



27.4.2023

MISSION REPORT

following the DROI ad hoc mission to Manila, the Philippines,
22-24 February 2023

Subcommittee on Human Rights

Members of the mission:

Hannah Neumann	(Greens/EFA) (Leader of the mission)
Isabel Wiseler-Lima	(EPP)
Karsten Lucke	(S&D)
Ryszard Czarnecki	(ECR)
Miguel Urbán Crespo	(The Left)

Introduction

The delegation from the Subcommittee on Human Rights (DROI) visited Manila, the Philippines, on 22-24 February 2023. The objective was to assess developments in the human rights situation following the election of Ferdinand Marcos as president in May 2022. The delegation aimed to assess the state of compliance with human rights obligations in the context of the new Generalised Scheme of Preferences Plus (GSP+) framework (as of 2024).

The delegation held high-level meetings with Philippine parliamentarians (Chair and Members of the Senate Committee on Justice and Human Rights, and of the House Committee on Human Rights) and members of the executive branch (Secretary of Trade and Investment as well as the Secretary of Justice). They also met with the Commission on Human Rights, United Nations representatives, civil society organisations, trade union representatives, and journalists.

Summary account of topics discussed during the meetings

The delegation's main aim was to assess changes in the human rights situation under new President Marcos, after serious violations under his predecessor, President Duterte. In particular, the focus was on the war on drugs, which under the previous president had resulted in the extrajudicial killing of over 6 000 people (some civil society organisations (CSOs) put the number at as high as 30 000). The war on drugs had also led to the EP's urgency resolution in September 2020¹ and again in February 2022², calling for the suspension of the GSP+ with the Philippines if the killings continued.

- *War on drugs*

The war on drugs was the delegation's most serious human rights concern, in view of the large number of extrajudicial killings under the previous president. The interlocutors, both official and from civil society, highlighted a shift in policy, particularly that the policy of extrajudicial killings was no longer state sanctioned (as it had been under the previous president). This is also in line with President Marcos's announcements of a change in the focus of the war on drugs towards 'prevention, rehabilitation and dismantling of criminal organisations'.

However, the extrajudicial killings continue, although the numbers are lower and the killings mostly happen in more remote places. For that reason, and because of more limited press coverage, it is difficult to keep track of the actual number of victims. The official interlocutors stressed that the police authorities had initiated the process of screening the police force to stop the abuses from happening.

Tackling impunity for past crimes, in particular extrajudicial killings, remains problematic. It is a very slow process, with only 20 or so cases brought to the court so far. The governmental

¹ Resolution of 17 September 2020 on the situation in the Philippines, including the case of Maria Ressa, OJ C 385, 22.9.2021, p. 133.

² Paragraph 21 of the resolution of 17 February 2022 on the recent human rights developments in the Philippines '[called] on the Commission to set clear, public, time-bound benchmarks for the Philippines to comply with its human rights obligations under the GSP+ scheme and strongly reiterate[d] its call on the Commission to immediately initiate the procedure which could lead to the temporary withdrawal of GSP+ preferences if there [was] no substantial improvement and willingness to cooperate on the part of the Philippine authorities' (OJ C 342, 6.9.2022, p. 281).

interlocutors stressed the ability of the Philippine judicial system to effectively prosecute the perpetrators of extrajudicial killings, even if the process was not very fast. However, numerous other interlocutors questioned the political will to carry out the process. This was compounded by the lack of trust in the process of the witnesses and the victims' families. Another important problem was the lack of sufficient forensic capabilities to analyse crime scenes, despite ongoing training and the UN's announcement of help.

An important topic for discussion in the context of fighting impunity was the investigation of the war on drugs by the International Criminal Court (ICC). President Duterte withdrew the Philippines from the ICC in 2017, but the Court still has jurisdiction for the period up until then. The official interlocutors from the government and majority parties voiced their opposition to the investigation, which in their eyes violated the sovereignty of the Philippines. They also saw it as unnecessary, in view of the professed ability of the domestic institutions to tackle the crimes. Other interlocutors welcomed the investigation, however, as the best chance for the Philippines to address the impunity. The DROI delegation sent a message that the ICC's investigation should be seen as additional help in tackling impunity, in view of large number of cases to be dealt with.

