

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: PHL34979
Country: Philippines
Date: 2 July 2009

Keywords: Philippines – passport – marriage registration – conversion to Islam – Muslim wedding ceremony – unemployment – Muslims in Mindanao – Muslims in Manila

This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

Questions

- 1. What documents must be submitted to obtain a Filipino passport? What documents must be submitted to obtain a Filipino passport in your married name?**
- 2. Are Filipino nationals married by an Imam in a family house required to register their marriages? What documents must be submitted to register a marriage and obtain a marriage certificate?**
- 3. How does a person convert to Islam during a wedding ceremony? (Does the pouring of water on a person's head signify their conversion to Islam).**
- 4. What are the characteristics of a Muslim wedding ceremony?**
- 5. Are converts to Islam required to do any study before converting? What would a convert to Islam be expected to know about Islam? Would they be expected to know the 5 articles of faith?**
- 6. What is the unemployment rate in the Philippines? What is the unemployment rate in Mindanao?**
- 7. Please provide information on the current situation for Muslims in Mindanao, in particular their economic situation.**
- 8. Please provide information on the current situation for Muslims in Manila.**

RESPONSE

- 1. What documents must be submitted to obtain a Filipino passport? What documents must be submitted to obtain a Filipino passport in your married name?**

According to information sourced from the website of the Republic of the Philippines Department of Foreign Affairs, applicants for a Filipino passport must provide: an application form; a "Birth Certificate (BC) in Security Paper (SECPA) issued by the National Statistics Office (NSO) or Certified True Copy (CTC) of BC"; "Three (3) colored photos of the applicant taken against a royal blue background"; "Proof of identity / Supporting documents

indicating full name, date and place of birth and citizenship”; and “Other Supporting documents”. Married women who wish to have a passport issued in the surname of their spouse must provide a “Marriage Contract (MC) in Security Paper issued by NSO or Certified True Copy issued by the Local Civil Registrar duly authenticated by NSO”. It may be of interest to note that there are separate requirements for Muslim converts, who must provide: an “annotated Birth Certificate (BC) in Security Paper (SECPA)”; a “Court Order granting change of name”; a “Shariah Court Order”; an “OMA Certificate of Conversion”; and “Additional supporting documents...when necessary”:

A. PASSPORT REQUIREMENTS FOR FIRST-TIME APPLICANTS:

- Personal Appearance is required.
- Duly accomplished application form.
- Birth Certificate (BC) in Security Paper (SECPA) issued by the National Statistics Office (NSO) or Certified True Copy (CTC) of BC issued by the Local Civil Registrar duly authenticated by NSO.
- Three (3) colored photos of the applicant taken against a royal blue background. Applicant should be in decent attire with collar. Photo must be of good quality, and must have been taken within the last six (6) months. Photo size: 4.5 cm x 3.5 cm. Facial image size: Not less than 3 cm. DFA has the right to reject photos that do not comply with specifications and international standards.
- Proof of identity / Supporting documents indicating full name, date and place of birth and citizenship
- Other Supporting documents.

Additional Requirements:

- For married women, who want to use surname of their spouse
- Marriage Contract (MC) in Security Paper issued by NSO or Certified True Copy issued by the Local Civil Registrar duly authenticated by NSO.

...For Muslim applicants

...For converts:

- Submit annotated Birth Certificate (BC) in Security Paper (SECPA)
- Court Order granting change of name
- Shari’ah Court Order
- OMA Certificate of Conversion
- Additional supporting documents may be required when necessary.

C. PASSPORT FEES:

Regular Processing

- (14 working days)
- 44-Page = P 500.00

Expedited Processing

- (7 working days)
- Additional P 250.00

...D. LIST OF SUPPORTING DOCUMENTS:

- Marriage Contract
- Voter's Registration Record
- PRC / IBP ID
- Baptismal Certificate
- Land Title
- Seaman's Book
- Driver's License
- Income Tax Return (Old)
- Government Service Record
- Old SSS-E1 form/or digitized SSS-ID
- School Form 137 or Transcript of Records
- Other documents that show full name and birth details of applicant and citizenship ('Passports' (undated), Republic of the Philippines Department of Foreign Affairs website http://dfa.gov.ph/?page_id=64 – Accessed 16 June 2009 – Attachment 1).

The website of the Philippines Office of the Civil Registrar General states that: "A married Muslim Filipino woman may use the surname of her husband or may retain her maiden name in all her public records and other documents" (Republic of the Philippines Office Of The Civil Registrar General 2005, 'Administrative Order No. 1, Series of 2005 – Subject: Rules and Regulations Governing Registration of Acts and Events Concerning Civil Status of Muslim Filipinos', National Statistics Office, Republic of the Philippines website, 20 June http://www.census.gov.ph/data/civilreg/irr_muslim.html – Accessed 17 June 2009 – Attachment 2).

2. Are Filipino nationals married by an Imam in a family house required to register their marriages? What documents must be submitted to register a marriage and obtain a marriage certificate?

The 1987 Family Code of the Philippines states that Muslims are not required to obtain a marriage license, provided the marriage is “solemnised in accordance with their customs, rites or practices”, but does not appear to exempt Muslims from registering their marriage with “the local civil registrar”. Nor do any other sources state explicitly that Muslims are exempt from registration of marriages. Information provided by the Philippines National Statistics Office states that Muslim marriages must be registered with the local “Circuit Registrar”, also known as the “Clerk of the Court of the Shari’a Circuit Court”, and that “[a]ll judicial decrees and legal instruments concerning civil status of Muslim Filipinos issued by the Shari’a Court shall be registered”. This source also states that: “Where there is no Shari’a Circuit Court, marriages among Muslim Filipinos shall be registered at the Local Civil Registry Office (LCRO) where the marriage was celebrated”. The 1977 ‘Presidential Decree No.1083 – A Decree to Ordain and Promulgate a Code Recognising the System of Filipino Muslim Laws, Codifying Muslim Personal Laws, and Providing for its Administration and for Other Purposes’ states that a declaration of marriage between Muslims must be “set forth in triplicate, signed or marked by the contracting parties and said witnesses, and attested by the person solemnising the marriage”. One copy of this certificate “shall be given to the contracting parties and another sent to the Circuit Registrar by the solemnising officer who shall keep the third”. Detailed information from these sources follows below (‘Executive Order No. 209 – The Family Code of the Philippines’ 1987, WeddingsAtWork.com website, 6 July <http://www.weddingsatwork.com/index.php/the-family-code-of-the-philippines/> – Accessed 16 June 2009 – Attachment 3; Republic of the Philippines Office Of The Civil Registrar General 2005, ‘Administrative Order No. 1, Series of 2005 – Subject: Rules and Regulations Governing Registration of Acts and Events Concerning Civil Status of Muslim Filipinos’, National Statistics Office, Republic of the Philippines website, 20 June http://www.census.gov.ph/data/civilreg/irr_muslim.html – Accessed 17 June 2009 – Attachment 2; ‘Presidential Decree No.1083 – A Decree to Ordain and Promulgate a Code Recognising The System of Filipino Muslim Laws, Codifying Muslim Personal Laws, and Providing for its Administration and for Other Purposes’ 1977, Éditions United Settlement website, 4 February http://www.uniset.ca/phil/phil_musl_civ_code.pdf – Accessed 17 June 2009 – Attachment 4).

More in-depth information drawn from these sources follows below.

The 1987 Family Code of the Philippines is the governing legislation for marriage in the Philippines, setting out: the formal requisites for marriage; by whom a marriage may be solemnised; where the marriage may take place; the conditions for the issuance of a marriage license; the information required on a marriage certificate; and the procedure and requirements for registration of a marriage. Article 33 of the Code states that: “Marriages among Muslims or among members of the ethnic cultural communities may be performed validly without the necessity of marriage license, provided they are solemnised in accordance with their customs, rites or practices”; the Code does not state that Muslims are excepted from the requirement to register their marriage. Article 22 of the Code sets out the information required on the marriage certificate, and Article 23 describes the procedure for the registration of marriages; the relevant sections of the 1987 Family Code of the Philippines follow:

Art. 2. No marriage shall be valid, unless these essential requisites are present:

- (1) Legal capacity of the contracting parties who must be a male and a female; and
- (2) Consent freely given in the presence of the solemnizing officer. (53a)

Art. 3. The formal requisites of marriage are:

- (1) Authority of the solemnizing officer;
- (2) A valid marriage license except in the cases provided for in Chapter 2 of this Title; and
- (3) A marriage ceremony which takes place with the appearance of the contracting parties before the solemnizing officer and their personal declaration that they take each other as husband and wife in the presence of not less than two witnesses of legal age. (53a, 55a)

...**Art. 7.** Marriage may be solemnized by:

- (1) Any incumbent member of the judiciary within the court's jurisdiction;
- (2) Any priest, rabbi, imam, or minister of any church or religious sect duly authorized by his church or religious sect and registered with the civil registrar general, acting within the limits of the written authority granted by his church or religious sect and provided that at least one of the contracting parties belongs to the solemnizing officer's church or religious sect;
- (3) Any ship captain or airplane chief only in the case mentioned in Article 31;
- (4) Any military commander of a unit to which a chaplain is assigned, in the absence of the latter, during a military operation, likewise only in the cases mentioned in Article 32;
- (5) Any consul-general, consul or vice-consul in the case provided in Article 10. (56a)

Art. 8. The marriage shall be solemnized publicly in the chambers of the judge or in open court, in the church, chapel or temple, or in the office the consul-general, consul or vice-consul, as the case may be, and not elsewhere, except in cases of marriages contracted on the point of death or in remote places in accordance with Article 29 of this Code, or where both of the parties request the solemnizing officer in writing in which case the marriage may be solemnized at a house or place designated by them in a sworn statement to that effect. (57a)

Art. 9. A marriage license shall be issued by the local civil registrar of the city or municipality where either contracting party habitually resides, except in marriages where no license is required in accordance with Chapter 2 of this Title. (58a)

...**Art. 11.** Where a marriage license is required, each of the contracting parties shall file separately a sworn application for such license with the proper local civil registrar which shall specify the following:

- (1) Full name of the contracting party;
- (2) Place of birth;
- (3) Age and date of birth;
- (4) Civil status;
- (5) If previously married, how, when and where the previous marriage was dissolved or annulled;
- (6) Present residence and citizenship;
- (7) Degree of relationship of the contracting parties;
- (8) Full name, residence and citizenship of the father;

- (9) Full name, residence and citizenship of the mother; and
- (10) Full name, residence and citizenship of the guardian or person having charge, in case the contracting party has neither father nor mother and is under the age of twenty-one years.

The applicants, their parents or guardians shall not be required to exhibit their residence certificates in any formality in connection with the securing of the marriage license. (59a)

Art. 12. The local civil registrar, upon receiving such application, shall require the presentation of the original birth certificates or, in default thereof, the baptismal certificates of the contracting parties or copies of such documents duly attested by the persons having custody of the originals. These certificates or certified copies of the documents by this Article need not be sworn to and shall be exempt from the documentary stamp tax. The signature and official title of the person issuing the certificate shall be sufficient proof of its authenticity.

If either of the contracting parties is unable to produce his birth or baptismal certificate or a certified copy of either because of the destruction or loss of the original or if it is shown by an affidavit of such party or of any other person that such birth or baptismal certificate has not yet been received though the same has been required of the person having custody thereof at least fifteen days prior to the date of the application, such party may furnish in lieu thereof his current residence certificate or an instrument drawn up and sworn to before the local civil registrar concerned or any public official authorized to administer oaths. Such instrument shall contain the sworn declaration of two witnesses of lawful age, setting forth the full name, residence and citizenship of such contracting party and of his or her parents, if known, and the place and date of birth of such party. The nearest of kin of the contracting parties shall be preferred as witnesses, or, in their default, persons of good reputation in the province or the locality.

The presentation of birth or baptismal certificate shall not be required if the parents of the contracting parties appear personally before the local civil registrar concerned and swear to the correctness of the lawful age of said parties, as stated in the application, or when the local civil registrar shall, by merely looking at the applicants upon their personally appearing before him, be convinced that either or both of them have the required age. (60a)

...**Art. 22.** The marriage certificate, in which the parties shall declare that they take each other as husband and wife, shall also state:

- (1) The full name, sex and age of each contracting party;
- (2) Their citizenship, religion and habitual residence;
- (3) The date and precise time of the celebration of the marriage;
- (4) That the proper marriage license has been issued according to law, except in marriage provided for in Chapter 2 of this Title;
- (5) That either or both of the contracting parties have secured the parental consent in appropriate cases;
- (6) That either or both of the contracting parties have complied with the legal requirement regarding parental advice in appropriate cases; and
- (7) That the parties have entered into marriage settlement, if any, attaching a copy thereof. (67a)

Art. 23. It shall be the duty of the person solemnizing the marriage to furnish either of the contracting parties the original of the marriage certificate referred to in Article 6 and to send the duplicate and triplicate copies of the certificate not later than fifteen days after the marriage, to the local civil registrar of the place where the marriage was solemnized. Proper

receipts shall be issued by the local civil registrar to the solemnizing officer transmitting copies of the marriage certificate. The solemnizing officer shall retain in his file the quadruplicate copy of the marriage certificate, the copy of the marriage certificate, the original of the marriage license and, in proper cases, the affidavit of the contracting party regarding the solemnization of the marriage in place other than those mentioned in Article 8. (68a)

...**Art. 33.** Marriages among Muslims or among members of the ethnic cultural communities may be performed validly without the necessity of marriage license, provided they are solemnized in accordance with their customs, rites or practices (78a) ('Executive Order No. 209 – The Family Code of the Philippines' 1987, WeddingsAtWork.com website, 6 July <http://www.weddingsatwork.com/index.php/the-family-code-of-the-philippines/> – Accessed 16 June 2009 – Attachment 3).

The website of the Philippines National Statistics Office provides an official list of 'Registrable Acts and Events Concerning Civil Status of Muslim Filipinos', which states that "Muslim marriages, divorces, revocation of divorces, [and] conversion to Islam" shall "be recorded in the appropriate civil registry book". These registry books are to be kept by the "Clerk of Court of the Shari'a Circuit Court", or "Circuit Registrar", with separate registers for Muslim marriages, divorces, and conversions to Islam. This source also states that: "Where there is no Shari'a Circuit Court, marriages among Muslim Filipinos shall be registered at the Local Civil Registry Office (LCRO) where the marriage was celebrated":

The head of the National Statistics Office is the Civil Registrar General (CRG). The City/Municipal Civil Registrar (C/MCR) is in charge of recording birth, marriage, death and other registrable acts and events occurring among the Muslims in cities and municipalities and is appointed by the Mayor in accordance with the Local Government Code of 1991 and/or the ARMM Local Government Code. For Muslim marriage, divorce, revocation of divorce and conversion to Islam, recording thereof is the responsibility of the Clerk of Court of the Shari'a Circuit Court hereinafter referred to as Circuit Registrar (Article 83, P. D. 1083). All judicial decrees and legal instruments concerning civil status of Muslim Filipinos issued by the Shari'a Court shall be registered in accordance with AO No. 1, S. 1993 and this Order.

...**Rule 3. Registrable Acts and Events Concerning Civil Status of Muslim Filipinos**

The following acts and events concerning civil status of Muslim Filipinos shall be recorded in the appropriate civil registry book:

1. Acts and events enumerated under Rule 7 of AO No. 1, S. 1993 insofar as they are applicable to Muslim Filipinos; and
2. Muslim marriages, divorces, revocation of divorces, conversion to Islam, and other registrable documents.

...**Rule 4. Registry Book**

The Circuit Registrar shall keep and preserve in his office the following registry books:

1. Register of Muslim Marriages;
2. Register of Muslim Divorces;
3. Register of Revocation of Muslim Divorces;
4. Register of Conversion to Islam;

5. Register of Legal Instruments; and
6. Register of Court Decrees/Orders

Rule 5. Civil Registration Forms

1. Documents presented before the C/MCR for registration of vital events of Muslim Filipinos are the following:

- o Accomplished Certificate of Live Birth and attachment
- o Accomplished Certificate of Death and attachment
- o Accomplished Certificate of Marriage with attachment if the marriage was performed in accordance with P.D. 1083 and there is no Shari'a Court in the place where the marriage was solemnized.

2. Documents presented before the District/Circuit Registrar are the following:

- o Accomplished Certificate of Marriage and attachment
- o Accomplished Certificate of Divorce
- o Accomplished Certificate of Revocation of Divorce
- o Accomplished Certificate of Conversion to Islam

...Rule 9. Registration of Marriages

Registration of marriages among Muslim Filipinos shall be governed by the following rules:

1. Marriage (Nikha) among Muslim Filipinos is not only a civil contract but a social institution. Its nature, consequences and incidents are governed by P.D. 1083 and the Shari'a, and are not subject to stipulations, except that the marriage settlements may, to a certain extent, fix the property relations of the spouses (Article 14, P.D. No. 1083).

2. Marriage among Muslim Filipinos performed under their customs, traditions, rites and practices shall be reported within thirty (30) days after the date of marriage by the officiating person, or in his default, by the parties to the marriage for registration, to the Circuit Registrar of the city or municipality where the Shari'a Circuit Court exists. Where there is no Shari'a Circuit Court, marriages among Muslim Filipinos shall be registered at the Local Civil Registry Office (LCRO) where the marriage was celebrated with the annotation that the marriage is in accordance with P.D. 1083 both in the Certificate of Marriage and the Marriage Register.

3. The person officiating the marriage shall indicate in the Certificate of Marriage (Municipal Form 97, revised January 1993) that said marriage was solemnized in accordance with P.D. No. 1083, and fill up the attachment to the Certificate of Marriage with the following information: amount of mahr (dowry); first or subsequent marriage; tafwid, if granted and such other stipulations. The Certificate of Marriage and the attachment shall be permanently kept together and shall constitute the record of marriage.

