

Philippines

We would like to bring your attention to the following excerpts, taken directly from Treaty Body Concluding Observations and Special Procedure reports, relating to issues of interest and concern to UNHCR with regards to Philippines.

CRC/C/15/Add.259 39th session
21 September 2005

73. Notwithstanding the fact that the treatment of refugee children and the implementation of their rights have been viewed in the light of laws generally applicable to Philippine children, the Committee is concerned about the lack of domestic legislation addressing the specific needs of asylum-seeking and refugee children. The Committee notes that, for example, the provisions of the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act on children in emergency situations are limited to children in situations of armed conflict.

74. The Committee recommends to the State party that it introduce specific laws and administrative regulations that address the needs of asylum-seeking and refugee children and provide unaccompanied and separated asylum-seeking and refugee children with special procedures. In this respect, the Committee recommends that the State party continue its cooperation with UNHCR.

86. The Committee welcomes the adoption of, in 2003, the new Anti-Trafficking in Persons law and other measures taken by the State party in the areas of prevention of trafficking and protection of victims, such as the establishment of Anti-Illegal Recruitment Coordination Councils, the Trade Union Child Labour Advocate initiative and the establishment of an Executive Council to suppress trafficking in persons particularly women and children. But the Committee is gravely concerned about trafficked Philippine children both within the country and across borders. The Committee expresses its concern about existing risk factors contributing to trafficking activities, such as persistent poverty, temporary overseas migration, growing sex tourism and weak law enforcement in the State party.

88. With regard to the trafficking of children in the Philippines, within the country and across its borders, the Committee endorses the recommendation adopted by the Human Rights Committee at its seventy-ninth session in 2003 (CCPR/CO/79/PHL, para. 13) on taking appropriate measures to combat trafficking in all its forms, by ensuring effective enforcement of the relevant legislation and imposing sanctions on those found responsible.

CEDAW/C/PHI/CO/6 36th session
25 August 2006

21. While commending the conclusion of bilateral agreements and the memorandums of understanding on migrant workers' rights with some countries and regions, and the programme of pre-departure and support services for overseas Filipino workers, the Committee remains concerned at the continued feminization of migration. It also remains concerned that bilateral agreements and memorandums of understanding do not exist with all countries and regions to which Filipino women migrate, and that women workers who migrate to other countries and regions in search of work opportunities through informal channels remain vulnerable to becoming victims of various forms of exploitation, violence and trafficking.

22. *The Committee urges the State party to continue conducting bilateral agreements and memorandums of understanding with countries and regions to which Filipino women migrate in search of work. In addition, it requests the State party to develop policies and measures to protect women migrant workers who go abroad through informal channels from all forms of violations of their rights. The Committee also encourages the State party to take a coherent and comprehensive approach to addressing the root causes of women's migration, including through the creation of conditions necessary for sustainable development and of safe and protected jobs for women as a viable economic alternative to migration or unemployment.*

Special Procedure Reports

Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 2002/56

**CESCR.4/2003/86/Add.4 59th session
3 February 2003**

37. *In his discussions with the authorities, the Representative addressed the need for implementation of concrete strategies and programmes supporting durable solutions, whether voluntary return, local integration or resettlement in safety and dignity, as well as access to income-generating and development programmes for the internally displaced population in Mindanao. He noted that the necessary conditions would need to be established and the means provided for internally displaced persons to return, locally integrate or resettle, specifically by creating and ensuring a safe environment that would be also economically sustainable.*

38. *The principal desire expressed by internally displaced persons was to return home and rebuild their lives. However, they also pointed out that living conditions in areas of return were currently not conducive to their return. In particular, many pointed out that they had lost all of their personal belongings, land, livestock and means of survival and requested assistance and compensation for their losses and suffering. Although most of those with whom the Representative met wanted to return to their places of origin, they also conceded that, if insecurity impeded return to those areas, they would agree to be relocated temporarily.*

39. State authorities indicated their commitment to finding concrete and durable solutions to the needs of the displaced communities. The Representative was told that the Government's policy of dialogue with the displaced communities had already resulted in the return of several communities to their original areas of residence. The authorities had established mechanisms to assist the communities in negotiating the conditions of return and the assessment of their needs.

