



COMMISSION ON HUMAN RIGHTS
REPUBLIC OF THE PHILIPPINES

Commission on Human Rights of the Philippines
Inputs to the Secretariat to the Human Rights Council Advisory Committee, on the: “Effects of
Terrorism on the Engagement of all human rights”, pursuant to Human Rights Council
Resolution 34/8

As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights of the Philippine (herewith the Commission) has the mandate vested by the 1987 Philippine Constitution¹ and the Paris Principles² to monitor the State’s responsibility to respect, protect, and fulfill human rights of all and its compliance with international human rights treaties and agreements. It has the mandate to regularly report on human rights situations and violations, and recommend steps on advancing the realization of human rights and dignity of all.

Below are inputs of the Commission on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms. This submission gives a concrete example of the Commission’s monitoring of human rights situations specifically the crisis in Marawi City. The crisis started on 23 May 2017, when a local non-state extremist armed group called the Maute³ conducted a series of terrorist activities in the City of Marawi, Lanao del Sur, in connection with the Armed Forces of the Philippines’ (AFP) pursuit of Isnilon Hapilon, a leader of another non-state extremist group Abu Sayyaf, said to be hiding in Marawi City. The inputs provided here are largely based on the Commission’s “Advisory on Human Rights Standards on Internally Displaced Persons (IDPs) in the Marawi City Crisis, (CHR-A2017-001).

A. On concrete data / statistics⁴:

The country’s lone Islamic City, which has 96 barangays and a population of 201,785 based on the 2015 Census of Population of the Philippine Statistics Authority (PSA), is the most populous area in the five-province, two-city Autonomous Region in Muslim Mindanao (ARMM), according to the Philippine Statistics Authority (PSA) records.

As the violence heaped up, civilians were continually exposed to higher risk of being killed or injured. Hence, many fled to neighboring areas while several others were trapped inside the conflict zone especially those who had difficulty of mobility (women, children, pregnant women, elderly, persons with disabilities, etc.).

¹ Article 13, Section 17-18, 1987 Constitution of the Republic of the Philippines.

² Principles relating to the Status of National Institutions (The Paris Principles), Adopted by the United Nations General Assembly resolution 48/134 of 20 December 1993.

³ The Maute group is classified as a sympathizer of the Islamic State in Iraq and Syria (ISIS) from the Lanao del Sur areas.

⁴ CHRP Human Rights Advisory: Human Rights Standards on Internally Displaced Persons (IDPs) in the Marawi City Crisis, CHR-A2017-001

Communities occupied by the M'ranas, the predominant ethnic population in Marawi City were cleared by government troops through house-to-house inspection in order to contain the situation and to zero down the terrorist targets.

Sector / Group and Status	Number
Affected families	47,957
Individuals	239,887
Stranded in the City	1,707
Missing Individuals	52
Affected schools	132

Table 1: Number of people affected by the on-going crisis

Access to information during crisis, and the capacity to communicate, is a basic humanitarian need⁵. In times of evacuation, the government must provide displaced persons with timely life-saving information, such as noticeable signs in thorough fares on where to evacuate, signs in IDP sites where to get relief assistance, as well as promotion of referral pathways, to ensure that IDPs know where to seek help.

B. On best practices⁶:

Amidst the incidence of a crisis, the Philippine government has an organized cluster approach⁷ that is a coordination system of the National Disaster Risk Reduction and Management Council (NDRRMC) that aims to ensure a more coherent and effective response by mobilizing groups of agencies, organizations and Non-Government Organizations to respond in a strategic manner across all key sectors on areas of activity, each sector having a clearly designated lead, in support of existing government coordination structure and emergency response mechanisms.

On the part of the Commission, a coordinated response is being undertaken in various forms. At the level of the Central Office, an advisory is issued after the deliberation and approval by the members of the Commission En Banc (CEB) to reiterate to government and all stakeholders the standard operational protocols of human rights promotion and protection in the course of a crisis condition.

- The Commission on Human Rights is a member of the Inter-Agency Committee on Children in Armed Conflict (IAC-CIAC) and the Country Task Force on Monitoring and Reporting-Grave Child Rights Violations -Technical Working Group (CTFMR-TWG). As a member of IAC-CIAC the Commission works closely with concerned agencies in the implementation of the enhanced CIAC Program Framework, to include the conduct of Human Rights trainings, advocacy and information campaigns, and the monitoring, reporting, and response system for grave child rights violations in conflict (GPH MRRS). Likewise, the Commission as a member of the CTFMR-TWG, sits with other UN agencies and NGOs to monitor and give updates on the Grave Child Rights Violations (GCRV) cases, and provide inputs on a quarterly basis to the Global Horizontal Notes (GHN).⁸
- The Commission is resolute and assertive in its campaign against the use and/or association of children in armed conflict in all its public education and information programs, projects and activities for all stakeholders. Such that in the regular conduct of the Commission's advocacy activities both in the central and regional offices, inputs on child soldiering are tackled on topics

⁵ Harvard Humanitarian Institute, *The Signal Code: A Human Rights Approach to Information During Crisis*, 2017, p. 13 (CHRP Advisory on Human Rights Standards on Internally Displaced Persons (IDPs) in the Marawi City Crisis).

