



Republika ng Pilipinas
Komisyon ng Karapatang Pantao
(Commission on Human Rights)

HUMAN RIGHTS ADVISORY

CHR-A6-2000

**ON THE TREATMENT OF NON-COMBATANTS ESPECIALLY
OF CHILDREN AND WOMEN IN INTERNAL ARMED
CONFLICTS**

The Chairman and the four members of the Commission on Human Rights (CHR) during their recent trip to Mindanao have confirmed the information from the media that various human rights violations on women and children and non-combatants have been committed in the armed-conflict between the government forces and the rebel groups. The violations consist of: (1) The recruitment of children for armed combat; (2) The use of women and children as human shields during emergencies; (3) The taking of hostages which include women and children and even civilians; and (4) The employment of torture and inhuman treatment of captives.

The Philippines is a signatory of a number of international instruments of human rights such as the "Protocol II to the Geneva

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in the midst of GLOBALIZATION

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Convention on the Rules of War” now known as the “International Humanitarian Law,” “The Convention of the Rights of the Children” now implemented through Republic Act No. 7610. Article 3 of Protocol II provides for the humane treatment for protection of non-participants in the armed conflicts against (a) Violence to life and person, such as murder, mutilation, cruel treatment and torture; (b) Hostage-taking; (c) Outrages upon personal dignity, in particular, humiliating, and degrading treatment; and (d) Summary justice or salvaging the imposition of punishment.

The observance of Article 3 of Protocol II does not affect the legal status of parties to the conflict. Consequently, the fact of applying Article 3 to civil strife does not constitute recognition by the government in power, that the rebelling party has any authority or privilege of any kind. Neither does it limit in any way the government’s right to suppress or stop a rebellion by all means necessary, including military firepower, nor does it in any way affect the government’s right to prosecute, try and sentence captured or arrested dissidents for all crimes committed by them.

In the same way, the observance of Article 3 by the rebelling group does not give the latter any right to claim a special or privileged status or any immunity whatsoever from prosecution despite any title or name it may give itself.

Paragraph 4 of Article 3 makes it absolutely clear that the objective of the Convention is purely humanitarian, that it is in no way concerned with the internal affairs of States.

The involvement of children for combat in any manner in armed conflict violates also the “Convention of the Rights of the Children.” Children have been declared as “zones of peace”. Article 37 of the “Convention on the Rights of the Child” reads:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

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The Commission on Human Rights, as an independent, impartial and neutral constitutional body, does not commit itself to take sides as to the validity or legality of the armed conflict. It is more concerned with respect to the values of dignity of every human person and the full respect for human rights. It is its duty to call attention to the observance of the “International Humanitarian Law” by government armed forces and rebel groups. It is issuing this Human Rights Advisory pursuant to its constitutional functions of monitoring Philippine Government

compliance with international instruments. (Art. XIII, Sec. 18 (7),
Philippine Constitution)

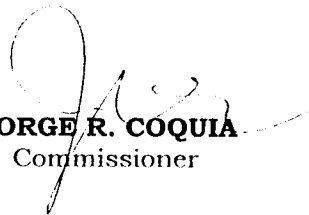
, Quezon City, 09 May, 2000.

AURORA P. NAVARRETE-RECIÑA
Chairperson

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Commissioner

MERCEDES V. CONTRERAS-DANENBERG
Commissioner

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