



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/OPAC/PHL/1
7 November 2007

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN
ARMED CONFLICT**

Initial reports of States parties due in 2005

PHILIPPINES*

[15 May 2007]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 9	3
I. THE STATE PARTY’S RESPONSES TO ARTICLE 1	10 - 15	4
II. THE STATE PARTY’S RESPONSE TO ARTICLE 2	16 - 26	5
III. THE STATE PARTY’S RESPONSES TO ARTICLE 3	27 - 38	7
IV. THE STATE PARTY’S RESPONSES TO ARTICLE 4	39 - 61	11
V. THE STATE PARTY’S RESPONSE TO ARTICLE 5	62 - 103	20
VI. THE STATE PARTY’S RESPONSES TO ARTICLE 6	104 - 157	27
VII. THE STATE PARTY’S RESPONSE TO ARTICLE 7	158 - 177	51
VIII. SYNTHESIS OF THE REPORT	178 - 235	55

Annexes

1. Revised Memorandum of Agreement of the Inter-Agency Committee on the CIAC Program	67
2. Data Gathering Template	79
3. Flowchart on the Handling and Treatment of CIAC	82

Introduction

1. Having ratified the Convention on the Rights of the Child on September 20, 1990 and its Optional Protocol pertaining to the involvement of children in armed conflict on August 26, 2003, the Government of the Republic of the Philippines (GRP) is placed under international law to comply effectively through legislative, administrative, judicial and other parallel measures upholding the rights and well-being of children in various parts of the country who are directly involved in armed conflict, whether armed or unarmed. For brevity, the phenomenon of children in armed conflict is referred to in this report as the CIAC.
2. Based on Articles 42-54 of the CRC on Implementation and Entry into Force, and on article 8 Paragraph 1 of the Optional Protocol, the GRP is tasked to submit a report to the Committee on the Rights of the Child (CORC) presenting full, substantive information on the measures it has taken to implement the pertinent provisions of the CRC on CIAC, and those of the Protocol in particular.
3. The present report is the first to be prepared by the GRP in relation to the Optional Protocol. Given that the Philippines has already submitted a second periodic report under Article 44 of the CRC (CRC/C/65/Add.31) to the UN Committee on the Rights of the Child (CORC), this current report complies specifically to Article 8 of the Protocol and addresses as well the requisites indicated in Articles 1 to 7 of the same instrument.

Data gathering process

4. The inputs comprising the data in this report were provided by the relevant government agencies, with the Council for the Welfare of Children (CWC) overseeing the process of report preparation including drafting and dissemination. For the data collection, the CWC Secretariat constructed a preliminary matrix of the CIAC Optional Protocol provisions and the government's corresponding actions or responses.
5. The CWC harmonizes inter-agency efforts to deal comprehensively with children in need of special protection (CNSP) especially the CIAC, through appropriate and effective measures on safety, security and rehabilitation. The CWC is a focal agency of the Philippine government for children's concerns created in 1974 under the Office of the President by virtue of Presidential Decree 603. In 1987, it was re-organized through Executive Order No. 233. In 2000, the Council was tasked to serve as the National Early Childhood Care and Development Coordinating Council (NECCDCC) of the government. Republic Act 8980 also known as ECCD Act of 2000 mandates the CWC to promulgate policies and guidelines for ECCD programs based on PD 603, as amended. It is also authorized to formulate and evaluate policies, coordinate, monitor the implementation and enforcement of all laws and programs for children.
6. Generating the matrix consisted mainly of tapping available data from the appropriate government agencies. The process included assigning specific provisions of the Protocol to identified agency for the required inputs. A necessary step was to also conduct a meeting with the input providers to confirm availability of required data and obtain advice as to appropriateness of assigned Protocol provisions in relation to the tasks and functions of the agencies. More institutions, including non-government groups, were identified in the said meeting as possible participants in data build-up.

7. The CWC finally distributed letters to concerned agencies, which assigned specific provisions of the Optional Protocol to the respective offices, along with a list of questions to aid interpretation of and responses to the said provisions based on the CRC Guidelines regarding initial reports of State Parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (12/10/2001/. CRC/OP/AC/1. Basic Reference Document). The guided responses were collected subsequently.

Scope and coverage

8. The data in this report refer basically to the policies, programs, strategies and community level actions of the GRP in fulfilment of its obligations to the Protocol. The inputs also include the outcomes of activities undertaken by NGOs which complement government efforts on the ground. The inclusion of NGOs only serve to indicate government's resolve to encourage multilateral and versatile partnerships and to link up with the activities and the counterpart agenda of civil society partners and other actors in the conflict areas to promote the provisions set in the Protocol. The period under review includes the intervening years from the signing of the Protocol in 2003 up to 2006.

9. The reporting format presented in the CRC guidelines mentioned in paragraph on data collection was used to produce this paper.

I. THE STATE PARTY'S RESPONSES TO ARTICLE 1

Core Element(s): Non-inclusion of members of the armed forces who are below 18 years old, and non-participation (no direct participation) in hostilities

Memorandum Circular No. 13 on Selective Enlistment/Reenlistment

10. The Philippine government does not at all allow the direct participation of the country's minors in warfare. This is manifest in the policy of the Armed Forces of the Philippines (AFP) to enlist into the armed forces only persons who are 18 years old and above. This policy is contained in the Memorandum Circular No. 13 on Selective Enlistment/Reenlistment of the Department of National Defense (DND) and the Armed Forces of the Philippines signed in July 1991.

Citizen Armed Forces or Armed Forces of the Philippines Reservist Act of 1991

11. In addition to the Selective Enlistment and Reenlistment rule which provides clear instruction on the non-inclusion of young persons in the armed forces, a law on having and maintaining a reserve corps for the armed forces states that even in the event of war, invasion, or rebellion, only citizens who are 18 years old and above may be called upon to provide a base for the expansion of the Armed Forces of the Philippines. Art. 4, Sec. 12 of Republic Act 7077, also known as the "Citizen Armed Forces or Armed Forces of the Philippines Reservist Act of 1991," provides that members of the citizens' army or the reservists will be organized and maintained though not automatically assigned to perform direct military or combat-related duties. They may be mobilized for civil defense functions including assistance in: relief and rescue during disaster or calamities; socioeconomic development; and operation and maintenance of essential government or private utilities in the furtherance of the overall mission.

**Special Protection of Children against Abuse, Exploitation and Discrimination Act
(Republic Act No. 7610)**

12. Finally, domestic legal mechanisms, specifically a law on The Special Protection of Children against Abuse, Exploitation and Discrimination Act (Republic Act No. 7610), restrict downright the recruitment and employment of children in armed engagements and other hostilities.

13. Enacted in June 1992, RA 7610 provides for the protection of children in especially difficult circumstances, those in situations of armed conflict, and those belonging to indigenous cultural communities.

14. Section 3 Article 1 of the Republic Act 7610 defines a child as a “person below 18 years of age or those over but are unable to fully take care or protect themselves because of physical or mental disability.

15. Section 22 of the law declares children as Zones of Peace and, as such, shall not be recruited to become members of any military unit or any other armed group, nor be allowed to take part in the fighting nor be involved in hostilities either directly or indirectly. A bill which provides for additional rights of children in situations of armed conflict and amending thereby Section 25 of RA 7610 is presently pending before Congress.

II. THE STATE PARTY’S RESPONSE TO ARTICLE 2

Core Elements: Prevention of compulsory recruitment of persons below 18 years old into the armed forces

16. Independent of international law, the GRP has long before instituted measures to ensure that persons who have not attained the age 18 years are not compulsorily recruited into the armed forces.

17. Prior to the signing of the Protocol, no compulsory recruitment both in the ranks of the Philippine National Police (PNP) and the AFP has been taking place in line with existing military rules and regulations barring the compulsory military service of persons below 18 years old.

18. At least three (3) legal measures and an official memorandum (already mentioned in The State Party’s Responses to Article 1, page 2 of present report) discourage this practice.

Memorandum Circular No. 13 on Selective Enlistment/Reenlistment

19. The Armed Forces of the Philippines (AFP) and the Department of National Defense (DND) have issued Memorandum Circular No. 13 on Selective Enlistment/Reenlistment in July 1991 which, among others, provides that persons who have not attained the minimum age requirement of 18 years old will **not** be considered for military service.

Citizen Armed Forces or Armed Forces of the Philippines Reservist Act of 1991

20. Republic Act 7077, otherwise known as the “Citizen Armed Forces or Armed Forces of the Philippines Reservist Act of 1991,” allows the compulsory registration and training only of all male citizens between the ages of eighteen (18) and twenty-five (25) years who are not reservists. Exempted are members of the clergy of any religious order or sect, except if they volunteer (Article VI Sec. 14, “Manpower Development”). Training may also be officially postponed based on provisions of the law.

21. Section 27, of the Reservist Act may grant deferment on the following circumstances:

- Students enrolled in the Reserve Officers’ Training Corps (ROTC) in colleges and universities are automatically granted deferment which shall not extend beyond the period they are to complete their basic ROTC training. Students who successfully complete such training shall be exempted. Those who fail to complete, or discontinue the training, shall be subject to training;
- Seminary students of any religious sect shall be granted deferments for not exceeding the prescribed course in the seminary. Those who completed the course shall be exempted from training. Those who fail to complete shall be subject to training;
- Cadets of the Philippine Military Academy and of other military or police service academics, local or foreign, to include cadets of the Philippine Merchant Marine Academy and other similar local merchant marine academies duly recognized by the Government for the training of officers candidates, including those selected for cadetship in such academies, shall be granted deferments for not exceeding two (2) years. Those who successfully complete at least one-half (1/2) of the prescribed period of the course shall be exempted from training. Those who fail to complete one-half (1/2) of the prescribed period shall, upon their discharge from their courses, be subject to training;
- High school students who are in their last year of schooling may be granted deferment for not more than one (1) year.

“National Service Training Program” (NSTP) Act of 2001

22. Republic Act No. 9163 also known as the “National Service Training Program” (NSTP) Act of 2001 has made participation to the Reserve Officers Training Course (ROTC) optional and voluntary. Before the passage of the NSTP, the ROTC was formerly a military service training program for all male students in tertiary education (college-level) in non-military schools, who are deemed qualified to train based on the academic level they have attained even if they have not necessarily reached the age of 18. However, the compulsory nature of the ROTC has been removed and disallowed with the passage of the NSTP Act five years (5) ago.

23. Under the prevailing law, the NSTP was conceived to enhance civic consciousness and defense preparedness in the youth by developing the ethics of service and patriotism while they undergo training in any of its three (3) program components. Students are now free to choose whether they would like to join the Reserve-Officers’ Training Corps (ROTC) or undertake

Literacy Training Service or Civic Welfare Training Service. The NSTP Act (Section 5) covers students, male and female, of any baccalaureate degree course or at least two (2)-year technical-vocational courses in public and private educational institutions. They are required to complete one (1) of the NSTP components as requisite for graduation.

Adoption of control mechanisms and procedures on the implementation of age compliance policy

24. In addition to the adoption of policy, measures and procedures on implementation are also carefully checked. The process of recruitment, conscription and the safeguards adopted to protect minors in relation to the effects and implications of military service training as a curricular requirement have also been properly dealt with to strengthen the State's child protection policy.

25. Substantial civilian autonomy is recognized in the aspect of management and regulation of the military service training programs. The school authorities shall exercise academic and administrative supervision over the design, formulation, and adoption and implementation of the different NSTP components, including the ROTC, in their respective schools. In instances where a duly-accredited NGO may have to be contracted to formulate and administer a training module for any of the NSTP components, academic and administrative supervision shall be exercised jointly by school authorities with that accredited NGO. In such cases, the Committee on Higher Education (CHED or the Technical Education and Skills Development Authority (TESDA) shall accredit the training module produced by the contracted NGO. The CHED and TESDA regional offices are also tasked to oversee and monitor the implementation of the NSTP under their jurisdiction to determine if the trainings are being conducted in consonance with the objectives of this Act. Periodic reports shall be submitted to the CHED, TESDA and DND in this regard (SEC. 10, Management of the NSTP Components).

26. Those who have completed the non-ROTC component of NSTP become members of the National Service Reserve Corps. They may be tapped by the State for literacy and civic welfare activities through the joint effort of the DND, CHED and TESDA (SEC. 11). Graduates of the ROTC who have attained the age of 18 shall form part of the Citizens Armed Force pursuant to (Art. 4, Sec. 12 of Republic Act No. 7077).

III. THE STATE PARTY'S RESPONSES TO ARTICLE 3

Core Elements:

Raising the minimum age for voluntary recruitment from that set in the CRC

Setting down a binding declaration on the minimum age for the voluntary recruitment and describing safeguards to prevent forced recruitment

Minimum safeguards to include legitimacy of voluntary recruitment, consent of parents or legal guardians, full information of duties involved in military service

Strengthening the declaration and notifying the UN Secretary-General

Exclusion of schools operated by or under the control of the armed forces in the requirement to raise the minimum age for voluntary recruitment

The PNP Reform and Reorganization Act of 1998 and the National Police Commission (NAPOLCOM) Memorandum Circular Number 2003-09, as amended by MC No. 2005-02

27. Consistent with the Optional Protocol provision on the minimum age for the voluntary recruitment into the armed forces, Section 14 of Republic Act No. 8551, also called the PNP Reform and Reorganization Act of 1998, and the National Police Commission (NAPOLCOM) Memorandum Circular Number 2003-09, as amended by MC No. 2005-02, have fixed the recruitment/minimum age of entry in the PNP at twenty-one (21) to thirty (30) years of age.

28. Under Section 1 (on objectives) of RA 8551, it is stated that the NAPOLCOM, which is the constitutionally mandated agency exercising administrative control and operational supervision over the PNP, shall “ensure that all appointments (enlistment) are in accordance with existing laws, rules and regulations”. Under Section 3, (on general qualifications and standards), item 10, it is stated that police appointees and enlists “not less than twenty-one (21) years old nor more than thirty (30) years of age.” The provisions means that an applicant shall be considered to be 21 years of age on his/her 21st birth date and shall be considered more than thirty years of age on his/her 31st birth date.

29. In the vein of RA 8551, Memorandum Circular No. 2003-09 provides a clear-cut policy on the non-recruitment of minors or young individuals into the ranks of the PNP. The PNP equates its rules and regulations on age of entry with that of the DND and AFP enlistment guidelines, which “consider only prospective military recruits who are NOT less than 18 years old”.

30. To monitor the age requirement and other details of qualification, a procedure set by the memorandum circular requires the city mayor, as chair of the local Peace and Order Council (POC), to create an ad hoc body composed of the vice mayor, the Department of Interior and Local Government (DILG) city or municipal operations officer, the city police director or chief of police and a peace and order council member from the academe, to undertake the initial screening and preliminary interview of applicants at the city or municipal level. The city director or chief of police, who serve as the secretariat, is then required to publish the list of applicants in public places and the local media to encourage the public to report any information on the worthiness (including age eligibility) of the applicants to become law enforcers in their community. The memorandum also calls for the creation of screening committees at the national and regional police offices that shall be responsible for the processing and selection of the most qualified applicants to be recommended for appointment.

31. Students in the tertiary educational level who may voluntarily opt to take up the Reserve Officers Training Course (ROTC) as provided for in the National Service Training Program (NSTP) Act of 2001 or RA 9163 (mentioned in The State Party’s Responses to Article 2, page 3 of present report) may not automatically become a member of the Citizens’ Armed Forces as defined under the Philippines Reservist Act of 1991 (RA 7077) unless they have attained the minimum age requirement of 18 years old. Those who do not wish to undertake this military-oriented ROTC program and choose to pursue Literacy Training Service or Civic Welfare Training Service instead will not be considered as members of the Citizens’ Armed Forces, but will be counted as members of the National Service Reserve Corps which may be tapped by the State for civic welfare activities.

Public safety education and training

32. The realization of the Optional Protocol is pursued even more in the area of public safety education and training. The Philippine Public Safety College, which is the premier educational and training institution for the all the personnel of the Philippine National Police, Bureau of Jail Management and Penology, and the Bureau of Fire Protection, has incorporated in its curricula various subjects relevant to the protection and rights of the child. The relevant subjects that were incorporated, the course where these subjects had been incorporated, and the number of hours for each subject are shown in the table below:

Subject	Course	Duration/No. of hours
Police		
1. Seminar on Human Rights Advocacy	Bachelor of Science in Public Safety College (BSPS), Philippine National Police Academy	40 hours
2. Juvenile Delinquency	Bachelor of Science in Public Safety College (BSPS), Philippine National Police Academy	3 units/semester
3. P.D. 603 (Child Welfare Code)	Public Safety Officer Senior Executive Course (PSOSEC)	8 hours
4. R.A. 9262 (Anti-Violence Against Women and Children Act of 2004)	Public Safety Officers Advance Course (PSOAC)	4 hours
5. The Police Juvenile Delinquency Control Programs	Public Safety Officers Basic Course (PSOBC)	4 hours
6. R.A. 7610 (Special Protection of Children Against Abuse and Exploitation)	Public Safety Officers Basic Course (PSOBC)	4 hours
7. Human Rights in Emergency Situations and the Protected Persons in Internal Conflict	Public Safety Senior Leadership Course (PSSLC)	4 hours
8. Social Justice and Human Rights	Public Safety Basic Recruit Course (PSBRC)	8 hours
9. Special Laws, Women and Children Protection Law	Public Safety Basic Recruit Course (PSBRC)	4 hours
10. Social Justice and Human Rights	Crime Investigation and Detection Course (CRIDEC)	2 hours
11. R.A. 7610 (Special Protection of Children Against Abuse and Exploitation)	Crime Investigation and Detection Course (CRIDEC)	4 hours
12. Social Justice and Human Rights	Public Safety Narcotics Investigation Course (PSNIC)	2 hours
13. Social Justice and Human Rights	Public Safety Traffic Investigation Course (PSTIC)	2 hours
14. Juvenile Delinquency Control and Crime Prevention	Public Safety Officers Orientation Course (PSOOC)	4 hours
15. Women and Children in Conflict with Law	Public Safety Officers Candidate Course (PSOCC)	4 hours
16. Management of Case of Women and Children in Especially Difficult Circumstances	Public Safety Officers Candidate Course (PSOCC)	4 hours

Subject	Course	Duration/No. of hours
Jail		
1. Human Dignity and Human Rights	Jail Basic Recruit Course (JBRC)	4 hours
2. R.A. 9262 (Anti-Violence Against Women and Children Act)	Jail Basic Recruit Course (JBRC)	4 hours
3. Child and Youth Welfare Code	Jail Senior Supervisory Course (JSSC)	4 hours
4. Protected Person in International Armed Conflict	Jail Senior Supervisory Course (JSSC)	4 hours
5. R.A. 9262 (Anti-Violence Against Women and Children)	Jail Officer Advance Course	4 hours
6. Human Rights	Jail Officer Candidate Course	10 hours
Fire		
1. Human Rights	Fire Protection and Supervisory Course (FPSC)	16 hours
2. Human Rights	Fire Officer Basic Course (FOBC)	24 hours
3. Human Rights	Fire Officer Advance Course (FOAC)	8 hours

Engendering and promoting social consciousness on human rights-oriented values

33. Beyond the confines of the police and military institutions, there are also ongoing government initiatives to build up social consciousness on human rights-oriented values.

