

ALTERNATIVE REPORT

TO THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD
A call to improve the situation of children and adolescents' rights
2015 – 2021



SEXUAL VIOLENCE

against children and adolescents in Colombia

Bogotá, Colombia | December 2023

**Alianza**
por la niñez colombiana

**COALICO**

**ALTERNATIVE REPORT TO THE UNITED NATIONS COMMITTEE ON
THE RIGHTS OF THE CHILD
(2015 – 2021)**

THEMATIC REPORT
Sexual violence against children and adolescents in Colombia

This document is an integral part of the primary report titled “A call to improve the situation children and adolescents’ rights”, presented to the Committee on the Rights of the Child in the framework of the Civil Society Organisations’ Alternative Report

Colombian Children’s Alliance
Coalition Against the Involvement of Children and Young People in the Armed Conflict in Colombia (COALICO)

Colombia - December, 2023

©Sexual violence against children and adolescents in Colombia.
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Sexual violence
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COLOMBIA



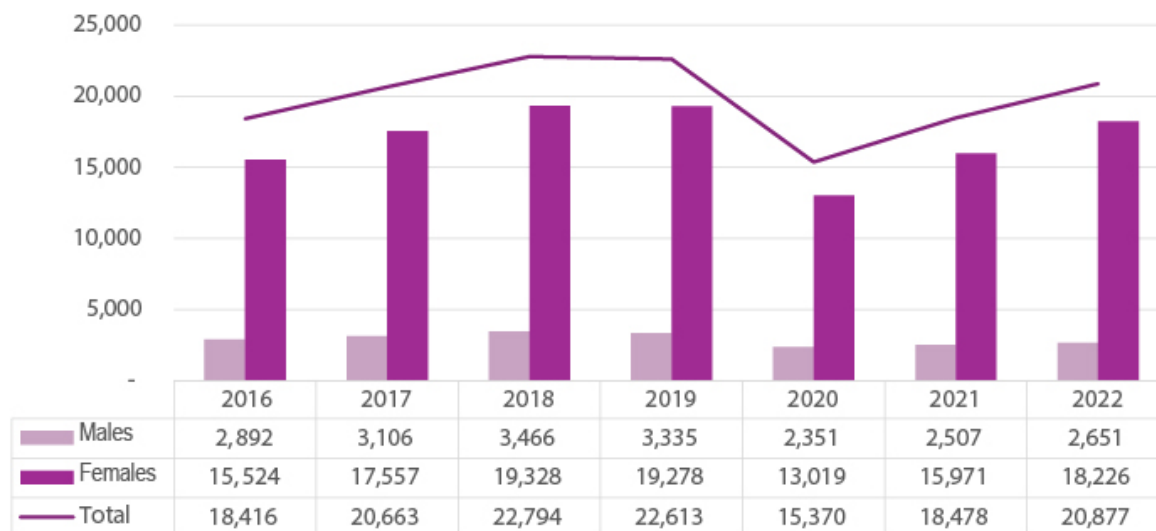
I. CONTEXT OF THE SITUATION

During the last five years (2018 - 2022), a total of 100,132 medical-legal examinations for alleged sexual offences against minors were carried out in Colombia, according to NILMFS¹. In 2022 there were 20,877 examinations, which represented an increase of 19.07% compared to the previous year. The victims were female in 87.3% of the cases, with the highest number of victims in the age range of 10 to 14 years². As shown in Graphic 1, the NILMFS report evidences a reduction of these cases in 2020. This can be explained by difficulties with reporting and monitoring this crime as a result of the lockdowns that were a response to

the COVID-19 pandemic. Since 2021 there has been an upward trend in the number of examinations carried out³.

Despite the fact that the home should be the main protective environment for children and adolescents, figures from 2022 show that 76.4% of alleged sexual crimes were perpetrated in the victim's home. The majority of alleged perpetrators were family members (50.4%), followed by acquaintances (21%), friends (7%), and partners or ex-partners (6.8%).⁴ The data shows that 92% of sexual violence cases are classified as sexual abuse.

