

Perspectives of civil society on the actual situation of children and adolescents in Colombia
Joint statement
Pre-session of Colombia in the Committee on the Rights of the Child
6 February 2025

I. Introduction

1. This document has been prepared by civil society organizations that have shared their alternative reports and perspectives on the general situation regarding the promotion, defense, and protection of the rights of children and adolescents in Colombia, with the aim of presenting them to the distinguished experts of the United Nations Committee on the Rights of the Child.

2. The information presented here is the result of the direct work of the following groups: *Alianza por la niñez colombiana* (Alliance for Colombian Children), *Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia* (Coalition against the involvement of children and young people in the armed conflict in Colombia)(COALICO), *Plataforma colombiana de organizaciones sociales y populares por el protagonismo de niños, niñas y jóvenes* (Colombian Platform of Social and Grassroots Organisations for the Participation of Children and Young People)(Plataforma 3 Voces); *PAIS - Coalición Colombiana por la Implementación de la CDPD* (Colombian Coalition for the Implementation of the CRPD); the organisations: Children Change Human Rights, the José Alvear Restrepo Lawyers' Centre, Colombia Diversa, National Movement of Mothers and Women for Peace.

II. General context of the situation of children and adolescents in 2024 and January 2025

Violence against children and adolescents

3. Violence against children in Colombia continues to be an alarming issue, with high rates of homicide and sexual and domestic violence, which are aggravated by the lack of an effective response from the child protection system. Between January and November 2024, 545 homicides of children were recorded and throughout the year, 17,270 cases of sexual violence were reported, which led to admissions to the protection system, becoming the primary cause for attention. Domestic violence increased by 46.4% compared to 2020, while cases of neglect almost doubled. These offenses, which occur in environments that should be safe, such as the home and school, are aggravated in the case of LGBTIQ+ children by the presence of prejudice both in families and among civil servants who often dismiss discrimination as abuse, a situation that is exacerbated by institutional fragmentation, the lack of resources and specialized services, as well as the limited coverage in rural and remote areas.

4. It is recommended that the Colombian State:

- a) Strengthen inter-sector coordination, increase the human, technical, and financial resources of prevention and care teams, and guarantee specialized services throughout the national territory.
- b) Implement the Country Commitment - EVAC with an action plan with clear goals and sustainable financing, ensuring its implementation until 2030.
- c) Implement laws 1098 of 2006 and 2205 of 2022.
- d) Ensure that all policies and laws concerning children and adolescents include a preventive, comprehensive, and sensitive approach to the needs of children and their families in a differential and inclusive manner.
- e) Ensure that in the decision-making process of a case involving violence against an LGBTIQ+ child related to their sexual orientation or gender identity, there is an analysis of the situation of discrimination by the aggressors, emphasizing that it is not acceptable to override the rights of the child under the pretext of religious beliefs or the individual rights of adults because these rights are limited by the free development of the personality and the development of the child's or adolescent's own spiritual experience.

Family strengthening and alternative care arrangements

5. This abuse and violation of children's rights is a cause for concern, with 72,660 children currently involved in Administrative Processes for the Restoration of Rights (Spanish acronym: PARD). A total of 47.5% (14,314) of children in alternative care remain in residential care, which reflects failures in both deinstitutionalization and family strengthening, as established in the National Development Plan (2022-2026) and the Guidelines for the Alternative Care of Children (UN, 2009). The Family Ombudsman's Offices and Police Stations face serious limitations in terms of resources and specialized equipment, and there are also budget cuts that affect the quality and coverage of services in the protection system.

6. It is recommended that the Colombian State:

- a) Effectively implement the National Policy for Family Support and Strengthening and the National Pedagogical Strategy for the Prevention of Physical Punishment and cruel, humiliating, or degrading treatment.
- b) Define the National Plan for the Transformation of Care of the Colombian Institute of Family Welfare and achieve a transition from residential care arrangements to family-based alternatives that strengthen and support families to prevent family separation and institutionalization and enable family reintegration in a safe and sustainable manner.
- c) Ensure an increase in resources and strengthen the skills of the protection system teams. ✓

Education

7. More than 34,000 children and adolescents in rural areas of Colombia have access to education through 569 boarding schools in 23 provinces (SIMAD, 2022). However, these centers face serious shortcomings in terms of infrastructure, staffing, security, food, and teacher training, which compromises their right to education and their protection against risks such as violence and forced recruitment. The nature of boarding schools means that children are separated from their families, often for the entire academic year. This situation means that a right cannot be guaranteed by infringing other rights of the child.

