



# Convention on the Rights of the Child

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

### Summary record of the 1528th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Friday, 4 June 2010, at 10.10 a.m.

*Chairperson:* Ms. Lee

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*The meeting was called to order at 10.10 a.m.*

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

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

1. *At the invitation of the Chairperson, the delegation of Colombia took places at the Committee table.*
2. **Mr. Pearl** (Colombia) said that his Government had been working to address the issues covered by the Optional Protocol even before its conception, as illustrated by the declaration made by Colombia when it ratified the Convention on the Rights of the Child in 1991 and its subsequent legislation criminalizing the recruitment of minors and prohibiting any person under 18 years of age from performing military service, even with parental consent. In 2002, children demobilized from illegal armed groups had been legally recognized as victims and as being entitled to reparation and assistance.
3. The national security forces did not recruit minors, but the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (Revolutionary Armed Forces of Colombia — People's Army) (FARC-EP), the Ejército de Liberación Nacional (National Liberation Army) (ELN) and other illegal armed groups continued to do so. His Government urged the Committee to call for the return of the minors currently in the ranks of FARC-EP and ELN so that they could be placed in Government reintegration programmes.
4. Colombia had developed one of the best reintegration programmes for minors demobilized from illegal armed groups. To date, 4,295 minors had been demobilized and had received assistance from the Colombian Family Welfare Institute and the High Council for the Social and Economic Reintegration of Armed Insurgents. Nevertheless, the processes of disarmament, demobilization and reintegration were not perfect, and it was possible that some minors had been overlooked during the demobilization of illegal armed groups between 2003 and 2006. An initiative had therefore been launched by the Colombian Family Welfare Institute, the Offices of the President and Vice-President and the Office of the Attorney-General, with the assistance of the Mission to Support the Peace Process in Colombia, to identify and restore the rights of all persons who, as minors, had been members of an illegal armed group and had not been demobilized, regardless of their current age. As a result of the extensive interviews and studies conducted by the 51 full-time staff assigned to that campaign, 80 such individuals had been identified so far and, of those, 78 had decided to take advantage of the Government reintegration programme. The initiative would remain in force until every person concerned had been found and offered assistance.
5. The Ministry of Defence had issued four directives to the country's security forces and law enforcement officials concerning the non-participation of minors in civil-military activities and had set up a complaints procedure. The courts needed to back up the Government's ongoing efforts to combat the illegal recruitment of minors by ensuring that the offence was punished. The maximum penalty for illegally recruiting minors had been increased to 15 years' imprisonment, and efforts had been made to reinforce the Justice and Peace Unit of the Office of the Attorney-General and the judiciary. To date, the Justice and Peace Unit had opened 707 proceedings concerning the illegal recruitment of minors.
6. In order to better coordinate the programmes in place to prevent the illegal recruitment of children, to assist victims and to encourage communities to report incidents, the Intersectoral Commission to Prevent the Recruitment and Use of Children by Illegal Armed Groups had been established in 2007. Priority had been given to 120 municipalities,

and action plans had been introduced for 15 government bodies, including the Office of the Procurator-General and the Ombudsman. The annual budget for the programmes coordinated by the Intersectoral Commission was US\$ 190 million.

7. Nevertheless, the Government was aware that greater efforts were needed, particularly to improve the content of social investment programmes and to ensure that sufficient resources were available to permit programmes to be carried out for as long as necessary. There were three levels of social investment in Colombia: the primary level addressed all citizens; the secondary level targeted persons from vulnerable groups; and the tertiary level focused on prevention schemes within vulnerable population groups. An analysis of nearly 230 social programmes had revealed that certain age groups and sections of society were not receiving the type of assistance that was needed in order to reinforce prevention efforts. A draft public policy proposal was therefore being prepared which would recommend that social investment programmes should target risk factors associated with the individual, his or her family and the wider community. The policy paper would also call upon the 15 different government bodies concerned to earmark funding in order to ensure those programmes' continuity.

