



## Security Council

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### **Report of the Secretary-General on children and armed conflict in Colombia**

#### *Summary*

The present report has been prepared pursuant to Security Council resolution 1612 (2005). It is the second report on the situation of children and armed conflict in Colombia and follows my first report (S/2009/434) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/AC.51/2010/3).

The report, which covers the period from January 2009 to August 2011, provides information on grave violations against children, including the recruitment and use of children by armed forces and groups, killing and maiming, sexual violence, abductions, attacks on schools and hospitals and the denial of humanitarian access. The report highlights that non-State armed groups continue to perpetrate these violations in Colombia. It notes that Colombian security forces have engaged in acts that compromise the protection of conflict-affected children.

The report reiterates and stresses the need to implement specific measures to prevent and address grave violations against children and combat impunity for such violations. It also recognizes the efforts and progress made by the Government of Colombia to protect children in this context. Finally, the report contains recommendations on strengthened measures to protect children affected by the armed conflict in Colombia.



## **I. Introduction**

1. Colombia is not on the country-specific agenda of the Security Council; however, in December 2008, the Government of Colombia voluntarily accepted the establishment of the United Nations monitoring and reporting mechanism pursuant to Security Council resolution 1612 (2005), which led to the creation, in January 2009, of a country task force on monitoring and reporting.

2. During the period covered by this report, the task force co-Chairs conducted ad hoc consultations with national institutions to discuss the actions undertaken for the protection of children affected by the armed conflict. During the reporting period, some members of the task force experienced to security incidents related to the performance of their duties.

3. In accordance with Security Council resolution 1612 (2005), the present report does not seek to make any legal determination as to whether the situation in Colombia is or is not an armed conflict within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudice the legal status of the non-State parties involved in the conflict.

## **II. Overview of the political and security situation**

4. Colombia has enjoyed constitutional stability and democratic oversight, as well as sustained economic growth. Nevertheless, the long-standing armed conflict in Colombia continued to represent a considerable challenge to governance, human rights and equitable economic development in the country during the reporting period. The armed conflict is further complicated by links between non-State armed actors, drug production and trafficking and other criminal activities such as extortions and abductions. The armed conflict and its links to criminality have led to a complex humanitarian situation and contributed to the forced displacement of more than 3.7 million Colombians during the past two decades. In this context, children remain among the most vulnerable members of the population.

5. In 2010, legislative and presidential elections were held. Juan Manuel Santos Calderón, of the Social Party of National Unity, was elected President and took office in August. President Santos expressed his commitment to human rights, highlighted the importance of economic and social rights and promised to engage in social dialogue and political consensus-building during his term. One of the first measures taken by his administration was the adoption in August 2010 of the Victims of Enforced Disappearance Law. The law defines family members of disappeared individuals as victims and establishes mechanisms to facilitate the identification of the disappeared through the creation of a database of genetic profiles. Another critical step was taken in 2011, with the approval by Congress in May and enactment in June of the Victims and Land Restitution Law, which provides the legal framework for the restitution of land for people driven from their homes by armed conflict. The recognition of the existence of an armed conflict by the Government of Colombia — a positive change from past policy — informed the discussions on the law.

6. Children of Afro-Colombian and indigenous origins have been especially vulnerable to grave violations. Decades of armed conflict between Government, paramilitary and guerrilla forces have played out largely in Afro-Colombian and

indigenous territories. According to Government figures, in 2009, 45.5 per cent of Colombians lived in poverty and 16.4 per cent lived in extreme poverty, especially in rural areas. Poverty disproportionately affects Afro-Colombians and indigenous peoples and is particularly prevalent among children, who in 2009 represented 38 per cent of the total population.

7. The Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) remains the largest and oldest guerrilla armed group in the country, followed by the Ejército de Liberación Nacional (ELN), which is widely recognized to be the second-largest guerrilla group. During the period covered by the report, scaled-up military operations conducted by the Colombian army led to the death in combat of a number of major FARC-EP commanders.

8. Since taking office, President Santos has publicly reflected on possibilities for peace talks between the Government and guerrilla groups. As preconditions for an eventual peace process, the Government indicated that guerrilla groups must release all abducted persons, cease recruitment of children and release all the children in their ranks, end the use of landmines and end “terrorist” acts.

9. New armed groups have emerged despite the demobilization of some 32,000 elements of the Autodefensas Unidas de Colombia (AUC) between 2003 and 2006 and despite Government efforts to reintegrate these former combatants. The Government considers these groups to be criminal gangs. Nevertheless, in its report covering 2009 and 2010, the Office of the Attorney General indicated that such criminal organizations, which emerged after the demobilization of the AUC, were considered to be the third generation of paramilitary groups in Colombia, the initial objective of which was the maintenance of control over areas where the AUC formerly operated. In a report in 2011 on electoral risks, the Office of the Ombudsman of Colombia noted a strengthening of illegal armed groups which emerged after the demobilization of AUC, including Los Paisas, Los Urabefíos, El Ejército Popular Revolucionario Antiterrorista de Colombia (ERPAC) and Águilas Negras, following a process of reconfiguration, expansion and consolidation in various regions of the country.

10. These groups are not homogeneous in terms of their motivation, structure or modus operandi. While many are dedicated only to criminal activities, others operate in a manner similar to that of the former paramilitary organizations. Some of them have a military structure and chain of command and are capable of exercising territorial control and sustaining military-type operations, with a political and ideological orientation similar to that of the former AUC. Others have demonstrated their capacity to mutate and in some instances even operate jointly, forming alliances with other armed groups that emerged after the demobilization of paramilitary organizations and/or with guerrilla groups, and this is often the cause of violence. There was no collective or large-scale demobilization of guerrilla or other armed groups during the reporting period, although ad hoc, individual demobilizations of combatants from all armed groups did occur.

