



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

Forty-second session

SUMMARY RECORD OF THE 1148th MEETING (Chamber B)

Held at the Palais Wilson, Geneva,
on Friday, 26 May 2006, at 3 p.m.

Chairperson: Mr. LIWSKI
(Vice-Chairperson)

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

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

1. At the invitation of the Chairperson, Mr. Concha, Ms. Díaz, Ms. Forero Ucros, Ms. Londoño Soto, Mr. Matute, Mr. Mejía, Mr. Mesa, Ms. Peñuela, Mr. Rueda Prada, Ms. Vanegas Cubillos and Ms. Vargas Silva (Colombia) resumed places at the Committee table.
2. Mr. FILALI asked what measures the Colombian Government had taken to abolish child labour since its ratification in 2005 of the International Labour Organization (ILO) Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. He invited the delegation to comment on allegations that members of the police regularly used violence against children working in the street, especially those belonging to the Afro-Colombian minority. He asked whether specialized treatment centres had been set up to care for street children who were addicted to hard drugs and alcohol, and whether children involved in drug trafficking were considered as criminals or victims.
3. He would like to know whether the State party had taken any measures to combat the sale of children for the purposes of adoption, work or prostitution. He would also like to know if it had set up a complaints system to address the problem of sexual exploitation and, if so, whether specialist treatment was provided for the children involved.
4. The Committee would be interested to learn about any measures taken to protect the Afro-Colombian minority and prevent the extinction of indigenous tribes; information would be especially welcome on programmes designed to protect their children.
5. The Committee would also be interested to know if the delegation thought the responsibilities and decision-making powers of children's judges were too broad. He invited the delegation to comment on allegations that children in detention were treated differently depending on the ethnic group or gang to which they belonged, and on allegations that some were held in adult prisons.
6. Mr. POLLAR asked whether it was true that rebel groups lured children to join them with promises of a better education. He would like to know whether steps were being taken to protect teachers; whether it was true that sex education programmes had been abolished; what measures were being taken to prevent teenage pregnancies and discourage girls from dropping out of school; whether the Government was considering the introduction of bilingual education for children from indigenous communities; and what measures the State party was taking to improve hygiene in schools.
7. Reports indicated that schools were often used by the armed forces for military purposes; in that regard he would like to know what measures the Government was taking to protect schoolchildren from militias, how many children were engaged in military activities and to what extent the armed conflict impaired their right to education.

8. He asked how the Government ensured the availability of school materials to all schoolchildren, and whether it had contemplated creating alternative school programmes for children working in, for example, domestic service. It would be useful to know whether schools offered vocational courses; whether measures were being taken to provide free secondary-school education to all Colombian children; whether the Government publicized educational programmes, including by means of promotional brochures and television spots; and whether Colombian children could choose the schools they attended.

9. He also asked whether Colombia had envisaged establishing programmes to provide education for children who did not enjoy the right to education, including children in detention, pregnant girls and children infected with HIV/AIDS. Finally, he asked whether corporal punishment was prohibited under Colombian law, and whether there was any mechanism for monitoring or filing complaints about school discipline.

10. Ms. LONDOÑO SOTO (Colombia) said that Colombia had an excellent record in the area of adoption, and a number of countries in the region had adapted the Colombian model. The Colombian Family Welfare Institute was responsible for licensing adoption agencies; there were currently eight such agencies in the country. Under the children's bill currently being considered by Congress, those agencies would be responsible for finding homes for children who could not be legally adopted because they lacked the necessary certificate of abandonment or adoptability status, or who were hard to place because they were disabled or too old. In 45 per cent of all cases of adoption in Colombia in 2005, the child had been adopted by a Colombian family rather than sent abroad, on the principle that children should, where possible, remain in their community of origin.

11. In order to prevent the abandonment of young children, the children's bill would oblige doctors and health staff who learned of unwanted pregnancies to direct women to clinics where they would receive information and assistance, and would also require them to report such women to the adoption authorities. The Colombian Family Welfare Institute found the first part of that proposal acceptable, but was deeply opposed to the second.

12. The bill would also give young people the right to work, a provision which clearly contravened the terms of the Convention.

13. She regretted that child abuse was no longer treated as a separate offence in Colombia on the grounds that it was covered under the definitions of physical abuse and domestic violence. It was to be hoped that Congress would reconsider its decision in that respect, with a view to protecting the thousands of Colombian children who were victims of violence not only by their parents but also by guardians, carers, step-parents, grandparents and other members of the family.

