



Plenary sitting

B9-0294/2020

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 S&D Group

B9-0294/2020

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, in particular those of 15 September 2016¹, of 16 March 2017² and of 18 April 2018³;
- having regard to the Report by the UN High Commissioner for Human Rights Michelle Bachelet of 29 June 2020 on the situation of human rights in the Philippines;
- having regard to the Resolution adopted by the Human Rights Council of 11 July 2019 on the promotion and protection of human rights in the Philippines⁴;
- having regard to the EEAS spokesperson statement of 16 June 2020 statement on the conviction of Maria Ressa and Reynaldo Santos;
- having regard to the letter by the European Parliament Media Working Group to the President of The Philippines Mr Rodrigo Duterte of 7 July 2020;
- having regard to the Philippines Republic Act. n.11479 of 3 July 2020, also known as Anti-terrorism bill;
- having regard to the Asia-Europe Meeting (ASEM) joint statement of 7 September 2020 on Covid 19;
- having regard to the Framework Agreement on Partnership and Cooperation between the European Union (EU) and its Member States, of the one part, and the Republic of the Philippines, of the other part;
- 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 2016-2019, of 10 February 2020 (SWD(2020) 24);
- having regard to the status of the Philippines as a founding member of the Association of Southeast Asian Nations (ASEAN);
- having regard to the outcome of the 22nd ASEAN-EU ministerial meeting of 21 January 2019, to the ASEAN-EU Plan of Action (2018-2022), and to the 3rd EU-ASEAN Human Rights Policy Dialogue of 27 November 2019;

¹ Texts adopted, P8_TA(2016)0349.

² Texts adopted, P8_TA(2017)0088.

³ Texts adopted P8_TA(2018)0175.

⁴ Texts adopted A/HRC/RES/41/2.

- having regard to the diplomatic relations between the Philippines and the EU (formerly the European Economic Community (EEC)) established on 12 May 1964 with the appointment of the Philippine Ambassador to the EEC;
 - having regard to the United Nations Convention on the Rights of the Child;
 - having regard to the International Convention for the Protection of all Persons from Enforced Disappearance;
 - having regard to the EU Guidelines on Human Rights;
 - having regard to the Rome Statute and the International Criminal Court’s jurisprudence;
 - having regard to the Report on Preliminary Examination Activities by the International Criminal Court Office of the Prosecutor of 5 December 2018;
 - 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 Rules 135(5) and 123(4) 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 Philippines has withdrawn from the Rome Statute as of 17 March 2019; whereas according to art 127.2 of the Rome Statute and to the International Criminal Court ruling in the situation in Burundi, the Court retains its jurisdiction over crimes committed during the time in which the State was party to the Statute and may exercise this jurisdiction even after the withdrawal became effective; whereas since 8 February 2018 the Office of the Prosecutor of the International criminal Court has been carrying out a preliminary examination focusing on crimes allegedly committed in the Philippines since at least 1 July 2016, in the context of the so-called “war on drugs” campaign launched by the government to fight the sale and use of illegal drugs;
- C. whereas the UN High Commissioner for Human Rights recently presented her report following a thorough analysis of official data and documents from governmental and non-governmental sources, including legislation, policy guidelines, court documents, police reports, videos, photos and open source reports, along with interviews with victims and witnesses; whereas her report details widespread human rights violations and persistent impunity;
- D. whereas since 1 July 2016, the most conservative figure based on government data suggests that 8.663 people, including women and children, have been killed in the Philippines during an ongoing campaign against drugs, internationally proclaimed as President Duterte’s ‘war on drugs’; whereas, reportedly, media, civil society and human

right activists indicate estimates of up to triple that number; whereas the real number of victims still needs to be officially verified and, according to its recent report, the “OHCHR ultimately cannot verify the number of extrajudicial killings without further investigation”⁵; whereas President Duterte has vowed to continue his anti-drug campaign until the end of his presidential term in 2022; whereas during the latest months there has been reportedly a resurgence of these assassinations; whereas the EU remains deeply concerned about the high number of killings associated with the campaign against illegal drugs in the Philippines;

