

The NDFP Declaration and Program of Action for Filipino Children



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Of the estimated total Philippine population of 95 million, about 42% are below 18 years of age. The National Democratic Front of the Philippines (NDFP) which fights for the national and social liberation of the Filipino people has consistently given serious attention to the rights, protection and welfare of children. In 2005, it published the NDFP's Defense of the Rights of the Filipino Child, which presented the conditions of Filipino children and the programs and policies of the NDFP regarding them.

The NDFP is cognizant of the fact that the overwhelming majority of children are the sons and daughters of workers, peasants and the urban poor. They are victims of an unjust social system which consigns them to a life of exploitation, poverty, ignorance, malnourishment, disease and underdevelopment as human beings. They are forced to sell their labor. Some are lured into prostitution and pornography, kidnapped and trafficked for body parts, pushed into vagrancy, beggary, petty thievery and drugs, and jailed with hardened criminals.

Data on Filipino children and the reports of NDFP forces from various regions prove that the conditions of Filipino children are worse than ever. In 2011, there were already 5.5 million child workers. In Northeastern Mindanao, children as young as five years old become log haulers, oil palm gatherers, coconut tree climbers, planters, harvesters, manual laborers carrying packages heavier than themselves.

Children living in the streets were estimated by the Children's Rehabilitation Center (CRC) at 2.2 million in 2010. Some 20,000 children are in prison throughout any single year according to Child Rights Information Network.

From 2001 to 2010, CRC documented 1,205 cases of different violations which include the false labeling of 41 children as child soldiers of the New People's Army, the use of 22 of them as guides or shield in military operations and the recruitment of four minors into paramilitary groups of the reactionary government.

In 2011, four female minors were seduced by the military and later abandoned into pregnancy in Marihatag, Surigao del Sur. At the Tropicana Beach Resort in General Santos City in 2008-2009, girls were brought as prostituted women to cater to US soldiers. US

armed personnel directly involved in combat operations in Sulu, Tawi-Tawi, Basilan and Zamboanga del Sur have displaced and killed Moro civilians including children.

The NDFP regards the continuing gross and systematic violations of the human rights of the majority of Filipino children by the ruling system of big compradors and landlords as one of the compelling reasons for the revolutionary struggle of the Filipino people. Such violations have been aggravated by the deliberate targeting of these children in GRP/GPH military operations against communities suspected of being under the control and/or supportive of the revolutionary movement.

In view of the ever worsening conditions of children, the NDFP issued on April 24, 2012, its Declaration and Program of Action for the Rights, Protection and Welfare of Children.

The NDFP proclaims this Declaration and Program of Action within the framework of its political authority defined as follows:

1. It stands for and carries the authority of the people's democratic government consisting of organs of political power in substantial parts all over the Philippines. It is the united front organization of all revolutionary forces of the Filipino people fighting for national independence and democracy. It includes the Communist Party of the Philippines (CPP) as the leading party in the aforesaid government, the New People's Army (NPA) as its armed force, and various mass organizations of workers, peasants, women, youth, professionals and other sectors.
2. There is dual state power in the Philippines. One state power is that of the Manila-based reactionary government of big compradors and landlords. The other is that of the rural-based revolutionary government of workers and peasants, which has its own Constitution and Guide for Establishing the People's Democratic Government. The two contending states or governments are co-belligerent forces in a civil war.
3. In accordance with Art. 1, paragraph 4 in relation to Art. 96, paragraph 3 of the 1977 Protocol I Additional to the 1949 Geneva Conventions, the NDFP issued the Declaration of Undertaking to Apply the said Geneva Conventions and Protocol I on 5 July 1996 and submitted it to the proper depositary, the Swiss Federal Council on the same date. By proclaiming the said Declaration, the NDFP has assumed rights and duties under Protocol I, on top of those provided for under common Article 3 of the 1949 Geneva Conventions and under its Protocol II.

