committee expresses its appreciation to the State party for the submission of its initial report and takes note of the information contained in the report, particularly with regard to the steps taken to provide a legislative framework for the implementation of the Convention. The Committee regards its preliminary dialogue with the State party to have been fruitful and as one which was undertaken in a cooperative spirit. The Committee, however, regrets that it was not given sufficient information regarding the actual situation of children in Colombia or on specific measures being taken at present to protect vulnerable groups at grave risk.

(b) Positive aspects

275. The Committee welcomes the major legislative initiatives adopted with a view to providing a legal framework for the implementation of the Convention, namely the adoption of the Minors' Code and the references to the rights of the child contained in the revised Constitution. The Committee also welcomes the steps taken by the Government towards creating special mechanisms for the implementation of the Convention, such as the Inter-Agency Committee for the Defence, Protection and Promotion of the Human Rights of Children and Young People and the Office of the President's Programme for Youth, Women and the Family. The Committee also welcomes in this connection the efforts made to facilitate the participation of non-governmental organizations in the implementation process.

276. The Committee notes the progress which has been made over the last 10 years in lowering the infant mortality rate. The Committee also welcomes the formulation by the State party of a National Plan of Action and the setting of concrete goals as a follow-up to the World Summit for Children.

(c) Factors and difficulties impeding the implementation of the Convention

277. The Committee takes note that Colombia is going through a difficult economic transition period and is facing serious political problems stemming from drug-related terrorism, violence and poverty. The Committee takes note of the disparities existing in the country at the economic and social levels.

(d) Principal subjects of concern

278. The Committee expresses its concern over the significant gap between the laws adopted to promote and protect the rights of the child and the practical application of those laws to the actual situation of a great number of children in Colombia. The Committee is concerned at the lack of sufficient coordination of the various efforts to implement the Convention. The Committee is also concerned about discriminatory and adverse social attitudes, particularly among law enforcement officials, towards vulnerable groups of children.

279. The Committee expresses its grave concern over the life-threatening situation faced by an alarming number of children in Colombia, particularly those who, in order to survive, are working and/or living in the streets. Many of those children are subject to arbitrary arrest and torture and other inhuman or degrading treatment by authorities. They are also subject to coercion, disappearance, trafficking and murder by criminal groups.

280. The Committee expresses its grave concern over the large proportion of Colombian children who continue to live in extreme poverty despite the fact that Colombia has one of the most favourable economic growth rates and one of the lowest amounts of per capita foreign indebtedness in the region. Many children in Colombia, including a large proportion of rural and indigenous children, have been economically and socially marginalized and have limited or no access to adequate education or health care services.

281. The rules on the minimum age of employment are below international standards and even then are not enforced. Hazardous child labour, including in mines, is a matter of the deepest concern.

(e) Preliminary suggestions

282. The Committee suggests that firm measures be taken urgently to ensure the right to survival for all children in Colombia, including those from vulnerable groups. Such measures should include a quick response to reports of and complaints from children who are victims of violence, disappearance, assassination or alleged organ trafficking. Thorough and systematic investigation should be carried out and severe penalties applied in cases involving violence against children. The outcome of investigations and cases of convictions should be widely publicized in order to deter future offences.

283. The Committee suggests that, in order to increase the coverage and quality of services for children and to include those from vulnerable groups, more substantial budgetary allocations be provided to services for children, particularly in the areas of education and health, namely in the light of articles 2 and 3 of the Convention.

284. The Committee suggests that reliable quantitative and qualitative information be systematically collected and analysed to monitor closely the situation of marginalized children, particularly those from indigenous groups, in order to guide further efforts to improve their situation.

285. In regard to the problems of working children, the Committee suggests that Colombia ratify ILO Convention No. 138 concerning the minimum age for admission to employment and review all relevant legislation with a view to bringing it up to minimum international standards. Child labour laws should be enforced, complaints should be investigated and severe penalties imposed for violations. The Committee suggests that the Government more actively enlist the support of NGOs and other private sector organizations in raising public awareness of the problem and in monitoring enforcement of the laws.

286. In the field of the administration of juvenile justice, greater efforts should be made to ensure respect for the standards and legal safeguards contained in the Convention, in particular in the light of articles 37, 39 and 40 and taking into due consideration other relevant international instruments adopted in this field by the United Nations. Furthermore, the Committee suggests that all children deprived of their liberty should be registered and closely monitored in order to ensure that they are afforded the protection provided by the Convention.

