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COLOMBIA

Children Affected by Armed Conflict

A Report Prepared for the Committee on the Rights of the Child
by Human Rights Watch

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SUMMARY:

In 1999, armed conflict intensified in Colombia as negotiations between the government and guerrillas stalled. The administration of Andrés Pastrana was slow to develop a plan to improve human rights protections even as guerrillas used territory ceded to them not to talk peace, but to further war. Paramilitary groups working in some areas with the tolerance and open support of the armed forces continued to massacre civilians, commit selective killings, and spread terror. Guerrillas also flouted international humanitarian law, executing and kidnaping civilians and carrying out indiscriminate attacks. Throughout the country, Colombians fled political violence, with waning chances of finding refuge, food, and medical care. Repeatedly, the conflict crossed borders into Panama, Brazil, and Venezuela, heightening regional tensions and prompting talk of a future multilateral intervention.

Political violence continued to harm children, both as victims and as child soldiers, some of whom were forced to take part in hostilities or targeted by armed groups for perceived allegiance to armed groups. All armed groups used children in some way to fight. According to the Colombian Institute of Family Well-Being (Instituto Colombiano de Bienestar Familiar, ICBF), the government's child welfare agency, as many as 4,000 children may currently be involved in Colombia's armed conflict.

Guerrillas

The three largest guerrilla groups involved in Colombia's armed conflict are the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC), the National Liberation Army (Unión Camilista-Ejército de Liberación Nacional, UC-ELN), and the Popular Liberation Army (Ejército Popular de Liberación, EPL). According to the most recent statistics gathered by Colombia's public advocate, up to 30 percent of some guerrilla units are made up of children. The number of children in militias, considered a training ground for future fighters, can be much higher. In an interview with Human Rights Watch, one specialist who works with a government child welfare agency in Medellín, Antioquia estimated that 85 percent of the members of the guerrilla militias he works with are children.

The UC-ELN is believed to have the most children in its ranks in relation to its total strength. Human Rights Watch received numerous testimonies from people familiar with the UC-ELN about child

combatants. One told us that it is common to see a unit with fifteen adult commanders leading up to sixty-five child soldiers.

The FARC and EPL also include children in their ranks. EPL leader Francisco Caraballo noted that the group accepts children into its ranks if they are family members of militants. These children, Caraballo told us, are not permitted to take part in military actions. However, their activities may be just as dangerous. In April 1996, police reported capturing a fifteen-year-old girl apparently used to collect money extorted by the EPL from merchants in Anserma, Caldas.

Despite the guerrilla's denials and qualifications, Human Rights Watch has received abundant information indicating that all three guerrilla groups continue to recruit children and use them as combatants. The FARC, for instance, has even carried out recruitment campaigns in elementary schools and children's homes, promising to send families a regular salary. According to the Public Advocate in Cali, Valle del Cauca, "[Guerrillas] have presented themselves in schools and the homes of children offering to take the children to war, enticing them with stories about fighting and offering to sign them up, as a kind of adventure. They have offered their families money and guarantees of security in exchange for allowing their children to join the guerrillas."

While some children may join the guerrillas by choice, others are forcibly recruited. We consider forcible recruitment an additional violation of the laws of war, since it depends on threats of violence made by combatants against civilians, explicitly outlawed in Article 4 (2) (h) of Protocol II to the the 1949 Geneva Conventions. According to a 1996 report by the office of the Public Advocate, 14 percent of the child guerrillas they interviewed for their study said they had been forcibly recruited.

The FARC has publicly claimed that it only recruits those over the age of 15. However, in regions dominated by the FARC, like the department of Guaviare, Human Rights Watch has received credible reports that the guerrillas forcibly recruit children as young as twelve. Often, families do not report the forced recruitment of children for fear of reprisals.

The issue of forced recruitment by the FARC is especially serious in the southern region where the FARC has engaged the government in peace talks, known as the *zona de despeje*. According to a report by the Public Advocate there, the FARC has recruited children by force.

Other children are virtually born into guerrilla movements because their parents are members. Kept by others as infants, some are then forced to join their parents' units. One fourteen-year-old told the Public Advocate's Office that she joined the guerrillas at age twelve, brought by her mother. There, she was forced to cook and carry a shotgun (*escopeta*). After refusing to work, she was imprisoned, but managed to escape.

Regardless of how a child comes to them, however, the guerrillas are obligated to keep children from combat. Clearly, guerrillas recruit them in part because they consider children valuable assets. "Children are more intrepid, they have more bravery for war," a guerrilla commander told investigators from the Public Advocate's Office. "And although children are usually given no command responsibilities, they carry out their duties much better than an adult would."

