



# Asamblea General

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## Consejo de Derechos Humanos

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Tema 5 de la agenda

Órganos y mecanismos de derechos humanos

## Comunicación escrita de la Comisión de Derechos Humanos de Filipinas\*

### Nota de la Secretaría

La Secretaría del Consejo de Derechos Humanos transmite adjunta la comunicación presentada por la Comisión de Derechos Humanos de Filipinas\*\*, que se reproduce a continuación de conformidad con el artículo 7 b) del reglamento que figura en el anexo de la resolución 5/1 del Consejo, según el cual la participación de las instituciones nacionales de derechos humanos se basará en las disposiciones y prácticas convenidas por la Comisión de Derechos Humanos, incluida la resolución 2005/74, de 20 de abril de 2005.

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\* La institución nacional de derechos humanos tiene la acreditación de la categoría A ante la Alianza Global de Instituciones Nacionales de Derechos Humanos.

\*\* Se reproduce en el anexo tal como se recibió, en el idioma en que se presentó únicamente.

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## Annex

### Statement of the Commission on Human Rights of the Philippines on human rights of Indigenous People

1. The Commission on Human Rights of the Philippines (“CHRP”) would like to bring to the Council’s attention the current trend of harassment and attacks lodged against Lumad in the Philippines.

2. “Lumad” is a Visayan term used to address the largest indigenous group in the Philippines.<sup>1</sup> Lumad communities often set up schools with alternative learning systems in geographically isolated and disadvantaged areas. The alternative learning systems are rooted in the culture and tradition of indigenous peoples (“IPs”), and include lessons in numeracy, literacy, carpentry, sewing, and agriculture.<sup>2</sup> The programs are implemented in accordance with the United Nations Declaration on the Rights of Indigenous People (“UNDRIP”) which guarantees the IP’s right to form and govern their own system of education and language based on their own culture.<sup>3</sup>

3. The current trend of “red-tagging” Lumad schools, or of accusing Lumad schools of training students to become Communist rebels, greatly affects indigenous children and makes the Lumad more vulnerable to violent attacks and harassment. Incidents involving attacks and harassment of Lumad are as follows:

(a) In September 2015, during the conduct of a raid, paramilitary forces killed Manobo leaders Dionel Campos and Juvello Sinzo, and Emerito Samarca, the school director of ALCADDEV, an award-winning school for Lumad youth in Han-ayan, Lianga, Surigao del Sur. Samarca was found dead in a classroom, hogtied, stabbed and with his throat slit, while Campos and Sinzo were reportedly gunned down in front of their community. The killings prompted the Han-ayan residents to flee the community out of fear.<sup>4</sup>

(b) The CHRP condemned, through a press release, the government’s order for the military to “bomb Lumad schools” In 2017,<sup>5</sup> President Rodrigo Duterte claimed in his speech that Lumad community schools served as training grounds for rebel members of the Communist New People’s Army. He declared that he would not hesitate to drop explosives should the schools continue to operate. The CHRP took a stand against the threats, saying that the same “would violate the International Humanitarian Law (IHL) that gives protection to non-combatants, civilians, as well as civilian properties and institutions, during armed conflict.”<sup>6</sup>

(c) In August 2018, during a counterinsurgency operation, military forces conducted an aerial strike in the village of Dagohoy in Talaingod, Davao del Norte, where a Lumad school was situated. An exchange of gunshots soon followed. The attacks

<sup>1</sup> Rappler.com, “Infographic: Who are the Lumad?,” 9 August 2017, <https://www.rappler.com/move-ph/178181-infographic-lumad-indigenous-peoples> (Last accessed: 27 August 2019).

<sup>2</sup> Philstar.com (Jonathan de Santos), “For Lumad schools, even holding class is a struggle,” 11 July 2018, <https://www.philstar.com/headlines/2018/07/11/1831716/lumad-schools-even-holding-class-struggle> (Last accessed: 27 August 2019).

<sup>3</sup> Inquirer.net (Matthew Reysio-Cruz), “DepEd shuts down 55 ‘Lumad’ schools,” 15 July 2019, <https://newsinfo.inquirer.net/1141670/dep-ed-shuts-down-55-lumad-schools> (Last accessed: 27 August 2019).

<sup>4</sup> Philstar.com (Jonathan de Santos), “For Lumad schools, even holding class is a struggle,” 11 July 2018, <https://www.philstar.com/headlines/2018/07/11/1831716/lumad-schools-even-holding-class-struggle> (Last accessed: 27 August 2019).

<sup>5</sup> Philstar.com, “Duterte threatens to bomb Lumad schools,” 25 July 2017, <https://www.philstar.com/headlines/2017/07/25/1721634/duterte-threatens-bomb-lumad-schools> (Last accessed: 27 August 2019).

