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# COLOMBIA

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## Republic of Colombia

**Population:** 43.5 million (16.5 million under 18)

**Government armed forces:** 200,000 (estimate)

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** signed 6 September 2000

**Other treaties ratified** (see glossary):

CRC, GC AP I and II, ICC, ILO 138

***As many as 14,000 child soldiers had been recruited by paramilitaries and armed opposition groups. Women and girls constituted up to half of all recruits to the armed opposition groups Fuerzas Armadas Revolucionarias de Colombia (FARC), Revolutionary Armed Forces of Colombia, and Ejército de Liberación Nacional (ELN), National Liberation Army. Girls and boys were subjected to harsh conditions, including being forced to commit serious human rights violations. The governmental disarmament, demobilization and reintegration (DDR) program had only demobilized ten per cent of children involved in the armed conflict. There were fears that continuing disarmament talks between paramilitaries and the government could lead to impunity.***

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## Context

Fighting continued in the 40-year-old conflict between government forces and allied paramilitaries and the armed groups that opposed them. All sides were responsible for serious human rights violations and breaches of international humanitarian law. Army-backed paramilitaries and armed opposition groups were responsible for thousands of civilian killings and “disappearances”. Hundreds of thousands of people were forced from their homes. The government’s peace talks with the FARC collapsed in February 2002, and its attempts to negotiate with the ELN stalled by the end of 2002. In December 2002, Colombia’s largest paramilitary group, the *Autodefensas Unidas de Colombia* (AUC), United Self-Defence Forces of Colombia, declared a unilateral ceasefire and the government announced plans to negotiate with army-backed paramilitaries, raising fears of impunity being allowed for the most serious crimes under international law.<sup>1</sup>

On 5 August 2002, the day Colombia ratified the Rome Statute of the International Criminal Court (ICC), then-President Andrés Pastrana invoked Article 124 of the Statute, which allows a country not to submit those accused of war crimes to the ICC for seven years. Once this period is over, only war crimes committed after the seven-year moratorium may be submitted to the ICC.<sup>2</sup>

Álvaro Uribe Vélez took office as President in August 2002.

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## Government

### National recruitment legislation and practice

The minimum age for recruitment to the armed forces is 18, as established by Law 418 of 1997 for compulsory recruitment and Law 548 of 1999 for voluntary recruitment. However, a Minor’s Code, under debate in Congress in early 2004 as Proposed Law 137, contained provisions for lowering the voluntary recruitment age to 16. Under Law 418 the recruitment of children by the armed forces or armed groups is punishable by up to five years’ imprisonment. However, in practice, the armed forces have not been prosecuted under this law and it has not been systematically used to prosecute members of armed political groups.<sup>3</sup> In 2003 the Attorney General’s Office (*fiscalía general*) investigated only four cases of child recruitment by FARC and ELN members.<sup>4</sup>

Laws and regulations on the involvement of children in armed conflict are sometimes contradictory. Regulation 128 of 2003 states that children may not be used for intelligence activities (Article 22) while also saying they may be financially rewarded for supplying information (Article 9).<sup>5</sup> Law 782 of 2002 states that a child may only be recognized as belonging to an armed opposition group by the spokesperson for that group or by proof supplied by the child (Article 53), although providing proof of membership may require children to be used for intelligence purposes. Members of armed groups were reluctant to provide such evidence, which could lead to prosecutions for war crimes if the children were under 15.<sup>6</sup> Law 782 also defines children involved with armed political groups as victims of armed conflict, not as combatants (Article 15), although Regulation 128 only extends the benefits of DDR to those who have voluntarily left an armed opposition or paramilitary group<sup>7</sup> and not to those who may have been captured by the armed forces.