8. His Government had long been committed to confronting and resolving those issues and had a sophisticated legal framework in place for that purpose. The process had currently reached the most difficult phase of all: that of implementing and integrating those prevention programmes in every municipality and of ensuring that the national, local and municipal entities implemented the necessary measures to protect the rights of all minors.

9. **Ms. Villarán de la Puente** (Country Rapporteur for the Optional Protocols) said that, despite the progress made, she shared the delegation's concern at the fact that the violence affecting the State party continued to infringe the rights of children. Unfortunately, the ongoing conflict had led to rampant illegal recruitment, sexual abuse, deaths and disappearances, the use of children as informants, the widespread use of landmines and the targeting of schools by illegal armed groups. It was disturbing that a disproportionate number of indigenous and Afro-Colombian children were victims of such violations.

10. While noting the significant progress made in developing the legal and institutional framework for guaranteeing the rights set out in the Optional Protocol, she regretted that the State party had not followed the guidelines when drafting its very extensive report and written replies. A great deal of data had been submitted, but it was difficult to extract the most pertinent information. She asked the delegation to focus on the impact of the activities undertaken by the State party, rather than simply describing them.

11. She asked what steps the State party had taken to prevent violations of the right to life by FARC-EP and other illegal armed groups and to halt extrajudicial killings. What impact had the work of the Intersectoral Commission had in preventing the recruitment of children by illegal armed groups and by self-defence groups in the most vulnerable 120 municipalities? The large number of reports of illegal recruitment of minors received by the Ombudsman revealed the extent of the problem, yet few alerts or preventative measures appeared to have been launched. Why was that so?

12. Since the State party had acknowledged that greater efforts needed to be made by the justice system to investigate and sanction offences, an assessment of the obstacles faced, together with information on the human and financial resources made available to the special unit of the Office of the Attorney-General responsible for investigating offences enumerated in the Optional Protocol, should be submitted to the Committee. What measures had been introduced to ensure effective sentencing and to expedite judicial procedures? How many of the convictions mentioned in paragraph No. 118 of the written replies (CRC/C/OPAC/COL/Q/1/Add.1) concerned cases in which the victim had been a minor? The continued use of military courts in certain instances failed to provide impartial

treatment and led to impunity in many cases. She asked why military courts were still being used to judge children and what was being done to reverse that situation. Under Act No. 975 of 2005, former combatants of the Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia) (AUC) who had committed offences covered by the Optional Protocol were not eligible for reductions in sentences. The delegation should explain, then, what positive effects the demobilization had had in terms of the enjoyment of the rights enshrined in the Optional Protocol. Information on the number of children who had been demobilized from illegal armed groups and who had received assistance from the reintegration programmes of the Colombian Family Welfare Institute would be appreciated.

13. The Secretary-General's ninth report on children and armed conflict noted that minors were still often used as informants by illegal armed groups, even though that practice had been criminalized by the State party in accordance with the Optional Protocol. Details of the civil-military actions carried out to halt that practice, and the participation of children in those actions, should be provided, together with information on the preventive actions taken. According to the written replies submitted by the State party, security forces had occupied schools in liberated territories in order to guarantee the right to education. How did the Government ensure that children did not become the targets of reprisal attacks by illegal armed groups?

14. She asked how the provisions of Act No. 975 on reparations for victims were being applied. In what way did they differ from those contained in Act No. 1290 of 2008? Lastly, the delegation should inform the Committee what progress had been made in meeting the Secretary-General's targets for the complete removal of children from armed conflicts.

15. **Mr. Gurán** said that the delegation should provide details about the role performed by the Colombian Family Welfare Institute as the main coordinating agency at both the national and local levels. He welcomed the reintegration programmes introduced by the State party, but wondered if there was a special mechanism in place to monitor and provide assistance in cases where children had been used by illegal armed groups as informants or to provide logistical support. He asked the delegation to clarify the functions and level of independence of the Offices of the Family Ombudsman. Statistics on the number and type of complaints received by the Ombudsman would also be welcome. Was that institution a member of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and was its mandate in line with the Paris Principles? More detailed information concerning the status of children, teacher training and the general situation with regard to the Optional Protocol in military schools would be appreciated.

