



Children's Rehabilitation Center

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ALTERNATIVE REPORT ON THE PHILIPPINES

SUBMITTED TO THE OFFICE OF THE HIGH COMMISSIONER ON HUMAN RIGHTS

For the Universal Periodic Review in the United Nations Human Rights Council in October 2022
Fourth Cycle of the UPR on the Philippines

Submission by: Children's Rehabilitation Center Inc. – National Office

The Children's Rehabilitation Center (CRC) is a non-stock, non-profit, non-government institution serving children and families who are victims of state violence in the Philippines. It was founded in 1985 in response to the large number of Filipino children and families victimized by martial law under former President Ferdinand Marcos Sr.

Currently, CRC facilitates psychosocial help for children in the rural and urban areas who suffer physical health problems, emotional disorders and social maladjustments due to traumatic events such as arrest, torture, forced displacement, strafing, bombing, massacre, disappearance and other forms of human rights violations. It helps primarily children in war and secondarily for children survivors of social and natural disasters as well as victims of sexual abuse.

CRC is a member of the Country Task Force for the Monitoring and Reporting (CTFMR) on the six grave child rights violations which is being led by the UNICEF - Philippines. CRC provides report on the country's adherence to UNCRC by submitting reliable information about cases of child rights violations in the context of conflict and militarization.

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1. For the fourth cycle of the Universal Periodic Review, Children's Rehabilitation Center – Philippines will again submit an alternative report on the adherence of the Philippine government on the implementation of the United Nations Convention on the Rights of the Child, U.N. Security Council Resolutions on the six grave child rights violations and the Optional Protocol on the CRC on the involvement of children in armed conflict.
2. This report is focused on child rights violations committed by the administration of President Rodrigo Duterte with particular emphasis on the impacts of his administration's war against illegal drugs and counter-insurgency measures.

Violations under the war on drugs policy

3. At the onset of President Duterte's administration, he had declared a war against illegal drugs. This program resulted to the death of at least 12,000 to 30,000 individuals.¹ The Filipino children were likewise affected as indirect and direct victims of this anti-drug program. During operations, children were also arrested based on planted evidences. Reportedly, there were at least 122 children killed during its implementation, based on the report of the World Organization Against Torture (OMCT) and Children's Legal Rights and Development Center (CLRDC)². **These killings continued despite the Recommendation 133.102 to take measures to put an end to extrajudicial, summary or arbitrary executions and prosecute the perpetrators (France).**
4. President Duterte's war on drugs became known internationally due to the complaints of victims and relatives on the state's disregard of human rights,³ reasoning out that most of the casualties were drug peddlers and users who fought back against law enforcers during anti-drug operations. The killings of children were categorized as isolated cases and part of the "collateral damage".⁴ However, investigations conducted by independent human rights and child rights organizations showed that children were indeed part of the direct targets.⁵
5. Kian Delos Santos, 17 years old, a grade 11 student was killed in an anti-drug police operation last August 16, 2017 in Caloocan City. According to the police, Kian ran when he saw them and allegedly fired shots at them causing the police to retaliate. They even claimed that they recovered methamphetamine and a pistol from the scene. The family of Kian and witnesses stood firm that the child was not involved in drugs and was not carrying firearms. CCTV footages corroborated the claims of Kian's family. In November 28, 2018, the court convicted three (3) police officers guilty of murdering Kian Delos Santos, with 20 – 40 years of imprisonment without eligibility for parole.⁶
6. Aside from the reported killings of minors, thousands of children were apprehended and detained over drug-related charges, which in most cases, were based on planted evidences. These children were deprived of their right to due process and were condemned as criminals as they were paraded before the media by the police officers.⁷ During detention, the children experienced further violations including torture, prolonged detention, inhumane treatment and even sexual assaults. **These violations show the failure of the Duterte government to take appropriate steps in compliance to the Recommendation 133.54 to ensure that human rights standards are observed in the conduct of its campaigns against illegal drugs (Zambia).**
7. A 15-year old girl, whose parents were apprehended for drug-related charges, was raped by Police Officer Eduardo Valencia in Manila last October 26, 2018. The rape allegedly occurred after the police promised the release of the child's parents in exchange for sex.⁸
8. Indirectly, children became victims as they witnessed the killings, arrest or torture of their family members or neighbors by police authorities. These children experienced trauma. President Duterte's war on drugs created a generation of orphans – children who lost their parents and thereby had deprive them the right to live under the care and protection of a family. As a result, children were left behind to fend for themselves and their younger siblings. Many of them had been displaced due to fear of stigma, dropped out of school, and forced to work at an early age.