Often, children are given the task of collecting intelligence, making and deploying mines, and serving as an advance shock force, to ambush the paramilitaries, soldiers, or police officers serving on point during patrols. For these tasks, children can be fully armed. One former child guerrilla, recruited at thirteen, told Public Advocate investigators that she had used pistols, AK-47s, Galils, M-16s, R-15s, Uzi submachine guns, Ingrams, and a 357 Magnum.

The FARC uses children to kidnap and guard hostages. One former FARC hostage told us that during her captivity at the hands of the FARC's Thirty-Sixth Front, she had been guarded by a girl of fifteen. Many of the guerrillas she saw over a period of three months were children, she reported.

Security Forces

Colombia ratified the Convention on the Rights of the Child in 1991. At the time, Colombia made a declaration regarding Article 38 and voluntarily chose to accept a minimum age of eighteen for boys to define their military situation by either stating why they were unable to serve the obligatory twelve- to twenty-four-month term or begin their service.

However, Law 48, passed two years later, required all Colombian males who have either reached eighteen years of age or have completed secondary school (*bachillerato*) to define their military status, in effect invalidating Colombia's international commitment. Boys who graduated before reaching eighteen were required to either state why they were ineligible for service or present themselves for induction into active service. Indeed, children were openly encouraged to serve since the mandatory term for those under eighteen was up to twelve months less than the mandatory term for adult males.

After the Public Advocate's Office drew attention to this contradiction, instead of honoring its international commitment, Colombia withdrew the declaration and continued to recruit children, an apparent attempt to boost the number of males available for service. After widespread protest from the parents of child soldiers, however, Congress passed Law 418 in 1997, exempting boys from obligatory military service until their eighteenth birthdays.

Nevertheless, boys under eighteen who chose to serve could still do so with parental permission. Law 418 and a 1997 Constitutional Court decision prohibit recruits under eighteen from serving in a "theater of war" or in combat. However, this was a deceptive argument since much of Colombia could be considered a potential battleground and child recruits are often assigned to bases in areas where combat was a frequent occurrence. When a Public Advocate's Office investigator visited a military base in Arauca in 1997, for instance, the investigator reported that soldiers were defusing a truck bomb with two child soldiers nearby.

In a positive step, the Colombian Army chose to remove all child soldiers from its ranks as of December 20, 1999. Law 548, promulgated on December 23, 1999, prohibited the recruitment of children under 18 years of age, a positive step. The law also specified a prison term of between three to five years for insurgents or paramilitaries who recruit children. While some children who lack proper birth certificates or other documents proving their age may still be serving in the Armed Forces, the Colombian government has made an effort to stop its forces from recruiting children to serve as soldiers.

However, according to the Coalition Against the Use of Child Soldiers, the National Police continue to use boys under the age of 18. Arguing that they are not part of the Armed Forces, the police continue to recruit children for civic outreach, then put them in uniform in war zones, placing them at serious risk of attack. The police recruit children as young as seven years of age as "little patrollers" to take part in police-related activities. Although the approximately 14,000 Juvenile Civic Police and 15,000 Student Police are unarmed and take part primarily in directing traffic or other public safety activities, they are uniformed and work in war zones and are at risk of attack.

Another way children serve in the security forces is by switching sides, from guerrilla to army ranks. According to the Public Advocate's Office, the army has captured or accepted the surrender of children suspected of being guerrillas, then used them as guides and informants. This violates the

children's rights in several ways. Children face serious reprisals from their former comrades for working as informants. Also, they are coerced or threatened into serving the army, a kind of forced recruitment. In the past, security force officers, in particular the army, have simply failed to ever deliver children to the proper judicial or child welfare authorities, keeping them in military barracks. In one report, the Public Advocate's Office interviewed children who had been forced to patrol with troops, take part in combat, collect intelligence, and deactivate land mines.

Other child guerrillas remain in military barracks under Law 81, which allows the army to keep individuals convicted of terrorism in barracks confinement if they work as informants and guides. During a Human Rights Watch mission to Colombia in 1996, we were introduced to four children who lived in the Nueva Granada Base. This is illegal, since children are not considered responsible for their actions before the law in Colombia and therefore cannot be prosecuted or jailed. Instead, children twelve and older are required to be delivered to a juvenile judge (*juez de menores*), who can either release them to family or require that they be housed for a period of time in a government facility for children. Younger children are treated by Colombia's ICBF.

