CHILDREN AND YOUTH IN ORGANIZED ARMED VIOLENCE:

EXAMINING THE GOVERNMENT RESPONSE IN RIO DE JANEIRO AND MEDELLIN

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ABSTRACT

Rio de Janeiro is the place where I grew up and where I've seen major violations of human rights among young people from low-income communities. After going abroad and having professional and academic experiences in the United States and Europe respectively, I came to realize that children and youth are vulnerable everywhere in the world. I certainly knew that happened in Brazil and Latin America, but as more as I read and as more as I watched the news, I learned that children are greatly affected whenever their situation is. Israeli children, Palestinian children, Sudanese, all those from the Balkans, Brazilian and Colombian children. It happens everywhere. However, after seeing children and youth carrying guns freely in the *favelas* (word in Portuguese for slums) of Rio de Janeiro, I started to think what could be done to guarantee their rights and/or if there was instruments to secure their rights. After reading Professor Nsongurua Udombana's article[1] - on the prohibition of children's involvement in armed conflicts and the international law, it became clear that the law was designed to protect their rights and that there are enough tools to secure that. However, there are too many obstacles to make that happen. There is no doubt that we have a long path to follow, but surely, we can pursue that to guarantee these children's rights. Guarantee their right to life, to health and that of their own development, education and the protection of abuse and neglect. In sum, provide them a more equal and open society.

[1] NSONGURUA J. UDOMBANA, *War is not child's play! International law and the prohibition of children's involvement in armed conflicts*, 20 Temple International & Comparative Law Journal, (2006).

Children and Youth in Organized Armed Violence:
Examining the State response in Rio de Janeiro and Medellin

INTRODUCTION

The number of children and youth involved in organized armed violence increases every year. There are many factors that lead these children and youth to this alarming situation. This phenomenon happens not only in developing countries, but also in developed ones. This work focuses specifically on Brazil and Colombia, which are both developing and neighboring countries; they are both in South America and share similar stories; they both suffer social exclusion and inequality; they both have high rates of violent death among their young population. The goal of this thesis is to analyze the reasons that lead these children and youth to involvement with organized armed violence and also to find out how government and society are responding to this alarming scenario.

Through this study, I will focus on understanding the process of involvement of children and youth in organized armed violence in Rio de Janeiro, Brazil as well as Medellin, Colombia and the different ways the chosen States are dealing with this problem. Both cities have witnessed a growth of involvement of children in organized armed violence. It is believed that around 50 percent of the estimated 10,000 armed drug faction members in Rio de Janeiro are under 18[2], whereas in Medellin, an estimated 60 to 70 percent of gang members are children.[3] While Colombia has a history of civil war and the presence of guerrilla, militias, and paramilitary groups, Brazil has no history of these elements and yet "there are currently more people (and specifically children) dying from small arms fire in Rio de Janeiro than in

[2] LUKE T. DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro (Viva Rio/ISER ed., 7Letras. 2003).: 51.
[3] LUKE T. DOWDNEY, Neither War nor Peace: International comparisons of children and youth in organized armed violence (Viva Rio/ ISER. 2005).: 182.

many low-level armed conflicts".[4] For example, according to SIPRI (Stockholm International Peace Research Institute), between 1978 and 2000 an estimated 39,000 conflict related deaths resulted from the Colombian civil war. At the same time, in the municipality of Rio de Janeiro alone, there were 49,913 deaths from firearm-related injuries[5].

In Medellin, criminal gangs, drug trafficking, militias and guerrillas have been constantly involved in armed confrontations during the past twenty years[6.] Moreover, it is important to stress that both countries have been witnessing this problem for about forty years.

The number of children and youth involved in the drug trade's armed violence rises every year. The children are raised in environments that lack educational facilities, medical care, housing, and infrastructure, with high levels of violence. Besides facing prejudice in the city, they lack skills to compete in the formal labor market and to participate in society. "Employment opportunities for children and youth have diminished at the same time as drug trafficking as a means for financial advancement has become more accessible"[7]. Their isolation and marginalization in the favelas, combined with the attractiveness of positions offered by drug traffickers, leave them with few options other than joining Organized Armed Violence or COAV.

COAV is the term created by Dowdney to refer to "**C**hildren in **O**rganized **A**rmed **V**iolence: Children and youth employed by or otherwise participating in organized armed violence (where there are elements of a command structure and power over territory, local population and/or resources, in non war situations)"[8]. According to him, coining this term and

4 Id. at 12

5 DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro.: 114-116.

6 DOWDNEY, Neither War nor Peace: International comparisons of children and youth in organized armed violence.: 181.

7 DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro.: 121.

8 Id. at 213.

understanding this situation is to increase attention in the national and international community of the gravity of this situation. Although these children live in circumstances similar to child soldiers - which will be analyzed later in this work - they cannot be characterized as such because they are often in settings with a non-declared war. These children are often in between agendas and are included in categories that never succeeded in tackling the problem at its roots. They become invisible. Children in Organized Armed Violence are not delinquent, unemployed children, street kids or child soldiers. Children in Organized Armed Violence results in the violation of many children's rights and thus it is urged that this situation is properly addressed. "The respect of basic rights for the full development of a child is one of the first steps for the consolidation of a truly democratic and inclusive society"[9].

This paper will interchangeably talk about Children and Youth. This is because of the different definitions for children, adolescents, and youth. For the United Nations, children are all human beings under eighteen years of age. According to the Brazilian and the Colombian constitution, children are all those under 12, and adolescents are those between 12 and 18 years of age. Internationally and nationally, there is still no conventional agreed age definition for youth, but for the purpose of this study, and according to the data found, I will be considering youth as those aged 15-24; this is also due to the fact that it is the age rank with the highest homicide rates. Since the latter age group involves what is considered to be children and beyond, the data cited will interchangeably involve these different age groups.

The reason I chose this topic is due to my previous field experience in the favelas of Rio de Janeiro. Through my work, I had direct contact with these youth and saw them carrying guns and rifles freely in the favelas. I always wondered why and what could be done to avoid that and to protect their rights. Children and youth from the favelas suffer from

[9] DOWDNEY, Neither War nor Peace: International comparisons of children and youth in organized armed violence.:10.

invisibility and thus, none of their human rights are guaranteed. Although it is the responsibility of the government to safeguard human rights through the provision of public services for all children, they neglect it. As a result this invisibility, some of these children and youth emerge as violent actors, being perpetrators and victims of their own violence.

Brazil has been facing an increasing problem with armed violence since the 50's. Research data shows that more people have died by firearms in Brazil than in countries with a war setting. According to the UNESCO study 'Mapa da Violencia IV' (map of violence IV)[10], the overall homicide rate rose 5.5% per year during the period studied (1993-2002). This study is even more dramatic when used to analyze the violence through age groups. Although the growth in youth homicides has always been higher than in the overall population, it jumped from 33.3% of the total of homicides in 1993 to 38.7% in 2002. In addition, this study highlights that young males are the ones who die the most: 93% of the homicides are young males. It is also worthwhile to highlight that racial prejudice is frequent in Brazil – to illustrate, the same study shows that of the 93% of homicides among youngsters, 74% are done against young, black males. This paper will focus exclusively on the male (and young) perspective. Nevertheless, it is important to mention that although women and girls also work for the drug trade and are also recruited as child soldiers, they are still far less in number than the male force. Also due to the fact that there are more boys than girls dying in armed violence, this paper will focus exclusively on the male perspective.

In addition, a study carried out by UNICEF[11] that presents indicators for children and adolescents in Brazil in the 90's showed that, throughout this decade, there was an impressive increase in the homicide as the cause of children's deaths in Rio de Janeiro. In 1990, 43.7% from all of the 1331 deaths were a result of homicides. In 1995 this number jumped to 51.2%

10 Mapa da violencia IV: os jovens do Brasil. pt. 170 (2004).

11 Indicadores sobre criancas e adolescentes: Brasil, 1991-1996. pt. (1997).

(out of 1309 deaths); in 1998, it increased to 57.6% of the 1104 deaths[12].

Besides demonstrating the gravity of the armed violence framework of Rio de Janeiro and Brazil, neither the UNESCO nor the UNICEF study draws further attention to who is committing these crimes and who are the victims of these brutalites. In order to assess these two issues, it is crucial to understand the problem of organized armed violence and the consequences it brings to the lives of these children.

Dowdney, in his study Children of the Drug Trade, attempts to make a map of the violence in the city of Rio de Janeiro, Brazil, thus identifying the places with higher homicide rates. It is curious to observe that the localities where we find the highest homicide rates are in the poorest areas of the city, which are dominated by drug trafficking and thus controlled by one of the three drug factions[13]. It is important to point out that while these regions present rates similar to war settings, some other regions of the city - usually where people from the upper-middle class live - presents rates with an insignificant number of firearm related death.

In a study entitled "Neither War nor Peace", Dowdney makes an international comparison between children and youth involved in organized armed violence and the different settings and actors involved with it – gang conflicts, direct conflicts with the State and organized crime amongst others. In this study, Dowdney shows that the increasing involvement of children and youth in organized armed violence does not necessarily happen in an environment defined as war zones. Instead, it easily happens where the social conditions are disfavor able, which I'll discuss in more in depth in Chapter 2. In addition, "Neither War nor Peace", contains case studies of children and youth involved in organized armed violence in ten countries on four different continents. This study will focus on two countries of relevance, Colombia and Brazil. The chapter about Colombia was written by Ivan Dario Ramirez, from the Coalition to Stop the Use of Child Soldiers. The reality of these youth is

12 Id. at pt.

13 Comando Vermelho (Red Command), Terceiro Comando (Third Command) and Amigos dos Amigos (Friend of Friends).

very similar to their Brazilian counterparts – when compared to the urban violence and the "ghetto" violence suffered by both cities. Nevertheless, the Colombian reality is a bit more complex than the Brazilian, since Brazil does not contend with guerrilla groups or paramilitaries. We'll briefly touch these issues to understand the Colombian conflict, but we'll study more in depth what is related to the urban organized armed violence and it's similarities with Brazil.

Also on the Colombian issue, Sebastian Brett from Human Rights Watch analyzes the different levels of involvement of the Child soldiers in Colombia, explained by the phenomenon of the guerrillas groups, paramilitary organizations and the *narcotraficantes* (word in Spanish or in Portuguese for drug dealers). Jorge Restrepo and Michel Spatgat provide a study on the Colombian civil conflict using data set on homicide rates from small arms and light weapons.

The report 'Human Security for an Urban Century' provides detailed research of children involved in organized armed violence in urban areas of various cities of the world. It aims to show that as a consequence of the urbanization, armed violence organizations and corruption are growing at the same pace, contributing to the dysfunction of the cities. Finally, 'War is not Child's Play! International Law and the Prohibition of Children's Involvement in Armed Conflicts' by Nsongurua J. Udombana, shows extensively all the laws and treaties in place intended to protect children against armed conflicts.

This research will involve both qualitative and quantitative data sources, analyzing primary and secondary materials such as statistics, governmental and non-governmental reports, domestic and international law, as well as policy papers and academic works. We'll also look at reports from international organizations like Human Rights Watch, the United Nations and the Coalition to Stop the use of Child Soldiers.

