



---

*Plenary sitting*

---

**B8-0208/2018**

17.4.2018

## **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  
(2018/2662(RSP))

**Miguel Urbán Crespo, Marie-Christine Vergiat, Malin Björk, Patrick Le Hyaric, Barbara Spinelli, Estefanía Torres Martínez, Younous Omarjee, Stelios Kouloglou, Sofia Sakorafa, Xabier Benito Ziluaga, Ángela Vallina, Lola Sánchez Caldentey, Tania González Peñas, Luke Ming Flanagan, Kostadinka Kuneva**  
on behalf of the GUE/NGL Group

**B8-0208/2018**

**European Parliament resolution on the Philippines  
(2018/2662(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on the situation in the Philippines, notably of the 16 March 2017 and 15 September 2016,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights (ICCPR),
- having regard to the third Universal Periodic Review (UPR) of the Philippines adopted on 22 September 2017,
- having regard to the UN Convention for the Protection of all Persons from Enforced Disappearance,
- having regard to the Statements of the OHCHR, notably of 8 March 2018 and 27 December 2017 regarding UN experts,
- having regard to the Statement of the UN expert group of 31 July 2017 on spiralling rights violations, Ms. Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions; Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders; and Ms. Maud de Boer-Buquicchio, Special Rapporteur on the sale and sexual exploitation of children,
- having regard to the Framework Agreement on partnership and cooperation between the European Union and its member states, of the one part, and the Republic of the Philippines, of the other part,
- having regard to the statements of the EU Delegation and the Spokesperson the High Representative,
- having regard to the ongoing negotiations on an EU- Philippine Free trade Agreement and an EU-ASEAN regional free trade agreement;
- having regard to Rule 135 of its Rules of Procedure,

A. Whereas since Mr. Duterte took office in June 2016 and authorised a crackdown on users and sellers of narcotics, an estimated 12,000 people have been killed by the police or vigilantes; whereas the victims usually come from disadvantaged environments in which the retail with drugs is usually the only way to boost family economies, or where addictions and drug use abound;

- B. whereas the President and the government regularly criticised UN experts and keeps targeting domestic perceived critics, notably Senator and former Chair of the Philippine Commission on Human Rights, Leila de Lima, who's yet to face a trial despite having been under arrest for 14 months ; whereas she has documented direct responsibility of President Duterte for extrajudicial executions over three decades since he began his "war on drugs" as mayor of Davao in 1988 ;
- C. whereas the authorities claim that the killings during law enforcement operations were legitimate self-defence ; whereas in many reported or filmed interventions, it clearly appears wrong, such as in the case of the killing of Mayor Rolando Espinosa in his jail cell and of the minor Kian Loyd de los Santos ;
- D. whereas human right activists are under harsh clampdown by the government, with high officials, including Philippine Drug Enforcement Agency (PDEA) Spokesman, insinuating they are plotting with drug traffickers to destabilise the authorities or accusing them of terrorism ; whereas President Duterte himself has encouraged the police to fire on activists who supposedly obstruct the course of justice or accuses them of conspiracy ;
- E. whereas extrajudicial killings are not limited to the war on drugs ; whereas cases of harassment, disappearance, threats and killings of human rights defenders, journalists and indigenous peoples have increased in the past couple of months ;
- F. whereas the use of trumped-up charges to jail human rights defenders through perjured testimonies, defective warrants, and false charges is becoming more frequent; whereas UN Special Rapporteur on the rights of indigenous peoples, Ms. Victoria Tauli-Corpuz, a Philippine national, has been accused terrorism in a Government petition filed on 23 February 2018, together with 600 more individuals, mostly human right activists ; whereas the accusation against her comes after the public comments made, jointly with other Special Rapporteurs, in relation to the militarization, attacks and killings of indigenous Lumad peoples by members of the armed forces in Mindanao ;
- G. whereas the Philippines' Congress approved on December 13 to extend martial law on the island of Mindanao for another year following the request of Duterte; whereas, according to international organizations, civilians in Mindanao have faced unlawful killings, destruction of their homes, ill-treatment and numerous other human rights abuses at the hands of the Philippine armed forces since the imposition of martial law; whereas the UN has warned that the abuses could intensify with the extension of the martial law;
- H. whereas at the end of December, the UN warned about the massive violation of Human Rights suffered in the Philippine island of Mindanao by lumads; whereas UN experts estimate that, since October, at least 2,500 lumads have been displaced; considering that the rapporteurs have acknowledged their fear of the possibility that "some of these attacks are motivated by unfounded suspicions that the Lumads are involved with terrorist groups, or by their resistance to mining activities on ancestral lands;
- I. whereas while the local communities of Mindanao suffer the impacts of the war and are being forced to leave their communities, the mining industry praises the application of martial law ensuring that the growing military presence in the region gives them greater security;