The pertinent social agencies of the people's democratic government and the mass organizations of children, parents, teachers, women and other sectors interested in the rights and welfare of children in urban and rural areas are capable of self-reliantly looking after the rights and welfare of Filipino children. They also adhere to the just and appropriate conventions and provisions of international law pertaining to children and may undertake appropriate forms of cooperation with foreign or international organizations and agencies for the benefit of Filipino children.

The NDFP reiterates its commitment under the 1998 GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) to uphold,

protect and promote “the right of children and the disabled to protection, care and a home, especially against physical and mental abuse, prostitution, drugs, forced labor, homelessness, and other similar forms of oppression and exploitation” (Part III, Respect for Human Rights, Art. 2, No. 24). It also reiterates its joint and separate commitment under the CARHRIHL “to provide special attention to women and children to ensure their physical and moral integrity. Children shall not be allowed to take part in hostilities.” (Part IV, Respect for International Humanitarian Law, Art. 10).

Cognizant of the rigors and risks for children in areas affected by the civil war, the NDFP and its allied organizations have taken special care to make decisions and implement measures to protect children from the adverse consequences of the armed conflict.

In 1988, the Political Bureau of the CPP’s Central Committee stipulated that the NPA may recruit only persons who are 18 years and older as armed fighters for its combat units. On October 15, 1999 the Executive Committee of the CPP issued the “Memorandum on the Minimum Age Requirement for NPA Fighters” reaffirming the minimum age of 18 for NPA fighters. In 2002, at the 11th Plenum of the CPP Central Committee, the policy of the minimum age was reiterated.

The earlier Memorandum of October 15, 1999 by the Executive Committee of the CPP was further amended with immediate effect as reflected in the NDFP Declaration and Program of Action for the Rights, Protection and Welfare of Children adopted by the NDFP National Council on April 24, 2012.

Optional Protocol of 2002 and the So-Called Paris Principles

The NDFP recognizes the 1990 Convention on the Rights of the Child. However, it criticizes the 2002 Optional Protocol on the Involvement of Children in Armed Conflict, for its clear bias against liberation movements. This Optional Protocol prohibits “armed groups that are distinct from the armed forces of a State” from recruiting those under 18 in hostilities, under any circumstances yet allows schools under the control of States Parties to train persons below 18. The NDFP considers this Protocol not legally binding. Hence, it does not impose legal obligations on the NPA.

The Aquino government, in violation of its own declaration in its accession to the said Optional Protocol, has been exposed by human rights organizations as having forcibly recruited minors.

The so-called Paris Principles have been used by the GPH to buttress the Optional Protocol to falsely accuse the revolutionary movement of recruiting child soldiers. These so-called principles, which are not part of international law, contain a vague, expansive and misleading definition that mixes up and confuses combatant and non-combatant tasks and even construe innocuous social and community activities as acts of hostility or combat. These are prejudicial to liberation movements and practically require children to be physically and even permanently separated from parents, families and the community. They put children at grave risk by giving license to GPH security forces to accuse children falsely as child soldiers, treat them as military targets and be open prey to various kinds of rights violations.

Allegations by the reactionary government that the NPA recruits child soldiers have been vigorously refuted by the NDFP and have been confirmed to be false by independent human rights organizations in the Philippines and abroad. Unfortunately, such allegations have been repeated by some international bodies and nongovernmental organizations directed and funded by agencies adverse to the NDFP.

Objective Field Study at Request of UNICEF

The only recent objective field study, which was conducted by the IBON Foundation in cooperation with the Children's Rehabilitation Center (CRC) and the Center for Women's Resources (CWR) at the request of the United Nations Children's Fund (UNICEF) on the "needs assessment of children and women affected by armed conflict", has proven that the NPA follows the minimum age limit for NPA soldiers, as stipulated by the NDFP, CPP and NPA and by this Declaration.

Program of Action

In the Declaration, the NDFP states its program of action for the rights, protection and welfare of children.

