



THIRD REGULAR SESSION

BANGSAMORO AUTONOMY ACT NO. 62

Begun and held in Cotabato City, on Thursday, the 15th day of September 2022.

AN ACT PROTECTING AND PROMOTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS OF THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO, PROVIDING MECHANISMS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Bangsamoro Transition Authority Parliament in session assembled:

CHAPTER I PRELIMINARY PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “*Rights of Internally Displaced Persons of the Bangsamoro Autonomous Region Act of 2024.*”

SEC. 2. *Declaration of Principles and Policies.* – The Bangsamoro Government hereby adopts a rights-based approach to promote and protect the rights of internally displaced persons (IDPs) from and within the Bangsamoro Region, consistent with the principles enshrined in the 1987 Philippine Constitution, the standards set by international humanitarian law and human rights laws, international treaties and conventions adhered to by the Philippines, including the United Nations Guiding Principles on Internal Displacement (UNGPID), and the provisions prescribed by Republic Act No. 11054 otherwise known as the Bangsamoro Organic Law (BOL).

In the event of an armed conflict, the parties thereto shall ensure the respect, protection, and promotion of the rights of the victims of armed conflict in accordance with international humanitarian law and international human rights law.

It is further declared the policy of the Bangsamoro Government to pursue durable solutions to displacement, considering the socio-economic needs of affected non-displaced populations and the attainment of sustainable economic goals, and to prioritize the reintegration of IDPs to the society.

Further, in implementing existing laws, rules, and regulations, constituent local government units, all agencies, and instrumentalities of the Bangsamoro Government shall adhere to the respect, promotion, and protection of the human rights of IDPs, and ensure the fullest protection for at-risk and vulnerable populations who are subjected to displacement, including women, girls, and children.

Furthermore, in accordance with Article X of the BOL, the Bangsamoro Government commits to ensure that all efforts to protect and assist IDPs are guided by the principles and objectives of *Shari'ah*, including the preservation of life, intellect, faith, posterity, and property of its constituents. These principles shall shape the overall approach and policy framework for safeguarding the rights and welfare of IDPs.

SEC. 3. Definition of Terms. – The following terms as used in this Act shall mean:

- a) “*Aggressive implementation of development projects*” refers to the execution of activity aimed at economic or political growth, advancement, and expansion that results or may result to arbitrary internal displacement of persons, as defined in Section 5 of this Act. This includes instances where displacement occurs due to:
1. Lack of adherence to the principles outlined in Section 5(a), such as failure to explore feasible alternatives to displacement, ensure a compelling public interest, or protect the human rights of affected persons;
 2. Failure to conduct or adequately address the findings of an impact assessment regarding the risk of displacement, as required under Section 5(a); and
 3. Non-compliance with any requirements related to relocation plans for affected populations, including those outlined in Section 5(a) for both general populations and indigenous peoples (IP) communities.

Provided, That the term does not include legitimate resettlement schemes and/or programs that adhere to the principles and procedures outlined in Section 5 of this Act;

- b) “*Armed conflict*” refers to any use of force or armed violence between states, as well as protracted armed violence involving governmental authorities and organized armed groups or between such groups within a state: *Provided*, That such force or armed violence gives rise, or may give rise, to a situation to which the Geneva Conventions of 12 August 1949, including their common Article 3, apply.

Armed conflict can be classified as either international, meaning it occurs between two (2) or more states, including belligerent occupation, or non-international meaning it occurs between governmental authorities and organized armed groups, or between such groups within a state. The armed confrontation must reach a minimum level of intensity and the parties involved in the conflict must show a minimum degree of organization. It does not cover less serious forms of violence, such as internal disturbances and tensions, riots, or acts of banditry.

- c) “*Children*” refers to any person under eighteen (18) years of age, as well as those over who are unable to fully care for themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination due to a physical or mental disability or condition.
- d) “*Child Abuse*” refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

1. Psychological and physical abuse, neglect, cruelty, sexual abuse, and emotional maltreatment;
 2. Any act by deeds or words which debases, degrades, or demeans the intrinsic worth and dignity of a child as a human being;
 3. Unreasonable deprivation of his or her basic needs for survival such as food and shelter;
or
 4. Failure to immediately give medical treatment to an injured child, resulting in serious impairment of his/her growth and development, permanent incapacity or death;
- e) “*Clan war*” refers to any conflict that may arise between members of different indigenous groups, indigenous cultural communities, or clans; or between and among members of the same indigenous group, cultural community, or clan. It is characterized by sporadic outbursts of retaliatory violence between and among families, kinship groups, and communities;
- f) “*Disaster*” refers to a serious disruption of the functioning of a community or a society, involving widespread human, material, economic, or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of the following:
1. The exposure to a hazard;
 2. The conditions of vulnerability that are present; and
 3. Insufficient capacity or measures to reduce or cope with the potential negative consequences.

Disaster impacts may include loss of life, injury, disease, and other negative effects on human, physical, mental, and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption, and environmental degradation;

- g) “*Do no harm and safeguarding principles*” refers to the set of humanitarian principles that obliges individuals and organizations extending humanitarian aid and support to prevent and strive to mitigate or minimize any harm or negative impact they may inadvertently cause through providing humanitarian assistance, as well as harm that may result from the failure to provide such assistance to the affected populations;
- h) “*Durable solution*” is achieved when IDPs are able to resume to a normal life, and no longer have any specific assistance and protection needs that are related to their displacement, and can enjoy their human rights without discrimination due to their displacement. This can be achieved by establishing conditions and providing necessary means that will enable any of the following for the IDPs:
1. Sustainable reintegration at the place of origin (hereinafter referred to as “*return*”);

2. Sustainable local integration in areas where IDPs take refuge (hereinafter referred to as “*local integration*”); or
3. Sustainable integration in another part of the country (hereinafter referred to as “*settlement elsewhere*”);

For the purposes of this Act, “*durable solutions*” are not to be understood as the mere return of the IDPs to their former homes and/or by a reestablishment of the status quo before their displacement.

- i) “*Generalized and/or organized violence*” refers to the purposeful and systematic use of terror and brutality to control individuals, groups and communities, through the use of overwhelming force. It is characterized by widespread, massive or intense actions, causing arbitrary internal displacement of persons or communities. These methods include inflicting severe pain and suffering, killing, intimidating, threatening, and, in some cases, destroying a community, ethnic group, or political opposition;
- j) “*Home-based displacement*” refers to a situation of displacement whereby displaced persons are hosted in private residences or privately owned properties, which are not evacuation centers or camps established, organized, and managed by the government;
- k) “*Internal displacement*” refers to the involuntary movement, forced evacuation, or expulsion of any person, families, communities, or groups from their houses or places of habitual residence without crossing an internationally recognized state border. This occurs as a result of, or in order to avoid or minimize the effects of armed conflict, situations of generalized and/or organized violence, violations of human rights, clan wars, political violence, land conversion or other land conflict, aggressive implementation of development projects, or natural and human-induced and human-made hazards or disasters.
- l) “*Internally displaced person (IDP)*” refers to an individual or groups of individuals who have been compelled to flee or leave their houses or places of habitual residence within the national borders. This displacement occurs as a result of, or in order to avoid or minimize, the effects of armed conflict, situations of generalized and/or organized violence, violations of human rights, clan wars, political violence, land conversion or any other land conflict, aggressive implementation of development projects, or natural or human-made hazards or disasters;
- m) “*Political violence*” refers to the deliberate use of power and force to achieve political goals, such as power or political control over a certain group, geographic area, or community;
- n) “*Protracted displacement*” refers to situations of displacement in which tangible progress towards durable solutions is slow or stalled for significant periods of time because IDPs are prevented from taking or are unable to take steps that allow them to progressively reduce the vulnerability, impoverishment, and marginalization they face as displaced people, in order to regain a self-sufficient and dignified life and ultimately find a durable solution.

