

NDFP's DEFENSE OF THE RIGHTS OF THE FILIPINO CHILD

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**NATIONAL DEMOCRATIC FRONT
OF THE PHILIPPINES**



1.

The NDFP's Defense of the Rights of the Filipino Child

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What Most Filipino Children Suffer

At least 90 percent of Filipino children suffer gross human rights violations under the semicolonial and semifeudal ruling system of the comprador big bourgeoisie and landlord class. They are victimized by the same foreign and feudal oppression and exploitation that torment their worker and peasant parents.

They live in appalling conditions of poverty and gross deprivation. They are malnourished and are prone to illness. They have extremely limited or no access to education, health care, medicine and proper housing. The overwhelming majority of them do not go beyond grade 4 and generally retrogress into illiteracy and innumeracy. Long before they reach the age of 15, they engage in hard labor to help their parents in eking out the subsistence of the family. The overwhelming majority of children live in the countryside under feudal and semifeudal conditions



Children separating gold ore from mineral rocks in the Cordilleras in Northern Philippines (photo by bulatlat.com)

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and they take part (often as unpaid labor) in agricultural production, some primary processing of the products and hand-crafts.

Under the system of export-oriented semi-manufacturing, children are harnessed as cheap wage labor to



To help his family survive, this boy does seasonal work in a sugar plantation in Central Luzon

do piece work either in their own homes, in plantations or in makeshift sweatshops in urban slums and village communities. They are made to work for long hours, at times extending beyond 12 hours, at subhuman wages. A considerable number of children take to the streets to engage in petty peddling and other odd jobs in order to augment the inadequate incomes of their parents or make up for their parents' lack of employment.

Street children are exposed to extremely degrading conditions. Some of them are drawn to petty crimes, prohibited drug use and prostitution. They experience daily extortion and bullying from the police and are vulnerable to sexual molestation. They are often rounded up and dumped into crowded jails where they are mixed with hardened criminals. Here some of them are



Concrete drainage pipes provide sleeping quarters for children in Zamboanga City in Mindanao

recruited as runners between the corrupt police officers and crime gangs and generally they are further abused by their hardened criminal cellmates.

The worst cases involve the murder and trafficking of children. In a southern city, street children are murdered by the police when-



These two children, aged 9 and 10, were arrested for theft and jailed with 18 other children and 16 adults in a small cell (photo by PREDA)

ever the local authorities want to show off that they are suppressing street crimes, drug trafficking and burglaries in wealthy subdivisions. There is also the trafficking of children for illegal adoption, for making them sex slaves or sometimes for the sale of their internal organs abroad.

Not only the children of workers and peasants are vulnerable to human rights violations. Children of low middle class parents who go abroad in large numbers and take up menial jobs are left behind and also become susceptible to the risks of being without direct parental attention and motherly care. In these cases, the violations of the rights of the child are often veiled by the illusion that the remittances of their parents take care of everything.

The children of the Bangsa Moro and other national minorities suffer not only the class exploitation and oppression of the workers and peasants. They also suffer national discrimination in general and specific terms. The Manila-based authorities know well how to deliver the rich natural resources and cheap labor in the areas of the national minorities to foreign plantation and mining corporations and to local exploiters. But they allot extremely low public funds for the



Aeta children scraping the bottom of a big but none too full pot



The lack of classrooms especially in the countryside has forced many teachers and pupils to hold classes outdoors (photo by arkibongbayan.com)

education, proper nutrition and health care of children and nursing mothers. There are no resources available for promoting intercultural understanding to combat discrimination at all levels.

Filipino children of the toiling masses in any ethno-linguistic community in the Philippines are usually made invisible or of less concern by the powerful and wealthy in the current social system. When the sight of them cannot be denied, because genuine advocates of their rights call attention to them, they are often regarded as merely the objects of pity and not as conscious and active actors in gaining respect for and fulfilling their rights. There is an ever urgent need to arouse, organize and mobilize the children to fight for their own rights and interests.

Comprehensive NDFP Position on Child Rights

The National Democratic Front of the Philippines (NDFP) concerns itself with the rights and welfare of the millions of children below 18 years of age by addressing the root causes of the violations of the rights of the child. These root causes are in the rotten ruling system of oppression and exploitation, of extreme wealth for a few and extreme poverty for so many. In the concrete, the NDFP defends the children from the assaults on their rights by the three evils in semicolonial and semifeudal Philippine society: foreign monopoly capitalism, feudalism and bureaucrat capitalism.

The NDFP upholds, defends and promotes the rights of the child in accordance with its own principles, policies and regulations as well as with

the international norms and standards set forth directly and indirectly in conventions and treaties. It has a program for the Filipino people to work and fight for national liberation and democracy against the foreign and local oppressors and exploiters. It aims to uphold national sovereignty and empower the working people, to carry out land reform and national industrialization, to foster a patriotic, scientific and democratic culture and to pursue an independent foreign policy for world peace and development.

The NDFP requires the working committees on education under the organs of political power, the designated teachers for elementary and high school education and the mass organizations (especially of the teachers, women, youth, children and cultural activists) to realize the educational program of children below the age of 18 years in the areas under the people's self-government. Public school teachers of the GRP are encouraged to perform conscientiously their teaching functions and to promote patriotic and democratic values, ideas and practice among the children.

The NDFP looks after the health of the mothers and children, promotes health education, healthy diet and sanitation and directs the building of a system of disease prevention and health care delivery. The working committees on health under the organs of political power and the mass organizations of health workers cooperate with the other mass organizations and the health department of the New People's Army. The health system includes professional health workers and local paramedic volunteers. Day care cen-



Teaching basic literacy and numeracy as well as health education in an area under the control of the NDFP

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ters or systems of collective or shared child care are established wherever possible.

The parents are advised to keep in school their children who are 15 years and below and to let them perform tasks that are commensurate to their age and that do not prevent study time at home. Due to extreme poverty, the children as young as 8 or 9, as long as they are able-bodied, want to participate in the work of adults. Nevertheless, the organs of political power and the mass organizations prohibit exploitative practices in farms, plantations and sweat shops. Children below 18 and above 15 are given basic instructions and training on how to protect in cooperation with their parents and the rest of the community their family and community from the assaults of the GRP military, police and irregular forces.

The NDFP encourages the organs of political power and the mass organizations of youth, women, teachers and cultural activists to set up children's organizations in recognition of the right of children to uphold and advance their own rights and participate in social transformation on the basis of their capacities and capabilities.



Children exercise their rights by participating in various activities organized by the organs of political power

signing of the Convention on the Rights of the Child and related conventions and treaties by the GRP, avowedly in favor of the children, amount largely to hogwash because they are used merely to prettify a system that oppresses and exploits the toiling masses of workers and peasants and their children.

The NDFP takes pain to stress to all entities honestly concerned with human rights in general and the rights of the child in particular to take a comprehensive and profound view of the fact that human rights violations against

The Government of the Republic of the Philippines (GRP) is a gross violator of the rights of the child for as long as it is the instrument of the oppressive and exploitative ruling system. All the policy proclamations and legislation and

the toiling masses of workers and peasants, women and children are rampant in the Philippines, whether the people wage armed resistance or not. And when armed conflict occurs, it is the military, police and irregular forces of the GRP that wantonly unleashes the unjust violence to preserve the unjust ruling system.

The US and other imperialist governments and their puppet governments like the GRP are today using their official agencies and those of the United Nations as well as certain imperialist-funded nongovernmental organizations, academic



Garbage dump provides shelter and livelihood for many urban poor children

hacks, ideologues and publicists to obfuscate the fact that human rights violations are generated by systems of oppression and exploitation, such as the world capitalist system and domestic ruling system of the exploiting classes, and to make it appear that armed revolutionary movements for national liberation are responsible for human rights violations.

From the viewpoint of the armed revolutionaries, the oppressed and exploited people have no choice but to wage a just war of national liberation, strive for victories and thus have hope of fundamental change for the better. They cannot simply allow the oppressors and exploiters to escalate oppression and exploitation. The absence of the people's armed resistance does not put a stop to human rights violations. In fact, it emboldens the escalation of human rights violations through the daily violence of exploitation.

Indeed, the imperialists and their minions are busy escalating exploitation and oppression under various slogans. With the slogan of "free market" globalization the monopoly capitalists inflict a vicious assault on the national industries and economies of the undeveloped countries, on the hard-won trade union and social rights of the working class and people and on the social and natural environment. With the slogan of "preemptive war on ter-

ror" they justify wars of aggression against assertively independent states and the open rule of terror against national liberation movements and the people of the world.

Child Rights as Issue in the Civil War

The ideologues, politicians and publicists of imperialism and puppetry constantly devise "new language" to discredit and stigmatize the national liberation movements. Semantically they frame and denigrate these as "nonstate actors" to be contraposed to what is presumed as "duly-constituted state actors." Then they proceed to misrepresent the "nonstate actor" as "terrorist" and pontificate that the latter can undo the misrepresentation only by capitulating to the oppressive state and betraying the people.

The NDFP represents in peace negotiations with the GRP the people's democratic government which is the co-belligerent of the GRP in the current civil war. This people's democratic government has effective power over an extensive population and territory. It is led by the Communist Party of the Philippines (CPP). It has the New People's Army (NPA) as main component of state power. The NDFP encompasses a wide array of political forces and mass organizations. In fact, two states now exist in the Philippines: one is revolutionary, representing the people's democratic power, and the other is



More than 300 people attended the celebration of the 36th anniversary of the CPP, an allied organization in the NDFP, in Quezon in Southern Luzon

counterrevolutionary, representing the foreign and domestic oppressors and exploiters.

In peace negotiations with the GRP, the NDFP represents the people's democratic government, which has its own constitution with a bill of fundamental rights. As a belligerent force under international law, the NDFP has proclaimed its Unilateral Declaration of Undertaking to Apply the Geneva Conventions and its Protocols and has deposited it with the Swiss Federal Council. The GRP and the NDFP have succeeded in forging and approving the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) by acting as co-belligerents equally using the International Bill of Rights and the International Humanitarian Law as frames of reference.

Since 1988, ahead of the Convention on the Rights of the Child, the Communist Party of the Philippines and the New People's Army have categorically adopted the policy of prohibiting the recruitment of children below 18 to serve as combatants. And time and again the NDFP has declared that both its policy and the law of the people's democratic government prohibit the NPA from recruiting children below the age of 18 to serve as combatants that can be deployed for military offensive campaigns and operations.

Those between the age of 15 and 18 may be trained and directed by the mass organizations not for the purpose of participation in combat or hostilities but for the purpose of safety and self-defense in their own homes and communities. They are civilians and are not required to carry firearms. They are no more military combatants or actual soldiers than high school and college students engaged in preparatory or basic military training. In this regard, the position of the NDFP and the people's democratic government is far more advanced than the standard set by the Geneva Conventions. Such standard allows the military recruitment of children or youth from the age of 15 to 18, provided within this age bracket priority is given to the recruitment of the older ones.

However, certain malicious detractors of the NDFP and the people's democratic government, in UN and US official agencies and imperialist-funded nongovernmental organizations define a so-called child soldier as anyone below 18 years of age, who may simply be in a community under attack by the armed forces of the reactionary state and who even if without arms may be misrepresented as combatants for being presumably lookouts, spies, porters, messengers, cooks and what else of the NPA. It now becomes a crime just to be a Filipino child living in a community under attack by the GRP military, police and paramilitary forces. By lumping the NPA with certain irregular forces in Africa, there is even the insinuation that the NPA could be



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The second youngest in her family, this NPA member is now big sister to numerous younger brothers and sisters in the guerrilla front

recruiting children as sex slaves. This shows complete ignorance of the strict Family Code of the people's government, which governs courtship, marriage and family relations. *

There are those slanderers who have faked researches and findings, blatantly using hearsay, and have come up with such fantastic claims that from 10 to 30 percent of children in NPA areas are "child soldiers." These claims are patently false because they would make the number of NPA fighters run into hundreds of thousands, instead of the well-known varying estimates of 7000-12,000 NPA fighters made by the

Armed Forces of the Philippines (AFP). The shallowest kind of slander has been made by a foreigner who upon mere sight of short-sized NPA fighters concluded that they were children below 18. Filipino adults are often 4'10" to 5'2" in height. An American or European can easily mistake Ka Roger Rosal, CPP spokesman, for a teenager.

There are those who have capitalized on a handful of false cases of "child soldier" fabricated by the GRP military psywar experts and have extrapolated these into a far bigger number of "child soldiers" supposedly arrested by the GRP military and police. These are belied by the records of the Joint Monitoring Committee (created by CARHRIHL) and by earlier reliable records. In the well-known case of the child Edfu de la Cruz, the GRP military misrepresented him as a "child soldier" and actually subjected him to a series of human rights violations. He was seized by AFP troops while he was outside of his home. They forced him to tell them in which house were his parents and they proceeded to strafe the house and murder his parents. Then he was misrepresented and humiliated before the press as NPA "child soldier." He was illegally detained indefinitely in the compound of the Department of Social Welfare and Development (DWSD). His grandmother and other close relatives were prevented from taking him home, until the demands of the NDFP in the peace negotiations and public opinion compelled the authorities to release him.

* see page 75.

All entities spewing out the propaganda that the NPA recruits "child soldiers" below 18 years and that there is a high proportion of NPA "child soldiers" among the children below 18 years in NPA areas are themselves violators of the rights of the child. They play loose with the definition of the so-called child soldier. Anyone below 18 who is alleged to have any role in the NPA, even if a noncombatant, is a child soldier. In a perversion of justice and due process, they put on the NPA the burden of proving that it has no "child soldiers" and they do not bother to bring their accusations and evidence to the GRP-NDFP peace negotiations or the Joint Monitoring Committee under CARHRIHL.

After four years of existence the UNICEF-funded Philippine Coalition to Stop the Use of Child Soldiers has not attempted to establish direct communication with the NDFP. Even the UNICEF has neither presented positive proof nor asked the NDFP to comment on the researches (which is normal academic practice) that it has used to conclude that there are child soldiers in the NPA.

The detractors have maintained a hypocritical silence over the well-proven misrepresentation of children as "child soldiers," as in the well-documented cases of Edfu and others. They thus make themselves party to the violation of the rights of these children by acquiescing to the military psywar labelling the children as "child soldiers." The UN and UNICEF have not engaged the NDFP in serious dialogue but have preferred



Edfu de la Cruz was promised his freedom by the military if he would dismantle and reassemble a rifle in front of TV cameras to "prove" that he is a "child soldier"

to rely on the false claims of the GRP military and some NGO entrepreneurs with special axes to grind against the NDFP.

Contrary to their claims that they defend the rights of the child, the detractors of the NPA actually pave the way for the GRP military, police and irregular forces to arrest, detain, torture and murder children in their own homes and communities. In their attempt to demonize the NPA, they spread the propaganda that children in communities suspected of being pro-NPA are fair game for military attack. They also conceal the crimes of the armed minions of the GRP and make the large-scale real violators of the rights of the child appear innocent of their crimes.

Gross Violations of Child Rights in GRP Military Campaigns

The outlandish and irresponsible definition of the so-called child soldier emboldens the military, police and irregular forces of the GRP to perpetrate the worst violations of the rights of the child when they unleash campaigns of suppression against the people and areas suspected of supporting the revolutionary movement. The aggressors justify their brutal attacks on the children because supposedly these are active members or reserves of the NPA. They direct lethal fire at children whom they subsequently misrepresent as NPA fighters.

GRP military campaigns of suppression often involve the wanton killing of adults and children through bombings, artillery fire, strafing from airplanes and by infantry, looting and burning. After the GRP troops secure control of a village, children who are estimated to be at least 10 years old are at risk of being falsely accused as NPA combatant and being arbitrarily arrested, beaten up, tortured or murdered. In fact, it is an old continuing practice of GRP troops to feel out the shoulders of such children supposedly to find



Bimbas Abubakar (left), accused and arrested for being an Abu Sayyaf member when he was 14 and now 18, here bloodied after the military stormed the prison in response to detainees protesting the inhuman prison conditions

out whether the shoulders are hard enough to indicate frequent carrying of rifles. The GRP troops continue the tradition set by US General Jacob Smith in Samar during the Filipino-American War when he ordered the killing of all Filipino males who were at least 10 years old and supposedly old enough to carry a gun.

Increasingly, the military and police of the GRP abduct the children from suspected NPA-supporting communities and misrepresent them to the mass media as so-called child soldiers of the people's army. Then these children are detained in compounds of the DWSD or in municipal or city jails and the closest

relatives are prevented by orders of the military from visiting them and bringing them home. These children detained in such a manner are relatively better known to the public, especially when there is military psywar in the press that these children are NPA combatants. In such cases, human rights organizations can quickly move to get the facts against the false claims of the military. In the worst cases, the children who are detained in military camps and forced to become orderlies and sometimes sex slaves are practically closed to human rights organizations for prompt investigation and documentation, unless the parents and other close relatives and mass organizations of the child or children concerned approach the human rights organizations for assistance.

Whenever they target an area for military suppression, the GRP military, police and irregular forces engage in food blockades, force the people to evacuate or let them stay in their community under the terms of the concentration camp or "strategic hamlet." Under conditions of food blockade or forced mass evacuation, the worst harm is inflicted on so many children. They go hungry, become sick without health care and have no chance to go to school for a long time. When the people are made to stay in their village, the troops occupy the school house as barracks and deprive the children of schooling.

In evacuation centers, the children are mainly the casualties. They are hit



These sleeping children in this refugee center in Surigao del Sur in Mindanao are among the more than 600 malaria-afflicted children who were driven from their homes by the Armed Forces of the Philippines (photo by bulatlat.com)



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the hardest by outbreaks of diseases, like diarrhea, respiratory illness, measles and the like. They are also vulnerable to sexual abuse due to the flimsy accommodations, if any. If they survive, long after suffering hunger and illness, they will bear for a long time in their adulthood or until the end of their lives the invisible scars from their traumatic experience and will have serious difficulties in attaining normalcy or relating to conditions as they grow up.

Harsh World for the Children and the People's Resistance

The children of today live in an unprecedentedly harsh world, in which US imperialists and their followers can violate human rights with impunity and stigmatize the victims as the culprits. Under the auspices of the United Nations, the IMF, World Bank and the WTO coordinate the exploitation of the people of the world under the inhuman neoliberal economic policy. The US and other imperialist powers have used the UN repeatedly to justify, facilitate, carry out, prolong or prettify aggression and repression.

How many children in Iraq were killed by being deprived of food and medicine under the UN and US-UK policy of economic sanctions for more than ten years? At least 500,000 children. And how many more children have been killed by the US war of aggression against Iraq and Afghanistan and by



The entire Blanco family, including 3-year-old John Kevin Blanco (foreground), 1-year-old Dexter and an 8-month-old unborn child (in mother's coffin), members of a Mangyan community, was massacred by elements of the 16th Infantry Battalion on July 21, 2003 in Mindoro Occidental in Southern Luzon



the murderous policies and acts of the occupation and puppet government? How many of the children have been felled by disease for lack of clean water and proper food and have been deprived of education due to the destruction of the social infrastructure? How many children are scarred for life by the traumatic experience of the cruelties of aggressive war?



Nicanor de los Santos Jr. expresses defiance at the killing of his father, a leader of the Dumagat tribe in Rizal province and a coordinator of the partylist Bayan Muna (People First), who was accused of being an NPA and killed by ten military men in December 2001

Further, how many more children are to be killed, maimed or traumatized by cruel sanctions and wars of aggression as the US continues to impose its imperialist power on the entire Middle East, Central Asia, South Asia, East Asia and elsewhere?

The US and its bilateral and multilateral instruments (including the UN) cannot claim moral authority whatsoever to sit in judgment of and discredit genuine national liberation movements. It is clear that the US and its imperialist and puppet allies exploit the issue of human rights and humanitarianism as the pretext for military intervention and aggression.

