



no one to trust

Children and Armed Conflict in Colombia

WATCH LIST ON CHILDREN AND ARMED CONFLICT

April 2012

About Watchlist

The Watchlist on Children and Armed Conflict (Watchlist) strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national, and international non-governmental organizations, enhancing mutual capacities and strengths. Working together, we strategically collect and disseminate information on violations against children in conflicts in order to influence key decision-makers to create and implement programs and policies that effectively protect children.

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Map of Colombia



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List of Acronyms

AUC	<i>Autodefensas Unidas de Colombia</i> or United Self-Defense Forces of Colombia
BACRIMS	<i>Bandas Criminales</i> or criminal gangs
CIAT	<i>Comité Interinstitucional de Alertas Tempranas</i> or Early Warning Inter-Institutional Committee
CNRR	<i>Comision Nacional de Reparación y Reconciliación</i> or National Commission for Reparations and Reconciliation
CODHES	<i>Consultoria para los Derechos Humanos y el Desplazamiento</i> or The Center for Human Rights and the Displaced
COALICO	<i>Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia</i> or Coalition against the involvement of boys, girls and youth in the armed conflict in Colombia
CCJ	<i>Comisión Colombiana de Juristas</i> or Colombian Commission of Jurists
CONPES	<i>Consejo Nacional de Política Económica y Social</i> or National Social and Economic Policy Council
DDR	Disarmament, demobilization and reintegration
ELN	<i>Ejército de Liberación Nacional</i> or National Liberation Army
FARC	<i>Fuerzas Armadas Revolucionarias de Colombia</i> or Revolutionary Armed Forces of Colombia
ICBF	<i>Instituto Colombiano de Bienestar Familiar</i> or Colombian Family Welfare Institute
IDP	Internally displaced person
MRM	Monitoring and Reporting Mechanism
NGO	Non-governmental organization
OCHA	UN Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the UN High Commissioner for Human Rights
UNHCR	UN High Commissioner for Refugees
UNICEF	The United Nations Children's Fund

executive summary and recommendations



Colombia's civilians have been pulled into a decades-long civil war among the government's forces, paramilitary groups and their successors, the Revolutionary Armed Forces of Colombia (FARC), and the People's Liberation Army (ELN). During the conflict, girls and boys have been subjected to forced recruitment, rape and sexual violence, killing and maiming, and have been seriously affected by attacks against schools and the denial of humanitarian assistance, according to the 2011 UN Secretary-General's report on children and armed conflict in Colombia. More than half of an estimated 3.9 – 5.3 million internally displaced people in Colombia are under 18, rendering them even more vulnerable to the threats that caused them to flee their homes in the first place.

In an important policy shift, President Juan Manuel Santos' administration, in power since August 2010, has formally recognized the existence of an armed conflict in Colombia. Policies to prevent child recruitment by armed groups have been put in place since 2010, and a recently enacted Victims Law offers reparations for victims of violations committed by all parties to the conflict. 2011 also saw the first conviction of former paramilitaries for sexual violence against minors and child recruitment under the Justice and Peace Law of 2005. Despite this progress, government initiatives remain insufficient and inadequately address the reality of the conflict. Some parts of the country remain out of the government's reach, as armed groups have de facto authority over such areas and continue to commit horrific abuses against the local population. In turn, the government views its armed forces as a "protection force," rather than a party to the conflict, which leads to situations of impunity and creates distrust in communities. Children, particularly those in remote areas, are not adequately protected and continue to face threats and violence from all sides – they have no one to trust.

At this crucial juncture, Watchlist conducted two field missions in August/September and November/December 2011 to Colombia to research and report on the situation of children affected by armed conflict and devise key recommendations to address such violence and improve response mechanisms. Here are some of our findings and recommendations:

1. Findings

Recruitment and use of child soldiers

The FARC appears to have intensified recruitment campaigns targeting children, owing to pressures to rapidly replenish its troops after the government's increased counter-insurgency campaigns since 2002. Its recruitment tactics include using children to lure their peers into joining and conducting surveys in villages to identify children for later recruitment. Those children who refuse to join or try to escape risk torture, mutilation, or death.

The paramilitary groups, under the umbrella of the AUC (United Self-Defense Forces of Colombia) also recruited and used children in its ranks. However, during the formal demobilization process of AUC paramilitaries between 2003 and 2006, government officials failed to enforce the handover of children as a condition for AUC paramilitary groups to enter the process, leaving thousands of children formerly associated with the AUC unaccounted for and without any protection. Many of them joined so-called “paramilitary successor groups,” which just like their predecessors reportedly recruit and use children as an inexpensive way to maintain and advance their operations in regions of ongoing structural poverty.

The Colombian army does not appear to recruit children as combatants but has used them as informants or spies to gather intelligence information about guerrilla groups. The army has also frequently involved children in the conflict through civic-military campaigns, in which armed forces engage children in educational and recreational activities to encourage trust towards the military within communities. These activities are harmful to children as they expose them to exploitation as sources of intelligence by the army or police, and retaliation by armed groups.

Rape and sexual violence

The Colombian Constitutional Court has stated, “sexual violence against women is a habitual, extensive, systematic and invisible practice in the Colombian armed conflict.” The statistical data on sexual violence is lacking, as fear of stigmatization or retaliation prevents many survivors and witnesses of rape and sexual violence from reporting the violence or seeking assistance. Some of the most hidden victims of sexual violence are girls associated with armed groups, who are frequently subjected to rape, forced abortion, and forced use of methods of contraception. In those cases that are reported, impunity and intimidation are rampant, particularly if the case concerns members of the armed forces.

Attacks against schools

In spite of official restrictions regarding the use of educational buildings for military purposes, the national armed forces have reportedly occupied schools and camped nearby. The presence of armed forces has not only provoked attacks from guerrilla groups (FARC and ELN) on schools but also has led to other misconduct. For their part, guerrilla and successor groups have often used schools as a forum for recruitment. As the conflict progresses, guerrilla groups are planting more landmines without recording their location, preventing children from going to school.

Teachers are also exposed to attacks because of the conflict. Between 1991 and 2011, 871 teachers were killed, about 3,000 threatened, 1,070 forcibly displaced, and 60 reported “missing,” according to a teacher’s union in Colombia. This puts education at risk in Colombia.

Government measures and initiatives

The government has taken important policy and legal steps at the national level to improve the situation of conflict-affected children and their communities, and some progress has been made. However, government initiatives remain insufficient and inadequately address the reality of the conflict. The government’s protection strategies have excluded victims of the paramilitary successor groups and to a certain extent victims of violence by the government’s military and police. Moreover, protection strategies largely assume an urban

environment, neglecting the needs of communities in rural, remote areas, which are among the main targets of attacks by armed groups. The real-time early warning system set up by the government does not always result in prompt responses from state authorities because national and local authorities frequently neglect the warnings. There is currently no government entity that has the mandate and resources to deal specifically with children and armed conflict and to coordinate the various national and local initiatives. Lastly, despite some recent prosecutions against perpetrators for the crimes of child recruitment and sexual violence against children, impunity remains a core concern and challenge in Colombia. All this results in a lack of confidence among communities in the government's ability to protect them.

The Monitoring and Reporting Mechanism

A UN-led Monitoring and Reporting Task Force (MRM) was set up in Colombia in January 2009 to monitor and report on grave violations against children in armed conflict, in accordance with Security Council Resolution 1612 (2005). However, the Task Force in Colombia is limited in its response capacity as it is not allowed to engage in dialogue with non-state armed groups to negotiate action plans aimed at preventing grave violations against children in armed conflict. The UN Task Force's interaction with the government has been sporadic and has not always taken place with the most appropriate governmental counterpart. Internal coordination and leadership is also an added challenge, in particular to efforts to expand reporting structures and response mechanisms to the provinces.

2. Recommendations:

Government of Colombia

- Allow and facilitate the MRM Task Force to engage in dialogue with non-state armed groups with the aim of developing an action plan to end child recruitment and use, bearing in mind other violations and abuses committed against children, in accordance with Security Council Resolution 1612.
- Incorporate issues related to the protection of children into any peace negotiations and peace accords.
- Establish a high-level focal point within the government as a counterpart for the MRM Task Force to coordinate with various ministries and government entities on prevention and protection of children affected by armed conflict.
- Recognize and learn from the failure of the demobilization process in order to address its unintended consequences, such as the emergence of paramilitary successor groups.
- Strengthen the capacities of the state's civilian presence, including the Ombudsman's Office – the national human rights institution – in rural and marginalized regions to respond more effectively to the humanitarian crisis, monitor and report on the human rights situation, and act as a deterrent to violations.
- Ensure strict compliance with the principle of distinction to differentiate between combatants and civilians, as well as military directives that prohibit the use of children for intelligence purposes, and ensure that those responsible for violations within the armed forces are suspended and sanctioned with appropriate penalties.

- Immediately end all civic-military activities and raise awareness among security forces, including armed forces and the police, about the harmful effects of involving children in these activities, given the increased risk of retaliation by members of non-state armed groups.
- Guarantee benefits for demobilized children, regardless of recruitment mode, current age, and armed non-state group to which they previously belonged.
- Intensify efforts to follow up and investigate cases of sexual violence, including those committed by members of the security forces, and punish those found guilty, in accordance with national and international law.
- Together with civil society organizations, conduct a national public awareness-raising campaign that informs and denounces the systematic sexual violence committed against women and girls in the context of armed conflict, and urges the public to treat survivors of sexual violence with respect and dignity.

Non-State Armed Groups

- Release all children under the age of 18 and end further recruitment and use of children for conflict-related and criminal activities, in accordance with national and international obligations.
- Ensure that internal policies and practices on the recruitment and use of children, on attacks, occupation, and misuse of schools, and on sexual violence are in compliance with humanitarian norms. This involves revising internal policies, issuing clear orders to fighters, and following up with training and, if needed, disciplinary action.
- Take active steps to reduce the impact of landmines on the civilian population, especially children, such as marking mined areas, informing civilians, and removing planted mines, notably around schools and on school access roads.
- Pursue humanitarian agreements on the protection of children in armed conflict to end the use and recruitment of children, sexual violence against women and children, and the use of schools for military purposes.

UN Security Council and Its Working Group on Children and Armed Conflict

- In view of repeated and persistent violations against children by the FARC and ELN, in breach of international norms and standards, impose targeted measures against these armed groups, in accordance with UN Security Council Resolutions 1539 and 1612.
- Send a delegation of members of the Security Council Working Group on Children and Armed Conflict to learn more about the government's own initiatives to prevent child recruitment and to support the work of the MRM Task Force.
- Urge the government to immediately end the use of children for intelligence and other purposes as well as the involvement of children in civic-military activities, due to the harmful consequences for children and increased risk of retaliation by armed groups.
- Share with the Colombian government concerns regarding the continued incidents of rape and other forms of sexual violence against children, including those perpetrated by members of the armed forces, and strongly encourage the government to

systematically investigate and prosecute all perpetrators of rape and other crimes of sexual violence, and to strengthen prevention and response strategies.

- Request the government to support the MRM Task Force by allowing the Task Force to engage in dialogue with non-state armed groups to develop action plans to address grave violations against children and by working with the Task Force to strengthen effective prevention and response actions.
- Urge the government to treat victims of violations committed by successor groups, including children formerly associated with them, as they treat child victims of other armed groups.

UN Secretary-General and His Special Representative for Children and Armed Conflict

- Engage with the Colombian government to request that the MRM Task Force renew efforts to develop and implement time-bound action plans with the FARC and ELN to address the recruitment and use of children, bearing in mind other violations and abuses committed against children, in accordance with Security Council Resolution 1612.
- Consider listing the FARC and ELN, which are currently listed for recruitment and use of children, also for rape and other forms of sexual violence against children and recurrent attacks on schools, including attacks or threats against teachers and students, in the next annual report, in accordance with Security Council Resolutions 1882 and 1998.
- List relevant paramilitary successor groups responsible for the recruitment and use of children, killing and maiming, rape and sexual violence, and/or attacks against schools and hospitals, in the next annual report, in accordance with Security Council Resolutions 1612, 1882, and 1998.
- Consider listing the Colombian armed forces for committing rape and other forms of sexual violence against children in the next annual report, in accordance with Security Council Resolution 1882; encourage the MRM Task Force to work with the government on an action plan to effectively end this violation.

MRM Task Force

- Provide regular trainings to all those involved in the implementation of the MRM, including UN agencies, the Ombudsman's Office, and non-governmental organizations (NGOs), specifically on the definition of the six grave violations against children and armed conflict, which are killing and maiming of children, recruitment or use of child soldiers, rape and other forms of sexual violence against children, abduction of children, attacks against schools and hospitals, and denial of humanitarian access to children, and the distinction between conflict-related violations and criminal acts.
- Invite representatives of indigenous and Afro-Colombian communities, which are often marginalized, to participate in the Task Force to better understand the specific risks of children from these communities and adapt responses to be more sensitive to their cultural context.
- Strengthen collaboration and coordination with the Inter-Agency Standing Committee (IASC)'s Protection Cluster in Colombia to ensure a comprehensive protection system for children affected by armed conflict and other forms of violence.

Humanitarian Country Team/UN Humanitarian and Resident Coordinator

- Increase the presence of humanitarian organizations in some of the most high-risk areas and conduct regular missions to these areas to assess the protection and needs of civilians, including children, followed by advocacy visits with the local and national governments.
- Create an adequate structure for the Protection Cluster in Colombia to fulfill its role in ensuring that the monitoring and reporting activities of the MRM Task Force are accompanied by an adequate response at the policy and/or programmatic levels. For that purpose, UNICEF should be endowed with adequate capacities to create a dedicated sub-cluster on child protection or to act as a focal point to coordinate child protection responses.
- Work with IASC's Local Humanitarian Teams to enable them to respond adequately and promptly to identified risks and protection needs of children in situations of armed conflict, including by increasing their capacity to advocate with relevant government authorities on child protection concerns at local and regional levels.

UNICEF

- Coordinate and reinforce the UNICEF Colombia team at the national and local level to provide sustained leadership in the MRM Task Force and the Protection Cluster given their different, mutually reinforcing roles in protecting children.
- Expand UNICEF's presence in the field to support organizations with a role in the MRM process, including Local Humanitarian Teams, local government authorities, and civil society organizations, in providing and/or advocating for adequate programmatic and policy responses to protect children in armed conflict.

The European Union, the United States, and Other Governments

- Demonstrate political support for the MRM Task Force by holding regular meetings with the MRM Task Force and embassies and consulates in Bogotá.
- Urge the Colombian government to fulfill the above recommendations and closely monitor its efforts to fulfill these recommendations and those made by the UN and the Inter-American human rights system and other inter-governmental bodies.

