Victims, Perpetrators, Peace and Transitional Justice: The Case of Child Soldiers in Colombia’s Armed Conflict

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Abstract:
This paper explores the complex legal and political situation regarding children associated with armed groups (child soldiers) in Colombia. It will discuss the international and national laws and policies related to the issue, which currently enforce the sole notion of the victimhood of the child, which ultimately denies all agency from their actions. Conversely, minors associated with organized criminal groups in Colombia, groups that share similar characteristics to the armed groups and are believed to have emerged from demobilized paramilitary, are not considered victims of the conflict. The paper will also discuss the challenges facing former child soldiers in Colombia in their reintegration and the role that transitional justice mechanisms might play in improving their reintegration experiences, both through acknowledging individual culpability and by improving societal acceptance of this oft stigmatized group. The article concludes with recommendations for dealing with this group in light of the current peace negotiations between the FARC and Colombian government and the potential for thousands of children to be demobilized in the upcoming year(s) if said negotiations are successful.

Introduction

Experts argue that over the past century the nature of war has changed.² The basic dynamics that governed warfare have transformed, leading to a rise in civilian deaths and the breakdown of what Michael Ignatieff, an ethicist at Harvard University, refers to as

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“Warrior’s Honor.” In the growing number of inter-state conflicts around the world, state and non-state actors have increasingly targeted civilian populations as a weapon of war in order to create fear and gain control of key areas. Currently, women and children represent an estimated 80% of victims in violent conflicts. As the normative laws of war have changed, a particular taboo has become a tactic of war – that of targeting children. This occurs not only in violence directed against children but also in their recruitment and use – forced or otherwise – by armed groups. Children associated with armed groups, who for the purpose of this article will be referred to as child soldiers, serve multiple roles including, though not limited to, that of combatants, spies, cooks and sex slaves. While the involvement of children in war and conflict has been reported throughout history, such as a huge number of boys reportedly fighting in the American Civil War, the conflicts that exist today present a special risk to children due to changes in weaponry and the development and use of psychological and economic warfare tactics. Further, the longer duration of internal conflicts and technological advances that have developed small arms that are easily operated have allowed for the huge increase in the use of children in armed conflict, which has subsequently also become increasingly dangerous.

In addition to the dangers associated with conflict, civil war often results in a climate of lawlessness and impunity. In this context, criminal and domestic violence can increase and children may be exposed, not only to direct experiences of violence due to the conflict, but also to increased interpersonal violence – assault, murder and rape, as well as physical and sexual abuse and robbery. There is perhaps no clearer example of this than Colombia where the conflict has continued for over 50 years and violence has permeated all aspects of society. The conflict in Colombia has created a situation in which children are left with few options to protect or provide for themselves. The destruction of family and community structures, the lack of educational and vocational opportunities and the huge internal displacement has led to the widespread recruitment of

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5 This paper will use the internationally agreed upon definition for a child associated with an armed group (child soldier) as any person below 18 years of age who is, or has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys, girls, used as fighters, cooks, porters, messengers, spires or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities. (Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, 2007).
8 Singer, P.W., 2005
9 Singer, P.W., 2005
10 Boyden, 2003
children into a variety of illegal armed groups as well as neo-paramilitary and organized criminals groups.

Many organizations and individuals working on the issue of child soldiers discuss the idea of “reversing” the effects of being a child soldier – of turning a soldier back into a child. This article argues that instead of attempting to undo something that cannot be undone, governments and international organizations should rather work to acknowledge the experiences of youth who have been associated with armed groups and engage them in the transitional justice process as a way of acknowledging their agency, resilience and encouraging their growth as productive citizens. As a case study, this article looks at Colombia where conflict and violence has led to the widespread recruitment of children into groups outside of the law.

While valid statistics are hard to find, most hold that 14,000 to 18,000 minors are currently associated with illegal armed forces in Colombia and an estimated 13 million are at risk of recruitment. Recent sources have noted an increase in the recruitment of children and a decrease in the average age – from 14 to 12 years old – likely as a result of waning monetary and human support for the illegal armed groups. While Colombia is a country embroiled in one of the longest running internal conflicts in the world – with the second highest number of IDPs and more than 6.2 million victims registered in the past two decades – at least in urban centers, it also boasts a relatively strong state institute, as well as a complex legal system that attempts to respond to the conflict. With regards to dealing with child soldiers, policies ranging from prevention of recruitment to reintegration and reparations are implemented at the same time. This creates a fairly unique situation where, what is typically considered post-conflict work, is being undertaken in a situation of an ongoing conflict. While the use of child soldiers is merely one way that children are affected by conflict in Colombia, this gross human rights abuse represents both a symptom of the violence and also a factor that allows for the continuation of the same. Further, the use of child soldiers highlights the myriad of challenges facing children in Colombia. While the issue of child soldiers in Colombia is too deep and complex to explore in one article, a brief analysis of the situation, with a focus on the laws and policies surrounding it, can provide for a unique glimpse into the role that transitional justice may play in addressing these abuses and improving both the individual situation of the demobilized child and the prospects for peace for the country as a whole.

11 This range is derived from a variety of sources, including Dr. Natalia Springer, Human Rights Watch (2012) and the Watchlist on Children and Armed Conflict (2012).
As such, this article explores the complex legal and political situation regarding child soldiers in Colombia. It begins with an explanation of transitional justice and the role children may play within it in order to provide a foundation of knowledge with which to understand the situation of child soldiers and transitional justice in Colombia. It follows with a discussion of the theoretical and practical distinction between the notion of “victims” and “survivors” and how this change in language, incorporated into transitional justice mechanisms, may help with individual healing. A third identifier for child soldiers, that of perpetrators, is also outlined and the linkages of the three identities: victim, perpetrator and survivor, remain central themes for the rest of the article. A brief explanation of the Colombian context is then provided as well as an overview of the key international and Colombian laws and policies related to the issue - laws that currently enforce the sole notion of the victimhood of the child - arguably denying agency for their actions. The case of child soldiers in Colombia is then addressed and briefly contrasted with the case of children associated with organized criminal groups. While these children have similar motivations for joining the organized criminal groups - and there is a widespread belief that the groups emerged from demobilized paramilitaries and are thus a part of the conflict – these youth are often viewed as perpetrators of crimes and denied the reparations provided to demobilized child soldiers. Children associated with the BACRIMs provide a concrete example of how little attention the transitional justice mechanisms in Colombia currently devote to children as not only are “official” child soldiers not properly provided for, but also the laws and mechanisms deny the victim status to a whole category of children that would generally fit the definition of “child soldier” elsewhere. Further, this is a group that would benefit greatly from assistance and aiding them would be a huge step towards ending the cycle of violence and abuse that continues in Colombia.