The army has also forced former child guerrillas to appear before the press and recite testimony prepared by the army and designed to discredit guerrillas. In the Public Advocate's report, a fifteen-year-old who had surrendered to soldiers told investigators that it was necessary to collaborate in order to eventually be freed. "The next day, they presented me to the press, they told me that I had to say terrible things, that [the guerrillas] had forced me to join them, that the commanders had forced me to sleep with them... none of that is true, but [the soldiers] said that if I didn't say these things, the devil would take me." In this instance, the report noted, the army also forced the child against her will to speak with journalists, who took her photograph and published her name, seriously endangering her.

Paramilitaries

At least seven paramilitary (or "self-defense") groups are allied under the name United Self-Defense Groups of Colombia (Autodefensas Unidas de Colombia, AUC). These groups maintain an independent command structure, but frequently operate in direct coordination with the Colombian security forces.

According to the Office of the Public Advocate, up to 50 percent of some paramilitary units are made up of children. One former child paramilitary interviewed by the Public Advocate's Office said he had been forcibly recruited at nine years of age. During the time he served, he had no communication with his parents. "There were more children like me, about eleven, and my same age. Another five were between ten and fifteen years of age. We were all serving two years."

Children as young as eight years of age have been seen patrolling with paramilitary units in the Middle Magdalena region. There, residents told Public Advocate's Office investigators that paramilitaries consider service obligatory and service can last as long as two years. Families who refuse risk being considered sympathetic to guerrillas and attacked.

"Unless they release their children for service, they must leave the area or risk being killed," a social worker from the Chucurí region told Human Rights Watch.

In many regions, according to a report by the Public Advocate's office, paramilitaries demand that each family give one child to fight with them. In areas like the Middle Magdalena, the demand can be as high as two children per family.

Other children are used as backup troops, to spy and patrol in their home regions. Girls are at particular risk according to the Public Advocate's Office, which collected interview from girls who reported a high level of sexual abuse by adult paramilitaries.

Despite overwhelming evidence to the contrary, paramilitaries organized as members of the AUC deny they recruit children.

Demobilization and Treatment

Child combatants in guerrilla forces who manage to escape are considered deserters and can be subjected to on-the-spot execution. If guerrillas believe the child has given the Colombian security forces information, the punishment is death. One mother of a girl who escaped tried to get her former commanders to sign a "certificate of liberty" that would be distributed to other area units, to insure that her daughter would not be killed.

Even children who have been captured by the authorities, convicted, and placed in juvenile detention centers are at risk of being killed. Between 1994 and 1996, the Public Advocate's Office found, 13 percent of the children convicted of belonging to guerrilla groups and imprisoned were killed while in custody, apparently by other child guerrillas in the same facilities. One government authority told investigators that he preferred to let these child guerrillas in custody "escape," thus giving them a better chance of protecting themselves.

The government has yet to implement broad-based programs to assist former child guerrillas or paramilitaries who escape or are captured. There is no specific program tailored for child soldiers; instead, they are mixed with the general population in rehabilitation centers. No specific psychological or emotional treatment focuses on the trauma that results from having seen combat or extreme acts of violence. Because they risk punishment from their former commanders, many former child soldiers cannot return to their homes and families.

RECOMMENDATIONS:

- 1) The government of Colombia should swiftly sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict after its adoption by the United Nations General Assembly, and in accordance with article 3 of the protocol, should make a binding declaration stipulating a minimum age for voluntary recruitment of at least eighteen years.
- 2) All parties to the conflict should immediately take all appropriate measures to prevent the recruitment of children under the age of eighteen and demobilize any under-18s in their forces. All parties should also ensure that under-18s are not used to participate in the conflict in any way, including as informants, guides, or in support positions.
- 3) The government of Colombia should develop a comprehensive plan for the rehabilitation and reintegration of children who have participated in the armed conflict and allocate adequate financial resources for its implementation. The government should also consult with non-governmental organizations working with children affected by armed conflict in developing such programs, and provide support for similar programs carried out by NGOs.

4) The government of Colombia should ensure that children who have participated in guerrilla forces are not detained, prosecuted, or used as guides or informants, but are promptly placed in appropriate rehabilitation and social reintegration programs.

5) The Colombian government must end the tolerance on the part of the security forces for paramilitaries and end any sharing of intelligence or logistical support for them. Officers who promote or coordinate with paramilitaries and go on joint maneuvers with them should be prosecuted and punished by civilian courts.

6) The government of Colombia should implement its promises to assist displaced children with basic needs, including health care, education and psychological assistance.