

VIEWPOINT

Crime Is Not the Beginning: Health Rights and Adolescent Criminalization in Conflict-Affected Colombia

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When a conflict-affected adolescent appears before a juvenile judge in Colombia, the hearing often comes at the end of a much longer trajectory of harm. Many adolescents have already endured displacement, confinement, hunger, school interruption, family rupture, coercive control by armed actors, and untreated psychological distress. Their contact with the justice system thus reflects not an isolated act but the cumulative effects of prolonged exposure to violence, deprivation, and state neglect. In many cases, criminalization becomes the point at which the state finally confronts a life it has long failed to protect.¹

That is the central human rights problem. The right to health does not end with clinical care following recruitment into armed groups, detention, or punishment. For conflict-affected adolescents, health is inseparable from protection, food, education, housing, territory, and dignity across the life course. A rights-based lens changes the question. Instead of asking only how to “correct” adolescents after they enter punitive systems, it asks what was denied in childhood and adolescence that made punishment more likely in the first place.²

In Colombia, this is not an abstract concern. In the department of Chocó, armed conflict and institutional neglect overlap in ways that make the problem difficult to evade. The International Committee of the Red Cross reported that in 2023 Chocó accounted for 44% of the country’s confined population, with direct effects on access to food, education, and health care.³ The Ombudsperson’s Office later reported 6,898 cases involving violations of fundamental rights in the department in 2024.⁴ Research on child recruitment in Colombia shows that children and adolescents are drawn into armed dynamics where coercion, economic vulnerability, weak state presence, and illicit economies converge.⁵ These are the conditions in which many

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adolescents are socialized before the state encounters them through punishment.

In Colombia, adolescents aged 14–17 who are accused of or found responsible for crimes enter the Criminal Responsibility System for Adolescents (abbreviated as SRPA in Spanish), a specialized framework established by the Code of Childhood and Adolescence. Formally, the SRPA is pedagogical, specific, and differentiated from the adult criminal system, and it is intended to guarantee restorative justice, truth, and reparation. Judges may impose a warning, rules of conduct, community service, assisted liberty, placement in a semi-closed setting, or, in limited cases, deprivation of liberty in a specialized center. All sanctions are legally defined as protective, educational, and restorative.⁶

This pattern reflects abandonment as much as resilience. The language of resilience can become politically convenient because it shifts attention away from states as duty bearers and onto the capacity of marginalized communities to survive repeated harm.⁷ Adolescent suffering is often framed primarily as an individual mental health problem, obscuring the political and moral conditions that produce distress. The more distress is detached from those conditions, the easier it becomes for institutions to prioritize screening, diagnosis, correction, and treatment while leaving structural remedies aside.⁸ An adequate response therefore requires confronting the conditions in which these adolescents have grown up, including war, deprivation, and institutional neglect.

That formal architecture matters because the problem is not that Colombian law openly endorses punishment over rights. The problem is the gap between formal design and lived sequence. Although the Colombian juvenile justice framework is formally rights based and restorative, conflict-affected adolescents often encounter state authority only once multiple rights failures have already accumulated. In that sense, the system risks functioning as a late response to long-standing neglect rather than as a form of early protection.⁹ What many conflict-affected adolescents learn from the justice system is therefore not protection but hierarchy. Published research with justice-involved youth

shows that legal institutions are often experienced less as spaces of rights realization than as punitive settings marked by weak voice, low trust, and limited respect. Under those conditions, young people learn that justice is something done to them, not something that protects them.¹⁰ In conflict-affected settings, that distinction matters. A state that arrives late and mainly through sanction teaches a lesson about law that no civic education campaign can easily undo.

Critical children's rights scholarship helps explain this pattern. In highly unequal settings, the formal recognition of rights often provides limited protection in everyday life. Conflict-affected children frequently encounter institutions through categories of suspicion, punishment, and control, even when legal frameworks recognize them as rights holders. By the time rights-based language reaches them, much of its protective force has already been weakened by prolonged exposure to violence, exclusion, and institutional neglect.¹¹ In this context, juvenile justice systems often operate as mechanisms for managing inequality after harm has accumulated, rather than as institutions capable of preventing it.

A more serious response would move upstream. Governments should treat forced displacement, recruitment exposure, confinement, school exclusion, food insecurity, family incarceration, and barriers to care not merely as predictive risk factors but as rights-deprivation indicators that should trigger specific state duties. The difference is functional rather than semantic: "Risk factors" describe the probability of later harm, while rights-deprivation indicators identify failures of protection that require a public response. In this sense, the path from diagnosis to action becomes clearer. School interruption should trigger school-retention and school-protection measures, and recruitment exposure and confinement should trigger territorial protection, humanitarian access, and safe mobility. Likewise, food insecurity should trigger nutritional and income support, and family rupture or incarceration should trigger family-based accompaniment and community reintegration.

Colombian law already requires the state to guarantee children's rights, prevent their violation, restore them when breached, and ensure that sanctions are implemented with protective and educational guarantees.¹² Fulfilling these obligations demands more than the provision of mental health care or the management of adolescent conduct. Sustained disengagement from violence depends on institutions that are credible, reciprocal, and dignifying, as well as on communities that are prepared to receive adolescents without reproducing stigma and exclusion.¹³ Reintegration, therefore, should be understood as a broader social and institutional process grounded in rights, protection, and recognition.

This is also the direction already set by international human rights law. General Comment 15 understands the child's right to health as interdependent with the wider set of rights protected under the Convention on the Rights of the Child. General Comment 24 makes equally clear that every child accused of or recognized as having infringed the penal law must be treated in a manner consistent with dignity and worth.¹⁴

For conflict-affected adolescents in Colombia, this standard defines the minimum conditions for prevention, recovery, and non-repetition. Rights require effective protection before young people enter punitive systems, not simply once harm has already accumulated. When state action begins only after judicialization, institutions reinforce a pattern in which prior neglect is recast as an individual problem to be managed. In this sense, the delayed activation of rights reflects a broader failure of protection, recognition, and accountability.

The human rights community should be clearer about the stakes. Youth crime in conflict-affected settings should be understood as evidence of what happens when unprotected childhoods are later managed through punishment. Crime is not the beginning. That is precisely why punishment cannot be the answer.

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