



Submission from the Internal Displacement Monitoring Centre (IDMC) to the Committee on Economic, Social and Cultural Rights in anticipation of consideration of the combined second, third and fourth periodic report of the Philippines

submitted to the Committee under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Internal Displacement in the Philippines

October 2007

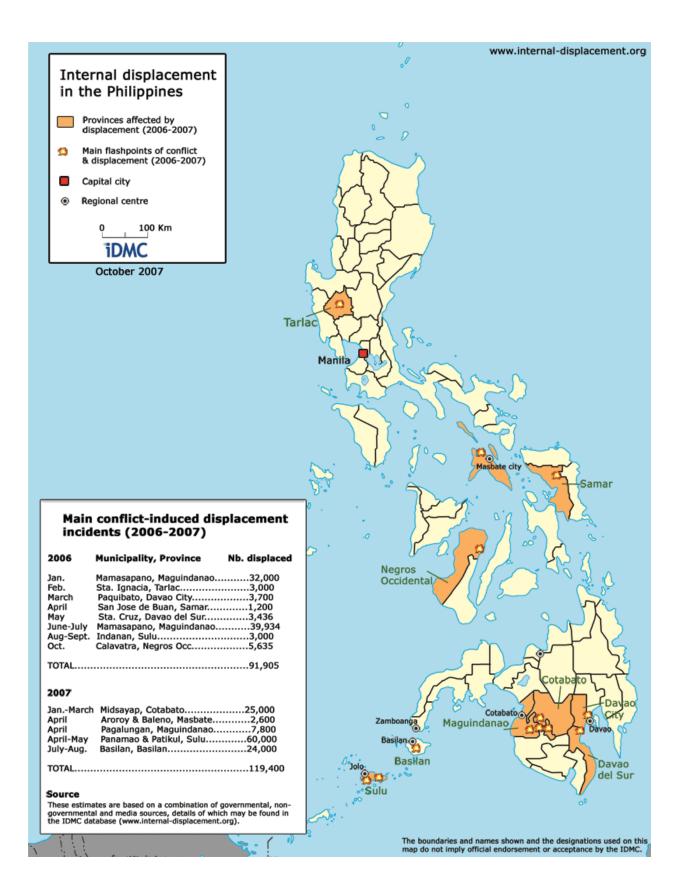
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I. Summary of concerns and questions

The concerns raised in this submission relate to direct and indirect impact of internal displacement on the opportunity to enjoy economic and social rights of displaced people in the Philippines. They concern the right to an adequate standard of living, health, education, work and non-discrimination.

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 affects tens of thousands of people every year, depriving them in most cases of the possibility of enjoying their economic and social rights?
- 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:
 - housing;
 - food;
 - water and sanitation;
 - education;
 - health care:
 - work and opportunity of gaining a living;
 - non-discrimination in conditions of work;
 - protection of the family, especially the youth and women;
 - economic and social stability, security and assistance
- What has the State party done to make sure that the basic services are available, accessible and affordable and provided on a non-discriminatory basis?
- How is humanitarian assistance to those in need secured? What has the State party done to make sure it is provided on a non-discriminatory basis?

II. Introduction to the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC), established in 1998 by the Norwegian Refugee Council (NRC), 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, IDMC 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.

In anticipation of consideration by the Pre-Sessional Working Group of the Committee on Economic, Social and Cultural Rights during its session from 26-30 November 2007 of the combined second, third, and fourth periodic report of the Philippines (E/C.12/PHL/4), IDMC would like to provide the Committee Members with additional information relating to the living conditions of conflict-induced internally displaced people (IDPs) in the Philippines and their level of enjoyment of a number of rights enshrined in the International Covenant on Economic, Social and Cultural Rights.

The information below is drawn from the Philippines 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.

III. Internal displacement due to conflict in the Philippines

It is estimated that more than two million (2,000,000) people have been displaced in the Philippines due to armed conflict since 2000. The majority of the people displaced are living in the Muslim-populated areas of the Autonomous Region of Muslim Mindanao (ARMM), where most of the fighting between the government and insurgents of the MILF secessionist group has been taking place in the past few years. Up to 200,000 people were displaced from January 2006 to August 2007, mainly in the ARMM. Although most people tend to stay only temporarily displaced and return in the days or weeks following the end of fighting, some remain unable or unwilling to return because of continued insecurity or because of the destruction of their homes and means of livelihood. Indeed, many of those who manage to return find their houses destroyed and property stolen, face extreme hardship with very little or no assistance to rebuild their lives.

