

**COMMITTEE ON THE RIGHTS  
OF THE CHILD**

**WRITTEN REPLIES SUBMITTED BY THE GOVERNMENT OF COLOMBIA  
CONCERNING THE LIST OF ISSUES (CRC/C/Q/COL/2)  
RELATING TO THE SECOND PERIODIC REPORT  
OF COLOMBIA (CRC/C/70/Add.5)**

**[Received on 23 August 2000]**

**REPUBLIC OF COLOMBIA  
MINISTRY OF FOREIGN AFFAIRS**

**WRITTEN REPLIES SUBMITTED BY THE GOVERNMENT OF THE REPUBLIC  
OF COLOMBIA TO THE COMMITTEE ON THE RIGHTS OF THE CHILD,  
CONCERNING THE LIST OF ISSUES RELATING TO THE SECOND  
PERIODIC REPORT ON IMPLEMENTATION OF THE CONVENTION,  
SUBMITTED IN SEPTEMBER 1998**

**SANTA FE DE BOGOTA D.C., 17 AUGUST 2000**

**REPUBLIC OF COLOMBIA  
MINISTRY OF FOREIGN AFFAIRS**

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The Government of Colombia is particularly grateful for the opportunity provided by the Committee on the Rights of the Child to inform it of progress made in the protection of children in Colombia, and of the obstacles to full achievement of the standards associated with effective application of the rights of children.

Colombia also considers this an opportunity to continue to intensify the constructive dialogue that has characterized its relations with all the organs of the United Nations, including the Committee on the Rights of the Child, whose suggestions and recommendations have encouraged the adoption of important decisions concerning the protection of children in Colombia.

As the Committee will have had occasion to note when studying the second report, submitted by Colombia in 1998, the State has accorded particular attention to the Committee's recommendations, resulting in greater efforts to guarantee appropriate protection of children.

In addition, it should be noted that, in the period since submission of the report, new and significant progress has been made by the Government in its efforts to guarantee full implementation of the principle of the best interests of the child. The measures taken, to which we refer *in extenso* in our replies to the questions transmitted to us by the Committee - italicized in the present document - are part of the State's general policy of promoting respect for human rights and enjoyment of those rights by the country's whole population, and particularly its children. Thus, for instance, the Government has adopted a policy to promote, respect and guarantee human rights and to apply international humanitarian law, focusing, *inter alia*, on the protection of children, including those involved in armed conflict.

From the outset the Government of President Pastrana committed itself to taking various measures: a ban on the recruitment of minors, measures to protect children of both sexes in the context of armed conflict, access facilities to enable cases of sexual abuse and rape to be reported, the elimination of anti-personnel mines, which have wrought havoc among the child and youth populations, and respect for international humanitarian law, among others. As can be seen from what follows, all these initiatives have been implemented.

Particular mention should be made of the work of the Colombian Family Welfare Institute (ICBF), a body which, through its activities within the National Family Welfare System (SNBF) for the comprehensive protection of children and their families, focuses on safeguarding rights in the context of ensuring decent living conditions. This entails recognition not only of our international legal commitments, but also of the ethical and political dimension of any action, decision or omission in the workplace.

## GENERAL MEASURES OF IMPLEMENTATION

(Arts. 4, 42 and 44 of the Convention)

*"Please provide information on measures taken to integrate the rights of the child and other child-related issues in the agenda of the State party's peace process negotiations and within the Plan Colombia.*

*In light of the Committee's concern regarding the gaps between domestic legislation and the Convention, please provide further information concerning the review process of the Code of Minors (1989).*

*With regard to the Committee's recommendation regarding the need to strengthen coordination and monitoring of the Convention, please provide further information on measures taken to implement this recommendation.*

*In addition to the information on the National Plan of Action for Children (Pacto por la Infancia) and the Social Leap Forward Plan (El Salto Social) and in view of the Committee's recommendation, please provide information about the concrete results of the above-mentioned plan and programme, and whether new programmes have been envisaged after the year 2000. Please also indicate whether the State party has conducted an evaluation of the impact of the economic reforms on children and, if so, what were the results.*

*Please provide further information on how governmental institutions cooperate with non-governmental organizations, especially concerning the participation of representatives of civil society in the design and implementation of policies and programmes for children.*

*Please provide updated information on measures taken to implement economic, social and cultural rights to "the maximum extent of [...] available resources" and to allocate budgetary resources for children, especially for those belonging to the most vulnerable groups, such as children belonging to indigenous and Black-Colombian groups, children belonging to internally displaced groups, and children living and/or working on the streets."*

When submitting its second periodic report in 1998, Colombia informed the Committee of the main actions taken to promote the welfare of children and of progress made in implementing the Committee's recommendations in the years since the submission of its initial report.

From that report we would single out for special attention the political decision to assign priority to social spending in the General Budget of the Nation, equivalent to 49 per cent in the period covered by the report. In the review period, 17 per cent of the budget allocated to social programmes, equivalent to Col\$ 1.3 billion, was earmarked for children. The budgetary shares of the most representative programmes were as follows: Welfare Homes, 61 per cent; protection and development of children, 16 per cent; and minors in an irregular situation 12.4 per cent - figures to which the Government has tried to adhere to the extent possible in the present circumstances, in accordance with the Committee's recommendation that it should take "all appropriate measures to the maximum extent of their available resources".

The programmes described above are the responsibility of the Colombian Family Welfare Institute (ICBF), a body which during the review period provided services to 6.8 million users, representing 76.2 per cent of children under 7 and 83.7 per cent of children aged 7 to 18 requiring assistance. It should be noted that the coverage of protection programmes has been substantially increased as a result of improvements in the procedure for identifying users.

In recognition of the importance of adjusting its institutions, plans and programmes to meet the new requirements of society, President Pastrana's administration has embarked on a reorganization of ICBF, with a view to modernizing it. Thus, Decrees Nos. 1137 and 1138 of 22 June 1999 reorganized the Administrative Family Welfare System, assigning it the function of coordinating the National Family Welfare System.

The policies adopted by the present Government have provided for specific targets and strategies to provide comprehensive protection for children, with particular emphasis on elimination of child labour and protection of young workers. Positive actions in this connection include participation by working children in the creation of programmes of action. Also significant is the National Plan of Action for the Elimination of Child Labour and Protection of Young Workers aged 15 to 17.

Between 1994 and 1998 the proportion of the national budget earmarked for education accounted for 17 per cent of social expenditure, or Col\$ 1.4 billion, with pre-school coverage increasing from 19.3 per cent in 1993 to 38.1 per cent in 1997, coverage in primary education increasing from 75.2 per cent in 1993 to 83.4 per cent in 1998, and secondary coverage from 48 per cent to 60 per cent. In 1997, 28.1 per cent of total ordinary public expenditure was invested in the sector, while in 1998 and 1999 the figures were 23.6 per cent and 31.3 per cent respectively. According to estimates by the Social Mission, in 1999 public administrative entities (national and regional) invested Col\$ 4.05 billion (equivalent to 2.74 per cent of GDP) in education, and Col\$ 889,458 million (0.60 per cent of GDP) in social assistance, of which Col\$ 461,657 million (0.31 per cent) went to ICBF. It can thus be affirmed that the State has begun to invest in education a percentage of its GDP equal to or higher than that of other countries with similar economic structures.

During the period covered by the report, educational opportunities were expanded to cover more than 1,700,000 children and young people. Of these places, approximately 1,120,000 are the result of efforts by the National Government and just over 580,000 were due to efforts by private, partially State-subsidized educational establishments. It should also be noted that the Educational Development Plan to Build Peace (1999-2000) has focused on strengthening the sector, rationalizing spending, optimizing use of human resources and mobilization of natural and legal persons undertaking to meet the costs of education, regulation of social services in rural areas for students of education and trainee teachers, extending access to scattered populations in rural areas and the adult population, and alternative models for areas where there is no teacher/student relationship, including *Escuela Nueva* programmes and the tutorial learning system.

In addition, in the context of the family and child policies under the National Development Plan 1998-2002, the following achievements are particularly noteworthy:

In the context of the National Food and Nutrition Plan, progress has been made in implementing the Soya Project; in providing assistance to 4,173,698 beneficiaries of comprehensive care projects with a nutritional component; and in producing and distributing 27,000 metric tonnes of "Bienestarina" to beneficiaries of the programmes. Provision of daily food rations to users of nutritional intervention programmes has been increased. Services have also been provided to pregnant women, breastfeeding mothers and pregnant adolescents through the existing system of Community Welfare Homes. Lastly, emphasis has been placed on education in breastfeeding and provision of dietary supplements in coordination with hospitals.

Within the comprehensive childcare programme, particularly noteworthy are the elaboration of a policy to work with community mothers to improve their conditions and the construction and administration of 15 multipurpose centres in the coffee-growing region, through the Colsanitas

Agreement <sup>1</sup> and a soft loan from the Spanish Government.

Special protection for the under-18 population. This population group has benefited from consolidation of the System for Information on Protection: updating active protection case histories, with a 71 per cent reduction in case histories dormant for more than one year; dispatch of documents and preliminary technical and administrative guidelines on comprehensive protection and protection services; a 32 per cent increase in provision of care to children in the family environment over the last two years; installation of software for evaluation and monitoring of institutions; and execution of a systematic programme for evaluation of procedures and results of services.

It should be noted that Col\$ 3.1 billion were invested in the health sector in 1999. As a result of a law enacted by this Government, in 1999 more than 80,000 community mothers bringing up about 1,500,000 children in poor families were affiliated to the social security system, and agreements were concluded with some municipalities to provide medical care to children and young people in foster homes.

Similarly, in the framework of the Basic Care Plan for the year 2000 provision has been made for the development of screening activities (identification of children at greatest risk of suffering visual health problems for referral to services) at municipal level.

With a view to finding effective means of halting the increase in drug consumption and adopting strategies to create healthy and productive alternatives for all those directly or indirectly affected by this problem, the National Government has set up the RUMBOS Programme, which is directly responsible to the Presidency of the Republic. Given that there is clearly a dearth of information on the problem, RUMBOS and the National Drug Investigation Commission (CNID) <sup>2</sup> embarked on a survey of drug consumption among young people aged 10 to 24, conducted in October 1999 with the assistance of national and regional governmental and non-governmental bodies, professionals and young people involved in comprehensive prevention in various local entities.

The survey is the outcome of the first joint effort by RUMBOS and CNID to find new strategies to measure consumption of psychoactive substances among the young Colombian population. The results of this new approach show that levels of consumption are higher than those revealed by previous studies. However, the causes of this increase in consumption in Colombia cannot be determined, because the methodology used in the earlier studies differs substantially from that used in the survey, so that the data are not comparable.

