



**Convention on the
Rights of the Child**

Distr.:General
3 December 2009
English
Original: Spanish

Committee on the Rights of the Child

**Consideration of reports submitted by States
parties under article 12, paragraph 1, of the
Optional Protocol to the Convention on the Rights
of the Child on the sale of children, child
prostitution and child pornography**

Initial reports of States parties due in 2005

Colombia* **

[1 September 2008]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

** The annexes to the present report submitted by the Government may be found in the Secretariat archives.

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I. Introduction

1. The national Government, through the Ministry for Foreign Relations, hereby submits to the Committee on the Rights of the Child its first report on compliance with the commitments arising from the Optional Protocol on the sale of children, child prostitution and child pornography (hereinafter referred to as “the Protocol”). This report provides information on the measures taken, progress made and challenges faced by the Colombian State in this area, as of the entry into force of the Protocol for Colombia in 2003.

2. In general terms, significant progress has been made in different scenarios, although work has just begun in some areas, and much remains to be done. The national Government is conscientiously following up on the work of the Committee on the Rights of the Child (CRC) and trusts that in its joint efforts will lead to improvements in the promotion, respect and safeguarding the rights of Colombian children.

A. Preparation and structure of the report

3. This report was prepared with the participation of different State entities concerned with the subject, in particular the Colombian Family Welfare Institute (ICBF), in its capacity as the agency in charge of coordinating the management and execution of government and state policy for the promotion, respect and safeguarding of the rights of children. The replies to a request for information that was sent to several different entities were compiled and systematized and submitted for review to several of those entities. In addition, a bibliography of the most important research studies conducted by civil society was also prepared.

4. Although there may be some gaps in the information provided in this report, it is the result of a collective effort using the most recent information available from official sources. In addition, as announced, some important non-official sources were consulted, including several Colombian social organized concerned with this issue.

5. Every effort was made to follow all the Guidelines of the Committee on the Rights of the Child for the submission of reports on compliance with the Protocol. However, because of the way that Colombia’s policies and strategies for complying with the Protocol are organized, it was sometimes not feasible to follow strictly the structure proposed in the guidelines (particularly in the last part). Although the Colombian authorities have made every effort to follow the guidelines, the present report is organized somewhat differently, as follows:

(a) Firstly, the introduction presents a broad review of the measures taken by Colombia to comply with the Protocol. The status of the Protocol in Colombian legislation is discussed, as well as the follow-up mechanisms that are in place and the ways in which the Protocol has promoted the rights of children; finally, the progress, difficulties and challenges faced and dealt with are summarized.

(b) Secondly, the data available in Colombia on this issue are reviewed, with special emphasis on two aspects: the budget of the Colombian Family Welfare Institute and the existing data on the sale of children and on child prostitution and child pornography.

(c) Thirdly, the report discusses applicable rules and measures relating to implementation of the Protocol, i.e., strategies and tools available to the Colombian State to combat the practices that are prohibited by the Protocol, as well as an institutional map of implementation of such measures.

6. In this regard, the report goes into greater detail in describing the measures taken by the Colombian State to meet three fundamental objectives: (a) prohibition of certain acts; care and protection of child victims; and (c) prevention of prohibited practices.

7. As reported earlier, the last part of the outline suggested by the guidelines (sections VII. International assistance and cooperation, and VIII. Other legal provisions), as well as the specific guidelines mentioned in these sections, are not dealt with in specific sections of this report, but rather, they are included throughout the other sections proposed.

8. Finally, after submitting the report to the Committee on the Rights of the Child, the Colombian Government will organize a number of events to disseminate it among State entities and civil society, with a view to receiving feedback and taking further steps to protect children's rights.

B. Constitutional rank of the Convention and the Protocol and immediate applicability

9. The Convention on the Rights of the Child (CRC) entered into force for Colombia in January 1991, and the Protocol entered into force in April 2003. In Colombia, an international instrument enters into force when the three branches of Government have participated in its elaboration and revision. Once the National Government signs the instrument, the National Congress enacts legislation to approve it (Act 12 of 1991 in the case of CRC and Act 765 of 2002 for the Protocol). The Constitutional Court then rules on its constitutionality; to that end, it reviews the provisions of the international instrument and the legislation approving it to ensure that they are in line with the Constitution. Once this process has been completed, the national Government may proceed to deposit the instrument of ratification or adherence. The date of entry into force envisaged in the convention or protocol in question is reckoned from that date forward, and the provisions of the treaty thus become law and must be observed in the State.

10. Instruments such as the Convention on the Rights of the Child or the Protocol thereto are more than merely binding under the law. Indeed, in Colombia, the provisions of the Convention are on a par with the Constitution. The Political Constitution, which was enacted six months after the entry into force of the Convention on the Rights of the Child, includes two specific provisions defining the legal status of such instruments in domestic legislation and their application by the domestic courts. In the first place, under article 93 of the Constitution, international human rights treaties are an integral part of the Constitution -- this is referred to as the constitutional block -- and their provisions are not only constitutionally binding, but they can also serve as the basis for a declaration of unconstitutionality of a specific law or administrative act on the grounds that such law or act is in conflict with the treaty in question.¹

11. In the second place, article 44 of the Constitution expressly recognizes the fundamental rights of children and establishes that their rights take precedence over the rights of other persons.² In this context, the rights of children may be invoked in the

¹ Article 93 of the Political Constitution: "The international treaties and agreements ratified by the Congress, which recognize human rights and prohibit their limitation in states of emergency, shall have priority domestically. The rights and duties embodied in this Constitution shall be interpreted in accordance with international human rights treaties ratified by Colombia."

courts by any ordinary means, including in particular, through motions seeking the appointment of a guardian with a view to providing immediate protection for the children.

12. Finally, article 6 of Act No. 1098 of 2006, the Code on Children and Adolescents, establishes that the provisions of international human rights treaties or conventions that have been ratified by Colombia, in particular the Convention on the Rights of the Child, shall be an integral part of the Code and shall guide its interpretation and application.

C. Follow-up mechanisms for compliance with the commitments of the Protocol

13. In addition to the judicial and oversight duties of the judiciary (in providing court protection for the rights of Colombian children), the Congress of the Republic (in providing political oversight), the public prosecution authorities -- Office of the Attorney General (*Procuraduría*) and the Office of the Ombudsman (*Defensoría del Pueblo*) -- (in exercising preventive and disciplinary oversight) and the civil society organizations concerned with this issue (in exercising their rights as citizens), the National Government conducts its own follow-up to ensure proper compliance with the commitments arising from the Protocol. Firstly, the Colombian Family Welfare Institute (ICBF), as the lead agency in the National Family Welfare System, promotes and ensures the fulfilment of its legal duties and its mission. In addition, both the Ministry of Foreign Relations and the Human Rights Programme of the President are charged, as one of their main duties, with following up on the international commitments undertaken by Colombia in the area of human rights. There are also interinstitutional coordination mechanisms (which are called committees and which will be described below), which work to ensure that the national public policies relating to commitments undertaken through ratification of the Protocol are promoted and adequately fulfilled.

D. Promoting the principles of non-discrimination, of the best interests of the child, of the right to life, to survival and to development, of non-discrimination and of respect for the views of the child

14. The entry into force of the Protocol, in April 2003, gave additional impetus to the application of the principles of non-discrimination, of the best interests of the child, of the right to life, to survival and development, of non-discrimination and of respect for the views of the child that are enshrined in Colombian legislation. Indeed, the recognition of those principles in the Constitution and in the laws of Colombia was strengthened with the entry into force in the country of the two additional protocols to the Convention on the Rights of the Child.

² Article 44, Political Constitution: "Children have the following fundamental rights: the right to life, physical integrity, health and social security, a balanced diet, a name and a nationality, the right to have a family and not to be separated from it, the right to care and love, education and culture, and leisure, and the right freely to express their opinion. They shall be protected against any form of neglect, physical or moral violence, abduction, sale, sexual abuse, exploitation at work, economic exploitation and hazardous work. They shall also be entitled to the other rights enshrined in the Constitution, in the laws and in the international treaties ratified by Colombia.

The family, society and the State have an obligation to assist and protect children so as to ensure their harmonious and comprehensive development and the full exercise of their rights. Any person may require the competent authorities to comply with this obligation and to punish those who violate it. The rights of children take precedence over the rights of other persons."

15. The principle of the *best interests of the child* entails an obligation for everyone to give special treatment to children; from the legal standpoint, the concept is flexible and thus provides a suitable means for according children protection and dignity.³ Accordingly, any action that threatens the life and dignity of children is condemned in Colombia, and this has led to legislation being enacted to protect children and to establish criminal penalties for anyone who threatens or harms them in any way. In this context, steps are being taken to ensure that children are not exposed to phenomena such as commercial sexual exploitation and to protect them from and prevent such actions.

16. With regard to the fundamental rights to life and to survival and development, they are recognized as the basis for all State action, from the moment of conception. Colombian legislation on the right to life grants special protection to children who are not yet born and to pregnant women. Life is the first and most fundamental right of all human beings, as it is the basic prerequisite for exercising all other rights. In this regard, the Constitutional Court has held that any custom that is defined as being against life, on grounds of religious, economic, biological or social ideas, must be changed.⁴ In this context, among other prohibitions, the Constitutional Court states that for cultural reasons, practices involving abortion are never acceptable. The protection of life is an obligation for all Colombians, and the exceptions to this rule are strictly limited and justified.⁵ The entry into force of the Protocol has helped strengthen the interpretation of the Colombian law and the recognition and application of these rights in regard to the sale of children, child prostitution and child pornography.

17. The principle prohibiting discrimination declares that “the child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.”⁶ This means that the State has the obligation to guarantee the rights of the child independently of the child’s race, sex or physical, psychological or social condition. In this context, the constitutional principles and the legislation of Colombia provide for and require the courts to enforce all measures necessary to generate proper care by the State of the entire population, without regard to territoriality or nationality, especially in the case of children. In keeping with this principle, the Colombian Constitution has moved from recognizing a monocultural conception of the State to adopting a multicultural approach, and hence, to supporting policies and provisions calling for broad anti-discrimination measures, including affirmative action, so as to have a positive impact, in particular, on children belonging to communities that have traditionally suffered discrimination.

18. Finally, the constitutional principles also confirm the State’s obligation to guarantee children’s right to *free expression* and the validity of their *views* in all matters affecting them. The Children’s and Adolescents’ Code, which was drafted under the guidelines suggested by CRC and the two protocols thereto, reiterates this obligation and establishes it as a cross-cutting measure for all scenarios in which children are affected by public decisions. Thus, in order to honour this principle, the country is increasing its efforts to ensure the participation of children in all public scenarios, and in particular, the prohibition of commercial sexual exploitation of children.

³ Constitutional Court Decision T-477/95.

⁴ Constitutional Court Decisions SU-491/93, T-326/93, T-090/94, T-122/94, T-166/94, T-358/95, T-302/94, T-358/95 and T-451/94.

⁵ Constitutional Court Decisions T-394/96 and T-523/97.

⁶ Declaration of the Rights of the Child.

19. In brief, the Colombian State wishes to express its interest in and its political will to guarantee compliance with the fundamental principles of the Conventions and the two protocols thereto. The ratification of these instruments has promoted and inspired efforts to bring out norms and policies in line with these instruments and has enhanced the discussion of children's rights in Colombia.

E. Main advances towards compliance with the Protocol

20. In general, the most significant advances made by the Colombian State towards ensuring the exercise of the rights set forth in the Optional Protocol are the following:

(a) Issues relating to child prostitution and child pornography have been included on the public agenda, at both the national and local levels.

(b) A strategic Plan Against Commercial Sexual Exploitation of Children and Adolescents (CSEC) 2006-2011 has been drawn up and put underway. The Plan has well-defined objectives regarding prevention, investigation, services for victims and restoration of their rights. Moreover, the Plan has been publicized and has become an important component of regional policies.

(c) Appropriate legal frameworks are in place to address the issues mentioned in the Protocol, especially the Childrens' and Adolescents' Code and the National Statute against CSEC. Significant legislative improvements are gradually being implemented, particularly in regard to penal matters and administrative sanctions.

(d) Local and departmental development agencies are required to include specific local programs against CSEC. Likewise, more and more departmental and local authorities have undertaken binding commitments in this area. In this regard, the Office of the Attorney General of the Nation and the Colombian Family Welfare Institute (ICBF) have played a key role in implementing these obligations.

(e) Efforts have been made to promote interinstitutional coordination between different entities and organizations of the civil society, at both the national and the local levels, in order to address this issue. Civil society has also worked to consolidate local prevention networks.

(f) Spaces have been generated to encourage children and adolescents to participate in the formulation and discussion of local public policies.

(g) Communication, sensitization and training campaigns on the subject have been conducted for different population groups.

(h) The growing interest in this issue is evident in the increasing number of research studies that have been conducted on the problem of commercial sexual exploitation of children and adolescents; these studies will help improve diagnoses and understanding of the problem, as well as public interventions.

(i) Colombia's continuing economic growth makes it possible to improve budgets in all scenarios, and gradually contributes to poverty reduction and mitigating the factors that make children vulnerable to commercial sexual exploitation.

F. Main obstacles and challenges

21. The main obstacles to ensuring the enjoyment of the rights set forth in the Option Protocol are:

- (a) The clandestine nature of the sale of children and commercial sexual exploitation of children and adolescents;
- (b) Fear of denouncing cases of commercial sexual exploitation of children and adolescents;
- (c) Social acceptance of the commercial sexual exploitation of children and adolescents;
- (d) Failure, on the part of children and adolescents, to recognize the fact that they are victims of some form of commercial sexual exploitation;
- (e) Difficulty of identifying boys and girls who are victims of sexual exploitation, given that they are contacted through the Internet and cell phones;
- (f) The increased practice, throughout the world, of commercial sexual exploitation of children and adolescents, as a result of the globalization of transactions, travel, tourism, communications, etc.
- (g) Gaps in legislation, especially in penal and administrative law, despite progress made in those scenarios;
- (h) Difficulties encountered in the collection of data and statistics on the magnitude of commercial sexual exploitation of children and adolescents at the national level;
- (i) Despite progress made, major challenges remain in efforts to ensure that local development plans include programs to combat commercial sexual exploitation of children and adolescents, and to ensure that the ideas put forward are specifically and efficiently reflected in annual public budgets;
- (j) Budgetary limitations on services for victimized children and adolescents living in remote areas.

II. General data

22. This section refers to existing data on the question, with special emphasis on two aspects: available figures on the sale of children and child prostitution and child pornography, and the budget of the Colombian Family Welfare Institute, the main entity responsible for eradicating the practice.

A. Data on the sale of children, child prostitution and child pornography

23. According to the latest population census conducted by the National Administrative Department of Statistics (DANE),⁷ in 2005, Colombia had a total population of 42 090 502. Of this population, 15 945 958, or 37.8 per cent, were under 18 years old.

⁷ DANE, National Census 2005.

(a) 4 108 861 people, or 9.7 per cent of the Colombian population, were aged 0 to 4. Of these, 51.2 per cent were boys, and 48.8 per cent were girls.

(b) 4 295 913 children, or 10.2 per cent of the population, were aged 5 to 9. Of these, 51.15 per cent were boys, and 48.85 per cent were girls.

(c) 4 339 046 children, or 10.3 per cent of the total population, were aged 10 to 14. Of these, 51% were boys, and 49 per cent were girls.

(d) 3 201 958, or 7.6 per cent of the population, were aged 14 to 18. Of these, 50.5 per cent were boys, and 49.5 per cent were girls.

24. Thus, the percentage of persons under 18 years old is quite high, and the percentage of boys is slightly higher than that of girls. That difference decreases, however, as children reach adulthood.

25. According to DANE figures for 2005, a total of 1 059 000 children and adolescents had jobs, paid or unpaid, in the production of goods and services. Of this number, 739 182 (69.8 per cent) were male, and 319 000 (30.2 per cent) were female. Another 184 000 were seeking employment in 2005, which means that 1 243 000 persons between the ages of 5 and 18 were involved in the labour market.

26. The predisposition to use child labour has been identified as one of the main factors that makes children more vulnerable to being used for prostitution and pornography. However, no systematic quantitative research has been done which would show how many children are used in prostitution or pornography. There are some data that allow for some preliminary estimates. According to a census conducted by the National Police in 1997, it is estimated that at that time 4 477 women under age 20 were practicing prostitution.⁸ According to a joint study by the Administrative Department of Security (DAS) and Interpol, in 1998 some 35 000 children (boys and girls) were involved in prostitution.⁹ In 2002, UNICEF studies produced similar findings, showing that 35 000 children were victims of commercial sexual exploitation.¹⁰

27. A research study conducted with a random sample of children and adolescents who were victims of commercial sexual exploitation showed that an estimated 80.1 per cent of victims were girls, and 19.9 per cent were boys.¹¹

28. The following table shows the consolidated national totals compiled by the Colombian Family Welfare Institute (ICBF) for complaints of commercial exploitation of children and adolescents lodged in 2007 and the first quarter of 2008:

⁸ National Police Census, 1997.

⁹ Estimates by DAS and Interpol, 1998, quoted in *Escenarios de la Infamia: Explotación Sexual de Niños, Niñas y Adolescentes*, 2006, Renacer, Restrepo Barco and Plan Internacional foundations.

¹⁰ UNICEF estimate, 2002, quoted in *Escenarios de la Infamia*, *ibid.*

¹¹ *Ibid.*

Consolidated figures for complaints lodged in 2007-2008

<i>Situation</i>	<i>Reason for complaint</i>	<i>2007</i>
Sexual maltreatment	Sexual abuse	4 740
	Abusive sexual act	645
	Sexual intercourse	287
Total		5 672
Sexual exploitation	Child prostitution	310
	Child pornography	31
	Child sex tourism	36
Total		377
	To be determined	2 662
	Abandonment (no responsible person, foundling, not claimed at hospital)	3 943
	Missing	929
	Begging	480
	Disabilities	605
	Offenders	10 060
	Street children	666
	Social misfit/biopsychosocial problems	2 864
	Use of narcotic substances	2 718
	Improper custody of minors (<i>tenencia irregular de menores</i>)	296
	Separated/threatened/displaced	775
Total		25 998

Source: National Centre for Citizen Services (ICBF). Updated to 30 July 2008.
2008: the information covers cases dealt with up to June.

29. When these figures are compared with others (e.g., figures showing that in 2007, 3 588 cases of CSEC were processed by ICBF) or with local surveys, it becomes apparent that the problem is serious, and that the main cause is the culture in which such practices are not reported.

30. Although there are challenges, at the national level, in regard to the quantitative data on CSEC which must be remedied by the Plan Against Commercial Sexual Exploitation of Children and Adolescents (CSEC) 2006-2011, a significant and growing number of local studies have provided important qualitative data -- and some quantitative data -- concerning the problems arising in the cities and municipalities that are most affected by CSEC. In fact, the numerous research studies and investigations that have been conducted at the local level over the past ten years are evidence of the growing interest in finding out more and dealing with the problems of sexual exploitation of children is.

31. Thus, for example,¹² the population census conducted by the Bogotá Chamber of Commerce showed that in September 1990, almost 1 200 girls were practicing prostitution in downtown Bogotá. In 1991, the religious order of Religiosas Adoratrices published a study describing their programme for the integrated promotion of women and certain conceptual aspects of the situation of young girls who had become prostitutes and their rehabilitation.

32. In 1997, the Colombian Family Welfare Institute (ICBF) and the Renacer Foundation conducted a study on child and adolescent prostitution in Cartagena de Indias, and a year later, they carried out a similar study in San Andrés and Providencia, Barranquilla, Pereira and Magangué. They found that in San Andrés, Providencia and Santa Catalina, there were 74 child and adolescent prostitutes. Prostitution in those areas was closely linked to tourism. In Pereira, 350 child and adolescent living in extreme

¹² This list is based on a map posted by the Renacer Foundation on its Website.

poverty were contacted. It was found that 22 per cent of the adolescent girls had children or were pregnant. In Barranquilla, there were 400 child prostitutes; of these, 57 per cent had no identity documents and most of the minors said that they had become prostitutes because of family breakdowns. In Magangué, 130 girls and 15 boys from low-income families, most of them affected by violence, were involved in prostitution.

33. In 2004, ICBF and the Renacer Foundation conducted a new study of child and adolescent prostitution in Cartagena de Indias. They identified 204 cases of sexually exploited children. The study included research on the childrens' sociodemographic situation, family relations, affective environment and access to services were studied.

34. In December 2006, an important research study entitled *Escenarios de la Infamia* was published. As part of this study, which was conducted by the Restrepo Barbo, Renacer and Plan Internacional foundations, data were compiled on 11 municipalities, and a thorough qualitative analysis was conducted on the causes and factors leading to vulnerability of children who were victims of CSEC in Colombia (for example, well-grounded hypotheses on the role of beauty parlours and taxi-driver associations in most cities were discussed).¹³

35. It is also worth mentioning that in an effort to deal with the challenges involved in gathering information, ICBF is promoting and providing technical and financial support for research at the local level, through child and family observatories, established in partnership with local authorities, academia and the private sector. Between 2004 and 2007, studies were conducted in the following cities: Andes (Antioquia), Bogotá, Bahía Solano (Choco), Santa Marta (Magdalena), Villavicencio (Meta), Cartago (Cauca Valley). These studies were designed to provide more in-depth information about the phenomenon, to understand the situation and characteristics of boys, girls and adolescents, along with their families, who were at risk or who were victims of sexual exploitation, among other problems. The findings helped to identify and implement measures for exposing and preventing such situations and implementing interventions aimed at restoring the rights of this population.

36. In the context of the National Committee against commercial sexual exploitation of children and adolescents (CSEC), ICBF, in coordination with the National Administrative Department of Statistics (DANE) and other entities such as UNICEF and Save the Children UK, drew up a preliminary map of proposed nationwide research studies and scheduled a workshop on conceptual, methodological and ethical perspectives for research on sexual exploitation, to be held in August 2008.

37. In addition, in the context of the same research project, DANE, with technical support from entities of the National Committee against CSEC, is preparing a questionnaire on acts and attitudes on sexuality among boys, girls and adolescents who are in the formal education system. This tool, which will be applied in six cities during the current semester, is designed to determine the magnitude of the problem of commercial sexual exploitation of boys, girls and adolescents, to identify modalities, establish risk factors affecting the school population and find out about risky activities that children and youth engage in during their free time.

38. The Colombian Family Welfare Institute (ICBF) is also in the process of improving its information system, including on the issue of sexual exploitation. The Institute is coordinating this effort with Microsoft and the Cybercrime Group of the National Police, through a project designed to incorporate, in its information system, a

¹³ Op. cit.

system for monitoring sexual crimes involving boys, girls and adolescents through the Internet.

39. Thus, although the quantitative data on the problem of CSEC need to be improved at the national level, a growing body of local studies and the interest of local entities indicates that gradual improvements are being made in the quantitative and qualitative diagnoses of the problem, with a view to better understanding the issues involved and finding ways to address them.

40. The Office of the Attorney General (*Procuraduría General de la Nación*) has provided some disturbing data, based on a review and analysis conducted in 2005 of 32 departmental development and investment plans and 964 municipal plans, among 1 098 existing at that time. The study was aimed at determining the extent to which the plans dealt with issues affecting children and adolescents and the need for a healthy environment for them. Among others, the following issues were considered:

- (a) Sexual and reproductive rights;
- (b) Domestic violence;
- (c) Sexual abuse;
- (d) Sexual exploitation.

41. The findings of this study, referring to 2005,¹⁴ included the following:

(a) Inclusion in municipal development plans
(Percentages)

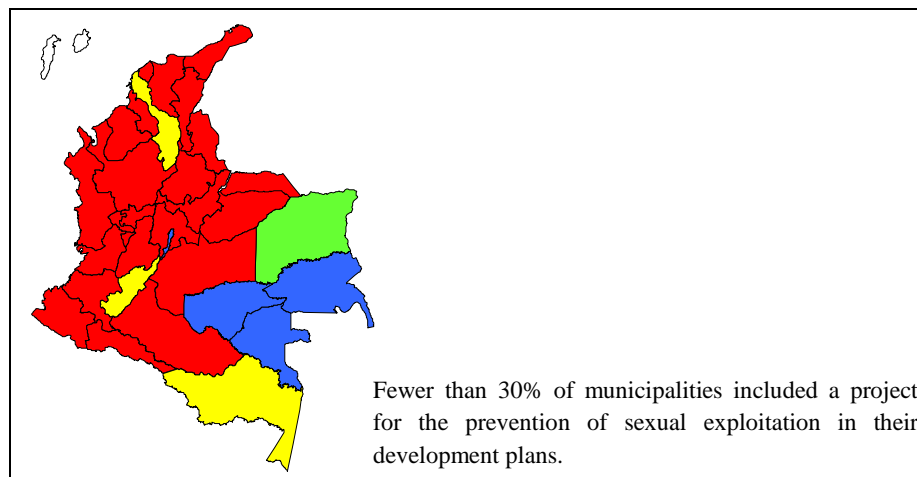
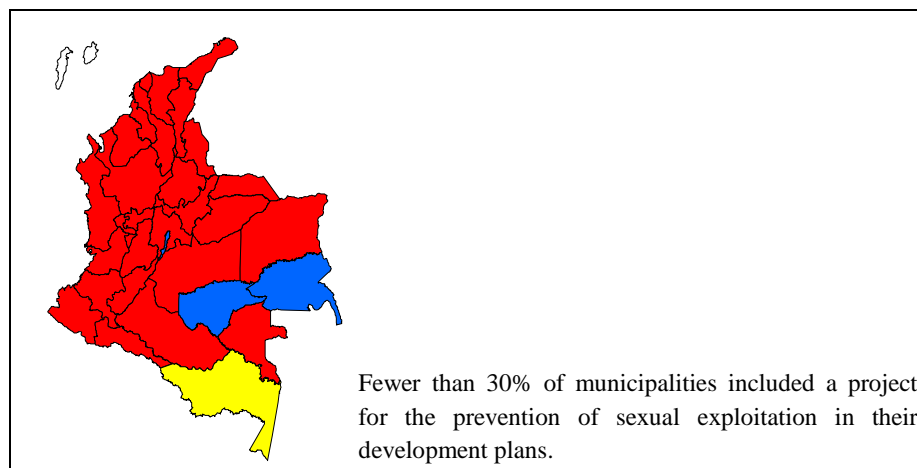
<i>Issue</i>	<i>Sub-issue</i>	<i>In the diagnosis</i>	<i>In the strategic component</i>
Special protection	Domestic violence	61	71
	Sexual exploitation	13	11
	Sexual abuse	16	19

(b) Inclusion in departmental development plans
(Percentages)

<i>Issue</i>	<i>Sub-issue</i>	<i>In the diagnosis</i>	<i>In the strategic component</i>
Special protection	Domestic violence	59	84
	Sexual exploitation	28	31
	Sexual abuse	38	47

¹⁴ Procuraduría General de la Nación-UNICEF. La infancia, la adolescencia y el ambiente sano en los planes de desarrollo departamentales y municipales. Bogotá, March 2005, pp. 65, 66, 72 and 73.

c) Inclusion in specific projects



- Minimal inclusion (red): fewer than 30%
- Moderate inclusion (yellow): between 30 and 60%
- Considerable inclusion (green): between 61 and 85%
- Significant inclusion (blue): over 85%

42. The Office of the Attorney General, different entities of the national Government, and the mass media are taking these disturbing results very seriously. The Attorney General announced that disciplinary penalties would be imposed on mayors and governors who failed to comply with their obligation in this regard during the new term (2008-2011). There are indications that the Attorney General's current review of local development plans for 2008-2011, which were recently approved, will produce much better results.

B. General data on the budget of the Colombian Family Welfare Institute

43. As the State agency responsible for coordinating the Family Welfare System, the Colombian Family Welfare Institute (ICBF) plays the most important role in the fight against the sale of children, child prostitution and child pornography. In general terms, its budget has been increasing as a result of the entry into force of the two Optional Protocols, the sustained economic growth experienced by the country in recent years and the increasingly high profile of children's issues on the public agenda. Following is a summary of this agency's budget:

General budget of ICBF

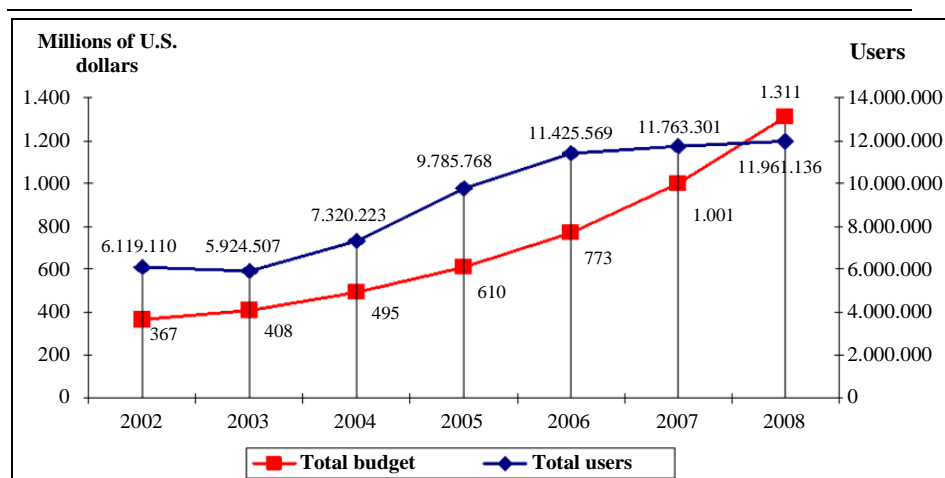
(In millions of Colombian pesos)

ICBF	2002	2003	2004	2005	2006	2007	2008
Investment	889 974,8	971 036,8	1 079 823,4	1 242 625,5	1 574 883,4	1 980 805,9	2 448 925,3
Operations	140 648,8	133 315,7	136 366,2	143 076,9	148 933,7	151 791,4	203 659,0
Total	1 030 623,6	1 104 352,5	1 216 189,6	1 385 702,4	1 723 817,1	2 132 597,3	2 652 584,3

44. As can be noted, between 2002 and 2008, the ICBF budget has grown considerably, especially the allocation for investment, which nearly tripled during the six years of the current administration. This is further proof that, despite the difficulties faced by Colombia as a result of the violence committed by illegal armed actors, it has demonstrated a firm and increasing commitment to the welfare of its children. This is illustrated by the following figure, which shows the amounts in dollar equivalents, for the reader's benefit.

