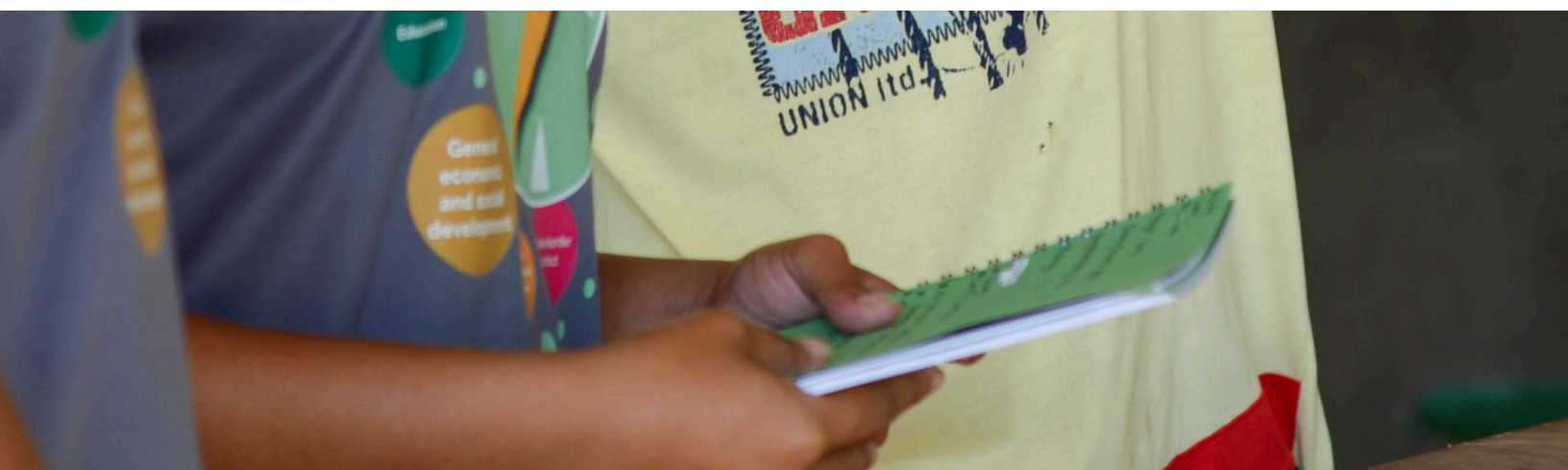




THE INDIGENOUS NAVIGATOR

**Human Rights,
Sustainable Development Goals, and the
Indigenous Peoples in the Philippines**



The Indigenous Navigator:

Human Rights, Sustainable Development Goals and the Indigenous Peoples in the Philippines

A report on the implementation of the Indigenous Navigator Framework in the Philippines

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INDIGENOUS NAVIGATOR

Data by and for Indigenous Peoples



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EXECUTIVE SUMMARY

The Indigenous Navigator (IN)-Philippines tracked the state of implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) through the national survey component—a complement to the community survey component. The IN-Philippines posited that the UNDRIP dimensions (bundle of rights) are tantamount to several, if not all, of the UN Sustainable Development Goals (SDGs). Ninety percent (90%) of the national survey was filled out with data gathered largely from secondary sources spanning the year 2008 (year when UNDRIP was enacted) to the present. What follows is a summary of our findings.

The Philippine State has been implementing the UNDRIP through its national framework, the IPRA, which resembles the UNDRIP both in spirit and content. This national survey reveals the significant milestones and outcomes in the four bundle of rights since the 1997 enactment of the IPRA. At the same time, there are also continuing actual and potential threats to and violations of these very same rights. These mixed and paradoxical outcomes tend to validate the earlier view of an IP rights advocates that “IPRA is a double-edged sword,” meaning, it could either work for or against the IPs depending on several factors, foremost of which, is the actual play of power relations between and among state, civil society, and IP organizations and communities. The IPs find themselves in a “double-bind,” as defined by Gregory Bateson (cited by Ludlow, et al., 2016) in which no matter what the IPs do, even in the midst of UNDRIP and IPRA that are supposed to empower and protect them, there seems a less or no chance of winning.

To date, some 16 million hectares of ancestral domains and lands have been given titles by the National Commission on Indigenous Peoples (NCIP), even as several applications still await final action by the NCIP. However, IPs continue to be displaced from their territories largely due to land grabbing, mining, agribusiness, construction of dams, and illegal logging. Laws contradicting the IPRA continue to persist even in areas that have already been applied to as Certificate of Ancestral Domain Titles (CADTs) and Certificate of Ancestral Land Tiles (CALTs). In some instances, CADTs have facilitated the entry of big business (e.g. mining) into the IP territories, which led to the division of IP communities.







**INDIGENOUS
NAVIGATOR**

A global framework and *tool*
for and by Indigenous Peoples
to monitor the implementation
of their rights

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EXECUTIVE SUMMARY

There are legal instruments aside from IPRA that allow IPs in exercising their rights to self-government and empowerment. In principle, and to some extent in practice, Indigenous political systems and customary laws are recognized by these laws. To a certain extent, too, the right to mandatory representation (IPMR) has been carried out across the country. Yet, studies show that the IPMR mechanism has been “marred” by political patronage and captured by the political elite, thereby diffusing the essence of direct, effective, and meaningful participation of IPs in governance. The Free and Prior Informed (FPIC) has been leveraged by IPs as an instrument in asserting their rights to self-determination. In some cases, the IPs have been successful in doing so, but in many other cases, big businesses were successful in leveraging the IPRA law and the FPIC process as means to procedurally obtain consent but unable to deliver the substantive aspect of that consent.

There are several laudable measures, programs, and projects by various government agencies that address the IPs rights to cultural integrity. However, there was a significant backslide with the recent decision of the Marcos administration to abolish the teaching of mother tongue from the K-12 curriculum. This was done amidst the fact that many Indigenous languages are already considered “endangered” or in the verge of vanishing.

Despite the presence of several national programs and projects that aim to alleviate poverty among IPs, they remain still the poorest 20% quintile of Philippine society. This may be attributed largely to the lack or no access to basic social services like education, health, potable water, electricity, to identify a few.

With regard to human rights and social justice, the Philippine State reported in 2022 that it is doing its best to comply with international human rights conventions and frameworks that it is a signatory to. But the reports from human rights organizations here and abroad show that much remains to be done on the part of the Philippine State, as reflected in the increasing number of IPs who fall victims to various forms of human rights violations.

Overall, the UNDRIP has been carried out in the Philippines mainly through the IPRA that resembles it to a large extent. However, much remains to be done. The fact that IPs continue to be the poorest of the poor in the Philippines (using human development indicators) is a solid testament to this conclusion. The rights of the IPs as enshrined in the Philippine Constitution and the IPRA remains much to be desired. The Philippine State, the civil society organizations, and IP communities agree, at least in principle, that the full implementation of UNDRIP through IPRA is a valuable key to achieve the Sustainable Development Goals of and for Indigenous Peoples.

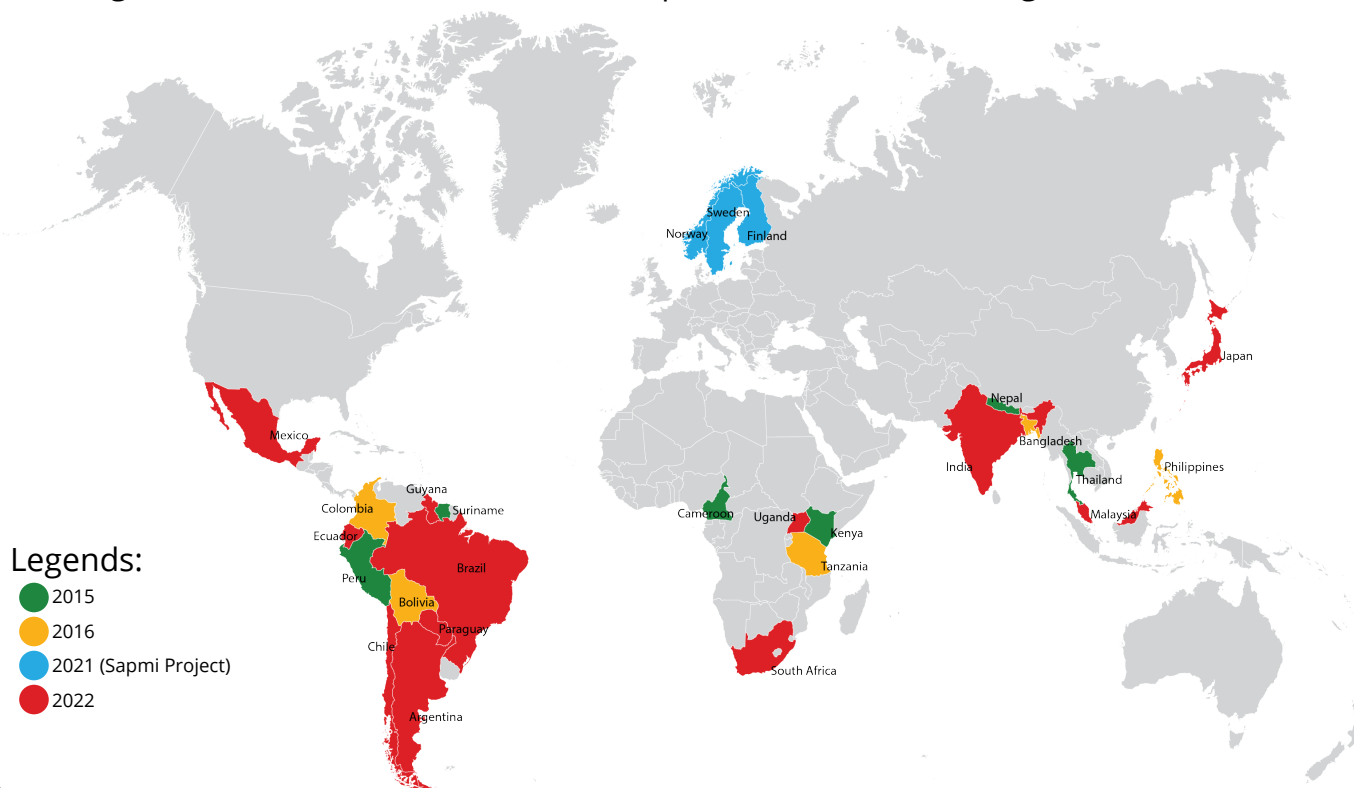
INTRODUCTION

The Indigenous Navigator (IN) is a framework and a set of tools for and by indigenous peoples to systematically monitor the level of recognition and implementation of their rights. By using IN, indigenous organizations and communities, duty bearers, NGOs, and journalists will have access to free tools and resources based on community-generated data.

With the use of the IN, one can monitor the implementation of the following: the UN Declaration on the Rights of Indigenous Peoples; the core human rights conventions as they pertain to Indigenous peoples; the essential aspects of the Sustainable Development Goals, and the outcomes of the World Conference on Indigenous Peoples. The IN likewise uncovers the crucial links between the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the commitments put forwarded in the Sustainable Development Goals, and in the Outcome Document of the World Conference on Indigenous Peoples.

Launched in 2014, the IN project was piloted in six countries, namely, Peru, Kenya, Cameroon, Suriname, Thailand, and Nepal. Preliminary data sets were collected and used at the national level. Experiences chronicled during the pilot testing of the IN tools demonstrated that the application of such can generate data on the recognition, protection, and fulfilment of the rights enshrined in the UNDRIP has an empowering effect in itself. The Indigenous Navigator initiative moved into its second phase in 2017. Starting in the early part of this year, the tools were applied by indigenous organizations and communities in 11 countries: Bangladesh, Cambodia, Nepal, Philippines, Bolivia, Colombia, Peru, Suriname, Cameroon, Kenya, and Tanzania. These surveys generated in-depth data from 2018, which is available on the Indigenous Navigator's data portal.

The Indigenous Navigator Initiative, which has already been piloted for two years in Asia, Africa, and Latin America, has further developed based on lessons learned, recommendations of indigenous communities, and the incorporation of the 2030 Agenda on Sustainable



development. It is a collaborative initiative developed and managed by a consortium composed of The International Work Group for Indigenous Affairs (IWGIA), Tebtebba, Asia Indigenous Peoples Pact (AIPP), Forest Peoples Programme (FPP), and Danish Institute for Human Rights (DIHR), with support from the European Union (EU).

The IN's guiding principle is to support Indigenous Peoples in advocating for the recognition and respect of their rights which are enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and 1989 Indigenous and Tribal Peoples Convention No. 169 (ILO169). With the onset of the COVID-19 pandemic in 2020, monitoring of on-the-ground activities and implementation of a work plan and communication strategy served as challenges since face-to-face gatherings have become limited, thus, forcing a widespread shift to the use of digital platforms for various transactions, specifically advocacy works.

The IN aims to achieve four considerable outcomes:



- 1 Availability of high-quality reliable data on Indigenous Peoples' rights and development that contribute to the realization of Indigenous Peoples' rights;**
- 2 Evidence-based knowledge products and documentation generated through the IN have influenced key human rights and sustainable development processes at local, national, regional, and global levels;**
- 3 The IN Consortium is representative, capable and sustainable through broader inclusion of partners and alliances; and**
- 4 Indigenous target communities have capacity and resources to pursue self-determined development, culturally sensitive and rights-based social services.**

The national survey and this national report contribute to outcome 1, Availability of high-quality reliable data on Indigenous Peoples' rights and development that contribute to the realization of Indigenous Peoples' rights. It complements the community survey and engages national and community partners with the aim of collecting, uploading, and reviewing.