14. Minors could be deprived of their liberty as of the age of 12, for a maximum period of three years. Numerous non-governmental organizations (NGOs) and international organizations had pointed out that deprivation of liberty should be a last resort, with a focus on rehabilitation. That view had been incorporated in the children's bill, which stipulated that children should be deprived of their freedom only as of the age of 15, for a maximum of five years. No prisons for minors existed in Colombia; the facilities for minors consisted of re-education centres run by NGOs working under contract for the Colombian Family Welfare Institute in cooperation with

local authorities. There were just 53 juvenile judges in the entire country, and they needed training not only in human rights issues but also in all aspects of legislation related to children's rights. Corporal punishment was currently prohibited, and that prohibition was also taken up clearly in the bill before Congress. A number of complaints of corporal punishment had been filed, and the perpetrators had been prosecuted.

15. Under the new bill, children over the age of 16 who engaged in very serious crimes, such as aggravated murder, abduction with a view to extortion or terrorism, were subject to deprivation of liberty until they reached the age of majority, when they were placed on parole; violations of parole could entail additional deprivation of liberty for up to five years. The legal process for such cases needed to be brought into line with international instruments so as to ensure due process, including the right of appeal, and to ensure that deprivation of liberty was used only in extreme cases when alternative measures such as warnings, reparation to victims, parole and community service could not be applied. There was a real need to establish an effective and specialized criminal juvenile justice system, with the requisite specialization and respect for the rights of the child.

16. There had been complaints of violence against children in institutions, and a large number of disciplinary investigations had been conducted. Thirteen such cases involving ill-treatment or sexual abuse, sometimes involving small children, had been brought before the criminal courts by the Colombian Family Welfare Institute or its affiliates.

17. Mr. PARFITT, noting that the proposed legislation called for up to five years of deprivation of liberty for minors over the age of 15 who committed serious crimes, asked whether those minors would be transferred to adult prisons when they reached the age of 18.

18. Ms. LONDOÑO SOTO (Colombia) said that the minor would continue to serve time in the same establishment, with a focus on re-education.

19. The military conflict was a subject of great concern to all Colombians, as was drug trafficking, and children were unfortunately involved in both. Some of the main problems faced by the country resulted from the forced displacement of the population, including many children. While the number of displaced families had declined in recent years, an enormous effort still had to be made to ensure that all displaced children were provided with the appropriate services and guarantees of their rights, as the uprooting of families made them particularly vulnerable. According to the single registry of displaced people, there were currently some 1.7 million displaced people in Colombia, over 35 per cent of whom were children. The number had fallen by about 60 per cent since 2002. The registry was constantly being updated to improve the services and follow-up provided to displaced people.

20. Many of the displaced people were from poor families, and there was a relatively high prevalence of malnutrition among them. The World Food Programme, the International Organization for Migration, NGOs and the Colombian Family Welfare Institute gave them assistance during the emergency and post-emergency phases through mobile and multidisciplinary teams which worked with the local authorities to provide material support and to assist in organizing family reunifications. Various other initiatives were aimed at providing health and education services, promoting income generation and improving the living conditions of the displaced population.

21. Domestic violence was extremely common in Colombia and represented a major challenge to policymakers, especially as those people who were exposed to violence were themselves more likely to commit it later in life.

22. In addition to fulfilling its obligations under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, the State party needed to work with UNICEF and NGOs to increase awareness of the dangers of landmines among the people living in high-risk areas. The Government was working to identify the factors that led young people to enlist in the guerrilla and paramilitary forces. There were various strategies to prevent the voluntary and forced recruitment of children, including the provision of material support to families with teenagers in areas identified as being at risk, inter alia by disbursing cash subsidies through the Families in Action programme. That programme benefited nearly half a million families, including almost 70,000 displaced families, and helped to ensure better nutrition, vaccination rates, health and housing in rural areas. The Food Security Network (RESA), a body funded jointly by the central Government and local departments and municipalities, also worked to combat malnutrition. In the cultural field, a programme called *Batuta* (“take charge”) encouraged teenagers to engage in artistic and cultural activities, advocated a healthy and responsible approach to sexuality and sought to prevent addiction to harmful practices, behaviours and drugs. Certain government programmes were aimed specifically at absorbing teenagers into the workforce so as to avoid the marginalization that could lead to forced recruitment. A media campaign had been conducted by the Government and NGOs to emphasize that the recruitment of minors was a form of exploitation. Using subsidies and microcredits, the Government supported the production of certain crops such as coffee, cocoa and cotton with a view to increasing income among the poorer sectors of the rural population. In areas that had previously been occupied by illegal armed groups, some 13 government agencies were working to restore government services to the population, and in particular to children.

