



Plenary sitting

B9-0292/2020

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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B9-0292/2020

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 Philippines, in particular that of 18 March 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 statements by the Spokesperson of the High Representative of 16 June 2020 on the conviction of Maria Ressa and Reynaldo Santos Jr., and on the Philippines and the International Criminal Court of 16th March 2018,
- having regard to the joint staff working document on the EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) assessment of the Philippines covering the period 2018-2019, of 10 February 2020,
- having regard to the EU Common Position on Arms Exports, particularly criterion two on the respect for human rights and international humanitarian law by the recipient country;
- having regard to the EU Guidelines on Human Rights and International Humanitarian Law,
- having regard to UN Security Council Resolution 2467 on conflict-related sexual violence
- having regard to the Resolution adopted by the UN Human Rights Council on the Promotion and protection of human rights in the Philippines of 11 July 2019;
- having regard to the Report of the UN Office of the High Commissioner for Human Rights on the human rights situation in the Philippines of 29 June 2020,
- having regard to the International Covenant on Civil and Political Rights and the Additional Protocol to which the Philippines is a signatory
- having regard to the Rome Statute of the International Criminal Court,
- having regard to the Human Rights Defenders Protection Act adopted in June 2019 by the House of Representatives of the Philippines,
- having regard to Rule 144 of its Rules of Procedure,

A. whereas the Philippines and the EU have longstanding diplomatic, economic, cultural

and political relations; whereas through ratification of the Partnership and Cooperation Agreement, the European Union and the Philippines have reaffirmed their joint commitment to the principles of good governance, democracy, the rule of law, human rights, the promotion of social and economic development, and to peace and security in the region;

- B. whereas the space for civil society and non-governmental organizations is increasingly shrinking since the election of President Duterte in June 2016; whereas President Duterte has made statements encouraging violence and police attacks against human rights groups and advocates; whereas his government's emphasis on national security, intelligence-gathering and "red-tagging" - the labelling of individuals or groups as terrorists or communists - has alarmingly undermined legitimate and peaceful work of civil society organizations;
- C. whereas human rights defenders, journalists and activists routinely face threats, harassment, intimidation and violence for seeking to expose allegations of extra-judicial killings and other human rights abuses in the country; whereas between January 2015 and December 2019 at least 208 human rights defenders, journalists and trade unionists, including 30 women have been killed and the government has failed to ensure impartial, transparent, independent, effective investigations and prosecutions in the vast majority of cases; whereas the LGTBQI community faces continuous harassment;
- D. whereas the Philippines authorities adopted a new Anti-Terrorism Act on 3 July 2020; whereas according to local civil society groups, the law alarmingly weakens human rights safeguards, broadens the definition of terrorism and expands the period of detention without a warrant from 3 to 14 days, therewith blurring important distinctions between criticism, criminality and terrorism and rising issues of legality and further increasing the risks for human rights violations and normalizing the ongoing state of emergency; whereas as of 1 September 2020 there are 31 lawsuits challenging the constitutionality of the "Anti-Terrorism Act"
- E. whereas since 1 July 2016, more than 12 000 people, including women and children, have reportedly been killed during an ongoing campaign against drugs, proclaimed as President Duterte's 'war on drugs'; whereas President Duterte has vowed to continue his anti-drug campaign until the end of his presidential term in 2022; whereas Senator Leila de Lima, a human rights activist and a high-profile critic of President Duterte's anti-drugs campaign, was removed from her position as chairperson of the Senate Committee on Justice and Human Rights on 19 September 2016 and has been imprisoned since 24 February 2017;
- F. whereas the Philippines ranks 136th out of 180 countries on the latest World Press Freedom Index by Reporters Without Borders (RSF); whereas media freedom in the Philippines has been particularly affected by President Duterte's campaign against drugs; whereas the national TV station ABS-CBN, one of the Philippines' largest broadcasters, has been shut down by the authorities as a result of the channel's criticism of the Duterte administration, whereas the shutdown of the station cost thousands of employees their jobs;
- G. whereas Maria Ressa, a Filipino-American journalist and co-founder and CEO of the

news website “Rappler”, has long been targeted for her criticism of the government’s “war on drugs” and Rappler’s critical reporting on the extrajudicial killings carried out by the government; whereas Maria Ressa together with Reynaldo Santos Jr., a Rappler researcher, were charged of “cyber libel” and convicted by a Manila Regional Trial Court on 15 June 2020 with an undetermined sentence, with the possibility of facing up to six years in prison; whereas there is a second action for online defamation ongoing against Maria Ressa, brought by the same plaintiff over a tweet on February 19, 2019;

