



Plenary sitting

B8-1002/2016

13.9.2016

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the Philippines
(2016/2880(RSP))

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on behalf of the Verts/ALE Group

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**European Parliament resolution on the Philippines
(2016/2880(RSP))**

The European Parliament,

- having regard to its previous resolutions on the Philippines, notably the one of 8 June 2016 on the Framework Agreement on Partnership and Cooperation between the European Union and the Republic of the Philippines, of 14 June 2012, and of 21 January 2010,
- having regard to the European Union spokesperson on the Attack in Davao, Philippines of 3 September 2016
- having regard to the declaration by the High Representative on behalf of the EU on the Award rendered in the Arbitration between the Republic of the Philippines and the People's Republic of China on 15 July 2016
- having regard to the conjoint statement by UN Special Rapporteurs on extrajudicial, summary or arbitrary executions, Agnes Callamard and on the right to health, Dainius Pūras on the Philippines of 18 August 2016
- having regard to the EU-Philippines partnership cooperation agreement, signed in July 2012, which will provide the legal framework for further engagement and cooperation between the EU and the Philippines on a broad range of areas, including political dialogue, trade, energy, transport, human rights, education, science and technology, justice, asylum and migration
- having regard to the fact that since 25 December 2014, the Philippines have enjoyed enhanced trade preferences with the EU under the EU's Generalised Scheme of Preferences plus (GSP+), which is offered as an incentive to countries that respect certain basic UN conventions on rule of law, and human and labor rights
- having regard to the fact that negotiations for an EU-Philippines Free Trade Agreement were launched on 22 December 2015 and the first round took place in May 2016
- having regard to the UN Covenant on Civil and Political rights and the Additional Protocol thereto to which the Philippines are signatory,
- having regard that the Philippines will assume the ASEAN chairmanship in 2017
- having regard to the ruling of the Permanent Court of Arbitration tribunal in The Hague in favor of the Philippines on the sea boundaries with China in the South China Sea on 12 July 2017
- having regard to Rule 115(5) of its Rules of Procedure,

- A. Whereas on 9 June 2016, President Rodrigo Duterte won the national elections on a platform to radically fight corruption and drug related crime, including through extrajudicial killings of drug offenders and encouraged police and even ordinary citizens to shoot suspected drug dealers, thereby encouraging murder with impunity;
- B. Whereas since Mr. Duterte became President, vigilante and extrajudicial killings have reached the 3000, over 16 000 drug suspects have been arrested, mostly on the basis of hearsay and allegations put forward by fellow citizens; whereas additionally almost 700 000 have rendered themselves 'voluntarily' to register for treatment under the Tokhang program in order to avoid being targeted by police or vigilantes
- C. Whereas the chief of police Ronald dela Rosa has declared that the killings will continue until the Philippines are drug free and all addicts have been rehabilitated; whereas the Philippines are considered to have the highest usage rate of methamphetamines (Crystal Meth or Shabu) in the world, according to the Philippine Drug Enforcement Agency 1.5 million out of 3 million illegal drug users
- D. Whereas the Thai government, which ran a similar 'eradication' program in the past has come to the conclusion that it failed and is now considering decriminalizing methamphetamine
- E. Whereas on 7 August, the President revealed the names of more than one hundred government officials that were reportedly discovered to be involved in illegal drug trade and on 1 August launched a 24-hour complaint office accessible to the public through a nationwide hotline
- F. Whereas during his election campaign President Duterte called for the reinstatement of the death penalty which was abolished under President Arroyo in 2006, notably for illegal drug trade and whereas a draft bill is now under consideration in congress;
- G. Whereas another draft bill in congress is aiming at reducing the age of criminal responsibility from 15 to nine years;
- H. Whereas President Duterte proposed - as part of his election promise - to grant a general amnesty for all political prisoners, if the party leaders of the Communist Party of the Philippines (CPP) returned from exile and sat down for negotiations; whereas as a consequence, in August, the peace negotiations under the auspices of the Norwegian government have seen a major breakthrough in the 47 year old Guerilla war between the Philippine government and the CPP and its political and military wings (NDFP and NPA), that has cost the lives of an estimated 40 000 people;
- I. Whereas the president has taken an active interest in the employment crisis notably in Saudi Arabia which affects many of the 10 million Filipino migrant workers and has raised the hopes among workers' organisations that he might end the practice of 'contractualisation' (short term employment contracts depriving workers of any benefits coming with permanent employment)
- J. Whereas the new president has a track record of opposing the strong influence of the Catholic Church, supporting birth control and LGBTI rights; whereas during his time as mayor of Davao City, he took several award-gaining initiatives to improve the situation of women and he was the first mayor to give formal representation to the indigenous Lumad and the Muslim community and to initiate anti-discrimination measures;
- K. Whereas on 2 September 2016, a bomb exploded in President Duterte's home town Davao City, killing 14 people and injuring 67 others, for with the Islamist militant group Abu Sayyaf

claimed responsibility, and the President declared a nationwide "state of lawless violence", giving authority to the Security forces to conjointly conduct law enforcement operations, without however suspending the writ of habeas corpus

