
PHILIPPINES

Republic of the Philippines

Population: 78.6 million (33.9 million under 18)

Government armed forces: 106,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18 (17 for training)

Voting age: 18

Optional Protocol: ratified 26 August 2003

Other treaties ratified (see glossary):

CRC, GC AP II, ILO 138, ILO 182

Child soldiers continued to be used by armed opposition groups. There were no reports of under-18s in government armed forces, although some who surrendered or were rescued from armed opposition groups may have been used as informants and spies. Children were also reportedly used by government-linked paramilitaries. Legislation was in force to protect children from military recruitment.

Context

Peace talks between the government and the separatist Moro Islamic Liberation Front (MILF) faltered in 2003 and armed clashes continued. Government armed forces launched an offensive against the MILF in February 2003 in the southern island of Mindanao, where over 200 people were reportedly killed in the fighting and thousands of civilians displaced. The MILF subsequently launched sporadic attacks on communities and infrastructure. The government announced anti-terrorist legislative measures and military action following bomb attacks by suspected Islamist “terrorists”.

Peace negotiations between the government and the National Democratic Front (NDF), representing the Communist Party of the Philippines (CPP) and its military wing, the New People’s Army (NPA), remained largely stalled. The CPP/NPA was added to the US government’s list of foreign “terrorist” organizations in August 2002.¹ The NPA, strongly opposed to the US military presence in the Philippines, warned that US troops who entered their stronghold areas would be considered “legitimate targets”. The government and the NDF/CPP resumed formal peace talks in February 2004.²

Government

National recruitment legislation and practice

The 1987 constitution states that “the prime duty of the Government is to serve and protect the people. The Government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal military or civil service” (Section 4, Article II).³

The paramilitary Citizens Armed Force Geographical Units and Civilian Volunteer Organizations assist the military and police in the government’s anti-insurgency campaigns. They both operate under guidelines issued by the Department of National Defense in 1987, which require that their membership is voluntary. Members are screened by the police, and the guidelines stipulate that they are defensive organizations and should avoid identification with individual landowners or politicians.⁴

There were no indications that the armed forces formally recruited soldiers below the age of 18. However, reports suggested that some members of the government-linked paramilitary groups were younger than 18.⁵

Military training and military schools

In 2002 a two-year compulsory military training course for college students was abolished by the National Service Training Program Act of 2001, Republic Act No. 9163. The Act established a training program aimed at “enhancing civic consciousness and defence preparedness in youth”, which comprises literacy training, civic welfare training and, as a voluntary option, reserve officer training. The program forms part of the curricula of all college degree courses and of technical vocational courses of at least two years, and completion of one component is required for graduation. Graduates of the Reserve Officer Training Corps become members of the Citizens Armed Force.⁶

The Philippine Military Academy provides the highest level of military training and offers a curriculum to serve the needs of the three armed services. Recruits must be aged 17 or over, and, once enrolled as cadets, become members of the armed forces. Cadets receive monthly payments and various allowances to cover the cost of uniforms, books, meals and other incidental expenses.⁷

Treatment of children involved in clashes with government forces

Children who surrendered or were rescued from armed opposition groups were reportedly used by the military as spies and informants.⁸ Children, including possible child soldiers, were killed during military operations against opposition

forces, particularly members of the MILF. In March 2003, the Minister for Social Welfare and Development urged government forces to rescue child soldiers rather than engage them in battle.⁹ In November 2003 a 15 year old was charged with rebellion for alleged involvement in an armed clash with government forces.¹⁰

Armed political groups

In 2002 the International Labour Organization (ILO) carried out an assessment of child soldiers in Central and Western Mindanao, interviewing children from three armed groups: the NPA, the MILF, and the Abu Sayyaf Group. Their ages ranged from 14 to 17, but some of them reported that children as young as 11 were admitted as members. The study found that there were more male than female child soldiers, and that most of the children remained in formal education. They came from “poor, economically marginalized families whose parents [were] involved in the armed struggle themselves”. Their duties were most commonly to act as guards, platoon or squadron leaders, combatants, cooks and, for the girls only, medical team members.¹¹

