



# Security Council

Distr.: General  
4 August 2020

Original: English

## Children and armed conflict in the Philippines

### Report of the Secretary-General

#### *Summary*

The present report is the fifth report on children and armed conflict in the Philippines submitted by the Secretary-General. It contains information on the six grave violations against children and, more broadly, on the situation of children affected by armed conflict during the period from 1 January 2017 to 31 December 2019.

Highlighted herein are trends and patterns of grave violations committed against children by all parties to the conflict, and it is shown that conflict continued to have a negative impact on children, in particular in Mindanao. The report also presents the evolution in the situation since the previous report ([S/2017/294](#)), including trends and patterns of violations, progress made in ending and preventing violations, and follow-up on the conclusions adopted by the Working Group on Children and Armed Conflict ([S/AC.51/2017/4](#)). Lastly, the report contains a series of recommendations to end and prevent grave violations against children in the Philippines and to improve the protection of children.



## I. Introduction

1. The present report, prepared pursuant to Security Council resolution [1612 \(2005\)](#) and subsequent resolutions on children and armed conflict, is the fifth report on the situation of children affected by armed conflict in the Philippines submitted by the Secretary-General to the Security Council. It covers the period from 1 January 2017 to 31 December 2019 and contains information on trends and patterns of grave violations against children since the previous report ([S/2017/294](#)). Where possible, parties responsible for grave violations against children are identified and areas for advocacy and response to enhance the protection of children are highlighted. Also described herein is progress made in ending and preventing grave violations against children. Lastly, the report provides a list of recommendations to all parties and actors concerned to improve the protection of children in conflict-affected areas in order to end and prevent grave violations. In the most recent report of the Secretary-General on children and armed conflict ([A/74/845-S/2020/525](#)), the Abu Sayyaf Group, the Bangsamoro Islamic Freedom Fighters (BIFF) and the New People's Army (NPA) are listed for the recruitment and use of children in annex II, section A, as parties that did not put in place measures during the reporting period to improve the protection of children.

2. The information provided in the present report was gathered and verified by the country task force on monitoring and reporting, which is co-chaired by the Resident Coordinator and the United Nations Children's Fund (UNICEF). The task force noted several critical incidents and sporadic low-intensity clashes affecting the overall security situation. Monitoring and verification of grave violations continued to be challenged by the volatile security situation and the restricted freedom of movement owing to the imposition of martial law in Mindanao.

## II. Overview of political and security developments

### A. Political developments

3. In January 2017, a third round of peace negotiations was held between the Government of the Philippines and the Communist Party of the Philippines – New People's Army – National Democratic Front of the Philippines (CPP-NPA-NDFP). However, both parties' forces ended their unilateral ceasefires in February 2017, following disagreements over the planned release of political detainees. The President, Rodrigo Duterte, then announced the termination of peace negotiations. On 7 February 2017, the President declared an "all-out war" on NPA and cancelled the Joint Agreement on Safety and Immunity Guarantees of 1995, ordering the arrest of several consultants to the NDFP negotiation panel. NPA declared that it would carry out "heightened armed resistance" against government forces. The Government and NDFP panels attempted to resume negotiations in April 2017 and managed to reach key agreements, including an interim joint ceasefire. Despite that, in May 2017 a scheduled fifth round of peace negotiations was cancelled by the Government, which cited intensified armed attacks by NPA. On 23 November 2017, the President signed Proclamation No. 360, formally terminating the peace talks. A further proclamation was issued on 5 December 2017, designating CPP-NPA as a terrorist group in accordance with the Terrorism Financing Prevention and Suppression Act of 2012 (Republic Act No. 10168).

4. In June 2018, the Secretary of National Defense recommended the termination of all further negotiations with NPA-NDFP, citing an alleged communist threat to oust the President. The Government later indicated that it would pursue localized peace talks with communist forces, guided by an executive order detailing guidelines and parameters for local government units. On 22 November 2018, the President issued

Memorandum Order No. 32, reinforcing the guidelines for the Armed Forces and the National Police for the suppression and prevention of violence and acts of terror in Samar, Negros Oriental and Negros Occidental Provinces and the Bicol Region, which are known to have active communist insurgencies. The Government adopted the Order to prevent such violence from spreading and escalating elsewhere in the country. The Secretary also announced on 5 December 2018 that there would be no suspension of military operations, despite the insurgents' offer of a holiday ceasefire.

5. The Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (Republic Act No. 11054) was promulgated on 27 July 2018, creating the Bangsamoro Autonomous Region in Muslim Mindanao and replacing the Autonomous Region in Muslim Mindanao. That was the culmination of the peace process between the Government and the Moro Islamic Liberation Front (MILF) and the majority faction of the Moro National Liberation Front (MNLF). Plebiscites on the ratification of the Organic Law were held on 21 January and 6 February 2019. The territory of the Bangsamoro Autonomous Region was expanded with the inclusion of Cotabato City (formerly in Region XII) and 63 barangays (villages) in Cotabato Province, in addition to the original five provinces of Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi, which were formerly part of the Autonomous Region in Muslim Mindanao. The Bangsamoro Autonomous Region was inaugurated on 29 March 2019, with the swearing-in of the first ministers of the Bangsamoro Transition Authority, the interim regional government with executive and legislative powers for a three-year transition period until the election of the first government in 2022. The interim regional parliament has been working to pass seven priority laws that would constitute the basic governance and policy framework of the Bangsamoro Autonomous Region.