9. Despite the Duterte administration's efforts to win the war against drugs, it had never been resolved and in fact narcotics became cheaper in 2020 than the time when the drug war started in 2016.⁹ At the same time, Vice President Leni Robredo revealed her findings during her time as co-chair of Inter-Agency Committee on Anti-Illegal Drugs (ICAD) that law enforcement agencies were only able to seize 1% of the meth supply in the country.

Grave child rights violations in the context of armed conflict and militarization

10. During the initial years of President Duterte's term, peace negotiations with the National Democratic Front of the Philippines (NDFP) were held to address the decades-old armed conflict. Despite the negotiations, child rights advocates recorded militarization of communities, attacks on indigenous community schools, declaration of martial law in Mindanao, and human rights violations against children.
11. The peace negotiations were terminated by President Duterte in November 2017.¹⁰ Thereafter, President Duterte issued Executive Order 70 last December 2018 creating the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and the employment of a "whole-of-nation" approach in the conduct of counter-insurgency operations. President Duterte also signed into law the Anti-Terror Act which had been used to intensify state-sanctioned human rights violations. With its vague definition of terrorism,¹¹ it was easier for state forces to label children caught in the crossfire in conflict areas as child combatants to escape from accountability.
12. Under Duterte's counter-insurgency programmes, cases of grave child rights violations such as killings and maiming, abduction, rape and sexual assaults, attacks on schools, were documented, thus failing to comply with **Recommendation 133.74 to stop the implementation of counterinsurgency programmes that target human rights defenders and civilians (Slovakia)**;
13. Jhun Mark Acto, a 15-year-old Grade 8 student was killed by elements of the 39th Infantry Battalion of the Philippine Army (IBPA) in Barangay Astorga Sta. Cruz, Davao del Sur last April 21, 2018. The slain child and his two other companions were resting after a lunch break from farm work when they heard gunshots. Jhun Mark immediately scampered in fear while his two companions crawled their way to safety and were able to report the incident. The next day, the barangay police found the body of Jhun Mark. The military claimed that the slain child was a member of the armed group, New People's Army (NPA), and that he possessed an M16 rifle, improvised explosive devices (IED) and a backpack. The mother of Jhun Mark refuted the military's allegations and said that her son was in fact, a grade 8 student.
14. The NTF-ELCAC branded a 12-year old girl, Angel Rivas, as a child warrior after she was killed along with her older sister Lenie Rivas and cousin Willy Rodriguez by military elements belonging to 3rd Special Forces Battalion in Lianga, Surigao del Sur last July 15, 2021. The three were indiscriminately fired at by the military after taking a break from harvesting abaca. According to their families, the bodies of the victims were desecrated and bore signs of torture and even rape.
15. Between the months of July and August 2020, a 15-year old girl had been subjected to rape, torture, abduction and illegal detention perpetrated by paramilitary and military elements belonging to the 59th IBPA in Lopez, Quezon. Based on her formal affidavit, the child-victim and her younger brother were heading home from a store near their house when she was forcibly taken by Leoven Julita and Arnil Abrincillo accompanied by other unidentified individuals on July 27, 2020 at around 7 o'clock in the evening. She was then brought to the military camp of 59th IBPA in Lopez, Quezon. During her detention, the child had undergone interrogation and physical torture in the hands of her abductors in order to force her in admitting the involvement of her mother with the NPA. She was even raped by Leoven in numerous instances before bringing her to the custody of the Department of Social Welfare and Development (DSWD). The victim had suffered from the long-term and short-term psychological consequences such as extreme fear, anxiety, depression, prolonged sadness and hopelessness. She was even forced to stop her schooling and to leave her community due to fear for her life. **This is a clear violation of the**

Recommendation 113.100 to take steps to put an end to enforced disappearances, illegal arrests and acts of torture perpetrated by police corps or paramilitary groups, and to investigate actions of the police dismantling all groups created in the margin of law (Costa Rica).

