

## **Joint Communiqué # 70**

Havana, Cuba, May 15, 2016

The delegations of the National Government and the FARC – EP have reached an **“Agreement regarding the release of minors under 15 years old from the camps of the FARC – EP and a commitment to prepare a road map for the release of all other minors, and a special, comprehensive program for their care”**.

Within the framework of the end of the conflict, the comprehensive protection of children’s and adolescents’ rights (hereinafter minors) linked to the armed conflict is a purpose shared by the National Government and the FARC – EP. As a trust-building measure and in order to take the first steps that will contribute to the progressive release of minors from the camps of the FARC – EP, and to guarantee their economic, social and cultural rights as well as their civil and citizen’s rights, the National Government and the FARC–EP have reached an agreement regarding the release of minors under 15 years old from the camps of the FARC – EP and a commitment to prepare a road map for the release of all other minors, and a special, comprehensive program for their care, pursuant to the following:

### **1. Guiding principles applicable to the minors subject matter of this agreement:**

- a. Compelling best interests of the children and adolescents.
- b. Acknowledgement of rights.
- c. Acknowledgement of citizens’ rights for the minors and their right to participate in the decisions that affect them.
- d. Acknowledgement of their condition as victims of the conflict.
- e. Respect for the dignity and the privacy of the minors.
- f. Guarantees for the comprehensive protection of the minors, including security guarantees.
- g. Participation of the minors in the execution of the program designed for their care, and respect for their point of view.
- h. Prioritization of family and community reintegration, in their own communities or in culturally similar communities, to the extent possible and in the shortest possible time, always taking into consideration principles a. and c. above.
- i. Differential approach, gender, ethnic and age-based, with particular attention afforded to rights of the girls.
- j. Humanitarian nature of the trust-building measures: The measures and programs contained herein will have a strictly humanitarian nature.

## **2. Legal Treatment:**

Under no circumstances may minors under 14 years old be declared criminally responsible. Minors between 14 and 18 years old that leave the camps of the FARC – EP in compliance with these trust-building measures will be granted the benefit of pardon for rebellion and related crimes, whenever there are no impediments in Colombian laws. In regard to the minors who may be processed or convicted for the perpetration of crimes that may not be subject to amnesty or pardon, their situation will be studied at a later phase.

After the signature of the Final Agreement, the National Government undertakes to arrange the necessary measures for all minors who have left or will leave the camps of the FARC – EP and have been processed or convicted for crimes that are not subject to amnesty or pardon, to be placed at the disposal of the Special Jurisdiction for Peace in order to examine their responsibilities.

Any action on the part of the judicial authorities will be conducted through trusted lawyers and avoiding the direct intervention of the minors referred to in these measures.

## **3. Commitments:**

The FARC – EP bind themselves to fully and effectively implement the following measures:

- a. Continue to comply with their decision to end the recruitment of minors under 18 years old.
- b. Deliver the information available regarding minors under 15 years old who will be leaving the camps shortly, within the framework of the trust-building measures.
- c. Proceed with the release of the minors under 15 years old from the camps of the FARC--EP as soon as the protocol and the transitory placement plan are agreed, pursuant to the provisions set forth in this agreement.
- d. Adopt the measures within their reach to guarantee the progressive release of all the minors currently in the camps of the FARC – EP, purpose for which the Government and the FARC – EP will work on a road map.
- e. Contribute to the identification of all minors in the camps of the FARC – EP, in order for them to receive the necessary support and accompaniment in the release process, and to take part in the special program for the guarantee of their rights to be agreed for them.
- f. Inform the guerrilla units about these measures.

The National Government, in turn, binds itself to:

Arrange a technical table led by the Office of the Public Defender – Ombudsman (*Defensoría del Pueblo*) and the Advisory Office on Human Rights of the Presidency of the Republic (*Consejería de Derechos Humanos de la Presidencia de la República*), which may request the presence of guests from other entities, and with the participation of the ICRC, the UNICEF, the IOM and three social or specialized organizations selected by the Table, in order to:

- a. Prepare and submit to the Dialogue Table, within the following 15 days, a proposal regarding the protocol for the release of the minors under 15 years old from the camps of the FARC – EP, within the framework of the trust-building measures, and a transitory placement plan in order to guarantee their rights, pursuant to the provisions set forth in this agreement.
- b. Prepare and submit, within the following 30 days, a proposal for the discussion and approval at the Dialogue Table of a special, comprehensive program for all minors subject matter of this agreement, in order to guarantee the restitution of their rights.
- c. Guarantee and protect the rights of the minors subject matter of this agreement.

#### **4. Guidelines for the design of the Transitory Plan and the Special Program**

For the design of the proposal on the Transitory Plan and the Special Program, in addition to the principles stated herein, the following guidelines will be considered:

- a. Prioritization of family and community reintegration, in their own communities or in culturally similar communities, to the extent possible and in the shortest possible time, always taking into consideration the opinion and the compelling best interests of the minors.
- b. Healthcare.
- c. Education for the minors (basic, middle school, technical and technological, and scholarships and access facilities to university education for those who reach and wish to have access to that academic level).

- d. Guarantees for the inclusion of their families in state and international cooperation offerings of productive and decent housing projects, in order to contribute towards their social stabilization.
- e. Active participation of the communities in the Program.
- f. The Program will include all minors under 18 years old who have left or will leave the camps of the FARC – EP, including those who have left over the past months in compliance with the decision of the FARC – EP dated February 12, 2015, the three minors handed over to the ICRC on May 4, 2014, and the two indigenous minors handed over to the ICRC in Cauca on February 20, 2015.

**5. Accompaniment Mechanism:**

We have agreed to ask the UNICEF and the IOM to accompany the fulfillment of the commitments acquired within the framework of these initial measures.

We invite the Office of the Special Representative of the Secretary General of the United Nations for Children and Armed Conflict, the Carter Center, the Geneva Call and three social or specialized organizations selected by the Table to support, accompany and/or oversee the measures herein agreed.

The delegations of the National Government and the FARC – EP wish to state their gratitude for the support provided by the Special Representative of the Secretary General of the United Nations for Children and Armed Conflict, Mrs. Leila Zerrougui, and by UNICEF Colombia, in order to enable this agreement.