

**Violations of Human Rights and Breaches of International  
Humanitarian Law against Children in Colombia  
Alternative report to the Special Representative of the Secretary-  
General for Children and Armed conflict  
2005 – 2006**

*\*Note: Translated from the original Spanish*

**Introduction**

In August 2005, the Coalition against the Involvement of Boys, Girls and Youth in the Armed Conflict in Colombia, (Colombia Coalition) took the initiative to promote the implementation in Colombia of UN Security Council Resolution 1612 (2005) on children and armed conflict. Thus, in order to divulge its contents and set the basis to form a Country task force, the Colombia Coalition carried out various meetings with United Nations Agencies present in Colombia as well as with human rights organizations working on the promotion and defense of children's rights.

Since November 2005, regular meetings convened and coordinated by UNICEF have been taking place and resulted in the creation of the special Country Team made up of civil society organizations renowned for their work in the field of children's rights – the Colombia Coalition, Benposta Nación de Muchachos; The Colombian Commission of Jurists; la Fundación Dos Mundos; the Jesuit Refugee Service; the Foundation for Education and Development (FEDES) and Save the Children Canada-, representatives of the Public Ministry – Office of the Prosecutor-General and the Office of the Ombudsman-, and United Nations Agencies – The Office of the United Nations High Commissioner for Human Rights (OHCHR); The United Nations International Children's Emergency Fund (UNICEF); The United Nations High Commissioner for Refugees (UNHCR); The United Nations Office for the Coordination of Humanitarian Affairs (OCHA); The United Nations Development Program (UNDP); and the United Nations Development Fund for Women (UNIFEM).

The Country task force has been working jointly, collecting and analyzing the information for the UN Secretary General report to the Security Council. However, considering that the said report is prepared solely by the United Nations System, the Colombia Coalition, along with the Colombian Commission of Jurists and Benposta Nación de Muchachos, have prepared this report in order to make sure that the Special Representative for Children and the Armed Conflict can access the most complete information possible. Information and analyses presented herein have been shared with the UN agencies participating in the Special Team and include information consolidated during the meetings, as well as information obtained during the missions carried out by the Colombia Coalition with the involvement of agencies such as UNICEF and UNHCR during 2006, in the departments of Chocó and Putumayo.

## Context

In its report on the situation in Colombia during 2005, OHCHR stated that:

*“The human rights situation was in part characterized by a series of grave violations<sup>1</sup>(...) Grave violations include those affecting the rights to life, to personal integrity and liberty and security of person. Compared to previous years, the Colombia Office recorded more complaints of such violations. Unlike in recent years, the trustworthy complaints filed in 2005 more often reported the direct involvement of members of the Armed forces. In several cases, the actions of paramilitaries implicated State responsibility due to action or omission by government officials”<sup>2</sup>.*

The serious situation of human rights worsened by the protracted situation of the internal armed conflict, characterized by *“the continuing grave breaches by members of illegal armed groups, particularly the Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo (Revolutionary Armed Forces of Colombia - People’s Army) (FARC-EP), and the Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia-, AUC<sup>3</sup>; and also by “breaches attributable to members of the Armed forces, in particular violations of the humanitarian principles of distinction, limitation and proportionality”<sup>4</sup>. Furthermore, various protection authorities have expressed their concern by the fact that women and girls continue to be the victims of acts of sexual violence.*

The Office in Colombia continued to observe grave breaches by members of illegal armed groups, particularly the FARC-EP and the AUC. All these groups continued to commit attacks and threats, indiscriminate attacks, murders, massacres, hostage-taking and acts of terrorism. They also continued to be responsible for forced displacements, the recruitment of children, sexual violence against women and girls and lack of regard for medical personnel and units. It also stated that *“civilians, particularly ethnic groups, were affected by the practice of restrictions on the transport of food, medicines and people”* and that *“other actions caused communities to become isolated. The guerrillas continued to use anti-personnel mines”<sup>5</sup>.*

Another major concern as regards the situation of children in connection with the armed conflict is the recruitment and use of girls and boys by illegal armed groups directly participating in the hostilities. In this respect, the Committee on the Rights of the Child expressed its concern due to *“the large scale recruitment of children by illegal armed groups for combat purposes and also as sex slaves, and the use of children by the army for intelligence purposes”<sup>6</sup>.*

Likewise, it stated that:

*“the recurrent usage of schools by Armed forces and establishment of military bases near schools creates military targets for illegal armed groups, making it impossible for children to receive education; the participation of children in military training activities and school study visits to military bases, in the context of the ongoing internal armed conflict, compromises the humanitarian law principle of distinction of the civilian population and puts children at risk of retaliation by members of illegal armed groups”<sup>7</sup>.*

The legal framework to be applied to demobilized child soldiers is also a permanent source of concern. The Committee expressed its concern by the insufficient level of social reintegration, rehabilitation and reparations available for demobilized child soldiers and the overall lack of transparency when examining aspects concerning children within the negotiations with illegal armed groups, which result in continuous impunity for those responsible for recruitment of child soldiers. In this regard, the Committee recommended:

*“to take due account of the victimization of former child soldiers in peace negotiations with illegal armed groups as well as their accountability for such war crimes. Legal advice should be sought from OHCHR on how to integrate minimum human rights standards and a child rights perspective in the legal framework of peace negotiations, with special attention to the basic principles of truth, justice and reparations for the victims”<sup>8</sup>.*

On the other hand, the Government continued to be engaged in the negotiation process with paramilitary groups. However, there is growing concern as regards the way in which this process has been conducted and the guarantee for human rights.

First of all, the cessation of hostilities – put forward as a condition for the development of negotiations – has not been demanded within the negotiation process with paramilitary groups<sup>9</sup>. Furthermore, a major concern in the implementation of a legal framework on the matter is the absence of paramilitary structures dismantling and their increasingly strong influence on various sectors of the country. OHCHR stated that during 2005 *“control and illegal influence exercised by these groups on the administration and on the political, social and economic life of several regions of the country became more apparent”<sup>10</sup>.*

Although the Constitutional Court, through the revision of constitutionality of Law No. 975 of 2005 -which includes conferring wide legal benefits to members of armed groups responsible for serious human rights violations or breaches of international humanitarian law- adapted in some aspects some of its contents to international standards as regards human rights of the victims, the national Government stated recently that it will issue a decree by which it will reincorporate those clauses aspects declared to be incompatible with the Colombian Constitution and various international instruments for protection<sup>11</sup>. Furthermore, the situation of impunity is so serious that the Committee on the Rights of the Child urged:

*“the State party to break the legacy of impunity and urgently conduct criminal investigations of human rights violations in cases whereby children have lost their lives and ensure that the perpetrators are brought to justice as a matter of the highest priority. Furthermore, the Committee requests that the State party respects its international legal obligations in relation to fair trials and ensure that all investigations are carried out independently and impartially”<sup>12</sup>.*

The Committee also noted that *“poverty, unequal distribution of resources and the long-standing internal armed conflict in Colombia has negatively affected the implementation of the rights guaranteed in the Convention”<sup>13</sup>.*

The Committed expressed to be deeply concerned by the fact that:

*“there is widespread discrimination towards certain vulnerable groups, such as displaced children, Afro-Colombian and indigenous children and children living in rural and remote areas. Their ability to access education and health facilities is severely reduced by the disproportionate allocation of resources. The Committee is concerned that such vulnerable groups are at greater risk of recruitment by the armed forces as well as the risk of commercial and sexual exploitation; internal displacement and trafficking”<sup>14</sup>.*

In conclusion, the State continues to be faced with the challenge of cleaning up its institutions, dismantling and breaking up paramilitarism and being accountable to the public on matters relating to illegal armed groups and the consequences for the victims and their families, with the purpose of guaranteeing the elimination of further violations.

## **I. Violations against the right to life and personal integrity**

### **Violations and breaches of the right to life: homicides and forced disappearances**

The grave situation of human rights and breaches of international humanitarian law that the country is facing is far from being overcome, and children are amongst those most vulnerable to this situation. This means that measures taken by the Government have not been effective enough in guaranteeing the right to life and that groups directly participating in the hostilities continuously breach humanitarian law.

During the period covered by the present report, extrajudicial executions committed by members of the Armed forces arguing, in some cases, that executed children were guerrilla fighters were on the increase.

Some of the trends recorded during the period under study: July 2005 to July 2006 are detailed below:

#### **a) Extrajudicial executions committed by members of the Armed forces:**

OHCHR stated that in many cases State agents themselves were the ones allowing or committing violations of human rights against children<sup>15</sup>.

1. On 9 February 2005, in the rural area of Atanquez in the department of Cesar, a Kankuamo indigenous person and a pregnant Wiwa indigenous girl were victims of an extrajudicial execution allegedly attributed to members of the Tenth Army Brigade. The Kankuamo people has been granted provisional measures by the Inter-American Court of Human Rights and the Wiwa people precautionary measures by the Inter-American Commission on Human Rights<sup>16</sup>.

2. On 10 November 2005, in the municipality of Caloto in the department of Cauca, the Paez indigenous boy Belisario Camayo Guetoto, aged 16, was victim of an extrajudicial

execution by members of the Mobile Anti-riot Squadron (Escuadrón Móvil Antidisturbios or ESMAD). The boy was an active advocator of the right to land of his community. Since 12 October 2005, indigenous persons had entered the “Hacienda el Japio” as a means to press the Government to respond to their demand for restitution and collective ownership of their lands.

The National Police responded to the peaceful demonstration by the indigenous community by using tear gas and sticks and preventing the entry of food into the Hacienda. On 10 November, ESMAD entered the Hacienda shooting indiscriminately causing injuries to many people and killing the child Belisario Camayo. Other indigenous people were detained, mistreated, beaten, and accused of being guerrilla members<sup>17</sup>.

3. On 12 March 2006, in the municipality of Bagadó in the department of Chocó, Willington Arce Vitucay aged 10, was victim of an extrajudicial execution allegedly committed by members of troops attached to the Alfonso Manosalva Flores Battalion of the Fourth Army Brigade. Likewise, Beatriz Murry girl aged 3 and Galeano Vitucay Arce a boy of the same age, along with four adults from the Conondo indigenous community, were injured during the events that took place when seven alleged FARC-EP guerrilla members arrived at the indigenous community and were attacked by troops attached to the Alfonso Manosalva Flores Battalion. According to the source, the alleged guerrillas were having a drink and there was no crossfire<sup>18</sup>.

4. On 15 April 2006, in the municipality of San Juan de Arama in the department of Meta, Yorladys Osorio González a girl aged 12, Gerardo Ríos and Weimar Prieto -two boys aged 15-, Alexander Medina -a minor boy-, and three adults -Floriber Prieto, Audom Prieto and Jesús Prieto- were victims of an extrajudicial execution allegedly committed by members of the Mobile Brigade No. 12., of the National Army. Likewise, two girls, Luz Enith Aguirre and Jessica Osorio aged 13 and 17, along with her mother Mrs. Luz Mary González were seriously injured. The events took place during a military search and control operation deployed by the army in the area, forcing the victims to seek refuge at a house which was later attacked indiscriminately. In effect, the house where the victims had taken refuge was subjected to an explosion followed by heavy shooting<sup>19</sup>.

#### **b) Extrajudicial executions of children alleged by the army to have died in combat**

The Committee on the Rights of the Child expressed its concern over “*numerous instances of violence by the regular military forces whereby children have been killed, including cases where children have been falsely reported as killed in combat by the army.*”

*Finally, the Committee notes with concern the unbroken pattern of impunity and the continuous tendency to refer serious violation of human rights to the military justice system*<sup>20</sup>.

1. In the municipality of Urrao (Antioquia) the extrajudicial execution of a woman and her 14-year-old son was recorded and attributed to members of the Cacique Nutibara Battalion. The military reported the event as “*guerrillas killed in combat*”<sup>21</sup>.

2. On 8 January 2006 in Inzá (Cauca), Hortensia Neyid Tunja Cuchumbe, a 17-year-old girl who was working as a maid at a house in Bogotá was killed in an extrajudicial execution allegedly carried out by members of the National Army attached to the Ninth Brigade. The event took place during the New Year celebrations organized by the community of Belén.

That day, Hortensia left her home situated in the municipality of San Antonio at approximately 9 p.m. accompanied by William Cunacue Medina and Manuel Antonio Tao Pillimué, two peasant youngsters from the region. The three of them went to a party organized by the community of Belén to celebrate the New Year. At around 4 a.m. Hortensia’s mother was told by some neighbors that something had happened to her daughter and that she was lying on the road. The mother rushed to the place the neighbors had told her and found the body of her daughter on the road, hit by several rifle shots. The mother tried to get close to her daughter’s body but was immediately stopped by soldiers who accused her of being a guerrilla fighter and threatened her with firearms. The mother enquired as to what had happened to her daughter to which the soldiers replied that Hortensia was a guerrilla fighter. Immediately afterward, the soldiers forced the minor’s mother to leave arguing that they had to wait for the arrival of the Office of the Attorney-General to perform the removal of the body. Meanwhile, some locals who arrived at the scene were beaten and forced to leave by the soldiers.

At 6 a.m., Hortensia’s mother decided to insist and went back to the scene only to find that her daughter’s body was no longer there. The soldiers remaining in the place told her that the bodies of the girl and of the other boy who was killed -Manuel Antonio Tao Pillimué- had been taken to the municipality of La Plata (Huila) given that the Office of the Attorney-General would perform the removal of the corpses there.

The army tried to portray the youngsters as members of guerrilla groups. To that end, they altered the scene of the crime- given that their bodies were not only removed from the original scene where the events had taken place but also dressed up in camouflage clothing and hoods. At a press conference at the La Plata military base, the army declared that the bodies belonged to two guerrilla members of the thirteenth front of the FARC-EP. Furthermore, they stated that the two alleged guerrilla members had arms and communication equipment on them. These allegations were emphatically denied both by Hortensia’s mother and by the locals.

As regards William Cunacue, it is known that he was injured and that at approximately 5 p.m. of the day the events took place, his relatives took him to the La Plata hospital where he was detained by army members. He is currently undergoing a process against him on the grounds of rebellion.

The Asociación Campesina de Inzá decided to report what had happened<sup>22</sup>. The Military Criminal Justice System proceeded to learn about the facts and assigned Military Criminal Court of First Instance No. 65 to determine whether the two people killed on 8 January, amongst them 17-year-old Hortensia Neyid Tunja, were or not guerrilla fighters, and whether the military participating in the events exceeded their authority<sup>23</sup>.

**c) Attacks on the life of children by virtue of their relationship to people accused by the perpetrator to be actors in the armed conflict, or cases in which killing of children is used to terrify their relatives:**

1. On 27 November 2005, in Riosucio (Chocó), a group of paramilitaries forced their entry into the house of Mr. Wilber Gaspar -who was a member of the Community Council of that rural area – and accused him of being a guerrilla fighter. Then, they tried to rape his wife in his presence and beat their baby to death.

According to testimonies by members of the community, the paramilitaries involved in these events had been at the community a few days earlier calling on meetings to form security and agribusiness coops that would replace “demobilized” paramilitary structures under the framework of the process carried out between these groups and the national Government.<sup>24</sup>

2. On 25 January, in Pasto (Nariño), 13-year-old Carol Julieta Benjumea Cortés, daughter of Mr. Mario Zaruma Concha, 4<sup>th</sup> Attorney-General at the Sectional Office of Pasto, was murdered after leaving school. Her body, displaying many shots, was found by some locals on a road in the outskirts of the city<sup>25</sup>. Attorney-General Zaruma had been in charge of the first phase of the investigation for the case of the Guaitirilla massacre (Nariño) where several members of the national police were murdered by members of the army, allegedly due to issues related to drug trafficking<sup>26</sup>.

**d) Homicides of children caused by the use of arms prohibited by international humanitarian law or by indiscriminate attacks perpetrated by groups directly participating in the hostilities**

1. In the municipality of Puerto Toledo (Meta), a child died after a bomb -allegedly planted by guerrilla members of the FARC-EP- exploded at a hotel in the municipality<sup>27</sup>.

2. On 17 July 2005, in Rioacha (Guajira), boys Alberto Bonett Guerra aged 13, Alfred Castrillón Gómez aged 15, Yarley Fuentes Toro aged 17 died as a result of an explosion of 14 explosive charges allegedly planted by members of the 59<sup>th</sup> front of the FARC-EP. The children were traveling in a van along with six other people, on the road that leads from the village of El Silencio to the village of Cascajalito. Five other adults died in the event<sup>28</sup>.

3. On 4 March 2006, in the municipality of Montebonito (Caldas), a six-month-old baby was killed along with an unidentified adult, an alleged guerilla fighter and a policeman. The events were allegedly committed by guerrilla fighters of the 47<sup>th</sup> front of the FARC-EP when they were trying to take over the town by bombarding it indiscriminately. One

of the many gas cylinder bombs rocketed by them against the civil population fell on the house where the baby was living<sup>29</sup>.

#### **e) Homicides of children socially marginalized**

The Committee on the Rights of the Child recommended the Colombian State: “to take effective measures to prevent social cleansing and other violence directed at street children”<sup>30</sup>.

During 2006, in the city of Bucaramanga (Santander), at least 4 kids have been murdered amongst whom there is Félix de Jesús Castillo García who died after being shot several times. The murder of these children is the result of actions taken against socially marginalized people, such as street children, by paramilitary groups<sup>31</sup>.

#### **f) Death of children amidst the crossfire**

On 8 September 2005, in the municipality of La Hormiga (Putumayo), 29 civilians were killed. Amongst them there were two girls, 11-year-old Deisy Alejandra Potosí and 8-year-old Elizabeth Álvarez. The events took place as a result of clashes between alleged members of the FARC-EP and alleged paramilitaries of the Central Bolívar Bloc. The children died amidst intense shooting, grenade firing and explosions caused by the groups in combat<sup>32</sup>.

On 16 April 2006, in the municipality of El Carmen de Bolívar (Bolívar) a 15-year boy died and a 7-year-old boy was badly injured following clashes between the 47<sup>th</sup> front of the FARC-EP and troops of the Marine Corps First Brigade<sup>33</sup>.

