

SENATE

P. S. Res. No. 969

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Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION
URGING THE PRESIDENT TO RATIFY THE
UNITED NATIONS INTERNATIONAL CONVENTION FOR THE
PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE,
TO STRENGTHEN ACCESS TO JUSTICE AND THE RIGHT TO
EFFECTIVE REMEDY

1 WHEREAS, Article II, Section 11 of the 1987 Constitution provides that, “[t]he
2 State values the dignity of every human person and guarantees full respect for human
3 rights”;

4 WHEREAS, Article III, Section 1 of the same provides that, “[n]o person shall
5 be deprived of life, liberty or property without due process of law”;

6 WHEREAS, Article III, Section 2 of the same further provides that, “[t]he right
7 of the people to be secure in their persons, houses, papers, and effects against
8 unreasonable searches and seizures of whatever nature and for any purpose shall be
9 inviolable”;

10 WHEREAS, the Philippines is currently State Party to eight (8) human rights
11 treaties of the United Nations;¹

12 WHEREAS, the International Convention for the Protection of All Persons from
13 Enforced Disappearance (CED) remains the only human rights treaty not ratified by
14 the Philippines, despite enacting into law Republic Act No. 10353, or the “Anti-
15 Enforced or Involuntary Disappearance Act of 2012,” and the issuance of
16 Administrative Order No. 35 Creating the Inter-Agency Committee on Extra-legal

¹ See, Ratification Status of the Philippines, available at
<https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=137&Lang=EN>, visited on
01 December 2018.

1 killings, Enforced Disappearances, Torture and other Grave Violations of the Right to
2 Life, Liberty and Security of Persons;

3 WHEREAS, United Nations treaty monitoring bodies such as the Committee on
4 the Elimination of All Forms Discrimination Against Women, the Committee on
5 Economic Social and Cultural Rights, Committee Against Torture, the Human Rights
6 Committee, the Committee on the Rights of the Child, and the Committee on the
7 Elimination of Racial Discrimination, have all expressly recommended for the
8 Philippines to ratify the CED;

9 WHEREAS, in the third cycle of the Universal Period Review of the Philippines
10 in 2017, nine (9) States specifically recommended ratification of the CED, while fifteen
11 (15) States recommended investigation into enforced disappearances;²

12 WHEREAS, recommendations to ratify the CED have also been made by the
13 Commission on Human Rights through an official Advisory in 2014³, reiterated in
14 2018⁴, and by various non-governmental organizations including the Asian Federation
15 Against Involuntary Disappearance (AFAD)⁵, Philippine Alliance of Human Rights
16 Advocates (PAHRA),⁶ and the International Federation for Human Rights (FIDH)⁷;

17 WHEREAS, the Committee on Enforced Disappearances and the Working
18 Group on Enforced or Involuntary Disappearances, issued a joint statement on 30
19 August 2018 on the occasion of the International Day of the Victims of Enforced
20 Disappearances, where they reiterated their call to States who have not yet ratified the
21 Convention, to "...expeditiously become parties to the Convention for the Protection
22 of All Persons against Enforced Disappearances and to accept the competence of the

2 See, Report of the Working Group on the Universal Periodic Review (Philippines), available at
<<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/194/21/PDF/G1719421.pdf?OpenElement>>, visited
on 01 December 2018.

3 CHR A2014-010.

4 CHR A2018-002.

5 See, THE UPR OF THE PHILIPPINES: SEVEN STATES RECOMMEND PH RATIFICATION OF ENFORCED
DISAPPEARANCE CONVENTION, available at <[https://www.afad-
online.org/images/2017/AFADstatemetnonUPR-Philippines.pdf](https://www.afad-online.org/images/2017/AFADstatemetnonUPR-Philippines.pdf)>, visited on 01 December 2018.

6 See, International Federation for Human Rights, "Government's outrageous defense of human rights
slammed", (09 September 2017), available at <[https://www.fidh.org/en/region/asia/philippines/government-s-
outrageous-defense-of-human-rights-onslaught-slammed](https://www.fidh.org/en/region/asia/philippines/government-s-outrageous-defense-of-human-rights-onslaught-slammed)>, visited on 01 December 2018.