The idea of this paper is to compare the phenomenon of the involvement of children and youth in organized armed violence (COAV) in Rio de Janeiro, Brazil and Medellin,

Colombia – as Colombia has a history of civil war, guerrilla groups, paramilitaries, FARCs[14] and child soldiers - which contributed to the formation and the involvement of COAV, while the same phenomenon occurs in Brazil and yet, this country does not present any of the elements of the Colombian conflict.

Children and youth in organized armed violence, the reasons for their involvement, and the actions taken by government and the non-government agencies in response to this problematic will be further analyzed.

To answer the above, Chapter 1 will first explain the history and the establishment of the poor communities, favelas and communas in both cities and the consequent use of their territories as drug sales point. It will briefly explain the formation and structure of the drug trafficking in Rio, and the formation of the guerrillas' movements, paramilitary groups and criminal gangs in Medellin. Finally, Chapter 1 will compare deaths by firearms in Rio de Janeiro and Medellin, and then compare this data with war settings.

Chapter 2 will provide the definition of Children in Organized Armed Violence (COAV), followed by the reasons of their involvement with COAV, highlighting the growth of the armed violence and specifying the profile of its victims in Rio. It will further look at the growing participation of children and youth in the organized armed activities and finally, chapter 2 will look at the definition of child soldier compared with that of COAV, and then address the current situation of these children and youth in Medellin.

To contrast with Chapter 2, Chapter 3 will provide general information on international law for the protection of children and youth and also on the legal duties of the states towards the children in these states. Finally, Chapter 4 will address what is being done in both cities by their government and non-government bodies to combat this problem, highlighting the Disarmament, Demobilization and Rehabilitation programs.

In conclusion, the aim of this paper is to analyze and understand the reasons for

[14] Revolutionary Armed Forces of Colombia

children and youth involvement in organized armed violence in Rio de Janeiro, Brazil and Medellin, Colombia, finding out what the government and non-government responses for this problem are, and seeing what has been successful or what has been missing in the ways this problem is being addressed. I will look at gaps and opportunities in these interventions, thus aiming to contribute to the ways in which this issue can be properly addressed and combated, thus improving conditions and rights for these marginalized populations.

I. NATURE OF THE PROBLEM

A) Formation of favelas in Rio de Janeiro

For better understanding this work, it is important to understand the formation of favelas and what they represent in the context of this paper. Favelas are slums or shantytowns and areas within the larger urban area that lack basic infrastructures. The emergence of the favelas in Rio de Janeiro dates back to the end of the nineteenth century, when poor rural migrants were forced into squatter settlements, due to the high land values and the enormous demand for space[15]. The word favela means *slum;* constructions are built mostly along the hillside (in Rio de Janeiro's case), and in the metropolitan regions in others. According to Lilian Fessler[16], the definition of the favelas is an urban agglomeration that has all or some of the following characteristics: at least 50 households units grouped together, precarious dwellings, irregular construction, lack of adequate public infra-structure and lack of urbanization. In other words, the houses that compose most of the favela's surroundings are typically made from wattle-and-daub, a mix of sand and clay, with the eventual use of wood, brick and sheet metal, which is a clear indication of their precarious condition[17]. The year 1903 is considered to mark the beginning of the 'favelization' in Rio de Janeiro. During this phase, the mayor of the city was implementing a huge urbanization project, 'expelling' the poor people from downtown, and thus providing inadequate housing very far from where they had their jobs. In order to not live far from where they could make their livelihoods, these expelled people started to construct their dwellings in the empty morros (hills) close to downtown[18].

15 CLARISSA HUGUET, The Dictatorship of the Drug Traffic in the Slums of Rio de Janeiro vs. The International and National Human Rights Law (2005) (LLM Thesis, Utrecht University).: 25.

16 LILIAN FESSLER VAZ, *Dos corticos as favelas e aos edificios de apartamentos - a modernizacao da moradia no Rio de Janeiro*, vol. XXIX (127) Analise Social, (1994).

17 HUGUET, 25.

18 VAZ., 12.

From 1930 onwards, this phenomenon has shown incredible growth. During the Second World War, when Brazil was shifting to an 'Import Substitution Model' there was a fall in agriculture and a strong push towards industrialization, which led to an intensification of internal migration movements towards the city. When arriving in the city, the internal migrants were establishing themselves either in the suburbs or in the favelas. The distance between the working place and the dwellings raised the need to live close to downtown. Thus, the migrant population settled themselves in the empty spaces: hills, flooded areas and un-owned properties. From 1950 to 2000, the estimate percentage of the population living in the favelas raised 12%. In 1950, 7% of the total population of Rio de Janeiro was living in the favelas, whereas in the year 2000, number was 18.7%[19]. Mostly, the inhabitants of the favelas are known to be national migrants from the northeast region of Brazil. They came to Rio de Janeiro looking for better educational and job opportunities; however, with the impoverishment of the population, the number of favelas and of its population increased considerably.

According to the Brazilian Institute for Geography and Statistics (IBGE)[20], in 2001 there were approximately 681 favelas registered in Rio de Janeiro. Today, however, there are 968 favelas registered in the city of Rio de Janeiro according to the Municipality[21.] The real number of people living in the favelas is yet unknown. This is due to the number of people that do not have any registration and also to the informality and lack of state interference. The municipality of Rio de Janeiro estimates that there are around 2 million people living in the favelas now[22]. Since 1993, there have been some State initiatives to legalize and urbanize some favelas, but few projects / programs have been implemented. Public services are

19 DENISE BACOCCINA, *Favelados no Rio estao sendo "transferidos para periferia"*, Folha online. (2007), at http://www1.folha.uol.com.br/folha/bbc/ult272u350050.shtml.

20 INSTITUTO BRASILEIRO GEOGRAFIA E ESTATISTICA (IBGE) OR IN ENGLISH "BRAZILIAN INSTITUTE FOR GEOGRAPHY AND STATISTICS., *Indicadores Sociais Municipais 2001*, IBGE. (2001), at http://www.ibge.gov.br/munic2001/dados.php?tab=t6_1&codmun=330455&descricao=Rio%20de%20Janeiro#.

21 FABIO VASCONCELOS, *Favelas crescem 3 milhoes de metros quadrados no Rio*, O Globo January 11th. 2009.

22 CARLA ROCHA AND DIMMI AMORA, *Vivendo no Capitalismo Selvagem*, see id. at August 24th. 2008.

insufficient or nonexistent. The quality of education is weak and drop out rates are high, which turn this already disadvantaged group into a mass of badly educated people. Health problems are frequent, such as high incidences of tuberculosis and HIV/Aids has been growing considerably. The absence of medical care, together with an inadequate education contributes to the isolation and impoverishment of the already poor favelas[23].

B) Formation of drug factions in Rio de Janeiro

The drug trade in Rio de Janeiro has existed since the beginning of the 20th century[24]. With the arrival of cocaine in the 70s and 80s, the structure of the drug trade went through dramatic change. Rio de Janeiro became a transit point for cocaine export to the USA, Europe, and South Africa, and at the same time there was an increase in the local consumption. By this time, 20% of the cocaine that arrived in the city was consumed internally[25]. Due to the great profitability of the drug sale, the retail drug market restructured itself during the 80's in terms of scale, organization, structure and use of armed violence. Drug trade groups are entrenched within the geographical limits of the favelas, establishing themselves with territorial, political, and military characteristics[26].

According to Misse[27], we can identify three phases in the establishment of the drug trade and their subsequent territorialization of the Rio de Janeiro's favelas. During the first phase, in the 1950's, the illicit retail drug market sold only marijuana. Although there was some cocaine coming from Bolivia by the 1960's, it was sold on small scale to the middle

23 VANESSA CAMPANARIO, *Perigo no ar*, Viva Favela. (2007), at http://novo.vivafavela.com.br/publique/.

24 MICHEL MISSE, Malandros , marginais e vagabundos. A acumulacao social da violencia no Rio de Janeiro e seus efeitos de violencia. (1999) Universidade Federal do Rio de Janeiro).

25 MICHEL MISSE, O Movimento. A Constituicao e reproducao das redes do mercado informal ilegal de drogas a varejo no Rio de Janeiro e seus efeitos de violencia. (Nucleo de Estudos da Cidadania, Conflito e Violencia Urbana 2003).

26 Id. at 32.

27 Id. at 33.

class and had its distribution separated from the marijuana sale. Marijuana had limited customers within the community and there was a concern about not smoking in front of the children. Even though there are registers of the use of firearms, they were used in small scales, they were smaller arms, and the drug dealers hid it. Firearms were mainly used for self-defense.

The second phase is characterized by the arrival of cocaine, the beginning of the territorialization of the favelas, and the formation of the first drug faction. The first drug faction, *Comando Vermelho* (*CV* or Red Command in English), was born in prison in the 1970's. The *CV* is the largest and most important criminal organization to the present day[28]. At first, they financed their activities with robberies and kidnappings, in order to buy their freedom. The formation of the *CV* coincided with the arrival of the cocaine in Rio de Janeiro, and they soon realized that a lot of money could be made from the sale of cocaine in the city[29]. Between 1983 and 1986, the *CV* started organizing its geographical definition. The marijuana sales point in the favelas was seen as ideal as a distribution base for the retail cocaine sales. To monopolize the market, shipments of cocaine, arms and money were lent to members of the *CV* to establish *'bocas de fumo'* (drug sales point) and to create new ones in different areas in the favelas. At this point, they started to organize themselves hierarchically in order to defend the 'bocas de fumo' and to surround the communities from police invasion. During this period, the first 'soldiers' of the drug traffic began to appear (yet, there is no register of children involvement). A relevant legacy from the formation of the *CV* for the favelas is the establishment of the drug trafficking '*donos*' (chiefs) as a locally socio-political force and as an upholder of social order within the communities[30].

The third phase started in the 1990's and is characterized by the continuation of

28 HUGUET, 28.

29 MISSE, O Movimento. A Constituicao e reproducao das redes do mercado informal ilegal de drogas a varejo no Rio de Janeiro e seus efeitos de violencia.:33.

30 Id. at 33.

territorial disputes for 'bocas de fumo' and the emergence of new drug factions. Some internal rivalries within the *CV* and the assassination of some leaders led to the formation of two other drug factions, *Terceiro Comando* (or Third Command) and *Amigos dos Amigos* (or Friends of Friends). According to Josinaldo de Souza[31], the growth of these new drug factions: led to an increased territorial dispute between groups that dominated different favelas, increased the militarization of these armed groups including the use of war-grade weapons, increased the use of technological surveillance devices for defense purposes (radios, walk-talkies, etc), increased the development of advanced administrative and management structures, increased a violent and repressive policing strategies in the favelas, and finally, increased the use of children and youth in armed combat – which will be discussed more in depth in the next chapter.

The irregular housing construction of the dwellings in the favelas, as well as the irregular territories where the favelas are constructed (hills and former flooded areas), presents a perfect setting for the military defense tactics of the drug trade. They can hide themselves or move from one house to another with the help of the local community in order to not be caught by the police or by invasion of a rival drug faction. The lack of State presence and public service infrastructure in the favelas, as well as the corrupt and violent attitudes of the policemen, reinforced the power of the drug faction and community support to the latter. Since the drug faction provides leisure activities and supports the community's basic needs, the residents have more trust in the drug dealers than the State itself. As there is no power without popular support, it would have been difficult for the drug traffickers to establish themselves without the support of the community[32]. So, as we can see, the criminal

31 JOSINALDO ALEIXO DE SOUZA, Sociabilidades Emergentes - implicacoes da dominacao de matadores na periferia e traficantes nas favelas. (2001) Universidade Federal do Rio de Janeiro).

