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Instituto de Estudios Latinoamericanos
Maestría en Derechos Humanos y Educación para la Paz

Child Soldiers in Colombia
by Ashildur Linnet

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Graduation Monograph

May 2004

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En la sede del Instituto de Estudios Latinoamericanos, Campus Omar Dengo de la Universidad Nacional, el día siete de mayo del año 2004, a las 8 horas, **ASHILDUR LINNET**, hace la presentación de su trabajo académico, requisito de graduación para optar por el título de Master en Derechos Humanos y Educación para la Paz que otorga esta Universidad.

La monografía titulada *Child Soldiers in Colombia* es el producto final del Programa de Maestría en Derechos Humanos y Educación para la Paz.

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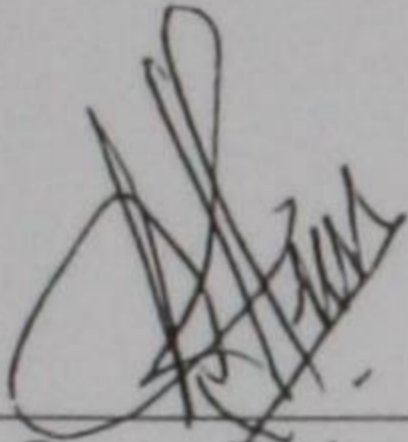
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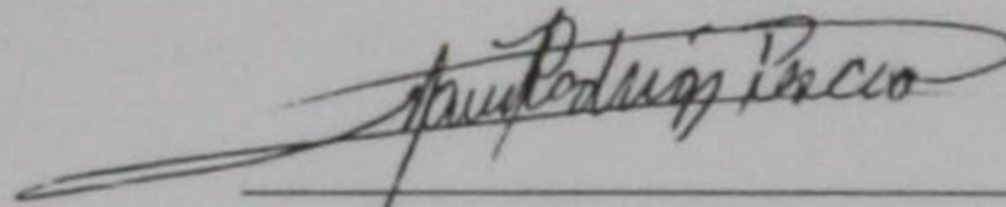


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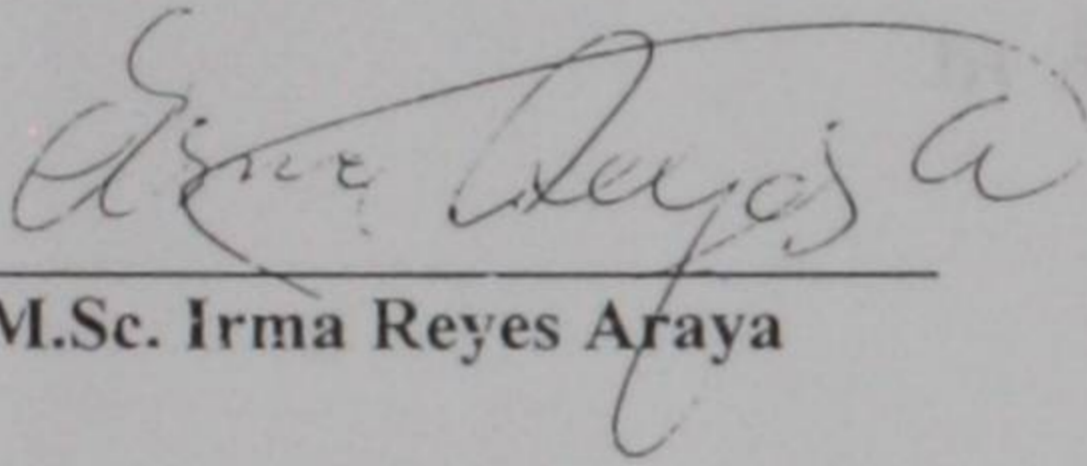
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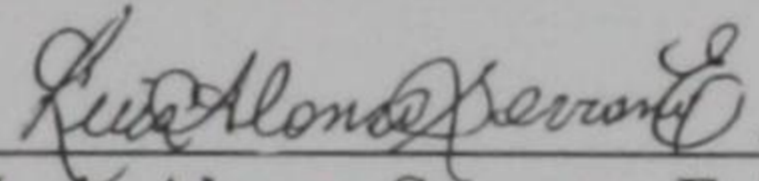
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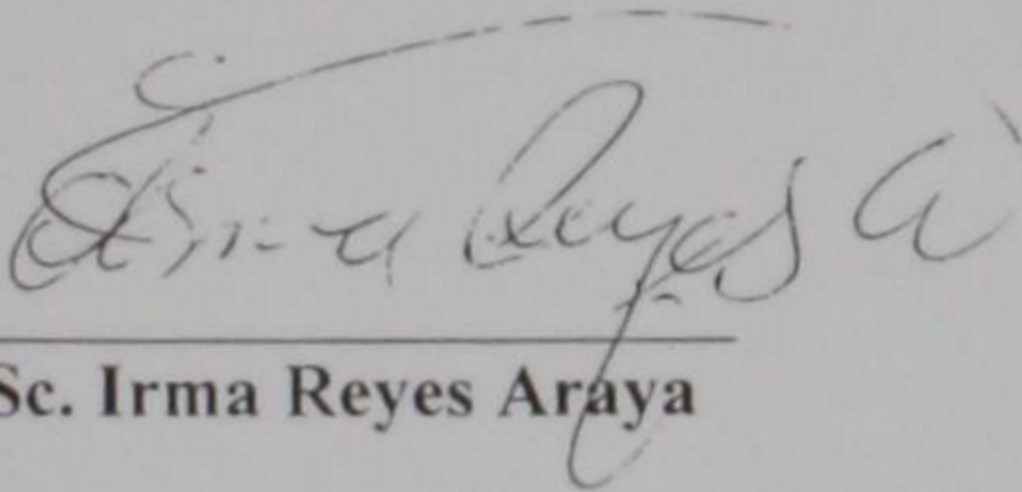


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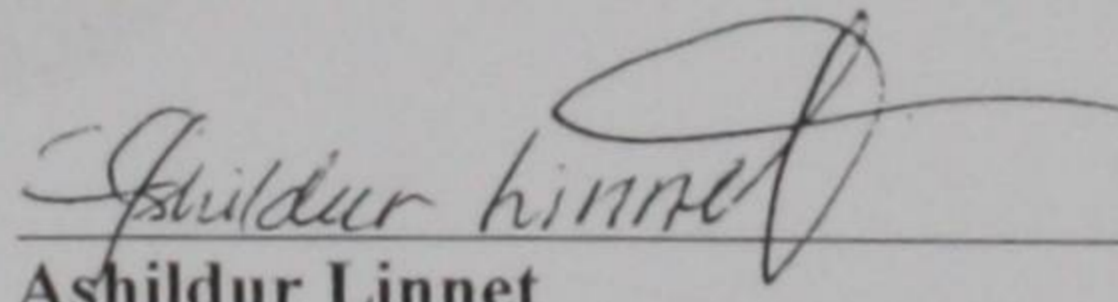
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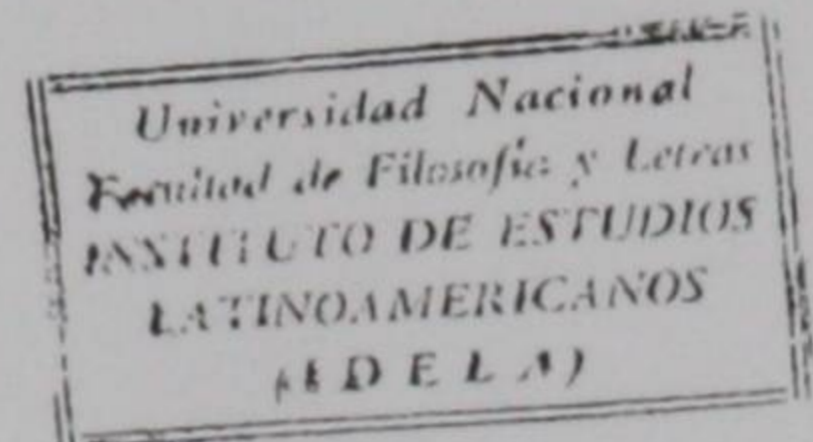


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I want to thank the people that helped me with this research, both in Costa Rica and Colombia, for devoting their time in patiently answering my question and helping me when I was lost. I want to thank my dear friend Sarah Solz for her help and my boys for their patience. This work I dedicate to the child soldiers in Colombia.



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Introduction

This research is the final project for the Masters program in Human Rights and Peace Education at the National University¹ of Costa Rica. It is about child participation in the armed conflict in Colombia. Due to the length of the conflict and its relative economic prosperity compared to other countries with child soldiers, these young combatants have been, for some time, hidden from the rest of the world. The reality is that long wars lose the media attention they received at the beginning and that humanitarian aid can only be provided if the necessary funds can be raised. The lack of media attention over time has made it more difficult to raise these funds. Moreover, the images of the enormous wealth of the Colombian drug barons has not helped to raise international sympathy. But this does not release the international community from its responsibilities towards the Colombian children. Their war is, as one of the people interviewed in this research called it, “a blind, deaf and dumb war that not many people are interested in.”

As the conflict has lasted from the mid 1940's people have succumbed to the explanation that this war cannot be resolved and that there is no hope for Colombia. This kind of opinion is dangerous and no human rights defender can allow himself to think this way. Wars bring humanitarian crisis and help is always needed from the outside world. The problem of the child soldiers in Colombia is only one of the problems in a grater humanitarian crisis in the country. The international community tends to become occupied with the statistics of the crisis. It is not a problem if there are 1,000 child soldiers but 6-7,000 makes it a problem! No matter how many or how few child soldiers there are, child participation in war and hostilities is always a problem. Children have special needs and in times of war they become one of the most vulnerable groups in society. In post-war countries children need special attention and especially the children that have been participating in the conflict. In spite of this fact, in no peace agreements to this day have these special needs been recognised.²

The debate about the conflict within the country: the search for solutions, the search for those responsible and who is to blame, has led to a complicated use of terms

¹ In Spanish: Universidad Nacional

² Brett, R. and McCallin, M. (1996) Children the invisible soldiers Radda Barnen - Swedish Save the Children. Sweden

regarding the humanitarian crisis. In the theoretical chapter of this research the term “child soldier” is used and defined, but when it comes to the chapter about the situation of child soldiers in Colombia, chapters 4, 5 and 6, another term, “combatants” is used. This is done as in Colombia the word “soldier” is used only for the State Armed Forces and not for members of illegal armed groups, like the guerrillas and paramilitaries. Here both the terms “child soldier” and “child combatant” are used for the same phenomenon, as it is defined in chapter 3.1. In this project the term “children and adolescents” is used for persons under 18 years of age.³ In Chapters 4, 5 and 6 a distinction is made between armed groups or illegal armed groups, on one hand, and military or armed forces on the other. The term “armed groups or illegal armed groups” refer to actors other than the State's army.

In the first chapter the justification of the research and its objectives are explained, followed by explanation of the methodology used in the second chapter. In the third chapter the theoretical base of the research is established. The term “child soldier” is defined and the rights that can be used for their protection, both international treaties signed and ratified by Colombia and national law are explained. The main emphasis is on the Convention on the Rights of the Child. Other topics of the chapter are why children are recruited, the factors that make them more vulnerable for recruitment, what can prevent their recruitment, the treatment of children in armed groups, the impact of their participation, demobilization and social reintegration. The fourth chapter is briefly about the history of this long conflict and how the actors still present today were formed. The current situation in the country is explained concerning economical and social factors and educational opportunities for Colombia's youth. The fifth chapter is about the use of children in the conflict, their experiences, the treatment within different groups, demobilization and prevention of recruitment. The sixth chapter explains the response of Colombia's Family and Social Service and United Nation's Children Fund, to the problem of child soldiers or child combatants. Followed by conclusions in the seventh chapter and recommendations in the final chapter.

³ In some Humanitarian Law children are considered persons under the age of 15, like for example in both the Geneva Conventions and the Convention on the Rights of the Child, where child recruitment is considered the recruitment of children under the age of 15

1. Justification and objectives of the project.

The reason for choosing this project was due to the author's interest in doing research concerning the human rights of children. This topic generates many possibilities as children's rights are being violated in many different ways all over the world. The idea of doing research on children's rights and protection in extreme situations, like war, led to the theme of child soldiers. Children in general have special needs in times of war and, within all the humanitarian crisis caused by hostilities, the child soldier needs special attention. When the main theme had been chosen it was logical to do a research project about the Colombian case as the Masters Program is located in a Latin-American country. Thus, the context and perspectives of the program are mainly focused on the Latin-American experience and reality. Like with all research, it started with gathering general information about the problem of child soldiers, both internationally and Colombia. Then, it was narrowed down to the prevention of recruitment and social reintegration of former child soldiers with the research question being: *"What has been the answer of the Colombian State and The United Nations Children Fund to the problem of child soldiers in Colombia? Regarding social reintegration of former child soldiers and prevention of child recruitment."*

This focus brings up other questions like: What legal protection is provided for these children? What has been the development of the problem of child soldiers in Colombia? What is the historical context and today's situation of the conflict? The objective of this project is to gather information about the problem, describe the current situation, analyse the answers of the Colombian State and United Nations Childrens Fund to the problem and the explore the reasons for child participation in this conflict.



2 Methodology

The methodology used in every research project depends on the results that the researcher is looking for.⁴ There are both qualitative and quantitative methods, the first one more often used in social science. In human rights studies qualitative methods are more often used, even though statistics are in some cases used to support other data. It is convenient to use qualitative methods in this type of study, as the cases and situations are most often unique, even though they might have many similarities to other human rights issues within the same country or in another country. Every situation must be dealt with within its cultural and historical context, using human rights protection under national and international law as a tool in the improvement of the given situation.

In this research, the theme to begin with was "Child soldiers in Colombia" but as more information was collected throughout the project, and bearing in mind the title of the masters program, "Human Rights and Peace Education," the project evolved towards focusing on the reintegration of former child soldiers and prevention of their recruitment in Colombia. Theoretical background was gathered along with information about the Colombian conflict and the situation of child soldiers in the country. The research on the reintegration of former child soldiers and prevention of recruitment was based on interviews with key contacts in Colombia. Contacts were established before the researcher went on a four-day trip to Colombia to carry out the interviews. The object of the project and the research trip was to describe the situation of child participation in the ongoing Colombian conflict and how the society, both national and international, has responded to the problem. More fundamentally, the goal was to find out what the rights of these children are and if they can enjoy them or not.

The reason for the methodology chosen was related to the limits of the project. They include: the time available within the masters program to do the research, the cultural background of the researcher, and financing the project. As this is a graduation project, it is not meant to be the same size and depth as a thesis, the most important element in this work is the theme that has been chosen. As the researcher is not from Latin America, the cultural context and the history of the conflict was not known at the

⁴ Folguera, P. (1994) *Cómo se hace historia oral* Eudema, Spain

project's initiation. This can both be an advantage and disadvantage at the same time. As the research was all paid for by the researcher, it limited the length of the visit in Colombia to four days. A longer stay would have given the possibility of a more complete research. All the methods chosen must be taken into consideration reading the research.

But why use interviews? The interview is commonly used in studies like this one. It is a more valid method for some researches than others and thought to be very useful in studies of social values and changes in society. The interview gives the researcher an opportunity to realise how and why the history developed like it did. The outcome of the interview depends on the organization of the interview. It depends on the questions asked and the atmosphere during the interview. Factors like the sex, age, social status and ideology of both the interviewer and the interviewed affect the results.⁵ In the interviews in this research a semi-structured technique was used. The questioning for each informant was planned ahead,⁶ but the informant was given liberty in answering. The interviews varied in questioning from one informant to another to be able to enrich the information and use the knowledge of each informant as much as possible, as each represented different institutions. The interviews were directed towards the theme of the project, searching for information about the social reintegration of former child soldiers and prevention of further child recruitment.

⁵ Folguera, P. (1994) *Cómo se hace historia oral* Eudema, Spain

⁶ For list of questions asked see Annexe 2

3. The child soldier

3.1 What is a child soldier?

The theme of this work is the reintegration of former child soldiers⁷ and prevention of recruitment of children into armed forces. In order to be able to continue the discussion about this group, it is important to define the phenomenon. What is a child soldier? Is it a child with a gun or is there a wider definition? The definition used in this work is the one provided by UNICEF and is as follows:

A child soldier is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage.⁸

This provides us with a much wider definition that is not limited to reference to the children that are carrying guns or have done so.

The International Labour Organisation (ILO) has in its work included child soldiers. Under the ILO Convention No. 182, forced recruitment for armed forces is defined as one of the worst forms of child labour. By ratifying the Convention, countries promise to form programs and national plans to eradicate the worst forms of child labour, including the participation of children in hostilities, if that is the case. Three countries in Latin America have not ratified this convention: Colombia, Cuba and Venezuela.⁹ It is notable that in the case of ILO's definition, it only applies to forced recruitment and not so-called "voluntary recruitment"¹⁰. The definition used by UNICEF, therefore, involves a larger group than that of the ILO. In this work the definition of UNICEF is the one applied.

⁷ Here the terms "child soldier" and "child combatant" are used for the same phenomenon

⁸ See the UNICEF web page: www.unicef.org/emerg/index_childsoldiers.html

⁹ ILO (2004) *IPEC action against child labour 2002-2003; Progress and future priorities*, ILO Publications, Geneva

¹⁰ For further discussion about voluntary recruitment see chapter 3.5 Recruitment

3.2 What are humanitarian rights?

International humanitarian rights are the rights and protection applied in times of war. They are intended to protect both people who are not taking part in hostilities and those that have laid down their arms. They are also meant to restrict the methods and means used to wage war. The purpose of humanitarian law is to limit the suffering war causes by affording victims the maximum possible protection and assistance. Underlying all norms in the area of humanitarian international law is the effort to find a balance between the conflicting interests of military necessity, on the one hand, and humanity on the other. The main instruments of humanitarian law are the four Geneva Conventions and their additional protocols.¹¹ The international Committee of the Red Cross (ICRC) is the leading institution in promoting and protecting this right, as is has been given by these instruments the right to carry out specific activities such as assisting the wounded as well as sick or shipwrecked troops, visiting prisoners of war and providing aid and succour for civilians. In situations of civil war, the ICRC is also entitled under Article 3 of the Geneva Conventions to offer its services to the warring parties. The basic pre-requisite for its work is strict impartiality and neutrality.

Before the ICRC is allowed to begin its work, the government of the country plagued by internal conflict must recognise the existence of the conflict.¹² When the government denies it is involved in an internal conflict, as they are classified in the Geneva Convention of 1949 and the 1977 Additional Protocols, it denies the applicability of international humanitarian law. However, the State is always obligated by its own national law and international human rights treaties to which it is a party.¹³ International Humanitarian law cannot be applied if the country has not ratified the Geneva Conventions or the Additional Protocols. If the county has ratified the conventions, the conflict will have to fall within one of the five categories of conflict according to the conventions. And as mentioned above, in the case of internal conflict the country will have to admit the existence of the conflict so that Humanitarian Law can be applied.¹⁴

¹¹ For a full list of the instruments of humanitarian law see Annexe 1

¹² CICR (no date) Derecho internacional humanitario - Respuestas a sus preguntas CICR publicaciones, Geneva

¹³ Brett, R. and McCallin, M. (1996) Children the invisible soldiers Rädga Barnen - Swedish Save the Children. Sweden.