4. The Certificate of Marriage shall be prepared in five (5) copies and shall be distributed by the Circuit Registrar, or by the C/MCR, as the case may be, as follows: first copy to the contracting parties; second copy to the Civil Registrar General (CRG); third copy to the Circuit Registrar/C/MCR; the fourth copy to the District Registrar if marriage was registered at the Shari'a Court; and the fifth copy to the solemnizing officer.

5. Other matters related to registration of marriages among Muslim Filipinos not covered by this Rule shall be governed by the pertinent provisions of Administrative Order No. 1, Series of 1993 (Republic of the Philippines Office Of The Civil Registrar General 2005, 'Administrative Order No. 1, Series of 2005 – Subject: Rules and Regulations Governing Registration of Acts and Events Concerning Civil Status of Muslim Filipinos', National Statistics Office, Republic of the Philippines website, 20 June http://www.census.gov.ph/data/civilreg/irr_muslim.html – Accessed 17 June 2009 – Attachment 2).

The Éditions United Settlement website provides the text of the 1977 'Presidential Decree No.1083 – A Decree to Ordain and Promulgate a Code Recognising the System of Filipino Muslim Laws, Codifying Muslim Personal Laws, and Providing for its Administration and for Other Purposes'. The section of the Decree relating to marriage and divorce states that they are "governed by this Code and the Shari'a" and that the essential requisites for marriage under the code are: "Legal capacity of the contracting parties"; "Mutual consent of the parties freely given"; "Offer (*ijab*) and acceptance (*qabul*) duly witnessed by at least two competent persons"; and "Stipulation of customary dower (*mahr*) duly witnessed by two competent persons". According to the Decree, "[n]o particular form of marriage ceremony is required but the *ijab* and the *qabul* in marriage shall be declared publicly in the presence of the person solemnising the marriage and two competent witnesses". Following the declaration, "it shall be set forth in an instrument in triplicate, signed or marked by the contracting parties and said witnesses, and attested by the person solemnising the marriage". The Code appears to state that Muslim marriages must be registered, and that the married couple should receive a copy of the marriage certificate; it states: "One copy shall be given to the contracting parties and another sent to the Circuit Registrar by the solemnising officer who shall keep the third". The relevant sections of the Decree follow below:

TITLE II. MARRIAGE AND DIVORCE

Chapter One

APPLICABILITY CLAUSE

Art. 13. Application. – (1) The provisions of this Tide shall apply to marriage and divorce wherein both parties are Muslims, or wherein only the male party is a Muslim and the marriage is solemnized in accordance with Muslim law or this Code in any part of the Philippines.

(2) In case of a marriage between a Muslim and a non-Muslim, solemnized not in accordance with Muslim law or this Code, the Civil Code of the Philippines shall apply.

(3) Subject to the provisions of the preceding paragraphs, the essential requisites and legal impediments to marriage, divorce, paternity and filiation, guardianship and custody of minors, support and maintenance, claims for customary dower (*mahr*), betrothal, breach of contract to marry, solemnization and registration of marriage and divorce, rights and obligations between husband and wife, parental authority, and the property relations between husband and wife shall be governed by this Code and other applicable Muslim laws.

Chapter Two

MARRIAGE (NIKAH)

Section 1. – Requisites of Marriage

Art. 14. Nature. – Marriage is not only a civil contract but a social institution, Its nature, consequences and incidents are governed by this Code and the Shari'a and not subject to stipulation, except that the marriage settlements may to a certain extent fix the property relations of the spouses.

Art. 15. Essential requisites. No marriage contract shall be following essential requisites are complied with:

- (a) Legal capacity of the contracting parties;
- (b) Mutual consent of the parties freely given;
- (c) Offer (ijab) and acceptance (qabul) duly witnessed by at least two competent persons.
- (d) Stipulation of customary dower (mahr) duly witnessed by two competent persons.

...Art. 17. Marriage ceremony. – No particular form of marriage ceremony is required but the ijab and the qabul in marriage shall be declared publicly in the presence of the person solemnizing the marriage and two competent witnesses. This declaration shall be set forth in an instrument in triplicate, signed or marked by the contracting parties and said witnesses, and attested by the person solemnizing the marriage. One copy shall be given to the contracting parties and another sent to the Circuit Registrar by the solemnizing officer who shall keep the third.

Art. 18. Authority to solemnize marriage. – Marriage may be solemnized:

- (a) By the proper wali of the woman to be wedded;
- (b) Upon authority of the proper wali, by any person who is competent under Muslim law to solemnize marriage; or
- (c) By the judge of the bhari, a District Court or Shari'a Circuit Court or any person designated by the judge, should the proper wali refuse without justifiable reason, to authorize the solemnization.

Art. 19. Place of solemnization. – Marriage shall be solemnized publicly in any mosque, office of the Shari'a judge, office of the District or Circuit Registrar, residence of the bride or her wali, or at any other suitable place agreed upon by the parties.

Art. 20. Specification of dower. – The amount or value of dower may be fixed by the contracting parties (mahr-musamma) before, during, or after the celebration of the marriage. If the amount or the value thereof has not been so fixed, a proper dower (mahr-mithl) shall, upon petition of the wife, be determined by the court according to the social standing of the parties.

Art. 21. Payment of dower, – Subject to the stipulation of the parties, the dower may be fully or partially paid before, during, or after the marriage. The property or estate of the husband shall be liable for the unpaid dower, or any part thereof ('Presidential Decree No.1083 – A Decree to Ordain and Promulgate a Code Recognising The System of Filipino Muslim Laws, Codifying Muslim Personal Laws, and Providing for its Administration and for Other

Purposes' 1977, Éditions United Settlement website, 4 February
http://www.uniset.ca/phil/phil_musl_civ_code.pdf – Accessed 17 June 2009 – Attachment 4).

Information sourced from the website of the Emory Law School states that, for Muslims in the Philippines, “[m]arriage registration is obligatory, backed up by penal sanctions of fines for failure to register any change in civil status” (‘Philippines, Republic of the’ (undated), Emory Law School website <http://www.law.emory.edu/ifl/legal/philippines.htm> – Accessed 23 June 2009 – Attachment 5).

It may be of interest to note information provided by a Filipino family law attorney on the Legal Issues and Family Matters website, in response to a question asking whether a marriage is invalid if a marriage certificate is not registered with the National Statistics Office, states that “[t]he marriage certificate (or contract) is not an essential or formal requisite for the validity of a marriage under the Family Code”:

My husband found out that our marriage certificate is not on file with the National Statistics Office. He said that our marriage is therefore not valid, and that he can get married to another woman. Is my husband correct?

Your husband is wrong. The lack or absence of a marriage certificate (or contract) in the files of the NSO does not make your marriage invalid. The marriage certificate (or contract) is not an essential or formal requisite for the validity of a marriage under the Family Code.

The marriage certificate is a powerful documentary evidence of the existence of your marriage. Even then, however, the existence or validity of your marriage can be proven by other evidence – the marriage license, the testimony of the officiating minister and the witnesses, wedding pictures, etc.

Should your husband therefore insist on getting married again, you can charge him with bigamy under the Revised Penal Code (‘Frequently Asked Questions’ (undated), Legal Issues and Family Matters website
<http://www.familymatters.org.ph/Frequently%20Asked%20Questions/Frequently%20asked%20questions.htm> – Accessed 17 June 2009 – Attachment 6).

- 3. How does a person convert to Islam during a wedding ceremony? (Does the pouring of water on a person’s head signify their conversion to Islam).**
- 5. Are converts to Islam required to do any study before converting? What would a convert to Islam be expected to know about Islam? Would they be expected to know the 5 articles of faith?**

According to information provided by the Islamic website The Modern Religion, a person converts to Islam by reciting the *shahadah* (pledge of conviction of faith) in the presence of two adult Muslim witnesses. The Convert to Islam website concurs, claiming that “[t]he act of becoming a Muslim could not be simpler”; both sources claim that no knowledge of Islam is required in order to convert, and indeed that it is preferable to convert immediately and the education on the basics of the faith can take place later. *The Concise Encyclopaedia of Islam* provides a similar description of the process of conversion to Islam, but states that it should be preceded by *ghusl*, or “the purification of the greater ablution”, which involves pouring water over the head. Nonetheless, the website of the Philippines National Statistics Office states that in order to be registered as a Muslim in the Philippines the convert “shall accomplish the Certificate of Conversion to Islam”, and also that “the Convert shall submit a certification that he/she has undergone an orientation on basic principles and practices of Islam from any accredited Muslim organisation by the Office on Muslim Affairs”

(‘Embracing Islam’ (undated), The Modern Religion website http://www.themodernreligion.com/convert/islam_conversion_main.htm – Accessed 1 July 2009 – Attachment 8; ‘How to become a Muslim’ (undated), Convert to Islam.com <http://www.convertstoislam.com/How/how.html> – Accessed 1 July 2009 – Attachment 9; Glasse, C. 2001, *The Concise Encyclopaedia of Islam*, Stacey International, London, pp. 105, 157 – Attachment 7; Republic of the Philippines Office Of The Civil Registrar General 2005, ‘Administrative Order No. 1, Series of 2005 – Subject: Rules and Regulations Governing Registration of Acts and Events Concerning Civil Status of Muslim Filipinos’, National Statistics Office, Republic of the Philippines website, 20 June http://www.census.gov.ph/data/civilreg/irr_muslim.html – Accessed 17 June 2009 – Attachment 2).