#### **g) Death of children due to non-compliance with the cessation of hostilities by paramilitary groups**

1. On 19 April 2005, in the municipality of Buenaventura (Valle), 12 adolescents were tortured by paramilitaries who threw acid to their faces causing serious burns and their disfigurement, and later executed them. A testimony stated that:

*“They were invited to play a football match and murdered in Commune 12 of El Triunfo district in the rural area of Las Vegas. This area is kept under surveillance by the Marine Corps because it is on the way to the airport. The district is controlled by paramilitaries and all people are searched when going in and out. But although the police carry out their regular rounds, they never find anyone... This has kept the community and organizations in a permanent state of uneasiness so they decided to carry out a social and humanitarian accompaniment”<sup>34</sup>.*

In addition to the above, a day after the massacre, during an attack attributed to clashes between guerrilla groups and paramilitaries at the port, a 5-year-old child was killed and a 4-year-old seriously injured<sup>35</sup>.

2. On 5 January 2006, in the rural area in the outskirts of a settlement called Matebambú (Valle), two brothers – Rafael and Amir Rodriguez- and their 17-year-old sister, Yurley Rodriguez, were victims of forced disappearance by a group of some 100 paramilitaries who identified themselves as “Autodefensas del Llano”<sup>36</sup>.

### **Violations and breaches of the right to personal integrity**

During the period under study, the right to personal integrity of children was repeatedly violated, both by guerrilla groups and by state agents and paramilitaries.

#### **a) Children injured and maimed due to the use of arms prohibited by international humanitarian law**

1. In Tierralta (Córdoba), a 15-year-old girl and her 5-month-old baby were injured after stepping on an anti-personnel mine. The girl lost her right leg and the baby suffered shrapnel wounds to various parts of its body. Responsibility was attributed to the 58<sup>th</sup> front of the FARC-EP.<sup>37</sup>

2. On 9 April 2006, in the department of Bolivar, a peasant boy was badly injured after stepping on anti-personnel mine when helping his parents with their regular farming activities. The mine was also allegedly planted by the FARC-EP. The child’s parents rushed him immediately to the hospital in the municipality of Carmen del Bolivar where he received prompt medical care. Nevertheless, the seriousness of his injuries caused him to lose his right foot<sup>38</sup>.

3. On 22 September 2005, in the community of Beguidó in Tierralta (Córdoba), Luis Javier Domicó – an indigenous boy aged 15- stepped on an anti-personnel mine and suffered several burns to his right leg<sup>39</sup>.

#### **b) Children injured amidst the crossfire**

1. On 5 March 2006, in the municipality of Quibdó (Chocó), a girl -Shirley Ochoa Moñá-, and a young man aged 23 -Diofanor Oqui Valencia-, both members of the community of Unión Nematá of the Negua reservation, were injured when caught amidst clashes between members of the National Army and the FARC-EP. The clashes took place after the latter group, apparently, forced their entry into the house of an indigenous family. The two injured people were taken to the San Francisco de Asís hospital in Quibdó, where they received medical care<sup>40</sup>.

#### **c) Torture, cruel, inhuman or degrading treatment and punishment**

The Committee on the Rights of the Child expressed its concern over the fact that children continue to be victims of torture, cruel, inhuman or degrading treatment.

1. On 17 May 2005 in Cartagena del Chairá (Caquetá) two girls were victims of psychological torture when alleged members of the National Army raided their house illegally after which they tortured their father in their presence, accusing him of being a

guerrilla fighter. The soldiers mistreated the two girls and their mother while they searched and messed up the whole house<sup>41</sup>.

## **II. Attacks to personal freedom**

Within the period under study, serious cases of attacks to Colombian children's personal freedom have been identified, amongst which we have hostage-taking, arbitrary detentions and illegal coercion within the framework of the armed conflict.

Even though, according to the official version, paramilitary groups have demobilized in the framework of the negotiations with the national Government, there continue to be reports of cases of serious violations of children's personal freedom perpetrated by these groups.

### **a) Hostage-taking**

1. On 27 January 2006, in the municipality of Vistahermosa (Meta), a three-year-old boy of whom only his name is known, Camilo, was taken hostage while being with his mother, Mrs. Yeimi Abigail Rueda Colorado. The events in which Camilo and his mother were victims were attributable to members of paramilitary groups operating in the area, with the complicity of the Armed forces. On 27 January, Mrs. Rueda Colorado and her 3-year-old boy were retained and tied up by paramilitaries under the command of "Alias El Tino" in the center of the town of Alto de las Delicias, in Vistahermosa, Meta<sup>42</sup>.

According to the public complaint, the army was very close to the paramilitary checkpoint where the victims were retained and did nothing to prevent this violation. Information obtained by the Permanent Committee of Human Rights (CPDH), who made the complaint, indicates that the woman and her child were taken to the village of La Rochela where they were tied up and threatened with sharp instruments used as weapons.

According to the same complaint, at about the same time the later events took place several paramilitary checkpoints had been set up at less than 100 meters from where army troops were based. This has given rise to multiple disappearances of peasants, amongst whom there are several minors, without the Armed forces offering any resistance.

### **b) Arbitrary detentions**

1. On 30 July 2005, in Corinto (Cauca) troops of the National Army, elite units of GAULA (Unified Action for Personal Liberty Groups)<sup>43</sup> and DAS (Department of National Security), and the Technical Team of the Office of the Attorney-General (CTI), arbitrarily detained 20 people, amongst them a child.

During the operation, members of the armed forces and the Office of the Attorney-General were accompanied by an informant, his face covered, who pointed out to those that should be deprived of their freedom. The National Army raided the house of the 20 detainees, firing shots and explosives into the air. All detainees, including the child, were

taken to the headquarters of the III Brigade of the National Army in Cali (Valle). The child and the other detainees were portrayed by the National Army as collaborators of the guerrilla forces<sup>44</sup>.

2. On 15 May 2005, in the municipality of Calamar (Guaviare), two boys aged 9 and 10, and a girl aged 12 were detained on their way to school by members of the 7<sup>th</sup> Mobile Brigade of the National Army, who prevented them from arriving to their destination accusing them of being guerrilla members and ordering them to supply information on their relatives who, according to the soldiers, were members of the guerrilla force<sup>45</sup>.

### **c) Illegal coercion<sup>46</sup>**

In the area of Altos de Cazucá to the south-west of Bogotá, when youngsters decide to get together and carry out community initiatives, they attract the attention of armed people:

*“Around this area there are many threats to youngsters. Many have had to leave and they leave very often... here, a lad that has no job becomes a military target because they say he is a slacker... the thing is that when a group of youngsters start getting together very often, then they attract too much attention, immediately they pounce on them no matter if they are getting together for something good or bad... When youngsters get together to do things, then they keep investigating them, they show up where they are meeting, they question them, their parents, their teachers, their neighbors...they question anyone”.*

Paramilitary persecution and incursion in the area is not limited only to threats but also to involve the community so as to create an imaginary “normalization” of their presence and the kind of rules of the game they impose:

*“Presidents of the Juntas de Acción Comunal (Neighborhood Action Boards) persecute youngsters who are not “in line”, because they are the ones having to deal with people’s complaints, with the pressure to make sure that all things in the neighborhood run smoothly... and with all that staff about political interest...so, the only option they have is to form an alliance with the “paras” for them to come and remove those who are a nuisance, while they wash their hands”<sup>47</sup>.*

The presence of paramilitaries in Altos de Cazucá does not only generate violent deaths, intimidations and threats on youngsters, it also involves them -whether directly or indirectly- in the armed conflict and limits their expectations and possibilities in life: *“Things are difficult with the lads because they are dealing with arms, and now they can get them really easily”.* In this way, paramilitary control of the area does not only result in a normalization of the war but also becomes something desirable, particularly when it offers economic and social opportunities, which may not be better but at least different.

*“Things with kids are a serious business; because they can kill so easily...it makes no difference to them to see a dead body... and another, and another... killing is normal ... and they like it...”<sup>48</sup>.*

From the psychosocial point of view, what can be seen in this area as a consequence of paramilitary control is that important sectors of the community, particularly adolescents, are increasingly being controlled by means of explicit “coexistence” rules imposed by the armed conflict, deeply breaking those limits established by the fields of what is public and what is private. “That which is public”, understood in this case from the action of the armed actor, comes to regulate the most basic relationships within the spaces of “that which is private”, such as the family. It is the armed group who establishes punishment guidelines and rules for children, ways to solve matrimonial disagreements, proper dress and behavior codes that go as far as censuring the use of miniskirts for girls.

### **III. Involvement of children in the State armed forces and illegal armed groups participating in the hostilities**

#### **a) Direct involvement in illegal armed groups taking part in the hostilities**

Colombia has ratified the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed conflicts, and international humanitarian law provisions to protect the civil population, particularly children, are applicable in the country. These treaties prohibit the involvement of children in armed groups directly participating in the hostilities, including the armed forces. Despite ratification to these treaties, the situation of children who have fallen victims of involvement in armed groups directly participating in the hostilities has not improved and, on the contrary, it has tended to get worse.

During the period under study, it was possible to confirm that the practice of involving children in armed groups directly taking part in the hostilities has continued, both on the part of paramilitaries and on the part of the guerrilla forces, in non-compliance with humanitarian and human rights norms and with the agreements signed by them. In the case of the National Liberation Army (ELN), they signed the “Door to Heaven” Agreements (“*Puerta del Cielo*”) in Mainz, Germany, in which they committed themselves not to recruit children under the age of 16.

In the case of the FARC-EP, in June 1999 they stated to the UN Secretary General Special Representative for Children in Armed conflict that they stated they would not recruit more children under the age of 15.<sup>49</sup>

Concerning paramilitary groups, on 26 July 1998 the AUC established in the Paramillo Declaration that as of that date they would not recruit children under 18 in their ranks, nor would they use them for intelligence or surveillance activities. Furthermore, in the

Declaration for Peace in Colombia (“*Declaración por la Paz en Colombia*”) of November 2002, they offered to hand over to UNICEF “*those combatants under age which, having been freed from the guerrilla forces by the AUC, still remain in our ranks*”<sup>50</sup>. Nevertheless, there is evidence that none of these agreements have been honored.

OHCHR received a complaint according to which on 9 June 2005, in the municipality of Ricaurte, (Nariño), in the indigenous reservations of Pialapi, the FARC-EP recruited an indigenous boy from the Awa peoples, who was as young as 9 years old<sup>51</sup>. This office also received complaints of forced recruitment of several indigenous children in the department of Putumayo, allegedly committed by the FARC-EP. This situation forced various families to flee for fear of having their children recruited by force.

UNICEF has also received similar complaints. In August 2005, a boy and a girl both aged 15, who belonged to Afro-Colombian communities living in Chocó, were recruited by the FARC-EP. The events occurred in the municipality of Medio Baudó, village of Pie de Pató in the said department.

On 13 July 2006, the anti-kidnapping corps, GAULA, detained a 17-year-old girl who, allegedly, guarded the people who had been kidnapped by the FARC-EP. Also, the authorities stated that she performed intelligence activities for this guerrilla group<sup>52</sup>.

As regards paramilitary groups, UNICEF has received the complaint that these groups were trying to recruit children to perform “social cleansing” tasks, offering them a salary of over \$400.000 Colombian pesos (\$US 150) plus a bonus for every victim they would leave in the Municipality of Soacha to the southwest of Bogotá D.C.<sup>53</sup>

In the department of Antioquia, OHCHR was informed that despite the alleged demobilization of paramilitary groups operating in the area, between the months of June and August of 2005 they continued recruiting youngsters in the ranks of Communes 8<sup>th</sup> and 13<sup>th</sup> of the city of Medellín<sup>54</sup>.

Contrary to multiple statements by members of the communities affected, members of the “Corporación Democracia”—organization made up of those who have allegedly demobilized from the Cacique Nutibara Unit of the paramilitaries- stated that the said recruitments were not their responsibility<sup>55</sup>.

In the department of Arauca, OHCHR also received complaints in which it was stated that in April 2005 four children were recruited by paramilitary groups<sup>56</sup>.

There are no consolidated figures in Colombia as regards the number of children participating in armed groups directly taking part in the hostilities. However, the most conservative figures assert that it ranges between 8,000 and 13,000<sup>57</sup>. It is believed that at least one in every four combatants of illegal armed groups is under 18<sup>58</sup> and, at times, this figure may rise to over 30% in certain armed units<sup>59</sup>. The ages at which they get involved ranges between 7 and 17 years of age, with an average age of 13.8 years old<sup>60</sup>.

**b) Indirect involvement: intelligence activities, civic-military campaigns for integration and other military-related purposes**

During the period analyzed, guerrilla forces, the official armed forces and paramilitary groups continue to use boys, girls and adolescents for intelligence activities.

The Committee on the Rights of the Child stated in its latest report on the situation of children in Colombia that it was concerned by the use of children for intelligence purposes, because it puts them at risk before combatant groups which is contrary to international humanitarian law and compromises, in particular, the principle of distinction<sup>61</sup>. OHCHR asserted this statement by writing in its report that “*non-compliance to these principles is also attributed to members of the army for the use of children as informants*”<sup>62</sup>.

Furthermore, OHCHR stated: “We received information of a 10-year-old boy and his father who were executed by alleged members of the 48<sup>th</sup> front of the FARC-EP. The events took place in the reservation of Teteyé, municipality of Puerto Asís (Putumayo), on 9 October 2005. It is alleged that the boy was prompted to provide information to the National Army, violating in this way the right of distinction which bans the use of minors in military activities”<sup>63</sup>.

Another indirect way in which children get involved in the armed conflict is by means of civic-military campaigns. One of the first cases denounced by the Colombia Coalition has been taking place since 2003 when the National Army started to implement a program called “*Soldiers for a day*”, which seeks the “*involvement of children in the Army, through playful activities and the visit of minors to military bases throughout the country*” and in which they ride war tanks, get to know helicopters and try camouflage make-up on.

This program included the visit of 2,000 children to the three Army battalions in Bucaramanga (Santander); study visits of minors from the “*Bohios de María*” School in Medellín (Antioquia) to the 4<sup>th</sup> Artillery Battalion, and from kinder gardens in Pasto (Nariño) to the Boyacá Infantry Battalion; and activities in Cúcuta (Norte de Santander), with a delegation of children from Táchira, Venezuela, who were visiting the city<sup>64</sup>.

In 2003, the Office of the Procurator-General of the Republic requested the discontinuation of the said programme arguing that (i) the aim of making children question themselves about the social and political situations is inconsistent with the development and vulnerability of children; (ii) it is obvious the risk to which children are exposed by being at a place which may be considered by illegal armed actors as a military target, and (iii) the main task of the Army is not to educate children, which does not preclude the presence of other State institutions specialized in the construction of values since childhood<sup>65</sup>.

With minor formal adaptations, the National Army continues developing the program seeking to “*teach children the nation’s symbols, the soldiers’ identity and instill a sense of duty to one’s country*” in various parts of the country<sup>66</sup>.

On the Army’s main website there is a link to enter a space the Army has created called “*Club Lancita*” (“*Little Lance Club*”) in order to invite children to participate in “*playful and educational*” activities. Reference can be found here to an activity called “*Sé lancita*”

por un día” (“Be a little lance for a day”), which seems to be a reproduction of the “Soldier for a day” program, but this information has not been uploaded on the site. It reads on the website: “From several parts of our beautiful country we will inform of the visits carried out with our friends from the “*Acción Integral Ejército Nacional*” (“*National Army Comprehensive Action*”) and of the work developed with the community, particularly with the Colombian children”<sup>67</sup>.

Furthermore, the National Army continues carrying out “playful activities” with boys and girls through its “*jornadas humanitarias*” (“humanitarian activities for a day”). Recently, the “Combat Support and Service Battalion No. 16 ‘Lieutenant, William Ramirez Silva’”, attached to the 16<sup>th</sup> Brigade, carried out a day of activities with the community, with the participation of children. On its website, the army states:

*“We also carry out activities with the civil population and discuss issues of concern in the region such as youth and violence, domestic violence and displacement as a result of actions committed by terrorist groups, whereby we can do a close analysis of the situation of human rights in the department”. Lieutenant Colonel Ernesto Camacho Díaz, Commander of the said Combat Support and Service Battalion states that: “the aim of these activities is to involve all the population in restoring the social fabric in those communities hit by the crazy terrorist acts perpetuated by insurgent groups”<sup>68</sup>.*

Likewise, OHCHR received information of a child working as a transporter who was forced to drive members of the Army. While transporting the soldiers, an artifact exploded accidentally and the child died. The events took place in the municipality of San Pablo, in the department of Bolívar<sup>69</sup>.

### **c) Demobilization of children from the armed conflict**

According to the Colombian Family Welfare Institute (ICBF), the following are the data of children assisted by the reintegration, rehabilitation and recovery program for demobilized children:

<b>BOYS, GIRLS AND ADOLESCENTS ASSISTED BY THE ICBF PROGRAM</b>	
<i>1999 (as of November)</i>	<i>10</i>
<i>2000</i>	<i>100</i>
<i>2001</i>	<i>196</i>
<i>2002</i>	<i>394</i>
<i>2003</i>	<i>775</i>
<i>2004</i>	<i>684</i>
<i>2005</i>	<i>526</i>

<i>2006 (until 30 June)</i>	<i>231</i>
-----------------------------	------------

If these data are trustworthy, only 15% of children combating in those groups directly participating in the hostilities are being assisted, which means that the vast majority is still involved in the armed conflict or, if they have demobilized, they have not received assistance. It is worth remembering that the Committee on the rights of the Child stated that the current rehabilitation and recovery programs for child soldiers are inadequate<sup>70</sup>.

As regards the legal framework, although there are several national and international instruments in place awarding various guarantees to children involved in the conflict, there are several facts in breach of such protection regulations.

#### **d) Legal framework**

##### **• National legislation:**

As a means to protect children, several international human rights instruments and bodies have recommended for the criminal legislation to categorize the recruitment of children as an offense<sup>71</sup>. In 1997, the recruitment of minors was classed as an offense (Art. 162 of the Criminal Code) which punishes members of the guerrilla forces and paramilitaries with three to five years' imprisonment. Nonetheless, the definition does not contemplate the armed forces and Police as actors, and it has had a rather weak influence<sup>72</sup>.