Graph N. 1
Forensic Medical Examinations of Children and Adolescents



Source: National Institute of Legal Medicine and Forensic Sciences (INMLCF)

¹ NILMFS: National Institute of Legal Medicine and Forensic Sciences.

² National Institute of Legal Medicine and Forensic Sciences, 2023 - [Monthly Statistical Bulletins - National Institute of Legal Medicine and Forensic Sciences](#).

³ Although the data evidence an increase in the number of cases, it is important to mention that there is significant under-reporting due to the pressure exerted by aggressors on the children and adolescents or their families, social prejudice surrounding the victims who are stigmatised as supposedly responsible for what happened to them and the normalisation of practices such as early unions and child marriages.

⁴ National Institute of Legal Medicine and Forensic Sciences, 2023 Monthly Statistical Bulletins - National Institute of Legal Medicine and Forensic Sciences.

Types of sexual violence committed against children and adolescents 2022

Sexual abuse	92%
Violent carnal knowledge	3%
Sexual assault	4%
Other (Pornography, alleged sexual slavery or prostitution) sexual exploitation of children and adolescents adolescents, presumed trafficking in persons for the purpose of sexual exploitation)	1%

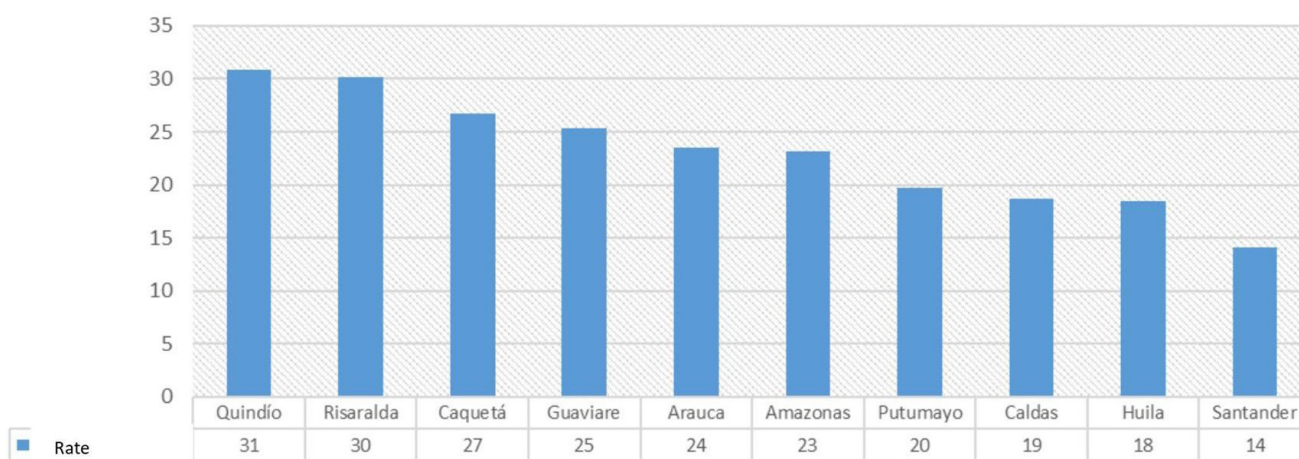
Source: INMLCF 2022

Medical-legal examinations for alleged sexual offences can establish whether there was carnal access or, in some cases, violent sexual acts, but they cannot establish whether commercial sexual exploitation has occurred, or if it occurred through the use of digital media. This is one of the reasons why the technical classification of cases involving sexual exploitation and trafficking continues to be one of the biggest challenges for institutions' response.

The data also doesn't take into account cases of child marriage and early unions, which affect children and young people's integral development because these types of relationships are violations of their rights. This crime has a specific impact on girls and female adolescents. According to data from the National Registry of Civil Status, in 2020 there were 779 civil marriages involving a minor, in 2021 there were 307 and in 2022 there were 250⁵. These figures reveal the persistence of this practice, even though there is no certainty about its magnitude due to high levels of suspected underreporting as most early unions are informal de facto relationships.