287. The Committee suggests that steps be taken to strengthen the educational system, particularly in the rural areas. The quality of teaching should be improved and the high number of school drop-outs should be reduced. Counselling services for youth should be developed as a preventive measure aimed at lowering the high incidence of teenage pregnancies and stemming the dramatic rise in the number of single mothers. Educational campaigns should be undertaken to reduce violence in society and in the family and to combat prejudice on the basis of gender.

288. To assess the implementation of the Convention and to narrow the gap between the law and its practice, the Committee suggests that the State party establish a mechanism to monitor the actual situation of children, particularly those from vulnerable groups. Given the seriousness of the problem, the Committee suggests that the State party seek closer cooperation with international agencies which may be able to provide assistance and expertise and to embark upon major reform in the problem areas identified by the Committee. The Committee suggests that a new attitude and approach be developed, particularly as regards the police and the military, in order to enhance respect for all children, regardless of their social, economic or other background, and to reaffirm their value. In this connection, information and training programmes should be strengthened at the level of the community and the family. Further measures should be envisaged to strengthen cooperation with NGOs aiming at greater social mobilization on behalf of the rights of the child.

CRC A/51/41 (1996)

Concluding observations

341. The Committee began consideration of the initial report of Colombia (CRC/C/8/Add.3) at its 113th to 115th meetings (CRC/C/SR.113-115), on 17 and 18 January 1994. In view of the fact that it was not possible during the session to clarify fully a number of serious concerns about the implementation of the Convention on the Rights of the Child, the Committee decided not to conclude the consideration of that report and adopted instead a set of preliminary observations. The State party was requested to provide, by 28 February 1994, written answers to the Committee's list of issues and information on particular areas of concern identified by the Committee in its preliminary observations, for consideration by the Committee at a future session. After considering the additional information provided by the Government of Colombia at its 188th and 189th meetings, on 12 January 1995 (CRC/C/SR.188 and 189), the Committee concluded its consideration of the initial report of Colombia and adopted, at its 208th meeting, on 26 January 1995, the following concluding observations.

(a) Introduction

342. The Committee expresses its appreciation to the Government of Colombia for the submission of written answers to its list of issues, the responses to its preliminary observations and other oral questions posed during consideration of the report, and the additional information on the particular areas of concern identified by the Committee. The Committee is encouraged by the frank and cooperative tone of the discussion, in which the representatives of the State party indicated not only the policy directions relative to the Convention, but also the difficulties encountered during implementation.

(b) Positive factors

343. As recognized in its preliminary observations, the Committee welcomes the major legislative initiatives adopted with a view to providing a legal framework for the implementation of the Convention. The Committee also welcomes the initiatives taken towards creating special mechanisms for the implementation of the Convention. It particularly welcomes the emphasis placed on the protection of human rights as reflected, inter alia, by the establishment of a Unit on Human Rights within the Attorney-General's Office.

344. The Committee further welcomes the efforts made to facilitate the participation of non-governmental organizations in the implementation process.

345. The Committee notes the progress made over the last 10 years in lowering the infant mortality rate. It also welcomes the formulation by the State party of a national plan of action and the setting of concrete goals as follow-up to the World Summit for Children. The Committee further welcomes the Government's efforts to provide education to children in rural areas and to improve their nutritional level.

(c) Factors and difficulties impeding the implementation of the Convention

346. The Committee takes note that Colombia is going through a difficult economic period that adversely affects the situation of children. It further notes the prevailing disparities existing in the country at the economic and social levels.

347. The Committee also notes the serious impact on children of political problems stemming from drug-related terrorism and violence.

(d) Principal subjects of concern

348. The Committee is concerned at the significant gap between the laws adopted to implement the Convention and the practical application of those laws to the actual situation of a great number of children in Colombia.

349. The Committee also expresses concern over the lack of sufficient coordination between the various entities involved in human rights and children's rights, as well as at the lack of comprehensive consideration of different sectoral policies aiming at the promotion and protection of the rights of the child.

350. The Committee expresses its concern at the insufficient steps taken to gather relevant information on the implementation of the Convention as well as to ensure an effective monitoring system at the national, regional and local levels.

351. The Committee expresses its grave concern over the large proportion of Colombian children who continue to live in extreme poverty despite the fact that Colombia has one of the most favourable economic growth rates and one of the lowest amounts of per capita foreign indebtedness in the region. Many children in Colombia, including a large proportion of rural and indigenous children, have been economically and socially marginalized and have limited or no access to adequate education or health care services.