For purposes of effective programming, monitoring, and evaluation, the Bangsamoro Government, through the Bangsamoro Internal Displacement Coordinating Council (BIDCC or the Council), shall develop and adopt a standard categorization of protracted displacement, including a specific timeframe, taking into account the local context and experiences within the Bangsamoro Autonomous Region.

SEC. 4. Scope. – This Act shall primarily provide for the protection and promotion of the rights of residents of the Bangsamoro Autonomous Region who are internally displaced in situations of armed conflicts, generalized and/or organized violence, clan wars, political violence, violations of human rights, aggressive implementation of development projects, and natural, human-induced and human-made hazards or disasters, during and after displacement as well as their return, local integration, or settlement elsewhere in the country.

This Act shall likewise provide for the protection and promotion of the rights of residents of the Bangsamoro Autonomous Region who are displaced to areas outside the Bangsamoro Autonomous Region, as well as for non-residents who are displaced to areas within the Bangsamoro Autonomous Region. It will duly consider the jurisdictional limitations of the Bangsamoro Government while respecting the jurisdictions of the National Government and of the local government units (hereinafter referred to as “LGUs”) outside the Bangsamoro Autonomous Region.

This Act shall cover responsibilities of the Bangsamoro Government, its ministries, offices, and agencies, as well as all LGUs and instrumentalities of the Bangsamoro Government within its jurisdiction as provided herein, in Bangsamoro Autonomy Act No. 49 or the “*Bangsamoro Local Governance Code*”, along with other regional and national laws pertaining to the rights of children in emergencies, children in situations of armed conflict, indigenous peoples’ rights, international humanitarian laws, genocide, and other crimes against humanity. This Act aims protect and promote the rights of IDPs both during and after displacement, as well as the search for durable solutions to their displacement.

To address the risks involved in natural hazards or disasters, due reference shall be made to the pertinent provisions of other relevant national and regional laws on climate change adaptation and disaster risk reduction and management.

CHAPTER II PROTECTING AND PROMOTING THE RIGHTS OF IDPs

SEC. 5. Protection from Displacement and Additional Measures to Prevent Displacement. – The Bangsamoro Government, as well as its constituent LGUs, shall take all measures to address displacement, including instances of protracted displacement, and shall prevent the occurrence thereof. Prior to making any decision requiring the displacement of persons, the authorities concerned shall ensure that feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all necessary measures shall be taken to minimize displacement and its adverse effects.

Additional measures of prevention shall consist of, but not limited, to the following situations:

- a) *Development Projects.* – Displacement of populations caused by development projects shall be allowed only when it is authorized by law, justified by compelling public interests, deemed

necessary to protect these interests, and conducted with full respect for the human rights of affected persons.

Whenever a development project is planned and subjected for approval by any government authority or agency within the Bangsamoro, it shall be required that the proponent shall submit to the approving authority an impact assessment. This assessment should evaluate the risk of displacement on the affected population including specific vulnerable sectors, such as women, children, and informal settlers. It must also include corresponding plans to mitigate, manage, or respond to such risk. The assessment may either be part of the feasibility study or a separate document. This is without prejudice to the provisions of Section 32 of Bangsamoro Autonomy Act No. 49.

The Ministry of Environment, Natural Resources, and Energy (MENRE) shall require applicants for Environmental Compliance Certificate (ECC) to provide an impact assessment. This assessment must demonstrate that no population will be displaced by the project. If displacement is unavoidable, the assessment must show that the affected populations have been consulted and a rights-based relocation plan is in place for them.

In addition, the proper implementation of the relocation plan for affected residents, if applicable, shall also be included among the requirements for renewal of any permits or certifications, along with any other requirements that may be imposed by the issuing agency.

When the affected population belongs to an indigenous persons' (IP) community in the Bangsamoro Autonomous Region, the Ministry of Indigenous People's Affairs (MIPA) shall likewise be considered as an approving authority.

- b) *Armed conflict.* – The relevant agencies and authorities in the Bangsamoro Autonomous Region shall undertake proactive monitoring of the implementation of the peace agreements and the observance and promotion of international humanitarian law.

In relation to the implementation of the 2014 Comprehensive Agreement on the Bangsamoro (CAB) between the Government of the Philippines and the Moro Islamic Liberation Front, relevant agencies and authorities in the Bangsamoro Autonomous Region shall ensure that all measures to prevent displacement due to armed conflict are aligned with the Annex on Normalization of the CAB.

- c) *Clan wars and political violence.* – In accordance with its mandate under Title X, Section 3 of the Bangsamoro Administrative Code, the Ministry of Public Order and Safety (MPOS) shall formulate and implement policies and programs for the effective settlement of clan conflicts, including but not limited to “*rido*” (clan wars) and other horizontal conflicts in the region, as well as for the prevention of recurrence of such conflicts, especially in areas that experience high rates of displacement.

Whenever possible, conflict resolution agreements, facilitated by the MPOS at the local level, shall include provisions regarding access to both formal and informal mechanisms for resolving property disputes and other matters that will prevent further displacements. This also applies to

disputes, including *rido*, that are settled by the ad hoc bodies of the local peace and order councils, as outlined in Section 128 of Bangsamoro Autonomy Act No. 49.

- d) *Disaster prevention and preparedness.* – The Bangsamoro Government shall ensure the respect, promotion, protection, and fulfillment of the rights of IDPS in the implementation of its Regional Disaster Risk Reduction and Management Plan (RDRRMP) as provided in applicable regional and national laws and issuances. Towards this end, the competent authorities of the Bangsamoro Government shall ensure proper coordination in the implementation of the RDRRMP.

SEC. 6. Rights During and After Displacement. – The following rights shall be granted to IDPs during and after displacement, without discrimination of any kind on account of their being displaced, race, color, sex, gender, language, religion, belief, political or other opinion, national, ethnic, or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria. These rights shall be fully observed in accordance with the 1987 Philippine Constitution.

In any assessments or profiling that may be conducted by Bangsamoro Government agencies and LGUs related to assistance during displacement, the concerned agency, together with any non-government organizations or private persons working with it, shall include identification of vulnerable populations or persons with special needs.

In particular, IDPs shall enjoy the following rights:

- a) *Provision and access to basic necessities.* – At the minimum, and regardless of the circumstances, and with special attention to cultural, religious and gender sensitivity, as well as varying vulnerabilities, the competent authorities of the Bangsamoro Government and the concerned LGUs shall provide IDPs with and ensure their safe access to:

1. Essential and adequate nutritious food and potable water, in conformity with cultural and religious sensitivities of the displaced population;
2. Shelter with proper sanitation, electricity, and water facilities, including selection of proper location of the shelters and provision for culturally sensitive and safe spaces for children, and women and girls; *Provided*, That shelters are dignified, adequate, safe, and compliant with regional and national standards.

