

**Submission from the Internal Displacement Monitoring Centre (IDMC)  
to the Committee on the Elimination of Racial Discrimination  
in anticipation of consideration of the twentieth periodic report of the Republic of  
the Philippines submitted to the Committee under Article 9 of the Convention**

**June 2009**

In anticipation of the consideration by the Committee on the Elimination of Racial Discrimination during its 75<sup>th</sup> session in August 2009 of the twentieth periodic report of the Republic of the Philippines, the Internal Displacement Monitoring Centre of the Norwegian Refugee Council (IDMC) would like to draw the Committee's attention to the problem of internal displacement in the Philippines and related concerns affecting the enjoyment of the rights enshrined in the Convention on the Elimination of All Forms of Racial Discrimination by the Philippines Republic's internally displaced population, in particular people internally displaced by conflict.

## **I. Summary of concerns and questions**

The concerns raised in this submission relate to direct and indirect impact of internal displacement on the opportunity for displaced people in the Philippines, to enjoy, without distinction as to race, colour, or national or ethnic origin, equality before the law in the enjoyment of their civil, political, economic, social and cultural rights.

Having raised these concerns, the Internal Displacement Monitoring Centre of the Norwegian Refugee Council would like to ask the following questions:

- What has the State party done to stop conflict-induced internal displacement in the Philippines, which disproportionately affects ethnic minorities, depriving them in most cases of the possibility of enjoying their rights on a non-discriminatory basis?
- What has the government done since August 2008 to foster the resumption of peace negotiations with the Moro Islamic Liberation Front (MILF) and ensure that the issue of “ancestral domain” or Moro homeland can be resolved and that its settlement can be accepted by all stakeholders?
- What has the government done to resolve the conflict between the Mining Act of 1995 and the Indigenous Peoples’ Rights Act (IPRA) of 1997 and ensure that the latter can be more successfully used to protect the Indigenous Peoples from being evicted from their territories in particular as a result of development projects encouraged by the government on the basis of the said Mining Act?
- During military operations conducted in Moro communities, what has the government done to more clearly distinguish between civilians and members of rebel groups and to ensure that civilians can be protected from State violence.
- When internal displacement has taken place, often as a consequence of military operations, what has the State party done to mitigate its impact and consequences for the populations displaced and, when necessary, to provide direct assistance and services in the areas of:
  - protection of the family, especially the youth and women;
  - freedom of movement;
  - health and access to basic services
  - work and opportunity of gaining a living;
  - economic and social stability, security and assistance
  - housing
  - education and training

## II. Internal displacement in the Philippines

It is estimated that nearly 3 million people have been internally displaced by conflict and human rights violations in the Philippines since 2000. The Philippines is also one of the countries most prone to natural disaster in the world, with hundreds of thousands of people displaced each year by floods, storms, earthquakes or volcanoes. In addition, projects linked to urban development, energy production or natural resources extractions also cause significant displacement in the country, mainly affecting poor and indigenous populations.

### a) Armed conflict (NPA, MILF, Abu Sayyaff)

Skirmishes between government forces and rebel groups including the communist rebels of the New People's Army (NPA) have sporadically led to displacement in all regions of the country. However, intense fighting and large-scale displacement are mainly concentrated in the southern island of Mindanao, where Muslim separatist rebels have fought government forces since the 1970s. The Autonomous Region of Muslim Mindanao (ARMM) has been particularly affected by conflict and displacement. ARMM was created in 1989, and includes the predominantly Muslim provinces in Mindanao which are also by far the poorest in the country.

The majority of the 3 million people displaced by conflict in the Philippines since 2000 were displaced in the ARMM region. While only representing five per cent of the population of the country, the Muslims or Moros are by far the most affected by displacement.



In August 2008, intense fighting in Mindanao between government forces and rebels of the Moro Islamic Liberation Front (MILF) led to the displacement of hundreds of thousands of people in several provinces of Mindanao. Hopes of a formal peace agreement had been raised in July 2008 as the government and the MILF reached a consensus on the issue of autonomous Moro territory. However, strong opposition to the

deal by Christian groups and growing Moro frustration led to intense fighting in August in North Cotabato Province, which spread to several other provinces in the following months. By May 2009, it was estimated that more than 750,000 had been displaced over a period of ten months<sup>1</sup>.

