



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-fourth session

### Summary record of the 1530th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Friday, 4 June 2010, at 3 p.m.

*Chairperson:* Ms. Lee

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

**Consideration of reports of States parties** (continued)

*Initial report of Colombia under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (continued)  
(CRC/C/OPAC/COL/1; CRC/C/OPAC/COL/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Colombia resumed places at the Committee table.*
2. **Mr. Pearl** (Colombia) said that minors in conflict with the criminal law could be tried as adults once they had reached the age of 14. Minors previously attached to illegal armed groups were required to make a declaration of disengagement before a criminal judge, which was subject to rigorous verification and follow-up by a special unit of the public prosecutor's office and a specially-trained juvenile judge, with children's advocates providing oversight. Prosecutions that met the four legally-established prerequisites mentioned earlier by Ms. Ladino could be discontinued in application of the principle of opportunity.
3. **Mr. Kotrane** explained that the Optional Protocol encouraged States parties to extend their jurisdiction to offences committed overseas if the perpetrators were citizens or habitual residents of their country. In that context, he wished to know whether Colombian law gave the courts competence to prosecute offences committed outside Colombia. For example, could war criminals be arrested in other countries and brought to Colombia to stand trial? He also wished to know whether the Optional Protocol served as a sufficient legal basis for the extradition of citizens requested by a State with which no bilateral agreement had been concluded.
4. **Ms. Vargas** (Colombia) replied that Colombian law did not extend its courts' competence to offences committed outside Colombia by foreign nationals but did permit them to prosecute Colombian nationals who offended overseas. Her Government had been reviewing the Optional Protocol but had not identified any provision that would serve as a legal basis for extradition; a bilateral or equivalent agreement was therefore necessary for an extradition to proceed.
5. **Mr. Kotrane** wished to emphasize that the Optional Protocol urged States parties to facilitate mutual assistance and to consider its provisions a sufficient legal basis for extradition.
6. **Ms. Vargas** (Colombia) said that Colombia had not received any requests for extradition under the Optional Protocol so far but that in the event of such requests the Optional Protocol would serve as an adequate legal basis.
7. **Mr. Pearl** (Colombia), speaking with regard to the use of minors as informants, said that the military was expressly prohibited from questioning demobilized children for intelligence purposes under Directives 15 and 048 of 2008. Those provisions also stipulated that children could be held for no more than 36 hours before being released into the care of the Colombian Family Welfare Institute and a family ombudsman. The purpose of any interview conducted was to verify the child's identity and the truth of their claims; a filtering process had proved necessary since the claims of 2,800 out of a total of 50,500 persons alleging former membership of illegal armed groups had proved false, motivated solely by the expectation of assistance. The interviews were administered by a family ombudsman and did not include questions on intelligence or military operations. Despite those observations, he acknowledged the concerns raised and emphasized that complaints should be referred to the competent authorities to enable them to verify and monitor enforcement of the rules and protocols.

8. **Mr. Citarella** asked whether the armed forces employed children as informants in the event of conflict or contact with armed or criminal groups.

9. **Ms. Villarán de la Puente** (Country Rapporteur for the two Optional Protocols to the Convention on the Rights of the Child) reiterated a request for information on the use of children in civil-military operations. While that practice was prohibited under the Children and Adolescents Code, child and youth volunteers had reportedly been central to a recent health-care initiative in La Macerena, a town in Meta Department, which had formed part of a broader social and territorial consolidation exercise involving the air force and police that had been supported by the United States. She would appreciate clarification of that contradiction.

