

**THE PLIGHT OF THE UNDOCUMENTED SAMA SIMUNUL  
CHILDREN IN TAWI-TAWI**



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**Thesis Approval Sheet**

In partial fulfillment of the requirements for the degree of MASTER OF ARTS IN APPLIED SOCIAL RESEARCH this thesis entitled:

**“THE PLIGHT OF THE UNDOCUMENTED SAMA SIMUNUL CHILDREN IN TAWI-TAWI”**

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## ABSTRACT

A stand-off between the Royal Security Forces of the Sultanate of Sulu and the Malaysian Security Forces erupted last February 2013 in Lahad Datu, Malaysia. As a result, the armed conflict displaced thousands of individuals including the Sama Simunul Children. These children and their families relocated in the different islands of the Province of Tawi-Tawi. However, given their undocumented status the Sama Simunul children became highly vulnerable to different human rights abuses. Utilizing, the Human Rights Framework, the plight of the undocumented Sama Simunul children was investigated. The obligations of the local government as duty-bearer were scrutinized.

The findings of the study included the different causes of the undocumented status of the children including the distance of the birth registration site and the fear of authorities. Several protection issues were also identified by the mothers and children with regards to basic necessities and social services. Indeed, the Sama Simunul children are now living in a more peaceful environment but it does not guarantee that their rights have been fully realized.

## **Chapter 1**

### **INTRODUCTION**

#### **Background of the Study**

To have a name and nationality is a child's right. This is stipulated in the Convention on the Rights of a Child and highlighted by other international human rights instruments. Unfortunately almost 230 million children under the age of five worldwide do not have birth certificates, and are thus not formally recognized by the state (UNICEF, 2013). According to the United Nations Children's Fund, one out of three children in the world does not officially exist and almost all of these undocumented children are living in the poorest regions of the world, particularly in Sub-Saharan Africa and in Asia (2014). In their report entitled "Every Child's Birth Right: Inequities and Trends in Birth Registration", the two countries with the most number of unregistered children in the world are India and Nigeria, with 71 million and 17 million respectively. In these places, a child without a birth certificate is put in a vulnerable state. Undocumented children may be denied of education or healthcare, forced into the labor market or conscripted in the armed forces before their legal age. According to Geeta Rao Gupta of UNICEF, "Birth registration is key to guaranteeing that children are not forgotten, denied their rights or hidden from the progress of their nations" (2013).

Barriers to the non-registration of children vary. Some children have become undocumented because of their ethnicity and the locale of their ethnic groups. According to a UNICEF report, some ethnic groups do not believe in the value of documentation and thus rely on their own practices such as naming ceremonies (2013). Another barrier to non-registration is the distance of the children to the nearest registration facility. Families living in rural areas will

need higher financial costs just to register their children; as a result some families decide not to register their children. In addition to the distance from the registration facility, another barrier is the level of education of the mothers. Education helps mothers know the importance of documenting the births of their children in order to safeguard them from various abuses including child labor. Uneducated mothers are less likely to register their children compared to educated mothers (UNICEF, 2013).

One of the cases of undocumented children in the Philippines is that of the Sama children in Simunul. The Sama people are highly nomadic and live most of their lives at sea. According to Hannibal Bara of the National Commission of Culture and Arts, they are one of the ethnolinguistic Muslim tribes in the Philippines and one of its sub-groups is the Sama people living in Tawi-Tawi (n.d.). This Sama sub-group identify themselves with their home island such as the Sama Simunul. This group of people lives in the island of Simunul located in the province of Tawi-Tawi. They are seafarers and travel to other territories as far as Lahad Datu in Malaysia. As a result of various factors including the lack of awareness, the children do not have the proper documentation such as birth certificates. A federal task force in Sabah estimated that there were more than 30,000 children of undocumented Filipinos living in Sabah whose births were not officially registered by their parents (2013).

