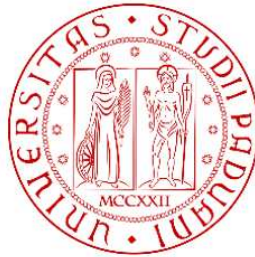# UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL SCIENCE, LAW,
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**Master's degree in
Human Rights and Multi-level Governance**

Can Peace Education Help Reintegrate Child Soldiers after Demobilization? The Case of Colombia and the *Cátedra de la Paz.*

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To my grandfathers, whose confidence in me keeps pushing me forward, even after their passing.

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<u>Abstract</u>

Despite the signing of the peace agreement in 2016 and the effort of the international community, the armed conflict in Colombia has not stopped. Colombian society remains very polarized and the communal ties have not been restored. Demobilized child soldiers, despite the efforts of the Colombian government, continue to face discrimination, stigma and violence on a regular basis. This thesis aims at shedding some light on the phenomenon and understanding whether the framework devised by the government when creating the Cátedra de la Paz can also help reintegrate child soldiers and restore the broken communal ties after almost six decades of continuous armed conflict.

<u>Key words</u>: Child soldiers, peace education, Colombia, Cátedra de la Paz, reintegration, restorative justice.

LIST OF ABBREVIATIONS

AGC - Autodefensas Gaitanistas de Colombia

ARN - National Agency for Reincorporation and Normalization

AUC - Autodefensas Unidas de Colombia (EN: United Self-Defenses of Colombia)

BACRIM - Bandas Criminales (EN: Criminal Gangs)

CMPVI - Commission for Monitoring, Promoting, and Verifying the Implementation of the Final Agreement

CRC - United Nations Convention on the Rights of the Child

ELN - Ejército de Liberación Nacional (EN: National Liberation Army)

FARC-EP - Fuerzas Armadas Revolucionarias de Colombia - Ejército Popular (EN: Revolutionary Armed Forces of Colombia - Popular Army)

FPA - Final Peace Accord

HRW - Human Rights Watch

ICBF - Instituto Colombiano de Bienestar Familiar (EN: Colombian Institute for Family Welfare)

ICC - International Criminal Court

ICFES - Instituto Colombiano para la Evaluación de la Educación (EN: Colombian Institute for the Evaluation of Education)

ICRC - International Committee of the Red Cross

IHL - International Humanitarian Law

IIEP - International Institute on Peace Education

INDEPAZ - Instituto de Estudios para el Desarrollo y la Paz (EN: Institute of Studies for Development and Peace)

IOM - International Organization for Migration

JEP - Jurisdición Especial para la Paz

MNP - Movimiento de los Niños por La Paz (EN: Children's Movement for Peace)

MRM - UNICEF's Monitoring and Reporting Mechanism

MVM - Monitoring and Verification Mechanism

NCPS - National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes

NGOs - Non-Governmental Institutions

OAS - Organization of American States

OECD - Organization for Economic Cooperation and Development

OTP - Office of the Prosecutor

PISA - Program for International Student Assessment

PTSD - Post-Traumatic Stress Disorder

SDG - Sustainable Development Goals

SES - Socio-economic status

TIMSS - Trends in International Mathematics and Science Study

UN - United Nations

UNESCO - United Nations Educational, Scientific, and Cultural Organization

UNICEF - United Nations Children's Fund

UP - Unión Patritóica (EN: Patriotic Union)

USAID - United States Agency for International Development

Introduction

The propensity for violent conflict arises when individuals perceive their worldview as the sole correct and acceptable one, categorizing all others as heretical or dangerous adversaries. This engenders a Manichean worldview that divides the world into those adhering to the right beliefs and those posing threats. Within this framework, there is a lack of acknowledgment that one's "truth" might be partial, disregarding the possibility that others possess knowledge or beliefs worthy of respect. The absence of recognition that truth evolves leads to an intransigent fixation on the group's current beliefs, fostering intolerance and disrespect for other cultures and ways of life, ultimately inciting anger and conflict. Simultaneously, the invisibility of human beings serves as a recipe for frustration and resentment, escalating into open conflict and rage. This invisibility refers to the failure to fully appreciate and validate the presence of others, resulting in their being ignored or exploited. At its extreme, this phenomenon withdraws or denies the humanity of a group, leading individuals to perceive their own worth as inferior. Invisibility, a form of quiet yet traumatic violence, compels the imperative for recognition in the fullness of humanity. The desire for this recognition, facing violent refusal, underlies many historical struggles and conflicts.

The problem of invisibility extends to the larger process of social injustice and the domination of individuals by those wielding more power. This domination, whether through overt force or economic deprivation, consistently distorts and undermines human worth, limiting the capacity for individuals to lead fulfilling lives. Social inequality emerges as a powerful driver of anger and conflict, accompanied by violence suppressing the human desire for respect and dignity. This violence often begets counter-rage, as individuals refuse continued deprivation or denial of their humanity, resulting in a world scarred by social injustice and profound inequalities.

Invisibility, social injustice, and domination intertwine with the culture of competition, sustained by a narrative of scarcity. This worldview, pervasive in

every aspect of life, fosters invidious comparison, leading to envy and constant feelings of inadequacy. The competitive narrative transforms others into perceived enemies, with the relentless propaganda of competition making it difficult to envision a world shaped by compassion and connection rather than fear and suspicion[1].

Human needs, extending beyond material desires, encompass the quest for a meaningful life. Suffering that transforms into anger arises not only from a lack of material resources but also from spiritual emptiness. The globalization of capitalism, consumerism, and hyper-individualism contribute to a deep crisis of meaning, prompting militant assertions of religious beliefs or aggressive expressions of identity for those adrift in purposelessness.

Consequently, structures and institutions thriving on the machinery of war perpetuate the narrative that individuals are under constant threat, sustaining a military-industrial-political complex. This complex engineers military budgets, distorting national priorities and investments, and educates citizens to view war and military force as necessary solutions. This narrative is often fueled by deception, deceit, and manipulation, creating a perception of an implacable enemy that responds only to the language of force. National purpose is found in the glory and sacrifice of the nation's military.

Within this broader context, the Colombian case presents particularities that necessitate an in-depth analysis. The Final Peace Accord (FPA) signed in 2016 between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC-EP) has been globally recognized as a model for negotiated resolutions to armed conflicts. This landmark agreement addressed seemingly intractable dilemmas by establishing a political framework, effectively breaking the perceived dichotomy between peace and justice. Notably, the FPA holds significance from an international justice perspective, being the first peace agreement entirely developed under the constant scrutiny of the International Criminal Court (ICC). The ICC played a pivotal role in monitoring both the design and implementation of the Agreement, maintaining its engagement in

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[1] Svi Shapiro (2010), pp. 12-13

the peace process even after the closure of the preliminary examination. During visits to Colombia, the Office of the Prosecutor's (OTP) Deputy Prosecutor clarified to national stakeholders that the country had the freedom to negotiate the resolution of severe crimes. However, it was emphasized that the ICC would continually monitor the adequacy of Colombia's chosen approach. Through this interaction between Colombia and the ICC, the OTP's understanding of justice experienced an expansion. The OTP openly acknowledged that restorative measures could constitute a valid form of justice, meeting international standards of criminal responsibility in transitional contexts[2].

It is by keeping these considerations in mind that I decided to undergo such a research with two key objectives: understanding whether the peace education model could be applied to child soldiers and, if so, with what results; and whether the results found in other countries could be transposed to the Colombian case as well.

The structure of the following thesis aims to provide the broadest context possible in order to achieve the aforementioned aims. The first chapter is devoted to the analysis of the relevant literature and the explanation of the research design. The second chapter provides a contextualization of the Colombian environment, with the first section devoted to the understanding of the conflict, through the analysis of the role that the constitutional instability, the widespread socio-economic inequalities and the plague of drug trafficking played in shaping the current conflict during its six decades. The second part of the chapter is devoted to the in-depth analysis of the 2016 Final Agreement between the Colombian government and the FARC-EP guerrilla group. The analysis is based on several components, in particular the principles that have guided the peace negotiations between the Colombian government and the FARC-EP in Havana, Cuba (the Havana Talks) between 2012 and 2016 and that have reflected through the Agreement; the importance given to the rights of the victims; the agreement on the ceasefire; political participation; drug trafficking; the importance given to transitional justice; and the mechanisms of

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[2] Gutiérrez-Rodríguez (2023-e), pp. 4-7

implementation and verification designed and established through the ratification of the Final Agreement.

Chapter three is devoted to the analysis of what childhood in Colombia looks like and has looked like throughout such an extremely long conflict. The first section investigates the educational system, in particular its structure, the quality of education and the impact of the civil conflict. The second section analyzes the children's rights protection system, from both the international and the domestic perspective, and the violations experienced during the conflict. Lastly, the chapter examines the case of child soldiers, starting from a global analysis, and then presenting the peculiarities of the Colombian case and trying to understand the profile of the recruited, who recruits, what are the methods of recruitment and the impact that violence had on the physical and psycho-social development and wellbeing of the child soldiers.

The following chapter presents an analysis of the concepts, principles and approach of peace education. The first section analyzes the basic concepts taught through peace education, while the second one explains the different implementation approaches depending on the social environment with a particular focus on the results of peace education programs delivered to child soldiers. Lastly, the chapter presents an in-depth study of the literature on the Cátedra de la Paz[3], the Colombian mandatory program aimed at learning the principles of peace, non-violence, justice, respect, empathy and equality. For the study, three fundamental aspects were taken into consideration: the legal framework from which the Chair originated, the program and contents; and the role that teachers have to play.

The last chapter is devoted to the reintegration of child soldiers. I first tried to understand whether the best interest of the child included considering child soldiers exclusively as victims or if it is more appropriate to consider their dual identity as victims and perpetrators when designing reintegration programs. When trying to find an answer, I kept in mind three main elements: the impact that child soldiers have on society; their role in the Colombian peace

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[3] EN: Peace Chair

process; and the reintegration programs provided by the Colombian institutions. I then researched the advantages of restorative justice programs, in particular in cases of transitional justice, in the Colombian case specifically, with juvenile delinquents, and with child soldiers especially. The last section of the chapter aims at unifying all of the previous findings by providing the expectations for the role that the Cátedra de la Paz can have on the reintegration of child soldiers in Colombia.

Chapter 1: Literature Review and Research Design

1.1: Literature Review

Internal armed conflicts have received increasing attention by the international community over the past few decades; however, it appears clear that SDG 16, "promote peace and inclusive societies for sustainable development, provide justice for all and build effective, accountable and inclusive institutions at all levels", is far from being achieved. Despite all the efforts both in practice and in theory to find a way to eradicate civil war, we are still nowhere near finding a permanent and stable solution to the problem. Collier (2009) argues that 40% of the post-war environments experience a return to violence in the first decade. These violence outbursts make up almost half of today's civil conflicts. Hartzell and Hoddie (2015), on the other hand, maintain that slightly over half of the countries manage to successfully complete the democratization process in the 10 years following the end of the civil conflict even if the international community has deployed resources and made an effort to support them.

Wolpe and McDonald (2008) claim that the majority of countries that experience civil conflict and then sign peace accords see a return to violence in the near future. This is because peace agreements tend to be imposed exogenously by the international community with little if any regard to the underlying issues and the persisting rivalry between the parties. In their article, they move on to explain what the conventional wisdom surrounding civil wars entails and why it is failing. In particular, conventional wisdom works on the assumption that the challenges surrounding the peacebuilding and democratization processes are rational and structural while also being inherently rooted in the Western liberal democratic experience and principles, which rather focuses on competition at the expense of collaboration. This understanding of democratization and peacebuilding presents limiting and often

failing strategies, especially considering two aspects: in a post-war and unstable environment, a complete disregard for the role of collaboration with a sole focus on competition will almost inevitably lead to the resurgence of violence; there is very little regard for the ethnic, religious, economic and political diversity of the population and little relevance is given to the understanding of these differences, which are often underestimated. Wolpe and McDonald (2008) identify four challenges to be addressed if the aim is to create a solid and stable democratization process in a post-war environment: (i) "a way must be found to transform the pervasive zero-sum winner-take-all mentality that is both the cause and the mentality of conflict"; (ii) "the relationships and trust among key leaders that have been fractured by their conflict must be restored"; (iii) "a new consensus must be forged among the key leaders on 'the rules of the game', i.e. on how power will be shared and organized and how decisions will be made"; (iv) "the leaders of the formerly belligerent parties need to learn or (relearn) how to hear each others' concerns and how to express their own views in ways that encourage a search for the common ground and for solutions, rather than invite further confrontation and endless blame-throwing"[4].

This thesis aims at analyzing the Colombian peace process as an emblematic example. In 2016, the Colombian Government and the FARC-EP guerrilla group signed the Final Agreement, however, as the International Committee of the Red Cross (ICRC) pointed out in 2022, the Colombian conflict did not end there[5]. The ICRC, in its analysis, highlighted the fact that we are witnessing an increase in violence on a yearly basis, especially during the COVID-19 pandemic, although the numbers are still lower than before the signing of the Peace Agreement. Camilo González Posso[6], on the other hand, is more optimistic and lists the overall lower level of violence compared to a

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[4] Wolpe and McDonald (2008), p. 140
[5] https://www.icrc.org/en/document/war-should-not-remain-status-quo-colombia (last accessed January 30, 2024)
[6] President of INDEPAZ (Instituto de Estudios para el Desarrollo y la Paz, EN: Institute of Studies for Development and Peace)

decade ago as one of the most important successes of the Peace Agreement[7]. The ICRC lists five different conflicts that keep plaguing the country: Colombian government vs. National Liberation Army (ELN); Colombian government vs. Autodefensas Gaitanistas de Colombia (AGC); Colombian government vs. former members of the FARC-EP not covered by the Peace Agreement; former members of the FARC-EP not covered by the Peace Agreement vs. Segunda Marquetalia; and former members of the FARC-EP not covered by the Peace Agreement vs. Comandos de la Frontera - EB. Although these conflicts tend to acquire a rather regional dimension and are unlikely to ever escalate at the national level, the persistent violence has detrimental effects for the Colombian society and the fragile restoration process that emerged from the Agreement between the Colombian government and the FARC-EP.

A particularly relevant example demonstrating how important it is to consider the composition of the population when devising a post-war strategy is Côte d'Ivoire. The peace agreement forged by the international community completely disregarded the main grievance in the conflict: the issue of citizenship. The Ivorians, therefore, created their own peace agreement, which Bah (2010) deems to be relatively successful, addressing both the issue of citizenship while at the same time restoring the internal ownership of the peace-building process. The case of the Ivory Coast demonstrates the particularity of identity politics in the African continent and the fluidity of the implementation of the concept of citizenship in its democracies.

Another emblematic case-study of the fact that ethnically fragmented societies are likely to experience war in their democratization process is Myanmar. Nilsen (2013), analyzing the case of the South-East Asian country, discovers that both the peace process and the ceasefire discussions have actually increased the violence in the territory. The conflict in Myanmar is inherently ethnic and as long as this challenge remains improperly addressed, she predicts that the rise in violence will tend to continue in the future as well.

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https://indepaz.org.co/logros-y-retos-de-la-paz-a-los-cinco-anos-del-acuerdo-del-colon/
(last accessed February 11, 2024)

The democratization process in and of itself does not effectively solve a country's ethnically based violence. It is fundamental that the restorative process involves all ethnic, linguistic, religious and economic groups by securing self-determination in the form of genuine political participation and representation.

Blattman and Miguel (2010) hypothesize that the issue does not reside in one single line of division within a society, but rather on the fact that unstable environments are unable to design a solution that prevents conflict along all the lines in which societies divide (i.e. by language, ethnicity, geography, class and religion). The inability of a state to appropriately deal with its internal divisions, leads to profound internal inequalities which, in turn, leads to frustration and the destabilization of the traditional social apparatus. The authors move one step forward by also assessing that, even if one of the most commonly widespread causes of civil conflicts is poverty, the correlation is not as straightforward as it seems. Civil conflicts do indeed provide a mechanism through which internal inequalities on income distribution emerge, however, internal conflicts themselves, with their destructive force, heighten these same inequalities further and worsen the living standards of the population.

In particular, according to Collier and Hoeffler (1998) it is not the fractionalization per se that damages societies but its degree that facilitates the coordination of the rebel groups. They hypothesize that the main cause of the outbreak of a civil conflict is actually the incentive for rebellion: i.e. if the incentive is large enough compared to the costs of starting an internal conflict. This incentive for rebellion is defined as "the product of the probability of victory and its consequences"[8]. In future research, Collier, Hoeffler and Soderbom (2001) propose to focus post-conflict policies on making sure that this incentive for rebellion is reduced as much as possible in order to avoid a resurgence in violence in the near future.

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[8] Collier and Hoeffler (1998), p. 564

Further research is still needed to understand what are the primary causes of internal armed conflicts, whether ideological, religious or ethnic divisions or the economic incentives and constraints. As highlighted earlier, some scholars focus on the former set, while others on the latter. What appears clear is that armed conflicts are very complex mechanisms and it is very unlikely that only one of these factors is responsible for their outbreak. More likely, it is a combination of them. When implementing a strategy for the post-conflict period, however, it is fundamental to understand all the underlying grievances among the population and take them into account appropriately if the international community and the affected country want to avoid a resumption of hostilities.

When it comes to the economic consequences of an internal armed conflict, Blattman and Miguel (2010) suggest that the impacts on human capital (especially, food, health and education) tend to be more persistent than the impacts on the factors of production, whose recovery can actually be quite speedy. In particular, they highlight the importance of answering in what ways, how much, for whom and how persistently human capital stocks are damaged by internal violence. Iqbal (2006) had previously attempted to answer these questions using the human security framework in order to examine the health consequences on the local population of militarized conflict. During his research he also takes into consideration democracy and wealth together with other pertinent political and economic elements.

Williams (2004) emphasizes how conflicts tend to prevent children from going to school since parents prioritize their safety by keeping the children home, while at the same time, depleting the children's potential to positively impact the future human capital stock of the country. Conflicts not only disrupt the formal educational settings, i.e. schools, but also the informal setting provided by the social and psychological wellbeing of the children themselves, the families and the communities, which makes it even harder to rebuild the formal infrastructure after the war is over. On this token, something very rarely studied because of the lack of available data and difficulty of objectifying the

experience is the disruption of the informal educational system provided by the family and the community themselves because of, among other things, trauma, the loss of important reference figures and the destruction of the necessary trust to build and maintain interpersonal relationships. Kubris (2014) calls the societal change that a civil war leaves behind "conflict trap", which is the perpetuation of civil conflicts because of the change they cause in the ways societies experience them, in particular these conflict traps are linked to the destruction of the economic development, the dysfunction of the political institutions and their inability to properly address the underlying social grievances, while also damaging the living conditions and the opportunities of the population.

Justino (2011) studies the consequences on human capital of lost education in the long-run finding that there is a negative correlation between the experience of a conflict and the educational achievements of households and individuals vulnerable to violence. She then moves on to explain that even slighter shocks to the educational level of a population are linked to long-term harmful effects in human capital accumulation and formation. In particular, these effects tend to be even more detrimental for girls compared to boys, with the former being less likely to go back to school once it is safe to do so. On the other hand, however, Lai and Thyne (2007) find in their research that secondary male enrollment was more negatively affected than secondary female enrollment. Nonetheless, it is not only the level of enrollment that damages the human capital accumulation of a post-war country, but also the physical inaccessibility and destruction of school buildings and the loss of teachers due to fighting, injury or death sustained during the war have long-term effects that are not easily overcome.

Rodríguez and Sánchez (2009) estimate "the effect that exposure to armed conflict has on school drop-out and labor decisions of Colombian children between the ages of six and seventeen."[9] They find that the biggest negative impact was felt by children over the age of eleven, a lot of whom

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[9] Rodríguez and Sánchez (2009), p. 3

dropped out and entered the labor market very early. They also find evidence suggesting that this effect was caused by high risks of mortality, negative economic shocks and a reduced quality in the education provided by the schools. Particular to the case of Colombia, some of these children were directly involved in the fighting: one in four combatants was under the age of eighteen. These results, however, are not consistent with other case studies. Indeed, León (2012), in his analysis of the Peruvian case, finds completely different results. Also according to the evidence he gathered, how long the impact of civil violence lasts depends on when the exposure took place, however, the age distribution is the complete opposite of the Colombian case. In fact, shocks experienced in the in-utero period, change only slightly in the short- and long-run, remaining high; for children experiencing the violence during preschool years, the short-term effects are three times larger compared to the long-run effects; while for children experiencing violence after starting school, the short-term effects are completely overcome in the long-run and they manage to fully recover.

Valente (2013) studied the impact of civil war on the educational attainment of children in Nepal during the Maoist insurgency. Nepal is a peculiar case since despite the brutality of the civil war between 1996 and 2006, the country managed to enjoy an almost unprecedented level of economic growth and reduction of poverty. Valente (2013) does not find any evidence supporting the hypothesis that the violence negatively affected the quality of the education attained by either boys or girls. Instead, she finds evidence demonstrating that female primary schooling level increased in those same districts that were most heavily affected by the violence. In more general terms, the conflict proved to be a positive mechanism for women empowerment with more women taking up traditionally male roles, including leadership roles, and increasing their presence in the labor market.

Islam et al. (2015) analyze the case of Cambodia. Their findings suggest that the exposure to the violence of the civil conflict disrupted the primary education system and, as a consequence, the population experienced a

decrease in the level of education achieved and an increase in fertility. They also find that this school disruption had negative effects on the labor productivity and the economic development of the country in the long-run.

An additional reason on why education is negatively affected by civil conflict is because, as Lai and Thyne (2007) point out, a country affected by civil conflict will tend to increase the amount of funding it provides for the military at the expense of social services, including education. This negative effect, however, is not limited to the period of the civil war but rather continues even after the hostilities have stopped. This is due to the necessity of keeping the military ready for any threat in the post-war unstable environment but also, as Lai and Thyne (2007) underline, to the loss of government revenue, the human costs, including displacement, injury and death, and the physical destruction of the school buildings.

These differences in results have already been discussed by Gómez Soler (2016) who points out how these discrepancies cause other scholars and politicians to doubt the results that have been obtained up until now. What is missing in particular is an understanding of the peculiarities of each case and why, for instance, the results found in the Colombian case differ so much from the Peruvian one. The few scholars analyzing the educational effects of civil conflict either provide generalized evidence, with little possibility of implementation in a particular case, or exclusively focus on one case study. Up until now, no one has attempted to explain why different contexts provide results so diverging, therefore, the assumption that the effects of civil wars on the schooling system are obvious and, as a consequence, their study is not a priority has never fully and convincingly been proved wrong.

The aim of this thesis is to demonstrate that education is a fundamental tool in the restorative process of an unstable post-war country for its role as an instrument to promote peace, teach non-violence conflict resolution strategies and spread inclusive values. Schools can serve as a neutral environment for children to learn how to socialize respecting other people's differences and thus, providing a sense of normalcy and agency for both the children and the

community as a whole once again. Nonetheless, as Williams (2004) highlights, it is important to plan the involvement of education very carefully because the outcome of the teachings cannot always be controlled regardless of how inclusive the school curricula are. Indeed, schools themselves are sometimes magnets for violence since, during an armed conflict, schools tend to be direct targets of the warring parties. Other times, schools themselves perpetuate the violence by using corporal punishment and beatings as a teaching mechanism and by maintaining or even creating long-lasting social inequalities between the children who perform well and those who perform poorly. Students who repeatedly "fail" in school tend to have lower self-esteem, lower expectations and lower chances at economic and financial stability once they enter the labor market. When devising strategies of including schools in the peacebuilding process both of these aspects, cause of conflict and means to resolve it, need to be taken seriously into consideration.

Söderström et al. (2021) advocate for the understanding and teaching of peace with a relational approach. Relational peace is a concept that views peace as a relationship between actors rather than simply the absence of war or conflict. It emphasizes the quality of interactions and attitudes between actors in a dyad. According to their framework, relational peace consists of three components: behavioral interaction, subjective attitudes toward the other, and the idea of the relationship. Behavioral interaction refers to the forms of interaction between the actors in the dyad. It includes elements such as deliberation, non-domination, and cooperation. Deliberation involves engaging in dialogue and discussion to reach mutual understanding and agreement. Non-domination refers to the absence of power imbalances or dominance between the actors. Cooperation involves working together towards shared goals or interests. Subjective attitudes toward the other involve mutual recognition and trust. Mutual recognition means that the actors acknowledge and respect each other's identities, rights, and perspectives. Trust refers to the belief that the other actor will act in good faith and fulfill their commitments. The idea of the relationship refers to how the actors perceive and understand their relationship. It can be characterized as either a relationship between legitimate

fellows or a relationship between friends. A relationship between legitimate fellows emphasizes equality and legitimate coexistence, while a relationship between friends involves a more intimate and trusting connection.

Human security is a relatively new and revolutionary understanding of security during a conflict. Traditionally, the term security in international relations was almost exclusively referring to the security of the state apparatus. The traditional understanding of security, however, is not suitable in today's political environment, at least not on its own, because the majority of conflicts we have been witnessing over the past few decades have been intrastate wars, not interstate ones. Another peculiarity of today's methods of war is the deliberate attack on the civilian population, including hospitals, housing complexes, schools, religious buildings, etc. For this reason, both scholars and politicians have developed the concept of human security. The concept is still at its infancy, therefore, we can find in the literature very different definitions, which is a source for complaint. With this thesis, I want to demonstrate that the broadness of the human security framework is in fact an advantage because it provides the flexibility needed to implement it in divergent contexts while still maintaining a certain level of rigidity in the outcomes that are required for its success. As Tadjbakhsh (2005) suggests, the human security framework "can serve as a means to evaluate threats, foresee crises, analyze the cause of discord and propose solutions entailing a redistribution of responsibilities."[10]

The framework I will be adopting derives from the one proposed by Leaning and Arie (2000), who argue that to develop societal resilience basic material, psychological and social resources are fundamental. They mainly focus on the psychological aspect of human security by claiming that communities are more resilient when their core attachments to home, community and the future are maintained intact. Whenever these attachments are broken, people will need to find new sources for recognition, empowerment and participation. These new sources tend to be identity groups created on the basis of age, geography, religion and ethnicity and characterized by resentment

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[10] Tadjbakhsh (2005), p. 53

towards established processes and institutions, oftentimes also acquiring a violent demeanor. It is exactly on this aspect that I want to focus on for demonstrating the potential of the educational system in restoring those basic resources and core attachments and allowing individuals, communities, and the society as a whole to heal and become resilient in the face of adversities within a broader framework of restorative justice practices.

Particularly relevant within this context is the case of Colombia. In 2014, the Colombian Government passed a law (Ley 1732, Decreto 1038) creating the so-called "Cátedra de la Paz", a mandatory class to all schools in Colombia with the aim of implementing and putting into practice the theoretical understanding of peace education and, in the long-term perspective, creating a culture of peace in order to minimize if not eliminate the violence present in the country. As Vásquez-Russi (2020) highlights in her article, the Cátedra de la Paz is an extremely important step in the civic education of the Colombian children and youth, especially considering the inherent student participation required in such a class. However, the law 1732 was not clear in identifying the teaching methods required for its successful implementation. Pizarro Yepes (2018) demonstrates how dangerous it is not to have created precise guidelines on the teaching of the Cátedra de la Paz and how confusing it has been for teachers and relevant institutions to try and come up with the missing information.

The lack of uniformity in the implementation of the Cátedra de la Paz might have extremely dangerous repercussions for a group of young people in particular: child soldiers. Denov and Merchand (2014), in their research, have argued that quite a high percentage of demobilized child soldiers decide to go back to education, aided by governmental programs that encourage such a decision. At the same time, however, demobilized child soldiers face extreme difficulties in trying to reintegrate into society: they are oftentimes separated from their families and must settle into a complete foreign environment; they are constantly faced with the stigma and violence that being actively involved on either side of the conflict has in such a polarized society. In this context, the

Cátedra de la Paz can have profound positive effects but the lack of homogeneity in its implementation leaves too much freedom to the single teachers and institutions who inevitably have their own opinions and values and may not be able to remain objective in class and risk perpetrating that same stigma and violence former child soldiers already have to face outside of school.

My research aims at understanding this risk and whether it could instead be seen as an opportunity in reintegrating child soldiers while also, as Nabuco Martuscelli and Duarte Villa (2017) have pointed out, using their experience as an opportunity to create a more stable, equitable and just community. For the first time, I try to understand to what extent the Cátedra de la Paz can help reintegrate child soldiers within a broader restorative justice process.

1.2: Research Design

This dissertation aims at analyzing the value and the impact of peace education on the reintegration of child soldiers within their community of origin with a particular focus on the case of Colombia and its Cátedra de la Paz program. To do this, my main research question is: How and to what extent can the Cátedra de la Paz help reintegrating child soldiers in Colombia? I have already conducted multiple studies on child soldiers, however, they were all exclusively focused on Sub-Saharan Africa, in particular the DRC and Uganda, and I was unaware of the particularities of the Colombian case. I soon realized that several smaller questions needed to be answered before being able to tackle the main one: What is the Colombian context after the ratification of the 2016 Peace Accords between the FARC-EP guerrilla group and the Colombian Government? How is the educational system structured in Colombia? What are the peculiarities of child recruitment in Colombia? What are the principles and contents of peace education? What are the positive aspects of the design of the Cátedra de la Paz and what are its limitations? What are the reintegration programs for child soldiers in Colombia and is their dual identity of victims and perpetrators taken into account? What has been the role of child soldiers in the

Colombian peace process? And lastly, How is the transitional and restorative justice process structured in Colombia? What advantages would both child soldiers and the overall society acquire from their participation in it?

In order to answer these questions, I based my research on the theories of interpretivism and constructivism. My study is interpretative because the data and facts gathered both by myself and by the literature I based my research on is subjective. My research is constructivist because it is based on the conviction that the current system in which violence and war are a daily occurrence is not permanent and set in stone. I am fully convinced that peace education can help create a different system in which violence and war are no longer normalized and possibly eradicated. This dissertation uses a qualitative approach, gathering the data present in other research, in particular the authors' interpretation of the single aspect they analyzed, with only a couple of numerical statistics used to additionally support the research. I then assembled the data using a deductive approach, going from the general understanding of the aspect to the specific case present in Colombia.

My research has several limitations, including the fact that I was unable to gather numerical data to support my hypothesis and that the literature on the Cátedra de la Paz, especially regarding its outcomes, is still at its infancy and provides only general interpretations. I was unable to find specific information on the effects of the Cátedra de la Paz on child soldiers, therefore, I had to infer the answer based on general research conducted by other scholars and more specific research on the effects of peace education on child soldiers in other countries, in particular Sierra Leone.

Despite these limitations, I am fully convinced that, throughout the following pages I answered all the questions previously listed. Some questions were easier to answer than others, but I am confident that this research represents an additional brick in the wall of knowledge on the subject of child soldiers, on the fight against their recruitment and on the promotion of peace.

Chapter 2: The Colombian Context

The Colombian economy is characterized as a resilient, market-based, mixed economy, wherein manufacturing, mineral extraction, agriculture, and services synergistically contribute to fostering a robust, growth-oriented system. Despite its economic strengths, Colombia is afflicted by pronounced socioeconomic inequality, positioning it amongst the most unequal nations in Latin America and globally. As an indicator of this inequality, the minimum wage in Colombia stood at 683,700 Colombian pesos in 2016, equivalent to approximately two hundred fifty U.S. dollars per month[11].