10. **Mr. Pearl** (Colombia) explained that there were two categories of civil-military operations: (i) operations providing assistance to the local population; and (ii) promotional and awareness-raising operations. The first category included health-care initiatives, disaster intervention and infrastructure reconstruction work in areas where safety and security remained fragile. In those areas the Government organized day-long aid initiatives, in which all citizens were involved. For example, it was working in six municipalities in the south of Tolima Department — Ataco, Chaparral, Planadas, Rioblanco, Roncesvalles and San Antonio — in which entire families and communities had had no previous contact with the central authorities and illegal groups had constituted the only previously known form of government. A total of 36 million United States dollars had been invested in the construction of roads, homes, schools, health centres and other infrastructures in those municipalities and that assistance would not have been possible without a strong military presence to protect outreach workers. In a country as complex as Colombia, where illegal armed groups represented a continuing danger, it was unjust to describe the military as a threat when it was working to ensure the safe conditions in which social investment and peace could be sustained.

11. With regard to the second category of civil-military operations, consisting of events organized by the military to raise awareness of its activities, the Government recognized the need to review commitments and standards. It also accepted that the rules and standards in place in its military academies were in need of review and modification.

12. **The Chairperson** asked for more information about sexual violence associated with the armed conflict.

13. **Ms. Ladino** (Colombia) said that her delegation was awaiting confirmation of the number of sentences handed down against members of the armed forces in relation to offences of sexual violence but that information available at present indicated that there had been no convictions; it would update the Committee should it receive information to the contrary.

14. **Mr. Pearl** (Colombia) said that to date the Attorney-General's Office had received no complaints of children being used as informants by the armed forces but that if any non-governmental organization (NGO) or citizen knew of any such cases they should bring them to the attention of the competent authority immediately. His country was undergoing a process of cultural change characterized by a growing recognition of the importance of protecting life in general and children in particular, and Government institutions were making a huge effort to foster an awareness of that need and to build a parallel sense of responsibility in all areas of society.

15. **Ms. Villarán de la Puente** (Country Rapporteur for the Optional Protocols), drawing attention to a contradiction in the delegation's answers, pointed out that the Colombian Family Welfare Institute had reported receiving six complaints of alleged interrogation of recovered children in 2008, and had followed up on four of those cases. Thus, it was chiefly information provided by the Colombian authorities themselves, in

addition to information included in the Secretary-General's Report and other reports in the public domain, which had served as the basis for the Committee's questions regarding the use of children as informants.

16. Looking to the future, she believed that the rights-based approach adopted by the Government was the way forward. However, more immediate response mechanisms were also necessary to address the current plight of child victims in rural Colombia.

17. **Mr. Pearl** (Colombia) acknowledged Ms. Villarán's concerns. The Government's long-term strategies would take time to bear fruit, although they were being mainstreamed in all Colombian institutions. To alleviate the most pressing problems in the interim period, various complementary short-term mechanisms had been established in the municipalities. Foremost among those was the Early Warning System. Though far from perfect and not yet fully established, that system had been successfully deployed in several recent cases.

18. **Ms. Linares** (Colombia) provided details of two such cases. Three weeks ago, a mother had contacted the local prosecutor in a remote part of the country to report the forced recruitment of 3 of her 15 children. The prosecutor had contacted the local mayor and the Colombian Family Welfare Institute, and immediate action had been taken to recover the three children, along with seven others. The family had since received support and assistance to guarantee their future safety. In another similar case, the authorities had stepped in to protect three children living in a remote forested area after their mother had received threats of their removal. Both examples underlined the importance of cooperation between the authorities, the local communities and the families themselves. Without early warnings, successful intervention was impossible; in the 120 municipalities covered by the system, the authorities were therefore working to teach families and children how to recognize the risks and defend their rights. The system had limitations, but constituted an adequate short-term response until the medium-term measures bore fruit.

19. **The Chairperson** asked why military round-ups were a continuing practice when there were no justifying legal grounds. She also sought clarification of reports that children could be detained by the military and held incommunicado.