11. An increase in the violence caused by armed groups that emerged after the demobilization of paramilitary organizations — and in particular a 40 per cent increase in massacres in the context of violent disputes between and within such groups — has been noted in a report of the Office of the United Nations High Commissioner for Human Rights on Colombia for 2010 (A/HRC/16/22). Systematic attacks against civilians attributed to these armed groups, such as threats, massacres,

selective homicides, the recruitment and use of children and the use of landmines have been documented by the task force.

12. The continued displacement of civilians in Colombia is a major characteristic of the armed conflict. It is the result of armed confrontations, murders, massacres and threats to the life, safety and well-being of persons and communities; the presence of landmines; child recruitment; sexual violence; and the denial of access to basic services. According to Government figures, 3,700,381 persons were registered as internally displaced persons from 1997 to May 2011. During the period covered by the report, 294,470 new internally displaced persons were registered, 51 per cent of whom were children (69,427 girls and 72,329 boys). Non-governmental sources estimate that the total number of internally displaced persons is considerably larger, given underreporting and information-management challenges.

13. On 1 November 2009, the jurisdiction of the International Criminal Court came fully into force pursuant to article 124 of the Rome Statute, after the reservation period entered by the Government concerning war crimes lapsed.

### **III. Grave violations against children**

#### **A. Recruitment and use of children**

14. Recruitment and use of children by non-State armed groups is widespread and systematic. Although its exact nature and magnitude is unknown, the task force has registered an increasing number of cases. Information received by the task force suggests that non-State armed groups still have a significant number of children in their ranks. While guerrilla groups tend to recruit children mainly in rural areas, other non-State armed groups, such as Los Rastrojos or the Urabeños, do so mostly in urban settings. Children of indigenous and Afro-Colombian origins are particularly exposed to recruitment and use by all non-State armed groups. During the reporting period the recruitment of children as young as 9 and 10 was verified. Threats of recruitment against 8-year-old children were also confirmed.

15. During the reporting period, 343 cases of the recruitment and use of children were verified by the task force in 23 of the 32 departments throughout the country, including the Pacific coast region (Cauca, Chocó, Nariño, Valle del Cauca), the Caribbean coast region (Bolívar, Cesar, Córdoba, La Guajira, Magdalena), in border areas (Arauca, Caquetá, Norte de Santander, Putumayo, Santander, Vaupés), and in central Colombia (Antioquia, Caldas, Cundinamarca, Guaviare, Huila, Meta, Risaralda, Tolima).

16. During the reporting period, FARC-EP continued to recruit children, including girls. Reports indicated the recruitment and threat of recruitment of children by FARC-EP in 121 municipalities of 22 departments, in the Caribbean coast region (Antioquia, Bolívar, Córdoba, Magdalena), the Pacific coast region (Cauca, Chocó, Nariño, Valle del Cauca), in border areas (Arauca, Caquetá, Norte de Santander, Putumayo), and in central Colombia (Cundinamarca, Guaviare, Meta, Tolima). For example, in Cauca in August 2009, two indigenous girls, aged 11 and 15, and a 15-year-old boy were recruited by FARC-EP. In January 2010, during a bombing of three FARC-EP camps by Colombian military forces in Putumayo, a child, aged 10,

associated with FARC-EP was killed and two other associated children, aged 16, were injured. In May 2011, in a municipality of Antioquia, in two separate events, 15 children were recruited by FARC-EP and 13 children were recruited by ELN.

17. FARC-EP is known to identify children with a view to later recruiting them in some departments. In February 2010, for example, FARC-EP members called a meeting of a local community in Antioquia, during which they undertook a census of children and informed the community that they would return to recruit all children over the age of 8. Similar cases were reported in Chocó and Putumayo. Children are used by FARC-EP for various purposes, including as porters, to manufacture and plant landmines, to buy medicines and to gather intelligence. There has also been one case of a child being used as a so-called “victim bomber”: in March 2010 in Nariño, a 12-year-old child was used by FARC-EP to carry explosives; the explosives were activated remotely as the child approached the police station and the child was blown up.

18. Cases of recruitment and threats of recruitment or use of children by ELN were confirmed in 55 municipalities of eight departments, namely along the Venezuelan border (Arauca, Norte de Santander, Santander) and coastal departments (Bolívar, Cauca, Chocó, Magdalena, Nariño). In January 2009, in Antioquia, 30 children between the ages of 10 and 17 were recruited at the request of ELN by Los Rastrojos, a non-State armed group which emerged following the demobilization of paramilitary organizations. In May 2010, in the department of Cesar, a 12-year-old boy was recruited and subsequently killed by members of ELN.

19. Recruitment campaigns to persuade children to serve as informants and/or to join non-State armed groups were conducted in schools. In April 2010, in Chocó, ELN tried to recruit two indigenous boys, aged 13 and 14, in a schoolyard. A teacher intervened to impede the recruitment. The children and the teacher had to flee to avoid retaliation. In October 2010, in Antioquia, 20 children between the ages of 14 and 17 and four teachers were taken from a school and held by members of ELN who were seeking to recruit them.

20. The recruitment and threats of recruitment of children by non-State armed groups that emerged following the demobilization of paramilitary organizations were reported in 128 municipalities of 23 departments, in particular in Antioquia, Atlántico, Bolívar, Caldas, Cauca, Cesar, Chocó, Córdoba, Cundinamarca, La Guajira, Magdalena, Meta, Nariño, Norte de Santander, Putumayo, Sucre, and Valle del Cauca. In April 2010, in Antioquia, some 30 children were recruited by Los Rastrojos and sold to ELN. In June 2009, in Meta, one child was recruited by ERPAC. During the same year, reports confirmed that at least six other children were recruited by ERPAC in the same department. In August 2010, the Early Warning System of the Office of the Ombudsman in Colombia issued an urgent warning about the presence in Córdoba of Las Águilas Negras, Los Paisas and Los Rastrojos, which carried out massacres and threatened and recruited children in the region, especially among indigenous communities. In February 2011, in Antioquia, at least 13 children were recruited by several of these groups, including Los Paisas, Los Rastrojos and Los Urabeños.