Although the majority of the displaced in most provinces have since returned, insecurity and sporadic fighting has kept many from returning, and caused new displacement, in particular in the ARMM region. Between March and June 2009, up to one hundred thousand people were displaced in Maguindanao province as a result of new military operations conducted against elements of the MILF, while others were displaced in the provinces of Basilan and Sulu where the government is fighting the Abu Sayyaff, a criminal kidnap-for-ransom group<sup>2</sup>. According to the government, the number of IDPs increased from 210,000 in March 2009, to 260,000 two months later with 85 per cent of the displaced concentrated in three provinces: Maguindanao (175,000), Lanao del Sur (34,000) and North Cotabato (24,000)<sup>3</sup>. As of early June 2009, however, ARMM officials reported that the number of IDPs in Maguindanao alone had reached 272,000, putting the total number of IDPs in Mindanao at probably around 340,000.

In addition to those displaced since August 2008, tens of thousands of people in Mindanao who were displaced during earlier phases of the conflict have not been able to find durable solutions, either through return, local integration in the place of displacement or resettlement in a third location. At the end of 2005, a World Bank-led assessment report (JNA) estimated the number of IDPs in Mindanao at 930,000.<sup>4</sup>

The government's response to displacement has been mixed, with frequent discrepancies between policies and their implementation. Although there are national guidelines and standards for assistance, its delivery has varied according to the centre into which IDPs have been evacuated. IDPs still have significant assistance needs, in particular in the overcrowded evacuation centres where many have now been living for the past ten months. They have reported inadequate water and sanitation provisions, irregular food distributions, and lack of livelihood opportunities as major concerns.

In early 2009, the government started to close evacuation centres and encouraged IDPs to leave them as part of a return and rehabilitation plan. While return has been possible in some areas where fighting has subsided, such as Lanao del Norte or North Cotabato, in Maguindanao, military operations and a lack of rehabilitation assistance have continued to prevent return while also creating new displacement.

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<sup>1</sup> Department of Social Welfare and Development (DSWD), Classification of Affected Families and Persons, 15 May 2009.

<sup>2</sup> Philippine information Agency (PIA), TOR for relief distribution in Maguindanao, 8 June 2009.

<sup>3</sup> Based on figures provided by the National Disaster Coordinating Council (NDCC, Sitrep No 84 regarding IDPs in Mindanao, 18 May 2009)

<sup>4</sup> Government of the Philippines, International Funding Agencies, Mindanao Stakeholders, Joint Needs Assessment for Reconstruction and Development of Conflict-Affected Areas in Mindanao. Integrative Report Volume I, December 2005, p.35

Since April 2009, military operations in the Muslim-populated areas of Mindanao, in particular Maguindanao province, have intensified and have been reportedly accompanied by an increase in IDP numbers, restrictions on humanitarian access, and human rights violations against civilians and in particular IDPs. The international community, mainly through the United Nations (UN), has significantly increased its presence in Mindanao in the wake of the August fighting to complement the government's response to the humanitarian and rehabilitation needs of the displaced.

b) Displacement resulting from development projects and related human rights violations

In addition to those forced to flee conflicts and human rights abuses, tens of thousands of people are displaced each year in the Philippines as a consequence of projects linked to urban development, the production of energy or natural resources extraction. While the causes and consequences of displacement induced by conflict and by development are usually clearly distinguishable, in some cases the differences are blurred, in particular where development projects are carried out in areas where earlier military operations forced people from the land, or when resettled populations are denied adequate compensation for the loss of land, housing and livelihoods. The victims of large-scale development projects are generally from politically marginalised or disadvantaged groups which cannot influence their planning and implementation. The consequences for these uprooted populations are often characterised by impoverishment and further social and cultural marginalisation.

Although the enactment of the Indigenous Peoples Rights Act (IPRA) in 1997 guaranteed the rights of indigenous peoples to hold land under ancestral claims or ownership and protected them from being unlawfully evicted from their territories, the government has continued to actively promote development projects in territories claimed by the indigenous people. Indigenous areas have also been reportedly subjected to sweeping military operations which have officially targeted rebel groups but have also cleared the way for development projects, sometimes through the forced displacement of indigenous people<sup>5</sup> Projects have often had military or paramilitary support to secure the sites and deter opposition.<sup>6</sup> In February 2008, the government decided to secure development projects against attacks by various insurgency groups by creating the Investment Defense Forces, a military unit tasked with the safeguarding of vital infrastructure such as power facilities but also the protection of large-scale projects relying on foreign investment.

