

**Title: Human Rights Issues in Conflict Zones**

**Teacher: Anne Sharkey, Huntley High School**

**Summary:**

This lesson takes place as a part of a unit that acts as an introduction to modern conflicts, the United Nations, and human rights. This activity will discuss aspects of human rights including an introduction to human rights, issues of human rights abuses that occur within conflict zones throughout the world, and specifically instances of human rights abuses in conflict zones in the Philippines. Students are then given the opportunity with the resources available to research human rights abuses within various countries that they will research throughout the year on a variety of conflict based topics such as terrorism, nuclear weapons, and civil conflicts.

**Level:** High School

**Content Area:**

Modern World Conflicts, Human Geography, or Current Events

*Due to the specificity of this lesson within a Modern World Conflicts course, there will be some assumptions of knowledge about the structure of the United Nations, the UN mandates to act in instances of conflict, and a general understanding of instances of conflict throughout the world. The lesson is, however, an introduction to truly discussing human rights, and therefore aspects of it may be included in a variety of courses that discuss human rights involving conflict zones.*

**Duration:**

Approximately three 45 minute lessons with option four additional days

**Lesson Objectives:**

Students will be able to:

- Discuss and define human rights
- Evaluate the mandates of international organizations to get involved in human rights abuses
- Analyze human rights abuses as seen in conflict zones
- Discuss issues of impunity in conflict zones

**Procedures:**

**Prior to Lesson:**

- Print copies of the handout for students—Appendix 1: Human Rights in Conflict Zones Worksheet

**Day 1-2: What are Human Rights?**

- Define human rights using definitions and videos to help explain
  - “What are the universal human rights”—YouTube—Ted-Ed by Benedetta Berti
  - <https://www.youtube.com/watch?v=nDgIVseTkuE>
    - Complete Questions on Packet along with the video—see Appendix #2 for the answer key

*Conduct discussion concerning the major idea of human rights—have the students brainstorm ideas of what they believe human rights to be and define the questions along with each video. Students should make notes of the major concepts for each video summarizing the answers to the questions*

- Video Clips --“Human Rights 101”—Human Rights Watch
- <https://www.hrw.org/human-rights-101>
  - “What are Human Rights”
  - “How are human rights different from civil rights?”
  - “Does international law protect human rights?”
  - “Is there progress on human rights?”
  - “Do human rights reduce poverty?”
  - “How do you know if something is a human rights violation?”
  - “Why are some people’s rights more protected than others?”

- “Who has to uphold human rights?”
- “Do human rights express Western cultural values?”
- “Are some rights more important than others?”
- “How do human rights evolve?”
- “What about human rights during warfare?”
- “What is civil society and why is it so important for protecting human rights?”
- Show students the “Declaration of Human Rights” infographic from the United Nation—discuss with the students why each of these concepts fits into human rights—See Appendix #3
  - Students should add information to their list of human rights in their packet
  - UDHR Illustrated—by the United Nations: [http://www.un.org/sites/www.un.org/files/udhr\\_booklet\\_en\\_web.pdf](http://www.un.org/sites/www.un.org/files/udhr_booklet_en_web.pdf)
  - Another Infographic: <https://ironline.american.edu/understanding-our-basic-human-rights-infographic/>

### **Day 3: Human Rights Abuses in Conflict Zones**

- For this lesson, students will analyze information concerning what sorts of human rights abuses are seen in conflict zones.
  - Students will go through the human rights listed in the Declaration of Human Rights in order to discuss the sorts of issues that are going to rise in conflict zones. If your students have previously covered conflict zones, they may be able to use some of the examples from earlier in the year to create a general list.
    - Options for leading discussion: Whole Class, Small Group, or Individual; Can also be completed by printing out images from the UDHR Illustrated and have the students on the board create a list of those that they think would most often be violated in conflicts.
  - Students should then brainstorm specific ideas of how these human rights would be violated in conflicts and in conflict zones. Students should work off of their lists from the Declaration of Human Rights
    - Major Topics to Connect to Conflict Zones:
      - Life, Liberty, & Security, Freedom from Torture, Freedom from Unlawful Detention, Fair & Public Trial, Innocent Until Proven Guilty, Privacy, Domestic & International Mobility, Asylum, Personal Property, Freedom of Expression, Democratic Participation, Rest & Relaxation, Health, Well-Being, & Security, Education, Culture & Community, Social & International Order
    - Ex. Right to Education—if a child is a refugee or living in a conflict zone, the child might not be able to go to school because it’s too dangerous. A child may be forced to learn information that promotes the ideas of a group involved in the conflict—ex. the Islamic State changing school systems to promote their ideology, etc.
- Define the concept of “impunity”—discuss the questions, quotations, and statements below:
  - “Why do some human rights abuses get ignored?”
  - “Of course, there are going to be human rights issues and people killed, they live in a conflict zone! Why don’t they just move or fight against it?”
  - “But the people who are being hurt by human rights abuses are allied with the ‘enemy,’ so they deserve it.”
  - “Some human rights issues just happen—but there are bigger problems in the world.”
  - “It’s just a small group of people that are being affected—most people are fine.”
  - *“The rights of every man are diminished when the rights of one man are threatened.” President John F. Kennedy*
  - *“In times of war, the law falls silent.” Cicero*
  - *“Within a system that denies the existence of basic human rights, fear tends to be the order of the day. Fear of imprisonment, fear from torture, fear from death, fear of losing friends, family, property, or means of livelihood, fear of poverty, fear of isolation, fear of failure... It is not easy for a people conditioned by fear under the iron rule of the principle that might is right to free themselves from the enervating miasma of fear. Yet even under the most crushing state machinery courage rises up again and again, for fear is not the natural state of civilized man.” Aung San Suu Syi “Freedom from Fear”*

#### **Day 4: Human Rights Abuses Case Study: The Philippines**

- For this day students will be discussing a particular case study looking at human rights abuses. They will be using resources from Human Rights Watch on the Philippines from 2015 (2014 Analysis) and also various articles. Students will also have the opportunity to do more research into other issues about the Philippines concerning 2 additional human rights issues.
  - Go through background information on the Philippines
  - Discussion Question: *The Philippines has a Commission on Human Rights as a part of their government. Does the presence of the commission mean that they have more human rights abuses than other nations, or merely that they recognize abuses as actually being against human rights were as other nations are wishing to remain ignorant about human rights issues? Does this mean that more human rights issues are solved or could there still be a greater issue of impunity?*
  - Discuss with students the major human rights abuses as found through Human Rights Watch 2015 World Report. Students should complete handout summarizing each of these issues and figuring out what human rights were violated according to the UDHR.-- See Appendix #4
    - *Arrest of Ex-General Palparan*
    - *Killings*
    - *Urban Death Squads*
    - *Police Use of Torture*
    - *Displaced People*
  - Students will then read articles concerning other human rights abuses that are laid on the more general population especially within conflict zones—displacement of peoples, lack of education, Lumad killings, political prisoners— See Appendix #4