New People’s Army (NPA)

In January 2003 military sources reported that testimonies of former NPA members revealed “massive recruitment” of children aged 13 to 17 years from the ranks of urban students and out-of-school peasants. An NPA spokesperson denied the accusation, saying their units followed a clear prohibition on recruiting under-18s and that underage volunteers who wanted to join up were not given weapons or directly involved in combat operations. “Most of them perform menial assignments, running errands, courier jobs and the likes”, he said.¹² A 16 year old arrested by the military reportedly served as a tax collector for the NPA.¹³

However, government forces continued to report NPA recruitment and training of children in several areas.¹⁴ School students were among NPA members involved in firefights with the armed forces.¹⁵ Combatants captured during such encounters included 16 year olds.¹⁶ Military records showed a total of 122 boys and 50 girls captured while working with the NPA as “combatants, courier, guides, medics or spies” between January 1997 and June 2003.¹⁷ On 30 September 2003 a CPP spokesperson said that “more and more youth join the revolutionary movement and the NPA in areas where the US-Arroyo regime’s all-out terrorism has wrought immense militarization”.¹⁸

The NPA told the Child Soldiers Coalition in March 2004 that “not a single combatant under the age of 18 remained in the ranks of the NPA” and that under-18s wanting to enlist were assigned non-combat tasks in children and youth

mass organizations, production and other socio-economic cooperatives, cultural development and teaching.¹⁹

Moro Islamic Liberation Front (MILF) and Abu Sayyaf Group

The MILF has engaged in guerrilla warfare against the government in areas of Mindanao since 1978. In 2002 government sources estimated its armed strength at up to 10,000, while the MILF claimed a membership of about 120,000. Ten to 15 per cent of its members were estimated to be below 18 years of age.²⁰

In May 2003 children aged 14 and 15, alleged to be MILF members, were killed in clashes with government forces.²¹ In the same month the Department of Social Welfare and Development noted that half the 98 MILF members who surrendered to government forces were teenagers.²² MILF members captured by government forces have included children as young as 11.²³ The military reported finding photos of children in uniform and carrying firearms at one MILF camp.²⁴

The MILF told the Child Soldiers Coalition in March 2004 that “as a matter of policy and practice, [the MILF] does not recruit children under the age of 15 to be engaged as combatants”.²⁵ The MILF said that children were sometimes involved in skirmishes between the armed forces and the Bangsamoro Islamic Armed Forces, an armed group with links to the MILF, because they were defending their villages or were carrying food and medicine to combatants and evacuees fleeing military action.

The Abu Sayyaf Group, a Muslim separatist group that has been responsible for taking hostages for ransom, was estimated by government sources to comprise about 500 armed members. Between 15 and 30 per cent of them were reportedly under 18 years old.²⁶ At least two under-18s were among a group prosecuted in August 2002 for kidnapping schoolchildren and teachers on 20 March 2000. The trials were continuing in March 2004.²⁷

In 2002 Abu Sayyaf and the MILF were reported to be recruiting secondary school and college students in Zamboanga city. City officials ordered police to monitor the schools where recruitment was allegedly taking place. One police officer said that most of those being recruited were fraternity members who were asked to undergo “test missions” as a condition of membership. However, the MILF said that it had no need to recruit new members and no program in place to do so.²⁸

Disarmament, demobilization and reintegration (DDR)

Armed forces guidelines on the treatment of children in armed conflict specify that military units responsible for the surrender or rescue of children are required to release them to the custody of the Department of Social Welfare and Development within 24 hours, or within a maximum of 72 hours if conditions prevent earlier release. Units must inform the children of their rights, provide necessary medical treatment and protect them from further exploitation and trauma, conduct crisis intervention stress debriefing and satisfy their basic subsistence needs. Units also must maintain a database on children involved in armed conflict.²⁹ There were reports that some children were not released from military custody within the prescribed time limits.³⁰

