

## **Philippine section of the Annual Report of the Secretary General on Children and Armed Conflict**

Reporting period (January to December 2015)

202. There were limited large-scale armed engagements in 2015. However, sporadic low-intensity clashes continued to affect children, predominantly in Mindanao. An increased number of grave violations were documented in indigenous communities resulting from the conflict between the Armed Forces of the Philippines and the New People's Army (NPA), increasingly involving the Alamara and Magahat paramilitary groups with alleged links to the Armed Forces of the Philippines.

203. The United Nations verified the recruitment and use of 17 children, including 15 children used as human shields, by the Bangsamoro Islamic Freedom Fighters in one incident, and two recruited by NPA. Unverified reports indicated that the Abu Sayyaf Group recruited around 30 children in Basilan in April.

204. Two cases of detention of children for their alleged association with armed groups were verified. In January, a 17-year-old boy was detained and questioned by the Armed Forces of the Philippines for alleged association with NPA in the Davao region.

205. The United Nations verified the killing of 6 children and the injury of 25. A third of the casualties were attributed to the Abu Sayyaf Group. For example, in May, a boy was beheaded by the Group in Basilan for allegedly spying. Two verified incidents were attributed to the Armed Forces of the Philippines, involving the killing of two children and injury of two others. On 18 August, in Bukidnon Province, northern Mindanao, the Armed Forces of the Philippines killed five family members in front of their house, including two boys aged 14 and 17 years. Two injuries were attributed to the Magahat paramilitary group, one killing to NPA and one injury to the National Police. The other 13 casualties were attributed to crossfire or explosive remnants of war.

206. The United Nations verified the rape of a 14-year-old girl by three soldiers in three separate incidents between May and July. The soldiers were court-martialled and their superior was recommended for administrative sanctions. However, the civilian criminal proceedings for rape were dismissed owing to insufficient evidence.

207. Almost all verified cases of attacks on schools and education personnel took place in indigenous communities. Private schools run by non-governmental organizations were systematically targeted for alleged links to NPA. Five incidents were attributed to the Magahat paramilitary group, three to the Armed Forces of the Philippines, two to the Alamara paramilitary group and one each to NPA and the Bangsamoro Islamic Freedom Fighters. In a particularly grave incident, the director of a school run by a non-governmental organization was killed in an indigenous community in Caraga by the Magahat paramilitary group. No arrests have been made, despite warrants being issued. The United Nations verified 10 incidents of military use of schools; 6 incidents were attributed to the Armed Forces of the Philippines, 3 incidents jointly to the Armed Forces of the Philippines and paramilitary groups and 1 to the Bangsamoro Islamic Freedom Fighters.

208. The Moro Islamic Liberation Front demonstrated a strong commitment to the action plan to end and prevent child recruitment and use, achieving significant progress. The majority of the benchmarks have been reached and, in November, its leaders agreed on the steps required to identify and disengage any children associated with it. The full implementation of the action plan also requires safeguards to prevent recruitment and association, linked to the implementation of

existing accountability mechanisms. Services to minimize the risk of reassociation of children will also be important.

209. In an encouraging development, in 2015, UNICEF renewed engagement with the National Democratic Front of the Philippines/NPA on its declaration and programme of action for the rights, protection and welfare of children.

210. The United Nations continues to work with the Armed Forces of the Philippines on its 2012 strategic plan on prevention and response to grave child rights violations in situations of armed conflict to ensure that it strengthens the protection of children in the light of continuing violations involving the Armed Forces of the Philippines.

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245. In March, the Government and the Moro Islamic Liberation Front (MILF) signed a comprehensive agreement on the Bangsamoro that includes a transition plan on normalization towards the eventual decommissioning of the MILF Bangsamoro Islamic Armed Forces (BIAF). The Government also continued to enhance the monitoring, reporting and response system to institutionalize the response to child rights violations. Meanwhile, the emergence of breakaway armed factions and localized community feuds involving armed elements continued to affect children. As at March 2015, intensive fighting was continuing between the Government and the Bangsamoro Islamic Freedom Fighters (BIFF) and Abu Sayyaf Group (ASG).