- E. whereas the Philippines Government has indicated that 223.780 “drug personalities” were arrested from 1 July 2016 to 31 December 2019, without making clarity on how many charges related to trade in drugs as opposed to personal drug use, and how many persons were convicted, released, or remain in pre-trial detention; whereas, according to the OHCHR “the lack of clarity, coupled with due process irregularities, raises concerns that many cases may amount to arbitrary detention”⁶;
- F. whereas all people who use drugs retain the right to health based on voluntary treatment; whereas according to a 2015 survey there are approximately 1.8 million drug users in the Philippines⁷ and the Government has mostly employed increasingly violent law enforcement measures; whereas the “OHCHR is concerned that the involvement of law enforcement agencies in drug rehabilitation programmes runs counter to the provisions of evidence-based medical treatment and rehabilitation”⁸;
- G. whereas according to government data, the Internal Affairs Service of the National Police launched 4,583 investigations between July 2016 and May 2019 but only in one case three police officers were eventually convicted of a drug campaign-related killing; whereas a number of drug related extrajudicial killings have been reportedly committed by unidentified and masked persons, suggesting their possible collusion with police and local government officials in some cases; whereas a number of local and international NGOs, including Amnesty International and Human Rights Watch, are denouncing a situation of persistent impunity for the perpetrators;
- H. whereas according to the OHCHR “human rights advocacy is routinely equated with insurgency”⁹ and “since 2007, various United Nations human rights mechanisms have repeatedly raised concerns about threats against and vilification, arbitrary detention, legal harassment, enforced disappearances and killings of human rights defenders”¹⁰; whereas the Government has not cooperated with the OHCHR providing figures on killings of human rights defenders; whereas the OHCHR has verified the killings of 208 human rights defenders, journalists and trade unionists, including 30 women, between January 2015 and December 2019; whereas this dramatic figure does not include the victims in 2020, the last of which were peace activist Randall Echanis and human rights defender Zara Alvarez; whereas both Randall Echanis and Zara Alvarez, similarly to

⁵ A/HRC/RES/41/2 § 22

⁶ A/HRC/RES/41/2 § 32

⁷ Dangerous Drugs Board, 2015, Nationwide Survey on the Nature and Extent of Drug Abuse in the Philippines, p.54

⁸ A/HRC/RES/41/2 § 37

⁹ A/HRC/RES/41/2 § 83

¹⁰ A/HRC/RES/41/2 § 50

other previous victims, had been listed on a Government's terrorist list; whereas the Government has failed to ensure transparent, independent, effective investigations and prosecutions in the vast majority of cases;

- I. whereas indigenous people in the Philippines account for 10-20% of the entire population; whereas as at 31 March 2020, 359,941 persons remained still displaced in Mindanao; whereas a vast majority of indigenous people live in very poor conditions, do not enjoy equal opportunities, access to social services and are highly vulnerable to abuses; whereas the targeting of indigenous peoples by the Philippines authorities is a serious concern; whereas the UN warned about the massive human rights violations suffered by Lumads on the Philippine island of Mindanao, including killing, forced displacement, use of harassment, torture and arrests against indigenous people peacefully protecting their property; whereas these attacks are motivated by the unfounded suspicions that the Lumads are involved with terrorist groups, or by their resistance to mining activities on ancestral lands; whereas indigenous people's rights defenders together with land and environmental rights defenders feature prominently among the documented killings of human rights defenders;
- J. whereas Senator Leila De Lima, one of the main opponents 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 was arrested on 23 February 2017; whereas Senator De Lima led the investigations into the extrajudicial killings in Davao while President Duterte was mayor of the city; whereas there are serious concerns that the offences Senator De Lima has been charged with are almost entirely fabricated and politically motivated; whereas Senator De Lima is still detained awaiting trial since February 2017; whereas during the COVID-19 outbreak, a Supreme Court initiative aimed to the release of nearly 10,000 prisoners; whereas Senator De Lima remained detained in prison also during the COVID-19 outbreak and was kept isolated for four months, without the possibility to receive visits and the right to join online meetings of the Senate;
- K. whereas in 2020 Philippines ranks 136 out of 180 countries in the Press Freedom Ranking published annually by Reporters Without Borders; whereas in 2018 the Securities and Exchange Commission revoked the licence of the prominent news website Rappler; whereas its Chief Executive Officer, Maria Ressa, has been arrested multiple times on various charges and convicted with researcher Reynaldo Santos for cyber libel; whereas she is exposed to almost 100 years in prison as a result of all other cases; whereas in February 2020 the President threatened to shut down major broadcaster ABS/CBN, claiming that its reporting was biased against him; whereas in May 2020 the ABS/CBN license was not renewed, leading to the immediate shutdown of its broadcasting services and curtailing citizens right to information; whereas the OHCHR and United Nations special rapporteurs have raised concerns about what appears to be "a pattern of intimidation" of independent news sources;
- L. whereas freedom of expression is severely constrained and curtailed by fear of red-tagging, retaliation or selective responses; whereas in May 2020 a number of citizens bashing the President on social media were warrantless arrested and charged for inciting to sedition;

