

The rights of Filipino children in armed conflict: reflections on international and national legal frameworks

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ABSTRACT: There is a great amount of international attention directed towards the recruitment and involvement of children in armed conflict. In response to this, Philippine legislators have passed laws to assist and protect these children. However, most of these are not reflective of the reality of children and may even further disadvantage them. This paper explores international and national policies directed towards children in armed conflict through the perspective of children's rights. It aims to paint a more realistic and rights-oriented approach towards the understanding of children in armed conflict. The importance of this not only rests on the growing amount of international attention directed towards this issue, but more importantly, because doing so promotes efforts in fulfilling the fundamental rights of children.

KEYWORDS: children's rights, law, Philippines, policies, child, soldier, war

In recent years, there has been an increasing amount of public concern regarding the engagement of children in armed conflict. This has further escalated to global debates and tensions, wherein the reality of the child soldier is strongly perceived as a problem to be solved with utmost urgency. General feelings of alarm and apprehension maintained by stakeholders and the public are fueled by a prevalent humanitarian discourse that highlights the vulnerability and innocence of children. However, more contemporary scientific and anthropological discourses have deviated from this ideal and have instead underscored the agency and individual capacities of children. Such theoretical contradictions have led to challenges in creating and implementing international policies regarding the involvement of children in armed conflict. More-

over, state efforts to address these challenges have been problematic, especially due to difficulties not just in translating theoretical understandings, but more importantly, applying international standards to local contexts.

This is evident in the Philippines, wherein local insurgencies have been ongoing for the past decades. Despite peace agreements between the government and insurgent groups, conflicts continue to disrupt the peace and stability of affected regions. As a response, appropriate laws have been passed by Philippine legislators to assist and protect communities inhabiting conflict-affected areas. Moreover, several of these laws are aimed towards the protection of children, whether or not they directly engage in insurgencies and identify as child soldiers. This paper explores such policies through a children's rights-oriented perspective. It argues that government laws and policies directed towards child soldiers, which are largely reflective of international legal norms, may not reflect the reality of child soldiers, and may even restrict their claims to fundamental rights. It is divided into four parts. First, the conventional concepts of the child, war, and the child soldier are examined. This section demonstrates that the inflexibility and ubiquity of these concepts result in policies and beliefs that are detrimental to children. Afterwards, legal frameworks, both international and national, are outlined and assessed. Third, the current reality of Philippine child soldiers and corresponding legislation are presented. Lastly, some recommendations are given. It is the aim of this paper to paint a more realistic and rights-oriented approach towards the understanding of child soldiers. The importance of this not only stems from the growing amount of international attention directed towards child soldiers, but more importantly, because doing so promotes efforts in fulfilling their fundamental rights.

Due to the exploratory nature of this study, the acquisition of secondary data sources through extensive desk research was utilized. Although this method provides a more extensive understanding of social phenomena, its highly non-participatory quality is also a limitation.

CONCEPTUALIZING THE “CHILD SOLDIER”

Varying understandings of the child soldier have been put forward by studies on children and war. For example, portrayals of children in the context of war have alternated between highlighting their trauma or resilience (Wessells 1998: 641). Studies have also been limited to specific periods and aspects of war, such as its after-effects; however, not a lot of light is shed on the unique experiences of individual child soldiers (Druba 2002: 271). Studies on the prosecution of war crimes rarely consider the atrocities committed by child soldiers, and instead focus on war lords and their recruitment of under-aged soldiers (Bosch 2012: 357). More recently, as a result of empirical scientific efforts, research perspectives on child soldiers have slowly progressed from viewing them as innocent victims to acknowledging their more active roles (Wessells 1998: 636). Progressive scientific discourse on child soldiers has therefore recognized the insufficiency and inaccuracy of maintaining conventional conceptions of the child, war, and the child soldier.

The Child

The process of constructing the concepts of the child and childhood is heavily influenced by culture and society. Hence, the idea of what a child and childhood should be are understood differently according to varying contexts. However, innocence and vulnerability are two traits that are generally perceived to be characteristic of children. Maintained by the majority, this blanket description is the foundation for universal expectations towards children. There is therefore an ensuing anxiety when children fail to conform to this ideal, even more so when they exhibit attributes seen to be “adult like”. For example, there are moral and legal dilemmas faced by adults when children engage in work, commit crime, or migrate independently. These activities entail adult capabilities, and when manifested by children, the concept of the ideal child is threatened.