Amongst the active armed groups in the conflict undergoing a criminal process for such offense there is an ex-member of the military forces who used to recruit children, from the Ciudad Bolívar district to the South of Bogotá (an extremely impoverished district), into the ranks of the Centauros Unit of the paramilitary in the department of Meta<sup>73</sup>, and FARC finance manager Ricardo Palmera<sup>74</sup>.

##### **• International legislation:**

On 5 August 2002, outgoing President Andrés Pastrana ratified the Rome Statute of the International Criminal Court, just before leaving office and with the approval of the incoming administration, reserving for 7 years the validity of the ICC for War Crimes. One of the most serious effects of this decision is that the ICC will not be able to know of the offense of recruitment of children under 15 years as a war crime<sup>75</sup>. Likewise, the decision has encroached on one of the most important mechanisms for the protection of children affected by armed conflict.

##### **• Contradictions:**

Law 782 of 2002 establishes that a child who has been demobilized from the armed conflict can only be acknowledged as a member of an illegal armed group if the spokesperson of such group states so, or if the child him/herself can prove his/her membership.

The above poses two major difficulties because on the one hand the armed groups spokespeople are reluctant to provide evidence as they can face a legal process for a war crime if the combatant is under 15; and on the other hand, in the majority of cases, laying down their weapons is the only way children can prove their involvement with the armed groups, but when a child escapes he/she cannot take his/her armament along.

Another norm regulating the situation of demobilized children is Law 975 of 2005 - commonly known as the Justice and Peace Law<sup>76</sup>. Its Article No. 64<sup>77</sup> includes a provision whereby the handing over of children fighting in the ranks of an illegal armed group does not entail the loss of legal benefits for those who have recruited them.

The above provision is used by those who support it to promote the idea that it would make it easier to demobilize boys and girls from paramilitary groups, this does not take into consideration the relevant international norms, according to which: (i) “*the expression ‘worse forms of child labour’ comprises forced or compulsory labour including forced or compulsory recruitment of children for use in armed conflicts*” - Convention 182 of the ILO on the Worst Forms of Child Labour-; (ii) “*The Rome Statute of the International Criminal Court defines the recruitment of children [under 15 years old] into national armed forces or armed groups, as well as their use in international or internal hostilities, as war crimes*” - Rome Statute of the ICC-; and (iii) “*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*” - Optional Protocol to the Convention on the Rights of the Child on the participation of children in armed conflicts.

Finally, The Constitutional Court, through sentence C-203 of 8 March 2005, made a statement on the lawsuit against Article 19 of Law 975 of 2005, whereby it was stipulated that a demobilized child would undergo a criminal process which according to the plaintiff was an attack on his victim status.

Amongst other things, the High Court stated that demobilized children hold the victim status but that at the same time, taking into account that they may commit acts of violations of human rights and breaches of international humanitarian law, they must also be trialed. Nonetheless:

*“The trial for demobilized children is not identical to that of offenders. It shares the totality of guarantees proper to those actions, but furthermore is surrounded by social guarantees proper to their status of victims of the armed conflict, specially protected by international humanitarian law...*

*...The responsibility of each child has to be evaluated individually, with due attention to the child’s age and level of psychological development; his/her condition as a victim of forced recruitment; his/her personal and social circumstances, amongst them whether the child has in turn been the victim of a war crime; the level of responsibility that may be attributed to those who ordered the recruitment of the child; and the responsibility of those who, apart from those*

*who perpetrated the recruitment, acted as determiners for the child's conduct-amongst others, under the threat of applying extreme physical punishments...*

*... Measures to be adopted must be particularly protective by reason of the child's status as subjects of reinforced legal protection. The Court quotes the Statute of the Special Court for Sierra Leone which contemplates a series of protective measures. The Statute does not contemplate measures for the privation of freedom.*

*... For the Colombian case, the Court states that demobilized children must, at any rate, enter into a special demobilization and reintegration program with a tutelary, educational and protective character. The Court calls for there to be, and I quote: "a close cooperation between criminal authorities and ICBF authorities in charge of developing the process for protective reintegration into society, which every demobilized child soldier must join"<sup>78</sup>.*

#### **IV. Occupation and attack of civilian property**

##### **a) Schools are used as battle fields**

OHCHR declared that: *"Illegal armed groups continued to commit attack on the civilian population which affected the children population, including indiscriminate attacks, thus violating the immunity of civilians and civilian property"<sup>79</sup>.*

The Committee on the Rights of the Child stated in its last report on Colombia that:

*"The establishment of military bases by illegal armed groups at schools, homes, places near them, or meeting places for the civilian population has not only posed a serious risk for children's integrity but it has also had an impact on children's right to education"<sup>80</sup>.*

Overall, armed actors in the conflict impose their rule in the regions and their strategy of occupying or attacking property socially relevant to the community allows them to take on the role of judges, builders of public ethics and determiners of the dynamics of relationships. The power bestowed on them by having arms, turns them into moralizers, and having arms becomes a symbol, the most important one to be achieved, with a high possibility of strongly influencing children and youngsters<sup>81</sup>.

School teachers in some areas with a permanent presence of armed actors, report that: *"there are increasingly more children, and at younger ages, who drop out of school to take a more active part in the war"<sup>82</sup>.*

The most recent report by OHCHR described the following cases:

*"On 14 April 2005, [FARC-EP] guerrillas attacked the town of Toribío (Cauca). During the attack, gas cylinders were fired and the school was used as a base to attack the police. The attack left two children dead and five people severely injured,*

*and totally or partially destroyed a number of homes. In a visit to the area, the Office noted that the Office of the Ombudsman had earlier warned of an imminent attack, but that the Inter- institutional Early Warning Committee (CIAT) had not taken action.*

*The attacks which occurred in 2005 in Cauca, in the municipalities of Caldono and Toribío, and those in El Tarra (Norte de Santander) and in Puerto Guzmán (Putumayo), are typical of the attacks conducted against the civilian population and the indiscriminate attacks attributed to the FARC-EP, with serious consequences for individuals and civilian property. Cases involving children, owing to the use of schools as an operational base or because they were close to the target of attacks, were considered particularly serious. The office observed that in Toribío (Cauca), the armed forces' installations should not have been built in the middle of a civilian area.*

*There were also reports of a gas cylinder attack, attributed to the ELN, in February 2005 on the civilian population of Cumbitara (Nariño), injuring three civilians, including a child.*

*The Office in Colombia observed a greater effort by the Colombian Air Force to take account of risks for the civilian population when planning its operations. However, the Office also received information regarding indiscriminate attacks by army helicopters, including one on 22 February 2005 in the rural area of San José de Apartadó (Antioquia), close to the villages of Bellavista, Alto Bonito and Buenos Aires. More than 200 peasants living in the villages were endangered by the machine-gun attacks, including the children population”<sup>83</sup>.*

Likewise, during the verification missions carried out by the Colombia Coalition in the departments of Chocó and Putumayo, it was possible to confirm the constant occupation of schools, particularly those in rural areas, by members of the National Army.

At the school of Piedra Honda (Chocó), teachers denounced that the army occupies the school and leaves only when classes start. Nonetheless, they don't always leave as is the case in the department of Putumayo- as in other regions of Chocó- where various teachers reported that the presence of soldiers in the school while classes are taking place, causes children not to be attentive to the information imparted, and increases the risk of being attacked by the enemy- in this case the guerrillas<sup>84</sup>.

The school in the rural area of Tutunendo, municipality of Quibdó (Chocó), was occupied twice, in April and in May 2006, by the Mobile Brigade of the Manosalva Flórez Battalion made up of approximately 30 soldiers who stayed for a week the first time and for three days the second time. In this regard children said: “we agree with the fact that they stay in the town because that is their duty, but they should stay further away because the thing is that if another armed group arrives, an enemy, they'll kill us all... they can take care of themselves but we cannot”; “the soldiers have a means to defend themselves but we haven't”.

#### **b) The attack and use of other civilian property puts children at risk**

UNICEF received a complaint according to which during an attack by the armed forces in “La María”, in the municipality of Piendamó (Cauca) in May 2005, a health center was

destroyed by the Police and the Army, along with medicines and medical equipment. The health center had been a target of a gas projectile attack since the day before<sup>85</sup>.

During the Chocó mission carried out by the Colombia Coalition in the area of Alto Atrato (the lower part of the Atrato river) in May 2006, it was possible to confirm the occupation of the health center by the Police in the urban area of the municipality. During the visit, children could be seen together with the soldiers inside the sentry boxes. In this regard, a member of the community council said:

*“The council asked them to leave because the community needs the health center and they replied with a letter saying they would not leave until the Police station is built. The problem is that the money [to do so] was stolen.*

*People don't agree with them being here. They objected to the station being there because it was amidst the community homes. People don't agree with the police. Just yesterday, a soldier fired several times into the air which made people frightened. Their presence generates fear and makes people come down to the lower parts of the river. Many people stay up there during the day but go down at night”<sup>86</sup>.*

## **V. Violations and Breaches of the right to sexual freedom**

Based on the information provided in this chapter, the following tendencies were identified as regards sexual violence against girls and young women in the framework of the armed conflict:

- Sexual violence against girls and young women has become more habitual in the framework of the armed conflict;
- The conflict has increased the risk of girls and adolescents to be the victims of various forms of sexual violence;
- The guerrilla force, the paramilitaries and the official armed forces continue perpetrating acts of violence against girls and young women;
- There is an increase in the number of reports of acts of sexual violence committed by public officials, in particular members of the armed forces and the police;
- Girls who get sentimentally involved with a given armed actor are stigmatized and attacked by the opposite groups;
- The various methods of violence are used as an instrument to intimidate and terrorize communities and result in forced displacement;
- There are few legal reports of sexual violence owing to mistrust in the judicial system or fear of retaliations on the part of the perpetrators;

- The presence of armed groups in the communities generates an increase in sexual abuse, early pregnancies, sexually transmitted diseases and abandonment of pregnant girls and young women.
- Girls linked to armed groups are permanently subjected to a variety of acts of sexual violence such as sexual slavery, forced family planning, and forced abortion.

**a) Gender violence against girls and young women has become habitual in the framework of the armed conflict**

Women and girls continue to be the main victims of sexual violence in Colombia. During the first half of 2005, the regional north-western Office of Forensic Medicine in Medellín (Antioquia) performed 413 examinations due to some form of sexual abuse. These figures show that at least two women were subjected to sexual violence per day. *“Out of the total of women examined, 149 bore evidence of having been penetrated by the masculine sexual organ and 56 had been violated by other means. A major fact to underline is that 342 of the victims were under 18 and out of them 293 were under 15, which means that 82% of women violated sexually were under age and 70% were less than 15”*<sup>87</sup>.

Violence against girls and adolescent women in the framework of the armed conflict continues to be a source of concern. During her visit to Colombia in 2002, the Special Rapporteur on violence against women, Mrs. Radhika Coomaraswamy, was able to confirm the serious impact that the armed conflict has on women and girls and received chilling testimonies about the various forms of gender and sexual violence they are victims of. In her report, the Special Rapporteur stated that *“violence against women (...), in particular sexual violence perpetrated by armed groups, has become a habitual practice amidst a gradually degenerating conflict and that disregards international humanitarian law. Such violent acts are sometimes committed at the same time as extrajudicial executions or as another means to terrorize women and communities”*<sup>88</sup>.

Today, four years after her visit, the situation has not changed and to the contrary it has indeed worsened. The Rapporteur on Women’s Rights of the Inter-American Commission on Human Rights (IACHR), Mrs. Susana Villarán, concluded in 2005 after her visit to Colombia that: *“the armed conflict has deepened the historical discrimination and violence women have suffered. Women’s special needs are not yet comprehensively addressed by the Colombian State and their voices are not effectively incorporated within the design of public policies to remedy the particular impact the armed conflict has on them”*<sup>89</sup>.

Sexual violence against women and girls is a constant practice on the part of the armed actors in the country. Guerrillas, paramilitary groups and the armed forces continue to commit acts against the personal integrity of women and girls, seriously affecting their sexual and reproductive rights and making it even more difficult for them to enjoy their right to lead a life free of violence. As of its report *“Colombia: Scarred bodies, hidden crimes”: Sexual Violence against women in the armed conflict*, Amnesty International concluded in this regard that: *“All the armed groups – the Armed forces, paramilitaries and the guerrilla – have sexually abused or exploited women, both civilians or their own combatants, in the course of Colombia’s 40-year-old conflict (...) It is women and girls who are the hidden victims of that conflict”*<sup>90</sup>.

“La mesa de mujer y conflicto armado” (Women and armed conflict Table) an organization that has carried out an important follow-up work on the recommendations made to the State in 2002 by the UN Special Rapporteur on violence against women, has registered cases of violence against girls and young women by armed groups directly participating in the hostilities. In its 2005 report, it detailed various cases that bear witness of the seriousness of the situation:

*There is the case of a 15-year-old girl: “her parents worked all day long and used to leave her in charge of the house. She became the girlfriend of a member of an armed group and afterwards they forced her to be the girlfriend of another one. They used to mistreat her and beat her, and her parents also used to beat her because she didn’t do her house chores and then she committed suicide. There is information that armed actors have induced various girls to prostitution. A woman from Cazucá explains that they hire them to sell coffee in the streets as a means to camouflage the activity. She also says that girls are used as “sexual baits” to facilitate selective killings”<sup>91</sup>.*

As a whole, violence against girls and women by the armed groups obeys to three causes namely: “1) because of their relationship with those considered as opponents, whether they provide services for them such as cooking, washing or because they are their sexual partners or simply because they talk to the opponent, or the opponent is a relative; 2) because they challenge bans imposed by the armed actors, such as wearing certain type of clothing, going to parties or social gatherings, aid those wounded in combat or asking after their loved ones who have been either detained, killed or disappeared; and 3) because they are considered an easy target through which they can inflict humiliation on the enemy”<sup>92</sup>.

Despite the fact that the civil society organizations and the UN Agencies present in the country have numerous testimonies concerning grave cases of violence against women and girls, the State does not have a reliable statistical record about such cases. In many cases the information is not broken down by sex and age and in others, the information does not even reach public officials due to fear of reporting the abuse or lack of confidence in the efficiency of the administration of justice. Cases have been registered in which at the moment of performing the autopsy of the bodies of those women subjected to extrajudicial executions the authorities have limited themselves to only registering the deaths leaving these abuses, which these women and girls were victims of before being executed, shrouded in silence and impunity<sup>93</sup>.

**b) The conflict has increased the risk of girls to fall victim to various forms of sexual violence**

Children have been affected by the intensification of the armed conflict, whether because of the constant pressure exerted by the various armed actors, or because of the lack of clear governmental policies to tackle the situation. One of the most relevant affectations of this reality is the violence against women, girls in particular.

Violence and discrimination against girls has a dramatic impact on their emotional, individual and social world and on the way they relate. Therefore, it is of paramount importance to have a clear understanding of the specific aspects in which the armed conflict increases the vulnerability of girls, in order to prevent further deterioration of the historical conditions of gender disadvantages, move forward in exercising the rights of girls and prevent the psychosocial damage entailed by the violation of such rights<sup>94</sup>.

Although the national government says that thanks to its “democratic security” policy the security situation in the country has improved, it has been observed that all kinds of violence, including sexual violence against girls, are more frequent in those areas with a stronger military presence<sup>95</sup>. Although this kind of violence has occurred in the context of the armed conflict long before the current administration<sup>96</sup>, militarization of civilian life countless populations have suffered as a result of the security policy has increased violence as a whole<sup>97</sup>.

In those areas where the Colombia Coalition is present such as Arauca, Altos de Cazucá, Putumayo and Chocó, the communities have expressed in many occasions their concern for the increasing “militarization of the areas”, because as a result these adolescent girls have a pressure exerted by the members of the Armed forces to have relationships with them. This has brought about the displacement of many families in order to avoid retaliations<sup>98</sup>.

An example of the latter can be found in some of the facts registered by the Colombia Coalition during its mission of verification of the situation of children in the armed conflict in the area of the upper Atrato River (Chocó) in May, in which UNICEF and UNHCR took part. Testimonies were collected on the impact of the presence of the armed forces on the community, particularly on children and youngsters. In the Municipal cabecera, girls spend a lot of their time in the sentry boxes along with the soldiers and for 1 or 2 dollars they have sex with the military or the policemen. Conquest strategies go from the offering of money to gifts such as clothes, accessories, mobile phones and others<sup>99</sup>.

A testimony of one of the community leaders illustrates in a vivid way the situation described above:

*“Girls have intimate relations with the combatants (whether legal or illegal), they like the protection and the uniform, they like the gifts and soft drinks soldiers give them. The problem of early pregnancies has a strong cultural element, it’s normal; what is notably happening recently is that girls get involve with the soldiers and then they leave and don’t take responsibility for their parenthood [...]The thing is that they have children and then they are transferred and that is why they [the military] don’t take responsibility”<sup>100</sup>.*

Another recurring practice by the armed groups is the imposition of codes of conduct, particularly imposed by paramilitary groups who force girls to dress and behave in a certain way, affecting their right to a free development of their personality. Those girls

who refuse to follow such codes can be signaled as military target or be victims of other acts of violence:

*“When the paramilitaries arrived, they put lists of people on the posts. They accused them of vice. For being lesbians or homosexuals or because women had been unfaithful. [...]They told girls they mustn’t wear cropped tops (ombligueras) and low-slung jeans”<sup>101</sup>.*

*The imposition of codes of conduct by paramilitary groups has grown due to the coexistence which, in many areas, they have with the Armed forces<sup>102</sup>. In areas where there has been an increase in military presence- such as Altos de Cazucá in Cundinamarca, and other areas in the departments of Arauca, Bolivar and Antioquia- reports have also increased on restrictions to sexual liberties<sup>103</sup>.*

**c) The guerrilla forces, the paramilitaries and the Armed forces continue perpetrating acts of violence against girls**

Women and girls continue to be the victims of violence and gender discrimination and their rights continue to be affected by the armed conflict:

*“The most common forms of violence against women noted by the Office during 2005 were sexual assault and killings of women , and the majority of those targeted were peasant, indigenous, Afro-Colombian and displaced women, who had returned to their places of origin or were living in blockaded communities”<sup>104</sup>.*

*“Attacks on personal dignity and other attacks against the decency of women and girls by illegal armed groups continued to be recorded in various parts of the country, commonly accompanied by hostage-taking, torture, displacement, forced nudity and other forms of physical, sexual and psychological aggression”<sup>105</sup>.*

In this regard there has been an increase in the number of complaints of acts of sexual violence against women and girls by public officials, particularly by members of the Armed forces. There were reports of sexual violence, including rape, and torture against women attributed to members of the police and the army which, at times, have been group violations. Several of these acts affected indigenous women and many are not being investigated. This situation was highlighted by the Committee on the rights of the Child in its last report on Colombia<sup>106</sup>.