6. In January 2019, the Special Protection of Children in Situations of Armed Conflict Act (Republic Act No. 11188) was enacted, incorporating the provisions of Security Council resolutions on children and armed conflict into national legislation and prohibiting all grave violations against children in situations of armed conflict. The United Nations provided support in the development and consultations for the implementing rules and regulations (see para. 55) and will continue to offer technical assistance for their integration into the Children's Code of the Bangsamoro Autonomous Region in Muslim Mindanao.

## **B. Security developments**

7. The reporting period was marked by large-scale military operations against local armed groups inspired by Islamic State in Iraq and the Levant (ISIL), notably leading to the 2017 siege of Marawi and the subsequent imposition of martial law in Mindanao. In addition, the continuous escalation of armed activities by ISIL-inspired armed groups and fighting between NPA and the Armed Forces put children at risk. Furthermore, the political climate generated by the President's "war on drugs", launched in June 2016, indirectly affected the monitoring of violations against children.

8. On 23 May 2017, conflict in Marawi City was marked by large-scale military operations against a coalition of armed groups that included the Maute Group, the Abu Sayyaf Group and BIFF. All three are local armed groups identified as sympathetic to or inspired by ISIL. The fighting lasted five months, until 17 October 2017, resulting in massive displacement in the area. In response, the President issued Proclamation No. 216 on 23 May 2017, placing Mindanao under martial law. The period of martial law was extended on three occasions and continued until 31 December 2019. The legality of the extensions was upheld by the Supreme Court, despite several petitions challenging them on constitutional grounds. On 10 December 2019, in line with the Government's assessment of the weakening of the groups in the southern Philippines, the President declared that no further extensions would be sought.

9. To oversee the rehabilitation and reconstruction efforts in Marawi City, a specialized governmental inter-agency body, the Task Force Bangon Marawi, was created on 5 February 2018. As at December 2019, many internally displaced persons had returned to their place of residence, while others, unable to return, had relocated to transitory sites within Marawi. The clearing of explosive remnants of war and improvised explosive devices has been under way in what is known as the “most affected area”, comprising 24 of the most densely populated out of the total of 96 affected barangays. A draft law to provide compensation for destroyed or damaged houses and property has been submitted to the parliament, and a committee to resolve land disputes and overlapping claims, which may have an impact on durable solutions, has been established under the leadership of the local government. According to the profiling of internally displaced persons in 2018 in Marawi City (97,126 persons), children accounted for 34 per cent of the internally displaced population.

10. The protection situation in Mindanao remained fragile, with continuing military operations against members of BIFF, the Abu Sayyaf Group and other ISIL affiliates (or ISIL-inspired groups). Violence by ISIL-affiliated groups continued throughout the reporting period. In a joint statement, the Armed Forces and the National Police confirmed the first instance of citizens of the Philippines conducting a suicide attack in the country on 28 June 2019, in which two suicide bombers attacked a military post in Sulu Province, killing at least 7 people and injuring 10.

11. Renewed and intensified conflict led to the continuation of a long-standing pattern of displacement, mostly affecting remote indigenous communities in eastern Mindanao and in parts of south-central Mindanao. On 4 December 2018, the Government initiated a “whole-of-nation” approach, with all parts of the Administration engaged in countering the communist insurgency. While local-level peace talks were encouraged, and housing, livelihood and financial assistance programmes for former NPA members were implemented, the Government’s approach – led by the national security structure – retained a strong national security and counter-terrorism focus. In that context, the United Nations raised concerns regarding an increase in allegations by the authorities that individuals, groups and organizations were directly affiliated with CPP or NPA and were therefore considered part of the insurgency. That “red-tagging” in turn led to concerns about personal security, arrests, harassment and intimidation of actors by the government security forces. For example, schools in indigenous peoples’ areas were closed on account of the allegation that they were utilized by NPA for recruitment and indoctrination.

12. Civil society organizations, schools and universities continued to protest after being accused by the Government of being linked to NPA and consequently threatened. While undertaking a strong military response, which affected an already tenuous security and human rights situation, the Government indicated a willingness to revive peace talks with NDFP towards the end of 2019. On 12 December 2019, the CPP founder, Jose Maria Sison, agreed that both the Government and the NDFP negotiating panels could carry out their work.

### **III. Update on parties to the conflict**

#### **Armed Forces of the Philippines and the Philippines National Police**

13. The Armed Forces of the Philippines are composed of the Philippine Army, the Philippine Navy (which includes the Philippine Marine Corps) and the Philippine Air Force. Although the Philippine National Police is a civilian force, its special action force, pursuant to Executive Order No. 546 of 2006, can be called upon to support combat operations of the Armed Forces that involve the suppression of insurgency and other serious threats to national security. Under the current Administration, the

Armed Forces were tasked with fighting terrorism and insurgency, as the Administration announced its commitment to upgrade its capabilities and pursue initiatives to secure the safety of every citizen.

14. The Citizen Armed Forces Geographical Unit is an auxiliary force under the control of the Armed Forces that is composed of army reservists and civilians and functions as a force multiplier to regular government forces.

