

From Prevention to Reintegration: An Evaluation of IOM's Support Program for Ex-Combatant Children in Colombia

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Client

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Columbia University Evaluation Team

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ACRONYMS

- ❖ **AUC** Auto-defensas Unidas de Colombia, United Self-Defense Groups of Colombia
- ❖ **CAE** Centros de Atención Especializados, Specialized Attention Centers
- ❖ **CODA** Comité Operativo para la Dejaración de Armas, Committee for Disarmament
- ❖ **CRC** Convention on the Rights of Child
- ❖ **ELN** Ejército Nacional de Liberación, National Liberation Army
- ❖ **FARC** Fuerzas Armadas Revolucionarias de Colombia, Revolutionary Armed Forces of Colombia
- ❖ **GOC** Government of Colombia
- ❖ **ICBF** Instituto Colombiano de Bienestar Familiar/Colombian Family Welfare Institute
- ❖ **ICETEX** Instituto Colombiano de Crédito Educativo y Estudios Técnicos en el Exterior, Colombian Institute for Credits and Technical Studies Abroad
- ❖ **ILO** International Labor Organization
- ❖ **IOM** International Organization for Migration
- ❖ **IRC** International Rescue Committee
- ❖ **MEN** Ministerio de Educación, Ministry of Education
- ❖ **OFPP** Organización Feminina Popular, Popular Women's Organization
- ❖ **OREWA** Regional Organization of Emberas-Wuaunam
- ❖ **PLANTE** Plan de Desarrollo Alternativo, National Plan for Alternative Development
- ❖ **RSS** Red de Solidaridad Social, Solidarity Network
- ❖ **SCUK** Save the Children - United Kingdom
- ❖ **SENA** Servicio Nacional de Aprendizaje, National Learning Service

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I. EXECUTIVE SUMMARY

As part of the Applied Workshop in International Development at Columbia University's School of International and Public Affairs (SIPA), the International Organization of Migration (IOM) contracted a team of seven students to perform an independent evaluation of the IOM contributions to the problem of child soldiers in Colombia. The Team conducted a process evaluation on the following: 1) IOM's contribution to the strengthening of the *Instituto Colombiano de Bienestar Familiar*¹ (ICBF) Support Program for Ex-combatant Children; 2) IOM's contribution to an increased understanding of the legal process and rights of former child soldiers; 3) IOM's prevention activities and programs for indigenous youth; and 4) The contingency plan for future mass demobilizations of child soldiers. The Team was also asked to provide recommendations on developing an effective tracking system to follow up on children after they leave the ICBF program and to provide recommendations on the social reinsertion strategy for former child soldiers. In conducting the evaluation, the SIPA Team performed two field visits during which Team members conducted interviews with ex-combatant children residing in centers, participating in IOM's prevention activities, and participating in indigenous prevention and reintegration programs. Several interviews were also conducted with IOM staff, center staff, government officials, and other stakeholders in the program.

In addition to seeking relevant case studies to compare the IOM-Colombia program to, the SIPA Team also interviewed experts and conducted in-depth literature reviews to develop performance measures that could inform the Team's evaluation of the program's prevention and reintegration strategies. The aim of the process evaluation was to provide the staff in Bogotá with feedback in several areas on how the program is progressing so that changes can be made to improve its overall quality. IOM's involvement in dealing specifically with ex-combatant children only recently began in 2001 with support to the ICBF program. It has since undergone significant development and change. Part of the challenge in performing the evaluation was collecting up-to-date documentation and information regarding the full scope and program details of the IOM project. The Team has thus included a detailed description of the program and its historical context in the hope that this report will also serve as an in-depth record of the IOM Colombia program.

All IOM supported programs are unique in that they are being implemented in the midst of an almost four decade long civil conflict. Most case studies and good practices are developed within the context of a post-conflict situation where children can return relatively safely to their families and original communities. The Team found that the majority of the children in the ICBF centers were unable to return to their families because of valid security reasons or because of documented family abuse and violence. For these reasons, the Colombia program has relied extensively on the use of centers to provide protection to the youth while specialized care is provided during the demobilization and reintegration process. Alternatively, the majority of indigenous youth, due to specialized legal rights, return directly to their home communities and therefore do not participate in ICBF-run centers.

¹ Colombian family welfare agency.

Overall, the Team found that IOM has significantly contributed to an increase in the quality of the ICBF program and has provided the program with the resources it needs to adhere to good practices regarding quality care within centers. Furthermore, the team was impressed by the program design constructed by IOM and ICBF in its attention to the protection of children and the restitution of children's rights to life, safety, education, and health. The Support Program for Ex-Combatant Children demonstrated this through its offering of a comprehensive array of services. At the same time, however, the Team found variation in the quality of services provided in the centers and therefore recommends the further implementation of minimum standards to ensure children's equal access to the same quality care. In addition, psychologists interviewed by the SIPA team revealed their desire for additional training to deal with children suffering from family abuse and violence.²

The main challenge currently facing the ICBF program is a need for further development of its final phase of social reinsertion. The aim of this final phase of the program is for beneficiaries to become self-sufficient and full contributing members of society. However, the team observed some instances where children remained in centers for extended periods of time apparently due to the lack of viable options once children leave the Program. In this regard, the team has some concerns over the long-term sustainability of this program and the services offered, especially in the event of a mass demobilization of child soldiers and a withdrawal of outside donor funding. Instead of using valuable financial resources to pay for extended stays in center-based care, the team recommends transferring those monies to continuing development of reinsertion strategies for the post-institutionalized phase. IOM, in recognition of the need to focus on social reinsertion, hired an income generation consultant to assist them in the formation of a reintegration strategy.

ICBF's services do not extend to indigenous children who voluntarily disarm and return directly to their communities. And yet, indigenous children are at extremely high risk for recruitment into the armed groups due to the general lack of educational and economic opportunities in these communities. In light of this, IOM initiated prevention and reintegration activities in indigenous communities in the Departments of Cauca and Chocó. Overall, the Team found that IOM's indigenous programs are a good model, in line with best practices and in harmony with local standards and indigenous governance structures. In addition, projects are highly valued within communities and numerous positive benefits have already been noted. These include direct increases in income, a reduction in criminal behavior by those children involved, and a shifting of perceptions by communities regarding the danger of ex-combatant youth. However, IOM needs to more critically address the issue of sustainability of these activities in terms of funding and marketability of the income generation schemes within indigenous communities. IOM should also work to increase the capacity of indigenous communities by incorporating program participants more into the management and oversight of projects

The SIPA team also evaluated the design of IOM's current contingency plan in case of a mass demobilization of youth. The plan provides a complete picture of the existing resources available on a national, departmental, and municipal level to ICBF in the event of a mass demobilization and includes basic information on each potential

² *Profamilia* workshops do not sufficiently prepare staff to deal with traumas of child ex-combatants. Staff need additional specialized workshops that are offered more frequently.

participating institution. In addition, 11 international and national agencies formed into an inter-agency working group to plan, design, and continually update the contingency plan. However, the plan does not include specific terms of reference for each participating implementing agency rendering quick facilitation of coordination and management more difficult in the event of a mass demobilization. In addition, staff trainings should be conducted on a continual basis to ensure the preparedness of implementing civil society partners as most organizations have not previously cared for ex-combatant youth specifically.

As mentioned above, one of the most challenging aspects of IOM's work is in the area of social reinsertion of youth after they have left center-based care. In this area, the SIPA team found that while progress has been made in the last quarter towards developing income-generating opportunities for children in the centers, many children still do not have viable options once they leave the centers. This is particularly challenging given Colombia's economic recession and the bias many business owners have against hiring ex-combatant youth. Because of the hire barriers to formal employment, IOM may consider focusing more on small-scale entrepreneurship, providing micro-lending credit, and agricultural-based training for children returning to rural areas. Micro-lending has proven a viable option in many countries throughout the world and has demonstrated success in the areas of sustainability, empowerment of marginalized and vulnerable groups, and development of group savings. Because such income generation schemes are often developed with women and may not be as viable for children, it is possible that IOM could work with families of children to provide credit. This would increase income and assist in family reinsertion as well.

It is particularly difficult to measure the impact of the ICBF programs because no tracking system currently exists to follow up with children during the reintegration phase. IOM is very much aware of the need for such a system and is currently working on developing one. The SIPA team recommends working in conjunction with the *Defensoria del Pueblo* (Public Defenders Office), which has an extended network throughout Colombia that would be ideal for overseeing ongoing follow-up services of the ex-combatant children. A joint pilot project with the Defensoria del Pueblo for the follow-up of the social reinsertion of 50 graduated children was developed. The team thinks that the conclusion of this project will be helpful for the design of the tracking system. Incentives will need to be built in to ensure the effectiveness of a tracking system with the willing participation of children. Such incentives could include the creation of referral centers, to which children could turn for additional vocational training, seed money and counselling. In addition to formal centers, ICBF can work with an existing social network of NGOs and other civil society organizations to provide ongoing support through the reintegration process.

While the above findings and recommendations are by no means exhaustive, they do point to the general conclusion that IOM's programs for ex-combatant youth are creative, multi-faceted and provide a high degree of protection and assistance to children affected by the atrocities of war. The hope of the SIPA team is that through this evaluation IOM-Colombia will be able to strengthen and sustain the remarkable progress made to date.

II. INTRODUCTION

The problem of child soldiering is certainly not unique to Colombia. It is estimated that there are nearly 300,000 children under the age of 18 in the world serving in some capacity in an armed conflict, whether it be with rebel groups, paramilitaries or in some circumstances serving with government forces.³ Attention to the problem of child soldiers has only recently been seriously addressed in Colombia after almost four decades of civil conflict and child involvement in this conflict. The continuation and escalation of the conflict have constrained efforts to demobilize and reintegrate child soldiers. IOM became involved in the child soldier arena in 2001 when it partnered with the Colombian government's family welfare institute *Instituto Colombiano de Bienestar Familiar* (ICBF). Within this partnership, IOM received a multi-million dollar grant from USAID to carry out activities for the prevention, protection and reintegration of child soldiers. Since beginning its partnership with ICBF, IOM has expanded its protection program to reach indigenous youth, who for reasons explained below do not generally receive the benefits of ICBF assistance.

As part of the Applied Workshop in International Development at Columbia University's School of International and Public Affairs, IOM contracted a team of 7 graduate students to produce an independent evaluation of IOM's contributions to the problem of child soldiers in Colombia. In November of 2002, the SIPA Team negotiated its Terms of Reference (TOR) for the evaluation. The general aim was to evaluate the results and impacts achieved in the fulfillment of the objectives included in IOM's original project document, particularly regarding the strengthening of the ICBF program and the increasing number of former child combatants assisted by the Program. Also, it was to assess the new components developed by IOM (prevention of forced recruitment) and advise the Program in strengthening its social reinsertion phase, including strategies to design and implement a follow-up system for the children when they leave the Program. Specific objectives included an evaluation of the following:

- The strengthening of the Government of Colombia program to assist former child soldiers through the ICBF system. This part includes an analysis of the status of the governmental program and the modifications and activities carried out in the framework of the USAID funded program. It should be stated up front that the SIPA team was only asked to evaluate IOM's contribution to protection of children participating in the ICBF system who range in age 14-18 years. Children in other age groups are provided for through other legal and administrative means and are therefore not dealt with in this evaluation.
- The contributions of IOM program to a better knowledge of the Colombian legal framework regarding former child soldiers, including publications and training of governmental and NGOs officers.

³ Verhey, Beth, "Child Soldiers: preventing, Demobilizing and reintegrating", November 2001, World Bank Africa Region Working Paper Series No 23

- The implementation of new activities by IOM, such as prevention, assistance and reinsertion of ethnic minorities.
- The design of the contingency plan drafted by IOM in case of a mass demobilization of child soldiers.
- Advise IOM in the design and implementation of the social reinsertion strategy. Recommendations on an effective way to follow up the children who already left the Program must be included.

The Columbia University Team undertook a process evaluation as opposed to an impact evaluation. IOM is in mid-phase of its involvement in the program and it is too early to provide a meaningful impact assessment that would measure the outcomes of the program at this stage. Instead, the process evaluation conducted focuses primarily on how well the activities of the program are implemented and the quality of the services provided to the child soldiers. While IOM has carried out its own internal evaluations of the overall program, this Columbia University evaluation is unique in that it is independent and is intended to provide an outside perspective on the program. The aim of the process evaluation is to provide the staff in Bogotá with feedback in several areas so that changes can be made to improve its overall quality.

The evaluation report begins with a thorough background section providing pertinent information on the political history of the country and an analysis of the present situation. This section also includes an analysis of the situation of child soldiers in Colombia as was requested in the TOR. Following the background is an outline of the methodology used in the evaluation. Links are made between the performance indicators used in measuring the quality outputs of the program with the specific objectives that the team was charged with evaluating by IOM. Next the report provides an overview of the government program led by the ICBF and analyses IOM's contributions to this program. Following this section is a discussion of the Colombian legal system and IOM's contribution to that system. The report then discusses IOM's unique strategy on prevention and reintegration in indigenous communities and specific prevention programs in other high-risk areas. The chapter on findings provides the evaluation results that were achieved through thorough research, site visits and interviews with program stakeholders in Colombia. The findings are the results of measuring the program against our performance indicators outlined in the methodology section of this report. Finally, the report provides recommendations based on our findings that are intended as suggestions on strengthening the child soldier program. In addition, an annex is included providing information on other child soldier programs implemented in other countries. This section was completed at the specific request of IOM staff in Bogotá.

III. BACKGROUND & SITUATION ANALYSIS

Overview of the Armed Conflict

Colombia is the fourth largest and third most populous country in South America. In July of 2002, the population was estimated at 41,008,227 inhabitants, of which approximately 800,000 were indigenous encompassing 80 distinct ethnic groups.⁴ While endowed with substantial oil and natural gas reserves, is also a major producer of gold, silver, emeralds, platinum, iron and coal. Export commodities center on petroleum, coffee, coal, apparel, bananas and cut flowers, bringing in revenue of approximately 12.3 billion. In 2001, the GDP per capita was approximately \$6,300 with high literacy rates (91.2% of the populace) and relatively low infant mortality (23.21/1000 live births). It is also, however, a highly stratified society where traditionally rich families have benefited most from this wealth. The country is divided into 32 departments⁵ and one capital district.

Colombia has a republican government structure dominated by the executive branch. The current chief executive, who is both head of state and head of government, is Alvaro Uribe Velez, who was elected in May 2002. The current Constitution was enacted on July 5, 1991, supported by a new criminal code modeled on that of the United States, which was adopted in 1992-1993, including a new juvenile code. The legal system is based on Spanish law, therefore there are four co-equal judicial organs 1) the Supreme Court of Justice (the highest court of criminal law); 2) the Council of State (highest court of administrative law); Constitutional Court (guards integrity and supremacy of the constitution, rules on the constitutionality of laws, amendments to the constitution, and international treaties); and the Higher Council of Justice (administers and disciplines the civilian judiciary). The justice system, however, is slow and compromised by corruption and extortion. Interestingly, the civilian-led ministry of defense is also responsible for internal security and oversees both the armed forces and the national police. There is however limited civilian management of the armed forces.

The conflict officially began in the 1960s with the emergence of an insurgent campaign to overthrow the Colombian government. The ongoing and constantly escalating conflict now involves government armed forces, guerillas, and paramilitary groups⁶. The main actors in the conflict are the FARC, the National Liberation Army

⁴ The indigenous inhabitants are mostly concentrated in the Andean mountains, the Pacific coast lowlands and the Amazonas department. Most of the population is mestizo (58%) with whites (20%), mulattos (14%), blacks (4%) and mixed black-Amerindian and Amerindian (4%) making up the rest.

⁵ Amazonas, Antioquia, Arauca, Atlantico, Distrito Capital de Bogota, Bolivar, Boyaca, Caldas, Caqueta, Casanare, Cauca, Cesar, Choco, Cordoba, Cundinamarca, Guainia, Guaviare, Huila, La Guajira, Magdalena, Meta, Narino, Norte de Santander, Putumayo, Quindio, Risaralda, San Andres y Providencia, Santander, Sucre, Tolima, Valle de Cauca, Vaupes, y Vichada

⁶ Today's paramilitary groups were founded in the 1980s by landowners, drug lords, and elements of Colombia's military. Their mission was to offer protection against guerrilla groups operating in northern Colombia, though they have more frequently targeted civilians living in areas of guerrilla influence. They are widely charged with killing most of the more than 2,000 noncombatants that Colombia's conflict claims each year. Fed by donations from large landowners and their deep involvement in the drug trade, the rightist groups are the fastest-growing actors in the conflict, more than tripling in size since 1998. Though illegal, the paramilitaries claim to support the government, and human rights observers - both official and

(ELN) and the United Self-Defense Groups of Colombia (AUC), along with numerous urban militias. Although the violence is deadly and large parts of the country are under guerilla influence, in 1998 President Pastrana gave the guerillas *de facto* control over a territory the size of Switzerland, the movement lacks the military strength or popular support necessary to overthrow the government. In 2000, the Colombian government launched a six-year plan for “Peace, Prosperity and Strengthening the State” known as “Plan Colombia” which includes a multi-billion dollar military assistance support package and has an anti-narcotic component. The US also has extradition requests against various key paramilitary (AUC) and guerilla leaders. Since September 2001, the AUC, FARC and ELN have been classified as international terrorist organizations by the United States, European Union (except for the ELN) and Canada.

Current State of Affairs

The conflict escalated severely after President Uribe’s election. In response, he declared a “state of emergency” which has stepped up anti-guerilla efforts in urban areas, and created “special combat zones” in 27 municipalities. The U.S.-backed military is allowed to restrict civilian movement in these zones and conduct warrantless searches. He has also established a “war tax” to finance thousands of additional troops and tightened restrictions on the foreign press. On Dec. 1, 2002, most of the 13,000 paramilitary groups had agreed to an open-ended ceasefire, and intended to negotiate with the government of President Uribe. The agreement was negotiated by his peace commissioner Luis Carlos Restrepo.

Child Soldiers

As the international community has become more committed to the eradication of the use of children as combatants, it is hard to tell whether their numbers are increasing or it is merely the heightened visibility. According to current estimates there are more than 300,000 under-18s fighting with government or opposition forces in more than 30 countries in the world⁷.

Colombia as with many countries plagued with long-term conflict has unfortunately been added to the list of countries with a substantial population of child soldiers. According to the Coalition to Stop the Use of Child Soldiers⁸, a conglomerate of NGOs dedicated to the protection of the child, Colombia ranks second behind Myanmar, who has an estimated 70,000 child soldiers, with estimates ranging between 6,000 to 14,000 child soldiers. Other countries where child soldiers are deployed either by governments or armed groups include Afghanistan, Angola, Burundi, Congo, Eritrea, Ethiopia, India, Indonesia, Israel and the Palestinian Occupied Territories, Liberia, Nepal, Pakistan, Russia, Sierra Leone, Sudan, Uganda and the former Yugoslavia⁹.

non-governmental - continue to allege that members of Colombia's armed forces regularly support or tolerate them.

⁷ http://www.child-soldiers.org/cs/childsoldiers.nsf/displaysmessage/About_Child_Soldiers

⁸ The coalition, which includes Human Rights Watch, Amnesty International, Defense for Children International, the Quaker United Nations Office and the International Save the Children Alliance.