34. In the sphere of formal education, the Department of Education (DepEd) aided by the Commission on Human Rights (CHR), implemented the inclusion in the school curricula of human rights and humanitarian principles, including in areas relevant to the realization of the rights of the child. The Department of Education has been actively supporting efforts from partner-implementers including the development of human rights teaching exemplars or modules to institutionalize the teaching-learning of human rights, inter alia, rights of the child, in the elementary & high school levels.

35. Government agencies, local government units, academe, civic organizations and NGOs, have joined forces and resources to integrate human rights concepts and humanitarian principles in the school curricula.

36. With the revision of the Basic Education Curriculum (BEC) in 2003, the DepEd likewise reworked its human rights teaching exemplars to fit the new basic education program. In the new BEC, human rights concepts were infused into the five learning areas without disrupting the scope and sequence and without creating additional or separate subject for human rights education. It is also guaranteed that throughout the school year, human rights concept(s) can be integrated in any subject at anytime, through a suitable point of entry.¹

37. Several steps were taken to ensure that integration is effective, considering and employing various strategies. The steps were undertaken in consultation with all sectors such as the Commission on Human Rights, Department of Justice, Philippine National Police Commission,

¹ Noel Miranda and Corazon Echano, "Integrating Human Rights Concepts in the School Curriculum: The Philippine Experience", Human Rights Education in Asian Schools.

Department of Social Services and Development, local government units, NGOs, academe, and civic organizations, among others. The steps involved are: 1) Analysis of competencies for all learning areas, year levels, and quarters; 2) Identification of suitable human rights concepts from a research-based list; 3) Preparation of lesson exemplars as part of a module; 4) Orientation and training in the use of the module; 5) Updating and review of modules; 6) Considering international instruments such as the UDHR and the CRC in module development; 7) Development of instructional materials on human rights; and 8) Monitoring and evaluation of the program.²

38. The teaching of human rights concepts in the primary and secondary schools is promoted using different approaches, strategies, and techniques. In addition, the Bureau of Elementary Education has been taking particular measures such as producing IEC resource materials, e.g. interactive instruction aid and guidelines on child rights issues.³

IV. THE STATE PARTY'S RESPONSES TO ARTICLE 4

Core Elements:

Prohibition of non-state armed forces to use/recruit in hostilities, under any circumstances, persons below 18 years old

Prevention of such recruitment mentioned in paragraph 1, including legal measures to criminalize such practices

3. Ruling out any effect on the legal status of party to armed conflict even with application of present article

The National Peace Plan

39. The government endeavors to prohibit and prevent the recruitment of children to participate in armed hostilities by launching structured and comprehensive actions towards peace-building and development through integrated frameworks. One such framework operates through a developing peace policy began as a National Peace Plan.

40. At the start of the current administration (2004-2010), the President identified as one of her legacy agenda the just end to the peace process. This was threshed out into a National Peace Plan which presently comprises Chapter 14 of the Medium-Term Philippine Development Plan (MTPDP). The Peace Plan identifies five (5) goals to be achieved under the peace process, namely:

- Completion of comprehensive peace agreements with rebel groups resulting in the permanent cessation of armed hostilities by 2010;

² Ibid.

³ Ibid.

- Completion of implementation of all final peace agreements signed since 1986;
- Mainstreaming the rebel groups through an enhanced amnesty, reintegration, and reconciliation program;
- Rehabilitation, development, and healing of conflict-affected areas; and
- Strengthening the peace constituency and citizens' participation in the peace process on the ground.

The armed groups operating in the country

41. Under the first goal, which is the completion of comprehensive peace agreements with rebel groups resulting in the permanent cessation of armed hostilities by 2010, the Office of the Presidential Adviser on the Peace Process (OPAPP) through the GRP Negotiating Panels achieved a number of breakthroughs in the peace negotiations with the following rebel groups:

- Moro Islamic Liberation Front (MILF);
- Rebolusyonyang Partidong Manggagawa ng Pilipinas/Revolutionary Proletarian Army/Alex Boncayao Brigade (RPMP-RPA-ABB);
- Rebolusyonyang Partidong Manggagawa ng Mindanao (RPM-M); and
- Communist Party of the Philippines-New Peoples Army-National Democratic Front (CPP-NPA-NDF).

Status of implementation of the National Peace Plan

42. As part of the comprehensive peace process, the Philippine Government implements the CIAC Program in response to the issue. The Program was launched through Executive Order (EO) No. 56⁴ issued by President Gloria Macapagal-Arroyo in 2001. It generally aims to promote children as “zones of peace”⁵ through the following components:

- Prevention - This component makes use of the Comprehensive and Integrated Delivery of Social Services (CIDSS) as an anchor program to fight poverty and ensure the deliver of basic social services;
- Advocacy and Mobilization - This component calls for the protection of children from armed conflict as well as prevent their recruitment by armed groups;

⁴ EO#56 dated November 26, 2001 - Adopting the Comprehensive Program Framework for Children Involved in Armed Conflict and Directing All Agencies and Local Government Units to Implement the same.

⁵ “xxx Children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor he be allowed to take part in the fighting or used as guides, couriers or spies. xxx” [Republic Act 7610 Article X, Section 22 (b)].

- Rescue, Rehabilitation and Reintegration - This component is aimed at providing services to children involved in armed conflict for purposes of their mainstreaming into society.

43. The Office of the Presidential Adviser on the Peace Process (OPAPP) convenes the Interagency Committee on Children Involved in Armed Conflict (IAC-CIAC), in tandem with the Council for the Welfare of Children (CWC). There are eighteen (18)⁶ government agencies comprising the IAC-CIAC implementing the Program, with the support and active participation of civil society groups, notably the Philippine Coalition to Stop the Use of Child Soldiers (PCSUCS), NGOs and UNICEF.

44. As of 2004, the IAC-CIAC participating agencies have been clustered according to the following tasks:

- Oversight and monitoring of compliance of the Philippines to relevant international conventions and protocols;
- Addressing legal/judicial concerns;
- Provision of direct services; and
- Communications, advocacy and research.

45. In pursuit of its Strategic Action Plan (2005-2010), the IAC-CIAC has enhanced policy instruments and improved systems and procedures in the handling and treatment of CIAC, ensuring that their best interests shall be of paramount consideration and that they shall be treated as victims rather than as offenders irrespective of their membership in any armed group. To date, the following were accomplished:

Finalization and adoption of the following policy tools:

- Revised Inter-agency MOA on the Prevention and Reintegration of CIAC, to expand the IAC-CIAC from 9 to 18-member agencies towards coming up with a comprehensive Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) process;

⁶ *National Oversight and Compliance Cluster*: OPAPP, CWC, Department of Foreign Affairs (DFA); *Legal/Judicial Concerns Cluster*: Department of Justice (DOJ) and Commission on Human Rights (CHR); *Services Cluster*: Department of Social Welfare and Development (DSWD), Department of Health (DOH), Department of Education (DepEd), Department of National Defense (DND), Armed Forces of the Philippines (AFP), Department of Interior and Local Government (DILG), Philippine National Police (PNP), Department of Labor and Employment (DOLE), National Commission on Indigenous Peoples (NCIP), National Anti-Poverty Commission (NAPC), Department of Agriculture (DA) and National Nutrition Council (NNC); *Advocacy and Research Cluster*: [CWC and] Philippine Information Agency (PIA).

- Development of common template and reporting flowchart for profiling and monitoring of CIAC as well as tools to standardize systems and procedures on the identification, handling and treatment of CIAC;
- Amnesty Proclamation for CIAC;
- Database development;
- Map-base database of conflict areas and CIAC nationwide (OPAPP);
- Database on CIAC case management (DSWD);
- Database on Child Rights Violations (CHR);
- Development of information, education and advocacy campaign materials, such as radio plugs, development of a CIAC resource book, CIAC primer for AFP; including the development and implementation of training modules for frontline/direct service providers for priority conflict areas.

Participation and provision of technical support to the following activities conducted by:

- CWC on Regional Trainings on the Action on the Rights of the Child and CIAC for frontline service providers;
- Philippine Coalition to Stop the Use of Child Soldiers (PCSUCS) and Southeast Asia Coalition to Stop the Use of Child Soldiers (SEACSUCS);
- Touched base and oriented key peacekeeping/peace monitoring bodies related with the ongoing peace negotiations, particularly the GRP-MILF Coordinating Committee on the Cessation of Hostilities, its Local Monitoring Teams (LMTs), including the International Monitoring Team (IMT), and the Joint Monitoring Committee (JMC) on the implementation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

Written or oral commitment issued by armed groups aiming at not recruiting and using children below 18 years of age in hostilities

46. Spokespersons of the non-state actors (NSAs) have issued written and oral commitment at not recruiting and using children below the age of 18 years in hostilities.

47. The CPP/NPA/NDF issued the following APP:

- Letter to the UN, dated 7 March 2005, denying that they have recruited minors and deployed them in combat operations; and accusing government of having recruited children and committed blatant violations of children rights;

- Letter to the UNICEF Country Representative in the Philippines, dated 18 May 2005, seeking appreciation of its effort in raising the recruitment age of combatants in the New People's Army to 18.

48. For its part, the RRA has expressed that they are campaigning against the recruitment of children for involvement in armed hostilities.

49. The Department of Justice (DOJ) however has a contrary opinion saying that so far, none of the aforementioned rebel/armed groups have made any written or oral commitment aiming at not recruiting and using children below the age of 18 years in hostilities. There is, however, a letter made by the National Democratic Front of the Philippines (NDF) addressed to Sec. General Kofi Annan of the United Nations, dated 7 March 2005, denying their "illegal recruitment of minors and deploying them in combat operations" which GRP, however, disputed in the letter of the Presidential Adviser on the Peace Process, to the Secretary of Foreign Affairs dated 01 June 2005 (see Annexes "A" and "B").

Actions taken by the State aimed at raising awareness amongst armed groups and within the communities of the need to prevent recruitment of children below the age of 18 years

50. As peace efforts take place at different levels of the peace plan, the government continues to resort to alternative measures and remedies to prevent CIAC. Corresponding to the actions taken by the state aimed at raising awareness amongst armed groups and within the communities of the need to prevent recruitment of children below the age of 18 years, and of their legal duties with regard to the minimum age set up in the Optional Protocol for recruitment and use in hostilities, the Philippine government issued and currently implements the following legal measures:

- Executive Order No. 3 (February 2001) - Defining Policy and Administrative Structure for Government's Comprehensive Peace Efforts. This directive calls for, among others, the protection of civilians in armed conflict situations; reintegration, rehabilitation and reconciliation programs for former combatants; and peace education and advocacy programs, including human rights education;
- Executive Order No. 56 (26 November 2001), adopting a comprehensive program framework for children in armed conflict. This is being implemented through the Comprehensive Program for Children Involved in Armed Conflict (CIAC), supervised by the OPAPP in tandem with the Council for the Welfare of Children. The program includes an advocacy component which aims to create awareness on the CIAC issue and educate the different sectors of society through various media and activities, such as peace education, peace camps and peace rallies. A communications plan for the program has been formulated and presently being revised. A primer and resource book on CIAC are also being developed. A training module on CIAC for service providers has also been produced and is currently being reviewed;
- Inter-Agency Memorandum of Agreement in the Handling and Treatment of Children Involved in Armed Conflict (21 March 2000) has been revised to strengthen the preventive aspect;

- The Inter-Agency Committee on Children Involved in Armed Conflict (IAC-CIAC) Program led by the OPAPP issued Resolution No. 1-06, adopting certain documents to guide the agency and concerned service providers on how to deal with children involved in armed conflict in June 7, 2006. The said resolution officially adopts the following enhanced policy and monitoring instruments for the CIAC Program: 1) Revised Inter-Agency MOA on the Prevention and Reintegration of CIAC; 2) Reporting Flowchart on the Handling and Treatment of CIAC; and 3) Common Template: CIAC Data Gathering Form;*
- CARHRIHL, a product of the peace talks between the GRP and CNN signed in 1998, guarantees among others, the right of children to protection, care and home. Currently, OPAPP spearheads an extensive information and education campaign on CARHRIHL;
- The government panel in the JMC for CARHRIHL links closely with OPAPP concerning the CIAC issue.

Civil society organizations working with the Government in raising awareness against child recruitment in armed conflicts

51. State efforts to implement the CRC and the Optional Protocol on the CIAC have reached out farther for support to structures/organizations outside bureaucracy. The government continues to work with civil society organizations (CSOs) in making communities including those affected by armed conflicts more aware of the need to protect children from the effects of hostilities and to prevent them from taking part in the fighting.

52. Although the areas of engagement between government and the CSOs are somehow limited if not restricted by the constant need for a Memorandum of Agreement and other formal mechanisms for partnership, the government has been supporting CSO and other grassroots activities in available ways especially when these are attuned to human rights and child protection principles.

CSO activities for child-protection on the ground

53. Some of the prominent CSO activities on the ground that promoted child protection were those conducted by community-based and children-oriented help-giving institutions. BALAY Rehabilitation Inc., a psychosocial service and advocacy group for internally displaced persons is among such institutions. In recent years, the GRP - through the relevant agencies has opened up to CSO initiatives to set venues of cooperation especially regarding child rights protection. BALAY conducted the following activities in 2005:

Children as Zones of Peace - declaration of children as zones of peace in the seven (7) barangays of Pikit, North Cotabato namely Ginatilan, Nalapaan, Panicupan, Lagunde, Dalengaoen, Takepan and Kalakacan last November 27, 2004. The seven Barangays have approximately 5,600 youth and children population below 18 years old. It was attended by then APP Secretary Teresita Deles and Von Al Haq, official representative of the Moro Islamic Liberation front - Coordinating Committee for the Cessation of Hostilities. The project "Promoting Children as Zones of Peace" (CZoP) had early on

realized its main objectives of enhancing and connecting the capacities of all the people in the community - youth and children, parents and other adults, teachers, government units, military and the armed groups.

Children's Month" Celebration - October as the children's month was first recognized and celebrated by both the schools and the communities in the seven barangays of Pikit, North Cotabato. The participating schools and barangays that celebrated for the first time the children's month were Barangays Ginatilan, Nalapaan, Panicupan, Lagunde, Dalengaoen, Takepan and Kalakacan. BALAY became the key instrument in this important celebration for the children in these barangays and the municipality of Pikit.

BALAY, the teachers and school officials, barangay councils, parents and students undertook a joint planning for the Children's Month. The highlights of the celebration were: Parent's Quiz Bee, Essay Writing, Debate and Drawing Contests for the young students and Forum on Children's Rights. There were also some light moments wherein parents and students participated in home-grown games to the delight of everyone.

It was a real joint effort of the Barangay Councils, the schools, and BALAY, with the active role and participation of the children from the planning process up to the assessment of the activity.

Young People's Summit - Around 100 young people from more than 50 organizations all over Mindanao gathered in Davao City last October 2004 for the Young People's Summit. It was a 3-day undertaking planned and executed by the youth themselves, which produced the first ever Young People's Summit Declaration for Peace and Development.

The Convention on the Rights of the Child Workshop for Parents and Local Leaders

Balay always considers the value of the CRC to the people in the community. Through the years, Balay sees to it that people who should be aware, conscious and sensitive about child's rights would get wider and broader. In its focus communities, Balay were able to impart CRC among parents, teachers, barangay officials, religious and local leaders and the young people themselves. In 2004, Balay prioritized the parents and local leaders in 7 barangays of Pikit, North Cotabato. Through the support of UNICEF, five (5) consecutive seminars on CRC were conducted.

Twinning project. Balay launched the Twinning project dubbed "Building Bridges of Understanding, Solidarity and Peace" in September 2003, after the Pikit war of 2003, an attempt to cross boundaries, tear down walls of prejudice, and search for a caring response. This is an initiative to bring young people (and adults too) in conflict affected areas in Mindanao and their counterparts in Metro Manila in a reciprocal undertaking of sharing experiences, exchanging ideas, and mutual encouragement towards the promotion of children as zones of peace.

Through the facilitation and support of Balay, the Miriam College and its Center for Peace Education twinned with the Rajah Muda High School, a pure Muslim populated school in Barangay Rajah Muda, Pikit, North Cotabato. To date, the twinning were able to

encourage direct mutual solidarity actions such as joint coordinated activities marking the Mindanao Week of Peace, International Children's Month and International Year of Peace. Moreover, the project facilitated cross-exposures and mutual learning events on peace education.

- The high school students of both schools also put up a newsletter and published their letters, and views about each other's situation and cultures. Likewise, the teachers of Miriam College conducted faculty development trainings to their counterparts in Rajah Muda High School, boosting their knowledge and skills on effective teaching and curriculum development.

Legal measures aimed at prohibiting and criminalizing the recruitment and use in hostilities of children under the age of 18 by armed groups

54. With respect to the adoption by GRP of legal measures aimed at prohibiting and criminalizing the recruitment and use in hostilities of children under the age of 18 by such armed groups and the judicial decisions applying to this issue, the following existing legislations operate:

- Republic Act No. 7610, which calls for special protection of children against child abuse, exploitation and discrimination;
- Republic Act No. 9208, providing for penalties on the recruitment, transportation or abduction of children to engage in armed activities. In fact, under Sections 53 and 56 of the Implementing Rules and Regulations of said law, it is explicitly provided that: "to recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad" is penalized by "the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (Php 1,000,000.00) but not more than Two million pesos (Php 2,000,000.00)." (Sec. 53 (h)); and "qualified trafficking in Persons" ("where the Trafficked person is a child" is "penalized with the penalty of life imprisonment and a fine of not less than Two million pesos (Php 2,000,000.00) but not more than Five million pesos (Php 5,000,000.00). (Sec. 55 [a]);
- Republic Act No. 8371, or the Indigenous Peoples' Rights Act, which provides for the non-recruitment of children of indigenous cultural communities/indigenous peoples into the armed forces under any circumstance. (See Sec. 22);
- Republic Act No. 9231 - An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act No. 7610, as Amended, otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", where under Sec. 12-D, "recruitment of children for use in armed conflict" is considered one of the "worst forms of child labor", and where under Sec. 16, providing for the penal provisions, any person who violates Sections 12-D (1) and 12-D (2) shall be prosecuted and penalized in accordance with the penalty provided for by RA 9208 otherwise known as the "Anti-Trafficking in Persons Act of 2003": Provided that such penalty shall be imposed in its maximum period". [The maximum penalty provided for

the offense under RA 9208 is life imprisonment and a fine of not less than Two million pesos (Php 2,000,000.00) but not more than Five million pesos (Php 5,000,000.00)];

- Also, Republic Act No. 9262, known as the “Anti-Violence Against Women and their Children Act of 2004 was enacted by Congress, providing protective measures for victims and prescribing penalties thereof. Under this law, women and children are protected from “any act or series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty”, and which includes, among others “prostituting the woman or her child”.

55. It is the declared policy of the State, in passing the law “that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its member particularly women and children, from violence and threats to their personal safety and security”.

56. In achieving this end, “the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the (Philippine) Constitution and the provisions of the Universal Declaration of Human Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, Convention on the Rights of the Child and other international human rights instruments of which the Philippines is a party”.

57. Likewise, policy measures emanating from the executive branch of the GRP are also currently in force, namely: (1) an Inter-Agency Memorandum of Agreement in the Handling and Treatment of Children Involved in Armed Conflict, signed on 21 March 2000; and (2) Executive Order No. 56 issued by the President on 26 November 2001, adopting a comprehensive program framework for children in armed conflict.