The Concise Encyclopaedia of Islam provides the following definition of ‘conversion’, which includes “the purification of the greater ablution”, or *ghusl*:

One enters Islam by surrendering to God. The person who thus actualises his surrender to God first undergoes the purification of the greater ablution (*ghusl*), and then recites the two testimonies of faith in the presence of two witnesses. Following this recognition of God as the Absolute Reality, and of Muhammad as the Messenger of God, the new Muslim is committed to keeping the Five Pillars of Islam (Glasse, C. 2001, *The Concise Encyclopaedia of Islam*, Stacey International, London, p. 105 – Attachment 7).

The Concise Encyclopaedia of Islam defines *ghusl* as “the washing of the entire body”, during which “[t]he right hand cups water and is passed over the head, torso and limbs in an order which gives precedence to the upper, the front, and the right side over the lower, the back, and the left”, and “[t]he mouth and nostrils are rinsed with water”. According to this definition, *ghusl* is “performed by a convert before being formally received into Islam”:

The “greater ablution”, which confers a state of purity necessary to perform ritual acts such as prayer. One must acquire the state of *ghusl* before one can enter any mosque or any area purified for prayer, and before one can touch an Arabic Koran. The impurities which occasion the need for *ghusl* are called *janabat* (sing. *janabah* or *junub*) and are: intromission; ejaculation; menstruation; childbirth; contact with a corpse (this latter is considered by some to be *Sunnah* only, that is, recommended but not obligatory).

Ghusl is the washing of the entire body beginning with the private parts which cannot be touched again during the performance of *ghusl*. Then the *ta’awwudh* and *basmalah* are pronounced along with the formulation of the *niyyah* (intention). The right hand cups water and is passed over the head, torso and limbs in an order which gives precedence to the upper, the front, and the right side over the lower, the back, and the left. The navel is cleansed eight times. The fingers of one hand clean the interstices of the fingers of the other; the interstices between the toes are cleaned. The mouth and nostrils are rinsed with water. At the end one pronounces the *hamdalah*. This is the most strict procedure, that of the Maliki school. Other Schools of Law maintain that it is enough to immerse the body in water or simply pour water over the body, that is, to take a shower preceded by the *niyyah* and the sacred formulas above.

...*Ghusl* is also performed by a convert before being formally received into Islam, after the washing of the dead, major blood letting, and before putting on *ihrām* for pilgrimage (Glasse, C. 2001, *The Concise Encyclopaedia of Islam*, Stacey International, London, p. 157 – Attachment 7).

The Islamic website The Modern Religion provides the following procedure for conversion (or “reversion”) to Islam, in which the official conversion takes place when the convert pronounces the *shahadah*, or “pledge of conviction or faith”, in front of at least two adult witnesses. Education on the basics of the faith can take place after this:

Every person is born a Muslim because we are all created by God. Therefore, a preferred term would be reversion rather than conversion. A non-Muslim becomes a Muslim when he believes in his heart : “There is no God but Allah and I bear witness that Muhammad is His Messenger” Hence, belief in the Unity and Oneness of God and that Muhammad is his Messenger makes one a Muslim at heart. Recommended steps:

- Officially convert by pronouncing the shahadah (pledge of conviction of faith) in Arabic thus: “*Ash HaduAllaa Ilaaha Il-lallaah Wa Ash Hadu Anna Muhammadar Rasullulah*” which means “*I bear Witness that there is no deity but Allah and I bear witness that Muhammad is [sic] His Messenger*”. The pledge is to be taken in front of at least two adult Muslim witnesses.
- It is recommended that he/she take a Muslim name
- It is recommended that he/she take up a basic course on Islam (if he/she hasn’t already) and keep the company of other Muslims.

...A person becomes a Muslim upon pronouncing the shahadah in front of two adult Muslim witnesses. A Muslim has to do the daily prayers, fast in Ramadan and apply the teachings of Islam in his daily life. But if a revert is unable to do all the prayers immediately after his conversion, he should try to do those he could. However, he should aim to be a practicing Muslim as soon as possible in order not to miss out in the race to accumulate blessings (‘Embracing Islam’ (undated), The Modern Religion website http://www.themodernreligion.com/convert/islam_conversion_main.htm – Accessed 1 July 2009 – Attachment 8).

The Convert to Islam website provides similar advice, stating that converts “can learn gradually at [their] own pace”, and advising that potential converts should not “fall into the trap of thinking that you need to learn everything first before you convert”, as “[t]his would clearly delay your conversion indefinitely”. This source claims that: “Even to think that you will learn the basics prior to converting would incur an unnecessary delay”:

The act of becoming a Muslim could not be simpler.

An individual needs to make the declaration, known as al-shahaadatain.

Arabic is the language of the Holy Quran, and you will see below that the declaration has been written in Arabic transliteration to make it easy for you to follow. The English translation is provided in the brackets.

The declaration is in two parts:

Ash-hadun alla ilaaha illallah

(I bear witness and attest that there is no god worthy of worship but the One God Allah (swt))

Wa ash-hadu anna Muhammad-ar-rasool ullaah

(I bear witness and attest that Muhammad (saaw) is the messenger of Allah (swt))

An individual who finds belief in Islam within his heart can become a Muslim by pronouncing the above declaration. Alhumdalillah.

As a Muslim certain Islamic duties are now obligatory on the individual, but there is no need to feel scared or concerned about this. There are many sources of help for you, and many new brothers and sisters that will be very keen to assist you.

... You may feel that there is a lot to learn, but please try not to be too daunted. Islam is a vast ocean of knowledge, it is a complete code for life, providing answers to all questions. You can learn gradually at your own pace. It obviously makes sense to begin by learning about those duties that are obligatory upon you, for example the daily prayers. Then, when you are able to perform these duties you can research in whichever direction you choose. Remember the Quran tells us to go in search of knowledge, and 'read' was the first revelation to our Holy Prophet (saaw). Alhumdalillah that you now have the opportunity to do just this. Keep in mind that you do not necessarily need to be proficient in an act before you perform it, it is totally permissible for you to perform your prayers from a book until you come to know the words and actions. InshaAllah for your efforts in this way you will find that knowledge comes easily to you.

Please do not fall into the trap of thinking that you need to learn everything first before you convert. This would clearly delay your conversion indefinitely. Even to think that you will learn the basics prior to converting would incur an unnecessary delay. None of us can be sure when death will overtake us, so we are not in a position to presume that Allah (swt) will grant us enough life if we put off our conversion. When you recognise Islam as the true path then it would be highly recommended to convert straight away, and then afterwards to proceed to deepen your knowledge ('How to become a Muslim' (undated), Convert to Islam.com website <http://www.converttoislam.com/How/how.html> – Accessed 1 July 2009 – Attachment 9).

Despite this, the website of the Philippines National Statistics Office provides information on the 'Registration of Conversion to Islam', stating that in order to be registered as a Muslim the convert "shall accomplish the Certificate of Conversion to Islam". In addition, "the Convert shall submit a certification that he/she has undergone an orientation on basic principles and practices of Islam from any accredited Muslim organisation by the Office on Muslim Affairs". According to this source, the convert should be issued with a copy of their certificate of conversion:

Rule 12. Registration of Conversion to Islam

Registration of a person's conversion to Islam is prima facie proof that he professes the Islamic faith and thus becomes a Muslim. It shall be governed by the following rules:

1. A person who desires to embrace Islamic faith shall accomplish the Certificate of Conversion to Islam by providing the following information: his or her full name, sex, civil status, date of birth and age, place of birth, occupation, residence, citizenship, parents and their respective religions. The certificate shall be attested to by at least two witnesses who must be Muslim Filipinos. In case the convert is a minor, the consent of the parents, or the guardian is necessary.
2. In addition, the Convert shall submit a certification that he/she has undergone an orientation on basic principles and practices of Islam from any accredited Muslim organization by the Office on Muslim Affairs or from any recognized and competent Ustadz or Ulama. The Circuit Registrar shall require submission of such certification.

3. Four (4) copies of the Certificate of Conversion to Islam shall be submitted for registration within thirty (30) days after the date of its execution by the convert or his authorized representative to the Shari'a Circuit Court where conversion occurred. In the city or municipality where there is no Shari'a Circuit Court, conversion to Islam shall be reported by the same person to the LCRO of the place of conversion who shall forward the same to the Shari'a Circuit Court where the convert is domiciled under the procedures of out-of-town reporting.