The levels of consumption revealed by the survey sound a warning note. Unfortunately, Colombia is beginning to record high levels of consumption of some substances. The recent survey shows that alcohol and marijuana continue to be the most frequently used drugs. Although young people aged 15 to 19 consume more than those aged 10 to 14, society needs to be particularly vigilant in the case of children. For its part, the National Government is conducting an important prevention campaign in the media, essentially aimed at the younger population.

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<sup>1</sup> [le renvoi manque]

<sup>2</sup> The National Drug Investigation Commission consists of representatives of the following institutions: the RUMBOS Presidential Programme, the Bogotá Health Secretariat, the Capital District Coordinating Unit for Comprehensive Prevention, the Research Centre of the Military University's Faculty of Medicine, the National Narcotic Drugs Department, the Ministry of Education and the Ministry of Health.

In the cultural field, the Department of Children's Affairs of the Ministry of Culture is conducting important activities, including, in collaboration with the PLANTE (National Alternative Development Plan) presidential programme, an ambitious project in Guaviare department aimed at providing children and young people involved in illicit crop substitution with premises and time to come to grips with their ideas and feelings on the basis of their own recognition of cultural pluralism.

As a mechanism for management, coordination and joint efforts on the part of civil society, public bodies and NGOs, a Network of Cultural Organizations for Children (ROCIN) has been formed, providing nationwide coverage through 600 programmes. Participation has been high and coverage has increased.

As part of the process of reconstruction in the coffee-growing region, which was affected by the recent earthquake, social activities have been promoted among children, community mothers and art teachers in the region, in the form of symbolic and expressive artistic events directly and actively involving 800 children and 34 artists and communicators, as well as 35,000 children and young people through family, neighbourhood, school and social links.

Similarly, at local level pedagogical models are being developed to identify children's full artistic potential through creative exploration and artistic expression. Their potential is stimulated through music, drama, dance, modelling, magic and literature, stressing the lively and entertaining aspects of reading through a "friendly library", in coordination with the Interactive Centre for the Arts (CIPA) project.

Particular attention has been accorded to children in the context of the Government's actions to combat domestic violence. Given children's inability to defend themselves against the adults responsible, in the context of the *Haz Paz* ("Make Peace") National Policy for the Construction of Peace and Family Coexistence, efforts are being made to deal with serious acts of violence inflicted on children by those supposedly responsible for their welfare.

Given that domestic violence has a wide variety of causes, *Haz Paz* is a collective strategy which, under the guidance of the Office of the Presidential Adviser for Social Policy, focuses on the attainment of joint objectives and sectoral actions which, while retaining their specific nature, tailor their activities to accomplishing the project's mission and safeguarding the vision underlying the national policy. The purpose is to put in place consolidated action plans, rather than simply an accumulation of unrelated sectoral actions.

The main areas of action under *Haz Paz* include identification of children showing aggressive behaviour; treatment of the perpetrators of domestic violence, especially children; and identification of those who physically abuse their partners.

**Results of the Children's Covenant.** The Covenant is the strategy designed and applied to achieve decentralization of the Plan of Action in Favour of Children; it allows for the development of techniques, instruments and methodologies for social planning at local level, generating inter-institutional working methods to determine the situation of children in each region; draw up a regional inventory of the child-targeted programmes available and deal with the situations diagnosed; ensure that regional policies are determined in the context of promotion, preventive action and care targeted on children; mobilize the various official and unofficial social actors to secure cultural changes to benefit children and promote the best interests of the child at levels other than the institutional level - in other words, to break with the belief that every child-related issue is the sole responsibility of ICBF.

In implementation of the Children's Covenant, local social policy councils have been set up to provide coordination at departmental, district and municipal levels, with a view to complementing sectoral policies in the fields of education, health, culture and leisure and integrating them with promotional, preventive and protection programmes for the family and children.

**New programmes for the period after the year 2000.** Decree No. 955 of 26 May 2000 establishes the National Government's investment plan, whose family and child-related component will be developed by ICBF and SNBF, with prominence accorded to participation by civil society in the accomplishment of institutional tasks. Programmes for the period after the year 2000 provided for in the National Development Plan include:

**The National Food and Nutrition Plan.** Its purpose is to help improve the dietary and nutritional situation of the population through comprehensive care based on multisectoral actions in the areas of health, nutrition, food supply, education, agriculture, communications and the environment.

It coordinates and formulates plans, programmes and projects for each area of action, for implementation at departmental and municipal levels. It accords priority to children, with emphasis on those rural and marginal urban areas with the highest incidence of malnutrition and the largest numbers of pregnant women, breastfeeding mothers and children under six not covered by Welfare Homes.

The Plan covers the following eight areas of action: food security; protection of consumers through food quality and safety controls; prevention and control of micronutrient deficiencies; prevention and treatment of infectious diseases and parasitic illnesses; promotion, protection and support for breastfeeding; promotion of health and a healthy diet and lifestyle; evaluation and monitoring of diet and nutrition; and training of human resources in food and nutrition policies.

**The National *Haz Paz* Plan.** As has been pointed out, in the framework of the National Development Plan, President Pastrana's Government launched the policy of peaceful coexistence, of which the so-called *Haz Paz* plan to combat domestic violence forms part.

As a policy to promote peaceful coexistence within the family, *Haz Paz* is elaborated, coordinated and implemented in the Office of the Presidential Adviser for Social Policy. It is based on a culture of rights and the principles of equity, participation and decentralization. It seeks to include in its plans, programmes and projects the human and ethical dimensions that are called for when dealing with abused children, women physically abused by their partners, ill-treated and abandoned elderly people and disabled children and adults.

The fact that violence within the family has a wide variety of causes cannot allow us to dissociate it from individual responsibility: it constitutes a breach of human rights, a public order problem and an obstacle to the country's social and economic development, and is thus a public issue and a social policy matter involving the Ministries of Health, Education, Justice and Law, Culture, Labour and Social Security and Communications, as well as the Department of National Planning (DNP), the Offices of the Advisers for Social Policy and Equal Treatment of Women, the RUMBOS Presidential Programme for the Prevention of Drug Consumption, ICBF, the National Forensic Medicine and Forensic Sciences Institute, the Social Solidarity Network, the National Police and the Offices of the Ombudsman, the Procurator-General of the Nation and the Attorney-General of the Nation.

*Haz Paz* is intended to help Colombians recover their self-esteem, to show that peace is possible in our daily relations and that it is the fundamental input necessary to ensure a return of confidence and solidarity. Likewise, it attempts to promote and develop skills and expertise for the



peaceful solution of the dispute and to ensure early detection of the use of force and violence to settle family disputes.

The components of *Haz Paz* are: (a) prevention of the factors that cause the problem and allow it to persist in our culture, the community, the family and among individuals; (b) screening and early detection of cases of domestic violence, sexual abuse and ill-treatment of children, women and old people in the home and in daily life, school, the workplace and the neighbourhood; (c) care for individuals and families presenting episodes of physical, sexual and emotional violence in the home and in daily life; for children showing aggressive and/or inappropriate sexual behaviour; and for aggressors, especially children, and perpetrators of conjugal violence.

The strategy of *Haz Paz* is to secure the strengthening, transformation and institutional development of the national and local bodies participating in the programme, with a view to including the activities and guidelines of the components of *Haz Paz* in the institutional programmes, so as to create links to facilitate integral prevention, detection and adequate treatment or care. In order to secure this objective, the programmes, procedures, protocols and the institutional programming itself must be adjusted to ensure an effective supply to meet the demand that will unquestionably be created by the promotional and preventive components.

On 1 June 2000 the National Council for Economic and Social Policy (CONPES) adopted *Haz Paz* document No. 3077 as a government policy, formalizing the powers of the various bodies, recommending courses of action, setting up *Haz Paz* functional units within each entity and assigning each a regular investment budget in a total amount of Col\$ 42,315.7 million for the period 2000-2002.

One of the first activities undertaken was a revision of Act No. 294/96, given that in the three years since its enactment its intended effects had not been achieved, *inter alia* because of the procedure for requesting protection measures and the lack of interdisciplinary teams to support the family judges in the provision and application of protection measures. The reform reassigns the power to order protection measures to the Family Commissioners or, failing that, to the magistrates or counsellors. The Family Commissions are administrative bodies equipped with interdisciplinary teams, created to provide immediate services to the family. The task of the counsellor is to promote the use of alternative methods of conflict solution.

With the transfer of authority to the Family Commissions, users are guaranteed constant attention, because round-the-clock access means that there are no judicial delays of the sort that hold up the service in the courts. Acts of domestic violence are not decriminalized, because if the Commissioner, counsellor or magistrate considers that one of the acts at the root of the domestic violence is of a criminal nature, he is obliged to report it to the Office of the Attorney-General and to refer the victim to the Forensic Medicine Institute. Act No. 575 of 2000 sets forth the obligation incumbent on the municipal and district councils to set up the commissions and fixes a deadline for their establishment. The criminal aspects of the issue are included in the Penal Code.

In coordination with *Haz Paz*, a plan has been drawn up to provide training and refresher courses for all officials of the Family Commissions, magistrates and counsellors, so as to secure application of the reformed Act No. 294/96 as the statutory instrument for prevention and punishment of domestic violence.

In view of the need to create models for the care of victims of sexual crimes, starting in April 2000 a project was implemented jointly with the United Nations Population Fund, in the framework of UNFPA's Programme for the Promotion of Sexual and Reproductive Rights, aimed at designing and developing models for the care of victims of sexual crimes. The underlying assumption is that the

various manifestations of sexual violence - sexual abuse, incest, even a refusal to countenance family planning - are a violation of rights. The focus is on dealing with the forms of sexual violence defined in Title XI of the Colombian Penal Code and Act No. 360/97, Titles I, II and III (violation, rape and sexual abuse, including unlawful intercourse and other sexual acts performed with children under 14).

This project is targeted on institutions and communities and aimed at designing and applying institutional models based on interinstitutional coordination, to provide comprehensive care to victims of sexual crimes.

The characteristics of the model are: (a) its comprehensive scope: it analyses the biological, psychological and social forces behind the act of violence, intervenes in prevention, early detection, treatment and follow-up; (b) its interinstitutional nature: it sets out to provide conceptual and operational links between the practical approaches and the legal concepts - health promotion, protection and justice - in order to respond to the needs of those involved in the sexual crime, particularly the victims; (c) a systematic approach to care: it considers the victims, the aggressors and their family and social context when intervening; (d) a gender- and age-based approach: it takes account of the specific forms of care needed, having regard to the biological, psychological and social characteristics of men and women at the different stages of life.