⁹ Deen, Thalif “RIGHTS: U.S. REPORT ON CHILD SOLDIERS SAID TO IGNORE WORST CASES” Inter Press Service November 6, 2002

A combination of progress in international law and national attention to the needs and conditions of child soldiers instigated the creation of the current ICBF Support Program for Ex-combatant Children. International momentum included a visit in 1999 from Olara Otunnu, the UN General Secretary's Special Representative for Children and Armed Conflict, and the opening of a national branch of the Coalition Against the Use of Child Soldiers in Colombia by Terre des Hommes-Germany, Save the Children and the Children's Defense International. In addition, there had been considerable progress in international law such as: the optional protocol to the Convention on the Rights of the Child argues an increase in the minimum legal age for recruitment into armed forces from 15 to 18 (not yet ratified); a statute of the International Criminal Court that will, when applied, categorize recruitment and use of children under fifteen years old in armed combat a war crime; and finally in June 1999 the International Labor Organization passed a treaty banning the worst forms of child labor, specifically including involvement in armed combat.

National pressure to focus on the plight of child soldiers included the Colombian Red Cross' awareness-raising campaign, titled "War is not a Child's Game" in 1997. Furthermore, in 1996 the Office of the People's Defender started an in-depth two-year study on the status of child soldiers and ex-combatant children. In 1997, Law 418 passed, stipulating the imprisonment of persons responsible for the recruitment of children into opposition and paramilitary groups. In 1999, the ban was extended to all military service fulfilled by minors (Law 548/99 extension on Law 418/97). In December of the same year President Pastrana discharged almost 1,000 soldiers under 18 years of age.

Child Recruitment by Armed Groups

A Human Rights Watch report¹⁰ states that children as young as 8 of both sexes are currently fighting in the Colombian conflict, amongst the armed groups, paramilitaries and militias. In addition to soldiering, children are also used for kidnapping, guarding hostages, as human shields, messengers, spies, sexual partners and as "mules" to transport arms and place bombs.¹¹ It is estimated that there are 4,000 children below the age of 18 in the armed opposition groups, one third of whom are estimated to be girls. Right wing paramilitaries and militias have recruited 3,000 children and urban militias include approximately 7,000 children. According to the People's Ombudsman Office, 20% of all Colombian children directly or indirectly participate in the armed conflict.

Studies realized by the Office of the Defensoría del Pueblo and the Center for Family Services (ICBF) have determined that the majority of children are not recruited forcibly, however it is also not entirely voluntary. In the rural areas, families are often forced to offer their children to guerilla units in order to survive.¹² Reasons for joining the conflict include lack of professional and academic opportunities, extreme poverty, domestic violence, and lack of access to social services.

¹⁰ Human Rights Watch: Stop the Use of Child Soldiers (September 2000)
www.igc.org/hrw/campaigns/crp

¹¹ Chapter VII, "Third Report on the Situation of the Rights of Children" OEA/Ser. L/V/II.110 Doc 52 9
March 2001 www.oas.org/cidh/women/ninos

¹² "Rights-Colombia: Children of War", IPS 12/03/99

Demobilization

Government of Colombia (GOC)

On December 20, 1999, the Colombian Army discharged 618 under-18s from the Army and more than 200 others from other forces. It has since nominally prohibited the participation of minors in the government armed forces.

FARC

In June 1999, the FARC pledged to the UN Special Representative for Children and Armed Conflict not to recruit children below the age of 15, inclusively stating that children who join voluntarily are returned to their families. There is however dissension amongst the ranks and conflicting information – the FARC reportedly announced in 2000 that all persons between the ages of 13 to 60 in the “despeje” zone are liable for military service with the guerillas. In rural areas, families are often caught in the cross fire between the groups and are forced to offer their children, boys and girls, to guerilla units in order to survive. The FARC is also known to recruit children in Venezuela, with parents reportedly being paid US\$600 a month for the recruitment of their child.

ELN

On June 15, 1998, the ELN signed the Mainz “Heaven’s Gate” agreement in which it committed itself not to recruit anyone under the age of 16 into its ranks. It does not however seem to have complied.

United Self-Defense Groups of Colombia (AUC)

It has been reported that 15% of AUC groups are under 18 and in certain areas up to 50% of some paramilitary units are children.

Militias

It is estimated that some militia groups are comprised of 85% children, a high proportion of which are kidnap victims.

National Support Mechanisms

The Human Rights Ombudsman’s Office (*La Defensoria del Pueblo*) started an in-depth two-year study on the status of child soldiers and ex-child soldiers in 1996. Subsequently, in 1997 the recruitment of children into opposition and paramilitary groups was made a criminal offense under Law 418. This law was further extended in 1999 to all military service fulfilled by minors (Law 548/99) – with or without parental consent.

The Colombian Family Welfare Institute (ICBF) is tasked with addressing the special needs of child and has been the lead agency in coordinating efforts to aid child soldiers. A coordinated network termed the National Service for Welfare has been concorded amongst the ministries for Education, Health, and Environment; the National Learning Service (SENA), the National Agency for Alternative Development (PLANTE) and the Solidarity Network (Red de Solidaridad Social), this network will now be targeted to prioritize conflict-affected and at-risk children through a National Plan for Attention to Conflict-Affected Children.

IV. EVALUATION SCOPE & METHODOLOGY

Project Timeline

The Columbia University Team began working on the evaluation in November 2002 by developing a workplan which was submitted to IOM New York Office and the Bogota Field Office for approval. The team spent the end of the year conducting research in New York City on the issue of child soldiers in Colombia from a legal and humanitarian perspective. Use was made of IOM New York office as well as various international organizations such as UNICEF and the International Rescue Committee and various experts in the field to achieve a better understanding of the issue and good practices on how to address the problem. A study of child soldier programs in other countries was done in order to conduct a comparative analysis of the Colombian situation and to further draw on good practices and lessons learned from other countries with child soldier programs.

In January, two members of the team visited Colombia with the purpose of gathering information on the program to assist child soldiers. After returning from this first field visit, those who traveled to Colombia debriefed the rest of the team on the findings from the preliminary visit. This information was processed and evaluation tools were developed in anticipation of the second field visit in March. Performance indicators were created in order to measure the quality of the Colombian child soldier program. The second field visit was conducted by five members of the team from March 14-23, 2003. (Annex A provides details of each trip) The second field visit concluded the final phase of the evaluation. Upon returning to New York, the team summarized and analyzed the collected data. The resultant findings and recommendations can be found later in this report.

Methodology

In the Terms of Reference received from IOM, the team was asked to compare Colombia's assistance program for child soldiers with other empirical examples from countries around the world. With this objective in mind, the team conducted research on other conflicts involving child soldiers. The country case studies that were researched are Liberia, Mozambique, Democratic Republic of Congo, Sierra Leone, Sudan, and Uganda. (*The case studies including background information, a description of disarmament, demobilization and reintegration and challenges can be found in Annex B*).

Based on these case studies and other documents on good practices, the team was able to expound on lessons learned from their experiences. These lessons learned formed the basis of the performance measures the team used in evaluating IOM's work with child soldiers in Colombia. Further literature reviews and discussions with organizations that have experience in addressing the issue of child soldiers, led to the development of performance measures on the prevention of recruitment and reintegration strategy of child soldiers.

Based on the research, the majority of assistance programs for former child soldiers have focused their programs on reunification of children with their families as an end result of the programs. However, taking into consideration that the armed conflict in

Colombia is ongoing, IOM and the ICBF have not been able to focus primarily on family reunification as the overall goal. Instead, the program has operated under the premise that reunifying children with families in areas of conflict poses a major security risk to the lives of the children. IOM and ICBF promote and facilitate family reunification when possible, but have found that the majority of children are unable to return back to their original communities. Alternatively, IOM and the ICBF have rightly chosen to provide protection to the former child soldiers in an institutionalized setting in order to ensure the security of the children during the demobilization and reintegration process. The SIPA team supports this decision in light of Colombia's deteriorating security conditions and has taken that consideration into account when measuring the IOM programming against the good practices of family reunification from other countries, as can be seen in the Recommendations section.

The performance measures outlined in this section concentrate on the areas of prevention and reintegration of child soldiers and are related to the general objective the team has been tasked with achieving. These measurements were developed for evaluation purposes in analyzing the IOM and Government of Colombia assistance model and are the basis of our overall evaluation in meeting the specific objectives set out by IOM. These measurements were applied in interpreting information gathered during two field visits to Colombia and they have been used in determining the findings as well as the recommendations formulated for the overall improvement of the assistance program. It is important to note that IOM is in fact operating within the parameters of many of these performance measures, but the SIPA team feels it necessary to state them up front as good practices to compare with and learn from.

Specific Objectives and Corresponding Performance Measures:

<p>Objective: <i>Evaluate the strengthening of the GOC program to assist former child soldiers. This part includes an analysis of the status of the governmental program and the modifications and activities carried out in the framework of the USAID funded program.</i></p>
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Since much has been written on the potential drawbacks that centers versus family reunification can have, the indicators to measure this objective focus on the quality output of ICBF centers. Although it is necessary for the assistance model to use centers rather than focus on family reunification due to the security hazards involved, it is essential that centers live up to these performance standards in order to avoid potential institutionalization of children and to ensure the overall success of their strategy. These measurements were used in evaluating the three stage process of child soldier reintegration in the centers: the transitory homes, the specialized attention centers and the halfway-way houses. The results of these measurements can be found in the Findings section of this report and are also integrated into the final recommendations.

ICBF Performance Measures ¹³

- 1) Centers should assure adequate protection, including anti re-recruitment, retribution, and to prevent further problems related to stigmatization and isolation.
- 2) There should be adequate psychological support for children to address any trauma issues the children may have experienced as a result of their participation in armed conflict.
- 3) Centers should help develop a new identity for the children through cultural activities, spiritual initiatives, sports, individual guidance, and peer activity groups.
- 4) Non-familial environments may delay reintegration into communities and may prolong the originally anticipated period of stay. To address these issues centers should ensure that children are able to form relationships and engage in roles that are appropriate to daily family life. In addition, there should be as short a stay as possible in the centers so as not to institutionalize the child.
- 5) The center should seek a wide range of community links and resources so as not to isolate the children inside the centers. The community must be sensitized and developing child social skills within the larger community should be a priority.
- 6) Staff should be supported with on-going capacity building and stress management support. Staff may not be adequately trained on child development issues, counseling child rights, and other relevant issues.

Objective: *Evaluate the contributions of IOM program to a better knowledge of the Colombian legal framework regarding former child soldiers, including publications and training of governmental and NGOs officers.*

In fulfilling this objective, we used a general performance measure that judges, public defenders, prosecutors and other legal professionals should be fully appraised of Colombian and international law regarding treatment of child soldiers, especially the *Ruta Juridica*. The evaluation of this objective is limited due to the limited access to legal professionals in Colombia.

¹³ These performance measures were drawn from a combination of the following sources. Note that these sources often cite the same best practices and lessons learned so there is some overlapping:
Verhey, Beth. "Child Soldiers: Prevention, Demobilizing and Reintegrating." World Bank Africa Region Working paper Series No. 23: November 2001
UNICEF. "Cape Town Principles and Best Practices on the Recruitment of Children into Armed Forces and on the Demobilization and Social Reintegration of Child Soldiers in Africa." April 1997
United Nations Department of Peace Keeping Operations Lessons Learned Unit. "Disarmament, Demobilization, and Reintegration of Ex-Combatants in a Peacekeeping Environment: Principles and Practices." December 1999.

Objective: *Evaluate the implementation of new activities by IOM, such as prevention, assistance and reinsertion of ethnic minorities.*

In the case of Colombia, the percentage of children who voluntarily join the armed conflict is considerably higher than the amount of forced recruitment that takes place. It is believed that the primary reason why children voluntarily join the armed conflict in Colombia is due to lack of access to educational and economic opportunities in their communities of origin. It is also believed that many children and their families are not fully apprised of their rights to not have children recruited. Raising awareness can lead to more resistance and less recruitment. Therefore, good practices on the prevention of child soldiering requires attention in two areas: 1) Provide educational and income generation opportunities in targeted communities where the rate of recruitment is high. 2) Emphasize advocacy and support civil society groups in their efforts to raise awareness on child soldiering and prevent recruitment. The following prevention strategy performance measures were developed with these two strategies in mind:

Prevention Performance Measures¹⁴

- 1) Various media outlets should be used for a campaign to raise awareness of child rights in order to educate and reach children and their families and inform them of their rights. This should be a nation wide strategy but should also specifically focus on targeted communities where rate of recruitment is high.
- 2) Monitoring and documenting of child involvement in hostilities as well as advocacy for demobilization and the release of children should be undertaken throughout the armed conflict.
- 3) Prevention programs should work with the government and NGO's to provide educational opportunities to children as well as skill building initiatives and support income generating projects in communities targeted by armed groups. This will provide alternatives to joining the armed groups.

Objective: *The design of the contingency plan drafted by IOM in case of a mass demobilization of child soldiers.*

Contingency Plan Performance Measures¹⁵

- 1) Contingency planning should be a participatory process, including all of the principal actors responsible for the implementation of the plan. Participation should be

¹⁴ Ibid

¹⁵ These performance measures were prepared by the United Nations Office of Coordination of Humanitarian Assistance, Inter-agency Standing Committee Reference Group on Contingency Planning and Preparedness November 15, 2001.

formalized through the formation of an inter-agency contingency planning working group and required sectoral working groups.

- 2) The process of developing a contingency plan is just as important as the creation of a final document. Steps in the contingency planning process should include: 1. Coordination and preparing of the contingency planning process; 2. Context analysis, scenario building and defining planning assumptions; 3. Defining strategies and objectives; 4. Defining management and coordination arrangements; 5. Developing response plans; 6. Consolidating the process and follow-up actions.
- 3) Scenario building is important for identifying the underlying assumptions of the contingency plan. This was done and included in the same attachment.
- 4) Principles and strategies need to be established to guide the inter-agency response to the different mass demobilization scenarios. The principles should be linked to existing humanitarian principles and humanitarian law.
- 5) Clear lines of authority and terms of reference should be created to minimize confusion, delays in the delivery of services, and redundancy. The contingency plan should define operational roles, functions, responsibilities and accountability to facilitate effective management and co-ordination.
- 6) The plan should be continually updated with the correct contact information.. To ensure preparedness staff trainings should be performed on a continual basis.
- 7) Contingency planning should include steps for assessment of the initial response. The assumptions made during planning must be checked with an actual assessment of the situation, and the plan adjusted accordingly.
- 8) As part of the planning of overall management and coordination, a media strategy should be included both in terms of managing and disseminating information, and in terms of promoting the program to gain donor support.
- 9) Time frames for the different phases of implementation should be explicit with a formulated exit strategy.
- 10) The contingency plan should be based on existing resources and stockpiles and not be based on an ideal budgetary plan or on potential future funds.

Objective: Advise IOM in the design and implementation of the social reinsertion strategy. Recommendations on an effective way to follow up the children who already left the Program must be included.

The following measurements apply to specialized centers for former child soldiers and are standards that these centers should live up to in order to increase the likelihood of successful reintegration. The reinsertion process should provide assistance to former child soldiers in the following areas: Protection against re-recruitment and retribution from armed groups, psychological support to deal with any traumas that youth may have as a result of their participation in the armed conflict, access to educational and skill building opportunities.

Social Reinsertion Performance Measures¹⁶

- 1) Post-conflict recovery must emphasize psychosocial support activities in addition to individualized psychological support. Community solidarity provides recognition, acceptance, and historical place for individual experiences of grief and trauma. The capacity of the family and the community to care for and protect the child should be developed and supported to the extent possible given the difficult security situation in Colombia.
- 2) An early and clear commitment must be made to develop community sensitization activities such as advocacy with communities, reconciliation procedures to ensure that expectations are adjusted in advance of the child soldier's return.
- 3) Reintegration must provide access to education and economic opportunities. The establishment of new identities depends on productive activities and new learning. Reintegration must address the immediate need of most child soldiers for income. Vocational training and small business schemes should be created.
- 4) Whenever possible, families needs to be more involved in the activities of the care centers so that expectations can be managed and both the child and the parents will be more prepared for the reunification.

A follow up well beyond the formal demobilization process is necessary to ensure the safety of former child soldiers. Centers should contribute to an effective follow-up system, following family reunification or other arrangements. In order to provide better services and evaluate the impact of the program, IOM in conjunction with the ICBF wishes to design a tracking program which would permit them to follow graduates of the program for a set period as they reintegrate into civil society. To this end, it has become critical to educate communities as to the status of child soldiers.

Tracking Performance Measures¹⁷

- 1) There should be monitoring and documentation of children still involved in the hostilities as well as advocacy for demobilization and release.
- 2) Inherent in all of these programs is the utmost consideration for safety and protection. Plans should have an inherent capacity to protect the children from the risks of re-

¹⁶ See footnote 13.

¹⁷ Ibid.

recruitment should violence recur or retaliation from former foes when they return to their communities.

- 3) There will need to be considerable emphasis on civil society to ensure that graduates are readily received and can enter back into a society which does not discriminate against them – in particular since graduates of the program may decide to stay in the community where they were in the CAEs and Casa Juveniles as opposed to returning to their communities of origin.
- 4) Need to have strong national networks.

V. COLOMBIAN FAMILY WELFARE INSTITUTE (ICBF) SUPPORT PROGRAM FOR EX-COMBATANT CHILDREN

Background

The ICBF consists of a network of national, departmental and municipal public and private agencies that contribute to overall family welfare and development, child protection, and the guarantee of children's basic rights. ICBF's network extends throughout Bogotá and covers 33 regions consisting of 200 "central zones."¹⁸ ICBF provides protection and care to the most vulnerable and marginalized children such as: orphans, street children, unaccompanied minors, pregnant teenagers, child prostitutes, children escaping family violence and abuse, children with drug dependency, and children with mental and physical challenges. It was thus natural that ICBF would be the lead agency in protecting and providing services to the vulnerable population of former child soldiers.

The primary aim of the "Support Program for Ex-combatant Children" is to re-institute former child soldiers' basic rights to life, safety, and education. The Program contributes to existing national efforts to clarify former child soldiers' legal status, to extend appropriate treatment upon reception and to provide concrete and durable reintegration solutions, emphasizing a highly participatory, gender sensitive and child-focused approach.¹⁹

In response to efforts to focus attention on the problem of armed groups' use of child soldiers, ICBF created the Specialized Assistance Program for Ex-combatant Children in November 1999. As an alternative to the existing practice of placing captured ex-combatant children in detention centers for juvenile delinquents, ICBF presented an alternative proposal to create 6 specialized centers to accommodate ex-combatant children. Because of limited resources, ICBF sought international financial assistance to implement its proposal and improve the quality of attention provided to each program beneficiary. The Support Program for Ex-Combatant Children (which is the focus of this evaluation), financed by the United States Agency for International

¹⁸ Interview with ICBF Program Coordinator, Julian Aguirre, January 13, 2003

¹⁹ (March 2001 Proposal IOM Colombia)

Development (USAID) under the framework of an IOM, Save the Children – UK (SCUK) and ICBF partnership, started in March 2001. The program's principle objective was to strengthen existing services through targeted training to implementing NGOs and by increasing the per-child fee so that personnel, infrastructure, equipment and services may be improved in each center. The Program aims to facilitate each ex-combatant child's reintegration into society by providing services such as: documentation support, family tracing and reunification; family counseling; formal education and vocational training; income generation opportunities; psycho social attention; referral to appropriate medical treatments and community-based activities.