Variation in ICBF budget, in dollars (budget and users 2002-2008)

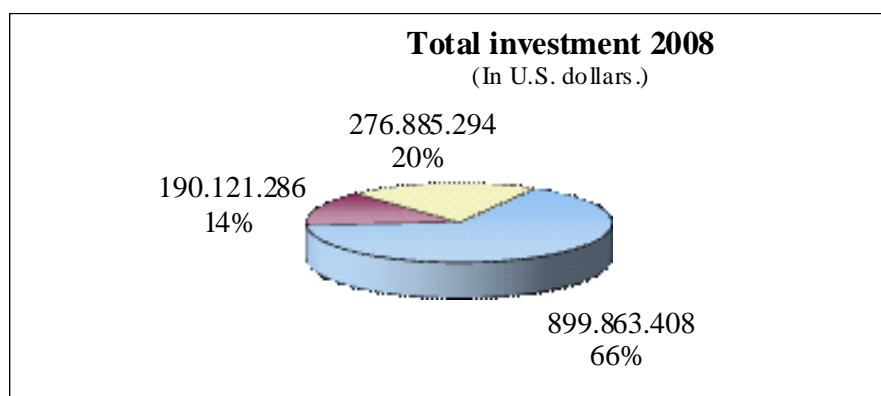
(In millions of U.S. dollars)



Item	2002	2003	2004	2005	2006	2007	2008
Total budget	367	408	495	610	773	1 001	1 311
Variation (percentage)		11	21	23	27	30	31
Total users	6 119 110	5 924 507	7 320 223	9 785 768	11 425 589	11 763 301	11 961 136
Variation (percentage)		-3	24	34	17	3	2

	2006-2002	2008-2006
Percentage variation budget	111	70
Percentage variation users	87	5

Distribution of ICBF investment budget for 2008



Variation in the budget for prevention

	Users	Investment		Increase in investment
		Pesos	US Dollars	
2002	5 077 222	657 694 550 000	229 578 625	
2008	9 165 034	1 612 222 277 940	899 863 408	147%

Variation in the budget for protection

	Users	Investment		Increase in investment
		Pesos	US Dollars	
2002	661 717	160 191 500 000	55 917 362	
2008	1 001 812	340 627 000 000	190 121 286	113%

45. The following chart shows details of the budget for protection of boys, girls and adolescents who were victims of sexual crimes in 2007, as well as the projected investment expenditure for 2008.

Victims of sexual crimes – Cases of commercial sexual exploitation of children and adolescents handled by ICBF services, 2007

Regional	Outpatient		Support intervention		Admitted to protection institution		Total	
	Users	Budget (pesos)	Users	Budget (pesos)	Users	Budget (pesos)	Users	Budget (pesos)
Antioquia	492	235 626 204	364	49 685 580	17	164 052 463	873	449 364 247
Atlántico	-	-	275	34 512 890	36	57 632 374	311	92 145 264
Bogotá	-	-	541	70 667 919	29	204 085 837	570	274 753 756
Bolívar	10	3 297 000	563	80 295 350	39	280 827 300	612	364 419 650
Magdalena	112	27 174 908	60	8 779 052	-	-	172	35 953 960
Quindío	175	44 324 700	-	-	17	109 728 814	192	154 053 514
Risaralda	-	-	-	-	42	271 799 070	42	271 799 070
Tolima	-	-	-	-	18	119 110 914	18	119 110 914
Valle	-	-	720	69 059 820	78	407 324 600	798	476 384 420
Total	789	310 422 812	2 523	313 000 611	276	1 614 561 372	3 588	2 237 984 795

Note: The Regional category in this case refers to some departments in Colombia. It represents the ICBF administrative unit through which services are provided in the municipalities through the Institute's area centres.

Social goals – budget – programming
(First half of 2008)

Nº	Regional	Support intervention				Modalities				Totales							
		Support intervention				Outpatient				Inpatient				Totales			
		Und	Quotas	Users	Budget	Und	Quotas	Users	Budget	Und	Quotas	Users	Budget	Und	Quotas	Users	Budget
1	Antioquia	0				1	40	40	90 996 000	1	25	25	133 087 800	2	65	65	224 083 800
2	Atlántico	1	25	50	24 393 750									1	25	50	24 393 750
3	Bolívar	2	50	100	48 787 500	1	30	30	68 247 000	1	42	42	223 587 504	4	122	172	340 622 004
4	Guajira	4	20	40	19 515 000									4	20	40	19 515 000
5	Magdalena	1	30	60	29 272 500	1	15	15	34 123 500					2	45	75	63 396 000
6	Quindío					1	14	14	31 848 600	1	13	13	69 205 656	2	27	27	101 054 256
7	Risaralda									2	34	34	180 999 408	2	34	34	180 999 408
8	Tolima									1	18	18	95 823 216	1	18	18	95 823 216
9	Valle	1	30	60	29 272 500					2	50	50	266 175 600	3	80	110	295 448 100
10	Bogotá	1	30	60	56 872 500					1	35	35	186 322 920	2	65	95	243 195 420
	Total													23	501	686	1 588 530 954

46. Following are the projected expenditures for ICBF units specializing in services to victims of sexual crimes.

Specialized sex crime units that will begin operations in 2008

2007	<i>Total investment</i>	270,2 million	
<i>City</i>	<i>Current status</i>	<i>Investment (pesos)</i>	<i>Start of operation</i>
Cúcuta	Adequately equipped Gesell chambers. Institutional agreement for inauguration	38.4 million	February 2008
Quibdó	Adequately equipped Gesell chambers. Institutional agreement for inauguration	40.5 million	February 2008
Cartago	Adequately equipped Gesell chambers. Institutional agreement for inauguration	39.8 million	February 2008
Palmira	Adequately equipped Gesell chambers. Institutional agreement for inauguration	39.7 million	February 2008
Pasto	Adequately equipped Gesell chambers. Institutional agreement for inauguration	47.4 million	February 2008
Popayán	Adequately equipped Gesell chambers. Institutional agreement for inauguration	47.4 millones	February 2008

<i>2008 (Includes cost of designing units in Santa Marta, Manizales, Tunja y Neiva. Investment: 16.7 million)</i>		
Santa Marta Manizales Tunja Neiva Cartagena Armenia	Construction, equipment and renovation of six Gesell chambers	280 million
Other contributions	Hiring of psychosocial teams for all specialized units (old and new)	738 million
	Training of personnel in specialized units (old and new)	147 million
Total investment 2008		1 165 million

Specialized sex crime units in operation

<i>Units in operation</i>	<i>Starting date</i>	<i>Children and adolescents served</i>	<i>ICBF contribution</i>
Bogotá	September 2005	2006: 2.580 2007: 2.710	2005: \$ 98 million Renovation and setting up two Gesell chambers
Medellín	September 2006	2006: 58 2007: 516	2006-2007 \$ 371.1 million Renovation and setting up two Gesell chambers Hiring psychosocial
Bucaramanga	September 2006	2006: 113 2007: 309	
Cali	December 2006	2007: 256	2006-2007 \$ 5 million Training staff of units IOM contribution \$ 35 million Renovation and setting up a Gesell chamber

Other ICBF activities planned for 2008

<i>Subject</i>	<i>Amount</i>
Units specializing in services to victims of sexual violence: Cartagena and Armenia: <ul style="list-style-type: none"> • Hiring of psychosocial teams (social worker and psychologist) for seven months, cost per city: 42 million, 6 million per month • Training and logistics for two workshops – two days each: 13 792 000 	97 792 000
Expanding the project (quantifying or identifying number and type of service units, or by department) "Promoting positive social behaviour in families – children aged 4 to 6 " Expanding 11 regional units Training at 11 regional units (3 participants each)	500 000 000
Printing materials for project on "Promoting positive social behaviour in families – children aged 4 to 6 (number of copies and cost per unit)	70 000 000
Monitoring and following up on Haz Paz-ESCNNA plans and bringing them in line with the territorial development plan (quantification), in 31 departments, except Vichada and Putumayo, which have not yet drawn up a plan for building peace and family harmony	400 000 000
Sexual and reproductive rights Hiring of a contractor to advance the process of training family educators, government employees, educational agents and promoters of youth clubs to promote sexual and reproductive rights in seven selected cities	150 000 000
Contracting for the graphic design and printing of teaching modules for	100 000 000

<i>Subject</i>	<i>Amount</i>
training in sexual and reproductive rights	
Per diem for those responsible for monitoring the process of training in sexual and reproductive rights (seven cities)	6 543 039
Conducting workshops for government employees and SNBF personnel, on Strategies for increasing protection and reducing risk in order to deal with an atmosphere of sexual violence, in the context of sexual and reproductive rights. This two-day activity will be carried out in ten regional units	45 789 540 45 789 540 (included in tables submitted previously)
Subtotal	1 343 429 724
Housing and wellbeing (total cost for 40.000 families, including scholarships for teachers)	7 000 000 000
Total	8 343 429 724

III. General measures of implementation

47. This section refers to rules and frameworks that are generally implemented, both internationally and nationally, to comply with the Protocol, as well as the general strategies and tools applied by the Colombian State in the fight against the practices prohibited in the Protocol. The relevant institutional framework is also described.

A. International provisions

48. The serious plight of many children and adolescents around the world, as well as the active efforts made by governments and nongovernmental organizations (NGOs) to promote and guarantee respect for their rights led to the negotiation, adoption and entry into force of several international treaties, both at the world level and within the inter-American human rights system. These instruments have helped to raise awareness among the global community regarding the absolute and urgent need to protect children's rights.

49. Colombia has ratified the international instruments that proclaim and recognize children's rights and lay down the obligations of States Parties. This has led to advances being made in Colombia's domestic legislation and public policies aimed at combating violence, sexual abuse and the commercial sexual exploitation of children and adolescents. As noted above, in addition to contributing to the development of the fundamental rights of Colombian citizens, these treaties, which are legally binding, are a part of the constitutional law governing all our legislation. Following is a summary, in chronological order, of the international legal framework that guides the national strategies for the protection of children:

50. The International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966, and approved by Act 74 of 1968. This Covenant provides protection for children in respect of economic and social exploitation and establishes the

obligation to set age limits for the paid employment of child labour and to punish their employment in work that is harmful to them.¹⁵

51. International Labour Organization Convention 138 of 26 June 1973, on the minimum age for employment. This Convention entered into force for Colombia on 2 February 2001, once a number of procedural issues encountered during the ratification process had been resolved.

52. The Inter-American Convention on Conflict of Laws concerning the Adoption of Minors was approved by Act 47 of 1987. It entered into force for Colombia on 26 May 1988.

53. The Inter-American Convention on the International Return of Children, of 15 July 1989, is currently in the ratification process. It was approved by Congress, by Act 880 of 2004, but has not yet entered into force for the country. The main purpose of this Convention is to ensure the prompt return of minors whose habitual residence is in one of the States Parties who have been illegally transferred from any State to a State Party or who, having been legally transferred, have been retained illegally. Another important purpose is to enforce the rights of visitation, custody or guardianship of those who have been granted such rights.

54. The International Convention on the Rights of the Child (CRC), adopted on 20 November 1989, was approved in Colombia by Act 12 of 1991. This Convention provides general protection of the rights of children, who are defined as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”¹⁶ This definition has been ratified by numerous international instruments, making it necessary to revise certain provisions in the national legislation that limited or restricted the protection of the State, society and the family to lower age ranges (12, 14, 15 or 16, depending on the law in question). The Convention explicitly establishes the duties of States Parties concerning the eradication of CSEC by stipulating, in article 34, that: “States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse,” and that for these purposes, they shall take national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.”

55. The Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, of 29 May 1993. This Convention was approved by Act 265 of 1996 and entered into force for Colombia on 1 November 1998. It regulates the procedures for adoption by persons who reside in countries other than the child’s country. Pursuant to the provisions of this Convention, it was decided that ICBF shall be

¹⁵ “Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”

¹⁶ Convention on the Rights of the Child, article 1.

the central authority through which all procedures and requests concerning international adoptions must be channelled.

56. The Inter-American Convention on International Traffic in Minors,¹⁷ adopted in 1994, was approved in Colombia by Act 470 of 1998 and entered into force for the country on 23 September 2000. The purpose of this Convention is to prevent and punish this practice and to regulate its civil and penal aspects, providing for cooperation between States Parties for the application of the necessary legal and administrative measures. The Convention defines international traffic in minors as “the abduction, removal or retention, or attempted abduction, removal or retention, of a minor for unlawful purposes or by unlawful means.”¹⁸

57. The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the Convention of Belém do Pará, adopted on 9 June 1994, was approved by Act 248 of 1995 and entered into force for Colombia on 15 November 1996. It requires States Parties to adopt policies aimed at eradicating physical, sexual and psychological violence against women, at home or in public. Article 9 provides that States should take special account of the vulnerability of women to violence by reason of their being of minor age.

58. The Declaration and Agenda for Action adopted by representatives of 122 Governments and numerous NGOs, in August 1996, at the First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm, Sweden. These two instruments reflect the commitment to establish a “global partnership against the commercial sexual exploitation of children.” This commitment entails, among other things, according high priority to action against the phenomenon; criminalizing it; condemning and penalizing all those involved in promoting, facilitating and perpetrating it;¹⁹ strengthening the role of families in protecting children; revising existing laws, policies, programmes and practices; and developing and implementing comprehensive plans and programmes to prevent and eliminate CSEC. The Declaration stresses the need for greater political will, more effective implementation measures and adequate allocation of resources, as well as the creation of a climate, through education, social mobilization and development activities, to ensure the eradication of the phenomenon.

59. The Rome Statute of the International Criminal Court, adopted in 1998, includes among the crimes within the jurisdiction of the Court, “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.”²⁰ Accordingly, anyone who belongs to a State or

¹⁷ This Convention defines “minor” as “any human being below the age of eighteen.”

¹⁸ The Convention defines unlawful purposes as prostitution, sexual exploitation, servitude or any other unlawful purpose; unlawful means is defined as, among others, kidnapping, fraudulent or coerced consent, the giving or receipt of unlawful payments or benefits to achieve the consent of the parents, persons or institution having care of the child, or any other unlawful means.

¹⁹ “A wide range of individuals and groups at all levels of society contribute to the exploitative practice. This includes intermediaries, family members, the business sector, service providers, customers, community leaders and government officials, all of whom may contribute to the exploitation through indifference, ignorance of the harmful consequences suffered by children, or the perpetuation of attitudes and values that view children as economic commodities.” Declaration and Agenda for Action adopted by the World Congress against Commercial Sexual Exploitation of Children, Stockholm, August, 1996, A/51/385, para. 8.

²⁰ These acts are defined in article 7.1(g) [crimes against humanity], and in article 8.2(b)(xxii) [war crimes in international armed conflict] and 8.2(c)(vi) [war crimes in armed conflict not of an international character]. These acts are within the jurisdiction of the International Criminal Court,

organization and commits such acts multiple times, in keeping with a deliberate policy, shall be subject to the Court's jurisdiction when such acts are not punishable under penal law in that person's country.

60. Convention 182, on the Worst Forms of Child Labour, adopted in 1999 by the International Labour Organization, recalling its 1996 resolution on the elimination of child labour and the Convention on the Rights of the Child. This instrument was approved by Act 704 of 2001 and ratified by Colombia on 28 January 2005. It establishes the obligation of States which ratify the Convention to "take immediate and effective measures to secure the prohibition and elimination"²¹ of all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, forced or compulsory recruitment of children for use in armed conflict, and the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.²² Article 7 calls for the provision and application of penal sanctions.

61. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,²³ of 25 May 2000, entered into force for Colombia in April 2003. The Protocol was adopted in 2002, on the initiative of the United Nations General Assembly, to deal with the increase in the international trafficking of children for sale and for use in prostitution and pornography, the growth of sexual tourism and the increasing exposure of children and adolescents to sexual exploitation. It requires States to expand measures to guarantee protection for children from these serious violations.

62. The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in November 2000. These two instruments were approved by Act 800 of 2003 and entered into force for Colombia on 25 December of the same year. The Protocol establishes the obligation to criminalize trafficking in persons,²⁴ and stipulates that whenever any of these acts affects a child,²⁵ it shall be considered an offence even if it does not involve coercion, fraud or deception. It also establishes that acts associated with trafficking, including attempting to commit an offence, participating as an accomplice or organizing or directing other persons to

as specified in article 7 of the Statute, "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack", it being understood that the International Criminal Court was established to prosecute "the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack."

²¹ Convention 182, article 1.

²² Convention 182, article 3(b).

²³ The Protocol was approved in Colombia by Act 765 of 2002.

²⁴ Article 3(a): "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

²⁵ Article 3(d) defines a "child" as any person under eighteen years of age.

commit an offence, shall be considered transnational offences that are covered by the United Nations Convention against Transnational Organized Crime. It also establishes the obligation to provide assistance to and protection of victims, taking into account the special needs of children; repatriation and prevention and bilateral or multilateral cooperation to discourage the demand that fosters trafficking in persons, including border measures and security and control of documents.

63. The Yokohama Global Commitment 2001, adopted at the Second World Congress against Commercial Sexual Exploitation of Children, which was convened to follow up on the Stockholm Declaration and Agenda for Action. This instrument recognizes the progress made, calls for more effective implementation of international treaties for the protection of children from commercial sexual exploitation; reaffirms the efforts against CSEC through comprehensive measures including improved access to education, anti-poverty programmes, social support measures, public awareness raising, physical and psychological recovery and social reintegration of child victims, and action to criminalize the commercial sexual exploitation of children while not criminalizing or penalizing the child victims; it emphasizes that the way forward is to promote closer networking among key actors and to ensure adequate resource allocation.

64. Colombia has also undertaken to participate actively in the Third World Congress against Commercial Sexual Exploitation of Children, to be held in Rio de Janeiro, Brazil, in November 2008, which will provide an invaluable scenario for discussion and cooperation in promoting new advances. In addition, Colombia is already preparing its contributions to the Latin American regional conference preparatory to the Congress, which will be held in Buenos Aires, Argentina, on August 20 and 21, 2008.

65. Finally, Colombia has been actively participating for several years in the Niñ@sur initiative, in its capacity as an associate members of the Southern Common Market (Mercosur).

66. In brief, Colombia has ratified the main global and regional instruments designed to protect of the rights of children against CSEC, and it plans to participate more actively in the related strategies for regional and world cooperation.

B. Overall strategy of the State for the elimination of the sale of children, child prostitution and child pornography

67. In the fight against commercial sexual exploitation of children, Colombia has based its actions on the Political Constitution of 1991, the National Development Plans, the Code on Children and Adolescents -- Act 1098 of 2006 --, the Penal Code, Act 679 (Statute against CSEC) and, currently, the national Plan Against CSEC. These are the fundamental frameworks for action taken to comply with the Protocol. These frameworks are supplemented by the State policies against the worst forms of child labour and against trafficking in persons. These fundamental tools, as well as the institutions that implement them, are described below.

68. As noted above, the Colombian Constitution recognizes the primacy of the fundamental rights of children. This principle underlies and guides all public policies. Moreover, the fundamental rights of children which are recognized in international treaties are an integral part of the Constitution. These provisions are the basis for the State's actions to eliminate the sale of children, child prostitution and child pornography.

69. The National Development Plan 2006-2010, entitled *Estado comunitario: Desarrollo para todos* (The State as a Community: Development for all), includes a strategy for promoting equity and reducing poverty to ensure that all Colombians have

equal opportunities for access and quality in a basic set of social services which will eventually enable everyone to generate enough income to ensure a decent livelihood, which is fundamental in order to continue and strengthen social processes that will reduce violence.

70. In the context of this development plan, the Colombian Government continues to work on implementing and improving its social protection system, i.e., a set of public policies designed to reduce vulnerability and improving the quality of life of all Colombians. This is to be achieved through three major components or subsystems: (i) comprehensive social security (health, workers compensation and unemployment insurance); (ii) promotion and risk management; and (iii) training of human capital (education sector and job training).

71. This system is organized in such a way that it integrates several entities that are responsible for designing policies and providing services that guarantee, among other things, the rights of Colombian children and adolescents. The system currently has sectoral and targeted policies that supplement the actions carried out, with a view to overcoming the adverse conditions to which the most vulnerable populations are exposed.

72. The social promotion component or subsystem represent the State's response to prevent the population from falling into unacceptable social deprivation and to expand their opportunities. From this perspective, social promotion is a concept of social risk management, which is based on the fundamental idea that all individuals, households and communities are vulnerable to a variety of risks caused by different phenomena, either natural (such as earthquakes, floods and disease) or man-made (such as unemployment, environmental deterioration and war).

73. The social promotion component includes the National Family Welfare System (Act 7/79) (SNBF), i.e., the group of public, private, social and community entities that work together to provide comprehensive social services in order to improve the living conditions and children and families throughout the country. In addition, Act 1098 of 2006, the Code on Children and Adolescents, provides that the Colombian Family Welfare Institute (ICBF) shall serve as coordinator for the system.

74. The Code on Children and Adolescents brings Colombian legislation in line with the principles enshrined in the Convention on the Rights of the Child and other international commitments relating to the protection of children and adolescents. It also establishes substantive and procedural rules for the comprehensive protection of children and adolescents, in order to guarantee the exercise of the rights and freedoms and restore those rights when they are violated. This comprehensive protection of children and adolescents entails recognizing them as subjects who have rights, and hence, those rights must be guaranteed and observed; it also entails preventing threats or violation of those rights, and ensures their immediate restoration.

75. The Code on Children and Adolescents provides that the overall strategy for fighting all forms of child abuse must be guided by the following rights and principles:

1. Primacy of children's rights in Colombia

76. The Code on Children and Adolescents fine-tunes and strengthens the general provisions on children's rights established in the Constitution and identifies in a list, which is not exhaustive, the fundamental and prevailing rights of children.²⁶

²⁶ Articles 17 to 37 of the Code on Children and Adolescents, Act 1098 of 2006.

77. These are: the right to life, to quality of life and a healthy environment, to personal integrity, to rehabilitation and resocialization, to personal liberty and security, to have a family and not be separated from it, to custody and personal care, to food, to identity, to due process, to health, to education, to comprehensive development in early childhood, to recreation, to participation in cultural life and in the arts, to participate in decisions that affect them, to privacy, to information, to not work before the minimum age of admission to employment, to workplace protection of adolescents authorized to work, to freely develop their personal and personal autonomy, to freedom of conscience and belief, to freedom of worship, to freedom of thought, to freedom of movement, and to be free to choose their profession or occupation.

78. In addition, children and adolescents have the following rights to protection:

Children and adolescents shall be protected from: (1) physical, emotional, psychological and emotional neglect of their parents, legal representatives or persons, institutions and authorities responsible for caring for them; (2) economic exploitation by their parents, legal representatives, persons living with them, or any other person. They shall especially be protected from being used as beggars; (3) use of tobacco, psychoactive, narcotic or alcoholic substances and the use, recruitment or offering of minors for activities involving the promotion, production, collection, trafficking, distribution and sale of such substances; (4) rape, or being induced, encouraged and forced into prostitution; sexual exploitation, pornography and other acts that jeopardize the liberty, integrity and sexual development of minors; (5) kidnapping, sale, trafficking in persons and any other contemporary form of slavery or servitude; (6) wars and domestic armed conflicts; (7) recruitment and use of children by armed groups organized outside the law; (8) torture and all kinds of cruel, inhuman, humiliating and degrading treatment, forced disappearance and arbitrary detention; (9) living conditions in which children live on the street; (10) illicit transfer and retention abroad for any purpose; (11) forced displacement; (12) work which by its nature or owing to the working conditions might affect their health, integrity and security, or prevent them from exercising their right to education; (13) the worst forms of child labour, as defined in ILO Convention 182; (14) contagion with preventable infectious diseases during pregnancy or after birth, or exposure during pregnancy to alcohol or any type of psychoactive substance that might affect their physical or mental development or their life expectancy; (15) risks and effects of natural disasters and other emergency situations; (16) having their assets jeopardized by those who manage them; (17) antipersonnel mines; (18) transmission of HIV/AIDS and sexually transmitted infections.

79. Finally, children and adolescents who have disabilities, shall also have the following rights:

(...) to enjoy a fully satisfactory quality of life and for the State to provide them with the necessary conditions to enable them to fend for themselves and be integrated into society. Likewise: (1) to be respected for their differences and to enjoy a dignified life on an equal footing with others, so as to be able to develop their maximum potential and participate actively in the community; (2) every child or adolescent who has congenital defects or some type of disability shall have the right to receive care, to be diagnosed, to receive specialized treatment, rehabilitation and special care in regard to health, education, guidance and support for their family members or persons responsible for their care. They shall also have the right to free education in entities specializing in their situation; (3) to being enabled or rehabilitated, so as to eliminate or reduce the impairments they

face in their daily activities; (4) to be the recipients of actions and opportunities designed to reduce their vulnerability and to enable them to participate on an equal footing with others.

2. The principle of shared responsibility

80. The Code on Children and Adolescents provides that comprehensive protection for children in Colombia should be governed by the principle of shared responsibility. Shared responsibility refers to the concurrent efforts of actors for the purpose of ensuring that children and adolescents are able to exercise their rights. The family, the society and the State share responsibility for the care and protection of children and adolescents. Shared responsibility and concurrent actions are applied in relations among all sectors and institutions of the State. Nevertheless, public or private institutions that are required to provide social services may not invoke the principle of shared responsibility to refuse the services that are needed to comply with the fundamental rights of children and adolescents (article 10 of the Code on Children and Adolescents).

3. The principle of the best interests of the child in the Code on Children and Adolescents

81. The Code on Children and Adolescents develops the constitutional and international principle of the best interests of the child.

82. Article 6 provides that the norms set forth in the Constitution and in treaties or agreements ratified by Colombia, especially the Convention on the Rights of the Child, shall be an integral part of the Code and shall guide its interpretation and application. It also enshrines the principle that the provisions that are most likely to promote the best interests of the child must be applied.

83. Article 7, on comprehensive protection, establishes, among other things, that all actions aimed at providing guarantees, compliance, prevention and security in connection with the restoration of the rights of the child shall be carried out in keeping with the principle of the best interests of the child.

84. Article 9 (2) establishes that where there is a conflict between two or more legal, administrative or disciplinary provisions, the one that is most favourable to the best interests of the child or adolescent shall be applied.

85. The best interests of the child is defined, in article 8, as the requirement that everyone must guarantee the full and simultaneous satisfaction of all the human rights of the child, which are universal, primary and interdependent.

86. The Constitutional Court, for its part, has decided that it follows, from the interpretation of article 44 of the Political Constitution, that minors have standing as subjects of reinforced constitutional protection, which is evident -- among other effects -- in the higher and prevailing nature of their rights and interests, the satisfaction of which must be the primary objective of all action (official or private) concerning them.²⁷

4. Other framework provisions of the Code on Children and Adolescents

87. In accordance with article 18 of the Code on Children and Adolescents, on the right to personal integrity, all forms of child abuse or violence against children are

²⁷ Constitutional Court, decision T-39 of 2004. M.P. Manuel José Cepeda.

prohibited, such abuse being understood as "... all forms of harm, punishment, humiliation or physical or psychological abuse, neglect, omission or negligent treatment, maltreatment or sexual exploitation, including abusive sexual acts and rape and in general all forms of violence or aggression against the child or adolescent on the part of his or her parents, legal representatives or any other person." From this standpoint, the Code envisages a policy of protection intended to avoid situations such as: physical and emotional abandonment by the parents; economic exploitation; use of psychoactive substances; forced recruitment; sexual exploitation -- commercial or otherwise --; kidnapping; torture and every kind of cruel and inhuman treatment and punishment; living conditions in which children live on the street; illicit transfer and retention abroad for any purpose; forced displacement and the worst forms of child labour.