¹⁴ Cohn, I. and Goodwin-gill, G. S (1997) Child Soldiers : The Role of Children in Armed Conflict A Study for the Henry Dunant Institute, Clarendon Press, Oxford

The existing Colombian Government has a tendency to define all violence in the country as terrorist acts, and therefore deny the existence of the internal armed conflict.¹⁵ In doing this, international humanitarian law has not been able to be applied in Colombia. This argument of the State is not valid on International level and the existing conflict is known to the outside world. Furthermore it is clear by the Geneva Conventions that all parties to the conflict must take responsibility for their acts.

3.3 Children's protection

It has for a long time been acknowledged by the international community that children need special protection. The League of Nations adopted the first declaration on the rights of the child in 1924 and in 1959 the United Nations established the Declaration on the Rights of the Child. Later on, in 1974, the United Nations came forward with the Declaration on the Protection of Women and Children in Emergencies and Armed Conflicts. In these and in all Human Rights declarations, conventions and protocols, international or regional there exists reference to both children as well as adults.¹⁶

Today, the best protection for children's rights is provided by The Convention on the Rights of the Child that has been ratified by 194 countries, it's an international agreement of non-negotiable standards and obligations of states towards children.¹⁷ Colombia ratified the Convention in 1991.¹⁸

There are certain articles of the Convention that can be specifically used to protect child soldiers and children that are victims of armed conflicts. The articles that can be used apply both to the direct participation of children in armed conflicts and to situation they may find themselves in as a result of the conflict.

Under The Convention on the Rights of the Child, children are at least given protection by law and in theory, even though the reality can be quite different. Another limitation of the Convention is that it is directed to States and not the parties to a

¹⁵ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

¹⁶ Cohn, I. and Goodwin-gill, G. S (1997) Child Soldiers : The Role of Children in Armed Conflict A Study for the Henry Dunant Institute, Clarendon Press, Oxford

¹⁷ Office of the United Nations High Commissioner for Human Rights see the web page: www.unhcr.ch/pdf/report.pdf Status of ratification of the principal international human rights treaties

¹⁸ Linares Cantillo, B. (2003) Jurisprudencia y política publica para la niñez desvinculada del conflicto armado In: Ciro Angarita por la infancia Niñez y conflicto armado: desde la desmovilización hacia la garantía integral de derechos de la infancia Memoria Annual 2002

conflict.¹⁹ However the State is always responsible for everything that takes place within its territory and therefore responsible for the acts of illegal or irregular armed groups.

The Committee on the Rights of the Child that was established in 1991, two years after the Convention was open to signature and ratification by the States in order to monitor States' implementation of the Convention. The Committee is made up of 10 members from States that have ratified the Convention. These members are not representatives of their country's governments or any groups in particular. They act in their own personal capacity, respecting the rights of the children protected by the Convention. Each country must present regular and detailed reports on the situation of the rights of children in their country. The first report is to be presented within two years after ratification and then regular reports must be presented every five years. The Committee then examines these reports: However, due to the large number of countries that have ratified the Convention, the current Committee is running behind schedule.²⁰

Children that have no documents to prove their age, their birth or who their parents are, are protected by the 7th article of the Convention. In the case of child soldiers, is almost impossible to guard identification papers, if the child ever had those papers to begin with. It is more common that parents guard such papers, but during war times papers and documents are often lost. Unaccompanied children and orphans have difficulties in proving their age and it is the responsibility of the State to solve these problems and provide children with new identification papers. A problem concerning the age limit is that falsifying children's age is often used to systematically recruit under-aged children.²¹ The responsibility of correct documentation of the children is the State's and the protection that the article provides is as follows:

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

¹⁹ Cohn, I. and Goodwin-gill, G. S (1997) Child Soldiers : The Role of Children in Armed Conflict A Study for the Henry Dunant Institute, Clarendon Press, Oxford

²⁰ See the web page www.unicef.org/crc

²¹ Brett, R. and McCallin, M. (1996) Children the invisible soldiers Rädde Barnen - Swedish Save the Children. Sweden.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.²²

As many children are recruited forcibly, article 9 can be used to call up on the State to protect children from forced recruitment as it states that children should not be separated from their parents against their will;

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.²³

It is in the States responsibility to protect children from all forms of physical or mental violence, including their participation in armed conflicts which is a horrific form of violence. The children have little or no means to protect themselves. Also the article

²² Convention on the Rights of the Child United Nations General Assembly resolution 44/25 of 20 November 1989

²³ Ibid.

states that special programs must be established to protect children from the violence mentioned in paragraph 1.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

In times of war it specially important to protect unaccompanied children and orphans as they are more vulnerable to recruitment than children living with their families. The 20th article states:

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.²⁴

The right to an education is important in preventing the recruitment of children into armed groups and to improve their possibilities of making a living when they reach adulthood. Education is also important in forming values of peace and in reconstruction of broken societies. In the case of child soldiers education can give them new

²⁴ Convention on the Rights of the Child United Nations General Assembly resolution 44/25 of 20 November 1989

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opportunities to a life outside the armed group, a chance to deal with every day life and learn to resolve their conflicts without violence. The right to an education is protected by the 28th and the 29th article of the Convention:

Article 28

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.²⁵

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship

²⁵ Convention on the Rights of the Child United Nations General Assembly resolution 44/25 of 20 November 1989

among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.²⁶

Article 38 establishes age limit for participation in armed groups. The age limit is set at 15 years old that many believe is too low. There is an Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict raising this limit to 18 years old. That has not been ratified by all the countries that have ratified the Convention. The Optional Protocol has been signed by 115 States and ratified by 71, the number of States that have signed and ratified gives the Optional Protocol an international recognition. When so many have States have set the minimum age limit at 18, it it establishes internationally a general rule to consider a person child if under the age of 18. Colombia did sign the optional protocol in September 2000 but has not yet ratified it.²⁷ When Colombia ratified The Convention on the Rights of the Child it was done with reservation on the 38th article. The reservation states that under no circumstances can children under the age of 18 years old be obligated for military service. This right promised to Colombian children was not established under law in the country until eight years later.²⁸

The problem here is the participation of minors in armed groups other than those of the State. The armed groups are not bound by the Convention as they have not directly signed or ratified it, nor are they able to since they are not political States. They are however obligated to obey the laws of their own country. In armed conflicts, and especially among oppositions groups, national law is not of a great importance and therefore not respected. Another problem is that the establishment of minimum age for participation in armed groups is not a guarantee against the recruitment of under aged

²⁶ Ibid.

²⁷ See the web page www.unicef.org/crc

²⁸ Linares Cantillo, B. (2003) *Jurisprudencia y política pública para la niñez desvinculada del conflicto armado* In: *Ciro Angarita por la infancia Niñez y conflicto armado: desde la desmovilización hacia la garantía integral de derechos de la infancia Memoria Annual 2002*

children. Children often lack documentation (even though it is protected by the 7th article), their age is falsified or different rules are applied if the recruitment is voluntary.²⁹

Article 38

1. *States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.*
2. *States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.*
3. *States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.*
4. *In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.*³⁰

The main criticism of this article has been that even though the minimum age is 15 years old, but warfare is so horrific that no one should be made to participate in hostilities as a child. The other is that the article is very similar to article 77 of Protocol I additional to the Geneva Convention, and in large parts considered to repeat that article, thereby not bringing any new protection. Furthermore, it is subject to criticism as it is not as strong as the Protocol II to the Geneva Conventions, applicable in non-international conflicts, which provides more absolute and comprehensive prohibition of under age recruitment.³¹

In the 39th article children are given the right to recovery after neglect or abuse. It can surely be said that using children as soldiers is an abuse and therefore their physical and psychological recovery along with reintegration to civilian life should be protected.

²⁹ Brett, R. and McCallin, M. (1996) Children the invisible soldiers Rädda Barnen - Swedish Save the Children. Sweden.

³⁰ Convention on the Rights of the Child United Nations General Assembly resolution 44/25 of 20 November 1989

³¹ Heller, D. (2000) Optional Protocol on the involment of children in armed conflict to the Convention on the Rights of the Childe, see the web page: www.icrc.org/Web/eng

Article 39

*States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.*³²

Here two things must be taken into consideration. The first is that in spite of standards set by international law it depends on the culture to determine what age children turn into adults. When that limit is reached and the children are expected to work and are treated as adults the community also expects them to participate in armed conflicts like other adults.³³ In those cases it is not likely that they will be seen as victims of neglect and therefore will not be able to seek help after they get out of the armed group. The other point is that many children become adults during the time they serve as soldiers. When they return to civilian life they are considered adults and therefore no longer enjoy the protection of The Convention.

When it comes to Colombia's national law, children are protected by the Political Constitution of 1991.³⁴ Article 44 establishes the fundamental rights to a life, personal safety, health care, social security, proper nutrition, a name, nationality, to life with and to have a family, love and care, education, culture, recreation and freedom of expression.³⁵ Children are also protected by the code of Child Protection. To protect children from participation in hostilities child participation in the Armed Forces was limited under law 418³⁶ from 1997. Under that law, forced recruitment of people under the age of 18 in the Armed Forces was banned. What the law did not address was voluntary enlistment, thereby not putting a stop to enlistment of minors. This was changed under law 548 from 1999³⁷, when a complete ban to any kind of recruitment of

³² Convention on the Rights of the Child United Nations General Assembly resolution 44/25 of 20 November 1989

³³ Brett, R. and McCallin, M. (1996) Children the invisible soldiers Rädda Barnen - Swedish Save the Children. Sweden.

³⁴ Interview with David Turizo – See annexe 2

³⁵ Political constitution of Colombia See the web page of Universidad Carlos III Madrid: <http://www.uc3m.es/uc3m/inst/MGP/conscol2.htm> For the original text in Spanish see annexe 3

³⁶ For original text of the law in Spanish see annexe 3

³⁷ For original text of the law in Spanish see annexe 3

minors, forced or voluntary, was established.³⁸ To address the rights of demobilized children there are two Acts, number 128 from 2003, for individual demobilization, and number 3360 from 2003, for group demobilization.³⁹

The Colombian government has been criticized for not changing the code of Child Protection according to the Convention on the Rights of the Child.⁴⁰

In the protection of children it comes down to one question; Does the fact that youth's participation in armed forces is illegal, affect military leaders? It is the question about the connection between theory and practice. Is the law presenting the values of the society?⁴¹ It becomes clear when we look at the facts about children's participation in hostilities around the world that even the widespread ratification of the Convention on the Rights of the Child has not yet managed to be the protecting instrument hoped for. It has not led to the decline in the participation of children, and it becomes clear that value advocacy is needed all over the world.

3.4 Child soldiers in the world

When it comes to the use of child soldiers in the world it is hard to estimate their participation. In most cases the child soldier is hidden, there are no records of them, their age is falsified or the armed groups using them deny their existence. The participation of children in armed conflicts is not a new phenomenon as they have been used as such throughout the history of mankind. The change in their participation that we can see today is related to development of modern weapons. The modern weapons of today are light weight and automatic and this increases the capacity of children to serve as combatants. No longer is the same strength needed to carry heavy weapons and the gap between children and adults is not as visible as it was before.⁴² Their participation means

³⁸ Linares Cantillo, B. (2003) El Instituto Colombiano de Bienestar Familiar Recuento historico, desarrollos y planteamiento crítico In: Ciro Angarita por la infancia Niñez y conflicto armado: desde la desmovilización hacia la garantía integral de derechos de la infancia Memoria Annual 2002

³⁹ Interview with David Turizo – See annexe 2

⁴⁰ Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia (2003) Niños, Escuela y Conflicto Armado en Colombia

⁴¹ Cohn, I. and Goodwin-gill, G. S (1997) Child Soldiers : The Role of Children in Armed Conflict A Study for the Henry Dunant Institute, Clarendon Press, Oxford

⁴² Brett, R. and McCallin, M. (1996) Children the invisible soldiers Rädde Barnen - Swedish Save the Children. Sweden.

that they are denied their childhood and become witnesses or participants in a horrific violence.⁴³ It is true that the estimated number of child soldiers in the world today is hard to determine, but in spite of that some estimation is necessary to understand the phenomenon and to be able to improve the situation of these children. According to UNICEF there are around 300.000 children under the age of 18 participating in over 30 conflicts worldwide. Those children are of both sexes, many of them recruited forcibly, others because of social or family pressure and a part of them are listed as volunteers.⁴⁴ Most of the worlds child soldiers are between 15 and 18 years old, but there are cases of children participating at the age of 10 or even younger.⁴⁵

3. 5 Recruitment

But why are children recruited? There are many reasons that are given for the use of children in armed conflicts. The fact is that children are physically vulnerable and easily intimidated. They normally become obedient soldiers, but at the same time, they put themselves into more danger than an adult soldier.⁴⁶ It seems that once armed groups start recruiting children they tend to increase that kind of recruitment and therefore involve more and more children in hostilities. The recruitment of children has been increasing in the many different conflicts around the world. The reasons for children to join armed groups vary but what can be shown in most cases is that the children do not have many alternatives. Enlistment might be their only way of making a living.⁴⁷

Forced recruitment is often a response to a shortfall in manpower. In prolonged conflicts the armed groups are often under pressure and need additional soldiers. The number of adult volunteers normally drops during the conflict and therefore children become a possible group for recruitment both in government militaries and armed opposition groups. In the case of forced recruitment there are particular groups that are in more danger of becoming victims of recruitment than others. Among these are ethnic, racial or religious minorities and in particular children. It is not always possible for the

⁴³ See the Humans Rights Watch web page: <http://www.hrw.org/campaigns/crp/index.htm>

⁴⁴ See the UNICEF web page: http://www.unicef.org/emerg/index_childsoldiers.html

⁴⁵ See the web page: www.child-soldiers.org

⁴⁶ See the Humans Rights Watch web page: <http://www.hrw.org/campaigns/crp/index.htm>

⁴⁷ Brett, R. and McCallin, M. (1996) *Children the invisible soldiers* Rädde Barnen - Swedish Save the Children. Sweden

community to protect its children. Armed forces terrorize the communities and force people to enlist. Rural communities near the conflict zone are particularly vulnerable. Other methods used are for example abducting children from their homes at night or when they are going unaccompanied to or from school.⁴⁸ The experience in Latin America has been that children in rural areas are in greater danger of being recruited than children in urban areas. In many cases they live closer to the conflict zone which is a risk factor.⁴⁹

Not all recruitment is forced, in some cases it is voluntary, if that term can be used to describe the participation of children in armed conflicts. The motivation of the children's participation lies in the roots of the conflict. In the social, economic and political environment defining their lives. The pressure or message that lead children into volunteer enlistment might come from their parents, schools, religious communities or other community-based institution.⁵⁰ Interviews with children, that claimed they volunteered for service, in most cases revealed the lack of economic and educational opportunities, both for them and their families.⁵¹ Many of these children are brought up in circumstances of social injustice that affects their vision of the conflict. This social and structural violence leaves the children with few alternatives and often the reasons for enlistment are economic. In many cases the only alternative to enlistment is unemployment. Even though volunteer enrolment can often be explained by lack of opportunities it can not be ruled out that children might have ideological reasons for joining the armed forces in spite of their young age.⁵²

Education is another factor that influences voluntary enlistment. Children that do not have any educational opportunities are in more danger of recruitment than those who do.⁵³ Limited access to education or educational opportunities related to society's needs can be a reason for volunteering. In some cases children are promised education upon

⁴⁸ Ibid.

⁴⁹ Instituto Interamericano del Niño (2002) Niños, niñas y adolescentes involucrados en conflictos armados IIN, Montevideo

⁵⁰ Cohn, I. and Goodwin-gill, G. S (1997) Child Soldiers : The Role of Children in Armed Conflict A Study for the Henry Dunant Institute, Clarendon Press, Oxford

⁵¹ UNICEF East Asia and Pacific Regional Office (2002) Adult Wars, Child Soldiers: Voices of children involved in Armed Conflicts in the East and Pacific Region UNICEF, Thailand

⁵² Brett, R. and McCallin, M. (1996) Children the invisible soldiers Rádda Barnen - Swedish Save the Children. Sweden

⁵³ UNICEF East Asia and Pacific Regional Office (2002) Adult Wars, Child Soldiers: Voices of children involved in Armed Conflicts in the East and Pacific Region UNICEF, Thailand

enlistment and when education of former child soldiers is studied the lack of education is more a characteristic among children that volunteer than of those recruited forcibly. Their hope or dreams of receiving education upon enlistment were not fulfilled.⁵⁴ To add to often falsified offers on behalf of the armed groups children have in most cases very unrealistic ideas of what it means to be a soldier. They relate the soldiers' uniform with powerful images of soldiers that provoke fear and respect. In many cultures and in conflict zones the family and society glorifies the soldier making him a mythical figure. This helps create this incorrect image that children might have about the soldier's life.⁵⁵ With limited options and living in a reality that is defined by the conflict children can see the enlistment as a positive step. It may be seen as a step towards their own personal security, as they might be threatened by street gangs, they might be unaccompanied, that is not in the company of parents or adult family members, or come from a violent home. In the armed group they find the sense of home, stability, loyalty, discipline and empowerment that they were lacking in their civilian life.⁵⁶

3.6 Preventing child recruitment

Education is an important factor in preventing child recruitment. Sadly it will never be known how many children could have been kept away from armed groups if schools had been kept open or as safe zones. If their families' source of income had been guaranteed or if real alternatives had existed.⁵⁷ If the society has good infrastructure and services for children and adolescents are guaranteed it is easier to prevent recruitment. Schools, healthcare centres, recreation opportunities such as cultural and sport centres can provide a healthy environment for children.⁵⁸ Where child recruitment is already taking place the strategies used to prevent it must focus on the reason for the children's participation in hostilities. The reasons can be factors of the war, or social and economic factors, all

⁵⁴ Brett, R. and McCallin, M. (1996) *Children the invisible soldiers* Rädda Barnen - Swedish Save the Children. Sweden

⁵⁵ UNICEF East Asia and Pacific Regional Office (2002) *Adult Wars, Child Soldiers: Voices of children involved in Armed Conflicts in the East and Pacific Region* UNICEF, Thailand

⁵⁶ Cohn, I. and Goodwin-gill, G. S (1997) *Child Soldiers : The Role of Children in Armed Conflict* A Study for the Henry Dunant Institute, Clarendon Press, Oxford

⁵⁷ Ibid.

⁵⁸ See *Situación de la Infancia* on the web page www.unicef.org

depending on the society and the conflict and must be analysed in each case.⁵⁹ As discussed before, children do not all recruit for the same reasons and the prevention strategies must deal with the problem in all its forms and complexities.

In conflict zones the children's families, in fact their whole community, must be informed about the rights of the children. That type of education can prevent the glorification of the armed conflict, the creation of culture of violence and therefore increasing participation of their children in the armed conflict.⁶⁰ They have to learn that children's involvement in armed conflicts is not inevitable.

3.7 The treatment of children in armed groups

The treatment of children in armed groups differs from one group to another, and between countries and cultures. What it has common is that by using children in hostilities their vulnerability is being exploited⁶¹ like mentioned before in this text.

The training children receive varies. In some cases they do not receive any training and are sent straight to battle when in other cases they receive years of ideological education mixed with military training and yet are only given minor tasks and do not go into combat.⁶² When the training and treatment is more violent the children live in poor condition often lacking both food and shelter and are exposed to daily violence. There are cases of children being forced to go into their villages or towns and commit acts of violence, often killing family members or neighbours. This is done to minimize the change the child has to return to his or her home and therefore minimizing the possibility of an escape from the armed group. To prevent the children from escaping new recruits are in some cases moved to posts far away from their home. Away from the environment they know there is little chance of escaping and finding their way back home.⁶³

⁵⁹ Cohn, I. and Goodwin-gill, G. S (1997) Child Soldiers : The Role of Children in Armed Conflict A Study for the Henry Dunant Institute, Clarendon Press, Oxford

⁶⁰ UNICEF East Asia and Pacific Regional Office (2002) Adult Wars, Child Soldiers: Voices of children involved in Armed Conflicts in the East and Pacific Region UNICEF, Thailand

⁶¹ Cohn, I. and Goodwin-gill, G. S (1997) Child Soldiers : The Role of Children in Armed Conflict A Study for the Henry Dunant Institute, Clarendon Press, Oxford

⁶² Ibid.