Thus they work hard to manipulate the highly emotive issue of child rights and invent stories of the violation of child rights by the revolutionary forces in order to discredit the very people and the revolutionary forces that oppose the system that exploits and oppresses children and that therefore violates their rights in so many ways.

But the people of the world know better than to let the US and its accomplices go on violating the national and democratic rights and the entirety of human rights, including those of women and children. They are rising up to resist imperialist war and plunder. They want to build a new and better world in which they can enjoy the blessings of national independence, democracy, social justice, development and world peace. ■

2.

A Profile of Filipino Children

Child population: Nearly half (47%) of the 77 million population of the Philippines in 2000 is below 19 years old, with males (51%) in this age group slightly outnumbering the females (49%). A comparison with selected Asian countries show the Philippines to have the youngest population (0-14 yrs).

Share of 0-14 yr old to population (2000)

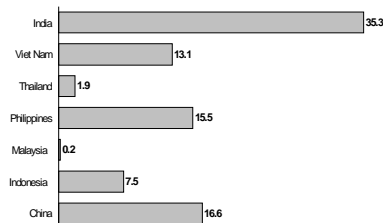


Poverty incidence: The GRP has come up with two highly contrasting estimates of poverty incidence or the number of poor people. The National Statistics Office puts the number of poor in 1997 at 36.8% of the population, which in 2000 increased to 40.0%, while the National Statistical Coordination Board puts poverty incidence in 1997 at 28.1%, increasing slightly to 28.4% in 2000.

The World Bank estimates that 44% of the population in 2003 lived on less than \$2/day or PhP4,500 a year.

The Philippines has one of the highest poverty incidence (those living below \$1/day) among Southeast Asian countries in the comparison, higher even than Vietnam. Only India and China have higher poverty incidence.

Population living on \$1 or less a day

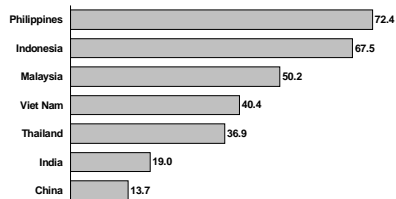


Landownership: Of the 4.8 million registered landowners in 2002, only 1/3 owned 80% of all agricultural lands. 70% of peasants did not own the land they till.

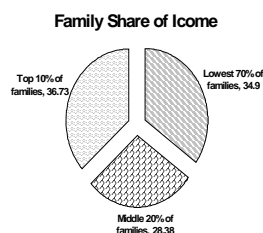
Debt: Foreign debt grew from US\$ 600 million in 1965 to US\$ 27.2 billion in 1986 to US\$ 60 billion by June 2005. Local debt rose from PhP 144.4 billion in 1986 to PhP 521 billion in 1992 to PhP 2.5 trillion in 2005. Total foreign and local public debt is PhP 6 trillion. The Philippine public debt/GDP ratio has risen from 56% in 1997 to 80% in 2004.

The Philippines is the most indebted country in the comparison, having the highest external debt to gross national income (GNI) ratio.

External Debt to GNI ratio (2003)

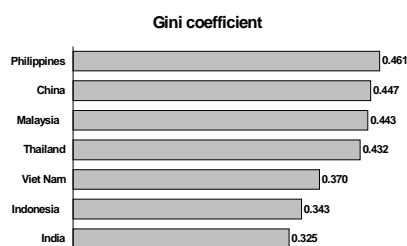
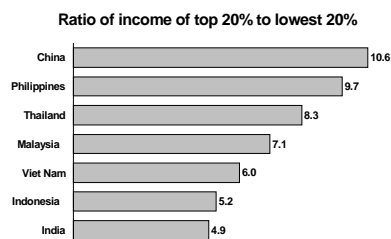


In 2004, interest and principal amortization payments ate up 81% of the GRP's revenues. In 2005, debt service will eat up 94% of its revenues.



Average family income has declined by more than 10% from P145,121 in 2000 to P130,594 in 2003.

Income inequality: In 2003, the top 10% of families got 37% of total income, while the lowest 70% got only 35%. Comparison with selected Asian countries of the ratio



of the income of the top 20% to the income of lowest 20% has the Philippines coming second after China, although using the Gini coefficient as measure the Philippines has the most unequal distribution of income.

Unemployment: The chronic rate of unemployment is more than 40% which is arrived at by adding the officially admitted unemployment and underemployment rates (the latter ranges between 9.5% and

31% and higher using various definitions). Based on official figures in July 2004, out of a total labor force of 35.8 million, 4.2 million (11.7%) are unemployed. Of those employed, 4.9 million (15.6%) are found in the formal sector and 26.7 million in the informal sector, most of whom are also underemployed.

Despite supposed economic growth, official unemployment has remained in the double-digits and increasing and is the highest in the comparison.

	Unemployment				
	2000	2001	2002	2003	2004
Philippines	11.1	11.1	11.4	11.4	11.8
Indonesia	6.1	8.1	8.9	9.1	9.6
Viet Nam	6.4	6.3	6	5.8	5.6
China	3.1	3.6	4	4.3	4.2
Malaysia	3.1	3.6	3.4	3.6	3.5
Thailand	3.6	3.3	2.4	2.2	2.1

Overseas workers: Because of the lack of domestic jobs, overseas workers now constitute 10% of the population. They remitted \$8.5 billion in 2004.

Child labor: In 2001, child workers numbered more than 4 million and are 16% of the population aged 5-17. Of all child workers, 6% are aged 5-9, with the remaining 94% split almost equally between the age groups 10-14 yrs (48%) and 15-17 yrs (46%).

Child labor has also worsened, with 13.6% of families in 2004 having working children, up from 12.6% in 2002, with the increase due mainly to the lowest 30% of families whose share of child workers grew from 20.7% to 23.1%.

Child labor is primarily a rural, agricultural and male phenomenon. More than 70% are found in rural areas and 53% are in agriculture. Males comprise 63% of all child workers.

Nearly half of all child workers (48.8%) worked 2 days or less, while almost 20% worked from 5 to 6 days. Nearly 15% worked from 3 to 4 days and 14% worked seven days.

More than half of all child workers worked 1 to 4 hours a day while 37% worked 5 to 8 hours.

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More than 21% of child workers are considered to be working under hazardous conditions.

Life expectancy at 68 for both sexes is the third lowest in the comparison after India and Indonesia. Life expectancy for males (65) is second lowest in the comparison. The gap between females and males is also among the widest (6 yrs).

Life expectancy at birth (2003)			
	Both sexes	Males	Females
Malaysia	72	70	75
China	71	70	73
Viet Nam	71	68	74
Thailand	70	67	73
Philippines	68	65	71
Indonesia	67	65	68
India	62	60	63

Infant mortality went down between 1990 and 2003. Malnutrition is the cause of 60% of young child and infant deaths.

Infant Mortality Rate (per 1,000 live births)		
	1990	2003
India	84	63
Indonesia	60	31
China	38	30
Philippines	45	27
Thailand	34	23
Viet Nam	38	19
Malaysia	16	7

Under-five mortality: The Philippines stands in the middle of the comparison with Asian countries at 36 per 1,000. The Philippines is one of the 42 countries that account for 90% of global deaths among under five (5) infant and young children. The under-5 mortality rate is now higher than the infant mortality rate.

Under five mortality rate (2003)			
	Both sexes	Males	Females
India	87	85	90
Indonesia	41	45	37
China	37	32	43
Philippines	36	39	33
Thailand	26	29	24
Viet Nam	23	26	20
Malaysia	7	8	7

Maternal mortality at 200 per 100,000 live births is the highest in Southeast Asia except Indonesia.

Maternal mortality ratio per 100 000 live births (2000)

India	540
Indonesia	230
Philippines	200
Viet Nam	130
China	56
Thailand	44
Malaysia	41

Underweight children: 34% of children under 5 years are underweight, the highest rate in Southeast Asia except Vietnam. Even Indonesia has fewer underweight children.

Prevalence of underweight children % of children under age 5 (1990)

Viet Nam	55
India	53
Philippines	34
Indonesia	26
Malaysia	23
Thailand	20
China	19

Immunization: The Philippines ranks third from the bottom before India and Indonesia in the number of children below 1 year old who have been immunized against measles. Moreover, the Philippines and China are the only countries which exhibited a decline since 1990.

Proportion of 1-Year Old Children Immunized Against Measles (%)

	1990	2000	2003
Thailand	80	94	94
Viet Nam	85	97	93
Malaysia	70	88	92
China	98	84	84
Philippines	85	81	80
Indonesia	58	72	72
India	56	56	67

Nutrition: Average daily supply of protein and calories per person in 2002 in the Philippines is lowest in the comparison. This means that the Philippines would also have the most number of people who are hungry. In fact, 22% of the population do not get the minimum energy requirement.

(2002)	Daily Per Capita (gms) Protein Supply	Daily Per Capita (cal) Calorie Supply
China	82	2,951
Indonesia	64	2,904
Malaysia	76	2,881
Viet Nam	62	2,566
Thailand	57	2,467
India	57	2,459
Philippines	56	2,379

	Proportion of Population Below Minimum Level of Dietary Energy Consumption (%) 2000-2002
Philippines	22
India	21
Thailand	20
Viet Nam	19
China	11
Indonesia	6
Malaysia	2

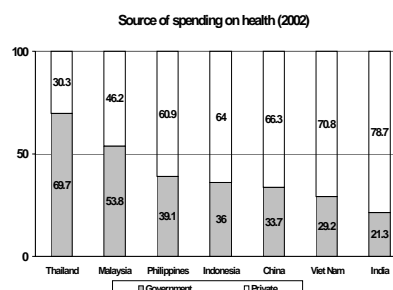
Disease: The Philippines is second after Indonesia in both prevalence of TB and deaths from TB.

	Tuberculosis prevalence per 100 000 (2000)	mortality rate
Indonesia	742	67
Philippines	582	61
India	431	41
Viet Nam	264	25
China	250	21
Thailand	225	18
Malaysia	128	15

Spending on health: The Philippines spent the least on health in 2002 as measured by total health spending as a proportion of GDP. Previously Indonesia had the lowest spending, but while Indonesia's spending has gone up during the last five years, that of the Philippines has gone down continuously.

	Total expenditure on health as % of GDP
	1998 1999 2000 2001 2002
India	5.2 5.7 6.3 6.1 6.1
China	4.8 5.1 5.6 5.7 5.8
Viet Nam	4.9 4.9 5.2 5.1 5.2
Thailand	3.9 3.7 3.6 3.5 4.4
Malaysia	3 3.1 3.3 3.8 3.8
Indonesia	2.5 2.6 2.8 3 3.2
Philippines	3.5 3.5 3.4 3.2 2.9

The Philippines is also among those countries where health spending predominantly comes from private pockets (61%).



Government spending on health: Government spending on health as proportion of total government expenditure is very low and had been declining since 1998. Only India spent less on health publicly.

	Government expenditure on health as % of total government expenditure
	1998 1999 2000 2001 2002
Thailand	12.4 11.5 11.8 11.5 17.1
China	13.3 11.8 10.3 10 10
Malaysia	5.1 6 6.1 6.5 6.9
Viet Nam	7.1 6.7 6 6 6.1
Indonesia	3.3 3.8 3.5 4.7 5.4
Philippines	6.5 6.5 7 5.8 4.7
India	5.2 4.8 4.6 4.4 4.4

Health personnel: The Philippines produces a lot of physicians, nurses and midwives but it has the lowest number of hospital beds per unit of population after India. The most recent data showing an accelerating rate of hospital closures will further reduce the ratio of hospital beds to population, with the Philippines perhaps overtaking India. This discrepancy is explained by the fact that the country produces health personnel in great numbers for export and not for domestic employment.

	Physicians	Nurses & midwives	Hospital beds
(per 10,000)			
China	16.4	9.6	25
Philippines	11.6	61.4	10
Malaysia	7.0	18.1	19
India	5.9	7.9	9
Viet Nam	5.7	7.7	24
Thailand	3.0	16.2	22
Indonesia	1.1	4.9	60

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Primary enrolment: Gross and net enrolment ratios at the primary level are high (similar to those of developed countries) but declining (in the 5 to 14 age group) especially among females. The large difference between the gross enrolment ratio and net enrolment ratio indicates that there are many under- or over-aged pupils.

Gross Enrolment Ratio Primary, Both sexes

	98/99	99/00	00/01	01/02	02/03
South America	128	129	128	126	125
China			118	116	115
Indonesia		108	110	111	112
Philippines	113		113	112	112
India	98	99	99	99	108
Asia	103	103	103	103	105
North America	104	104	105	104	104
Europe	103	104	104	103	104
Viet Nam	109	108	106	103	101
Oceania	94	95	95	94	96
Thailand	94	95	96	98	96
Malaysia	97	100	97	95	93
Africa	82	84	86	88	92

Net Enrolment Ratio Primary, Both sexes

	98/99	99/00	00/01	01/02	02/03
Viet Nam	96	96	95	94	
South America	95	95	96	96	97
Europe	94	96	95	95	95
Philippines			93	93	94
North America	94	94	95	94	94
Malaysia	97	99	97	95	93
Indonesia		91	92	92	92
Oceania	89	90	91	89	91
India		84	83	83	88
Asia		88	88	87	87
Thailand	80	84	87	86	85
Africa	60	61	63	64	67

Enrolment as % of the population of 5 to 14-year-olds

	2003		1995		Index change in enrolment rate (1995=100)	
	M	F	M	F	M	F
India	68	63	70	56	97	113
Indonesia	89	88	84	81	106	109
Malaysia	89	91	90	92	100	99
Philippines	82	83	84	89	98	94
Thailand	97	98	97	97	100	101

Survival rate: The Philippines has the lowest survival rate, both at the primary and secondary levels. The latest government survey indicates that the secondary school dropout rate has dramatically increased among poor families, with only 63% of those aged 13 to 16 remaining in high school in 2004, compared to 67% in 2002. An even more recent (2005) government study found out that 15 of 100 Grade 1 public school pupils do not enter Grade 2. Of 10 grade one pupils, only 7 will reach grade 6; for every ten 13-year old elementary graders, only 4 move on to high school; and for every 10 high schoolers, only 5 finish fourth year.

Survival rate, Both sexes

	Grade 4				Grade 5			
	98/99	99/00	00/01	01/02	98/99	99/00	00/01	01/02
China			100	99			100	99
Indonesia	97	92	93		95	89	89	
Malaysia		97	90				87	
Viet Nam	87	89	92	89	83	86	89	87
India	64	62	64	82	62	59	61	84
Philippines			82	79			79	76

Pupil-teacher ratio: The Philippines has one of the highest pupil-teacher ratios at the primary level and the highest (and increasing over the last five years) at the secondary level in the comparison. In 2006, the projected shortage of public school teachers at the primary and secondary levels is estimated to be 12, 131.

Pupil-teacher ratio, Primary

	98/99	99/00	00/01	01/02	02/03
India	35	40	40	41	41
Philippines	35		35	35	35
Viet Nam	30	30	28	26	25
Thailand	21	21		19	21
China				19	20
Indonesia		22	22	21	20
Malaysia	22	21	19	20	19

NDFP's DEFENSE OF THE RIGHTS OF THE FILIPINO CHILD ■ 21

	Pupil-teacher ratio. Secondary				
	98/99	99/00	00/01	01/02	02/03
Philippines	34		36	38	37
India		34	33	32	33
Viet Nam	29	28	27	26	26
Thailand					25
China		17	19	19	19
Malaysia	19		18	18	18
Indonesia		16	14	14	14

Not only is class size the problem; teacher qualification is also very problematic. For example, for every 100 secondary level teachers of Physics, only 23 were Physics majors; the rest would have qualifications like physical education or English.

Literacy: a recent GRP Department of Education report says that 75% of public elementary school graduates cannot read without the help of another person.

Secondary enrolment: Gross enrolment is also high. But the net enrolment ratio is one of the lowest, again indicating that there are many over- and under-aged pupils.

	Gross Enrolment Ratio. Secondary. Both sexes				
	98/99	99/00	00/01	01/02	02/03
Oceania	110	111	113	109	111
Europe	101	102	103	105	107
America South	77	89	93	95	97
America North	81	81	82	83	84
Philippines	76		77	82	84
Thailand			83		81
Viet Nam	62	65	67	70	72
China	62	63	65	67	70
Malaysia	69	69	69	70	70
Asia	56	57	58	59	61
Indonesia		55	57	58	61
India	47	48	48	50	53
Africa	34	34	35	36	37

	Net Enrolment Ratio. Secondary. Both sexes				
	98/99	99/00	00/01	01/02	02/03
Viet Nam	59	61	62	65	
Europe	86	86	87	88	89
America North	71	71	72	72	74
Oceania	60	70	72	71	72
America South	54	64	67	68	71
Malaysia	69	69	69	69	70
Philippines	51		53	56	59
Indonesia		48			54
Africa	27	28	29	30	30

	Enrolment as a % of the population of 15 to 19-year-olds					
	2003		1995		Index change in enrolment rate (1995=100)	
	M	F	M	F	M	F
Indonesia	53	50	47	42	114	119
Malaysia	52	59	35	40	150	149
Philippines	47	58	56	49	84	119
Thailand	57	63	24	25		

Spending on education: The Philippines has the highest, although declining, share of public expenditure to total education expenditure because of compulsory and publicly guaranteed primary education. But the share of public expenditure to total education expenditure at the secondary level is the lowest. Also, public spending on education as share of GNP, already one of the lowest in the comparison, has been steadily declining. Low public education spending means among others that in 2006, there will be a shortage of 10,549 classrooms.

	Educational expenditure in Primary as % of total educational expenditure				
	98/99	99/00	00/01	01/02	02/03
China	36.1	32.6			
India		30	37.6		
Indonesia		34.7	38.2	37.7	37
Malaysia			27.2	27.8	31.2
Philippines			60.5	60.4	57.5
Thailand		32.2	32.1		

	Educational expenditure in Secondary as % of total educational expenditure				
	98/99	99/00	00/01	01/02	02/03
China	32.2	37.4			
India		37.8	40.1		
Indonesia		47.8	38.8	38.8	39.3
Malaysia			34.5	33.4	33.5
Philippines			21.8	21.9	32.2
Thailand		21.9	20.5		

	Public expenditure on education as % of GNP (GNI)					
	98/99	99/00	00/01	01/02	02/03	03/04
China	2	2.1				
India	3.2	4.1	4.1			
Indonesia		1.3	1.6	1.4	1.3	
Malaysia	5.1	6.1	6.8	8.5	8.7	
Philippines	4		3.3	3.1	2.9	
Thailand	5.2	5.9	5.3			4.7



22 ■ *NDFP's DEFENSE OF THE RIGHTS OF THE FILIPINO CHILD*

Child prisoners: There are an estimated 52,000 children and youths, both males and females, who are housed in the same prison cell as adults. There are known at present 18 minors on death row who cannot prove they are minors because they have no birth certificates. Records of GRP Senate deliberations noted that only 209 of the 1,430 jails managed by the Bureau of Jail Management and Penology have separate cells for youth offenders.

According to lawyers who have handled cases of children, often a child spends a year in jail when the offense with which he or she is charged carries only a penalty of only 10 days or a fine of Php50 simply because they are too poor to pay the fine or engage the services of a lawyer.

Streetchildren were estimated to number 1.5 million in 2004, increasing annually by 630,000.

Child abuse: According to records of the GRP's Department of Social Welfare and Development (DSWD) as reported by the Human Rights Report for Children in 2003, 2,395 Filipino children had been raped and 1,370 had been physically abused.

Sexual Abuse: In 2003, according to records of the police, 3,397 girls were raped, twice more than the number of adult women. The DSWD in the Cordillera in northern Luzon has recorded 439 and 232 cases of sexual abuse of children in 2004 and 2003, respectively. There were also 232 and 103 cases reported in 2004 and 2003, respectively, of neglect or abandonment.

