



Plenary sitting

B9-0290/2020

15.9.2020

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 144 of the Rules of Procedure

on the situation in the Philippines, including the case of Maria Ressa (2020/2782(RSP))

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on behalf of the GUE/NGL Group

B9-0290/2020

European Parliament resolution on the situation in the Philippines, including the case of Maria Ressa (2020/2782(RSP))

The European Parliament,

- having regard to its previous resolutions on the situation in the Philippines,
 - 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 report of the OHCHR, on the Situation of human rights in the Philippines, June 29, 2020
 - 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 European Commission's on the Generalised Scheme of Preferences covering the period 2018 - 2019, February 10, 2020
 - having regard to the European External Action Service "Philippines: Statement by the Spokesperson on the conviction of Maria Ressa and Reynaldo Santos", June 16 2020
 - having regard to Rule 144 of its Rules of Procedure,
- A. Whereas since President Rodrigo Duterte assumed office in June 2016, the human rights situation in the Philippines has undergone a dramatic decline; whereas during the pandemic and the lockdown it has been reported that human rights violations increased;
- B. whereas extrajudicial executions committed by police and professional killers or hired guns, linked to the authorities, in the context of the "war on drugs" continue to take place with total impunity; whereas police officers are receiving rewards for each suspected small-time drug dealer killed; whereas in exchange for release from jail, policemen rape women suspects or women whose relatives or spouses are detained as suspects; whereas victims continued to be overwhelmingly from poor and marginalized communities, and often were part of unsubstantiated "drug watch lists" that police continued to use in their operations; whereas the impact of the "drug war" includes not only loss of life but damage to the livelihoods, education, and the mental health of surviving family members while they try to live down the stigma;;
- C. whereas the High Commissioner for Human Rights' report, launched in June 2020, found, that the killings related to the government's anti-drug campaign were "widespread and systematic," and that at least 8,663 people had been killed; whereas other estimates, of more than 27.000 people killed; whereas according High Commissioner's report, police raids against drug suspects were also "routinely carried out without warrants" and police reports on their operations also indicated that evidence

may have been falsified; whereas since 2016 only in one case did the policemen involved get convicted; whereas President Duterte has explicitly encouraged police to commit extrajudicial executions and promised them immunity, while implicated police officers have received promotions;

- D. whereas according to Human Right Watch, Drug War deaths up 50% during Covid 19 pandemic; whereas they have documented the various abuses committed by security forces of those arrested for quarantine and curfew violations during the quarantine; whereas some are forced to sit under the intense midday sun, some are locked inside a dog cage; whereas Winston Ragos, an ex-military man, was murdered by the police in Quazon City for violating quarantine rules, then planted evidence on him; whereas a man was gunned down by the police in Manila after avoiding a checkpoint
- E. whereas the World Organisation Against Torture (OMCT), has documented 122 killings of children, from 1 to 17 years old, throughout the Philippines, during “war on drugs” between July 2016 and December 2019;
- F. whereas extrajudicial killings are not limited to the war on drugs; whereas since Mr. Duterte has been in power, 16 journalists have been assassinated; whereas in Asia the Philippines is the most dangerous country for journalists; whereas journalist are also facing criminal charges and prosecutions, and shutdowns; whereas in in early July, the Philippine Congress voted to deny the renewal of the broadcast franchise of ABS-CBN, the country’s largest TV and radio network; whereas the refusal to renew its broadcasting licence by President Duterte is seen as an act of retaliation for the media's coverage of the drugs trade and serious human rights abuses;
- G. whereas in June 2020, a Manila court convicted for libel journalists Maria Ressa and Reynaldo Santos Jr., both of the news website Rappler, which had been the subject of long-running harassment and threats because of its reporting on the anti-drug campaign, corruption and human rights abuses linked to the highest levels of political power in the country; whereas Ms Ressa and Rappler are facing at least six other cases and charges
- H. whereas State security forces and paramilitaries groups continue to harass, threaten, arbitrarily arrest and, in some instances, attack and kill trade union leaders, political activists, human rights defenders, environmentalists, indigenous peoples, community leaders, members of the opposition and any person who has spoken out against the “war on drugs” and other human rights violations; whereas women have additionally been threatened with rape and been harassed with sexual slurs; whereas the authorities are labelling individuals and as communists or terrorists and in some cases those who have been “red-tagged” were subsequently killed or received death threats;
- I. whereas according to the Office of the UN High Commissioner for Human Rights (OHCHR), at least 208 human rights defenders, journalists and trade unionists, including 30 women, have been killed between January 2015 and December 2019; whereas on August 10, Randall “Randy” Echanis, an agrarian reform advocate and peace consultant, was killed in his home in Quezon City on 10 August, whereas reports indicate he suffered brutal treatment before he died, including blunt force trauma to the head and stab wounds; whereas on 17 August, Zara Alvarez (a legal worker for the human rights group Karapatan) was killed, she had received repeated threats and was