⁶³ Ibid.

3.8 Participation of children in hostilities

Using children in armed conflicts puts them at danger of being killed or wounded in the battlefield. They lack experience and because of their immaturity they suffer higher casualties than their adult counterparts.⁶⁴ However, this is not the only threat to them caused by their participation. The children are forcibly taken away from the innocence of their childhood, lose their possibilities to enjoy education, can not be with their families or learn the family and community tradition. The psychological affect is very severe and lasts a lifetime. They are confronted with horrific violence at the time of their lives when they are going through important stages of mental, physical, emotional and moral development on their road to adulthood. Their participation in hostilities might expose them to multiple violence such as torture, maltreatment, sexual abuse, health problems, drug and alcohol abuse, etc.⁶⁵ This exposure to violence increases the possibility of them becoming involved in illegal activity after they leave the armed group, such as burglaries, armed robberies, drug abuse, etc. This has a serious consequences for the whole society and is a threat to its peace, security and stability. The increasing participation of children in armed conflicts may in many cases cause difficulties in re-establishing peace and might delay it even for decades.⁶⁶

When children are continually exposed to violence they almost always change their beliefs and attitudes, including a fundamental loss of trust in other people.⁶⁷ Child soldiers are normally constantly afraid because they can not understand the cruelty of the conflict. They can not show their fear as it might put them into danger. Their nightmares reveal their fears and the trauma caused by the violent experience. Children that have witnessed assassinations say that they feel frustrated and vulnerable and that they sympathize with the victims. To justify their role in the violence they use arguments like if they do not kill the enemy, the enemy will kill them. At first they feel very afraid but with time they become numb even though the fear never really leaves. The numbness is

⁶⁴ See the Humans Rights Watch web page: <http://www.hrw.org/campaigns/crp/index.htm>

⁶⁵ Rojas Rodriguez, J. E. et al. (2000) Esta guerra no es nuestra: Niños y desplazamiento Forzado en Colombia. UNICEF, Colombia

⁶⁶ Brett, R. and McCallin, M. (1996) Children the invisible soldiers Radda Barnen - Swedish Save the Children. Sweden

⁶⁷ UNICEF (1996) Impact of Armed Conflict on Children : Report of Graça Machel, Expert of the Secretary-General of the United Nations - Selected Highlights United Nations Department of Public Information, New York

their way of protecting themselves, a way to survive.⁶⁸ This long time exposure to violence normally traumatizes the children and change their behaviour. Often they stop playing and laughing, lose their appetites and withdraw from social contact. They might become depressed and feel hopeless about their future.⁶⁹ Furthermore they might be unable to think in terms of their future as military environment does not encourage them to do so. On the contrary the military environment often punishes them for thinking of their future. With time they become unable to plan for the future and develop long-term goals.⁷⁰

Along with the psychological affects children may experience all kinds of other problems like health related problems. It can be hard for them to get medical attention not only because of their situation as combatants but also because health facilities come under attack in most wars and are forced to close or provide poor services. The health problems can be caused by injuries, bad hygiene or malnutrition.⁷¹

3.9 Demobilization

Child-demobilization is not very common in armed conflicts and is most often related to some kind of an agreement (peace ore ceasefire) between the parties of the conflict.⁷² To encourage demobilization the socio-economic conditions for the soldiers as civilians must be better than their current situation. Furthermore children must be guaranteed amnesty if they demobilize. Those condition are important as young people are not likely to demobilize if what waits them is poverty or jail. They need to be faced with real alternatives.⁷³

⁶⁸ UNICEF East Asia and Pacific Regional Office (2002) Adult Wars, Child Soldiers: Voices of children involved in Armed Conflicts in the East and Pacific Region UNICEF, Thailand

⁶⁹ UNICEF (1996) Impact of Armed Conflict on Children : Report of Graça Machel, Expert of the Secretary-General of the United Nations - Selected Highlights United Nations Department of Public Information, New York

⁷⁰ Barnitz, L. A. (1997) Child Soldiers; Youth who participate in armed conflict Youth Advocate Program International, New York

⁷¹ UNICEF (1996) Impact of Armed Conflict on Children : Report of Graça Machel, Expert of the Secretary-General of the United Nations - Selected Highlights United Nations Department of Public Information, New York

⁷² Instituto Interamericano del Niño (2002) Niños, niñas y adolescentes involucrados en conflictos armados IIN, Montevideo

⁷³ Cohn, I. and Goodwin-gill, G. S (1997) Child Soldiers : The Role of Children in Armed Conflict A Study for the Henry Dunant Institute, Clarendon Press, Oxford

3.10 Social reintegration of former child soldiers

Armed conflicts undermine the foundations of children's lives, destroying educational and health systems, breaking up homes and breaking down trust among people. The whole society needs to start over again building up its structure and relations and trust between people. The United Nations have implemented the importance of education in both conflict and post conflict situations;

“Education has a crucial preventive and rehabilitative part to play in fulfilling the needs and rights of children in conflict and post-conflict situations. Education also serves much broader functions. It gives shape and structure to children's lives and can instil community values, promote justice and respect for human rights and enhance peace, stability and interdependence.”⁷⁴

When child soldiers return to civil life they are forced to face their past and find ways to survive with their memories and their doings during their participation in the conflict. These children often have very high hopes towards education and think that education will bring them back to a normal life. It is easier for the younger children to enjoy the opportunity that education can give them. It is easier for them to make up for lost time and gain the same educational level as children their age. The younger ones also have a greater possibility to reintegrate to civilian life. Teenagers experience more difficulties in returning to civilian life and often find it hard to start their education again because of their age. They often feel that their opportunity to enjoy education has passed them. This is an obstacle that they need help to overcome.⁷⁵

It is important to develop education that has a curriculum that can be applied in the society. Finding educational solutions for child soldiers is not easily done as their problems and situations are both difficult and different within the group. It is not possible to apply foreign educational theories and solutions without adopting them to the social and cultural reality in each country. Programs for child soldiers reintegration to society

⁷⁴ UNICEF (1996) Impact of Armed Conflict on Children : Report of Graça Machel, Expert of the Secretary-General of the United Nations - Selected Highlights United Nations Department of Public Information, New York

⁷⁵ UNICEF East Asia and Pacific Regional Office (2002) Adult Wars, Child Soldiers: Voices of children involved in Armed Conflicts in the East and Pacific Region UNICEF, Thailand

are known to have failed because they apply outside values and models with no translation or consideration of whether they will work in other context and culture⁷⁶ Family and community based solutions are best to guarantee the children's well-being. There has to be a integration between modern knowledge of the child's development and rights and local culture and values. That leads to more sustainable solutions to meet the children's needs. That kind of solutions are essential to the child's reintegration and because of the importance of the family based solutions, reuniting families, finding foster care for unaccompanied children and orphans, and helping the family in the healing process is of great importance.⁷⁷

In reintegration of children to civil life it is important to establish daily routines like going to school, preparing meals or participating in other daily activity of the family. In addition to the daily routine it is important to provide them with both intellectual and emotional stimulation.⁷⁸ Child soldiers have not enjoyed socialization like their adult counterparts before joining the armed forces. Therefore they receive their socialization within the armed group and it is stunted by soldiering. They have difficulties in discerning right from wrong and often believe that the only power that they have comes from a gun. Living peacefully with other is a behaviour they must learn, as they are not returning to norms of civilian life like adults do, but rather experiencing them for the first time.⁷⁹

⁷⁶ See www.berkeley.edu/news Child soldiers and childhood in Sierra Leone studied by UC Berkeley graduate student.

⁷⁷ UNICEF (1996) Impact of Armed Conflict on Children : Report of Graça Machel, Expert of the Secretary-General of the United Nations - Selected Highlights United Nations Department of Public Information, New York

⁷⁸ Ibid.

⁷⁹ Barnitz, L. A. (1997) Child Soldiers; Youth who participate in armed conflict Youth Advocate Program International, New York

4. The Colombian conflict

The Colombian conflict has become very complicated and has lasted for a long time. Actually the conflict has become so complicated that people can dedicate their lives to analysing it, this analysis has become so important that the Colombians have a special name for the people that dedicate their lives to these studies, they are called "violentologists". The conflict is constantly changing and that makes it difficult to understand and updating of information harder. What is news today might be history tomorrow. Various and important changes can occur within a week.⁸⁰

Defending Human Rights in the country is not a safe field. Human rights defenders put themselves at risk as homicides, attacks, forced disappearances and hostage-taking are methods used to stop their work. It is most often the paramilitary groups that are responsible for the attacks on human rights defenders but in some cases the guerrillas are the perpetrators, although to a lesser degree. Government officials question the nature of the work of human rights defenders and in some cases accuse them of being at the service of terrorism.⁸¹ But what lead to the critical human rights situation in Colombia? To understand today's situation it is necessary to have some knowledge of the history of the conflict. It is not my intention here to analyse the whole conflict, only to mention the most important development in a long and violent history with hopes to better understand the current situation and the use of children in the conflict.

4.1 Actors formed

At the beginning of the twentieth century the political division in Colombia was very clear, the political power was dominated by two political parties, The Liberals and The Conservatives. The political opinions of people were well known and the elections in the country were not anonymous, actually there were two boxes for the votes, one red for those who voted for the Liberals and a blue one for those who voted for the Conservatives. This division affected the daily life in Colombia and people kept to their

⁸⁰ Interview with Jorge Vallés - See annexe 2

⁸¹ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

political group in relationships with neighbours, in business, etc.⁸² It was in this environment that the first conflict that affects the current situation started. It is called "The Violence" (La Violencia) and during the conflict and in its aftermath the actors participating in the ongoing conflict in Colombia today were formed.

The Liberal party had been growing stronger since the 1930's, unions were formed, new legislations were passed and the influence of the State grew stronger. At the same time the middle class was rapidly forming and farmers felt that they were being left out in the political debate. Their interests were not the same as the interests of the middle class and many farmers felt that they were becoming a third class citizens in their own country.⁸³ This increasing class division caused the division of the liberal party into two, one part being lead by the Gabriel Turbay and the other, that was more liberal, lead by Jorge Eliéce Gaitán who was known by the name "*el lobo*" or "*the wolf*". He was a syndicalist known for fighting for the rights of agricultural workers.⁸⁴

Both the tension within the Liberal party and the discontent with the country's leadership lead to a change in the political arena in Colombia in 1946. The Liberals that were in power lost the presidential elections and the Conservative Mariano Ospina Pérez won the presidency with 42% of the votes.⁸⁵ This was the beginning of a struggle between the two leading parties for the political power in Colombia. Gaitán the left wing leader played an important role in the politics at that time. His struggle for peace and social justice was popular among the working class and in 1947 he won the elections for the Colombian congress. The working class felt empowered by his victory and the social tension increased with both strikes and public protesting. The right wing that had paramilitaries on its side fought against the left wing and at the end of that year 14,000 people had lost their lives due to the political conflict.⁸⁶

This conflict was a struggle for the bureaucratic and ideological power in the country and it was almost impossible for other actors, beside the two controlling parties,

⁸² Interview with Alicia Mahecha Contreras, see Annexe 2

⁸³ PNUD (2003) *Callejón con salida* Informe nacional de Desarrollo Humano en Colombia 2003, PNUD, Colombia

⁸⁴ Louis Proyect (1999) *Revolution in Colombia, part one: historical background* See the web page: www.hartford-hwp.com/archives/42/059.html

⁸⁵ See Library of Congress See the web page: <http://lcweb2.loc.gov>

⁸⁶ Louis Proyect (1999) *Revolution in Colombia, part one: historical background* See the web page: www.hartford-hwp.com/archives/42/059.html



to compete for power.⁸⁷ The political pressure kept on increasing and Gaitán participated in manifestation along with 100,000 civilians in Bogotá in March 1948 promoting peace and a pacific solution to the violence. That same month president Ospina was having troubles in his government that ended with the resignation of the Liberals. It was on April 9th of that year that the violence rose to its highest level. In the middle of the day Gaitán was assassinated, his death increased the frustration between social classes and caused a riot in Bogotá.⁸⁸ The day of Gaitán's assassination was extremely violent in the capital, in the riot 2,000 people were killed and a great part of the cities centre was destroyed this first chapter of the increasing violence is called "*Bogotazo*" and it's origins are to be found in the social inequality that was increasing at the time.⁸⁹

In the aftermath of the "Bogotazo" president Ospina managed to re-established law and order in the city, but that did not stop the violence, on the contrary the violence increased in the countryside especially in the Andes, the Caribbean coast and the Southern Nariño. The only answer that the government had was becoming more oppressive and banning public political meetings. At the end they closed the congress in 1949.⁹⁰ The political crises in the country increased when the Liberals refused to participate in the presidential elections that same year. The Conservative presidential candidate, Gómez was the only candidate and took over in 1950. The repression of the people increased in his presidency that only lasted one year because of his health problems. Roberto Urdaneta Arbeláez took Gómez place while he was getting better. But in 1953 when Gómez planed to serve as president again others had different agendas. The general Gustavo Rojas Pinilla seized power and formed a military regime. Rojas Pinilla wanted to diminish the violence in the country and began offering amnesty to guerrilla groups and outlaws if they would disarm. Thousands of guerrillas and outlaws accepted the offer and at the beginning of the military regime life in Colombia was more peaceful than it had been for a long time. But at the same time that Rojas Pinilla offered the amnesty, his military regime became more repressive and that did not only affect the public but also the political elite of the country, that is the Conservatives and the Liberals.

⁸⁷ PNUD (2003) *Callejón con salida* Informe nacional de Desarrollo Humano en Colombia 2003, PNUD, Colombia

⁸⁸ Louis Proyect (1999) *Revolution in Colombia, part one: historical background* See the web page: www.hartford-hwp.com/archives/42/059.html

⁸⁹ See Library of Congress see the web page : <http://lcweb2.loc.gov>

⁹⁰ *Ibid.*

At the end the political elite saw no way out of the situation other than coalition.⁹¹

The two parties formed a coalition named The National Front (El Frente Nacional) to re-establish the democratic system and their first president was elected in 1958. The coalition remained in power until 1974. To keep peace in the country was more easily said than done and soon different political opinions emerged. People were unsatisfied with the political solutions or lack of solutions to the country's problems. The social inequality did not diminish and guerrilla groups became more powerful, drug traffic was a problem and the lack of respect for law and order increased.⁹² The National Front did put to an end the conflict in the cities but what it did not do was address the problem caused by guerrilla groups that were fighting for social justice in the rural areas. It was in the rural areas that FARC (Revolutionary Armed Forces of Colombia) and other guerrilla groups participating in the conflict today were originally formed.⁹³

4.2 The Revolutionary Armed Forces of Colombia - FARC

FARC is one of the first guerrilla groups that were formed in Colombia and at the same time it is one of the best organized guerrilla movements in Latin America. They were originally formed in 1947 after Ospina Pérez became president but the origin of the group goes further back. It was a man named Manuel Marulanda who formed the FARC with 14 farmers in the Marquetalia zone. They were independent farmers who denied to participate in the civil war in the country and formed independent communities. The military was sent in to destroy the community and displace the population⁹⁴ There for the FARC has a long history in the conflicts of Colombia and can in many ways be compared to the guerrillas of the Cuban revolution. Their ideology is to the left and fight against what they call the United States imperialism in Latin America. In justifying their cause they argue that the right wing only exists to protect the rich and not to help the poor.⁹⁵

FARC is now the largest guerrilla movement in Colombia with more than 16,000

⁹¹ See Library of Congress see the web page : <http://lcweb2.loc.gov>

⁹² Loprete, C. A. *Iberoamérica : Historia de su civilización y cultura* Prentice Hall Inc., New Jersey

⁹³ PNUD (2003) *Callejón con salida* Informe nacional de Desarrollo Humano en Colombia 2003, PNUD, Colombia

⁹⁴ Petras J. (2001) *Colombia: The FARC and the Trade Unions* See the web page www.colombiapace.org

⁹⁵ Louis Proyect (1999) *Revolution in Colombia, part one: historical background* See the web page: www.hartford-hwp.com/archives/42/059.html

members and has strong control in 40-50% of the countries municipalities. They have always used illegal methods to fund their movement like kidnapping for ransom, security taxes or taxes on drug traffic.⁹⁶ After the Colombian Plan started in the 1990's the FARC has used it's tax system in an extreme way. They argue that the people that are kidnapped are imprisoned because they have not paid their tax. A tax that the FARC collects from people whose assets exceed US\$ 1 million⁹⁷ Regarding illegal drug trafficking much of the coca grown in Colombia is grown in areas the movement controls and in some cases the movement does not seem to limit their involvement to taxation of coca farmers in the areas they control. It seems that in some areas in the south of Colombia FARC units have become involved directly in the trafficking by controlling local cocaine base markets and assisting in transporting and storing cocaine.⁹⁸ The FARC-EP has used selective homicides against local officials, social leaders, teachers and candidates as one of their tactics and continued to do so in 2003. They attack the civilian population directly disregarding their immunity. In 2003 the group continued terrorizing the civilian population with car bombs and other terrorist attacks, they also used civilians to transport explosives in some cases children and took hostages that in some cases were both tortured and killed⁹⁹

4.3 Camilist Union-Army of National Liberation - UC-ELN

The UC-ELN is a coalition of two guerrilla groups with it's roots in the revolutionary atmosphere of the 1960's. It was originally formed by students that had received training in Cuba and wanted to attempt to follow the Cuban model of rural rebellion.¹⁰⁰

The UC-ELN is a small group, but powerful in the areas it controls, even though for the past years they have lost some territories to the paramilitaries. It is lead by a five member central command and has around 4,500 members. The group has been diminishing in the past years, on the contrary to development among the FARC-EP and

⁹⁶ Petras J. (2001) Colombia: The FARC and the Trade Unions See the web page www.colombiapeace.org

⁹⁷ Chomsky N. (2000) The Colombia Plan April 2000 See the web page: www.zmag.org

⁹⁸ Colombia Program See the web page: <http://ciponline.org/colombia/inforcombat.htm>

⁹⁹ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

¹⁰⁰ Colombia Program See the web page: <http://ciponline.org/colombia/inforcombat.htm>

the paramilitaries.¹⁰¹ It is believed that the UC-ELN benefits less from the drug traffic than other illegal armed forces in the country and that they rely more heavily on kidnapping and extortion to finance their battle. The extortion is mainly directed towards the petrol industry and multinational companies, sectors dominated by foreign interests.¹⁰² The UC-ELN was reported to continue its activity in 2003, taking hostages and being involved in selective homicides.¹⁰³

4.4 Paramilitaries

At the end of the 1970's and during the 1980's paramilitary groups started forming in Colombia. These groups were accepted by the State, something that is crucial for their existence. They protected with force both groups and individuals and were the answer that the middle and upper classes along with drug traffickers had towards the guerrilla movements, especially in rural areas but also in urban areas like Medellin.¹⁰⁴

It was in the 1970's that the Colombian military started fighting against urban guerrillas especially M-19.¹⁰⁵ In 1982, along with the United States military, they formed an alliance with drug traffickers in Medellin. One year before this alliance was formed the M-19 had kidnapped few of the founders of the Medellin drug Cartel and the Cartel had formed a group to fight the guerrillas called the MAS.¹⁰⁶ In 1982 MAS was responsible for more than 240 political assassinations and their victims were farmers, local leaders and public officials. When the alliance with the military was formed the group became a paramilitary group and still exists as such.¹⁰⁷ They have though changed their name into AUC that is an alliance of several paramilitary groups and stands for United Self-Defence Groups of Colombia. The paramilitaries that form this coalition come from all parts of the country.¹⁰⁸

¹⁰¹ Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia

¹⁰² Colombia Program. See the web page: <http://ciponline.org/colombia/inforcombat.htm>

¹⁰³ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

¹⁰⁴ Inter-American Commission on Human Rights – Organization of American States (1999) Third Report on the Human Rights situation in Colombia 26 February 1999, Doc 9. rev.1

¹⁰⁵ M-19 stands for "Movimiento 19 de Abril" and was formed in 1972

¹⁰⁶ MAS stands for "Muerte a Secuestradores" or "Death to Kidnappers"

¹⁰⁷ Carrigan (1995) Violence in Colombia NAACL Report on the Americas March/April 1995

¹⁰⁸ Human Rights Watch (1998) War Without Quarter : Colombia and International Humanitarian Law

4.5 United Self-Defence Groups of Colombia - AUC

The AUC alliance is the largest paramilitary force in Colombia, a coalition of ten smaller groups, within whom the ACCU¹⁰⁹ is both the largest and most public group.¹¹⁰ The AUC is present in all parts of Colombia including the largest cities like Bogotá, Medellín and Cali. They claim to have 11,000 armed members and seem still to have the support of Colombia's armed forces and the local Police even though the Government made AUC existence illegal in 1989, and along with the United States defined the group as a terrorist group.¹¹¹ The Government has not been successful in fighting the existing ties between public servants and the paramilitaries. On the contrary the ties continue to exist and seem to be strengthening. In spite of documents about widespread collaboration between public servants and paramilitaries here is a lack of investigations related to serious human rights violations committed by these allies.¹¹²

The financing of the paramilitary groups has not changed since they were originally formed and is therefore still drug traffic.¹¹³ From the 1980's the paramilitaries have used selective assassination and forced disappearances, massacres and forced displacements (sometimes of entire populations) to gain control. The group is responsible for the largest part¹¹⁴ of killings associated with Colombia's conflict¹¹⁵, it is therefore one of the main violators of human rights in Colombia today.