INDIGENOUS PEOPLES (IPs) IN THE PHILIPPINES

The Philippine Statistics Authority (PSA) has recently (07/04/2023 -12:00 Reference Number: 2023-77) released the results of the first ever ethnic-disaggregated population census conducted in 2020. The salient statistical data on Indigenous Peoples in the Philippines are as follows:

- ▶ Among the **108.67 million** household population, **93.09 million (85.7%)** were classified as non-Indigenous Peoples (non-IPs). The remaining **15.56 million** household population were IPs as identified by the National Commission on Indigenous People (NCIP) with **8.21 million (7.6%)**, Muslim tribes identified by the National Commission on Muslim Filipinos (NCMF) with **5.48 million (5.0%)**, IPs and Muslim tribes identified by both the NCIP and NCMF with **1.63 million persons (1.5%)**, and foreign ethnicities with **230,917 persons (0.2%)**. (See Figure 1)

108,667,043

HOUSEHOLD POPULATION

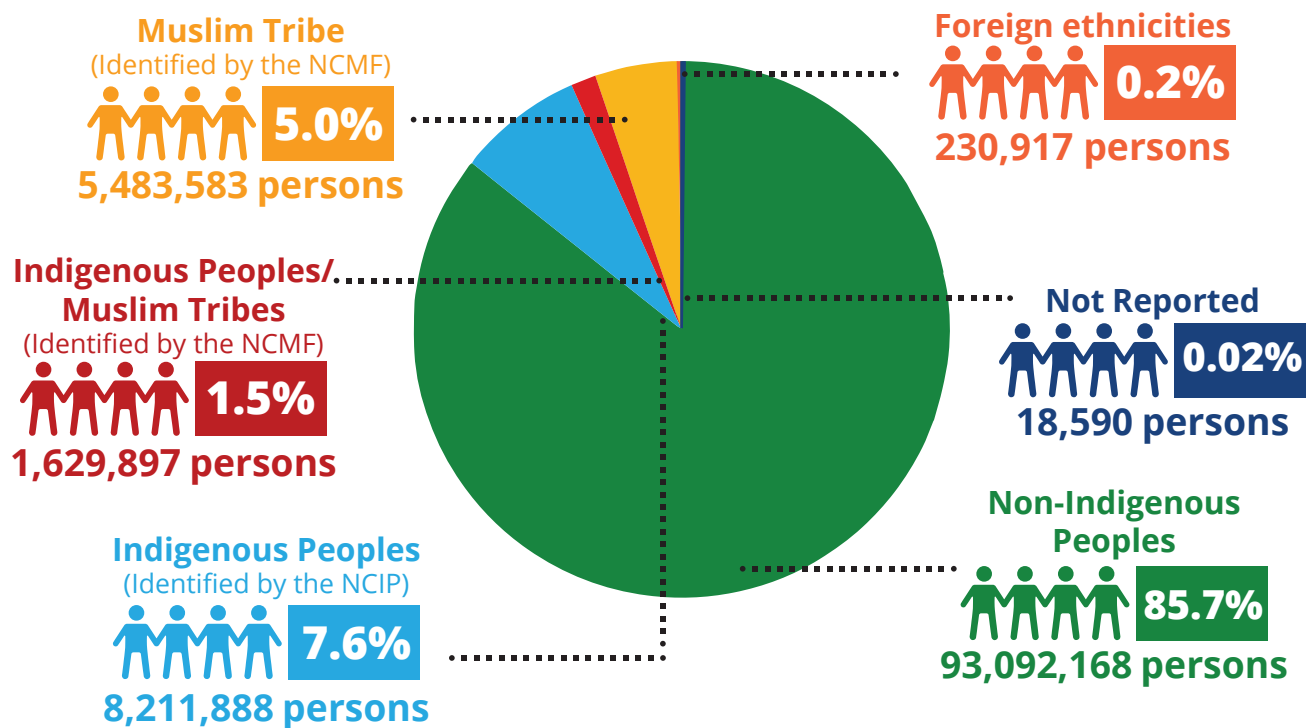


Figure 1. Number and Percent Distribution of Ethnic Groups in the Philippines, 2020
Source: Philippine Statistics Authority, 2020 Census of Population and Housing

Table 1. Top Ten Indigenous Peoples in the Philippines: 2020

RANK	INDIGENOUS PEOPLES	NUMBER	% OF TOTAL IPs
	Total IPs	9,841,785	100
	Total of Top 10 IPs	4,754,694	48.3
1	Subanen/Subanon	758,499	7.7
2	Manobo	644,904	6.6
3	Mandaya	523,475	5.3
4	Kankanaey	466,970	4.7
5	Ibanag	463,390	4.7
6	Higaonon/Higa-onon	452,338	4.6
7	Sama/Samal*	398,666	4.1
8	Blaan	373,392	3.8
9	Cuyonen/Cuyunon	339,606	3.5
10	Iranun/Iraynun*	333,454	3.4

Note: * Identified also as Muslim Tribes by the NCMFPSA

Source: Philippine Statistics Authority, 2020 Census of Population and Housing

.....

▶▶ Indigenous Peoples comprise **9.1 percent** of the Philippine household population

In 2020, the IPs identified by the NCIP comprised **9.84 million** (**9.1%**) of the **108.67 million** household population. The top 10 IP groups in the Philippines accounted for about **48.3%** of the total IPs. Subanens/Subanons ranked first with **758,499** persons (**7.7%**), followed by Manobos with **644,904** persons (**6.6%**), and Mandayas with **523,475** persons (**5.3%**). (See Table 1)

.....

▶▶ Muslim tribes make up 6.5 percent of the Philippine household population

Muslim tribes identified by the NCMF, including the tribes that were also identified as IPs by the NCIP, accounted for **7.11 million (6.5%)** of the **108.67 million** household population in 2020. Among Muslim tribes, Maguindanao accounted for **2.02 million** persons (**28.4%**), followed by the Maranao with **1.80 million** persons (**25.3%**), Tausog/Tausug with **1.62 million** persons (**22.7%**), Sama/Samal with **398,666** persons (**5.6%**), Iranun/Iraynun with **333,454 (4.7%)**, and Yakan with **282,715** persons (**4.0%**). The remaining Muslim tribes accounted for less than **2.0%** each. (See Table 2)

Table 2. Muslim Tribes in the Philippines: 2020

RANK	INDIGENOUS PEOPLES	NUMBER	% OF TOTAL IPs
	Total	7,113,480	100
1	Maguindanao	2,021,099	28.4
2	Maranao	1,800,130	25.3
3	Tausog/Tausug	1,615,823	22.7
4	Sama/Samal*	398,666	5.6
5	Iranun/Iraynun*	333,454	4.7
6	Yakan	282,715	4
7	T'duray/Teduray*	138,646	1.9
8	Sama Bangingi*	124,635	1.8
9	Kagan/Kalagan*	87,327	1.2
10	Sama Badjao*	69,644	1
11	Badjao*	67,902	1
12	Kolibugan*	51,647	0.7
13	Jama Mapun*	48,967	0.7
14	Palawani	26,302	0.4
15	Sangir/Sangil	20,229	0.3
16	Molbog*	19,331	0.3
17	Sama Dilaut/Sama Laut*	6,963	0.1

Note: * Identified also as IP by NCIPPSA

Source: Philippine Statistics Authority, 2020 Census of Population and Housing



Figure 2. Most common ethnicities per region in the Philippines, 2020
 Source: Philippine Statistics Authority, 2020 Census of Population and Housing

▶▶ **Bicol is the most homogenous region in terms of ethnicity**

Among the **17 regions**, Region V-Bicol Region was identified as the **most homogenous** in terms of ethnicity, as almost **eight out of 10 residents** in the region (**78.8%**) reported themselves having Bicol ethnicity. Next was Region IV-A-CALABARZON with **74.4%** Tagalogs. Tagalog was also the top ethnicity in Region III-Central Luzon (**52.4%**), and MIMAROPA Region (**42.2%**). (See Table 3)

In the other regions in Luzon, Ilocano was the most common ethnicity in Region II-Cagayan Valley (**61.8%**), Region I-Ilocos Region (**58.3%**), and the Cordillera Administrative Region (CAR) (**22.1%**). (Table 3)

Moreover, Ilonggo was the most common ethnicity in Region VI-Western Visayas (**67.6%**) and Region XII-SOCCSKSARGEN (**32.0%**), Cebuano in Central Visayas (**61.4%**), and Waray in Region VIII-Eastern Visayas (**64.2%**). (See Table 3)

In the remaining regions in Mindanao, Bisaya/Binisaya was the top ethnicity in Region XI-Davao Region (**48.8%**), Region X-Northern Mindanao (**46.5%**), Region IX-Zamboanga Peninsula (**41.7%**), and Region XIII-Caraga (**39.1%**). In Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), the top three ethnicities were Maguindanao (**26.4%**), Tausog/Tausug (**23.3%**), and Maranao (**22.7%**). (Table 3)

Table 3a. Proportion to the Household Population of the Top Three Ethnicities by Region: 2020

TOP THREE ETHNICITIES IN THE REGIONS & CORRESPONDING PROPORTION TO HOUSEHOLD POPULATION

NATIONAL CAPITAL REGION

RANK	ETHNICITY	%
1	Tagalog	56.1%
2	Bisaya/Binisaya	13.3%
3	Bikol/Bicol	7.5%

CORDILLERA ADMINISTRATIVE REGION

RANK	ETHNICITY	%
1	Ilocano	22.1 %
2	Kankanaey	18.8 %
3	Ibaloy	8.9 %

I - ILOCOS REGION

RANK	ETHNICITY	%
1	Ilocano	58.3%
2	Pangasinan	29.7%
3	Tagalog	4.1%

II - CAGAYAN VALLEY

RANK	ETHNICITY	%
1	Ilocano	61.8 %
2	Ibanag	10.2 %
3	Itawes	23.4 %

III- CENTRAL LUZON

RANK	ETHNICITY	%
1	Tagalog	52.4%
2	Kapampangan	23.4%
3	Ilocano	10.8%

IV-A - CALABARZON

RANK	ETHNICITY	%
1	Tagalog	74.4 %
2	Bisaya/Binisaya	7.5 %
3	Bikol/Bicol	5.5 %

MIMAROPA REGION

RANK	ETHNICITY	%
1	Tagalog	42.2%
2	Cuyonen/Cuyunon	9.6%
3	Bisaya/Binisaya	9.5%

V - BICOL REGION

RANK	ETHNICITY	%
1	Bikol/Bicol	78.8 %
2	Masbateño/ Masbetenon	10.5 %
3	Bisaya/Binisaya	2.7 %

VI - WESTERN VISAYAS

RANK	ETHNICITY	%
1	Ilonggo	67.6%
2	Capizeño	9.6%
3	Other Local Ethnicity	6.9%

VII - CENTRAL VISAYAS

RANK	ETHNICITY	%
1	Cebuano	61.4%
2	Bisaya/Binisaya	19.3%
3	Boholano	16.2%

VII - EASTERN VISAYAS

RANK	ETHNICITY	%
1	Waray	64.2%
2	Bisaya/Binisaya	32.2%
3	Cebuano	2.0%

IX - ZAMBOANGA PENINSULA

RANK	ETHNICITY	%
1	Bisaya/Binisaya	41.7%
2	Subanen/Subanon	16.3%
3	Zamboangeño	10.7%

X - NORTHERN MINDANAO

RANK	ETHNICITY	%
1	Bisaya/Binisaya	52.4%
2	Cebuano	23.4%
3	Higaonon/Higa-onon	8.2%

XI - DAVAO REGION

RANK	ETHNICITY	%
1	Bisaya/Binisaya	48.8%
2	Cebuano	11.3%
3	Mandaya	7.9%

XII - SOCCSKSARGEN

RANK	ETHNICITY	%
1	Ilonggo	32.0%
2	Cebuano	16.7%
3	Maguindanao	13.3%

XIII - CARAGA

RANK	ETHNICITY	%
1	Bisaya/Binisaya	39.1%
2	Surigaonon	18.9%
3	Manobo	13.1%

BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO

RANK	ETHNICITY	%
1	Maguindanao	26.4%
2	Tausog/Tausug	23.3%
3	Maranao	22.7%

Source: Philippine Statistics Authority, 2020 Census of Population and Housing

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▶▶ Two fifths of the household population with foreign ethnicity are of Chinese descent

Of the **108.67 million** household population, **230,917** persons (**0.2%**) were reported to have foreign ethnicity. The top 10 foreign ethnicities accounted for **189,023 (81.9%)** of the foreign ethnicity. Chinese ranked first with **102,577** persons (**44.4%**), followed by those with Indian ethnicity with **23,464** persons (**10.2%**), American ethnicity with **13,946** persons (**6.0%**), and Swiss ethnicity with **13,777** persons (**6.0%**). (See Figure 3)

The statistics presented in this press release were based on the information provided by the respondent pertaining to all members of the household. The categories of ethnicity were provided by the National Commission on Indigenous Peoples and the National Commission on Muslim Filipinos.

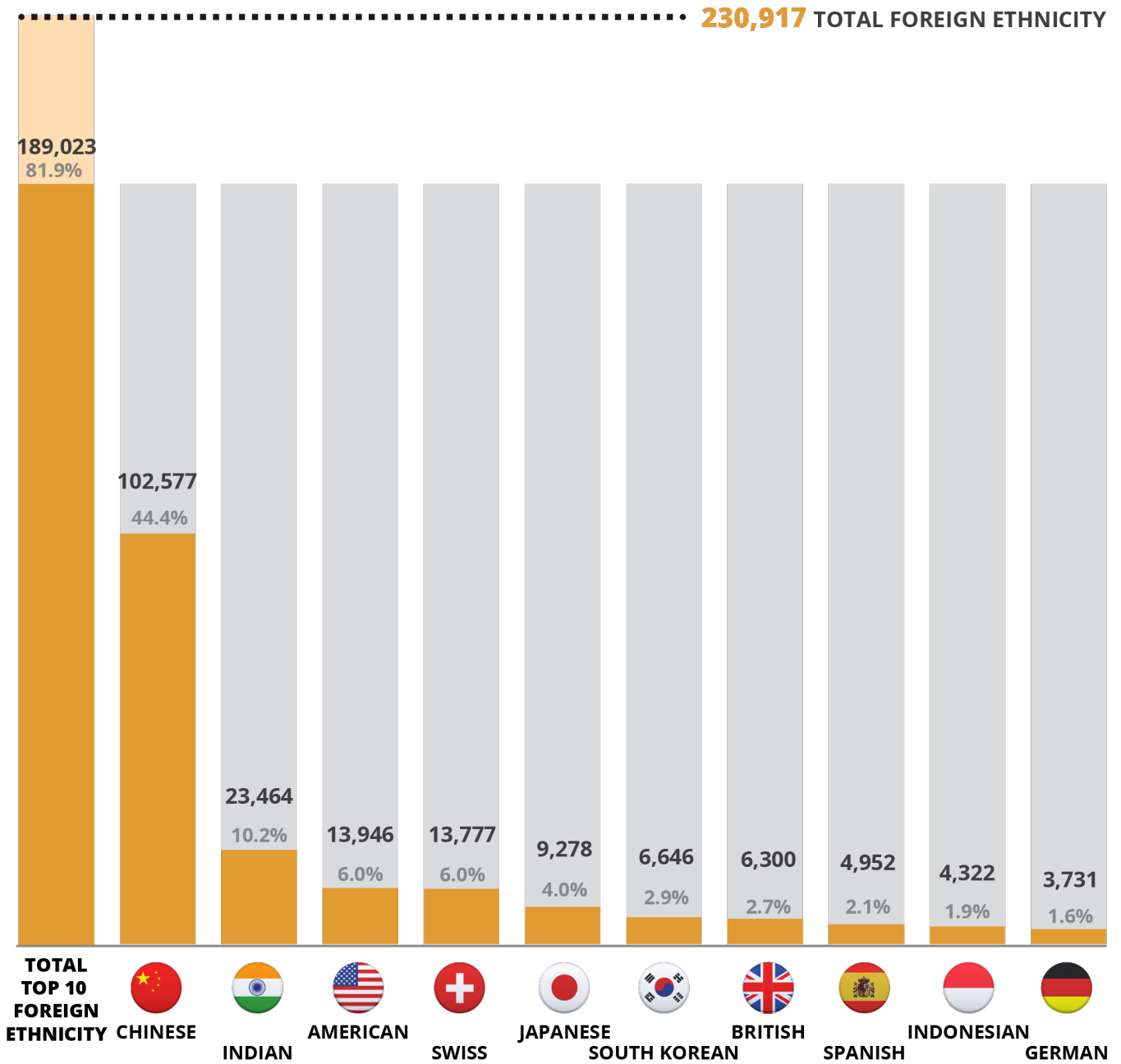


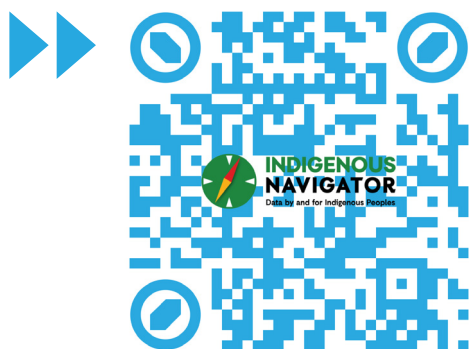
Figure 3. Top Ten Foreign Ethnicities in the Philippines: 2020
 Source: Philippine Statistics Authority, 2020 Census of Population and Housing



**PHILIPPINE
GOVERNMENT
AND
INTERNATIONAL
INSTRUMENTS/
FRAMEWORKS
ON HUMAN
RIGHTS AND IP
RIGHTS**

The Philippine Government has ratified most of the international human rights/indigenous peoples' rights instruments except ILO Convention No. 107, ILO Convention 169, and International Convention on the Protection of All persons from Enforced Disappearance and several optional protocols.