- *Situation of civil society and journalists, including harassment, disinformation and 'red-tagging'*

The meetings with CSOs, minority parliamentarians, journalists and the Human Rights Commission clearly revealed that the human rights situation remains worrying. In addition to the extrajudicial killings, journalists, human rights defenders and trade unionists still face harassment, arrests, and violence. The practice of 'red-tagging' (i.e. labelling critics of the authorities as communist sympathisers) also continues on a large scale. This practice put those targeted at risk of violence and even losing their lives. Another problem, affecting journalists in particular, is the abuse of libel and cyber-libel legislation in an attempt to silence criticism. Several interlocutors, including some in the government, highlighted the possibility of improving the situation by decriminalising libel.

Civil society organisations and minority politicians that the delegation met were very critical about ongoing harassment, including arrests and red-tagging. However, journalists from the online news website Rappler who the delegation met at their headquarters and the Human Rights Commission still saw more openness from the new administration than before and more space to operate freely. This included better access to government officials than under the previous president. Civil society representatives also stressed the importance of the swift adoption of the draft bill on human rights defenders, under consideration in the House of Representatives, as well as of prompt filing of a similar bill in the Senate.

Another problem raised by numerous interlocutors, including those from the government, was the pervasiveness of disinformation campaigns, also including automated troll attacks. Work on the law designed to combat these phenomena was ongoing in the Philippine Parliament, but was still in the early stages.

- *Philippines human rights obligations related to the GSP+ and the country's reapplication to the framework*

The status of the Philippines under the GSP+, entailing trade benefits with the EU, is conditional

on the ratification and implementation of 27 international conventions on human rights, including conventions on labour rights, environment and governance. The interlocutors generally praised the important positive impact of GSP+ on the development of the Philippines through increased trade with the EU, and highlighted the importance of continuing the scheme. Government officials and majority parliamentarians mostly underlined that positive image, either focusing purely on the trade benefits, or highlighting considerable progress in the human rights situation in the country. Non-government interlocutors were critical of the current situation, and focused on the potential of the GSP+ reapplication process to contribute to positive changes in the country.

In turn, the DROI delegation conveyed a message that the GSP+ scheme was an agreement linking EU trade preferences to improvements in the human rights situation in the countries seeking to be beneficiaries. Thus, successful re-application for GSP+ was dependent on the Philippines making progress in that field. The most serious concerns were those already highlighted above – human rights violations related to the war of drugs including effective prosecution of the extrajudicial killings, and the situation of civil society. The delegation also raised issues regarding business and human rights, and the due diligence compliance obligations of EU-based companies.

- *Other issues raised in the discussions*

The Philippine interlocutors, particularly the official ones, raised the situation of Filipino overseas workers, and the abuse that many of them suffer working in third countries. The DROI delegation agreed that this topic was important and mentioned that it was also raised by Parliament in its meetings with the relevant third countries.

The delegation discussed the situation of women at several meetings. It also raised the issue of the rights of indigenous peoples, including in terms of access to land and conflict resolution efforts on the island of Mindanao.

At several meetings various aspects of the justice system were discussed, including overcrowding of prisons, with the large majority of inmates having been sentenced on drug-related charges. The official interlocutors underlined the steps being taken to improve this situation, in particular the recent decision to link the amount of bail to the accused's income, which should considerably reduce the prison population. The delegation also received information about the investigation of the murder of Spanish national Diego Bello.

The reinstatement of the death penalty, which had been supported by the previous president, is no longer under serious discussion. Despite bills in parliament with this aim, the official interlocutors stressed that there was no such intention in the government or in parliament.

Prison visit to former Senator De Lima

The delegation also visited former senator De Lima in prison; the visit took place a day before the sixth anniversary of her detention. Her arrest in 2017 occurred immediately after the Senate opened an inquiry into the unlawful killings committed in the context of the 'war on drugs', initiated by her as Chair of the Committee on Justice and Human Rights. After her arrest

Parliament passed a resolution³ on her case, calling for her immediate release and for the provision of adequate security for her while in detention. It also called on the authorities of the Philippines to ensure a fair trial, recalling the right to the presumption of innocence, to drop all politically motivated charges against her and to end any further acts of harassment against her. Parliament reiterated its call in three subsequent resolutions, on 19 April 2018⁴, 17 September 2020⁵, and 17 February 2022⁶.

