

27 June 2017

REPRESENTATIVE CHERYL P. DELOSO-MONTALLA

Chairperson
Committee on Human Rights
House of Representatives
Quezon City

Dear Representative Deloso-Montalla:

The Department of Social Welfare and Development submits its comments on House Bill Nos. 222, 714, 732, 1304, 2282 and 2790 or the “Rights of Internally Displaced Persons Act” authored by Representatives Harry L. Roque, Jr., Jose Christopher Y. Belmonte, Karlo Alexei B. Nograles, Jericho Jonas B. Nograles, Rene L. Relampagos, Tom S. Villarín and Gus S. Tambunting, respectively.

To contribute to the bills’ enhancement, we recommend the following:

1. Consolidate the bills into one.
2. Consider including the term *Promoting* in the title of the bills to be read:

“AN ACT PROTECTING AND PROMOTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS, AND PENALIZING THE ACTS OF ARBITRARY INTERNAL DISPLACEMENT”

3. Under **Declaration of Principles and State Policies**:

- a. To be consistent with Republic Act No. 10121 or the Philippine Disaster Risk Reduction and Management Act of 2010, indicate that:

“It shall also be the policy of the State to provide maximum care, assistance and services to individuals and families affected by disaster, implement emergency rehabilitation projects to lessen the impact of disaster, and facilitate resumption of normal social and economic activities.”

4. Under **Scope**: To read as:

*“This Act shall primarily provide for the protection **AND PROMOTION** of rights of IDPs during and after displacement, as well as their return, local integration or resettlement elsewhere.*

5. Under the **Primary Duty to Protect the IDPs**: Add the words *“and their families”* in the section title.

6. Under **Safeguards against Arbitrary Internal Displacement**:

a. **Letter (b)**: Add the term *“security”* to the word *“safety”*.

b. **Letter (c)**: Include children, women and senior citizens since they also have special needs to be considered.

c. **Letter (d), number (4)**: To read as:

“Authorities concerned SHALL ENGAGE THE ACTIVE PARTICIPATION OF THOSE PERSONS TO BE DISPLACED, particularly women, CHILDREN, SENIOR CITIZENS, Persons with Disabilities (PWDs) AND INDIGENOUS PEOPLES, in the planning and management of their return, local integration or resettlement”

7. Under **Rights During and After Displacement**:

a. **Letter (a)**: Include access to Child and Women Friendly Spaces.

b. **Letter (b), number (4)**: To include IDPs among those who will be consulted by the Commission on Human Rights on exceptional circumstances of internment or confinement.

c. Use the term *“camp”* instead of *“encampment”* as the word may mean confinement which defeats the purpose of the bill.

d. **Letter (d)**: Include a second paragraph to be read as:

“Issuance of new documents shall be regardless of the IDPs race, color, sex, gender, language, religion or belief, political or other opinion, natural, ethnic or social origins, legal or social status, age, disability, property, birth, lack of tenurial claim or any other similar criteria.”

e. **Letter (e)**: Include a sub-section discussing proper interventions for foundlings and abandoned/orphaned children given their special circumstance.

f. **Letter (f), number (5)**: To read as:

*“The authorities concerned **SHOULD** ensure that IDPs, in particular, displaced children, receive **CONTINUING** education that shall be free and compulsory at the primary level **AND OTHER DEVELOPMENT INTERVENTIONS DURING DISPLACEMENT.**”*

8. Under **Assistance during Displacement of IDPs:**

- a. The concerned LGU should have the primary duty and responsibility to provide humanitarian assistance given the devolution of government powers as provided by Republic Act No. 7160 or the Local Government Code of 1991. The same should apply to the safe return of IDPs, or their resettlement. If the concerned LGU cannot perform such mandate, neighboring LGUs should be called upon to render humanitarian assistance and establish safe conditions of the area or the resettlement of IDPs, with the support of the national agencies.
- b. All authorities concerned should grant and facilitate the free and safe passage of humanitarian assistance to IDPs.

9. Under **Return, Local Integration or Resettlement Elsewhere:** To include the Department of Interior and Local Government (DILG) among the agencies responsible for the return of IDPs since they monitor the operations of all local government units (LGUs).

10. Under **Mechanisms for International Humanitarian Assistance:** To be consistent with RA 10121, include another paragraph to be read as:

“Importations and donations under this section shall be considered as importation by and/or donation to the National Disaster Risk Reduction and Management Council (NDRRMC), subject to the approval of the Office of the President.”

11. Under **Penalties, letter (a):** Insert another number to be read as:

“Those who neglect or fail to execute their sworn duties and responsibilities to prevent the act of arbitrary internal displacement.”

12. Under **Nonmonetary Reparation:** Include Civil Society Organizations (CSOs) among those which can render their services to IDPs and their families.

13. Under **Monitoring of Compliance:**

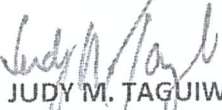
- a. Under **letter (h):** Revise to read as:

*“A representative of human rights **CIVIL SOCIETY ORGANIZATIONS (CSOs)** and other human rights groups, nominated by a selection board composed of human rights groups and CSOs;”*

- b. Under the second paragraph, consider including a national information system and database on IDPs.
14. Under **Implementing Rules and Regulations**: To include IDPs and CSOs that provide services to IDPs in the crafting of the Implementing Rules and Regulations (IRR).
15. Other Recommendations:
- a. Use the word "*human induced*" instead of "human-made" to be consistent with R.A. 10121.
 - b. Include a section on Public-Private Partnerships to provide opportunities for maximizing materials and resources and improve the resilience of communities.
 - c. Consider a prescriptive period for the crimes committed;

Thank you.

Very truly yours,


JUDY M. TAGUIWALO
Secretary