58. It should be noted that the DOJ, in coordination with the representatives of the other government agencies, which are members of the Inter Agency Committee-Children Involved in Armed Conflict (IAC-CIAC), prepared a draft proclamation granting amnesty to children involved in armed conflict and creating a Child Amnesty Board. Thus, children who may have been recruited to become members of the Armed Forces of the Philippines, or its civilian units or other armed groups, and allowed to take part in the fighting, or used as guides, couriers or spies, and, in the process, were detained and/or charged in court for crimes committed in pursuit of political objectives, whether punishable under the Revised Penal Code, or special laws, or for common crimes because of mere suspicion that they were members of an insurgent group or its sympathizers, may be granted amnesty by the President upon recommendation of the Child Amnesty Board. The Proclamation of Amnesty by the President shall take effect upon concurrence by a majority of all the members of Congress.

59. The DOJ and the other representatives of the IAC-CIAC members have also updated the Inter-Agency Memorandum of 21 March 2000, with some revisions thereon.

60. As of now, the DOJ has come up with Department Circular No. 26, dated 1 July 2005, amending its earlier guidelines in the handling and treatment of Children involved in Armed Conflict, (DOJ Circular No. 08, dated 21 January 2005). The Circular is a directive to the Chief State Prosecutor, assistant chief state prosecutors, provincial and city prosecutors and their assistants, and the chief public attorney, assistant chief public attorney, district public attorneys, and public attorneys nationwide, on what they have to do when dealing with CIAC cases brought to their attention by the PNP, AFP or DSWD. (Cases involving children, including violations of RA 7610 and its amendments, are usually tried by Family Courts which are established in every province and city in the country pursuant to Sec. 3 of R.A. 8369).

61. In addition, DOJ also approved Department Circular No. 61 on the Guidelines to implement the transitory provisions of RA 9344 or the procedures for the appropriate management of CICL; and Department Circular No. 62 on the Guidelines in the Handling and Treatment of Children in Conflict with the Law (CICL) including Children in Situations of Armed Conflict (CSAC) pursuant to RA 9344, which provides specific guidelines for prosecutors and public attorneys in the handling and treatment of CICL.

V. THE STATE PARTY'S RESPONSE TO ARTICLE 5

Core Elements: Ensuring that domestic law, international instruments and international humanitarian law which are more conducive to the realization of the rights of the child will not be hindered by protocol

62. The GRP considers national legislations and international instruments on international humanitarian law as supportive and applicable for the fulfilment of child rights in general and including the CIAC in particular. Specifically, the government cites the following.

International instruments which are conducive to the realization of the rights of the child (DOJ)

63. The Convention on the Rights of the Child ("CRC"), which was ratified by the Philippines on 20 September 1990, delineates the civil, political, economic, social and cultural rights of children. Essentially, the CRC spells out these basic human rights as follows:

- The right to survival;
- The right to develop to the fullest;
- The right to protection from harmful influences, abuse and exploitation;
- The right to participate fully in family, cultural and social life.

64. The CRC offers the highest standards of protection and assistance for minors compared to any other international instrument; For example, protection standards go beyond the usual guarantees of health, education and welfare, to guarantees which relate to the child's individual personality, rights to freedom of expression, religion, association, assembly, and the right to privacy.

65. Article 38 of the CRC strengthens protection for children in armed conflict, *viz.*:
- “Article 38 States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.”
66. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavor to give priority to those who are oldest.
67. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.
68. The Philippines is also a State Party to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, having ratified the instrument on 28 May 2002. The aforesaid optional protocol is designed to criminalize activities that involve the sale and illegal adoption of children as well as child prostitution and child pornography.
69. The 1951 Convention Relating to the Status of Refugees, to which the Philippines acceded to on 22 July 1981, protects children who are asylum seekers and refugees. Article 22 of the aforesaid Convention explicitly provides for the right of refugee children to a public education. More specifically, it states that “the Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education”.
70. The Philippines is also a State Party to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction, having ratified the same on 5 February 2000. While the body of this document does not address children specifically, this international treaty is meant to especially protect children from the suffering brought about by these indiscriminate weapons of destruction.
71. The Philippines is also a State Party to a number of international labor conventions that binds it to the objective of promoting child welfare, particularly that of working children.
72. On 16 November 1960, the Philippines ratified ILO Convention No. 77, otherwise known as the Convention concerning Medical Examination for Fitness for Employment in Industry of Children and Young Persons of 1944. ILC 77 requires medical examinations as an employment prerequisite for those below 18 years of age. Under the terms of the Convention, children under 18 years of age shall not be admitted to employment unless they have been found fit for the work for which they are to be employed by a thorough medical examination.
73. The Philippines is also a State Party to ILO Convention No. 90, Convention concerning Night Work of Young Persons Employed in Industry of 1948. ILC No. 90 disallows children below 18 years of age to be employed during the night in any public or private industrial undertaking, except in certain circumstances.

74. On 4 June 1998, the Philippines ratified ILO Convention No. 138, Convention concerning Minimum Age for Admission to Employment of 1973. The Convention provides that the minimum age of employment shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. It covers all economic sectors and all employment or work, whether or not such are performed under a contract of employment.

75. The Philippines ratified International Labor Convention No. 182, Worst Forms of Child Labour Convention on 28 November 2000. For purposes of the Convention, the term worst forms of child labour was defined to include “all forms of slavery or practices similar to slavery, such as the x x x forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict”.

Applicable international humanitarian law instruments which are conducive to the realization of the rights of the child

76. In the event of an international armed conflict, children not taking part in hostilities are protected by the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (the “Fourth Geneva Convention”). The 1949 Geneva Conventions I, II, III and IV were adopted in Geneva on 12 August 1949. While all four (4) instruments provide various protections to civilians in times of armed conflict, the Geneva Convention IV is specifically designed to protect children and civilians in times of armed conflict. The Philippines ratified all four (4) instruments on 6 October 1952.

77. The Fourth Geneva Convention guarantees special care for children. Article 24 of the aforesaid agreement imposes upon State parties the obligation to,

“Take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavor to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.” (emphasis supplied)

78. In recognition of the special needs of children, Art. 50 of the Fourth Geneva Convention also provides,

“The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war which may have been adopted prior to the occupation in favor of children under fifteen years, expectant mothers, and mothers of children under seven years.” (emphasis supplied)

79. Article 94 of Fourth Geneva Convention emphasizes the obligation of State Parties to promote the right of children to education when it provides, “the education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside”.

80. Further, Art. 17 of the Convention obliges State Parties to the conflict to “conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas”.

81. Article 51 prohibits the Occupying Power from compelling civilians under enemy control to serve in its armed or auxiliary forces. Towards this end, the Occupying Power may not employ pressure or any propaganda which aims at securing voluntary enlistment. Further, the Occupying Power may not compel protected persons to work unless they are over eighteen years of age.

82. Participation by children in armed hostilities occurs too frequently. The participation may range from aiding combatants to the actual recruitment of children as combatants in national armed forces and other armed groups. The Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts, Protocol II, which was adopted on 8 June 1977, covers such situations. The Philippines acceded to the instrument on 11 December 1986.

83. Protocol II prohibits both the recruitment and the participation - direct or indirect - in hostilities by children under 15 years of age.

84. More particularly, Protocol II provides,

“Article 4. Fundamental Guarantees.

3. Children shall be provided with the care and aid they require, and in particular:

They shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care;

All appropriate steps shall be taken to facilitate the reunion of families temporarily separated;

Children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;

The special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of subparagraph (c) and are captured;

Measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.

5. The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offence and shall not be carried out on pregnant women or mothers of young children.”

85. Despite the above-mentioned rules, children who take direct part in armed conflicts are recognized as combatants and in the event of their capture are entitled to prisoner-of-war status under the 1949 Geneva Conventions. Protocol II, as mentioned above, provides that children combatants under 15 are entitled to privileged treatment in that they continue to benefit from the special protection accorded to children by international humanitarian law.

National legislations which are more conducive to the realization of the rights of the child

86. Section 3, Article XV of the 1987 Philippine Constitution imposes upon the State the obligation to defend the “right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development”.

87. Also, under Sec. 13 of Article XV, the State “recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being.”

88. Several laws which concern children have been passed by the Philippine Congress in response to key provisions of the Constitution. These include the Family Code of the Philippines

(Executive Order No. 209), the Child and Youth Welfare Code (Presidential Decree No. 603), the Special Protection of Children Against Abuse, Exploitation and Discrimination Act (Republic Act No. 7610), the Anti-Trafficking in Persons Act of 2003 (RA 9208), the Anti-Violence Against Women and their Children Act (RA 9262), the Indigenous Peoples Rights Act of 1997 (RA 8371), the Magna-Carta for Disabled Persons (RA 7277), the Inter-Country Adoption Act of 1995 (RA 8043), the Family Courts Act of 1997 (RA 8369), the Solo Parents Welfare Act of 2000 (RA 8972), the Barangay-Level Total Development and Protection of Children Act (RA 6972), and An Act Allowing Illegitimate Children to Use the Surname of their Father (RA 9252).

89. The Family Code of the Philippines deals with the family as an institution and contains provisions which aim to promote the best interests of the child. Among others, the Code presents rules governing paternity and filiation of children, creates the parameters for adoption of children, outlines familial support requirements, delineates the terms and limits of parental authority and its effect upon the persons and property of children and sets the age of majority.

90. The implementation of the CRC is premised on the Child and Youth Welfare Code. The Code states in its Declaration of Policies that the child is one of the most important assets of the nation, and that every effort should be exerted to promote his welfare and enhance his opportunities for a useful and happy life. The Code outlines the rights of the child as well as his responsibilities. The Code specifically states that the best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, consistent with the principle of First Call for Children as enunciated in the CRC. This principle underlies all the measures which have been set in place for promoting the welfare of children in the Philippines.

91. The Code also declares children as “zones of peace.” Towards this end, Sec. 22 of Code mandates the observance of the following policies, *viz*:

“(a) 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;

(b) Children shall not be recruited to become members of the Armed Forces of the Philippines of its civilian units or other armed groups, nor be allowed to take part in the fighting, or used as guides, couriers, or spies;

(c) Delivery of basic social services such as education, primary health and emergency relief services shall be kept unhampered;

(d) 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;

(e) 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

All appropriate steps shall be taken to facilitate the reunion of families temporarily separated due to armed conflict.”

92. The Special Protection of Children Act provides for the protection of children in especially difficult circumstances, those in situations of armed conflict, and those belonging to indigenous cultural communities. It defines and penalizes child abuse, prostitution, trafficking, and employment of children under terms other than those stipulated therein. Further, it provides that the State shall intervene on behalf of the child when the parent, guardian, teacher, or person having care or custody of the child fails, or is unable, to protect the child against such actions or conditions. The Act specifically provides that children of indigenous cultural communities shall not be subjected to any discrimination, and prescribes penalties for such discrimination.

93. The Anti-Violence against Women and their Children Act criminalizes the commission of physical, sexual, psychological (including verbal), and economic abuse and violence against women and their children in a marriage, when dating, or in a common-law relationship.

94. The Anti-Trafficking in Persons Act sets up policies aimed towards the elimination of trafficking in persons, particularly in women and children. It establishes necessary institutional mechanisms to protect and support trafficked persons.

95. The Indigenous Peoples’ Rights Act of 1997 guarantees the rights of indigenous peoples by balancing the recognition of their autonomy with the protection of their universal human rights. Section 27 of the law recognizes the vital role of the children and youth of indigenous peoples in nation-building and espouses the promotion and protection of their physical, moral, spiritual, moral, spiritual, intellectual and social well-being. Section 22 explicitly enjoins the State from recruiting children of indigenous peoples into the armed forces under any circumstance.

96. The Magna Carta for Disabled Persons protects the disabled, both children and adults, from discrimination. This Act provides that the State shall encourage respect for disabled persons and shall exert all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to them.

97. The Inter-Country Adoption Act of 1995 was enacted to allow aliens to adopt Filipino children if such children cannot be adopted by qualified Filipino citizens. Under the provisions of the law, only a child who is below 15 years of age and is voluntarily or involuntarily committed to the Department of Social Welfare and Development may be adopted.

98. The Family Courts Act of 1997 provides for the creation of family courts that are vested with exclusive jurisdiction over child and family cases.

99. The Solo Parents Welfare Act of 2000 ensures the total development of the one-parent family through a comprehensive and integrated package of social welfare and development services to provide appropriate guidance to the child when the nuclear family is not available or

cannot be restored. The Solo Parents Welfare Program enables the unwed mother, the widow/widower, and other single parents in handling the psychological, emotional, and social deterrents to the development of a family environment for the child.

100. The Barangay-Level Total Development and Protection of Children Act provides for the establishment of a day-care center in every barangay and the institution of a program for total development of children 0-6 years old.

101. The Philippines signed the Optional Protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict on 8 September 2000 and ratified the instrument on 26 August 2003.

102. By virtue of Section 2, Article II, of the Philippine Constitution, the Philippines “adopts the generally-accepted principles of international law as part of the law of the land” which means that provisions of international instruments which had been ratified by the Philippine Senate can be invoked before and be directly enforced by Philippine courts, other tribunals or administrative authorities.

103. The GRP and its implementing agencies are aware of the obligations entailed in being a State Party to the United Nations Convention on the Rights of the Child. Committed to carry out its obligations, the GRP has been working towards promoting the provisions of the Convention and enhancing its influence in most of the current domestic legislations protective of the rights of children in armed conflict.

VI. THE STATE PARTY’S RESPONSES TO ARTICLE 6

Core Elements:

Effective implementation of the Protocol through necessary 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

104. Domestic measures have been adopted to ensure the effective implementation and enforcement of the provisions of the Optional Protocol. Prominent among these measures are existing national laws, executive issuances and pertinent agreements forged with rebel groups which enable the government to comply with its commitment to the Optional Protocol. Many of these instruments were actually in force even prior to the signing of the Optional Protocol and were more vigorously pursued after said signing. These are as follows:

National laws

- Republic Act 7610 (June 1992) - Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act. Section 22 thereof declares children as Zones of Peace and, as such, shall not be recruited to become members of any military unit or any other armed group, nor be allowed to take part in the fighting nor be involved in hostilities either directly or indirectly. A Bill which provides for additional rights of children in situations of armed conflict and amending thereby Section 25 of RA 7610 is presently pending before Congress;
- Republic Act 7658 (October 1993) - Amendment to RA 7610, sec. 12, article VIII; an act prohibiting the employment of children below 15 years of age in public and private undertakings;
- Republic Act 9231 - An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this purpose RA 7610, as amended;
- Republic Act 8371 (November 1997) - Indigenous Peoples' Rights Act, chapter 5, sec. 22, providing for the non-recruitment of children of indigenous cultural communities into armed forces;
- RA 9208 otherwise known as the Anti-Trafficking in Persons Act of 2003 punishes the act of recruiting, transporting or adopting of a child to engage in armed activities in the Philippines or abroad. This act provided for penalties absent in RA 7610.

Executive issuances

- Executive Order No. 3 (February 2001) - Defining Policy and Administrative Structure for Government's Comprehensive Peace Efforts;
- Inter-Agency Memorandum of Agreement in the Handling and Treatment of Children Involved in Armed Conflict (21 March 2000);
- Executive Order No. 56 - Adopting the Comprehensive Program Framework for Children in Armed Conflict (26 November 2001).

105. With reference to the legal status of the Optional Protocol in national law and its applicability before domestic jurisdictions, the Philippines signed the Optional Protocol, without reservations, on 8 September 2000 and ratified it on 26 August 2003. It adheres to the principle of *pacta sunt servanda* and considers the Optional Protocol as part of the law of the land.

106. The Optional Protocol is legally binding and enforceable in the Philippines, under the principle of incorporation. The 1987 Constitution, in Article II, section 2, further states that the Philippines adopts the generally accepted principles of international law as part of the law of the land.

Creation and mobilization of Governmental structures to implement policies and address CIAC in the country

The Inter-agency Committee on the CIAC Program

107. In view of the Protocol, governmental departments or bodies have been tasked to take charge of the implementation of provisions and coordinate with regional and local authorities as well as with civil society on parallel projects and activities. By virtue of Executive Order No. 56, an Inter agency Committee (IAC) on the CIAC Program was created and is currently functional. At present, the IAC CIAC consists of eighteen (18) partner agencies, with the OPAPP as chair and the Council for the Welfare of Children (CWC) as co-chair.

108. In accordance with the IAC-CIAC terms of reference, the functions of the IAC-CIAC are as follows:

- Adopt measures to resolve policy issues and gaps pertaining to children involved in armed conflict (CIAC);
- Approve policy recommendations raised by the IAC-CIAC clusters;
- Approve action plans and programs that may be endorsed by the IAC-CIAC clusters;
- Monitor and evaluate action plans and programs implemented;
- Convene quarterly meetings or as the need arises to undertake the abovementioned tasks.

109. The IAC-CIAC coordinates closely with the following:

- Local government units particularly in conflict-affected areas;
- Non-government organizations involved in CIAC-related initiatives, notably the Philippine Coalition to Stop the Use of Child Soldiers and Amnesty International Philippines, and various peace organizations.

110. The mechanisms and means used for monitoring and periodically evaluating the implementation of the Optional Protocol are now assigned primarily on the IAC-CIAC. This inter-agency committee meets quarterly and conducts periodic assessment and planning exercises. The OPAPP heads the IAC-CIAC National Oversight Cluster, which is tasked to ensure compliance of government agencies to the Optional Protocol and related national laws. For better monitoring of the CIAC program and the Optional Protocol, a common template for data collection and profiling of CIAC has been adopted for use among concerned agencies.

The Sub-Committee on Children Affected by Armed Conflict and Displacement (SC CAACD)

111. The Council for the Welfare of Children (CWC) maintains as one of its sectoral structures, the Sub-Committee on Children Affected by Armed Conflict and Displacement (SC CAACD). This sub-committee, under the mother committee on Children in Need of Special Protection (Com CNSP), was formally organized in February 8, 2006.

112. SC CAACD generally aims to promote children's welfare, with focus on issues on armed conflict and displacement and emphasis on the concerns of Muslim & IP children, without compromising the other more general concerns of IP and Muslim children.

113. Specifically, the SC CAACD undertakes the following functions:

- **Policy Formulation.** To Study in detail concerns, problems and recommend and unite on policies, guidelines and standards for children affected by armed conflict & displacement, including Muslim & IP children, to the CNSP committee based on the over-all framework (such as Child 21/ NPAC) & development plans for children (such as the CPC 6); and develop the sub-committee's policy and strategic framework.;**Coordination & Networking.** To coordinate the preparation & implementation of Annual Work Plans at the national level based on the over-all framework (such as Child 21/NPAC) & development plans for children (such as CPC 6);
- **Capacity Building.** Capacitate the member agencies to enhance understanding of different frameworks on children; and formulate appropriate & innovative projects & other interventions in response to the issues confronted by children affected by armed conflict & displacement, including Muslim & IP children;
- **Advocacy** Ensure that issues of children affected by armed conflict & displacement, including Muslim & IP children are surfaced, highlighted and given prime consideration;**Research** Identify sub-committee research agenda and recommend for its conduct;
- **Monitoring & Evaluation.** Provide regular & consolidated information and updates on the sub-committee's work to the CNSP Committee for information of CPC/CWC structures in particular and the public in general; Monitor and evaluate the implementation and/or responses to the approved policies. As needed, conduct field visits to validate and clarify issues affecting children affected by armed conflict & displacement, including Muslim & IP children.

