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## LAW 1098 OF 2006

(November 8)

Official Gazette No. 46,446 of November 8, 2006

<This law came into force six (6) months after its enactment, as provided for in Article 216> CONGRESS OF

### THE REPUBLIC

Whereby the Code on Children and Adolescents is enacted.

Summary of Notes on Validity [Jurisprudence](#)  
[Validity](#)

### THE CONGRESS OF COLOMBIA

#### DECREES:

#### BOOK I.

#### COMPREHENSIVE PROTECTION.

#### TITLE I. GENERAL

#### PROVISIONS.

#### CHAPTER I.

#### PRINCIPLES AND

#### DEFINITIONS.

**ARTICLE 1. PURPOSE.** The purpose of this code is to guarantee children and adolescents their full and harmonious development so that they may grow up within the family and the community, in an environment of happiness, love, and understanding. Recognition of equality and human dignity shall prevail, without discrimination of any kind.

📌 **ARTICLE 2. PURPOSE.** The purpose of this code is to establish substantive and procedural rules for the comprehensive protection of children and adolescents, to guarantee the exercise of their rights and freedoms enshrined in international human rights instruments, in the Constitution, and in the laws, as well as their restoration. Such guarantee and protection shall be the obligation of the family, society, and the State.

📌 **ARTICLE 3. RIGHTS HOLDERS.** For all purposes of this law, all persons under the age of 18 are rights holders. Without prejudice to the provisions of Article 34 of the Civil Code, a child is defined as a person between the ages of 0 and 12, and an adolescent is defined as a person between the ages of 12 and 18.

## Case law Validity

**PARAGRAPH 1.** In case of doubt about the age of majority or minority, the latter shall be presumed. In case of doubt about the age of the child or adolescent, the lower age shall be presumed. The judicial and administrative authorities shall order the testing to determine the age, and once established, shall confirm or revoke the measures and order the necessary corrective measures under the law.

**PARAGRAPH 2.** In the case of indigenous peoples, the capacity to exercise rights shall be governed by their own regulatory systems, which must be in full harmony with the Political Constitution.

📌 **ARTICLE 4. SCOPE OF APPLICATION.** This code applies to all children and adolescents, whether nationals or foreigners, who are in the national territory, to nationals who are outside the country, and to those with dual nationality, when one of them is Colombian.

📌 **ARTICLE 5. NATURE OF THE RULES CONTAINED IN THIS CODE.** The rules on children and adolescents contained in this code are of public order and inalienable, and the principles and rules enshrined therein shall take precedence over the provisions contained in other laws.

📌 **ARTICLE 6. RULES OF INTERPRETATION AND APPLICATION.** The rules contained in the Political Constitution and in the international human rights treaties or conventions ratified by Colombia, in particular the Convention on the Rights of the Child, shall form an integral part of this Code and shall serve as a guide for its interpretation and application. In all cases, the rule most favorable to the best interests of the child or adolescent shall always apply.

## Jurisprudence Validity

The enumeration of the rights and guarantees contained in these provisions shall not be understood as a denial of others that, being inherent to children and adolescents, are not expressly mentioned therein.

📌 **ARTICLE 7. COMPREHENSIVE PROTECTION.** Comprehensive protection of children and adolescents is understood to mean their recognition as subjects of rights, the guarantee and fulfillment of those rights, the prevention of threats or violations of those rights, and the assurance of their immediate restoration in accordance with the principle of the best interests of the child.

Comprehensive protection is embodied in the set of policies, plans, programs, and actions implemented at the national, departmental, district, and municipal levels with the corresponding allocation of financial, physical, and human resources.

📌 **ARTICLE 8. BEST INTERESTS OF CHILDREN AND ADOLESCENTS.** The best interests of children and adolescents are understood to be the imperative that obliges all persons to guarantee the comprehensive and simultaneous fulfillment of all their human rights, which are universal, **prevalent, and interdependent.** the best interests of children and adolescents to be the imperative that obliges all persons to guarantee the comprehensive and simultaneous fulfillment of all their human rights, which are universal, prevalent, and interdependent.

📌 **ARTICLE 9. PREVALENCE OF RIGHTS.** In any act, decision, or administrative, judicial, or other measure that must be adopted in relation to children and adolescents, their rights shall prevail, especially if there is a conflict between their fundamental rights and those of any other person.

In the event of a conflict between two or more legal, administrative, or disciplinary provisions, the rule most favorable to the best interests of the child or adolescent shall apply.

📌 **ARTICLE 10. JOINT RESPONSIBILITY.** For the purposes of this code, joint responsibility is understood to mean the concurrence of actors and actions leading to the guarantee of the exercise of the rights of children and adolescents. The family, society, and the State are jointly responsible for their care and protection.