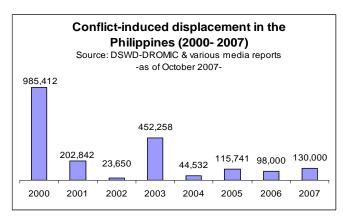
Under-development and the destruction caused by years of fighting have further impoverished an already disadvantaged population, with the displaced particularly vulnerable to food insecurity, health risks and unemployment.

The needs of IDPs are generally addressed as part of wider development and rehabilitation programmes conducted by the government in partnership with the United Nations and donor countries and institutions. Territorial issues and sporadic skirmishes between the government forces and the rebels of the Moro Islamic Liberation Front (MILF) have continued to block the signing of a peace agreement during 2007, while also obstructing the implementation of programmes aimed at rehabilitating and developing the conflict-affected areas of Mindanao.

Number of people displaced

- Between January and September 2007, armed incidents have displaced between 119,600 and 139,600 people in the southernmost island of Mindanao. The majority have been displaced due to military operations against Muslim rebels groups in Sulu, Basilan, Cotabato and Maguindanao provinces.
- An estimated 100,000 people were displaced from their homes in the Philippines during 2006 as a result of armed conflict and human right abuses. The main displacement movements occurred in Mindanao.
- Tens of thousands of people in Mindanao remain unable to return or still have not been able to recover from the devastating effects of displacement due to previous conflicts. Due to the fluidity of the displacement situation, with frequent clashes and short-term displacement movements, there are no accurate figures available on the total number of internally displaced persons. At the end of 2005, a World Bank-led assessment report

(JNA) estimated the number of IDPs at 930,000. IDPs were defined as those in Mindanao who had fled their homes at least once since 2000.



Selected sources:

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

IV. Main subjects of concerns

The right to an adequate standard of living (Article 11.1) as well as its impact on the right to health (Article 12), the right to education (Article 13) and the right to work (Article 6)

Internal displacement has had a significant negative impact on displaced people's standard of living and access to basic services. In addition to conflict-related security and protection concerns, securing immediate subsistence needs such as food, water and housing, poses immense difficulties for the displaced. For the most part their standard of living is far from adequate and this affects their possibility of exercising other rights, in particular in the areas of education, health and economic self-reliance.

Displacement has also greatly contributed to the increased poverty of people affected and has reduced their economic capital and opportunities to secure livelihoods. People living in conflict-affected areas of Mindanao are reported to face prevalent food insecurity leading to malnutrition, limited access to potable water and sanitary facilities. Added to these are squalid living conditions and lack of food and income-generating opportunities, all of which make the daily life of the displaced extremely precarious.

Selected sources:

United Nations Children's Fund (UNICEF), October 2006, Uncounted Lives: Children, Women and Conflict in the Philippines, pp. 105-6

Government of the Philippines, International Funding Agencies, Mindanao Stakeholders, December 2005, pp.0-34 Acción Contra el Hambre, Liguasan Marsh Vulnerability Survey, pp.6-60

The right to food – the fundamental right of everyone to be free from hunger (Article 11.2)

The Committee's General Comment No. 12 on the right to adequate food provides in paragraph 14 that everyone is to be ensured the minimum essential food and that "whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfill (provide) that right directly."

People who live off the land become extremely vulnerable to hunger and malnutrition when they are displaced. While at home, agricultural activities allow them to secure basic nutrition needs; when displaced and especially when in evacuation centres, they have no access to their fields and crops and available assistance services are often limited or inaccessible. The access to and availability of food is sometimes so limited that food-related deaths have been reported. For example, the Asian Human Rights Commission reported in September 2005 at least three cases of displaced children dying from malnutrition-related illnesses such as diarrhea, caused by inadequate food and unsanitary water in evacuation centres.

The insecurity of access to food in evacuation centres is so serious that people sometimes chose not to seek refuge and safety there but risk their lives in order to to stay close to their farms. For instance, hundreds of farmers in Barangay Ahan, Guindulungan, and Maguindanao reportedly preferred to stay near their homes to ensure that that could harvest their crops and feed their families. In view of ongoing fighting and random air strikes they were given the option to move to designated evacuation centres, but many refused to move because of the meager relief assistance and poor conditions in the centres.

