

## ***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 that various human rights violations on women, children and noncombatants have been committed in the armed conflict between the Government forces and the rebel groups. The violations consists 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 other civilians, (4) the employment of torture and inhuman treatment of captives, (5) the death of civilians and non-combatants due to indiscriminate bombings, and (6) the blockade that adversely affects the economic life of non-combatants and civilians.

The Philippines is a signatory to a number of international instruments of human rights such as Protocol II to the Geneva 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 7610. Article 3 of Protocol II provides for the humane treatment and for the protection of non-participants in the armed conflict 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 observance of Article 3 of Protocol II does not affect the legal status of the parties to the conflict. All it addresses is that both parties to the armed conflict should submit themselves to the civilized ways of conducting warfare and the observance of human rights.

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 conflicts 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 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."*

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. *(Article XIII, Sec. 18 (7), Philippine Constitution).*

*Quezon City, 09 May 2000*