#### **New People's Army**

15. NPA, founded in 1968, is the armed wing of CPP and part of the NDFP coalition. NPA has been listed since 2003 in the annexes to the report of the Secretary-General on children and armed conflict for the recruitment and use of children. It is present throughout the Philippines and has engaged in armed encounters with the Government since 1971. The reporting period saw an increase in the number of conflict-related incidents between the Armed Forces and NPA in the context of intermittent progress with peace negotiations and the ceasefire termination in February 2017. The Armed Forces deployed additional battalions in areas with an NPA presence following the formal termination of the peace talks in November 2017.

#### **Abu Sayyaf Group**

16. The Abu Sayyaf Group, founded in 1991, has been listed since 2003 for the recruitment and use of children. In 2014, its then leader, Isnilon Hapilon, declared allegiance to ISIL, but the extent of the link between the two groups remains unclear. The Group is active in Basilan Province, which has served as the operational base for the Group, and Sulu Province and on the Zamboanga Peninsula. It continues to present a serious challenge to the work of the United Nations, as it regularly engages in bombings, extortion, kidnappings for ransom and assassinations. Military operations against the Group continued in the southern Philippines during the reporting period. The Department of National Defense confirmed on 28 March 2018 that the Group's leader, Nurhassan Jamiri, and 13 of his followers had surrendered to the Joint Task Force Basilan, a special force fighting government-designated terrorist groups and associated movements in the Basilan islands. The Secretary of National Defense expressed hope that the surrender would lead to the collapse of the Group in Basilan and restore peace and order in the province. According to the Armed Forces, as of December 2019, that development brought the total number of Group members who had surrendered since 2018 to 216, of whom 100 were from Basilan Province.

#### **Bangsamoro Islamic Freedom Fighters**

17. BIFF splintered from MILF in 2010 and continued the armed struggle for a fully independent Islamic state of Bangsamoro, following peace negotiations between the Government and MILF that paved the way for the establishment of the Bangsamoro Transition Authority. BIFF has been listed for the recruitment and use of children since 2014. Mostly active in Maguindanao Province and some parts of northern Cotabato, clashes between BIFF and the Armed Forces continued in the reporting period, affecting children. In December 2017, an attack against an Armed Forces unit in the municipality of Datu Unsay, Maguindanao Province, was attributed to BIFF. Ismael Abubakar, also known as Kumander Bungos, has been acting as the BIFF leader since the death of the founder, Ameril Umbra Kato, in April 2015.

#### **Moro Islamic Liberation Front**

18. MILF originated as a splinter group of the Moro National Liberation Front in 1977. It was listed in 2003 for the recruitment and use of children. It was then delisted in 2017, after the full and successful completion of its 2009 action plan, resulting in

the disengagement of 1,869 children from its ranks. Following the signature of the Comprehensive Agreement on the Bangsamoro in March 2014, hostilities between the Government and MILF ceased, officially concluding 17 years of peace negotiations. The agreement culminated with the ratification of the Bangsamoro Basic Organic Law in February 2019, inaugurating the Bangsamoro government and its transitional authority, which serves as the basis for the establishment of a new autonomous government of which MILF is part. The task force did not verify any grave violations attributed to MILF.

#### **Moro National Liberation Front**

19. MNLF was established in 1972 and signed a peace agreement with the Government in 1996 after more than 20 years of fighting for Bangsamoro independence. However, in early 2000, tensions with the Government resurged as some members of MNLF began to view the implementation of the peace agreement as flawed. It resulted in the splintering of MNLF into smaller factions, some of which supported the negotiations between the Government and MILF, and others sporadically clashing with the Government. There is little information today about the current strength of MNLF, and no major attacks by the group were reported. The task force did not verify any grave violations attributed to MNLF.

#### **Maute Group**

20. The Maute Group emerged in 2016 as a dominant force among the many factions that pledged allegiance to ISIL in 2017. The Group was named after its leaders, the brothers Omar and Abdullah Maute. Besides its core membership of a few hundred people, the Group was empowered by local sympathizers and supporters within clan networks. The siege of Marawi City by the Group and other ISIL-affiliated groups resulted in many casualties, tens of thousands of displaced residents and the declaration of martial law. In April 2018, the authorities announced the death of Abu Dar, one of the architects of the siege, and a leader of the Group. Currently, remnants of the Group are active, and some have joined local affiliated groups referred to as ISIL-inspired groups in the present report.

## **IV. Grave violations against children**

21. Armed clashes continued to negatively affect children, predominantly in Mindanao, with the epicentre being Lanao del Sur Province. Access restrictions and security constraints posed challenges to the verification of violations in remote areas, notably the Sulu Archipelago. The limited capacities of the country task force also hampered its ability to monitor grave violations. Accordingly, the present report does not cover all grave violations committed against children in the Philippines.

22. The United Nations verified 331 grave violations affecting 233 children (121 boys, 96 girls and 16 of unknown gender), representing an increase compared with the previous report (S/2017/294). Of those, 41 per cent (135 violations) were committed in 2017 and mostly took place in Lanao del Sur Province during the Marawi siege, which notably led to a spike in attacks on schools and protected persons, the killing and maiming of children, and child recruitment and use. Grave violations decreased after the siege, with 117 violations affecting 92 children (49 boys and 43 girls) verified in 2018 and 79 violations affecting 67 children (42 boys and 25 girls) verified in 2019. The lower number of violations since 2018 may be explained by the reduction of hostilities by some parties resulting from the ratification of the Bangsamoro Basic Organic Law in July 2018 and the establishment of the Bangsamoro Autonomous Region in Muslim Mindanao in January 2019.