In December 2002 the AUC declared a ceasefire and on the 15th July 2003 they signed an agreement with the Government in Santa Fe de Ralito. The parties agreed to total demobilization of the paramilitary forces by 2005. The demobilisation started at the end of November 2003, when 870 paramilitaries surrendered their weapons in Medellín and formally started their preparation for reintegration to society. The ceasefire has unfortunately not stopped the paramilitaries' violation of the rights of the civil population. In

¹⁰⁹ Autodefensas Campesinas de Córdoba y Urabá / Peasant Self-Defence Groups of Córdoba and Urabá

¹¹⁰ Other groups of the alliance are: Mountain Self-Defence Group (Autodefensas de la Sierra), the Southern Cesar Self-Defence Group (Autodefensas del Sur del Cesar); the Tolima Self-Defence Group (Autodefensas del Tolima); the Puerto Boyacá Self-Defence Group (Autodefensas de Puerto Boyacá); Ramón Isaza's Self-Defence Group (Autodefensas de Ramón Isaza), the Cundinamarca Self-Defence Group (Autodefensas de Cundinamarca).

¹¹¹ Human Rights Watch (2003) *Aprenderás a no llorar - Niños combatientes en Colombia*

¹¹² United Nations Economic and Social Council (2004) *Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13*

¹¹³ Human Rights Watch (2003) *Aprenderás a no llorar - Niños combatientes en Colombia*

¹¹⁴ In some cases considered responsible for up to 80% of killing related to the conflict

¹¹⁵ *Colombia Program*. See the web page: <http://ciponline.org/colombia/inforcombat.htm>

spite of the paramilitaries commitment to demobilization and ceasefire they committed in 2003 massacres, selective homicides and hostage taking. Like before their victims are mainly people that they accuse of having ties to the guerrilla groups, social leaders and public officials that are opposed to them and rivals for control of illegal business.¹¹⁶

4.6 Coca cultivation and the Plan Colombia

The cultivation of coca as it is known today began in Colombia in the 1950's. In the fight for the best agricultural land displaced farmers were forced to use the tropical forest for their cultivation. Land that is not suitable for traditional cultivation but good for alternative cultivation like coca-cultivation. The markets for coca were more stable than markets for traditional cultivation and the prizes were higher. Colombia was competing with other agricultural countries on international markets and was not doing well. The United States had a great influence in the region and the new order for the Latin American countries was mono-cultivation and in the case of Colombia it was their role to cultivate coffee beans and other products for whom world market prices were not stable. Unstable prices caused economic problems for small farmers in Colombia and they had little else to turn to than the illegal cultivation. For them it was the matter of survival for their families and the fact that the cultivation was illegal did not stop them.¹¹⁷

Colombia and United States have been cooperating for a long time when it comes to drug-traffic, both in fighting it and controlling it. This history goes back to the 1960's. Coca and marijuana cultivation changed the traditional cultivation in Colombia's countryside and the illegal drug trade formed new powerful sectors in society, the drug Cartels. The power the drug traffickers had put in danger the sovereignty of Colombia and the Government had to ask for outside help and turned to the United States. Colombia started receiving military aid to fight the cartels and the violence in the country rose. The civil population was caught up in the middle of a war between the cartels and the State.¹¹⁸ It was furthermore complicated as other actors entered the battle, fighting for a different cause, only in the same country. This history has already been mentioned as

¹¹⁶ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

¹¹⁷ Chomsky N. (2000) The Colombia Plan April 2000 See the web page: www.zmag.org

¹¹⁸ Get up stand up, video in the program Our America

the formation of today's actors was described. It is the current fight, or Plan Colombia, that is affecting the situation today.

The Plan Colombia is a plan formed by the governments of the United States and Colombia to fight the drug traffickers and the insecure situation in Colombia. The plan was formed at the beginning of the Clinton administration in the 1990's, as a part of two years program during which time Colombia would receive U.S. \$1,6 billions in aid. The plan lasted longer than Clinton's presidency as the current George W. Bush administration is still running the program.¹¹⁹ Of the total aid 83% of Plan Colombia is military aid which has led to an increase in the internal conflict in Colombia and therefore made the human rights situation in the country worse. The plan has caused serious increase in internal displacement of the population, putting civilian in more danger of being dragged into the conflict, directly or indirectly.¹²⁰ In the year 2004 it is estimated that Colombia will receive U.S. \$551 million in military aid and 150 millions in economic and social assistance programs. What is interesting regarding the economic and social assistance is that all the assistance is for one category; International Narcotics Control, that is State Department managed funding for counter-drug economic and social aid. Nothing goes to economic support funds and development assistance.¹²¹

The official enemy of Plan Colombia are the guerrilla movements, especially the FARC-EP and the UC-ELN. They have been called "drug-guerrillas" by the US authorities that claim the guerrillas control the cultivation of coca and the production and exportation of cocaine. Other arguments have been heard from the United Nations as Klaus Nyhold director of the UN-Drug Control program has argued that the link between the guerrillas and drug traffic is not that simple and that the drug traffic in Colombia is not easily analysed. The fact is that all of the actors in the Colombian conflict benefit in some way from the drug traffic, and that corruption and involvement in the illegal act exists in all ranks. Among the Armed Forces, among paramilitaries and among the guerrillas. What is known for a fact is that the drug traffic is the main financial resource

¹¹⁹ Chomsky N. (2000) The Colombia Plan April 2000 See the web page: www.zmag.org

¹²⁰ Podur J. (2001) Human Rights in Colombia, Andres Sanchez Colombian Commission of Jurists Based on a presentation in Bogotá to a Witness for Peace delegation, July 2001. See the web page: www.zmag.org

¹²¹ The Centre for International Policy's Colombia Program See the web page: www.chiponline.org/colombia/aidtable.htm

driving the internal conflict whether it is used directly or indirectly.¹²²

4.7 The current situation

Since 1999 the conflict in Colombia has been intensifying and it continued to do so in 2003.¹²³ The guerrillas, the paramilitaries and the Colombian Armed Forces have been strengthening their forces. Forced internal displacement of the population has increased and today close to two million people are internally displaced. It is only in the regions of San Andrés and Provincia that people have not been forced to leave their homes. The displacement is not the only problem the country is facing. The health-care system has been worsening and the same goes for the school system. This is directly related to poorer economic condition of the country than began in 1997.¹²⁴ Today civilians are caught up in a triangular war between the Armed Forces, the guerrillas and the paramilitaries that all contribute to the violation of fundamental human rights.¹²⁵

Solving the economic problems in Colombia has not been a successful battle. The Government has started privatising State owned companies or services like in telecommunication and health-care in part to prevent demonstration to the severe economic situation from the civil society.¹²⁶ Poverty continues to increase, accompanied by social injustice, enlarging the gap between the rich and the poor. The conflict and the internal displacement play a mayor role in this development, and the situation puts at a great risk the rights of vulnerable groups.¹²⁷ The economic situation forms a part of the structural violence the public is faced with. Political presentation is missing, the participation of the civil society is not enough and more than half of the population is living under the official poverty line. It seams that the society needs to be reconstructed

¹²² Chomsky N. (2000) The Colombia Plan April 2000 See the web page: www.zmag.org

¹²³ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

¹²⁴ Panorama de la situación colombiana. Introducción a las crisis de Colombia. Presentation of the UNHCR at the Institution of Latin American Studies (IDELA), National University, Costa Rica. May 21st 2003

¹²⁵ Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia (2003) Niñez, escuela y conflicto armado en Colombia

¹²⁶ Mondragon H. (2003) Uribe in Wonderland Znet Colombia Watch July 30, 2003. See the web-page: www.znet.org

¹²⁷ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

to attack the problems the nation is facing.¹²⁸

The unemployment rate is high, official unemployment is 20% but 30% of the population is believed to be underemployed.¹²⁹ Due to the high unemployment rate, the informal economy has been growing and it is believed that around 10% of the population works in the informal sector¹³⁰. One of the tragic sides of this situation is that child labour increases and it is estimated that 2 million Colombian children are working in the country. Most of them work 8 to 9 hours a day, six days a week, in sectors like mining, flower industry and in coca fields. These children have little chance of getting an education and improving their lives and 60% left school before finishing primary education.¹³¹ Not only is the educational level poor but domestic violence in all forms is common, at least in some regions of the country. Physical punishments are considered normal in the upbringing of a child. This means that they are not only subjective to this kind of violence within the household but also in the class room where the same kind of punishment is often used. Violence is one of the factors that increases the possibility of a child becoming involved in the armed conflict.¹³² It also demonstrates that the nation lacks capability to resolve their daily problems with peaceful way like with conversation and negotiation.¹³³

North-American influence has been strong in the Colombian economic for a long time, like in the rest of the Latin American region. With the constitutional changes in 1991 the emphasis was put on a capitalist system, it is by many believed that the changed policy in the countries economic policy is more in the benefit of the United States than Colombia. That the system being used is not for the benefit of the Colombian economy

¹²⁸ Podur J. (2001) Human Rights in Colombia, Andres Sanchez Colombian Commission of Jurists Based on a presentation in Bogotá to a Witness for Peace delegation, July 2001. See the web-page:

www.zmag.org

¹²⁹ Panorama de la situación colombiana. Introducción a las crisis de Colombia. Presentation of the UNHCR at the Institution of Latin American Studies (IDELA), National University, Costa Rica. May 21st 2003

¹³⁰ The population in Colombia today is around 44 millions

¹³¹ Groth H. (1998) 2.5 million children forced to work in Colombia 13 April 1998. See the web-page: www.hartford-hwp.com

¹³² This does not mean that domestic violence automatically leads the child to enlistment, only that it's one of the risk factors. Also this implication of domestic violence and violence in the class room does not mean that it's the case in every home or every class room. Only that it is a tendency among large parts of the population.

¹³³ Defensoria del Pueblo & UNICEF, La Niñez y Sus Derechos Boletín № 8, December 2002, Bogotá, Colombia

nor the Colombians.¹³⁴ The economic reforms of the 90's were criticised by many analysts both national and international, including the American Nobel Prize winner, Joseph Stiglitz, that said that the unemployment caused increasing violence and that the solutions to the violence were not necessarily the solutions to the economic situation. He continued that as one of the poorest countries in the region the solution for Colombia might not be in changing economic plans but rather in approving the existing plan.¹³⁵

Human Rights activists say that the human rights situation in Colombia has been getting worse since Álvaro Uribe Vélez was elected president in August 2002. His policy has been towards a more authoritarian state with the emphasis on increasing military power. This has caused the political imbalance to increase and political representation has become more difficult. Furthermore it violates many of the basic human rights of the citizens, including rights established in the 1991 Constitution.¹³⁶ This argument has been supported in the latest report of the United Nations High Commissioner for Human Rights (UNHCHR) on the situation in Colombia.

The human rights situation in Colombia is and continues to be critical. In 2003 the Colombian office of the UNHCHR received complaints of violations of the right to life, to physical integrity, to impartiality of the judicial system, to respect for privacy and intimacy as well as the fundamental freedoms of circulation, residence, opinion and expression and to the political rights.¹³⁷ Children are victims of all kinds of violence in the country today, they disappear, they are kidnapped, abused sexually, forced into prostitution, displaced, recruited or involved in the armed conflict in other ways¹³⁸ as says in the human rights report considering the violation against children;

Large numbers of children continued to be the victims of violations of the right to life and are also affected by abandonment, child labour, sexual exploitation

¹³⁴ www.rebelion.org/palncolombia Por los derechos humanos, las libertades democraticas y la solucion politica del conflicto As it was on the 13th of August 2003

¹³⁵ Emanuelsson D. (2003) Colombia: Los verdaderos ladrones See the web-page: www.rebelion.org/plancolombia as it was on the 8th of March 2003

¹³⁶ America Latina en movimiento, XXXV Congreso Mundial de la FIDH - Resolución especial sobre Colombia See the web page: <http://alainet.org/docs/5761.html>

¹³⁷ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

¹³⁸ Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia (2003) Niñez, escuela y conflicto armado en Colombia See the web page: www.coalico.org

and abuse, physical ill-treatment and familial violence.¹³⁹ In terms of economic, social and cultural rights, children and adolescents are the principal victims of neglect in this area. Similarly, the armed conflict has a strong negative impact on children, particularly because of hostage-taking¹⁴⁰, recruitment, displacement, and the consequences of breaches of humanitarian law perpetrated against their communities and families.¹⁴¹

4.8 Education

In the aftermath of a conflict one of the biggest and hardest tasks the society is faced with is demobilisation and social reintegration of child soldiers. The child soldier is faced with the psychological effects of having killed, wounded, tortured or committed other violent acts against other human beings.¹⁴² It can therefore take an enormous effort to participate in civil life and stay concentrated during a class. Special programs or attention is needed to make the reintegration possible. Political recognition of the problem is therefore necessary. A part of the problem of children's participation in the Colombian conflict is that many sectors of the society do not want to face the problem of increasing vinculation of children to the armed conflict. They deny to recognise the causes and the motives that form this phenomenon.¹⁴³ This makes both the reintegration process and the prevention of recruitment much harder.

As has been mentioned before education is a crucial factor in preventing children in joining armed forces and in the reintegration of former soldiers to civilian life. In Colombia many children, especially in rural areas, do not have the possibility of attending school because of the economic situation of the family. To survive the family needs all the work force they can find, including the one of their children. Education costs money but also time for studying, a time that the child can use in helping to provide

¹³⁹ According to UNICEF, 35.000 children are sexually exploited and 653.000 are child workers, aged between 5 and 11 years old, It is estimated that around 2 million children are maltreated in their homes, 850.000 of them in a severe manner

¹⁴⁰ According to the *Fundación País Libre* (Free Country Foundation), 243 minors have been taken as hostiles between January and September 2003

¹⁴¹ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

¹⁴² Rojas Rodriguez, J. E. et al. (2000) Esta guerra no es nuestra: Niños y desplazamiento Forzado en Colombia. UNICEF, Colombia

¹⁴³ Ibid.



for the family. Majority of the former child soldiers in the country come from rural families. Their educational level is low and 40% of them can not read.¹⁴⁴ When demobilized children have been asked why they dropped out of school the answers were that ¼ left to join the armed groups, ¼ did not like school. Other reasons given were that they did not understand what they were being taught, there was no place for recreation activities at school, boredom or not being born to study.¹⁴⁵ But these reasons and the economic reason are not the only reasons for the absence of Colombian children in the school system. In many cases schools have been closed for security reasons leaving the students with no alternatives, like in the case of several schools in Medellin that were closed in 2002 leaving 1,900 students without educational opportunities.

Colombia has been increasing public spending in relation to education and health but that has not changed the fact that free basic education is still not guaranteed.¹⁴⁶ The time children attend school in Colombia is low, even though it has been getting better for the past decade. In the year 2000 girls in average attended school for 3.7 years and boys for 3.8 years. This difference between the sexes is not high but the real difference in educational opportunities can be seen in the difference between urban and rural areas. In urban areas 87% of the children attend primary school compared to 78% in the rural areas. There is a difference in access to education based on ethnicity as Afro-Colombian children and indigenous have fewer opportunities to enjoy education than children of other races. Actually children from these ethnic groups that live in rural areas have the poorest possibilities to enjoy education in the country.¹⁴⁷

Today 16% of Colombian children from the age 5 to 17 do not attend any school, that means that 1.8 million Colombian children do not receive formal education. The division of the group between urban and rural areas is that of these children 970.000 live in urban areas (12% of the urban population of that age) and 899.000 in rural areas (25% of the rural population of that age). This is a very severe development and puts rural

¹⁴⁴ Páez, Erica: Child Soldiers in Colombia, South America. See the web page : www.eenet.org.uk/newsletters/news7/page11.shtml

¹⁴⁵ Defensoría del Pueblo & UNICEF, La Niñez y Sus Derechos Boletín No 8, December 2002, Bogotá, Colombia

¹⁴⁶ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

¹⁴⁷ UNICEF (2003) At a glance: Colombia / The big picture. See the web page: www.unicef.org/infobycontry/colombia.html

children at a greater risk concerning the armed conflict.¹⁴⁸

The absence of children in the educational system in rural areas has its explanations. To begin with the curriculum of the formal school system is further away from the rural reality than of the urban one. The programs are not adapted to the needs of rural areas and parents therefore do not see what use their children might have for the formal education as they are not thought the values of their communities. Other factors that affect the attendance are the distance between home and school, malnutrition¹⁴⁹ and the internal displacement of the population. As a solution to the problem of malnutrition some schools in rural areas have started to offer meals to the students that otherwise can not attend because of malnutrition.¹⁵⁰ Regarding the children that do not attend school because of displacement it has been shown that 77% of them never return to the educational system.¹⁵¹

A part of the formation or socialization we need is learned through participation in normal everyday life. Norms and values are passed from one generation to the next. In times of war the places needed for socialization are lost and people can easily lose their cultural identity, experience change in norms and values that before helped protecting the youth. This has happened in Colombia where children can not go outside to play without straight supervision. The children have lost the space for clean competition, that is competition where violence is not used, like in sports.¹⁵² Pacific values have been lost and in many cases young people do not know how to resolve small everyday problems they face without violence.