8. Educational institutions are the environments in which the most widespread forms of abuse and discrimination against LGBTIQ+ children occur. In 2016, 4% of LGBT students had been victims of verbal harassment, physical harassment (43%) and sexual harassment (47%)^[1]. In 2024, the school coexistence manuals continue to be instruments that legitimize the harassment of managers and teachers or the suspension or expulsion of gay, lesbian, bisexual, or trans students, either by excusing themselves on the grounds of educational autonomy, freedom of worship, or the principle of *pacta sunt servanda* derived from the contract for the provision of educational services^[2].

[1] Colombia Diversa, *Sentido, Mi voz cuenta: LGBT School Climate Survey in Colombia, 2016*, Available at <https://colombiadiversa.org/colombiadiversa2016/wp-content/uploads/2016/11/IA- Colombia-Web-FINAL-2.pdf>

[2] Colombia Diversa, *Sentido, Mi voz cuenta: LGBT School Climate Survey in Colombia, 2016*, *supra* note 1 at pp. 16-17.

9. It is recommended that the Colombian State:

- a) Develop flexible and community-based programs and methodologies by the Ministry of National Education that guarantee the right to education, taking into account rural contexts without infringing on other rights.
- b) Allocate sufficient budget to guarantee the right to education in rural and scattered areas.
- c) Regulate residential educational services (boarding schools) in which the criteria of need and suitability of the service are established, guaranteeing that other children's rights are not infringed and that it is a service for those over 12 years of age.
- d) Increase efforts to guarantee the effectiveness of the mechanisms provided for by the National System of School Coexistence and Training for the Exercise of Human Rights, Education for Sexuality, and the Prevention and Mitigation of School Violence.
- e) Ensure that the duties of monitoring and control of public and private educational institutions are carried out promptly and effectively.

Children and adolescents with disabilities

10. Data has emerged in Colombia in recent months revealing the vulnerability of children and adolescents with disabilities to violence. Primarily, the Administrative Processes for the Restoration of Rights (PARD)^[3] have been used to separate families in which there are persons under 18 years of age with disabilities; this has been interpreted by the State as an inherent problem and used as justification for placing them in State homes, which has caused many to grow older in the custody of the Colombian Institute of Family Welfare (ICBF)^[4]. With Law 1878 of 2018, which seeks to ensure that PARDs are not extended indefinitely, an attempt has been made to remove people with disabilities from the ICBF. However, the new director of the organization has confirmed that 2,681 children with disabilities are still being institutionalized^[5]. As such, we are concerned that disability continues to be a criterion for institutionalization and that the deinstitutionalization of children and adolescents with disabilities will be delayed indefinitely, causing the violation of their rights along with their isolation to continue. On the other hand, the disability of children and adolescents with disabilities has been exploited by groups outside the law as a strategic instrument of war. The Colombian Coalition for the Implementation of the CRPD has received reports from teachers of linguistic models that, in the north of Antioquia, these groups have been using deaf children to draw different buildings, streets, and guards in their communities to obtain key information for their clandestine operations.

11. It is recommended that the Colombian State:

- a) Implement actions and actively intervene across the national territory to promote the end of discrimination and exploitation of children and adolescents with disabilities, whether in everyday contexts or specifically in armed conflict.

Healthy environment

12. The right to a healthy environment, recognized by both the 1991 Constitution of Colombia and the United Nations, seeks to guarantee healthy ecosystems, drinking water, clean air, and sustainable food. This right is crucial for protecting children and adolescents, who are especially vulnerable to the global climate crisis characterized by climate change, loss of biodiversity, and pollution. In Colombia, where 56% of the territory is at high environmental risk, children face serious impacts on their health and physical and emotional development due to phenomena such as heat waves, floods, and droughts. In addition, 2.16 million children are vulnerable to violence, forced recruitment, and natural disasters, with 1.17 million particularly exposed to extreme weather events. Educational institutions also face significant risks: 43% are affected by disease, 26% by air pollution, and 12% by flooding. Despite this, only 71% have adequate access to drinking water.

13. It is recommended that the Colombian State:

- a) Integrate a childhood and adolescence focus into the updating of the Nationally Determined Contribution (NDC) from the different sectors.
- b) For the application of the Escazú Agreement, design and apply strategies to inform children and adolescents about environmental and climate issues and promote their real and effective participation in environmental and climate decision-making.
- c) Include in the revision of the National Policy on Environmental Education (PNEA) the participation and strengthening of the knowledge and practices of children in early childhood education.