32 Although there has been a change in the communities feeling towards the drug factions due to their change of behavior, (to the decrease of respect to resident and family values, to the fact that they are openly selling drugs, that they are openly heavily armed inside the communities, that they are allowing people to use drugs in front of children and residents, that they are more organized, increasingly violent, from outside the community, and that they started to accept and involve children in their armed activities) they still do not have

organizations took hold in a huge gap left for decades by a negligent and omitted state and found an ideal space to introduce themselves as a kind of parallel power, subjecting the favelas communities to their political and economical interests[33].

As mentioned before, the illegal commerce is very profitable. With the level of education of the favelas population, the community members couldn't find a paid job with the same level of income. Why would someone work 14 hours in a row, far from home and earn the minimum salary when they can work fewer hours, earn double, and not have to commute?

Today it is estimated that the "drug business" alone in the favelas moves approximately R$ 3 billion per year[34]. The average monthly per capita income in these communities is R$ 634,50[35]. In order to maximize their profit, to control and protect their sales point and area of influence, the drug faction has an extremely organized structure[36].

In the 1980's, children and youth started to participate in the drug faction's activities. By the 1990's, they were involved in all levels of the structure, starting from 'aviaozinho' (little airplane) and 'vapor' (steam - that transport the drug within the community) and 'fogueteiro' (fireworks - who puts fireworks when the police or a rival drug faction is invading the community) to soldiers and managers. The soldier's position is where you find most of the youth. They are heavily and constantly armed and are always in the middle of the crossfire and in the front battles risking their lives to protect their community from external invasions (police and rival drug factions).

According to Dowdney, "it is estimated that all drug faction employees account for around 1% of Rio's favela population, or a total of 10,000 people, the majority of whom are armed. It is estimated that in between 5 to 6 thousands of these workers are under the age of

another option since the State and Public services provide few and unqualified services inside the favelas. In DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro.

33 HUGUET, 28.

34 Approximately USD 7.20 billion American dollars.

35 Approximately USD 288 American dollars.

36 CARLA ROCHA AND DIMMI AMORA, *Vivendo no Capitalismo Selvagem*, O Globo August 24th. 2008.

eighteen"[37]. These numbers tell us a couple of things. First, despite the power and influence of the drug traffickers within the communities and in the media headlines (usually inducing the reader to think that a great part of the favelas' residents are 'dangerous' and involved with the illicit activities), the population involved is a minority within the communities. Second, and most important, we can see that children's involvement skyrocketed to more than half of the drug trade workers as a consequence of the changes in the drug trade organization, together with the increase in the number of favelas residents and the lack of public services for their populations.

Dowdney affirms that, "the armed children that are involved in drug trade factional disputes over territorial control in Rio de Janeiro have 'working' conditions very similar to children recruited as soldiers[38] in regions with a war setting"[39]. Moreover, "the recruitment methods for the drug trade positions include age (as of 10 years old); the existence of a hierarchical structure with defined rules and punishments that do not distinguish between children and adults; and remuneration for services rendered"[40].

In 2004, Rachel Brett, the Representative to the Quaker United Nations Office in interview to COAV[41], cited other similarities like the availability and the 'acceptance' of small arms and the normalization of violence. In addition, there is an encouragement and glamorization of violence and weapons. Those who use them are projected as heroes and role models within their communities.

37 DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro.: 51.

38 A child soldier is any child – boy or girl – under the age of 18, who is compulsory, forcibly or voluntarily recruited or used in hostilities by armed forces, paramilitaries, civil defense units or other armed groups. In COALITION TO STOP THE USE OF CHILD SOLDIERS. at http://www.child-soldiers.org/home.

39 DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro.: 51.

40 Id.

41 MICHAEL MOGENSEN, *Os motivos sao os mesmos, ou estao interligados*, COAV. (2004), at http://www.coav.org.br/.

C) Formation of communas and banda delicuentes in Medellin

"Colombia has long been characterized as one of the most violent countries in the world. Violence arising from a protracted armed conflict and both organized and common crime has claimed the lives of almost half a million civilians and combatants since 1979"[42].

The first guerrilla organizations were formed in Medellin by the end of the 1960's and the early 1970's. The guerrilla movement has grown significantly since then, and by the end of the 1980's, they become important in certain urban area, which they viewed as strategic centers. In the urban areas, mainly the marginalized ones, they started to create structures, and to intensify their war against the state[43]. These marginalized areas, usually poor neighborhoods on the periphery, are called *communas* (word in Spanish for slum).

Before talking about the guerrilla groups, it is important to contextualize the situation of the Colombian peasants, dating back to Spanish Colonialism. Landowners were very powerful and played an important role in politics. Like most colonial systems, the colonial exploitation in Colombia developed a rural class structure of Spanish landowners and that of the landless '*campesinos'* (peasants), and the poor people. The Colombian system of colonial exploitation was called *'the hacienda'* (or the farm in English) and had a lot of resistance from the peasants and poor. These people, allied with Afro-Colombians (escaped from slavery) and rural workers, began escaping from 'the haciendas' and started to run away to the Colombian mountains. They wanted freedom from exploitation, and having land meant that to them[44]. The hacienda created internal disagreement between the landowners and the people without land who were struggling for land. By the beginning of the 20th Century, there was an increase in militant trade union and industrial conflict within the cities[45].

42 SMALL ARMS SURVEY, Unfinished Business (Oxford 2006).

43 IVAN DARIO RAMIREZ, The Invisible Children of the Social and Armed Conflict in DOWDNEY, Neither War nor Peace: International comparisons of children and youth in organized armed violence. (Viva Rio/ ISER. 2005).

44 WALDO XAVIER III, *An Unending Violence Over Land, Peace, and Bread* Colombian social, armed conflict: Part one *at* http://www.colombiasolidarity.net/?q=node/87

45 Id.

From 1947, the period called *La Violencia* (one of the longest civil conflicts in the world) divided the country along political, ideological and regional lines of the Liberal and Conservative parties. The fight was, for the most part, between multiple guerrilla groups and the government with the contribution of paramilitaries fighting against the guerrillas. The guerrilla groups originated from leftist peasant self-defense organizations aligned with the Liberal party, even before *La Violencia* started[46].

> "Conservatives and Liberals agreed to end *La Violencia* through the formation of a 'consensual' dictatorship which took apart most of the guerrilla groups. The 'military regime' ended in 1957, with an agreement again of the two political parties to alternate in power – which was known as *Frente Nacional.* This agreement meant that only one of the two leading parties would run candidates in the presidential elections and that they would divide the government positions equally, but by doing that, democracy was restricted and political exclusion increased. Between 1957 and 1989, the conflict was basically a 'Cold War proxy fight', with some partisan guerrillas transforming themselves into established guerrilla groups, most of them associated with various communist factions. Soviet bloc countries supported guerrilla groups with arms, ammunition, military training and sometimes money"[47].

Clearly, there were no options left to these peasants, who were exploited by the elites and disregarded by the government. The 'democracy' imposed by the elites, the social, economic, and political exclusion, together with the humiliation they suffered explains the reasons for the organization and formation of these groups with leftist ideas.

Currently in Colombia, there are two main guerrilla groups. The FARC - *Fuerzas Armadas Revolucionarias de Colombia* (or Armed Revolutionary Forces of Colombia) was created in 1966 after a strike ordered by the government to one of the partisan self-defense agrarian movement. The second main guerrilla group in Colombia is the ELN – *Ejercito de Liberacion Nacional* (or National Liberation Army), which was formed in 1964 with the support of the government of Cuba[48]. In 2005, the FARC was estimated to have between 16,000 and 20,000 combatants, which would make it the world's biggest guerrilla group. In addition, the ELN was estimated to have from 4,000 to 6,000 combatants[49].

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46 MICHAEL SPATGAT AND JUAN F. VARGAS JORGE RESTREPO, *The Dynamics of the Colombian Civil Conflict: A New Data Set*, 21 Homo Oeconomicus, (2004).: 4.

47 Id.

48 JORGE RESTREPO.: 5

49 Id. at : 5

> "Differently from the guerrilla groups, the militia groups came to Medellin in 1988 as an extension of the guerrillas, but got separated from those to take their own structure and control their own territories. The expansion of guerrilla and militia organizations coincided with increased offensives by the drug-traffickers, which could help to explain the tremendous high homicide rates in Medellin: 400 per 100,00 residents"[50].

The conflict in Colombia is a dispute for political power of long duration and low intensity[51]; therefore there is no ethnic, regional, or religious purpose[52].

The guerrillas were unable to forge a lasting social movement and were unable to control the use of force within the community, which turned some of these groups to criminal activities. On the other hand, the accelerated growth in recent years of paramilitary groups (in opposition of insurgent groups) has affected not only rural areas and small towns, but also larger cities, where they also exercise a certain degree of social control[53].

Between 1982 and 1986, during President Betancur's mandate, an important part of the guerrilla movement the FARC's, the Popular Liberation Army[54] (EPL – hereinafter *Ejercito Popular de Liberacion*) and the M-19 (April's 19th movement) started a dialogue with the government and ceased hostilities. Peace camps were established in different cities of Colombia - including Medellin - in order to support the peace talks. The main objective of these camps was to generate political and military consciousness among residents of the cities. In 1985, the Peace camps ended with the split of the peace talks; however, this formation left a lasting impact on important sectors of the population who later formed into militia groups[55].

According to Ramirez, in the 1970's and early 1980's, criminal gangs could be simply

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50 RAMIREZ. :180.

51 JORGE RESTREPO.: 2.

52 According to Restrepo Id. at 3, more than 90% of Colombians are Roman Catholics and there is no militant minority in either religious or racial terms. The majority of the population is of mixed racial origin with no minority making up more than 2% of the population. The political system has increased the inclusiveness of minorities, reserving two Senate seats for indigenous people (Political Constitution, art. 171) and two Chamber seats for communities of blacks. There are also extensive programs for securing property titles for indigenous and black communities. Even though they are not overrepresented in armed groups.

53 RAMIREZ.:179.

54 The EPL used to be the third largest guerrilla group until it demobilized in 1992 and became a political organization. In MICHAEL SPATGAT AND JUAN F. VARGAS JORGE RESTREPO, Civilian Casualties in the Colombian Conflict: A New Approach to Human Security (University of London 2004).-

55 RAMIREZ.: 175-176.

identified according to the types of firearms they used, the types of crimes they committed, and the codes and rules that guided their activities. To mention a few, they did not engage in battles, but in fistfights and soon after, bank robberies. Finally, car theft started a process of change within these groups; however, it was the drug trafficking that started to change behavior[56]. Like the armed groups of Rio de Janeiro, drug trafficking gave a totally new status to criminal gangs by giving them better quality and more powerful weapons, the ability to control territories within the city – especially in marginalized neighborhoods – all provided by the economic resources the drug trade generated[57].