### Use of children for gathering intelligence

Although there were no reports of children engaged in active military service in the armed

forces, the military continued to use children as informants. In 2003, children in Boyacá, Chocó and other areas were reportedly paid about US\$5 for information or threatened if they refused.<sup>8</sup> On 19 May 2003 army personnel were said to have offered 15,000 Colombian pesos (about US\$6) to an 11-year-old boy for information about the *Esperanza en Dios* settlement in Chocó.<sup>9</sup> In other attempts to obtain information, the armed forces reportedly detained boys and girls in Risaralda, Tolima, Sucre and Arauca.<sup>10</sup>

In Arauca, the Defence Ministry's "soldier for a day" program was used to "get guerilla children to question their fathers", according to military sources.<sup>11</sup> In places including Santander, Norte de Santander, Antioquia, Nariño and Arauca, children as young as five years old reportedly took part in this program, aimed at providing children with information about the armed forces through recreational activities and visits to military facilities.<sup>12</sup> Military personnel, including from the psychological operations unit, were alleged to have given children fake banknotes, with messages on the back encouraging people to leave armed groups.<sup>13</sup> On 19 May 2003 the Prosecutor General (*Procuraduría General de la Nación*) requested the withdrawal of the program in Arauca on the grounds that it put children's lives at risk.<sup>14</sup>

One former child member of an armed opposition group told human rights monitors that the army had "promised that if I worked with them I would get a million pesos for every guerilla I killed. I'm an expert in explosives, so I can work laying mines and other explosives". He said he had been approached after completing a demobilization program for former combatants run by the governmental *Instituto Colombiano de Bienestar Familiar* (ICBF), Colombian Institute of Family Welfare.<sup>15</sup>

Under Regulation 128 of 2003, demobilized children must be handed over to the ICBF within 36 hours of leaving an armed group (Article 22). Reports from state and non-governmental sources in 2003 indicated that children were sometimes detained in military custody for interrogation beyond the 36-hour period.

## Military training and military schools

The armed forces accept 17 year olds for training as non-commissioned officers in the infantry, and 16 year olds for navy and air force training programs.<sup>16</sup>

Students at military secondary schools are considered cadets, and on graduation receive a "military orientation" secondary school diploma.<sup>17</sup> During their fourth to sixth years at these military secondary schools, students have to perform "special" military service, receiving 1,300 hours of military training and participating in three military exercises. On completing the training, they receive a First Class Military Card which certifies

that they are soldiers, "since they also have ... been trained in all the areas which would allow them to serve as combatants".<sup>18</sup>

More than 30 private military schools, which operate by special permission of the Defence Ministry, admit boys and girls of primary school age.<sup>19</sup>

## Armed political groups

Army-backed paramilitary groups and armed opposition groups continued to recruit and use as many as 14,000 children. The Office of the UN High Commissioner for Human Rights estimated in 2002 that some 7,000 children were associated with the FARC, ELN and paramilitaries and a further 7,000 were in urban militias associated with the various parties to the conflict.<sup>20</sup> In September 2003 Human Rights Watch estimated that more than 11,000 children were fighting in irregular armies, including those in paramilitaries and urban militias. Overall, about a quarter of the groups' armies were reported to comprise under-18s, with the FARC having the largest number.<sup>21</sup>

Children took part in combat, ferried supplies, acted as messengers and guards and laid explosives and mines. Most were trained in the use of automatic weapons, grenades, mortars and explosives. The majority were volunteers, some escaping poverty, unemployment or domestic abuse, others seeking to avenge the death of a relative or friend. A primary motive for joining the paramilitaries was the regular pay on offer. Most were denied contact with their families.<sup>22</sup>

Paramilitary forces tended to have much lower proportion of women and girls than the FARC and ELN, where they were estimated to make up between a quarter and a half of all units. In the FARC they faced pressure to enter relationships with male commanders. Sometimes this gave them protection from punishment or from involvement in combat. Girls as young as 12 were reportedly required to use contraceptives and forced to have abortions if they became pregnant. Similar practices were reported in the ELN, although the commanders were apparently more flexible in allowing some pregnancies to continue.<sup>23</sup> The UN Special Rapporteur on violence against women visited Colombia in November 2001 and condemned the use of more than 2,500 girl soldiers, mainly in the FARC, and their rape and sexual abuse by commanders.<sup>24</sup>

## Revolutionary Armed Forces of Colombia (FARC)

Although FARC regulations dating from 1999 set 15 as the minimum age for recruitment, in practice many children under 15 were among the large numbers of under-18s recruited. In August 2002 the FARC announced that all children over 12

years old in the municipality of Cunday (Tolima) would have to join up.<sup>25</sup>