<sup>6</sup> Press release from the CHRP, “Bombing of Lumad schools against Int’l Humanitarian Law,” 11 August 2017, <http://chr.gov.ph/bombing-of-lumad-schools-against-intl-humanitarian-law-chr/> (Last accessed: 27 August 2019).

reportedly caused trauma to the Lumad school children who were attending classes in the said school.<sup>7</sup>

(d) On 12 December 2018, the 17<sup>th</sup> Congress approved the request of President Duterte to extend martial law in Mindanao until the end of 2019.<sup>8</sup> The constitutionality of the extension was subsequently upheld by the Supreme Court of the Philippines.<sup>9</sup> The CHRP issued a statement, maintaining that the declaration of martial law “should be reserved as an extraordinary measure for lawless violence, invasion, or rebellion, as determined in the Constitution, and should never be the norm.” The CHRP also reminded the Philippine government to address the grievances of the displaced Lumad communities.<sup>10</sup>

(e) In July 2019, the Philippine Department of Education (“DepEd”) suspended the permits to operate 55 Lumad schools in the Davao region.<sup>11</sup> The suspensions were based on a finding that the schools deviated from the DepEd’s curriculum and allegedly taught Communist ideologies. The DepEd Regional Office 11 also claimed that the Lumad schools’ teaching materials covered the anthem of the Communist New People’s Army, instructions for use of firearms, and strategies for ambush of military troops.<sup>12</sup>

4. The suspensions have greatly affected the Lumad children and disrupted their schooling, making them vulnerable to attacks and subjecting them to harassment. The suspensions have also led to the denial of the Lumad children’s basic and fundamental rights to education and self-determination.

5. Other incidents involving the harassment of IPs are as follows:

(a) In July 2019, the CHRP launched a *motu proprio* investigation on a human trafficking case involving Lumad victims from Quezon, Bukidnon based on information received from various labor groups. 34 of the Lumad were rescued from a fish pen in Sual, Pangasinan after being forced to work for 15 hours a day, without payment of proper wages.<sup>13</sup> The CHRP assisted the Lumad in the filing of a report against their recruiters and employer. Moreover, the CHRP, in coordination with other agencies and civil society organizations, provided financial and transportation assistance to the Lumad, enabling the latter to return to Bukidnon.

(b) A similar trafficking case occurred at a fish pen in Rosario, La Union, where 10 Lumad were rescued.<sup>14</sup>

<sup>7</sup> Inquirer.net (Mart D. Sambalud), “Air strikes near ‘Lumad’ school traumatize kids,” 1 September 2018, <https://newsinfo.inquirer.net/1027059/air-strikes-near-lumad-school-traumatize-kids> (Last accessed: 27 August 2019).

<sup>8</sup> Rappler.com (Mara Cepeda), “Congress extends martial law in Mindanao to end of 2019,” 12 December 2018, <https://www.rappler.com/nation/218733-congress-extension-martial-law-mindanao-december-2019> (Last accessed: 27 August 2019).

<sup>9</sup> Rappler.com (Lian Buan), “Supreme Court upholds 3<sup>rd</sup> extension of Mindanao martial law,” 19 February 2019, <https://www.rappler.com/nation/223839-supreme-court-decision-3rd-extension-mindanao-martial-law> (Last accessed: 27 August 2019).

<sup>10</sup> Statement from CHRP spokesperson, Atty. Jacqueline Ann de Guia, “On the Supreme Court’s decision on the constitutionality of the third extension of martial law in Mindanao,” 20 February 2019, <http://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-supreme-courts-decision-on-the-constitutionality-of-the-third-extension-of-martial-law-in-mindanao/>

<sup>11</sup> Manila Bulletin (Merlina Hernando-Malipot), “DepEd explains suspension of 55 Lumad schools,” 18 July 2019, <https://news.mb.com.ph/2019/07/18/dep-ed-explains-suspension-of-55-lumad-schools/> (Last accessed: 27 August 2019).

<sup>12</sup> Inquirer.net (Matthew Reysio-Cruz), “DepEd shuts down 55 ‘Lumad’ schools,” 15 July 2019, <https://newsinfo.inquirer.net/1141670/dep-ed-shuts-down-55-lumad-schools> (Last accessed: 27 August 2019).

<sup>13</sup> Statement from CHRP spokesperson, Atty. Jacqueline Ann de Guia, “On the *motu proprio* investigation of human rights violation committed to Lumad victims of human trafficking in Sual, Pangasinan,” 6 July 2019, <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-motu-proprio-investigation-of-human-rights-violation-committed-to-lumad-victims-of-human-trafficking-in-sual-pangasinan/>

<sup>14</sup> Id 12.

(c) The CHRP also wishes to note the rapid development of the state-initiated New Clark City in Pampanga, which has led to the displacement of lowland farmers and Aetas, another group of IPs in the Philippines.<sup>15</sup>

It is imperative for both the Philippines national government agencies and local government units to fulfill their duties to protect the IPs in accordance with the UNDRIP and the Philippines' Indigenous Peoples Rights Act of 1997 ("IPRA"). As such, the CHRP calls upon the Council to exert pressure on the Philippine Government to refrain from red-tagging Lumad schools and IP communities, to end the implementation of martial law in Mindanao, to organize consultations with the Lumad and other IPs in order to better address their grievances and concerns, to implement measures to protect and promote IP rights, and to honor its international human rights commitments relating to indigenous peoples.

The CHRP is committed to providing technical assistance and advice to government in its implementation of laws and policies that affect the human rights of indigenous peoples and their communities.

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<sup>15</sup> Inquirer.net (Krixia Subingsubing and Mariejo S. Ramos), "P607-B Clark Green City to displace Aeta communities," 8 July 2019, <https://newsinfo.inquirer.net/1138945/p607-b-clark-green-city-to-displace-aeta-communities> (Last accessed: 27 August 2019)