

■ By VANESSA RETUERMA

CHILDREN'S involvement in armed conflict (CIAC) still remains a serious concern in the Philippines. Despite commitment to international legal framework and instituting national laws and policies to address the CIAC issue, the Philippine government's actual implementation of these laws and policies is still inadequate in protecting the lives of children who continue to be involved in armed conflict.



VANESSA RETUERMA/PhilRights Photobank



VANESSA RETUERMA/PhilRights Photobank

SPARE OUR CHILDREN

Alternative report on Philippines' implementation of the OPCRC-AC

On August 26, 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). This is the most specific international law prohibiting the compulsory recruitment and use in hostilities of persons below 18 years old.

On May 15, 2007, four years after ratification, the Philippine government submitted its initial report on the implementation of the OPCRC-AC to the UN Committee on the Rights of the Child (CRC). The submission of state party report is in line with the requirement of the OPCRC-AC for state parties to provide comprehensive information on the



TRACY PABICO/PhilRights Photobank



Photos: VANESSA RETUERMA/PhilRights Photobank

measures it has undertaken to bring their legislation and practice in line with the provisions of the OPCRC-AC.

As a response to the Philippine state party report, the Philippine Coalition to Protect Children Involved in Armed Conflict (Protect-CIAC)¹ and the Southeast Asia Coalition to Stop the Use of Child Soldiers (SEASUCS)² submitted an alternative report to the UN Committee on the Rights of the Child in November 2007. The alternative report provides a civil society analysis and perspective on the government's implementation of the OPCRC-AC. The report highlighted the good practices, gaps and challenges faced in the implementation of policies, programs and other measures undertaken by the government in implementing the instrument.

The report indicated that in terms of instituting a national legal framework, the Philippines has adopted landmark laws that afford protections and safeguards to children in situations of armed conflict.

Even prior to the ratification of the OPCRC-AC, the Philippine government had 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 of RA 7610 declares children as "zones of peace" and stipulates that "children shall not be the subject of

attack and shall be entitled to special respect" and that "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".

In November 2001, President Arroyo passed Executive Order No. 56 adopting the Comprehensive Programme Framework for Children Involved in Armed Conflict (CPF-CIAC). The framework calls for cooperation among the general public, media, non-governmental organizations (NGOs), government and the armed groups to work on advocacy and awareness raising on the CIAC issue, the prevention of recruitment and involvement of children in armed conflict, and the rescue, rehabilitation and reintegration of CIAC. The same executive order gave way for the creation of 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.

One of the major outcomes of the CPF-CIAC is the development of the Inter-Agency Memorandum of Agreement in the Handling and Treatment of Child Soldiers signed on March 21, 2000. The MOA sets out the procedure and stipulates the functions of relevant govern-



Through artwork, children from areas affected by armed conflict express their aspirations.





ations for peace in the country.

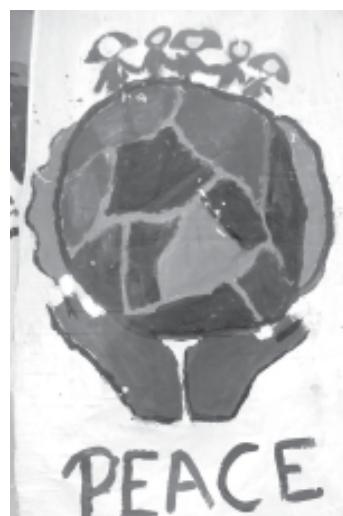
ment agencies in each step or part of the process, from the time of surrender or rescue until the child is brought into the protective custody of the DSWD or local government authority. The MOA requires police and military authorities "to protect the child from further exploitation or trauma with no tactical interrogation or any similar form of investigation or use in military operations". In addition, it requires that the child be informed of his/her rights, be accorded with his/her basic needs, be protected from media exposure and be transferred to the DSWD or a local authority within 24 hours "under normal circumstances" and within "72 hours when the situation does

not warrant the turnover of the child within the prescribed period".

While these national legal and policy measures provide a crucial starting point towards stronger protection for CIAC, implementation of these laws and policy remains wanting.