21. Indigenous children continue to be highly exposed to recruitment by all non-State armed groups. In September 2009, the Special Rapporteur on the rights of indigenous peoples noted that illegal armed groups seemed to demonstrate complete ignorance of human rights standards and urged them to suppress the practice of

recruitment and use of indigenous children (A/HRC/12/34/Add.9). In its annual report for 2010, the Observatory of the Presidential Human Rights and International Humanitarian Law Programme reported an increase in the cases of forced recruitment of Sikuaní and Guayabero indigenous children in Guaviare department. In 2010, at least 16 indigenous children were recruited by ELN in Chocó. The Committee on the Rights of the Child, at its consideration on 4 June 2010 of the initial report of Colombia under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/COL/CO/1), expressed grave concern that Afro-Colombian and indigenous children are particularly vulnerable to forcible displacement or killing for refusing to be recruited, as their communities are often affected by the armed conflict. From January to March 2011, at least three indigenous children were recruited by FARC-EP in Caquetá. In June 2011, in Cauca department, two children who had been recruited by FARC-EP were handed over to the Colombian Institute for Family Welfare by the Colombian army. Other cases of recruitment of indigenous children by armed groups were reported in the departments of Cauca, Córdoba, La Guajira, Guaviare, Nariño and Vaupés during the reporting period.

22. Incidents were documented of the use of children for intelligence purposes by Colombian military forces personnel, in violation of the national Criminal Code, the Code on Children and Adolescents (Law No. 1098) and the directives of the Ministry of National Defence. In February and March 2009, in Valle del Cauca, members of the Colombian national army reportedly offered food to children to obtain information on the presence of armed groups in rural areas. In May 2010, in Chocó, a 13-year-old girl was reportedly used as an informant by members of the navy in a three-day military operation. The use of children to gather intelligence by military personnel may compromise their rights, cause additional distress and jeopardize their security by exposing them to retaliation by other groups.

23. Cases of interrogations by members of the Colombian military forces of children captured, escaped or released from non-State armed groups continued to be of concern, as well as the failure to respect the 36-hour deadline for handing children over to civilian authorities, as stipulated by national law. In February 2009, in Cesar, two girls — whose family was internally displaced after receiving threats of recruitment by FARC-EP — were interrogated by members of the Colombian national army seeking to obtain information about the group. In May 2009, 12 boys, 2 girls and 94 adults recruited by Los Rastrojos surrendered to Colombian military forces in Chocó and were transferred to a military base in Antioquia, where they were held for 38 days. In January 2010, two children recruited by FARC-EP surrendered to Colombian military forces. They were detained at a military base for four days. In August 2010, in Meta, a 12-year-old boy considered to be a member of a guerrilla group was interrogated by Colombian military forces about guerrilla group presence in the area.

24. Although the Code on Children and Adolescents prohibits the involvement of children in military activities, psychological operations, civil-military campaigns and similar activities, Colombian military forces continued to involve children in civil-military activities and maintain specific programmes such as Club Lancitas, which aims to develop a rapprochement between the army and the local community. In July 2009, the Early Warning System of the Office of the Ombudsman signalled concern at the request made by Colombian military forces to involve children in the Policía Cívica Juvenil and Club Lancitas after-school programmes in Meta. In

December 2009, 600 children between the ages of 6 and 12 and 300 adolescents participated in the programme Extreme Leisure Holidays in Arauca, which included visits to military brigades and interaction with soldiers. These types of activities put children at risk and expose them to subsequent retaliation by armed groups.

25. As recognized by the Constitutional Court of Colombia and the National Council on Economic and Social Policy on prevention of recruitment (CONPES 3673, 2010), recruitment of children and internal displacement are closely linked. In September 2009, the threat of recruitment was included as a cause of displacement in the Colombian Registry of Displaced Persons. On many occasions, displacement is the only option for families trying to avoid the recruitment of their children by non-State armed groups. According to the Commission for the Monitoring of Public Policy on Internal Displacement in Colombia, in 2008, some 2,600 displaced families reported recruitment as the cause of their displacement. In February 2009, 10 families were internally displaced as a result of threats they received from FARC-EP, who accused them of being informants for Colombian military forces. In May 2010, in Antioquia, 11 boys and 2 girls between the ages of 11 and 16 were internally displaced to avoid being recruited by FARC-EP and other non-State armed groups. In March 2011, in Meta, two families were forcibly displaced following threats of recruitment of their children by FARC-EP.

## **B. Killing and maiming of children**

26. Children continue to be victims of killing and maiming during combat as a result of indiscriminate attacks, landmines and unexploded ordnance. The majority of cases of the killing and maiming of children were perpetrated by non-State armed groups in at least 10 departments: Antioquia, Arauca, Bolívar, Cauca, Cesar, Córdoba, Meta, Nariño, Putumayo and Santander. According to the National Institute of Legal Medicine and Forensic Sciences, the circumstances and perpetrators of such grave violations were documented in only 5 per cent (128) of cases, of which 97 involved children killed in 2009 and 2010 as a result of what the Institute characterized as “sociopolitical violence”.