23. One issue of concern is the verified increase in the number of children detained by government security forces for alleged association with armed groups during the reporting period, compared with the number in the previous report (S/2017/294), with 51 children (23 girls and 28 boys) detained, with a spike in 2019. The national protocols and standards regarding children arrested for reasons related to the armed conflict, which are provided for in Republic Act No. 11188 and offer special protection to children in armed conflict situations as of January 2019, were not respected. In addition, the United Nations verified the military use of 12 schools and one hospital.

24. The scale of grave violations against children affecting indigenous communities is of great concern, notably in Northern Mindanao and Caraga, in the context of conflict between the Armed Forces and NPA, and the increased involvement of paramilitary groups. In particular, teachers and pupils at schools run by non-governmental organizations in indigenous communities were “red-tagged” as alleged NPA supporters or members or as opposed to the Government and were subsequently harassed, threatened, attacked or killed, allegedly by government security forces.

25. Of the 331 grave violations verified during the reporting period, 42 per cent were attributed to armed groups, namely the Maute Group (48 violations), BIFF (32), NPA (29), the Abu Sayyaf Group (16) and ISIL-inspired groups (15). Of the violations, 16 per cent were attributed to government forces, mostly the Armed Forces (44). A high number of violations (138, or 42 per cent), mostly consisting of the killing and maiming of children, could not be attributed to a specific party. Most resulted from clashes between government forces and armed groups, or from improvised explosive devices or explosive remnants of war.

26. Mindanao remained the most affected region, accounting for 90 per cent of all verified violations. That was due in part to the continued concentration of armed groups in the region, as well as a reported loss of strength of NPA in areas outside of Mindanao. Within Mindanao, the Bangsamoro Autonomous Region in Muslim Mindanao and the Soccsksargen Region were the most affected, with 70 and 14 per cent, respectively, of the total number of verified violations. However, since 2017, an increasing number of violations have been verified in the Davao, Northern Mindanao and Caraga Regions, affecting predominantly indigenous peoples in the context of the armed conflict between the Armed Forces, paramilitary groups (including the Citizen Armed Forces Geographical Unit) and NPA. In addition to Mindanao, grave violations were also verified in the Western Visayas, Calabarzon and Bicol Regions.

## **A. Recruitment and use**

27. The United Nations verified the recruitment and use of 67 children (19 girls, 32 boys and 16 of unknown gender), a slight decrease compared with the previous report (S/2017/294). Teenage boys continued to be the most at risk. The main perpetrators were armed groups, namely NPA (23), the Maute Group (21), BIFF (17) and ISIL-inspired groups (5). One case was attributed to the Armed Forces.

28. Although verified as the main recruiter, NPA continued to assert that it did not recruit children for direct participation in hostilities, in accordance with its 2012 declaration and programme of action for the rights, protection and welfare of children, which sets the minimum age of recruitment by the group at 18 years of age, but stipulates that, from the age of 15 years, children may be admitted as trainees or apprentices and may be assigned to self-defence and other non-combat units and tasks. NDFP asserts that it recognizes the Convention of the Rights of the Child, but not the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to which the Philippines is a party.

29. The recruitment and use in support or combat roles of 23 children (7 girls and 16 boys) by NPA was verified. For instance, on 5 July 2018, a 17-year-old boy was killed while in combat with two adults. All were associated with NPA and were fighting against the Armed Forces in North Cotabato Province that day. The boy had joined NPA in Davao del Sur Province in April 2018. In another example, two siblings, a 15-year-old boy and a 17-year-old girl, were recruited and used by NPA in Quezon Province in March 2019. The boy was separated and reunified with his family about a month later. He reported that he was asked to carry a weapon while his sister carried bags. At the time of writing, his sister remained with NPA. Another 17-year-old girl was used by NPA for approximately four months from November 2016 as part of a medical squad until she escaped and surrendered to government forces in March 2017. She reportedly participated as a medical aide in an armed encounter in Davao Oriental Province. In another verified incident, a 15-year old boy was used from September to November 2018 in Agusan del Sur Province in support roles, fetching water and cooking. He was reunified with his family.

30. The recruitment and use by the Maute Group of 21 children (12 girls and 9 boys) from 2017 to 2018 was verified, as was the recruitment and use of five boys by ISIL-inspired groups in 2019. For instance, during the Marawi siege, six children were used as human shields, while three others were tasked with extracting gunpowder from firecrackers, and one was forced to ransack houses. In Lanao del Sur Province, two girls were abducted and used by the Maute Group in support roles from June to October 2017. One of the girls was raped during her association with the Group. From 2016 to June 2017, a 14-year-old boy was taught to assemble firearms and engage in combat. After his arrest, he was reunified with his family and received psychosocial support for three months. The United Nations received additional allegations of large-scale recruitment and use by the Group during the Marawi siege and allegations that some of the children were killed in combat. Those allegations indicate that the actual number of violations committed during the Marawi siege is likely to be higher than verified.

31. The United Nations verified that 17 children (1 boy and 16 of unknown gender) were recruited or used by BIFF, and that 16 were used as human shields in one incident at a school. The incident occurred following an attack on a detachment of the Citizen Armed Forces Geographical Unit in North Cotabato Province in June 2017. In January 2019, a 16-year-old boy associated with BIFF voluntarily surrendered to government forces.

