



Renacer (ECPAT Colombia)

Executive Director: Mrs. Luz Stella Cardenas Ovalle
Address: Calle 76 BIS, No 20C-51, Santa Fe de Bogotá
Phone: +57 1 2486542, +57 1 8050217
Email: fundacionrenacer@fundacionrenacer.org
Website: <http://www.fundacionrenacer.org>

ECPAT Colombia promotes and defends children's rights, especially child victims of commercial sexual exploitation (CSEC). The group has worked in vulnerable communities and with educational institutions in the cities of Barranquilla, Bogota and Cartagena de Indias, becoming a leader in CSEC prevention and awareness-raising for youth in the country. The group, with the help of Fundación Renacer, has focused its work on two areas: prevention and awareness and youth participation in public policy. In the area of prevention and awareness, activities undertaken include: the creation of an ECPAT Youth Group for CSEC prevention; training children and youth on CSEC issues; recreational activities with child victims as part of social reintegration; and awareness-raising workshops for parents in communities vulnerable to CSEC.



ECPAT International

Special consultative status
Executive Director: Ms. Dorothy Rozga
Address: 328/1 Phayathai Road, Ratchathewi, Bangkok 10400, Thailand
Phone: +66 2 215 3388
Email: info@ecpat.org
Website: www.ecpat.org

ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 26 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 95 network members operating in 86 countries.

Submission "Sexual Exploitation of Children in Colombia"

27 September 2017

for the Universal Periodic Review of the human rights situation in Colombia

to the **Human Rights Council**
30th Session (May 2018)
UPR third cycle 2017 – 2021

Justification for Submission

1. In the last decade, the Government of Colombia (GoC) has shown commitment to eradicate sexual exploitation of children (SEC) through adopting a comprehensive set of national laws to address the issue. In 2015, the GoC re-committed itself to the cause through the adoption of the 2030 agenda for Sustainable Development which aims to eliminate all forms of violence against children, including sexual abuse and exploitation.¹
2. The present submission is an update on SEC in Colombia and to review the progress since the last Working Group Report published in July 2013.² The submission has the aim to help to further strengthen political will to focus on the issue of SEC in Colombia and prevent this heinous crime committed against children.

Methodology and Scope

3. The submission is based on the practical experience of Renacer (ECPAT Colombia) and studies conducted by both Renacer (ECPAT Colombia) and ECPAT International.
4. The scope of the submission is limited to SEC and its different manifestations, including exploitation of children in prostitution,³ online child sexual exploitation (OCSE), ‘child sexual abuse materials’⁴ or as in Colombia referred to as ‘*producción y uso de materiales de abuso sexual de niñas, niños y adolescentes*’, trafficking of children for sexual purposes and sexual exploitation of children in the context of travel and tourism⁵ (SECTT) and child, early and forced marriage (CEFM).

Sexual exploitation of children in Colombia

5. Colombia is ranked as a high human development ranking with the 95th place in the global ranking.⁶ Colombia has large agricultural companies, mining projects and petroleum industry. Nevertheless, still 6% of the population lives under the international poverty line of USD 1,90 per day⁷ and child labour is still at 10%.⁸ Over 14 million children comprise just under 30% of the total population.⁹ The three main different ethnic groups are mestizo and white 84%, Afro-Colombian (includes mulatto, Raizal, and Palenquero) 10% and indigenous 3%.¹⁰ The illegal drug trade – with an estimated value of 10-20 US\$ billion per year – and the instability caused by more than 50-year fight against the Revolutionary Armed Forces of Colombia, have increased vulnerability of children’s safety and security. A peace deal was brokered in November 2016 and is currently slowly being rolled out. Vulnerability to fall victim to SEC varies, with some discernible groups being most at risk, particularly among children from poor families, street children, children from dysfunctional families, mentally disabled, drug addicted children, sexual abused children, domestic violence victims, abandoned children, displaced children, children of ethnic minority groups, children living in or near tourist areas, mines, military camps, mega investment projects and child soldiers.¹¹
6. **Exploitation of children in prostitution** is the most prevalent SEC manifestation in Colombia and extends throughout the country. This form of exploitation of children occurs on the street, market places, beauty salons, checkpoints and other military facilities, police stations, prisons, hotels, hostels and camps of illegal armed groups. Children are approached in public places, offering them money, gifts, food or contacted through their mobile phones and then taken to hotels and residences where they are subjected to abuse. The GoC has acknowledged the issue and has focussed its work to counter the form of exploitation in cities of the central area and the Atlantic coast, especially in cities like Bogotá, Cartagena, Medellín and Pereira. It is difficult to estimate the prevalence. Data on SEC victims are not collected in a systematic manner and statistics from different institutions provide different numbers. Furthermore, it is estimated that only between 5 and 10% of cases are identified or reported. According to the Colombian Institute of Family and Welfare (ICBF), the national police identified 216 victims of SEC in 2014, of whom 175 were girls while the ICBF identified 775 victims, of whom 631 girls.¹² In 2016, the Mayor of Medellín provided services to