subjected to harassment as a result of her human rights work and she was the 13th member of the organisation killed since mid-2016; whereas according to OHCHR, both Mr. Echanis and Ms. Alvarez had been repeatedly “red-tagged” and their names appeared on the list of at least 600 people the Philippine Department of Justice asked a court to declare as ‘terrorists’ in 2018;

- J. 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 the Senator Leila de Lima, the staunchest critic of Duterte's bloody "war on drugs", has been held in pre-trial detention since her arrest on February 24, 2017 based on trumped-up and politically motivated cases alleging her involvement in a drug trafficking ring; whereas the government prosecutors also irregularly changed the case filed against her from drug trading to conspiracy to commit drug trading, which is a further indication of the lack of solid evidence against her; whereas the trial continues to be protracted and centres on manufactured evidence largely coming from coached and perjured inmate-witnesses;
- K. whereas on February 2020, the International Forum on Lawfare: Weaponizing the Law vs Democratic’ Dissent, had already alerted on the judicial repression against political opponents such as Rappler journalists or the senator Leila de Lima;
- L. whereas on 3 July 2020, President Duterte signed so-called Anti-Terrorism Act of 2020; whereas this law include an overly broad definition of "terrorism" which can easily be interpreted to include any act of protest and dissent against the authorities; the law not only permits arrests without warrant, but also allows security forces to hold individuals for weeks without charge; whereas It also creates a civilian anti-terrorism council appointed by the president, which can designate individuals and groups as terrorists and order their detention without charge for up to 24 days even as the Philippine Constitution clearly provides that only a judge can issue a warrant of arrest; whereas activists believe the new law as a return to the past when Martial Law was in force and that it will be used by the authorities to silence critics and opponents;
- M. whereas the authorities seek to lower the minimum age of criminal responsibility from 15 years old to 9-12 years old;
- N. whereas, President Duterte has repeatedly displayed sexist and misogynistic speech and behaviour; whereas, said misogyny has found its way into the Philippine’s public life which now includes the arrest of staunch women critics such as Senator de Lima and journalist Maria Ressa; whereas it has also led to the presidential pardon of an American corporal convicted of murdering a Filipino transgender woman;
- O. whereas according to local NGOs, cases of violence and sexual abuse against women have increased during the Duterte administration; whereas during the pandemic, the militarized lockdown has increased women’s vulnerability to abuse and it has systematically denied women’s access to protection and redress;
- P. whereas the High Commissioner’s report noted that the “persistent impunity for human rights violations is stark and the practical obstacles to accessing justice within the country are almost insurmountable”; whereas families of victims have complained obstacles to filing cases, the continued difficulty of obtaining police or autopsy reports,

and the immense fear of retaliation;

- Q. whereas President Duterte has reiterated his intention to impose the death penalty; whereas bills to reintroduce the punishment are currently being reconsidered before Congress; 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 since 2007;
- R. whereas Philippines benefit from the EU's GSP+ scheme, which grants preferential access to the EU market conditional on the ratification and implementation of 27 international human rights, labor, and environmental treaties; whereas despite noting major backsliding in the country's human rights record, the EU has so far refused to trigger the mechanisms that could lead to the suspension of the trade benefit;
- S. whereas according to UN red-tagging, harassment and killings of trade unionists continue; whereas the Committee on Freedom of Association, of the International Labour Organization, has also raised concerns about "blanket linkages of trade unions to an insurgency" placing unionists in situations of extreme insecurity; whereas in the International Trade Union Confederation (ITUC) Report of 2020, the Philippines is included in the top 10 most dangerous countries in the world for workers; whereas the Philippine trade union movement has complained the repression of workers' rights, disappearances and killings of labor leaders and members; whereas the Centre of Trade Union and Human Rights has recorded 43 murder cases of industrial and agricultural union leaders, activists and members as well as leaders of community organisations; whereas the health pandemic has also been used as a pretext by many employers to illegally fire trade union leaders and bust the unions, and to cut costs and further labour flexibility;
- T. whereas the Philippines is the most dangerous country for defenders of environment; whereas according to Global Witness at least 43 land rights defenders were killed in 2019, whereas most of them were leaders of communities and active participants in campaigns against mining projects and agribusiness; whereas many of the murders happened in the Mindanao island where land rights activists are being accused of being communist rebels and targeted by government troops;
- U. whereas as at 31 March 2020, 359,941 persons remained displaced in Mindanao due to armed conflicts and natural disasters; whereas the implementation of martial law in Mindanao and of Memorandum Order No. 32 in the island of Negros has increased militarization in the region, with far-reaching impacts on the rights of farmers and indigenous peoples, in particular; 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 growing military presence in the region gives them greater security;
1. Reiterates its strong condemnation of the thousands of extrajudicial killings and other serious human rights violations related to the anti-drug campaign; expresses its condolences to the families of the victims;
 2. Calls on the Philippine authorities to end all violence targeting suspected drug offenders and to disband private and state-backed paramilitary groups; Calls for the depuration of