The NDFP forces and the broad masses of the people shall ensure that children are either at home with their parents, in school with their teachers or at work under an employer. They shall assist child-rearing parents, provide or permit schools and education for children. They shall oppose and prevent the exploitation of children as laborers and combat child prostitution, pornography, drug peddling and trafficking of body parts. They shall encourage vagabond children to go back to school or to an appropriate refuge, if they cannot be reunited with their parents.

They shall take all efforts to educate the children on the revolutionary history of the Filipino people, the basic problems in a semi-colonial and semi-feudal society and the revolutionary tasks of the people; to organize and mobilize them in civic, cultural and other social activities, and ensure that children learn how to conduct themselves in times of natural disasters, military attacks and other emergencies.

In time of an attack on a community by the reactionary forces, the children have the right to join their elders in protecting the community or assisting especially the women, the children below the age of 15 and those in frail health conditions, in saving themselves from enemy atrocities.

The NDFP forces shall make the appropriate report to the nation and the international community concerning the above but shall take care that the information cannot be used by the reactionary state and its armed forces to attack children.

The NPA itself at all levels and in all units prevents the recruitment and use of child soldiers. The CPP's Military Commission and the NPA Operational Command direct all commands and units of the NPA in different areas of the country to strictly implement the pertinent CPP policies and NPA rules.

Furthermore, upon clear, credible and verifiable allegations of specific violations of any recruitment and use of children, the NDFP shall promptly investigate and ensure that appropriate disciplinary action is taken in line with international minimum standards.

The mechanisms for protecting children's rights are the parents, teachers, local community officials, priest or pastor of the community. Their assistance will be sought when children are falsely accused as child soldiers. Likewise, Philippine human rights, civic and religious organizations shall be asked to help the children in asserting the truth and fighting for their rights.

Again, when children are abducted, tortured, forced to make false confessions to being NPA fighters, are detained in a military camp or in a Department of Social Welfare and Development (DSWD) compound or killed, the services of human rights, civil and religious organizations are crucial in assisting the children and their parents to fight for their rights and in ventilating the truth. The NDFP will be ready to support these organizations.

Depending on the progress of the GRP/GPH-NDFP peace negotiations and the effectiveness of the Joint Monitoring Committee under CARHRIHL, measures additional to the above may be made available for investigating any complaint related to the issue of child soldiers.

With the existence of the above-mentioned mechanisms and procedures, which are independent of the NDFP, CPP and NPA, there is, therefore, no need for the NPA and other revolutionary forces to put themselves at risk by allowing any foreign or international entity and its undefined partners to gain direct and unimpeded access to NPA commands and guerrilla fronts.

Upon its own initiative or under its auspices, the NDFP shall continue to investigate and document all grave violations of the rights of children by the reactionary forces, including recruitment and use of children, killing and maiming of children, rape, abduction, attack against schools or hospitals, and denial of humanitarian access to children.

The NDFP is ever willing to receive from any entity clear, credible and verifiable allegation of specific violations of recruitment and use of children and shall promptly conduct investigation and make reports to the concerned parties. In case of any breach, the appropriate disciplinary action shall be undertaken against erring officers and personnel of the NPA.

The NDFP shall undertake the following organizational measures to uphold and defend children's rights. It shall create and operationalize under its Human Rights Committee within 6 months after approval of this Declaration and Program of Action a Special Office for the Protection of Children. This Special Office shall:

- a) oversee the implementation of this Program of Action
- b) report widely the achievements
- c) receive complaints and refer these to the organs concerned for appropriate action

d) assist all NDFP forces with advice on all matters related to the protection of children in armed conflict

e) organize educational programs and encourage the formation of child protection units under the auspices of the organs of political power and mass organizations especially of children, youth and women

f) establish and maintain contacts and relations with all relevant international bodies

g) issue an annual report on the situation of children in relation to the armed conflict and on the activities to uphold, defend and promote the rights of children.