Beneficiaries

The program currently has 649 ex-combatant children enrolled: 464 (71%) are male and 185 (29%) are female. When the program began in March 2001, 97 of the 649 had already been in ICBF institutions. These 649 represent 54% of the total 1,195 ex-combatant children assisted from January 1994 to December 31, 2002 by ICBF.²⁰

Table 1: Beneficiaries Report

Beneficiaries Report		
1994 – 2001	Ex-combatant Children Reported/Assisted by ICBF from November 1994 to November 1999.	495
	Ex-combatant Children Assisted by the Specialized Assistance Program from November 1999 to March 2001	51
Sub – Total	Ex-combatant Children Reported/Assisted before IOM-USAID Agreement Grant	546
2001-2002	Ex-combatant Children who <i>Remain</i> in the Specialized Assistance Program on March 21, 2002.	97
	<i>Incoming</i> Ex-combatant Children to the Specialized Assistance Program from March 21, 2001 to December 31, 2002.	552
Sub-Total	Ex-combatant Children Supported by IOM-USAID Agreement Grant: The Support Program for Ex-combatant Children	649
Total		1195

Source: IOM Quarterly Report December 2002

According to the IOM Quarterly Report of December 2002, in the last quarter (October - December 2002) the greatest number of demobilized children (63%) came from the Revolutionary Armed Forces of Colombia (FARC). Of the total, 14% were ELN, 9% were AUC, and 6% were others. Of those minors enrolled in the program last quarter 69% had demobilized voluntarily and 31% had been captured by government forces. 83% of those demobilized in the last quarter were between the ages of 15 and 17. In addition, most (59%) demobilized child soldiers entered the program with education levels ranging from 3rd to 6th grade. Ten percent of boys and 13 percent of girls entered the program illiterate.

²⁰ IOM Quarterly Report December 2002

IOM-ICBF Program Description

General Objective: Contribute to national efforts to improve the situation presently faced by former child soldiers particularly those efforts aiming to clarify their legal status, to extend appropriate treatment upon reception and to provide concrete and durable reintegration solutions, emphasizing a highly participatory, gender sensitive and child-focused approach.

Specific Objective: To enhance the quality and capacity of existing assistance and reintegration programs for ex-combatant children.

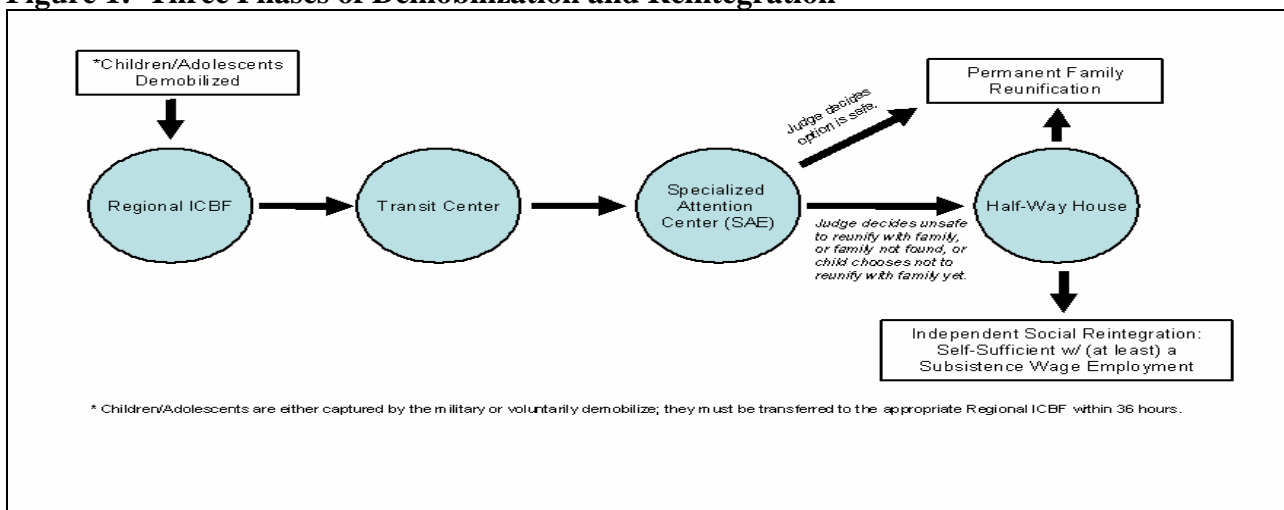
Indicators:

- To build the Program's information system, through the hiring of a specialist
- To support 4 existing centers
- To open 2 new centers.
- To carry out 200 family encounters and/or family reunifications
- To implement activities that will improve society's acceptance of former child soldiers' reinsertion.
- Support to 800 former child soldiers
- Development of the program's baseline
- SCF UK and ICBF will provide training activities to service providers, particularly regarding the profile of former child soldiers and the special attention that is required.

Activities

Since the start of IOM-SCUK-ICBF Program, 4 additional centers have been added, and the program developed into three different phases. The three phases are: 1. Four to six weeks in a Transit Home; 2. Six to twelve months in a Specialized Attention Center; and 3. One year in a Half Way house. The Program aims to avoid the institutionalization of the children by minimizing their time in the centers and facilitating social reintegration either through family reunification or independent living. The focus of the first phase is to assess the children's needs and background, develop an individual life plan, and familiarize the children with the program. The second phase in Specialized Attention Centers focuses on recovering children's basic rights to life, education, physical and mental health, and family reunification. The final phase is for children unable or unwilling to reunify with their families and thus spend one year in a Half Way House, participating in education and vocational activities targeted at social insertion.

Figure 1: Three Phases of Demobilization and Reintegration



Currently there are two Transit Homes, Nine Specialized Attention Centers, and 7 Half Way Houses located in Bogota, Cundinamarca, Medellin, Cali, Bucaramanga and Armenia. During 2002, 345 children received assistance in these centers. Between October and December 2002, 130 minors entered the Support Program for Ex-combatant Children, a 41% enrollment increase from the previous quarter.

Table 2: Summary of the 3 Program Phases

		Activities	Capacity per center ²¹	# of Centers	Total Capacity
Phase 1: Protection 4 to 6 weeks	Transit Homes	<ul style="list-style-type: none"> ▪ Individual and Group Therapy ▪ Recreational and Cultural activities ▪ Informal Education ▪ Assessment and Creation of Individual Life Plan ▪ Contact with families via telephone ▪ Medical attention 	20	2	40
Phase 2: Protection 6 to 12 months	CAEs	<ul style="list-style-type: none"> ▪ Formal education in the form of accelerated learning ▪ Individual counseling ▪ Vocational Training ▪ Art and cultural activities ▪ Recreation 	20	9	180

²¹ 20 is the preferred capacity for each Transit Home and CAE in order to ensure quality care. However, in reality many centers house 20 to 25 children. While this is practiced it is not ideal and is considered to reflect that CAE's are operating at over-capacity.

		<ul style="list-style-type: none"> ▪ Supervised excursions ▪ Some provide access to apprenticeships ▪ Family reencounters ▪ Family reunification ▪ Medical attention 			
Phase 3: Reintegration 1 year	Half Way Houses	<ul style="list-style-type: none"> ▪ Formal education ▪ Vocational training ▪ Apprenticeships ▪ Life skills training 	6	8	48

Family Re-encounters and Reunification

In general, only 33% of the former child soldiers in the Program are reunified with their families. In considering an ex-combatant child's options for reintegration, project staff first explores family reunification as the most sustainable strategy for preventing re-recruitment into the armed groups. From the first phase of the program in the transit centers, project staff contact family members via telephone to inform them about the program and their child's progress. In addition, children are encouraged to contact their family regularly via telephone or letters. IOM funds annual family encounters in which family members travel to the centers to visit their children. The family encounters often facilitate family reunification and provide project staff with information regarding the safety of returning the child to his/her family. Since March 2001, 98 family encounters and 69 family reunifications have been facilitated. However, the nature of ongoing conflict in many of the children's native communities limits the children's possibilities to reunite with their families. In addition, many of the children cite family abuse as a major factor in their decision to voluntarily join armed forces. Abusive family situations are a major barrier to family reunification. In the last quarter 78 children exited Phase 2 (CAE's, which are also considered to be the "protection" phase.). Of these 78, 22 (32%) children deserted the program, 26 (33%) transferred to half way houses, and 25 (32%) returned to their families.

Education

Children's lack of access to education has been cited by IOM and ICBF as a principle factor in their recruitment (voluntary or forced) into the armed groups. Since the beginning of the Program in March 2001, 7% of the children tested were illiterate and 51% tested as not having completed primary school. A principle barrier to entry into a mainstream public school is the ex-combatant child's discomfort at attending classes with children much younger. Thus, most centers have relied on a methodology of accelerated learning in which former child soldiers have the opportunity to catch up to the grade level that corresponds to their age in order to prepare them for entry into the Colombian school system.

In addition, IOM has funded the hiring of a pedagogue for each CAE, who is responsible for locating appropriate nearby schools, assisting children with the required paperwork and registration process, mediating between teachers and students, and monitoring the overall quality of the education program. The pedagogues also oversee the administration of the two scholarship funds; one of them consisting of funds from the

Education Ministry, managed by the Colombian Institute for Credits and Technical studies Abroad (ICETEX), and overseen by ICBF; the other one based on funds provided by USAID. The scholarship allows former child soldiers to participate in formal education, vocational training, or a mixture of both. The Scholarship Fund ICBF-MEN-ICETEX requires children to have proper identification documents and to be under the age of 18. In addition, this scholarship prioritizes children in the CAEs and Half Way Houses who are interested in formal education. For this reason IOM Scholarship Fund gives priority to children whose documentation is not complete (civil registration and/or ID card), and to children already reunited with their families. Since the Scholarship fund was created a total of 157 scholarships have been given. 105 scholarships were given to children in the CAEs, 33 for children in the Half Way Houses and 19 for children in Family Reunifications. Among the children in the social reintegration phase (Half Way Houses and Family Reencounters), 80% have utilized their IOM scholarship to attend vocational training courses.

Income Generation

During this quarter IOM has hired a special consultant to design an income generation strategy with two main objectives: 1) The construction of a successful insertion process; 2) and the generation of sustainable, productive, and competitive activities. According to the Income Generation Consultant for IOM, Antonio Londono, there lacks a harmonized strategy standardizing income generation approaches in each center. Each CAE developed income-generating opportunities according to internal factors and the self-proclaimed interests of the children. An exception is CAE Don Bosco, which had performed a market analysis of the surrounding community in developing its vocational training program, and had established relationships with 130 companies for possible one-month internships.

The strategy relies on a basic model of promoting sustainable insertion by focusing on "target sectors." In creating an income generation model that could be adapted across centers, IOM and ICBF faced the significant challenge of not just overcoming the particular difficulties of employing a group stigmatized by the larger society, but by Colombia's overall lack of employment opportunities for youth. Youth are often considered a liability because of the additional training time needed to compensate for their lack of previous work experience. Thus in finding practicable solutions, Londono identified sectors that had three basic characteristics: 1) Low access barriers i.e. not much need for training; 2) Intensive use of man labor; and 3) competitive. The selected sectors take into consideration the profile of the program beneficiaries, which includes their low level of education and training, and their lack of prior work experience.

Some of the target sectors identified were shoes manufacturing, furniture and wooden products, jewelry, and human services. In addition, the model takes into account the general trend of rural migration to urban centers, and thus has focused on job opportunities within cities. In the defined sectors the goal will be to secure agreements with representative guilds or directly with the enterprises to guarantee training and apprentice opportunities for a selected number of youth. However, the model is not a prescription for each center, but rather provides general guidelines to assist centers in

developing income generation activities that fit the distinct conditions of surrounding communities and are suitable to the background of the program beneficiaries.

In the last quarter, IOM's income generation strategy established a partnership with the workshop school of the CASTING Company in Bogota, which designs and makes precious metal jewelry. Ex-combatant children initially receive training on manual confection, and later progress to more complex techniques with casts, wax and machines. Another example of a current project is a partnership with 6 companies in Medellin that specialize in installations for ferias and public events. Each company provides pre-training to the children and then integrates them into current working teams. The program started with one company at first, but then expanded to the company's suppliers.

Psychosocial Attention

Each center is staffed with at least one psychologist and one social worker. Every ex-combatant child residing in the centers receive ongoing individual therapy and counseling. There is some debate, however, among the centers on the importance of group therapy and thus its implementation varies from center to center. Psycho-social care extends beyond individual therapy to activities that promote social insertion and community reintegration. In recognition of the importance of a psychosocial approach to addressing the trauma most ex-combatant children have suffered, many centers include art and cultural activities, recreation, leadership programs, and community based activities. Education is recognized as a key component of psychosocial care, as it provides former child soldiers with a new identity and facilitates envisioning of alternative lifestyles to armed conflict. Additionally, a psychosocial approach to therapy recognizes many of the factors that led to children's attraction to war such as: the uniform's prestige, the feeling of belonging and being someone important and respected; a need for political expression; and simple boredom from lack of any structured activities. Finally, participation of the ex-combatant children themselves in decision-making, planning, project implementation, and evaluation is important if these children are to overcome their socialization in military frameworks. Most of these children have become socialized to not think of themselves as individuals with the ability to make their own decisions.

Conclusion

The IOM-ICBF program has successfully faced the challenge of implementing a demobilization and reintegration program during an ongoing-armed conflict. ICBF initiated the program in 1999 as an alternative to the traditional practice of treating former child soldiers as juvenile delinquents and placing them in detention centers. While ICBF and IOM agrees that family reunification is the best reintegration and prevention strategy, the vast majority of their centers' residents are not able to return to their families due to a high risk of re-recruitment, lack of security and family violence and abuse. In creating its program, ICBF –IOM- aimed at avoiding the permanent institutionalization of former child soldiers and focused on social reinsertion through the provision of education, psychosocial care, vocational training, and income generating activities. The Program is still in construction and project staff all realize the need to develop further the income generating aspect of the reintegration strategy. In the last

fiscal year, IOM hired a consultant with expertise in income generation strategies and has sought the outside perspective of the Team to evaluate and make recommendations regarding the reintegration component. Overall, the Team concurs with most of the project staff that the program needs to focus on improving its reintegration strategy by developing income-generating activities that reflect real economic opportunities in the current market environment. In addition, ICBF recognized the challenge of assessing the effectiveness of its program without a follow-up and tracking system for those children who have graduated from the program.

VI. LEGAL FRAMEWORK

One of the primary goals of the “Support Program for Ex-Combatant Children” is to strengthen initiatives which aim to clarify the legal status of former child soldiers and thereby restore them to their full complement of rights. The Program has therefore assisted in the improvement of the inter-institutional legal framework by financing the Human Rights Ombudsman’s Office (*La Defensoria del Pueblo*) investigation on legal procedures and regulations for ex-combatant children, thereby developing the multi-partite process termed *La Ruta Juridica*. This has served as a roadmap for judges, lawyers and functionaries in navigating Colombia’s somewhat cumbersome legal system and identifying the requisite steps to ensure the child’s safety and legal rights. In conjunction with the Ombudsman’s office, which acts as the national “watch-dog” for human rights, IOM also assisted with the 24 training workshops conducted with judges, teachers, local authorities and NGOs. IOM also supported the publication and dissemination of *la ruta juridica*.

General Objective

To evaluate the contributions of IOM program to a better knowledge of the Colombian legal framework regarding former child soldiers, including publications and training of governmental and NGO’s officers.

Background

Part of the impetus to develop the Support Program for Ex-Combatant Children was the legal vacuum regarding former child soldiers²². Even with a 30 year armed conflict, the GOC did not have specific policies or protections for child soldiers. As international organizations began to make substantial progress in the area of legal protections for child soldiers and more media attention was drawn to the issue, under national and international pressure the GOC also began to clarify its position by the enactment of very specific laws.

In 1994, la Defensoria del Pueblo began investigating the specific circumstances governing children in armed conflict. They began by evaluating the number and needs of child soldiers. The initial focus was on children who had been with the AUC and other guerilla groups. The preliminary results were discouraging, as children were being treated as delinquents and being taken to juvenile detentions centers, termed juvenile “re-education” in Colombia. The first legal steps were taken in 1997 with a clarification on

²² IOM Preliminary TOR – November 25, 2002

age limits for recruitment. Most international conventions focus on 15 years as the age minimum, however, the GOC opted to enforce the so-called “straight-18” position to establish that minors (<18) should not join the army even on a voluntary basis. This was codified in Law 418. Subsequently, the President approved a decree on December 26, 1997 which criminalized the recruitment of under-18s. In the five years following, the protection and rights codified in Law 418 were extended and further elaborated by Law 548 in 1999 and Law 782 in late 2002. The final law contains an explicit statement of the rights and benefits that are to be accorded to those who voluntarily leave participation in the conflict and decide to reintegrate into civil life. In addition, Chapter 5 expressly addresses the particular needs and requirements of minors in the conflict. The law also fully recognizes and thereby legalizes the ICBF program and its specific protection mandate. It specifies the Ministry of the Interior and the ICBF as the governmental organs responsible for protecting the rights and meeting the needs of the child, as well as clarifying the education, health, and employment opportunities that will be accorded to each child.

In 1997, after being inundated with child soldiers who were set adrift in a legal limbo, *la Defensoria del Pueblo* (the Public Defenders Office) began to coordinate with other government agencies for the development of a specialized program. The program was to be premised on protecting the adolescents physically while not depriving them of their freedom. Legally, in order to assist judges and defenders in protecting children a legal roadmap termed *La Ruta Juridica* (the Legal Route) was developed. The first plan distinguished between children who demobilized voluntarily as opposed to those who were captured. However in practice this distinction was fortunately glossed over. It directed judges on the cessation of legal proceedings and directed them to place the child in the ICBF program. It also highlighted the victim status of the child and expressly prohibited the incarceration of any child demobilizing from the armed conflict.

Initially, given the special status of indigenous communities, a separate *Ruta Juridica* was postulated. In reality, this has proven impracticable not only because of the intricacies of indigenous law but also because of lack of translators for the more than 60 communities.

Once the above steps were determined it was critical to disseminate them throughout the country. In this respect, IOM has been crucial in assisting with publication and distribution. However, with the updates of 2002, there will again need to be another round of training. Beatriz Linares, Colombia’s Ombudswoman Delegate for Women, Children and Family, and Head of *la Defensoria del Pueblo*, has undertaken, as requested by IOM to train the judges in thirteen of the most vulnerable districts²³ herself. This will be particularly important as Colombia’s legal system is rather complicated.

In cases involving minors, the ICBF is legally imbued with protection of children’s rights. The legal defenders, *defensores*, will thus often monitor proceedings to

<p>Legal process according to an ICBF – family defender</p> <p>Adult >>Crime>>Judgement>>Sentence>>Jail</p> <p>Youth>>Infraction>>Judgement>>Sentence>>Re-education center</p> <p>Child combatants>>Infraction>>Judgement>>Sentence>>CAE</p>

ensure that their rights are not violated.

²³ Interview with Beatriz Linares, March 18, 2003

²⁴ As the legal representative, they are responsible for seeing the case of the child ex-combatant through from the beginning of the legal process through to the end. Especially in irregular situations such as those involving child soldiers there must be cessation or closure of judicial proceedings against child soldiers to immure them against future prosecution.

There has been no clear delineation of responsibility in judicial proceedings which often causes confusion and consternation. This is particularly true in rural areas where judges do not have updated information regarding the legal status of child soldiers. This is caused by the protection provided by the *defensores de menores*, sometimes referred to as the *defensores de familia*. The *defensores de familia/defensores de Menores* are those contracted by the ICBF. IOM frequently meets with the public defenders to discuss cases, and must then contact family defenders to ensure the progression of cases.

Sentencing

Whereas the defensoria del pueblo has firmly emphasized the ideology that children are

1) Child Arrives
 Report is submitted from the military if captured or from an NGO, etc. if the child goes to an NGO before the court.
Next day:

2) Child Appears Before Judge
 The judge starts a docket with the child's history and family background
Next Day:

3) Hearing
 Child appears before judge and is given opportunity to speak for himself with the aid of a family attorney or regular attorney.
Next Day:

4) Judge sends Child to ICBF
 Child is placed in the care of ICBF and ICBF appoints an institution for the minor to go to.

Reinsertion receives the information from the court. It studies the information and makes a decision regarding benefits
 Once Reinsertion tells the court the minor deserves these benefits, the court stops all proceedings and closes the case.

victims, the juvenile code of 1989 (please see Annex C for relevant articles) only gives judges two real options: either to sentence the child as a violator or to put them under a process of administrative protection. This dichotomy is particularly apparent with regard to the benefits accorded the children depending on their categorization: as a child under an administrative protective order they become a ward of the state; whereas as a child soldier they receive a codified menu of benefits under Law 782/02. There is also a difference in the amount the state must pay for their upkeep.