32. The United Nations verified that a 14-year-old boy had been used by the Armed Forces in 2018 in North Cotabato Province. He was used from November 2018 to November 2019 to provide support in a military camp in exchange for housing and schooling and was reunified with his family. In addition, and of concern, an undetermined number of pupils from an indigenous peoples' school were reportedly forced by the Armed Forces to join rallies against their teachers and accuse them of anti-government sentiments.

#### *Detention for alleged association with armed groups*

33. The United Nations verified the detention by government authorities of 51 children (23 girls and 28 boys), some as young as 11 years, for alleged association with armed groups, which represents double the number cited in the previous report (26). That increase was due mainly to a higher number of children being detained in 2019 (35). Children were arrested by the Armed Forces, the National Police or in joint operations, and detained for periods ranging from one day to 20 months. At least four children faced ill-treatment while in custody. At the time of reporting, 47 children had been released, 6 faced charges and 4 remained in detention.



34. In 2017, the detention of 12 children was verified. For instance, in February 2017, two boys, aged 16 and 17 years, accused of association with the Abu Sayyaf Group, were held by the Armed Forces in two military camps where two other 16-year-old boys were also detained for the same reason. The four children were blindfolded, handcuffed and beaten and subsequently taken to hospital for medical treatment. In June 2017, a 16-year-old boy was arrested with his family at an evacuation centre for being allegedly associated with an ISIL-inspired group. At the time of writing, he was still being detained at a military camp in Metro Manila, facing rebellion charges. In July 2017, six boys, aged 16 and 17 years, were arrested among adults at a security checkpoint for alleged association with MNLF. The boys were detained for a month before being released without charge. In September 2017, a 14-year-old boy was apprehended by the Armed Forces in Sulu Province alongside adults. He was given a hand grenade and photographed while holding it by the Armed Forces soldiers. Accused of being an Abu Sayyaf Group member, he was detained for almost three months until his release in November 2017 by order of the provincial prosecutor on the grounds of his age and lack of evidence.

35. A decreasing trend was observed in 2018, with four children verified as being detained for their alleged association with armed groups. In 2019, however, 35 children were arrested by the Armed Forces (5), the National Police (2) and during joint-PNP operations (28) and were detained for periods ranging from one day to 10 months. Two boys aged 15 and 16 years arrested in August and September 2019 remained in detention until December 2019 in Basilan and North Cotabato Provinces, respectively. In all 35 cases, the national protocols and standards for the treatment of children arrested for reasons related to armed conflict, the implementation of which is required under Republic Act No. 11188 adopted in January 2019, were not respected. For instance, in contravention of Republic Act No. 11188, two girls aged 11 and 17 years were detained by the Armed Forces in Bukidnon Province on 18 February 2019, for their alleged association with NPA. They were interrogated by soldiers and spent the night in a military camp before being released and reunified with their families. In Basilan Province, on 2 August 2019, a 16-year-old boy was arrested for alleged association with the Abu Sayyaf Group and MNLF during a raid conducted by the National Police and the National Bureau of Investigation. The boy was in National Police custody until December 2019. In a separate incident, 13 children were apprehended during simultaneous military and police raids in Negros Occidental Province on 31 October 2019. They were released after 40 hours without charge. Government security forces alleged that they were undergoing training and indoctrination by armed groups.

## **B. Killing and maiming**

36. Killing and maiming of children remained the predominant grave violation verified in the Philippines. The United Nations verified the killing (44) and maiming (95) of 139 children (57 girls and 82 boys), a quarter of whom were below the age of 5 years. Teenage boys were observed to be more at risk of being killed, owing to their roles at the front lines for those associated with parties to conflict, whereas more girls of all ages were maimed. The number of child casualties increased from the previous report (116), owing to a gradual increase in casualties caused by explosive remnants of war and improvised explosive devices over the years (from 10 children affected in 2017 to 17 in 2018 and 25 in 2019). In addition, more children were reportedly killed and injured during the Marawi siege. When identified, the main perpetrators of the killing and maiming of children were members of the Armed Forces (24), BIFF (15), the Abu Sayyaf Group (11), ISIL-inspired groups (10), NPA (4) and the Maute Group (1). A total of 74 child casualties could not be attributed to a specific party.

37. The majority of the violations were caused by explosive remnants of war or improvised explosive devices (64) and crossfire (10). For instance, in Lanao del Sur Province on 4 April 2019, a 13-year-old boy was wounded by an unidentified stray bullet during a National Police operation at the MILF base command camp. On 29 January 2017, in Basilan Province, three children were killed and two maimed while playing with a grenade. On 2 September 2018, in a similar incident in Isulan, Sultan Kudarat Province, an improvised explosive device exploded, killing a girl and maiming four boys.