16. **Mr. Puras** commended the Government on its fairly successful attempts to overcome the country's vicious cycle of violence and said that the key to continued success was to achieve a balance between addressing violence and investing in protective factors such as social and human capital. He asked for an update on activities undertaken to enhance protective factors and strengthen resilience. Colombia's programme for the recovery and reintegration of child victims of armed conflict was impressive, but it should nonetheless be improved quantitatively and qualitatively. How did the State party plan to do that? Was there a mechanism in place to monitor the effectiveness of the programme and, if so, was it independent? How involved in the whole process were civil society and NGOs? Was proper support being provided for the emotional and psychological well-being of child victims? Another risk factor for the programme was that many children were from a rural background but came to the urban areas where the programme was offered. How was the potentially negative effect of that transition managed? How did the State party prevent secondary violence against or between the children and adolescents in the programme? He would like to know what steps were being taken to harmonize the different programme components in order to ensure that young persons were not attracted only by its

financial incentives but also by the opportunities it offered for supporting their long-term development and for ensuring that they enjoyed their rights as fully socially integrated citizens.

17. **Mr. Kotrane** said that Colombia had made progress in establishing an appropriate legal framework in line with the Optional Protocol but that there was still a long way to go. He asked for further information on the number of convictions handed down in the approximately 1,500 pending criminal cases involving the illegal recruitment of children for armed conflict. What legal mechanisms were in place for extraterritorial jurisdiction, and did the Optional Protocol provide a sufficient legal basis for extraditing persons who had participated in the recruitment of children for armed conflict? He requested clarification on whether children who had committed offences while involved in armed conflict were treated as criminals, which would be contrary to the Convention. Precisely how many children had been tried in the criminal justice system?

18. **Ms. Aidoo** asked for statistics on children recruited by former paramilitary organizations. Had the Government taken concrete action to prevent their recruitment, and what protection did the children enjoy? She asked for clarification on why the State party made a distinction between children who had been recruited into criminal groups and those recruited into non-State armed groups. Why did it treat the former as children who had been pressed into the worst forms of child labour and who were therefore subject to the provisions of the International Labour Organization (ILO) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) rather than applying its legislation on the protection of demobilized children? She would like to know how many children had been recruited by criminal groups and whether any concrete measures had been taken to prevent children from being recruited into such groups and to provide real protection for them. As children were often recruited into non-State armed groups by persuasion rather than by force, had the Government conducted human rights awareness-raising campaigns to address the issue and had it provided peace education? What other preventive measures targeted vulnerable groups such as school dropouts and schoolchildren from certain sociocultural and socio-economic backgrounds?

19. **Mr. Citarella** said that the distinction made between recruitment by armed and criminal groups raised concern about possible differences in the way in which children would be treated. Children should always be considered as victims, not criminals. Turning to the issue of the circulation, distribution, possession and sale of small arms by children, he asked what efforts were being made to combat the circulation of arms within and outside the country in order to prevent small arms from falling into the hands of children.

20. **Ms. Ortiz** asked for further information on action taken since the ruling handed down by the Constitutional Court in October 2009 in which it had urged Congress to adopt a law on conscientious objectors. Turning to the opposing side in the conflict, she expressed concern that young people were taking drastic measures to avoid recruitment into non-State armed groups. In some cases young girls were deliberately becoming pregnant or families were fleeing to safeguard their children, which led to internal displacement and other problems. What had the Government done in that regard? Did it plan to strengthen the role of local authorities? The increasing number of violent deaths among the indigenous population and people of African descent, including children, was yet another cause of concern. What measures had the Government taken to protect those populations, and had the measures been discussed and agreed upon with those groups in order to ensure that they were culturally appropriate? She asked how many internally displaced children were of African descent or of indigenous origin and how many were orphans, or children who had lost all contact with their families. In view of the Secretary-General's recommendation in the 2009 report on Colombia that a negotiated solution should be sought, what steps had the

State party taken to formulate action plans for halting the recruitment of children by non-State armed groups and securing the release of children already recruited? Although the head of delegation had requested the Committee to urge non-State armed groups to stop recruiting children, the fact of the matter was that the Committee could not intervene; that was the State party's responsibility. What guarantees could the State party offer to the special country team established pursuant to Security Council resolution 1612 (2005) that it would be able to carry out its monitoring and reporting tasks effectively, safely and independently?