Trafficking: There is no comprehensive data to show the extent of trafficking of children but an NGO in Cebu has recorded that 534 women and girls were trafficked for sexual purposes between 1997 and 2000 while another NGO has documented 22 trafficked girls from 1999 to 2002. In Cagayan de Oro City, police records show 14 child trafficking cases from 2001 to 2003. Boys were usually trafficked for exploitative work while girls were trafficked for sexual purposes. The ages of the victims ranged from 7 to 17 years.

In a report by People's Recovery, Empowerment and Development Assistance Foundation, Inc. (PREDA) to the 38th Session of the Committee on the Rights of the Child in January 2005, it is claimed that 60,000 of the reported 1.5 million street children in the Philippines are prostituted, making the Philippines the fourth in nine countries with the most number of children in prostitution. The UNICEF estimates that there are 100,000 girls in prostitution, higher than an earlier estimate that 20% of 50,000 prostituted women are minors. The DSWD, according to the same report, estimates that the number of prostituted children grows by 3,266 every year.

Main sources: *International* - World Health Organization, UNESCO, Asian Development Bank, World Bank; *GRP* - National Statistics Office, National Statistical Coordination Board.

Human rights violations including children as victims:

Preliminary data of the human rights organizations Karapatan-Alliance for the Advancement of People's Rights and Children's Rehabilitation Center indicates that there were 819 incidents of human rights (HR) and international humanitarian law (IHL) violations from 2001 to April 2005 that included children as victims. The total number of victims numbered 126,885, with 971 considered as direct victims. Of the direct victims, 45% were

15 years old or younger. The youngest were a 5-month old boy and a 9-month girl who suffered harassment and indiscriminate firing. Male children constituted more than half (57%) of the direct victims. The overwhelming number of victims come from peasant families as well as from Moro areas which accounted for 113,706 or almost 90% of all victims. Other places which accounted for significant numbers of HR and IHL violations are regions 3 & 4 in Luzon and regions 7 & 8 in the Visayas.

Of those identified perpetrators, the

HRVs involving children as victims	Number of victims *
Forcible evacuation	125,884
Demolition	3,834
Harassment/threat/intimidation	775
Destruction or divestment of properties	356
Killings	142
Strafing, indiscriminate firing and bombing	125
Arbitrary arrest & illegal detention	112
Illegal search and seizure	88
Orphan (parents murdered)	75
Frustrated killing	64
Physical assault or injuries	24
Coercion	23
Violation of domicile	12
Hamletting	12
Torture	6
Sexual abuse/harassment	6
Abduction	4
Rape	3
Desecration of remains, denial of decent burial, refusal to tender remains	3
Qualified theft	3
Enforced disappearance	1
Denial of medical attention	1

* Total does not add up to 126,885 because of multiple violations, ie, a victim can suffer more than one type of HR or IHL violation

Source: Karapatan-Alliance for the Advancement of People's Rights and Children's Rehabilitation Center

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Army violated the most number of victims, followed by the PNP, LGU personnel and private security guards. ■

Perpetrators	Number of victims
Military (service not specified)	86,859
Army	33,495
Police with other demolition members	1,412
Police	859
LGU personnel	1,732
Private security guards	1,164
Army with CAGU (paramilitary)	614
Army/Ranger	353
MMDA/NHA	241
Hired killer	153
Air Force	3
<i>Total</i>	<i>126,885</i>

Documented child political prisoners as of April 2005

Name	Age at arrest	Years in prison	Charge(s)	Place of arrest	Place of Detention
1. Ahmad Sahin	14	3	Abu Sayaf member		Camp Bagong Diwa
2. Joven Velasco	17	5	illegal possession of firearms	Camalig, Albay	New Bilibid Prisons
3. Saltimar Sali	17	4	Sipadan kidnapping	Cotabato City	Camp Bagong Diwa
4. Omar Galo	14	4	kidnapping	Isabela, Basilan	Camp Bagong Diwa
5. Bimbis Macrohon Abubakar	14	4	kidnapping	Isabela, Basilan	Camp Bagong Diwa
6. Jammang Palili	16	4	52 counts kidnapping	Tuburan, Basilan	Camp Bagong Diwa
7. Ahmad Saheron *	14	3	56 counts kidnapping, Sipadan kidnapping	Zamboanga	Camp Bagong Diwa
8. Ahmad Totong	15	3	Punong Mahaji kidnapping	Zamboanga City	Camp Bagong Diwa
9. Kusair Munir	15	3	kidnapping	Zamboanga City	Camp Bagong Diwa
10. Taufic Munir	14	3	kidnapping	Zamboanga City	Camp Bagong Diwa
11. Arman S. Amiruddin	16	3	frustrated murder	Cotabato	Camp Bagong Diwa
12. Ikram S. Amiruddin	15	3	frustrated murder	Cotabato	Camp Bagong Diwa
13. Bas Esmael	17	3	259 frustrated murder, 21 murder, Dos Palmas kidnapping	Zamboanga City	Camp Bagong Diwa
14. Michael Escobar	16	2	multiple murder, qualified murder, robbery	Sorsogon City	BJMP, Balogo Sorsogon
15. Alvin Hubilla	15	2	multiple murder, qualified murder, robbery	Sorsogon City	BJMP, Balogo Sorsogon
16. Mark Anthony Hular	15	2	multiple murder, qualified murder, robbery	Sorsogon City	BJMP, Balogo Sorsogon
17. Rexan Ecoy	15	1	election gun ban, illegal possession of firearm, rebellion	Mabini, Compostela Valley	Tagum Provincial Jail

* died in the assault of Camp Bagong Diwa by police on March 15, 2005.



LETTERS AND STATEMENT





NPA medic checks up this girl who has long been suffering from cough and sore eyes, one of the rare times that she will get some form of medical attention

NPA anniversary celebration provides this boy a chance to see his NPA father



Mother and son together leafs through a well-thumbed copy of the photobook "Red Fighter" showing aspects of the day to day life of the NPA



3.



NDFP MONITORING COMMITTEE

Joint Monitoring Committee

17 December 2004

DR. NICHOLAS ALIPUI
Representative, Philippines Country Office
United Nations Children's Education Fund
31st Floor Yuchengco Tower, RCBC Plaza
Ayala corner Gil Puyat Avenue, Makati City

Dear Dr. Alipui,

This is in connection with news reports in *The People's Journal* and *The Manila Times* last 14 December 2004 quoting you as having "slammed the New People's Army for using children in its three-decade rebellion" and having called on the NPA "to stop exploiting children in their war against the government." You were reported to have uttered these statements at a Camp Crame press conference last 13 December 2004 during the launching of "The State of the World's Children 2005." We are attaching both news reports for your immediate reference.

We strongly protest your false and malicious statements, especially after we have clarified to you during our meeting on 23 June 2004 that these claims by the Armed Forces of the Philippines (AFP) are baseless. By simply reading Philippine media reports, you should have known that the AFP is a most notoriously corrupt, brutal and unreliable GRP institution. How someone in your position could allow himself to be used to mouth such outrageous lies is amazing.

During our meeting, I did not hear you slam the NPA nor call for a stop to its so-called exploitation of children. This can be attested to by your personal handwritten note to me of 26 June 2004 and its attachment, Highlights of the Meeting with Mr. Fidel V. Agcaoili, showing that we had a sharing of views on our respective scope of work and had explored possibilities of mutual cooperation in advancing our common concern to protect the rights of

children, even agreeing to jointly publish the Tagalog translation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

I made the clarification about the AFP allegations by way of responding to your general sharing regarding the Secretary General's report on child warriors. I even volunteered to provide you copies of two memoranda by the Communist Party of the Philippines (CPP), outlining its policies on the recruitment of guerrilla fighters and debunking the false allegations of the AFP (which were sent to you on 27 July 2004).

By publicly repeating these lies, you have helped in covering up the atrocities being committed by the AFP against children in the countryside, threatening, beating up, arresting and detaining them to force them to go against their parents and relatives. You have practically become a psywar instrument of the AFP and the Philippine National Police (PNP) in their criminal misrepresentations of the NPA and the revolutionary forces.

We demand that you retract your statements or substantiate them with facts and not with AFP or DSWD reports.

Very truly yours,

(Signed) FIDEL V. AGCAOILI
Chairperson



4.

23 December 2004
Ref: MALO/04-1876

Mr. Fidel V. Agcaoili
Chairperson
NDFP Monitoring Committee
Joint Monitoring Committee

Dear Mr. Agcaoili,

This is to acknowledge receipt of your letter dated 17 December 2004 * in which you strongly protest news reports in the People's Journal and the Manila Times allegedly attributed to UNICEF. I completely understand your reaction to these reports and wish to reassure you that UNICEF has had no intention whatsoever to publicly criticize or otherwise undermine the reputation of the New People's Army. To be sure, I would like to state that the specific news items that you reference in your letter represent passages where I was misquoted out of context by the media. UNICEF's intention has been and continues to be, to find ways of working with you to identify opportunities for improving the lives and safety of all Filipino children throughout the country. We, therefore, remain fully committed to working closely with you in the pursuit of the priority areas of partnership and collaboration we identified in our June 2004 meeting.

Against this backdrop then, allow me to clarify that the context of both my presence at Camp Crame on 13 December 2004 and the press event at which I interacted with the media, was in fact the launch of the annual UNICEF's flagship publication entitled the "2005 State of the World's Children Report". The 2005 State of the World's Children Report which I attach for your reference, talks about the situation of children around the world with a focus on *poverty, HIV and AIDS and conflict*.

UNICEF, this year chose the PNP as the launching venue in order to challenge and persuade the PNP to respect and uphold the Rights of children in the Philippines and to strengthen its role in the child-friendly movement. The speech that I formally delivered during the launch of the

* see page 27.

Report as well as the press statement I distributed at the event (see attachments) did not raise the issue of children in armed conflict in the Philippines nor make any mention of the New People's Army. Instead, I concentrated on discussing the situation of children in conflict with the law and the thousands of children detained in jails around the country according to a recent report of Amnesty International.

I hope you noticed during the weeklong reporting and coverage of the launch of the Report that the bigger newspapers namely the Philippine Daily Inquirer and the Philippines Star both accurately captured the essence of my press release, my speech and the contents of the 2005 State of World's Children Report itself.

During the press conference, my remarks were focused essentially on the contents of the Report namely poverty, HIV and AIDS and conflict in the global perspective.

As mentioned in our meeting of June 2004, I have myself worked in different conflict situations around the world before my assignment to the Philippines and have witnessed first hand the impact of armed conflict on children. I have, nevertheless over the years, become keenly aware of the need to respect and dignify as well as adopt an attitude of "*delicadeza*" when dealing with claims and allegations concerning the use of children in conflict or children as victims of conflict, and would not make the sorts of statements attributed to me in the People's Journal and the Manila Times on 14 December 2004.

As the conference was about to end, a media reporter brought up the United Nations Secretary General's report on alleged use of child soldiers by the NPA, MILF and MNLF. You will recall that I had shared this report with you during our June 2004 meeting and requested you to clarify, through us, for the Security Council, your policy on the matter of child soldiers which you have done. I have since forwarded your policy document to the United Nations secretariat which establishes and supports your claim that the NDF and NPA do not condone the use of child soldiers. Because there are lingering doubts however, about the complete absence of child soldiers in your ranks, I have also informed the United Nations secretariat and UNICEF NYHQ about the study and situation analysis we plan to undertake jointly and with the participation of the Joint Monitoring Committee to document the situation. It is my strong belief that if successful, such a study and joint report would lend credence to, and establish once and for all the absence of child soldiers in your ranks.

UNICEF Project Officer, Nonoy Fajardo, is exploring with your organization on the choice of mutually acceptable consultants to do this

study among the other projects that were agreed at our June 2004 meeting and I look forward with keen determination to the opportunity to start this collaboration.

In ending, let me restate UNICEF's commitment to continuing collaboration with the NDF/NPA in our shared aspiration for the full realization of the Rights of all Filipino children. It is my hope that out of this inaccurate reporting, we will be able to find the silver lining to refresh and make concrete, in 2005, a partnership based on mutual respect, understanding and on the articles of the Convention on the Rights of the Child.

As 2004 draws to a close, I am happy to send you our warmest greetings and best wishes for peace, prosperity and triumph over injustice.

Sincerely yours,

(Signed) Dr. Nicholas K. Alipui
Representative

Unicef responds

**The Manila Times
Tuesday, February 02, 2005**

On December 14, 2004, the article "Unicef criticizes NPA use of children in war" quoted Dr. Nicholas Alipui, Unicef country representative for the Philippines, out of context. On that day, Dr. Alipui launched the Unicef State of the World's Children Report which carries the global theme of "Childhood Under Threat" and spotlights armed conflict, HIV/AIDS and poverty as the most significant threats to children worldwide. Our purpose was to highlight Unicef's partnership with the Philippine National Police in the area of child abuse and juvenile justice. While Dr. Alipui said that armed conflict robs children of their childhood, he did not criticize or condemn the New People's Army. He did mention Unicef's work with the NPA to respond to the UN Secretary-General's report on child soldiers and to undertake a joint situation analysis in situations of armed conflict in the Philippines.

Dale Rutsein
Chief of Communication



5.

AFP and PNP Worst Violators of Children's Rights

by Luis G. Jalandoni
Chairperson, NDFP Negotiating Panel
17 February 2005

The AFP and PNP, identified by the GRP's own Commission on Human Rights as the worst human rights violators, are also the worst violators of children's rights. A big number of victims of their military operations such as forced evacuations, food and population control, indiscriminate bombardment and firing, illegal searches and arrests, are children and women. From 21 January 2001 up to 5 December 2004, KARAPATAN, the leading human rights organization in the Philippines, documented 3,560 cases of HR violations involving 198,308 victims, 18,977 families, 123 communities and 1,106 households.

The AFP and PNP have been raiding rural communities, capturing children, misrepresenting them as NPA recruits, detaining them for intimidation, humiliation and propaganda purposes, hostaging them and preventing their families and relatives from claiming them for long periods. The children are subjected to brutal and multiple violations of their rights.

It is therefore ridiculous that the AFP and PNP, together with the RPA-ABB which collaborates with them against the revolutionary movement, as well as pseudo human rights organizations, pretend to be champions of children rights and falsely accuse the revolutionary movement of recruiting child soldiers.

They make their baseless allegations without presenting any iota of evidence.

The truth of the matter is that the NPA carries out a longstanding policy of the CPP that only those who have reached the age of 18 or above may be recruited as NPA fighters. As far back as 1988, the Political Bureau of the CPP already issued such a policy. Moreover, on October 15, 1999, the Executive Committee of the CPP Central Committee amended the Basic Rules of the NPA expressly stipulating that the minimum age for NPA combatants is 18.



NDFP's DEFENSE OF THE RIGHTS OF THE FILIPINO CHILD ■ 33

The revolutionary movement upholds the rights of children and is committed to implement the provisions of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) pertaining to them. Article 10 of Part IV Respect for International Humanitarian Law states: "The Parties shall provide special attention to women and children to ensure their physical and moral integrity. Children shall not be allowed to take part in hostilities."

The revolutionary movement recognizes the right and capability of children to perform their role as children in cultural, health, educational and other non-combatant tasks. ■





6.



NDFP MONITORING COMMITTEE

Joint Monitoring Committee

17 February 2005

Dr. Nicholas K. Alipui
United Nations Children's Emergency Fund
31/F Yuchengco Tower, RCBC Plaza
6819 Ayala Avenue, cor. Sen. Gil J. Puyat Avenue
1200 Makati, Philippines

Dear Dr. Alipui,

We acknowledge receipt of Unicef-Philippines Chief of Communication Dale Rutsein's letters to both the *People's Journal* and the *Manila Times* which saw print in the latter on 2 February 2005. We appreciate your clarification of the erroneous news stories printed by both newspapers on 14 December 2004. *

It is unfortunate that the UN report by the Secretary General made reference to the New People's Army (NPA) as a revolutionary movement using so-called child warriors in its struggle for liberation against the oppressive and exploitative state, based on false information provided by the Armed Forces of the Philippines (AFP) and the Government of the Republic of the Philippines (GRP).

It is also unfortunate that the report of the UN Secretary General failed to mention the violations of children's rights being committed by the AFP and the Philippine National Police (PNP) in the course of their military operations against the revolutionary movement in the countryside. We are attaching herewith the statement issued by the NDFP Negotiating Panel regarding this issue. **

* see page 31.

** see page 32.



NDFP'S DEFENSE OF THE RIGHTS OF THE FILIPINO CHILD ■ 35

While we continue to look forward to having joint activities with you with respect to our common concern to protect the rights of children, we cannot do so until the above issues are clarified to our mutual satisfaction.

Thank you and best regards.

Yours,

(Signed) Fidel V. Agcaoili
Chairperson
NDFP Human Rights Committee





7.

25 February 2005
Ref: MALO/05-263

Mr. Fidel V. Agcaoili
Chairperson
NDFP Monitoring Committee
6th Floor, Immaculate Concepcion
Multi-Purpose Center
41 Lantana Street,
Cubao 1111, Quezon City

Dear Mr. Agcaoili,

Thank you very much for your letter of 17 February 2005.* I must say, at the outset, that UNICEF was taken aback by the tone and the substance of this letter but welcomes, nonetheless, the opportunity to clarify the issues raised.

The report of the UN Secretary General to which you make reference was in consonance with the instructions given by the Security Council through Resolution 1460 (2003) and Resolution 1539 (2004) which request a report to be submitted on the implementation of the resolutions and information on compliance and progress made by parties mentioned in ending the recruitment and use of children in armed conflict. You would recall that these Security Council Resolutions emanated in turn, from two earlier reports of the Secretary-General on children and armed conflict, one issued in 26 November 2002 and the other in 10 November 2003 both of which named parties to armed conflict that recruit or use child soldiers. The Philippines was included in the second report naming four armed groups, the New People's Army (NPA), among them. These two reports likewise arose from earlier Security Council Resolutions 1261 (1999) and 1314 (2000) which condemn the targeting of children in situations of armed conflict.

While UNICEF had been consulted and indeed contributed to these reports, we cannot claim to have been the sole source of information. In

* See page 34.

this regard, UNICEF would like to re-assure you that we continue to be vigilant and judicious in the information we present and do not merely rely on government reports. There were case studies done, for instance, by the Quaker United Nations Office (*"The Voices of Girl Child Soldiers: Philippines,"* Yvonne Keairns, PhD, January 2003) and the UNICEF East Asia and Pacific Regional Office (*"Adult Wars, Child Soldiers: Voices of Children Involved in Armed Conflict in the East Asia and Pacific Region,"* 2002) which indicate recruitment of minors by these groups.

The initial draft of the UNICEF input to the recent Report of the Secretary General mentioned UNICEF Philippine's ongoing dialogue with the Joint Monitoring Committee-National Democratic Front. We also forwarded to the office of the Secretary General in New York the documents that you sent to us about your directives on non-recruitment. These have been filed and acknowledged by the UN headquarters. These actions, albeit very positive, nevertheless, still need to be validated in the field. Our plan to embark on a joint needs assessment research project with you in conflict-affected communities, which we have intimated to you, would hopefully provide clear and convincing evidence that will help us conclusively resolve this matter.

We envision the research as an opportunity for your organization to prove your contention as regards your policy on children in conditions of armed conflict. It will also be a prerequisite towards setting up a mechanism to independently monitor compliance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict and the Comprehensive Agreement on Respect of Human Rights and International Humanitarian Law (CARHRIHL).

It is good that your press statement mentioned KARAPATAN because we recently supported the nationwide trainings of their workers and volunteers on child rights. We even supported a few of their fact-finding missions with the Children's Rehabilitation Center last year to determine the conditions of some children affected by armed conflict. We see all these as contributing for the better protection of children in conflict areas.

With assurances of continuing cooperation I remain,

Sincerely yours,

(Signed) Dr. Nicholas K. Alipui
UNICEF Country Representative



8.



