1. **What are the measures taken to implement the recommendations of the last report on Preventing and eliminating child, early and forced marriage (A/HRC/26/22)?**

The Ombudsman's Office, in the framework of its constitutional and legal role in the promotion, guarantee and protection of the rights of children and adolescents, constantly monitors situations that may configure events of violation of their human rights and effectiveness of public policies, plans or programs for the restoration of their rights.

Under this role, this institution monitors the State response to different forms of abuse being the most obvious the sexual violence, the commercial sexual exploitation and the child labor. In this scenario, it has the following follow-up mechanisms: the production of institutional reports, the carrying out of inspective visits, the preparation of monitoring and evaluation reports, the assistance and accompaniment of child victims, the activation of protection routes, the interposition of legal actions and the active participation in inter-institutional spaces (committees, work groups, commissions, among others) where strategies for protection are discussed and outlined and mechanisms for the prevention of violence are defined.

1. **What are the measures adopted to address the root causes, systematic and underlying factors, such as poverty, insecurity, lack education, of child, early and forced marriage, including in humanitarian settings?**

Eradication of Poverty

In Colombia, the reduction of poverty has been a state slogan during the last periods of government, in this sense, an equal opportunities strategy has been proposed that guarantees that every Colombian has access to the fundamental tools that allow him to work his own destiny regardless of gender, ethnicity, social position or place of origin. It is a strategy for peace throughout the territory, with the consolidation of security, the full validity of Human Rights and the effective functioning of Justice.

The eradication of poverty and inequality is a fundamental aspect for the socioeconomic development of the country, for this, it aims to promote social mobility within generations (poverty reduction) and between generations (equity). Another aspect with respect to which social mobility is carried out is to ensure the exercise of sexual and reproductive rights, through the prevention of situations of sexual or gender-based violence and the implementation of routes for the comprehensive care of victims. Likewise, advances are made in the necessary adjustments and normative developments to guarantee access to prevention, protection and care measures for women victims of violence and discrimination.

Education

In education, the country has proposed to improve the quality of education. Among the programs implemented for the improvement of quality, highlights the single shift schooling (one session), a strategy that seeks that the students of official schools attend the same number of hours as private school students to strengthen their core competencies and pursue sports, artistic and cultural activities enhancing its integral development. The levels of coverage and permanence for basic and middle education have been consolidated, with special emphasis on rural areas. Flexible educational models have been implemented to focus efforts on populations with particular conditions of vulnerability. On access to higher education, they are implemented strategies to increase coverage in high-quality institutions and educational credit lines and grant credits.

Security

The signing of a Final Agreement for the construction of a stable and lasting peace with the Revolutionary Armed Forces of Colombia FARC-EP is achieved, as a definitive step to end 50 years of violence that has left more than 8 million victims and 220,000 dead. Thousands of families are already feeling its fruits today, live without of death, founded the peace to move forward. Without a doubt, his signature laid the foundations and paves the way for its construction. Regarding violence situations the complaints system is strengthened through the implementation of strategies such as: 1) complaint online; 2) mobile complaint rooms, digital kiosks, brigades for attention to rural crimes by the National Police and the Office of the Attorney General of the Nation (Fiscalía General de la Nación); 3) services for receiving complaints regarding intrafamily violence and sexual abuse provided by family police stations, the Centers for Attention to Victims of Intrafamily Violence (CAVIF), and the Center for Attention to Victims of Sexual Abuse (CAIVAS) of the Attorney General’s Office.

Humanitarian Assistance

One of the main challenges of the post-conflict is to guarantee the effective enjoyment of the rights of the victims. Four years ago, Law 1448 of 2011 was issued and the implementation of the Public Policy of Attention, Assistance and Integral Reparation for Victims was initiated, which seeks to restore the rights violated by the war to Colombians and to compensate the damage through the integral repair.

1. **What progress have been made in the enforcement of laws and policies to promote gender equality, prohibit violence against women and girls, repeal discriminatory provisions, and eradicate harmful practices? What concrete actions have been taken to monitor the implementation of all measures?**

Since the ratification of the Convention on the Rights of the Child and its adoption through Law 12 of 1991, the best interests of the child, the prevalence of their rights and progressive autonomy have been conceived as guiding principles of the doctrine of integral protection. In application of this principle, children and adolescents are recognized or authorized to participate or make decisions depending on the life cycle and the degree of maturity they acquire. The legislation recognizes the relative capacity of those over 14 years old, considering that they are holders of sexual and reproductive rights, which includes the prerogative to decide whether or not they want to have sexual relations and with whom, without violence, coercion or arbitrary interference from third parties.

The Childhood and Adolescence Code welcoming the postulates of the convention provides that children and adolescents will be protected against economic exploitation, rape, induction, encouragement and constraint to prostitution, sexual exploitation, pornography and any other conduct that violates freedom, integrity and sexual formation.