352. The Committee is also concerned about discriminatory and adverse social attitudes, particularly among law enforcement officials, towards vulnerable groups of children. The Committee expresses its grave concern over the life-threatening situation faced by an alarming number of children in Colombia, particularly those who, in order to survive, are working and/or living on the streets. Many of those children are victims of "social cleansing" campaigns and subject to arbitrary arrest and torture and other inhuman or degrading treatment by authorities. They are also subject to coercion, disappearance, trafficking and murder by criminal groups.

353. The rules on the minimum age of employment are below international standards and even then are not enforced. Hazardous child labour, including in mines, is a matter of the deepest concern.

(e) Suggestions and recommendations

354. The Committee suggests that the State party take steps to ensure the effective coordination between the existing institutions involved in the areas of human rights and children's rights with a

view to establishing a monitoring mechanism for the implementation of the Convention at the national, regional and local levels, which may assess the actual situation of children and narrow the gap between the law and its practice.

355. The Committee also suggests that reliable quantitative and qualitative information be systematically collected and analysed to evaluate progress in the realization of the rights of the child and to monitor closely the situation of marginalized children, including those belonging to the poorest sectors of society and to indigenous groups.

356. The Committee recommends that the State party, in the light of articles 3 and 4 of the Convention, undertake all appropriate measures to the maximum extent of the available resources to ensure that sufficient budgetary allocation is provided to services for children, particularly in the areas of education and health, and that particular attention is paid to the protection of the rights of children belonging to vulnerable groups.

357. The Committee further recommends that firm measures be taken to ensure the right to survival for all children in Colombia, including those who live in a situation of poverty, who have been abandoned, or those who to survive are forced to live and/or work in the streets. Such measures should aim at the effective protection of children against the occurrence of violence, disappearance, assassination or alleged organ trafficking. Thorough and systematic investigation should be carried out and severe penalties applied to those found responsible for such violations of children's rights. Violations of human rights and children's rights should always be examined by civilian courts under civilian law, not military courts. The outcome of investigations and cases of convictions should be widely publicized in order to deter future offences and thus combat the perception of impunity.

358. The Committee suggests that in the field of administration of juvenile justice, greater efforts should be made to ensure respect for the standards and legal safeguards contained in the Convention, in particular in the light of articles 37, 39 and 40, and taking into due consideration other relevant international instruments adopted in this field by the United Nations. The Committee also suggests that further efforts be made to ensure that all children deprived of their liberty, who have been abandoned or who are at risk are registered and their situation closely monitored in order to ensure that they are afforded the protection provided by the Convention.

359. In regard to the problems of working children, the Committee suggests that Colombia consider ratifying ILO Convention No. 138 concerning the minimum age for admission to employment and review all relevant national legislation with a view to bringing it into conformity with the Convention and other international standards. Child labour laws should be enforced, complaints should be investigated and severe penalties imposed for violations. The Committee suggests that the Government consider seeking cooperation from ILO in this area.

360. The Committee suggests that steps be taken to strengthen the educational system, particularly in the rural areas, to improve the quality of teaching and to reduce the high number of school drop-outs. Consideration should be given to integrating the Rights of the Child in the school curriculum, namely in the framework of the United Nations Decade for Human Rights Education.

361. Educational campaigns should be undertaken to reduce violence in society and in the family

and to combat prejudice on the basis of gender. Counseling services for youth should be developed as a preventive measure aimed at lowering the high incidence of teenage pregnancies and stemming the dramatic rise in the number of single mothers. The Committee suggests that the Government more actively enlist the support of non-governmental organizations and other private organizations in raising public awareness of the rights of the child and in monitoring enforcement of the laws.

362. The Committee suggests that serious consideration be given to training in the rights of the child of professional groups working with or for children, including teachers, judges and defensores de familia y de menores. The Committee believes that a new attitude and approach should be developed, particularly as regards the police and the military, in order to enhance respect for all children, regardless of their social, economic or other background, and to reaffirm the value of their fundamental rights. In this connection, information and training programmes should be strengthened, including at the level of the community and the family, and the rights of the child should be included in the framework of the training curriculum of the professional groups concerned.

363. Further measures should be envisaged to strengthen cooperation with non-governmental organizations aiming at greater social mobilization on behalf of the rights of the child.

364. The Committee suggests that the State party seek closer cooperation with United Nations bodies and specialized agencies, including the Centre for Human Rights and its Technical Cooperation Branch, in order to obtain the assistance and expertise required and to embark upon major reform in the areas where a concern has been identified by the Committee.

365. The Committee suggests that in the light of article 44, paragraph 6, the State party widely publicize its report, the summary records of the discussion and the concluding observations adopted thereon.

