



Plenary sitting

B9-0097/2022

15.2.2022

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 recent human rights developments in the Philippines
(2022/2540(RSP))

Miguel Urbán Crespo
on behalf of The Left Group

B9-0097/2022

**European Parliament resolution on The recent human rights developments in the Philippines
(2022/2540(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 10 December 1948, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the United Nations Declaration on Human Rights Defenders of 1998,
 - having regard to the report of the OHCHR, on the Situation of human rights in the Philippines, June 29, 2020
 - 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 the government's response to Covid-19 has caused serious rights violations, including an increase of extrajudicial killings related to the so-called "war on drugs"; whereas national and international NGOs have documented several cases in which children were arrested and detained for allegedly violating Covid-19 restrictions;
- B. whereas thousands of people, mostly from poor and marginalized communities, have been killed with total impunity by the police or by armed individuals suspected to have links to the police, during so-called "war on drugs"; whereas according to civil society organizations (CSO), between 12,000 and 30,000 people have been killed while authorities attribute 6,200 deaths to the police during drug raids; whereas President Duterte has explicitly encouraged police to kill and has promised them immunity and rather than facing justice, implicated police chiefs have received promotions;
- C. whereas different complaints assure that in exchange for release from jail, policemen have raped women suspects or women whose relatives or spouses are detained as suspects; whereas the United Nations, has documented 73 killings of children, the youngest at only five months old during "war on drugs";

- D. whereas on September 15, 2021, the International Criminal Court (ICC) agreed to open a formal investigation into possible “crimes against humanity” committed during President Duterte’s “war on drugs” from 2016 to 2019 when the Duterte administration withdrew the Philippines from the ICC’s Rome Statute; whereas the ICC investigation also covers alleged extrajudicial killings in Davao City from November 2011 to June 2016, when Duterte was the mayor; whereas the pre-trial chamber stated that there has been “a widespread and systematic attack against the civilian population” as part of a state policy; whereas Duterte reported that he would not cooperate with the Court and would veto the possibility for those designated by the ICC to enter the country;
- E. whereas on 10 November 2021, the Philippines requested the ICC Prosecutor to defer the investigation, claiming that it had begun its own investigations; whereas on 18 November, the ICC Prosecutor informed that he would defer the investigation and on November 23, asked the Duterte administration for information substantiating its investigations but the government has not yet publicly respond to the request;
- F. whereas of the thousands of deaths in the “war on drugs,” the Philippine Department of Justice said it had reviewed only 52 cases for possible criminal liability and would consider filing criminal charges against the police officers involved after further investigation; whereas as a result, a few police officers were subjected to administrative measures but none of them have been criminally charged;
- G. whereas over the past year, there has been an upsurge of human rights violations in the Philippines, including waves of killings, forced disappearances, threats, arbitrary arrests and detention of political activists, human rights defenders, environmentalists, indigenous peoples, community leaders, lawyers, journalists, members of the opposition, trade unionists, and any person who has spoken out against the “war on drugs” and other human rights violations; whereas women have additionally suffered sexual and gender-based violence;
- H. whereas there is a clear pattern of systematic persecution against CSO, materialized through the phenomenon so-called “red tagging”; whereas Government and military officials often labelling civilians and CSO accusing them of being combatants or supporters of the New People’s Army; whereas many of those red-tagged are subsequently attacked and even killed;
- I. whereas the UN Human Rights Office documented at least 248 cases of human rights defenders, jurists, journalists and trade unionists killed in connection with their work between 2015 and 2019; whereas according to local NGOs, at least 61 human rights lawyers were killed between 2016 and 2021; whereas the killings of defenders are rarely investigated;
- J. whereas the use of trumped-up charges to jail CSO and opposition leaders through perjured testimonies, defective warrants, and false charges is becoming more frequent; whereas the Senator Leila de Lima, the staunchest critic of Duterte's "war on drugs", has been held in pre-trial detention since February 2017 based on politically motivated cases;

- K. whereas the Anti-Terrorism Act, signed in July 2020 legally formalises the practice of “red-tagging” CSO and allows the government to prosecute any expression contrary to its official position due to an overly broad and vague definitions of terrorism;
- L. whereas the Philippines is among the most dangerous places in the world to practice journalism; whereas at least 22 journalists have been killed during Duterte’s presidency; whereas journalists and media groups covering the insurgency or investigating abuses and corruption have also “red-tagged” and threatened, harassed, and even arrested and jailed, often by people linked to the military or police; whereas the Nobel Peace Prize Maria Ressa, still face politically motivated charges related to her exposure of human rights violations, corruption and abuse of power and she could face up to 60 years in prison if found guilty;
- M. 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;
- N. whereas the attacks on the exercise of the right to freedom of association have been systematic; whereas 50 cases of extrajudicial killings of trade unionists have been committed under Duterte’s administration; whereas anyone speaking out for workers’ rights and unions remains at risk of being red-tagged as a communist insurgent; whereas the government has been using the pandemic to justify inaction and has postponed an ILO high-level tripartite mission to the country; whereas the government has been using the pandemic to justify inaction and has postponed an ILO high-level tripartite mission to the country;
- O. whereas those who defend economic, social and cultural rights, including the right to land and the environment, are most at risk of intimidation, harassment and assassination; whereas according to Global Witness, from 2016 to the end of 2020, 166 land and environmental defenders were killed; whereas around 27 per cent of these attacks were related to mining operations, and almost one third of those killed belonged to indigenous minorities; whereas numerous investigations have documented violations of human rights of indigenous peoples; whereas judicial harassment and the criminalization remain common and politicians and private actors, such as mining companies, use the justice system to silence those who oppose their interests;
- P. whereas as of the 31st of August, an estimated total number of 24,281 families (118,687 individuals) are currently displaced in Mindanao due to armed conflicts and natural disasters; whereas the implementation of martial law in Mindanao 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;
- Q. whereas despite noting major backsliding in the country’s human rights record, Philippines continues to benefit from the Generalized System of Preferences Plus (GSP+), which supposedly grants preferential access to the EU market conditional on

the ratification and implementation of 27 international human rights, labour, and environmental treaties;