The report highlights the following gaps and challenges in the implementation of the Optional Protocol:

- Despite the existence of child protection laws, children continue to be recruited and used in armed conflict. Protect CIAC was able to document 33 CIAC cases in both state and non-state armed groups re-



ported from 2005 to the first quarter of 2007. Non-state armed groups documented with CIAC cases include the New People's Army (NPA), the Moro Islamic Liberation Front

(MILF) and the Revolutionary Proletariat Army - Alex Boncayao Brigade (RPA-ABB). Although there are no documented CIAC within the Armed Forces of the Philippines (AFP), the report indicated that children continue to be recruited and used by government paramilitary groups, notably by the Citizens Armed Forces Geographical Units (CAFGU) and the Civilian Volunteer Organizations (CVOs). In some cases, captured or rescued CIAC from non-state armed groups are used by CAFGU in their counter-insurgency operations.

- National laws and policy on CIAC, particularly the MOA on the Handling and Treatment of CIAC, are not

effectively disseminated and mainstreamed in the field offices at the provincial and city levels.

- The MOA on the handling and treatment of CIAC is largely ignored and violated, especially at the municipal and city levels. Documented cases contained in the report confirmed that some captured or rescued CIAC were detained by the military for extended periods before being transferred to the custody of the DSWD, which is a clear violation of the 24-72 hour timeframe specified in the MOA. The report also revealed cases where children have been subjected to physical violence and exposed to media scrutiny while in the custody of the military. In addition, the report indicated that military and local government officials continue to charge captured or surrendered CIAC with rebellion, illegal possession of firearms and other security-related offences in violation of Philippine laws. This reflects how CIAC are still largely viewed as perpetrators rather than victims of armed conflict.
- Despite national laws prohibiting the recruitment and use of children in armed conflict, there are no specific penalties or sanctions for violators. The absence of this crucial provision compromises the potential of the law as a deterrent to the practice of recruiting children in armed forces or armed groups.
- The issue of children's involvement in armed conflict remains to be excluded in the agenda of peace and ceasefire negotiations between the government and armed groups. The report underlines that the phenomenon of CIAC in the Philippines is intricately



VANESSA RETUERMA/PhilRights Photobank

What about us? Participants in a children's peace camp.

related to the overall problem of armed conflict in the country. Addressing the CIAC issue requires the recognition and commitment of all parties to the conflict. At present the CIAC issue has not been formally raised in the agenda of the peace talks with the NPA and the MILF, and the government has remained reluctant to do so because it is perceived that the issue is highly sensitive and might potentially paralyze ongoing peace talks.

- Factors underlying the involvement of children in armed conflict persist and remain largely unaddressed. The report emphasized that findings of several research on CIAC in the country show that factors such as poverty, lack of access to basic services, affiliation of another family member in an armed group, human rights abuses

brought about by militarization, developmental aggression, belief in political or religious ideologies, and the lure of material reward or compensation continue to drive children into being involved in armed forces or armed groups. Whenever these factors are present, resistance and armed conflict become an inevitable consequence. And when armed conflict exists, it is likely that children will become involved. Efforts towards preventing and ending the recruitment and use of children in armed conflict should ultimately address these underlying factors.

The report does not in any way underrate initial efforts by the government to address the CIAC issue. Rather, it highlights the current gaps and challenges that could guide government, non-state actors and members of civil society in strengthening

the implementation of the Optional Protocol to effect real protection to children who are involved or could be potentially involved in armed conflict.

In the end, the report underlines that efforts to address children's involvement in armed conflict require a complex and wide range of coordinated responses from government actors, non-state armed groups and members of the civil society, rooted in firm recognition and conviction that armed conflict is no place for children. ■

SOURCES

Protect CIAC and SEASUCS. *Philippine Alternative Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on Children's Involvement in Armed Conflict (OPCRC-AC)*. Philippines, 2008.

Protect CIAC and SEASUCS. *Preventing Children's Involvement in Armed Conflicts in the Philippines: A Mapping of Programs and Organizations*. Philippines, 2008.

VANESSA G. RETUERMA is currently working as the Regional Associate of the Southeast Asia Coalition to Stop the Use of Child Soldiers (SEASUCS).

ENDNOTES

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

² SEASUCS is a network of national and regional human rights, child-focused and humanitarian organizations working in Myanmar, Indonesia, Philippines and Thailand, that is proactively advocating for the protection of children involved in armed conflict (CIAC) in the Southeast Asian region.