38. The following armed groups were responsible for 41, or 30 per cent, of all verified child casualties: BIFF (15), the Abu Sayyaf Group (11), ISIL-inspired groups (10), NPA (4) and the Maute Group (1). For instance, on 31 December 2018, 15 children (8 girls and 7 boys), aged from 2 to 16 years, were maimed during a bomb explosion attributed to BIFF at a mall in Cotabato City that also killed two adults. In another example, two Abu Sayyaf Group elements staged a suicide attack on a cathedral in Jolo City, Sulu Province, on 27 January 2019. In total, 18 people were killed and 82 wounded, including 10 children. In July 2018, a 7-year-old boy and his parents, the father being a member of the Citizen Armed Forces Geographical Unit, were killed in a passenger van explosion attributed to the Abu Sayyaf Group in Basilan Province. In November 2017 in Bukidnon Province, the United Nations verified the killing of a 4-month-old girl by stray bullets from NPA while in a vehicle with relatives. The police car ahead of their car was ambushed by NPA.

39. The United Nations verified 24 child casualties attributed to the Armed Forces, a slight decrease compared with the previous report (30), which resulted mainly from Armed Forces offensives against armed groups, notably in Lanao del Sur. The number of children killed and maimed attributed to the Armed Forces decreased over the reporting period, from 12 in 2017 to 8 in 2018 and 4 in 2019. In February 2017, four boys aged between 16 and 17 years were maimed after being tortured in Basilan Province while detained by the Armed Forces. On 8 March 2017, a 1-year-old girl was killed and a 13-year-old boy maimed during an Armed Forces operation in Basilan Province. On 12 July 2017, two boys and a girl, reportedly associated with NPA, were killed during an encounter with the Armed Forces in Compostela Valley Province. In July 2019, an Armed Forces air strike targeting BIFF in North Cotabato and Maguindanao Provinces wounded a 12-year-old boy and his father and killed his mother.

### **C. Rape and other forms of sexual violence**

40. In the reporting period, the United Nations verified rape and other forms of sexual violence affecting six girls, aged between 14 and 17 years, all attributed to the Maute Group and occurring during the Marawi siege. Four girls were raped and forced to marry Group members after their abduction. Additional information about sexual violence in the context of the siege was received but could not be verified. In 2019, further allegations of sexual violence were received but could not be verified.

41. Incidents of rape and other forms of sexual violence are believed to be underreported. Although local government officials and the United Nations are aware of credible cases, the victims or their families do not wish the information to be reported. Most survivors face social and security barriers, including stigma. In addition, despite the enactment of Republic Act No. 11188, cases of sexual violence continue to be settled outside of the formal judicial system through financial payments.

### **D. Attacks on schools and hospitals**

42. The United Nations verified 98 attacks on schools (62) and hospitals (36) and protected persons, an increase compared with the previous report. Most (61) occurred

in 2017. The incidents included attacks on 12 education and health personnel and threats made to 31 education personnel. Most attacks were unattributed (64), but 28 were attributed to government security forces and 6 to armed groups.

43. The attacks that could not be attributed to a specific party mostly occurred during armed confrontations, including bombardments, in the context of the Marawi siege (57). For instance, on 23 May 2017, clashes between the Maute Group and the Armed Forces escalated in Marawi City, resulting in damage to the infrastructure of 20 schools and 30 hospitals, including community health stations. In other examples during the siege, five teachers from a college in Lanao del Sur Province were abducted, allegedly by ISIL-inspired groups, on 29 May 2017.

44. A total of 28 attacks were attributed to government security forces, namely the Armed Forces (19), the National Police (3) and joint operations (6). For instance, in Maguindanao Province, an Armed Forces law enforcement operation against BIFF and other armed groups in the first week of April 2019 damaged 10 classrooms at an elementary school, affecting the access to education of 151 pupils. A similar operation on 2 April 2019 in another area in the province also damaged a newly built madrasa for Islamic religious instruction.

45. The remaining attacks were attributed to the Maute Group (3), BIFF, the Abu Sayyaf Group and NPA (1 each). While most incidents took place in Lanao del Sur in the context of the Marawi siege, attacks also occurred in Negros Oriental, North Cotabato, Maguindano, Sultan Kudarat, Compostela Valley, Negros Occidental, Misamis Oriental, Agusan del Norte, Davao del Norte and Sarangani.

46. The United Nations continued to note the serious threats made by government security forces and paramilitary groups against teachers and schools run by non-governmental organizations in indigenous peoples' communities. In July 2019, 54 indigenous community learning centres were suspended in Mindanao, owing to allegations of links with NPA made by the Department of Education. Similarly, on 25 February 2019, several banners posted outside a school in North Cotabato Province displaying accusations that the school was linked to NPA caused fear of reprisals among teachers and pupils and led to a week-long suspension of classes. In an environment in which the Government declared NPA a terrorist group, public accusations of links with NPA can be life threatening. UNICEF expressed concerns and offered support for the immediate resolution of the issue related to the threat against the learning centres in a letter to the Department of Education on 30 July 2019. In two other incidents in January and March 2019, three members of the Alliance of Concerned Teachers in Metro Manila and five teachers at a high school in Misamis Oriental Province, accused by government security forces of being associated with CPP, received threats or were harassed.

47. Separately, the United Nations verified the military use of 12 schools and one hospital attributed to the Armed Forces (10), the National Police, BIFF and ISIL-inspired groups (1 each). In addition to being used as bases during armed clashes, schools were frequently used as sites by the Armed Forces in the context of civil-military operations. In an incident on 16 March 2019, soldiers of the Armed Forces installed a camp and undertook a law enforcement operation in the former municipal hall that had been hosting an elementary school since 2017. They occupied the premises for almost a month. The United Nations also verified the military use of a school and community health centre in Maguindanao Province during law enforcement operations on 20 and 21 March 2019. After concerns were raised by the community, the Armed Forces vacated the premises.