20. **Mr. Suarez** (Colombia) explained that, according to the recruitment and enlistment procedure, young people could volunteer for military service upon reaching the age of 18. Citizens identified as being over 18 who did not register voluntarily could be asked to report to the authorities for recruitment if they were not able to produce a military service record. To ensure that no minors were recruited, the local mayor and district commander were always present at such meetings. Thus, none were deprived of their liberty and none could be enlisted illegally; it was simply a matter of identification and registration.

21. **The Chairperson** expressed concern that, given the large number of displaced, orphaned and abandoned children in Colombia, young people might not always be in possession of the required military service record.

22. **Ms. Villarán de la Puente** (Country Rapporteur for the Optional Protocols) thanked Mr. Pearl for his frank acknowledgement of the need to review civil-military operations. She would, however, appreciate clarification of the scope of the planned review in order to enable the Committee to be more specific in its recommendations.

23. **Mr. Pearl** reiterated, for clarification, that a military presence was essential to protect lives during social and humanitarian interventions. He cited a recent case in which a training and employment officer had been murdered by the Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC-EP) (Revolutionary Armed Forces of Colombia – People's Army), even though he had been welcomed by the local community. Military involvement in those operations was not, therefore, open for review.

His Government would, however, be reviewing the procedures governing awareness-raising and promotional activities, focusing in particular on the possible involvement of children.

*Initial report of Colombia under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*  
(CRC/C/OPSC/COL/1; CRC/C/OPSC/COL/Q/1 and Add.1)

24. **Ms. Forero** (Colombia), introducing Colombia's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography, said that the advances on which she would report reflected the combined efforts of all institutions working to defend the rights of vulnerable children. Before proceeding, however, she would like to update the Committee on the alleged reports of child interrogation; the four cases mentioned earlier were all currently under investigation by the Human Rights Advisory Office and disciplinary proceedings had been initiated against those responsible.

25. Turning to the institutional framework for the protection of children from trafficking, prostitution and pornography, she explained that the Colombian Family Welfare Institute, as the coordinator of the national welfare system, was responsible for ensuring the nationwide scope of prevention and protection programmes, improving service quality and increasing the State's presence in remote rural areas. The Institute prioritized investments benefiting early childhood, children of African descent, indigenous children, children in border areas and displaced children, and to that end had increased the number of family ombudsmen who worked alongside social workers, nutritionists, psychologists and other experts from 573 in 2002 to 1,089 in 2010. The Institute's Governing Council was composed of representatives of National Government, the business community, trade unions and the church. It was mandated to develop policy, optimize services, oversee the implementation of government strategy and the code of good governance that constituted an integral part of the Institute's operational guidelines, draft technical guidelines for institutions and officers working in the field, provide independent advice and, more generally, defend and protect children at risk, in conjunction with family liaison police officers and family ombudsmen.

26. The institutional framework also included the Attorney-General's Office, which received complaints and issued rulings, after independent investigation, the national police, which was responsible for immediate protective measures, investigative action and the removal of children at risk, and the supervisory bodies, including the Office of the Procurator, the municipal legal offices (personarías) and the Ombudsman.

27. With regard to progress in implementing the Optional Protocol, she explained that three offences related to the sale of children were defined in Colombian criminal law – trafficking in children, trafficking in persons and irregular adoption. Eleven cases of trafficking had been referred to the Attorney-General's Office, resulting in one conviction to date, with two further cases currently before the courts. The national strategy for combating trafficking was set forth in Decree 4786 of December 2008, while Act No. 985 of 2005 had provided for the establishment of a dedicated committee to manage standards in the area of human trafficking, working closely with representatives of national embassies, United Nations agencies, universities and the Esperanza Foundation. Since the promulgation of that Act, anti-trafficking operations had been led by the Ministry of the Interior and Justice and had entailed experimental pilot projects in Bogotá, the publication of a manual for the comprehensive care of victims of trafficking, preventive campaigns on television, radio and the Internet as well as in the press, and the launch of a free national hotline for reporting complaints. The Attorney-General's Office had received 57 complaints of trafficking involving 9 child victims in 2008 and 207 complaints involving 17 child victims in 2009. There had been 62 cases reported to date in 2010, 2 of which had involved minors.