- M. whereas President Duterte has made a number of derogatory and demeaning statements about women and has repeatedly justified rape and called for the shooting of women;
- N. whereas the LGTBI community faces continuous harassment; whereas President Duterte has repeatedly attempted to use homosexuality as a smear against political opponents and publicly made statements in May 2019 implying that being homosexual is a disease; whereas in June 2020 the police cracked down on a LGBTI pride event and reportedly arrested 20 people; whereas in September 2020 President Duterte granted an absolute pardon to the killer of Jennifer Laude, a transgender woman;
- O. whereas the President has recently signed the Republic Act. n.11479 to modify and, reportedly, harden its legislation against terrorism; whereas the Republic Act. n.11479 includes broad offences not necessarily linked to terrorism such as engaging in acts intended to endanger a person's life or to damage private property or to use weapons; whereas the Republic Act. n.11479 allows to detain a suspect for 14 or up to 24 days without charge and judicial warrant; whereas the Republic Act. n.11479 provides for the establishment of an Anti-Terrorism Council whose members are appointed by the executive and in charge of specifically determining what constitutes serious risks and the application of the new provisions; whereas several protesters rallying against the Republic Act. n.11479 have been reportedly arrested in different cities in the countries;
- P. Whereas there is an estimated 60,000 to 100,000 children in the Philippines involved in prostitution rings; whereas an undetermined number of children are forced into exploitative labour operations; whereas the UNICEF has expressed deep concerned about the lowering of age for prosecuting criminal offenders; whereas the United Nations has verified the recruitment and use of children by the armed rebel organisation National People's Army (NPA) in combat or support roles in 2019, and by the Armed Forces of the Philippines (AFP) to provide support in a military camp; whereas the United Nations lists NPA among parties that commit grave violations affecting children in situations of armed conflict;
- Q. whereas as of today there 32 draft bills pending consideration by the Philippines House of Representatives and Senate to reinstate death penalty; whereas President Duterte has actively campaigned for the reinstatement of the death penalty, as also reiterated in his State of the Nation address of July 2020; whereas 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;
- R. whereas in 2019 Philippines ranked 113 out of 180 countries in the Corruption Ranking published annually by Transparency International;
- S. whereas the Philippines is a beneficiary of the European Union's Generalised Scheme of Preferences Plus (GSP+);
- T. whereas the EU-Philippines Partnership and Cooperation Agreement calls for the establishment of a meaningful human rights dialogue in the form of a Working Group on Human Rights;
- U. whereas the strict lockdown policy due to the Covid-19 has not ended "drug war"

killings as Human Rights Watch reports that Philippine government statistics show that the police killed 155 people in April to July 2020, a 50% increase from the 103 people killed from December 2019 to March 2020;

- V. whereas the government has taken a punitive approach to managing Covid-19 instead of a health- or science-based approach; whereas President Duterte has stated that the police and military should “shoot them dead” referring to quarantine violators; whereas in April 2020, Quezon City police shot and killed Winston Ragos as a result of the latter violating quarantine; whereas some of those arrested for violating quarantine or Covid-19 related curfews have been subject to inhumane treatment such as detention in dog cages or being forced to sit in the midday sun which can reach over 40 degrees centigrade; whereas there have been cases of indigent people suspected of having Covid-19 being forcibly removed from their homes and placed in quarantine facilities;
- W. whereas during the COVID-19 outbreak, in July 2020, 9500 people who had lost their job, were reportedly crammed into a stadium in Manila before being allowed to return to their home provinces; thousands of repatriated and outgoing overseas Filipino workers were forced to endure inhumane conditions, including camping near the airport and sleeping in a baseball stadium violating social distancing guidelines, when their employment was discontinued due to the Covid-19 pandemic and the government halted public transportation and failed to provide adequate shelter.
1. Expresses its deepest concern for the situation of human rights in the Philippines as detailed in the UN High Commissioner for Human Rights report of 29 June 2020;
 2. Calls on the Government of the Philippines to adopt and implement, in full cooperation with the OHCHR, all the recommendations listed in the UN High Commissioner for Human Rights report of 29 June 2020;
 3. Calls on the Philippines Authorities to protect all their citizens and put an immediate end to human rights violations and extrajudicial killings in the pretext of a ‘war on drugs’; strongly condemns the high number of human rights violations and extrajudicial killings by the armed forces and masked groups related to the anti-drug campaign; expresses its condolences to the families of the victims;
 4. Invites the Philippines to cooperate fully with the UN Special Procedures; encourages the ICC to continue its inquire into the allegations of crimes against humanity in the context of the killings during the ‘war on drugs’ until March 2019; calls on the Government of the Philippines to cooperate fully with the Office of the Prosecutor of the International Criminal Court in its preliminary examination of the Philippines; strongly regrets the decision of the Government of the Philippines to withdraw from the Rome Statute; calls on the Government to reverse this decision and fully reintegrate into the international community;
 5. Calls on the European Commission to trigger the procedure to temporarily suspend trade preferences for the Philippines for failing to comply with the conditionality provisions on human rights; calls on the EU and all its Member States to support, in the absence of clear and measurable outcomes from domestic mechanisms, a United Nations-led investigation on the ground into human rights violations, violation to press freedom and into the extrajudicial killings also after March 2019 and for those