48. Attacks on schools and their military use affected the education of at least 20,000 children, whether temporarily or for protracted periods. That number is significant, yet it represents only a small fraction of all children whose access to

education was affected by the conflict. In a statement dated 30 August 2019 addressing the increased military and police presence in universities and schools owing to alleged recruitment of students by political organizations, the Commission on Human Rights of the Philippines underscored the need to uphold safety policies within campuses, in accordance with the law to guarantee the utmost protection of civil and political liberties.

## **E. Abduction**

49. The United Nations verified the abduction of 21 children (12 girls and 9 boys), which mostly took place in 2018 (13). The perpetrators were the Maute Group (17) and the Abu Sayyaf Group (4). Abduction was also compounded by other violations in some instances. For example, a 16-year-old girl was abducted by the Maute Group on 4 June 2017. She was raped twice and tasked with extracting gunpowder from firecrackers and taking care of the children of Maute Group members. On 16 October 2017, she escaped, together with other hostages, and was injured by a bullet while fleeing. In another instance in 2017, a 7-year-old boy was abducted by the Abu Sayyaf Group for seven months, in Sulu Province. No abduction of children was verified in 2019, owing to access challenges and the limited capacity of the United Nations.

## **F. Denial of humanitarian access**

50. No incidents of denial of humanitarian access to children were verified. However, there were concerns over the shrinking of overall humanitarian space, constraints on humanitarian access, and threats and violence against humanitarian personnel. The monitoring and verification of violations was challenged by access restrictions owing to the volatile security situation and restricted freedom of movement imposed through martial law in Mindanao, which had been extended three times since 2017. Other issues included the remote location and inaccessibility of communities, as well as risks of being caught in crossfire or fear of being kidnapped. Verification in some areas was limited by a lack of trained capacity.

## **V. Progress in ending and preventing grave violations by the Government**

51. To officially communicate the findings and recommendations from the previous report (S/2017/294) and the subsequent conclusions of the Working Group on Children and Armed Conflict (S/AC.51/2017/4), the country task force Co-Chairs engaged with the Undersecretary of National Defense on 2 October 2017. The meeting facilitated the high-level support for the Special Protection of Children in Situations of Armed Conflict Act by the Government and served as an entry point to revitalize engagement and raise concerns related to the Marawi siege.

52. Following a decade of advocacy and provision of technical assistance by the United Nations, the Special Protection of Children in Situations of Armed Conflict Act was enacted in January 2019. That new legislation incorporates Security Council resolutions on children and armed conflict, and guidelines on the monitoring and reporting mechanism into national law. The law provides a national monitoring, reporting and response system, inspired by the Council-mandated monitoring and reporting mechanism. It is also aimed at strengthening coordination to prevent grave violations against children in situations of armed conflict, provide adequate human and financial resources to local and national agencies and hold perpetrators accountable. The law declared children as “zones of peace”, with the aim of protecting

them from all forms of abuse and violence and prosecuting persons or groups violating the law. Killing, maiming, torture, rape, abduction, recruitment into government armed forces and groups, food blockades, arbitrary detention, and denial of humanitarian access, are examples of acts prohibited in the new law. The Act has also been celebrated for its gender-sensitive provisions, which encompass guarantees for access to education for girls, including in situations of armed conflict, as well as access to reproductive health services.

53. With technical support from the United Nations, the Government's Inter-Agency Committee on Children in Situations of Armed Conflict finalized the implementing rules and regulations for Republic Act No. 11188 within the 90-day deadline provided for in the Act. The implementing rules and regulations were signed in an official ceremony on 4 June 2019 by government institutions and agencies, including the Department of National Defense, the Armed Forces, the Commission on Human Rights, the Department of Education and the National Council for the Welfare of Children. The United Nations has been supporting the nationwide dissemination and implementation of the Act, including through the provision of technical assistance to the Inter-Agency Committee to develop a workplan and referral pathways. Once completed, they will form the basis for nationwide outreach on the law and its implementing rules and regulations, which is scheduled for late 2020.

54. The Department of Education issued its policy on the protection of children in armed conflict (Order No. 57 of 2017) on 21 November 2017. With this policy, aside from reaffirming the right of children to education and the importance of the education sector in protecting students and school personnel in situations of armed conflict, the Department also recognized the criticality of continuing to provide education during armed conflict and implementing specific measures to prevent attacks against and the military use of schools. In addition, the Department has specified its role in monitoring grave violations and set out the procedures to report them. The policy was reinforced with the release, in November 2019, of the National Policy Framework on Learners and Schools as Zones of Peace, in which the elements and guiding principles outlined in Republic Act No. 11188 are defined. By Order No. 57, the integration of conflict sensitivity, a peacebuilding perspective and community engagement into education interventions is institutionalized in order to prevent, mitigate, respond to and recover from armed conflict.

55. The Department of Social Welfare and Development spearheaded the updating of the procedure for the handling and treatment of children involved in armed conflict (Administrative Order No. 84 of 2002). In December 2017, the Department hosted an initial consultation, the outcome of which has still to be reviewed for consistency with the provisions of Republic Act No. 11188. Discussions were ongoing at the time of writing.

