



**COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES (CHRP)
INPUTS ON PROMOTING, PROTECTING AND RESPECTING WOMEN'S AND GIRLS'
FULL ENJOYMENT OF HUMAN RIGHTS IN HUMANITARIAN SITUATION**

1. The Commission on Human Rights of the Philippines (hereinafter "The Commission" or "CHRP") submits to the Office of the High Commissioner for Human Rights (OHCHR) its inputs/responses in contribution to its "analytical report on a comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations, including good practices, challenges and lessons learned at the national, regional and international levels" to be submitted to the Human Rights Council at its forty-ninth session.
2. This submission 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 on the rights of persons with disabilities which has undergone internal deliberations of the Commission En Banc.

I. Women and girls in humanitarian situations in the Philippines

3. The Center for Crisis, Conflict and Humanitarian Protection (CCCHP) of the Human Rights Centers Management Office (HRCMO) is the focal unit within the Commission on Human Rights of the Philippines (CHRP) looking into the human rights situation of persons in crisis and conflict settings. Part of its work is to monitor and report on the situation of women and girls in humanitarian contexts, primarily those displaced by natural and man-made hazards.
4. In pursuit of its mandate to provide policy recommendations on human rights issues in crisis contexts, the CHRP, through the CCCHP, the Gender Equality and Women's Human Rights Center (GEWHRC), and its regional offices, have conducted monitoring activities to ascertain the living conditions of displaced populations and other persons of concern in the course of their forced movement. In its activities, the Commission has noted that women and girls are at a more vulnerable disposition as compared to men. They are more at risk of sexual and gender-based violence and are at a disadvantage in earning income. On top of experiencing displacement, women are also expected to remain at home and tend to the family.
5. As regards access to basic services, women and girls remain to be more vulnerable to being left out in the programming of humanitarian assistance. Feminine hygiene materials are not usually included in relief distribution. Livelihood opportunities are scarce; in the instances where women are included in the livelihood programming, they

are usually offered the same opportunities that are not responsive to their skills.¹ The dismal shelter conditions also expose women and girls to more vulnerability, as there are usually no partitions inside camps, and latrine locations are from the settlements.²

6. Access to healthcare is a concern for women, particularly for pregnant women and lactating mothers. It has been monitored by the Commission that in some displacement sites women were not able to access regular health checkups and prenatal care³
7. In some IDP communities, gender-specific violations have been reported. There were alleged issues of IDP women resorting to prostitution in order to make ends meet. There were also reports of minor girls being married off by their parents to older men, to alleviate the family from the burden of supporting a large brood of children.⁴
8. In 2017,⁵ the GEWHRC released a report on the situation of girl children in rural and urban areas around the country. As part of this report, the GEWHRC conducted orientations, consultations and workshops in order to gather more information on the prevalent issues being addressed. A summary of the issues showed that teenage pregnancy, sexual abuse and bullying are the most common problems experienced by girl children in the areas where the sessions took place. In some cases, girl children would share that they believe the mistreatment is caused by certain behaviors such as flirting or wearing skimpy clothes, which may imply the persistence of misconceptions about violence against women in communities.
9. Drug abuse was also mentioned as a response of children to cope with conflicts that arise between them and their respective family and friends, and drug addiction as a factor in making poor life decisions which could aggravate poverty conditions.

II. Rights of Internally Displaced Persons (IDPs) during the COVID-19 Pandemic

10. People affected by humanitarian crises are often challenged with specific vulnerabilities, such as lack of adequate food and potable water, dismal housing arrangements, and threats to safety and security. The implementation of community quarantine and lockdown limits the mobility of IDPs even more, thus the need for specific protocols that would address the needs of IDPs, i.e., securing permits from the host barangay/municipality for their movement when they need to buy necessities. There were also reports on non-prioritization of IDPs in the distribution of COVID-19 Relief Assistance. Some IDPs from Marawi who were staying in nearby municipalities were allegedly excluded in the distribution of the Social Amelioration Program (SAP)

¹ Commission on Human Rights, Report and Recommendations on the Human Rights Situation of Internally Displaced Persons (IDPs) affected by the Marawi City Crisis, May 2019.

