



Alternative Report  
**Implementation  
of the Optional  
Protocol to the  
Convention on  
the Rights of the  
Child on the  
Involvement of  
Children in  
Armed Conflict  
(OP-CRC-AC)**

*Prepared by the*  
Philippine Coalition to Protect Children  
Involved in Armed Conflict (Protect CIAC)  
and the Southeast Asia Coalition to Stop  
the Use of Child Soldiers (SEASUCS)

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## Acronyms

AFP	Armed Forces of the Philippines
BDA	Bangsamoro Development Agency
BIAF	Bangsamoro Islamic Armed Forces
BIRTHDEV	Balay Integrated Rehabilitation Center for Total Human Development
CAFGU	Citizens Armed Forces Geographical Units
CARHRIHL	Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law
CAT	Citizens Army Training
CCCH	Coordinating Committee on the Cessation of Hostilities
CHR	Commission on Human Rights
CIAC	Children Involved in Armed Conflict
CPF-CIAC	Comprehensive Program Framework for Children Involved in Armed Conflict
CPP-NPA	Communist Party of the Philippines-New Peoples Army
CRC	Convention on the Rights of the Child
CRDC	Community Resource Development Center
CVO	Civilian Volunteer Organizations
CWC	Council for the Welfare of Children
DND	Department of National Defense
DOJ	Department of Justice
DSWD	Department of Social Welfare and Development
GPNP-CNN	Government Peace Negotiating Panel dealing with the CPP-NPA-NDF
GRP	Government of the Republic of the Philippines
IAC-CIAC	Inter-Agency Committee on Children Involved in Armed Conflict
ICRC	International Committee on the Red Cross

IMT	International Monitoring Team
JMAT	Joint Monitoring and Assistance Team
LGUs	Local Government Units
LMT	Local Monitoring Teams
MILF	Moro Islamic Liberation Front
MSWDO	Municipal Social Welfare and Development Office
MOA	Memorandum of Agreement
NAHRA	Negros Alliance of Human Rights Advocates
NCIP	National Commission on the Indigenous Peoples
NDF	National Democratic Front
NPA	New Peoples Army
OPAPP	Office of the Presidential Adviser on the Peace Process
OPCRCAC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
PHILRIGHTS	Philippine Human Rights Information Center
PMB-DSWD	Program Management Bureau of the Department of Social Welfare and Development
PNP	Philippine National Police
Protect-CIAC	Philippine Coalition to Protect Children Involved in Armed Conflict
PST CRRC	Psychosocial Support Child Rights Resource Center
PSWDO	Provincial Social Welfare and Development Office
RA	Republic Act
RA 7610	Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act
RA 8371	Indigenous Peoples Rights Act of 1997
RA 9163	National Service Training Program (NSTP)
RA 9208	An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Other
ROTC	Reserve Officers Training Corps

RPA-ABB	Revolutionary Proletariat Army – Alex Boncayao Brigade
RPM-P	Rebolusyonaryong Partido ng Manggagawa ng Pilipinas
RRCY	Regional Rehabilitation Center for Youth
SAC	Social Action Center
SC-CAACD	Sub-Committee on Children Affected by Armed Conflict and Displacement
SEASUCS	Southeast Asia Coalition to Stop the Use of Child Soldiers
UCCP	United Church of Christ in the Philippines

# Contents

Acknowledgments	i
Acronyms	ii
<b>1.0 Introduction</b>	<b>1</b>
<b>2.0 Implementation of Articles 1, 2 and 3</b>	<b>2</b>
2.1 Child Protection Laws and Initiatives	2
2.1.1 Landmark Laws	2
2.1.2 The Inter-agency Committee on Children Involved in Armed Conflict (IAC-CIAC)	4
2.1.3 Contrary Practice	5
2.1.3.1 Compulsory Military Training of Children	5
2.1.3.2 Actual cases of CIAC in State and State-sanctioned Armed Groups	6
<b>3.0 Implementation of Article 4</b>	<b>7</b>
3.1 Push-Pull Factors of the CIAC Phenomenon in the Philippines	7
3.2 NSAG's Commitment to Protect Children	8
3.3 Contrary Practice	8
3.3.1 Actual Cases of CIAC in Non-state Armed Groups	8
3.3.2 Areas Where Children Are at Risk of Being Involved in Armed Conflict	14
<b>4.0 Implementation of Article 6</b>	<b>16</b>
4.1 Peace Agreements and Negotiations Between the State and NSAG's	16
4.1.1 Peace Agreement with the MNLF	16
4.1.2 Negotiations with the MILF	16
4.1.3 Collapse of peace talks with the National Democratic Front of the Philippines	17
4.1.4 Peace Agreement with the RPA-ABB	18
4.2 Improper Handling and Treatment of Rescued and Demobilized CIAC	19
4.2.1 Prescribed Method	19
4.2.2 Reported Anomalies	19
4.3 Exploitation of CIAC Issue as Counter-insurgency Propaganda	21
4.4 Dissemination of Information Concerning Government's Programs to Address CIAC	22
4.5 Participation of Civil Society in the Design and Implementation of Government DRR Initiatives	23
<b>5.0 Implementation of Article 7</b>	<b>24</b>
5.1 Bilateral and Multilateral Partnerships	24
<b>6.0 Recommendations</b>	<b>25</b>
Bibliography	27



# 1.0 Introduction

On 26 September 2003, the Philippine government ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPCRC-AC). As a state party to the said instrument, the government is mandated to submit a report concerning the measures it has taken to implement the provisions of the instrument within two years following the entry into force of the Protocol.

On 15 May 2007, the initial state party report on the implementation of the OPCRC-AC was submitted. As a response to such report, the Philippine Coalition to Protect Children Involved in Armed Conflict (Protect-CIAC)<sup>1</sup> and the Southeast Asia Coalition to Stop the Use of Child Soldiers (SEASUCS)<sup>2</sup> submitted an alternative report to the UN Committee on the Rights of the Child in November 2007.

Such alternative report seeks to provide a civil society analysis of, and perspective on the government's implementation of the OPCRC-AC. This report highlights both the good practices as well as the gaps faced in the implementation of the instrument. It seeks to cast light on the

challenges in terms of policy, programs, and other measures that have been undertaken by the Philippine government to ensure the protection of children who are involved or could be potentially involved in armed conflict. This report could serve as an advocacy tool that could guide civil society and international governmental organizations to, and even partners in the government in the conduct of constructive dialogue to enhance the implementation of measures for CIAC.

The information contained in this report was gathered through field interviews with civil society organizations as well as social workers in areas affected by armed conflict in the Philippines. Secondary sources of information such as news articles, fact finding mission reports, and case profiles have been very valuable as well. All these sources of information have been gathered regularly by both organizations since 2003.

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1 Protect CIAC was formerly called the Philippine Coalition to Stop the Use of Child Soldiers (PCSUCS). The change of name was decided on, in July 2007.

2 SEASUCS is a regional coalition that is based in Manila, Philippines. It has a total of 8 member organizations working in Philippines, Indonesia, and at the Thai-Burma border.

## 2.0 Implementation of Articles 1, 2 and 3

### Articles 1, 2, and 3

Measures to ensure that persons who have not attained the age of 18 do not take direct part in hostilities and are not compulsorily recruited into their armed forces

Measures to raise the minimum age of voluntary recruitment of persons into the armed forces and to ensure that recruitment is not forced or coerced

### Use of the term 'children involved in armed conflict' (CIAC)

Child protection organizations and relevant governmental bodies in the Philippines use the term CIAC as a more inclusive concept that encompasses children involved in armed conflict regardless of the degree of their engagement in combat (whether direct or indirect). Despite this semantic preference, the term CIAC adopts the operational definition in the Paris Principles that describes children associated with armed forces or armed groups as “any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.”<sup>3</sup>

For the purposes of this report, the term CIAC is used interchangeably, when context dictates, either as a singular or plural term, to refer to ‘child’ or ‘children,’ respectively.

## 2.1 Child Protection Laws and Initiatives

### 2.1.1 Landmark Laws

The Philippine Government is a state party to CRC and the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OP-CRC-AC). Prior to the ratification of the OP-CRC-AC, the Philippines has already adopted in 1992 Republic Act 7610, otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

Article X, Sec. 22 (B) of the said law prohibits the recruitment of children to become members of the Armed Forces of the Philippines, or of its armed civilian units, as well as of other non-state armed opposition groups. Nor are children to be allowed to take part in skirmishes of, used as guides, couriers, and spies of either side.

On the plus side, R.A. 7610 has a higher standard compared to the OP-CRC-AC in that the said law does not discriminate according to armed

<sup>3</sup> Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, February 2007, [http://www.diplomatie.gouv.fr/en/IMG/pdf/Paris\\_Conference\\_Principles\\_English\\_31\\_January.pdf](http://www.diplomatie.gouv.fr/en/IMG/pdf/Paris_Conference_Principles_English_31_January.pdf)

group classification when it comes to minimum age requirement. All armed forces—whether state or non-state—are prohibited from voluntarily or forcibly recruiting children younger than 18 years old.

On the minus side, while outlawing the recruitment of children into the armed forces, R.A. 7610 does not specify penalties for violators. The absence of this crucial provision compromises the potential of the law as a deterrent to the armed forces' practice of recruiting children.

Article X, Sec. 25 of R.A. 7610 guarantees the following rights of children arrested for reasons related to armed conflict: separate detention from adults except where families are accommodated as family units; free legal assistance, immediate notification of parents or legal guardians concerning the arrest of the child; and release on recognizance of the child within 24 hours to any social welfare agency, parents, or legal guardians as determined by the court.

