



QUESTIONS & ANSWERS
The Agreement regarding Minors
15 May 2016

1. What is the number of minors currently estimated to be part of the ranks of the FARC?

The Colombian government does not have an official figure for the number of children and adolescents that have been recruited by the FARC. According to figures from the *Colombian Institute for Family Welfare* (in Spanish, *Instituto Colombiano de Bienestar Familiar*), which is the Colombian government institution charged with improving welfare for children and the family unit, about 6,000 children have disengaged from armed groups over the past 17 years, with 60% of them belonging to the FARC.

2. What is the difference between this agreement and the unilateral decision of the FARC made on 12 February 2015?

On 12 February 2015 the FARC unilaterally committed to stop recruiting minors under the age of 17, and one year later they committed to not recruit any more minors under the age of 18. By comparison, this current agreement of the Negotiation Table aims to establish a roadmap for the gradual removal of all children and adolescents from the ranks of the FARC. It will begin, in its initial phase, with disengaging those under 15 years of age.

3. How soon will these minors be disengaged from the FARC? Could it be achieved before the signing of the Final Agreement?

Yes. In the next 15 days (following 15 May 2016) we hope to conclude a Protocol and Transition Plan for the disengagement from the FARC of minors under the age of 15.

4. The agreement only makes reference to the removal of those under 15 years old. What will happen to minors between the ages of 15 and 18 who are in the ranks of the guerrillas?

There is an explicit commitment in the agreement to develop a roadmap for the progressive removal of all children and adolescents from the ranks of the FARC.

5. What will be criminal law processes applicable to those minors who disengage from the FARC?

The criminal law processes from those minors who disengage from the FARC in this first phase will be in accordance with Colombia's current criminal laws. The *Childhood and Adolescence Code* (in Spanish, *Código de Infancia y Adolescencia*) expressly provides that minors under the age of 14 can in no case be held criminally responsible for acts they have committed. Furthermore, minors aged 14 and 15 years old will benefit from receiving pardons for the crime of rebellion, and other related crimes, in accordance with applicable law.

6. What will happen to minors who may be prosecuted for crimes against humanity?

The Colombian Government and the FARC have already announced that a special court will be created, the *Special Jurisdiction for Peace* (in Spanish, *Jurisdicción Especial para la Paz*), to deal with the most serious and representative crimes committed in the context of and due to the armed conflict.

The Colombian Government has also promised that, following the signing of the Final Agreement, it will make the necessary arrangements to ensure that all minors who have demobilized from the FARC, and that are to be prosecuted for crimes for which no amnesty or pardon applies, will remain at the disposition of the *Special Jurisdiction for Peace*.

7. What will be the immediate next steps for minors leaving the ranks of the FARC?

The exact next steps from these minors will be defined in the Transition Plan, that is still to be formulated. One of the agreed upon principles, to be prioritised, in the shortest possible time, is the family reintegration of these minors. However, this is a decision that should be taken by the *Family Advocate* (in Spanish, *Defensor de Familia*), who is a representative from the *Colombian Institute for Family Welfare*, charged with the responsibility of providing welfare assistance to individual families. The *Family Advocate* will do so, taking into account the greater interests and individual will of each particular child.

8. Are minors who took part in the FARC also considered victims of the conflict?

Yes, according to Law 1448 of 2011, the *Victims and Land Restitution Law* (in Spanish, *Ley de Víctimas y Restitución de Tierras*, which was the legal framework enacted by the Colombian state in 2011 to provide reparations to victims of the conflict, see articles 3 and 190 in particular), all minors under the age of 18 that leave the ranks of the FARC are considered victims and as such have the right to full compensation under the framework provided for in that law.

9. Why was the *Colombian Institute for Family Welfare*, the entity in Colombia charged with monitoring and protecting the rights of minors, not involved in the negotiation, and the design and implementation, of these special programs?

The *Colombian Institute for Family Welfare* is the entity in Colombia currently responsible for a specialised program on the *Restitution Rights of Children Involved in the Conflict* (in Spanish, *programa especializado de Restitución de Derechos de los Niños Desvinculados del Conflicto*) and as such will have a fundamental role in the Transition Plan provided for in this agreement.

In addition, it was agreed that there would be a Technical Committee, to be led by the *Colombian Human Right Ombudsman* (in Spanish, *Defensoría del Pueblo*) and the *Presidential Council for Human Rights* (in Spanish, *Consejería Presidencial para los Derechos Humanos*). The latter of these, the *Presidential Council for Human Rights*, today forms part of the Technical Secretariat of the *Inter-Sectoral Commission for the Prevention of Recruitment and Use of Children and Adolescents* (in Spanish, *Comisión Intersectorial de Prevención del Reclutamiento y Utilización de Niños, Niñas y Adolescentes*). The Technical Secretariat includes representatives from a wide variety of competent authorities, including the *Colombian Institute for Family Welfare*.

Furthermore, both the *Human Rights Ombudsman* and the *Presidential Council for Human Rights* have the power to request the presence of other entities, as guests, at the Technical Committee meetings.