



PHILIPPINES

OPENING STATEMENT

Hon. Celia C. Yangco
Head of Delegation and Undersecretary of the
Department of Social Welfare and Development of the Philippines

INITIAL REPORT OF THE GOVERNMENT OF THE PHILIPPINES
UNDER THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE
RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN
ARMED CONFLICT

48th session of the UNITED NATIONS Committee on the Rights of the Child
30 May 2008, Geneva, Switzerland

Madame Chairperson, distinguished Members of the Committee on the Rights of the Child, representatives from various UN agencies, Observers, Ladies and Gentlemen, good afternoon.

I am privileged to lead the Philippine Delegation in this Dialogue on the Philippine Report on the Optional Protocol on the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. I would like to present to you the members of the Philippine delegation:

- Co-Head of Delegation, Ambassador Erlinda F. Basilio, Permanent Representative of the Philippines to the United Nations in Geneva;
- From the Department of Justice, Undersecretary Linda M. Hornilla;
- From the Department of the Interior and Local Government, Undersecretary Melchor Rosales;
- From the Department of National Defense, Asst. Secretary Roberto Emmanuel T. Feliciano;
- From the Philippine National Police, Director Jefferson Soriano and Police Senior Superintendent Lina Sarmiento;
- From the Council for the Welfare of Children, Ms. Grace Cymbeline R. T. Alejandrino; and
- Officials from the Permanent Mission of the Philippines to the United Nations.

We wish to take this opportunity to acknowledge the important role of the Committee of the Rights of the Child in upholding international human rights standards pertaining to

children. As an expression of support to the cause of the Committee, the Philippines traditionally earmarks its contributions to the Office of the High Commissioner for Human Rights for use of the Committee on the Rights of the Child. The Philippine delegation looks forward to having a constructive dialogue with the members of the Committee this afternoon. We are ready to listen and take into consideration the suggestions and views of the Committee in a positive and cooperative spirit.

Madame Chairperson,

Our country has a young population, as children comprise almost half of its population. It places utmost importance to the development of the welfare of the Filipino children because we consider them our most valuable resources. We already have A Child and Youth Welfare Code (Presidential Decree 603) of 1975 even before we ratified the Convention on the Rights of the Child. Republic Act (RA) 7610, the Special Protection Act of 1992, the law which includes protection of children in armed conflict and recognizes Children as Zones of Peace was passed even before we ratified the Optional Protocol. Furthermore, the Armed Forces of the Philippines has had a Memorandum on Handling and Treatment of Children in Armed Conflict since 1991.

In addition to these, we also have other laws which further protect children in general, not only children in armed conflict. These laws include RA 8371, 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; RA 9208, the Anti-Trafficking in Persons Act of 2003, which provides penalties for the recruitment, transportation or abduction of children to engage in armed activities; and RA 9231, An Act Providing for the Elimination of the Worst forms of Child Labor and Affording Stronger Protection for the Working Children, disallowing the recruitment of children for use in armed conflict.

It is therefore very clear that our State does not permit recruitment or employment of children in its Armed Forces. It **does not condone** any wrongdoing of any of its personnel especially against children and if there would be any, disciplinary systems are in place.

At this point, I would like to present to you our Country's responses to the additional questions which the Committee sent us as a result of your review of the Philippine First Report on the Optional Protocol on the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

1. Our Office of the Ombudsman has certain jurisdiction over military personnel, including the power to initiate preliminary investigation and eventually prosecution, on cases which may be filed before it. In fact, there is the Office of the Deputy Ombudsman for the Military.
2. There is no recorded case of trafficked children engaged in armed activities in the Philippines or abroad in the last five years. Our Anti-Trafficking Law (RA 9208) which

prohibits the recruitment, transport or adoption of a child *to engage* in armed activities in the Philippines or abroad, stipulates penalties of imprisonment and fine for any perpetrator.

3. Moreover, our country **can** assume extra-territorial jurisdiction **should** “the war crime of conscripting or enlisting children under the age of 15 into the armed forces or using them to participate actively in hostilities”, or “involvement in hostilities of a person under 18 if committed outside the Philippines, by or against a Philippine citizen, fall under Article 2 of the Revised Penal Code. If the offender is abroad, our country may ask for the extradition of said individual from a friendly country or a country with which we have extradition treaties, otherwise, we will just have to wait when he returns to the Philippines to face trial.

4. In the context of the Philippine legislations and practices, “direct participation” of children in hostilities refer to their involvement as combatants and/or those who take support roles as spies, guides, couriers, messengers, cooks, medics, and other similar capacities. Children Involved in Armed Conflict (CIAC) are either forcibly, compulsorily, or voluntarily recruited by either state or non-state armed forces/groups.

5. Relative to the one year compulsory Citizen’s Army Training (CAT) of the Department of Education for fourth year high school students, this has been restructured in 2005 and is now referred to as Citizenship Advancement Training (CAT) which aims to enhance students’ social responsibility and development of their ability to uphold law and order. Components of the restructured CAT are: military orientation – to gain knowledge skills and understanding of the rights and duties of citizenship; community service – to help achieve the general welfare and betterment of life of the community members; and public safety and law enforcement service which encompasses all programs and activities to maintain peace and order.

6. The Philippine Government continues to pursue a comprehensive peace process to address armed conflict with rebel groups. Programs and services for affected families and communities at risk in general are continuously being implemented. Specifically, the Department of Social Welfare and Development (DSWD) provides a package of social services and interventions designed to protect and rehabilitate children affected directly or indirectly by armed conflict, as well as services for families affected. This package includes provisions for the special needs of girl child soldiers.

Under the “Memorandum of Understanding in Handling and Treatment of Children Involved in Armed Conflict” (entered into by nine national government agencies), the DSWD takes the custody of CIAC and provides necessary interventions appropriate to their age and psychosocial functioning. We also have the Women and Children’s Protection Desk in all police stations nationwide, which responds to all cases of children and women reported to it and that would include CIAC.

Other initiatives include: the Emergency Operation Philippines –Assistance to Conflict Affected Mindanao (ECOM-ACAM) – which addresses food security needs of the

vulnerable population living in conflict-affected communities; and the Days of Peace (DoP) Campaign, which seeks to reinforce delivery of basic services (such as immunization, micronutrient supplementation, birth registration, etc.) in conflict-affected areas, paving towards an atmosphere conducive for peace agreements.

7. Rescued or surrendered CIAC, are turned-over to the DSWD for psychosocial intervention for eventual re-integration in the community. The services are all aimed at mainstreaming the children in development; particular in education, health, life skills and self enhancement to prepare them to be responsible adults. Those who cannot be re-integrated with their families due to security reasons, are temporarily placed in residential facilities of the government or non-governmental organization or placed with licensed foster families. The Philippines has the Juvenile Justice Act (RA 9344) which frees children 15 years of age or under at the time of the commission of the offense from criminal liabilities. Meantime, those who commit offenses between the age 15 to below 18 years are not sentenced. Instead, their sentences are suspended and they are committed to rehabilitation centers for children and youth.

8. Our country has no recorded nor reported case of CIAC from among the ranks of the MILF who have been rescued /recovered or apprehended and turned over to local authorities.

9. Lastly, access to arms, rules and regulations in the production, sale and distribution of small arms and weaponry in the country is regulated through our Philippine National Police which has the Firearms and Explosives Division, Civil Security Group (FED, CSG) and has the mandate to "administer, enforce and implement the firearms and explosive laws, rules and regulations of the country".

Distinguished Chair and Members of the Committee, we are now ready to respond to your additional queries and observations, if there are any.

Thank you!