



## Children's Rehabilitation Center

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1. On the third session of Universal Periodic Review of the state under review, Children's Rehabilitation Center – Philippines will again submit an alternative report on the adherence of the Philippine government on the implementation of the United Nations Convention on the Rights of the Child, U.N. Security Council Resolutions on the six grave rights violations and the Optional Protocol on the CRC on the involvement of children in armed conflict.
2. The Philippine report on the second session of the UPR stated a promise of "Social Contract" with the Filipino people based on the foundation on the respect for human rights. However, the state of human rights under the administration of President Benigno Aquino III falls short of meeting international standards.

### Human Rights Violations committed against Children

#### Extrajudicial Killings

3. Article 6 of the UNCRC, states that children have the right to live and government should ensure that children survive and develop healthily.<sup>3</sup> However, military deployment and operations in the countryside under the Aquino government's counter-insurgency program called *Operation Plan Bayanihan*, claimed the lives of many Filipino children.
4. Roque Antivo, an 8-year-old boy was killed by the elements of 71<sup>st</sup> Infantry Battalion Philippine Army (IBPA). Roque was heading home together with his brother and uncle (all minors) when fired at by the soldiers last April 3, 2013.<sup>4</sup> A case was filed before the Regional Trial Court in Monte Vista, Compostela Valley but was dismissed due to "lack of merit and evidence". A motion for reconsideration was filed against the state forces but the case was again dismissed in 2014.
5. Documented cases of massacres happened after encounters between revolutionary forces and state forces while the latter were pursuing the former near civilian communities. On August 18, 2015, 17-year-old Elmer Somina and 14-year-old Norman Samia were among the fatalities in a massacre perpetrated by elements of the 3<sup>rd</sup> Company Special Forces Battalion in Brgy. Mendis, Pangantucan Bukidnon. Fifteen-year-old "Jun" was the lone survivor and was traumatized and was not able to talk for several months.<sup>5</sup> The Capion massacre claimed the lives of Pop, 13 and John, 8 in Davao

del Sur while in the Labo massacre in Camarines Norte 7 and 10 year old boys were killed,<sup>6</sup> both incidents happened in 2012.

6. These are among the cases of children directly targeted by the Armed Forces of the Philippines (AFP) in the communities which they perceive to be strongholds or sympathizers of the revolutionary groups.

### **Recruitment of Children and False Branding of Child Soldiers of the Revolutionary Forces**

7. CRC documented and verified a total of 18 children victims being falsely branded as New People's Army (NPA) child soldiers. False branding of children as child soldiers remained to be a systematic form of violation where children are presented to the public as such after they have been illegally arrested and detained and/or have been subjected to harassment, torture and intimidation.
8. Three persons including two minors were looking for a job in a coconut plantation in Sitio Tagbakan Brgy. Pansoy, San Andres, Quezon Province when soldiers from the 74<sup>th</sup> Battalion Philippine Army arrested them. In a statement of the Battalion Command after the incident, they were presented in media as child soldiers of the NPA. They were detained and charged with illegal possession of fire arms and explosives and frustrated murder. Rey Rodrigo, 17 years old was transferred to the National Training School for Boys (NTSB) in Tanay, Rizal on April 28 without the knowledge of his family. A supplemental resolution dated May 7, 2012 was acquired by the family on November 2012 stated that he was not charged because he is a minor. The family attempted to get the custody from NTSB in accordance with the supplemental resolution released by the court but were denied by the institution. It was only on February 8, 2013 when he was released after the family sought the help of CRC and the National Union of Peoples Lawyer.<sup>7</sup>
9. On July 22, 2013 "Allan", 16 and "John", 17, were riding a tricycle together with two other youth bound to Poblacion Loreto, Agusan del Sur to register for the Barangay and Sanggunian Kabataan election when they were arrested on false allegation by the elements of the 26<sup>th</sup> IBPA, Bagani Forces (lumad paramilitary group). The two were hogtied, subjected to torture, and were detained. Aside from being beaten up, the children's heads were wrapped with plastic cellophane until they were unconscious. The children were charged with attempted murder by the Bagani forces. They were placed under the custody of the DSWD's Regional Rehabilitation Center for Youth (RRCY) in Patin-ay, Agusan del Sur to determine the level of discernment of the victims. On November 13, 2013, the two children were released to their parents after their case was dismissed.<sup>8</sup>
10. A 17-year old boy from Quezon was arrested on December 2013 after being accused and branded as an NPA member and charged with frustrated murder and illegal possession of firearms and explosives. He was released on February 2014 after almost