1. Extends its sincere condolences to the government and to the bereaved families of the victims of the Davao terrorist attack and strongly condemns this cruel act of indiscriminate violence against civilians
2. Highly welcomes President Duterte's initiative to invigorate the peace process with the CPP which for the first time achieved a unilateral, indefinite ceasefire, agreed by both sides, and is looking forward to see an end to this conflict in the very near future when according to the negotiation plan, a final agreement to end the armed conflict could be in reach within one year;
3. Welcomes the ruling of the International Court of Arbitration on the South China Sea, reiterates its stands that a negotiated solution should be found based on international rule of law, and at the same time notes positively that President Duterte has started a new initiative to reduce tensions and to solve competing claims through negotiations
4. Understands that in the Philippines millions of people are negatively affected by the high level of drug addiction and its consequences; expresses however great concern about the horrendous numbers of recent extrajudicial killings and urgently appeals to the President to stop the bloodshed
5. Calls to retract the shoot-to-kill order against people suspected of committing drug-related offences and to ensure that the policy complies with international human rights standards regarding the use of force by law enforcement officials;
5. Re-iterates its longstanding concern about festering impunity in the Philippines which is only being reinforced by the recent anti-drug campaign and calls on the authorities to bring the perpetrators of gross human rights violations to justice
6. Underlines that the Philippines continue to have one of the highest records of deaths of human rights defenders, the most recent prominent case being the murder of Gloria Capitan, campaigning for improved prison conditions and appeals to the government to accept the important role human rights defenders fulfil in any society
7. Recalls the Philippines' legal obligations under core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the Second Optional Protocol to the ICCPR, and calls on the police to uphold the constitutional rights of all, notably the right to life, and follow the rules on investigation and due process based on evidence
8. Calls on the government to prohibit Local Government Units (LGU) Executives and law enforcement units from implementing torture and dehumanizing methods in the fight against crime and drugs
9. Urges to professionalize and raise the human rights and respect for the rule of law standards of the Philippine National Police (PNP), the Philippine Drug Enforcement Agency (PDEA), the National Bureau of Investigation (NBI) and other law enforcement agencies

10. Calls on the President to consider the negative experiences of countries like Thailand, with methods based on repression and instead work on reducing the economic attraction of illegal drug trade for example with decriminalization
11. Expresses serious concern about the additional overcrowding of Filipino prisons and the over stretching of the judicial system due to the recent campaign, implying suffering and arbitrary treatment for hundreds of thousands of people
12. Welcomes President Duterte's engagement for drug rehabilitation programs and calls on the EU to support the government in its efforts to provide drug users with adequate help to rid themselves of their dependence, as well as to continue its support for reforms of the criminal justice system in the Philippines
13. Urges the congress to abstain from reintroducing the death penalty which according to all empirical evidence does not reduce drug delinquency and would destroy a great achievement of the Filipino justice system; hopes equally that congress will stop short of undermining widely accepted international norms by lowering the minimum age of criminal responsibility and making nine year old children criminally liable like adults
14. Calls on the authorities to ensure the protection of human rights defenders, trade unionists, indigenous leaders, and journalists and order thorough, independent, and impartial investigations into all cases of past crimes committed against them
15. Urges to adequately investigate past and present cases of enforced disappearances, in line with the Anti-Enforced or Involuntary Disappearance Act of 2012, and extrajudicial killings, especially those implicating police, military personnel, and armed militias
16. Calls on the authorities to ensure that the provisions of the Anti-Torture Act of 2009 are implemented and that torture complaints are investigated in a timely manner, perpetrators are brought to justice, and victims obtain redress and reparation
17. Calls on the government to implement the recommendations that the Philippines accepted during its latest Universal Periodic Review (UPR) in May 2012, as well as the recommendations made by the UN Committee on Economic, Social, and Cultural Rights (CESCR) in December 2008, the UN Human Rights Committee (HRC) in November 2012, and the UN Committee against Torture (CAT) in May 2016
18. Welcomes the EU support measures intended to improve the human rights situation in the Philippines, including building up regional human rights commissions
19. Calls on the European Commission and the EAS to bring the serious concerns about the ongoing campaign of extrajudicial killings to the attention of their Filipino counterparts; underlines that EU-Filipino relations, including the CPA, FTA and GSP+ dimensions are linked to the upholding of certain international norms; calls on the European Commission to particularly highlight the rules under which the GSP+ is given as an incentive and to look into whether the present situation presents a breach of the GSP+ rules
20. Instructs its President to forward this resolution to the Council, the Commission, the President and Government of the Philippines, the United Nations High Commissioner for Human Rights and the governments of the ASEAN Member States.