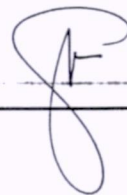


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SENATE

P.S. Res. No. 158

RECEIVED



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

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**RESOLUTION**

**URGING THE EXECUTIVE DEPARTMENT, PARTICULARLY THE DEPARTMENT OF FOREIGN AFFAIRS, TO RECONSIDER THE PHILIPPINE GOVERNMENT'S POSITION ON ANY RESOLUTION OF THE UN HUMAN RIGHTS COUNCIL (UNHRC) CONCERNING THE HUMAN RIGHTS ABUSES AND ATROCITIES COMMITTED AGAINST THE ROHINGYA AND OTHER MINORITIES IN MYANMAR, PURSUANT TO THE PHILIPPINES' OBLIGATIONS TO PROMOTE AND PROTECT HUMAN RIGHTS AND TO OBSERVE INTERNATIONAL HUMANITARIAN LAWS, AND IN KEEPING WITH THE HISTORICAL AND CULTURAL TRADITIONS OF THE FILIPINO PEOPLE WHO VALUE THE DIGNITY AND WORTH OF EVERY HUMAN PERSON**

1 WHEREAS, the Philippines is a signatory to the Universal Declaration of  
2 Human Rights (UDHR), which acknowledges the "*inherent dignity and ... equal and*  
3 *inalieable rights of all members of the human family*", and which observes that  
4 "*disregard and contempt for human rights have resulted in barbarous acts which*  
5 *have outraged the conscience of mankind.*" As a Member State, the Philippines has  
6 pledged itself "*to achieve, in cooperation with the United Nations, the promotion of*  
7 *universal respect for and observance of human rights and fundamental freedoms*";

8 WHEREAS, the Philippines has likewise ratified eight (8) core international  
9 human rights instruments, notably the International Covenant on Civil and Political  
10 Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights  
11 (ICESR), Covention on the Elimination of All Forms of Racial Discrimination  
12 (CEDAW), and Convention Against Torture and Other Cruel, Inhuman or Degrading  
13 Treatment or Punishment (CAT)<sup>1</sup>;

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<sup>1</sup> The other significant human rights treaties where the Philippines is a signatory are: (a) Convention on the Rights of the Child; (b) International Convention on the Protection of All Migrant Workers and Members of their Families (CMW); and (c) Convention on the Rights of Persons with Disabilities.

1           WHEREAS, since August 2017, the Myanmar military has been conducting a  
2 campaign of “ethnic cleansing” against Rohingya Muslims and other minority groups  
3 in Rakhine State that has resulted in gross human rights violations, including  
4 widespread killings, arbitrary arrests, burnings of entire villages, and sexual violence,  
5 all of which have been documented by international human rights organizations<sup>2</sup>;

6           WHEREAS, around 740,000, mainly Rohingya, have fled to Bangladesh. An  
7 estimated 500,000 Rohingya remain in appalling conditions in Rakhine State. The  
8 Myanmar military and their proxies have confined them to camps and villages where  
9 their freedom of movement is severely restricted. The Myanmar government has  
10 denied them fundamental freedoms, including citizenship and constituent rights,  
11 and they have been deprived of access to sustainable livelihood and basic  
12 humanitarian services, including adequate food, medical care, and education<sup>3</sup>;

13           WHEREAS, a United Nations-backed Independent International Fact Finding  
14 Mission on Myanmar has found sufficient basis to warrant the investigation and  
15 prosecution of senior military officials for grave crimes, including genocide, in  
16 Rakhine State. The Mission’s chairperson has concluded that “[t]he contempt  
17 shown ... for human life, integrity and freedom, and for international law generally,  
18 has had a devastating impact on the human rights, security and development of  
19 everyone in Myanmar. It is also a threat to regional stability and to international  
20 peace and security”<sup>4</sup>;

21           WHEREAS, despite indubitable evidence of atrocities and human rights  
22 abuses, the Philippine government has opted to ignore the facts and disregarded its  
23 treaty commitments by refusing to support a resolution before the UNHRC  
24 addressing the human rights situation of Rohingya Muslims and other minorities in  
25 Myanmar;

26           WHEREAS, Philippines is a member of the United Nations Human Rights  
27 Council (UNHRC), and the only country from Southeast Asia;

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<sup>2</sup> Myanmar: Crimes Against Rohingya Go Unpunished. Human Rights Watch (22 August 2019), Retrieved from: <https://www.hrw.org/news/2019/08/22/myanmar-crimes-against-rohingya-go-unpunished> <last visited on 1 October 2019>