Indigenous people were put under pressure and in May and June 2003 the FARC was reported to have recruited children from Amazonian communities in Brazil.<sup>26</sup> In mid-2003 FARC members were said to have targeted indigenous children in Cauca.<sup>27</sup> In Vaupés, families were reportedly ordered to hand over a child for recruitment, and their children at boarding school came under direct pressure.<sup>28</sup> According to the Colombian authorities, the FARC used a ten-year-old boy to deliver a bomb by bicycle to a military checkpoint on 17 April 2003, which killed him when it exploded.<sup>29</sup>

Former child soldiers reported that conditions in the FARC were harsh. Children accused of attempting to escape or other serious “offences” could be brought before a “war council”. Some were said to have been summarily executed. Children reported being forced to kill friends or captured combatants.<sup>30</sup>

### **National Liberation Army (ELN)**

The ELN continued to recruit children in violation of their own regulations, which established 15 as the minimum recruitment age. Indigenous families reportedly fled their homes to avoid recruitment by the ELN. In early 2003 indigenous communities from César reported having to flee their villages after two students had been executed by the ELN for refusing to join.<sup>31</sup>

Children reported that the ELN often captured and executed suspected paramilitaries and informers. Urban militias linked to the ELN imposed “street justice” in the neighbourhoods they controlled, driving out petty criminals and collecting “taxes” from businesses.<sup>32</sup>

### **Paramilitaries**

The government-linked paramilitary force, the United Self-Defence Forces of Colombia (AUC), said its minimum age for recruitment was 18, but it continued to recruit children, including under-15s. Of 12 former AUC combatants interviewed by Human Rights Watch in 2002, only three were aged 15 or above when recruited and some were as young as seven or eight.<sup>33</sup> Children were sometimes given money or clothes to induce them to join. In Córdoba and Cauca, child recruits were reportedly paid around US\$100 a month.<sup>34</sup> In Medellín and Barrancabermeja, youth gangs were offered payment to join up or to do intelligence work, and were threatened if they refused.<sup>35</sup>

Former child paramilitaries said in 2002 that during training they were beaten with sticks and clubs, and that some children were forced to kill captured members of opposition groups as part of their training. They said that army personnel were present at times during training sessions and that they sometimes fought alongside the armed forces. Those who tried to escape were

pursued and often killed, they reported, and punishment for minor “offences” could involve being tied to a pole or a tree for several days.<sup>36</sup>

## **Disarmament, demobilization and reintegration (DDR)**

More than 1,200 former child soldiers, or about ten per cent of estimated child soldiers, have taken part in programs run by the ICBF since November 1999, in which they receive medical attention and counselling at an “entry home” and are then transferred to care centres run by local non-governmental organizations (NGOs) contracted by the ICBF. Efforts are made to contact the children’s families. However, in some cases the families or children fear reprisals by the armed group if the children return home. The children usually leave the centres to live with other former child soldiers in a “youth house” supervised by a mentor until they reach the age of 18. A reintegration program, under the Interior Ministry, also exists to help deserters, including children, from recognized armed opposition groups, but not children who were captured and did not leave voluntarily.

Hundreds of children have been demobilized since 1999, 784 by April 2003 according to the army.<sup>37</sup> The Ministry of Defence registered 438 in 2003.<sup>38</sup> The ICBF said it had assisted 1,227 children.<sup>39</sup> According to the International Organization for Migration, only 35 per cent of children who took part in the ICBF program had returned home.<sup>40</sup> Young people leaving the ICBF program said that many were thinking of rejoining an armed group.<sup>41</sup>

In November 2002 the AUC issued a “Declaration for Peace in Colombia”, initiating a process which includes handing over “under-age combatants who have been separated from the AUC but still remain within its ranks”.<sup>42</sup> According to the few available official reports, the AUC had released just over 100 children by December 2003. More than 2,000 children were estimated to remain within its ranks.<sup>43</sup> The paramilitary Central Bolívar Block (BCB) handed over 13 children in December 2002 and 40 in June 2003.<sup>44</sup> In June 2003 it reported that a group of children had been captured by the army as they were about to be handed over, and had been kept in a jail in Antioquia for five days.<sup>45</sup> In November 2003, 48 boys and girls were handed over after the demobilization of another paramilitary group, the Cacique Nutibara Block (BCN).<sup>46</sup> Local sources reported that several child members of armed groups had been offered money or houses to give themselves up. Days before the demobilization of children by the BCN in November 2003, youths from impoverished urban areas of Medellín were reportedly offered the chance to receive the benefits of demobilization by posing as BCN members.<sup>47</sup>

