



SUBMISSION OF INPUTS FOR THE SPECIAL RAPPOREUR ON THE HUMAN RIGHTS OF THE INTERNALLY DISPLACED PERSONS TO BE PRESENTED TO THE HUMAN RIGHTS COUNCIL (50TH SESSION)

11 FEBRUARY 2022

Introduction

1. The Commission on Human Rights of the Philippines (hereinafter the “Commission”)¹ submits its written inputs to the Office of High Commissioner for Human Rights (OHCHR) as contribution to the report of the Special Rapporteur on the Human Rights of the Internally Displaced Persons, Ms. Cecilia Jimenez-Damary, on the human rights of internally displaced persons which will be presented at the 50th Session of the Human Rights Council..
2. The inputs from the Commission took into consideration local and international reports from government, civil society, the media, and international non-governmental organizations. This submission also utilized the Commission’s own documentation of independent monitoring activities and statements, which were subjected to the internal deliberations of the Commission En Banc.

Legal and legislative frameworks

¹ As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights has the mandate vested by the 1987 Philippine Constitution and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has “A”-status accreditation from the Sub-Committee for Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI).

3. The right to vote is enshrined in the 1987 Philippine Constitution.² Article 5 of the 1987 Constitution provides: “Section 1. Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year, and in the place wherein they propose to vote, for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage”.
4. A constitutional amendment creating the Commission on Election (COMELEC) was approved on December 2, 1940. The principal role of COMELEC is to enforce and administer all laws and regulations relative to the conduct of elections, plebiscites, initiatives, referendums and recalls. As protector of the people’s right of suffrage, the COMELEC endeavors to faithfully and evenly discharge its solemn constitutional responsibility of ensuring the sanctity of elections.³
5. The Voter’s Registration Act of 1996 Republic Act No. 8189, section 9 states that “All citizens of the Philippines not otherwise disqualified by law who are at least eighteen (18) years of age, and who shall have resided in the Philippines for at least one (1) year, and in the place wherein they propose to vote, for at least six (6) months immediately preceding the election, may register as a voter. Any person who temporarily resides in another city, municipality or country solely by reason of his occupation, profession, employment in private or public service, educational activities, work in the military or naval reservations within the Philippines, service in the Armed Forces of the Philippines, the National Police Forces, or confinement or detention in government institutions in accordance with law, shall not be deemed to have lost his original residence.”⁴
6. Currently, there are legislative bills pending before the House of Representatives and Senate which aims to protect the rights of the Internally Displaced Persons. As of writing, the bills are lodged before the Committee on Human Rights and Committee on Justice and Human Rights respectively.⁵

² THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES – ARTICLE V, available at <https://www.officialgazette.gov.ph/constitutions/the-1987-constitution-of-the-republic-of-the-philippines/the-1987-constitution-of-the-republic-of-the-philippines-article-v/>, last accessed 09 February 2022

³ Commission on Election (COMELEC), available at <https://www.dbm.gov.ph/wp-content/uploads/OPCCB/OPIF2010/COMELEC/COMELEC.pdf>, <https://comelec.gov.ph/?r=AboutCOMELEC/HistoricalBackground>, last accessed 09 February 2022

⁴ Republic Act No. 8189, The Voter’s Registration Act of 1996, available at <https://comelec.gov.ph/index.html?r=References/RelatedLaws/RegistrationLaws/RA8189>, last accessed 09 February 2022

⁵ House Bill 6309, available at https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HB06309.pdf

House Bill 0709, available at https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HB00709.pdf

Questions

What are the challenges encountered by internally displaced persons to participate in elections as voters, candidates and other means in your country or in the countries where you work?

7. Due to the legal ambiguity in the Philippines, IDPs are hindered in properly exercising their political rights. Polling stations, for example, have only been relocated when IDPs are close to their homes, leaving IDPs who reside further away without recourse. IDPs can transfer their registration under existing legislation, but they must first complete a six-month residency requirement. Many IDPs do not want to give up their right to vote at their home location, even if they are unable to go to polling stations. They are also not allowed to use evacuation centers or transitional areas as their place of residence since these are considered temporary addresses.⁶
8. In January 2020, just prior to the pandemic, the Comelec established the Vulnerable Sector Office (VSO) to guarantee that the poll body's inclusion operations go from being treated as special projects to become institutionalized activities and essential parts of Comelec's regular business. However, the pandemic hampered the success of Comelec's objectives. Mobility issues have made it difficult to pursue accessibility improvements with the same vigor as in the past. The VSO claims that because of the pandemic's constraints and regulations, it was unable to conduct as many satellite registration activities as intended. As such, the chance to widen the scope of complex projects to include IDPs that may have been lost. This is unfortunate since the IDPs' concerns plainly extend to their being disenfranchised as a result of their displacement from areas where they are registered as voters to places where they are unable to vote.⁷
9. In situations where IDPs were allowed to vote for local government leaders in places outside their original precincts, or outside their areas of origin, one of the key problems they face was the difficulty to present identity information as

House Bill 1040, available at

https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HB01040.pdf

Senate Bill 943, available at <http://legacy.senate.gov.ph/lisdata/3133728234!.pdf>

⁶ Philippines Practical Solutions for Protecting IDPs' Right to Vote, available at

https://www.globalprotectioncluster.org/wp-content/uploads/philippines_PS.pdf, last accessed 09 February 2022

⁷ PCIJ, Former COMELEC Commissioner Luie Tito F. Guia, Pandemic elections: Can senior citizens, PWDs, IPs, and PDLs vote in 2022?, available at

<https://pcij.org/article/6946/pandemic-elections-access-senior-citizens-people-with-disabilities-indigenous-people>, last accessed 09 February 2022

regards their residence in their original *barangays*. This was the situation in Marawi City during the May 2019 elections, where IDPs living in new relocation areas or resettlement sites had to prove their previous residence so they can be allowed to vote in their new precincts.