240 girls, boys and adolescents victims (176 women and 64 men). Renacer (ECPAT Colombia) identified 4,424 adolescent girls and 1,341 child victims of CSEC) between 2011 and 2015. In the period between 2014 and 2016 services were provided by Renacer (ECPAT Colombia) to 654 adolescent girls and 204 child victims in Cartagena. In the period between 2015 and 2016 Renacer (ECPAT Colombia) provided services to 157 adolescent girls and 144 children in Bogotá.¹³

7. **Trafficking of children for sexual purposes** is a serious problem. High rates of children are trafficked for sexual purposes in areas with tourism and large extractive industries. Sex trafficking in mining areas sometimes involves organized criminal groups. During the armed conflict children were trafficked into military camps to exploit them for sexual purposes.
8. As in most countries, **OCSE and child sexual abusive materials** is a growing issue. The Committee on the Rights of the Child expressed its deep concern about the high number of organisations that are involved in (international) networks of sexual exploitation, in particular child pornography. Most cases remain unreported. The National Report on Victims of Sexual Exploitation counted only 72 cases of ‘child pornography’ in 2013. In 2014, the National Police reported 71 cases of ‘child pornography’ victims and 25 OSCE cases where social media was used to demand or obtain sexual contact with minors.¹⁴ Since its inception phase in 2009 the project ‘*Te Proyecto*’ (you protect), established by the Papaz Network in cooperation with the Ministry of Information Technologies, has received 31,650 reports on illegal content, 60% of reports refer to child sexual abuse material, but only a minimal number of cases were followed up with child protection services.
9. As the Global Study on Sexual Exploitation in Travel and Tourism found, no country is immune to **SECTT**.¹⁵ Travel and tourism is expanding fast in Colombia. A total of 3,3 million international arrivals were counted in 2016, 11% higher than the previous year,¹⁶ bringing the revenue to almost 4,8 billion US\$ per year. But the number of domestic travellers is even much higher with almost 25 million travellers in 2012.¹⁷ Among the visitors are travelling child sex offenders, many from North America or Europe. Groups of men visit the country and stay at “*party hostels*” where children are brought or lured to be sexually exploited.¹⁸ A recent study by Renacer (ECPAT Colombia) on SECTT in Cartagena, Acacias, and Leticia, found that not only tourist hubs are the backdrop for SECTT, but also travel hubs and border areas. For example, in the border area between Colombia (Leticia) and Brazil (Tabatinga) adolescents are sexually exploited in hostels or bars in the cities. The study confirmed that border transit for purposes of sexual exploitation is common.¹⁹ Another hub for SECTT are “*mega investment projects*” in e.g. the extraction or oil industry, where outsiders with relatively high purchasing power are travelling and interacting with poor locals and farmers, increasing the vulnerability of children.²⁰
10. **CEFM** is prevalent with 6% of children married at 15 years of age and 23% of children married at 18 years of age.²¹ This practice has an ancient cultural reference in some rural or indigenous communities where daughters are married out to provide domestic and sexual services for their husbands.

Legal framework and national laws

11. In general, the Colombian national legal framework correctly reflects the international standards to address SEC. Colombia has globally advanced laws to combat SECTT and ‘sex tourism’ is included as a crime in the national laws.
12. Law No. 985 (2005) amended the Criminal Code by prohibiting all forms of trafficking with sentences from 13 to 23 years in prison with additional fines.²² By Decree No. 1069 of 2014, the GoC has regulated some specific aspects of trafficking of children, such as ‘best interests of the child’, the right to protection of children from trafficking and repatriation of child victims abroad.
13. Law No. 1329 (2009) amended the Criminal Code by adding an article criminalising pimping with minor with sentences ranging from 14 to 25 years in prison with fines.²³ Having sex with an

exploited minor is subject to the same prison sentence,²⁴ while consent of the victim does not exempt the perpetrator from criminal responsibility. The Law No. 1336 (2009) strengthens the legal framework to address exploitation of children in prostitution, child sexual abusive materials and SECTT and provides an administrative framework to address SEC.