Donors

- Ensure flexible and sustainable funding for (1) strengthening the technical capacities of governmental and non-governmental actors in monitoring and reporting on children's rights violations under UN Security Council Resolutions 1612, 1882, and 1998; (2) psycho-social assistance and income-generating activities for children formerly associated with armed groups, as well as long-term follow-up of their reintegration process; (3) survivors of sexual violence, particularly in rural areas, to enable them to receive adequate psycho-social, medical and legal care and support; (4) flexible schooling to allow children from rural areas, poor backgrounds, and those who were internally displaced an opportunity to continue to go to school by adapting the times and curriculum to meet their needs.



recommendations from children

Watchlist spoke with boys and girls from some of the most war-torn areas of the country. Here are some of the recommendations they shared with us, in their own words:

To the government:

- Put yourself in our shoes and understand us.
- Provide more education to children that do not have this opportunity.
- Take the money that is spent on bombs, airplanes, and weaponry and spend it on helping orphans, sick people, and the handicapped.
- Eliminate all the corruption.

To other children:

- Do not get convinced by armed groups. After you get in the troop with them, it gets really hard.
- If a person tells you: "Come with me. I'll give you everything you want." Do not believe them! It is better if you stand up for your rights and struggle on your own.

To all the people responsible for the war:

- Establish a dialogue with your enemies to reach an agreement.
- Do not harm the communities, especially the ones that are in danger of disappearing.

To the international community:

- We want more support to lead more children and young people into the right direction and to save the ones that have been captured.

Methodology

In 2011, the Watchlist on Children and Armed Conflict (Watchlist) conducted field missions to Colombia to research and report on the situation of children affected by armed conflict from August 16 to September 14 and from November 28 to December 10.

Watchlist visited the capital, Bogotá, in Cundinamarca, as well as San Miguel, Puerto Asís and Mocoa in Putumayo; Pasto and Ricaurte in Nariño; Cali and Buenaventura in Valle de Cauca; and Cúcuta and Tibú in Norte de Santander (see map below). These locations were chosen in consultation with partner NGOs working in Colombia because all have been affected by conflict-related violence, all host displaced communities, and in all of them armed forces and groups have committed one or more of the six grave violations against children monitored by UN Security Council Resolution 1612.¹

Watchlist held individual interviews or group discussions with war-affected girls and boys,² mostly between the ages of 10 and 16, who shared their experiences as former child soldiers, as well as victims of abduction, rape, torture, forced displacement, and landmines. We also spoke to the children's families, community leaders, and teachers, government authorities (including Colombia's Vice-President Angelino Garzón, governors, mayors, and education and social services officials), UN agencies,³ local, national, and international NGOs, human rights defenders, and diplomats. Watchlist was unable to interview representatives of government security forces, including armed forces and the police, or non-state armed groups because of security and/or legal restrictions.

While all six grave violations have been documented in Colombia, this report focuses on child recruitment and use, rape and sexual violence, and attacks against schools,⁴ reflecting the recurrence of reports of these violations and the remaining protection gaps in addressing them. In addition, a number of civil society organizations, including COALICO (Coalition against the involvement of boys, girls and youth in the armed conflict in Colombia), a network of local, national and international NGOs, have worked for over a decade documenting the various other violations committed against children affected by armed conflict.

Field research was accompanied by an extensive literature review of publicly available documents and unpublished studies on the human rights situation in Colombia and the broader socio-political context. All interviews with children were conducted in accordance with confidentiality and ethical standards. The names of children quoted in this report have been changed. Some of the locations and armed groups are not named at the request of the children.



Background

The armed conflict



Colombia's people have been pulled into a decades-long civil war as the government's forces and paramilitary groups have been fighting the Revolutionary Armed Forces of Colombia (FARC) and the People's Liberation Army (ELN). Although the Colombian army has expanded its military operations throughout the country since 2002, non-state armed groups remain active in most parts of the country.⁵ In some of the remote areas of the country, guerrilla groups act as the ruling authority, filling the vacuum created by the absence of the state enforcing the law and providing public services.

Between 2003 and 2006, the government initiated a process to demobilize the United Self-Defense Forces of Colombia (AUC), an umbrella organization of various paramilitary groups, by offering access to reintegration program incentives and reduced sentences of five to eight years if they admitted violations and returned to civilian life. While more than 30,000 adults passed through the program, the government never verified whether all paramilitaries actually demobilized, and was unable to dismantle the groups' criminal networks and support system.⁶ As a result, some groups or sections of groups never demobilized, or re-armed after the process, allowing them to form new groups.

To avoid admitting to the failure of the demobilization process, the government insisted that the paramilitary groups were no longer present and referred to the new non-state armed groups, which surfaced after the demobilization process, as "emerging criminal gangs" (*bandas criminales emergentes* or BACRIM). However, some of these new groups were led by former mid-level AUC leaders, and recruited former paramilitary members. Some of them have also increased in size, and follow command and control structures and employ some of the same tactics as the earlier paramilitary groups, such as inflicting terror on local populations and recruiting children.⁷ At the end of 2010, the Colombian police said that the paramilitary successor groups "los Rastrojos", "los Urabeños", "los Paisas", "los Machos", "ERPAC," and "Renacer" comprised 3,749 persons and operated in 159 municipalities of 18 provinces.⁸ In January 2011, the head of the Colombian National Police declared the new armed groups as "the biggest threat to national security."⁹ The emergence of these successor groups has not only added to the country's instability but also made it harder to separate politically motivated violence from purely criminal violence.

In contrast to the previous President, Álvaro Uribe Vélez, the Colombian government under President Juan Manuel Santos, who has been in office since August 7, 2010, has recognized the presence of an internal armed conflict. The Victims Law, which the Colombian Congress adopted in June 2011, offers for the first time reparations for victims of conflict-related human rights violations dating back to 1985. However, there have not been any marked advances in re-initiating political negotiations to end the armed conflict. President Santos has made any peace talks with the FARC and ELN contingent on their release of civilian, political, and military hostages, and ending attacks against civilian and military targets.¹⁰

Abuses by armed groups

Guerrilla groups and paramilitaries and their successors have committed serious abuses against civilians, often justifying these violations by accusing community members of siding with the enemy. In particular, human rights defenders, trade unionists, political activists, indigenous communities, and community leaders campaigning to reclaim land are subjected to threats and attacks. As of September 2011, the National Registry for Disappeared Persons had documented 62,745 cases of disappearances during the internal armed conflict, of which 16,844 are allegedly enforced disappearances, one of the highest numbers of enforced disappearances in Latin America.¹¹ Between the first half of 2010 and the same period in 2011, the number of victims of massacres increased from 81 to 101, according to CODHES, the Centre for Human Rights and the Displaced.¹² Colombia also has the second highest number of victims of anti-personnel mines and explosive remnants of war in the world, according to the 2011 Landmine Monitor.¹³ Other human rights violations committed by guerrillas, paramilitary groups, and paramilitary successor groups include killings, rape and sexual violence, and recruitment and use of child soldiers.¹⁴

Most of the non-state armed groups rely on the illegal drug trade and mining to finance their military operations and control the necessary territory by instilling fear among the local communities, corrupting public officials and, in the case of the FARC and ELN, the systematic use of landmines. Their common interest in narcotrafficking has caused various armed groups to enter into “non-aggression pacts” in certain regions, and even to share laboratories for producing cocaine. Illegal drug and criminal activities of non-state armed groups have spilled into Colombia’s neighboring countries, leading to intensified violence along the borders and strained diplomatic relations with Ecuador and Venezuela.

Counter-insurgency and military abuses

In order to counter the threat posed by insurgents, the Colombian government adopted an “Integrated Security and Defense Policy for Prosperity” on May 24, 2011. While former President Uribe focused on countering the FARC, the new administration under President Santos engaged in a more comprehensive military strategy against all non-state armed groups, including the FARC, ELN, and the paramilitary successor groups. Like the strategy under the Uribe administration, this strategy envisions the military capture of territory (“Area Cleaning”), followed by actions to keep the claimed territory (“Maintain”), and the consolidation of the territory through civil-military projects (“State Building”).¹⁵

While the policy has partially succeeded in capturing territory and establishing military control, transitioning to civilian leadership and “winning hearts and minds” of the population, as stated in the strategy, has been challenging, partially due to the slow arrival of the state’s civilian institutions.¹⁶ In the absence of a civilian authority, military forces have been accused of committing serious abuses against the local population in rural areas, often without facing legal repercussions. The disrespect for human life has led members of the armed forces, in coordination with paramilitary groups, to allegedly kill thousands of civilians and pass them off as guerrilla combatants to boost their success rates, which became known as the “false positives scandal” in 2008.¹⁷

Forced displacement and humanitarian crisis

As one of the most important humanitarian consequences of the armed conflict, between 3.9 and 5.3 million people have been displaced, the largest number of internally displaced

persons (IDPs) in the world; more than 50 percent of the IDPs are under the age of 18.¹⁸ Uprooted from their native lands and often separated from their families and communities, IDPs have been among the main targets of forced recruitment, disappearances, sexual violence, and killings. Human rights violations by armed actors, or the threat thereof, have often left civilians with no choice but to flee their homes. Some families have been forcibly displaced to protect their children from being recruited into armed groups.¹⁹ While forced displacement is a crime under Colombian law, perpetrators have rarely been brought to justice.²⁰

Military operations, movement restrictions, the regulation of food and non-food items, and coca crop fumigation have often made it either unsafe or economically unsustainable for people to stay (or return to) their communities. This is compounded by the presence of anti-personnel mines, which the FARC and ELN deploy in contravention of national and international law.²¹ Structural poverty and inequality have exacerbated the humanitarian crisis in Colombia and rendered children and other civilians susceptible to exploitation. Although Colombia is the fourth largest economy in Latin America, income and wealth are unevenly distributed, with 37.2 percent of Colombians living below the poverty line as of 2010.²²



Main parties to conflict²³

National security forces comprise the armed forces and the police. As of October 2011, the armed forces consisted of 290,920 troops, including the national army, air force, navy, and the general command. The police consisted of 161,655 members.

The FARC, the largest guerrilla group with an estimated 8,000-10,000 combatants, was created in 1964 to overthrow the government and create a Marxist regime. The FARC operates through a centralized command structure in all parts of the country, especially rural areas. It is mainly concentrated in the southwestern regions of the country, specifically in the provinces of Cauca, Huila, Nariño, Meta, and Tolima, as well as in Antioquia and Norte de Santander.

The ELN, the second largest guerrilla group with an estimated 1,500-2,500 combatants, was created in 1964 to form a socialist government, inspired by the Cuban revolution. In some of the few areas where it is present, it exerts strong control, operating through a centralized leadership. It is mainly concentrated in the provinces of Nariño and Norte de Santander and the corridor from the northeast of Antioquia, through Bolívar to the province of Santander.

The post-demobilization or successor paramilitary groups emerged from the government's failed attempts to demobilize paramilitary groups from 2003 to 2006. These successor groups, which were often led by former mid-level AUC leaders, consist of former paramilitary members, who employ similar techniques as the AUC but differ in their levels of command and control structure. The government opposes their classification as paramilitary groups and refers to them as *bandas criminales* (BACRIM) or criminal gangs. Their violent activities are dispersed throughout large parts of the national territory but concentrated in the southwest, particularly in the provinces of Nariño, Cauca, and Valle del Cauca, and in the provinces of Antioquia and Córdoba in the northwest.



part I: the impact of armed conflict on children

recruitment or use of children as soldiers

16



recruitment: refers to forced or voluntary conscription or enlistment of children into any kind of armed force or armed group under the age stipulated in international treaties applicable to the armed force or armed group in question.

use of child soldiers: refers to the use of children by armed forces or armed groups in any capacity, including but not limited to children, boys and girls used as fighters, cooks, porters, messengers, spies, and collaborators.²⁴

Despite the fact that there are no reliable official statistics on the number of child soldiers in Colombia, estimates range from 5,000 to 14,000 children.²⁸ These figures do not reflect the numerous cases in which the threat of recruitment caused families to leave their homes, and the dangers and hardship they faced as a result. Between January 1, 2008 and April 30, 2011, Colombia's Ombudsman's Office's Early Warning System reported 158 risk situations of forced recruitment of children in 178 municipalities in 20 provinces, of which 127 cases were attributed to the FARC.²⁹

Colombian national law establishes 18 as the minimum age for voluntary or compulsory recruitment into the armed forces or groups.²⁵ In spite of these legal provisions, reports of UN agencies, government entities, and NGOs attest to the systematic nature by which boys and girls in Colombia are targeted by guerrilla groups and paramilitary successor groups for recruitment and use.²⁶ The average age of recruitment has decreased from 13.8 years in 2002 to 11.8 years in 2009, according to the Office of the High Commissioner for Human Rights in Colombia.²⁷ As contact with non-state armed groups is outlawed and families are afraid to report cases, UN and government officials usually only learn about a case once the child has left the armed group and if they enter the formal reintegration program. For instance, the ICBF, the government's social welfare agency, which manages the demobilization and reintegration program for former child soldiers, only received 11 victims of child recruitment in 2011 in Nariño, a province renowned for the use of child soldiers by guerrilla and various paramilitary successor groups.

The FARC³⁰

The FARC's internal codes prohibit any recruitment of persons under the age of 15 and any compulsory recruitment.³¹ Flouting its own codes, which are below the internationally accepted minimum recruitment age of 18, the FARC's average age of recruitment is estimated at about 12 years, according to a recent government study.³² The FARC counts among the most persistent perpetrators of this grave violation worldwide and has consistently been listed in the Secretary-General's annual reports on children and armed conflict since 2003. The group has used girls and boys for conflict-related activities as well drug trafficking activities, including as fighters, messengers, porters, *raspachines* (for scraping coca leaves) and, in the case of girls, allegedly as sex slaves, held to motivate the other guerrilla members.³³

With the government's increased counterinsurgency operations since the Uribe administration, the FARC has lost thousands of fighters in combat or due to desertion, reducing its membership from about 20,000 fighters in 2001 to currently 8,000-10,000 fighters.³⁴ The pressure to

“ Armed groups are often the only ones engaging with these children and promising them a livelihood and a shiny uniform. ”

rapidly replenish its troops has put children at heightened risk of recruitment.³⁵

The group's recruitment campaigns have largely focused on rural areas, taking advantage of the communities' frustrations with the state's limited presence and the lack of education and health services. In these areas, the FARC is "seen as the law, as the main authorities," according to a representative of the Ombudsman's Office. By broadcasting messages through its own radio program, *The Voice of Resistance*, the FARC generally depicts itself as a benevolent organization striving for improved education, gender equity, and economic resources for poor and marginalized Colombians in small towns and villages.