⁶ CHRP Input to the OHCHR Report on Protecting the Rights of the Child in Humanitarian Situations, Human Rights Council Resolution 31/16

⁷ NDRRMC No. 43, s. 2016 re: Guidelines on the Interoperability of Incident Management Teams (IMTs) and the Response Cluster.

⁸ Internal quarterly situational update on documented GCRV SAC and updates on developments in response during the period covered.

such as the rights of children (with UNCRC as the framework); International Humanitarian Law and RA 9851; The United Nations Guiding Principles on Internal Displacements (UNGPID) and Child Labor topics.

- The Commission as an NHRI and as the Gender Ombud under the Magna Carta of Women undertook a Joint Monitoring Mission entitled Human Rights Monitoring of Internally Displaced Persons: Locating the Experiences of Internally Displaced women, children and LGBTI. The Joint Monitoring Mission ran from 1 to 5 July 2017 with the CHRP Joint Monitoring team composed of officers from CHRP Central Office and Region X-Northern Mindanao Region and Region XII-SOCCSKSARGEN.

Taking into consideration the international humanitarian standards on the provision of food and non-food items, delivery of basic services and other necessities, and provision of protection services to displaced persons,⁹ the Commission advises the undertaking of these guidelines for all concerned government and non-government service providers to civilian persons displaced by the Marawi City Crisis, regardless of age, gender, religion, affiliation, and ethnic group of the IDPs.

b.1 Human Rights Advisory on the Declaration of Martial Law- (released by the Commission on Human Rights, CARAGA Region). The intent of this advisory was for the Commission to reiterate the call for respect of human rights as a result of the issuance of Proclamation No. 216: “Declaring a State of Martial Law and Suspending the Privilege of the Writ of Habeas Corpus in the Whole of Mindanao”.

b.2 CHR-Caraga Region coordinates with the CARAGA Regional Peace and Order Council (RPOC) and the Regional Development Council (RDC)- these are sub-regional structures composed of government agencies, and other stakeholders that have mandates in the delivery of programs and projects in times of crisis / emergency;

On sectoral concerns:

b.3.1 Mechanisms for the Protection of Children:

- One good practice on child protection and gender-based protection was observed in the evacuation centers in Saguwaran, Lanao del Sur, where a number of IDPs agreed to form a security group among themselves. This security group stayed up all night and patrolled around the clock to protect the other IDPs, especially the women and children.¹⁰ Government mechanisms also helped in ensuring that children are protected in crisis and conflict situations. In Region I, the Philippine National Police (PNP) Women and Child Protection Desk, the PNP Human Rights Action Office, and the CHR Regional Office signed a Memorandum of Agreement for the purpose of strengthening the protection for women and children, including during humanitarian situations.¹¹ The Regional Committee for the Welfare of Children (RCWC) in Region I-Ilocos Region promotes children’s participation rights by including children representatives in the committee. CHR Regional Office V-Bicol Region also noted strengthened

⁹ As prescribed by the SPHERE Minimum Standards in Humanitarian Response and the Inter-Agency Standing Committee’s different policy guidelines in humanitarian response.

¹⁰ Reported by CHR-Region X.

¹¹ Reported by CHR-Region I

partnerships with the PNP, government line agencies, local government units, and civil society organizations in coming up with mechanisms on child protection.¹²

- Community-based Dialogues (CBDs), also promote child protection by providing a venue where children's security issues could be discussed by the Commission, local stakeholders, and the military. CBDs help stakeholders arrive at peaceful resolutions to community security matters through a human rights-based approach, ensuring that human rights principles (i.e. accountability, responsibility, non-discrimination, transparency, and rule of law) are observed. In Cordillera Administrative Region, a CBD was held after a minor was hit by a piece of shrapnel during an armed encounter between the Armed Forces of the Philippines (AFP) and the New People's Army (NPA). The CBD allowed the stakeholders to discuss how armed conflict affects the rights of children.
- The CHR Region XII-SOCCSKSARGEN is an active member of the Country Task Force on Monitoring and Reporting-Grave Child Rights Violations - Technical Working Group (CTFMR-TWG) in Mindanao. The said office has been participating in the ground activities geared toward the implementation of the final benchmark of the UN-MILF Action Plan on the Identification and Disengagement of Children Associated with the Moro Islamic Liberation Front, Bangsamoro Islamic Armed Forces (MILF-BIAF).