114. Aside from government agencies, this group officially includes in its membership non-government organizations dealing with the issues of CIAC, and also on the issues of displaced children, children from Indigenous groups and Muslim children.

Implementation of Disarmament, Demobilization, Rehabilitation and Reintegration Program (DDRR)

115. Actions are being undertaken and procedures applied with regard to disarmament, demobilization (or release from service) and to provisions of appropriate assistance for the physical and psychological recovery and social reintegration of children.

116. In line with the provisions on disarmament, demobilization, and the extension of assistance for the physical and psychological recovery and social reintegration of CIAC, the GRP through the IAC-CIAC drafted in 2004 time-bound DDRR action plans.

117. The Action Plan on the Disarmament, Demobilization, Reintegration and Rehabilitation (DDRR) of Child Soldiers in the Philippines included the support and participation of other non-government actors such as the country-based United Nations Children's Fund, International Community of the Red Cross, University of the Philippines' Center for Integrative and Development Studies, Philippine Human Rights Information Center, etc.

118. The plan detailed implementation steps to be taken including the key participants/actors and a definite time line. It also consists of a broad-ranging program which will work towards:

- Developing a standard framework on the DDRR of child soldiers for inter-agency cooperation, and develop, expand the coverage and replicate DDRR programs in areas where child soldiers are identified to exist;
- Conducting training of personnel, and ensure the active involvement of children, youth and their communities in the development of the DDRR framework and programs, providing alternatives for former child soldiers;
- Fostering close inter-agency cooperation between members of the coalition (network) and between various sectors and stakeholders (including children) involved in the prevention, protection and DDRR programs through the conduct of capacity building measures, information exchange, and sharing of experiences. This effort will take into consideration the various stakeholders' perception on the issue of child soldiers in order to respond appropriately to the needs of children and youth;
- Conducting research and documentation for the creation of a national database on child soldiers, on cultural and religious traditions (i.e., Qu'ranic verses) related to the protection of children, and on the experience of organizations which are engaged in work with armed groups;
- Mapping out and conduct an inventory of researchers on child soldiers;
- Lobbying for the inclusion of child soldiers' issue and DDRR concerns in the peace talks and negotiations between the Government of the Republic of the Philippines and armed opposition groups or non-state actors (NSA);
- Engaging NSAs in the coalition's efforts to stop the use of child soldiers in the country, calling for more dialogues and the adoption of a "deed of commitment" from NSAs to secure their cooperation in DDRR interventions, in the monitoring of its compliance, and commitment against the recruitment of children as soldiers;
- Studying and develop strategies in engaging NSAs, and collect and compare the experiences of other countries children as soldiers;
- Lobbying for the review and amendment of pertinent laws, policies, and guidelines applicable to child soldiers, i.e., relevant sections and provisions of Republic Act 7610;
- Pushing for clarifications on the issue of amnesty as well as the arrest of child soldiers by authorities;

- Working for capacity-building and protection of children at the community level, with program geared towards the empowerment of family and individuals, and the strengthening of peace ties (norms) among Christians, Muslims, and Indigenous Peoples Communities;
- Intensifying public awareness and advocacy on the issue of child soldiers through information dissemination;
- Lobbying for budget allocations to DDDR programs and for the inclusion of child soldier concerns in the development programs of government agencies;
- Expanding the coverage and replicate peace education programs through the strategic use of formal educational institutions and non-formal systems in reaching communities, in recognition of the role of education and culture in preventing children from joining armed groups;
- Integrating human rights education in peace education activities and to include peace and human rights education in the curriculum;
- Translating international and national legal frameworks such as the UN CRC and its OP, CEDAW, and ILO 182 into concrete and sustainable activities through the assistance of traditional and local structures (i.e., Ulama);
- Calling for stronger and multi-level implementation and enforcement of MOAs/MOUs on the protection of child soldiers;
- Calling on the government to affirm and operationalize its commitment to international standards on the protection of children involved in armed conflict and set up a system to monitor its compliance with its obligations to stop the use and recruitment of child soldiers, in cooperation with various stakeholders, in the light of reported recruitment by government-supported para-military group.

119. The program also includes an Additional Action Plan which will work towards developing and implementing a reintegration plan without disarmament and demobilization at the local levels.

IAC-CIAC Strategic Action Plan (2005-2010)

120. The OPAPP and CWC, with the support of UNICEF, convened/organized the IAC-CIAC Strategic Planning Workshop on 25 August 2004, with the participation of civil society partners. Said plan was adopted by the body in the same year. The outputs of said workshop were as follows:

(See next page)

IAC CIAC Strategic Action Planning Workshop

NATIONAL OVERSIGHT AND COMPLIANCE CLUSTER

PRIORITY ISSUE TO ADDRESS: Compliance of State and non-State actors with international commitments/treaties and national policies/laws

Strategy	Outcome	Expected Outputs/Targets	Course of Action (Project/Activity)/Agency Responsible	Time line		
				2004	2005	2006-2010
Enhanced coordination between and among national government agencies, LGUs, NGOs and civil society groups	By the end of 2010, better coordination mechanisms in place	Updated inventory of all agencies and groups NGOs involved in CIAC	Research/listing of all agencies and groups involved in CIAC; building up of existing directory	X		
Education and consciousness raising regarding existing international commitments and national policies/laws	By the end of 2010, agencies and groups better informed and committed in complying with international commitments and national policies/laws	Tripartite bodies for CIAC established at the local levels with DSWD as lead agency	Meetings and signing of Memoranda of Agreement (MOA) among NGAs, LGUs, NGOs and civil society groups		X	X
Strengthening/enhancement of the macro-monitoring and feedbacking system	By the end of 2010, better monitoring of Philippine compliance with all international commitments and national policies/laws	Commitments and Memoranda of Agreement among various agencies and groups	Conduct of IEC activities, such as fora, symposia and other venues for exchange of ideas, particularly: <ul style="list-style-type: none"> • National symposia • Regional/ local symposia/fora 		X	X
					X	
					X	X

Strategy	Outcome	Expected Outputs/Targets	Course of Action (Project/Activity)/Agency Responsible	Time line		
				2004	2005	2006-2010
		Improved monitoring system for CIAC	Assessment and re-design of the CIAC program management and monitoring system	X	X	
		Reports/information materials produced	Pilot-testing of new system		X	
		Recommendations in aid of legislation (legislative agenda on CIAC)	Full operationalization			X
			Monitoring of developments and participation in various UN bodies	X	X	X
			Feedback to concerned government agencies, NGOs and LGUs re abovementioned developments	X	X	X
			Review of existing policies and identification of policy gaps	X	X	X
			Conduct of inter-agency meetings	X	X	X
			Monitoring of progress of policy recommendations	X	X	X

PRIORITY ISSUE TO ADDRESS: Need to directly involve the parties to the armed conflict in the resolution of the CIAC issue

Strategy	Outcome	Expected Outputs/Targets	Course of Action (Project/Activity)/Agency Responsible	Time line		
				2004	2005	2006-2010
Inclusion of CIAC issue in the peace talks	By 2010, zero recruitment of CIAC All CIAC turned over and reintegrated in their respective families and communities	Signed agreements between government and rebel groups, and corresponding implementing procedures and guidelines	Preparation of CIAC cases	X	X	
			Presentation to the negotiating panels/JMC		X	X
			Peace negotiations		X	X

JUDICIAL/LEGAL CLUSTER

PRIORITY ISSUE TO ADDRESS: Need to resolve cases of captured CIAC charged with criminal offenses; viewed as offenders rather than victims

Strategy	Outcome	Expected Outputs/Targets	Course of Action (Project/Activity)/Agency responsible	Time line		
				2004	2005	2006-2010
<p>Reorientation of State actors, particularly the judges, State prosecutors and PAO and CHR personnel</p> <p>Accessibility of legal mechanisms to CIAC or their representatives</p>	By the end of 2005 CIAC-related materials would have been disseminated	Awareness of laws pertaining to CIAC and also CIAC Program	Information dissemination (DOJ, CHR) i.e. issuance of memorandum circulars, department orders	X	X	
	Within 2006 all State actors have undergone sensitization seminar	Sensitization of State actors to the CIAC issue	Orientation seminar for judges, State prosecutors and PAO and CHR personnel	X	X	
	Within 2004 CIAC sensitive legal procedures should have been in place	Institutionalizing an inter-agency mechanism for redress of grievances within the existing operational flowchart on the handling and treatment of CIAC	OPAPP letter to the Secretary of Justice proposing measures to enhance legal procedures in the handling and treatment of CIAC, such as: <ul style="list-style-type: none"> issuance of AO or legal procedures in the handling/treatment of CIAC (similar to DSWD's AO#84), to exempt CIAC from prosecution or dismissal of criminal charges against CIAC victims; defining level of legal intervention/jurisdiction by DOJ vis-à-vis JMC 	X		

PRIORITY ISSUE TO ADDRESS: Need to document CIAC-related HRV cases for case preparation

Strategy	Outcome	Expected Outputs/Targets	Course of Action (Project/Activity)/Agency responsible	Time line		
				2004	2005	2006-2010
Standardize an inter-agency documentary mechanism	By the first quarter of 2005, all agencies involved in the CIAC issue must adopt a standard CIAC investigation form	Facilitation in the collection and collation of data	OPAPP in consultation with the following agencies: DSWD, PNP, DND, AFP and DILG should come up with the standard CIAC form	X	X	
	By 2005, a systematic and coordinated approach in data collation should be in place with CHR and OPAPP as the recipient agencies	Standardized CIAC data	Consultation meetings amongst and within agencies		X	

SERVICES CLUSTER

PRIORITY ISSUE TO ADDRESS: Database on CIAC

Strategy	Outcome	Expected Outputs/Targets	Course of Action (Project/Activity)/Agency responsible	Time line		
				2004	2005	2006-2010
Standardize database requirement	Standardized data and information	Template with additional data/info requirements according to agency concerned	Workshop of Service Cluster Agencies to review existing forms/structures and procedures/mechanism used by member agencies and come up with a common template Conduct a Focus Group Discussion (FGD) in selected regions to validate the template. Pre-test template	Last week of October		

PRIORITY ISSUE TO ADDRESS: Need to enhance policy and operational mechanisms in the handling & treatment of CIAC (MOA, EO#56, and CIAC Program Framework)

Strategy	Outcome	Expected Outputs/Targets	Course of Action (Project/Activity)/Agency responsible	Time line		
				2004	2005	2006-2010
Enhancement of mechanisms to strengthen the handling and treatment of CIAC (service delivery)	Enhanced/enriched institutional mechanism and arrangements	Enhanced/Revised MOA	Coordination with Judicial/Legal Cluster Provide inputs to judicial/legal cluster on enhancements along treatment and handling of CIAC	Aug. 25 Last Quarter		

ADVOCACY & RESEARCH CLUSTER

PRIORITY ISSUES TO ADDRESS: Data discrepancies arising from different data-gathering procedures by agencies and organizations

Strategy	Outcome	Expected Outputs/Targets	Course of Action (Project/Activity)/Agency responsible	Time line		
				2004	2005	2006-2010
Standardization of research/data gathering procedures and processing of data	Standard research/data gathering procedures and processing of data	All concerned agencies and organizations have standard research/data gathering procedures and processing of data	<u>Research:</u> Inventory of research procedures/forms of data gathering Development of standard procedures and forms <u>Advocacy:</u> Development of information sharing mechanisms, e.g., E-group mail among members	ASAP, initiate activities towards the start of the said course of action	Release of results	Implementation of course of action

PRIORITY ISSUE TO ADDRESS: Need to conduct inventory of existing CIAC projects and activities pertaining to advocacy and research

Strategy	Outcome	Expected Outputs/Targets	Course of Action (Project/Activity)/Agency responsible	Time line		
				2004	2005	2006-2010
Rapid assessment of existing and old programs and projects on CIAC	Inventory of existing and old programs and projects on CIAC	Inventory of existing and old programs and projects on CIAC from concerned agencies and organizations	<u>Research:</u> Rapid assessment to determine the effectiveness/usefulness of MOA	ASAP, initiate activities towards the start of the said course of action	Release of results, recommendations made and actions taken	Implementation of course of action

PRIORITY ISSUE TO ADDRESS: Need to popularize MOA on Handling & Treatment of CIAC

Strategy	Outcome	Expected Outputs/Targets	Course of Action (Project/Activity)/Agency responsible	Time line		
				2004	2005	2006-2010
Popularization of MOA on Handling/ Treatment of CIAC	MOA popularized Awareness of all people concerned on MOA	Awareness of AFP, PNP, CAFGU, CVOs, barangay officials, LCEs, social workers, service providers, especially the children on the MOA	<u>Research:</u> Case studies/FGDs to determine hindering factors in surveying/baseline data Identify priority areas for CIAC <u>Advocacy:</u> Develop IECs (utilize existing ones) Make CIAC Flowchart reader/user-friendly, popularize comics form Translate MOA in popular form Develop a primer on MOA	ASAP, initiate activities towards the start of the said course of action	Release of results, recommendations made and actions taken	Implementation of course of action

PRIORITY ISSUE TO ADDRESS: Need to mainstream CIAC issues among GOs, LGUs, NGOs, POs, MOA signatory agencies, communities and children

Strategy	Outcome	Expected Outputs/Targets	Course of Action (Project/Activity)/Agency responsible	Time line		
				2004	2005	2006-2010
Mainstreaming of CIAC issues among GOs, LGUs, NGOs, POs, MOA signatory agencies and communities and children	Increased awareness on CIAC issues among all concerned	Awareness on CIAC issues by AFP, PNP, CAFGU, CVOs, barangay officials, LCEs, social workers, service providers, especially the children	<u>Research:</u> Case studies/FGDs to determine hindering factors in surveying/baseline data Identify priority areas for CIAC <u>Advocacy:</u> Develop IECs (utilize existing ones) FGDs with key people Translate IEC materials into local dialects Develop a primer on CIAC Program	ASAP, initiate activities towards the start of the said course of action	Release of results, recommendations made and actions taken	Implementation of course of action

121. Based on the IAC-CIAC Strategic Action Plan (2005-2010), the following were accomplished:

- Finalization and adoption of the following policy tools:
 - Revised Inter-agency MOA on the Prevention and Reintegration of CIAC, to expand the IAC-CIAC from 9 to 18-member agencies towards coming up with a comprehensive Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) process;
 - Development of common template and reporting flowchart for profiling and monitoring of CIAC as well as tools to standardize systems and procedures on the identification, handling and treatment of CIAC;
 - Amnesty Proclamation for CIAC;
- Database development:
 - Map-base database of conflict areas and CIAC nationwide (OPAPP);
 - Database on CIAC case management (DSWD);
 - Database on Child Rights Violations (CHR);
- Development of information, education and advocacy campaign materials, such as radio plugs, development of a CIAC resource book, CIAC primer for AFP; including the development and implementation of training modules for frontline/direct service providers for priority conflict areas;
- Touched base and oriented key peacekeeping/peace monitoring bodies related with the ongoing peace negotiations, particularly the GRP-MILF⁷ Coordinating Committee on the Cessation of Hostilities, its Local Monitoring Teams (LMTs), including the International Monitoring Team (IMT), and the Joint Monitoring Committee (JMC) on the implementation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

Other CIAC program outputs

Research on children in situations of armed conflict

122. A CSAC Baseline Survey was conducted in 1996 as part of government efforts to establish baseline information on the armed conflict situation and available services for Children in Armed Conflict for policy review, program planning and monitoring developments in the community level.

⁷ GRP-MILF - Government of the Republic of the Philippines-Moro Islamic Liberation Front.

Research findings

123. The 1996 Baseline Study of Basic Services in Priority Areas for Children in Situations of Armed Conflict (CSAC) conducted by CHR, CWC and UNICEF. The survey gathered information on educational levels, availability of day-care services, psychosocial services, health and nutrition, and related community services, etc., including the armed conflict situation in 20 provinces classified by UNICEF as priority areas for 1996. A Desk Review to update the CSAC Baseline Study was undertaken in 2002, expanding the area of coverage nationwide.

124. The 1996 CSAC baseline study showed that there is a low rating for nearly all child-specific social indicators in conflict areas - these areas experience inadequacy of basic social services.

125. In response, social services had been devolved to the Local Government Unit, hence, the delivery of social services to communities is already in place even at far-flung areas/barangays.

The results of the agency commitments regarding CIAC as laid down in EO 56, such as the number of CIAC documented, their status, and rehabilitation and integration measures undertaken

126. The OPAPP, in tandem with the Council for the Welfare of Children (CWC), oversees and coordinates the implementation of the Comprehensive Program for CIAC which targets zero recruitment of CIAC, on the part of government, by 2010. There are eighteen (18) government agencies comprising the Inter-agency Committee on Children Involved in Armed Conflict (IAC-CIAC) implementing the Program, with the support and active participation of civil society groups, NGOs and UNICEF. The agency commitments are based on their respective mandates and reflected in the revised Inter-agency MOA of 2006 on the Prevention and Integration of CIAC (*Annex A*).

127. Since the reconvening of the IAC-CIAC in 2004, participating agencies have been clustered according to the following tasks:

- Oversight and monitoring of compliance of the Philippines to relevant international conventions and protocols;
- Addressing legal/judicial concerns;
- Provision of direct services; and
- Communication, advocacy, and research.

128. A total of 273 CIAC cases were reported by DSWD, DND and other non-government sources. DSWD reported that majority have been served and reintegrated. DSWD also monitors and coordinates with LGUs for after-care services provided for the child.

Monitoring and evaluation system

129. The Services Cluster led by DSWD has significantly contributed to the finalization of the common template (Annex B) and reporting flowchart (Annex C) as tools to standardize systems and procedures on the identification, handling and treatment of CIAC.

130. The attached table (Annex D) presents reported CIAC cases by region and year from 1989 to present. The highest reported CIAC cases were recorded between 1999 and 2002. It was also during this time that the policy measures to put in place the CIAC Program were undertaken to address the alarming increase in the recruitment/use of children in armed conflict.

(See next page)

**Reported CIAC cases: by region and year
(as of 25 September 2006)**

Region	Year														Total
	1989	1991	1993	1996	1998	1999	2000	2001	2002	2003	2004	2005	2006	Unknown	
CAR	1	2	3	1			2	8						1	18
I							2							2	4
II							2								2
III							11	2	3					3	19
IV						2	2	3	10				6	12	35
V						3	10	6	1			3		2	25
VII						3	2	2						2	9
VIII							5	3	4	4	2	3	8	3	32
IX							2	3					6	1	12
X					1			7	38					2	48
XI					1	11	13	3	2					20	50
XII							6		4					2	12
CARAGA						1	1		3	1	2			3	11
Total	1	2	3	1	2	20	58	37	65	5	4	6	20	53	277

Sources: 1. DSWD and DND Reconciled Data
 2. Other non-government sources (Bohol, Sorsogon-2005 and Quezon-2006)
 3. AFP (2006)

131. A database on CIAC case management is currently being developed by the DSWD to monitor reported CIAC cases. In addition, the NNC has proposed to initiate the development of a monitoring and evaluation system for the CIAC Program, to include CSAC.

Research and documentation outputs produced and the results

132. A number of research and documentation on CIAC have been/are being undertaken by various civil society groups/NGOs, notably the Philippine Coalition to Stop the Use of Child Soldiers (PCSUCS), as well as academe and research institutions/individuals.