Some of the children associated with the FARC have been tasked to recruit other children, often from the same ethnic or socio-cultural background. In some instances, attractive girls visit farms and rural settlements to lure teenage boys into joining them, and vice versa.³⁶ Underlining the systematic nature of child recruitment, the FARC has also surveyed villages in rural areas to determine how many children are in each family and their ages in order to recruit them once they are old enough to be useful. Even schools and *internados*, which are boarding institutions designed to protect and provide for children, have been used for recruitment campaigns (see below: Attacks against schools). Children who refuse to join or try to escape risk torture, mutilation, or death.³⁷

AUC paramilitary groups

Between 2003 and 2006, the Colombian government demobilized 31,671 AUC adult paramilitaries.³⁸ While estimates put the percentage of children in paramilitary groups at 20 percent, only 391 minors were formally released during this demobilization process.³⁹ Most children associated with the paramilitaries were never accounted for and did not benefit from reintegration services. Government officials disregarded the provisions of the Justice and Peace Law that made the release of all children in their ranks a condition for paramilitary troops to access the process.⁴⁰ Specific questions that could have provided insight into the incidence of child recruitment and the whereabouts of the children were only added at a later stage of the judicial proceedings. There was also a lack of child-friendly legal measures to allow for the safe involvement of children in court proceedings, which could have provided critical pieces of information. As a result of

this neglect, some paramilitary commanders reportedly sent thousands of children associated with their group home to avoid future prosecution. While some children formerly associated with the AUC paramilitaries may have reintegrated into their communities, others are likely to have seamlessly joined the emerging armed elements.⁴¹

On December 16, 2011, the Justice and Peace Court for the first time sentenced one of the paramilitary commanders to eight years in prison for recruitment of children, among other crimes, and mandated financial reparations for the victims. The trial of former paramilitary leader Fredy Rendón Herrera, alias "El Alemán," established that the "Élmer Cárdenas" paramilitary group had recruited at least 309 children in Chocó and Antioquia between 1997 and 2002. In 2005, the group reportedly decided to send all minors in their ranks home rather than hand them over to the ICBF "as victims of child recruitment," in accordance with the Code for Children and Young Persons Act 1098 of 2006.⁴² "El Alemán" reported having been advised by the High Commissioner for Peace not to hand over the children to avoid "complicating" the process.⁴³

Paramilitary successor groups

Just like their predecessors, the paramilitary successor groups are known to recruit and use children as an inexpensive way to boost and maintain their operations in regions of ongoing structural poverty. They often lure children as young as nine years old into joining them with false promises. "Armed groups are often the only ones engaging with these children and promising them a livelihood and a shiny uniform," a human rights worker told Watchlist. Some parents see their children joining the armed groups as their only option to secure their families' survival.

Fifteen-year-old Diego joined the *Aguilas Negras*, one of the larger paramilitary successor groups, just before turning 14. The group promised him three free meals a day and some money in return for "watching the road and keeping guard at night." Seven months later, Diego wanted to leave at any cost; he was not allowed to see his family and some weeks was forced to survive without food.

Often under the influence of drugs, children recruited by the successor groups are tactically used as *sicarios* or hitmen to commit grave human rights violations, including torture and murder. The young age of the

recruits makes it easier for the children to move around and assault their victims as they are rarely suspected by security forces, including armed forces and the police, a UN representative told Watchlist. "If the commander told us to kill somebody, we had to do it. If we didn't, they would have killed us," Diego told Watchlist, adding that he didn't like to kill. In fact, what he hated most while being with the *Aguilas Negras* was being "someone's slave."

Children associated with the paramilitary successor groups are not recognized as victims of the armed conflict by the government and therefore are not eligible for reparations offered under the Victims Law. Instead, they are treated as criminals under the law. Similarly, children forced to leave their homes to escape recruitment by the successor groups are not considered victims of forced displacement, in contrast to those fleeing recruitment by guerrilla groups, according to a UN official. Some of these children have had to move multiple times in their city after receiving direct threats from these successor groups.⁴⁴

recommendations

(recruitment and use by non-state armed groups)

Government of Colombia

- Work with at-risk children to address social and economic factors that may render them more vulnerable to recruitment.
- Treat children formerly associated with paramilitary successor groups the same as children associated with other armed groups.

Non-State Armed Groups

- Release all children under the age of 18, and end further recruitment and use of children for conflict-related and criminal activities, in accordance with national and international obligations. ►

- Ensure that internal policies and practices on the recruitment and use of children in armed conflict and criminal activities, and on the prevention and prohibition of sexual violence against both civilians and members of non-state armed groups are in compliance with humanitarian norms. This involves revising internal policies, issuing clear orders to fighters, following up with training, and, if needed, taking disciplinary measures.

Civil Society Organizations

- Initiate broad-based public awareness-raising campaigns working with community leaders and the media to compel armed groups to end the recruitment and use of children as an illegal and morally unacceptable practice.

The national armed forces


The Colombian army does not appear to recruit children as combatants but has used them as informants or spies to gather intelligence information about guerrilla groups, in violation of the Code on Children and Adolescents (Law No. 1098) and directives by the Ministry of National Defense.⁴⁵ In particular, during the initial period of the demobilization process, when former child soldiers are under the care of the army or police, children have reportedly been interrogated by members of the army and held in their custody for more than the permitted 36 hours.⁴⁶ This contradicts presidential decrees, clearly stating that minors are prohibited from performing defense-related or intelligence activities.⁴⁷ On July 6, 2010, the Commander General of the Armed Forces re-affirmed in an order "the prohibition to use children for intelligence and information gathering purposes, as well as guides in the field."⁴⁸

The army has also frequently involved children in the conflict through civic-military campaigns, although in an interview with Watchlist, the Vice-President emphasized the government's opposition to any civic-military initiatives. These activities engage children in educational and recreational activities with the aim to generate trust and establish a bond between the civilian population and

“ If the commander told us to kill somebody, we had to do it. If we didn't, they would have killed us. ”

the armed forces. As part of these campaigns, children have been invited to visit military camps, been taken on helicopter rides, and have received food from armed forces, which often enter schools to contact children.⁴⁹ “Children are taken to participate in the programs in police cars or army trucks,” local community leaders confirmed, adding that this represented a serious risk to the children involved.

Between June 2010 and November 2011, at least 129 civic-military activities were conducted, according to information retrieved from the website of the national armed forces. For example, in September 2011, 42 children were transported by a military plane to present their state exams in Arauca. On March 2011, 40 children were invited to the 29th Brigade to attend recreational activities conducted by special psychological-operations groups.⁵⁰ These activities may not only distort children's image of the “military” – whether armed forces or armed groups – but also exposes them to exploitation as sources of intelligence by the army or police, and retaliation by armed groups.

 **recommendations**
(use of children by national armed forces)

Government of Colombia

- Ensure strict compliance with the principle of distinction to differentiate between combatants and civilians, as well as military directives that prohibit the use of children for intelligence purposes, and ensure that those responsible for violations within the armed forces are suspended and sanctioned with appropriate penalties.

Ministry of Defense

- Immediately end all civic-military activities and raise awareness among security forces about the harmful effects of involving children in these activities, given the increased risk of retaliation by members of non-state armed groups. ▶

◀

- Train security forces regularly to be fully informed about the prohibition of using children for military purposes or as part of civic-military campaigns.

UN Security Council Working Group on Children and Armed Conflict

- Urge the government to immediately end the use of children for intelligence and other purposes, as well as the involvement of children in civic-military activities, in view of the harmful consequences for children and increased risk of retaliation by armed groups.

Reintegration

There has not been any systematic demobilization and reintegration process for children thus far. If children manage to escape or are released from armed groups, they can enter a reintegration program that is managed by the ICBF. A total of 4,811 children were assisted through this program between 1999 and 2011, of which 72 percent were boys and 28 percent girls.⁵¹ About 60 percent of children assisted by ICBF are put into institutional care. These children stay in transitional homes for the first one to three months as their needs are assessed before being transferred to specialized care centers that prepare them for their reintegration through educational and skills training for 9 to 12 months. Upon finishing the program (or for those 18 years and older), participants are moved to youth houses where they receive vocational training. The process ends with the follow-up and tracking of the children after they have been reintegrated.⁵²

During this time, the children's families are usually not allowed to visit or influence the reintegration process. The institution-based process often leads to problems if the child returns home to his/her family and encounters difficulties re-adapting to their own environment. However, the program for family-based care through parents, extended families, or foster care is much smaller than the institution-based program, and the economic aid the families receive barely allows them to cover the educational and other costs for the children. In addition, children are often moved far from their home

communities because the local provinces and regional offices do not have the facilities that the Protection Program requires, a representative of an ICBF office confirmed. “Some of the children feel so bad in the institutional programs that they escape,” said an ICBF official, adding that some of these children have been re-recruited by armed groups.

While economic distress was often the major incentive for a child’s recruitment,⁵³ the reintegration program lacks funding to provide enough aid and skills training to children to provide a viable alternative to joining armed groups or criminal gangs. Options for learning innovative, appealing new trades tend to be limited and are often in more traditional trades like carpentry, bakery, or mechanics, according to COALICO. The ICBF also lacks funds to evacuate children from dangerous areas and to return them to their families. Using armed forces to help with logistics is often the only option, but it can result in communities being targeted by non-state armed groups afterwards. Faced with these challenges, an official lamented, “We feel very lonely in our work to protect children affected by armed conflict.”



recommendations

(reintegration)

Government of Colombia

- Allocate adequate financial resources to the ICBF to support the reintegration of children formerly associated with armed conflict, in accordance with international and national law and standards.
- Guarantee benefits for demobilized children, regardless of recruitment mode, current age, and armed non-state group to which they previously belonged. ▶

- Develop standard safety provisions for all *internados* or boarding schools and conduct regular monitoring missions to ensure their implementation. Those *internados* that do not meet these standards should be closed immediately.

ICBF

- Bolster the national family-based care system to increase absorptive capacity.
- If security, family, and other conditions allow, place children released from armed groups in family-based care or, alternatively, facilitate active contact between the families and their children.
- Create confidentiality protocols and train staff to ensure that any information provided by released children is kept confidential to prevent security risks or potential retaliation.
- Strengthen income-generating activities for demobilized children based on market research and assessment of personal expectations and skills sets.
- Provide psycho-social assistance for children formerly associated with armed groups and their families before, during, and after reintegration programs.

Donors

- Support the provision of psycho-social assistance and income-generating activities for children formerly associated with armed groups, as well as long-term follow-up of their reintegration process.

Criminal responsibility

In Colombia, the seemingly voluntary nature by which children join armed groups and the horrific crimes they are forced to commit, have made it difficult for the public to accept them as victims of the war who are in need of protection. However, children usually enter the armed groups uninformed or oblivious to the potential repercussions and irreversibility of their decision. The Office of the Special Representative on Children and Armed Conflict therefore recommended in a 2011 working paper on the issue, “excluding children under 18 from criminal responsibility for crimes committed during the period they were associated with armed forces or armed groups.”⁵⁴ The Office of the UN High Commissioner for Human Rights (OHCHR) has also advised viewing children associated with armed groups primarily as victims of recruitment, and assigning responsibility for the crimes in which they could have participated to those who recruited them.

The Colombian Constitutional Court recognized children associated with non-state armed groups, such as the FARC, ELN, or the former AUC, as victims of the crime of illegal recruitment who cannot be prosecuted in criminal court solely on the basis of their association with the armed group.⁵⁵ In contrast, children associated with new paramilitary successor groups and those former child soldiers who did not leave the armed group before turning 18, are not recognized as victims of child recruitment, according to Law 1448, the so-called “Victims Law” of 2011. National human rights organizations such as the Colombian Commission of Jurists (CCJ) and COALICO have criticized the law on this account, which they regard as an unconstitutional form of discrimination against certain groups of victims. In its current form, the law creates a harmful perception of children associated with paramilitary successor groups and those who have turned 18 only as perpetrators of violence, rather than victims.

recommendations

(criminal responsibility)

Government of Colombia

- In accordance with the principle of the best interests of the child, ensure that children are not prosecuted on account of their association with armed groups, and are tried in a court where juvenile justice standards apply.

Constitutional Court

- Revise Law 1448 (“Victims Law”) to include demobilized children, regardless of recruitment mode, current age, and armed non-state group to which they previously belonged.

rape and sexual violence

22



rape: is an act of non-consensual sexual intercourse. This can include the invasion of any part of the body with a sexual organ and/or the invasion of the genital or anal opening with any object or body part. Any penetration is considered rape. Efforts to rape someone, which do not result in penetration, are considered attempted rape.

sexual violence: is any sexual act, attempt to obtain a sexual act, or acts to traffic a child's sexuality. Sexual violence takes many forms, including rape, sexual slavery and/or trafficking, forced pregnancy, sexual harassment, sexual exploitation and/or abuse, and forced abortion.⁵⁶

Underreporting and impunity

Fear of stigmatization or retaliation prevents many survivors and witnesses of rape and sexual violence in Colombia from reporting the case or seeking assistance. A joint survey by Corporación Casa de la Mujer and Oxfam found that 82 percent of female survivors of sexual violence in conflict zones never reported the violence, and almost 74 percent of survivors identified the presence of armed actors in the municipalities as an obstacle to doing so. Further, four out of every ten female survivors of sexual violence did not recognize themselves as victims of sexual violence, according to the survey.⁵⁷

The silence of the survivors is compounded by the lack of legal action in the few cases that are reported. Between April 2008 and September 2010, there were four convictions in the 183 cases that the Constitutional Court specifically requested the Attorney General's Office to investigate (Writ 092). About 25 percent of the cases concerned minors.⁵⁸ In its report on impunity for sexual

violence against women in armed conflict, Amnesty International identified a lack of political will among government authorities to end impunity, inadequate protection for survivors and witnesses, poor gender training for judicial officials, and a lack of definitions in the national legislation on rape as a crime under international law as key factors that have kept these crimes invisible.⁵⁹ Some judges or prosecutors openly defend the actions of perpetrators of sexual violence by blaming the girl or woman, and only take a case seriously if related to another serious crime, such as murder, a UN official told Watchlist.