#### **(Optional) Day 4-5: Human Rights in Conflict—Refugees**

- After background reading, students should complete the assignment of refugees that follows along with the UN High Commission on Refugees “game” entitled “Against All Odds”. This lesson will bring into context the difficulties faced by refugees and also provide real life examples for them to understand the complexities of life as a refugee.
- See Appendix #5

#### **(Optional) Day 6-7: Human Rights in Countries throughout the World**

- Students will complete research using the World Report from Human Rights Watch in order to see the issues of human rights throughout the world.
  - *One way to do this to keep the concept of research going throughout the year is to assign students individually or in pairs in order to have them research a variety of topics that you cover throughout the year as they pertain to an individual place. This allows them to gain an understanding of a specific place and apply the vocabulary and information as you go.*

#### **Additional Lessons (Optional)**

- Amnesty International: <http://www.amnestyusa.org/resources/educators/lesson-plans>
  - The Amnesty International website has a variety of lesson plans for all different grade levels concerning human rights abuses. If you’d wish to extend out the lesson to multiple days, this lesson can be completed along with any variety of the lessons created for Amnesty.
  - Suggested Lesson Extensions:
    - “Making a Killing: An Arms Deal Simulation and Training”
    - “The Status and Rights of Refugees”

#### **Resources and Materials Needed:**

- LCD projector and access to internet
- (Optional) Computer Lab access for 2 days—Days 4-5
- Copies of worksheets and articles

**Assessments:**

- Quiz on Human Rights
  - Multiple Choice and Response Questions—See Appendix #6

**REFERENCES/MATERIALS:**

“Against All Odds.” UNHCR. Accessed 3, 2015. <http://www.playagainstallodds.ca/>

“Armed Conflict,” *Amnesty International*. Accessed December 3, 2015.

Berti, Benedetta. “What are the universal human rights?” *Ted-Ed Video*. 15 October, 2015. Accessed 3 December 2015. <https://www.youtube.com/watch?v=nDglVseTkuE>

Carrasco, Carmen Márquez, and Laura Iñigo Alvarez. "Report on the Survey Study on Human Rights Violations in Conflict-Settings." 1 May 2013. Web. 3 Dec. 2015. <<http://www.fp7-frame.eu/wp-content/materiale/reports/08-Deliverable-10.1.pdf>>.

“Human Rights 101,” *Human Rights Watch*. May 29, 2015. Accessed December 3, 2015.

“Understanding our Basic Human Rights [Infographic].” School of International Service—American University. 8 September 2014. Accessed 3 December 2015. <<https://ironline.american.edu/understanding-our-basic-human-rights-infographic/>>

“World Report 2015.” *Human Rights Watch*. 2015. Accessed December 3, 2015.

## APPENDIX #1: Worksheets on Human Rights

**Topic: What are Human Rights?** \_\_\_\_\_

**Name:** \_\_\_\_\_

*Definition of Human Rights:*

**Video Questions: “What are Universal Human Rights?” by Benedetta Berti—Ted-Ed Talks**

1. “The idea of human rights is that each one of us, no matter who we are or where we are born, is entitled to the same basic rights and freedoms. Human rights are not \_\_\_\_\_, and they cannot be granted or revoked. They are inalienable and universal.”
2. What have been struggles throughout the centuries and across societies, religions and cultures as far as defining human rights?
3. Where do most of the modern idea of human rights originate?
4. When was the Declaration of Human Rights created?
5. “The declaration is based on the principle that all human beings are \_\_\_\_\_ in dignity and rights. It lists 30 articles recognizing, among other things, the principle of nondiscrimination and the right to life and liberty. It refers to negative freedoms, like the freedom from \_\_\_\_\_ or slavery, as well as positive freedoms, such as the freedom of movement and residence. It encompasses basic civil and political rights, such as freedom of expression, \_\_\_\_\_, or peaceful assembly, as well as social, economic, and cultural rights, such as the right to \_\_\_\_\_ and the right to freely choose one's occupation and be paid and treated fairly.”
6. Does the declaration takes sides as to which rights are more important than others?
7. Why are there issues with the Universal Declaration of Human Rights (UDHR)?
8. Why do critics question the universality of human rights?
9. Why do others defend universal human rights?
10. What are some of the current questions about human rights that are evolving currently that weren't exactly issues in the years past?

***Human Rights Watch: "Human Rights 101" Video Clips***

1. "How are human rights different from civil rights?"
2. "Does international law protect human rights?"
3. "Is there progress on human rights?"
4. "Do human rights reduce poverty?"
5. "How do you know if something is a human rights violation?"
6. "Why are some people's rights more protected than others?"
7. "Who has to uphold human rights?"
8. "Do human rights express Western cultural values?"
9. "Are some rights more important than others?"
10. "How do human rights evolve?"
11. "What about human rights during warfare?"
12. "What is civil society and why is it so important for protecting human rights?"

***Universal Declaration of Human Rights:***

1. Freedom & Equality:
2. Human Rights for All:
3. Life, Liberty, & Security:
4. Freedom from Slavery:
5. Freedom from Torture:
6. Legal Recognition:
7. Legal Equality:
8. Legal Assistance:
9. Freedom from Unlawful Detention:
10. Fair & Public Trial:
11. Innocent Until Proven Guilty:
12. Privacy:
13. Domestic & International Mobility:
14. Asylum:
15. Nationality:
16. Marriage & Family Equality:
17. Personal Property:
18. Freedom of Religion:
19. Freedom of Expression:
20. Peaceful Assembly:
21. Democratic Participation:
22. Social Security:
23. Fair Employment & Right to Unionize:
24. Rest & Relaxation:
25. Health, Well-Being, & Security:
26. Education:
27. Culture & Community:
28. Social & International Order:
29. Communal Responsibility:
30. These Rights are Indisputable:

## APPENDIX 2: Worksheet Answer Key

### “What are Universal Human Rights?”—YouTube video KEY

The idea of human rights is that each one of us, no matter who we are or where we are born, is entitled to the same basic rights and freedoms. Human rights are not *Privileges*, and they cannot be granted or revoked. They are inalienable and universal.

What have been struggles throughout the centuries and across societies, religions and cultures as far as defining human rights?

*Rightfulness, justice and rights*

Where do most of the modern idea of human rights originate?

*End of WWII with the creation of the United Nations*

When was the Declaration of Human Rights created?

*1948*

The declaration is based on the principle that all human beings are *Born free and equal* in dignity and rights. It lists 30 articles recognizing, among other things, the principle of nondiscrimination and the right to life and liberty. It refers to negative freedoms, like the freedom from *Torture* or slavery, as well as positive freedoms, such as the freedom of movement and residence. It encompasses basic civil and political rights, such as freedom of expression, *Religion*, or peaceful assembly, as well as social, economic, and cultural rights, such as the right to *Education* and the right to freely choose one's occupation and be paid and treated fairly.