88. As mentioned above, the Code on Children and Adolescents designates the Colombian Family Welfare Institute (ICBF) as the lead agency of the National Family Welfare System (SNBF), which is in charge of coordination among the agencies that are responsible for guaranteeing the rights of children, preventing violation of those rights, and protecting and restoring them. The Code also creates the National Council on Social Policy²⁸ as the agency responsible for designing public policy, mobilizing and appropriating budgetary resources and establishing lines of action for guaranteeing the overall rights of children and ensuring their protection and restoration.

89. The Colombian State has a Penal Code, Act 599 of 2000, which, as noted in greater detail below, defines as offences and provides severe penalties for many manifestations of the acts prohibited by the Protocol.

90. Act 679 of 2001 -- the National Statute against the Commercial Sexual Exploitation of Children (CSEC). This law, which is formally entitled Statute to prevent and counteract exploitation, pornography and sexual tourism with children, supplements the relevant provisions of the Penal Code and represents a response by the Colombian Government to its commitments with the international community undertaken at the two world congresses, held in Stockholm and Yokohama, on the adoption of penal and administrative measures to protect children and adolescents from commercial sexual exploitation promoted through tourism or global information networks or through any other means, such as trafficking in persons.

91. The aforementioned law is the first legal instrument specifically designed to prevent and counteract exploitation, pornography and sexual tourism with minors under the age of 18, through the establishment of penal rules and administrative and law-enforcement measures whereby responsibilities are assigned to a number of public authorities and private institutions.

92. In brief, this law defines certain offences relating to CSEC and establishes administrative sanctions for anyone who aids and abets such acts. It also requires public entities to promote and raise public awareness regarding the risks of and harm caused by prostitution, pornography and sexual tourism with minors, and entrusts the Office of the Attorney General of the Nation with following up and monitoring such activities. It also introduces provisions on international cooperation for prevention of CSEC; it calls for the adoption of codes of conduct for service providers in the tourism industry, with a view to preventing exploitation and sexual violence on the part of national or foreign

²⁸ The Code provides that the Council shall be made up of: the President of the Republic, the Ministers of Social Protection, of the Interior and Justice, of the Treasury and Public Credit, of Education, of the Environment, Housing and Territorial Development, of Culture, and of Communications, the Director of the National Planning Department, the Director of ICBF, a governor, a mayor and an indigenous authority.

tourists, and establishes violations and administrative sanctions to be applied by the Ministry of Commerce, Industry and Tourism to providers of tourist services who promote and facilitate “sexual services” with minors. This law also creates a commission of experts in global information and telecommunication networks to prepare a catalogue of acts constituting abuses in the use of such networks; on the basis of this catalogue, the national Government has adopted administrative and technical measures to prevent minors from gaining access to pornographic information and prevent the use of global networks for CSEC. Regulatory decree 1524 of 2002 establishes a series of obligations that must be met by internet service providers (ISPs) or servers, administrators and users of global information networks.

93. With regard to appropriations for financing plans and programmes for the prevention of and the fight against CSEC, the law created a tax on adult videos and an exit tax for travellers departing the country. It created the Fund against sexual exploitation of minors and established that the Fund for promotion of tourism should finance the implementation of prevention policies to eliminate sexual tourism with minors.

94. Finally, the law assigns to the National Police the duties of surveillance and control of hotels and other establishments that are believed to be engaging in sexual exploitation of minors, and inspecting brothels to prevent sexual exploitation of children and child pornography. It also stipulates that any establishment that permits sexual or pornographic acts involving minors must be temporarily or permanently closed down.

95. Although this law brought about regulatory advances and administrative improvements, there are still gaps in the legislation which have caused some of its provisions to be difficult or impossible to enforce.²⁹ An important bill that takes into account the lessons learned is now under discussion; this bill seeks to correct the main shortcomings of the current legislation and strengthen those provisions that need to be improved.

²⁹ In 2006, the Office of the Attorney General of the Nation, in the context of its follow-up on Act 679 of 2001, pointed out the following problems for which solutions are currently being sought:

- The competent agencies have been carrying out actions to combat this scourge, but these actions are not coordinated.
- There is no information system.
- Regulations are needed to prevent the commercial sexual exploitation of children and adolescents in Internet cafés.
- Neither the tax on adult videos nor the exit tax for travel abroad nor the Fund against sexual exploitation have been implemented.
- Territorial entities have done very little to implement measures to raise awareness against pornography, exploitation and sexual abuse.
- The problem of sexual exploitation is being approached from different angles, such as actions against sexual violence, the worst forms of child labour, trafficking in persons, among others, and this has sometimes led to discouragement and lack of coordination among different committees charged with this responsibility.

96. The National Plan Against CSEC 2006-2011. With the adoption of Act 679 and the entry into force of the Protocol, all responsible institutions and a number of NGOs, with the support of international cooperation agencies, formulated and put underway the National Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation of Children and Adolescents 2006-2011. The Plan is an important public policy tool that reinforces and strengthens the work of all national, regional and local agencies and calls for the involvement of civil society, especially families. It thus puts into practice the principle of shared responsibility for addressing these issues, which is enshrined in the Constitution and the Code on Children and Adolescents.

97. The process of dealing with and understanding CSEC and developing the Plan was headed by the Colombian Family Welfare Institute (ICBF), in its capacity as coordinator of the National Family Welfare System, along with the Ministry of Social Protection and the Attorney-Delegate for the Protection of Children and Families. Also participating were other agencies at the national and departmental levels, public and private organizations, civil society and international cooperation agencies such as the United Nations Children's Fund (UNICEF), the International Programme on the Elimination of Child Labour (ILO/IPEC) of the International Labour Organization, which have provided technical and financial support for the Plan.

98. This work was also significantly enhanced by the contributions of children and adolescents, local authorities and institutions, nongovernmental and community organizations. The initiative also involved designing and formulating regional plans for the cities of Calarcá, Cartago, Girardot, Villavivencio, Barranquilla, Leticia, Neiva, Palmira, Chiquinquirá, Santa Marta, Medellín, Cartagena, Arauca, Bogotá and Quibdó. This was made possible by the technical and financial support of UNICEF and ILO and the assistance with methodology provided by the Renacer foundation through an agreement with ICBF.

99. The Plan is intended to meet the need for effective mechanisms for coordinating the work of agencies that have responsibilities in this area, so as to prevent, detect and report situations of CSEC; make it intolerable for such situations to occur and reject all attempts to justify them; systematize and disseminate strategies for helping children and adolescents, especially those who have been excluded from social goods and services. The aim is to restore their rights, better understand their living conditions, strengthen their position as subjects of law, and create environments in which they will be appreciated and be able to live with dignity and hope. Low self-esteem is perhaps one of the most critical problems of children who are victims of exploitation; thus, building up their self-esteem, ensuring that they are treated with dignity and enabling them to develop their full potential are fundamental lines of action in the effort to improve their living conditions.

100. The general objective of the Plan is to carry out coordinated actions involving public and private actors at the national and local levels, with a view to identifying, preventing and eradicating CSEC. The specific objectives, each including a number of goals (included in the full text of Plan attached to this report), are as follows:

(a) Situation analysis: to have a systematic idea of the characteristics and scope of the phenomenon so as to make it visible and generate strategies for intervention at the national, departmental and local levels.

(b) Development and application of regulations: to have regulations governing the comprehensive protection of the rights of the affected or at-risk population, as well as specific and well-coordinated regulatory tools in penal,

administrative and law-enforcement matters, so as to address the situation prevailing today.

(c) Care, restitution and compensation: to guarantee comprehensive high-quality, effective and timely care so as to allow for restitution and compensation of victims of sexual and commercial exploitation in all its forms.

(d) Prevention: to prevent the problem by increasing and reinforcing protection and reducing risk, both among the most vulnerable population and in society at large.

(e) Institutional strengthening: to ensure coordination between State institutions and between them and NGOs, international cooperation agencies, the private sector and civil society, so as to generate public policies and work to eliminate the problem.

(f) To encourage autonomous participation of children and adolescents: to provide for the active and informed participation of children and adolescents and their families in the formulation, implementation and evaluation of the Plan, as well as in all policies, projects and programmes relating to this issue.

101. In the formulation and implementation of the Plan, in addition to emphasizing rights, emphasis was also placed on gender equity and ethnic and cultural equity. The stages in the life cycle and the unique features of different regions in the country were also taken into account.

102. There are several advantages to this approach, including the following:

(a) The Plan is consistent with international and national human rights law, with the Vienna Declaration of 1993, with the concept of the universality, indivisibility, interdependence and interrelationship of human rights, and with the principles of state responsibility and the shared responsibility of society, families and the State to protect and guarantee the enjoyment and application of human rights.

(b) It provides clarity as to who are subjects of law and who have state responsibilities and shared responsibilities for guaranteeing and restoring the rights of children and adolescents.

(c) It makes allowance for differences in gender, cultural, ethnic and territorial diversity, age differences and the different stages in the life cycle.

(d) It takes into account the need to be vigilant and monitor compliance with the State's obligations and responsibilities with respect to the protection of the rights of children and adolescents, especially of victims of commercial sexual exploitation (CSEC) on the part of citizen accountability groups.

(e) It involves both the State and civil society in the effort to ensure the full and harmonious development of children and adolescents so that they can grow up with their families and communities, in a suitable environment, enjoying dignity and equality and free of all kinds of discrimination.

103. The guiding principles are as follows:

Social priority

104. To give priority in social programmes to the prevention and eradication of the commercial sexual exploitation of children. Indeed, the commercial sexual exploitation of children violates the integrity, dignity and equality of children who are victims of such acts and causes serious physical, mental and social harm. Adopting this principle entails devoting the necessary resources at all levels of territorial administration and allowing for the participation of society at large, to prevent and eliminate the problem. Thus, all State and territorial entities must assign priority to the problem in their development plans and allocate sufficient budgetary and human resources to prevent and eliminate it.

Social inclusion

105. The social inclusion of children who are at risk or are victims of commercial sexual exploitation is important in order to assure recognition of their legal identity and enable them to claim their rights, to be guaranteed the right to education, health, family life, food and recreation, as well as the right to have access to and enjoy material and existential goods that will allow them to develop freely and be less vulnerable. They must be able to participate in society and receive information, and they must have access to the courts and to have their rights fully restored to them when those rights have been violated.

106. Social inclusion policies should be implemented to protect children and adolescents and prevent them from becoming victims of commercial sexual exploitation; however, special protection must be provided for those children who because of their economic, social, family, cultural and ethnic situation or their extreme poverty and social exclusion are more vulnerable to being subjected to or induced to commercial sexual exploitation. Children and adolescents must be assured of social inclusion as a matter of national necessity. This was recognized at the global level by the General Assembly of the United Nations at its special session held in New York in 2002, which in the plan entitled “A world more fit for children,” included these principles: “(1) Put children first; and (2) Eliminate poverty: invest in children.”

Universality, indivisibility, interdependence and interrelation

107. All human rights are universal, indivisible, interdependent and interrelated. Both the international and the national communities should treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. The Vienna Declaration, adopted at the second World Conference on Human Rights in 1993, a landmark event in the promotion of human rights globally, explicitly recognized this principle.³⁰ In its decision T-123 of 1994, the Constitutional Court of Colombia, referring to these characteristics of human rights and, more specifically, to the right to life and integrity, pointed out that: “**The right to life is an extension of the right to physical and moral integrity**, as is the right to health. No clear line can be drawn between the three rights, because they are intimately and essentially connected and

³⁰ “5. All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms...”

⁸. Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing...”

hence, necessary. The right to health and the right to physical and moral integrity are based on the right to life, which in an immediate way, is fulfilled in them. It would be absurd to recognize the right to life while at the same time severing it from the consequential rights of physical integrity and health. It is, of course, feasible to differentiate between the three rights based on the immediate object of legal protection; thus, the right to life protects, in an immediate way, the act of living. Physical and moral integrity, fulfilment and the overall physical and spiritual harmony of man, and the right to health, the normal organic functioning of the body, as well as the proper exercise of intellectual faculties...³¹ (bold type added).

108. In decision T-566 of 2001, the Court pointed out that “the concept of physical and moral integrity should be understood to include the physical and psychological aspects of disease, as well as all those aspect that enable a person to develop in the social and sexual spheres,”³² and in decision T-881, it decided that: “In this context, human dignity, as an object of protection, includes individual autonomy, the material conditions of existence and the physical and moral integrity of the individual.”³³

109. These principles regarding children, which are laid down in the jurisprudence, were taken into account in the design of the plan, given that they recognize the interdependence and the joint effect of human rights.

State responsibility

110. According to our Constitution, the authorities of the Republic have been established to protect everyone residing in Colombia, in regard to their life, honour, property, beliefs and their other rights and freedoms, and to ensure compliance with the social duties of the State and of individuals. That is why the State, acting through each and every one of its agents, is in duty bound to act in a timely manner in order to guarantee the fulfilment, protection and restoration of the rights of children and adolescents.

111. It must also be borne in mind that legal and social mechanisms are needed in order to ensure respect for any given right. Accordingly, one of the responsibilities of the State is to create legal and social enforcement mechanisms and to guarantee easy access to them for the purpose of defending the rights of children to be protected from commercial sexual exploitation. Thus, the right gives rise to realities and not just to ideals that are hard or impossible to carry out in practice.

Shared responsibility

112. Guaranteeing the fulfilment and enjoyment of the rights of children and adolescents is a responsibility not only of the State but also of individuals. It has become increasingly necessary for both civil society in general and families in particular to be active, to participate, to be supportive and to joint with the State in order to achieve the full realization of those rights.

³¹ Decision T-123 of 1994, M.P. Vladimiro Naranjo Mesa.

³² Decision T-566 of 2001, M.P. Marco Gerardo Monroy Cabra.

³³ Decision T-881 of 2002, M.P. Eduardo Montealegre Lynett.

Full protection

113. Full protection of children's rights entails recognizing the fact that children are subjects of rights, guaranteeing and enforcing those rights, preventing threats to or violations of those rights, and ensuring their immediate restoration in keeping with the principle of the best interests of the child. Full protection is realized through the overall policies, programmes and actions carried out at the national, departmental, district and municipal levels, for which adequate financial, physical and human resources must be allocated.

Participation of children and adolescents

114. Children and adolescents should participate in the implementation of the Plan for the Prevention and Eradication of CSEC, in the different surroundings of their daily life: family, community, society, and the various social and public spaces, as well as in those spaces that involve interaction with the State or the private sector. The facilitation and encouragement of children's participation is a constitutional, democratic and pluralistic principle that must be strengthened. This will make it possible to ensure that plans, programmes and public policies are more consistent with their visions and needs. Moreover, the best way to prevent the commercial sexual exploitation of children and adolescents is to strengthen them and their families as involved and well-informed subjects of rights.

Complementarity with other policies

115. Just as rights are complementary to each other, public policies should also be complementary. The national and local plans must necessarily complement sectoral policies in the areas of law enforcement, education, health, social protection and social participation, among others, and be part of a comprehensive national public policy on children and adolescents.

Decentralization and deconcentration

116. Decentralization and deconcentration are aimed at ensuring optimum organization of State operations, bearing in mind two principles that Colombia has adopted, namely, territorial autonomy and increased citizen participation. There are different strategies for decentralization and deconcentration. The impact on public administration and the priority attached to a given model of public intervention at different levels of the State administration will depend on which strategy is chosen. There are different ways in which this effect will occur, depending on the objectives sought, such as: efficiency in the allocation of resources, deregulation or regulation, increased participation and social responsibility, alternatives to public spending; or construction of civil society, strengthening of local power, democratization of the political system, equity, social expression of isolated sectors, and treating economic, social and political marginalization as public issues. At any rate, a fundamental point of the Plan is that every government institution -- national, regional and local -- should apply this tool and make a contribution, in the areas that fall within its sphere of competence, towards the achievement of the objectives sought.

117. Bearing in mind its objectives and guiding principles, the Plan provided for the creation of a National Committee for the Prevention and Eradication of CSEC, previously known as the Act 679 Committee. The Committee, which meets on a regular basis, is comprised of governmental and nongovernmental agencies and has the support of international cooperation agencies. Its objective is to define, implement, promote and monitor compliance with the Plan and, in general, with relevant rules and policies. The

Committee operates through working units that meet regularly to discuss specific issues. Thus, it includes the investigation unit, the protection and services unit, the legal unit for the review of national regulations in this area, the prevention unit that promotes detection and prevention of CSEC in the education sector, and an additional group that decides on CSEC-prevention activities in the tourism sector, with the support of the Tourism Promotion Fund. Every year, the Committee draws up a plan of operations detailing results, activities, entities in charge of programs, and a timetable.

118. The national plan also includes local plans of action to combat CSEC in 21 cities: Arauca, Barranquilla, Santa Marta, Medellín, Bogotá, Villavicencio, Cali, Palmira, Cartago, Cartagena, Leticia, Girardot, Melgar, Flandes, Fusagasugá, Neiva, Chiquinquirá, Cajicá, Cajamarca, Quibdó and Ibagué.

119. To supplement the national plan and the local plans, which have been especially designed to combat CSEC, a number of more general strategies have been developed. The most important of these are described below.

120. The National Policy on the Eradication of Child Labour and Protection of Young Workers was put underway in 1995 with the creation, by presidential decree 859, of the Interinstitutional Committee as the highest level agency in charge of formulating and implementing policies in this area. This tripartite committee is headed by a Technical Secretariat which is made up of the ministries of Social Protection and Education, ICBF and the National Planning Department. It is made up of 24 government institutions and representatives of workers, employers and NGOs. With the technical assistance and cooperation of the ILO/IPEC programme, the policy has been implemented through three plans carried out between 1996 and 2006 and the National Strategy 2008-2015. The purpose of the first plan (1996-1999) was to throw light on the issue and raise public awareness, conduct a diagnosis and establish commitments among public and private organizations. The second plan (2000-2002) focused on preventing and eliminating the worst forms of child labour, especially through the direct intervention of the agencies belonging to the Committee. The third plan (2003-2006) was aimed at reinforcing efforts to combat the worst forms of child labour through: (a) action in the fields of prevention, restoration of rights and protection and improvement of jobs; and (b) five lines of action: research, public policies, training, regulation and comprehensive projects. The strategy provided for coverage to be extended to all 32 departments in Colombia, which drew up interinstitutional plans of action in which CSEC was assigned priority as an issue requiring urgent attention.

121. During the current year, in order to give continuity to these actions, the National Strategy to prevent and eliminate the worst forms of child labour 2008-2015 was put underway. The purpose of this strategy is to target and organize the work of State and private agencies involved in preventing and eradicating the worst forms of child labour by promoting school attendance for children and adolescents who are at risk to attend school, by offering services and by helping families gain access to social programmes so that the children will not work at or will quit such jobs and to enable them to receive the benefits of social policies in general.

122. The Strategy is being implemented according to the following criteria: the family is the unit for intervention, the life cycle determines what experiences are appropriate for each moment in a person's history, importance of recognizing the rights of children and adolescents, a good educational service is the best State response to the worst forms of child labour (along with other services for victims), targeting involves making better use of resources and brings about better results, and coordination of policy tools leads to greater efficiency. Actions are carried out among specific populations that have been

chosen for intervention, namely, children and adolescents, their families and the agencies that implement the strategy.

123. The National Policy against Trafficking in Persons. This Policy is based on Act 985 of 2005, the Comprehensive National Strategy to Combat Trafficking in Persons 2007-2012, the National Committee to Combat Trafficking in Persons³⁴ and the Anti-trafficking Operations Centre (COAT).

124. Colombia's policy on the fight against trafficking in persons focuses on prevention, providing protection and assistance to guarantee respect for the human rights of all victims or potential victims of trafficking, both in the national territory and beyond, and reinforcing the pursuit of criminal organizations, investigation, prosecution and punishment.

125. The Colombian State has been working on defining the offence of trafficking in persons, updating its legislation in accordance with international norms and establishing stiffer penalties. By Act 800 of 2003, the Congress of the Republic approved the United Nations Convention against Transnational Organized Crime (Palermo Convention) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Act 985 of 2005 was passed in order to bring the existing legislation in line with these instruments; the purpose of this law is to adopt measures to prevent trafficking and to provide the necessary protection and assistance, so as to guarantee respect for the human rights of individuals who are victims of trafficking in persons, both residing in or brought into the national territory and Colombian citizens in other countries, and to reinforce State action against this offence.

126. The national policy establishes the obligation to draw up a strategy that takes into account the work of all the entities belonging to the Committee and requires them to carry out activities and programmes aimed at fulfilling the general purposes of the State in the fight against crime and, in particular, in the fight against trafficking in persons for purposes of exploitation. This general obligation is reflected, for the next few years, in the Comprehensive National Strategy to Combat Trafficking in Persons 2007-2012.

127. The main lines of action to be carried out in the context of the national strategy against trafficking are as follows:

(a) Prevention. The main objective is to prevent trafficking in persons through programmes, projects and measures carried out by public authorities working together with civil society, the private sector and international organizations, through actions such as implementation of an information system to make it possible to describe and analyze the trafficking phenomenon, implementation of a communication and dissemination strategy for social mobilization, promoting opportunities for consensus and interinstitutional and intersectoral coordination at the local, regional, national and international levels, implementing training programmes and projects for government employees, civil society organizations and high-risk groups;

(b) Protection and assistance to victims and witnesses. The main objective is to guarantee assistance and comprehensive protection to victims of trafficking by

³⁴ The Interinstitutional Committee to Combat Trafficking in Persons is the national Government's consultative body and the agency responsible for coordinating actions carried out by the Colombian State through the National Strategy to Combat Trafficking in Persons. It receives support from international agencies such as the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM) and the International Labour Organization (ILO).

developing comprehensive protection mechanisms within the administrative, investigative and judicial systems through assistance and protection to victims, to their immediate families and to witnesses during the process of inquiry, investigation and prosecution; working through consulates to guarantee the safety of victims and protect their dignity and personal integrity; activating administrative mechanisms and tools to guarantee the restoration of victims' rights, with special emphasis on children and adolescents; developing comprehensive protection mechanisms keeping in mind the interests of victims, during course of penal proceedings;

(c) International cooperation to combat trafficking in persons. The main objective is to strengthen international cooperation mechanisms at the bilateral, regional and multilateral levels so as to optimize overall efforts to combat trafficking through actions such as the development of a follow-up tool for verifying compliance with the relevant international commitments undertaken by the country; the design of programmes and projects to promote cooperation, judicial exchanges, technical assistance and training for national institutions that work internationally; the exchange of information on the causes, modalities, specific nature and consequences of trafficking with a view to describing and analyzing transnational human trafficking, and mobilizing resources for technical, scientific and non-reimbursable financial cooperation to support the comprehensive struggle against trafficking in Colombia;

(d) Investigation and prosecution. The central objective is to strengthen State agencies responsible for investigation and prosecution in connection with the offence of trafficking in persons, so as to enable them to be more effective and efficient in prosecuting and punishing the offence through actions such as improving the technical and operational capacities of State institutions responsible for prosecuting the offence of trafficking, continually updating investigation strategies, coordinating State agencies in order to facilitate interinstitutional and intersectoral coordination of their duties, actions and resources for the investigation and punishment of the offence, providing training and refresher courses for law enforcement personnel and entities that support their administration.

128. The Anti-trafficking Operations Committee (COAT) was recently created to provide a rapid and comprehensive response to trafficking victims returning to the country as a result of operations carried out in the context of international cooperation in the fight against this offence.

C. Institutions involved in compliance with the Optional Protocol

129. Following is a brief description of the duties of the different institutions involved in complying with the Protocol, beginning with those that work at the national level and continuing with local entities. Agencies that are responsible for interinstitutional coordination will be described first; these are followed by a description of the specific duties carried out by individual agencies to ensure compliance with the Protocol.

1. Institutions working at the national level

(i) National interinstitutional committees created to address the issue of commercial sexual exploitation of children and adolescents (CSEC) or issues of sexual violence

130. The following committees are currently concerned with implementation of norms or delegated duties relating to this issue:

(a) The National Committee for the Prevention and Eradication of CSEC -- Act 679. This committee was established in the context of the aforementioned National

Plan of Action for compliance with Act 679. The Technical Secretariat is made up of ICBF and the Ministry of Social Protection. Other agencies participating in the work of the Committee are the Administrative Department of Security (DAS), the National Police, the Office of the Attorney General of the Nation, the ministries of Commerce, Industry and Tourism, of Foreign Relations, of Education, of Communications, the National Administrative Department of Statistics (DANE), the Office of the Ombudsman, the Office of the Public Prosecutor of the Nation. It also receives support from international cooperation agencies such as UNICEF and ILO/IPEC. Certain NGOs, such as the Esperanza and Renacer foundations, have been invited to participate in its work.

(b) The Interinstitutional Committee to Combat Trafficking in Persons (Act 985 of 2005). This Committee is the national Government's consultative body and the agency responsible for coordinating actions carried out by the Colombian State through the National Strategy to Combat Trafficking in Persons. The Committee is made up of the following: the Ministry of the Interior and Justice, presiding over it; the ministries of Foreign Relations, Social Protection and Education; the Administrative Department of Security; the National Police; the Office of the Public Prosecutor of the Nation; the Office of the Attorney General of the Nation; the Office of the Ombudsman; the Interpol Office in Colombia; the Colombian Family Welfare Institute; the Office of the Presidential Advisor on Women's Equity; Fondelibertad, and the Special Administrative Unit for Information and Financial Analysis.

(c) Interinstitutional Committee for the Prevention and Eradication of Child Labour and Protection of Young Workers. This Committee includes the ministries of Education, Agriculture and Rural Development, Communications, and Social Protection, ICBF, DANE, the National Planning Department, COLDEPORTES, SENA, the Office of the Attorney General of the Nation, the Office of the Ombudsman, the Police for Children and Adolescents, the ILO/IPEC programme, UNICEF, the Spanish International Cooperation Agency for Development, the Embassy of the United States, the CGT, CUT and CTC trade unions, ANDI, Minercol, INGEOMINAS, ASOCOLFLORES, and the Colombian Confederation of NGOs. The Committee carries out activities in the context of the National Strategy on the Prevention and Eradication of the Worst Forms of Child Labour and Protection of Young Workers 2008-2015, which consider the commercial sexual exploitation of children and adolescents (CSEC) as one of the worst forms.

(d) The National Council on Social Policy. The Code on Children and Adolescents assigns to the Council responsibility for designing public policy, mobilizing and appropriating budgetary resources and deciding on lines of action for guaranteeing children's rights in Colombia. The Council is a high-level political body made up of the President of the Republic; the ministers of Social Protection, the Interior and Justice, Finance and Public Credit, Education, Environment, Housing and Territorial Development, Culture, and Communications; the Director of the National Planning Department; the Director of ICBF; a governor; a mayor, and an indigenous authority.

(e) The Interinstitutional Consultative Committee for the prevention of sexual violence and comprehensive care of children and adolescents who are victims of sexual abuse (article 3 of Act 1146 of 2007). This Committee, which reports to the Ministry of Social Protection, is a consultative mechanism for interinstitutional coordination and interaction with organized civil society. It is made up of the Ministry of Social Protection, presiding over it; the Ministry of National Education; the Ministry of Communication; the Colombian Family Welfare Institute, which serves as the Technical Secretariat; the Superior Council of the Judiciary; the Office of the Public Prosecutor of the Nation; the Office of the Attorney General of the Nation; the Office of the

Ombudsman; the National Institute of Legal Medicine and Forensic Sciences; the National Police; a representative of the Colombian associations of Psychiatrists, Psychologist, Paediatricians and Sexologists; and a representative of the NGOs involved in providing services for the protection of children and adolescents, which participate on a rotating basis.

(ii) National institutions

The Executive Branch

Office of the President of the Republic

131. The Office of the President has the specific mission of leading the design, execution and evaluation of public policies on children and adolescents at the national level. Non-compliance can give rise to disciplinary sanctions on grounds of misconduct. The responsibility cannot be delegated and entails public accountability (article 204 of the Code on Children and Adolescents).

Ministry of Social Protection

132. The Ministry of Social Protection formulates national policy and provides guidance and advice at different levels and to different agencies. Its primary objectives are to formulate, adopt, direct, coordinate, execute, and provide oversight and follow-up to the Social Protection System. The Social Protection System includes the work of public, private and mixed institutions; norms; public and private procedures and resources for preventing, mitigating and overcoming risks that affect quality of life. It includes the National Family Welfare System, the General System of Comprehensive Social Security and those specifically assigned to the Ministry. The public policy on children has identified certain lines of action for combating commercial sexual exploitation of children and adolescents under the age of 18 which are carried out in the context of the National Plan against CSEC, and it reflects the sectoral concerns of social protection and family welfare. All governmental institutions at the national, regional and local levels must take this into account and contribute to the achievement of these goals within their particular spheres of competence.

133. In addition, the Ministry of Social Protection, the Ministry of Education and the National Planning Department, with technical assistance from ICBF, are responsible for designing the minimum technical guidelines for national and local development plans relating to children and adolescents, bearing in mind the life cycle and the focus on guaranteeing and restoring rights.

Colombian Family Welfare Institute (ICBF)

134. The Colombian Family Welfare Institute (ICBF) is a decentralized government agency which reports to the Ministry of Social Protection. Its mission is to work for the wellbeing of children and families, and to coordinate the National Family Welfare System, providing technical, social and legal advice to communities and public and private organizations at the national and territorial levels (Decree 2388 of 1979 on ICBF, which lays down regulations for Acts 75 of 1968, 27 of 1974 and 7 of 1979; Act 1098 of 2006).