The interinstitutional components of comprehensive treatment of sexual crimes are: determination of the concepts of sexual violence and sexual crime and quality of care for victims; national and international legal instruments in force and ratified by Colombia; institutional care protocols, guidelines for intervention, lines of coordination and interinstitutional and intersectoral support for case management; profiles of service providers by institution and sector; a national system for consolidation of information and a description of the epidemiological information available through regular sources of information; protocols evaluating risks to victims and case histories; guides to and codes of professional practice (code of ethics for officials dealing with sexual crimes), and a system for monitoring and evaluation.

Among the activities implemented by *Haz Paz* pursuant to its remit, mention should also be made of those conducted through ICBF, such as the setting up of an ICBF *Haz Paz* Unit. By 30 June 2000, 200 Social Policy Councils had been set up in 70 municipalities, and a further significant number are in the process of being organized.

At regional level, progress has been made in the following areas: establishment of teams to promote *Haz Paz* policy in 11 out of 33 regions; provision of support to 3,092 youth clubs with a view to preventing violence in the family; support for the training of 520 officials and ICBF-SNBF community educators in counselling, peaceful settlement of disputes, prevention of domestic violence, ill-treatment of children and sexual abuse; identification of protection and risk factors in children's development; strengthening of networks and management of bereavement; distribution of funds to finance promotional events; training of services, improving possibilities for families to settle their disputes peacefully; and setting up of teams trained in protection of the family. Community Educators have been appointed to strengthen the potential of communities and families; new networks have been promoted. Assistance to families has been strengthened through the establishment of shelters providing immediate comprehensive care to ensure physical, emotional and social recovery, re-establish family links and detect, receive, treat, channel and refer cases of intra-family violence, ill-treatment and sexual abuse.

*National Plan to Combat Drugs.* Through campaigns to raise public awareness and understanding of situations associated with the consumption of psychoactive substances, the Plan promotes changes in cultural attitudes and improvements in the quality of life, helping to create the

conditions necessary to develop alternative solutions with the population affected.

Likewise, RUMBOS seeks effective means of halting the increase in drug consumption and adopting strategies and healthy and productive alternatives for those affected, and tries to coordinate the various sectoral efforts, as described in the section dealing with general measures.

*Comprehensive child-care programme.* ICBF's activities as coordinator of SNBF and provider of comprehensive services to children comprise: (1) engaging the joint responsibility of the State, society and the family so as to guarantee exercise of children's rights. This involves managing the formulation and implementation of policy through provision of public family welfare services nationwide. (2) With the same aim of guaranteeing the rights of children and adolescents on the basis of the concept of the family, identification of factors crucial to the protection of children's development and a study of the consequences of failure to take action to strengthen those rights, it organizes programmes, projects and services in urban and rural areas; elaborates, adopts, disseminates and secures implementation of its technical and administrative guidelines; studies and approves methodologies, establishes priorities and channels investment, and determines the structure of the programme and budget; provides guidance and advice and monitors the various actions in support of family welfare by the competent bodies, working to ensure high-quality care and guaranteeing that services meet the real requirements and demands of families and children; provides guidance to services and monitors their role as facilitators of the rights of the child; participates in implementation of the National Food and Nutrition Plan and the other National Plans (described herein); takes action to strengthen relations and affective links within the family group and make it aware of its role as the natural and fundamental forum for the socialization of children; and promotes processes to enhance the sense of belonging to a family, ethnic or other group in exercise of the right to ethnic and cultural diversity and human dignity.

ICBF has also taken over responsibility for the Children's Division of the Ministry of Communications, and since 1999 has been in receipt of resources with which to develop the Project to Protect Children and Women through the Media. Its purpose is to develop strategies for communication with the media and the world of education, through production of audio-visual and printed matter for dissemination at national, regional and local levels; through training, advisory services, research and social marketing so as to contribute effectively to overcoming problems, creating a culture in which the rights of the child are respected.

**Effects of the economic reforms on children.** In response to the worsening of the economic crisis in Colombia, the Government decided to implement a programme in support of the poorest sectors of the population, to mitigate the adverse effects of the crisis. The poor are generally those most affected by circumstances of this kind, since, in addition to the short-term negative impact, they are forced to take decisions that have adverse consequences in the medium and long term, such as changes in food consumption patterns, increased participation in employment by members of the family, and a reduction in demand for and expenditure on health and education services.

An increase in the number of poor children dropping out of school has led directly to higher rates of unemployment, as families take their children out of school to join the labour market in an attempt to lessen the adverse effects of the crisis.

According to DNP's 2000 report, the recent economic crisis has also had adverse effects on health indicators, and it is expected that the nutritional effects may also be considerable.

In response to this situation the Government has designed a conditional subsidies programme to address the fall in family income, the school drop-out rate and the adverse impact on mothers' and

children's health. The programme is an innovation in Colombia, and responds to the need to provide direct emergency support to the population while at the same time encouraging longer-term investment in human capital. It is thus a response to the current economic situation, but is much wider in scope, and also addresses structural issues. It is designed to strengthen the role of women and it also has the potential to act as a "safety valve" to relieve pressure on the labour market.

The design phase of these programmes is nearing completion and they will be implemented by the Social Support Network, coordinated by the Presidency of the Republic, and financed through external credit, international cooperation and ordinary resources from the national budget.

As can be seen from the present report, despite the difficult economic situation there has been no significant adverse effect on the direct provision of services to users, as other strategies have been adopted, including recourse to private enterprise partners and the equalization funds to provide care for the child population.

**Draft Law Reforming the Juvenile Code (Code of Minors).** The initiative to reform the present Juvenile Code is based on the need to bring the code into line with the country's new social, legal and political circumstances.

The present Juvenile Code, Decree No. 2737/89, does not interpret the constitutional principles embodied in the Constitution of 1991, including the principle relating to the best interests of the child, and is not consistent with the international instruments relating to the question, in particular the Convention on the Rights of the Child.

The process currently under way began in 1994 with the establishment by the National Government of a Commission to reform the Juvenile Code, which elaborated a preliminary draft code that was subjected to a broad process of consultation in the various sectors of society.

The consultations identified the themes considered most important, including: implementation of a National Family Welfare System; a strengthening of ICBF; the need to reform and strengthen the institution of the Family Ombudsmen; changes to the procedure for adoption; inclusion of new regulations on child labour; the need to assign new functions to the Family Commissions; and treatment of child offenders.

Unfortunately, and in spite of the considerable efforts made, it was not possible to achieve the necessary consensus and the draft code, which had been tabled before the Congress of the Republic, was shelved.

In the light of previous experience it was considered desirable to adopt a new approach so as to identify new initiatives for partial reforms in the areas regarded as having the highest priority.

Hence, the issue of child offenders, on which there was most consensus, was taken up again. The draft law is being studied by an enlarged group coordinated by the Office of the Ombudsman, with a view to formulating a text interpreting from a State perspective the basic principles that should underlie the legislation on minors.

*Content of the reform.* The results of the study thus far have shown that the problem of juvenile offenders cannot be viewed solely from the standpoint of suppression and punishment, but must also be seen in terms of crime prevention and full development and socialization of the child, which implies the formulation of a wide-ranging long-term public policy.

However, there is clearly also a need to manage the issue of child offenders in its latter stages, given that it is a real problem in Colombia. Thus, we are working to elaborate a system of juvenile criminal responsibility that takes account of the need to guarantee punishment, due process and full recognition of human dignity.

Hence, the reform of juvenile responsibility will focus on three main aspects: the procedure, which must differ from that for adults; penalties, with a strong educative emphasis; and measures or sanctions.

Consequently, the reform takes the following principles as its starting points:

- children as subjects of rights and obligations; children as beings responsible for their acts; and the development of a system of comprehensive protection from which all children must benefit;
- differentiation between the administrative function of "protection", which must reflect a public policy for all children, and the jurisdictional function, applicable exclusively to child offenders. This will remove the confusion to be found in the present Code, under which the judge could intervene if he considered a "minor" to be at risk, whether social or moral, in spite of the fact that there might not be any problem of a legal nature or any conflict with the law (with a resulting focus on counselling and protection very different from what should be his true function). Most child-related problems are taken out of the ambit of the courts;
- imposition of custodial sanctions as a last resort, with all legal requirements and guarantees fully satisfied; limitation of deprivation of liberty in cases where a legal situation has been determined; emphasis on alternative measures, which are more educational, and more effective tools for the socialization of children; excluding the applicability of criminal responsibility to minors under 12 years of age; creation of a procedure with all the guarantees enjoyed by adults (due process, right to a defence counsel, recognition in law of the crime and punishment, courts of second instance, intervention by the Office of the Public Prosecutor, etc.);
- educational character of the procedure and the sanctions; adversarial system, including an investigative stage followed by a trial stage, conducted by the Juvenile Judge. The new legislation creates a judge to enforce measures imposed on children. It establishes a disciplinary regime in the centres and determines the rights and guarantees of the child on whom the sentence is imposed. At present no mechanisms are being developed to verify the lawfulness of the measures.

**Cooperation between official institutions and NGOs, and particularly with civil society.** NGOs have begun to play a progressively greater role in various national, regional and local bodies responsible for defining policies in relation to children.

One example is the Inter-Agency Committee for the Elimination of Child Labour and the Protection of Young Workers, which includes representatives both of governmental organizations (among them ICBF) and of employers, employees and NGOs. On 18 February 2000 the Committee approved the National Plan of Action 2000-2002, which responds to the need to consolidate progress made in implementing the first Plan (1996-98) and embodies the undertakings its member bodies gave to continue jointly and in coordination to move towards the elimination of child labour. The NGOs have played a key role in developing strategies for direct intervention defined in the Plan.

Another example is the National Plan for Provision of Care to Disabled Persons (1999-2002), preparation of which involved not only the government bodies concerned but also 44 NGOs with nationwide coverage, as well as local round tables in which NGOs and associations of disabled persons and the parents of disabled children actively participated.

In the specific case of ICBF, NGOs are an essential partner in the development of its services, many of them being among the providers of specialized services to vulnerable children in need of protection; the same is true of the management of family welfare support services. In order to train and strengthen these service-providing organizations in the principles of the Convention, ICBF has instituted a Self-Evaluation, Self-Enhancement and Quality Standards Project.