21. **Ms. Al-Asmar** asked for further information on measures taken by the State party to prevent attacks on schools, maintain a safe school environment and discourage children from dropping out of school. How did the State party view the role of United Nations agencies in Colombia?

22. **The Chairperson** asked what steps the State party had taken to prevent the rounding up of persons under the age of 18 who had no record of military service. The practice appeared to be linked to poverty and low literacy rates, as it was prevalent in poor rural communities with literacy rates that were populated by people less likely to have records of military service. She requested clarification on the kind of questions asked during interrogations of demobilized and captured children carried out by the armed forces for intelligence purposes. Could any of the questions be deemed to be compromising or militarily-oriented? After the interrogations, were any data protection safeguards put in place to prevent the information from falling into the wrong hands? She welcomed the awareness-raising campaign on the dangers of anti-personnel mines currently being conducted in schools by the military, especially as Colombia's landmine accident record was one of the worst in the world. She expressed concern, however, that the presence of the military in schools might attract retaliatory attacks, thereby putting communities and children at risk. Finally, she asked for information on any precautionary measures and safeguards in place for the resettlement of children in their or other communities.

*The meeting was suspended at 11.15 a.m. and resumed at 11.50 a.m.*

23. **Ms. Linares** (Colombia) said that several studies had concluded that the use and recruitment of children and adolescents by illegal armed groups and organized crime were largely attributable to social factors affecting the victims, such as a lack of opportunity, domestic violence and sexual abuse. In addition, about 15 per cent of the children in question were forcibly recruited or enlisted by armed groups. The Government had tackled the problem, not from a military point of view, but from the standpoint of human rights by addressing the social problems that were overwhelmingly at the root of the problem. In 2007, the Government had established an Intersectoral Commission to Prevent the Recruitment and Use of Children, Adolescents and Young Persons by Illegal Groups. The Commission worked with families, communities and local authorities.

24. The Government had thus initiated efforts to change the country's general culture so that children would be recognized as rights-holders from the very start, but those efforts would have to be sustained over a very long period in order to have an effect. NGOs such as *Infancia y Desarrollo* (Childhood and Development) had been working to remove vulnerable children from at-risk areas and to find them places in boarding schools or other institutions where they would be safer from recruitment by illegal armed groups, while the State had strengthened local authorities in three municipalities with a view to preventing the recruitment of children. Social factors were indeed of great importance, and children of African descent, in particular, had been targeted for use by criminal groups in areas where drugs were being trafficked. In its efforts to combat that problem, the State was aware that it must take into consideration the cultural and ethnic background of the children in question.

25. The Supreme Court had issued a ruling ordering the State to take action to stop the recruitment of displaced people by armed groups, and the Government was mainstreaming a gender perspective into those activities.

