

Colombia's ex-combatant children and adolescents

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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



UN Migration Agency (IOM)

A vocational training project in Santiago de Cali, Colombia, supporting ex-combatant children.

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.² 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

October 2017

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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 AUC³ 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."⁴ 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 2004,⁵ 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 Colombia⁶ 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)

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October 2017

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

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1. Amnesty International (2008) 'Colombia: 'Leave us in peace!' Targeting civilians in the internal armed conflict – facts and figures' <http://bit.ly/AI-Colombia-2008>

2. Anne Rethmann (2010) 'Condenados al silencio – jóvenes excombatientes en Colombia', Axe XI, Symposium 40, Independencias – Dependencias – Interdependencias, VI CEISAL (European Council for Social Research on Latin America) International Conference 2010, <https://halshs.archives-ouvertes.fr/halshs-00503128/>

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

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

5. <http://bit.ly/Brookings-Col-T-025-2004>

6. <http://bit.ly/COALICO-2005>

7. 'Camino diferencial de vida: Programa integral para la atención y consolidación de los proyectos de vida de los menores de edad que salen de las FARC-EP' <http://bit.ly/CaminoDiferencial-2017>