Sec. 22 of the same law declares children as “Zones of Peace” stating that: “It shall be the responsibility of the State and all other sectors concerned to resolve armed conflicts in order to promote the goal of children as zones of peace.

To attain this objective, the following policies shall be observed:

1. *“Children shall not be the object of attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture or other cruel, inhumane or degrading treatment;*
2. *Children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor be allowed to take part in the fighting, or used as guides, couriers, or spies;*
3. *Delivery of basic social services such as education, primary health and emergency relief services shall be kept unhampered;*
4. *The safety and protection of those who provide services including those involved in fact-finding missions from both government and non-government institutions shall be ensured. They shall not be subjected to undue harassment in the performance of their work;*
5. *Public infrastructure such as schools, hospitals and rural health units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots; and*
6. *All appropriate steps shall be taken to facilitate the reunion of families temporarily separated due to armed conflict.”*<sup>4</sup>

It also provides for the care and humane treatment of rescued or surrendered child soldiers, for the immediate notification of the rescue of the child soldier to his or her parents and guardians, and for the release of the child within 24 hours to the custody of the Department of Social Welfare and Development (DSWD) or any responsible member of the community determined by the courts. The DSWD is the lead government agency in the rehabilitation/reintegration of child soldiers and other children and young people in difficult situations, as well as in ensuring their social adjustment, growth and development.

Eighteen years prior to the enactment of R.A. 7610, the Philippine government had passed into law the Child and Youth Welfare Code (1974) which set out the nation's legislative framework on children.

For its part, the Indigenous People's Rights Act of 1997 (R.A. 8371) is an applicable national law pertinent to the prohibition of the recruitment and involvement of children from indigenous peoples' communities in all circumstances.

<sup>4</sup> Republic of the Philippines, Republic Act (RA) 7610, Sec. 22 (a), (b), (c), (d), (e), and (f).

The limitation of the aforementioned laws particularly on the prosecution of the provision of penalties for recruiters of CIAC was augmented by the passage of R.A. 9208. Section 4 (h) of the said law mentions that it shall be prohibited for any person, natural or juridical—among others—to “recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.” The law provides the following penalty for the recruitment, transportation, and adoption of children to engage in armed activities: “penalty of imprisonment of twenty (20) years and a fine of not less than one million pesos (P1, 000,000.00) but not more than two million pesos (P2,000,000.00).”<sup>5</sup>

Despite the passage of this law, no such cases filed against alleged traffickers for the purpose of engagement in armed conflict have come to the knowledge of the Protect CIAC.

Aside from these three laws, the Government has enacted a wide range of national executive orders and laws to promote and protect the rights of children. While these legal safeguards and other related laws provide an important structural framework, they have frequently not been effectively implemented. *Deadly Playgrounds-- The Phenomenon of Child Soldiers in the Philippines*, a 2005 study by the Philippine Human Rights Information Center (PhilRights), aptly observes that there are gaps in the implementation of some of these policies and programs due largely to the difficulty of implementing laws in conflict areas, as more immediate and pressing concerns stemming from the conflict take precedence.<sup>6</sup>

## 2.1.2 The Inter-agency Committee on Children Involved in Armed Conflict (IAC-CIAC)

In November 2001, President Gloria Macapagal-Arroyo signed Executive Order No. 56 adopting the Comprehensive Program Framework for Children Involved in Armed Conflict (CPF-CIAC). At the same time, E.O. 56 approved the creation of an inter-agency body called the Inter-agency Committee on Children Involved in Armed Conflict (IAC-CIAC) composed of line government agencies mandated to develop plans and programs consistent with the implementation of the CPF-CIAC. The Executive Order was issued to fulfill the commitment of the Philippine Government to international human rights standards that aim to protect the rights of children in armed conflict situations, particularly the Convention on the Rights of the Child and the Optional Protocol to the CRC on children involved in armed conflict.

The CPF-CIAC has three components:

1. The prevention of recruitment and involvement of children through the development of appropriate infrastructure and basic social services in the poorest areas of the country;
2. Advocacy and mobilization involving faith-based organizations, grassroots and people’s organizations, NGOs, youth groups, and media to carry the advocacy agenda of non-recruitment of child soldiers;

<sup>5</sup> Republic of the Philippines, R.A. 9208, An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Other Purposes.

<sup>6</sup> Philippine Human Rights Information Center (PhilRights), *Deadly Playgrounds--The Phenomenon of Child Soldiers in the Philippines*, 2005.

3. Rescue, rehabilitation and reintegration of CIAC. This program component intends to strengthen the delivery of appropriate services to ensure the secured release, recovery, and reintegration of a CIAC into civilian life.

The CPF-CIAC has led to the development of further plans and frameworks of action that guide the development of relevant programs of government agencies. Government agencies that form part of the IAC-CIAC have prepared memoranda and circulars aiming to localize the implementation of relevant programs down to their respective field offices.

One major outcome of the CPF-CIAC is the development of the inter-agency guidelines in handling and treatment of child soldiers. These guidelines are based on R.A. 7610 instructing the turnover of demobilized CIAC to civilian custody within 24 hours upon surrender or rescue. The guidelines stipulate the functions of relevant government agencies in each step or part of the process, from surrender or rescue to the rehabilitation or reintegration of child.

While the IAC-CIAC is a good start towards stronger protection measures for children involved in armed conflict, these challenges need to be addressed:

- a. *“Weak dissemination of the guidelines down to the field offices. While there have been circulars and memoranda issued by national offices, these have not been mainstreamed in the field offices at the provincial, municipal and city levels. The lack of political will of some government officials and the prevailing*

*tendency of abdicating responsibility by relegating to other agencies the duty of fulfilling specific mandates compound the situation;*

- b. *The CIAC phenomenon in the Philippines is intricately related to the overall insurgency problem. Addressing the CIAC issue requires consensus by all parties to the conflict. At present the issue has not been raised formally in the agenda of the peace talks. Other political priorities dominate negotiations. The CIAC issue is considered as a highly sensitive issue that could paralyze peace talks;*
- c. *In relation to the above, Non-State Actors (NSAGs) may view IAC-CLAC initiatives as counter-insurgency measures.<sup>7</sup> Although most NSAGs in the country deny the existence of child soldiers in their ranks, some of their leaders have also defended the position of children’s involvement as children’s right to self-defense;*
- d. *Difficulty of contacting CLAC. Accessing the physical location, as well as getting through the channels of communication and protocols bound by administrative red-tape and logistics, or by the specific socio-political and cultural contexts of CLAC poses serious threats to the security of civilian personnel such as social workers.”<sup>8</sup>*

## 2.1.3 Contrary Practice

### 2.1.3.1 Compulsory military training of children

It used to be that enrolment in the Reserve Officers Training Corps (ROTC) was compulsory for able-bodied college students. With the passage of Republic Act 9163 otherwise known as the National Service Training Program (NSTP) Act of 2001, participation in the ROTC became optional and voluntary. While this may be true for

7 The Armed Forces of the Philippines, through Gen. Esperon issued a statement on 21 December 2006 calling for stronger counter-terrorism measures against the CPP-NPA-NDF on grounds including the recruitment and use of child soldiers.

8 Ryan V. Silverio, “Assessment of the Philippine Government’s Obligations as State Party to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict,” unpublished paper in GRHR Independent Study. Mahidol University, 2006.

college students, high school students continue to be required to undergo at least one year of Citizen's Army Training (CAT). This training is a prerequisite to graduation from high school. Under the standards of the Philippine education, high school students required to undergo such training are usually from 15 to 16 years of age.

### 2.1.3.2 Actual cases of CIAC in state and state-sanctioned armed groups

A research conducted by the Southeast Asia Coalition to Stop the Use of Child Soldiers (SEASUCS) and the Philippine Coalition to Protect Children Involved in Armed Conflict (Protect CIAC) was able to document 33 CIAC cases in both state and non-state armed groups reported from 2005 to the first quarter of 2007.

The research confirms that, child protection laws notwithstanding, the recruitment and use of children by government paramilitary groups continue, notably by the Citizens Armed Forces Geographical Units (CAFGU) and the Civilian Volunteer Organization (CVO), and other military-backed vigilante groups.

The research also revealed that in some communities in the provinces of Albay and Camarines Sur, captured or rescued CIAC are used by the CAFGU as assets in its own operations.<sup>9</sup> During field visits to Bohol and Negros Occidental, partner organizations said that recruitment of children by the CAFGU continues in the hinterland villages.

### *Region V: Bicol Region*

CAFGU and CVOs are recruiting children in the municipalities of Bacon, Castilla, and Gubat, and in the hinterland portions of Sorsogon City.<sup>10</sup>

### *Region XI: Davao Region*

Children belonging to the Bagobo, Mandaya, Ata-Manobo, Higaonon, and their ethno-linguistic subgroups in Davao City are reportedly being recruited into the Alamara and other vigilante groups such as the Bagobo Warriors. These vigilante groups were said to have been created by the Philippine military in the early 2000s as a village defense system to support the counter-insurgency effort of the military command in Southern Mindanao against the Communist Party of the Philippines-New People's Army (CPP-NPA). These groups are reported to have committed human rights violations against the communities they are supposed to protect. In 2004, the human rights group Karapatan reported the forced recruitment of minors in Talaingod, Davao del Norte.<sup>11</sup>

<sup>9</sup> Social Action Center (SAC) of the Diocese of Legazpi, in the PCSUCS study, *Strengthening Protection of Children Involved in Armed Conflict: Implementation of the 11-point Program of the Philippine Coalition to Stop the Use of Children as Soldiers*, 2007.

<sup>10</sup> Situational Analysis, *Training on the Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law (CARHRIHL)* conducted by Sulong CARHRIHL at the Diocesan Pastoral Center, Sorsogon City, 19 to 23 April 2007.