<u>Comparative Costs to the State</u> <u>(allowance/child/month)</u>	
Abandoned:	\$80
Administrative Protection measures:	\$110
Adopted (foster family)	
Delinquent – re-education center	\$300

Conclusion

Whereas the legal status of children has finally been clarified, the recent change in the laws will require further training of judges and *defensores*. The current proposition before the Congress to revise the Juvenile Code and include provisions for child soldiers is very encouraging. It is also hoped that the current administration will continue to support and work with the Ombudsman's office to support and protect children's rights. For a more detailed discussion of Columbia's national laws, correlation with international conventions, the *Ruta Juridica* and Juvenile Code, the hierarchy of judges and defensores, CODA, and Reinsertion please see the Legal Annex.

²⁴ Interview with ICBF Family Defender Nancy Espana, Cali

VII. CONTINGENCY PLAN

The Support Program for Ex-combatant Children has seen a continual increase in its enrollment of demobilized child soldiers. There has been a 41% increase in the enrollment of minors into the Program from 92 to 130 between October and December 2002, and in the last calendar year ICBF experienced its largest number of beneficiaries of 395 former child soldiers. This trend of increasing numbers of demobilized child soldiers highlights the need for a contingency plan in the event of a mass demobilization of child soldiers. The contingency plan for demobilized child soldiers is based on the eventuality of mass demobilizations following negotiations with armed groups, and not based on the assumption of eventual long lasting peace agreements.

Last year, IOM, at the request of ICBF, undertook an extensive mapping exercise to identify NGOs in ICBF's vast child protection network throughout Colombia to determine the total capacity of ICBF's protection network to receive and assist demobilized child soldiers. In addition, the mapping exercise collected information on the capacity, activities, staffing, and resources of the NGOs and analyzed their ability to provide quality care consistent with ICBF's current Support Program for Ex-combatant Children. The mapping exercise also identified the financial and human resources that would be needed to receive the maximum number of demobilized children within its stated capacity.

The NGOs and local organizations that fall within the ICBF network are subject to annual evaluations prior to the renewal of their contract. They are each rated from 0 to 500 based on the quality of their services. IOM developed minimum criteria for determining which agencies were to participate in the contingency plan. IOM evaluated only those agencies which at minimum had received a score of 300 in ICBF's last evaluation (end of 2001), which provided services to children ranging from 10 to 18 years of age, and which tended to already serve street children, children suffering from family abuse and violence, and children abandoned or separated from their families. In addition, IOM tried to identify those institutions that most resembled the Program's Specialized Attention Centers (CAEs).

IOM evaluated 83 institutions within ICBF's child protection network located in 13 different departments, and representing 65% of the total network. The final document divides institutions into four categories: 1. Those that are willing and able to participate in the contingency plan independent of any additional resources; 2. Those that are willing and able to participate at their current level of resources, but who could contribute more with additional resources; 3. Those that could participate only if they were provided with additional resources; and 4. Those unwilling to participate under any circumstances. Of the 83 institutions interviewed, 46 indicated that they wanted to participate in the contingency plan. Of those institutions that did not want to participate, 17 stated their lack of desire as a result of not wanting to work with the population of child soldiers, 16 stated that they did not have the space or resources to accept additional children, and 2 mentioned the possibility of being targeted if they were to house recently demobilized children. Choco was the only department in which no institution stated its willingness to participate in the contingency plan. This is due to the fact that Choco has only one identified institution that is part of ICBF's national child protection network.

The mapping exercise prepared by IOM includes specific information regarding the rating of each institution and up-to-date contact information of the person responsible for implementing the contingency plan. The mapping exercise demonstrated that the vast network of ICBF protection agencies could theoretically receive and assist 964 demobilized child soldiers.

Following AUC's announcement to stop its hostilities against the government of Colombia, in December the Bolivar Central Front of the AUC delivered 19 child soldiers to ICBF and the Human Rights Ombudsman Office in the department of Santander. In reaction to AUC's declaration, the Program, in collaboration with 11 other national and international institutions, developed a Contingency Plan. The institutions involved included: ICBF, Human Rights Ombudsman Office, General Direction for Reintegration, the Ministry of Defense, the Ministry of Health, the High Commissioner Office for Peace, Colombian Red Cross, UNICEF, and IOM (supported by USAID).²⁵ The Contingency Plan prepares Colombia for the different scenarios of: humanitarian crisis, negotiations, captures and/or voluntary turn in by armed groups to State authorities. The Contingency Plan includes six key components²⁶: Levels and Strategies for Inter-institutional Coordination; phases of reception and assistance; general and specific actions for each phase; designation of responsibilities for each action and activity by phase; targeted assistance, training of officials, and staff training for identified contingency plan partners; and financial aid.

VII. IOM INDIGENOUS AND PREVENTION PROGRAMS

This section will provide an overview of IOM's program of prevention and reintegration of indigenous youth. The second section will provide a brief analysis of IOM's prevention strategy for non-indigenous youth, which the organization is intending to place more emphasis in the coming phases of its programs in Colombia. These two objectives of support for indigenous and non-indigenous prevention are placed together as evaluating "new" aspects of IOM programmatic areas. However, they should not be confused with each other, as they are separate entities.

Colombia's Indigenous Communities

IOM is currently supporting prevention and reintegration programs for ex-combatant ethnic minority children in the Departments of Chocó and Cauca. These programs were created as specific alternatives to the ICBF protection program described above. IOM faced three main motivating factors in undertaking such programs. First, indigenous communities have their own legal codes that lie outside of Colombian law. This means that children who voluntarily disarm are not required to go through the Colombian court system and therefore do not generally participate in the ICBF programs.²⁷ Second, indigenous children are at high risk for incorporation into the armed conflict due to their relative high poverty rates, high levels of family abuse and location

²⁵ IOM Quarterly Report, December 2002

²⁶ See Contingency Plan December 2002

²⁷ Captured indigenous children are beholden to Colombian law and therefore often do go through the ICBF system. IOM's indigenous programs benefit the majority of children who have voluntarily disarmed and returned directly to their communities.

in rural areas. IOM recognized the importance of addressing these high risk factors by creating programs addressing the particular needs of indigenous children. Finally, up to 98% of indigenous youth return directly to their communities upon leaving armed groups.²⁸ IOM thus determined that any programs aimed at benefiting indigenous youth must take place in their communities, as opposed to the distant ICBF attention centers.

According to recent estimates, there are roughly half a million people classified as indigenous in Colombia.²⁹ While this represents only 1.5% of the total population, indigenous peoples contribute in important ways to the cultural and economic diversity of the country. Included in this cultural diversity is the preponderance of more than 60 indigenous languages spoken throughout Colombia, which, for the purposes of this report, makes attempts at the diffusion of knowledge regarding child soldiers difficult.

During most of the 20th century, Colombian policy placed an emphasis on integrating indigenous communities into mainstream society. Such policies were focused on imposing European-style habits on the indigenous and forcing economic and social assimilation, often through repression and territorial consolidation.³⁰ During the 1960s resistance to the domination of the national government spread throughout many indigenous communities, particularly in Cauca, the Colombian department with the highest percentage of indigenous people. There was a rapid growth in indigenous organizations formed to promote the rights of the communities, particularly in terms of territorial integrity and communal value systems. In the late 1970s, movements of indigenous groups that were working to re-take control over their traditional land led to a national ruling that recognized, “the existence of Indigenous *Cabildos* [indigenous systems of governance involving respected leaders elected by the community] as autonomous forms of government in the *resguardos*...therefore, the *Cabildos* are Public Law entities of a special nature.” (Singh 110). Following this ruling, indigenous communities increasingly challenged Colombian sovereignty over their lands and pushed for the rights of the *Cabildo* system of government to be the authority in their lands.

In July of 1991 Colombia enacted a new Constitution that dramatically increased the rights of indigenous peoples to self-govern. Not only did this constitution recognize the diversity of Colombian society in terms of language, religious and cultural differences, but it also specifically provided for provisions of self-rule for indigenous communities. For the first time indigenous authorities were given the right to exercise administrative and legal authority over their territory so long as it was in accordance with the Constitution and Laws of the Republic of Colombia. The Constitution details the specific roles of indigenous assemblies, or *consejos*, which include:

- To watch over the application of the legal norms with respect to the use of land and population of their territories
- To design policies of economic and social development in harmony with the National Plan of development
- To promote public investment in their territories and supervise its execution
- To observe, assess and distribute resources

²⁸ Interview with IOM staff in Popayan. March 16, 2003.

²⁹ Priti Singh. *Governance of Indigenous People in Latin America*. (Delhi, India: Authorpress Global Network, 2002): 100.

³⁰ Singh: 101-104.

- To monitor the preservation of natural resources
- To coordinate programs and projects put forward by the different communities of the territory
- To collaborate with the maintenance of public order within their territory with the instructions of the National Government
- To represent the territories before the National Government and the remaining entities in which they are integrated
- To carry on such functions as directed by the Constitution and by law.³¹

The *Cabildos*, which serve as the indigenous assemblies, therefore have direct control over the administration of indigenous areas and the reintegration of ex-combatant youth. To comply with this governing structure and to ensure the effectiveness of their programs, IOM works directly with the *Cabildos* system to carry out its indigenous programs. It is the *Cabildos*, for example, that identify community youth to IOM for participation in prevention and reintegration projects. Community members who are interested in becoming involved in an IOM project will first approach the *Cabildo*, which will in turn contact IOM.

In addition to the above special legal rights, there are additional characteristics generally accepted as applicable to indigenous communities. Indigenous communities traditionally define adulthood as beginning at the age of 12-13 years.³² This is in direct contradiction to international norms and conventions, which generally recognize childhood as extending until age 18. In indigenous communities that undertake their own legal processes, children leaving the armed conflict in their mid-teens are often treated as adults upon returning to their indigenous communities and face adult punishments for their involvement in the conflict. IOM is working to disseminate information on the rights of persons under age 18 in indigenous communities. Part of their strategy in this regard is to persuade indigenous communities that their children are at a disadvantage relative to other Colombian youth returning from conflict. By offering prevention and reintegration benefits to all those who entered into the conflict while they were under 18 years old, IOM is attempting to shift the perception of how youth is defined by indigenous communities, at least with regard to involvement in armed conflict.

Indigenous communities also tend to be located in rural areas and earn income through agricultural production. They are also relatively poorer and less educated than the larger Colombian population. While the school dropout rate for Colombia as a whole averages around 12%, for example, it is a much higher 50% in areas of conflict, which include many indigenous communities areas.³³ In addition, it has been noted that high rates of family abuse occur within many indigenous communities. The above characteristics tend to make indigenous children more susceptible to recruitment by armed forces that often offer monetary compensation, freedom from abusive relationships, the ability to obtain positions of leadership, and an outlet for otherwise unoccupied youth. A lack of education regarding the rights of children also increases vulnerability as communities in general are less likely to demand rights not only to not be recruited into

³¹ Singh: 128.

³² Interview with Juan Manuel Luna, IOM-Bogota. March 15, 2003.

³³ Interview with Juan Manuel, Luna IOM-Bogota. March 15, 2003.

armed forces, but also for access to education and other rights that affect recruitment rates.

Indigenous Communities Involved in IOM Programs

IOM is currently undertaking prevention and reintegration programs for indigenous ex-combatant youth in the Departments of Cauca and Chocó. The Department of Cauca has the highest indigenous population in the country at 23% of its total.³⁴ Cauca boasts the first indigenous governor in the nation, Governor Floro Tunubala. IOM's initial involvement in the Department came at the request of the governor, who is especially concerned with the plight of indigenous children. Because of the governor's interest IOM enjoys a high level of administrative support for their programs in Cauca. The total budget for the indigenous program in Cauca to date is \$168,685.23. About 10% of the indigenous population of Cauca participates in IOM programs, which are operating in the four indigenous communities of Caloto, Caldono, Rio Blanco, and La Maria.

The majority of people in Cauca live in rural areas and the economy is mainly agricultural. Cauca has been greatly affected by the armed conflict, as it is an attractive area for armed groups to both harvest and commercialize their coca operations. Indigenous populations are particularly at risk of being targeted by armed groups as they are generally rural, poor and less educated than the general population. In addition, indigenous people are often co-opted by armed groups to assist in navigating through the Department's mountainous landscape.³⁵ In the past two years, violence in Cauca has increased and several communities have been displaced.

In order to extend the benefits of its experience in Cauca, IOM launched programs for indigenous youth in the Department of Chocó, which is located on the western coast of Colombia north of Cauca. In addition to wanting to extend the reach of their indigenous programs, IOM's decision to work in Chocó was motivated in part by donor support. After a massacre of 100 people and the displacement of more than 7,000 in May 2002, USAID felt there was an urgent need for support and solicited IOM to create a program in Chocó, which began shortly thereafter.³⁶ Total funding for activities in Chocó is \$95,000 and IOM is active in the four communities of Zabaleta, Puri, El Consuelo and El 21.

Chocó is Colombia's most biologically diverse region, and its economy is based on the exploitation of resources, such as logging and fishing. However, the Department is also extremely impoverished, and the presence of the national government is minimal, creating limited access to electricity, sanitary and health services.³⁷ This limited access has increased with the intensification of the conflict there and is making life even more difficult for the residents of the region.

³⁴ IOM 7th Quarterly Report: 38.

³⁵ Interview with Juan Manuel Luna. March 17, 2003.

³⁶ Interview with Juan Manuel Luna March 15, 2003.

³⁷ IOM 7th Quarterly Report: 43.

Indigenous Communities: Prevention and Reintegration

IOM's work in indigenous communities focuses on two main streams: prevention and reintegration. Prevention activities aim to address the root causes of why children join armed groups. It also works to reduce re-recruitment of children who have returned to their communities, but are at risk of re-joining the armed groups. Prevention activities include promoting cultural programming, addressing education needs and increasing community awareness of children's rights

Reintegration, focuses on smoothing the transition of returned children back into the community, through income-generating activities and education. While family members are generally overjoyed at the return of their children, ex-combatant youth often face increased discrimination from the community at-large, which often views them as dangerous and unproductive members of society. In addition, for impoverished families the return of a child can increase their food-sharing burden. IOM is working to change community perceptions and make ex-combatant youth more productive by creating income generating activities for children and their families. A focus on education also helps ex-combatant youth to realize their aspirations in non-violent ways and promote self-worth. In several of the participating communities scholarships are offered to returned youth who are also participating in income generating activities.

Income generation projects are generally designed around locally produced goods. Most indigenous communities are already involved in agricultural production but do not have the technical or financial resources to compete outside of their community. IOM's involvement is a means through which locally produced goods can be sold to a wider market.

In Cauca 452 children have participated in the prevention component of IOM's program, while 83 children are direct beneficiaries of income generating activities. In Chocó, where IOM has been active for a shorter period of time, 115 children are participating in the prevention programs, while 13 will benefit from income generating activities.³⁸ In addition, many of the families of ex-combatant children are involved in the income generating activities as indirect beneficiaries. This helps to increase the economic impacts of the projects and ensure their acceptance and sustainability.

Unlike the ICBF program, there have not been national efforts to create one plan of action for demobilized child soldiers in Colombia's indigenous communities. To address this fact, IOM is currently working on an Indigenous Demobilization Route that would identify how the *Cabildos* operate in different communities throughout the country in terms of the social reintegration of ex-combatant children. A draft document has been produced and shared with representatives from ICBF, the Human Rights Ombudsman's office, *Cabildos*, and the National Organization of Indigenous People (ONIC).

“The main conclusion that can be drawn from the workshop is that although the indigenous organizations are interested in working out a common Demobilization Route, a great diversity of ethnic groups make it a real challenge to have an instrument applicable nationwide” (IOM Quarterly Report 24).

³⁸ IOM Support Program for Ex-Combatant Children, Colombia. 7th Quarter Report. October – December 2002: 8.

IOM is presently determining whether it is in a position to undertake this challenge. One strategy would be for them to work with ONIC in the creation of a document that could be disseminated to indigenous communities around the country as a tool for the reintegration of ex-combatant children.

Prevention Aspect of Indigenous Program

Before beginning a discussion of the particular projects, it should be noted that in almost all of these areas security is a great concern and has posed an obstacle to initiating activities in several communities.³⁹ Several different prevention programs have been designed to address the particular needs of the eight attention areas (four in Chocó and four in Cauca). Activities range from theatre and dance to radio and educational workshops. The themes of many of the programs are non-violence with an emphasis on discouraging children from joining armed groups. Programs are designed both to educate the community on issues such as human rights and to occupy youth's time and provide an outlet for their energy. Unemployed and undereducated youth are targeted by IOM as they are more susceptible to recruitment by armed groups.

In Cauca, IOM is currently undertaking prevention activities in the communities of Caloto and La Maria. Activities in these areas include theatre, dance, radio, and music. In addition to occupying youth's time these cultural programs provide an outlet for expression, increase civil society participation and encourage leadership roles that can extend to other aspects of community life. In addition, such programs highlight the issues of combatant children, and serve as a means to educate the community to the difficulties of children in combat and their status as *victims* rather than *perpetrators*. It should be noted that while, the musical program in La Marie is defined as prevention, it also generates income through instrument rentals and CD sales.⁴⁰ However, any income generated goes back into the project so that it will be self-sustaining. Those involved do not earn income for their families through involvement with this musical project (it is possible that if CD sales were high enough, participating children could earn an income, but this is not projected at this point.)

During the end of 2002, IOM focused on Awareness Raising and Training Workshops, which were held in each of the four assistance communities. As stated in their most recent Quarterly Report, IOM's Workshops had two main objectives: "to offer the necessary tools to empower the children and youngsters of these communities with political critical thinking, oriented towards an active participation in peace building" and "to create a pedagogical strategy which allows teachers to approach education promoting alternative ways to conflict resolution with human right's promotion" (IOM 7th Quarterly Report 40). A total of 48 workshops were held throughout the four communities on the themes of Armed Conflict Analysis, Human Rights, International Humanitarian Law, and Tools for Building a Peace Culture. A total of 452 children participated in the workshops.⁴¹

³⁹ Although the SIPA evaluation team was able to visit the city of Popayan and beneficiary communities during the January field visit, it was only able to travel to Popayan and not to the outlying communities in March due to security concerns. In addition, travel to the Department of Chocó was prohibited because of security concerns during both January and March.

⁴⁰ 1,000 copies of CD's have been made went on in March 2003. If there is interest, more CDs will be copied for sale and new ones will be recorded.

⁴¹ IOM 7th Quarterly Report: 40.

In Cauca, IOM is also creating a module for peace education. This module will highlight the themes of cultural identity, human rights, conflict resolution, leadership, and participation. IOM is currently in the process of completing this module and has met with the Department's Secretary of Education to review the draft and discuss plans for implementation.⁴²

In Chocó, IOM's prevention strategies have focused on holding educational workshops in the four target communities. It should be noted that due to high security concerns in the area, implementation of all the activities planned was not carried out according to the original timetable. Although a stated objective was to conduct workshops on issues such as Human Rights, Indigenous Legislation and Cultural Identity in all four communities, as of December 2002 only one workshop had been held. This workshop benefited 12 children and was organized with the participation of the Catholic Church.

Income Generation Aspect of Indigenous Program

IOM's income generation activities for indigenous children focus on providing children returned from conflict with both a smooth transition back into their community and a means for them to become productive members of society. As was stated above, children often face high levels of discrimination in their communities upon return. By creating income generation programs for ex-combatant children, IOM is attempting to show that these youth are valuable assets in the community and can contribute to increasing the productive capacity of the area. Income generating activities are designed to be context-specific and increase current economic activities in the areas concerned. Such activities also benefit the families of ex-combatant youth who often participate with the children. For example, in the blackberry project described below, parents will often work in the fields with their children.