Joint responsibility and concurrence apply to the relationship established between all sectors and

State institutions.

Notwithstanding the foregoing, public or private institutions required to provide social services may not invoke the principle of joint responsibility to deny the care required to satisfy the fundamental rights of children and adolescents.

📌 **ARTICLE 11. ENFORCEABILITY OF RIGHTS.** Except for procedural rules on standing to bring legal actions or administrative proceedings on behalf of minors, any person may demand that the competent authority enforce and restore the rights of children and adolescents.

The State, through each and every one of its agents, has the inexcusable responsibility to act in a timely manner to guarantee the realization, protection, and restoration of the rights of children and adolescents.

**PARAGRAPH.** The Colombian Institute of Family Welfare, as the coordinating body of the National Family Welfare System, shall maintain all its current functions (Law 75/68 and Law 7/79) and shall define the technical guidelines that entities must comply with in order to guarantee the rights of children and adolescents and to ensure their restoration. It shall also assist national, departmental, district, and municipal entities in the implementation of their public policies, without prejudice to the constitutional and legal powers and functions of each of them.

**PARAGRAPH 2.** <Paragraph added by Article 7 of Law 2479 of 2025. The new text is as follows:> International organizations, non-governmental organizations, civil society organizations, associations and networks of young people who have left the Protection System, and academia may participate in defining the guidelines in order to develop operating manuals with supervision standards in line with the real context of this population, focused on ensuring permanent quality and full coverage of programs for young people who are part of the ICBF Protection System and who have left it.

**<Validity Notes>**

- Paragraph added by Article 7 of Law 2479 of July 15, 2025, "which creates the National Program for Comprehensive Support for Graduates of the ICBF Protection System, strengthens state services and support networks, and guides actions aimed at their comprehensive development - Law on Children of the State," published in Official Gazette No. 53,183 of July 16, 2025. Effective as of its publication in the Official Gazette.

📌 **ARTICLE 12. GENDER PERSPECTIVE.** Gender perspective is understood as the recognition of social, biological, and psychological differences in relationships between people based on sex, age, ethnicity, and the role they play in the family and social group. This perspective must be taken into account in the application of this code, in all areas where children and adolescents develop, in order to achieve equity.

📌 **ARTICLE 13. RIGHTS OF CHILDREN AND ADOLESCENTS OF THE PEOPLES INDIGENOUS PEOPLES AND OTHER ETHNIC GROUPS.** Children and adolescents belonging to indigenous peoples and other ethnic groups shall enjoy the rights enshrined in the Constitution, international human rights instruments, and this Code, without prejudice to the principles governing their cultures and social organization.

📌 **ARTICLE 14. PARENTAL RESPONSIBILITY.** Parental responsibility complements the parental authority established in civil law. It is also the inherent obligation to guide, care for, accompany, and raise children and adolescents during their formative years. This includes the shared and joint responsibility of the father and mother to ensure that children and adolescents can achieve the maximum level of satisfaction of their rights.

Under no circumstances may the exercise of parental responsibility involve physical or psychological violence or acts that impede the exercise of their rights.



**ARTICLE 15. EXERCISE OF RIGHTS AND RESPONSIBILITIES.** It is the obligation of the family, society, and the State to educate children and adolescents in the responsible exercise of their rights. The authorities shall contribute to this purpose through timely and effective decisions with a clear pedagogical purpose.

Children and adolescents shall have or must fulfill the civic and social obligations that correspond to an individual of their development.

In judicial or administrative decisions regarding the exercise of rights or the violation of duties, the opinions of specialists shall be taken into account.

#### Case law Validity



**ARTICLE 16. DUTY OF STATE SUPERVISION.** All natural or legal persons, with or without legal status issued by the Colombian Institute of Family Welfare, who, with the authorization of parents or legal representatives, shelter or care for children or adolescents are subject to State supervision.

In accordance with the regulations governing the provision of public family welfare services, the Colombian Institute of Family Welfare, as the governing, coordinating, and articulating body of the National Family Welfare System, is responsible for recognizing, granting, suspending, and canceling legal status and operating licenses for institutions within the system that provide protection services to minors or families and those that carry out adoption programs.

#### Notes on Validity

## CHAPTER II.

### RIGHTS AND FREEDOMS.



**ARTICLE 17. RIGHT TO LIFE, QUALITY OF LIFE, AND A HEALTHY ENVIRONMENT.** Children, girls, and adolescents have the right to life, to a good quality of life, and to a healthy environment in conditions of dignity and the enjoyment of all their rights in a prevalent manner.

Quality of life is essential for their comprehensive development in accordance with human dignity. This right implies the creation of conditions that ensure them, from conception, care, protection, nutritious and balanced food, access to health services, education, adequate clothing, recreation, and safe housing equipped with essential public services in a healthy environment.