² Commission on Human Rights, Report on the COVID-19 emergency situation in IDP areas in Region VIII and Mindanao Region, 27 June 2020- 31 July 2020.

³ Id.

⁴ Information shared to CHRP staff during monitoring activities in Marawi City

⁵ CHR-GEWHRC. Report on Girl Children: A Rapid Assessment of their Situation. January 2018. Available at <https://chr.gov.ph/wp-content/uploads/2018/12/Report-on-Girl-Children-A-Rapid-Assessment-of-their-Situation.pdf>

due to their ethnicity. Further, they were also told that they will not be provided with said financial assistance as they were not part of the census in the locality.⁶

11. It was also observed that the untimely spread of COVID-19 further delayed scheduled activities for IDPs affected by Typhoon Yolanda (Haiyan) last 2013 such as the completion of housing construction, raffle and turnover of housing units, water, and electrical connection. Target completion of Yolanda permanent housing project construction by June 2020 was not achieved. With these prevailing issues, internally displaced persons or communities repeatedly face danger by continuing to live in danger zones when natural calamities strike in the region.⁷
12. In the case of IDPs in Region IX, they have suffered the aftermath of the armed conflict that erupted between the Moro National Liberation Front (MNLF) and government forces on 9 September 2013. Up until now, the IDPs faced issues relative to lack of water supply, shelter and health; lack of information and assistance; and being prone to certain structural risks. During the pandemic, IDPs also fear going out to seek medical consultation. Due to the restrictions brought about by the health protocols, they also suffer from lack of access to assistance and livelihood.⁸
13. The access of IDPs to nutrition, water and sanitation, healthcare, and adequate and safe shelter remain largely unmet. The Commission strongly advocates for the passage of the IDP bill and the implementation of the UN Guiding Principles on Internal Displacement as a framework for providing protection and assistance to displaced communities.⁹
14. Thousands of IDPs affected by the Marawi Siege in 2017 and Zamboanga Siege in 2013 are still staying in transitory sites with poor living conditions. Displaced families in housing units in Tacloban City still face issues on access to potable water and own water connection, and lack of livelihood opportunities. Local government agencies should fast track the construction of housing units to ensure that all qualified IDPs are transferred to permanent shelters as soon as possible, in accordance with the humanitarian standards on transfer and resettlement. Provision of access to basic services in said housing units shall be prioritized.¹⁰
15. In its advisory, the CHR recognizes the Interim Guidance issued by the Inter-Agency Standing Committee (IASC) as regards the COVID-19 readiness and response operations in humanitarian situations, which points out that IDPs, host communities, asylum seekers, refugees and returnees, and migrants, are frequently neglected and often encounter difficulties in terms of gaining access from health services that are readily available to the general population. Individual health screening and continuous access to essential health care services should be granted to all IDPs, particularly to those suspected and confirmed cases of COVID-19. When possible, testing must be

⁶ Commission on Human Rights, 2020 Annual Report on the Human Rights Situation of the Philippines

⁷ Id.

⁸ Id.

⁹ ID.

¹⁰ Id.

readily available, with testing facilities located near IDP sites, for rapid diagnosis and immediate isolation.¹¹

III. Government and CHRP Initiatives for the Protection, Promotion, and Fulfillment of the Rights of Women and Girls in Humanitarian Situations

16. In response to gender issues in relation to displacements, the Department of Social Welfare and Development has included women's welfare in disaster contexts into its Gender and Development Agenda 2020-2021.¹² However, implementation and inclusion of gender-sensitive and gender-responsive programs remain lacking. Women, as with other internally-displaced persons (IDPs), are not included in the decision-making processes.
17. As regards provision of support to displaced communities, local organizations and the civil society have been helpful in organizing women in the IDP sites and provided them with training and workshops on improving their situation towards self-reliance.