16. The country's education has been particularly affected by the ongoing militarization and conflict. Aside from the reported cases of military occupations of schools, children and teachers were threatened and/or physically harmed by state forces. These violations have further escalated following the order of President Duterte to bomb and close the indigenous peoples' schools in Mindanao.¹²
17. An eight-year old child was wounded and witnessed the murder of her mother, Beverly Geronimo, 27. Beverly was an active member of the Parent-Teachers' Community Association (PTCA) of Mindanao Interfaith Services Foundation Inc. (MISFI) Academy. She was killed by suspected state agents of the 25th IBPA in Trento, Agusan del Sur last May 26, 2018. Beverly and her 8-year old child together with two other companions were riding on a motorcycle to return home after buying schools supplies when armed elements fired upon them, instantly killing her and wounding her child. Before the incident, Beverly has experienced harassment and intimidation from the military due to her staunch opposition to large-scale mining activities in their area and for her defense of Lumad (collective term for Indigenous People in Mindanao) community schools.
18. As part of the "whole-of-nation" approach on anti-insurgency, the Department of Education (DepEd) Region XI issued a closure order against the 55 campuses of Salugpongong Ta Tanu Igkanogon Community Learning Center Inc. (STTICLC), a Lumad school in Mindanao on October 8, 2019. The closure was made following a report of National Security Adviser and Vice Chair of the NTF-ELCAC, Hermogenes Esperon Jr., who accused the schools of not teaching in accordance with guidelines set forth by the DepEd and for supposedly teaching students to rebel against the government.¹³ The incident had forced thousands of Lumad students to stop schooling since many of them were situated in rural communities far from state-run schools.
19. On February 15, 2021, members of the Philippine National Police (PNP) Regional Office 7, along with members of the Armed Forces of the Philippines (AFP), elements of the paramilitary group Alamara, together with personnel from the Department of Social Work and Development (DSWD) forcibly entered a sanctuary of Lumad evacuees at the Lumad Bakwit School in University of San Carlos – Talamban campus in Cebu. During the raid, the police forcibly took into custody twenty- one (21) students along with two (2) teachers and two (2) elders.
20. **Clearly, the government deliberately violated its commitment to the Recommendation 133.236 to carry on efforts to protect children, especially of indigenous populations (Tunisia), and the Recommendation 133.224 to ensure access to quality education to vulnerable and marginalized groups (Malaysia).**

Violations Against Child Rights Defenders

21. Even child rights defenders were subjected to political persecution with vilification and red-tagging/ terrorist-tagging as common forms of state-sponsored attacks. Aside from the clear deprivation of their inviolable right to life and liberty, humanitarian work, especially during the coronavirus pandemic, was gravely affected. **This ran contrary to Recommendation 133.182 Promote a safe, enabling environment for the work of human rights defenders through the adoption of a charter for the protection and recognition of human rights defenders (United Kingdom of Great Britain and Northern Ireland).**
22. The licensed social worker of Children's Rehabilitation Center – Southern Mindanao Region Lindy Trenilla was charged with trumped up charges of murder and child abuse. Trenilla is a stalwart child rights worker who devoted her life in upholding and promoting the rights of Lumad children (Indigenous People) in Mindanao, and an Outstanding Social Worker in the Philippines Awardee of the Philippine Association of Social Workers Inc. (PASWI). For many years, Trenilla had been providing psychosocial intervention for internally displaced persons (IDPs) situated in a church compound in Davao city.