**PARAGRAPH.** The State shall develop public policies aimed at strengthening early childhood.



**ARTICLE 18. RIGHT TO PERSONAL INTEGRITY.** Children and adolescents have the right to be protected from all actions or behaviors that cause death, harm, or physical, sexual, or psychological suffering. In particular, they have the right to protection against mistreatment and abuse of any kind by their parents, legal guardians, caregivers, and members of their family, school, and community.

#### Case law Validity

For the purposes of this Code, child abuse is understood to mean any form of harm, punishment, humiliation, or physical or psychological abuse, neglect, omission, or negligent treatment, mistreatment, or sexual exploitation, including abusive sexual acts and rape, and in general any form of violence or aggression against children or adolescents by their parents, legal guardians, or any other person.

**ARTICLE 18A. RIGHT TO GOOD TREATMENT.** <Article added by Article 4 of Law 2089 of 2021. The new text is as follows:> Children and adolescents have the right to good treatment, to receive guidance, education, care, and discipline through non-violent methods. This right includes the

protection of their physical, mental, and emotional integrity, in the context of the rights of parents or those exercising parental authority and persons responsible for their care; to raise and educate them in their values and beliefs.

**PARAGRAPH.** Under no circumstances shall physical punishment be permitted as a form of correction or

discipline. [Notes on Validity](#)



**ARTICLE 19. RIGHT TO REHABILITATION AND RESOCIALIZATION.** Children and adolescents who have committed an offense against the law have the right to rehabilitation and resocialization through plans and programs guaranteed by the State and implemented by the institutions and organizations it determines in the development of the corresponding public policies.



**ARTICLE 20. RIGHTS TO PROTECTION.** Children and adolescents shall be protected against:

1. Physical, emotional, and psycho-affective abandonment by their parents, legal guardians, or persons, institutions, and authorities responsible for their care and attention.
2. Economic exploitation by their parents, legal representatives, those who live with them, or any other person. They shall be especially protected against being used for begging.
3. The consumption of tobacco, psychoactive substances, narcotics, or alcohol, and the use, recruitment, or offering of minors in activities related to the promotion, production, collection, trafficking, distribution, and commercialization of such substances.
4. Rape, inducement, encouragement, and coercion into prostitution; sexual exploitation, pornography, and any other conduct that violates the sexual freedom, integrity, and development of minors.
5. Kidnapping, sale, trafficking in persons, and any other contemporary form of slavery or servitude.
6. Wars and internal armed conflicts.
7. The recruitment and use of children by organized armed groups operating outside the law.
8. Torture and all forms of cruel, inhuman, humiliating, and degrading treatment or punishment, enforced disappearance, and arbitrary detention.
9. The situation of children living on the streets.
10. Illegal transfer and retention abroad for any purpose.
11. Forced displacement.
12. Work that, by its nature or the conditions in which it is carried out, is likely to harm the health, safety, or morals of children or interfere with their right to education.
13. The worst forms of child labor, in accordance with ILO Convention 182.
14. The transmission of preventable infectious diseases during pregnancy or after birth, or exposure during pregnancy to alcohol or any type of psychoactive substance that may affect their physical or mental development or life expectancy.
15. The risks and effects of natural disasters and other emergency situations.
16. When their assets are threatened by those who manage them.
17. Anti-personnel mines.

18. The transmission of HIV/AIDS and sexually transmitted infections.

19. Any other act that threatens or violates their rights.

20. <Paragraph added by Article 17 of Law 2530 of 2025. The new text is as follows:> The abandonment resulting from the loss of the mother or woman who has parental authority or legal custody, victim of the crime of femicide.

#### Notes on Validity

📌 **ARTICLE 21. RIGHT TO LIBERTY AND PERSONAL SECURITY.** Children and adolescents may not be detained or deprived of their liberty, except for the reasons and in accordance with the procedures previously defined in this code. may not be detained or deprived of their liberty, except for the reasons and in accordance with the procedures previously defined in this code.

📌 **ARTICLE 22. RIGHT TO HAVE A FAMILY AND NOT TO BE SEPARATED FROM IT.** Children and adolescents have the right to have and grow up in a family, to be welcomed into it and not to be expelled from it.

Children and adolescents may only be separated from their families when the latter do not guarantee the conditions for the realization and exercise of their rights in accordance with the provisions of this code. Under no circumstances may the economic condition of the family give rise to separation.

📌 **ARTICLE 23. CUSTODY AND PERSONAL CARE.** Children and adolescents have the right to have their parents permanently and jointly assume direct and timely custody for their comprehensive development. The obligation of personal care also extends to those who live with them in family, social, or institutional settings, or to their legal representatives.