In 2002, Medellin had about four hundred street gangs with a total of 10,000 members. These criminal gangs in Colombia are called *bandas delicuentes or bandas*, which are armed groups formed mainly by youth and young adults. They are led by adults and have drug trafficking and the crime as their main activities. Children do participate in these groups as informants, drug transporters, and mechanics, stripping down stolen cars. The children and youth that participate in these groups receive salaries and are protected by their group leaders as long as they are active in these groups.[58]

Ramirez[59] defines these main actors involved in the Colombian armed conflict as described below:

> **The Insurgency:** Is composed of militia groups and urban guerrillas: The Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN) and the People's Armed Command (Comandos Armados del Pueblo). Membership in these groups has declined due to large-scale demobilization in 1994 and the rise of paramilitary and criminal groups. Children do participate in these groups, though they represent less than 10% of their total membership in the city.
>
> **Paramilitary groups:** First appeared in Medellin at the same time as elsewhere in Colombia. Prior to year 2000, however their presence was quite sporadic, and they were largely unconcerned with control of territory. From 2000 on they began moving towards the cities obtaining money through drug trafficking and beginning to co-opt criminal gangs (many of whom were selling drugs) into their service. According to leaders of the important paramilitary groups (...) they are now positioned in some 70% of the city. On the other hand, the United Self Defense of Colombia (Autodefensas Unidas de Colombia, AUC) – the name for paramilitary groups at the national level – are in dialogue and negotiation with the government, though some are excluded. In November 2003, 850 ex-members underwent a disarmament, demobilization and

56 Id. at 176.
57 Id
58 RAMIREZ.: 201.
59 Id. at 179-180

reintegration program with the government.

Criminal gangs or bandas delicuentes: In Medellin, they are subordinate and structurally linked to drug traffickers (narcotraficantes) and paramilitary groups. From 2000 on, most have become associated with paramilitary groups, for which they work and provide services; gangs who do not accept this subordination may be obliged to do so by force. Most members are minors and youth, although leaders may be older than 26. Other smaller criminal gangs that are not part of other groups are involved in selling drugs, bank robberies, street robberies, or selling these services to others for their own personal gain.

This overview shows how complex the developments and mutations among the actors involved in organized armed violence in Medellin were. The militia groups were the main group by the late 1980's and the early 1990's. Nonetheless, between 1995 and 2000, the criminal gangs took over the position of the militias, and the paramilitary groups began co-opting the gangs. Moreover, nowadaysthere is a homogeneity consisting of paramilitary, criminal gangs, and drug traffickers, while the militias are isolated[60].

In Medellin, from the 1980's, the disparity of the distribution of wealth has been bigger than in any other Colombian city. This surely explains the reasons why these youth join criminal gangs and similar groups.

Chapter 2 will further discuss the definition for COAV – Children in Organized Armed Violence in Rio de Janeiro and in Medellin, as well as the reasons that lead these children and youth to get involved in organized armed violence and the current situation of these youngsters in the respective cities.

D) Deaths by firearms in Rio de Janeiro and Medellin: Data and comparison with war settings

According to Souza e Silva, "adolescents in Brazil are the ones that kill and die the most by external causes"[61]. The homicide rate for children and adolescents in Rio de Janeiro

60 Id. at 180.

61 Brazil, Children in Drug Trafficking: a rapid assessment. IPEC. pt. (2002). [hereinafter IPEC Report 2002].

can be compared in some cases to those of many low level conflicts[62]. For example:

> "as a result of the conflict between Israel and Palestine regarding the occupied territories, 467 Israeli and Palestinian minors were killed between Dec.1987-Nov.2001[63]. During the same time, in the municipality of Rio de Janeiro alone, 3937 youth were killed due to small arms related injuries"[64].

These numbers show that more youth die from small arms related causes in Rio de Janeiro (which is not in a declared conflict) than in countries with a declared war.

Besides mapping the violence in the city of Rio de Janeiro by identifying the places with higher homicide rates in "Children of the Drug Trade" (2003), Dowdney makes comparisons of firearms-related mortality in "Neither War Nor Peace"[65] (2005), comparing different cities of the world with the same problem. It is curious that the highest homicide rates are found in the favelas or *communas* dominated by drug trafficking and the control of one of the drug factions. While these regions present rates similar to war settings, some other regions of the cities, usually where people from the upper-middle class live, present rates with an insignificant number of firearm related deaths. In this work, we will analyze the data for Rio de Janeiro and Medellin respectively. One important thing to mention is that in order to determine whether firearms-related deaths are of high levels within these cities, Dowdney compares it to natural causes and other external causes of death – such as traffic accidents for example[66].

Graph 1 and 2 below shows firearms-related mortality rates per 100,000 inhabitants by sex and distinct age group in Rio de Janeiro and Colombia[67] respectively. According to Dowdney, this graph shows that firearms-related deaths at the beginning of this century

62 DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro.

63 Statistics supplied by the Israeli Information Centre for Human Rights in the Occupied Territories. Id. at 172.

64 Id. at 172.

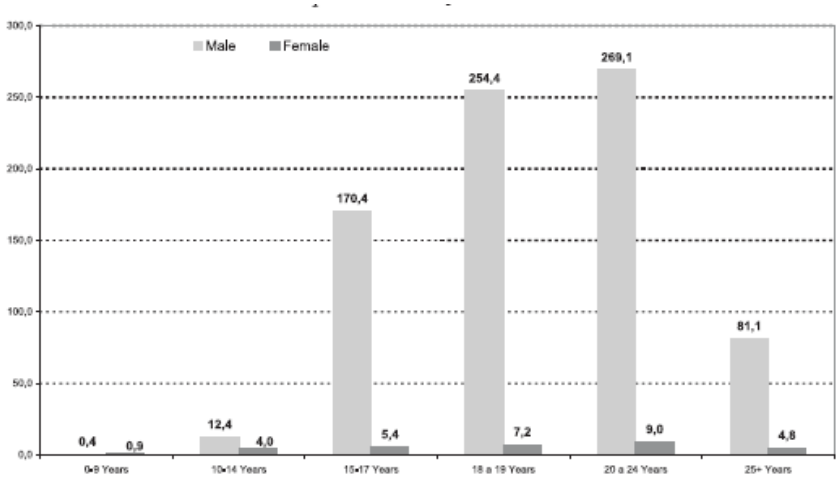
65 DOWDNEY compares the homicide rates in Rio de Janeiro, Medellin, Colombia, Chicago, El Salvador and Northern Ireland, but for the purpose of this paper, we will only focus in Rio de Janeiro and Medellin.

66 DOWDNEY, Neither War nor Peace: International comparisons of children and youth in organized armed violence.

67 Even though we are studying Medellin, the data found regarding this groups of age were for Colombia as a whole – but as Dowdney explains, the data encountered for Medellin – has a more exaggerated percentage rates than of those of the whole country. Id. at 127.

mainly affected young males within all municipalities and countries compared. In all cases, a much higher number of males died from firearms-related injuries than females[68].

Graph 1: Rio de Janeiro 2002[69]

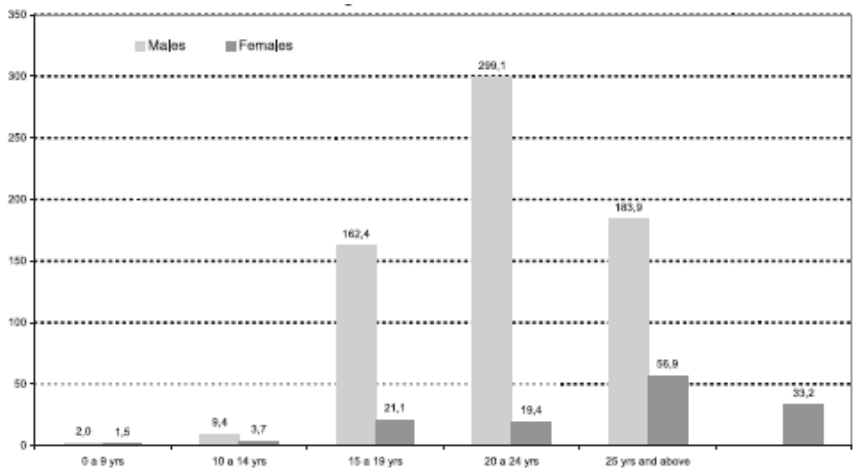


Graph 2: Colombia 2002[70]

68 Id. at 131.

69 Id. at 135.

70 Id. at 134.



In Colombia and Rio de Janeiro, males in the 20-24 year-old age group were the most vulnerable to deaths by firearms. In Colombia, this reached an enormously high 299.1 deaths per 100,000 inhabitants; Rio de Janeiro followed with 269.1 per 100,000. In Rio de Janeiro, besides the 20-24 year old age group, the most affected deaths by firearms were in males in the 18 to 19 year old group followed by those between 15 and 17 years of age[71].

With those numbers in view, it is important to mention that this paper will deal mainly with male children and youth. Although girls and women work as child soldiers and are also involved with organized armed violence and with the drug traffic, they are still a very small percentage if compared with the male force. There are many more boys dying than girls in confrontations involving armed violence, as we can see from the data above.

71 Id. at 131.

II. CHILDREN IN ORGANIZED ARMED VIOLENCE - COAV

A) COAV – Definition

Since the city of Rio de Janeiro and Brazil as a country are not at war, children and youth participating in drug trafficking cannot be classified as 'child soldiers', according to Dowdney. "To identify children as such could lead to a denial of civil rights to the children and the legitimization of the use of force against them by the state" (what is likely to happen when a state of war is declared)[72]. At the same time, to consider them as 'juvenile delinquents' will not properly address the problem, since these children are involved in an organized structure of armed violence.

The definition for '***C****hildren and* ***Y****outh in* ***O****rganized* ***A****rmed* ***V****iolence'* given by Dowdney in 2003 is the following: "Children and youth employed by or otherwise participating in organized armed violence where there are elements of a command structure and power over territory, local population and/or resources, in non-war situations"[73].

> "Drug trade factions in territorial dispute (as in Rio de Janeiro, Brazil); organized criminal gangs in general (drug and arms traffickers and kidnappers); structured and armed youth gangs (as in Los Angeles,U.S.A); armed ethnic groups; death squads and vigilante groups that execute criminals are some of the groups that involve children and youth in these conditions in different parts of the world. Similar problems are also found in post-conflict regions where organized crime employs former armed groups and child soldiers that were not well demobilized"[74].

Souza e Silva's research for the International Labor Organization[75] identifies the

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72 Even though there is a constant use of state force against children and youth as soldiers of the drug trade, they are not legitimized. In DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro.:208-209.

73 DOWDNEY'S proposed definition for Children and Youth in Organized Armed Violence was agreed during a Seminar hosted by Viva Rio (a Brazilian NGO – www.vivario.org.br). The Seminar was on 'Children affected by Organized Armed Violence'. The international participants (see 'methodology' for a full list of participants in Id. at 15) agreed on a working definition for child and youth armed drug faction workers in Rio, and those in similar armed groups elsewhere in DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro.: 256.