<sup>11</sup> Tyrone Velez & Grace S. Uddin, "Regime's Torture, Other Rights Violations Decried," *Bulatlat IV*, 46 (19-25 December 2004), <http://www.bulatlat.com/news/4-46/4-46-torture.html>

## 3.0 Implementation of Article 4

### Article 4

Measures to prohibit and prevent the recruitment and use of persons below the age of 18 by armed groups distinct from armed forces of the State

### 3.1 Push-Pull Factors of the CIAC Phenomenon in the Philippines

Children join armed groups, including NSAGs such as the New People’s Army (NPA), Moro Islamic Liberation Front (MILF), and the Revolutionary Proletarian Army–Alex Boncayao Brigade–Rebolusyonaryong Partido ng Manggagawa-Pilipinas (RPA-ABB) that are stationed across the country, and more frequently, in conflict-ridden areas such as those in Mindanao.

Research shows that a child who joins these armed groups often comes from a poor and large family that relies on farming and other related occupations for livelihood. Such family lives in a rural poor community with limited employment opportunities and experiences shortage or complete absence of basic services such as education, health, nutrition, and infrastructure that government is duty-bound to provide.<sup>12</sup> Poverty in the Philippines remains to be both an urban and a rural phenomenon.

The potent cocktail of poverty and government neglect, affiliation of another family member in an armed group, human rights abuses brought about by militarization, development aggression, and belief in a political or religious ideology compels the child to join an armed group.<sup>13</sup>

This can be best described as a “push and pull structure” where CIAC are simultaneously pressured and enticed to become embroiled in a conflict. The push factors are external pressures, whether distinct or interrelated social, political, economic, and cultural situations. Poverty is a standout push factor as it limits the options and opportunities for young people, and at the same time strains the relationship between the child and the state.<sup>14</sup>

Pull factors, on the other hand, are enticements or perceived benefits that the child will derive on account of his membership in the armed group. Pull factors could include monetary and non-monetary benefits. Non-monetary benefits include opportunities for children to find meaning in their own lives and social relevance as they develop a conviction that they are changing society. These non-monetary benefits could also include opportunities for revenge, becoming a “hero,” and serving the community and/or family.<sup>15</sup>

<sup>12</sup> PhilRights, 2005.

<sup>13</sup> PhilRights, 2005.

<sup>14</sup> Silverio, 2006.

<sup>15</sup> Silverio, 2006.

## 3.2 NSAGs' Commitment to Protect Children

Certain non-state armed groups have reaffirmed their respective policies concerning the minimum age of recruitment. In 1999, the Military Commission of the Communist Party of the Philippines (CPP) Central Committee issued a memorandum amending Principle III, Point 1 of the Basic Rules of the New Peoples Army to now read:

*"Any person, who is at least 18 years of age and is physically and mentally fit, regardless of sex, race, nationality or religion, has the capacity to fight and is ready to participate in armed struggle against the reactionary state power, may become a combatant or a member of a fighting unit of the NPA."*<sup>16</sup>

The CPP then publicly declared its unequivocal denouncement of the recruitment of minors into the NPA. In the same vein, it stated:

*"The CPP requires the NPA to strictly comply with the policy and allows no exceptions to it. In applying the policy, NPA Red fighters discovered to have failed to meet the new age requirement are discharged from the NPA and reassigned to various other non-combat and non-hazardous tasks as civilian activists or else sent home to support family production or continue their schooling."*<sup>17</sup>

Like a counter-argument, the CPP noted that, on a daily basis, "youthful volunteers" below the minimum age requirement approach NPA units. In this regard, the CPP urges its Units to be "circumspect in their recruitment efforts or in accepting volunteers."<sup>18</sup>

The said 1999 Memorandum also states that:

*"Any person, not less than 15 years of age, may be admitted as a trainee or apprentice of the New People's Army and may be assigned to self-defense, militia and other non-combat units and tasks."*<sup>19</sup>

For its part, the MILF has a general policy not to recruit children for combat, but accepts children as auxiliaries. The MILF invokes the "right of everybody including children to self-defense especially when communities or villages are under indiscriminate military actions by the enemy."<sup>20</sup>

## 3.3 Contrary Practice

### 3.3.1 Actual Cases of CIAC in Non-state armed Groups

The same research by SEASUCS and Protect CIAC documented the following CIAC cases in NSAGs.

#### *Cordillera Administrative Region (CAR)*

In Abra and Kalinga, the CPP-NPA continues to operate in several of the highland municipalities such as Malibcong, Tayum, Tubo, and Sallapadan.<sup>21</sup> The precise number is difficult if not impossible to ascertain. Armed conflict in the area stems from the impending entry of extractive industries sanctioned under the Mining Act of 1995. The NPA resists the entry of large-scale mining companies that threaten to displace communities and degrade the environment. The NPA described its offensive on

16 Communist Party of the Philippines, "The NPA does not allow below-18 recruits," 19 November 2005, <http://www.philippinerevolution.net/cgi-bin/statements/releases.pl?refer=kr;date=051119;language=eng>

17 Communist Party of the Philippines, 2005.

18 Communist Party of the Philippines, 2005.

19 Communist Party of the Philippines, 2005.

20 Moro Islamic Liberation Front, "MILF reiterates policy on child soldiers," Maradika XXVI, 5

21 Situational Analysis, Training on Human Rights, International Humanitarian Law and Children Involved in Armed Conflict conducted by the Philippine Coalition to Stop the Use of Children as Soldiers (PCSUCS) in cooperation with the Concerned Citizens of Abra for Good Government (CCAGG), ADTEMPCO, Bangued, Abra, 20 March 2007.

the Agustin Begnalen Command in Barangay Tiempo in the municipality of Tubo, Abra, in June 2005 as the “response of the people and the NPA in the Cordillera to the intensifying militarization connected with the successive incursions of several foreign mining companies in the Cordillera.”<sup>22</sup>

Children are reported to be in the ranks of the NPA in Abra province,<sup>23</sup> where the highest record of incidents of insurgency has been reported—81 separate incidents in 2005 alone. One of them is a 17-year old boy from the Maeng tribe who was returned to his family after he had been found to be mentally and emotionally unfit for training.<sup>24</sup> Villagers, however, assert that the child’s unstable mental and emotional condition could never have resulted from his involvement with the NPA, as these problems have been kasigudan or “congenital” in nature.

The government’s Commission on Human Rights (CHR) reports that a 16-year old girl, a member of the NPA, surrendered to the Philippine National Police in the municipality of Pinukpuk in the province of Kalinga in 2005.<sup>25</sup> The National Commission on Indigenous Peoples (NCIP) also documented the case of 15-year old twin girls, belonging to the Kalinga tribe, who surrendered to the 501st Infantry Battalion of the Philippine Army in Pinukpuk.<sup>26</sup>

*Region IV-A: CALABARZON (This covers the following provinces: Cavite, Laguna, Batangas, Rizal and Quezon)*

On 7 June, 2006, the military rescued three 15-year old boys after an encounter with NPA units in Lopez, Quezon province. They were detained in jail for a day and were subsequently released to the custody of their respective parents.<sup>27</sup>

*Region IV-B: MIMAROPA (This covers the following provinces: Oriental Mindoro, Occidental Mindoro, Marinduque, Romblon, and Palawan)*

In Mindoro Oriental, the NPA suffered from an offensive launched by the army in 2004. Prior to this setback, however, local partners from faith-based and indigenous peoples’ organizations in both Mindoro Oriental and Mindoro Occidental provinces observed that children from the lowland Christian and upland indigenous Mangyan have indeed joined the armed group. The Mindoro Oriental Provincial Social Welfare and Development Office (PSWDO) reported in 2004 that one CIAC was killed in an encounter in Del Pilar, Naujan. In the same year, two others were killed in Sabang, Pinalamlayan. The latter two children belonged to the Mangyan indigenous community.

22 Cordillera People’s Democratic Front, “On NPA raid in Tubo, Abra,” 5 June 2005, <http://prwc.siteburg.com/cgi-bin/statements/statements.pl?author=sfn;date=050605;language=eng>

23 Army suspects infiltrators among former rebel intregrees,” Manila Times, 8 September 2005, <http://www.manilatimes.net/national/2005/sept/08/yehey/prov/20050908pro1.html>

24 Psychosocial Support and Children’s Rights Resource Center, “Katutubong Dangal – Cultural Security and Coping Mechanisms for Children of Philippine Indigenous Communities,” August 2006.

25 Chairperson Purificacion C. Valera-Quisumbing, Commission on Human Rights, “National Situation: Implementation of IHL in the Philippines,” paper presented during the First International Humanitarian Law (IHL) National Consultative Conference, Manila, 22-23 November 2005.

26 National Commission on Indigenous Peoples (NCIP) Cordillera Administrative Region, “Status Report- Project: IEC Workshop on the Documentation of IP Children Involved in Armed Conflict,” [n.d.].

27 Department of Social Welfare and Development-Program Management Bureau, 5 July 2006.

Despite the reported decline in their recruitment, children are still considered to be ‘at risk’ of joining the rebel group in all of the municipalities of Mindoro Oriental, with the children in the towns of Bulalacao, Bongabong, Naujan, Roxas, and Victoria being at greater risk. These municipalities are mainly remote, agricultural, and with little or limited access to basic social services. Their geographical location—linked by various mountain passes—makes them ideal for the NPA’s encampment and other activities.<sup>28</sup>

This assessment is based on the findings of the United Church of Christ in the Philippines (UCCP)-Mindoro Conference using reports by the Philippine National Police Provincial Command saying that most of the so-called ‘rebel returnees’ come from these towns.<sup>29</sup>

The UCCP–Mindoro Conference likewise identified children in the municipalities of Sablayan and Calintaan in Mindoro Occidental as being ‘at risk’ of becoming CIAC. In fact, in 2003, the UCCP-Mindoro Conference aided the demobilization and rehabilitation of a 15-year old boy from the Sablayan area.

