

COMMITTEE ON THE RIGHTS OF THE CHILD

42nd session (Geneva, 15 May to 2 June 2006)

Reports of States

Colombia (third periodic report)

Information submitted to the Committee

Colombia submitted its third periodic report¹ in June 2004 and replies² to the list of issues³ raised by the Committee in April 2006. The report acknowledges, "the most critical problem in Colombia today is the internal armed conflict"⁴. It presents programs relating to children that have been developed by the different responsible institutions. However it does not discuss many disparities (girls/boys, rural/urban, ethnic differences). The data is presented in a fragmented way and in absolute terms, which makes it difficult to make comparisons and assess progress made.

Alternative reports were submitted by a group of Colombian and international non-governmental organisations⁵ (NGOs) and by the Coalition against the involvement of boys, girls and youths into the armed conflict in Colombia⁶. These NGO reports address many issues, including implementation of the *Convention on the Rights of the Child* (the Convention); children and the armed conflict; ethnic and cultural diversity; children participation; the family environment; health; education; and protection of the most vulnerable children. Child Helpline International⁷ also submitted recommendations to the Committee, concerning the expansion of the toll free child helpline service.

*Themes and issues*⁸

Implementation

The Committee welcomed Colombia's ratification of several international conventions and protocols relating to child issues. It inquired about the status and contents of the draft bill reforming the Minor's code currently being examined by the Colombian Congress. The Committee was concerned that the changes brought by this new piece of legislation may not be in conformity with the Convention. The Committee noted it had to adequately address four areas of concern: juvenile justice (the age of criminal responsibility); adoption; work (child labour); and protecting children from abuse.

Colombia has not yet adopted a national plan of action for children. Consequently the public policy on children lacks coherence. The delegation explained that the Colombian family welfare institute (ICBF) is the government agency responsible for the coordination of all programs promoting, defending and protecting the rights of the child. The Committee inquired about the financing of this institution. The delegation explained that all public and private employers had to pay a 3% monthly payroll contribution directly to the ICBF. The Committee recommended that stable and adequate financial and human resources be provided for the ICBF to coordinate children's rights.

Children's rights and the armed conflict (article 38)

The main issue of concern in Colombia is the armed conflict, which affects 75% of the territory. It is the source of many human rights violations and humanitarian law breaches affecting children, including disappearances, extrajudicial executions, torture, kidnappings, forced recruitment, displacement, rape, sexual exploitation and the use of landmines. The Committee inquired about the 7,000 to 15,000 minors recruited by illegal armed groups; the rehabilitation of child soldiers through the special program of the ICBF

¹ CRC/C/129/Add.6, available at <http://daccessdds.un.org/doc/UNDOC/GEN/G05/437/32/PDF/G0543732.pdf?OpenElement> .

² CRC/C/COL/Q/3/Add.1, available in Spanish at http://www.ohchr.org/english/bodies/crc/docs/AdvanceVersions/colombia_reply.doc .

³ CRC/C/COL/Q/3, available at <http://daccessdds.un.org/doc/UNDOC/GEN/G06/404/63/PDF/G0640463.pdf?OpenElement> .

⁴ CRC/C/129/Add.6, par. 80

⁵ Complementary Report to the third report of the Government of Colombia to the Committee on the Rights of the Child 1998-2003, available at http://www.crin.org/docs/Colombia_Observatorio_NGO_Report_EN.doc .

⁶ Alternative Report to the report of the Government of Colombia on the situation of the rights of the child in Colombia, September 2005, available at http://www.crin.org/docs/Colombia_COALICO_NGO_Report_EN.pdf .

⁷ Available at <http://www.crin.org/docs/42nd%20session%20Colombia.doc> .

⁸ The summary of the session is available at [http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/F176AB9EE9557116C125717A0047271F?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/F176AB9EE9557116C125717A0047271F?OpenDocument) .

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providing care and protection to these children; and about the persistent use of landmines (400 child victims between 1999 and 2005). The very high number of displaced persons (two to three million) is also of particular concern and raises important issues within the child protection context (poor living conditions; difficulties in accessing education and health services; separation of families; and risk of economic and sexual exploitation). The issue of street children, who have been targeted by paramilitary groups (the so-called 'social cleansing'), was also raised; at least 87 street children have been killed between 2000 and 2004.

The law on demobilisation, adopted last year, has been criticised for abusing the rights of victims, as it does not take into account the basic principles of truth, justice and reparations for the victims. However the delegation explained that there were specific programs developed to take into account the interests and rights of the victims of the armed conflict. On this issue, the Committee urged Colombia to "break the legacy of impunity" and conduct criminal investigations of all human rights violations, including cases whereby children have lost their lives.