CRC CRC/C/100 (2000)

323. The Committee considered the second periodic report of Colombia (CRC/C/70/Add.5) at its 655th and 656th meetings (see CRC/C/SR.655-656), held on 27 September 2000, and adopted* the following concluding observations.

A. Introduction

324. The Committee welcomes the wealth of information provided in the State party's second periodic report, but it regrets that the report does not follow its guidelines. The Committee notes with appreciation the timely submission of the written replies to the list of issues (CRC/C/Q/COL/2). The Committee further appreciates the presence of a delegation directly involved in the implementation of the Convention in the State party, which allowed the Committee to have a full assessment of the situation of the rights of the child in the State party. The Committee is encouraged by the constructive and open dialogue it had with the State party's delegation.

B. Follow-up measures undertaken and progress achieved by the State party

325. The State party's accession to the Inter-American Convention to Prevent, Sanction and Eradicate Violence against Women (Belem do Pará, 1995), the Hague Convention on the Civil Aspects of International Child Abduction (1994) and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (2000) is regarded as a positive measure.

326. The establishment of structures for the promotion and protection of children's rights, such as the Oidor del Niño, and of the children section within the Office of the Ombudsman (Defensor del Pueblo) are welcomed by the Committee as follow-up measures to its recommendations (see CRC/C/15/Add.30, para. 14).

327. The Committee welcomes the memorandum of understanding signed between the Government of Colombia and the Office of the High Commissioner for Human Rights (1996) for the establishment of a human rights monitoring office and advisory services programme.

328. The enactment of Law 49-99 (December 1999), raising the minimum age for recruitment for military service to 18 years, is regarded as a positive measure by the Committee.

329. In the light of its recommendation (CRC/C/15/Add.30, para. 19), the Committee welcomes the State party's conclusion of the domestic process for the ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment (1973).

330. The Committee welcomes the fact that the State party initiated, organized and hosted, in cooperation with UNICEF, the Latin American and Caribbean Regional Summit for

* At the 669th meeting, held on 6 October 2000.

Children (1998), to evaluate the goals established for this region during the 1990 World Summit for Children and their achievement.

C. Factors and difficulties impeding further progress in the implementation of the Convention

331. Although the State party is undertaking efforts to find a peaceful solution to the ongoing armed conflict, the Committee is concerned that the general climate of violence largely caused by or related to this conflict is not only negatively affecting the implementation of the Convention but has led to systemic violations of children's rights.

332. The Committee is also concerned about the direct effects of the armed conflict: the high death toll, large-scale internal displacement of children and their families, and the destruction of educational and health infrastructure and of water collection, purification and distribution systems, of the national economy, of agricultural production and of communication infrastructure, all of which have a very negative impact on the development of children and seriously hamper the implementation of many of the rights of the majority of children in the State party.

333. Concern is also expressed that widespread poverty and long-standing economic and social disparities are still affecting the most vulnerable groups, including children, and hampering the enjoyment of their rights in the State party. This situation has been particularly aggravated by severe economic crises and drastic economic reforms.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Children's rights and the peace process

334. In view of the overwhelmingly negative impact of the armed conflict on the life of Colombian children, the Committee is deeply concerned that no consideration has been given to inclusion and respect for the rights of the child in the ongoing peace negotiations in the State party.

335. The Committee urges the State party to ensure that the protection of the rights of the child are a high priority on the agenda of the ongoing peace negotiations and throughout the process of consolidating peace in the aftermath of the conflict. In this context, the Committee urges the State party to implement the recommendations made by the Security Council in its resolution 1261 (1999).

Legislation

336. The Committee remains concerned that the State party's legislation on children's rights is still not fully compatible with the principles and provisions of the Convention, particularly because the efforts to revise the Code of Minors (1989), which started in 1995, are dragging.

337. The Committee recommends that the State party review its existing legislation and harmonize it with all the provisions of the Convention. It also recommends that the State party reactivate the process initiated to revise the Code of Minors (1989). Such a process should include

the participation of all sectors involved in the promotion and protection of children's rights and should be completed as soon as possible.

Coordination

338. The Committee remains concerned about the limited steps taken to ensure effective coordination between existing institutions working on the implementation of the Convention.

339. The Committee reiterates its recommendation (see CRC/C/15/Add.30, para. 14) that the State party undertake measures to ensure effective coordination among existing institutions working on the implementation of the Convention at the national, regional and local levels. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of children's rights.