Does the declaration takes sides as to which rights are more important than others? *No*

Why are there issues with the Universal Declaration of Human Rights (UDHR)?

*The UDHR itself, despite being highly authoritative and respected, is a declaration, not a hard law. So when individual countries violate it, the mechanisms to address those violations are weak.*

Why do critics question the universality of human rights?

*Emphasize that their development has been heavily guided by a small number of mostly Western nations to the detriment of inclusiveness.*

Why do others defend universal human rights?

*Others defend universal human rights laws and point at the positive role they have on setting international standards and helping activists in their campaigns. They also point out that not all international human rights instruments are powerless. For example, the European Convention on Human Rights establishes a court where the 47 member countries and their citizens can bring cases. The court issues binding decisions that each member state must comply with.*

What are some of the current questions about human rights that are evolving currently that weren't exactly issues in the years past?

- *How basic or important is the right to democracy or to development?*
- *Should there be a right to access the internet?*
- *Should there be a right to digital privacy?*



**APPENDIX #3: UDHR Infographic**

THE 30 ARTICLES OF  
**THE UNIVERSAL DECLARATION OF  
HUMAN RIGHTS**  
AS ADOPTED BY THE UNITED NATIONS IN 1948



**FREEDOM  
& EQUALITY**



**HUMAN RIGHTS  
FOR ALL**



**LIFE, LIBERTY  
& SECURITY**



**FREEDOM  
FROM SLAVERY**



**FREEDOM  
FROM TORTURE**



**LEGAL  
RECOGNITION**



**LEGAL EQUALITY**



**LEGAL  
ASSISTANCE**



**FREEDOM FROM  
UNLAWFUL DETAINMENT**



**FAIR &  
PUBLIC TRIAL**



**INNOCENT UNTIL  
PROVEN GUILTY**



**PRIVACY**



**DOMESTIC &  
INTERNATIONAL  
MOBILITY**



**ASYLUM**



**NATIONALITY**



MARRIAGE &  
FAMILY EQUALITY



PERSONAL  
PROPERTY



FREEDOM  
OF RELIGION



FREEDOM  
OF EXPRESSION



PEACEFUL  
ASSEMBLY



DEMOCRATIC  
PARTICIPATION



SOCIAL  
SECURITY



FAIR EMPLOYMENT  
& RIGHT TO UNIONIZE



REST  
& RELAXATION



HEALTH, WELLBEING  
& SECURITY



EDUCATION



CULTURE  
& COMMUNITY



SOCIAL &  
INTERNATIONAL ORDER



COMMUNAL  
RESPONSIBILITY



THESE RIGHTS  
ARE INDISPUTABLE



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**JANUARY 2015**

**COUNTRY SUMMARY**

## **The Philippines**

With less than two years left in office, the administration of President Benigno Aquino III continues to send mixed signals about its commitment to improve human rights in the Philippines. Although the number of cases of extrajudicial killings, torture, and enforced disappearances by state security forces has declined in the last four years, such abuses regularly occur. They are fueled by the government's lack of political will to end the longstanding impunity enjoyed by the police and armed forces, a dysfunctional criminal justice system, and military resistance to accountability.

While human rights was a key agenda for Aquino when he took office in 2010, he has failed to make good on many of his commitments, chiefly his expressed intent to end killings of activists and journalists and bring those responsible to justice. Aquino risked losing political capital by suggesting a term extension for the president, and he found himself at odds with the Supreme Court by calling it an impediment to his proposed reforms.

There has been some progress in tackling certain human rights problems. On August 12, the National Bureau of Investigation arrested retired army general, Jovito Palparan, who is implicated in the alleged enforced disappearance and torture of two activists and others in 2006. The Supreme Court has taken steps to improve the rule of law in the Philippines, for instance launching its "Justice Zone" program in which the investigation, prosecution, and trial of cases are expedited through such electronic or digital methods as issuances of "e-warrants" and "e-subpoenas."

The Philippine government and the rebel Moro Islamic Liberation Front signed a peace agreement on March 27, 2014, which would extend autonomy to Muslims in Mindanao and end the decades-long conflict there that has engendered serious human rights abuses by all sides.

### **Arrest of Ex-General**

The arrest of retired army general, Jovito Palparan, in August 2014 by a combined unit of the civilian National Bureau of Investigation and naval intelligence could prove to be a watershed moment in overcoming the military's historic unwillingness to prosecute personnel for serious human rights abuses. Palparan is implicated in extrajudicial killings, torture, and enforced disappearances by forces under his command in several regions between 2001 and 2005. He has been charged with the kidnapping and torture in 2006 of two women, Sherlyn Cadapan and Karen Empeno. Palparan has said that his actions during this period were to implement the counterinsurgency program of then-President Gloria Macapagal-Arroyo. Under the Macapagal-Arroyo administration from 2001 to 2010, hundreds of leftist activists were tortured, "disappeared," and killed.

Palparan was put in the custody of the provincial police in Bulacan, north of Manila, where the Cadapan-Empeno case is being tried. However, on September 15 the court allowed Palparan's transfer to military custody, prompting protests from families of victims and human rights advocates.

### **Killings**

While killings appeared to decrease in 2014 compared to recent years, activists, journalists, environmentalists, and tribal leaders continued to be targets of attack. Among those killed was Fausto Orasan, a 64-year-old tribal group leader in the southern Philippines, who was shot by unidentified gunmen on September 13, 2014, while riding his motorcycle in a village in Cagayan de Oro City. Authorities said Orasan had been a leader of anti-mining efforts in the area. During one week in August, three other tribal leaders were gunned down in different parts of the country, according to the nongovernmental organization Karapatan. Human Rights Watch has long documented attacks on tribal leaders who opposed mining and other extractive business interests in their communities.

On August 24, 2014, unidentified gunmen shot dead human rights lawyer Rodolfo Felicio in Taytay, a city in Rizal province, east of Manila. Felicio was the fifth member of the activist group National Union of People's Lawyers to have been killed in the past 10 years.

Killings of journalists continued in late 2013 and early 2014: local media reported at least 26 such killings since Aquino took office in 2010. The trial of the Maguindanao Massacre case, in which 58 people—mostly journalists and media workers—were killed in 2009

allegedly by the militia of the powerful Ampatuan clan in the southern Philippines, was set back by the murder on November 18 of Dennis Sakal, a potential witness for the prosecution.

Although the Aquino administration vowed in 2012 to expedite investigations into killings of journalists by creating a “superbody,” little progress appears to have been made. The superbody had only processed four cases at time of writing, resulting in the conviction of five people. However, the alleged masterminds who planned and financed these killings remained at large.

