



Plenary sitting

B9-0108/2022

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))

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on behalf of the S&D Group

**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, in particular those of 15 September 2016¹, of 16 March 2017², of 19 April 2018³ and of 17 September 2020⁴,

- having regard to the diplomatic relations between the Philippines and the EU (at the time the European Economic Community (EEC)) established on 12 May 1964,
 - 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 status of the Philippines as a founding member of the Association of Southeast Asian Nations (ASEAN),
 - having regard to the EU-Philippines Joint press release of 5 February 2021 following the first Sub committee on good governance, rule of law and human rights;
 - having regard to the Gender Country Profile for the Philippines 2021 commissioned by the EU Delegation to the Philippines⁵;
 - having regard to the EU guidelines on human rights,
 - having regard to the 45/33 Resolution adopted by the UN Human Rights Council on the Technical cooperation and capacity building for the promotion and protection of human rights in the Philippines of 7 October 2020⁶,
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- having regard to the three-year UN Joint Programme for the Promotion and Protection of Human Rights in the Philippines signed on the 21 July 2021,
 - having regard to the Statement on the Philippines by Michelle Bachelet, UN High Commissioner for Human Rights at the 48th session of the Human Rights Council of 7 October 2021⁷,
 - having regard to Statement of 3 March 2021 by the Philippines' Human Rights

¹ OJ C 204, 13.6.2018, p. 123.

² OJ C 263, 25.7.2018, p. 113.

³ OJ C 390, 18.11.2019, p. 104.

⁴ OJ C 385, 22.09.2021, p. 113.

⁵ https://eeas.europa.eu/sites/default/files/gender_country_profile_2021_philippines.pdf

⁶ A/HRC/45/L.38

⁷ <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27623&LangID=E>

Commissioner Karen Gomez-Dumpit on the Passage of House Bill No. 7814, providing for the ‘Presumption of Guilt’ and Reintroduction of the Death Penalty as amendments to the Comprehensive Dangerous Drugs Act of 2002⁸,

- having regard to the Opinion No. 61/2018 concerning Leila Norma Eulalia Josefa De Lima (Philippines) by the Human Rights Council - Working Group on Arbitrary detention,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
 - having regard to the Rome Statute of the International Criminal Court,
 - having regard to the Philippines Republic Act. no.11479 of 3 July 2020, also known as the Anti-Terrorism Act,
 - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas since the election of President Rodrigo Duterte in June 2016 and the start of the so-called ‘war on drug’ there has been an appalling number of extra-judiciary killings and human rights violations in the Philippines;
- B. whereas in June 2020 the UN High Commissioner for Human Rights reported 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 according to government data; whereas there are estimates of up to triple that number; whereas President Duterte has explicitly encouraged the police to commit extrajudicial executions, and promised them immunity, while police officers involved in such practices have received promotions; whereas President Duterte has vowed to continue his anti-drug campaign until the end of his current presidential term in May 2022; whereas a majority of victims are from poor and marginalised communities;
- C. whereas at least 146 human rights defenders and at least 22 journalists have been killed since June 2016 and in none of the cases there has been a conviction to date;
- D. whereas in October 2020 the UN Human Rights Council has "underline(d) the importance for the Government of the Philippines to ensure accountability for human rights abuses and violations, and in this regard to conduct independent, full and transparent investigations and to prosecute all those who have perpetrated serious crimes"⁹
- E. whereas the Pre-Trial Chamber of the International Criminal Court unanimously authorized the Prosecutor to proceed with an investigation of international crimes committed in the Philippines between 1 November 2011 and 16 March 2019 in the context of the 'war on drugs' campaign.