National Democratic Front of the Philippines Negotiating Panel

7 March 2005

Secretary-General Kofi Annan
United Nations
UN Headquarters
New York, USA

Through: Under Secretary General Olara A. Otunnu
Special Representative of the Secretary-General for
Children and Armed Conflict
Fax Number: +1(212)9630807

Dear Sir:

In your action plan report to the UN Security Council on 16 February 2005 for the systematic monitoring and reporting of child abuse in situations of armed conflict, you listed the Philippines as one of the 54 offending parties, with unnamed armed opposition groups as violators.

The National Democratic Front of the Philippines (NDFP), the revolutionary movement fighting for the national and social liberation of the Filipino people, wishes to inform you of the following:

1. The NDFP has been engaged in peace negotiations with the Government of the Republic of the Philippines (GRP) since 1986, with the Royal Norwegian Government acting as Third Party Facilitator since April 2001. It has signed no less than ten agreements with the GRP, the most important of which are The Hague Joint Declaration of 1 September 1992, setting the objective, framework, agenda and modalities of the peace negotiations, the Joint Agreement on Safety and Immunity Guarantees (JASIG) of 24 February 1995, and the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) of 16 March 1998, requiring both parties to respect human rights and international humanitarian law in the conduct of the armed conflict, and providing for a mechanism, the Joint Monitoring Committee (JMC), to



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monitor the implementation of the agreement. The parties are now negotiating an agreement on social and economic reforms, after which they shall negotiate an agreement on political and constitutional reforms, and finally an agreement on the disposition of forces and end to hostilities. The peace negotiations have been supported with two unanimous resolutions by the European Parliament. We are attaching hereto a booklet containing the ten agreements and the two European Parliament resolutions.

2. As a revolutionary movement, the NDFP is guided by principles and has its own program, constitution, guides and policies that conform with the international conventions on civil and political rights, and on economic, social and cultural rights. Some of these documents were included as attachments to the NDFP's Declaration of Undertaking to Apply the Geneva Conventions of 1949 and Protocol I of 1977 submitted on 5 July 1996 to the Swiss Federal Council as the official depositary of the conventions and to the International Committee of the Red Cross (ICRC). We are attaching hereto a copy of the aforesaid NDFP Declaration and attachments.*

3. On the issue of child soldiers, we are attaching hereto two documents issued by the Military Commission and the Executive Committee of the Communist Party of the Philippines (CPP) dated 30 August 1999 and 15 October 1999, respectively.** We are also attaching hereto my 17 February 2005 statement on the violations of children rights by the GRP's Armed Forces of the Philippines (AFP) and Philippine National Police (PNP).***

We strongly deny the false testimony of Ms. Merceditas Gutierrez, the GRP head of delegation before the UN Human Rights Committee on 21 October 2003, accusing the New People's Army (NPA) of allegedly recruiting minors and deploying them in combat operations. Ms. Gutierrez mentioned 210 so-called cases of alleged NPA recruitment of child soldiers. We ask that we be provided with evidence of these.

We ask the UN Secretary-General through the Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Olara A. Otunnu, to respect our right to be heard. It is bad enough that the NDFP is denied due process. Worse, the GRP is allowed to cover up its blatant and multiple violations of children rights, such as the following:

* Published as Booklet Number 6 (2005) by the NDFP Human Rights Monitoring Committee.

** see pages 69 and 72.

*** see page 32.

1. the indiscriminate bombardment of villages and strafing of houses by the armed forces of the GRP have resulted in the death of children, including infants,

2. when the military and police forces of the GRP raid communities, they arrest nursing mothers as well as the children from 10 to 15 years for indefinite detention and misrepresentation to the press as child recruits of the NPA,

3. the children thus illegally arrested and detained are intimidated, humiliated and are often used as servants or child prostitutes in military camps or sometimes turned over to the Department of Social Welfare and Development (DSWD) of the GRP for prolonged detention and propaganda under the pretext of reeducating them,

4. when the children are detained in military camps or in the compounds of the DSWD, they are deprived of access to their parents and other close relatives and these relatives are barred for indefinite periods from taking custody over them despite orders by GRP courts,

5. when entire communities are uprooted and forced to evacuate, as a result of bombardments, strafing, ground assaults and wanton emplacements of landmines by the armed forces of the GRP, the children, nursing mothers and elderly are the most vulnerable to disease due to lack of food and shelter and due to malnutrition, unsanitary conditions and lack of medicine and medical care,

6. the children are deprived of education when they are among those forced to evacuate from their homes or when they are illegally arrested and detained in either military camps or compounds of the DSWD,

7. children detained in military camps and used as servants are subjected to beatings in order to force them to work and are threatened with death to discourage them from escaping, and

8. children detained in military, police and paramilitary encampments or stations and even the children of the armed personnel of the GRP who stay in such places due to lack of proper housing are exposed to dangers in the armed conflict.

We have evidence of the foregoing violations of children's rights by the GRP. In due time, we can present this to you through the NDFP Human Rights Committee.* There are also independent organizations concerned

* See 18 May 2005 letter of Fidel V. Agcaoili to Dr. Nicholas K. Alipui on page 44 and list of human rights and international humanitarian law violations involving children filed against the GRP on page 52.

with human rights in general and children's rights in particular that are knowledgeable about the aforesaid violations.

For your information, we have engaged the office of the UNICEF in the Philippines in discussions and planned joint activities. But we deem as baseless, biased and prejudicial the inclusion of "unnamed armed opposition groups," presumably the NPA included, in the report of the Secretary-General to the UN Security Council. We hope to be able to present our policy and the facts about our respect for children's rights against the misrepresentations and multiple violations of such rights by the GRP.

Very truly yours,

(Signed) Luis Jalandoni
Chairperson, NDFP Negotiating Panel
Member, NDFP National Executive Committee



9.



National Democratic Front of the Philippines
Human Rights Committee

9 March 2005

Dr. Nicholas K. Alipui
United Nations Children's Emergency Fund
31/F Yuchengco Tower, RCBC Plaza
6819 Ayala Avenue, cor. Sen. Gil J. Puyat Avenue
1200 Makati, Philippines

Dear Dr. Alipui,

Your letter of 25 February 2005 in reply to my 17 February 2005 letter was sent to me by fax last Monday, 7 March, by the NDFP Nominated Section in the Joint Secretariat.

In reply to your letter, I am attaching herewith the 7 March 2005 letter of Mr. Luis Jalandoni, Chairperson of the NDFP Negotiating Panel and Member of the NDFP National Executive Committee, to UN Secretary-General Kofi Annan through the office of Under Secretary-General Olara A. Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict.*

The letter of Mr. Jalandoni was sent by fax early Monday morning to the Office of the Under Secretary-General Otunnu, while the original and attachments were sent by post in the afternoon of the same day.

We have asked Under Secretary-General Otunnu for the opportunity to present our policy and the facts about our respect for children's rights against misrepresentations and the multiple violations of such rights by the Government of the Republic of the Philippines (GRP).

In your letter of 17 February you stated that "there were case studies done, for instance, by the Quaker United Nations Office ("The Voices of Girl Child Soldiers: Philippines," Yvonne Keairns, Phd, January 2003) and the UNICEF East Asia and Pacific Regional Office ("Adult Wars, Child Soldiers:

* see page 38.

Voices of Children Involved in Armed Conflict in the East Asia and Pacific Region," 2002) which indicate recruitment of minors by these groups", presumably including the New People's Army (NPA).

We are asking your office for copies of these case studies so we can ascertain the truth or falsity of such allegations.

I thank you for informing the office of the Secretary-General of your ongoing dialogue with the NDFP-Monitoring Committee and sending copies of the memoranda issued by the Executive Committee and the Military Commission of the Communist Party of the Philippines (CPP) on the recruitment of guerrilla fighters to the NPA.

We intend to keep open our lines of communication with you and Under Secretary-General Otunnu to clarify our policy and the facts about our firm commitment to respect the rights of children.

Thank you.

Very truly yours,

(Signed) Fidel V. Agcaoili
Chairperson
NDFP Human Rights Committee



10.



NDFP MONITORING COMMITTEE Joint Monitoring Committee

18 May 2005

Dr. Nicholas K. Alipui
UNICEF Country Representative
United Nations Children's Fund
31/F Yuchengco Tower, RCBC Plaza
6819 Ayala Avenue, 1200 Makati City
Philippines

Dear Dr. Alipui,

We acknowledge receipt of your 20 April letter and the attached "Terms of Reference (TOR) for Needs Assessment of Children and Women Affected by Armed Conflicts in the Philippines, A Study Initiated by the United Nations Children's Funds (UNICEF)".

We wish to take exception to the obvious pro-GRP bias of the rationale of the TOR.*

* "Rationale

It has ebbed and it has flowed but armed conflict has remained a constant socio-political reality in the Philippines. For the past thirty years, various armed groups have waged war against the Philippine government in pursuit of their own agenda. And the State has often unleashed military might against the armed challengers.

The social costs of these wars have been incalculable. These prolonged conflicts have created impact on children and women that have not been totally probed. A number of social assessments have been initiated by various groups following the government "all-out war" against the Moro Islamic Liberation Front (MILF) in 2000-2003 in Mindanao. While these studies have been useful for humanitarian groups and development organisations, very few looked deeply into the condition of children or women. The focus in Mindanao and the government conflict with the MILF, moreover, limit their scope.

In acknowledging the reality of armed conflicts in the Philippines, UNICEF Manila in its Sixth Country Programme for Children (CPC 6) has created a

Of course the NDFP and the revolutionary forces have a clear program for waging armed revolution against the exploitative and oppressive ruling system of big compradors and landlords supported by US monopoly capitalists. We have a 12-point program on how to carry out the people's democratic revolution and establish a free, democratic, just and prosperous Philippine society.

May we remind you that the current exploitative and oppressive system has been subjecting millions of children to violence and human rights violations on a daily basis since 1899 with the start of the Philippine-American war which led to the death of 1.5 million Filipinos, including infants and children who were mercilessly massacred by American troops, together with their parents, as alleged insurgents.

Filipino children are part of the Philippine body politic born into classes and have the same dreams and aspirations as other Filipinos. The great majority of Filipino children are the sons and daughters of workers and peasants and the urban poor. They suffer the same fate as their parents. The NDFP and the revolutionary forces are actively involved in upholding, promoting and protecting the rights of these children who are almost always victims of the unjust semi-colonial and semi-feudal social system.

There are millions of child workers in the Philippines who are made to work in sweatshops and as domestic workers and farmhands in haciendas of landlords and big multinational agri-business corporations. They are deprived of education and are not given protection by the reactionary state

project entitled "Upholding the Rights and Well-being of Children Affected by Armed Conflict." The entire CPC 6 is hinged on the human-rights based approach and thus is committed towards making a difference in the lives of the most disadvantaged and marginalised children and women. An initial and essential step is to come up with an analysis of their situation and identification of their needs as a knowledge base to guide project development and implementation.

The needs assessment will build on related studies that have been done recently like the "Impact of Armed Conflict on Children in the Philippines" by the UP CIDS which was a contribution to the regional study of UNICEF East Asia and Pacific Regional Office. This needs assessment will look at the situation of children and women from their own perspectives using their own voices. It will be done in a participatory manner using established child and gender-sensitive methodologies.

As a minimum, the study should cover at least eight (8) community organisations spread out as two (2) in Luzon, two (2) in the Visayas and four (4) in Mindanao."

whose policy has been to allow the recruitment of children as part of the labor force for cheap wages.

The phenomenon of street children (out of school youth who are forced to eke out a living in the streets, begging, rummaging thru garbage dumps, getting involved in drugs and petty crimes, etc.) has grown tremendously since the 1980s. Instead of solving the problem, the reactionary state seems to have adopted the policy of physically liquidating these children on the pretext of fighting drugs, as in Davao and some cities in Metro-Manila.

The statistics on malnourished children and the death of children due to illnesses and diseases and lack of medical attention, are grossly appalling. Instead of providing for the health care of children, the reactionary state sets aside more than half of its budget on debt servicing, a fourth on the purchase of military supplies and equipments accompanied by massive corruption, and most of the balance is pocketed by traditional politicians and their relatives.

We must not also forget the hundreds of thousands of children who have been steered into prostitution thru the state's tourism program. For sometime now, the Philippines has been a major destination for sex tourists and pedophiles from Europe, Australia, New Zealand, Japan, Korea and Taiwan.

Then, as a consequence of the aggressive Labor Export Policy of the state, millions of Filipino children grow up without a mother and under severe strain of parental separation that they end up with emotional and psycho-social problems that become unbearable when parents actually separate or divorce.

The above are just some instances of the daily human rights violations committed against millions of Filipino children under the reactionary ruling system even without the existence of an armed conflict. It is incumbent upon those who proclaim their concern for children to urgently and actively address these problems in an all-round and comprehensive manner, as the NDFP is doing in waging the armed revolution to liberate the Filipino people, including children, from this unjust social order.

The many thousands of human rights violations against children committed by the GRP military in the armed conflict have been well-documented since the time of Marcos. These human rights violations have continued to the present under the Gloria Macapagal-Arroyo regime.

Please find enclosed the partial tabulations of human rights violations against children committed by the GRP military, police and paramilitary units under the Arroyo regime, as culled from only 158 cases/complaints filed before the Joint Monitoring Committee (JMC) through the offices of the

Joint Secretariat. * As of 15 May 2005, there are already 357 cases/complaints filed against the GRP and only 7 against the NDFP.

Of the 158 cases/complaints cited above, 51 cases have children as victims, together with their parents and relatives. From these 51 cases, there is a total of 121 children victims, including 36 killed (due mostly to armed strafing of civilian houses), 42 illegal arrest and detention, 7 subjected to cruel and degrading punishment, and 20 forcibly evacuated and deprived of shelter, adequate food and education.

In the letter of Mr. Luis Jalandoni, Chairperson of the NDFP Negotiating Panel, to UN Secretary General Kofi Annan, a copy of which was furnished you, we have cited eight situations where children become victims of human rights violations by the GRP military, police and paramilitary units in the armed conflict. **

The attached tabulations represent only a small percentage of the human rights violations against children committed by the GRP military, police and paramilitary units in the armed conflict. There are other reported cases compiled by NGOs concerned with children rights but are not yet filed with the JMC. And there are many more unreported cases.

We thank you for providing us with copies of so-called studies on child soldiers. We intend to make a comprehensive written response to these false and misleading "studies". Offhand, we take note of the fact that most of the data cited in these studies are culled mainly from newspaper reports and news releases of the GRP military and police or based on interviews of five or six so-called NPA child soldiers in the custody of the GRP military and DSWD.

Certain NGOs narrow their attention to the problem of children in armed conflict situation to the issue of so-called child soldiers, thereby obscuring the far worse violations of human rights of children committed by the state's military, police and paramilitary units. They discuss at length that 18 years of age be the minimum for the recruitment of soldiers and try to define the functions that constitute soldiering. They do so only to make an artificial platform for launching attacks against the revolutionary forces fighting for national liberation and democracy.

Until now, Article 77 paragraph 2 of Protocol 1 of 8 June 1977, additional to the Geneva Conventions of 12 August 1949, permits the recruitment of children 15 years and above as soldiers. Such NGOs should appreciate the

* see page 52.

** see page 38.



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fact that the CPP has voluntarily raised the recruitment age of combatants in the New People's Army to 18, while the US government still maintains 15 as the minimum age in recruiting soldiers to its armed forces. Moreover, the US is the superpower that has been sowing so much terror in the world from Afghanistan to Iraq, Iran, Syria, Cuba, the Korean Peninsula, Georgia, and the new republics in the former Soviet Union.

Thank you.

Very truly yours,

(Signed) Fidel V. Agcaoili
Chairperson
NDFP Human Rights Committee





11.



National Democratic Front of the Philippines Negotiating Panel

11 October 2005

Dr. Nicholas K. Alipui
UNICEF Country Representative
United Nations Children's Fund
31/F Yuchengco Tower, RCBC Plaza
6819 Ayala Avenue, 1200 Makati City
Philippines

Dear Dr. Alipui:

In connection with the visit on 13 October 2005 of your international consultant, Mr. Leonard A.M. Bairoh, to the office of the NDFP Joint Monitoring Committee (JMC) in the Philippines, subject matter of your letter dated 26 September 2005 and our reply thereto dated 3 October 2005, we have requested the independent nominees of the NDFP Joint Secretariat (JS) and some consultants of the NDFP Peace Negotiating Panel to receive your distinguished guest subject to the following conditions and premises:

1. The NDFP reiterates its demand for ample time and opportunity to be fully heard on the issue of the rights of the child and children in situations of armed conflict in the Philippines;
2. After reviewing the antecedents, it is clear to us that there is a concerted action by the US, the Government of the Republic of the Philippines (GRP) and their allies to hold accountable and sanction the NDFP and its allied organizations on false charges of recruitment of children and minors in the New People's Army (NPA). For this reason and as we stated in our previous letters to you, any inquiry, research or investigation on this issue, specially by the United Nations or any UN body or agency, must be conducted in accordance with the essential requirements of substantive and procedural due process particularly the cardinal principle of objectivity and impartiality;

3. Considering that the GRP is obviously attempting to use the United Nations as a forum for the false charges that "the New People's Army (NPA) has recruited minors and deployed them in combat operations" and that "since the year 1997, 210 cases of child victims of recruitment by insurgents had been documented" (presentation of GRP Representative Merceditas Gutierrez before the UN Human Rights Committee on 20-21 October 2003), the NDFP demands a bill of particulars from the GRP on these serious charges so that the NDFP can submit its detailed point-by-point refutation;
4. Because of our absence from the Philippines, we have requested our independent nominees in the JS of the JMC and our NDFP Peace Panel Consultants to receive you for an informal and unofficial discussion in the hope that this initiatory contact will lead to a formal and thorough presentation of the NDFP policies, program, practices and positions on the fundamental topic of the rights of the child and children in situations of armed conflict;
5. The NDFP is pleased to note that the action plan report of UN Secretary-General Kofi Annan dated 9 February 2005 took official cognizance and considered as a "significant progress the agreement on 14 February 2004 between the GRP and the NDFP to establish the Joint Monitoring Committee to monitor the implementation of the 1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL)"; and
6. In accordance with the above observation of UN Secretary General Kofi Annan, we hereby call your attention to the fact that the JMC of the party concerned has the sole mandate and exclusive primary jurisdiction to investigate cases of violations of human rights and international humanitarian law under the CARHRIHL, including alleged recruitment and deployment of children and minors for military duties.
7. May we point out that the NDFP (including the organs of political power, the leading working class party, the people's army, mass organizations and the people) upholds, defends and promotes the rights of the children in the most comprehensive and profound manner. It is concerned with the oppression and exploitation that Filipino children suffer together with their workers, peasant and other exploited and impoverished parents in all areas of the Philippines, regardless of whether or not there is armed conflict.

The NDFP is vigilant towards the well-funded but ill-founded notion or bias that the people's revolutionary resistance to oppression and



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exploitation violates the rights of the child and that even those culpable for the death of 500,000 children in Iraq in more than a decade of cruel sanctions have the prestige and privilege to intervene politically and militarily in the Philippines on the grounds of human rights and humanitarianism.

The genuine human rights organizations in the Philippines know that the spikes in the violations of the rights of the child occur when the onslaughts of the military, police and irregular forces of the GRP disturb the peace of the community, whether or not this is under the governance of the revolutionary organs of political power. We refer to the existence of the people's government in the Philippines in response to the pejorative description of the NDFP as nonstate.

Thank you for your kind attention and we look forward to an informed discussion on the issues raised in this letter.