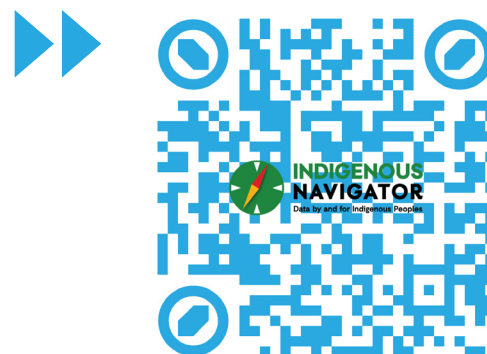
The country has also ratified 38 ILO Conventions including all 8 Fundamental Conventions: C.29 Forced Convention (1930); C.87 Freedom of Association and Protection of the Right to Organize Convention (1948); C.98 Right to Organize and Collective Bargaining Convention (1949); C.100 Equal Remuneration Convention (1951); C.111 Discrimination (Employment and Occupation) Convention (1958); C.138 Minimum Age Convention (1973); and C.182 Worst Forms of Child Labor Convention (1999).



The Philippines likewise ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR); Convention on the Rights of the Child (CRC); International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Rights of Migrant Workers and their Families; and the Convention on the Rights of Persons with Disabilities. However, the optional protocol to the Convention against Torture has not yet ratified. The 2008 UPR process took note of this, thus, urged the government for the ratification of the latter.



The Philippines adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). In 1997, the Philippines enacted the Indigenous Peoples Rights Act (IPRA), an act recognized by the international community as among the very few progressive laws that protect the rights of indigenous peoples. The government signed on August 7, 1998 the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL), a comprehensive agreement between the Government of the Republic of the Philippine and the National Democratic Front of the Philippines to guarantee the protection of human rights of all Filipinos under all circumstances and to re-affirm and apply the International Humanitarian Laws in the conduct of the armed conflict between the two parties.



ON UN MECHANISMS ON HUMAN RIGHTS AND IP RIGHTS

On April 20, 2023, the Committee on the Elimination of Racial Discrimination concluded its consideration of the combined 21st to 25th periodic report of the Philippines, with Committee Experts commending the law on HIV/AIDS, and asking questions on indigenous peoples and on internally displaced persons.

One Committee Expert wished for disaggregated data on the number of people living with HIV in the country, particularly among the indigenous population. Michael Balcerzak, Committee Expert and Country Co-Rapporteur for the report of the Philippines, asked for the provision of information concerning specific judgments of domestic courts that referred to the protection and promotion of the indigenous peoples' rights. He noted the range of programs and activities intended to ensure that indigenous

customary land practices. He asked how the Government ensured that the principle of free, prior and informed consent was respected in all circumstances.



Allan A. Capuyan, Chairperson of the National Commission on Indigenous Peoples of the Philippines and head of the delegation, said there were 17 special regions in the country, and that discussions were already made in the Regional Task Forces on the rights of indigenous peoples,

▶▶ **“The color of skin nor clothing did not matter. What mattered were rights, which should be protected and respected.”**

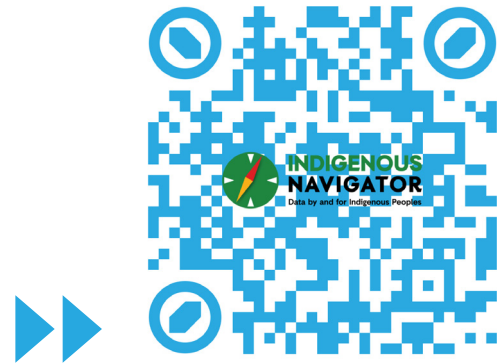
peoples could benefit from human rights sans discrimination. During the period under review, however, there had been an expansion of foreign and private large-scale projects for mining, hydropower dams, infrastructure, agribusiness, and logging, all of which had threatened indigenous peoples' land rights and undermined indigenous

industrial workers, youth and students, and other groups in order to mainstream issues from the ground with sectoral issues. He also pointed out that “the rights of every citizen and their well-being were guaranteed through the Constitution.” The National Commission on Indigenous Peoples supported human rights defenders. Almost

6 million hectares of territory had been declared as ancestral lands and territories, almost one third of the country. The color of skin nor clothing did not matter. What mattered were rights, which should be protected and respected.”

On internally displaced persons, the delegation said legislation provided for the protection of the rights of the indigenous in cases of armed conflict, including through the Department of Social Welfare and Development (DSWD). “Food and other resources were provided for internally displaced persons. Many children have become exposed or vulnerable to armed conflicts in various areas: emphasizing that the influence of violent extremism could not be denied. The Philippines, according to the delegates, was enacting a law that would promote and guarantee the rights of children involved in armed conflicts.”

The Human Rights Council, in its 44th session held from 15 June to 3 July 2020 (Agenda item 2), released the annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General Situation of human rights in the Philippines Report of the United Nations High Commissioner for Human Rights. Full report can be read here:



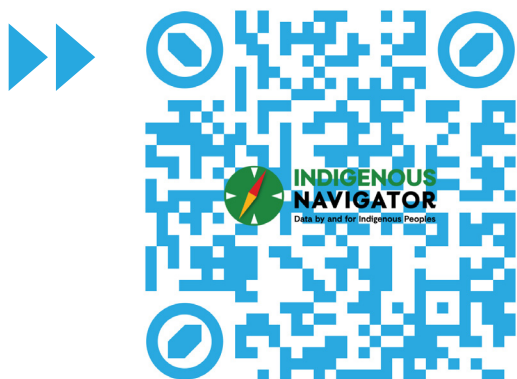
The report covered the implementation of Human Rights Council resolution 45/33 and the progress and results of technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines, including through a United Nations Joint Programme on human rights (UNJP) being implemented with the Government of the Philippines and national partners. The High Commissioner also provided recommendations which aim to promote a transformative approach to human rights-based reforms, strengthen an institutional culture of respect for human rights, ensure justice and redress for victims, and contribute towards the prevention of recurring violations.

Specific to Indigenous Peoples, the High Commissioner recommended the following:

- 1 Fully and comprehensively implement the Indigenous Peoples’ Rights Act, and address, together with affected communities, major challenges that impede the proper functioning of the Act;**
- 2 Ensure full respect for the principle of free, prior and informed consent and meaningful participation at all stages of development projects that affect indigenous communities; and**
- 3 Ensure universal access by indigenous children to quality education in line with their cultural identity, language, and values.**

On UN Mechanisms on Human Rights and IP Rights

On September 14 of 2022, the Philippine Government submitted a comprehensive human rights situation/report to the UN Human Rights Council (UNHRC). This is the link to the full report:



It is worth noting that the report devoted a section: 2.5.2 The meaningful participation of indigenous peoples says:

In line with the mandate of the Indigenous Peoples Rights Act of 1997 (Republic Act no. 8371), the Philippine Government, through the National Commission on Indigenous Peoples, has instituted and established the necessary mechanisms to ENFORCE AND GUARANTEE THE REALIZATION OF INDIGENOUS PEOPLES' RIGHTS, taking into consideration their customs, traditions, values, beliefs, interests and institutions, and to ADOPT AND IMPLEMENT MEASURES TO PROTECT THEIR RIGHTS TO THEIR ANCESTRAL DOMAINS. Following are some of the highlights of the progress, including on measures to operationalize free, prior and informed consent, particularly in relation to the activities of extractive industries.



This general statement is substantiated by data from NCIP on the state of implementation of the four bundle of rights. We will be citing these data later in this report. (see below)

The Third Universal Periodic Review (UPR) on the implementation of the Convention on the Rights of the Child (CRC) was conducted in 2017. The fourth review, on the other hand, was supposed to take place in 2022. The

Garcia, permanent representative of the Philippine Permanent Mission to the UN in Geneva, and USec. Severo Catura, executive director of the Presidential Human Rights Committee Secretariat. "We have always accorded high importance to our human rights commitments as you can glean from our engagement with stakeholders both at the national and international level," Usec. Tapales said. "We, at the Council for the Welfare of Children, will continue to support

▶▶ **"We, at the Council for the Welfare of Children, will continue to support human rights, particularly children's rights. After all, children's rights are human rights."**

UPR is a process which involves a periodic assessment of the human rights situation of all 193 UN Member States. It is a mechanism under the United Nations Human Rights Council (HRC) based on equal treatment for all countries.

human rights, particularly children's rights. After all, children's rights are human rights," he added (Presidential Human Rights Committee Secretariat). The recent periodic review on CEDAW was done in 2016.

On September 13-14, 2022, the Philippines engaged the UN Committee on the Rights of the Child (UNCRC) in a 2-day constructive dialogue on the State's implementation of the Convention on the Rights of the Child (CRC). Heading the Philippine delegation was USec. Angelo Tapales, executive director of the Council for the Welfare of Children (CWC). With him were Ambassador Evan



PHILIPPINE LAWS THAT VIOLATE THE RIGHTS OF INDIGENOUS PEOPLES

While the Philippine State has the IPRA that upholds and defends the rights of Indigenous Peoples, the country has however enacted laws and carried out activities that contradict and undermine those same rights, most especially those that pertain to right to land territories and resources—a fundamental right that is also the anchor or basis of the other bundle of rights. The Philippine Mining Act of 1995, for instance, caused the displacement and marginalization of many IPs and local communities (Stavenhagen, 2002; Cariño and Colchester, 2010) and perpetuated the devastation the environment. The Duterte Administration did not repeal or amend this law for all the damage it has caused. Instead, it recently lifted the 9-year moratorium on new mineral applications with Executive Order No. 130.



Thus, the problems that the law has spawned continues unabated.

The National Integrated Protected Areas System (NIPAS) Act of 1992 hoisted positive

as well as negative impacts on Indigenous communities. On the positive side, the NIPAS institutionalized the participation of indigenous and local communities in the land management process by establishing the Protected Area Management Boards composed of government officers, non-governmental organizations (NGOs), and local community representatives. However, the effectivity of this mechanism depends on several factors, foremost of which, is the ability and commitment of the leading government agency such as DENR to make the PAMB truly functional, and the capacity of IP representatives to amplify their voices and assert their rights in these government-dominated body. On the negative side, the NIPAS failed to guarantee security of land tenure for IPs. Instead, it led to the displacement of IPs from their ancestral lands, sacred sites, and sources of livelihoods.

The right to ancestral land and domain and resources of IPs are also contradicted in substance, and undermined in practice, by national land laws like the Comprehensive Agrarian Reform Law (CARL) of 1988 or Republic Act No. 6657. On one hand, the law is laudable in sense that it seeks to the welfare of the landless farmers and farmworkers, and seeks to establish the owner-cultivation of economic-size farms as the basis of Philippine agriculture. The Comprehensive Agrarian Reform Program (CARP) which is based on the right of landless farmers

and farmworkers to own the land they till, or to receive a fair share of the fruits of their labor seeks to achieve this essentially through the redistribution of agricultural lands, subject to the payment of just compensation of dispossessed landowners (sect. 2). Agricultural land allocations shall be made for ideal family-size farms as determined by the Presidential Agrarian Reform Council (PARC). The main problem with CARL/CARP is that it both contradict the spirit, intent, and content of the Indigenous Peoples Rights Act (IPRA) of 1997, which recognizes the primary of collective rights to ancestral domains and ancestral lands. The continued implementation of CARL/CARP in IP territories resulted to confusion, and even led to the division between and among IPs.

There are also laws and other policy instruments that are being implemented by the Department of Environment and Natural Resources (DENR) that contradict the IPRA. One is the Community Based Forest Management Agreement (CBMFA) which is “a production sharing agreement

between the DENR and the participating people’s organization (POs) for a 25 year period renewable for another 25 years and shall provide tenurial security and incentives to develop, utilize, and manage specific portions of forest lands.” (DENR Administrative Order No. 96-29).

The CBFMA has undoubtedly produced outcomes towards sustainable forest management. But the downside of it is that it has not produced long term economic benefits at the grassroots level and has not truly empowered communities as they protect and manage their forests and forestlands. (Pulhin, et al.)



Again, the fundamental problematique is the (in)security of land tenure especially among the IPs. Studies (Mickelwait, Harker, and Guiang 1999) showed that there is an “increasing evidence that tenured areas are better-off in terms of forest cover, forest fire prevention, income generated from reforestation contracts, and resource

use rights.” (Cited in Pulhin, et al.). The implementation of the IPRA would have been a great step in the right direction. But it continues to be under-funded, among other hindering issues. Pulhin et. al. conclude: “With this foot-dragging by both national leaders and the bureaucracy, CBFM and all its rosy promises so far may still turn out to be just a dream or a passing development fad. Should the outcomes of this fad be neutral, i.e., no harm done, then it may just end up as an expensive learning experience for the country which still may bear fruit in the distant future.”