133. The outputs of these research undertakings are being monitored by CWC as lead agency for the Research and Advocacy Cluster and shared during IAC-CIAC meetings as a venue for information exchange and setting policy directions. The Cluster has initially come up with an inventory of researches undertaken on the CIAC issue.

134. The DSWD has documented a total of 124 CIAC cases from 1989 to 2005 based on the consolidated report of the DSWD Field Offices as of first quarter of 2006. These were already reintegrated to their families. They were provided after-care/support services to ensure the smooth reintegration of the child to his/her family and community. These children, when still at the center, were provided services such as psychosocial, livelihood skills training, financial assistance, medical assistance, educational and legal assistance.

Program review undertaken and the findings

135. Since the reconvening of the IAC-CIAC in 2004, meetings and workshops were conducted to assess the CIAC program implementation. These resulted to the identification of inter-agency clusters to implement the strategic tracks and achieve a more focused, effective and efficient implementation of the CIAC Program.

136. The IAC-CIAC Strategic Action Plan (2005-2010) was formulated and adopted in 2004 to address issues and concerns as raised by the body, including findings of researches undertaken by the PCSUCS, particularly the UP CIDS Psychosocial Trauma and Human Rights Program. The attached CIAC Program briefing paper (*Annex F*) contains the issues and concerns, recommendations as well as the status of recommendations of the IAC-CIAC Strategic Action Plan.

137. Review of the programs/services for CIAC was done by DSWD in 1994. The review indicated lack of basic and child-focused interventions as well as special services for the different categories of CIAC e.g. combatants, couriers, etc. A need for long-term rehabilitation services, which are geared towards the child's normal development, is also imperative. Even if armed hostilities cannot be prevented, the effects of such situations maybe reduced by maintaining key services in vulnerable areas before, during and after the outbreak of armed conflict.

138. It is in this context that the Guidelines for Implementation of Services to Children in Armed Conflict was formulated so as to enable social workers of DSWD and the Local Government Units respond to the identified needs and problems of children involved in armed conflict thereby ultimately responding to the Philippine Plan of Action for Children.

Indicators to gauge the level of awareness, capacities and attitudes of concerned agencies in performing their part effectively vis-à-vis EO 56

139. Continuing inter-agency coordination, cooperation and monitoring efforts are jointly being undertaken by the IAC-CIAC to strengthen policy and program mechanisms in addressing the CIAC issue. To date, the following were accomplished:

- Finalization and adoption of the following policy tools by the IAC-CIAC:
 - Revised Inter-agency MOA on the Prevention and Reintegration of CIAC, to expand the IAC-CIAC from 9 to 18-member agencies towards coming up with a comprehensive Disarmament, Demobilization and Reintegration (DDR) process;
 - Development of common template and reporting flowchart for profiling and monitoring of CIAC as well as tools to standardize systems and procedures on the identification, handling and treatment of CIAC;
 - Amnesty Proclamation for CIAC;
- Database development:
 - Map-base database of conflict areas and CIAC nationwide (OPAPP);
 - Data base on CIAC case management (DSWD);
 - Database on Child Rights Violations (CHR);
- Development of information, education and advocacy campaign materials, such as radio plugs, development of a CIAC resource book, CIAC primer for AFP; including the development and implementation of modules for the training of service providers;
- Touch-based and oriented key peacekeeping/peace monitoring bodies related with the ongoing peace negotiations, particularly the GRP-MILF Coordinating Committee on the Cessation of Hostilities and its local monitoring teams, and the Joint Monitoring Committee (JMC) on the implementation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

The initial outcomes of Government's efforts to mainstream and localize Child 21, specifically thrusts on CIAC

140. As a policy making body, the IAC-CIAC closely coordinates to ensure compliance of state and non-state actors to CIAC-related policies and international conventions/protocols. It has put in place policy measures to improve on systems and procedures in the handling and treatment of CIAC as victims rather than offenders. These measures facilitate a more effective and efficient implementation of the CIAC program on the ground, thereby contribute to government's overall efforts to mainstream and local Child 21.

141. Localization of the CIAC Program is being done in partnership with the following:

- Local line agencies and partners of the IAC-CIAC member agencies, in partnership with PCSUCS, Balay Rehabilitation Center, Sulong CARHRIHL and other NGOs/civil society groups;
- Local Council for the Protection of Children (LCPCs);
- Local peace mechanisms (i.e., Joint Monitoring Committee on the CARHRIHL, Joint Coordinating Committee on the Cessation of Hostilities and their local monitoring teams, etc.).

The initial results of the IAC-CIAC's action plan on the DDRR of child soldiers in the country

142. The expanded composition of the IAC-CIAC membership from 9 to 18-member agencies provides for the opportunity to come up with a comprehensive Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) process. While OPAPP has initially drafted a DDR framework for former rebels, consultations with the IAC-CIAC and its NGO/CSO partners have to be undertaken to come up with a standard DDR framework specific to CIAC, integrating the community-based Demobilization, Rehabilitation and Reintegration (DRR) for child soldiers developed by the PCSUCS.

Actions regarding reported maltreatment of detained minors and non-compliance of authorities

143. The urgency of looking into the alleged maltreatment of detained minors, including suspected child soldiers, by some jail authorities and security personnel cannot be undermined. There have been reports of non-compliance by authorities to the guidelines on the handling of rescued or recovered child soldiers. If true, this would suggest that not all concerned authorities may be aware of the policies, principles, and processes that govern the treatment of CIAC. This may be one area that the government's information and education drive may help to improve.

144. However, reports of alleged maltreatment of detained minors which implies non-compliance to the guidelines on the handling of rescued/recovered CIAC by some authorities have to be validated first. There are instances where "fact sheets" received from certain human rights NGOs against the military which do not fully present the facts as should be. These distortions further complicate the issue and derail processes in adequately providing assistance to the victim as the primary concern.

145. Information and education drive is not solely the responsibility of government. Such advocacies can be shared by both government and non-government sectors jointly or independently, provided that core messages are consistently expressed.

146. The issuance of Resolution 1-06, adopting the use of CIAC policy and monitoring instruments for dissemination to the Field Offices and Local Government Units and the proper monitoring by concerned agencies to ensure the implementation/use of the said instruments are also being carried out to facilitate gathering of correct and reliable information.

Education and training for the DDDR program

147. The GRP's further efforts on the DDDR consist of education and training. In partnership with Christian Children's Fund, the Department conducted seven (7) clusters of Orientation Workshop on the Promotion of Child Friendly Governance. One of the topics discussed are the laws and issuances on children which included, among others, RA 7610 otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination". This three-day activity was attended by the Planning & Development Coordinators, Health Workers, Social Workers, DILG officials and CCF partners in their respective covered areas. The details of the activity are as follows:

Cluster	Date	Venue	No. of Pax	Funding
I	11-14 October 2004	Supreme Hotel, Baguio City	80	P 347 848.00
II	3-6 November 2004	Mambukal Resort, Murcia, Negros Occidental	81	371 546.63
III	9-12 November 2004	Nawawalang Paraiso Hotel & Resort, Tayabas, Quezon	69	420 191.60
IV	1-3 December 2004	Malagos Resort, Davao City	83	312 700.00
V	6-9 December 2004	Estosan Hotel, Cotabato City	114	395 028.02
VI	10-12 January 2005	Marcian Garden Hotel, Zamboanga City	61	275 677.71
VII	25-27 January 2005	La Parilla Hotel, Cabanatuan City	68	168 842.67
Total				P 2 291 834.63

148. The NBOO Director, Assistant Director, and (4) Technical Staff participate in Inter-Agency meetings to ensure that commitments of the department are being undertaken.

Fund allocation

149. The budget allocated to the DDDR programs is based on Executive Order #56 where funds for the implementation of this Program and its components shall be taken from the existing funds of participating agencies and that all agencies involved shall ensure that actual funds, services and/or activities equivalent to at least one percent (1%) of their annual MOOE budget shall be appropriated for the implementation of this program.

Programs and services for social reintegration

150. The various measures adopted to ensure the social reintegration of children includes provision of financial assistance, CISD counseling to minor and family, legal assistance, residential care services, livelihood assistance, protective custody, educational assistance, medical assistance, vocational training/non-formal education.

151. The OPAPP is mandated to implement programs for the reconciliation and reintegration into mainstream society of former rebels, through area-based projects and activities to address their economic, social and psychological rehabilitation needs. Its national Reintegration Program includes emergency, livelihood and educational assistance.

The measures adopted to ensure confidentiality and protection of children involved in such programs

152. Measures have been also adopted to ensure confidentiality and protection of children involved in such programs from media exposure and exploitation. Legal guarantees include Article XI, Section 29 of the RA 7610 which provides for the following:

- At the instance of the offended party, his name may be withheld from the public, until the court acquires jurisdiction over the case;
- It shall be unlawful for any editor, publisher and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of film in case of the movie industry, to cause undue and sensationalized publicity of any case of violation of this Act which results in the moral degradation and suffering of the offended party.

153. The Department of Social Welfare and Development (DSWD) in compliance to the measure in ensuring the confidentiality and protection of children involved in armed conflict issued Administrative Order # 84 also known as the “Procedures in the Handling and Treatment of Children Involved in Armed Conflict” specifically Item D. Procedures, Transfer of the Child for Protective Custody, is expected to ensure the following:

- Protect child’s identity and observe confidentiality of information about the child. S/he shall not be presented to the media or press conference except when such is justified by compelling national security interest as determined by the Secretary of National Defense, or AFP Chief of Staff or Chief of the Philippine National Police. This shall, however, be conducted not more than once and in consultation with the Secretary of the DSWD; and
- Should there be a press conference the DSWD Field Office concerned shall ensure that this is conducted in accordance with the Media Guidelines for Media Practitioner issued by DOJ.

154. Legal provisions have been adopted to criminalize the recruitment of children and provide safeguards to ensure that the rights of the child as a victim and as a witness are respected. RA 7610 or the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act”, under Article VI, Section 10., Other acts of neglect, abuse, cruelty or exploitation and other conditions prejudicial to the child’s development states that:

(a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the child’s development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of *prison mayor* in its minimum period.

155. Current peace agreements with various NSAs contain provisions dealing with the disarmament, demobilization and/or physical and psychological recovery and social reintegration of child combatants.

156. The GRP-RRA interim peace agreement, states that “the RRA and all its members, affiliates and supporters to undertake and commit to the disposition of forces and arms to the GRP” provided that the substantial agenda of its interim agreement has been implemented.

157. Moreover, Article 10 of the CARHRIHL, an agreement forged between GRP and the communist National Democratic Front (NDF) states that “the parties shall provide special attention to women and children to ensure their physical and moral integrity. Children shall not be allowed to take part in hostilities”.

VII. THE STATE PARTY’S RESPONSE TO ARTICLE 7

Core Elements: Cooperation in implementation of present Protocol, prevention of contrary activity, rehabilitation and social reintegration, including technical cooperation and financial assistance

158. The Philippine government enjoys the cooperation and assistance of the following international agencies in the implementation of the Optional Protocol:

- **United Nations Children’s Fund (UNICEF).** In particular, UNICEF provides financial assistance in the implementation of the CIAC Program;
- **United Nations Development Programme (UNDP).** The GOP-UNDP Conflict Prevention and Peace-building Programme (2005-2009) seeks to contribute to the creation and maintenance of a secure and peaceful environment, especially for the poor and marginalized. It envisages that by 2009, the level of violent conflict has been reduced, and human security and the culture of peace have been promoted nationwide.

159. The UNDP Programme supports the implementation of the national Comprehensive Peace Process as detailed in the National Peace Plan, i.e. Chapter 14 of the present Medium Term Philippine Development Plan. It seeks to achieve three interrelated outcomes: (1) peace-building, conflict prevention and human security mainstreamed in development processes, (2) key actors are better able to prevent, manage and resolve conflict, and build peace and human security and (3) conflict-affected communities have improved access to basic services and increased incomes, and participate in local governance. The Programme shall be implemented through strategies that include: fostering an enabling policy environment for sustainable peace; building capacities of key actors for peace-building and conflict prevention; supporting government-civil society partnerships to build a nationwide constituency for peace; and empowering communities for peace.

160. Further projects on children were implemented with foreign assistance.

161. **Vulnerable Groups Facility (VGF)** was a short-term mechanism funded by the Australian Agency for International Development (AusAID) from 2000-2004 and implemented by Department of Social Welfare and Development (DSWD), Department of Interior and Local Government (DILG) and Department of Education (DepEd). VGF provided funding assistance to selected successful and well-targeted government programs to vulnerable groups.

Programs/projects supported were those which were ongoing delivery and performing well, but which faced budgetary constraints for expansion (in terms of scope of work) and extension (in terms of areas covered). An initial funding of Aus\$ 30 million over three years has been approved for the Facility. Sub-Projects included:

162. **The Street and Urban Working Children Project (SUWCP)** provided rice to street children and their parents, as an incentive to motivate and encourage them to attend schools and/or avail of educational and training opportunities, and social services being provided by LGUs, NGOs, and GOs. It also provided funds for the purchase of school supplies and rice carry bags for street children beneficiaries, the construction and equipping of Social Development Centers (SDCs) as well as livelihood funds for the income-generating projects of the parents of street children in Bacolod, Iloilo, Cebu, Mandaue, Lapu-Lapu and Zamboanga.

163. **Comprehensive and Integrated Delivery of Social Services (CIDSS) and the VGF-CIDSS** was implemented by DSWD with the objective of empowering disadvantaged families and communities to access basic service and manage their resources. Its components were social preparation, community organizing and implementation of identified priority projects of each barangay beneficiary. The project was implemented in the barangays of 5th and 6th class municipalities, most of which are located in the Mindanao area.

164. **Hastening the Impact of PROBE (HIP):** The project was implemented by the Department of Education with the objective of improving the participation and completion of children at the primary level and increasing academic achievement. The project enhanced the sustainability of the original AusAID-funded PROBE projects by increasing the quantity of teaching and learning materials in schools and the in-service training of Facilitators and Divisional Offices. The project financed two (2) major components: (1) capacity building for school effectiveness; (2) development and implementation of division educational plans. It covered Regions II, VII, IX, X and XV.

165. **The Fifth Country Programme for Children (CPC V)** was funded by a grant from UNICEF and partly from AusAID and other donors which aimed to strengthen the capacity of 25 local government units (LGUs) to manage basic services and enhance civil society to support family efforts to raise, nurture and protect their children; reduce infant, under five and maternal mortality rates and malnutrition; improve the quality of education and increase cohort survival rates; reduce the number of children who are sexually exploited; exposed to hazardous labour and substance abuse, are in conflict with the law or involved in armed conflict.

166. One of the major projects under the Programme was the Fifth Country Program for Children - Child-Friendly School System (CPC V-CFSS). It was a 5-year project designed to strengthen the capability of the education system by creating an enabling policy environment, developing replicable and sustainable models, and building a network of systems and community support towards a child-friendly school system. The project covers the 20 priority provinces and 5 cities of CPC V.

167. **Sixth Country Program for Children (CPC 6)** is the successor to the CPC V funded by a grant from UNICEF. The organizing and conceptual framework of this programme is the human rights-based approach to policy formulation, planning and programming. UNICEF expanded advocacy to mobilize political leadership in realizing the rights of children while increasing

efforts to target and converge interventions on the most disadvantaged children in the most under-served communities of the poorest provinces, municipalities, and barangays.

168. The Programme has six sector specific components, which include communication, local policy and institutional development, health and nutrition, education, children in needs of special protection and HIV/AIDS. All programmes will mainstream gender issues and will develop complementary interventions for HIV/AIDS. Specifically, on children in need of special protection, four projects have been identified: (a) protective services for children affected by abuse, exploitation and trafficking; (b) upholding the rights and well-being of children affected by armed conflict; (c) legal protection and justice system for children; and (d) networks and systems for child protection.

169. **The SZOPAD Social Fund** was a project funded by a loan from World Bank (WB). It was designed to facilitate the Government of the Philippines' (GOP) efforts to implement the development provisions of the peace agreement signed on September 2, 1996 between the GOP and the Moro National Liberation Front (MNLF) through speedy financing of local development initiatives in the Special Zone for Peace and Development (SZOPAD). It aimed to increase the access of the population in the poor and most conflict-affected areas of the SZOPAD to basic economic and social infrastructure, services and employment opportunities through the construction, rehabilitation and improvement of small scale social and economic infrastructure and delivery of basic community health and education services.

170. **The Integrated Community Health Services Project** was a project funded by a loan from AusAID to improve the efficiency and effectiveness of the health care delivery system through a comprehensive approach to health system development at the local level by providing support for health systems development in two Mindanao provinces and community development in the six provinces of the project.

171. **Philippine-Australia Basic Education Assistance in Mindanao (BEAM)** aimed to improve the quality of teaching and learning in basic education in Mindanao. Some of the project benefits include improvement of quality education management and administration at a decentralized level, improved basic education in schools and communities with special needs (particularly of minority and isolated communities) and access to basic education.

172. **The Autonomous Region in Muslim Mindanao (ARMM) Social Fund Project** funded by loan from World Bank and Japan International Cooperation Agency (JBIC), is a poverty reduction and peace-building project which involves (a) provision of small-scale community projects (i.e. post-harvest facilities, classroom buildings, water systems, etc.) and livelihood programs to women and out of school youth in target communities; (b) construction of strategic regional infrastructure (i.e. Rehabilitation of Polloc Port, Lamitan District Hospital, etc.); and (c) institutional strengthening and governance. It is implemented in the ARMM provinces of Basilan, Lanao del Sur, Marawi City, Maguindanao, Sulu, and Tawi-Tawi.

173. **The Local Governance Support Program in the Autonomous Region in Muslim Mindanao (LGSPA)** is a project funded by CIDA. It aims to achieve poverty reduction and sustainable peace and development in ARMM through excellence in local governance and the development of the enabling environment for peace. Specifically, LGSPA will: (a) strengthen the Regional Autonomous Government and local governments on government leadership &

management, service delivery, resources generation & management, & participatory governance; (b) strengthen local & regional mechanisms, civil society organizations & institutions in developing a culture & enabling environment for peace & local development.

174. **Kapit-Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services (KALAHI-CIDSS)** is a project funded by World Bank. It is a community-based poverty reduction project building on the strengths of the CIDSS (a proven poverty alleviation program that facilitated meeting of unmet needs of needy communities through community structures) of DSWD within the overall framework of KALAHI (the country's framework program for an expanded, accelerated, focused and convergent strategy to reduce poverty). Its main objectives are to: (a) empower communities to access better services from local governments, (b) improve local governance by strengthening formal and informal institutions, and (c) provide resources for community investment programs.

175. **The Project Hope for Bajao Families** is a follow-on to the completed AusAID's support for the "Adopt-A-Barangay Project". The project aims to improve the socio-economic well-being of 170 Bajao families through the delivery of basic necessities particularly through the provision of shelter, operational livelihood projects, and access to basic social services. It is expected to deliver the following outputs: (a) enhanced awareness of the Bajao families of their strengths and potentials; (b) established 3 culturally-sensitive communities; (c) operational livelihood projects managed by Bajao family beneficiaries; and (d) functional & active local inter-agency committees continuously supporting the Bajao's concerns. The program assistance shall directly benefit 50 families each in Lamitan, Basilan and 70 families in Zamboanga City. The project is funded by CIDA.