Below is a matrix of the income generation projects so far established:

Developed Income Generation Projects in Indigenous Communities

Department	Community	Project	Beneficiaries (where known)
Cauca	Caldono	Egg Production	4
		Blackberries	30
	Caloto ⁴³	General Store	2
		Pig Production	7
	Rio Blanco	Chickens	30 in both project
		Dairy Cows	
Chocó	Zabaleta	<i>Panela</i> (brown sugar)	13 in both projects
		Pig breeding	

In Cauca IOM is undertaking income generation projects in three of the target communities.⁴⁴ The blackberry project is a good example of emphasizing local crops, as

⁴² IOM 7th Quarterly Review: 41.

⁴³ Caloto is divided into the two communities of Caloto-Guachane and Caloto-Heullas. The general store is in Guachance and the pig project is in Heullas.

⁴⁴ As was stated above, the musical project in La Maria does intend to generate income, but because such income does not benefit family budgets directly, it classified as prevention and not income generation. IOM does not currently have a specific income generation project in La Maria.

the berries were grown prior to IOM's involvement. This project aims to increase production and marketability through organic growing methods that are more economically attractive in export markets (such as the United States). IOM has initiated discussions with the indigenous community and a distribution company in Popayan, which would be responsible for marketing and export. Although cultivation has been slow due to inclement weather, prospects are high for this project that could very well increase incomes not only of the ex-combatant children, but also of family members involved and the community at large (depending upon the scale of eventual production). The hen production project has been less successful, however, as the price of eggs decreased and the market for eggs turned out to be less remunerative than expected.

Rio Blanco faces the highest level of conflict in Cauca's four assistance communities. Because of this there is increased security risk, but also a higher level of need for prevention and reintegration activities. IOM began its work in Rio Blanco with six ex-combatant youth. However, there was great interest in the projects from other segments of society. Recognizing that prevention and reintegration are two sides of the same coin and due to the geographic isolation of Rio Blanco, IOM decided to include non-combatant youth into its projects to increase their effectiveness in the community. According to IOM staff in Popayan, mixing reintegration of ex-combatant youth and prevention of at-risk youth is the future of the indigenous programs of IOM. The underlying motive is simply that the more youth that are influenced, the fewer will be induced to join armed groups.⁴⁵ Broadening community involvement is particularly important in indigenous areas where the concept of family is extremely broad and communal relations are very tight. In this particular community a revolving fund has been set up into which a portion of funds raised will go to benefit of the entire community.

There has also been discussion of incorporating the most vulnerable members of a community into the projects, such as single mothers. One ex-combatant soldier interviewed by the SIPA team, for example, indicated that he had joined an armed group in order to lighten the burden on his single mother, who was caring for several children. He thought that by leaving the community his mother would be better able to care for herself and his siblings.⁴⁶ By mixing prevention and reintegration with income generating activities, IOM is hoping to address families in similar situations.

The *panela* project in Chocó is another good example of building on local capacity as the community already had a machine for *panela* processing. IOM's support is intended to construct a production center and contribute necessary equipment to increase capacity. The goal is that these projects will increase income generally in the community and that non-combatant youth will also benefit. As it has been shown that low incomes lead to higher recruitment levels, increasing community income is naturally both a reintegration and prevention activity. Unfortunately, the income generating projects in Chocó have been slow in getting started due to the high presence of armed groups in the area and a lack of coordination between the *Cabildos* and the Regional Organization of Emberas-Wuaunam (OREWA), which represents indigenous groups in Chocó. IOM is currently reviewing the prospects for these income generating projects with both the *Cabildos* and OREWA given current security risks.

⁴⁵ Interview with IOM staff in Popayan. March 16, 2003.

⁴⁶ Interview with Jose, ex-combatant youth from Popayan. March 17, 2003.

Conclusion

IOM has accomplished a great deal since the inception of their indigenous programs. What began as support for four communities in Cauca, has doubled with the addition of programs in the high-recruitment department of Chocó. While the Chocó program is relatively new and has faced difficulties due to security concerns, families in Cauca have already reported an increase in incomes and perceptions are shifting on ex-combatant youth in a positive way. Considering that most indigenous youth are returning directly to their communities and therefore not accessing benefits distributed through the ICBF system, IOM should be applauded for filling this gap. In addition, by working with the *Cabildos* and designing programs appropriate to local contexts, IOM is supporting indigenous systems of governance and self-determination.

IOM is also, for the most part, operating in line with several of the good practices identified earlier in this paper. In the area of prevention, IOM is working with media outlets and other methods of information dissemination (such as community workshops) to raise awareness of youth rights and to educate children and their families. In addition, the cultural activities provided for at-risk youth are a means through which children not only become aware of their rights, but also builds leadership skills and have an outlet for their otherwise unoccupied energy. It has been stated, however, that the majority of children join the armed conflict because of lack of income and educational opportunities. IOM might want to consider, therefore, broadening its prevention activities in indigenous areas by increasing access to educational and income generation activities.

In terms of reintegration of ex-combatant youth, IOM is working within a structure where almost all children return directly to their communities and therefore center-based care is inappropriate. Through the use of workshops IOM is promoting community sensitization, which will make reintegration easier for children returning from armed conflict. In addition, IOM is working to strengthen community capacity to welcome ex-combatant youth back by working within indigenous structures that value traditional norms and governance. The one area that IOM has not identified from the list of good practices is that of providing psychological care for returned youth in indigenous communities. However, in small communities that are so tightknit, this may be inappropriate and children may be better able to express themselves through cultural activities.

IOM's indigenous programs are in line with good practices from other countries and in harmony with local standards and governance structures. It is unfortunate that IOM has not been able to fully implement its plans in Chocó due to security concerns. However, as security is fluid and changes over time, IOM's work in this area will surely continue to grow and expand. As more communities are incorporated into the indigenous protection schemes, ongoing evaluations will serve to strengthen existing and future programs.

Prevention of High Risk Youth: Barrancabermeja

The "Support Program for Ex-Combatant Child Soldiers" is in the process of moving into the next phase from support for reintegration to support for prevention of recruitment. Building upon the excellent networks of civil society and contacts throughout the government, this phase of the project will incorporate all the lessons

learned in reintegration into prevention. This phase will also take lessons learned from the indigenous prevention programs to promote prevention of non-indigenous youth.

Background

IOM's prevention plan considers the following five aspects of child recruitment: family abuse, inadequate educational opportunities, poverty, inadequate social services, and a lack of knowledge regarding the rights of the child in conflict. To address the first cause, IOM is working with communities and families in an attempt to lower child abuse rates throughout Colombia. While public education is officially free in Colombia, in reality there are barriers to access, such as the cost of uniforms, materials and transportation to schools. In addition, family displacement makes attempts at continuous education difficult in many areas. IOM is developing plans to assist families in reducing these barriers to entry. Such plans include providing scholarship money, donating to schools' infrastructure and providing food for impoverished children. While IOM is promoting income generation for both indigenous youth and children within the ICBF system, there are currently few plans for assisting in income generation for high-risk youth and their families to promote prevention.

In the area of promoting public policy to address the causes of recruitment, IOM is working with legislatures to provide more money to social services. By partnering with Save the Children and the Alliance for Children, IOM is promoting knowledge diffusion regarding the needs of children throughout Colombia and the intersection of their needs with high rates of child recruitment into the armed conflict. This work is currently in its first phase. More generally, IOM is working to educate the general population of Colombia regarding the rights of children. IOM is currently supporting a national radio program that allows children to give testimonials regarding their involvement in the armed conflict and discusses reasons for involvement. IOM has also set up a web site through which people can ask questions regarding child involvement in the conflict and receive information. On this site, IOM also provides maps showing the highest recruitment areas. These maps change over time as the conflict evolves.

Colombia has over 5,000 non-governmental organizations, which help in reducing the negative social effects of the economic recession and can be tapped into for local assistance programs. These NGOs also assist in maintaining social networks during times of conflict and displacement. IOM has been and will continue to work with these social networks in their prevention plans. In particular, IOM is able to provide technical and financial assistance, facilitate meetings and networking and promote knowledge diffusion. Women's groups and church networks are particularly strong and have been targeted by IOM for partnerships. IOM currently has only one non-indigenous community prevention program in the city of Barrancabermeja, which has the highest rate of child recruitment in the country. The SIPA team was able to evaluate this program during their March field visit.

Barrancabermeja Prevention Program

IOM is currently providing technical backstopping for prevention activities in Barrancabermeja with the Organization Feminina Popular (OFP). This project focuses on incentives to bring children back to school or keep them in school by alleviating some of the nutritional burden on their parents. The OFP has set up a series of communal

cafeterias at two schools where they provide children with inexpensive lunches. In addition, six other adult communal cafeterias have been set up throughout the community.

The OFP has also focused on workshops for youth. They currently run six free workshops on Saturdays and Sundays including guitar, dance, percussion and journalism. Each workshop is attended by approximately 40-50 youth. In addition to the targeted subject, the youth also receive a peace curriculum and a sense of communal and family strengthening. This has been particularly important for women as it gives them a refuge where they feel equal and provides an educational and mentoring activity outside of the home. Some of the young girls who go through the program have even become members of the OFP and helped to sponsor and run programs.

Conclusion

As was stated above, IOM is currently in the first phases of developing its non-indigenous prevention program. Recommendations made at the end of this document aim to assist in the development of plans for such future endeavors. In general, the SIPA team was impressed with the work of IOM in Barrancabermeje and supports a continuation and diffusion of the benefits of this program. Community sensitization and media campaigns will be a key factor in this area, as will a continued focus on promoting educational opportunities. Cultural programming can also assist in providing children with an outlet for ideological expression and cultural identification. Such activities can help protect children from recruitment. Perhaps the most difficult obstacle will be tackling the issue of poverty and recruitment. IOM will not be able to alleviate a system through which armed groups promise financial compensation to their recruits, but by discouraging wage-seeking behavior on the part of children and focusing on income generation and national training programs, they can assist in reducing the attraction to joining armed groups solely for financial gain. The Barrancabermeje program should serve as a model for assistance programs in other communities. However, considerable emphasis should be placed on evaluating the most context-specific reasons for recruitment thereby assisting in developing programs that can be the most locally effective.

IX. TEAM FINDINGS

During two weeklong trips to Colombia, the SIPA team visited Bogotá, Popayan, Cali and Barrancabermeja. There they interviewed program participants, IOM staff, ICBF staff, center directors, psychologists, social workers and others. The purpose of the first trip was essentially fact-finding, while the second trip focused on a more in-depth investigation of the program. The following findings are based on the team's observations. The main conclusions are summarized and divided into IOM-ICBF program and the indigenous program. Program findings focus on education, family reunification, psychosocial and income generation. The team has also evaluated the legal framework as well as the contingency plan.

Objective: Evaluate the strengthening of the GOC program to assist former child soldiers. This part includes an analysis of the status of the governmental program and the modifications and activities carried out in the framework of the USAID funded program.

IOM ICBF PROGRAM:

Overall Successes

- Support was provided to 4 existing Specialized Attention Centers (La Bella, Melquiades, Arco Iris and Agarta) through furnishing, financial aid for rent, salaries, Christmas bonuses and mobile phone services. Regular education and income-generation activities have been developed and implemented.
- 4 new Specialized Attention Centers and 2 Transit Homes were opened.
- Law 418 includes wording that considers former child soldiers as victims of the armed conflict.
- The centers were established to protect children against re-recruitment, retribution, stigmatization and abuse. (Security is ensured by the fact that the centers are not easily identifiable from the outside.)
- The time frame of the program is two years and thus avoids institutionalization as the long-term solution.
- During 2002, thirty-one legal actions have been closed, and 141 civil registries and identification cards were processed.⁴⁷
- The ICBF program mixes girls and boys, and children from different armed groups as a means of facilitating social insertion by simulating the outside environment.
- The centers provide quality care to children unable to be reunified with their families.
- Staff members at centers are generally well qualified.

Overall Challenges

- The variability and independence of demand requires flexibility in staffing, planning and financing. In the last quarter, the Transit Homes located in Bogotá (2) surpassed their capacity of 20 children per institution. In Transit Home Luna, an additional person had to be hired for the technical team, and in Transit Home Jose an additional tutor was hired.

⁴⁷ IOM Quarterly Report.

- The Specialized Attention Centers (CAEs) also found themselves challenged by the increase in demobilized soldiers this last quarter. CAEs such as La Bella, Buendia and Arco Iris received between 23 and 24 children, while waiting for transfers for family reunification and transfers to Half Way Houses. In response to this increase in enrollment, an additional CAE was opened in December in the City of Armenia, Department of Quindio, increasing this phase's installed capacity for assistance to 180 children.
- Initial planning had specified that children would be placed in CAEs according to their proximity to the child's place of origin and their suitability to individual child's life plans. Because of a lack of space and sudden influxes of demobilized children, children are placed according to availability of space and accommodation. While the quality of the program may suffer slightly, this queuing system is more efficient, increasing the processing and transfer time.
- There is considerable variability in the demand for the ICBF services, as enrollment varies from quarter to quarter depending on the current political climate. So far the program has been able to expand its capacity to meet an increase in the number of demobilized child soldiers. Yet because of the variability, the program is unable to plan for sudden changes and must rely on the contingency plan. Increases in enrollment tend to correspond with political changes. For example, there was a 53% increase in enrollment between April and June 2001 following peace negotiations between former president Andres Pastrana and the FARC guerilla group in February 2001. In this last quarter (October - December 2002), the 41% increase in enrollment was most likely due to the peace talks between Alvaro Uribe's administration and the AUC.
- Out of 15 centers, some girls have become pregnant while housed in the centers. The majority of girls and boys arrive at the centers having already been sexually active during their time in the armed forces. There is substantial variability in the content and extent of sexual education for the children in the program.
- Because some programs are exclusive to former child soldiers, surrounding communities may resent what they perceive to be preferential treatment. In addition, former child soldiers in specialized centers may also risk stigmatization. Both of these pose a threat to their security.
- There is no follow-up or tracking system of children leaving the program to determine the effectiveness of the program.
- Center staff have requested more trainings and workshops bringing staff members from different centers together to share information and increase learning.
- Currently there is no implemented data base that ensures the transmittance and consistency of information as children move through the phases. The lack of a data base renders monitoring and evaluation more difficult. IOM has worked to design a monitoring system, which will be implemented in the second quarter of 2003, but is not currently functional.
- Low wages of staff as well as overwork lead to high turnover in many centers. Staff also desire more training for issues specific to former combatants.

Education Successes

- The program is sensitive to the educational needs of older children having implemented an accelerated learning program to prepare children to enter mainstream public schools at an age-appropriate level.
- The educational activities reflect the loss of educational opportunities as a result of the war, and the age and the stage of development of the children. In addition, the accelerated learning model promotes the social development and self-esteem of these children.
- Every child in the CAEs and half way houses had access to formal education and/or vocational training.
- All of the CAEs and half way houses are linked to a certified educational institute.
- Out of 22 children reunited with their families during the last quarter, 37 scholarships were awarded. All of them received scholarships for formal education and some received an additional scholarship for vocation training.

Education Challenges

- There are still children who do not have sufficient documentation to qualify for the ICBF-MEN-ICEFEX scholarships.
- The majority of the education component of the Program is funded by IOM, rendering it unsustainable in the event of an IOM exit.
- Many classes are multi-level and open enrollment. The Program, however, copes with these challenges by creating guidelines on quality teaching practices and providing each center with the assistance of a pedagogue who monitors and addresses special needs.

Family Reunification Successes

- The centers encourage regular contact between children and their families.
- IOM pays for annual reencounters between the centers' children and their families, using such reencounters to observe and evaluate family conditions and when possible facilitate family reunification.
- 98 family encounters and 69 family reunifications have been facilitated since the program's inception.
- Social workers make good-faith efforts to contact families and provide them with progress reports.

Family Reunification Challenges

- Permanent family reunification is not possible until the second stage is completed.
- Family contact is sometimes limited and infrequent. While this is understandable considering the difficult security situation in the country, such limited access still poses challenges to successful reintegration.

Psychosocial Successes

- The majority of centers provide artistic and cultural activities to assist the children in expressing and addressing their feelings regarding their involvement in the war. Centers also help the children develop a new identity through its cultural activities, sports, individual guidance, and peer group activities.

- Some centers involve the children in leadership activities, providing them with an opportunity to express their individuality. This is particularly effective in breaking the pattern of military routine in which children were discouraged from perceiving themselves as separate from the larger group and its mission.
- The program emphasizes the development of child social skills through daily routines and positive interactions with adults that reflect expectations in a normal family and community environment.
- Some centers engage in community sensitization of surrounding areas and involve local children in center activities. This reduces the ex-combatants' isolation, promotes social reintegration, and minimizes the risk of stigmatization and resentment that ex-combatants are receiving special attention.
- Close relationships with staff members and other children are usually formed.

Psychosocial Challenges

- The level of participation of the program beneficiaries themselves in the planning, implementation, and evaluation of the project varies from center to center.
- In some of the centers psychosocial care does not always extend beyond individual therapy to include art and cultural activities that promote self-expression and community building. While there are multiple factors that facilitate children's entry into the armed groups, abuse and family violence are widely cited by former child soldiers.

Income Generation Successes

- All of the children have access to vocational training opportunities. IOM hired an
- Income Generation consultant to strengthen the reintegration component of the Support Program for Ex-combatant Children. The consultant has created a model that takes into consideration the profile of the former child soldiers, current market conditions, and the children's need for sustainable livelihood options.
- Income generation projects can ease the reinsertion of youth by providing children with the means to sustain themselves.
- Projects aim to respect local economic needs and contexts.
- Children receive training in sectors in which they would otherwise experience large barriers to entry. Through these income generation projects children gain self-confidence and a sense of financial independence.
- Some children receive training in marketing and business ownership.
- Outside of its support for ex-combatant youth, the ICBF has links with the private sector or government/municipal initiatives such as Plan Bogota, to provide occupation opportunities for former juvenile delinquents. Having such institutionalized links could greatly aid in securing economic opportunities for ex-combatant youth.

Income Generation Challenges

- While access to vocational training is universal, the opportunities vary between centers. While some centers have formalized links with the private sector for internships, other centers have much more limited relationships with the private sector.

- Vocational training does not necessarily fit with children's life plans, particularly in terms of where children plan to relocate to upon departure from the ICBF system.
- There has been one instance of a child involved in an income generating activity illegally exploiting his access to financial resources
- Entrepreneurial development is not emphasized. Although this is understandable considering Colombia's economic recession, children may become more committed to economic opportunities if they are able to visualize ownership over the long term.
- Relationships with the private sector in some instances has been dependent upon the philanthropic tendencies of business owners. While the involvement of these partners is commendable, it is not sustainable in a wider economic sphere. The Program is not based on philanthropy.

Objective: *Evaluate the contributions of IOM program to a better knowledge of the Colombian legal framework regarding former child soldiers, including publications and training of governmental and NGOs officers.*

Legal Findings:

Suceses

- The Ruta Juridica has been widely disseminated and understood. All the judges, public and family defenders the team interviewed were thoroughly familiarized with the Ruta Juridica.
- The necessity for the pronouncement of a sentence and the subsequent protection it gives children from further prosecution is well understood and complied with at all levels of the legal system.
- Most of the kids in the program believe that it is a measure of protection rather than punishment. It was also documented in Barranca-bermeja that children were aware of the national peace campaigns, and therefore were aware of the ICBF program and its concomitant benefits.
- The law supersedes the old Ruta Juridica and no longer requires a differentiation of how the child was captured. It specifically states that minors cannot be used for any form of intelligence following their capture and must be handed to the appropriate authorities within 36 hours. In practice, however, this does not always occur.