Since its independence from the Spanish Empire at the beginning of the 18th century, it has attempted to build a democratic system, however, the challenges that it has faced in the over 200 years since then have made it almost impossible to reach it until now. In fact, for the first time since it started collecting data on the country in 2016, Freedom House has given Colombia the status of "free" in its 2023 report with a score of 70 out of 100. This was due to increased competitiveness and transparency during the 2022 national elections, increased freedom of movement and assembly and the decriminalization of abortion. At the same time, illegal armed groups as well as drug cartels continue to pose a threat to national security and the internal stability of the country and human rights defenders as well as their jobs in Colombia remain in extreme danger.[12]

Several scholars have tried to shed light on the multifaceted challenges encountered during Colombia's democratization process for decades, including as far back as the 1940s, 50s, and 60s[13]. Kirkpatrick, already in 1945, has attributed the failure of Colombian democratization to political instability, stemming from a history of civil wars fueled by ideological differences. Some of the factors that contributed to the prolonged instability have changed: until the

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[11] LaRosa and Mejía (2017), p. 120
[12] https://freedomhouse.org/country/colombia/freedom-world/2023 (last accessed December 18, 2023)
[13] e.g.: Kirkpatrick and Pendle

50s, ideological differences, the presence of caudillos and the Catholic Church played a detrimental destabilizing role in the country, while today we can witness the damage of the rise in narcotrafficking that was not present at the moment of Kirpatrick's and Pendle's analyses.

An element that comes up frequently when examining the literature on the challenges of the democratization process in Colombian is the level of socio-economic inequalities. These inequalities are further exacerbated by racial divides, causing indigenous and Afro-descendant populations to be at higher risk of extreme poverty. These inequalities led to increased resentment and, in the case of the indigenous populations in particular, to several unsuccessful attempts of land reform.

The birth of the FARC-EP guerrilla group is linked to the decision, during the 1950s, of the Conservative and Liberal parties to alternate in power and prevent any other political actor from acquiring power. In a context of deep social and economic inequalities and the wider international political context of the 50s and 60s, the communist ideology was increasingly taking root also in Colombia. When the Conservative and Liberal parties built an alliance in order to prevent any other actor from entering the political arena, the FARC-EP group was born and the current civil conflict broke out.

Over the decades, some of the destabilizing factors intensified: the Colombian Government proved its increasing inability to solve and even admit the intrinsic problems within Colombian society. Several actors took advantage of the instability to acquire enormous amounts of wealth through the popularization of drugs, especially in the United States. The emergence of narcotrafficking was detrimental to an already extremely fragile society and the situation has only gotten worse after that, to the point that, although the Havana Talks have proven to be a success and the 2016 Final Agreement was signed by the Colombian Government and the FARC-EP, the conflict is far from over and the Colombian society is far from stable.

The multifaceted challenges in Colombia's democratization underscore the complex nature of this process, requiring a comprehensive and nuanced approach for sustained progress. The reasons why the Colombian case is so emblematic rests exactly on the failure of its democratization process and of its institutions to protect its citizens from almost constant violence in over 200 years since its independence. Until now, the Colombian institutions were unable, and maybe also unwilling, to protect their most vulnerable citizens, i.e. children, and provide them with the nurturing environment that they need for their psycho-social and physical development.

This chapter aims at historically contextualizing the Colombian case in order to provide the starting point to understand what an important and revolutionary impact the Cátedra de la Paz can have in shaping the future social dynamics within Colombian society. The first part of the chapter analyzes the ever-present conflict in Colombia focusing on three main causes: constitutional instability, inequalities and the recent addition of narcotrafficking; while the second part focuses on the 2016 peace agreement between the Colombian government and the FARC-EP.

2.1 The Conflict

Political conflict and governance challenges in Colombia have roots in diverse historical, socio-economic, and institutional factors, as elucidated by various scholars across different periods.

Some scholars focus more on the impact of the economic crises between 1980 and 1990, marked by declining real incomes and public sector strikes. Corruption, rent-seeking logic, democratization waves, dominant class privileges, and counter-insurgency policies further fueled political conflicts. Moreover, the enactment of a new constitution in 1991, while positive, underscored pre-existing challenges[14]. While others highlight colonial legacies,

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[14] Bethell (1995; 1998)

elite control, uncertain property rights enforcement, high political risk, economic barriers, and land conflicts as factors influencing governance challenges[15].

Later literature introduce the role of drug trafficking, emphasizing the intricate interplay with corruption, democratization[16], poverty, inequality, the involvement of paramilitary groups[17], armed class struggle, land conflicts and economic breakdown[18].

In essence, the multifactorial nature of political conflict and governance challenges in Colombia reflects historical continuities and evolving dynamics. While each analysis contributes unique insights, a comprehensive understanding necessitates synthesizing these perspectives to inform effective policy interventions and promote sustainable governance in Colombia.

2.1.1: Constitutional instability

In the late 18th century, the region now known as Colombia, within the Virreinato de la Nueva Granada, witnessed the onset of the Constitutional Revolution. This movement, concurrent with developments across South America, marked Colombia's early embrace of constitutionalism, setting it apart from nations that had previously implemented such governance systems. This early adoption prompts an examination of Colombia's unique implementation of the constitutional model. Historically challenged by bipartisan conflict until 1958, the country's constitutional institutions now grapple with contemporary issues like drug trafficking, paramilitarism, and political corruption, posing a threat to genuine constitutional discourse. Contrary to the notion of Colombia as a unitary republic, the emergence of a cluster of relatively independent republics characterized the constitutional evolution, revealing territorial tensions between the capital and peripheral cities.

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[15] Bulmer-Thomas et al. (2006)
[16] Dominguez and Covarrubias Velasco (2014)
[17] Charlip and Bradford Burns (2016)
[18] Petras and Veltmeyer (2017)

The Act of Confederation of the United Provinces of New Granada ratified in 1811 was a pivotal moment, acknowledging its confederal nature and intending to evolve into a federal constitution, an aspiration thwarted by the collapse of the organizational model during the Spanish reconquest. The subsequent reconquest, marked by brutality and repression, not only quashed republican structures but also cast doubt on the viability of the federal project[19].

After the restoration of independence in 1819, concerns about a potential resurgence of Hispanic dominance prompted a shift towards a centralized unitary state model during the constituent Congress of Cúcuta in 1821. However, institutional instability has persisted, with nine constitutions enacted from 1821 to 1991, each undergoing multiple revisions. The Constitution of 1886, lasting 105 years, underwent significant amendments, bringing about ideological and philosophical changes. Subsequent constitutional crises, dictatorial regimes, and anti-democratic responses, such as the National Front, further characterized Colombia's constitutional history[20].

Despite the longevity of the 1886 Constitution, Colombia grapples with a history of institutional fragility, characterized by frequent constitutional changes, civil wars, and a persistent prioritization of public order over democratic principles. The perception of stability is challenged by the country's turbulent past, marked by violence and institutional disruptions[21].

With thirty-seven reforms between 1991 and 2014, the constitutional process in Colombia appears to be evolving towards a more stable trajectory[22]. However, challenges persist, including the limited representation of Afro-descendants during the Constituent Assembly, regional imbalances, and unfulfilled promises from the 1991 Constitution. Nearly twenty-five years after its promulgation, the destiny of the 1991 Constitution remains uncertain, with unaddressed issues such as political corruption and a strained justice system.[23]

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[19] Zulga Gil (2014), p. 109
[20] Zulga Gil (2014), p. 110
[21] Zulga Gil (2014), p. 112
[22] Zulga Gil (2014), p. 118
[23] Zulga Gil (2014), pp. 126-127

The causes of the constitutional and institutional instability in Colombia that Zulga Gil (2014) highlighted are multifaceted and rooted in historical, political, economic, and social factors. Scholars have been studying these factors for decades in order to stabilize Colombian society. Nonetheless, some scholars argue that the Colombian case is more complicated than what Zulga Gil (2014) suggests. Part of the literature emphasizes the paradox of the Colombian case as an example of institutional instability but of increased constitutional strengthening, through a transformative focus.

According to this position, in fact, it is through the same constitutional developments and amendments that Zulga Gil vehemently criticizes that the Havana Talks could take place and that the Final Agreement was accepted and safeguarded[24]. While the agreement possessed international legal validity through presidential declaration and integration into the Constitution, its implementation was predominantly a political endeavor, necessitating alterations to Colombia's power dynamics and institutional norms. Ratification occurred through the Colombian Congress, employing the "fast-track" mechanism, which underwent constitutional scrutiny. The Constitutional Court deemed the pursuit of peace as a paramount obligation, justifying the application of transitional procedures within constitutional bounds[25].

2.1.2: Inequalities

According to various scholars, economic and social inequalities in Colombia have roots in a complex interplay of historical, political, and economic factors. The emergence of inequalities in the country depends primarily on its colonial heritage, especially the wealth concentration experienced at the beginning of the Colombian independence due to an absence of a robust middle class, which, in turn, also prevented the emergence of a stable parliamentary democracy[26].

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[24] Gutiérrez-Rodríguez (2023-e)
[25] Gutiérrez-Rodríguez (2023-s), p. 1p4
[26] Pendle (1963) and López-Pedreros (2019)

During the following two centuries, a series of inadequate and unsuccessful tax reforms[27], uncontrolled inflation, lack of robust microfinance programs[28] aiming at increasing income and wealth for the poor led to the situation we are experiencing today.

Indicative of the high level of inequality present in Colombia is the fact that, although it has the fourth highest GDP in Latin America (after Brazil, Argentina and Mexico), a vast percentage of its population has food insecurity. In the period spanning from October to November 2022, the World Food Programme (WFP) undertook a comprehensive nationwide evaluation of food security in Colombia. The assessment encompassed 118 municipalities distributed across 29 of the country's 32 departments. This comprehensive report offers a detailed account of the assessment outcomes and an analytical examination of the overall food security scenario within the nation. As per the findings of the assessment, 30% of the Colombian population is grappling with food insecurity. This alarming statistic translates to approximately 15.5 million individuals who lack sufficient access to food, encountering challenges in meeting their fundamental necessities. The repercussions of this precarious situation are evident in the adoption of unsustainable coping mechanisms by a substantial number of Colombians, leading to households grappling with food shortages, hunger, and, in some instances, malnutrition. Among the 15.5 million individuals experiencing food insecurity, 2.1 million fall into the category of severely food insecure, while 13.4 million are moderately food insecure. Severely food insecure households face acute deficits in food consumption and have depleted their livelihood-based alternatives. On the other hand, moderately food insecure households contend with insufficient food intake, necessitating the implementation of survival strategies, such as selling household possessions, to meet their basic needs. Additionally, the assessment disclosed that half of the households in Colombia are marginally food secure. Although their current consumption levels are deemed acceptable, their situation remains susceptible to deterioration should persistent factors such as

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[27] Bethell (1995)
[28] Bulmer-Thomas (2001)

high inflation, economic deceleration, climate-induced disasters, and the ongoing repercussions of the Ukrainian conflict continue.[29]

Regarding education in particular, it is relevant to point out that, according to the World Bank[30], the literacy rate for adults (15 and older) has consistently been over 91%. The first year in which data is available is 1993, with a value of 91.06%. This value has consistently grown over the last thirty years and in 2020 (the last year for which data is available) the value is 95.64%. Keeping this in mind, the educational disparity is therefore visible in the achievement of higher educational levels. One of the main reasons for this is child labor. Adolescents who grow up in poverty are more likely to leave school earlier in order to support their families and work. One of the ways in which teenagers will make an income is through their collaboration with armed forces and groups and even drug cartels. These actions, and the inability of the Colombian institutions to prevent the occurrence of this phenomenon, reinforce the vicious cycle of poverty and marginalization. In later chapters, I will analyze whether the Cátedra de la Paz and the educational reforms can support the rupture of the cycle.

It is crucial to note that these factors are interconnected and multifaceted, shaping the complex landscape of economic and social inequalities in Colombia up to the present day. Future analyses should consider the evolving dynamics and emerging factors impacting the country's socio-economic structure.

2.1.3: Narcotrafficking

The surge of drug trafficking in Colombia's border regions during the 1980s eroded territorial control, contributing to heightened conflict. Certain sectors, particularly those linked to foreign interests, such as military, financial, and entrepreneurial groups, benefited, possibly further fueling the conflict. The

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[29] https://docs.wfp.org/api/documents/WFP-0000147155/download/?_ga=2.235267331.306249365.1707658612-653708671.1705941242 (last accessed January 22, 2024)
[30] Last accessed September 9, 2023

formation of a national security state amplified these dynamics. Narcotrafficking weakened an already precarious state, empowered guerrilla groups, and led to targeted assassinations. Popular sector leaders, activists, journalists, and government officials became victims. Guerrilla groups like FARC-EP and ELN found funding sources, sustaining their operations and expanding influence. This fueled violence and conflict, particularly in rural areas.

Narcotrafficking's impact extended to institutional erosion and rule-of-law challenges. Drug cartels infiltrated politics, law enforcement, and the judiciary, fostering corruption and impunity. Socially, rural communities faced displacement due to control struggles over drug-producing regions. Drug addiction and substance abuse problems further exacerbated the aforementioned societal challenges.

Armed groups relied on drug trafficking for funding, corrupting state institutions and perpetuating conflict. The drug trade widened wealth gaps, displaced communities, and fueled drug-related violence, adversely affecting Colombian society. The FARC's involvement in the drug trade to fund insurgency and the government's cross-border conflicts indicate a complex relationship. The drug trade attracted criminal organizations, contributing to corruption and violence, adversely affecting Colombian society.

Extractive capital operations, including narcotrafficking, led to social conflicts. Indigenous and peasant communities resisted extractive projects, facing repression. However, the inability and/or unwillingness of the Colombian judicial system to bring drug traffickers to justice, together with its role in denouncing resistance leaders, suggests narcotrafficking's influence on legal and political systems.

The drug trade distorted the economy, fueled violence, and led to an undeclared civil war. Economic collapse and pressure to combat money laundering intensified the conflict, affecting unemployment and economic growth. Narcotrafficking's impact extended beyond the civil conflict, affecting

agriculture, commerce, and exacerbating Colombia's political and economic crisis.

In summary, the literature[31] on the topic collectively underscores the intricate relationship between narcotrafficking, the Colombian civil conflict, and societal challenges. The multifaceted impact involves economic distortion, institutional erosion, and exacerbation of social and political inequalities. Addressing these issues is crucial for fostering peace, justice, and sustainable development in Colombia.

2.2 The 2016 Final Agreement

After 6 decades of prolonged civil conflict, the Colombian Government and the FARC-EP guerrilla group managed to reach an agreement in 2016. This section is devoted to the analysis of these accords.

The 2016 Colombian peace agreement aims to achieve a stable and lasting peace by addressing historical cycles of violence. Grounded in the Agenda of the General Agreement of August 2012, the process adopts a rights-based approach, considering principles like free determination, autonomy, and self-government. It emphasizes the rights of indigenous and Afro-Colombian communities over land, territories, and resources, incorporating ancestral practices and the right to restitution.

To ensure the interpretation and implementation of the Final Agreement, substantial safeguards and guarantees are included, respecting principles like free and informed prior consultation. Guided by international and constitutional legislation, the peace process focuses on legal certainty, coexistence, reconciliation, and legitimacy.

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[31] Bethell (1995, 1998); Palacios (2007); Charlip and Bradford Burns (2016); Petras and Veltmeyer (2017); LaRosa and Mejía (2017); Karl (2017); Farnsworth-Alvear et al. (2017); López-Pedreros (2019)

International accompaniment is integrated, aligning with criteria such as sovereignty and respect for human rights. National participation is a priority, ensuring pluralist representation in the participative space with civil society involvement. Criteria for international accompaniment focus on sovereignty, impartiality, and respect for human rights. National participation is vital for a pluralist and balanced representation, considering the historical dynamics of conflict-affected territories.

Key aspects involve the agreement on the bilateral ceasefire and laying down of arms within 180 days. Acknowledging historical injustices faced by indigenous and Afro-Colombian communities, the peace process seeks structural conditions for coexistence and non-recurrence.

Safeguards include guarantees of non-recurrence, human rights protection, and security guarantees. The peace process also addresses the disproportionate impact of the armed conflict on women, emphasizing gender-based protection and participation. The Framework Plan for Implementation outlines aims, objectives, and indicators, prioritizing the needs of women. Mechanisms of verification involve notable persons, the Commission for Monitoring, Promoting, and Verifying the Implementation of the Final Agreement, and international spokespersons, ensuring compliance and dispute resolution. This comprehensive approach aims to address the historical challenges, promote justice, and build a stable and lasting peace in Colombia.

2.2.1 Principles

The Colombian peace process is grounded in several guiding principles, each contributing to its comprehensive and inclusive nature. Foremost among these is the recognition of peace as both a right and a mandatory duty, fundamental for the realization of all other rights, with Colombians obligated to attain and safeguard it. Legal certainty is a crucial tenet, emphasizing adherence to the Comprehensive System conditions, particularly the Special Jurisdiction for Peace, while ensuring due process guarantees[32].

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[32] Final Agreement (2016), p. 2

Aiming for societal transformation, the peace agreement prioritizes coexistence and reconciliation. This involves fostering mutual trust, instigating positive societal changes through victim acknowledgment, responsibility acceptance, and a commitment to a future founded on social justice, respect, and tolerance. Legitimacy is sought through alignment with the expectations of victims, society, and national and international obligations of the Colombian state, as outlined in the covenants of the Final Agreement[33].

Adopting a territorial- and equity-based approach, the peace process considers the diverse threats, characteristics, and experiences of individuals, communities, and territories. It endeavors to implement peacebuilding plans and programs, extending guarantees to the population, including the emerging political movement resulting from the FARC-EP's transition to legal political activity[34].

Prioritizing the protection of women's rights, the peace process incorporates a gender-based approach to address gender-based violence and discrimination. Participation is promoted as a core value, advocating for a broad, pluralistic, and balanced participatory process where the voices of victims and those directly or indirectly involved in the conflict are heard[35].

A rights-based approach underpins the implementation of all agreements, contributing to the protection and assurance of everyone's rights. Human rights, inherent in all individuals, are upheld as equal, with the state duty-bound to promote and protect these rights without discrimination. These principles collectively guide the interpretation and implementation of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia[36].

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[33] Final Agreement (2016), p. 46
[34] Final Agreement (2016), p 81
[35] Final Agreement (2016), p. 204
[36] Final Agreement (2016), p. 204

2.2.2 Victims' Rights

Chapter 5 of the Final Agreement is dedicated to the victims and their rights. The peace agreement acknowledges the historical injustices and exclusion faced by indigenous and Afro-Colombian communities, encompassing the dispossession of their land, territories, and resources. Recognizing the impact of the internal armed conflict on these communities, it underscores the imperative to ensure the full exercise of their human and collective rights. Fundamental principles such as free determination, autonomy, and self-government are highlighted, along with the recognition of ancestral territorial practices and land rights. The document underscores the importance of restitution and the reinforcement of territoriality for these communities. The overarching goal of the peace process is to establish structural conditions for coexistence among Colombians, fostering non-recurrence, reconciliation, and the establishment of a stable and enduring peace[37].

Furthermore, the peace agreement acknowledges the disproportionate impact of the armed conflict on women, particularly in terms of sexual violence. It underscores the necessity for affirmative measures to advance gender equality and facilitate active participation by women and their organizations in peacebuilding initiatives. The approach encompasses guarantees of non-recurrence and the prevention of re-victimization and emerging forms of violence[38].

To address gender-based violence, the peace agreement seeks to provide protection for women, children, and adolescents affected by criminal organizations involved in the conflict. Acknowledging the specific risks faced by women, it emphasizes the implementation of appropriate measures to address these risks. The approach also underscores the importance of women's participation in decision-making processes and advocates for equitable representation across all areas of involvement[39].

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[37] Final Agreement (2016), p. 140
[38] Final Agreement (2016), p. 205
[39] Final Agreement (2016), p. 81

Additionally, the peace agreement incorporates the development of gender-based national collective reparation plans aimed at communities, including women's and trade organizations, unions, human rights entities, and political and social parties. These plans aspire to restore the dignity of victims, acknowledge responsibility, and promote social justice, equality of opportunity, and a democratic culture. Overall, the Final Agreement recognizes the integral role of addressing gender-based violence and promoting gender equality in the comprehensive endeavor to build a stable and enduring peace[40].

2.2.3 Ceasefire

The agreement on the bilateral and definitive ceasefire and cessation of hostilities, i.e. chapter 3 of the document, marks the conclusive termination of offensive actions between the Colombian State Armed Forces (encompassing the Military Forces and the National Police) and the Revolutionary Armed Forces of Colombia - People's Army (FARC-EP). It prohibits any conduct contrary to the rules governing the ceasefire, specifying the precise commencement of the ceasefire on a designated day and hour[41].

Integral to the agreement is the traceable and verifiable procedure for the laying down of arms, wherein the United Nations assumes the responsibility of receiving all FARC-EP weaponry, subsequently repurposed for the construction of monuments. The primary objective is the irrevocable cessation of hostilities, underscoring the commitment of both the National Government and the FARC-EP to full compliance. To expedite the process of laying down arms, a roadmap has been devised, ensuring completion within 180 days of the Final Agreement's signing[42].

Additionally, the agreement establishes the Monitoring and Verification Mechanism (MVM) dedicated to overseeing compliance with the ceasefire and cessation of hostilities. Operating from the effective date of the Final Agreement

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[40] Final Agreement (2016), p. 191
[41] Final Agreement (2016), p. 8
[42] Final Agreement (2016), p. 67

until the conclusion of the arms relinquishment process, the MVM is authorized to provide recommendations to the National Government and the FARC-EP in the event of any violations or incidents pertaining to the agreement[43].

Acknowledging the amnesty provision for rebels, its implementation hinges on the termination of the rebellion by their respective armed organizations and the fulfillment of the Final Agreement's stipulations. In essence, the agreement is designed to terminate the conflict, ensure the laying down of arms, and institute mechanisms for monitoring and verifying adherence to the ceasefire and cessation of hostilities[44].

2.2.4 Participation

The peace agreement strives for a comprehensive and inclusive representation through a broad, pluralistic, and balanced participatory framework. This involves incorporating diverse voices, including those of conflict victims, individuals and groups affected by the conflict, and direct or indirect participants. Relevant stakeholders, along with a territorial-based approach, contribute to understanding regional dynamics and fostering truth-building, political pluralism, and social movements. Special emphasis is placed on the inclusion of historically marginalized groups such as women, young people, and other sectors in political processes[45].

To ensure balanced representation, the Final Agreement advocates for new dissemination forums, granting peacebuilding parties access to national, regional, and local channels. Additionally, it emphasizes enhanced representation in the Congress of the Republic for the most affected territories, promoting political inclusion and safeguarding their interests. Overall, the Final Agreement seeks to democratize peace-building, allowing new political forces

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[43] Final Agreement (2016), p. 249
[44] Final Agreement (2016), p. 160
[45] Final Agreement (2016), p. 43

to emerge, enriching national debates, and strengthening pluralism with safeguards for inclusive political participation[46].

The Final Agreement outlines measures to ensure fair political participation in its second chapter, beginning with the National Government's commitment to address points proposed by the emerging political movement from the FARC-EP's transition. Legislative reforms are also on the agenda to impose sanctions on political movements or parties with candidates or officials linked to criminal organizations, even post-election convictions. Resource distribution equality, increased funding for affected political entities, and non-formal education initiatives, including human rights campaigns, aim to overcome conflict-associated stigmatization and foster a more inclusive political culture. In summary, the document underscores the importance of fair resource distribution, legislative reforms, and educational efforts to ensure equal and inclusive political participation[47].

2.2.5 Drug Trafficking

Chapter 4 of the Final Agreement provides details about the intentions of the parties on how to tackle the issue of illicit drug trafficking. The agreement underscores the imperative of comprehensively addressing the challenge of illicit drugs by simultaneously confronting drug trafficking and the cultivation of crops for illicit purposes. A holistic approach is advocated, encompassing the eradication of crops used for illicit purposes, preventive measures against drug use, and the dismantling of drug trafficking networks. Regarding crops used for illicit purposes, the agreement advocates for a novel strategy centered on voluntary substitution programs. Community involvement, engaging both men and women in the planning, execution, and evaluation of these programs, is deemed crucial. The overarching objective is to induce structural transformation throughout the nation's territories, fostering conditions of well-being that discourage the cultivation of illicit crops[48].

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[46] Final Agreement (2016), p. 35
[47] Final Agreement (2016), p. 92
[48] Final Agreement (2016), p. 108

In the context of drug trafficking, the agreement accentuates the significance of interdicting and prosecuting territorial-based drug trafficking networks. It calls for the enhancement of state institutions' capabilities to shield communities from coercion or threats linked to drug trafficking. The agreement also emphasizes the need for efficacious prosecution of organized crime and their support networks, ensuring the safeguarding of communities and the proper advancement of the National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes (NCPS)[49].

Collectively, the agreement acknowledges the interdependence of drug trafficking, illicit crops, and the conflict. Its objective is to comprehensively address these interconnected issues, thereby fostering a stable and enduring peace within the country[50].

2.2.6 Transitional justice

The Final Agreement integrates concepts, principles, and institutions of transitional justice in a multifaceted approach. Firstly, it establishes the Special Jurisdiction for Peace (JEP), a judicial mechanism meticulously designed to investigate and prosecute severe human rights violations and breaches of international humanitarian law. The JEP plays a pivotal role in holding individuals accountable for crimes committed during the conflict[51].

Secondly, the agreement underscores the right to peace as a fundamental entitlement and obligation of Colombians. Recognizing the indispensable nature of peace for the realization of all other rights, the agreement introduces mechanisms, including a specialized unit focused on investigating and dismantling criminal organizations, to contribute to the attainment and preservation of peace[52].

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[49] Final Agreement (2016), p. 113
[50] Final Agreement (2016), p. 107
[51] Final Agreement (2016), p. 292
[52] Final Agreement (2016), p. 85

A third dimension involves the establishment of the Truth, Coexistence, and Non-Recurrence Commission. Tasked with investigating the origins, causes, and impacts of the conflict, this commission strives to foster coexistence and prevent recurrence. Its overarching goals encompass establishing the truth, acknowledging responsibility, and implementing reparative measures[53]. The Commission has worked under the premise that there cannot be lasting and stable peace without uncovering the truth and delivering justice. During five years, from 2017 when it was established and 2022 when it published its "Informe Final"[54], the Commission worked tirelessly to clarify what really happened over the decades with a particular focus on violations of human rights and humanitarian law. In 2022, the Commission published its Informe Final divided into 11 volumes, each one with a particular focus (including historical context, testimonies, children, women the LGBTQIA+ community, ethnic populations, exile, resistance, and recommendations).

Additionally, the agreement places significant emphasis on comprehensive redress for conflict victims, giving rise to the Comprehensive System for Truth, Justice, Reparations, and Non-Recurrence. This inclusive system incorporates measures to safeguard victims' rights to truth, justice, reparations, and non-recurrence, considering the principles of universality, equality, and progressivity. It seeks to address infringements on economic, social, and cultural rights resulting from the conflict[55].

Furthermore, the agreement stresses the vital role of citizen participation in the implementation of transitional justice measures. It acknowledges the imperative of coordination and shared responsibility among all state institutions to ensure the efficacy of the adopted measures. In essence, the agreement strategically integrates transitional justice concepts, principles, and institutions to foster accountability, establish the truth, provide reparations, and promote non-recurrence in the context of concluding the conflict in Colombia[56].

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[53] Final Agreement (2016), p. 139
[54] EN: Final Report
[55] Final Agreement (2016), p. 135
[56] Final Agreement (2016), p. 81

2.2.7 Implementation and verification

The last chapter, chapter 6, contains the provisions and mechanisms for implementation and verification of the Final Agreement. The peace agreement incorporates a range of safeguards and guarantees to ensure the effective implementation of agreements and the protection of human rights. These provisions include measures to prevent the recurrence of violence and conflict, with coordinated actions outlined in the Final Agreement. The government pledged to fulfill conditions outlined in the Comprehensive System, ensuring due process guarantees through the Special Jurisdiction for Peace. Measures were put in place to intensify actions against criminal organizations and protect human rights advocates. Safeguards for agreement implementation, criteria for international accompaniment, and a detailed plan for implementation financing and oversight were also delineated. Verification mechanisms involve notable individuals, the Commission for Monitoring, Promoting, and Verifying the Implementation of the Final Agreement (CMPVI), and international components within the CMPVI, supported by the Kroc Institute for International Peace Studies. These mechanisms aim to ensure rigorous monitoring, dispute resolution, and the promotion of the Final Agreement implementation[57].

Since the ratification of the Final Agreement, Camilo González Posso observed several improvements: a reduction in indicators of aggression and mortality resulting from violations of International Humanitarian Law (IHL) norms when juxtaposed with pre-peace negotiation periods or conditions prior to 2017. Notably, the annual tally of victims has declined significantly over the years, plummeting from 540,000 in 2008 to 280,000 in 2014 and further to fewer than 100,000 in 2020. Homicides of protected individuals due to armed conflict have similarly dwindled, dropping to below 1,000 annually since 2016 and subsequently falling below 600 in recent years. However, the period from 2017 to 2020 has witnessed a surge in murders targeting leaders, ex-combatants, and advocates of peace, alongside an increase in aggressions and mass displacements, albeit not reaching pre-agreement levels but nevertheless

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[57] Final Agreement (2016), p. 199

posing a threat to its successful implementation. Despite these challenges, a significant segment of the Colombian population now resolutely opposes warfare and the utilization of arms to address political or commercial disputes, marking a notable shift in societal attitudes. Furthermore, the diminished military confrontation has facilitated a peaceful process of social and political reformation, exemplified by widespread mobilizations advocating for peace, democracy, and structural transformations from 2017 to 2021[58].

The Peace Agreement, despite facing partial implementation and opposition from pro-guerrilla factions seeking to undermine or subvert it, remains in effect and serves as a guiding framework towards achieving lasting peace. Notwithstanding a turbulent transitional period, the agreement persists as a beacon for peacebuilding efforts, bolstered by advancements in its constitutional and legal formalization, particularly through initiatives such as the Special Jurisdiction for Peace, the Truth Commission, and electoral constituencies[59].

Nonetheless, challenges persist in fully realizing the objectives outlined in the agreement. These challenges encompass the imperative of reinstating political consensus for comprehensive implementation across its six components, including ethnic and gender dimensions, thereby positioning it as the central axis of government agendas from 2022 to 2030 . Addressing failures such as the delayed delivery of land to peasants and ethnic groups, agrarian reform, and territorial development plans necessitates substantial reforms and resource allocations in governmental agendas. Moreover, effective coordination mechanisms and policy frameworks established by the agreement require bolstering to mitigate ongoing violence, safeguard the rights of social leaders, human rights defenders, and ex-combatants, and advance the cause of democracy and peace[60].