What are the particular challenges encountered by internally displaced women and young persons, internally displaced persons with disabilities, internally displaced persons belonging to minority or indigenous groups or other groups?

10. IDPs may be exposed to political manipulation or "hakot" to ensure their access to basic services if proper preventative measures are not in place. They may, for example, be compelled to vote for specific candidates. They may be pressured or forced to vote for some officials, attend political rallies or transfer their registration location.⁸
11. The practice of patronage politics in host *barangays* affect how IDPs participate in political activities, including elections. Those who control the local government also control the resources being extended to IDPs. An unfavorable political stance of an IDP as regards their local leader could affect their access to basic services.
12. In some instances, IDPs are also being included as "token" attendees by local officials during caravans and electoral rallies.

What measures have been adopted by States to ensure the participation of internally displaced persons in elections without discrimination on the basis of their displacement? Please give examples of specific laws, policies, administrative measures and institutional frameworks adopted.

13. The Commission on Election has previously reiterated that the registration process would not discriminate against groups with low registration or voter turnout. This includes the internally displaced persons, they said that their field personnel have been trained to properly identify and respond to the situation to prevent disenfranchisement.⁹
14. The Commission started the Bantay Karapatan sa Halalan,¹⁰ a nationwide campaign to monitor human rights in the context of the upcoming National and

⁸ Supra, note 5

⁹ PhilStar, Sheila Crisostomo, Comelec vows inclusive voter registration, available at <https://www.philstar.com/nation/2016/11/23/1644683/comelec-vows-inclusive-voter-registration> , last accessed 09 February 2022

¹⁰ Bantay Karapatan sa Halalan, available at <https://www.facebook.com/BantayKarapatanSaHalalan> , last accessed 09 February 2022

Local Elections (NLE) since 2016. The program is a non-partisan, civil society-led, and CHR-supported campaign that makes sure violations of human rights in the context of elections are reported. CHR, as the State arm on human rights protection, will bring concerns of violations of rights to respective government agencies for action and follow up.

How has the participation of internally displaced persons in elections, or the lack thereof, had an impact on the prospects of durable solutions to internal displacement in your country or in the countries where you work?

15. Election issues related to displacement first came to COMELEC's attention in September 2013, when 120,000 people fled fighting in Zamboanga City on Mindanao to seek shelter in evacuation centers, most notably the city's Joaquin F. Enriquez Memorial Sports Complex. With important village elections scheduled for the following month, COMELEC wanted to ensure that IDPs could select their leaders. Working with the Commission on Human Rights' IDP unit in its regional Mindanao office, COMELEC organized election facilities at the sports stadium to allow IDPs to vote some 5-7 km from their usual place of residence.¹¹
16. Making certain that IDPs participate in the electoral process can validate their role as citizens and is an important step in normalizing their lives as soon as possible after displacement

How can humanitarian, development, peace and human rights actors promote and support efforts for the participation of internally displaced persons in elections? Please share specific examples if available.

17. Outreach and education to electoral officials and other actors responding to displacement is critical to building awareness and gaining the necessary political support for operational and legislative electoral reforms that respond to displacement-related circumstances. CHR regional offices conduct community-based dialogues in which IDP stakeholders, local chief executives, and the security sector share their concerns and find immediate solutions.¹²
18. IDPs in the Philippines are encouraged by the Government to vote. Although they have not been formally brought within COMELEC's efforts to review and find solution to electoral challenges, the Parish Pastoral Council for Responsible Voting (PPCRV) and other civil society organizations that work closely with displaced communities are regularly invited to attend meetings on electoral issues and to participate in multi-sectoral, ad hoc committees. IDP community

¹¹ Supra, note 5

¹² Id

leaders are also actively involved in civic-political activities more generally, particularly those related to barangay-level projects such as service delivery¹³

Are there any other issues related to the topic that you would like to bring to the attention of the Special Rapporteur?

19. The Philippines has no laws that has yet to pass relating specifically to IDPs, Instead, legal guidelines for the State's response in cases of displacement are based on the Philippine Disaster Risk Reduction and Management Act of 2010 (PDRRMA).¹⁴ This law is mainly focused on the traditional roles of national and local government agencies, giving them additional responsibility for disaster response, structures and response actors rather than the IDPs.¹⁵ There remains a need to have a specific IDP legislation that focuses on the protection of rights of IDPs and strengthens accountability of duty-bearers in supporting displaced communities to achieve durable solutions.

¹³ Id

¹⁴ Philippine Disaster Risk Reduction and Management Act of 2010 (PDRRMA), available at <https://www.officialgazette.gov.ph/2010/05/27/republic-act-no-10121/>, last accessed 09 February 2022

¹⁵ CHR, Reina Bermudez, A disaster approach to displacement: IDPs in the Philippines, available at <https://chr.gov.ph/a-disaster-approach-to-displacement-idps-in-the-philippines/>, last accessed 09 February 2022