Such perceptions are reflected in legal systems, wherein most laws directed towards children follow protectionist themes. To preserve the ideal childhood, policies are created to safeguard the innocence of children, as well as protect their vulnerabilities. As will be illustrated in the succeeding sections of this paper, these practices tend to result in undesirable outcomes.

Children and War

The devastating consequences of war cannot and should not be understated. Military conflict results in holistic detrimental effects on affected individuals, some of which may only manifest in later years. Effects of war are not limited to the individual, but immensely devastate educational, health, political, and social systems as well (Denov 2008: 814-815). Hence, there is no doubt that international, intranational, and national efforts to end and prevent conflicts must be at the forefront of political agendas.

Due to the terrible circumstances it brings, war is exclusively associated with adults. That is, the perceived innocence and vulnerability of children disqualifies them from war. This exclusivity is further heightened in modern times, as there have been claims suggesting that contemporary war, when compared to past wars, is exceptionally cruel and chaotic (Rosen 2005: 11). However, when one consults historical research, this is not necessarily the case. In fact, ethnographic and historical studies have shown that young people have historically been taking part in war. For example, Cheyenne boys participated in war parties around the age fifteen and adolescents of the Maasai and Samburu tribe were given the status of warriors (Rosen 2007: 297). Moreover, there is scant evidence that the chaos and unpredictability of war has increased, as it has been argued that wars have always been characterized by disorder and terror (Rosen 2005: 11). It is therefore apparent that the image of the child soldier as an exploited and innocent victim of war is a new concept, and one that is ultimately based not on historical and empirical data, but on “anecdote and emotion” (Hart 2006: 217; Rosen 2005: 157).

The Child Soldier

It is understandable that the image of the child soldier evokes unease amongst most individuals. The individual concepts of the child and war are ideologically exclusive, as it is difficult to juxtapose innocence and terror. Modern society concludes that war must be ended because of its evils and that children must be protected because of their vulnerability (Rosen 2005: 1). The child soldier then, is perceived as a contradiction of terms. This is reflected in general humanitarian and political discourse surrounding children in conflict. It is important to note that due to the interrelatedness of these two fields, the separation between them has been increasingly ambiguous. Rosen (2007: 304) states that “the language of humanitarianism and human rights has become the language of political discourse.” Fueled by this humanitarian discourse, studies on child soldiers have painted them with a broad brush and have mainly portrayed them as victims with no agency. Choices and behaviors of children engaging directly in war are seen to be results of their victimization; that is, brainwashing, drugs, kidnapping, and abuse leave them with no choice but to fight (Rosen 2005: 134). The following themes have been present in much of the literature on child soldiery: children are not able to comprehend their actions in war; children have idealist and vulnerable minds and are therefore easier targets for manipulation and propaganda, children are robbed of their childhood as a result of participating in war, and the corruptive effects of war lead to emotional, mental, behavioural, and cognitive disorders later life (De Silva, Hobbs, & Hanks 2001: 126, 131). Children are victims chiefly because they do not have the rational judgment to know, understand, and decide on issues that concern them (Rosen 2005: 134). In the rare cases that recognize their volition, children’s comprehension of war is limited to their personal and social relations, and excludes awareness of state level political processes (De Berry 2001: 94).

A primary outcome of this is a highly singular understanding of the realities of child soldiers. Such approaches fail to consider the multiplicity of childhoods, the complexities of war, and the individual capacities of children. Although it is arguable that the decision to become a soldier may not be the most beneficial to a child’s well-being, it is also important to acknowledge that it is an absolute necessity for some children (Rosen 2005: 2). For example, being a soldier may oftentimes times grant children opportunities to protect their families and provide for them economically (Dickson-Gomez 2003: 333). Children orphaned by the war may join the military for reasons of survival (Wessells 1998: 639). In addition, because of major loss and destruction caused by the war, soldiering may be their only means of protection and security (Rosen 2007: 298; Wessells 1998: 639). Furthermore, involvement in war is also seen as a source of empowerment. This is especially true for girl soldiers, since their active roles in war are downplayed in popular discourse and literature (Denov 2008: 813 - 814). Despite their engagement with fighting forces in several countries for the past two decades, girls’ experiences, as well as the diverse roles they had during and after the war, have only been recently acknowledged (Denov 2008: 813). Moreover, it is helpful to recognize that girls may have had significant involvement in historical conflicts, but it is likely that these engagements have not been documented. Girl soldiers have distinct moti-