Early and forced child marriage is considered in Colombia as child abuse and a form of violence that can be configured in the context of sexual exploitation or as a form of human trafficking. In this regard, various international provisions have been adopted that form a protective framework for rights with respect to these various forms that affect the physical, sexual and psychological integrity of children and adolescents; In this regard, they are cited:

Law 800 of March 13, 2003 that incorporates into internal legislation the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Based on this Law, a process of implementation of actions to combat trafficking in persons is initiated, one of which is the issuance of Law 985 of 2005, by means of which measures are adopted against trafficking in persons and norms for the attention and protection of victims and creates instances of coordination of actions at the national, departmental, district and / or municipal level against trafficking in persons.

In compliance with the implementation of Law 985 of 2005, Decree 1069 of 2014 is issued in 2014, which regulates the competencies, benefits and procedures that must be carried out by the entities responsible for adopting measures to protect and assist people victims of the crime of trafficking in persons. Defines the assistance and protection programs for victims of trafficking. The obligation to provide immediate assistance to victims.

In relation to children, the assistance and protection when they are victims of the crime of trafficking in persons must be applied within the framework of a process previously defined by the Childhood and Adolescence Code and led by administrative and competent authorities (Family Defenders, Family Commissioners and / or Police Inspectors). This, in application of the differential approach, recognizing the power of the traditional authorities of minority ethnic groups for the application of protection measures, according to their own uses and customs when the victims are children or adolescents belonging to these groups.

On the other hand, progress is being made in the country in the increase in penalties for crimes that, according to Law 599 of 2000- Colombian Penal Code, constitute sexual violence and attempt "against sexual integrity, liberty and formation", such as the following: carnal access violent (the penalty of 8 to 15 years was increased by Law 1236 of 2008, which fixed between 12 and 20 years in prison), violent sexual act (Law 1236 of 2008 increased the penalty of 3 to 6 years that had established Law 599 and fixed it between 8 and 16 years of imprisonment), carnal access or violent sexual act in person put in an inability to resist (Law 1236 of 2008 increased the penalty from 8 to 15 years established by Law 599 to fix it in one of 12 to 20 years of prison), abusive carnal access with a minor of fourteen years (Law 1236 of 2008 increased the penalty from 4 to 8 years and fixed it between 12 and 20 years of prison), sexual acts with less than fourteen years (Law 1236 of 2008 increased the penalty that Law 599 had to established from 3 to 5 years to fix it between 9 and 13 years of imprisonment), carnal access or abusive sexual act with incapable to resist (Law 1236 of 2008 increased the penalty of 4 to 8 years set by Law 599 and fixed it between 12 and 20 years in prison).

This same Colombian Penal Code (Law 599 of 2000) harmonized, to a great extent, the domestic legislation on war crimes with the norms of international humanitarian law, when enshrined in Title I, on "crimes against life and personal integrity", the crime of genocide, which is aggravated, among other acts, with forced pregnancy, and in Title II, on "crimes against persons and property protected by international humanitarian law", crimes of homicide, personal injury, torture, violent sexual intercourse and violent sexual act in a protected person as well as the crimes of forced prostitution and sexual slavery.

The Law 1146 of 2007 on the prevention of sexual violence and comprehensive attention of children and adolescents, creates the Inter-institutional Committee as an advisory body for the Prevention of Sexual Violence, which advances in the intersectoral coordination for the care of victims of gender-based violence, with emphasis on sexual violence against children and adolescents, focusing actions on the strengthening of intersectoral spaces, characterization of the offer of services for comprehensive attention to victims, analysis of the situation and identification of needs, the elaboration of the intersectoral action plan, the review of internal routes and intersectoral route construction.

The Law 1257 of 2008, "By which standards of awareness, prevention and punishment of forms of violence and discrimination against women are dictated." The approval of this norm signifies the formal recognition of sexual violence as one of the forms of gender-based violence that affects women. The Law 1542 of 2012 "By which article 74 of Law 906 of 2004, Code of Criminal Procedure, is reformed". Its purpose is to guarantee the protection and diligence of the authorities in the investigation of the alleged crimes of violence against women, to eliminate the character of quashing and desistibles of the crimes of intrafamily violence and food absenteeism, typified in articles 229 and 233 of the Code Penal.

The Law 1719 of 2015 to guarantee access to justice for victims of sexual violence, especially during the armed conflict. This law incorporates new criminal types to the penal code, specifically to Title II (Crimes against Persons and Property protected by International Humanitarian Law). The criminal types incorporated are: Abusive carnal access in protected person minor of fourteen years, violent sexual acts in protected person, sexual acts with a protected person under the age of fourteen, forced sterilization in protected person, forced pregnancy in a protected person, forced nudity in a protected person, forced abortion in a protected person, forced prostitution in a protected person, sexual slavery in a protected person, and trafficking in persons in a protected person for the purpose of sexual exploitation.