The various topics addressed in the article are all analyzed within the lens of transitional justice and the role it can play in improving both the individual reintegration of these children and ultimately in the potential for sustainable peace for Colombia. The article concludes with recommendations for dealing with this group, especially in light of the current peace negotiations between the FARC and Colombian government and the potential for thousands of children to be demobilized in the upcoming year(s) if said negotiations are successful.

**Transitional Justice and Children**
The term transitional justice was first coined in the 1980s and the theory and practice has been evolving and adapting to new contexts ever since. It was initially applied to situations of transition from authoritarian rule to democracy such as in Latin America and Eastern Europe, and has since been applied in contexts of post-conflict situations (such as Sierra Leone) and, most recently in on-going conflicts like Colombia. Transitional justice can include, though is not limited to, truth seeking mechanisms, criminal justice, reparations programs, demobilization programs and institutional reform.

Despite the extent of human rights violations and crimes suffered by children in conflict situations, as is clearly demonstrated in the case of Colombia, transitional justice mechanisms have frequently overlooked children’s interests and perspectives. Youth represent the future generation and thus their participation in political violence and general cultural violence can lead to apprehension about the moral degradation of society. This is perhaps no more evident than with regards to the reintegration of child soldiers. Most often, these youths are categorized either as a defenseless victim of the conflict or as a perpetrator of the violence. This dichotomy, and the fact that children and youth represent the future of a country, makes their inclusion in any peace or justice process critical. Despite this, those working on the issues of transitional justice have only recently begun to acknowledge the significance of children’s participation in these measures and the critical role they can play in creating sustainable peace.

Cécile Aptel and Virginie Ladisch of the International Center for Transitional Justice (ICTJ) note that, transitional justice can, and should, play a role in raising awareness about the victimization of children and contribute to ending impunity for crimes against them; this can only be done by including children and youth in the transitional justice process. Further, using this child-focused lens, they argue that transitional justice practitioners should not only consider children’s roles as victims of the conflict but also as participants (perpetrators) and their potential – in both roles - to carry forward lessons from the past and to help promote peace. Transitional justice, as will be illustrated below, can help to give child victims back their agency and help foster their ability, and that of society, to see themselves as survivors of the conflict, not merely as passive victims.

Victims, survivors, perpetrators and Transitional Justice

The distinction between victim and survivor first emerged in the late 1970s from an analysis on female rape and domestic-violence victims in the United States who were observed to be “surviving.” In this context “surviving” is described as the “other side of being a victim.” Two studies that looked at survivors of sexual violence suggest that individuals whom researchers identify as victims perceive themselves as weak, passive and not in control, whereas survivors have strength and enthusiasm, and are more active in their ability and desire to cope with their past. As a result, individuals labeled “survivors” are more likely to take action for themselves and move forward. In contrast, those who consider themselves victims seek out sympathy, which reinforces their sense of passivity and lack of control over their life, hindering their ability to recover. Studies suggest that an individual’s perception of self as a victim versus a survivor may have significant implications on their potential to reintegrate and become a productive member of society.

While the study started with victims of sexual abuse, it has been transferred to additional cases such as survivors of land mines. In this way, the same idea might be transferred to that of child soldiers where the line between victims and survivors, as well as a third category of perpetrators, lies heavily in the grey. It has been shown that people affected by trauma that learn to think of themselves as survivors instead of victims, can formulate a more positive worldview and self-image, and this positive self-image is a critical step to recovery. In a joint interview with a female former child soldier and psychologist with over 20 years working with child soldiers in Colombia, the psychologist repeatedly stressed the importance of the girl’s independence and self-sufficiency. The former child soldier, now young adult and mother, was struggling to see a life path and care for herself after years in a program being referred to as a victim. As such, addressing this issue with regards to child soldiers, who are repeatedly referred to, at least legally, as victims may help to improve their reintegration experiences.

At the same time, the creation of a victim often emerges for legal and social reasons. Especially in the case of child soldiers, where they may also be perpetrators of crimes, being a victim entitles them to legal protection and often reparations. As such, it has

21 Personal interview with former child soldier (anonymous) and psychologist Stella Duque, Interview, May 2014.
been noted that in the creation of “victims,” those who make this claim, necessarily construct the innocence of the victim. This means that, if we are to define a child soldier as a “true” victim and care about what befalls them, they as victims cannot have played any part in their own victimization.\textsuperscript{22} Consequentially, this denies them all personal agency as well as any culpability – and thus subsequent justice for \textit{their} victims – that they may have had in their own victimization. While former child soldiers are victims (and survivors) of the conflict, they can also be perpetrators of crimes. This contradiction is most notably seen in the treatment of child soldiers solely as victims by most international and national courts while often communities and civil society view them as dangerous criminals.

Transitional justice allows for a bridge between the notions of victim, survivor and perpetrator. It gives youth a voice to acknowledge the crimes they may have committed while legally remaining victims and avoiding punishment. Ultimately, this allows for the idea of being a “survivor” to emerge, as it gives the children agency over the decisions they made, allows them to take responsibility for their actions, but at the same time protects them from further prosecution and acknowledges their victimization.

\textbf{The Colombian Context}

Colombia is a South American country of around 46.2 million people.\textsuperscript{23} It is extremely ethnically and geographically diverse. Colombia declared its independence from Spain in 1810 and after a long struggle became an independent state in 1819. While Colombia has one of the oldest democracies in South America, with a fairly strong central state institution, a combination of factors including a diverse and rugged terrain, social inequality and elite held power has led the country to be plagued by conflict for the majority of its existence.\textsuperscript{24} The current conflict is the longest internal armed conflict in the Western hemisphere. Recent reports indicate an estimated 6.2 million people have registered as victims with the government, and since the start of the conflict in 1964 an estimated 220,000 people have been killed.\textsuperscript{25} An estimated 81.5\% of those killed have been civilians.\textsuperscript{26} 

\begin{enumerate}
\item\textsuperscript{22}Leisenring, Amy, 2006
Despite numerous internal struggles and political conflicts over the course of its history, power in Colombia has remained steadily in the hands of the elite, whether liberal or conservative. As a result of the huge dichotomy between the rich and poor, 1964 saw the emergence of left-wing guerrilla movements with communist leanings, such as the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Ejercito de Liberación Nacional (ELN). The emergence of these groups marked the start of the conflict, which continues to this day.