7 *Ibid.*

1 Committee on Enforced Disappearances to receive and examine individual
2 complaints”;⁸

3 WHEREAS, to date, there are 1,996 reported documented cases of enforced
4 disappearance in the Philippines, of which 1,165 are missing and 244 are found dead⁹;

5 WHEREAS, it is clear that despite the enactment of the R.A. No. 10353 or the
6 Anti-Enforced or Involuntary Disappearance Act of 2012, thousands remain missing
7 and possibly many of them already dead, without any effective and clear action plan
8 from our government;

9 WHEREAS it is important for the Philippines to sign and ratify the CED because
10 this would send a clear message to the world know that we acknowledge that enforced
11 disappearances are also committed in the country and that our present government is
12 willing to make a commitment to ensure that the victims will get justice;

13 WHEREAS, the ratification of the CED shall strengthen our country’s
14 commitment to the UDHR, including that of civil and political rights of its people;

15 WHEREAS, once the Philippine Government ratifies the CED, families of the
16 disappeared in the country will have new hope that their loved ones will finally be given
17 justice through the joint force of the domestic law and the Convention.

18 WHEREAS, as the CED takes effect, we will be able to fully participate in the
19 implementation of the CED which would lead to possible introduction important
20 amendments to R.A. No. 10353 based on inputs from the international community;

21 WHEREAS, Article 3 of the Universal Declaration of Human Rights (UDHR),
22 which has crystallized into a customary norm, stipulates that “[e]veryone has the right
23 to life, liberty, and security of person”.

24 WHEREAS, according to the Commission on Human Rights (CHR), “[a]s
25 common standard of achievements, [Art. 3 of the UDHR] has evolved into a
26 framework for the human rights protection against enforced disappearance. It is now

8 See, Joint Statement of the Human Rights Experts, “Search and investigation are international law obligations not an option”, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23483&LangID=E>, visited on 01 December 2018.

9 See, Rappler “What you need to know about enforced disappearances in the Philippines”, available at <https://www.rappler.com/newsbreak/iq/210595-things-to-know-enforced-disappearances-philippines>, visited on 01 December 2018.

1 therefore necessary, if not imperative for the Philippine government to strengthen its
2 commitment to human rights principles by ratifying the International Convention for
3 the Protection of All Persons From Enforced Disappearance.”¹⁰

4 WHEREAS, CHR added that “[h]uman rights, for example the protection
5 against involuntary disappearance when drawn from international human rights law
6 such as a treaty, provide more protection to claimholders. This is because the level of
7 accountability expected from the ratifying State or its agents extends to the wider
8 community.”¹¹

9 WHEREAS, further on the ratification of CED as a human rights treaty, CHR
10 said that it will provide relief to the victims family through human rights mechanisms,
11 to wit, “[h]uman rights treaties provide protection mechanisms through its treaty
12 based bodies often referred as ‘Committees’, that perform a variety of functions
13 including, inter alia, examination of state reports, handling of communications which
14 are in the nature of complaints in regard to systemic violations, subject to conditions,
15 e.g. exhaustion of domestic remedies, and inquiry procedures. The observations and
16 recommendations developed from these procedures have the potential in enabling a
17 complainant, to obtain reparation for wider universe of victims.”¹²

18 WHEREAS, entering into the CED will ensure that the recourse of the victims’
19 families will survive our ever changing political landscape by enlisting the support of
20 the international community, civil society organizations, and human rights
21 institutions in holding our government accountable for our commitments;

22 WHEREAS, the CED will give hope to the victims’ families on the possibility of
23 finding out the truth about their loved ones’ disappearance, and of the perpetrators
24 being brought to justice;

25 WHEREAS, in order to ensure that our citizens would have sufficient access to
26 remedies, it behooves upon our government to provide alternative legal framework
27 which provides certainty of obligations, sustainable mechanism for accountability,

¹⁰ CHR A2014-010, *Supra*.

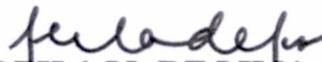
¹¹ *Ibid*.

¹² *Ibid*.

1 and stronger international support or cooperation for prevention of enforced
2 disappearances as well as giving justice to its victims;

3 NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that
4 the Senate urge the President to ratify the United Nations International Convention
5 for the Protection of All Persons from Enforced Disappearance, to strengthen access
6 to justice and the right to effective remedy.

Adopted,


LBILA M. DE LIMA