### **Urban Death Squads**

A “death squad” in the southern city of Tagum that killed hundreds of suspected criminals, including children, was the subject of a Human Rights Watch report in May. The so-called Tagum Death Squad also branched out into contract killing, targeting a range of victims for as little as US\$110 per hit, including journalists, village officials, business rivals, alleged drug dealers, tribal leaders, and a judge. The death squad was allegedly formed and financed by then-mayor Rey Uy with the cooperation of city hall officials and members of the local police force.

Despite evidence directly implicating Uy in the death squad operation, the authorities have not arrested him or others implicated in the Tagum City killings.

Death squad killings have been reported in cities across the country, with unidentified gunmen on motorcycles targeting people in public in broad daylight in so-called “riding in tandem” killings. Official responses in 2014 to stem such killings included police roadblocks specifically for motorcycles, banning motorcyclists from riding in pairs, and a proposed law that would ban the use of motorcycle helmets, so cyclists could not hide their identities.

### **Police Use of Torture**

Rampant police corruption seriously undermines the country’s criminal justice system and exacerbates the problem of impunity.

In January, an investigation by the Commission on Human Rights implicated members of the Laguna provincial police in the systematic torture of at least 22 inmates that began in February 2013. The police dealt out torture in a secret location using a spinning wheel like in the “Wheel of Fortune” game show in the United States. At time of writing, 10 police officers implicated in the torture had been dismissed from duty and faced prosecution, while several others were being investigated.

A November report by the Department of Justice detailed allegations of torture by members of the police in Zamboanga City against several suspects arrested in connection with the September 2013 attack on the city by Islamist militants. Human Rights Watch documented several instances of mistreatment of the detainees, several of them children, as well as the militants’ use of civilians as human shields. The government has not investigated the alleged abuses.

### **Displaced People in Zamboanga**

In September 2013, Islamist militants attacked Zamboanga, a predominantly Christian city in the south. Ensuing fighting between the militants and government armed forces, including the use of artillery and airstrikes, destroyed neighborhoods, resulted in dozens of deaths and injuries to civilians, and caused 120,000 people—mostly Muslims—to be displaced from their homes.

A year later, a third of the displaced residents remain in evacuation camps, and more than 160 had died from illnesses mainly linked to poor sanitation.

### **Key International Actors**

President Aquino made trips to Europe and the US in 2014 in which Philippine activists protested against the government’s human rights record, particularly the lack of accountability for abuses. The United States and European Union governments have sought to address the problem of impunity, such as by funding programs to improve the performance of police, prosecutors, and the courts.

The US government was more vocal in 2014 than in previous years in communicating its concerns about impunity to the Aquino administration. The US had conditioned a small

part (\$3 million) of its \$20 million annual military aid to the Philippines on improvement in the human rights situation. In 2014, the US increased the military financial assistance to \$50 million but most of it was allotted for the Philippine Navy, which has a better human rights record than the army.

The EU-Philippines Justice Support Program, now in its second phase, aims to improve the Philippine criminal justice system by, among other things, training police officers and investigators.

## ***On the Treatment of Non-Combatants Especially of Children and Women in Internal Armed Conflicts***

The Chairman and the four members of the Commission on Human Rights (CHR), during their recent trip to Mindanao, have confirmed that various human rights violations on women, children and noncombatants have been committed in the armed conflict between the Government forces and the rebel groups. The violations consists of (1) the recruitment of children for armed combat, (2) the use of women and children as human shields during emergencies, (3) the taking of hostages which include women and children and other civilians, (4) the employment of torture and inhuman treatment of captives, (5) the death of civilians and non-combatants due to indiscriminate bombings, and (6) the blockade that adversely affects the economic life of non-combatants and civilians.

The Philippines is a signatory to a number of international instruments of human rights such as Protocol II to the Geneva Convention on the Rules of War now known as the International Humanitarian Law, the Convention of the Rights of the Children, now implemented through Republic Act 7610. Article 3 of Protocol II provides for the humane treatment and for the protection of non-participants in the armed conflict against (a) violence to life and person, such as murder, mutilation, cruel treatment and torture; (b) hostage taking; (c) outrages upon personal dignity, in particular, humiliating, and degrading treatment; and (d) summary justice or salvaging.

The observance of Article 3 of Protocol II does not affect the legal status of the parties to the conflict. All it addresses is that both parties to the armed conflict should submit themselves to the civilized ways of conducting warfare and the observance of human rights.

Paragraph 4 of Article 3 makes it absolutely clear that the objective of the convention is purely humanitarian, that it is in no way concerned with the internal affairs of States.

The involvement of children for combat in any manner in armed conflicts violates also the Convention of the Rights of the Children. Children have been declared as "zones of peace." Article 37 of the Convention on the Rights of the Child reads:

*(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age;*

*(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;*

*(c) Every child deprived of liberty shall be treated with humanity and respect for inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances."*

The Commission on Human Rights, as an independent, impartial and neutral constitutional body, does not commit itself to take sides as to the validity or legality of the armed conflict. It is more concerned with respect to the values of dignity of every human person and the full respect for human rights. It is its duty to call attention to the observance of the International Humanitarian Law by government armed forces and rebel groups. It is issuing this Human Rights Advisory pursuant to its constitutional functions of monitoring Philippine Government compliance with international instruments. *(Article XIII, Sec. 18 (7), Philippine Constitution).*

*Quezon City, 09 May 2000*



## ***On the Recognition of the Ancestral Domain of Indigenous Cultural Minorities***

The incident that occurred in the Municipality of Siocon, Zamboanga del Norte concerning the rights of Subanens, an indigenous cultural community, on the ancestral domain over an area of almost 6, 000 hectares, has prompted the Commission on Human Rights to issue this Human Rights Advisory. The Commission on Human Rights, Region IX, which took cognizance of the complaint of the Subanen people, found that Toronto Ventures, Inc., a Canadian mining corporation, was operating in the area claimed to be within the ancestral domain of the said tribe without their prior consent as required under Section 16 of the Mining Act of 1995 (*Republic Act 7942*) and Section 3 of Republic Act 7381, known as the "Indigenous Peoples Rights Act of 1997 (IPRA)." A number of the picketeers and demonstrators who opposed and resisted the mining operations in the area suffered physical injuries caused by police authorities who forcibly dispersed the picket and even placed them under detention.