The concern for the undocumented Sama Simunul children was highlighted when the Sabah conflict erupted last February 14, 2013. Sabah, which is home to almost 570,000 Filipinos in 2011 according to the Commission on Filipino Overseas, saw itself in the international headlines when hundreds of armed followers known to be part of the Royal Sulu Army of Jamalul Kiram III crossed over from Tawi-Tawi to Sabah to declare their historical land claim on the said area. According to IRIN news, the standoff lasted for almost two months and left more

than 60 people dead and displaced thousands of Filipinos (2013). The Sabah crisis was considered not only as a security and political challenge to the Philippines but also a humanitarian challenge. Thousands of Filipinos fled the conflict and returned home to the Philippines, putting pressure on the national government to provide the needs of the displaced and affected individuals.

Among those affected were the thousands of undocumented Sama children from Lahad Datu. Some of them fled back to Tawi-Tawi particularly in the island of Simunul during the height of the conflict. According to the local officials of Tawi-Tawi, a big fraction of the 800,000 Filipinos in Sabah are from the island towns of Tawi-Tawi (Unson, 2013). Thus those affected by the stand-off eventually returned to their home islands. However returning back to the Philippines did not guarantee that the basic rights of the individuals particularly the children would be protected and safe guarded. In an article written by Cherry Joy Veniles of the Commission of Filipino Overseas entitled “Halaw: What Happens Now to the Children of Sabah” (2013), she highlighted the uncertainty and the vulnerability of the children that were affected by the Sabah crisis. She stated in the article that the predicament of the children who were affected by the crisis was “unchecked” both by the government and the non-government sectors. Thus there was a need for the plight of the Sama people particularly the undocumented children to be assessed.

The problem was compounded even more with reports that the government was not ready to accommodate the families affected by the crisis. According to Tawi-Tawi Gov. Sadikul Sahali, the local leaders were not ready to accept the influx of thousands of displaced persons in the province given the limited resources of the province. (Uson, 2013) This claim was also supported by the Executive Secretary of the Autonomous Region of Muslim Mindanao, Atty.

Laisa Masuhud-Alamia, that the provincial government did not have a budget for displaced Filipinos in Sabah (L. Alamia, Personal Communication, 2014). She also added that the provincial government was not ready both logistically and politically to accept and support long-term the displaced Filipinos.

Given this precarious situation, there is a gap of knowledge regarding the current situation of the undocumented children in Simunul as highlighted by Cherry Veniles. There is a need to check the situation of the undocumented Sama Simunul children and their families utilizing the human rights framework. The framework emphasizes the obligations of the duty-bearer for the realization of the rights of the claim holder. In using this framework, the fulfillment of the obligations of the duty bearer which in this case is the local government of Simunul is probed specifically in the aspects of accessibility, availability, habitability and quality.

### **Framework of Analysis**

This study is anchored on the human rights based approach as its framework of analysis for looking into the different social protection issues experienced by the undocumented children living in Brgy. Bohe Indangan in Simunul, Tawi-Tawi.

The human rights based approach recognizes that every human being is a person and a human rights holder. The framework is based on international human rights standards and operationally directed to promoting and protecting human rights. It also observes various principles, including the principle of universality and inalienability. Other principles include interdependence and interrelatedness, equality and non-discrimination, participation and accountability.

The framework also explains the three levels of obligations by the duty bearer which in this case is the local government of Simunul. The obligations are to respect, protect and fulfill every human right. The obligation of the government to respect states that the government refrains from interfering with the enjoyment of the right. Meanwhile, the obligation of the government to protect states that the government enacts laws and mechanisms to prevent third party states or non-state actors from violating human rights. The last obligation states that the government should take active steps to put in place institutions and procedures to enable the people to enjoy their human rights (Human Rights Centered Development: Theory and Practice, 2006).

Utilizing the human rights framework, the fulfillment of the obligations of the duty bearer in addressing the social protection issues of the Sama Simunul children and their families are measured in the aspects of accessibility, availability, habitability and quality. Accessibility refers to both physical and economic accessibility. Physical Accessibility refers to the distance and proximity of the goods and services. On the other hand, economic accessibility refers to financial capacity of the rights-holder to enjoy his or her specific rights. Moreover, availability refers to the sufficient quality of goods and services for the utilization of the children and their families. The third aspect of habitability refers to the quality of shelter and its vulnerability to rain, wind and other forces of nature. The last aspect is quality which refers to safety and acceptability of the goods and services provided by the duty bearer.