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<sup>5</sup> See Pinoy Press, Surigao evacuees decry ravaged homes, 24 December 2007 and UN Commission on Human Rights, Human rights and indigenous issues: Mission to the Philippines, UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, 5 March 2003, p. 17

<sup>6</sup> Indigenous People Rights - Monitor (IPRM), The human rights situation of indigenous people in the Philippines, submitted to the Office of the High Commissioner on Human Rights for the Universal Periodic Review of the Philippine government, April 2008, p.6

### III. Main subjects of concern

#### *Ethnic and descent-based discrimination<sup>7</sup> as a cause of tensions and conflicts resulting in internal displacement*

Descent-based divisions and distinctions inherited along religious or ethnic lines<sup>8</sup> have fuelled conflicts in the southern Philippines, resulting in the internal displacement of populations and nullifying or impairing the enjoyment, on an equal footing, of human rights and fundamental freedoms in the economic, social and cultural and other fields of public life by the people displaced.

The Moro<sup>9</sup> and indigenous people (Lumads<sup>10</sup>) in Mindanao are disproportionately affected by displacement due to conflict, human rights violations and development projects often implemented without their consent and generally resulting in their loss of land and impoverishment.

As stated by Senator Flavier, the principal author of IPRA<sup>11</sup>:

“The Indigenous Cultural Communities including the Bangsa Moro have long suffered from the dominance and neglect of government controlled by the majority. Massive migration of their brothers from the majority to their homeland shrunk their territory and many of the Tribal Filipinos were pushed to the hinterland. Resisting the intrusion, dispossessed of their ancestral land and with the massive exploitation of their natural resources by the elite among the migrant population and unscrupulous businessmen and prospectors from other regions of the country, they become marginalized.”<sup>12</sup>

#### a) Conflict-displacement in Mindanao

The conflict in Mindanao is rooted in the general under-development of the region, the unequal distribution of wealth and the political, economical and cultural marginalisation of minorities within an overwhelmingly Roman Catholic country. At the heart of the

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<sup>7</sup> UDHR Article 2 and ICERD Article 1.1 as well as other non-discrimination provisions such as ICCPR Article 2.1, ICESCR Article 2.2

<sup>8</sup> CERD, General recommendation XXIX on Article 1, paragraph 1, of the Convention (Descent), preamble, “Confirming the consistent view of the Committee that the term “descent” in article 1, paragraph 1, the Convention does not solely refer to “race” and has a meaning and application which complement the other prohibited grounds of discrimination; Strongly reaffirming that discrimination based on “descent” includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights.”

<sup>9</sup> Of the 13 Moro ethnic groups, the Tausug and the Maguindanao have been the most politically dominant. The Maranao is the largest Moro group in terms of population.

<sup>10</sup> Term used to denote a group of indigenous peoples of the southern Philippines.

<sup>11</sup> Indigenous Peoples’ Rights Act

<sup>12</sup> Commission on Human Rights (CHR), On Senate Bill No. 1476 "Otherwise entitled as the Indigenous Cultural Communities/Indigenous Peoples' Rights Act of 1996", 20 August 1996

conflict lies a widespread feeling of historical injustice shared by the Moro and indigenous peoples who believe they have been deprived of their land and resources by a government more inclined to defend its economic interests and those of its clients than to protect the rights of its Moro and indigenous population.

The Mindanao region, in particular the Muslim-populated ARMM, is the poorest in the Philippines with the worst development indicators. All five ARMM provinces are in the bottom ten of the national human development index (HDI) ranking<sup>13</sup>. Their life expectancy, school enrolment, literacy and income are among the lowest in the country.

Central to the conflict are conflicting claims over land between Muslims and indigenous people enjoying communal ownership rights and the government whose Regalian doctrine of property ownership did not recognise ancestral land claim or ownership. Between 1903 and 1990, the Muslim population in Mindanao declined from 77 per cent to 19 per cent as colonial and post-colonial governments encouraged an influx of mostly Christian settlers<sup>14</sup>. As a consequence of the settlement, many Muslims and indigenous people were deprived of their land.

In July 2008, the government and the MILF announced a breakthrough in the peace talks with a Memorandum of Agreement (MOA) on the issue of the Moro homeland or “ancestral domain”. More than 700 villages in Mindanao would decide in a 2009 plebiscite whether to become part of ARMM. The deal, which would have represented a major step towards the finalisation of the peace agreement, drew strong opposition from Mindanao Christians and was put on hold by the Supreme Court, which declared in October that the MOA was unconstitutional. While the MILF considers the MOA a “done deal” and the basis for any resumption of peace talks, the government has instead prioritised police and military operations against two commanders of the MILF it considers as responsible for the attacks on Christian communities in August 2008, whose capture or surrender it considers as the prerequisite for any new peace talks.

#### b) Indigenous minorities dispossessed and displaced

Indigenous peoples descended from inhabitants of the Philippines before its colonisation by Spain and the United States represent up to 20 per cent of the population, and number between 12 and 15 million people, with the majority (61 per cent) in Mindanao where they are referred to as “Lumads”<sup>15</sup>.