Commission on Human Rights of the Philippines: Programs on IDPs

18. The Commission, through its focal units on gender rights and on humanitarian protection, has been active in the referral of cases of women who have suffered abuse while in displacement, in view of its role as the Gender Ombud. Investigations were also conducted on the said cases. The Commission has also provided policy recommendations to legislators and policy makers through its issuance of advisories, situation and monitoring reports, and policy briefs on women and girls, particularly those in the humanitarian contexts.
19. The Commission conducts human rights monitoring on the situation of IDPs. For instance, last July 2017, the Commission released a report entitled 'Locating the Experiences of Internally Displaced Women, Children, Lesbian, Gay, Bisexual, and Transgender People: A Joint Human Rights Monitoring Report of Internally Displaced Persons of the Marawi Crisis'¹³ This monitoring initiative was conducted in the context of Marawi Crisis wherein the City of Marawi was put under martial law.
20. Amidst the intense armed situation in Marawi, rapid increase of affected IDPs, and glooming humanitarian crisis, the Commission scheduled an initial Joint Monitoring Mission on 1 to 5 July 2017. Following its mandate to undertake the investigation of all human rights violations; monitor the Philippine government's compliance with international treaty obligations on human rights; and request assistance of government agencies in the performance of its functions, among other duties

¹¹ Commission on Human Rights, Human Rights Standards on the Protection of Internally Displaced Persons (IDPs) during the COVID-19 Emergency, CHR (V) A2020-004, available at http://chr.gov.ph/wp-content/uploads/2020/04/CHR-Advisory_Human-Rights-Standards-on-the-Protection-of-Internally-Displaced-Persons-IDPs-During-the-COVID-19-Emergency-CHR-V-A2020-004.pdf , accessed 24 September 2020.

¹² Department of Social Welfare and Development Gender and Development Agenda 2020C2025 Accessed From URL=https://www.dswd.gov.ph/issuances/AOs/AO_2020C019.pdf

¹³ <https://chr-observatories.uwazi.io/en/entity/el4ax42scvw?searchTerm=IDP&page=2>

21. The Commission has also submitted a set of inputs to the OHCHR on Protecting the rights of the child in humanitarian situations.¹⁴ These inputs are based on initiatives the Commission conducts in order to monitor and investigate issues related to grave child rights violations (GCRVs) at different regions within the country. In discussing child participation and welfare in humanitarian assistance and monitoring, the Commission Regional Office IX conducted informal focus group discussions with children to ask for their inputs regarding the conditions they face while living in transitory shelters.¹⁵ The Commission Regional Office V also implemented stress-debriefing and relief assistance during their monitoring sessions, while Regional Office VIII set up a child-friendly area at the regional office premises for children to play and overcome their traumatic experiences from the Typhoon Yolanda disaster in 2013.¹⁶
22. The Philippine National Police (PNP) Women and Children Protection Desk, the PNP Human Rights Action Office, and the CHRP Regional Office signed a Memorandum of Agreement for the purpose of strengthening the protection for women and children, including during humanitarian situations.¹⁷ There have also been reports of strengthened partnerships with the PNP, government line agencies, local government units, and civil society organizations in coming up with mechanisms on child protection.¹⁸
23. The Commission 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 the IAC-CIAC, the Commission works jointly 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 (GP MRRS). Similarly, being a member of the CTFMR-TWG gives the Commission the opportunity to participate in the monitoring and updates on grave child rights violations cases with other UN agencies and NGOs, and provide inputs on a quarterly basis to the Global Horizon Notes.¹⁹
24. In terms of partnership and assistance from the International Human Rights organizations, The UN High Commissioner for Refugees (UNHCR) has taken an active role in supporting the Commission through a partnership in implementing the IDP Protection Project. The UNHCR has also regularly provided the Commission's IDP Protection Monitors and other field staff with orientation on Preventing Sexual Exploitation and Abuse (PSEA).