Corporate influence in political decision-making to favour private interests

14. Inter-American treaties underline the obligations of States to protect human rights against the actions of non-state actors, including private companies. There are cases where corporate interests prevail over the collective welfare, such as the regulation of the consumption of products that are harmful to health and the lack of control over arms trafficking.

15. It is recommended that the Colombian state:

- a) Guarantee the participation of children, adolescents, communities, and civil society in the discussions in Congress on the illicit arms trade, ratify and rigorously apply the Protocol and the Treaty on the Arms Trade to combat the trafficking of small arms and light weapons, and ensure that the monitoring mechanisms of the Second Optional Protocol on Children and Adolescents and Armed Conflict include the impact of firearms on the lives of children and adolescents, considering their involvement in, permanence in, and departure from armed groups.
- b) Urge the Colombian State to comply with the recommendations of the 2017 Committee on Economic, Social and Cultural Rights, address child malnutrition, regulate non-commercial breastfeeding, implement the Code of Substitutes for Breast Milk, and formulate a School Feeding Policy focused on nutrition, with monitoring, anti-corruption mechanisms and active participation of children and adolescents and civil society.
- c) Reiterate and draw attention to compliance with recommendations 18. a, b, c, and d of the 2015 CRC in the emblematic case of El Hatillo regarding the responsibility of companies in human rights violations and comprehensive reparation for the victims. In addition, the resettlement plan in El Hatillo must be implemented with a focus on human rights, compensating the community (including children and adolescents), applying differential approaches, and ensuring their participation in these processes.

Armed conflict and organized crime

16. Violence and armed conflict in Colombia seriously affect children and adolescents, with an increase in the presence of armed groups and the recruitment of children and adolescents, which has grown by 37% in 2024. The violence has also caused forced displacements, especially in rural areas and indigenous and Afro-descendant communities, and has impacted educational communities, with attacks on schools and blockages of supplies. Despite some government measures, such as the National Action Plan of the Declaration on Safe Schools (Dec 2023) and the decentralization of CIPRUNNA sessions in departments such as Arauca, San Andrés, Antioquia in 2023, and Cauca, Vaupés, and Nariño in 2024, the institutional response is still insufficient, and communities face serious challenges in terms of resources and security.

[3] The Administrative Process for the Restoration of Rights (PARD) is the set of administrative or judicial actions that must be carried out to restore the rights of children and adolescents that have been violated or threatened.

[4] The Colombian Family Welfare Institute (ICBF) is the Colombian state organisation that works for the prevention and comprehensive protection of early childhood, childhood and adolescence, and the strengthening of young people and families in Colombia.

[5] ICBF Institutional, Deinstitutionalisation and child protection, towards inclusive and safe communities, 8 November 2024, Available at: <https://www.youtube.com/live/6BL3yXw74xc?si=VjOLKafeQ13Vyg01>

17. Since 2016,[6] the recruitment of children and adolescents has increased alarmingly in southwestern Colombia, especially in Cauca. The Dagoberto Rarnos, Jaime Martínez, and Carlos Patiño fronts of the EMC have unleashed a wave of terror, operating in defense of illicit crops and drug trafficking routes, using children and adolescents as a central tool to consolidate their territorial control. According to official figures, more than 600 children and adolescents have been recruited since 2016, with an increase in 2024 reporting 300 cases in Cauca, 80 in Jamundí, 30 in Cartago, and another 30 in Nariño. These crimes, evidenced by the findings of mass graves, demonstrate the cruelty of these structures. In Buenos Aires, Cauca, a grave contained the remains of five young people murdered for trying to escape, while in Argelia, dozens of bodies of victims of combat and shootings have been found.

18. The National Movement of Mothers and Women for Peace condemns these crimes and demands justice, truth, and reparations for the victims. The children and adolescents of Colombia must not be used as tools of war or sacrificed in a conflict that continues to bleed the country dry. It is imperative that the authorities and the international community act to stop the recruitment and use of children, dismantle these armed structures, and guarantee a future of peace and dignity for the new generations.

19. For children and adolescents identified as LGBTQ+ or those with non-normative gender expressions, this meant being forced to participate in the war and being subjected to sanctions within the armed group, such as forced labor, other forms of physical violence, expulsion, and even execution. Transgender girls who were recruited were forced to put their transition on hold or were assigned female-orientated roles as a form of exploitation. Therefore, there is a need to strengthen the production of information on how discrimination has affected children as part of the strategies of war.