The rights of indigenous and tribal peoples have been recognized in the Convention of the International Labor Organization (ILO), Convention 169, dated June 27, 1989, setting a general policy recognizing the right of indigenous and tribal peoples to enjoy the full measures of human rights and fundamental freedoms. Among the rights mentioned in said Convention are the rights of ownership and possession of the peoples over lands, which they traditionally occupy. Article 14 of the Convention reads:

1. *The rights of ownership and possession of the peoples concerned over the lands, which they traditionally occupy, shall be recognized. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities.*
2. *Government shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession."*

Accordingly, the Philippines declared among its State Policies in Section 22, Article II of the Philippine Constitution, which reads:

*"The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development."*

Implementing said state policy is Republic Act No. 8371 entitled, " An Act To Recognize, Protect, and Promote the Rights of Indigenous Cultural Communities, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds Thereof, and for Other Purposes." The said law defines ancestral domains, which covers not only the physical environment but also the total environment including the spiritual and cultural bonds to the areas, which the ICCs/IPs possess, occupy and use and to which they have claim of ownership. (*Section 4, RA No. 8371*)

Republic Act No. 8371 recognizes, among others, the right to ownership of land, bodies of water traditionally occupied by the International Cultural Communities (ICCs). They have the right to develop lands and natural resources and the right to stay in said territories. (*Section 7, RA No. 8371*)

The constitutional validity of ancient domains has been sustained by the Supreme Court of the Philippines in CRUZ, et. al. vs. NCIP, G.R. No. 135385, promulgated on December 6, 2000. The petitioners in said case have questioned the constitutional validity of RA No. 8371 and its implementing regulations.

The Commission on Human Rights, pursuant to its constitutional function of monitoring Philippine government's compliance with international treaty obligations in human rights (Art. XIII, Sec. 18[7]), issues this human rights advisory to remind all concerned, especially government authorities and agencies, to respect the aforesaid international instruments on human rights and the constitutional policy and its implementing legislations, RA No. 8371, including its rules and regulations, for their information and guidance.

*Quezon City, 13 September 2001*

## ***On the Treatment of Persons Under Police Custody***

Various complaints show that Philippine National Police officer and other law-enforcement agents have been maltreating or torturing persons under their custody. One recent instance is the torture and beating up of suspects of the bombing incidents in Metro Manila while they are in custody for investigation. Some of them alleged that they were arrested without judicial warrant. Some prosecution officials have admitted said maltreatment but merely dismissed them as inadmissible in court. Allegations also have been made on the extra judicial execution of persons under the custody of the police and other law enforcement agents.

In some instances, detained persons are denied visits and/or consultations with any member of his family, lawyers, or individuals authorized by the Commission on Human Rights for consultations.

The Commission on Human Rights reminds all law-enforcement officers of several international instruments on human rights which the Philippines, has ratified. Article 10 of the International Covenant on Civil and Political Rights reads:

- 1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.*
- 2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;*  
*(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.*
- 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offender/s shall be segregated from adults and accorded treatment appropriate to their age and legal status.*

Article I of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment reads:

*"For purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."*

These human rights instruments are substantially reiterated in the Philippine Constitution and statutory legislation. Article III, Sections 12(2) and 19(2) read:

### *Section 12 -*

*(2) No torture force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.*

### *Section 19 (1) -*

*(2) The employment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under sub-human conditions shall be dealt with the law*

### *Section 2 (f) of Republic Act 7438 reads:*

*Any person arrested, detained or under custodial investigation shall be allowed visits by or conferences with any member of his immediate family, or any medical doctor or priest or religious minister chosen by him or by any member of his immediate family or by his counsel, or by any national non-governmental organization duly accredited by the Commission on Human Rights or by any international non-governmental organization duly accredited by the Office of the President. The person's "immediate family" shall include his/her spouse, fiancé or fiancée, parent or child, brother or sister, grandparent or grandchild, uncle or aunt, nephew or niece, and guardian or ward".*

As used in this Act, "custodial investigation" shall include the practice of issuing an 'invitation' to a person who is investigated in connection with an offense he is suspected to have committed, without prejudice to the liability of the 'inviting' officer for any violation of law.

Any maltreatment of the persons detained for investigation and of the convicted prisoners is an outright defiance to the Declaration of the State Policy under Article II, Section 11 of the Philippine Constitution, which reads:

*"The State values the dignity of every human person and guarantees full respect for human rights."*

The Commission on Human Rights respectfully addresses this Advisory to all police officers, law enforcement agents and all concerned on their compliance with the human rights instruments, the Constitution and pertinent legislation.

*Quezon City, 26 June 2000*

## ***On the Full Respect of Human Rights Under the State of Rebellion***

The events that have occurred which led to the declaration of the state of rebellion in Metro Manila by President Gloria Macapagal-Arroyo have raised several issues, political or otherwise. The Human Rights Commission is not concerned with its political implication. It is concerned with its constitutional function of monitoring state compliance of International Human instruments.

The declaration of State of Rebellion in Metro Manila is a prerogative of the President under her constitutional powers, limited only to the first sentence of Article VII, Section 18 of the 1987 Philippine Constitution which reads:

*"The President shall be the Commander-In-Chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion."*

The declaration is a statement of fact according to the Secretary of Justice and is entirely different from the following sentences of Section 18, which include the power of the President to suspend the privilege of the writ of habeas corpus or place the Philippines or any part thereof under Martial Law. It is not a proclamation of a state of emergency that requires a report of the President in person or in writing to Congress.

We note by the declaration of the state of rebellion by the government conformably to Paragraph 1 of Section 18, Article VII of the Philippine Constitution, the President called in the military armed forces to assist the police functions, particularly in quelling unruly crowds who threatened the security and integrity of Malacanang Palace, the seat of power.

Media and television coverage showed rallyists aggressively and belligerently attacking the police who manned the security perimeter of Malacanang, as a result of which six persons died, including two policemen, and 113 were injured. The television coverage also showed the police beating some of the rallyists who were already apprehended. The rallyists, in open defiance of police authorities, destroyed public and private properties, looted stores and openly torched several vehicles, including two belonging to the media group.

With the state of rebellion declared, the Commission on Human Rights reminds the military forces which may perform police functions to observe full respect of human rights. Specifically, the rule on warrantless arrests under Rule 113 of the Rules of Court should be observed.

At this juncture, the Commission on Human Rights appreciates the President's decisive action to protect society especially her professions for the observance of human rights. Axiomatic is the principle in our Constitutional democracy that even a national emergency cannot suspend the operation of our Constitution which includes the Bill of Rights (*Section 18, Article VII, Philippine Constitution*)

Section 1 and 2 of Article 4 of the International Covenant on Civil and Political Rights read:

*"1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the State Parties to the present covenant may take measures derogating from their obligations under the present covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.*

*"2. No derogation from Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be under this provision."*

This means that there should be no derogation of human rights under Articles 6, 7, 8, 11, 15, 16 and 18 of the Covenant. Article 6 refers to the inherent right to life; Article 7 refers to non-enforcement of cruel, inhuman and degrading treatment and punishment; Article 8 deals with the prohibition of involuntary servitude; Article II refers to non-imprisonment for contractual debts; Article 15 speaks of liberty of movement and abode; Article 16 relates to one's right to recognition everywhere as a person before the law; and Article 18 pertains to freedom of thought, conscience and religion. It is hoped, as the government authorities have assured the public, that the declaration of the state of rebellion will be lifted in due time.