In this context, “safe spaces” refer to environments, both physical and social, where children, and women and girls can feel secure, respected, dignified, and free from violence, harassment, exploitation, discrimination, and embarrassment;

3. Adequate and appropriate clothing and essential non-food items, including dignity kits for women and girls; and
4. Essential medical, dental, and psychosocial services, including provisions for essential drugs and medicines, as well as financial risk protection measures like PhilHealth and other social services.

The Bangsamoro Government, as well as the concerned local government, shall implement measures to control and prevent unreasonable price increases of basic necessities during displacement situations.

Mechanisms shall be established to ensure that stores offering agricultural products, essential goods, medicines, and other necessities are readily available, accessible, and affordable within or in close proximity to IDP shelters.

With regard to the provision of proper shelter under item (2) above, the competent authorities of the Bangsamoro Government and LGUs shall ensure that alternative locations, including privately owned lots or houses, are identified and made available as alternate shelter for IDPs whenever designated evacuation centers or camps become full or exceed normal capacities. In identifying and establishing evacuation centers or camps, the Bangsamoro Government and LGUs shall comply with relevant national and regional laws or guidelines, prioritizing the use of structures other than schools to minimize disruption to children's education.

b) *Right to health.* – IDPs shall be entitled to access to health services that encompass preventive, promotive, curative, and rehabilitative aspects to the fullest extent practicable and without unnecessary delay. Special attention shall be provided to the health needs of women, children, persons with disabilities, and the elderly, especially those living alone; and the prevention of contagious and infectious diseases, maternal and infant deaths among IDPs.

Health interventions shall at all times include reproductive health assistance for pregnant women or women of reproductive age. Where applicable, these interventions shall include the provision of minimum initial service package (MISP). When pregnant women are among the displaced population, the concerned local health office, in consultation with the affected women, shall arrange for the safe and dignified delivery, which may include temporary stay in the nearest hospital premises, frequent monitoring by the local health office, and transport arrangements facilitated by the barangay health emergency response team, in addition to any pre- and post-natal care that may be provided. The health and well-being of women who give birth in evacuation centers or home-based settings shall be ensured.

Financial risk protection measures shall be made available and accessible to IDPs.

Survivors of gender-based violence (GBV) and other forms of violence against women and girls shall be provided health and medical services, legal or access to justice support, psychosocial and economic support, and safety and security. Referral pathways in addressing GBV shall be promoted.

For the purposes of this Act, MISP refers to a coordinated set of priority activities to be implemented at the onset of an emergency to prevent excess morbidity and mortality, especially among women and girls.

c) *Right to education.* – IDP children shall receive free and compulsory education. The Ministry of Social Services and Development (MSSD) and the Ministry of Basic, Higher and Technical Education (MBHTE) shall ensure that early education, elementary, and high school levels of IDP children, whether in formal or non-formal settings, are not disrupted during displacement, to such extent possible. The

Bangsamoro Government shall ensure that schools are zones of peace and that the right to education is protected and promoted at all times.

The Bangsamoro Government and the concerned LGUs shall ensure that child-friendly spaces for learning and play of IDP children are in place.

It shall also exert special efforts to guarantee that women and girls participate fully and equally in educational programs, while ensuring that their cultural identity, language, and religion are respected.

In no case shall transfer or enrolment requirements for displaced learners be imposed where the same could only be obtained from the schools or teachers in their places of origin. The MBHTE shall adopt the necessary guidelines to ensure that the transfer or enrolment of displaced learners are facilitated.

Furthermore, the MBHTE may adopt such modifications in the curriculum and the method of conducting classes in response to the context of displacement. The MBHTE shall likewise endeavor to take measures to support and ensure learning continuity for students in Madaris, higher, and technical education, and alternative learning systems who are affected by displacement.

The use of schools as evacuation centers shall be limited to a maximum period of fifteen (15) days, except in cases of prolonged or recurring disasters where no other suitable structures are available, subject to the approval of the MBHTE or the relevant education authority.

The MSSD shall likewise mobilize Child Development Center (CDC) workers or other volunteers to provide emergency early child education (ECE), tailored to the child's developmental age, at evacuation centers, sites, or any location where there are IDPs.

d) *Rights of women in displacement situations.* – Women IDPs shall be protected against all forms of violence, including gender-based violence, exploitation, and abuse. Special measures shall address specific needs of women. The Bangsamoro Government and the concerned LGUs shall ensure women's access to reproductive health services, appropriate accommodation respecting their privacy and dignity, and participation in decision-making processes concerning their well-being and that of their families.

e) *Rights of children in displacement situations.* – Children, as particularly vulnerable individuals in situations of displacement, shall have the right to special protection and care. The Bangsamoro Government, as well as the concerned LGUs, in cooperation with relevant agencies and organizations, shall ensure that measures are taken to protect children from all forms of abuse, neglect, exploitation, and violence. Efforts shall be made to preserve family unity and facilitate prompt reunification when separation occurs. Children shall be provided with safe environments that support their education, development, and access to essential health and nutrition services. Specific safeguards shall be put in place to prevent recruitment into armed forces or groups, and to secure their legal status and documentation. Additionally, children shall have the right to participate and express their views on matters affecting them, with appropriate consideration given to their age, maturity, and evolving capacity. These rights shall be upheld alongside those outlined elsewhere in this Act, affirming the commitment to the welfare, protection, and development of children during and after displacement.

f) *Right to livelihood and/or employment.* – IDPs shall have the right to access livelihood and/or employment opportunities and support systems to enhance their economic self-sufficiency and resilience. The Bangsamoro Government and the concerned LGUs shall facilitate access to training, employment opportunities, and income-generating activities, including providing necessary resources to rebuild livelihoods disrupted by displacement.

g) *Right to cultural heritage, identity, and practices.* – IDPs shall have the right to safeguard and sustain their cultural heritage, identity, language, religion, and cultural expressions without discrimination. This right includes the protection of both tangible cultural properties, such as buildings, monuments, and sites of historical, cultural, or religious significance, and intangible cultural heritage, including traditional knowledge, customs, practices, and expressions. The Bangsamoro Government and the concerned LGUs shall take necessary measures to enable displaced persons to maintain and continue their cultural heritage and practices in displacement settings

h) *Freedom of movement.* – Every IDP has the right to liberty of movement in and out of any evacuation center, transitory sites, or other settlements, subject to rules and regulations. Moreover, they shall be protected against forcible return or resettlement in any place where their lives, safety, liberty and/or health would be at risk.

Restrictions on movement shall be introduced only in exceptional circumstances, such as national emergencies, pandemics, and those of similar nature, subject to any lawful and reasonable order which must be issued in writing by the government.

As soon as the safety and security situation allows, IDPs shall be allowed to visit their residences in the place of origin, in order for them to check on their properties, engage in livelihood activities, and make informed decisions on their choice of return, integration, or settlement elsewhere in the country.