The DSWD reports that the military in Palawan province rescued from the NPA three boys, two of whom were 14 years old and one was 16 at the time.<sup>30</sup> According to a news account, the three boys surrendered to the Western Command of the Armed Forces of the Philippines (AFP) rather than carry out a mission to liquidate a former NPA member in San Vicente municipality, Palawan.<sup>31</sup>

### *Region V: Bicol Region*

Although government sources claim that there have been no reported cases of CIAC in the provinces of Albay and Camarines Sur since 1998, there are reports that children, particularly those out of school, have joined the NPA.<sup>32</sup> An interview with the head of one of the religious centers in Iriga City in Camarines Sur said that poor families from remote barangays, or villages, in the municipality of Buhi have been sending their children to the faith-based center to prevent their involvement in the armed group.<sup>33</sup>

Aside from Buhi, the other municipalities in Camarines Sur where children are ‘at risk’ of becoming CIAC are Balatan, Presentacion, and Ragay. In the province of Albay, children in the municipalities of Jovellar, Libon, and Tiwi were identified as being ‘at risk’ due to the presence of the CPP-NPA. The mountainous terrain and access to waterways such as the Ragay Gulf make these areas ideal for NPA encampment and activities. Poor families in these areas consider becoming a member of the Communist front as the best option for survival from lack of access to basic resources such as health and education services.<sup>34</sup>

Located in the southernmost tip of the Bicol Peninsula, Sorsogon province is the seat of the NPA’s Regional Command. The recruitment of children is reportedly province-wide. Children in the municipalities of Bacon, Castilla, and Gubat and hinterland portions of Sorsogon City are considered ‘at high-risk’ of becoming CIAC because of the considerable support given by the local communities to the CPP-NPA.<sup>35</sup> In related moves that make

28 UCCP-Mindoro Conference, Report Research on Children Involved in Armed Conflict, 2007, [draft].

29 UCCP-Mindoro Conference, Report Research on Children Involved in Armed Conflict, 2007

30 PMB- DSWD, Report on Children Involved in Armed Conflict – As of January 2007.

31 “3 teenage rebels nabbed by soldiers,” Sun Star Manila, 29 August 2006, <http://www.sunstar.com.ph/static/man/2006/08/29/news/3.teenage.rebels.nabbed.by.soldiers.html>

32 SAC Legazpi, 2007

33 Interview with the head of a religious-run center in Iriga City, Camarines Sur, September 2006.

34 SAC Legazpi, 2007.

35 Situational Analysis, Training on CARHRIHL, Sorsogon, 2007.

the risk two-pronged, children are also being recruited into the CAFGU and CVOs in these municipalities, particularly in Castilla.<sup>36</sup>

The military ambushed NPA units in Gubat, Sorsogon, in February 2001. In retaliation, the NPA attacked the municipal police headquarters, killing four policemen and two children who happened to be at the police station. Days after the attack, three children aged 13-15 and two others in their 20s, were arrested from an alleged NPA hideout in Barangay Marinas, Sorsogon City. The group claimed that its members had only been playing basketball. Two of these children reached legal age while in jail and all three were discharged only in December 2005 after murder charges had been dropped and only after several attempts, even by the Office of the Presidential Adviser on the Peace Process (OPAPP), had failed to secure their release.<sup>37</sup>

### *Region VII: Central Visayas*

During a 2002 attack on a CPP-NPA camp by military troops of the 802nd Brigade in Sitio Diis, Kauswagan, Trinidad, Bohol province, a child was among the eight CPP-NPA casualties.<sup>38</sup> At the time, child recruitment in the province was reportedly high. But as a result of the reactivation in 2003 of a local peace forum set up by the Bohol Provincial Government, recruitment of children by the CPP-NPA is reportedly declining.<sup>39</sup> The municipalities of Bilar, Dimiao, Liia, Sagbayan, Sevilla, Carmen, and Balilihan were among those identified as former strongholds of the NPA.<sup>40</sup> In 2000 and 2001, two of the boys rescued by the military

were from the towns of Sagbayan and Balilihan. The Provincial Government of Bohol credits the reactivated peace forum for the decrease in number of CPP-NPA armed fronts from four in 2002 to just one in 2006. Likewise, the number of barangays influenced by the CPP-NPA dramatically dropped from 305 to only 46.<sup>41</sup> Nonetheless, the Government Peace Negotiating Panel dealing with the CPP-NPA-NDF (GPNP-CNN) reported three CIAC cases in Bohol in June 2005.

The Social Action Center of the Diocese of Tagbilaran documented the case of a 17-year old girl who surrendered to the 15th Infantry Battalion of the Philippine Army in May 2006. The girl, whose father was a member of a militant farmer's group, joined the underground movement in September 2003 at the age of 14. She served in the NPA as courier and guide.<sup>42</sup>

In January 2006 in Mabinay, Negros Oriental province, it was reported that teenage girls disguised as students were actually lookouts in the assassination of Revolutionary Proletarian Army-Alex Boncayao Brigade-Rebolusyonaryong Partido ng Manggagawa-Pilipinas (RPA-ABB or RPM-P) leader Rogelio "Ka Malvar" Magbato.<sup>43</sup>

### *Region VI: Western Visayas*

CPP-NPA units in Negros Occidental province have allegedly intensified recruitment especially during the last quarter of 2005 in the northern area of the province where the NPA and one of its splinter groups, the RPM-P/RPA-ABB, have been engaged in armed confrontation. Affected areas include the municipalities of Cauayan,

36 Situational Analysis, Sorsogon City 2007.

37 Interview with a former employee of the SAC Sorsogon, 7 June 2006.

38 Provincial Philippine Information Agency (PIA) Office, Tagbilaran City, "Major Insurgency-Related Events in the Province – 1999 to March 2003"

39 Interview with Dennis Calunia, Operations Manager, SAC Tagbilaran, February 2006.

40 Interview with Dennis Calunia, 2006.

41 Gov. Erico B. Aumentado, "Poverty Reduction Program for Peace and Development: The Bohol Experience" [n.d.].

42 SAC Tagbilaran, in PCSUCS study 2007

43 The CPP-NPA accuses the RPA-ABB of protecting powerful politicians to enforce projects that threaten to dislodge farmers and consolidate control over areas under their jurisdiction. Interview with Negros Alliance of Human Rights Advocates (NAHRA) Chairperson Flor Arranguez, Bacolod, February 2006.

Murcia, Calatrava, Escalante, and the cities of Sipalay and Cadiz.<sup>44</sup>

According to the Negros Alliance of Human Rights Advocates (NAHRA), a raid in November 2005 conducted by the CPP-NPA against the RPA-ABB involved children.<sup>45</sup>

NAHRA identified children in the municipalities of Calatrava, Tuboso, and Don Salvador Benedicto in Negros Occidental as being 'at risk' of becoming CIAC. NAHRA reports the increase in number of encounters from July to October 2006 between the military and the CPP-NPA and the CPP-NPA against the RPA-ABB. Within the said three month period, 10 children were rescued, five of whom were from Tuboso, three from Calatrava, and two from Don Salvador Benedicto.<sup>46</sup> In August 2006, the Philippine National Police reported the capture of two individuals, age 17 and 18, after an encounter with the NPA in Barangay Bagong Silang, Don Salvador Benedicto municipality.<sup>47</sup>

In 2005, recruitment of children into the CAFGUs was reported in Murcia and in Kabankalan City, both in Negros Occidental. The Region VI (Western Visayas) Office of the Commission on Human Rights (CHR) learned that two children were recruited into the CAFGU in Murcia. The CHR immediately informed the military commander of the 12th Infantry Battalion, who sent the recruits home. No action, however, appeared to have been taken against the military commander for the violation.

### *Region VIII: Eastern Visayas*

The Armed Forces of the Philippines intensified its campaign against the NPA in the islands of Leyte and Samar in 2004 and 2005.

The March 2007 Report on Children Involved in Armed Conflict by the Program Management Bureau (PMB) of the DSWD reported 12 CIAC cases in Leyte and Samar. Four of the CIAC are girls, with the youngest at age 11. These CIAC include two 'child warriors,'<sup>48</sup> aged 13 and 16, reported to have been rescued by the 14th Infantry Battalion of the 8th Infantry Division of the Philippine Army in Barangay 4 Poblacion, San Jose de Buan, Western Samar in October 2006. Earlier in the month, the 34th Infantry Battalion reported that it rescued two female 'child warriors' in Barangay Tuturingon, Catbalogan, Western Samar.<sup>49</sup> One of the girls a native of Catbalogan, Samar, was then aged 12; while the other from San Jorge, Samar, was then aged 16. Children in the municipalities of Basey, Calbiga, Catbalogan, and San Jose de Buan in Western Samar were likewise identified as being 'at risk' of becoming CIAC.<sup>50</sup>

Furthermore, children in the following municipalities of Eastern Samar are considered 'at risk' of becoming CIAC: Balangkayan, Can-avid, General Mac-Arthur, Giporlos, Hernani, Jipapad, Lawaan, Maslog, Maydolong, Oras, Quinapondan, and San Policarpio. Children living in the interior barangays of the provincial capital Borongan were also identified as being 'at risk'.<sup>51</sup>

44 Negros Alliance of Human Rights Advocates (NAHRA) in PCSUCS study, 2007.

45 NAHRA, 2007.

46 NAHRA, 2007.

47 Philippine National Police-Salvador Benedicto Police Station, Negros Occidental, Special Report, 10 August 2006.

48 Felix M. Mangayao (INF) PA, "Army rescues more child warriors in Samar," Samarnews, 15 October 2006 [http://www.samarnews.com/news\\_clips5/news89.htm](http://www.samarnews.com/news_clips5/news89.htm)

49 Mangayao, 2006

50 Situational Analysis, Training on the Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law (CARHRIHL), Diocesan Pastoral Center in Calbayog City, 19- 23 April 2007.