176. **The Promoting Peace through Education Project (PPEP)** is funded by CIDA which aims to contribute to the peace and development gains in the conflict areas through provision of educational infrastructure and facilities especially in large public elementary and high schools in Cotabato, Lanao del Norte, Maguindanao and Basilan. The seven-month project is expected to deliver the following outputs: (a) construction and operation of school buildings in Paglat, Maguindanao and Pikit, North Cotabato; (b) procurement of school facilities and furniture; and (c) procurement of educational materials, books, references and teaching aids for teachers/students in 8 target public elementary and high schools.

177. **The Rehabilitating Internally Displaced Persons (IDPs) and Communities in Southern Philippines** is a programme funded by the United Nations Development Programme (UNDP). The Programme has the following specific objectives: (a) To support government in providing for the needs of 10,000 IDPs in identified areas; (b) To facilitate the return of 10,000 displaced families to their places of origin or rehabilitation sites; (c) To improve the socio-economic conditions of the 10,000 IDP families and their communities through the provision of core shelter with sanitary toilets, potable water and sanitation facilities, health and nutrition, small scale/quick impact productivity (enterprise and agriculture production) Programmes and peace literacy and psycho-social programs; (d) To strengthen the capacities of support institutions and mechanisms of 30 IDP communities towards a better environment for peace and development and sustainability; (e) To facilitate access of the IDPs to a responsive justice system; and 6) To facilitate the declaration of at least 22 or 75 percent of the 30 selected conflict-affected communities as "peace sanctuaries".

VIII. SYNTHESIS OF THE REPORT

Summary of accomplishments

178. The Government of the Philippines has already adopted and implemented an array of measures to fulfill its obligations to the Optional Protocol to the UN Convention on the Rights of the Child. So far, the policy environment in the country furnishes very fertile grounds for child protection and the promotion of child rights. Positive conditions are at work primarily with the drafting of the 1987 Constitution which under Article XV Sec. 3 (2) clearly provides for the special protection of children from all forms of neglect, abuse, cruelty and exploitation. Adherence to and promotion of international standards on child protection and development in particular have also been strengthened in the country's fundamental laws. A facilitating provision is available in the Philippine Constitution which supports compliance to international law and standards. Section 2, Article II of the Philippine Constitution "adopts the generally-accepted principles of international law as part of the law of the land".

179. With the particular constitutional provisions at hand as a legal foundation, the requirements of the OP are recognized and directly enforced by the courts of law, special tribunals and the relevant administrative authorities in the country.

180. Major CIAC-related policy and legislative measures have already been formulated and enforced even before the GRP ratified the OP on 26 August 2003. These measures include the National Strategic Framework for Plan Development for Children 2001-2015, or the Child 21, which established a rights-based, open, consultative, and participatory process for the implementation of programs for child protection and development. In step with this initiative, Executive Order No. 56 or the Comprehensive Program Framework for Children in Armed Conflict was issued on 26 November 2001. This complementary framework outlines and promotes rescue, recovery and reintegration of CIAC in the Philippines. It is now being implemented through the Comprehensive Program for Children Involved in Armed Conflict (CIAC), supervised by the OPAPP in tandem with the Council for the Welfare of Children. The program includes an advocacy component which aims to create awareness on the CIAC issue and educate the different sectors of society through various media and activities, such as peace education, peace camps and peace forums.

181. Furthermore, the Special Protection of Children Against Abuse, Exploitation and Discrimination Act (Republic Act No. 7610) was enacted in 1999, which among other objectives, declared children as Zones of Peace and, as such, provided that children shall not be recruited to become members of any military unit or any other armed group, nor be allowed to take part in the fighting nor be involved in hostilities either directly or indirectly.

182. Also underpinning the policy environment in the country for peace and development is Executive Order No. 3 of 2001 which defines the policy direction and administrative structure for government's comprehensive peace agenda, vis-à-vis the basic issues and contexts related to the armed conflict in the country including the phenomenon of the CIAC. The law recognizes the social basis spawning the armed conflicts and the CIAC in the country and provides the groundwork for corrective measures. The law also calls for, among others, the protection of

civilians in armed conflict situations; reintegration, rehabilitation and reconciliation programs for former combatants; and peace education and advocacy programs, including human rights education.

183. Over time, the GRP has developed a compelling infrastructure of legal mechanisms consisting of laws, guidelines, memorandums, and other policy issuances to further improve child protection in general, and to address the CIAC phenomenon in particular, in the Philippines.

184. Both material and non-material resources including the relevant programs, projects, structures and mechanisms are in force to ensure that policy legislations redound to beneficial impacts and tangible outcomes on the ground through delivery of services to the communities affected by armed conflicts.

185. Further than the passage of laws, continued dialogues and negotiations, and other strategies for the peaceful resolution of armed conflicts and the setting up of the concrete conditions for enduring peace are being tapped and engaged in by the government.

186. To sum up, the main themes of government action towards child protection and prevention of CIAC have been the following:

- For Article 1 of the Optional Protocol, the GRP has taken legislative and administrative steps to prohibit and punish both compulsory recruitment into the armed forces of children under 18 years of age (Optional Protocol, Art 2 and 6);
- For Article 2, the GRP has prohibited compulsory or voluntary recruitment, and any use of children under 18 by armed groups distinct from the national armed forces through legislative, administrative and other measures;
- For Article 3, the GRP has raised the minimum age for voluntary recruitment from that set in the CRC; described safeguards to prevent forced recruitment; and set minimum safeguards to include legitimacy of voluntary recruitment;
- For Article 4, the GRP has prohibited, prevented and criminalized recruitment of children for use in hostilities by non-state armed forces (NSAs);
- For Article 5, the GRP has ensured that domestic law, international instruments and international humanitarian law which are conducive to the realization of child rights are not hindered by the Protocol;
- For Article 6, the GRP has taken steps to implement and promote the Protocol and to provide for the demobilization, recovery and reintegration of persons recruited or used in hostilities;
- For Article 7, the GRP has cooperated through technical and financial assistance with the relevant partners in implementing the Protocol.

187. The government's firm compliance to the Optional Protocol on CIAC is especially notable in its responses to Articles 4, 6, and 7. The reported interventions indicated implementation of the applicable programs and projects right at the grassroots level. The interventions cited provided direct and immediate effects on the factors and conditions surrounding children involved in armed conflict in the country which are expected to bring about significant and enduring benefits in the long run. Government responses to the OP under Articles 4, 6 and 7 indicate the following:

188. The GRP has provided legislative and administrative measures to ensure that any child arrested, detained or interned for reasons related to the conflict enjoy the special protection provided by the OP, the UNCRC, and the IHL.

189. The GRP is seriously enhancing local capacities for compliance to the OP by linking up through technical/financial cooperation and other productive arrangements with national and international organizations.

190. The GRP has been setting the groundwork for concrete interventions at the community level through the implementation of the necessary programs, projects and activities.

191. The GRP has laid down the framework for pursuing comprehensive and lasting peace in the country, including addressing issues concerning CIAC through the implementation, coordination, monitoring, and integration of all government peace initiatives with the participation of civil society organizations and other non-state duty bearers.

Continuing challenges and issues in preventing CIAC in the country

Re Articles 1, 2, & 3

192. There are very clear legal mechanisms as well as administrative guidelines that have been adopted by the government which prohibit the recruitment of minors into the armed forces. The policy of the non-recruitment of persons under 18 is well established.

193. Institutional programs are in place to realize Optional Protocol specifically through specialized education and training programs on human rights and humanitarian concepts, particularly in the ranks of the Philippine National Police, Bureau of Jail Management and Penology, and Bureau of Fire Protection.

194. In particular, efforts to embark on a paradigm shift to promote knowledge of and compliance with child protection instruments have been exerted including the introduction of child-specific protection in peace time training and exercises in different levels of national security forces (e.g. curriculum of Public Safety College). There are also parallel moves by the CHR and some NGOs, to introduce child rights and child protection-related subjects into the curriculum of schools and to organize campaign activities to raise awareness among the general public, including among children and young people.

195. On the other hand, steps to consider and improve on the following aspects are still needed.

196. Significant measures have already been taken by the country's police agencies to acquire and develop a working knowledge of concepts and values especially for the administration of their functions listed in the Inter-Agency Memorandum of Agreement on the Prevention and Reintegration of Children Involved in Armed Conflict and for the general and regular protection of and respect for child rights. The government acknowledges that the imperative for the country's military units to receive education and training along the lines of child protection and child rights must also be pursued. The specific functions of the AFP that were outlined under the memorandum mentioned are almost identical with those ascribed to the country's police forces. In accordance with their official mandates in relation to CIAC, the military forces are equally required to develop the same skills and competencies in child protection.

197. The GRP believes that the country's security forces which are directly engaged in defense and peace-keeping operations including prevention and management of armed conflicts and the handling of CIAC must be provided help to increase their capacity to respect order and discipline, and behave according to international law provisions on the CIAC. While wide-ranging reforms, including measures to professionalize the personnel in the various structures of the military organization have been increasingly implemented with the restoration of democracy in the country, continuing education and training is vital. Information on the training and education activities being continuously provided by government to equip the armed forces with the needed values, attitudes, skills and knowledge for the proper interpretation and application of international law provisions and sound conduct with regard to CIAC will help provide positive indicators on the government's compliance to the OP.

198. The GRP further believes that the State's policy of prohibiting the recruitment of children and their employment in combat and related activities and the creation of legal remedies in support of such policy is only a starting point in the prevention of CIAC. The tasks of creating, developing and strengthening institutional consciousness on human rights and international humanitarian concepts, especially those enshrined and defended in the CRC and its Optional Protocol on the CIAC, are also important and must be continuously pursued in order to help the country's defense and security forces to properly respond to CIAC issues and situations.

199. In line with item no. 9.2.2, legal and administrative mechanisms on non-recruitment and non-participation of minors in armed engagements have to be bolstered by other measures such as the implementation of education and training programs whose objectives, content, methods and strategies must be geared towards clarifying and strengthening institutional policies and philosophies as well as instilling human rights (specifically child rights) and humanitarian concepts. Military training and education must prompt the essential reforms by further engendering the following values in the relevant curricula:

- The State as the primary actor for the protection of civilians and their rights. Being part of the state, it is thus the duty of the country's security forces to observe, protect and promote human rights during peace-time as well as in active warfare;
- Children's right to survival, development, protection and participation as the core principles underpinning their non-recruitment and non-inclusion in armed hostilities;
- The primacy of non-military and peaceful negotiations over military/police solutions in handling armed conflicts;

- The social and economic conditions that breed structural violence and eventually spawns hostilities in armed conflict areas (poverty, unavailability of basic services, lack of employment and education opportunities etc.);
- Institutional actions that can be launched to promote structural peace.

200. The GRP considers training and education programs futile when these are not translated into observable positive changes. The country's police and military forces who receive training and education must show identifiable indications of effective learning in their values, attitudes, skills and knowledge especially in actual conduct and disposition regarding CIAC. The steps and procedures to track, assess, and make responsive actions regarding noted changes must form part of government framework in addressing gaps in compliance to the Optional Protocol.

201. Responsive actions must include stamping out impunity and ensuring responsibility and accountability on those who flout domestic and international law on the recruitment and involvement of children in warfare through proper legal and judicial remedies. Even in the availability of a legal remedy, it is still most important to ensure that justice is eventually served. It is necessary to be especially vigilant about stumbling blocks such as the: inadequacy or ineffectiveness of the investigative/prosecutorial process; lack of independence or partiality on the part of the judge; the enactment of laws or the exercise of certain executive prerogatives resulting in difficulty to hold perpetrator liable for the violation(s) committed.

202. In line with the imperative on government to prevent the exemption of violators from punishment and to increase their legal and judicial liability, the proper government agencies must undertake serious investigations and researches especially in remote areas around the country wherein children are reportedly being recruited into para-military structures to provide security and protection against ordinary criminal elements such as cattle rustlers, thieves, and other armed bandits. Government notes that these organizations are also often fielded to fight guerilla insurgents. Notable of these organizations are the Civilian Volunteer Organizations (CVO), and Civilian Armed Forces Geographical Units (CAFGU), which are reportedly also being organized and trained for civil military operations such as social investigations, counter-propaganda, and other counter-insurgency functions.

Re Article 4

203. The GRP espouses the framework and objectives for a peace process which combine peace negotiations with the adoption of appropriate legal and administrative mechanisms.

204. The ongoing dialogues with the non-state armed groups now seek to put an end to the armed conflicts not only through pacification and demobilization but also by increasing the conditions and opportunities for democracy towards more durable peace.

205. The GRP's enhanced approach to armed conflict and CIAC is embodied in Agenda No. 9 and the National Peace Plan (as contained in Chapter 14 of the Medium- Term Philippine Development Plan 2005-2010) and through which the government hopes to decisively end the lingering conflict. The augmented approach, which revolves around two main tasks - peacemaking and peacekeeping, and peace-building and conflict prevention, is further

based on the assumption that a strengthened democracy would bring about ripples of positive effects that would increasingly and eventually redound to the removal of the environment for the recruitment and participation of children in armed conflicts.

206. As reflected in its current peace policy, the GRP believes that when the causes and conditions that produce child soldiers are curbed, the atmosphere for raised efforts in child protection and promotion of child rights and wellbeing will subsequently develop and prosper in the affected communities.

207. Further work must be exerted to address the following.

208. The peace negotiations between the GRP and the CNN in 2005 covered considerable grounds before the talks came to a standoff that had remained open-ended up to this time. The GRP must without delay exhaust all available and sustainable means to resume and advance negotiations with all the parties in conflict.

209. The GRP must explore possible and acceptable ways to include the issue of child soldiers in all the negotiations and furthermore increase the attention as well as efforts of all parties involved to stop altogether the recruitment and participation of children in armed operations and activities. Special attention must also be given to the difficulties noted in conducting intensive research and obtaining data from resource persons and communities (as hardly any one in the conflict areas would provide sensitive information on CIAC). Working out ways and remedies to overcome the factors that hinder is imperative.

210. Deliberations on the issue of child soldiers in current peace talks with the NSAs and in further dialogues that will materialize must include not only the range of agreement points but must also generate a systematic, detailed, resource-ready and coordinated plan of action that will eradicate CIAC. The plan of action must also obtain the support and efforts of all stakeholders including state agencies, civil society organizations, legitimate third party groups, individual and institutional donors, and the local governments and community organization.

211. The GRP recognizes that including the issue of child soldiers in current peace talks entails the authorized government agencies to craft and contextualize programs and projects under the National Peace Plan with/on child protection frameworks for the CIAC.

212. Although the perspectives and parameters of government policy for the resolution of the insurgency and rebellion issues in the country have been broadened meaningfully and now carefully integrate political action with social reform through developmental assistance and human rights initiatives, the current peace efforts must reach way farther. It must also effectively, promptly and continuously deliver concrete outcomes in accordance with official commitments in existing agreements with the counterpart non-state armed groups.

213. The GRP supports the view that only a strategic, principled and productive engagement with armed groups can create an atmosphere of trust and cooperation among all the stakeholders for a sustainable resolution of the conflict. Thus, the GRP takes the lead in fostering these requisites and in further sustaining/enlarging/maximizing their impacts for the benefit of the peace processes and all participants.

214. In line with 9.2.13, the GRP believes that trust-building actions on all sides of the parties in conflict in order to advance the peace talks specifically with the CNN may have to involve more thoroughgoing steps. For its part, government may need to promptly and judiciously address the controversial issues surrounding negotiations such as those already expressed by the counterpart parties and the third party peace facilitators. Some of the major issues named were: the persistence of mutually incompatible frameworks of the parties which account for the protraction of the peace negotiations; good governance, and properly deal with the recent terrorist listing of the CPP-NPA; sustained implementation and monitoring of the reform agenda of the CARHRIHL, etc.

215. For all the parties concerned and with the government exercising a lead role, extra work must be done to consider the underlying causes of the conflict, identify and weed out the barriers to negotiated settlement, and finally work out practical ways forward including the adoption and implementation of authentic and substantive measures.

216. The case for engagement and cooperation must definitely be supported and secured by the responsibility of all parties involved to protect the local populations which are affected by the conflict and its consequences.

217. Finally, the peace talks can only be translated into a real sustainable peace-building process through actual efforts and tangible outcomes. The GRP is duty-bound to continue engaging the MILF, CNN, and other NSAs who are willing to dialogue, in peace negotiations as well as to resolutely address the issues and challenges that continue to impede the peace process. Prompt actions that will address the following are considered important:

- Development/supplementation of the National Peace Plan with sections/provisions especially catering to the government's protection and development agenda for the CIAC;
- Strengthening of the multi-track process towards peaceful negotiated settlements with the different rebel groups. Efforts must be especially undertaken to clarify and remove doubts on the negotiations including taking steps to explain perceived moves of the government to introduce frameworks such as the National Internal Security Plan (NISP), which the counterpart parties have interpreted to be not consistent with the current peace efforts. Although the NISP was conceived by the government as an "evolving framework", its design and implementation have been misconstrued as a ploy to overcome the insurgency nationwide despite the on-going peace talks. Given the risks this poses on the stability of the peace process, government has to be more vigilant especially in terms of showing consistency and compliance with its own peace policy declarations;
- Fulfillment of the declared goals of the National Peace Plan, to wit:
 - Completion of comprehensive peace agreements with rebel groups resulting in the permanent cessation of hostilities by 2010;
 - Completion of implementation of all final peace agreements signed since 1986;

- Mainstreaming the rebel groups through an enhanced amnesty, reintegration, and reconciliation program;
- Rehabilitation, development and healing of conflict-affected areas; and
- Strengthening the peace constituency and citizens' participation in the peace process on the ground.

The progressive fulfillment of the above-mentioned goals requires the GRP to undertake the following:

- Deliver more concrete results of government interventions such as tangible, actual, and significant government activities and their impacts on the affected communities;
- Deliver more concrete results including monitored effects and impacts on the communities;
- Concrete actions and results re full implementation of existing final agreements; coordination of different processes/fronts including those with peace settlements;
- Concrete and more effective measures to address poverty in conflict areas - lack of basic services, infrastructure, employment, education opportunities;
- Actual and effective efforts to reconcile incoherent or conflicting policies; there is a need to review and address gaps, overlaps and conflicts among existing policies on peace and development and security;
- Facilitate the convergence of energies and initiatives between the progressive and conservative agencies of government from the policy to the operational or tactical level;
- Increasing the resources and capacities to ensure sustainability of government peace efforts;
- Sustained efforts to launch, expand and empower a peace-building constituency of stakeholders as broad as possible;
- Exploring informal and grassroots-backed means (outside the formal negotiations) of reaching out to rebel groups to sustain and bolster the overall peace efforts.

218. Finally, forging a legislated policy to institutionalize the peace process, keep in check the factors which threaten the sustainability of peace efforts, and ensure that peace-building will continue despite transitions in political regimes is considered a major and ultimate task.

Re Article 6

219. Executive Order No. 56 provides the sturdy bedrock of policy framework that guides the actions of different government agencies concerning CIAC. However, the reports of the IAC-CIAC member agencies regarding the said framework focused more on their respective

policy measures such as the pertinent laws, memoranda, and issuances. There is a need to come up with significant and quantifiable data regarding authentic outputs and outcomes arising from the implementation of the policies.