According to a 2005 World Bank report:

“Complicating the picture, a number of non-Malay indigenous peoples (collectively referred to as “Lumads”) have historically been pushed aside in turn by Spanish and American colonizers, Christian settlers, and the Moros themselves. They were first displaced from the lowlands to

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<sup>13</sup> 2008/2009 Philippine Human Development Report

<sup>14</sup> World Bank, Social Assessment of Conflict-Affected Areas in Mindanao, March 2003, p. 9

<sup>15</sup> Asian Development Bank (ADB), Indigenous People/Ethnic minorities and poverty reduction, chapter 3, June 2002

the highlands (mainly in the Cotabato-Sarangani area); then put under pressure from the outsiders' rush to exploit the timber and the gold of the highlands; and today are viewed as inferior (including by the Moros themselves)...”<sup>16</sup>

IPRA included measures to help indigenous groups secure tenure over traditional ancestral land, but communities have been frustrated by the slow response of the government to their land tenure requests. It was estimated that land titling certificates distributed by 2008 only covered one per cent of the entire claimed ancestral indigenous domain.<sup>17</sup>

Other obstacles included poor coordination between implementing agencies and legal conflicts between IPRA and other laws such as the Mining Act of 1995<sup>18</sup>. The national land administration system is reportedly inefficient and ineffective, with complex overlapping of agencies and laws<sup>19</sup>.

***The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution***<sup>20</sup>

Moro and indigenous minorities in Mindanao and in particular in the ARMM region face significantly greater security risks than other citizens. Military operations conducted against Muslim rebel groups expose civilians in the area to risk of indiscriminate shelling and aerial bombardment as well as arrest, detention and extra-judicial killings in the context of counter-insurgency operations where the distinction between civilians and rebels is often disregarded.

Indigenous areas have also been reportedly subjected to sweeping military operations which have officially targeted rebel groups but have also cleared the way for development projects, sometimes through the forced displacement of indigenous people<sup>21</sup>. Projects have often had military or paramilitary support to secure the sites and deter opposition.<sup>22</sup>

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<sup>16</sup> World Bank, *The Mindanao Conflict in the Philippines: Roots, Costs, and Potential Peace Dividend*, February 2005, p. 2

<sup>17</sup> *Mindanews*, SONA for GMA, SIPA for Mindanao's Lumads, 25 July 2008

<sup>18</sup> See “Visit to the Philippines of Professor Rodolfo Stavenhagen, UN Special Rapporteur for the Human Rights of Indigenous Peoples”, 11 December 2002.

[http://www.cbnrm.net/pdf/unitednations\\_004\\_stavenhagen\\_pressrelease.pdf](http://www.cbnrm.net/pdf/unitednations_004_stavenhagen_pressrelease.pdf), accessed on 3 June 2009

<sup>19</sup> European Commission, *Philippines Environment Profile*, August 2005, p.21

<sup>20</sup> ICERD, Article 5 (b)

<sup>21</sup> See *Pinoy Press*, Surigao evacuees decry ravaged homes, 24 December 2007 and UN Commission on Human Rights, *Human rights and indigenous issues: Mission to the Philippines*, UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, 5 March 2003, p. 17

<sup>22</sup> *Indigenous People Rights - Monitor (IPRM)*, *The human rights situation of indigenous people in the Philippines*, submitted to the Office of the High Commissioner on Human Rights for the Universal Periodic Review of the Philippine government, April 2008, p.6

In recent years, a number of independent reports have documented patterns of grave human rights violations perpetrated by individuals linked to government security forces against Moro or indigenous community representatives. In many cases, the victims were too afraid to file complaints or were discouraged from doing so by their limited chance of obtaining justice.

In 2002, the Special Rapporteur for the Human Rights of Indigenous Peoples reported having received:

“...reports of arbitrary detentions, persecution and summary executions of community representatives; of coercion, forced recruitment, and also rape, perpetrated by individuals pertaining to the armed forces, the police or so-called paramilitaries in the framework of counter-insurgency activities. These allegations are documented and substantiated, and yet the victims claim that they do not receive due process and justice in the courts or the relevant government agencies when they file their complaints about such alleged violations.”<sup>23</sup>

In 2008, the Special Rapporteur on extrajudicial, summary or arbitrary executions, reported receiving:

“(...) numerous well-substantiated allegations of extrajudicial executions on Jolo island. Three factors distinguished these from executions in other areas. First, the violence was relatively indiscriminate. (...) persons are abducted or arrested, and sometimes extrajudicially executed, for little or no apparent reason. In addition, military operations involve inherently indiscriminate tactics, such as aerial bombardment, artillery shelling, and helicopter strafing. Second, witnesses live in even more fear than in other parts of the country, and I received information regarding cases that had never been reported to the PNP.”<sup>24</sup>

Indeed, heavy-handed operations, including aerial bombardments and the use of heavy artillery by the army have regularly put civilian's lives at risk. In February 2008, seven civilians including two children and a pregnant woman were killed by government security forces in Sulu during an attack on a village suspected of hosting ASG members.<sup>25</sup> In June 2008, during a military operation aimed at ASG militants the army is reported to have fired howitzer cannons into a civilian community in Indanan, Sulu, wounding four civilians, destroying the villagers' farms and causing the displacement of more than 500 families.<sup>26</sup>

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<sup>23</sup> See UN Special Rapporteur for the Human Rights of Indigenous Peoples, Visit to the Philippines of Professor Rodolfo Stavenhagen, , 11 December 2002,

<sup>24</sup> UN Human Rights Council, Mission to the Philippines: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, 16 April 2008, p.14

<sup>25</sup> International Crisis Group (ICG), The Philippines: counter-insurgency vs. counter-terrorism in Mindanao, 14 May 2008

<sup>26</sup> Bulatlat, AFP Attacks Civilian Community in Sulu, 28 June 2008

Disproportionately affected by conflict, human rights abuses and displacement, Moro groups in the ARMM region become particularly vulnerable to health and security risks when they are forced from their homes, displaced to evacuation centres or seeking refuge with relatives.

Severe restrictions have been reportedly imposed by security forces on the delivery of humanitarian assistance to some evacuation centres, in particular in Maguindanao province. Humanitarian assistance was held at military checkpoints there in May and June 2009 due to ongoing military operations. The restrictions reportedly served to protect the humanitarian workers from attacks by rebel forces. However, selective screening, with food and medical convoys stopped but other civilians allowed to pass freely, has suggested that the main motive is to prevent food from falling into the hands of rebels, most of whom are relatives of displaced civilians in the area<sup>27</sup>.

During the humanitarian emergency that followed the August 2008 upsurge in fighting, Oxfam noted that “humanitarian assistance is being withheld from some people because of the religious belief”<sup>28</sup>. In previous years, there have been reports of discrimination in aid assistance during displacement with IDP camps housing civilians considered loyal to paramilitary and government forces reportedly receiving greater assistance from government aid agencies while (mainly Muslim) IDPs in schools or makeshift shelters considered as “pro-MILF” found it more difficult to be recognised as beneficiaries and receive assistance<sup>29</sup>.

The lack of humanitarian and food assistance in some evacuation centres has not only had a direct impact on the food security and health of the displaced, but also heightened their insecurity as some have avoided moving to the camps or returned to their homes in search of food.

They have risked being caught in the crossfire or being arrested, by the military as a suspected member of armed rebels groups, or by rebel groups on suspicion of collaborating with security forces. On 7 May 2009, three IDPs went missing, reportedly abducted by security forces; they had been travelling to a village near the town of Datu Saudi after learning that ICRC would distribute food there. The body of one was found the next day floating in the Rio Grande river.<sup>30</sup> In January 2007, four IDPs displaced by fighting in Midsayap, North Cotabato were reportedly apprehended by a military unit and subjected to physical abuse while attempting to return to their homes to fetch food and other personal items.<sup>31</sup>

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<sup>27</sup> These food blockades are a clear violation of UN Guiding Principle 10 which states that “Internally displaced persons shall be protected, in particular against starvation as a form of combat” as well as principle 25 which states that “All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced”.

<sup>28</sup> The Inquirer, At large: ‘Used to conflict’, 16 August 2008

<sup>29</sup> JHA, International organizations in Mindanao: To protect or not?, 1 February 2007, p. 7

<sup>30</sup> The Philippine Daily Inquirer, Mindanao folk turned gov’t aid dependents, 17 May 2009

<sup>31</sup> Luwaran, Military abuses in Midsayap reported, 5 February 2007

Hundreds of farmers in Barangay Ahan, Guindulungan, and Maguindanao reportedly preferred to stay near their homes to ensure that they could harvest their crops and feed their families. In view of ongoing fighting and air strikes they were given the option to move to designated evacuation centres, but many refused to move because of the limited assistance and poor conditions there.