Since the formation of these forces, despite various attempts at peace processes, the Colombian people have rarely had a respite from violence. Additionally, Colombia continues to rank as one of the countries in Latin America with the highest levels of inequality. While the government, paramilitaries and guerrilla groups have been fighting for economic and political control throughout the country, the majority of the violence occurs in the resource-rich areas of the country and those areas that are critical to the drug business. As such, those most affected by the violence are the rural poor and indigenous communities.

This can be seen in the fact that over the past 15-25 years, an estimated 1.8 million hectares of land have been abandoned or seized. The 2014 Global Report by the Internal Displacement Monitoring Centre (IDMC) placed Colombia as the country with the second highest number of IDPs in the world (second to Syria). Current estimates put the number of displaced at least at 5,700,000 – 12% of the population. It is believed that more than half of these IDPs are under the age of 18. Being displaced greatly increases the vulnerability of youth to the threats caused by conflict, including recruitment into illegal armed forces. An estimated 32.7% of Colombians live below the poverty line with 8.2% living on less than $1.25/day. In many regions of the country, particularly those rural areas, only 5 years of primary school are offered.

Violent confrontation between the armed groups and the government forces, and direct

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29 Summer, Nicole, 2009
31 Kemper, Yvonne, 2012
32 The World Factbook, 2014
33 IBID
threats to individuals and communities cause the vast majority of displacements. Though widespread abuses, such as the recruitment of minors, sexual violence, the deployment of anti-personnel mines, and the targeting of human rights defenders have also caused people to flee their homes.\textsuperscript{34} Though the FARC and the ELN have both caused displacement, it is the neo-paramilitary groups and organized criminal gangs, known by the acronym the BACRIMs, who are believed to commit the majority of abuses and violence against civilians.\textsuperscript{35} The BACRIMs are responsible for the assassination of 37 human rights workers in the first half of 2013 alone, an increase from 29 during the same period the previous year.\textsuperscript{36}

In many conflict-affected countries, young people, those under the age of 18, represent around 50\% of the population and their involvement in the violence can create a source of political and social unease.\textsuperscript{37} In Colombia an estimated 25.3\% of the population are between the ages of 0-14 years and 18\% are between 15-24 years of age.\textsuperscript{38} As noted previously, disproportionately, more than half of the IDPs in Colombia are believed to be under the age of 18, and as of 2009, 83\% of all IDPs were believed to be living in extreme poverty.\textsuperscript{39} According to Colombia’s Consultancy for Human Rights and Displacement (CODHES), 86\% of all IDP households include one or more children and of these displaced children, 45\% are 14 or younger, while 20\% are between the ages of 3 and 10 years old.\textsuperscript{40} Academic and humanitarian practitioner, Lisa Alfredson, notes that countries suffering the worst trends in child recruitment, both in numbers and violent treatment, also tend to produce the largest populations of internally displaced people (IDPs).\textsuperscript{41} This is perhaps no more clear than in Colombia.

In recent years the government’s response and acknowledgement of the internal conflict has been varied. While in office (2002-2010), former President Uribe is believed to have drastically reduced the violence in country via an expansion of the police and armed forces. Despite this, many human rights abuses were reported during this time, perpetrated by both sides of the conflict. Further, President Uribe denied the existence of

\begin{itemize}
\item \textsuperscript{35} Internal Displacement Monitoring Center. Global Overview 2014: People internally displaced by conflict and violence. May 2014 < http://www.internal-displacement.org/publications>
\item \textsuperscript{36} IBID
\item \textsuperscript{37} Boyd, 2003
\item \textsuperscript{38} The World Factbook, 2014
\item \textsuperscript{39}“Colombia: Resources for Humanitarian Response and Poverty Reduction.” Global Humanitarian Assistance. 2013.
\end{itemize}
the conflict referring to the violence as a “terrorist threat.” In denying the existence of the armed conflict, he strove to force humanitarian organizations out of the country, claiming the state had the capacity to deal with the situation. President Uribe’s administration was responsible for the demobilization of the paramilitary umbrella group, the United Self-Defense Forces of Colombia (AUC), which, while it can be considered a step in the right direction, the process is generally seen as a failure resulting in the emergence of the BACRIMs. This can be seen in the fact that the UNHCR reports that 53% of the BACRIMs are former paramilitaries members. In contrast, current President Juan Manuel Santos (2010 – present), who in June 2014 was elected for a second term, has formally acknowledged the existence of the conflict in Colombia and it is generally believed by the international community that he is working to address many human rights abuses.

In September 2012, the Colombian government, under President Santos, announced the beginning of the first set of peace talks with the FARC in over a decade. The round table negotiations, which began in November 2012, continue at the writing of this paper (Summer 2014). Many in the international and national community are optimistic with regards to the potential for their success. The government and FARC are meeting in Habana, Cuba and the negotiations are centered around the discussion of six points as outlined by the jointly authored document the “General Agreement for the Ending of Conflict and the Construction of a Stable and Durable Peace.” The six points are: land reform, political participation, drug trafficking, an end to hostilities, reparations for victims and a plan for putting it all into effect.

Notably, and to the consternation of national and international child rights advocates, children – particularly those associated with the armed groups - do not garner a specific mention in these negotiations. Rather they are considered a part of the point on reparations to the victims. The lack of a specific mention of children is extremely

47 FARC and Gobierno de Colombia. ‘Acuerdo General Para La Terminacion Del Conflicto y La Construccion De Una Paz Estable y Duradera’ 2012
worrisome, both in their rights as victims and also with regards to their potential demobilization from the FARC.