51 Situational Analysis, Consultation Workshop on the Involvement of Children in Armed Conflict in the Province of Eastern Samar, 28 March 2007.

In May 2007, the 19th Infantry Battalion in Leyte arrested on charges of rebellion a 16-year old girl suspected of being a member of the NPA's Northern Leyte Front Command.<sup>52</sup> Earlier in the month, a 17-year old boy surrendered. He was allegedly a member of the NPA in the municipality of Albuera, Leyte.

### *Autonomous Region of Muslim Mindanao (ARMM)*

There are no available government reports on the capture, surrender, or arrest of children involved with the MILF. Despite the absence of government data, local accounts and research report that children have joined the MILF in the provinces of Maguindanao, Shariff Kabunsuwan, and Lanao del Sur. Five years earlier, a 2002 study by the International Labour Organization estimated that 10 to 15 percent of MILF members were below 18 years old.<sup>53</sup>

A research on CIAC in 2006 by the Community Resource Development Center (CRDC) indicated that social welfare offices of the study areas in Maguindanao did not handle any CIAC case.<sup>54</sup> A parallel research conducted by Balay Integrated Rehabilitation Center for Total Human Development (BIRTH-DEV) in Lanao del Sur in 2006 produced a similar report.<sup>55</sup>

The CRDC and BIRTH-DEV studies documented cases of adults who joined the MILF during their adolescent years. The CRDC documented the case of a 21-year old man who had joined the

Bangsamoro Islamic Armed Forces (BIAF) at age 14 and had seen action during the 2000 AFP offensive on Camp Abubakar As-Siddique, the main camp of the MILF in Maguindanao. BIRTH-DEV documented the case in Lanao del Sur of a 19-year old girl, already two years out of active duty at the time of interview in 2006. The girl had joined the MILF at 13 but did not serve combat duty.

Anecdotal accounts suggest that children from the municipalities of Datu Piang and Datu Saudi Ampatuan, both in Maguindanao, join the MILF.<sup>56</sup> On account of the presence of MILF camps, the CRDC identifies children in the municipalities of Sultan Kudarat, Pagalungan, and Datu Odin Sinsuat as being 'at risk' of becoming CIAC. BIRTH-DEV classifies as being 'at risk' children in Masiu, Lumbayanague, Balindong, and Kapatagan in Lanao del Sur.<sup>57</sup>

### *Region X: Northern Mindanao*

The situation in Lanao del Norte is unique in that the province straddles areas where both the NPA and MILF operate. The provincial AFP and the PSWDO have no data on the recruitment and demobilization of CIAC. Interview respondents to a study by BIRTH-DEV, however, mention of recruitment of children in Kauswagan, Munai, Poona Piagapo, and Tangkal municipalities.<sup>58</sup> According to the study:

*"...MILF military commanders recruit Muslim Maranao children by approaching the parents and relatives who support the group by encouraging children as young as*

52 Joey A. Gabieta, "Alleged teen NPA rebel nabbed in Leyte," Visayas Bureau – Inquirer News Service, 28 May 2007, [http://newsinfo.inquirer.net/breakingnews/regions/view\\_article.php?article\\_id=68317](http://newsinfo.inquirer.net/breakingnews/regions/view_article.php?article_id=68317)

53 Rufa Cagoco-Guiam, Child soldiers in Central and Western Mindanao: A rapid assessment, International Labour Organization (ILO), February 2002.

54 Community Resource Development Center (CRDC) in PCSUCS study, 2007.

55 Balay Integrated Rehabilitation Center for Total Human Development (BIRTH-DEV) in PCSUCS study, 2007.

56 CRDC, in PCSUCS study, 2007.

57 BIRTH-DEV in PCSUCS study, 2007.

58 BIRTH-DEV in PCSUCS study, 2007.

*11 or 13 years old to engage into combat training and eventually become MILF members.”<sup>59</sup>*

### **Region XIII: Caraga Region**

Eight years following the capture of 12-year old Jelyn Dayong after an encounter between NPA and government forces in the town of Alegria in Surigao del Norte province in 1999, children in majority of the municipalities of the four provinces of Caraga Region remain ‘at risk’.<sup>60</sup> These areas include all but one of the 11 municipalities of Agusan del Norte, namely: Buenavista, Cabadbaran, Carmen, Jabonga, Kitcharao, Las Nieves, Nasipit, Remedios T. Romualdez, Santiago, and Tubay. Twelve out of the 13 municipalities of Agusan del Sur are included, namely: Bunawan, Esperanza, La Paz, Loreto, Prosperidad, Rosario, San Luis, Sibagat, Talacogon, Trento, and Sibagat.

Social workers identified seven out of the 20 municipalities in Surigao del Norte, all located in the Mindanao mainland, namely: Alegria, Bacuag, Claver, Gigaquit, Mainit, Malimono, and Sison.

Children in 15 out of the 17 municipalities and two cities of Surigao del Sur are considered being ‘at risk’: in the cities of Bislig and Tandag, and the municipalities of Barobo, Cagwait, Cantilan, Carmen, Carrascal, Cortes, Hinatuan, Lanuza, Lianga, Lingig, Madrid, San Agustin, San Miguel, Tagbina, and Tago. In March 2007, the 4th Infantry (Diamond) Division of the Philippine Army reported it had captured ‘NPA minor combatants’[sic] from the North Eastern Mindanao Regional Committee in Barangay Laperian, Prosperidad, Agusan del Sur. Three of those captured are children, two of whom were 17, and the youngest was 14 years old at the time.<sup>61</sup>

In a March 2007 briefing, the AFP said that the CPP-NPA is requiring each family, particularly in the Caraga region, to ‘offer’ a member of the family when they reach the age of 14 or 15. According to the report, the children caught in the encounter in Prosperidad said that the NPA enticed them to join by telling them stories about military atrocities and promises of land once the NPA overthrew the government.<sup>62</sup>

### **3.3.2 Areas Where Children are at Risk of Being Involved in Armed Conflict**

<b>Region</b>	<b>Provinces/ Municipalities</b>	<b>Indicators and Risk Factors</b>
Region IV-B: MIMAROPA	Mindoro Oriental – all municipalities, especially Bulalacao, Bongabong, Naujan, Roxas, and Victoria at greater risk.	Reports by the Philippine National Police Provincial Command saying that most of the so-called ‘rebel returnees’ come from these towns.
	Mindoro Occidental-municipalities of Sablayan and Calintaan	These municipalities are mainly remote, agricultural and with little or limited access to basic social services. Their geographical location– linked by various mountain passes–makes them ideal for the NPA’s encampment and other activities.
Region V: Bicol Region	Camarines Sur-municipalities of Buhi, Balatan, Presentacion, and Ragay.	Presence of the CPP-NPA
	Albay- municipalities of Jovellar, Libon, and Tiwi	The mountainous terrain and access to waterways such as the Ragay Gulf make these areas ideal for NPA encampment and activities.

<sup>59</sup> BIRTH-DEV in PCSUCS study, 2007.

<sup>60</sup> Situational Analysis, Training on Handling and Treatment of Children Involved in Armed Conflict (CIAC) Among Direct Service Providers of Caraga, IAC-CIAC, 2006.

<sup>61</sup> Actual terminology found in the Press Release, issued by Major Samuel C. Sagun (INF) Philippine Army, Chief, Division Public Affairs Office, 4th Infantry (Diamond) Division, Philippine Army, Camp Evangelista, Patag, Cagayan de Oro City, 26 March 2007.

<sup>62</sup> Fernando Carias, “NPA using child warriors,” People’s Journal, 29 March 2007, <http://trafficking.org.ph/v5/content/view/1506/56/>

Region	Provinces/ Municipalities	Indicators and Risk Factors
	Sorsogon - municipalities of Bacon, Castilla, Gubat, and the hinterland portions of Sorsogon City	<p>Poor families in these areas consider becoming a member of the Communist front as the best option for survival from lack of access to basic resources such as health and education services</p> <p>Located in the southernmost tip of the Bicol Peninsula, Sorsogon province is the seat of the NPA's Regional Command.</p> <p>Considerable support given by the local communities to the CPP-NPA. Not only that, children are also being recruited into the CAFGU and CVOs in these municipalities, particularly Castilla.</p>
Region VI: Western Visayas	Negros Occidental - municipalities of Calatrava, Tuboso, and Don Salvador Benedicto	NAHRA reports the increase in number of encounters from July to October 2006 between the military and the CPP-NPA and the CPP-NPA against the RPA-ABB. Within the said three month period, 10 children were rescued, five of whom were from Tuboso, three from Calatrava, and two from Don Salvador Benedicto. In August 2006, the Philippine National Police reported the capture of two individuals, age 17 and 18, after an encounter with the NPA in Barangay Bagong Silang, Don Salvador Benedicto municipality.
Region VIII: Eastern Visayas	<p>Western Samar - municipalities of Basey, Calbiga, Catbalogan, and San Jose de Buan</p> <p>Eastern Samar -municipalities of Balangkayan, Can-avid, General Mac-Arthur, Giporlos, Hernani, Jipapad, Lawaan, Maslog, Maydolong, Oras, Quinapondan, San Policarpio, and interior barangays of the provincial capital Borongan</p>	March 2007 Report on Children Involved in Armed Conflict by the Program Management Bureau (PMB) of the DSWD reports 12 CIAC cases in Leyte and Samar
Autonomous Region of Muslim Mindanao (ARMM)	<p>Maguindanao - Sultan Kudarat, Pagalungan, and Datu Odin Sinsuat</p> <p>Lanao del Sur - municipalities of Masiu, Lumbayanague, Balindong, and Kapatagan</p>	Presence of MILF camps
Region XIII: Caraga Region	<p>Agusan del Norte- Buenavista, Cabadbaran, Carmen, Jabonga, Kitcharao, Las Nieves, Nasipit, Remedios T. Romualdez, Santiago, and Tubay (10 out of all 11 municipalities of the province)</p> <p>Agusan del Sur -municipalities of Bunawan, Esperanza, La Paz, Loreto, Prosperidad, Rosario, San Luis, Sibagat, Talacogon, Trento, and Sibagat (12 out of all 13 municipalities of the province)</p> <p>Surigao del Norte -municipalities in Alegria, Bacuag, Claver, Gigaquit, Mainit, Malimono, and Sison</p> <p>Surigao del Sur – cities of Bislig and Tandag; and municipalities of Barobo, Cagwait, Cantilan, Carmen, Carrascal, Cortes, Hinatuan, Lanuza, Lianga, Lingig, Madrid, San Agustin, San Miguel, Tagbina, and Tago (15 out of the 17 cities/ municipalities of the province)</p>	AFP-NPA conflict hotspots