F. whereas the linking of organizations and individuals to communist groups by the

⁸ <http://chr.gov.ph/statement-of-commissioner-karen-gomez-dumpit-on-the-passage-of-house-bill-no-7814-providing-for-the-presumption-of-guilt-and-reintroduction-of-the-death-penalty-as-amendments-to-th/>

⁹ [A/HRC/RES/45/33](https://www.unhcr.org/refugees/45/33)

- authorities, known as “red-tagging”, continues to result in killings, threats, warrantless arrests, harassment of Human Rights Defenders (HRDs), opponents, union activists, environmental defenders, and journalists seeking to expose allegations of extra-judicial killings and other human rights violations;
- G. whereas criminalization of HRDs, unionists, journalists and other civil society actors has reached an alarming high during the last years; HRDs, opponents and journalists have increasingly become victims of fabricated and politically motivated charges; names of NGOs and HRDs have arbitrarily appeared on ‘terror lists’ of the security forces and their details have been made public via social media, leading to death threats and violent attacks;
- H. whereas with the entry into force of the Anti-Terror Act (ATA), the situation has further worsened and the Anti-Terrorism Council, whose members are appointed by the President, can order the warrantless arrest of anyone they deem a terrorist and suspects can be detained for up to 24 days without charge;
- I. whereas the adoption of the Human Rights Defenders Protection bill, passed by the House of Representatives, is still pending in the Senate;
- J. Whereas according to the 2021 Global Rights Index by the International Trade Union Confederation (ITUC), “twenty eight union representatives were illegally arrested and detained in March and December, and seven union leaders were killed between March 2020 and April 2021”¹⁰.
- K. whereas since June 2016 at least 22 journalists have been killed in the Philippines, which ranks 8th among the world’s most dangerous countries for journalists according to Report Sans Frontiers and 138 out of 180 in the World Press Freedom index;
- L. whereas journalist Maria Ressa, who was awarded the Nobel Peace Prize in recognition of her fight for press freedom in the Philippines, continues to face charges related to her exposure of human rights violations, corruption and abuse of power for which she could face up to 60 years in prison;
- M. whereas Senator Leila De Lima still remains jailed after five years without trial and on fabricated charges; whereas Senator De Lima was detained on discriminatory grounds, as she was targeted for her political opinion, as well as her status as a human rights defender and as a woman, and during these years of pre-trial detention she was deprived of her electoral rights and possibility to follow remotely any Senate meeting and; whereas, Senator De Lima, who has announced her intentions to run again for the Senate, will not have the same rights and possibility to run her electoral campaign as the other candidates;
- N. whereas in March 2018, on initiative of President Duterte, 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 on 2 March 2021 the House of Representatives adopted on third reading House Bill No. 7814 which according to the Philippines Human Rights Commissioner “provides for presumptions of guilt for people accused of being traffickers, financiers, protectors,

¹⁰ https://files.mutualcdn.com/ituc/files/ITUC_GlobalRightsIndex_2021_EN_Final.pdf p.34

coddlers and/or being involved in illegal drugs” and “it also attempts to reintroduce the death penalty”;

- P. whereas according to the 2021 Gender Country Profile presented by the EU Delegation to the Philippines “patriarchal norms in politics, culture, and society are also codified and reinforced in Philippine laws and policies, enabled by perpetually male-dominated legislatures and policy-making bodies. (...) Existing laws still carry provisions that discriminate against women—such as provisions in the Revised Penal Code and in the Family Code. While there may have been successes in ensuring the passage of gender-transformative laws, such as the Responsible Parenthood and Reproductive Health (RPRH) Act in 2012 and the Safe Spaces Act in 2019, these have yet to be fully implemented. A whole suite of pro-women legislation—such as laws on divorce, sex discrimination in hiring, and abortion—are not enacted or tackled in legislatures”¹¹;
- Q. whereas following the Human Rights Council (HRC) resolution 45/33 adopted on 7 October 2020, in July 2021 the Philippines and the UN have signed a UN Joint Programme for the Promotion and Protection of Human Rights in the Philippines; whereas the UN joint Programme as so far failed to end human rights violations and bring to justice those responsible for the extra-judiciary killings;
- R. 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 27 international conventions on human rights, labour rights, environmental protection, and good governance; whereas despite noting major backsliding in the country’s human rights record, the EU has so far not triggered the mechanism that could lead to the suspension of these trade benefits;
1. Strongly condemns the thousands of extrajudicial killings and other serious human rights violations related to the so-called ‘war on drugs’ and ‘red tagging’ of peaceful opponents or human rights defenders;
 2. Reiterates its call on the Government of the Philippines to immediately end all violence and human rights violations targeting suspected drug offenders, including unlawful killings, arbitrary arrests, acts of torture and other abuses, and to disband private and state-backed paramilitary groups involved in the so-called “war on drugs”;
 3. Reaffirms its opposition to death penalty and recalls that criminal legislation must always be based on the presumption of innocence;
 4. Welcomes the International Criminal Court’s decision to grant the Prosecutor’s request to open an investigation into the crimes committed in the context of the so called ‘war on drug’;
 5. Is of the view that without a public and transparent disclosure of all findings and the active involvement of independent human rights and civil society organisations, the UN Joint Programme for the Promotion and Protection of Human Rights in the Philippines cannot adequately monitor the human rights situation in the country and lead to the necessary