**International and Colombian National Laws and Policies Regarding Child Soldiers**

Internationally there are a wide range of laws and norms against the use of child soldiers. The use of child soldiers is considered one of the worst human rights abuses and is included in the International Labor Organization’s (ILO) worst forms of child labor (Convention 182) – thus the use of child soldiers goes against International Human Rights Law and International Labor Law.\(^4^8\) Further, the use of child soldiers violates the most basic principals of International Humanitarian Law and the use of children under 15 in armed conflict now constitutes a war crime.\(^4^9\)

The twentieth century saw an array of treaties emerge that codified international standing against the use of children in conflict. These began with the 1924 League of Nations Declaration of the Rights of the Child and the 1948 United Nations Universal Declaration of Human Rights. While the 1949 Geneva Conventions do not specifically address the participation of children in armed forces, Additional Protocols to the Geneva Conventions do make some reference the use of children in armed conflict. With respect to international armed conflict, Article 77(2) of Additional Protocol I demands that “Parties to the [international] conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities.”\(^5^0\) This means that under Protocol I, there is an obligation to refrain from recruiting children under fifteen. Notably though, there is no obligation to refuse their voluntary enrollment. Protocol I further notes that the death penalty should not be applied to war crimes committed by those under eighteen.\(^5^1\) While Protocol I applies to international armed conflicts, and Colombia is instead an internal conflict, according to the ICRC study on customary international humanitarian law, the recruitment and the use of child soldiers is prohibited in both international and non-international armed conflicts (see rules 136 and 137).\(^5^2\)

Perhaps the most notable of conventions and treaties on international human rights, with regards to children, is the 1989 Convention on the Rights of the Children (CRC) as it represents a global consensus regarding how children should be treated. This can be seen

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\(^{4^8}\)“Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182)”, adopted 17 June 1999, in force since 19 November 2000, 2133 UNTS 161.

\(^{4^9}\)P.W. Singer, 2005


\(^{5^2}\)http://www.icrc.org/customary-ihl/eng/docs/v1_rul
in the fact that the CRC was the most quickly and widely ratified international treaty ever with more than 190 state signatories, including Colombia.\textsuperscript{53} The Convention changed the way children are viewed and treated – i.e., as human beings with a distinct set of rights instead of as passive objects of care and charity. Article 38 of the CRC pushes governments to take all feasible measures to ensure that children (defined as any “human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier”) have no direct part in hostilities. In response to the overwhelming support of the CRC, more detailed standards against the use of children in armed conflict were developed under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (ratified by Colombia in 2005\textsuperscript{54}). This Optional Protocol entered into force in 2002 and is the most comprehensive of the internal treaties related to child soldiers. It contains a set of obligations to states aimed at ending the use of children in the armed forces of both state and non-state armed groups.\textsuperscript{55} While the core of the protocol is prevention of recruitment, it also requires states to take all feasible measures to release children associated with armed forces and to support their recovery and reintegration. Further, one of the main achievements of the Optional Protocol on the Involvement of Children in Armed Conflict was to raise the minimum age for recruitment into armed forces from fifteen to eighteen years of age.\textsuperscript{56} Additionally, Article 1 of the Convention notes that no member of the army under 18 should participate directly in hostilities. The Convention distinguishes between government groups and armed groups that are distinct from the armed forces of a State, and states that no group should recruit or use minors (under 18) in armed hostilities. The States who signed the Convention must use all possible methods to impede recruitment and use of minors, including the adoption of legal means to prohibit these practices. The Colombian Senate adopted a law, which transposed the Protocol’s requirement into Colombian domestic legislation as Law 833 of 2003 (Senate of Colombia, 2003).

While the issue of children and armed conflict has been discussed for years, as evidenced by the wide range of protocols and amendments previously mentioned, it is generally felt that the issue gained true attention in 1994 when, under the request of the United Nations, Mrs. Graça Machel embarked on a pioneering two-year research project on the impact of armed conflict on children, highlighting the gross abuses and vulnerabilities facing children globally - including the use of children in conflict. Her research resulted in a report that recommended the appointment of a Special Representative on children and armed conflict within the United Nations. As a result, the Office of the Special Representative of the Secretary General for Children and Armed Conflict was established

\textsuperscript{53} P.W. Singer 2005  
in 1997. This allowed for a more targeted approach to addressing the nature and extent of child recruitment and other crimes against children, as well as including their disarmament, demobilization and reintegration in the framework of peacekeeping operations. Subsequently, the UN Security Council has also passed a series of resolutions condemning the use of children in conflict. These are: 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005), 1882 (2009) and 1998 (2011).

Resolution 1261 condemns the targeting of children in armed conflict, including their recruitment and use as child soldiers. Resolution 1379 (2001) calls for the UN Secretary-General to list, in an annual report on children and armed conflict, parties and countries that perpetrate the six grave violations against children: killing and maiming children; recruitment or use of children as soldiers; sexual violence against children; attacks against schools or hospitals; denial of humanitarian access for children; and abduction of children. Security Council 1460 (2003) requires the listed parties to enter into talks with the UN to agree on clear and time bound action plans to address the issues. Security Council Resolution 1612 (2005) established a monitoring and reporting mechanism (MRM) on grave violations against children in armed conflict. The purpose of the MRM is to provide for the systematic gathering of accurate, timely and objective information on grave violations committed against children in armed conflict. The Security Council Working Group on Children and Armed Conflict, which consists of the 15 Security Council members, regularly reviews the reports emerging from the MRM and makes recommendations on how to better protect children in specific country situations.

In 2006 UNICEF published a 10-year review of the Machel Report, which found that while great strides had been made in dealing with conflict and children, much remains to be done. Academic Alcinda Honowana notes that while there have been improvement in the manner in which agencies and organizations gather information on the situation of the child, as highlighted by the 10-Year Review, these efforts have yet to be very effective in enforcing international laws and standards which means many abusers still act with impunity.

With regards to International Criminal Law, the Rome Statute of the International Criminal Court includes in the definition of war crimes the: "conscripting or enlisting children under the age of fifteen years into national armed forces or using them to participate actively in hostilities" (Article 8(2)(b)(xxvi)) with regards to international armed conflict. In the case of an internal armed conflict, "conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities" (Article 8(2)(e)(vii)) is also included as a war crime. The statute also defines sexual slavery – often a part of the recruitment and use of children by armed groups - as a war crime, (Article 8(2)(b)(xxii) and Article 8(2)(e)(vii))

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as a crime against humanity (Article 7(1)(g)). The treaty came into force and the court came into being on 1 July 2002.

With regards to international standards and principles there are the Paris Commitments and Principles (2007), which provide guidelines on children associated with armed forces or groups as well as commitments to protection from unlawful recruitment and use by armed forces or groups. The Paris Principles were formally endorsed by 58 states in 2007 (and as of 2012, 105 States – including Colombia) and their drafting followed a review of the “Cape Town Principles on the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa” which had been the guiding principals on child soldiers since 1997.