135. Its duties include the following:

- (a) To decide on individuals or establishments that shall be responsible for providing comprehensive services to children and adolescents who do not have parents or guardians;
- (b) To provide protection and services to children when they need it;
- (c) To oversee parents or other caretakers of children and adolescents so as to prevent abuse and neglect;
- (d) In cases of maltreatment or neglect, the Institute may legally remove the child or children concerned from the care of their parents and place them in the custody of a person or of an institution that has been created for that purpose;
- (e) To guarantee therapeutic treatment for all children or adolescents who need it;
- (f) To take the necessary steps to obtain therapeutic treatment for families that need it;
- (g) Through the Offices of the Family Ombudsman, to provide coordination and follow-up of children who are victims of abuse or sexual exploitation.

Offices of the Family Ombudsman

136. These offices are part of the Colombian Family Welfare Institute. They are multidisciplinary in nature and are responsible for preventing, guaranteeing and restoring the rights of children and adolescents. The Family Ombudsman has set up interdisciplinary teams of experts, including at least one psychologist, one social worker and one nutritionist. Statements issued by any of the members of the technical team shall be treated as expert opinions.

137. The Family Ombudsman has the following duties:

- (a) To act ex officio when necessary to prevent, protect, guarantee and restore the rights of children and adolescents when it is reported that they have been violated or threatened;
- (b) To take the corrective measures laid down in the Code on Children and Adolescents to stop the violation of or threat to the rights of children and adolescents;
- (c) To issue opinions required by law, in judicial or administrative actions;
- (d) To perform the policing functions laid down in the Code on Children and Adolescents;
- (e) To issue instructions for the restoration of the rights of children under 14 years of age who commit crimes;
- (f) To provide assistance and protection and appear before the courts on behalf of adolescents who have committed a violation of criminal law;
- (g) To grant permission to leave the country for children and adolescents, when there is no need for court intervention;

(h) To promote out-of-court settlements in matters pertaining to the rights and obligations of spouses, long-term partners, parents and children, family members or persons responsible for the care of a child or adolescent;

(i) To approve settlements in connection with assigning custody and personal care of children, establishment of parent-child relations, decisions regarding child support, temporary decisions regarding separate living arrangements, suspension of cohabitation of spouses or long-term partners, physical separation and separation of property in civil or religious marriage, instructions regarding behaviour of spouses, dissolution and liquidation of joint marital property for reasons other than death of a spouse, and other aspects relating to money management in marriage and to succession rights, without prejudice to the competence assigned by the law to notaries;

(j) To summon presumptive fathers with a view to persuading them to voluntarily acknowledge paternity of children born or soon to be born out of wedlock and, should such acknowledgment be given, to issue the relevant certificate and issue instructions for the child's name to be entered or corrected in the civil registry;

(k) To promote cases or proceedings required to protect the rights of children and adolescents, and intervene in cases in which their rights are discussed, without prejudice to the action of the public prosecutor and the legal representatives when required;

(l) To represent children and adolescents in judicial or administrative proceedings when they have no representative or when their representative is absent or unable to act, or when the representative is the agent who has threatened or violated the child's rights;

(m) To establish a temporary amount to be paid for child support, provided no agreement has been reached;

(n) To issue statements declaring a child's eligibility for adoption;

(o) To authorize adoptions in cases in which the law provides for it;

(p) To file a criminal complaint when a child or adolescent has been the victim of a crime;

(q) To press charges when the direct victim is not in a position to do so;

(r) To advise and orient the public in regard to the rights of children, adolescents and the family;

(s) To request the National Directorate of the Civil Registry of persons to record the birth of a child or to correct, amend or cancel the relevant record in the civil registry, provided that during the administrative proceedings for restoration of the child's rights it is demonstrated that the name and surnames are not consistent with the actual marital status and biological origin, without its being necessary to go to family court.

138. In general, the Family Ombudsman is legally empowered to fully guarantee the protection of minors who have been sexually abused. Other institutions that take part in any proceedings related to such cases must always coordinate their actions with this office.

Ministry of Foreign Relations

139. In addition to its duty of following up on international commitments, the Ministry must refuse to grant any type of visa for entry into Colombia of foreigners against whom any State has initiated preliminary investigations or criminal or police proceedings, or against whom fines or precautionary measures have been imposed, or who has been convicted of offences relating to sexual exploitation or violation of the freedom, integrity and sexual education of minors. Likewise, when a visa has already been granted, it must be cancelled without prejudice to the corresponding criminal action to be brought ex officio by the Colombian State in order to ensure condign penalties in respect of such punishable acts. For the same reasons, the Ministry must proceed to deport, expel and refuse admission to Colombian territory of such individuals. These measures must also be adopted with respect to anyone who has been charged with promoting, facilitating or concealing such offences in any State. In addition, the Ministry of Foreign Relations has other specific duties; for example, it must provide consular protection to Colombians abroad who are victims of trafficking or of any manifestation of CSEC.

Ministry of Education

140. In accordance with article 12 of Act 679 of 2001, the authorities at different territorial levels and the Colombian Family Welfare Institute must carry out activities to raise public awareness regarding the problem of prostitution, pornography and sexual abuse of children. The national Government, acting through the Ministry of Education, must oversee all measures taken in this regard by departmental, district and municipal authorities.

Ministry of Commerce, Industry and Tourism

141. In accordance with Act 679 of 2001, this Ministry is responsible for requiring providers of tourism services to observe the relevant codes of conduct in order to protect children from all forms of exploitation and sexual violence on the part of national or foreign tourists. The codes of conduct or commitments are laid down by the Ministry. The Ministry also has the obligation to inspect and oversee activities promoting tourism in order to prevent and counteract the use of minors for prostitution or sexual abuse in the tourism sector, and to punish those providers of tourism services who are involved in such activities.

142. In addition to the above, this Ministry heads the Tourism Promotion Fund which, among other responsibilities, provides funding for the implementation of prevention policies and for campaigns aimed at eradicating tourism associated with sexual practices with minors. These prevention policies are laid down by the Ministry of Commerce, Industry and Tourism in coordination with the Colombian Family Welfare Institute.

Ministry of Communications

143. The Ministry of Communications is required to promote and encourage the adoption of self-regulation systems and effective codes of conduct for managing and taking advantage of global information networks. These systems and codes are developed with the participation of agencies representing providers and users of global information networks. The Ministry must also create a telephone line and a Website to enable users to lodge complaints about incidents involving child pornography and report any Websites that offer sexual services with children or child pornography, and identify the authors or persons responsible for such pages. When the Ministry of Communications receives phone calls or electronic reports of suspected criminal activity, such reports must be referred immediately to the competent authorities, so that

they can investigate the matter. In addition, the Ministry of Communications must take action with respect to complaints received and punish the providers or servers, webmasters and users who operate on Colombian territory.

Ministry of the Interior and Justice

144. Act 679 of 2001 stipulates that in order to prevent sexual offences against minors and to exercise necessary control over those who commit, promote or facilitate such acts, the Ministry of Justice and Law (currently the Ministry of the Interior and Justice), the Administrative Department of Security (DAS), the Colombian Family Welfare Institute and the Office of the Public Prosecutor of the Nation shall develop an information system that shall include a complete database of offences against the freedom, modesty and sexual development of minors, and the perpetrators of such acts, their accomplices, and pimps, including both those who have been convicted and those who have been charged.

145. In addition, the project on comprehensive care in cases of domestic and sexual violence in *Casas de Justicia* (Justice Houses) was created as a result of an agreement between the Ministry of the Interior and Justice, the Program on Strengthening of and Access to Justice (USAID/Checchi) and the United Nations Population Fund (UNFPA). Justice Houses provide spaces in which people of different backgrounds are welcomed, community life among people of different cultures is encouraged, and community participation in prevention and detection, as well as care for victims of gender, sexual and domestic violence is promoted.

National Administrative Department of Statistics (DANE)

146. Under Act 679, this agency conducts statistical research which is updated regularly. The minimum amount of information it collects is:

- (a) Quantification of minors who are sexually exploited, by sex and age;
- (b) Places or areas where most cases occur;
- (c) Quantification of clientele, by nationality and social class;

Administrative Department of Security

147. The structure and activities of the Administrative Department of Security (DAS) are governed by Decree 643 of 2 March 2004. This decree provides that DAS officials, who serve as the judicial police, shall be solely responsible for investigating offences against the national security, the existence and security of the State, the Constitutional system, the public administration, the administration of justice, public security, the historic and cultural heritage, and offences against ecology and the environment, as well as offences related to those mentioned above. Their work is to be coordinated with that of the Office of the Public Prosecutor of the Nation. The goals of DAS are to assist the *personerías* (legal representatives at the district and municipal local levels) and the Office of the Ombudsman in the search for missing persons. DAS also investigates offences of human trafficking and trafficking of migrants and assists with the prosecution of criminal organizations involved in the commission of such punishable acts.

148. In addition, under Act 679 of 2001, the Administrative Department of Security and the Office of the Public Prosecutor of the Nation shall promote the establishment of an international service to collect information on persons who have been charged with or

convicted of offences against the freedom and sexual development of minors. To that end, the assistance of international police organizations shall be sought.

National Police

149. This is a standing civilian armed force the primary purpose of which is to maintain the necessary conditions for people to exercise their rights and liberties and to ensure peaceful coexistence. In addition, the National Police is an entity that belongs to the National Family Welfare System. Its mission as a member of the System is to guarantee full protection of children and adolescents in the context of the competencies and duties assigned to it by law. One of its specialized forces is the Police for Children and Adolescents (which replaces the Police for Minors) and it organizes different specialized units. The following units are especially relevant to compliance with the Protocol:

Police for Children and Adolescents

150. The Police for Children and Adolescents has the following duties:

- (a) To comply with and enforce compliance with all norms and decisions issued by State agencies for the protection of children and adolescents;
- (b) To design and execute programmes and campaigns on education, prevention, protection and restoration of the rights of children and adolescents throughout the national territory;
- (c) To carry out surveillance and control in recreational and sports areas and other public spaces where children and adolescents normally gather and at the entrance to educational establishments within its jurisdiction;
- (d) To exercise surveillance in order to control and prevent the entry of children and adolescents to entertainment areas where alcoholic beverages and cigarettes are consumed and to enforce the prohibition against the sale of such products;
- (e) To exercise surveillance in order to control and prevent the entry of children and adolescents to places where sexual exploitation occurs, where shows that are unsuitable for children and adolescents are presented, to gambling salons and high-risk public or private places where there is danger to their physical and/or moral integrity, and to take all necessary measures in that regard;
- (f) To exercise surveillance in order to prevent, control and impede the entry of minors under the age of fourteen (14) to areas where electronic games are played;
- (g) To control and prevent the entry of children and adolescents to cinemas, theatres or similar areas where shows are presented that are classified for adults and where adult video movies are rented;
- (h) To exercise surveillance in order to control the carrying of firearms or sharp weapons, intoxicating beverages, gunpowder, narcotics and pornographic materials, by children or adolescents, as well as articles that might endanger their integrity, and to proceed to confiscate such articles;
- (i) To design prevention programmes for adults in connection with the carrying and the responsible use of firearms, of intoxicating beverages, of gunpowder, of

war toys and of cigarettes, when those adults live with or are accompanied by children or adolescents;

(j) To provide support to judicial authorities, family ombudsmen and staff of the Family Welfare Office, municipal officials and police inspectors in connection with police actions and the protection of children and adolescents and their families, and to move them, when necessary, to halfway houses or to places that provide specialized programmes, pursuant to an order issued by the aforementioned authorities. The specialized centres are required to accept children or adolescents who are taken there by the police;

(k) To support the Administrative Department of Security (DAS) and other competent authorities in providing constant surveillance over the movement of children and adolescents at land, air and sea transportation terminals;

(l) To carry out intelligence work to combat networks involved in the production, trafficking or sale of illegal psychoactive substances that produce dependency, the distribution and sale of child pornography through the Internet or any other means, the trafficking or sexual exploitation of children and adolescents, or any other activity that violates their rights;

(m) To carry out actions to find children and adolescents who are performing prohibited tasks, any of the worst forms of child labour, or where they are being exploited or are at risk, and to report such cases to the competent authorities;

(n) To receive complaints and reports from citizens regarding threats or violations of the rights of children or adolescents, to act immediately to guarantee those rights that have been threatened, and to prevent violations of rights, as the case may be, or to refer such cases to the competent authorities;

(o) To guarantee the rights of children and adolescents in all police proceedings;

(p) To exercise surveillance and control of institutions responsible for carrying out the penalties established in this Code, in order to guarantee the safety of children and adolescents and prevent them from running away;

(q) To provide the necessary logistical support for the transfer of children and adolescents to courts and hospitals, preventing and controlling any disturbances carried out by minors, guaranteeing the normal development of children and adolescents and of the institution.

151. In addition, under a specific mandate contained in Act 679 of 2001, the National Police carries out the following specific duties to combat CSEC:

(a) To exercise surveillance and control of hotels or lodging establishments, tourist attractions and other places which, in the opinion of ICBF, the Ministry of Economic Development (currently the Ministry of Commerce, Industry and Tourism) and the National Police itself, merit special surveillance when there is evidence that they might be engaging in sexual exploitation of minors;

(b) To support administrative investigations carried out by the Ministry of Commerce, Industry and Tourism in compliance with this law;

(c) To channel complaints that are presented in violation of the provisions of this law;

(d) To inspect and immobilize vehicles in tourist areas when there is serious evidence that they are used for purposes of sexual exploitation of minors. Such vehicles may be seized and auctioned in order to pay any indemnity that might arise from the offence the commission of which is established in the relevant criminal case.

(e) The National Police shall periodically inspect brothels in order to prevent and counteract sexual exploitation, pornography and all kinds of sexual practices with children. Any owner or manager of an establishment who objects shall have his establishment closed for fifteen (15) work days, without prejudice to the inspection being conducted and to any criminal action that might be in order. An establishment shall immediately be permanently closed when cases of sexual acts involving minors are discovered, or when any type of pornography involving children is found. The authorities competent to execute the temporary or permanent closing of the establishment shall be the inspectors, in the first instance, and a mayor, in the second instance. The procedures established in the relevant Police Code shall be followed or, otherwise, in the Contentious Administrative Code, without prejudice to such criminal and pecuniary sanctions as may be in order.

(f) Within a period of no more than fifteen (15) days counted the entry into force of this law at all territorial levels, the National Police shall dedicate an exclusive help line to receive complaints of acts of sexual abuse with minors, of the generation, sale or distribution of materials such as texts, documents, files or audiovisual materials with pornographic content involving children.

(g) The National Police shall from time to time offer courses and training programmes in order to bring police personnel up to date on current legislation regarding the sexual exploitation of minors, the sale and trafficking of children and adolescents, child pornography and the care of children whose basic needs are completely unmet. The Inspector General of the National Police and the National Commissioner for the Police shall exercise such controls as may be necessary to ensure compliance with this duty, without prejudice to the surveillance to be exercised by enforcement bodies.

Directorate of Judicial Police

152. The main duty of the Directorate of Judicial Police (DIJIN) is to conduct judicial, criminalistic and criminological investigations in support of the administration of justice. It has section offices in the capitals of departments, called SIJIN, which deal with offences against life. In particular, it is responsible for:

(a) Conducting investigations nationwide research to identify individual perpetrators and participants in sexual offences, including human trafficking, when commissioned to do so by the office of the prosecutor;

(b) Apprehending offenders;

(c) Participating in brigades against CSEC

(d) Conducting searches of brothels in order to counteract sexual exploitation of children with the support of the Police for Children, the available forces, the Judicial Technical Investigation Division (CTI) and the office of the prosecutor;

- (e) Receiving information on cases on which no formal complaints have been filed, which are reported by institutions for purposes of initiating investigations;
- (f) Conducting investigations required to gather evidence and establish time, mode and place, in order to bring the case to the prosecutor, for subsequent prosecution;
- (g) Keeps institutions that have identified cases informed of the progress of same.

Directorate of National Taxes and Customs (DIAN)

153. This Directorate is responsible for customs surveillance. Act 679 prohibits the importation of any type of pornographic material involving minors or showing acts of sexual abuse of minors, and assigns the customs authorities the responsibility of enforcing this provision. Accordingly, the Directorate must decide on measures to be taken in order to intercept such illegal imports, without prejudice to the duties assigned to the National Police.

The Judicial Branch

Office of the Public Prosecutor of the Nation

154. This is the entity of the judiciary that carries out constitutional and legal duties in connection with:

- (a) Receiving complaints;
- (b) Investigating crimes (with the assistance of the Judicial Technical Judicial Investigation Division (CTI)); and
- (c) Providing protection to victims or witnesses.

155. Once it receives information regarding a case of sexual violence, either through complaints or by other means, it proceeds, even *ex officio*, i.e., upon simply hearing about the act. In 1997, the Specialized Units of the Office of the Prosecutor were created, along with their own Technical Investigation Division, to deal with offences against sexual freedom and human dignity.

National Institute of Legal Medicine and Forensic Sciences (INML)

156. This Institute is a public establishment within the Office of the Public Prosecutor of the Nation. It provides technical and scientific support for crime investigations. In this regard, it issues medical reports and provides expert advice in cases of domestic violence, sexual offences, personal injury and homicides.

157. It has the following duties, among others:

- (a) To conduct the necessary expert studies to support decisions taken in court cases and protection proceedings in cases of sexual offences;
- (b) To treat with dignity, privacy and respect to victims of sexual offences who come to the Institute for examinations;
- (c) To provide information on procedures to be followed;

(d) After providing care, to report on the services available to meet the needs arising from the punishable act; and

(e) To refer to health facilities for physical or psychiatric care that might be necessary as a result of the act, for diagnosis and treatment of sexually transmitted infections and for birth control and, of course, to compile the medical-legal evidence.

Law enforcement agencies

Office of the Attorney General of the Nation

158. This is the supreme prosecuting authority. Its duties include the following:

- (a) To enforce the Constitution, the laws, court decisions and administrative acts;
- (b) To protect human rights and ensure their effectiveness;
- (c) To defend the interests of society and of groups within it;
- (d) To supervise public officials;
- (e) To exercise surveillance over the conduct to those who hold public office;
- (f) To conduct investigations and impose disciplinary sanctions;

159. The Office of the Attorney General of the Nation is a law enforcement agency that works to protect the interests of society. To this end, it enforces the Constitution, laws, court decisions and administrative acts issued by public authorities. It exercise surveillance over and monitors the conduct of government employees, defends the legal order and, on the basis of the 1991 Constitution, has responsibility for protecting human rights and ensuring their effectiveness.

160. Thus, in the performance of its duties, the Office of the Attorney General participates in the National Committee against CSEC, in the National Committee against the Worst Forms of Child Labour and in the Interinstitutional Committee to Combat Trafficking in Persons.

161. Governors and mayors, being the officials in charge of designing, implementing and evaluating public policies on children and adolescents in departments and municipalities, are subject to disciplinary oversight by the Office of the Attorney General, which is responsible for punishing non-compliance with such obligations that gives rise to charges of misconduct.

162. As a preventive measure, the Office of the Attorney General is implementing a coordinated action strategy to strengthen the capacities of territorial entities and monitoring and evaluating the results of public administration with a view to improving the living conditions of children and adolescents. This two-pronged strategy entails: (i) including children and adolescents in territorial development planning, and (ii) improving living conditions of children and adolescents, mobilizing the political scenario and reflecting on how rights are realized nationwide.

163. In particular, the Office of the Attorney-Delegate for the Protection of Children and Families (an integral part of the Office of the Attorney General), has the following duties:

(a) To promote, disseminate, protect and defend the human rights of children in public and private institutions, emphasizing the precedence of children's rights, the best interests of the child and the protection mechanisms available for dealing with threats and violations;

(b) To promote learning and training for children and adolescents so as to enable them to responsibly exercise their rights.

(c) To process, either ex officio or upon request, petitions and complaints regarding threats or violations of children's rights and their family context, and to advocate for them, in a timely, immediate and informal manner, to ensure an effective solution, bearing in mind the best interests of the child and the precedence of their rights;

(d) To make observations and recommendations to the authorities and to individuals in cases of threats to or violation of the human rights of children and adolescents;

(e) The judicial attorneys for family matters are assigned to all judicial and administrative cases to protect the rights of children and adolescents, and they may challenge the decisions taken.

164. With regard to CSEC, the Attorney-Delegate for the Protection of Children and Families has the following duties:

(a) To oversee and monitor the care and protection provided to victims of child sexual exploitation by the Colombian State through its institutions;

(b) To promote preventive action in conjunctions with the competent institutions;

(c) To follow up on cases carried by the investigative agencies;

(d) To follow up on and oversee the action taken by institutions to apply and comply with international instruments relating to the sexual exploitation of children, as well as national laws on the matter;

(e) To make recommendations to the Colombian State regarding compliance with Colombia's commitments under the international agreements it has ratified.

165. In brief, the Office of the Attorney-Delegate for the Protection of Children and Families has both preventive and enforcement duties. It also intervenes before judicial and administrative authorities (such as ICBF and the Family Ombudsmen) to protect the rights of women, children and the family as an institution, and to protect and defend human rights. As regards preventive action, the Attorney-Delegate exercises surveillance in two areas: on the one hand, it monitors compliance with public policies on children and families and, on the other, it promotes State action to provide comprehensive assistance to the target population whose fundamental rights have been violated. As regards judicial intervention, it acts in the role of public prosecutor in court and administrative cases.

166. This work is carried out at the local level through the judicial attorneys for family matters in 24 department capitals throughout the country, as well as through the *personerías* (legal representatives), which serve as arms of the office of the public prosecutor in municipalities and districts and monitor and act in all court and

administrative cases involving the protection of children's rights in those municipalities where there are no judicial attorneys for family matters. The Attorney-Delegate also inspects, oversees and monitors the mayors' offices in order to ensure that their development plans allocate budgetary resources to guarantee children's rights and to implement specialized programmes for that purpose.

167. In the case of human trafficking, judicial intervention is the responsibility of the Attorney-Delegate for the public prosecutor in criminal cases. Both preventive action and judicial intervention are carried out for the purpose of enforcing national legislation and international instruments that have been ratified by Colombia.

Office of the Ombudsman

168. This enforcement agency is part of the office of the public prosecutor. It is mandated by the Constitution to monitor the promotion, exercise and dissemination of human rights in the country. It has the following duties:

- (a) To guide and instruct Colombians and foreigners in the exercise and defence of human rights;
- (b) To disseminate information about human rights and recommend policies for teaching on this subject;
- (c) To invoke the right of habeas corpus and initiate proceedings in criminal and guardianship cases;
- (d) To organize and direct the office of the ombudsman;
- (e) To submit proposed legislation on matters within its competence;
- (f) To provide guidance and support to municipal *personeros* (legal representatives);
- (g) To conduct investigations on human rights issues in the country;
- (h) To warn other institutions regarding possible violations in the human rights in the national territory.

169. The Office of the Ombudsman is the spokesperson for the rights of citizens with respect to the Colombian State. Consequently, one of its duties is to guarantee that victims whose rights have been violated receive adequate assistance from the State and to take steps to monitor and promote their rights. To provide assistance with children's rights, the office has an Ombudsman-Delegate for the rights of children, youth and women.

Civil society

170. The Code on Children and Adolescents expressly states in article 214 that in carrying out the principle of shared responsibility, specialized social organizations, such as citizen oversight groups or any other type of citizen organization, shall participate in monitoring and following up on public policies and actions and decisions of the competent authorities. National and territorial authorities must ensure compliance with this provision.

2. Institutions working at the local level

(i) Interinstitutional commissions

171. Departmental and municipal social policy councils. These councils were created by article 207 of the Code on Children and Adolescents, as territorial counterparts to the National Social Policy Council, in all departments and municipalities of the country. They are presided over by the governor or the mayor, who may not delegate either their participation or their responsibility; doing so gives rise to a charge of misconduct. These councils, which are responsible for ensuring functional coordination between national and territorial agencies, are required to include civil society organizations, and they draw up their own rules and composition. In any event, the councils must include the authorities concerned with restoring human rights and the office of the public prosecutor. In municipalities that do not have a centre of the Colombian Family Welfare Institute, the social policy councils are responsible for coordinating the family welfare system. The councils are required to meet at least four times a year and to report periodically to the departmental assemblies and the municipal councils.

172. Working groups, networks or committees at the local level. To deal with CSEC, local interinstitutional coordination mechanisms have been created by individual local social policy councils, each one according to its own goals and characteristics. These mechanisms are known as working groups, networks or committee, and they bring together the municipal authorities, representatives of the judiciary, the municipal police, sectional protection institutions, trade unions, NGOs, organizations involving children and adolescents, *personeros*, public defenders and community educators.³⁵

(ii) Local institutions

Governors and mayors

173. Governors are the highest authorities of the 32 departments of Colombia. Mayors are the authorities of the 1,101 municipalities in the country. They are responsible for designing, implementing and evaluating public policies on children and adolescents at the departmental and municipal levels.

174. Within the first four (4) months of their mandate, governors and mayors must conduct a diagnosis of the situation of children and adolescents in their respective departments and municipalities, in order to identify problems requiring priority attention in the development and decide on short-, medium- and long-term strategies to be implemented in that regard. Non-compliance with these duties gives rise to charges of misconduct and the corresponding disciplinary action. At the time this report was written, the Office of the Attorney General of the Nation was conducting investigations to verify compliance with these obligations.

175. The authorities at different territorial levels and the Colombian Family Welfare Institute are required to carry out activities to raise public awareness on the problem of prostitution, pornography and sexual abuse of children. The governors and mayors must include, both in their development plans and in the overall security plans and strategies pursuant to article 20 of Act 62 of 1993, a specific component outlining special measures

³⁵ For example, these committees or networks (some of them specializing in CSEC) have been given names such as District Council for comprehensive assistance to victims of domestic and sexual violence and sexual exploitation, in Bogotá; Network on prevention of CSEC; Committee on abuse and sexual exploitation of children, in Quibdó; District Council on comprehensive assistance and protection for CSEC, in Cartagena; Departmental Network against trafficking in persons, in Neiva; Departmental Committee on assistance to victims of sexual abuse, in Cúcuta; Good Treatment Networks, Committees on the Eradication of Child Labour.

to prevent and eliminate sexual exploitation of minors, pornography and tourism associate with sexual practices with minors. Non-compliance with these duties is a serious offence giving rise to disciplinary action.

176. The offices of governors and mayors also delegate responsibilities to the secretariats of social welfare/participation/social development (different names are used), the secretariats of education, secretariats of government and, in particular, the secretariats of health, which are described below.

Secretariats of Health

177. These units within the mayors' offices are in charge of directing health care in the territory and implementing sectoral health policy in the framework of the laws and regulations on decentralization and social security in the field of health. They have the following duties:

- (a) Through the social security health system, to carry out activities relating to mental health, identify and follow up on cases and encourage reporting of such cases;
- (b) Keep a record of CSEC cases dealt with by the health sector;
- (c) Take steps to secure comprehensive assistance to minors who are victims of sexual violence, following the guidelines drawn up by the Ministry of Social Protection;
- (d) Coordinate services in the health sector with interventions in other sectors to address the issue through good treatment networks;
- (e) Raise awareness and train health workers to deal with this problem.

Family Welfare Offices (Comisarías de Familia)

178. These are administrative interdisciplinary units that operate at the district, municipal or intermunicipal level. They are part of the National Family Welfare System, and their mission is to prevent, guarantee, restore and reinstate the rights of family members who have been affected by domestic violence and other situations envisaged in the law. They also carry out the duties of family ombudsmen in those municipalities where there is no ombudsman office.

179. As the coordinating body of the National Family Welfare System, the Colombian Family Welfare Institute is responsible for deciding on the technical lines of work to be carried out by family welfare offices throughout the country.

180. All municipalities have at least one family welfare office (which, provided requirements are met, might be shared with other municipalities).

181. The head of the Family Welfare Office has the following duties:

- (a) To guarantee, protect, restore and reinstate the rights of members of the family who have been affected by domestic violence;
- (b) To assist and provide guidance to children and adolescents and other members of the family group in the exercise and restoration of their rights;

- (c) To receive complaints and take the necessary emergency and protective measures in cases of offences against children and adolescents;
- (d) To receive complaints and take protective action in cases of domestic violence;
- (e) To give provisional rulings on custody and personal care, the amount of support money to be paid and conditions for visitation, and suspension of cohabitation of spouses or long-term partners, and to lay down conditions for spousal behaviour in situations of domestic violence;
- (f) To conduct rescue operations to remove children or adolescents from dangerous situations, when necessary owing to the urgency of the situation;
- (g) To implement programmes to prevent domestic violence and sexual offences;
- (h) To take steps to restore the rights of children in cases of child abuse and to report the offence;
- (i) To apply police measures as necessary in cases of family conflicts, in accordance with the powers conferred on them by the municipal councils.

Municipal personerías

182. As mentioned earlier, the *personerías* are the arms of the office of the public prosecutor in the municipalities. They receive guidance from and carry out duties delegated by the Office of the Ombudsman and the Office of the Attorney General of the Nation.