A government policy of arming civilians, mainly Christians, in North Cotabato, has led to concern that Muslim civilians' physical integrity may be put at risk. Muslim IDPs from Aleosan municipality in North Cotabato who sought shelter at evacuation centres in Datu Piang expressed their fear of returning to their homes due to the presence of ILAGA (Illonggo Land Grabbers Association), a Christian paramilitary group founded in the 1970s and reportedly re-activated following the August 2008 conflict. ILAGA reportedly attacked Moro civilians in retaliation for attacks by MILF in North Cotabato and Lanao del Norte provinces.<sup>32</sup>

*The right to freedom of movement and residence within the border of the State*<sup>33</sup>

In 2002, the Special Rapporteur on the Human Rights of Indigenous Peoples noted that:

“The militarisation of a number of indigenous areas was mentioned to the Special Rapporteur repeatedly, including the practice of hamleting (congregating indigenous peoples into specified locations against their will).”

There are concerns that the current military operations against the MILF in Central Mindanao and in particular in Maguindanao province may include forced displacement and the gathering of civilians in IDP or relocation camps as a strategy to cut off the rebels from their support base and to exercise more control over the local civilian population and identify suspected rebels among them. This would be contrary to International Humanitarian Law which prohibits forced movements “for reasons related to the conflict”, in particular when a population is moved “in order to exercise more effective control over a dissident ethnic group.”

In October 2008, the government stated that profiling of internally displaced persons (IDPs) in Mindanao was conducted:

“(…) in order to keep renegade MILF rebels from masquerading as evacuees and infiltrating evacuation centers in Central Mindanao. (...) DSWD Secretary Esperanza Cabral reported that there is an on-going masterlisting and profiling of the internally displaced persons (IDPs) through the issuance of DSWD Family Access Cards (FACs).”<sup>34</sup>

<sup>32</sup> Mindanao Tulong Bakwet (MTB), Dialogue between the IDPs, Local Government Unit of Datu Piang and 54<sup>th</sup> Infantry Battalion Philippine Army, April 2009

<sup>33</sup> ICERD, Article 5 (d) (i)

In early May, people displaced in Talayan, Maguindanao filed a complaint with the Commission on Human Rights in Region 12 for “destructive arson” against soldiers they accused of burning 150 houses in their community. They reported that the soldiers had told them to vacate their community before the torching of their houses<sup>35</sup>. Rebel leaders accused the government of forcing people to flee to a controlled area to deny Muslim rebels access to their support base, and described the strategy as “hamleting” (Reuters, 29 May 2009). IDPs fleeing their homes in Barangay Reina Regente, Maguindanao, at the end of May 2009 reported that at least 100 houses had been burned by armed men identified as belonging to local paramilitary groups.<sup>36</sup>

The government is further restricting the freedom of movement of the displaced by imposing curfews that limit their mobility. In Sulu, Western Mindanao, the government declared a state of emergency in April 2009 accompanied by a curfew reported to particularly affect the poorest and most disadvantaged people, including IDPs.<sup>37</sup>

### *The right to public health, medical care, social security and social services*<sup>38</sup>

According to the head of the government’s Social and Welfare Department, the agency responsible for IDP protection and assistance: “Some of [the displaced in Mindanao] need some counseling, most do not. A lot of them are used to it. It’s not the first time that this has happened.”<sup>39</sup>

The government official’s comments reflected prevalent stereotypes about the Mindanao conflict and its people, in particular Moro people who are viewed as different to other Filipino citizens and less in need of assistance because they are “used to conflict”. In response, Oxfam pointed out that, “Just because people are used to conflict doesn’t mean that they should be subjected to it indiscriminately”<sup>40</sup>.

IDPs lodged in evacuation centres do not have adequate access to water for personal or domestic use, as the centres often lack potable water and toilet facilities. Poor sanitation and unhygienic and overcrowded living conditions are major causes of health problems there.

The limited accessibility and availability of health services in conflict affected areas, especially rural areas, lead to higher mortality rates and lower life expectancy. More qualified health workers and more medicines are both needed.

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<sup>34</sup> Government of the Philippines, Commentary: Profiling of IDPs in Mindanao sifts out MILF rebels, 27 October 2008

<sup>35</sup> Asian Human Rights Commission (AHRC), Soldiers burn houses, blocks food supply for over 34,000 displaced families in Maguindanao, 4 June 2009

<sup>36</sup> Mindanews, 200 more families flee Maguindanao fighting, 3 June 2009

<sup>37</sup> Philippine Daily Inquirer, Sulu emergency rule taking toll on poor, 6 April 2009

<sup>38</sup> ICERD, Article (e) (iv)

<sup>39</sup> Reuters, Philippine soldiers target rebuilding after battle, 16 August 2008