- J. whereas at least 41 environmental defenders were killed in the Philippines in 2017; whereas most of them were leaders of communities and active participants in campaigns against mining projects and agribusiness;
- K. whereas in late November 2017, Ms **Elisa Badayos** and Mr **Eleuterio Moises** were **murdered by an armed group while** investigating land rights abuses in Bayawan, Negros Oriental province ; whereas on 12 December 2017, human rights defender and environmentalist Sherwin De Vera was arrested in Northern Luzon, in Ilocos Sur province, charged with rebellion and other crimes; whereas on March 2018 was murdered Ricardo Mayumi, indigenous leader who opposed a project to build an electric dam in indigenous territories, and Aguillo Quillo who opposed large-scale mining operation in Patukan;
- L. whereas armed forces and vigilante groups, notably in the area of Barangay San Ramon, have been responsible for various incidents of harassment and threats against farmers and peasant organisations that support the peasants' claims over their land rights;
- M. whereas the limited mandate, capacity and independence of the National Commission on Indigenous Peoples limits its capacity to address legal conflicts between the Philippines' Indigenous Peoples' Rights Act and legislation related to mining and forestry or on the implementation of demarcation and registration of indigenous peoples' territories;
- N. whereas these limited rights and violent responses from local authorities against the indigenous peoples and local farmers further fuels the rank of Mindanao insurgents ; whereas counterinsurgency operations were regularly conducted with disregard for collateral damage; whereas peace negotiations with the National Democratic Front of the Philippines (NDFP) failed in December last year ; whereas since then, the Communist Party of the Philippines (CPP) and its armed wing have shown readiness to return to the negotiating table with government ;
- O. whereas last February President Duterte affirmed that women in terrorist groups in the country must be shot "in the vagina" because, without it, "they are useless"; whereas this type of affirmations incites state forces to commit acts of sexual violence during armed conflicts, which constitutes a violation of international humanitarian law, encourages discrimination and gender violence, and encourages their impunity;
- P. whereas prisons are overcrowded, with a rise of 22 percent of its population since Duterte took office ; whereas the Public Attorney's office, a legal aid agency attached to the Department of Justice, has more than 700,000 cases outstanding ; whereas with 1,665 lawyers working for the agency, it means an average of 426 cases per lawyer ;
- Q. whereas conditions of detention must respect human dignity in all circumstances; whereas accusations of torture in places of detention are numerous and are not investigated or prosecuted despite the country's international commitments and existing legal safeguards, including law against torture adopted by the country in 2009 ;
- R. whereas the UN Committee against Torture underlined several other concerns such as arrests without warrants, pre-trial detention, coerced confessions or secret places of

detention ; whereas a National Preventive Mechanism on Torture has yet to be established in compliance with the OPCAT ;

- S. whereas a bill is yet to be adopted to reinstate the death penalty for serious drug-related crimes; whereas the Philippines was the first country in the region to have abolished the death penalty in 2007; whereas the reintroduction of the death penalty would be in clear violation of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is party as of 2007; whereas legislation on lowering the minimum age for criminal responsibility from 15 years to 9 years is currently being considered by the administration of President Duterte ;
- T. whereas online media Rappler has been shut down by the authorities in January, thus further undermining the freedom of expression and the press;
- U. whereas during its third UPR, the Philippines did not accept 154 of the 257 of the recommendations, precisely on ending extrajudicial killings, investigate past cases and eradicate impunity for violators as well as extend an invitation to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions ;
- V. whereas the Philippines, as a country with GSP+ status, is to implement all fundamental international human rights conventions, including trade union and environmental rights, listed in Annex VIII of the Regulation (EU) 978/2012; whereas the so-called democracy and human rights clause is included in the EU-Philippines Partnership and Cooperation Agreement ;
- W. whereas Boracay island will be closed to tourists for six months ; whereas tourism based industries and related lack of urban planning and public infrastructures such as sewage systems pose serious environmental challenges in developing countries, such as the Philippines and beyond ;
- X. whereas, despite economic growth, informal economy (up to 38.3% of the work force) and extreme poverty remains a challenge, especially in Autonomous Region of Mindanao where, seven out of ten families live below the poverty line, despite being a territory rich in mineral and agricultural resources;
- Y. whereas on the 8 February 2018, the International Criminal Court (ICC) decided to open preliminary examinations on crimes committed in the context of the “war on drug” campaign; whereas on 13 March, President Rodrigo Duterte announced that his country was reversing its ratification of the Rome Statute with immediate effect ; whereas this act does not exempt the Philippine government from its international legal obligations to protect its people ;

\*\*\*\*\*

1. Re-iterates its strong condemnation of the thousands of extrajudicial killings related to the anti-drug campaign; expresses its condolences to the families of the victims ;
2. Understands, that in the Philippines, millions of people are negatively affected by the

high levels of drug addiction and its consequences ; recalls that the Government's methods of combating the use of illegal drugs must be brought into line with international standards;

3. Calls on the government to prioritise the fight against drug trafficking networks and big drug barons over tracking down small-scale consumers; stresses that this fight must go hand in hand with means for prevention and detoxification ; encourages the government to open new detoxification centres and reorient the punitive approach to drug policy towards a model based on the protection of health and human rights;