Similarly, in implementation of the plans and programmes to ensure comprehensive protection of children in the entities at local level, ICBF has taken the lead in setting up the Social Policy Councils. It is hoped that, in addition to working to strengthen relations between the local entities and civil society in the formulation, concertation and coordination of projects to implement child-related social policies, these Councils will provide guidance in the formulation of the policy to be adopted in favour of children and the family at local level.

Since the modernization of ICBF, there has been an increased awareness of the need to bring the theoretical and practical aspects of the institutions' task into line with the concept of comprehensive protection and a human rights perspective, inviting institutions, NGOs, civil society and private enterprise to become partners in achieving and realizing those rights. Thus, for instance, ICBF is directing the *Ludoteca* (Play Spaces) Programme, as a "strategy for peace". The play spaces are equipped through contributions from the State and donations from private enterprise, enabling them to serve as places where children can meet and enjoy themselves, engaging in the activity most fundamental to their comprehensive development, namely, play, so as to develop in them rules of respect and tolerance and harmonious relations with their peer group as a basis for peaceful coexistence as citizens.

## GENERAL PRINCIPLES

*"With regard to implementation of article 2 of the Convention, provide further information on measures taken against the discrimination of vulnerable groups of children. Furthermore, please provide information on measures taken to reduce regional disparities, especially concerning access to health services and education.*

*In light of article 6 of the Convention and with regard to the Committee's recommendation, please indicate measures taken to protect children from the harmful effects of the ongoing armed conflict and, in particular, regarding the threats posed by landmines to the life of children. Please provide further information on measures taken to protect "street children" from the so-called "social cleansing" practised by armed groups, and indicate the results of the investigations of these crimes."*

During 1999 ICBF developed the Multicultural Public Policy for Protection of Indigenous Children in Colombia and the tools for its implementation, through a process of investigation and action which identified the most appropriate and constructive ways of protecting the fundamental constitutional and statutory social rights of indigenous children and young people living in conditions of hardship and suffering manifest social and cultural discrimination. The starting point is the duty of the family, society and the State to give absolute priority to according indigenous adolescents and children the rights to life, physical integrity, health, a balanced diet, education, play, culture, dignity, respect and freedom, and to coexist in the family and the community, and to safeguard them from all

forms of neglect, discrimination, exploitation, violence, cruelty and oppression, without their ceasing to be members of an indigenous community.

The instruments for implementation of this policy include: a model social and family case history along multicultural lines, a dispute resolution model subordinating indigenous children to a traditional authority, and accreditation to ICBF of a traditional authority competent to represent the best interests of indigenous children and young people so as to integrate them into the national family.

With regard to the child population in the remotest rural areas, ICBF has introduced a new project within the Assistance to Children and the Family in Prevention of Social Risks subprogramme, the Scattered Rural Populations project. Its aims are:

- to improve the quality of life of families in remote rural areas and encourage them to take responsibility for their children's education through care and training activities compatible with their socio-cultural circumstances;
- to strengthen family unity and harmonious relations through care and training activities;
- to foster good-neighbourly relations and solidarity with a view to forming a community;
- to improve the nutritional state of the project's beneficiaries.

Between 1999 and 2000 the project's coverage was extended from one to five departments, delivering services to 9,740 beneficiaries in the Caldas, Quindío, Cundinamarca, Tolima and Caquetá regions, with an investment of Col\$ 974,905,820 for the year 2000.

Budget allocations for projects targeted on  
the under-18s, year 2000 (Col\$)

Population type	No. of users	Budget
Indigenous	194,190	10,301,048,000
Displaced by armed conflict	14,250	4,431,361,121
Street children	15,696	1,153,549,900
Others	3,938,355	729,861,185,743
Total	4,148,241	745,747,144,764

## CIVIL RIGHTS AND FREEDOMS

*"With reference to the high rate of unregistered children, please indicate specific measures taken to improve birth registration, particularly in rural and remote areas of the State party, in light of article 7 of the Convention.*

*With regard to the Committee's recommendation, please indicate whether investigations on the torture of street children, such as those recommended by the Committee in 1995, were carried out. Further, please indicate also the number of cases of police brutality against children which have been submitted yearly to domestic courts and whether rehabilitation has been provided for the victims of such crimes."*

**Civil Register of Births.** The first of the activities referred to in the second periodic report took place as the result of a process of communication and social mobilization in the framework of the Children's Covenant, involving national bodies such as the National Civil Registry Office, the Notary and Registration Monitoring Office, the National Notaries Fund, the Colombian Institute of Higher Education, ICBF and the Office of the Presidential Adviser for Social Policy; at local level the governors, mayors and departmental Children's Covenant committees carried out promotional, guidance and information activities and organized and conducted the event. The process was initiated with the indigenous peoples, revealing the need to revise the current regulations to bring them into line with the constitutional requirement to respect indigenous peoples' customs and values.

Various registration campaigns have been conducted, successfully disseminating information on the right to a name and nationality. However, these efforts have not been sufficiently focused to improve quality, coverage and availability under the service.

Article 266 of the Political Constitution entrusts the National Civil Registry Office with the tasks of directing and organizing the civil register and identification of persons. In implementation of this requirement, since 1998 the Registry Office has designed the civil registry and vital statistics system, modernizing the procedures for registration. The Registry Office is undergoing a process of institutional development in preparation for the installation of the system, which will provide network connections with about 800 centres. The purpose of the system is to organize information, avoid double registration and estimate current rates of under-registration.

The civil registry and vital statistics system currently suffers from inadequacies of availability and coverage among indigenous communities and vulnerable groups such as displaced and other marginalized populations, on account of the special circumstances applicable to these groups in need of special attention. It has thus been found necessary to identify these highly vulnerable groups so as to improve coverage.

Aware of this problem, the National Government has decided to implement a permanent programme to improve civil registration of births, with a view to strengthening the civil registry and vital statistics system nationwide. The programme seeks to meet civil registration and identification needs in areas where under-registration is high; implement the civil registry and vital statistics system in indigenous communities and among other vulnerable population groups; revise and update the statutory framework so as to bring indigenous communities into the civil registration system while respecting their specific cultural circumstances; evolve operational procedures guaranteeing coverage, quality and maintenance of information within the system; generate reliable and up-to-date vital statistics with which to improve demographic analysis and monitor government plans and policies; design a system for ongoing assessment allowing for the inclusion of necessary adjustments when appropriate; and to design, implement and evaluate methodologies to optimize coverage of vital statistics registration and diagnose the causes of under-registration.

For this programme, the Presidency has called upon the various national institutions working within the system and other bodies working with special population groups to pool their efforts.

The Civil Registration Improvement Programme is directed by the National Civil Registry Office and involves the Presidency of the Republic, the Notary and Registration Monitoring Office, the Ministry of Communications, the Ministry of Health, ICBF, the National Administrative Department for Statistics (DANE), the National Police, the pastoral services of the church, UNICEF and UNHCR.

The programme began by stepping up measures to identify the population displaced by



violence, in implementation of Decree No. 290 (1999), which "enacts measures to facilitate registration in the Civil Register of Births and issuance of identity documents to persons displaced by the violence occasioned by the internal armed conflict". The procedure laid down by that legislation entrusts civil registry officials exercising their functions in municipalities where there are persons displaced by the violence with the task of recording unregistered births in the Civil Register of Births, on behalf of the competent official of the place where the birth took place.

Similarly, some local authorities and mayors' offices have, in coordination with the Ministry of the Interior, taken on the task of registering indigenous peoples and populations in border areas. A national campaign will take place on 18 and 19 November 2000 in a context of human rights, and the message to be conveyed is that the right to civil registration of birth is a first step towards the exercise of other rights. "Registration brings rights."

As the legislation regulating registration in the Civil Register of Births (Decree-Law 1260/1970) is in need of revision, a draft law is being prepared for submission to the legislature, modifying and modernizing procedures in specific cases such as that of the indigenous peoples, and establishing a National Register, as a means of overcoming existing obstacles.

### **Family environment and alternative care**

*"With regard to the situation of children deprived of a family environment, and in particular in the context of the large number of internally displaced persons due to the ongoing armed conflict, please explain what measures have been taken to provide alternative care for this group of children.*

*Please provide further information about the allocation of additional resources, both human and financial, to prevent and combat domestic violence, in particular physical and sexual abuse of children. Has the State party envisaged further measures, including educational ones, to prohibit and eliminate the use of corporal punishment within the family, at schools, and in other institutions?*

*In relation to questions 11 and 12, please indicate whether any review of resource allocation to the ICBF has taken place, and if so, what are the changes it has brought about (e.g., new policy directives adopted as a result of this review).*

*Care for children deprived of a family environment - alternative care for displaced children. In coordination with the Social Solidarity Network (RSS), ICBF provides care for children under seven, pregnant and breastfeeding mothers, providing a food package during the emergency phase. Similarly, displaced children are assisted through welfare support programmes and specialized interventions by ICBF."*

A joint ICBF-RSS circular dated 2 May 2000, addressed to the regional directors, ICBF area coordinators and the RSS district subdirector and departmental delegates establishes powers, responsibilities and care procedures for children, pregnant and breastfeeding mothers affected by the displacement. In terms of competences and responsibilities Act No. 387 (1997), CONPES document 3057 and the strategic plan for management of enforced internal displacement are some of the documents setting out the tasks of the State. As regards care procedures, the RSS, through its Displaced Population Care and Guidance Units, is the body responsible for registering displaced children under seven and displaced pregnant and breastfeeding mothers. As to inclusion of the displaced population in the regular ICBF programmes, RSS coordinates with the respective area centres to house this population temporarily in the framework of the institutional services' portfolio of regular programmes.

In the framework of the Long-Term Aid and Recovery Operation (PMA/COL/6139), assistance is being extended to the population displaced by the violence in Colombia, the objectives being:

Immediate:

- to contribute to the food security of displaced families during the initial phases of settlement, relocation and return;
- to support and promote local initiatives through food-for-work activities, in order to:
  - promote productive capacity through an increase in opportunities for self-sufficiency;
  - restore the basic social and economic infrastructure;
  - strengthen capacity-building by the local authorities and displaced communities, providing training and encouraging participation in the Operation's activities and organization and promotion of interests;
- to promote better feeding of displaced infants and children of school age and increase availability of and access to crèches and schools by these children; and
- to improve food security among the most vulnerable groups: children, the undernourished, and pregnant and breastfeeding mothers, as well as certain ethnic groups;

Long-term:

- to alleviate food shortages so as to restore human capacity and strengthen social cohesion;
- to support initial settlement, relocation and return in order to facilitate reintegration into society; and
- to mitigate the effects of future crises.