📌 **ARTICLE 24. RIGHT TO FOOD.** Children and adolescents have the right to food and other means for their physical, psychological, spiritual, moral, cultural, and social development, in accordance with the economic capacity of the provider. Nutrition is understood to mean everything that is essential for sustenance, housing, clothing, medical care, recreation, education, or instruction and, in general, everything that is necessary for the comprehensive development of children and adolescents. Nutrition includes the obligation to provide the mother with the expenses of pregnancy and childbirth.

#### Case law Validity

📌 **ARTICLE 25. RIGHT TO IDENTITY.** Children and adolescents have the right to have an identity and to preserve the elements that constitute it, such as their name, nationality, and parentage, in accordance with the law. For these purposes, they must be registered immediately after birth in the civil registry. They have the right to preserve their native language, culture, and idiosyncrasies.

📌 **ARTICLE 26. RIGHT TO DUE PROCESS.** Children and adolescents have the right to due process in all administrative and judicial proceedings in which they are involved.

In all administrative, judicial, or other proceedings in which they are involved, children and adolescents shall have the right to be heard, and their opinions shall be taken into account.

📌 **ARTICLE 27. RIGHT TO HEALTH.** All children and adolescents have the right to comprehensive health care. Health is a state of physical, mental, and physiological well-being, not merely the absence of disease. No hospital, clinic, health center, or other entity dedicated to the provision of health services, whether public or private, may refuse to treat a child who requires health care.

In the case of children and adolescents who are not beneficiaries of the contributory or subsidized health care systems, the cost of such services shall be borne by the State.

Authorities or individuals who fail to provide medical care to children and minors shall be liable to a fine of up to 50 times the current legal monthly minimum wage.

## Notes on Validity

### Jurisprudence Validity

**PARAGRAPH 1.** For the purposes of this law, comprehensive health care shall be understood as the guarantee of the provision of all services, goods, and actions conducive to the preservation or recovery of the health of children and adolescents.

**PARAGRAPH 2.** In order to effectively comply with the right to comprehensive health care and through the principle of progressivity, the State shall create a comprehensive health care system for children and adolescents, which for fiscal year 2008 shall include children and adolescents enrolled in the system, for fiscal year 2009 shall include children and adolescents belonging to the subsidized regime with partial subsidies, and for fiscal year 2010 shall include all other children and adolescents belonging to the subsidized regime. Likewise, by 2010, it will incorporate the provision of comprehensive health services to children and adolescents belonging to the contributory health regime.

The National Government, through the relevant agencies, shall include the necessary resource allocations to comply with the provisions of this article in the 2008 annual budget proposal, the medium-term financial plan, and the development plan.

📌 **ARTICLE 28. RIGHT TO EDUCATION.** Children and adolescents have the right to a quality education. This shall be compulsory on the part of the State for one year of preschool and nine years of basic education. Education shall be free in state institutions in accordance with the terms established in the Political Constitution. Those who refuse to admit a child to public educational establishments shall be liable to a fine of up to 20 minimum wages.

## Case law Validity

📌 **ARTICLE 29. RIGHT TO COMPREHENSIVE DEVELOPMENT IN EARLY CHILDHOOD.** Early childhood is the stage of the life cycle in which the foundations for the cognitive, emotional, and social development of human beings are laid. It comprises the population range from zero (0) to six (6) years of age. From early childhood, children are entitled to the rights recognized in international treaties, in the Political Constitution, and in this Code. The rights of early childhood that cannot be postponed are health care and nutrition, a complete vaccination schedule, protection from physical dangers, and early education. In the first month of life, the civil registration of all children must be guaranteed.

## Editor's Notes

📌 **ARTICLE 30. RIGHT TO RECREATION, PARTICIPATION IN CULTURAL LIFE, AND THE ARTS.**  
**arts.** Children and adolescents have the right to rest, leisure, play, and other recreational activities appropriate to their life cycle, and to participate in cultural life and the arts.

Likewise, they have the right to have their knowledge and experience of the culture to which they belong recognized, respected, and encouraged.

**PARAGRAPH 1.** In order to harmonize the exercise of this right with the comprehensive development of children, the authorities shall design mechanisms to prohibit entry to establishments intended for games of chance, the sale of alcohol, cigarettes, or tobacco products, and those that offer shows rated for adults.

**PARAGRAPH 2.** When children under 14 years of age are allowed to enter public shows and mass events, the authorities shall order the organizers to set aside special areas to ensure their personal safety.

📌 **ARTICLE 31. RIGHT TO PARTICIPATION OF CHILDREN AND ADOLESCENTS.**  
In order to exercise the rights and freedoms enshrined in this code, children and adolescents have the right to participate in activities carried out in the family, educational institutions, associations, and state, departmental, district, and municipal programs that are in

their interest.