Based on data gathered by the National Institute for Legal Medicine and Forensic Sciences, recorded incidents have surged over the last 10 years, from 12,732 cases in 2000 to 20,142 cases in 2010. This number only accounts for those cases where medical examinations had been performed, rather than all cases of sexual violence. More than 86 percent of sexual offenses recorded by the National Institute in 2010 concerned children, particularly girls between the ages of 10 and 14. Only 109 of the 20,142 cases were reportedly related to armed conflict, which may partly be explained by the additional barriers of reporting in these situations, including access constraints.⁶⁰ For example, the above-mentioned Oxfam/Corporación Casa de la Mujer survey indicates that the number of conflict-related sexual violence cases is likely to be considerably higher. Accordingly, almost 95,000 women between the ages of 15 and 44 were reportedly raped in the surveyed conflict-affected

“ Afro-Colombians and indigenous girls count among the most vulnerable to sexual violence, due to their gender, ethnicity, poverty, and age. ”

municipalities, mostly by non-state armed groups. Afro-Colombians and indigenous girls count among the most vulnerable to sexual violence, due to their gender, ethnicity, poverty, and age, according to the Mesa de Trabajo 'Mujer y Conflicto Armado' (Women and Armed Conflict Working Group), a well-known network of NGOs in Colombia.

Although reported cases indicate that girls are disproportionately affected by conflict-related sexual violence, one of the shortcomings of many surveys and reports documenting this violation is their failure to systematically separate data between adults and children. This lack of differentiation makes it more difficult to identify children's specific needs and limits children's access to the legal protection framework allotted to them as minors.

In response to sexual violence against women and girls, the Constitutional Court issued Writ 092 (Auto 092) on April 14, 2008, which obliged the government to implement 13 specific programs to protect women displaced by the conflict. The government was also required to create individual protection schemes for an additional 600 displaced women and investigate the above-mentioned 183 cases of sexual violence. A Working Group to Monitor Compliance with Writ 092 of 2008 consisting of human rights and women's organizations, tracks progress in implementing the court's rulings. However, three years after Writ 092, the Working Group reports "persisting patterns of impunity in investigations of sexual violence, as well as the existence of barriers which render victims' access to justice and progress of the investigations more difficult."⁶¹

The Special Representative of the Secretary-General on Sexual Violence in Conflict selected Colombia as one of seven focus countries, in response to reported cases of conflict-related sexual violence. The focus on Colombia is meant to help raise national awareness on this issue, convince the government to allow for dialogue between the UN and non-state armed groups, and ensure greater accountability of perpetrators. The Special Representative of the Secretary-General on Children and Armed Conflict has described sexual violence committed by armed groups against recruited girls as an "underreported and unnoticed" phenomenon.⁶²



recommendations

(underreporting and impunity)

Government of Colombia

- Strengthen efforts to implement the obligations under Writ 092, following the recommendations by the Working Group to Monitor Compliance with Writ 092 of 2008 of the Colombian Constitutional Court.
- Invite the UN Special Representative on Sexual Violence in Conflict and the UN Special Representative for Children and Armed Conflict to arrange a mission to Colombia, as recommended by the UN High Commissioner for Human Rights in a 2010 report (A/HRC/16/22, para.64).
- Work with local authorities, civil society members, and members of at-risk communities, including the internally displaced, indigenous and Afro-Colombians, and people living in rural or poor areas, to identify safe ways for women and girls to access adequate medical, psycho-social, and legal services in their specific context and how to improve prevention and protection strategies.
- Together with civil society organizations, conduct a national public awareness-raising campaign that denounces the systematic sexual violence committed against women and girls in the context of armed conflict and urges that survivors of sexual violence be treated with respect and dignity.

Working Group to Monitor Compliance with Writ 092 of 2008 of the Colombian Constitutional Court

- Given the large percentage of underage survivors, highlight their specific vulnerabilities in reports and advocacy, and call for targeted services, when appropriate. ►

“ It was a childhood I do not wish for anybody. Every time I shower, I see the scars and I remember everything. ”

UN Security Council Working Group on Children and Armed Conflict

- Share with the Colombian government concerns regarding the continued incidence of rape and other forms of sexual violence against children, including those perpetrated by members of the armed forces, and strongly encourage the government to systematically investigate and prosecute all perpetrators of rape and other crimes of sexual violence, and to strengthen prevention and response strategies.

Sexual violence by armed actors

The Constitutional Court confirmed in Writ 092 of 2008 that “sexual violence, as well as sexual abuse and exploitation, was a habitual, extensive, systematic and invisible practice in the context of the Colombian armed conflict, perpetrated by all of the illegal armed groups and in isolated cases, by individual agents of the national armed forces.” Recent reports of UN and NGO sources confirm that sexual violence is committed by all parties to the conflict, including the guerrilla, paramilitary successor groups, and armed forces.⁶³ The continual presence of armed actors within communities and their influence on civilian life has led to communities accepting this violence as “tolerable actions” to fulfill the soldiers’ needs rather than crimes, according to Humanidad Vigente, a human rights NGO which has been monitoring these cases for years. “Once a girl has been raped or is seen as having sexual relations with a member of the opposing group, she will often be viewed as a prostitute and exposed to other forms of sexual abuse,” said Humanidad Vigente.⁶⁴

Guerrilla groups and paramilitary successor groups

The FARC, ELN, and paramilitary successor groups are known to use sexual violence as a form of retaliation against the enemy, a tactic to control communities, and a “booty” to motivate soldiers. Sexual violence has been directly linked with girls’ recruitment and use by armed groups, where they frequently serve as sexual partners or “wives” to commanders and soldiers. In the groups, girls have been subjected to rape, forced abortion, and “forced

to use methods of contraception that are inadequate and harmful to their health,” according to the 2012 Secretary-General’s report on conflict-related sexual violence.⁶⁵

Girls are lured under false promises of safety, money, and glory or to evade domestic violence, poverty, or other problems at home, and at times recruited by force. Once they have joined the armed group, there is no going back. Sofia, a 15-year-old interviewee said that they treated her “like a queen” at first. But shortly after recruiting the then-nine-year-old from a small village, the guerrilla fighters began beating and raping her. “They did not care how old we were,” she said. “I would cry all the time. Because they saw me cry, they would hit me very hard. They would say: ‘Here you go. Now you have something to cry about.’” She was forced to take showers in front of the male combatants, among many other humiliations.

Sofia was in the hands of two armed groups for a total period of five years before escaping to her family. “I didn’t have a childhood,” Sofia says. “It was a childhood I do not wish for anybody. Every time I shower, I see the scars and I remember everything.” As she knows where the rebels keep their money and how they recruit people, she says her name has been added, along with others, to a “black list” of people to be killed.

AUC paramilitary groups

As of March 2011, only 86 of the more than 57,000 crimes confessed to under the Justice and Peace Law related to crimes of sexual violence, according to the Office of the Attorney General, indicating the neglect of this crime in this process.⁶⁶ Paramilitaries in the AUC’s northern block systematically raped and sexually abused hundreds of girls, according to a recent report by the National Commission for Reparation and Reconciliation (CNRR).⁶⁷

In December 2011, the Justice and Peace Court sentenced a former paramilitary, Jose Ruben Pena Tobon, alias “Lucho,” to eight years in prison under Law 975, the Justice and Peace Law, for raping a 13-year-old girl and for being an accomplice to the rape of a young woman in the municipality of Tame of Arauca in March 2003. The ruling marked the first time the court sentenced a perpetrator for sexual violence under the Justice and Peace Law. However, more than 727 sexual violence cases which have also been denounced under the law are still pending.⁶⁸

The armed forces

The armed forces have reportedly committed rape and sexual violence against girls, including a two-year-old girl, according to the 2011 Secretary-General's report on children and armed conflict.⁶⁹ Although the Minister of Defense's Directive No. 11 (July 2010) obligated armed forces to prevent all forms of violence against women and children, specifically violent sexual acts, frequent reports of rape and sexual abuse by commanders and soldiers indicate complete inattention to these instructions.

The 2012 Secretary-General's report on conflict-related sexual violence attributes this to a lack of "military discipline" (A/66/657-S/2012/33, para 21). As the armed forces have expanded their presence in rural areas to consolidate recaptured territory, the limited supervision there is likely to have contributed to sexual abuses, according to the Mesa de Trabajo 'Mujer y Conflicto Armado.' In Putumayo, for instance, there are 16 police stations, five battalions under the 27th Brigade, southern navy forces, and anti-narcotic police due to its strategic importance as a border area and its oil reserves. Human rights organizations monitoring the situation there have not only identified security forces as the biggest perpetrator based on reported cases of sexual violence in Putumayo but also say that the military's presence raises the stakes of reporting the violation.

In the case of a 14-year-old girl who was allegedly raped by a policeman in San Miguel in Putumayo on March 7, 2010, authorities have discharged the policeman without taking any measures to protect the girl and her mother, who have been threatened and harassed by members of the armed forces. "The army and state are supposed to protect. But they are the ones that violate the children's rights. They take advantage of their situation," a representative of a human rights organization following the case told Watchlist. There also appears to be a lack of awareness among members of the armed forces concerning the severity of the crime, with commanders informally referring to the occurrence of such acts as "natural" given the proximity of military camps to civilians, a UN official stated.

In the border region of Arauca, four cases of sexual violence of girls under the age of 14 by members of the armed forces were reported between May 2009 and January 2011, according to a report submitted by

Iván Cepeda, a representative of the Colombian Congress, in September 2011. The case of Tame, Arauca, illustrates some of the barriers to holding members of the security forces accountable: In October 2010, sub-lieutenant Raul Muñoz Linares, a member of the 5th Mobile Brigade of the Colombian armed forces, reportedly first raped a 14-year-old girl and then killed her and her six-year-old and nine-year-old brothers. All three children were found in a mass grave, only 450 meters (about 1,476 feet) away from the military camp. Muñoz has also been charged with raping another girl two weeks earlier.⁷⁰

Since then, the judge initially assigned the case was murdered, the children's family forced to move for protection to Bogotá, and lawyers and human rights organizations involved in the case have been receiving threats. The Prosecutor's Office has also accused the defense of employing "delaying tactics" in the process, including changing the advocates in charge of the process and asking for postponements. Muñoz' superiors never took action after receiving reports of the first case of rape, indicating a more systematic neglect on the part of the armed forces, according to Humanidad Vigente, which is providing legal assistance to the victims' family.⁷¹



recommendations

(sexual violence by armed actors)

Government of Colombia

- Intensify efforts to follow up and investigate cases of sexual violence, including those committed by members of the security forces, and punish those found guilty, in accordance with national and international law. This includes conducting credible investigations into criminal responsibility of the chain of command by action or omission of action.
- Reinforce protection measures in judicial procedures to render survivors and their families who report sexual abuse safe from retaliation and eliminate legal, economic, and other obstacles to access justice. ►

“ Many of the girls receiving assistance under the government’s program for demobilized children have become pregnant as a result of sexual abuse. ”

Ministry of Defense

- Immediately suspend from active duty members of armed forces suspected of having raped or sexually abused a woman or girl and conduct a prompt, effective, independent, and impartial investigation in response to credible allegations, in accordance with international standards.
- Request soldiers to wear badges with their names during military operations, place military camps at a distance from civilian communities, and instruct troops to avoid contact with children in schools and also avoid other civilian institutions frequented or needed by children.
- Provide training to all members of the security forces on the prohibition of rape and sexual violence, highlighting that any sexual relations with girls under 14 years old is considered rape according to the national Penal Code.

Non-State Armed Groups

- Ensure that internal policies and practices on the prevention and prohibition of sexual violence are in compliance with humanitarian norms.
- Issue clear instructions to all fighters under their control not to commit gender-based violence, including rape and other forms of sexual violence, against women and girls, whether civilians or members of their own or other armed groups.
- Impose appropriate sanctions that reflect the severity of the violation, in accordance with international standards.

Humanitarian Country Team

- Prioritize the implementation of the actions outlined in the Inter-Agency Guidelines on Gender-based Violence Interventions in Humanitarian Settings. ►

Donors

- Support enhancing the capacity and technical expertise of judicial officials and other relevant authorities in dealing with sexual violence cases involving children.
- Provide sufficient resources for survivors of sexual violence, particularly in rural areas, to enable them to receive adequate psycho-social, medical and legal care; support survivors and the organizations assisting them in participating in judicial procedures.

Early pregnancies, sexually transmitted diseases, and forced abortions

Many of the girls receiving assistance under the government’s program for demobilized children have become pregnant as a result of sexual abuse, according to the ICBF director, Diego Molano.⁷² The physical and medical consequences of sexual abuses against children are more far-reaching than for adults as their bodies are not yet entirely developed. Not only are they more likely to suffer more serious injuries during the rape, but in the case of early pregnancy, they are also more likely to encounter life-threatening problems during childbirth. In a case of rape or sexual violence, it is critical for girls to receive emergency medical care within the first 72 hours following the incident to avoid unwanted pregnancies and to detect sexually transmitted diseases. Even if survivors of sexual violence overcome their fears of reporting violations, medical and psycho-social care is often unavailable for them. Most health care providers are based in cities where it is more profitable, rather than rural and remote areas. Even when services are available, medical staff often lack the supplies and the training to provide adequate care, or treat survivors in a derogatory manner.⁷³

This also means that many survivors of sexual violence do not receive a medical exam, which is essential if the girl or woman decides to take legal action. When more thorough medical care is needed at the provincial or national level, public health care rarely covers the costs,

according to a representative of an international NGO working with survivors of sexual violence in Colombia. Providing psychological and health services for child survivors of sexual violence is expensive and their protection is often not viewed as a priority, a government representative confirmed.

Within armed groups, sexual relations and lack of safe birth control methods have resulted in a number of unwanted early pregnancies, which the girls are usually forced to abort. Sofia told us that soldiers kicked a pregnant friend, who was also a member of the armed group, in the stomach, until she started bleeding and finally died.⁷⁴ Girls associated with the FARC are usually denied medical assistance, even if pregnant, according to an international humanitarian NGO offering such services. They are also forced to use methods of contraception that may be harmful to their health. Some organizations have therefore started to share information with non-state armed groups regarding contraception methods and other aspects of reproductive health.



recommendations

(early pregnancies, sexually transmitted diseases, and forced abortions)

Government of Colombia

- Integrate sexual education into the school curriculum to teach children about safe contraceptive methods, sexually transmitted diseases, and sexual and gender-based violence.
- Guarantee free and timely access to counseling, information, tests, and treatment for sexually transmitted infections (STIs), including HIV/AIDS, as well as emergency contraception, including for communities living in rural areas. Survivors of rape should also have effective access to free abortions in cases of unwanted pregnancy.