The NDFP Negotiating Panel shall be directed to present to its counterpart Panel a draft additional protocol to the CARHRIHL that will further elaborate the pertinent Article 10 of CARHRIHL in order to focus on the protection of minors from adverse effects of the armed conflict and against specific violations of the rights of children.

The NDFP Panel shall also be instructed to present a proposal to create a special section focused on the rights of children in the Joint Monitoring Committee under the CARHRIHL.

The NDFP Panel shall further be directed to demand and work for the inclusion in the prospective Comprehensive Agreement on Social and Economic Reforms (CASER) a provision that comprehensively upholds the rights of children, guarantees proper care and education and prohibits the exploitation of child labor.

NDFP Cooperation with Foreign or International Entities with Regard to Children

The NDFP is amenable to cooperate with international entities and engage in dialogue, present issuances, actions and mechanisms that its organizations have undertaken in order to uphold children's rights.

It is open to practical cooperation with international entities in investigating and monitoring children's conditions and problems provided that the NDFP's political authority and this Declaration are acknowledged and respected.

It respects the reasonable and viable standard of cooperation established in relations with the International Committee of the Red Cross (ICRC) and in previous joint missions of Philippine NGOs and their international partners for investigating the human rights situation in the Philippines, including that of the children.

It appreciates the cooperation between the UNICEF and IBON, together with human rights and other local organizations, in investigating and reporting on the situation of children, particularly in areas of armed conflict.

It is amenable to cooperation with UNICEF, the UNESCO, ILO, World Health Organization (WHO), World Food Program (WFP) and other United Nations (UN) agencies for the purpose of upholding the rights of children, protecting them and ensuring their welfare in an all-round way.

However, regarding the United Nations Secretary General's Special Representative on Children and Armed Conflict (UNSG SRCAC), it urges this UN unit to seriously consider the example of UNICEF in cooperating with local organizations independent of the reactionary armed forces and cautions it from relying on speculations, hearsay and hostile claims of the reactionary armed forces and their agents to make false conclusions and cause the unjust listing of the NPA as a recruiter and user of child soldiers.

The NDFP maintains that it cannot at this point establish and develop positive and productive relations with the UNSG SRCAC because of the baseless and unwarranted vilification and listing of the NPA as child rights violators in the annual report of the UNSG. The NDFP wrote UNSG Ban Ki-Moon on 24 November 2008 strongly protesting said baseless vilification and listing of the NPA. This letter was preceded by an earlier letter to then UNSG Kofi Annan on 7 March 2005.

The NDFP continues to demand that the UNSG remove the NPA from its list of child rights violators and withdraw its previous reports which falsely accuse the NPA of recruiting and using child soldiers. Once this is done, then it becomes possible for the NDFP and the UNSG SRCAC to start and develop their cooperation.

Finally, subject to security consideration, regulations, terms and conditions set by its political and military authorities, the NDFP may allow access to areas within its jurisdiction after fully availing of the basic mechanisms stipulated in this Program of Action.

NDFP Gains in Upholding the Rights of Children

NDFP revolutionary forces throughout the country have achieved substantial gains in upholding and protecting the rights of children. Literacy schools have been built. In one consolidated NPA area, 21 Lumad communities with a population of 7,000, all school-aged children receive basic education and a majority can go to high school. Sports and cultural development and health management system has been set up. In another region, children have been organized and cultural campaigns launched to combat anti-social activities. Collective production farms have been put up to help eradicate malnutrition.

Call for Deep going Study and Resolute Implementation of this Declaration and Action Program

The NDFP National Council calls on all NDFP forces throughout the country and the Filipino people to undertake deep going study of the Declaration and Action Program and to implement resolutely and creatively the Program of Action for the Rights, Protection and Welfare of Children. This program of action is an integral part of the revolutionary struggle to achieve national and social liberation.

Call for International Solidarity

The NDFP National Council issues the urgent call to the international community to provide effective political, moral and material support for this just struggle for the rights of Filipino children.