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[58] https://indepaz.org.co/logros-y-retos-de-la-paz-a-los-cinco-anos-del-acuerdo-del-colon/ (last accessed February 11, 2024)
[59] https://indepaz.org.co/logros-y-retos-de-la-paz-a-los-cinco-anos-del-acuerdo-del-colon/ (last accessed February 11, 2024)
[60] https://indepaz.org.co/logros-y-retos-de-la-paz-a-los-cinco-anos-del-acuerdo-del-colon/ (last accessed February 11, 2024)

The challenges in the implementation of the Final Agreement were already evident under President Juan Manuel Santos's administration[61]. By the end of his tenure, only 30% of the agreed provisions had been executed, with 39% pending initiation and 31% in a minimal state of implementation. Political considerations and the entrenched power structure and institutional culture in Colombia influenced the implementation process[62].

Multiple scholars[63] have highlighted the importance of education, including the Cátedra de la Paz, in successfully implementing the agreement and in building a more peaceful and just environment within the country that will put a definitive end to the almost never-ending violence that Colombia has experienced since its independence in the 1810s. After a conflict that has lasted for over 6 decades, and a limited Peace Agreement that does not include all the parties participating in the conflict, it is fundamental to foment a paradigmatic shift among the newer generations and break the vicious cycle of violence.

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[61] 2010-2018
[62] Gutiérrez-Rodríguez (2023-s), p. 194
[63] Herbolzheimer (2016); p. 7; and Gomez Suarez (2017), p. 3

Chapter 3: Childhood in Colombia

In Colombia, childhood faces multifaceted challenges and vulnerabilities, particularly within the context of the armed conflict and rural poverty[64]. The armed conflict, concentrated in rural areas, where institutional development is limited, exposes children and adolescents to heightened risks and vulnerabilities. Forced displacement is a significant concern, disrupting the lives of families and communities and posing educational and social challenges for children and adolescents[65]. Recruitment and exploitation by armed groups, driven by poverty and limited opportunities, subject children to perilous activities, jeopardizing their physical and psychological well-being[66]. Additionally, pervasive poverty in conflict-prone rural areas restricts access to fundamental services like education and healthcare, violating children's rights. Educational challenges persist, particularly in rural areas, where barriers such as inadequate infrastructure and teacher shortages hinder quality education[67]. Stigmatization and discrimination further impede the reintegration of children associated with armed groups into society[68].

Furthermore, the enduring and complex nature of the Colombian conflict has lasting consequences, encompassing poverty, social exclusion, and violence. Displacement, a consequence of the conflict, interrupts schooling, hindering the realization of children's rights outlined in the Colombian Constitution and the UN Convention on the Rights of the Child (CRC). Despite governmental efforts, challenges persist in ensuring universal access to education and healthcare. Armed conflicts, spanning over six decades, have disrupted lives, leading to displacement, loss of family members, and limited access to essential services[69]. High levels of poverty contribute to the challenges faced by children, impacting their access to education, healthcare,

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[64] Informe Final (2022), vol. No es un mal menor, p. 25
[65] Berents (2014), p. 4
[66] Berents (2014), p. 5, 9
[67] Informe Final (2022), vol. No es un mal menor, p. 168
[68] Informe Final (2022), vol. No es un mal menor, p. 83
[69] Cuartas et al. (2019), p. 118

and basic necessities. Colombia's national early childhood strategy, "From Zero to Forever," seeks to address these challenges, yet disparities persist, particularly for children from low-income backgrounds. A focus on integrated interventions is crucial to promote early childhood development and reduce disparities.

The impact of the conflict is pervasive, with internal displacement affecting approximately 10% of children aged 0-4. The country's child homicide rate ranks fourth in Latin America, highlighting the violence children are exposed to. Corporal punishment is prevalent, affecting over 30% of children, emphasizing the need for legal prohibitions[70]. The government's recognition of early childhood development's importance is evident in the comprehensive early childhood care program, part of the National Development Plan, focusing on tailored attention for 2 million children. Efforts include inter-institutional coordination, stable financing, and collaboration with grassroots organizations, NGOs, and academia[71].

In conclusion, childhood in Colombia is intricately woven with challenges arising from armed conflict, displacement, poverty, and inequalities. While governmental efforts and initiatives are underway to address these issues, there remains a pressing need for holistic and sustained interventions to ensure the well-being, development, and rights of all children in the country.

3.1 Education

The vernacular-based structure of the Colombian education system, rooted in the colonial period, encompasses various levels: pre-primary, primary, and secondary education. Pre-primary education serves approximately 225,000 children through 1,500 preschools and 3,000 kindergarten schools. Primary education is compulsory, lasting five years from the age of six, with the Escuela Nueva model significantly enhancing quality and accessibility, particularly in rural areas. This innovative model emphasizes participatory learning,

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[70] Cuartas et al. (2019), p. 109
[71] Cardenas and Cadena (2020), p. 17

individualized attention, and community involvement. Secondary education spans six years and includes basic (grades 6-9) and middle secondary education (grades 10-11), preparing students for higher education or vocational training. Non-formal primary education programs target children outside the formal system, addressing accessibility challenges in rural areas[72].

The basic education phase spans nine years, with primary education (grades 1-5) emphasizing foundational skills and knowledge, and secondary education (grades 6-9) offering diverse options, including academic, science, arts, industry, commerce, agriculture, and teacher training. Following basic education, middle education, also known as secondary education (grades 6-11), is not compulsory but allows for further education and specialization. Private educational institutions represent a significant portion of enrollments across different educational levels in Colombia. Specifically, these institutions account for 15% of enrollments at the primary level, 40% at the secondary school level, and 60% at the university level[73].

Upper secondary education allows students to select a track, such as technical, business, or pedagogical, with completion in two years, leading to university entrance through the ICFES state exam. However, universities are concentrated in urban areas, necessitating rural students to relocate for higher education. Tuition rates vary based on socioeconomic background, reflecting a diversified and unequal education system. Private schools, regardless of socioeconomic status, are preferred due to perceived inadequacies in public schools[74].

Higher education becomes accessible to those completing secondary education, with options for intermediate technical training or enrollment in a university for a four- or five-year program[75]. In summary, the Colombian education system integrates preschool, basic, middle, and higher education,

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[72] Gómez Calderón et al. (2023), pp. 192-206
[73] Avellaneda (2023), p. 89
[74] Cabrera Peña (2018), pp. 26-27
[75] Rodríguez and De Brigard (2012), p. 8

ensuring compulsory education and offering diverse pathways for specialization and career development[76].

Diving into the details of higher education, Colombia offers institutions at four levels: professional technical, technological, university institutions, and universities. Professional technical institutions provide vocational training, while technological institutions offer higher-level vocational training. Universities and university institutions contribute to academic education, with universities being the highest level, emphasizing research and innovation. Despite social perceptions, professional technical and technological institutions are equivalent to vocational education recognized internationally. Public institutions comprise 28 percent of the total[77], however, represent 52.4 percent of higher education enrollment, while private institutions play a significant role[78]. This provides a comprehensive overview of the diversity within the Colombian higher education landscape.

The system emphasizes autonomy for schools, allowing them to determine their fundamental areas of learning, build curricula, and introduce optional subjects. Despite these provisions, studies indicate that a person's birthplace, parental education, and socioeconomic background heavily influence social mobility through education in Colombia[79]. The decentralized nature of the Colombian education system allows schools considerable autonomy in designing curricula and pedagogical practices. However, concerns arise regarding the low educational level of teaching education, reflected in low student scores on international tests like PISA[80]. Despite this decentralization, public schools are criticized for reinforcing social inequalities, with significant differences in quality between public and private schools, rural and urban areas, and various regions. Negotiation between national standards and schools' autonomy in curriculum interpretation and recreation is evident. Legislation in

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[76] Brutti and Torres (2022), p. 74
[77] Navas et al. (2019), p. 2
[78] Paez and Teelken (2016), p. 603
[79] Avellaneda (2023), p. 89
[80] Avellaneda (2023), p. 81

2015 mandated the inclusion of a Peace Curricular Requirement, further emphasizing the intricate interplay between national standards and school autonomy[81]. However, as seen in the next chapters, the level of autonomy granted to schools and to the individual teachers poses extreme challenges in the implementation of the Cátedra de la Paz and, as a consequence, to the development of citizens ready and capable of peacefully resolving disputes and not resorting to violence.

In emphasizing the decentralized governance of the Colombian education system, subnational governments manage the system's day-to-day operations. However, the national government bears financial responsibility, with the Ministry of Education overseeing the system. Public schools operate with substantial autonomy at the municipal level, reporting to the city secretary of education rather than the departmental secretary. The merit-based appointment and ranking system introduced in 2002 highlight efforts to enhance educational quality[82].

In conclusion, the Colombian education system demonstrates a structured and diverse framework, encompassing preschool, primary, secondary, and higher education levels. The constitutional mandate ensures compulsory education, emphasizing flexibility and autonomy for schools. While the system faces challenges, including disparities and quality concerns, ongoing reforms and innovative models contribute to its continual evolution.

3.1.1: Quality of the Colombian education system

The Colombian education system, particularly at the tertiary level, has been a source of concern over the last couple of decades of the 20th century, raising questions about the prevalence of private education, including low-cost, low-quality options. The private provision of education in tertiary institutions has expanded, contributing to potential shortcomings in educational quality. Both public and private tertiary schools lack systematic monitoring and quality

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[81] Nieto Sachica (2021), p. 116
[82] Avellaneda (2023), p. 89

control, as evidenced by the rare rejection of applications by the monitoring agency, Instituto Colombiano para la Evaluación de la Educación (ICFES)[83]. Public universities, with a diminished focus on research and lower-quality graduate programs, often rely on part-time professors with low salaries, collectively contributing to the subpar quality of education in these institutions[84].

Internal efficiency challenges in the Colombian education system are highlighted by high dropout, repetition, and absenteeism rates. Disparities in educational attainment between rural and urban areas are evident, with only 18.3 percent of the 1978-83 rural cohort completing the basic cycle[85]. The challenges within the Colombian education system extend to international assessments, such as TIMSS, where the country lags behind most other countries, particularly OECD nations. Poor achievement, high repetition and dropout rates, and a skills mismatch with the economy contribute to a perception of inadequate quality at all levels in Colombia[86].

The Escuela Nueva system[87] has demonstrated success in addressing disparities and achieving positive academic outcomes[88]. However, concerns persist about the overall quality of education, as highlighted by dropout rates and learning deficiencies[89]. The SABER 11 examination is used to measure high school students' knowledge, indicating a focus on assessing educational achievement rather than providing a comprehensive ranking of the overall quality of the system[90]. The Saber 11, popularly known as ICFES (not to be confused with the Colombian Institute for the Evaluation of Education), is a high school exit exam administered annually in grade 11 in the Colombian high

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[83] Patrinos (1990), p. 165
[84] Patrinos (1990), p. 167
[85] Murphy et al. (1996), p. 147
[86] Blom and Hansen (2002), p. 4
[87] A school-based model of formal education, with responses to rural multigrade and to the heterogeneity of ages and cultural origins of students in urban-marginal schools. The model seeks to offer complete primary education to boys and girls in rural areas of the country. It integrates curricular strategies, teacher training, administrative management and community participation.
[88] Moura Castro and Verdisco (2002), p. 149
[89] Duarte and Moreno (2012), p. 33
[90] Rodríguez and Sánchez (2010), p. 5

school. The exam is standardized, similar to the SAT and ACT exams taken by high school students in the United States and the German Abitur or Selectividad in Spain. The purpose of the exam is to evaluate students' aptitude in five subjects: critical reading, mathematics, social studies, science and English.

Consistent evidence points to below-average quality in the Colombian education system. Pervasive disparities persist between high-SES private urban schools and low-SES public urban and rural schools, hindering overall improvement in quality[91]. While there have been improvements in access, the quality of education remains a significant challenge. Financial constraints, particularly in public funding, contribute to insufficient school places. Private schools, especially in rural areas, play a crucial role in providing education to communities underserved by the state[92].

Insufficient financial resources allocated to education, particularly in higher education, pose challenges to the quality of education in Colombia. The country's performance in international assessments remains below average, signaling a gap in research and innovation capabilities[93]. While the Colombian government has invested in quality assurance for higher education institutions, challenges persist in achieving effective teaching, research, and knowledge transfer[94].

Recent improvements in PISA[95] test scores and increased enrollment coverage demonstrate positive trends in the Colombian education system. However, disparities persist, with vulnerable children, especially in rural areas, facing obstacles such as limited educational services and infrastructure. Challenges related to low educational quality and high rates of violence in educational spaces remain areas of concern[96].

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[91] Rodríguez and De Brigard (2012), p. 2
[92] Termes et al. (2015), p. 10
[93] Moreno Gómez et al. (2019), p. 797
[94] Navas et al. (2019), p. 1
[95] Program for International Student Assessment
[96] Soler et al. (2019), p. 69

In summary, various studies consistently express concerns about the quality of the Colombian education system. Issues such as disparities between public and private institutions, rural and urban areas, and socioeconomic classes contribute to a fragmented and unequal system. While efforts have been made to improve access, the persistent challenges in delivering high-quality education underscore the need for comprehensive reforms.

3.1.2: Impact of the civil conflict

The persistent instability and civil conflict in Colombia exert profound repercussions on the education system. This includes disruptions in school functioning, displacement of students and teachers, infrastructure damage, and interruptions in the learning process. Such disturbances contribute to diminished access to education, lower retention rates, and elevated dropout rates, especially in rural areas where the impact of conflict is more pronounced[97]. Despite efforts to enhance internal efficiency, the system grapples with high dropout, repetition, and absenteeism rates. Continuous instability and civil conflict likely play a pivotal role in exacerbating these challenges, impeding consistent attendance and completion of education for students.

The ongoing armed conflict in Colombia significantly affects the education system, particularly evident in the forced displacement of a considerable number of individuals, especially in rural areas, hindering children's access to primary education. Citing the Colombian Episcopal Conference through the Organization of American States (OAS), the document underscores that 85% of displaced children lack primary education, with only 20% having access to medical care. The overwhelming influx of displaced individuals into cities strains available resources, resulting in insufficient support for basic needs. This exacerbates challenges faced by the education system, leading to resource scarcity and compromised educational quality. The OAS Commission for Human Rights highlights the dire conditions faced by displaced

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[97] Paez (2022), p. 37

families, including limited access to housing, land, and employment, fostering illegal urban settlements and contributing to family and community disintegration. The pervasive violence and instability expose children to extreme conditions, impacting their emotional, cognitive, and moral development suggesting a substantial hindrance to quality education and equitable access, particularly for displaced children[98].

The enduring civil conflict in Colombia manifests a detrimental impact on the education system, reducing the average education of students in conflict areas by one year. This reduction is consistent across gender and household wealth, indicating a widespread influence. The conflict's effect on education varies by the child's age, with younger children experiencing a potential educational attainment increase of 0.4 years in the absence of violence. For older children (12-17 years), the conflict raises the likelihood of dropping out early and entering the labor market prematurely. Additionally, the ongoing conflict negatively affects the quality of education in conflict areas, impacting teacher quantity and quality, infrastructure, and attendance rates. This reduction in school quality further discourages student retention[99].

Human rights violations against teachers, accused of political affiliations with insurgencies, create an atmosphere of fear and insecurity. This hampers the quality of education, impeding the full engagement of teachers and students in the learning process due to the constant threat of violence. Schools are attacked, teachers killed or displaced, and students recruited by armed groups. The conflict exacerbates existing inequalities, perpetuating social exclusion based on gender, class, race, and ethnicity, as certain groups are disproportionately affected and have limited access to education. Transnational drivers of conflict, including economic, diplomatic, and military practices of powerful nations, contribute to human rights violations in the Colombian education system[100].

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[98] Ardila-Rey (2002), p. 4
[99] Rodríguez and Sánchez (2009), p. 34
[100] Novelli (2010), p. 273

Instances, such as guerrilla attacks resulting in the destruction of school buildings, not only disrupt the learning process but also instill fear and insecurity among students and teachers. Additionally, the recruitment of children and adolescents by armed groups below the age of 18 leaves them illiterate or with substantial educational gaps, compelling them to abandon education and engage in conflict. The conflict negatively influences the values and attitudes towards education in Colombian society, with drug trafficking, closely tied to the conflict, undermining the belief that education and hard work are pathways to social advancement. This shift in societal values diminishes the importance placed on education. Overall, the continuous instability and civil conflict in Colombia disrupt the education system, impeding access to education and eroding its societal significance[101].

In Colombia, individuals who have completed secondary education earn nearly 30 percent more than those with only a primary education, exhibit a 1.5 times higher likelihood of obtaining waged employment, and are twice as likely to benefit from social security coverage. The increase in the proportion of the working-age population possessing secondary education or higher, rising from 42% in 2009 to 56% in 2019, suggests positive developments for Colombia's labor market. However, findings from the Colombia Jobs Diagnostic report indicate persistent vulnerabilities in the labor market for both low-educated and high-educated individuals. Between 2009 and 2014, there was a notable rise of approximately 9% in average wages for high-educated workers (those with completed secondary education or above), which was followed by a decline of 7% between 2014 and 2019. Similarly, the unemployment rate exhibited a similar trajectory, initially declining during the first half of the decade before increasing in the latter half. Notably, recent graduates with higher levels of education emerged as a significant contributing factor to the latter surge in unemployment. The proportion of high-educated individuals among the

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[101] Meier and Páez (2016), p. 100

unemployed rose from 63 to 69% between 2014 and 2019, coinciding with a deceleration in the demand for skilled labor[102].

The conflict has caused the forced displacement of numerous children and young individuals, disrupting their education and impeding their future prospects. The affected individuals often carry the enduring traumas of the violence they have witnessed or experienced. Families and communities experience destabilization, contributing to social and economic instability. This, coupled with the loss of cultural roots and extreme poverty, results in various negative behaviors and challenges for students, including depression, isolation, aggressiveness, intolerance, and learning difficulties[103].

A further challenge to the education system is the fact that the national army often occupies or uses schools, making them targets for guerrilla attacks. This leads to school closures and student and teacher displacement[104]. Many children are deprived of regular school attendance or have their education entirely interrupted. Additionally, inadequate mental health care exacerbates the impact on the education system, with little government focus on addressing psychological effects, resulting in a lack of mental health support for students and teachers. The psychological trauma experienced by children can have long-term effects on their learning ability. Overall, the continuous instability and civil conflict have disrupted the education system, causing closures, displacement, recruitment, and a lack of mental health support, negatively affecting the education and future prospects of Colombian children and youth[105].

The continuous instability and civil conflict in Colombia hinder the development of a comprehensive peace education curriculum, contributing to the normalization of violence in schools. Lack of structured pedagogical opportunities to discuss peace and armed conflict limits students' understanding

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[102] https://blogs.worldbank.org/jobs/lack-skills-or-lack-jobs-colombias-challenge-creating-good-jobs-high-and-low-educated-workers (last accessed February 12, 2024)
[103] Osorio-González and Oviedo-Gónzalez (2016), pp. 4193-4194
[104] Hanssen (2018), p. 9
[105] Hanssen (2018), p. 9

of the conflict's structural and historical context. Additionally, violence contributes to the invisibilization of violence in schools, normalizing it in communities. Social mobility and access to quality education become challenges, with public schools remaining questionable avenues for social mobility. Overall, ongoing instability and civil conflict in Colombia lead to the lack of effectiveness of the peace education curriculum, normalization of violence, and challenges for social mobility and access to quality education[106].

The continuous instability and ongoing civil conflict in Colombia have significantly impacted the education system in regions like Putumayo. Historical neglect of these regions by the state has resulted in insufficient policies and state support, leading to inadequate resources and support for schools. Uneven distribution of education access based on ethnicity and social status has perpetuated discrimination and exclusion, depriving certain communities of education opportunities. Cultural repression and political manipulation through education highlight the instrumentalization of education in sustaining conflict and oppression. Policy initiatives in post-conflict areas face slow progress and insufficient resources, with inadequate consideration of factors like ethnicity and the environment. Overall, continuous instability and ongoing civil conflict have impeded the development and improvement of Colombia's education system, contributing to challenges such as neglect of rural areas, unequal access, cultural repression, and political manipulation[107].

Nonetheless, efforts to end the conflict, such as the ceasefire declared by FARC, have shown short-term gains in human capital accumulation. Despite the detrimental impact on the education system, recent efforts to end the conflict have demonstrated improvements in educational outcomes, emphasizing the importance of consolidating peace and designing policies for long-term benefits[108].

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[106] Nieto Sachica (2021), p. 25
[107] Páez (2022), p. 8
[108] Prem et al. (2021), p. 3

3.2 Children's rights[109]

The United Nations Security Council identifies six grave violations against children in the event of armed conflicts legally based on relevant international law, in particular international humanitarian law, international human rights law and international criminal law[110].

1. "Recruitment or use of children in armed forces and groups. Recruitment refers to compulsory, forced or voluntary conscription or enlistment of children into any kind of armed force or armed group. The use of children by armed forces or armed groups refers to any capacity, including, but not limited to, children, boys and girls, used as fighters, cooks, porters, messengers, spies and collaborators. Girls are also recruited for sexual purposes and forced marriage.

2. Killing and maiming. Killing and maiming of children can be a result of direct targeting or indirect actions, including torture. Killing and maiming can be through crossfire, shelling, airstrikes, landmines, cluster munitions, improvised or other indiscriminate explosive devices or even in the context of military operations, house demolitions, search-and-arrest campaigns, or suicide attacks.

3. Sexual violence against children. This encompasses acts of rape, other sexual violence, sexual slavery and/or trafficking, enforced prostitution, forced marriage or pregnancy, enforced sterilization, or sexual exploitation and/or abuse of children.

4. Attacks on schools or hospitals. Attacks include the targeting of schools or medical facilities that cause the total or partial destruction of such facilities. Interferences such as occupation or targeting for propaganda or otherwise causing harm to schools or medical facilities or their personnel are all reported through the MRM.

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[109] For more information, consult Appendix I

[110]

https://childrenandarmedconflict.un.org/publications/WorkingPaper-1_SixGraveViolatio nsLegalFoundation.pdf

5.   Abduction. The unlawful removal, seizure, capture, apprehension, or enforced disappearance of a child either temporarily or permanently. If a child is recruited by force by an armed force or group, this is considered as two violations – abduction and recruitment.

6.   Denial of humanitarian access for children. The intentional deprivation or impediment of humanitarian assistance indispensable to children's survival by parties to the conflict, including wilfully impeding the ability of humanitarian or other relevant actors to access and assist affected children, in situations of armed conflict."[111]

Although not listed in the abovementioned six grave violations, displacement is another element that massively influences children's psychosocial development. UNICEF estimates that in 2019, 19 million children worldwide were living in displacement in their own countries due to armed conflict. The number had never been so high[112]. Moreover, the Secretary General's annual report on children and armed conflict published the same year verified the astounding number of 24,000 grave violations of children's rights in 2018 and more than 1,000 attacks on schools and hospitals[113].

The 2020 statistics do not show enough improvements when it comes to respecting children's rights during armed conflict. The United Nations has verified grave violations against more than 19.000 children in humanitarian situations. These violations included being killed or maimed, recruited and used in the fighting, abducted, sexually abused and exploited. Another observation by the United Nations demonstrated that on average at least 70 children experienced grave violations to their rights daily in the 2015-2020 period[114].

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[111] https://www.unicef.org/media/96681/file/MRM-Advocacy-Brief-2021.pdf
The order has been rearranged in order to respect the standard used by the Office of the Special Representative of the Secretary General for Children and Armed Conflict.
[112]https://www.unicef.org/press-releases/19-million-children-internally-displaced-conflict-and-violence-2019-highest-number
[113]
https://reliefweb.int/sites/reliefweb.int/files/resources/ProtectingChildren-Summary.pdf
[114]
https://www.unicef.org/press-releases/unicef-executive-director-henrietta-fores-remarks-open-debate-security-council

However, the reality is much worse: in dealing with these statistics, one always has to keep in mind that the majority of violations are not reported and approximations usually tend to underestimate the total number of violations.

3.2.1: The Colombian protection system

Internationally, Colombia is a state party to the United Nations Convention on the Rights of the Child (CRC) since 1991 and has ratified both of its protocols, signifying its intention to adhere to the standards that all three documents call for. During the three decades since the ratification of the CRC, several mechanisms have been implemented in order to safeguard the rights of children and adolescents in the country. Despite the demonstration of intent, a lot of progress is still to be made.

The Code for Minors, established in 1990, delineates the rights and protections for children, expressly forbidding their incarceration under any circumstances. Instead, delinquent children are eligible for treatment and social services. The Colombian Institute for Family Welfare (ICBF) assumes a pivotal role in safeguarding children's rights, actively investigating reports of abuse and neglect to ensure the general safety of children residing in precarious conditions. The ICBF[115] collaborates with the juvenile justice system to secure the well-being of children. Furthermore, Colombia has instituted specialized holding facilities for juvenile offenders aged twelve and older, focusing on rehabilitation rather than punitive measures[116].

The ICBF plays a critical role in preventing the recruitment of children by illegal armed groups, collaborating with governmental, non-governmental, and international organizations. Estimates from the United Nations Children's Fund (UNICEF) and Human Rights Watch (HRW) indicate that 11,000 to 14,000 children are involved in illegal armed groups in Colombia. The ICBF actively engages in addressing this issue and protecting the rights of these children[117].

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[115] Instituto Colombiano de Bienestar Familiar (EN: Colombian Institute of Family Welfare)
[116] Seitles (1997), p. 186
[117] Franco et al. (2006), p. 356

The Colombian children's rights protection system finds its foundation in the Constitution of Colombia. The Constitution, notably Article 44, recognizes the basic rights of children[118]. This protection is further reinforced by the Code of Infancy and Adolescence[119] (or Law 1098 of 2006), which enunciates the rights of children and adolescents respecting the principles of the CRC[120].

The Colombian children's rights protection system is complex and multifaceted, involving legislative frameworks, institutions, international agreements, and periodic reporting. The active role of the ICBF, collaboration with international organizations, and the ongoing challenges underscore the dynamic nature of efforts to protect and promote the rights of children in Colombia.

3.2.2: Violations during the civil conflict

During the protracted civil conflict in Colombia, numerous violations of children's rights have been documented, underscoring the profound impact on the nation's youth. The rural poor, ostensibly intended beneficiaries of social justice efforts, have emerged as primary victims. Since 1985, an alarming 1.5 million individuals, over half of them children, have faced forced displacement due to violence. In 1998 alone, the rate of displacement surged by 20%, resulting in eight households being displaced every hour. Notably, 60% of displaced children experience school dropout. Kidnappings, totaling over 5,000 reported cases, further exemplify the dire situation[121].

The gravity of the situation extends to the recruitment of children into armed groups, with estimates ranging from 11,000 to 14,000, positioning Colombia as the fourth country globally with the highest number of child combatants[122]. Guerrilla organizations, especially targeting those aged 7 to 13, predominantly recruit from impoverished families in rural areas. Additionally,

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[118] Nussbaum and Dixon (2012), p. 569
[119] Og: Código de la Infancia y la Adolescencia
[120] Romero and Reingold (2013), pp. 187-188
[121] Cameron (2000), p. 41
[122] To be understood as a synonym of child soldiers

15% of paramilitary group members are under 18. These children, often exposed to family violence, with low educational levels and early exposure to agricultural labor, become both perpetrators and victims of conflict-related violence. They endure constant threats of physical, sexual, and psychological violence, leaving enduring impacts on their well-being[123]. Furthermore, the justice system's response to child recruitment is criticized for inadequate redress and protection[124].

In summary, the prolonged civil conflict in Colombia has unleashed severe violations of children's rights, ranging from forced displacement and recruitment into armed groups to exposure to violence and disruption of education.

3.3 Child soldiers[125]

It is estimated that between 250,000 to 300,000 children are involved in armed conflicts, whether taking direct part in the hostilities or functioning as auxiliary forces[126]. No part of the world is free from this gross violation of international law and human rights. In fact, between 2010 and 2012, child soldiers were used in conflicts in Afghanistan, Central African Republic, Chad, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Iraq, Israel, Libya, Myanmar, Philippines, Rwanda, Somalia, Sudan, Thailand, United Kingdom, Syria and Yemen[127].

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[123] Franco et al. (2006), p. 356
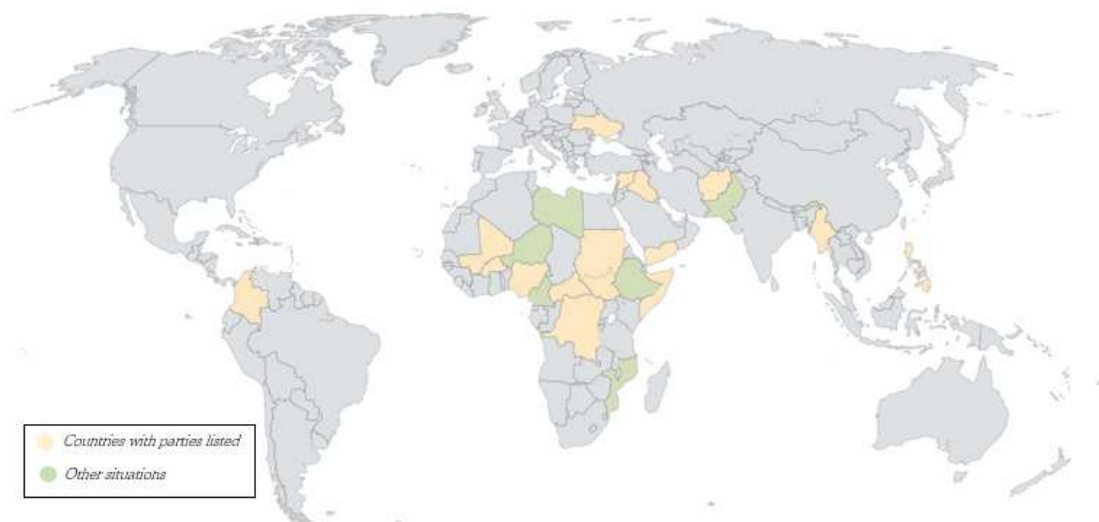[124] Hurtado et al. (2017), p. 12
[125] For more information, consult Appendix II
[126] Fisher, K. (2013), p. 3
[127] Steinl, L. (2017), p. 2

The spread of child soldiers around the world[128]:

MAP NOTES: The boundaries and names shown, and the designations used on this map do not imply official endorsement or acceptance by the United Nations. Dotted line represents approximatively the Line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the Parties.

Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.

Before delving into details regarding arguably one of the most concerning issues that the international community has to face, it is important to define both the term "child" and the term "child soldier".

Article 1 of the United Nations Convention on the Rights of the Child (CRC) defines a child as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."

The Convention, however, although it explicitly prohibits the recruitment, either voluntary or forceful, of children below the age of fifteen in armed forces or groups, does not provide a definition for the term "child soldier". There are, however, two legal frameworks that do define the term slightly differently from each other.

The first time the term "child soldier" was universally defined was at the "Symposium on the Prevention of Recruitment of Children into the Armed Forces and the Demobilization and Social Reintegration of Child Soldiers in Africa", which was held in Cape Town in 1997 and produced the Cape Town

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[128] https://childrenandarmedconflict.un.org/#iLightbox[gallery_image_1]/0 (last accessed January 23, 2024)

Principles[129]. In the Principles, a child soldier is defined as "any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms."