<sup>40</sup> Philippine Daily Inquirer, Used to it, 16 August 2008

Health problems seem to be greater for IDPs in overcrowded evacuation centres than for those who remained in their communities. According to a 2006 UNICEF report:

“Evacuees describe [evacuation centres] as unsanitary and unhygienic, extremely overcrowded, exposed to the elements, and grossly lacking in food, potable water and toilet facilities. Health services are also far from adequate in meeting the needs of so many people in such unhealthy conditions. The North Cotabato and Maguindanao IDPs recalled the presence of government health workers in their evacuation centres, but also said that they were just too few, too overworked and too lacking in medical supplies to service the needs of so many. All these resulted in malnourishment, sickness and even death especially among the very young and the very old. Diarrhea and fevers were common, with the crowded conditions also encouraging the spread of scabies, coughs, colds and other illnesses. The longer the evacuees stayed, the more the conditions deteriorated.”<sup>41</sup>

Displaced people and particularly those in evacuation centres have become extremely vulnerable to hunger and malnutrition. They have had no access to their fields and crops, and assistance services have often been limited or inaccessible. Food-related deaths have sometimes been reported.

The National Disaster Coordinating Council (NDCC) reported in May 2009 a total of 312 deaths since August 2008. It is likely that the actual total is much higher as IDPs seeking refuge with relatives rather than in officially recognised camps largely fall outside of these statistics. According to records from the Municipal Disaster and Coordinating Council (MDCC) in Datu Piang (Maguindanao), the number of casualties in this municipality alone was over 100 between August 2008 and May 2009. Two-thirds of officially-recognised deaths, or 205 cases, concerned IDPs who had died from illness-related causes while staying in camps. 162 of these were in ARMM. The remaining third were killed in “actual encounters”, with most of them civilians caught in crossfire.

***The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration***<sup>42</sup>

According to the US Department of State:

“Historically, the Christian majority has marginalized Muslims. The national culture, with its emphasis on familial, tribal, and regional loyalties, created informal barriers whereby access to jobs or resources is provided first to those of one’s own family or group network. Muslims

<sup>41</sup> UNICEF, United Nations Children's Fund (UNICEF), October 2006, *Uncounted Lives: Children, Women and Conflict in the Philippines*, p. 121

<sup>42</sup> ICERD, Article 5 (e) (i)

reported difficulty renting rooms or being hired for retail work if they used their real names or wore distinctive Muslim dress. As a result, some Muslims used Christian pseudonyms and did not wear distinctive dress when applying for housing or jobs.”<sup>43</sup>

Displaced Muslims, who constitute the bulk of the country’s conflict-induced internally displaced population, suffer a double disadvantage. Conflict and displacement have irreparable economic and social consequences for those affected. They often directly interfere with people’s opportunity to gain a living by work they have freely chosen and pursued. New employment and income-generating opportunities are reduced during displacement, often making basic social security for those forced to flee essential for survival. Short-term consequences, such as loss of homes and property, employment or other income-generating opportunities, are further aggravated by continued displacement.

For people relying on agricultural activities, displacement often means disruption of the production cycle. This results in suspension of their livelihood, sometimes until the next planting or cropping season, and limits access to basic subsistence food. For those with non-agricultural jobs, displacement means loss of employment and income.

IDPs are also often deprived of the tools to earn a living when their homes and villages are looted or destroyed by combatants. People then become dependent on relief goods and social services, often unavailable or insufficient just as their informal systems of mutual support become overloaded by massive displacement and overwhelming needs.

### *The right to housing* <sup>44</sup>

The right to housing of Muslim minorities in Mindanao is impaired by the recurrence of violence and displacement affecting their home communities. During fighting, many houses are damaged or destroyed by the shelling or aerial bombardment as well as by the torching of homes by armed groups. Government records show that at least 3,800 houses have been damaged or destroyed by the fighting since August 2008. Of this total, nearly 70 per cent, or 2,653 houses were located in the ARMM region.<sup>45</sup>

When displaced to evacuation centers, relocation sites or in makeshift shelters, most IDPs end up living in squalid conditions with no basic amenities, far below a standard which might be deemed adequate. Sub-standard housing conditions also significantly affect their health.

The majority of IDPs in Mindanao have sought shelter with relatives, or in evacuation centres set up by the local authorities in public buildings such as schools, mosques or churches. Of the estimated 260,000 people still displaced as of May 2009, 120,000 (46 per cent) were reported to be living in 151 evacuation sites while 140,000 (54 per cent) were with host families or in new relocation sites.

<sup>43</sup> USDOS, Country Reports on Human Rights Practises, 25 February 2009.