In situations where it is necessary to curtail the freedom of movement, lack of identity documents shall not be a basis for detention for a period longer than necessary to verify the identity of the individual. Other measures to vouch for the identity of the person concerned shall be taken into consideration. Authorities shall ensure that the human rights of those found to be without identity documents are respected and protected.

IDPs have the right to seek safety in another part of the country, leave the country, and seek asylum in another country.

i) *Recognition, issuance, and replacement of documents.* – The concerned authorities concerned shall facilitate the issuance to the IDPs' documents necessary for the enjoyment and exercise of their legal rights, including new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions and without discrimination against men and women who shall have equal rights to obtain and to be issued the same in their own names.

The Bangsamoro Government and the concerned local governments shall conduct special free mobile registration drives in areas where there are concentrations of displaced populations with low rates of birth registration, giving priority to vulnerable sectors such as women, elderly, persons with disabilities, indigenous communities and populations that require assistance in this regard.

The MSSD shall coordinate with the Philippine Statistics Authority in the latter's mandate under Section 7 of Republic Act No. 10821, otherwise known as "*Children's Emergency Relief and Protection Act*", in the:

1. Development of a system for the restoration and reconstruction of civil registry documents that have been destroyed or declared lost or missing during the course of displacement;
2. Monitoring and reporting to ensure the continued access of the affected children to social services and facilitate the reunification of separated children with their families; and
3. Development of a system for the registration of children born during a national or local state of calamity.

j) *Right to information.* – IDPs shall have the right to receive accurate, timely, and comprehensive information regarding their displacement situation, rights, available assistance, and plans for return, local integration, or resettlement. The Bangsamoro Government shall ensure information is disseminated in a language and format accessible to all IDPs.

k) *Right to personal data protection.* – The personal data of IDPs shall be protected from unauthorized access, use, or disclosure. All agencies involved in data collection and processing shall comply with applicable laws on data protection and privacy, adopting measures to prevent misuse or abuse of such data.

l) *Family reunification, missing persons, and deceased.* – The competent authorities of the Bangsamoro Government and the National Government shall provide conditions to expedite family reunification, search of missing persons, and collection and identification of remains of the deceased, with due respect to cultural sensitivities and religious beliefs.

The Bangsamoro Government shall establish a mechanism to centralize reports of missing persons, search for and track their whereabouts, and facilitate family reunification, especially those who were separated in the course of displacement. In the meantime, this function shall be lodged with the Police Regional Office Bangsamoro Autonomous Region (PRO BAR), which shall coordinate with the MSSD regarding unaccompanied and separated children.

For the tracing and reunification of orphaned, unaccompanied, and separated children, the MSSD shall coordinate with the appropriate agencies and offices and link its mechanisms thereto for family reunification and tracking. Any non-government or private groups/organizations providing services related to separated children or family reunification shall coordinate their efforts with the MSSD to ensure the best interests of the children and effective reunification processes.

The Bangsamoro Darul-Ifta' (BDI) shall issue the necessary "*fatwa*" or religious edicts to guide relevant authorities on the management of the mortal remains of Muslims, including exhumation, to ensure respect and fulfillment of the right of families to know the whereabouts of their missing relatives.

The Bangsamoro Government shall provide burial assistance and facilitate the burying of deceased IDPs in appropriate cemeteries when families are unable to return to their places of origin.

The right of IDPs to visit the cemetery sites of their departed relatives shall be guaranteed, and the grave sites shall be protected and respected under all circumstances.

m) Security and protection. – The relevant authorities of the Bangsamoro Government and the concerned LGUs shall take necessary measures to ensure that IDPs are received in the areas to which they are displaced by the receiving or host community, without discrimination of any kind, and live in satisfactory conditions of safety, dignity and security. The IDPs' right to liberty and safety of person shall be guaranteed. No one shall be subjected to arbitrary arrest and detention. Special protection and assistance shall be provided for IDPs with special needs, including, but not limited to, separated and unaccompanied children, women, expectant mothers, mothers with young children, survivors of GBV and/or domestic violence, elderly, and persons with disabilities or those with communicable diseases.

n) Property and possessions. – The property and possessions of IDPs shall, in all circumstances, be protected against the following acts:

1. Pillage or looting;
2. Direct and indiscriminate attacks or other acts of violence;
3. Being used to shield military operations or objectives;
4. Being made the object of reprisal;
5. Being destroyed or appropriated as a form of collective punishment and destruction, and
6. Become the subject of arbitrary and illegal appropriation, occupation, or use.

The LGU exercising territorial jurisdiction over the affected area or areas, with the assistance of the National and Bangsamoro Governments, shall endeavor to facilitate the transportation of such property and possessions of IDPs, in a safe and secure area, during and after displacement, subject to logistical considerations.

o) *Housing, land, and property.* – Land, housing, and other properties left behind by IDPs shall be protected from occupation, appropriation, or use.

IDPs are exempt from payment of real property taxes and other local assessments relating to properties left behind while in displacement, as provided in Section 260 of Bangsamoro Autonomy Act No. 49.

In addition, the following measures shall be implemented:

1. The Ministry of Human Settlements and Development (MHSD), in coordination with other relevant agencies of the Bangsamoro Government as well as the National

Government counterparts with housing and land mandates, shall maintain a registry of properties that are left behind by those displaced. It shall inform other agencies in order that title holders or holders of specific rights may register any opposition to any alienation, transfer, or conveyance of property titles of these assets. It shall likewise maintain a registry of land that is under dispute in areas vulnerable to displacement;

2. The MIPA shall maintain a separate registry for lands claimed as ancestral domains by indigenous peoples' groups. In such a case it shall perform the tasks of the MHSD in the foregoing paragraph, as may be applicable;
 3. The Bangsamoro Human Rights Commission (BHRC) shall investigate allegations of violations of IDPs' housing, land, and property rights under this Section and extend other appropriate measures and reliefs incident to such investigation, as provided in Section 24 hereof; and
 4. The Intergovernmental Relations Body shall include in its agenda compensation for lost or destroyed properties on account of or in the course of displacement.
- p) *Right to participation.* – IDPs shall have the right to actively participate in the planning and management of their displacement situation including management of camps and access to programs and services as well as their return, local integration, or settlement elsewhere. To give effect to this right, consultation among IDPs and other affected populations shall be required: *Provided,* That it shall not delay the delivery of life-saving, emergency, and other time-sensitive assistance. The consultation mechanisms shall further ensure that men, women, children in accordance with their evolving capacities, and different sectors are among those consulted.

Mechanisms shall likewise be established to allow IDPs to give feedback on the nature and conduct of assistance both from government agencies and non-government humanitarian agencies.

The Bangsamoro Government and LGUs shall establish and maintain transparent mechanisms for disseminating information and updates on all matters relevant to displacement, including relocation sites, budgets, policies, guidelines, and the progress of assistance programs. This information shall be made readily accessible to IDPs and other affected populations through appropriate channels and in languages they understand.

