

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE CLERK

10 SEP 14 P3:42

SENATE
P.S.R. No. **183**

RECEIVED BY

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

RESPECTFULLY REQUESTING THE OFFICE OF THE PRESIDENT TO SIGN AND RATIFY THE UNITED NATIONS CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCES AND TRANSMIT IT TO THE SENATE FOR CONCURRENCE

WHEREAS, the Constitution, Article 3, Section enshrines that “No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws”;

WHEREAS, the Constitution, Article 11, Section 11, further provides that “The State values the dignity of every human person and guarantees for the respect for human rights”;

WHEREAS, the 1992 UN Declaration for the Protection of All Persons from Enforced Disappearances recognizes that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of such acts is of the nature of a crime against humanity;

WHEREAS, the International Convention for the Protection of All Persons from Enforced Disappearance, Article 2 provides that enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law;

WHEREAS, as a consequence of this violation, the victim of an enforced disappearance is placed outside the protection of the law and this determines the suspension of the enjoyment of all other human rights and freedoms of the disappeared person, who is left in a situation of complete defenselessness;

WHEREAS, the Convention was approved by the UN General Assembly on 20 December 2006 and opened for signature on 27 June 2006; it will enter into force when 20 instruments of ratification is deposited with the UN Secretary General;

WHEREAS, currently, 19 states have ratified the Convention and 83 countries have signed;

WHEREAS, the Convention consecrates as binding all the principles which were mentioned in the 1992 Declaration and it better specifies the obligations of States in order to prevent and suppress the practice of enforced disappearance;

WHEREAS, the Convention provides for the right of the relatives of the disappeared persons and of the society as a whole to know the truth regarding the

circumstances of the enforced disappearance, the progress and the results of the investigation and the fate and whereabouts of the disappeared person;

WHEREAS, as part of its treaty obligations, each State Party shall codify enforced disappearance as an autonomous offense under its criminal law and punish it by appropriate penalties which take into account its extreme seriousness;

WHEREAS, at present, not a single country in Asia has a national law criminalizing enforced disappearances; thus, the adoption and ratification of the Convention will facilitate the enactment of national legislations criminalizing enforced disappearances and ensure the implementation of the provisions of the treaty;

WHEREAS, as a member of the United Nations and the Human Rights Council, the Philippines is duty-bound to observe all international agreements and optional protocols for the promotion and protection of human rights;

WHEREFORE, be it hereby resolved by the Philippine Senate, to respectfully request the Office of the President to sign and ratify the United Nations Convention for the Protection of All Persons from Enforced Disappearance and transmit it to the Senate for concurrence.

Adopted,


MIRIAM DEFENSOR SANTIAGO

/dpm