of these relationships have changed, diminishing the political and strategic value of taking in Colombian refugees.

Guaranteeing protection
Colombia’s Binational Commissions with Ecuador, Costa Rica and Venezuela and its Neighbourhood Commission with Panama offer opportunities for the government to negotiate agreements in order to avoid the imminent invocation of cessation. Through the Binational Commission with Ecuador, agreements have already been reached regarding the care of this population and the implementation of a voluntary return plan. It is essential, however, to expand negotiations and to speed up the decision-making process, not only to avoid the cessation clause being invoked but also to reach agreements on how to ensure the well-being of those who, at the time, had no choice but to leave their country or lose their lives. Joint voluntary return plans will increasingly be needed as Colombia’s situation stabilises and becomes more conducive to offering a safe return for those who wish it.

UNHCR has an important role to play in all this. Firstly, it is UNHCR’s job to monitor compliance with the guidelines relating to cessation. Secondly, UNHCR can facilitate negotiations between the States. And, finally, UNHCR can support voluntary return schemes, reminding national authorities that the population choosing to return must be fully informed of the conditions they will encounter in Colombia, and that their security and rights must be fully guaranteed.

Beatriz Eugenia Sánchez Mojica
beasanchezmojica@gmail.com
Associate researcher, CIJUS-Universidad de los Andes; professor, IE University and Pontifical University of Comillas (Spain)
https://humanities-center.ie.edu/dt_team/851/

2. UNHCR (2003) Guidelines on International Protection No. 3: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the ‘Cessated Circumstances’ Clauses), HCR/GIP/03/03
www.refworld.org/docid/3e50de6b4.html
3. Revolutionary Armed Forces of Colombia – People’s Army (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo)
5. National Liberation Army (Ejército de Liberación Nacional)
6. Decree 1,182 of 2012 replaced the broader notion of refugee, which included persons fleeing situations of armed conflict and widespread violence without demanding proof of individual persecution, by a definition based on the original, more narrow 1951 Convention definition.

Colombia’s ex-combatant children and adolescents
Stephany Armas Contreras
Large numbers of children and adolescents recruited into the armed conflict in Colombia are now being demobilised. Lessons from the peace process of 2003-08 could usefully inform today’s transitional justice process, in particular with regard to reintegrating ex-combatant minors into civilian life.

The risk of recruitment of minors by armed groups has been a significant cause of displacement in Colombia. In 2008, it was estimated that between 8,000 and 13,000 children – with an average age of 13 – had been recruited by guerrilla groups and paramilitaries.1 Faced with the risk of their children being recruited, entire families and communities were forced to move, either because some members of the family or community had already been recruited or because they had been threatened with recruitment. Many minors also had to flee after deserting armed groups, escaping persecution or reprisals by moving to other places.

Clarification of the truth
Colombia’s transitional justice process aims to facilitate the end of the internal armed
conflict and to achieve a stable and lasting peace with guarantees of non-repetition, as well as guaranteeing the rights of victims to truth, justice and reparation. In the search for reconciliation, one of the main objectives of transitional justice is clarification of the truth, and those children who were combatants must contribute to this process, both as victims and as perpetrators. Truth is a mechanism for reparation – for the community and wider society and also for individuals, including child ex-combatants.

However, in Colombia’s experience of transitional justice mechanisms, ex-combatant children have been seen solely as passive victims, exempting them from any responsibility for acts perpetrated when they were combatants. This reductionist policy does not allow for a proper understanding of the socio-historical causes of the recruitment of minors – causes which, if not addressed, can hinder their successful reintegration into civilian life. If not effectively reintegrated, ex-combatant children may be re-recruited or put at risk in other ways – and may themselves put others at risk. In addition to not contributing to the truth, this approach has excluded child former combatants from the country’s reconciliation and historical memory initiatives.

Unlike in the previous peace process, a Truth Commission has been created as part of the ongoing peace process with FARC. This Commission aims to clarify what happened, contribute to the recognition of victims and to individual and collective responsibilities, and promote peaceful coexistence. Both victims and perpetrators will participate in the Truth Commission. In addition, a Thematic Committee on Children and Adolescents has been established which will be able to provide a specialised approach to the needs and rights of ex-combatant minors.

Access to justice

Access to justice is also an important component of transitional justice processes, and recognition of responsibility is essential. In the particular case of child and adolescent ex-combatants, the responsibility of those who
forcibly recruited minors must be recognised and addressed, as must the responsibility of ex-combatant children who have victimised others during their time as combatants. Both are important in terms of the fight against the impunity of the perpetrators of child recruitment, and as a contribution to the reconciliation processes.

During the demobilisation of the AUC in Colombia’s previous peace process, there was no oversight of the process of demobilising child soldiers; those who demobilised tended to do so informally, with little support or planning for their reintegration into civilian life. The commanders responsible for the crime of child recruitment evaded responsibility and criminal conviction. These factors undermined the children’s ability to participate in official demobilisation, disarmament and reintegration programmes, and their right to justice.