In addition, IDPs shall be provided with conditions to facilitate the exercise of their right to political participation. To give effect to the right of IDPs to political participation, during election periods, the Bangsamoro Government and the concerned LGUs shall coordinate with the Commission on Elections for the facilitation of voter registration and the establishment, management, and security of polling centers near evacuation camps or areas where a sizable number of IDP voters may be found. The IDPs shall not be discriminated against in the enjoyment of their rights to vote, to participate in governmental and public affairs, to associate freely and participate equally in community affairs, including the right to have access to the means necessary to exercise these rights. IDPs shall be provided with equal opportunities to associate freely, participate in community affairs, stand for elections and work in different sectors of public

service as civil servants, subject to applicable election and civil service laws, rules, and regulations.

- q) *Right to request protection and humanitarian assistance.* – IDPs have the right to request for protection and humanitarian assistance from national, regional, local authorities, and other humanitarian actors. They shall not be punished or persecuted for making such requests for protection or assistance.
- r) *Right to pursue civil and administrative remedies.* – Any IDP shall be entitled to claim and be awarded civil damages from any public officer or employee, or any private person, who, directly or indirectly, obstructs, defeats, violates, or in any manner impedes or impairs any of the rights and liberties enumerated under this Act. In addition to civil liabilities, any public officer or employee who is found guilty of the same acts shall also be administratively liable.
- s) Such other rights guaranteed under international law and conventions, and national and regional laws.

SEC. 7. Protection Against Criminal Offenses and Other Unlawful Acts. – Criminal offenses and unlawful acts, if found to be committed in the course of or during displacement, shall be prosecuted under the relevant provisions of the Revised Penal Code and other special laws applicable in situations of armed conflict, generalized and/or organized violence, clan wars, political violence, violations of human rights, implementation of development projects, natural, human-induced and human-made hazards, including but not limited to Republic Act No. 9851, otherwise known as the “*Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity*”, Republic Act No. 10121, and Republic Act No. 10821, as well as any relevant regional penal laws that may be enacted by the Bangsamoro Parliament, including offenses that may be defined and penalized under regional *Shari’ah* laws.

- a) It shall be prohibited to commit any of the following acts against IDPs in all circumstances:
 - 1. Murder;
 - 2. Hostage taking;
 - 3. Summary or arbitrary execution and enforced disappearance, including abduction or unacknowledged detention threatening or resulting in death; and
 - 4. Unlawful confinement;
- b) Attacks or other acts of violence against IDPs who do not or no longer participate in hostilities shall be prohibited in all circumstances, without prejudice to being held liable for any offense committed by them. In particular, IDPs shall be protected against:
 - 1. Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;

2. Starvation as a method of combat;
 3. Their being used to shield military objectives from attack, or to shield, in favor or impede the operations of the military, police, or any armed group;
 4. Attacks against any evacuation center, facility, encampment, or other settlements; and
 5. Use of anti-personnel landmines;
- c) IDPs, whether or not their liberty has been restricted, shall be protected in particular against:
1. Rape and other outrages upon personal dignity, such as forced prostitution, trafficking of persons, any act of gender-specific violence, or any form of indecent assault;
 2. Mutilation, torture, cruel, inhumane, or degrading treatment or punishment;
 3. Any form of violence against children, such as trafficking, forced labor or sexual exploitation, killing of children, torture committed against children, intentional or causal maiming of children, rape of children, and other forms of sexual violence, cruel, inhuman, and degrading treatment or punishment committed against children, abduction of children, taking children as hostages or using them as human shields, recruitment, conscription, or enlistment of children into government forces and other armed groups, use or involvement of children in armed conflict in any capacity, attack on schools, hospitals, places of worship, evacuation centers, and settlements and other public places such as recreation parks, playgrounds, and malls and other violations of children's rights;
 4. Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labor of children; and
 5. Acts of violence intended to spread terror among IDPs.

Threats and incitement to commit any of the foregoing acts under paragraph Sec. 11(c), subsections (1) and (3) herein shall be prohibited and punishable by law.

- d) IDPs shall not be interned in or confined in any evacuation center, facility, encampment or other settlements. If, in exceptional circumstances, such interment or confinement is necessary, it shall not last longer than what is required by the circumstances, as may be determined by the Bangsamoro Government, through the MSSD, in close coordination and consultations with the military and law enforcement agencies conducting operations, and other concerned offices of the Bangsamoro Government; and
- e) IDPs shall be protected against discriminatory practices of recruitment into the Armed Forces of the Philippines, law enforcement agencies or any armed group as a result of their displacement. In particular, any cruel, inhumane or degrading practices that compel compliance or punish noncompliance with recruitment shall be prohibited in all circumstances.

SEC. 8. Immediate Assistance to IDPs. – The Bangsamoro Government, through the MSSD, Ministry of the Interior and Local Government, Ministry of Health (MOH), and other concerned agencies, as well as the constituent LGUs shall have the primary duty to provide immediate relief and humanitarian assistance to IDPs, families, and communities. It shall ensure full cooperation and coordination with national agencies or authorities, such as the military and law enforcement agencies conducting operations within its jurisdiction.

All concerned authorities shall likewise assist the IDPs in the recovery of their property and possessions and shall provide or assist these persons in obtaining appropriate financial assistance or other forms of just reparation.

The MSSD shall include in its regular programs a reasonable financial assistance program for the purpose of facilitating the return, local integration, or resettlement elsewhere of IDPs.

Existing mechanisms of relevant line agencies and those set up under Republic Act No. 10121 and other relevant national and regional laws, rules, and regulations, shall continue to provide immediate relief and humanitarian assistance to IDPs, families, and communities to the extent not expressly modified under this Act.

The National Government shall likewise have the duty to provide assistance to IDPs, especially in situations where the magnitude of the displacement, deaths, and destruction is so massive that the Bangsamoro Government will not be able to adequately respond, especially if the displacement is a result of government law enforcement operations.

SEC. 9. Safe and Free Passage of Humanitarian Assistance. – Humanitarian assistance to IDPs shall not be diverted for any political or military reasons. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance to the internally displaced and ensure rapid, safe, and unimpeded access to persons engaged in giving such assistance, their transport, and supplies to the displaced communities. They shall not be the objects of attack or other acts of violence.

SEC. 10. Return, Local Integration, or Settlement Elsewhere in the Country. – Competent authorities from the Bangsamoro Government, in cooperation with the local governments concerned, shall have the primary duty and responsibility to establish conditions and provide means for Bangsamoro IDPs to resume normal life by achieving durable solutions which may be facilitated by allowing the IDPs to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, to integrate voluntarily in their places of refuge, or settle in another part of the Philippines, taking into consideration the right of IDPs to choose a residence.

To ensure informed and empowered decision-making, the authorities shall respect and facilitate the free and informed choices of IDPs, providing them with comprehensive information about the available options and the prevailing conditions in each location. This process shall include prior consultations and the full participation of IDPs during and after the planning and management of their chosen durable solution, in the manner consistent with the provision of Section 6 (p) of this Act.

The Bangsamoro authorities shall establish clear timeframes and benchmarks for the implementation of each durable solution, ensuring that actions are both timely and effective. Regular

monitoring and evaluation mechanisms shall likewise be instituted to track progress, identify any challenges or gaps, and facilitate adaptive management.