ventions for joining wars, particularly to be able to secure protection from domestic or state violence or to evade unwanted marriages (Denov 2008: 816). Women, in recalling their experiences as child soldiers, interpret their experiences as not only endeavors of emancipation from colonial rule, but also from male structures and confining gender roles (Rosen 2005: 17; Denov 2008: 816). It is clear that the narrative of victimization is flawed, as it fails to account for the diverse and highly nuanced nature of child soldiering around the world. Moreover, one can observe that the discourse on child soldiers is one that is largely adult and male centered. However, it is profoundly complex. Many children are not forced to be soldiers or abducted by armed groups; instead, they fight with a resolution that the choice of becoming a soldier was completely theirs. Involvement in war is an opportunity to make their way in the world and assert their independence and agency, resulting in a state of empowerment and liberation (Rosen 2005: 17). It follows then, that policies adhering to humanitarian themes, although most probably conducted with intentions to aid and assist children, do not accurately reflect the realities of children engaged in armed conflict (Rosen 2007: 299). Driven by rather protectionist and adultist premises, the helplessness of children is exaggerated, resulting in a greater distinction between the capabilities of adults and children (Rosen 2007: 299). In light of this, it has been suggested that the framing of issues regarding child soldiers, including claims of an increase in child military recruitment over recent years, have been used by activists, humanitarians, and politicians for aims that do not actually advance the rights of children involved in armed conflict (Hart 2006: 218). Furthermore, arguments have been made that particularly in the field of international politics, childhood and the interests of children have only been used as proxies for various political interests (Rosen 2005: 2). The image of a helpless child forced to fight has become both a powerful symbol of armed groups with illegitimate motives for conflict and a tool to evoke the sympathies and support of the public for any efforts aimed towards intervening and ending these wars (Harris 2015: n.p.).

These views are not meant to downplay the terrible consequences of war. The circumstances brought about by conflict are unquestionably cruel, to say the least. It is true that children are caused to commit atrocities against their will by leaders who have no resolute political will or even a sense of morality (Hart 2006: 218). In order to prepare them for war, children are subjected to rigorous and inhumane training and sometimes left to die after showing signs of exhaustion (Denov 2008: 818). Anecdotes of family separation, assault, rape, and all forms of abuse are true and can indeed result in unimaginable and irreversible personal and societal consequences. However, it is necessary to understand that not all experiences of child soldiers are identical, and assuming so is erroneous and harmful. Such assumptions ignore the scale and history of the military engagement of children, the personal value and importance children ascribe to becoming a soldier, and their agency and capacities.

A dilemma is faced when attempting to reconcile the two approaches. Excessive emphasis on the victimization of child soldiers and the resulting negative consequences shifts the focus away from greater social and political problems; on the other hand, underscoring the resilience of children may silence efforts aimed towards addressing authentic needs (Wessells 1998: 641). Hence, a new approach, one that deconstructs

the ubiquitous and conventional perceptions on childhood, war, and child soldiers is necessary. Hinged on the acknowledgement of children's rationalities and active roles in dynamically shaping the world around them, a universal definition of childhood should be replaced with one that "focuses concretely on the conflicts and settings in which children are more likely to experience extreme brutality and trauma" (Rosen 2005: 133; Rosen 2007: 300). The resulting understanding is therefore more reflective of child soldiers' realities, which not only consolidates current knowledge and scholarship, but may also provide a foundation to inform policies and legal frameworks (Denov 2008: 832; Rosen 2007: 304). When viewed through a historical, anthropological, and ethnographic lens, a child soldier is not perceived as a dilemma to be resolved, but an individual child with agency and capacities.