27. Cases of children killed by FARC-EP were reported. In January 2009, for example, three children died as the result of an attack on a town in Nariño by FARC-EP. In Cauca in May 2010, a 5-year-old boy was killed during a FARC-EP attack against his mother, a municipal councillor. Separately, also in Cauca, one boy aged 11 and one girl aged 17 were killed during a bomb attack by FARC-EP.

28. The killing and maiming of children by other armed groups was also confirmed. In January 2009, in Cauca, an 11-year-old boy who had witnessed the murder of his father by ELN was killed, allegedly by members of that group. In November 2009, two girls aged 14 and 15 were killed by members of Los Rastrojos for refusing to assassinate the mayor in a municipality of Antioquia. In March 2010, in Córdoba, a 17-year-old girl was killed by members of Los Urabeños for resisting sexual abuse. In April 2010, also in Córdoba, two boys and a girl were killed by Los Rastrojos. In August 2010, in Meta, a 15-year-old girl was stabbed to death by members of ERPAC. In February 2011, in Antioquia, a 10-year-old boy was shot by an unidentified armed group in front of his mother, a community leader who was subsequently also killed.

29. Children continue to be the victims of combat between Colombian military forces and non-State armed groups. In March 2011, in Cauca, four boys and one girl recruited by FARC-EP died when the camp they were in was bombed by Colombian military forces. In June 2011, in Nariño, an 11-year-old boy was killed and three boys aged 9, 10 and 11 were injured in a FARC-EP attack on the police. In September 2009, in the department of Cauca, a children's home run by the Colombian Institute for Family Welfare was hit by machine gun fire from a helicopter belonging to Colombian military forces during armed confrontations with FARC-EP. The gunfire hit a 3-year-old girl and resulted in the amputation of her leg. In April 2010, in Cauca, a teacher and her baby were injured by crossfire between the army and FARC-EP. In May 2010, in Guaviare, three children were wounded in a school after being caught in crossfire in response to a sniper attack by FARC-EP.

30. According to the Observatory of the Presidential Human Rights and International Humanitarian Law Programme, in 2009 and 2010, 330 people, including 27 children (20 boys and 7 girls) died in 68 massacres perpetrated by non-State armed groups in 16 departments of the country — mainly in Antioquia, Arauca, Córdoba, Nariño and Valle del Cauca. The Observatory reported that, from January to June 2011, massacres had increased by 29 per cent over the previous year, and that 32 massacres had been perpetrated as at October 2011. The indigenous Awa communities in Nariño have been particularly affected, given that they live in a drug cultivation and trafficking area where armed groups are present. From February to September 2009, at least nine children of the Awa indigenous community were killed in massacres perpetrated by FARC-EP. In November 2009, in Nariño, two children and five other members of the Awa indigenous community burned to death when FARC-EP set fire to an intercity bus. In April 2010, in Cauca, five members of an indigenous family, including two children aged 2 and 8, were killed, allegedly by Los Rastrojos.

31. Although Government information indicates that extrajudicial executions by Colombian security forces appear to have decreased, some cases were reported. As at August 2011, the Office of the Attorney General had registered 2,788 cases of extrajudicial executions in 29 departments. In March 2010, in Huila, one child, recruited by FARC-EP and wounded during confrontations with Colombian national forces, was allegedly executed later by members of those forces.

32. Landmines and unexploded ordnance continue to have serious consequences for civilians, including children. According to the Presidential Programme for Comprehensive Action against Anti-personnel Mines, 116 children (22 girls and 94 boys) were victims of landmines and unexploded ordnance during the reporting period. The magnitude of the problem is estimated to be much greater because many victims do not report such accidents. The presence of landmines was reported mainly in 12 departments: Antioquia, Arauca, Cauca, Caquetá, Córdoba, Guaviare, Meta, Nariño, Norte de Santander, Putumayo, Tolima and Valle del Cauca. The indigenous population was greatly affected, in particular in the departments of Cauca and Guaviare. In July 2009, in Meta, one child died and two were seriously injured after handling an explosive device at a shooting range belonging to a battalion of the Colombian national army.

33. Landmines continue to be laid, mainly by FARC-EP and ELN. In April 2009, in Arauca, according to the Office of the Ombudsman in Colombia, an 8-year-old boy was killed and a 6-year-old boy was wounded by a landmine. In May 2010, in



two separate cases in Antioquia and Cauca, a boy and girl, both 12 years old, were wounded by landmines allegedly planted by FARC-EP. In August 2010, in Arauca, a 12-year-old boy lost both legs in a landmine accident. The FARC-EP subsequently charged the family money to pay for the mine.

### **C. Grave sexual violence against children**

34. Sexual violence against children remains significantly underreported in Colombia. There is no systematic collection of information, nor are there official records of the number of cases of sexual violence perpetrated against children. Many victims or their families do not report abuse for fear of reprisals by the perpetrators or because of a lack of confidence in the justice or protection systems of the State. Victims and their families often lack access to and awareness and understanding of the established procedures and mechanisms to address these violations.

35. Girls who are either recruited or associated with non-State armed groups are often subjected to grave and repeated acts of sexual violence. They are often forced to have sexual relations with adults at an early age and to have abortions if they become pregnant. They are also sometimes forced to use methods of contraception that are inadequate and harmful. In 2009, information was received that FARC-EP forced pregnant girls to abort, in Cauca.

36. In 2010, in Putumayo, two 17-year-old girls were sexually assaulted by a group of four armed men belonging to an unidentified non-State armed group. In August 2010, in Meta, a 14-year-old girl was tortured, sexually abused, mutilated by perpetrators cutting her breasts and killed by ERPAC. The family of the victim was displaced as a result. In March 2011, in Nariño, a 17-year-old girl was raped, forced to clean a public place naked, tortured, forced to eat excrement and killed in front of the community by Los Rastrojos, who warned that that was the procedure of retaliation against those who filed complaints.