Indigenous Peoples’ Right to Self-governance and Empowerment is guaranteed by the IPRA, which has encouraged IP communities to self-organize either through their Indigenous Political Systems (IPS) and/or Indigenous Peoples Organizations (IPOs). However, many IPSs and IPOs lamented that they have been subjected to various forms of harassments and intimidations from the AFP and PNP operatives on suspicion of being “communist fronts” or “terrorist groups.” This (practice of the AFP and PNP) has been further enabled by the 2020 “Anti-Terrorism Law or Republic Act Number 11479.” It declares a “policy of the State to protect life, liberty, and property from terrorism, to condemn terrorism as inimical and dangerous to the national security of the country and to the welfare of the people, and to make terrorism a crime against the Filipino people, against humanity, and against The Law of Nations”



The IPOs have expressed concern that, when implemented speciously on the ground

(e.g. labelling legitimate dissent as an act of terrorism), even non-terrorist and reform-seeking IP communities, their organizations and support groups may be, or in fact, actually are, already being red-tagged, which results to various forms of harassments and intimidations, including threat to their lives.

The right to cultural integrity of Indigenous Peoples is also guaranteed by the IPRA. This provision is reinforced by several laws, administrative orders, and executive orders issued by national cultural and educational institutions: National Commission on Culture and Arts (NCCA), National Museum, National Historical Commission of the Philippines (NHCP), Commission on Higher Education (CHED), and the Department of Education (DepEd) (see Rovillos, et al., 2022-UNESCO study). These favorable trends have recently been unsettled by the decision of the current administration to modify the K-12 program. The current “Matatag” curriculum no longer offers mother tongue education as a distinct course, albeit teachers may continue to teach subjects using the mother tongue. Advocates of mother tongue education and IP leaders have expressed dismay over this decision, arguing that it is a regressive move



as far as advancing Indigenous languages, heritage, and culture is concerned. The IP Education Program (IPed), which was vigorously pursued during the administration of Pres. Benigno Aquino, Jr., slowed down during the Rodrigo Duterte presidency.

The IPRA also ensures the Indigenous Peoples’ right to social justice. Access to basic services like food, education, health,

employment and participation in public life is also legally guaranteed by various national laws, administrative/executive orders, and programs. Structural or systemic constraints yet continue to hinder full access to social justice and basic social services. More specifically, many IPs lack access to social justice because they have been historically made powerless and unable (due to absence/lack of financial and other resources) to fight long, expensive legal battles against powerful people. Moreover, access to social justice is challenged by specific policies that seem to be insensitive to, or are not based on the specific contexts of IPs.

<p style="text-align: center;">EDUCATION</p> <p>DepEd requirement on birth certificate before enrolment of Grade 1; DepEd requirement not to build schools where there is small number of population.</p>	<p style="text-align: center;">HEALTH</p> <p>No home-birthing policy of LGUs, TK; family planning, reproductive health</p>	<p style="text-align: center;">PARTICIPATION IN PUBLIC LIFE, CITIZENSHIP</p> <p>PSA and LGU requirements for late registration of births, deaths; SC decision in 2016 that the NCIP is not to handle conflicts between IPs and non-IPs.</p>
<p style="text-align: center;">EMPLOYMENT, OCCUPATION AND VOCATIONAL TRAINING</p> <p>Only a few IPs are able to find employment, jobs and access vocational training.</p>	<p style="text-align: center;">FOOD, DEVELOPMENT, SOCIAL PROTECTIONS, HOUSING AND SANITATION</p> <p>Badjao ancestral waters declared as DENR sanctuary areas; programs on relocation, evacuation.</p>	<p style="text-align: center;">LEGAL PROTECTION, ACCESS TO JUSTICE AND REMEDY</p> <p>Language used in litigation of cases not understood by IPs.</p>

Table 4. Example of policies, programs, and practices that threaten IP rights

The Philippine government has developed national actions plans, strategies, and other measures to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)—mainly through and within the national framework, the Indigenous Peoples Rights Act (IPRA). The most recent plan known as the NCIP Strategic Plan Framework (2019-2022 and 2022-2028) was being carried out under the leadership of NCIP Chairperson Allen A. Capuyan until replaced by a new chair on September 15, 2023. The plans comprised of a detailed NCIP Strategic Workflow Framework contained the four bundle of rights; the specific rights

under each bundle of rights; corresponding Programs, Activities, and Projects (PAPs); responsible NCIP units and partner agencies; status of deliverables; budgetary requirements; and timeline (NCIP Annual Report, 2020). The NCIP likewise formulated the “Eleven (11) Building Blocks of a Resilient, Responsive,

and Relevant ICCs/IPs in Ancestral Domains.”

- 1 Confirmation of IPs
- 2 Registration and accreditation of IPOs
- 3 CADT/CALT delineation process
- 4 Establishment of Ancestral Domains Management Office (ADMO)
- 5 ADSDPP Formulation
- 6 IP wealth management-CRMDP Formulation
- 7 Institutionalization of Certificate Precondition: FPIC and EPR
- 8 Effective Indigenous Peoples Mandatory Representation (IPMR) in the local legislative bodies
- 9 Efficient and enhanced MOA/MOU/MOC formulation
- 10 Socio-economic activities with IP cooperatives
- 11 Ancestral domain defense system

The NCIP Strategic Plan (2019-2022) did not contain measures that promotes and protects the rights of indigenous persons with disabilities, as well as improves their social and economic conditions. Still, this does mean that the Philippine government has no policies, programs, and projects specifically for persons with disabilities. There is a Republic Act No. 7277, an “act providing for the rehabilitation, self-development and self-reliance of disabled persons and their integration into the mainstream of society and for other purposes.” This law is meant to be applicable to all persons with disability, regardless of ethnicity.

The Philippine State/Government has finally able to carry out an ethnicity-disaggregated national census in 2020. Refer to NEDA if this tool is already in use to monitor the achievement of the SDGs by IPs and individuals. Also see: The Philippine Action Plan on the Inclusive Data Charter.

The NCIP website mentions this:

GENDER AND RIGHTS-BASED SERVICES

- 1** The socio-political structures, systems and institutions of ICCs/IPs are strengthened;
- 2** The Indigenous structures, systems and institutions are not supplanted by other forms of non-indigenous governance;
- 3** The established mechanisms that allow the interfacing of Indigenous systems of governance with the national systems are established; and
- 4** The ICC/IP representation in policy and decision-making bodies are institutionalized.

This could have been a technical error on the part of the NCIP web developer, since there is no mentioning at all on Indigenous Women.

From the Philippine Commission on Women (PCW) website, we gathered this:

THE GENDER EQUALITY AND WOMEN'S EMPOWERMENT (GEWE) PLAN 2019-2025 COVERS FOUR YEARS OF THE PHILIPPINE DEVELOPMENT PLAN (PDP) 2017-2022, AND THE REMAINING YEARS OF THE PHILIPPINE PLAN FOR GENDER-RESPONSIVE DEVELOPMENT (PPGD) 1995-2025.

THE GEWE PLAN STRATEGIC ACTIONS

- Concretize Duterte Administration's commitments in the full implementation of the Magna Carta of Women (MCW) or Republic Act (RA) 9710;
- Contribute to the inclusive human development goal of the PDP 2017-2022, and the collective vision of AmBisyon Natin 2040;
- Move the country closer to the achievement of a long-term vision of gender equality and women's empowerment articulated in the PPGD 1995-2025; and
- Facilitate the implementation of the country's international commitments to gender equality and women's empowerment, particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Declaration and Platform for Action (BPfA); the UN Security Council Resolutions (UNSCR) on Women, Peace and Security, the 2030 Global Agenda for Sustainable Development or the Sustainable Development Goals (SDGs), especially Goal 5 on Gender Equality, and relevant Association of Southeast Asian Nations (ASEAN) declarations and action plans.

The GEWE Plan 2019-2025 is the government's guide and key reference in the formulation of Gender and Development (GAD) plans and budgets. It is the third time-slice framework plan that government has formulated in support of PPGD 1995-2025's long-term perspective plan.

The right to self-governance and empowerment is one of the IPs' four bundle of rights under the IPRA. The specific rights that are outlined in sections 13-20 of IPRA are: authentication of indigenous leadership titles and certificates of tribal membership; recognition of socio-political institutions and structures; right to use their own commonly accepted justice systems, conflict resolution institutions, peace-building processes or mechanisms, and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights; right to participate in decision-making (mandatory representation in policy-making bodies and other local legislative councils); and right to determine and describe priorities for development; tribal barangays (may form

STATE RECOGNITION ON THE IPS RIGHT TO SELF-DETERMINATION / SELF-GOVERNANCE

or constitute a separate barangay in accordance with the Local Government Code Sec. 386, par. A) and right to organize and associate for collective actions (NCIP, 2020 and 2021).

The Philippine State has established a number of mechanisms for consultation with the IPs at local, regional and national levels. One is the NCIP structures/bodies, such as the provincial and regional offices, the regional commissioners who are expected (in principle) to conduct regular consultations with their respective constituents. Another is through the implementing

rules of the FPIC process and the Indigenous Peoples Mandatory Representation (IPMR) mechanism.

The extent to which these rights are exercised and recognized at the local level depends on the capacity and capability of IPs to assert their rights and the willingness/openness of local and regional state actors (civil and military) to enable and empower the IPs in exercising their rights sans political patronage deeply imbedded in all political processes in the Philippines, including those processes and representative mechanisms aforementioned.

ON INDIGENOUS LANGUAGES AND CULTURAL HERITAGE

Indigenous Languages are far from becoming official languages in the Philippines. The closest to this would have been the mandatory teaching of mother tongue language in the K-12 program but recently abolished by the Marcos administration through the streamlining of the K-12 curriculum dubbed as “Matatag.” Indigenous languages are also not yet used in systems of signposting, documentation, and official communications—only regional languages are used,

again, only in some regions in the country.

It is important to not as well that intergenerational transmission of language, culture, tradition or heritage is being addressed by the Philippine state through the IP Education Program (IPED) in the K-12 curriculum of the Department of Education and through the Schools of Living Tradition program of the National Commission on Culture and the Arts (NCCA), in partnership with DepEd.

Indigenous culture continue to be misrepresented and misappropriated in national textbooks, traditional and social media, cultural performances, and film (De los Reyes, 2016; Daytec-Yangot-unpublished SDS seminar paper; Rovillos, 2020).

Save for some private initiatives, the government still has no policy and program to repatriate Indigenous Peoples’ artifacts found in museums abroad (Cruz-PDI 2021).

INDIGENOUS PEOPLES COLLECTIVE RIGHTS TO LAND AND RESOURCES

The IPRA recognizes the rights of IPs to their ancestral domains/lands. Sections 4-12 of the law enumerate the specific rights under this bundle of rights: right to ownership; right to develop lands and natural resources; right to stay in territories; right in case of displacement; right to

regulate entry of migrants; right to safe and clean air and water; right to claim parts of reservation (except those reserved and intended for common and public welfare and service); right to resolve conflict; right to transfer land/property to/among members of the same ICCs/IPs, subject to customary laws and traditions of the community concerned; and the right to redemption of all transferred to a non-IP where the transfer is tainted by vitiated consent or the land is transferred for an unconscionable consideration or price (NCIP, 2021).

The NCIP has adopted clear procedures for the identification, demarcation, mapping, and registration of indigenous peoples' lands and territories, through the Implementing Rules and Regulations (IRR) of the IPRA and the administrative orders on the guidelines on the procedures and processes leading to the issuance/release of Certificates of Ancestral Land Titles (CALTs) and Certificates of Ancestral Domain Titles (CADTs).



Figure 3. Land Areas of Registered and Non-Registered Indigenous territories in the Philippines
Sources: National Commission on the Rights of Indigenous Peoples (NCIP), 2020 Accomplishment Report; Legal Rights and Natural Resources Center, 2022 The State of the Indigenous Peoples Address.

257

Certificates of Ancestral
Domain Title (CADTs)

251

Certificates of Ancestral
Land Title (CALTs)

212

CADTs being processed
(2022)

171

CALTs being processed
(2022)

15

Ancestral Domain
Sustainable Development
and Protection Plans
formulated (2021)

450

Certification Preconditions
issued (2022)



Figure 4. Number of CADTs and CALTs issued and being processed as of July 2022
Source: Human Rights Philippines Report (2022)

The Free and Prior Informed Consent (FPIC) process is an instrument facilitated by the NCIP that would protect the rights of IPs. This process ensures that investors/proponents comply with the requirements of the FPIC process before any project/activity is conducted in ICCs/IPs ancestral domains/lands. (page 22)

Compliance to the FPIC may be procedural, but not necessarily substantial, as shown by a nationwide study conducted in 2012 and published in 2013. This nationwide survey focused on the implementation of FPIC in the Philippines.