At the territorial level, the departments that were notable for their high rates of sexual violence in 2022 included: Quindío with 31 children and adolescent victims per 10,000 inhabitants, Risaralda with 30, Caquetá with 27, Guaviare with 25 and Arauca with 24.

Departments with the highest rates of sexual violence against children and adolescents



Source: Colombian Children's Alliance (Number of cases of sexual violence for each 10,000 inhabitants), INMLCF, 2022

⁵ Child Marriage and Early Unions Prohibition Bill. See: https://www.camara.gov.co/camara/visor?doc=/sites/default/files/2023-10/Ponencia_Primer_Debate_Matrimonio_14%20%281%29.pdf

The report issued by the INMLCF⁶ covers formal criminal complaints for these crimes. However, because some regions in the country are under the control of illegal armed groups or are experiencing complex situations involving violence, many perpetrators of sexual crimes constantly threaten victims and their families. They also engage in coercive control or practice confinement in order to prevent the victims or their families from approaching the authorities to report this crime.

In terms of protection from sexual violence for children and adolescents, during the 2017 - 2022 period the Colombian Family Welfare Institute (ICBF) registered 98,236 Administrative Processes for the Restoration of Rights (PARD) as a response to the crimes of sexual violence committed against this population⁷. Of the total number of participants, 82% of the processes were for females while 18% were for males.

According to data registered by the ICBF⁸, in 2021 a total of 19,752 children and adolescents were admitted to the PARD⁹ because they had been victims of sexual violence, which increased to 20,608 admissions by 2022. This represents an increase by 4.3 % of admissions to the PARD compared to the previous year. Of these admissions: 18,588 were for victims of sexual abuse/sexual harassment/carnal knowledge; 1,683 for sexual conduct between children under the age of 14; 259 for commercial sexual exploitation; 62 for other forms of sexual violence; 12 for human trafficking for sexual exploitation; and 4 for sexual violence in the context of the armed conflict¹⁰.

In terms of the prosecution of these crimes, the Attorney General's Office reported 202,512 cases of sexual crimes against minors between 2017 and 2022. Of the reported victims, 86% were female and 14% were male. This information contrasts with the data shared by ICBF about the restoration of rights process, as it was assumed that all victims of these crimes should gain immediate access to the protection system in order to obtain the full and comprehensive restoration of their rights while accessing the justice system at the same time.

Children and Adolescent Admissions to Administrative Proceedings for the Restoration of Rights

Reason for Entry	2017	2018	2019	2020	2021	2022	Grand total
Carnal Access			1.794	3.532	4.956	4.872	15.154
Sexual Harassment			503	1.066	1.379	1.680	4.628
Sexual Acts			4.781	8.994	11.512	12.036	37.323
Sexual Behaviour among Minors under 14 years of age	995	1.343	1.508	1.116	1.360	1.682	8.004
Other forms of sexual violence			37	92	97	62	288
Trafficking in Persons - Sexual Exploitation	17	22	14	12	9	12	86
Victims of sexual violence in the context of the armed conflict	2	3	1		5	4	15
Victim of Sexual Violence	3	5					8
Victim of Sexual Violence-Sexual Abuse	11.297	12.913	6.471	7	5	1	30.694
Victim of Sexual Violence-Commercial Sexual Exploitation	286	240	357	359	429	259	1.930
Rape / Sexual Assault	59	40	7				106
Grand total	12.659	14.566	15.473	15.178	19.752	20.608	98.236

Source: ICBF, 2023

⁶ INMLCF: National Institute of Legal Medicine and Forensic Sciences.

⁷ Equivalent to 35% of the total number of cases for which children and adolescents in Colombia enter the Administrative Process for the Restoration of Rights (PARD).

⁸ ICBF: Colombian Family Welfare Institute.

⁹ PARD: Administrative Proceedings for the Restoration of Rights.

¹⁰ The above reveals notable difficulties in the system for the identification and assessment of cases of sexual violence that differ from carnal access. These require specific criteria that go beyond the scope of forensic medicine. For this reason, it is highly probable that many cases that have been classified as "sexual abuse" are in reality cases of sexual exploitation and even trafficking in persons that are registered in the PARD under an incorrect case type. This situation has been identified as occurring in the specialised care programmes operated by civil society organisations.