20. Violence continues to affect the rights of children and adolescents, with cases of sexual abuse, the use of anti-personnel mines, and recruitment into armed groups through social networks, especially in urban areas. Although there has been progress in the courts, such as the Constitutional Court Ruling T/005 of 2024[7] on the prohibition of the Public Forces from carrying out civil-military activities in areas affected by the armed conflict involving children and adolescents, there are still frequent attacks and displacements, particularly in the affected areas of Cauca, Nariño, Chocó, and Norte de Santander.

21. With regard to the Special Jurisdiction for Peace (JEP), progress is being made in the investigation of Case 07 on the recruitment and use of children in the armed conflict. In November 2024, Ruling 05 was issued determining facts and conduct against those most responsible for recruitment and other violations against children, against six members of the last FARC-EP Secretariat. However, the challenge remains of guaranteeing reparation and the non-repetition of these crimes.

22. In January 2025, one of the fiercest waves of violence broke out in the Catatumbo region of Norte de Santander.[8] Clashes between the National Liberation Army (ELN) guerrilla group and dissidents from the Revolutionary Armed Forces of Colombia (FARC) led to at least 80 people being killed and more than 30,000 displaced, of whom more than 35% are children and adolescents. The most vulnerable population groups, including migrants and indigenous communities, lack access to essentials such as food and drinking water. The attack also interrupted the education of more than 46,000 children, preventing them from attending school[9]. Humanitarian assistance is urgently needed for displaced families and to prevent long-term consequences for the children affected, particularly concerning mental health.

23. It is recommended that the Colombian State:

- a) Guarantee the inclusion of the protection of children and adolescents in the negotiation processes with all armed actors. Strengthen sanctions and restorative measures in the Special Jurisdiction for Peace (JEP) to ensure the integral protection of the children and adolescents affected by the armed conflict through an intersectoral strategy with a differential approach, supported by human and financial resources and sustainability at the local, departmental, and national levels.
- b) Insist on strengthening inter-institutional coordination, optimize existing spaces for the exchange of information, and ensure the active participation of victims and civil society. It is also essential to establish agreements to cease violations against children and adolescents by armed groups, prioritize the investigation and punishment of crimes related to recruitment, use, utilization, and sexual violence, and provide CIPRUNNA[10] with the necessary resources to implement public policies for prevention and protection that comprehensively address the rights of children and adolescents.
- c) Strengthen and preserve the role of civil society organizations, especially with respect to monitoring, reporting, and preventing recruitment and other violations against children and adolescents. However, it is crucial to keep the limit of their role clear, preventing them from supplanting the responsibilities of the State, which requires more decisive and forceful action on the part of the State.
- d) Strengthen efforts within the integral system of peace to collect statistics and information on LGBTQ+ children and adolescents who were victims of and/or actors within the Colombian armed conflict.

Access to Justice for Adolescents

24. Given the high level of violence that children experience in Colombia, the Committee on the Rights of the Child recommended that the State take measures to guarantee access to justice for adolescents. It also requested that the State ensure that those responsible for these acts be prosecuted and that victims have access to reporting mechanisms, legal support, and adequate reparation. The Special Jurisdiction for Peace (JEP) has the capacity to impose restorative sanctions on those responsible for crimes that occurred during the armed conflict. Nevertheless, the restorative sanction projects established by the JEP have not sufficiently taken into account the considerations of the victims. In addition, the victims have not been able to actively participate in the formation of the reparation projects, which has raised concerns about the effectiveness of the sanctions.

25. It is recommended that the Colombian State:

- a) Provide information on the measures adopted to integrate the child-focused approach in the restoration of rights and to guarantee comprehensive reparation in cases of serious human rights violations against indigenous peoples.
- b) Adopt the necessary measures to ensure that, in recognition of the progressive autonomy of children and adolescents, they are heard and taken into account in the framework of any legislative, administrative, or judicial process that affects their life plan, particularly concerning the exercise of their right to the free development of their personality and gender identity.