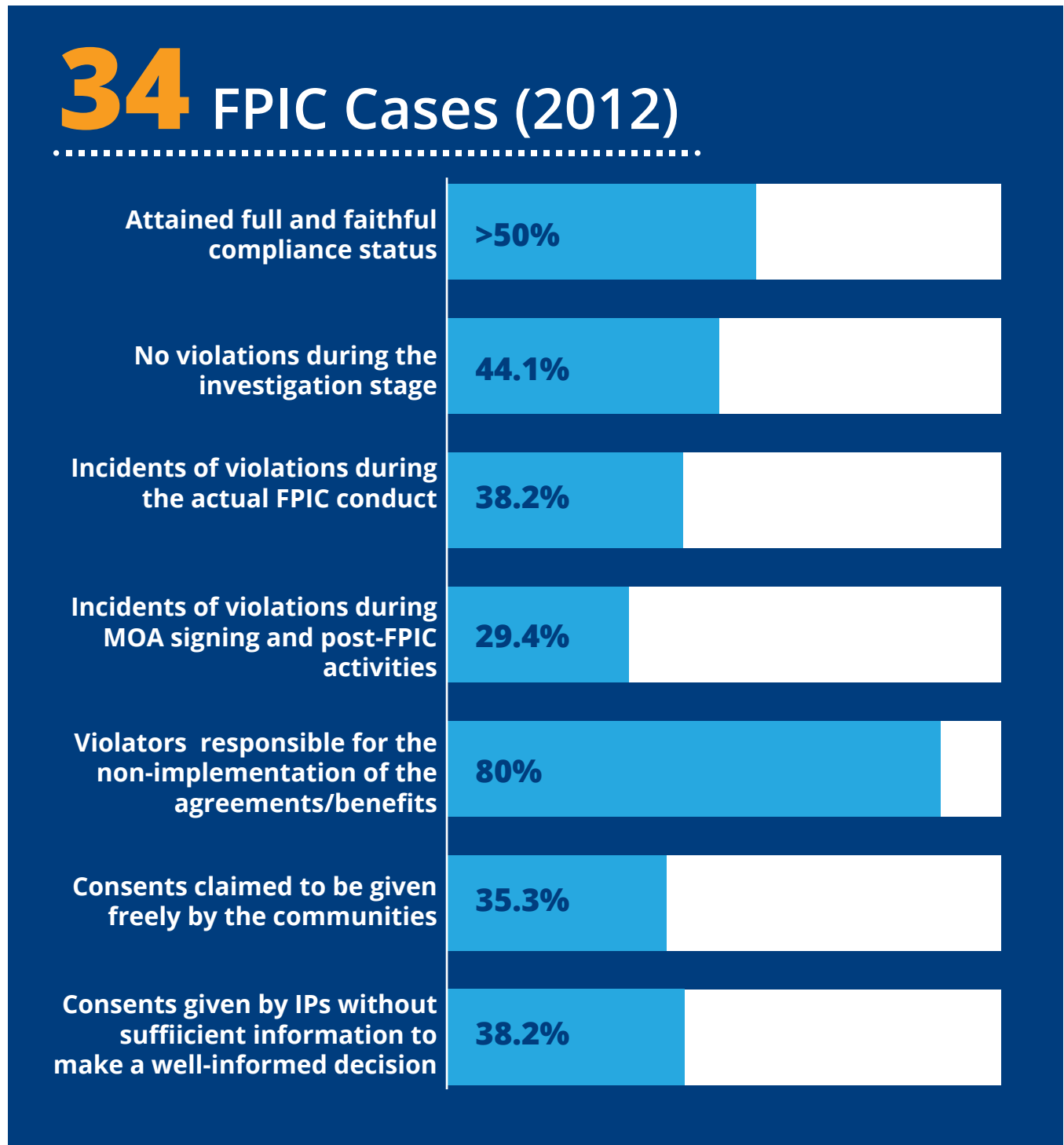


Figure 5. Statistics related to the FPIC cases as of 2012

Source: *An Assessment of the Implementation of the Free and Prior Informed Consent (FPIC) in the Philippines: Volume I: Main Report*. December 2013

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In addition, a number of FPIC applicants deliberately highlighted the material benefits that would be derived from the project while glossing over negative social and environmental impacts of the projects. The analysis of the community notion of consent revealed that although there are culture-based and site-specific customary practices of giving consent, the modern and liberal concept of “majority rule” (50+1) was widely utilized by IP communities. This shows that customary beliefs and practices underwent changes through the process of accommodation and adaptation of non-indigenous practices by the IPs themselves (Calde, Ciencia and Rovillos, 2013).

The following are effects of the lifting of the ban on mining by the Duterte Administration: IPs continue to be displaced from their ancestral domains. “Displaced Indigenous groups in Mindanao have linked an ongoing government crackdown against them as cover to clear ancestral domain lands for mining companies, particularly small-scale Chinese firms with pending mining applications.” (Cruz, 2021). Since 2000, Chinese investments in the Philippine mining sector have been channeled through “local elites in the artisanal small-

scale mining (ASM) firms,” a study notes (Camba, Tritto and Silaban, 2020). In Palawan province, one of the most biodiverse areas in the country, the order could potentially greenlight the operations of at least five mining applications, according to the Environmental Legal Assistance Center (ELAC). While the province is governed by a strategic environmental plan that bans mining, there has been an increase in mining applications, said ELAC executive director Grizelda Mayo-Anda (Cruz, 2023).



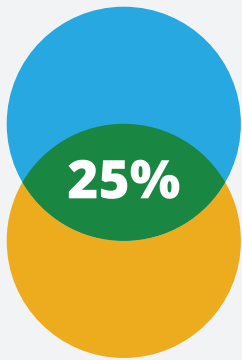
Also in Palawan, particularly in San Vicente (in one of the IN communities), IPs are resettled into the interior side of the mountains away from the coastal areas to give way to big-businesses who have titled these properties by the white sand beaches.

.....



1.44 million ha

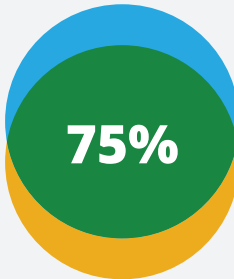
of Protected Areas overlap with ancestral domains



or

1.35 million ha

of Key Biodiversity Areas overlap with ancestral domains



or

5.26 million ha

of forest cover overlap with ancestral domains

Figure 6. Areas overlapping with ancestral domains
Sources: Legal Rights and Natural Resources Center, 2023 *The State of the Indigenous Peoples Address*.



Figure 7. Number of Environmentally Critical Projects situated within or near CADT-registered lands
 Source: Environmental Management Bureau (EMB, 2022)

This means that one in every five ECP overlaps and consequently poses ecological risks to ancestral lands in the country, such as the massive disturbance and pollution of land, vegetation, waterways, air, climate, and biodiversity, among others.

If the coverage of other mining (MGB, 2022) and timber (FMB, 2010, 2017, and 2020) tenements that are not yet listed as ECPs are included, **126 (49%) of the 255 CADTs will have land or environmental conflicts. At least 1.25 million hectares of these project areas will overlap with 21% of all formal ancestral territories.** The computations do not yet include indigenous territories that are not under CADTs or are under Native Title claims. **Extractive industries such as logging, mining, and quarrying constitute 51% of all documented ECPs within CADTs, encompassing 66% of the total land area covered by these projects (LRC, 2023).**

SOCIAL JUSTICE AND HUMAN RIGHTS

The Philippine State, through the IPRA, guarantees IPs rights to social justice and human rights through Sections 21-28 of the IPRA, to wit:

▶▶ **Equal protection and non-discrimination; rights during armed conflict; freedom from discrimination and the right to equal opportunity and treatment; right to basic services; rights of women; right of children and youth, and the right to integrated system of education/right to education (NCIP, 2021).**

Data from Indigenous alliance groups Panaghiusa [29] and Sandugo [30] revealed that human rights violations against Indigenous Peoples between 2016 and 2021 included 126 extrajudicial killings, 160 frustrated extrajudicial killings, 227 illegal arrests, 478 illegal detentions, six enforced disappearances, and 97,118 victims of forced displacement. On top of this, numerous Indigenous leaders faced false charges, terrorist-labelling, abductions, and shoot-to-kill orders. (The Indigenous World 2023: Philippines - IWGIA).

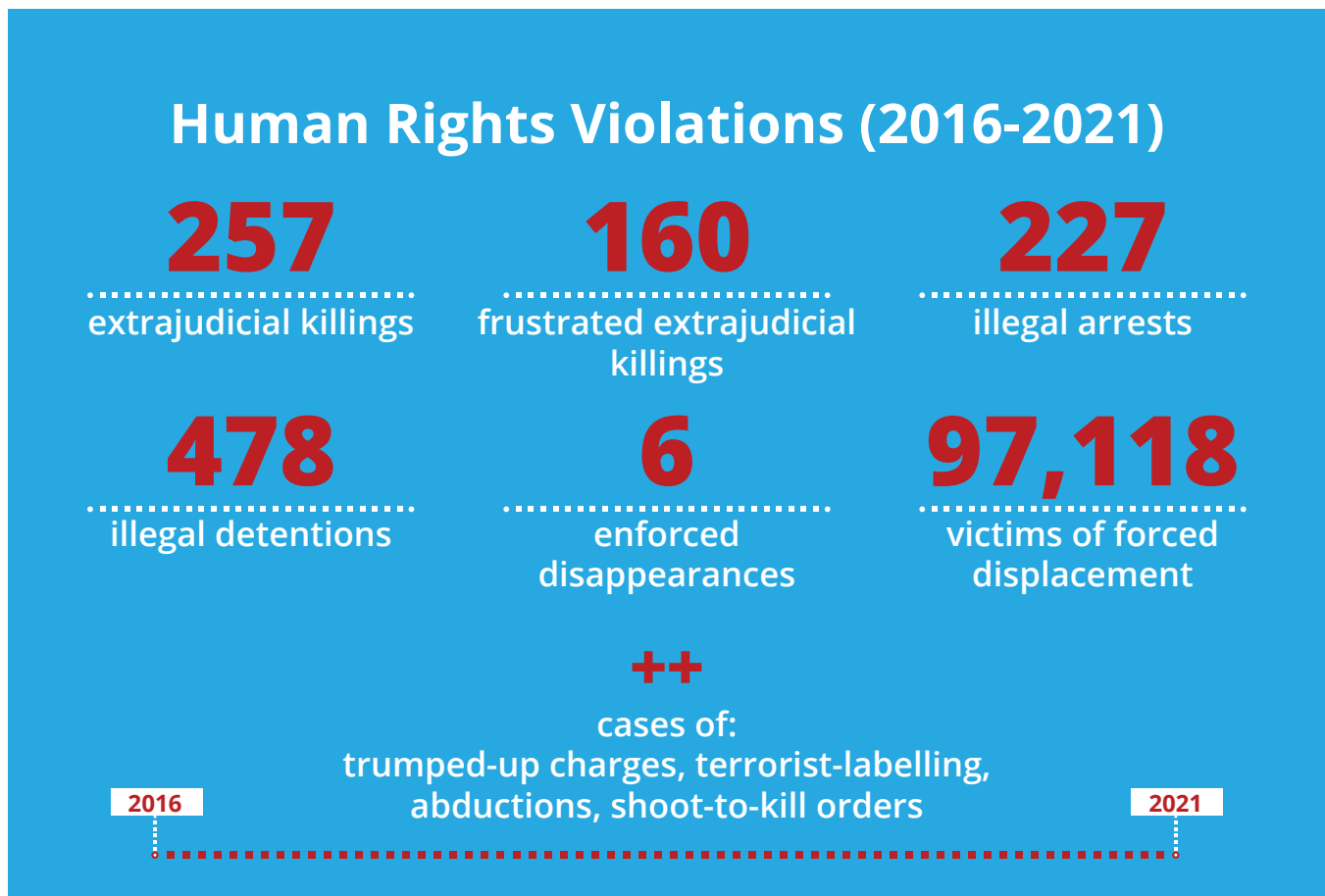


Figure 8. Number of Human Rights Violations committed from 2016 to 2021
Source: *The Indigenous World 2023: Philippines*

The Legal Rights and Natural Resources Center (LRC) has also recently documented cases of human rights violations committed among IPs and their communities. We take liberty in quoting the report verbatim.

ENDANGERED

(from the SIPA, LRC, 2022)

Many IPs have bravely resisted the siege of big business and government projects upon their ancestral domains, but the struggle is fraught with many dangers. Cross checking data from monitoring efforts of various groups, we have documented at least 45 IPs killed over the period of 2019 to 2021 (Global Witness, 2020, 2021, 2022; Sandugo, 2022; Loyukan, 2021). A 67% spike in killings can be seen in 2021 compared to the steady plateau over the prior years, indicating a worsening human rights situation.

Land grabbing and conflict with ancestral domains were the roots of contention for the most number of IPs killed, at 17 or 38% of the total. The province of Maguindanao, where the Teduray people have long struggled to assert their ancestral domains (Lacorte, 2022), was the epicenter of violent killings where a third of all the documented murders were perpetrated.

The Teduray are among the non-Moro Indigenous Peoples (NMIPs) in the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM), along with the Lambangian, Kirentiken Menvu, Menvu Dulangan, and Higaonon peoples. They all share similar issues, such as red-tagging, dispossession due to armed conflicts and evacuation, land grabbing by corporations and migrants, and issuance of titles (CLOAs) within ancestral domains.

Many indigenous groups decry the highly politicized selection process of Indigenous Peoples Mandatory Representatives (IPMRs) at all levels. Legitimate community leaders are marginalized due to local officials appointing their favored indigenous representatives. The CADT claim of the Teduray and Lambangian indigenous peoples under the Timuay Justice System is still pending because of a cease-and-desist order under Resolution 38 issued by the Bangsamoro Parliament. The NMIPs

are pushing for the Indigenous People's Code, which recognizes their identity and rights as IPs. They also wish that government would support their Sulagad farming system. Mining and quarrying were found to have been the second biggest driver of IP killings, linked to 15 or 33% of monitored victims. A major hotspot is the Andap Valley Complex in Lianga, Surigao del Sur, which is threatened by both metallic and coal mining projects encroaching on the ancestral lands of the Manobo Lumad (Marcos & Mordeno, 2018). Big dams are the third significant driver, with 12 or 27%, and have been linked to high-profile massacres, such as the Tumandok Massacre, where nine Tumandok people were simultaneously killed in coordinated police-military operations (Aurelio & Burgos, 2021); and the Bloody Sunday Massacre that took the lives of four indigenous defenders, two of whom opposed the controversial Kaliwa Dam project (Quismorio, 2021).

These killings of indigenous defenders were linked to reported land and environment conflicts that cover an estimated 680,005.96 hectares of forests, watersheds, mineralized lands, and agricultural lands situated in or close to ancestral lands. Extrajudicial killings are just the tip of the iceberg. Documented data from Sandugo (2022) further reveals that various nonlethal human rights violations perpetrated in the same time period affected a total of 27,430 IPs. This means that for every indigenous person killed, 610 more suffered various other human rights abuses. These figures are not exhaustive, as many more violations are likely underreported, especially in inaccessible conflict areas.

45 IPs killed in 2019 to 2021



or **17** of the total are related to land grabbing and ancestral domain conflicts

2019

13

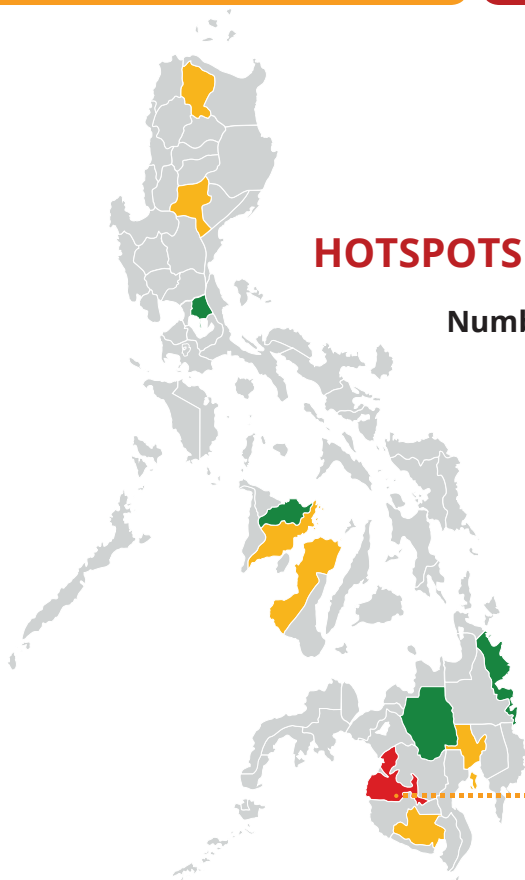
2020

12

2021

20

a **67%** increase in victims happened in 2021



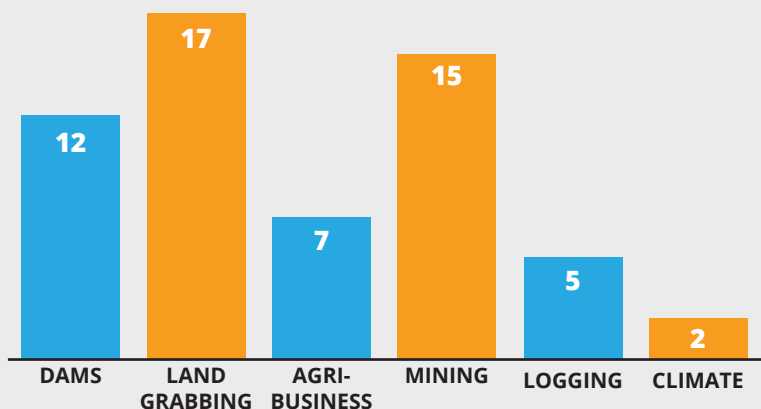
HOTSPOTS FOR IP KILLINGS

Number of Victims



▶▶ The province of Maguindanao, where the Teduray people have long struggled to assert their ancestral domains, was the epicenter of violent killings where a third of all the documented murders were perpetrated.

