



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined fourth and fifth periodic reports of Colombia, adopted by the Committee at its sixty-eighth session (12-30 January 2015)

I. Introduction

1. The Committee considered the combined fourth and fifth periodic reports of Colombia (CRC/C/COL/4-5) at its 1955th and 1957th meetings (see CRC/C/SR. 1955 and 1957), held on 20 and 21 January 2015, and adopted, at its 1983rd meeting, held on 30 January 2015, the following concluding observations.

2. The Committee welcomes the submission of the combined fourth and fifth periodic reports of the State party (CRC/C/COL/4-5) and the written replies to its list of issues (CRC/C/COL/Q/4-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multi-sectoral delegation of the State party.

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

3. The Committee notes with appreciation the ratification of:
 - (a) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2012;
 - (b) The Convention on the Rights of Persons with Disabilities, in 2011;
 - (c) The Domestic Workers Convention (ILO No. 189), in 2014.
4. The Committee welcomes the adoption of the following legislative measures:
 - (a) The Law No. 1542 on Domestic Violence, in 2012;
 - (b) The Law No. 1448 on Victims and Land Restitution, in 2011;
 - (c) The Law No. 1146 on prevention of sexual violence and integral care of children victims of sexual abuse, in 2007;
 - (d) The Law No. 1098 on Code for Children and Adolescents, in 2006.
5. The Committee also welcomes the following institutional and policy measures:

- (a) The Public Policy on Gender Equality, in 2012;
- (b) The Strategic Plan to eliminate HIV/AIDS mother-to-child transmission, in 2011;
- (c) The Policy and Strategy on Early Childhood, in 2010;
- (d) The National Action Plan for Children and Adolescents (2009-2019).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

6. **The Committee recommends that the State party take all necessary measures to address its previous recommendations (CRC/C/COL/CO/3) that have not been implemented or not sufficiently implemented and, in particular, those related to independent monitoring (para. 19), data collection (para. 27), training and dissemination (paras. 29-30) and standard of living (para. 66).**

Legislation

7. The Committee welcomes the adoption of the Code for Children and Adolescents (CCA). It is, however, concerned about its effective implementation, as follows:

- (a) The lack of some necessary regulations;
- (b) The deficiencies in the functioning of the Administrative Process for Reestablishing Rights (APRR) set in the CCA;
- (c) The insufficient resources allocated for this purpose;
- (d) The fact that accountability for children's rights, including an effective access to justice, is not systematically ensured.

8. **The Committee recommends that the State party:**

- (a) Ensure the effective implementation of the CCA by adopting the pending regulations;**
- (b) Complete the evaluation of the APRR without further delay with the view to strengthening it;**
- (c) Provide adequate human, financial and technical resources to the implementation of the CCA;**
- (d) Undertake all necessary measures to ensure systematic accountability for children's rights, including by ensuring an effective access to justice.**

Comprehensive policy and strategy

9. The Committee welcomes the adoption of relevant policies, including the National Action Plan for Children and Adolescents (2009-2019), the Development Plan (2014-2018) and the Policy on Early Childhood. However, it is concerned that the majority of efforts have concentrated on early childhood development while insufficient measures have been taken to adequately implement the Action Plan for Children and Adolescents and address the rights of children above six years of age.

10. **The Committee recommends that the State party review the National Action Plan for Children and Adolescents (2009-2019), in accordance with the Convention, in order to ensure that the rights of all children, including those above six years of age, are adequately addressed in a targeted policy and strategy and allocate adequate human, technical and financial resources to its implementation.**

Coordination

11. The Committee notes the efforts made by the State party to strengthen the National System of Family Welfare (NSFW), to increase the presence of the Colombian Institute for Family Welfare (ICBF) and child protection entities at local level and to involve departments and municipalities in protecting children's rights. It is, nevertheless, concerned that:

- (a) The ICBF still has insufficient capacity to effectively ensure the coordination of the NSFW;
- (b) The effective presence of ICBF and child protection entities is not yet ensured in remote areas and/or full time;
- (c) Many of these entities lack adequate technical resources and trained staff;
- (d) Insufficient progress has been made by departments and municipalities towards protecting children's rights;
- (e) It remains unclear how the State party is ensuring the coordination between the NSFW and the System of Support and Reparation of Victims to effectively guarantee the rights and reparations of children victims of the conflict.

12. **The Committee urges the State party to:**

- (a) Increase efforts to ensure the adequate implementation of the decree 936 aiming to strengthen the NSFW;**
- (b) Provide adequate human, technical and financial resources to the ICBF so that it has the capacity to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels;**
- (c) Effectively ensure the presence of the ICBF and child protection entities in remote areas and full time;**
- (d) Ensure that child protection entities have adequate technical resources and trained staff;**
- (e) Enhance its efforts to ensure that departments and municipalities discharge their responsibilities towards children's rights;**
- (f) Strengthen efforts to ensure the coordination between the NSFW and the System of Support and Reparation of Victims.**

Allocation of resources

13. The Committee welcomes the increased budget allocated to early childhood development. It is, however, concerned that insufficient resources are allocated to the adequate implementation of all children's rights under the Convention. It is further concerned about the information provided by the State party (CRC/C/COL/Q/4-5/Add.1) about alleged mismanagement of funds allocated to children's rights and that in spite of numerous investigations no trial had yet been concluded.