220. In particular, substantive information on the following matters must be further collated as soon as possible in support of the present report and to undertake the continuing documentation and policy review of the CIAC in the Philippines:

- The GRP's further efforts to sum up the main points and follow-through the various tracks identified in the CIAC Program and Strategic Action Plan;
- Documentation, implementation and monitoring of actions taken as well as efforts still needed to fulfill the major recommendations indicated in the CIAC Program and Strategic Action Plan;
- Partial/initial positive impacts of programs and projects on the children- recipients of services and other interventions, on other stakeholders in the community, on government agency service providers, and on the NSAs if possible;
- Documentation, implementation and monitoring of major Actions and Consensus Points covered in all meetings of the Inter-Agency Committee on the Children Involved in Armed Conflict (IAC-CIAC) Program;
- Substantive government actions undertaken in response to the CSAC and other CIAC research findings. In line with this, the GRP can be required to send for the Research and Advocacy Cluster led by CWC to revisit the CSAC Baseline Studies conducted in 1996 as priority research agenda, to analyze and assess government's effectiveness in providing basic social services at the community level.

Re Article 7

221. The long list of cooperators and partners with whom the GRP has been working to provide help to communities affected by armed conflicts and to protect and promote the welfare, protection and development of child soldiers indicate the vigorous efforts of the State at tapping available energies and resources for its CIAC agenda.

222. However, the need for government to map out and develop partnerships and strategies not only for resource mobilization but also for advocacy complementation must also be met.

Further areas of concern

223. The information provided by respective government agencies need to include further specific details in order to adequately provide a satisfactory picture of the results and outcomes of the policy framework and legal measures the GRP has adopted. The data are unable to establish whether the national framework and legislative measures have led to the reduction of the number of CIAC. It is also unclear whether improvement on the handling, rehabilitation, and social integration of rescued or recovered child soldiers has taken place with the adoption of policies and frameworks. Moreover, verifiable information on how the national policies are

being put in operation at the local level where the real effects of armed conflicts and the problem of CIAC are being felt have to be gathered and presented. In the absence of information on the concerns mentioned, the danger of inviting speculations that a wide gap exists between policy measures and actual implementation on the ground could be inevitable.

224. Executive Order 56 has particularly prescribed a significant economic, social and cultural response in conflict affected areas in order to reduce, if not prevent, the CIAC phenomenon from taking place. Information provided by concerned government agencies do not indicate how far these developmental programs have been implemented and what have been the results in terms of achieving its CIAC-related goals.

225. The report, which depends on information provided by different government agencies, tends to raise doubts as to the extent of priority areas reached by the government's services. In its June 2005 report, UN Committee on the Rights of the Child (Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, CRC/C/15/Add.258) has already expressed concern that the State party is able to provide services only to the relatively small number of arrested child soldiers while the majority of children involved in and affected by armed conflict is never reached. This poses a challenge to the government's capacity to effectively fulfil its commitments to the OP, notwithstanding its progressive national policy measures.

226. The resources allocated to meet the full realization of the GRP's commitment to the Protocol seem to be remarkably inadequate. It may be recalled that the UN Committee on the Rights of the Child (Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, CRC/C/15/Add.258) has, among others, recommended that the Philippine government reduce its debt servicing so that the State party can take all necessary measures to provide adequate human, financial, and technical resources, for the full implementation of its child protection and welfare plans down to the local level.

227. The respective government agencies, working under the auspices of and through the leadership of the CWC and the OPAPP, may also consider strengthening the following areas of CIAC-related responses:

- Activate and enhance of mechanisms for data collection and development of indicators consistent with the CRC-OP, and the use of such data to formulate action plans, as well as document and monitor, to effectively implement the OP and the Convention (especially Art. 38 and 39);
- Enhance creative and child-friendly methods to promote the Protocol and exert more efforts to reach out more adults and children in remote areas to raise their awareness and reduce the phenomenon of CIAC;
- Design and implement a training program to cover more professional groups working with children, such as lawyers, judges, security personnel, educators, and health personnel;
- UN agencies may be asked to widen assistance towards a culture-sensitive and context-appropriate public awareness drive on CIAC. Partnerships with local NGOs may also have to be strengthened.

228. As regards other observations raised above, the GRP may also consider closely following recommendations made by the UN Committee on the Right of the Child Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, CRC/C/15/Add.258):

- The Committee urged the State party to continue its peace efforts with armed rebel movements to urge them to immediately stop the recruitment for and involvement of children in armed conflict;
- Provide children involved in and traumatized by armed conflict with adequate assistance and counseling for their physical and psychological recovery and social reintegration into society;
- The State party to pay particular attention to the implementation of the armed forces guidelines on the treatment of children in armed conflict to ensure that arrested children are released from military custody within the prescribed limits and children are provided adequate medical treatment and informed about their rights;
- Take effective measures to secure the access of children displaced by armed conflict to social services and to development;
- The State party has to ensure that all children living in areas affected by armed conflict enjoy their human rights on equal footing without any discrimination.

229. In closing, the GRP considers it important to view CIAC in the Philippines through lenses that would capture the entire terrain and contexts where the problems emanate.

230. The GRP has been grappling with serious threats to stability caused by a host of problems. The beginning of a new presidential term in 2001 saw government struggling to take off against the downward force of difficult conditions carried over from previous administrations. Major and swift actions were called for and had to be taken in response to the problem of CIAC in the country even as government contended with the unremitting economic crisis, noxious squabbling and power struggle proffered by the legal political opposition, a swelling social unrest, a persistent threat of military power-grab, protracted insurgency and secession issues, and human rights violations, among others.

231. The effects of the local economic crunch and the political strife, not to mention the repercussions of global crises and events, are even magnified by the natural/environmental disasters including alternating droughts and typhoons that have been striking the country in the last few years. The disasters have significantly eroded available national resources, energies and capacities. The combined impacts of these factors have incurred heavy costs and hard to recover damages on the government's means and resources. More and more, the dwindling capacities have caused curtailments on the programs and services of the government in order to promote its goals of protecting children.

232. At the same time, the continuing armed agitations and actual assaults posed by the CNN and other terrorist groups have only served to increase the risk of violence and have even dealt real and serious harm against children especially those in the affected communities across the country.

233. But even as the foregoing problems persist, the State party remains fully committed to overcome the obstacles and realize, albeit in a progressive manner, its national policy framework and direction to address meaningfully the CIAC phenomenon in the country and the conditions that allow this problem to continue.

234. The reliable partnerships that the State party has built with local civil society organizations, grassroots structures and international agencies - including UN organizations - are a wellspring support. They also form linkages of opportunities that the government continues to encourage, support, and maximize.

235. The GRP believes that a culture of child rights advocacy, conflict prevention and peace-building towards the elimination of the problem of CIAC will eventually develop and prosper in the country as the efforts of more stakeholders converge to achieve a child-friendly society. The GRP reiterates its commitment to draw, lead and synergize all endeavors at the country level and at the same time calls on the international community, through the UN and its relevant agencies, to continue supporting local endeavors to put an end to the problem of CIAC and protect the rights of the country's children in the most appropriate terms in accordance with available national and international laws.

Annexes

**4. Revised Memorandum of Agreement of the Inter-Agency
Committee on the CIAC Program**

5. CIAC data gathering template

6. Flowchart on the handling and treatment of CIAC

Annex 1

**INTER-AGENCY MEMORANDUM OF AGREEMENT ON THE PREVENTION
AND REINTEGRATION OF CHILDREN INVOLVED IN ARMED CONFLICT
(CIAC)**

KNOW ALL PERSONS BY THESE PRESENTS:

This Memorandum of Agreement is made and executed this 7th day of June 2006 at Pasig City, Philippines by and among the following members of the Interagency Committee on Children Involved in Armed Conflict (IAC-CIAC):

The **OFFICE OF THE PRESIDENTIAL ADVISER ON THE PEACE PROCESS (OPAPP)** represented by the Presidential Adviser on the Peace Process;

The **COUNCIL FOR THE WELFARE OF CHILDREN (CWC)** represented by its Executive Director;

The **COMMISSION ON HUMAN RIGHTS (CHR)** represented by its Chairperson;

The **DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD)** represented by its Secretary;

The **DEPARTMENT OF JUSTICE (DOJ)** represented by its Secretary;

The **DEPARTMENT OF FOREIGN AFFAIRS (DFA)** represented by its Secretary;

The **DEPARTMENT OF NATIONAL DEFENSE (DND)** represented by its Secretary;

The **ARMED FORCES OF THE PHILIPPINES (AFP)** represented by its Chief of Staff;

The **DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG)** represented by its Secretary;

The **PHILIPPINE NATIONAL POLICE (PNP)** represented by its Police Chief;

The **DEPARTMENT OF EDUCATION (DepEd)** represented by its Secretary;

The **DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE)** represented by its Secretary;

The **DEPARTMENT OF HEALTH (DOH)** represented by its Secretary;

The **NATIONAL ANTI-POVERTY COMMISSION (NAPC)** represented by its Secretary General and Lead Convenor;

The **NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP)** represented by its Chairperson;

The **DEPARTMENT OF AGRICULTURE (DA)** represented by its Secretary;

The **NATIONAL NUTRITION COUNCIL (NNC)** represented by its Executive Director; and,

The **PHILIPPINE INFORMATION AGENCY (PIA)** represented by its Director General.

WITNESSETH THAT:

WHEREAS, there is recognition of the alarming situation of children's involvement in armed conflict either as combatants, couriers, guides, spy or any similar capacity, which needs immediate attention from all sectors of our society;

WHEREAS, Section 3, Article XV (The Family) of the 1987 Constitution specifically mandates the State to defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development;

WHEREAS, in accordance with Section 22, Article X of Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) declaring in unequivocal terms that children as Zones of Peace shall not be recruited to become members of any military unit or any other armed group, nor be allowed to take part in the fighting nor be involved in hostilities either directly or indirectly;

WHEREAS, the Congress of the Philippines, taking into consideration the child's best interest and welfare, enacted, inter alia, Republic Act No. 8371 (Indigenous Peoples Rights Act), Republic Act No. 9208 (The Anti-Trafficking in Persons Act of 2003), and Republic Act No. 9231 (The New Child Labor Law of 2004);

WHEREAS, it is the declared policy of the State that international treaties such as the International Covenant on Civil and Political Rights, the four Geneva Conventions, the Convention Against Torture, the UN Convention on the Rights of the Child (CRC) and its Optional Protocol on the Involvement of Children in Armed Conflict, to which the Philippines is a party, shall form part of the law of the land and shall be observed in accordance with the principle of *pacta sunt servanda*;

WHEREAS, the UN Guiding Principles on Internal Displacement (UNGPID) and the International Labor Organization Convention 182 identify the rights and guarantees relevant to the protection of children involved in armed conflict;

WHEREAS, the United Nations Security Council, taking into consideration the need for the protection and assistance of children involved and affected by armed conflict, passed Security Council Resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), and 1539 (2004), to ensure that children and child protection are an explicit priority in peacemaking, peacekeeping and peacebuilding efforts, and called on state parties, including the Philippines to prepare time-bound action plans to stop the recruitment and use of child soldiers to avoid sanctions imposed by the Security Council;

WHEREAS, it is imperative for the State to affirm its commitment and responsibility that in all actions concerning the captured/surrendered/arrested/rescued/recovered Children Involved in Armed Conflict (CIAC), their best interests shall be the paramount consideration and, they shall be treated as victims rather than as offenders irrespective of their membership in any armed group;

WHEREAS, in pursuance of the State's responsibility to ensure the welfare of children involved in armed conflict, Executive Order No. 56 dated November 26, 2001 (Adopting the Comprehensive Program Framework for Children Involved in Armed Conflict and Directing All Agencies and Local Government Units to Implement the same) was issued creating the Interagency Committee on Children Involved in Armed Conflict (IAC-CIAC) to implement the Program;

WHEREAS, Executive Order No. 56 further provides for a comprehensive CIAC program framework which shall be pursued along prevention, advocacy and mobilization and rescue, rehabilitation and reintegration of children involved in armed conflict;

NOW, THEREFORE, for and in consideration of the foregoing and by way of confirming their commitments, the above-named departments/agencies agree to implement the CIAC Program in accordance with their respective mandates as follows:

1. Office of the Presidential Adviser on the Peace Process

Oversee the implementation of Children Involved in Armed Conflict (CIAC) Program.

2. Council for the Welfare of Children

- a. Review plans formulated by the various agencies relative to the framework to ensure that these are within the framework set forth by the Child 21 and monitor the implementation of the same.
- b. Advocate for the protection of children in general, and for the prevention of the involvement of children in armed conflict in particular.
- c. The Council for the Welfare of Children in coordination with the Department of Foreign Affairs shall ensure that international instruments such as the Convention on the Rights of the Child, and its Optional Protocol on the Involvement of Children in Armed Conflict, to which the country is a state party, are considered in all actions taken.

- d. Work closely with the OPAPP and other concerned agencies in coordinating and monitoring the implementation of this Memorandum of Agreement.

3. Commission on Human Rights

- a. Monitor/document cases of children involved in armed conflict who were captured/surrendered/arrested/rescued/recovered by government forces. In the documentation of cases, the Commission may collaborate with the DSWD.
- b. Conduct independent investigation, on its own or on complaint by any party, cases of violation and abuse of the rights of CIAC, and recommend such cases for prosecution whenever probable cause exists.
- c. Handle/conduct the human rights training component of this program.
- d. Actively participate in monitoring and evaluating this program.
- e. Coordinate with the Department of Foreign Affairs in monitoring compliance of concerned agencies with respect to the UN Convention on the Rights of the Child and other related human rights treaties.

4. The Department of Social Welfare and Development shall:

- a. Formulate guidelines and develop/enrich programs in coordination with concerned agencies for the welfare of CIAC, particularly along the phases of prevention, rescue, recovery, protection, healing and reintegration.
- b. Manage CIAC cases through coordination, monitoring, and provision of technical assistance to the Social Services Department of the local government units and other intermediaries, for the provision of support services to the families of CIAC and delivery of after-care services to ensure the protection of CIAC.
- c. Provide temporary shelter, alternative parental care, if needed, and other protective services including basic services and therapeutic intervention/counseling for the recovery and social reintegration of CIAC.
- d. Advocate for policy change related to handling of CIAC cases, when necessary.
- e. Strengthen networking with the LGUs, NGOs and other intermediaries in responding to the needs of CIAC.
- f. Develop capability of LGUs in the handling and treatment of CIAC.
- g. Conduct Critical Incidence Stress Debriefing (CISD) by trained personnel, if possible.

5. Department of Justice

- a. Ensure child sensitive handling of cases of children involved in armed conflict.
- b. Provide free legal assistance to CIAC through the Public Attorney's Office (PAO).
- c. Prosecute CIAC recruiters.

6. Department of Foreign Affairs

- a. Provide all the necessary information with regard to Philippine participation and developments in the UN Convention on the Rights of the Child.
- b. Provide guidance to concerned agencies with regard to the international perspectives on CIAC.
- c. Coordinate with OPAPP, CWC and CHR to ensure that Philippine commitments to international agreements, conventions, treaties and covenants with regard to CIAC are complied with.

7. Department of National Defense

- a. Provide guidance to the AFP in handling captured/surrendered/arrested/rescued/recovered CIAC and resolve any policy questions regarding such matters.
- b. Coordinate with concerned agencies in developing the capability of AFP units in the handling and treatment of CIAC.
- c. Involve, as may be necessary, any other agencies under the Department.

8. The Armed Forces of the Philippines

- a. Report within twenty-four (24) hours captured/surrendered/arrested/rescued/recovered CIAC to the DSWD Field Office, PNP and/or Local Chief Executive of the Municipality, City or Province covering the area.
- b. Provide immediate physical and medical treatment to children wounded during engagement, including psychological/psychiatric treatment when necessary, or transport them to the nearest medical facility for treatment in case of emergency.
- c. Transfer the captured/surrendered/arrested/rescued/recovered CIAC for protective custody to the DSWD Field Office, PNP or Local Chief Executive of the Municipality, City or Province covering the area within twenty-four (24) hours upon the capture/surrender/arrest/rescue/recovery of CIAC, under normal conditions, or within seventy-two (72) hours when the situation does not warrant the turn-over of CIAC within the prescribed period.

- d. Protect the CIAC from exposure to the media, except when such is justified by compelling national security interest as determined by the Secretary of National Defense or AFP Chief of Staff. This exposure to media shall, however, be conducted not more than once and in consultation with the Secretary of DSWD.
- e. Inform the child of his/her rights and ensure that such rights are protected as provided for in Section 15, Implementing Rules and Regulations on Children in Situations on Armed Conflict (RA 7610).
- f. Protect the CIAC from further exploitation and trauma (no tactical interrogation or any similar forms of investigation or use in military operation).
- g. Provide CIAC with subsistence and other basic needs while in custody.
- h. Document the cases of these CIAC and protect their privacy.
- i. Integrate children's rights in the training of its officers.

9. The Department of the Interior and Local Government

- a. Disseminate to Local Government Units the inter-agency Guidelines in Handling Captured/Surrendered/Arrested/Rescued/Recovered CIAC.
- b. Issue Guidelines to Provincial Governors, Municipal/City Mayors, Punong Barangays, in handling captured/surrendered/arrested/rescued/recovered CIAC.
- c. Assist the DSWD in organizing and facilitating capability building activities for local government units in the handling and treatment of CIAC.
- d. Monitor programs of local government units in identified conflict areas.
- e. Coordinate with LGUs in ensuring the functionality of local councils for the protection of CIAC.
- f. Advise the LGUs and LCEs to focus their initiatives toward alleviating poverty in identified conflict areas.

10. The Philippine National Police

- a. Report within twenty four (24) hours the captured/surrendered/arrested/rescued/recovered CIAC to the DSWD Field Office and/or Local Chief Executive of the Municipality or City having jurisdiction in the area.
- b. Provide immediate physical and medical treatment to children wounded during engagement, including psychological/psychiatric treatment when necessary or transport them to the nearest medical facility for treatment in case of emergency.

- c. Document cases of CIAC transferred from the AFP and ensure the immediate transfer of the captured/surrendered/arrested/rescued/recovered CIAC for protective custody to the DSWD Field Office and/or the Local Chief Executive of the Municipality or City covering the area within twenty-four (24) hours upon capture/surrender/arrest/rescue/ recovery of CIAC, under normal conditions, or within seventy-two (72) hours when the situation does not warrant the turn-over of CIAC within the prescribed period.
- d. Protect the CIAC from exposure to the media, except when such is justified by compelling national security interest as determined by the Director General of the Philippine National Police. This exposure to media shall, however, be conducted not more than once and in consultation with the Secretary of DSWD.
- e. Inform and ensure the protection of child's rights as provided for in Section 15, Implementing Rules and Regulations on Children in Situations on Armed Conflict (RA 7610).
- f. Protect the CIAC from further exploitation and trauma (no custodial interrogation or any similar form of investigation used in police operations).
- g. Provide the CIAC with subsistence and other basic needs while in custody.
- h. Whenever applicable, rescue/recover CIAC from armed groups and refer the CIAC to the nearest public or private agency which provides free legal assistance.
- i. Undertake community-based projects promoting peace and order.

11. Department of Education

- a. Ensure educational opportunities for all children in all areas.
- b. Develop culture-sensitive curriculum or manuals on children, peace and human rights to be used in all areas, especially indigenous peoples (IPs) communities/areas.
- c. Make available non-formal education programs and other alternative learning systems to children in identified conflict areas.
- d. Declare schools as zones of peace.

12. Department of Labor and Employment

- a. Mainstream the issue of children involved in armed conflict under the National Program Against Child Labor.
- b. Facilitate employment and livelihood opportunities in potential conflict areas as part of the preventive measures.