DRIVERS FOR IP KILLINGS



27,430

IP victims of various nonlethal human rights violations in 2022

610 non-lethal abused IPs for every **1** IP defender killed

Table 5. Number of non-lethal human rights violations

TYPE OF NON-LETHAL HUMAN RIGHTS VIOLATIONS	NUMBER OF CASES
Abduction	11
Bombing, Indiscriminate Firing, Aerial Bombardment	4,469
Coercion	46
Desecration of Remains	3
Destruction of Property	829
Enforced Disappearance	3
Forced Evacuation	17,517
Forced/Fake Surrender	40
Frustrated Killing	41
Illegal Arrest	29
Illegal Arrest and Detention	149
Illegal Search and Seizure	26
Physical Assault	26
Rape, Sexual Assault	2
Threat, Harassment, Intimidation	2,906
Torture	4
Trumped-up Charges	89
Use of Schools, Churches, etc. for Military Purposes	680
Violation of Domicile	650
TOTAL	27,430

Source: LRC, 2023, p.17

The table above shows that of the total number of cases of non-lethal human rights violations, 27,430 (63,86%) are forced evacuations resulting to the continued displacements of the IPs from their ancestral

lands. Moreover, 16% of the total are reported cases of bombing, indiscriminate firing, and aerial bombing while 10.59% are reported cases of threat, harassments, and intimidations.

NUMBER IPs WHO RECEIVED SOCIAL SERVICES (2021)

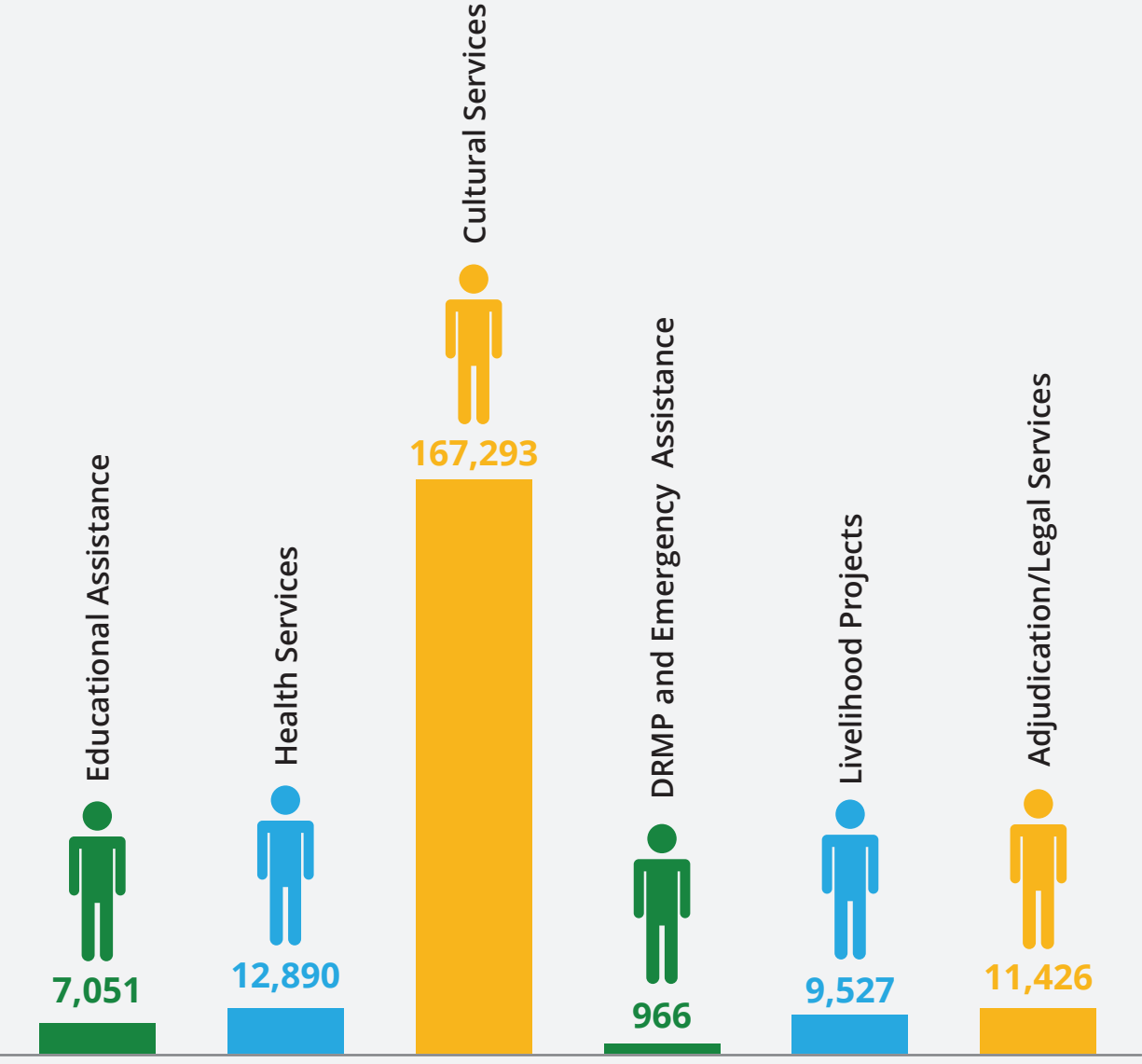


Figure 9. Number of IPs in 2021 who received basic social services
Source: PHR, 2022; NCIP, 2021

Despite these provisions, the IPs continue to experience difficulties in accessing basic social services from the state. The State of Indigenous Peoples Address of the Legal Resources Center (2023, pages 5-6) showed that:

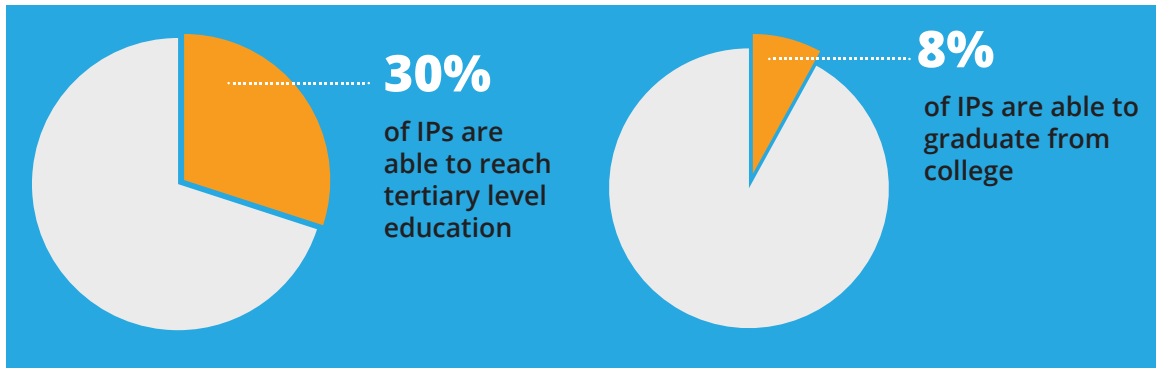


Figure 10. Percentage of IPs reaching and graduating from college
Source: *Philippine Journal of Science*

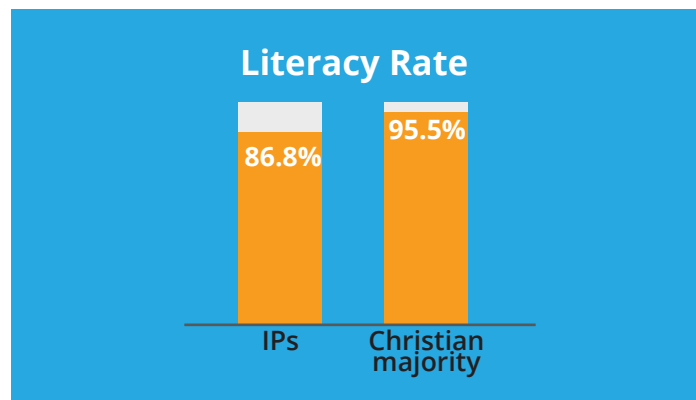


Figure 11. Literacy Rate of IPs vs the Christian majority
Source: *Philippine Institute for Development Studies, 2017*

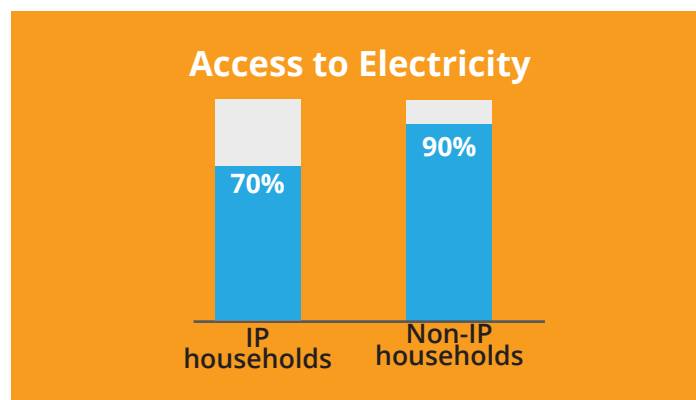


Figure 12. Percentage of IP vs Non-IP households that have access to electricity

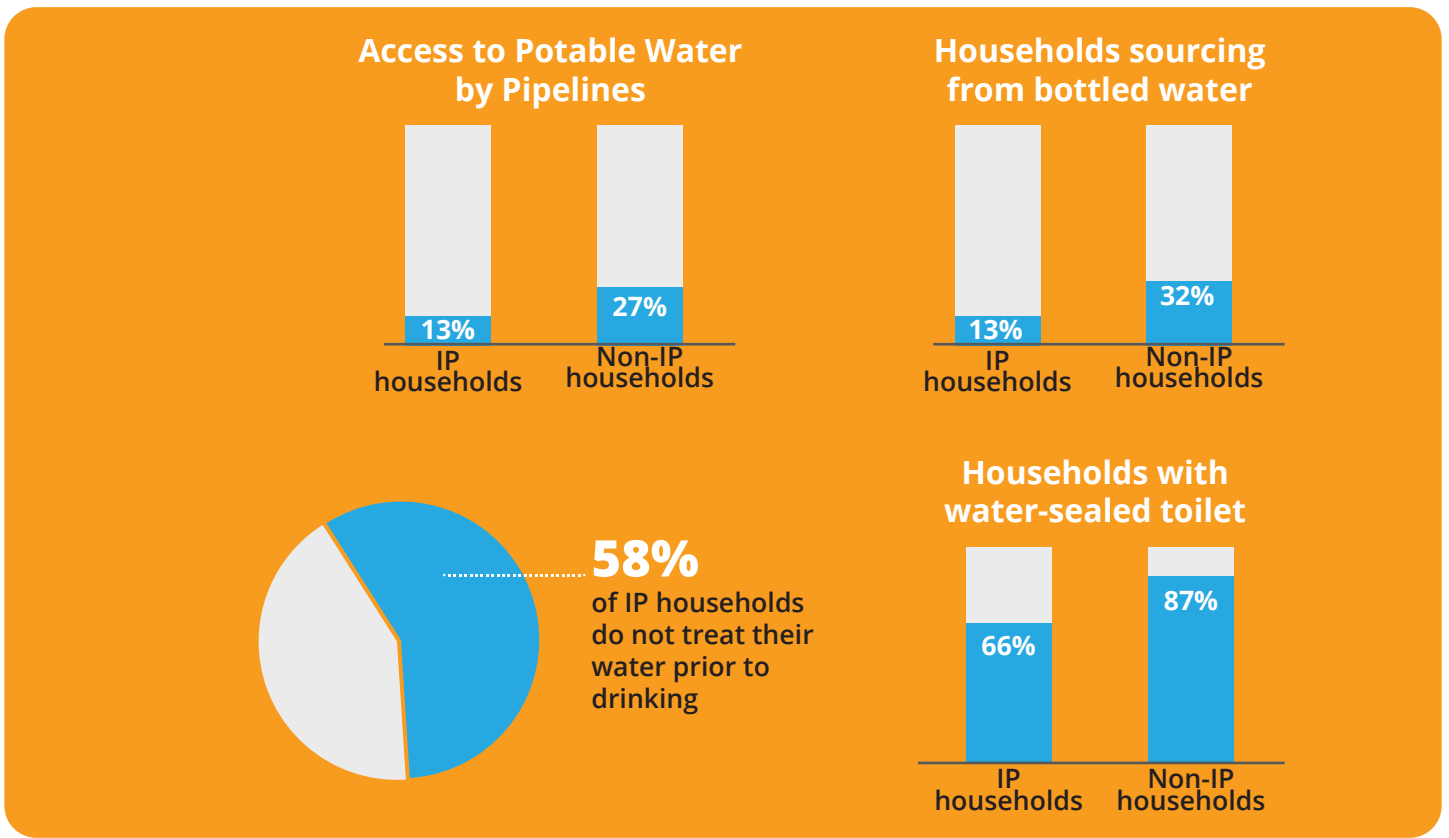


Figure 13. Percentage of IP vs Non-IP households with access to potable water and water-sealed toilet facilities