Eventually, UNICEF started a review of the Cape Town Principles. This review then led to the adoption of two new documents in 2007, "The Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces or Armed Groups" and "The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups." The Paris Principles do not use the term "child soldier" but rather prefer to refer to the same concept as "child associated with an armed force or armed group"[130], defining it as "any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken direct part in hostilities."

These two definitions, although similar, present some slight differences. For instance, the definition presented by the Paris Principles is narrower since it requires that the child be "recruited or used" by armed forces or groups, whereas the Cape Town Principles includes "anyone accompanying" armed forces or groups. The Paris Principles also exclude any kind of gender difference that was present in the Cape Town definition because it also explicitly includes boys who are recruited for "sexual purposes" and does not limit this issue solely to girls, as the Cape Town Principles had previously done. Lastly, the Paris Principles prefer to use the term "child associated with an armed force or armed group" instead of "child soldier" because the latter might misleadingly imply the necessity for the child to be actively involved in the conflict[131].

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[129] Steinl, L. (2017), p. 5
[130] Steinl, L. (2017), p. 6
[131] Steinl, L. (2017), pp. 6-7

This thesis will still use the term "child soldier", but it is important to keep in mind that this does not exclude the children who are recruited for reasons which do not involve their active participation in hostilities.

The protection of the use of children and youth in conflicts from an international legal perspective can be set to start in 1924 with the Geneva Declaration of the Rights of the Child which does so in an indirect way by claiming that every child has the right to survival, nutrition, shelter, health care, humanitarian relief, protection from exploitation, and the right to grow in an environment that fosters their development.

Subsequently, the 1977 Additional Protocols to the Geneva Convention request states parties to adhere to some specific restrictions regarding the participation of children in conflict, especially for those under the age of 15. Specifically, Additional Protocol I claims, in Article 77, that "the parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities". It also stipulates that if an actor involved in a conflict must resort to the recruitment of children between the ages of 15 and 18, priority should always be given to the oldest.

The legal protection then moved one step further with the implementation of the United Nations Convention on the Rights of the Child (CRC) in 1989, in which Article 38 prohibits states parties "from recruiting any person who has not attained the age of fifteen years into their armed forces" and reiterates the necessary priority that should be given to the oldest children when recruiting between the ages of 15 and 18. In 2002, the Optional Protocol on the Involvement of Children in Armed Conflicts was added to the CRC. This protocol sets a new limit to direct participation in hostilities to the people who have reached the age of eighteen years in Article 1. It then limits compulsory recruitment only to the people who have reached eighteen years of age in Article 20 and it demands special protection for children who have been voluntarily recruited between the ages of 15 and 18, making sure that

recruitment is truly voluntary and that such recruitment is occurring with the informed consent of the parents or legal guardians of the recruit.

The International Labor Organization's Convention on the Worst Forms of Child Labor (182) was adopted in 1999. In Article 3, the Convention includes the forced or compulsory recruitment of children[132] in armed conflicts in the list of the worst forms of child labor.

The Rome Statute of the International Criminal Court reinforces even more the international legal documents prohibiting the involvement of children in conflicts by stipulating that "conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities" (Article 2 (b)(xxvi)) is a war crime and can therefore be examined and punished by the court itself[133]. In fact, there have been several cases brought before the International Criminal Court (ICC) regarding the recruitment of children in armed conflicts.

The international community appears to be moving towards a "straight-18" position and wanting to abolish the voluntary and forced recruitment of children below the age of 18 in armed forces as well as armed groups. However, this position is up to debate and finds some actors in favor and some against this development. Humanitarian organizations especially tend to approve this move which would increase the number of protected vulnerable people. Some scholars, however, are weary of this uniformity which would not take into consideration different ethnic, cultural and traditional values given to the concept of childhood around the world[134]. It is however clear, as also stated by the ICC in its cases against Thomas Lubanga, Dominik Ongwen and Bosco Ntaganda, that children can have adverse effects in being recruited so young regardless of the community they belong to.

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[132] Defined as people below the age of 18 in Article 2
[133] Fisher, K. (2013), pp. 3-5
[134] Stauffer, J. (2016), p. 3

3.3.1: Reasons for Recruitment

Child recruitment in Colombia is a multifaceted issue influenced by economic incentives, coercion, manipulation, political intelligence, and the vulnerability created by limited education access in rural areas. Motivations for children include a desire for social recognition, escaping poverty, seeking revenge, protection, following family or friends, and job opportunities. Coercion and family dynamics, where parents give children to armed groups, add complexity to the issue[135]. Additional reasons encompass poverty, inequality, the normalization of violence, displacement, and a lack of education access. Economic pressures, attraction to weapons, and romantic relationships also drive voluntary recruitment. Trauma healing and conflict resolution are emphasized, recognizing the negative impact of armed conflict on children's rights[136].

Vulnerability is a key factor, arising from minimal living conditions, inadequate education, healthcare, and recreation systems, particularly in rural areas. Extreme poverty and limited opportunities propel children to join armed groups, driven by motivations such as power, revenge, adventure, escape from threats, or forced recruitment. A small percentage join for ideological reasons, while the guarantee of food is also a motivating factor. Demand-side factors, including cost-effectiveness and loyalty, influence armed groups like the Revolutionary Armed Forces of Colombia (FARC-EP). Children's adeptness with weapons and the presence of natural resources, such as diamonds, further contribute to recruitment[137].

The complexity extends to diverse motivations like escaping domestic violence, poverty, seeking revenge, or being attracted to the guerrilla lifestyle. The lack of government presence in some regions and the normalization of violence contribute to vulnerability. Understanding power dynamics, coercion, and manipulation is crucial in addressing children's decisions to join armed

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[135] Dungal (2020), p. 32
[136] Vargas-Baron (2007), pp. 10-11; Ozerdem and Podder (2011), p. 107
[137] Faulkner et al. (2019), pp. 1018-1019

groups[138]. In summary, child recruitment in Colombia results from a combination of socio-economic conditions, lack of opportunities, demand-side factors, coercion, violence, and individual motivations, necessitating comprehensive approaches for prevention and intervention.

3.3.2: Profile of the recruited

Poverty and disadvantaged backgrounds increase the likelihood of children being recruited, with reasons ranging from abuse to escaping troublesome relationships[139]. Vulnerability, family traditions of militancy, and desires for revenge contribute to recruitment, with only 14% joining voluntarily due to various factors, including poverty and romantic relationships. Of these, 33.3% do so attraction to weapons and uniforms, another 33.3% for poverty, 16.6% because of a daily relationship with the armed groups and 8.3% due to falling in love or disappointment in love[140]. Disadvantaged and vulnerable sectors, including conflict areas and those lacking family support, face a higher risk of recruitment, as do children from neighboring countries, especially Ecuador, Panama and Venezuela[141].

Indigenous and Afro-Colombian children are disproportionately affected, facing recruitment, displacement, and loss due to the conflict[142]. Indigenous children are 674 times more likely to be victims of conflict and recruitment[143], in fact 29% of recruited children are of indigenous origin[144]. Environments failing to protect children, limited opportunities, and the normalization of violence contribute to recruitment risks, with a higher percentage of boys being recruited[145]. Nonetheless the percentage of recruited girls has increased over the decades with 32% of registered cases of child recruitment within the

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[138] Nabucco Martuscelli and Duarte Villa (2017), p. 7
[139] Keairns (2003), pp. 11-12
[140] Hinestroza-Arenas (2007), p. 49
[141] Pachón (2009), pp. 4-5
[142] Brando (2022), p. 4
[143] Charles and Fowler-Watt (2020), p. 4
[144] Nabucco Martuscelli and Duarte Villa (2017), p. 11
[145] Informe Final (2022), vol. No es un mal menor, p. 212

FARC-EP guerrilla group being girls[146]. While the literature provides valuable insights, comprehensive conclusions on specific demographic groups' likelihood of recruitment are challenging without more detailed data. More research could be helpful in designing appropriate preventative measures and reintegration programs after their demobilization.

3.3.3: The recruiters

Children in Colombia face recruitment by a spectrum of armed groups, whether state or non-state, including guerrillas, paramilitaries, mercenaries, bandits, kidnappers, suicide murderers, illicit traders, and regular military troops. Recruitment occurs at various locations and stages of the conflict, and some notorious guerrilla fighters started as child soldiers[147]. Colombia is recognized for having one of the highest numbers of children involved in armed groups, serving in various capacities[148]. Multiple armed groups, including guerrilla, paramilitary, and narco-paramilitary groups, recruit children as combatants, while the Colombian army uses children as spies and informants[149].

These armed forces and groups, including the FARC-EP, ELN, and AUC, recruit children as combatants, with reported ages as young as seven. Some scholars highlight that up to one in four combatants in irregular armed groups in Colombia is a child[150]. The FARC-EP historically recruited the highest number of child soldiers, however, now post-demobilization BACRIM[151] is reportedly the largest recruiter, with children constituting over 50% of their forces[152]. In total, an estimated 18,000 child soldiers were present in Colombia in 2012[153].

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[146] Dungal (2020), p. 28
[147] Tejeiro López (2003), p. 79; Vargas-Baron (2007), p. 10
[148] Ozerdem and Podder (2011), pp. 104-105
[149] Denov and Marchand (2014), p. 229
[150] Pachon (2009), p. 1
[151] Bandas criminales (EN: criminal gangs)
[152] Nabucco Martuscelli and Duarte Villa (2017), p. 11
[153] Nabucco Martuscelli and Bandarra (2020), p. 230

3.3.4: Methods of recruitment

Armed groups in Colombia employ various methods to recruit children, and the nuances of these strategies are multifaceted. The military frequently utilizes children as informants, compensating them with either cash or goods like motorcycles. This practice is particularly prevalent in intelligence operations targeting the political stances of adults, revealing the economic alternatives available to children in the face of poverty and limited opportunities[154].

Guerrilla groups and paramilitaries in Colombia engage in child recruitment through diverse tactics, including persuasion, inducement, force, desperation, vulnerability, and voluntary enlistment. These approaches are shaped by the socio-economic context, with poverty and limited access to education heightening children's susceptibility to recruitment. The methods encompass coercion, manipulation, direct intimidation, and the exploitation of social factors. Voluntary enlistment may stem from ideological beliefs, the desire for belonging, or the allure of perceived power and status associated with being a fighter[155].

Further dimensions of recruitment involve motivations like proximity, vengeance, fear, family conflicts, coveting local power, and visibility. In certain areas, families are expected to send their sons into combat, framing it as a civic duty. Armed groups find value in recruiting children attending school due to their ability to comprehend and internalize the group's ideology[156].

While some groups recruit children voluntarily, others employ force, deception, or abduction. The impacts extend beyond combat roles, encompassing logistical and service tasks, and subjecting children to sexual crimes[157]. The Colombian National Army mentions coercive methods, but voluntary recruitment is deemed significant, with the FARC-EP primarily

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[154] Ardila Amaya and Tuft (1995), p. 114
[155] Human Rights Watch (2003), p. 42
[156] Bjørkhaug (2010), p. 4
[157] Ozerdem and Podder (2011), p. 107; Gonzalez Ortiz and Carrasquilla Baza (2017), p. 60

responsible for recruitment, often openly requested by some children or pursued by desperate mothers facing poverty[158].

In particular, FARC-EP recruitment methods include voluntary enlistment driven by factors like social recognition, power, poverty alleviation, vengeance, or protection. Forced recruitment, involving physical force or family pressure, is documented. Some children are born into the FARC, growing up within the group and becoming involved in combat or other roles[159].

Overall, recruitment methods in Colombia encompass a range of tactics, including force, deception, persuasion, coercion, manipulation, and voluntary enlistment. These methods are deeply intertwined with socio-economic factors, the allure of armed group lifestyles, and the complex motivations of children and their families. Understanding the multifaceted nature of child recruitment is crucial for developing effective interventions and policies to address this grave violation of children's rights[160].

3.3.5: Impact of violence

The impact of violence on Colombian children, encompassing both the general population and child soldiers, is extensive, with significant repercussions for their overall well-being and development. The broader impact involves internal displacements, with families compelled to seek safety, disrupting education and support systems. In rural areas, where schools are targeted, children face educational disruptions, limiting their access and academic achievement. The lack of accountability for violent perpetrators generates a sense of injustice among children, fostering feelings of helplessness and a desire for revenge. Additionally, violence erodes the social fabric, leading to a loss of trust and solidarity within communities[161].

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[158] Pachon (2009), p. 6
[159] Dungal (2020), p. 32
[160] Informe Final (2022) vol. No es un mal menor, p. 333
[161] Ardila Amaya and Tuft (1995), p. 115

Former child soldiers, whether recruited forcibly or voluntarily, often endure psychological distress due to exposure to severe war violence. This distress is not confined to ex-combatants but extends to those who, though exposed to the horrors of war, were not directly involved in combat. The literature underscores that former child soldiers may grapple with economic and educational challenges, as evidenced in several countries, where military service, resulting from rebel recruitment methods, adversely impacted human capital. In Uganda in particular, this impact manifested in decreased schooling duration, a halving of skilled employment, and a one-third reduction in earnings, emphasizing the negative long-term effects of military service on labor market outcomes[162]. In Colombia, the outcomes are likely to be very similar.

Moreover, child soldiers face devastating consequences encompassing physical, emotional, and mental well-being. Their exposure to violence, including participation in or witnessing acts such as torture, sexual violence, and murder, results in physical harm, psychological trauma, and even death. Beyond armed conflict, challenges persist during reintegration into communities, marked by stigma, discrimination, and difficulties in rebuilding lives. Particularly for girls, who often suffer sexual violence and early motherhood, trauma leads to nightmares, behavioral issues, and challenges in forming healthy relationships. Notably, the effects of violence are not uniform, varying based on factors like exposure severity, support systems, and individual resilience[163]. The age range for recruitment spans from 7 to 17 years old, emphasizing the diverse experiences of affected children. The reintegration of child soldiers into society is fraught with difficulties, including social isolation, alienation, and stigma[164]. Post-conflict, these individuals struggle with trust issues, relationship formation, education and, consequently, employment, highlighting the lasting consequences of their traumatic experiences[165].

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[162] Blattman and Annan (2010), pp. 895-896
[163] Boothby (2008), pp. 499-501
[164] Tejeiro López (2003), p. 67
[165] O'Callaghan et al. (2012), p. 88

Studies reveal the profound and varied impact of violence on child soldiers. Exposure to extreme acts, often involving personal killing, contributes to psychological issues such as PTSD, depression, anxiety and addictive habits, with prevalence rates indicating significant mental health challenges. Importantly, gender differences are not observed in mental health outcomes, highlighting the universality of the trauma experienced. Violence within families and communities further compounds mental health issues, emphasizing the need to address both war trauma and domestic violence in interventions[166].

Child soldiers, often stigmatized, face social rejection and marginalization. Nonetheless, if there is no observation of gender-based differences in mental health, former girl soldiers tend to be victimized further when trying to reintegrate after demobilization. Labeled as troublemakers or promiscuous, reintegration becomes arduous, especially for girls facing additional challenges such as being labeled "whores" or "bush wives." This leads to marginalization, restricted economic opportunities, and impediments in accessing education or suitable marriage partners. While some exhibit resilience through commitment to education and employment, the normalization of violence poses obstacles to transitioning away from its use in the post-demobilization period[167].

In the Colombian context, where armed conflict endured for over 50 years, child soldiers confronted a unique set of challenges. Exposure to violence and participation in atrocities positioned them as victims and perpetrators simultaneously. This dual role posed difficulties in societal reintegration, as they were perceived as threats, hindering peaceful futures[168]. The literature also acknowledges the normalization of violence for some child soldiers, where participation becomes a means of empowerment and survival in the war-torn environment[169]. However, the assumption of permanent damage overlooks their capacity for resilience and agency. While severe psychological

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[166] O'Callaghan et al. (2012), p. 88
[167] Stevens (2014), p. 3
[168] Nabuco Martuscelli and Duarte Villa (2017), p. 16
[169] McIntyre (2003), p. 4

distress, aggression, and difficulties in recovery are observed, recognizing child soldiers solely as victims oversimplifies their experiences[170].

In summary, the multifaceted impact of violence on child soldiers necessitates comprehensive strategies for protection, reintegration, and addressing the root causes of the issue. These efforts should consider the varied experiences of affected children, emphasizing the urgency of tailored interventions. The multifaceted impacts of violence on child soldiers extend beyond individual well-being. Armed conflicts disrupt their education, limit future prospects, and perpetuate cycles of violence within communities. Acknowledging the complexity of child soldiers' roles, some perpetrating violence themselves, underscores the need for a nuanced approach considering the interplay of victimhood and perpetration. While acknowledging the severity of the impacts, it's crucial to recognize the agency and resilience of child soldiers. Some exhibit adaptability and coping mechanisms, challenging the portrayal of helplessness. Comprehensive support and interventions must prioritize the diverse needs arising from the varying contexts, durations, and intensities of their involvement in armed conflict. The issue demands sensitivity and understanding, emphasizing the importance of addressing physical, psychological, and social dimensions to pave the way for the recovery and reintegration of child soldiers.

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[170] Denov (2012), p. 282

<u>Chapter 4: Peace Education</u>

We live in a world pervaded by violence. Not only can violence be found everywhere, but it is even legitimized and promoted. Finding peace, respect and compassion is an arduous task. The spread of violence is aided by the maintenance of the status quo based on inequalities and social injustice in the name of consumerism and immediate material enrichment granted to the few at the expense of the many. Resentment and consequent retaliation through violence can only be expected. Violence is truly ubiquitous: sexism, racism, homophobia, transphobia and ableism are more dangerous and worrying than ever, but we also should not forget the violence committed against non-human animals in the fashion, beauty, entertainment and food industries.

In such an environment we should prioritize the implementation of long-term mechanisms to prevent the recurrence of violence, yet we almost always respond to violent acts with even more violence. We are living at the verge of a world collapse: with the continuous violence we perpetrate towards animals, the environment and each other, we do not even know whether there will be a humanity to defend in a hundred years. Arguably, in a long-term perspective, there is very little, if anything more important than promoting peace and respect towards the dignity of other individuals, yet, very few and sporadic attempts have actually been made to implement any form of peace education in school settings in order to break this vicious cycle of continuous violence.

In this chapter, I will analyze the literature regarding peace education and peace pedagogy through the presentation of some basic concepts, different approaches to implementation depending on the context, some examples of peace education classes delivered to child soldiers, and lastly the Colombian example of the Cátedra de la Paz.

4.1: Basic Concepts

One of the main issues in peace education is the impossibility of finding a unique definition for its main concepts, including peace, violence and

tolerance. These concepts are so heavily linked with the emotional experience of the individual that it would be impossible and impractical to propose only one interpretation, not to speak about the moral implications and human rights violations that would occur when denigrating the experiences lived by every single person and valid consequent feelings that arise in order to impose one single interpretation onto everyone and everything else. This section analyzes how the literature has tried to overcome this difficulty.

Since the mid-20th century, the premise regarding peace has been that its realization was related with the absence of war but also with the development of resilient and tolerant societies with the capacity to peacefully solve any social conflict. It was therefore assumed that these skills should be intentionally taught at every social level, especially to young people. In this context, the distinction between positive and negative peace emerges, with negative peace defined as the absence of war and violence and positive peace as the integration of human society. Several scholars have taken this distinction as the starting point for their studies.[171]

The United Nations (UN) has adopted a positive-peace perspective and, with resolution A/RES/53/243 of October 3, 1999 (Declaration and Programme of Action on a Culture of Peace) has defined the concept of "culture of peace" in Article 1 as:

" *a set of values, attitudes, traditions and modes of behaviour and ways of life based on:*

(a) Respect for life, ending of violence and promotion and practice of non-violence through education, dialogue and cooperation;

(b) Full respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations and international law;

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[171] Vásquez-Russi (2020), p. 226

(c) Full respect for and promotion of all human rights and fundamental freedoms;

(d) Commitment to peaceful settlement of conflicts;

(e) Efforts to meet the developmental and environmental needs of present and future generations;

(f) Respect for and promotion of the right to development;

(g) Respect for and promotion of equal rights and opportunities for women and men;

(h) Respect for and promotion of the right of everyone to freedom of expression, opinion and information;

(i) Adherence to the principles of freedom, justice, democracy, tolerance, solidarity, cooperation, pluralism, cultural diversity, dialogue and understanding at all levels of society and among nations; and fostered by an enabling national and international environment conducive to peace."

Understanding the concept of peace simply as the absence of violence, and therefore as the opposite of war, is too simplistic and, therefore, ineffective for the purpose of eradicating war. Some scholars argue that peace represents the ability to manage conflicts with empathy, creativity and without using violence. This interpretation implies being able to understand and accept what the other is feeling without needing to agree with them or adopt a polarized and polarizing interpretation of the conflict at hand. As a consequence, peace cannot exist without the respect and the total recognition of human rights and their basic principles, including freedom, solidarity, security, and justice. At the same time, accepting these preconditions implies the impossibility for the concept of peace to be unique.[172]

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[172] Villada and Estrada (2017), pp. 47-8

Some scholars propose a dichotomic interpretation of peace: either as a state of harmony, happiness, tranquility, and mental and physical health, or as a never-ending process of transforming conflicts through empathy, creativity and non-violent practices.[173] Other scholars, instead adhere to a four-pillar interpretation of peace proposed by Johan Galtung in 2015: cooperation with equity; harmony through empathy to understand the parties' legitimate goals; conciliation for traumas to reduce the desire for revenge; and solution for conflicts to reduce aggression. Only with the synchronous implementation of these four tasks can we achieve a sustainable peace.[174]

At the same time, when trying to determine what peace education should be and what it should entail, it is essential to understand violence both conceptually and practically, especially since the idea of non-violence is one of the most widespread means for conflict resolution.[175] Particularly important to understand at the very beginning of this journey is the fact that the concept of violence includes much more than the physical confrontation through the use of weaponry.[176]

Some scholars adhere to a threefold interpretation of violence proposed by Slavoj Žižek. He divided violence into subjective, objective and systemic. Subjective violence appears to be enacted by social agents, fanatical crowds, repressive institutions and bad-intending individuals and is therefore the most visible type, including crime, terrorist acts, mass murders, etc.). Objective violence is invisible and is inherently present in the maintenance of the status quo. Some examples of objective violence include any form of discrimination, hate-speech and any other form of dehumanization. Systemic violence is a form of objective violence, but it is sustained through both direct physical violent acts and also more subtle mechanisms of maintaining the unjust and unfair power relations of domination and exploitation, including the threat of violence. Systemic violence includes the social catastrophes produced by the

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[173] Pizarro Yepes (2018)
[174] Morales and Gebre (2021), p. 6
[175] Gounari (2013), p. 72
[176] Villada and Estrada (2017), p. 47

maintenance of the current economic and political systems. The vast majority of the literature on peace education focuses on subjective violence while disregarding objective and systemic forms of violence[177]. However, if we ever want to use peace education as a mechanism to effectively reduce violence we need to focus primarily on the more subtle but more damaging forms of violence, i.e. objective and systemic.

The third fundamental concept in peace education is tolerance, which can be easily found in the literature on peace education and is one of the core principles that UNESCO envisaged in the definition of the culture of peace. In the context of the UNESCO documentation, tolerance is perceived "as a mediative, redemptive tool in contexts of difference and conflict".[178]

When it comes to the approach through which these basic concepts can be learned, the traditional pedagogical models, based on memorization processes and some with a slightly violent approach, are not ideal. Now experts prefer to talk about "learning" in opposition to "teaching". With the spread of the internet and social media, information exchange has become spontaneous, while previously a mediator between the resource and the student, as well as a predetermined time and space were needed for this exchange to occur. Nowadays, teachers have functions different from simply imparting knowledge.[179]

During most of the 20th century, school was perceived to be the place where people learned from a person who held the truth and the legitimacy to teach it. Teachers were those "wise" people that had a single truth which was transmitted unilaterally to students, whose responsibility was solely to listen carefully and memorize the contents of the lessons and books to take exams and demonstrate their capacity to repeat information. This approach has gradually been replaced by a constructivist perspective, according to which the teacher is a figure that accompanies the learning process. Therefore, classes

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[177] Gounari (2013), pp. 71-72
[178] Gounari (2013), pp. 77-78
[179] Pizarro Yepes (2018), p. 37

should not be centered on showing a single truth by the teacher but rather to build a multilateral process in which students and the teachers themselves learn also from the other students present in the class.[180]

Peace education is peculiar because it requires the intentional transmission of political values that do not allow for counter arguments since they are held as assumptions on which to build a peaceful and respectful society. In this sense, expressions against equality, human rights, non-violence, and the democratic election system are the complete opposite of peace education.[181] However, we should be mindful of the power relations involved in processes of meaning-making and agency that are fundamental for inclusive participation. In fact, peace education could also work in the opposite direction and promote oppression when the teacher imposes one single definition of peace upon the students.[182]

Demonstrating the importance of including the concepts of peace and human rights in education is a process which can be dated back at least since the foundation of the United Nations and was reaffirmed with the creation of UNESCO. From that moment onwards, international bodies have continued to reiterate the importance of peace education through the adoption of treaties, agreements, plans, programs and the organizations of congresses and conferences on the subject. Regarding Latin America in particular, it is relevant to mention the San Salvador Protocol (1988), which states that education should be aimed at the full development of the human personality, dignity and should strengthen the respect for human rights, ideological pluralism, fundamental freedoms, justice and peace.[183]

In the context of peace pedagogy, Setiadi et al. (2017) highlight some important principles to keep in mind: *"(1) peace education is not a proper school subject. Peace is not just an end, but it must be presented as the climate, a*

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[180] Vásquez-Russi (2020), p. 231
[181] Vásquez-Russi (2020), pp. 228-229; and Bolotin Joseph and Smith Duss (2009), p. 190
[182] Morales and Gebre (2021), p. 6
[183] Cárdenas Romero (2017), p. 106

climate that covers instructional interactions; (2) peace education is a conscious effort of all parties to change the ways of solving problems that do not jeopardize the social order and justice; (3) how a good human life is identified in culture. It could refer to the definition of religion, law, or rule or anything considered functional. As with any culture that has universal elements, but is often presented contextually, the way humans translate and teach peace can refer to the universal and local standards; (4) the fundamental to peace education is teachers' commitment to shape the experiences and preferences of the students in order to promote peaceful means despite a variety of difficulties faced by them."[184] This last point will be particularly relevant when analyzing the Cátedra de la Paz later in this chapter.

4.2: Implementation

Peace education should not be prioritized only in situations of conflicts or violence but rather it is essential even in more peaceful environments. Peace culture is fundamental in the transition from conflict, violence and the use of force to the peaceful resolution of disputes, peace and respectful dialogue, irrespective of whether the country in which peace education is delivered is at war or not.[185] What changes between countries at peace or at war is the focus of peace education. For instance in Canada and Australia, peace education is aimed at challenging and dismantling the system of ethnocentrism and cultural chauvinism, while in Colombia the purpose of peace education is to minimize the violence and develop a mechanism of peaceful dialogue within the community.[186]

Such diverging implementations make it impossible to devise a global definition and a global mechanism of implementation. As Shapiro (2010) found out, there is no "scientifically foolproof method of achieving peaceful relationships between hitherto warring groups"[187], but we can find a plethora of

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[184] Setiadi et al. (2017), p. 184
[185] Setiadi et al. (2017), p. 184
[186] Morales and Gebre (2021), pp. 27-28
[187] Svi Shapiro (2010), p. 11

attempted approaches and experiments with various degrees of success. The scientific evaluation of peace education is still at its infancy and much more needs to be learned, however one thing is clear: there cannot be a one-size-fits-all approach. All conflicts are different and the implementation of peace education on the ground needs to take these differences into account if it wants to succeed.

For this reason several experts created the International Institute on Peace Education (IIPE), defined on its website as a *"weeklong residential experience for educators hosted in a different country every other summer. The Institute facilitates exchanges of theory and practical experiences in teaching peace education and serves to grow the field. In serving the field, the IIPE operates as an applied peace education laboratory that provides a space for pedagogical experimentation; cooperative, deep inquiry into shared issues; and advancing theoretical, practical and pedagogical applications."*[188]

The IIPE manages to create a learning environment for educators and professionals from all over the world to learn from and with one another using the same models and principles and participatory and critical peace pedagogy that should be used in schools and other learning environments.[189] The IIPE has three primary goals: *"1) To aid in the development of the substance of peace education through exploration of new and challenging themes to contribute to the on-going development of the field. 2) To build strategic international institutional alliances among NGOs, universities and agencies involved in peace education thereby increasing the benefits of shared expertise on substance and practice as well as advancing educational reform initiatives. 3) To encourage regional cooperation toward the maximization of resources, cooperation in pedagogical and substantive developments and increasing regional perspectives on the global issues that comprise the content of peace education. This is accomplished through significant involvement of regional*

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[188] https://www.i-i-p-e.org/about/ (last seen Nov. 17, 2023)
[189] Jenkins (2008), pp. 166-167

organizations and participants with an annual goal of 50% of the participants from the region."[190]

The IIPE does not focus exclusively on disarmament, but it examines the concepts of peace and violence holistically, in other words, the IIPE is primarily concerned with studying the culture of violence and the system of beliefs convinced that war is a perfectly acceptable solution to conflict that have been passed down generation after generation through governmental institutions, schools and communities. In particular, each particular institute is hosted in a different region and its particular objectives are heavily linked to the needs and concerns of the host region. The IIPE works under the assumption that we can move forward in the implementation of peace processes effectively and efficiently only through widespread collaboration and knowledge sharing among experts, educators, NGOs, think tanks, universities, international organizations and agencies.[191]

The IIPE's work is based on the practical necessities of the implementation of peace education in the particularities of the host region and local environment, therefore, its major objective is to inspire deep changes and transformations in the Weltanschauungen, principles, social structures, relationships and ways of thinking of the students of peace education in order to then pursue a process of eradication of violence in the community and build a culture of peace and respect in its place. For all of this to happen, it is important not to articulate the learning of peace education according to the most common practice of the world's formal education, which tends to be hierarchical, where teachers tend to impose their own thinking onto the students, thus preventing the development of critical thinking and problem-solving. The peace pedagogy promoted by the IIPE is critical at its core and refuses the imposition of a singular way of thinking but rather promotes "mutually reinforcing principles of community and cooperation".[192]

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[190] https://www.i-i-p-e.org/about/ (last seen Nov. 17, 2023)
[191] Jenkins (2008), p. 167
[192] Jenkins (2008), p. 169

When designing an implementation project for peace education, Solomon and Nevo (2002) argue that the sociopolitical context is the most important aspect to take into account. This is because the sociopolitical context is the primary determinant of three important aspects of peace education: the challenges of peace education; its objectives; and how the different subgroups of participants are treated. The reasoning the authors provide for their argument is the different approaches provided in peace education programs that are found in regions of relative tranquility, where positive peace[193] is emphasized, and in regions of conflict, where negative peace[194] is the primary focus. The consequence is that the first regions tend to encourage the promotion of individual approaches to handling local and interpersonal conflicts, while the latter regions tend to promote a collective approach. Because of this interpretation, Solomon and Nevo (2002) propose a theoretical[195] classification of peace education into three different categories: peace education to be delivered in areas of intractable conflicts; peace education to be delivered in areas of interethnic tension; and peace education to be delivered in areas of experienced tranquility.