Currently there is no regional South American agreement regarding the use of child soldiers. Nationally though, the Colombian legal system provides, at least on paper, impressive protection for children and youth. The Colombian Constitution guarantees the rights of the child in Art. 44 and Colombia has made efforts to adapt its law to the international requirements and treaties. In 1991, the government ratified the Convention on the Rights of the Child (CRC) and in 2005 the Optional Protocol on the involvement of children in armed conflict. Further, the 2006 Code of Children and Adolescents includes provisions relevant to children affected by the armed conflict, including the prevention of recruitment and use of children by illegal armed forces.

The minimum age for recruitment to the armed forces is 18, as established by Law 418 of 1997 for conscription and Law 548 of 1999 for voluntary recruitment. Law 418 of 1997 also prohibited the recruitment of children by armed forces or armed groups, with a penalty of up to five years’ imprisonment (Article 14). Law 782 of 2002 define children involved in the armed groups as victims of the conflict as opposed to combatants (Article 15) and Decree 128 of 2003, regulates Law 782, by establishing and assigning functions regarding the reintegation of combatants who have demobilized from the illegal armed groups. In Chapter 5, on the protection and care of minors that have demobilized from the groups, it is determined that they should enter the Colombian Family Welfare Institute (ICBF) and that they should be included in a program of special protection. This norm resulted in the discussion of the dual role that children and adolescents may play in front of the law, both as victims of the violence and as individuals who have broken the law. Ultimately, Act 782 of 2002 states that minors who are participating in the conflict are victims, while Article 175 of the Childhood and Adolescence Code, determines that adolescents between 14 and 18 are considered potential perpetrators and

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Law No. 418 of 1997 and Law No. 548, Available at: http://www.secretariasenado.gov.co/leyes


ICBF, 2013
that they might be tried but only in extreme cases where the child has committed gross human rights abuses or participated in massacres.

The Peace and Justice Law (Law 975 of 2005) has the objective of facilitating the process of peace and reintegration of members of the illegal armed groups, guaranteeing the rights and truth of victims. As children and adolescents affected by the conflict are considered victims they thus have a right to reparation. This responsibility of the state for reparation is outlined in Decree 1290 of 2008 the “Program of Individual Reparation for the Victim Via Administrative of the Victims of the Armed Groups Outside of the law.” The Justice and Peace Law offers dramatically reduced sentences to demobilized paramilitaries who confess their atrocities. In July 2012, as a part of the peace process, the government enacted a Constitutional Amendment, the Legal Framework for Peace, which allows for widespread impunity for atrocities by guerrillas, paramilitaries, and the military if a peace agreement is reached with the FARC. The amendment empowers Congress to limit the scope of prosecutions of atrocities to individuals found “most responsible,” and provides statutory immunity to others who planned, executed, and covered up the same crimes but are not deemed “most responsible,” a category the amendment did not define.

2011 saw the creation and implementation of the Victims Law, put into act by President Santos. This law formally recognizes the internal conflict and, compared to the Peace and Justice Law, shifts the focus from the perpetrators and facilitating their demobilization, to the victims of conflict. The law particularly addresses assistance and reparations to victims. It is an attempt to address the harms and losses suffered by the victims of the conflict, at the hands of both sides of the conflict. The new statute acknowledges a victim’s status from 1985 onwards, and accepts land restitution claims from 1991. Within the law, Article 181 deals with the rights of children and adolescents and affirms the child’s rights to: 1) truth, justice and reparations; 2) the reestablishment of their rights; and 3) protection against all forms of violence including illegal recruitment.

The Victims Law considers all those under 18 who have been associated with the illegal armed forces a victim. It must be noted though that, until recently, the Victim’s Law referred only to the armed conflict between the government and illegal armed groups not violence perpetrated by the BACRIMs. Currently, victims of displacement as a result of the BACRIMs may register under the Victims Law, though other violations by the BACRIM remain unacknowledged by the law. Thus, as will be discussed in further detail later in this article, those youth associated with the BACRIMs, do not receive the

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same rights as demobilized child soldiers. Further, the law does not provide for those who may have been recruited by illegal armed groups as a minor (an estimated 65% of the reported 31,550 former combatants were recruited as minors) but emerged from the groups over 18 years of age. Additional laws related to the recruitment and use of children in the armed forces include Laws 1098 and 1257 which provide the framework for the implementation of policies. The government has also created an inter-sectorial working group, the Inter-Sectoral Commission for Recruitment Prevention (CIPRUNA), made up of all agencies working on issues related to the recruitment, use, and demobilization of children in the armed conflict in order to facilitate sharing of information and improving policies and program implementation.

In 2003, a judge of the eighth specialized court of Colombia convicted, in absentee, members of the Secretariat of the Central High Command of FARC for the recruitment of minors. Despite this, the success rate of prosecution for the recruitment of child soldiers is extremely low. The ICTJ reports that as of 2008 the success rate for prosecutions of illegal recruitment and use of children in hostilities was less than 2 percent and it has not improved since then. Regarding legal processes and convictions, the first conviction of former paramilitaries for sexual violence against minors and child recruitment occurred in 2011 and came under the Justice and Peace Law.

Despite the continued recruitment of children and variety of challenges such as the failed demobilization of the AUC, the efforts by the government are valiant. Yet, much can still be done. The government remains greatly removed, not necessarily by choice, from many of the rural areas where the large amount of recruitment and abuse occurs. The lack of government presence, social services and coordination, in addition to past abuses by government troops, lead many communities to distrust government initiatives, hindering protection attempts and also the voluntary entrance of youth into government led reintegration programs. Further, as noted above, the discrepancy between the treatment of children demobilizing from the FARC and other illegal armed groups versus the BACRIMs is a very controversial issue in Colombia with many child rights organizations, arguing for equal treatment.

As such, at the moment, despite fairly strong laws and policies, gaps remain in the written protocol and actual implementation – especially in the regions where the programs and laws are most needed. Children and youth and children continue to be recruited and re-recruited into the illegal armed forces and BACRIMs. Further, many of those within the reintegration programs have been re-victimized and, despite Article 181 of the Victims Law which references the rights of children and adolescents and affirms children’s rights

63 Aptel and Ladisch, 2011; “Condena a Tirofijo por Menores,” El Tiempo.
64 Author’s personal interview with former girl child soldier, Spring 2014.
to participation, the youth often lack an opportunity to express their views or participate in transitional justice mechanisms.