## Other developments

The Office of the UN High Commissioner for Human Rights in Colombia has repeatedly expressed concern about grave and persistent breaches of international humanitarian law, mainly by paramilitaries and armed opposition groups, as well as about continuing links between paramilitaries and the armed forces and the recruitment of minors.<sup>48</sup>

In July 2003 Congress passed Law 833, approving the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict. On 2 March 2004 the Constitutional Court approved the law, which was pending deposit. In 2001 Congress passed Law 704 approving International Labour Organization (ILO) Convention 182, but it had not been deposited by March 2004.

\* see glossary for information about internet sources

- 1 *Amnesty International Reports 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 *Amnesty International Report 2003*.
- 3 Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia (Child Soldiers Coalition Colombia), *Niños, niñas, jóvenes y conflicto armado: Análisis jurídico de legislación internacional y colombiana*, 2002, <http://www.coalico.org> (Marco jurídico).
- 4 Attorney General's Office, Bulletins Nos. 47, 135 and 307, January-September 2003, <http://www.fiscalia.gov.co> (Prensa, Boletines).
- 5 Regulation (Decreto) 128, 22 January 2003, <http://www.laleycolombiana.com>.
- 6 Information from Child Soldiers Coalition Colombia, March 2004.
- 7 Regulation 128, op. cit.
- 8 Cinep & Justicia y Paz, Human Rights and Political Violence Database, Bulletins Nos. 6 (19 December 2003) and 10 (21 May-10 August 2003); Comisión Intercesarial de Justicia y Paz, Executive Reports Nos. 23 (21 May 2003), 24 (27 May 2003) and 28 (25 August 2003).
- 9 Internally displaced persons settled in two new communities, *Esperanza en Dios and Nueva Vida* (commonly known as "humanitarian zones") following an agreement with the government in 1999. See Comisión Intercesarial de Justicia y Paz, Executive Report No. 23, op. cit.
- 10 Colectivo de Abogados José Alvear Restrepo, *Informe sobre Detenciones Masivas: Ilegalidad y Arbitrariedad en la Privación de la Libertad*, Colombia, November 2003; Cinep & Justicia y Paz, Bulletin No. 10, op. cit.; Fundación Comité Regional de Derechos Humanos "Joel Sierra", Red Europea de Hermandad y Solidaridad con Colombia and Humanidad Vigente Corporación Jurídica, Urgent Action, 24 September 2003.
- 11 *Revista Semana*, "La Reconquista de Arauca", 2-8 February 2003.
- 12 National Army, <http://www.ejercito.mil.co>.
- 13 *Revista Semana*, "La Reconquista de Arauca", op. cit.
- 14 Procuraduría General de la Nación, *La zona de rehabilitación y consolidación de Arauca, Informe Especial*, Colombia, 19 May 2003, <http://www.procuraduria.gov.co> (Noticias).
- 15 Child Soldiers Coalition Colombia interview, April-June 2003, cited in Coalition Colombia report to the Office of the UN High Commissioner for Human Rights, November 2003.
- 16 Dirección de Reclutamiento Naval (Navy recruiting directorate), <http://www.haztemarino.mil.co>; Fuerza Aérea Colombiana (Air force), <http://www.fac.mil.co>.
- 17 Constitutional Court, decisión T-1032/00 against Simon Bolivar Military School.
- 18 Senator Luis Elmer Arenas, *Exposición de motivos del Proyecto de Ley No. 184 de 2001 - Por medio de la cual se reglamenta el servicio militar en los Colegios y Academias Militares y se dictan otras disposiciones*, Gaceta Oficial 610/2001, 29 November 2001 (draft still in the Senate at March 2004).
- 19 Including Santander Military School (Colegio Militar General Santander), Decroly Military School (Colegio Militar Decroly), General Jose Maria Cabal Military School (Colegio Academia Militar José María Cabal), <http://www.voluntad.com.co/voluntad/colegios/index.htm>.
- 20 UN High Commissioner for Human Rights, Report on the human rights situation in Colombia, UN Doc. E/CN.4/2003/13, 24 February 2003, <http://www.ohchr.org>.
- 21 Human Rights Watch (HRW), *You'll learn not to cry: Child combatants in Colombia*, September 2003, <http://www.hrw.org>.
- 22 HRW, *You'll learn not to cry*, op. cit.
- 23 Defensoría del Pueblo (Ombudsman) and UNICEF, "La Niñez en el Conflicto Armado Colombiano", *Bulletin la niñez y sus derechos*, No. 8, December 2002; HRW, *You'll learn not to cry*, op. cit.
- 24 UN Special Rapporteur on violence against women, its causes and consequences, Report on mission to Colombia, UN Doc. E/CN.4/2002/83/Add.3, 11 March 2002, <http://www.ohchr.org>.
- 25 UN High Commissioner for Human Rights, op. cit.
- 26 Child Soldiers Coalition Colombia, *Niñez y Conflicto Armado en Colombia*, June 2003, <http://www.coalico.org> (Documentos); Martha Colorado, "En Colombia las mujeres tejen lazos amorosos en medio de la Guerra", *Ruta Pacifica*, April 2003; *Jornal do Senado*, "Guerrilha colombiana atua na Amazônia, diz arcebispo", 27 June 2003; CNN, "Brazil fears FARC recruiting", 21 May 2003; *Washington Post*, "Rio Police Seize Cocaine Linked to Colombia's FARC", 21 May 2003.
- 27 Child Soldiers Coalition Colombia interviews with indigenous leaders, Colombia, April to June 2003.
- 28 Child Soldiers Coalition Colombia interviews with social workers, Colombia, April to June 2003.
- 29 BBC News, 18 April 2003, <http://news.bbc.co.uk>; UNICEF, *Colombia: Situation Report*, 22 April 2003.