Financial resources:

PMA: US\$ 7,271,960 (from the sale of 38,928 metric tonnes of wheat) + Administration.  
Total: US\$ 8,900,000

ICBF: US\$ 708,000 (equivalent to 750 tonnes of Bienestarina)

RSS: US\$ 11,100,000 (contracting of NGOs, support for administrative costs).

It should be noted that expenditure by ICBF does not include the staffing and institutional logistical costs of the operation.

*Diet-supplementing activities*

- Pregnant and breastfeeding mothers: two kilos of Bienestarina a month. Includes children under 2 years of age, for two years;
- Pre-school: daily ration of rice, oil, lentils and Bienestarina, 270 days annually;
- Children in school: daily ration of a 220 cc tetrabrik of long-life milk and a 35-gramme enriched biscuit, 160 days annually.

*Additional resources to prevent and deal with violence in the family*<sup>3</sup>. The resources allocated by the Government to help combat violence in the family are being executed in the framework of the *Haz Paz* plan for prevention of violence in the family, to which we have referred in detail in the section on new programmes for the period after 2000, and to which resources have been allocated by the Economic and Social Policy Council (CONPES) in an amount of Col\$ 42,315.7 million.

*Allocation of additional resources to ICBF for care of children displaced by the violence.* In the current economic situation it has not been possible to allocate additional resources to ICBF to care for child victims of internal displacement. However, in view of the very high priority the Institute accords to such children, efforts have been made to provide them with appropriate care to the maximum extent of available resources.

Project	Year	No. of users	Budget
Assistance, advisory services and dissemination of family protection measures; support for domestic violence prevention plan	1999	820,333	6,698,113,000
Assistance to children and families for prevention of social risk factors			
Prevention of family violence	2000	786,127	7,554,341,494

ICBF provision of care for street children

The following laws have been enacted in an attempt to reduce violence in the family and provide children and young people with a better environment in which to develop:

- Act No. 294 of 16 July 1996, giving effect to article 42 of the Political Constitution and setting forth provisions to prevent, remedy and punish violence in the family;
- Act No. 311 of 1996, establishing the National Family Protection Register listing the names and respective identity and residence papers of anyone who avoids meeting his legal obligation to provide maintenance for his minor children and adult children so

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<sup>3</sup> As mentioned in the second periodic report of Colombia to the Committee (pp. 14-16), in 1996 Act No. 294 was promulgated, establishing sanctions and measures of protection in cases of violence in the family; in late 1997 work began on designing the National System of Action to Combat Child Abuse.

entitled because of special circumstances;

- Act No. 360 of 1997 modifying certain provisions of Title XI of Volume II of Decree-Law No. 100 of 1980 (Penal Code) concerning crimes against sexual freedom and decency and incorporating article 417 of Decree No. 2700 of 1991.

ICBF has continued to work towards comprehensive protection of the child, focusing on two aspects:

- guaranteeing the rights of the child and protection of the most vulnerable members of the child population;
- joint responsibility of the family, society and the State in assisting and protecting children so as to ensure their full and harmonious development in the exercise of their rights.

ICBF's approach to comprehensive protection is based on:

1. Protection as an immediate priority, stressing the need to protect the rights of the child here and now;
2. Recognition of the child as a "young citizen", and as a subject of rights;
3. Respect for and realization of the rights of the child, as being in their best interests and thus taking precedence over any other consideration;
4. Recognition of the family as an institution with its own rights and prerogatives;
5. Emphasis on the function of the State as a guarantor of children's rights. This entails strengthened management on the part of civil society and other State entities, especially at municipal level;
6. Justice as a concept calling for concertation. Hence the need to promote proactive, concerted social contracts.

With regard to street children, ICBF recognizes a global category of "street dwellers", in which this group of children and young people is included.

In terms of child labour, ICBF regards them as children carrying out an occupational activity on the streets, most of whom retain links with their family group. In short, they are not regarded as "street children", but as children at risk of becoming street dwellers if the necessary protection measures are not taken.

ICBF does not use terms such as "beggar" and "street urchin", which it regards as discriminatory, derogatory and incompatible with the policy of comprehensive protection.

Special interventions. Children and young people living on the streets are provided with comprehensive care through a process of protection enabling them to get off the streets, overcome the obstacles to their normal development and forge real and active links with society.

ICBF cares for street dwellers through protection procedures and refers them to the

appropriate bodies for their age group following a diagnosis conducted by the Centre for Reception and Referral's interdisciplinary team.

The education sector implements models for part-time education in schools and protection institutes, to give children access to schooling consistent with their circumstances. The health sector brings preventive, peripatetic and specialized medical health programmes and services to children and families living on the streets.

The Office of the Procurator-General of the Nation monitors participation by the competent institutions and serves them with official notification; likewise, the National Civil Registry Office assists in the process of personal identification and registration of adults engaged in begging.

The police exercise their functions in accordance with the provisions of the National Police Code, form liaison squads with the female and young male staff of the institution so as to formulate an approach consistent with the coordination and concertation procedure applied by the institutions; keep premises under observation and close those that pose a risk to the physical and moral integrity of children and young persons begging on the streets; and impose sanctions in cases where exploitation of children engaged in begging or any other unlawful activity is established.

Educators of street children must mingle with groups or gangs of children wherever they are to be found, in order to learn from them and exploit any possibility of their becoming voluntarily involved in the programmes.

The Reception Centre must become a place to which street children can turn freely in order to request services, and must thus be a place able to offer them a welcome, with sufficient space for the children to engage in the recreational and sporting activities which, initially, are the main attraction.

The Reception and Referral Centre must first establish the child's social and legal status, and must then work to secure family re-education in cases where the child retains links with the family, and, where there are no such links, seek alternatives to compensate for this lack, working together to come up with solutions.

A project targeted on street children is currently being implemented in 15 regions, involving three phases: inducing the child or young person to enter an institution where contact can be made with the family; therapeutic work with the family; and return of the child or young person to the family, where applicable, or, where there is no family link, initiation of a protection procedure under which the child can be declared abandoned and included in care programmes intended to guarantee the exercise of his or her rights.

The year 1999 saw the start of execution of an agreement with the European Union to implement a Programme of Support for Street Children and Adolescents in Colombia, which seeks to extend or initiate projects in cities where this problem is most acute.

## **Progressive elimination of child labour and protection of young workers**

In order to formulate and begin implementation of a policy in this area, in 1995, by Presidential Decree No. 859, an Inter-Agency Committee was established. This body has met regularly since its inception and comprises representatives of the Ministry of Labour and Social Security, which chairs it, the Ministries of National Education, Health, Communications, Development and Agriculture, the Department of National Planning (DNP), ICBF, the National Apprenticeship Service (SENA), the Colombian Institute for Youth and Sports (COLDEPORTES), the Office of the Procurator-General of the Nation and the Ombudsman. The Trade Union Confederation (CUT), CGTD and CTC represent the workers' organizations. Employers are represented by the National Manufacturers' Association (ANDI), ASOCOLFLORES and MINERCOL. International bodies are represented by the COL/95/003 project (ILO, UNICEF and ILO's International Programme on the Elimination of Child Labour (IPEC), which, together with the Ministry of Labour, serves as the Committee's secretariat).

One of the first tasks accomplished by the Inter-Agency Committee was the formulation of the first National Plan of Action for the Gradual Elimination of Child Labour and the Protection of Young Workers. The objectives of the Plan were situation analysis, institution building, development of legislation, social mobilization and direct intervention.

Below are presented the main activities undertaken under each of these headings in the context of the new National Plan of Action 2000-2002.

Situation analysis. The purpose is to establish yardsticks for periodic determination and classification of child labour trends, so as to provide the competent institutions with reliable and up-to-date information on the basis of which to formulate and implement policies, plans and programmes in this area. With this in mind, the following actions have been carried out:

- analysis of trends between 1992 and 1996. On a recommendation by the Inter-Agency Committee, in 1998 the IPEC programme financed a study to determine the situation with regard to child labour as of 1996, establish trends between 1992 and 1996 and make recommendations to improve systems for compilation, processing and analysis of information on the question;
- inclusion of a child labour module in the 1997 survey;
- convening of a national seminar to analyse the situation with regard to child labour;
- analysis of the problem on the basis of the 1998 survey. As part of its institutional plan on the question, in 1999 ANDI analysed the information collected by the 1998 survey.

Social mobilization. The aim is to raise public awareness of the problem and elicit undertakings from the competent sectors progressively to eliminate child labour and to protect young workers. The main initiatives taken include the following:

- with a view to providing departments with basic information on child labour, various member institutions of the Inter-Agency Committee implemented a Travelling Archive on the Elimination of Child Labour project, in the form of a mobile library bringing together legislative texts, programmes, statistics, models for intervention, videos, radio programmes, etc.;

- National Day of Consultation with young pupils on ways of eliminating the worst forms of child labour. In order to ascertain children's views on the issue, a national survey was conducted and events linked with the elimination of child labour were held in 15,000 of the country's educational establishments. Information was received from 70,000 children;
- photography competition: a competition for photographs on the theme of child labour was mounted in parallel with the Day of Consultation. 270 entries were received, and were used to set up a picture archive which has been used to spread awareness of the problem;
- on an initiative by the Ministry of Labour and Social Security, discussion forums were held with working children. The purpose was to sensitize institutions by enabling them to meet directly with working children;
- the Committee provided technical assistance in the preparation of four documentary case histories on working children, to raise awareness in the various sectors of society. This initiative was financed by the COL/95/003 project;
- in order to keep the country informed of the various activities under the National Plan, a news-sheet on child labour was produced and circulated;
- the Committee produced a publication on the main progress achieved between 1996 and 1999, which was widely circulated;
- direct contact is maintained with all the media;
- cultural change: given the importance of this as a strategy for the elimination of child labour, work has begun on drawing up a strategy to promote changes in cultural patterns that condone child labour.

