



Republika ng Pilipinas
Komisyon ng Karapatang Pantao ng Pilipinas
(Commission on Human Rights of the Philippines)

**ADVISORY OF THE COMMISSION ON HUMAN RIGHTS ON THE SITUATION OF
THE SO-CALLED “BOAT-PEOPLE” OR ROHINGYA**

The Commission on Human Rights (or “Commission”) expresses its grave concern over reports that “[l]ike Malaysia, Indonesia and Thailand, the Philippines will push back to sea undocumented Asian ‘boat people’”.¹ Although Justice Secretary De Lima has since clarified some of the issues,² the Commission wishes to remind our Government that, in line with its obligations under the Universal Declaration of Human Rights,³ the Philippines must respect the right of everyone “to seek and enjoy in other countries asylum from persecution.”⁴

The plight of the Rohingya has been extensively documented by international human rights organizations⁵ and the United Nations.⁶ Amnesty International reports that

Violence between religious communities and restricted humanitarian access continued **within a broader context of discriminatory laws and policies against the Rohingya, who remained deprived of nationality** under the 1982 Citizenship Act.⁷

A report before the General Assembly of the United Nations concurs:

By virtue of its lack of legal status, the Rohingya community continues to face systematic discrimination, which includes restrictions on the freedom of movement, on access to land, food, water, education and health care, and on marriages and birth registration. **The human rights violations faced by the Rohingya community have been regularly documented** by successive Special Rapporteurs on the situation of human rights in Myanmar. **These include summary executions, enforced disappearances, torture, forced labour and forced displacements, as well as rape and other forms of sexual violence.** [...] ⁸

As such, the persecution of Rohingya and their status as refugees and stateless persons is not disputed.

¹ See Jerry E. Esplanada, *PH to push boat people back to sea*, PHIL. DAILY INQUIRER, May 18, 2015 at A2.

² See Jerome Aning, *PH won't turn away boat people, assures De Lima*, PHIL. DAILY INQUIRER, May 19, 2015 at A3.

³ The UDHR is considered as reflecting customary international law. *See Republic v. Sandiganbayan*, G.R. No. 104768, 21 July 2003, 407 SCRA 10.

⁴ UDHR, Art. 14(1).

⁵ For a comprehensive overview of the situation, *see* Human Rights Watch, “*All You Can Do is Pray*”: *Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State* (April 2013).

⁶ For the most recent, *see* Report of the Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, U.N. Doc. A/HRC/28/72 (23 March 2015), paras. 38-48.

⁷ *See* AMNESTY INTERNATIONAL, REPORT 2014/15: THE STATE OF THE WORLD’S HUMAN (London: Amnesty International, Ltd., 2015) at 262.

⁸ Situation of human rights in Myanmar, U.N. Doc. A/69/398 (23 September 2014), para. 46. Emphasis supplied.