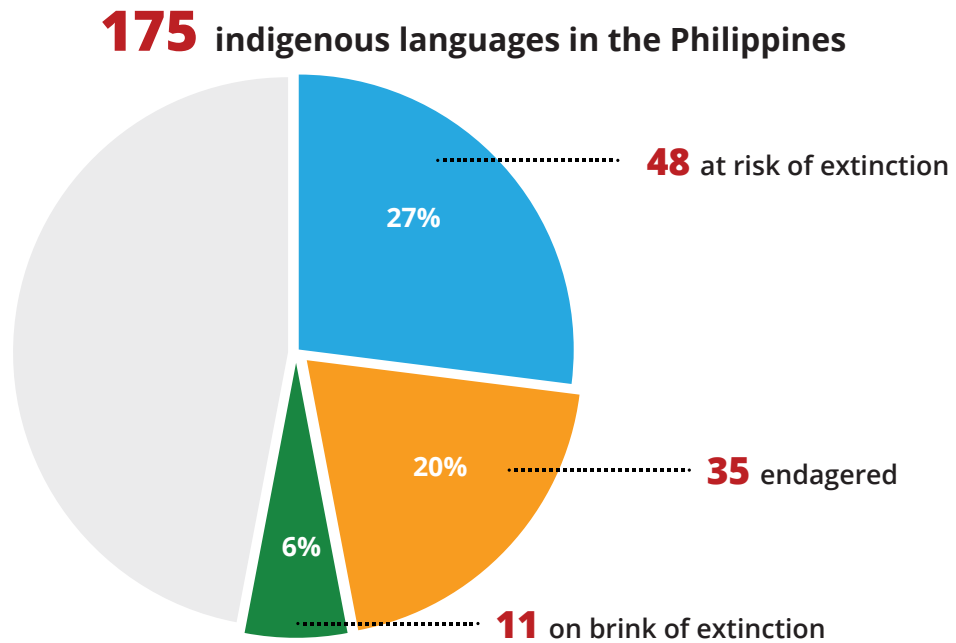


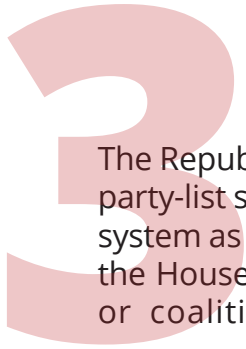
Figure 14. Number of disappearing indigenous languages in the Philippines
Source: *Ethnologue, n.d.*

INDIGENOUS PEOPLES' PARTICIPATION IN GOVERNANCE

There are legal frameworks and mechanisms that allow Indigenous Peoples' participation in governance at the local and national levels. In principle, these laws and mechanisms promise the possibility of a meaningful and effective participation of IPs and other marginalized sectors in the affairs of the state. It also bears emphasizing that the Philippine Constitution recognizes the Indigenous persons as citizens of the republic.

1 Sections 13-20 of the IPRA state that IPs have the right for authentication of indigenous leadership titles and certificates of tribal membership; recognition of socio-political institutions and structures; right to use their own commonly accepted justice systems, conflict resolution institutions, peace-building processes or mechanisms, and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights; **right to participate in decision-making (mandatory representation in policy-making bodies and other local legislative councils)**; right to determine and describe priorities for development; and right to organize and associate for collective actions (NCIP, 2020 and 2021 underscoring ours).

2 The Local Government Code of 1991 mandates local government units to promote the establishment and operation of civil society organizations (CSOs) to make them active partners in pursuit of local autonomy, and to directly involve them in the plans, programs, projects or activities of the local government unit. Moreover, tribal barangays may form or constitute a separate barangay in accordance with the Local Government Code Sec. 386, par. A.



The Republic Act No. 7491 provides for the election of party-list representatives through the party-list system, and appropriating funds thereof. Section 3 of the law defines the party-list system as “a mechanism of proportional representation in the election of representatives to the House of representatives from national, regional and sectoral parties of organizations or coalitions thereof registered with the Commission on Elections (COMELEC).”

In practice, meaningful and effective participation of IPs in governance is still a dream and a promise that has yet to be fully brought to reality.

The Human Rights Report (2022) of the Philippine government states that as of July 2022, “the NCIP has identified 1,180 Indigenous Peoples Organizations (IPOs), 32 Indigenous Peoples Structures (IPS), and 5,503 Indigenous Peoples Mandatory Representations (IPMRs) ensuring legitimate IP representation and participation in all local legislative councils.” Additionally, the report said that as of June 2022, “461 Memoranda of Agreement/Memoranda of Understanding/Memoranda of Cooperation were entered into by the NCIP with various partners/stakeholders to advance the absolute recognition, respect, protection, and promotion of IP rights locally and international-ly.”



Figure 15. Number of IPOs, IPS, and IPMRs (July 2022) and MOA/MOU/MOC entered into by NCIP (June 2022) and as of July 2022
 Source: Human Rights Report 2022

BUT, the LRC (2022) claims in its SIPA report that “many indigenous groups decry the highly politicized selection process of Indigenous Peoples Mandatory Representatives (IPMRs) at all levels. Legitimate community leaders are marginalized due to local officials appointing their favored indigenous representatives.”

Political analysts and studies have shown that the party-list system, though good in intention, has been dominated or captured (coopted) by the elite and the patronage politics that

characterize Philippine politics (Simbulan, 2005; Abinales and Amoroso, 2005). There are IPs, both men and women, in the House of Representatives/Congress and the Senate but we do not have the number.

Have there, since 2008, been incidents of court rulings that take into consideration customary law? The answer is Yes. In a Supreme Court en banc (G.R. No. 181284- April 18, 2017) decision, it reiterated that:



Under Section 66 of the IPRA, the NCIP shall have **limited jurisdiction over claims and disputes involving rights of IPs/ICCs** only when they arise between or among parties belonging to the same ICC/IP group; but if such claims and disputes arise between or among parties who do not belong to the same ICC/IP group, the proper regular courts shall have jurisdiction. However, under Sections 52(h) and 53, in relation to Section 62 of the IPRA, as well as Section 54, **the NCIP shall have primary jurisdiction over adverse claims and border disputes arising from the delineation of ancestral domains/lands, and cancellation of fraudulently-issued CADTs**, regardless of whether the parties are non ICCs/IPs, or members of different ICCs/IPs groups, as well as violations of ICCs/IPs rights under Section 72 of the IPRA where both parties belong to the same ICC/IP group.

The above-mentioned jurisprudence also proves that Indigenous Peoples of the Philippines are recognized as legal entities

(juridical personalities) with the capacity to defend, litigate rights, and seek remedies against violations.

POVERTY INCIDENCE AND ALLEVIATION

For the longest time, Indigenous Peoples have always belonged to the most marginalized sectors in Philippine society (Rovillos and Morales/ADB, 2002). This remains to be the trend today, notwithstanding the various well-funded poverty alleviation initiatives of multilateral bodies, government, and civil society organizations.

Based on the 2013 National Nutrition Survey and the 2015 Updating Survey, more than half of IPs belonged to the poorest quantile (20%) of the Philippine population, while a further 20% belonged to the second poorest quintile (Duante et. al., 2022). The study also showed that “in 2013 and 2015, more than three-fourths of IP households were food-insecure. These figures were significantly higher (p < 0.001) compared with their non-IP counterparts.” (Duante et al., 2022, 519).

The Legal Resource Center (LRC) has also analyzed the Philippine Statistics Authority's 2021 poverty incidence data (PSA, 2022) from regions (excluding highly urbanized city centers) located in the major ethnographic areas identified by the IPRA, and which previous studies estimated to have at least 40% of their population as indigenous. By contrasting them with the poverty incidence in Greater Metro Manila Area (GMAA) and the national average, LRC saw significant disparities. (see Table 6)

Table 6. Comparative Poverty Indicators in IP vs non-IP regions

Select Regions from Major Ethnographic Areas	Poverty Incidence
Cordillera (excluding Baguio City)	8.9%
Cagayan Valley	11.7%
Northern Mindanao	19.2%
Davao (excluding Davao City)	18.7%
Caraga	25.9%
Total Average	16.9%

Greater Manila Area and National Average	Poverty Incidence
Metro Manila	41
Southern Tagalog	29
Central Luzon	149
National Average	26

Source: Legal Resource Center (LRC), 2022

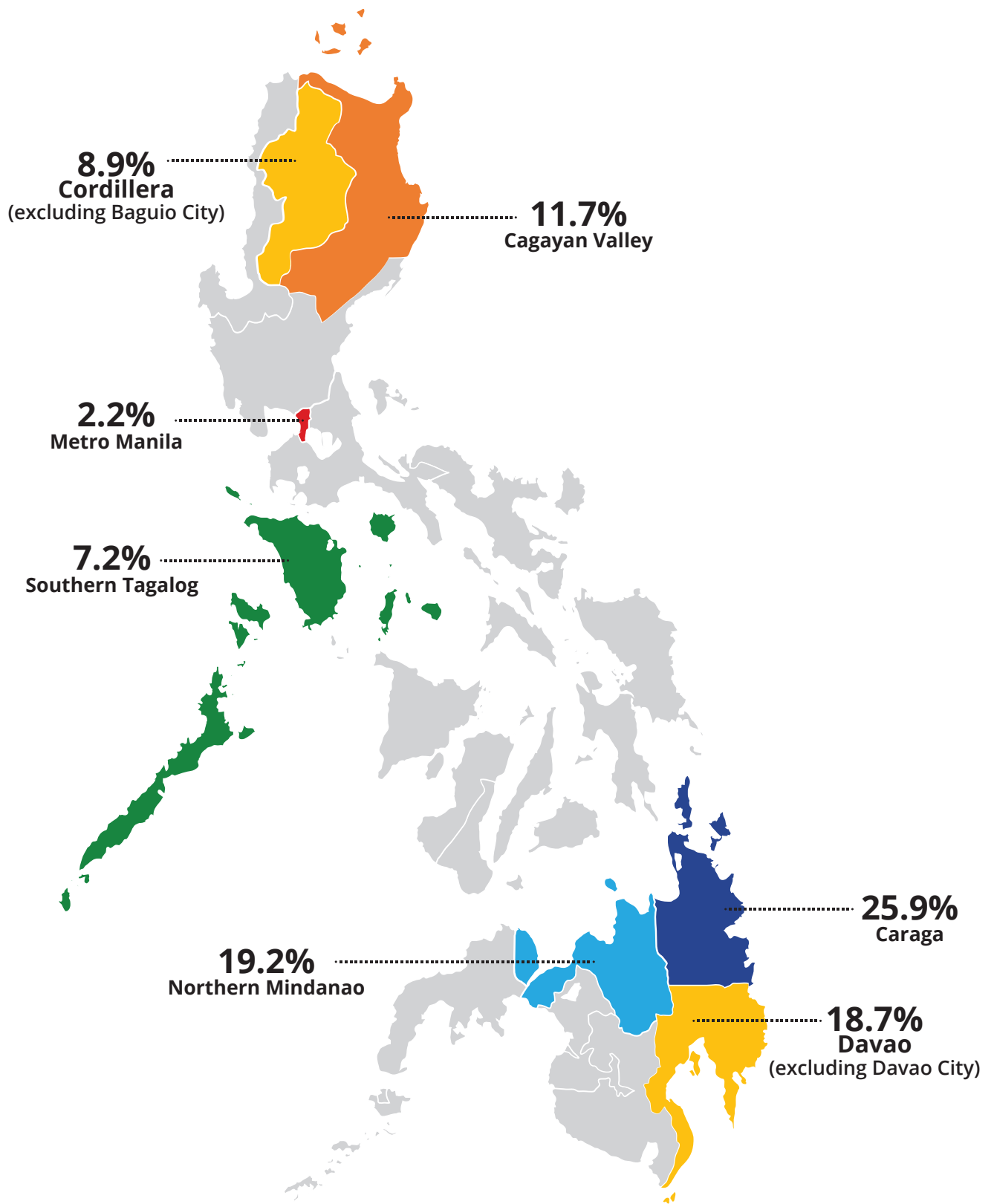


Figure 16. Poverty Incidence Rates in IP and non-IP regions (2022)
 Source: Human Rights Report 2022

The LRC further analyzes:

WHILE THE IDENTIFIED INDIGENOUS REGIONS IN LUZON HAVE LOWER POVERTY INCIDENCE COMPARED TO THE NATIONAL AVERAGE, THEY ARE SIGNIFICANTLY HIGHER COMPARED TO URBANIZED REGIONS IN GREATER METRO MANILA. MEANWHILE, INDIGENOUS REGIONS IN MINDANAO FAR EXCEED THE NATIONAL AVERAGE. THE PSJ STUDY FURTHER NOTES THAT AN AVERAGE OF 79% OF IP HOUSEHOLDS SURVEYED WERE FOOD-INSECURE, SIGNIFICANTLY HIGHER THAN NON-IP HOUSEHOLDS WITH AN AVERAGE OF 65%. THIS MEANS IPS SUFFER VARIOUS NUTRITIONAL DEFICIENCIES SUCH AS CHRONIC AND ACUTE MALNUTRITION, UNDERWEIGHT PREVALENCE, STUNTING, ANEMIA, AND IODINE DEFICIENCY, AMONG OTHERS (LRC, 2022).

There are quite a number of poverty alleviation programs and projects being carried out by the Philippine state. These programs target the “poorest of the poor,” including, but not limited to, the IPs. Among the notable ones include the “Pantawid Pamilyang Pilipino Program (4Ps)” which is a human development measure of the national government that provides conditional cash grants to the poorest of the poor to address issues relating to health, nutrition, and education of children aged 0-18. The 4Ps is under the supervision of the Department of Social Welfare and Development (DSWD). According to the 4Ps report, as of August 26, 2015, “there are 4,353,597 active household-beneficiaries, of which 570,056 are indigenous households and 217,359 have at least one PWD.” The program also covers 10,235,658 schoolchildren aged 0 to 18, from the total registered with an average of two to three children per household (officialgazette.gov.ph-underscoring ours).

