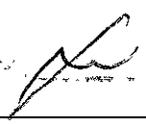


10 JUL 21 2014

SENATE

P. S. Res. No. 40

RECEIVED BY 

Introduced by Senator Manuel "Lito" M. Lapid

RESOLUTION

DIRECTING THE APPROPRIATE COMMITTEES IN THE SENATE TO CONDUCT AN INQUIRY, *IN AID OF LEGISLATION*, INTO THE SERIES OF REPORTED INCIDENCE ON THE ENGAGEMENT OF CHILDREN AS CHILD SOLDIERS IN ARMED CONFLICTS IN MINDANAO AND OTHER CRITICAL AREAS IN THE COUNTRY, WITH THE END IN VIEW OF URGING THE PARTIES INVOLVED TO COMPLY WITH OUR INTERNATIONAL TREATY OBLIGATIONS ON THE NON-ENGAGEMENT OF CHILD SOLDIERS IN COMBAT SITUATIONS AND TO PROVIDE THE LEGISLATIVE FRAMEWORK THAT WOULD MAINSTREAM THE ISSUE OF CHILD SOLDIERS INTO THE PRIORITY AGENDA OF THE GOVERNMENT IN ORDER TO PREVENT THE RISING INCIDENCE OF RECRUITMENT OF CHILDREN AS CHILD SOLDIERS

WHEREAS, the Philippines is a party to international instruments on the protection of children from involvement in armed conflict. It is one of the countries that signed and ratified the U. N. Convention on the Rights of the Child without any reservation. This international instrument states that children and youth below 18 require special protection because of their physical and mental immaturity and all nation states who ratified the UNCRC should implement the provisions of the Convention;

WHEREAS, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict which came into force in February 2002 specifically bans the direct use of all children under the age of 18 in hostilities and prohibits all armed groups to use children below 18 years old as combatants in armed conflicts;

WHEREAS, in May 2000, the UN General Assembly adopted the Optional Protocol (OP) on the Involvement of Children in Armed Conflict, which has increased the age standard for recruitment to 18 years and the Philippine government ratified it on August 26, 2003;

WHEREAS, in October 2000, the Republic of the Philippines also ratified the International Labor Organization Convention 182 (ILO 182), which strongly condemns forced or compulsory recruitment of children under 18 for use in armed conflict as one of the worst forms of child labor;

WHEREAS, the our country's ratification of the UNCRC, ILO 182, and the Optional Protocols reaffirms the country's commitment to protect children and safeguard their rights;

WHEREAS, a "child soldier" is referred to as a person under the age of 18 who is a member of or attached to an armed forces or any other regular or irregular armed force or armed political group, whether or not an armed conflict exists;

WHEREAS, the protection of children in situations of armed conflict is also stipulated in Article X (22) (b) of Republic Act No. 7610 which provides that: "children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units of other armed groups and shall not be allowed to take part in the fighting, or used as guides, couriers, or spies." Moreover, Section 3 of the implementing rules and regulations of Article X of RA 7610 states that: "children shall not be recruited or employed by government forces to perform or engage in activities necessary to and in direct connection with an armed conflict either as soldier, guide, courier or in similar capacity which would result in his being identified as an active member of an organized group that is hostile to the government forces.";

WHEREAS, the International Programme on the Elimination of Child Labour (ILO-IPEC) estimated that anywhere from 10 to 30 percent of the children in any given community influenced by either the CPP-NPA, MILF or MNLF are drafted as child soldiers. This means that if there is a child population of 10,000 to 15,000 in such a community, anywhere between 1,000 and 4,500 of them are child soldiers;

WHEREAS, the same ILO-IPEC study indicates that child soldiers in the Philippines perform a range of tasks including participation in combat, laying mines and explosives; scouting, spying, acting as decoys, couriers or guards; training, drill or other preparations; logistics and support functions, portering, cooking and domestic labour. Facing the daily threat of being killed, injured, captured, tortured and raped, child soldiers are denied of their rights to be protected from all forms of maltreatment, abuse and neglect;

WHEREAS, the Philippines is one of the many countries where there is evidence of children being directly or indirectly used in ongoing or recently ended conflicts. Cases of child soldiers have been documented in many areas where armed groups like the Communist Party of the Philippines - New People's Army (CPP-NPA), Moro Islamic Liberation Front (MILF), and the Abu Sayyaf Group (ASG) and their respective splinter groups are active. Despite pronouncements and directives from both the NPA and MILF that children are not to be recruited as soldiers, the media, concerned non-governmental organizations (NGOs), and military reports confirm the existence of child soldiers in the field;

WHEREAS, the participation of children as combatants in armed conflicts has grave consequences on the physical and mental health of the child soldiers, who generally end up with scars, permanent damage to bodily movements or functions or deteriorated health. The psychological effects of direct or indirect participation in the conflicts are fear and anxiety, helplessness and apathy, loss of self-esteem and other serious psychological consequences, including mental disorder;

WHEREAS, direct involvement of children as combatants in armed conflicts violates the children's right to be given all the opportunities that will help them develop their potentials and grow into well-rounded and secure individuals. Child soldiers, living under harsh conditions, are often denied of their rights to the highest health and medical care attainable and their rights to an adequate standard of living;

WHEREAS, there is a urgent need to mainstream the issue of child soldiers into the priority agenda of the government and to implement a comprehensive program on the reintegration and rehabilitation of child soldiers and ensure the rapid restoration of access to education of former child soldiers;

WHEREAS, there is an urgent need to call upon national government to prevent the rising incidence of recruitment of children as child soldiers and to implement holistic and comprehensive conflict prevention measures, including conflict prevention initiatives, mediation, child protection networks, early warning and response systems, alternatives for adolescents at risk, and the promotion of conflict resolution skills and education;

WHEREAS, there is an urgent need to conduct a comprehensive study that would detail the information on the nature and extent of the use of child soldiers in the country in order to determine priorities for national action for the abolition of the engagement of child soldiers in combat situations, in order to comply with our international treaty obligations.

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED to direct the appropriate Committees in the Senate to conduct an inquiry, *in aid of legislation*, into the series of reported incidence on the engagement of children as child soldiers in armed conflicts in Mindanao and other critical areas in the country, with the end in view of urging the parties involved to comply with our international treaty obligations on the non-engagement of child soldiers in combat situations and to provide the legislative framework that would mainstream the issue of child soldiers into the priority agenda of the government in order to prevent the rising incidence of recruitment of children as child soldiers

ADOPTED,


MANUEL "LITO" M. LAPID
Senator