



Commission on Human Rights of the Philippines

Inputs to the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the Human Rights Council Resolution 34/16 on: “Protecting the rights of the child in humanitarian situations”

19 September 2017

I. Initiatives of the Commission on Human Rights of the Philippines (CHRP) in Protecting the Rights of the Child in Humanitarian Situations:

1. As a state party to the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Involvement of Children in Armed Conflict, the Philippines is duty-bound to promote and protect the rights of children, particularly in situations of armed conflict. The CHRP, as the national human rights institution, on the other hand, is mandated to monitor the Philippines' compliance with this obligation, with the end in view that the rights of children, including those who are internally displaced or otherwise adversely affected by situations of armed conflict and natural and human-made disasters, are respected, protected and fulfilled.

2. The Philippines in 2009 enacted "The Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity" (Republic Act No. 9851). Besides the 1987 Philippine Constitution and Executive Order 163 which give the CHRP human rights monitoring and investigation powers, this law elaborates on the functions of the CHRP in terms of humanitarian protection through Chapter 7, Section 18.

3. In situations of armed conflict or natural disasters, children experience heightened vulnerability and exposure to harm. They are at a higher risk of experiencing human rights violations and internal displacements. They are likewise more likely to be exposed to recruitment efforts of armed groups. Pursuant to its mandate, and given such threats to the safety and security of children in these contexts, the CHRP monitors and investigates issues and concerns related to grave child rights violations (GCRVs) in humanitarian situations. The following is a summary of its findings as regards main challenges in protecting the rights of the child in humanitarian situations and good practices in protecting the rights of children in humanitarian situations.

II. Main Challenges and Responses in Protecting the Rights of the Child in Humanitarian Situations:

4. One challenge faced by the regional monitoring teams is the difficulty in accessing information from affected children and their families. Cultural and language barriers between the families and the CHRP teams often hamper the data gathering process.¹ The CHRP has also observed that some families do not report violations committed against children because they were not aware

¹ Reported by CHRP Region X.

that these were, in fact, violations of children's rights. This may be due to a lack of public awareness regarding dealing with children's issues in humanitarian situations.²

5. The affected families' fear of reprisal is also a challenge in the conduct of child rights monitoring in humanitarian situations. The CHRP has documented instances when families would not disclose complete information or would refuse to share any information with investigators or law enforcers³ due to fear of retaliation or revenge from both state entities (i.e. military) and rebel groups.⁴ The CHRP has also documented an incident when a community hesitated to share or confirm information involving the alleged use of minors as trail guides by the military in conflict-affected areas⁵. In yet another instance documented by the CHRP, a family expressed fear of being subjected to further harm if they were to report the injury sustained by a seven-month old infant during a military operation against rebels.⁶

6. Another challenge is the inadequate humanitarian assistance for children. Local risk reduction disaster plans do not always provide for the establishment of child friendly spaces⁷ in evacuation camps⁸, thus, they are not in place in all displacement sites.⁹ It has also been observed that referral pathways are complex and difficult to use, particularly for the purposes of reporting unaccompanied minors and separated children.¹⁰

7. There have been some considerable gains in the advocacy for child protection in humanitarian situations. The Children's Emergency Relief and Protection Act of 2016 provides that special attention be given to children upon the onset of emergency, throughout their displacement, and, ultimately, in the determination of durable solutions to their displacement.¹¹ It must be noted, however, that not all issues involving children in humanitarian situations are covered by this law. Moreover, the lack of specific laws that protect children from recruitment or forced participation in armed conflict makes the Commission's work on child protection especially challenging, as non-state armed groups continue to recruit children to join armed activities and to exploit them in conflict.¹²

8. The CHRP is also confronting administrative and operational issues in its work. It is acknowledged that the staff do not yet possess adequate technical knowledge in handling issues on children in humanitarian situations.¹³ Due to the wide range of work that CHRP is expected to undertake, child rights monitoring, especially during humanitarian crises, is not regularly funded.¹⁴ Monitoring of GCRVs in far-flung areas is also difficult to undertake due to geographic constraints.¹⁵

² Reported by CHRP Region V.

³ Reported by CHRP Region V and CHRP Region X.

⁴ Reported by CHRP Region V.

⁵ Reported by CHRP Region V.

⁶ Reported

⁷ A prescribed structure for the protection of children in evacuation camps, see Minimum Standards for Child Protection in Humanitarian Actions, Child Protection Working, 2012 and RA 10821 as the Children's Emergency Relief and Protection Act of 2016.

⁸ Reported by CHRP CAR.

⁹ Reported by CHRP CAR, and CHRP Region X.

¹⁰ Reported by CHRP Region X.

¹¹ Republic Act 10821.

¹² CHRP CAR reported that children are being recruited by rebel groups and are used as human shields in conflict.

¹³ Reported by CHRP Cordillera Administrative Region (CAR).

¹⁴ Reported by CHRP CAR, CHRP Region VIII, CHRP Region IX, and CHRP Region X.

¹⁵ Reported by CHRP Region V.