The OHCHR received information about a young indigenous girl allegedly raped by a member of the third artillery battalion in Puracé (Cauca) in August, 2005<sup>107</sup>.

As regards paramilitary groups, the OHCHR stated in its report that: *“Women and girls continued to be the victims of paramilitary groups, being subjected in particular to acts of sexual violence. A case in point was the kidnapping and rape of a human rights defender in Nariño and of two young sisters in Tierralta (Córdoba), which were attributed to former demobilized combatants from the AUC’s Bloque Catatumbo”<sup>108</sup>.*

The OHCHR recorded in its 2005 report a number of complaints of various forms of sexual violence attributed to members of illegal armed groups and alleged demobilized paramilitaries. Several cases were attributed to members of the Armed forces. In June of 2005, three armed men in military attire sexually abused two girls in front of their family, including the children, in Tierralta (Córdoba)<sup>109</sup>.

*“The following are some references to cases of sexual violence, in which demobilized combatants are believed to be the perpetrators: violations take place particularly at dances. Such cases are not investigated. There is knowledge of about 5 women and girls raped and killed. These cases used to happen and now they are happening again. The perpetrators are from the same area but people don’t say anything out of fear. They say that the woman knew the perpetrator and she is afraid, because her children could go and complain. These things happen but people don’t say a word”<sup>110</sup>.*

The situation in the department of Córdoba is a clear example of how allegedly demobilized paramilitaries continue to perpetrate acts of sexual violence against children:

*“In August there were three cases of rape of girls. The eldest of those girls was 14, the others were 12 and 11... it came as a big surprise because that hadn’t happened around these parts...it didn’t use to happen... Well, there had been cases of rape but not in this way, so fast and under the same circumstances, because they were subdued and forced, and raped almost in front of their parents, so it is something very, very shocking... The cases are very similar... they come at night, take the girls, rape them, take them back home and intimidate their parents with their arms... the perpetrators wore hoods”<sup>111</sup>.*

As regards the FARC-EP guerrilla organization, members of this group have sexually abused women and girls who live in the areas where they are present. Not abiding by their ban of not having any relations with the Armed forces or paramilitary groups has, at times, been punished with rape and even death<sup>112</sup>.

Furthermore, adolescents who get sentimentally involved with a member of any armed group are stigmatized and threaten by the opposite group: “You can see girls from as young as 12 years old who are already pregnant. All armed actors take advantage of that to entice girls and take them away. Sadly, after they are pregnant, if the girls are with members of the police or the army the guerrillas kill them, and if they are with the other groups they are also killed”<sup>113</sup>.

#### **d) Gender violence threats are used as an instrument to intimidate and terrorize communities**

Apart from other violent acts against girls and women, armed groups threaten them with sexual violence as a strategy to subdue communities and particularly women. “A case in point are the threats and intimidations of specific warnings: *“If girls are out after 10 p.m.,*

*they will be raped and taken away by paramilitaries who live in the Humberto Valencia district and its surroundings,”* according to a testimony by a woman living in the Bosa locality<sup>114</sup>.

According to information by OHCHR in March 2005, a paramilitary group was blamed for the occupation of the village of Corazón de Jesús and later of Caimanero (Chocó), where they installed two checkpoints to control movements along the Bojayá River, threatening the region’s inhabitants with rape or death if they refused to provide information about the guerrillas<sup>115</sup>.

**e) The situation of armed conflict has fostered trafficking and the sexual exploitation of young women and girls**

The ongoing armed conflict exacerbates the various forms of violence against children, in particular the sexual exploitation and trafficking of people by armed groups and gangs associated with such groups.

In its final observations on Colombia in 2006, the Committee on the Rights of the Child expressed its concern over the situation and stated: *“The Committee is concerned that children belonging to vulnerable groups, such as displaced children or those living in poverty, are more exposed to sexual exploitation and trafficking.”*

In the zone of Tierralta (Córdoba), base of the paramilitary headquarters for the negotiations with the national Government, there was evidence of the fact that:

*“Not only did sexual workers arrive to the Concentration Zone (Zona de Ubicación) by taxi, hired to that effect, but also buses full of school girls coming from Montería and Tierralta. Proliferation of cell phones, and the fact that girls have them, raises the idea that it is through this means girls are contacted by the demobilized combatants to arrange sexual meetings in exchange for handouts such as a cell phone itself, clothes or food. People say the most prosperous businesses in Tierralta are bars. They even promote their place when there are new girls in town. There is a place here called Pasión de Gavilanes, and you see them walking up and down street announcing with their bullhorn “new girls, new girls in town”<sup>116</sup>.*

The concentration of approximately 400 men in the area attracted many women living in conditions of vulnerability, especially due to their socioeconomic situation. There were even cases recorded of people who received orders to go to Montería or Tierralta to fetch them in exchange for a sum of money.

*“They pick up girls as young as 12, 13 and 14 years old and take them to the Concentration Zone for a weekend and there are people making a living out of that, youngsters who live on that. There was tolerance towards the frequent arrival of women requested by demobilized combatants. [...] It seems that, in effect, a good part of the sexual trade was developed by sexual workers.*

*Nevertheless, there was information about some school girls from the poorest districts who came to the zone to make some money on the side”<sup>117</sup>.*

On 3 January 2005, a T.V. program named “Primer Impacto” broadcasted a report called “Porno Mariners” which tells the story of how in October 2004 Marine members and American contractors providing military assistance at the Tolemaida Military Base (Tolima) subjected three girls to a session of sexual humiliations, which were then recorded on video and marketed in the municipality of Melgar (Tolima).

Of major concern is the fact that the authorities deny knowledge of the events<sup>118</sup>, despite the fact that they were broadcasted through the mass media and therefore became public knowledge. In addition, these foreign military men cannot be tried in Colombia because since 1962 there is a treaty between the USA and Colombia whereby members of the U.S. military cannot be tried for crimes committed in the national territory<sup>119</sup>; this agreement was further strengthened by an agreement which also made the International Criminal Court ineffective in the event of such cases.

The State response in view of sexual exploitation is very limited. The Plan Nacional para la Erradicación del Trabajo Infantil y la Protección del Joven Trabajador 2003-2006 (*National Plan for the Eradication of Child labor and Protection to Young Workers*) deals only with the issue of child sexual exploitation when mentioning the worse forms of child labor and neither does it present any clear strategies to tackle the situation; nor does account for the lack of medical care provided to this population, given that in many cases they suffer from sexually transmitted diseases<sup>120</sup>.

As stated by the Department of National Security (DAS), although criminal law is clear in regards to punishing those responsible for such exploitation, the level of impunity related to these cases is considerably high<sup>121</sup>. The Office of the Ombudsman stated that while “*there is a lack of a more efficient work on the part of the state security authorities... as regards following up child prostitution networks and capturing and sanctioning the perpetrators*”, there are children victim of sexual exploitation who are institutionalized in centres for criminal law offenders in cities such as Pereira and Barrancabermeja<sup>122</sup>.

**f) Combatant girls in guerrilla or paramilitary forces are victims of gender violence**

Girls combating in either the guerrilla or the paramilitary forces are frequently subjected to sexual violence which puts their physical and emotional integrity and even their lives at risk. Practices within the armed groups show how grave a risk in which girls find themselves of being the victims of sexual violence.

*“Sexual slavery continues to be a practice that affected the rights of women and girls, the latter being recruited as young as 12 years old for that purpose. This practice is generally accompanied by forced birth control and abortion. This situation also poses a high risk for the women of contracting sexually transmitted diseases or HIV. Responsibility for recruiting girls, imposing birth control and the compulsive practice of*

*massive HIV tests and sexual slavery of women and girls is mainly attributed to the FARC-EP”<sup>123</sup>.*

Young guerrilla girls have few possibilities of deciding whether to have children or not. It is mandatory for these girls, who can be as young as 12, to use birth control frequently by having an IUD inserted by a nurse. In fact, young girls in the ranks of FARC-EP who get pregnant have to abort almost invariably. Although the ELN seems to be more willing to tolerate pregnancies, it is clear that at least this possibility is strongly discouraged<sup>124</sup>.

Overall, sexual life is a critical issue that starts at an early age. There is promiscuity and abuse on the part of guerrilla commanders who seek young girls as their sexual partners. The girls can end up being viewed as the property of the warriors, as research from the Andes University suggest in a recent document on violence and gender.

The following account exemplifies in some way what happens inside the armed groups:

*“Sadly, Adriana’s life illustrates this situation of permanent violence. She joined the FARC-EP when she was only 14. Three months later she already had a “husband”, 30 years older than her, who died in combat after three months. Then she had an affair with a young man who turned out to have a venereal disease. Adriana was accused of infecting him with the disease and even portrayed as an “enemy infiltrator” by one of her mates. She was not being tried but she was sanctioned with five daily trips to collect wood for three months. Once, her superior considered her reformed, they drew up her CV in the computer which meant she was an official member of the FARC EP payroll.*

*Not long before that, she had begun a relationship with “Richard”, a man around his fifties who was in charge of a company of about 54 men. Since then, she became his “Mrs.”, was entitled to a better rifle - an M-16- and to a life of less burden than that of her mates. Although she was active in combat, she would never be in the front line, nor did she have to carry a backpack because “Richard” was always accompanied by a mule. Nevertheless, it was mandatory for her to have a contraceptive injection every month. But then, when the military operations prevented the medicine from coming in, there came the pregnancy and the abortion”<sup>125</sup>.*

**g) The reservation for a seven year period to the Rome Statute of the International Criminal Court on the jurisdiction of war crimes, and the national legislation applicable to these issues create the right conditions for impunity in crimes of gender violence**

While the Colombian State has moved forward in the adaptation of the national regulations to International Humanitarian Law and human rights standards as regards the protection of women and girls, there remain serious obstacles that will limit the real effectiveness of such regulations, generating impunity for sexual violence perpetrated against girls in the context of the armed conflict.

The Rome Statute of the International Criminal Court characterizes various forms of sexual violence as crimes against humanity and war crimes. Sexual violence can adopt a variety of forms such as rape, sexual slavery, prostitution, forced pregnancy, sterilization, and forced birth control, as well as other sexual abuses of similar seriousness. Nonetheless, although Colombia ratified the Rome Statute it did so under a safeguard that postponed its application, in the case of war crimes, for a period of 7 years.<sup>126</sup>

On the other hand, the standards set out by the Rome Statute are not incorporated in the Justice and Peace Law<sup>127</sup>. Although the theme of conservation and publicity of the files was properly incorporated into the Law, and it welcomed the ideas of the Rome Statute by establishing that *“in all cases, the necessary measures must be adopted in order to safeguard the right to intimacy of the victims of sexual violence and of children and adolescents victim of the illegal armed actors, and so as not to cause further unnecessary harm to the victim, witnesses and other people nor jeopardize their safety”*, the possibilities of this being applied remain doubtful given the low level of credibility in the administration of justice<sup>128</sup>.

*“Under these conditions, and taking into account the scant volume of investigations to be carried out and that a significant number of demobilized combatants will wish to have some recourse to the procedures of Decree 28, the possibilities that those forms of violence committed against the rights of women and girls in the context of the armed conflict are investigated are very scarce. In particular, the above will be for those forms of violence related to sexual violence, if we take into consideration previous experience as regards the actions by the Administration of Justice in these cases and the attitude of the combatants – and in far from few cases, those actions by administrators of justice see this conduct as natural and socially accepted”*<sup>129</sup>.

Regarding the above, the Committee on the Rights of the Child recommended to the Colombian State in its final observations on Colombia:

*“(f) [...] Legal advice should be sought from OHCHR on how to integrate minimum human rights standards and a child rights perspective in the legal framework of peace negotiations, with special attention to the basic principles of truth, justice and reparations for the victims;*

*g) consider withdrawal of its reservation for a seven year period to the Statue of the International Criminal Court on the jurisdiction of war crimes, which at present blocks accountability for those responsible [...]”*<sup>130</sup>.

## **VI. Blockades on supplies and basic services**

The following are the findings identified under this chapter:

- Blockades on food, fuel, and other goods have been a strategy used by all armed actors taking part in the hostilities, in order to terrify and exert pressure on the communities

- The blockades have seriously affected the health of communities and particularly malnutrition rates of children. In the most dramatic cases, such blockades have caused the death of children due to starvation or because they could not have access to the necessary medical care.
- The increase on manpower and the constant presence of armed group in the territories of the communities have restricted their access to their crops and have prevented them from exercising their daily activities such as fishing and mining, which are vital for their survival.
- The humanitarian missions have been threatened by the armed groups and have encountered obstacles in accessing certain areas, which has resulted in the communities not being able to have access to this emergency aid, thus making even more critical their situation of vulnerability.
- The spraying of illegal crops is a practice implemented by the State which is affecting the health and the life in dignity of those communities subjected to such spraying. Their food crops and livestock are contaminated or destroyed by this practice, preventing their access to a proper diet and affecting their health.
- The spraying causes the displacement of communities affected by it.

**a) Blockades on food, fuel, and other goods have been a strategy used by all armed actors taking part in the hostilities**

**The Armed forces**

As of 2002, there has been an increase on the number of communities affected by blockades on their access to basic services such as food, medicine and fuel, in the majority of cases by the Armed forces or paramilitary groups who argue that the communities supply the guerrilla forces. Nevertheless, there are also records of blockades set up by the latter. At least 70 communities have been affected throughout the country, mainly in the departments of Putumayo, Antioquia, Sucre, Magdalena, Casanare, La Guajira, Caquetá, Chocó and Meta<sup>131</sup>.

During 2005 there continued to be reports of threats and restrictions by illegal armed groups on civilians' freedom of movement and the transport of merchandise. Many of these situations had serious consequences for the civilian population and for access to basic commodities. In some cases such actions led to blockades of the communities involved<sup>132</sup>.

It is estimated that the life of children in such communities has been affected in a variety of ways due to the armed conflict. In the past three years 120 children are estimated to have died of illnesses which could have been prevented, in the majority of cases as a result of blockades set up by the Armed forces or paramilitary groups hampering the medicine and vaccination supply chain. These actors argue that indigenous peoples do

not need medicines and that they just transport them in order to supply the guerrilla forces, who coerce them into helping them.

Blockades cause further malnutrition and illnesses, thus affecting children the most. *“Both the regular armed forces and the armed groups distinct from the Armed forces block vital supplies of food and medicines, resulting in high levels of malnutrition and disease”*<sup>133</sup>.

The fact that communities in certain areas of the country are seen as “enemies” has equally put the population at risk of being trapped amidst the confrontations or military operations take place amidst densely populated areas. In some operations performed in stigmatized zones, measures imposed by IHL for the protection of the civilian population have not been adopted; in others, they seem to have been designed in order to attack the civilian population<sup>134</sup>.

As verified by OHCHR during 2005 *“breaches attributable to members of the Armed forces were also recorded, in particular violations of the humanitarian principles of distinction, limitation and proportionality. [...] It also led to the blockade of communities and of food and medicines [...]”*<sup>135</sup>.

OHCHR informed that in August 2005, the Office received information on various restrictions on freedom of movement imposed on communities in Chocó by the Armed forces, *“for example in the community of El Dieciocho in the municipality of El Carmen de Atrato (Chocó), where members of the Alfonso Manosalva Flores battalion cut the cable that serves as a bridge to cross to the left bank of the Atrato River, where the indigenous people’s plantain and maize crops are located. This action produced a food crisis and put the community at risk of displacement”*<sup>136</sup>.

Reports were also received that in August 2005, members of the army’s new Mobile Brigade No. 13 allegedly carried out operations in the rural area of Puerto Guzmán (Putumayo) preventing the villagers from leaving their settlements and threatening their personal integrity if they did not provide information on the FARC-EP guerrillas in the area. In March, peasants from El Castillo (Meta) were reported to be the victims of restrictions on the movement of food imposed by members of the 21<sup>st</sup> Vargas battalion in an attempt to cut off the guerrillas’ supplies. This situation limited local villagers’ access to basic commodities<sup>137</sup>.

There have also been blockades *“imposed by the Armed forces through the Plan Patriota in Caquetá and Putumayo where, as a result of operations taking place, there is no safety for humanitarian missions”*<sup>138</sup>.

### **Paramilitary groups**

Paramilitaries were also denounced for blockading food, medicines and fuel and for restricting the movements of persons, thereby seriously affecting the civilian population, causing forced displacements and looting. This occurred specifically along the Bojayá

River (Chocó) and was apparently tolerated by the authorities. There were also reports of looting and pillaging in Arauca, Chocó, Córdoba and Norte de Santander<sup>139</sup>.

Recently, the Catholic Church denounced that paramilitary groups -who are supposed to be undergoing a process of demobilization- have blocked the entry of goods to the Sierra Nevada de Santa Marta: “*paramilitaries do not allow the entry of food and medicines, thereby causing the death of 17 children due to impossibility to access basic resources fro nutrition and health*”<sup>140</sup>.

### **Guerrilla forces**

According to OHCHR: “[...] *Other cases were attributed to the ELN in Arauca. Communities in several areas were affected by blockades and guerrilla actions. The blockade of communities on the Caquetá River (Putumayo) was attributed to the FARC-EP. In the south of Chocó, operations by the FARC-EP and the AUC led to a shortage of supplies for some 900 peasants*”<sup>141</sup>.