23. Sexual offences such as sexual abuse and exploitation were punishable under criminal law. However, the number of people who were prosecuted was terribly low and the entire system of investigation, prosecution and correction clearly needed to be far more effective. Awareness-raising and training campaigns were being implemented for the authorities and the tourist and transport industries, particularly in areas of the country where sexual exploitation had become a serious problem for the tourist trade.

24. While statistics indicated a rise between 2000 and 2005 from 19 to 21 per cent in the proportion of female teenagers who reported having had a pregnancy, it was not clear whether the increase was attributable to more accurate reporting or to the possibility that pregnancy among teenagers was becoming more acceptable among certain sectors of the population. In April 2003 the Ministry of Social Protection had launched a programme for sexual and reproductive education. There were still serious gaps in the provision of reproductive health services, especially in rural areas, and more efforts were required to ensure that teenagers did not have unwanted pregnancies. The Ministry of Social Protection brought together various institutions at the national and regional levels to ensure that pregnant girls were not the target of discrimination in the education system. The Constitutional Court had taken a strong stand against the exclusion from school of pregnant students. In a number of cases where school

principals had acted in violation of that ruling, the teenagers had applied to the Court for protection of their constitutional rights and the principals' decisions had been reversed without delay.

25. Ms. SMITH asked whether reproductive health was included in the school curriculum.

26. Mr. FILALI asked whether the State party had done anything to change people's attitude towards girls who became pregnant.

27. Ms. LONDOÑO SOTO (Colombia) said that the law contained a number of provisions to protect teenagers who became pregnant and the Constitutional Court had established clear guidelines for their right to have an abortion. Training in human rights was dispensed to teachers, social workers and community and neighbourhood leaders with a view to preventing discrimination against girls who were pregnant. Theoretically, pregnant teenagers were provided with social assistance and services, but in practice they did not always receive the help to which they were entitled, and an effort was needed to strengthen such services.

28. As Colombia had no single national children's fund, it was difficult to establish precisely the level of public or private investment in children's programmes. However, according to research done by the Colombian Alliance for Children, per capita spending on children had risen. Nearly all the activities related to children's rights were covered by the State budget, either at the local, departmental or national level. However, the Colombian Family Welfare Institute was funded through a unique system of payroll taxation, whereby 3 per cent of employees' pay was forwarded to the Institute. That system had both advantages and disadvantages. On the one hand, during recessions, the drop in income was less significant than the fall in the State's overall tax revenue. On the other hand, the amount provided, while relatively stable over the years, was nowhere near commensurate with the needs of millions of people. A recently introduced legislative bill would increase the Institute's resources significantly. However, it was of prime importance to ensure that new programmes for children were covered by appropriations from the State budget. Specific areas had been chosen for such programmes, including maternal mortality, infant mortality, nutrition, birth registration and education - beginning with early childhood education - and services for vulnerable groups of children. The clear designation of such areas had made it possible to obtain commitments from local authorities to invest not only in major capital projects such as telecommunications, but also in social services for children. In 2005 the Colombian Family Welfare Institute had had a budget equivalent to about US\$ 557 million, and in 2006 a budget of about US\$ 692 million. Approximately 8.5 per cent of the budget covered administrative costs, with the rest invested directly in the activities of the Institute.

29. One of the major challenges facing the Institute and indeed all government services in Colombia was the need to establish a coherent information system capable of disaggregating data on the population by gender, ethnic group, region, economic situation, age and other considerations in order to address the regional disparities and the enormous inequality in the country. Such a system was crucial to the proper targeting of budget resources. Working with UNICEF, the German Agency for Technical Cooperation (GTZ) and various NGOs, the Government was in the process of devising a system of indicators that would constantly monitor the situation of children and that would incorporate the most pertinent studies and research.

30. The Colombian Family Welfare Institute provided services to some 10 million people, including about 1 million directly: the rest received assistance through NGOs working under contract for the Institute. There were thousands of NGOs active in Colombia in the area of children's rights. International cooperation agencies tended to focus on such areas as the reintegration into civil society of former combatants, population displacement and peace programmes. The Government also worked closely with United Nations and international agencies. Nevertheless, greater coordination between the Government, NGOs and international agencies was necessary to ensure better results and avoid duplication of work.

31. Mr. CONCHA (Colombia) said that a human rights education project would be piloted in five regions in the second half of 2006, and implemented at all levels of the education system throughout the country in 2007. The project had been prepared by the Ministry of Education together with the Ombudsman's Office and the Office of the United Nations High Commissioner for Human Rights. Human rights training was provided for all civil servants and members of the armed forces, with the emphasis on international humanitarian law. Special training was also provided for police officers working with indigenous people.

