



SPOTLIGHT: Children's Issues in the Peace Process

March 2014

Background on the peace process

The current and ongoing peace process between the Government of Colombia (GOC) and the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP) was initiated following an exploratory phase in that took place in Havana, Cuba between 23 February and 26 August 2012. As a result of this meeting, a mutual decision was reached to end the armed conflict under a General Accord to End the Conflict and Build a Stable, Enduring Peace. This framework agreement recognizes that a negotiated end to the conflict is a necessary condition for a stable and durable peace. The parties also recognized that:

- Peacebuilding is an issue for society as a whole to address and it requires the participation of all Colombians, without distinction;
- Respect for human rights should be promoted by the State throughout all regions of the national territory;
- Economic development based on social justice and in harmony with the environment will guarantee peace and progress;
- Equitable social development focusing on the wellbeing of all citizens will allow Colombia to improve as a country;
- A peaceful Colombia will play an active and sovereign role in the promotion of peace and development regionally and globally;
- It is important to extend and strengthen democracy in Colombian to achieve a solid foundation for peace.
- All of Colombian society, along with regional integration organizations and the international community, are invited to support this process.

The peace process seeks, through dialogue, to achieve a peace that is based on social justice. The agenda covers six discussion points: 1) Comprehensive rural development and reform; 2) Political participation; 3) Ending the conflict; 4) Drug trafficking; 5) Victims'

rights; 6) Implementation of the peace agreement. The issue of children in the armed conflict is not specifically included in the agenda, but it is hoped that it will be addressed under points three and six of the agenda. This should include a request for the immediate surrender of children from the ranks of the FARC and the suspension of their recruitment and use, which still continues in some regions of the country.



Participation of children in Vulnerability, Risk and Opportunity Mapping (MVRO) in El Tambo.

Children in the armed conflict

In the context of the Colombian peace process, the United Nations Security Council (UNSC) held their annual debate on children in armed conflicts on 17 June 2013, resulting in a presidential declaration that condemns violations of international law against children in armed conflict, stresses the need to deal with persistent perpetrators, and demanding that States put an immediate end to such practices and take special measures to protect children.¹ The fight against impunity and for accountability for persistent perpetrators was a central theme. Discussions also centered on "Action Plans," a tool proposed by UNSC Resolution 1539 (2004) and Resolution 1612 (2006) that seeks dialogue between the UN and legal and illegal armed groups in order to end the recruitment and use of children.



The issue of child recruitment was also highlighted by the Coalition against the Recruitment of Children and Youth in the Colombian Armed Conflict (COALICO) in the context of the second round of Regional Roundtable Meetings,² which gathered proposals from civil society groups on the issue of victims within the peace agenda. COALICO called for increased visibility of the situation of child victims of the conflict, as a fundamental theme within the peace agenda.



Participation of children from Ituango in the Mi Sangre project.

This includes giving children priority in the negotiations, reaching an agreement for the disengagement of children, and making a commitment to stop the recruitment and use of children. Other violations against children must also cease, such as homicide, mutilation, sexual violence, human trafficking, attacks on schools and hospitals, kidnapping, detention, denial of humanitarian access and forced displacements, all of which still occur in Colombia. COALICO proposed that consultative and participative processes be carried out to listen to the voices of children and youth, including those from vulnerable and exploited groups.³

In a recent development, Inspector General Alejandro Ordóñez sent a communication to President Juan Manuel Santos that offered a series of recommendations. These included the incorporation of the issue of child victims of the conflict within the Havana General Agreement and within any agreements

reached between the National Government and the FARC. Ordóñez also recommended that policies and programs to benefit child victims are coordinated with local government authorities. Additionally, it was recommended that the State pursue comprehensive investigation and prosecution of facilitators, perpetrators and accomplices of grave violations of the rights of children under human rights law and international humanitarian law.⁴

Recruitment and use of children continues

Despite advances made in peacebuilding and security processes as well as public and private initiatives to prevent violations of children's rights, the recruitment of children by illegal armed groups continues as a common practice.

