



Children's Rehabilitation Center National Office

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The Children's Rehabilitation Center- Philippines is submitting an individual report for the Universal Periodic Review – June 2012.

Children's Rehabilitation Center (CRC) is a non-government organization established in 1985 during the martial law era. CRC facilitates psycho-social help primarily for children victims/survivors of state violence and their families and secondarily for children victims of abuse. CRC documents and monitors cases of human rights violations on children.

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1 Universal Periodic Review Report

2 I. Introduction

3
4 In 2007, CRC became a member of Country Task Force on Monitoring and Reporting (CTFMR) and has been
5 regularly submitting report on the six grave rights violations namely: killing and maiming of children; rape and other
6 sexual assault; abduction; recruitment and use of minors by armed forces and armed groups; attack against schools,
7 hospitals; and denial of humanitarian access for children.

8
9 In 2008 and 2011, the United Nation Special Representative to the Secretary General Radhika Coomaraswamy,
10 visited the Philippines to monitor violations on the rights of children. During both visits, CRC submitted cases and
11 presented victims of different forms of violations under the Arroyo and the Aquino government.

12
13 As a result, the April 23, 2011 report of the UN Secretary General Ban Ki Moon to the General Assembly, affirmed
14 that most of the documented and verified cases were perpetrated by the Armed Forces of the Philippines. He also
15 cited that the government's war against the communist rebels through the counter-insurgency program directly
16 targeted civilians, especially children who were vulnerable to violations.

17 Despite such statement, human rights violations against children further worsened.

18

19 III. Six Grave Rights Violations and the UNCRC and Optional Protocol II

20

21 The United Nations Convention on the Rights of the Child (UNCRC) was adapted to further protect the rights of
22 children. The convention recognizes that children are individuals and members of their families and communities.
23 They have rights and responsibilities, appropriate to their age and development. The UN CRC is a treaty that lays
24 out the rights of children and the standards to which all governments must aspire in order to promote these rights.

25 More recently in 2010, the Adoption by the United Nation Security Council Resolution 1612 emphasized the
26 monitoring and reporting of six grave child rights violations in situation of armed conflict in the Philippines. A Country
27 Task Force on Monitoring and Reporting was convened in the Philippines to report and monitor such violations.

28

29 ***Killing and Maiming of Children***

30

31 *Rafaela Polborido 1 ½ year old, died last February 18, 2009 when elements of the 65th Infantry Battalion Philippine*
32 *Army indiscriminately fired and bombed their house in Brgy. Balanac, Ligao City Bicol. She was hit by fragments of*
33 *M203 on her nape. Her sisters aged 5, 4, 2 years old were injured. Despite the denial of the residents that New*
34 *People's Army (NPAs) were present, the military asserted that there was an encounter during operations to clear the*
35 *area before the RP-US Balikatan joint military exercises in the area*

36

37 ***Rape and other sexual assault***

38 *Fidelyn Lamay, 14 years old of Brgy. Mabini Surigao City, Surigao del Norte, was raped on January 14, 2008 by Pfc.*
39 *Reynaldo Pagios, a member of the 30th Infantry Battalion of the Philippine Army based in Brgy Dulag, Butuan City*
40 *and acts as a member of the security team of the Special Operating Team (SOT) conducting counter insurgency and*
41 *military operation against New People's Army in Brgy Mabini, Surigao City. She and her family filed a complaint at*
42 *the local court. The court ruled that there is probable cause against Pfc. Pagios and filed three counts of qualified*
43 *rape against him. But despite the fact that Pagios was already under trial in a Court Marshall and was in detention,*
44 *the family continues to experience threats and harassments as they notice suspicious men conducting surveillance*
45 *near their house. A complaint was also filed against Pagios before the GRP section of the Joint Monitoring*

46 Committee on the implementation of the Comprehensive Agreement on Respect for Human Rights and International
47 Humanitarian Law (JMC-CARHRIHL). It was also brought to the attention of the UNSRSG for a thorough
48 investigation during her 2008 monitoring visit in the country.