14 months of incarceration because he acted with no discernment on the charges filed against him.<sup>9</sup>

11. According to CRC's documentation, of the 18 children falsely branded as child soldiers, documented by CRC, the following profile can be derived: (a) most of them were male, with ages ranging from 10 – 17 years old; (b) all of them were illegally arrested, detained and tortured by elements of the Philippine Army; (c) all were forced to admit their membership to the NPA; (d) Most were charged with frustrated murder cases and illegal possession of firearms and explosives.
12. A "barkadahan" (peer) system was also used by state armed forces whenever they conducted humanitarian missions and services that should have been delivered by other government agencies in the first place. In Cagayan Valley, some of the community members, even minors, were befriended by the soldiers, inviting them to drinking sessions and outings. Children were encouraged to join the morning exercises while others were trained to hold guns or were used as guides when the soldiers trekked the mountains. A similar incident was also documented in Mindanao in 2013, where two (2) young boys were used as guides to look for the NPA's post.<sup>10</sup>
13. The broadened definition of the children associated with armed groups stipulated in the Paris Principles and Guidelines continuously puts children into danger. They fall victims to human rights violations by the state forces with the justification that their communities are strongholds of the NPA and that they are relatives and sympathizers as well.<sup>11</sup>

#### **Rape and sexual assault by state armed forces**

14. Rape, sexual abuse and exploitation of children are prohibited under a host of international and regional treaties. (Geneva Protocols, UNCRC). Girls are far more vulnerable from sexual violence when military camps are stationed in their communities. Young girls are being wooed by state forces by befriending them and sending them intimate text messages. Worse, these girls end up being sexually abused and raped by state forces. A total of 8 children who were victims of rape were documented.
15. "Tess", a 14- year-old girl from Sitio Nasilaban, Brgy Palma Gil, Talaingod, Davao del Norte, was repeatedly raped in two separate incidents. On May 6, 2015, a certain Sir Galot and Daniel of the 68<sup>th</sup> IB Bravo Company took turns raping Tess. Two months later on July 4, 2015 after attending her class as she was playing with her classmates, a certain Jay-ar, also from the same unit, raped her.<sup>12</sup>
16. In 2012 alone, four (4) cases of rape were documented and two (2) victims suffered from temporary amnesia and mental disorder of the victims.

#### **Attacks on Schools, Personnel and Community**

17. Indigenous communities, through the initiative of the local indigenous people's organizations, peasant organizations and church based institutions, have started setting up their schools to uphold the rights of their children to education. However, the deployment of the state forces in communities also meant military encampment in these schools, which often resulted to their temporary or permanent closure and fear among the children. Teachers and students were subjected to threat, harassment and interrogation and schools are tagged as training ground for the revolutionary groups.
18. On December 13, 2013 the Department of Education released Memorandum No. 221, series of 2013 called the Guidelines on the Protection of Children during Armed Conflict, a guide for school officials and DepEd supervisors in various levels on dealing with requests from military units to enter schools. Memo 221 adopts the AFP Letter Directive No. 25 called the Guidelines in the Conduct of AFP Inside and Within the Premises of a School or a Hospital, which was released on July 15, 2013.
19. According to Salinlahi Alliance for Children's Concerns, "Memo 221 legitimizes military presence in school premises, while under both directives, military elements are allowed to conduct "civil-military operations" as long as the AFP has a written request and school authorities have given their approval<sup>14</sup>. Since the issuance of the department order, an increase in the number of military attacks on schools was observed. The guidelines violate domestic and international laws relating to the rights of the child, specifically Republic Act No. 7610, also known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act and the United Nations Convention on the Rights of the Child (UNCRC).
20. From 2012 to June 2016 Salugpungan Ta 'Tanu Igkanugon Community Learning Center (STTTICLC), a lumad-initiated school situated in Compostela Valley and Talaingod Davao del Norte have experienced harassments and intimidations of school teachers and personnel, students and the community itself.
21. As a result of the attacks, massive evacuation was also documented. Since February 2015, Lumad from Bukidnon, Compostela Valley and Davao del Norte have evacuated due to military encampment of their schools and communities and other human rights violations perpetrated against them. Afraid for their lives, lumad from different communities and incidents sought sanctuary at the United Church of Christ in the Philippines - Haran in Davao City. Around 700 families stayed in the evacuation center. During the Aquino administration, they sought help from different government agencies to call for the pull out of the military troops in their communities<sup>15</sup>.
22. Almost 4,000 lumad had to leave their community on September 1, 2015 after the killing of Alternative Learning Center for Agricultural and Livelihood Development (ALCADEV)