#### **b) The humanitarian missions have been threatened and attacked by the armed groups**

Likewise, there have been cases of threats to the humanitarian missions trying to reach the zones to provide the most affected communities with food, medicine and other basic necessities for their survival. The zones most affected by this situation have been Catatumbo, Antioquia and some areas in the south of the country. As stated by OHCHR, the Office received information that the FARC-EP restricted humanitarian missions and impeded the free transit of goods destined for the civilian population of Toribío (Cauca)<sup>142</sup>.

A study carried out recently by Radio Caracol, made evident the serious situation of uneasiness and fear humanitarian missions endure, whether they are providing medical care, food or accompaniment in the zones of armed conflict. NGOs, the Church and other United Nations organs in Colombia have to overcome all kinds of obstacles in order to reach their destiny<sup>143</sup>.

Attacks on at least two humanitarian missions from the United Nations system and international NGOs have been recorded. Last 20 January 2006 in the eastern part of the department of Antioquia, a track transporting humanitarian aid by the United Nations World Food Program-WFP was intercepted by illegal armed actors who forcibly took several food rations intended to support displaced families. As a consequence, the WFP decided to temporarily stop all delivery of humanitarian aid in that department until security can be guaranteed for both WFP staff and the food transported<sup>144</sup>.

As stated by WFP, this incident is one of the many interferences caused by illegal armed groups in the departments of Chocó and Meta. For their part, UNHCR informed in this regard that throughout the year they had been facing serous restrictions in the

development of their humanitarian operations, particularly in the departments of Putumayo and Norte de Santander<sup>145</sup>.

**c) Militarization of the communities' territories has affected their access to the supplies needed for their survival.**

Communities that have been blockaded by the armed actors taking part in the hostilities have been affected in their traditional activities of tending to their crops, hunting and fishing. The strong military presence in certain areas of the country such as Chocó, has forced communities to change their economic activities and even alter their basic diet due to of accessing the places where they carry out such activities. In the area of the Upper Atrato River (Chocó), communities living mainly of fishing have been restricted in their access to the river and have had to agree on strategies to be able do fish or mine without it posing a risk for them or their families. During the mission of the Colombia Coalition to Chocó in May 2006, the communities' representatives expressed their fear of the presence of soldiers hiding in the mountains and the undergrowth<sup>146</sup>.

*“The soldiers hide in the bushes and we don't know when they come or go. One can't any longer go in peace to go fetch wood or to the mines 'cause it is dangerous. Those who go in groups and come back early [...] I'm afraid of going to fetch wood. One day I was passing by Quebrada Honda with my little boy 'cause I was taking him to the doctor's and they started throwing stones at us to scare us away...that's what worries me the most”<sup>147</sup>.*

For the people in the communities the presence of the Armed forces in certain parts of their collective territories implies more a sense of risk than of protection because there are other combatants in the area and as a result they can be caught in the crossfire or be the victims of military errors, amongst other dangers. This implies a risk to their lives and those of their children because at any time they can be mistaken by people of the opposite side.

*“We don't know where the soldiers are. Today I left late and there they were but in the morning they had left. [...] They killed my partner three years ago, he was shot five times. [...] I no longer go to those plots. When the area was seized, the guerrillas came dressed as soldiers, we can't distinguish them, they can't say where they are going 'cause they say that the community is going to spread the word [...] all we're asking is for the Armed forces tell us when they're gonna be around these parts, not the exact place cause we know they can't say that”<sup>148</sup>.*

Additionally, the river banks have become dangerous places for the inhabitants to search for gold or to fish. The Bagadó Diocese publicly denounced that during the humanitarian mission they carried out in May 2006 to the Upper Atrato River, members of the army shot at the boat they were traveling on because they had lost UNHCR's flag during the journey<sup>149</sup>.

It is important to consider that these communities are used to taking their children along with them so as not to leave them alone in their settlements at the mercy of armed actors in the area. Thus, not only the adults are exposed to attacks by armed groups hiding in the bush, but also the children. *“A mum takes her child to the mine if the baby is very little. You can see her collecting sticks and leaves to lay the baby down and keep an eye. Maybe she has no one to leave the baby with. Sometimes there are mothers who have to take their children along with them because they are not going to school or for them not to get into trouble with one neighbor or another. Mothers take them to the river shores”*<sup>150</sup>.

**d) The spraying carried out by the State to eradicate illegal crops have seriously affected the communities<sup>151</sup>.**

The spraying of illegal crops used by the State as a counterinsurgency strategy has had a serious impact on the communities living in those territories. During the past few years there have been reports of the harmful effects on legal crops, tended by peasants, bordering with those being sprayed which have greatly affected their health because they are left without the basic diet for their survival.

*“The majority of peasant and indigenous communities living in bordering areas with Colombia grow their own food for their survival and, most of them, are extremely poor. The spraying has destroyed their corn, cassava, rice, cocoa and plantain crops and has contaminated the rivers and water wells used by the community as drinking water. Apart from that, the communities suffer from ailments related to the nervous system, the digestive system and skin disorders. Children are amongst the most affected and have rashes on their skin, itches, headaches, vomiting, fever and stomach pains”*<sup>152</sup>.

There have been cases of illnesses particularly affecting children, which the communities associate with the spraying. A case in point is the various conditions suffered by the communities in the department of Nariño as a result of the spraying with glyphosate. Since 2002, children in the region have been suffering from grave conditions. A doctor who had to assist during an epidemic following a spraying declared to the mass media:

*“[T]his is an epidemic. Since the fields of the Indígena de Aponte Reservation were sprayed, 80% of the community children have fallen ill. “This is a medical drama: rashes, fever, diarrhea, eye infections –they started after the spraying because before that, around 10% of the children were suffering from normal conditions like colds or mumps”*<sup>153</sup>.

In Bocas de Satinga, to the north of the department of Nariño, spraying with glyphosate left three indigenous children dead, 16 people sick, *pancoger plots* (small plot/kitchen plot) destroyed and a serious humanitarian crisis. According to a census carried out by Aciensa (Association of the Eperara Siapadaara Indigenous Councils of Nariño), 108, 337 plants of plantain, banana, potatoes, cassava, sugarcane, chilma, lemon, coconut, zapote, chontaduro, orange, cocoa and timber were lost as a result of the spraying. It is not known how long it will take for the soil to recover<sup>154</sup>.

There is information regarding indiscriminate spraying on illegal crops -coca and poppy seed- seriously affecting food crops and increasing the level of child malnutrition in areas such as in the department of Putumayo, resulting also in forced displacement.

According to the report by OHCHR, in April 2006 around 4,600 people were displaced from the municipality of Samaná (Caldas). The reasons were said to be pressure by the FARC-EP and spraying in the region<sup>155</sup>.

Amongst the agreements between the government and the communities it is stated, overall, that the methods used for the eradication of illegal crops must be agreed upon along with the communities. Nonetheless, this measure is not applied in the majority of cases by State authorities<sup>156</sup>.

Even though in November the Government temporarily stopped its aerial fumigation of illegal crops in the border areas with Ecuador, it continues to spray on protected areas such as nature and indigenous reserves. The government has stated in several scenarios that such spraying is not harmful for the health of human beings. Last 5 August, the government restarted spraying on one of the most important natural reserves in the country: “La Sierra de la Macarena”, despite warnings by environmental organizations and the call of indigenous communities.

## **VI. Forced Displacement<sup>157</sup>**

Out of the analysis of the information provided herein, the following tendencies can be identified regarding forced displacement particularly of children and youngsters

### **General**

- A high number of children have been forcibly displaced as a consequence of attacks by guerrilla or paramilitary groups on the civilian population and the operations of the armed forces which in many opportunities violate the human rights of the population and breach international humanitarian law. In addition, clashes between the armed forces and guerrilla groups are a cause for displacement.
- The difficulties faced by the victims of displacement concerning their access to governmental assistance seriously affect children. Amongst those difficulties are their declaration as displaced people, registration in the SUR (the government registry for the displaced population), receiving the governmental humanitarian assistance upon registration and access to other public aid programs. Registration levels are very low which also affects displaced children.
- The Constitutional Court- through Sentence T-025 of 2004, along with UNHCR have noticed the lack of special programs to assist the specific needs of displaced children- emergency aid, health care, education and family reunification.

- The insufficient assistance to the physical protection of displaced children and to their need for psycho-social support to overcome the trauma of displacement.
- The return processes fostered by the government are conceived without regard to conditions of security and dignity or the wishes of those concerned. These return processes lack specific programs for children in the areas of origin, do not guarantee family reunification and do not count on the specific actions aimed at preventing either forced displacement or the involvement of children in the hostilities.
- Restrictions on freedom of movement and transport of food and people imposed by the Armed forces, the paramilitary groups and the guerrilla forces.
- The distribution of emergency humanitarian assistance by the Armed forces increases the risk of the communities receiving such assistance. The Committee on the rights of the Child registered this situation in its 2006 report on Colombia as a source for concern and recommended the State to distribute humanitarian assistance by civilian authorities in order to maintain the principle of distinction and not to increase the vulnerability of the displaced population and those at risk of displacement by exposing them to subsequent retaliation by members of illegal armed groups<sup>158</sup>.
- Excessive delay regarding the access of IDPs to emergency humanitarian assistance for family displacements: displaced households must wait over a month between the time they render their declaration as to the events that led to the displacement and the time they are register in the SUR, and two months between the time they register and they actually receive the first State aid. In total, households have to wait for three months, under the most precarious conditions, in order to receive first aid.

## **Specific**

- Lack of food safety: chronic malnutrition of displaced children.
- Lack of psycho-social support to overcome the trauma of displacement, a situation registered in the 2006 report by the Committee on the rights of the Child as a concern.
- The lack of reproductive health programs for displaced girls and of protective measures against sexual abuse.
- There are no special educational programs aimed at displaced children who have to seek access to regular school programs despite facing limited access to the educational system. This results in low rates of school attendance.

Lack of conditions to remain within the educational system: between the ages of 12 and 17 children have to drop out of school in order to contribute to the family income. The low school attendance rate is then caused by the high drop-out rates and the involvement of children in the labor market.

- Additionally, in many rural schools in conflict areas such as Chocó teachers are absent thus affecting the permanence of children at the school.

**a) Colombia has the highest number of IDPs worldwide and half of them are children**

Forced displacement- which coincides with actions aimed at achieving the control of the territories whether economically or militarily, continues to be one of the most dramatic violations of human rights and breaches of IHL<sup>159</sup>. As stated by UNHCR Colombia has the largest internally displaced population in the world, estimated in 2005 according to official figures at 1.7 million people and at more than 3 million according to non-official sources<sup>160</sup>.

According to CODHES<sup>161</sup>, 2,420,041 people have been the victims of forced displacement since 1997, with 287,581 displaced in 2004. It is estimated that between 48% and 55% of these are children<sup>162</sup>. The threats on forced recruitment or the risk of children getting involved with the armed actors is another major cause for displacement, which is increasingly having an impact<sup>163</sup>. In Bogotá, the displaced population is mainly concentrated in the under 10 and youth up to age 20. According to UNICEF, in the past 15 years more than a million children have been the victims of forced displacement<sup>164</sup>.

Existing public policies are not reflected into efficient preventive or protective actions for the population that is either already displaced or is at risk of doing so. Neither does the public response go beyond the emergency phase nor does it foster measures aimed at providing socioeconomic and cultural restoration to the victims.

As stated by the Office of the Procurator-General and the Office of the Ombudsman, only 30,41% of households individually displaced between 1997 and 2004 and 8% of families displaced massively received emergency humanitarian aid<sup>165</sup>.

**b) The seriousness of the situation regarding displacement drove the Constitutional court to declare it as “unconstitutional state of affairs”<sup>166</sup>**

In February 2004, the Constitutional Court qualified the situation of displacement, in Sentence T-025, as “unconstitutional state of affairs” and warned that the State has not assumed its duty of protecting thousands of people suffering multiple and constant violations of their human rights as a result of this situation.

Despite orders given to the government by the Constitutional Court, effective measures have not yet been adopted in order to prevent displacement, provide protection and reparation to the victims and guarantee the enjoyment of their economic, social and cultural rights. The attention provided continues to be focused on paternalistic measures

that do not cover all the population, as well as on returning which has been developed without regard to conditions of security and dignity or the wishes of those concerned<sup>167</sup>. According to an evaluation by UNHCR, out of 28 returning processes there is a very high percentage of members of the communities who were forced to displace yet another time or are at risk of having to do so again<sup>168</sup>.

In this regard the Committee on the Rights of the Child expressed: *“The Committee shares the concern expressed by the Constitutional Court (T-025 of 2004) over the lack of targeted attention and assistance available for displaced children, especially since it is estimated that children constitute more than half of the displaced population. In addition, the Committee is concerned that inadequate attention is paid to the physical protection of internally displaced children and their need for psychosocial assistance in order to overcome the trauma of displacement”*<sup>169</sup>.

Thus, the Committee recommended that the Colombian State: *“substantially increase the resources allocated for internally displaced persons and implement targeted programs for children in order to provide them with adequate access to food, shelter, education and health services”*<sup>170</sup>.

**c) Armed groups taking part in the hostilities continue to be causing the displacement of communities**

**Acts committed by the armed forces**

Threats by the armed forces on communities considered as collaborators of the guerrilla forces or those who have expressed their will not to be involved in the armed conflict have continue to be a cause for forced displacement. In April 2005, the community of San José de Apartadó was forcibly displaced due to threats by the armed forces and the announcement by the police of activities aimed at integration with the community and with children in particular.

*“The police have been coming to the San José settlement along with psychologists, sociologists and people filming us and handing out leaflets where they talk about a joint work between the police and the community and saying that the work has been arranged with us. On 30 March they came at around 2 p.m. and distributed some leaflets saying that the police would do social work, carry out some educational activities with the children and talk about conflict resolution. They left at about 2:40 p.m, after filming us. The day after, 31 March, a motorbike with two people dressed as civilians arrived at about 11 a.m. carrying short guns. Then, the priest announced the arrival of the police on the loudspeaker. Half an hour later, a rural bus (chiva) arrived with about 100 people, amongst them several policemen with candies and drums inviting the community to work with the police and filming the settlement and its inhabitants. Many children refused to receive the gifts and candies an so did the rest of the community”*<sup>171</sup>.

On 9 December 2005, in the area of Jiguamiandó (Chocó), the national government represented by the Coordinator of the National Program for Communities at Risk of the Department of the Interior and apparently the Delegate of the State Department flew into the Humanitarian Zone of Pueblo Nuevo by helicopter, totally disregarding the character of the provisional measures established for the third time last 15 March by the Inter-American Court of Human Rights, and putting the community at risk<sup>172</sup>.

### **Acts committed by paramilitaries**

According to Sisdhes of CODHES, in June 2005 35 families – around 175 people- were displaced from the municipality of Barbacoas (Nariño) towards Pasto, the capital of the department. The event was recorded in view of the possibility of an onslaught by illegal armed groups operating in the Nariño department, after the recent “demobilization” of the “Bloque Libertadores del Sur”. Likewise, Sisdhes learned that the Mayors of Magüi Payan, Roberto Payán and Barbacoas<sup>173</sup> were forced to displace after being pointed out as “collaborators” of illegal armed groups.

Another case was recorded in Bello (Antioquia) in March 2006 when 35 people, amongst them 15 children, arrived at the Personería (office of the local agent of the public ministry) in Medellín. The displacement took place by threats posed by alleged paramilitary groups still operating in the region<sup>174</sup>.

### **Acts committed by the guerrilla forces**

According to OHCHR, FARC-EP threats were blamed for the displacement of 320 persons in Cocorná (Antioquia) and more than 500 persons in Córdoba. The displacement of a further 110 persons, including children and leaders of the Wiwa indigenous community in Dibulla (Guajira) was attributed to pressures by the ELN. In several cases such actions were accompanied by looting and pillaging. The FARC-EP attack in Toribío (Cauca) caused the displacement of more than 5,000 people<sup>175</sup>.

CODHES reported of 77 indigenous people, amongst whom there were 27 children and a pregnant woman, from 13 families of the Nukak Makú ethnic group who arrived in the municipality of San José del Guaviare at the end of March. The displaced indigenous people came from the rural area of Tomachipán, at about 160 Km. from the urban area of this municipality and declared having been forcibly displaced after threats by an armed actor, allegedly the FARC-EP<sup>176</sup>.

The Presidential Counseling for Social Action and International Cooperation (Consejería Presidencial para la Acción Social y la Cooperación Internacional) informed that a new group of IDPs joined the 10 families of this same community who displaced to San José de Guaviare in 2003, and that they have been relocated in the rural area of Barrancón. Likewise, it was informed that on 25 November 2005 other 7 Nukak families arrived in the same city. This situation of displacement brought on respiratory infections, malaria, and symptoms of diarrhea, particularly amongst the child population<sup>177</sup>.

Particularly, Chocó continues to be one of the departments most affected by the violence perpetrated by armed actors.

As all border regions in Colombia Arquía Limón (Chocó) faces a grave security situation caused by the transit of armed groups and the clashes for economic control. Communities living alongside the local river banks are continuing to be the victims of blockades, threats, forced displacement, and killings -at times selective and at others indiscriminate. In total, some 500 people have arrived to Unguía since the end of July 2006 from Arquí Limón and neighboring communities<sup>178</sup>.

More to the south of the Atrato River, the village of Río Sucio hosts an increasing number of families arriving between July and August 2006, after fleeing from the violence. Even in Río Sucio, one can sense the fear and people are even afraid to talk. Some of the IDPs in Río Sucio are of Afro-Colombian descent and concerns are growing as regards those indigenous communities blockaded along the river.

Another case of serious concern is that of Istmina (Chocó), reported by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), where at least 678 people most of them of the Wanaan ethnic group from the communities of Unión Wounann and Noanamá in Medio San Juan, and Unión Chocó, Macedonia, Olave Indio and San Cristobal were displaced towards the urban area of Istmina during the first two weeks in April 2006. According to the Organización Regional Emberá Wounaan, displacements in this area have been the result of the killing of two school teachers on 30 and 31 March, as well as of an alleged “black list” of people threatened by alleged FARC members, containing more than 20 names amongst which there would be at least 5 names of local school teachers<sup>179</sup>.