In case the convert is not domiciled within the territorial jurisdiction of the five (5) Shari'a judicial districts, the registration shall be at the nearest Shari'a Circuit Court. In such case, the convert, in addition to the requirements under Rule 12 (1) and (2), certify under oath that he has not registered such conversion before any Circuit Registrar. The same shall be annexed to the Certificate of Conversion and simultaneously filed therewith.

4. The four (4) copies of the Certificate of Conversion shall be distributed, after registration, by the Circuit Registrar as follows: first copy to the convert; second copy to the CRG; third copy to the District Registrar, and the fourth copy for his file (Republic of the Philippines Office Of The Civil Registrar General 2005, 'Administrative Order No. 1, Series of 2005 – Subject: Rules and Regulations Governing Registration of Acts and Events Concerning Civil Status of Muslim Filipinos', National Statistics Office, Republic of the Philippines website, 20 June http://www.census.gov.ph/data/civilreg/irr_muslim.html – Accessed 17 June 2009 – Attachment 2).

4. What are the characteristics of a Muslim wedding ceremony?

The Concise Encyclopaedia of Islam states that Muslim marriages are “accomplished through a contract which is confirmed by the bride’s reception of a dowry (*mahr*) and by the witnessing of the bride’s consent to the marriage”, after which “those present recite the *fatihah* (the opening chapter of the Koran)”. In addition, this source claims that “[n]ormally, marriages are not contracted in mosques but in private homes or at the offices of a Judge (*Qadi*)”. This source also states that “[i]t is often the national or tribal customs that determine the type of ceremony, if there is one, and the celebrations which accompany it”:

In Islam, marriage is accomplished through a contract which is confirmed by the bride’s reception of a dowry (*mahr*) and by the witnessing of the bride’s consent to the marriage. If she is silent, her silence is taken as acceptance; the Malikis and Shafi’is insist if the bride is a virgin, that she be represented by a male guardian (*wali*), usually a relative, who accepts the terms on her behalf. A woman cannot be forced to marry against her will.

When agreement to the marriage is expressed and witnessed, those present recite the *fatihah* (the opening chapter of the Koran). Normally, marriages are not contracted in mosques but in private homes or at the offices of a Judge (*Qadi*). It is often the national or tribal customs that determine the type of ceremony, if there is one, and the celebrations which accompany it (*urs*). In some parts of the Islamic world these may include processions in which the bride gift is put on display, receptions where the bride is seen adorned in elaborate costumes and jewellery, and ceremonial installation of the bride in the new house to which she may be carried in a litter. The groom may ride through the streets on a horse followed by his friends and well-wishers, and there is always a feast called the *walimah* (Glasse, C. 2001, *The Concise Encyclopaedia of Islam*, Stacey International, London, p. 296 – Attachment 7).

The 1977 ‘Presidential Decree No.1083 – A Decree to Ordain and Promulgate a Code Recognising The System of Filipino Muslim Laws, Codifying Muslim Personal Laws, and Providing for its Administration and for Other Purposes’ sets out the “essential requisites” for a Muslim marriage (*nikah*) in the Philippines:

MARRIAGE (NIKAH)

Section 1. – Requisites of Marriage

Art. 14. Nature. – Marriage is not only a civil contract but a social institution, Its nature, consequences and incidents are governed by this Code and the Shari'a and not subject to stipulation, except that the marriage settlements may to a certain extent fix the property relations of the spouses.

Art. 15. Essential requisites. No marriage contract shall be following essential requisites are complied with:

- (a) Legal capacity of the contracting parties;
- (b) Mutual consent of the parties freely given;
- (c) Offer (ijab) and acceptance (qabul) duly witnessed by at least two competent persons.
- (d) Stipulation of customary dower (mahr) duly witnessed by two competent persons.

...Art. 19. Place of solemnization. – Marriage shall be solemnized publicly in any mosque, office of the Shari'a judge, office of the District or Circuit Registrar, residence of the bride or her wali, or at any other suitable place agreed upon by the parties.

Art. 20. Specification of dower. – The amount or value of dower may be fixed by the contracting parties (mahr-musamma) before, during, or after the celebration of the marriage. If the amount or the value thereof has not been so fixed, a proper dower (mahr-mithl) shall, upon petition of the wife, be determined by the court according to the social standing of the parties.

Art. 21. Payment of dower, – Subject to the stipulation of the parties, the dower may be fully or partially paid before, during, or after the marriage. The property or estate of the husband shall be liable for the unpaid dower, or any part thereof ('Presidential Decree No.1083 – A Decree to Ordain and Promulgate a Code Recognising The System of Filipino Muslim Laws, Codifying Muslim Personal Laws, and Providing for its Administration and for Other Purposes' 1977, Éditions United Settlement website, 4 February
http://www.uniset.ca/phil/phil_musl_civ_code.pdf – Accessed 17 June 2009 – Attachment 4).

6. What is the unemployment rate in the Philippines? What is the unemployment rate in Mindanao?

The website of the Philippines National Statistics Office provides Labour Force Survey figures dating from April 2009, which state that the unemployment rate in the Philippines is 7.5%, while the unemployment rate in the Autonomous Region in Muslim Mindanao was the lowest in the country, at 1.5%. In addition, the survey provides an underemployment rate of 18.9% for the Philippines ('Employment Rate Reported at 92.5 percent in April 2009 – Results from the April 2009 Labour Force Survey (LFS)' 2009, National Statistics Office, Republic of the Philippines website, 16 June
<http://www.census.gov.ph/data/pressrelease/2009/1f0902tx.html> – Accessed 18 June 2009 – Attachment 10).

The most recent regional breakdown of unemployment and underemployment figures from the six regions of Mindanao, also sourced from the website of the Philippines National Statistics Office, date from April 2009. All figures in the table below are provided as percentages:

IX – Zamboanga Peninsula	3.8	27.4
X – Northern Mindanao	5.2	24.5
XI – Davao Region	6.2	23.4
XII – SOCCSKSARGEN	4.4	19.9
Caraga	5.1	26.8

Autonomous Region in Muslim Mindanao 1.5 13.0 (‘TABLE 1: Labour Force Participation Rates (LFPR), Employment, Unemployment and Underemployment Rates, by Region: April 2009’ 2009, National Statistics Office, Republic of the Philippines website, 16 June <http://www.census.gov.ph/data/sectordata/2008/lf080101new.htm> – Accessed 18 June 2009 – Attachment 11).

7. Please provide information on the current situation for Muslims in Mindanao, in particular their economic situation.

Note: the island of Mindanao is divided into six administrative regions: Zamboanga Peninsula, Northern Mindanao, Davao Region, SOCCSKSARGEN, Caraga, and the Autonomous Region in Muslim Mindanao (ARMM). The *barangay* (village, district, or ward) of Magsaysay is located in Polomolok municipality, South Cotabato province, in the SOCCSKSARGEN region.

Information addressing the situation for Muslims in Mindanao is here provided in two sections, addressing the [economic situation for Muslims](#) in Mindanao, and recent [armed conflict and internal displacement](#) in Mindanao.

The economic situation for Muslims in Mindanao

Available information suggests that the economic situation for Muslims is poor. The US Department of State’s 2009 *Country Report on Human Rights Practices* for the Philippines states that “[p]redominantly Muslim provinces in Mindanao lagged far behind the rest of the country in most aspects of socioeconomic development”, while a February 2009 report from the World Organisation Against Torture states that “the predominantly Muslim provinces of Mindanao are considerably underdeveloped in socioeconomic terms in comparison with the rest of the Philippines”. The 2008/09 Philippine Human Development Report states that “[a]ll five provinces in the Autonomous Region of Muslim Mindanao are in the bottom 10 of the Human Development Index (HDI) rankings”, and that seven of the bottom ten provinces are in Mindanao. A June 2009 article sourced from the Open Democracy website places Mindanao “[a]t the bottom of the poverty pile”, stating that “it has been the poorest of the Philippines’ three major island groups for almost a decade, with fifty per cent below the poverty line”, and that “all five regions of the island are in the ten poorest regions in the entire country”. A November 2008 article in *The Philippine Star* notes that: “At least 14 of the country’s 20 poorest municipalities are in Mindanao”, while a March 2008 article from *The Mindanao Examiner* claims that the official poverty figures released by the National

Statistical Coordination Board (NSCB) understate the incidence of poverty in the region (US Department of State 2009, *Country Report on Human Rights Practices for 2008 – Philippines*, 25 February – Attachment 12; World Organisation Against Torture 2009, ‘Combating extrajudicial executions, enforced disappearances, torture and other cruel, inhuman and degrading treatment in the Philippines by addressing their economic, social and cultural root causes’, OMCT website, 26 February http://www.omct.org/pdf/ESCR/2009/Philippines_Report_for_the_EP_220109.pdf – Accessed 27 February 2009 – Attachment 13; ‘Provinces in conflict rank lowest in Philippine Human Development Index’ 2009, United Nations Development Programme Philippines website, 21 May http://www.undp.org.ph/?link=news&news_id=215 – Accessed 24 June 2009 – Attachment 14; Dearn, M. 2009, ‘Mindanao: poverty on the frontlines’, Open Democracy website, 4 June <http://www.opendemocracy.net/article/philippines/development-insurgency-poverty-terrorism> – Accessed 24 June 2009 – Attachment 15; Regalado, E. 2008, ‘14 of RP’s poorest towns in Mindanao’, *The Philippine Star*, 24 November <http://www.philstar.com/Article.aspx?articleid=418139> – Accessed 24 June 2009 – Attachment 16; Yu, J. 2008, ‘2006 Official Poverty Statistics In Philippines: Worse Than It Looks’, *The Mindanao Examiner*, March 19 <http://zamboangajournal.blogspot.com/2008/03/2006-official-poverty-statistics-in.html> – Accessed 24 June 2009 – Attachment 17).