14. In the light of its day of general discussion in 2007 on “Resources for the Rights of the Child – Responsibility of States”, the Committee recommends that the State party:

(a) Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources for the implementation of children’s rights and, in particular, increase the budget allocated to social sectors and address disparities on the basis of indicators related to children’s rights;

(b) Adopt a child rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children throughout the budget;

(c) Undertake impact assessments on how “the best interests of the child” are taken into consideration in investments or budget cuts in any sector, and ensure that the impacts of such investment or budget cuts on girls and boys are measured;

(d) Take immediate measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption.

Cooperation with civil society

15. While the Committee notes that the State party has condemned attacks against human rights defenders, it is concerned that defenders involved in the promotion of children's rights continue to suffer violence and that extensive impunity persists in this area. It is also concerned that women human rights defenders are victims of attacks, threats of attacks against them or against their children or sexual violence. It is also concerned that protection measures for defenders are not sufficient and lack a differentiated approach.

16. The Committee urges the State party to:

(a) Undertake all necessary measure to prevent, investigate, prosecute and punish attacks and other forms of violence perpetrated against human rights defenders, including threats against their children, family members and communities;

(b) Ensure effective protection measures for human rights defenders, which consider the specific needs and realities of women human rights defenders and the specific ethnicity and living conditions of defenders, and allocate adequate resources for their implementation.

Children’s rights and the business sector

17. The Committee is concerned about the negative impact on children’s rights of some of the activities conducted by business enterprises, in particular in the mining and tourism sectors. It regrets that the State party has yet to take measures needed to protect children from violations of their rights arising from these activities, including the rights of children affected by the activities of coal mining in El Hatillo.

18. In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights, the Committee recommends that the State party:

(a) Examine and adapt its legislative framework to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party’s territory, especially in the mining and tourism sectors, regarding violations of children rights;

(b) **Require companies to undertake assessments, consultations, and full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts;**

(c) **Establish monitoring mechanisms for the investigation and redress of such abuses, with a view to improving accountability, transparency and the prevention of violations;**

(d) **Undertake all necessary measures to protect the rights of children in El Hatillo, including by expeditiously ensuring their resettlement in accordance with international standards, and adequately compensate them.**

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

19. While noting the measures taken to eliminate discrimination against children in marginalised or disadvantaged situations, the Committee is deeply concerned about:

(a) **The structural discrimination against indigenous, Afro-Colombian and displaced children, children with disabilities, children living with HIV/AIDS, LGBTI children, and children living in rural, remote and marginalized urban areas, particularly affecting their right to education and health and exposing them to violence;**

(b) **The persistent patriarchal attitudes and gender stereotypes that discriminate against girls and women resulting in an extremely high prevalence of violence against girls.**

20. **The Committee recommends that the State party:**

(a) **Strengthen efforts to eliminate discrimination against children in marginalized situations by ensuring adequate resources for relevant policies and affirmative measures to ensure that children gain de facto enjoyment of their rights, in particular their rights to education and health.**

(b) **Undertake all necessary measures to eliminate patriarchal attitudes and gender stereotypes that discriminate against girls and women, including through strengthening the implementation of the Policy on Gender Equality as well as educational and awareness-raising programmes;**

(c) **Monitor the portrayal of children in the media, internet, and statements of public officials, and ensure that authorities, civil servants, media, teachers, children and the general public are sensitized on the negative impact of stereotypes on children's rights;**

(d) **Facilitate child-friendly complaints mechanisms in educational establishments, health centres, juvenile detention centres, alternative care institutions and any other setting;**

(e) **Include information in its next periodic report on measures in this regard undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.**

Best interests of the child

21. The Committee notes the legal recognition of the right of the child to have his or her best interests taken as a primary consideration. It is, nevertheless, concerned at reports that

this right has not been consistently applied in practice due to a lack of conceptual clarity regarding its content.

22. In the light of its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. The State party is encouraged to develop criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

Right to life, survival and development

23. The Committee remains concerned about the insufficient measures taken by the State party to protect the right to life of children, including in the framework of the armed conflict. It is particularly concerned that:

(a) Many children are victims of killings and disappearance, including killings committed by government agents, and an extensive impunity prevails in this regard. The root causes of those violent acts, such as the armed conflict, organised crime, corruption, drugs, poverty and marginalization remain insufficiently addressed;

(b) Violence has increased in some regions where the criminal groups resulting from the demobilized paramilitary groups (BACRIM) have greater presence, putting the lives of children under risk on a daily basis. While noting that the State party has initiated investigations, reports on relationships between government agents and the BACRIM are a source of concern;

(c) Many children continue to be used by adults to commit crimes.

24. The Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of children, by, inter alia:

(a) Increasing its efforts to effectively prevent killings and disappearances of children and their family members and addressing the root causes of those violent acts, such as the armed conflict, organised crime, corruption, drugs, poverty and marginalization;

(b) Ensuring that child-friendly mechanisms to investigate complaints of killings and disappearances are available and that such acts are thoroughly investigated and the alleged perpetrators brought to justice;

(c) Adequately implementing the Law on Victims and Land Restitution and ensure that child victims and their families, including victims of acts perpetrated by BACRIM, are provided with adequate support and compensation;

(d) Continuing its efforts to adequately investigate reports on relationships between government agents and BACRIM;

(e) Undertaking all measures to prevent that adults use children to commit crimes, protect child victims and prosecute the alleged perpetrators.