## 4.0 Implementation of Article 6

### Article 6

- Implementation of the Protocol through legal, administrative, and other measures
- Promotion of/information dissemination on the provisions of the Protocol to children and adults
- Demobilization and release of persons recruited or used in hostilities as contrary to present Protocol and providing assistance for their physical and psychological recovery, and social reintegration

### 4.1 Peace Agreements and Negotiations Between the State and NSAGs

#### 4.1.1 Peace Agreement with the MNLF

In 1996, the government and the Moro National Liberation Front (MNLF) signed a peace agreement. In recent years, the MNLF has criticized the government for failing to implement the 1996 Peace Agreement, but such problems may have arisen as a result of inadequacies in the agreement itself. The 1996 peace agreement lacks, for example, any provision on CIAC.

#### 4.1.2 Negotiations with the MILF

Negotiations with the MILF continue to evolve after both parties have signed the “Agreement on Peace Between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front” otherwise known as the GRP-MILF Tripoli Agreement on Peace of 2001. The agreement called for the discussions on three issues: security;

rehabilitation and development of conflict affected areas; and ancestral domain.

In August 2001, the GRP and the MILF signed the “Implementing Guidelines on the Security Aspect of the GRP-MILF Tripoli Agreement on Peace of 2001.” This agreement reinforced previous ceasefire agreements between the two parties by calling for the activation of Local Monitoring Teams (LMT) composed of representatives from local government units, the MILF, the religious sector, and nongovernmental organizations nominated by both parties. The LMTs are mandated to monitor the implementation of ceasefire agreements in conflict-affected areas.

In May 2002, the GRP and the MILF signed the “Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of the GRP-MILF Agreement on Peace of 2001.” Under Article IV of this agreement, both parties shall ensure the observance of international humanitarian law, internationally recognized human rights, and fundamental freedoms through the following: cooperation with the International Committee on the Red Cross (ICRC) in undertaking its mandate, cooperation in the investigation and prosecution of violations of human rights and international humanitarian law, provision of access to human rights organizations in monitoring violations in conflict areas, and the sharing of information concerning missing persons.

Under Article V of the aforementioned agreement, both parties shall cooperate in the implementation of relief, rehabilitation and development projects in conflict-affected areas. In doing so, the MILF was tasked to establish a project implementing body that would have the power and function to

receive and disburse private and government funds. This requirement led to the development of the Bangsamoro Development Agency (BDA).

One important outcome of the 2001 Tripoli Agreement was the creation of an International Monitoring Team (IMT) composed of representatives of the following countries: Brunei Darussalam, Japan, Libya, and Malaysia. The IMT's operations started in 2004, and the group was mandated to:

- Observe and monitor the implementation of the security and socioeconomic development aspects of the GRP-MILF agreements;
- Assess and determine the validity of the reports, protests, and complaints concerning violations of ceasefire agreements;
- Verify and validate reports on violations in coordination with the GRP and the MILF Coordinating Committees on the Cessation of Hostilities (CCCH) and the Local Monitoring Teams;
- Report to the GRP and the MILF peace panels the findings of its reports.<sup>63</sup>

In January 2007, both the GRP and the MILF signed an agreement to reinforce the existing monitoring mechanisms and to look into the implementation of ceasefire agreements.<sup>64</sup> The agreement mandated the creation of two mechanisms. First was the Joint Monitoring and Assistance Team (JMAT) composed of representatives of the GRP and MILF CCCH; the IMT; and Bantay Ceasefire, which is a network of local civil society groups in Mindanao. Second was the Tripartite Fact-finding Committee tasked

to verify the causes of violation of the ceasefire agreements and to preclude repeated violations.

None of these MILF-GRP agreements, however, contains CIAC-related provisions. Even if majority of these agreements was made prior to the ratification of the OP-CRC-AC, the government should have made it a point to advocate the inclusion of child protection provisions in accordance with national laws and policies, chief among which is R.A. 7610.

#### 4.1.3 Collapse of peace talks with the National Democratic Front of the Philippines (NDFP)

Formal peace talks between the Philippine government and the National Democratic Front of the Philippines (NDFP), the political arm of the Communist Party of the Philippines-New People's Army (CPP-NPA), have not resumed since 2004. The government tagged the CPP-NPA-NDFP a 'terrorist' organization and refused to persuade the United States and European Union member states to delist it as a terrorist group. In 2006, the AFP intensified its campaigns against the NPA that claimed responsibility for attacks on military and government establishments.

One of the salient outcomes of the peace process between the government and the CPP-NPA-NDFP is the signing of the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL). Both parties signed the document in The Hague on 16 March, 1998. The CARHRIHL is the only document signed among the four envisioned agreements pertaining to Economic and Social Reforms;

63 A. Abubakar. "KEEPING THE PEACE: The International Monitoring Team (IMT) Mission in Mindanao," The SEACSN Bulletin, January-June 2005, [http://www.seacsn.net/publications/bulletin/jan\\_june2005/mindanao1.asp](http://www.seacsn.net/publications/bulletin/jan_june2005/mindanao1.asp)

64 GRP-MILF Coordinating Committee on the Cessation of Hostilities, Joint Resolution, 28 January 2007, <http://www.luwaran.com/modules.php?name=Content&pa=showpage&pid=65>

Political and Constitutional Reforms; and the End of Hostilities and Disposition of Forces.

The CAHRIHL does have specific provisions related to the protection of children affected by armed conflict. Pertaining to principles related to human rights protection, Part III, Art. 2, Par. 24 upholds “the right of children and the disabled to protection, care, and a home, especially against physical and mental abuse, prostitution, drugs, forced labor, homelessness, and other similar forms of oppression and exploitation.”<sup>65</sup>

With regard to the provisions related to the respect and adherence to principles of International Humanitarian Law, Part IV, Art. 10 of the CARHRIHL obliges both the CPP-NPA-NDF and the Philippine Government to “provide special attention to women and children to ensure their physical and moral integrity.” The same provision requires both parties to ensure that “children shall not be allowed to take part in hostilities.”<sup>66</sup>

#### 4.1.4 Peace Agreement with the RPA-ABB

In December 2000, the Rebolusyonaryong Partido ng Manggagawa ng Pilipinas (RPM-P) and its armed wing, the Revolutionary Proletarian Army-Alex Boncayao Brigade (RPA-ABB), a breakaway faction of the CPP-NPA-NDF, entered into a peace agreement with the government. Armed clashes between the RPA-ABB and the CPP-NPA have been reported since.

The RPM-P and its armed wing, the RPA-ABB, declared as a matter of policy on 11 February 2005, its “utmost objection in the use of children as soldiers.”<sup>67</sup> The RPM-P/RPA-ABB believes that “recruiting and utilization of children for combat and non-combat activities are condemnable. It further believes that utilizing children as soldiers is the worst form of child labor practice.”<sup>68</sup>

Among the RPA-ABB’s efforts to implement its declaration include the following:

- After the signing of the declaration, the RPA has issued memoranda to its field commands to reinforce their awareness about the policy of non-recruitment of minors;
- Responded to reports of NGOs and the Commission on Human Rights (CHR) concerning alleged involvement of minors in the group;
- Conducted IHL and human rights education sessions with its armed forces and political units;
- Ensured the implementation of recruitment criteria, i.e., minimum age, recommendation of community, recommendation from relevant squad or platoon, participation in political education, and absence of a “criminal record.”
- Advocated the non-participation of sons and daughters of fighters to ensure instead that they enrolled in schools or are equipped with relevant skills for productive work.<sup>69</sup>

65 GRP Monitoring Committee, “Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines,” <http://www.grpmc-jmc.org/CARHRIHL.html>

66 GRP-MILF Coordinating Committee.

67 PhilRights, 2005.

68 PhilRights, 2005.

69 Meeting with RPA-ABB represented by Mr. Carapali Luwalhati, National Commander, 14 June 2007.

## 4.2 Improper Handling and Treatment of Rescued and Demobilized CIAC

### 4.2.1 Prescribed Method

In March 2000, an inter-agency Memorandum of Agreement (MOA) on the handling and treatment of CIAC was signed to give substance to the declaration of children as “Zones of Peace.” The MOA sets out the responsibilities of the various government bodies involved to ensure that children are treated as victims rather than as offenders.