Sincerely yours,

(Signed) Luis G. Jalandoni
Chairperson
NDFP Peace Negotiating Panel

(Signed) Fidel V. Agcaoili
Chairperson
NDFP Monitoring Committee
Joint Monitoring Committee

HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW VIOLATIONS AGAINST CHILDREN AND MINORS BY THE MILITARY AND PARAMILITARY FORCES OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES (GRP) FROM 51 OF 158 COMPLAINTS FILED WITH THE JOINT MONITORING COMMITTEE (JMC) AS OF 16 MARCH 2005

LUZON

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
1. G-014	1. Bernie Ani	15/M	* Massacre	Jul. 29, 2003	Sitio San Fuego, Barangay Cabanbanan, Balatán, Camarines Sur	Elements of 42nd Infantry Battalion (IB), Philippine Army (PA)
	2. Beverly Ani	17/F	* Frustrated Massacre * Destruction of Properties			

Victims Bernie Ani and two other civilians were killed while Bernie's sister Beverly was wounded when the perpetrators indiscriminately fired at the house of their father who was suspected of involvement in the killing of a CAFGU member. The indiscriminate firing terrorized the residents and neighbors of the victims.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
2. G-027	1. John-John Camposano	9/M	* Threat/Harassment/ Intimidation	Mar. 2, 2003	Barangay Aroroy, Juban, Sorsogon	Elements of 2nd Infantry Division (ID), 9th IBPA

The boy reported to Domingo Bustamante, a 62 year old farmer, and several other neighbors, that he saw strangers at the back of the hut where they were staying. Domingo and the minor went to check who the strangers were when one of the perpetrators suddenly pointed a gun at them. Frightened, the boy ran away. Gunshots were heard and Domingo was found dead later.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
3. G-028	1. Mylene Goloso (3rd year high school)	13/F	* Summary Execution * Denial of Medical Attention	May 7, 2004	Barangay Recto, Bulan, Sorsogon	Elements of 2nd IB, 901st Infantry Brigade, 9th ID PA; CAFGU
	2. Raymund Goloso (special child)	6/M	* Summary Execution * Attempted Summary Execution			
	3. Resty Goloso (grade IV)	9/M				

The four Goloso children Melody, 18, Mylene, Resty and Raymund were left alone in their house. When they heard gunshots coming from an unknown direction, Melody told Mylene and Raymund to go inside their parent's room for their safety. Melody and Resty were trying to trace where the gunshots were coming from when more gunshots were heard. Mylene and Raymund were then hit. Upon seeing their siblings's situation, Melody and Resty ran for help. Their mother Adelia, who was in a nearby place, went home and saw Mylene and Raymund with gunshot wounds. She asked the military to help her children but she did not receive any help and her children died. The perpetrators alleged that they had an encounter with the NPAs but barangay officials and residents denied that such an encounter happened.



CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
4. G-031	1. Roweeanne Sacdalan 2. Rhen Margarette Sacdalan	14/F 10/F	* Threat/Harassment/ Intimidation * Physical Assault/ Injuries * Violation of Domicile	Nov. 23, 2002 Oriental Mindoro	Brgy. Tabinay Malaki, Puerto Galera, fatigues and bonnets	Unidentified men wearing

The victims' and their mother's mouths were gagged and their hands were tied by the perpetrators. Their father Oscar was forcibly taken outside their house and four gunshots were heard. When the perpetrators left, the family saw Oscar lying dead. Oscar was suspected of supporting the NPA.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
5. G-033	1. Christian Peter Manlangit	9/M	* Threat/Harassment/ Intimidation	Apr. 27, 2001	Purok 5, Pandan, Ligao City, Albay	2 unidentified armed men wearing bonnets

The boy was with his father, an active member of a progressive party-list (Bayan Muna). They were on their way home when they heard a gunshot. The boy put off his flashlight and ducked. A volley of fire was then heard and then his father got hit. The boy then saw two armed men approach and stabbed his wounded father to death.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
6. G-037	1. Rey Gadon 2. Aldrin Gadon 3. Constancio Gadon Jr.	1/M 2/M 5/M	* Threat/Harassment/ Intimidation	Jun. 24, 2001	Barangay Morente, Bongabong, Oriental Mindoro	Elements of 6th Special Forces Company (SFC) headed by Lt. Macarandang

The victims are children of Constancio Gadon who was summarily executed in the same incident by the military who were looking for an alleged NPA. The father and his 21 year-old son were about to get firewood in the area when the military fired their guns. The children together with their mother were ordered by the military to come out of their house and lie face down on the grass.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
7. G-040	1. Nina Angela Apolinar	8/F	* Massacre	May 20, 2002	Sitio Bulihan, Barangay Ilag, San Teodoro, Oriental Mindoro	Elements of 52nd Reconnaissance Company under 204th Infantry Brigade headed by Col. Jovito Palparan

The victim and her parents were killed when their house was strafed with gunfire. The father was a local leader of a progressive party-list (Bayan Muna) while the mother was a member of a progressive women's group (Gabriela). Their house was riddled with bullets, sowing terror in the community. The father was suspected of being an NPA supporter and there were reports that he was in the military Order of Battle (OB) list.



CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
8. G-047	1. Randy Bangug	16/M	* Illegal Arrest * Arbitrary Detention * Physical Assault or Injuries * Threat/Harassment/ Intimidation * Violation of the Rights of Arrested or Detained Persons	Jun. 27, 2002	Sta. Isabel Sur, Ilagan, Isabela	Elements of 77th IB based in Sta Isabel Sur, Ilagan Isabela 1. S/Sgt. Lito Macapalag Minanga 2. Pfc. Randy San Jose 3. Pvt. Julius Navarro 4. 2Lt. Richie Mabalod-Lanao

The victim was among the 5 youths who were interrogated, beaten up, illegally arrested and detained by drunken soldiers. Two of the five young men and a farmer were shot and killed by the said soldiers. One of the two young men was killed on the spot after protesting their arrest and the physical harm being inflicted on them.

CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
9. G-048	1. Leon Punzillan	16/M	* Illegal Arrest * Arbitrary Detention * Violation of the Rights of Arrested or Detained Persons	Nov. 10, 2003	San Dionisio Maddela Quirino, Isabela	Elements of 52nd & 53rd IBPA of the 502nd Brigade under the command of Col. Rogelio Rosete

The victim was among 5 persons who were arbitrarily arrested and detained after an alleged encounter between the military and the NPA. He was not shown to human rights workers who were looking for the five arrested persons.

CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
10. G-080	1. Edgar Gonzaga Jr.	5/M	* Physical Assault or Injuries * Threat/Harassment/ Intimidation	Aug. 8, 2002	Barangay Masagana, Naujan, Oriental Mindoro	40 elements of 68th IBPA based in Barangay Aurora, Naujan, Oriental Mindoro

The victim was holding on tightly to his father when the latter was forcibly being taken by the perpetrators from their house. The child fell from the stairs when the perpetrators pulled at his father. The father remains missing up to now.

CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
11. G-089	1. Lovely Paray	9/F	* Frustrated Massacre	Sept. 9, 1999	Sitio Sapang Munti, San Mateo, Norzagaray, Bulacan	Elements of the Philippine National Police (PNP) headed by Col. Benjamin Magalong of Regional Special Action Force (RSAF), Camp Ricardo Papa, Bicutan Taguig, Metro Manila

The victim and her parents are civilians who survived the massacre of 4 of their relatives when the perpetrators strafed their house. Her father was injured when he shielded her and her mother. Her mother pleaded for mercy but the police again shot at the dead bodies of their relatives. The relatives were suspected by the police of being NPAs. One of those killed was the deaf 72-year old grandfather of the victim.



CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
12. G-099B	1. Shem Ray Pali	14/M	* Illegal Search * Threat/Harassment / Intimidation	Jul. 24, 2004	Ud-udiao, Sallapadan, Abra	40 elements of 41st IBPA

On their way to meet their mother, the victim and his brother were accosted and illegally searched by soldiers. The brother was accused of being an NPA and was being forced to admit so. Shem's bag was searched and they were interrogated for 15 minutes before they were allowed to continue their way.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
13. G-130	1. Fernan Montero	9/M	* Violation of Domicile * Threat/Harassment / Intimidation * Coercion * Illegal Search	May 24, 2001	Sitio Gatol, Barangay San Roque, Bulalacao, Oriental Mindoro	50 elements of 16th IBPA headed by a certain Major Isles

The victim was awakened when the perpetrators kicked the door of the bedroom of their house. He was asked about a gun allegedly owned by his father and on the whereabouts of 12 of his alleged companions in the NPA. Together with other residents, they were threatened to be killed and their houses burned. Their respective houses were searched.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
14. G-134	1. Ruel Villegas and 5 other children of Rosita Villegas 2. 6 children of Ligan Dait	12/M	* Violation of Domicile * Threat/Harassment / Intimidation * Destruction of Properties * Forcible Evacuation	Nov. 19, 2001	Sitio Yumot, Barangay Nasukob, Bulalacao, Oriental Mindoro	Elements of 16th IBPA

Ruel Villegas together with his 5 siblings and 6 children of Ligan Dait were forced to evacuate after being accused by the military of being NPA supporters. Earlier at 4 a.m., the soldiers forcibly entered the house of Rosita and conducted an illegal search after accusing Rosita of being the wife of an NPA fighter. As a result of the forced evacuation, the victims were deprived of shelter and education and their parent's source of livelihood.

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CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
15. G-139	1. Diana Rose Buenaflor 2. Mary Joy Macasa 3. Vanessa Ramos	11/F 14/F 15/F	* Attempted Summary Execution * Frustrated Summary Execution * Denial of Medical Attention * Threat/Harassment/ Intimidation * Illegal Search and Seizure (Checkpoints)	Apr. 27, 2004	Barangay Wawa, San Rafael, Montalban, Rodriguez, Rizal	1. Pfc. Dopilez, Comelec check-point, Brgy Wawa, under 80th IB, SF, PA. 2. Col. Ricardo Nepomuceno – Commanding Officer (CO) of 80th IB 2nd IDPA based in Camp Aguinaldo

The victims were on board a van at midnight on the way to fetch Diane's sibling from her workplace when they saw a military checkpoint. The driver of the van got frightened and decided to turn back, at which point they were fired upon. Mary Joy and Vanessa were wounded. When the van stopped, Diana immediately opened its door and ran away as the perpetrators continued to fire at them.

After the gunfire, the victims approached the soldiers and asked why they were shot. They told the soldiers that they were wounded but the former left them. The soldiers traced them later at a hospital and threatened them not to file any complaint.



CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
16. G-141	1. Gemmalyn Sia Alcazar 2. Jinggoy Sia Alcazar 3. Ping-Ping Cabarles 4. Certain Idling 5. a certain Catherine	4/F 2/M 2 4 13/F	* Illegal Arrest * Arbitrary Detention * Incommunicado * Violation of Rights of Arrested or Detained Persons * Violation of Domicile * Forcible Evacuation * Destruction of Properties	Jun. 13 & 14, 2004	Barangay Layong Mablog and Mabacac, Maragondon, Cavite	50 elements of 740th Combat Group Philippine Air Force (PAF) headed by Maj. Florante Falsis with: 1. 1st Lt. Jackray Mosomos 2. Sgt. Elmer Padilla 3. A2C Ryan R. Barjose 4. A2C Nero H. Maranan 5. A2C Angelito L. Flores 6. PNP Maragondon headed by Police Chief Flores

At dawn of June 13, 2004, a group of military men attacked an alleged NPA unit in Maragondon, Cavite near the houses of the victims, killing 3 persons. In the morning, the soldiers ferried by helicopter 2 civilians plus Gemma Sia and her children Gemmalyn and Jinggoy. They were taken to the military camp in Nasugbu, Batangas while other family members were taken and detained in Maragondon, Cavite. Other residents were forced to evacuate and when they returned, they found their houses destroyed and some of their belongings missing.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
17. G-145	1. Christian Ibanez	5/M	* Death due to Indiscriminate Firing * Denial of Medical Attention	Jul. 31, 2001	Siteo Landing Malasena, Barangay Iala, Rizal, Laguna	More than 12 elements of 5th Special Forces Company, PA based in Barangay Antipolo, Rizal, Laguna

Christian and his mother who was 7 months pregnant with twins died due to indiscriminate firing or strafing of their house by soldiers. His father was also wounded. When the perpetrators realized that they were civilians, they just left the place without helping the victims. The wounded father brought his son and pregnant wife to the hospital but they were pronounced dead on arrival.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
18. G-151	1. Cristy Rios	14/F	* Inhumane, Cruel and Degrading Treatment * Sexual Abuse/Harassment	Jul. 2001	Siteo Bagong Pag-asa, Barangay Morente, Bongabong, Oriental Mindoro	Elements of 6th SFC PA based in Siteo Bagong Pag-asa I Bongabong Mindoro, headed by a certain Lt. Macarandang

The perpetrators made a video of the victim entitled "Munting Amasona Ngunit Bulbulin Na" (roughly translated: Little Amazon Warrior But with Well-Developed Pubic Hairs). The soldiers shot the film while the victim, who was mentally retarded, was taking a bath naked in the river. She was even coaxed by the soldiers to fondle her private parts.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
19. G-156	1. a certain Menedilla	8 mos.	* Forcible Evacuation * Threat/Harassment/Intimidation	May 22, 2001	Sta. Cruz, Laguna	Elements of 1st IBPA Alpha Coy based in Toloogan, Cavinti, Laguna headed by CO-Lt. Templonuevo & CO - Col. Erren Orbon of the 1st IBPA

On April 18, 2001, Dennis Menedilla, the victim's father, was forcibly taken by the perpetrators and brought with them several times during their combat operations. On May 22, 2001, a military informer tried to fetch Dennis' wife and their 8-month old baby but the mother refused. The informer then went back, this time with Dennis, who refused to go back with the former. After the incident, the Menedilla family was forced to evacuate for fear of their lives.



CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
20. G-158	1. Lyrin Montoya 2. Junnyver Montoya 3. Mark Juvelle Montoya 4. Ruston Montoya	17/F 9/M 4/M 1/M	* Forcible Evacuation * Threat/Harassment/ Intimidation * Illegal Search	Oct. 5, 2001	Barangay San Juan, Bulalacao, Oriental Mindoro	CAFGU (paramilitary) elements: 1. Silver Flores 2. Johnson Tuga under 16th IB based in Barangay San Roque, Bulalacao, Oriental Mindoro headed by 1st Lt. Dennis Plaza

The victims are children of Bernard Montoya, local leader of a progressive organization. Perpetrators shot Bernard, wounding him and his wife. Four of their 6 children were also with them when they were shot. The military illegally searched their house. The family was then forced to evacuate.

VISAYAS

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
1. G-072	1. Jemar Suplaag	17/M	* Illegal Arrest * Arbitrary Detention * Physical Assault or Injuries * Violation of Domicile * Illegal Search * Threat/Harassment/ Intimidation	Dec. 2, 2003	Barangay Pili, Danao City, Cebu	1. Lt. Col. Rolando Malina, 2. 2Lt. Nasser Do Arojo and other elements of 78th Infantry Battalion (IB) and 302nd IB
	2. Jemar's sibling 3. Jemar's sibling	10 2 mos	* Violation of Domicile * Illegal Search * Threat/Harassment/ Intimidation			

The victims' father is a peasant leader who was arrested, tortured and detained by the military on suspicion of being an NPA. Their house was illegally searched twice by the military. Jemar was kicked and forcibly brought to a police camp and detained. His 10-year old sibling saw how the soldiers suddenly brought out a planted gun and grenade while his startled 2-month old sibling whined while their house was being ransacked.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
2. G-108	1. Joy Paloma	16/F	* Illegal Arrest * Arbitrary Detention * Divestment of Properties * Threat/Harassment/ Intimidation	Mar. 10, 2004	Barangay Hiloctugan, Carigara, Leyte	80-100 elements of 46th and 7th Scout Rangers Company led by 1Lt. Eugene M. Musyco under the command of Lt. Col. Manuel Ramos

The victim, an organizer of the progressive partylist Anakpawis (Toiling Masses), was arbitrarily arrested, jailed and interrogated by soldiers. Her ID and other campaign paraphernalia were confiscated for no reason. She was allowed to go home to her uncle's house only after two days but about 80 soldiers openly harassed and monitored her and her family by putting up their military tents around her uncle's house while their commanding officer stationed himself inside the said house.

CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
3. G-109	1. Nestor Corong 2. Mitchboy Corong	12/M 15/M	* Summary Execution	Oct. 19, 2003	Barangay Doña Anecita, Pambujan, Northern Samar	Elements of 803rd Infantry Brigade (IBde) PA led by Domingo B. Gubway

The victims, along with their father Nestor Corong Sr., were walking from where they had gone fishing when they were fired upon by soldiers using armalite and M14 rifles. When the children were hit, their father appealed to the military to stop firing as they are civilians but another series of gunfire ensued. The two children immediately died while the father survived.

CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
4. G-111	1. Levi D. Maban	9/M	* Illegal Arrest * Arbitrary Detention * Violation of Rights of Arrested or Detained Persons * Threat/ Harassment/ Intimidation * Inhumane, Cruel and/or Degrading Treatment or Punishment * Exploitation of Children in the Context of the Armed Conflict * Violation of Domicile	Dec. 6, 2000	Barangay Cambais, Motiong, Samar	8th ID and 34th IBPA led by Master Sergeant Latore

The victim was arrested and detained by the military during a combat operation where they raided the house of his surrogate parents. The military suspected the latter of being NPA supporters. They shot and killed the surrogate father. The child was deprived of access to relatives while in detention and his uncle was denied custody over him despite a GRP court order. He was turned into a houseboy of the military chaplain. It was only after his case was taken up in the GRP-NDFP peace negotiations in the presence of representatives of the Royal Norwegian Government that he was allowed to be visited by Karapatan, a human rights alliance, and subsequently released to his relatives.

CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
5. G-113	1. Terencio Saligumba Jr.	16/M	* Illegal Arrest * Arbitrary Detention * Torture * Coercion (Use of Civilians in Military Operations as Guide) * Threat/ Harassment/ Intimidation * Violation of Rights of Arrested or Detained Persons * Exploitation of Children in the Context of the Armed Conflict	Oct. 18, 2001	Sitio Dumaramo, Barangay Binobocalan, Hinabangan, Samar	1. Cpl. Jaime Sumalinog Jr. 2. Sgt. Freddy Francis and other elements of Bravo Company 52nd IBPA under the command of Lt. Col. Dimoh Dolina



The victim and his friend were resting in a farmer's house when they were arrested by soldiers. The soldiers searched the house before they left. The victims, who were suspected to be NPA members, were brought to the military camp. They were interrogated separately and tortured. When Terencio refused to answer questions, his nape was burned with cigarettes. The soldiers forced the victims to name their "commander". They were also forced to act as guides by the soldiers in their military operation. It was only after four days that the victims were brought to the police station, charged with illegal possession of firearms and jailed.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
6. G-114	1. Jinny Cedot Martinez	16/M	* Frustrated Summary Execution * Torture * Denial of Medical Attention * Illegal Arrest * Arbitrary Detention * Violation of Rights of Arrested or Detained Persons * Coercion (Use of Civilians in Military Operations as Guide) * Threat/Harassment/Intimidation * Exploitation of Children in the Context of the Armed Conflict * Criminalization of Political Acts	Feb. 14, 2003	Sitio Naga, Barangay, Tinag-an, Albuera, Leyte	Pfc. Eric Longcop and other members of the 19th IBPA

The victim was on his way to a dance when arrested by soldiers because he was suspected to be an NPA member. He was used by the soldiers to look for an NPA camp. When the victim was not able to lead them to the NPA camp, a gun was cocked and fired on his neck that caused a 7-inch graze. The victim was able to escape from his captors. But when he and his relatives asked officials of the Town Hall for help, he was denied medical attention because the police insisted on interrogating him. Just then, the soldiers arrived and brought him again to their patrol base. He was charged with multiple frustrated homicide and jailed together with common criminals.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
7. G-115	1. Harry Reyes (reported as Titoy Y Mahinay a.k.a Jake by the military)	17/M	* Frustrated Summary Execution * Illegal Arrest * Arbitrary Detention * Violation of Rights of Arrested or Detained Persons * Coercion (Use of Civilians in Military Operations	Apr. 28, 2001— 6:00am	Barangay Pasabuena, Victoria, Northern, Samar	1Lt. Rufino L. De Leon and other elements of 63rd IBPA



as Guide)
 * Threat/Harassment/
 Intimidation
 * Exploitation of Children
 in the Context
 of the Armed Conflict

The victim was with his friend who was suspected to be an NPA member. He was a civilian who joined his friend in fetching water from the river when soldiers fired at them at around 6:00 a.m. He was shot on his left buttock. He failed to run away and was arrested. After profusely bleeding, he was brought to a military hospital by the soldiers only at noon even as he was continuously being interrogated. He was jailed at the soldiers' camp for a long time, interrogated with guns poked at him and was forced to lead them to a supposed NPA camp.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
8. G-116	1. Obet Quidia 2. Benjie Cabugoy 3. Randy Potoy 4. Rey Corpin	16/M 17/M 15/M 13/M	* Massacre * Desecration of remains	Apr. 16, 2003	Barangay San Isidro, Kananga, Leyte	1. Lt. Honofre Neimida, 2. Col. Oscar Lactao and others elements of 19th IBPA

The victims who were all members of a progressive legal youth organization were killed one early morning, along with leaders and members of a legal peasant group, by soldiers who suspected them of being NPA members. It was learned that boiling water was poured on the victims' bodies, which scalded their skins. One of the farmers who survived was later used as guide by the soldiers in their military operation.