#### **d) The confrontations between the armed groups continued to displace people**

As stated by the OHCHR report, the presence of illegal armed groups and fighting between members of the AUC and the FARC-EP caused the steady displacement of families in San José del Palmar (Chocó). It also gave rise to the mass displacement of 60 Afro-Colombian families in Barbacoas (Nariño) and of 42 families in San Pablo (Bolívar). In February, it caused one of the largest mass displacements of approximately 2,000 persons from six Afro-Colombian communities in Bojayá (Chocó)<sup>180</sup>.

According to information by the Office of the Ombudsman and Acción Social, 25 families arrived to the city of Popayán from the village of Huisitó, while other 25 families went to the urban area of El Tambo. The displaced families and people who remained in Huisitó said that they were forced to displace due to the constant combats between the army and the ELN. Such combats left three wounded of whom two were children, one of which had stepped on an anti-personnel mine<sup>181</sup>.

The Territorial Unit of the Presidential Counseling for Social Action and International Cooperation (Unidad Territorial de la Consejería Presidencial para la Acción Social y la Cooperación Internacional) informed that during December 235 people, 57 families (of which 115 were under 18 and 14 over 65) were displaced from the Community of Empalme

in the Inspección the Jardines de Sucumbíos. According to the Territorial Unit, the tendency is that displacement from that sector and neighboring areas such as Amarradero, Ranchería; San José, La Argentina and El Empalme, is increasing. The displaced population was taking refuge at the Chapel of the village of Liberia<sup>182</sup>.

The International Committee of the Red Cross informed that 1,600 indigenous people were displaced as a result of the increase in fighting during this period. According to the International Organization for Migration IOM, the indigenous guard North of the Cauca department has designed an emergency plan to aid the protection and assistance for those affected. To this end, a place for permanent assembly was designated in the Colegio Agropecuario Gaitana Fiux in the Minas reserve of the Páez municipality but nevertheless, as in the other places people have been displaced to, overcrowding has caused health problems. Additionally, families find it impossible to gain access to basic food. After evaluating the most pressing needs, ICRC and the Colombian Red Cross distributed 14 tons of food, 240 mats, blankets and sheets, as well as kitchen and hygiene utensils to meet the basic immediate needs of 349 families<sup>183</sup>.

In October 2005 in the department of Putumayo, there was intense fighting between FARC-EP and the AUC resulting in the death of at least three civilians of whom one was an adult and two were children caught in the crossfire as they were going back home. Furthermore, there were 27 civilians wounded and some 350 families displaced. Brigades of a joint mission by the WFP and the Red de Solidaridad Social were attacked while transporting aid relief to the village of El Empalme in the municipality of Orito. 84 tons of food were then stolen and fully returned hours later<sup>184</sup>.

1,370 people - 780 of whom were children- from the indigenous reserves of Cuchilla del Palmar, La Bocana, Magui, Cuasucabi Paldubi, Pialapi, Pueblo Viejo, La Esperanza, Nulpe Alto and Nulpe Medio almost had to displace for fear of losing their lives or being violated in their personal integrity as a result of the effect of the military operations developed by the army in the context of the “Operación Gladiador” to target FARC-EP. Additionally, a large number of Awá indigenous people have resisted leaving their territories while approximately 70 people from the same ethnic group have been forced to return to their reserves due to lack of humanitarian aid in the places where they had had to displace to. These people have to transit and return under conditions of high risk as, according to the very official sources, fighting in the area is still taking place<sup>185</sup>.

On July 2006, the majority of Awá indigenous reserves in the municipality of Ricaurte (Nariño) were left almost completely desolated for the second time in a year. Combats between the army and FARC-EP caused the displacement of 1,700 people who, little by little, concentrated in the villages of Ricaurte and Altaquer<sup>186</sup>.

**e) The threat of child recruitment by the armed groups continues to be a source of displacement**

In the departments of Guaviare, Santander, Putumayo and Vaupés the recruitment of minors has become one of the main causes for displacement given that a large number of families prefer to leave their land in view of the possibility of having their sons and daughters recruited by the armed groups<sup>187</sup>.

One of the practices entailing a high risk for the population is the recruitment of children. On this issue, the Office of the Ombudsman knows of 9 cases of minors recruited by the armed groups<sup>188</sup>.

Last 11 August, in the department of Arauca, a displacement from the village of Tame was recorded due to the massive recruitment of boys and girls announced by FARC-EP. A mother who left the area said: *“I had to take my two sons, 14 and 17, because a neighbor told us that the guerrillas were coming to recruit children, that the order by FARC was to recruit all children over 10 years old”*<sup>189</sup>.

The local office of the ombudsman in Tame estimates that around 400 children have left the rural area in the past week due to the announcement by the guerrilla to recruit them. Nonetheless, there are no official figures. *“As far as I know they took no one from my rural area. But I heard that in neighboring areas they did take some kids”*<sup>190</sup>.

This situation arose as part of the combat between the FARC-EP and ELN guerilla forces. Although the local agent of the Public Ministry, Manuel Pérez, stated that there is no official figure-due to fear of reporting- he admitted that in the past week, approximately 600 families have been displaced as a result of the announcement by the guerrillas to recruit minors<sup>191</sup>.

A similar situation could take place in the department of Putumayo where the guerrillas have threatened the communities with recruiting their children. The Colombia Coalition was able to verify this situation in the mission carried out in July 2006 in the areas of the lower and middle parts of the Putumayo River.

**f) Displaced children are not receiving the priority and special attention ordered by the Constitutional Court and international human rights instruments**

Concerning public policy, the Constitutional Court issued three new orders regarding compliance with Sentence T-025. The high tribunal declares that despite advances achieved the unconstitutional state of affairs has not been overcome and that it is necessary to move forward in correcting the gap between the violation of human rights and the necessary resources to effectively guarantee such rights.

In short, the pronouncements urge the national Government to: (i) fully identify the state of attention for the displaced population in the territorial order; (ii) define a budgetary effort to incorporate projections for the total number of people progressively registering in the SUR; (iii) clearly identify and define the participation percentages within these budgets corresponding to territorial entities; (iv) submit, no later than 1 December 2005, an implementing schedule defining real mechanisms and instruments with which resources can be collected, as well as specific rhythms and destinations; (v) no later than one year complete the characterization process of displaced population (vi) design

diverse indicators to show the fulfillment of rights; (vii) strengthen and widen spaces in which the displaced population can take part and guarantee their right to life.

As regards the attention offered by the State to the displaced population, a high percentage of displaced households (85.13%) are acquainted with the SUR and around 78% of them decided to submit their declaration before an entity of the Office of the Procurator General in order to be subsequently registered in the SUR. In total, around 71% of households were finally registered in the SUR. Furthermore, the analysis showed that only 56% of those registered in the SUR actually receive the aid, bearing witness to the fact that this part of the process is faulty given that almost half the displaced households do not receive the aid, despite having followed the necessary steps required and taken on all the costs entailed<sup>192</sup>.

On average, households have to wait over a month from the time they submit their declaration to the time they are registered in the SUR, and two months from the time they are registered and they actually receive the first state-provided aid. In total, households wait for over three months to receive the first state-provided aid and they do so under the most precarious living conditions<sup>193</sup>.

There seems to be a wide cross section in regards to the access to the various types of aid. Apparently, in the majority of cases households receive only one type of aid. Likewise, the results suggest that the State aid is focused on the social services typically provided by the State bodies, namely education and health. Nonetheless, the assistance specifically designed for the displaced population is scant and less than that provided by non-state entities<sup>194</sup>.

#### **g) The State is not guaranteeing the right of displaced children to education**

As stated by UNICEF, 7 out of every 10 displaced children do not go back to school<sup>195</sup> because of economic constraints (despite the legal obligation to guarantee free education for this population<sup>196</sup>), discrimination or ill-treatment, malnutrition conditions or the need to work to help support the family.

During 2004, 77 displaced children between the ages of 11 and 17 were interviewed in Altos de Cazucá, (Soacha, Cundinamarca), Cartagena (Bolívar), Usme and Ciudad Bolívar (Bogotá D.C.) and Barrancabermeja (Santander).<sup>197</sup> Fifty-eight percent of them stated having to partially pay for their enrollment fees or buy the uniforms and books; additionally, 53% stated that if they do not pay they are not allowed back in school. For these reasons, it is understandable that 23% of those interviewed do not study because of economic constraints.

Public policies for economically disadvantaged students in such matters have been focused on the creation of spaces within the schools, but these are not enough to cover the deficit<sup>198</sup>. Many times, teachers only teach children to read and write; they do not provide the necessary orientation or support needed to overcome the disorders and trauma caused by displacement, nor with the training to recreate new ways of living<sup>199</sup>.

Displaced children are the victims of prejudices from the community and the teachers who very often discriminate against them. Such discrimination results in changes in the way the children perceive themselves, in the meanings regarding their identity and how understand who they are<sup>200</sup>.

In its final observations, the Committee on the Rights of the Child recommends that the State adopt: *“the usage of proactive measures, such as additional support to compensate for hidden costs, in order to combat the pervasive discrimination and social exclusion which affects vulnerable groups, such as children in rural areas, internally displaced, Afro-Colombian and indigenous children”*<sup>201</sup>.

On the other hand, the attacks and threats on school teachers represent a serious impediment to the realization of the right to education. UNHCR has expressed its concern over the lack of schooling children are left with due to the fact that local teachers have had displaced to Istmina and Quibdó. A press release by *Humanitarian Space* of San Juan issued on 1 April 2006, warned that the number of people in the community at risk of being displaced would reach 1,748<sup>202</sup>.

#### **h) The State is not providing displaced children with the proper health care services**

The Government has not guaranteed the minimum protection for the right to health care of the displaced population, both in terms of coverage and in the supply of medicines. National authorities, control organisms, regional authorities and organizations working with this population have stated their concern over the dismantling of the health care model for the displaced population<sup>203</sup>, which results in limiting the provision of health care (not including psychosocial support) to only emergencies caused by displacement<sup>204</sup>.

Another source of concern is that the food component, which the Government must provide to the displaced population<sup>205</sup> as part of its assistance, does not guarantee their right to adequate food. According to the World Food Program, 23% of displaced children are at risk of from malnutrition, with those between one and two years old being the most affected ones<sup>206</sup>.

Additionally, while pregnancy amongst adolescents at the national level is 19%, amongst the displaced population the percentage reaches 33%<sup>207</sup>.

The situation in Altos de Cazucá illustrates the grave health situation displaced children face. Only 23% are registered in the National Health Service subsidy regimen and none of them in the “contributive regimen,” thus, the remaining 77% have problems securing their access to health care. Furthermore, they do not have the medical card needed to be able to have access to medicines<sup>208</sup>.

As stated by Médecins Sans Frontières, 29% of children suffer from chronic malnutrition and 3% from acute malnutrition; this organization reported that 900 children between 6

months and 5 years old are suffering from chronic malnutrition and pointed out that the most frequent conditions are respiratory, infectious and parasitic diseases<sup>209</sup>.

**i) The displaced population does not count on the necessary guarantees to be able to return**

According to OHCHR, in 2005 pressure by the authorities was placed on some communities to persuade them to return to their places of origin without regard to conditions of security and dignity or the wishes of those concerned. Several situations have shed light not only on the action of public servants in association with paramilitary groups but also on the persistence of these links and the tolerant attitude adopted by the authorities<sup>210</sup>.

Many such return processes take place despite very serious safety concerns for the communities. A case in point is that of the Awa indigenous communities where a large number of people have resisted leaving their territory while approximately 70 people who had left were forced to return to their reserves due to the lack of humanitarian assistance in the places they were moved to. The movement and return of these people takes place under highly risky conditions, because according to the very same official sources fighting is still taking place<sup>211</sup>.

The following are other cases illustrating the difficult returning conditions displaced families face:

Between 1,916<sup>212</sup> and 2, 596<sup>213</sup> people from 13 rural districts in the rural area of Encimadas in the municipality of Samaná (Caldas) were forced to displace towards the urban area due to threats allegedly made by members of the 47<sup>th</sup> front of the FARC-EP, turning Samaná into a scenario for one of the largest massive exodus recorded in 2005. The communities denounced that some of the roads connecting the districts in the municipalities had been planted with land-mines generating serious obstacles for the return of displaced communities and the harvesting of coffee<sup>214</sup>. On 18 November, in view of the first return processes, an inter-institutional commission determined that there were no conditions for such process to take place considering the large numbers of anti-personnel mines planted in the area which were being deactivated by the National Army. Despite these findings, between the 1<sup>st</sup> and 2<sup>nd</sup> of December 2005, the return took place<sup>215</sup>.

The Territorial Unit of the Presidential Counseling for Social Action and International Cooperation informed that on 14 March 2006 a massive displacement of about 170 families from 7 districts in the municipality of San Juan Nepomuceno took place as a result of the killing of one of the locals. The municipal community studied the possibility for a return given the security situation in the area and decided to carry out two verification commissions previous to the return process, but they never actually took place. To date, the families do not wish to return and have received humanitarian emergency aid from the ICRC and Social Action<sup>216</sup>.

Another case took place in the department of Nariño. UNHCHR, along with other UN agencies, the Office of the Ombudsman and the Norwegian Refugee Council accompanied the return process of 2,200 displaced people to the region of Policarpa

having previously stated their concern for the security of the communities involved in the process. These people were part of the group arriving in Pasto (Nariño)<sup>217</sup> in May, after a demonstration during which they were subjected to physical violence. Then, they were threatened by an illegal armed group who informed them that if they returned they would be killed.

## **VII. Recommendations**

### **General:**

For the Colombian State to fully comply with the recommendations issued by the Committee on the rights of the child in June 2006 and contained in CRC/C/COL/CO/3, 2006.

For the Colombian State to conscientiously comply with the recommendations issued by OHCHR in February 2006 and contained in E/CN.4/2006/9.

For the Colombian State and illegal armed actors to fully comply with IHL regulations, as it corresponds given the existence of the internal armed conflict in Colombia, and carry out the necessary actions to sign humanitarian agreements for immediate implementation.

For the UN Special Representative for Children and Armed Conflict to visit Colombia within the scope of her mandate, in order to verify the serious situation of children affected by the Colombian armed conflict.

### **Regarding violations against the right to life and personal integrity**

- For the Colombian State to investigate and sanction, within the ordinary criminal jurisdiction, extrajudicial executions and torture perpetrated by the armed forces and police. In all cases, prevent of cases related to human rights violations and breaches of humanitarian law from being taken on by the military criminal jurisdiction, in accordance with statements issued repeatedly by the Constitutional court as regards the impossibility of the latter to take such cases on.
- For the Colombian State to investigate and apply disciplinary sanctions to public officials and members of the security forces who are involved in extrajudicial executions and torture of children. All cases must be taken on by the Office of the Procurator-General, in exercise of its constitutional and legal functions, in particular those contained in Resolution 346 of 2002.
- For the Colombian State to create inter-institutional commissions to investigate in detail the extent of killings of socially marginalized children, and apply the proper criminal and disciplinary sanctions –on a case by case basis- to public officials or public workers involved in such killings.

- For the FARC-EP and ELN guerrilla forces to stop indiscriminate attacks on the civilian population and the use of banned arms and combat methods in their military actions.
- For the Colombian State and Illegal armed groups to implement the necessary measures to prevent the civilian population from being victimized by the crossfire in combats and military operations. In all cases, when it is impossible to protect the civilian population, stop any military actions until the life and personal integrity of those who do not take part in the hostilities is comprehensively guaranteed.
- For the Colombian state and paramilitary groups to fully comply with the cessation of hostilities which the latter group committed to at the onset of the negotiation process with the national Government. In case of non-compliance, deny the legal benefits provided for in Law 975 of 2005 and sanction, in accordance with the jurisdiction and ordinary penalties, those members of paramilitary groups who violated this ceasefire agreement, by modifying the regulations concerning children in paramilitary ranks.

#### **Regarding attacks on the personal liberty**

- For the Colombian State to investigate and sanction those members of the security forces who, due to action or failure to act, have allowed paramilitary groups to retain and take hostages or where in particular children have been violated in their right to personal liberty.
- For the Colombian State to investigate and sanction, in accordance with criminal and disciplinary law in effect and human rights conventions, members of the security forces and judicial officials who have arbitrarily detained adults and children accused of various crimes through illegal prosecuting procedures.
- For the Colombian state and illegal armed groups to stop all forms of illegal coercion of children in areas under the influence of such groups, in particular the imposition of codes of conduct and rules of coexistence.

#### **Regarding the involvement of children in the security forces and illegal armed groups who participate in the hostilities**

- For the FARC-EP guerrilla to stop any form of involvement of children in their ranks and fulfill their offer to the UN Special representative for Children in Armed Conflicts not to recruit children under 15; and seek a humanitarian agreement to free all children who are part of this armed group.
- For the ELN guerrilla group to stop any form of involvement of children in their ranks and to comply with “Puerta del Cielo” agreements, in which they committed themselves not to recruit children under 16; and seek a humanitarian agreement to free all children who are part of this armed group.

- For paramilitary groups to stop any form of involvement of children in their ranks, and hand over those children currently still held by them, thus complying with the requirement contained in Art. 10 of Law 975 of 2005.
- For the Colombian state to demand the handing over of all children held by paramilitary groups as a mandatory condition for the continuation of the negotiation process with these groups. In the case of non-compliance with this obligation, to abstain from granting the legal benefits provided for to said groups in Law 975 of 2005.
- For the Colombian state to stop indirectly involving children in the armed conflict through the implementation of civic-military campaigns, particularly the programs “Soldado por un día” “Soldados payasos” and “Lancita por un día” amongst others, and to stop illegally paying or compelling children to serve as informants to the security forces and police. The above is stated based on statements by control organs such as the Office of the Procurator-General asserting that these types of programs violate the fundamental rights of children.
- For the Colombian State to take into account the observations made by the Office of the Procurator-General, along with various non governmental organizations, as regards flaws in the child demobilization program offered by the Instituto Colombiano de Bienestar Familiar (*Colombian Family Welfare Institute*).
- For the Colombian State to comply with the mandates stipulated in the legislation currently in force, in particular the order issued to all members of the armed forces to hand over to the ICBF all demobilized children within the term of 36 hours, whether they were captured or they voluntarily demobilized, without affecting reforms that allow children demobilized from the armed conflict to be fully restored in their rights
- For the Colombian State to take the necessary administrative and political measures that allow bodies such as the Office of the Attorney-General to seriously sanction the crime of forced recruitment stipulated by the criminal law, ensuring that the current impunity for these crimes does not persist.
- For the Colombian State to lift the reservation made on the Rome Statute, stating that war crimes stipulated in the statute- child recruitment being part of them- cannot be acknowledged by the criminal court 7 years after this agreement came into effect in Colombia.