Humanitarian Agencies

- Improve access of survivors of sexual violence to psycho-social and legal assistance as well as to sexual and reproductive health services, including the Minimum Initial Service Package (MISP).⁷⁵

attacks against schools

28



attacks against schools: include the targeting of schools that cause the total or partial destruction of such facilities. Other interference with the normal operation of the facility may also be reported, such as the occupation, shelling, targeting for propaganda of, or otherwise causing harm to schools or its personnel.⁷⁶

and the lack of opportunity as factors leading to their decision to join an armed group. “I am good now because I’m studying. If they had taken this opportunity away from me, maybe I would be into drugs, violence, and even be a gunman,” a 14-year-old boy told us.

Attacks and occupation of schools

Out of 56 countries surveyed by Human Rights Watch in 2011, Colombia was one of only eight that explicitly restricted the use of educational buildings by armed forces. The Penal Code criminalizes attacks on civilian objects, including education institutions.⁸⁰ The Commander General of the Military Forces issued an order to military forces on July 6, 2010 that the “occupation of civilian [objects] and, in particular, of schools and educational centers is prohibited because it will mean a violation of [international humanitarian law].”⁸¹ In the same order, the Commander General stressed the “serious danger that teachers and children may face who go daily to exercise their right to education” and the fact that the use of civilian property may lead to “other accusations against troops, such as forced displacement, theft, indiscriminate attacks, and both physical and verbal abuse against minors.”⁸²

In spite of these commitments, armed forces have reportedly occupied schools, according to the 2011 Secretary-General’s report on children and armed conflict.⁸³ The Committee on the Rights of the Child similarly called on the Colombian government to immediately conduct investigations in response to “continuing reports indicating the occupation of schools by the armed forces and military operations in the vicinity of schools.”⁸⁴ Watchlist also received credible allegations of police in Putumayo using schools as a base for operations against guerrillas, disregarding instructions to maintain a distance of at least 200 meters (more than 600 feet). The presence


More than one million children in Colombia are currently out of school, according to the Ministry of Education.⁷⁷ Economic hardship has led to lower school attendance rates among adolescents between the ages of 11 and 17 in rural areas, as poor families compel their children to start working or helping full time at home or on the farm.⁷⁸ Besides poverty, a range of factors related to the ongoing conflict have increased the costs of providing education for all and undermined children’s right to education: the destruction, occupation, and forced closure of school buildings; a shortage of teachers due to threats and attacks against them; landmines and explosive ordnance in and around schools and school paths; the abuse of educational spaces for military propaganda and recruitment activities; and forced displacement. Heightened levels of violence, including bullying, have also resulted in more violence among students.⁷⁹

Attacks on schools also deprive children of a preventative measure against child recruitment and other conflict-related violence. Some of the children Watchlist interviewed cited boredom, problems with their parents,

“ Between 1991 and 2011, 871 teachers were killed, about 3,000 threatened, 1,070 forcibly displaced, and 60 reported ‘missing’. ”

of police has not only provoked attacks from guerrilla groups on schools but also has led to other misconduct, including police flirting with girls or stealing food from the school canteen, according to community members.

Fighting in and around schools has endangered students and teachers and led to some traumatic incidents. One group of children told Watchlist that staff of the Prosecutor’s Office arrived at their school one day to warn them of guerrillas in front of their school. The children were taken to a nearby restaurant for safety. “They did not let us stand or sit up because a bullet could hit us and they did not want to take responsibility for that,” the children said, adding that they heard bullets landing on the roof and people dying outside. Studies have confirmed the severe psychological impact of conflict-related violence in the lives of adolescents, leading to depression and limiting their ability to concentrate and learn in school.⁸⁵

 **recommendations**
(attacks and occupation of schools)

Government of Colombia

- Properly investigate credible allegations of attacks and occupation of schools and threats or attacks against teachers or students by armed forces or groups, as well as a school’s misuse for the recruitment of children, and take appropriate disciplinary action or criminal prosecution.
- Promote the principle of schools as “zones of peace” and enforce strict measures against those that violate this principle, including armed forces.
- Conduct high-level field missions to some of the most remote areas to communicate to local governments, mayors, and other officials the importance of protecting children in schools.
- If possible, avoid placing military camps close to schools and other civilian infrastructure frequented or needed by children. ▶

◀

Non-State Armed Groups

- Cease all threats and attacks against schools, students, teachers, and other educational personnel.

MRM Task Force in Colombia

- Monitor and report individual cases as well as recurrent attacks and occupation of schools within a particular chain of command to establish accountability for such violations among senior commanders or officials.

Donors

- Support flexible schooling to allow children from rural areas, poor backgrounds and those who were internally displaced an opportunity to continue to go to school by adapting the times and curriculum to meet the children’s needs.

Recruitment at schools

Guerrilla and successor groups have often used schools as a forum for recruitment. While the actual recruitment process may follow later, human rights organizations interviewed for this study confirmed that enticement at school is often the first step in the process and has resulted in increased dropout rates (see above: *Child recruitment and use*.)

Threats against teachers

Between 1991 and 2011, 871 teachers were killed, about 3,000 threatened, 1,070 forcibly displaced, and 60 reported “missing,” according to a teacher’s union in Colombia.⁸⁶ In the province of Cordoba alone, 20 teachers were killed in the first half of 2011.⁸⁷ As teachers work in some of the most isolated areas in the country, they are sometimes the only representatives of the state, and at times alone in trying to protect the students, according to FECODE (Federación Colombiana de Educadores), a union of 323,000 teachers.

Given the involvement of children in the armed conflict and related violence, teachers often find themselves in the midst of recruitment, narco trafficking, and sexual

violence at schools. This exposes them to attacks by armed groups and criminals. “Armed forces don’t ask the school director for permission to come in before deciding to spend the night in the school,” said the Vice-President of FECODE. However, when guerrilla groups enter schools by force, the director and teachers are the first to be accused of “associating themselves with the enemy,” he said. One teacher told Watchlist that a lieutenant scolded her for not permitting the army to come near the school and insisted that the school had to collaborate. “We can stay neutral,” the teacher responded, arguing that the army’s presence could endanger the students. The teacher ultimately threatened to call the mayor and local authorities as the lieutenant became angry and would not back off. The lieutenant then left the school.

The government has teacher relocation and protection programs in place to address the high risks to teachers. However, these programs are expensive and often create additional security threats as the teacher is known to have spoken out about a threat or violation by an armed actor. Three teachers in the provinces of Nariño and Arauca have been protected with bullet-proof vans and bodyguards for the last five or more years. While the security threat remains unresolved, the Ministry of Interior has warned that this protection would be removed in the coming months. On April 7, 2011, the United States and Colombia agreed to an action plan to protect labor rights before moving ahead with the U.S. Colombia Trade Promotion Agreement. One of the criteria was to revise the teacher relocation and protection program to ensure that it effectively protected teachers.⁸⁸

recommendations

(threats against teachers)

Government of Colombia

- Involve communities and teachers in developing strategies and practical measures to prevent attacks against schools, students, and teachers, taking into account local risk factors and the government’s capacities to protect.
- Educate teachers on referral pathways for at-risk children and young people. ▶

- Work with teachers to identify the factors that influence student dropout and cause children and youth to participate actively in armed conflict, and the skills that can contribute to their social inclusion.

U.S. Government

- Review the effectiveness of the proposed revisions of the teacher relocation and protection program before moving ahead with the U.S. Colombia Trade Promotion Agreement.

Landmines on school paths

As the conflict progresses, more landmines are being planted by guerrilla groups without a record of their location, preventing children from attending school. On June 22, 2011, two children, aged eight and 13, were injured by landmines on their way from school in La Balasterra, Cauca. Their limbs were wounded and their hearing damaged in the incident that authorities attributed to ELN guerrillas.⁸⁹ Between January 1991 and November 2011, 710 boys and 188 girls were injured or killed by landmines, according to PAICMA (Programa Presidencial para la Acción Integral contra Minas Antipersonal).⁹⁰ Maps of risk zones are currently solely based on information obtained through reports of victims. Despite the large number of child casualties, few initiatives aim to protect children, other than educational videos, according to a representative of the government of Nariño. In some reported instances, schools have also been used as camping areas as armed forces performed demining activities, according to COALICO.

Rather than demining to protect communities, the government has focused on opening paths for military efforts. Until recently, civilian entities were unable to conduct demining themselves, as the government hesitated to let civilians use explosives. However, on October 10, 2011, the National Ministry of Defense issued decree 3750, allowing for humanitarian demining by NGOs. NGOs are still limited to “consolidated” areas, which are considered safe by the government, leaving out conflict-affected communities in need of emergency humanitarian demining and explosive ordnance disposal interventions.⁹¹



recommendations

(landmines on school paths)

Government of Colombia

- Integrate mine risk education awareness in the school curriculum.
- Allow relevant UN agencies and NGOs to engage in humanitarian dialogue with non-state armed groups in order to undertake mine action activities to help protect affected communities, such as mine risk education, victim assistance, and emergency humanitarian demining/explosive ordnance disposal.

National Ministry of Defense

- Allow humanitarian NGOs to engage with conflict-affected communities to conduct emergency humanitarian demining and explosive ordnance disposal interventions, expanding on decree 3750.

Non-State Armed Groups

- Ensure that the use of anti-personnel mines is in accordance with international humanitarian law and the additional Protocols of the Convention on Certain Conventional Weapons, which limits the use of these weapons.
- Take active steps to reduce the impact of landmines on the civilian population, especially children, such as marking mined areas, informing civilians, and removing planted mines, notably around schools and on school access roads.
- Take steps to reduce the use of anti-personnel mines, working towards a total ban of this indiscriminate weapon. ►



Other Governments

- Encourage the Colombian government to allow humanitarian organizations with the technical expertise to participate in demining efforts in conflict zones where communities are in urgent need of emergency humanitarian demining and explosive ordnance disposal interventions.



part II: protecting children from violations

government policies and initiatives

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Despite the lack of a comprehensive law for the protection of children affected by armed conflict, the overall legal framework in Colombia generally safeguards children's rights.⁹² The Colombian Constitution guarantees the fundamental rights of children (Art. 44). The Code of Childhood and Adolescence of 2006 includes provisions relevant for children affected by armed conflict, including the prevention of the recruitment and use of children by armed groups through Article 20. The Constitutional Court also highlighted the specific needs of children in its judgment T-025/04 of January 2004, which focused on the rights and protection needs of internally displaced persons, and urged the government through Writ 251 of October 2008 to pursue a differentiated policy for displaced children based on their distinct vulnerabilities and risks. Furthermore, Colombia ratified the Convention on the Rights of the Child (CRC) in 1991 and the Optional Protocol to the CRC on the involvement of children in armed conflict in 2005.

Policies to prevent child recruitment by armed groups have been in place since 2010, and a recently enacted Victims Law offers reparations for victims of violations committed by all parties to conflict. 2011 also saw the first

conviction of former paramilitaries for sexual violence against minors and child recruitment under the Justice and Peace Law of 2005 (see above: *Sexual violence by the AUC paramilitary groups and child recruitment by the AUC paramilitary groups.*) Despite this progress, government initiatives remain insufficient and inadequately address the reality of the conflict.

The following sections briefly present recent policy initiatives of the government to help protect children in armed conflict.

The Victims Law

With the adoption of the Victims Law or Law 1448 on June 10, 2011, the government publicly acknowledged the presence of an internal armed conflict and created a system for offering financial reparations to victims of conflict-related violence suffered after 1985. The law also incorporates a property restitution mechanism, which promises to return land to IDPs who lost it after 1991. The decrees regulating implementation, including assigning organizational responsibilities, were issued in December 2011.

A number of provisions under Title VII, "Comprehensive protection of boys, girls and adolescents that are victims," attempt to address the special protection needs of girls, boys, and adolescents. For example, Article 181 on the rights of children and adolescents affirms children's rights to 1) truth, justice, and reparations; 2) the reestablishment of their rights; and 3) protection against all forms of violence, mental or physical abuse, mistreatment or exploitation, including illegal recruitment, forced displacement, antipersonnel mines, unexploded ordnance, and all types of sexual violence.

The Intersectorial Commission on the Prevention of Child Recruitment and Use

Established in 2007 by Decree 4690, the purpose of the Intersectorial Commission for the Prevention of Recruitment and Use of Children and Adolescents by Illegal Armed Groups is to coordinate and guide the implementation of prevention policies by coordinating the action of each of its members. It is composed of the Ministries of Foreign Affairs, Defense, Interior and Justice, Social Protection, and Education; the Director of the Presidential Agency for Social Action; the High Counselor

for Social and Economic Reintegration; the Director of the Presidential Youth Program; the director of the ICBF; and the Vice-President's office, which presides and manages the Commission's Technical Secretariat. The Commission's main objective is to strengthen the protective network for children to enable them to "stay away from those who threaten or violate the rights of children, adolescents and youth."⁹³

Together with the National Planning Department, the Commission elaborated CONPES 3673, a public policy document on "The prevention of recruitment and use of boys, girls, adolescents by illegal armed groups and criminal groups," which was issued by the National Council on Economic and Social Policy on July 19, 2010. To implement these policies, the Commission has outlined "routes for prevention and protection," which are intended to provide general guidance to government officials at the national, regional, and local levels regarding actions to take for early prevention, urgent prevention, and prevention through protection.⁹⁴

The Justice and Peace Law

The Justice and Peace Law of 2005, also known as Law 975, was designed to advance the peace process by demobilizing "illegal armed groups" in Colombia, and mainly targets AUC paramilitary groups. If a member of an armed group accordingly agreed to collaborate with the judicial system by confessing to his/her crimes and participating in the reintegration process, the member was promised access to a reduced sentence of five to eight years in prison. Based on testimonies from members, the law aims to facilitate the investigation and prosecution of crimes committed by members of armed groups and guarantee effective protection against retaliation from perpetrators.

Ombudsman's Early Warning System

The Ombudsman's Early Warning System (SAT) was established in March 2001 to prevent massive human rights violations against social groups, communities, and populations in the context of armed conflict. The system uses information collected by the Ombudsman's Office to issue risk reports that contain information and analysis on identified threats and provide specific recommendations on how to address them for relevant state authorities. Information is gathered and verified by 25 regional

analysts, compiled by five macro-regional analysts, and then channeled to a national focal point, which shares the report with competent authorities. The early warning system requires verification of at least three different sources in order to be considered credible. Risk reports made by SAT are presented to the Early Warning Inter-Institutional Committee (CIAT), a governmental committee that decides if the situation reported could be considered as an Early Warning Situation and the type of measures applied. In all of these circumstances, a follow-up report is issued.

