

Colombia

National Child Protection Legislation

National Legislation

- [Age of consent:](#)
Article 209 of the Penal Code defines the age of consent as 14 years old.
- [Age of Criminal Responsibility:](#)
Article 33 of the Penal Code states minors under the age of 18 will be subject to juvenile criminal liability.
- [Age of Marriage:](#)
Article 116 and 177 of the Civil Code of Colombia state that the legal age of marriage is 18 years (before reaching that age, only with parents' permission).

[Criminal Code of Colombia](#)

Extraterritoriality.

Article 16. Extraterritoriality. Colombian criminal law will apply:

1. [Modified by article 22 of Law 1121 of 2006] To any person who commits a crime abroad against the existence and security of the State, against the constitutional system, against the economic and social order, with the exception of the actions defined in Article 323 of this Code, or against the public administration, or who counterfeits the national currency or is guilty of financing terrorism and administering resources linked to terrorist activities, even if such person has been acquitted or convicted, and given a lesser sentence than is provided for under Colombian law.
2. To any person who is in the service of the State of Colombia, enjoys immunity recognized by international law, and commits a crime abroad.
3. To any person who is in the service of the State of Colombia, does not enjoy immunity under international law, and commits a crime that is not mentioned in paragraph 1, unless he has been tried abroad.
4. To any national to whom the preceding paragraphs do not apply and who is present in Colombia after having committed a crime abroad where the penalty under Colombian criminal law is a term of imprisonment of at least two (2) years and such person has not been tried abroad.
5. To any alien to whom paragraphs 1, 2 and 3 do not apply and who is present in Colombia after having committed a crime abroad against the State or against a Colombian national which is punishable under Colombian law with a term of imprisonment of at least two (2) years, unless the alien has been tried abroad.
6. To any alien who has committed a crime abroad against another alien, provided that the following conditions apply:
 - (a) The alien is present in Colombian territory;
 - (b) In Colombia the crime is punishable by a term of imprisonment of at least three (3) years;
 - (c) The crime is not political; and

- (d) A request for extradition has been denied by the Colombian government. If extradition is not approved, a criminal trial shall be conducted.

Mandatory Reporting.

Article 219-B. Failure to Report

Anyone who by reason of his or her office, position or activity is aware of the use of minors for the performance of any of the conducts described in this chapter and fails to report such events to the competent administrative or judicial authorities, having the legal duty to do so, shall incur a fine of thirteen point thirty-three (13.33) to seventy-five (75) minimum monthly wages as defined in the legislation in force at the time. If the conduct is committed by a government employee, that person shall also lose his or her job.

Article 441. Failure to Report a Complaint from a Private Individual

Anyone who being aware of the commission of a crime under any of the conducts included in chapter IV of Title IV in this book, when the victim is a minor, fails -without reasonable cause- to immediately report it to the authorities, will be punishable with three (3) to eight (8) years. This offence refers to the lack of reporting stated in the Sexual Exploitation chapter.

Child Pornography.

Article 218. Imposes a penalty of imprisonment for between ten and 20 years plus a fine of between 500 to 1500 monthly minimum salaries for anyone who photographs, films, records, produces, disseminates, provides, sells, buys, possesses, transports, exhibits, stores or transmits by any means, depictions of sexual activity involving a minor under the age of eighteen years. The same penalty applies to anyone who uploads any child pornography to Internet databases, with or without the intent to gain a financial profit.

Child Sexual Exploitation (Sexual Tourism).

Article 219. Imposes a penalty of imprisonment between 4 and 8 years for anyone who directs, organizes or promotes touristic activities that involves the sexual exploitation of a minor. If said minor, is less than 12 years old the penalty will be more than half of what is said prior.

Use or facilitation of the media to offer sexual activities with minors (younger than 18 years old).

Article 219 A. Imposes a penalty of imprisonment between 10 and 14 years and a fine between 67 and 750 monthly minimum current legal salaries to anyone who uses or facilitates by traditional mail, global nets of information, telephone or other means of communication to obtain, solicit, offer or facilitate contact or activity with sexual means. If the children are under 14, the penalty can be half higher than the paragraph before.

[Law 679/2001 “Act of prevention and combat of exploitation, pornography and sex tourism with children”](#)

Article 8. Duties. Without prejudice to the obligation of denunciation enshrined in the law for all residents in Colombia, providers, administrators and users of global information networks must:

1. Report to the competent authorities any criminal act against minors of which they are aware, including the dissemination of pornographic material associated with minors.
2. To combat the dissemination of pornographic material with minors with all technical means available to them.

3. Refrain from using the global information networks for the dissemination of illegal material with minors.
4. Establish technical blocking mechanisms by which users can protect themselves or their children from illegal, offensive or undesirable material in relation to minors.

[Law 1098/2006 Children's and Adolescents Code](#)

Article 44. Complementary obligations of the institutions education.

The managers and teachers of academic establishments and the educational community in general will launch mechanisms to:

1. Check birth registrations.
2. Establish **timely detection and support and guidance** in cases of malnutrition, **abuse, neglect, sexual abuse, violence in the family** and economic and labor exploitation, the forms of slavery and slavery, including the worst forms of child labor.
3. Check the students' affiliation to a health regime.
4. Ensure that children and adolescents have full respect for their dignity, life, physical and moral integrity within the coexistence school.
5. To effectively **protect children and adolescents from all forms of form of abuse**, physical or psychological aggression, humiliation, discrimination or mockery on the part of other colleagues or teachers.
6. Establish in their regulations adequate mechanisms for dissuasive, corrective and re-educational nature to prevent aggression physical or psychological, behavior of mockery, contempt and humiliation towards children and adolescents with learning, in language or towards children or adolescents with outstanding or special capabilities.
7. Prevent traffic and consumption of all types of psychoactive substances that produce within educational facilities and to request the competent authorities to effective actions against trafficking, sale and consumption educational facilities.
8. Coordinate pedagogical, therapeutic and technological supports necessary for the access and educational integration of the child, adolescent with disability.
9. **Report to the competent authorities, situations of abuse, maltreatment or worst forms of child labor detected in children and adolescents.**
10. Orient the educational community for health training sexual and reproductive health and life as a couple.