¹¹ https://eeas.europa.eu/sites/default/files/gender_country_profile_2021_philippines.pdf p.74

remedies;

6. Calls for an independent, impartial, transparent and effective investigations into the conduct of politicians, law enforcement officials and private or paramilitary groups suspected of involvement in extrajudicial killing and human rights violations in the context of the 'war on drugs'; asks the authorities of the Philippines to involve the National Human Rights Commission and other relevant actors, including by sharing information on cases under investigation, to ensure an effective and victim-centered process and to ensure the protection of human rights defenders, witnesses and victims' families seeking to expose allegations of extrajudicial killings and other human rights violations in the country;
7. Asks the Government to release all human rights defenders and political dissidents unfairly detained and cease the "red-tagging" of human rights and environmental defenders, journalists, union activists, church workers, and humanitarian workers;
8. Welcomes the House of Representatives' vote on the Human Rights Defenders Protection bill and encourages Senate to fast track its adoption;
9. Recalls that the Filipino authorities must ensure the protection of the rights of all, including the rights to life, freedom of expression, and freedom of peaceful assembly, as guaranteed by the International Covenant on Civil and Political Rights (ICCPR) to which the Philippines is a state party; and also ensure that human rights defenders and civil society activists are able to undertake their professional activities free from harassment, threats, and harm;
10. Reminds that Anti-Terrorism legislation should not be used as a pretext to curtail freedom of expression or legitimate dissent and in no circumstance can advocacy, protest, dissent, strikes and other similar exercise of civil and political rights be considered terrorist acts;
11. Affirms its strong support for 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 strengthen their support for civil society in their engagement with Philippine authorities, and to use all available instruments to increase their support for human rights and environmental defenders' work, and, where appropriate, to facilitate the issuing of emergency visas, and provide temporary shelter in the EU Member States;
12. Urges the Government of the Philippines to respect and protect media freedom, to stop threatening and intimidating the press, and to drop all spurious charges against journalists, including Nobel Peace laureate Maria Ressa, Rambo Talabong and Frenchie Mae Cumpio;
13. Reiterates its call on the authorities of the Philippines to drop all politically motivated charges against Senator Leila de Lima, to immediately release and allow her to participate to the electoral campaign, and to prosecute in fair trials those found to be 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;
14. Calls on the Philippines to amend legislation still discriminating against women and to

promote and protect women's rights;

15. Deplores the deteriorating human rights situation in the Philippines under President Duterte and hopes for swift change towards a new democratic and peaceful phase;
16. Calls on all candidates to condemn publicly and unequivocally the human rights violations in the country during the last years, to pledge to re-join the Rome Statute, to prosecute the people responsible for the recent extra-judiciary killings, and to protect human rights defenders and media freedom;
17. Expresses concern for the undemocratic impact that persisting human rights violations, intimidations and 'red tagging' of opponents and independent journalists could have on the forthcoming electoral campaign and result;
18. Urges the constitutional authorities of the Philippines to ensure the fair organisation and conduct of the next elections;
19. Given the seriousness of the human rights violations in the country, calls on the European Commission to set clear, transparent, and verifiable benchmarks and deadlines for the Philippines to comply with its human rights obligations under the GSP+ scheme and, in the absence of any substantial improvement and willingness to cooperate on the part of the Philippine authorities, to immediately initiate the procedure which could lead to the temporary withdrawal of GSP+ preferences;
20. 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 European Parliament;
21. 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 Congress 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).