#### **Regarding the occupation of and attack on civilian property**

- For the Colombian State to stop the practice exercised by its armed forces of taking over schools and use them as war trenches or accommodation for military

troops; and sanction- in accordance with criminal and disciplinary law- those members of the armed forces who, by doing so, are breaching IHL regulations.

- For the Colombian State and illegal armed groups to stop the use of assets protected by IHL and investigate and sanction, in accordance with the criminal law currently in force, those groups and individuals who commit such breaches.

### **Regarding violations and breaches of the right to sexual freedom**

- For the Colombian State to adopt urgent measures to protect children living in areas amidst the armed conflict from the sexual violence perpetrated by all armed groups taking part in the hostilities.
- For the Colombian State to investigate and apply criminal and disciplinary sanctions to those members of the armed forces and Police who exercise any form of gender violence against girls.
- For the Colombian State to establish the proper control mechanisms to prevent sexual violence committed by public officials, particularly in those areas badly hit by the armed conflict.
- For the Colombian State to design and implement a special psychosocial programme to assist child victims of sexual violence, early pregnancy and abandonment due to the armed conflict.

### **Regarding blockades of supplies and basic services**

- For the Colombian State to stop aerial spraying of illegal crops throughout the country, in order to protect the communities who are affected in their right to health, food and a healthy environment and who, in several cases, are forcibly displaced as a result of this practice.
- For the Colombian State to ban, investigate and sanction any blockade carried out by the security forces which may put communities at risk or affect their right to education, health, food, and freedom of movement amongst other rights.
- For the Colombian State to receive, at all times, complaints of blockades carried out by its armed forces and illegal armed groups taking part in the hostilities, and adopt the proper measures to lift such blockades and assist those communities affected by them.
- For the illegal armed groups to abstain from carrying out food blockades and restricting the movement of communities whereby their personal integrity is put at risk.

### **Regarding forced displacement**

- For the Colombian State to comply with the mandates enacted by the Constitutional Court demanding the state to guarantee the observance of the human rights of the displaced population in general, and those of women, children, indigenous peoples and Afro-Colombians in particular, in the aspects of free education and health, the offer of profitable productive projects to the displaced population and the reform of the administrative apparatus so that all procedures related to IDPs are carried out timely and promptly.
- For the Colombian State to abstain from granting the legal benefits of Law 975 of 2005 to members of paramilitary groups who are currently in the process of negotiation until the rights of IDPs are restored, considering that forced displacement is a constant crime taking place. No concessions can be granted until such practice is stopped.
- For the illegal armed groups to stop exercising forced displacement and for the Colombian State to investigate the perpetrators of this crime, in accordance with criminal law.

Bogotá, 11 August 2007

**This document has been written by the Coalition against the Involvement of boys, girls and youths in the armed conflict in Colombia:**

Colectivo por la Objeción de conciencia  
 Comité Andino de Servicios  
 Fundación Creciendo Unidos  
 Fundación Dos Mundos  
 Fundación para la Educación y el Desarrollo – FEDES  
 JUSTAPAZ  
 Taller de Vida  
 Terre des Hommes – Germany  
 Servicio Jesuita de Refugiados

**Comisión Colombiana de Juristas**

**Benposta Nación de Muchachos**

<sup>1</sup> United Nations Report of the High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, par.18.

<sup>2</sup> *Ibidem*, para.21.

<sup>3</sup> *Ibidem*, para.50.

<sup>4</sup> *Ibidem* para. 52.

<sup>5</sup> *Ibidem*.

<sup>6</sup> Committee on the Rights of the Child: Consideration of Reports Submitted by State Parties, Colombia. Doc. CRC/C/COL/CO/3. June 2, 2006, para. 80 literals “a” and “c”.

<sup>7</sup> *Ibidem*, para. 76, literals “i” and “j”.

<sup>8</sup> *Ibidem* para. 81, literal “f”.

<sup>9</sup> *Ibidem*, Annex IV, paras. 23, 29, 30, 78, y 79.

<sup>10</sup> United Nations Report of the High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, Annex iv, para. 8.

- <sup>11</sup> “Polémico borrador del decreto que reglamenta Ley de Justicia y Paz se está modificando”. El Tiempo, August 2, 2004, [www.eltiempo.com](http://www.eltiempo.com).
- <sup>12</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, June 2, 2006, para. 45.
- <sup>13</sup> Ibidem, para. 5.
- <sup>14</sup> Ibidem para. 35.
- <sup>15</sup> United Nations Report of the High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, paras. 21, 25 and 27.
- <sup>16</sup> Ibidem, Chapter I “Infractions to the right to life and personal integrity”.
- <sup>17</sup> Complaint made by the Comisión Intereclesial de Justicia y Paz on 10 November 2005.
- <sup>18</sup> Complaint made by Asociación de Cabildos Indígenas del Chocó OREWA on 13 March 2006.
- <sup>19</sup> Fundación para la Defensa y Promoción de los Derechos Humanos Reiniciar, 30 April 2006.
- <sup>20</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, 2 June, 2006, para. 44.
- <sup>21</sup> United Nations Report of the High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, Annex III Chapter 1, “Violations of human rights and breaches of international humanitarian law”.
- <sup>22</sup> Public complaint made by Asociación Campesina de INZA- Tierradentro ACIT (Cauca) on 13 January 2006.
- <sup>23</sup> “Justicia Penal Militar investiga operativo de Inzá”, El Huila, 23 January 2006, taken from [www.diariodelhuila.com](http://www.diariodelhuila.com).
- <sup>24</sup> Complaint made by the Comisión Intereclesial de Justicia y Paz on 28 November 2005.
- <sup>25</sup> “Niña de 13 años asesinada al salir del colegio”, El Tiempo, 26 January 2006, Pags. 1-4.
- <sup>26</sup> “Carol fue asesinada por retaliaciones”, Diario del Sur, 27 January 2006, taken from [www.diariodelsur.com.co](http://www.diariodelsur.com.co).
- <sup>27</sup> United Nations Report of the High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, Annex III Chapter 1, “Violations of human rights and breaches of international humanitarian law”.
- <sup>28</sup> “Ataque explosivo en vía La Guajira”, El Tiempo, 18 July 2005, Pag. 2-11.
- <sup>29</sup> “Cilindros – bomba de las Farc caían cada hora sobre Montebonito”, El Tiempo, 6 March 2006.
- <sup>30</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, June 2, 2006, para. 85 literal “a”.
- <sup>31</sup> “Están asesinando a los niños de la calle en Bucaramanga”, Vanguardia Liberal, 17 February 2006.
- <sup>32</sup> “Dos niñas campesinas mueren por choque entre FARC y paras”, Diario El Tiempo, 8 September 2005, Pág. 1-4.
- <sup>33</sup> El Heraldo, 16 April 2006.
- <sup>34</sup> Report of the Mission to verify violation of human rights in the municipality of Buenaventura. “Asociación Minga”, Process of the Black communities in Colombia and Community Councils in Buenaventura, September 2005.
- <sup>35</sup> “Un niño de 5 años muerto y 13 personas heridas por explosión de granada en Buenaventura”, El Tiempo, Bogotá, Colombia, 22 April 2005, on [www.eltiempo.com.co](http://www.eltiempo.com.co)
- <sup>36</sup> Information collected by the Colombian Commission of Jurists.
- <sup>37</sup> United Nations Report of the High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, Annex III Chapter 1, “Violations of the right to life and personal integrity”.
- <sup>38</sup> “Un niño se despidió de su pie derecho”, Diario El Universal (Cartagena), 17 April 2006, consulted on [www.eluniversal.com.co](http://www.eluniversal.com.co).

- <sup>39</sup> Informe de la Comisión Mixta de protección para el pueblo Embera Katio del Alto Sinú, visit carried out on 18, 19, 20 November.
- <sup>40</sup> Organización Nacional Indígena de Colombia (Onic), complaint of 9 March 2006.
- <sup>41</sup> Human rights and political violence database of CINEP (BDC), Noche y niebla–Panorama of human rights and political violence, Bogotá, BDC, n.º 31, 2005, Pag. 207.
- <sup>42</sup> Complaint made by the Comité Permanente por la defensa de los Derechos Humanos CPDH on 30 January, 2006.
- <sup>43</sup> “Gaula are elite units created by Act. 282 of 1996, with the sole purpose of preventing and acting against kidnapping and extortion”, On: Ejército Nacional República de Colombia website, <http://www.ejercito.mil.co/index.php?idcategoria=71>, date of consultation: August 11, 2006.
- <sup>44</sup> Complaint made by the “Fundación Comité de Solidaridad con los Presos Políticos” Seccional Valle del Cauca, on 3 August 2005.
- <sup>45</sup> The Coalition against the Involvement of Boys, Girls and Youth in the Armed Conflict in Colombia, Colectivo de Abogados “José Alvear Restrepo”, Humanidad Vigente, and the Colombian Commission of Jurists, “Shadow Report to the Committee on the Rights of the Child”, 2005.
- <sup>46</sup> Information supplied by the Coalition against the Involvement of Boys, Girls and Youth in the Armed Conflict in Colombia. Some answers to the questions made by experts of the Committee on the Rights of the Child during the pre-session of January 2006, 31 March 2006.
- <sup>47</sup> Testimony of a boy taking part in a youth group.
- <sup>48</sup> Testimony of a mother in Altos de Cazucá, February 2006.
- <sup>49</sup> Special Representative for Children and Armed Conflict after the humanitarian mission to Colombia, press release HR/4418, 9/06/99.
- <sup>50</sup> Declaración por la Paz de Colombia. Autodefensas Unidas de Colombia, 29 November 2002.
- <sup>51</sup> Information supplied by OHCHR within the framework of the Country Task Force.
- <sup>52</sup> “El Gaula de la Policía capturó en las últimas horas a una menor de 17 años que presuntamente era la encargada de custodiar a las personas secuestradas por el frente 41 de las FARC”, El Heraldo, Valledupar, 13 July 2006, in [www.elheraldo.com.co/hoy060713/judiciales/noti6.htm](http://www.elheraldo.com.co/hoy060713/judiciales/noti6.htm).
- <sup>53</sup> Information supplied by UNICEF within the framework of the Country Task Force.
- <sup>54</sup> Information supplied by OHCHR within the framework of the Country Task Force.
- <sup>55</sup> El Colombiano, 18 August 2005, in [www.elcolombiano.com.co](http://www.elcolombiano.com.co)
- <sup>56</sup> Information supplied by the OHCHR within the framework of the Country Task Force.
- <sup>57</sup> The Coalition against the Involvement of Boys, Girls and Youth in the Armed Conflict in Colombia, Colectivo de Abogados “José Alvear Restrepo”, Humanidad Vigente, and the Colombian Commission of Jurists, “Shadow Report to the Committee on the Rights of the Child”, 2005.
- <sup>58</sup> Human Rights Watch, “You’ll learn not to cry, child combatants in Colombia”, September 2003.
- <sup>59</sup> Office of the Ombudsman, “Informe sobre los derechos humanos de la niñez en Colombia durante el año 2001”, Bogotá, March 2002.
- <sup>60</sup> *Ibidem*, p. 22-25.
- <sup>61</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, 2 June, 2006.
- <sup>62</sup> United Nations Report of the High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, para. 68.
- <sup>63</sup> Information supplied by OHCHR within the framework of the Country Task Force.
- <sup>64</sup> <http://www.ejercito.mil.co>, obtained in September 2003.
- <sup>65</sup> Office of the Procurator-General of the Republic. La Zona de Rehabilitación y Consolidación de Arauca: Informe Especial, 2003.

<sup>66</sup> Reply to Right to Petition of the Colombia Coalition signed on 28 January 2004 by National Army Major General Eduardo Morales. In a previous reply (official letter No. 03928 of 3 February, 2005), the Human Rights Group of the Defense Department stated that “this is a program...aimed exclusively at adults...occasionally, school boards may request the National Army permission for their student to have the opportunity to visit military units, with the purpose of fostering a culture of respect for the country’s symbols and values”.

<sup>67</sup> Colombia Coalition, “Borrador del informe de la misión de verificación al departamento de Chocó, relativa a la situación derechos humanos de niños y niñas en el marco del conflicto armado”, June, 2006.

<sup>68</sup> *Ibidem*.

<sup>69</sup> Information supplied by OHCHR within the framework of the Country Task Force.

<sup>70</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, 2 June, 2006. para. 80.

<sup>71</sup> Such as the Optional Protocol to the Convention on the Right the Child on the Involvement of Children in Armed Conflicts; the Annual Report by the Inter-American Commission on Human Rights (1991) and the recommendation by the Inter-American Commission on Human Rights on the Eradication of the Recruitment and Participation of Children under 18 Years in the Armed Conflict, 13 April 2000.

<sup>72</sup> According to information provided by the Office of the Attorney- General on April 2004, at that moment there were 6 (six) open investigations in Armenia, Cartagena and Santa Rosa de Viterbo (DNF/OFICIO No.03209).

<sup>73</sup> Espectador, “Detenido exmilitar que reclutaba niños para grupos paramilitares” 16 febrero 2004, Bogotá, Colombia.

<sup>74</sup> Espectador, “Asegurado “Simón Trinidad” por reclutamiento de menores”, 29 April 2004, Bogotá, Colombia.

<sup>75</sup> Colombia Coalition, Análisis jurídico de legislación internacional y colombiana”, January 2003, page 85.

<sup>76</sup> The purpose of this Law is to regulate the provision of legal benefits for member of illegal armed actors who are engaged in negotiations with the National Government – at this moment the AUC-who were not able to be reintegrated to civil life by Law 782 of 2002 or Decree 128 of 2003, by reason of their being linked to criminal processes for violations of human rights or breaches of international humanitarian law.

<sup>77</sup> “Artículo 64. Entrega de menores. La entrega de menores por parte de miembros de Grupos armados al margen de la ley no serán causal de la pérdida de los beneficios a que se refieren la presente ley y la Ley 782 de 2002”.

<sup>78</sup> Constitutional Court, Constitutionality Sentence C-203 of 8 March 2005. Speaker : Magistrate Manuel José Cepeda, en [www.ramajudicial.gov.co](http://www.ramajudicial.gov.co)

<sup>79</sup> United Nations Report of the High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9. Annex III para. 56.

<sup>80</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, 2 June, 2006.

<sup>81</sup> Fundación Dos Mundos. Impactos psicosociales de la participación de niñ@s y jóvenes en el conflicto armado. Niñez y Conflicto Armado, Universidad Nacional, August 2001.

<sup>82</sup> Fundación Dos Mundos. Protección y formación desde una perspectiva psicosocial y de Derechos a Comunidades Escolares Afectadas por Violación de sus Derechos Humanos e Infracciones al DIH. Testimony of a teacher in Tutunendo, Abril 2006.

<sup>83</sup> *Ibidem*.

<sup>84</sup> Colombia Coalition, “Borrador del informe de la misión de verificación al departamento de Chocó, relativa a la situación de derechos humanos de niños y niñas en el marco del conflicto armado”, June 2006.

<sup>85</sup> Information provided by UNICEF in the framework of the Country task force.

<sup>86</sup> Colombia Coalition, “Borrador del informe de la misión de verificación al departamento de Chocó, relativa a la situación derechos humanos de niños y niñas en el marco del conflicto armado”, June 2006.

- <sup>87</sup> National Institute of Forensic Medicine, Northwest section, Medellín.
- <sup>88</sup> OHCHR, Report on women's rights, Bogotá, December 2002, pp. 123 and ss.
- <sup>89</sup> Inter.-American Commission on Human Rights, press release.
- <sup>90</sup> Amnesty International, "Colombia: Scarred bodies, hidden crimes. Sexual violence against women in the armed conflict", MR 23/040/2004, October 2004, p. 1.
- <sup>91</sup> Mujer y Conflicto Armado. Informe sobre Violencia Sociopolítica contra Mujeres, Jóvenes y Niñas en Colombia. Quinto informe. June 2004- June 2005, p. 57.
- <sup>92</sup> Amnesty International, "Colombia: Scarred bodies, hidden crimes. Sexual violence against women in the armed conflict", MR 23/040/2004, October 2004, p. 1.
- <sup>93</sup> Amnesty International, "Colombia: Scarred bodies, hidden crimes. Sexual violence against women in the armed conflict", MR 23/040/2004, October 2004, p. 1.
- <sup>94</sup> FUNDACIÓN DOS MUNDOS. Editorial from the "Razones y Emociones" Magazine No. 13, July – August 2004.
- <sup>95</sup> "Informe sobre violencia sociopolítica contra mujeres, jóvenes y niñas en Colombia: January 2003 - June 2004", Bogotá, Colombia, October 2004, p. 6.
- <sup>96</sup> Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias, 2001: párrf. 36.
- <sup>97</sup> Colombia Coalition, "Informe Comisión de verificación sobre la situación de niñas y niños en Arauca. Bogotá, September 2004", p. 34.
- <sup>98</sup> Ibidem.
- <sup>99</sup> Taller con niños y niñas de sexto grado en la cabecera municipal del Alto Atrato.
- <sup>100</sup> Coalición contra la vinculación de niños niñas y jóvenes al conflicto armado en Colombia, Misión al alto Atrato Chocó, entrevista con un representante de la Diócesis, May 2006.
- <sup>101</sup> Amnesty International, "Colombia: Scarred bodies, hidden crimes. Sexual violence against women in the armed conflict", MR 23/040/2004, October 2004.
- <sup>102</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2005.28, February 2005, par. 22.
- <sup>103</sup> Coalición Colombia, Informe de Derechos Humanos de niños y niñas 2004. Bogotá, February 2005, p. 29.
- <sup>104</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2005.28, 20 January 2006.
- <sup>105</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2005.28, 20 January 2006.
- <sup>106</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2005.28, 20 January 2006. Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, 2 June, 2006
- <sup>107</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2005.28, 20 January 2006.
- <sup>108</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2005.28, 20 January 2006.
- <sup>109</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2005.28, 20 January 2006. Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, 2 June, 2006.
- <sup>110</sup> Impacto de la Desmovilización Paramilitar sobre la Vida y la Seguridad de las Mujeres en Montería y Tierralta, Córdoba. Corporación Humanas y UNIFEM, 2005. Pag. 8.
- <sup>111</sup> Impacto de la Desmovilización Paramilitar sobre la Vida y la Seguridad de las Mujeres en Montería y Tierralta, Córdoba. Corporación Humanas y UNIFEM, 2005. Pag. 8.