An overview of the source information informing this paragraph follows.

The US Department of State’s 2009 *Country Report on Human Rights Practices* for the Philippines states that “[p]redominantly Muslim provinces in Mindanao lagged far behind the rest of the country in most aspects of socioeconomic development”. The report also provides information on: the marginalisation of Muslims by the Christian majority; violence in Mindanao; the perceived political disenfranchisement of Muslims, particularly in the Manila area; and the vulnerability of the poor in Mindanao to people trafficking:

The government’s campaign against terrorist groups led some human rights NGOs to accuse the police and military of acting with bias in their treatment of Muslims.

Intermittent government efforts to integrate Muslims into political and economic society achieved only limited success. Many Muslims claimed that they continued to be underrepresented in senior civilian and military positions and cited the lack of proportional Muslim representation in national government institutions. Predominantly Muslim provinces in Mindanao lagged far behind the rest of the country in most aspects of socioeconomic development. The percentage of the population under the poverty level in the Autonomous Region of Muslim Mindanao (ARMM) was almost twice as high as the national average, with per capita income of 15,760 pesos (approximately \$354) per year.

Societal Abuses and Discrimination

Historically, the Christian majority has marginalized Muslims. The national culture, with its emphasis on familial, tribal, and regional loyalties, created informal barriers whereby access to jobs or resources is provided first to those of one’s own family or group network. Muslims reported difficulty renting rooms or being hired for retail work if they used their real names or wore distinctive Muslim dress. As a result, some Muslims used Christian pseudonyms and did not wear distinctive dress when applying for housing or jobs.

...Clashes between the AFP and the MILF increased the number of IDPs. Most IDPs were in the central Mindanao provinces of Lanao del Norte, North Cotabato, and Maguindanao. At the height of the clashes from August to September, the National Disaster Coordinating Council estimated there were 110,517 IDP families or 528,693 IDP individuals in Mindanao, which had been reduced to 62,849 families or 308,175 persons by December 29.

...Along with many other citizens, Muslims argued that electing senators from a nationwide list favored established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment, which many Muslims and members of other groups underrepresented in the national legislature favored. There were no Muslim senators and no Muslim cabinet members. There were 11 Muslim members in the House of Representatives, mostly elected from Muslim-majority provinces.

...Both adults and children were trafficked domestically from poor, rural areas in the southern and central parts of the country to major urban centers, especially Metro Manila and Cebu, but also increasingly to cities in Mindanao. A significant percentage of the victims of internal trafficking were from Mindanao and were fleeing the poverty and violence in their home areas. Approximately 75 percent of the trafficking victims provided with temporary shelter and counseling by the NGO Visayan Forum Foundation were from Mindanao. The Visayan region was also a source of trafficking victims. Women and girls were far more at risk of becoming victims of trafficking than men and boys (US Department of State 2009, *Country Report on Human Rights Practices for 2008 – Philippines*, 25 February – Attachment 12).

A February 2009 report from the World Organisation Against Torture states that “the predominantly Muslim provinces of Mindanao are considerably underdeveloped in socioeconomic terms in comparison with the rest of the Philippines”; and that “the Government has largely failed to integrate the Muslim minority into the overwhelmingly Catholic economic and political society”. The report also provides an overview of recent violence and displacement of populations in the North Cotabato and Lanao Del Norte provinces:

For over a century, first under Spanish colonial rule and then under US control, the Muslims and Lumads of the Southern region of Mindanao have suffered marginalisation and oppression. This has resulted in the fight for self-determination and the struggle for recognition of rights over ancestral domains.

Today, the predominantly Muslim provinces of Mindanao are considerably underdeveloped in socioeconomic terms in comparison with the rest of the Philippines. It had been hoped that the establishment of the Autonomous Region of Muslim Mindanao (the ARMM) would enhance social and economic development for the region’s inhabitants, however, according to a report by the Internal Displacement Monitoring Centre, the percentage of the population under the poverty line in the ARMM is now almost twice as high as the national average and literacy and school enrolment rates are significantly lower than the national average. A Philippine NGO reported that, according to surveys carried out by the Philippine Government, ARMM is among the ten areas of the country with the highest levels of malnutrition.

Mindanao is rich in natural resources, and this has been the key source of conflict between the Government and Moro (or Muslim) separatist rebels, in particular the Moro Islamic Liberation Front (MILF). Further, the Government has largely failed to integrate the Muslim minority into the overwhelmingly Catholic economic and political society. Land disputes both within the Moro communities and between the Moro communities and the government continue to trigger conflict. Additionally, the promotion by the Government of development

projects, such as mining and dams, on land claimed by the Muslim population has led to further armed conflict.

The armed conflict between the Government and the MILF in this region has led to over two million people being displaced since 2000. The two parties signed a ceasefire in 2003 and engaged in peace talks which culminated in an agreement to expand the ARMM. However, on 4 August 2008, the Supreme Court issued a restraining order to halt the signing of the agreement (due to take place on 5 August 2008), following protests and petitions against it, mainly by Christians in the region. This triggered an outbreak of fighting between the rebels and Government forces in North Cotabato province which has led to deaths of both government soldiers and MILF rebels and to people being driven from their homes. Fighting continued with rebel guerrillas allegedly shooting or hacking to death 37 people on 18 August 2008, leading a further 44,000 people to flee their homes in southern Lanao del Norte province. The Government responded by carrying out bombings and air strikes, resulting in civilian casualties. The Government and rebels have continued fighting and, as of 30 September 2008, 292,977 people were reported by the National Disaster Coordination Council as having been internally displaced. This seriously compromises their economic, social and cultural rights including the right to an adequate standard of living and the right to education (World Organisation Against Torture 2009, 'Combating extrajudicial executions, enforced disappearances, torture and other cruel, inhuman and degrading treatment in the Philippines by addressing their economic, social and cultural root causes', OMCT website, 26 February, pp. 19-20 http://www.omct.org/pdf/ESCR/2009/Philippines_Report_for_the_EP_220109.pdf – Accessed 27 February 2009 – Attachment 13).

The 2008/09 Philippine Human Development Report, “prepared by the Human Development Network (HDN), an independent team of experts who explore major issues of national concern in cooperation with the United Nations Development Programme (UNDP)”, states that “[a]ll five provinces in the Autonomous Region of Muslim Mindanao are in the bottom 10 of the Human Development Index (HDI) rankings”, and that seven of the bottom ten provinces are in Mindanao:

All five provinces in the Autonomous Region of Muslim Mindanao are in the bottom 10 of the Human Development Index (HDI) rankings of the 2008/09 Philippine Human Development Report (PHDR) that cover the country's 77 provinces and Metro Manila.

...At the bottom 10 are seven provinces from Mindanao, five of which are from the ARMM. Sulu continues to record the lowest HDI, followed by Tawi-Tawi, Maguindanao, Basilan and Lanao del Sur. Their performance in human development is comparable to Mauritania, Nigeria, Ghana, Senegal and Pakistan.

Most of the 10 lowest-ranked provinces are conflict-ridden. Previous Philippine Human Development Reports, dating back to the mid-1990s, have consistently shown that the bottom 10 provinces in almost every aspect of human development are also the most conflict-ridden ones. The 2005 PHDR that dealt with 'Peace, Human Security and Human Development' concluded that “deprivation and injustice, rather than hardship alone, lie at the heart of armed conflict. As human insecurity increases from armed conflict, people turn away from those social and productive activities that could have facilitated the development of their human potential. Lives are destroyed, families and communities torn apart, cultures decline, and investment is foregone or deflected. Development in the immediate area stagnates and, through spillovers, the entire region and perhaps the entire country is affected” ('Provinces in conflict rank lowest in Philippine Human Development Index' 2009, United Nations Development Programme Philippines website, 21 May

http://www.undp.org.ph/?link=news&news_id=215 – Accessed 24 June 2009 – Attachment 14).