The State and society shall promote active participation in public and private organizations responsible for the protection, care, and education of children and adolescents.

📌 **ARTICLE 32. RIGHT OF ASSOCIATION AND ASSEMBLY.** <Underlined section CONDITIONALLY enforceable> Children and adolescents have the right to assembly and association for social, cultural, sporting, recreational, religious, political, or any other purposes, with no limitations other than those imposed by law, good customs, physical or mental health, and the well-being of *the minor*.

#### Case law Validity

This right includes, in particular, the right to be part of associations, including their governing bodies, and to promote and form associations made up of children and adolescents.

<See Editor's Notes regarding the validity of this subsection. The original text of the law is as follows:> The effectiveness of the acts of children and adolescents shall be governed by law, but adult minors shall be deemed competent to make all decisions pertaining to associative activity, provided that they do not adversely affect their assets.

#### Notes on Validity

[Editor's Notes](#)

[Previous](#)

[Legislation](#)

Minors must have the authorization of their parents or legal representatives to participate in these activities. This authorization shall extend to all acts pertaining to the association's activities. Parents may only revoke this authorization for just cause.

#### Case Law Validity

📌 **ARTICLE 33. RIGHT TO PRIVACY.** Children and adolescents have the right to personal privacy, through protection against any arbitrary or illegal interference in their private life, that of their family, home, and correspondence. Likewise, they shall be protected against any conduct, action, or circumstance that affects their dignity.

📌 **ARTICLE 34. RIGHT TO INFORMATION.** Subject to the restrictions necessary to ensure respect for their rights and those of others and to protect safety, health, and morals, children and adolescents have the right to seek, receive, and impart information and ideas through the various means of communication available to them.

📌 **ARTICLE 35. MINIMUM AGE FOR ADMISSION TO WORK AND RIGHT TO LABOR PROTECTION FOR ADOLESCENTS AUTHORIZED TO WORK.** The minimum age for admission to work is fifteen (15) years. In order to work, adolescents between the ages of 15 and 17 require the respective authorization issued by the Labor Inspector or, failing that, by the Local Territorial Entity, and shall enjoy the labor protections enshrined in the Colombian labor regime, the regulations that complement it, the international treaties and conventions ratified by Colombia, the Political Constitution, and the rights and guarantees enshrined in this code.

Adolescents authorized to work have the right to training and specialization that enables them to freely exercise an occupation, art, trade, or profession and to receive such training during the course of their work.

**PARAGRAPH.** Exceptionally, children under the age of 15 may receive authorization from the Labor Inspectorate, or failing that, from the Local Territorial Entity, to perform remunerated activities of an artistic, cultural, recreational, and sporting nature. The authorization shall establish the maximum number of hours and prescribe the conditions under which this activity must be carried out. In no case shall the permit exceed fourteen (14) hours per week.

📌 **ARTICLE 36. RIGHTS OF CHILDREN AND ADOLESCENTS WITH DISABILITIES.**

For the purposes of this law, disability is understood as a physical, cognitive, mental, sensory

or any other limitation, whether temporary or permanent, that prevents a person from performing one or more essential activities of daily life.

In addition to the rights enshrined in the Constitution and in international treaties and conventions, children and adolescents with disabilities have the right to enjoy a full quality of life and to be provided with the necessary conditions by the State so that they can fend for themselves and integrate into society. Likewise:

1. Respect for differences and the enjoyment of a dignified life in conditions of equality with other people, allowing them to develop their full potential and actively participate in the community.
2. CONDITIONALLY enforceable Every child or adolescent with congenital anomalies or any type of disability shall have the right to receive care, diagnosis, specialized treatment, rehabilitation, and special care in health, education, guidance, and support for family members or persons responsible for their care and attention. They shall also have the right to free education *in specialized institutions for this purpose*.

#### Case law Validity

The National Government shall be responsible for determining the health and education institutions that will address these rights. It shall also be responsible for the national entity in charge of the respective payment and the relevant collection procedure.

3. To habilitation and rehabilitation, to eliminate or reduce limitations in activities of daily living.
4. To be the recipients of actions and opportunities to reduce their vulnerability and allow participation on equal terms with other persons.

**PARAGRAPH 1.** Paragraph repealed by Article 61 of Law 1996 of 2019 [Notes on](#)

#### Validity

#### Previous Legislation

**PARAGRAPH 2.** Parents who assume full care of a disabled child shall receive a special social benefit from the State.

**PARAGRAPH 3.** CONDITIONALLY enforceable The National Government, departments, and municipalities are authorized to enter into agreements with public and private entities to guarantee health care and access to special education for children and adolescents with congenital anomalies or any type of disability.