**There are
4,353,597
active
household-
beneficiaries,
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570,056 are
indigenous
households
and 217,359
have at least
one PWD**

A scientific study published in the Philippine Scientific Journal in 2022 revealed that:

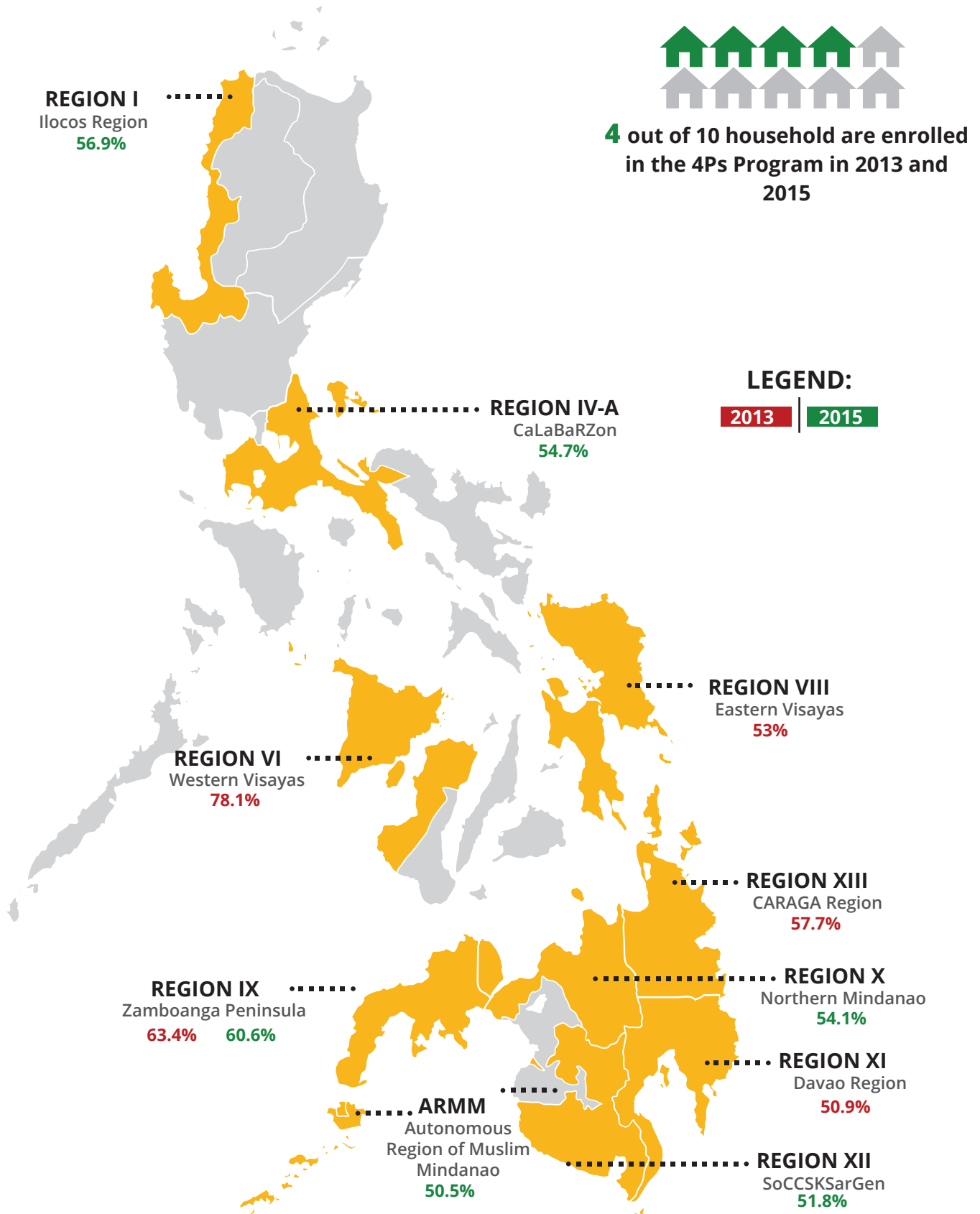


Figure 17. Regions with more than fifty per cent of IP households enrolled in the 4Ps Program in 2013 and 2015
Source: Philippine Scientific Journal, 2022.

Another program is the KALAHI-CIDDS Program, also known as Kabit-Bisig Laban sa Kahirapan, is the Comprehensive and Integrated Delivery of Social Services, which is also being implemented by DSWD. The program uses the community-

driven approach, a globally recognized strategy for achieving service delivery, poverty reduction, and good governance outcomes (kalahi.dswd.gov.ph). An impact evaluation study by the Asian Development Bank (ADB) in 2020 disclosed that:

The project contributed to the improvement of indigenous peoples' participation in community activities. The indigenous peoples' household participation rate in barangay assemblies under the project was **55%, exceeding the DMF target of 45%**. Basic infrastructure subprojects, such as rehabilitated farm-to-market roads, resulted in increased incomes in remote indigenous peoples' areas; construction of tribal halls which were viewed as support of indigenous peoples' identity; and delineation of ancestral domain subprojects which addressed indigenous peoples' tenurial issues. **Indigenous peoples-related grievances were reported, and almost all (99.9%) were resolved.**

The details of the indigenous peoples' development framework implementation and analysis of impacts to indigenous peoples are included in this report:



The anti-insurgency program of the Philippine state, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) has a poverty-alleviation component that "lays a sustainable and solid foundation for peace and promoting community resilience, thus, bringing about significant socio-economic gains and improved security conditions in communities once infiltrated by CTGs." (Human Rights Report, 2022).

The Philippine state reported the following accomplishments in 2022: "provided 24 housing

projects for Indigenous Peoples' communities in priority barangays, turning over a total of 47 housing units in Freedom Residences, Davao Del Norte; built/upgraded 9,586 Last Mile Schools in geographically-isolated and disadvantaged, and/or conflict-affected areas; provided social protection programs and support to a total of 966 barangays, 217 municipalities, and 42 provinces nationwide." (page 27) Other accomplishments of the NTF-ELCAC are presented in the report, notably the Barangay Development Program (BDP) and the Enhanced Comprehensive Local Integration Program (E-CLIP), the task force's whole-of-the government approach to addressing development and security issues that affect former rebels and indigenous peoples (IPs). "Under the BDP, various government projects are being implemented in about 1,406 barangays nationwide identified as conflict-afflicted and geographically isolated villages that have been considered cleared from the influence of communist rebels. Each barangay is entitled to PhP 20 million worth of farm- to-market roads, classrooms, water and sanitation systems, health stations, and livelihood projects." (HR Report 2002, 27).

The study of Duante et al. (2022) described the state of the nutrition and health of IPs in the Philippines. The study illustrated the disparities between indigenous and non-indigenous groups relating to nutrition and health status. Results showed that “compared with the non-IP individuals and households, the IP population was poorer, had a significantly higher prevalence of undernutrition and iodine deficiency, and had lower adequacy of energy and other nutrient intakes.” (page 530).

▶▶ **compared with the non-IP individuals and households, the IP population was poorer, had a significantly higher prevalence of undernutrition and iodine deficiency, and had lower adequacy of energy and other nutrient intakes.**

However, the study further revealed that the “selected risk factors for non-communicable diseases such as hypertension, abdominal obesity, smoking, and alcohol consumption were more pronounced among non-IPs compared to the IPs. Non-indigenous groups are generally regarded to have greater access to health knowledge and facilities and are less disadvantaged than their indigenous counterparts – whether in health, political, or socioeconomic standpoint.” (page 530)

The disparities between IP and non-IPs’ health and nutrition are indicative of the continuing marginalization of IPs. This may be attributed to their inadequate, if not, total lack of access, to basic social services (e.g. health and education) be provided primarily by the state.

INDIGENOUS PEOPLES’ NUTRITION AND HEALTH

INDIGENOUS PEOPLES' EDUCATION

According to the study of Duante et al. (2022), an average of just **30% of IPs are able to reach tertiary level education, and only 8% are able to graduate from college.** A study by the Philippine Institute for Development Studies (Reyes et. al., 2017) demonstrates how IPs (86.8%) have lower literacy rates compared to the Philippine population's Christian majority (95.5%).

primary education among IPs, especially in the more/most remote areas in the country, several IP communities through the assistance of church missions and non-government organizations (NGOs), established their community-based learning systems. These IP schools, were considered then by DepEd as non-formal education or alternative learning systems. They taught functional

Indigenous identity which inspired them to remain (not leave) in their villages to help their own kind. However, some of these schools, especially the ones in Mindanao, the "Lumad Schools," were tagged as fronts of communists/terrorists, thus, demolished by the military during the Duterte Administration.

Filipino is the Philippines' national language. Along with

▶▶ **A study by the Philippine Institute for Development Studies (Reyes et. al., 2017) demonstrates how IPs (86.8%) have lower literacy rates compared to the Philippine population's Christian majority (95.5%).**

It is now a public knowledge that most IP communities have difficulties even just to primary education. Stories of IPs who have to travel long distances for hours to the nearest primary schools as evidently shown in national media like TV, and on social media.

In view of the perennial problem of lack or inadequate access to

literacy and numeracy which was contextualized in the particular cultures of Indigenous communities. A study of IP schools, done by Anthropologist and former Constitutional Commissioner Ponciano Bennagen, revealed that these schools did not only make the IPs able to read and write, but most importantly, made them proud of their

English, it is also an official language of the state. Both languages are utilized as medium of communication and as language of instructions in the educational system. The regional languages serve as auxiliary media of instructions at the regional level (The Philippine Constitution, 1987). In 2009, the Department of Education (DepEd) issued

DepEd Order no. 74, “institutionalizing Mother Tongue-Based Multilingual Education (MTB-MLE) (Department of Education, 2019).” The DepEd has 19 major local languages used as medium of instruction for the MTB-MLE program. Twelve languages were selected during its pilot implementation in 2012—**Tagalog, Kapampangan, Pangasinense, Iloko, Bikol, Cebuano, Hiligaynon, Waray, Tausug, Maguindanaoan, Maranao, and Chabacano.**

In 2013, at least seven more languages were included in the program: **Ybanag, Ivatan, Sambal, Aklanon, Kinaray-a, Yakan, and Surigaonon** (GMA News, 2013). The Marcos Administration however decided this year (2023) the removal of the mother tongue education in the K-12 curriculum.

In 2011, the National Indigenous People Education (IPED) Policy Framework was developed by DepEd. One of the purposes of this framework was to “strengthen DepEd’s policy on IP education and to develop and implement an IP Education Program.” DepEd is responsible for developing and implementing the “mother tongue-based multilingual education (MTB-MLE); culture-responsive education for sustainable development, and alternative modes of instructional delivery and assessment schemes to address the peculiar needs of IP learners.” The DepEd also conducted multiple upskilling and reskilling training programs for primary and secondary level educators. The training programs targeted teachers of Edukasyon sa Pagpapakatao or EsP (Humanities), Edukasyong Pantahanan at Pangkabuhayan (EPP), Mother Tongue, Filipino, and Music, Arts, Physical Education and Health (MAPEH).

Through the Commission on Higher Education (CHED) Memorandum Order (CMO) No. 2, Series of 2019, Indigenous Studies and education were also integrated into relevant higher education courses (CHED, 2019). These concept were integrated into subjects like history, social sciences, political science, sociology, and humanities. Topics and ideas of



Twelve languages taught during the pilot implementation of the MTB MLE:

Tagalog
Kapampangan
Pangasinense
Iloko
Bikol
Cebuano
Hiligaynon
Waray
Tausug
Mindanaoan
Maranao
Chabacano



Languages added in 2013

Ybanag
Ivatan
Sambal
Aklanon
Kinaray-a
Yakan
Surigaonon

sustainable development were mainstreamed in the core courses and elective subjects in higher education (CHED, 2013). The National Service Training Program (NSTP), for example, incorporated environmental education and awareness exercises. The NSTP is a requirement for all students pursuing baccalaureate degrees and vocational courses with a minimum two-year program (Environmental Awareness and Education Act of 2008, 2008). CHED also released memorandum orders on the policies standards and guidelines for different programs like Gender and Development (GAD), Language Studies, Literary and Cultural Studies, Communication Arts, Performing Arts, IP Studies, and Arts Education.

Another laudable government program on IP Education is the **Schools of Living Tradition (SLTs)** carried out and supported by the National Commission on Culture and the Arts (NCCA). SLTs are community-managed centers

of learning headed by cultural masters and specialists who teach knowledge or skills on a particular art, craft, and tradition to the youth. At present, there are 28 Schools of Living Traditions (SLTs) implemented throughout the Philippines. In Ifugao, Cordillera Administrative Region (CAR), SLTs cover performing arts Ifugao dances (gong beating); stonewalling; indigenous basketry; woodcarving; wine brewing (bayah); and native house construction. These SLTs are maintained by the Department of Education-Ifugao in partnership with the Save the Ifugao Terraces Movement (SITMO), Ifugao State University (IFSU), and the Provincial Local Government Unit. Aside from contextualization and integration of IKSP into the learning areas, DepEd Ifugao conducts specialized school, district, and division-wide activities on different cultural practices. Most of these activities are focused on the performing arts (dances and songs) and skills (wood carving, stone tilling, and handicrafts) (Rovillos et al., 2022).

CONCLUSION

The Philippine State has been implementing the UNDRIP through its national framework, the IPRA, which resembles both in spirit and content. This national survey finds that there are significant milestones and outcomes in the four bundle of rights since the enactment of the IPRA in 1997. Meanwhile it also reveals of continuing actual and potential threats to and violations of these very same rights. These mixed and paradoxical outcomes tend to validate the earlier view of an IP rights activist, and now Supreme Court Justice, Honorable Marvic Leonen that "IPRA is a double-edged sword," meaning it could work for or against the IPs depending on several factors, foremost of which is the actual play of power relations between and among state, civil society, and IP organizations and its communities.

To date, some 16 million hectares of ancestral domains and lands have been given titles by the National Commission on Indigenous Peoples (NCIP), even as several applications still await final action by the NCIP. However, IPs continue to be displaced from their territories largely due to land grabbing, mining, agribusiness, constructions of dams, and illegal logging. Laws that contradict the IPRA

continue to be persist even in areas that already been applied to as CADTs and CALTs. In some instances, CADTs have facilitated the entry of big businesses (eg mining) into the IP territories, which led to the division of IP communities.

There are legal instruments aside from IPRA that allow IPs in exercising their right to self-government and empowerment. In principle, and to some extent in practice, Indigenous political systems and customary laws are recognized by these laws. To a certain extent, too, the right to mandatory representation (IPMR) has been carried out across the country. Yet, studies show that the IPMR mechanism has been "marred" by political patronage and captured by the political elite, thereby, diffusing the essence of direct, effective, and meaningful participation of IPs in governance. The Free and Prior Informed (FPIC) has been leveraged by IPs as an instrument to assert their rights to self-determination. In some cases, they have been successful in doing so, but in many other cases, big businesses have also been able to leverage the IPRA law and the FPIC process as a means to procedurally obtain consent yet unable to deliver the substantive aspect of that consent.

There are several laudable measures, programs, and projects by various government agencies that address the IPs rights to cultural integrity. However, there has been a backslide with the recent decision of the Marcos Administration to abolish the teaching of mother tongue from the K-12 curriculum. This was done amidst the fact that many Indigenous languages are already considered "endangered" or in the verge of vanishing.

There are also several national programs and projects that aim to alleviate poverty among IPs, but the IPs still remain the poorest 20% quintile of Philippine society which can be largely attributed to the lack or have no access to basic social services like education, health, potable water, electricity, and others.

With regard to human rights and social justice, the Philippine State reported in 2022 that it is doing its best to comply with international human rights conventions and frameworks that it is a signatory to. But the reports from human rights organizations here and abroad show that much remains to be done on the part of the Philippine State, as reflected in the increasing number of IPs who fall victims to various forms of human rights violations.

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**INDIGENOUS
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Data by and for Indigenous Peoples



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