A June 2009 article sourced from the Open Democracy website claims that “chronic poverty” is a key factor in the ongoing conflict in Mindanao, and claims that “[m]ore than thirty percent of Filipinos currently live below the poverty threshold at which they cannot afford food combined with the essentials for life”. This report places Mindanao “[a]t the bottom of the poverty pile”, stating that “it has been the poorest of the Philippines’ three major island groups for almost a decade, with fifty per cent below the poverty line”, and that “all five regions of the island are in the ten poorest regions in the entire country”:

Amidst the manifold problems that dog the peace process – from primordial claims of ethno-religious difference, to suppressed Moro identity and sovereignty, and continual wrangling over the MoA – one potent mixer, a recognised catalyst of conflict, is relatively sidelined: chronic poverty.

In the 1950s, the Philippines was the most “advanced” capitalist country in southeast Asia. On its accession to the newly-formed ASEAN in 1967, its strong economy and industrial sector led many to see the country as a model for fellow members; by the 1980s, fifty percent of total income was in the hands of the top five percent. Gross inequality had grown engrained in the country, and little has changed since.

More than thirty percent of Filipinos currently live below the poverty threshold at which they cannot afford food combined with the essentials for life, with international estimates suggesting 44 percent earn less than \$2 a day. Notably, last year’s Social Protection Index produced by the Asian Development Bank saw the Philippines lag behind many of its neighbours, the bank stating that it had done “little in the way of major pro-poor targeted programs”.

Bottom of the pile

At the bottom of the poverty pile lies Mindanao, known as the country’s “food basket”, though wracked with hunger and want: it has been the poorest of the Philippines’ three major island groups for almost a decade, with fifty per cent below the poverty line; all five regions of the island are in the ten poorest regions in the entire country; and within the island itself, the Autonomous Region of Muslim Mindanao (ARMM – the area created by the MoA) ranks as one of the two poorest regions.

The Philippine Development Forum describes the rise in poverty in the ARMM between 1988 and 2006 as “alarming”, going on to argue that “while income poverty alone does not automatically result in social unrest, international experiences have shown that an explosive political situation is created when poverty is combined with deprivation and injustice”. Visiting head of the Delegation of the European Commission to the Philippines, Alistair MacDonald, told the Philippines National Enquirer last year that poverty, above religion and secessionism, is the root of the conflict: “When you look at some of the human development indicators for parts of Mindanao, things like health, nutrition, education, the Philippines should be ashamed to have such low levels of basic social indicators” (Dearn, M. 2009, ‘Mindanao: poverty on the frontlines’, Open Democracy website, 4 June <http://www.opendemocracy.net/article/philippines/development-insurgency-poverty-terrorism> – Accessed 24 June 2009 – Attachment 15).

A November 2008 article in *The Philippine Star* states that: “At least 14 of the country’s 20 poorest municipalities are in Mindanao, according to the National Statistical Coordination Board (NSCB)” (Regalado, E. 2008, ‘14 of RP’s poorest towns in Mindanao’, *The Philippine Star*, 24 November <http://www.philstar.com/Article.aspx?articleid=418139> – Accessed 24 June 2009 – Attachment 16).

A March 2008 article from *The Mindanao Examiner* claims that the official poverty figures released by the National Statistical Coordination Board (NSCB) understate the incidence of poverty in the Philippines:

According to the official figures by the National Statistical Coordination Board (NSCB), some 32.9% of the population, or 27.6 million Filipinos are poor. This was a reversal of the trend experienced in 2003, when the poverty incidence fell to 30% from 33% in 2000. It should also be noted that there were actually more Filipinos in 2006 than in 2000 (when some 25.5 million Filipinos were poor).

But despite the admission that poverty has risen despite high economic growth, the official poverty figures may actually be understated and obscure how widespread poverty is in the Philippines. This is because of the low poverty threshold the NSCB uses to estimate the extent of poverty.

For 2006, the NSCB pegged the per capita annual poverty threshold at P15,057, or P75,285 for a family of five members. The poverty threshold is defined as the minimum income/expenditure required for an individual to meet its basic food and non-food requirements. The poor are thus considered as those individuals or families whose incomes fall below the official poverty threshold and cannot afford to provide in a sustained manner for their minimum basic needs for food, health, education, housing and other social amenities of life.

The use of the term minimum basic needs highlights the limitations of the government’s definition of poverty. The government considers only minimum survival standards to measure poverty, thus capturing only those who are desperately poor and cannot meet even their most basic needs. But those individuals and families who fail to meet decent living standards should also be considered poor (Yu, J. 2008, ‘2006 Official Poverty Statistics In Philippines: Worse Than It Looks’, *The Mindanao Examiner*, March 19 <http://zamboangajournal.blogspot.com/2008/03/2006-official-poverty-statistics-in.html> – Accessed 24 June 2009 – Attachment 17).

Another March 2008 report, from the *Sun.Star Network Online*, quotes Khaled Musa of the Moro Islamic Liberation Front (MILF), who claims that poverty in Mindanao is caused by “the economic marginalisation” of the region “due to the ‘neo-colonialism by imperial Manila’.” The report states that “poverty incidence in the Autonomous Region in Muslim Mindanao (ARMM), according to the 2006 Official Poverty Statistics, reached 55.3 percent”, twice the national average:

The latest report of the National Statistical Coordination Board identifying the Autonomous Region in Muslim Mindanao as the poorest in the country is a validation of the economic marginalisation happening at present.

This is according to the Moro Islamic Liberation Front (MILF), which is fighting for secession.

...“The report is just a paper validation of what really is the correct economic marginalisation of this region,” Musa said.

He said the poverty now being experienced by their Muslim brothers and sisters is due to the “neo-colonialism by imperial Manila.”

He also said the continuous fighting in Moro areas explained why the people are unproductive.

“They keep on moving from one place to another and this non-permanency of residence makes them rely on mostly short-term means of livelihood. The Moros are not indolent; they just lack correct motivation and sufficient support from the government,” Musa said.

The NSCB report said poverty incidence in the Autonomous Region in Muslim Mindanao (ARMM), according to the 2006 Official Poverty Statistics, reached 55.3 percent, a 9.9 percent increase from 2003’s 45.4 percent.

The incidence of poverty in the pre-dominantly Moro region is more than two times the national average of 26.9 percent (“Imperial Manila” blamed for poverty in Mindanao’ 2008, *Sun.Star Network Online*, 10 March <http://www.sunstar.com.ph/static/net/2008/03/10/imperial.manila.blamed.for.poverty.in.mindanao.html> – Accessed 24 June 2009 – Attachment 18).

Recent armed conflict and internal displacement in Mindanao

A comprehensive overview of the violence in Mindanao since the collapse of the peace agreement between the Philippines government and the Moro Islamic Liberation Front (MILF) is provided by the International Crisis Group in a February 2009 report titled *The Philippines: Running in Place in Mindanao*; this report is provided as Attachment 25 (International Crisis Group 2009, *The Philippines: Running in Place in Mindanao*, Asia Briefing No. 88, 16 February – Attachment 25).

A May 2009 report on the situation in Mindanao from the Republic of the Philippines National Disaster Coordinating Council places the provinces of Maguindanao and Lanao Del Norte under a declared state of “calamity”, along with several municipalities in Cotabato and Lanao Del Norte. The report numbers the total population “affected and displaced” by the conflict at 703,949, with 299, 213 persons “served” at 546 “evacuation centres” (Republic of the Philippines National Disaster Coordinating Council 2009, ‘NDCC Update: Sitrep No. 84 re IDPs IN MINDANAO’, ReliefWeb, (source: National Disaster Coordinating Council), 18 May [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/SHIG-7S6FY2-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/SHIG-7S6FY2-full_report.pdf/$File/full_report.pdf) – Accessed 24 June 2009 – Attachment 24).

Recent reports on the conflict between Muslim militants and the Philippines Armed Forces, drawn from the Reliefweb website, follow below in reverse chronological order:

- A *Deutsche Presse-Agentur* report from 21 June quotes an army source, who claims that “[o]ne man was killed and 32 wounded when unidentified suspects hurled two grenades at a crowded town plaza in the southern Philippines”, and that “[a] second grenade was hurled in front of a nearby store”. The report continues: “No suspects or motive have been identified for the attack, but authorities said they received intelligence reports that Muslim militants could have been behind the attack” (‘One killed, 32 wounded in grenade blasts in southern Philippines’ 2009, ReliefWeb, (source: *Deutsche Presse-Agentur*), 21 June <http://www.reliefweb.int/rw/rwb.nsf/db900sid/MYAI-7T89TB?OpenDocument&rc=3&cc=phl> – Accessed 24 June 2009 – Attachment 19).