#### Case law Validity

The State shall guarantee the effective and permanent fulfillment of the rights to comprehensive protection in education, health, rehabilitation, and public assistance for adolescents with severe cognitive disabilities after they reach the age of eighteen (18).

**ARTICLE 37. FUNDAMENTAL FREEDOMS.** Children and adolescents enjoy the freedoms enshrined in the Constitution and in international human rights treaties. These freedoms include the free development of personality and personal autonomy; freedom of conscience and belief; freedom of worship; freedom of thought; freedom of movement; and freedom to choose a profession or trade.

## TITLE II.

### GUARANTEE OF RIGHTS AND PREVENTION.

#### CHAPTER I.

#### OBLIGATIONS OF THE FAMILY, SOCIETY, AND THE STATE.

**ARTICLE 38. ON THE OBLIGATIONS OF THE FAMILY, SOCIETY, AND THE STATE.** In addition to stated in the Political Constitution and other legal provisions, the obligations of the family, society, and the State at the national, departmental, district, and municipal levels shall be the set of provisions contained in this code.

**ARTICLE 39. FAMILY OBLIGATIONS.** The family shall have the obligation to promote equal rights, affection, solidarity, and mutual respect among all its members. Any form of violence within the family is considered destructive to its harmony and unity and must be punished. The family has the following obligations to guarantee the rights of children and adolescents:

1. To protect them against any act that threatens or violates their life, dignity, and personal integrity.
2. Participate in democratic spaces for discussion, design, formulation, and execution of policies, plans, programs, and projects of interest to children, adolescents, and families.
3. To educate, guide, and encourage them in the exercise of their rights and responsibilities and in the development of their autonomy.
4. Register them in the civil registry at birth.
5. Provide them with the necessary conditions to achieve adequate nutrition and health, allowing for optimal physical, psychomotor, mental, intellectual, emotional, and affective development, and educate them in preventive health and hygiene.
6. Promote the responsible exercise of sexual and reproductive rights and collaborate with schools in education on this subject.
7. Include them in the health and social security system from the moment of their birth and take them in a timely manner to periodic health checkups, vaccinations, and other medical services.
8. Ensure their access to education from birth and provide the conditions and means for their proper development, guaranteeing their continuity and permanence in the educational cycle.
9. Refrain from any act or behavior that involves physical, sexual, or psychological abuse, and attend counseling and treatment centers when required.
10. Refrain from exposing children and adolescents to situations of economic exploitation.
11. Decide freely and responsibly on the number of children they can support and raise.
12. Respect the cultural expressions and inclinations of children and adolescents and encourage their artistic expressions and scientific and technological skills.
13. Provide them with the necessary conditions for recreation and participation in sports and cultural activities of their interest.
14. To warn them and keep them informed about the harmful effects of the use and consumption of legal and illegal psychoactive substances.
15. Provide children and adolescents with disabilities with dignified and equal treatment with all family members and create conditions of equal opportunity and autonomy so that they can exercise their rights. Provide adequate spaces and guarantee their participation in matters related to their family and social environment.

**PARAGRAPH.** In indigenous peoples and other ethnic groups, family obligations shall be established in accordance with their traditions and cultures, provided that they are not contrary to the Constitution, the law, and international human rights instruments.



**ARTICLE 40. OBLIGATIONS OF SOCIETY.** In accordance with the principles of shared responsibility and solidarity, civil society organizations, associations, companies, organized commerce, economic associations, and other legal entities, as well as individuals, have the obligation and responsibility to take an active part in ensuring the effective enforcement of the rights and guarantees of children and adolescents. In this regard, they shall:

1. Be aware of, respect, and promote these rights and their prevailing nature.
2. Respond with actions that seek immediate protection in situations that threaten or undermine these rights.
3. Actively participate in the formulation, management, evaluation, monitoring, and control of public policies related to children and adolescents.
4. Report or denounce, by any means, crimes or actions that violate or threaten these rights.
5. Collaborate with the authorities in the application of the provisions of this law.
6. Take any other actions necessary to ensure the exercise of the rights of children and adolescents.

**ARTICLE 41. OBLIGATIONS OF THE STATE.** The State is the institutional context for the comprehensive development of children and adolescents. In fulfilling its functions at the national, departmental, district, and municipal levels, it shall:

1. Guarantee the exercise of all the rights of children and adolescents.
2. Ensure the conditions for the exercise of rights and prevent their threat or impairment through the design and implementation of public policies on children and adolescents.
3. Guarantee the allocation of the necessary resources for the implementation of public policies on children and adolescents at the national, departmental, district, and municipal levels to ensure the prevalence of their rights.
4. Ensure the protection and effective restoration of rights that have been violated.
5. Promote peaceful coexistence within families and society.
6. Investigate and severely punish crimes in which children and adolescents are victims, and guarantee reparation for the damage caused and the restoration of their violated rights.
7. Resolve, as a matter of priority, appeals, petitions, or legal actions brought by children, adolescents, their families, or society for the protection of their rights.
8. Promote respect for the physical, mental, and intellectual integrity of children and adolescents and the exercise of their rights, as well as ways to make these rights effective, in all sectors of society.
9. Educate children, adolescents, and families in a culture of respect for dignity, recognition of the rights of others, democratic coexistence, human values, and peaceful conflict resolution.
10. Support families so that they can ensure that their children, from the moment of conception, receive the food necessary for their physical, psychological, and intellectual development, at least until they reach the age of 18.
11. <See Editor's Notes> Guarantee and protect the coverage and quality of care for pregnant women and during childbirth; provide comprehensive care during the first five (5) years of a child's life through free, quality care services and programs, including mandatory vaccination against all preventable diseases,

with family responsibility agency.

#### Editor's Notes

12. Guarantee the registration and processing of civil birth records through an effective and free procedure. To this end, the National Civil Registry and the Ministry of Social Protection will jointly regulate the administrative procedure to ensure that the child leaves the medical center where he or she was born with his or her civil birth record and live birth certificate.

13. Ensure that children and adolescents have timely access to the Social Security Health System. This right will be made effective through the immediate affiliation of newborns to one of the legal regimes.

14. Reduce infant morbidity and mortality, prevent and eradicate malnutrition, especially in children under five, and advance vaccination and prevention programs for diseases affecting children and adolescents and risk factors for disability.

#### Editor's Notes

15. Ensure health services and food subsidies defined in the social security health system legislation for pregnant and lactating women, families in situations of manifest vulnerability, and children and adolescents.

16. Prevent and address, in a prevalent manner, the different forms of violence and all types of accidents that threaten the right to life and quality of life of children and adolescents.

17. Guarantee conditions so that children, from birth, have access to suitable, quality education, either in educational institutions close to their homes or through the use of technologies that guarantee such access, in both rural and urban environments.

18. Ensure the means and conditions that guarantee their permanence in the education system and the completion of their full cycle of education.

19. Guarantee a school environment that respects the dignity and human rights of children and adolescents and develop teacher training programs to promote good treatment.

20. Eradicate from the education system discriminatory or exclusionary teaching practices and punishments that involve mistreatment or undermine the dignity or physical, psychological, or moral integrity of children and adolescents.

21. Address the specific educational needs of children and adolescents with disabilities, exceptional abilities, and those in emergency situations.

22. Ensure ethnic education for indigenous children and adolescents and those from other ethnic groups, in accordance with the Constitution and the law governing this matter.

23. Design and implement strategies to prevent and control school dropout and to prevent the expulsion of children and adolescents from the education system.

24. Promote sports, recreation, and survival activities, and provide the materials and supplies necessary for their regular and continued practice.

25. Promote participation in cultural life and the arts, creativity, and artistic, scientific, and technological production among children and adolescents, and allocate special resources for this purpose.

26. Prevent and address sexual violence, violence within the family, and child abuse, and promote awareness of sexual and reproductive rights.

27. Pay special attention to children and adolescents who are at risk,

vulnerability, or emergency.

28. Protect them against arbitrary displacement that takes them away from their home or usual place of residence.

29. Ensure that they are not exposed to any form of economic exploitation or begging, and refrain from using them in military activities, psychological operations, civil-military campaigns, and similar activities.

30. Protect them from involvement and recruitment in illegal armed groups.

31. Ensure food for children and adolescents who are in the process of protection and restoration of their rights, without prejudice to other persons who must provide food under the terms of this law, and guarantee effective mechanisms for the enforcement and compliance with food obligations.

32. Eradicate the worst forms of child labor, the employment of children under 15 years of age, protect adolescents authorized to work, and guarantee their access to and permanence in the education system.

33. Promote educational communication strategies to transform cultural patterns that tolerate child labor and highlight the value of education as a fundamental process for child development.

34. Ensure the presence of children and adolescents in all proceedings that are of interest to them or that involve them, regardless of their nature, adopt the necessary measures to safeguard their physical and psychological integrity, and guarantee compliance with the terms set forth in the law or regulations regarding due process. Ensure the presence of their parents, guardians, or legal representatives in such proceedings.

35. Seek and locate the family of origin or the persons with whom they live as soon as possible when they are unaccompanied minors.

36. Ensure the assistance of a translator or communication specialist when the age, disability, or culture of the children or adolescents so requires.

37. Promote compliance with the responsibilities assigned to the media in this Code.

#### Case law Validity

**PARAGRAPH.** This list is not exhaustive and, in any case, the State shall guarantee, as a matter of priority, the exercise of all the rights of children and adolescents enshrined in the Constitution, international human rights treaties and conventions, and this Code.