- <sup>112</sup> Amnesty International, “Colombia: Scarred bodies, hidden crimes. Sexual violence against women in the armed conflict”, Madrid 2004 p.42.
- <sup>113</sup> Shadow Report to the UN Committee on the Rights of the Child 2005, Coalition against the Involvement of Boys Girls and Youth in the armed conflict in Colombia, Colectivo de Abogados “José Alvear Restrepo”, Humanidad Vigente, and the Colombian Commission of Jurists.
- <sup>114</sup> Mujer y Conflicto Armado. Informe sobre Violencia Sociopolítica contra Mujeres, Jóvenes y Niñas en Colombia. Quinto Informe, June 2004- June 2005. Pag. 56.
- <sup>115</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, 20 January, 2006, par. 99.
- <sup>116</sup> Corporación Humanas and UNIFEM, “Impacto de la Desmovilización Paramilitar sobre la Vida y la Seguridad de las Mujeres en Montería y Tierralta, Córdoba”, 2005. Pag. 52.
- <sup>117</sup> Corporación Humanas and UNIFEM, “Impacto de la Desmovilización Paramilitar sobre la Vida y la Seguridad de las Mujeres en Montería y Tierralta, Córdoba”, 2005. Pag. 54-55.
- <sup>118</sup> Colombian Institute for Family Welfare, Direct Intervention Sub-direction, “Respuesta a derecho Fundamental de Petición, Oficial letter 14360-12289-751-05”, 11 March 2005, Regional Departamento del Tolima, “Official letter CZE365”, February 2005, Juzgado Promiscuo de Familia de Melgar, “Oficial letter No. 089”, 16 February 2005, Office of the Procurator-General, “Oficial letter No. 048-05”, 16 February 2005, all found in the archives of the Coalition against the involvement of Boys, Girls and Youth in the armed conflict in Colombia.
- <sup>119</sup> “The Inter-American Treaty of Reciprocal Assistance”, signed in November 1949.
- <sup>120</sup> See Research for sex work, “Salud, VIH, trabajo Sexual: Influencia, Migración, Movilidad”.
- <sup>121</sup> Noticias Uno television news, “Reportaje sobre explotación sexual en Cartagena y Bogotá”, November 2004, Bogotá, Colombia, on [quetalesto@noticiasuno.com](mailto:quetalesto@noticiasuno.com)
- <sup>122</sup> DEFENSORIA DEL PUEBLO, “Informe de niñez 2001”, Op. Cit.
- <sup>123</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006.
- <sup>124</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, p. 45.
- <sup>125</sup> Semana magazine, “Infamia”, July 2006 en [www.semana.com](http://www.semana.com).
- <sup>126</sup> Mujer y Conflicto Armado. Informe sobre Violencia Sociopolítica contra Mujeres, Jóvenes y Niñas en Colombia. Quinto Informe, June 2004- June 2005.
- <sup>127</sup> Mujer y Conflicto Armado. Informe sobre Violencia Sociopolítica contra Mujeres, Jóvenes y Niñas en Colombia. Quinto Informe, June 2004- June 2005, p. 112.
- <sup>128</sup> Mujer y Conflicto Armado. Informe sobre Violencia Sociopolítica contra Mujeres, Jóvenes y Niñas en Colombia. Quinto Informe, June 2004- June 2005, p. 43.
- <sup>129</sup> Mujer y Conflicto Armado. Informe sobre Violencia Sociopolítica contra Mujeres, Jóvenes y Niñas en Colombia. Quinto Informe, June 2004- June 2005, p. 43.
- <sup>130</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, June 2, 2006. par. 81.f) and g).
- <sup>131</sup> “70 pueblos sitiados por el hambre”, El Tiempo newspaper, 19 September 2004, [www.eltiempo.com](http://www.eltiempo.com)
- <sup>132</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, par. 97.
- <sup>133</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, June 2, 2006. par. 94.
- <sup>134</sup> Colombian Commission of Jurists. Colombia: en contravía. Op. Cit. October 2004.
- <sup>135</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, par. 52.

- <sup>136</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, par. 101
- <sup>137</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, par. 102.
- <sup>138</sup> Caracol radio, “Las misiones humanitarias lanzan alerta en las zonas de confrontación armada”, 10 May 2006, taken from <http://www.caracol.com.co/noticias/285114.asp>, in August 2006.
- <sup>139</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, par. 64.
- <sup>140</sup> El Tiempo newspaper, “Iglesia denuncia la muerte de 17 niños indígenas por cerco de las autodefensas en la Sierra Nevada”, Bogotá, Colombia, 3 August 2006, taken from [www.eltiempo.com](http://www.eltiempo.com) on 3 August 2006.
- <sup>141</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, par.59.
- <sup>142</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, par. 98.
- <sup>143</sup> Caracol radio, *Las misiones humanitarias lanzan alerta en las zonas de confrontación armada*, 10 May 2006 taken from <http://www.caracol.com.co/noticias/285114.asp> on 6 August 2006.
- <sup>144</sup> Carta abierta de protesta a todos los grupos armados ilegales en Colombia, United Nations World Food Program, Bogotá, Colombia, 23 January 2006.
- <sup>145</sup> Sala de Situación Humanitaria, Contexto, January- February 2006.
- <sup>146</sup> The Coalition against the Involvement of Boys, Girls and Youth in the Armed Conflict in Colombia. Mission to Upper Atrato, Chocó 26 May 2006.
- <sup>147</sup> The Coalition against the Involvement of Boys, Girls and Youth in the Armed Conflict in Colombia. Mission to Upper Atrato, Chocó 26 May 2006, Interviews with community mothers.
- <sup>148</sup> The Coalition against the Involvement of Boys, Girls and Youth in the Armed Conflict in Colombia. Mission to Upper Atrato, Chocó 26 May 2006. Meeting with community members.
- <sup>149</sup> The Coalition against the Involvement of Boys, Girls and Youth in the Armed Conflict in Colombia. Mission to Upper Atrato, Chocó 26 May 2006.
- <sup>150</sup> The Coalition against the Involvement of Boys, Girls and Youth in the Armed Conflict in Colombia. Mission to Upper Atrato, Chocó 26 May 2006.
- <sup>151</sup> We consider it important to include the spraying of illegal crops in this category given that it is a counterinsurgency strategy aimed at undermining the guerrillas’ source of income and because such practice is having a serious impact on the health and malnutrition of children inhabiting the areas being sprayed.
- <sup>152</sup> Ecuador: Comunidades afectadas por las fumigaciones dentro del Plan Colombia presentan un Amparo Consitucional, on :[http://www.fian.org/fian-es/index.php?option=com\\_urgentactions&Itemid=81&uaID=1](http://www.fian.org/fian-es/index.php?option=com_urgentactions&Itemid=81&uaID=1), taken from 6 August 2006.
- <sup>153</sup> Niños enloquecidos a causa de fumigaciones, 28 December 2000, taken from [http://www.nadir.org/nadir/initiativ/agp/free/colombia/txt/2000/0112ninos\\_enloquecidos.html](http://www.nadir.org/nadir/initiativ/agp/free/colombia/txt/2000/0112ninos_enloquecidos.html), on 6 August 2006.
- <sup>154</sup> Niños indígenas, víctimas de fumigación con glifosato, 23 June 2005, taken from <http://www.voltairenet.org/article126227.html>, on 6 August 2006.
- <sup>155</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, par. 78.
- <sup>156</sup> Niños indígenas, víctimas de fumigación con glifosato, 23 June 2005, taken from <http://www.voltairenet.org/article126227.html>, on 6 August 2006.
- <sup>157</sup> We have included the forced displacement category with the purpose of making a detailed analysis of the situation in Colombia, particularly as regards those children affected by such situation. We consider it

important not to limit this category to violations of the freedom of movement given that displacement is a very complex phenomenon covering a wide variety of violations of rights.

<sup>158</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, June 2, 2006, par. 79 c).

<sup>159</sup> Colombian Commission of Jurists. “Medidas Especiales de Protección”.

<sup>160</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, June 2, 2006, par. 78.

<sup>161</sup> CODHES Consultancy for Human Rights and displacement, NGO.

<sup>162</sup> Watchlist on children and armed conflict, Colombia’s war on children, February 2004, New York.

<sup>163</sup> The Coalition against the Involvement of Boys, Girls and Youth in the Armed Conflict in Colombia, “Informe para el Representante Especial del Secretario General para la cuestión de los niños en los conflictos armados”, June 2004.

<sup>164</sup> UNICEF, Panorama Colombia, on <http://www.unicef.org/spanish/infobycountry/colombia.html>. Cuarto informe conjunto de la Procuraduría General de la Nación y la Defensoría del Pueblo sobre el cumplimiento de las órdenes de la sentencia T-025 de 2004, Bogotá, 4 February 2005.

<sup>165</sup> Cuarto informe conjunto de la Procuraduría General de la Nación y la Defensoría del Pueblo sobre el cumplimiento de las órdenes de la sentencia T-025 de 2004, Bogotá, 4 February 2005.

<sup>166</sup> Corte Constitucional, sentencia T-025, M.P.: Manuel José Cepeda, 22 January 2004.

<sup>167</sup> Colombian Commission of Jurists. “Medidas Especiales de Protección”.

<sup>168</sup> “Acnur pide replantear política de desplazados”, El Tiempo newspaper, 16 December 2004, [www.eltiempo.com](http://www.eltiempo.com).

<sup>169</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, June 2, 2006, par.78.

<sup>170</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, June 2, 2006, par. 79. a).

<sup>171</sup> Comunidad de Paz de San José de Apartadó, “Hemos comenzado a desplazarnos ante la presencia de la policía”; 1 April 2005, on [http://www.cdpsan jose.org/article.php3?id\\_article=135](http://www.cdpsan jose.org/article.php3?id_article=135), on 6 August 2006.

<sup>172</sup> Informe 65, Consejo Comunitario del Jiguamiandó y familias del Curbaradó, Desconocimiento de la medidas Provisionales de la Corte Interamericana, Ocupación militar de zona humanitaria, Posible Desplazamiento de los Afrodescendientes, Bogotá, D.C, 9 December 2005, Comisión Intereclesial de Justicia y Paz.

<sup>173</sup> Sala de Situación Humanitaria, Desplazamiento, June 2005.

<sup>174</sup> Sala de Situación Humanitaria, Desplazamiento, February - March 2006.

<sup>175</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, par.58.

<sup>176</sup> Sala de Situación Humanitaria, Desplazamiento, March - April 2006.

<sup>177</sup> Sala de Situación Humanitaria, Desplazamiento, March - April 2006.

<sup>178</sup> ACNUR, Más familias huyen del peligro cerca de la frontera norte de Colombia con Panamá, on: [http://www.acnur.org/paginas/index.php?id\\_pag=5429&id\\_sec=15](http://www.acnur.org/paginas/index.php?id_pag=5429&id_sec=15), on 7 August 2006.

<sup>179</sup> Sala de Situación Humanitaria, Desplazamiento March – April 2006.

<sup>180</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006, par. 64.

<sup>181</sup> Sala de Situación Humanitaria, Desplazamiento, September- October 2005.

<sup>182</sup> Sala de Situación Humanitaria, Desplazamiento, December - January 2006.

<sup>183</sup> Sala de Situación Humanitaria, Desplazamiento, December - January 2006.

<sup>184</sup> Sala de Situación Humanitaria Contexto, September- October 2005.

- <sup>185</sup> OHCHR Public release, Grave situación de indígenas Awá en Nariño, August 2005.
- <sup>186</sup> El Tiempo newspaper, 17 June 2006, pp. 1-4
- <sup>187</sup> Sala de Situación Humanitaria, Contexto, September - October 2005.
- <sup>188</sup> Sala de Situación Humanitaria, Comunidades en riesgo, June 2005.
- <sup>189</sup> El Tiempo Newspaper, “Los niños de Tame (Arauca) huyen de una orden de reclutamiento de las FARC”, 10 August 2006, on: [www.eltiempo.com](http://www.eltiempo.com), on 11 August 2006.
- <sup>190</sup> Ibidem.
- <sup>191</sup> Ibidem.
- <sup>192</sup> Secretariado Nacional de Pastoral Social y Universidad de los Andes, “Hacia una política proactiva para la población desplazada”, March 2006.
- <sup>193</sup> Secretariado Nacional de Pastoral Social y Universidad de los Andes, “Hacia una política proactiva para la población desplazada”, March 2006.
- <sup>194</sup> Secretariado Nacional de Pastoral Social y Universidad de los Andes, “Hacia una política proactiva para la población desplazada”, March 2006.
- <sup>195</sup> UNDP, “El Conflicto: callejón con salida”, Op. Cit.
- <sup>196</sup> Colombia Commission of Jurists. Medidas especiales de protección.
- <sup>197</sup> Interviews carried out and analyzed by the Colombia Coalition Technical Secretariat, Fundación Dos Mundos, Colectivo por la Objeción de Conciencia, CAS and Taller de Vida, between July and November 2004.
- <sup>198</sup> 113.108 school places were provided to displaced children during the first half of 2004 and according to the Red de Solidaridad Social the deficit for displaced children between 5 and 15 is 308.437 school places, in Consejo Nacional de Atención Integral a la Población Desplazada, informe a la Corte Constitucional, 17 January 2005, AZ - 1, pag. 93; and in United Nations High Commissioner for Refugees UNHCR, “Balance de la política pública de prevención, protección y atención al desplazamiento forzado en Colombia. August 2002 - August 2004”, Bogotá, December 2004, Conclusiones y recomendaciones generales, par. 37. cited in Medidas de protección by the Colombian Commission of Jurists.
- <sup>199</sup> Resolución defensorial regional No. 003. 14 August 2002.
- <sup>200</sup> Fundación Dos Mundos. Texts of the Photo exhibit “Construyendo Imaginarios para la Paz” Magdalena Medio. Colombia. November 2004.
- <sup>201</sup> Committee on the Rights of the Child. Consideration of Reports Submitted by State Parties, Colombia. Doc CRC/C/COL/CO/3, June 2, 2006, 77 (d).
- <sup>202</sup> Sala de Situación Humanitaria, Desplazamiento March – April 2006.
- <sup>203</sup> The former system allowed, in theory, the displaced population to have free access to health care once registered in the SUR, a scheme financed by the Fondo de Solidaridad y Garantía (Fosyga). The reforms were made formal in the following documents: Circular 0042 of 2002 of the Ministerio de trabajo y seguridad social relative to financing sources, Decree 2131 of 30 July 2003 which regulates Law 387 of 1997 Art. 19 Numeral 4 and the last subsection of Law 812 of 2003 Art. 54 regarding health care services for the population displaced by violence, and announces other regulations and resolutions 0474 and 1038 of 2004 of the Ministerio de Protección Social, cited in “Medidas Especiales de Protección” by the Colombian Commission of Jurists.
- <sup>204</sup> “La Situación de los derechos humanos de las mujeres en Colombia: Entre el conflicto armado y la política de seguridad democrática, Informe de Derechos Humanos de Mujeres, 2004”, presented to the Inter-American Commission on Human Rights. Red Nacional de Mujeres, Organización Femenina Popular, ANMUCIC, Confluencia Nacional de Redes de Mujeres, Iniciativa de mujeres colombianas por la paz, Mesa de trabajo “Mujer y conflicto armado”, Grupo Mujer y Sociedad, Ruta Pacífica, Colectivo María María, Corporación Casa de la Mujer, Corporación Sisma Mujer, Mesa Mujer y Economía, Colombia Commission of Jurists, Planeta Paz.

<sup>205</sup> Law 387 of 1997, Art. 15; Decree 2569 of 2000, Arts. 16 and 17; and Guiding Principle on Internal Displacement No. 18.

<sup>206</sup> World Food Program, Vulnerabilidad a la inseguridad alimentaria de la población desplazada por la violencia en Colombia, Bogotá, 2003, cited in “Medidas especiales de protección” by the Colombian Commission of Jurists.

<sup>207</sup> Defensoría del Pueblo, “Informe de niñez 2001”, Op. Cit.

<sup>208</sup> “Diagnóstico general sobre derechos económicos, sociales y culturales en la comuna 4 del municipio de Soacha –Cundinamarca”, document made by Social and non-governmental organizations working in the 4th Comune of the Municipality of Soacha, Cundinamarca for the Public Audience on the situation of human rights in Cazucá, carried out by Congress on 19 August 2004.

<sup>209</sup> Resolution Defensorial regional No. 003 Bogotá, August 14 2002.

<sup>210</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia doc. E/CN.4/2006/9, 20 January 2006.

<sup>211</sup> OHCHR, “Grave situación de indígenas Awá en Nariño”, Public Release 8 July 2005.

<sup>212</sup> Información provided by the Agencia Presidencial para la Acción Social y la Cooperación Internacional, December 2005.

<sup>213</sup> For the same event, el Sistema de Alertas Tempranas de la Defensoría del Pueblo, in its Informe de Riesgo 048-04 reports 2592 displaced people.

<sup>214</sup> “La guerrilla no dejó recoger la cosecha cafetera en Samaná” (Caldas), El Tiempo newspaper, Bogotá, Colombia, 21 November 2005.

<sup>215</sup> Information provided by Agencia Presidencial para la Acción Social y la Cooperación Internacional, December 2005.

<sup>216</sup> Sala de Situación Humanitaria, Desplazamiento, March-April 2006.

<sup>217</sup> ADITAL, 31 May 2006, <http://www.adital.com.br/site/conteudo.asp?lang=ES&ref=visita>.