37. The armed conflict has also put children at risk of sexual exploitation. In May 2009, in Putumayo, students in a girls school were offered money by members of Los Rastrojos in exchange for sexual relations. In 2011, in Guaviare, children from indigenous communities, mainly girls aged 12 to 14, were subjected to repeated rape and sexual exploitation by armed groups.

38. Reports of cases of sexual violence by members of the Colombian military forces and the police have also been received. In August 2009, in Guaviare, a 5-year-old indigenous girl was the victim of sexual abuse reportedly committed by a member of the Colombian military forces. During the same month, in Antioquia, two 15-year-old girls were raped and assaulted, reportedly by a member of the Colombian military forces. In April 2010, in Arauca, a 14-year-old girl was reportedly raped by a member of the Colombian military forces. Another 13-year-old girl was raped near her school, allegedly by members of the Colombian military forces located near the school. In October 2010, in Arauca, two girls were reportedly repeatedly raped by a member of the Colombian military forces. One of the girls and her two brothers were subsequently killed by the same member of the military forces in connection with the rapes. One of the boys was reportedly raped before he was killed.

## D. Attacks on schools and hospitals

39. During the period covered by the report, the task force documented cases of schools that were targeted during confrontations between Colombian military forces and non-State armed groups. For example, in February 2010, in the department of Nariño, members of FARC-EP forcibly entered a rural school where an indigenous community was holding a meeting. Subsequently, members of the Colombian military forces attacked FARC-EP inside the school, displacing 300 indigenous community members, who were suspected by both parties of supporting the other side. In June 2010, in Cauca, a bomb exploded in a rural school, allegedly directed at Colombian military forces who were inside the school at the time. In August 2010, also in Cauca, several schools suffered attacks and nine teachers were threatened by FARC-EP. Although such attacks are not as frequent as attacks on schools, a case of an attack on a hospital, perpetrated by FARC-EP, was reported in September 2009 in Cauca.

40. Schools were damaged during armed confrontations, putting students at risk, in particular in Cauca. In February 2009, in Guaviare, two boys and one girl who were attending class were wounded by shots fired by Colombian military forces in response to a sniper attack by FARC-EP. In May 2009, in Cauca, an 11-year-old boy was killed in a schoolyard by a stray bullet believed to have been fired by members of the Colombian military forces during an operation against FARC-EP. In May 2010, also in Cauca, clashes between FARC-EP and Colombian military forces led at least three indigenous communities to suspend classes indefinitely. In October 2010, also in Cauca, two girls aged 13 and 15, as well as a female teacher, were injured in crossfire between FARC-EP and Colombian military forces.

41. Non-State armed groups have also attacked teachers, causing fear in the communities, making children drop out of school and sometimes forcing schools to close. In June 2009, in Arauca, an indigenous teacher was killed by suspected members of FARC-EP who shot him in front of his students. As a result, the entire indigenous community was internally displaced. According to the Observatory of the Presidential Human Rights and International Humanitarian Law Programme, 22 teachers were killed in 10 departments in 2010. In its annual report for 2010, the Observatory indicated that non-State armed groups, including FARC-EP, Los Rastrojos, Los Urabeños and Los Paisas, have threatened teachers for leading community initiatives rejecting sexual violence and child recruitment. According to the Observatory, the social and community leadership role played by teachers has led to them being accused by illegal armed groups of collaborating with the other side. From February to April 2010, in Cauca, two teachers were killed, allegedly by members of FARC-EP. Subsequently, all the teachers in a rural area of that department were threatened by FARC-EP. The teachers were internally displaced, leaving 320 children without access to education.

42. Landmines and other explosive ordnance, which are in some cases left in or around schools, continue to put children at risk. In June 2009, in Huila, FARC-EP mined an area within 300 meters of a school, putting at risk 50 schoolchildren and their community. In May 2010, in Antioquia, an area surrounding a school had allegedly been mined because a polling station had been set up inside it. In May 2011, in Valle del Cauca, FARC-EP used a school as a shield in order to attack Colombian military forces and left a minefield that forced the suspension of classes for over six months.

43. Several cases of the occupation of schools by Colombian military forces and the presence of military units near schools were reported. In October 2009, Colombian military forces occupied a school in Cauca. Teachers, parents and other community members are reported to have urged the members of the armed forces to leave the school. Several military checkpoints set up near schools were verified. For example, in 2009 and 2010, in Putumayo and Nariño, Colombian military forces carried out vehicle checks near schools. In August 2010, a group of soldiers from the Colombian military forces occupied a school in Valle del Cauca. In April 2011, in the department of Cauca, 300 children were trapped by a confrontation between FARC-EP and Colombian military forces, who had set up their tents in the school's soccer field.

44. Threats to medical personnel and restrictions on the delivery of health services were also reported. In April 2009, in the department of Arauca, threats to officials of a health centre by non-State armed groups led to their displacement and to the suspension of the hospital's activities. In May 2009, in a rural area of Norte de Santander, FARC-EP attacked an ambulance carrying an injured man. Medical care was suspended in the area after this incident. In January 2011, in Arauca, a medical team of the local public-health institute was intercepted by an unidentified armed group, which stole their vehicle. In June 2011, in the department of Guaviare, the health-care personnel of an international non-governmental organization was detained for two days by FARC-EP during a follow-up mission with indigenous communities.

## **E. Denial of humanitarian access**

45. Restrictions on humanitarian access due to non-State armed group activity, the presence of landmines and unexploded ordnance, and ongoing hostilities continued to have a negative impact on the delivery of humanitarian assistance — including by non-governmental organizations — and access to basic services, particularly in Antioquia, Arauca, Cauca, Caquetá, Chocó, Guaviare, Huila, Meta, Córdoba, Nariño and Norte de Santander.