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CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
9. G-120	1. Sonny Conge Jr. 2. Sammy Conge 3. Gina Conge	10/M 8/M 6/F	* Frustrated Massacre	Aug. 8, 2004	Sitio Naalad, Barangay I Poblacion Catubig, Northern Samar	Paramilitary (CAFGU) 1. Sgt. Amolar 2. Romy Acebron and other elements of 63rd IBPA

The victims were sleeping when soldiers strafed their house at dawn. The victim's 4-month pregnant mother died while their father was injured. The three children were hit at different parts of their bodies but survived.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
10. G-121	1. Jennely Nuguit 2. Jessie Nuguit 3. Emerito Nuguit 1. Jennifer Nuguit 2. Jason Nuguit 3. Jessalyn Nuguit	13/F 6/M 10 mos/M 11/F 7/M 4/F	* Massacre * Frustrated Massacre	Jan. 28, 1999	Sitio Mogus, Barangay Capacuhan, Palapag, Northern Samar	Elements of Charlie Company 19th IBPA headed by Army Cpl. Priscillo

Soldiers conducting an early morning military operation strafed the victims' house while the children were sleeping. The three children died along with their father and 5-month pregnant mother. The three other children were able to hide underneath the sofa and escaped injury.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
11. G-125	1. Arnel Arceño	17/M	* Frustrated Summary Execution * Dispersal of Mass Actions, Public Assemblies * Assault/Breaking up of Picket Lines * Threat/Harassment/Intimidation	Apr. 30, 2002	Barangay Buenavista, Marican Island, Guian, Eastern Samar	1. Philippine National Police (PNP) Guian Police Station Led by Police Chief Matte Aseo, 2. Eastern Samar Police Mobile Group and Mining Company driver

The victim was a participant in a rally against a mining company when the picket was forcibly broken up by the police, firing shots in the air and using a truck to ram the picketers which wounded the victim and killed his elder brother.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
12. G-179	3 children of Josapath Divinagracia 1. Unnamed 2. Unnamed 3. Unnamed	8 10 22 mos	* Violation of Domicile * Illegal Search * Divestment of Properties * Threat/Harassment/Intimidation	Apr. 13, 2002	Barangay Anonang, Inabanga, Bohol	Unidentified Scout Rangers

The victims' house was forcibly entered at dawn by soldiers who fired their guns earlier. Their father was taken and tortured. The soldiers ransacked their house and took away some of their belongings.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
13. G-193	1. Edfu Dela Cruz 2. Decerre Dela Cruz	12/M 14/F	* Illegal Arrest * Arbitrary Detention Coercion (Use of Civilians in Military Operations as Guide) * Exploitation of Children in the Context of the Armed Conflict * Massacre	Mar. 12, 2002	Hilawos, Bontoc, Southern Leyte	T/Sgt. Rafael Pasion and other elements of 43rd IBPA

Edfu was in a hut with his sister and parents. He left the hut early to play when he bumped into some soldiers. He was arrested, interrogated and asked where he allegedly kept his gun. He was forced to lead them to the hut where his family was staying. The soldiers strated the hut, killing his father, mother and sister who were sleeping. Edfu was arrested and jailed on suspicion of being an NPA member. After several weeks in detention, Edfu was presented to the press by the military as a so-called "child warrior" who could dismantle a gun.



CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
14. G-200	1. John Mark Yanga 2. Joshua Yanga 3. Karl Marx Yanga	3/M 4/M 5/M	* Violation of Domicile * Illegal Search * Threat/Harassment/ Intimidation * Coercion * Violation of Domicile	Feb. 21, 2002	Sitio Bil-Ai, Barangay Wambog Pinabacdao Samar	Sgt. Danilo Elar and 13 other elements of 52nd IBPA Alpha Company

The victims were sleeping when they were roused at midnight by soldiers. The soldiers forcibly entered and searched their house and dragged their father outside and tortured him.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
15. G-201	1. Alvin Abandiano	10/M	* Threat/Harassment/ Intimidation * Coercion (Forced Labor/ Involuntary Servitude)	Oct. 25, 2001	Barangay Yabon, Hinabangan, Samar	52nd IBPA Alpha Company under the command of Lt. Col. Dinoh Dolina

The child bumped into a group of soldiers who were on patrol. He was interrogated and asked if he knew of the NPAs and what he was doing. He was later ordered to get food from their house.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
16. G-204	1. Jake Alambra	12/M	* Threat/Harassment/ Intimidation * Inhumane, Cruel and Degrading Treatment	Nov. 2, 2001	Barangay Proper, Sitio Rizal, Brgy. Bulao, Basey Samar	18 elements of 52nd IBPA Alpha Company under the command of a certain Lt. Chico

Soldiers saw the child climbing a guava tree and ordered him to come down. For 15 to 20 minutes, he was ordered to lie face down on the ground in the pouring rain. Afterwards, he was asked if he was a child of an NPA and where the NPAs were. He was later allowed to go crying and shaking in fright.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
17. G-212	1. Arlindo Galla 2. Ariel V. Encenas	15/M 17/M	* Illegal Arrest * Arbitrary Detention	May 2, 2000	Barangay Upper San Andres, Borongan, Eastern Samar	PNP Borongan, Eastern Samar

The two victims were arrested on suspicion of being NPA members and allegedly in possession of armalite rifles. They are jailed on charges of illegal possession of firearms.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
18. G-250	1. Jessie Almenis	15/M	* Torture * Threat/Harassment/ Intimidation * Divestment of Properties	Oct. 2, 2004	Barangay Nagbinlod, Sta. Catalina, Negros Oriental	Lt. Rodrigo Jimena and other elements of 61st IBPA

The victim was riding a horse when soldiers blocked his path and grabbed him from his mount, causing him to fall. The soldiers grabbed his knife and asked him where the NPAs were. When the victim was unable to answer, his horse was hacked and he was later threatened with his knife unless he points to where the NPA camp was. A soldier took some rope, looped it around the victim's neck and hanged him from a tree. While hanging, the soldiers threatened to kill him if he refuses to talk. He was allowed to go afterwards.



MINDANAO

CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
1. G-007	1. Marequiel Jose 2. Kevin Dongyapon 3. Rap-Rap Jose	11/F 7/M 5/M	* Massacre * Denial of Decent Burial, Refusal to Tender Remains and Desecration of Remains	Aug. 18, 2002	Siyo Cabuyao " Nursery," Barangay Binondo, Baganga, Davao Oriental	1. Major Alexis Gopico - commanding officer, 8th Special Forces Battalion 2. Sgt. Roberto Belabbo - team leader, 1st platoon, 8th Special Forces Battalion 3. Lt. Manny Catunggal - 27th Special Forces Battalion 4. Lt. Bernardo Samin - 30th Special Forces Battalion 5. PFC Genaro Casim - 8th Special Forces Battalion 6. PVT Benjie Edmilao - 8th Special Forces Battalion 7. Noli Banugan - CAFGU
	1. Jovet Jose 2. Jonel Jose	6/M 10/M	* Frustrated Massacre * Illegal Arrest * Arbitrary Detention * Forcible Evacuation/ Displacement * Threat/Harassment/ Intimidation * Frustrated Death due to Strafing, Indiscriminate Firing and Bombing/Shelling/ Aerial Bombardment			
	1. Dessa Dongyapon	3/F	* Illegal Arrest * Arbitrary Detention * Forcible Evacuation/ Displacement * Threat/Harassment/ Intimidation			
	1. May-May Dongyapon 2. Gabriel Jose 3. Wilken Jose 4. unnamed 5. Roel Cabanog 6. Mae Cabanog 7. Shiela Cabanog 8. Rico Cabanog 9. Judy Cabanog	5/F 4/M 2/M 1 mo./unknown 1 yr & 10 mos/M 1 yr & 10 mos/F 4/F 7/M 6/F	* Strafing, Indiscriminate Firing and Bombing/Shelling/ Aerial Bombardment * Forcible Evacuation/Displacement * Threat/Harassment/ Intimidation			

Around 130 soldiers of the 8th Special Forces indiscriminately fired at dawn at an indigenous (Lumad) community killing, among others, Marequiel, Kevin and Rap-Rap. Marequiel was suspected to be a child of an NPA member. Soldier's put her body inside a sack and threw it on a dump truck. Her body was recovered only two days later. The siblings, Jovet and Jonel Jose, and Dessa Dongyapon were arrested together with Amelia Dongyapon who was five-months pregnant. Jovet and Jonel were injured and were brought to the hospital where they were accused of being NPA members. Six families were forced to flee as a result of the attack, including the 12 children aged 1 month to 10 years listed at the victims column from Jovet Jose to Judy Cabanog. Their houses were searched and their belongings taken.



CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
2. G-018	1. Bennisir Muamil 2. Juli Sahibul	13/M 17/M	* Massacre	Mar. 20, 2003	Barangay Lampaki, Indanan, Sulu	around 100 unidentified troopers of AFP Scout Rangers based in Sulu

Around 100 Scout Rangers conducted a military operation which resulted in the massacre, summary execution and torture of civilians. Massacred were students Bennisir, Jul and an adult. One of those tortured was a 68 year old man, who later died. The soldiers accused the victims of being members of the Abu Sayyaf Group.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
3. G-020	1. Jonathan Benaro	16/M	* Massacre * Torture * Inhumane, Cruel and/or Degrading Treatment or Punishment * Denial of Decent Burial, Refusal to Tender Remains and Desecration of the Remains	Sept. 19, 2003	Apukto Maco Highway, Compostela Valley	1. Willy Javier - Military Intelligence Unit agent 2. Capt. Denmark Mamari - Intelligence Service Unit

Members of a military intelligence unit abducted the victim, a youth barrio councilor and member of a legal progressive youth organization, and several other companions. The victims were massacred and were found buried on top of each other in a shallow grave and bearing marks of torture.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
4. G-023	1. Sonnyboy Manlatas 2. Joel Pulong	8/M 14/M	* Frustrated Massacre	Apr. 15, 2002	Creek Talaingod, Sitio Pangyan, Tamugan, Marilog District, Davao City	1. Col. Eduardo del Rosario - commanding officer, 73rd IB 2. Loreto Palma - CAFGU (Alamara Group) 3. a certain Inteng - CAFGU (Alamara Group)

The victim, together with other civilians, were attending a wedding ceremony in an indigenous community when they were suddenly fired upon. Someone appealed to the attackers to cease fire because they were civilians but this was not heeded. Sonnyboy Manlatas and Joel Pulong were injured in the massacre which also killed a 4- month pregnant woman. *

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
5. G-025	1. Wilmer Masimid 2. Ricardo Lopez	3/M 17/M	* Death due to Strafing, Indiscriminate Firing and Bombing/Shelling/ Aerial Bombardment * Illegal Arrest	Apr. 25, 2003	Sitio Bisaya, Barangay Mahan-ub, Baganga, Davao Oriental	100 fully armed members of the 30th Special Forces Company under Capt. Resuello

Soldiers strafed the house of an indigenous farmer killing the victim and his father. The father was accused by the soldiers of being an NPA. Their bodies were taken to a funeral parlor but the mother was only informed of their deaths the day after. She was not allowed to go to the funeral parlor as the bodies were reportedly being cleaned. The mother was able to see their bodies only after the soldiers decided that the dead would be buried that day. Two of the victims' companions were also injured.

The victim, together with other chainsaw owners and operators were forcibly taken by soldiers.





CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
6. G-026	1. YenMontipon	3/F	* Torture * Threat/Harassment/ Intimidation	Jun. 13, 2001	Siteo Kasong, Barangay Tinuyop, Leon B. Postigo Town, Zamboanga del Norte	1. Romeo Dangles 2. Romeo Mauresa 3. Teodoro Angga Jr. -elements of 5th IB Charlie Company

The victim was inside their house when the military forcibly entered and searched it. She saw her father mauled and tortured by the "big men" (referring to the military). She was crying and wanted to go to her father but she was forced by the military to leave.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
7. G-050A	1. Felconnie Claire Esquejo	13/F	* Frustrated Killing due to Strafing, Indiscriminate Firing and Bombing/Shelling/ Aerial Bombardment	Mar. 7, 2003	Tacurong City, Sultan Kudarat	unidentified motorcycle riding man

The victim was injured in a bomb explosion. This was reported in the findings of the Mindanao Truth Commission which state that it was the Philippine government itself through its military establishments, which was behind these bombings collectively called the "Mindanao Bombings."



CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
8. G-062	1. Unnamed daughter of Esmael Mamalangkas	13/F	* Sexual Harassment * Inhumane, Cruel and/ or Degrading Treatment or Punishment * Coercion	Apr. 8, 2003	Almonte Extension, Purok Bualan, Poblacion 2, Cotabato City.	a group of military men

Esmael Mamalangkas' daughter was forcibly undressed by soldiers. He was arrested and their house ransacked without warrants.

CASE No.	VICTIM(S)	AGE / GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
9. G-063	1. Jimmy Balulao 2. Tohami Rasca-I-Ulong	17/M 16/M	* Illegal Arrest * Arbitrary Detention * Inhumane, Cruel and/or Degrading Treatment or Punishment	Apr. 8, 2003	Almonte Extension, Purok Bualan, Poblacion 2, Cotabato City	CIDG Davao

Jimmy and Tohami were arrested separately. Their hands were bound with a metal wire and they were loaded into a vehicle. Both were accused as the perpetrators of the Sasa Wharf Bombing and were charged with multiple murder and multiple frustrated murder. This was reported in the findings of the Mindanao Truth Commission which state that it was the Philippine government itself through its military establishments, which was behind these bombings collectively called the "Mindanao Bombings."



CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
10. G-065C	1. Joel Devera 2. Bai Masai Salikaya	13/M 11/F	* Death due to Strafing, Indiscriminate Firing and Bombing/Shelling/ Aerial Bombardment	Jul. 10, 2003	Koronadal Public Market, South Cotabato	1. Ido Mangudadatu 2. Misuari Abpi 3. John Doe

The victims died in the bombing of the Koronadal, South Cotabato Public Market. This was reported in the findings of the Mindanao Truth Commission which state that it was the Philippine government itself through its military establishments, which was behind these bombings collectively called the "Mindanao Bombings".

CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
11. G-066	1. Mark Panggliawan	16/M	* Arbitrary Arrest * Unjustified Detention	Jun. 17, 2003	Bulaong Terminal, Cotabato City and Balunto, Barangay Labangal, General Santos City	unidentified policemen

The victim and his companions were accused and arrested on suspicion of being carriers of the bomb found in an eatery. They were jailed and subsequently charged with bombing. This was reported in the findings of the Mindanao Truth Commission which state that it was the Philippine government itself through its military establishments, which was behind these bombings collectively called the "Mindanao Bombings".

CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
12. G-070	1. Taufic Muner 2. Kosair Muner	14/M 16/M	* Illegal Arrest * Arbitrary Detention	Mar. 30, 2002	Barangay Lustre, Zamboanga City	AFP Southern Command, 103rd Brigade

Soldiers arrested the siblings in their house on suspicion that they were members of the Abu Sayyaf Group. Taufic was a grade VI student while Kosair is in 2nd year high school.

CASE No.	VICTIM(S)	AGE/GENDER	TYPE OF VIOLATIONS	DATE	PLACE	ALLEGED PERPETRATORS
13. G-174	1. Antonette Vice Laping Jardinico 2. Maekalia Gabrielle Jardinico Adecer 3. Anton Gabriel Jardinico Adecer 4. Davy Jone Laping Jardinico 5. Paolo Gabriel Jardinico Adecer 6. Maricel Tucaldo	1/F 2/F 6/M 6/M 10/M 15/F	* Massacre	Apr. 6, 2003	Valencia City, Bukidnon	1. Valencia City Mayor Jose M. Galario, Jr. 2. Mrs. Elena T. Malabanan 3. PSupt. Melchor R. Bedasua 4. Fire Marshal Sr. Insp. Franklin O. Ratunil 5. Fire Investigator PO2 Rodolfo A. Bebangco, Jr.

Six children and six other persons died when the Jardinicos' house burned down. Relatives of the victims suspect a collusion between the town mayor and someone who claims ownership of the house and lot and who plans to set up a business therein. The local firemen also did not respond immediately to contain the fire.



APPENDICES





*Young girls
welcome female
NPA to their barrio
in Bicol*



*Children in Camarines
Sur province in
Southern Luzon enjoy
watching a pig being
prepared for roasting
for double celebration
marking the anniversary
of the NPA and the end
of another successful
exercise of collective
farming (luyo-luyo)*

*A teenage boy
intently watching
the performances
at the celebration
of the 36th
anniversary of the
CPP in Quezon
province in
Southern Luzon*





13.

On the NPA's Alleged Mass Recruitment of Child Guerillas

**Military Commission, Central Committee
Communist Party of the Philippines
August 30, 1999**

The revolutionary movement considers children and youth as social sectors that should be aroused, organized and mobilized for the revolution. Millions of children and youth, sons and daughters of workers, peasants and other exploited and oppressed people, are condemned by the decadent ruling semicolonial and semifeudal system to extreme poverty, slavery and a dark future.

They are further made to suffer by the current rabidly reactionary, puppet, anti-democratic and anti-masses US-Estrada regime. Under the policies of imperialist "globalization" and all-out denationalization, deregulation and liberalization — they and their fathers and mothers are brutally abandoned to the voracious appetite for superprofits of foreign monopoly capitalists and extortion by the local big comprador bourgeoisie and landlord classes. They are victimized by the widespread military operations of the AFP-PNP that are marked by forced evacuations, food and population control, indiscriminate bombardment and firing, illegal searches and arrests and other forms of fascist abuse and intimidation.

The revolutionary movement led by the Communist Party of the Philippines, the New People's Army in particular, is a young movement. It is the youth who are at their prime that constitute the vast majority of the revolutionary movement's cadres, members, officials and fighters. This is as it should be. It has been repeatedly proven by the country's history that it is the youth who are most open and interested in revolutionary change and advance. There is likewise a need for the youth's enthusiasm and their resolute faith in the future for perseverance in the struggle despite a myriad of suffering and trials. One significant victory of the Second Great Rectification Movement has been the revitalization of the youth's participation in the



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revolutionary movement and the noticeable growth in the number of new blood among the movement's full-time forces.

Along with this, the Party, the NPA and the movement as a whole are conscious of the particular status and needs of minors, especially children. The movement is made up of various types of organizations as well as military and non-military forces and participates in different types of activities and struggles both armed and unarmed, legal and illegal in the political, economic, cultural, organizational, health, military and other fields. Thus, even as they are tirelessly mobilized to participate in the revolution, minors are purposely removed from combat and military activities. Children are organized under the aegis of the revolutionary women's movement to provide special attention to their health and educational needs that have been grossly neglected by the reactionary ruling classes.