74 For example: Colombia and Angola.

75 IPEC Report 2002 at 12

main characteristics of the children involved in drug trafficking as the following:

> "They belong to the poorest families of the popular communities-favelas; their schooling is below the Brazilian average- today around 6.4 years; the great majority of children involved are black or pardo (Brazilian with partial African ascendance); they marry much earlier than the average Brazilian adolescent; they live with a partner or with friends; they believe in God and are approaching the Neo-Pentecostal religions while distancing themselves from Afro-Brazilian cults…"[76].

Currently, children and youth are more involved with drug trafficking within favelas than some years ago. They are exposed to drug trafficking from an early age and those that become interested in the drug trade begin to "hang around" with traffickers, entering full time employment between the ages of ten and fifteen. In Souza e Silva's study, he estimates that the age of entry into the drug trafficking starts as early as 8 years old, but that the prevalence is at 13 years old. As seen below on Table 1.

Table 1: Age of entry into drug trafficking[77]

Age	Under 18	Over 18	Quantity
8	2.50%	-	1
9	5.00%	-	2
10	5.00%	-	2
11	12.50%		5
12	15.00%	-	6
13	27.50%	10%	12
14	17.50%	20%	9
15	10.00%	20%	6
16	5.00%	20%	4
18	-	10%	1
25	-	20%	2

Source: IETS

Souza's study shows an alarming and growing participation of the youth under 18 and the age of entering this business is lowering. "Children usually enter voluntarily and are not

76 IPEC Report 2002 at 12.

77 IPEC Report 2002 at 35.

forced or coerced by factions to start working"[78].

> "The choice to get involved in the drug trafficking may be defined as 'the best option among limited alternatives' they have. These limited alternatives are more simply illustrated by a set of pre-existing factors common to all children in Rio de Janeiro's favelas and Medellin's communas, including poverty, criminal groups domination of the communities, lack of education, lack of opportunity to enter the formal job market and the drug trafficking business as an accepted form of employment"[79].

Moreover, the decision of choosing to enter the drug trade is drastically affected by invisible influences on the youth, such as the already involvement of a relative or a friend. These issues will be discussed furthermore in the next part of this chapter, the one that discusses the reasons for their involvement in the organized armed violence.

B) Reasons for the involvement of children and youth in organized armed violence in Rio

> *"I was going to school and working in drug trafficking; I was thirteen. But I was tired all the time. One day I dropped-out of school. The Principal called me and insisted that I came back. I was a good student. But no way. I enjoyed school, but I wanted to grow in the business, own the favelas" – Claudio, 17 years old, general manager, Morro do Borel, Tijuca.*[80]

There are many external and internal factors within the life of a young boy from a favela that leads him to this way of life. First is the precarious structure of their community as opposed to the rich neighborhood areas of the middle to upper class population, second is the environment of violence that they are all subjected to since their early ages, either due to the constant risk of war between rival drug factions or because the way the police force treat them.

Youth of the favelas live in the midst of poverty and crime and suffer discrimination solely because of the fact that they live in a favela. Violence is a fact of life

78 Since there are around 968 favelas in Rio de Janeiro and three different drug faction commanding them in a slightly different way, it is possible that a case about a forced participation of children and youth is found. In DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro.

79 Id. at 138.

80 IPEC Report 2002 at 25

for the residents of the favelas of Rio de Janeiro, either at the hands of drug gangs or at the hands of the police that are supposed to protect them. Youth from the favelas are excluded by society and discriminated to the point that it makes their own development and that of their communities difficult. These youth have to deal with crime, violence, prejudice as well as poverty. Besides having less access to information than middle-income and wealthy youth, youth from the favelas encounter greater obstacles to education and employment. Prejudice because they simply live in a favela is a very real problem. Living in a favela carries the stigma of being called a "*favelado*" (or slum dweller). This stigma makes it difficult to gain employment and exposes them to human rights violations. In Brazil it is well documented that the treatment the police reserve for those who are poor is different than that reserved for the rest of the population[81]. Police in the favelas behave more like an invading or occupational force than a policing force, utilizing greater violence than in other parts of the city[82].

According to the Special Rapporteur for extra-judicial, summary and arbitrary executions report – Asma's Jahangir – with figures supplied by the Rio de Janeiro's State Secretariat for Public Security, "521 civilians were reportedly killed in confrontations with the police in the city during the first five months of 2003, in comparison with a total of 900 in the whole of Rio state throughout 2002"[83]. The anger of being tortured by a policeman or of having a relative killed makes a lot of youth ingress in the armed activities. Finally, the poverty situation and the deprivation from their basic rights[84] lead to few options rather than join the drug trafficking activities. The number of unemployed people within the favelas is so big that is likely to see a household being maintained by the money one person of the family makes with the drug trade activities.

81 Human Rights Overview: Brazil. pt. (2003).

82 Summary executions in Brazil: 1997 and 2000. Furnished through Municipality of Rio de Janeiro.

83 Civil & Political Rights, including the question of disappearances and summary executions. Extra judicial summary or arbitrary executions., pt. (2004). [hereinafter Asma Jahangir Report]

84 Like economical, social, physical, cultural and human rights.

The lack of opportunities for youth aged 15 to 24 years is also seen as a problem. They don't have jobs and the out-of-school rates are higher for this group. They are seen as alone in the world and easy prey for criminals. The drug trafficking groups frequently offer almost everything that the state neglects. The job opportunities within the drug trade structure don't demand low or high level of education besides paying well. The latter is one of the most attractive factors, as they need money to pursue goods and trendy clothes as well as food and health care for their family members. The salary offered by the drug traffic is much higher than the ones offered by the formal job market. Since with their educational level they could not have a well-paid job or a salary that could yet fulfill their basic needs, the drug trade becomes an even more attractive possibility. As illustrated by table 2 below:

Table 2: Occupation, weekly workload (WD) $ income (values in R$)[85]

Occupation	WL – Weeky Minimum (hrs)	WL – Weekly Maximum (hrs)	Monthly Income Minimum ([1])	Monthly Income Maximum
Watchman	40	72	600	1.000,00
Packaging	12	36	300	1.400,00
Dealer	36	72	1.900,00	3.000,00
Security	36	60	1.200,00	2.000,00
Product Manager	60	72	2.000,00	4.000,00
General Manager	60	72	10.000,00	15.000,00

[1] USD = R$ 2.50

Source: IETS

For example, to work as a simply dealer, an adolescent can get a minimum of R$1.900,00 and a maximum of R$3.000,00 (Brazilian Reais)[86], while the minimum monthly salary in Brazil is of R$ 470,34 (Brazilian Reais).

85 IPEC Report 2002 at 30.

86 Id.

Besides the above-cited reasons, it is also the case that children and youth are not only looking for money or revenge. The latter is considered to be part of the objective reasons why they get involved. In addition to that, there are some subjective reasons that are part of the unconscious and special needs of a human being. First, since most of their families do not have a good structure, due to their poverty situation (lack of jobs and money, alcohol abuse, domestic violence, etc.), and since schools do not offer a stable environment, the youth will seek for the feeling of 'belonging'. They need to feel part of something and to be recognized as such. Being part of a drug faction, fighting for it, singing their songs and wearing their colors, gives the youth the magic feeling of being part of something important for their lives. Second, the drug faction structure demands a lot of soldier positions. For this 'job', adrenaline, motivation and the need to be fearless are the main pre-requisites and are what the young people have as their comparative advantage. From the youth perspective, there is a need to withdraw this adrenaline through different kinds of activities. Since the community doesn't offer alternatives, and they don't have money to afford a club, they fulfill this need by participating in the drugs factions[87]. Moreover, since the drug faction has a local and social recognition within the community, to be part of it gives the youth a status and a feeling of power. Outside their communities they face a lot of prejudice and neglect. Some people from the favelas change their address when looking for a job to avoid being argued about their involvement with the drug trade and with any other illegal criminal activities. To illustrate, the study carried out by Souza e Silva[88] in some favelas of Rio de Janeiro: a relevant number of children and youth were asked about what led them to get involved with the drug trade - the result can be seen on table 3:

87 DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro. at 138.

88 IPEC Report 2002 at 12.

Table 3: Children's reasons for being involved in drug trafficking[89]

Index	Importance	Quantity
Identifies with group	1st	15
Adrenaline	2nd	11
Provide financial help to family	3rd	8
Desire to earn money	3rd	8
Prestige and power	4th	7
Professional and income limitation	5th	6
Defend community	6th	5
Family violence	6th	5
Vengeance / rebellion	6th	5
Difficulty in school	7th	1
Craving to use drugs	7th	1

Source: IBTS

In this study, the same questions were made to the young adults and the results findings were similar to those found by the children response. There were some differences that are important to highlight. The reason 'difficulty in school' is not considered to by the youth over 18. This is because the fact that they have left school and do not intend to get back. The issue of 'family violence' is also not cited as a reason. Mostly because they have already left home and their main interest are money and desire to consume[90].

In Souza e Silva's own words the main reasons leading children to enter and work for the drug trafficking is the "acquirement of prestige and power, fulfill emotions – adrenaline – and earn money for the consumption of goods that they could not buy otherwise"[91]. Instead of being forced to enter this dangerous path, children and youth wish greatly to be part of this world of power and violence, passing through a recruitment process before the drug traffic accept them[92]. Children and youth involved in organized armed violence are both victims and perpetrators.

Souza e Silva like Dowdney reached very similar results in their research as to the

89 Id at 31.
90 Id.
91 Id at 31.
92 HUGUET,

reasons of involvement into the drug traffic. This fortifies both arguments and strengthens their position to advocate for the recognition of this problem.

C) Differences between Child Soldiers and Children and Youth in Organized Armed Violence

> *"Conflicts between Governments and rebels, between different opposition groups vying for supremacy and among populations at large, in struggles that take the form of widespread civil unrest (...) subject successive generations to endless struggles for survival"*[93].

According to the Coalition to stop the use of Child Soldiers,

> "a child soldier is any person under the age of 18 who is a member of or attached to government armed forces or any other regular or irregular armed force or armed group, whether or not an armed conflict exists. These children are used in many ways while used as child soldiers. Depending on the context and country, they can participate in combats; lay mines and explosives, scout, spy, courier, guard; they are also used in domestic labor, as cook and sexual slaves or other recruitment for sexual purposes[94].

The phenomenon of child soldiers is a delicate, sophisticated and complicated problem that affects both developing and developed nations[95]. The involvement of children in armed conflict is particularly pronounced in the Third World, with children reportedly serving in guerrilla groups, paramilitaries and government armies, or in opposition forces in the following countries: Colombia, Mexico, Peru, Turkey (...)[96].

"The recruitment of children by guerrillas and paramilitary forces has grown significantly in recent years in Colombia"[97]. Colombia has both the problem of child soldiers and the problem of children and youth in organized armed violence.

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93 The Secretary-General, Report of the Expert of the Secretary General: Impact of Armed Conflict on Children. pt. (1996). in UDOMBANA.

94 COALITION TO STOP THE USE OF CHILD SOLDIERS. (2008), at www.child-soldiers.org

95 RACHEL BRETT, *Child Soldiers: Law, Politics and Practice*, 4 The International Journal of Children's Rights 115, (1996). In UDOMBANA.: 61.

96 Children's Rights, Where Child Soldiers Are Being Used, http://www.hrw.org/campaigns/crp/where.htm pt. In UDOMBANA.: 62.