26. The Government generally employed the term “recruitment” of children to denote actions taken by illegal armed groups and referred to the “use” of children by organized criminal groups. That distinction was in keeping with a position taken by the United Nations Secretary-General in one of his reports on the human rights situation in Colombia. At the outset, the Intersectoral Commission had concentrated on combating recruitment by the two main illegal armed groups. In practice, however, it had found that recruitment was only part of the problem, as the use of children and adolescents in organized crime also had to be addressed. Certain municipalities were at high risk for both the recruitment and the use of children, and they were given priority by the Commission, regardless of whether or not an early warning alert had been issued by the Office of the Ombudsman. FARC-EP and ELN were the main groups responsible for the recruitment of children. They provided children with uniforms and weapons, took them to their military camps and generally lived with them. Organized crime groups, in contrast, were usually established in urban areas and used children for specific illegal tasks, but the children in question continued to live with their families. In both cases, the State treated the children in question as victims, either of political violence or of crime. Those children were also legally considered to be victims of the worst forms of child labour. The purpose of such recognition was to protect them, not to stigmatize them, and when their cases came up in court, judges and prosecutors applied the principle of opportunity, meaning that the State refrained from pressing criminal charges against them for any offences they might have committed. Both groups were given the same type of assistance under a specialized programme of the Colombian Family Welfare Institute (ICBF). Under a decree issued in 2009, children and adolescents who were illegally recruited were also entitled to full reparation, and over 400 had already received financial compensation in that connection. The granting of such compensation in no way precluded the possibility of their pressing their cases to seek justice in court. Children and adolescents who were recruited by armed groups were also entitled to assistance with their social and economic reintegration.

27. **Ms. Ladino** (Colombia) said that the courts currently had 148 cases before them involving sexual offences allegedly committed by the military or police. She would later inform the Committee of the number of convictions for such offences. Justice and Peace Act No. 975 of 2005 included an extensive section on victims’ rights and on truth, justice and reparation. The Constitutional Court had ruled that arriving at the truth was of the utmost importance in the pursuit of justice. In the application of the Act, a special sentence with a maximum term of deprivation of liberty of eight years was therefore provided for.

28. Two legal systems were thus operating in parallel; on the one hand, there was the system used in dealing with confessions to crimes made within the framework of the Justice and Peace Act and, on the other, there was the ordinary justice system, in which extenuating circumstances were not acknowledged. The Office of the Attorney-General had two separate units dealing with the illegal recruitment of minors, one of which worked on cases being heard in the ordinary justice system and the other specifically devoted to cases being tried under the Justice and Peace Act. The former was currently handling 239 such cases; two had led to convictions in 2009, and 36 people were still facing charges for illegal recruitment under Act No. 600 of 2000. As for the unit operating under the Justice and Peace Act, over 1,900 confessions had been made, and some 50,000 victims had been identified, of whom about 20,000 had been questioned as part of the search for peace and justice. In addition, some 300 cases of illegal recruitment by the military were being handled by the ordinary justice system.

29. Measures were currently being taken to ensure swifter handling of cases by prosecutors and more effective sentencing. She would later send the Committee specific information on the funding of the specialized units within the Office of the Attorney-General that dealt with illegal recruitment.

30. **Mr. Kotrane** noted the very low number of convictions for illegal recruitment of minors in relation to the number of cases handled. The Committee had received conflicting information concerning the handling of cases involving children who had taken part in armed conflict. On the one hand, the delegation maintained that all such children were treated as victims, regardless of whether they had been recruited by armed groups or used by organized crime and, as such, were released outright. On the other hand, the Committee had heard that such children were sometimes arrested and convicted after taking part in military operations. The Committee would like to know who heard the cases involving such children. Were they ever taken before military judges if, for example, the children were captured while bearing arms? Could the delegation assure the Committee that people under the age of 18 were never tried by specialized military courts?

31. **Ms. Forero** (Colombia) said that, since the adoption in 2006 of the Code on Children and Adolescents (Act No. 1098), children involved in armed conflict had been recognized as victims, and such children were not prosecuted by the ordinary justice system or by military courts. All such children were entitled to assistance from ICBF. Of the over 4,200 children who had received assistance from ICBF since 1999, some 57 per cent had been recruited by FARC, 15 per cent by ELN and 24 per cent by the former self-defence groups, with the rest having been recruited by other rebel forces and criminal groups. Children who committed serious offences outside the context of an armed group were prosecuted by a special court and were assisted by a specialist from ICBF.