Humanitarian access for aid groups is not always secure and safe, and delivering aid to the displaced is at times difficult and dangerous for aid workers. For example, in November 2006 two women NGO workers assisting IDPs were reported to have been abducted, interrogated and sexually abused by Philippine army soldiers in North Cotabato. As most international NGOs in Mindanao work closely with the government in providing humanitarian assistance, there is the risk of discrimination against those IDPs who are seen as close to the the rebels of the MILF. It has been reported, for example, that during the displacement incident in Shariff Aguak in June and July 2006, thousands of reportedly pro-MILF IDPs were not recognised and enrolled as beneficiaries in the early phase of humanitarian response. On top of that, much of the aid was reportedly distributed to non-IDP civilians close to paramilitary groups linked to the government and the provincial governor of Maguindanao.

Selected sources:

The Asian Human Rights Commission, "Three children die at evacuation centre due to hunger; adequate food urgently needed for starving evacuees," 19 September 2005

The Asian Human Rights Commission, "Starvation and hunger threaten hundreds of displaced villagers follwing intense fighting in Maguindanao, Mindanao," 26 August 2005

Davao Today, 13 November 2006, "Soldiers Sexually Molested NGO Workers — Gabriela"

Davao Today, 8 January 2007, "Abducted, Blindfolded, Tortured, Molested"

Journal of Humanitarian Assistance, February 2007, International Organizations in Mindanao: To Protect or Not?

The right to adequate standard of living – housing (11.1)

The displaced people tend to live in informal settlements, with relatives or in government-provided buildings. Although, following the Committee's General Comment No. 4 on the right to housing, the right in question should be seen as the right to live in security, peace and dignity, most IDPs live 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.

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."

Selected sources:

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

Government of the Philippines, International Funding Agencies, Mindanao Stakeholders, December 2005, pp.0-34 Acción Contra el Hambre, Liguasan Marsh Vulnerability Survey, p. 55

The right to water (Articles 11 & 12)

General comment No. 15 concerning the right to water specifies in paragraph 16 (f) that States parties should give special attention to those facing particular difficulties in exercising the right to water, "in particular they should take steps to ensure that ...internally displaced persons and returnees have access to adequate water whether they stay in camps or in urban and rural areas."

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

The survey by Acción Contra el Hambre in Linguasan Marsh also showed that communities living in the marsh area found it hard to access clean and safe water.

Selected sources:

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

Acción Contra el Hambre, Liguasan Marsh Vulnerability Survey, p. 22

The major concerns related to the right to the highest attainable standard of health are connected to the availability, accessibility and affordability of health care on the one hand, and to the underlying determinants of health related to the inadequate standard of living referred to above.

An insufficiency of health care centres makes it difficult for the displaced to find medical help when needed. There is a need for more qualified health workers and more medicines, which are either insufficient or too expensive. Limited accessibility and availability of health services in conflict affected areas, especially rural areas, add to high mortality and low life expectancy.

Health problems seem to be greater for IDPs living in overcrowded evacuation centres than for those who remained in their communities. The 2006 UNICEF report describes that:

"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 centers, 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."

It is also important to note the psychosocial impact of conflict and displacement, especially on children, youth and women. War and displacement expose children to violence and abnormal environments, which can affect various aspects of children's life and cause psychosocial trauma, which can manifest itself in a variety of ways, including insomnia and depression, leading to withdrawal and possible self-harm. Repeated displacements, destruction of homes and villages and exposure to violence also have a huge impact on the life choices of children as they grow up.

The main stress factors on women are actual fighting and the presence of soldiers. In central Mindanao, for example, mothers had to evacuate with children under fire, saw their homes destroyed and people being wounded and killed. The adverse impact of forced displacement on women's physical and mental health and livelihoods affects their diet, which is of special significance when accompanying pregnancies and motherhood. Also, women's mental health is intertwined with their children's health, when their children's health and safety is challenged, women's mental well-being is at risk, and vice-versa.

Selected sources

Government of the Philippines, International Funding Agencies, Mindanao Stakeholders, December 2005, p.56 Acción Contra el Hambre, Liguasan Marsh Vulnerability Survey, June 2004, pp.51-53

Philippine Daily Inquirer, The Inquirer, 6 February 2007, Refugee from Mindanao fighting dies in evacuation camp United Nations Children's Fund (UNICEF), October 2006, Uncounted Lives: Children, Women and Conflict in the Philippines, pp. 8-66, 96-7, 121

World Bank, July 2006, The impact of armed conflict on male youth in Mindanao, Philippines, pp.14-15 Janet M. Arnado & Mary Ann Arnado, 15 November 2004, Casualties of Globalization. Economic interest, War, and Displacement along Ligawasan Marsh, Philippines, pp.61-64

The right to education (Article 13)

Conflict and conflict-related displacement pose a significant obstacle to the right to education. Displaced children seem to be more affected by conflict than children who remain in their communities. The disruption of their education is often durable or repeated. Sometimes displaced children drop out of education entirely.