II. SITUATIONS OF PARTICULAR CONCERN

One of the difficulties with addressing the issue of sexual violence committed against children and adolescents is the lack of official statistics on different crimes. For example, the trafficking of children and adolescents for the purpose of sexual exploitation has shifted from traditional scenarios to family and community scenarios, as well as to digital environments. For example, there has been a growing trend in using children and adolescents as so-called “webcam models”¹¹. This modality increases the clandestine nature of these crimes, making it very difficult to identify victims and prosecute the perpetrators¹².

Although the State has designed and approved a legislative framework against sexual violence, the National Strategy to Combat Trafficking in Persons 2020-2024¹³ does not have sufficient technical or financial resources that would allow inter-institutional committees to implement effective prevention strategies. These strategies are designed to combat the economic and social causes that generate and sustain human trafficking. In addition, the National Committee for the Implementation of the Policy for the Prevention and Eradication of Sexual and Commercial Exploitation of Children and Adolescents defined a policy area for the 2018-2030 period. To date there is no information available about progress with the implementation of this policy.

Identification, protection and assistance for victims of sexual violence continues to be a serious gap in the national strategy and protection system. Some victims of trafficking continue to be classified in the categories of

“sexual violence” or “gender-based violence”, making this particular crime invisible. Ombudspersons and Family Commissioners, as well as other entities responsible for reporting this crime in the health, education, government and labour sectors, very rarely recognise sexual trafficking of children and adolescents, especially when it is for purposes other than commercial sexual exploitation. The assessments of victims made by public officials for their inclusion in the protection system are adapted to local institutional services, not the other way around.

Protection measures, specific programs and specialised care for child and adolescent victims of sexual trafficking are the direct responsibility of ICBF¹⁴ and are either extremely limited or completely absent in most territories in the country¹⁵. Under the current protection model, some potential victims of sexual trafficking are placed in programs operated by the System of Criminal Responsibility for Adolescents, foster homes or other non-specific care modalities where they do not receive sufficient assistance to meet their needs, particularly to overcome the impact of their traumatic experience.

Illegal armed groups represent a risk to the sexual and reproductive rights of children and adolescents. According to COALICO’s monitoring actions¹⁶, between 2018 and 2022 a total of 36 cases of violations and infringements of the right to sexual freedom were registered. This figure does not represent all of the cases that have occurred in Colombia due to the normalisation or difficulty with reporting these violations. However, it is still important to activate the

¹¹ Infobae. ICBF warns about the expansion of ‘webcam houses’ in Colombia: they charge from one dollar to exploit minors. See: <https://www.infobae.com/americas/colombia/2021/08/29/icbf-alerta-por-explosion-de-casas-webcam-en-colombia-cobran-desde-un-dolar-por-explotar-a-menores/>

¹² The Te Protejo (I protect you) Colombia reporting hotline stated that there was a significant increase in reports from 2019 to 2020 due to the COVID-19 pandemic. In the category of sexual exploitation of children and adolescents, a total of 12,378 cases were processed in 2019 while in 2020 there were 19,171 reports, representing an increase of 35% in one year.

¹³ Decree 1818 of 2020. See: <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=154426>

¹⁴ ICBF: Colombian Family Welfare Institute.

¹⁵ Article 53 of the Childhood and Adolescence Code (Law 1098 of 2006) establishes seven (7) different applicable measures for the restoration of rights. Article 60 defines the link to specialised care programs for the restoration of rights when a child or adolescent is the victim of any act that violates their right to protection, their personal integrity and when they are the victim of a crime. See: <https://www.icbf.gov.co/sites/default/files/codigoinfancialey1098.pdf>

¹⁶ COALICO’s Observatory on Children and Armed Conflict. See: <https://coalico.org/secciones/publicaciones/boletin-onca/>

early warning alerts so that the timely, urgent and protective prevention mechanisms outlined in the public policy for the prevention of recruitment by armed groups¹⁷ can be implemented.