The discussions with the senator centred around the conditions of her detention, her having been taken hostage in the prison by inmates in 2022, and current political developments in the Philippines. She was hopeful that the hearing on the following Monday would lead to her release on bail (the outcome of the hearing is likely to be known sometime in May); that hope was also expressed by several interlocutors, including some from the government.

The DROI delegation reiterated the Parliament's call for her immediate and unconditional release and for all the remaining charges against her to be dropped, and expressed the same request in the case of all other political prisoners.

Conclusions

During its very intensive three-day programme, the DROI delegation managed to get a detailed picture of both some positive changes under the new administration, and continuing serious and as-yet unaddressed challenges to human rights in the country. While the new administration had made some initial steps, actual progress had been very slow. So further steps were necessary if the administration wanted to demonstrate a break from the past. This was especially the case for a swift, credible and effective investigation of the thousands of cases of extrajudicial killings.

The mission also provided an opportunity for Parliament to make clear the crucial importance of complying with human rights obligations in the process of reapplying for GSP+, as well as to underline Parliament's role in the adoption of a new GSP + scheme framework for the period 2024-2033. The delegation's GSP+-related discussions benefited from the availability of high-level official interlocutors as well as a keen interest in and deep understanding of the advantages of GSP+ shown from officials, opposition, media and civil society. The strong interest by local media in the visit highlighted the EU's leverage in this field.

Suggested follow-up

- Present the mission debriefing to the DROI Subcommittee;
- Organise discussion in the DROI Subcommittee on the fight against impunity in the Philippines in the context of extrajudicial killings;
- Continue to monitor the evolution of the human rights situation in the Philippines, in

³ Resolution of 16 March 2017 on Philippines, the case of senator Leila M. De Lima, OJ C 263, 25.7.2018, p. 113.

⁴ Resolution of 19 April 2018 on the Philippines, OJ C 390, 18.11.2019, p. 104.

⁵ Resolution of 17 September 2020 on the situation in the Philippines, including the case of Maria Ressa, OJ C 385, 22.9.2021, p. 133.

⁶ Resolution of 17 February 2022 on the recent human rights developments in the Philippines, OJ C 342, 6.9.2022, p. 281.

particular the war on drugs, impunity for crimes, obligations related to GSP+ and the situation of journalists, human rights defenders and trade unionists and the situation with regards to the death penalty;

- Ensure the European External Action Service, the Commission and the Member States continue to engage with the Philippine authorities in the field of human rights, notably through continued support by the EU delegation to civil society, human rights defenders and media professionals, and ensuring an enabling environment for their activities;
- Continue to advocate for the ICC investigation into the war on drugs;
- Raise the situation of Filipino overseas workers and means to improve their situation, including in EU Member States;
- Continue to monitor the evolution of the legal cases against Leila De Lima, Maria Ressa and Reynaldo Santos.

ANNEXES:

- Programme
- List of participants
- Press release

SUBCOMMITTEE ON HUMAN RIGHTS
Ad hoc delegation to Manila, the Philippines, 22-24 February 2023

Final programme

Wed 22 Feb	
	Start of the official programme
9:00-10:30	Meeting with Senate Chair Francis Tolentino and Members of Senate Committee on Justice and Human Rights
10:30-11:30	Meeting with minority Senator Risa Hontiveros
13:00 – 14:30	Working lunch with UN agencies
15:30 – 16:30	Meeting with the Secretary of the Department of Trade and Industry and the Assistant Secretary
17:00 – 19:00	Meeting with civil society organizations on human rights situation in the Philippines
Thu 23 Feb	
9:00-11:00	Meeting with House Chair and Members of House Committee on Human Rights, including minority representatives
11:15-11:30	Handing over of the report on the human rights by House minority representatives
13:00-14:00	Prison visit to former Senator De Lima (Prison at Camp Crame)
15:00-15:25	Courtesy call on Secretary of Justice
15:30-16:00	Meeting with Secretary of the Department of Justice and other governmental executive agencies
Fri 24 Feb	
9:00-10:00	Meeting with the Commission on Human Rights
11:15-13:00	Meeting with co-founders of Rappler
15:00-16:00	Press conference
16:00	End of the official programme

ANNEX II

Mission of the Subcommittee on Human Rights ad hoc delegation

**Manila (Philippines)
22-24 February 2023**

List of participants

MEPs:

- | | |
|------------------------|---------------|
| 1. Isabel WISELER-LIMA | (EPP) |
| 2. Karsten LUCKE | (S&D) |
| 3. Hannah NEUMANN | (Greens, EFA) |
| 4. Ryszard CZARNECKI | (ECR) |
| 5. Miguel URBAN CRESPO | (The Left) |

Secretariat: 2

Political groups: 4

Interpreters: 2

Abbreviations:

EPP	Group of the European People's Party (Christian Democrats) in the European Parliament
S&D	Group of the Progressive Alliance of Socialists & Democrats in the European Parliament
Greens, EFA	The Greens and the European Free Alliance
ECR	European Conservatives and Reformists Group
The Left	The Left in the European Parliament

Press release

MEPs visit the Philippines to discuss human rights developments in the country

DROI

24-02-2023 - 08:59

A delegation of the European Parliament's Subcommittee on Human Rights travelled to the Philippines on 22-24 February.

They discussed the latest developments in relation to the human rights situation following the election of President Marcos in May 2022. The Members held meetings with the Chairman and Members, both from the majority and minority, of the Senate Committee on Justice and Human Rights and of the House Committee on Human Rights. They also met with the Secretary of Trade and Investment, the Secretary of Justice, members of the Commission on Human Rights, United Nations representatives, civil society organisations, trade union representatives, and journalists.

The Members welcomed the new government's commitment to engage on human rights with the international community, including UN mechanisms. They were encouraged by promising first steps and announcements in this regard, notably within the framework of the UN Universal Periodic Review. They noted favourably the President's commitment to change the focus of the "war on drugs" away from a punitive approach towards prevention and rehabilitation, and welcomed the commitment not to reintroduce the death penalty. However, the delegation was made aware of continuing extra judicial killings, and underscored the importance of investigating each such case and ensuring accountability of perpetrators. Members underlined that re-joining by the Philippines of the Rome Statute of the International Criminal Court - to which all member states of the EU are signatories - would reinforce the government's stated commitment to fighting impunity.

The Members recalled the importance of a vibrant civil society and free media to make democracies work, and called on the authorities to ensure a safe and enabling space: free from threats, harassment and attacks. In this regard, they encouraged a swift adoption of an ambitious legislation on the protection of human rights defenders. Moreover, they expressed support for local calls for the decriminalisation of libel and cyber libel, as well as for the effective end of the practice of "red tagging" and abuse of the anti-terror legislation to tame critical voices.

The Members also visited former Senator De Lima in prison on the eve of the sixth anniversary of her arbitrary detention. They reiterated the Parliament's call for her immediate and unconditional release and the dropping of all the remaining charges against her, and expressed the same request as concerns all other political prisoners.

Members took stock of the ongoing dialogue between the Philippines and the EU on the core human rights dimension of the country's reapplication to the GSP+ preferential trade scheme. They recalled the importance of firm and actionable steps in relation to the implementation of the Philippines' obligations under the relevant international human rights conventions and underlined that the EU provides and offers to provide further experience sharing and technical assistance towards this end. Members recalled that the government's plans to ensure effective and fair delivery of justice would contribute to upholding the rule of law and attracting foreign investment, thus contributing to domestic ambitions of equitable and sustainable growth. They supported the ILO's recommendation to establish a presidential commission to investigate extra-judicial killings of workers and ensure freedom of association.

Members discussed the rights of women and girls, including sexual and reproductive rights, and the specific situation of women human rights defenders. They also raised the issue of the rights of indigenous peoples, including in terms of access to land and conflict resolution efforts in Mindanao.

The delegation greatly valued the efforts of the government to improve the working conditions of its fellow citizens working overseas. It underlined the Parliament's commitment to ensure safe working conditions inside the EU and to raise the matter in its on-going dialogue with countries in the Middle East.

“The Philippines and the EU have been, are and will be close partners. Both sides share a strong relationship based on people to people contacts, trade, and a joint commitment to adhere to international law - be it in Ukraine or the South Chinese Sea. We value this strong relationship and we appreciate the new government's aspiration to see it growing - based on a common commitment to democracy and human rights. Tangible action in the areas of fighting impunity, protecting human rights defenders and implementing international labour standards will constitute a solid foundation for an even closer partnership as well as sustainable and equitable growth to the benefit of all”, delegation Chair Hannah Neumann (The Greens/EFA, Germany) concluded.