Situation of Child Soldiers in Colombia

As noted previously, thousands of children are currently being used as child soldiers in Colombia\(^{65}\) and an estimated 13 million are at risk of recruitment.\(^{66}\) It is believed that the worst offender of child recruitment is the FARC, where an estimated 50% (or more) of all FARC members are recruited under the age of 18\(^{67}\) and that within the ranks at least 40% are currently under age.\(^{68}\) In recent years, the average age of recruitment in Colombia into the illegal armed forces has decreased from 14 to 12 years of age. According to recent data from the Ministry of Defense’s Group for Humanitarian Attention to the Demobilized, 65% of the reported 31,550 former combatants were recruited as children. While Colombian law only considers those who demobilize while still a minor a “child soldier” and thus receive the legal status of victim of the conflict, this number reflects the great number of combatants who were recruited as children and thus, at least internationally, would be considered victims.

According to information provided by the Colombian Ministry of Foreign Affairs, roughly 85% of the children and young people recruited illegally join these armed groups “voluntarily.” The main reasons cited are domestic violence and sexual abuse, particularly of girls, as well as a lack of job and economic prospects.

All reintegration programs in Colombia are implemented under the auspice of the government mandated ICBF, with great support from the International Organization for Migration (IOM) and the United States Agency for International Development (USAID). Reintegration programs began in 1999 and as of July 2013 the programs have assisted 5,252 children and youth.\(^{69}\) This number seems relatively low considering the aforementioned thousands of youth currently associated with the armed forces. The low number of children passing through the programs may be for a variety of reasons. Firstly, besides the formal demobilization of the AUC in which an estimated 450 youth arrived to the reintegration programs,\(^{70}\) there has never been a formal release of children by the illegal armed forces. Rather, the youth must either escape the groups (with the

\(^{65}\)This range is derived from a variety of sources including Dr. Natalia Springer, Human Rights Watch and the Watchlist on Children and Armed Conflict.


\(^{68}\)IBID

\(^{69}\)ICBF, 2013

\(^{70}\)IBID
consequence of death or punishment if they are captured) or be rescued by the police or Colombian government. The majority of the youth (83%) enter the ICBF programs voluntarily, meaning they found a way to programs after escaping the groups, while the rest (17%) are “captured” by the police or armed forces.\textsuperscript{71} Though no numbers exist, it is believed that a great many children who are able to leave the groups do not enter the programs. Studies have indicated that many youth avoid the programs due to a distrust of the government and state institutions, lack of knowledge regarding the programs or a fear of prosecution.\textsuperscript{72} It has also been noted that some youth just do not wish to enter an institutionalized program.\textsuperscript{73} Thus it is believed that many former child soldiers remain outside the care of the ICBF.

As of July 2013, 28% of youth to pass through the ICBF were girls and 72% males – this roughly follows the globally held estimate that around 30% of all child soldiers are girls. Of the youth, while a small number entered the ICBF at extremely young ages, including 11 who entered between the ages of 7 and 10 years, the vast majority entered the programs between the ages of 15-17 years of age (2935 or 56%). Of this group, 1309 were aged 17 upon entering (25% of the total population). This is notable due to the fact that once the youth turn 18 they are no longer eligible for the ICBF programming and must leave the group or foster homes and either continue on independently or seek assistance through the adult demobilization program, the Colombian Agency for Reintegration (ACR). Upon completing the ICBF program, the youth receive a lump sum of money as reparation due to their status as victims of the conflict. Unfortunately, they do not receive much training or advice on how to use this money sustainably and thus many spend the money unwisely and are quickly left without means of support.\textsuperscript{74} Further, while the ICBF programs are specifically designed for children, the ACR is for adults. As such, those who may only have received 6 months in the ICBF program may not get the psychological, educational or social support that they need.

It is believed that the programs of the ICBF stress the victimhood of the child and generally ignores their past experiences and agency. Legally, this designation makes sense as the youth are victims of the conflict and this terminology entitles them to the re-establishment of their rights (including institutional care and education) as well as the reparations provided at the end of the process. On the other hand, as has been noted, continuously being referred to and treated as a victim may have unintended negative effects. The youth are often ill prepared to take care of themselves (as seen in the poor use of reparation money) upon leaving the ICBF. Many of the programs in the ICBF

\textsuperscript{71}IBID
\textsuperscript{72}Mago, Irina. “¿De Nino Combatiente a Ciudadano?” Thesis. University of Los Andes, 2011.
\textsuperscript{73}Heydi Arevalo. World Vision Colombia. Interview, April 11, 2013.
\textsuperscript{74}Ana Maria Jimenez, Quilting for a Change. Interview, April 15, 2014; Stella Duque, Taller de Vida. Interview, April 20, 2014.
follow the globally held idea of “turning the youth back into children” which often leads to ignoring their experiences – both good and bad - within the groups and conflict. Virginie Ladisch, of the ICTJ, believes that this failure to look beyond the identity of former child soldiers as victims, ignoring the complexity of their past and their personal plans for the future, leads to programs that do not respond fully to their interests or needs. This is dangerous, as it does not allow the youth to acknowledge their involvement with the groups, or to deal with what are extremely difficult experiences. In this sense, making former child soldiers in the ICBF only a victim, can have negative affects and arrest their development and growth. As noted by a demobilized youth in Colombia, "There are no spaces to reflect on our stories; there is no mourning process. They focus on how to prepare us to fit into society's norms, without understanding why, at some point, we left them behind." Ultimately this can deny the youth their agency and negatively affect their reintegration.

Ladisch clearly demonstrates the issues surrounding the creation of pure victimhood in the Colombian legal system with regards to child soldiers, in writing, “the capacity to make positive choices and demonstrate moral agency are attributes that need to be encouraged and fostered in children, especially former child soldiers. However, the dominant narrative that has shaped reintegration programming has conceptualized child soldiers primarily as passive victims. This has been necessary in order to secure legal protection for this group. Yet, at the social and political level, a victim-only approach imposes a straitjacket of innocence on former child soldiers that does not allow them to deal with their own possible feelings of remorse or their community's potential resentment." It is in this space that transitional justice mechanisms, such as formally admitting past actions can provide an outlet for these youth to deal with what they may have done, to provide closure to their victims and demonstrate their agency.