<sup>3</sup> *Id.*

<sup>4</sup> Darusman, M. Statement by Mr. Marzuki Darusman, Chairperson of the United Nations Independent International Fact-Finding Mission in Myanmar at the Security Council. (24 October 2018), Retrieved from: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23778&LangID=E>

1           WHEREAS, under the present administration, the Philippine government has  
2 exhibited an alarming pattern of voting against UN resolutions concerning human  
3 rights abuses in Myanmar<sup>5</sup>, thus:

- 4           1. In the March 2017 session of the UNHRC, the Philippine government did  
5 not support the establishment of a fact-finding mission that was created to  
6 look into the cases of gross human rights violations in Myanmar;
- 7           2. In the UNHRC's September 2018 session, the Philippine government,  
8 along with China and Burundi, also voted against the setting up of the  
9 Independent Investigative Mechanism for Myanmar to collect and  
10 preserve evidence of crimes for possible use in future criminal proceedings;
- 11          3. In the UNHRC session in March 2019, the Philippines, along with China  
12 and Cuba, rejected a resolution condemning continuing human rights  
13 abuses in Myanmar; and
- 14          4. Just recently, in the UNHRC session in September 2019, only the  
15 Philippines, along with China, voted No to the overwhelmingly adopted  
16 resolution urging the Myanmar government to sustain democratic  
17 transition by bringing all national institutions, including the military,  
18 under a democratically elected civilian government;

19           WHEREAS, in defending the votes at the UNHRC, Philippine government  
20 officials have said that the issues in Myanmar are “complex” and even “politicized.”<sup>6</sup>;

21           WHEREAS, this rationalization flies in the face of irrefutable and extensively  
22 documented cases of gross violations of human rights of the Rohingya and other  
23 minorities in Myanmar. Regardless of partisan interests of Member States at the  
24 UNHRC, one cannot simply turn a blind eye to the magnitude of atrocities in

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<sup>5</sup> Viray, P. *Only Philippines, China vote against UN rights resolution on Rohingya Muslims*. Philstar.com (27 September 2019), Retrieved from: <https://www.philstar.com/headlines/2019/09/27/1955457/only-philippines-china-vote-against-un-rights-resolution-rohingya-muslims> <last visited on 1 October 2019>

<sup>6</sup> Mateo, J. *Philippines votes vs UN resolution condemning HR abuses in Myanmar*. Philstar.com (24 March 2019), Retrieved from: <https://www.philstar.com/headlines/2019/03/24/1903958/philippines-votes-vs-un-resolution-condemning-hr-abuses-myanmar> <last visited on 1 October 2019>

1 Myanmar, including possible crimes against humanity, which should be of  
2 paramount concern to the international community<sup>7</sup>;

3 WHEREAS, the Philippine government, particularly the Executive  
4 Department, through the Department of Foreign Affairs, should reconsider its  
5 position on the ongoing human rights crisis affecting the Rohingya and other  
6 minorities in Myanmar, and henceforth support international responses, including  
7 UNHRC resolutions, for the protection of human rights of the Rohingya and other  
8 groups, for the facilitation of justice for the victims and punishment of the  
9 perpetrators and their masterminds, and for the democratic transition of  
10 government institutions in Myanmar, especially its military. Such a policy shall  
11 likewise be in keeping with time-honored values of the Filipino people of respecting  
12 the inalienable dignity and worth of every human person, of upholding the  
13 universality of human rights, and of standing up for justice and freedom;

14 **NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY**  
15 **RESOLVED** that the Senate urges the Executive Department, especially the  
16 Department of Foreign Affairs, to reconsider the Philippine government's position on  
17 its international responses, including resolutions at the UN Human Rights Council  
18 (UNHRC) related to the human rights abuses and atrocities committed against the  
19 Rohingya and other minorities in Myanmar, pursuant to the Philippines' obligations  
20 under international law to promote and protect human rights and to observe  
21 international humanitarian laws, and in keeping with the historical and cultural  
22 traditions of the Filipino people who value the dignity and worth of every human  
23 person.

Adopted,

  
LEILA M. DE LIMA

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<sup>7</sup> Paulsen, E. *ASEAN can no longer turn a blind eye to Myanmar's atrocities*. Al Jazeera (22 July 2019) Retrieved from: <https://www.aljazeera.com/indepth/opinion/asean-longer-turn-blind-eye-myanmar-atrocities-190719094526373.html> <last visited on 1 October 2019>