IV. Prohibition against the sale of children, child pornography and child prostitution

183. Once the figures and general frameworks guiding the application of the Protocol in Colombia have been reviewed, more detailed information will be provided concerning the measures taken by the Colombian State in regard to prohibition, assistance and protection and prevention of the sale and commercial sexual exploitation of children in the country. Following is a description of prohibition measures taken, organized under the following topics: offences currently in the penal code, some rules and general measures for application of penal legislation (for example, relating to extradition), administrative and law enforcement rules for punishing these acts, cooperation arrangements in the fight against these offences and, finally, the system governing adoptions in Colombia.

A. Development of domestic penal law

184. Most Colombian penal legislation for combating the sale of children, child prostitution and child pornography is contained in the Penal Code, Act 599 of 2000.

185. The original version of the Penal Code has been amended and expanded by several laws relating to the offences mentioned in the Protocol, i.e., Act 679 of 2000, the National Statute against the commercial sexual exploitation of children; Act 890 of 2004, which increased all minimum penalties by one third and all maximum penalties by

one half; Acts 747 of 2002 and 985 of 2005, against trafficking in persons; and the recently adopted Act 1236 of 2008, which increases penalties for sexual offences.

186. Following is a description of offences relating to the sale of children, child prostitution and child pornography, as defined in the amended and expanded Penal Code. Some of the offences mentioned refer expressly to acts in which the victims are children; other offences are not specific to certain victims but are more serious, and their inclusion is intended to discourage and combat the acts that are prohibited by the Protocol. Others which, although serious, are subsidiary to the matters addressed in the Protocol, are also mentioned.

Acts that are penalized in order to combat the sale of children, child prostitution and child pornography

Article 188. Trafficking in migrants. Anyone who promotes, induces, constrains, facilitates, finances, collaborates or in any other way participates in the entry or exit of persons to or from the country, without complying with the legal requirements, for profit or to obtain any other advantage for himself or another person, shall be punished with imprisonment of ninety-six (96) to one hundred forty-four (144) months and a fine of sixty-six point sixty-six (66.66) to one hundred fifty (150) minimum monthly wages as defined by the legislation in force at the time of sentencing.

Article 188-A. Trafficking in persons. Anyone who captures, transfers, shelters or receives a person, within the national territory or away from it, for purposes of exploitation, shall be punished with imprisonment of thirteen (13) to twenty-three (23) years and a fine of eight hundred (800) to one thousand five hundred (1,500) minimum monthly wages as defined by the legislation in force at the time of sentencing.

For the purposes of this article, exploitation shall be understood to mean obtaining economic profit or any other advantage for oneself or for someone else, by exploiting the prostitution of another person or by other types of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude, exploitation of another person's begging, servile marriage, organ extraction, sexual tourism or other types of exploitation.

The consent of a victim to any form of exploitation defined in this article shall not constitute grounds for exemption from criminal liability.

Article 188-B. Aggravating circumstances. The penalties for the offences described in articles 188 and 188-A shall be increased by one third to one half, when:

1. When the offence is committed against a person who suffers from psychological immaturity, a mental disorder, mental illness and psychic disorder, either temporary or permanent, or is under 18 years old.
2. As a result, the victim is affected by permanent physical harm and/or psychic harm, mental immaturity, mental disorder either temporary or permanent, or permanent harm to his or her health.
3. The person responsible is a spouse or long-term partner or related up to the third degree of consanguinity, second degree of affinity and first degree of civil status.
4. The perpetrator or participant is a government employee.

Paragraph. When the acts described in articles 188 and 188-A are committed on a child under the age of twelve (12), the penalty shall be increased by one half.

Article 213. Inducement to prostitution. Anyone who for profit or to satisfy the desires of another induces another person to carnal commerce or prostitution shall be punished with imprisonment of thirty-two (32) to seventy-two (72) and a fine of sixty-six point six (66.6) to seven hundred fifty (750) minimum monthly wages as defined by the legislation in force at the time.

Article 214. Constraint to prostitution. Anyone who for profit or to satisfy the desires of another constrains another person to carnal commerce or prostitution, shall be punished with imprisonment of eighty (80) to one hundred sixty-two (162) months and a fine of sixty-six point sixty-six (66.66) to seven hundred fifty (750) minimum monthly wages as defined in the legislation in force at the time.

Article 216. Aggravating circumstances. The penalties for the offences described in the preceding articles shall be increased by one third to one half when:

1. They are committed on a person who is under fourteen (14) years old.
2. They are committed for the purpose of taking the victim to a foreign country.
3. The person responsible is a member of the victim's family.

Article 217. Encouraging children to prostitution. Anyone who uses, rents, maintains, manages or finances a house or an establishment for the practice of sexual acts in which minors participate shall be punished with imprisonment of ninety-six (96) to one hundred forty-four (144) months and a fine of sixty-six point sixty-six (66.66) to seven hundred fifty (750) minimum monthly wages as defined in the legislation in force at the time.

The penalty shall be increased by one third to one half when the person responsible is a member of the victim's family.

Article 218. Child pornography. Anyone who photographs, films, sells, buys, exhibits or in any way markets pornographic material in which children participate shall be punished with imprisonment of ninety-six (96) to one hundred forty-four (144) months and a fine of one hundred thirty-three point thirty-three (133.33) to one thousand five hundred (1,500) minimum monthly wages as defined in the legislation in force at the time.

The penalty shall be increased by one third to one half when the person responsible is a member of the victim's family.

Article 219-A. Use or facilitation of means of communications to offer sexual services of children. Anyone who uses or facilitates traditional mail, global information networks or any other means of communication to obtain sexual contact with children under the age of eighteen (18) or to offer sexual services with children, shall be punished with imprisonment of eighty (80) to one hundred eighty (180) months, and a fine of sixty-six point sixty-six (66.66) to one hundred fifty (150) minimum monthly wages as defined in the legislation in force at the time.

The penalties mentioned in the preceding paragraph shall be increased by up to one half (1/2) when the acts are committed on children under twelve (12) years old.

Article 219-B. Failure to report. Anyone who by reason of his or her office, position or activity is aware of the use of children for the performance of any of the acts described in this chapter and fails to report such events to the competent administrative or judicial authorities, having the legal duty to do so, shall incur a fine of thirteen point thirty-three (13.33) to seventy-five (75) minimum monthly wages as defined in the legislation in force at the time.

If the act is committed by a government employee, that person shall also lose his or her job.

Article 232. Irregular adoption. Anyone who promotes or carries out the adoption of a child without meeting all the relevant legal requirements or without being licensed by the Colombian Family Welfare Institute to handle adoption programmes, or who uses irregular practices that are harmful to the child, shall be punished with imprisonment of sixteen (16) to ninety (90) months.

The penalty shall be increased by one half to three fourths when:

1. The act is carried out for the purpose of making a profit.
2. The other participant takes advantage of his or her official position or profession to carry it out, in which case that person shall also be punished with the loss of his or her job or public position.

Other subsidiary offences

187. The following offences should also be borne in mind. Although they do not refer specifically to commercial sexual exploitation of children or the sale of children, they involve criminal acts that are carried out in connection with the different manifestations of this scourge.

- **Article 168. Simple kidnapping.** Anyone who for purposes other than those envisaged in the next article seizes, removes, retains or hides a person shall be punished with imprisonment of one hundred ninety-two (192) to three hundred sixty (360) months and a fine of eight hundred (800) to one thousand five hundred (1,500) minimum monthly wages as defined in the legislation in force at the time.
- **Article 169. Kidnapping for purposes of extortion.** Anyone who seizes, removes, retains or hides a person for the purpose of demanding some advantage or profit in exchange for his or her freedom, or of requiring that something be done or not be done, or for publicity or political reasons shall be punished with imprisonment of three hundred twenty (320) to five hundred four (504) months and a fine of two thousand six hundred sixty-six point sixty-six (2,666.66) to six thousand (6,000) minimum monthly wages as defined in the legislation in force at the time.
- **Article 170. Aggravating circumstances.** The aforementioned penalty for kidnapping for purposes of extortion shall be four hundred forty-eight (448) to six hundred (600) months and the fine shall be six thousand sixty-six point sixty-six (6,666.66) to fifty thousand (50,000) minimum monthly wages as defined in the legislation in force at the time, not exceeding the maximum term of incarceration established in the Penal Code, if any of the following circumstances are present:

If the act is committed on a person with disabilities who is not able to take care of him or herself or who suffers a serious illness, or is under eighteen (18) years old, or over sixty-five (65) years old, or who does not have the full capacity of self-determination or is a pregnant woman.

- **Article 205. Violent carnal access.** Anyone who has carnal access with another person by means of violence shall incur imprisonment of one hundred twenty-eight (128) to two hundred seventy (270) months.
- **Article 206. Violent sexual act.** Anyone who performs on another person a sexual act other than violent carnal access shall be punished with imprisonment of forty-eight (48) to one hundred eight (108) months.
- **Article 208. Abusive carnal access with a child under 14 years old.** Anyone who has carnal access with a person under fourteen (14) years old shall be punished with imprisonment of sixty-four (64) to one hundred forty-four (144) months.
- **Article 209. Sexual acts with a child under 14 years old.** Anyone who performs sexual acts other than carnal access with a child under fourteen (14) years old or in the presence of such child, or who induces that child to sexual practices, shall be punished with imprisonment of forty-eight (48) to ninety (90) months.

If the actor performs any of the acts described in this article with children under fourteen by virtual means, using global information networks, he or she shall incur the relevant penalties reduced by one third.

- **Article 211. Aggravating circumstances.** The penalties for the offences described in the preceding articles shall be increased by one third to one half when:
 1. The act is committed in conjunction with another person or persons.
 2. The person responsible is in a situation or holds a position that gives him or her special authority over the victim or inspires trust in the victim.
 3. There is contamination with a sexually transmitted disease.
 4. The act is committed on a person under twelve (12) years old.
 5. The act is committed on the spouse or the person who lives or has lived with the perpetrator, or with the person with whom a child has been procreated.
 6. The victim becomes pregnant.
- **Article 229. Domestic violence.** Anyone who physically or psychologically mistreats any member of his or her family group shall incur, provided that the act does not constitute an offence punishable with a harsher penalty, incarceration of four (4) to eight (8) years.

The penalty shall be increased by one half to three fourths when the act is committed on a child, a woman, a person over sixty-five (65) years old or who is

disabled or has a physical, sensory or psychological handicap or who is in a state of helplessness.

Paragraph. The same penalty shall be imposed on anyone who, not being a member of the family group, is entrusted with caring for one or several members of the family in their domicile or residence, and who commits any of the acts described in this article.

- **Article 230. Maltreatment through restriction of physical freedom.** Anyone who by force restrains the freedom of movement of another adult person belonging to his or her family group or a minor over whom he or she has parental authority, shall be punished with imprisonment of sixteen (16) to thirty-six (36) months and a fine of one point thirty-three (1.33) to twenty-four (24) minimum monthly wages as defined in the legislation in force at the time, provided the act does not constitute an offence that is punishable by a harsher penalty.
- **Article 2, Act 919 of 2004,** prohibits the sale of human body parts for transplant and defines the trafficking of such parts as an offence. Anyone who traffics, buys, sells or markets human body parts shall be punished with imprisonment of three (3) to six (6) years.

Paragraph. The same penalty shall also apply to anyone who removes a body part from a cadaver or from a person without the corresponding authorization, who participates as an intermediary in the purchase, sale or marketing of the body part or who advertises the need for an organ or tissue or its availability, offering or seeking some type of reward or remuneration.

B. Some rules and general measures for application of the penal legislation; extradition

188. The criminal offences described above are also covered by the following rules and general provisions of Colombian criminal legislation.

189. Firstly, legal entities are not criminally liable under Colombian law.

190. Secondly, an attempt to commit any of the offences described above is a criminal offence in and of itself. Accordingly, penalties are imposed for the act that was initiated, reduced by no less than half of the minimum or more than three-fourths of the maximum, provided that the non-completion of the act was due to causes not related to the perpetrator.

191. Thirdly, penal action is usually unenforceable after a period of time equal to the maximum sentence established by law, should that be incarceration, but in no case less than five (5) nor more than twenty (20) years. However, in the case of offences against freedom, integrity and sexual development, articles 213, 214, 217, 218, 219 above, committed against minors, the period of prescription is twenty (20) years from the date when the victim reaches adult age.

192. Fourthly, extradition may be requested, granted or offered in accordance with public treaties and, in the absence of such treaties, as provided by law. In Colombia, the law approving the Protocol is sufficient for granting extradition of a foreigner who has been caught within the national territory for offences relating to the Protocol, without need of a bilateral treaty with the requesting country. Extradition of a foreigner who is apprehended in a foreign country for offences covered by the Protocol that were committed in Colombia may be requested without its being strictly necessary that there

be a bilateral treaty with the country concerned. In addition, the extradition of persons who are Colombian by birth may be granted for offences committed in another country that are covered by Colombian penal legislation.

193. The extradition procedure is as follows: once a request for extradition is received, it is referred to the penal cassation chamber of the Supreme Court of Justice, which studies the request and issues its technical-legal opinion on the matter. If the opinion is negative, extradition must be refused, given that compliance with the decision of the court is mandatory. If the opinion is positive, it is up to the President of the Republic to decide, at his discretion, whether or not extradition is granted. It is very important to note that Colombia decided in favour of the only extradition request relating to offences under the Protocol that it has received up to now. Indeed, the Supreme Court of Justice issued a favourable opinion on the extradition request against United States citizen Michelangelo Pinzón Vásquez, who was charged with producing child pornography. At the conclusion of the process, this individual was extradited to the United States of America on the decision of the President of the Republic.

194. Fifthly, there are several provisions that are applicable to cases of offences against freedom, integrity and sexual development, offences of homicide or personal injury with malice, or kidnapping, committed against children and adolescents. In such cases, the following rules apply:³⁶

- (a) If there are grounds for issuing an arrest warrant, this shall always involve incarceration. Measures not involving incarceration are not applicable to these offences.
- (b) House arrest shall not be allowed as an alternative to preventive detention in a prison.
- (c) Charges in criminal proceedings may not be dropped in cases in which compensation of damages is sought.
- (d) No provision shall be made for probation.
- (e) No provision shall be made for parole.
- (f) In no case shall the judge overseeing application of the sentence allow alternate penalties.
- (g) There shall be no reduction of the penalty based on prior agreements and negotiations between the prosecution and the defendant.
- (h) Nor shall any other benefit or judicial or administrative alternative be allowed, except the benefits for collaboration that are enshrined in the Code of Criminal Procedures, when applicable.

195. Regarding the aforementioned rules for criminal proceedings, it should be noted that authorities in the Government, the police and the courts and those concerned with protecting children and adolescents, as well as NGOs and international agencies involved in combating CSEC all agree that a major obstacle in the fight against this scourge is the absence of penal legislation to punish the actions of clients. This problem is especially serious when CSEC is not mediated by a pimping network that profits from

³⁶ Article 199 of the Code on Children.

the exploitation, but rather it occurs as a direct relation between the “client” and the minor. In that context, criminal proceedings do not have the desired dissuasive effect, since the legislation is geared towards prosecuting an intermediary who is not there. In such cases, legislatures are working to make it possible to take criminal action to discourage “clients” from having contact with minors.

C. Administrative and law-enforcement sanctions, seizure and confiscation of property, and search and closure of premises

196. As mentioned above, Act 679 entrusted the National Police with the duty of exercising surveillance and control of hotels and other establishments suspected of being involved in the sexual exploitation of children, and inspecting brothels in order to prevent sexual exploitation of children and child pornography. It also calls for the temporary or definitive closure of establishments that allow the commission of sexual or pornographic acts with children. The law also empowers the Police to inspect and immobilize vehicles in tourist areas when there is serious evidence of their use for sexual exploitation of children. Such vehicles may be seized and auctioned for payment of compensation arising from the offence the commission of which is established in the course of criminal proceedings.

197. In addition, article 106 of the Code on Children and Adolescents provides that if the family ombudsman or the family welfare authorities have evidence that a child or an adolescent is in a dangerous situation in which his life or his personal integrity are threatened, they shall proceed to rescue the child so as to provide the necessary protection. If warranted by the circumstances, they shall search the premises where the child is found, provided they have been refused entry after having stated their purpose, or there is no one to facilitate entry. The law enforcement authorities are required to provide support if that is requested.

198. Under the National Police Code, the following administrative measures are to be taken:

199. Premises shall be sealed off and fined (the order to do this is issued directly by the local mayor or the highest municipal authority and executed by the National Police), for the following reasons:

- (a) Unhealthy environment, not complying with minimum requirements for obtaining and keeping a permit;
- (b) Security;
- (c) Sale of intoxicating beverages to children and adolescents;
- (d) Presence of children and adolescents in shows with sexual content;
- (e) Use of children and adolescents in establishments that engage in sexual commerce;
- (f) Staying open after hours;
- (g) Absence or expiration of documents required to set up and operate the establishment,
- (h) Operating the establishment in a forbidden location, residential areas, educational centres;

(i) Penalties are imposed on hotel establishments, bars, restaurants and hotels, for non-compliance with the requirements of Act 350 of 1996 and Act 679 of 2001.

200. Under Act 679, the Ombudsman-Delegate for the rights of children, youth and women has called on law-enforcement authorities and the office of the prosecutor to increase surveillance of establishments such as bars, discotheques, hotels and streets and to conduct the necessary investigations to ensure that CSEC does not go unpunished; DAS to increase controls over immigration of tourists and emigration of children and adolescents outside the country, reiterating the need to conduct prevention campaigns to create awareness among children and adults of the risks involved and how to avoid being sexually exploited and to inform them to whom they can report their situation; the communications media so as to ensure that they fulfil their role of carrying out mass information campaigns on how to detect, protect and care for victims and punish those responsible, given the indifference and the stigmatization that enables sexual exploitation of children and adolescents.³⁷

201. An effort is currently underway to draft legislation to reinforce Act 679, especially as regards the ability of law enforcement to effectively control a wider spectrum of establishments that might engage in CSEC.

D. Cooperation with other States in the investigation of offences relating to the Protocol

202. In addition to cooperating with international investigations in criminal matters in the aforementioned extradition cases, the Administrative Department of Security (DAS), through its relations with INTERPOL, plays an important part in cooperating in the investigation of offences relating to the Protocol and the fight against child pornography. In this regard, different mechanisms are used for sharing information in the fight against these transnational offences:

(a) In the first place, Interpol has a database on child pornography, created in 2001, which contains hundreds of thousands of pictures relating to cases of sexual abuse against children that have been transmitted by member countries. This facilitates the exchange of information; an image-recognition programme makes it possible to compare crime-scene details so as to establish linkages between events that have affected different victims at the same location and thus determine where the pictures, the victims and possibly the perpetrators came from, so as to notify domestic authorities about the suspect.

(b) In the second place, there is a constant exchange of information between DAS-Interpol Colombia and the world and regional bureaus in France and Argentina, which are the main offices providing support for national institutions in the fight against transnational organized crime.

(c) In the third place, Interpol promotes the publication of international green notices to circulate warnings and privileged information about serious crimes against children.

³⁷ 48. Hurtado, María C., *El turismo sexual y su afectación a los derechos humanos*. Cartagena, 18 August 2005. National Plan of Action for the prevention and eradication of commercial sexual exploitation of children and adolescents under the age of 18.

(d) In the fourth place, Interpol has set up a task force of international police investigators to facilitate and intensify investigations of sexual crimes against children.

(e) In the fifth place, international yellow notices are issued to help find missing persons, especially children.

(f) Finally, Interpol provides training courses and technical advice to DAS to help with the fight against transnational crimes such as trafficking and child pornography.

E. Adoption in Colombia and the fight against the sale of children

203. The Code on Children and Adolescents, adopted as Act 1098 of 2006, includes special measures governing the adoption process in Colombia, in order to prevent the different manifestations of the sale of children. Some of these provisions are described below.

204. Adoption is first and foremost a protective measure through which, under the supreme oversight of the State, an irrevocable parent-child relations is established between persons who are not naturally related (article 61).

205. The central authority for adoption matters is the Colombian Family Welfare Institute. Adoption programmes may only be carried out by the Colombian Family Welfare Institute and those institutions that have been duly authorized by the Institute (article 62).

206. Only children under the age of 18 who have been declared adoptable or those whose adoption has been previously agreed to by the parents are eligible for adoption. If the child owns property, the adoption shall be conducted in accordance with the formalities required by the child's guardians (article 63).

207. Adoption shall have the following effects (article 64):

(a) The adopter and the adoptee acquire, through adoption, the rights and obligations of father and/or mother and child.

(b) Adoption establishes the civil relationship between adoptee and adopter, and this relationship extends to all the adopters' relatives, in all lines and degrees of relationship by blood, by adoption or by similar means.

(c) The adoptee shall bear the surnames of the adopters. The name may only be changed if the adoptee is under three (3) years old, or at an older age only if the adoptee agrees, and the judge finds that the reasons for the change are justified.

(d) Through adoption, the adoptee ceases to belong to his or her natural family, and all blood relationship with the natural family is extinguished, except for the prohibition to marry established in article 140(9) of the Civil Code.

(e) If the adopter is the spouse or long-term partner of the biological father or mother of the adoptee, this provision shall not apply with respect to that parent, with whom the adoptee shall maintain his or her family ties.

208. Consent (article 66) is the informed, free and voluntary manifestation of willingness to give a son or a daughter up for adoption on the part of those who have parental authority as determined by the Family Ombudsman, who shall provide them

with full information about the legal, psychological and social consequences of the adoption. This consent must be valid under civil law and consistent with the constitution. In order for consent to be valid, the following requirements must be met:

(a) That there is no error, force or malice, and that the cause and purpose are lawful;

(b) That it has been granted only after sufficient information and advice have been provided about the psychological, social and legal consequences of the decision.

209. The adoption is consistent with the constitution when the person giving consent has been duly and fully informed and advised and has the capacity to grant it. It is understood that a person has capacity to grant consent one month after the date of birth.

210. Consent for adoption shall be sought when the father or mother is missing, not only because of death, but also when he or she has a mental illness or a serious psychic anomaly certified by the National Institute of Legal Medicine and Forensic Science.

211. Consent granted for the adoption of an unborn child shall not be valid. Neither will consent granted in respect of specific adopters, except when the adoptee is related to the adopter to the third degree of consanguinity or the second degree of affinity, or is a child of the spouse or long-term partner of the adopter.

212. A person who expresses consent for adoption may revoke that consent within one month following the granting of consent.

213. Adolescents must receive specialized psychosocial support provided by the Colombian Family Welfare Institute so as to enable them to remain with their son or daughter, or to freely grant informed consent. The consent of a father or mother who is under the age of eighteen (18) shall be valid if it is expressed in compliance with all the established requirements. In such a case, the adolescents shall be assisted by their parents or by the persons responsible for them or by the office of the public prosecutor.

214. The State shall recognize the fulfilment of the duty to provide care (*solidaridad*) (article 67) on the part of a family other than the birth family that decides to provide permanent protection for the child or adolescent and makes it possible for the child to fully and harmoniously exercise his or her rights. In such cases, the family relationship does not change.

215. Requirements for adoption (article 68). A person is eligible to adopt if he or she has the necessary capacity, is at least 25 years old, is at least 15 years older than the child being adopted, and guarantees that he or she has the necessary physical, mental, moral and social qualifications to provide the child or adolescent with a suitable and stable family. These same qualities shall be required in cases of joint adoptions.

216. The following persons may adopt: (1) single persons; (2) spouses, jointly; (3) long-term partners who show that they have lived together without interruption for at least two (2) years, jointly. This period shall be reckoned from the official date of the divorce, if both or either member of the couple has had a prior marriage; (4) the guardian may adopt the ward or former ward once the account of his or her administration have been approved; (5) the spouse or long-term partner may adopt the child of his or her spouse or partner, when they show that they have lived together without interruption for at least two (2) years.

217. Preference for Colombian adopters (article 71). The Colombian Family Welfare Institute and institutions authorized by it to carry out adoption programmes shall give preference, all things being equal, to requests presented by Colombians when they meet the requirements established in the Code. If there is a Colombian family residing in the country or abroad and a foreign family, the Colombian family shall be given preference, and if there are two foreign families, one in a country that has not acceded to the Hague Convention or a similar bilateral or multilateral convention, and the other in a country that has, preference shall be given to the family from the country that has acceded to the convention in question. Failure to comply with these rules shall give rise to disciplinary sanctions as appropriate and shall invalidate the assignment.

218. International adoptions (article 72). International adoptions shall be governed by the international treaties or conventions on the matter that have been ratified by Colombia. The Colombian Family Welfare Institute, as the central authority, shall authorize accredited organizations and international agencies, once they have met the requirements laid down in the law and the international conventions ratified by Colombia and bearing in mind the need for the service. The Ministry of the Interior and of Justice shall recognize their legal standing and register their legal representatives.

219. Both the international agencies and the accredited organizations shall renew the authorization granted by the Colombian Family Welfare Institute every two years.

220. Adoption programmes (article 73). An adoption programme shall be understood to be the various activities that are carried out with a view to restoring the right of a child or an adolescent to have a family of his or her own. The Colombian Family Welfare Institute, working through the adoptions committees in the regions and agencies, and the institutions authorized by the Institute to carry out adoption programmes through adoptions committees, shall be in charge of selecting Colombian and foreign adopting families and the placing eligible children and adolescents with adoptive families.

221. Institutions that are authorized to carry out adoption programmes must fully guarantee the rights of the children and adolescents who are suitable for adoption during the time that those children and adolescents are under their care, and they may not hand them over to anyone unless the requirements laid down in this Code are met (article 73(1)).

- (c) Rapid response units of the Office of the Prosecutor-General of the Nation;
- (d) Police stations;
- (e) Judicial SICIN units;
- (f) Family welfare offices;
- (g) ICBF area centres;
- (h) Office of the Ombudsman and municipal *personerías* in cases of armed perpetrators or in municipalities where there is no police station, ICBF, family welfare office;
- (i) Casas de Justicia (Justice Houses);

- (j) Sexual Crimes Unit in cities where CAIVA or CAVIF have been created;
- (k) DAS/Interpol.

222. Membership of the adoption committees (article 73(2)). The adoption committees of the Colombian Family Welfare Institute and of the authorized institutions shall be made up of the regional director of ICBF or his or her delegate, the director of the institution or his or her delegate, a social worker, a psychologist and any other persons who may be appointed, as the case may be, by ICBF or by the boards of directors of the institutions.

223. Accreditation requirements for agencies or institutions (article 73(3)). Those providing international adoption services must present evidence of a sound financial situation and an effective system of internal financial controls, as well as an external audit report. Such entities shall be required to maintain accounting records which shall be subject to supervision by the authority, including a detailed statement of the average costs and expenditures associated with the different categories of adoptions. The information concerning costs, expenditures and fees charged by the agencies or institutions for providing international adoption services must be made available to the public.

224. Prohibition of payment (article 74). Neither the Colombian Family Welfare Institute nor the institutions authorized by it to carry out adoption programmes may charge, directly or indirectly, any compensation for handing over a child or adolescent for adoption. In no case may any compensation be given to the parents for handing over their children for adoption nor may any kind of pressure be put on them in order to obtain their consent. They may not receive donations from adopting families prior to the adoption.

225. It is absolutely prohibited for any natural person or foreign institutions to make donations to Colombian institutions in return for handing over children or adolescents for adoption.

226. Without prejudice to any criminal action that might be in order, non-compliance with this provision shall result in the destitution of the responsible official, or the cancellation of the authorization to carry out the adoption programme if the act was committed by an authorized institutions (article 74(1)).

227. Reservation (article 75). All documents and administrative or judicial actions pertaining to the adoption process shall be reserved for a period of twenty (20) years from the date of the court's final decision. Copies of these documents may only be issued upon a direct request by: the adopters, through a legal representative or the family ombudsman or the adoptee when he or she has reached adulthood; the Office of the Attorney General of the Nation; the Colombian Family Welfare Institute, through its Office of Internal Disciplinary Control; the Office of the Prosecutor, the Superior Council of the Judiciary, through its Disciplinary Jurisdictional Chamber, for purposes of criminal or disciplinary investigations.

228. The adoptee may, however, appear before the competent superior tribunal, through a legal representative or with the assistance of the family ombudsman, as the case may be, to request the lifting of the reservation and to be allowed access to the information (article 75(1)).

229. An official who violates the reservation, allows access to or issues a copy [of the documentation] to unauthorized persons shall be liable for misconduct (article 75(2)).

230. Right of the adoptee to know his birth family (article 76). Without prejudice to the provisions of the previous article, every adoptee has the right to know his origin and the nature of his family ties. The parents shall decide on the timing and the conditions so that it will not be harmful to the child or adolescent to obtain that information.

231. Social security for adopters and adoptees (article 127). The adoptive father and mother of a minor shall have the right to enjoy and receive payment of maternity leave pursuant to article 34(4) of Act 50 of 1990 and the other rules governing this matter. This shall also include paternity leave pursuant to Act 755 of 2002, including payment of the leave to the adoptive parents.