A particular challenge in reintegration of child soldiers is acceptance by civil society and local communities. While law and policy may dictate that they are victims, civilians – adults in particular – often fear this population. A report done by CARE International in 2008 notes that the biggest challenge to reintegrating former child soldiers in Colombia is the stigmatization of these youth by society – neighbors, peers, teachers, employers etc. This report indicates that the stigmatization and fear of communities of being caught in the cross fire of the violence, and the anger at the continued violence, has be not dealt

75 Irina Mago, Interview. May 27, 2014; Ana Maria Jimenez, Quilting for a Change. Interview, April 15, 2014
77 IBID
78 IBID
with by the government working with demobilized youth.\textsuperscript{79} This seems to be corroborated by Marley Renteira, a former paramilitary child soldier, who notes, “It’s best to keep the past a secret. When people discover you belonged to an armed group that has done so much damage, they look at you with suspicion and fear. Society has yet to accept us. It’s a slow process.”\textsuperscript{80} Similarly, a survey completed in 2011 found that of 1,070 Colombian businesses, 96% were not actively participating in the government-sponsored effort to create jobs for demobilized soldiers and over 40% didn’t support the idea at all.\textsuperscript{81} Another former child soldier notes that with regards to civil society, “You have to hide who you really are.”\textsuperscript{82}

The report by CARE argues that full reintegration of former child soldiers will not be possible until society begins to accept these youth as victims of the armed conflict. They further argue that understanding, reconciliation and meaningful reintegration of former child soldiers cannot happen without a national process of truth, justice and reconciliation in which society and the varied victims are recognized and reparations are made for the massive violations of their rights.\textsuperscript{83} While this may be true, truth and reconciliation processes - a form of transitional justice - also require the participation and acknowledgement of the perpetrators of violence. As such, the ICTJ found that child soldiers in Colombia desire the opportunity to participate in these types of forums as a way to make amends for the crimes they may have committed while with the armed groups. In this way, transitional justice mechanisms that include former child soldiers in Colombia could straddle the gap between victims and perpetrators as well as help transform the notion of the youth from that of victims to survivors.

**The BACRIMS in Colombia**

An interesting group to contrast against the victim status of child soldiers in Colombia is the child recruit of the BACRIMs. The BACRIMs are known to actively recruit children; a recent report published by the Coalition Against the Involvement of Children and Youth in the Armed Conflict in Colombia (COALICO) found active recruitment by the


\textsuperscript{82} IBID

\textsuperscript{83} Thomas, Virginia 2008
BACRIMs of youth in the coastal city of Buenaventura.\textsuperscript{84} They found that the groups offer money, clothing and shoes to the children as well as teach them to drive motos as incentive for joining their ranks.

While it seems evident to many child rights advocates and organizations that these groups are closely related to the conflict and that they contain many of the international requirements to be considered illegal armed groups – often including organized structures and patches or logos to signify their group - the government generally has maintained their distinction from illegal armed groups participating in the conflict.\textsuperscript{85} Until recently, victims of crimes by the BACRIM were not considered victims of the conflict. This means that a victim of a landmine laid by the FARC could appeal to the government for reparations and care while a victim of a landmine laid by a BACRIM was not eligible for the same reparations. Similarly, children recruited – forced or otherwise – by the BACRIMs are considered juvenile delinquents and not eligible for reparations. In July 2013 the Constitutional Court ruled that the government must include tens of thousands of victims of \textit{forced displacement} as a result of BACRIMs on its Victims Registry.\textsuperscript{86} While this is only one form of victimization perpetrated by the BACRIMs, this is seen by many as a step in the right direction of including all victims of the BACRIMS, including child recruits, as victims of the armed conflict.

With regards to children and the BACRIMs, at this point the way they are treated is inconsistent. In some cases, the children are sent to the ICBF reintegration centers along with those who have demobilized from the FARC and other illegal armed groups. In other cases, they may be sent to juvenile delinquent centers. In an interview with an expert on the issue, she noted that where the child is sent depends largely on the individual legal representative of the government with which the child meets.\textsuperscript{87} It is believed by experts that the case in the Constitutional Court, which allowed victims of displacement by the BACRIM to be considered victims of the conflict, is the beginning of changing norms in how victims of the BACRIM, including recruited children, are dealt with by the government. Yet, to date, these children and youth remain legally differentiated from youth who have been associated with the illegal armed groups and,


\textsuperscript{85} Canada: Immigration and Refugee Board of Canada, \textit{Colombia: Paramilitary successor groups and new criminal bands (bandas criminales, bacrim), including areas of operation and criminal activities; state response to successor groups and bacrim, including reintegration of combatants and assistance}. 22 March 2012, Available at: http://www.refworld.org/docid/50b75b292.html [accessed 18 June 2014]


\textsuperscript{87} Ana Maria Jimenez, Quilting for a Change. Interview, April 15, 2014
despite the similar circumstances that lead to their recruitment, are not considered victims of the conflict and subsequently are ineligible for reparations.  

**Transitional Justice and Child Soldiers in Colombia**

Transitional justice in conflict situations is particularly difficult. Roberto Vidal-Lopez of the ICTJ notes that “it is commonplace and accurate, to describe transitional justice efforts in Colombia as attempts to implement transitional justice without a preceding transition from conflict…The oscillation between peace-making and war-making, the co-existence of stability and conflict, and the diversity of actors and interests have made it difficult to determine what “post-conflict” means in Colombia, complicating the search for truth in a transitional justice context.”

Despite this, Colombia has a variety of transitional justice measures that have been adopted. This includes the aforementioned Peace and Justice Law, a National Commission on Reparation and Reconciliation, the demobilization of paramilitary groups in 2003, the ongoing implementation of reintegration programs, the Victims Law (2011), and the creation of the Victims Unit and the Center for Historical Memory. The Colombian Comisión Nacional de Reparación y Reconciliación (National Reparation and Reconciliation Commission) was created under the Justice and Peace Law (Law 975 of 2005) with the purpose of assuring that victims could realize their rights to truth, justice and reparation; participate in judicial proceedings; and implement individual administrative reparations. Under the Peace and Justice Law, demobilized combatants must freely testify about their membership in the group and the activities that they engaged in with it. If the crimes they confess fall under the Pardon Law (amnesty for members of armed groups who committed political crimes) they receive the benefits of the Pardon Law. Further, under the Victims Law, collective and individual reparations are available.

In the current peace talks the FARC have proposed a truth commission. However, the government believes that a truth commission should be held after peace is reached. Humberto de la Calle, a former vice-president and leader in the peace process, notes that, “there can be no end to the conflict without truth. The current administration sees a commission as ‘a real instrument for peace and not as a tactical tool for negotiations’.”