The first category encompasses peace education programs that are delivered in contexts of "ongoing, violent conflicts between actual adversaries"[196]. These conflicts are especially related to the control of resources and tend to be sustained by collective narratives dividing the good side (us) versus the bad side (them). Peace education programs in this context should attempt to change the collective mindset and narrative of the conflict, including a discussion on responsibility for the collective suffering of each group and the dismantling of the belief system of one group's moral superiority over the other.

The second category includes peace education programs that take place in contexts characterized by the presence of interethnic, tribal or racial tensions and inequalities between the majority and the minority groups with the need of

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[193] To be interpreted as education for cooperation and harmony.
[194] To be interpreted as education for the prevention of violence.
[195] In the real world, programs are more nuanced and do not necessarily adhere exactly to one single category but there may be some overlapping.
[196] Salomon and Nevo (2002), p. 8

overt aggressive and violent acts. These programs aim to address the tensions and inequalities between different groups and promote peace, reconciliation, and coexistence. Solomon and Nevo (2002) suggest that methods and techniques found effective in multicultural and antiracism programs may also be functional in peace education programs in these contexts.

The third category consists of peace education programs carried out in contexts where no specific adversary exists or with whom co-existence, peace, or reconciliation is wished for. In this case, peace education programs tend to be characterized by a discussion about peace rather than for peace. A discussion about peace is extremely important in preventing the recurrence of indifference towards violence and war carried out in other regions of the world.

This thesis focuses on the first category, which includes the case of the Colombian civil conflict. In particular, Solomon and Nevo identify three challenges to the promotion of peace education programs in contexts of intractable conflict. The first of these challenges is the possibility that the conflict does not include a personal dimension at all and that it is purely and entirely collective, with the possibility of either having no contact among the parties or that the individual contact among the parties is actually civilized and peaceful, yet, the conflict remains very much "alive and kicking"[197]. The second challenge pertains to the narratives that are used to explain the conflict on each side and the role that the single sides played in it, justifying one's own and denigrating the others'. Particularly relevant in this context are the collective memories that keep being promoted, maintained and revived thus affecting how the single individuals interpret the conflict as a whole and the single actions of each party and how they relate to someone of a different party. The last of these challenges is related to the grave inequalities that tend to be reinforced during a conflict. These inequalities can be between people of different social or economic status, between majority and minority groups, between the indigenous population and the descendants of colonizers, or between the conqueror and the conquered. Salomon and Nevo then identify two implications

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[197] Salomon and Nevo (2002), p. 11

linked to this last challenge: the two sides might benefit from different kinds of peace education programs and the presence of inequality may lead to the failure of intergroup contact. The more pronounced the inequality is, the less symmetrical peace education should be: the agenda of the oppressed should be more focused on the experiences linked to this inequality and how to correct it; while the agenda of the oppressor should be on recognizing their privilege and how to be good allies.

Peace education in regions of conflict has, or should have, four primary goals in order to be successful: accepting the legitimacy of the narrative proposed by the other parties; willingly examine the actions of one's own group critically; being disposed to feel empathy and trust toward the other parties; and being prepared to participate in non-violent activities. These outcomes should not remain on the abstract level but rather should also involve practical implications in the real world and they should not be interpreted as a condonation of the responsibility of either party to the conflict.[198] The assumption that there cannot be real and long-term peace without justice remains true at this level as well. It rather implies that all the parties involved in the conflict are guilty and that this guilt should be acknowledged, at least in the collective dimension, if not in the individual one as well.

Peace education, encapsulated in initiatives like Cátedra de la Paz, plays a vital role in fostering a culture of peace in Colombian schools. This curriculum is not only relevant in conflict situations but is deemed essential in peaceful environments. The emphasis shifts based on the prevailing conditions—while in Canada and Australia, the focus is on dismantling ethnocentrism, in Colombia, the objective is to mitigate violence and instill mechanisms for peaceful dialogue.

The diversity in the implementation of peace education worldwide hinders the formulation of a global definition and mechanism. As Shapiro (2010) noted, achieving peaceful relationships between conflicting groups lacks a

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[198] Salomon and Nevo (2002), p. 14

foolproof scientific method, leading to a multitude of experimental approaches. The evaluation of peace education is still in its infancy, emphasizing the absence of a one-size-fits-all approach due to the unique nature of each conflict.

4.2.1: Peace education and child soldiers

Peace education holds several advantages for addressing the challenges associated with child soldiers. Firstly, it significantly contributes to the reintegration of former child soldiers into their communities by fostering empathy, cooperation, reconciliation, and nonviolent conflict resolution processes. This results in a notable reduction in fighting and increased integration of former child soldiers into their villages, with over 90% successfully returning home with a civilian identity and hopeful prospects for a positive life[199].

Secondly, peace education serves as a pivotal tool in preventing youth engagement in violence and terrorism by addressing the root causes of their involvement in soldiering. It tackles issues such as forced recruitment, extremist ideologies, and the lack of security, food, power, prestige, education, and positive life options. By providing alternative means to meet their needs, peace education equips children with skills and values of nonviolence, empathy, and reconciliation. This transformative approach helps break through enemy imaging, extremist ideologies, and social divisions that often lead children to participate in armed conflicts[200].

Furthermore, peace education plays a crucial role in the psychological and emotional healing of child soldiers who have experienced severe trauma and distress. By offering a safe and supportive environment, it allows them to express their emotions, undergo counseling and therapy, and ultimately heal from the psychological scars of war. This contributes to the reintegration process by changing the identity and perspectives of child soldiers, helping them see themselves not just as soldiers or victims but as individuals with the

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[199] Wessells (2005), p. 367
[200] Soomers (2012), p. 37

potential for a peaceful future. Additionally, peace education is instrumental in demobilization and disarmament processes, providing willing former child soldiers with knowledge about their rights and alternatives to violence. It supports those willing to exchange weapons for economic opportunities, emphasizing the advantages of such choices over continued engagement in armed conflict[201].

Moreover, peace education contributes to the reconciliation process between child soldiers and their home communities by promoting empathy, cooperation, and reconciliation. This is essential for bridging the gap between competing principles, values, and motivations, allowing former child soldiers to reintegrate into society and think independently again[202].

In summary, peace education offers a comprehensive approach to addressing the complex issues associated with child soldiers. Its impact spans the reintegration of former child soldiers, prevention of youth engagement in violence, psychological and emotional healing, demobilization and disarmament, reconciliation, and sustainable peace. The multifaceted nature of peace education underscores its significance as a transformative tool in post-conflict settings, providing child soldiers with the necessary skills, knowledge, and mindset for a successful transition from a war mentality to a peace mentality.

4.3: Cátedra de la Paz

Colombian society often gauges an individual's success through economic capacity, shaping the prevalent perception of the role of educational institutions. Schools are commonly viewed as platforms for personal advancement, synonymous with economic improvement, shielding students from potential street perils, and providing academic credentials crucial for workforce entry or higher education pursuits. In higher economic levels, education is seen as a means to gain comparative advantages over future

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[201] Roig Minguell (2012), pp. 32-33
[202] Soomers (2012), p. 23

counterparts, constituting the foundational standpoint of the national government.[203]

The pursuit of wealth as a surrogate for happiness fosters a realignment of values, referred to here as "traditional values". This shift subordinates virtues like respect, trust, honesty, and solidarity to the pursuit of financial gain, leading to a societal framework where material possessions and ownership of relationships take precedence. Disregard for traditional values is rationalized as a "white lie," progressively becoming ingrained and normalized, endorsed as a prerequisite for happiness.[204]

The societal guiding principle of consumption as a metric for success extends beyond monetary accumulation, manifesting in the instrumentalization of others for self-gratification. Adolescents, particularly, exhibit this attitude through endeavors like accumulating friends for social acceptance and instrumentalizing peers through bullying to project possession during school hours. This instrumentalization, cultivated as a cultural value, diminishes empathic capacity among the youth, emphasizing end goals at the expense of ethical means.[205]

Limited empathy development contributes to less substantial peer relationships, fostering hesitancy to trust others. The prevailing trend among teenagers is a diminishing depth of connections, leading to a sense of loneliness conceptualized not merely as physical isolation but as a deficiency in meaningful connections.[206]

The immediacy in interpersonal relationships among young individuals contributes to the dissolution of the educational community, making it challenging for students to establish meaningful connections with peers and teachers. This sense of loneliness is exacerbated by the prevalence of social

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[203] Vásquez-Russi (2020), p. 234
[204] Vásquez-Russi (2020), p. 234
[205] Vásquez-Russi (2020), pp. 234-235
[206] Vásquez-Russi (2020), p. 235

networks enabling swift and terse communications. These isolating circumstances culminate in the erosion of protective environments for adolescents within educational institutions, amplifying the propensity for adversities such as violence, forced recruitment, armed groups, confrontations, poverty, inequality, bullying, weapon possession, and drug use.[207]

Educational institutions are deemed responsible for cultivating values and knowledge to shape future citizens, with teachers identified as pivotal transformative agents. While existing literature scrutinizes the role of educational institutions in molding a citizenship of peace, there is a conspicuous absence of analysis concerning contemporary students in Colombia. This gap highlights the need for supplementary psychological, sociological, political, and social studies focusing on children and adolescents in Colombia, offering a comprehensive diagnosis of coexistence challenges. Such studies would contribute to the bibliography associated with the Cátedra de la Paz, addressing the complexities of contemporary student experiences, perspectives, and conceptualizations of peace and success. In addressing the Colombian civil conflict, we navigate the challenges identified by Solomon and Nevo (2002).[208]

4.3.1: Legal Framework

Colombia, as a member of the Inter-American Institute of Human Rights, aligns itself with the San Salvador Protocol. Its membership in UNESCO, dating back to October 31, 1947, is ratified through legislative endorsement under Law 8 of October 15, 1947, and entails compliance with the conventions articulated by this international entity. Consequently, the stipulated objective extends to the Colombian State, implicating that education within the nation must be oriented towards the promotion of human rights and peace.

In the broader context, beyond the State's administration of formal education for students, the school is recognized as the institution with the aim of cultivating individuals into informed citizens within a democratic framework.

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[207] Vásquez-Russi (2020), p. 235
[208] Vásquez-Russi (2020), p. 235

Article 67 of the Constitution unequivocally affirms that "Education is a right of the individual and a public service that has a social function." Colombian education is acknowledged to transcend mere academic and moral dimensions, assuming a fundamentally political role akin to "indoctrination". This entails the transmission of knowledge, values, and democratic ideals to students, with the expectation that these tenets are embraced as truths, resistant to refutation.

The Colombian Constitutional Charter is designated as "the constitution for peace," embedding Article 22, which explicitly stipulates that peace is a right and a duty of mandatory compliance. This constitutional articulation is ingrained in the cultural edifice, conceptualizing a vision of a novel world grounded in the principles of human rights, solidarity, democracy, and amicable relations among peoples and nations. The overarching objective is to embrace peace as a paradigm, steering clear of the realms of war and violence. The intention is to creatively transform conflicts, thereby facilitating the comprehensive reconstitution of the nation through the cultivation of a culture centered on peace.

In 1991, the Colombian government, as articulated in Article 22 of the Constitution, declared peace both a right and a duty, envisioning a world grounded in human rights, solidarity, democracy, and amicable relations. This constitutional framework posits that individuals have an obligation to engage in peaceful interactions, fostering social relations devoid of violence. Alvarez and Marrugo (2016) argue that peace education in this context requires a departure from the conventional model, advocating for a fundamental reorientation of classroom methodologies to render peace a daily bilateral and social experience.

The incorporation of peace education measures into the Colombian national regulatory framework was a protracted process spanning half a century. A pivotal milestone post-1991 was the enactment of Law 115, known as the General Education Law, in 1994. This legislative measure aimed to align education with constitutional advancements pertaining to participation, peace,

human rights, and democracy. From the standpoint of peace, Article 67 in the Colombian Constitution unequivocally asserts that education is a right and shall serve to cultivate Colombians in the principles of respecting human rights, peace, and democracy.

Within this milieu of social crisis, characterized by diverse armed factions, the imperative for education as an entrenched right necessitated an Education for Human Development orientation. Governments recognized the urgency to actively influence the advancement of this educational orientation. In adherence to the stipulations outlined in Article 72 of Law 115, Decree 1719 facilitated the initiation and conceptualization of the National Education Development Plan for the period 1996-2005. The overarching objectives articulated in this Plan underscore that "Education must actively and systematically contribute to the enhancement of democracy, citizen participation, the cultivation of a culture fostering coexistence, respect for human rights, and the attainment of peace."

The Ten-Year Education Plan (2006-2016), recognized as the Social Pact for Education, incorporated education for peace and coexistence as one of its objectives. Emphasizing inclusion, diversity, difference, identity, and equity, this plan aspired to formulate and implement public policies coherent with both rights and duties, grounded in principles of equity and recognition of diversity. The plan emphasized the valuation and comprehensive handling of conflicts, as well as a commitment to biodiversity and sustainable development.

Decree 1038 of 2015, titled "Regulation of the Cátedra de la Paz", further operationalized this vision, outlining a statutory framework for the implementation of the Cátedra de la Paz. At the issuance of this decree, President Juan Manuel Santos articulated a vision wherein Colombia aspired to become the best-educated nation in Latin America within a decade, concurrently elevating itself as a more tranquil and tolerant society. This regulatory measure mandated educational institutions nationwide to instill fundamental principles and values, emphasizing reconciliation, amicable conflict resolution, and the reverence for human rights. Given Colombia's protracted

engagement in conflict, the imperative is to instill an ethos of peace, provide training in peacemaking, and impart the art of coexisting harmoniously, with the educational community positioned as the principal agent in effecting this transformative paradigm.

4.3.2: The program

The literature spanning the years 2014 to 2019 on the Cátedra de la Paz underscores educational institutions as primary arenas for substantial socialization among students. Despite the challenges posed by diverse contexts, these environments play a crucial role in fostering relationships conducive to peace. Recognizing the constraints and possibilities inherent in educational institutions, the literature aims to formulate effective strategies for transforming individuals into conscientious citizens. Numerous pedagogical models and classroom activities have been introduced in the literature to guide educators and students in practically applying the regulations. An examination of the pedagogical underpinnings reveals the roles envisaged for both teachers and students, crucial for understanding the nature of recommended activities and strategies employed in peace education.[209]

The Ministry of Education, in collaboration with educators nationwide, has adopted a constructivist paradigm emphasizing competencies over content in learning and assessment. Specifically within Social Sciences, Basic Standards in Social Sciences and Basic Standards in Citizenship Competencies are integrated across primary and secondary grade levels nationwide. The Cátedra de la Paz is embedded within a transitional educational landscape, balancing behaviorist and constructivist pedagogical models.[210]

The literature from 2014 to 2019 on the Cátedra de la Paz is grounded in constructivist models, highlighting peace education as inherently experiential. It envisions active engagement by both students and teachers in societal transformation towards respect for Human Rights, peaceful coexistence, and

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[209] Vásquez-Russi (2020), p. 230
[210] Vásquez-Russi (2020), p. 231

environmental sustainability. However, this literature does not explicitly characterize the contemporary generation and its distinct challenges, rendering any alternative construction challenging without a foundational understanding.[211]

The initiative aims to integrate peace principles across academic disciplines, including social sciences, history, geography, political constitution, democracy, natural sciences, environmental education, and ethics. Educational entities, certified in education, collaborate with Territorial Committees for Teacher Training to prioritize training for in-service teachers and managers. This training focuses on human rights, the culture of peace, and citizenship skills essential for peaceful coexistence, democratic participation, diversity, and plurality. These entities are mandated to fund or formulate high-quality programs aligning with the Cátedra de la Paz objectives. The implementation of this training program requires a biennial assessment and evaluation process to ascertain its impact on teachers and teaching managers.[212]

The decree outlining the framework for the Cátedra de la Paz reveals its collaborative nature, necessitating efforts from educational institutions, civil organizations, and governmental entities. In the post-agreement scenario shaped by negotiations and implementation in Havana, education emerges as both a challenge and a requisite tool for constructing a stable and enduring peace. Urrego and Marín (2013) provide crucial considerations, emphasizing teacher training, historical memory construction, fortification of the school-society nexus, conflict resolution competencies, and deconstruction of collective imaginaries as key responsibilities of governmental bodies.[213]

The Cátedra de la Paz is envisioned as a forum for experiential reflection, with efficacy reliant on insights from peace-building leaders. Peace cultivation transcends accords and educational institutions, involving diverse mechanisms unifying communities facing various forms of violence. Indigenous and Afro-descendant communities' resistance against state interventions

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[211] Vásquez-Russi (2020), p. 231
[212] Villada and Estrada (2017), p. 56
[213] Villada and Estrada (2017), pp. 56-57

underscores the need to recognize and incorporate their educational models into the Cátedra. As a foundation for pacifist empowerment, the Cátedra acknowledges and elevates experiences promoting imperfect or ongoing peace. In the Colombian context, this manifests in peace-building endeavors by indigenous and Afro-descendant peoples, rural communities, victims' organizations, and women.[214]

4.3.3: The Role of Teachers

Cátedra de la Paz, conceptualized as a compulsory curriculum to reinforce the culture of peace across all Colombian schools, aims to instill a fresh perspective, historical understanding, and reconciliation within the country. While supportive documentation was supplied for its implementation, the methods of execution and associated decisions were delegated to individual schools and teachers. This flexible approach is grounded in the belief that offering general guidelines enables educators to devise context-specific curricula. However, successful implementation hinges not only on teachers' comprehension of the course but also on the potential influence of their personal views and beliefs regarding the peace process on their professional practices.[215]

The analysis of the Cátedra de la Paz necessitates an examination of teachers' pedagogical reasoning, as their role is crucial in shaping classroom practices. Teachers may harbor distinct views on the peace process and the schools' mandate to foster peace among students, influencing instructional approaches, choice of topics, and framing of classroom discourse. This not only involves pedagogical perspectives but also encompasses broader understandings of the country's situation. Examining teachers' rationale for choosing and integrating topics offers insights into their navigation of the course's implementation.[216]

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[214] Villada and Estrada (2017), p. 58
[215] Morales and Gebre (2021), p. 3
[216] Morales and Gebre (2021), pp. 11-12

Currently, the concept of the Cátedra de la Paz in institutions elicits perplexity, and questions arise regarding its national-level existence, state control, and potential loopholes for interpretation. In light of these considerations, the Cátedra de la Paz should encompass the conceptions of peace held by ethnic communities in their territories, responding to unique collective reparative efforts. The construction of the Cátedra should embrace the idea of cognitive or epistemic justice, recognizing the equal value of knowledge from diverse sources. To actualize the proposal of an ecology of knowledge, De Sousa (2010) advocates for a process of intercultural translation, enabling reciprocal intelligibility between diverse worldviews. In the context of the Cátedra de la Paz, it is imperative that ethnic communities actively participate in its construction, contributing their knowledge and practices. The lecture should not solely revolve around teaching the history of the armed conflict but should seamlessly integrate conflict resolution methods and a school coexistence project into the broader teaching and learning process.[217]

Understanding the myriad manifestations of peace, the Cátedra should emerge as a crucial element for recognizing the plurality of the country. It should link presented experiences as a vehicle for the respect of human rights and empower individuals to participate in the construction of a new world. The construction of a culture of peace transcends a mere series of contents or subjects, necessitating strategies applicable to all subjects constituting the curriculum.

Amid evolving changes, particularly those representing the Latin American community globally, education emerges as a vital necessity. Social education is responsive to the demands, phenomena, and realities of society and individuality within the community. Effective management and teacher training necessitate reliance on social education to confront the challenges facing the country. Formulating continuous and postgraduate training proposals within master's degrees in Education and related fields is imperative.

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[217] Pizarro Yepes (2018), p. 35

Since 2015, the Universidad del Norte has integrated a Social Education subject into the master's degree in Education curriculum, along with a diploma in Peace Education and Citizen Competencies. Management training in citizenship education for strategic direction necessitates socio-educational training in citizenship skills, education for peace, and coexistence. The integration of the Cátedra de la Paz brings about changes affecting school organization, curricular content, educational resources, and teacher training.

The complexity of the new educational landscape accentuates the pivotal role teachers must play. Addressing the question of advancing peace education without comprehensive teacher training for peace is a significant challenge for teacher training in the country. Prioritizing teacher training within the actions of the peace department is imperative, considering the dynamic nature of educating to promote a culture of peace.

Considering the above, prioritizing teacher training within the actions of the peace department is imperative. The dynamic nature of educating to promote a culture of peace necessitates new organized and articulated actions, wherein educators play a fundamental role in shaping the values of future citizens.

Chapter 5: Reintegrating child soldiers

Children participating in conflict are victims of child abuse and have been suffering violations of their rights and psychological harm[218]. Child soldiering can arguably be considered "one of the most damaging and exploitative forms of child labour"[219] This abuse can be traced back to two kinds of factors: macro factors, including politics, policies and culture, and micro factors, comprehending communities, families and the psychosocial context of the children themselves. Helping them recover from the damages and traumas caused by child soldiering is in the best interest of the children and of the community as a whole[220]. In order to design and run effective and efficient rehabilitation programs for child soldiers, the psychosocial aspect of the traumas needs to be taken into account.

In order to understand how to run effective and efficient reintegration programs, it is important to answer these questions: Do children possess a sense of morality? How does this sense of morality develop within the environment of atrocities and violence committed when serving in armed forces or groups? How is the mental health of children affected? Can children fully recover from the traumas of war? The literature on which to draw the answers is scarce, therefore, this chapter also serves to highlight the need to conduct more research on the issue in order to build and organize better, more effective and efficient programs.

For the purposes of this dissertation, morality will be defined as "the ability to distinguish right and wrong, and to uphold principles of justice and duty in accordance with individual conscience as shaped by cultural and social codes and precepts."[221]

It is a common belief that children and young people do not possess the necessary reasoning, experience and insight in order to fully grasp and

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[218] Kimmel and Roby (2007), p. 750
[219] McCulloch and Pickering (2012), p. 135
[220] Kimmel and Roby (2007), p. 750
[221] Boyden (2003), p. 345

understand the gravity of rape, killing and torture, common practices among child soldiers. Children's minds are deemed to be less "formed" than adult's minds and consequently less capable of reasoning and more inclined to moral pliability[222].

Another common assumption is that young people do not have "the ability to attach moral meaning to violence"[223] and empathize with other people, especially if the violent behavior has been internalized as normal, something that happens after a prolonged active involvement in the war. A dangerous consequence of this assumption is that demobilized child soldiers are believed to never fully recover from the violence and not be able to fully reintegrate into the community.

Some scholars[224] even proposed considering children "moral patients", i.e. "someone who may have moral worth but whose autonomy is limited or non-existent."[225] Therefore, children cannot be held responsible for their crimes committed while they were members of armed forces and groups. This stance has relevant implications that will be analyzed later when discussing the advantages and disadvantages of restorative justice programs on child soldiers.

These beliefs are not always in line with the empirical evidence collected so far[226] and they are especially harmful because they limit the understanding of the role of child soldiers as purely passive, both during the conflict and in its aftermath. In particular, children might not be as morally pliable as what is commonly thought[227]. Moreover, it is not uncommon that child soldiers have had fundamental economic and social responsibilities for the functioning of their families and communities and their moral competence is consequently greater than it may be believed.

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[222] Boyden (2003), p. 347
[223] Boyden (2003), p. 348
[224] For instance, Noggle, Robert (2002) 'Special agents: children's autonomy and parental authority' in David Archard and Colin Macleod (eds) The moral and political status of children (Oxford: Oxford University Press), 97-116
[225] Vaha and Vestapuu (2018), p. 226
[226] Boyden (2003), p. 350
[227] Vaha and Vestapuu (2018), p. 234

A more accurate moral consideration of children is as "moral persons in becoming", whereby their moral agency is viewed within a continuous developmental process from early childhood into adulthood. This process depends, at least partially, "on growing up in surroundings with well-defined meaningful role opportunities and responsibilities within extended families and communities."[228] However, a context of war lacks these characteristics and the moral development might be negatively affected[229].

Related to this is the concept of moral disengagement which "assumes that people render themselves capable of harming others either by rationalizing their actions and converting them into harmless, justified, or even morally desirable actions, or by minimizing their sense of responsibility for any harmful deeds they have carried out."[230] Children who morally disengage might still have a sense of distress, agency and conflict. Thus, they are believed to commit violent acts while still considering themselves as moral people and free of lasting distress or conflict.

Boyden's interviews to former child soldiers seem to indicate that children, once demobilized and going or having already gone through a reintegration program, reject violence as a way of interaction with other people and pay much attention to reintegration and social acceptance[231]. This is because children are resilient and can heal their moral ability when given the appropriate support, guidance and the right opportunities[232].

Aside from the difficulties related to the limited literature on the issue, other difficulties arise because the research on the moral development of children in war has not produced consistent findings. For instance, studies on voluntarily recruited children suggest that they do still feel a sense of culpability and guilt which appears to indicate that they maintained their moral values intact during their service within armed forces or groups. Nonetheless, there is a

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[228] Vaha and Vestapuu (2018), p. 228
[229] Boyden (2003), p. 352
[230] Wainryb (2011), pp. 280-281
[231] Boyden (2003), pp. 355-357
[232] Betancourt (2011), p. 307

lack of research regarding forcibly recruited children on how they have internalized violence[233].

Child soldiers are victims, but they also see themselves as perpetrators. Although they were forced into the violence of war, whether by people or the social context, political and economic circumstances, they do commit atrocities and serious crimes. Child soldiers recognize that what they do/did while part of an armed force or group is morally wrong[234], or at least morally ambiguous. The consequent feeling of guilt that they experience is intelligible and appropriate. This feeling signifies the reestablishment of a commitment to morality and is part of the process that leads to self-forgiveness[235].

Guilt, shame, and remorse imply that children experience themselves, at least to some degree, responsible for their actions regardless of the fact that some people may not deem them responsible[236]. This guilt cannot only be a fundamental step in their moral recovery[237], but also in the recovery of their relationship with the community and the recovery of the community itself.

5.1: Victims or perpetrators?

The international discourse on child soldiers almost exclusively focuses on their role as passive victims compared to their active role as perpetrators of crimes under international and human rights law. It might appear that this discourse provides benefits to child soldiers protecting them from responsibility and blame, however this is not the case. In fact, this "passive victim narrative" implies several negative consequences for the children themselves, their families, the community and the entire society[238]. This is the general inclination of international law and Non-Governmental Organizations (NGOs) that also try to promote this characterization within the local population[239]. The voluntary

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[233] Boyden (2003), p. 354
[234] Thomason (2016), p. 123
[235] Thomason (2016), pp. 115, 125-126
[236] Thomason (2016), pp. 115-116
[237] Thomason (2016), p. 123
[238] Steinl (2017), p. 1
[239] Fisher (2013), p. 49

recruitment of children stands in diametrical opposition to this narrative which is based on the Western views of childhood as inherently vulnerable and innocent. Consequently, the image of the innocent victim does not entail the possibility of voluntary recruitment which, in some situations, is quite common. It should also be emphasized that this narrative is especially common in describing girl soldiers and further perpetuate, as a consequence, gender stereotypes[240].

The passive victim narrative has adverse effects on children for several reasons. Firstly, it limits, freezes and oversimplifies the complex identity that children have acquired during the conflict, thus disempowering them and denying their capacity of taking autonomous decisions while representing them also as incapable and damaged. Secondly, it is extremely important to note that this narrative may not reflect how child soldiers see themselves once they have demobilized. Their participation may involve voluntary factors to which children are attached and towards which they feel pride that are not taken into consideration when exclusively using the passive victim narrative. Children can perceive this narrative as infantilizing them and their decisions and depoliticizing their role into society. This narrative may also have an active effect in tabooing the subject and rejecting any kind of discussion regarding the participation of children in the conflict. However, this is not necessarily what former child soldiers need to process their experiences and overcome the possible traumas that they have suffered. Because of these reasons, children may feel detached from the society in which they live and this might hinder their overall reintegration into the community[241].

Feelings of anger, grief and fear are commonly observed within the community after the demobilization of child soldiers and their attempt to be reintegrated. They are understandable and should therefore not be condemned or ignored. The passive victim narrative does not entail the legitimation of these feelings and, therefore, it does not involve the possibility of these feelings to be addressed. However, when left alone, anger, grief and fear might be

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[240] Steinl (2017), p. 10
[241] Steinl (2017), pp. 27-28

exacerbated and become dangerous both for demobilized child soldiers and the community as a whole[242].

Nonetheless, a completely opposite vision in which child soldiers are presented as ruthless perpetrators and demoniac creatures is equally deleterious and negative. This narrative discourages children to demobilize and to try to reintegrate into their communities. Sometimes, it may also favor the remobilization of children who fear the judicial system and the extremely harsh punishments they may be inflicted[243].

Some scholars criticize the position of passive victims because it overestimates the manipulation that children go through during conflict and the possibility to save and redeem them. This narrative does not take into account the capacity for agency, intrepidness, calculation and malice that children possess[244]. The assumption that children who commit crimes are always inherently innocent until they turn 18 and then immediately become some of the worst criminals that the world has ever seen does not reflect the reality that these children live and experience. Interviewed demobilized child soldiers provide evidence that such an assumption does not reflect the whole picture. A relative high number of child soldiers choose and manage to escape, while others strategically pretend not to understand the tasks they are given in order to avoid doing them[245]. This strict demarcation for physical age does not necessarily reflect the stage of psychological development that an individual has reached when turning 18. Everyone has had different experiences which can accelerate or delay the process of development in a child's psyche. These differences cannot be accurately reflected only considering the physical age of a person[246]. The supporters of the passive victim narrative consider that children experience war differently from adults and their mental health is more likely to be negatively affected[247]. However, there is not enough evidence in the

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[242] Steinl (2017), p. 29
[243] Kiyala (2019-a), p. 5
[244] D'Costa et al. (2016), p. 133
[245] Stauffer (2016), p. 5
[246] Stauffer (2016), p. 6
[247] Aguling Pangalangan (2018), p. 620

testimonies of demobilized child soldiers that would suggest such a thing, rather what emerges quite often is their resilience, their coping abilities and their mental lucidity[248]. There are children who suffer from PTSD and other mental illnesses after being recruited, but this aspect should not be generalized to all child soldiers.

Children acquire the capacity of agency years before they turn 18 and should therefore be taken into account when they are still minors as well. The stripping of the capacity of agency is usually linked to a process of dehumanization[249]. This dissertation argues that if one truly wants to eradicate the plague of child recruitment, it is necessary to treat demobilized child soldiers as actors responsible for their actions.

A person who has had to psychologically grow faster than it should have cannot be reversed back into a state of lack of agency because they will not accept it since it diminishes the role they have already played and, as a consequence, expect to play in society. Their political participation in the community can be linked to a sense of pride for the actions that have been taken. The conscious decision of ignoring all these elements that make up the complex identity of child soldiers made by the international community and NGOs can do more harm than good.