49

50 **Recruitment and Use of Minors by Armed forces and Armed groups**

51

52 On August 24, 2010, Mario Latiban, 17 years old and his three cousins they were chance upon by some 32 elements
53 of the 67th Infantry Battalion, Philippine Army in Quarry Sopa, Sitio Butigan, Brgy. San Jose, Boston, Davao Oriental
54 and were interrogated separately for several days. On August 28, around 3:00 pm, the soldiers with the minors again
55 met up and encountered some New People's Army members. During the incident the military commanding officer
56 shouted that Mario should not be hurt because he is one of the guides in the military operation.

57

58 On August 29, 2010, the victims were continuously interrogated by the soldiers to compel them to admit that they
59 were NPA members. The military told them that once they admit, they will be release immediately. The military
60 forced them to sign in a piece of paper without understanding the contents. They were then turned over to
61 Sangguniang Bayan (local council) member of Boston, together with a signed formal document of turnover with two
62 witnesses stating and certifying that the victims were not harmed or maltreated during their custody.

63

64 **Attack against Schools, hospitals**

65

66 In June 9, 2008 State armed forces belonging to 28th Infantry Battalion, Philippine Army encamped at T.H.
67 Valderama Elementary School in Sitio Valma, Brgy, Ngan, Compostela Valley. Nine students, all minors, of the said
68 school witnessed the presence of 2 military war tanks, 1 army truck, 2 hummer vehicle and 2 howitzers.

69

70 In June 2009, hundreds of families from Lianga, Surigao del Sur were forced to evacuate from their communities
71 safer elements of the 58th IBPA encamped near ALCADDEV, an agricultural school established by the community for
72 the Manobo children. There were 969 children who were subjected to searches and harassments. The soldiers also
73 harassed the school administrators and teachers to force them to turnover a list of all students and teachers of the
74 school.

75

76 On September 13, 2010, elements from the 50th Infantry Battalion encamped at the Barangay Hall of Brgy. Conconig
77 East, Sta. Lucia, Ilocos Sur where the Barangay council office, health, and day care centers are located. Twenty-six
78 pre-schoolers who were attending class were affected. Out of fear, one of the pupils peed on his pants inside the
79 classroom because some of the long firearms of the military were positioned at the comfort room. Some of the
80 children exhibited stress behaviors such as crying and uncontrolled movements.

81

82 Series of harassment and interrogations were made by the elements of the 73rd IB PA against the teachers and
83 students in B'laan Literacy School and Learning Center (BLSLC), a non-formal school for indigenous people located
84 in Sitio Dlumay, Barangay Upper Suyan, Malapatan, Sarangani Province. The school is supervised by the Center
85 for Lumad Advocacy and Services, Inc (CLANS), a non-government organization focusing on non-formal education
86 for indigenous peoples. During meetings of the Parent-Teacher-Community Association (PTCA), parents reported
87 being told by soldiers of the 73rd IB not to support the school anymore because the teachers are teaching anti-
88 government propaganda. The soldiers accused the teachers of being members of the New People's Army. As a
89 result, on March 16, 2011 the PTCA President declared suspension of classes because the children were already
90 afraid to go to school due to the constant presence of the military.

91

92 **IV The Principles and Guidelines on Children Associated with Armed Forces and Armed Groups**

93

94 In 1997, the "Cape Town Conference" was initiated by UNICEF and the NGO Working Group on the Rights of the

95 Child to develop strategies for preventing recruitment of children, demobilizing child soldiers and reintegrating them
96 to the community. In 2005-2006, 7 Regional meetings in reviewing the Cape Town Principles resulted to the
97 formulation of a short version of the agreements and comprehensive guidelines. The Paris Conference in 2007
98 approved The Paris Commitments and the Paris Principles. These were signed in February the same year.
99