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88 Gustavo Salazar, ICTJ, Interview, March 12, 2014; Ana Maria Jimenez, Quilting for a Change. Interview, April 15, 2014
91 IBID
Currently, the Center for Historical Memory serves as a place for victims to acknowledge and record their experiences. The Center has published various books and held numerous events, including publishing the project “The voices of boys, girls and adolescents: Echoes for Integral Care and Social Inclusion”

As previously noted, the situation is unique in that Colombia is not undergoing a typical transition from conflict to a democratic regime. Rather, the demobilization of combatants and attempts to reintegrate them into society is occurring while the conflict (and further recruitment) continues. As such, it is a process that contains ideas and mechanisms of transitional justice but, at the moment, may not be able to be called a true transitional justice process.  

This can be seen most clearly in the simultaneous recruitment of child soldiers with the implementation of reintegration programs. For those child soldiers who have left the groups, many have perpetrated actions of violence against communities and individuals. As such, in searching for justice within Colombia, children must be included in the processes of truth and justice both as victims of the conflict and as perpetrators of violence. While legally - internationally and nationally - child soldiers are not held accountable for (the majority of) their actions with the group, ignoring the actions may serve to only hurt the victims of these crimes and the child who committed them. Providing an outlet for children to admit and explain their actions is not only the child’s right but also many studies indicate that children desire to be heard. Aptel and Ladisch note that “a Colombian prosecutor related that former child soldiers are often keen to disclose the information they have about mass grave sites where friends and family members were buried by an armed group; children feel responsible for ‘not leaving them there.’” To that end, child victims in Colombia have talked about writing books and staging plays. Warning others about the reality of armed conflict and of life within illegal armed groups”  

Within the current peace talks, victim rights, is one of the six points of discussion on the agenda for the FARC and Colombian government. President Santos recently confirmed that victims will be “part of the solution” of the armed conflict and announced that victims’ groups would be represented at the table in Havana, something long demanded by the victims. However, it is not known if child victims, specifically former child

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93 Aptel and Ladisch, 2011

94 Former child soldier (anonymous), Interview, March 21, 2014.
soldiers, will be included in these discussions – likely not - and they remain merely a part of the victims category rather than their own specific theme for discussion.

Despite the importance of including former child soldiers in all aspects of transitional justice mechanisms, across all contexts, the ICTJ found widespread unawareness of transitional justice measures among children. Further, within the reintegration and reparations programs, the ICTJ found a lack of information on deadlines and eligibility requirements meant that many youth never received reparations they were potentially due.\textsuperscript{95} While a great amount of work remains, the current efforts and programs implemented by the government and civil society in Colombia should not be underestimated. There are a great number of dedicated people working on the issue of child victims of the conflict and they are pushing for their improved inclusion in existing, and future, transitional justice mechanisms.

\textit{Conclusion}

Recent history has seen an increase in the presence of children in conflict, both as victims and perpetrators of the violence. Despite this, they are rarely included in the post-conflict peace processes or transitional justice mechanisms. Empowering vulnerable populations such as minors and including them in the peace process is an oft-noted strategy in documents prepared by organizations such as the United Nations, but unfortunately it remains rarely enacted.\textsuperscript{96}

Colombia provides a unique context with which to analyze the use of transitional justice mechanisms and the creation of a victim or perpetrator. Firstly, Colombia is a country that is still in conflict, making many post-conflict processes difficult to engage in, including transitional justice. Secondly, the large role that child soldiers play in the ongoing conflict, and the struggles to reintegrate this population into society demonstrates that the idea of a victim versus perpetrator in this area can only be viewed in shades of grey. In this sense, we can see how the use of transitional justice mechanisms such as truth telling and acknowledgement of past actions may help to bridge this gap between victims and perpetrator, ultimately placing the child in a third category of \textit{survivor}. This designation allows for the acknowledgement of the rights that were taken from the child but also the active role that they may have played in the conflict.

\textsuperscript{95} IBID
\textsuperscript{96} Del Felice and Wiser, 2007
From this analysis, certain recommendations can be made to the government and organizations working in Colombia with regards to former child soldiers and how they should be included in the transitional justice processes of truth seeking mechanisms, criminal justice, reparations programs and institutional reform.

Truth Seeking Mechanisms:

- Include children in truth-seeking mechanisms. Children associated with the armed groups have expressed a desire to voice their experiences and share their knowledge. This allows them to take responsibility for past actions and seek forgiveness as well as feel that they are making a difference by urging other children to follow a different path. Appropriate psychological and legal protection will need to be taken into account in the sharing of these experiences.
- Child victims of the conflict (including child soldiers) should be given a vocal role in the peace process. Child victims should constitute a separate point on the agenda rather than being considered a part of the general victims discussion. Children should be included in the victims who are being given a platform in Havana in order to share their experiences and knowledge.

Criminal Justice:

- Ensure a transparent demobilization process and prosecution of those responsible for the recruitment and use of child soldiers. A critical component of this is including them as a separate point in the Havana talks.
- The laws surrounding the prosecution of children recruited and used by the BACRIMs should match that of demobilized child soldiers.
- There should be a discussion regarding the status of combatants who were recruited as minors but have left the groups as adults and how to better serve this population.

Reparations Programs:

- Children associated with the BACRIMs should be legally considered victims of the armed conflict and thus eligible for the same reparations as those who leave the illegal armed groups.

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97 It should be noted that this constitutes a large part of both those who are currently with the groups (including leaders of the FARC) and those who have demobilized. As such, treating them uniformly as victims is likely impossible. Nonetheless, a discussion and acknowledgement of the abuse of their rights while children is necessary.
• Those children and youth going through the reintegration programs should be provided with better training and knowledge on money management so as to ensure that the reparations received at the end of the program are used in a sustainable and beneficial manner.

• The transition between child and adult reintegration programs should be improved and the youth should receive greater support and direction in this process.

_Institutional Reform:_

• Maintain the child’s legal status as a victim but, within the reintegration programs, allow for acknowledgement and promotion of the idea of being a survivor.

• Acknowledge the youth’s experiences and take advantage of the skills they may have gained while with the groups to improve their reintegration experience.

• Set up transitional justice mechanisms specifically for children.

• Programs should be created to give former child soldiers a choice to address their moral responsibility/culpability through specific initiatives that seek to redress past harms and/or prevent future recruitment.

Whenever we speak or work with children formerly associated with armed groups, what is most critical is to acknowledge the agency and resilience of the youth. It is important to see them as victims but to also support the idea that they are survivors with personal strengths and abilities that they have used to overcome adversity. There is perhaps no better way of doing so than including them, and acknowledging the very critical role that they can play, in the transitional justice process in Colombia and ultimately, in the creation of peace.