- H. whereas in a 2018 global analysis the UN Special Rapporteur on the Rights of Indigenous Peoples identified the Philippines as a country among those with the highest incidence worldwide in terms of criminalization and attacks against indigenous human rights defenders; whereas the killings of human rights defenders Jory Porquia in April, Randall “Randy” Echanis and Zara Alvarez in August 2020 remain unsolved; whereas civil society actors and actors close to the NGO KARAPATAN have particularly become under pressure and have become a target for the government;
- I. whereas the UN has warned about the militarisation in indigenous territories and restrictions on the freedom of assembly and expression are increasing and closely aligned to business interests; whereas the persistent lack of security and economic development on the island of Mindanao as well as the reported violations of international humanitarian law and the lack of progress in transitional justice and reconciliation remain of serious concerns;
- J. whereas the targeting of land and environmental rights defenders is a serious concern as they feature prominently among the documented killings of human rights defenders; whereas indigenous human rights and environmental defenders who oppose the expansion of private land ownership are being increasingly threatened, criminalized and accused of belonging to left-wing guerrilla groups and therefore labelled as terrorists;
- K. whereas President Duterte has made a number of derogatory and demeaning statements about women and has repeatedly justified rape; whereas women human rights defenders face degrading and sexually charged comments, rape threats and attacks; whereas female politicians are particularly subjected to misogynistic comments; whereas the Philippines failed in 2019 to pass pending legislation prohibiting discrimination based on sexual orientation and gender identity in employment, education, health care, housing, and other domains;
- L. whereas several studies have shown that the campaign against illegal drugs have strongly affected women and children causing psycho-social trauma and economic hardships, as well as further human rights violations; whereas at least 73 children were killed by stray bullets in the context of the campaign against illegal drugs; whereas grave violations against children committed by State and non-State actors in the context of military operations, including the recruitment and use of children in combat or support, remain of serious concern;
- M. whereas the COVID-19 pandemic has further accelerated the deterioration of the human rights situation in the Philippines; particularly with regards to freedom of expression, media integrity and predictable enforcement and grave repercussions on the capacity of the media and civil society to document such transgressions; whereas the most

vulnerable communities in urban areas have been strongly affected by the police and the military's use of violence to enforce quarantine;

- N. whereas in March 2018, the Philippines withdrew from the International Criminal Court (ICC) after the ICC started its "preliminary examination" of the complaint filed against Mr. Duterte in connection with the high number of killings under the anti-drug campaign;
- O. whereas the Philippines House of Representatives approved a bill on 7 March 2017 to reinstate the death penalty; whereas the bill still requires senatorial approval before the president can sign it into law; whereas President Duterte has actively campaigned for the reinstatement of the death penalty, notably during his 5th speech to the nation on 27 July 2020; whereas the House committee on justice resumed its debate on the issue on 5 August;
- P. whereas the government has repeatedly tried to purchase electronic surveillance equipment; whereas the UK government has already sold to the authorities around £150,000 worth of surveillance technology, including IMSI-catchers, which are used to eavesdrop on telephone conversations, and surveillance tools to monitor internet activity;
- Q. whereas since 25 December 2014 the Philippines has enjoyed enhanced trade preferences under the EU's Generalised Scheme of Preferences (GSP+), whereas this status is dependent upon its ratification and implementation of international conventions on human and labour rights, environmental protection, and good governance ; whereas in 2019, 25% of total Philippine exports to the EU (almost 2 billion euros) enjoyed the preferential treatment under this scheme;
- R. whereas the indicative allocation for EU development assistance for 2014-2020 for the Philippines was EUR 325 million;
1. Deplores the spiralling downward trend of the human rights situation in the Philippines under President Duterte, and calls for a robust response from the EU;
 2. Denounces the shocking number of extrajudicial killings by the armed forces and vigilante groups and the context of near-total impunity under President Duterte's 'war on drugs'; observes that the overwhelming majority of the victims of such abusive policies rank among the poor and marginalized communities; stresses that the Philippine authorities must pursue their fight against illicit drugs through non-violent means and with a focus on public health and in full compliance with due process, in line with national and international law; recalls that the right to health is inalienable, including for persons who use drugs;
 3. Condemns all threats, harassment, intimidation and violence against those seeking to expose allegations of extra-judicial killings and other human rights abuses in the country; urges the Government of the Philippines to ensure that human rights defenders, journalists and activists can carry out their work in an enabling environment and without fear of reprisals;
 4. Calls on the authorities of the Philippines to immediately carry out impartial,

transparent, independent and meaningful investigations into all extrajudicial killings, including the ones of Jory Porquia , Randall “Randy” Echanis and Zara Alvarez, and into alleged violations of international human rights and humanitarian law, with a view to prosecute the perpetrators;