There is likewise no protocol for the augmentation of personnel from other regions when conflict or disaster affects CHRP employees in affected regions.¹⁶

9. Orientation-Workshop on Monitoring, Reporting and Responding to Victims of Grave Child Rights Violations in Situations of Armed Conflict (GCRVSAC). On September 15-16, 2016, the Child Rights Center (CRC) of the Commission on Human Rights conducted a training on Monitoring, Reporting and Responding to Victims of GCRVSAC for thirty five (35) CHRP central and regional personnel. The participants include ten (10) lawyers and eleven (11) investigators appointed as regional focal persons on children, eight (8) information officers from Mindanao Regional Offices and six (6) central office personnel involved in responding and monitoring cases of Child Rights Violations.

10. The objective of the workshop was to equip CHRP lawyers and investigators with specialised knowledge and skills to become effectively involved in monitoring, reporting and responding to cases of GCRVs in Situations of Armed Conflict, and enhance coordination between CHRP Central and Regional Offices to facilitate timely submission of data/reports to the United Nations Monitoring and Reporting Mechanism (UN MRM) and Government of the Philippines Monitoring, Reporting and Response System (GPH-MRRS) on Grave Child Rights Violations in Situations of Armed Conflict (GCRVSAC).

11. While the activity was fully organized by the CHRP, child rights advocates and partners from UNICEF, ICRC, AFP and CWC took part as resource persons during the two-day training. The IEC materials distributed during the same workshop were developed by UNICEF for MRM and the Council for the Welfare of Children (CWC) for MRRS.¹⁷

12. For the years 2017 and 2018, the CHRP, through the funding grant of UNICEF intends to hire four (4) personnel for the period of six (6) months in order to focus on the monitoring, reporting and responding to the cases of GCRVs in the areas of displacement in Iligan, Lanao del Sur, Lanao del Norte and Marawi. Two (2) staff complement will each be assigned in the CHRP Region X Sub-Office in Iligan City and RHRC respectively.

13. The Commission on Human Rights is resolute and assertive in its campaign against the use and/or association of children in armed conflict in all its public education and information programs, projects and activities for all stakeholders. Such that in the regular conduct of our advocacy activities both in the central and regional offices, inputs on child soldiering are tackled on topics such as the rights of children (with UNCRC as the framework); International Humanitarian Law and RA 9851; The United Nations Guiding Principles on Internal Displacements (UNGPID) and Child Labor topics.

14. The Commission on Human Rights as a National Human Rights Institution and as the Gender Ombud under the Magna Carta of Women undertook a Joint Monitoring Mission titled "Human Rights Monitoring of Internally Displaced Persons: Locating the Experiences of Internally Displaced Women, Children and LGBTI." The Joint Monitoring Mission ran from 1 to 5 July 2017 with the CHRP Joint Monitoring team composed of officers from CHRP Central Office, CHRP-X and CHRP-XII.

15. The Joint Monitoring Mission was duly coordinated with the Regional Human Rights Commission of the ARMM and the National Emergency Operation Center in Iligan City. The Mission covered evacuation centers in Iligan City, Lanao del Norte, and Lanao del Sur and aimed to monitor the situation and conditions of Internally Displaced Persons and specifically locating the

¹⁶ Reported by CHRP Region VIII.

¹⁷ Compendium of Resource Materials for Monitoring, Reporting and Response System on Grave Child Rights Violations in Situations of Armed Conflicts.

experiences of displaced women, children, and LGBTI persons. The CHRP Team also covered the following monitoring themes: (1) Core Protection Services to include: camp management, registration, information dissemination, advocacy, peaceful existence, and protection monitoring; (2) Human Rights Assessment: food, water and sanitation, health, education, work, women and children, property, clothing; and last (3) Protection from Displacement.

16. During the five day mission the team conducted interviews, focus group discussions, art sessions with children in the following evacuation centers: ILIGAN CITY: Buruun School of Fisheries (Brgy. Buruun), Buruun Gymnasium EC (Brgy. Buruun), Maria Cristina Gymnasium (Brgy. Maria Cristina), Bayanihan Gymnasium (Brgy. Sta Elena); LANA DEL NORTE, Landa Madrasah EC (Brgy. Landa, Municipality of Balo-i), Madrasah Campong EC (Brgy. Campong, Municipality of Pantar); LANA DEL SUR: Covered Court (Brgy. Poblacion, Municipality of Saguiaran). In the conduct of the monitoring, the team was divided into four: IDP, Government and CSOs, Women, and Children.¹⁸

17. The CHRP was a member of the Advisory Group that guided UN OCHA in refining the research methodology and providing feedback in improving the draft of the study on the impact of protracted internal displacement. This study, entitled “Breaking the Impasse” was eventually launched at the UN Headquarters in New York in June 2017. The study emphasized on the need for a new approach to end or reduce vulnerability of internally displaced persons and move towards durable solutions. Case studies were highlighted including the Philippines.