accountable to be brought to justice; calls on the EU and all its Member States to support, in the absence of clear and measurable outcomes from domestic mechanisms, a United Nations-led investigation on the ground into human rights violations, violation to press freedom and into the extrajudicial killings also after March 2019 and for those accountable to be brought to justice;

6. Recommends to the Philippines Government to prioritise the fight against drug trafficking networks and big drug barons over tracking down small-scale consumers; stresses that the authorities of the Philippines must pursue their fight against illicit drugs with a focus on public health, in line with national and international law; invites the government to adopt specific non-violent policies based on scientific evidences, on the principle of voluntary treatment and without the involvement of law enforcement agents;
7. Calls on the Government to protect and fully respect the rights of political opponents, trade unionists, and civil society members. Reiterates its call on the authorities of the Philippines to drop all politically motivated charges and release Senator Leila De Lima whilst awaiting for trial, to allow her to freely exercise her elective rights and duties, and to provide her with adequate security and sanitary conditions whilst in detention; 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;
8. Welcomes the unanimous adoption by the Philippines House of Representatives of the Human Rights Defender Protection Law and calls on the Senate and the President to urgently enact it; calls on the Philippine authorities to protect human rights defenders, allowing them to carry out their activities in peace, and to immediately carry out impartial and meaningful investigations into the attacks and assassinations of human rights defenders and NGOs activists;
9. Is alarmed about the poor level of press freedom in the Philippines; condemns all threats, harassment, intimidation, unfair prosecutions, and violence against journalists, including the case of Maria Ressa; asks to drop all politically motivated charges against her and her colleagues; recalls that the press freedom and freedom of expression are fundamental elements of a real democracy and of citizens' right to be informed; urges the Government of the Philippines to ensure that all journalists and media companies can freely and safely carry out their work without fear of reprisals;
10. 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; calls on the Government to uphold their rights, empower them, and adopt effective policy to improve their living conditions;
11. Urges the Government to stop child trafficking, military recruitment and involvement in conflicts; encourages the Government to increase its efforts to protect all children from abuses and uphold their rights, including the rights to education of indigenous children; strongly disapproves any proposal to further lower the minimum age in criminal proceedings;
12. Recalls that measures adopted by governments in response to the pandemic should

protect and not undermine human rights of citizens. They should be necessary, proportionate, and non-discriminatory, in compliance with international human rights obligations and national laws. They should be kept in place only for as long as they are strictly required and not be used as a pretext to limit democratic, civic space, fundamental freedoms, and the respect of the rule of law;

13. Recalls that in no circumstance advocacy, protest, dissent, workers' strikes, and other similar exercise of civil and political rights can be considered as terrorist acts;
14. Reiterates its deep concern about any political and legislative proposal to reintroduce the death penalty; calls again on the authorities of the Philippines to immediately halt ongoing proceedings to reinstate the death penalty; calls on the Government of the Philippines to refrain from lowering the minimum age for criminal responsibility;
15. Is alarmed about increasing levels of corruption under the current Philippine administration; calls on the Philippine authorities to step up efforts to tackle corruption effectively; underscores the importance of respecting fundamental principles of democracy and rule of law in this respect;
16. Condemns all forms of violence against women and recalls that such violence constitutes a serious violation of the human rights and dignity of women and girls; strongly condemns President Duterte's demeaning and misogynist statements about women;
17. Condemns all forms of violence against LGBTI people and recalls that such violence constitutes a serious violation of the human rights and dignity of a person; strongly condemns President Duterte's demeaning and sexist statements about people who identify as belonging to the LGBTI community;
18. Supports the OHCHR to continue monitoring and documenting the situation of human rights in the Philippines, and to regularly report to the Human Rights Council, including on progress in technical cooperation; recalls that the Philippines, being a member of the Human Rights Council, has undertaken the obligation to cooperate fully with the OHCHR and Mechanisms of Human Rights Council by facilitating country visits and refrain from all acts of intimidation and reprisal;
19. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to closely monitor the situation in the Philippines and to regularly report to the Parliament;
20. 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.