the police and armed forces;

3. Understands, that in the Philippines, millions of people are negatively affected by the high levels of drug addiction and its consequences; calls on the authorities 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 authorities 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; into line with international standards;
4. Reiterates that anti-terrorism legislation should not be used to punish citizens and the media for exercising their right of freedom of expression; asks the authorities to promptly amend its Anti-Terrorism Act of 2020 and all other laws that severely restricting the right to freedom of expression and association and to peaceful assembly and closing of civil society space and which are not fully conform to international obligations and standards;
5. Calls on the authorities 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; asks the authorities to immediately release Senator Leila de Lima, drop all politically motivated cases, and allow her to fully perform her rights and duties as a Senator and a human rights defender;
6. Denounces the increasing worldwide tendency to misuse law and judiciary systems to prosecute and silence political opponents, trade unionist, environmental and human right activists, known as lawfare;
7. Strongly condemns the killings of human rights defenders, including Randall “Randy” Echanis and Zara Alvarez, and demands the Philippine authorities to carry out an immediate, thorough, impartial, and transparent investigation into their murders with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
8. Demands the authorities to put an end to all acts of harassment against all human rights defenders, union leaders, political activists, environmentalists, indigenous peoples, community leaders, members of the opposition, to drop politically motivated charges and take legal measures to ensure their protection, particularly following threats, including of gender-based violence;
9. Urges the authorities in the Philippines to drop all charges against journalist Maria Ressa, Rappler, its CEO Reynaldo Santos and all Rappler staff, and not to oppose the appeal of their conviction in the cyberlibel case;
10. 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;

11. Call for the authorities to ensure that the rights to freedom of expression, association and peaceful assembly are respected and protected; on this sense calls to renew the broadcasting license of the main audio-visual group ABS-CBN and to end all harassment against journalists and independent media;
12. Rejects the incitement to violence and discrimination committed by the highest levels of government with near-total impunity;
13. 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;
14. Highly recommends to drop the bill reintroducing death penalty; reiterates its strong opposition to the use of the death penalty in all cases and under all circumstances; considers that the death penalty violates human dignity and can constitute cruel, inhuman and degrading treatment;
15. Reiterates its support to the creation of an official UN-led independent international investigative mechanism on extrajudicial executions and other human rights violations committed in the Philippines since 2016, with a view to contributing to accountability; on this sense, urges the EU and its member states to proactively support the adoption of a resolution at the ongoing 45th session of the UN Human Rights Council to set up an independent international investigation on human rights violations committed in the Philippines since 2016;
16. Calls on the United Nations Human Rights Council (HRC) to respond robustly to the recent report on the situation in the Philippines by the UN High Commissioner for Human Rights;
17. Invites Philippine authorities to fully cooperate with the Special Procedures of the UN including by facilitating visits requested; invites the Philippines to sign the UN Convention for the Protection of all Persons from Enforced Disappearance ;
18. Urges the Commission, the EEAS, EU leaders and member states to remind the authorities of the Philippines of their human rights obligations under international law, the GSP+ and the PCA; reminds its previous demands that in the absence of any substantive improvements, the removal of GSP+ preferences should be considered; on this sense demands unequivocally that the European Union immediately suspend the GSP+ privilege of the Philippines and inform it that the privilege shall be restored only upon submission of evidence that the above human rights violations had been addressed;
19. 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;

20. 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.