Besides these two prevalent images, a third can also be observed especially in local communities where child soldiers are present. This is the "hero image" which was previously common in the West (for instance, during the American Civil War and the World Wars) but which now is completely rejected by the modern Western values. It still remains present, however, in some particular circumstances where child soldiers are used as freedom fighters who selflessly risk their lives to liberate their countries from oppressive dictatorships. Another side of the hero image is however present within the international community and this implies the ability of the children to overcome

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[248] Testimonies of Former Child Soldiers in the Democratic Republic of the Congo, 101 INT'l REV. RED Cross 445 (2019).
[249] Hogg and Vaughan (2018), p. 397

their past and leave it behind pursuing civilian redemption despite their previous soldiering activity[250].

In particular the prevailing narrative portrays Colombian child soldiers predominantly as victims, ensnared through forcible recruitment, abduction, or manipulation by military or paramilitary factions engaged in counterinsurgency operations. This coercion often takes forms such as press-ganging or inducement through offers of rewards like candy, toys, or money. This aligns with the common understanding that child soldiers are victims of recruitment and manipulation, reinforced by the psychological toll of armed conflict on them, as evidenced by documented trauma, depression, and feelings of impotence[251]. However, forced recruitment in Colombia is documented to range from 10% to 25%, while some children join voluntarily due to motivations like the struggle against injustice or ideological identification[252]. Therefore, an alternative perspective, acknowledging the dual role of child soldiers, is necessary. Forced recruitment exposes them to horrific violence, brainwashing, sexual exploitation, and various human rights abuses, leading some children to inflict violence on the civilian population, including their peers. Indoctrination and manipulation may result in acts of violence that depict them as perpetrators, though their agency may be compromised, and full comprehension of the consequences may be lacking. Thus, child soldiers are enmeshed in a complex web of victimization and perpetration, necessitating a nuanced perspective that considers their multifaceted involvement in armed conflict[253].

Generally speaking[254], the Colombian population has mixed views and perceptions regarding child soldiers. On one hand, there is recognition that the recruitment and use of children in armed groups is a grave violation of their rights and a consequence of the armed conflict. Many children and adolescents were coerced or manipulated into joining armed groups due to the lack of state

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[250] Steinl (2017), p. 2
[251] Ardila Amaya and Tuft (1995), p. 114
[252] Carmona Parra et al. (2010), p. 760
[253] Bai Kargbo (1999), p. 488
[254] It is important to note that public opinion on this issue may vary depending on factors such as geographical location, socio-economic status, and personal experiences with the armed conflict

presence and the precarious living conditions they faced. Some victims of recruitment even expressed understanding of why young people would believe in the promises made by armed groups in their desperate circumstances. On the other hand, there are also instances where the actions of armed groups, including the recruitment of children, are not acknowledged or are justified. This suggests that in the Colombian conflict, military actions have often taken precedence over the protection of the rights of children and adolescents. Moreover, there have been cases where military operations compromised the safety of schools and communities, and where the presence of armed actors near schools made it easier for them to approach and manipulate children[255].

Because of all these possible interpretations and narratives of the phenomenon of child soldiering, this thesis tries to emphasize the necessity to take them all into consideration both when presenting the phenomenon to the public and the international society and especially when attempting to reintegrate child soldiers into their community. In order to do so, it can be argued that it is necessary to acknowledge the agency of child soldiers even in the cases of extreme coercion, while still keeping the level of coercion in mind. The complexities surrounding child soldiers call for an empathetic and comprehensive approach, moving beyond simplistic victim-perpetrator classifications.

5.1.1: Impact on society

The recruitment of children into armed forces and groups has profound and far-reaching consequences for the affected community, spanning social, economic, and psychological dimensions. This phenomenon disrupts the normal functioning of communities and leaves enduring repercussions. Key impacts include the loss of human capital, where child recruitment deprives the community of its potential future leaders, professionals, and productive members. Children compelled into armed forces and groups are often denied

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[255] Informe Final (2022), vol. No es un mal menor, p. 145

access to education, coercively engaged in violent activities, thereby limiting their potential for personal and professional development[256].

Moreover, child recruitment induces the breakdown of social networks and relationships within the community, tearing families apart as children are forcibly separated from parents and siblings. This fosters a climate of fear, mistrust, and division, contributing to the disruption of the community's social fabric. The presence of child soldiers contributes to heightened violence and insecurity within the community, as these children may engage in acts of violence, including killings, looting, and sexual violence. This creates a pervasive climate of fear and instability, exacerbating the overall impact on community security.   This erosion of trust within the community fosters suspicion among families and leading to social isolation and a breakdown of community cohesion. This loss of trust underscores the intricate social dynamics affected by child recruitment[257].

Furthermore,   child   recruitment   exposes   children   to   traumatic experiences, which may result in long-lasting psychological effects such as post-traumatic stress disorder (PTSD), depression, and anxiety. These conditions not only affect individual children but also cast a ripple effect on the broader community, emphasizing the psychological toll[258].

These multifaceted impacts underscore the devastating consequences of child recruitment on the community's social fabric, security, economy, and overall well-being Addressing this critical issue necessitates comprehensive efforts aimed at supporting and rehabilitating both the recruited children and the affected community.

5.1.2: The Colombian peace process

The role of child soldiers in the Colombian peace process is complex and multifaceted. The Colombian Final Peace Agreement and the Agreement for the

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[256] Boothby (2008), p. 506
[257] Vindevogel et al. (2011), p. 552
[258] Stevens (2014), pp. 2-3

Release of Children from the FARC ranks recognize children as both victims and potential peace-builders. These agreements acknowledge the recruitment and use of child soldiers by armed groups, such as the FARC-EP, and emphasize the need to release children from their ranks. Children involved in the armed conflict in Colombia are categorized ambiguously as victims with the possibility of participating in the peace process, but also as potential challengers to the peace process itself. The recognition of child soldiers as victims is crucial in ensuring their rights and providing them with support and rehabilitation. However, it is important to note the socialization of child soldiers within armed groups, which can be seen as a cause and effect of violence and social disorganization. While the peace agreement does not explicitly define child soldiers as peace-builders, they do guarantee their right to participate in the peace-building process and promote their voices. The agreement recognizes the agency of former child soldiers and their potential to contribute to the transformation of the country. However, several scholars believe that the participation of former child soldiers as peace-builders should be taken with reservations in the Colombian context. They may face challenges in being recognized as active participants in their communities, as they are perceived as threats by said communities[259].

Nonetheless, child soldiers have played a significant role in the Colombian peace process. The involvement of children and youth in peace-making efforts in Colombia has been recognized and supported by various organizations and movements. One example of children and youth actively participating in the peace process is the Movimiento de los Niños por La Paz (Children's Movement for Peace, MNP). This movement, led by young people, involved 2.7 million young Colombians in a symbolic vote called the Children's Mandate for Peace and Rights. The candidates in this vote were children's rights drawn from the United Nations Convention on the Rights of the Child (CRC), including the right to peace and the right to love and family. This

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[259] Nabuco Martuscelli and Villa (2017), p. 19

initiative raised awareness among Colombian adults about the impact of the conflict on the younger generation[260].

Furthermore, child soldiers have been demobilized as part of the peace process. In February 2017, minors left the ranks of the Revolutionary Armed Forces of Colombia (FARC) and entered demobilization programs. This demonstrates a commitment to reintegrating child soldiers into society and providing them with support and opportunities for a peaceful future. It is important to note that the involvement of child soldiers in the peace process is not without risk. In the past, representatives of children and youth in peace communities have been targeted and assassinated. However, these acts of violence have not deterred young people from continuing their efforts; in fact, they have adapted by restructuring their social movements to ensure collective leadership and resilience[261].

The demobilization and reintegration of child soldiers into society is a complex and challenging task. Over the past 18 years, approximately 15,000 children have been recruited as child soldiers in Colombia, and more than 5,000 have been demobilized. These children have experienced traumatic events and have been exposed to violence and armed conflict at a young age. In the Colombian peace process, there is a recognition that child soldiers should be treated as victims rather than perpetrators of crimes, however, as seen before, this could prove detrimental for the delicate situation in which Colombia finds itself[262].

Overall, the reintegration of child soldiers into society involves providing them with support, rehabilitation, and opportunities for education and vocational training. The Colombian government, through the Institute for Family Welfare (ICBF), leads the development and implementation of programs to support the reintegration of demobilized child soldiers. These programs aim to restore their status as rights-holders and active participants in their reintegration process. It

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[260] Berents (2018), p. 88
[261] Berents (2018), p. 78
[262] Brando (2022), p. 1

is important to note that the role of child soldiers in the peace process goes beyond their individual experiences. Their reintegration into society contributes to the overall peacebuilding efforts in Colombia. By addressing the needs and claims of demobilized child soldiers, the peace process aims to promote social justice and create a more inclusive and peaceful society[263].

In conclusion, the role of child soldiers in the Colombian peace process has been multifaceted. They have actively participated in peace-building initiatives, raised awareness about the impact of the conflict on children and youth, and have been demobilized and reintegrated into society. Their involvement highlights the importance of including the voices and experiences of young people in the pursuit of peace and reconciliation. The participation of former child soldiers is crucial for addressing the root causes of recruitment, promoting territorial considerations, and ensuring the involvement of civil society. By including child soldiers in the peace process, their experiences and expertise can contribute to the development of effective and sustainable peacebuilding strategies[264].

5.1.3: Reintegration programs

The Colombian government, particularly through the Colombian Family Welfare Institute (ICBF), has implemented various reintegration programs for former child soldiers. The ICBF administers programs that provide essential services to Colombian children, including those who were former child combatants[265]. Specialized programs facilitated by the ICBF, in collaboration with the National Military and Police, the Judiciary, the Interior Ministry, the IOM and USAID focus on the reintegration of former child combatants, addressing the multifaceted challenges they encounter. Additionally, independent reintegration programs operate nationwide, aiming to offer education and

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[263] Brando (2022), p. 6
[264] Pinilla Blanco (2023), p. 33
[265] Escobar (2002), pp. 821-822

vocational training for the successful reintegration of these children into society[266].

These programs prioritize their security during demobilization, psychosocial support, medical attention, counseling, family reunification, education, vocational training, and financial assistance to facilitate the transition of child soldiers to civilian life. Since 1999, these programs have assisted over 5,000 children associated with various armed forces and groups[267].

Additionally, the National Agency for Reincorporation and Normalization (ARN) is responsible for supporting the social inclusion of former FARC-EP members after they turn 18 years old. This agency works to facilitate access to fundamental and comprehensive rights for ex-combatants and their families. Furthermore, the third component of reintegration is the reparations assigned by the courts in cases of recruitment or through administrative processes, as stated in Law 1448 of 2011. However, these measures have not been sufficient. The Procuraduría (Office of the Attorney General) expressed concerns about the lack of coverage in education, health, and comprehensive protection for children. It is mentioned that some children receive food assistance and are linked to prevention, promotion, and protection programs, but there is still a need for more comprehensive support[268].

Since the ratification of the peace agreement, the United Nations has reported an increase in the number of children recruited in Colombia every year. For this reason, it is important to devise reintegration programs that help demobilized child soldiers to resist the temptation of re-recruitment, even in dangerous spaces[269]. Further challenges also arise from the lack of ongoing funding and promised assistance[270], and the normalization of violence in society, hindering the reintegration process. In conclusion, while there are reintegration programs in place for former child soldiers in Colombia, there are

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[266] Higgs (2020), p. 174
[267] Gonzalez Ortiz and Carrasquilla Baza (2017), p. 60
[268] Informe Final (2022), vol. No es un mal menor, p. 95
[269] Charles and Fowler-Watt (2020), p. 21, 23
[270] Berents (2009), p. 14

still challenges and gaps in providing comprehensive support and ensuring the restoration of their rights.

5.2: The case for restorative justice

Restorative justice in transitional contexts holds significant promise, offering numerous advantages. Primarily, it fosters reconciliation and healing by providing a platform for victims and offenders to engage in dialogue, addressing harm, and leading to emotional closure for victims. This process also allows offenders to take responsibility for their actions and make amends. Community involvement further aids in rebuilding trust within conflict-affected communities, fostering collective understanding of harm and encouraging active participation in resolution and reintegration efforts, contributing to overall community stability and social cohesion[271].

Moreover, restorative justice in transitional contexts exhibits cultural sensitivity, considering the cultural context and traditions. This inclusive approach restores agency and empowerment to marginalized or oppressed individuals and communities[272]. Additionally, it proves to be cost-effective compared to traditional punitive approaches by diverting cases away from courts and prisons, focusing on harm repair and addressing the root causes of conflict. This redirection can lead to reduced recidivism rates and long-term cost savings associated with incarceration[273].

Furthermore, restorative justice plays a pivotal role in contributing to peacebuilding and reconciliation in transitional contexts by addressing root causes of conflict and violence, helping prevent future conflicts, and promoting a more sustainable and peaceful society. It fosters essential elements such as dialogue, understanding, and empathy, crucial for building lasting peace[274].

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[271] Musila (2005), p. 325
[272] Musila (2005), pp. 325-326
[273] Bueno (2013), p. 18
[274] Bueno (2013), p. 139; Díaz Pabón (2018), p. 5

Restorative justice, when applied in transitional contexts, emerges as a comprehensive and inclusive approach to justice. Acknowledging the severe, collective impact of crimes in transitional justice scenarios, it addresses the restoration of harm caused by offenses, encompassing elements such as truth, accountability, reparation, and peace/reconciliation[275]. This approach recognizes the potential for offenders to express genuine remorse and seek amends, emphasizing their potential reintegration into society—a critical consideration for transitional contexts aspiring to reconcile both victims and offenders[276].

Moreover, restorative justice offers an efficient alternative to protracted and costly trials, especially in jurisdictions with weakened judicial systems[277]. Leveraging existing restorative justice traditions and institutions prevalent in many transitional societies, it enhances accessibility and cultural appropriateness, fostering acceptance within local populations. This transformative justice approach contributes to turning victims into survivors, conflicts into cooperation, and individuals into active participants in the restoration process. This transformative potential is particularly crucial in transitional contexts where the goal is to rebuild trust and establish sustainable peace[278].

Furthermore, restorative justice embodies a victim-centered approach, prioritizing the repair of harm done to victims and fostering their relationship with perpetrators and communities. It acknowledges victims' needs and rights to have their suffering recognized, contributing to their healing and empowerment[279]. By facilitating dialogues between victims and perpetrators, restorative justice promotes reconciliation and social healing, aiding in rebuilding trust within divided communities. Additionally, it plays a role in the reintegration of former combatants by involving them in the process of repairing

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[275] Voytas and Crisman (2021), p. 9
[276] Garcia Godos and Knut (2010), p. 487
[277] Bueno (2013), p. 81
[278] Bueno (2013), pp. 3-4
[279] Bonacker and Safferling (2013), p. 158

the harm they caused, contributing to stability and security in post-transition societies[280].

Further benefits of restorative justice extend to truth-telling and acknowledgment, victim empowerment, community involvement, rehabilitation and reintegration, and customization and flexibility. Truth-telling processes enable perpetrators to acknowledge and take responsibility for their actions, contributing to a comprehensive understanding of the past[281]. Empowering victims and involving the wider community in the justice process rebuild trust and social cohesion. The rehabilitation and reintegration focus of restorative justice helps prevent future violence by addressing the root causes of conflict. Its customization and flexibility, tailored to specific community needs and contexts, ensure a nuanced and localized approach[282].

Furthermore, the efficiency and cost-effectiveness of restorative justice processes make them an attractive alternative to traditional criminal justice systems, especially in countries with resource constraints. Drawing on local traditions and practices, particularly in Africa, it resonates culturally and enhances acceptance within the community. This participatory and culturally sensitive approach empowers victims, provides closure, and encourages offenders to take responsibility, contributing to a holistic, inclusive, and transformative justice model[283].

While recognizing these benefits, it is vital to acknowledge that the effectiveness of restorative justice hinges on various factors, including the willingness of all involved parties to participate and the availability of support services. Examining the challenges associated with restorative justice in transitional contexts reveals critical aspects requiring careful consideration. Concerns include limited accountability due to the prioritization of reconciliation over punishment, the voluntary nature of participation, lack of a strong legal

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[280] Bonacker and Safferling (2013), p. 281
[281] Taylor (2014), p. 94
[282] Taylor (2014), p. 105
[283] Rothe and Kauzlarich (2014), p. 239

framework leading to potential bias, focus on individual cases limiting transformative potential, and re-traumatization of victims[284]. Additionally, significant resources, including trained facilitators and infrastructure, are needed, posing challenges in resource-constrained transitional contexts[285].

Nonetheless, it is important to note that these challenges can be limited, if not completely avoided, through proper planning and an in-depth analysis of the particular case at hand.

5.2.1: Restorative justice in Colombia

The Colombian approach to restorative justice, as outlined in agreements between the government and the FARC-EP, offers a victim-centered model that aims to repair harm and restore the rights of victims. It incorporates a holistic view of restoration and retribution, emphasizing the reparation role for perpetrators, bridging international and local justice understandings, and fostering peacebuilding[286]. By establishing a platform for victims and perpetrators to engage in dialogue and reconciliation, restorative justice facilitates societal reconfiguration, steering away from cycles of hatred and vengeance[287].

The Colombian restorative justice model encompasses five essential components. Firstly, it incorporates a commission dedicated to addressing cases of missing persons. Secondly, it establishes a comprehensive system for individual and collective reparations to victims. Thirdly, an extrajudicial Truth, Coexistence, and Non-Recurrence Commission is instituted to unravel the intricacies of the conflict, promote the acknowledgment of victims, delineate responsibilities of those involved, and foster peaceful conflict resolution. Fourthly, guarantees of non-recurrence are implemented, involving the prosecution of perpetrators for their violations and safeguarding vulnerable sectors by dismantling criminal organizations and their support networks. Lastly,

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[284] Rothe and Kauzlarich (2014), p. 202
[285] Velasco (2022), p. 196
[286] Díaz Pabón (2018), p. 6
[287] Jaramillo et al. (2009), pp. 34-39

a Special Jurisdiction for Peace (JEP) is established to adjudicate the most serious human rights violation cases and imposing sanctions based on an individual's cooperation level within the system[288].

The Truth Commission, functioning as an extrajudicial and independent state body, pursues four key objectives. Firstly, it aims to clarify and explain the complexity of the 50-year conflict. Secondly, it seeks to promote recognition of victims and individual and collective responsibilities. Thirdly, the Commission endeavors to foster coexistence in territories affected by the conflict. Lastly, it strives to lay the foundations for non-repetition. The Commission prioritizes the participation of women, minority populations, and Colombians abroad. The initial year focused on collecting testimonies, utilizing 29 "houses of truth" in rural territories for this purpose. These locations also serve as venues for psychosocial services, victim reconciliation programs, and coexistence initiatives. The second year concentrated on data analysis, while the third year involved the preparation of the final report. An independent advisory council provides critical analysis, and international donors actively support the Commission's work[289].

After considerable debate on its legal status and powers, the JEP officially initiated the opening of cases in July 2018. It selected emblematic crimes for its initial cases, including illegal FARC-EP kidnappings, grave violations in conflict-affected regions (Cauca, Choco, Narino), homicides falsely presented as combat engagements (falsos positivos) by military personnel, victimization of Unión Patriótica (UP) members by state agents, and forced recruitment and deployment of children in the armed conflict, among other related crimes[290].

In principle, the restorative justice mechanism established by the 2016 Final Agreement between the government and the FARC-EP includes socio-economic justice into the process. Beyond material compensation,

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[288] Piccone (2019), p. 10
[289] Piccone (2019), p. 11
[290] Piccone (2019), pp. 13-14

restitution, or reparation for past violations, restorative justice in Colombia was meant to focus on achieving fair socio-economic distribution for the future. This should have entailed addressing structural violence and working towards sustainable peace by tackling underlying socio-economic issues that may have fueled the conflict, thereby aiding in the prevention of future violence and the promotion of long-term stability[291].

In Colombia, there are multiple mechanisms created to seek reparations for victims and contribute to reconciliation. However, there is a lack of normative definition regarding the articulation between these mechanisms. This lack of clarity in defining the scope and definitions of reparations can be problematic[292]. Reparations in transitional contexts are conceived from a dual perspective. On one hand, it is seen as a right of the victims derived from the right to access justice. On the other hand, it is seen as an obligation of the State to guarantee reparations. The purpose of reparations is not only to compensate for the harm caused and promote reconciliation but also to recognize the rights of the victims and restore their trust in state institutions[293]. A critical necessity arises in precisely defining the scope and parameters of reparations within this context. This entails establishing criteria for victim eligibility, delineating the types of harm warranting redress, and specifying the remedial actions to be undertaken[294]. Furthermore, despite the recognition of reparations as a fundamental entitlement of individual and collective victims, alongside being a corresponding obligation of the state, there exists a notable lack of clarity regarding the allocation of responsibilities among diverse stakeholders engaged in the reparations process. This includes determining the roles of the government, the JEP, and other relevant institutions[295].

Moreover, it is worth emphasizing the intrinsic link between reparations and restorative justice, elucidating their shared goals such as facilitating the

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[291] Sarmiento Erazo (2016), p. VIII
[292] Acosta-López and Espitia Murcia (2020) p. 11
[293] Acosta-López and Espitia Murcia (2020) p. 5
[294] Acosta-López and Espitia Murcia (2020) p. 14
[295] Acosta-López and Espitia Murcia (2020) p. 14

reintegration of perpetrators, fostering societal rehabilitation, promoting reconciliation, and averting future conflicts. However, an effective framework for seamlessly integrating these facets remains a paramount necessity[296]. Additionally, the active involvement of victims, communities, and perpetrators is deemed indispensable in engendering reconciliation and ensuring that reparations adequately address the specific needs and aspirations of affected individuals and communities[297]. There have also been significant hurdles in implementation, encompassing constraints in resources, logistical intricacies, bureaucratic challenges, and the vital requirement for robust inter-institutional coordination[298].

Moreover, there is a significant gap between the number of victims who are eligible for reparations and the resources available to provide them with said reparations. The Colombian state does not have the capacity or the resources to guarantee reparations for the 7 million victims who were waiting to be repaired within a ten-year period. The Commission for Monitoring the Victims' Law has reported that the reparations program is in the red and underfunded[299].

Another challenge of the functintion of the JEP pertains to the monitoring of implementation, particularly regarding the efficacy of special sanctions and reparations bestowed upon victims. This necessitates rigorous monitoring and verification, a responsibility allocated to the JEP, with the UN Verification Mission in Colombia as a guarantor, underscoring the importance of coordination and collaboration among diverse stakeholders[300]. An additional challenge lies in ensuring meaningful victim participation within the JEP framework. While victims assume a pivotal role, accommodating individual testimonies poses logistical challenges. Consequently, collective means of participation, such as written submissions or attendance at hearings, are

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[296] Acosta-López and Espitia Murcia (2020) p. 1
[297] Acosta-López and Espitia Murcia (2020) P. 5
[298] Acosta-López and Espitia Murcia (2020) P. 13
[299] Guzmán Rodríguez et al. (2023) p. 33
[300] Sandoval et al. (2022) p. 494

favored. However, concerns persist regarding equitable representation, especially in cases involving a multitude of victims or extensive community impacts[301]. Furthermore, the imperative of fostering reconciliation and reintegration amidst all affected stakeholders underscores another challenge. Special sanctions seek to facilitate reconciliation and reintegration, necessitating nuanced considerations regarding geographic contexts and diverse stakeholder perspectives[302]. The overarching complexity of implementing special sanctions constitutes a formidable challenge. The ambitious objectives of the JEP mandate addressing multifaceted legal, practical, and conceptual hurdles, emphasizing the need for adept navigation to uphold system efficacy and prevent impunity[303]. These challenges underscore the necessity for meticulous planning, coordination, and ongoing evaluation to surmount obstacles and fortify the JEP as an effective transitional justice mechanism in Colombia.

Despite the ratification of the restorative justice model in 2016 through the Final Agreement, its implementation is fragile and contingent on the political landscape. President Iván Duque Márquez (2018-2022) aimed to undermine the central peace-for-amnesty pact. Political considerations, especially in the lead-up to the October 2019 regional elections, drove his efforts to appease conservative coalition partners who did not fully accept the accord. President Duque's veto of portions of the transitional justice statutory law in March 2019 triggered concerns among FARC political party leaders and the pro-peace Santos faction, viewing it as a significant threat to the peace accord. Concurrently, guerrillas not aligned with or leaving the arrangement are collaborating with other criminal armed groups, contributing to the destabilization of an already strained security environment, exacerbated by the influx of over 1.2 million people fleeing the crisis in Venezuela[304].

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[301] Sandoval et al. (2022) pp. 491
[302] Sandoval et al. (2022) p. 484
[303] Sandoval et al. (2022) p. 493
[304] Piccone (2019), p. 4

All in all, the success of restorative justice in Colombia depends on various factors such as the responsiveness of the elite to change, post-conflict commitments, and the transfer of political power, all of which play pivotal roles. There is a caution against adopting a minimalist transitional justice approach that may fail to address the root causes of the conflict or deliver sufficient justice for victims. The effectiveness of restorative justice mechanisms in Colombia, as in any context, depends on careful consideration of specific challenges and contextual nuances[305].

5.2.2 Restorative justice with child soldiers[306]

From a legal point of view, child soldiers can be held criminally responsible for their actions if they have reached the minimum age of criminal responsibility of the country in which they are charged[307]. However, the Rome Statute of the International Criminal Court limits the jurisdiction of the Court to the people who have committed a crime under international law after they have reached eighteen years of age. This limitation, however, also sets a sort of gray area for those children who are older than 15 but younger than 18 and are legally and voluntarily recruited in the armed forces of a government and commit crimes under international law.

Several scholars deem the persecution of child soldiers under retributive justice settings as inappropriate because of their particular situation; however, they also advocate for holding child soldiers accountable under a different system which can better take into consideration their specific needs and particular situation and which is able to acknowledge both their victimization and agency. This system is the restorative justice system[308]. Instead, other scholars either promote a combination of restorative and retributive justice systems[309] or an indirect approach[310] in order to deal with the issue.

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[305] Sarmiento Erazo (2016), p. VIII
[306] For more information, consult Appendix III
[307] Steinl (2017), pp. 365
[308] Steinl (2017), pp. 365-368; Kiyala (2019-b), p. 315
[309] Fisher (2013), p. 99
[310] D'Costa et al. (2016), p. 138

"Restorative justice as applied to children refers to a concept for holding children responsible, while at the same time considering their specific needs and rights in the process of recovery and reintegration. It may often include attempts to avoid incarceration, and other actions that would impede a child's return to society."[311] For this reason, this thesis argues that restorative justice might be the solution to the dilemma posed by the different needs of child soldiers, their families, the communities and society as a whole when dealing with the necessity of holding child soldiers accountable for their actions while also protecting them from the many risks posed by the criminal judicial system. Restorative justice does not assume innocence or guilt and starts a process of accountability which, regardless of the specific solution that will be found, holds as its basic principle the restoration and rehabilitation of both the children themselves and the community as a whole.

When analyzing the responsibility of child soldiers, it is necessary to clearly state that they should have never been recruited in the first place, either voluntarily or with the use of force and that the major crime to focus on when restoring a community is their recruitment. In fact, children would have never been recruited if a conflict had not started in the first place and this is a unique responsibility of adults. Even when the choice of recruitment is "voluntary" one should also take into consideration the fact that this decision is never fully voluntary and that children who willingly mobilize do so because of the degrading conditions in which they are forced to live as a direct consequence of the conflict. Sometimes, this decision becomes a necessity for survival because, within an armed group or force, children are given shelter, food and medicine if they need to, while this is not necessarily the case in a very poor community which is devastated by war[312]. Within a restorative justice process, it is possible to both take this aspect into consideration while also not ignoring the responsibility that child soldiers have for the actions that they have carried out[313].

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[311] Nylund (2017), p. 208
[312] Kiyala (2019-a), p. 10
[313] Nylund (2017), pp. 208-209

The establishment of restorative justice mechanisms becomes even more important when considering that, oftentimes, in the countries in which the phenomenon of child soldiers can be observed, the juvenile justice system does not follow the standards set up by international law and there are no guarantees of child-friendly procedures[314].

Another element in favor of resorting to restorative justice is the fact that the Committee on the Rights of the Child, which is the treaty body in charge of overseeing the implementation of the CRC, has claimed that juvenile justice as envisaged and thought in the CRC is closely connected to restorative justice[315]. Moreover, the search for justice in a post-conflict situation should aim at restoring the community and the relationships within said community and basing them on trust, faith and communication. A possible means of trying to achieve these goals is to employ restorative justice processes[316].

In contrast to some conflict scenarios, such as those witnessed in Sierra Leone, where blanket amnesty was granted for all offenses, the Colombian Final Agreement takes a distinct stance. Specifically, it delineates that crimes falling within the purview of the Rome Statute, including but not limited to crimes against humanity, war crimes, and genocide, as well as the recruitment and deployment of children under 15 in armed conflict, are ineligible for amnesty or pardon. Under the Agreement for the Release of Children, provisions ensure that children aged 14 and below are not held criminally liable for their actions during the conflict. Moreover, it stipulates that children between the ages of 14 and 18 may be eligible for amnesty concerning offenses related to rebellion and associated acts. However, those individuals aged 14 and above who have engaged in offenses not qualifying for amnesty or pardon will have their cases deliberated upon by the Special Jurisdiction for Peace. The JEP has explicitly waived the criminal prosecution of individuals who were directly or indirectly involved in the armed conflict during their minority. However, there remains ambiguity regarding the JEP's approach to cases involving individuals who

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[314] Nylund (2017), p. 209
[315] Steinl (2017), p. 308
[316] Fisher (2013), p. 96

joined the conflict as minors but were considered adults at the time of the Agreement's signing[317].

On December 30, 2016, the Colombian Congress passed Law 1820, whereby provisions on amnesty, pardon and special criminal treatment and other provisions were issued. In particular, article 28 states: "The Legal Definition Chamber of the Special Jurisdiction for Peace shall have the following functions: [...] 10. To decide on the waiver of criminal prosecution with respect to persons who, having participated directly or indirectly in the armed conflict as minors at the time of the unlawful conduct under the jurisdiction of the Special Jurisdiction for Peace, are responsible for non-amnestible crimes, in accordance with the principles adopted by the United Nations in this area."[318]

Central to the restorative justice framework are truth-telling and accountability, with legal reconstruction of truth integrated into prosecutions of demobilized individuals. This platform would allow child soldiers to share their experiences, acknowledge their actions, and take responsibility for their involvement in armed conflict, fostering a sense of accountability and aiding affected communities in understanding the truth. Additionally, restorative justice plays a crucial role in preventing future child recruitment by addressing root causes and offering alternatives to armed groups. By addressing underlying issues such as poverty and lack of education, restorative justice contributes to long-term peace and stability[319]. The benefits of restorative justice processes with child soldiers have already been documented in the Democratic Republic of the Congo. Although the two contexts are highly different, the commonalities that exist lead to the inference that these same benefits could be witnessed for

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[317] Nabuco Martuscelli and Villa (2017) pp. 15-16

[318] OG: La Sala de Definición de Jurídicas de la Jurisdicción Especial para la Paz la siguientes funciones: [...] 10. Decidir sobre la renuncia a la persecución penal respecto a personas que, habiendo participado directa o indirectamente en el conflicto armado siendo menores de edad en el momento de realizarse la conducta ilícita competencia de la Jurisdicción Especial para la Paz, resulten responsables de delitos no amnistiables, de conformidad con lo establecido en los principios adoptados por la Organización de las Naciones Unidas en esta materia., pp. 11-12. Translated by the author.

