

# EUROPEAN PARLIAMENT

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*Session document*

15 December 2003

B5-0562/03

## MOTION FOR A RESOLUTION

tabled for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 50 of the Rules of Procedure

by Patricia McKenna and Matti Wuori

on behalf of the Green/EFA Group

on the end of the moratorium on the death penalty in the Philippines

**B5-0562/2003**

**European parliament resolution on the end of the moratorium on the death penalty in the Philippines**

*The European parliament,*

- Having regard to its previous resolutions on the death penalty in the world and most particularly its resolution adopted on 5 July 2001;
- Having regard to the EU guidelines on death penalty adopted by the Council the 6 June 1998;
- Having regard to Art. 3 of the Universal Declaration of Human Rights which affirms the right of everyone to life;

A. Whereas at the end of 2002, President Gloria Macapagal Arroyo had announced a moratorium on the death penalty until a bill on abolition was to be debated before Congress

B. Whereas the Philippines are signatory to a large number of UN conventions and dispose of a broad array of legal and institutional human rights safeguards for the prevention of inhumane treatment, torture, and other grave human rights violations

C. Whereas despite these legal provisions, extra-judicial killings, torture and ill-treatment continue to form a serious problem in the Philippines and impunity against the perpetrators is widely spread

D. Whereas this situation risks aggravation due to the fact that President Arroyo has responded recently to increased crime rates with the lifting of the moratorium on the death penalty, thereby opening the way for executions to resume in January 2004;

E. Whereas at least 7 child offender could be at risk of execution if the decision goes into force,

1. Strongly deplores the decision of the President of the Philippines to put an end to the moratorium on the death penalty for the 1st January 2004 and calls on Ms Arroyo to come back on her decision;

2. Strongly believes and expresses its conviction that the moratorium and finally the abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights whatever the crime committed;

3. Calls on the government of the Philippines to enforce the law prohibiting the sentencing of child offenders to death and to review the concrete cases of minors as a

matter of urgency to the effect that the age of any suspect accused of a crime be clearly established prior to any sentencing

4. In view of the irreversible nature of the death penalty and the wide-spread practice of forced concessions in Filipino police stations, strongly urges the government of the Philippines to take effective measures for the prohibition of torture and ill-treatment in order to close the gap between law and practice in the country

5. Calls on the Philippine government notably to establish effective complaint procedures for potential victims of ill treatment and thorough investigate measures and court proceedings against alleged perpetrators of human rights violations among the security forces,

6. Calls on the Council and the Commission to consider the abolition of the death penalty and a universal moratorium on execution as an essential element in relations between the EU and third countries, taking this issue into account in concluding or renewing agreements with third countries;

7. Instructs its President to forward this resolution to the Council, the Commission, the UN Security General, the Chairman of the UN Commission on Human Rights, the government and the President of Philippines and the Filipino Parliament.