## **Statement of the Problem**

The study aims to understand the plight of selected undocumented Sama Simunul children and their families living in Simunul, Tawi-Tawi with regard to their food, water, shelter, housing and education situations.

1. What are the socio-demographic profiles of the mothers and the undocumented children?
  - a. Age
  - b. Sex
  - c. Religion
  - d. Level of Education
  - e. Occupation
2. What are the causes of undocumented status of the Sama Simunul children as identified by the respondents?
3. What are the social protections issues identified/experienced by the respondents?
4. What are the programs and services provided by the local government of Simunul?
5. What are the gaps in the government programs and services addressing social protection issues as perceived by the respondents in terms of:
  - a. Accessibility
  - b. Availability
  - c. Habitability
  - d. Quality
6. What are the aspirations of the Sama Simunul children and their mothers to address the protection issues they have identified?

## **Significance of the Study**

The study on the plight of the undocumented children in Simunul will benefit the following end-users:

### **Non-government stakeholders**

*Ateneo Migration Center (AMC).* The findings of the study revealed the different causes of the undocumented status. These data will be helpful for the AMC to advocate on the issue of birth registration among indigenous people.

*Al Qalam Institute for Islamic Identities and Dialogue in Southeast Asia.* The findings of the study revealed different protection issues of the marginalized Sama people of Simunul, Tawi-Tawi. These data will be helpful for the institute to advocate for short-term and long term projects to help improve the quality of life of the Sama Simunul.

*MASOR Department.* Researchers planning to do researches in Simunul and Tawi-Tawi can learn from the approaches and methodologies undertaken by the researcher.

### **Government Stakeholders**

*Municipal Government of Simunul.* The findings of the study revealed various social protection issues. The data on protection issues will be valuable to the local government of Simunul in planning for projects to help improve the quality of life of the Sama Simunul.

*Department of Social Welfare and Development (DSWD).* The protection issues identified in the study included food, water and shelter. The data will be useful for the agency in their planning of short-term and long terms programs for the Sama Simunul people.

## Scope and Limitations of the Study

One of the limitations of the study is that the findings of the study cannot be used to explain the conditions of other ethnic groups who are not marginalized. Another limitation is that the study is a purely descriptive in design and not exploratory. The study does not also aim to formulate recommendations given the limited number of respondents. Finally, the study does not aim to formulate causalities and correlations based on its findings.

## • Definition of Terms

The following terms are operationally used in this study:

- a. *Accessibility*: this refers to the programs and services that must be within safe physical reach of the undocumented children and their families without discrimination. They should be affordable and must be based on the principle of equity. It also includes the right to seek, receive and impart information regarding specific issues and concerns.
- b. *Aspirations*: these refer to hopes and desires of the Sama Simunul children and their families for the improvement of the quality of life.
- c. *Availability*: this refers to the range of goods, services and programs made available, functional and in sufficient quantity for the utilization of the children and their families. This includes but is not limited to public health and health care facilities, nutritious and safe food, clean and potable water, and sanitation and education facilities.
- d. *Habitability*: this refers to the provision for adequate space and protection against cold, damp, heat, rain, wind and other threats to health.
- e. *Gaps*: In this study gaps refer to the probing of discrepancies with regards to services and programs vis-a-vis how it is done or applied in the actual situation.

- f. *Programs and Services*: these refer to the wide array of intervention mechanisms provided by the state, non-government agencies and individuals.
- g. *Quality*: this refers to the programs and services that must be safe and acceptable according to international standards. This also includes but is not limited to health facilities and services, which must be scientifically and medically appropriate, and water for personal and domestic use, which must be safe and free from microorganisms.
- h. *Social Protection Issues*: These refer to the various types of discrimination, exploitation and abuses inflicted or perpetuated towards the undocumented children and their families. This may include but is not limited to the unavailability of potable water, health services, and sanitation and education facilities.
- i. *Socio-demographic Profile*: This refers to the profile of the undocumented children and their mothers. This includes their sex, level of education, ethnicity, occupation and religion.