

SENATE

COMMITTEE REPORT NO. 768

Submitted by the Committee on Foreign Relations on DEC 03 2009.

Re : P.S. Res. No. 1509, prepared by the Committee.

Recommending its approval without amendment.

Sponsor : Senator Defensor Santiago.

MR. PRESIDENT:

The Committee on Foreign Relations, to which was referred the Agreement, entitled:

**OPTIONAL PROTOCOL TO THE CONVENTION AGAINST
TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT**

has considered the same and has the honor to report it back to the Senate with the recommendation that Proposed Senate Resolution No. 1509, prepared by the Committee, entitled:

**RESOLUTION
CONCURRING IN THE RATIFICATION OF THE OPTIONAL
PROTOCOL TO THE CONVENTION AGAINST TORTURE AND
OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT**

be approved without amendment.

Respectfully submitted:


MIRIAM DEFENSOR SANTIAGO
Chair

Vice-Chairs:



AQUILINO Q. PIMENTEL, JR.
Minority Leader

RODOLFO G. BIAZON

Members:

RICHARD J. GORDON

GREGORIO B. HONASAN II

PANFILO M. LACSON

MANUEL "LITO" M. LAPID

LOREN LEGARDA

*of interpellations
of amendments*

M.A. MADRIGAL

MAR ROXAS

ALAN PETER S. CAYETANO

PIA S. CAYETANO

FRANCIS N. PANGILINAN

MANNY VILLAR

Ex-Officio Members:



JINGGOY EJERCITO ESTRADA
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Leader

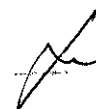
JUAN PONCE ENRILE
President
Senate of the Philippines
Pasay City

SENATE

9 DEC -3 P4:05

P.S. RES. NO. 1509

RECEIVED



Prepared by the Committee on Foreign Relations

RESOLUTION
CONCURRING IN THE RATIFICATION OF THE OPTIONAL
PROTOCOL TO THE CONVENTION AGAINST TORTURE AND
OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT

WHEREAS, the Constitution, Article 7, Section 21, states that, "No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the members of the Senate";

WHEREAS, the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by Resolution A/RES/57/199;

WHEREAS, the International Covenant on Civil and Political Rights (ICCPR) to which the Philippines is a State Party, provides that no one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment;

WHEREAS, the Philippines is also a State Party to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) having ratified the same on 18 June 1986;

WHEREAS the Optional Protocol places the emphasis on preventing violations and introduces a new system of monitoring compliance to the UNCAT by establishing international and national mechanisms that will conduct regular and periodic visits to places of detention for the purpose of monitoring the situation, proposing recommendations and working constructively with State Parties for their implementation;

WHEREAS, the Optional Protocol would also enable State Parties to benefit from the assistance that the international mechanism will offer such as advisory, technical and financial assistance in addressing institutional problems;

WHEREAS, pursuant to Article 24 of the Optional Protocol, State Parties are allowed to make a declaration postponing the implementation of their obligations under either Part 3 or 4, which shall be valid for a maximum of three years;

WHEREAS, the Philippine Government requests for a three-year deferment of the implementation of the Optional Protocol with respect to Part 3 on the mandate of the Subcommittee on Prevention in order to upgrade all its prisons, detention and custodial facilities before the Sub-Committee on Torture could undertake country visits and facilitate the enactment of legislation to ensure the Philippines' full compliance with this international instrument;

WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on 8 August 2009, the following agencies endorsed the concurrence in the ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

1. Department of Foreign Affairs (DFA)
2. Department of Justice (DOJ)
3. Department of Interior and Local Government (DILG)
4. Presidential Human Rights Committee (PHRC)
5. Commission on Human Rights (CHR)
6. Armed Forces of the Philippines (AFP)
7. Philippine National Police (PNP)
8. Bureau of Jail Management and Penology (BJMP)
9. National Bureau of Investigation (NBI)
10. Philippine Drug Enforcement Agency (PDEA)
11. Balay Rehabilitation Center
12. Akbayan
13. Philippine Alliance of Human Rights Advocates (PAHRA)
14. Medical Action Group (MAG)

NOW, THEREFORE, be it resolved that the Senate of the Philippines concur as it hereby concurs in the ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Adopted,


MIRIAM DEFENSOR SANTIAGO