Challenges:

- Judges will need to be retrained and the new Ruta Juridica propagated. The law has recently changed, with law 418/97 being superseded by 548/99 and then 782/02. The training to update the judges has started and it is being implemented with the Defensoría del Pueblo.
- There is still some resistance, particularly amongst defensores publicos, to treating children as victims, since the Juvenile Code is only in the process of being updated now in the Congress through Decree 127 of 2001 (Artículo para los delitos políticos). They are still making a distinction as to how the child entered into the program, in particular relying on article 193, which gives them a cessation of process as opposed to the new law.

- Cases should truly be closed within 8 days, but many take 3-4 months, particularly if the child is captured. The Program performed the follow up of 200 cases through the Defensoría and will continue doing so to pressure the judges to comply with the legal terms
- There is still some ambiguity about who is ultimately in charge of the children during the judicial process: social workers, public defenders, judges, etc.

Objective: *The implementation of new activities by IOM, such as prevention, assistance and reinsertion of ethnic minorities.*

Indigenous Program Successes

- Working with the Cabildos system in indigenous areas ensures the buy-in of local administering powers and reinforces the role of the indigenous governing bodies
- Children involved in the prevention programs are aware that they are participating in activities to keep them out of trouble and are generally receptive to such interventions.
- Members of indigenous communities can observe the progress of income generation projects making them more inclined to support the projects and perhaps get involved. In addition, observing these projects has made some people in the community want to begin their own projects cultivating other fruits and vegetables in a marketable way.
- As children have more opportunities to become productive members of society, community members are changing their negative perceptions of ex-combatant youth. This will have a positive impact on the self-perception of indigenous youth attempting to reintegrate into their normal lives.
- The income generation and cultural schemes keep high risk youth occupied and out of trouble.
- The cultural programs provide a sense of pride and belonging to children in indigenous communities.

Indigenous Program Challenges

- Some of the projects (such as the laying hens project) are not sustainable in terms of marketability and providing income.
- Insecurity has hindered success of some of the projects, particularly in Choco.
- Accessibility to remote communities is limited due to infrastructure and security issues.
- There are no written standards on reintegration process of ex-combatant youth in indigenous areas due to cultural differences amongst the various indigenous communities.
- Although the governorship of Cauca provides some funding to the IOM programs, there are currently no other financial partners in IOM's indigenous program, which raises concerns about the sustainability of the program. Beneficiaries in Cauca expressed concern over the possibility of IOM pulling out of the program. Luckily, IOM has received renewed funding to continue the project into its next phase.

Objective: Evaluate the design of the contingency plan drafted by IOM in case of a mass demobilization of child soldiers.

Contingency Plan:

Successes

- The mapping exercises involved participation and coordination with a wide range of organizations. The contingency plan has strong state support and involvement.
- The mapping exercise is in an easy-to-read and accessible format.
- The contingency plan includes specific contact information of each implementing Agency and establishes clear lines of accountability and authority.
- The plan includes a methodology for evaluating the capacity and quality of each participating agency.
- The plan provides a complete picture of the existing resources available on a national, departmental, and municipal level to ICBF in the event of a mass demobilization.
- Some of the NGOs that indicated an unwillingness to assist these children may be able to lend logistical support in the form of transportation and temporary lending of supplies.

Challenges

- The contingency plan went into effect following an AUC demobilization of 19 children. This highlights the limited capacity of the Support Program for Ex-combatant Children.
- The contingency plan (mapping exercise) cited capacity according to the maximum number of children each center could hold. However, the current Support Program for Ex-combatant children limits the number of children to 20 in each center in order to maintain the quality care each child receives from a high staff to child ratio. The contingency plan thus provides for the basic needs of children but does not ensure that they receive quality care.
- The plan does not include specific terms of references and agreements between ICBF and the NGOs.
- 17 of the institutions unwilling to participate in the contingency plan cited concerns with working with a population of child soldiers. This highlights the social unease and discomfort with the concept that child soldiers are victims deserving protection and care. Many Colombians still perceive child soldiers as perpetrators of crimes against humanity and feel they deserve punishment instead of protection and care. The program will implement during its second phase an intense awareness campaign to inform the Colombian people of the conditions, rights and needs of ex-combatant children.
- The contingency plan summarizes the amount needed to accommodate 964 demobilized children as \$536,432. Nowhere does the document state the capacity in terms of current resources. Most funds are mobilized immediately following a crisis and in response to extensive media attention and an organized public campaign. Thus the contingency plan needs to be separated into different scenarios distinguishing between current resources and the event of additional resources following a media campaign. In addition, many of the institutions that indicated willingness to participate stipulated that they would only do so if they receive additional support. Yet, ICBF has made no such promises and there are no concrete terms of reference between ICBF and the participating local institutions. In

all likelihood a contingency plan needs to rely on current resources as it is difficult to raise donor money for an event that has not yet occurred and may never occur.

- The Contingency Plan follows the time frame of the current ICBF program in which children can spend up to two years in centers. It may not be realistic to expect the current Program design to be suitable in face of a mass demobilization of child soldiers.

Objective: *Advise IOM in the design and implementation of the social reinsertion strategy. Recommendations on an effective way to follow up the children who already left the Program must be included.*

In achieving the objective of advising IOM on the design and implementation of the social reinsertion strategy, the team has provided numerous recommendations in the following section. In addition, recommendations on possible tracking scenarios to be used in following up on children who leave the ICBF system are also provided in the following section. At this stage there is currently no tracking system in place and therefore there are no findings to offer.

X. RECOMMENDATIONS

A comparative analysis of programs to reintegrate child ex-soldiers in Africa and Latin America produced a common good practice: family reunification. However, as repeatedly mentioned throughout this report, Colombia represents a unique case due to its active conflict. The need to provide demobilized youth with protection and ensure their safety prevails. Consequently, family reunification is not always a viable option to accomplish the goal of social reintegration. In view of Colombia's unique situation, the SIPA team has developed a set of recommendations that address the five objectives provided by IOM.

Objective—*Evaluate the strengthening of the GOC program to assist former child soldiers. This part includes an analysis of the status of the governmental program and the modifications and activities carried out in the framework of the USAID funded program.*

- A. Although the NGOs the ICBF has contracted with offer diverse activities and facilities, the quality of services provided to children is not equal. The IOM should coordinate with the ICBF to develop minimum quality standards in the areas of staffing, education, psychosocial assistance, vocational training, and other services provided to the children. It is especially important to ensure an adequate psychologist to child ratio.
- B. The centers should take a participatory approach to planning, implementation, and evaluation in recognition of the important role participation plays in the psychosocial care of the program beneficiaries. One consequence of extended periods with armed groups is children's indoctrination into a life of established codes and regiments, hampering their

ability to think and act independently. Their therapy must also encompass their full participation in decision-making wherein they can explore their individual voices, skills and experiences.

- C. Since ex-combatant children enter the program with unique traumas, all staff must have specific training in trauma counseling. In SIPA team interviews with psychologists, additional training in treating children that suffer from family abuse and violence was requested.⁴⁸
- D. Because ex-combatant children have learned violence as a means of resolving conflict, the children in the centers need a program of peace education. However, the existing program schedule, with its combination of recreational activities, vocational and formal education cannot accommodate an additional peace education module. Thus, protection centers should implement a model of infusion in which peace education is integrated throughout the program into the principles, objectives, methodologies and values of non-violent conflict resolution.
- E. The centers should seek a wider range of community links and resources such as encouraging community volunteers to assist the children with homework and school work, organizing joint recreational sports, establishing mentor programs, and opening some of the center activities to the wider community. All of these should be conducted within existing security measures and safety precautions.
- F. Although vocational activities prepare children for traditional urban employment, this is inadequate for children returning to rural areas or pursuing small-scale entrepreneurship. Therefore, the SIPA team recommends two strategies: (1) expanding agro-business training in the vocational programs, and (2) creating a program (to be implemented at the third stage, half-way houses) for small group micro-lending.
- G. IOM should continue working with the government to provide incentives for businesses to open opportunities (internships, part-time work, etc.) to ex-combatant youth. This could be in the form of a subsidy, tax break, government contracts, etc. IOM should also continue to explore options of integrating youth into public service positions, such as municipal maintenance.
- H. IOM should develop systems to minimize risks to participating companies, which could also attract more businesses to working with ex-combatant youth. Protective measures could take the form of insurance policies, creating youth profiles and creating peer pressure for children to achieve within their own social groups.
- I. Although both the Government of Colombia and IOM should be applauded for the resources so far devoted to assisting ex-combatant youth, the ICBF program is unsustainable in its current form (if, for example, USAID-IOM was to discontinue

⁴⁸ *Profamilia* workshops do not sufficiently prepare staff to deal with traumas of child ex-combatants. Staff need additional specialized workshops that are offered more frequently.

funding) and therefore needs to diversify its funding sources. This is particularly relevant as the per capita cost of caring for children is increasing.

Objective: *Evaluate the contributions of IOM program to a better knowledge of the Colombian legal framework regarding former child soldiers, including publications and training of governmental and NGOs officers.*

- A. Because the Colombia laws pertaining to ex-combatant youth recently changed, new legal trainings need to be undertaken. This should be completed by one office, the *Defensoria del Pueblo* (Public Defenders), to ensure consistency.
- B. The tracking of children's cases needs to be streamlined to bring quicker closure to their cases. The cessation or closure of judicial proceedings against child soldiers immunes them against future prosecution.

Objective: *The implementation of new activities by IOM, such as prevention, assistance and reinsertion of ethnic minorities.*

In this Objective, recommendations were developed to address two separate categories: (1) The IOM program with indigenous youth, and (2) the IOM initiative for prevention with non-indigenous communities.

IOM Indigenous Program: Prevention & Income Generation Activities

- A. To better design and implement prevention programs in indigenous communities, a monitoring system should be created to document child involvement in the armed conflict. This should be done with the cooperation of indigenous governance structures (the *Cabildos*).
- B. Since most youth join the armed conflict due to a lack of educational opportunities and/or poverty, the IOM should increase existing access to educational benefits and income generating projects beyond just ex-combatant youth. This would strengthen the prevention capability of existing programs, and eliminate the need to institute entirely new programs for non-combatant youth.
- C. Income generation projects in indigenous areas should be designed with clear expectations regarding what the market can and cannot absorb. With the support of the the income generation consultant an in depth market appraisal is being developed for the projects with the indigenous. IOM's income generation specialist can assist in creating more realistic opportunities and expectations.
- D. IOM needs to invest in capacity building within the indigenous community as part of an overall exit strategy by facilitating the transfer of program management responsibilities to the indigenous themselves. This should mainly focus on assisting the formation of a

grassroots organization to take responsibility for the program or delegating responsibility to an already existing local NGO.

IOM Prevention Programs for Non-Indigenous Youth

- A. To sensitize the Colombian population about the role of children in the armed conflict and help decrease the number of children being recruited, IOM should develop an informational booklet or pamphlet that explains children's rights and who they can turn to in the community to protect them from recruitment. The information could then be distributed to churches, NGOs, and other popular networks to increase awareness of the problem and aid services available.⁴⁹
- B. The educational system can be unnecessarily punitive. Children tired of being forced to repeat grades are at risk of dropping out of school and turning to the armed forces.⁵⁰ Thus it is important not only to focus on keeping children in school but also on bringing them back to school.
- C. Indigenous programs have shown positive results with integrating cultural activities and with prevention programs. Funneling children's energy through artistic expression or other means of cultural identification could help at-risk children to develop positive identities, which would make them less vulnerable to recruitment.

Objective: *Evaluate the design of the contingency plan drafted by IOM in case of a mass demobilization of child soldiers.*

- A. Principles and strategies need to be established to guide the inter-agency response to the different mass demobilization scenarios. The principles should be linked to existing humanitarian principles and humanitarian law.
- B. Implementing partners' The plan should be continually updated with the correct contact information. A process should be established for regular meetings and planning sessions of the inter-agency contingency planning group.⁵¹
- C. The contingency plan should be based on existing resources and stockpiles and not on an ideal budgetary plan or on potential future funds. To gain donor support prior to and in the event of a mass demobilization, a media strategy should be developed for managing and disseminating information

⁴⁹ In addition, community education programs such *Escuela de padres* (school for parents) can be extended to help families understand the unique needs to ex-combatant youth.

⁵⁰ Vilma Klaus, Social Worker ICBF, Barranca-bermeja March 19, 2003

⁵¹ During field interviews, it was found that the contact information for some of the NGOs was outdated and the new directors were unfamiliar with the contingency plan and issues surrounding ex-combatant children.

- D. Because some of the institutions demonstrated reluctance to accept former child soldiers, the team recommends continual efforts to sensitize institutions within the ICBF network as to the specific needs, rights, and conditions of the ex-combatant children.
- E. At present both the transit centers and the CAE's lack the ability to respond to influxes of demobilized soldiers without going over their capacity of 20 children per institution. ICBF's response has been to open additional CAE's. Creating additional CAE's may not resolve the issue of under capacity if the bottleneck occurs in the family reunification process or transfer to halfway houses. An in-depth analysis as to the causes of the overflow in both the transit homes and CAEs are needed.

Objective: *Advise IOM in the design and implementation of the social reinsertion strategy.. Recommendations on an effective way to follow up the children who already left the Program must be included.*

- A. ICBF and IOM may want to consider alternatives to education scholarships for those children returning to their families and communities. Children may benefit more from income generating provisions such as necessary tools and seed money, which can alleviate the financial burden of an additional child and promote the child's status as a contributing member of the community.
- B. Resources should shift away from providing for extended stays in the CAEs (as many children are remaining in centers longer than the official time frame allows) and should rather be allocated toward developing reinsertion strategies for the post-institutionalized phase.
- C. The *Defensoria del Pueblo* (Public Defenders) has an extended network throughout Colombia that would be ideal for overseeing ongoing follow-up services of the ex-combatant children. Such a program could track the progress of ex-combatant children to evaluate the ICBF program's effectiveness and success. The IOM, in coordination with the ICBF, should continue to develop a database that will enable continuous reporting, current address records of children that completed the program, their work status, and educational progression. Any services rendered while tracking the children after they leave the centers should not extend beyond a year, although their profiles may remain in the database beyond that time frame. Tracking measures and the length of time during which the children are tracked need to minimize the risk of stigmatization and their categorization as "ex-combatant children." In addition, due to the heightened security considerations, a database of ex-combatants should be kept under close guard and with very high-level security access.
- D. In order for the tracking system to be effectively implemented, incentives for keeping in touch with the program should be built-in. One possible means of tracking the ex-combatant children is to implement a referral center. Such a center could provide ongoing

job assistance, scholarship references, and general counseling. The center would need to be established preserving the identity and security of the children.

- E. Family reunification does not always go smoothly as families and children need to adjust to new roles, expectations, and hardships. In developing a tracking system, ICBF may want to include staff training in family mediation and community mobilization skills.
- F. ICBF, through the existing social network of NGOs and other civil society organizations, should provide ongoing support throughout the reintegration process. This should be in the form of psychological, educational and community sensitization.
- G. There are some funds set aside by *el program para Reinserción* (the National Reintegration Office) to serve as seed capital for a productive enterprise. It would be possible to monitor the progress of children that completed the program by their use of such funds, particularly if they are placed in a savings account or with a particular banker from which withdrawals can be observed and monitored. There are also projected plans for micro-credit enterprises, which can permit tracking and monitoring via repayment of loaned funds.⁵²
- H. CODA funds need to be distributed and be clarified.

ADDITIONAL ANNEXES

Following are additional annexes to this report. Annexes are as follows:

Annex A : Team Field Visit Timeline

Annex B: Country Case Study Briefs

Democratic Republic of Congo, Liberia, Mozambique, Sierra Leone, Sudan, and Uganda

Annex C: Legal Framework

- National Law : Juvenile Code, Ruta Juridica
- International Conventions

Annex D : Child Soldier Narrative

⁵² Interview with Reintegracion March 20, 2003

ANNEX A: FIELD VISIT TIMELINE

Field Visit One

- ❑ The main purpose of the trip was to achieve an understanding of IOM's activities in the field of child soldier protection and understand the exact functioning of the ICBF and indigenous programs.
- ❑ The January team visited transit centers, CAEs and halfway houses as well as interviewed with actors and stakeholders of the programs involved at a variety of levels of the program in Bogota and Cali.
- ❑ The team also traveled to Popoyan, Caldono and La Maria to observe and gather information on the indigenous component as a prevention and reintegration strategy of the program.
- ❑ The team presented their initial findings to IOM staff in the Bogota office and received some feedback on the direction of the evaluation and expectations from the team.

Field Visit Two

- ❑ The primary purpose of this visit was to make use of the evaluation tools and performance indicators in measuring the quality of the program.
- ❑ The team conducted a series of interviews with program staff, beneficiaries, government officials, and other stakeholders of the program in Bogota and in Cali.
- ❑ The team also traveled to Popayan to further evaluate the indigenous prevention and reintegration program currently being implemented in the Department of Cauca.
- ❑ An additional trip was made to the town of Barrancabermeja to observe and evaluate the prevention program for at risk youth that is currently being implemented.
- ❑ The team gave a presentation to IOM office on its findings and presented preliminary recommendations that the team would elaborate upon for the final report. Feedback was received from IOM and others involved in the program and expectations for the final evaluation report were discussed.

ANNEX B: COUNTRY CASE STUDIES

DEMOCRATIC REPUBLIC OF CONGO

I. Background

- Since 1994 the Democratic Republic of the Congo (DRC; formerly called Zaire) has been rent by ethnic strife and civil war, touched off by a massive inflow of refugees from the fighting in Rwanda and Burundi. Troops from Uganda, Rwanda, Zimbabwe, Angola, and Namibia have intervened in this devastating conflict. In October 1996, an armed rebellion supported by Rwanda and Uganda sparked up in South Kivu. The Democratic Alliance Troops of Congo (AFDL) was created in October 1996 comprising of the People's Revolutionary Party, the People's Democratic Alliance, the Revolutionary Movement for the Liberation of Zaire and of the Regional Council of Resistance for Democracy. The men of the AFDL, led by Laurent Desire Kabila attacked Hutu refugee camps and then moved on to take all the big towns of Eastern Zaire. The Zaire Army, poor and badly equipped could not resist and on May 17 1997, Kabila proclaimed himself head of State in Kinshasa and renamed the country the Democratic Republic of Congo. In July 1999, a cease-fire was signed but fighting has continued in the country.
- Child Soldiers: Recruitment of children as soldiers in the DRC had begun as early as October 1996. Thousands of children, some as young as 9 years old, were recruited by both President Kabila's forces and the rebel Congolese Rally for Democracy (Rassemblement Congolais pour la Democratie, RCD).
- When war temporarily ended in May 1997, Laurent Kabila's ADFL could no longer support all the soldiers in its active forces and so demobilized a large number, known as "Kadogo," or "the little ones," to support his military campaign of child soldiers. Since then recruitment has started again.
- Since the revival of the conflict on August 2 1998, recruitment of children has increased. An official communiqué aired on national radio on August 7, 1998 called for children and youth between twelve and twenty years old to enlist in the armed forces, in response to the RCD insurgency. In addition to Kinshasa, recruitment reportedly took place at the airport in Mbuji-Mayi in Western Kasai, and Kamina, Kaniema, and Manono in Katanga. A ADFL commander in Kinshasa who had done an informal survey of troops stationed there in November 1998 found that one out of every fourteen ADFL soldiers was under the age of thirteen.
- The rebel army reenlisted about a hundred demobilized child soldiers in early August from a transit center in Bukavu, and another 500 upon taking Kisangani in late August. The transit centers were part of an experimental program that UNICEF ran for former child soldiers in cooperation with the Congolese authorities. The former child soldiers learned technical skills and followed classes in the centers, prior to their reunification with their families. But the global insecurity of the situation in the DRC subjects the centers to potential violent interventions from the armed forces.

