

Al contestar cite este número



Bogotá D.C., May 25, 2021

Radicado No:
20211000000097331

The Honorable
Ms. HENRIETTA H. FORE
Executive Director
UNICEF
New York

Dear Executive Director,

The Colombian Institute of Family Welfare (ICBF for its acronym in Spanish), established in 1968, is the strongest and most substantial governmental entity in charge of promoting and developing comprehensive public policies, programs and projects to protect and guarantee the rights of children, adolescents, youngsters and the family as the main protective environment for social cohesion. It has the mandate of creating sustainable livelihoods through the entire life course. In its implementation, the ICBF works hand in hand with the Presidential Office for Children and Adolescents.

As you are aware, Colombia is facing an extremely challenging juncture, amid social protests where different sectors have expressed dissents, claimed for education and job opportunities and demanded attention from the national and local governments to a variety of issues, many of which are longstanding.

While the majority of protesters have expressed themselves peacefully, a number of limited, specific groups of individuals have instrumentalized the legitimate right to protest and – for reasons that are still subject to investigation – inflicted violence and destruction on public and private infrastructure, with dire impact to large numbers of the population. Criminal activities that transgress fundamental rights and freedoms, unfortunately, have been present throughout the country, blocking access to airports; sabotaging public transportation systems; burning down judiciary facilities, mayors' and city councils' offices; shattering financial agencies and ATMs; looting supermarkets and other stores, among others.

In this context, the rights of children and their families have been – and continue to be – notably threatened, as blockades set on the country’s principal roads over the past 27 days have impeded entire cities to access food and medicine. Moreover, the obstruction of passage of medical transports and access to medical personnel has resulted in tragic deaths (see Annex). These situations occur in clear violation of Article 13 of the Universal Declaration of Human Rights, and are a criminal offense under the Colombian Penal Code, as they pose a threat to "life, public health, food security, the environment, or the right to work". The Government has an obligation under International Human Rights Law to ensure the protection of medical units and transports from attacks by third parties.

It is also important to note that Colombia is a State party to the Convention of the Rights of the Child, Article 6 of which provides that States “*shall ensure to the maximum extent possible the survival and development of the child*”.

Under Article 24 of the Convention, the Colombian State is entitled to take appropriate measures to ensure the provision of necessary medical assistance and healthcare to all children, with an emphasis on developing primary health care; to combat disease and malnutrition, including within the framework of primary health care; and to ensure appropriate pre-natal and post-natal health care for mothers.

In this regard, the Colombian Government is categorical in remarking that the child’s best interests shall be applied to all matters concerning the child or children, including the resolution of any possible conflicts between the rights enshrined in the Convention and other Human Rights treaties, along with those instruments that enshrine the right of peaceful assembly.

Finally, it is also imperative to highlight that Article 44 of Colombia’s Constitution states that children’s rights prevail above all others.

Madam Executive Director,

Please allow us to underscore that the Colombian Government categorically rejects all actions and behaviors that put Colombian children in danger and is working tirelessly to defend and protect their wellbeing under international and national law. Colombian authorities will continue to take all necessary measures to overcome the difficult situation children in our territory have been experiencing.

However, it is imperative that the international community condemns all violent actions conducted against Colombian society and particularly, those that affect children. Having called the attention of the United Nations Agencies to these grave violations, the Colombian Government expects a strong voice in support of the protection of children's rights, upholding the rule of Law and guaranteeing all necessary protections to the vast majority of citizens that have refrained from participating in violent and criminal activities.

We wish to thank you for your attention and avail ourselves of this opportunity to renew to you the assurances of our highest consideration.



LINA ARBELÁEZ ARBELÁEZ
Director
Colombian Institute of Family Welfare



CAROLINA SALGADO
Presidential Advisor
Presidential Office for Children and
Adolescents

CC: Aida Oliver, UNICEF Representative in Colombia

ANNEX

The following incidents have taken place within the context of the social protests that have been undergoing since last April 28, 2021 in Colombia.

These behaviors are provided for as a criminal offense (crime) in Article 353-A of the Colombian Criminal (penal) Code which states:

“whoever by illegal means incites, directs, constrains or provides the means to temporarily or permanently, selectively or generally hinder roads or transportation infrastructure in such a way that threatens human life, public health, food safety, the environment or the right to work, will incur in prison from twenty-four (24) to forty-eight months (48) and a fine of thirteen (13) to seventy-five five (75) legal monthly minimum wages and the inability of rights and public functions for the same term of the prison sentence”.

1. Violation of the Medical Mission’s mobility (obstruction to passage of medical transports and access to medical personnel)

On May 4th, a pregnant woman who was giving birth, was transferred from the municipality of Chocontá to Bogotá for urgent medical attention.

Her baby died while the ambulance was prevented from passing due to illegal blockades set up by a group of people that argued it was part of their right to protest. The ambulance was attacked, and those blocking the road threatened to set the vehicle on fire and impeded its passage.

On the other hand, under similar circumstances, on May 22nd, a two – day old baby girl that was being transported in an ambulance in a road between the cities of Buenaventura and Cali, died in the rural town of La Delfina and was unable to access health services in a timely manner, also, due to blockades established by another group of people in the main road that connects both cities.

2. Protection from danger and use of children

In the referred rural town of La Delfina, on May 22nd Colombian National Police arrested a group of people that attacked cars as they passed through the road with gasses and artisanally fabricated bombs. As part of the investigation, the National Police found that indigenous children had been used to carry and transport the explosive devices.

3. Fulfilling children's needs and ensuring food security

In Colombia, children under five years old receive a monthly nutritional package to ensure food security and prevent malnutrition. A situation of particular concern has been developing in the city of Cali, where more than nine thousand children and pregnant women have been put at risk, since nutritional support has been impeded from being provided in an adequate and timely manner as a result of the blockades occurring in 25 different points of the city.

Additionally, more than 2.4 million children and pregnant women in other cities and towns of the country, who require the referred nutritional package (*Bienestarina*), are at risk since one of the main distribution plants is located in the province of Valle del Cauca, whose roads have been blocked for the past 28 days.