32. **Ms. Villarán de la Puente** asked about the impact of the Government's strategy to prevent the recruitment of minors. The Government had concentrated its efforts on 120 municipalities, but the Committee had heard that the recruitment of minors was still on the rise. What obstacles was the Government facing in its implementation efforts?

33. **Mr. Pearl** (Colombia) said that the Justice and Peace Act was one of the most ambitious laws of its type in the world. It provided the legal framework for the recognition of the rights of victims and for compensation. The National Reparation and Reconciliation Commission, which had been established under the Act, had registered over 308,000 victims, some 51,000 of whom had confronted those who had perpetrated acts against them. About 288,000 victims had registered with the Office of the Attorney-General. As for the number of convictions, for a number of years the Supreme Court had maintained that, in cases where defendants faced multiple charges, all such charges must be settled before a conviction for any one of them could be handed down. It had since reversed that decision, so it should now become possible to obtain convictions more speedily.

34. **Ms. Linares** (Colombia) said that the impact of the Government's strategy was hard to judge for the time being, as the strategy had been adopted only recently. In addition, it emphasized the prevention of recruitment over the imposition of sanctions. Prevention would require a time-consuming cultural shift and would in any event be difficult to quantify. In the 120 municipalities in question, the Government had been working with local authorities to ensure that children's views were taken into consideration in the relevant activities. One of the most palpable effects of the strategy so far had been to unify State efforts; previously, initiatives had been taken in a more haphazard fashion. For the time being, the Government was able to report that some 4,000 children and adolescents had left illegal armed groups.

35. **Ms. Ladino** (Colombia) said that the Office of the Attorney-General had a specialized unit to deal with child and adolescent offenders and that specialized judges and

courts for minors had been set up under the Justice and Peace Act. Minors were not treated as criminals, but as offenders, and the accent was not placed on sanctions, but on a restoration of the offenders' rights. In cases involving minors, the imposition of sanctions must be used only as a last resort. Specifically, the law called for application of the principle of opportunity, under which the courts were entitled to refrain from prosecuting such offenders and to apply alternative measures rather than penalties. When confessions were made, the Office of the Attorney-General was obliged by law to gather evidence in order to verify the facts, which could be extremely time-consuming.

36. **The Chairperson** asked the delegation to answer the questions relating to the alleged use of children as informants, extrajudicial killings of children and the Secretary-General's report and recommendations.

37. **Ms. Mejía Hernández** said that the Government had created a committee to investigate several reported cases of extrajudicial killings by security forces. Based on the committee's conclusion that oversight problems existed in certain garrisons, the Government had taken a number of drastic administrative decisions, such as removing a significant number of high-ranking officers and immediately adopting a series of 15 measures. Those decisions had led to a substantial reduction in the number of reported cases and reflected the Government's political will and commitment, as noted by the Special Rapporteur on extrajudicial, summary or arbitrary executions following a fact-finding mission carried out in June 2009. A total of 1,354 cases of alleged extrajudicial killings, 125 of which involved child victims, had been heard by the National Human Rights Unit of the Office of the Attorney-General. Out of the 57 resolved cases, 40 had led to convictions, 12 to convictions by summary judgement following admission of the charges and 10 to acquittals; out of a total of 212 persons tried, 160 had been convicted, 34 had been convicted by summary judgement following admission of the charges and 33 had been acquitted. A breakdown of those data indicating the number of convictions relating specifically to the cases involving children would be submitted to the Committee at a later date. A total of 299 cases had been voluntarily referred by the military criminal courts to the National Human Rights Unit.

38. **Ms. Villarán de la Puente** (Country Rapporteur) asked for clarification as to whether the cases mentioned had been heard by military or ordinary courts.

39. **Ms. Mejía Hernández** said that the cases had been heard by the National Human Rights Unit of the Office of the Attorney-General.

40. **The Chairperson** asked the delegation to comment on the fact that the handover by the military courts to the ordinary courts of cases of human rights violations had been delayed owing to unresolved jurisdictional disputes, as noted in the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia of March 2010 (A/HRC/13/72).