The dynamics of sexual violence committed against children and adolescents in the armed conflict include different crimes such as forced contraception, forced sterilisation, sexual abuse, forced abortion, sexual harassment and violent carnal access. While the data is minimal for girls and female adolescents, there is no data available for boys and male adolescents. This is why it is necessary to strengthen the monitoring of this serious violation in order to identify unknown practices being used by the illegal armed groups.

In general, the family reintegration processes for victims of sexual violence, trafficking and commercial sexual exploitation who have participated in the Administrative Process for the Restoration of their Rights (PARD) are extremely fragile and incomplete. This is particularly the case when these children and adolescents are placed in a specialised protection institution. The decision to reintegrate them with their families is made by the administrative authority and is based on compliance with the terms established in the law, not the achievement of objectives while the child or adolescent has been in specialised care.

Although the PARD¹⁸ includes a follow-up stage after a child or adolescent leaves the process, which is the direct responsibility of the psychosocial teams¹⁹, this follow-up is not verified and the children, adolescents and their families who leave the PARD no longer receive support from the State. This situation means that the victims at a very high risk of being reincorporated into exploitation scenarios and

other spaces such as begging and child labour. The PARD process should be supported by the National Family Welfare System. However, it is not articulated with this system, nor the entities responsible for the implementation of the family support and strengthening policy. PARD is also not linked to the National Committee to Combat Trafficking in Persons, which is responsible for coordinating immediate assistance programs.

Coordination between administrative and judicial authorities in the few reported cases of trafficking is weak or non-existent. The administrative authority²⁰ does not participate in the criminal process, even though it acts as the legal representative of the victim, as stipulated in the Children and Adolescents' Code²¹. According to the General Procedural Code, the procedural terms are peremptory²². This legal obligation establishes time limits for the process of restoring the child or adolescent's rights that do not take into account the current timeframes for this work to be carried out by government agencies. This means that it is not possible to continue to provide protection for these children and adolescents.

In terms of judicial processes, there are excessive and unjustified delays with criminal proceedings for the investigation and trial stages. These "delays can largely be attributed to the State, specifically the different bodies that intervene in the judicial process and other parties involved in the proceedings. The poor training provided to some judicial officials causes problems with the timeline for the judicial process, as well as generating a lack of public awareness about these crimes and confusion regarding the classification of the conduct in the cases"²³.

¹⁷ Public policy for the prevention of recruitment, use and sexual violence against children and adolescents by organised armed groups (OAGs) and organised criminal groups (OCGs). See: <https://www.minjusticia.gov.co/ojtc/Documents/Enfoque%20Diferencial/docs/191119-Linea-pol%C3%ADtica-Prevenci%C3%B3n-RUUVS.pdf>

¹⁸ PARD: Administrative Process for the Restoration of Rights.

¹⁹ ICBF. Technical Guideline Route Procedures for the Restoration of Rights of Children and Adolescents v1: https://www.icbf.gov.co/sites/default/files/procesos/lm3.p_lineamiento_tecnico_ruta_actuaciones_para_el_restablecimiento_de_derechos_nna_v1.pdf - P. 162.

²⁰ In municipalities where there is no Family Ombudsperson's Office, the Family Commissioners carry out this role. In cases where neither of these two entities exist, the role may be carried out by the Police Inspector or even the Municipal Mayor.

²¹ "Article 82. Functions of the Family Ombudsperson...11. Promote judicial processes or procedures that may be necessary to defend children and adolescents' rights and intervene in processes in which their rights are in dispute, without affecting actions carried out by the Public Prosecutor's Office nor impeding any judicial representation that may be necessary".

²² Article 103 of the Children and Adolescents' Code: "Article 103. Temporary nature of the measures for the restoration of rights and of the declaration of a violation. [Article modified by Article 6 of Law 1878 of 2018]: "The Administrative Process for the Restoration of Rights will have a duration of eighteen (18) months, including follow-up, counted from the date of the report of the events by the administrative authority until the Declaration of Adoptability or the closure of the process because it has been evidenced that placement in a family environment was the appropriate measure through the follow-up actions...". Article 195 of the Code empowers the Family Ombudsperson to "request information about how the [criminal] investigation is developing for the purpose of taking relevant measures that verify guarantees of rights and the restoration of rights".