Institution building and policy definition. The purpose is identification and development of the components of public policy contributing to the elimination of child labour, and creation of the institutional capacity to ensure their implementation. The main actions taken under this heading are as follows:

- The Inter-Agency Committee for the Elimination of Child Labour and the Protection of Young Workers, chaired by the Ministry of Labour and Social Security, has assumed responsibility for institutional concertation on the matter. IPEC has provided direct technical support to the secretariat of this body;
- an ad hoc Technical Committee has been set up to implement the policies elaborated by the National Committee. It has also been entrusted by the National Committee with the task of reviewing and adopting the projects submitted to IPEC for financing;
- a committee for trade union coordination has been set up to promote concerted action by trade union associations to eliminate child labour;
- an internal coordination committee comprising representatives of the Ministry of Labour and Social Security, the COL/95/003 project and the IPEC programme was

set up to agree on joint actions and determine the responsibilities of each of the parties involved. It functioned regularly until 1999, and, since its incorporation in the Internal Committee of the Ministry of Labour and Social Security, continues to meet regularly;

- promotion of the setting up of a Joint Association for the Elimination of Child Labour. In 1996 an inter-institutional working group was set up to create a mechanism to ensure that the institutions performed their functions and to attract domestic and international resources to implement programmes and projects in this area. Its work resulted in the elaboration of a draft statute;
- promotion of the setting up of departmental committees to eliminate child labour. Through direct support for the various departments and regional activities and meetings with key officials in each department, departmental committees were set up and began to operate;
- the Committee has provided continuous technical assistance to MINERCOL in the formulation and implementation of a policy and programme to eliminate manual labour by children in the mining industry;
- the National Manufacturers' Association (ANDI), as a member of the Inter-Agency Committee, first established a code of conduct for its affiliates, requiring its affiliates, contractors and others not to employ children. Subsequently it drew up its institutional plan on the issue and submitted it for public approval;
- formulation of the National Plan of Action for the Gradual Elimination of Child Labour and the Protection of Young Workers aged 15 to 17. On completion of the previous Plan of Action, the Committee promoted the drafting of a new Plan of Action, for the period 2000-2002, which was adopted on 18 February 2000;
- formulation of the National Operational Plan for the year 2000.

Development of legislation. The objective of this component is to update and develop the national legislation on child labour and strengthen the mechanisms to secure its application, in particular, inspection, monitoring and sanctions. The principal activities have been:

- active participation in the process of reforming the Juvenile Code. Ratification of ILO Convention No. 138 was promoted. With the support of the Committee's institutions, the Ministry of Labour and Social Security submitted a draft law on the question to Congress. The Convention was ratified and its constitutionality confirmed by the Court. The instrument of ratification is currently being deposited in Geneva;
- promotion of ratification of ILO Convention No. 182. Before the 1999 International Labour Conference, all the Committee's institutions were convened to discuss a common position to be adopted by the Colombian delegation vis-à-vis the Convention. During the Conference Colombia voted in favour of the Convention. In late 1999 the Ministry of Labour submitted the draft law to the Chancellery for onward transmission to Congress. It now awaits submission to and consideration by Congress;
- creation of citizens' watchdog groups to ensure application of the law; on an initiative by the Ministry of Labour, which engaged various bodies to promote the setting up of such groups in specified areas. IPEC provided support for training events in the



communities selected, and issued a technical opinion on the proposals.

Direct intervention. The purpose of this line of action is to apply controls to specific groups of children engaged in the worst forms of child labour, to secure their removal from that work and the full restoration of their rights, through projects to bring about simultaneous and complementary action in the various sectors. The following activities have been carried out:

- the Committee's secretariat established an operational procedure for the Technical Committee in the areas of reception, review and approval;
- the following programmes of action have been implemented:
  - (a) Preparation of an active investigation model; executing agency: Confederation of NGOs;
  - (b) Working Children and Young Workers, Colombia 1996;
  - (c) municipal identification and management of child labour in 14 municipalities in the departments of Boyacá, Cundinamarca and Tolima;
  - (d) information on and sensitization to the problem of child labour;
  - (e) productive educational experiments to eliminate child labour;
  - (f) personal development model for sexually exploited girls in Bogotá; executing agency: the Antonio Restrepo Barco Foundation;
- the following programmes of action are currently being implemented:
  - (a) eradication of sexual exploitation of children in Cartagena and Barranquilla; executing agency: the Renacer Foundation;
  - (b) eradication of child labour in street stalls and markets in Cúcuta and Bucaramanga; executing agency: Minuto de Dios Association;
- the following projects are currently being formulated or organized:
  - (a) elimination of child labour in the mining sector; proposer: MINERCOL;
  - (b) elimination of child labour in domestic service; organized by Save the Children Fund;
  - (c) eradication of sexual exploitation of children, phase II; proposer: the Antonio Restrepo Barco Foundation;
  - (d) project to disseminate information, raise awareness and provide training to each of the three trade union associations;
- training workshops in the formulation of IPEC projects. Two workshops have been mounted for organizations interested in learning the methodology proposed by ILO's IPEC programme for the establishment of projects to eliminate child labour. It is

hoped that some of these organizations will design and submit their own projects for approval by the National Committee and subsequent incorporation in the portfolio of projects in this field.

Support for the international movement. The purpose is to promote the development of Ibero-American policies on child labour. The following actions have been taken in pursuit of this objective:

- First Tripartite Ibero-American Ministerial Meeting on the Elimination of Child Labour. The meeting was attended by all the Ministers of Labour of the Ibero-American region and by representatives of employers and workers. The meeting resulted in the establishment of a regional plan of action, contained in the Cartagena Declaration on the Elimination of Child Labour, signed by all the participants;
- organization of the Colombian part of the Global March against Child Labour. Under the coordination and leadership of the Ministry of Labour and Social Security, various academic, social mobilization, press and other events were organized in more than 10 of the country's cities;
- IPEC promoted and provided technical support for participation by the Colombian delegation in various international events relating to child labour, including the Oslo Conference on Child Labour, the Regional Consultation on Child Labour held in Brazil and the various ILO International Labour Conferences.

### **Basic health and welfare**

*"... Please provide further information on measures taken to improve children's access to reproductive health education programmes and related health services.*

*Please provide further information on measures taken to guarantee the social reintegration and physical rehabilitation of children with disabilities, in particular of former child combatants who are suffering from a disability.*

*Please provide additional information and statistical data on adolescent health, including the consumption of illicit drugs, alcohol and other substance abuse; violence; suicide and other adolescent mental health concerns. Please describe the policies and programmes implemented and/or foreseen to prevent these problems and to provide appropriate counselling, treatment and care for adolescents faced with these concerns."*

*Sexual and reproductive health.* ICBF is tackling the issue of sexual and reproductive health through information and training programmes targeted on young people in youth clubs, and through cooperation with private institutions specializing in this type of problem. In 1997 and 1998 the Profamilia organization was contracted to train 2,985 youth leaders and important information was distributed concerning pedagogical support material.

In 1999, ICBF, the Vice-Ministry of Youth and the Antonio Restrepo Barco Foundation together drew up a project entitled "Pilot Strategy for the Promotion of Sexual and Reproductive Health and the Prevention of Related Problems among Colombian Adolescents", intended to help control and/or reduce rates of unplanned pregnancy, STD-HIV/AIDS and abortion among adolescents aged 10-19, whether or not attending school, through peer education and improvement of services. The pilot scheme is an experiment in improving sexual and reproductive health.

The project will be implemented in four departmental capitals. The aim is to train 6,000 young people, who will then go on to train 4,000 of their peers. It is also planned to train 100 teachers and 50 service-providing institutions.

*Social reintegration and physical rehabilitation of children with disabilities, in particular of former child combatants.* Physical rehabilitation of children with disabilities undergoing protection measures, including former combatants, is provided by the subsidized health system.

Care for the disabled, particularly disabled children, is one of the National Government's social policy priorities. It has drawn up a National Disabled Persons Care Plan (1999-2002) for this purpose, focusing on five areas: prevention; rehabilitation and integration in society and the family; integration in employment; integration in education; and access to information and to normal life.

ICBF investment in care for highly vulnerable disabled children in 1999 was as follows:

- provision of care to 4,555 disabled children in rehabilitation centres, with an implemented budget of Col\$ 17,375,664,000;
- provision of care to 2,296 disabled children in special foster homes, with an implemented budget of Col\$ 6,479,622,000;
- conducting of a study entitled "Factors associated with disability and consolidation of the local support network for care of disabled persons in La Tebaida, Quindío", with an implemented budget of Col\$ 130,000,000;
- inclusion of the topic of disability as a component in the training of community educators: 80 outreach workers in Santa Fe de Bogotá, 17 in Armenia and 20 in the Atlantic coastal region;
- training of officials to implement the bilingual INSOR and visual impairment model in coordination with INCI;
- distribution of 2,000 copies of a set of six comprehensive protection handbooks for children with various disabilities: visual, auditory, mental, autism, the deaf and blind, Down's syndrome; and general guidelines on comprehensive protection.

Budget expenditure on rehabilitation of children abandoned or at risk is expected to total Col\$ 26,238,564,000 for the year 2000.

With a view to securing the social reintegration of former child combatants, ICBF receives, places and provides comprehensive care for demobilized former child combatants through institutions and homes providing protection and re-education establishments. Three care centres specialize in this problem, located in Bogotá, Medellín and Cota, with a total of 60 places.

*Care for adolescents affected by consumption of illicit drugs and alcohol - prevention policies.* In parallel with the activities conducted by the Social Security System, ICBF offers specialized rehabilitation to 420 highly vulnerable young consumers of psychoactive substances. In 1999 Col\$ 1,661,684,000 was invested for this purpose.

As a preventive project, ICBF supports the organization of youth clubs nationwide. Under this programme, which contains modules on sex education, prevention of consumption of psychoactive

substances, and community participation and leadership, the 43,088 young people involved perform artistic, cultural, sporting, recreational and community service activities. In 1999 Col\$ 6,123,602,000 was invested in this project.

### **Education, leisure and cultural activities**

*"Please provide further information on measures taken to improve children's access to pre-school education. In addition, please provide updated information on measures taken to reduce existing disparities in access to education between urban and rural areas, and in particular regarding children's drop-outs from school, repetition and illiteracy rates."*

*Access to pre-school education, measures taken to reduce existing disparities in access to education between urban and rural areas.* On the basis of the constitutional mandate and of the General Education Act, consolidation of pre-school education has begun, with the introduction of a compulsory pre-school year in State schools.

The figures show that in 1997 pre-school education had a low coverage and was unequally distributed among the population. In that year 32 per cent of children between three and five years of age attended a pre-school establishment, and the net rate of coverage had risen from 21 per cent in 1994 to only 29 per cent in 1997. In other terms, four out of every five children of the richest 40 per cent of the population attended a pre-school establishment, while only one out of every five of the poorest 40 per cent of the population had access to that level of education.

In addition to the low coverage and its inequitable distribution, an evaluation of pre-schooling identified other obstacles to the attainment of the objectives:

- poor coordination between formal pre-schooling and the various care programmes for infants;
- failure to recognize the importance of early education in shaping human beings. For that reason, teachers are ill-equipped to perform their task;
- lack of technical and material pedagogical support to allow children's creativity to develop.