97 You´ll learn not to cry. Child soldiers in Colombia, http://www.hrw.org/reports/2003/colombia0903/. No.

, pt. (2003).

Dowdney in his study about children in the drug trade of Rio de Janeiro compares the similarities between child soldiers and children and youth in organized armed violence. However, it is important to make the distinction between both[98] as the similarities are enormous. Firstly, regardless of how they join the organized armed violence, they are still subject to rules and punishments that apply equally to children and adults – and for those who do not follow the rules, beatings, torture and being shot at the feet or at their hands are common punishments. The same 'rules' apply to the ones that are recruited in a non-state military organization[99]. Another similarity between child soldiers and children and youth in organized armed violence is the way of how they are 'paid' for their service. As seen previously, in the case of the organized armed violence in Rio de Janeiro and in Medellin, sometimes they earn three times more of what they would earn during a whole month – they are paid in cash. On the other hand, in the case of a child soldier that is kidnapped – they are only given food and maybe the reward of not being killed. What is more is that despite the fact of payment is that their roles are very similar. Just to mention a few: in both cases they run errands, carry ammunition, work as body guards, spies and informants; they work in the front lines of prolonged combats and do executions of suspected enemies[100]. Moreover, children perform the most dangerous tasks, which is the involvement in small arms violence and territorial armed conflicts. The involvement of children in the drug faction armed conflicts, generate about 1,000 small arms deaths per year (in the Brazilian case)[101].

Finally, a crucial issue observed by Dowdney is that the drug faction disputes in Rio de Janeiro fail to meet one fundamental criterion that would allow them to be defined as war or major armed conflict: the Brazilian government is not the deliberate object of attack and

98 Categorizing child faction workers as child soldiers would be problematic as Rio de Janeiro is not in a state of war; categorizing these children as 'soldiers' it may legitimize the already high levels of lethal state force used against them. See DOWDNEY, Neither War nor Peace: International comparisons of children and youth in organized armed violence.

99 DOWDNEY, Children of the Drug Trade: A case study of organized armed violence in Rio de Janeiro.

100 Id. at 205.

101 Id. at 206.

drug factions have no interest in taking the place of the state (…) drug factions are economically-oriented by their very definition[102].

D) Current situation of children and youth in organized armed violence and child soldiers in Medellin

"Children are an especially vulnerable group in Colombia's triangular war between guerrillas, paramilitaries, and government security forces"[103].

Human Rights Watch reports that "tens of thousands of children were used as soldiers by all sides in Colombia's conflict, with government-backed paramilitaries that recruited children as young as eight years old"[104].

In the case of Colombia, "children are forcibly and voluntarily recruited and used by the two main armed opposition groups, the FARC and the ELN"[105]. According to the Child Soldiers Global Report 2008, "while the children were used as combatants, to lay mines and explosives and to carry out other military tasks by the FARCs and by the ELN, the Colombian government forces used captured and surrendered child soldiers to gather information on opposition forces" [106].

Besides being recruited by actors of the armed conflict which had so far lasted 40 years in Colombia, children and youth also voluntarily join armed groups for the same reasons of their counterparts in Rio de Janeiro – because of poverty, social status, violence and power[107]. Firearms represent recognition, power, access to material goods and control.

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102 Id. at 239.

103 You´ll learn not to cry. Child soldiers in Colombia, http://www.hrw.org/reports/2003/colombia0903/. pt.

104 Children's Rights, Where Child Soldiers Are Being Used, http://www.hrw.org/campaigns/crp/where.htm pt. In UDOMBANA.: 62.

105 You´ll learn not to cry. Child soldiers in Colombia, http://www.hrw.org/reports/2003/colombia0903/. pt.

106 Child Soldiers Global Report. pt. (2008).

107 RAMIREZ.: 182.

They are also a way to exorcise the pain, rage, and frustrations that these young people feel, as there are few spaces in which they can express themselves non-violently[108].

According to Ivan Dario Ramirez of the Coalition to Stop the Use of Child Soldiers in Medellin a high percentage of the members of armed groups, especially criminal gangs and paramilitary organizations, are children, many of which grew up in families where their father or both parents were often absent. These children were often raised by siblings or grandparents and domestic violence was common. Parents and other relatives often worked in informal services industry, which often cited by respondents as a reason why they choose to seek easier ways to make money in armed groups[109].

> *"I joined because I wasn't in school, I didn't have any money, and with them I was cool, on the motorcycles and everything. I was 12 years old, and I already recognized many of the guys from the group and knew more than one. […] I like everything that comes with them; motorcycles, money…we join the group for these things…we like to go to the dances, meet girls".*[110]

For Ramirez, "it is clear that the pressure to join armed groups comes more from the environment than from the people in them"[111].

In 2000, there were about 8,000 youth linked to criminal gangs in the city, engaged in activities ranging from snail crimes to drug trafficking and social cleansing[112].

"Children may join voluntarily, though the term voluntary is questionable, given the terrible conditions that motivate children to join armed forces"[113]. In any case, children may volunteer for military service for many reasons including physical protection, desire for food and other care, social pressure, revenge, and mere adventure[114]. Many such children are from

108 Id. at 188.

109 Id. at 185.

110 Id. at 186.

111 Id.

112 HUMANSECURITY-CITIES.ORG, Human security for an urban century: local challenges, global perspectives (Humansecurity-cities.org; Canadian Consortium on Human Security ed., Library and Archives Canada Cataloguing in Publication 2007).: 101.

113 NANCY MORISSEAU, *Seen but Not Heard: Child Soldiers Suing Gun Manufacturers Under the Alien Tort Claims Act*, 1263 Cornell Law Review, (2004). In UDOMBANA.: 64.

114 Refugee Children: Guidelines on Protection and Care 85. pt. (1994). In UDOMBANA.: 64.

impoverished and marginalized backgrounds whose parents, driven by poverty and hunger, are forced to offer their children into military service[115]. The same conditions may explain the reasons for children joining the organized armed violence.

In his study, Ramirez interviews children and youth from the urban poor communities of Medellin and concludes that they joined these groups voluntarily and none of them were forced or threatened to do so. Children join armed groups because they are brought up in a context that allows for and facilitates this; because they live with high levels of social violence and exclusion; because they are often caught up in the middle of gunfights, or even because they witnessed the death of friends and family[116]. Children and youth involved in organized armed violence as well as child soldiers in Medellin are both victims and perpetrators, like those in Rio de Janeiro.

115 . pt. In UDOMBANA: 64.

116 RAMIREZ.: 182.

III. CHILDREN´S RIGHTS, DOMESTIC AND INTERNATIONAL LAW

"States parties shall take all feasible measures to ensure that children under 15 years of age have no direct part in hostilities. No child below 15 shall be recruited into the armed forces. States shall also ensure the protection and care of children who are affected by armed conflict as described in relevant international law"[117].

A) The International Law

"Child combatants are ordered to participate in murders, torture, summary executions and other attacks on civilians. They also make use of indiscriminate small arms and light weapons that cause avoidable civilian casualties. Such actions are serious violations of international humanitarian law"[118].

International Humanitarian Law (IHL) applicable to civil wars prohibits combatants from recruiting children under the age of fifteen or allowing them to take part in hostilities[119].

"International Humanitarian Law protects children in three specific aspects. First, they afford children special protection as a particularly vulnerable category of persons. Second, they question the use of children in military operations. Third, some provisions take into consideration children's immaturity if they commit offenses during armed conflicts[120]. This principle – that children deserve special protection during armed conflict – can be said to be a norm of customary international law; opinio juris and state practice supports such a finding"[121].

In addition to the IHL, customary international law, opinion juris and state practice, another achievement in the prohibition of child involvement in war came into force in 1990 with the Convention on the Rights of the Child (hereinafter CRC). This Convention was billed as "the first legally binding instrument to embody a full range of

117 CONVENTION ON THE RIGHTS OF THE CHILD (CRC), G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (1989).

118 You´ll learn not to cry. Child soldiers in Colombia, http://www.hrw.org/reports/2003/colombia0903/. pt. at 10-11.

119 Id.

120 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31; Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, Aug. 12, 1949, 6 U.S.T. 3217, 75 U.N.T.S. 85; Geneva Convention Relative to the Treatment of Prisoners of War, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287 In UDOMBANA.:75.

121 JENNY KUPER, *International Law Concerning Child Civilians in Armed Conflict*, (1997). In UDOMBANA.: 75.

civil, political, economic, social and cultural rights in regard of the children" [122]. Most countries have ratified the CRC with the exception of the United States and Somalia. Noticeably, "the CRC is the most accepted human rights instrument in history and after ratifying it, national governments worldwide assumed a compromise to implement and enforce such policy within their domestic field and to carry on efforts in order to propagate the CRC among the general population"[123].

"Art. 38 prohibits the use of children less than fifteen years of age in armed conflict, regardless of whether the child volunteered or was conscripted, whether the war is international or internal in scope (…)[124]; The relevant provision of art.38 reads: "States parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities"[125].

According to the Report of the Special Representative of the Secretary-General for Children and Armed Conflict[126], "in terms of legal and normative framework, instruments and standards, significant advances have been made since the Machel study in both of the development of the international legal and normative framework and the adoption of instruments at the national level"[127]. In the Children and Armed Conflict Report, it is stressed that significant progress has happened on the issues of use and recruitment of children.

"While the recruitment of children under 15 and their direct participation in hostilities were prohibited by the Additional Protocols to the Geneva Conventions, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict adopted in 2000, detailed the standards against the use of children in armed conflict and raised the minimum age of participation to 18 years. International Labor Organization Convention No. 182, defining child soldiering as among the worst forms of child labor, and the African Charter on the Rights and Welfare of the African Child are other examples of progress"[128].

Examples of the improvement of the application of the International law in the

122 HUGUET, 14.

123 Id.

124 BRETT, *Child Soldiers: Law, Politics and Practice*. In UDOMBANA.: 82.

125 (CRC). In UDOMBANA.:82.

126 Secretary General, Report of the Special Representative of the Secretary-General for Children and Armed Conflict, delivered to the General Assembly. pt. (2007).

127 Id. at pt.: 22.

128 Id. at pt.

domestic law can be seen in the next section of this chapter through the Brazilian law to protect the rights of the child as well as the Colombian efforts to abolish voluntary service.

B) The Law in Brazil

One of the main principles stated in the Brazilian Constitution is the guarantee of the human rights[129]. According to article 5, paragraph 2 of the Brazilian Constitution, apart from the rights and guarantees set out in the text of the Constitution, "the Brazilian system of justice encompasses, among the protected constitutional rights, the rights proclaimed in the international human rights treaties that Brazil is signatory" [130]. This new approach brought by the constitution is very significant as it afforded immediate application and constitutional status to those international documents[131].

As a consequence of having ratified the United Nations Convention on the Rights of the Child, Brazil developed and launched the "Estatuto da Crianca e do Adolescente – hereinafter "ECA"; or in English: Child and Adolescent Statute) in 1990[132]. This federal statute "incorporated all of the rights set forth in the CRC. The adaptations and alterations of the domestic legislation and national policy are indispensable in order to make the rights set out in the CRC reachable"[133].