Respect for the views of the child

25. The Committee notes that the State party has made some efforts to promote the right of the child to be heard and participate, such as the establishment of child participation bodies. It is, however, concerned at reports that children are rarely consulted in relevant administrative or judicial proceedings, that children's participation in schools is not effective as their proposals are rarely implemented, and about delays in implementing the

Protocol on participation of children in the implementation of the Law on Victims and Land Restitution.

26. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen that right, in accordance with article 12 of the Convention and that it:**

(a) **Review the National Action Plan for Children and Adolescents and include effective measures to ensure the right of the child to be heard in all judicial and administrative proceedings and to participate in all spheres of life. The different needs of boys and girls, in terms of participation should be addressed;**

(b) **Continue developing guidelines and indicators on child participation and, in particular, on children's right to be heard in legal and administrative procedures and ensure that relevant professionals receive training on their use;**

(c) **Ensure that child participation bodies are established in all municipalities and departments and closely monitor their performance and results achieved;**

(d) **Ensure that the implementation of the protocol on the participation of children in the implementation of the Law on Victims and Land Restitution starts at the latest in March 2015, as stated by the State party during the dialogue, all throughout the country.**

D. Violence against children (arts. 19, 24, para.3, 28, para. 2, 34, 37 (a) and 39)

Freedom of the child from all forms of violence

27. The Committee is deeply concerned at the high levels of violence which children are confronted with and in particular about:

(a) Reports that children continue to be victims of acts of torture and other cruel or degrading treatment or punishment by government agents or non-State armed groups;

(b) The high prevalence of domestic violence and abuse, particularly affecting girls, including those involved in domestic work. The Committee is concerned that, due to the deficiencies in the APRR, while child victims are removed from the home environment the perpetrator remains in the home;

(c) The high incidence of violence against children perpetrated by gangs in the streets;

(d) Reports that corporal punishment remains widespread and that it is not yet explicitly prohibited in all settings, including in the home;

(e) The extensive impunity prevailing in regard to acts of violence against children;

(f) The physical and mental well-being of children involved in the training of bullfighting, and performances associated with it, as well as the mental and emotional well-being of child spectators who are exposed to the violence of bullfighting;

(g) The lack of a comprehensive system for the collection of disaggregated data on violence against children.

28. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and recalling the recommendations of the United**

Nations study on violence against children of 2006 (A/61/299), the Committee urges the State party to prioritize the elimination of all forms of violence against children, and in particular to:

(a) Evaluate the results of the National Action Plan for Children and Adolescents in this regard, and based on lessons learned, include adequate measures to prevent and address all forms of violence against children, including girls involved in domestic work, and ensure that the gender dimension of violence is effectively addressed;

(b) Effectively prevent acts of torture against children, including by investigating all cases and ensuring that the police and the military receive specific training;

(c) Strengthen the APRR and its coordination with the judiciary process with the view to ensuring that the rights of child victims of violence are re-established expeditiously and that victims of domestic violence can return home safely as soon as possible and the alleged perpetrators are removed from the house;

(d) Ensure that teachers, social workers, health care staff, police, judges, prosecutors and lawyers, receive quality training on their obligation to report and deal with suspected cases of domestic violence and abuse affecting children;

(e) Repeal the Article 262 of the Civil Code on the “right of correction”, ensure that its legislation explicitly prohibits corporal punishment in all settings, including for indigenous children, and raise awareness on positive, non-violent and participatory forms of child-rearing;

(f) Undertake all necessary measure to prevent and protect children from the violence perpetrated by gangs in the streets;

(g) Ensure the availability and quality of prevention, protection, rehabilitation and reintegration programmes, including health services and psychosocial support, free helplines and adequate shelters for all victims;

(h) Facilitate access to justice for children victims of violence, including by making available child-friendly complaints mechanisms and providing legal support, bring the alleged perpetrators to justice, ensure commensurate sanctions and adequately compensate the victims;

(i) With the aim of prohibiting the participation of children in bullfighting, including corrales, take the necessary legislative and administrative measures in order to protect all children involved in bullfighting training and performances, as well as in their capacity as spectators, and raise awareness on the physical and mental violence associated with bullfighting and its impact on children;

(j) Expedite the establishment of a comprehensive information system which includes disaggregated data on cases of violence against children, not only from the ICBF, and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(k) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.

Sexual exploitation and abuse

29. While noting the initiatives to protect children from sexual violence, including the establishment of the Interinstitutional Advisory Committee for the prevention of sexual

violence and integral care of children victims of sexual abuse, the Committee is concerned that these measures are largely insufficient. It is deeply concerned about:

- (a) The high prevalence of sexual violence against children, in particular girls in the context of the armed conflict and the under-registration of cases;
- (b) The high number of girls under 14 years of age giving birth in hospitals as a result of sexual violence and that these cases are not expeditiously investigated, while noting that the State party has recently taken measures to ensure mandatory reporting by medical staff. The Committee is particularly concerned at reports that many of the alleged perpetrators are relatives of the victims;
- (c) The enormous challenges that child victims face to effectively access justice and the prevalence of impunity in the majority of cases;
- (d) The lack of adequate health and psychosocial programmes and suitable mechanisms to provide reparation to child victims of sexual violence, in particular when violations are committed by the BACRIM or outside of the armed conflict context.

