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P. S. RES. NO. 455

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

RESOLUTION

URGING THE EXECUTIVE DEPARTMENT, THROUGH THE DEPARTMENT OF FOREIGN AFFAIRS, TO EXTEND AN INVITATION TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS (IDPs) TO VISIT THE COUNTRY AND LOOK INTO THE GROWING AND REPORTEDLY WORSENING PLIGHT OF PERSONS DISPLACED BY THE CRISIS IN MARAWI, WHICH COULD CONTINUE AND EVEN WORSEN DUE TO THE EXTENSION OF MARTIAL LAW IN THE WHOLE OF MINDANAO UNTIL THE END OF 2017; THE RESULTS OF SAID VISIT COULD LIKEWISE AID IN THE ENACTMENT OF REMEDIAL LEGISLATIVE MEASURES

WHEREAS, Article 2, Section 5 of the Constitution states that “[t]he maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy”;

WHEREAS, Article 2, Section 11 of the same avers that “[t]he State values the dignity of every human person and guarantees full respect for human rights”;

WHEREAS, Article 25 (1) of the Universal Declaration on Human Rights (UDHR) provides that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”;¹

WHEREAS, the International Covenant on Civil and Political Rights (ICCPR) has urged State Parties to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant”;²

¹ UDHR. (10 December 1948). The Universal Declaration of Human Rights. Retrieved from <http://www.un.org/en/universal-declaration-human-rights/>. Accessed on 25 July 2017.

² United Nations Human Rights. (23 March 1976). International Covenant on Civil and Political Rights. Retrieved from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>. Accessed on 25 July 2017

WHEREAS, according to the United Nations Guiding Principles on Internal Displacement, Internally Displaced Persons (IDPs) are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border";³

WHEREAS, the Guiding Principles specifically address the needs of internally displaced persons worldwide, requiring assistance and protection during the displacement and also during their return or resettlement;⁴

WHEREAS, the Principles further set forth the various rights of people who are forced to leave their residences in order to avoid possible effects of armed conflict, violence, violation of human rights through natural and human-made disasters;⁵

WHEREAS, the United Nations High Commissioner for Refugees (UNHCR), in its Addendum to the Guiding Principles, recognizes that, "[o]ften the consequence of traumatic experiences with violent conflicts, gross violations of human rights and related causes in which discrimination features significantly, displacement nearly always generates conditions of severe hardship and suffering for the affected populations", including "break[ing] up families, cut[ting] social and cultural ties, terminat[ing] dependable employment relationships, disrupt[ing] educational opportunities, deny[ing] access to such vital necessities as food, shelter and medicine, and expos[ing] innocent persons to such acts of violence as attacks on camps, disappearances and rape;"⁶

WHEREAS, the Addendum further recognizes that, "[w]hether [displaced persons] cluster in camps, escape into the countryside to hide from potential sources of persecution and violence or submerge into the community of the equally poor and dispossessed, the internally displaced are among the most vulnerable populations, desperately in need of protection and assistance;"⁷

WHEREAS, Principle 1 of the Guiding Principles clearly provides that, "[i]nternally displaced persons shall enjoy, in full equality, the same rights and freedom under international and domestic law as do other persons in their country", and that "[t]hey shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced";⁸

³ UNHCR. (Sept 2001). OCHA – Guiding Principles on Internal Displacement. Retrieved from <http://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>. Accessed on 28 June 2017.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ Addendum to the Guiding Principles on Internal Displacement (11 February 1998). Retrieved from <http://hrlibrary.umn.edu/instree/GuidingPrinciplesonInternalDisplacement.htm>. Accessed on 28 June 2017

⁷ *Ibid.*

⁸ *Supra* footnote #3.

WHEREAS, on 23 May 2017, a terrorist group identified as the Maute group, conducted simultaneous attacks in key areas in Marawi City, Lanao del Sur;⁹

WHEREAS, since the issuance and declaration of Proclamation No. 216 on 23 May 2017 entitled “Declaring a State of Martial Law and Suspending the Privilege of The Writ of *Habeas Corpus* in the Whole of Mindanao”, and as of 27 June 2017, the Department of Social Welfare and Development (DSWD) in Zamboanga has accounted for a total of 351,168 displaced individuals in Marawi City, 17,389 of them are staying in evacuation centers, who have been uprooted from their homes due to the persisting military operations against the Maute group and other terrorist factions;¹⁰

WHEREAS, the affected families and communities are also said to be facing threats from our own military as reported by ABS-CBN News, wherein the military have allegedly been refusing the passage of relief goods, conducting indiscriminate airstrikes, disrespecting the Islamic faith and harassing women by telling inappropriate rape jokes;¹¹