28. Three new acts had been adopted that made it possible to comply fully with the Optional Protocol. Act No. 1236 of 30 June 2008 imposed harsher penalties for abduction for the purposes of prostitution, forced prostitution or encouragement to prostitution, the maximum penalty having been raised from 9 to 22 years' imprisonment. Under Act No. 3029 of 27 July 2009, two new offences had been created: procuring involving minors, and the use of children for sexual activities, the maximum penalty for which had risen from 14 to 25 years' imprisonment. Meanwhile, Act No. 1336 of 29 July 2009 outlawed any restaurant, hotel, bed-and-breakfast or other establishment that used children for sexual purposes. Establishments in Bogotá had already been successfully prosecuted and a hotel in Quindío Department had recently been raided, with six adults taken into custody. Pursuant to the Act, a fund to combat the commercial sexual exploitation of children had been set up, with a mixture of public financing, private donations and a tax of US\$ 1 levied on all tourists leaving the country. Various towns required the certification of hotels and insisted on good practices. Acting jointly with Fundación Renacer, the fund provided shelters and treatment for victims, with the Government shouldering 30–35 per cent of the costs.

29. **Ms. Villarán de la Puente** (Country Rapporteur for the Optional Protocols) said that it was important to distinguish between the Optional Protocol relating to the sale of children, as well as to child prostitution and child pornography, and the United Nations Convention against Transnational Organized Crime, which related to trafficking in persons. She asked whether Colombia had considered making the sale of children as such an offence and whether it had evaluated the root causes of the sale of children, such as violence or conflict. It was important that the sale of children should lead to prosecution, because impunity simply repeated a vicious circle and deprived the victims of an opportunity to protect themselves. It was noteworthy that written reply No. 1 to the lists of issues referred to 587 cases of sexual exploitation but none of the sale of children. She requested further data on measures taken to protect children. Lastly, she asked whether any measures had been introduced to prevent sex tourism, particularly as it affected vulnerable groups, such as indigenous children, internally displaced children or Afro-Colombian children, who were particularly susceptible to human rights violations. It would be worth considering drawing up a code of conduct in that regard.

30. **Mr. Kotrane** said that, although the State party's report referred to its achievements in terms of combating trafficking of various kinds, it was crucial that Colombia should make the sale of children a specific offence. Similarly, the information provided about adoption was interesting, but he wondered whether, in accordance with the Optional Protocol, an intermediary who arranged an adoption was punished, insofar as such conduct constituted the sale of children. The Committee was also concerned that, as stated in paragraph 189 of the report, legal entities were not criminally liable under Colombian law and he asked whether the Government had any plans to amend the law to cover legal entities involved in child pornography, for example. He also wished to know whether Colombian courts had jurisdiction to try Colombians for crimes committed outside the country. The extradition requirements mentioned in paragraph 192 were encouraging in that regard. Lastly, he noted that, although article 218 of the Criminal Code prohibited the transfer or marketing of child pornography, the same did not apply to the possession of pornographic material involving children and he hoped that the State party would take steps to rectify that situation.

31. **Ms. Ortiz** asked how the State party had publicized the Optional Protocol when it had first been ratified. She wondered how the public knew what constituted the sale of children, how it was told to deal with the threat of such practices and what action it could take with regard to adoption, the sale of organs or other forms of exploitation. She also wished to know in which languages the Protocol had been distributed. In that connection, she wondered how officials of the various bodies were trained in order to be properly equipped for the implementation of the Protocol.

32. It was a matter of concern that only half the international adoptions in Colombia passed through the country's central authority, while there were private adoption homes for pregnant women, who in many cases handed their children over for adoption. There was surely a risk that undue influence would be exerted on the women concerned to give up their children. She wondered whether there had been any allegations that children were sold under such circumstances. She also wondered how the Government, with a proliferation of institutions, was able to check that the proper procedures were followed.