4. Calls on the government to stop the political persecution of critics of the war on drugs and condemns all acts of violence, intimidation, arbitrary detention and convictions against these persons; further calls for the dropping of politically motivated drug trafficking charges and immediate release of the citizens unfairly convicted, such as Senator Leila De Lima, who has now been detained for over a year ;

5. Invites the government to remove the UNSR Ms. Tauli-Corpuz and all others who do not belong to the “terrorist list”, which de facto constitutes a virtual hit-list, putting their lives in danger ;

6. Reiterates its support to the creation of an official UN-led investigation into the human right violations and the thousands of killings, in order to facilitate accountability for unlawful deaths, as a step towards ending impunity, preventing further killings, delivering justice to victims, and ensuring reparations, unless the authorities of the Philippines immediately carry out impartial and meaningful investigations into all killings and prosecute and bring all perpetrators to justice;

7. invites the authorities to fully cooperate with the Special Procedures of the UN including by facilitating visits requested by the Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Special Rapporteur on extreme poverty and human rights and Special Rapporteur on the situation of human rights defenders.

8. Is deeply worried by the public statements made by President Duterte and other officials that instigate or incite state security forces and the general public to commit unlawful killings and other abuses against suspected drug dealers and users;

9. Condemns all forms of violence against women and recalls that these constitute a serious violation of the human rights and dignity of women and girls;

10. Calls for the depuration of armed forces and vigilante groups ;

11. urges the Philippine authorities to recognize that human rights defenders play a legitimate role in guaranteeing peace, justice and democracy; invites the authorities in the Philippines to guarantee, in all circumstances, the physical and psychological integrity of all human rights defenders and journalists in the Philippines and ensure that they can carry out their work in an enabling environment and without fear of reprisals, as stated by the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, in particular with Articles 1 and 12.2;

12. invites the Philippines to sign the UN Convention for the Protection of all Persons

from Enforced Disappearance ;

13. Highly recommend to drop the bill reintroducing death penalty; reminds that the EU considers capital punishment to be a cruel and inhuman punishment which fails to act as a deterrent to criminal behaviour and that such a law would be contradictory to Article 6 of the International Covenant on Civil and Political Rights and its Second Optional Protocol which stipulates that "no person within the jurisdiction of a State Party to the present Protocol shall be executed" ;

14. Further notes that Legislation to reform the juvenile justice system and introduce a National Preventive Mechanism on Torture are still pending, so are proposals on Universal Health Care, Anti- Discrimination and a Land-use Bill.

15. Encourages the EU to offer to provide further support for international law enforcement assistance and NGOs daily working with drug addicts ;

16. Recommends that the authorities suspend the martial law on the island of Mindanao; Reminds the authorities that the martial law cannot in any way evade respect for human rights and international law and that all measures must be strictly limited and justified, inter alia, by the principles of necessity and proportionality;

17. Urges the Member States by diplomatic means to persuade the Philippines to put an end to extrajudicial killings related to the anti-drug campaign ; recalls its demand of March 2017 that in the absence of any substantive improvements in the following months, the removal of GSP+ preferences should be considered;

18. Calls on the EU and the member states to immediately suspend any financial assistance, training programs, weapons sales, and capacity-building programs with the Philippine security forces until the government ends its abusive "war on drugs" and initiates meaningful investigations into alleged unlawful killings related to that campaign; recommends the Philippines to ratify the International Arms Trade Treaty ;

19. regrets that the EU-ASEAN Summit in Manila on 14 November 2017 focused mainly on the strategic partnership and the negotiations on a free trade agreement to the detriment of the dialogue and cooperation on the rule of law ; calls for the negotiations to be suspended pending the improvement of the human rights situation in the country;

20. Urges transnational companies to respect human rights and the principle of due diligence as the UN Guiding Principles on Business and Human Rights, and to take all the necessary measures to respect and protect the environment; Calls on the institutions of the Union to work towards the conclusion of binding international agreements that reinforce respect for human rights, especially in the case of companies based in the Union operating in third countries; and specifically, demands the support for the binding treaty that is being built within the United Nations; calls on the European Commission and the Member States to take the necessary measures against European companies that do not respect these standards or that do not satisfactorily compensate victims of human rights violations directly or indirectly their responsibility;

21. urges the Philippines to observe its obligations under international law to protect the human rights of indigenous peoples, including in the context of armed conflict ; reminds that

the authorities must ensure that all human rights abuses are halted and that there is justice and accountability for past attacks ;

22. further draws attention to the fact that the Philippines has the fastest-growing HIV infection rate in the Asia-Pacific region ; invites the Government of the Philippines to urgently address all current obstacles to access to condoms and HIV testing and to enhance current educational efforts on HIV prevention, school bullying against LGBTI as well as awareness campaigns in order to halt workplace discrimination currently entailing refusal to hire, unlawful firing and forced resignation of people with HIV ;

23. Instructs its President to forward this resolution to the Government and Parliament of the Philippines, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the ASEAN.