23. On November 2021, members of the PNP arrested and detained Sally Ujano, National Coordinator of Philippine Against Child Trafficking, over fabricated charges of rebellion. Ujano is a staunch advocate of children's rights in the Philippines. She actively led national campaigns and advocacy aimed at raising the public awareness about the miserable plight of children victimized by trafficking and helped in establishing functional network of organizations and individuals working for child protection against trafficking.
24. The filing of trumped-up charges against Trenilla and Ujano are clear attestations that child rights advocates are not safe from the attacks of the administration that maliciously equates development work and dissent to insurgency.
25. Two teachers of Lumad community schools, Chad Booc and Gelejurain Ngujo II, together with three others were killed by elements of the 10th Infantry Division of the Armed Forces of the Philippines (AFP) while they were on their way to Davao City from a community visit in New Bataan, Davao de Oro on the night of February 23, 2022. Military falsely claimed that the victims were members of the NPA killed during an armed encounter. However, families of the victims debunked these accusations as a fabricated story since bodies of the victims bore clear signs of torture. Before the incident, both teachers were maliciously tagged by the NTF-ELCAC as members of the armed group NPA. Booc was also among those arrested and detained during the violent police raid in the Lumad Bakwit School ("Bakwit" is the term used in the vernacular for evacuees) in Cebu¹⁴.
26. The escalating attacks against dissenters including the arrest and detention of activists led to the increasing number of children being abandoned or neglected. Worse, new-born babies were forced to live in detention facilities with poor access to much needed health interventions.
27. The three-month old baby of political prisoner Reina Mae Nasino, died due to Acute Respiratory Distress Syndrome, last October 9, 2020 after exhibiting symptoms of COVID-19. Despite the appeal of human rights organizations for her immediate release on health and humanitarian grounds, the baby was separated from Reina, barely a month after birth. The same fate happened to one-month baby of political prisoner Nona Espinosa who died due to lung infection after being taken away from her detained mother.

Recommendations:

28. For this reporting period, we are calling on the United Nation Human Rights Council as well as the members states to include the following in their recommendations to the Philippine government:
 - a) Stop the war on drugs and the counter-insurgency program of the government as these programs affect many Filipino children and their families.
 - b) Pull out state forces in schools and communities and dismantle para-military forces so that the children – especially the indigenous children – can continue their studies.
 - c) Take appropriate steps to investigate and put an end to grave child rights violations perpetrated by military and paramilitary groups.
 - d) Ensure and provide support to children victims and their families to attain justice by ensuring access to justice system and other therapeutic and social services.
 - e) Put an end to the practice of branding children victims of human rights violations by state forces as child soldiers/ warriors.
 - f) Grant the request for official visits of UN special procedures in order to investigate cases of human rights violations including extra-judicial killings.
 - g) Ensure the protection of child rights defenders through the passage of Human Rights Defenders' Bill that will provide them a safe and enabling environment that is necessary to carry out their human rights work.
 - h) Undertake necessary measures to prevent torture and other cruel, inhumane and degrading treatment of political prisoners in detention facilities. Immediately release

incarcerated persons, especially breastfeeding mothers, based on health and humanitarian grounds.

- i) Support the call of human rights groups and concerned citizens to repeal the Anti-Terrorism Law, which undermines the constitutionally guaranteed political rights to freedom of expression, speech and assembly. Repeal EO 70 and put an end to the practice of red-tagging and terrorist-tagging of activists and dissenters.
- j) Continue the peace negotiations between the Government of the Philippines and the NDFP and the peace process with the Moro people.

¹ https://www.omct.org/files/2020/06/25937/omct_philippines_childrights_06.2020_en_single.pdf

² <https://www.omct.org/en/resources/news-releases/new-report-reveals-deliberate-killings-of-children-during-war-on-drugs>

³ <https://www.hrw.org/news/2017/08/18/philippines-duterte-threatens-human-rights-community>

⁴ <https://www.theguardian.com/world/2016/oct/17/duterte-says-children-killed-in-philippines-drug-war-are-collateral-damage>

⁵ Ibid

⁶ <https://www.hrw.org/news/2018/11/29/first-conviction-officers-philippines-drug-war>

⁷ <https://www.rappler.com/nation/221637-pdea-to-sue-parents-children-rescued-navotas-raid/>

⁸ <http://legacy.senate.gov.ph/lisdata/2887325403!.pdf>

⁹ <https://www.reuters.com/article/us-philippines-drugs-performance-exclusi-idUSKBN2010IL>

¹⁰ <https://www.officialgazette.gov.ph/downloads/2017/11nov/20171123-PROC-360-RRD.pdf>

¹¹ <https://www.amnesty.org/en/latest/news/2020/07/philippines-dangerous-antiterror-law-yet-another-setback-for-human-rights/>

¹² https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_17/HR01153.pdf

¹³ https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HR00476.pdf

¹⁴ <https://www.sunstar.com.ph/article/1886093/cebu/local-news/group-calls-on-immediate-release-of-lumads>