30. **The Committee urges the State party to:**

- (a) Establish a unique register of victims of sexual violence, in particular in the context of the armed conflict, in order to have a comprehensive view of all victims and their judicial, administrative, health care, rehabilitation and compensation processes. A study on the forms, causes and nature of such violence should also be undertaken;**
- (b) Undertake effective and coordinated measures with a clear rights-based approach to prevent and respond to sexual violence cases and avoid revictimization, including by strengthening mechanisms to ensure a prompt identification of children at risk, confidential, child-friendly and mandatory reporting of cases and an adequate protection of victims;**
- (c) Enforce the decision on mandatory reporting of cases of sexual violence against children by medical staff, proactively investigate all cases, including those affecting indigenous girls, prosecute the alleged perpetrators, ensure appropriate sanctions, and adequately protect and rehabilitate the victims;**
- (d) Ensure that child victims, including when the case occurs outside of the armed conflict context, are adequately compensated, and that child victims of violence perpetrated by BACRIM are compensated according to the Law of Victims and Land Restitution;**
- (e) Strengthen the Interinstitutional Advisory Committee for the prevention of sexual violence and integral care of child victims of sexual abuse, monitor its functioning and evaluate its accomplishments;**
- (f) Provide training to judges, lawyers, prosecutors, police and other relevant staff on how to deal with child victims of sexual violence and on how gender stereotyping by the judiciary affects girls' right to a fair trial in sexual violence cases, and closely monitor trials where girls victims are involved;**
- (g) Conduct awareness-raising to prevent sexual abuse, inform that it is a crime, and address victims' stigmatization, particularly when alleged perpetrators are relatives.**

Harmful practices

31. The Committee is concerned that:

- (a) The Civil Code still contains an exception to the minimum age of marriage set at 18 years, and allows 14 years old girls and boys to enter marriage with the consent of their

parent or guardians. It is also concerned that child marriage, particularly affecting girls, is highly prevalent in the State party;

(b) In spite of the public commitment of the Embera community's authorities to end the practice of female genital mutilation (FGM), this practice continues to exist in that community.

32. The Committee draws the State party's attention to the Joint general comment No. 18 on harmful practices (2014 jointly with the Committee on the Elimination of Discrimination against Women and urges the State party to:

(a) Ensure that the minimum age of marriage set at 18 years of age for both girls and boys is enforced, that in no circumstance a child below 16 can be married and that grounds for obtaining derogation as of 16 years are strictly defined by law and only upon the authorization of a competent court upon full, free and informed consent of the child. The State party should undertake comprehensive awareness-raising programmes on the negative consequences of child marriage on the girl targeting in particular parents, teachers and community leaders;

(b) Register and investigate all cases of FGM in the Embera community and other communities, explicitly criminalize FGM in the legislation and ensure that the alleged offenders are prosecuted and adequately punished. The State party, in coordination with indigenous authorities, should also reinforce awareness-raising programmes, targeting both men and women, including officials at all levels and indigenous leaders, on the harmful effects of this practice.

E. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))

Children deprived of a family environment

33. The Committee welcomes the measures taken by the State party to support families living in precarious conditions and prevent separation or abandonment of children. However, it remains concerned about:

(a) The high number of cases of abandoned children;

(b) Reports that children continue to be separated from their families because of poverty, in particular children of displaced families;

(c) The failure to reduce institutionalization and ensure that this is only used as a measure of last resort;

(d) Some institutions and foster homes not complying with international standards;

(e) The lack of disaggregated data on children whose families benefit from assistance and those deprived of a family environment.

34. The Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009 and, in particular:

(a) Ensure in practice that children are not separated from their families due to poverty or financial reasons;

(b) Provide further support to families in order to prevent separation or abandonment of children and ensure compliance with maintenance obligations, including through counselling, legal support and financial contributions;

- (c) **When alternative care is necessary, prioritize foster care and ensure that institutionalization is used only as a measure of last resort;**
- (d) **Strengthen efforts to provide training to foster families and personnel working in institutions on children's rights and the particular needs of children deprived of a family environment;**
- (e) **Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing adequate resources and accessible channels for reporting, monitoring and remedying maltreatment of children;**
- (f) **Collect disaggregated data on children whose families benefit from assistance and those deprived of a family environment.**

Adoption

35. The Committee remains concerned that:

- (a) The number of international adoptions continues to be high and that national adoptions are not prioritized;
- (b) There are reports that not all adoptions are directly administered by the ICBF and that private adoption houses and institutions are still operating, increasing the risk of improper financial and another gain including children being sold for adoption;
- (c) Restrictive criteria on adoptability are used.

36. **The Committee reiterates its recommendations (CRC/C/COL/CO/3, para. 57 and CRC/C/OPSC/COL/CO/1, para. 21) and recommends that the State party:**

- (a) **Strengthen efforts to prioritize domestic adoptions;**
- (b) **Ensure that all national and international adoptions be administered through the ICBF, which has been designated as the competent authority in accordance with article 21 of the Convention and the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption;**
- (c) **Prohibit adoption through private houses and institutions where there is a risk of improper financial and another gain, including children being sold for adoption;**
- (d) **Implement the protocol on adoptions, as ordered in the Constitutional Court ruling T-844 of 2011, setting criteria on the procedure and responsibilities of the authorities involved in adoption processes and avoid restrictive criteria on adoptability.**

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

Children with disabilities

37. The Committee welcomes the measures taken by the State party to improve the conditions of children with disabilities, such as the adoption of the policy CONPES 166 on persons with disabilities in 2013. It remains, however, concerned that:

- (a) Some regulations still need to be adopted to ensure the implementation of relevant legal provisions;
- (b) There is a lack of strategy to achieve inclusive education, inclusive services, accessible buildings, adequate health services and leisure activities are not available, in particular in

rural areas, and insufficient measures to ensure the coordination between relevant entities have been adopted;

(c) Comprehensive disaggregated data on children with disabilities is lacking.

38. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:

(a) Adopt all pending regulations in this regard, in particular on social benefits for parents of a child with disabilities;

(b) Set up a comprehensive strategy to develop inclusive education and ensure that inclusive education is given priority over specialized institutions;

(c) Take measures to ensure the coordination between the ICBF and the National System on Disability, including at the local level;

(d) Ensure the availability and accessibility of specialized health care services, buildings, inclusive services, participatory fora, and leisure and cultural activities for children with disabilities, in particular in remote and rural areas, including by allocating adequate resources;

(e) Strengthen administrative remedies for children with disabilities whose rights have been violated and facilitate their access to justice including by providing free legal aid;

(f) Collect disaggregated data on children with disabilities.

Health and health services

39. While welcoming the progress made in reducing child mortality and malnutrition, the Committee is, nevertheless, concerned that:

(a) Health related legislation and policies are poorly implemented;

(b) Child and maternal mortality rates continue to be very high, particularly among rural, indigenous and Afro-Colombian populations;

(c) Children not registered with a health service provider are often refused health care services;

(d) 20 percent of the child population have not completed the scheduled vaccination;

(e) Chronic malnutrition persists, in particular among indigenous and Afro-Colombian children;

(f) Exclusive maternal breastfeeding declined in 2010 and there is persisting inadequate baby feeding practices.

40. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right to health, and recommends that the State party:

(a) Ensure the availability and accessibility of health services for all children, in particular rural, indigenous and Afro-Colombian children, by allocating adequate resources and monitoring the implementation of relevant policies;

(b) Establish independent mechanisms for investigating cases of child and maternal mortality and ensure legal sanctions when this happens due to health personnel negligence;

(c) Increase its efforts to reduce maternal and child mortality, including by implementing the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and

eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

- (d) Ensure that all children are registered with a health service provider;
- (e) Strengthen administrative remedies for children whose right to health has been violated and facilitate their access to justice through free legal assistance, ensuring that all court decisions are expeditiously taken and implemented;
- (f) Enhance efforts to ensure that the full vaccination schedule is implemented throughout the country, in particular in remote areas;
- (g) Review and update the 2008 policy on nutritional security and adopt an action plan to implement it;
- (h) Strengthen efforts to promote breastfeeding through educational campaigns and training to professionals, adequately implement the International Code of Marketing of Breast-Milk Substitutes and the Child-Friendly Hospital initiative;
- (i) Seek financial and technical assistance from UNICEF and the World Health Organization (WHO), among others, in this regard.

Mental health

41. While noting the measures taken by the State party to address mental health problems among children, the Committee is concerned that many children suffer from mental health issues. It is also concerned that the prevalence of suicide among children, in particular adolescents and indigenous children, has increased.

42. **The Committee recommends that the State party strengthen the prevention programs of mental health for children and provide quality services, taking into consideration the culture of indigenous children, and:**

- (a) **Urgently conduct an in-depth study to analyze the root causes of suicides and other mental health problems among children with special focus on adolescents as a basis to adopt a comprehensive strategy of prevention and early intervention. The Committee also recommends the provision of counselling services in schools and communities and the implementation of awareness raising activities to prevent mental health problems, including suicides;**
- (b) **Take measures to increase the number of multidisciplinary teams and specialists in children's mental health, including eating disorders, and ensure adequate facilities as well as outpatient services for psychosocial rehabilitation;**
- (c) **Ensure training of all professionals working with children to identify and address mental health problems including suicidal tendencies, in particular in schools, alternative care settings, displaced communities, indigenous communities, and juvenile detention centers.**

Adolescent health

43. The Committee notes the development of a National Strategy on Prevention of Adolescent Pregnancies. It remains, nevertheless, concerned about:

- (a) The very high rate of adolescent pregnancies, in particular in rural areas, including many pregnancies of girls under 15 years of age;
- (b) The high rates of maternal mortality among adolescents as a result of inadequate access to sexual and reproductive services;

(c) Reports on obstacles to or unjustified denials of legal abortion services in many cases, and on the refusal of relevant authorities and medical staff to comply with related decisions of the Constitutional Court.

44. **In the light of its general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party:**

(a) **Intensify efforts to reduce teenage pregnancies by promptly adopting and adequately implementing the National Strategy on Prevention of Adolescent Pregnancies;**

(b) **Enhance efforts to reduce teenage maternal mortality by ensuring adequate sexual and reproductive health services, including emergency contraception, antenatal, delivery, postnatal and safe abortion and post-abortion services, and a monitoring mechanism. The State party is encouraged to consider the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22);**

(c) **Ensure girls' access to legal abortion in accordance with the Constitutional Court ruling C-355, including by devising a monitoring mechanism on the compliance with the ruling, ensuring that the views of the child always be heard and respected in abortion decisions, and providing effective access to justice for girls who are denied those services and sanctions for the perpetrators;**

(d) **Raise awareness of relevant authorities, medical staff, parents, teachers, religious leaders and population at large on sexual and reproductive health and rights.**

HIV/AIDS

45. While noting the measures taken to eliminate HIV/AIDS mother-to-child transmissions, the Committee remains concerned that such transmissions continued to increase during the reporting period.

46. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party strengthen its efforts to implement the Strategic Plan to eliminate HIV/AIDS mother-to-child transmission, provide adequate services and resources and ensure accountability. Further technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF should be sought.**

Drug and substance abuse

47. The Committee remains concerned that children continue to abuse drugs at increasingly early ages and that the State party has not adopted sufficient measures to address the phenomenon.

48. **The Committee recommends that the State party review the Law 1566 on comprehensive care of drug users to include specific actions for the care of children who are drug users and adopt a targeted policy, adequately resourced, which includes appropriate measures of prevention, protection, counselling and rehabilitation.**

Environmental health

49. While noting the initiatives of the State party to promote a healthy environment, the Committee remains concerned about the negative impact of air, water, soil and electromagnetic pollution on children's health and the insufficient measures taken to address that challenge.

50. **The Committee recommends that the State party:**

- (a) **Conduct an assessment on the impact of air, water, soil and electromagnetic pollution on children's health as a basis to design a well-resourced strategy to remedy the situation and regulate the maximum concentrations of air and water pollutants;**
- (b) **Comply with the orders of the Constitutional Court related to electromagnetic pollution, including their call to regulate a safe distance of mobile telephone towers from educational institutions, homes, neighbourhoods, hospitals, etc.**

G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

51. While welcoming the progress made towards free education at all levels in public schools and the statement made by the delegation that more resources will be invested in education, the Committee remains concerned about:

- (a) The low quality of education, due to an inadequate budget, resulting in insufficient and deficient infrastructure and a lack of qualified teachers;
- (b) The significant differences in the education coverage, mostly affecting indigenous, Afro-Colombian, displaced and rural children, in particular girls;
- (c) The ineffective implementation of the policy on education for indigenous and Afro-Colombian children, while noting the adoption of the Decree 1953 in October 2014 aiming to reinforce the autonomy of indigenous peoples in the area of education;
- (d) The high rate of dropouts, the insufficient measures to identify and address its root causes and reports that many of the girls who drop out do so because of being pregnant;
- (e) Teachers' exposure to an increasing number of death threats and violence, attacks against schools, military bases and units near schools, occupation of schools and school study visits to military centres against directives;
- (f) The need to strengthen the educational programmes on human rights, gender equality, international humanitarian law and peace.

52. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

- (a) **Increase efforts to improve the quality of education and its availability and accessibility to displaced and rural children, particularly girls, by substantially increasing the budget, providing quality training for teachers and ensuring that schools are built far away of environmental at-risk areas and military targets;**
- (b) **Ensure the effective implementation of the policy on education for indigenous and Afro-Colombian children by allocating adequate resources and effectively implementing the Decree 1953 aiming to reinforce the autonomy of indigenous peoples in the area of education;**
- (c) **Strengthen measures to address school drop outs while taking into consideration the particular reasons of boys and girls to drop out;**
- (d) **Increase efforts to ensure that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools;**
- (e) **Closely monitor the compliance with directives prohibiting civilian-military activities, occupation of schools and other actions that put the educational community at risk and provide sanctions for those who do not comply with them;**

(f) Undertake an assessment of the measures taken so far to protect teachers and other staff at schools who have been threatened or attacked and, based on the lessons learned, establish effective mechanisms and protocols for their protection;

(g) Strengthen its efforts to include comprehensive educational programmes on human rights, gender equality, international humanitarian law and peace, as part of the mandatory curricula.

Early childhood development

53. The Committee welcomes the adoption of the policy on early childhood and its related strategy. It is, nevertheless, concerned about the insufficient measures taken to ensure that all children throughout the territory benefit from its effective implementation.

54. The Committee recommends that the State party strengthen the coordination among relevant entities and allocate adequate human, technical and financial resources to the strategy on early childhood with a view to ensuring that all children benefit from its implementation, in particular children in rural and remote areas, children with disabilities, children living with HIV/AIDS, children in prison with their mothers, children of adolescent mothers and displaced, indigenous and Afro-Colombian children.

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Displaced children

55. While noting the programmes to protect displaced children, the majority being Afro-Colombian or indigenous children, the Committee remains concerned that these efforts have been insufficient to adequately ensure the rights of displaced children as ordered by the Constitutional Court. It is particularly concerned that the specific needs of displaced girls, who are greatly exposed to violence and discrimination, have not been sufficiently addressed.

56. The Committee recommends that the State party:

(a) Evaluate the strategy “Mobile Units” and similar initiatives and, based on lessons learned and in line with the Constitutional Court decisions, strengthen measures to provide displaced children and their families with protection from violence and access to food, adequate housing, education, recreation, health, civil registration, justice and integrated mental health and psychosocial rehabilitation services. Resources, monitoring mechanisms and coordination among relevant bodies should also be strengthened;

(b) Adequately address the specific needs of displaced girls, and ensure their protection from child labour, school drop outs and violence, including sexual violence and exploitation;

(c) Strengthen efforts to ensure the effective implementation of the Law of Victims and Land Restitution with respect to displaced children, including by allocating adequate resources, ensuring access to justice and free legal aid and strengthening the coordination among relevant institutions;

(d) Further strengthen its cooperation with UNHCR and fully adhere to the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2).