100 The Paris Principles expanded the definition of the child soldiers as follows: A child associated with armed force and
101 armed group” refers to any person below 18 years of age who is or has been recruited or used by an armed force or
102 armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters,
103 messengers, spies or for sexual purposes. It does not only refer to a child who takes part in hostilities.
104

105 With this broadened definition, Filipino children have fallen victims to human rights violations of the military, with the
106 justification that they are relatives of NPAs, the MNLF or MILF members. Children victims were directly targeted as
107 the perpetrators accuse them of being “child soldiers” or “child warriors”.
108

109 *Arnel Tulaming, 17 years old labourer in a rubber plantation in Makilala, South Cotabato was on his way with his*
110 *friend to their employer's house to turn over their sales. After hearing series of gunshots along the way, he and his*
111 *friend hid inside a house. The soldiers chanced upon them and immediately grabbed Arnel. He heard one of the*
112 *soldiers with a radio saying they found the guy in the orange shirt who allegedly fired at them. Arnel, who was*
113 *wearing a yellow-orange shirt at that time, was tortured to force him to admit that he was an NPA. He was then*
114 *brought to a police station where he was detained overnight. His parents came to prove that he was a minor and was*
115 *eventually released in front of the DSWD but the DSWD personnel warned Arnel against leaving their place or else*
116 *his parents will be jailed.*
117

118 *June 26, 2011, Reynaldo Jimenez 16 years old, brother Robert, 10 years old and cousin Jefferson, 10 years old all*
119 *residents of Brgy. Pong-on, San Agustin, Surigao del Sur went to their farm to gather coconut for copra at Sitio*
120 *Talibong. Military men believed to be from the 29th IBPA operating in the area were heading towards the direction of*
121 *Brgy. Janipaan. Reynaldo heard gunshots coming from the direction of the 2 soldiers and ran towards the military.*
122 *But the 2 military men held him tightly. He saw his father being handcuffed by the military. They were brought by the*
123 *military to Brgy. Janipaan. The soldiers asked him if his father planted the bomb and when Reynaldo refused to*
124 *answer the soldiers tightened their grip on his arms Robert and Jefferson were also asked by the arresting officers*
125 *but they did not answer any of the questions. They were again subjected to interrogation when they were turned over*
126 *to Sto. Nino Police also in Surigao del Sur where pictures of the children were taken together with two military men*
127 *guarding them. The following days, statement of the military was circulating in the media that they have captured*
128 *three NPA child soldiers after an “intense fire” in Brgy. Janipaan, San Agustin, Surigao del Sur. Upon investigation*
129 *the three children denied the military's accusation that they were NPA child warriors and that they were tasked to*
130 *operate a landmine. The children's parents also belied the accusation.*
131

132 By its own stipulation, the Paris Principle should always be viewed in the context of a situational analysis, primarily to
133 determine whether it indeed reflects the over-arching principle of the “best interest of the child”. The broadened
134 definition “children associated with armed groups” as embodied by the Paris Principle has been maliciously
135 manipulated by the military for propaganda purposes, at the expense of the children and their rights. From the point
136 of view of an organization facilitating psycho-social services, the mere fact of being falsely “branded”, accused,
137 detained, arrested and/or charged as “children associated with armed groups” subjects children to trauma that could
138 affect not only their self-concept but also their “worldview” of concepts such as human rights and justice.
139

140 The Paris Principles, by virtue of its over-arching principle of non-discrimination, unwittingly facilitates the
141 discrimination on children falsely “branded” as “associated with armed groups” when they are presented by the
142 military in the media like criminals. The Paris Principles may, then, be considered as a “double-edged” sword that
143 while on the one hand broadens protection of children in armed conflict situation, on the other hand also serves to
144 make them more vulnerable to attacks in situations where the State itself is the main violator of children’s rights.