[319] Kiyala (2019-a), p. 14

child soldiers in Colombia, however, their exclusion from the justice mechanisms established since the Peace Agreement prevent experiencing these advantages.

In conclusion, while restorative justice demonstrates significant potential benefits in addressing the complex issues related to child soldiers, it is crucial to acknowledge that its effectiveness may vary based on specific contexts, available resources, and the commitment of stakeholders. Challenges associated with implementing restorative justice with child soldiers should be carefully considered, including factors such as age, maturity, trauma, power dynamics, and the need for comprehensive support programs for successful reintegration.

5.3: Role of the Cátedra de la Paz

The Cátedra de la Paz holds extremely strong legal and theoretical grounds, however, as explained throughout the rest of the thesis, its implementation tends to be lacking. In its article 67, the Colombian Constitution claims that education is not only a right but also a "public service that has a social function", therefore, the aim of education is to share with the Colombian population the principles of human rights, solidarity, peace, democracy and amicable relations among people and nations. Moreover, peace is considered both a right and a duty, which makes it the responsibility of the state not only to inform the citizens of what is expected of them but also to give them the necessary tools to fulfill those expectations. The Cátedra de la Paz is meant to reflect all of this.

President Santos envisioned the Cátedra de la Paz within a broder plan of educational reform meant to make Colombia the best educated country in Latin America. This section is aimed at analyzing the results of the Cátedra de la Paz in its first seven years of implementation and whether it is an adequate mechanism to help reintegrate child soldiers into Colombian society within the broader system of disarmament, demobilization and reintegration.

5.3.1: Results of the Cátedra de la Paz

Various scholars have conducted investigations to assess the efficacy of the Cátedra de la Paz initiative, focusing on teachers' perspectives in the Colombian Caribbean regions. The findings indicate a significant gap in teachers' knowledge and competences related to the key components of the Cátedra de la Paz, including peace culture, philosophy, social pedagogy, education, diversity, inclusion, and peaceful conflict resolution. The implementation of the Cátedra de la Paz has underscored the imperative for substantial teacher training, recognizing it as a fundamental challenge crucial for fostering a culture of peace. However, it is important to note that the current training profile of teachers often does not align with the diverse content suggested for the Cátedra de la Paz. This misalignment, coupled with a lack of pedagogical guidance in educational institutions, impedes the establishment of peace as a central focus in both school and social education. Furthermore, some scholars have highlighted the necessity to revise teacher training curricula and provide continuous education, particularly in areas related to equity, justice, and truth, as part of the broader strategy to address the dearth of education for peace training in Colombia[320].

Assessment of the outcomes of Cátedra de la Paz, based on teachers' perceptions, reveals that 49% of respondents believe they have achieved the expected goals to a great extent. This indicates a substantial level of confidence among teachers in their accomplishments within the Cátedra de la Paz framework. However, studies have been conducted highlighting divergent understandings of Cátedra de la Paz among teachers, encompassing perspectives ranging from promoting peace and citizenship to improving classroom relations with a focus on conflict resolution skills. Instructional practices employed by teachers include discussions, group work, role-playing, multimedia resource use, and real-life examples. At the same time, teachers face challenges related to institutional confusion, student interest, and their own

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[320] Tejeda García and Del Pozo Serrano (2016), p. 77

preparation and participation, highlighting areas for improvement in the course and its supporting resources[321].

The initiative has been credited with fostering conscientiousness, organizational skills, and proactive behavior for the improvement of surroundings, aligning with principles of peace education. Additionally, it is recognized as a positive force in promoting attitudes and skills supportive of a culture of peace beyond the conventional schooling system. Nevertheless, it is crucial to acknowledge that the available literature primarily consists of graduate-level theses and student research projects, potentially limiting the quality and generalizability of the findings. Furthermore, the absence of comprehensive and systematic reports from the Colombian Ministry of Education calls for additional research and evaluation to gain a more comprehensive understanding of the outcomes and impact of Cátedra de la Paz on school communities in Colombia[322].

5.3.2: Cátedra de la Paz and child soldiers

The reintegration of child soldiers into society involves providing them with support, rehabilitation and opportunities for educational and vocational training. By addressing the needs and claims of demobilized child soldiers, the Colombian peace process aims to promote social justice and create a more inclusive and peaceful society[323]. As part of the reintegration programs, child soldiers are provided with some form of education, the majority of them continue after completing the program. In 2014, Denov and Marchand conducted 22 interviews to demobilized child soldiers, 14 of them reported pursuing some form of education, wether completing primary or secondary school or vocational training[324]. The Cátedra de la Paz could be an instrumental mechanism to achieve such a goal. Unfortunately, there is still a lack of literature on the impact that the Cátedra de la Paz has on demobilized child

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[321] Morales (2019), p. 35
[322] Morales (2021), p. 26
[323] Brando (2022), p. 6
[324] Denov and Marchand (2014), pp. 339-340

soldiers, however, based on the analysis provided in the rest of this thesis, it is possible to infer some challenges that may occur.

When devising the Cátedra de la Paz, the Ministry of Education supplied supportive documentation for its implementation, however, the methods of execution and consequent decisions were left to the single schools and teachers. On the one hand, this approach allows educators to implement the curriculum through a context-specific lens; on the other hand, too much is left to the potential influence of their personal views and beliefs regarding the peace process on their professional practices[325]. In fact, teachers may harbor distinct views on the peace process and the schools' mandate to foster peace among students, influencing instructional approaches, choice of topics, and framing of classroom discourse. This not only involves pedagogical perspectives but also encompasses broader understandings of the country's situation[326]. Because of the excess of freedom given to the schools and teachers, several problems emerge.

Firstly, people have become disillusioned[327] with the educational system in Colombia because of the high unemployment rate even for professionals and skilled labor[328] and because of the devastating effects of the conflict. This is evident by the high dropout rates[329] and the lack of student interest[330]. Furthermore, multiple school buildings have been destroyed and/or occupied as a direct consequence of military activity and the perpetration of the conflict at the regional level[331] does not help. At the same time, it is fundamental to consider the worrying lack of teachers because of killing, kidnapping and displacement. The available teachers may also experience stigma through the

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[325] Morales and Gebre (2021), p. 3
[326] Morales and Gebre (2021), pp. 11-12
[327] Meier and Paez (2016), p. 100
[328]
https://blogs.worldbank.org/jobs/lack-skills-or-lack-jobs-colombias-challenge-creating-good-jobs-high-and-low-educated-workers (last accessed February 12, 2024)
[329] Rodríguez and De Brigard (2012), p. 2; and Paez (2022), p. 27
[330] Morales (2019), p. 35
[331] https://www.icrc.org/en/document/war-should-not-remain-status-quo-colombia (last accessed January 30, 2024)

accusation of being politically affiliated with a particualr faction of the conflict[332], which further exacerbate the mistrust and disillusionment with the education system by Colombian society.

Secondly, for peace education to work effectively and provide the most benefits, it needs to be considered as an overall approach to learning other subjects and disciplines, not as a stand-alone class[333]. The Cátedra de la Paz, on the other hand, not only is a single class on its own, but the same teachers are not given the appropriate training to properly conduct it. Within a successful peace education program there needs to be space for the discussion of responsibility and suffering and the dismantling of the moral superiority of one group over the other[334]. Before teachers are able to mediate such a discussion, they need proper training and assistance to go through the same process themselves. Since such training is limited or non-existing, there is no mechanism to prevent the maintaince of the same oppression and the perpetration of violence and stigma child soldiers might experience outside, if they decide to go back to school.

Morales (2019) reported the high confidence of the teachers in having fulfilled the goals of the Cátedra de la Paz[335]; however, such confidence is not matched by other studies which highlight the significant gap between the teachers' knowledge of the curriculum and the overall competencies to teach the class itself[336].

Although the Universidad del Norte has introduced programs on peace education in some of its degrees in 2015, the tangible effects of such programs can be experienced in the long-run, while Colombia needs immediate tangible results. In particular, the alignment of the Cátedra with principles of peace education and its role as a positive force in promoting attitudes and skills supportive of a culture of peace beyond the convention schooling system have

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[332] Novelli (2010), p. 273
[333] Setiadi et al. (2017), p. 184
[334] Solomon and Nevo (2002), p. 8
[335] Morales (2019), p. 35
[336] Tejeda García and Del Pozo Serrano (2016), p. 77

led to some positive outcomes, especially in fostering consciousness, organizational skills and proactive behavior in the improvement of the surrounding. Nonetheless, these outcomes are not enough and there is still much to be improved.

<u>Conclusion</u>

The results proposed by this analysis is that, based on the current implementation, the Cátedra de la Paz is not an adequate instrument in helping reintegrate child soldiers into Colombian society. The framework, curriculum and principles used for its design are perfectly in line with the literature on peace education, however, the program has problems in its practical implementation. At the same time, there seems to be potential for improvement. Since its establishment between 2014 and 2015, the Cátedra has achieved some positive outcomes, although far below the expectations.

The main setback of the Cátedra is the amount of responsibility allocated to the individual teachers and the lack of appropriate training provided. To an extent, the problem is structural to the education system. The Colombian system, as analyzed in the section 3.1 is decentralized and a substantive amount of freedom is left to the single schools. This system works well for more traditional and well established disciplines where there is an objective, measurable, and universal truth that can be imparted by a wiser person to another one. Anything that is said or expressed in contrast to this unique truth is necessarily wrong. The information provided is the same for everyone, what is left to the single schools to decide is the method through which the information is passed down, but the main focus of the traditional subjects, i.e. their content, is universal.

However, the Cátedra de la Paz is very different. As explained in section 4.3.2, the emphasis of the class is to develop skills and competences rather than acquire information. To effectively teach the class, the teaching approach needs to be better defined by the Ministry of Education. Such a paradigmatic shift in the teaching method needs to be supported by appropriate training for the educators. As explained in section 4.3.3, too much hinges on both the teachers' comprehension of the course and on the potential influence of their personal views and beliefs regarding the peace process because, without proper training, there is the risk of perpetrating societal divides within the class, which is the exact opposite of the objective of the class. The nature of both

peace education and the Cátedra de la Paz, as explained in sections 4.1 and 4.2, is context-specific and very difficult to generalize. The scientific approach does not work well with peace education because the truth is not unique, but rather individual to every single actor involved. For truth to acquire a collective dimension, there needs to be peace-oriented dialogue free of judgement. At the moment, Colombian teachers have not received the necessary training to mediate such a class.

Moreover, in a transitional context, as demonstrated in section 5.2, every single voice should be heard and given the same level of importance in order to heal the community. Because of the enormous scale of the conflict, this is practically impossible. However, the presence of an open and judgemnet-free class where the participants' can express their feelings and experiences provides an additional mechanism for more respectful and peace-oriented dialogue. The Cátedra de la Paz is a mandatory course present in all educational levels, providing training for teachers on dialogue mediation and respectful listening skills can help millions of children to be heard by a state institution and become part of the restoration process.

In order to properly implement the Cátedra de la Paz, all of these considerations need to be taken into account. As shown in section 4.2.1, peace education has the potential to help reintegrate child soldiers[337], and as a consequence, contribute to the overall healing of the community[338]. The Cátedra de la Paz has the necessary theoretical framework for this to happen, however, major reforms need to be implemented at the practical level.

Some suggestions for reforms could be Colombia's collaboration with international actors, especially UNESCO and the IIPE, in order to improve the implementation of the Cátedra de la Paz, design effective training workshops and establish monitoring mechanisms to verify the overall effectiveness of the class. Additionally, it is fundamental for academic institutions to conduct further research on both peace education in general and the Cátedra de la Paz in

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[337] Within a broader mechanism of disarmament, demobilization and reintegration
[338] Within a broader mechanism of transitional and restorative justice.

particular, especially regarding their potential impact on society and on the reintegration of child soldiers to design better and more effective mechanisms in the future.

Appendix I: Child Protection in Armed Conflict

In article 1, the United Nations Convention on the Rights of the Child (CRC) defines a child as "any human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier". Although fundamental when considering and studying children, the definition offered by the CRC taken by itself does not take into account the social implications and ramifications of the category of children.

In fact, the human category of child is as much a social construct as a biological one. Socially speaking, it is based on the conviction that the child "has yet to develop fully the fundamental features – be they physical, intellectual or social – that are necessary for achieving independent, active and responsible input into a community."[339]

In liberal democracies in particular, children are therefore considered "a-political", excluded from political activities and participation and regarded uniquely as victims of adult political actions[340]. However, children have oftentimes demonstrated not only that they are fully capable of understanding the political environment they live in but also that they have political commitments. Conflict zones are no exception[341]. At the same time, however, their experience of conflict is completely different from that of adults, they possess unique rights and status that should be taken into account and respected in all phases of the conflict[342].

The vast majority of children do not have any active role during armed conflict, and yet wars victimize them and hinder their future in several ways. At the same time, children have also demonstrated their ability to shape conflicts and be active participants in all of the phases of armed conflict except for the outbreak.

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[339] Huynh et al (2015), p. 15
[340] Huynh et al (2015), p. 11
[341] Huynh et al (2015), p. 14
[342] Huynh et al (2015), p. 15

Gaps between ethical principles and reality are nothing new in the history of humanity. Nonetheless, when they involve children and their rights, they are even more worrying considering that they are more likely to remain in place for a longer period of time and may hinder the future of the entire humankind. Children and young people are often thought to be the future of humanity and although it is literally true, this narrative misses the fact that the actions performed today by the generation in power directly affect the future of the youth. It should be therefore time to take responsibility for one's actions and the effect that they have on children. Arguably, conflicts pose one of the greatest threats to the development of children worldwide and it is time that the International Community addresses it properly.

Some national and local political institutions showed signs of an embryonal understanding that armed conflicts pose several threats to children almost a century ago. Since then, the importance of respecting and protecting children's special needs and rights in case of war has been expressed multiple times in theory, thus implying that the life of children should be worth more than the life of adults. However, very little has been done in reality. In fact, the gap between principles and reality in this case is very wide and no real attempt has been made to fill it.

This chapter will try to analyze this gap and the patterns behind it. How and why did it come into place? What forces gain the most from its existence? Are they social, political, cultural, economic? What is the proper way of studying this issue?

Consequences of Armed Conflict among Children

The importance of safeguarding and prioritizing the wellbeing of children during armed conflict has been demonstrated in several studies. In fact, war has several side effects on the people involved, both directly in the fighting and indirectly as civilians. These side effects include post-traumatic stress disorder

(PTSD), mistrust, hopelessness, social exclusion, stress and depravation of daily life[343].

For children in particular, the report on the Impact of Armed Conflict on Children of 1996 (A/51/306) stipulates that "[w]ar violates every right of a child - the right to life, the right to be with family and community, the right to health, the right to the development of the personality and the right to be nurtured and protected. Many of today's conflicts last the length of a "childhood", meaning that from birth to early adulthood, children will experience multiple and accumulative assaults. Disrupting the social networks and primary relationships that support children's physical, emotional, moral, cognitive and social development in this way, and for this duration, can have profound physical and psychological implications".[344]

The effects of armed conflicts on children are physical, social and psychological and can be linked both to short- and long-term consequences. Children may experience lack of food and medical supplies, environmental pollution, disruption of their education, family and overall community, recruitment, inability to develop lasting social relationships, mental health issues including anxiety and depression, behavioral and learning difficulties and emotional distress and even physical injuries and death[345].

Studies conducted on Palestinian children living in the Gaza Strip and Bosnian children living in the city of Mostar reported that between 41 and 52% of the children experienced symptoms of PTSD[346]. Generally speaking, children living in situations of armed conflict experience multiple major risk factors for a prolonged period of time. Some studies suggest that children are able to cope with one or two major risk factors quite well, problems arise when they increase in number. This is quite common in cases of violence and hostilities continuing for a prolonged period of time. In fact, in situations of prolonged conflict,

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[343] Boothby (2008), p. 499
[344] A/51/306 (1996), p. 15
[345] Huynh et al (2015), p. 18-20
[346] Boothby (2008), p. 500

children are more likely to be recruited, sexually exploited and/or abused and the psychological incapacitation or loss of their main caregivers.

One of the highest conflict-related mortality rates belongs to the age group of children under the age of five. Nonetheless, war has a much wider impact than death. For instance, children living in a situation of conflict are much more likely to be malnourished[347], especially undernourished.

Furthermore, youth – defined by the United Nations as people between the ages of 15 and 24 – are also deeply affected by war. In fact, they sometimes prove to be innovative and creative during the peacebuilding phase of the conflict, also promoting equality and justice within their community and the overall society. At the same time, however, several studies have demonstrated that children who have witnessed and experienced violence are more at risk of perpetrating violent and delinquent acts in the future[348].

Child Protection in 20th Century Conflicts

During the Spanish Civil War (1936-39), the Basque government decided to evacuate 33.000 children to Britain, France, Belgium and Russia in order to protect them from the conflict[349]. This was the first time a political institution decided to put in place official mechanisms in order to protect children from the harshest consequences of armed conflict.

During the Second World War, anticipating German airstrikes on cities, the British Government decided to establish an institutionalized program to protect children, mothers and families taking inspiration from the Basque example. In total, about three and a half million children were evacuated to the countryside, the United States and the overseas territories of the British Empire, i.e. Canada, South Africa, Australia and New Zealand[350].

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[347] Huynh et al (2015), p. 215
[348] Huynh et al (2015), p. 215
[349] Summers (2011), p. 174
[350] Summers (2011), p. 180

These examples should be taken as a demonstration that as early as the 1930s, people understood that, in the event of an armed conflict, the most affected group within the population are children and the political institutions should mobilize to protect them.

The City of Benares was a Children's Overseas Reception Board (CORB) vessel that left Britain in 1940 heading towards Canada to bring 90 evacuee children and their 10 escorts. In total, there were 365 people on board, 177 crew members and 188 passengers. On September 17, 1940, a German torpedo hit the ship and it quickly sank. In total 248 people died, of which 77 were children. This tragedy was regarded as one of the most horrible tragedies of the Second World War by the British Government itself[351]. Once more, the British Government proved its understanding that children must be protected and shielded from the effects of wars.

On March 16, 1968, some US soldiers in Vietnam killed hundreds of innocent civilians, including children at My Lai. Lieutenant William Calley, the highest-ranking soldier involved in the My Lai massacre was tried and found guilty of war crimes even though he claimed to having received the order from his superiors[352]. According to the military court in charge of trying the case, the Lieutenant should have been able to recognize such orders as "illegal and immoral"[353] and should not have complied with them. Morally speaking, rounding up and killing children, even during a particularly stressful and tremendous war as was the Vietnam War does represent an "outrage against the sentiments of humanity"[354].

The abovementioned realization and outrage could have been taken as a start for a revolutionary change in how States understood and waged conflict, especially in how they relate and affect children. In reality, very little actual progress has been made throughout the century. Some documents were written

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[351] Summers (2011), p. 200
[352] May (2005), p. 184
[353] Huynh et al (2015), p. 184
[354] Huynh et al (2015), p. 188

and entered into force, in reality, very little had changed, thus creating the gap between principles and reality.

But why was it set up in the first place? Conflicts have existed since the invention of agriculture around 10,000 years ago and since then conflicts have remained popular among the political elites because of the richness and prestige they bring in case of victory. Therefore, continuous generations of politicians have categorially refused to revolutionize international relations avoiding if not banning conflicts as a way of solving disputes. At the same time, conflicts have evolved and, especially in the last century, the number of civilian casualties has increased and the effects wars have on civilians have worsened. The only way to avoid the negative effects on civilians, especially children completely would be to avoid waging conflict. Unfortunately, political elites are still unwilling to resort to peaceful mechanisms for resolving multiple disputes. At the same time, however, especially after the experience of the Second World War, international pushed for the political elite to recognize the special rights and protection needed by children, which were granted in theory but never in reality creating a gap.

Therefore, political forces do benefit from the maintenance of the status quo. Moreover, cultural and social forces also play a role in legitimizing a conflict in the eyes of the public opinion, especially in terms of racism and the distinction between "us" and "them". However, economic forces tend to be the highest benefactors from this situation as conflict has become a lucrative business and several industries have developed within this logic. War industries mobilize massive resources in lobbying activities which influence the decision of the political elites to go to war and, therefore, perpetrate the continuous negative categorization of the "other".

Child Protection During Armed Conflict Today

Some limited changes came only at the very end of the 20th century and influenced especially the 21st. The United Nations fully grasped the need for the establishment of the Office of the Special Representative of the Secretary

General for Children and Armed Conflict (OSRSG/CAAC) after the presentation of the groundbreaking report on the Impact of Armed Conflict on Children (A/51/306) to the General Assembly in 1996 by the former Mozambican Minister of Education Graça Machel. For the first time, a comprehensive assessment of the several ways in which children were (and still are) abused during conflicts[355]. The job of the Special Representative for Children in Armed Conflict is entirely dedicated to studying the phenomenon in order to improve their conditions. Since the creation of the Office, the Special Representative has presented her own annual report to the United Nations General Assembly (UNGA or GA) and the Human Rights Council while also raising the difficulties that children face before the Security Council[356].

It is also particularly relevant to notice that the Secretary General is required to write and present an annual report to the Security Council on the status of children living in situations of armed conflict. Taking into account the information shared in the reports by the Secretary General, the Security Council has drafted several resolutions over the years expressing the organization's concern on the negative consequences of armed conflicts on children[357]. For instance, SC resolution 1882, drafted in 2009 and unanimously approved, stressed the concern of the Security Council regarding the "considering number of casualties resulting from killing and maiming in armed conflicts including as a result of deliberate targeting, indiscriminate and excessive use of force, indiscriminate use of landmines, cluster munitions and other weapons and use of children as human shields […], the high incidence and appalling levels of brutality of rape and other forms of sexual violence committed against children, in the context of and associated with armed conflict including the use or commissioning of rape and other forms of sexual violence in some situations as a tactic of war."[358]

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[355]
https://childrenandarmedconflict.un.org/publications/WorkingPaper-1_SixGraveViolationsLegalFoundation.
pdf
[356] https://reliefweb.int/sites/reliefweb.int/files/resources/ProtectingChildren-Summary.pdf
[357] Some of these resolutions are: S/RES/1998 (2011); S/RES/2068 (2012);
S/RES/2143 (2014); S/RES/2225 (2015); S/RES/2427 (2018)
[358] S/RES/1882 (2009), p. 2

The United Nations Children's Fund (UNICEF) itself is particularly active in promoting the special rights and needs of children during conflict, as are several NGOs, such as Save the Children, Human Rights Watch and the International Committee of the Red Cross.

International organizations have been trying to consider the special needs and rights of children for almost a century but very few actual results have been achieved since then and the entire scope of the progress seems to be limited to formal legal documents and resolutions. Conflicts continue to be, arguably, one of the most relevant threats to children's future today and the lack of a single comprehensive instrument with the mandate of directly protecting children in situations of armed conflicts can be considered one of the reasons behind the lack of progress[359].

International Humanitarian Law and Its Limits

The introduction of the legal protection of children, as civilian persons, into international humanitarian law can be traced back to the experience of the Second World War especially as a result of the efforts of the International Committee of the Red Cross and the adoption of the Fourth Geneva Convention (1949)[360].

International humanitarian law grants children general protection as members of the civilian population not taking part in hostilities as well as special protection as "particularly vulnerable and unarmed individuals"[361]. These rights have also become norms of customary international law, in particular, Rule 135 of the 2005 ICRC customary IHL study stipulates that "[c]hildren affected by armed conflict are entitled to special respect and protection"[362]. These provisions, however, do not take into account the fact that an estimated 250,000

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[359] https://reliefweb.int/sites/reliefweb.int/files/resources/ProtectingChildren-Summary.pdf
[360] https://www.icrc.org/en/doc/resources/documents/article/other/57jmat.htm
[361] https://guide-humanitarian-law.org/content/article/3/children/
[362] https://childrenandarmedconflict.un.org/publications/WorkingPaper-1_SixGraveViolationsLegalFoundation.pdf

to 300,000 children[363] take direct part in hostilities every year, which implies that they are not granted general protection and an even bigger number of children are not "particularly vulnerable and unarmed individuals" and cannot be granted special protection either. In addition, although some provisions of the Fourth Geneva Convention do specifically refer to children, the Convention does not expressly claim that children are entitled to special treatment in times of war. This has left a gap in international humanitarian law[364].

Some attempts to cover these gaps were made through the Additional Protocols of 1977 to the Geneva Conventions. Both of them include provisions dealing with children taking part in the hostilities, whether directly or indirectly and they forbid the recruitment of children under fifteen years of age[365] (a provision which was then included in the CRC in 1989 as well).

Furthermore, Additional Protocol II to the Geneva Conventions states that "children shall be provided with the care and aid they require"[366], however, no mention on what children actually require is to be found. Therefore, the interpretation of this provision is actually left to the single State Parties. The requirement to protect and respect children during armed conflicts can be found in other international legal documents, such as the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child[367]. In particular, the CRC is the most ratified human rights treaty to date, with the unique exception of the United States, that, however, has demonstrated its understanding of the importance of child protection during armed conflict through the ratification of the Optional Protocol on the Involvement of Children in Armed Conflict. Nonetheless, in both treaties, there is no mention of what Member States are actually required to do.

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[363] Steinl (2017), p. 2

[364] https://reliefweb.int/sites/reliefweb.int/files/resources/ProtectingChildren-Summary.pdf

[365] https://www.icrc.org/en/doc/resources/documents/article/other/57jmat.htm

[366] Article 4(3)

[367] https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule135

Conclusion

UNICEF estimates that there are around 2.5 billion children worldwide, i.e. a third of the world population and yet children are clearly missing from the debate around conflict within International Relations. Some critical approaches to International Relations (IR) suggest that children have "the capacity, however limited, to affect the trajectories of conflict and peace."[368] However, traditional theories of IR do not regard the experiences of children during armed conflict. Critical theories, instead, moving away from a study of conflict entirely based around the state, do in fact create the possibility of inserting the experience of children, however, much literature still needs to be built around the issue.

The preamble of the UN Declaration of the Rights of the Child of 1959 states that "mankind owes to the child the best it has to give" as this chapter has tried to demonstrate, humanity is failing children. In principle, the international community does recognize the importance of protecting children, however, when it comes to acting in this regard, very little has been done.

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[368] Huynh et al (2015), p. 66

Appendix II: The Crime of Child Recruitment

The Cape Town Principles of 1997 define a child soldier "as any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms."

This definition follows the Straight 18 position, although not everyone agrees on the age limit of 18. Not everyone agrees that all people under the age of eighteen should be labeled and considered children in the first place[369]. It is universally accepted that children under the age of 15 should not be recruited by armed forces or groups, as demonstrated by the relevant international law provisions but children between the ages of 15 and 18 can still legally be recruited by armed forces, but not armed groups.

At the same time, however, there is a strong trend towards the shift of the age limit to 18. A first attempt at this is the Optional Protocol of the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and a continuous work on sensibilization by UNICEF and other international organizations involved in human rights and children's rights. All organizations working on the issue of child soldiering agree on the fact that children below the age of 18 should not be recruited, either forcefully or voluntarily, by armed forces or groups.[370]

This section will analyze the phenomenon of child soldiering and will try to answer some specific questions regarding child soldiers. Why are children recruited? Why do some armed forces and groups prefer them over adults? Is there a difference between the experiences of girl soldiers and of boy soldiers?

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[369] Rosen (2005), p. 3
[370] Pedersen and Sommerfelt (2007), p. 255

What has been the response from international organizations and especially the United Nations and was it enough?

Some Data

Although it is true that minors[371] have been taking part in hostilities at least from the so-called "Children's Crusade" in the 13th century, contemporary child soldiering has reached an unprecedented level both in terms of scopes and extremes. This phenomenon can now be witnessed globally, throughout cultures and across continents. The worldwide distribution and rising frequency may suggest a possible emergence of a new conflict norm: Children are expendable commodities; they are fair game for recruitment and their entitlement to protection and special rights is a Western illusion with no hope of becoming a global reality.[372]

In terms of numbers, child soldiers grew from an estimated 200,000 to 300,000 between 1988 and 2002. By 2002, they were recruited by 72 government or rebel forces in around 20 countries. Furthermore, evidence collected since 2002 indicates that new wars are oftentimes characterized by the use of child soldiers[373]. Child soldiers have also been shown to be increasingly younger at the time of recruitment, especially in the African continent, where armed forces and groups recruit children as young as 9 or 10[374]. It is also estimated that between 1985 and 1995 more than 2 million children have lost their lives as a result of their involvement in armed combat[375].

In 2005, Singer's statistics highlighted that in 37 out of the 55 (i.e. 68%) ongoing or recently ended conflicts children under the age of 18 could be seen serving as combatants. Moreover, 80% of these 37 conflicts included also soldiers and fighters under the age of 15. In total, more than 40% (i.e. 157 out of 366) of the total armed organizations in the world recruit and use child soldiers. Another worrying statistic is that 34% of all child soldiers in Asia were

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[371] The term "minors" should be intended as human beings under the age of 18
[372] Fox (2005), p. 28
[373] Achvarina & Reich (2006), p. 128; Huynh et al (2015), pp. 127-129
[374] Achvarina & Reich (2006), p. 131
[375] Samphansakul (2008), p. 8

recruited under the age of 12 and 60% of the child soldiers in Africa were 14 or younger at the time of their recruitment[376].

Another statistic suggests that 300,000 under-18-year-olds are reported to actively participate in hostilities or serve as support personnel at any one time in more than 100 countries. This number includes Western state armies that allow minors to voluntarily enlist and whose participation must be limited to non-combat duties, and low-income countries with low birth registration record and a consequent difficulty in determining someone's age[377].

Reasons for Recruitment

Increasingly fewer children now enjoy the protection they are entitled to. In fact, armed forces and groups recruit children exactly because they are so young. "Groups that use child soldiers view minors simply as malleable and expendable assets, whose loss is bearable to the overall cause and quite easily replaced."[378] Their lives are deemed less valuable than those of adult soldiers and therefore expendable. In fact, [t]hey are typically used in ways that subject them to risks above and beyond the normal dangers of war[379]. They are used as shields and/or cannon fodder.