The Commission on Human Rights respectfully addresses this Advisory to Her Excellency President Gloria Macapagal-Arroyo, the Honorable Secretary of Justice, the Secretary of National Defense, the Chief of Staff of the Armed Forces of the Philippines and the Director General of the Philippine National Police and all military and police authorities for their information.

*Quezon City, 02 May 2001*

## **“ON THE PROTECTION OF HUMAN RIGHTS AND THE DECLARATION OF THE STATE OF NATIONAL EMERGENCY”**

On Friday, 24 February 2006 President Gloria Macapagal Arroyo issued Proclamation No. 1017 Declaring a State of National Emergency.

The Proclamation cited unrestrained political opposition “engaged in a concerted and systematic conspiracy, over a broad front, to bring down the duly-constituted Government elected in May 2004,” and invokes Article 2, Section 4 of the Constitution which provides that “the defense and preservation of the democratic institutions and the State is the primary duty of Government.”

The 1987 Constitution created an independent Commission on Human Rights with the mandate to ensure that the state indeed “values the dignity of every human person and guarantees full respect of human rights.” (Article II, Section 11, 1987 Philippine Constitution)

The Commission, in the exercise of this mandate, issues this advisory to remind the Government and the general public of the pertinent provisions of human rights treaties to which the Philippines is a state party. In particular, the Philippines ratified on 23 January 1987 the International Covenant on Civil and Political Rights.

The Philippine Government is legally obligated to comply with its provisions, as follows:

“ x x x

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (ICCPR Art 2, Sec. 1).

To ensure that any person whose rights or freedom as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity (ICCPR Art. 2, Sec. 3a). x x x”

Recognizing that there are indeed situations when a state is allowed to derogate from a part of its obligation to the ICCPR, Article 4 provides:

- In time of public emergency which threatens the life of the nation, and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin.
- No derogation from articles 6, 7, 8 (par. 1&2), 11, 15, 16 and 18 may be made under this provision.
- Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present covenant, through the intermediary of the Secretary General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made through the same intermediary on the date on which it terminates such derogation.

In plain language, the ICCPR proscribes (or prohibits) derogation from the following rights:

Article 6 The Right to life: No arbitrary deprivation of life, duty to investigate state killings, duty to punish offenders for state killings, duty to protect persons from killings by non-state actors, Death Penalty for the most serious of crimes, right to seek pardon, commutation, no imposition for death sentence for minors, no execution for pregnant women, no delay in abolition of the Death Penalty.

Article 7 Prohibition of torture or cruel, inhuman, degrading punishment or treatment: all persons deprived of their liberty must be treated with humanity and respect for dignity or human person, no medical or scientific experimentation without valid consent, no justification or extenuating circumstances may be invoked to excuse torture, cruel, inhuman, degrading treatment or punishment.

Article 8 Prohibition of slavery, slave trade, servitude, forced or compulsory labor: Slavery occurs where one human being owns another that the former can exploit latter with impunity, Servitude refers to other forms of egregious economic exploitation or

dominance or 'slavery – like practices, Force or Compulsory Labor defined as 'all work or service which is extracted from any person under the menace of any penalty and for which he has not offered himself voluntarily.

Article 11 Prohibition of imprisonment because of inability to fulfill a contractual obligation: no imprisonment for private law civil obligations due to 'inability' which indicates incapability rather than unwillingness.

Article 15 The principle of legality in the field of criminal law: prohibition of retroactive criminal laws, no crime except in accordance with law or *nullum crimen sine lege*, no punishment except in accordance with law or *nulla poena sine lege*, no punishment under extremely vague laws.

Article 16 Recognition of everyone as a person before the law (a person's humanity must be legally recognized).

Article 18 Freedom of thought conscience and religion (freedom to adopt a religion or belief of his choice, freedom to manifest individually or in community with others in public or private, in worship, observance, practice and teaching, freedom to manifest one's religion or beliefs subject only to limitations prescribed by law and are necessary to protect public safety, order, health or morals or fundamental rights and freedoms of others).

The fundamental rights of the Filipino People cannot be overemphasized. These rights must be in the context of the Universal Declaration of Human Rights which provides:

"x x x

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society (Art. 29, Sec. 2)."

This is of paramount importance for the system of protection for human rights under the ICCPR. While it allows the unilateral derogation from a part of its obligations thereto, the measure of derogation must be of an exceptional and temporary measure. Government must consider primordial, even in a state of emergency, the fundamental rights of the Filipino People. Thus, it must be subject to a specific regime of safeguards where the restoration of a state of normalcy must be the predominant objective.

The Commission on Human Rights urges the Philippine government to manifest its commitments by demonstrating its compliance to the obligations set forth in the said Covenant.

Done in Quezon City, Philippines on this 27 th day of February 2006.

**KEEP LUMAD CHILDREN IN SCHOOL! END MILITARY ATTACKS ON SCHOOLS!**

### **Stop military attacks on Lumad schools in Mindanao!**

We are alarmed that 2,896 Lumad children will be denied of their right to education when the Aquino government closes down Lumad community schools in Davao del Norte.

While schools all over the country are slated to start their classes this June, we are convinced that the Department of Education Division of Davao del Norte intends to shut down lumad community schools. In a letter dated May 12 addressed to DepEd Region XI Director Alberto Escobarte, DepEd Division of Davao del Norte Superintendent Josephine Fadul endorsed the closure of at least 24 schools of Salugpongan Ta'Tanu Igkanogon Community Learning Center (STTICLC) and Mindanao Interfaith Services Foundation Inc. Academy (MISFI Academy) .

Education is a basic human right essential in realizing all other human rights. However, most Filipino children are deprived of this right and peasants and indigenous peoples right to education are far more neglected. Schools are built in town centers far from upland communities, compelling Lumad children to walk for hours every day to attend their classes. Children unable to endure the difficulty choose not to attend school. With more and more children opting not to go to school, Lumad elders in Mindanao, with the support of non government and church-based organizations, worked hard to put up schools in their own community 10 years ago.

The STTICLC and the MISFI Academy operate in different parts of Davao del Norte. Tribal Filipino Program of Surigao Sur (TRIFPSS) and the Alternative Center for Agricultural Development (ALCADEV) operate in the Caraga Region. While the B'laan Literacy School and Learning Center (BLSLC) operates in Sarangani province. A total of not less than 146 lumad community schools provide formal and non-formal education to children in various indigenous communities in Mindanao and majority implement DepEd-accredited formal education. They also provide literacy and numeracy programs and introduce scientific agriculture while strengthening the Lumad's indigenous culture and traditions.

### **Attacks on Schools**

International laws covering conflict situations expressly prohibit the use of public infrastructures such as schools; hospitals and rural health units for military purposes such as command posts, barracks detachments, and supply depots.