Challenges in the government's response

Recognizing the role of all parties to the conflict

Despite the government's formal recognition of an armed conflict, government initiatives appear more geared towards a post-conflict setting, neglecting the continuing threats posed to civilians due to the war. Its protection strategies have excluded victims of the paramilitary successor groups and defined armed forces solely as a "protection force" despite their ambiguous role. "We are in the middle of an armed conflict, and armed conflict measures need to be taken," said a representative of the Governor's Office in Nariño Governor's Office to Watchlist, adding that armed forces and paramilitary successor groups counted among the biggest perpetrators of violence in the province.

While the Victims Law also recognized victims of state forces in the context of conflict, the government's protection responses do not always take into account the role of the national security forces, particularly the armed forces, as a party to conflict and, in some cases, as perpetrators. For example, the Ombudsman's Early Warning System can only mention risks emanating from armed forces when reporting on non-state armed groups, to avoid contradicting their constitutionally defined role as a "protecting force."⁹⁵ However, local officials say they are reluctant to ask armed forces to help resolve threats against civilians given the potential security repercussions. "Sometimes, things become even worse when you ask armed forces for support because communities immediately become the target of illegal armed groups," an ICBF official affirmed. In some cases, alternatives may be limited as only the armed forces have the logistical means, field presence, and security umbrella to operate in

some of the most dangerous zones. Human rights and humanitarian organizations have warned against automatically resorting to the military to protect civilians given the harmful potential for further blurring the lines between civilian and armed actors.

Furthermore, as pointed out earlier, the government considers the groups that emerged following the demobilization process as criminals. The unwillingness to admit to the role these groups play in the ongoing conflict not only distorts the understanding of the conflict's dynamics but also results in victims being deprived of their right to justice, reparations, protection, and care.

Inability to react to emergency threats

There is little evidence in the field locations Watchlist visited that the creation of the Intersectoral Commission and its "routes for prevention and protection" have truly improved the government's ability to take urgent action if needed.⁹⁶ One of the reasons for this is the complexity of the mechanism. "It is sometimes faster to assist children displaced due to the threat of recruitment by treating them solely as IDPs rather than using the complicated, bureaucratic protection paths intended for former child soldiers," a government official told Watchlist. Another reason is simply that authorities do not necessarily prioritize response to violations, which leaves victims in a very vulnerable situation. For instance, the ICBF or the Mayor's Office identifies threats of sexual violence or child recruitment when collecting information from displaced people but does not take immediate action, forcing the family to leave the territory to protect themselves.

As for the Ombudsman's SAT risk reports, they are potentially a powerful analytical tool that can prevent violations against children, such as child recruitment, attacks against schools, and killings of children, as data is desegregated by age and gender. However, so far, the real-time reporting from the field does not always result in prompt responses from state authorities because CIAT has either not issued a formal "Early Warning" or local authorities neglected the warning.⁹⁷ As a result, "even in situations where there has been a warning, atrocities continue to occur," a representative of the Ombudsman's Office said.

Impunity and reparations

Despite some recent prosecutions against perpetrators for crimes of child recruitment and sexual violence against children under the Justice and Peace Law, impunity remains a core concern and challenge in Colombia (see above: *Child recruitment and use and rape and sexual violence*). The government's claims to fight impunity have partially been undermined by its apparent reluctance to hold members of the Colombian armed forces accountable.

The government is also facing some practical challenges in implementing the Victims Law (Law 1448) of 2011. On the one hand, the timeframe of this law is open ended; it offers reparation to victims of violence suffered from 1985 onwards. While this is a generous and just provision, its enforcement is becoming unsustainable since the conflict in Colombia is ongoing. There is a continuously growing number of victims of conflict and, consequently, a growing number of applicants for reparations. This not only creates an ever-increasing caseload and backlog, but also very high financial implications. According to the Colombian government's official figures, 332,000 persons have so far applied for individual reparation, and the government estimates costs of approximately 54 billion pesos or 30 billion dollars over the course of a 10-year period.⁹⁸ Human rights advocates fear that the government is already attempting to limit the number of claims under the Victims Law by doubting the credibility of victims or discrediting organizations working on behalf of victims.⁹⁹

On the other hand, the definition of who constitutes a victim is narrow and effectively discriminates against certain groups of individuals. For example, former child soldiers who were not released from the armed group before turning 18, as well as victims of violations committed by paramilitary successor groups are not covered under the law (see above: *Child recruitment and use*).¹⁰⁰ In this sense, the Victims Law is at the same time too broad and too narrow: it creates very high expectations for some victims, but refutes expectations altogether for others.

Protection in rural, remote areas

Protection strategies currently largely assume an urban environment, neglecting the needs of communities in

rural, remote areas, who are among the main targets of attacks by armed groups. In the most dangerous areas of de facto authority of armed groups, there are no local authorities or police to take victims' complaints, or if they exist, the communities consider them too weak or corrupt to defend victims against potential retaliation. Some communities are simply cut off from the outside world due to access constraints and the lack of cell phone coverage. Others told Watchlist that they are not aware that laws and mechanisms intended to protect them exist, do not understand why they may be relevant to them, and how they can safely access these protections. As a result, few children, parents, or community leaders in these areas have confidence in the government to help them if threatened or attacked. "Here in Buenaventura, nobody protects us from violence, and there's a lot of violence here," a boy told Watchlist.

The underreporting of violations may lead to a false sense that "nothing is happening," according to a representative of the Ombudsman's Office, who recently conducted a mission to remote zones in one of the high-risk regions. "Attacks by armed groups have not diminished, but we found fears of people intensifying," he said.

Need for differentiation by region and population

National policies have largely pursued a top-down approach, neglecting differences in regional conflict situations and the communities living there. "The government expects to implement the same protection and prevention programs in Nariño, Santa Marta, or in the Catatumbo, without considering the cultural context, local dynamics, and the voices and proposals of the affected communities," a representative of a local organization told Watchlist. "They fall in like parachutes" without consulting sufficiently with local communities or coordinating with existing initiatives.

The undifferentiated approach to threats is partly due to the fact that local authorities often lack the technical expertise or the resources to take action on a case, forcing them to rely on national assistance, according to an ICBF official. As a result, officials in Bogotá often make decisions based on policies without knowing the specific

circumstances at the local level. As a result, "the strategies that they design are not realistic," a community leader said.

For example, indigenous and Afro-Colombian children are more exposed to risks of sexual violence or recruitment but standard government strategies for protecting them often involve moving them from their native land, which can exacerbate their vulnerability to threats. Some local and international organizations are working with indigenous communities in Cauca to support them in identifying children at risk and applying their own community-based protection strategies, including early warning "whistle" systems in which a sentry warns the others if there is a threat of an attack. However, these communities are rarely consulted by the government to explore how these self-defense strategies could be reinforced.

Lack of government staff, resources, and coordination

Local government officials do not always understand their responsibilities in protecting children affected by armed conflict or do not consider them a priority, given limited staff and resources. "Despite the abundance of cases, we cannot take more than eight statements from victims each day. Most of the time, cases of child recruitment or sexual violence are not properly documented and investigated," a local official told Watchlist. Moreover, families seeking assistance often encounter under-resourced and untrained government officials who are unable to meet their needs. "When a family in a rural area asks ICBF or any government institution what they can do to protect their children, they don't receive any guidance," a child protection organization said.

Moreover, there is currently no government entity that has the mandate and resources to deal specifically with children and armed conflict, and to coordinate the various national and local initiatives. The ICBF would ideally assume the coordinating role because of its mandate to protect children and its specific experience managing the demobilization and reintegration program for former child soldiers. However, it currently lacks the staff, technical capacity, and resources to address child recruitment and other protection concerns comprehensively.

recommendations

(government policies and initiatives)

Government of Colombia

- Recognize and learn from the failure of the demobilization process in order to address its unintended consequences, such as the emergence of paramilitary successor groups.
- Elevate every threat received by the Ombudsman's Early Warning System concerning children to "imminent risk" and issue a warning to local and regional authorities for urgent response at the local level.
- Strengthen the capacities of the state's civilian presence in rural and marginalized regions to respond more effectively to the humanitarian crisis, monitor and report on the human rights situation, and act as a deterrent to violations.
- Reinforce a differential approach to meet the specific protection needs of various groups of children, including Afro-Colombians and indigenous children, boys and girls, children of various ages, children with disabilities, and children from different parts of the country, and rural and urban areas. National and local authorities need to be properly and regularly trained and evaluated.
- Ensure meaningful participation of local communities, including Afro-Colombian and indigenous communities, in the planning, implementation, and follow-up of initiatives and adapt them to the specific context and population.
- Reinforce and enhance the capacities and resources of the Ombudsman's Office in high-risk situations to monitor and report threats and violations against children affected by armed conflict. ►

- Enhance the information management systems of all national and local institutions related to children's rights in order to provide adequate services to children. In particular, raise awareness among health and education staff to detect risks and take action.
- Work with local authorities and civil society to develop and distribute protocols and referral pathways in case of a violation.
- Assign additional staff and resources to reinforce the capacity of government officials to address the needs of children in situations of armed conflict and to ensure that these needs are effectively addressed in national and local development plans.
- Ensure an effective system for protection of victims, witnesses, and those reporting violations that takes into account the special needs of children, including adequate legal representation.

The Intersectorial Commission on the Prevention of Child Recruitment and Use

- Consult with authorities at the local and regional level to enhance the members' understanding of the local context and support them in their efforts to prevent child recruitment and other violations.
- Create a high-level focal point within the Intersectorial Commission to regularly meet with the MRM Task Force on issues of common concern.

Early Warning Inter-Institutional Committee (CIAT)

- Systematically follow up on information and specific requests for action outlined by the Ombudsman's SAT reports to prevent violations against children and other civilians due to failure of authorities to act. ►

- Elevate all risks identified by SAT to imminent threats if relating to children, resulting in a formal “Early Warning” to local and regional authorities and requiring them to take urgent protection measures.

Attorney General’s Office

- Further efforts to systematically investigate child recruitment and sexual violence cases under the Justice and Peace Law.

Humanitarian Country Team

- Increase the presence of humanitarian organizations in some of the most high-risk areas and conduct regular missions to these areas to assess the protection and needs of civilians, including children, followed by advocacy visits with local and national governments.

Donors

- Request a local conflict dynamics analysis and meaningful community involvement before funding any government or non-governmental initiatives for children affected by armed conflict. Donor reports should also specifically analyze the potential impact of any initiative on diverse groups of girls and boys and their communities.

UN mechanisms

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The UN Monitoring and Reporting Mechanism (MRM)

In 2005, through Resolution 1612, the UN Security Council created a monitoring and reporting mechanism (MRM) to collect timely and reliable information on six grave violations committed against children in situations of armed conflict, including killing or maiming, recruitment or use of child soldiers, attacks against schools or hospitals, rape or other grave sexual violence, abduction, and denial of humanitarian access. The MRM is implemented through UN-led Task Forces comprised of UN agencies and at times NGOs and civil society organizations that collect and verify information on the six grave violations. The UN has established the MRM in 14 countries, including Colombia.

Through Resolution 1612, the UN Security Council also created the Working Group on Children and Armed Conflict. The Working Group consists of the 15 UN Security Council member states. The responsibility of the Working Group is to review MRM reports and make recommendations for action (called “conclusions”) to the

UN Security Council regarding parties to conflict that are in violation of international norms in the country under review.

Global level: The Security Council and its Working Group on Children and Armed Conflict

In December 2008, the Government of Colombia agreed to the establishment of a UN-led Monitoring and Reporting Mechanism in accordance with Security Council Resolution 1612. While Colombia is not on the Security Council’s agenda, the Secretary-General’s annual reports have consistently listed the FARC and ELN for recruitment and use of children since 2003.¹⁰¹ Despite denouncing grave violations committed by the National Armed Forces and various paramilitary successor groups, the Secretary-General’s reports to the Security Council have thus far not listed any parties besides the FARC (2003-2011), ELN (2003-2011), the AUC (2003-2006), and, on an exceptional basis in 2006 and 2007, two armed groups that were not part of the government’s demobilization process, namely Autodefensas Campesinas del Casanare and Frente Cacique Pipinta.

The first Secretary-General report on children and armed conflict in Colombia was released on August 28, 2009 (S/2009/434). The report included information on all six grave violations and put forth the following key recommendations:

- A call for **action plans** with relevant non-state armed groups regarding recruitment and use of child soldiers as well as sexual violence.
- The **investigation and prosecution of perpetrators of grave violations**, including sexual violence and child recruitment, in accordance with national and international law.
- The need for a **national policy on the prevention of child recruitment** and community-based reintegration and family reunification programs.
- The need for **humanitarian demining** in line with international standards, and care for child victims, as well as mine-risk education programs.
- Measures to **prevent child displacement** given linkages to child recruitment, sexual violence, and presence of landmines.

- A call for a **peaceful solution to the armed conflict** that integrates provisions on child protection.
- Donor support for governmental, UN, and NGO initiatives that **enhance child protection and the monitoring and reporting process**.

The Security Council Working Group on Children and Armed Conflict (“Working Group”) released its first set of conclusions on Colombia on September 30th, 2010, almost a year after the Secretary-General’s report on children and armed conflict in Colombia was introduced. The Colombian government, represented through its Vice-President at this initial meeting, asked the Working Group to differentiate between countries on the Security Council’s agenda and those not on the agenda, such as Colombia. He argued that the UN should inform the relevant national authorities in such countries about all planned actions related to the MRM for their prior approval, in particular dialogue between the UN and non-state armed groups. The government also considered the inclusion of “new illegal armed groups,” which this report refers to as “paramilitary successor groups,” as irrelevant to the MRM due to their allegedly criminal nature.

The Working Group prefaced its conclusions by stating that its recommendations were not to be interpreted as a statement regarding the status of non-state armed groups or the nature of the violence against children, i.e., conflict versus criminal violence. The conclusions highlighted the need for dialogue with parties to conflict in order to prepare action plans as a condition for being removed from the Secretary-General’s “list of shame.” They further called for the strengthening of efforts to hold perpetrators accountable, providing protection to child witnesses and victims, and ensuring that victims receive the reparations to which they are entitled. The conclusions also highlighted the need for improved prevention and protection to address violence against children, referencing all six grave violations. The Chair of the Working Group conveyed these messages in a public statement to the relevant parties of conflict, letters to the Government of Colombia, the Secretary-General, and donors.

In January 2011, the Government of Colombia joined the UN Security Council and the Working Group on

Children and Armed Conflict for a period of two years. In her statement at the 2011 Open Debate, the government, represented by the Minister of Foreign Affairs, Holguin Cuéllar, called for an evaluation of the MRM, criticizing the mechanism’s lack of cooperation with the respective national governments. The representative also re-affirmed the government’s position that any negotiations with non-state armed groups would need to be led by the Colombian president and be contingent on the armed groups’ ending the recruitment and use of children. A senior diplomat in Bogotá said that this “political game” between the UN and the government has kept them from addressing the actual violations, which are chiefly committed by non-state armed groups.