14. Law No. 985 (2005) prohibits child marriage if any economic gain is involved.²⁵ With parental consent children can get married as of age 14.²⁶ The Constitutional Court has ruled that the different minimum age for marriage for boys (14) and girls (12), as codified in the Civil Code, is unconstitutional, violating the principle of equality and has set the minimum age for both on 14 years of age.²⁷

Coordination to end SEC

15. Coordination of the combat against SEC is direly needed. Not only to coordinate government actions, but also service providers for SEC victims, CSO programmes and the private sector, including the travel and tourism industry, airlines, Internet Service Providers, Internet Cafés and DVD sellers. As the in 2009 established National Committee for the Prevention and Eradication of Commercial Sexual Exploitation of Children does not function adequately²⁸ and has played little role in the coordination, the ICBF - that takes part in the National Committee - is the foremost entity responsible for the coordination of the combat against SEC in the country. On a local level, the local councils of Social Policy on municipality and district level, all have a '*Childhood and Adolescence Panel*' to discuss child related issues. However, in reality, there has been very little or no coordination on national and local level on the combat against SEC.
16. There is currently no Action Plan specifically against SEC. There is a National Plan of Action against Trafficking 2013 – 2018. For the past two years, the National Committee and the National Family Welfare System (SNBF) have been drafting an anti-SEC policy that will be linked to the – also currently being drafted – Childhood and Adolescence policy. To date neither has been completed.
17. On an interregional level, the '*Regional Action for the Americas (GARA) Committee*' is important with its objective to develop regional strategies to counter transnational crimes associated with the SEC. Recognising the merits of international cooperation, the '*Andean Committee of Authorities of Tourism (CAATUR)*' counteracts SECTT.
18. On law enforcement and judicial matters the GoC cooperates with Argentina, Brazil, Canada, Chile, Costa Rica, Ecuador, El Salvador, Mexico, Nicaragua, Panama, Peru, Dominican Republic, United States, Venezuela and INTERPOL.

Protection

19. Although the national legal system is in general more than adequate to address SEC, the weak link is the enforcement of the law. Many SEC cases are never reported or recognised. In particular, cases of OCSE and CEFM remain mostly unreported. Cases are often wrongly qualified as sexual abuse instead of exploitation.²⁹ It is important to strengthen reporting and victim identification mechanisms. Reporting mechanisms should not compromise the security of the victims.
20. The enactment of law No. 1329 and no. 1336 in 2009 have heightened the awareness of SEC among the justice sector officials. Thanks to a major effort by the judicial authorities to train their officers and provide appropriate conditions for the access of victims to justice, there has been an increase in reporting of cases. However, the process of investigation, prosecution and conviction remains slow with procedures to conviction sometimes taking up to four years. Many

municipalities and departments lack staff and other resources necessary for investigations and judicial processes.

Prevention

21. The government programme '*Sexuality and construction of citizenship education programme*' is aimed educate children and teenagers between 6 and 19 years on sexual and reproductive rights and prevention of violence. The programme does not include education on SEC-related issues explicitly, but is focussed on prevention of teenage pregnancies. A national comprehensive strategy on how to prevent or raise awareness on SEC is altogether missing. Together with other NGOs and government actors, Renacer (ECPAT Colombia), has conducted several successful media campaigns, but there is no strategy nor evaluation of these efforts.
22. An important prevention (and protection) mechanism against SECTT is '*The Code*'. The Code is promoted by ECPAT, *Organización Mundial del Turismo* and UNICEF. The Code is a certification of tourist businesses that fulfil a standard of care on child protection. In Colombia, the certification system is managed by Renacer (ECPAT Colombia). Companies can adopt The Code voluntarily, but at the same time are complying with a legal government requirement. Companies can implement their own codes and the Ministry of Commerce, Industry and Tourism monitors compliance to The Code. In partnership with the private sector and with development cooperation support, Renacer (ECPAT Colombia) is also rolling out a model of protective environments in tourist regions. Due to the '*The Code*', Colombia has 300 companies and more than 27 thousand people who act as agents for the prevention of CSEC.