- Another *Deutsche Presse-Agentur* report, from 16 June, quotes a military spokesman who claims that: “One civilian was killed and three were wounded in an attack by Muslim separatist rebels in the southern Philippines”; and that “Councillor Jordan Ibrahim of South Upi town in Maguindanao province...and the civilians were travelling to a village for a visit on Monday when Moro Islamic Liberation Front (MILF) rebels ambushed their vehicle” (‘One killed, three wounded in Muslim rebel attack in Philippines’ 2009, ReliefWeb, (source: *Deutsche Presse-Agentur*), 16 June <http://www.reliefweb.int/rw/rwb.nsf/db900sid/MWAI-7T3A42?OpenDocument&rc=3&cc=phl> – Accessed 24 June 2009 – Attachment 20).
- A 10 June report from the Institute for War and Peace Reporting provides information on internal displacement due to the ongoing conflict in Mindanao, quoting a 2008 report from the Internal Displacement Monitoring Centre (IDMC) which states that IDPs in Mindanao constitute “the world’s largest group of newly internally displaced people”. According to the IDMC report, “600,000 of the world’s 4.6 million most recently uprooted people last year were war refugees from Central Mindanao – the numbers surpassing new internal refugees recorded in Sudan, Kenya, the Democratic Republic of Congo and more than 45 other countries surveyed” (Sarmiento, B. 2009, ‘Mindanao’s forgotten refugees’, ReliefWeb, (source: Institute for War and Peace Reporting), 10 June <http://www.reliefweb.int/rw/rwb.nsf/db900sid/VDUX-7SVRDZ?OpenDocument&rc=3&cc=phl> – Accessed 24 June 2009 – Attachment 21).
- A 27 May report from *Reuters Alertnet* quotes a MILF leader, Mohagher Iqbal, who claims that “[f]ighting between Philippine troops and rogue factions of a Muslim rebel group has spread beyond oil and gas-rich wetlands in the south, and more guerrillas could get involved”. The report attributes the resumption of violence in Mindanao to “rogue MILF factions”, stating that “[t]he rump group [of the MILF] has condemned the violence but tacitly acknowledged it no longer has control over the rogue factions. It says the spreading violence is a major threat” (Mogato, M. 2009, ‘Interview – Muslim rebels warn violence in Philippines spreading’, ReliefWeb, (source: *Reuters Alertnet*), 27 May <http://www.reliefweb.int/rw/rwb.nsf/db900sid/MYAI-7SF84A?OpenDocument&rc=3&cc=phl> – Accessed 24 June 2009 – Attachment 22).
- On 26 May, *Reuters Alertnet* reported that the military offensive against the rogue MILF factions “and the refugee problem have further pushed back prospects of peace in the oil and gas-rich marshlands of central Mindanao, leaving it mired in poverty”. This report states that “[i]n recent weeks, troops have rained artillery and mortar shells almost daily on suspected lairs of rogue Muslim rebels”, and quotes “Ishak Mastura, an economic adviser to the governor of the Muslim Mindanao region”, who claims that “the nine-month conflict has not only destroyed the local economy but pushed back any prospect of major investments in the southern Philippines” (Mogato, M. 2009, ‘New clashes push back peace prospects in Philippines’, ReliefWeb, (source: *Reuters Alertnet*), 26 May <http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7SEDDT?OpenDocument&rc=3&cc=phl> – Accessed 24 June 2009 – Attachment 23).

A February 2005 World Bank research paper, titled *The Mindanao Conflict in the Philippines: Roots, Costs, and Potential Peace Dividend*, may also be of interest, as it provides background to the Mindanao conflict and assesses the economic costs of the conflict to the people of Mindanao; this report is provided as Attachment 31 (Schiavo-Campo, S. & Judd, M. 2005, *The Mindanao Conflict in the Philippines: Roots, Costs, and Potential Peace Dividend*, The World Bank Social Development Papers – Conflict Prevention & Reconstruction, Paper No. 24, February 2005 http://siteresources.worldbank.org/INTCPR/214578-1111996036679/20482477/WP24_Web.pdf – Accessed 2 July 2009 – Attachment 31).

8. Please provide information on the current situation for Muslims in Manila.

Recent information on the situation for Muslims in Manila has proved difficult to locate. A selection of media reports from the past two years relating to events involving Muslims in Manila follow below.

On 30 June 2009, the *Manila Bulletin* reported that the Philippine Department of Health has ordered that “Muslim workers in private and public healthcare institutions are allowed to wear the hijab”, in response to reports that hospitals in Manila “prohibited Muslim workers and students (trainees) from wearing their hijab” (Usman, E. 2009, ‘DoH allows wearing of Muslim head gear’, *Manila Bulletin*, 30 June <http://mb.com.ph/articles/208565/doh-allows-wearing-muslim-head-gear> – Accessed 2 July 2009 – Attachment 26).

A September 2008 report sourced from *Agence France-Presse* states that “no one knows how many Muslims have drifted to Manila in the past four decades”, driven from Mindanao by war and the influx of Christian settlers. The report quotes a Muslim resident of the predominantly Muslim Manila suburb of Mahalika, who claims that “Many Muslims here have not only escaped the fighting in Mindanao, they have also escaped the poverty it has created,” and that Muslims in Manila “suffer from widespread discrimination because we are Muslims. We have lost our dignity and self respect as a people” (‘RP’s Muslims still searching for a homeland’ 2008, *ABS-CBN News*, (source: *Agence France-Presse*), 16 September <http://www.abs-cbnnews.com/features/09/16/08/rps-muslims-still-searching-homeland> – Accessed 2 July 2009 – Attachment 27).

In August 2008, a report from the Philippine Human Rights Reporting Project website related the experiences of Muslim migrants in Manila, claiming that there are “1.6 million Muslims who left Mindanao in pursuit of a better life in the capital”. The report quotes Muslims who claim to have been victims of extortion at the hands of the police, and the response of the Philippines Office of Muslim Affairs (OMA):

The incidence of renegade police officers kidnapping Muslims and extorting them is so common according to the OMA that it has coined its own word for it: *hulidap*. ‘Huli’ being the Tagalog word for arrest, and ‘dap’ short for kidnap.

“There were days we have as many as 10 people coming to our office to complain about *hulidap*,” says Datu Hassan Dalimbang, OMA director for the National Capital Region (NCR).

But while many come to OMA to complain, very few are willing to divulge their full identity and file cases for fear of reprisal.

As a result, the OMA has set up its own surveillance and entrapment system in partnership with the PNP. In one successful operation, Amina's captors were arrested and are now facing charges in court. OMA has also gone around Muslim communities, conducting awareness campaign to educate Muslims of their rights.

One percent

According to Dalimbang, about one per cent of police officers comprise these renegade officers who regularly target Muslim businesses in hulidap syndicates.

But despite official attempts to clamp down on the corruption, hulidap remains a serious problem according to Dalimbang. Corrupt officers are believed to run paid informants in the Manila Muslim community who alert gangs to rich pickings among the Islamic business world here.

These rogue cops usually accuse their victims of involvement in illegal drugs. Attorney Sittie Rahana Jhan Ganda, OMA legal officer, says it is an "easy concept" because there have been several Muslims who have been arrested in legitimate police operations against illegal drugs.

"We don't tolerate these Muslims who are involved in illegal activities," says Ganda who adds that some have managed to bribe officers to stay out of jail.

Torture

A number of hulidap victims have complained of physical torture too. Dalimbang says men were beaten to pressure their families to give money fast, while some women have been raped while abducted.

Alima Mangotara has yet to get over from the trauma she went through while negotiating for the release of her husband who was allegedly abducted by a hulidap gang on Valentine's Day two years ago.

Over the phone, she would hear her husband screaming in apparent pain while being beaten. "Pag naisip ko yon, naiiyak ako (I cry whenever I remember it)," says Alima.

Alima is 27 years old and says that when the gang learned of her age they demanded she too go to the police station – alone. Having heard of cases of hulidap victims being raped, Alima politely begged off, saying she was heavily pregnant and near labor (Delfin, C. 2008, 'The New Settlers: Mindanao Muslims Head North Looking For New Opportunities – And Face New Threats', Philippine Human Rights Reporting Project website, 13 August http://www.rightsreporting.net/index.php?option=com_content&task=view&id=934 – Accessed 2 July 2009 – Attachment 28).

The Islam Online website reported in November 2007 that a Muslim MP was killed in a bomb blast in Manila. According to the report, "Wahab Akbar, a member of the House of Representatives (the lower house of parliament), died after a bomb ripped through the premise's south lobby". The report continues: "initial investigations showed the bomb was planted on a motorcycle parked near the car of the Muslim MP, who was leaving the building, police sources said. Police suspect the attack was a planned assassination aimed at the long-time politician" Akbar was a member of the Moro National Liberation Front, "a Muslim independence-seeking group that signed a peace accord with the government in 1996" (Sorza, R. 2007, 'Muslim MP Killed in Manila Blast', islamonline.net website, 13 November http://www.islamonline.net/servlet/Satellite?c=Article_C&pagename=Zone-English-News/NWELayout&cid=1193049722395 – Accessed 2 July 2009 – Attachment 29).

An undated article sourced from the website of the political party Anak Mindanao reports on a 28 August 2007 meeting “with leaders of Muslim communities in Metro Manila”, at which concerns were aired that “Muslims have become usual suspects in the campaign against terrorism and its communities becoming favourite targets for zoning operations and police raids against alleged terrorists” (‘Consultation with Muslim community leaders in Metro Manila’ (undated), Anak Mindanao website <http://www.anakmindanao.com/content/view/114/45/> – Accessed 2 July 2009 – Attachment 30).

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