46. Concern has been expressed that the implementation of the National Consolidation Plan, which seeks to gain military control over conflict zones beyond the State's reach, install civilian governance institutions and deliver public services through a civil-military approach, has in some cases compromised humanitarian access and neutrality and rendered civilian populations more vulnerable to reprisals. For example, in June 2009, in Antioquia, FARC-EP threatened to attack a rural community if it benefited from the civil-military activities undertaken by the Colombian military forces in the area. In August 2009, in Nariño, FARC-EP stated that civil-military actions pursuant to the National Consolidation Plan were part of a counter-insurgency strategy receiving international support and declared them a military target. In July 2011, FARC-EP declared a United Nations humanitarian aid programme in the department of Nariño to be a counter-insurgency initiative associated with the National Consolidation Plan.

47. The confinement of communities resulting from the actions of both non-State and State actors disproportionately affects children and indigenous peoples. For example, in April 2010, in Chocó, an Embera indigenous community was confined

for 10 days as a result of armed confrontations between ELN and Colombian military forces.

48. Paros armados (armed strikes), prohibiting free movement of goods and people and forcing the suspension of economic activities, were imposed by FARC-EP during the reporting period, mainly in the departments of Arauca, Chocó and Putumayo. This resulted in the isolation of several municipalities without access to humanitarian assistance and basic services. In October 2009, for example, an armed strike imposed by FARC-EP resulted in the complete suspension of land transport in Arauca, which halted the delivery of food by a humanitarian organization.

49. Restrictions to access due to activities of Colombian military forces in some departments were reported. In July 2009, in rural areas of Antioquia, Colombian military forces restricted the amount of food each family was permitted to transport. In November 2010, following operations by Colombian military forces in Nariño, the alleged presence of explosive remnants of war constrained the ability of humanitarian organizations to reach affected populations. Checkpoints set up by Colombian military forces have also restricted the amount of food, gasoline and fertilizers that the civilian population are allowed to bring to rural communities in certain areas of Cauca, Nariño, Putumayo and Valle del Cauca.

## **F. Abductions**

50. Information on abduction is very limited, especially regarding abductions of children. Several abductions of children were, however, documented during the reporting period. For example, in November 2009, in Antioquia, FARC-EP abducted a 13-year-old boy. In April 2010, in Arauca, a counsellor and her 14-year-old daughter were held for three days. In May 2010, in Guaviare, two members of FARC-EP deserted, taking with them a 15-year-old girl whom the group had held hostage for six months. In May 2011, in Nariño, a 14-year-old indigenous girl, the sister of a community leader, was abducted and tortured for four days by alleged members of Los Rastrojos.

51. According to the Observatory of the Presidential Human Rights and International Humanitarian Law Programme, the total number of reported kidnappings decreased by 51 per cent from 2001 to 2009, but subsequently increased by 32 per cent during the period from 2009 to 2010. From January 2009 to the end of 2010, according to Government statistics, 495 people were kidnapped, of whom 51 were children. Of the 495 cases of kidnapping, FARC-EP was reported to be responsible for 145 kidnappings, ELN for 55 kidnappings, and other non-State armed groups for 39 kidnappings. Kidnappings occurred in 29 of the 32 departments, in particular in Antioquia, Bogotá, Caldas, Casanare, Cundinamarca, Valle del Cauca and Vichada. These statistics have not been disaggregated by motive and/or context.

## **IV. Follow-up to the Secretary-General's recommendations and programmatic response to the grave violations**

### **Prevention of grave violations against children**

52. The Government has made efforts to prevent and respond to the recruitment and use of children by non-State armed groups. During the period covered by the report, the Intersectoral Commission for the prevention of recruitment and use of children by non-State armed groups carried out advocacy and prevention activities in 139 municipalities belonging to 32 departments. The United Nations supported these efforts by strengthening the capacity of the technical secretariat of the Commission, and facilitated its work at a municipal level. Some institutions of the Commission have also developed specific programmes aimed at preventing recruitment.

53. The Government has taken steps to establish and develop a robust public policy framework for the inclusion of child rights, child protection and the prevention of child recruitment by non-State armed groups in national and local development plans. In July 2010, the National Council on Economic and Social Policy approved a framework document on the prevention of child recruitment by non-State armed groups (CONPES 3673). The document details the State's policy for preventing recruitment and guides the allocation and distribution of public resources for programmes focusing on the prevention of recruitment; however, efforts are still required to ensure its effective implementation, funding and synergies with the National Development Plan for 2010 to 2014 entitled "Prosperity for all", which was adopted in May 2011.

54. The National Development Plan sets forth the Government's vision for development and includes clear provisions on, inter alia, the protection of vulnerable groups, social cohesion, justice and efforts to combat impunity and prevention of and attention to sexual violence.

55. In line with the responsibilities of local Governments as outlined in the Code on Children and Adolescents in 2008, six departments (Antioquia, Córdoba, Cundinamarca, Meta, Nariño, Putumayo), with the contribution of municipal Governments, civil society and the United Nations, have to date established local-level coordination mechanisms to prevent recruitment. This represents an advance in the prevention of recruitment and use of children at the regional and local level. Several local and non-governmental organizations are also developing and implementing specific projects on the prevention of child recruitment. It is critical that the officials elected during the local elections of October 2011 sustain the continuity of agreements and policies on the protection of children affected by the armed conflict.

56. In 2011, the Ministry of Foreign Affairs worked on a prevention programme which focused on 29 municipalities that are especially vulnerable to recruitment of children by non-State armed groups. In the coming months, several projects are projected to be carried out with a focus on social, educational, recreational and training activities to prevent recruitment among children and young people in high-risk areas. Separately, the Ministry of Education has been monitoring teachers who are under threat by armed groups and has relocated them. Of the 600 teachers under threat, 282 have been temporarily relocated, 38 are outside the country and 35 have provisional status while a risk assessment is carried out by the national police.