A part of the change is that in many areas it is the law of the guerrilla or paramilitary group that is applied in the society. Children are in some cases forced to work as a punishment for "wrong behaviour" or lack of respect for the illegal authority. This unable them to go to school. Furthermore living in a society controlled by fear and violence affects the children and they experience psychological affects like stress,

¹⁴⁸ PNUD (2003) Callejón con salida Informe nacional de Desarrollo Humano en Colombia 2003, PNUD, Colombia

¹⁴⁹ Child malnutrition in Colombia has increased in rural areas because of the fumigations that are a part of "Plan Colombia" strategies to fight drug traffic.

¹⁵⁰ Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia (2003)

Niñez, escuela y conflicto armado en Colombia. See the web page: www.coalico.org

¹⁵¹ See Los niños y la violencia en Colombia on the web page: www.unicef.org/spanish/colombia/facts.htm

¹⁵² PNUD (2003) Callejón con salida Informe nacional de Desarrollo Humano en Colombia 2003, PNUD, Colombia

depression and lack of concentration, conditions that all affect their capability to study.¹⁵³

Regarding the values presented both in society and in the class room the State has been involved in the values of war in its public education. Children have been invited to participate in projects that indirectly involve them in the armed conflict. It is for example taught in schools that the activity of the Colombian Armed Forces is positive and that the soldiers are heroes., This puts children, especially in guerrilla or paramilitary controlled areas in danger of being accused of taking the Governments side, in a society where neutrality is not acknowledged. But these are not the only military values taught. The State runs military schools where children can study from the age of 16. Along with formal education children in military schools receive up to 1,300 hours of military education and training. Another link between the children's formation and the Armed Forces is a program that has been called "Soldier for a day" where children visit military bases where they get to play soldiers for one day, they can get their face painted in camouflage, and sit in a helicopter or a tank. It has been reported that one of the objects of these visits is to get the children to question their parents loyalty to the guerrilla movements but even in the case where parents do not support one of the illegal groups, the educational value of such visits can always be doubted. It can be said that the Colombian Government is playing a double role in this matter. At the same time as they provide military education to children and glorify the life of Colombia's soldiers they run peace education programs to fight the values of the conflict. Programs where the main theme is human rights and peaceful coexistence of different people in one society.¹⁵⁴

Here the importance of education as a preventing element has been stated. The prevention is though not always so simple. In the Colombian case the schools in many cases have become a place for recruitment. Education alone does not prevent children from joining the illegal armed groups. Places where young people and children gather such as schools, community centres and playgrounds are used by the guerrillas and paramilitaries as recruitment centres. In some cases these groups have been able to recruit

¹⁵³ Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia (2003)

Niñez, escuela y conflicto armado en Colombia See the web page: www.coalico.org

¹⁵⁴ Ibid.

children in the class room with the support from the teacher.¹⁵⁵ It is not only the activity of the illegal armed forces that takes place in schools. In fighting these groups the Armed Forces have occupied public housing like schools and health-care centres and in doing so put the civilian population at risk.¹⁵⁶

¹⁵⁵ This has been reported in the regions of Chocó, Cundinamarca, Cauca, Casanare, Arauca and Suba . See: Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia (2003) *Niñez, escuela y conflicto armado en Colombia* See the web page: www.coalico.org

¹⁵⁶ United Nations Economic and Social Council (2004) *Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia* E/CN.4/2004/13

5. The use of children in the Colombian conflict

Children are especially vulnerable group caught up in the middle of the triangular war between the Armed Forces, the guerrillas and the paramilitaries in Colombia. Protecting children in times of war is a challenge, and not an easy one. It seems that in Colombia the task is difficult and for the past years Colombia has experienced an increase in child participation in the armed conflict. It was in the 1990's that both the guerrillas and the paramilitaries started recruiting a lot of people and the significant recruitment of children became notable. Human Right Watch has estimated that every fourth irregular combatant in the civil war is under the age of 18 and that in total around 11,000 children participate in the war.¹⁵⁷ The number different organisations and the State gives reflects that it is hard to obtain the correct number of child soldiers and estimations vary from 7,000 to 14,000.¹⁵⁸ It is said that the involvement of children in the armed conflict in Colombia is one of the worst in the world and it is believed that only in three counties, Burma (Myanmar), Congo and Liberia, the situation is worse than in the Colombian case.¹⁵⁹

Many children in Colombia join the armed groups at a very young age. At first they serve as spies, guards and work around the camp. Most of them start their military training when they turn 13 years old. During the military training they learn to use automatic weapons, grenades and other explosives. They learn to plant mines and make gas bombs.¹⁶⁰ It is hard to imagine that children want to learn those things, that their dream is to become combatants to fight in a horrific war. Like mentioned before children do not have a good idea of what life as soldiers includes. But why do children in Colombia participate in the conflict?

Life conditions of the Colombian youth have been getting worse for the past decade. The opportunities and choices that the children are faced with are not promising. In many cases joining one of the armed groups can be their way out of poverty or

¹⁵⁷ Included in this number are all children that participate and not only the children participating directly in hostilities. They use the same definition as UNICEF (See chapter 3.1)

¹⁵⁸ Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia

¹⁵⁹ Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia (2003) Niñez, escuela y conflicto armado en Colombia See the web page: www.coalico.org

¹⁶⁰ Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia

insecure situation.¹⁶¹ A study done by the Ombudsman's Office in Colombia about children's participation in the armed conflict show that eight of every ten children enlist voluntarily.¹⁶² The reasons they gave for their enlistments were:

- 33% are looking for recognition and social identity.
- 33% enlisted with the guerrillas to improve their socio-economic situation.
- 17% had ideological reasons
- 8% to seek revenge for the death of a parent, to protect themselves from attacks of other actors in the conflict or to make up for the separation from a friend

All these explanations bear witness to the absence of opportunities and alternatives for the children. When the children have no options they become easily manipulated and victims to social pressure, in some cases pressure from their own families or communities.¹⁶³ Furthermore what is worrying about the Colombian case is that majority of the children enlist before reaching the age of 15 and they consider that their enlistment is voluntary. What most of them have in common is that they are raced in extreme poverty, they left school long before finishing their primary education, they experienced lack of affection, they experienced lack of support from home and felt insecure. Many come from violent homes and have been victims to domestic or/and sexual violence. They hope for a better and easier life upon enlistment.¹⁶⁴ The fact is that most often the children do not experience the security and sense of family they were hoping for. Instead they experience more violence often much more horrific than what they were exposed to before. In the case of child recruitment certain factors can make the children more vulnerable, the Ombudsman's office has listed these factors as risk factors in recruitment:

¹⁶¹ Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia

¹⁶² Vallés, J. (2003) Aspectos Operativos y experiencias internacionales en desmovilización In: Ciro Angarita por la infancia Niñez y conflicto armado: desde la desmovilización hacia la garantía integral de derechos de la infancia Memoria Annual 2002

¹⁶³ See Los niños y la violencia en Colombia on the web page: www.unicef.org/spanish/colombia/facts.htm

¹⁶⁴ Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia

1. Children that are victims of domestic violence
2. Children that have been sexually abused
3. Children that come from families with many children
4. Children that come from malfunctioned families
5. Orphans
6. Children in rural areas¹⁶⁵

The child recruitment rate is much higher in rural areas than in urban areas. A part of the explanation is that in rural areas education and work opportunities are fewer than in urban areas. The Ombudsman's office claims that for the solution of the problem it is necessary to focus on five factors. The first factor is the school attending as the countries departments where children's withdrawal from school is the highest are also the departments with the highest child recruitment. The second factor is the quality of the education and that the educational programs must be adapted to the reality the community is faced with. The third factor is violence in the class room, as they claim that the relationship between teachers and students and/or between the students is often violent and bear witness to frustration and lack of respect. This only promotes violent behaviour outside of the class room and contributes to the culture of violence in the country. The fourth factor is that the schools must be protected from being directly involved in the armed conflict like when guerrillas and paramilitaries enter the schools to recruit children or as in the case of the guerrillas use the school building for their own reunions. The last factor is that the teachers must receive support to meet the needs of their students in a time of war and help them facing their experiences of all kinds of violence.¹⁶⁶ Identifying the risk factors is only the first step. Child recruitment in Colombia is continuing, children are being taught the values of war and are faced with a very harsh reality. When looked into the past of demobilized children in Colombia most of them, or 57%, were working before joining the armed group. Of these, 30% had worked in coca cultivation and 35% in traditional agriculture. Most of Colombia's working children do not attend school at the same time. The fact is that many Colombian

¹⁶⁵ PNUD (2003) Callejón con salida Informe nacional de Desarrollo Humano en Colombia 2003, PNUD, Colombia

¹⁶⁶ Ibid

families seem only interested in a very basic education for their children. They want the child to learn how to read and write and have basic mathematical skills that will help the child to become independent and to find a job.¹⁶⁷

Most of the child combatants in Colombia or $\frac{3}{4}$ of them receive little training within the armed groups, it is normal that they are trained for up to four months, not more.¹⁶⁸ Both within the guerrilla groups and paramilitary groups children are taught to have no sympathy for the opposite groups. They are taught how to kill, mutilate or torture, they are trained for the most horrific acts of violence there exists. They normally have no way out, as children that try to escape are faced with very harsh punishments such as torture or execution, if they are caught. All punishments are very extreme and in some cases the children are forced to execute others, including their fiends. Execution can be a punishment for not obeying the rules of the armed group.¹⁶⁹ Of the children directly involved in the armed conflict;

- 18% have killed a person at least once
- 60% have witnessed an assassination
- 78% have witnessed kidnapping
- 13% have kidnapped
- 18% have witnessed torture
- 40% have fired a gun towards someone
- 28% have been injured¹⁷⁰

In Human Rights Watch report War Without Quarter the attitude towards children within the armed groups is described with these words:

"Guerrillas call child combatants "little bees" (abejitas), able to sting before their targets realize they are under attack. paramilitaries call them "little bells" (campanitas), referring to their use as an early alarm

¹⁶⁷ Defensoría del Pueblo & UNICEF, La Niñez y Sus Derechos Boletín No 8, December 2002, Bogotá, Colombia

¹⁶⁸ Ibid.

¹⁶⁹ Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia

¹⁷⁰ Rojas Rodríguez, J. E. et. al. (2000) Esta guerra no es nuestra: Niños y desplazamiento Forzado en Colombia. UNICEF, Colombia

system".¹⁷¹

These words do describe the significance children are given within these groups and for what jobs they are considered suitable. Next I will look into the role children play within the leading guerrilla and paramilitary groups. All the information is based on investigations done by organizations among the former child combatants of Colombia and are therefore secondary sources.

5.1 Children within the FARC-EP

The FARC-EP claims it changed its enlistment rules in 1996 making the age limit 15 years old. They say the group receives voluntaries from the age 15 to 30 and made a formal promise to the Colombian Government in 1999 not to recruit children younger than 15 years old. The group has not yet kept its one promise and children are believed to form 20-30% of the guerrilla movement, and their number is around 7,400. The FARC-EP has for a long time been accused of recruiting children by force.¹⁷² In the year 2003 the FARC-EP was reported to have recruited by force indigenous minors and continue its recruitment of children.¹⁷³ When looked at the age of children recruited by the FARC-EP most of them join the group when they are between 11 and 13¹⁷⁴

Children that join the FARC in most cases receive education in the political ideology of the group. They are taught how to gain the trust and support of people living in the zone the FARC-EP controls, and how to recruit new members, in most cases other children. It is easy for the guerrillas to form the political ideas of young people as most of them have not formed their political opinion when they join the group. The FARC-EP is known to pressure people to enlist and in many cases they use lies to make the life with in the group sound like a desirable future.¹⁷⁵ The reality that waits can be different from what was promised as the FARC-EP is reported to use children in direct combat, as messengers, spies and cooks. It has been reported that young girls must save as sex

¹⁷¹ Human Rights Watch (1998) War Without Quarter : Colombia and International Humanitarian Law, chapter VI page 1

¹⁷² Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia

¹⁷³ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

¹⁷⁴ Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia

¹⁷⁵ Ibid.

slaves¹⁷⁶, mostly for higher rank members of the group.

5.2 Children within the UC-ELN

It is hard to estimate the number of children within the UC-ELN as the group has been diminishing for the past years, and very few former child combatants of the group have turned back to civilian life or been caught by the Colombian State. The estimated number is around 1.480 children.¹⁷⁷

Like the FARC-EP the UC-ELN has it self set standards regarding recruitment and banned the participation of children under 16 years old in hostilities. This does not include recruiting children for other activities than the armed battle. The group does permit recruiting children for other activities. It is believed that the UC-ELN more often recruit children by force than other guerrilla groups like the FARC-EP for example. In 1996 their leaders banned kidnapping of children under 16 years old and also banned executions of minors, pregnant women and young mothers.¹⁷⁸ Like in the case of the FARC-EP the UC-ELN continued to recruit children in 2003 and forcibly recruited indigenous minors.¹⁷⁹

As a justification for their use of children the UC-ELN has argued that the civilians that support their struggle and civilians living close to the territory they control are in constant danger of being attacked by the Colombian Military or paramilitaries. It is therefore the responsibility of the group to protect the people and allow children to live in their camps for their own protection.¹⁸⁰

5.3 Children within the AUC

The AUC, that is to say the ten groups the form the alliance, have used all kinds of methods to get children to enlist. They very often get them to enlist with the promise of a salary. As the economic situation in Colombia is very poor this offer often become

¹⁷⁶ Instituto Interamericano del Niño (2002) Niños, niñas y adolescentes involucrados en conflictos armados IIN, Montevideo

¹⁷⁷ Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia

¹⁷⁸ Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia

¹⁷⁹ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

¹⁸⁰ Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia

irresistible. The AUC is also known for forced recruitment. It seems that a lower percentage of AUC's members are children than in the case of the guerrillas, it is believed that 20% or around 2,200 children are in the AUC. As a possible explanation to the difference of child participation between the guerrillas and AUC it has been suggested that the AUC can more easily recruit adults as people get paid for their participation.¹⁸¹

Like the guerrilla groups they have set their own standards regarding enlistment age. In 1998 they banned the recruitment of children and set the age limit to 18 years old. But like the guerrilla groups, the AUC does not seem to respect it's own rules.¹⁸² In 2003 the AUC continued to recruit minors, forcibly in many cases in exchange for remuneration.¹⁸³

Of the children that have been demobilized from the year 1999, most of them were members of FARC-EP or 62%. AUC members formed 20% and ELN-UP members 14%. The number of children demobilized from each group is shown in figure 1.

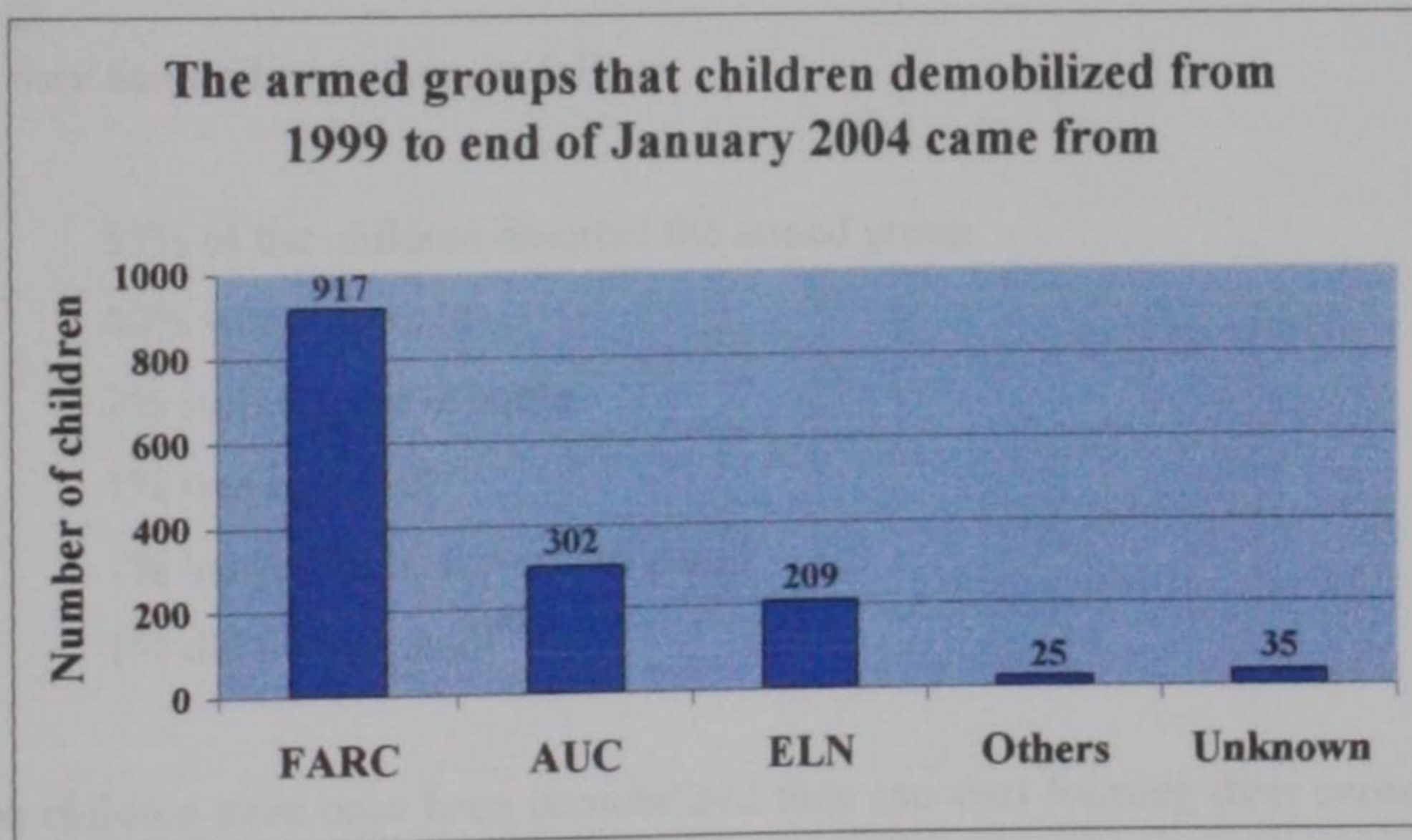


Figure 1¹⁸⁴

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

¹⁸⁴ Based on numbers from ICBF's information system

5.4 Demobilization

The demobilization of child combatants in Colombia has been increasing rapidly since 1997 and the number children handed over to the Colombian authority has at least been doubling from one year to the next. The rate of demobilized children in Colombia is one of the highest in the world. This is interesting given that demobilization does normally take place in post-conflict situation or in peace agreements, and Colombia is not a post-conflict country and there are no peace negotiations taking place that involve all actors of the war.¹⁸⁵ The children give different reasons for demobilizing, the Ombudsman's Office has published following reasons as the most commonly given by the children:

- 30% because they did not like the jobs they were assigned
- 15% because of their family
- 6,38% because they were afraid for their life
- 6,35% because the armed group did not fulfil what they had promised¹⁸⁶

The way they demobilized where as follow:

- 55% of the children deserted the armed group
- 40% were captured
- 2% surrendered in battle
- 1% was betrayed
- 1% handed in by the armed group
- 1% did not respond¹⁸⁷

When the children have once been demobilized they can start forming their expectations for the future. When children in reintegration centres are interviewed they express their dreams of receiving some kind of education before entering the labour market. They wish

¹⁸⁵ Interview with Jorge Vallés, see annexe 2

¹⁸⁶ Vallés, J. (2003) *Aspectos Operativos y experiencias internacionales en desmovilización* In: *Ciro Angarita por la infancia Niñez y conflicto armado: desde la desmovilización hacia la garantía integral de derechos de la infancia* Memoria Annual 2002

¹⁸⁷ Ibid.

to spend time with their families and start a new life. There is always a small part of these children that are afraid of leaving the security of the program and want to continue living in a protected environment.¹⁸⁸

5.5 Preventing recruitment and social reintegration

When it comes to preventing recruitment the key question is why the children enlist with the armed groups. The question in Colombia can and has been answered from three different points of view: the moral, the social and the political. When seen from the moral point of view people fundament their justification in the law and that the law is absolute. The children are seen as victims, and not individuals with their own will. From the social point of view the answer is sought in one problem like for example poverty or culture of violence. From the political point of view the debate is used to legitimate the action of the different parts. In the case of the political explanation and justification of the Colombian State, the argument is that child recruitment is illegal and the armed groups are to blame for the child participation. The real answer is though far from being so simple as it is vital for the solution of the problem to realise that analysis of the situation in each geographical region must be estimated, the history of the armed group that recruits, the local culture, current force of the armed group, current situation of the conflict, the economic situation in the region and the country, the education level of the population, etc. This has not been analysed well enough in Colombia but it is important for all parties that work with children in Colombia and the Colombian society, to acknowledge that there is no one formula or reason for child participation in the armed conflict. The country is geographically diverse and rich in resources. Its population is also diverse and due to the long conflict different regions are affected in a different way. This therefore calls for a diverse response to the problem of child reintegration to make it possible to prevent recruitment based on various reasons and justifications.¹⁸⁹ Realities such as the fact that nine out of ten demobilized children lived with their families before enlistment, eight out of ten had been victims to domestic violence, their educational level in average was 4th grade of primary education and that half of them say that before their enlistment

¹⁸⁸ Defensoría del Pueblo & UNICEF, *La Niñez y Sus Derechos* Boletín Nº 8, December 2002, Bogotá, Colombia

¹⁸⁹ Interview with Julian Aguirre - see Annexe 2

they admired both the guns and uniforms that the combatants wear¹⁹⁰, are details that can not be ignored and are facts that indicate the diversity of the problem.