- c. Coordinate with program partners and stakeholders in providing formal, non-formal or alternative learning systems of education and trainings for captured/surrendered/arrested/rescued/recovered CIAC.
- d. Coordinate the implementation of measures to prohibit the employment of children in the worst forms of child labor within the framework of DOLE 65-04 implementing R.A. 9231 (The New Child Labor Law of 2004).

13. Department of Health

- a. Formulate policies and guidelines on appropriate health related programs, projects and activities for children in armed conflict.
- b. Coordinate with concerned LGUs, NGOs, private health sector and hospitals in the delivery of related health services.
- c. Ensure that the child is provided with free medical treatment/hospitalization in DOH health facilities.
- d. Assist the DND, AFP, PNP and DSWD in ensuring that the child is provided with medical treatment, hospitalization and medicines in accordance with existing programs and policies.

14. National Anti-Poverty Commission

Enhance and supplement existing plans, programs and policies towards the eradication of poverty, especially in conflict areas, and monitor their implementation.

15. National Commission on Indigenous Peoples

- a. Designate and operationalize NCIP and Indigenous Peoples Consultative Body (IPCB) Focal Persons on CIAC at the national, regional, provincial and service center levels.
- b. Conduct of IECs on inter-agency guidelines on CIAC as well as workshops among NCIP and IPCB focal persons on how to conduct Indigenous Peoples (IP)-CIAC documentation cases.
- c. Documentation of IP-CIAC cases and appropriate referral to concerned partner agencies.
- d. Develop and implement along time continuum NCIP operational strategies and tools on IP CIAC documentation to address sensitivity and other situational and peculiar issues and concerns in given IP communities.
- e. Closely coordinate with partner agencies on the ground the implementation of strategies in addressing IP-CIAC cases.

- f. Require partner agencies to closely coordinate with NCIP and IPCB focal persons in their conduct of CIAC activities within the IP/ICC territories.
- g. Ensure that IP-CIAC cases shall be accorded with utmost concern for rights-based approach on disarmament, demobilization, rehabilitation and reintegration interventions.
- h. Advocate among CIAC partner agencies and other agencies of government and the private sector the rights of the IPs/ICCs as provided for in RA 8371, specifically the provisions on the Rights of IPs During Armed Conflict as stipulated in Section 22, Chapter V of the law.

16. Department of Agriculture

Provide livelihood assistance and ensure food security through sustainable agriculture in potential conflict areas.

17. National Nutrition Council

- a. Formulate guidelines on nutrition programs appropriate for children in conflict-affected areas.
- b. Monitor progress of nutritional status of children in conflict-affected areas.
- c. Evaluate the impact of nutrition programs on children in conflict-affected areas.

18. Philippine Information Agency

- a. Develop an advocacy framework and communication plan for the program and spearhead the advocacy of this program.
- b. Provide technical assistance in capacity building activities, management of advocacy and communication campaigns and in the monitoring and evaluation component of the campaign.

Concerned agencies shall issue their respective guidelines in the implementation of this Agreement.

Concerned agencies shall likewise maintain a databank on children involved in armed conflict for policy enrichment, program development and information exchange.

If, for any reason or reasons, changes of leadership or reorganization of the agencies parties hereof take place, this Memorandum of Agreement shall nevertheless continue to be in full force and effect.

This Memorandum of Agreement shall take effect immediately upon the signing hereof by the parties.

Signed this 7th day of June year 2006.

Republic of the Philippines
Office of the President
Office of the Presidential Adviser on the Peace Process (OPAPP)
7th Floor, Agustin I Building, Emerald Avenue,
Ortigas Center, Pasig City

**INTER-AGENCY COMMITTEE ON THE CHILDREN INVOLVED
IN ARMED CONFLICT (IAC-CIAC) PROGRAM**

RESOLUTION NO. 1-06

**A RESOLUTION UNANIMOUSLY AGREED UPON BY THE REGULAR
MEMBERS OF THE INTER-AGENCY COMMITTEE AND THE
AGENCIES THEY REPRESENT ADOPTING CERTAIN DOCUMENTS
TO GUIDE THEM AND CONCERNED SERVICE PROVIDERS ON HOW
TO DEAL WITH CHILDREN INVOLVED IN ARMED CONFLICT**

WHEREAS, there is recognition of the alarming situation of children's involvement in armed conflict either as combatants, couriers, guides, spy or any similar capacity, which need immediate attention from all sectors of our society;

WHEREAS, it is the declared policy of the State that international treaties such as the UN Convention on the Rights of the Child and its ratified Optional Protocol, the UN Guiding Principles on Internal Displacement and the International Labor Organization Convention 182, to which the Philippines is a party, shall form part of the law of the land and shall be observed in accordance with the principle of pacta sunt servanda;

WHEREAS, the United Nations Security Council, taking into consideration the need for the protection and assistance of children involved and affected by armed conflict, passed Security Council Resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), and 1539 (2004) which called on state parties, including the Philippines, to prepare time-bound action plans to stop the recruitment and use of child soldiers to avoid sanctions imposed by the Security Council;

WHEREAS, Section 3, Article XV (The Family) of the 1987 Constitution specifically mandates the State to defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development;

WHEREAS, the Congress of the Philippines, taking into consideration the child's best interest and welfare, enacted, inter alia, Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act), Republic Act No. 8371 (Indigenous Peoples Rights Act), Republic Act No. 9208 (The Anti-Trafficking in Persons Act of 2003), Republic Act No. 9231 (The New Child Labor Law of 2004), and Republic Act No. 9344 (The Juvenile Justice and Welfare Act of 2006);


WHEREAS, it is imperative for the State to affirm its commitment and responsibility that in all actions concerning the captured/ surrendered/arrested/ rescued/recovered Children

Involved in Armed Conflict (CIAC), their best interests shall be the paramount consideration and, they shall be treated as victims rather than as offenders irrespective of their membership in any armed group;


NOW, THEREFORE, for and in consideration of the foregoing and by way of confirming their commitments, and the agencies they represent, hereby adopt the following documents/instruments to guide them and concerned service providers on how to deal with children involved in armed conflict, to wit:

- (1) INTER-AGENCY MEMORANDUM OF AGREEMENT ON THE PREVENTION AND REINTEGRATION OF CHILDREN INVOLVED IN ARMED CONFLICT (CIAC);
- (2) COMMON TEMPLATE: CIAC DATA GATHERING FORM; AND,
- (3) REPORTING FLOWCHART ON THE HANDLING AND TREATMENT OF CIAC.

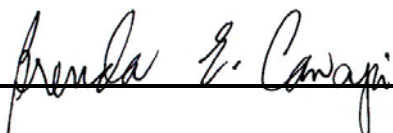
Signed this 7th day of June 2006 in Pasig City, Philippines.



Jhine B. Laigo



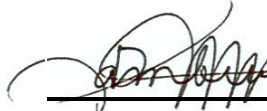
Jenera A. Cabilar



Brenda E. Casapi

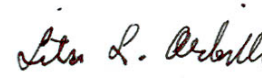


Rhelma B. Olinea

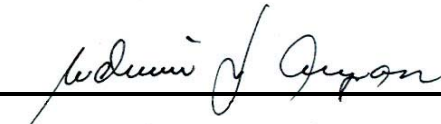
 - DENNIS Lambus




Ellen Ruth P. Nilla



Lita L. Arbolillo



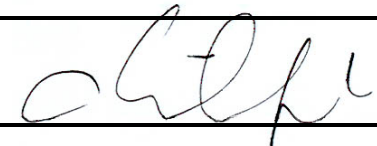
Jeddine J. Aragon



J. Aragon



J. Aragon



J. Aragon

The signatures that appear in Resolution 1-06 are represented by the following members of the Interagency Committee on Children Involved in Armed Conflict (IAC-CIAC) Program:

Sec. Jesus G. Dureza
Office of the Presidential Adviser
on the Peace Process (OPAPP)

Maj. Edwin B. Acupan
Armed Forces of the Philippines (AFP)

EDir. Lina B. Laigo
Council for the Welfare of Children
(CWC)

Atty. Nilo C. Mariano
Department of Justice (DOJ)

EDir. Rosalina L. Bistoyong
National Commission on Indigenous
Peoples (NCIP)

Dir. John M. Castañeda
Department of Interior and Local
Government (DILG)

Jesusa A. Cabilao
Department of Social Welfare and
Development (DSWD)

Anna Liza C. Arde
Department of National Defense (DND)

Atty. Brenda E. Canapi
Commission on Human Rights (CHR)

Myrna C. Rosario
Department of Labor and Employment
(DOLE)

Thelma B. Oliver
Philippine Information Agency (PIA)

Christina Gracia V. Rola
Department of Foreign Affairs (DFA)

Dennis M. Lambus
National Anti-Poverty Commission
(NAPC)

Ellen Ruth F. Abella
National Nutrition Council (NNC)

Lita L. Orbillo
Department of Health (DOH)

Annex 2

CHILDREN INVOLVED IN ARMED CONFLICT (CIAC) Data Gathering Form

A. BASIC INFORMATION															
Name :	<input type="text"/> <i>Surname</i>	<input type="text"/> <i>First Name</i>	<input type="text"/> <i>Middle Name</i> a.k.a: <input type="text"/>												
Address :	<input type="text"/> <i>Sitio</i>	<input type="text"/> <i>Barangay</i>	<input type="text"/> <i>Town/City</i> <input type="text"/> <i>Province</i>												
Birthdate :	<table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> <tr><td>m</td><td>m</td><td>d</td><td>d</td><td>y</td><td>y</td></tr> </table>							m	m	d	d	y	y	Birthplace:	<input type="text"/> <i>Sitio</i> <input type="text"/> <i>Barangay</i> <input type="text"/> <i>Town/City</i> <input type="text"/> <i>Province</i>
m	m	d	d	y	y										
Age :	<input type="text"/>	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female													
Civil Status:	<input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Others (Specify) :	<input type="text"/>													
Father :	<input type="text"/> <i>Surname</i>	<input type="text"/> <i>First Name</i>	<input type="text"/> <i>Middle Name</i> Occupation : <input type="text"/>												
Mother :	<input type="text"/> <i>Surname</i>	<input type="text"/> <i>First Name</i>	<input type="text"/> <i>Middle Name</i> Occupation : <input type="text"/>												
Address :	<input type="text"/> <i>Sitio</i>	<input type="text"/> <i>Barangay</i>	<input type="text"/> <i>Town/City</i> <input type="text"/> <i>Province</i>												
Guardian/Nearest Kin:	<input type="text"/> <i>Surname</i>	<input type="text"/> <i>First Name</i>	<input type="text"/> <i>Middle Name</i> Occupation : <input type="text"/>												
Address :	<input type="text"/> <i>Sitio</i>	<input type="text"/> <i>Barangay</i>	<input type="text"/> <i>Town/City</i> <input type="text"/> <i>Province</i>												
Tribe/Ethno-Linguistic Group:	<input type="text"/>		Place of Origin: <input type="text"/>												
Tribe Leader/Elder	<input type="text"/>														
Religion :	<input type="checkbox"/> Catholic	<input type="checkbox"/> Protestant	<input type="checkbox"/> Islam <input type="checkbox"/> Others (specify) <input type="text"/>												
Educational attainment:	<i>Specify level attained/completed in the blank provided across the checked item</i>														
<input type="checkbox"/> None	-	<input type="text"/>													
<input type="checkbox"/> Elementary	-	<input type="text"/>													
<input type="checkbox"/> High School	-	<input type="text"/>													
<input type="checkbox"/> College	-	<input type="text"/>													
<input type="checkbox"/> Vocational/Non- Formal Education	-	<input type="text"/>													
Armed Group Identified/Affiliated with:	Date of Affiliation/Joining:														
<input type="checkbox"/> CPP/NPA	<input type="checkbox"/> ASG	<input type="text"/>													
<input checked="" type="checkbox"/> MILF	<input type="checkbox"/> Other (specify)	<i>Month</i>	& <i>Year</i>												
Nature of Engagement:	<input type="checkbox"/> Combatant	<input type="checkbox"/> Utility errand	<input type="checkbox"/> Propagandist												
<input type="checkbox"/> Spy	<input type="checkbox"/> Guide	<input type="checkbox"/> Medical aide													
<input type="checkbox"/> Courier	<input type="checkbox"/> Interpreter	<input type="checkbox"/> Others (specify) <input type="text"/>													
Reasons for Engagement/Joining:	<input type="text"/>														
	<input type="text"/>														
	<input type="text"/>														

Note to the User:

1. Basic Information to be filled-up by PNP/AFP/Others
2. Relevant Data to be filled-up by DSWD

B. RELEVANT DATA			
The Child is: <i>Specify place, date and time of possession/custody of rescued/captured/arrested/surrendered CIAC</i>			
<input type="checkbox"/> Rescued	Date: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Time: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
	m m d d Y Y Y Y	h r mins AM/PM	
<input type="checkbox"/> Captured	Place: _____ <i>Sitio, Barangay, Town/City, Province</i>		
<input type="checkbox"/> Arrested	<input type="checkbox"/> With Warrant	<input type="checkbox"/> Without Warrant	
Offense/Case Filed: _____ _____ Filed At: _____ <i>(Court where the case is filed)</i>			
<input type="checkbox"/> Surrendered	<input type="checkbox"/> Voluntary	<input type="checkbox"/> Given up	By: _____
<input type="checkbox"/> Others (specify) _____			
Condition of the child when rescued/captured/arrested/surrendered			
<input type="checkbox"/> Armed	<input type="checkbox"/> Sick		
<input type="checkbox"/> Wounded	<input type="checkbox"/> Others (specify) _____		
In the Custody of: <input type="checkbox"/> AFP <input type="checkbox"/> PNP <input type="checkbox"/> DSWD <input type="checkbox"/> LGU of _____ <input type="checkbox"/> Others (specify) _____			
Accomplished By: _____			
Name	Designation/Unit	Date	
Medical Condition <i>(to be filled-up by the attending physician)</i>			
Remarks : _____ _____ _____			
By: _____			
Attending Physician		Clinic/Hospital/Location	
Safe Place Evacuation Report			
Evacuated To: _____			
Date:	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Time:	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
	m m d d Y Y Y Y	h r mins AM/PM	
Condition of the CIAC : _____ _____			
Turned Over By: _____			
Name		Designation/Office	
Receiving Officer _____			
Name		Designation/Office	

Turned-Over to the Custody of DSWD	
Turned Over By: _____ <div style="text-align: center;"><i>Name/Designation/Office</i></div>	Turned Over To: _____ <div style="text-align: center;"><i>Name/Designation/Office</i></div>
Date: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <div style="text-align: center;">m m d d Y Y Y Y</div>	Time: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <div style="text-align: center;">h r mins AM/PM</div>
Condition of the CIAC: _____ _____ _____	
With Pending Case	
Remarks : _____ _____ _____ _____	
Without Pending Case	
Remarks : _____ _____ _____ _____	
Recovery Report:	
Remarks : _____ _____ _____ _____	
Accomplished By: _____ <div style="text-align: center;"><i>Signature Over Printed Name</i></div> _____ <div style="text-align: center;"><i>Designation/Office or Organization</i></div>	Date : _____ Place : _____

** Captured - CIAC who engages in any armed fighting with the government forces and was prevailed upon and placed under the custody of the military or police

*** Arrested - CIAC who were taken into custody by the military or police either by virtue of warrant or warrantless arrest

Surrendered - CIAC who voluntary gave up self is voluntarily given up by parents/guardian to the military or police or local government authority, concerned NGOs & other

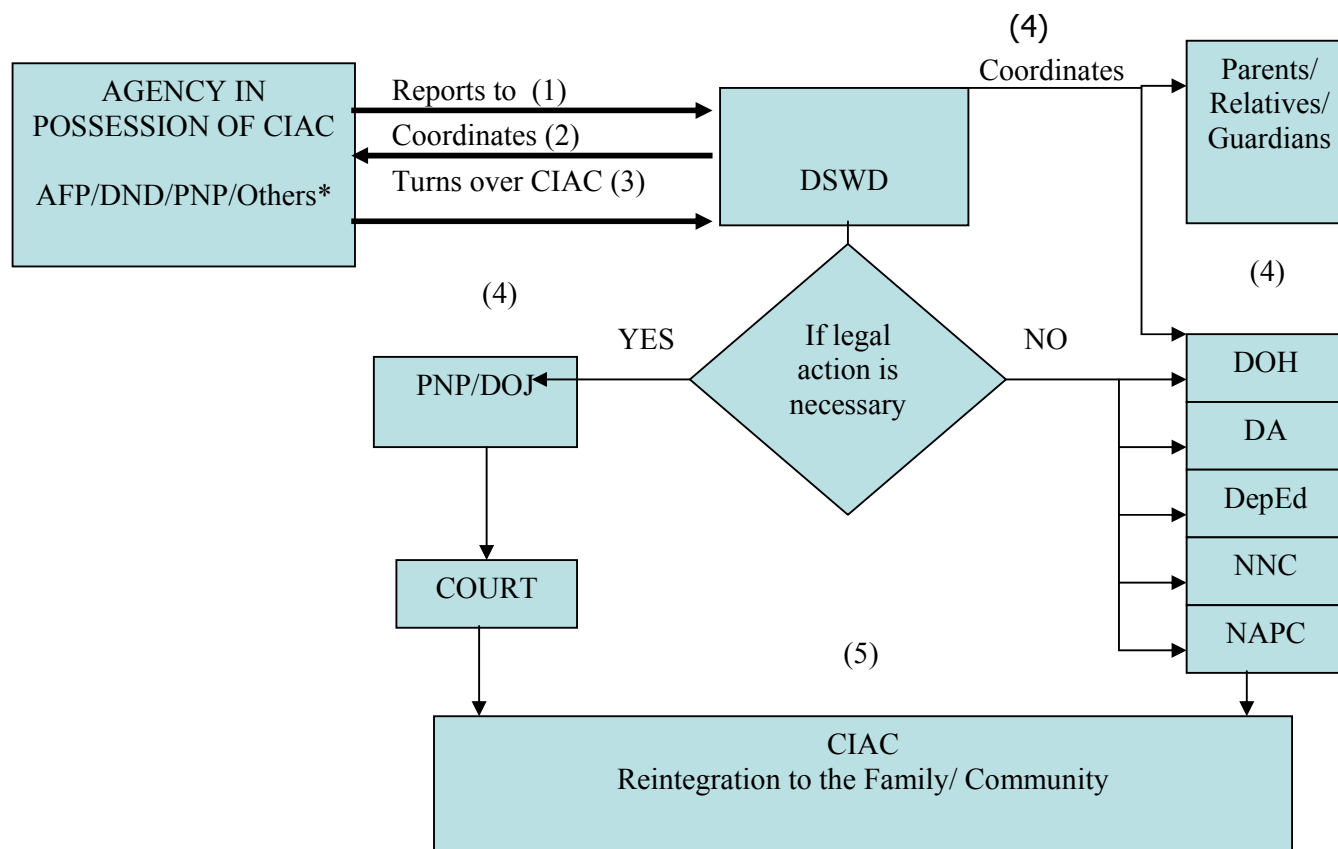
*** private individuals and civil society without any form of resistance

*** Rescued - Turn-over of the CIAC from the military/PNP to the DSWD/Local Social Welfare Office

*** Recovered - CIAC rehabilitated and reintegrated to the family/community

Annex 3

FLOWCHART ON THE HANDLING AND TREATMENT OF CIAC



* Other concerned government agencies and civil society/non-government organizations (CSOs/NGOs).