There have been many reports of continuing recruitment of minors during the course of peace talks, as affirmed for instance by UN Resident Humanitarian Coordinator Fabrizio Hochschild.⁵ Recruitment continued during the unilateral ceasefire initiated by FARC that began in November 2013, during which military sources confirmed eight cases of child recruitment.⁶

Requests have also been made by a variety of public figures requesting that the FARC cease the recruitment of children and surrender the children currently in their ranks. A public statement was released by the Director of the ICBF, Marco Auerlio Zuluaga requesting that the FARC release all child soldiers to the ICBF so that they can be returned to their families.⁷ Vice President Garzón has also made repeated requests that the FARC commit to a series of "humanitarian minimums," including ceasing to recruit children.⁸

Preparing for an eventual peace agreement

In the case of an eventual peace agreement, it is probable that a massive number of children will disengage from the FARC.⁹ Of the total number of FARC combatants (7,200), it is estimated that at least 20% are minors (1,440-1,560), according to reports from the Colombian Armed Forces. In this context, it is important to ensure the existence of government capacities on the part of ICBF and other institutions for providing assistance, reparations and reintegration.



The Colombian Institute for Family Welfare (ICBF) is preparing for a massive disengagement by developing a contingency plan, with support from USAID and IOM. The plan includes an assistance model to enable ICBF to respond quickly and efficiently, with a local reception of disengaged children involving activities carried out by ICBF and the National Family Welfare System (SNBF) to initiate the reestablishment of rights and to carry out assessments to guide their entry into the ICBF Assistance Program.

Following a peace agreement, it would also be important to continue recruitment prevention activities in order to prevent the re-recruitment of children by emerging groups, which could expand and multiple in a post-conflict environment. This phenomenon has been observed in other post-conflict settings, such as in El Salvador and Guatemala. Prevention activities involve promoting implementation of national prevention policies at the local level and strengthening citizen participation.

Finally, it is possible that illegal armed groups could face punishment for the recruitment and use of children and adolescents, due to the fact that recruitment of children is a war crime under international law.¹⁰ In armed conflict, international law ascribes individual penal responsibility to adults who conscript or enlist children, and their guilt can be determined through international criminal courts or tribunals.

Recovery, reparations and reconciliation

Peace is both a right and an obligation, and ending the armed conflict is a necessary but insufficient condition for achieving peace. Following a peace agreement and an end to armed conflict, the real work of peace-building, recovery, and reconciliation will begin. Relevant national and international laws will need to be applied to guarantee truth, comprehensive reparations and justice and to avoid impunity.

Implementation of an eventual peace agreement should address children and adolescents by guaranteeing their rights as victims of the conflict, prosecuting those who



Child participating in the CicloPAZeo event on 12 February 2014 in Rincón de Mar, Sucre.

committed crimes against them, and providing the comprehensive reparations they deserve, especially psychosocial assistance, education support, reconstruction of life plans, and guarantees of non-repetition.

1. UN Security Council (2013). Statement by the President of the Security Council.
2. Consultations aimed at gathering civil society inputs on peace negotiations, convened by the Peace Commissions of the Senate and House, and with technical support from the UN and the international community.
3. COALICO (2013). "Carta de invitación abierta: Visibilizar la situación de la niñez víctima del conflicto armado en la agenda de paz: Tarea de todos." 22 May 2013.
4. El Colombiano (2013). "Procurador envía recomendaciones a Santos sobre niños víctimas." 5 August 2013.
5. El Universal (2013). "ONU dice que las Farc se llevaron niños a sus filas durante la tregua." 30 December 2013.
6. Vanguardia (2013). "FARC Se Llevaron Niños a sus Filas Durante La Tregua." 30 December 2013.
7. El Espectador (2013). ICBF exige a las Farc entregar a niños reclutados. 10 February 2014, Bogota.
8. El Espectador (2014). Vicepresidente pide a las Farc comprometerse con unos "mínimos humanitarios." 4 March 2014, Bogota.
9. Disengagement refers to child and adolescent victims of illegal recruitment who leave the group as a result of escape or rescue by the Armed Forces. A massive disengagement occurs when large numbers of children and adolescents disengage at the same time.
10. As established by the Rome Statute of the International Criminal Court and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

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