THE CHILD SOLDIER IN THE CONTEXT OF LEGAL FRAMEWORKS

International Legal Frameworks

There are international frameworks that aim to safeguard children in conflict-affected areas around the world: the four Geneva Conventions, Additional Protocols I and II to the Geneva Conventions of 1949, the Convention of the Rights of the Child, the Convention 182 of the International Labour Organization, the Cape Town Principles and Best Practices, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Druba 2002: 272). These involve different stakeholders and monitoring bodies, and contain various nuances. Umbrella laws on international armed conflict have been put forth by the Geneva Conventions of 1949, seventeen of which have to do with children; however, it does not prohibit any level of participation (Druba 2002: 272, 274). In 1977, the Geneva Conventions were augmented by Additional Protocols I and II, both of which address internal conflicts; Additional Protocol I refers to conflicts associated with defending against colonial threats, while Additional Protocol II involves intranational conflicts, such as conflicts between the state and rebel groups (Druba 2002: 272, 274). The Convention on the Rights of the Child, adopted in 1989 and ratified by all UN states except for the United States, contains an article especially concerning children joining armed forces (De Berry 2001: 93). In general, Additional Protocols I and II and the Convention on the Rights of the Child endorse the prohibition of children's participation in armed conflict; the age limit for recruitment is set at fifteen years old, with priorities of recruitment granted to children who are older (Druba 2002: 274). More recent treaties, however, have raised the minimum age of state recruitment from fifteen to eighteen years of age; such is the case with the ILO Convention 182 and the 2000 Optional Protocol to the CRC (Druba 2002: 275).

Apart from establishing the minimum age for recruitment, most international treaties also determine permitted circumstances and methods for recruitment (i.e. giving priority to older children). Moreover, definitions of child soldiers are generally absent, except for the Cape Town Principles that provide the following definition:

Any person under eighteen years of age who is part of any kind of regular or ir-

regular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms. (UNICEF 1997)

This definition prohibits any degree of involvement with any kind of armed forces. This is similar to a definition held by “Straight-18”, a standard held by numerous global campaigns against the recruitment and involvement of children in armed forces. According to this standard, a child soldier is “any person under eighteen years of age who is recruited or used by an army or armed group” (Rosen 2005: 3).

The “Compliance Gap”

Degrees of military participation (i.e. direct or indirect participation) permitted by international treaties differ according to circumstance. Although there is unanimity in maintaining that children, by all possible means, should be restricted from joining the armed forces, there is an apparent disparity between international and intranational military involvement. Additional Protocol I (International Committee of the Red Cross 2010: 56) states that “all feasible measures” must be taken to prevent children from directly participating in hostilities, but does not prohibit the indirect participation of children; on the other hand, Additional Protocol II prohibits both direct and indirect involvement (Druba 2002: 274). It is interesting to note there are no outright prohibitions against children’s indirect participation in international conflicts; however, the indirect and direct participation of children in intranational conflicts are prohibited. Rosen (2005: 141) recognizes this as a compliance gap, wherein states and international bodies hold a double standard by “promoting a stringent legal rule for child protection when it comes to suppressing rebel movements but adopting a far more relaxed standard in regulating the recruitment and use of children in state armed forces.” Moreover, this compliance gap exposes the motivations of states to prevent rebel groups from recruiting child soldiers, effectively diminishing any challenges to their established sovereignty (Bosch 2012: 335). This may explain why the significance of children’s involvement in national liberation movements has been downplayed in the past, but “now that postcolonial states face their own insurgencies”, the participation of children has escalated into a global issue (Rosen 2007: 304). This may strengthen claims that states seek to advance political interests under the guise of promoting the rights of children to protection.

The Dilemma of Political Participation

One of the most interesting dilemmas that result from the prevailing concept of the child soldier is its contradiction with the reality of the child’s political participation. It has been established that apart from direct and indirect involvement in nonstate armed forces, there are no absolute prohibitions against the participation of children in the armed forces of the state. The Optional Protocol on the involvement of children

in armed conflict sets the minimum age for voluntary recruitment into governmental forces at sixteen years of age (Druba 2002: 274). This entails that children sixteen years of age are allowed to protect their state as a form of civic duty, despite not being afforded with equivalent duties in the political landscape, particularly enfranchisement (Grover 2008: 59). The involvement of children, who are yet to actively participate in civil responsibilities and duties, in defending the State is parallel to enlisting foreigners in the state's armed forces (Grover 2008: 58 - 59). It is further argued that voluntary recruitment is not the acknowledgement of a child's capacities, but one that is fueled primarily by the interests of the state (Grover 2008: 60).