b.3.2 Child Participation and Welfare in Humanitarian Assistance and Monitoring:

Meaningful humanitarian assistance takes into consideration the needs of the population to be served. In Region X-Northern Mindanao Region, humanitarian organizations seek children's views on their preference in receiving humanitarian aid, particularly with regard to clothing provision. The Maranao IDP girls in Buru-un, Iligan City were consulted on the clothing they were to receive, considering their cultural and religious practices.¹³ In Zamboanga City, the CHR Regional Office IX-Zamboanga Peninsula conducted informal focus group discussions with children to ask for their views regarding their conditions in the transitory shelters.

The CHR Regional Office V-Bicol Region also provided stress-debriefing and relief assistance during their monitoring missions,¹⁴ while CHR Regional Office VIII established a child-friendly space at the regional office premises to encourage children to play and overcome their traumatic experiences from the Typhoon Yolanda (TY Haiyan) 2013 disaster.¹⁵ During the Zamboanga City crisis in 2013, CHR Regional Office IX conducted a human rights caravan for the children from two transitory sites, where the following activities were held: 1) short talk on children's rights; 2) stress debriefing through a short animated film on war and its effect on children; and 3) film showing on children's rights.

Lastly, Republic Act no: 9372 (RA 9372), also called "Human Security Act" refers to: "An act to secure the State and our people from terrorism". This law defines new crimes such as terrorism and conspiracy to commit terrorism. Terrorism is defined in Section 3 as: "Any person who commits an act punishable under any of the following provisions of the Revised Penal Code (...) thereby sowing and creating a condition of widespread and extraordinary fear and panic among the populace, in order to coerce the

¹² Reported by CHR-Region V

¹³ Reported by CHR-Region X

¹⁴ Reported by CHR Region V

¹⁵ Reported by CHR Region VIII.

government to give in to an unlawful demand shall be guilty of the crime of terrorism.¹⁶ In comparison, the UN High-Level Panel definition imposes that “the action must be intended to cause death or serious bodily harm to civilians or non-combatants.” This fundamental aspect of terrorist acts is not taken into account in the definition enshrined in the Philippine legislation.

C. On challenges:

What seemed as a recurring challenge is ensuring that the following humanitarian issues and human rights violations are prevented and in the eventualities of its existence, are appropriately addressed / responded, such as:

- Protection of human rights of the IDPs—as government priority and primary humanitarian assistance;
- Coordination of responses in observance of Do No Harm;
- Opportunity to be heard and to participate in the management of solutions being offered to them;
- Adequate, nutritious, culturally sensitive food, access to health care services, protection against gender-based violence another violent attacks during displacements;
- Vulnerable sectors (children, persons with disabilities, senior citizens will be able to access support to mitigate risks of vulnerability as exposed by their displacements;
- Referral mechanisms to combat predatory activities that magnify the vulnerability of the IDPs;
- Mechanisms for proper identification, family reunification, and civil documentation to establish their identifies, and that duty-bearers should strive to prevent discrimination or rights violations due to IDPs’ lack of documentation for reasons related to their displacement (e.g. IDs, lost / destroyed/ left behind when they evacuated);
- Making available the advisories / information or “FAQs” on the international and legal standards distributed to IDPs; and
- Protection from inhumane and undignified treatment caused by unlawful profiling in areas where IDPs are temporarily settled.

There have been some considerable gains in the advocacy for child protection in humanitarian situations. The Children’s Emergency Relief and Protection Act of 2016 provides that special attention be given to children upon the onset of emergency, throughout their displacement, and, ultimately, in the determination of durable solutions to their displacement¹⁷. It must be noted, however, that not all issues involving children in humanitarian situations are covered by this law. Moreover, the lack of specific laws that protect children from recruitment or forced participation in armed conflict makes the Commission’s work on child protection especially challenging, as non-state armed groups continue to recruit children to join armed activities and to exploit them in conflict.¹⁸ Monitoring of GCRVs in far-flung areas is also difficult to undertake due to geographic constraints¹⁹

¹⁶ The provisions of the Revised Penal Code listed in Section 3 of the RA 9372 are the following: 1. Article 122 (Piracy in General and Mutiny in the High Seas or in the Philippine Waters); 2. Article 134 (Rebellion or Insurrection); 3. Article 134-a (Coup d’Etat), including acts committed by private persons); 4. Article 248 (Murder); 5. Article 267 (Kidnapping and Serious Illegal Detention)

¹⁷ Republic Act 10821.

¹⁸ CHR Region CAR reported that children are being recruited by rebel groups and are used as human shields in conflict

¹⁹ Reported by CHR Region V.