57. In spite of these advances, challenges remain. The Intersectoral Commission should strengthen its coordination and leadership role while ensuring financial sustainability and institutional capacity for initiatives undertaken. Additional action is also needed for the delivery of immediate protection assistance to particularly vulnerable children.

#### **Reintegration and protection of children**

58. The Colombian Institute for Family Welfare, with the technical support of the United Nations, continues to implement a programme for the protection and reintegration of children separated from non-State armed groups. Since 1999, it has assisted a total of 4,681 children. During the period covered by the report, 881 children joined the programme.

59. A programmatic concern with regard to the activities of the Colombian Institute for Family Welfare is the access given to children separated from non-State armed groups that emerged following the demobilization of paramilitary organizations. Children separated from these groups have not uniformly benefited from reintegration assistance. Some children have instead been referred to the Office of the Attorney General for their association with what the Government considers to be criminal gangs.

#### **Addressing impunity and reparations**

60. The adoption of the Victims and Land Restitution Law in June 2011 is an important development in the provision of reparations to victims of conflict. The law includes a special chapter on attention to orphans, child victims of recruitment and children affected by landmines. The implementation of reparations is especially challenging in the context of the ongoing armed conflict, given the presence of non-State armed groups in areas where the claims would be made. It is regrettable that these reparations exclude children who were separated during the demobilization of AUC, and adults who were victims of recruitment when they were children but were unable to demobilize before the age of 18.

61. From 2008 to October 2011, there were six judicial decisions under the transitional justice mechanism established through the Justice and Peace Law. As at 31 August 2011, the Justice and Peace Unit of the Office of the Attorney General had registered a total of 1,448 confessed cases of recruitment and use of children, from which 2,215 children were identified as victims. A total of 433 charges of unlawful recruitment were made in which 666 children were registered as victims of these charges (not all were only victims of recruitment and use). Additional efforts are needed to fight impunity relating to serious human rights violations and crimes committed against children.

62. With the mechanism of judicial reparations not operating as efficiently as anticipated, in 2008 the Government issued Decree No. 1290, which established a two-year programme for the reparation of victims through an administrative process. In 2009 and 2010, the programme provided financial compensation to 26,375 of more than 280,000 victims registered, including 403 children separated from non-State armed groups.

63. Judicial actions were initiated against paramilitary groups active from 1999 to 2006. In February 2009, in the Sierra Nevada de Santa Marta region, legal

procedures were initiated by the Office of the Attorney General against a former member of a paramilitary group for fathering 19 children with adolescents who were themselves under the age of 18 when their children were born. In August 2011, in Norte de Santander, legal proceedings against another member of a paramilitary group were initiated, for the torture and sexual slavery of at least 25 women and girls.

64. The Early Warning System of the Office of the Ombudsman identifies situations of risk and reports them to the Interinstitutional Early Warning Committee coordinated by the Ministry of the Interior and Justice. The Committee assesses the necessity of issuing an early warning and defines actions that different institutions should take. Not all risk reports, however, lead to an early warning. During the reporting period, the Early Warning System identified 118 risk situations related to the recruitment and use of children in 155 municipalities in 24 departments. The Committee issued an early warning in only 46 of them.

### **Capacity-building and training for the protection of children**

65. In 2009, Colombian military forces established, with the support of the United Nations, a children's rights and international humanitarian law training programme for its personnel. A human rights unit in the Colombian army and academic institutions have delivered training on international humanitarian law for 17,200 members of the Colombian army and the national police. Another 60,000 received information on the minimum standards of child protection. Additional efforts are needed to ensure the effective implementation of international norms concerning children and child protection in the context of armed conflict. As a result of an administrative agreement of collaboration signed between the Colombian Institute for Family Welfare and the army in 2009, approximately 2,500 members of the army and national police received training on child protection, with a focus on the procedures in place for handling children separated from non-State armed groups.

66. The Government and the State have taken measures to address sexual violence by its staff, including through the training of national police and the establishment and implementation of regulations preventing sexual violence by the military and judicial authorities.

67. The Presidential Programme for Comprehensive Action against Anti-personnel Mines continued to coordinate demining programmes, provide support to the victims of mines and conduct education on the risks of mines. In 2009, a Presidential Programme for Integrated Mine Action was established for the period 2009-2019, setting priorities in that area and allocating resources from the national budget.

68. Fifty municipalities in 20 departments have established public information plans on risks related to mines. With the support of international agencies, various organizations began education campaigns on the risks of mines in the most affected areas of the country, educating some 35,900 students and teachers on preventing mine and unexploded ordnance accidents.

69. To date, demining is undertaken only by the Colombian military forces. In 2009 and 2010, 61 areas in nine municipalities mined by non-State armed groups were cleared for civilian use. While there has been progress on this issue, there are limitations to demining in a context of continuing armed conflict and where

non-State armed groups continue to place mines even in areas that have been demined. Further, the involvement of communities in these demining processes entails a considerable security risk and they may be subject to retaliation by non-State armed groups.

70. Despite important efforts undertaken by the Government, there is concern that living conditions are still difficult for the displaced population. In October 2008, the Constitutional Court of Colombia directed the State to establish measures for the prevention of displacement and the protection of displaced children's rights. The Government's report of March 2011 to the Constitutional Court notes progress regarding, inter alia, implementation of the programme entitled "My rights first", designed in response to that order of the Court and spearheaded by the Colombian Institute for Family Welfare in nine departments.