Figure 2 shows the educational level of children that have entered programs for demobilized children from November 1999 to the end of January 2004. It shows that on average the educational level is very low, and in only few cases reaches secondary education. Of the 1488 children on which the numbers are based, 126, or 8,5%, did not receive any education and 36% finished fourth grade or less.

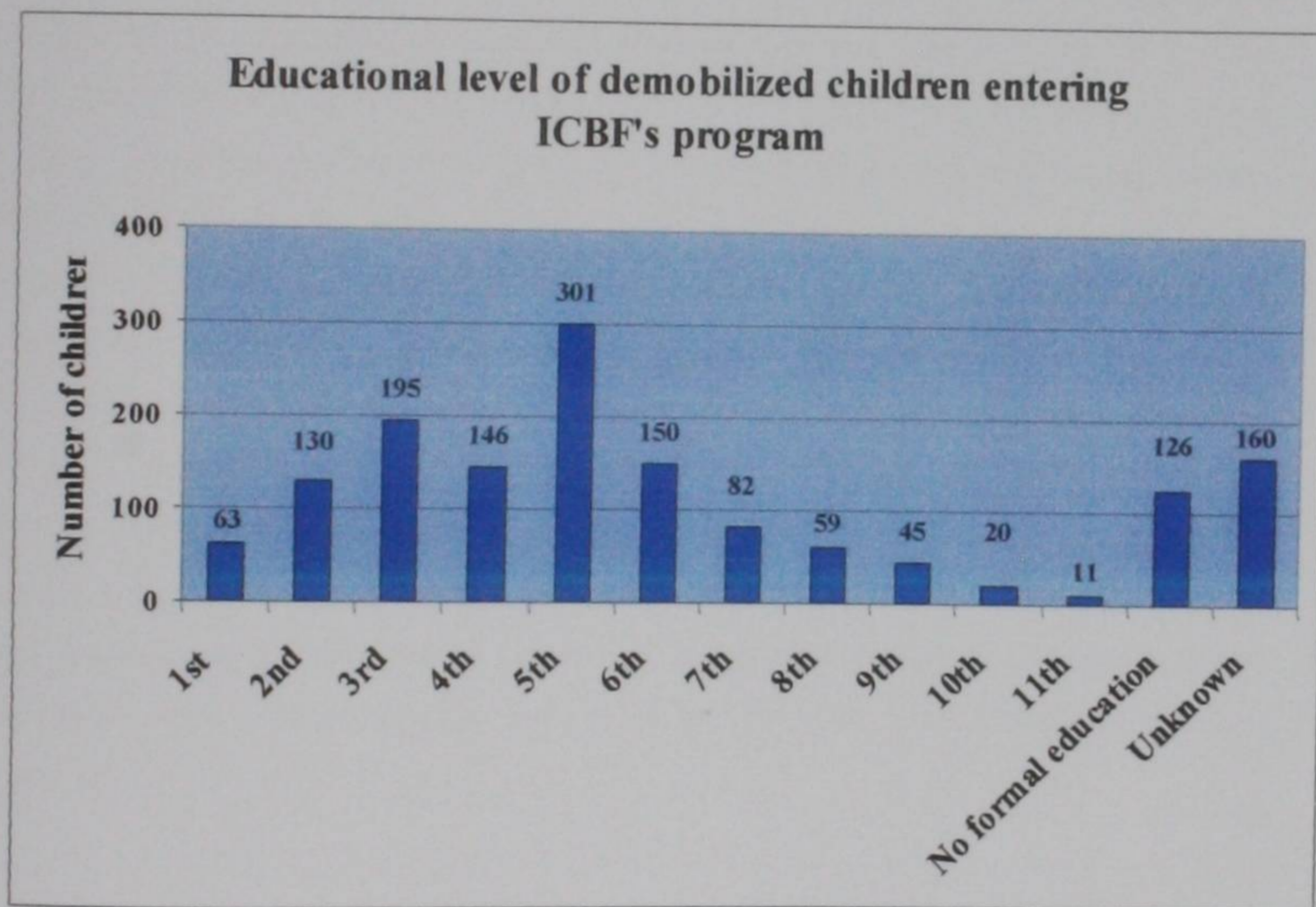


Figure 2¹⁹¹

Social reintegration, like the prevention, is a complex process. It must be taken into account that the responsibility of the reintegration is not only the responsibility of the demobilised child and it's social workers. Reintegration or in many cases just integration, as the children have really never participated as adolescents or adults in society before, is not possible without the support of the community. As there must be a place for the

¹⁹⁰ Defensoría del Pueblo & UNICEF, *La Niñez y Sus Derechos* Boletín № 8, December 2002, Bogotá, Colombia

¹⁹¹ Based on numbers from ICBF's information system

former child soldier in a new and better future for the community and the individual.

Next chapter is about these solutions, what is being done in preventing child recruitment and social reintegration of former child combatants.

The following chapters will discuss the solutions that have been found. The State, International Organizations and local and international NGOs try to find a solution to the problem and help the victims. Public awareness about the situation of children in Colombia has risen for the past years and the development in solutions to the problem has been very positive.¹⁰ This chapter is about the answers the Colombian and the International Community has come up with to face the problem of child soldiers in the country. All the information is based on a master's thesis of a visit to Colombia in April 2014. It is not a list over all the existing answers, only the answers of two different areas in child protection in Colombia: the ILO - Colombia's Family and Social service, ILO-COP. The reason for only explaining the work of these two is that they are for the biggest, one with legal responsibility to attend the needs of demobilized children and the other an international agency, one of United Nations institutions working for humanitarian goals in Colombia. This does not mean that the work of other national and international NGOs is of any less value than the work of these two. Only that the time and resources for this research did not make it possible to analyze all help provided to prevent recruitment and reintegrate former child combatants. That kind of a research would be very valuable and desirable for the Colombian society as it would give organizations and institutions chance to co-organize their work and therefore make more use for their resources.

3.1 The response of ILO-COP

The ILO-COP has divided its attention to children involved in the armed conflict into two categories. One being attention of former child soldiers and the other prevention of recruitment. The approach has been stronger on the attention of former child soldiers and their social reintegration as it is the legal responsibility of ILO-COP to attend these children. The first includes all the children who have been recruited into the armed conflict. ILO-COP aims and develops programs for children involved in the armed conflict regarding

¹⁰ Interview with Jorge Vallejo - 2014

6. Facing the problem

In humanitarian crisis like exist in Colombia today there are always some answers. The State, International Organisations and local and international NGOs try to find a solution to the problem and help the victims. Public awareness about the situation of children in Colombia has risen for the past years and the development in solutions to the problem has been very positive.¹⁹² This chapter is about the answers the Colombian and the International Community has come up with to face the problem of child soldiers in the country. All the information is based on a research done in a visit to Colombia in April 2004. It is not a list over all the existing answers, only the answers of two different actors in child protection in Colombia: the ICBF - Colombia's Family and Social service, UNICEF. The reason for only explaining the work of those two is that they are far the biggest, one with legal responsibility to attend the needs of demobilized children and the other an international actor, one of United Nations institutions working the humanitarian crisis in Colombia. This does not mean that the work of many national and international NGO's is of any less value then the work of these two. Only that the time and resources for this research did not make it possible to analyse all help provided to prevent recruitment and reintegrate former child combatants. That kind of a research would be very valuable and desirable for the Colombian society as it would give organizations and institutions chance to co-organize their work and therefore make more use for their resources.

6.1 The response of ICBF

The ICBF has divided it's attention to children involved in the armed conflict into two categories. One being attention of former child soldiers and the other prevention of recruitment. The emphasis has been stronger on the attention of former child soldiers and their social reintegration as it is the legal responsibility of ICBF to attend these children. Institutions like the ICBF are tools to reach a certain goal and not the solution itself. The ICBF forms and develops programs for children involved in the armed conflict regarding

¹⁹² Interview with Jorge Vallés - See annexe 2

the children's past and the reality and future waiting them. Within the ICBF it is thought important to both involve the children or adolescents in the development of the programs to increase efficiency and to avoid giving these young people a false image of the future. The institution does not try to embellish the reality as the children must be capable of surviving in civilian life when they finish the programs offered. The key idea in the development of the programs is sustainability. That the knowledge and training received leads to a sustainable life of these children.¹⁹³

A part of ICBF's work is to change the existing values in society and to get the public to accept the former child soldiers, to give them a place in the community so they do not feel rejected when they return to normal life. This work is considered very important as the local community plays a vital role in the reintegration process. If the community does not accept the child soldier results will not be reached. Therefore the ICBF believes it can only be responsible for a part of the programs they run as the civil society must take part in forming a new and different future. An important question all societies must ask is what kind of role the society or community wants the former child soldiers to play? There are three main actors in the reintegration process: the family, society and the state. These must work together to make the reintegration possible and it must be considered that it is not always just the child that needs reintegration as the society or community might also need help to start a normal life again and to involve these children in the daily life.¹⁹⁴

The education the ICBF provides within its programs is only partly book-learned as the children entering the program for former child soldiers have in general received little formal education. The emphasis is therefore more practical in the form of comprehensive technical education, providing them with work skills and vocabulary that help them find a job when they leave the program.¹⁹⁵

ICBF has separated solutions for children involved in the armed conflict on one hand and the internally displaced population on the other hand. Within the solutions for children involved in the armed conflict there are two categories, one for children affected by

¹⁹³ Interview with Julian Aguirre - see Annexe 2

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

landmines and another for demobilizes children.¹⁹⁶ According to the theme of the research we will only look into the programs for demobilized children.

The institution received the first demobilized children in 1997, when five girls were handed over to the ICBF in Media Lunar Cear. As they were the first, there was no existing program to meet the needs of this population. The number of children handed over to the ICBF grew very fast and they had to respond to the special needs of these children. In 1999 the ICBF started a special program for demobilized children aimed to prepare them for civilian life. As the number of children the ICBF has been receiving since 1999 has at least been doubling the institution has had to constantly re-evaluate their program.¹⁹⁷

Number of demobilized children ICBF has received 1999-2004

	1999	2000	2001	2002	2003	2004	Total number
January		9	6	13	35	62	125
February		2	17	24	21		64
March		1	15	31	37		84
April		1	7	31	47		86
May		19	18	40	53		130
June		7	28	33	104		172
July		5	25	32	96		158
August		2	17	31	63		113
September		4	15	29	71		119
October		1	11	39	80		131
November	7	9	25	37	60		138
Dicember	3	40	12	54	59		168
Total number	10	100	196	394	726	62	1488

Figure 3¹⁹⁸

The ICBF considers that physical and psychological well-being of child combatants is put at risk when they become witness to the reality of war, when they become military targets as combatants and when they are recruited by armed groups. The definition ICBF uses for child combatants is as follows:

¹⁹⁶ Interview with David Turizo – See annexe 2

¹⁹⁷ Ibid.

¹⁹⁸ Based on numbers from ICBF's information system



*Someone under the age of 18 that has participated in war actions directed by an irregular armed group, with a political motivation, be they of intelligence, logistics or combat...and has been captured, has voluntarily turned himself in or has been turned in by the irregular armed group to the State or another national or international entity*¹⁹⁹

ICBF considers all demobilized children as victims of the armed conflict. It's important to make the demobilization of these children possible, and their status as victims is not related to their form of demobilization. Children that demobilize voluntarily and those who are captured get the same treatment within ICBF's programs. In developing their programs. The priority is to work in areas most affected by the armed conflict and where the child recruitment and/or demobilization are the highest. The ICBF works with both national and international organisations as UNICEF, ICRC, Save the Children United Kingdom and Sweden, and the Colombian Red Cross. They also work with different Ministries, like the Ministry of Defence and the Ministry of Education.²⁰⁰

Most of the demobilized children, or 83%, are between the 15 and 17 years old when demobilized. They therefore are close to becoming adults. It is possible for ICBF to permit these children to continue in the institutions programs until they reach the age of 21, if that is considered necessary. Age and gender division of demobilized children from 1999 to 2004 is shown in figures 4 and 5.

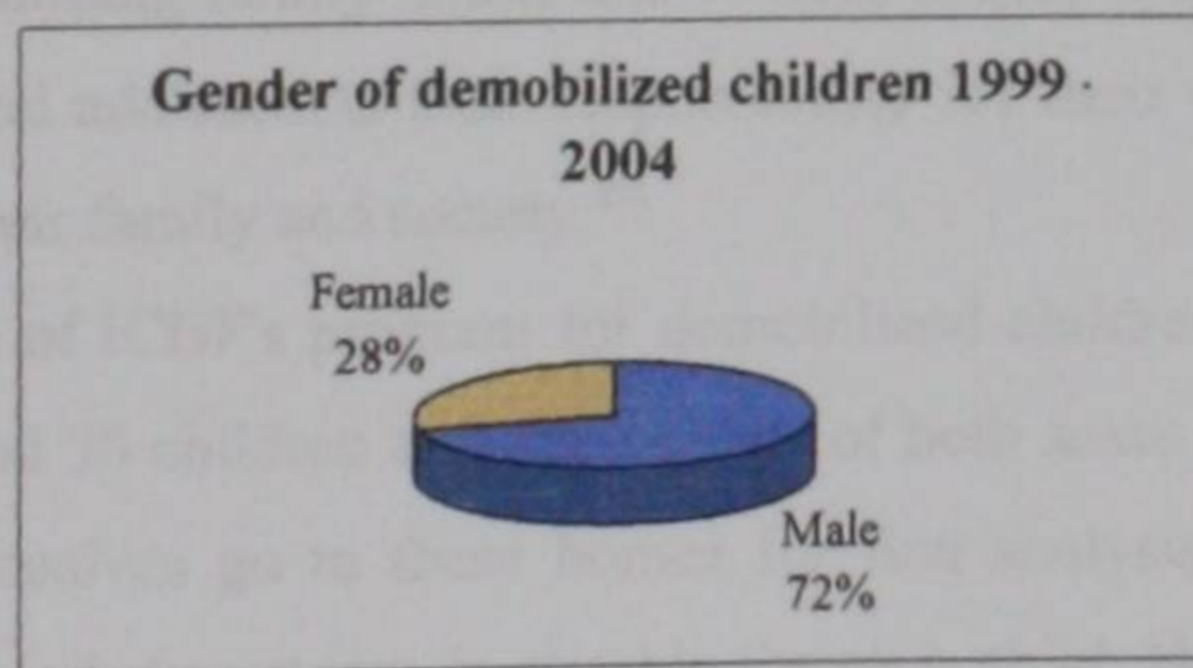


Figure 4²⁰¹

¹⁹⁹ The original in Spanish as follows: "Es aquel menor de 18 años que ha participado en las acciones de guerra orientadas por un grupo armado irregular, con una motivación política, sean éstas de inteligencia, logística o combate... y ha sido capturado, se ha entregado voluntariamente o ha sido entregado por el grupo armado irregular al Estado u otra entidad nacional o internacional."