Source: <http://infosuds.free.fr/20/RDC.htm>

II. Overview of the DDR Program for Child Soldiers

- During 1997 UNICEF, together with provincial authorities and local NGOs, supported reintegration programs for ex-child soldiers in Goma (North Kivu), Bukavu (South Kivu) and Kisangani (Eastern Province).
- The demobilization and reintegration programs consisted of three phases:
- Phase 1 (three months): Children received psychological counseling and participated in community building activities. At this stage, family visits were encouraged and children with special needs were identified.
- Phase 2 (six months): Children were reintegrated into their families or put with other caregivers and were given literacy and vocational training.
- Phase 3: This stage comprised close monitoring of the reintegration process, the continuation of counseling, and additional capacity-building training was provided.

III. Challenges

- Program showed its limits as many ex-child soldiers who had participated were re-recruited by armed forces. This happened because the programs took place in conflict areas where military authorities had not given child protection guarantees.
- According to UNICEF in 2000-2001 it was still premature, for economic, social and political reasons, to proceed with a massive demobilization. The child soldiers are afraid to leave the groups and the communities are not prepared to receive them. Moreover support structures needed for the reintegration of child soldiers still do not exist.
- UNICEF has decided to postpone its reintegration activities until a final demobilization scheme is reached. It intends to plan, at a later time, a program for the reintegration of child soldiers but that will also benefit equally all children affected by the conflict.
- UNICEF has shifted its focus towards advocacy aimed at the different armed actors in order to favorize and organize demobilization. It initiated and participated in the Forum on the Demobilization and Reintegration of Child Soldiers that was held in Kinshasa, the capital of DRC, in December 1999.
- UNICEF plans to create and implement a future program for reintegration once the demobilization is completed. This program will be based on activities that will equally benefit all children affected by armed conflict. This stage of preparation (demobilization) will be vital for the success of reintegration and reconciliation between the families and the ex-child soldiers.

(source: <http://ginie1.sched.pitt.edu/ginie-crises-links/childsoldiers/congo1.html>)

LIBERIA

I. Background

- Liberia in West Africa has a population of 2 666 000 living in area covering 111 369km². Half the population is under 18 years of age. A devastating civil war began in 1990 that claimed the lives of more than 200 000 people, destroyed public and private property and disrupted the social welfare system including schools and health centers. At its height around 778 000 people had fled into other countries to escape the violence. It was estimated that 1.4 million people, half the pre-war population were internally displaced. The conflict officially came to an end in 1997 with internationally supervised elections, although some human rights issues remain unresolved and the country continues to experience some fighting in the north.
- Child soldiers: The United Nations (UN) estimate that 15 000 to 20 000 children, some as young as six, participated in the civil war, at least 6 000 to 10 000 children, boys and girls, became soldiers. Precise figures are very difficult to ascertain because the groups that used child soldiers did not generally keep accurate records of the ages of their personnel.
- Once recruited, the children were given combat training, the same usually as that given to adults. Brutalisation through making the children kill and commit other atrocities was often a deliberate policy, making it very hard for the children to return to their communities. There are many reports of child soldiers being drugged to make them less afraid of being on the battle frontlines.

Sources:

UN High Commissioner for Refugees (UNHCR)

Date: 12 Feb 2003 “Feature: Liberia's child soldiers relive lost childhood in Sierra Leone”

<http://www.jubileereaction.co.uk/reports/Liberia's%20child%20soldiers.pdf>.

II. Overview of the DDR Program & DDR for Child Soldiers

- The DDR program was implemented by the Technical Working Group on Child Soldiers, headed by UNICEF and comprising several other NGOs. The task force immediately ruled out creating a separate demobilization structure for children, as had been done in the 1994 exercise because it was estimated too costly to do so again. Instead it was decided to address children's needs within the already established frame. Based on previous experiences, it was decided that a special questionnaire should be designed for children gathering basic demographic information, but not going in the personal trauma of each child. The plan was to reunite the majority of child soldiers with their families and communities within 24 hours.
- The National Disarmament and Demobilization Committee (NDDC) opposed providing assistance packages to the children preferring to spend money on long-term reintegration schemes. The children, like the adults, were given a basic survival package until the bridging process started. Accommodations were provided by Save the Children UK and the Don Bosco Foundation in the frame of the War Affected Youth Support Scheme (SWAY). On the 4,306 children that were demobilized, 3,509 said they were in the care of an adult, 330 left the demobilization sites on their own and 51 were immediately reunited with their families. Only 416 remained in the

demobilization sites and were placed in centers operated by SCF/UK and Don Bosco Foundation, funded by UNICEF until their families could be traced. The majority was later reunited with their families.

- UNICEF organized a three-month trauma counseling program, taught by AME Zion Community College to form counselors that were to be deployed to each site to provide psychological and reintegration aid, under the supervision of UNICEF's already trained counselors.
- To date some 6,000 children and youths have benefited from the SWAY program, graduating in one of eight disciplines offered. Throughout Liberia, UNICEF supports 22 centers offering vocational and literacy training and counseling services for war-affected children. The 10-month course at the Kakata centre covers basic vocational skills and small-business management. Another centre, in Zwedru (Grand Gedeh county), also operated by Don Bosco, offers courses specifically for teenage mothers, including soap-making, pastry-making and tailoring. Graduates receive tools of the trade and a small cash grant. Under the supervision of a small-business adviser, many of them form small cooperatives as a way to minimize start-up costs and maximize capacity. The business success of these young people hinges on an improvement in economic conditions.
- Additionally, the UNICEF SWAY scheme and other reintegration programs had at their heart literacy training components. Some children have been mainstreaming into the education system having gained literacy skills during the SWAY training cycle.

III. Challenges

- The obstacles to reintegration were enormous. The very structures needed to help the former child soldiers capture a sense of normalcy, such as families, schools, community groups and traditional societies had been ravaged by the war. Moreover, the children have huge psychological burdens to deal with and are often stigmatized for their participation in the war and are often rejected by the communities and families. Moreover, lacking education or skills needed to become independent; few former child soldiers have the means to rebuild their lives. Seventy percent of children said that they thought returning to school would be the best way to rebuild their lives, but the national education system lay in tatters.
- A very important remaining issue is that the majority of demobilized children (89%) do not participate in any kind of reintegration program. Many children declare being under the care of an adult or just fled the demobilization sites. To monitor these children who are still at risk, UNICEF has been working since 1997 on setting up a tracking system. UNICEF made HACO's demobilization data available to SCF-UK in order to intensify efforts to find, register and document these children and other war-affected youth. The database was to include information on demographic information on each child, as well as record his or her circumstances, taking into account factors such as family rejection, evidence of alcohol and/or drug addiction, criminality, pregnancy, etc. The ultimate goal of creating such a comprehensive database was to establish a network of organizations working with war-affected youth and strengthen links between this network and the children.

Source: <http://ginie1.sched.pitt.edu/ginie-crises-links/childsoldiers/liberia1.html>

MOZAMBIQUE

I. Background

- Only 2 years after their 1975 transition to independence from Portugal, Mozambique plunged into a 16-year civil war. The Marxist oriented ruling party of FRELIMO came under fire from the South Africa and Zimbabwe-backed RENAMO party. Both sides were known to attack civilian populations, with RENAMO also specifically attacking development projects.⁵³ In addition to the civil war that plagued the country, Mozambique also suffered from severe droughts and, which, in addition to the war, caused widespread devastation among the population.
- The war began to come to an end as internal changes reduced South African support for RENAMO and FRELIMO became increasingly dependent on foreign aid, forcing it to undertake economic reforms and disavow its Marxist leanings.
- In 1992, with the country completely devastated, the two parties agreed to sign a peace agreement. The effects of the country's long civil war, however, are still tangible. An estimated 1 million people were killed, among which 60%⁵⁴ are thought to be children, in addition to which 4 million internally displaced persons as well as 2 million refugees were looking to return home.⁵⁵ One of the most lingering effects of Mozambique's civil war has been the effect of land mines, which have taken the lives of over 10,000 and injured far more than that. Mozambique has been classified as one of the most heavily mined countries in the world.

II. Overview of the DDR Program for Child Soldiers

- The Mozambican civil war was fought mostly with small arms, which enabled the use of child soldiers. In addition to being forced to serve as combatants, children suffered in other ways as well. It is estimated that, for example, 2,500 primary schools were destroyed, depriving over half a million children of education.⁵⁶
- Almost 28% of those soldiers officially demobilized were under the age of 18 when they began fighting. As many as 40% of RENAMO soldiers were under the age of 17 when they were demobilized.⁵⁷
- Most reintegration programs focused on psychotherapy, income generation, and leadership training. Leadership training often happened within community contexts and ex-soldiers helped rebuild communities and address local needs (such as repairing hospitals, etc).
- Emphasis on family reunification. Home visits set up post-reunification.
- Transit centers similar to refugee camps in design

⁵³ Sarah Aird, Boia Efraime Junior, and Antoinette Errante. "Mozambique: The Battle Continues for Former Child Soldiers." Youth Advocate Program International Resource Paper. (Youth Advocate International). Pg 2.

⁵⁴ Aird, Junior, and Errante. Pg 2

⁵⁵ Oxfam, Oxfam's World – Mozambique – History.

www.oxfam.org.uk/coolplanet/kidsweb/world/Mozamb/mozhist.htm

⁵⁶ Aird, Junior, and Errante. Pg 3

⁵⁷ Aird, Junior, and Errante. Pg 3

- Emphasis on traditional purification ceremonies upon reintegration in communities: both for former soldiers and community members.
- Emphasis on trying to forgive and forget (difference with an ongoing conflict situation)

III. Challenges

- Some difficulty with children wanting the same demobilization pay adult soldiers received. Were dissuaded by promises of education benefits and photos of family.
- There was an issue of documentation and ensuring that children's war experience was somehow recorded so that they would not be conscripted again.
- Issues of drugs, STDs, and disabilities. Also a general malaise among children regarding their future.

SIERRA LEONE

I. Background

- Sierra Leone has suffered over 10 years of civil war and unrest that has left more than 2 million of its 4.5 million inhabitants homeless and internally displaced, made refugees of almost 550,000 more people, and resulted in the death of an estimated 20,000. Over 10,000 children have been separate from their families including approximately 5,400 children who have been abducted and conscripted into the various warring factions. In 1997, child soldiers reportedly constituted 25 percent of the rebel forces that helped to overthrow the elected government.⁵⁸ The war has caused the near collapse of the country's productive agriculture and mining sectors and has led to the almost complete deterioration of even the most basic social services for health, education and water. This country, which was already extremely poor at the beginning of the past decade despite relatively rich deposits of diamonds, gold and rutile, was ranked at the very bottom of the United Nations Human Development Index in 2000, with among the highest rates of infant, child and maternal mortality, and the lowest life expectancy, in the world.
- With the signing of the Lome Peace Accord in July 1999, the Government of Sierra Leone and the Revolutionary United Front formally agreed to end the war. The accord called for the establishment of a UN peacekeeping force, the complete disarmament and demobilization of all parties to the conflict (including the civil defense forces and the former Sierra Leone Army), and the formation of a government of national unity. While certain progress was made in implementing parts of the Lome Accord, the peace process suffered a significant setback in May 2000, when 500 UN peacekeepers were taken hostage by the RUF and a large number of already disarmed ex-combatants were rearmed and hostilities resumed. The situation on the ground was only stabilized through prompt action on the part of the British military to help reinforce UNAMSIL and secure the capital.

⁵⁸ UICEF Child Soldier Projects, The Case of Sierra Leone, www.ginie1.sched.pitt.edu/ginie-crisis-links/childsoldiers/sierraleone1.html.

II. Overview of the DDR Program & DDR for Child Soldiers

- The DDR Program Prior to the Lome Accord, the Government of Sierra Leone had developed a program to disarm, demobilize and reintegrate an estimated 45,000 combatants from the different forces that had been party to the civil conflict. The purpose of the program is to contribute to peace and to help restart positive social and economic development by reducing armed conflict and allowing individuals and communities to return to their homes and productive lives interrupted by the war. Specifically, the program addresses the needs of ex-combatants from the time that they voluntarily disarm to the UN peacekeeping force; through a brief encampment period where they are provided food and clothing, receive basic medical care, and are given identification cards; to the provision of support to return home and meet basic short-term needs; and the provision of basic training or other assistance to begin the process of social and economic reintegration.⁵⁹
- The DDR Program is managed by the Government's National Committee for Disarmament, Demobilization and Reintegration (NCDDR), which works closely with several partner organizations in the implementation of the program, including UNICEF, the World Food Programme, and UNAMSIL. A World Bank administered Trust Fund, set up at the request of the Government to raise grant funds from donor nations for the program, finances the operations of NCDDR and supports partner organizations implementing DDR activities. While the DDR Program has suffered set-backs since its inception in July 1998, almost 23,000 ex-combatants have been disarmed and demobilized, and approximately 10,000 were receiving reintegration support as of mid-April 2001.⁶⁰
- Between November 1999 and May 2000, more than 1,700 children went through demobilization.⁶¹ Children from all factions reported to demobilization centers. The majority came from AFRC, while those in the RUF remained largely active because of RUF's refusal to participate. RUF children make up the largest group of child soldiers.⁶² Following demobilization, children are looked after in Interim Care Centres run by a variety of child protection agencies, such as Caritas, Cooperazione Internazionale, International Rescue Committee and SCF UK. Children are transferred to Interim Care Centres (ICC) in their area of origin, where they are reunified with their families or placed in foster care. To assist in family reunification, UNICEF, in collaboration with the Ministry of Social Welfare, gender and Children's Affairs, established a National Family Tracing Reunification Network (FTR) in 1996. The system works as a decentralized network of NGOs and focal organizations, with a Secretariat based at the Ministry. Following the January 1999 rebel invasion of Freetown, more than 4,8090 children were registered as missing. The network assisted in the tracing and family reunification of more than 2,500 children.. UNICEF also carried out

⁵⁹ World News, June 13, 2001

⁶⁰ World News, July 13, 2001

⁶¹ UNICEF Child Soldier Projects, www.ginie1.sched.pitt.edu/ginie-crises-links/childsoldiers/sierraleone1.html

⁶² UNICEF Assistance to Child Soldiers in Sierra Leone, www.ginie1.sched.pitt.edu/ginie-crises-links/childsoldiers/sierraleone1.html

community sensitization campaigns to better inform and increase understanding among both communities and the military about the condition and needs of the former child soldiers. UNICEF in conjunction with the Ministry of Defence runs training sessions on child protection as part of the training of the new Sierra Leonean Army. They receive training on the Convention of the Rights of the Child, Separated Children, Child Soldiers and Child Protection.

- Upon reunification, families receive school support, skills training and income generating activities. Those children unable to be reunified with their families are placed in foster care or group homes. The program has been expanded from just focusing on one category of children to a larger framework of child protection. By focusing on needs of children within the framework of child protection agencies were able to address other issues such as sexual abuse, child mothers and children in detention.⁶³ Making services available to other vulnerable children in the community decreased the risk of child soldiers being stigmatized, and helped communities to perceive their assistance not as a reward but as an overall strategy of assisting children impacted by war.

III. Challenges

- UNICEF has had to advocate for stronger protection of children in Interim Care Centres, as in May 2000 renewed fighting causes these children to be targeted by various forces. The children had to be moved to safer locations. The RUF often successfully lured children from centers offering them protection and a better life. Some children were so afraid of an RUF attack on the community that they left the centers of their own accord.
- Child Soldiers in the RUF were often the targets of murderous resentment from the larger community because of their involvement with the RUF.
- NGOs and UN Agencies that provided services for these children were often seen as RUF collaborators and became targets for government harassment.

SUDAN

I. Background

- Sudan gained independence from Britain in 1956. Even prior to independence there was the great potential for a civil war between the Northern Arab dominated parts of the country (where the country's leadership was based) and the Southern African portion. There was relative peace in the country due to a deal that gave Southerners a good deal of relative power.
- In 1983 the Northern government imposed Sharia Law throughout the country and reduced the powers of the South. Fighting began, with the Southern –based Sudan People's Liberation Army playing a large role. The war effort was stepped up in 1989 with the seizing of power of Brigadier General Omar Hassan Ahmed al-Bashir, who suppressed political opposition and intensified the war against southern rebels.

⁶³ UNICEF Assistance to ex-Child Soldiers in Sierra Leone, www.ginie1.sched.pitt.edu/ginie-crisis-links/childsoldiers/sierraleone2.html

- After 19 years of warfare, a peace agreement was signed in July 2002 in Kenya. Under this agreement, Southern Sudan would be exempt from Sharia Law and would have a six-year period of administrative independence, after which they would vote on whether to remain a part of Sudan or not. Although the deal peace has been signed, however, there has been a continuation of fighting and efforts to stop this have been frustrating.
- Fighting broke out this winter in areas surrounding the oil fields of southern Sudan. The Khartoum regime has been desperate to maintain control over the oilfields, with a strategy of displacing populations around the oilfields.⁶⁴ Oil revenues are a large part of this conflict and have contributed to the military coffers of the government in order to fight this war.

II. Overview of the DDR Program for Child Soldiers

- In February of 2001, UNICEF airlifted 2,500 child soldiers out of southern Sudan and took them to transit centers while a family tracing process took place. The centers were run by local and international NGOs. At the centers children received education, psychosocial counseling, and vocational training. UNICEF arranged for water points to be built at the sites and the World Food Program brought in food. The children evacuated in the airlift fall into two general categories: those who received military training but never saw combat, and those who lived through combat and other traumatic experiences. UNICEF said the former group was reunified with family and communities in three to four months. The latter group required more time, perhaps as long as nine months, and will be given more formal vocational training. UNICEF said children for whom no family members can be traced will remain under the long term care of local authorities and non-governmental organizations - supported by UNICEF - as close as possible to their communities of origin.

III. Challenges

- Approximately 200 of the returnees have not gone back to their immediate families, either because they are orphans with no close living relative or because their families have been displaced. These children have been taken in by communities and allocated to families by chiefs, as is usual under traditional provisions for the care of vulnerable children. This reflects both the Dinka community's normal view and the concern of humanitarian workers not to put children into institutions.
- The peace process, although signed, is not a guarantee of a cessation of hostilities, as was evidenced from the renewed fighting over the winter of 2002-2003. Children, therefore, remain at risk for conscription into the warring factions.

UGANDA

I. Background

- Uganda gained independence from Britain in 1962. During the reign of legenday dictator Idi AMIN (1971-79) it is estimated that over 300,000 people died.

⁶⁴ Prendergast and Mozersky, "Brinkmanship in the Sudan Peace." The Nation.

Following Amin's force out of power (an intervention that was mainly thanks to the efforts of Tanzania) Milton OBOTE (1980-85) gained control. During this period another 100,000 people are estimated to have fallen victim to guerrilla war and human rights abuses. During the 1990s the government promulgated non-party presidential and legislative elections.⁶⁵ During the 1990s non-party sponsored elections have been held and relative peace has been maintained throughout the country, with the exception of continued fighting mainly in the northern regions.

- In addition to their own political turmoil, Uganda is also affected by the devastation in that part of Africa generally. "By the end of 2001, Uganda was host to 178,815 refugees from a number of neighboring countries, including: Sudan 155,996, Rwanda 14,375, and Democratic Republic of the Congo 7,459 (2002 est.)"⁶⁶

II. Overview of the DDR Program for Child Soldiers

- Two rehabilitation centers set up in Northern Uganda, run by World Vision and Gulu Support the Children Organization (GUSCO). Since 1994, 7,000 children served.
- Receive educational or vocational training, medical care and counseling (this includes art and sports).
- The emphasis is on reunification with families.

