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## **MOTION FOR A RESOLUTION**

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

pursuant to Rule 115 of the Rules of Procedure

by Pasqualina Napoletano

on behalf of the PSE Group

on the human rights situation in the Philippines

**European Parliament resolution on the human rights situation in the Philippines**

*The European Parliament,*

- having regard to the Alston report on the Philippines to the UN Human Rights Council of 8 April 2008,
  - having regard to European Commission’s Country Strategy Paper 2007-2013 for the Philippines,
  - having regard to the UN Declaration on Human rights Defenders and to the EU Guidelines on Human Rights Defenders,
  - having regard to the Declaration by the Presidency on behalf of the EU of 15th August 2008 on the situation in Mindanao,
  - having regard to its previous resolutions on the Philippines,
  - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas hundreds of activists, trade unionists, journalists and religious leaders in the Philippines had been killed and abducted since 2001, whereas the murder of radio journalist Ernesto Rollin is the latest case in the long list of politically-motivated murders,
- B. whereas the government denies any involvement of the security forces and the Army in those political killings despite ample evidence to the contrary,
- C. whereas 3 staff members of the ICRC in the Philippines were abducted in January 2009 by armed men and have still not been released,
- D. whereas in 2008 there were several cases where local courts found the arrest and detention of activists unlawful and ordered their release but those same people were subsequently re-arrested and charged with rebellion or murder,
- E. whereas in most of these extrajudicial killings no formal criminal investigation has been opened and the perpetrators remain unpunished despite many government claims that it adopted measures that would stop the killings and bring their perpetrators to justice,
- F. whereas the judiciary in the Philippines is not independent while lawyers and judges are also subject to harassment and killings,
- G. whereas the virtual impunity and witness vulnerability that prevails in the country makes it impossible to effectively investigate and prosecute criminal offences,

- H. whereas a last-minute legal intervention prevented the peace agreement between the government and MILF which resulted in armed clashes causing at least 62 civilian deaths and the displacement of 100 000 families, deeply concerned by the escalation of violence in Mindanao, the growing number of civilian casualties and displaced persons,
- I. whereas in April 2008 the UN Human Rights Council examined the situation in the Philippines and stressed the impunity for extrajudicial killings and forced disappearances but the Philippine government rejected recommendations for a follow-up report,
- J. whereas in order to put an end to abductions and extrajudicial killings it is necessary to address the economic, social and cultural root causes of violence in the Philippines,
1. Expresses its grave concern at the repeated cases of extrajudicial killings of political activists and journalists that occurred in the recent years in the Philippines, the role that army forces had played in orchestrating and perpetrating those murders and the total denial by the AFP of their involvement in the killings and reluctance of the military, the police and some government members to recognise the problem;
  2. Calls on the Government of the Philippines to investigate cases of extrajudicial executions and forced disappearances; calls at the same time on the government to put in place an independent monitoring mechanism to oversee the investigation and prosecution of perpetrators;
  3. Calls on the government to adopt measures in order to end the systematic intimidation and harassment of witnesses in the criminal prosecution for killings and ensure a truly effective witness protection; stresses also the need to stop inciting violence towards some political or civil society groups and to restore normal accountability mechanisms to check on government abuses;
  4. Strongly believes that the conflict in Mindanao can only be resolved through dialogue and calls on all parties to show restraint and genuine respect for the rule of law; at the same time, urges the Government of the Philippines and the MILF, who both have invested heavily in the peace process, to agree to an early return to negotiating table in order to seek a lasting solution to the conflict;
  4. Urges the Filipino authorities to fully apply the EU Guidelines on Human Rights Defenders and to guarantee the physical and psychological integrity of all human rights defenders in the Philippines, end all forms of harassment and ill-treatment of human rights defenders, ensure respect for human, rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by the Philippines;
  5. Reiterates its request to the Filipino authorities to allow the UN special bodies dealing with human rights protection unrestricted access to the country; also urges the country to swiftly adopt and implement laws that would translate the ratified international human rights instruments (e.g. against torture and enforced disappearances) into the national

legal system;

6. Calls on the Commission and the Council to ensure that the EU's financial assistance towards economic development of the Philippines is based on human rights assessment and accompanied by scrutiny on possible violation of economic, social and cultural rights with special attention being paid to encouraging dialogue and inclusion of all groups of the society;
7. Instructs its President to forward this resolution to the Council, the Commission, the President and the government of the Philippines, the UN Secretary General, the UN High Commissioner for Human Rights and the governments of the ASEAN Member States.