²⁰⁰ Interview with David Turizo – See annexe 2

²⁰¹ Based on numbers from ICBF's information system

Age of demobilized children 1999 -2004

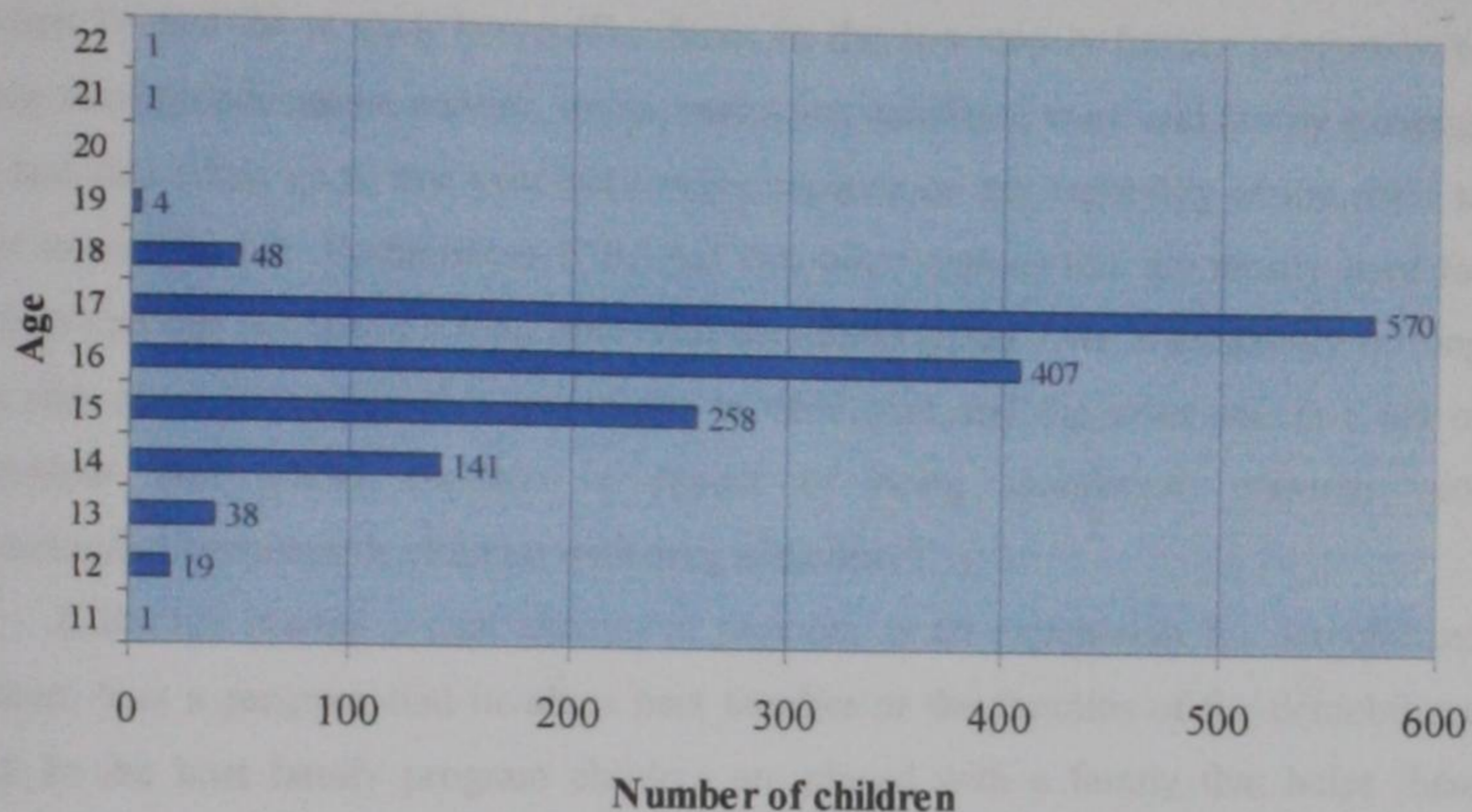


Figure 5²⁰²

The objectives of ICBF's programs is to rebuild the concept of daily life and a daily routine for the children. To guarantee the rights of the children, their civil rights, democratic values with gender perspective, social integration and to share responsibility with others. The social integration focuses on participation, education, being able to earn a steady income, rebuilding family bonds and to have access to healthcare. This aims to teach the children and adolescents their responsibility for their own life's and to share responsibility with their family and society.²⁰³

The first step of ICBF's program for demobilized children are temporary homes where between 25 and 30 children and adolescents of both sexes stay. Child combatants that the institution receives go to these homes for first analysis of their situation and problem to determine what next step is suitable for each child. Normally they stay up to 45 days in the temporary homes but in some cases the stay can be a little longer. Next step are specialised centres where the children continue with their preparation for entering civilian life, the groups are the same size as in the temporary homes and the

²⁰² Based on numbers from ICBF's information system

²⁰³ Ibid.

children stay from eight months and up to one year in these centres. The third and last step is a youth home where the children stay in smaller groups than in the other steps or between 10 and 20 at each home. The focus in the last step is further integration to society through education, culture, sports, recreation activities, work and family training. The last step takes up to one year but always depends on the capability of the child to adopt to civilian life. Furthermore ICBF has two other options that are mostly used for children that did not spend a long time with the armed group. One is temporary or long term stay-at-an institution that specializes in child care and the other one is a net of institutions that attend children in danger of being abandoned, children with psychological problems or children with drug addiction.²⁰⁴

ICBF has started a new alternative program as an experiment for demobilized children. It is a program that involves host families or the families of the demobilized child. In the host family program children are placed with a family that helps them accustom to normal life with the focus of social integration and guaranteeing the rights of the child. Each family receives a support from two ICBF psychologists or sociologists and one teacher. The psychologists or sociologists work with up to 20 families at a time and the teacher with up to 5 families. Each family can receive up to two children per year. In some cases children go to live with their own families and in these cases the security of the household has been evaluated before. When staying with their own families the children get the same support from the ICBF as if they were staying with a host family.²⁰⁵

6.2 The response of UNICEF

UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, and is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children. The work is done in the field, and UNICEF's work is always a part of other United Nation's activities in the country. As UNICEF is a host of the Colombian government all it's programs are introduced and carried out with

²⁰⁴ ICBF (2004) Presentation: *Niños, Niñas y Jóvenes Desvinculados del Conflicto Armado*, Bogotá, Colombia

²⁰⁵ Ibid.

the approval of the states authorities.²⁰⁶

UNICEF in Colombia receives its funds for Humanitarian Projects from the Governments of Sweden, Norway and Canada. In their work with child combatants the funds are used for both attention and prevention programs. The length of the programs is always related to the funds that UNICEF manages to raise for any given project. During the projects they are constantly monitored and re-evaluated, at the end of a project the donors in many cases consider re-evaluating the programs and often continue it if necessary. The emphasis is on programs that help children and families forming values and experiences involving community elements. UNICEF aims to promote programs that are different than the traditional education programs provided by the State. Normally there are more than one project running at the same time in each area. This is done to strengthen the educational alternatives in the areas where they work to provide broad solution to the situation. They estimate that the number of children participating in the conflict is 7,000 urban militias and 7,000 combatants making up to a total of 14,000.²⁰⁷

UNICEF focuses on the regions most affected by the armed conflict. Of Colombia's municipalities, 65 have been identified as having the highest child recruitment. Of these Antioquia has the highest rate. It is also the region with the highest number of armed forces, the highest number of landmines. In their work they focus on local prevention of the conflict in these areas and peaceful management of the situation. As UNICEF works with the idea that there is no one model to resolve the problems of children in Colombia and their participation in the armed conflict and that there really are many models that help each other in meeting the diverse needs and problems in the country. UNICEF focuses on resolving the problems of the childhood by giving them real opportunities and alternatives other than the armed conflict. Education and social participation are the main instruments used however, they are usually accompanied by other programs aimed for example to change the infrastructure and the values of the society. Therefore in the case of the child combatants; UNICEF's work is mainly to prevent recruitment with programs that change the factors that increase the risk of child recruitment focusing on the high number of children that enlist voluntarily. In its work UNICEF cooperates with many institutions and international and national NGO's. One of

²⁰⁶ See the web page: www.unicef.org

²⁰⁷ Interview with Jorge Vallés - See annexe 2

their close allies is the Catholic Church, a very respected institution within Colombia. It is not only respected by the State but also by the illegal armed groups and therefore a strong ally. The church, like UNICEF, has many projects to promote child welfare and therefore these two can work united to reach the same goal. The church is the only institution that has access to the whole country and in many cases it works like a substitute for the State where the State is not present. In these cases the church takes over the responsibilities that under normal circumstances would be the States.²⁰⁸

UNICEF in Colombia publishes a lot of information about the facts concerning Colombian youth. They have had campaigns on both television and radio against the voluntary involvement of children to the armed conflict but not directly aimed at child recruitment it self. In preventing recruitment they are mostly concerned about the high percentage of children that voluntarily enlist with the armed groups and what can be done to change that. The prevention of forced recruitment must be must be directed towards the armed groups themselves and not towards the children like in the case of preventing voluntary recruitment. For prevention UNICEF has two main approaches. One is secondary education, make that education stronger and more accessible for children in conflict zones and the other is social participation especially of adolescents One of the most interesting prevention programs UNICEF has in Colombia today is a sports programs aimed to re-establish recreation activities, such as sport and community centres. Building of football fields, of Public Parks in areas affected by the conflict. The objectives of this project are to establish values of peace and democratic culture, values of coexistence and human rights. In promoting sports UNICEF has rewritten the rules of games everyone knows, like football²⁰⁹. Their game has gender based rules and requires at least 30% female participation and a goal is not valid unless one of the girls has touched the ball in the offence. In cases of disagreements the children must solve the problem themselves by discussing solutions and thereby resolve their problems in democratic and peaceful way. There are now around 21,000 children participating in the regions of Antioquía, Chocó, Magdalena Medio and Nariño.²¹⁰

As an educational program UNICEF runs a school that here will be called "The

²⁰⁸ Interview with Jorge Vallés - See annexe 2

²⁰⁹ This is the game known to Latin America and Europe as football but in USA as soccer

²¹⁰ Interview with Jorge Vallés - See annexe 2

Friendly School"²¹¹ This project has been developed from the beginning in Colombia and the program is carried out with the support of the Ministry of Education.²¹² One of the objectives of the school program is to change the school environment and make the school a nice place to come to. Everything from the colours on the walls to teaching methodology is aimed to make the school a desirable place to be, not only for the youngest children but also for adolescents. It aims to involve the parents and the community to form a positive attitude towards the school. The long-term goal is that the community and the State will be able to take over the project. UNICEF does not start this program in an area where involving the community and sharing the responsibility is not possible. This program UNICEF has implemented in some of the most remote areas of the country, in some cases regions where the presence of the State is minimum, like for example Chocó. Other factors in UNICEF's aim to change education are changing the infrastructure, the methodology of teaching and learning, and giving workshops that to empower teachers and public employees working in sectors of child care and education.²¹³

One of the main focuses in UNICEF's preventing strategies is establishing childhood policy, making it stronger where it exists both at local, regional and national level. UNICEF has a role in providing the State with assistance in the development of law that protect children and in developing of a national child policy. Now UNICEF plays an important role in the formation of policies in the 1119 municipalities in the country as they are developing their public policies for children, finishing the policy making in June 2004. Policy that is to be used from 1st of July that same year. UNICEF has sent to the 1119 mayors and 32 governors in the country a manual²¹⁴ of how to form these policies and what are the categories of a complete child protection needed. In education, health, nutrition, etc. It's their tool to change the situation, to diminish the social factors that implement the involvement of children to the armed conflict. Other infrastructure project

²¹¹ In Spanish the schools name is: "*Escuela amiga de niños y niñas*"

²¹² The Ministry also runs it's own school with similar ideology as the UNICEF's school. That is called "The New School" (*Escuela Nueva*)

²¹³ Interview with Jorge Vallés - See annexe 2

²¹⁴ The manual is called "*Un árbol fondoso para niños, niñas y adolescentes - Una propuesta para gobernar con enfoque de derechos*" It is a basic manual with simple guidance about how to form wide ranged child care and protection policy. The simplicity is used as the municipalities in Colombia vary much in size, population and geographical conditions.

is for example a manual for people working in the judicial system to increase the knowledge about the existing law protecting children. As it is not enough to sign and ratify treaties if the people that are meant to use them form child protection are not familiar with the law.²¹⁵

One of UNICEF's programs is based on a support network formed by children. It is called "Return to Joy"²¹⁶ and its object is to re-establish joy in the children's life's. In this program children work with children in pairs to support one another. The program encourage leadership among the children.²¹⁷

Special programs to prevent the involvement of indigenous (in Cauca) UNICEF has not been able to provide such programs for all the indigenous communities in the country even though that would be desirable. The reason for UNICEF only working with indigenous people in Cauca due to limited funds they had to choose the region where the involvement of indigenous children is the highest. They do also work with minorities²¹⁸ in the regions of Chocó Amazonas and Orinoquía. In urban areas UNICEF is working with 50 children from the urban militias in Medellin. UNICEF wants these children to have the same right as children demobilised from groups in rural areas. The programs uses both attention and prevention techniques. The children participate in the program during the day but afterwards they go to their home, which is different from children in other programs for demobilised children. UNICEF has helped with civil registration in various regions where that service is lacking, as it is not possible for a child to benefit from public service like healthcare and education if it is not registered. They also have programs for internally displaced people as displacement puts children in all kinds of risks such as not receiving education, malnutrition and recruitment. UNICEF has landmine program as Colombia is the only country in America where landmines are still being planted putting children and their families in a great danger.²¹⁹

UNICEF has been promoting the establishment of follow-up programs for former child combatants that have left the programs offered. This is something that has been missing in the attention of this population but has a great importance and gives them

²¹⁵ Interview with Jorge Vallés - See annexe 2

²¹⁶ In Spanish: "*Retorno a la alegría*"

²¹⁷ Interview with Jorge Vallés - See annexe 2

²¹⁸ afro-Colombians and indigenous people

²¹⁹ Interview with Jorge Vallés - See annexe 2

social support when they start their life on their own. The fact is that a large part of the children that have been in programs for former child combatants become involved in the conflict again after leaving a reintegration program. It is believed that a considerably large group of demobilized children join the armed groups again after trying to live a normal life. They do not necessarily join the same group that they belonged to before, and in some cases join the opposite group. A part of the problem concerning the reintegration programs is that it is a post-war solution being applied in a country with an ongoing armed conflict.²²⁰

UNICEF is involved in the process when armed groups demobilise children from their ranks. Receiving children in a demobilization process is a team effort of institutions and organizations within Colombia. UNICEF does never receive children that are being demobilised without the presence of the proper State authority. Normally it is a teamwork of UNICEF, ICBF, the High Commissioner for Peace and the Ombudsman's office.²²¹

As described here UNICEF responds to the needs of Colombian children with broad range of programs²²² as the problems in child care and guaranteeing child rights is not caused by one factor or malfunction in society. The problems of Colombian childhood is only the top of the iceberg in the humanitarian crisis and social injustice the population is faced with.

²²⁰ Ibid.

²²¹ Ibid.

²²² For further information about the presence of UNICEF in Colombia's regions see: www.unicef.org.co/mapa.htm

7. Conclusions

We all know that children need special protection and especially in difficult situations like war. What is also clear is that children involved in the Colombian conflict do have rights to be protected both under the Political Constitution and International Law, signed and ratified by Colombia. These rights give different protection and, in some cases, controversial rights where, for example the minimum age is not the same. In Colombia's case, the ILO Convention No. 182 cannot be applied, as Colombia has not ratified it. Its protection would also only protect 20% of the child combatants in the country, as it limits its protection to forced recruitment. Applying humanitarian law gives both the children, and the population in general, a broad protection that would give the international community a greater possibility to keep an eye on the human rights situation and perhaps urge the government to find permanent solutions to the humanitarian crisis. It is irresponsible of the government not to admit internationally to the existing conflict and thereby deprive the population of the rights established in the Geneva Conventions and their additional protocols.

The Convention on the Rights of the Child provides broad protection for children's rights. In Colombia, the problem of child soldiers is just one of the humanitarian crisis involving children in the country. The articles mentioned in this research were chosen as they give rights that protect children in matters that can affect child recruitment, such as in articles 7, 9, 19, 20, 28 and 29. Other articles are aimed directly to protect children from participation in hostilities, as in articles 38 and 39. It seems that not all children in Colombia are properly registered and therefore do not enjoy the rights they are assigned as Colombians. It is important that registration is not only possible, but that the state encourages it. The fact that UNICEF has programs helping the state with civil registration demonstrates that documentation is a problem in the country. What is also worrying is the situation of public education. Children have rights to an education provided in articles 28 and 29 of the Convention, and also provided by national law in Colombia. International experience demonstrates that children that do not have educational opportunities are in greater danger of enlistment than those who do. The educational level not only of the former child soldiers but also of the child population in

general indicates that educational opportunities are not adapted to the reality of the nation, and the importance of receiving education does not rank high on the priority list. When the child soldiers give reasons like that they didn't like school, boredom and that they didn't understand what they were being taught, it indicates that the educational system is dealing with serious problems. The reality of the children is defined by the conflict when they are not able to attend school because it is too dangerous or the school has been closed due to security reasons. The fact that 25% of the rural population between the ages of 5 and 17 do not receive education, and 12% of the urban population of the same age tells, in large part, the story of the educational level of the Colombian youth, that is in average 3,7 years for girls and 3,8 years for boys. A large part of the population is deprived of the right to receive education, because of the conflict and the economic situation of the country.

Today, all participation of minors in the armed conflict is banned both under the Convention on the Rights of the Child and national law. Colombia has ratified the Convention but not the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. With the reservation made on article 38, Colombia did raise the minimum age up to 18 years, but at the same time neglected to ratify that right in the country for eight years. Today, there are no children in the Armed Forces but children still have a link to the Armed Forces, like in the case of Military Schools and the program "Soldier for a day". This puts children, especially in conflict zones, in danger and it is hard to justify. Arguments like that children should learn the importance of the work Colombian Soldiers do are difficult to understand when the emphasis should be on democratic and peaceful values, and trying to keep children as far away from the conflict and its actors as possible.

Article 39 of the Convention on the Rights of the Child provides the rights to physical and psychological recovery after participating in hostilities. This right is provided by the ICBF through its programs for demobilized children. What is concerning is that even though the number of children in these programs has been doubling from one year to the next for the past years, they only represent a small percentage of the total number of children involved in the armed conflict, regardless of what number is used. Anywhere from 7,000 to 14,000 children are still involved, and the future problem Colombia is facing is where attention should be directed. The protection of children is a

combined effort of politicians, the judicial system, civil society and the families and individuals responsible for the children. It involves both cultural and social aspects, but if crimes against children go unpunished, it sets a new norm in the society that has nothing to do with the written law. There is no good in ratifying international law and making the national legislation better if there is no attention to carry out the rights.

The Colombian conflict is far from being simple and no simple solution will ever be found. The solution must be searched for in many different aspects of the political, cultural and social spheres. The constant change of the conflict complicates the solution and homicides, attacks, forced disappearances and hostage-taking has become a part of the every day reality of the population. The tolerance towards acts of violence is higher than among nations that have been fortunate enough to live in peace. As the solution to the conflict must be in great part be reached in the political sphere, the lack of political representation for different parts of the population does not help in the solution. The rules of democracy are only being applied in part, and unwanted political candidates are kidnapped or murdered to prevent them from reaching out to the public. Complicating the situation even further is the drug traffic and the enormous amounts of wealth this illegal industry brings in a globalised economy where people depend on fluctuating world prices of agricultural products to support their families. From the poor farmers' point of view, the reason for coca cultivation is easily understood. There must be alternatives for these people and more equal distribution of the wealth and opportunities so the situation can be changed. Colombia, like other underdeveloped nations, does not control its fate alone, as the economic powers of the world have a major influence on their economic success. Critical change could be reached with a shift in political policies, not only on the behalf of Colombia but also on behalf of the international community, especially the United States. Peace negotiations including all actors of the conflict are vital for its solution.

The conflict in Colombia has been intensifying for the past years and it continues to do so. Child involvement in the conflict has also increased, child labour is a problem, children lack recreation possibilities and are forced to take adult responsibilities long before they reach adulthood. A large number of children are victims of all forms of violence, in some cases driving them to enlist with the illegal armed groups. Children looking for social recognition and a better socio-economic situation are easily manipulated, especially when they have been growing up in a conflict situation their

whole lives, which is a reality shared by generations before them. Different research on the demobilized child population demonstrate that they join the armed groups at an age considered to be the most important period in the development of their personality and preparation for adulthood. What makes the case of child soldiers in Colombia different from experiences of other countries is the high number of voluntary recruitment. Even though theoretically it is hard to call this kind of recruitment voluntary, it is voluntary to the children. They see the enlistment as one of the alternatives, one of the choices they have to make in life. The risk factors for child recruitment are known and therefore the development of the problem depends on how these factors will be addressed. Domestic violence, sexual abuse and malfunction in the family increase the risk of the child enlisting with the armed groups. Other factors, like living in rural areas or being unaccompanied also have an affect. In Colombia, the regions where armed conflict tension is the highest are the regions where child recruitment is also the highest. Child combatants experience horrific violence that can affect their future. They do not find the love and attention they were looking for upon enlistment and their reality is normally far away from what they had imagined. Life is not better and easier within the armed group. It is worrying that so many children enlist voluntarily and that it seems they do so out of the necessity to survive. This high percentage of volunteer child soldiers makes Colombia different from most other countries that have experienced child participation in armed conflicts. That demobilized children re-enlist shows the complete lack of alternatives the children are faced with.