Institutional reform

340. Although the Committee notes the measures taken to reform the Colombian Institute for Family Well-Being (ICBF), it remains concerned that this governmental body has not fully integrated into all its policies and programmes the rights-based approach enshrined in the Convention. Concern is also expressed about the limitations of ICBF in the area of preventing violations of children's rights and protecting children from these violations.

341. Concern is expressed that both judicial and administrative functions related to children's issues, including the appointment of judges and defenders for children's and family affairs, depend upon ICBF and that this situation is a violation of the well-established international standard of independence of the judiciary and contrary to the principles and provisions of the Convention.

342. The Committee recommends that the State party continue its process of institutional reform of the ICBF and fully adopt the rights-based approach established in the Convention in order to perform its mandate in a more effective manner. Greater emphasis should be placed on strengthening the prevention and protection programmes of ICBF. In this regard, the Committee also recommends that consideration should be paid to maintaining a clear and very strict separation between judicial and administrative decisions regarding children's rights issues.

Comprehensive policy on children's rights

343. While the many and various plans and programmes developed by the State party show its commitment to the Convention, the Committee is concerned about the lack of coherence and comprehensiveness of all these plans and the sustainability of their implementation.

344. The Committee recommends that the State party develop a coherent and comprehensive national plan for the implementation of the Convention that is clear and understandable to all, children and adults alike, and can easily be implemented at the central, regional and local levels.

Data collection and monitoring

345. With regard to its recommendation concerning the collection and analysis of reliable quantitative and qualitative information (see CRC/C/15/Add.30, para. 15), the Committee welcomes the steps taken to develop a national system of socio-economic indicators on the situation of children, as a basis for the design, evaluation and follow-up of policies and programmes for children. Nevertheless, it remains concerned that the current system does not include all the areas covered by the Convention. The lack of a system to monitor compliance with the Convention is also an area of concern.

346. The Committee recommends that the State party continue to develop and strengthen its data-collection system, with a view to including all areas covered by the Convention. Such a system should cover all children under 18 years of age and specifically emphasize vulnerable groups of children.

347. The Committee further recommends that the State party establish an independent and effective system for monitoring the Convention, with a view to assessing progress achieved in the realization of children's rights and evaluating policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek international assistance from, inter alia, UNICEF.

Budget and financial resources for children

348. The launching of initiatives such as the National Plan for Development (1994-1998) and (1998-2000), the National Plan of Action for Children (1996-2000) and the "Haz Paz" (Make Peace) National Plan are regarded as positive measures in line with the Committee's recommendations (see CRC/C/15/Add.30, para. 16). However, the Committee remains concerned about the limitations imposed by the current socio-economic crisis and the armed conflict on the full implementation of social programmes for children.

349. The Committee reiterates its recommendation that all measures to implement economic, social and cultural rights should be undertaken "to the maximum extent of ... available resources", in the light of articles 2, 3 and 4 of the Convention, and that particular attention be paid to the protection of children belonging to vulnerable and marginalized groups. The Committee further recommends that the State party develop a locally based system to monitor and evaluate the situation of children living in areas of extreme poverty in order to give priority to budget allocations for these groups of children.

Dissemination of the Convention

350. While noting the measures undertaken to promote widespread awareness of the principles and provisions of the Convention, the Committee is of the opinion that these measures need to be strengthened.

351. The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Special emphasis should be placed on the dissemination of the Convention among minority groups, as well as in rural and remote areas. The Committee encourages the State party to consider seeking

technical assistance in this area from, inter alia, the Office of the High Commissioner for Human Rights (OHCHR) and UNICEF.

Training for professionals

352. The Committee is concerned that current training programmes for professionals working with and for children do not reach all groups of professionals.

353. The Committee encourages the State party to continue undertaking systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from, inter alia, OHCHR and UNICEF could be requested in this regard.

2. General principles

Non-discrimination

354. Concern is expressed at the existing patterns of economic and social disparity, and of gender and racial discrimination; at the marginalization of children belonging to the Afro-Colombian and indigenous populations; and at the precarious situation of children belonging to internally displaced populations, especially regarding their limited access to housing, education and health services.

355. In the light of article 2 and other related articles of the Convention, the Committee recommends that the State party increase measures to reduce economic and social disparities, including between urban and rural areas; to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets, children living in camps for internally displaced populations and children living in rural areas; and to guarantee their full enjoyment of all the rights recognized in the Convention.

The right to life, survival and development

356. In the light of article 6 and other related provisions of the Convention, the Committee is deeply concerned at the threat posed by the armed conflict to children's lives, including instances of extrajudicial killing, disappearance and torture committed by the police and paramilitary groups; at the multiple instances of "social cleansing" of street children; and at the persistent impunity of the perpetrators of such crimes.