They also reported that they had assisted returnees to build houses in the north of the country and that they had set up health and social programmes. The authorities recognized that the necessary conditions for the safe return of all displaced persons did not yet exist and indicated that they were ready to identify alternative places for resettlement, if return was not possible. They argued, however, that while they were committed to assist the communities to return or to resettle, what they could do was limited due to lack of resources.

40. The DSWD, with the support of the NGOs, also had been assisting displaced communities to return to their places of origin. They were providing logistical support and transportation as well as medical assistance, construction materials, stoves, communal latrines and kits for basic hygiene. They also were assisting returning communities in building communal centres and had set up health and social programmes.

41. A primary obstacle to return remained the continuing threats to physical security that internally displaced persons reported they faced from all the parties to the conflict and their fear of being caught in the middle of renewed fighting. Furthermore, while Government and bilateral recovery assistance programmes were available, many people in the most affected rural areas rarely learned about these programmes, which implied a need for the authorities to make them better known to the displaced populations.

42. Ultimately, the best and most durable solution to the crisis of internal displacement lies in the achievement of peace, security and stability. Important steps towards peace and development in Mindanao and finding durable solutions for the internally displaced have been taken, in particular with the General Framework for the Resumption of Peace Talks signed in Kuala Lumpur in March 2001 and the Agreement of Peace signed between the Government and the MILF in Tripoli in June 2001, which, in its subsequent Humanitarian, Rehabilitation and Development Accord, underscored the importance of respect for human rights and international humanitarian law and set out a framework for the implementation of rehabilitation and development projects as well as for monitoring the peace process. Yet, in the light of the continued volatility of the situation in Mindanao and now also the potential negative humanitarian effects of the counter-terrorist operations under way in the country (military operations were reported in Lanao del Sur, Sulu Province and Maguindanao province at the time the mission took place), there is a need to build upon past developments and continue to seek and support durable solutions to the conflict and the resulting displacement.

43. *The Representative's visit to Mindanao revealed that the root causes of internal displacement in that area were inherently linked to a feeling of marginalization aggravated by the state of development and governance capacity in the region. While responding to the assistance and, to a certain extent, the protection needs of the internally displaced appeared to be a high priority for the Government, the*

Representative urged that due attention also be given to addressing the root causes of the conflict. In this connection, it should be noted that the parties to the conflict expressed willingness to pursue efforts towards peace. It is important that these efforts be viewed as an opportunity not only to end the hostilities, but also to comprehensively address the fundamental structural problems at the root of the conflict.

44. *The Representative also took note of the concern expressed by the national, regional and municipal authorities about the thousands of Filipino deportees from the neighbouring island of Sabah, Malaysia. It was reported that that the Special Rapporteur on the human rights of migrants, who had undertaken a mission to the country prior to his visit, had been following the issue and that he would report on his findings to the Commission on Human Rights.*

45. *The Representative was impressed by the commitment of the authorities to make use of the Guiding Principles in the formulation of policies and legislation addressing the problem of internal displacement. He was also pleased to learn, during his meeting with the Speaker of the House of Representatives, that a number of resolutions had been submitted calling for the observance of international humanitarian law. In addition, he learned that several training courses on the Guiding Principles had been carried out, including for the Armed Forces of the Philippines (AFP), and that organizations working in the affected areas were also promoting their application by insurgent groups. Various organs of the Government, such as the Department of Foreign Affairs, the DSWD, the Senate and the House of Representatives, all expressed interest in convening a national meeting on internal displacement and the Guiding Principles. In discussions with the authorities, the need to address the issues of displacement and migration through cooperation among the countries of the region was also stressed. In this connection, the Representative expressed his support for the initiative of the Government to consider the possibility of convening a regional seminar on good practices in addressing internal displacement.*

51. Providing assistance for return, resettlement or local integration. During his visit to the areas affected by the conflict in central Mindanao, the Representative noted that significant assistance had been provided for the return and/or resettlement of the displaced. However, in many areas, there was evident lack of basic services. Moreover, most of the returnees had lost assets essential to their subsistence, such as animals or land, in the course of the hostilities. As part of its response to internal displacement, the Government should determine how to ensure the restitution of, or compensation for, lost property. In addition, in light of the trauma evidenced among some displaced persons with whom the Representative met and their expressed wish not to return to

their areas of origin until they are entirely clear of military presence, the Government should also support the resettlement and reintegration of those displaced who do not wish to return.

**Protection Operation and Legal Advice Section
Division of International Protection Services
UNHCR
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