## V. Recommendations

**71. All parties in Colombia are called upon to halt the commission of grave violations against children, and in this regard urged to abide by international law and to comply with Security Council resolutions on children and armed conflict, as well as the conclusions of the Working Group of the Security Council on Children and Armed Conflict. The Government of Colombia is also called upon to comply with the recommendations on children affected by armed conflict made by the Committee on the Rights of the Child, by States in the context of the universal periodic review as well as by the United Nations High Commissioner for Human Rights.**

**72. I am deeply disturbed by the FARC-EP, ELN and other non-State armed groups' continued commission of all six grave violations against children in Colombia. I am concerned about the continued recruitment and use of children by these groups and about the limited progress in effectively and systematically separating children from non-State armed groups. Pursuant to Security Council resolution 1612 (2005), parties listed in the annex to my annual report on children and armed conflict are required to develop action plans to end the recruitment and use of children. In this regard, I urge the Government to ensure that the separation of children from these armed groups is addressed as a matter of utmost priority in any dialogue that may be held. The United Nations stands ready to provide technical support to the systematic separation of children from armed groups that may result from such a dialogue.**

**73. Since my last report, the Government of Colombia has made progress in preventing and responding to the recruitment and use of children, including through the development of CONPES 3673. Looking ahead, I urge the Government to continue strengthening the coordination, impact and sustainability of its child protection initiatives, including through the comprehensive implementation of its policy on the prevention of recruitment and use of children, with a particular focus on Afro-Colombians and indigenous peoples.**

**74. With regard to response activities for children separated from non-State armed groups, the Government is urged to redouble its efforts to strengthen family reunification, protection and care services for children, robust reintegration support and accountability for crimes committed against**



children. Children separated from groups considered by the Government to be criminal in nature should not be referred to the criminal justice system and should instead be treated as victims, and benefit from the same protection, rehabilitation and reintegration assistance as children separated from guerrilla groups.

75. With regard to the fight against impunity, I am concerned by the slow progress in bringing perpetrators of grave violations against children — in particular cases of sexual violence — to justice. I urge the Government to further enhance its efforts in this regard, including through the timely, rigorous and systematic investigation and prosecution of all cases of grave violations, and the sharing of information on the follow-up of cases. Neither State security forces nor non-State armed groups should escape accountability. I also encourage the effective protection of child witnesses and victims and the provision of reparations, as appropriate. I reiterate my urgent call to the Government to strengthen the steps taken to end immediately all extrajudicial executions that also involve children, and to ensure that perpetrators are duly investigated and punished in accordance with the law.

76. I am deeply concerned at the persistence of rape and other forms of sexual violence perpetrated by armed groups, in particular against girls. I urge these groups to stop such practices immediately.

77. I urge the Government to ensure that military authorities develop a zero tolerance policy on sexual violence and exploitation committed by members of the Colombian military forces and the police. Strenuous efforts should be made to prevent these acts. When they occur, timely measures must be taken to investigate, prosecute and sanction those found responsible, while protecting victims.

78. The Government is urged to ensure strict compliance by the Colombian military forces with the prohibition in domestic law of the use of children for military intelligence and of the detention of children separated from armed groups for this purpose, and to hand over such children to civilian child protection services within 36 hours. I also urge the Government to ensure that the Colombian military forces, the national police and other relevant authorities comply fully with national legislation and directives prohibiting the involvement of children in civil-military activities, which may expose civilians — especially children — to violence and/or reprisals by parties to the conflict. The Government is urged to examine the implementation of its National Consolidation Plan in order to avoid actions that may render children vulnerable to violations, including operations that blur the principles of distinction and humanitarian neutrality.

79. I invite the Government to ensure that the relevant State authorities respond in an adequate and timely manner to the risk reports issued by the Early Warning System of the Office of the Ombudsman in Colombia so as to prevent serious violations against children in the context of the armed conflict.

80. I demand that the armed groups stop using landmines and other explosive devices and cease killing and maiming civilians, including children. Additionally, I urge the armed groups to provide all necessary information to facilitate demining, in accordance with international demining standards.

81. The Government is urged to expand its integrated mine action programme, prioritizing the provision of appropriate attention to child victims and education on the risk of mines, especially for children and their families, in the most affected areas. I urge the Government to ensure that demining operations are conducted in accordance with international standards and that they comply strictly with the principles of distinction and do no harm.

82. I urge all parties to immediately refrain from actions that impede children's access to education and to health services, as well as the military use of schools and hospitals in contravention of international humanitarian law.

83. I am concerned at the linkages between displacement and child recruitment, sexual violence and the presence of landmines in Colombia. The Government is urged to ensure a more comprehensive approach in the prevention of child displacement and protection of displaced children through the implementation of appropriately funded programmes that address the causes of displacement.

84. All parties to the armed conflict are called upon to comply fully with their obligation to respect the work undertaken by members of humanitarian organizations that provide assistance and civilian protection to children affected by the armed conflict.

85. The Government is urged to continue, in accordance with Security Council resolutions 1539 (2004), 1612 (2005), 1882 (2009) and 1998 (2011), to give full support to the monitoring and reporting mechanism in order to prevent and stop grave violations and abuses committed against children in contravention of applicable international law.

86. The donor community is invited to provide additional support to national programmes and initiatives that improve the protection of children and to support the efforts and initiatives of United Nations agencies and non-governmental organizations, including those for more effective monitoring and advocacy, and other child protection programmes.

87. I reiterate that the best way to protect children is through peace, and therefore I urge all parties to strive to reach a peaceful resolution of the conflict and, in the context of any future negotiations with non-State armed groups, I urge the Government to include provisions specifically aimed at the protection of children in consequent agreements, including the unconditional release of all children and their safe participation in all decisions that affect them.