Right to education (article 28)

The Committee was concerned by the impact of the armed conflict on the educational system. On average, three teachers are killed every month, and even more receive death threats. This has consequences on the education of many Colombian children. Moreover it is sometimes difficult to replace these teachers that lived in dangerous areas. Another issue linked to the armed conflict is the alleged military use of schools by the State armed forces⁹. The delegation however denied these allegations, only acknowledging that some schools had been used as guerrilla bastions.

Other issues raised were the equal access to education for all children (including those deprived of liberty, pregnant girls, children suffering from HIV/AIDS); bilingual education for indigenous peoples; and the cost of education (due to the need to pay for the uniform and school supplies, the annual cost of child education may be equivalent to three monthly minimum-wage salaries). The delegation stated that the number of dropouts and years of repeating had however been reduced.

The Committee recommended that Colombia devote more resources to education in the national budget; develop a national strategy for education; effectively abolish enrolment fees and other costs; monitor discrimination against female pregnant students; provide protection for teachers; and cease the occupation and usage of schools by State armed forces.

Right to health (articles 24 and 26)

A reform on social security has been implemented. The delegation affirmed that at present 81% of the population benefited from social security coverage. However the Committee was concerned about the criteria of eligibility for social security, and also worried over the privatisation of health services. The social security system is now implemented through private institutions, which have often increased the cost of health insurance and services. As a consequence, access to health services, notably for the poorest, has deteriorated. The Committee therefore recommended an increase in the public expenditure assigned for the health sector, and the adoption of measures to improve access to health services.

Teenage pregnancies, high adolescent suicide rates, drug abuse and children victims of HIV/AIDS were also among the issues discussed.

Other issues

Other issues discussed included discrimination against girls, Afro-Colombians, indigenous peoples, internally displaced children and children with disabilities. The Committee recognised that there had been some progress in the area of gender equality and in the recognition of cultural and ethnic diversity.

The Committee also dealt with the sale of children, trafficking and sexual exploitation. It encouraged the Government to adopt measures for the prevention of these offences. On the question of child labour, the Committee underlined that the national plan of action for the eradication of child labour did not seem efficient. The delegation acknowledged that 10% of the children worked¹⁰.

⁹ The Coalition against the involvement of boys, girls and youths into the armed conflict in Colombia noted that between July 1996 and June 2003, at least 71 school facilities were affected by the armed conflict (report, p. 56).

¹⁰ The Coalition against the involvement of boys, girls and youths into the armed conflict in Colombia states that 27.7% of the infant population works (report, p. 65).

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Relating to juvenile justice, the Committee was concerned about long periods of custody, in difficult conditions and sometimes mixed with adults. On this issue, the draft bill reforming the Minor's Code does not include some of the minimum provisions established by international norms, including the obligation to use the punishment of deprivation of liberty only as an ultimate recourse for minors.

The Committee noted the high number of children placed in foster centres and institutions (45,000 in total). It inquired how the government monitored the program aiming at reducing abuse in the family and on the measures taken for those children deprived of their family environment. The Committee recommended the promotion of foster care and the use of institutionalisation only as a measure of last resort, taking into account the best interests of the child.

Conclusions and next steps

The Committee dealt quite extensively with the issues linked to the armed conflict in Colombia. However the delegation managed to keep the Committee focused on some of specific issues that are not too controversial for the Colombian government (e.g. the issue of landmines: the military has dismantled all land mines on the territory under its control, whereas the guerrilla groups have not done so). The delegation seemed very well prepared. Issues raised by NGOs in their reports were often included in the remarks and questions put by the Committee (e.g. the Committee urged Colombia to support national coverage of toll free child helpline service, as recommended by Child Helpline International). However the Committee did not inquire about the abuse of the right to life of children by official armed forces and the police.

Many of the issues already raised in the Committee's concluding observations in 1995 were dealt with again. The Committee was concerned that many recommendations had been insufficiently or partly addressed. These included financial resources allocated to children issues; non-discrimination; the right to life; birth registration; freedom from torture; reproductive health; access to education; children affected by the armed conflict; internally displaced children; and sexual exploitation and trafficking.

Most of the concerns raised by the Human Rights Committee (26 May 2004) were highlighted by the Committee on the Rights of the Child, including the human rights violations linked to the armed conflict and the lack of education and medical care for internally displaced children.

Several experts mentioned reports by special procedures having visited Colombia, including the Special Rapporteur on violence against women, its causes and consequences (2002), the Special Rapporteur on the right to education (2003), the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2004), and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples (2005). The Committee members reiterated most of the concerns expressed by these special procedures. It seems that there has been very slow progress on children issues in the last years in Colombia.