- a) Return. – The Bangsamoro Government and LGUs shall facilitate the voluntary, safe, and dignified return of IDPs to their places of origin or habitual residence. The Bangsamoro authorities shall coordinate with other concerned offices and agencies of the national and Bangsamoro Governments and LGUs concerned and with prior consultation and full participation of IDPs to plan for the return of IDPs to their places of origin. Such plan shall, to the extent possible under existing laws, refrain from imposing administrative requirements that may limit or delay the possibility of IDPs returning to their homes.

When, for reasons of safety and security, IDPs are still unable or not allowed to return, the concerned authorities, in coordination with the security and other relevant government agencies, shall pursue all available means to create favorable conditions for return or other viable options for the IDPs.

- b) Local integration. – The Bangsamoro Government and LGUs shall facilitate the voluntary integration of IDPs into the host community where they have sought refuge. These IDPs shall be granted the same rights and access to services as other residents of the host community.
- c) Settlement elsewhere in the country. – In cases where Bangsamoro IDPs decide to resettle outside the Bangsamoro Autonomous Region, the Bangsamoro Government shall coordinate with national authorities and LGUs in the chosen resettlement areas to facilitate voluntary relocation. The Bangsamoro Government shall ensure that these IDPs receive the necessary support and assistance to successfully integrate into their new communities.

SEC. 11. *Regional Program to Address Internal Displacement.* – The Bangsamoro Internal Displacement Program (BIDP) shall be formulated by the Bangsamoro Internal Displacement Management and Monitoring Division (BIDMMD) of the MSSD, subject to the review and approval of the Council. The BIDP shall set out policies, plans, strategies, and the necessary guidelines in addressing the needs and protecting the rights of Bangsamoro IDPs during and after displacement as well as in their voluntary and safe return, local integration, or settlement elsewhere in the country. The BIDP shall be designed to be flexible and responsive, enabling it to adapt to the unique circumstances of each displacement situation. These may include financing assistance, livelihood programs, psychosocial interventions, programs ensuring transparency, and the full participation of IDPs in decisions important to them, especially in their durable solutions, among others. Indigent families, women, children, elderly, and persons with disabilities (PWDs) shall be given special attention and assistance. The BIDP shall also include measures to prevent displacement.

The BIDP shall cover a three-year period to be reviewed annually by the Council. During its review and consideration of the BIDP, the Council shall take into account any existing development plans and disaster risk reduction and management plans that may already have been approved by the Bangsamoro Government. In addition, the Council shall ensure that the goals and strategies of the BIDP are adequately reflected and mainstreamed in the local development plans of the Bangsamoro's constituent LGUs in the manner provided in Section 15(b).

SEC. 12. *Recovery and Rehabilitation Plan.* – The LGUs exercising territorial jurisdiction over the displacement affected area or areas where there is displacement shall craft a Recovery and Rehabilitation Plan, with support from the BIDMMD of MSSD and after due consultations with the IDPs, which may include putting up of specific infrastructure for temporary shelter in accordance with existing applicable laws.

In selecting the locations, crafting of the designs, deciding on the management or system of administration of the sites, and the other requirements for setting up the temporary or transitory shelters, the LGUs concerned shall follow established due diligence requirements designed to prevent the threats or minimize the risks of secondary displacement due to natural hazards, existence of conflicting land or other legal claims, and other causes. Toward this end, the LGUs concerned shall include and consult the IDPs, including vulnerable sectors, such as but not limited to women, children, and PWDs, at all times.

CHAPTER III STRUCTURES AND MECHANISMS

SEC. 13. *Intergovernmental Relations.* – Exercising its autonomy and power to legislate under its enumerated powers and the general welfare clause under Bangsamoro Organic Law, the Bangsamoro Government, including its constituent LGUs, shall ensure adherence to the principles and policies enshrined by this Act, pursuant to the 1987 Philippine Constitution, and international human rights and humanitarian laws.

The Bangsamoro Government affirms and acknowledges the jurisdictions of the National Government, its independent commissions, agencies, and the LGUs outside the Bangsamoro Autonomous Region. Thus, when needed, policies and interventions shall be coordinated with the National Government agencies and its regional offices concerned in the implementation of their programs for Bangsamoro IDPs that are outside the Bangsamoro Autonomous Region territory as well as the non-Bangsamoro IDPs crossing into the Bangsamoro Autonomous Region, consistent with Section 12, Article VI of the Bangsamoro Organic Law. This shall include, but not be limited to, the coordination with the Department of National Defense through the Office of Civil Defense on disaster risk reduction and management programs and Marawi rehabilitation; the Commission on Human Rights (CHR) on human rights violations; and the Department of Social Welfare and Development on human welfare and development programs.

The Bangsamoro Government further recognizes that the National Government has retained its authority to manage the funding for the Task Force “*Bangon*” Marawi, as provided for in Article VI, Section 13 of the Bangsamoro Organic Law, without prejudice to the power of the Bangsamoro Government to provide for supplemental funding for such programs and projects.

The Bangsamoro Government and the National Government shall establish protocols and mechanisms to facilitate coordination and collaboration in addressing displacement caused by armed conflict and huge-scale disasters. These protocols and mechanisms shall promote efficient and effective responses, ensure complementation of efforts, resolve issues, and foster cooperation between the Bangsamoro and National Government entities, while respecting their respective mandates and jurisdictions.

SEC. 14. *Bangsamoro Internal Displacement Coordinating Council or BIDCC.* – The Bangsamoro Internal Displacement Coordinating Council or BIDCC (hereinafter referred to as “*the Council*”) is hereby created to serve as the main instrumentality of the Bangsamoro Government to ensure intergovernmental and inter-agency coordination and cooperation in addressing internal displacement in the Bangsamoro Autonomous Region.

The Council shall be headed by the Minister for Social Services and Development as Chairperson, with the Minister of the Interior and Local Government as Vice Chairperson.

The Council’s members shall be the ministers and heads of the following:

- a) Ministry of Human Settlement and Development (MHSD);
- b) Ministry of Public Works (MPW);
- c) Ministry of Agriculture, Fisheries, and Agrarian Reform (MAFAR);
- d) Ministry of Science and Technology (MOST);
- e) Ministry of Health (MOH);
- f) Ministry of Basic, Higher and Technical Education (MBHTE);
- g) Ministry of Public Order and Safety (MPOS);
- h) Bangsamoro Human Rights Commission (BHRC);
- i) Bangsamoro Women Commission (BWC);
- j) Bangsamoro Youth Commission (BYC);
- k) Bangsamoro Planning and Development Authority (BPDA);
- l) Cooperative and Social Enterprise Authority (CSEA);
- m) Bangsamoro Darul-Ifta’ (BDI);
- n) Police Regional Office in the Bangsamoro Autonomous Region (PRO BAR);
- o) Representative/s of the concerned LGU; and
- p) Two (2) representatives from the IDPs and two (2) representatives from civil society organizations or CSOs, one (1) from the mainland, and one (1) from the island provinces; *Provided*, That children and/or women sectors shall be represented.

The Minister of Indigenous Peoples' Affairs and the head of the Office of Settler Communities shall likewise be included when the displacement includes non-Moro IPs and settlers, respectively.

The members of the Council may organize themselves into committees that will allow it to perform its mandate for the protection and assistance to the IDPs.

The Council may likewise invite resource agencies with specialized knowledge to provide assistance and technical support.