Dissonance Within Judicial Law

It is important to recognize that technically, when children below the age of fifteen engages in war, they hold a non-combatant status in a sense that their involvement in conflict is not legally permitted. A non-combatant status does not protect an individual from criminal liability and prosecution in the case of a war crime. However, international policies, with the objective to protect children, shield child soldiers from criminal liability (Rosen 2005: 136). As stipulated by Additional Protocols I and II, "if... children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article..." (International Committee of the Red Cross 2010: 56). In addition, child soldiers have never been prosecuted by the International Criminal Court, despite the fact that they have committed numerous human rights abuses and other cruelties (Grover 2008: 55). Victims of war have also expressed feelings of injustice for the unwillingness of international bodies to put child soldiers on trial for their crimes (Rosen 2007: 302). The irony of these protectionary measures is made evident when recognizing that some children are held fully responsible for other crimes (Rosen 2005: 136). The prosecution of a crime committed by a child entails the recognition of the capacity of a child to judge, rationalize, and make moral decisions. This is fundamental to penal law. It is illogical then, to penalize children for a crime committed outside the context of war and to acquit them for war crimes, since both require the same moral and rational abilities. Of course, it is also important to consider the circumstances surrounding the criminal act (i.e. if the child was forced to participate in military activities), but it has already been established that not all children participate in war against their will. Hence, surrounding circumstances should only, at most, mitigate the penal consequences.

The hesitation to impute criminal responsibility on children's war crimes stems from the idea of a child as a powerless victim. Their lack of legal agency acquits them from any consequence (Rosen 2007: 301). Instead of a punitive approach, a rehabilitative one is followed instead. The Paris Principles (UNICEF 2007: 9), developed from the Cape Town Principles, state that "children accused of crimes under international law, allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators." It has been claimed that this leniency has resulted in

outcomes that are unfavorable to children. Children, especially those under the age of sixteen, are consequently even more valued as soldiers, due to their assumably pliable minds and exemption from punitive legal consequences (Bosch 2012: 361; Grover 2008: 54-55). This not only fails to accomplish the objectives of the state to protect itself, but more importantly, it counteracts any efforts aimed towards the protection of children in armed conflict.

The lack of realistic descriptions of childhood and actual experiences of child soldiers in favor of a single international standard has led to outcomes that offset endeavors in favor of children's rights. The generic understanding of child soldiery held by most is one in which "the worst stands for all" (Hart 2006: 218). International human rights frameworks exclude majority of the world's children by upholding an ideal of childhood that cannot be attained. It is therefore "essential to recognize that the vision of childhood manifest in the CRC may only have limited relevance for children who lack the social, economic, and political wherewithal to actualize this vision" (Hart 2006: 223).

NATIONAL LEGAL FRAMEWORKS

Philippine legal frameworks on children and their involvement in armed conflict are largely reflective of international law. In addition, the ideal of a Filipino child, one that is significantly influenced by cultural norms, is also a major theme in legislation regarding children. In recent years, as a response to an increase in the recruitment of children by insurgent groups, legislators have passed laws against children's military involvement, as well as the rehabilitation and protection of children in conflict. Although it has no direct provisions for child soldiers, the Child and Youth Welfare Code, passed in 1974, is arguably the groundwork for the understanding and implementation of the rights of children in the Philippines. In essence, it presents the rights and responsibilities of the child, establishes the authority, rights, and duties of parents, and outlines policies regarding education, adoption, and the church. Despite its recognition of the rights of the child, this code is severely flawed when viewed from a child's rights perspective. First, it makes a distinction between "the gifted child", "the emotionally disturbed or socially maladjusted child", and "physically or mentally handicapped child" (The Child and Youth Welfare Code 1974). Moreover, the language is imbued with paternalistic and adultist themes, with statements such as "the molding of the character of the child", "to prepare the child for the responsibilities of adulthood", and "enhance his opportunities for a useful and happy life" (The Child and Youth Welfare Code 1974). It is therefore unsettling when one considers how this code sets the theme and approach of subsequent laws.

A piece of legislation passed particularly for children in conflict is the Special Protection of Children in Situations of Armed Act. The aim of this act is to "provide special protection to children in situations of armed conflict from all forms of abuse" (Republic Act No. 11188 2018:1). It echoes the provisions of international frameworks regarding the treatment, protection, and rehabilitation of children involved in conflict; moreover, distinctions are made between children afflicted by armed conflict,

children in situations of armed conflict, and children involved in armed conflict. It first provides the definition of a child:

A child refers to: a person below eighteen years of age; or a person eighteen years of age or older but is unable to fully take care of one's self; or protect one's self from abuse, neglect, cruelty, exploitation or discrimination; and unable to act with discernment because of physical or mental disability or condition. (Republic Act No. 11188 2018: 5)