1. **What measures have been undertaken to promote girls and women’s autonomy and build the capacity of other stakeholders to promote social norms that support gender equality?**

The Law 1257 of 2008 establishes the principle of autonomy. According to which women have the right to make their own decisions without some type of interference. In this sense, it is an expression, and in turn, a way to strengthen their freedom. Regarding public policy, the CONPES 161 of 2013 presents the Public Policy of Gender Equity and establishes 3 objectives related to the empowerment, promotion and prevention of violence against women: Advance in the elimination of violence against women, provide opportunities for economic autonomy and promote pedagogical practices to implement the gender approach in the education sector.

For the first objective two laws were promulgated, the 1761 of 2015 on feminicide and the 1719 of 2014 on sexual violence. Although gender-based violence depends more on educational measures, than on legal and criminal ones, mechanisms were established to move forward in this direction, beyond the typification of new crimes. For example, in the Law 1719 of 2014 the strengthening of the sexual and reproductive rights policy was established in its article 30.

Regarding the second objective, for the promotion of autonomy in the workplace, the Equity Seal was created. This aims to give recognition to companies that incorporate the Gender Equality Management System and thus achieve cultural transformations and closures of gaps within them. Regarding the third objective, and although from a criminal approach, in 2015, Law 1761 was promulgated, which typified the crime of feminicide. In its article 10 it established that educational entities should implement the gender approach in their curricular meshes.

1. **What concrete actions have been taken to provide adequate protection and accountability mechanisms for women and girls at risk and the survivors, including in insecure contexts?**

The national government has established that in order to address the main problems affecting children, adolescents and young people, it is necessary to continue guaranteeing the integral protection of their rights, to continue working to consolidate the intersectoral articulation achieved in the integral attention to the early childhood, and extend it towards childhood, adolescence and youth; The need to build comprehensive care routes with a life course approach has been raised, as instruments with which the action of the State is articulated for the integral development of children, adolescents and young people.

1. **What kinds of data have been collected and what kinds of research have been conducted?**

The Ombudsman's Office does not have statistical information on child, early and forced marriages. However, according to the World Report on Children of 2017 - "Stolen Children" of Save Children - Stolen Infants Index, it can be established that Colombia is ranked 118 in the world with 752 points where almost all children and children girls lose their childhood. The index scores reflect the average level of behavior in eight indicators related to health, education, work, marriage, maternity and child violence.

For 2014, 29 cases of child marriage were officially reported in Colombia, although this figure may be higher. Among the most vulnerable, girls and adolescents from rural areas tend to be the most affected, since in these regions the role of women as mothers, wives and housewives has taken root in the tradition until naturalizing this type of practice. and leaders), advocating arguments of tradition, economics, religion, security and tutelage of girls.

1. **What are the persisting challenges and gaps in the eliminating of the practice? How could such challenges and gaps be overcome?**

Based on the social evidence collected by the Ombudsman over the past 25 years, related to the violence against children and teenagers and in accordance with the experiences gathered through the evaluation of implementation of social, criminal and penitentiary policies, the following findings and recommendations are established:

The dynamics of armed conflict, common crime and cultural, social, economic and/or geographical factors tend to increase gender-based violence in the context of sexual violence against children and adolescents and other forms that infringe and go against their human dignity.

Throughout the country there is a lack of knowledge of the different forms of violence, which means that the practices leading to exploitation, trafficking or servile and forced marriages are constituted as a way of life for the exercise of the rights of children, girls and adolescents and even as an opportunity to improve the conditions of their own families.

There is a great absence of institutionalization in rural areas and in general weakness of the institutions for the care of the victims, particularly of children and adolescents victims of the different forms of violence.

For this reason, the Ombudsman considers and recommends:

That there has been sufficient legislative progress to the attention of the problems, especially as far as the increase in penalties is concerned, however it considers the need to advance and strengthen prevention strategies that impact on the cultural transformation of Guidelines and customs of Families and communities, allow them to recognize practices that are harmful and undermine the exercise of the rights of boys and girls. Policies must be reinforced with real offers of services and guarantee of minimum rights for children, aimed at creating real opportunities for victims of crime, particularly if they are children and young people.

It is recommended to strengthen processes of permanent training with judges, prosecutors, public defenders, judicial attorneys, judicial police and forensic personnel, to remove and transform imaginary that are unfortunately. Present in some of them and translate into judgements and judicial decisions not sensitive to gender justice sometimes with sexist, stigmatizing, dangerous or discriminatory bases.