There are many reasons why children's education is disrupted for at least the period of their displacement. These include the lack of security and uncertainty on the length of displacement, the limited accessibility to schools from evacuation centres, and the loss of documentation, which makes enlisting in new educational facilities difficult or impossible, restricted availability of school buildings damaged or destroyed by fighting, and the non-affordability of education for families who lost their incomes and livelihoods.

Children who remain in their communities are also affected by conflict and the prevailing insecurity. Teachers may be afraid to work in such circumstances and, as a consequence, classes may have to be suspended. In addition, school buildings are often turned into evacuation centres for displaced people.

Geographically-based studies show that poverty, conflict and displacement are main factors affecting education and that literacy and school enrolment rates are lower in the Muslim-populated and displacement-affected areas of Mindanao than in the rest of the country. The World Bank reports that:

"Studies on education in Mindanao have repeatedly asserted that poverty exacerbated by recurrent armed conflict is the single most important factor affecting education in the region. While the country as a whole boasts a literacy rate of 93.7 percent for males and 94 percent for females, Mindanao presents a very different picture. In 2003 the literacy rates for Central Mindanao were 85.9 percent for males and 88.8 percent for females, while in ARMM it dropped to 71 percent for males and 69.4 percent for females (Table 3).

Table 3: Basic Literacy Rate of Male Youth (%) by Region in Mindanao, 2003

	10-14 Years	15-19 Years	20-24 years	All Males
Region IX: Western Mindanao	89.3	90.7	91.4	86.8
Region X: Northern Mindanao	89.5	92.6	95.5	90.1
Region XI: Southern Mindanao	89.5	93.8	92.3	88.0
Region XII: Central Mindanao	84.2	91.2	95.2	85.9
Region XIII: Caraga	92.8	93.1	94.7	89.5
ARMM	73.0	84.1	78.1	71.0
PHILIPPINES	93.1	95.6	95.4	92.6

Source: Government of the Republic of the Philippines (2003). "The Functional Literacy and Mass Media Survey," National Statistical Office, Manila, Philippines.

The elementary net enrollment rate in 2001 was 82 percent as compared with the national average of 96 percent, while the completion rate of 40 percent is just above half that of the rest of the country. The secondary school enrollment rate was the lowest in the country at 39 percent as compared with the 12 percent, compared to 6.1 percent and 7.3 percent respectively for Luzon and Visayas. Conflict affected parts of Mindanao and ARMM have dropout rates of 23 percent.

A study on education in Mindanao conducted by the Philippine Business for Social Progress (PBSP)11 observes that in any given year, only three to four out of ten children enrolled will finish high school. In ARMM only one out of ten children is likely to complete high school on time. Most of them will probably manage to complete only Grades 1 and 212. Out-of-school youth as a percentage of the 6-24 year old population (23.1 percent) is also the highest in Mindanao13 (Table 4)."

Table 4: Out-of-School Children and Youth Aged 6-24, Mindanao, 2002

Region	Total Population 6-24 (*000)	Proportion Out-of-school (%)
Region IX: Western Mindanao	1432	15.1
Region X: Northern Mindanao	1244	11.3
Region XI: Southern Mindanao	2362	14.7
Region XII: Central Mindanao	1231	12.2
Region XIII: Caraga	997	13.6
ARMM	1085	23.1
PHILIPPINES	32,965	14.7

Source: Government of the Republic of the Philippines (2002) "Annual Poverty Indicators Survey (APIS)," National Statistics Office, Manila, Philippines.

Selected sources:

United Nations Children's Fund (UNICEF), October 2006, Uncounted Lives: Children, Women and Conflict in the Philippines, p. 7, 6

World Bank, July 2006, The impact of armed conflict on male youth in Mindanao, Philippines, p. 6, 4-5

The right to education (Article 13) as affected by the necessity for young people to engage in economic activities & the need for special measures of protection and assistance to family (Article 10.3)

Young people's chances of completing their education are also sometimes affected by the need for them to work to contribute financially to their families' survival. The World Bank study, to give an example, declares that:

"...all youth, whether in school or out-of-school, are working to supplement the income of their families. (According to the Department of Agriculture statistics more than a third of the household members aged 10-24 are engaged in agriculture in Western Mindanao, 44.6% in Central Mindanao and 15% in ARMM.) Most of them are engaged in agriculture, either in their own family farms or as agricultural labor. They also try to supplement the household income by working at nearby rice mills, as skylab [...] or tricycle drivers, as sidewalk vendors, or as contractual labor."