SEC. 15. Powers and Functions of the Council. – The Council shall have the following functions:

- a) Adopt plans, policies, and strategies for the protection and promotion of the rights of IDPs guided by prior consultation with children, women, and other IDPs in compliance of this Act;
- b) Ensure that the plans of LGUs on IDPs protection and promotion of rights are taken into consideration in the planning of regional programs. Toward this end, the Council shall assist the LGUs of the Bangsamoro Autonomous Region in mainstreaming the IDP-related plans within their respective planning policies and documents as well as support the LGUs in their efforts to craft IDP protection ordinances or policies at the local level: *Provided*, That in the crafting of the local development plans, special consideration shall be given to designing local infrastructure projects that can be used as alternative shelter or evacuation facilities during situations of displacement, following established due diligence requirements for the selection of such alternative shelter or evacuation facilities;
- c) Facilitate the coordination among relevant agencies and stakeholders to address issues related to internal displacement and IDPs, and recommend appropriate actions to resolve such issues through existing government mechanisms and in accordance with applicable laws and regulations;
- d) Coordinate and harmonize all efforts and responses to issues regarding IDPs, including that of international humanitarian organizations;
- e) Raise awareness on the issue of internal displacement in the Bangsamoro at the international, national, and regional levels as well as among all agencies and instrumentalities of the Bangsamoro Government;
- f) Ensure multi-stakeholder cooperation and coordination with the full and meaningful participation by IDPs, including women, children, and other vulnerable sectors in the planning for assistance, and in ensuring the responsiveness of regional policies relating to IDPs;
- g) Coordinate and harmonize efforts and movements towards durable solutions to displacement;
- h) Submit an annual report to the Chief Minister on the level and extent of compliance with this Act. Such report shall be included in the Order of Business of the Parliament's session, in accordance with its rules, procedures, and practices; and

i) Perform such other powers and functions as may be provided by law, consistent with its mandate.

SEC. 16. *Local Internal Displacement Councils.* – Local Internal Displacement Councils (LIDCs) at the provincial, city, or municipal levels within the Bangsamoro Autonomous Region shall be established, as provided in Section 130 of Bangsamoro Autonomy Act No. 49. It shall be headed by the local chief executive (governor, city, or municipal mayor, as the case may be) as chairperson, with the provincial, city, or municipal counterparts as the case may be of the ministries, offices, and agencies represented at the BIDCC as the members. The IDPs, CSOs, and private sector shall also be represented in the LIDCs, as members.

The BIDMMD of the MSSD created under Section 17 of this Act shall work closely with the LIDCs and provide them with technical assistance in the formulation, implementation, and monitoring of the local displacement plans.

The LIDCs shall coordinate with the BIDCC and the BIDMMD in the effective implementation of IDP-related plans, policies, and programs and ensure that initiatives are integrated in their respective appropriations.

SEC. 17. *Bangsamoro Internal Displacement Management and Monitoring Division.* – There is hereby created a Bangsamoro Internal Displacement Management and Monitoring Division (hereinafter referred to as “*BIDMMD*”) under the Programs and Operations Service of the MSSD. The BIDMMD shall be the Bangsamoro Government’s institutional and administrative focal point for IDPs. As such, it shall have the following functions:

- a) Act as the official repository of IDP-related data, collect data, and maintain the documentation thereof in a database of IDPs containing data on the number, age- and sex-disaggregated information, cause or type of displacement, whether the IDPs are in evacuation centers or homebased, indicating the length or duration of displacement, their vulnerabilities, origin and place of displacement, among others. The BIDMMD shall establish clear guidelines on how some of this displacement data will be publicly accessed and presented, ensuring transparency while protecting the privacy and confidentiality of IDPs. Such IDPs database will inform the plans and policies of the Bangsamoro Government regarding issues affecting IDPs;
- b) Provide technical assistance to the local government units in the formulation of their IDP recovery and rehabilitation plan;
- c) Monitor IDPs' conditions through the development of a system that shall track the needs and concerns, actions taken, remaining gaps in the response, and other relevant information to ensure that IDPs rights are respected, protected, and fulfilled in all phases of internal displacement;

In order for the Bangsamoro Government to have a comprehensive, accurate, and updated set of data on IDPs, the MSSD shall develop an IDP profiling system that shall be used by all the ministries, offices and agencies, and the constituent LGUs of the Bangsamoro Autonomous Region in tracking the assistance received by the IDPs. Other stakeholders, such as the National Government and humanitarian groups, may likewise use the same system. While access may be

granted to the National Government and humanitarian organizations, the MSSD will retain exclusive authority over the management and protection of the data and the system;

- d) Act as secretariat to the Council and provide support services thereto;
- e) In consultation with internally displaced women, children, and vulnerable sectors as well as other relevant stakeholders, formulate a regional program on internal displacement to be known as the Bangsamoro Internal Displacement Program or BIDP, for consideration and adoption by the Council;
- f) Observe vertical and horizontal coordination for a more coherent implementation of the BIDP by the Bangsamoro ministries and constituent LGUs involved;
- g) Coordinate closely with the Bangsamoro Rapid Emergency Action on Disaster Incidence (READi) to ensure complementary efforts in addressing displacement caused by disasters and other emergencies;
- h) Monitor the development and enforcement by ministries and organizations of the various laws, guidelines, codes, or technical standards required by this Act;
- i) Advise the BIDCC on the status of its operations and the conditions of the IDPs;
- j) Coordinate the implementation of the BIDP and monitor all assistance to the IDPs provided by the Bangsamoro Government;
- k) Assist and coordinate, through the BHRC and the national CHR, the conduct of public inquiries, the documentation of violations of human rights, assistance to IDPs seeking redress of grievances, and an effective response by the concerned authorities, including the implementation of applicable mechanisms on transitional justice and reconciliation;
- l) Operationalize the policies issued by the Council such as:
 - 1. Protocols, operational guidelines, standards, and criteria for humanitarian assistance rendered by the Bangsamoro Government, in accordance with core humanitarian standards and ensures full humanitarian access of persons in need; and
 - 2. Standards, on the operations, coordination of, and mechanisms for humanitarian aid, to ensure the aid community's commitment to the Do No Harm and Safeguarding Principles such as, but not limited to, protection from sexual exploitation and abuses, and the protection of the privacy rights of the IDPs over their persons, personal information, photographs, and other data;
- m) Formulate, harmonize, and translate into policies a regional agenda for research and data generation, and situational and protection analysis on internal displacement;

- n) Ensure a multi-stakeholder participation in the development and implementation of the BIDP by establishing mechanisms for consultation with affected communities including the host communities and IDPs concerned;
- o) Monitor and assess efforts and movements towards durable solutions to displacement using criteria to be determined by the Council such as, but not limited to, the following:
 - 1. Achievement of long-term safety and security measures and guaranteeing freedom of movement;
 - 2. Adequate standard of living (e.g. access to food, water, sanitation, welfare, healthcare, and education);
 - 3. Access to livelihood and employment;
 - 4. Access to housing and land; and
 - 5. Provision of compensation, where relevant; and
- p) Perform such other functions as may be directed by the Council, or by law, consistent with its mandate.