- R. whereas 35 years after the country emerged from the dictatorship of Ferdinand Marcos, polls point to Ferdinand Marcos Jr. in tandem with Duterte’s daughter, Sara Duterte-Carpio, as the overwhelming favourite to win the 9 May National Elections; whereas Marcos Jr has defended Duterte’s “war on drugs” as well as his father’s rule and minimised the human rights abuses during that regime;
1. Reiterates its strong condemnation of the thousands of extrajudicial killings and other serious human rights violations related to the so-called “war on drugs”; expresses its condolences to the families of the victims;
 2. Asks to immediately end the “war on drugs” and demands members of security forces to refrain from all conduct which violates international law, including unlawful killings, arbitrary arrests, and acts of torture and other ill-treatment; calls to remove members of the police and armed forces involved in the atrocities committed under the so-called “war on drugs” and to dismantle the paramilitary groups; strongly requires to implement a drug control policy that puts the protection of people’s health and rights at the centre, in compliance with international human rights law and standards;
 3. Denounces the government officials’ practice of “red-tagging” CSO, exposing them to potential harm; condemns all threats, harassment, intimidation, rape and violence against those who seek to expose allegations of extrajudicial killings and other human rights violations in the country, including human rights and environmental activists, trade unionists and journalists; denounces the misuse of law and judiciary systems as a means of silencing critical voices;
 4. Calls to set up an independent international UN-led investigation into killings and other human rights violations;
 5. Urges the authorities to immediately put an end to the killings, arbitrary arrests and detentions, judicial harassment, threats and red-tagging against CSO, to conduct independent and impartial investigations into any form of persecution they face and to ensure that they are able to carry out their legitimate activities without any hindrance and fear of reprisals;
 6. Welcomes the release of Teresita Naul but underlines that she should never have been detained and urges the Philippines authorities to provide her with adequate, effective, and prompt reparations and to release all human rights defenders arbitrarily detained in the country;
 7. Call for the authorities to ensure that the rights to freedom of expression, association and peaceful assembly are respected and protected; urges to drop all charges against Maria Ressa Rappler, Reynaldo Santos and all Rappler staff, and to end the harassment, intimidation and attacks on vilification of Maria, Rappler and independent media in the Philippines;

8. Requires to end the political harassment of Senator Leila de Lima; asks for her immediate and unconditional release and to prosecute in fair trials those responsible for her arbitrary detention and other human rights violations committed against her, such as gender-based attacks and violations to her right to due process;
9. Calls on the EU delegation and member states' representations in the country to increase their support for CSO including journalist, Trade Unions leaders, human rights and environmental defenders, and, where appropriate, to help enable the issuing of emergency visas and facilitate temporary shelter in the EU Member States;
10. Require Philippine authorities to end the red-tagging of trade unionists and to expedite the investigation of the extrajudicial killings and other attacks; demands to immediately consult with trade unions for a time-bound road map to implement the conclusions of the ILO virtual exchange report on the Philippines and to accept a high-level tripartite mission of the ILO to the Philippines, without delay, to enforce the conclusions of the 2019;
11. Welcomes the adoption of the Human Rights Defenders Act by the Philippine House of Representatives, and calls on the Senate to pass a similar bill, in order to promulgate and implement a national protection law for human rights defenders in the Philippines;
12. Calls on the authorities to initiate independent, transparent, impartial, and effective investigations into the human rights violations and abuses including those relating to the right to freedom of expression and media freedom as well as the extrajudicial killings in the context of the "war on drugs," ensuring full accountability of perpetrators and appropriate compensation to victims and families;
13. Urges to ensure that the Anti-Terrorism Act and its implementing rules and regulations are amended and brought in line with international standards on counter-terrorism, and not used to unduly target those that are red-tagged by the government; in that sense calls for the defunding or abolition of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) in charge of carrying out red-tagging;
14. Demands the future new government to make human rights a priority issue and to stop the killings, ensure accountability for past abuses, to purge responsibility for the atrocities committed by the police, and reverse the rights-abusing policies;
15. Demands the authorities to alleviate overcrowding in detention facilities, including through the application of alternative measures to imprisonment and by ensuring that pre-trial detention is an exception and not the norm; asks to guarantee regular access to communication with family and lawyers for persons deprived of liberty;
16. 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;
17. 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 and rejects President Duterte's repeated, misogynist statements

against women;

18. Condemns all forms of violence against LGBTQI 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 LGBTQI community;
19. Asks to ensure full and equitable access to vaccines to all, especially to low income and marginalised communities and that everyone has access to information on vaccines, instead of imposing disproportionately punitive measures such as restrictions on the use of public transport and access to basic services;
20. 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; Urges to ensure that any financial or technical support for the Philippine government does not contribute to the commission of human rights violations;
21. Reminds its previous demands that in the absence of any substantive improvements, the removal of GSP+ preferences should be considered; given the continuation of the human rights violations in the country, demands to immediately initiate the procedure which could lead to the temporary withdrawal of GSP+ preferences;
22. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments of the Member States, the President, the Government and Parliament of the Philippines, the governments of the member states of the Association of Southeast Asian Nations (ASEAN), the United Nations High Commissioner for Human Rights, the Secretary-General of the United Nations and the Secretary-General of the Association of Southeast Asian Nations (ASEAN).