IV. Gaps and Challenges

¹⁴ Commission on Human Rights, Inputs to the OHCHR on the Human Rights Council Resolution 34/16 on: "Protecting the rights of the child in humanitarian situations". 19 September 2017. Available at <https://chr.gov.ph/wp-content/uploads/2018/04/Inputs-to-the-OHCHR-Report-on-Protecting-the-Rights-of-the-Child-in-Humanitarian-Situations-Human-Rights-Council-Resolution-3416.pdf>

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

25. According to a journal article published by the CHR in 2020,²⁰ The Philippine government's actions in policymaking and implementation do not reflect a human rights-centered approach. While the Philippine Disaster Risk Reduction and Management Act (DRR Act) of 2010 serves as the country's primary humanitarian legislation, it lacks the use of human rights standards for adequate living into the government's humanitarian agenda. The law does not provide mechanisms for consultations with IDPs or authorize a free and transparent referral pathway or grievance procedures in displacement sites. In its implementation, local government units also fail in allocating adequate funding for IDPs, especially those coming from prolonged displacements.
26. A proposed IDP Bill was filed to the Philippine Congress to remedy the aforementioned. The IDP law places the needs of IDPs at the center of crisis mitigation and humanitarian response. It will also outline the responsibilities of state actors in compliance with the Constitution and other various human rights instruments, and ensure accountability in cases of abuse or non-performance of duties.
27. The IDP Bill was close to adoption in 2013, but was vetoed by former Philippine President Benigno Aquino III²¹ because the bill was set to expand the powers of the Commission to award damages to displaced persons when only judicial courts should have such power. The veto message also alleged that the bill provides the Commission with powers exceeding its recommendatory and investigative mandate as stated in the Philippine Constitution. Pursuant to the Constitution's mandate of the Commission to provide "effective measures to promote human rights and provide compensations to victims of violations of human rights"²² and in its advocacy for the rights of IDPs, the Commission has been involved in the passage of the bill.
28. The Children's Emergency Relief and Protection Act enacted in 2016 as guided by the United Nations Convention on the Rights of the Child, provides that special attention should be given to children, pregnant and lactating mothers affected by disasters and other emergency situations with utmost support and assistance necessary for their immediate recovery and protection against all forms of violence, cruelty, discrimination, neglect, abuse, exploitation and other acts prejudicial to their interest, survival, development and well-being.²³ The Act also provides for clear solutions in cases of their displacement.
29. While the aforementioned law is an important achievement in the advocacy for child protection in humanitarian situations, it should be noted that not all issues involving children in humanitarian situations are covered under this law.²⁴

²⁰ Reina S. Bermudez, Martia Camille Anne P. Estonio & Hector Dominic D. Aleman, *Displacements in the Philippines in a Post-COVID-19 World: A Recovery Focus*, 39, REFUGEE SURVEY QUARTERLY, 602, 603-604 (2020)

²¹ The Official Gazette, *Veto Message of President Aquino on Senate Bill No. 3317 and House Bill No. 5627*, 24 May 2013, available at: <https://www.officialgazette.gov.ph/2013/05/24/veto-message-of-president-aquino-on-senate-bill-no-3317-and-house-bill-no-5627/>

²² 1987 Philippine Constitution, Art. XIII, s. 17.

²³ Republic Act 10821.

²⁴ Supra note 13.

30. The Special Protection of Children in Situations of Armed Conflict Act declares that the State will provide special protection to children in situations of armed conflict from all forms of abuse, violence, neglect, cruelty, discrimination and other conditions prejudicial to their development, taking into consideration their gender, cultural, ethnic and religious background.²⁵
31. The law also declares children as *zones of peace*²⁶ and lists down their rights in situations of armed conflict.²⁷
32. The Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity reaffirms children as zones of peace and emphasizes the rights of indigenous cultural communities and other vulnerable groups such as women and children during times of humanitarian crises.²⁸

²⁵ Republic Act 11188.

²⁶ Id, Chapter II Section VI.

²⁷ Id, Chapter II Section VII.

²⁸ Republic Act 9851.