<sup>44</sup> ICERD, Article 5 (e) (iii)

<sup>45</sup> DSWD-DROMIC, 15 May 2009

Housing conditions in evacuation centres in which the displaced are lodged are often inadequate. According to UNICEF:

“Temporary evacuation centers for IDPs are usually schools, churches, gymnasiums and other public structures large enough to accommodate many people. When there is insufficient room, temporary tent shelters of plastic are built in public spaces such as the grounds of government offices and even the roadsides. These makeshift structures are invariably made of light and improvised materials that provide insufficient protection from the elements. On the other hand, those who are placed in buildings not intended to be lived in immediately have to cope with confined spaces and inadequate ventilation. Some evacuation centers had been transformed into semi-permanent resettlement areas because the armed conflict in their home communities had been going on for months and even years.”

A number of IDPs fall outside official statistics as they live in makeshift and spontaneous settlements along roads and in vacant lots not recognised by the government. Not recognised as IDPs and deprived of any assistance, these displaced tend to live in the worse housing conditions.

### *The right to education and training*<sup>46</sup>

The right to education of ethnic minorities in the Philippines is impaired as a result of their economic, social and cultural marginalization rooted in the lack of efforts by the central government to include them in the social and economic fabric of the country. Recurrent conflict and displacement, in particular in Muslim-populated areas of Mindanao, has also had disastrous effects both on the availability of education opportunities as well as on the economic capacity of parents to send their children to school.

According to the US Department of State:

“Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit and cultural bias prevented their full integration into society. Indigenous children suffered from lack of health, education, and other basic services. NGOs estimated that up to 70 percent of indigenous youth left or never attended school because of the discrimination they experienced.”<sup>47</sup>

Geographically-based studies show that poverty, conflict and displacement are the main factors affecting education and that literacy and school enrolment rates are lower in the

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<sup>46</sup> ICERD, Article 5 (e) (v)

<sup>47</sup> USDOS, Country Reports on Human Rights Practises, 11 March 2008.

Muslim-populated and displacement-affected areas of Mindanao than in the rest of the country. In 2003, the literacy rates in ARMM were 71 per cent for males and 69.4 per cent for females compared with national averages of 93.7 and 94 per cent respectively. Drop-out rates were much higher in Muslim-populated areas of Mindanao than in other regions of the country with nearly one out of four of the 6-24 year old population out of school, compared to less than 15 per cent at the national level.<sup>48</sup>

Conflict and conflict-related displacement pose a significant obstacle to the right to education. Children living in conflict-affected areas of Mindanao, in particular in the Muslim-populated region where education indicators are the lowest of the country, regularly have their education disrupted by episodes of violence and displacement. School buildings are often damaged or destroyed during fighting. When they remain intact, they often serve as camp for the military or host the population that has fled the conflict. Teachers may be afraid to work in such circumstances and classes may have to be suspended. While the education of all children in conflict areas is affected by the violence and its consequences, displaced children tend to be more affected as the disruption of their education is often durable or repeated. Sometimes displaced children drop out of education entirely.

The causes include the lack of security and uncertainty on the length of displacement, the limited access to schools from evacuation centres, the loss of documentation which makes enrolment difficult or impossible, the destruction of or damage to school buildings, and the prohibitive cost for families who lost their livelihoods. In Datu Piang, Maguindanao, one of the municipality hardest-hit by the renewed conflict in 2008-2009 and where up to 30,000 IDPs were living as of mid-May 2009, the majority of the displaced children have been displaced for up to 10 months. Such prolonged periods of displacement have often irreparable consequences on the education of the displaced children who have only have very limited access to education in the camps and families where they have sought refuge. While efforts have been made in Datu Piang town to help displaced children pursue their education, namely by allowing them to use the classrooms in the afternoon while local children used them in the morning, many displaced parents cannot afford to pay for school supplies or need their children to work to complement the family's meager income.<sup>49</sup>

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<sup>48</sup> World Bank, *The impact of armed conflict on male youth in Mindanao, Philippines*, July 2006, p. 4

<sup>49</sup> Institute for War & Peace Reporting (IWPR), *Mindanao's forgotten refugees*, 10 June 2009.

## **Internal Displacement Monitoring Centre**

The Internal Displacement Monitoring Centre (IDMC) was established in 1998 by the Norwegian Refugee Council (NRC) and monitors conflict-induced internal displacement worldwide. The Geneva-based Centre runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in more than 50 countries. Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

The information in this submission is drawn from the Philippine country profile in the IDMC's online database; this as well as further information and references can be accessed through the following link:

<http://www.internal-displacement.org/countries/philippines>