In 1997, following a thorough analysis of this situation, Decree No. 2247, intended to promote and develop further training of departmental, municipal and district work teams and teachers and guidelines relating to pre-school education, was drafted and promulgated. It establishes agreements with governmental and non-governmental organizations to promote the quality of life of children attending pre-school establishments and provides incentives to local entities to promote and support pre-school education and guarantee its inclusion in local development plans.

In the framework of technical assistance and with cofinancing by central Government and the municipalities, a compulsory pre-school grade has been introduced in 750 municipalities in 32 departments and in the country's four Districts.

As for measures taken to reduce inequalities in access to education between urban and rural areas, it should be noted that internal efficiency indicators have improved significantly, with an increase in promotions and a reduction in repeats and dropping out. Although there are still differences that favour private and urban education, there was a noticeable reduction in these disparities in the review period. Nationally, between 1985 and 1997 the promotion rate in primary education rose from

77 to 83.5 per cent. In 1985 the difference between the promotion rates in the official and private sectors was 14 percentage points, and in 1997, 10 percentage points. In official primary education promotions increased by 7.2 points, from 74.3 to 81.5 per cent, and in the unofficial sector the increase was three points (a smaller increase, as the rates are already higher), from 88.3 to 91.4 per cent.

Similarly, in 1985 the difference between the urban and rural promotion rates was 14 percentage points, and in 1997, 10 points. The promotion rate in urban primary education increased by four points, from 83 to 87 per cent, and in rural areas the increase was 9.2 per cent, from 68.4 to 77.6 per cent. This may reflect the effects of the Escuela Nueva approach, which seeks to improve not only the quality of rural education but also the staying-on and promotion rates among pupils.

Promotion rates among girls continue to be higher than among boys (with lower repeat and dropout rates), although for the two sexes combined the average increase was 5.5 points. The increase was from 78.8 to 84.5 per cent for girls, and from 76.6 to 82 per cent for boys.

Measuring efficiency by cohorts, there was an annual increase of 1.4 per cent in the staying-on rate nationwide comparing the cohorts starting primary schooling in 1978 and 1991.<sup>4</sup>

Thus, over 13 years the cumulative increase in the staying-on rate was 38.4 per cent, with an increase from 47 per cent in the 1978-82 cohort to 65.1 per cent in the 1991-95 cohort.

The result in terms of an increase in the average number of years' schooling (average number of years spent in school by pupils who began the cohort), though less spectacular, with an increase of 0.7 years over the 13 years, nevertheless represents a 21.4 per cent improvement. On the other hand, the average time spent studying at the grade barely improved, by just under 3 per cent. Thus, while the increase in staying on reflects a substantial reduction in dropping out, repeats continue to be commonplace, as the average time spent at the grade has fallen very little.

Disaggregating the behaviour of cohorts by sector, a comparison of the cohorts that began primary schooling in 1985 and 1991 reveals an increase of 13 per cent in the staying-on rate in official-sector primary schooling, from 54 to 60.5 per cent, and of only two percentage points in private primary schooling, from 80.5 to 82.5 per cent.

Behaviour of cohorts by area shows more substantial variations. In 13 years the staying-on rate in urban primary schools grew by 99 per cent, and in rural areas by 150 per cent. Thus, the staying-on rate in urban primary schools rose from 40.7 to 80.8 per cent, and in rural areas from 18.3 to 46 per cent. Over the same period, average length of attendance at urban schools rose by 16 per cent (from 3.7 to 4.4 years), and at rural schools by 70 per cent, from 1.7 to almost 3 years. However, the average time spent in a grade did not fall significantly in either urban or rural areas.

What the rural figures imply is very significant: the expansion of the Escuela Nueva programme in the mid-1980s breathed new life into rural primary schools. It would thus seem that the problem with the Escuela Nueva programme is less one of expansion than one of sustainability. This is consistent with what has already been said with regard to staying-on rates, which improved more

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<sup>4</sup> The results of cohort analyses in the present exercise are to be compared with those revealed by the Study of Internal Efficiency of the Colombian Education System at Primary Level (1961-1983) conducted by the Ministry of National Education in 1985. Comparisons can be made where the form in which the cohorts were disaggregated (total, area and sex) so allows.

quickly in the official sector and in rural areas than in the private sector and urban areas.

Similarly, with regard to differences by sex, improvements in staying on were similar for girls and boys (40 per cent and 39 per cent respectively). The average duration of schooling also improved by 25 and 24 per cent respectively. These figures represent an increase of 18 percentage points in the staying-on rate for boys, from 46.2 per cent to 64 per cent, and of 19 percentage points for girls, from 47.8 to 67 per cent. Average duration of schooling for boys and girls increased from 3 to 3.7 years and from 3.1 to 3.8 years respectively.

With regard to access to secondary education in rural and urban areas, between 1985 and 1997 enrolment in official secondary education rose from 1.4 to 2.7 million pupils, and in unofficial secondary education from 0.91 to 1.3 million. The growth at secondary level was led by the official sector, with an annual growth rate (5.3 per cent) much higher than that of the private sector (3.2 per cent). As a result, official secondary education increased its participation in total enrolment at this level, from 61 to 67 per cent. This relative increase was recorded in all departments except Caquetá, La Guajira and Valle.

The departments in which official-sector enrolment grew most were Meta, Huila, Nariño, Santander, Córdoba, Bolívar, Cauca, Magdalena, Boyacá and Sucre. These departments, with the exception of Santander, register the country's highest levels of poverty for 1997. In other words, here again we see the greatest emphasis on official-sector action in the poorest regions. The 1997 Quality of Life Survey, which presents its results by place of residence of the family (rather than by area in which the establishment is located), reveals that in urban areas official-sector secondary enrolment grew in the three poorest deciles of the population, as it also did among the poorest in rural areas, although it grew more in the highest-income deciles. In other words, families in rural areas are increasingly sending their children to secondary school.

By area, secondary enrolment increased from 2.2 to 3.7 million pupils in urban areas and from 132,000 to 323,000 in rural areas. Particularly striking is the rate of growth of secondary enrolment in rural areas: the annual rate of growth was 4.3 per cent in urban areas, and 7.4 per cent in rural areas. Thus, with an increase in enrolment of almost 200,000 pupils, the rural sector increased its participation at national level from 5.6 to 8 per cent. Secondary rural enrolment increased its relative participation in all departments except Bogotá, Meta and the former TNs. In absolute terms the greatest increases were in Antioquía, Valle, Cundinamarca, Boyacá, Bolívar and Tolima. This growth in rural secondary enrolment reflects the recent tendency for private educational establishments to locate themselves in the rural areas around cities or their adjoining municipalities.

By sex, enrolment of girls rose from 1.2 to 2.1 million, and of boys from 1.1 to 1.9 million. At national level the total distribution of secondary enrolment by sex tended to remain stable, with enrolment of girls dominating (47 and 53 per cent). In all departments except Nariño, enrolment of girls accounts for between 51 and 56 per cent of secondary enrolment.

In the field of culture, special mention should be made of the work done by the Ministry of Culture's Children and Youth Department, whose task is to study and work with the country's children and young people, in coordination with other departments of the Ministry of Culture and other public or private local bodies, enabling them to grow to recognize and value Colombian culture and to develop their individual creative potential, so as to manage their future in a free, responsible and humane manner.

In achieving these aims and fulfilling its functions, the membership of the Children and Youth Department comprises an Advisory Council on Children and Young People; an Artistic Expression

Group; a Training Group and an Information and Management Group; the Network of Cultural Organizations for Children; and the Oruga Transition Programme.

Just one example of the actions and programmes implemented recently is the Biblioteca El Parque.

Among the achievements of this library are the following: services provided to 27,076 users, including not only children and young people but also parents interested in encouraging their children to read. These users read 26,670 books on various topics, the most popular being literature, animals and plants, the universe and handicrafts.

Six "reading holiday workshops" have been held, on the themes of the universe, animal and plant life; in December a workshop was held on the subject of Christmas; six workshops brought together parents, teachers and blind children from the Project to Integrate Visually Impaired Children in Normal Schooling, the Education Department of the Capital District, CERLALC and the Biblioteca El Parque; 89 educational establishments were visited and various workshops conducted on the subject of books and reading. Currently, 643 such children and young people are registered members of the library; the mobile library has provided services to 4,367 users who would normally not have access to books; and 739 high-quality volumes have been donated through the Braille Programme.

### **Special protection measures**

*"With reference to the recently enacted Act No. 548 (1999) prohibiting the enlistment in the National Army of children under the age of 18, please provide information about:*

- (a) measures taken to effectively prevent the recruitment of children in the National Army, including recruitment for the military police or other branches of the armed forces;*
- (b) measures taken to reintegrate in their communities children who have been dismissed from the National Army;*
- (c) strategies (political, social and/or economic) developed and implemented to decrease and prevent recruitment of children by guerrilla and paramilitary groups;*
- (d) resources allocated to care for children demobilized from these groups;*
- (e) measures taken to implement the recommendations made by the Special Representative of the Secretary-General for Children and Armed Conflict in his report on Colombia (see A/54/430, paras. 122-127 and E/CN.4/2000/71, paras. 60-71).*

*Please provide updated information on the situation of children belonging to internally displaced families, especially regarding their access to education and to health as well as other social services. Please also indicate measures taken to respond adequately to the high number of displaced children who arrived in Bogotá in 1999 and do not have access to education. In addition, please provide information on measures envisaged to adopt the recommendations made by the Special Representative of the Secretary-General on Internally Displaced Persons (IDPs) in his report on Colombia (see E/CN.4/2000/83/Add.1 and 2).*

*With regard to the information provided in the report concerning the administration of the juvenile justice system, please indicate what progress has been achieved to address the Committee's recommendation on this issue. In particular, please provide information on measures taken to sensitize*

*judges and lawyers on the principles and provisions of the Convention and on measures taken to enhance the capacity of the re-education centres to facilitate the social rehabilitation of children in conflict with the law.*

*Please provide information regarding the review of the Penal Code and its effectiveness in combating sexual exploitation and abuse of children. Please also indicate whether studies have been conducted on the scope and causes of this problem. Provide further information on the implementation of the National Plan of Action to combat the sexual exploitation of children."*

*Children and armed conflict.* Under Colombian legislation children under 18 are excluded from being called up to serve in any of the armed forces. Anticipating the entry into force of Act No. 548 of December 1999, which repealed the Public Order Act and provided that no child under 18 years of age may be called up, even voluntarily and with the consent of the parents, on 20 December 1998 the National Army dismissed all child soldiers voluntarily enlisted in its ranks - about 1,000 young people nationwide.