The ECA foresees and binds the country and its individual states to provide a healthy and safe environment for all children. The document enforces that education and health care must be provided for all children regardless their social condition, color,

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129 Art.5, para. 2 of the Brazilian Constitution says:
The rights and guarantees established in this Constitution do not preclude others arising out of the regime and the principles adopted by it, or out of international treaties to which the Federative Republic of Brazil is a party.

130 HUGUET, 20-21.

131 Id.

132 The Child and Adolescent Statute – Act 8069/90 came into force in July 13th, 1990. First, it was published in the Official Gazette of Brazil in July 16th, 1990, and later amended and published in the Official Gazette of October 16th, 1991.

133 HUGUET, 109.

gender or ethnicity.

"ECA created a comprehensive set of laws, which replaced earlier legislation on the 'rights' of the children. The previous legislation was widely recognized as repressive and therefore was not in accordance with the aims of the CRC"[134].

According to the Organization of the American States (OAS) report on the situation of human rights in Brazil, the "ECA" embraces a special concept as a human being in viewing children and adolescent as subjects of rights.

> "This is what it is supposed to happen when a country ratifies an international instrument, making the alteration of old-fashioned legislation and thus, the adaptation of its national law, in order to implement and enforce new policies that are expected to rise together with the new legislation"[135].

Moreover, there is a bias in what is written and what is effectively done in Brazil. The situation of the children of the favelas remains the same after the ratification and implementation of the CRC and the ECA.

In 2008, the Child and Adolescent Statute "considered one of the world's most far reaching juvenile protection laws"[136] marked its 18th anniversary. The 'birthday' is always observed by celebrations, local and national seminars, media reports that on the current state of the law, and public outcries by Brazilian activists for youth. But even after 18 years since the creation of the Child and Adolescent Statute, we still find thousands of children and adolescents suffering from harm, mistreatment, or neglect. Many are forced to beg or become involved in other exploitive and damaging situations. Although the Brazilian Constitution also sets a 'high priority' on children's issues, the guaranteed children's rights system is far from being ideal. Even when funding is available, the system is often poorly applied[137].

In an interview granted to the Children and Youth in Organized Armed Violence

134 Id. at 110.

135 Id.

136 Report on the Situation of Human Rights in Brazil Organization of the American States. pt. (1997).

137 MAYRA JUCA, *Little to celebrate on anniversary of Child Statute*. (2004), at http://www.comunidadesegura.org/?q=en/node/11328.

website[138], Denise Paiva, Brazil's former Secretary for the Promotion of Child and Adolescent Rights, emphasized the urgency of taking action on "one of the most advanced child protection laws and its need to be enforced. It's a challenge for the government and society"[139]. Although the statute guarantees to children and adolescents the right to medical assistance, decent education and housing, these rights have yet to be enforced. According to Paiva, the lack of enforcement of these rights leaves thousands of Brazilian young people with no alternatives except for living on the street and/or getting involved in crime[140].

Besides the Convention on the Rights of the Child, Brazil has ratified almost all the United Nations conventions[141]. Moreover, for the purpose of this paper it is important to mention that in 2000 Brazil ratified the International Labor Organization Convention 182 on the Worst Forms of Child Labor[142]. By ratifying this convention, Brazil committed itself to take immediate and effective measures to prohibit and eliminate harmful labor practices applied to children. "The worst forms of child labor", according to the Article 3 of the 182 Convention refer to:

> "The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties"[143].

In almost nine years since the ratification of the convention, no public measures to combat child labor in the drug trade have been taken. Nevertheless, in the year 2000, Brazil launched two small-scale projects to combat child domestic worker and the

138 MAYRA JUCA, *Lawmaker at odds with law.* (2004), at http://74.125.47.132/search?q=cache:pn4U3PBN4rcJ:www.coav.org.br/publique/cgi/cgilua.exe/sys/start.htm%3Ffrom_info_index%3D131%26sid%3D107%26infoid%3D853+interview,+Denise+Paiva,+COAV,&cd=2&hl=pt-PT&ct=clnk&client=safari.

139 Id.

140 Id.

141 The only convention not ratified by Brazil is the Convention 87a on the Freedom of Associating and Collective Bargaining.

142 MINISTRY OF FOREIGN AFFAIRS OF BRAZIL, http://www.mre.gov.br/portugues/politica_externa/temas_agenda/desenvolvimento/trabalho_oit.asp .

143 Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (1999).

"commercial sexual exploitation of minors in a border town between Brazil and Paraguay"[144]. It is a beginning, though far from the ideal.

There is resistance from the national and local governments to recognize the complexity of this problem and the reality that increasing numbers of children and youth are participating in drug trafficking, as well as being victimized by armed violence. However, there are initiatives taking place at the local level, which will be discussed later.

C) The law in Colombia

Colombia, like every other member of United Nation (excluding Somalia and the United States) ratified the Convention on the Rights of the Child (CRC). The CRC establishes fifteen as the minimum permissible age for military recruitment. In 2002, the Optional Protocol to the CRC was enacted "prohibiting the compulsory military recruitment of children under the age of eighteen"[145]. In addition, "the protocol establishes that armed groups that are distinct from armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of eighteen"[146].

In 1991, when Colombia ratified the CRC, "it proposed that the military recruitment was of eighteen, rather than fifteen. Besides having signed the Optional Protocol, the country still needs to ratify. However, by abolishing the voluntary service for under-eighteen-years-olds, Colombia now complies with the requirement of the Optional Protocol"[147].

Like in Brazil, the uses to which armed groups put children are many and are still

144 2001 Findings on the Worst Forms of Child Labor - Trade and Development Act of 2000 (US Department of Labor ed., 2001).

145 You´ll learn not to cry. Child soldiers in Colombia, http://www.hrw.org/reports/2003/colombia0903/. pt.:11.

146 Id. at pt.

147 CARLOS HOLMES TRUJILLO, Law No. 418 and Law No. 548 (http://www.secretariasenado.gov.co/antecedentesley.asp ed., 1997).

a practice.

> "In Colombia, under 18s have been used as combatants and in other front-line duties. Here and elsewhere armed groups also employed children in a range of support roles from cooking and portering to carrying messages and acting as lookouts and spies"[148].

Internal armed conflict still continues to have a devastating impact on civilians. Children formed a high proportion of the victims, in part because fighting forces at times operated in and near schools and other places where children were likely to gather[149].

148 Child Soldiers Global Report. pt. (2008).

149 Id. at pt.: 101

IV. STATE RESPONSE – GOVERNMENTAL AND NON-GOVERNMENTAL RESPONSE

A) DDR and MDI as alternative

> *"Dehumanized by the cause they represented, their dress and imposed discipline. But the music encouraged them to take off their armbands, hats and shed camouflage coats. And at that moment you can see the human being inside the conflict. The human being that is a perpetrator but also a victim of war. A human being that is part of the problem, but can also be part of the solution. In those few minutes seems possible: even the end of the conflict, even much sought after peace"*[150].

According to the United Nations Disarmament, Demobilization and Reintegration Resource Centre (UNDDRRC), "DDR is a process with the goal to contribute to security and stability in post-conflict environments to later start the process of recovery and development"[151].

Besides contributing to security, "DDR restores confidence in the opposing sides, violence prevention, and reconciliation to free human and financial resources for social development. DDR allows the demilitarization of armed groups of opposition, or other groups such as paramilitary forces"[152]. The inclusion of police reform and military reform is also a goal along this process.

> In addition, "DDR programs involve disarmament of combatants, the adoption of gun and ammunition management measures and gun control. Combatants are encouraged to shed their affiliation to combat groups and take up civilian roles – they are instructed in their rights as civilians, are given support to overcome war traumas and job training and are eligible benefits for themselves and their families to begin life differently from the armed violence"[153].

The United Nations Disarmament Demobilization Reintegration Resource Centre uses

150 MARIANNA OLINGER, *Impressions of a demobilization, part 1: the group at* http://www.comunidadesegura.org/pt-br/node/30324.

151 UNITED NATIONS DISARMAMENT DEMOBILIZATION AND REINTEGRATION RESOURCE CENTER, *What is DDR?* at www.unddr.org/whatisddr.php.

152 LIS HORTA MORICONI, *DDR: Three steps, how to stop the machine* Good Practices Magazine *at* http://www.comunidadesegura.org/en/node/38412.

153 Id.

the following definitions for DDR:

> **Disarmament**: is the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes.
>
> **Demobilization**: is the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centres to the massing of troops in camps designated for this purpose. The second stage of demobilization encompasses the support package provided to the demobilized, which is called reinsertion.
>
> **Reinsertion:** is the assistance offered to ex-combatants during demobilization but prior to the longer-term process of **reintegration**. Reinsertion is a form of transitional assistance to help cover the basic needs of ex-combatants and their families and can include transitional safety allowances, food, clothes, shelter, medical services, short-term education, training, employment and tools.

Much has been done to demobilize, disarm and rehabilitate adults and even women, however, according to the Human Rights Watch, it is important to stress that the practice of disarm, demobilize and reintegrate child soldiers during war conflicts is still the greatest challenge[154].

Although DDR is widely believed to reduce violence, it is not a strategy that is recommended to demobilize children and youth involved in organized armed conflict in a non-war setting, as the surrendering of weapons is not the main goal in these situations.

With this in mind, 'Viva Rio' has developed a program called MDI - *Mobilization, Disarmament and Social Integration*, which came out of practices in Brazil and Haiti.

Differing from the traditional DDR model, MDI proposes that

> "The concession of weapons by individual combatants should not necessarily be the basic goal in disarmament. For example, in Rio de Janeiro there are many cases where children and adolescent look for alternatives to leave an armed group, but are faced with the condition that they return their weapons and drugs and do not have any unresolved debt with traffickers. In contrast with that, MDI suggests for such cases, that the formal surrender of a single weapon should not be seen as the initial condition to existing. In addition, during the disarmament process, it is important to develop campaigns of collection and destruction of surplus weapons"[155].

154 Child Soldiers Global Report. pt. (2008).

155 MORICONI.

According to Perez,

> "MDI's approach adapts peace building tools used by international actors working in contexts of armed violence. It follows the concept that policy aimed at reduction of armed group violence must adopt strategies that combine security with development. The program proposes necessary steps and conditions that aim at providing children and youth with an opportunity to exit groups that practice organized armed violence"[156].

MDI is a potential tool to help combating the involvement of children and youth in the organized armed conflict and it is a significant resource for governments and NGO's when dealing with such issues.

B) The response in Rio de Janeiro

> *"War 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"[157]."While the recruitment and use of children by armed forces and armed groups has dominated attention in the last decade, all impacts of armed conflict on children must be redressed"[158].*

The situation of children and youth in the favelas of Rio de Janeiro or in the communas of Medellin are very similar. "Besides the broad and rapid acceptance of international legal standards for the protection of children in armed conflict, a significant gap remains between the standards and their implementation"[159].

Throughout low-income communities dominated by the drug traffic there are high levels of poverty, few public services (medical care, schools, leisure activities, public security, etc), widely accepted and established organized armed violence, weak family structures, aggressive police presence and lack of realistic opportunities. As mentioned before, these issues are catalysts for involvement in illicit activities. In Rio, there is no

156 REBECA PEREZ, "MDI: A proposal to move away from Gang Violence", Comunidade Segura, Good Practices Magazine. Year 1, number 2. November 2008:4-5.