But Oplan Bayanihan, Aquino's counter-insurgency program, compels the unwarranted use of the schools as military camps and outposts used to store armaments and personal effects. Continued use of schools damages infrastructures. Due to terror brought about by military presence and the fear of impending danger, students and teachers suffer anxiety. Military operations have disrupted not only the operation of these schools but also the lives and livelihood of Lumad people, in general.

Since 2011, a total of 82 incidents of state-instigated attacks involving 57 schools and day care centers in Mindanao have been documented and reported by the Children's Rehabilitation Center. In Southern Mindanao alone, at least 13 cases have been documented and reported from January to May of this year.

The DepEd further supported the military's use of schools and violation of children's right to education when it issued Memorandum 221, series of 2013 or the Guidelines on the Protection of Children During Armed Conflict which adopted the AFP Directive 25 or Guidelines on the Conduct of AFP Activities Inside or Within the Premises of School or Hospital. Under both directives, military elements are allowed to conduct "civil -military operations" as long as the AFP has a written request and school authorities have given their approval. Since the issuance of the department order, an increase in the number of military attacks on schools was noted.

The Save our Schools Network had a dialogue with DepEd Secretary Armin Luistro last year to inform him of the continuing use of the military of these schools and to revoke DepEd Memorandum 221 which not only continued militarization of schools but has increased these violations.

DepEd Division of Davao del Norte Superintendent Josephine Fadul have requested permission to install a public school with military men as para-teachers and the trauma that the Lumad children have experienced and the fear that the military men have instilled in them in the series of military attacks will hinder their learning and growth.

## **Lumad kids to Noy: Protect our schools**

By [Edith Regalado](#) (The Philippine Star) | Updated October 12, 2015 - 12:00am

DAVAO CITY, Philippines – School children from lumad communities are asking President Aquino to protect their schools from harassment allegedly perpetrated by government forces in different areas in Mindanao.

The children asked Aquino to pull out the military and paramilitary groups in their schools and communities.

Prof. Mae Fe Templa, convenor of Save Our Schools Network Mindanao, said there have been 95 attacks on teachers and students in lumad schools all over Mindanao since September last year.

The figure, which showed an average of eight cases every month, was based on information gathered from more than 200 school children and teachers who participated in the first Lumad Children's Congress held recently in Tandag, Surigao del Sur.

"Lumad children have been exposed to life-threatening conditions as their schools are continuously being occupied or attacked by state security forces," Templa said.

She said the event represented the voice of all lumad children in Mindanao in their struggle for their right to education.



The last year of the Benigno S. Aquino presidency has meant a bloodbath for indigenous peoples and for Lumad education, two months after his State of the Nation Address where he gloated of figures that have purportedly addressed classroom shortages and increased the quality of Philippine education.

Emerito 'Tatay Emok' Samarca, executive director of the Alternative Learning Center for Agriculture and Development, Inc. (ALCADEV) and a convenor of the Save Our Schools Network was killed by government-backed indigenous paramilitary forces. His body was found lying in a pool of blood, with stab wounds on his neck, and his throat slit. While Dionel Campos, chairperson of MAPASU (Persevering Struggle for Future Manobo Generations), and his cousin Aurelio "Bello" Sinzo, were strafed dead before the terrified community of Han-ayan, Lianga town, Surigao del Sur province.

The paramilitary group Magahat/Bagani--- armed, controlled, and commanded by the 36<sup>th</sup> Infantry Battalion, Philippine Army--- burned down the school cooperative building and threatened to massacre the entire community if they would not leave the area two days before the killing of the Samarca, Campos, and Sinzo in the morning of September 1, 2015.

The dastardly crime which was perpetrated at dawn and later carried out in broad daylight, terrified the erstwhile peaceful Manobo school and community. As of this writing, the number of evacuees in Caraga has swelled to 3,000 individuals or more than 500 families coming from the municipalities of San Miguel and Lianga, with some 70 families still lost in nearby forests.

The Philippine military's attack on ALCADEV using indigenous paramilitaries is by far the gravest and most vicious violation of indigenous peoples' right to education and constitutes a wholesale violation of children's rights.

Moreover, as schools are an integral part of communities, the attack is an open declaration of the Philippine state's war of annihilation against people's organizations and communities resisting foreign large-scale plunder of ancestral domains.

The 36<sup>th</sup> IB Philippine Army-Magahat/Bagani rampage at the ALCADEV School shows that the Aquino government has dropped all pretenses of adhering to the United Nations Convention on the Rights of the Child and other international human rights instruments. It also demonstrates the irrefutable crimes of the Philippine Army against indigenous children which the UN Special Representative of the Secretary General on Children and the Armed Conflict has continually glossed over, understated, or consistently concealed in its annual reports.

The Philippine government's attacks on the ALCADEV School clearly shows its contempt towards self-determined development asserted by indigenous communities. Alternative Lumad schools are pushing for their own culturally-relevant pedagogy that liberates indigenous peoples from the yoke of institutionalized discrimination and corporate plunder of ancestral lands.

These Ethnocidal attacks on indigenous education, indigenous leaders and their staunch advocates and supporters are but the latest in a string of Aquino's orders to tighten the noose on Lumad schools:

1. Since April of 2014 up to present, 25 Lumad schools and community schools were forced to halt operations for the entire month of June due to harassment by the AFP and sanctioned by the Department of Education (DepEd).