That decision is consistent with the spirit of the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, recently adopted by the United Nations General Assembly, even going beyond the scope of that instrument with regard to the minimum age for participation by minors in armed conflict.

Colombia trusts that this clear message from the international community will meet with a response from the leaders of the irregular groups operating in our country. Sadly, between 15 and 20 per cent of the members of the guerrilla and self-defence groups are children. An investigation by the Office of the Ombudsman shows that 18 per cent of these children have killed at least once, 60 per cent have witnessed killings and 78 per cent have seen mutilated corpses; 25 per cent have witnessed abductions and 13 per cent have actively participated in abductions; 18 per cent have witnessed torture; 40 per cent have shot at someone, and 28 per cent have been wounded. This situation must not continue. The Government has already adopted the necessary measures and hopes that those actively involved in the armed conflict will also do so forthwith.

The announcement by the Revolutionary Armed Forces of Colombia (FARC) that it was intending to demobilize enlisted minors offers a glimmer of hope that children may be excluded from the conflict. However, active follow-up by the country as a whole and the international community is needed if this hope is to become a reality. With the passing months, the nation and the international community are hearing more and more reports suggesting that this armed group is not keeping its promise, and that the number of minors enlisted in it is actually increasing.

ICBF looks after ex-combatant children and young people who have deserted or been captured, and has provided care for 360 such cases in recent years. Since November 1999 it has run a special programme for these persons, with specialized reception and observation facilities which, following an expert diagnosis, return these children to their families or place them in institutional facilities or community social programmes.

Finally, we can report with satisfaction that, by Act No. 554 of 14 January 2000, the Government ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction. This represents an important step in the protection of the civilian population, and especially of children, who have suffered so much as a result of the armed conflict.

*Situation of children belonging to internally displaced families.* As indicated in the section



dealing with the family environment, Colombia shares the Committee's special concern at the serious impact of internal displacement on children. Faced with this situation, the Government, through the Social Solidarity Network and ICBF, has devoted special attention to the displaced population and, in this context, to children. First, in order to alleviate the extreme vulnerability of children, in no circumstances will they be separated from their families as part of the provision of care. Secondly, in the emergency settlements, social interaction groups will be set up, in which to restore children's confidence and to begin a psychological diagnosis of the trauma. In a transitional period the aim will be to integrate the children into schools, attempting to avoid discrimination and exclusion, and to place them in the grade at which they were studying when the displacement occurred.

Similarly, through the Ministry of Culture, cultural activities have been implemented in those geographical areas with the highest concentrations of displaced persons, providing displaced children with alternatives instilling a positive attitude to life and asserting its values through artistic expression and enjoyment of music, dance, drama and sculpture.

In each of the phases of care, the providers will have to involve the children in the identification of their needs and promote pedagogical activities with adults to bring home the message that children are key social actors. Staff caring for children must receive adequate training, enabling them to develop pedagogical activities in which the children and parents are involved, and the support of national and international bodies with experience in this field will be sought for that purpose.

With regard to children aged between 12 and 18, in the emergency and transitional phases the Social Solidarity Network promotes the development of cultural and/or recreational activities through agreements, as well as psycho-social support with a view to eliminating the sequelae of the violence, encouraging fuller integration in the community and creating alternative responses to delinquency or involvement in the armed conflict.

With regard to action to prevent recruitment of minors by irregular groups, one important initiative is ICBF's programme of care for young people in youth clubs in areas of armed conflict. At present the programme is being implemented in 60 clubs, with an investment of Col\$ 8,443,304.

Prevention of conscription of children by guerrilla and paramilitary groups is a component of the action taken by the National Government, exemplified in its interest in the application of international humanitarian law, particularly with regard to implementation of humanitarian agreements specifically designed to protect the civilian population and children from the effects of the war. The Government is adamant that children under 18 are not to be recruited by the irregular groups, and this is a matter of constant discussion in the negotiations between the Government and FARC and in its talks with the National Liberation Army (ELN).

We note with satisfaction the ratification by the Government, through Act No. 554 of 14 January 2000, of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction. This represents an important step in the protection of the civilian population, and especially of children, who have suffered so much as a result of the armed conflict.

Figures for the project on "Protection of Children and Families whose Rights have been Violated" are as follows:

- in specialized centres caring for persons demobilized from the armed conflict, 60 users, with a budget of Col\$ 327,000,000;

- in institutions for the protection of persons demobilized from the armed conflict, 20 places, with a budget of Col\$ 85,620,110;
- in re-education establishments, 79 users, with a budget of Col\$ 637,290,156;
- in foster homes, 1,715 users, with a budget of Col\$ 2,770,100,000.

In addition, in order to strengthen institutional capacity for social rehabilitation of children in conflict with the law, ICBF, in association with the Antonio Restrepo Barco Foundation and UNICEF, has been implementing the Self-Evaluation, Self-Enhancement and Quality Standards Project, in which some of these institutions have participated.

Also, various strategies have been used in the training of the Family Ombudsmen (*Defensores de familia*), including Congresses of Ombudsmen, the most recent held in March 2000. They have also participated in training on protection of indigenous children, and in various events dealing with the proposed new system of juvenile criminal responsibility.

*Legislative advances in the protection of minors.* In this area, mention should be made of the recent adoption of a new Penal Code, which will enter into force on 31 July 2001. The Code covers important new forms of criminal behaviour as well as existing ones, and will result in the more effective protection of children.

In the chapter on crimes against persons and property protected by international humanitarian law, article 162, on Unlawful Recruitment, punishes with imprisonment and a fine anyone who, in connection with and furtherance of the armed conflict, recruits children under 18 years of age or obliges them to participate directly or indirectly in hostilities or armed action, thus implementing the norms applicable to armed conflict, and in particular those relating to children contained in article 38 of the Convention on the Rights of the Child, ratified by Act No. 12 of 1991.

Title II, Sole Chapter, article 138 of the Special Part punishes with 10 to 18 years' imprisonment and a fine of between 500 and 1,000 statutory indexed minimum monthly wages anyone who, in connection with the armed conflict, has unlawful intercourse with a protected person using violence, including civilians.<sup>5</sup>

This article and article 139, which punishes with between four and nine years' imprisonment and a fine of between 100 and 500 statutory indexed minimum monthly wages anyone who, in

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<sup>5</sup> Protected persons comprise: (1) civilians; (2) persons not participating in hostilities and civilians in areas controlled by the opposing forces; (3) the wounded, the sick and shipwrecked persons rendered *hors de combat*; (4) health or religious personnel; (5) journalists on mission or accredited war correspondents; (6) combatants who have laid down their arms following capture, surrender or for other similar causes; (7) persons who before the commencement of hostilities were considered stateless or refugees; (8) any other person deemed to be protected under the four Geneva Conventions of 1949 and their Protocols Additional I and II of 1977 and others that may in due course be ratified.

connection with the armed conflict, performs a violent sexual act other than unlawful intercourse with a protected person, indicate the same aggravating circumstances, with the penalty increased by between one third and one half where, *inter alia*, the victim of the aforementioned conduct is under 12 years of age or where the person committing the act is of a character, position or rank conferring upon him particular authority over the victim or such as to inspire the victim's confidence in him.

This Title also punishes enforced prostitution or sexual slavery, its article 141 imposing a penalty of between 10 and 18 years' imprisonment and a fine of between 500 and 1,000 statutory indexed minimum monthly wages on anyone who through the use of force and in connection with and furtherance of the armed conflict obliges a protected person to provide sexual services.

Moreover, Title IV enumerates conduct directly prejudicial to the freedom, integrity and sexual development of the minor; in Chapter One of this Title, article 205 punishes unlawful intercourse using violence with between 8 and 15 years' imprisonment, and article 206 punishes other violent sexual abuse with between three and six years' imprisonment.

Chapter Two of this Title, article 208, punishes unlawful intercourse with a minor under 14 years of age with between four and eight years' imprisonment.

Its article 209 punishes anyone who performs sexual acts other than unlawful intercourse with a minor under 14 years of age or in his or her presence, or incites such a minor to perform sexual acts, with between three and five years' imprisonment.

The penalties for all the above-mentioned acts referred to in Title II may be increased by between one third and one half where there are aggravating circumstances.

Where minors are concerned, the following constitute aggravating circumstances: (1) where the act is committed with the participation of one or more other persons; (2) where the person responsible is of a character, position or rank conferring upon him particular authority over the victim or such as to inspire the victim's confidence in him; (3) where the act results in infection with a sexually transmitted disease; (4) where it is performed with a person under 12 years of age; and (5) where it results in pregnancy.

Given the seriousness of such conduct and to ensure that the perpetrators are not punished merely with house arrest, the new Code of Criminal Procedure, also recently adopted, prohibits that mode of detention for such crimes, requiring that sentences must be served in a prison.

Draft law No. 085 of 1999, preventing and countering child prostitution and sex tourism with minors, in application of article 44 of the Constitution, is also currently before the Congress of the Republic.

*Abduction of minors.* The abduction of defenceless children is a striking illustration of the way in which children have learned the ways of violence.

According to statistics produced by the Ministry of Justice's Anti-abduction Programme, 663 minors were abducted between 1996 and 1999. For the current year, the figure was 52 on 27 April 2000. President Pastrana has categorically informed the competent authorities of his determination to investigate and secure the earliest possible return to freedom of these abducted minors.

With regard to *studies on sexual abuse of children*, various bodies concerned with this scourge

have conducted studies into the problem. Below are some of the most recent studies:

In 1997 the Ministry of Justice and Law, in association with ICBF, published a pamphlet entitled "Sexual Crimes: It Can Happen To You", in which, in strip cartoons using simple language, children are taught how to avoid becoming victims of sexual crimes and are also told where to turn if they are abused.

Also relevant: "Hacia una Reflexión sobre la Sexualidad y Socialización en la Infancia y la Juventud", Proceedings of the International Forum, Santa Fe de Bogotá, Office of the Procurator-General of the Nation, 1999. 109 pages; "Reincidencia juvenil y Libertad asistida en Santa Fe de Bogotá", Antonio Barco Restrepo Foundation, 1998; The Children's Covenant: "Todos por las Niñas y los Niños": National Plan in Favour of Children, Santa Fe de Bogotá, July 1996; Sixth Annual Report of the Ombudsman to the Congress of Colombia, 1998, Office of the Ombudsman, Section Two, Chapter 3.

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