157 . pt. In Secretary General, Report of the Special Representative of the Secretary-General for Children and Armed Conflict, delivered to the General Assembly. pt. (2007).

158 Id. (2007) at 15.

159 Id at 23.

governmental program or project that directly targets children and youth involved in drug trafficking for either prevention or reintegration. However, the government provides small-scale projects in some of the favelas that focus mainly in the provision of sport activities[160]. Only a small number of people would work in these poor neighborhoods due fear of violence and the extensive and overt use of firearms by drug dealers. This also represents an obstacle for the existence of high quality services since there is an understandable lack of will to work inside the favelas and communas. Moreover, if the State does not offer the public services required by law, it is thus less likely to find them coordinating and managing other projects.

Since the issue of the involvement of children and youth in organized armed violence does not receive much attention from the Government of Rio de Janeiro, some NGOs started to tackle this problem from within the favelas. Since the 1990s, child rights advocates have understood that there is more than poverty to combat. The growing power of the drug traffic and the attractiveness of the positions offered as the 'best alternative among limited options' is not only solved by the provision of sport activities or by literacy programs. This situation must receive greater attention, more research, and better public policies directly aimed at prevention and reintegration. Considering the violent and risky nature of this charge, few researchers are willing to undertake such a task. Nevertheless, there are some relevant and successful programs and projects that should be mentioned. Although their impacts are small due to their size and available budget, they are achieving positive results and thus can influence the way public policies must be written, addressed and implemented.

The city of Rio de Janeiro has approximately 968 favelas dominated by the three main drug factions. Compared to the overwhelming number of slums and the impact of drug trafficking, NGO projects are very small in number. The alarming firearm related death statistics, as well as the growth in the level of overall violence has raised international and

[160] Sports activities are a very compelling methodology to work with the youth, however, it is necessary to provide them inclusiveness, education and access to health.

national awareness to the situation. Since 2000, there has been a slight increase in attention given to the issue of children and youth involved with the drug traffic activities.

The main projects that target directly the prevention and reintegration of children and youth involved in organized armed violence are Luta Pela Paz (Fight for Peace project) and Afroreggae. The Fight for Peace project "seeks to offer under-age minors and at-risk youth real alternatives to their involvement in crime and employment in the drug trade through sports (boxing), education, life-skills training, teaching a culture of peace and access to the formal labor market" [161].

Afroreggae[162] seeks similar goals, although this project utilizes music to attract the children and youth from their communities. Additionally, projects like the 'Children and Youth in Organized Armed Violence'[163] and the 'Observatorio de favelas'[164] have been very successful in assessing the situation and understanding the historical perspectives and reasons why the children and youth from the favelas are getting increasingly involved with the drug traffic. They serve as powerful instruments to raise awareness and advocate for local, national and international attention.

The great success of the 'Fight for Peace' project as to prevent and reintegrate the children and youth from entering the drug trade relies on the provision of a 'counter-offer' to the drug trade activities. 'Luta pela Paz' was born out of a study conducted by the 'Viva Rio' NGO[165] to understand the reasons for involvement of these youth. The project launched its activities in the *'Favela da Mare'*,one of the largest slums of Rio de Janeiro, in the year of 2000 and since then has provided a realistic life alternative to over 2350 youth (the majority of whom are boys)[166]. The project's main foci are the recovery of identity ('I'm a boxer, not a

161 *Luta Pela Paz Project*. at http://www.fightforpeace.net/home_pt.php.

162 *AfroReggae Project*. at www.afroreggae.org.br.

163 *COAV - Children and Youth in Organized Armed Violence Project*. at www.coav.org.br/.

164 *Observatorio de Favelas*. at http://www.observatoriodefavelas.org.br/.

165 *Viva Rio*. at http://www.vivario.org.br.

166 Data gathered from in loco visit to Luta Pela Paz Project

criminal), access to the job market, development of professional skills, instruction in sport (boxing), provide a sense of belonging in a respected peer group, and the creation and strengthening of affectionate ties[167]. Although having a small impact, the 'Fight for Peace' project is changing the lives of some children and youth and can be used as an example of a 'best practice' to combat similar problems in different localities.

C) The response in Medellin

Medellin has approached the situation differently by creating and administering a city-run project. The program is called the 'Reincorporacion a la Civilidad' (or in English Reincorporation to Civilian Society)[168].

> "Reincorporacion a la Civilidad was established by the Medellin City Council in 2002, and it was planned for the reintegration of 1,500 members of paramilitary groups who were looking for political and social reconciliation, over an initial period of one year. The first report concluded that none were reintegrated in a period of one year, however, in a period of two years, six people were reported reintegrated, and moreover, none of this people were children"[169].

Furthermore, this program "concentrated its efforts on a process of dialogue and negotiation with a group of paramilitaries in Medellin, the 'Bloque Cacique Nutibara' (BCN), which supported the government's policy of negotiating with armed groups"[170]. This was the most expressive effort of the City of Medellin in reintegrating members of paramilitaries groups.

> "A total of 850 participants were reintegrated into their communities following weapons hand over and a three-week period in an educational center according to the case study of Ramirez[171]. It is important to mention that out of that 850 members of the BCN, around 43 boys involved in the group entered the

167 *Luta Pela Paz Project*.

168 DOWDNEY, Neither War nor Peace: International comparisons of children and youth in organized armed violence.: 190.

169 Id. at 190.

170 Id.

171 RAMIREZ.

> Reincorporation to Civilian Society and were later sent to the Instituto Colombiano de Bienstar Familiar, ICBF (Colombian Institute for Family Welfare's) demobilization program which treats children from insurgent and/or paramilitary groups"[172].

The Director of the Office of Peace and Reconciliation of the Municipality of Medellin (2004-2007) presented some concrete plans to "expand the same program adding a more realistic project – such as a reinsertion phase which would include interventions on security, health, psycho-social support and income generations among others"[173].

Besides the governmental efforts mentioned above, Medellin also employs the 'Thou Shall Not Kill Movement' (Movimiento no Mataras) program which was developed and organized by a group of young people living in violent communities and supported by the Catholic Church. According to Ramirez,

> "this movement started in 1998 as an initiative of youth gang members, who invited the Catholic Church to participate by providing logistical and financial support. The main goal of this project is to get people to join the philosophy of non-violence (being this principal based on the ideas of Martin Luther King and Ghandi). Like the non-violence aim, this project also aimed for reconciliation, seeking community and political participation as an alternative to resolving conflicts violently, meeting basic needs and promoting social inclusion. More than 1,500 people have gone through this project and 300 of this people remained active"[174].

Ramirez emphasizes the success of this program over the City Council program due to the sustainability of the program, as compared to local government policies that are subject to changes or may simply finish.

There is no doubt that governmental bodies should work closely with the non-governmental organizations to make these efforts more effective for their populations. Analyzing what is being done in both cities, we can conclude that Medellin has more support from the government to combat the problem of children and youth involved in organized armed violence whereas Rio de Janeiro counts on more support from non-governmental organizations.

Despite the efforts made by both governmental and non-governmental organizations,

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172 DOWDNEY, Neither War nor Peace: International comparisons of children and youth in organized armed violence.

173 Id. at 191.

174 Id.

there is still a long path to pursue. Both cities should combine their efforts in order to combat the phenomenon of the involvement of children and youth in the organized armed violence and to protect the rights of the young people involved.

V. CONCLUSION

This work has discussed the problem and involvement of children and youth in the organized armed violence in Rio de Janeiro and Medellin and the ways the respective governments and non-government organizations are dealing with this issue.

From the formation of the favelas and communas, to the drug trafficking structure within its territory and the growing participation of children and youth in the armed activities. These issues have been growing in conjunction with the alarming number of firearm related deaths. Since the armed violence has its worst impact within the poor communities (favelas or communas) and has victimized mainly young people, it is necessary to properly understand this phenomenon to be thus able to combat it. Besides understanding the characteristics of the organized armed violence, it is extremely important to be able to think about feasible solutions.

Besides having ratified the CRC and the Optional Protocol, both countries need to bridge the gap between what is proposed and what is effectively done. Such laws should be used as the primary tool for treating the involvement of children and youth in armed violence.

The lack of provision to public services such as education, medical care, security, as well as the lack of opportunities to escape from poverty makes drug trafficking positions extremely attractive to young children. According to Souza and Silva,

> "In addition to the social inequality there is a lack of social perspective, lack of opportunities through 'good and honest' work, and the facilities and positive externalities offered by the organized crime. These reasons must also be combined to the environment that often trivializes violence. Most importantly, in addition to these reasons one must consider the socio-psychological consequences linked to personal frustration"[175].

Children and youth suffer from prejudice and are discriminated by their society.

The absence of the government involvement in the favelas and communas has been strategically important for the geographical stabilization of drug trafficking activities. Where once the populations of these communities were important allies of the drug trade, these

[175] IPEC 2002:15.

residents are now discontented with the exponential rise in violence and the increasingly aggressive tactics of the drug dealers. The lack of governmental presence in these marginalized communities has created a different class in both countries in which children and youth are denied their rights.

As we examine the governmental and non-governmental responses, they are far from enough. Despite the growing presence of NGOs in the favelas and in the communas, they should be more effective in number and quality. As already mentioned, the complex dimension of the present situation demands different projects and programs attacking the problem from different fronts. The knowledge the NGOs have been acquiring from their fieldwork experience should be used to design project that target directly the prevention and reintegration of the children and youth involved in the organized armed violence. The City Councils as well as the Federal Governments should start looking at the situation of these communities regarding the impact of the illicit armed activities in the lives of the children and youth and should thus reinforce the existing laws to protect them and offer a safe environment for their personal development. These initiatives should be taken together with NGOs that have field experience and depth knowledge of the internal situation. If the governments do not provide public services to address the basic human rights foreseen in their respective constitutions and in the Convention of the Rights of the Child, we will keep testimony an exponential growth on the involvement of children and youth in this situation.

In summary, given the deteriorated legitimacy of the state and the limited impact of the NGOs programs, both actors should combine their best aspects: the state's capacity to run long term process and the legitimacy and flexibility of the NGO's programs to provide efficient solutions. When governmental and non-governmental organizations begin working together, perhaps there will be a different future for the youth of these communities.

GLOSSARY

Amigos dos Amigos – ADA: Friends of Friends – one of the drug factions in Rio de Janeiro

Aviaozinho: little airplane

Bandas delicuentes: criminal gangs

Bocas de fumo: drug sales point

Comando Vermelho: Red Comand – one of the drug factions in Rio de Janeiro

Communas: slum or poor neighborhoods (word in Spanish for slum or shantytowns)

Donos: chiefs of the drug trade

Favelas: word for slum of shantytowns

Fogueteiro: fireworks (who puts fireworks when the police or a rival drug faction is invading the community)

Guerrilla: word in Spanish for little war or low intensity conflicts (usually, a conflict between armed civilians against a nations' state army)

Pardo: mix races in Brazil (Brazilian with African or Indian ascendant)

Terceiro Comando: Third Comand – one of the drug factions in Rio de Janeiro

Vapor: steam (who transports the drug within the community)

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