WHEREAS, on 22 July 2017, during the Special Joint Session of Congress for the extension of Martial Law in Mindanao, Ranao Rescue Team member Samira Gutoc-Tomawis testified about the state of IDPs in Marawi wherein there were cases of inhumane interrogations, unjust treatments towards the people of Marawi and a growing number of deaths everyday;¹²

WHEREAS, among the disturbing conditions mentioned by Ms. Gutoc-Tomawis is the situation of mothers and their children in Marawi, such as the cases of three women sharing one bed in a charity ward, dead babies being buried every five days, men rescued by authorities are being asked to remove their clothes then walk while blindfolded, and of two pregnant women who were taken by the PNP for questioning for a whole day because they were found holding dextrose intravenous drips;¹³

WHEREAS, under the doctrine of “*parens patriae*”, the government, in accordance with its role as the legal protector of Filipinos who are unable to protect themselves, should always prioritize and address the situation of the displaced citizens in Mindanao — particularly, the surfacing humanitarian issues emerging from the intensified armed conflict between the military and of terrorist elements;

⁹ Rappler. (26 May 2017). TIMELINE: Marawi clashes prompt martial law in all of Mindanao. Retrieved from <http://www.rappler.com/nation/170744-timeline-marawi-city-martial-law>. Accessed on 28 June 2017.

¹⁰ ReliefWeb. (3 July 2017). Philippines Humanitarian Bulletin Issue 6. Retrieved from <http://reliefweb.int/report/philippines/philippines-humanitarian-bulletin-issue-6-july-2017>

¹¹ ABS-CBN News. (22 June 2017). Mission finds Marawi women scared of rape by soldiers; military questions report. Retrieved from <http://news.abs-cbn.com/focus/06/22/17/mission-finds-marawi-women-scared-of-rape-by-soldiers-military-questions-report>. Accessed on 28 June 2017.

¹² GMA News Online (22 July 2017). Maranao Leader tells Congress of ‘abuses’ under Mindanao Martial Law. Retrieved from <http://www.gmanetwork.com/news/news/nation/619019/maranao-leader-tells-congress-of-abuses-under-mindanao-martial-law/story/>. Accessed on 25 July 2017.

¹³ ABS-CBN News. (22 July 2017). In tearful plea, Maranao Civil Leader alleges abuses under Mindanao Martial Law. Retrieved from <http://news.abs-cbn.com/news/07/22/17/in-tearful-plea-maranao-civic-leader-alleges-abuses-under-mindanao-martial-law>. Accessed on 25 July 2017.

WHEREAS, one of the important functions of the UN Special Rapporteur on Human Rights for Internally Displaced Persons is to conduct country visits, which provide an opportunity to assess and check whether the needs of the IDPs are being met with urgency,¹⁴ such as when former UN Special Rapporteur on IDPs, Chalok Beyani, made a productive visit here in the Philippines in 2015 in relation to the situation of those affected by Typhoon Haiyan (“*Yolanda*”), which resulted in recommendations on how to be able to develop concrete and immediate solutions after an extreme calamity;¹⁵

WHEREAS, country visits by a UN Special Rapporteur can only be done through the invitation of the country concerned;

WHEREAS, in light of the extension of the effectivity of Martial Law in Mindanao and the worrisome conditions already reported to be prevailing in the affected areas, it is imperative for the Executive Department to invite UN Special Rapporteur on Human Rights for Internally Displaced Persons, Cecilia Jimenez-Damary, to enable her to verify these troubling complaints, assess the actual living conditions of the IDPs within and outside evacuation camps, and to propose recommendations on how to improve such conditions going forward;

WHEREAS, the invitation could provide insights on the relevant issues, and could aid in finding remedial legislative measures that could help address the growing humanitarian crisis in Mindanao;

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved, to urge the Executive Department, through the Department of Foreign Affairs, to extend an invitation to the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons (IDPs) to visit the country and look into the growing and reportedly worsening plight of persons displaced by the crisis in Marawi, which could continue and even worsen due to the extension of martial law in the whole of Mindanao until the end of 2017; the results of said visit could likewise aid in the enactment of remedial legislative measures.

Adopted,


LEILA M. DE LIMA

¹⁴ *Ibid.*

¹⁵ United Nations Human Rights Council. (5 April 2016). Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to the Philippines. Retrieved from <http://www.undocs.org/A/HRC/32/35/Add.3>. Accessed on 25 July 2017.