²³ Fundación Renacer, 2023.



III. RECOMMENDATIONS

This section is an extension of the recommendations contained in the report “A call to improve the situation of the rights of children and adolescents”, which was presented to the Committee on the Rights of the Child in the framework of the Civil Society Organisations’ Alternate Report.

- Strengthen and intensify prevention, care and reparations for victims of trafficking with the purpose of commercial sexual exploitation of children and adolescents. Ensure that there is a sufficient budgetary allocation for this work.
- Reactivate the National Committee for the Implementation of the Public Policy for the Prevention and Eradication of Commercial Sexual Exploitation of Children and Adolescents (CSECA), which was established by Law 1336 of 2009.
- Evaluate the current level of implementation of the *Public Policy for the Prevention and Eradication of CSEC 2018-2030* and establish actions to improve the rollout of this policy that specifically involve identifying victims, expanding and strengthening specialised care and overcoming the high levels of vulnerability of these children and adolescents.
- Strengthen the National Strategy to Combat Trafficking in Persons²⁴, specifically supporting the technical and financial strengthening of territorial committees to combat trafficking in persons so that they incorporate a clear focus on children and adolescents.
- Strengthen articulation between the National Family Welfare System (SNBF) and the Anti-trafficking Operations Centre (COAT)²⁵ in order to guarantee effective and comprehensive reparations for child and adolescent victims of this crime, as well as for their families who are indirect victims.
- Implement Law 2205 of 2022 and Law 2137 of 2021²⁶, which will create special justice units for crimes against children and adolescents in the municipalities prioritised by the Attorney General’s Office, thus reducing the levels of impunity for these crimes.
- Strengthen the victim identification processes used by the entities, communities and civil society organisations that participate in the protection mechanisms for victims of sexual violence and human trafficking.
- Improve the effectiveness and efficiency of the National Family Welfare System (SNBF) to guarantee differential assistance that meets the health, education, development and job training needs of children and adolescents who are victims.
- Adjust the Administrative Process for the Restoration of Rights (PARD) so that it meets the real needs of victims and their families, especially the time required for recovery from the emotional impact of these crimes. In addition, improve articulation with criminal judicial processes against exploiters, pimps and traffickers.

²⁴ National Strategy for Combating Trafficking in Persons 2020-2024, Decree 1818 of 2020. See: <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=154426>

²⁵ Anti-trafficking Operations Centre (COAT). See: <https://www.mininterior.gov.co/grupo-de-lucha-contra-la-trata-de-personas/centro-operativo-antitrata/#:~:text=El%20Centro%20Operativo%20Anti%2DTrata.v%C3%ADctimas%20de%20trata%20de%20personas.>

²⁶ Law 2205 of 2022. Available in: <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=186760#:~:text=Se%20establece%20un%20t%C3%A9rmino%20perentorio,la%20infancia%20y%20la%20adolescencia.> Law 2137 of 2021, Law 2137 of 2021 - Normative Manager - Public Function ([funcionpublica.gov.co](https://www.funcionpublica.gov.co)).

- Implement the measure regarding the urgent and immediate separation of the victim from the perpetrator, avoiding the separation of children from safe and protective family environments.
- Review and adjust the processes of providing support and strengthening for victims' families to ensure the gradual, accompanied and sustainable reintegration of children and adolescents.
- Prohibit child marriages and early unions and accompany this prohibition with a program that strengthens access to sexual and reproductive health services without barriers or prejudice.
- Monitor the effective implementation of the National Public Policy for the Support and Strengthening of Families (PPNAFF)²⁷ as the primary space that is responsible for child protection, the implementation of public policies for children and adolescents and preventing CSEC.



²⁷ National Public Policy for Family Support and Strengthening (PPNAFF). Available in: a). <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=38145#:~:text=Objeto.-.La%20presente%20ley%20tiene%20por%20objeto%20fortalecer%20y%20garantizar%20el,Pol%C3%ADtica%20P%C3%ABlica%20para%20la%20familia,> b). <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=82917>.



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