The revolutionary movement consciously abides by international laws and rules of war that prohibit the recruitment of children below 15 years of age for combat work. More, in 1988, the Political Bureau of the Party's Central Committee issued a clear decision stipulating that the NPA may only recruit persons who are 18 years old and older for its combat units. This issue, along with other issues related to the respect for human rights were included in the first phase of the peace talks between the GRP and the NDFP and the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) that has been approved and signed by both parties but which the Estrada regime has refused to implement.

While the Marcoses and the worst violators of human rights in the Philippines are being exculpated and allowed to return to power, the Estrada regime and its minions in the AFP and PNP are fabricating issues about supposed NPA violations of human rights through the alleged mass recruitment of child guerillas. Up to now, they have had nothing to show except for isolated cases in a few places, most of whom are victims of illegal arrest and have been falsely accused of being NPA members. The AFP and PNP have long had the practice of falsely accusing as NPA and planting firearms as "evidence" even on members of unarmed and nonmilitary mass organizations, including elements of the legal democratic movement. The Party and the NPA do not expect the reactionary and fascist US-Estrada regime to cease, but rather, to step up such vilification and intrigues while intensifying its militarist Oplan Makabayan that aims to end the armed conflict in the country with an iron fist.



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Data prove that the NPA on the whole abides by international laws and rules on war that include the prohibition of the recruitment of children for combat. The Communist Party and the NPA have their own clear internal rules to implement this. On this occasion, the Party's Military Commission and the NPA National Operational Command once again remind all commands and units of the NPA in different areas of the country to strictly ensure the implementation of the Party's policies and the NPA's rules on this matter.

Expose and resist the unbridled oppression and exploitation of the youth by US imperialism and the ruling comprador bourgeoisie and landlord classes!

Further arouse the youth for the revolution! ■





14.

Memorandum on the Minimum Age Requirement for NPA Fighters

**Executive Committee, Central Committee
Communist Party of the Philippines
October 15, 1999**

To all Party Organs and NPA Commands:

Please be informed and guided by the following:

1. Under International Humanitarian Law, specifically Article 77, paragraph 2 of Protocol I of 8 June 1977 additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts, the parties to the armed conflict "in recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years (...) shall endeavor to give priority to those who are oldest." Under Article 4, paragraph 3 of Protocol II additional to the Geneva Conventions, children who have not attained the age of 15 shall not be allowed to take part in the hostilities. Under Article 4, paragraph 3 (d) of Protocol II, children under the age of 15 who have taken a direct part in hostilities, despite the prohibition in Article 4, paragraph 3 (c) of the same Protocol and are captured remain entitled to the special protection provided to children by Article 4, paragraph 3.
2. Under the United Nations Convention on the Rights of the Child, adopted on 20 November 1989, children are accorded special rights up to the age of 18 years and the minimum age limit stipulated for the participation of children in hostilities is 15 years.
3. The International Committee of the Red Cross and Red Crescent Movement have called for the adoption of an optional protocol to the UN Convention on the Rights of the Child aimed in particular at prohibiting the recruitment of children under 18 years of age into the armed forces and armed groups and their participation in hostilities. The proposed

optional protocol has not yet been adopted and carries vague terms, such as "direct and indirect participation" and "hostilities".

So far, existing international humanitarian and human rights law allows the recruitment of persons between the age of 15 and 18 as combatants of a party to an armed conflict.

The Communist Party of the Philippines, the New People's Army and the National Democratic Front of the Philippines respect the aforesaid law and take into account the following: the fact that the NPA is waging a people's war, that its enemy is brutal and carries out acts of aggression against the people in their territory and that all persons regardless of age are entitled to the inherent right of self-defense. Entire communities are responsible for their internal security and can carry out self-defense against the aggressor.

In consonance with existing international humanitarian and human rights law, the Politburo of the Party Central Committee adopted in 1988 the policy prohibiting the recruitment of children below the age of 18 years as regular members or armed fighters of combat units of the New People's Army. We continue to uphold such policy and reiterate it now in the face of the intensified psywar campaign being waged by the Manila government.

Furthermore we hereby amend Point 1 of Principle III of the Basic Rules of the New People's Army which reads as follows:

Point 1. Anyone who is physically fit, regardless of age, sex, race, nationality or religion and has the capacity to fight and is ready to participate in a protracted armed struggle against the reactionary state power may be a member of a fighting unit of the New People's Army.

As amended, Point 1 of Principle III shall henceforth read as follows:

Point 1. Any person, who is at least 18 years of age and is physically and mentally fit, regardless of sex, race, nationality or religion, has the capacity to fight and is ready to participate in armed struggle against the reactionary state power, may become a combatant or a member of a fighting unit of the New People's Army.

Any person, not less than 15 years of age, may be admitted as a trainee or apprentice of the New People's Army and may be assigned to self-defense, militia and other non-combat units and tasks.

In the event of enemy aggression against or encroachment on the territory of the people's democratic government, all persons above

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15 years of age may be mobilized for self-defense, provided that priority among those below 18 years of age but more than 15 years of age shall be given to the eldest ones in the distribution of weapons of self-defense.

The foregoing amendment shall take immediate effect.

The New People's Army adheres strictly to the principles and instruments of international humanitarian and human rights law. We must expose as false and malicious the propaganda campaign of the enemy that the NPA is systematically recruiting children who are less than 15 years of age to become combatants.

We must denounce the enemy's practice of murdering children of less than 15 years of age and misrepresenting them as armed fighters of the NPA or kidnapping, torturing, intimidating and forcing them to say that they are NPA combatants and imprisoning them indefinitely and subjecting them to cruel and humiliating treatment.

We challenge the Manila government (GRP) to honor its own signature on the GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law and accede to the realization of the GRP-NDFP Joint Monitoring Committee where complaints may be presented or proceed directly to the appropriate international court of law and to complain against any alleged violation of the Geneva Conventions and Protocols I and II. ■



15.

Guidelines and Rules on Marriage Inside the Party *

April 1998

Foreword:

The Guidelines and Rules on Marriage Inside the Party has been amended by the EC-CC and is hereby reissued with accompanying explanations. The amendments done by the EC-CC are in accordance with proposed amendments in the 10th Plenum of the Central Committee.

The major amendments are the following:

1. Giving more emphasis to basic revolutionary principles and objectives in encouraging engaged couples to avoid premarital sex. This means that the preferred method of correcting weaknesses in this regard is through criticism, advice and education and not through the imposition of administrative or disciplinary action.
2. Removing the trial period requirement of one year for cases where one partner is requesting for divorce or six months for cases where both partners are requesting for divorce. An impartial hearing or thorough investigation into the seriousness of the request, the bases for such request and the efforts exerted to save the relationship, is sufficient to arrive at a decision on whether to grant the divorce or not.
3. Giving the authority to grant permission for marriage to the committee to which the engaged couple belongs or to the committees to which they separately belong, in lieu of the previous requirement that the request be referred to and decided upon by the next higher organ/s.
4. Making appropriate differentiation on the nature and gravity of offenses where disciplinary action would be taken in order to avoid excesses in passing judgment over violations.
5. Properly distinguishing between cases that are covered by administrative measures of the Party and those with probable criminal culpability which should be filed and tried in the people's court.
6. Adding a new section on the recognition of and respect for same-sex

* Translated from the original Filipino entitled *Mga Gabay at Tuntunin sa Pag-aasawa sa Loob ng Partido Komunista ng Pilipinas (Marxismo-Leninismo-Maoismo)*.

relations and applying the principles, guidelines and rules on courtship and marriage on such relations.

Some parts of the guidelines and the accompanying explanations have been written in accordance with the major amendments. Some editing have been made in presentation and style for greater clarity. All units and members of the Party are encouraged to send their opinions, observations and suggestions on the amended rules.

EC-CC
April 1998

In the Communist Party of the Philippines, the revolutionary interest of the people prevails over marriage and everything related to it. In the personal sphere, it is presumed that love or sex love exists. But as members and candidate members of the Party, we strive to subordinate this to class love, that is, to our commitment and promotion of the revolutionary objectives of the Party and the proletariat.

A. Courtship

1. Courtship is a right enjoyed by members or candidate members who are not married or in a relationship. However, this right is voluntarily put under the guidance and discipline of the Party
2. To begin a courtship, a member or candidate member shall first ask the permission of the Party unit to which he/she belongs. If the person he/she wants to court belongs to another Party unit, his/her unit shall inform and seek the permission of the other unit, provided prior consent has been given by the person he/she wants to court.
3. If a member or candidate member wishes to court a non-member, it is desirable that the latter has sufficient qualifications to become a candidate member within six months after permission has been granted.
4. A member or candidate member who is being courted by a non-Party member shall inform his/her own unit about it to obtain permission. It is desirable that a non-Party member courting a Party member or candidate member must have sufficient qualifications to become a candidate member within six months after permission has been granted.
5. A member or candidate member shall not be permitted to court or be courted by anyone considered as a traitor, a counter-revolutionary or someone who may draw him/her away from revolutionary work.
6. A member or candidate member assigned to a unit of the New People's Army and other full-time duties shall only be granted permission to court or be courted after one year of service.
7. Nobody shall be permitted to court or be courted by more than one

person at any one time. In cases where there are several suitors, the one to be courted shall decide on who among them shall be entertained first. Anyone who intends to court someone who is already being courted may inform the latter and the current suitor of his/her intention — through the proper Party organ; but, he/she may not begin courting before a decision has been reached by the one he/she wishes to court on the fate of his/her current suitor

8. It is advisable to have an engagement period of at least one year before marriage. In this regard, the length of time that the couple has known each other and their ages shall be taken into account.

9. Nobody whose marriage has not yet been considered dissolved by the Party shall be permitted to court or be courted.

10. Premarital sex should be avoided. This is to protect women from sexual exploitation and to give the couple appropriate time to prepare for the responsibilities of parenthood while performing their revolutionary tasks.

B. Marriage

1. Marriage is a serious matter that must be appropriately prepared for by the engaged couple and the concerned Party unit or units.

2. The requirements for giving permission to marriage are the same as the requirements for giving permission to courtship.

3. The proposal for marriage shall be discussed and decided upon by the Party unit or units concerned. The section committee shall be the lowest Party organ that may give permission to the marriage.

4. After permission has been granted by the concerned leading organ, the engaged couple shall choose the officiating cadre either from their unit or from a higher unit. The officiating cadre shall preside over the wedding ceremony, administer the marriage oath and sign the marriage contract.

5. Three or more witnesses or sponsors shall be chosen or invited by the couple to attend the wedding ceremony. Among the witnesses or sponsors, at least two must be full-fledged Party members.

6. Before the wedding, the engaged couple, sponsors and the officiating cadre shall hold a meeting where they shall present the history and political significance of their relationship, conduct self-examination, criticism and self-criticism. The engaged couple may be asked questions about their relationship and other related matters by those present and receive advice on how their relationship can be nurtured.

7. During the wedding ceremony, the officiating cadre shall present and explain the rights and obligations of the engaged couple such as the following:

- a. Fidelity to each other is the same as fidelity to the revolutionary cause;

- b. Revolutionary rearing and education of their children; and
- c. The right to approach the sponsors, Party units or officiating cadre for help regarding any marital or family problem.

8. While the engaged couple is draped with the Party flag like a cape binding them together, they shall repeat after the officiating cadre the following oath contained in the Marriage Contract Inside the Party:

"We (each one shall mention his/her nom de guerre) are willingly binding ourselves in marriage on this day.

"As members (or candidate members) of the Party, we are fully committed to perform our revolutionary tasks and advance the revolution to the best of our ability.

"We pledge to keep our obligations to each other and respect each other's rights according to the rules of the Party concerning marriage.

"Neither one of us shall withdraw from our marriage without justifiable reason and without permission from the Party.

"We have the right to seek advice from the Party whenever we have problems. Each of us also has the right to make any proposal to develop our relationship as husband and wife.

"We pledge that neither one of us shall become an obstacle to the over-all interest of the revolution and the people."

9. The marriage shall take effect upon signing of the marriage contract by the couple, sponsors or witnesses and the officiating cadre.

10. It is recommended that members of the Party who were married outside the Party be married again inside the Party according to the ceremony from Nos. 5 to 8 above.

C. Divorce

1. Since marriage is a serious matter that had been appropriately prepared for by the engaged couple, the Party shall exert every effort to avoid resorting to divorce in solving the problems of married couples.

2. Divorce shall be granted if it is proven than one's performance of his/her revolutionary duties has been continuously hindered by the other or if one has turned traitor or counter-revolutionary.

3. Divorce shall be granted if it is proven that there has been infidelity, bigamy, cruelty or an attempt on the life of the other.

4. Upon mutual consent, divorce may be granted in cases where one is unable to perform his/her marital responsibilities in a span of more than five years, either due to obstructions created by the enemy or due to permanent physical disability. If one of the couple is mentally or terminally ill, divorce may be granted after three years.

5. Divorce shall be granted if one has abandoned his/her marital responsibilities for a period of two years or has disappeared without contact for five years.

6. Divorce shall be granted in cases of gross incompatibility that has brought about irreparable damage to the marriage and if the relationship has become an unbearable burden to both and to the performance of their Party duties. However, in such cases, the greatest care shall be taken to ensure that the request for divorce is serious, has sufficient basis and it has been proven that every effort to save the marriage has failed.

7. In the event of divorce, the Party shall make sure that the children are well taken cared of.

8. If one of those granted the divorce is a non-Party member, the bases for divorce shall be well explained to him/her. During the investigation and deliberation on the request for divorce, the views of the non-Party member shall be heard in accordance with security regulations.

9. The application for divorce shall be heard and decided upon by a committee of three which shall be created by the leading organ concerned provided that the said committee shall not be lower than a section committee. If the divorce entails a disciplinary action, the committee of three shall make a recommendation to the appropriate Party organ.

D. Disciplinary Action

The following serious violations of these rules shall be given the appropriate disciplinary action as follows:

1. Misrepresentation of one's true marital status shall be given a disciplinary action of demotion.

2. Serious threats or intimidation during courtship shall be given a disciplinary action ranging from a minimum of suspension of Party membership to a maximum of expulsion.

3. The use of force or coercion in courtship shall be given a disciplinary action ranging from a minimum of suspension of Party membership to a maximum of expulsion.

4. Promises of position, the use of one's position or pretending to have a high position, in order to be accepted by the one being courted, shall be given a disciplinary action ranging from a minimum of demotion to one year suspension of Party membership.

5. Courting someone who is married or is in a relationship shall be given a disciplinary action of warning and education.

6. Courtship without permission involving individuals who are not qualified to court or be courted and which has resulted in serious security

and political problems, shall be given a disciplinary action of warning and education. Courtship without permission involving individuals with no encumbrances shall not be given disciplinary action but shall be criticized.

7. Maintaining two or more simultaneous relationships shall be given a disciplinary action ranging from demotion, transfer from his/her present duties, to a maximum of suspension of Party membership.

8. Serious violations of marriage such as gross infidelity, bigamy, cruelty or attempts on the life of the other shall be given a disciplinary action ranging from a minimum of suspension of Party membership to expulsion from the Party.

In cases where the duration of suspension of Party membership is not stated in these rules, the Party organ concerned shall make the decision based on the gravity of the violation.

In instances where there is probable criminal culpability or where sufficient basis exists for filing a case before the people's court, the Party shall first ensure that the appropriate disciplinary action is taken and the person's status in the Party is clarified before a criminal case is filed before the people's court.

The appropriate disciplinary action shall be decided by the Party committees concerned in accordance with the general processes defined in the Party Constitution.

Care shall be taken to study each case thoroughly taking into consideration both the aggravating and mitigating circumstances.

In such cases where the violations are not covered by the present rules, the Party organs concerned shall be responsible for the disposition of these cases. They shall submit a report so that these can be documented and included in the standard guidelines on giving disciplinary action.

E. Application of the Rules on Same-Sex Relations

1. The Party recognizes the right of individual Party members to choose their own sexual preference.

2. The basic principles and rules governing marriage inside the Party also apply to same-sex relations.

Amended by:
EC-CC

In accordance with the amendments
of the 10th Plenum of the Central Committee
April 1998



Some Explanations on the Rules on Marriage Inside the Party *

What is the correct view on women? Why is this a basic issue in relation to the question of establishing proletarian relationships between engaged and married couples?

All those who belong to the exploited and oppressed classes – whether men or women – suffer from the semifeudal and semicolonial system. But women suffer from an additional burden; they are oppressed by male dominance inside and outside the family and by feudal and bourgeois values and ideas that uphold such domination.

Women have a lower status in present-day society. Their capabilities are underestimated and many obstacles are placed in their way that limit their full participation in important matters in society; the idea that they are only meant for the kitchen and bedroom is prevalent even to their husbands.

The Party believes that women are a mighty force that should be organized and fully mobilized for the revolution. They should be equal partners of men in changing society and managing family affairs. The revolution will not attain victory if the women are not widely aroused, organized and mobilized. While on the whole they play a special role in child-rearing, this task is not theirs alone and more importantly, they should be encouraged to actively participate in revolutionary work.

In order to fully mobilize women for the revolution, it is important to raise their political consciousness, organize them and defend their democratic rights inside and outside the family. We should struggle against ideas that belittle the capabilities of women, traditional norms that deprive them of their rights and opportunities to participate in important matters inside and outside the home. Their political consciousness must be raised in order to stimulate their interest in social issues, develop their ability to participate in the revolution and encourage them to fight for their rights. They must be encouraged to join mass organizations and form special organizations focused on advancing the revolutionary women's movement.

On the other hand, we oppose the excessive stress placed on the issue of women's liberation and separating it from the general question of liberating the country and the exploited classes. We oppose the "sexist" handling of the

* Translation of excerpts which directly concerns the rights of women and care of children from the Filipino original entitled *Ilang Paliwanag sa mga Tuntunin sa Pag-aasawa sa Loob ng Partido*.

women's movement that wallows in the "war between men and women" and neglects the bigger and more important national and class struggles. Upholding the democratic rights of women and the struggle against feudal and bourgeois prejudices against them should serve in actively mobilizing them for the revolution and should help in uniting the exploited and oppressed classes in order to deliver the heaviest blows on the enemies of the country and on class enemies. In this regard, while advancing the women's movement, we should avoid exaggerating issues such as the proper division of housework that, though already in practice among Party members and the advanced section of the mass movement, cannot yet still be realized in the lives of the broad masses until radical changes have taken place in the relations of production and in the level of development of the productive forces.

The women's movement must be firmly integrated into the national democratic movement. The full democratization of the family and the liberation of women from the confines of housework depend on the victory of the socialist revolution.

The correct proletarian view on women is essential in building a proletarian relationship in courtship and marriage. If the feudal and bourgeois view on women is strong or predominant, a relationship based on mutual respect and which develops the couple's revolutionary consciousness and practice cannot be fully realized. Instead, the rights of women will be set aside, they will remain subservient to men and their full participation in revolutionary work will be hindered.

In accordance with the Party's view on women, we give particular attention to developing the revolutionary women's movement. We uphold the equal rights of men and women inside and outside the Party. In marital relations, we make sure that there is democracy and mutual support in the work and in solving problems. We uphold the institution of marriage; one that would aim to defend women against exploitation by men. We uphold family planning in order to allow more opportunity for married women to participate in revolutionary work. We protect the right of women to freely choose whoever they will love and to turn down suitors. We also recognize the right of women comrades to take the initiative in courtship.

What are the obligations of Party units in developing the marital relations of comrades?

Aside from the efforts of the couple to develop the foundation of their relationship, assistance from Party units is also needed. However, the Party units should avoid too much interference in the very personal aspects of the



marital relation.

The Party units should inform the couple about their rights. Comrades, especially those who have been married for a long time, should share their marital experiences. It is the task of the Party units to assist in the sex education and family planning of engaged comrades. This can be done during informal discussions. Women comrades can give advice to other women comrades; likewise for men comrades. There should be no embarrassment and malice during discussions.