Children belonging to minority or indigenous groups

57. The Committee notes the measures taken by the State party to ensure the rights of indigenous and Afro-Colombian children. It nevertheless remains concerned that they

continue to face discrimination and numerous challenges in accessing education, health, civil registration services and justice. It also remains concerned that they are disproportionately affected by violence and the armed conflict and over-represented among displaced children and those recruited by non-State armed groups.

58. **In the light of its General Comment No.11 (2009) on indigenous children, the Committee recommends that the State party:**

(a) Increase efforts and take affirmative measures to ensure that indigenous and Afro-Colombian children, including those displaced, enjoy their rights in practice, in particular in the area of health, education and access to justice;

(b) Strengthen its efforts to ensure that all Afro-Colombian and indigenous children are registered immediately after birth and to facilitate cost-free registration of those who were not registered at birth;

(c) Strengthen measures to protect indigenous and Afro-Colombian children, and their families, from violence and the impact of the armed conflict, including sexual violence. Such measures should be developed in consultation with Afro-Colombian and indigenous leaders.

Economic exploitation, including child labour

59. The Committee notes the legal and policy measures taken by the State party to protect children from economic exploitation. However, it is concerned at the high number of children involved in child labour. In particular, it remains deeply concerned about the persistent involvement of children in dangerous and/or degrading work such as agricultural labour in illegal crops, drug dealing, illegal mining and bullfighting.

60. **The Committee urges the State party to:**

(a) Enhance its efforts to eliminate child labour, including by ensuring that legal proceedings are engaged against those who economically exploit children and adequate compensations are provided to child victims;

(b) Evaluate the results of the National Strategy for the prevention and eradication of the worst forms of child labour (2008-2015) and based on lessons learned, review the Strategy and allocate adequate resources for its effective implementation. A monitoring mechanism and a gender perspective should also be included;

(c) Seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office in this regard.

Children in street situations

61. The Committee notes the measures taken to address the phenomenon of children in street situations. It remains, however, concerned that these efforts are insufficient, do not adequately address structural problems and are only limited to some of the main cities. It notes with concern that these children are generally stereotyped as criminals.

62. **The Committee reiterates its recommendation (CRC/C/COL/CO/3, para. 85) and recommends that the State party:**

(a) Conduct a national study of the scope and causes of the phenomenon of children in street situations, with disaggregated data, and regularly update the information;

(b) Evaluate the consistency and impact of the initiatives taken so far and, based on the lessons learned, develop a comprehensive and well-resourced policy to prevent and reduce the phenomenon of children in street situations. The policy should address the different needs of boys and girls in street situations;

(c) **Strengthen its efforts to ensure that children in street situations are provided with adequate nutrition, shelter, health care, educational opportunities and protection from all forms of violence, including sexual abuse, and that they are not viewed as criminals.**

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

63. The Committee notes the measures taken by the State party to implement the Optional Protocol, such as the criminalization of "sale of children". However, the Committee is concerned about the low implementation of relevant laws, policies and programmes. It is particularly concerned about:

- (a) Sexual exploitation of children being widespread and increasing, in particular around extractive industries and military and National Police bases;
- (b) The extensive impunity for the offences under the Optional Protocol, due to, among others, challenges related to administrative and judicial procedures, and a lack of adequate protection of victims and witnesses.
- (c) The high number of organizations based in the State party involved in international networks of sexual exploitation, in particular child pornography;
- (d) Widespread trafficking of children, in particular girls, affecting displaced, Afro-Colombians and indigenous children, and the insufficient measures taken to identify and assist child victims;
- (e) The National Committee for the Prevention and Eradication of Commercial Sexual Exploitation of children not functioning adequately;

64. **The Committee recommends that the State party:**

- (a) **Enforce the legislation, by actively identifying, investigating and prosecuting offences under the Optional Protocol, in a child-friendly manner, sanctioning the perpetrators, and compensating the victims;**
- (b) **Conduct a study on the scope of the offences under the Optional Protocol that also addresses root causes and risk factors, including poverty, conflict, discrimination, violence –including gender-based violence– and absence of parental care;**
- (c) **Based on lessons learned, review and update the National Action Plan for the Prevention and Eradication of Commercial Sexual Exploitation of Children and Adolescents and ensure that other areas covered by the Optional Protocol, such as sale of children, are also addressed in a policy and strategy, including a gender perspective and a monitoring mechanism;**
- (d) **Strengthen the National Committee for the Prevention and Eradication of Commercial Sexual Exploitation of children including by providing it with adequate resources to ensure that it adequately discharges its responsibilities;**
- (e) **Strengthen prevention, protection, recovery and social reintegration programmes, allocate adequate resources and ensure that the programmes addressed to child victims of sexual exploitation are in accordance with the outcome documents adopted at the World Congresses against Sexual Exploitation of Children, held in Stockholm, Yokohama and Rio de Janeiro;**
- (f) **Improve the training provided to professional groups dealing with child victims of crimes under the Optional Protocol and the awareness-raising activities addressed to**

the tourism industry, children and parents, in particular in groups at risk, and the general public;

(g) Strengthen international cooperation through human rights-based multilateral, regional and bilateral arrangements for the prevention, identification, investigation, prosecution and punishment of those responsible for offences under the Optional Protocol, which takes into consideration the best interests of the child.