Executive Director Emerito Samarca. ALCADDEV resumed classes at the Tandag Sports Complex in Tandag, Surigao del Sur, which also served as their temporary shelter.<sup>16</sup>

**Threat, harassment and intimidation among school personnel and teachers still continue.**

23. On June 4, 2016 before the end of Aquino's term, school personnel from Center for Lumad Advocacy Services (CLANS) Jonard Cayamba, area manager and Claire Moca, a volunteer teacher had a consultation with Maribel Diagoni and Sina Diagoni, the community chieftain of Sitio Lamgawil Barangay Blao, Columbio, Sultan Kudarat to set up a Pre-school in the community. The following day around 14 elements of the 39<sup>th</sup> IB arrived in the community at 7:00 in the morning. A certain Sgt. Manapos repeatedly questioned their identity and the legality of their organization and took pictures of them.<sup>17</sup>
24. From 2012 – 2015, government-run day care centers and public schools were also subjected to attacks by government troops in Compostela Valley, Ilocos Sur, Paquibato District, Davao City, Davao del Norte (Talaingod, Kapalong), Negros Occidental and North Cotabato (Magpet, Makilala and Arakan).<sup>18</sup>
25. Despite the pronouncement from Philippine government under President Aquino administration to support the Human Rights Council, as quoted: *“Consistent with its belief that the protection of the human rights of the most vulnerable should remain the priority of the Human Rights Council, the Philippines consistently sponsors initiatives on issues involving the promotion and protection of the human rights of migrants, children, women, indigenous peoples and persons with disabilities.”*<sup>19</sup> But the Filipino children and their families continue to suffer from injustices and impunity.
26. The current administration under President Rodrigo Duterte was a result of the clamor for a true change by the broad majority of Filipinos. However, during the Senate hearing last August 22, 2016, the Philippine National Police admitted that in the course of implementing the war on drugs, 712 individuals have been killed in police operations in seven weeks and that another 1,067 had died at the hand of vigilantes.<sup>20</sup> Children have fallen victims as in the case of a four year old girl from Guihulngan City, Negros Oriental who was shot dead by policemen on August 31, 2016.<sup>21</sup>
27. Duterte assumed his office with the banner slogan of “change is coming” in governance but under his watch, Oplan Bayanihan still continues to violate the human rights of children and the Filipino people.
28. Recent reports include the following: on July 30, 2016, a community of Tigwahanon Tribe in Sitio Tibugawan, Barangay Kawayan, San Fernando, Bukidnon was indiscriminately fired upon by more or less eleven (11) elements of the 8<sup>th</sup> IBPA headed by Alde Salusad – leader of New Indigenous People's Army for Reform (NIPAR). Seven (7) minors aged 7, 8 and 15 years old became victims of frustrated killings and around eighty (80) residents

of indiscriminate firing/strafing. After the incident, around one hundred fifty (150) families were forced to leave the community out of fear. <sup>22</sup>

29. Soldiers are still encamped in the communities, resulting to more forcible evacuations among the lumad communities. Attacks on schools and personnel persist. On July 24, 2016, Ronnie Garcia, Executive Director of the Salugpungan Ta Tanu Igkanugon Community Learning Center saw suspicious men in the Davao Regional Hospital in Barangay Apokon, Tagum City. According to him, it was not the first time he was tailed by suspicious men.<sup>23</sup> Meanwhile, on August 19, Amelia Pond, 64 years old, Regional Coordinator of Rural Missionaries of the Philippines-Southern Mindanao Region and Teacher of Salugpungan Schools was illegally arrested and detained in Cebu City.<sup>24</sup>

We thus request the Council to recommend the following to the Philippine government:

- a) Stop the Oplan Bayanihan as a counter insurgency program as it has victimized many Filipino children and their families.
- b) Pull out state forces in schools and communities.
- c) Dismantle para-military forces.
- d) Promptly investigate and prosecution of state forces including the commanding officers involved in human rights violations against children.
- e) Ensure and provide support to children victims and their families to attain justice.
- f) Refrain from the practice branding children victims of human rights violations by state forces as child soldiers/warriors of the revolutionary groups.
- g) Rescind Dep ED Memorandum 221 on the Guidelines on the Protection of Children during Armed Conflict. To recognize and uphold children's rights as signatory to the UNCRC.
- h) Continue to work for a just and lasting peace and a successful peace negotiations between the Government of the Philippines and the National Democratic Front of the Philippines and the peace process between the Moro people.

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<sup>1</sup> Children's Rehabilitation Center Annual Report 2015

<sup>2</sup> Children's Rehabilitation Center Data Bank

<sup>3</sup> Article 6, UNCRC

<sup>4</sup> CRC (April 6, 2013). Child Rights Group Condemns Extra Judicial Killings, Urges Aquino to take Action. Available from [www.childrehabcenter.org](http://www.childrehabcenter.org); April 3, 2013, Roque Hernan Antivo; Case #HR516371f9942e2

<sup>5</sup> Karapatan Alliance for the Advancement of People's Right; Urgent Action; August 30, 2015

<sup>6</sup> Children's Rehabilitation Center February 23, 2012, Labo Massacre, Case# HR40, Case Filed: April 3, 2012

<sup>7</sup> Children's Rehabilitation Center: March 22, 2012, Quezon Boys, IAD& Branding as Child Soldier; Case #HR45: Case filed: January 10, 2013

<sup>8</sup> Children's Rehabilitation Center: July 22, 2013, Loreto Boys, IAD; Case#HR522ff7de35071; Case filed: September, 11, 2013

<sup>9</sup> Children's Rehabilitation Center: Case Summary of Illegal Detention and Arrest and Branding Children as Child Soldiers dated

<sup>10</sup> Children's Rehabilitation Center: July 15, 2012, Berting and Kevin Gumay, Use as Guide, Case#52; case filed, September, 29, 2012

<sup>11</sup> Children's Rehabilitation Center (February 1, 2014) Position Paper on the Special Protection to Children in Situation of Armed Conflict. Available from: [www.childrehabcenter.org](http://www.childrehabcenter.org); Critique on Paris Principles.

- <sup>12</sup> Karapatan, "State forces raped women, 7 of 10 victims are minors ", 6 December 2015
- <sup>13</sup> Children's Rehabilitation Center Data Bank
- <sup>14</sup> Salinlahi Alliance for Children's Concern's: Position Paper on DepEd Memo 221, Available <https://saveourschoolsnetwork.wordpress.com>
- <sup>15</sup> Children's Rehabilitation Center: Case Summary of Attacks on Schools
- <sup>16</sup> Children's Rehabilitation Center: Case Summary of Attacks on Schools
- <sup>17</sup> Children's Rehabilitation Center, June 6, 2016, Jonard Cayamba, CLANS THI, Case# HR57c8ea95ce451, case filed, September 2, 2016, Center for Lumad Advocacy and Services, Inc: Fact Sheet dated June 10, 2016,
- <sup>18</sup> Children's Rehabilitation Center Data Bank
- <sup>19</sup> Annex to the note verbale dated 9 October 2015 from the Permanent Mission of the Philippines to the United Nations addressed to the President of the General Assembly, Candidature of the Philippines to the Human Rights Council, 2016-2018, par. 24
- <sup>20</sup> Time.com/4462352/Rodrigo Duterte-drug-war-drugs-philippine-killing: The Killing Time: Inside Philippine President Rodrigo Duterte on War on Drugs; August 25, 2016
- <sup>21</sup> Philippine Daily Inquirer, September 5, 2016 "Another Child Dies in War on Drugs" Leo Udtohan
- <sup>22</sup> Case Summary Karapatan Northern Mindanao Region
- <sup>23</sup> Children's Rehabilitation Center-Southern Mindanao region: Case Summary
- <sup>24</sup> Children's Rehabilitation Center-Southern Mindanao region: Chronology of Events Amy Ponds Case