SEC. 18. *BIDMMD Structure.* – Under the supervision and control of the Programs and Operations Services of the MSSD, the BIDMMD is headed by a Division Chief. The Division has three (3) sections, namely:

- a) Planning and development section;
- b) Policy and coordination section; and
- c) Information management section.

CHAPTER IV GENERAL PROVISIONS

SEC. 19. *Transitory Provision.* – The existing Marawi Rehabilitation Program (MRP) under the Office of the Chief Minister shall not be affected by provisions of this Act. The Local Internal Displacement Council (LIDC) of Marawi City, once established, shall coordinate closely with the MRP Project Management Office (PMO) to ensure the complementation of efforts in addressing the needs of IDPs from the said city; *Provided*, That the LIDC-Marawi City, in coordination with the MRP PMO, shall formulate a Recovery and Rehabilitation Plan.

SEC. 20. *Integration of IDP Rights in the Rehabilitation and Development Plans.* – Pursuant to Article XIV of the Bangsamoro Organic Law, the Bangsamoro Government shall integrate all plans and policies formulated under this Act to the Bangsamoro Development Plan to guide the utilization of the Special Development Fund intended for the rebuilding, rehabilitation, and development of its conflict-

affected communities, and consistent with the goals and principles of transitional justice. Toward this end, the promotion and protection of the rights of the IDPs as provided for in this Act shall be given due regard, consideration, and shall be integrated in such plans and policies intended for the rebuilding, rehabilitation, and development of the conflict-affected communities.

SEC. 21. *Mechanisms for International Humanitarian Assistance.* – International humanitarian organizations, their local counterparts, and other appropriate actors are enjoined to offer their services, including humanitarian assistance, in support of IDPs. These acts shall be considered done in good faith and not as interference in the internal affairs of the government. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

When providing assistance to IDPs, said organizations shall respect relevant domestic laws including regional laws, international standards, and codes of conduct. They shall give due regard to the protection of the needs and human rights of the IDPs. Said organizations and all parties concerned shall likewise adhere to the Do No Harm and Safeguarding Principles so as to avoid exposing the affected populations to additional risks. They shall at all times prevent and mitigate any negative impact of their actions on affected populations.

Such organizations conducting operations in any emergency-affected areas, or are directly or indirectly interacting with the IDPs, are subject to Philippine laws on sexual exploitation and sexual abuse such as but not limited to:

- a) Sexual activity with children, as defined under existing laws;
- b) Use of sex in exchange of money, employment, goods or services including the engagement in prostitution; and
- c) Any sexual relationship with beneficiaries that involves improper use of position or authority.

Humanitarian aid workers shall uphold their duty of care towards the displaced populations and shall maintain the trust of the communities being served. They are obliged to create and maintain an environment that prevents sexual exploitation and abuse.

SEC. 22. *Importation of Humanitarian Assistance, Aid, and Donation.* – The importation and donation of food, clothing, medicine, and equipment necessary for relief and assistance to IDPs are hereby authorized in accordance with Section 105 of the Tariff and Customs Code of the Philippines, as amended. As regards National Internal Revenue taxes and import duties of national agencies and local government units, the prevailing provisions of the General Appropriations Act will apply.

SEC. 23. *Halal Compliance of Humanitarian Assistance, Aid, and Donations.* – The humanitarian assistance, aid, or donations to Muslim IDPs in Bangsamoro Autonomous Region made by the Bangsamoro Government, National Government, local authorities, or international organizations shall adhere to the *halal* standards and certifications issued by recognized *halal* certifying bodies in the Philippines. The humanitarian actors shall collaborate to ensure that humanitarian aid programs are culturally appropriate and respectful of the beliefs and practices of the displaced Muslim population.

The Council, through the BIDMMD, shall conduct regular monitoring, evaluation, and educational outreach to promote understanding and adherence to *halal* standards among the humanitarian actors, ensuring the integrity of *halal* practices in all aspects of humanitarian efforts directed towards the Muslim IDPs in the Bangsamoro Autonomous Region. The Council may establish comprehensive *halal* compliance framework.

SEC. 24. Role of the BHRC. – The BHRC shall investigate all allegations of violations of human rights of the displaced populations in the Bangsamoro Autonomous Region. When warranted, it shall coordinate with the local Office of the Prosecutor for the filing of appropriate criminal case against alleged perpetrators under the relevant provisions of the Revised Penal Code and other special laws may also pursue remedies under international conventions

The BHRC may likewise undertake preventive and mandatory measures incident to its investigation, and may provide financial and legal assistance to victims of human rights violations, where appropriate, as provided for in Bangsamoro Autonomy Act No. 4, otherwise known as the “*Bangsamoro Human Rights Acts of 2019*” and Bangsamoro Autonomy Act No. 13, otherwise known as “*Bangsamoro Administrative Code*.”

Further, the BHRC shall include the results of its monitoring on the promotion and protection of the rights of IDPs in its Annual Reports. The BHRC shall coordinate with the national CHR on the sharing of information pertaining to resolved and/or pending cases with the BHRC, for purposes of issuance of the Human Rights Clearance under Section 47 of Bangsamoro Autonomy Act No. 4.

SEC. 25. Recognition of IDP-friendly LGUs. – There is hereby established a Chief Minister’s award for deserving LGUs for their sustained efforts to promote and protect the rights of IDPs in their jurisdiction. The Council shall formulate the guidelines and criteria for the Award.

CHAPTER V FINAL PROVISIONS

SEC. 26. Appropriations. – The amount necessary for the initial implementation of this Act shall be Fifty Million Pesos (PHP 50,000,000.00) and shall be charged to the budget of the Office of the Chief Minister, subject to existing accounting and auditing rules and regulations.

Thereafter, the sums as may be necessary for the continued implementation of this Act shall be included in the budget of the MSSD and concerned ministries, offices, and agencies in the General Appropriations Act of the Bangsamoro.

SEC. 27. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the MSSD shall issue the necessary rules and regulations for the implementation of this Act.

In the formulation of the implementing rules and regulations, the MSSD shall take the lead and coordinate with the Ministry of Finance, and Budget and Management, and concerned Bangsamoro ministries, offices, and agencies, and consult with the LGUs concerned, CSOs and IDPs.

SEC. 28. Periodic Reports. – The Council shall submit an annual report to the Chief Minister indicating, among others the list of programs being implemented and the stage of implementation. It shall likewise submit such periodic or other reports as may be required from time to time.

SEC. 29. Mandatory Review on the Implementation of this Act. – Every five (5) years after the effectivity of this Act, an independent review panel composed of experts, to be appointed by the Chief Minister, shall review the implementation of this Act and shall make recommendations, based on its findings, to the Chief Minister and to the Parliament.

SEC. 30. Separability Clause. – If any part or provision of this Act shall be declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall remain in full force and effect.

SEC. 31. Effectivity. – This Act shall take effect fifteen (15) days after its publication in a newspaper of regional circulation in the Bangsamoro Autonomous Region in Muslim Mindanao.


ATTY. PANGALIAN M. BALIDONG
Speaker

This Act was passed by the Bangsamoro Transition Authority Parliament on *Rabi Al-Awwal* 24, 1446/September 27, 2024.


PROF. RABY B. ANGKAL
Secretary-General

Approved:


AHOD B. IBRAHIM
Chief Minister
Date: 02/11/24

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