The agreement was signed between the military, police, and other government agencies, and set out the procedures to be followed from the time of rescue or surrender of the child until he or she is brought into the protective custody of the DSWD or local government authority. It stipulates that immediate physical and medical treatment should be provided for wounded children, with psychological or psychiatric treatment when necessary.

The MOA calls on the police or military authorities “to protect the child from further exploitation or trauma (no tactical interrogation or any similar forms of investigation or use in military operations)”. In addition, the military and police are required to report within 24 hours to the DSWD or local authority that the child is in their custody. Under the MOA, the child is supposed to be transferred to the DSWD or any local civilian authority within 24 hours “under normal conditions” and within 72 hours “when the situation does not warrant the turnover of the child within the prescribed period.”

Concerning the protection of CIAC who were filed with criminal charges, R.A. 9344, otherwise known as the Juvenile Justice and Welfare Act of

2006 is the applicable law. In September 2006, the Department of Justice (DOJ) issued Circular No. 62 which provides guidelines for state prosecutors and public attorneys in the handling and treatment of children in conflict with the law including CIAC. DOJ Circular No. 62 requires the Philippine National Police, the Armed Forces of the Philippines and the Punong Barangay (Local Chief Executive) to refer the case of a CIAC to the prosecutor for the conduct of an inquest to determine whether or not the child should be charged in court. In the case of a CIAC, the said circular directs state prosecutors and public attorneys that “if the evidence is insufficient to establish probable cause, as when the child was only forced or acted under duress when caught serving an organized group that is hostile to the government... the prosecutor shall immediately dismiss the case.”

DOJ Circular No. 62 is consistent with the principles of E.O. 56 in a way that it views CIAC as victims rather than perpetrators. However, one limitation of DOJ Circular No. 62 is that it only provides for protection measures for CIAC who have proven to be forcibly recruited, involved or participated in hostilities, or committed acts under duress. While on the other hand, CIAC who have acted voluntarily (which is mostly the case in the Philippines, as shown by various research), might not be afforded with such protection measures. Another limitation of the circular is the lack of provisions concerning elements that would constitute an incident or a context that describes an alleged criminal act of any CIAC as an act the individual CIAC was forced to do or has done under duress.

### 4.2.2 Reported anomalies

As illustrated by the following cases, adherence to the government’s MOA on the handling and treatment of CIAC depends largely on the political will of the agencies involved. Reports indicate that

these procedures are frequently ignored and that the military and local government officials continue to charge children with criminal offenses and even detain them in camps. In addition, there is no government or independent oversight body to ensure compliance, and no provisions for sanctions against agencies that fail to comply with the MOA.<sup>70</sup>

During the third quarter of 2005, a child of about 13 or 14 years, suspected of being a member of the CPP-NPA, was rescued in Gubat, Sorsogon province and brought to the army provincial command in Juban, where he was subjected to inhumane treatment. Witnesses described how he was ordered to lie on his belly on the road for several hours and endure the heat. The military denied the incident.<sup>71</sup>

Government policy and practice demonstrate that the inadequacy of protection mechanisms for children who are rescued leaves them vulnerable to abuse and re-recruitment. In addition, the lack of support or assistance given to children who return to their communities hinders their reintegration, leaving them insecure about their safety.

Of the five cases of children that have been reported by the Bohol PSWDO since 2000, two involved girls. One of the girls, age 16, was rescued in Sevilla in 2002 and charged with rebellion. She was sent to the Regional Rehabilitation Center for Youth (RRCY) in Argao in the province of

Cebu to await the court decision on her case.<sup>72</sup> After two years, the girl escaped and reportedly returned to the ranks of the CPP-NPA where she became pregnant. In 2005, she was reported to have returned to her community but subsequently left again, leaving her child behind. A warrant was issued for her arrest.

A boy who was rescued in Sagbayan, Bohol in 2001 and whose case was resolved two years later, refused to return to his home town for fear of his life. Another boy, rescued in Balilihan (also in Bohol) in 2000, was returned to his parents on release on recognizance but the boy refused to go back to school and chose instead to relocate with a sibling in Bulacan, near Manila, to work in a furniture shop.<sup>73</sup>

The March 2007 report of the DSWD on CIAC describes the status of the 18 children that the agency has served since 2006:

- Only one of the three CIAC cases from Quezon managed to return to school. The other two arrived in the province in October 2006 from an NGO in Manila and are waiting for their court hearing.
- The three CIAC from Palawan are officially under the custody of the military with the PSWDO providing stress debriefing services to the children. Charges have been filed against the children at the Palawan Prosecutor's Office.

70 The MOA was revised in June 2006 to expand membership to 19, but still lacks provisions on remedies/penalties for non-compliance. The signatories of the original MOA, signed on 21 March, 2000, are the Department of National Defense (DND), the Armed Forces of the Philippines (AFP), the Department of Interior and Local Government (DILG), the Philippine National Police (PNP), the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Commission on Human Rights (CHR), the Office of the Presidential Adviser on the Peace Process (OPAPP), and the National Program for the Unification and Development Council (NPUDC), which later became one of the departments of the OPAPP. The 2000 MOA is still in force since not all of the heads of the 19 departments have signed the expanded version.

71 Interview with a former employee of the Social Action Center, Manila, June 2006.

72 Part of the center-based services of the DSWD, the Regional Rehabilitation Center for Youth (RRCY) are residential institutions that provide care and rehabilitation of children who have come into conflict with the law although cases of CIAC are also accepted. RRCYs are located in nine regions in the Philippines (Regions I, III, VI, VIII, IX, X, XI and Caraga).

73 Interview with Dindin Bustrillos of the DSWD National Field Office in Bohol, Tagbilaran City, February 2006.

- Of the 12 cases reported from Samar and Leyte, three (one girl and two boys) are under the custody of the respective social welfare and development offices for foster care. Three others, all girls, are housed at an institution, but one of them is facing murder charges. Four others (all boys), two of whom are brothers, have been discharged to their respective families. One of the girls is under the custody of her sister, and alternative placement for a girl CIAC is being explored as relatives are not willing to take custody.

In addition to these cases, social workers from provinces where CIAC cases have been reported have raised issues and concerns on the implementation of the government's MOA as well as its corresponding guidelines in the handling and treatment of CIAC. During a workshop organized by Protect CIAC in early October 2007, it was noted that there are children that are still in the custody of the AFP but whose cases are not reported or turned over to the social workers.<sup>74</sup> There are violations of the 24-72 hour time frame specified in the MOA. The social workers reported that they could not take custody of former CIAC for various reasons, among them, that children are being interrogated or indoctrinated, and for security reasons, meaning that the safety and security of the child is in danger from the armed groups and that it would be best that they stay in the military camp. Social workers also reported a delay in the reporting, which is usually carried out only after tactical interrogation has been done. In some cases, the child had already been staying with the military for a month before he or she was turned over to the social welfare agencies.

### 4.3 Exploitation of CIAC Issue as Counter-Insurgency propaganda

In April 2007, Philippine daily newspapers reported that a 12-year old child had been killed in an encounter between the AFP and NPA units in a village in New Bataan in the province of Compostela Valley in Southern Mindanao. The military initially claimed that the 12-year old child, who was later identified as a nine-year old girl, was a 'child warrior' of the NPA. A CHR resolution, however, concluded that the young girl was killed in the crossfire between the army soldiers and the NPA. In their affidavit submitted to the CHR, the child's parents and neighbors denied that their young daughter was a member of the NPA.<sup>75</sup>

The capture and surrender of two children allegedly NPA members in Leyte in May 2007 were charged as proof by the military that the NPA is "still using minors in their campaign against the government."<sup>76</sup> The NDF-Eastern Visayas however dismissed this claim, saying that the military "keeps on taking minors into custody and using them as helpless and unwilling props for the worn-out deception that the NPA is recruiting minors. In glaring violation of their rights, these minors are essentially hostages because they are forced to remain under the custody of the military and the conniving civilian agencies for use as a tactic in propaganda."<sup>77</sup>

In June 2007, the PCSUCS formally submitted to the IAC-CIAC and the AFP a letter to bring to

74 Social Workers Workshop for a Handbook on the Handling and Treatment of CIAC, 2 to 4 October 2007. [Draft proceedings.]

75 Commission on Human Rights, CHR Case No. XI-07-2984 CV RE; Case of Galacio, Grecil Buya vs. Elements of the 67th IB, PA. Gabieta, 2007.

76 Fr. Santiago Salas, NDFP Spokesperson in Eastern Visayas, "Fascist Lies Further Highlight that it is Not the NPA but the Military that Takes Advantage of Minors in Warfare," 29 May 2007 <http://www.philippinerevolution.net/cgi-bin/statements/statements.pl?author=sss;date=070529;language=eng>

the attention of concerned agencies the violations of the media guidelines in the handling of sensitive cases involving children. It particularly brought to the attention of the committee the disregard by the media officers of the AFP in safeguarding the identities of former CIAC. The most serious of the articles which appeared over the internet is a press release issued by the Chief Division Public Affairs of the 4th Infantry Division, Philippine Army, on 26 March, 2007. In the article, pictures of the children and young people rescued in Prosperidad, Agusan del Sur are displayed in a degrading manner. Depicted as criminals, they are pictured with display cards bearing their ages and names and they are made to pose in front of the items that have reportedly been in their possession.