246. Noting that child recruitment is mostly likely underreported since communities are apprehensive about sharing information for fear of reprisals, the United Nations verified the recruitment and use of seven boys, as young as 9 years of age, by the New People's Army (NPA) and ASG, marking a decrease from the 20 verified cases in 2013. For example, among the five boys recruited and used by ASG was a 9-year-old boy who was used as a weapons porter for approximately 18 months. After escaping, he was shot dead. ASG had previously told his family that the boy would be killed if he left. The recruitment of two boys by NPA, aged 15 and 16 years, was reported by their parents. The municipal police launched an investigation but the recruiter remained at large and an arrest warrant was issued.

247. Local communities continued to note that armed groups, including NPA and reportedly ASG, approached civilians including children, for recruitment purposes, offering them shelter, food, access to education or offering to support communities. In response, parents reportedly sent their children to urban centres for their protection.

248. On 3 July, a 14-year-old boy and his father were arrested by members of the Armed Forces of the Philippines in Maguindanao, allegedly on suspicion of the father being affiliated with BIFF. The whereabouts of the father and the boy were unknown at the end of 2014, although an investigation was launched by the Regional Human Rights Commission of the Autonomous Region of Muslim Mindanao.

249. The United Nations verified the killing of 13 children and the injury of 26 others in 22 separate incidents. In one incident, on 28 July, seven children were killed and six others, as young as 3 years of age, were wounded by ASG when their vehicle was ambushed. Ten incidents resulted from armed

forces operations against BIFF and retaliatory attacks. One boy was killed and four children (two girls, two boys) were injured in armed clashes in the Autonomous Region of Muslim Mindanao resulting from conflicts involving MILF or Moro National Liberation Front commanders.

250. In five separate incidents, clashes between the armed forces and BIFF and between national police and NPA resulted in damage to schools, followed by suspension of classes. On 2 January, BIFF used a primary school in North Cotabato in operations against the armed forces and set the school on fire upon withdrawal. Concerns also persisted over threats made against teachers by ASG. In addition, the United Nations verified the military use of six schools and one hospital by the armed forces, mainly during operations against BIFF.

251. In June, the MILF leadership reappointed a panel to engage with the United Nations on a roadmap to expedite implementation of the action plan to end and prevent the recruitment and use of children and took a number of important steps, notably that of appointing focal points in all of its base and front commands, displaying command orders prohibiting the recruitment and use of children, including sanctions against perpetrators, facilitating orientations on the roles and responsibilities of BIAF members vis-à-vis the action plan, and submitting progress reports to the United Nations every two months. MILF has also guaranteed unhindered access for action plan-related activities, including verification exercises.

252. In partnership with the Bangsamoro Development Agency, the United Nations has established 16 community-based child protection networks in conflict-affected communities in Mindanao to strengthen their capacity to prevent and respond to all forms of child rights violations.

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193. Children continued to be used by all armed groups, including by the Moro Islamic Liberation Front (MILF), which signed an Action Plan with the United Nations in 2009, the New People's Party (NPA), the Moro National Liberation Front (MNLF), Abu Sayyaf, and the independent MILF splinter group Bangsamoro Islamic Freedom Fighters (BIFF). The latter two increasingly engaged in fighting in 2013 in opposition to the peace process between the Government and the MILF. For instance, at least seven boys aged 14 to 17 years were used as combatants and porters by the MNLF in their attack on Zamboanga city in September, resulting in the death of two boys. At least 150 civilians, including thirteen girls and nineteen boys, were used as human shields in this operation. With regard to Government forces, one case of use of a 12-year-old boy as an informant for the police was verified.

194. The United Nations remained concerned regarding continued reports of arrest, detention and public exposure of children by the Armed Forces of the Philippines (AFP) for alleged association with armed groups. In June, three internally displaced boys from Maguindanao province, aged 16 to 17 years, were arrested, detained, and ill-treated by AFP elements for alleged membership with the BIFF. The interrogation and reported abuse took place in a nearby school building. In another case, a 14-year-old boy was arrested in Zamboanga, detained, and hand-cuffed for almost two weeks under the allegation of being a MNLF member. Another two boys were arrested on 22 July by the AFP in Loreto town of Agusan del Sur province for alleged association with the NPA. Medical reports support that they were ill-treated in military custody.