III. Good Practices in Protecting and Promoting the Rights of Children in Humanitarian Situations:

18. Amidst the many challenges in child protection in humanitarian situations, the CHRP has observed many good practices that have emerged from the response provided by the CHRP, other government agencies, non-government organizations, and the affected populations themselves. While the success of these actions are, of course, context-specific, it is still worthwhile to note these good practices as guidance for future action.

III. 1. Mechanisms for the Protection of Children:

19. One good practice on child protection and gender-based protection was observed in the evacuation centers in Saguiaran, Lanao del Sur, where a number of IDPs agreed to form a security group among themselves. This security group stayed up all night and patrolled round the clock to protect the other IDPs, especially the women and children.¹⁹ Government mechanisms also helped in ensuring that children are protected in crisis and conflict situations. In Region 1, the Philippine National Police (PNP) Women and Child Protection Desk, the PNP Human Rights Action Office, and the CHRP Regional Office signed a Memorandum of Agreement for the purpose of strengthening the protection for women and children, including during humanitarian situations.²⁰ The Regional Committee for the Welfare of Children (RCWC) in Region I promotes children’s participation rights by including children representatives in the committee. CHRP Regional Office V also noted strengthened partnerships with the PNP, government line agencies, local government units, and civil society organizations in coming up with mechanisms on child protection.²¹

¹⁸ Report of the Children Cluster during the Joint Monitoring Mission dated 1-5 July 2017

¹⁹ Reported by CHRP Region X.

²⁰ Reported by CHRP Region I.

²¹ Reported by CHRP Region V.

20. Community-based Dialogues (CBDs) also promote child protection by providing a venue where children's security issues could be discussed by the CHRP, local stakeholders, and the military. CBDs help stakeholders arrive at peaceful resolutions to community security matters through a human rights based approach, ensuring that human rights principles (i.e. accountability, responsibility, non-discrimination, transparency, and rule of law) are observed. In the Cordillera Administrative Region, a CBD was held after a minor was hit by a piece of shrapnel during an armed encounter between the Armed Forces of the Philippines (AFP) and the New People's Army (NPA). The CBD allowed the stakeholders to discuss how armed conflict affects the rights of children.²²

21. The Commission on Human Rights is a member of the Inter-Agency Committee on Children in Armed Conflict (IAC-CIAC) and the Country Task Force on Monitoring and Reporting-Grave Child Rights Violations - Technical Working Group (CTFMR-TWG). As a member of IAC-CIAC the CHRP, represented by Comm. Leah C. Tanodra-Armamento, Focal Commissioner on Children, works closely with concerned agencies in the implementation of the enhanced CIAC Program Framework, to include the conduct of Human Rights trainings, advocacy and information campaigns, and the monitoring, reporting, and response system for grave child rights violations in conflict (GPH MRRS). Likewise, the CHRP as a member of the CTFMR-TWG, sits with other UN agencies and NGOs to monitor and give updates on GCRV cases, and provide inputs on a quarterly basis to the Global Horizontal Notes (GHN).²³

22. The CHRP Region XII is an active member of the Country Task Force on Monitoring and Reporting-Grave Child Rights Violations - Technical Working Group (CTFMR-TWG) in Mindanao. The said office has been participating in the ground activities geared toward the implementation of the final benchmark of the UN-MILF Action Plan on the Identification and Disengagement of Children Associated with the Moro Islamic Liberation Front, Bangsamoro Islamic Armed Forces (MILF-BIAF). Our RO XII led by OIC Director, Atty. Erlan Deluvio and Special Investigator Mike Penalosa has joined the teams witnessing the Release Ceremonies in various Base Camps of the MILF-BIAF.

III.2. Child Participation and Welfare in Humanitarian Assistance and Monitoring:

23. Meaningful humanitarian assistance takes into consideration the needs of the population to be served. In Region X, humanitarian organization seek children's view on their preference in receiving humanitarian aid, particularly with regard to clothing provision. The Maranao IDP girls in Buru-un, Iligan City were consulted on the clothing they were to receive, considering their cultural and religious practices.²⁴ In Zamboanga City, the CHRP Regional Office IX conducted informal focus group discussions with children to ask for their views regarding their conditions in the transitory shelters.

24. The CHRP Regional Office V also provided stress-debriefing and relief assistance during their monitoring missions,²⁵ while CHRP Regional Office VIII established a child-friendly space at the regional office premises to encourage children to play and overcome their traumatic experiences from the Typhoon Yolanda (TY Haiyan) 2013 disaster.²⁶ During the Zamboanga City crisis in 2013, CHRP Regional Office IX conducted a human rights caravan for the children from two transitory sites, where the following activities were held: 1) short talk on children's rights; 2) stress debriefing

²² Reported by CHRP Region V.

²³ Internal quarterly situational update on documented GCRV SAC and updates on developments in response during the period covered.

²⁴ Reported by CHRP Region X.

²⁵ Reported by CHRP Region V.

²⁶ Reported by CHRP Region VIII.

through a short animated film on war and its effect on children; and 3) film showing on children's rights.