56. In response to the Marawi crisis, the Department of Social Welfare and Development provided financial, food and livelihood assistance to families and internally displaced persons affected by the siege to support the recovery and rehabilitation of their livelihoods or economic activities.

57. Through its Women and Child Protection Centre, the National Police initiated the development of a child protection policy for the police in October 2019, with United Nations support. The policy will include strategies for the prevention of violations and abuses against children.

## **VI. Information on progress made by other parties to conflict**

58. Upon the completion of the action plan to end and prevent the recruitment and use of children signed with the United Nations in 2009, MILF was delisted from the annexes

to the report of the Secretary-General on children and armed conflict in 2017. Since then, the United Nations has documented the lessons learned from the implementation of the action plan and from the disengagement of children associated with MILF-Bangsamoro Islamic Armed Forces (BIAF). A programme to support the disengaged children and their families has been jointly implemented by UNICEF, government agencies and civil society. The country task force also followed up on the reintegration of the 1,869 children disengaged from MILF by the time of the delisting of MILF and confirmed that none had rejoined any armed group at the time of writing. In partnership with the Bangsamoro Autonomous Region in Muslim Mindanao, the reintegration programme provided life skills, psychosocial support and referral services for 738 children, as well as the distribution of one-time financial assistance to 1,568 families.

59. The increased Armed Forces operations and the continuing arrest of CPP-NDFP consultants by the Government considerably hindered the dialogue of the United Nations with NDFP and NPA. The United Nations revived the dialogue with NDFP in June 2018. A technical meeting was convened with NDFP key officials on 16 July 2018 to continue discussions on joint initiatives for the protection of children affected by armed conflict. However, the renewed conflict that followed the issuance of Executive Order No. 70 in December 2018 affected the ability of NDFP to continue that engagement, and no further meetings were held.

60. The Abu Sayyaf Group and BIFF are considered terrorist groups by the Government, and no engagement on children and armed conflict has been possible to date, notably owing to access and security restrictions.

## VII. Observations and recommendations

61. **I welcome the inauguration of the Bangsamoro Transition Authority in March 2019, which marks the culmination of the peace process between the Government and MILF. I call upon the Authority to continue the implementation of the peace agreement and to use the lessons learned and best practices collected by my Special Representative for Children and Armed Conflict and UNICEF to prevent violations against children.**

62. **I call upon all parties to the conflict in the Philippines to immediately halt grave violations against children and put in place preventive measures. I further urge the parties to abide by their obligations under international humanitarian and human rights law and, in particular, to end and prevent the killing and maiming of children, and attacks on schools and hospitals and persons protected therein.**

63. **I commend the Government for the enactment of the Special Protection of Children in Situations of Armed Conflict Act in January 2019, the signing of the implementing rules and regulations in June 2019, and for the relevant policies and activities undertaken to better protect children in armed conflict. I urge the Government to swiftly disseminate and implement those national legal obligations, and to reinforce the protection of children's rights, including by taking all measures necessary to prevent sexual violence, killing, torture and abduction of children in the context of armed conflict, to thoroughly investigate allegations of violations against children and bring the perpetrators to justice. I further call upon the Government to endorse the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles).**

64. **I am concerned about the detention of children for alleged or actual association with armed groups and call upon the Government to comply with the Special Protection of Children in Situations of Armed Conflict Act, which provides that children should be treated as victims and that their treatment must**

be determined with the best interests of the child as the primary consideration. I further call upon the Government to enforce the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

65. I urge the Government to respect its protocols and standards regarding children arrested for reasons related to the armed conflict and to ensure that victims of violations receive timely, effective and appropriate services and have access to comprehensive reintegration programmes.

66. I urge armed groups, in particular NPA, to immediately halt the recruitment and use of children, and to release associated children from their ranks for reintegration purposes. I further urge NDFP and NPA to abide by the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to recognize the Paris Principles, and cease using children in any activity that may put them at risk. I call upon listed armed groups to enter into dialogue with the United Nations for the purpose of preparing action plans to end child recruitment and use.

67. I am concerned that improvised explosive devices and explosive remnants of war continue to kill and maim children. I call upon the Government to fully implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and to ratify the Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Protocol V).

68. I further call upon the Government to continue the collaboration with the country task force and the United Nations to address ongoing violations against children, support the implementation of its national child protection procedures and guidelines and facilitate access to conflict-affected areas for child protection actors. I also encourage the Government to continue its cooperation with the country task force and the United Nations to strengthen the capacity of its armed and security forces, and auxiliary forces, on child protection.

69. I welcome the lifting of martial law in Mindanao after almost three years and I call upon the Government to facilitate the access of humanitarian actors to affected areas of Marawi City to assess the impact of the siege on civilians, in particular children.

70. I remain concerned about persistent attacks and threats of attacks on schools and their personnel, particularly in indigenous communities. I urge the Government to fully implement its National Policy Framework on Learners and Schools as Zones of Peace of November 2019 and to advocate the prevention of the “red tagging” of schools, teachers and children. I reiterate my call upon the Government to endorse the Safe Schools Declaration.

71. I appeal to the Government and other parties to integrate the protection of children as a central issue in ongoing and future peace negotiations and agreements.

72. I encourage the international donor community to provide financial resources to assist the country task force and the United Nations to strengthen its capacities for the monitoring and reporting mechanism on children and armed conflict, and to respond to and prevent further violations against children.