The ability of the UN to engage directly with all relevant parties to conflict, even in the absence of an ongoing peace process, has been instrumental to the adoption and implementation of action plans to end grave violations against children. As such, the position of the Colombian government regarding contacts with armed groups constitutes a major challenge to addressing grave violations in the context of the MRM.

recommendations

(MRM: global level)

UN Security Council Working Group on Children and Armed Conflict

- Request the government to support the MRM Task Force by allowing the Task Force to engage in dialogue with non-state armed groups to develop action plans to address grave violations against children and by working with the Task Force to strengthen effective prevention and response actions.
- In view of repeated and persistent violations against children by the FARC and ELN, in breach of international norms and standards, impose targeted measures against these armed groups in accordance with UN Security Council Resolutions 1539 and 1612. ►

- Send a delegation of members of the Security Council Working Group to Colombia to learn more about the government's own initiatives to prevent child recruitment as well as progress achieved by the MRM Task Force.

UN Secretary-General and His Special Representative on Children and Armed Conflict.

- Engage with the Colombian government to request that the MRM Task Force renew efforts to develop and implement time-bound action plans with the FARC and ELN to address the recruitment and use of children, bearing in mind other violations and abuses committed against children, in accordance with Security Council Resolution 1612.
- Consider listing the FARC and ELN, which are currently listed for recruitment and use of children, also for rape and other forms of sexual violence against children and recurrent attacks on schools, including attacks or threats against teachers and students, in the next annual report, in accordance with Security Council Resolutions 1882 and 1998.
- List relevant paramilitary successor groups responsible for recruitment and use of children, killing and maiming, rape and sexual violence, and attacks against schools and hospitals, in the next annual report, in accordance with Security Council Resolutions 1612, 1882 and 1998.
- Consider listing the Colombian armed forces for committing rape and other forms of sexual violence against children, in the next annual report, in accordance with Security Council Resolution 1882; encourage the MRM Task Force to work with the government on an action plan to effectively end this violation.

Field level: The MRM Task Force in Colombia

In January 2009, the in-country MRM Task Force was formed under the leadership of the UN Humanitarian and Resident Coordinator and UNICEF. It is composed of representatives of the Ombudsman's Office, OHCHR, UN Office for the Coordination of Humanitarian Affairs (OCHA), UN High Commissioner for Refugees (UNHCR), UN Women, COALICO and two rotating national NGO members, which are currently Fundación Restrepo Barco and CJJ. The MRM Task Force formally meets once a month in Bogotá. Local Humanitarian Teams, which were established by the Inter-Agency Standing Committee, have recently started to work with the MRM system to identify cases and advocate for adequate responses by government entities. While all members share cases and can conduct training on the MRM, all reported information must be verified in accordance with UN standards and procedures.

The Task Force monitors and reports on violations committed by the FARC, ELN, armed forces, national police (if acting as a party to conflict, fighting the guerrillas), and the armed groups that emerged following the demobilization process, if their structures and activities are like those of the former AUC. In addition to the six grave violations, the Task Force also provides information on forced displacement and torture given the particular relevance of these violations for children in the Colombian context.

The introduction of the MRM in Colombia has raised the profile of children and armed conflict among UN agencies, NGOs, and government officials, leading to a more consistent mainstreaming of child rights within OHCHR. It has also influenced the government's first public policies on prevention of child recruitment. The Task Force provided input to the Secretary-General's annual reports on the situation of children and armed conflict and his 2009 and 2012 reports on the situation of children and armed conflict in Colombia.

Challenges in the MRM Task Force's response

Lack of dialogue with armed groups

The MRM was set up as a mechanism to gather and report on information to help trigger a response to prevent, investigate, and punish violations.¹⁰²

However, the Task Force in Colombia is limited in its response capacity as it is not able to engage in dialogue with non-state armed groups to negotiate action plans aimed at preventing violations against children in armed conflict. Such a dialogue would require the previous and explicit permission of the President of Colombia, in accordance with Article 10 of Law 418 (1997), extended by Law 548 (1999).¹⁰³ However, President Santos has indicated that the government would not start any peace negotiations with the FARC and ELN, unless the armed groups first release hostages and halt attacks.¹⁰⁴

Difficulty in engaging in constructive collaboration with the government

The Task Force has not been able to hold regular meetings with the relevant technical ministries within the government to discuss “issues of concern” and coordinate adequate responses in line with its terms of reference. While the co-chairs of the Task Force are supposed to meet with government representatives once a month, these contacts have been sporadic and have not always taken place with the most appropriate governmental counterpart. Interactions tend to be overshadowed by political discussions about the workings of the MRM rather than addressing challenges in protecting children in armed conflict.

Some organizations participating in the Task Force also cited mounting pressure for a government representative to be admitted as a member of the Task Force as they were preparing information for the 2012 Secretary-General’s country-specific report to the UN Security Council Working Group. The Task Force has denied the government’s request for membership as this would undermine the body’s impartiality.¹⁰⁵ Moreover, it is in the government’s own interest to ensure that the Task Force remains an

impartial body, as stated by a UN official, “This is objective information and can potentially give a lot of legitimacy and credibility to the government’s policies.”

Limited capacity of the Task Force to conduct effective advocacy

Several organizations participating in the MRM Task Force asked for stronger leadership by the co-chairs to take a more pro-active approach in using information for advocacy with the Colombian government, donors, and other entities. In particular, the slow re-hiring of a dedicated UNICEF staff member to co-chair the Task Force and UNICEF’s limited field presence were believed to compromise the effectiveness of the MRM in the country.

Inadequate access to and participation of local communities in the MRM

The MRM Task Force has so far mainly channeled its information to the capital for reports and advocacy at the national and international level. However, Watchlist identified a general lack of awareness regarding the workings and the purpose of the MRM in the field, including among UN agencies, government officials at regional, municipal, and local levels, and civil society members dealing with victims of the conflict, including children. In remote places – with limited government or international presence – civil society members questioned the value of submitting information to Bogotá or New York. “Before implementing the MRM, the UN must earn people’s confidence and trust,” a representative of a local NGO told Watchlist.

The Task Force does not include any direct representatives of teachers, indigenous and Afro-Colombian communities, or war-affected children despite the critical insights they could provide in improving protection for children. While the Task Force may need to limit its membership to remain effective, organizing regular consultations with these groups would not only improve the quality of the information collected and the responses but would also provide an incentive for greater contribution by civil society members.

Threats to victims, witness, and those reporting violations

Some of the challenges in expanding its reporting structures in these remote areas include security or other access constraints. Moreover, the absence of state entities to offer protection exacerbates risks for victims and those reporting violations. Some civil society organizations received direct threats between March and June 2011 because of contributing information to the MRM. The absence of government protection also poses an ethical dilemma in cases in which survivors require immediate medical or psycho-social care, but none can be provided.

recommendations

(MRM: field level)

Government of Colombia

- Allow and facilitate the MRM Task Force to engage in dialogue with non-state armed groups with the aim of developing an action plan to end child recruitment and use, bearing in mind other violations and abuses committed against children, in accordance with Security Council Resolution 1612.
- Incorporate issues related to the protection of children into any peace negotiations and peace accords.
- Establish a high-level focal point within the government as a counterpart for the MRM Task Force to coordinate with various ministries and government entities on prevention and protection of children affected by armed conflict.

MRM Task Force in Colombia

- Under the leadership of UNICEF and the UN Resident Coordinator, proactively use information collected by the Task Force to influence the Colombian government, Security Council members, donors, and other entities. ▶

- Systematically follow up on the Secretary-General's Colombia-specific and annual reports on children and armed conflict and the recommendations of the Security Council Working Group on Children and Armed Conflict, and inform the Working Group on progress achieved in implementing Security Council Resolutions 1612, 1882, and 1998.
- Engage more proactively with national and international media by disseminating the Secretary-General's annual reports on children and armed conflict and his country-specific reports on Colombia to attract more attention and resources, and to put pressure on the parties to conflict to end violations.
- Clarify roles and responsibilities within the Task Force to ensure that each member can capitalize on his/her specific strength by providing policy and/or programmatic responses to violations.
- Provide regular trainings to all those involved in the implementation of the MRM, including UN agencies, the Ombudsman's Office, and NGOs, specifically on the definition of the six grave violations and the distinction between conflict-related violations and criminal acts.
- Analyze security incidents related to monitoring and reporting and, if needed, revise strategy to help reduce and prevent security incidents related to monitoring and reporting.
- Invite representatives of indigenous and Afro-Colombian communities to participate in the Task Force to better understand the specific risks children from these communities face and to adapt responses to be more sensitive to their cultural context. ▶

- Allow for a committee composed of Colombian child and youth leaders to share information on the impact of the war on children with the Task Force as well as their ideas on ways the Colombian government and the international community can better assist them, in accordance with children's right to participation (CRC, Article 2b).

- Where possible, provide feedback, oral or written reports to communities, explaining how their information has generally been used.

UNICEF and UN Humanitarian and Resident Coordinator

- Arrange regular consultations with the most appropriate government counterparts to the Task Force to highlight issues of concern and follow up on progress achieved towards implementation of Security Council Resolutions 1612, 1882, and 1998.
- Strengthen collaboration and coordination with the Inter-Agency Standing Committee (IASC)'s Protection Cluster to ensure a comprehensive protection system for children affected by armed conflict and other forms of violence.

UNICEF

- Expand UNICEF's presence in the field to support organizations with a role in the MRM process, including Local Humanitarian Teams, local government authorities, and civil society organizations, in providing and/or advocating for adequate programmatic and policy responses to protect children in armed conflict.
- Commit the necessary financial and human resources, including key staff on long-term contracts, to effectively co-lead the MRM process in Colombia. ►

Donor Countries

- Ensure flexible and sustainable funding for the MRM process in Colombia to ensure that the capacity of NGOs to monitor and report on children's rights violations under UN Security Council Resolutions 1612, 1882, and 1998 is adequately strengthened.

Group of Friends on Children and Armed Conflict

- Revive "Friends of 1612" in Colombia, a group of representatives from embassies and consulates with an interest in "children and armed conflict" to provide financial and political support to the MRM.

The Protection Cluster

The cluster approach is a global initiative of the IASC, an inter-agency forum of UN and non-UN humanitarian partners, to create a more effective humanitarian response. Each cluster assigns ultimate responsibility for 11 thematic areas of humanitarian activity to one UN agency, which acts as the "cluster lead." Child protection usually falls within the parameters of the Protection Cluster, which focuses on protection concerns of civilians and is led by UNHCR. In some countries, a Child Protection sub-cluster is established under the lead of UNICEF to protect and fulfil children's rights to protection from abuse, exploitation, and violence in emergencies.

In 2006, the clusters started their operations in Colombia, initially pursuing a developmental approach and then shifting to a humanitarian agenda, as the current government recognized the presence of an armed conflict. Under the leadership of UNHCR and co-chaired by the Norwegian Refugee Council, the Protection Cluster focuses on protection concerns of civilians, including children.¹⁰⁶ In the field, the clusters work through IASC's Local Humanitarian Teams, which are coordinated by OCHA.

Coordination between the Protection Cluster and the MRM Task Force

Members of both the Protection Cluster and the MRM Task Force believe a closer collaboration between the two teams is of mutual benefit. The MRM Task Force has access to information on specific cases but its mandate does not include a direct programmatic response to assist survivors, which may discourage survivors from reporting violations. Conversely, several Protection Cluster members ask for more work on specific cases and appreciate the level of details provided through the MRM. Just as the information gathered by the MRM may help the Protection Cluster's advocacy for its programs, the cluster's ability to respond to violations is essential for the Task Force to have impact beyond reporting to the Security Council. In some field locations like Nariño, Antioquia or Putumayo, Local Humanitarian Teams have established working groups to meet every month to discuss issues related to Security Council Resolution 1612.

Challenges in the Protection Cluster's response

The organizations working in the Protection Cluster highlighted the following challenges in improving their response to the protection of children at the national and local level:

UNICEF leadership

The lack of UNICEF's active participation within the Protection Cluster was considered a key challenge for humanitarian actors at the national and particularly local levels, and one of the reasons for an identified "gap on child concerns." UNICEF also has limited field presence in the country to support the work of Local Humanitarian Teams on the ground. In contrast to other Protection Clusters, Colombia currently does not have a sub-cluster on child protection or a dedicated child protection focal point, both of which would require UNICEF's leadership. At the same time, some organizations cautioned against creating a new

sub-cluster on child protection without adding additional resources, given the stretched capacities of UN agencies and NGOs which often participate in several clusters and other coordination fora in addition to their own programmatic activities. Whether in the framework of a child protection sub-cluster or within the wider protection cluster, a more active engagement of UNICEF would be crucial to improving the response to children affected by armed conflict in Colombia.

On the other hand, the Protection Cluster – with adequate resources and a strong leadership – could be beneficial in facilitating a coordinated response to child protection concerns with humanitarian organizations that have the capacity to carry out and monitor programs to address violations committed against war-affected children. It could also ensure that some of the impacts of conflict and humanitarian crisis that do not fall within the definition of the grave violations are addressed, including the issues of orphaned children, child labor, and domestic violence.

Coordination

A lack of coordination within the Protection Cluster was also identified as one of the factors inhibiting them from responding to child protection concerns, including bureaucracy and long delays in receiving emergency resources. Strict mandates of UN agencies made it difficult for some UN actors to focus specifically on children. Some members of the Protection Cluster even favored responses outside the cluster as they considered the process of finding consensus through the cluster too cumbersome and inefficient.



recommendations

(the protection cluster)

Humanitarian Country Team/UN Humanitarian and Resident Coordinator

- Create an adequate structure for the Protection Cluster in Colombia to fulfill its role in ensuring that the monitoring and reporting activities of the MRM Task Force are accompanied by an adequate response at the policy and/or programmatic levels. For that purpose, UNICEF should be endowed with adequate capacities to create a dedicated sub-cluster on child protection or to act as a focal point to coordinate child protection responses.
- Strengthen collaboration and coordination between the MRM Task Force and the Protection Cluster to ensure a comprehensive protection system for children affected by armed conflict as well as other forms of violence. This includes establishing a secure information-sharing system in Bogotá, and at the field level, to ensure that any issues related to UN Security Council Resolutions 1612, 1882, and 1998 collected or shared with the Cluster is also shared with the MRM Task Force.
- Work with IASC's Local Humanitarian Teams to enable them to respond adequately and promptly to identified risks and protection needs of children in situations of armed conflict, including by increasing their capacities to advocate with relevant government authorities at local and regional levels on child protection concerns.
- Share best practices and lessons learned on successful responses to violations against children among the Local Humanitarian Teams. ▶

UNICEF

- Coordinate and reinforce the UNICEF Colombia team at the national and local level to provide sustained leadership in the MRM Task Force and the Protection Cluster, given their different, mutually reinforcing roles in protecting children.
- Deploy UNICEF field staff in some of the most critical areas to provide guidance on child protection concerns and actively participate in the Local Humanitarian Teams.
- Work with local government authorities to implement protection policies for children affected by armed conflict, provide more training and technical guidance at the regional or municipality level, and support locally driven initiatives.