Recovery & reintegration

23. The country has a clear institutional structure offering specialised care to children. Many cities have Colombian Institute of Family Welfare (ICBF) centres, however these provide no or limited direct services, and there are 32 comprehensive Sexual Violence Victim Support (CAIVAS) centres. The CAIVAS centres provide psychological, social, investigative and legal assistance to victims of sexual offences and they provide training on trafficking in persons and commercial sexual exploitation. The CAIVAS centres are however not established throughout the country and struggle with lack of resources and not all care services specifically for children are available. Most care provided to CSEC victims is coming from NGOs such as Renacer (ECPAT Colombia), however most NGOs have limited funding and thus their programs are concentrated in cities such as Cartagena, Bogotá and Medellín.
24. There are national technical guidelines to warrant the quality of provided services. However, due to lack of resources and funding, specialised care programmes for SEC victims are limited and just operate in Medellín and Cartagena and cater to a very small number of children and adolescents. These specialised services are not expanding, but rather shrinking. In 2013, two programmes had to close their doors to 40 children.³⁰ In 2015, the Committee on the Rights of the Child noted that it is deeply concerned about "*the lack of adequate health and psychosocial programmes and suitable mechanisms to provide reparation to child victims of sexual violence [...]*".³¹

Access to Justice

25. The Committee on the Rights of the Child noted the "*enormous challenges that child victims face to access justice effectively, and the prevalence of impunity for the alleged perpetrators in most of these cases.*"³² Lack of resource, training and capacity in the justice sector is hindering access to justice. And although Family Defenders are obliged by the Childhood and Adolescence Code (Law 1098 of 2006) to file criminal complaints on behalf of child victims, this rarely occurs. A good step forward is that the Attorney General's Office established a specialized unit for the investigation of trafficking and SEC cases in 2016.

Child & Youth Participation

26. With limited resources and very little support from the State there are some initiatives for participation of children and adolescents, mostly initiated by civil society. Most of these programmes do not address SEC issues, but address issues such as the rights of children in general, and sexual and reproductive rights for adolescents. The group *Colombia Joven* (Colombia Youth) promotes political participation and social inclusion of young people. Renacer (ECPAT Colombia) has a Youth Group that is working specifically on prevention and awareness raising of SEC. The Youth Advisory Group *EICYAC* operates in Cartagena, Bogotá and Guajira. Its mission is to contribute to the prevention of SEC in school and community settings.

Recommendations to the GoC

Data collection (paras. 6 to 10)

To develop and implement a comprehensive and systematic mechanism for data collection, analysis, monitoring and impact assessment that covers all issues dealt with in the OPSC.

Sustainable investments (para. 9)

To adopt mandatory policies to protect children in new public or private mega investment projects, including the obligation to conduct thorough human-rights impact assessments.

Child, Early and Forced Marriage (para. 14)

To send an unambiguous message to the people of Colombia by amending the Civil Code to only allow adults of 18 years and above to marry.

Coordination (para. 16)

To strengthen the National Committee for the Prevention and Eradication of Commercial Sexual Exploitation of Children, monitor its functioning and evaluate its achievements and to urgently adopt the National Policy on Children and Adolescents and the policy to prevent and combat Commercial Sexual Exploitation of Children.

Prevention (para. 21)

To strengthen its prevention and awareness-raising programmes, including campaigns, to reach all children, in particular vulnerable children through a comprehensive strategy, which impact can be measured after implementation. Programmes should include and articulate actions with the participation of communities, businesses, educational institutions, local governments and children and adolescents.

Recovery and reintegration services (para. 23 and 24)

- To increase investment in specialized service programmes as urged by the Committee on the Rights of the Child since 2010.
- To review and adjust the Technical Guidelines for the care provided by the ICBF and to adapt them to the real needs of the victims.

Access to Justice (para. 25)

- To provide training for judges, lawyers, prosecutors, the police and other relevant professional groups on how to deal with child victims of sexual violence and on how gender stereotyping by the judiciary affects children's right to a fair trial.
- To ensure that child victims have a legal representative in judicial proceedings.
- To strictly implement the obligation of the Family Defenders to initiate judicial proceedings parallel to administrative proceedings of restoration of rights.

Child participation (para. 26)

To support initiatives where children are able to be an agent in the combat against SEC.

¹ Sustainable Development Goal Targets 5.2, 8.7, and 16.2.

² Report of the Working Group on the Universal Periodic Review, Colombia, A/HRC/24/6, 4 July 2013, accessed on 28 August 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/154/35/PDF/G1315435.pdf?OpenElement>.

³ ECPAT prefers the term ‘*exploitation of children in prostitution*’ instead of ‘*child prostitution*’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016). Terminology Guidelines. ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, Bangkok: ECPAT, 29, accessed on 20 May 2017, <http://luxembourguidelines.org/>.

⁴ ECPAT prefers the term ‘*child sexual exploitation material*’ or ‘*child sexual abuse material*’ over the often in legal context still used ‘*child pornography*’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, Bangkok: ECPAT, 39, accessed on 31 July 2017, <http://luxembourguidelines.org/>.

⁵ *Ibid.*, 54.

⁶ United Nations Development Fund (2016), “*Human Development Report 2016*”, accessed on 28 August 2017, http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf.