In relation to the recognition of the responsibility of ex-child soldiers, it is important to distinguish between moral responsibility and criminal responsibility. The Rome Statute of the International Criminal Court states that “The Court shall have no jurisdiction over any person who was under the age of 18 at the time of the alleged commission of a crime.” But above and beyond criminal responsibility, it is important that in the process of reparation for victims, child soldiers should not be seen as passive victims; they should also be able to recognise their moral responsibility and to participate in reparative activities in their communities.

The mechanisms established for the participation of children and adolescents should be legally recognised and appropriate, respecting the voluntary nature of participation, ensuring that children are able to make informed decisions (and supported in doing so) and providing conditions of safety, both physical and psychosocial.

Reparation for ex-combatant minors

The process of reparation for child victims of armed recruitment must be comprehensive. This process should include provision for education, livelihood projects, psychosocial care and health care. The objective of reparation must be not only compensation but also transformation of the conditions that brought about their vulnerability to recruitment – most frequently, conditions of poverty, abuse and loss of family members.

In this regard, there is much to learn from failings of the earlier demobilisation process. For example, the 2005 Law on Justice and Peace provided only for compensation, and not for transformation; with no changes made to remove the original conditions under which recruitment occurred, there was inevitably new recruitment – and new displacement of children avoiding being co-opted by armed groups.

The Constitutional Court, in its judgment T-025 of 2004, had argued that the recognition and protection of children separated from armed groups was fundamental to avoiding repetition, citing figures indicating that 9.7% of children who had left an armed group would eventually return to an armed group and that 79.4% had received threats from the armed group to which they belonged, 7.6% had been threatened by another non-State armed group and 1.2% by the army.

The 2005 report of the Coalition against the involvement of boys, girls and youth in the armed conflict in Colombia drew out the following two lessons in particular from the process of reintegration at that time:

- The provision for education and work programmes in no way met the needs and expectations of young people.

- The processes to reintegrate young people into civilian life focused only on the individual, with no attention to the wider social conditions which might have led to the stigmatisation and exclusion that encouraged recruitment in the first place.

Some of the lessons seemed to have been learned. In the current peace process, within the framework of Law 1448, the Victims and Land Restitution Law, measures are being taken to provide a holistic package of care, assistance and reparation to the victims of the conflict – legal, administrative, social and economic measures. Another example of good practice is the launch of the Camino Diferencial de Vida (Different Way of Life).
programme for the reintegration of former child soldiers; this, unlike the approach taken before, has a solid focus on restitution of rights, community reconciliation and building the social fabric of society.\(^7\)

Stephany Armas Contreras
armasstephany@gmail.com
International UN Volunteers Field Political Officer,
UN Special Political Mission, Colombia
https://colombia.unmissions.org/en


3. United Self-Defenders of Colombia (Autodefensas Unidas de Colombia)

4. www.refworld.org/docid/3ae6b3a84.html


New drivers of displacement in Colombia

Alfredo Campos García

Violence and displacement have not ended with the signing of the peace agreement in Colombia.

The recent signing of a peace agreement between the government of Colombia and the country’s largest guerrilla group, FARC\(^1\), fired hopes of finally achieving a stable and lasting peace. However, the actions of other armed groups pose a serious threat to achieving this objective. This is particularly evident in the southwestern region of Colombia, where there is a widespread presence of illicit crops and businesses, and armed actors such as the demobilised FARC, ELN\(^2\) and large criminal gangs (referred to as BACRIM, from the Spanish bandas criminales, or more recently as Organised Armed Groups). The whole region constitutes a corridor for the transit of these groups and the products which they traffic, since it connects the mountain range and the production or extraction zones of southwestern Colombia with the Pacific ports and main routes of exit.

Since the signing of the peace agreement, other armed groups have moved in to occupy the ground abandoned by FARC. Armed clashes between government forces and ELN are accompanied by serious violations of human rights while also causing massive displacement of entire communities, such as that of the Wounaan ethnic group from the Taparalito community. And the illegal activities of criminal gangs and other paramilitary gangs give rise to their own social and environmental problems.

The withdrawal of FARC and subsequent emergence of ELN in the department of Cauca has had some perhaps surprising negative repercussions for the local population. In the territories it formerly occupied, FARC at least had some authority and, for example, would warn the civilian population where mines had been laid. With FARC’s withdrawal, this peculiar work of ‘guardianship’ towards the population has ceased.

For these reasons, many internally displaced people in southwestern Colombia are now being forced to leave the country, for Chile or Ecuador or even further, to North America or Europe.

Alfredo Campos García
alfredocamposga@gmail.com
Legal expert in asylum and conflict, focusing on the Middle East and North Africa, Central Asia and Colombia

1. Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia)

2. National Liberation Army (Ejército de Liberación Nacional)