195. At least 20 children (four girls and 16 boys) were killed and 22 others injured (six girls and 16 boys) in 33 separate incidents. Most child casualties resulted from clashes between the AFP and armed groups, including with the MNLF in Zamboanga City in September, as well as in factional fighting within armed groups. For instance, in February and April, a series of clashes between two MILF factions in North Cotabato and Maguindanao resulted in the death of at least three boys and injury to a 12-year-old girl. In another incident, on 3 April, an eight-year-old boy died and two more boys, aged 12 and 13 years, were wounded in Compostela Valley province in AFP gun fire. While the AFP alleged that the casualties resulted from a clash with NPA, their families denied such an incident and filed a murder case against the AFP elements.

196. Armed clashes also continued to impact on children's access to education in affected areas. For instance, in July, clashes between the BIFF and the AFP resulted in the suspension of classes for 5,883 children in three municipalities of Maguindanao province. Due to tensions between the MILF and the MNLF in June, schools were closed in two villages in Matalam municipality of North Cotabato province, affecting 398 students. In September, when MNLF clashed with the AFP in Zamboanga city, three schools were completely destroyed in fires.

197. Education and health-care personnel were also targeted by armed groups. For instance, on 23 September in Midsayap Municipality of North Cotabato province, BIFF used the Malingao Elementary School as defense posture, holding approximately 1,500 adults and children hostage, and abducted nine teachers in the course of their retreat. On 18 May, Abu Sayyaf abducted a medical worker from the health centre in Jolo municipality, Sulu Province.

198. On 15 July, the AFP issued "Guidelines on Conduct of Activities in Schools and Hospitals". I am encouraged by the reported removal of some AFP units from schools upon advocacy by the United Nations in regular meetings with the Government's Monitoring, Reporting and Response Mechanism, and encourage a continued implementation of the AFP's guidelines. Military camps in or in close vicinity of schools and health clinics affect children's right to education and health care and put them at risk of attacks.

199. Peace talks between the Government and the MILF were ongoing throughout 2013. A comprehensive peace pact towards the new Bangsamoro entity, including provisions on the demobilization of the MILF's forces, was signed on 27 March 2014. The United Nations continued to engage with the MILF on the action plan, to which the MILF signed an addendum on extension on 29 April 2013. A technical support mission by my Special Representative's Office and UNICEF in May resulted in the development of an operational plan outlining practical steps towards action plan implementation. However, the MILF had not formally responded to communications by the United Nations in the Philippines at the time of writing. I again urge the MILF to continue its collaboration with the United Nations and encourage the Government of the Philippines to continue to provide support in this regard.

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188. During the reporting period, the country task force recorded 11 incidents of recruitment and use of children, involving 23 boys and 3 girls between 12 and 17 years of age. That figure represents a decrease in 2012, given that there were 26 incidents affecting 33 boys and 21 girls in 2011. Of those cases, 2 were reportedly recruited and used by the Moro Islamic Liberation Front, 11 by the New People's Army (NPA), 11 by the Abu Sayyaf Group and 2 by the Armed Forces of the Philippines.

189. That an action plan was signed between the Moro Islamic Liberation Front and the United Nations in 2009 notwithstanding, Front base commands continued to provide training, weapons and uniforms to children and to use them as guides, messengers and porters. In July 2012, a 16-year-old boy and a 17-year-old girl were recruited by the 103rd Base Command in Lanao del Sur Province, provided with martial arts training and used for weapons maintenance. Although the United Nations has no access to the areas under the control of the Bangsamoro Islamic Freedom Fighters (BIFF), a breakaway faction of the Moro Islamic Liberation Front led by Commander “Kato”, the country task force continued to receive credible reports that the armed group was actively training and providing weapons to children.

190. The National Democratic Front of the Philippines (NDFP), the political wing of NPA, continued to claim that it did not recruit children as combatants, but admitted that it recruited, trained and used them for non-combat purposes. Children continued to be killed and injured as a result of their affiliation with NPA in 2012. On 26 August 2012, for example, the country task force verified the killing of a 17-year-old NPA fighter during hostilities with the national armed forces in Paquibato district, Davao City.

191. The country task force also verified two incidents of recruitment and use of children by the Abu Sayyaf Group in Sulu and Basilan, involving at least 11 boys between 13 and 16 years of age. On 14 September 2012, for example, a 13-year-old boy armed with an M-203 grenade launcher was killed during an armed encounter with the national armed forces in Sumisip municipality, Basilan Province.