Selected sources:

World Bank, July 2006, The impact of armed conflict on male youth in Mindanao, Philippines, p. 8, 6

The right to work (Article 6) and fair conditions of work (Article 7) & the right to social security (Article 9)

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, making basic social security for those forced to flee from their homes often essential for survival. Short-term consequences of displacement, 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.

During displacement, people mostly engage in subsistence low-input agricultural production and irregular low-paid work, such as gardening, fishing, farming, harvesting, or collecting firewood and metal to sell and working in construction firms.

The displaced 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 people of Mindanao, already relatively poor, may thus fall deeper into poverty following their displacement. According to the World Bank:

"[Mindanao] has the dubious distinction of having four of the five poorest regions and six of the ten poorest provinces in the Philippines. All the ARMM provinces fall in the latter category. In ARMM alone poverty has increased from 50.7 percent in 1991 to 66 percent in 2000. Disruption of agricultural production, and destruction of infrastructure, both social and economic, have deterred economic activity at all levels and thereby impoverished an already poor region. Agriculture, which is the main source of livelihood in the study area, has been seriously affected by repeated conflict and the uncertain peace and order situation. For instance, nearly half the farm animals and agricultural implements were destroyed or lost in the conflict affected barangays[...]. In the coastal barangays, and those located around the Ligawasan marsh, where fishing is the most important activity, most communities have reported loss or destruction of the tools of their trade."

Poverty and lack of livelihood opportunities are also seen as the main obstacle to sustained returns. Even when the displaced manage to return to their areas of origin, most face harsh economic conditions. The main problems identified in the return areas are lack of housing, health care, sanitation facilities, education and roads.

Selected sources:

Acción Contra el Hambre, Liguasan Marsh Vulnerability Survey, June 2004, p.60 United Nations Children's Fund (UNICEF), October 2006, Uncounted Lives: Children, Women and Conflict in the Philippines, p. 101-102, 121 Bulatlat, Vol.V, No.16, 29 May-4 June 2005, Manobo Villages Looted by Soldiers, Persona Missing – Rights Group Janet M. Arnado & Mary Ann Arnado, 15 November 2004, Casualties of Globalization. Economic Interest, War, and Displacement along Ligawasan Marsh, Philippines, pp. 60-61

World Bank, July 2006, The impact of armed conflict on male youth in Mindanao, Philippines, p. 8

Community and Family Services International, October 2003, Transition interventions with Internally Displaced Persons: From Conflict toward Peace and Development in the Southern Philippines, p.14

The right to work (Article 6) and fair conditions of work (Article 7) & non-discrimination (Article 2.1)

Displaced women often become source of extremely cheap labour and the money they make is often below the minimum necessary to survive. They usually perform low-paid work like doing laundry or housekeeping.

Especially in the private sector, women may suffer discrimination both they are because displaced and because they are women:

"Men are engaged in fishing, farming, and construction work. Women, on the other hand, are into land preparation, harvesting, dressmaking, and selling bananas. Collecting firewood is done by both men and women. Men usually earn 100 pesos a day [\$2], or a little over 200 pesos if they are lucky. Women, however, receive very little, a mere 30 pesos a day for cleaning and harvesting in the cornfields. This is way below the minimum wage for agricultural work set at 130 pesos a day for the ARMM. Other women earn a little bit more by cooking and selling fried banana. Still others are engaged in dressmaking.

Displaced women are very vulnerable to economic exploitation both in the private and public spheres. In the private sphere, women become men's "reserve force" in the event that the latter lose their usual means of livelihood. They will be asked to seek for meager employment. In the public sphere, small-scale capitalists offer women an extremely low wage, which is not sufficient to support themselves, much more their families. This assertion is illustrated in the following scenario.

One male IDP left his fishing net at home. Because he did not have any fishing equipment, he could not fish, so he remained in the evacuation camp. To bring food on the table, he sent his wife and seven daughters to work in the cornfields. Each earning Php30 a day, the 8 women brought to the evacuation center Php240 at the end of the day. This combined wage of 8 women is still lower than the Php250 minimum wage, set by the government for the national capital region. This is not an isolated scenario. The women in our FGDs showed us their hands that turned rough and scarred from working in the cornfields (Arnado and Arnado)."

Selected sources:

United Nations Children's Fund (UNICEF), October 2006, Uncounted Lives: Children, Women and Conflict in the Philippines, p. 101-102

Janet M. Arnado & Mary Ann Arnado, 15 November 2004, Casualties of Globalization. Economic Interest, War, and Displacement along Ligawasan Marsh, Philippines, pp. 60-61