5. Urges the EU and all its Member States to support the adoption of a resolution at the ongoing 45th session of the UN Human Rights Council to set up a United Nations-led, independent investigation into the human rights violations and killings committed in the Philippines since 2016 and for those responsible to be brought to justice;
6. Recalls its strong support to all human rights and environmental defenders in the Philippines and their work; calls on the EU delegation and member states’ representations in the country to prioritize support to civil society and to use all available instruments to increase their support for human rights and environmental defenders’ work, including by ensuring them visibility through social media channels as a way to acknowledge their crucial role and, where appropriate, to help enable the issuing of emergency visas and facilitate temporary shelter in the EU Member States;
7. Urges the Philippines authorities to relieve Maria Ressa and Reynaldo Santos Jr. from all politically motivated charges against them and annul their conviction; calls for an end of any further acts of harassment against Maria Ressa and of attacks on independent media and reporting; calls on the EU Delegation and EU member states’ representations in Manila to closely monitor the case against Maria Ressa and Reynaldo Santos Jr. and to provide all necessary assistance;
8. Reiterates its call on the authorities of the Philippines to release Senator Leila De Lima and to provide her immediately with adequate security and sanitary conditions whilst in detention, especially in light of the COVID-19 pandemic; further reiterates its call on the authorities to guarantee a fair trial and to drop all politically motivated charges against her; calls for the EU to continue to closely monitor the case against Senator De Lima;
9. Denounces the threats, intimidation and personal attacks directed against UN special procedure mandate holders; urges the authorities of the Philippines to cooperate with the Office of the UN High Commissioner for Human Rights and all UN human rights mechanisms, including by facilitating country visits and refraining from acts of intimidation or retaliation;
10. Calls on the Philippine government to fully cooperate with the Office of the Prosecutor of the International Criminal Court in its preliminary examination of the Philippines and revert the country’s withdrawal as a signatory to the Rome Statute;
11. Reiterates its deep concern about the decision of the House of Representatives to reintroduce the death penalty; calls again on the Philippine authorities to immediately halt ongoing proceedings to reinstate the death penalty, which according to all empirical evidence does not reduce drug delinquency and would destroy a remarkable achievement of the Philippine justice system;
12. Strongly condemns President Duterte’s demeaning and misogynist statements about women; reminds the President that encouraging state forces to commit sexual violence

during armed conflict is in violation of international humanitarian law and human rights, notably UNSCR 2467; calls on the President to respect women's rights under international human rights treaties and to refrain from inciting violence against women;

13. Expresses dismay at the failure of the European Commission to draw the necessary conclusions from its assessment of the human rights situation in the country and the notable shortcomings of the Philippines in meeting its commitments under the GSP+ scheme; urges the Commission to initiate the procedural steps which should lead to the temporary withdrawal of the GSP+ preferences;
14. Calls on the Philippines authorities to support the implementation of the UN Guiding Principles on Business and Human Rights and to ensure effective human rights due diligence processes for investment, development and business projects, especially with regard to large scale agri-business acquisitions, extractive industries, infrastructure projects and cooperation involving the security sector; calls on companies based in or operating within the EU to strictly comply with the UNGPs and both international and national human rights law, as well as to conduct a meticulous and comprehensive due diligence process in relation to all their business operations and relationships within the country, ensuring effective, meaningful and informed consultations at all stages of the process with both affected and potentially affected stakeholders, including but not limited to communities, human rights defenders, indigenous people, workers, trade unions, civil society and women's organizations;
15. Calls on the Philippine authorities to refrain from using the COVID-19 outbreak as a tool to bolster and pursue extra-judicial killings and any form of harassment, violence, intimidation and threat, in particular towards the press and civil society as a whole;
16. Urges the government to protect and provide medical treatment in detention facilities and to detainees who are not released; calls on the authorities to draft comprehensive plans to prevent and respond to a COVID-19 outbreak in detention facilities that do not rely on simple lockdowns, providing measures to protect the physical and mental health of detainees and allowing them to have access to family and legal counsel;
17. Urges the Philippines to fully implement the Indigenous Peoples' Rights Act and observe its obligations under international law to protect the human rights of indigenous peoples, including in the context of armed conflict; in particular, calls on the Philippines to ensure full respect for the principle of free, prior, informed consent and the meaningful participation of affected indigenous communities at all stages;
18. Calls on EU Member States to refrain from exporting repressive technology including surveillance technology to the Philippine authorities; calls on Member States to refrain from providing the Philippines with security and military equipment which would be non-compliant with the legal obligations of criterion two of the EU Common Position on Arms Exports;
19. Instructs its President to forward this resolution to the President, 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

Member States.