It is the duty of Party units to criticize the couple's errors and shortcomings in handling their relationship while highlighting their positive traits.

The Party shall assist the couple, including their children, in raising the family so that they can perform their revolutionary tasks well. This assistance shall be extended by the Party through their respective unit or units.

In situations when parents are unable to take care of their children, the Party shall help in looking for people who can act as surrogates. If the relatives who will take care of the children are not yet politicized, the Party shall strive to provide them political education not only for their personal development but also for proper child-rearing.

It is our general policy to assign couples to the same or neighboring Party units so that they can live as husband and wife.

What is the role of the witnesses or wedding sponsors?

The rules state that there should be three or more witnesses or sponsors, aside from the approval of the Party unit concerned, to make the marriage valid.

It is the obligation of the witnesses or sponsors to share with the couple their knowledge and experiences on marriage and in raising a family inside the Party. They shall give advice and suggestions to the couple.

After the wedding, the witnesses or sponsors should inquire, from time to time, about the situation of the couple and their family. They should be available to the couple when asked for help in solving marital problems.

Comrades with rich experiences in the revolution and in married life are those recommended to act as witnesses or sponsors. This is why the rules state that at least two of the witnesses or sponsors should be full-fledged Party members. ■



16.

Children in the Revolution *

It was supposed to be one of those rare reunions. The father, a revolutionary fighter of the NPA, was being visited by his family – his wife, 14-year old daughter and 12-year old son.

They met in a makeshift house in the mountains of Hitawos village, Bontoc town, Southern Leyte. The house had been built by the revolutionary forces as a meeting place for NPA fighters and visiting family members.

Like many boys his age, the son was excited because he could again ask his father if he could hold a rifle and dismantle and reassemble it.

At dawn on March 12, 2000, the 12-year old boy went out of the house to check on the traps for wild cats he had installed earlier. In the field he met 14 members of the 43rd Infantry Battalion of the Philippine army. The soldiers grabbed him, held him by the neck and asked him about an alleged storage of NPA firearms. He could not answer since he did not know anything about the matter.

While one of the soldiers held him, the others proceeded to the house where the rest of the family were still sleeping. Without warning, the soldiers fired interminably on the house. Nearby residents heard the gunfire which was followed by six loud explosions which they knew came from an M203 grenade launcher.

Later, the bodies of the boy's family were found peppered with bullets, mangled almost beyond recognition. The father's head had been nearly blown off, the mother's arm skinned and her right leg cut off, while the daughter's arms had been shattered.

The boy who did not know what had happened to his family was taken to the 43rd Infantry Battalion headquarters to be interrogated. Then he was brought to Tacloban on March 15 and presented to the media. He was later transferred to the 802nd Brigade PA, in the town of Sta. Rita, Samar to be interrogated some more, before being brought on March 16 to Manila to be presented once more to the media. While TV cameras rolled and cameras clicked, a military officer ordered him to dismantle and reassemble an M16

* Adapted from articles published in the April-June 2000 issue of *Liberation*, official publication of the NDFP.



rifle to “prove” that he was an NPA fighter. The boy also raised the gun and said that he was a member of the NPA. Asked later by his grandmother why he raised the gun, the boy said that he was ordered by the soldiers in exchange for his freedom.

In further violation of his rights, the military revealed his name to media: Edfu Aram R. dela Cruz.

Edfu is the latest AFP showcase: a 12-year-old boy “recruited” by the NPA as a “combatant,” in violation of international humanitarian law. For the GRP, Edfu Aram’s case seems to be the perfect weapon to get international support for its counterinsurgency war and to portray the NPA as an abusive armed force that recruits minors.

Edfu is not the first to be used for such malicious propaganda. Previously, there were the 14-year-old Jelyn, 14-year-old Cheche, 15-year-old Bryan, 15-year-old Tony, 18-year-old Elmer, 13-year-old Yadirf, to name a few.

Policy Clarified

As early as 1988, the Political Bureau (PB) of the Communist Party’s Central Committee had already adopted a definite policy prohibiting the recruitment of those below the age of 18 years as “regular members or armed fighters of combat units” of the NPA, amending Point 1 of Principle III of the “Basic Rules of the NPA.”

This principle is included as Paragraph 10 Article 4 of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), which was signed by both the GRP and NDF in 1998.

Since 1988 the movement had faithfully adhered to the rule not to allow those below 18 years of age to take part in hostilities. However, children not less than 15 years of age are allowed to assume tasks with the permission of their parents, for instance, in medical, education or cultural tasks. Children above 15 may also be organized in self-defense, particularly when the enemy attacks revolutionary territory, and priority is given to the eldest of them to handle weapons.

The revolutionary movement’s political agenda includes paying attention to the special health and educational needs of minors. While minors who live with their revolutionary parents are aroused, mobilized and organized, they are not considered regular combatants. Meanwhile, the GRP misrepresents many of the children it captures as regular armed fighters.



Doublespeak

While the GRP condemns the revolutionary movement as a violator of children's rights, it uses the hapless Edfu as a propaganda tool in clear violation of his rights. Even after detaining him for six days without charges, the military refused to turn over Edfu to his paternal relatives. Furthermore, the military, in cahoots with the DSWD-Tacloban, lied when they said Edfu had been turned over immediately to the social welfare department. When the relatives went to see Edfu on March 17, they discovered that it was only that same afternoon — just minutes before they arrived — that he was brought to the DSWD's Regional Haven for Children in Palo, Leyte. Even then the soldiers never left Edfu's side when his relatives were finally able to see him; they were never able to talk to him in private.

Edfu was never left alone. Even while asleep, he was surrounded by military men. The DSWD center became an extension of the military detachment; it was a virtual prison. What made the situation more condemnable was that the social workers, who were supposed to be protectors of child rights and welfare, willingly connived with the military's restrictions.

The center even set a "new regulation" that visitors — even relatives — must secure a prior permit to visit Edfu. This was contrary to the assurance the social workers gave to the relatives that they could visit the boy anytime. As a last recourse, Edfu's paternal grandmother, Concepcion — with whom he had grown up — filed a writ of habeas corpus.

Spurious Charge

To be able to continue to detain Edfu, the military charged him with illegal possession of firearms. They issued a certification as "evidence" that they had found in his possession several rifles, ammunitions, a radio and cash.

The charges were obviously fabrications, noted Concepcion's lawyer, Felicito Dacut, "to frustrate the motion for reconsideration for habeas corpus we filed for the custody of the boy."

Curiously, Edfu's maternal grandmother, Catalina Rojas, suddenly became interested in his welfare. She gave consent to Edfu's continued confinement under the custody of DSWD.

Since Edfu was a baby, his Lola Concepcion was the one who helped his mother in taking care of the children especially after his father became a fulltime revolutionary fighter. In fact, the two surviving younger sisters of Edfu are presently in the custody of Lola Concepcion. Thus, lawyer Dacut



argued that the Rojas have no moral and legal grounds to claim authority over the child.

"Zones of Peace"

The GRP uses the line that children should enjoy a secure and innocuous life, that childhood is a sweet interlude between birth and the age of responsibility. The GRP ignores why in the first place, children are caught in the midst of war. The government deliberately glosses over its own practice of making pawns of children in military operations. What it wittingly crosses out is the harsh truth that hundreds of children and families are victimized by military operations.

Calling children as "zones of peace" is hypocritical if we consider the following:

Four minors in Aurora, Quezon were raped and riddled with bullets by the military. A 13-year-old boy was tortured and an infant was wounded in Bicol. The Cortas family was massacred in Batangas. Another family, the Parays of Bulacan, were, likewise, massacred by the military. And in many parts of the country hundreds of children are experiencing fear, anxiety, the loss of loved ones, torture, harassments, and the bombings of their communities.

Conception of Childhood

The end of childhood varies according to culture and social conditions. The border between childhood and adulthood can become vague, as children actively construct and reconstruct their roles depending on the conditions of their situation.

In the Philippines, as in many impoverished and dominated countries, children mature early. Maturity is not only determined chronologically, but also by social status. Children of the upper classes who enjoy a sheltered life are frequently observed to mature somewhat later than children of the lower classes.

The majority of rural children assume responsibilities early in life. They work and they struggle with their parents to survive. Even a child of eight often has to help his or her family earn a living.

In the countryside, it is normal for children to work on the farm. A person in the rural areas is considered by the community to have gained maturity as soon as he or she demonstrates the ability to found a family. A 15-year-old girl, particularly in tribal communities, is already considered suitable for marriage.



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And, intense militarization by the state's armed forces forces rural children to mature early. When their parents decide to join the armed struggle, the children take over adult or family responsibilities.

Given the depravity of the AFP and its paramilitary groups and the devastating effects of extreme poverty, it is important that children in war-torn areas see that they are still able to have some kind of control over their lives so as to cope with whatever feelings of helplessness that they experience. In a situation of civil war, participation in the revolution movement has allowed children to achieve this control and to participate in deciding their future. ■





17.

Tasks and Prospects of the Filipino Youth *

By Jose Maria Sison
27 August 2004

Introduction

The Filipino youth have always played a crucial role in the Filipino people's struggle for national liberation and democracy. They are in the forefront whenever the national and social crisis becomes intolerably acute and the revolutionary mass movement surges. They are the spearhead and cutting edge of the broad masses of the people.

The historical record shows that young men and women in their late teens, twenties and thirties predominated in the leadership and membership of the revolutionary army and other patriotic forces against Spanish colonialism, against US imperialism, against Japanese fascism and against the US and puppet regimes in the Philippines.

They were also predominant among the marchers and rallyists at the peaks of the legal democratic mass movement, such as the First Quarter Storm of 1970; the mass uprising that toppled the Marcos fascist dictatorship in 1986 and once again in a similar uprising that toppled the corrupt Estrada regime in 2001.

The armed revolutionary movement and the legal democratic movement can succeed only when they attract the young men and women in great numbers along the national democratic line and avail of their resoluteness, their fearless dedication, their militancy and their irrepressible vigor.

Right now, a severe crisis of the world capitalist system confronts the Filipino youth. The accelerated overconcentration of capital in the US under "free market" globalization has resulted in the current economic and financial crisis. This drives the foreign monopoly capitalists to intensify

* Speech for the Youth Study Conference held at the Philippine Christian University. Prof. Sison, NDFP Chief Political Consultant in peace negotiations with the GRP, is also the founding chairman of Kabataang Makabayan (Patriotic Youth).



oppression and exploitation of the people. The US and other imperialist powers devise all kinds of measures to extract super profits, to grab the natural and social wealth of the Filipino people and to keep the Philippines captive with growing trade deficits and mounting debt burden.

Worst of all, US imperialism practices grand-scale terrorism. This includes wars of aggression, the use of weapons of mass destruction for blackmail, military blockades and military intervention and the repression of the people in the US and abroad.

The US policy of global terrorism is related to the Bush policy of seeking to stimulate the US economy through military production and wars, to control the sources and supply routes of oil and gas and to expand US sources of cheap raw materials, markets, fields of investment and spheres of influence.

The semicolonial and semifeudal ruling system of big compradors and landlords is in an unprecedented grave crisis due to its internal weaknesses and the impositions of imperialism. Philippine raw material and semi-manufacture exports are all in oversupply in the global market. Foreign manufactures and agricultural products from abroad are dumped on our country under the policy of "free market" globalization.

All forms of foreign and local borrowing have been abused and exhausted. The Macapagal-Arroyo regime itself is forced to admit that an economic and financial crisis besets the country. It offers as solution the imposition of a heavier tax burden and austerity measures on the common people in order to collect money to pay for debt service, provide spoils for the corrupt high bureaucrats and satisfy the military and police forces.

Unemployment is massive and the incomes of the toiling masses of workers and peasants and the middle social strata are pressed down. And yet the regime allows the rapid depreciation of the peso, increases the tax burden, cuts back on government spending for education, health and other social services and allows private monopolies in water, electricity, transport and other public utilities to charge exorbitant fees.

Because of its servility to US imperialism, the Macapagal-Arroyo regime can offer nothing to the Filipino people but further political and moral humiliation, social and economic hardship, bureaucratic corruption and repression. Both the US and the puppet regime collaborate in using the slogan of anti-terrorism in order to continue their reign of unbridled greed and terror.

The Tasks of the Filipino Youth

To get your bearings, know what to do and find your way from one victory to another in this crisis-ridden world and country, you must first of all



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undertake political education along the general line of completing the Filipino people's struggle for national liberation and democracy against US imperialism and the local exploiting classes of big compradors and landlords.

The minimum requirement is that you understand the national democratic program of action and the preamble in the constitution of the youth organization to which you belong, such as the comprehensive Anakbayan or the more specific League of Filipino Students. The basic line that you must grasp is the need of the Filipino people and youth to uphold and realize national sovereignty and the substance of democracy, especially for the working people – the peasants and the workers.

You can always widen and deepen your political education. You can have studies on Philippine society and revolution in a concentrated way in two or three days or in a weekly series of study meetings in your organizational unit. But the textbook or study manual that you use will always be limited by its conciseness and date of publication.

You must go beyond the textbook or study manual and try to read and study reference materials on Philippine history and circumstances done by patriotic and progressive authors. Not every one of us can be so scholarly as to read so many books or write one. But we must be able to ask questions from more knowledgeable comrades, discuss with them and learn how to explain issues.

All of us must take seriously the social investigations we need to conduct in order to know the needs and demands of people in our line of work and thereby learn to organize the people.

We have enough Philippine reading materials to start with in studying the history, basic problems and national democratic struggle of the Filipino people. But as soon as possible you should try to comprehend modern imperialism. We must fight this scourge on humanity and extirpate it through the struggle for national liberation, democracy and socialism.

Further on, you need to study and learn how neocolonialism has co-opted national independence and how revisionism has betrayed socialism to be able to combat both evils. You cannot stand firm for the national democratic and socialist stages of the Philippine revolution if you cannot criticize and repudiate neocolonial cooptation and revisionist betrayal.

Those who wish to attain the highest level of anti-imperialist political education must undertake theoretical education in dialectical materialism, historical materialism, political economy of capitalism and socialism and revolutionary strategy and tactics through a review of the revolutionary struggle of the world proletariat. But of course, in your mass organization, it



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suffices that your mass membership grows rapidly on an adequate understanding of the national democratic line.

There is no point at all in having political education if you do not organize among the masses of Filipino youth. Having political education is not a form of conceit for merely proving yourselves above the ordinary. It is the guide for arousing, organizing and mobilizing the youth in ever increasing numbers.

I appreciate Anakbayan as a comprehensive youth organization pursuing the national democratic line of struggle in the tradition of Kabataang Makabayan. You must have members that come from the working class, the peasantry and the urban petty bourgeois ranks of students, professionals and businessmen. Anakbayan must have chapters in the schools, factories, urban poor communities, farms, offices, transport lines and elsewhere appropriate and possible.

The League of Filipino Students and other student organizations taking the national democratic line have been relatively small although very influential among the students. But I am glad to hear that the LFS is already meeting some success in increasing the number of its chapters and expanding its membership in colleges and departments. I am also happy to hear that LFS chapters are now being organized among high school students.

It is absolutely necessary to have solid youth organizations that keep on expanding. The bigger these organizations are, so many times bigger will be the unorganized masses that they would be able to draw for mass campaigns and mobilizations to protest against bad policies and practices and make demands for the benefit of the youth and the people.

You have witnessed how the organized youth numbering a few thousands were able to rally tens of thousands in the mass uprising to overthrow Estrada in 2001. If you wish to accomplish something even bigger, like overthrowing or changing the basic character of the ruling system, you need a bigger number of organized youth that can rally millions of the Filipino youth.

It is not enough for youth organizations to thrive and grow bigger. You must link up with the organizations of the workers, peasants, fishermen, urban poor, women, professionals and the religious. The youth are an important and effective factor in the struggle for national liberation and democracy. But they cannot win the struggle all by themselves.

At any rate, history has shown that the Filipino youth excel in legal protests and armed revolution. This was true in the time of the Philippine revolution of 1896 and this is still true currently in the new democratic revolution. The youth have the advantage of being receptive to revolutionary



ideas, sensitive to injustices, energetic in the mass movement and ready to do what needs to be done not only for the benefit of the youth but also for the entire people.

Prospects of the Filipino Youth

Together with the rest of the people under the leadership of the working class and with the peasantry as the main force, the Filipino youth can forge their own future through the revolutionary struggle for national liberation and democracy against US imperialism and the local exploiting classes of the big comprador and landlords.

You must aim for the completion of the new democratic stage of the Philippine revolution. Upon the basic completion of this stage through the seizure of political power, you can start socialist revolution and construction. The people's democratic government of the workers and peasants is the direct replacement of the anti-national and anti-democratic government of the big compradors and landlords servile to US imperialism. It is the gateway to socialism.

In considering the current strength and future of the revolutionary forces of the Filipino people, you must recognize that they have been able to defeat major types of opportunism and win victory in a rectification movement. They have been able to counter the imperialist ideological and political offensive following the disintegration of the revisionist regimes. They have been able to criticize and condemn revisionist betrayal and neocolonial cooptation. They stand resolutely and militantly against "free market" globalization and the global terrorist campaign of the US.

I am aware that an increasing number of young people have gone to the countryside in order to join the people's army and work among the peasant masses. They participate in various lines of work within the people's army, including educational and cultural work, production and military training and combat. They conduct social investigation and mass work. They help to build organs of political power and mass organizations and undertake land reform and other mass campaigns.

They take part in the wave upon wave advance of the armed revolution. They are currently building a new democratic system in various parts of the country. Thus, it is correct to say that a people's democratic government now exists in the countryside even as the reactionary government is still operating from Manila and other cities. The people are preparing the ultimate nationwide victory of the revolution.

The revolution does not take solely the form of armed struggle even as this is the principal and decisive form of struggle for smashing the political power of the oppressors and establishing the new democratic power of the

workers and peasants. The interplay of the armed and legal forms of struggle advances the revolutionary cause in an all-round way.

The daily legal mass struggles on basic long-running issues as well as on the burning issues of the day serve to educate and temper the broad masses of the people. The issues become clarified and the demands are raised. It is good if the actions of the patriotic and progressive legal forces result in pushing the reactionary state to adopt certain reforms. It is fine as well if the reactionaries move to frustrate the people's demands for basic reforms and in effect drive the people to wage armed revolution.

In representation of the revolutionary forces and the people, the National Democratic Front of the Philippines is engaged in peace negotiations with the Government of the Republic of the Philippines. This is a form of struggle in which the revolutionary forces can clarify the issues and proclaim the demands of the people even if it does not lead to any amount of basic reforms or to a truce and alliance of the GRP and NDFP against a common enemy.

Patriotic and progressive parties vie for elective positions in the reactionary government. But they can manage to get only a few seats because the cards are stacked against them. The reactionaries control the rules, the coercive apparatuses, the media, finance and other aspects of the electoral process. With further effort and popular support, the patriotic and progressive parties can gain more seats. But they will never get enough seats to enable them to change the ruling system because the ruling reactionaries are ever ready to react violently against any threat to their political power.

Violence comes not only from the local reactionaries but also from their US imperialist master, which is now on a rampage. The US is sabotaging the GRP-NDFP peace negotiations and is escalating its military intervention under the pretext of anti-terrorism. It intends to superimpose a war of aggression against the Filipino people on the current civil war between the revolutionary and counterrevolutionary forces.

So long as US imperialism continues to dominate the world and the Philippines, the Filipino youth and the rest of the people have no choice but to prepare against the worst, like a US war of aggression. Only thus can we hope for the best, which is winning the new democratic stage and proceeding to the socialist stage of the Philippine revolution. So long as the imperialists and the local reactionaries continue to exploit and oppress them, the people have no choice but to persevere in revolutionary struggle for national liberation, democracy and socialism. ■



***NDFP'S DEFENSE
OF THE RIGHTS
OF THE FILIPINO CHILD***





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