Donors

- Request briefings with humanitarian actors in Colombia to obtain a differentiated understanding of the nature of the humanitarian concerns by region and population.
- Provide sufficient funding to UNICEF to allocate dedicated staff to field offices in high-risk areas to work with local authorities and communities in overcoming the practical challenges of protecting children in armed conflict.

Endnotes

- ¹ These violations include killing and maiming of children, recruitment or use of child soldiers, rape and other forms of sexual violence against children, abduction of children, attacks against schools and hospitals, and denial of humanitarian access to children.
- ² To reflect gender-specific needs and capacities of children, both girls and boys were included in group and individual interviews, and potentially sensitive issues were only discussed in individual settings. Questionnaires highlighted potential differences between males and females.
- ³ The views in this report do not necessarily represent the views of UN agencies or members of the MRM Task Force in Colombia as a whole.
- ⁴ During Watchlist's field mission, no specific findings were shared regarding attacks against hospitals.
- ⁵ Centro de Recursos para el Análisis de Conflictos (CERAC), *Riesgo por presencia de grupos armados ilegales en Colombia*, October 2011.
- ⁶ Human Rights Watch (HRW), *Paramilitaries' Heirs: The New Face of Violence in Colombia*, February 2010.
- ⁷ Ibid.
- ⁸ El Colombiano, "Policía refuta a Ong aumento de bandas," September 15, 2011. Some NGO estimates are considerably higher. For example, La Corporación Nuevo Arco Iris, a well-known think tank in Colombia, estimated the "BACRIM" to comprise 10,200 members (La Corporación Nuevo Arco Iris, *Politics and Violence in 2011, 2012.*)
- ⁹ InSight, "Police: BACRIMs Main Threat to Colombian Security," January 26, 2011.
- ¹⁰ Reuters, "Colombia's FARC to free captives, stop kidnapping for ransom," February 26, 2012; BBC News, "Colombia rejects FARC rebel leader's peace talks offer," January 10, 2012.
- ¹¹ National Registry for Disappeared Persons website, www.comisiondebusqueda.com (accessed on January 11, 2012.)
- ¹² CODHES, *La continuidad de la crisis humanitaria*, September 23, 2011.
- ¹³ Landmine Monitor 2011, last updated: October 25, 2011.
- ¹⁴ HRW, *World Report: Colombia*, January 2012.
- ¹⁵ Colombian Ministry of Defense, "Comprehensive Security and Defense Policy for Prosperity. Executive Summary" retrieved from Ministry of Defense website www.mindefensa.gov.co on February 12, 2012.
- ¹⁶ Abigail Poe and Adam Isacson, *Stabilization and Development: Lessons of Colombia's "Consolidation" Model*, April 2011.
- ¹⁷ For further information on the "false positives scandal": Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Mission to Colombia (A/HRC/14/24/Add.2), March 31, 2010; CCJ, *Violaciones de Derechos Humanos y Violencia Sociopolítica en Colombia*, March 13, 2009; New York Times, "Colombian Army is accused of killing poor civilians and labeling them insurgents," October 29, 2008; Colombia Reports, "82 convictions out of 1,486 'false positive' cases prompt investigation," June 1, 2011.
- ¹⁸ The government has registered a total of 3,875,987 people up to September 2011, whereas the non-governmental Center on Human Rights and Displacement (CODHES) estimated the number of IDPs to be 5,281,360 as of September 19, 2011 (Acción Social website www.accionsocial.gov.co; accessed February 28, 2012; CODHES, *De la seguridad a la prosperidad democrática en medio del conflicto*, September 19, 2011.) This discrepancy in figures is due both to the fact that CODHES has been counting for a longer period and to under-registration in the Colombian government's registry, according to the Internal Displacement Monitoring Centre (IDMC). For further reference, see IDMC website www.internal-displacement.org
- ¹⁹ Report of the Secretary-General on children and armed conflict in Colombia (A/62/609-S/2007/758), December 21, 2007.
- ²⁰ Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Addendum, Mission to Colombia, January 24, 2007 (A/HRC/4/38/Add.3), paragraph 40.
- ²¹ Colombia has been party to the Mine Ban Treaty since March 1, 2001 and adopted national legislation on July 25, 2002.
- ²² World Bank, World Development Indicators 2011 (last updated: December 15, 2011.)
- ²³ National Defense Ministry website, www.mindefensa.gov.co (last updated: November 20, 2011); National Defense Ministry, *Logros de la Política Integral de Seguridad y Defensa para la Prosperidad – PISDP*, October 2011; Centro de Recursos para el Análisis de Conflictos (CERAC), *Riesgo por presencia de grupos armados ilegales en Colombia*, October 2011; International Crisis Group (ICG), *Colombia: President Santos' Conflict Resolution Opportunity*, October 31, 2010; La Corporación Nuevo Arco Iris, *Politics and Violence in 2011, 2012*; Instituto de Estudios para el Desarrollo y la Paz (INDEPAZ), *VII Informe sobre presencia de grupos narcoparamilitares en el 2011* (accessed February 29, 2012.)
- ²⁴ UNICEF, *MRM Field Manual, Monitoring and Reporting Mechanism on Grave Violations against Children in Situations of Armed Conflict*, April 2010.
- ²⁵ The recruitment of children under 18 by state or non-state armed groups is criminalized under Art. 162 of the Colombian criminal code (Law No. 599 of July 24, 2000). The government thus goes beyond its obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which the state ratified on May 25, 2005, and allows for voluntary recruitment by state forces between the ages of 15 and 18.
- ²⁶ Report of the Secretary-General on children and armed conflict in Colombia (A/65/820-S/2011/250), April 23, 2011; HRW, *You'll Learn Not to Cry. Child Combatants in Colombia*, September 2003; Global Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*, May 2008.
- ²⁷ ICG, *Improving the Security Policy in Colombia*, June 29, 2010.
- ²⁸ In 2003, for example, the UN estimated that approximately 14,000 children remained in non-state armed groups, half of who belonged to urban militias (S/2003/1053). Human Rights

- Watch estimated the number of child combatants to exceed 11,000 (HRW, *You'll Learn Not to Cry*, September 2003.)
- ²⁹ Joint press release by UNICEF, Ombudsman's Office, and COALICO. "Conferencia Internacional relativa a las recomendaciones del sistema de Naciones Unidas sobre los niños y niñas afectados por el conflicto armado en Colombia," June 22, 2011.
- ³⁰ Watchlist did not receive specific information on the child recruitment practices of the ELN but many of our sources and available desk research suggest that the recruitment practices of the two guerrilla groups are similar.
- ³¹ For reference to internal codes, please see: Comisión Internacional, "Comunicado de las FARC-EP," June 8, 1999. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict sets 18 as the minimum age for direct participation in hostilities and for compulsory recruitment by state forces. In contrast, the Additional Protocols to the four Geneva Conventions of 1949 (1977) set 15 as the minimum age for recruitment or use in armed conflict by both government and non-government parties to conflict. While this discrepancy in international law can make it more difficult to convince non-state armed groups to agree to a minimum recruitment age of 18, there is a wide consensus among child protection agencies in defense of the higher minimum age requirement.
- ³² Semana, "Twelve years is the average age of children recruited by the FARC," November 17, 2011.
- ³³ Colombia Report, "FARC sexually abuses girls: former hostage," November 18, 2009; UPI, "Female FARC fighters allege sexual abuse," June 13, 2011.
- ³⁴ International Relations and Security Network (ISN) Insight, "FARC is weakened, but far from dead," November 24, 2011.
- ³⁵ The FARC has intensified its recruitment efforts in Nariño, focusing in particular on children and resorting to the use of force and sometimes in consultation with families, according to ICG, *Moving Beyond Easy Wins: Colombia's Borders*, October 31, 2011; Semana, "Twelve years is the average age of children recruited by the FARC," November 17, 2011; El Espectador, "Los niños van a la guerra," September 2, 2011.
- ³⁶ This practice of attracting children into the guerrilla group by using children from the opposite sex has been extensively documented in the field-based research of Maria Soledad Rueda, "Flirting between Children and Weapons" *Child Involvement in the Colombian Armed Conflict*, 2010 (unpublished dissertation).
- ³⁷ MercoPress, "Colombian guerrilla kill 13-year old girl for twice abandoning the group," September 9, 2011.
- ³⁸ Agencia Colombiana para la Integración, "Proceso DDR en Colombia: Proceso de paz con las autodefensas," n.d. (<http://www.reintegracion.gov.co>, accessed February 27, 2012).
- ³⁹ Comisión Nacional de Reparación y reconciliación (CNRR), *La Reintegración. Logros en Medio de Rearmes y Dificultades no Resueltas*, August 2010.
- ⁴⁰ Law 975 or the so-called "Justice and Peace Law" of 2005 has provided the legal framework for this process, complementing Law 548 of 1999, as modified by Law 418 of 1997 and Law 782 of 2002. The Justice and Peace Law was regulated by decrees 1385 of 1999 and 128 of 2003.
- ⁴¹ COALICO, "Desmovilización paramilitar: Obstáculos para el acceso a la justicia de las víctimas de reclutamiento ilícito," Symposium on child recruitment organized by GTZ and the Embassy of Germany, July 2011; Conflict Dynamics, *Bridging the Accountability Gap: New Approaches to Addressing Violations against Children in Armed Conflict*, June 2011.
- ⁴² Tribunal superior del distrito judicial de Bogotá, Sala de Justicia y Paz, Sentencia de Fredy Rendón Herrera, Fiscalía 44 Unidad Nacional de Justicia y Paz, December 16, 2011; International Center for Transitional Justice (ICTJ), "Colombia's landmark ruling orders reparations for former child soldiers," December 11, 2011 (accessed February 10, 2012); *verdadabierta.com* "Fiscalía acusó a 'El Alemán' por reclutar a 329 menores," August 18, 2011; El Tiempo, "Investigan versión del 'Alemán' sobre niños 'Paras'," August 27, 2008;
- ⁴³ El Espectador, "Piden cuentas a Restrepo sobre 'El Alemán,'" September 1, 2008; Semana, "Los niños perdidos del 'Alemán,'" November 8, 2008. The former High Commissioner for Peace, Luis Carlos Restrepo, is currently charged with committing fraud during the demobilization process but has allegedly fled to the United States in January 2012 (Colombia Reports, "Ex-peace commissioner implicated in 3rd allegedly false FARC demobilization," February 28, 2012.)
- ⁴⁴ Victims of new paramilitary groups are protected through regular programs for impoverished, abused, or abandoned children.
- ⁴⁵ Report of the Secretary-General on children and armed conflict (A/65/820-S/2011/250), April 23, 2011, para. 156.
- ⁴⁶ Global Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*, May 2008.
- ⁴⁷ Resolución No 4448, Articles 1 and 9. On March 6, 2007, the Colombian Ministry of Defense issued Directive 30743 that forbids members of the armed forces to use boys, girls, and adolescents in intelligence activities.
- ⁴⁸ General Commander of the Military Forces, order of July 6, 2010, official document Number 20101240005981-CGING-25.11.
- ⁴⁹ Civic-military activities are highlighted on various websites of the Colombian Armed Forces. For example, "Club Lancita" was founded by the national army to conduct campaigns in schools and other locations to teach children about their rights and about the army (<http://www.clublancita.mil.co>).
- ⁵⁰ Ejército Nacional, "Campaña 'Conozcamos nuestro Ejército' benefició a los niños de la escuela El Sendero," (<http://www.ejercito.mil.co>, accessed on November 20, 2011.)
- ⁵¹ Of these children, 2,838 were formerly associated with the FARC, 1,058 with the AUC, and 721 with the ELN. Caracol Noticias, "Cerca de cinco mil niños han estado en el conflicto y han pasado por programas del ICBF," February 13, 2012.
- ⁵² ICBF, "Una opción de vida para niños, niñas y adolescentes desvinculados" (press release), February 2009; International Organization for Migration (IOM) website on *Programa de Atención a Niños, Niñas y Adolescentes Desvinculados y de Prevención al Reclutamiento*, accessed on January 26, 2012.

- ⁵³ ICBF identified domestic violence, a lack of educational opportunities and economic distress as the main factors leading to children's association with armed groups. Caracol Noticias, "Cerca de cinco mil niños han estado en el conflicto y han pasado por programas del ICBF," February 13, 2012.
- ⁵⁴ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Children and Justice During and in the Aftermath of Armed Conflict," Working Paper No. 3, September 2011.
- ⁵⁵ Judgment C-203, 2005
- ⁵⁶ UNICEF, *MRM Field Manual, Monitoring and Reporting Mechanism on Grave Violations against Children in Situations of Armed Conflict*, April 2010.
- ⁵⁷ Intermón Oxfam, Campaña – "Violaciones y otras violencias: saquen mi cuerpo de la Guerra," *Violencia sexual en contra de las mujeres en el contexto del conflicto armado colombiano*, 2001 – 2009, January 2010; One of the factors explaining the high number of respondents who did not recognize themselves as victims of sexual violence may be that the survey included the category "regulation of social life," which is not included in the definition of sexual violence of the Rome Statute or the MRM Field Manual. One of the shortcomings of the survey was that it did not segregate between adults and children.
- ⁵⁸ Mesa de Seguimiento al Auto 092 de 2008 de la Corte Constitucional, *Acceso a la Justicia para Mujeres Víctimas de Violencia Sexual*, Mayo 2011.
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- ¹⁰² It should be noted that some of the members of the Colombian Task Force disagreed with this premise but see the main purpose of the Task Force not in triggering response but rather in producing reports to the Security Council and its Working Group on Children and Armed Conflict.
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- ¹⁰⁶ The Education Cluster, which is led by UNICEF and co-chaired by the NRC, deals with children in armed conflict in connection with attacks against education.

Key Sources

This list of key sources focuses on reports, articles, and other documentation that is considered critical in understanding the situation of children affected by armed conflict in Colombia. All other sources are cited in the document's endnotes or body of the text. Please contact Watchlist for a complete list of sources.

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