357. The Committee reiterates its recommendation that the State party continue taking effective measures to protect children from the negative effects of the armed conflict. The Committee urges the State party to protect children against "social cleansing" and to ensure that judicial action be taken against the perpetrators of such crimes.

3. Civil rights and freedoms

Birth registration

358. While the Committee notes the State party's efforts in the area of birth registration, it remains concerned that greater efforts are needed to ensure that all children are registered and are provided with identity cards in order to facilitate the full enjoyment of their rights.

359. In the light of article 7 of the Convention, the Committee recommends that the State party continue its measures to ensure the immediate registration of the birth of all children. Special emphasis should be placed on the registration of children belonging to the most vulnerable groups, including children living in areas affected by the armed conflict and in camps for internally displaced groups.

Freedom from torture

360. In the light of its recommendation (see CRC/C/15/Add.30, para. 17) concerning the need to conduct special investigations in cases of gross violations of human rights involving children, the Committee regrets the lack of follow-up information on this issue and reiterates its concern about alleged cases of street children tortured and ill-treated by members of the police and/or paramilitary groups.

361. The Committee urges the State party to undertake effective measures to ensure that such acts receive an appropriate response through the judicial process, in order to avoid impunity for the perpetrators. The Committee further recommends that the State party establish care and rehabilitation programmes for child victims of torture and ill-treatment.

4. Family environment and alternative care

Children deprived of a family environment

362. The Committee remains deeply concerned at the large numbers of children who have been deprived of a family environment as a consequence of abandonment by, the death of, or separation from their parents. In this regard, concern is expressed, *inter alia*, at reports regarding difficulties and slow progress in tracing separated families and children; the lack of adequate mechanisms of protection for children living in institutions; the placement of children in institutions for long periods and the predominance of the use of placement in institutions over the development of alternative care measures.

363. The Committee further reiterates its concern that children deprived of their family environment may increasingly travel to the main cities, where they may live on the streets and be particularly vulnerable to exploitation and abuse (see the Committee's recommendation, CRC/C/15/Add.30, para. 17).

364. The Committee recommends that the State party develop additional programmes to facilitate alternative care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. The Committee urges the State party to make every effort to strengthen family tracing programmes and to increase its efforts

in providing support, including training for parents, to discourage the abandonment of children. The Committee further recommends that the State party ensure adequate periodic review of the placement of children living in institutions.

Adoption

365. The Committee remains concerned at gaps in the State party's domestic legislation on adoption and that existing adoption procedures are usually not respected and are reported to be subject to arbitrary decisions. Concern is also expressed at the prevalence of illegal informal adoption. The Committee is further concerned at the limited capacity properly to follow up cases of intercountry adoption, which constitute the majority of adoption cases.

366. The Committee recommends that the State party take further measures to revise its legislation and practices in the area of domestic and intercountry adoption, in accordance with the Convention and the requirements established by the Hague Convention of 1993 on the Protection of Children and Co-operation in Respect of Intercountry Adoption, to which Colombia is a party.

Protection from abuse and neglect

367. With regard to its recommendations on the situation of domestic violence (see CRC/C/15/Add.30, para. 21), the Committee welcomes the adoption of special legislation criminalizing domestic violence, but it remains concerned that physical and sexual abuse - within and outside the family - still widely exist in society. Concern is also expressed at the insufficient allocation of resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for victims and their limited access to justice are also matters of concern.

368. In the light of, *inter alia*, articles 19 and 39 of the Convention, the Committee recommends that the State party take effective measures, including reinforcing current multidisciplinary programmes and rehabilitation measures to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests, *inter alia*, that law enforcement should be strengthened with respect to such crimes and that procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and to avoid impunity for the offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, *inter alia*, UNICEF.

5. Basic health and welfare

369. While acknowledging the measures taken to improve the health status of children, in particular initiatives relating to the reduction of infant mortality, the Committee remains concerned about the persistence of regional disparities in access to health care and of high rates of malnutrition for children under five years of age and those of school age, especially in rural and remote areas and, in particular, among children belonging to indigenous groups.

370. The Committee is also concerned about the high maternal mortality and teenage pregnancy rates, as well as about insufficient access by teenagers to reproductive health education and counselling services. In this connection, concern is expressed that the practice of abortion is considered the leading cause of maternal mortality (see the concern expressed by the Committee on the Elimination of Discrimination Against Women (CEDAW): A/54/38, para. 393). The increasing rates of substance abuse and of HIV/AIDS among children and adolescents and the constant discrimination they are exposed to are also matters of concern.