33. **Mr. Puras** commended the State party on the impressive scope of its activities but wondered whether it had identified groups of children who needed particular attention, such as indigenous children, Afro-Colombian children or displaced children. He also asked what progress had been made in providing for the recovery and rehabilitation of child victims of sexual abuse. Reports had reached the Committee of problems with the quality and quantity of the shelters provided. Some had reportedly been closed and, where they remained, children were not always kept separate from adults. Once the process of rehabilitation had been carried out, he asked what steps were taken to prevent the stigmatization of the victims in their own communities. He commended the public-private partnerships that had been set up, but he was more doubtful about the production alternatives for youth and families at risk, mentioned in paragraph 372 of the report.

34. He requested further details of the role of the family defender and, in particular, how many complaints against perpetrators had been filed by family defenders. Lastly, he asked the delegation to comment on reports that medical care was not always available to adolescent victims of sexual exploitation who lacked identification.

35. **Ms. Aidoo** asked about the technical capacity and the funding arrangements of the Colombian Family Welfare Institute. She wondered whether NGOs were represented and whether there were any donor participants. Secondly, she was concerned that the data presented in the report were limited in coverage: the figures on trafficking and exploitation, including commercial exploitation, were given, but there was not enough on the sale of children, the sale of organs, forced labour or adoption. She therefore asked what system was in place for the collection of reliable data. In that connection, she noted that the National Administrative Department of Statistics had been requested some three years previously to carry out a study of the extent of sexual exploitation but that its report had never been received. She also asked whether children were given the opportunity to participate in the planning of their own recovery and reintegration programmes and whether child victims had the knowledge or capacity to seek damages or compensation from those responsible for an offence against them, as they were entitled to under the Protocol. If they received such compensation, she wondered whether it created problems within their communities.

36. **Mr. Gurán** requested clarification of the status of the Colombian Family Welfare Institute. In particular, he wished to know how it could provide a truly independent complaint mechanism, given that it was a State body. He would welcome additional information on the professional background of the staff of the Institute and the regional offices. He asked whether the Institute was the body competent to declare a child eligible for adoption. It would be useful to know who was responsible for accrediting persons or organizations working in the field of intercountry adoption, and what criteria were applied.

37. **Mr. Citarella** asked when the State party planned to introduce the sale of children into its criminal law, as it was obliged to under the provisions of the Optional Protocol, using the definition provided in the Optional Protocol.

38. Given that a high number of foreigners reportedly visited the State party solely for the purpose of sex tourism involving children, he asked what measures, legislative and other, the authorities were taking to prevent and punish the practice.

39. **The Chairperson** recalled that the Committee had raised a concern in its 2006 concluding observations about the 20 per cent of births that were not registered in the State party (CRC/C/COL/CO/3, para. 48). She wished to know what measures had been taken to increase birth registration since 2006. That was particularly important taking into consideration the context of poverty and armed conflict, which could be aggravating factors resulting in the sale of children for forced labour, prostitution and pornography.

40. **Ms. Forero** (Colombia) said that Act No. 1329 of 2009 had increased the penalty for child pornography from 10 to 20 years, with no possibility of bail. It had also criminalized the production, distribution, supply, recording, possession, transport, storage and transmission of material showing sexual activity involving persons under the age of 18.