It subsequently defines children involved in armed conflict as “children who are either forcibly, compulsory recruited, or who voluntarily joined a government force or any armed group in any capacity. They may participate directly in armed hostilities... or indirectly...” (Republic Act No. 11188 2018: 5). The definition of a child soldier mirrors that of the Cape Town Principles. The difference lies in the principal definition of a child and the permitted degree of involvement. In essence, a child is equated to one who is unable to act with discernment and protect one's self from any form of harm. Whether or not this is due to a physical or mental disability, this definition is highly discriminatory and completely ignores the capabilities of children. Moreover, this even goes against the possibility of children volunteering for military service, since they are perceived to have limited rationalities. When viewed in light of the Child and Youth Welfare Code and its paternalistic tendencies, such approaches are placed in their context. However, this does not discount the potential harm that this kind of ideas may produce. In addition, both direct and indirect involvement are prohibited. The irony of this is that a law mandating military training under the Reserve Officers' Training Corps for children aged sixteen to eighteen has been passed in Congress (Cepeda 2019: n.p.). If children are viewed to be irrational when deciding to involve themselves in armed conflict, it does not follow that their rationalities are acknowledged in the context of mandatory military training. Moreover, reflective of the aforementioned Paris Principles, this Act primarily views children as victims and therefore exempts them from criminal culpability. Children have “the right to be treated as victims... with the framework of restorative justice, social rehabilitation, and promotion of their protection” and shall “enjoy all the rights of a child recognized in this Act and other applicable laws” (Republic Act No. 11188 2018: 10, 20). This entails the unlikelihood of prosecuting a child for crimes committed in the context of war. Rights to participation are also upheld with the provision of “the right to be consulted and to participate in all matters affecting them... should be sought in all stages of assessment, planning, implementation... development and design of policies, programs, and services... (R.A. 11188 2018: 12). Although the opportunity to participate in such matters is a welcome change in policies relating to children, this practice should then also be applicable to other forms of civic and political participation and should also be made available children who are not involved in conflict. Limiting this to children in situations of war is definitely a progressive step towards political equality, but one that excludes all other children. An interesting feature of R.A. 11188 is the concept of “zones of peace”. The right of children to be treated as zones of peace is also decreed by Republic Act 7610 (Special Protection of Children Against Child Abuse, Exploitation, and Discrimination

Act). A zone of peace is a “site with sacred, religious, historic, educational, cultural, geographical or environmental importance, which is protected and preserved by its own community” (R.A. 11188 2018: 9). This law holds the promotion of children as zones of peace as the motivation to resolve armed conflicts (R.A. 7610 1991). Although this was most likely enacted with intentions to promote the protection of children, the concept of a child as a zone of peace is almost akin to depersonalization. Moreover, the usage of a child as a primary incentive to end conflicts idealizes the child, highlights their vulnerability and helplessness, and reinforces efforts to protect the conventional ideal of the innocent and incapable child.

THE CURRENT REALITY OF CHILD SOLDIERS IN THE PHILIPPINES

Recent developments involving child soldiers have focused on the southern regions of the Philippines wherein, despite peace talks and treaties between the government and insurgent groups, there are continuing armed conflicts. Issues escalated in the city of Marawi, a city wherein parts of Sharia law are integrated in legal codes, due to an insurgency led by groups allegedly inspired by or affiliated with ISIS (Matsuzawa 2017: n.p.). The conflict lasted for five months, and was declared over in October 2017 (Fonbduena 2017: n.p.). Despite this, there have been claims that insurgent groups continue to recruit soldiers, including children; this is usually done through manipulation and deception (Al Jazeera Philippines 2018: 00:33; 01:57). Through an interview of a former male child soldier who was able to escape from the insurgent groups, it was revealed that members of armed groups pose as soldiers of the Philippine Army and offer children financial incentive for military training, this incentive was increased if the child agreed to hold a firearm and participate directly in fighting (Tan 2017: n.p.). According to a study published by the Philippine Human Rights Center in 2005, majority of child soldiers are combatants, while the rest of the children take on auxiliary, support, and political organizing roles (Barrete 2017: n.p.). This data reflects the variety of roles played by children involved in conflict. Stories of manipulation and deception are appalling, and it is only right to endeavor to end them. However, it is also important to recognize that most children are not coerced to join the insurgent groups, but do so freely due to promises of financial rewards, education, a good marriage, and the fulfillment of family wishes (Barete & Lischin 2017: n.p.; Remitito 2017: n.p.). Motivations of revenge and the desire to protect their communities have also fueled involvement, which are also accompanied with an exposure to “ideological and political programming” of the insurgent group (Barete & Lischin 2017: n.p.). Due to their age, children are also valued by insurgent groups because they are seen as “investments” for future conflicts; in addition, since children comprise a large portion of the Philippine population, they are seen as a significant source of manpower (Barete & Lischin 2017: n.p.). In 2017, public concerns surrounding child soldiers grew as an outcome of videos and photos of children training with insurgent groups. In these photos and videos, children are holding guns and undergoing combat exercises. In the same year, the release of 1,869 child soldiers after an action plan negotiated between armed groups and the United Nations was held as a victory for humanitarian groups