#### 4.4 Dissemination of Information Concerning Government's Programs to Address CIAC

In 2006, the LGUs of Kalinga, and the provincial offices of the IAC-CIAC, including the DILG, PNP, and the NCIP carried out the "IEC Workshop on the Documentation of IP Children Involved in Armed Conflict." This project was in response to the need for the documentation of cases of involvement of children from indigenous communities in armed conflict. The implementation of the project however encountered problems traced to the devolution of agencies such as the PSWDO, which meant that any action on the project must first gain the support of the provincial governor.<sup>78</sup>

The Protect CIAC, in cooperation with its local partners conducted a national research in the provinces of Albay, Bohol, Camarines Sur, Lanao

del Norte, Lanao del Sur, Maguindanao, Mindoro Oriental, and Negros Occidental on the knowledge of IAC-CIAC agencies at the provincial and municipal levels about the MOA on the Handling and Treatment of Children Involved in Armed Conflict (CIAC). The level of awareness on the legal environment and policies by the respondents in the study areas differ. In Albay, Camarines Sur and Mindoro Oriental, there is a fairly good knowledge about the MOA, with the DSWD office identified as one of the major signatories and that it is mandated by law to give the necessary protection and rehabilitation services to the child.

In the provinces included in the study, it has been observed that R.A. 7610 has not been totally popularized among the general public. Meanwhile, the provincial and municipal agencies like the Provincial Social Welfare and Development office (PSWDO) and the Municipal Social Welfare and Development Office (MSWDO) such as those in the towns of Kauswagan, Munai, and Tangkal in Lanao del Norte are aware of the issue of CIAC but do not have policies and programs on the said issue at their level. Most of the MSWD Officers and LGU personnel however, welcome the initiatives of the Philippine Coalition and its partner, BIRTH-DEV to increase the level of awareness in the area about the issue of CIAC. Meanwhile, in Lanao del Sur, the concerned LGUs are less knowledgeable and supportive of the issue of CIAC. They claimed they have heard of the MOA but have no copies of the said document.

On the other hand, in Maguindanao, the MSWDO and the local PNP officers in the towns of Sultan Kudarat, Pagalungan, and Datu Odin Sinsuat appeared to have no knowledge of the MOA because they were not elaborative on the issue. The same is true in the towns of Calatrava, Tuboso, and Don Salvador Benedicto in Negros Occidental.

<sup>78</sup> NCIP, [n.d.].

In all the research areas, there are no provincial policies and programs concerning CIAC. In Mindoro Oriental, the Provincial Board passed a law on “Children’s Welfare Act,” however there are no provisions regarding CIAC.

## 4.5 Participation of Civil Society in the Design and Government DRR Initiatives

NGOs, including the Protect CIAC and the Psychosocial Support and Children’s Rights Resource Center (PST CRRC), have been involved in the process of designing a training program for government agencies on the issue of CIAC. For example, the Protect CIAC participated in a planning workshop with the IAC-CIAC in August 2005 and assisted the agency in the development of a module to make the CIAC issue more widely known among government agencies at the municipal and provincial levels. The module was pilot tested among social workers and police officers in Butuan City, Agusan del Norte in April 2006.

Throughout 2006, the Protect CIAC, as a member of the Sub-Committee on Children Affected by Armed Conflict and Displacement (SC CAACD) of the government’s Council for the Welfare of Children (CWC)<sup>79</sup> also participated in the nationwide conduct of the Training Series on the Action on the Rights of Children Involved in Armed Conflict.

At the local level, inter-agency mechanisms involving both government and civil society actors exist, although they are not directly responsible for working on the issue. One such example is the revitalization of the Bohol Peace Forum in 2003. It is a multi-sector network, chaired by the Catholic bishop, that aims at revitalizing discussions about the peace agenda with local communities and NGOs and exploring avenues for peace talks with local NPA units.<sup>80</sup> The Social Action Center of the Diocese of Tagbilaran, a member of the Bohol Peace Forum, helped in the referral of the case of the girl CIAC, which it had documented as part of the PCSUCS study, to the PSWDO.

79 CWC is the focal government agency for children’s protection, welfare, and development in the Philippines. CWC’s mandate includes coordination of the enforcement of laws related to children, preparation of policies and programs for the development of children, and monitoring and evaluation of their implementation. Formally organized on 08 February 2006, the Sub-Committee on Children Affected by Armed Conflict and Displacement (SC CAACD) is the merger of former CWC sub-task forces on Indigenous Peoples, Muslim, and Displaced Children. SC CAACD CWC Brochure.

80 United Nations Development Program, *Philippine Human Development Report 2005: Peace, Human Security and Human Development in the Philippines* (Manila: HDN, UNDP and NZAID, 2005), 49.

## 5.0 Implementation of Article 7

### Article 7

Bilateral and multilateral partnerships by the State in the implementation of the Optional Protocol through financial and technical cooperation

### 5.1 Bilateral and Multilateral Partnerships

The Philippine government is a party to the following agreements of the Association of Southeast Asian Nations (ASEAN) agreements that contain provisions aimed at ensuring the protection and promotion of the rights of children:

- Declaration on the Commitments for Children in ASEAN (2001) – This is the first ASEAN document that provided a comprehensive approach on policies and programs related to the survival, development, protection, and participation of children. The declaration encourages ASEAN member states to “protect children from armed conflict, victimization or deprivation of a childhood rooted in peace and joy.”
- Vientiane Action Program (2004-2010) – The VAP serves as ASEAN’s blueprint for attaining its vision of creating a community

of “caring and sharing societies.” The goals and strategies laid down in the VAP are categorized into three areas in accordance with the three pillars of ASEAN: security pillar, economic pillar, and socio-cultural pillar.

There has been limited effort on the part of the government to mainstream the issue of CIAC in the agenda of ASEAN and to explore regional collaborative efforts to address the problem. Since the ratification of the covered instrument, the Philippine government has only made one official statement related to the OPCRC-AC during ASEAN meetings.

## 6.0 Recommendations

### Recommendations for the Committee on the Rights of the Child (CRC)

In response to the issues and challenges concerning the Philippine Government's implementation of the OP-CRC-AC, the UN CRC is requested to consider the following recommendations in the assessment of and consideration of the State Party's official report:

#### On the implementation of national laws

- The government should ensure that equal focus is given to both non-state armed groups and government-sanctioned para-military forces in the implementation of national laws on the prohibition of recruitment and use of children below the age of 18 years in hostilities. Sanctions should be in place and should be implemented on parties who recruit, use, and involve children, whether directly or indirectly.
- The government should actively monitor the recruitment practices of government sanctioned paramilitary groups such as the CAFGUs and CVOs and to report on cases of recruitment and use of children.
- The government should pass a legislation to abolish compulsory military training for high school students, otherwise known as the Citizen's Army Training (CAT).

#### On the prevention of recruitment of children

- The government should honor and fulfill its obligations as regards the peace agreements

it has entered into with non-state armed groups. Programs in relation to these peace agreements should have a special focus on children who have been affected or have been involved in the conflict.

- The government should include in the agenda of the peace negotiations with non-state armed groups, such as the CPP-NPA-NDF and the MILF, concerns that would: a) enhance collaboration in developing realistic preventive programs to address the recruitment and involvement of children in armed conflict; b) enhance collaboration to ensure the provision of appropriate social services such as education, livelihood or income generation, and psychosocial support for all children who have been affected by the conflict and their families; c) enhance collaboration to ensure the demobilization or release of CIAC to the appropriate social welfare agencies and eventually to their families; d) enhance collaboration to ensure the reintegration into civilian life and to prevent re-recruitment of children.
- The government through peace education and other relevant campaign work should promote the values of non-violence and respect for human rights especially in conflict affected areas by applying or implementing the peace and human rights modules for elementary and high school students, which was developed by the Department of Education (DepEd). The conduct of education and campaign work should be implemented in collaboration with local NGOs, religious organizations, law enforcement agencies, and other civic organizations.

### On the handling and treatment of children who have been demobilized, rescued, or surrendered to government forces

- The government should ensure that children who have been demobilized, captured, rescued or surrendered to government authorities are protected from tactical interrogation especially by the police and the military. They should be referred to a social worker for appropriate handling and provision of immediate physical and psychosocial support.
- The government should actively inform and persuade the Philippine National Police and the Armed Forces of the Philippines that children who have joined non-state armed groups are victims of human rights violations rather than perpetrators of crimes.
- The government should not utilize the issue of CIAC, including the involvement of demobilized or surrendered CIAC, in its propaganda measures against insurgent groups.
- The government should ensure that former child soldiers who have been charged with crimes should have access to a lawyer or legal assistance, the right to privacy, the right not to be detained with adults and the right to a speedy, just, and age-appropriate trial.
- The government should expand the definition of “forced” or “acting under duress” in the implementation of the Juvenile Justice and Welfare Act and the DOJ Circular No. 62 to include economic, cultural and political influences on both the child and the child’s family/community that push him or her to participate in armed conflict.
- The government should improve its diversion programs for former child soldiers who have been convicted, consistent with the Juvenile Justice and Welfare Act.

- The government should carefully review the implementation of the Juvenile Justice and Welfare Act particularly in matters related to the transfer of custody of the child. The best interest of the former CIAC should be the primary consideration in the conduct of release and in determining who will have custody of the child. Consistent with the Memorandum of Agreement on the Handling and Treatment of CIAC, demobilized CIAC who have been charged with criminal offenses should be transferred to the custody of the relevant social welfare agency the soonest time possible.

### On the involvement of civil society groups in programs to address CIAC

- The government should acknowledge and give due credit to efforts of all civil society organizations who have helped in the national implementation of the OP-CRC-AC, especially in its official reports to international human rights mechanisms.

### On enhancing bilateral and multi-lateral partnerships with other countries

- The government should proactively encourage and support the national implementation of the OP-CRC-AC by member states of the United Nations and the Association of Southeast Asian Nations (ASEAN) by sharing good practices and lessons learned.
- The government should ensure that the ASEAN Charter and the mandate of regional human rights mechanisms, such as the ASEAN Commission on women and children, would adhere to and promote the principles of the OP-CRC-AC.

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