

**Peace Agreement Access Tool PA-X** <https://pax.peaceagreements.org/>

<b>Country/ entity</b>	Colombia
<b>Region</b>	Americas
<b>Agreement name</b>	Joint Communiqué #70
<b>Date</b>	15 May 2016
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/ conflict level</b>	Intrastate/intrastate conflict ( Colombian Conflict (1964 - ) )
<b>Stage</b>	Framework/substantive - partial
<b>Conflict nature</b>	Government
<b>Peace process</b>	Colombia V - Santos
<b>Parties</b>	The National Government; the FARC-EP
<b>Third parties</b>	-
<b>Description</b>	The communiqué informs that the negotiating parties agreed on the release and re-integration into society of minors under 15 years from the camps of the FARC. The agreement covers their legal treatment, commitments by the guerillas, guidelines for the re-integration and an accompaniment mechanism.

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**Agreement  
document** [CO\\_160515\\_Joint Communiqué # 70, Havana.pdf](#)  | [Download PDF](#)

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**Groups**

Children/  
youth

Groups→Children/youth→Rhetorical

Page 1, Untitled Preamble

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:...

Groups→Children/youth→Substantive

Page 1,

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.

Page 2, 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...

Page 2, 2. Legal Treatment:

...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

Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	Groups→Indigenous people→Other Page 4, 4. Guidelines for the design of the Transitory Plan and the Special 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.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

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## Gender

Women, girls and gender	Page 1, 1. Guiding principles applicable to the minors subject matter of this agreement: ...i. Differential approach, gender, ethnic and age - based, with particular attention afforded to rights of the girls.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	Page 1, 1. Guiding principles applicable to the minors subject matter of this agreement: ...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.  Page 3, Article 4a, Guidelines for the design of the Transitory Plan and the Special Program 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.  Page 3, Article 4d, Guidelines for the design of the Transitory Plan and the Special Program 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.

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## State definition

Nature of state (general)	No specific mention.
State configuration	No specific mention.
Self determination	No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/  
secession No specific mention.

Accession/  
unification No specific mention.

Border  
delimitation No specific mention.

Cross-  
border  
provision No specific mention.

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## **Governance**

Political  
institutions  
(new or  
reformed) No specific mention.

Elections No specific mention.

Electoral  
commission No specific mention.

Political  
parties  
reform No specific mention.

Civil society Page 3, 3. Commitments: 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.

Page 4, 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.

Page 4, 4. Guidelines for the design of the Transitory Plan and the Special Program:

Active participation of the communities in the Program.

Page 4, 4. Guidelines for the design of the Transitory Plan and the Special Program:

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.

Traditional/  
religious  
leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

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## **Power sharing**

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

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## Human rights and equality

Human rights/RoL general

Page 1, Untitled Preamble,  
...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.

Page 1, 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.

Bill of rights/  
similar

No specific mention.

Treaty  
incorporation

No specific mention.

Civil and  
political  
rights

No specific mention.

Socio-economic rights      No specific mention.

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### **Rights related issues**

Citizenship      No specific mention.

Democracy      No specific mention.

Detention procedures      No specific mention.

Media and communication      No specific mention.

Mobility/access      No specific mention.

Protection measures      No specific mention.

Other      No specific mention.

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## Rights institutions

NHRI	<p>Rights institutions→NHRI→Mentions of NHRI</p> <p>Page 3, 3. Commitments: 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:</p> <ul style="list-style-type: none"><li>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.</li><li>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.</li><li>c. Guarantee and protect the rights of the minors subject matter of this agreement.</li></ul>
Regional or international human rights institutions	No specific mention.

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## Justice sector reform

Criminal justice and emergency law	<p>Justice sector reform→Criminal justice and emergency law→Reform to specific laws</p> <p>Page 2, 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...</p> <p>Justice sector reform→Criminal justice and emergency law→Delimitation of powers in Criminal Justice System</p> <p>Page 2, 2. Legal Treatment: 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.</p>
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

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## Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
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National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

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## **Land, property and environment**

Land reform/ rights No specific mention.

Pastoralist/ nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

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## Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	No specific mention.
DDR	Security sector→DDR→DDR programmes [Summary: The whole agreement provides for the release of minors under the age of 15 years old from the camps of FARC-EP. The plan outlined involves five key components including legal treatment, healthcare and transitional steps. For detailed provisions see indigenous people, women, family, civil society, human rights, rebel forces, amnesty, past provision, victims, judiciary and international mission.]
Intelligence services	No specific mention.
Parastatal/ rebel and opposition group forces	Page 2, 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.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

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## Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper  
Page 2, 2. Legal Treatment:  
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Courts	<p>Transitional justice→Courts→National courts</p> <p>Page 2, 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...</p> <p>Page 2, 2. Legal Treatment: ...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.</p>
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	<p>Page 1, 1. Guiding principles applicable to the minors subject matter of this agreement: ...d. Acknowledgement of their condition as victims of the conflict.</p>
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

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## Implementation

UN  
signatory No specific mention.

Other  
international  
signatory No specific mention.

Referendum  
for  
agreement No specific mention.

International  
mission/  
force/similar Page 4, 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.

Enforcement  
mechanism No specific mention.

Related  
cases No specific mention.

Source Mesa de dialogico

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