41. **Ms. Mejía Hernández** said that the State party was committed to ensuring that all cases of alleged human rights violations were heard by the ordinary courts. The Government was working with the Office of the High Commissioner for Human Rights to encourage the transfer of cases from military to ordinary courts; while the number of transfers had decreased in 2010, it had been significant in 2008 and 2009.

42. In response to an earlier question about the presence of United Nations agencies in Colombia, she said that the Government had a positive relationship with the United Nations system and was working with it in such areas as institution-building, development of the country's United Nations Development Assistance Framework (UNDAF) and the formulation of the national action plans of the various agencies. The State party had called on the United Nations, within the framework of the Paris Declaration on Aid Effectiveness and in the interests of coherence, to address national priorities in its humanitarian activities.

Although some agencies had responded better to that call than others, there was a general willingness to engage in continuing dialogue. A total of 23 agencies were present in Colombia. They had full access to all the information that they required, and their staff could move freely about the country.

43. With respect to the question about Security Council resolution 1612 (2005) on children and armed conflict and the creation of a special country team to gather information under the monitoring and reporting mechanism, she said that the Special Representative of the Secretary-General for children and armed conflict, at the invitation of the Government, had visited the country in May 2008 and had met with various Government authorities. The ensuing dialogue had culminated, in December 2008, in the State party voluntarily agreeing to implement the monitoring and reporting mechanism. It had been clearly established during the dialogue that any type of action in that respect by United Nations agencies or by the team itself would be subject to the prior express authorization by the Government. Following meetings between the Government and the team in the first half of 2009, the first report, covering 2008, had been drafted. That report was currently being reviewed by the Working Group on Children and Armed Conflict of the Security Council, and no official recommendations or conclusions had yet been conveyed to the Government. The State party guaranteed full access for the team members to all areas of the country and to information on the relevant cases on an ongoing basis.

44. **Ms. Ortiz** requested details on investigations conducted into the theft of a computer hard drive from one of the members of the special country team and asked what guarantees were in place to enable the team to effectively carry out its work. She asked how the State party intended to act on the recommendation made in the report of the Secretary-General on children in armed conflict in Colombia (S/2009/434) to include the issue of the protection of children in any negotiations with illegal armed groups.

45. **Ms. Mejía Hernández** said that data had been stolen from the home of an official of the United Nations Children's Fund (UNICEF) while the official had been away on holiday. It was difficult to understand why a hard drive containing official UNICEF information had been there, and the Government had condemned the regrettable theft. The speaker herself had held a meeting with the Attorney-General and the national police to address the matter. Unfortunately, since the official had not reported the theft to the Office of the Attorney-General until several days after her return, the gathering of evidence had been hindered and investigations delayed. However, the Office of the Attorney-General was continuing its investigations in an effort to solve the case in spite of the difficult circumstances.

46. The Government had not yet received any official recommendations in relation to the monitoring and reporting mechanism, since the Secretary-General's report was still being reviewed by the Working Group on Children and Armed Conflict, and the delegation therefore had nothing to add in that respect.

47. **Ms. Forero** (Colombia), in response to a question about family welfare and the Offices of the Family Ombudsman, said that it was the duty of the Family Ombudsman to uphold and protect the rights of children and adolescents and that there were specific Offices of the Family Ombudsman responsible for children that had been involved in illegal armed groups. Those Offices, which were administrative bodies, were separate from the Office of the Ombudsman and formed part of the State party's system of protection.

48. Investment and resources to support children from the indigenous Awá community who had been involved in armed conflict had been increased. She had met with members of the community to discuss their needs and, as a result, nutrition programmes and early childhood services, such as the provision of children's breakfasts and community care

centres, had been stepped up. Between 1999 and 2010, support had been provided to 153 children and adolescents of African descent and 260 indigenous children and adolescents.

49. **Ms. Ortiz** asked what was being done to meet the cultural needs of children from those indigenous communities.