On 26 November 2001 the government adopted a Comprehensive Program Framework for Children in Armed Conflict, under presidential Executive Order No. 56. The Office of the Presidential Adviser on the Peace Process was to coordinate and monitor implementation of the program, whose objectives included the rescue, rehabilitation and reintegration of children involved in armed conflict. In 2003 the Office of the Presidential Adviser on the Peace Process and the Commission on Higher Education made study grants available to eligible former members of the NPA, MILF and the closely linked Moro National Liberation Front. The government's peace efforts were supported by a US government commitment to finance livelihood projects for MILF members once a peace agreement was signed.³¹ It was not clear whether child soldiers were eligible for the program.

Other developments

The Philippines ratified the Optional Protocol on 26 August 2003, and made a declaration that "The minimum age for recruitment into the Armed Forces ... is 18 years, except for training purposes whose duration shall have the students/cadets/trainees attain the majority age at the completion date. ... There is no compulsory, forced or coerced recruitment ... [and] recruitment is exclusively on a voluntary basis."³²

In 2003 the Government passed the Anti-Trafficking in Persons Act, Republic Act No. 9208, which prohibits the recruitment, transport or adoption of a child to engage in armed activities in the Philippines or abroad. Republic Act No. 9231 was passed in the same year. It provides for the elimination of the worst forms of child labour and provides protection for working children. The act also prohibits the recruitment of children for use in armed conflict and provides penalties for its violation.³³

* see glossary for information about internet sources

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- 3 Constitution of the Republic of the Philippines, <http://www.comelec.gov.ph/laws/consti.html>.
- 4 Carnelian International, *Philippines: Vigilantes*, <http://www.carnelian-international.com/Philippines/Vigilantes.htm>.
- 5 Child Soldiers Coalition Philippines, interviews with members of child rights NGOs and others working in communities where paramilitaries were operating, 2003.
- 6 An Act Establishing National Service Training Program for Tertiary Level Students Amending for the Purpose Republic Act No. 7077 and Presidential Decree No. 1706, and For Other Purposes.
- 7 Philippine Military Academy, <http://www.pma.ph>, and at <http://www.angelfire.com/trek/nevcal/mainpage.html>.
- 8 Information from Southeast Asia Regional Child Soldiers Coalition, 2003 and 2004.
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- 11 Rufa Cagaco-Guiam, *Child soldiers in Central and Western Mindanao: A rapid assessment*, International Labour Organization (ILO), February 2002.
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- 20 Rufa Cagaco-Guiam/ILO, op. cit.
- 21 Edwin Fernandez et al., "Military says MILF terror plan uncovered", *Inquirer News Service*, 21 May 2003.
- 22 Julie S. Alipala and Jeffrey P. Maningo, "Don't steal the childhood of our youth", *Philippine Daily Inquirer*, 24 May 2003.

- 23 Philippine Army, "MILF children rebels captured in Maguindanao", Press Release 103-03, 2 June 2003.
- 24 Julie S. Alipala, "Military urged to rescue child-soldiers", *Inquirer News Service*, 18 February 2003.
- 25 Communication from MILF, 29 March 2004.
- 26 Rufa Cagaco-Guam/ILO, op. cit.
- 27 Information from Southeast Asia Regional Coalition, January 2004.
- 28 MindaNews, "AbuSayyaf, MILF recruiting students", 30 October 2002, <http://www.mindanews.com>.
- 29 Guidelines on Handling and Treatment of Children in Armed Conflict, issued by the Chief of Staff to the Armed Forces of the Philippines, 11 May 2000.
- 30 Information from Child Soldiers Coalition Philippines, Cagayan De Oro City, 10-12 November 2003.
- 31 Reuters, "Philippine government hurries MILF Peace Talks", 30 July 2003.
- 32 Declarations and reservations to the Optional Protocol, <http://untreaty.un.org> (subscription required).
- 33 Information from Southeast Asia Regional Coalition, June 2004.