⁷ United Nations Children’s Fund (UNICEF) (2016), “*The State of the World’s Children 2016; A Fair Chance for Every Child*”, 142, accessed on 28 August 2017,

https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

⁸ United Nations Children’s Fund (UNICEF) (2016), “*The State of the World’s Children 2016; A Fair Chance for Every Child*”, 150, accessed on 28 August 2017,

https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

⁹ United Nations Children’s Fund (UNICEF) (2016), “*The State of the World’s Children 2016; A Fair Chance for Every Child*”, 138, accessed on 28 August 2017,

https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

¹⁰ Index Mundi, accessed on 30 August 2017, http://www.indexmundi.com/colombia/ethnic_groups.html.

¹¹ ECPAT Colombia (2013), “*Colombia, Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes (ESCNNA)*”, http://www.ecpat.org/wp-content/uploads/2016/04/CMR_COLOMBIA_FINAL.pdf.

¹² ICBF, USAID, IOM (2015) “*Assessment for the construction of the public policy on commercial sexual exploitation of children and adolescents in Colombia*”

¹³ Renacer (ECPAT Colombia), Consolidated of children served, period 2014-2016, internal work document.

¹⁴ ICBF, USAID, IOM (2015) “*Assessment for the construction of the public policy on commercial sexual exploitation of children and adolescents in Colombia*”

¹⁵ ECPAT (2016), “*Global Study on Sexual Exploitation of Children in Travel and Tourism*”, Finding #4, accessed on 30 August 2017, <http://globalstudysectt.org/findings/>.

¹⁶ UNWTO (2017), “*Tourism Highlights 2017 Edition*”, accessed on 30 August 2017, <http://www.e-unwto.org/doi/pdf/10.18111/9789284419029>.

¹⁷ Renacer (ECPAT Colombia) (2016), “*Global Study on Sexual Exploitation of Children in Travel and Tourism, Country Report Colombia*”, 8, accessed on 30 August 2017, <http://globalstudysectt.org/category/countries/Colombia/>.

¹⁸ ECPAT Colombia (2013), “*Colombia, Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes (ESCNNA)*”, http://www.ecpat.org/wp-content/uploads/2016/04/CMR_COLOMBIA_FINAL.pdf.

¹⁹ Quiñones, Anika and Rivera, Nelson E. (2016), “*The commercial sexual exploitation of children in travel and tourism*”, 90.

²⁰ Renacer (ECPAT Colombia) (2016), “*Global Study on Sexual Exploitation of Children in Travel and Tourism, Country Report Colombia*”, 72-74, accessed on 30 August 2017, <http://globalstudysectt.org/category/countries/Colombia/>.

²¹ United Nations Children’s Fund (UNICEF) (2016), “*The State of the World’s Children 2016; A Fair Chance for Every Child*”, 150, accessed on 28 August 2017, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

²² GoC, Colombian Criminal Code, article 188A.

²³ GoC, Colombian Criminal Code, article 213.

²⁴ GoC, Colombian Criminal Code, article 217.

²⁵ GoC, Law No. 985 (2005), article 3.

²⁶ GoC, Civil Code, articles 116 and 117.

²⁷ Judgment C-507-04 of the Constitutional Court.

²⁸ Committee on the Rights of the Child (2015), “Concluding observations on the combined fourth and fifth periodic reports of Colombia”, CRC/C/COL/CO/4-5, page 18, para. 63, accessed on 30 August 2017

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOL%2fCO%2f4-5&Lang=en.

²⁹ Zambrano, L.; Gallego, P.; Belt, and.; Zabaleta, J.; and Asprilla, e. (2014), “*Characteristics of child abuse and Commercial Sexual exploitation in section period 2011-2012*” (Unpublished Project Report).

³⁰ ECPAT Colombia (2013), “*Colombia, Informe de Monitoreo de País sobre la Explotación Sexual Comercial de Niños, Niñas y Adolescentes (ESCNNA)*”, http://www.ecpat.org/wp-content/uploads/2016/04/CMR_COLOMBIA_FINAL.pdf.

³¹ Committee on the Rights of the Child (2015), “Concluding observations on the combined fourth and fifth periodic reports of Colombia”, CRC/C/COL/CO/4-5, page 9, para. 29, accessed on 30 August 2017

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOL%2fCO%2f4-5&Lang=en.

³² Committee on the Rights of the Child (2015), “Concluding observations on the combined fourth and fifth periodic reports of Colombia”, CRC/C/COL/CO/4-5, page 9, para. 29, accessed on 30 August 2017

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOL%2fCO%2f4-5&Lang=en.