III. Challenges

- Similarity to Colombia in that they are experiencing current conflict, although confined to the north of the country.
- Children are often re-recruited. When children are ready to return, they are accompanied by monitors who return to the village with them and live with them there for as long as necessary. If children are re-recruited, they are told to not fight it, but to take the earliest opportunity to simply walk away.

Example of a Child Protection Center

World Vision and GUSCO (Gulu Support the Children Organization) are supporting centers to rehabilitate former child soldiers in Northern Uganda. Over 7,500 children have been served since the centers opened in 1994. Children at the center have been both rescued and escaped mainly from the Lord's Resistance Army.

At the center, children receive medical care, education (including vocational training) and counseling. When children are ready to return home, the center offers "monitors" who prepare villages for the children's return. Once the child returns, the monitors live with the child and their family until the reintegration process has occurred.

⁶⁵ CIA World Factbook. <http://www.cia.gov/cia/publications/factbook/geos/ug.html>.

⁶⁶ CIA World Factbook. <http://www.cia.gov/cia/publications/factbook/geos/ug.html>.

ANNEX C: LEGAL ANNEX

National Laws

As a signatory to the Convention on the Rights of the Child (since January 1990), the country upholds the “straight-18” position. Law 418 enacted in 1997 was the first to establish that minors (<18) should not join the army even on a voluntary basis. Concurrently, the President approved a decree on December 26, 1997 which criminalized the recruitment of under-18s. Subsequently, Law 418 was extended by Law 548/99 to establish that “Those below the age of 18, will not be incorporated into the ranks to serve military service.” (Article 2(4)). Currently, the impetus behind these laws is codified by Law 782/02, also termed “el decreto 128 del 2003”. This latest law has been critical in determining the rights and benefits accorded to those who voluntarily leave participation in the conflict and decide to reintegrate into civil life.

The law expressly delineates the conjoined action of the Ministry of the Interior and the Ministry of Defense in dispensing socio-economic benefits. In particular Chapter 5, finally addresses the particular needs and requirements of minors in particular their reception by the ICBF. Article 24, in particular legalizes the ICBF program and its specific protection mandate. In addition it clarifies in Chapter IV, Article 13 the status of legal proceedings “those who voluntarily disarm, have the right to a sentence, conditional suspension of sentence, cessation of proceedings, and preclusion on investigation and inhibitory resolutions”. It also summarizes the education, health, and employment opportunities which will be accorded to each desvinculado. In particular it also identifies the Ministry of the Interior, along with the ICBF as the governmental organs responsible for ensuring that the rights and needs of the child are met. In the past there had been some confusion as to who should facilitate access to benefits. In an interview with Julian Aguirre, deputy director of the ICBF, it was suggested that it the Defensors who facilitate access to benefits, whereas under the new law it will be the responsibility of the ICBF and the ministry of the interior.

Until the recently enacted law 782/2002, anyone under 18 fell under the auspices of elCodigo del Menor – the Juvenile Code and the Colombian constitution. The rights of the child derive from Constitutional Article 44. The first right of the child is that to life; subsequently their rights to physical integrity, health, social security, a balanced diet, name and nationality, to have a family and not be separated from them, care and love, education and culture, recreation and free expression are also enshrined. They must also be protected from all forms of abandon, physical or moral violence, kidnap, sale, sexual abuse, economic or labor exploitation and risky work.

Juvenile Code

Art. 20: The interests of the child are of primordial importance.

Art. 21: Judges should take into consideration the social and cultural milieu in which the child has developed so long as this is not against the law. This is particularly important with regard to children from indigenous communities.

Art. 31: A child is considered abandoned or in a situation of grave peril when:

1. It is obvious
2. Those responsible for their care are found lacking

3. Their rights to house, home, education and care are being violated
4. They are subject to sexual or psychosocial abuse
5. They are being exploited in any way, or being used in an illegal, immoral, vulgar fashion or such activities are committed in their presence
6. They present grave behavioural or social problems
7. Their physical or mental health is under threat
<i>Art. 36:</i> The ICBF, acting through the Family Defender, is responsible for the child's protection whenever there is a situation of abandonment or grave peril.
<i>Art. 57:</i> Options available to a judge when protecting a child
1. Prevention from or reprimand of those who are meant to be protecting the child
2. Custody is granted to a different family member
3. Foster care
4. Special attention in a Center for Special Protection
5. Adoption
6. Any other method by which to secure the child's protection
<i>Art. 82:</i> A child in danger will be placed in a CAE certified by the ICBF.
<i>Art 204:</i> Governs when it has been determined that a child has committed an infraction (ie the situation of the children from armed groups)
The judge should ensure as much as possible that the following measures are undertaken in a family environment or in the jurisdiction to which the minor belongs and being educational and protective in character.
1. Reprimand the minor and those who are responsible for him.
2. Imposition of rules of conduct
3. Supervised freedom.
4. Placement in an institution
5. Any other measure which will contribute to the rehabilitation of the minor.
<i>These measures can be executed directly by the judge or by the ICBF with the participation of the family and the community.</i>

The Juvenile Code was last reviewed in 1989 without a single mention of children in the armed conflict. In 1994, la Defensoria del Pueblo began investigating the specific circumstances governing children in armed conflict. They began by evaluating the number and needs of child soldiers. The initial focus was on children who had been with the AUC and other guerilla groups. The preliminary results were discouraging, as children were being treated as delinquents and being taken to juvenile detentions centers, termed juvenile “re-education” in Colombia. The proceedings reached a crisis level when the ELN called the *la defensoria* in 1997 to coordinate the hand-over of 5 girls and 2 boys. The girls, one of whom was pregnant, were treated as delinquents and placed in a juvenile detention center. National and international attention became focused on the legal vacuum into which the girls were thrown. This was subsequently compounded by Operation Berlin, where 75 youths not only had judicial proceedings started against them, but inclusively were placed with non-specialized NGOs. While rebels in Colombia are considered to have violated the laws against secession and rebellion, these laws are not meant to apply to juveniles.

It was at this point that *la Defensoria del Pueblo* began to coordinate with other government agencies for the development of a specialized program. The program was to be premised on protecting the adolescents physically while not depriving them of their freedom. Within the existing legal framework of 1997, *La Ruta Juridica* was developed. The steps are as follows:

LA RUTA JURIDICA

For a child who surrenders voluntarily: or is demobilized voluntarily by the armed group

If the child is voluntarily demobilized by the armed group then they must always be placed in the ICBF program independently of the legal proceedings initiated.

1. A child can reach authorities in three ways: (voluntary surrender, capture or demobilization by armed groups). However according to the law, a child under 18 has the right to special protection from the state *regardless of how the child comes to the authorities attention.*
2. Any private or public entity (NGO, church, school, Red Cross, municipal entities, etc...) receiving a child must immediately alert the ICBF (if there is an office nearby) or Juvenile Justice Judge, family lawyer, municipal judge or the police who will fill out the *Acta de Entrega* (Receipt of Surrender).
3. The public defender should place the child as soon as possible in the *Programa de Atencion a Ninos, Ninias y Jovenes Desvinculados* (the ICBF program) {Art. 82 & 83}. The defender should also place all the above proceedings at the disposition of the acting judge (of the area) who will begin legal proceedings.
4. Before beginning legal proceedings, the judge can order an inquiry into whether or not the child actually participated in the conflict, i.e. to ascertain whether or not the child truly was a combatant. After this preliminary investigation the judge can opt to
 - a) not proceed with a legal case and will hand the child over to the ICBF who must open a *Proceso Administrativo de Proteccion* (an protective administrative process)
 - b) In the five days following the child's entry into the hands of the authorities, the judge must take provisional measures according to article 204 of the Juvenile Code. If this is to be institutionalization, it must be with the ICBF program.
5. If the child surrenders voluntarily the Judge must remit to the *Comite Operativo para la Dejacion de Armas* [CODA] all the necessary documentation. The CODA will verify whether or not the child actually participated in the armed conflict and will certify the child accordingly (this guarantees socio-economic benefits if they surrender voluntarily or if they are demobilized by an armed group which is politically recognized) (Art 50 Ley 418/97).

6. If the child is certified by the CODA then the judge orders a cessation of proceedings according to Article 193; if the child is not certified then legal proceedings continue according to the Juvenile Code until a sentence is reached. If the judge *adopts as a protection measure that the child be institutionalized* this will be in the ICBF's centers. The judge can also opt for "observation". For a maximum of 90 days, the child can be formally observed with the evaluation of the child's conduct sent to the judge.

7. Once legal proceedings cease, if the judge finds that the child is in danger, or abandoned then they will remit to the Family Defender all the necessary materials to initiate an administrative proceeding for protection. This same family defender should follow up on the disbursement of the socio-economic benefits, which are controlled by the *Direccion General for Reinsertion under the Ministry of the Interior*.

Steps in the 1997 *Ruta Juridica*

For a child who is captured: (noting only the differences from above)

Even though technically the child has broken the law of rebellion by participating in the armed conflict with an insurgent group and therefore the Juvenile Code governing juvenile infractors applies, according to the international instruments signed by Colombia, the child is considered a victim and deserving of special protection which is why according to Art. 17 of Law 418, 1997 they must be turned over to the ICBF program.

1. When a child soldier is captured, he must be put at the disposition of Juvenile Justice Judge on the next business day, not to exceed 36 hours. During this time the child must remain in a Reception center away from adults. *The child is under no obligation to divulge any information.* Any child under 12 must be handed over to the ICBF immediately. **UNDER NO CIRCUMSTANCES SHOULD THE CHILD EVER BE PLACED IN A JAIL OR PUNITARY INSTITUTION.**

2. The judge or public defender listens to the case with the aim of understanding the causes for the child's involvement.

3. After listening to the testimony the judge has five days in which to resolve the situation.

4. Art. 204 governs the measures which should be adopted by the judge. If they decide on institutionalization, the child should be placed as soon as possible in the *Programa de Atencion a Ninos, Ninas y Jovenes Desvinculados* (the ICBF program).

5. Once the judge's investigation is finalized, the judge sets a time and date for a private interview.

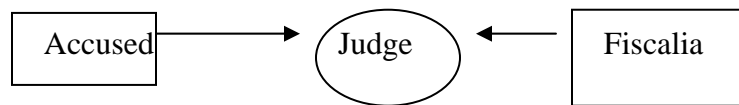
6. The judge pronounces a sentence, within the private interview, or within 8 days according to article 204. Institutionalization is preferentially with the ICBF program.

Judges

Under the justice system there are three types of judges, all of whom are entrusted with the sentencing of minors:

- 1) Juez de Menores: these are the rarest, even though they are the most thoroughly trained in juvenile justice. They are entrusted with both civil and penal matters.
- 2) Juez de familia: when there is no juez de menores in the vicinity they will take over the matter as a family based case.
- 3) Juez promiscuo: in the municipalities they are entrusted with all cases, including those affecting minors.

All these judges must mediate through the cumbersome, Colombian justice system whereby, both the *Fiscalia* and the *Prosecutoria* must present cases. In general the fiscalia is entrusted with investigation of cases, but it must be the judge who pronounces sentence. In addition, the prosecutoria can bring evidence. In addition, judges often send cases to other jurisdictions, which delays the sentencing process.



Defensores

In cases involving minors, the ICBF who is constitutionally imbued with protection of children's rights under Art. 36, will often monitor proceedings to ensure that their rights are not violated. As the legal representative, they are responsible for seeing the case of the child ex-combatant through from the beginning of the legal process through to the end. Especially in irregular situations such as those involving child soldiers, as outlined in the above steps of the *ruta juridica*, there must be cessation or closure of judicial proceedings against child soldiers to immunize them against future prosecution. This is particularly important as the legal system as outlined above does not leave any room for appeals, since there is no judicial review of the judges' proceedings, the only way would be for a judge to reverse their own decision.⁶⁷ There is some overlap in judicial proceedings which often causes confusion and consternation, particularly in the rural areas where child soldiers are handed over. This is caused by the dual protection provided by both *defensores de menores* and *defensores de familia*. The *defensores de familia* are those contracted by the ICBF whereas *defensores de menores* are specialists in juvenile justice under *la defensoria del pueblo*. The confusion arises since *defensores de familia* are legally responsible but are overseen by *defensores de menores* who are responsible for the provision and defense of rights. There is therefore the potential for acrimonious disagreement regarding treatment and resolution of cases. IOM frequently meets with the public defenders to discuss cases, and must then contact family defenders to ensure the progression of cases.

⁶⁷ Interview with Fernando Puerto, March 19, 2003

CODA

The CODA (Comite Operativo para la Dejacion de las Armas) is vital as it is the administrator of the funds with which many who are attempting to reincorporate into civil society must begin. When children disarm, they must first be certified as former combatants by the CODA, Ministry of Defense or the military in the area. Since the benefits provided by these funds are provided for a period of two years as codified in Ley 782/2002, it is often mistakenly believed that these benefits or funds should be given to under-18s. However, legally these funds were always designated for adults who were voluntarily surrendering. In particular since the law now legally certifies and encourages the use of the ICBF program, particularly because of the much higher risk for adolescents of re-recruitment, the trade-off vis-à-vis benefits is seen as equal.

Reinsertion/Reincorporacion

This program is often confused with the CODA, as it also provides fund for reintegration and reincorporation into civil society. It is however a separate program under the Ministry for the Interior which was termed “el Programa para Reinsertion – Reinsertion” and after a brief hiatus is now the el Programa para Reincorporacion – Reincorporacion. Since the change in the laws they have completely disassociated themselves from working with under –18 year olds, except those that were either too deeply incorporated in the program and nearing completion, or were too close to age 18. Reincorporacion is the administrator of socio-economic benefits for adults who have voluntarily demobilized including provisions for health, education, and occupation training. The new program is moving away from professional degrees to vocational training including the provision of “seed-capital” and micro-credit loans, limited to 12 million pesos. The program has a very specific focus and will provide benefits for a term not to exceed two years. However, the restructuring is very recent and operational procedures have yet to be tested.

Correlation with International Conventions

Whereas Colombia has a self-executing legal system, whereby any international conventions ratified by the Congress become part of the Colombia legal code, it has not been until law 782/02 that the “victim” nature of ex-combatant child soldiers has been recognized, including a codification in Chapter IV, Article 13 of their juridical rights. A point of contention has been the definition of minor. The international treaties mostly hold to a definition of minor, only those under 15, whereas various national legislations have preferred to set the age limit as 18. Colombia holds to the “straight-18” definition and has codified it in national legislation. However, since the average age of combatants is 13.8 it can be argued that any employing child soldiers is in contravention not only of national but also international legislation. Colombia is a party to the Convention on the Rights of the Child, the ILO Treaties, the Rome Statute and the Additional Protocol for Protection of Children in Armed Conflict is in ratification before the Congress, these are critical in protecting the rights of the child and giving legal support to *ruta juridica*.

International Conventions

(in order of importance in protecting the child⁶⁸)

1) ILO – 182 Convention on the Worst Forms of Child Labor
Article 3

“For the purposes of this Convention, the term “the worst forms of child labor” comprises: all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict [...].”

2) UN Convention on the Rights of the Child (CRC)
Specifically Article 39

“State Parties shall take all appropriate measures to promote the physical and psychological recovery and social integration of a child victim of [...] armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

3) Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict *(in the process of ratification before the Colombian Congress)*

Article 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child,¹ taking account of the principles contained in that article and recognizing that under the Convention persons under 18 are entitled to special protection.

2. Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.

3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 shall maintain safeguards to ensure, as a minimum, that:

- (a) Such recruitment is genuinely voluntary;
- (b) Such recruitment is done with the informed consent of the person's parents or legal guardians;
- (c) Such persons are fully informed of the duties involved in such military service;

⁶⁸ In the Opinion of Beatriz Linares, interview March 18, 2003

(d) Such persons provide reliable proof of age prior to acceptance into national military service.

4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.

5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

Article 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.

3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

4) Statute of the International Criminal Court

Article 8: War Crimes

Point 2 (b) (xxvi) “Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.”

1949 Geneva Conventions: Additional Protocol I, Article 77

“Children shall be the object of special respect and shall be protected against any form of indecent assault...”

ANNEX D: Narrative of a Child Soldier

The following narrative is based on an interview conducted with a beneficiary of the blueberry project in Caldono, Popayan as part of IOM's Indigenous Program. The youth recounted his experience and it is transcribed here with his name changed to protect his confidentiality.

Jose is 17 years old and has a fifth grade education level. He joined the armed conflict when he was 14 and remained with the group for one year. Jose joined the guerilla group after his mother abandoned him at a young age and he moved with his father to a new community. Most of the youth in Jose's community have spent at least 2-3 years in guerilla groups and this set a precedent for Jose's joining. After leaving the armed group, Jose was involved with a local gang, committed illegal activities and was involved with substance abuse.

Jose's father expressed his sadness with his son's absence and was unable to sleep at night knowing that his son was involved in armed conflict. During the time after leaving the armed group, Jose had decided that he wanted to live with his mother, who had abandoned him, but when he found her, he was rejected. Upon this rejection, Jose is accused on having assaulted his mother, who then pressed charges. Jose spent 11 months in jail in Popayan, which is how his father received word of his whereabouts. It took Jose's father several months to reach his son in jail and bring him home.

Jose's father had received word of the new IOM project and, upon returning to their community, contacted the *Cabildo*. There were conditions for Jose to be able to participate in the project, which Jose agreed to. At first, the community was hostile towards Jose's return as a former combatant. He was considered a "bad kid" with no future prospects and they gossiped about his bad nature. The community at first was also not supportive of the project for former child soldiers. Jose himself was unsure as to whether the project would work, as was his father. There was all-around skepticism.

IOM provided technical and material support and training for the ex-combatant youth that would work on the project. Once the community saw the materials and the equipment as well as the cultivated land and the work that the boys were doing, they began to accept them back into the community. As the project advanced the community became more accepting and allowed the boys to live and work in the community without problems. The perception of the children changed in general.

While Jose is a direct project beneficiary, his father and 2 brothers are indirect beneficiaries. A typical day begins at 7AM and Jose, his father and brothers work until 3PM with the blackberries. A local project leader pays Jose a salary from IOM for his work. This salary will continue to be paid until the blackberries are cultivated and the product is marketable. The project has brought the family closer together and they enjoy

working together. According to Jose, his father is the most helpful and the biggest supporter of the project in the community.

The project has also helped Jose to re-adapt to his community and to his family after being involved in guerilla activity. As a result he has more trust and reasons to support the project. The community itself has acknowledged the change in the boys. Young people who don't have alternatives are more likely to leave and join the armed groups.

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Web Sites/ Organizations

[Action for the Rights of Children \(ARC\): Critical Issues](#) Provides best practices on the reintegration of ex-combatant children

[Center for Defense Information](#) Various documents offering military perspective on ending the use of children in armed conflict

[Coalition to Stop the Use of Child Soldiers](#) Established by six leading international NGOs to advocate for the end of child recruitment and specifically the adoption of and adherence to the optional Protocol to the CRC. Web site: www.child-soldiers.org 2001 report

[Global Information Networks in Education](#) Provides best practices and case studies on the demobilization and reintegration of former child soldiers. Web site: www.ginie.com

[Human Rights Watch](#) Provides [detailed reports](#) on the situation of child combatants in various countries. Office of the High Commissioner on Human Rights: Provides information on key treaties, juvenile justice and country by country observation of the CRC. Web site: www.hrw.org

[Radda Barnen \(Save the Children Sweden\)](#) Detailed data base of child soldiers and full text copies of all legal instruments, a database of bibliographic information and a quarterly newsletter.

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<http://www.reliefweb.int/library/documents/chilsold.htm>

Interagency Network for Educaiton in Emergencies (INEE): Good Practice Guides for Emergency Education at: www.ineesite.org/inclusion/soldiers.asp This site describes good practices for reintegrating former child soldiers back into society.

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