The solution of the State to the problem of child soldiers has mostly been in attention provided by the ICBF to demobilized children. The government is not negotiating peace with all the actors, only the paramilitaries and therefore not looking for a solution to the problem of existing child soldiers. The prevention, of course, must take into consideration the reasons for child enlistment and direct funds in attacking the multiple problems that lead to the participation of children in the armed conflict. Regarding the programs provided by the ICBF they are being constantly re-evaluated. Developing institutional-level responses for a population that is at least doubling from, year to year is not an easy task. The solution has mostly been an institutional response using homes to prepare the children to become independent and to be able to take care of themselves on their own. One of the factors that must be taken into consideration is the

age of the children when demobilized. Many children are close to becoming adults according to law, which limits the legal responsibility and control the ICBF has over these children. The solution is also not necessarily in institutionalised programs and ICBF has started developing other alternatives like placing the children with a host family or their own family. One of the problems that can be detected in the work of ICBF is the definition used for child combatants. It can be argued that in some cases it eliminates urban militias from entering the programs as demobilized. This is one of the problems that come up in each society where children become involved in armed conflicts. What is the proper definition of the actors? What is involvement? What is a child? It is important that the authorities have a complete child protection policy so the problem can be prevented and not dealt with afterwards.

The programs of UNICEF are different from the ICBF's, as they focus more on prevention than attention. They focus on the reasons for the high voluntary child enlistment and therefore can be harder to estimate in numbers than programs of attention. It is always difficult to estimate the goods of humanitarian aid, like the ones provided by UNICEF, but it is believed that not only is the aid necessary but also that permanent change will not be reached if the infrastructure does not change. Programs like UNICEF's sport program, the return to joy and the friendly school are new approaches to the problem of child soldiers. These solutions are different from the solution provided by the State and therefore the problem can be addressed in different ways, both with institutionalised solution and alternative solutions. What puts a limit on the actions the international community can take within Colombia in the case of UNICEF is that they are guests in the country and their actions must be approved by their host. What makes UNICEF and its solutions stronger is the respect the United Nations and its different institutions enjoy, the access UNICEF had to funds and its alliance with the Catholic Church. Both in UNICEF's case and ICBF's case it is interesting to see the emphasis on alternatives in education as the educational level of the child soldiers is most often very low and the current system does not seem to have the necessary solutions. Sustainability is the term both ICBF and UNICEF use as a guideline for their work. It will be interesting to see if the idea of sustainable society, of a sustainable way of life, will change something in the future of Colombian children or if it is just another fashion phase.

8. Recommendations

To the Colombian State

1. To install complete childhood policy and attend to the needs of children, both in urban and rural areas to prevent their involvement in the armed conflict
2. To strengthen the educational system. Making education equally available to all children and adolescents in Colombia
3. Not in any form involve children in military activities, not excluding Military Schools or any program that glorifies the life and work of soldiers.
4. To ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
5. To encourage demobilization of all children under the age of 18 in illegal armed groups in Colombia
6. To ratify the ILO Convention No. 182
7. To recognize internationally the internal conflict so The Geneva Conventions can be applied in the country.

To the illegal armed groups

1. To stop all recruitment of children under the age of 18 and under no circumstances involve them in any activity of the armed group.
2. To demobilize all children under the age of 18 in their groups.

To the United Nations and the international community

1. To increase the humanitarian aid in Colombia, especially aid directed towards children and child protection.
2. To continue monitoring closely the human rights situation in Colombia



Glossary

AUC (Autodefensas Unidas de Colombia)- United Self-Defence Groups of Colombia

FARC-EP (Fuerzas Armadas Revolucionarias de Colombia- Ejército del Pueblo) - Revolutionary Armed Forces of Colombia-People's Army

IBCF (Instituto Colombiano de Bienestar Familiar) - Colombia's Family and Social Service

ICRC International Committee of the Red Cross

ILO International Labour Organisation

UC-ELN (Unión Camilista-Ejército de Liberación Nacional) - Camilist Union-Army of National Liberation

UNICEF - United Nations Children's Fund

Bibliography

- Barnitz, L. A. (1997) Child Soldiers; Youth who participate in armed conflict Youth Advocate Program International, New York
- Brett, R. and McCallin, M. (1996) Children the invisible soldiers Rádda Barnen - Swedish Save the Children. Sweden
- Carrigan (1995) Violence in Colombia NAACL Report on the Americas March/April 1995
- CICR (no date) Derecho internacional humanitario - Respuestas a sus preguntas CICR publicaciones, Geneva
- Cohn, I. and Goodwin-gill, G. S (1997) Child Soldiers : The Role of Children in Armed Conflict A Study for the Henry Dunant Institute, Clarendon Press, Oxford
- Convention on the Rights of the Child United Nations General Assembly resolution 44/25 of 20 November 1989. For full text of the Convention see web page; www.unicef.org/crc/fulltext.htm
- Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia (2003) Niñez, Escuela y Conflicto Armado en Colombia
- Defensoría del Pueblo & UNICEF, La Niñez y Sus Derechos Boletín No 8, December 2002, Bogotá, Colombia
- Folguera, P. (1994) Cómo se hace historia oral Eudema, Spain
- Get up stand up, video in the program Our America. Seen in Instituto de Estudios Latino Americanos, University of Costa Rica 17th July 2003
- Human Rights Watch (1998) War Without Quarter : Colombia and International Humanitarian Law
- Human Rights Watch (2003) Aprenderás a no llorar - Niños combatientes en Colombia
- ILO (2004) IPEC action against child labour 2002-2003; Progress and future priorities, ILO Publications, Geneva
- Instituto Interamericano del Niño (2002) Niños, niñas y adolescentes involucrados en conflictos armados IIN, Montevideo
- Inter-American Commission on Human Rights – Organization of American States (1999) Third Report on the Human Rights situation in Colombia 26 February 1999, Doc 9. rev.1

Linares Cantillo, B. (2003) Jurisprudencia y política pública para la niñez desvinculada del conflicto armado In: Ciro Angarita por la infancia Niñez y conflicto armado: desde la desmovilización hacia la garantía integral de derechos de la infancia Memoria Annual 2002

Linares Cantillo, B. (2003) El Instituto Colombiano de Bienestar Familiar Recuento histórico, desarrollos y planteamiento crítico In: Ciro Angarita por la infancia Niñez y conflicto armado: desde la desmovilización hacia la garantía integral de derechos de la infancia Memoria Annual 2002

Loprete, C. A. Iberoamérica : Historia de su civilización y cultura Prentice Hall Inc., New Jersey, p. 210-211

PNUD (2003) Callejón con salida Informe nacional de Desarrollo Humano en Colombia 2003, PNUD, Colombia²²³

Rojas Rodríguez, J. E. et al. (2000) Esta guerra no es nuestra: Niños y desplazamiento Forzado en Colombia. UNICEF, Colombia

UNICEF (1996) Impact of Armed Conflict on Children : Report of Graça Machel, Expert of the Secretary-General of the United Nations - Selected Highlights United Nations Department of Public Information, New York

UNICEF East Asia and Pacific Regional Office (2002) Adult Wars, Child Soldiers: Voices of children involved in Armed Conflicts in the East and Pacific Region UNICEF, Thailand

United Nations Economic and Social Council (2004) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia E/CN.4/2004/13

Vallés, J. (2003) Aspectos Operativos y experiencias internacionales en desmovilización In: Ciro Angarita por la infancia Niñez y conflicto armado: desde la desmovilización hacia la garantía integral de derechos de la infancia Memoria Annual 2002

Web pages

America Latina en movimiento, XXXV Congreso Mundial de la FIDH - Resolución especial sobre Colombia On the web page as it was on the 23rd of March 2004: <http://alainet.org/docs/5761.html>

Chomsky N. (2000) The Colombia Plan April 2000 See the web page, as it was on the 13th of August 2003: www.zmag.org

Coalition to stop the use of child soldiers, web page as it was on the 15th of December

²²³ PNUD is what is known in English as UNDP or United Nations Development Program

2003: www.child-soldiers.org

Colombia Program, web page as it was on the 23rd of March 2004:
<http://ciponline.org/colombia/inforcombat.htm>

Groth H. (1998) 2.5 million children forced to work in Colombia 13th April 1998. See the web-page: www.hartford-hwp.com

Heller, D. (2000) Optional Protocol on the involvement of children in armed conflict to the Convention on the Rights of the Child, www.icrc.org/Web/eng

Humans Rights Watch web page as it was on the 4th July 2003:
<http://www.hrw.org/campaigns/crp/index.htm>

Mondragon H. (2003) Uribe in Wonderland Znet Colombia Watch July 30th, 2003. See the web-page: www.znet.org

Páez, Erica: Child Soldiers in Colombia, South America on the web page
www.eenet.org.uk/newsletters/news7/page11.shtml As it was on the 18th of July 2003

Petras J. (2001) Colombia: The FARC and the Trade Unions See the web page
www.colombiapace.org

Podur J. (2001) Human Rights in Colombia, Andres Sanchez Colombian Commission of Jurists Based on a presentation in Bogotá to a Witness for Peace delegation, July 2001. See the web-page: www.zmag.org

Political constitution of Colombia See the web page of Universidad Carlos III Madrid:
<http://www.uc3m.es/uc3m/inst/MGP/conscol2.htm>

Library of Congress, web page as it was on the 21st of July 2003: <http://lcweb2.loc.gov>

Louis Proyect (1999) Revolution in Colombia, part one: historical background. Web page as it was on 18th of July 2003 www.hartford-hwp.com/archives/42/059.html

Situación de la Infancia on the web page www.unicef.org

The Centre for International Policy's Colombia Program See the web page, as it was pm the 23rd of March 2004: www.chiponline.org/colombia/aidtable.htm

UNICEF, web page as it was on the 21st June 2003: Los niños y la violencia en Colombia on the web page: www.unicef.org/spanish/colombia/facts.htm

UNICEF, web page about child soldiers, as it was on the 22nd of February 2004:
http://www.unicef.org/emerg/index_childsoldiers.html

www.berkeley.edu/news Child soldiers and childhood in Sierra Leone studied by UC

Berkeley graduate student. As it was on the 23rd of July 2003

www.rebelion.org/palncolombia Por los derechos humanos, las libertades democraticas y la solucion política del conflicto As it was on the 13th of August 2003

Office of the United Nations High Commissioner for Human Rights see the web page: www.unhcr.ch/pdf/report.pdf Status of ratification of the principal international human rights treaties

Presentations

ICBF (2004) Presentation: Niños, Niñas y Jóvenes Desvinculados del Conflicto Armado, Bogotá, Colombia

Panorama de la situación colombiana. Introducción a las crisis de Colombia. Presentation of the UNHCR at the Institution of Latin American Studies (IDELA), National University, Costa Rica. May 21st 2003

Annexe 1

Humanitarian law treaties in order of adoption

1864 Geneva Convention for the amelioration of the condition of the wounded in armies in the field

1868 Declaration of St. Petersburg (prohibiting the use of certain projectiles in wartime)

1899 The Hague Conventions respecting the laws and customs of war on land and the adaptation to maritime warfare of the principles of the 1864 Geneva Convention

1906 Review and development of the 1864 Geneva Convention

1907 Review of The Hague Conventions of 1899 and adoption of new Conventions

1925 Geneva Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare

1929 Two Geneva Conventions:

Review and development of the 1906 Geneva Convention

Geneva Convention relating to the treatment of prisoners of war (new)

1949 Four Geneva Conventions:

I Amelioration of the condition of the wounded and sick in armed forces in the field

II Amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea

III Treatment of prisoners of war

IV Protection of civilian persons in time of war (new)

1954 The Hague Convention for the protection of cultural property in the event of armed conflict

1972 Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxic weapons and on their destruction

1977 Two Protocols additional to the four 1949 Geneva Conventions, which strengthen the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts

1980 Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects (CCW), which includes:

the Protocol (I) on non-detectable fragments

the Protocol (II) on prohibitions or restrictions on the use of mines, booby traps and other devices

the Protocol (III) on prohibitions or restrictions on the use of incendiary weapons

1993 Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction

1995 Protocol relating to blinding laser weapons (Protocol IV [new] to the 1980

Convention) 1996 Revised Protocol on prohibitions or restrictions on the use of mines, booby traps and other devices (Protocol II [revised] to the 1980 Convention)

1997 Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction

1998 Rome Statute of the International Criminal Court

1999 Protocol to the 1954 Convention on cultural property

2000 Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict

2001 Amendment to Article I of the CCW

Annexe 2
List of interviews and questions asked
In alphabetic order of the interviewed

Interview - taken on the 23rd of April 2004 in Bogotá Colombia

Aguirre, Julian: Director of the program for demobilized children, ICBF, Bogotá

Questions:

What has been ICBF's answer to the problem of child soldiers regarding prevention of recruitment and social reintegration of former child soldiers?

Interview - taken on the 30th of July 2003 in San Pablo de Heredia, Costa Rica

Mahecha Contreras, Alicia: life history of a Colombian woman

Question used in this project:

What was Colombia like when you were growing up?

Interview - taken on the 23rd of April 2004 in Bogotá Colombia

Turizo, David: Department of cooperation and agreements ICBF, Bogotá

Questions:

What has been ICBF's answer to the problem of child soldiers in Colombia?

How many children are in the reintegration programs?

What definition does ICBF use for the term child soldier? Is it perhaps the same definition used by UNICEF?

Are all ICBF's programs institutionalised programs?

Interview taken on the 21st of April 2004 in Bogotá Colombia

Vallés, Jorge: Project Officer, Child Protection and Humanitarian Affairs UNICEF
Bogotá - Area Office for Colombia & Venezuela

Questions:

What has been UNICEF's answer to the problem of child soldiers in Colombia especially regarding prevention of recruitment and social reintegration of former child soldiers?

What is UNICEF doing to increase secondary education?

Is the Friendly School one of UNICEF's prevention programs?

Is the curriculum of the school adopted to the reality the children are facing?

How does UNICEF prevent it's schools from becoming a military object, like for example a place for child recruitment?

Are UNICEF's programs long or short time projects?

Has UNICEF been able to increase it's assistance as the armed conflict has increased in the past years?

Annexe 3

Original text of articles from the Political Constitution of Colombia and National law concerning rights of children and child soldiers

Article 44 of the Political Constitution

Art. 44.

Son derechos fundamentales de los niños: la vida, la integridad física, la salud y la seguridad social, la alimentación equilibrada, su nombre y nacionalidad, tener una familia y no ser separados de ella, el cuidado y amor, la educación y la cultura, la recreación y la libre expresión de su opinión. Serán protegidos contra toda forma de abandono, violencia física o moral, secuestro, venta, abuso sexual, explotación laboral o económica y trabajos riesgosos. Gozarán también de los demás derechos consagrados en la Constitución, en las leyes y en los tratados internacionales ratificados por Colombia.

La familia, la sociedad y el Estado tienen la obligación de asistir y proteger al niño para garantizar su desarrollo armónico e integral y el ejercicio pleno de sus derechos.

Cualquier persona puede exigir de la autoridad competente su cumplimiento y la sanción de los infractores.

Los derechos de los niños prevalecen sobre los derechos de los demás.

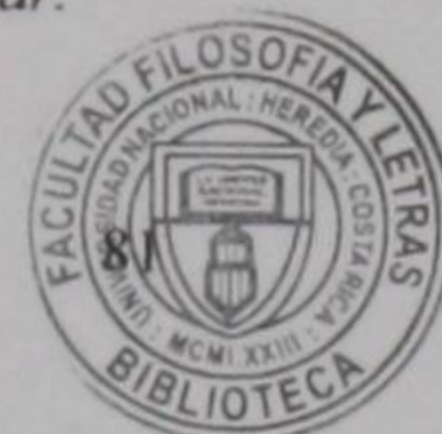
National Law Nº 418 from 1997

CAPITULO II

Disposiciones Para Proteger a los Menores de Edad Contra Efectos del Conflicto Armado

ARTÍCULO 13. Prorrogada vigencia. Ley 782 de 2002, Art. 1 Modificado Ley 548 de 1999, Art. 2 Los menores de 18 años de edad no serán incorporados a filas para la prestación del servicio militar. A los estudiantes de undécimo grado, menores de edad que, conforme a la Ley 48 de 1993, resultaren elegidos para prestar dicho servicio, se les aplazará su incorporación a las filas hasta el cumplimiento de la referida edad.

Si al acceder a la mayoría de edad el joven que hubiere aplazado su servicio militar estuviere matriculado o admitido en un programa de pregrado en institución de educación superior, tendrá la opción de cumplir inmediatamente su deber o de aplazarlo para el momento de la terminación de sus estudios. Si optare por el cumplimiento inmediato, la institución educativa le conservará el respectivo cupo en las mismas condiciones; si optare por el aplazamiento, el título correspondiente sólo podrá ser otorgado una vez haya cumplido el servicio militar que la ley ordena. La interrupción de los estudios superiores hará exigible la obligación de incorporarse al servicio militar.



La autoridad civil o militar que desconozca la presente disposición incurrirá en causal de mala conducta sancionable con la destitución.

National Law № 548 from 1999

ARTÍCULO 2. El artículo 13 de la Ley 418 de 1997, quedará así:

Artículo 13. Los menores de 18 años de edad no serán incorporados a filas para la prestación del servicio militar. A los estudiantes de undécimo grado, menores de edad que, conforme a la Ley 48 de 1993, resultaren elegidos para prestar dicho servicio, se les aplazará su incorporación a las filas hasta el cumplimiento de la referida edad.

Si al acceder a la mayoría de edad el joven que hubiere aplazado su servicio militar estuviere matriculado o admitido en un programa de pregrado en institución de educación superior, tendrá la opción de cumplir inmediatamente su deber o de aplazarlo para el momento de la terminación de sus estudios. Si optare por el cumplimiento inmediato, la institución educativa le conservará el respectivo cupo en las mismas condiciones; si optare por el aplazamiento, el título correspondiente sólo podrá ser otorgado una vez haya cumplido el servicio militar que la ley ordena. La interrupción de los estudios superiores hará exigible la obligación de incorporarse al servicio militar.

La autoridad civil o militar que desconozca la presente disposición incurrirá en causal de mala conducta sancionable con la destitución.

Parágrafo. El joven convocado a filas que haya aplazado su servicio militar hasta la terminación de sus estudios profesionales, cumplirá su deber constitucional como profesional universitario o profesional tecnólogo al servicio de las fuerzas armadas en actividades de servicio social a la comunidad, en obras civiles y tareas de índole científica o técnica en la respectiva dependencia a la que sea adscrito necesite. En tal caso, el servicio militar tendrá una duración de seis meses y será homologable al año rural, periodo de práctica, semestre industrial, año de judicatura, servicio social obligatorio o exigencias académicas similares que la respectiva carrera establezca como requisito de grado. Para los egresados ~~en~~ la carrera de derecho, dicho servicio militar podrá sustituir la tesis o monografía de grado y, en todo caso, reemplazará el servicio social obligatorio a que se refiere el artículo 149 de la Ley 446 de 1998.

Annexe 4

Region of origin of children in ICBF's programs for demobilized children 1999 to end of January 2004

Region	Number	Region	Number
Amazonas	2	Guaviare	26
Antioquia	250	Hulia	44
Arauca	39	Magdalena	11
Atlántico	5	Meta	111
Bogotá	166	Nariño	46
Bolivar	11	Nte Santander	33
Boyacá	31	Putumayo	64
Caldas	18	Quindio	8
Caquetá	65	Risaralda	16
Casanare	53	San Andrés	0
Cauca	72	Santander	146
Cesar	20	Sucre	20
Córdoba	4	Tollma	74
Cundinamarca	72	Valle	53
Chocó	22	Vaupes	1
Guainia	0	Vichada	1
Guajira	4		



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