32. Regarding cooperation with NGOs, civil society organizations were guaranteed protection if they were considered at risk, and had the right to exercise their activities throughout the country. The Government was currently working with civil society to implement the various recommendations addressed to it by the Office of the High Commissioner for Human Rights.

33. Pursuant to Colombia's obligations under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, stocks of landmines had been destroyed and 33 minefields had been cleared. A comprehensive plan had been developed to assist child victims of landmines and an educational programme on the risks of landmines had been prepared in collaboration with UNICEF.

34. Mr. FILALI asked whether the anti-personnel mines destroyed had belonged to the Colombian army or to paramilitary groups.

35. Mr. ZERMATTEN asked whether the minefields had been cleared by the Colombian army or by paramilitary groups, and requested information on landmine victims.

The meeting was suspended at 4.40 p.m. and resumed at 4.50 p.m.

36. Mr. MEJÍA (Colombia) said that the Government had established a political framework for the peace process, under which the cessation of hostilities had been the main priority. It would be some time, however, before disarmament and demobilization were complete. Act No. 975, Act No. 782 and Regulatory Decree No. 4760 constituted the legal framework for the peace process. Since negotiations had begun in 2002, a total of 30,151 persons had been demobilized, of whom 7.5 per cent had been minors. Some 17,000 weapons, 2.75 million munitions and 12,577 grenades had been decommissioned. Some 2,180 demobilized persons were currently involved in legal proceedings, and all would be held to account for their actions. There were currently 1,690 demobilized persons deprived of their liberty. Two armed groups had yet to be demobilized.

37. One of the fundamental aims of the peace process was to uphold the rights of victims, particularly their right to participate in judicial proceedings. The National Reparation and Reconciliation Commission had been established to guarantee those rights and to ensure that the law was applied.

38. The recruitment of minors to the armed forces was banned. Once a minor came of age, if he was studying, he had the choice between continuing and deferring his studies.

39. Mr. FILALI asked whether members of guerrilla groups who had died were considered as victims for legal purposes. He wondered what material assistance was provided to families which had lost their breadwinner.

40. Mr. MEJÍA (Colombia) said that the National Reparation and Reconciliation Commission, with the support of the Office of the United Nations High Commissioner for Human Rights, conducted programmes to provide redress to civilian victims of the conflict.

41. The CHAIRPERSON requested information on the general profile of the victims who benefited from such programmes.

42. Mr. CONCHA (Colombia) said that the general legal framework, which was applied in particular to the illegal self-defence groups, had introduced the concept of the civilian victim as a person who had suffered from the conflict and was therefore entitled to reparation. For example, the law provided for the restoration of property to rural communities which had lost their livelihoods as a result of forced displacements. There were also provisions to avoid the alienation of property while the owner was displaced.

43. Mr. FILALI asked whether the widow of a guerrilla member would be considered a victim and compensated under the law.

44. Mr. CONCHA (Colombia) said that the law provided for State assistance for civilians who had suffered economic losses as a result of the action of illegal armed groups. All victims of the conflict would be compensated, but he was not aware of any cases involving the families of members of guerrilla groups.

45. The landmines which had been destroyed had belonged to the armed forces, and the minefields had been demined under the supervision of the military. The landmines of the guerrillas had unfortunately not yet been destroyed.

46. Regarding the fight against impunity, a special committee had been established to expedite the processing of cases of grave violations of human rights. The Committee's first task had been to ensure that the perpetrators of massacres or extrajudicial killings were convicted and imprisoned. Its second task had been to develop a policy to combat impunity, which it had completed in November 2005. The resources necessary for the implementation of the policy had been made available in March 2006.

47. Mr. PARFITT asked which countries supplied the illegal armed groups with landmines, and whether the Government had taken any unilateral or extrajudicial action against those countries.