145
146 While CRC aims to uphold the genuine best interest of children at all times, we remain critical of the Paris Principles
147 for the same reason. Unlike the Paris Principle and the UN, in general, we hold that the best interest of children can
148 only be upheld when the best interest of the class in which they are part of, is upheld. As oppression to their class
149 continues to be perpetrated by the State and its armed instrumentalities, their best interest is to act, in their evolving
150 capacities, as part of the class.

151
152 In the regional context, the House Bill 4480 An Act providing Protection for Children in Situation of Armed Conflict
153 (CSAC) was passed by the House of Representatives in May 2011. The Principles and Guidelines on Children and
154 Armed conflict of the bill, in accordance with the Paris Principles broadens the definition of child soldier, including not
155 only those who participate directly in armed hostilities as combatants or fighters, but also those who take support
156 roles such as but not limited to scouting, spying, sabotaging, acting as decoys, assisting in military check-points,
157 being couriers, messengers, porters, cooks and being used for sexual purposes. The creation of the law should
158 ideally protect children but in reality children would be more vulnerable to such attacks and further human rights
159 violations.

160
161 V. Conclusion

162
163 From 2001 -2010, CRC documented a total of 1,205 cases of different violations which includes 77 cases of killings,
164 59 cases of frustrated killings, 73 cases of illegal arrest and detention, 56 cases of torture and 10 cases of abduction.
165 Forty-one (41) children were branded as child soldiers, 22 children were used as guides or shield by military
166 operations and 4 minors were recruited in para-military (Citizen Auxiliary Force Geographical Unit). After a year in
167 office, the Aquino government account for 172 cases of violations.

168
169 In particular, CRC has documented 631 cases from 2008 to 2011.

170
171 The presence of soldiers in the day care centers and in schools, harassing children whom they suspect to have
172 parents or family member in the NPA was also documented in different areas. In many cases, classes were
173 suspended when the soldiers conduct military operations in the area near the schools. The military also used
174 schools, especially day care centers as temporary camps while conducting operations in the community, thereby
175 forcing the young children to stop schooling.

176
177 The newly installed government of President Benigno Simeon Aquino III promises a righteous path but his first year
178 proved to be a path no different from the previous government. In the morning of July 10, 2010 barely 10 days in the
179 office, masked men riding in a motorcycle shot Fernando Baldomero in front of his house in Brgy. Estancia, Kalibo
180 Aklan was about to bring his son, Karl Philip, 12 years old to school. He was proclaimed dead on arrival while Karl
181 Philip was in shock.

182
183 There were reports of active recruitment of youths into the para-military CAFGU by using “barkada” system in which
184 they invite youths, including minors to drinking sessions, outings, etc to encourage them to join the CAFGU.

185
186 In summary, the counter insurgency program Oplan Bantay Laya I and II of the Philippines through its armed forces
187 did not achieve its goal of crushing the insurgents instead it directly targeted civilian populations, especially the
188 children. While Aquino's Oplan Bayanihan created a same framework by carrying out peace and development but
189 while doing so they continue their all out war. Thus human rights violations continue.

190
191 From 2008 – 2011, 15 children were branded as child soldiers by the Armed Forces of the Philippines. State armed
192 forces continue to brand minors they encounter in the community during their operations as child soldiers. In the
193 scases documented, children were subject to illegal arrest and detention, torture to force them to admit that they are
194 child soldiers. And in most cases, they were paraded in front of the media and forced to admit that they are members

195 of the New People's Army.

196

197 Despite the national and international outrage sparked by the continuing extra-judicial killings, enforce disappearance
198 and other abuses against civilians, especially activists, human rights violations continue. Such violations are clearly
199 against national and international law but they continue nonetheless. No perpetrators have been put into jail, justice
200 has not been served since the new government was installed thus violations continue

201

202 V. Recommendations

203 1. To review the broadened definition of "child soldiers" under the Paris Principles and Paris Commitments which, in
204 the context of the Philippines, is used by State armed forces to further violate children's rights.