2. At least 84 cases of attacks on 57 community schools have displaced and disrupted the education of over 3, 000 Lumad children.
3. Two (2) minors were brutally killed by the elements of 3<sup>rd</sup> Company of the 1<sup>st</sup> Special Forces Battalion under the ground commander Capt. Balatbat with Col. Nasser Lidasan as Battalion Commander on August 19, 2015 in Pangatukan town, Bukidnon province. They were part of 5 Manobo tribals strafed and killed on suspicion of being NPA combatants.
4. The schooling of Lumad children under the Tribal Filipino Program of Surigao del Sur was disrupted when residents of Brgy. Siagao, San Miguel, Surigao del Sur were displaced. Brothers Ely and Crisanto Tabugol, residents of the said community, were killed by an armed group led by Hasmin and elements of the 36<sup>th</sup> IBPA.
5. A Lumad child was among 14 farmers in White Culaman, Kitaotao, Bukidnon who were illegally detained and arrested by elements of 8<sup>th</sup> IB and 23rd IB headed by Nicolas Rivera and an official named Tocmo. All were accused as members of the New People's Army in contrast to the fact that they are members of organizations Nagkahiusang Mag-uuma sa Barangay White Culaman (NAMABAW) and Tinananon Kulamanon Lumadnong Panaghiusa sa Arakan (TIKULPA). The Army threatened to burn down the MISFI-run (Mindanao Interfaith Services Foundation Incorporated) school which offers 7<sup>th</sup> and 8<sup>th</sup> grade education in Sitio Dao, Bukidnon.
6. Adding to these abuses is the ongoing mass evacuation of the Talaingod Manobo people in Davao City since April of this year due to intensified military operations and threats from the terrorist paramilitary group ALAMARA. Around 1, 000 individuals from San Fernando Bukidnon, Kapalong and Talaingod, Davao del Norte have sought sanctuary at UCCP Haran, Davao City. Learners from Salugpungan Ta Tanu Igkanugon Community Learning Center Inc (STTILCI) in Talaingod have been holding their classes at the refugee camp since the evacuation started. Worse, three soldiers of the 1003<sup>rd</sup> Infantry Brigade raped a 14-year old Manobo grade 4 student of the Butay elementary school while conducting military operations in the area.
7. Last month, the Rural Missionaries of the Philippines-Northern Mindanao schools in Agusan del Sur and Bukidnon have earlier reported harassments and threats from suspected state forces in the form of anonymous text messages, private message via facebook, and surveillances. In March 18, 2014, an RMP-NMR school grounds in Binikalan, San Luis, Agusan del Sur was strafed by 26<sup>th</sup> IB troops disrupting the graduation practice of the school. In Sarangani province, administrators and faculty of the Center for Lumad Advocacy and Services (CLANS) which provides education to indigenous Blaan children have been filed with false criminal charges of serious illegal detention of evacuees and inciting to sedition.

The Aquino government should be held accountable for all these violations. It is responsible for the formation and arming of the paramilitary groups, the paving the way for the entry of large-scale destructive projects in the ancestral domains, the sowing of disunity among IPs, and the killings that have claimed the lives of many.

The Save Our Schools Network demands Justice for Samarca, Campos, Sinzo and all victims of human rights abuses! End all forms of attacks on schools and communities!

*24 September 2015*

*Reference:*

*Prof. Mae Fe Templá, MSW*

*Convenor, Save Our Schools Network*

## **APPENDIX #5: AGAINST ALL ODDS EXTENSION LESSON QUESTIONS**

### **"Against All Odds": Surviving the Genocide and Living as a Refugee**

For the activity today, log onto the computer and go to the website: <http://www.playagainstallodds.ca/>

In this activity you will go through a series of stages in order to see the troubles and issues that refugees face at many parts of the process within their own country and escaping to another. *Even if someone is able to escape a political, religious or racial genocide or conflict, there are still problems that arise with being a refugee.*

***A Refugee is a person who is forced to leave the country in which he or she lives because of a well-founded fear of persecution. Such persecution may stem from race, religion, nationality, political opinions, or membership in a social group.***

1. Before you play the game, what problems do you think a refugee would have fleeing to a new country? (Think about: cultural, religious, language and racial differences in the new country)

#### **War and Conflict:**

The military has taken power and is hunting down dissidents. Soon it will be your turn. Will you survive? Your life is at stake... Complete all sections of the game and answer questions for the following sections.

1. **Interrogation:** You have been called into questioning for having dissident (or differing) opinions from the government. What are some of the things that your government wants you to agree to?
2. **You Have to Flee!:** After completing this section, click on Web Facts and read the article "Jasenکو's Flight". Describe what happened when Jasenko Selimovic had to escape Bosnia.
3. **Leave the Country Now:** Complete this section and answer the following questions.
  - a) What options are available for escaping the country?
  - b) What troubles occur on the journey out of the country?

#### **Border Country: Can I Stay Here?**

4. **Shelter for the Night:** After completing this section, click on Web Facts and read the article "Seeking Asylum in the US".
  - a) What is asylum?
  - b) How does someone gain asylum in the United States?
5. **Find the Interpreter:** Often when a refugee gets to a new country they cannot read or write the local language. Interpreters are often used, but frequently refugees must survive on their own without any understanding of the language around them. After completing this section, click on Web Facts and read the article "Seeking Resettlement in the US".
  - a) What percent of people seeking resettlement in the US are able to stay?
  - b) What happens to those who are not allowed to stay? Is this fair?

6. **Refugee or Immigrant:** Before you play, click on web facts and read the article “Who is a refugee?” to make sure you understand the definition.
- a) Read the Web Facts article on Albert Einstein. Is he a refugee or an immigrant? Explain.
  - b) What forced him to leave the country and where did he leave from?

**A New Life:**

7. **Looking for a Job:** After completing this section, click on Web Facts and read the article “Akbar’s New Inspiration”
- a) What did Akbar relate being a refugee to? Explain.
  - b) What does integration mean? How does Akbar integrate?
8. **Time to Go Shopping:** Speak to all the people throughout the mall and answer the following questions.
- a) What sort of racist comments did you hear while shopping?
  - b) What comments were said in support of you?
9. **Your First Apartment:** After completing this section, click on Web Facts and read the article “Aida’s New Country.”
- a) Where did Aida come from?
  - b) Describe her life leaving her country and coming to America. (2-3 sentences)

**Reflection** From one of the following perspectives--United Nations, the host country, the home country--how should each group respond to the refugee crisis? How could they be involved, what can a group do in response, or what are the rights of that perspective versus the individual?

## APPENDIX #6—HUMAN RIGHTS QUIZ

### Human Rights Quiz

Name: \_\_\_\_\_

#### Multiple Choice:

1. Human rights are universal and apply to everybody no matter where they live.
  - a. Yes, human rights are the same for everybody
  - b. No, every country has its own list of human rights
  - c. It depends, countries can revoke certain human rights or grant new ones
2. The basis of contemporary international human rights law is the \_\_\_\_\_.
  - a. The United Nations Charter
  - b. The UN Universal Declaration of Human Rights
  - c. The Bill of Rights
3. All these are considered universal human rights except:
  - a. The right to work
  - b. Freedom from torture
  - c. The right to bear arms
  - d. The right not to be subjected to arbitrary arrest
4. Within the international system, the main body tasked with protecting human rights is
  - a. The UN Security Council
  - b. The UN General Assembly
  - c. The UN Human Rights Council
  - d. The International Court of Justice
5. What are some of the limitations of the concept of human rights?
  - a. The development of the concept was mostly Euro-centric
  - b. The downplaying of group rights, such as those of indigenous peoples and minorities
  - c. The lack of strong mechanisms to enforce human rights at the international level
  - d. All of the above
  - e. None of the above

#### Response Questions:

*Complete the questions that follow in at least 4-5 sentences.*

1. Some critics argue that the concept of human rights has become little more than a buzzword with no concrete impact. What are the main limitations of human rights today, and what do you think could and should be done to strengthen the international protection of basic rights and freedoms?
2. Explain the role, content and impact of the UN Universal Declaration of Human Rights.
3. Explain in a nutshell the concept of human rights—provide your own definition and offer a few examples of basic human rights.