48. The CHAIRPERSON asked how many children had been, or were due to be, demobilized, and what measures were being taken to avoid schools being used as operations centres by the military.
49. Mr. CONCHA (Colombia) said that the landmines used by guerrillas were home-made, and therefore even more dangerous than industrially manufactured ones, as they did not comply with international standards. The use of schools for military purposes was not a widespread problem, but where such cases came to light, the appropriate measures were taken.
50. Mr. POLLAR asked whether all students still participated in military training and visits to military bases.
51. Mr. CONCHA (Colombia) said that the “Soldiers for a Day” programme, which had provided a link between the military and civil society, no longer existed.
52. Mr. ZERMATTEN asked whether minors in military academies had military or civilian status.
53. Ms. SMITH requested further information on the use of schools by the military.
54. Mr. CONCHA (Colombia) said that precise information on the number and location of schools used by the military would be provided in writing to the Committee. Cases of schools being used by the military were rare, and tended to occur in remote areas.
55. The CHAIRPERSON asked whether the use of State schools for military purposes was expressly prohibited.
56. Mr. CONCHA (Colombia) said that since international instruments regulated the prohibition of the use of schools for military purposes, any reports or complaints in that respect were investigated immediately.
57. Ms. DÍAZ (Colombia) said that military academies were obliged to comply with standards set out in legislation, which were applicable to all schools. Pupils of those academies had civilian status.
58. Ms. LONDOÑO SOTO (Colombia) said that 178 children had been wounded and 42 children killed by landmines between 2003 and 2006. The demining process was particularly difficult, since the majority of armed groups had not kept any record of where they had laid mines. Some groups even used children to lay mines, which was a flagrant violation of human rights and international humanitarian law. Efforts were being made to demobilize children employed by armed groups, and a system of foster care, which currently benefited over 2,800 youngsters, had been established in order to remove children from that environment.
59. Support was being provided by NGOs and the European Union for an initiative to provide shelter to street children and assistance to their families. There were 53 centres for street children, which received technical support coordinated by the Colombian Family Welfare Institute. Research had shown that over 10 per cent of children in Colombia were in some kind

of employment. Initiatives had been taken at the national level to combat exploitation and the worst forms of child labour and, in particular, to ensure that girls employed to do domestic work also attended school. There had not been any reported cases of violence being used against street children by law enforcement officials. All minors who had been involved with armed groups were taken in hand by the Colombian Family Welfare Institute and placed in shelters. They were given a health check-up and a file was compiled on their origin and family situation. Education and vocational training were provided for them to help them become reintegrated in society.

60. The use of psychotropic substances, intravenous drugs and alcohol was on the increase among children. The use of intravenous drugs had particularly serious implications for the spread of HIV/AIDS. There were currently between 4,000 and 8,000 HIV-positive children in Colombia, and that figure would double over the coming five years if current trends continued. Specific initiatives were being taken to prevent mother-to-child transmission.

61. Ms. FORERO UCROS (Colombia) said that Colombia sought at all times to comply with the inter-American system for the protection of human rights and fully accepted the jurisdiction of the Inter-American Court of Human Rights. The Government supported the work of the regional office of the United Nations High Commissioner for Human Rights, and was in favour of the renewal of the mandate of that office.

62. Mr. RUEDA PRADA said that although the health service had been privatized, a system of funding had been established whereby 1 per cent of every employee's salary was deducted and used to fund health services for the poor. A total of 18 million people benefited from the system. The provision of certain types of health care, such as hospitalization, had decreased as a result of a shift in approach from cure to prevention, which had led to a reduction in the number of cases of illness. A survey of the quality of health services was carried out every three years, and showed that those covered by health insurance enjoyed full access to medical care. A total of 9.8 per cent of gross domestic product was currently allocated to funding the health service.

63. Although a broad range of assistance was provided to persons with physical disabilities, further measures were required to provide comprehensive care to persons with mental disabilities. Over 6.5 per cent of the population suffered from some form of disability, 80 per cent of whom were covered by social security. A special State fund covered the health and rehabilitation expenses of victims of terrorist attacks.

64. According to a recent survey, 52 per cent of teenage pregnancies were planned, 22 per cent were unplanned and 26 per cent were unwanted. The Ministry of Health's strategy on teenage pregnancies was based on the assumption that the majority of such pregnancies were accidental; it therefore needed to be revised to focus more on raising awareness of family-planning issues among teenagers and encouraging them to finish their education before starting a family. Colombia had a specific policy on the prevention, diagnosis and treatment of HIV/AIDS among teenagers.

65. The high rate of suicide among children and young people was a cause for concern. Trauma and depression among youngsters were often the result of their forced displacement to the cities, and efforts were therefore being made to find ways of reintegrating them in their original communities in rural areas.

66. Ms. DÍAZ (Colombia) said that 38 schools had been affected by military activity. Although there had been a clear reduction in the number of teachers murdered between 2001 and 2005, further efforts were needed to eradicate the problem altogether. Measures were being taken by the Ministry of Education, along with other relevant government departments, to increase security for teachers. Teachers whose security had been compromised were relocated.

67. Ms. LONDOÑO SOTO (Colombia) said that her Government looked forward to receiving the Committee's concluding observations, and would endeavour to continue to adjust its legislation and policies in order to promote and protect children's rights.

The meeting rose at 6.05 p.m.