- 30 Watchlist on Children and Armed Conflict, *Colombia's War on Children*, February 2004.
- 31 *El Tiempo*, "Indígenas kankuamos del Cesar huyen de reclutamiento del Eln", 28 February 2003, cited in Child Soldiers Coalition Colombia, *Niñez y Conflicto Armado en Colombia*, op. cit.
- 32 HRW, *You'll learn not to cry*, op. cit.
- 33 HRW, Submission to the UN Special Representative of the Secretary-General for children and armed conflict, 7 July 2003.
- 34 *El Tiempo*, "Paramilitares de Córdoba envían cadáveres de sus combatientes al barrio donde vivían", 1 April 2003.
- 35 Child Soldiers Coalition Colombia interviews with demobilized youths, Colombia, April to June 2003.
- 36 Watchlist on Children and Armed Conflict, op. cit.
- 37 *El Tiempo*, "Hechos judiciales", 27 April 2003.
- 38 Ministry of Defence, <http://www.mindefensa.gov.co> (Desmovilización).
- 39 Colombian Institute of Family Welfare (ICBF), *Foro 'Niñez, conflicto armado y Estado, el papel de los funcionarios estatales'*, Colombia, 28 October 2003.
- 40 *El Tiempo*, "Un total de 830 niños se han desmovilizado en el Gobierno de Álvaro Uribe", 19 May 2003.
- 41 Child Soldiers Coalition Colombia interviews with demobilized youths, op. cit.
- 42 United Self-Defence Forces of Colombia (AUC), *Declaración por la Paz de Colombia*, 29 November 2002.
- 43 HRW, *You'll learn not to cry*, op. cit.
- 44 *Vanguardia Liberal*, 7 December 2002; *El Tiempo*, 6 December 2002.
- 45 Central Bolívar Block (BCB), "No más especulaciones con el Proceso de Paz", Editorial, 6 June 2003, <http://www.bloquecentralbolivar.org>.
- 46 *El Tiempo*, "Así tratarán a 48 jóvenes reinsertados", 26 November 2003.
- 47 *Revista Semana*, "10 preguntas para pensar (interrogantes sobre desmovilización)", 30 November - 7 December 2003.
- 48 Including UN High Commissioner for Human Rights, op. cit.