192. The United Nations remained concerned over the use of children by the national armed forces as guides and informants during military operations. In a verified case in July 2012, the Fifty-Seventh Infantry Battalion forced two boys aged 12 and 13 years to serve as guides to locate an NPA camp in North Cotabato Province. Upon notification of the incident, the national armed forces initiated an investigation on 20 March 2013. During the reporting period, it was also observed that the national armed forces continued to release names and pictures of children to the media, labelling them as members of armed groups.

193. In 2012, the country task force documented 66 cases of killing and maiming of children, of which 4 reportedly implicated the Moro Islamic Liberation Front, 3 NPA, 1 the Abu Sayyaf Group, 14 the national armed forces and 44 unidentified perpetrators. As a result of the attacks, 29 children were reportedly killed and 37 reportedly injured. There were no clashes between the national armed forces and the Moro Islamic Liberation Front in 2012. Most cases involving the Front related to internecine conflicts within Moro communities. During the reporting period, NPA conducted high-profile attacks on the national armed forces, often at the cost of the civilian population. On 1 September 2012, for example, NPA fighters of the Merardo Arce Command threw a grenade at a military outpost in a civilian community, injuring more than 50 persons, including 12 boys and 9 girls between 4 and 17 years of age.

194. In the course of their counter-insurgency campaign, the national armed forces were reportedly involved in indiscriminate attacks on civilian residences where NPA fighters were allegedly present. In a verified case, two boys aged 8 and 13 years were killed and a 5-year-old girl injured when the Twenty-Seventh Infantry Battalion strafed a house in Kiblawan municipality, Davao del Sur Province, on 18 October 2012. Following the incident, the national armed forces relieved and restricted to their barracks an officer and 11 enlisted personnel, who, at the time of writing of the present report, were undergoing pretrial investigation by the General Court Martial.

195. In 2012, incidents continued to occur in which schools were damaged in the course of hostilities. In July 2012, fighters from the Abu Sayyaf Group partially burned down Tipo-Tipo Central Elementary School in an effort to distract a military pursuit by the national armed forces after skirmishes in Sumisip municipality, Basilan Province. In August 2012, four schools were reportedly damaged by crossfire during armed encounters between the national armed forces and BIFF in Datu Unsay.

196. The military use of schools remained a concern. In four verified incidents, the national armed forces stationed military units in public elementary schools in Mindanao. In June 2012, the country task force verified that three units of the national armed forces had established a detachment next to Salipongan Primary School in Tugaya municipality, Lanao del Sur Province, resulting in the closure of the school for two weeks.

197. Since the expiry of the action plan between the Moro Islamic Liberation Front and the United Nations in July 2011, after two years of implementation, the signing of an addendum to extend the action plan remains pending. A significant delay in its implementation notwithstanding, the Front continued to express commitment in principle to the action plan. Recent progress in the peace talks between the Front and the Government, which resulted in the signing in October 2012 of a framework for a comprehensive peace agreement, may accelerate, with the support of the international community, the full implementation of the action plan, including the reintegration of children into civilian life. The framework agreement ensures specific social protection mechanisms for vulnerable groups, with particular emphasis on women and children in Bangsamoro areas.

198. In January 2012, a United Nations technical team met members of the NDFP negotiating panel for an initial discussion on child protection concerns. NDFP continued to deny that NPA had children in its ranks, but clarified its position that children of 15 years of age and older might be assigned to NPA self-defence and other non-combat units. On 29 June 2012, NDFP issued a unilateral declaration and programme of action on the rights, protection and welfare of children, in which it refuted the listing of NPA in the present report and rejected the application of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict to non-State armed groups and the Paris Principles. The activities put forward in the declaration do not include provisions on United Nations access and compliance monitoring.

199. I am pleased to note that the Government is finalizing the implementation of the monitoring, reporting and response system to prevent and respond to specific incidents of grave violations against children. The national armed forces are also preparing draft guidelines on the conduct of operations inside or within the immediate premises of schools and hospitals, which are expected to be launched as an operational directive during the first half of 2013. In addition, with regard to the use of children during military operations, the national armed forces have issued directives prohibiting such use of children, assigning responsibility to commanders, institutionalizing investigations and putting in place corrective measures.