41. The sale of children had not been criminalized, but such cases were extremely rare. Irregular adoption was a crime. In order to prevent irregular domestic and intercountry adoptions and the sale of children, the Government had taken steps to facilitate the adoption process and ensure that it was transparent. Adoption was free of charge in Colombia, and the Government had suggested that all actors in the national adoption system should publish the costs involved on their websites so that families had all the necessary information. About 75 per cent of adoptions were handled by the Colombian Family Welfare Institute and did not involve *casas de adopción* (institutions authorized to operate the adoptions programme). In cases that did involve the *casas de adopción*, however, a family welfare officer from the Institute was always present in the adoptions committee. The new national adoptions subdirectorates monitored the adoption process by participating in some adoptions committees and making unannounced visits to other sessions and to the *casas de adopción*. All organizations that dealt with intercountry adoption had to be accredited and were obliged to register with the Ministry of Justice and the Institute to that end. Some 58 per cent of adoptions took place within Colombia; the remaining 42 per cent were intercountry adoptions. The national authorities were currently participating in an international team drafting guidelines on best practice in intercountry adoption to accompany the Hague Convention on Protection of Children and Cooperation with Respect to Inter-Country Adoption. Over the previous four years, some 1,400 children, whose placement had been difficult (on account of their age, race, disability or because they formed part of a group of siblings), had been adopted in France, Germany, Italy, Spain and the United States of America. Under the current regulations, Colombian authorities would monitor those placements for two years. The Institute was the only body that had the right to deem a child eligible for adoption, and that decision had to be validated by a judge.

*The meeting was suspended at 4.30 p.m. and resumed at 5 p.m.*

42. **Ms. Forero** (Colombia) said that, by law, when the authorities learnt of any ill-treatment of a child, the Colombian Family Welfare Institute was responsible for ensuring that the child was removed from the environment in which his or her rights were being violated. If possible, the child was placed with a family member. If no family member could take care of the child, he or she stayed in an institution pending examination of the report of ill-treatment. In 95 per cent of cases, children went back to their families and the situation was monitored to ensure that the problem did not recur. Failing that, they lived with extended family members and only if those solutions were unworkable were children declared eligible for adoption.

43. Colombia cooperated with several MERCOSUR partners to protect children from trafficking and commercial sexual exploitation. In addition, the Government was working with the private sector, particularly the tourist industry, to ensure that reports of sexual tourism and exploitation of minors reached the appropriate authorities. The police worked with the Institute on a permanent basis on identifying victims and raising awareness of the crimes under the Optional Protocol. In cooperation with the Office of the Attorney-General,



the Institute had established 27 centres nationwide for child victims of sexual abuse and commercial sexual exploitation. A further 10 centres would be opened by the end of 2010.

44. Registering on the civil registry was free of charge, and the Government had sent out mobile registry units to remote areas to ensure that every child was able to register. A nutritional breakfast was provided to the poorest children in an attempt to reach those who might otherwise not register. According to data from the National Civil Registry Office, 97 per cent of children were currently registered.

45. The Colombian Family Welfare Institute had an annual budget of US\$ 1.5 billion, financed from a 3 per cent monthly payroll contribution made by all public and private employers, covering 232,000 companies and 5.3 million employees. Some 12 million children benefited from the services provided by the Institute.

46. **Ms. Villarán de la Puente** (Country Rapporteur for the Optional Protocols) requested further information on the department of the Institute that was responsible for implementing the Optional Protocol. She wished to know whether new programmes had been implemented specifically to implement the Optional Protocol and if so, how they were funded.

47. **Ms. Forero** (Colombia) said that the Institute coordinated all the action taken to implement the Optional Protocol by the Ministry of Social Protection, the Ministry of Education, the Office of the Attorney-General and NGOs working with child victims of commercial sexual exploitation.

48. **The Chairperson** wished to know which department within the Institute was responsible for overseeing the coordination, implementation and monitoring of the programmes for the Optional Protocol. It would be useful to know what percentage of the Institute's total budget was allocated to the Optional Protocol. The Committee would appreciate updated statistics on the incidence of the crimes listed under the Optional Protocol.

49. **Ms. Forero** (Colombia) said that the Institute had 33 regional offices and 200 area centres where people could report violations of their rights, including crimes under the Optional Protocol. The Institute had a subdirector for the restoration of rights, run by a dedicated team of professionals who worked specifically on the Optional Protocol. Their work included dissemination of the Optional Protocol, and their total budget amounted to some US\$ 4 million.