232. Adopted children shall have the right to belong to the relevant EPS or ARS (health insurance entities), from the very time they are handed over to the adoptive parents by the Colombian Family Welfare Institute.

233. Requirements for leaving the country. Adopted children or adolescents may only leave the country after the decision granting the adoption has become final. The emigration authorities shall require a copy of the permission with a certificate of the adoption (article 128).

V. Protection of the rights of victims

234. This chapter refers to key regulations and measures for protecting and restoring the rights of child and adolescent victims. It begins with a general review of the obligations of the family, society and the State. A flowchart is then presented which illustrates the process of caring for and protecting children who are victims of CSEC in Colombia. Each stage in the process is then described in detail. The first is the stage when immediate care is provided for child victims, and cases are reported. Next come the two parallel processes that start when a case is reported or a child victim of CSEC is taken in, namely, the prosecution of suspects, and the restoration of the child victim's rights. In addition, there is a description of some of the special procedures that are followed in cases of child victims of the practices prohibited by the Protocol. Finally, there is a discussion of the protection measures that are applied, not to child victims, but to child offenders.

235. As regards care and protection, it is important to note that when dealing with cases involving children or adolescents who are victims of the offences prohibited by the Protocol, or adolescent offenders, the entities of the National Family Welfare System must always act to defend and guarantee the rights of children and adolescents, which take precedence, and follow the principles of shared responsibility and the best interests of the child.

236. Under the Code on Children and Families, the State and society have a special obligation to provide adequate protection for the rights of children. The main obligations relating to the Optional Protocol on the sale of children, child prostitution and child pornography, are as follows:

A. General obligations of the family, the State and society to care for and protect children and adolescents in connection with the commitments established in the Protocol

237. Obligations of the family (article 39). The family shall have the obligation to promote equal rights, affection, solidarity and mutual respect among all its members.

Any form of family violence is destructive to its harmony and unity and should be punished. The family has the following obligations so as to guarantee the rights of children and adolescents:

- (a) To protect them against any act that might threaten or violate their life, their dignity and their personal integrity;
- (b) To promote the responsible exercise of sexual and reproductive rights and collaborate with the school in providing education in this area;
- (c) To include them in the health and social security system from the moment of birth;
- (d) To refrain from performing any act or behaviour that involves physical, sexual or psychological abuse, and to go to guidance and treatment centres when required to do so;
- (e) To refrain from exposing children and adolescents to economic exploitation.

238. Obligations of society (article 40). In fulfilment of the principles of shared responsibility and solidarity, civil society organizations, associations, corporations, organized commerce, trade associations and other legal entities, as well as individuals, have the obligation and the responsibility to be actively involved in ensuring the effective observance of the rights and guarantees of children and adolescents. In this regard, they must:

- (a) Be aware of, respect and promote these rights and give them preference;
- (b) Make every effort to provide immediate protection when these rights are threatened or disregarded;
- (c) Notify or report by any means any offences or actions that threaten or endanger them;
- (d) Collaborate with the authorities in applying the provisions of this law.

239. Obligations of the State (article 41). The State is the institutional context for the full development of children and adolescents. In carrying out its duties at the national, departmental, district and municipal level, it must:

- (a) Guarantee the exercise of all the rights of children and adolescents;
- (b) Guarantee the necessary conditions for them to exercise their rights and prevent them from being threatened or affected, by designing and implementing public policies on children and adolescents;
- (c) Guarantee the allocation of the necessary resources to carry out public policies on children and adolescents at the national, departmental, district and municipal levels so as to ensure that their rights are given precedence;
- (d) Ensure the protection and effective restoration of rights that have been violated;

(e) Investigate and impose harsh punishment for offences in which children and adolescents are victims, and guarantee reparation of the damage and the restoration of rights that have been violated;

(f) Resolve, as a matter of priority, all appeals, petitions or court actions presented by children and adolescents, their families or society, for the protection of their rights;

(g) At all levels of society, promote respect for the physical, psychic and intellectual integrity and the enjoyment of the rights of children and adolescents, and ways to enforce them;

(h) 15. Provide the health services and food subsidies established in the legislation on the social security health system for... children and adolescents;

(i) 16. Prevent and deal with, as a priority matter, different forms of violence and any kind of accident that threatens the right to life and quality of life of children and adolescents;

(j) 26. Prevent and deal with sexual violence, domestic violence and child abuse, and promote the dissemination of information on sexual and reproductive rights;

(k) 27. Pay special attention to children and adolescents who are at risk, vulnerable or in an emergency situation;

(l) 29. Ensure that they are not exposed to any form of economic exploitation or begging, and refrain from using them in military activities, psychological operations, civic or military or similar campaigns;

(m) 32. Eliminate the worst forms of child labour and child labour of children under 15, protect adolescents with work permits, and guarantee their access and continued attendance in the educational system;

(n) 33. Promote educational communication strategies to change cultural patterns that tolerate child labour and stress the value of education as the fundamental process for child development;

(o) 34. Ensure that children are present at all proceedings that concern them or that involve them, whatever their nature; take the necessary steps to safeguard their physical and psychological integrity and guarantee compliance with the terms stipulated in the law or in the regulations, as regards due process. Seek to ensure that their parents, responsible persons or their guardian are present in such proceedings.

(p) 36. Guarantee the assistance of a translator or a specialist in communications when necessary because of the age, disability or culture of the children or adolescents.

240. Special obligations of educational institutions (articles 47 to 45). Primary and secondary educational institutions, both public and private, shall have the fundamental obligation to full respect for the dignity, life and physical and moral integrity of children within the school environment. To this end, they must:

(a) Teach children and adolescents to respect the fundamental values of human dignity, human rights, acceptance, and tolerance for differences between people.

Accordingly, they must teach them to be respectful and considerate to others, especially to people with disabilities, special vulnerabilities or outstanding abilities;

(b) Effectively protect children and adolescents from all forms of abuse, physical or psychological aggression, humiliation, discrimination or mocking by schoolmates and teachers;

(c) Set up mechanisms for timely detection, support and guidance in cases of malnutrition, abuse, neglect, sexual abuse, domestic violence and economic and labour exploitation, contemporary forms of servitude and slavery, including the worst forms of child labour;

(d) Report to the competent authorities all situations of abuse, maltreatment or the worst forms of child labour that are discovered in children and adolescents.

(e) Provide guidance to the education community regarding training in sexual and reproductive health and life together for couples.

241. Special obligations of the social security health system (article 46). The social security health system has the following special obligations for ensuring the right to health of children and adolescents:

(a) 5. To guarantee timely, quality care for all children and adolescents, especially in emergencies;

(b) 7. To guarantee free access of adolescents to specialized sexual and reproductive health services;

(c) To carry out programmes to prevent unwanted pregnancy and specialized protection and priority support to adolescent mothers;

(d) To train the personnel to detect physical and psychological maltreatment, abuse, exploitation and sexual violence of children and adolescents, and to report such situations to the competent authorities, as well as any situation that might constitute a punishable act involving child or adolescent victims.

242. Special responsibilities of the communications media (article 47). While exercising their autonomy and other rights, the communications media must:

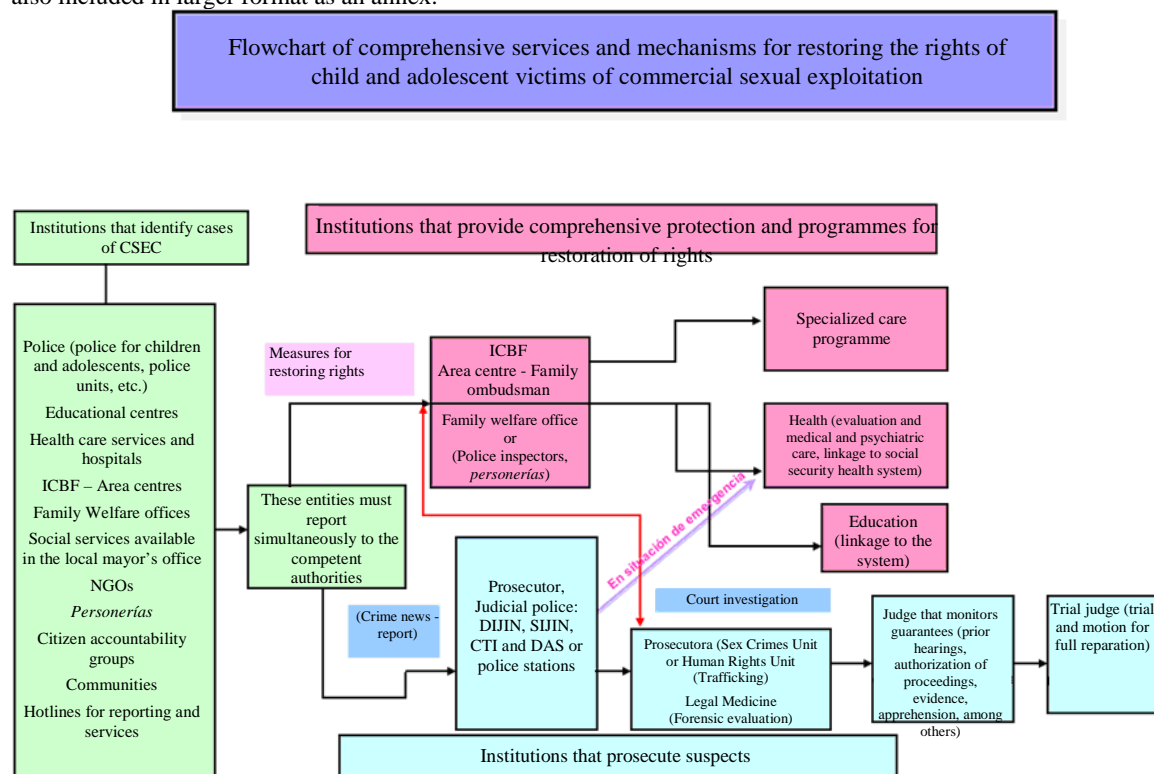
(a) Disseminate information to promote the rights and freedoms of children and adolescents, as well as their social wellbeing and physical and mental health;

(b) 6. Refrain from broadcasting or publishing anything that jeopardizes the moral, psychic or physical integrity of minors, incites to violence, excuses criminal acts or misdemeanours, or contains morbid or pornographic descriptions;

(c) Refrain from interviewing, naming or disseminating data that would identify or lead to the identification of child and adolescent victims, perpetrators or witnesses of criminal acts, except when necessary to guarantee the right to establish the identity of the child or adolescent victim of the crime, or that of his family should they be unknown. In all other situations, the authorization of the parents or, in their absence, of the Colombian Family Welfare Institute will be necessary.

B. Flowchart of services (reproduced in larger format as an annex)

243. Following is a description of integrated services and mechanisms for restoring the rights of child and adolescent victims of commercial sexual exploitation. This chart is also included in larger format as an annex.



244. The different components in this flowchart are described in the following paragraphs, in three main stages: immediate care, prosecution of the case and restoration of the rights of child victims.

C. Immediate care for child victims

245. Article 198 of the Code on Children and Adolescents establishes the obligation of national, departmental, district and municipal governments, under the supervision of the regulatory agency of the National Family Welfare System, to design and implement special programmes for child and adolescent victims; such programs must meet the requirement for comprehensive protection, are appropriate in the light of the offence committed, and take into account the best interests of the child and the primacy of the child's rights.

246. The Colombian State has a number of institutions that are responsible for identifying or receiving reports of CSEC and referring them to the appropriate agencies for the restoration of the rights of children, on the one hand, and prosecution of suspects,

on the other. These agencies have made it possible to chart a general course of action for victims of commercial sexual exploitation of children.³⁸

247. In most cases, the child and adolescent victims of sexual exploitation are contacted through the NGOs that act as operators of ICBF programmes. These NGOs go to the areas where children are being used in order to encourage them to begin changing their living conditions through ICBF programmes. This is very important, since the children do not realize they are victims, the acts occur in secret, very few cases are reported by citizens, and children usually are not referred to ICBF for protection.

248. In general, when a case of commercial sexual exploitation of children is reported, the course of action begins when the authorities receive a report, sometimes anonymous, of a case of CSEC, or when a child victim is taken in by an authority in the National Family Welfare System. The first cases is usually the most frequent, since cases of victims seeking out the authorities on their own are infrequent, or they begin with different situations, when dealing with cases of sexual abuse or domestic violence in which a manifestation of CSEC becomes apparent.³⁹ Reports are made by means of:

- (a) Telephone calls;⁴⁰
- (b) E-mail;
- (c) “Denuncie aquí” link on Websites (Police, ICBF, *Internet sano*, and others)
- (d) In writing;
- (e) Fax;
- (f) Directly, but requesting that the person’s identity be protected (anonymous);
- (g) Anonymous notification through mass communications media;
- (h) By referral of a health care centre in cases where medical examination reveals the existence of CSEC;

³⁸ The *Mesa de Atención* (Board on Special Care) of the CSEC Committee is currently working on a project for making care of CSEC victims official; this will surely strengthen and ensure that the measures described in this report become permanent.

³⁹ Thus, for example, the Office of the Prosecutor-General of the Nation is required by law to provide immediate care for children as stipulated in title IV, chapter IV of Act 906. Some of the most useful tools for this have been the CAIVAs and CAVIFs, i.e., centres for comprehensive care operated by the *Fiscalía* in major cities, which have interinstitutional teams of specialists who are trained in all aspects of comprehensive care. The staff of these immediate care centres, known as CAIVAS (Centro de Atención Integral a Víctimas de Abuso Sexual) and CAVIF (Centro de Atención Integral contra la Violencia Intrafamiliar) are trained to deal with cases of commercial sexual exploitation of children and follow the relevant legal procedures. Through interagency agreements, officials from the *Fiscalía*, the office of the mayor of the city where the centre is located, ICBF, the legal medicine department, the Office of the Ombudsman, the National Police, the Office of the Attorney General of the Nation and the local municipal *personería* are all involved in the work of these centres.

⁴⁰ For example, a child victim, or a person reporting the case, may call the following hotlines, which operate free of charge throughout the country 24 hours a day, 7 days a week: 112 - National Police, 01800918080 and 6605520/30/40 for Bogotá - ICBF, 018000912667 - Ministry of Communications.

(i) When the authorities have contact with a victim and discover evidence of CSEC, as is the case, for example, in a CAVIF.

249. When any of the authorities of the National Family Welfare System or an authorized private organization receives a report, they must immediately check to ensure compliance with all the rights of children and adolescents, as laid down in title I, book I of the Code (article 52 of the Code on Children and Adolescents). They must check:

- (a) The child's physical and psychological health;
- (b) The child's nutritional condition and vaccination history;
- (c) The child's birth record in the civil registry;
- (d) The location of the child's birth family;
- (e) Study the family environment and identify those conditions that afford protection and conditions that jeopardize the child's ability to enjoy his or her rights;
- (f) Entitlement to the services of the social security health system;⁴¹

⁴¹ With regard to cases of sexual abuse, Act 2246 of 2007 also stipulates the following:

Article 9

Comprehensive health services

In cases of sexual abuse of children and adolescents, the General Health System, both public and private, as well as the hospital and public health care centres, are required to provide emergency and comprehensive medical care, such care to be provided by specialized professionals and services. The absence of health insurance for a child or adolescent victim of sexual abuse shall not preclude providing the necessary health care. Such services must include the following minimum care:

1. Child and adolescent victims of sexual abuse shall receive care at health institutions such as the aforementioned EPS, IPS, ARS. Such services must be provided immediately and in compliance with the principle of the primacy of their rights, and these cases shall be classified and dealt with as medical emergencies.
2. Examination for and treatment of sexually transmitted diseases resulting from the abuse.
3. Provision of antiretrovirals in cases of rape and/or risk of HIV/AIDS.
4. During emergency care, evaluations will be conducted to determine the physical and psychological state of the abuse victim, with due care being taken to preserve the integrity of evidence.
5. All evidence shall be collected in a timely and appropriate manner, following the rules for the chain of custody.
6. The judicial police and ICBF shall be notified immediately.
7. Forensic, pathological and psychological tests shall be conducted immediately, as necessary for progress of criminal proceedings.

- (g) Entitlement to the educational system.

250. Moreover, if the competent authority finds that an offence might have been committed, he or she must report it to law-enforcement authorities.

251. In addition, if it becomes necessary for the child victim to receive medical care, the authorities must immediately refer the victim to a health centre. This medical care should include the following:

- (a) Above all, the child victim must be guaranteed full access to all social security health services up to the age of 18, without regard for the circumstances of their membership of the system (article 46(5), (9), and (10), of the Code on Children and Adolescents).

- (b) Timely detection of CSEC, through the different services (emergency, outpatient, in-patient), when the child arrives for reasons other than CSEC or sexual abuse.

- (c) Physical and mental examination (follow up on clinical history and report on forensic sexological examination. Application of resolution 412 of 2000, Guidelines for care in cases of sexual abuse and child abuse);⁴² hence:

- (i) Detection and treatment of STIs;

- (ii) Management of pregnancy;

- (iii) In the case of girls, they must give their informed consent in order to provide them with emergency contraception;

- (iv) If pregnancy is confirmed, counselling must be offered with regard to voluntary interruption of the pregnancy (decision 350 of 2006, National Social Security Council);

- (v) Specific management of mental health. In cases in which human resources in psychology or psychiatry are not available, referral must be made, as necessary;

- (vi) Follow up on STIs;

- (vii) Notification of suspected or confirmed cases to institutions in networks or committees on sexual violence, good treatment networks, among others (follow up on epidemiological records, among others). Report by health personnel to the prosecutor or police.

252. Once the child victim has received immediate care and the case is duly reported, the process continues as when it has started with a report. Two parallel courses are

Paragraph. Any EPS, IPS and ARS or other health care provider that does not immediately provide the services required under this article shall be subject to penalties imposed by the Superintendent of Health.

⁴² In the Code on Children and Adolescents, which defines child abuse as an offence, sexual exploitation is included as one of the manifestations of child abuse.

followed to protect the child: prosecution of alleged perpetrators and restoration of the child's rights.

D. Prosecution of alleged perpetrators

253. When a crime report is received, through formal or informal sources, the following entities are required to initiate the investigation *ex officio*:

- (a) The care and dispatch centres (CAD) of the National Police -- hotlines 112 or 123;
- (b) Stationary and mobile immediate care centres of the National Police (CAI);
- (c) Rapid response units of the Office of the Prosecutor-General of the Nation;
- (d) Police stations;
- (e) Judicial SICIN units;
- (f) Family welfare offices;
- (g) ICBF area centres;
- (h) Office of the Ombudsman and municipal *personerías* in cases of armed perpetrators or in municipalities where there is no police station, ICBF, family welfare office;
- (i) Casas de Justicia (Justice Houses);
- (j) Sexual Crimes Unit in cities where CAIVA or CAVIF have been created;
- (k) DAS/Interpol.

254. The inquiry stage. When an anonymous report is received, the relevant authorities determine whether the report in question provides specific evidence or information to warrant investigation. If not, the file is closed. The judicial police check the veracity of the information and act as a matter of urgency, should that be in order (interviews, crime scene inspection, etc.), and report on their action within the next 36 hours to the prosecutor so that he or she can lead the investigation. If urgent action is not needed, a report of the verification activities carried out is prepared so that the prosecutor can immediately take care of the investigation.

255. When an offender is caught in the act (*in flagrante delicto*), he must be taken as soon as possible to the *Juez de Control de Garantías* (the judge responsible for ensuring that constitutional guarantees are observed). As regards the victim, the judicial police shall take urgent action to expedite the investigation without need of prior authorization from the judge, including, for example, by requesting a DNA test on the perpetrator, inspecting the crime scene, conducting searches and making referrals to the National Institute of Forensic Medicine.

256. The investigation and trial stage. The investigation is assigned to a prosecutor who, with the support of the judicial police, prepares the methodological programme for the investigation and gives instructions as needed (e.g., referral to the National Institute

of Legal Medicine for expert examinations, instructions on the investigation to the technical investigations unit of the prosecutor's office, to the judicial police, to the family welfare offices, etc.). In addition, the prosecutor determines whether the victims are at risk physically or morally and if so, refers the victim to the competent administrative authorities for comprehensive care (e.g., ICBF-Family Ombudsman, to take measures to restore the victim's rights). When a victim needs medical attention, the authority in charge of the case must immediately refer him or her to the health services, which is part of the aforementioned interrelated process of immediate care.

257. The prosecutor represents the State's interests. He does not directly represent the victim's interests; however, in most cases, the State's interests coincide with the victim's interests. The prosecutor must determine if the punishable act was committed, and if so, what were the circumstances as regards time, *modus operandi* and place; he must identify who are the perpetrators and the accomplices of the punishable act, establish the existence of harm to the victim and whether any property was used as an instrument or effect of the offence, and if so, request that it be confiscated or liquidated;

(a) Preliminary hearings: these take place before the *Juez de Control de Garantías*, at the request of the prosecutor, in the event that a given action might violate fundamental rights. This hearing may take place before or after the action, for example, to ensure that the capture was legal (before), or to request a search warrant (after).

(b) Hearing to bring charges: at this point, the parties make statements on requests for nullity, incompetency, impediment and recusal, as the case may be. The prosecutor then states the charges. Protection measures for the victim. The point in the proceedings in which victim status is formally recognized; nevertheless, they are already rightholders.

(c) Evidence stage: discovery of evidence.

(d) Preparatory hearing: this involves the prosecution, the defence, the trial judge, the representative of the victims and the defendant. Observations are made on the discovery of material and physical evidence. The events to be discussed in the trial are established. The prosecution and the defence request evidence. The judge decides on the evidence. The representatives of the victims may request evidence on an equal footing with the prosecution and the defence.

(e) Oral trial: this involves the prosecution, the defence, the trial judge, the representative of the victims and the defendant. The trial is held; it is governed by the following principles: all questions at issue must be decided in one final judgement (*principio de concentración*); all evidence must be directly available to the parties (*principio de inmediación*); the proceedings are adversarial (*principio de contradicción*); the proceedings are oral (*principio de oralidad*); and the proceedings must be made public (*principio de publicidad*). The sentence is issued (acquittal or conviction).

(f) Sentencing hearing: the court specifies the punishment to be imposed on the convict.

(g) Hearing on a motion to pay full restitution: this is for the purpose of obtaining full restitution for the damages caused by the criminal act. It is initiated *ex officio* if the parents, representatives of family ombudsman do not initiate it, as in cases where the victims are adults.

E. Proceedings to restore the child victim's rights (articles 50 to 61 of the Code on Children and Adolescents)

258. In parallel fashion and as a complement to the trial proceedings, a procedure is put underway with a view to restoring rights, this time focusing fully on the child victim and his or her needs.

259. Restoration of the rights of children and adolescents is understood to refer to the restoration of their dignity and integrity as subjects and their ability to effectively exercise the rights that have been violated (article 50).

260. The reinstatement of the rights of children and adolescents is the responsibility of the State as a whole. All public authorities have the obligation to report, notify or submit to the family ombudsmen, the family welfare offices or in the absence of these, to the police inspectors or municipal or district *personerías*, all cases in which children or adolescents are vulnerable or at risk. When this happens, the competent authority must make sure that the National Family Welfare System guarantees their entitlement to social services (article 51).

261. In this process, the competent authority,⁴³ with the support of interdisciplinary teams, must take measures to ensure the establishment of the rights of child or adolescent victims. In this regard, the administrative authority must interview the child or adolescent (the interview must be conducted in a warm environment, bearing in mind the child's individual circumstances, and with an interpreter if necessary); conduct psychological, social, nutritional and legal-medical evaluations; present the criminal complaint to the competent authority (if this has not already been done and the existing evidence seems to indicate that the child was the victim of an offence).

262. The measures to be taken to restore the rights of children and adolescents are listed below (article 51). To restore the rights established in this Code, the competent authority must take one or several of the following measures:

- (a) Warning and requirement to attend a special course;⁴⁴

⁴³ Articles 96 and 98 of the Code stipulate the following:

Article 96

Competent authorities

The family ombudsmen and family welfare offices are responsible for seeking and promoting the exercise and restoration of the rights recognized in international treaties, in the Political Constitution and in this Code.

Article 98

Subsidiary competence

In municipalities where there is no family ombudsman, the duties attributed to him by this Code shall be carried out by the family welfare office. In the absence of a family welfare office, the duties assigned to the ombudsman and the family welfare office shall be carried out by the police inspector.

⁴⁴ **Article 54**

- (b) Immediate removal of the child or adolescent from any activity that violates or threatens his or her rights or from the illicit activities in which he or she may be found, and placement in a specialized care programme in order to restore the right that was violated;
- (c) Immediate placement in a family environment;
- (d) Placement in temporary homes⁴⁵ and foster homes;⁴⁶
- (e) Placement in emergency centres in cases when placement in temporary or foster homes is not appropriate. This placement may be in day centres, intervention facilities or residential facilities;
- (f) Adoption, as a last resort;
- (g) In addition to the above measures, others may be applied which are envisaged in other legislation, or any other measure that will guarantee the full protection of children and adolescents;
- (h) Promoting any police, administrative or judicial action that might be necessary.

The reprimand consists of a warning to the parents or persons responsible for the child or adolescent to comply with their obligations or the obligations imposed on them by law. It is a peremptory order to cease any behaviour that might violate or threaten the rights of children and adolescents, and entails the obligation to attend a course on the rights of the child organized by the Ombudsman, under penalty of a fine that may be converted to arrest.

⁴⁵ **Articles 57 and 58**

Placement in temporary homes is the immediate and temporary placement of the child or adolescent with families that belong to a network of temporary homes. This measure is to be taken when the parents, relatives or persons responsible for the child are missing. Placement in a temporary home is a provisional measure and must not last more than eight work days, after which the competent authority must decide on some other protection measure. The network of temporary homes is made up of the group of families who have registered in the programme of protection of children and adolescents, which are prepared to take them in voluntarily and immediately, with a State subsidy, in order to provide them with the necessary care and attention.

⁴⁶ **Article 59**

Placement in a foster home is a temporary protection measure taken by the competent authority, which consists of placing the child or adolescent in a family that undertakes to provide him or her with the necessary care and attention, as a substitute for the child's birth family.

This measure shall be ordered for as short a time as possible, depending on the circumstances and the objectives sought, but no longer than six (6) months. The Family Ombudsman may extend the child's stay, if there are grounds for doing so, for up to the same length of time as at the beginning, provided the Chief Counsel of the Regional Directorate of the Colombian Family Welfare Institute is in agreement. In no case shall such placement be granted to persons living abroad nor may a child or adolescent who is under this protection leave the country without express authorization of the competent authority.

The Colombian Family Welfare Institute shall assign a monthly stipend to the foster home, to be used solely for the expenses of the child or adolescent.

In all these processes, follow up and institutional support shall be for a minimum period of six months.

263. In order to protect the rights recognized in this Code, the family ombudsmen, family welfare offices or, in their absence, police inspectors may instruct the administrative authorities to carry out the duties of judicial police for purposes of gathering evidence. They may also impose fines of one to three minimum monthly wages under the legislation currently in force to anyone who refuses to process or delays the processing of requests. If this person is a public employee, the matter shall also be reported to the person's superior and to the Office of the Attorney General of the Nation (article 104).

F. Special rules of procedure when children or adolescents are victims of the practices prohibited by the Optional Protocol

264. In judicial and administrative proceedings in which children or adolescents are victims of some form of commercial sexual exploitation, regardless of whether it is a proceeding against the perpetrator or to restore the interests of the victim, the official concerned must bear in mind the principle of the best interests of the child, the primacy of children's rights, their full protection and the rights enshrined in the international conventions ratified by Colombia, in the Political Constitution and in the law. The official's actions must be guided by the following rules.

265. Act 1098 of 2006, article 33, lays down the right to privacy of children and adolescents and protection against all arbitrary and illegal interference in their private life, that of their family, domicile and correspondence; it also protects them from any conduct, action and circumstance that might affect their dignity.

266. Article 153 of the Code on Children and Adolescents establishes that the identity of the accused and his or her actions shall be reserved. It expressly prohibits revealing the identity or the image of a child.

267. Furthermore, article 47(8) stipulates that the communications media must refrain from interviewing, giving names or revealing information that would identify or might lead to the identification of children and adolescents who have been victims, perpetrators or witnesses of offences, except when necessary to guarantee the right to establish the identity of the child or adolescent victim, or that of the child's family, if their identity is unknown. In all other circumstances, the authorization of the parents or, in their absence, of the Colombian Family Welfare Institute, will be needed.

268. When there is doubt about the age of an adolescent, he or she shall be presumed to be under 18 and, in any event, the younger age shall be presumed, articles 3 and 149 of the Code on Children and Adolescents. In the absence of documentary proof, the child's age may be determined by expert testimony provided by the National Institute of Legal Medicine and Forensic Sciences.

269. Article 193(9) of the Code on Children and Adolescents provides that the authorities must take special measures to guarantee the security of children and adolescents who are victims and/or witnesses of crimes and of their families, when that becomes necessary because of the nature of the investigation.