371. The Committee recommends that the State party continue taking effective measures to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care and to combat malnutrition, with special emphasis on children belonging to indigenous groups and children living in rural and remote areas, as well as in camps for internally displaced populations. The Committee recommends that the State party continue with its efforts to prevent HIV/AIDS and take into consideration the recommendations the Committee adopted on its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243). The Committee also recommends that further efforts be undertaken to develop child friendly counselling services, as well as care and rehabilitation facilities for adolescents. In this regard, the Committee encourages the State party to continue working in this field in cooperation with, *inter alia*, WHO, UNICEF and UNAIDS.

Children with disabilities

372. With regard to the situation of children with disabilities, the Committee remains concerned at the lack of adequate infrastructure, at the limited qualified staff and specialized institutions for these children, and at the absence of adequate resources, both financial and human. In addition, the Committee is particularly concerned at the lack of governmental inclusion policy and programmes for children with disabilities and at the lack of monitoring of private institutions for these children.

373. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69, para. 338), the Committee recommends that the State party develop early identification programmes to prevent disabilities; implement alternative measures to the institutionalization of children with disabilities; envisage awareness-raising campaigns to reduce discrimination against them; establish special education programmes and centres, and encourage their inclusion in the educational system and in society; and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities.

6. Education, leisure and cultural activities

374. While the Committee notes with appreciation the State party's achievements in the field of education, it remains concerned about the high drop-out and repetition rates in primary and secondary school, and at the disparities in access to education between rural and urban areas. The Committee is particularly concerned about the situation of children belonging to Afro-Colombian

and indigenous groups, as well as those living in camps for the displaced regarding their access to education and the low relevance of the current bilingual educational programmes available for them.

375. In the light of articles 28, 29 and other related articles of the Convention, the Committee recommends that the State party continue with its efforts to strengthen its educational policies and system in order to improve ongoing retention programmes and vocational training for drop-out students; to extend coverage and to improve the quality of education, respecting geographical and cultural diversity; and to improve the relevance of bilingual education programmes for children belonging to indigenous and Afro-Colombian groups. Furthermore, in view of the ongoing armed conflict in the State party, the Committee recommends that the State party strengthen its programmes on human rights education, including on the rights of the child, in its teacher training programmes and school curricula, and ensure that every child receives such education. The Committee encourages the State party to consider seeking technical assistance in this area, *inter alia*, from OHCHR, UNICEF and UNESCO.

7. Special protection measures

Children affected by armed conflict

376. While the Committee welcomes the prohibition of recruitment of children under the age of 18 into the armed forces, it expresses its deep concern at the very high numbers of children who have been forcibly recruited into guerrilla and paramilitary groups.

377. The Committee is deeply concerned about the extremely negative impact of the armed conflict on all children, including children formerly involved in hostilities, and about the serious threat to their right to life, survival and development and the severe psychological trauma inflicted upon them. Concern is also expressed at the lack of a national policy to guarantee the social reintegration of children formerly involved in hostilities.

378. The Committee urges the State party to take effective measures to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them into society. The Committee further recommends that the State party establish and strictly enforce its legislation prohibiting the future recruitment of children by any group.

379. The Committee also urges the State party to take all effective measures, in cooperation with United Nations agencies and bodies such as UNICEF, to address the physical needs of child victims of the armed conflict, in particular child amputees, and the psychological needs of all children affected directly or indirectly by the traumatic experiences of war. In this regard, the State party is recommended to develop as quickly as possible a long-term and comprehensive programme of assistance, care, rehabilitation and reintegration.

380. The Committee endorses the recommendations made to the State party by the Special Representative of the Secretary-General for Children and Armed Conflict (see A/54/430, paras. 122-127 and E/CN.4/2000/71, paras. 60-71) and recommends that the State party, in cooperation with the international community, urgently implement these recommendations in order to give the highest priority to the protection of children from the negative effects of the armed conflict.

381. The Committee welcomes the State party's signature of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and encourages the State party to ratify and implement it as soon as possible.

Internally displaced children

382. The Committee expresses its concern that the State party has one of the largest internally displaced populations in the world, forced to leave their home towns owing to the high level of violence in certain regions of the country. The Committee is also concerned about the social deprivation faced by these populations, mainly composed of women and children, especially their limited access to housing, health services and education. The Committee is further concerned about reports that many displaced persons have been the victims of grave human rights violations and about the thousands of displaced families who have fled to neighbouring countries, where refugee status has been denied them by the local authorities.