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict

65. While noting the measures taken to protect children from the armed conflict, the Committee remains deeply concerned about the continuous violations of children rights, mostly affecting rural, indigenous and Afro-descendant children and children from marginalized urban areas. It is particularly concerned about:

- (a) The continuous recruitment of children by non-State armed groups;
- (b) The heavy recruitment of children by the BACRIM and reports that some of these children are prosecuted by the State party as criminals and not treated as victims, thus not being included in the ICBF program for demobilized children;
- (c) Girls recruited being subjected to serious sexual violence in a repeated and systematic manner including rape, sexual slavery and exploitation, forced pregnancy and abortion and passing on of sexually transmitted diseases;
- (d) Continuous installation of explosive artefacts by non-State armed groups and the reductions of the budget allocated to anti-personnel mines, unexploded ordnance and other improvised explosive artefacts (APM/UXO/IED) programmes;
- (e) The numerous violations against children's rights allegedly committed by the Police and armed forces, in particular sexual violence and the continuing use of children as part of intelligence gathering activities;
- (f) The very low number of prosecutions of offences covered by the Optional Protocol;
- (g) The insufficient coordination between institutions dealing with child victims of recruitment.

66. **The Committee urges that the State party to:**

- (a) Evaluate and adjust the policy CONPES 3673 (2010) on the prevention of child recruitment and ensure adequate resources, strengthened institutions and coordination mechanisms, in particular in the regions that are the most affected by the armed conflict;**
- (b) Strengthen the information and early warning systems related to children in armed conflict with a view to providing adequate, immediate and efficient institutional responses. Those responses should include the protection of children and families in cases of threats or risks and the possibility of transferring them to safe sites;**
- (c) Undertake all efforts to ensure the demobilization and effective reintegration of children recruited and/or used in hostilities;**
- (d) Strengthen measures to ensure that child victims of the offences covered under the Optional Protocol are provided with immediate, culturally responsive and child-sensitive assistance for their physical and psychological recovery and social reintegration. The specific needs of formerly recruited girls or girls used in hostilities should be taken into consideration, in particular those victims of sexual violence;**

- (e) Urgently and thoroughly investigate all offences under the Optional Protocol, including sexual violence related offences and those allegedly committed by the Police and armed forces, prosecute the alleged perpetrators, adequately punish the convicted and compensate the victims and their families. Adequate legal assistance should be provided to the child victims;
- (f) Enforce the existing institutional directives aimed at protecting children's rights, particularly the ones ordering the suspension of all civilian-military activities involving children, which should include those conducted by the Police, and the prohibition of using children for military intelligence gathering;
- (g) Allocate adequate resources to the mine risk education and victim's care programmes;
- (h) Evaluate the training provided to the Police, armed forces and relevant professional groups dealing with child victims of the offenses covered by the Optional Protocol, and based on the lessons learned, improve its quality and quantity, and ensure it is gender-sensitive;
- (i) As mandated by the Constitutional Court (C-781 of 2012), consider all children recruited and/or used by the BACRIM as victims, as all children recruited and/or used in hostilities by other non-State armed groups should be considered, and ensure that they are included in the ICBF program for demobilized children and receive adequate reparation;
- (j) Continue ensuring that children's opinions, interests and needs are included during the current peace process.

Administration of juvenile justice

67. While noting the establishment of the System of Criminal Responsibility for Adolescents (SCRA), the Committee is concerned about its ineffective implementation, in particular:

- (a) The regressive legal proposals to reduce the age of criminal responsibility, increase the sanctions and expand the list of crimes for which children may be deprived of their liberty;
- (b) The excessive delays in designating a governing body of the system;
- (c) The lack of adequately trained and specialized staff in the SCRA and the insufficient allocation of resources;
- (d) The disproportionate use of the punishment of deprivation of liberty for adolescents;
- (e) The insufficient measures taken to improve the conditions in juvenile detention centres and prevent violence against children in detention.

68. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

- (a) **Ensure that any potential legal reform on juvenile justice comply with the Convention and international standards;**
- (b) **Ensure the adequate implementation and functioning of the SCRA, including by expeditiously designating a governing body and providing adequate human, financial and technical resources;**
- (c) **Provide judges, prosecutors and other specialized professional groups with appropriate education and training on the provisions of the Convention, including a**

gender perspective, and conduct awareness raising activities on the SCRA principles so that the general public understands and supports the implementation of the system;

(d) Prioritize efforts and resources to promote alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

(e) In cases where detention is unavoidable, ensure that the children are not detained together with adults, that detention conditions are compliant with international standards, in particular with regard to access to education and health services including drug detoxification and mental health programmes, and that they are kept as near as possible to their places of origin;

(f) With reference to the UN Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, strengthen measures to prevent violence against children in detention, including by facilitating child-friendly complaints mechanisms in juvenile detention centres.

69. To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.

Child victims and witnesses of crimes

70. The Committee regrets the insufficient measures taken by the State party to protect child victims and witnesses of crimes.

71. The Committee recommends that the State party ensure that laws, policies, programmes and practices take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex).

I. Ratification of the Optional Protocol on a communications procedure

72. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

J. Ratification of international human rights instruments

73. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of People with Disabilities, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

K. Cooperation with regional bodies

74. The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of children's rights, both in the State party and in other OAS member States.

IV. Implementation and reporting

A. Follow-up and dissemination

75. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fourth and fifth combined periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

76. The Committee invites the State party to submit its sixth and seventh combined periodic reports by 26 August 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

77. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).