270. In order to ensure the prevailing rights of the child and guarantee their restoration, during proceedings relating to offences involving child and adolescent victims, the judicial authorities shall bear in mind the following specific criteria (title II of the Code):

- (a) They shall give priority to measures, evidence, actions and decisions that need to be taken;
- (b) They shall summon the parents, legal representatives or persons living with them, when such persons are not the aggressors, to assist in the restoration of the child's rights. Likewise, they shall immediately report the situation to the Family Ombudsman, so that the necessary measures may be taken to ensure that the child's rights are guaranteed and restored in those cases when the child or adolescent victim does not have his or her parents or legal representative, either permanently or temporarily, or when those individuals are perpetrators or participants in the offence.
- (c) They shall place emphasis on the punishment of those responsible, payment of compensation for damages and full restoration of the rights that have been violated.
- (d) Either ex officio or at the request of the child or adolescent victims, their parents or legal representatives, the family ombudsman or the public prosecutor, they shall order such precautionary measures as are authorized by law to guarantee payment of damages.
- (e) They shall take special care to ensure that when the proceedings end with conciliation, dismissal or full compensation, the rights of the child or adolescent victims are not violated.
- (f) They shall refrain from exercising discretion (*principio de oportunidad*) and allowing probation when the victims are children or adolescents, unless it is shown that they received compensation.
- (g) Special care shall be taken to ensure that in all proceedings in which child or adolescent victims are involved, their opinion, as children, is taken into account, and that their dignity, privacy and other rights enshrined in this law are respected. Care shall also be taken to ensure that they are not stigmatized and that no further harm is done to them during the course of the trial.
- (h) They shall take into account the opinion of the child or adolescent victim with regard to any medical examination that might be necessary. When the child or adolescent cannot express his or her opinion, consent shall be given by the parents, legal representatives or, in their absence, by the family ombudsman or family welfare office, and in their absence, by the *personero* or the family inspector. If for any reason, consent is withheld, the authorities shall explain why the medical examination is important to the investigation and the likely consequences of not practicing it. If consent is still withheld, the judge overseeing guarantees (*juez de control de garantías*) shall decide whether or not the measure should be carried out. These measures shall be carried out only if they are absolutely necessary and do not endanger the health of the adolescent.
- (i) They shall instruct the competent authorities to take special measures to guarantee the safety of child and adolescent victims and/or witnesses of offences and their families, should the investigation make this necessary.
- (j) They shall inform and provide guidance to child and adolescent victims and to their parents, legal representatives or persons living with them, regarding the

purpose of the proceedings, the outcome of the investigation and what they can do to exercise their rights.

(k) They shall refrain from ordering house arrest in cases in which the defendant is a member of the child or adolescent victim's family group.

(l) When a child or adolescent has to testify, he or she must be accompanied by a specialized authority or by a psychologist, as required by this law.

(m) In all proceedings involving a child or adolescent, the judicial authorities must ensure that there has been no pressure or intimidation.

271. Family ombudsmen, police inspectors, family welfare officials and individuals shall be sanctioned if they delay or refuse to process any request that is presented to them in the context of their duties.

272. In criminal proceedings relating to offences in which children or adolescents are the victims, the family ombudsman may request information on the progress of the investigation, with a view to taking the necessary steps to ensure that their rights are guaranteed and restored.

273. The parents or legal representatives of child or adolescent victims are empowered to take part, on behalf of the child, in criminal proceedings involving the investigation or trial of an adult for an offence in which the victim is a child or adolescent, in accordance with the Code of Criminal Procedures. They shall also be empowered to initiate a motion for full compensation of damages.

274. During the trial and the proceedings for full compensation, child victims shall have the right to be assisted by a qualified attorney representing the child's interests, even without the consent of his parents. The attorney shall be appointed by the Ombudsman through the National System of Public Defenders.

275. To protect the right of a child victim to receive compensation from an adult who has been found criminally liable, in all criminal proceedings, the motion for full compensation of damages shall be initiated ex officio if the parents, legal representatives or family ombudsman (all of whom are competent to do so) have not requested it within thirty (30) days after the final decision.

276. The assistance of a translator or a communications specialist must be guaranteed whenever that is necessary owing to the age, disability or culture of the children or adolescents (article 41(36)).

277. In hearings relating to the investigation and trial of offences in which the victim is under 18 years old, the victim must not be required to face the assailant. Accordingly, some technological device must be used, and the child or adolescent must be accompanied by a specialized professional who shall ensure that the examination and cross-examination are appropriate to the child's age. Should the judge deem it advisable, only the parties to the trial, the judicial authority, the family ombudsman, the monitoring agencies and the scientific personnel assisting the child or adolescent may be present. Insofar as possible, the child or adolescent should only be interviewed once, using mechanisms to prevent him or her from being revictimized, i.e., the interview must be conducted by an expert, usually a psychologist or psychiatrist, within a suitable environment. A Gesell chamber shall be set up, and the competent authorities and other members of the interdisciplinary team shall stay behind it.

278. In this regard, in 2005, the Colombian Family Welfare Institute signed an agreement with the *Fiscalía General* to take steps to address this issue. The plan involved designing, building and supplying the CAIVAs (units providing comprehensive care to victims of sexual violence) with Gesell chambers and conduct a single court interview with victims, with the presence of the judicial police and psychosocial teams from the prosecutor's office and ICBF. Thus, Gesell chambers were built and supplied to the cities of Bogotá, Cali, Medellín and Bucaramanga, and psychosocial teams (a social worker and a psychologist) were hired. Public employees who deal with child victims were given training on the accusatory penal system, judicial interviews and the behaviour expected of experts at oral trials.⁴⁷ The Colombian Family Welfare Institute plans to expand this project to 12 cities more, namely, Cartagena, Santa Marta, Tunja, Quibdó, Popayán, Pasto, Manizales, Palmira, Neiva, Florencia, Cartago and Cúcuta.

279. Article 383 of the Criminal Code provides that children under 12 are not to be asked to take an oath, and that they must be assisted by their legal representative or an adult, and that the judge may hear the child's testimony outside the courtroom or by audiovisual media.

280. Article 150 of the Code on Children and Adolescents provides that children and adolescents may not be summoned as witnesses in criminal proceedings against adults, but their statements may only be heard by the family ombudsman, using a questionnaire that has previously been sent by the prosecutor or the judge.

281. With regard to the evaluation of testimonies by children, the Criminal Cassation Chamber of the Supreme Court of Justice, in its decision of 26 January 2006, in case N° 23706, stated that it was not proper to impose any prohibition or limitation that would preclude accepting the credibility of a child's testimony or that of anyone else merely because of their situation, and that the testimony of a minor should be subject to the same rigorous review as any other testimony and to the test of the principles of sound judgement (*sana crítica*). In the same decision, the Supreme Court recalled that in its decisions SU-159 of 2002 and SU-1159 of 2003, the Constitutional Court had held that victims of sexual offences had a constitutional right to be protected from efforts to gather evidence by means that would entail an unreasonable, unnecessary and disproportionate invasion of their privacy.

282. The Code on Children stipulates that in the case of offences involving homicide or personal injury with malice, offences against freedom, integrity and sexual development, or kidnapping, when committed against children and adolescents, the follow rules of judicial protection shall apply:

(a) If there are grounds for ordering precautionary measures, such measures shall always consist of incarceration. Measures not involving incarceration shall not be applicable in these cases.

(b) House arrest shall not be allowed as an alternative to preventive detention in a prison.

(c) Charges in criminal proceedings may not be dropped in cases in which compensation of damages is sought.

(d) No provision shall be made for probation

⁴⁷ The International Organization for Migrations (IOM) provided invaluable cooperation in this effort.

- (e) No provision shall be made for parole.
- (f) In no case shall the judge overseeing application of the sentence allow alternate penalties.
- (g) There shall be no reduction of the penalty based on prior agreements and negotiations between the prosecution and the defendant.
- (h) Nor shall any other benefit or judicial or administrative alternative be allowed, except the benefits for collaboration that are enshrined in the Code of Criminal Procedures, when applicable.

283. With respect to the presumption of innocence and the right of the defendant to benefit from reasonable doubt in proceedings involving a child victim of a practice prohibited by the Protocol, the Constitutional Court, in its decision T-554 of 2003, stated that any doubts the court official might have regarding the occurrence of an event or the degree of responsibility of the perpetrator or participants shall not be resolved, *ab initio*, in their favour to the detriment of the rights of the child, but rather, in such cases, it is necessary to investigate further in order to dispel all reasonable doubt. *This does not mean that in cases of sexual crimes against minors the court official is prohibited from applying the principle of in dubio pro reo, but rather that this principle may only be applied in the final analysis, after a serious and truly exhaustive investigation has been conducted and all pertinent evidence has been gathered in order to arrive at the truth; if despite all that, there is still a reasonable doubt, the case must be resolved in favour of the defendant.*⁴⁸

284. It should also be noted that in proceedings for the protection of minors, special measures must be taken to protect and restore the rights of children belonging to minority communities. In this regard, the General Directorate of the Colombian Family Welfare Institute passed resolution N° 3622 of 2007, approving a policy and guidelines for differentiated care for ethnic groups. The document establishes guidelines for strengthening the necessary services, at all stages, in order to meet the needs of ethnic groups that are recognized in the country, with due respect and appreciation for their ethnic and cultural diversity. Likewise, during 2008 a plan is being carried out to publicize the policy and provide technical advice to all the regional and sectional offices of ICBF throughout the country, on how to improve implementation of the aforementioned differentiated approach. This policy guides the work of ICBF among ethnic groups. The dissemination and implementation of the policy and guidelines during the current year will help strengthen the process of adapting traditional programmes in other ICBF regional offices, where there is a strong presence of such groups, so as to request more resources for next year. This does not mean that all services to ethnic groups depend on the new policy, since a significant part of the work among these groups is carried out through the Institute's regular programmes, such as the community homes that promote the wellbeing and nutrition of school children and adolescents.

285. The Office of the Attorney General of the Nation (*Procuraduría General de la Nación*) has been especially diligent in seeking to ensure compliance with the aforementioned measures for the protection of child victims of offences in judicial

⁴⁸ Decision T-554/03, M.P. Clara Inés Vargas Hernández.

proceedings involving them. Indeed, in keeping with their duty to intervene, the judicial attorneys (*procuradores*) who deal with all court proceedings in Colombia in which children are involved carry out the following activities, among others:

(a) Request copies of documentation for the purpose of investigating the alleged punishable acts envisaged in the Protocol that might have been committed against children or adolescents (article 41 (6) and (26) of Act 1098 of 2006).

(b) Ensure that children or adolescents under age 18 who are victims of offences do not have to face their assailants and require that technological devices be used to guarantee that court proceedings are conducted without the need for children to face their assailants (article 194 of Act 1098 of 2006).

(c) Request the presence and participation of a psychologist to assist the child in proceedings in which they are ordered to testify, so as to ensure that the questions are posed in language that is easy to understand and age-appropriate, while also preventing any psychological abuse that might be caused by the questions asked (articles 41 (34) and 194 of Act 1098 of 2006).

(d) Ensure that the parents of children and adolescents under 18 who are victims of offences, provided the parents are not the assailants, are summoned to any proceedings in which they must protect the rights of the children or adolescents or request the restoration of those rights (article 383 of the Code of Criminal Procedures and article 41(34) of Act 1098 of 2006).

(e) Request that the family ombudsman be present in court hearings in which a child or adolescent under 18 is to testify, in order to ensure that his or her rights are fully guaranteed or that any rights that have been violated are restored (article 195 of Act 1098 of 2006).

(f) Request that all proceedings in which child or adolescent victims are involved should be held behind closed doors and that access to the public is prohibited (article 194 of Act 1098 of 2006 and articles 18 and 183 of the Code of Criminal Procedures) so as to protect the right to privacy of children and adolescents and to prevent publicity from increasing the psychological damage that has been caused.

(g) Request that the court official order the office of the public defenders to appoint an attorney to represent the interests of child or adolescent victims in proceedings for reparation of damages (article 196(2) of Act 1098 of 2006).

G. Protection of child offenders

286. In accordance with the Code on Children and Adolescents, all adolescents who are over 14 years old are criminally liable for offences they commit. As regards criminal liability for adolescents, both the process and the measures adopted are educational, specific and differentiated, bearing in mind the need for comprehensive protection and the best interests of the child.

287. Everyone who is under 14 years old is excluded from criminal liability. Security measures are applied to those who are over 14 and under 18 and have a psychic or mental disability.

288. In all criminal and administrative proceedings in family court in which a child or adolescent is involved, the child must be accompanied by a family ombudsman.

289. With regard to the legal treatment of adolescents between the ages and 14 and 16 and those between the ages of 16 and 18, the Colombian Family Welfare Institute has established special technical guidelines, with priority being given to the principles of public policy and strengthening of the family, as required by the Political Constitution and the international treaties and regulations on the matter.

290. The trial and all procedures are the responsibility of authorities and bodies specializing in child and adolescent affairs, and are carried out bearing in mind due process, the principle of legality, the right to defence, to the reservation of proceedings, all evidence must be directly available to the parties (*inmediación*), the prohibition to try anyone *in absentia*, the prohibition to bring up past history. Incarceration for adolescents between 14 and 18 shall only be in order as an educational measure and shall be served in specialized establishments in which they are separated from adult prisoners.

VI. Prevention of the sale of children, child prostitution and child pornography

291. Colombia has implemented a number of prevention policies to combat the sale of children, child prostitution and child pornography. Some of these policies are specifically related to CSEC, while others take a more general approach and being broader in scope, also contribute to the prevention of practices prohibited by the Protocol. Following are some of the more important prevention policies implemented at the national level.

A. National policy on peacebuilding and harmonious family life - Haz Paz

292. The central objectives of this policy are to build peace and promote harmonious family life and the consolidation of democratic families that are tolerant of differences and respectful of the dignity and rights of their members, as a fundamental strategy for preventing sexual abuse and other forms of sexual maltreatment of children.

293. The specific objectives of the policy are: (a) to prevent violent relations within the family by promoting and reinforcing factors that contribute to harmony through education, culture, recreation and the generation of friendly spaces; (b) to guarantee timely action by institutions in early detection and prevention of domestic violence; (c) to guarantee the quality, availability, accessibility and utilization of health services, justice, security and protection in dealing with cases; (d) to develop models for psychosocial rehabilitation of abusers; (e) to improve knowledge about domestic violence and how to stop it; and (f) to strengthen interinstitutional and community coordination, monitoring and evaluation of programmes and services in the territories.

294. The Haz Paz policy is implemented at the national, regional and local levels with the participation of the entities of the National Family Welfare System (SNBF). It is not only preventive, but covers four areas of action: (1) prevention; (2) early detection and monitoring; (3) treatment; (4) institutional change.

B. National policy on sexual and reproductive health 2003-2006

295. This policy is implemented by the Ministry of Social Protection. The objective is to improve the sexual and reproductive health of the entire population, with special emphasis on reducing vulnerability and risky behaviour, encouraging protective factors and helping groups with specific needs.

296. The following strategies are being implemented under this policy: promotion of sexual and reproductive health through information, education, communication and interinstitutional coordination; strengthening of institutional management and participation; strengthening of social support networks, and research. In December 2003, the project on promotion of rights and peacebuilding networks 2003-2006 was launched in nine departments, under the leadership of the Presidency of the Republic, working through the advisory office on special projects and with the support of the International Organization for Migrations (IOM). The purpose of this project is to contribute to the promotion of sexual and reproductive rights through strategies promoting social mobilization, institutional strengthening and improvement of living conditions.

C. Municipal and departmental strategy on children and adolescents

297. In 2004, the Colombian Family Welfare Institute (ICBF) proposed a nationwide public evaluation of the management of children's programmes at the territorial level, promoting follow up and accountability on the living conditions and quality of life of children and adolescents in the departments and municipalities. The proposal included scenarios for public presentation of studies, territorial management and results.

298. During 2005, the proposal, entitled Municipal and Departmental Strategy on Children and Adolescents, was implemented on a nationwide scale, under the leadership of the Office of the Attorney General of the Nation, the Vice-Presidency of the Republic, ICBF and the United Nations Children's Fund (UNICEF). With the participation of territorial entities, eight priority areas were identified, including maternal health, children's health, breastfeeding and nutrition; early childhood education; sexual and reproductive health, with priority on prevention of teen pregnancies; prevention of violence and child maltreatment; drinking water and basic sanitation; civil registry; and prevention and restitution of rights that have been violated.

299. In the context of this strategy, baselines for the main indicators were developed, and meetings were held with the governors to establish commitments in the main thematic areas. During 2005, a six-year strategic plan was drawn up, and development of the organizational scheme for technical assistance in the territories is ongoing. Six governors' meetings have been held; at these, the governors have reiterated their commitment to give priority in their administrations to the eight thematic areas, to include them in their local development plans, to offer input for the National Development Plan and, finally, to analyse and execute local public spending on programmes for children and adolescents. The Office of the Attorney General of the Nation has determined that failure to meet the commitments undertaken by the governors in connection with these scenarios is grounds for disciplinary sanctions. Thanks to the strategy, the governors have organized themselves and have appointed lead governors for specific topics. For example, a lead governor was chosen to serve on a rotating basis for the topic of commercial sexual exploitation of children and adolescents and to promote the subject at the governors' meetings. The lead governor will also encourage colleagues to pay proper attention to the phenomenon in their respective departments.

300. A significant development in the governors' meetings has been the participation of children in the deliberations. Thus, the meetings have allowed for discussions between children and adolescents and the governors and mayors. The presence of children at the thematic and organizational meeting provided for in the methodology has proven to be especially constructive. The meetings have also encouraged governors to work to ensure that children have constant access to the departmental councils on social policy and to other forums where departmental policies are discussed.

301. The strategy has been highly successful. It has placed concern for the rights of the child on the local political agenda and has been recognized at the regional level as a commendable effort that provides important learning opportunities for other countries.⁴⁹

D. ICBF Programme for the prevention of commercial sexual exploitation of children and adolescents

302. In 2004, in the context of cooperation with international agencies and with technical and financial assistance from the International Programme on the Elimination of Child Labour (ILO/IPEC), the project on the organization of social networks for preventing and dealing with child sexual exploitation was carried out. During this year, ICBF, the Ministry of Social Protection, ILO/IPEC, territorial agencies and the executing agency Fundación Esperanza carried out the first phase of the project in the cities of Calarcá, Cartago, Villavicencio, Barranquilla and Girardot, with the participation of public employees from different government institutions, NGOs and community leaders, local mayors, and trade and other associations in the regions.

303. The Colombian Family Welfare Institute convened a meeting of government agencies and nongovernmental organizations, experts in sexual violence and illicit Internet use. International cooperation agencies, such as the United Nations Population Fund (UNFPA) and the ILO/IPEC also participated in this meeting. A technical report on criteria for classification of Websites containing child pornography was prepared which includes recommendations on preventing child pornography and steps to take in reporting it, follow up and blocking of Websites containing child pornography. This effort represents one more step in the national policy on combating sexual violence in all its forms.

304. In 2005, the Colombian Family Welfare Institute, with the support of the Ministry of Social Protection and territorial agencies, and with the Universidad Pontificia Bolivariana, Seccional Bucaramanga as the executing agency, began the second phase of the project on the creation of anti-CSEC networks in the cities of Santa Marta, Chiquinquirá, Cajicá, Palmira, Leticia and Neiva. The purpose of this phase was to expand and give continuity and sustainability to the project, by publicizing the issues involved and moving towards a solution.

305. In 2006, work began on expansion of the project on organization of social networks for preventing and dealing with child sexual exploitation in the cities of Fusagasuga, Melgar, Cajamarca, Flandes and Ibagué, and strengthening of the existing networks in Calarcá, Cartago and Villavicencio. This effort was carried out by Fundación Esperanza, with cofinancing from the Fund for Environmental Action and Children's Programmes and with the technical support of ICBF.

306. In addition, during this same year, the National Plan for the prevention and elimination of commercial sexual exploitation of children and adolescents 2006-2011 was drawn up, with the support of civil society and the international cooperation agencies.

⁴⁹ For example, at the opening ceremony of the Fifth Governors' Meeting for Children, Adolescents and Youth, held on 22 November 2007, the UNICEF Regional Director for Latin America and the Caribbean, Nils Kastberg, stated that the Facts and Rights: Municipalities and Departments for Children, Adolescents and Youth strategy had become "one of the greatest municipal-level initiatives in Latin America and the Caribbean."

307. In 2006, the Special Secretariat for Human Rights of the Federal Republic of Brazil, the Ministry of Social Protection and the Colombian Family Welfare Institute of the Republic of Colombia signed an agreement on interinstitutional cooperation on issues relating to children and adolescents. This agreement has a duration of four years and is aimed at establishing the terms for cooperation among the parties in a joint effort to find suitable solutions to the common issues that affect the children and adolescents, along with their families, in the two countries, especially in the border areas.

308. The parties to the agreement will join forces in implementing programmes and projects for children, adolescents and their families in the border regions, where bilateral intervention is feasible, with a view to improving the living conditions of the population, through actions such as:

(a) Prevention of domestic violence, child maltreatment, commercial sexual exploitation of children, elimination of the worst forms of child labour and all other vulnerabilities;

(b) Special protection for children in especially difficult situations or whose rights have been violated, in which an appropriate State response is needed, not only bearing in mind the child's problems and needs, but also his or her opinion about the measure to be taken.

309. In 2007, the fourth stage of the project on organization of social networks for the prevention of child sexual exploitation in the cities of Santa Marta, Palmira, Neiva, Chiquinquirá, Cajicá and Leticia, carried out with the Pontificia Universidad Bolivariana of Bucaramanga, was completed. The local authorities, institutions and communities in the municipalities where the project was implemented showed that they had appropriated the concepts and been empowered in the execution of the programme. Each city established a social network of local institutions, and a plan of action had been drawn up for preventing CSEC and providing care for victims. The networks were set up in cities with high rates of CSEC, in which the local governments and institutions had demonstrated the political will necessary to combat the phenomenon and the local agencies dealing with children's issues, such as the social policy councils, were coordinating their work.

310. The establishment of social networks has made it possible to:

(a) Conduct a local diagnosis of the prevalence of CSEC and of social actors who are committed to preventing and detecting the problem, the characteristics of the region, size, associated causes, consequences, protection, system for disseminating information on the issue; with the diagnosis, it will be possible to design and adjust plans, programmes and projects and disseminate information;

(b) Develop strategies for addressing the issue bearing in mind the special characteristics of each city;

(c) Provide training to institutions of the National Family Welfare system, the local committees and NGOs, in the detection, prevention and timely referral of cases of CSEC;

(d) Build a social, institutional and community network for early detection, prevention and treatment of victims;

(e) Work to have the issue of CSEC included in development plans and programmes.

311. In 2007 and 2008, the Colombian Family Welfare Institute, the Ministry of Social Protection, the other entities of the National Committee, with the support of UNICEF and ILO, worked to strengthen the National Committee.

312. The following actions have been carried out within the framework of the Committee:

(a) Follow up to proposed legislation that would help strengthen actions on this issue and creation of spaces for raising awareness in the political arena: (a) review of bills on the issue that are currently on the table in the Congress of the Republic; (b) drafting of recommendations on several bills; (c) contributions to the drafting of new bills.

(b) Engaging local authorities in political discussions on commercial sexual exploitation of children: (a) meeting, with the support of UNICEF, with 21 elected mayors, in order to raise their awareness and obtain their commitment to carry out actions for the prevention of CSEC and care of child and adolescent victims, and include the issue in development plans.

(c) With the leadership of DANE and the support of UNICEF, drawing up a map of research on the subject of sexual exploitation of children and adolescents since 2000, to develop lines of research that will help understand the situation.

(d) Raising awareness in the tourism and hotel sector, and among government authorities and NGOs, municipal mayors, chambers of commerce, National Police, travel agencies and managers of tourist services, among others, on the issue of sexual exploitation of children and adolescents. This efforts includes: (a) 38 training workshops in 19 cities for 1 457 participants; (b) discussion forum for members of the National Committee with the coordinator for Latin America of ECPAT International, a network of organizations and individuals working together to eliminate child prostitution, child pornography and trafficking of children for sexual purposes, on commercial sexual exploitation in travel and tourism, violence in new technologies and experience with airline campaigns; (c) three workshops with the participation of 70 people from government and nongovernmental agencies, on teaching strategies for the prevention of CSEC in the tourism and hotel sector, transport and education, with the technical support of ILO, which provided training materials to the participants.

(e) Distribution of materials on the national CSEC plan: (a) 4 108 books on the Plan; (b) 5 000 leaflets; (c) 1 000 posters; and (d) 250 books prepared and published by ILO, entitled *Planos para construir refugio. Lineamientos de un modelo de atención para niños, niñas y adolescentes en explotación sexual comercial* (Plans for building shelters. Guidelines for a model of care for children and adolescents in situations of commercial sexual exploitation) and *Estudio cualitativo sobre la demanda en la explotación sexual comercial de adolescentes: el caso de Colombia* (Qualitative study of demand in commercial sexual exploitation of adolescents: the case of Colombia).

313. Some of the specific achievements of the Colombian Family Welfare Institute are:

(a) Technical contributions to improve comprehensive care for children and adolescents who are victims of sexual exploitation: (a) development of a flowchart and instructions for treatment of children and adolescents in situations of sexual exploitation; (b) design of technical guidelines for a new type of care for this population called *Centros de Acogida y Desarrollo* (shelter and development centres); (c) review of the current status of access and quality of care in regard to physical and psychological health

and sexual and reproductive health of child and adolescent victims of sexual exploitation, and preparation of a proposal for improving medical care of this population; (d) design of a model of comprehensive care for the removal of children and adolescents from sexual exploitation, based on personal development and the strengthening of protective factors for families, with the support of UNICEF and ILO.

(b) Implementation of the project entitled *Círculo Alternativo Juvenil* (Alternative Circle for Youth) for the care of child and adolescent victims of sexual exploitation in the cities of Bogotá and Medellín, in partnership with the mayors of these cities and ILO. 250 children were treated and 76 were removed from their situation.

(c) Six units providing special care to victims of sexual violence, being set up and equipped.

(d) Design of a protocol for therapeutic evaluation and interpretation in oral trials. Participation of 50 public officials (prosecutors, public defenders for families, family welfare officers and psychosocial teams).

(e) One hundred twenty-nine public officials trained to implement the guidelines for care of victims of sexual violence in the cities of Bucaramanga, Cali, Medellín, Cúcuta and Bogotá.

(f) Strengthening of social networks for the prevention and elimination of CSEC in 20 cities, with the support of ILO.

(g) Advisory services in connection with action plans in 18 cities.

(h) Progress at the municipal level: (a) placing the issue on the public agenda; (b) communication campaigns and raising awareness on the issue; (c) local diagnoses and/or research; (d) municipal decisions on prevention of CSEC; (e) training of different population groups: public employees, community workers, teachers, families, military personnel, tourist trade associations, young people; (f) flowcharts for treatment services; (g) search operations carried out for the purpose of identifying children in situations of risk.

(i) One of the main focuses of the work of ICBF is the strengthening of comprehensive care units for child victims of sexual abuse and exploitation and, in regard to prevention, the strengthening of the programme on housing with wellbeing.

314. In 2008, the work of ICBF, especially in its role as leader of the Committee against commercial sexual exploitation of children and adolescents (CSEC), is aimed at:

(a) Providing support, in different areas, to strengthen the commitment of the new governors and of the agencies that have not yet taken part in implement of the anti-CSEC plan;

(b) Seeking the allocation of resources from institutions and cooperation agencies for implementation of projects aimed at preventing violence and providing care for victims;

(c) Consolidating the process of monitoring and providing technical support for implementation of plans at the local level;

(d) Establishing and launching social networks against CSEC;

(e) Continuing the process of raising awareness and disseminating information in the tourism sector.

315. It is worth recalling that, as noted in the second part of this report, the budget of ICBF for prevention activities has been increased.

316. Finally, a fundamental development is that in November 2008, Colombia will have its first Ten-Year Plan for Children and Adolescents. Indeed, in compliance with the commitment undertaken at the special session of the General Assembly on children, held in New York in May 2002, work began on the drafting of the National Plan for Children and Adolescents, with the participation of national and territorial public and private agencies concerned with this issue. The Plan, called the *Plan País* (Country Plan), stresses the shared responsibility of families, society and the State, and lays down guidelines for designing local development plans, with emphasis on the need to provide services for and invest in the child and adolescent population, as a key component of the national development strategy.

317. In order to make it possible for children and adolescents to enjoy their rights, the following areas of action were outlined: (1) raising awareness, promoting and disseminating information on the rights of children and adolescents; (2) promoting healthy lifestyles; (3) education and development; (4) protection; and (5) participation. The Plan will be published and disseminated nationwide in November 2008.

E. Network to combat extreme poverty

318. Given that extreme poverty exacerbates the risk of vulnerability to CSEC practices, the Government attaches high priority to poverty reduction. Thus, the national Government is launching a social protection network to combat extreme poverty (Red JUNTOS). The network will provide assistance to 1.5 million families living in poverty between 2007-2010, with a view to promoting their effective inclusion in the State's social services and enabling them to overcome poverty by: (1) integrating social services so as to make the different types of family services available simultaneously; (2) providing temporary support to families and giving them priority access to programmes so as to ensure that resources and interventions enable them to achieve a minimum standard of living; (3) generating a framework of shared responsibility so that families undertake to make an effort to overcome their situation; and (4) creating conditions to enable families to generate income and thus overcome poverty.