(Al Jazeera 2017: n.p.; UNICEF, 2019: n.p.).

It is interesting to note that despite the number of reports on child soldiers and their claims of victory over child soldiering, only very few included the opinions and experiences of actual child soldiers. Moreover, despite statistics that show the involvement of girls in armed conflict, none of the publications involved girls. The Philippines has a dearth of research when it comes to children, even more so for children involved in conflict. This is true for most studies regarding child soldiers, since access is limited and the physical environment itself is unsafe. It is more likely then, for laws and policies to be based on sentiment rather than empirical knowledge. This is already seen in the laws regarding child soldiers, as most, if not all, were created without the consultation nor the participation of children. Participation is promoted in Philippine law, but this is not the reality experienced by child soldiers. Indeed, the translation of law into practice is a tedious effort.

The general picture of a child soldier in the Philippines is one associated with public pity and sentiment. This is understandable, especially when considering the laws designed for children and the cultural expectations surrounding childhood. Furthermore, from the examples given, it is evident that the narrative of victimization still permeates public opinion and governs state policies. The understanding of child soldiers in the Philippines follows the ideal held by the international community, one that is largely adult and male centered. The child soldier is male, engages in armed conflict against his own will, and is therefore in need of help and rescue.

A CALL TO DECONSTRUCT CONCEPTS

Despite claims to promote their rights, international and national actors often fail to acknowledge the realities of child soldiers. Instead, objectives to preserve the ideal of childhood, one that is characterized by vulnerability and innocence, are given paramount importance. Due to the prevalence of these protectionist dispositions, it has been argued that international and state actors seek to advance other political interests in the guise of fulfilling the rights of children. Although this is a rather contentious claim, one cannot help but concede to it, especially after considering the examples given above. Blanket policies based on the inflexible idea of the child, war, and the resulting image of the child soldier are present in both international and national legal frameworks. Moreover, discourse on child soldiers, which is largely reflected in public opinion and humanitarian efforts, is one that is adult and male centered. This ignores the multiplicity of childhoods, especially the experience of childhood in nonwestern countries, where the recruitment of children into armed forces is most apparent. As a result, policies directed towards the protection of the child, rather than eradicating the harms and abuses faced by children in armed conflicts, result in more harm.

In the Philippines, several state and nonstate efforts have been enacted in order to end the recruitment of children into armed forces. However, these have mostly been done without the participation of children, nor any consideration of their authentic realities. It is saddening and frustrating to consider how efforts geared towards the promotion of the well-being of children do not include the thoughts and opinions of

the subjects of these efforts. Instead, children are dictated upon and left out of the processes that ultimately concern them.

It is therefore imperative for a conceptual shift to occur. Maintaining conventional understandings and attitudes of the child soldier is no longer practical nor beneficial. Hence, a deconstruction of the concept of a child soldier must be endeavored. This entails the acknowledgement of the following: children have individual capacities that range from rational to behavioral abilities, childhood is varied, nuanced, and experienced differently by all children around the world, and warfare is complex and multi-faceted. It follows then, that a change in the legal framework is also necessary. Blanket policies must be replaced with policies that recognize the capacities of the child, as well as the complexity of the circumstances surrounding each soldier. To condemn all recruitment may limit a child's access to other rights, and must therefore be approached with much thought. Ultimately, it is not a surface change that is necessitated, but one that challenges the conventions and practices that have been believed to be true in recent years. This is not a simple process, nor do the results manifest immediately; however, it is a definite step towards the realization of children's capacities and the promotion of their fundamental rights.

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