**ARTICLE 42. SPECIAL OBLIGATIONS OF EDUCATIONAL INSTITUTIONS.** In order to fulfill their mission, educational institutions shall have, among others, the following obligations:

1. Facilitate access to the educational system for children and adolescents and guarantee their continued attendance.
2. Provide relevant, quality education.
3. Respect the dignity of members of the educational community in all circumstances.
4. Facilitate student participation in the academic management of the educational center.
5. Open channels of communication with parents to monitor the educational process and promote democracy in relations within the educational community.
6. Organize remedial programs for children who have learning difficulties or are behind in the school year and establish psycho-pedagogical and psychological counseling programs.

7. Respect, allow, and encourage the expression and knowledge of diverse national and foreign cultures and organize extracurricular cultural activities with the educational community for this purpose.
8. Encourage the cultural expressions and inclinations of children and adolescents and promote their artistic, scientific, and technological production.
9. Ensure the use of technological means of access to and dissemination of culture and provide the establishment with an adequate library.
10. Organize activities conducive to the knowledge, respect, and conservation of the national environmental, cultural, architectural, and archaeological heritage.
11. Encourage the study of national and foreign languages and special languages.
12. Prevent any discriminatory behavior based on sex, ethnicity, creed, socioeconomic status, or any other factor that affects the exercise of their rights.

**PARAGRAPH 1.** <Paragraph added by Article 94 of Law 1453 of 2011. The new text is as follows:> It is mandatory for all public and private educational institutions to structure a module linked to the PEI (Institutional Educational Project) to improve the skills of parents and/or guardians in relation to parenting guidance that contributes to reducing the causes of domestic violence and its consequences, such as: psychoactive substance use, teenage pregnancy, school dropout, aggression, among others.

#### Notes on Validity

**PARAGRAPH 2.** <Paragraph added by Article 94 of Law 1453 of 2011. The new text is as follows:> The Municipal and Departmental Secretariats of Education shall guide and supervise the strategies and goals of the psycho-pedagogical system, and the institutions shall include this in the Institutional Educational Project (PEI) as mandatory compliance.

#### Notes on Validity

 **ARTICLE 43. FUNDAMENTAL ETHICAL OBLIGATION OF EDUCATIONAL ESTABLISHMENTS.** public and private primary and secondary educational institutions shall have the fundamental obligation to guarantee children and adolescents full respect for their dignity, life, and physical and moral integrity within the school community. To this end, they shall:

1. Educate children and adolescents in respect for the fundamental values of human dignity, human rights, acceptance, and tolerance of differences between people. To this end, they shall instill respectful and considerate treatment of others, especially those with disabilities, special vulnerabilities, or outstanding abilities.
2. Effectively protect children and adolescents against all forms of abuse, physical or psychological aggression, humiliation, discrimination, or mockery by other classmates and teachers.

#### Case law Validity

3. Establish in their regulations appropriate deterrent, corrective, and re-educational mechanisms to prevent physical or psychological aggression, mockery, contempt, and humiliation toward children and adolescents with learning or language difficulties or toward children and adolescents with outstanding or special abilities.

 **ARTICLE 44. ADDITIONAL OBLIGATIONS OF EDUCATIONAL INSTITUTIONS.** Administrators and teachers in academic establishments and the educational community in general shall implement mechanisms to:

1. Verify civil birth registration.

2. Establish timely detection, support, and guidance in cases of malnutrition, mistreatment, neglect, sexual abuse, domestic violence, and economic and labor exploitation, contemporary forms of servitude and slavery, including the worst forms of child labor.
3. Verify students' affiliation with a health insurance plan.
4. Guarantee children and adolescents full respect for their dignity, life, and physical and moral integrity within the school community.
5. Effectively protect children and adolescents against all forms of mistreatment, physical or psychological aggression, humiliation, discrimination, or mockery by other classmates or teachers.

#### Case law Validity

6. Establish in its regulations appropriate deterrent, corrective, and re-educational mechanisms to prevent physical or psychological aggression, mockery, contempt, and humiliation toward children and adolescents with learning difficulties, language difficulties, or toward children or adolescents with outstanding or special abilities.
7. Prevent the trafficking and consumption of all types of psychoactive substances that cause dependence within educational facilities and request that the competent authorities take effective action against trafficking, sale, and consumption around educational facilities.
8. Coordinate the pedagogical, therapeutic, and technological support necessary for the access and educational integration of children and adolescents with disabilities.
9. Report to the competent authorities any situations of abuse, mistreatment, or the worst forms of child labor detected in children and adolescents.
10. Provide guidance to the educational community on training in sexual and reproductive health and relationships.



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