50. NGOs played a key role in the work of the Institute, providing services such as shelters for child victims of commercial sexual exploitation. Through its cooperation with NGOs, the Institute was able to offer those children a viable alternative to sexual exploitation, in many cases enabling them to finish their schooling and pursue successful careers.

51. **Ms. Aidoo** asked whether NGOs were partners in implementing projects related to the Optional Protocol, or whether they also played a role in formulating strategies, policies and proposing legislation.

52. **Ms. Forero** (Colombia) said that the Government worked with NGOs on policy development, legislation and implementation. Although the Optional Protocol had been widely disseminated among actors such as the police and staff of bodies working to uphold children's rights, further measures were needed to raise awareness among children and the general public.

53. By law, all minors had the right to receive health care without having to show any identity documents. The Government was taking steps to ensure that health-care professionals respected that right. The Constitutional Court had recently ruled that all

children should receive the highest standard of health care, regardless of the type of health scheme to which they belonged. A tax reform was currently being examined by the Congress in order to fund the resources necessary to implement that decision.

54. **Mr. Kotrane**, in response to the delegation's comment that the sale of children was very rare in Colombia, said that under the Optional Protocol forced labour was a form of selling children and that adoption via intermediaries could also amount to the sale of children. He asked whether Colombia intended to redefine the sale of children in its legislation in order to bring it into line with the Optional Protocol.

55. **Ms. Forero** (Colombia) agreed with Mr. Kotrane but also said that child labour had been considerably reduced in Colombia through programmes such as Families in Action. Whereas a few years ago there had been 2,300,000 child labourers in the country, by 2009 that figure had decreased to 700,000. Updated statistics on child labour would be available in the second half of the current year.

56. **The Chairperson** asked whether the results of the study completed in 2008 on street children and the sexual exploitation of children in Colombia had been published.

57. **Ms. Forero** (Colombia) said that the Government, in cooperation with the European Union, had provided care and support to 3,500 child labourers in seven cities and had carried out a study to determine which factors had led those children to child labour. That study had been published, and the delegation would provide the Committee with the results. The Government would also be launching a strategy with the Ministry of Tourism in the coming days to encourage people to report sex tourism and the sexual exploitation of children both in Colombia and abroad.

58. **The Chairperson** asked whether there were adequate provisions for child victims to lodge complaints of exploitation and whether doing so might lead to repercussions for them in their communities. She also wondered whether compensation was provided to child victims.

59. **Ms. Forero** (Colombia) said that complaints could be made by children or adults directly to the Colombian Family Welfare Institute via its hotline, or to the police hotline. No financial compensation was awarded to child victims, but the Government was investing in care and support for victims to restore their rights and to offer them a more promising future.

60. **Ms. Ladino** (Colombia) said that the sale of children as such was not classified as an offence in Colombian legislation, and that criminal proceedings were thus carried out under articles 188 and 188 (a) of the Criminal Code concerning trafficking in migrants and trafficking in persons respectively. Investigations were under way concerning nine cases of trafficking in migrants, two of which involved minors under 14 years of age. Of the 152 human trafficking cases currently being investigated, 1 involved forced labour, 5 involved sex tourism, 4 involved begging, 6 involved minors under 14 years of age and 2 involved pornography. Twelve convictions had been handed down so far in those cases, which showed that the Office of the Public Prosecutor was working to acknowledge and punish those types of crimes. There had also been a recent case of irregular adoption in which a conviction had been pronounced.

61. Colombian legislation did not punish artificial persons, though the individuals who made up a company were each responsible for their actions before the law. Measures could be taken against companies, however, such as cancelling their registration or seizing their assets. A conviction had recently been pronounced calling for the seizure of the assets of a company that had been exploiting adolescents to produce pornography.

