



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’”.<sup>1</sup> Although Justice Secretary De Lima has since clarified some of the issues,<sup>2</sup> the Commission wishes to remind our Government that, in line with its obligations under the Universal Declaration of Human Rights,<sup>3</sup> the Philippines must respect the right of everyone “to seek and enjoy in other countries asylum from persecution.”<sup>4</sup>

The plight of the Rohingya has been extensively documented by international human rights organizations<sup>5</sup> and the United Nations.<sup>6</sup> 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.<sup>7</sup>

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. [...]**<sup>8</sup>

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

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

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

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

<sup>4</sup> UDHR, Art. 14(1).

<sup>5</sup> 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).

<sup>6</sup> 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.

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

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

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