[6] Since its emergence in 2016, during the peace negotiations in Havana, Cuba, the Central General Staff (CGS) has consolidated itself as the largest dissident group of the former FARC-EP. Made up of approximately 3,200 combatants and an undetermined number of militiamen, the EMC is organized into 23 fronts and five large blocs that extend through central, southern, eastern, and western Colombia, exerting strong control over various criminal activities, such as drug trafficking. Its origins date back to the announcement by the First Front, led by Iván Mordisco, that it would continue the war with at least 400 members, marking the start of an expansion project that today threatens the peace and security of the country. During the leadership of Mordisco and other commanders, the EMC strengthened its military structure and engaged in confrontations with other dissident factions, such as the Second Marquetalia, consolidating itself as an armed force that challenges peace efforts in Colombia. Under the government of Iván Duque, the army is accused of recruiting children under the age of 18 and handing them over to dissidents, perpetuating cycles of violence. Likewise, current EMC leaders, such as alias 'Antonio Medina' and alias 'Jerónimo,' demobilized under the Justice and Peace Law during the government of Álvaro Uribe Vélez, and then collaborated with the State before assuming command roles in the dissidents, which suggests worrying State complicity in the perpetuation of these groups.

[7] Constitutional Court of Colombia, Sentence T-005/24, Reporting Magistrate: Cristina Pardo Schlesinger, 2024, Available at <https://www.corteconstitucional.gov.co/Relatoria/2024/T-005-24.htm> <https://press.un.org/en/2025/sc15972.doc.htm>

[8] El Espectador, Around 46,000 children were left without going to class in Catatumbo, 21 January 2025, Available at <https://www.elspectador.com/judicial/alrededor-de-46000-ninos-se-quedaron-sin-ir-a-clase-en-el-catatumbo/>

[10] Comisión Intersectorial para la Prevención del Reclutamiento, el Uso, Utilización y la Violencia Sexual en contra de Niños, Niñas y Adolescentes por grupos armados organizados y por grupos delictivos organizados (Intersectorial Commission for the Prevention of Recruitment, Use, Utilization and Sexual Violence against Children and Adolescents by organized armed groups and organized criminal groups).

Forced Displacement

26. Since 2019, the Ombudsman's Office has warned of the increasing risk to indigenous peoples in the Sierra Nevada de Santa Marta region due to clashes between illegal armed groups. In February 2024, 76 families of the Wiwa people were displaced by these clashes. Despite previous warnings, communities continue to face insecurity and difficult conditions for reintegration.

27. It is recommended that the Colombian State:

- a) Provide information on the measures adopted to protect indigenous children from forced displacement that occurred after the signing of the Peace Agreement with the FARC, and to guarantee their rights to food, adequate housing, education, recreation, health, access to justice, and return to their ancestral territories in conditions of dignity and safety.

28. In 2017, the Constitutional Court declared a state of unconstitutional affairs in La Guajira due to the widespread violations of the rights to food, water, and health of children, noting the failure of authorities to prevent deaths due to malnutrition. In addition, the Court warned about the relationship between the corruption scandals, including the embezzlement of billions of pesos designated for child nutrition and early childhood care.

29. It is recommended that the Colombian State:

- a) Provide information on the progress of criminal and disciplinary investigations to clarify and dismantle the corrupt schemes that were consolidated in the public procurement of early childhood care services and the delivery of food for children in La Guajira. Additionally, identify and punish all those involved in the commission of these acts, including public officials, third parties, and companies.

Health and Health Services

30. In Colombia, there is no clarity on the State's commitment to guarantee and protect the exercise of the progressive autonomy of children and adolescents. In fact, conversion practices are carried out on infants and adolescents, promoted by their relatives or caregivers, and there is currently an initiative in Congress that seeks to prevent access to information and health services for children and adolescents with non-normative gender identities. Additionally, transgender identities continue to be diagnosed as pathology under the category of "gender dysphoria," already corrected in the ICD-11.

31. It is recommended that the Colombian State:

- a) Privilege the direct participation of LGBTIQ+ children in the processes that affect them and in cases where they require the company of an adult, consider the bonds of trust over legal or blood ties.
- b) Adopt version 11 of the International Classification of Diseases (ICD-11) without further delay and outlaw all forms of pathologization against LGBTIQ+ children, particularly against transgender children.
- c) Prohibit any type of censorship in the access to information on hormonal and/or identity-affirming medical treatments.

32. Civil society in Colombia is grateful to the Committee on the Rights of the Child for the opportunity to share its perspectives on the situation of children and adolescents in the country. They also appreciate the opportunity to provide suggestions for issues and recommendations for examining the Colombian State's progress and compliance with the Convention on the Rights of the Child, the Optional Protocols, and the recommendations of previous periods.

Signed by civil society:



Plataforma Colombiana
por el protagonismo de
niños, niñas y jóvenes



Cajar



COALICIÓN COLOMBIANA
POR LA IMPLEMENTACIÓN
DE LA CONVENCIÓN
SOBRE LOS DERECHOS
DE LAS PERSONAS
CON DISCAPACIDAD



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