383. The Committee recommends that the State party give the highest priority to the protection of the rights of children belonging to internally displaced groups. In this regard, the Committee endorses the recommendations made in the reports of the Special Representative of the Secretary-General on Internally Displaced Persons to the Commission on Human Rights on the situation in the State party (see E/CN.4/2000/83/Add.1 and Add. 2), and recommends that the State party, in cooperation with the international community, urgently follow up these recommendations, in particular that on the incorporation of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) in the State party's legislation and policies on internally displaced persons.

Economic exploitation, including child labour

384. With regard to its recommendation concerning measures for the eradication of child labour (CRC/C/15/Add.30, para. 19), the Committee welcomes the technical cooperation programme with the International Labour Organization (ILO)/International Programme for the Elimination of Child Labour (IPEC). Nevertheless, the Committee remains concerned that economic exploitation is still one of the major problems affecting children in the State party. The Committee is also concerned at the insufficient law enforcement and the lack of adequate monitoring mechanisms to address this situation, especially in the informal sector. The Committee is further concerned at the situation of children working in the coca-leaf plantations.

385. The Committee expresses most particular concern for children who work or live in the street in order to survive and who require special attention because of the risks to which they are exposed.

386. The Committee encourages the State party to ratify ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999). The Committee recommends that the State party take effective measures to address the situation of children involved in hazardous labour, especially in the informal sector and the coca-leaf plantations. The Committee also recommends that the child labour laws should be strictly enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. The Committee further recommends that the State party adopt appropriate programmes and policies for the protection and rehabilitation of children living and/or working on the streets. In addition, the

Committee recommends that the State party continue working in cooperation with ILO/IPEC.

Drug abuse

387. Although the Committee takes note of the measures taken to combat drug abuse by children, such as the establishment of the National Plan (1995) and the RUMBOS programme, it is still concerned that drugs and substance abuse remain a major area of concern. It is also concerned about the widespread use of children in the illicit production and trafficking of drugs.

388. In the light of article 33 of the Convention, the Committee recommends that the State party continue taking effective measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, *inter alia*, UNICEF, the World Health Organization and the International Narcotics Control Board.

Sexual exploitation

389. While noting with appreciation the revisions to the State party's Penal Code and the establishment of a national plan of action to combat and prevent the sexual exploitation of children, the Committee remains concerned at the insufficient awareness among the population of these issues.

390. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party fully implement its national plan of action to prevent and combat this phenomenon and that it continue conducting awareness raising campaigns on this issue. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996. Furthermore, the Committee encourages the State party to ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

Sale, trafficking and abduction

391. While the Committee takes note of the State party's efforts to combat the trafficking and sale of children, it remains concerned about the lack of adequate preventive measures in this area.

392. The Committee recommends that measures be taken on an urgent basis, such as a comprehensive programme to prevent and combat the trafficking and sale of children, including an awareness-raising campaign and educational programmes, in particular in the rural areas and for concerned governmental officials.

393. Furthermore, the Committee welcomes the State party's signature of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child

pornography and encourages the State party to ratify and implement it as soon as possible.

The administration of juvenile justice

394. While the Committee takes note that prisons for children have been closed and that re-education centres for children in conflict with the law have been established, it remains concerned, *inter alia*, at the situation of children placed in these centres, in particular regarding their long-term placement, which constitutes a form of deprivation of liberty; that deprivation of liberty and isolation of juveniles are systematically used in police stations; that juvenile courts use measures of confinement not as a measure of last resort; at the lack of alternative measures to the use of deprivation of liberty (e.g. assisted liberty); and at the insufficient re-education and rehabilitation measures for juvenile offenders.

395. In the light of articles 37, 40 and 39 and other relevant United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Committee recommends that the State party:

(a) Ensure that deprivation of liberty is used only as a measure of last resort, for the shortest period and only for serious offences;

(b) To improve the living conditions of children in re-education centres;

(c) To strengthen and increase its efforts to develop alternative measures to the deprivation of liberty;

(d) To develop effective probation services for juveniles, in particular those who are released from re-education centres in order to support their reintegration in society;

(e) To strengthen its training programmes on the relevant international standards for judges, professionals and staff working in the field of juvenile justice.

396. The Committee recommends that the State party seek international assistance in the area of juvenile justice from *inter alia*, OHCHR, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Dissemination of reports

397. In the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the written replies submitted by the State party be made widely available to the public at large and that consideration be given to the publication of the report, along with the concluding observations adopted thereon by the Committee and the relevant summary records. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government and the Parliament,

and among the general public, including concerned non-governmental organizations.