50. **Ms. Forero** (Colombia) said that programmes were conducted with the participation of the indigenous communities; for example, the community care centres were run by mothers from indigenous families. Psychosocial services were provided by family-welfare specialists working out of mobile units, in cooperation with and, where possible, with the direct involvement of families and, in particular, women in the indigenous communities.

51. **The Chairperson** recalled that answers had not yet been provided to the questions on the account given in the Secretary-General's report of children being used as informants, on extraterritorial jurisdiction, on light arms and on military schools. She further recalled her request for the State party to comment on the fact that the Working Group on Arbitrary Detention had noted in its report (A/HRC/10/21/Add.3) that the army was illegally engaging in *batidas*, or round-ups, and that some of those recruited might have been below the age of 18 years.

52. **Ms. Aidoo** repeated her request for information on peace education and awareness-raising with respect to human rights among children and families from the various socio-economic groups.

53. **Mr. Suárez Bustamante** (Colombia) said that schools in isolated locations were protected by special troops known as "campesino soldiers" in order to maintain territorial control, following requests by the civilian population that such schools and areas should not be abandoned. Military schools, which were duly authorized under the legislation of the Ministry of Education, did not provide military instruction, but rather gave students the opportunity, during their last two years of study, to complete their compulsory military service. With respect to the practice of round-ups, he said that raids had been carried out in order to ensure that adults had completed their compulsory military service, as required by law. However, that system of recruitment was carefully controlled, with the participation of the mayor, the Office of the Municipal Attorney and the commander of the military district, in order to ensure that no minors were recruited. In the event that a recruit were found to be a minor, he or she would be handed over to the Colombian Family Welfare Institute through the Office of the Municipal Attorney. The Colombian Government, through the General Command of the Armed Forces, was responsible for arms control and trade, and it was illegal for children to carry weapons. In order to obtain a weapon in Colombia, a person must be at least 18 years old, hold Colombian citizenship, meet certain medical requirements and pass a criminal record check.

54. **Ms. Pinto** (Colombia) said that the programme for children disengaged from armed conflict was comprehensive and involved the Colombian Family Welfare Institute and the High Council for the Social and Economic Reintegration of Armed Insurgents. It focused on the restoration of children's rights and the provision of psychosocial support with a view to the children's reintegration and return to their family environment and local community. Psychosocial support continued to be provided to those children once they reached the age of 18 years with the aim of increasing their skills, reintegrating them into society and strengthening their autonomy. Civil society and international organizations such as the International Organization for Migration and UNICEF monitored the programme and other activities aimed at preventing the recruitment of children and providing support for child victims of involvement in armed conflict.

55. **Mr. Pearl** (Colombia) said that social investment and investment in education in the State party stood at 22.9 per cent and 7.19 per cent, respectively, of the gross domestic product (GDP), whereas only 5.3 per cent of GDP was invested in defence. The social

investment strategy focused on the 98 municipalities where most of the displaced persons, victims of conflict and demobilized persons were located. Peace education programmes, which were being conducted with the support of European funding, included lectures on peace in schools and the provision of training to community leaders in peace, coexistence and reconciliation. By the time those programmes had been fully implemented, a total of 24,000 leaders would have been trained.

56. In response to a question as to whether the reintegration programme's financial incentives were counterproductive, he said that those incentives amounted to just less than the minimum wage and were conditional upon behaviour and effort, as assessed by such factors as whether the participants were receiving psychosocial support and were undertaking studies. In response to a question about the protection of data on demobilized children, he said that access to information gathered under programmes for identifying such children was restricted to just five people in the Office of the President. In response to the Committee's questions about how to remove children from armed conflict and recommendations on contact with illegal armed groups, he said that the Government had made it clear that its door was always open. Unfortunately, the illegal armed groups had indicated that they were not interested, most recently in a negative response to a letter, which he personally had signed, proposing a formal agreement to FARC. The Government would nevertheless keep all communication channels open with respect to humanitarian issues and would persist in its pursuit of the demobilization of all children.

*The meeting rose at 1.05 p.m.*