In relation to this, armed forces and groups have other advantages in recruiting children instead of adults. First, they are less easily detected and often overlooked by security forces. Second, children are more easily indoctrinated and tend to be more obedient to the commanders' orders.[380]

Furthermore, armed forces and groups benefit by recruiting younger children, compared to older ones. In fact, younger children are less likely to escape because they do not know how and tend to be more obedient. In addition, the longer a child stays with an armed force or group, the more

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[376] Singer (2005), p. 36
[377] Fox (2005), p. 29
[378] Singer (2005), p. 60
[379] Singer (2005), p. 105
[380] Samphansakul (2008), p. 24

comfortable, acquiescent and secure they feel by staying and they get accustomed to the life as child soldiers.[381]

Another element favoring the recruitment of child soldiers is the duration of the conflict and the battle death ratio. The longer the duration of the conflict and the higher the battle deaths ratio, the more likely it is that child soldiers will be recruited. In such a situation, armed forces and groups tend to be more concerned about their survival and will recruit children, who tend to serve as an almost endless supply of recruits.[382]

Some scholars have gone so far as to say that globalization also plays an extremely important role in the recruitment of children into armed forces and groups. This is due to social and economic crises which cause low-income countries to experience a widening of already-existing inequalities, thus weakening even further communities and households, which will have a decreased capacity to nurture and protect children. Eventually, this may lead to a commodification of children and an increase in child labor, including child soldiering.[383]

Girl Soldiers

From 1990 to 2003, girls were recruited by armed forces and groups in 55 countries around the world. The proportion of girls among child soldiers varies greatly depending on the geographic regions, however girls generally account for 10 to 30% of child recruits. In the African continent, instead, girls comprise up to 30-40% of child combatants[384].

Girls' experience of recruitment is different compared to boys' and they suffer even greater forms of violence and abuse. First, girls are often rendered "invisible and marginalized" both during conflict and in the post-war disarmament, demobilization and reintegration (DDR) process. Their roles are

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[381] Samphansakul (2008), p. 17
[382] Samphansakul (2008), p. 61
[383] Haer (2009), p. 76
[384] Denov (2008), p. 814

oftentimes considered to be "peripheral and insignificant"[385] by governments, program developers, NGOS and policy-makers. Despite their invisibility and marginalization, it is clear that girls are "fundamental to the war machine". Their contributions are not insignificant, but rather integral to the functioning of the armed group or force. This interpretation is reinforced by the fact that girls tend to be the last recruits commanders and leaders release. Lastly, girls experience "victimization, perpetration and insecurity". The human rights violations suffered by girl soldiers include: forced recruitment, abduction, sexual violence and exploitation, maiming, killing, forced marriage, increased exposure to HIV/AIDS and forced participation in brutal violence. At the same time, however, in the post-conflict environment, girls experience a secondary victimization including socio-economic marginalization and exclusion and ongoing threats to their personal security and health[386].

Another element which makes girl soldiers' situation worse is the fact that while the use and recruitment of child soldiers, in general, is regulated by international humanitarian law and international criminal law instruments, the use and recruitment of girl soldiers for sexual purposes is never explicitly addressed in these international law instruments[387].

The Rome Statute itself does not explicitly and specifically recognize sexual violence against child soldiers as a crime over which the ICC has jurisdiction[388]. Nonetheless, the statute does recognize rape, enforced, prostitution, enforced sterilization, forced pregnancy, sexual slavery and "any other form of sexual violence of a comparable gravity" (Article 7(1)(g)) both as crimes against humanity and war crimes in international and non-international armed conflict[389]. This distinction, however, oversimplifies the issue of child soldiering and is another form of invisibility girl soldiers are subjected to.

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[385] Denov (2008), p. 815
[386] Denov (2008), p. 815
[387] Grey (2014), p. 602
[388] Grey (2014), pp. 603-604
[389] Grey (2014), p. 604

Gravity

Recruiting child soldiers involves the violation of the most fundamental rights of children. They are exposed to the perils of war and they are plunged into a system based on a culture of impunity that is hard to reverse once they demobilize. Children who grow up in a conflict environment and fighting do not know what peace is and even find it hard to imagine it and understand how to act in it. Some possible side effects of what is known as the "Destruction of Childhood"[390] in pediatric psychology are loss of self, of family, of community, of health, of security, and even of the future[391].

In August 2019, the UN Security Council hosted an open debate where more than 80 UN Member States expressed their concerns regarding the effects of armed conflicts on children. Member States recognized that thousands of demobilized child soldiers have been detained for their crimes instead of being seen primarily as victims of recruitment. In Syria and Iraq, the situation is particularly worrying since many incarcerated children are under the age of 5[392].

Article 17(d) of the Rome Statute sets gravity as an absolute threshold on admissibility before the International Criminal Court. In particular, the article states that a case is not admissible if it is not "of sufficient gravity to justify further action by the Court". All the four "core" crimes over which the International Criminal Court has jurisdiction – genocide, crimes against humanity, war crimes and crimes of aggression – pass the absolute gravity threshold and are therefore admissible. Gravity is also used in a secondary and relative role by the Office of the Prosecutor (OTP) in prioritizing which admissible cases to prosecute[393].

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[390] The Destruction of Childhood is characterized by the losses a child faces when they are thrust into the realm of war.
[391] Singer (2005), pp. 107-108
[392] Souris (2021), pp. 1-2
[393] Souris (2021), p. 4

It is this secondary gravity threshold that Margaret deGuzman and William Schabas challenge in their writings[394]. In particular, both criticized the decision by the ICC to prioritize the war crime of child recruitment.

DeGuzman's claim is based on the understanding of gravity as subjective and, therefore, the ICC Prosecutor should prioritize those cases that will enhance the sociological legitimacy of the Court[395]. Moreover, she claims that the recruitment of child soldiers is less serious and possesses a lower degree of gravity compared to other crimes under the jurisdiction of the ICC. However, she does not give any moral defense for her claims[396].

Schabas directly criticizes the Court's decision to prosecute Thomas Lubanga Dylo[397], a Congolese war criminal charged with the crime of child soldiering, on the same ground of deGuzman, i.e. that there are more serious crimes than child soldiering[398]. Schabas also questions the gravity of child recruitment and whether it is a malum in se crime (i.e. it is wrong because of the harm it does to children) or instead a malum prohibitum crime (i.e. a crime simply because the law prohibits it but that is not morally wrong in absolute terms) opting for the latter[399]. Schabas also argues that one single murder entails a higher degree of gravity than the crime of recruiting and using child soldiers; this is because, from his point of view, murder deprives a person of his/her right to life, a fundamental human value[400]. What Schabas fails to

[394] Margaret M. deGuzman, 'Gravity and the Legitimacy of the International Criminal Court', Fordham International Law Journal (2009): 1400–65; Margaret deGuzman, 'Choosing to Prosecute: Expressive Selection at the International Criminal Court', Michigan Journal of International Law 33, no. 2 (2012): 265–320.
William Schabas, 'Complementarity in Practice: Some Uncomplimentary Thoughts', Criminal Law Forum 19 (2008): 5–33; William A. Schabas, 'Prosecutorial Discretion v. Judicial Activism at the International Criminal Court', Journal of International Criminal Justice 6, no. 4 (2008): 731–61; William Schabas, Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals (Oxford University Press, 2012).
[395] Souris (2021), p. 2
[396] Souris (2021), p. 5
[397] For further reference, https://www.theatlantic.com/magazine/archive/2009/12/the-trial-of-thomas-lubanga/307762/
[398] Souris (2021), p. 2
[399] Souris (2021), pp. 2-3
[400] Souris (2021), p. 10

recognize, however, is that there are other fundamental human values, such as dignity, that child soldiers are deprived of because of the crime of child recruitment[401].

If one recognizes that the right to life involves more than simply a mere physical existence, then the right to dignity is just as robust. The right to dignity is a fundamental human value and since children are developing their morality, treating them with dignity involves not undermining this development. The moral development needs to happen in an environment where children have relationships based on genuine trust, care and affection, while their dignity is not respected when children are deprived of these kinds of relationship[402]. Moreover, as it was previously analyzed, children are recruited because their lives are considered less valuable than the ones of adults. Recruiting children in order for them to fight during armed conflicts entails a high probability that they will be killed and deprived of their right to life as well.

Neither deGuzman nor Schabas provide any argument in support of their claim that child soldiering is less serious than other international crimes[403]. As described above, child soldiering involves other types of harm directed against minors beside the threat of being killed, their loss of dignity and a hampered morality; not recognizing it victimizes child soldier one more time through the violation of their rights and the protection they are entitled to. Furthermore, child recruitment has been proven to be an early indicator of mass atrocities. Failing to recognize this correlation may lead to crimes as serious as genocide[404]. This demonstrates once again that child recruitment should be considered a serious crime and that the International Criminal Court, should prioritize the crime of child soldiering in order to avoid the occurrence of mass atrocities later on.

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[401] Souris (2021), p. 11
[402] Souris (2021), pp. 11-12
[403] Souris (2021), p. 10
[404] Souris (2021), p. 11

The Response of International Organizations

International organizations, especially the United Nations, have implemented three different types of measures against the recruitment of children by armed forces or groups. These measures are: naming and shaming of perpetrators; sanctioning of violators; and use of juridical instruments to punish offenders.

Regarding naming and shaming specifically, the United Nations Security Council lists the perpetrators and the known armed groups recruiting and using child soldiers in its Annual Report on Children in Armed Conflicts. these groups may also be removed from the list as long as they create and develop an action plan detailing how they intend to stop recruiting children and their plan for release and reintegration into the communities. Up until 2015, these listed perpetrators were not faced with sanctions, but the adoption of resolution S/RES/2225 (2015) promoted the establishment of country-specific sanction committees which can establish sanctions, including arms embargoes, asset freezes and travel bans against commanders and leaders. Moreover, the International Criminal Court, and before the ICC the Special Court for Sierra Leone, has worked since its institutionalization for the criminalization of child soldiering[405].

Moreover, several international organizations have repeatedly condemned the recruitment of children by armed forces and groups. These organizations include the UN Security Council, the UN General Assembly, the UN Commission on Human Rights, the United Nations Children's Fund, the African Union, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Organization for Security and Cooperation in Europe, the European Parliament and several NGOs, such as Human Rights Watch, the International Committee of the Red Cross and Child Soldiers International[406].

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[405] Haer (2009), pp. 82-83
[406] Huynh et al (2015), pp. 130-131

Although these steps forward should be considered impressive and possessing important implications for armed forces and groups that consistently recruit child soldiers, the United Nations has not taken any formal action besides condemnation[407]. In fact, military concerns seem to prioritize the threat posed by the soldier-child instead of the rights and protection to which the child soldier is entitled. According to this understanding, then, the child soldier is considered first and foremost a political and security concern and a child only in a second instance[408].

A child soldier is usually considered a type of innocent attacker, i.e. someone who poses a threat but who is not fully responsible for their actions both because s/he is a child and, therefore, her/his sense of morality is still under development and because of the human rights violations and violence s/he is subjected to. As a consequence, some theorists claim that such attackers may not be harmed, while others do not agree[409].

According to contemporary just war theory, child soldiers are legitimate targets of attack because they pose a threat just as adult soldiers do. Their moral responsibility and their status as children are completely irrelevant[410]. Nonetheless, it is fundamental to notice that child soldiers inherently include a degree of coercion they are subjected to, sometimes to such a degree that these minors are actual slaves. Therefore, any kind of military strategy should start by addressing this coercion and the coercers, not the coerced[411].

Conclusion

The principle according to which the life of a child is worth more than the life of an adult does not hold for child soldiers, who are excluded from the most basic level of protection, human rights and respect the rest of the world's children are entitled to. This is something to worry about also considering that

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[407] Singer (2005), pp. 140-141
[408] Fox (2005), p. 43
[409] Litwin (2020), pp. 56-57
[410] McMahan (2007), p. 4
[411] Litwin (2020), p. 60

evidence seems to suggest that the tendency of recruiting children into armed forces and groups is on the rise.

Child soldiering is not a new phenomenon but, during the last century, it has increased its complexity and it has contributed to the increase in overall complexity of the entire international system. At the same time, child soldiers have not received an adequate level of attention in the media and in international relations. The scarce mechanisms that have been put in place have proved to be too few and too ineffective to really make a difference in the fight against child recruitment.

We all share the responsibility to protect children[412]: international organizations (governmental and non-), courts, political institutions (at the international, regional, national and local levels), civil societies, communities and individuals. This protection must also comprehend child soldiers, treating them with the appropriate dignity also after demobilization and during reintegration processes. Therefore, it is time that we take effective and relevant actions in the fight against child recruitment, not oversimplifying an extremely complex phenomenon and not ignoring girl soldiers and their experiences. We can and should do better in guaranteeing children basic rights and protection.

[412] Souris (2021), p. 21

Appendix III: Restorative Justice and Child Soldiers: The Case of the DRC

Background

The Democratic Republic of the Congo (DRC) is particularly rich in natural resources such as cobalt, diamonds, tin, zinc, silver, gold, copper, tantalum, petroleum, manganese, coal, hydropower and timber. At the same time, it is also very rich in crops such as sugar, coffee, palm oil, rubber, tea, cassava, tapioca, papaya, mangoes, pineapples, oranges, quinine, bananas and corn. This richness, however, is also one of the main reasons behind the political instability that the country has experienced for the past decades, since the resources fuel the conflict in the eastern and north-eastern part of the country, where children are recruited within local armed groups trying to acquire control of the natural resources[413].

The situation has become so unstable and out of control that the DRC ranks 5th in the Found Peace Failed State Index, which included 177 countries[414]. Freedom House categorizes the DRC as "not free" and has attributed to the Sub-Saharan State a score of 18 out of 100[415]. Both of these statistics indicate the inability of the Government to provide for the basic necessities of the population. Furthermore, the police and security services in general not only are not capable of investigating crime but are also constantly accused of not respecting human rights themselves and in some areas of the country they are not even present[416] leaving the local population at the mercy of armed groups.

The violence in the country, as the mass recruitment of child soldiers, can be dated back to the First Congo War, started in 1996 and involving eight foreign countries: Central African Republic, Sudan, Uganda, Rwanda, Burundi, Tanzania, Namibia and Angola. Many children were recruited by Laurent D.

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[413] Kiyala, J. C. K. (2019-b), pp. 20-21
[414] Kiyala, J. C. K. (2019-b), p. 26
[415] https://freedomhouse.org/country/democratic-republic-congo/freedom-world/2020
[416] Kiyala, J. C. K. (2019-b), p. 28

Kabila, leader of the Alliance of Democratic Forces for the Liberation of Congo (AFDL), who used them to bring down the regime of President Mobutu Sese Seko and subsequently become President. The war ended in 1997 when Kabila overthrew the former President. The Second Congo War (1998-2002) started when Rwandan and Ugandan troops invaded the country after the decision of President Kabila to break ties with the two allies who had previously helped him gain power[417].

Mass child recruitment became the norm of the armed groups and movements that emerged in these years[418]. Today, children continue to be recruited as soldiers in North and South Kivu and in part of the Oriental Province[419] (today's Bas-Uele, Haut-Uele, Ituri and Tshopo). It is estimated that there are about 50 armed groups operating in the North Kivu province[420].

Administrative division of the DRC[421]:

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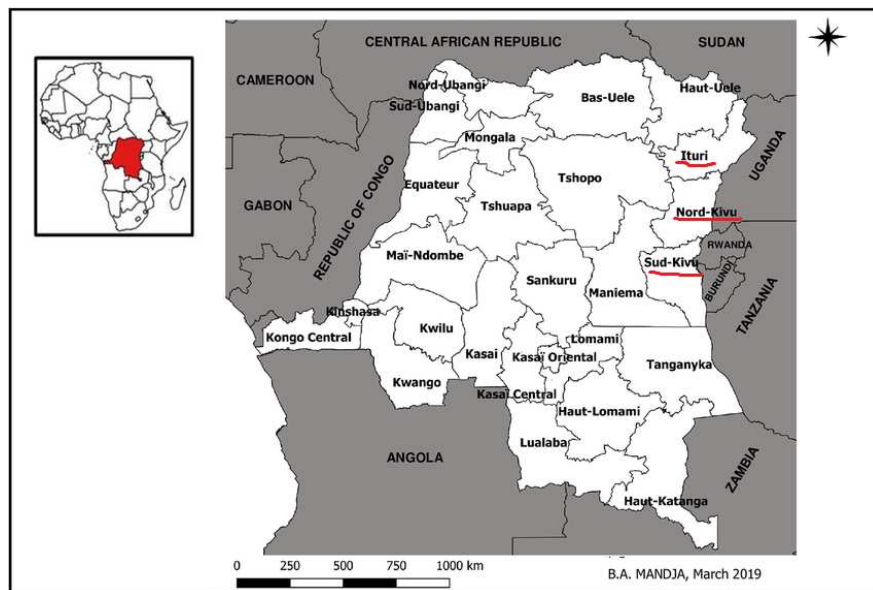
[417] Kiyala, J. C. K. (2019-b), p. 34
[418] Kiyala, J. C. K. (2019-b), p. 35
[419] Kiyala, J. C. K. (2019-b), p. 33
[420] Kiyala, J. C. K. (2019-b), p. 35
[421]

https://www.researchgate.net/figure/Administrative-map-of-the-DRC-including-26-new-provinces-and-bordering-countries_fig1_333302653

Peace can hardly be envisaged without considering the necessity of reconciliation between the DRC and its neighboring countries in the east and northeast[422], Uganda and Rwanda especially.

Although a decrease in the arrests and incarceration of child soldiers can be observed since 2005, cases of children detained in prison have continued to be witnessed. These children are in need of a legal strategy to free them[423].

Involvement of the ICC

The Democratic Republic of the Congo ratified the Rome Statute of the International Criminal Court in April 2002 and in March 2004 the Government referred its international situation to the Court since the entry into force of the Statute. The investigations started in June 2004[424].

A warrant of arrest for Thomas Lubanga Dyilo was issued by the Court in January 2006 with the accusation of war crimes for recruiting children under the age of 15 years in the armed group *Union des Patriotes Congolais* (UPC) and its military wing, the *Force Patriotique pour la Libération du Congo* (FPLC) of which he was one of the founders and then the leader. He was transferred to the Court's detention in July of the same year. Lubanga was unanimously found guilty of the charges and was sentenced to a total of 14 years of imprisonment in March 2012. In December 2014, the Appeals Chamber confirmed the previous verdict of the Court[425].

Bosco Ntaganda is the Former Deputy Chief of Staff and commander of operations of the FPLC. A warrant of arrest against him was issued in July 2012. He was accused of 13 counts of war crimes, among which the recruitment of children below the age of fifteen years and 5 crimes against humanity committed in the Ituri province of the DRC. The trial was opened in September 2015 and he was found guilty of 18 counts of war crimes and crimes

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[422] Kiyala, J. C. K. (2019-b), p. 66
[423] Kiyala, J. C. K. (2019-b), p. 29
[424] ICC-PIDS-CIS-DRC-01-016/17_Eng
[425] ICC-PIDS-CIS-DRC-01-016/17_Eng

against humanity in July 2019. He was then sentenced to 30 years of imprisonment. The verdict and sentence are currently subject to appeals[426].

Domestic legal protection

The DRC has shown its intention to regulate and abolish the recruitment of children in armed forces or groups by ratifying several international legal documents, such as the CRC and its Optional Protocol, the Rome Statute of the ICC and the 1977 Protocol to the Geneva Convention. Furthermore, it has also demonstrated the willingness to do more by also promulgating domestic laws which guarantee the protection of children from being used in and recruited by armed forces or groups. The Transitional Constitution of 2003 expressly prohibits, in Article 184, the recruitment of persons below the age of eighteen years and their participation in hostilities. The actual Constitution (2006), however, does not explicitly prohibit it. It stipulates that the people who have not reached eighteen years of age must be protected by their families, the States and public powers. It also moves on to consider any kind of abuse and exploitation of minors as a criminal offense which must be prosecuted and punished by the law. The specific prohibition of child soldiering can still be assumed by the fact that the DRC has ratified the above-mentioned legal documents. This assumption acquires even more relevance when one considers that the DRC adopts a "monistic legal regime" which implies that ratified international treaties take precedence over domestic legal provisions as stated in Article 215 of the Constitution[427]. Moreover, the Government has maintained the age of 18 years for voluntary recruitment into armed forces[428].

In March 2011, the official tribunals for children (TPE) were launched in Kinshasa as a means to hear cases involving child offenders. Before that date, as stated in Article 200 of the DRC Child Protection Law 09/001 (2009), cases involving child offenders were referred to peace tribunals and high courts. As good as this initiative was on paper, however, it was not in reality. The tribunals

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[426] ICC-PIDS-CIS-DRC-02-016/19_Eng
[427] Kiyala, J. C. K. (2019-b), pp. 168-169
[428] Kiyala, J. C. K. (2019-b), p. 170

were very limited in territorial scope because set in few major cities and, as a consequence, the cases involving children in the rest of the country, especially in the rural areas, were heard by magistrate's courts and high courts. Reports seem to indicate that a high number of child offenders' rights have not been respected and they have been denied justice. Some children, especially girls, are kept in the same facilities of adult perpetrators and have been denied water or food. This behavior is a breach both of the CRC and the DRC Law of Child Protection of 2009 which stipulate imprisonment as the last resort and for the shortest period of time while also demanding that children are held in separate facilities from adults and the respect of their rights[429]. The Child Protection Law 09/001 is the only domestic legal provision that child soldiers can rely on. However, it is rarely respected. The dysfunctional characteristics of the domestic juvenile system of the DRC indicate the need to establish alternative models of accountability for child soldiers in the country[430].

The fear represented by these threatening prison conditions discourage ex-child combatants to appear in public and seek reconciliation[431]. It also promotes the remobilization of children who have the inhumane conditions of jail as their only alternative. This can be considered a factor that sustains the phenomenon of child soldiering and which need to be overcome in order to prevent voluntary recruitment[432].

The Baraza institution

The term Baraza originates from the Kiswahili local language and can be translated into "the living room", i.e. where the old and wise members of the community meet every day in order to debate questions or problems that can preoccupy or concern their people[433].

The Baraza institution is widespread among the different communities that make up the population of the DRC, among which are also the ones

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[429] Kiyala, J. C. K. (2019-b), pp. 171-173
[430] Kiyala, J. C. K. (2019-b), p. 449
[431] Kiyala, J. C. K. (2019-b), p. 424
[432] Kiyala, J. C. K. (2019-b), p. 424
[433] Kiyala, J. C. K. (2019-b), p. 334

present in Eastern Congo. It is a customary platform that discusses issues triggering and potentially causing conflicts and how to restore a peaceful environment, while also providing accountability for violations of social norms. Baraza can be considered and is sometimes viewed as a potential substitute for the collapsed justice system of the DRC which is incapable of administering justice and of settling conflicts. Local leaders have taken initiatives to tackle the issues related to past conflicts and prevent the resurface of conflicts. The Baraza institution is based on the principle of *Palaver* which promotes dialogue as the most important instrument of negotiation, conflict resolution and peacebuilding[434]. It now has a threefold approach regarding its objective of conflict resolution: preventing, managing and resolving conflict[435].

Through several studies and researches, it has been asserted that the structure of Baraza can, in fact, provide the right tools to achieve community transitional justice. It has a historical record of restoring relationships after the adversaries that emerged in the post-colonial society and preventing future violence[436]. Baraza has also been linked to the phenomenon of child soldiering and continuing investigations seem to suggest that Baraza had the potential to address accountability for child soldiers while also facilitating their reintegration into society and preventing the further use of child soldiers in the ongoing conflict[437]. Demobilized child soldiers themselves consider the Baraza institution an important source of advice[438] and consider it an adequate process to address the abuses they are accused of having committed[439]. Furthermore, studies found that the communities are unwilling to welcome ex-child combatants back without a process of accountability for the crimes that they have committed[440].

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[434] Kiyala, J. C. K. (2019-b), pp. 247-248
[435] Kiyala, J. C. K. (2019-b), p. 344
[436] Kiyala, J. C. K. (2019-b), p. 248
[437] Kiyala, J. C. K. (2019-b), pp. 247-248
[438] Kiyala, J. C. K. (2019-b), p. 351
[439] Kiyala, J. C. K. (2019-b), p. 445
[440] Kiyala, J. C. K. (2019-b), p. 362

Baraza elders have also met with rebel leaders in order to increase the efficacy that the institution has in preventing the practice of child soldiering and the outbreak of conflicts. The opportunities that the Baraza structure offers are multiple: "proscription of the use of children as soldiers and advice to youngsters not to engage in soldiering activities, in accordance with traditional norms; enhancement of the offender social reintegration process; attempts to dissuade armed group leaders from recruiting minors; prevention and resolution of intercommunity discord; opposition to the phenomenon of community-self defense militias; inhibition of interpersonal and community conflicts by tackling the root causes of hostilities and preventing their degeneration into vicious violence; social education to preserve morality and combat juvenile delinquency; promotion of good community living; negotiations aiming at the release of child soldiers entangled in hostilities"[441]. It can therefore be said that the Baraza provides a valuable asset in the fight against child soldiering and in their accountability once they have demobilized. It also performs an important role in taking into consideration and combining the three images of child soldiers that have been discussed in the previous chapter, thus presenting a more rounded and complete image of the identity of child soldiers.

Jean Chrysostome K. Kiyala's study and results[442]

The study is based on the model of action research and on questionnaires and the sample includes ex-child soldiers and their families, victims and their families, students/learners educator, local traditional leaders, government officials, child protection lawyers, members of NGOs, and community members. All participants have been exposed to armed conflicts

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[441] Kiyala, J. C. K. (2019-b), p. 366

[442] Further research by Kiyala involves child soldiers in the DRC and the positive outcomes of a restorative justice approach. Some suggestions are: Kiyala, J. C. K. (2019). Combining restorative justice and social justice: Prospects of child soldiering transitional justice, African Security Review, DOI: 10.1080/10246029.2018.1559868; Kiyala, J. C. K. (2015). *Challenges of Reintegrating Self-Demobilised Child Soldiers in North Kivu Province: Prospects for Accountability and Reconciliation via Restorative Justice Peacemaking Circles*, Human Rights Review, DOI: 10.1007/s12142-015-0361-7; Kiyala, J. C. K. (2019). *The impact of globalization on child soldiering: challenges and opportunities in the context of the Democratic Republic of Congo*. John Wiley & Sons

and are familiar with the phenomenon of child soldiers[443]. The data was taken between May and December 2014.

The study has multiple hypotheses, in particular: "(1) there is a lack of means in the communities of North Kivu to prevent child soldiers; (2) the juvenile justice system in the DRC is not ineffective in protecting children and preventing their participation in armed conflict; (3) it is not an amalgam of factors that prompts children to join fighting forces; (4) participants involved in the study do not show willingness to forgive child soldiers before and after [t]he implementation of RJPCs; (5) there is no significant difference in 'participants' views regarding their […] support for prosecution of child soldiers through criminal justice before and after the implementation of RJPCs; (6) there is no significan[t] difference in the intention of participants under 18 years of age to join armed groups after their exposure to the peacemaking circles; (7) there is no significan[t] difference from the sample of 282 participants before RJPCs and after, with regard to their intention to join armed groups; (8) there could have been no other factors that influence the interchange among participants before and after their exposure to the RJPCs, besides the interchange among participants on their knowledge of the RJPCs and the way these processes work."[444]

The study was also forced into some particular constraints because of the inherent situation present in the country, in particular in the eastern side of the DRC. The study was, in fact, restrained in accessible and secured areas only because of the insecurity that pervades the entire society. Furthermore, no armed group leader or militia commander could be reached, however, several NGOs and the UN Mission in the DRC (MONUSCO) have direct contact with them and have provided useful information. Only one female child soldier could be reached, while more could have been useful in understanding the specific challenges that they go through both when inside the armed groups or forces and also when trying to return home. To partly overcome this obstacle, the

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[443] Kiyala, J. C. K. (2019-b), pp. 168-169
[444] Kiyala, J. C. K. (2019-b), p. 227

study also relies on an extensive literature review where female participants comprised a higher percentage of the total sample[445].

In terms of existing mechanisms to prevent the recruitment of children in armed forces or groups, the results of the study have shown that there hasn't been any real systematic intervention program to prevent this from happening locally, or the ones that exist have proven ineffective. Furthermore, as previously mentioned, the justice system does not provide any form of deterrence for the armed group leaders to stop recruiting children because the chances of not been held accountable are really high. Another factor which promotes the recruitment of children is their increased vulnerability which can be caused by factors such as the loss of the parents, lack of employment opportunities, the lack of education, and the violation of their rights by the judicial system. The results have also provided some evidence confirming that by tackling these exact issues, the Government could decrease the phenomenon[446].

Another element that came out from the study is the fact that demobilized child soldiers fear the harsh punishment that they are likely to be inflicted within the local judicial system and that they would prefer to be treated as actors who can help with the solution to the problem instead of being treated as the actual problem. For this reason, the study also measured a possible restorative justice intervention and its efficacy[447].

A further element of the study was the integration of action research and the simulation of a peacemaking circles within a group of demobilized child soldiers and their families, victims and their families and other community members. These peacemaking circles were conducted under specific assumptions: "(a) the response to crime should repair, as much as possible, the harm suffered by the victims; (b) that offenders should be brought to understand that their behavior is not acceptable, and has some consequences for the victim

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[445]Kiyala, J. C. K. (2019-b), pp. 278-279
[446] Kiyala, J. C. K. (2019-b), p. 338
[447]Kiyala, J. C. K. (2019-b), p. 339

and the community; (c) that offenders can and should accept responsibility for their actions; (d) that victims should have an opportunity to make reparation, and (e) that the community has a responsibility to contribute to this process."[448] Through peacemaking circles, the children are given a platform to explain their stories and their situations which can better help the community to respond appropriately and decide how the particular and specific situation should be handled[449]. Overall, victims, child soldiers and community members were satisfied with the outcomes of the circles and the child soldiers were forgiven[450]. Peacemaking circles allow for the emotions of the participants to play a major role and forgiveness acquires a much deeper meaning compared to general amnesties.

An important dimension of the restorative justice process that cannot be achieved through retributive mechanisms is vicarious justice. Through vicarious justice, forgiveness and reconciliation can be asked and granted on behalf of absent interested parties, whether victims or perpetrators. In the case of child soldiers, it is particularly relevant for the deceased fellow militants and the children who do not have the possibility of asking for forgiveness themselves for the atrocious crimes that they have committed during the conflict[451].

Overall, the majority of the sample of the study preferred restorative justice mechanisms, including the Baraza model, to the conventional criminal judicial system when it comes to holding child soldiers accountable[452].

Applicability

Considering the above-explained results, this dissertation argues that traditional[453] justice processes in line with the values and principles of restorative justice, such as the Baraza and Mato Oput, are effective in dealing

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[448] Kiyala, J. C. K. (2019-b), p. 373
[449]Kiyala, J. C. K. (2019-b), p. 380
[450] Kiyala, J. C. K. (2019-b), p. 387
[451] Kiyala, J. C. K. (2019-b), p. 399
[452] Kiyala, J. C. K. (2019-b), p. 411
[453] Indigenous and tribal justice systems tend to be based on a communal understanding of justice and truth-seeking. Such mechanisms do not fall within the full-flegded restorative justice but have very similar principles and practices.

with the problem of child soldiers. They hold child soldiers accountable for their crimes, while also respecting their special rights as children and victims of abuses themselves. They offer a mechanism for the child soldiers to explain why they committed those crimes and to be heard by the victims and the community. They present a new possibility for the community to heal and diminish its problems which function as the root causes for the recruitment of children in armed forces or groups, thus diminishing their number. They provide a mechanism for the victims to hear and understand the actions taken by the child soldiers allowing for forgiveness. Restorative justice, overall, offers the possibility to overcome the problems of the past and rebuild the community on foundations based on faith, respect, peace, harmony and compassion.

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