319. The main characteristics of this strategy are:

(a) Intervention is intended to guarantee rights in a context of shared responsibility with civil society;

(b) It is directed at a target population living in poverty that is highly vulnerable;

(c) It involves transfers in cash or in kind;

(d) Its underlying philosophy is redistribution;

(e) It is intended as a transitional measure for individuals or families. Since the ultimate goal is to increase opportunities and promote freedom, explicit conditions are laid down for leaving the programme;

- (f) It recognizes the fact that deprivation is multidimensional and relative in nature;
- (g) The subject of intervention is the family as a unit;
- (h) It should recognize the fact that deprivation is relative in nature;
- (i) It is designed to enable the target population to become self-supporting so as to overcome their situation of poverty or vulnerability.

320. In light of the above, families are the object of intervention and play an active role, sharing responsibility for overcoming their situation.

321. Beneficiary families will receive support from social promoters, who help them develop a life plan and ensure that they achieve certain basic goals so as to overcome their extreme poverty. These basic goals are defined in terms of the family's needs with a view to enabling them to move ahead in nine dimensions of development which have identified as key to breaking out of the trap of poverty:

- (a) Identification (assistance with processing identification documents for family members);
- (b) Income and work (providing job training for those over 18 and unemployed adults, and helping them enter the labour market by facilitating contacts with the private sector and promoting production alternatives);
- (c) Education (guaranteeing access to preschool, elementary and secondary education for all school-age family members and ensuring that they stay in the school system);
- (d) Health (guaranteeing access of family members to the subsidized health system, in the case of those who are not employed in the formal sector);
- (e) Decent living conditions (providing housing subsidies or subsidies for repairs, access to public services, urban development programmes, such as improvement of public spaces, parks and recreation areas);
- (f) Nutrition (training in the selection, preparation and handling of food, periodic monitoring of weight and height of all members of the household, especially children under 6);
- (g) Family dynamics (helping families learn how to develop suitable mechanisms for dealing with conflict and setting clear standards for family life, protecting victims of domestic violence and promoting specific measures relating to sexual and reproductive health and family planning, prevention of alcoholism and drug addiction);
- (h) Insurance and banking (bringing families into the financial and insurance systems through the *Banca de las Oportunidades* (opportunity banks) programme and microcredit);
- (i) Legal support and effective access to the justice system.

322. The Red Juntos network is a comprehensive and well-coordinated intervention strategy carried out by different agencies and levels of the State that makes it possible to optimize and achieve synergies in order to improve the living conditions of families living in extreme poverty.

Child labour in the Red Juntos network

323. There are 45 basic goals that families need to achieve in order to break out of extreme poverty. In this regard, goal number 12, relating to education, is that no child under the age of 15 should be working.

324. Although this goal is included in the education dimension, in Red Juntos, child labour is approached as a cross-cutting issue that is pertinent to several different dimensions, including income and work, family dynamics and health. Thus, the issue is being addressed in coordination with the General Directorate of Worker Protection of the Ministry of Social Protection, as well as the Colombian Family Welfare Institute, the Ministry of National Education and the National Planning Department (DNP).

F. Efforts to achieve the Millennium Development Goals

325. In addition to the above policy, Colombia is actively engaged in efforts to achieve the Millennium Development Goals. A 2005 report (report 091) by the National Council on Economic and Social Policy (Conpes) outlines the targets to be achieved by 2015. The strategies set forth in the National Development Plan are part of the sectoral policies. The Government is working to ensure that these strategies are included in the departmental and municipal plans, so that resources from the national and regional budgets can be allocated for them.

G. Policy on displaced persons

326. Given that displacement puts Colombian children at serious risk of becoming victims of some form of commercial sexual exploitation, the Colombian State is taking steps to provide special treatment to displaced populations, especially the children and adolescents among them. Thus, in the framework of the National Plan on Displaced Persons, the Colombian Family Welfare Institute is implementing a plan that is especially geared to children and pregnant and lactating mothers. This plan includes four lines of action: (a) priority and timely attention to the displaced population, with no barriers to access; (b) promotion of harmonious family life, prevention of and action to address domestic violence among the displaced population; (c) encouragement to the displaced population and their organizations to participate in ICBF programmes; and (d) promotion of the rights and duties of the displaced population.

327. The Colombian Family Welfare Institute also created two new projects for the displaced population through which special resources are provided to facilitate inclusion of and assistance to children. The projects, which have been included in the ICBF programme of work, are entitled: Assistance to children and support to families to enable them to exercise their rights -- Services to displaced populations (project 141), and Protection - Action to preserve and restore the full enjoyment of rights by children and their families - Services to displaced populations (project 142). In addition to the regular programmes, they include the following subprojects:

(a) Emergency food rations: contributing to emergency humanitarian assistance and recovery of affected families through emergency food rations, with priority being given to pregnant women, lactating mothers and children under 5 years old.

(b) Long-term Help and Recovery Operation (OPSR): a basic cooperation agreement between the Government of Colombia (Social Action and ICBF) and the United Nations World Food Programme. Support will be given for social and economic rehabilitation of persons affected by the violence, in particular, the displaced population, through food aid and improved food security, thus helping to improve their living conditions.

(c) Fund to cover contributions for services: under this programme, the Colombian Family Welfare Institute covers the cost of contributions for its services to displaced families who need care at community homes, school lunches and children's homes, in order to guarantee that they will receive the service.

(d) Mobile units: a mobile unit is a specialized service that is offered by a team of professionals from different disciplines who move quickly to the population affected by violence or disaster and provide comprehensive services to help mitigate their trauma. The idea is to provide quality care in timely fashion and contribute to the restoration of the rights of families who are at risk of being displaced or who are displaced by internal armed conflict or natural disasters.

328. Discussions are currently underway on a new agreement with the Office of the United Nations High Commissioner for Refugees (UNHCR) with a view to joining efforts to upgrade services to displaced persons, adopting a differential approach.

H. Support for street children and youth in Colombia

329. Bearing in mind that street children are also seriously at risk of becoming victims of CSEC, the Colombian Family Welfare Institute provides care for them through its regular programmes, which are designed to restore rights and provide shelter and care at specialized institutions. In addition, a programme on support for street children and youth in Colombia was designed and put underway with the sponsorship of the European Union. In the context of this project, since 2005, ICBF has been carrying out seven local pilot projects in the cities of Bogotá, Bucaramanga, Cali, Cartagena, Medellín, Pasto and Pereira. These projects provide care for street children and children who are at risk of becoming street children, as well as their families. Special models for prevention and non-institutional care for these children have also been designed.

I. Dissemination of international commitments under the Protocol that are promoted by the Ministry of Foreign Relations

330. In addition to being a member of the National Committee against CSEC and, through its consular services, playing a leading role in the anti-trafficking policy, the Ministry of Foreign Relations is also actively promoting special measures to prevent the commercial sexual exploitation of children. In February 2008, for example, it organized a discussion forum with civil society organizations, with the participation of Dr. Rosa María Ortiz, at which mechanisms for civil society participation were explained, and the main advances and challenges relating to implementation of the Protocol were discussed. The Ministry also leads discussions with other civil society agencies and organizations, in connection with preparations for Colombia's participation in the Third World Congress against Commercial Sexual Exploitation of Children, to be held in Rio de Janeiro in November 2008, and the Latin American Preparatory Meeting, scheduled for August 2008. It is also working with ICBF on a report on international commitments in regard to children, which will be used to disseminate information on the Protocols and the recommendations (both general and specific) of the Committee on the Rights of the

Child (CRC). Finally, it meets regularly with ICBF to coordinate monitoring of implementation of the Protocol.

J. Education for sexuality and civic education

331. The Ministry of Education and the United Nations Population Fund (UNFPA) are working together on this programme. The goal is to establish and sustain a comprehensive sex education programme that will include civic education as well, with a view to ensuring the full exercise of human rights and sexual and reproductive rights.

332. This programme, which follows through on and consolidates the sex education programme carried out in prior years, will equip participants with knowledge, skills, attitudes, values and behaviours that promote human dignity and the exercise of human, sexual and reproductive rights by autonomous individuals who are able to enjoy peaceful, democratic and pluralistic human relations. The proposal is aimed at ensuring that schools promote a healthy lifestyle and enable students to exercise their civic duties and learn basic life skills.

333. The expected results of the programme are: (1) an operational and conceptual approach to education for sexuality in formal education at the preschool, elementary and secondary levels, designed with the participation of different social actors and a multisectoral perspective; (2) an operational and conceptual approach that has been validated at different levels in the structure of the education sector; (3) a strategy for training teachers, at the university level, so as to facilitate the application throughout the country of the programme on education for sexuality; (4) effective strategies for building institutional support and intrasectoral and intersectoral networks to promote the implementation of the programme on education for sexuality in schools and in teacher training institutions.

K. National Plan on Human Rights Education and pilot project on education for the exercise of human rights

334. The National Plan on Human Rights Education (PLANEDH) is being carried out by the Office of the Ombudsman and the Ministry of Education, in coordination with the Vice Presidency of the Republic and the Colombia Field Office of the United Nations High Commissioner for Human Rights (OHCHR). The Plan is a public policy tool for developing strategies and actions aimed at including human rights training in formal, non-formal and informal education and coordinating the work of institutions that are committed to teaching human rights. The fundamental objectives of the programme are to develop individuals for are active subjects of rights and to build a culture that is respectful of human rights.

335. The Plan includes conceptual, educational and management guidelines for formal, non-formal and informal education, for the design of curricula that are comprehensive, inclusive and participatory and that include the gender approach and recognize ethnic and cultural diversity. It adheres to international standards and Colombian legislation in the area of human rights. It establishes guidelines for adopting human rights education as part of public policy to be implemented by agencies at the national, departmental, municipal and district levels and to be included in development plans. It lays down policies for the development of teacher training and research programmes. It establishes indicators for monitoring compliance and results. It proposes mechanisms for evaluating and monitoring implementation.

336. The pilot project on education for the exercise of human rights, which is being carried out in five departments (Bolívar, Boyacá, Córdoba, Guaviare and Huila), is a

preliminary experiment that will be fundamental in developing the plan. The main objective is to build, in coordination with territorial agencies and educational institutions, strategies for an educational programme on the exercise and practice of human rights. Such a programme would have three fundamental components: education, training of trainers, and networks and institutional support.

337. Bearing in mind the above, the project mainstreaming the human rights approach in territorial programmes, such as:

- (a) Institutional education projects,
- (b) Curricula,
- (c) Study plans,
- (d) Handbook on living together in harmony,
- (e) School government,
- (f) School improvement plans,
- (g) Educational practices.

338. The project on education for the exercise of human rights will give new meaning to daily life at schools, teaching that respect and the practice, defence and promotion of human rights contribute to building a culture of respect for human rights that promotes the construction of more just societies.

L. Ondas Programme

339. The Ondas Programme represents an important contribution for encouraging participation and research among children. The programme is a fundamental strategy of Colciencias, the official research agency within the Ministry of Education, which helps build a civic culture in science, technology and innovation. Through this programme, Colombian children and youth design research projects that involve finding solutions to problems in their own environment, and helps them improve their skills for life in a world that is being reshaped by the new processes of knowledge and learning. Through its contribution to education, Ondas helps schools promote the development of an inquisitive spirit so as to cultivate childrens' curiosity, imagination and discipline, develop their capacity for logical thinking about real life and teach them to appreciate values.

M. Tourism policy of the Ministry of Commerce, Industry and Tourism; prevention of sexual tourism

340. Act 679 stipulates that registered providers of tourism services must not offer, explicitly or implicitly, any tours involving the sexual exploitation of children. They must take steps to prevent their workers, employees or intermediaries from offering tour suggestions or sexual contact with minors.

341. In addition, the Ministry of Commerce, Industry and Tourism must require providers of tourism services to assume commitments or adopt codes of conduct to protect children from all forms of exploitation and sexual violence by Colombian or foreign tourists. The hotel industry association, COTELCO, has developed a model code of conduct, and to date, more than 1,000 hotels have registered their own codes with the

Ministry. It should be noted, however, that the Ministry's ability to monitor compliance with these codes is limited; legislation is therefore being drafted to increase its monitoring capacity.

342. Hotels and lodging establishments are required to include a clause informing their clients about the legal consequences of exploitation and sexual abuse of minors in Colombia.

343. Under Act 679, providers of tourism services may be subject to administrative sanctions, without prejudice to potential criminal penalties, for the following:

(a) Using advertising that suggests, explicitly or implicitly, that sexual tourism services with minors are offered;

(b) Giving information to tourists, directly or through their employees, about places where sexual services with minors are offered or coordinated;

(c) Taking tourists to establishments or places where child prostitution is carried on;

(d) Taking minors, directly or through their employees, to places where tourists are staying, even if they are located outside the territorial waters, for purposes of child prostitution;

(e) Leasing or using vehicles on tourism routes for purposes of child prostitution or sexual abuse of children;

(f) Allowing the entry of minors to hotels or lodging establishments, bars, similar businesses and other tourism establishments for purposes of child prostitution or sexual abuse of children.

344. Sanctions may consist of: (1) fines of up to 300 minimum monthly wages as defined by the legislation in force at the time, for the Tourism Promotion Fund for purposes of this law; (2) suspension from listing in the National Tourism Registry for up to 90 calendar days; (3) cancellation of listing in the National Tourism Registry; this entails being prohibited from working in tourism for five years from the date of the sanction.

345. The Tourism Promotion Fund is a parafiscal fund for the development of the tourism sector. It is financed with contributions from tourism service providers throughout the country, in addition to the fines mentioned above. The National Tourism Act specifies how the money collected for the Fund is to be used. One of these uses is to prevent the problem of CSEC, especially in the form of sexual tourism.

346. An allocation of 305 million Colombia pesos (equivalent to USD 150 000) was recently approved for the launch of the Campaign on Prevention of Sexual Tourism with Children and Adolescents. This campaign, which targets the tourism sector, will focus on raising public awareness concerning prevention of sexual exploitation of children in tourism activities.

347. The campaign includes the following strategies:

(a) Communication activities, to inform the public about prevention of child sexual tourism;

(b) Information about procedures and routes;

(c) Raising awareness of providers of tourism services about the phenomenon;

(d) Mass media campaign on radio, TV, billboards, print media and POP (point-of-purchase) materials.

348. The materials for the campaign will be ready in late 2008, and the campaign will be carried out in 2009.

349. The National Committee for the Prevention and Eradication of CSEC has appointed a work group to organize and support the campaign and to outline a plan for the prevention of CSEC in the tourism sector.

N. Measures taken by the Ministry of Communications to prevent child pornography on the Internet

350. Act 679 provided for the creation of a committee of experts on global information and telecommunications networks and prepare a catalogue of abuse of these networks. With the work done by this committee, the national Government adopted administrative measures and techniques for preventing children from having access to pornography and preventing the use of global networks for CSEC. The Ministry of Communications issued Decree 1524 of 2002, which lays down the requirements that must be met by Internet service providers (ISPs) or servers, Webmasters and users of global information networks.

351. The committee recommended the adoption of criteria for classifying Websites that contain child pornography. The relevant report, which was presented to the public in 2004, explains the criteria for classifying Websites containing child pornography, outlines a conceptual framework for exploring the impact of pornography on the dignity and the psychosocial and sexual development of child victims of pornography, and includes recommendations for preventing child pornography and a flowchart outlining the process for the competent institutions to report, monitor and block Websites containing child pornography.

352. The law also promoted the adoption of a code of conduct for the management of global networks by Colombia Telecomunicaciones. By its external directive 007, of February 2004, Colombia Telecomunicaciones outlined measures for preventing access to child pornography and preventing minors from gaining access to pornographic information from clients of the Internet-Telecom service.

353. Finally, the Ministry of Communications launched the *Internet Sano* (<http://www.internetsano.gov.co>) campaign, the main objective of which is to generate opinions and knowledge among the target audience (especially children and parents) about the exploitation of children on the Internet, through messages on prevention, reporting, information and institutions. As the name *Internet Sano* indicates, the State institutions are active and alert in order to prevent child pornography. *Internet Sano* also means that target groups can report anything that is not suitable; the name is easy for the general public to understand, from the smallest children to the adults in the target group. *Internet Sano* focuses on prevention, given that according to one meaning of “*sano*” (“healthy” or “wholesome”) in the *Diccionario de la Real Academia de la Lengua* (DRAE), the word refers to something that is safe, risk-free, free of error or vice, correct, morally or psychologically healthy, sincere, well meaning. The word “Internet” has become part of the daily language of our country, as the Internet is known as the means

for and the action of being on the worldwide information network. People do not say “I’m going to surf”; they say “I’m going on the Internet”. Colombians do not say “I’m online”; they say “I’m on the Internet.”

354. As part of the campaign, different materials have been developed for television, radio and print media, which are designed to inform the community about how to navigate the *Internet Sano* Website. The campaign logo is SUSY90, a little girl who, in language children can understand, teaches how to surf the Web safely. The campaign slogan is “La red bajo control” (“The Web under control”), indicating that users can rely on the authorities and report suspicious Internet activity. The *Internet Sano* Website also include a link and a telephone number for reporting cases of child pornography.

O. Preventive measures taken by the Office of the Attorney General of the Nation

355. The Office of the Attorney General of the Nation is not a policy-implementation entity. However, it is an oversight body; thus, in the performance of its duties and bearing in mind the need for harmonious collaboration so as to achieve the purposes of a society in which the rule of law prevails, it promotes coordination with institutions that have constitutional and legal competencies in different areas. In this context, it has participated in the following activities:

(a) Regional workshops with departmental heads of planning, to strengthen the institutional capacities of these agencies to include the human rights perspective in development planning.

(b) Twenty-seven departmental forums to mobilize the municipal and departmental strategy for children; in this effort, 1 075 mayors and 32 governors demonstrated their public and political commitment.

(c) Five governors meetings on children and adolescents; at these meetings, the governors reported on progress in fulfilling their commitments on the inclusion of children and adolescents in programmes. In the context of one of these meetings, a national meeting of children and adolescents was held which includes a conceptual and legal review of the right to participation, as well as a workshop on the social responsibility of businesses.

(d) The Office of the Attorney General worked with the mayor of Bogotá, PGN, ICBF and UNICEF to organize the first ibero-American mayors meeting for children and adolescents. The purpose of this meeting was to promote the sustainability of policies aimed at guaranteeing the rights of children and adolescents as a key to moving forward in the fight against poverty and inequity and the promotion of human development.

(e) In 2007, a strategy was implemented to inform the public about Act 1098 of 2006 and promote a change of attitude among operators and the adoption of the new paradigm of comprehensive protection. This strategy is implemented through national forums held to raise awareness, publicize the content and scope of the law and warn operators about their responsibilities in their respective roles. Between June and September 2007, 19 forums were held with a total attendance of over 5 300 from public agencies, NGOs and civil society. At the conclusion of each forum, regional interinstitutional boards are set up to coordinate and decide on actions to be taken to comply with the law, bearing in mind the special needs and problems of each region.

(f) The interinstitutional board was activated. The purpose of the board is to promote coordination among all the institutions that have responsibilities relating to the implementation, regulation and effective application of Act 1098 of 2006. Over 25 government agencies are actively participating in its work.

(g) At present, departmental meetings of planning secretaries are being held on the role of children, adolescents and youth in planning for development.

356. The Office of the Attorney General has also entered into strategic partnerships with international cooperation agencies, with a view to improving the quality of life of children and adolescents. These arrangements include:

(a) A cooperation agreement with the International Organization for Migrations (IOM) to join efforts in the fight against trafficking in persons;

(b) An agreement with the United Nations Population Fund (UNFPA) to monitor the protection of rights with a gender perspective, with emphasis on women and adolescents;

(c) A cooperation agreement with UNICEF relating to the strategy on municipalities and departments for children and adolescents.

P. Preventing the worst forms of child labour

357. In connection with this subject, specifically as it related to the fight against CSEC, the following preventive actions have been taken with the support of international cooperation agencies, mainly through the ILO/IPEC programme.

In 2003

358. A project involving direct intervention to prevent and eliminate child domestic labour in the Engativá and Kennedy subdivisions of the city of Bogotá and in the city of Bucaramanga. This project was headed by the Interinstitutional Committee for the prevention and elimination of child labour and protection of young workers and the local mayors, with the cooperation and technical assistance of ILO through its IPEC programme. In 2005, thanks to the excellent results of the project, a model work plan for strengthening families with working children and youth was published. This model was designed by the Young Men's Christian Association (YMCA/ACI) with assistance from ILO/IPEC.

359. The third National Plan on the elimination of child labour and protection of young workers 2003-2006 was put underway. The evaluation was conducted in 2006.

In 2005

360. The following activities were carried out with the support of ILO:

(a) Assistance was provided to employers organizations in Colombia, to help prevent and eliminate child labour, particularly in its worst forms.

(b) Support and assistance was given to a programme on the prevention and elimination of child labour in the Ciudad Bolívar section of Bogotá, and in the municipality of Facatativa, Cundinamarca.

(c) A project was implemented to support and strengthen the work of the Central Unitaria de Trabajadores with regard to the prevention and elimination of the worst forms of child labour and protection of young workers.

(d) A project on prevention of the worst forms of child labour (illegal armed groups, commercial sexual exploitation and domestic labour) was carried out in Palmira, Cali, Bucaramanga, Medellín and Bogotá D.C. This project was completed in September 2007.

In 2006

361. Thanks to an agreement with the Observatory on Children of the National University, the Ministry of Social Protection carried out a nationwide project on prevention and discouragement of child labour. The Technical Secretariat of the National Committee on the Elimination of Child Labour, with technical and financial support from the ILO/IPEC programme and the participation of the national and regional technical committees, conducted an evaluation of the third National Plan on the Elimination of Child Labour and Protection of Young Workers 2003-2006.

362. The Ministry of Social Protection implemented a project on direct intervention to prevent, discourage and eliminate child labour in small-scale mining areas, in urban and rural areas and in environments where there is a high rate of child and youth labour. This project was implemented in schools, families, communities and through the mass media, in the departments of César, Huila, Valle, Boyacá, Cundinamarca, Meta, Santander, Tolima, Risaralda, Antioquia, Bolívar and Caldas. Through the Fundación Niños de los Andes, the Ministry carried out programmes on prevention, discouragement and elimination of child labour and protection of young workers in vulnerable communities. This programme benefitted 6 760 people.

In 2007

363. The Colombian Family Welfare Institute expanded coverage of the following two programmes against child labour involving commercial exploitation: preteen and youth clubs, and *hogares gestores* (support system for minors in their own family setting). The International Labour Organization, the Ministry of Social Protection and ICBF carried out four regional macro-workshops with national coverage in connection with the National Strategy to prevent and eliminate the worst forms of child labour 2008-2015. The Institute, the Ministry of Social Protection and DANE published a study of indicators and trends in child labour based on the modules applied in 2001-2003. Working with the International Labour Organization, ICBF persuaded 450 newly elected mayors to sign a commitment to include the issue of child labour in the development plans of their respective municipalities.

In 2008

364. The National Strategy to prevent and eliminate the worst forms of child labour and protect young workers, 2008-2015 was officially launched in February.

365. In addition, the Ministry of Social Protection is drawing up a cooperation agreement aimed at providing support for the 12 departments that are beneficiaries of the aforementioned project on direct intervention to prevent, discourage and eliminate child labour in small-scale mining areas, in urban and rural areas and in environments where there is a high rate of child and youth labour. It is also extending coverage of this project to other departments in the country.

Q. Prevention of human trafficking

366. The following actions have been taken, with the support of international cooperation agencies, to prevent trafficking in persons.

367. The National Committee to Combat Trafficking in Persons was established by Act 985 of 2005, which calls for the adoption of anti-trafficking measures and measures to provide care and protection of victims. The United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM) and the International Labour Organization (ILO) are cooperating in this effort.

368. In recent years, the Committee has:

- (a) Provided technical assistance for the adoption of Act 985 of 2005;
- (b) Developed and adopted the National Strategy to Combat Trafficking in Persons;
- (c) Provided technical assistance for preparation of the handbook on comprehensive care of victims of trafficking in persons (IOM);
- (d) Developed and adopted the project on a pilot centre for combating trafficking in persons (UNODC), with co-financing from MIJ;
- (e) Participated in international conferences on prevention, investigation and prosecution of criminal networks, care for victims;
- (f) Provided technical assistance for the creation of the Anti-trafficking Operations Centre, which began work in May 2008, as a comprehensive response to trafficking victims returning to the country.

Monitoring by the Office of the Attorney General to prevent the offence of trafficking in persons

369. The Office of the Attorney General has carried out the following activities relating to the issue of human trafficking:

- (a) Monitoring implementation of international and national rules on prevention of human trafficking and care and protection for victims of this offence, as well as monitoring of prosecution of traffickers;
- (b) Promoting the design and implementation of the national strategy to combat trafficking in persons.

370. The following results have been achieved:

- (a) Interinstitutional coordination among State agencies concerned with the legal aspects of the issue in critical regions;
- (b) Increased commitment of institutions as a result of the oversight and monitoring of the Office of the Attorney General;
- (c) Increased knowledge about the phenomenon, types of trafficking, and places of origin, transit and destination, both within Colombia and internationally, enabling agencies to target their actions;

(d) In partnership with IOM, a database was developed so as to encourage the entities concerned to record cases of trafficking, thus allowing for comprehensive follow up and intervention. To this end, an interinstitutional agreement was signed by the Office of the Prosecutor General of the Nation, the National Police and the Administrative Department of Security (DAS);

(e) The Office of the Attorney General of the Nation, the International Organization for Migration and the Office of the Prosecutor of the Dominican Republic entered into a partnership for the exchange of experiences and evidence between the two countries;

(f) The Office of the Attorney General entered into a partnership with the Colombian Association of Travel and Tourism Agencies (ANATO) so as to carry out prevention activities through the travel agencies and groups of hotel owners. It also participated in the twenty-fourth *Vitrina Turística* (tourism exhibition);

(g) The Office of the Attorney General worked with the Financial Analysis Unit (UIAF) on drawing up a list of offences relating to the laundering of proceeds from trafficking, with a view to raising awareness and warning the banking sector;

(h) As a member of the anti-trafficking committee, the Office of the Attorney General issued statements on websites where warnings have been issued regarding compliance with Act 985 of 2005, especially in connection with implementation of the National Strategy to Combat Trafficking in Persons. In particular, it stressed the need to bear in mind the objectives of preventing trafficking in persons through social, economic, political and legal measures, and of protecting and assisting trafficking victims in regard to the physical and psychological, social, economic and legal aspects of trafficking. This entails being prohibited from working in tourism for five years from the date of the sanction.

R. Preventive measures taken by civil society and international cooperation agencies

371. It is also important to consider the work done by certain civil society organizations in regard to prevention of the commercial sexual exploitation of children, with assistance from international cooperation agencies. We shall mention only a few of the initiatives which are especially noteworthy ; this does not mean that other similar projects are less important.

372. The Colombian Family Welfare Institute, the Office of the Governor of Bolívar, the Office of the Mayor of Cartagena and Fundación Renacer (ECPAT-Colombia, in partnerships with CISP (Comitato Internazionale per lo Sviluppo dei Popoli), with the technical and economic support of UNICEF, are carrying out a programme on prevention of the commercial sexual exploitation of children in Cartagena, one of the cities that has been most affected by sex tourism. This programme has three fundamental lines of work: direct work with grassroots communities; training of public officials and establishment of an interinstitutional network to guide actions to combat the commercial sexual exploitation of children in the city; and generation of production alternatives for youth and families who are at risk. This programme has provided training for over 100 officials and members of NGOs on how to deal with that practice, offering a degree in the subject. Several public forums have been held, and in 2005, a highly productive international meeting against sex tourism was held under the title “¡Cartagena! Abre tus ojos!” (“Cartagena, Open your eyes!”).

373. The cooperation project entitled “My body, my home: education for citizenship and peace through art training for at-risk children and youth in Cartagena de Indias” is an initiative of the Spanish International Cooperation Agency for Development (AECID), which was held in conjunction with the organization “Colegio de Cuerpo”. The project has a budget of approximately 200 000 euro per year, and seeks to prevent the risks to which low-income, marginalized children and youth are exposed (involvement in armed conflict, abuse and sexual exploitation, gender and ethnic discrimination, child labour, dropping out of school, and few opportunities for human development). The project calls for implementation of strategies on education for citizenship and peace through dance and physical fitness training. It includes activities to enhance the development of participating children and to build infrastructure (pilot centre on comprehensive physical fitness and equipment of facilities).

374. The project on raising awareness among young people who are seriously at risk of being subjected to prostitution and trafficking is coordinated by AECID and financed, during the current year, by the Board of Extremadura. The objective is to provide training and assistance to vulnerable young people in regard to issues of forced prostitution and trafficking in Colombia.

375. The project on Promotion of Children’s Rights: Legislation and Public Policy, carried out by the Terre des Hommes Foundation, in association with UNICEF, plans to hold a training forum on CSEC, with special emphasis on the legal aspects of the issue, in order to provide a space for sharing experiences and ideas relating to prevention of and action on CSEC.