62. **The Chairperson** asked whether children who had been forced into prostitution could be prosecuted.

63. **Ms. Ladino** (Colombia) said that they could not, because by virtue of being minors they were considered as victims in criminal proceedings. With regard to compensation for child victims, the support centres for victims of sexual violence advised victims on seeking compensation from their victimizers, either privately or through the courts. The Office of the Public Prosecutor, with the support of the Office of the Family Ombudsman, could directly initiate proceedings to seek compensation from sex offenders on behalf of child victims.

64. Article 16 of the Criminal Code referred to extraterritorial jurisdiction and established the circumstances under which foreigners who committed crimes abroad could be extradited to Colombia for investigation. That article did not specifically mention the individual offences set out in the Optional Protocol, but it did cover the legal concept underlying those offences. A Greek national accused of child pornography offences, for example, had been extradited to Colombia for investigation, and the Government was seeking mechanisms that would make it possible, with international cooperation, to bring individuals to trial for such crimes.

65. In answer to a question posed in the previous meeting, she said that 10 convictions had been handed down in oral hearings against military personnel in cases of sexual violence.

66. **Mr. Pearl** (Colombia), in answer to a question about reintegrating minors who had been involved in armed conflict, said that the Government had set up referral and youth opportunities centres (CROJs) in cooperation with the Colombian Family Welfare Institute and the family allowance funds. The latter provided various social services and were financed by employers and workers through payroll deductions. The aforementioned entities worked together to create a road map for the reintegration of each child, taking into account the child's family background, psychological profile, education level, etc. The children were not separated from others; rather, they participated in support services side by side with other children who had not been involved in armed conflict, which helped them to develop the social skills necessary for reintegration into society.

67. Children did have a say in the design of the programmes and policies created for their benefit, and the programmes were continually being revised based on the approaches that had been most successful. Focus groups and questionnaires had been used to find out from young people how they felt about the services they received. The biggest challenge was to win the trust of the children so that they would tell the staff of the referral and youth opportunities centres when they felt threatened.

68. **The Chairperson** asked whether the 3 per cent payroll contribution to support the Colombian Family Welfare Institute was mandatory or voluntary.

69. **Ms. Forero** (Colombia) said that the funding of family welfare programmes was a social pact between company owners, workers and the State and was based on a sense of solidarity and the redistribution of income. That funding made it possible to provide universal coverage for early childhood services. A law requiring a 2 per cent contribution had been adopted in 1975 and that figure had then been increased to 3 per cent in 1988. In recent years the creation of 2 million jobs and investment from multinational corporations had brought in additional revenue. Currently 215 public and private institutions were working together with companies, employees and citizens to ensure every child's right to happiness.

70. **Ms. Villarán de la Puente** (Country Rapporteur for the Optional Protocols) expressed her appreciation for the open and fruitful dialogue with the delegation and for its efforts to obtain answers to the Committee members' questions. She congratulated the country on the extraordinary budget it had allocated to family welfare and early childhood care. Some areas for improvement were the alignment of domestic legislation with the two

Optional Protocols and the strengthening of inter-institutional coordination. She asked the delegation for further information concerning the body within the Colombian Family Welfare Institute that was responsible for implementing the Optional Protocols and how inter-institutional cooperation was achieved for that purpose. The Committee would also be making recommendations on developing comprehensive integrated policies and on the investigation and punishment of the offences mentioned in the Optional Protocols.

71. **Mr. Pearl** (Colombia) said that many improvements had been made in Colombia but that there were still many challenges ahead, and the Government was fully committed to meeting those challenges.

72. **The Chairperson** said she hoped that the Colombian delegation understood that the large number of questions posed by the Committee was a reflection of its interest in the children of Colombia. The delegation should not hesitate to call on the Committee if necessary for assistance in improving the lives of the children of Colombia.

*The meeting rose at 6:05 p.m.*