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## TEXTS ADOPTED

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### **P9\_TA(2022)0049**

#### **The recent human rights developments in the Philippines**

##### **European Parliament resolution of 17 February 2022 on the recent human rights developments in the Philippines (2022/2540(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on the Philippines, in particular those of 15 September 2016<sup>1</sup>, 16 March 2017<sup>2</sup>, 19 April 2018<sup>3</sup> and 17 September 2020<sup>4</sup>,
  - having regard to the EU human rights guidelines,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to the International Covenant on Civil and Political Rights of 1966,
  - having regard to UN Joint Programme for Human Rights in the Philippines signed by the Government of the Philippines and the UN on 22 July 2021,
  - 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 Rome Statute of the International Criminal Court (ICC),
  - having regard to the Philippines Republic Act No 11479 of 3 July 2020, also known as the Anti-Terrorism Act,
  - 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 2021,
  - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas the Philippines and the EU have long-standing 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

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<sup>1</sup> OJ C 204, 13.6.2018, p. 123.

<sup>2</sup> OJ C 263, 25.7.2018, p. 113.

<sup>3</sup> OJ C 390, 18.11.2019, p. 104.

<sup>4</sup> OJ C 385, 22.9.2021, p. 133.

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 since the election of President Rodrigo Duterte in May 2016 and the start of the ‘war on drugs’ there has been an appalling number of extrajudicial killings and human rights violations in the Philippines;
- C. 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’; whereas according to civil society organisations, between 12 000 and 30 000 people have been killed during drug raids, while authorities attribute 6 200 deaths to police action during these raids; 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 June 2022;
- D. whereas at least 146 human rights defenders and at least 22 journalists have been killed since June 2016 and to date there have no convictions in any of these cases;
- E. whereas the attacks on the exercise of the right to freedom of association have been systematic; whereas between June 2019 and August 2021, 16 trade unionists were arrested and detained, 12 forced to disaffiliate; whereas 50 extrajudicial killings of trade unionists have been committed under President Duterte’s administration; whereas the environment of fear created has severely undermined the ability of workers to exercise their rights protected by International Labour Organization (ILO) Convention No 87; whereas the government has been using the pandemic to justify inaction and has postponed an ILO high-level tripartite mission to the country;
- F. whereas the linking of organisations and individuals to communist groups by the 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 extrajudicial killings and other human rights violations; whereas the Anti-Terrorism Act adopted in 2020 has institutionalised ‘red-tagging’;
- G. whereas on 9 December 2021 the Supreme Court upheld the legality of most of the Anti-Terrorism Act passed by President Duterte’s administration, which gives security forces the power to arrest and detain suspects for up to 24 days without a warrant and without bringing charges;
- H. whereas the COVID-19 pandemic has further accelerated the deterioration of the human rights situation in the Philippines, particularly with regard to freedom of expression, media integrity and predictable enforcement, and has had 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 seriously affected by the police and the military’s use of violence to enforce quarantine;
- I. whereas the UN High Commissioner for Human Rights, Michelle Bachelet, in her most recent report on the Philippines of 7 October 2021, stressed that continuing and severe

human rights violations and abuses across the country are taking place and that basic human rights standards are being ignored;

- J. whereas in October 2020 the UN Human Rights Council underlined the importance of the Government of the Philippines ensuring accountability for human rights abuses and violations, and conducting independent, full and transparent investigations into these and prosecuting all those who have perpetrated serious crimes;
- K. whereas on 15 September 2021 the ICC pre-trial chamber announced that it had authorised the Office of the Prosecutor to open an investigation into crimes against humanity including murders committed in the context of the ‘war on drugs’ under the administration of President Duterte and also into those allegedly perpetrated in Davao City by the so-called Davao Death Squad from 2011 to 2016;
- L. whereas in March 2018, on initiative of President Duterte, the Philippines withdrew from 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;
- M. whereas in the light of the upcoming elections May 2022, there are reports of increasing smear, hate and disinformation campaigns and growing ‘troll armies’ in Philippine cyberspace; whereas social media are the main source of information in the Philippines; whereas such attacks target women and minority groups in particular; whereas over 300 social media accounts have recently been deleted for violating spamming and manipulation rules; whereas the Philippine Parliament, in an attempt to fight online abuse, passed a law requiring social media users to register their legal identities when creating new accounts; whereas there are justified concerns that this law could be abused by the government to attack journalists and civil society; whereas the Philippine authorities have not invited the EU to conduct an election observation mission;
- N. whereas on 2 March 2021 the Philippine House of Representatives adopted at 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, coddlers and/or being involved in illegal drugs’ and ‘also attempts to reintroduce the death penalty’;
- O. whereas the adoption of the Human Rights Defenders Protection bill, passed by the House of Representatives, is still pending in the Senate;
- P. whereas according to the 2021 Gender Country Profile drawn up 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; whereas current laws such as the Revised Penal Code and the Family Code still include provisions that discriminate against women;
- Q. whereas Nobel Peace Prize laureate Maria Ressa, a journalist and co-founder of the news website Rappler, was arrested in 2019 for cyber-libel and convicted on 15 June 2020; whereas in 2021 the journalists Orlando Dinoy and Reynante Cortes were killed by unidentified gunmen;

- R. whereas Senator Leila De Lima still remains in prison 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 opinions, as well as her status as a human rights defender and as a woman, and during these years of pre-trial detention she has been deprived of her electoral rights and the possibility to follow any Senate meeting remotely; whereas Senator De Lima, who has announced her intention to run again for the Senate, will not have the same rights and opportunities to run her electoral campaign as other candidates;
- S. whereas the Philippines is a Generalised Scheme of Preferences Plus (GSP+) beneficiary country; whereas this means that the Philippines must effectively implement 27 international conventions on human rights, labour rights, environmental protection and good governance; whereas in 2020, 26 % of total Philippine exports to the EU (EUR 1,6 billion) enjoyed preferential treatment under this scheme;
1. Strongly condemns the thousands of extrajudicial killings and other serious human rights violations related to the ‘war on drugs’; calls for a robust response from the EU;
  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 ‘war on drugs’;
  3. Condemns all threats, harassment, intimidation and violence against those seeking to expose allegations of extrajudicial killings and other human rights abuses in the country; denounces government officials’ practice of ‘red-tagging’ activists, journalists and critics, exposing them to potential harm and, in this regard, calls for the abolition of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) in charge of carrying out red-tagging;
  4. Calls on the authorities to end the red-tagging of organisations and individuals, including human rights and environmental defenders, journalists, trade union activists and church and humanitarian workers; asks the government to release all HRDs, political dissidents and journalists who have been unfairly detained, and to drop all politically motivated charges against them immediately;
  5. Calls on the authorities to respect the right to freedom of expression, and to ensure that journalists can do their work without fear; calls for an end to the persecution of Maria Ressa, Frenchie Mae Cumpio and all other independent journalists;
  6. Reiterates its call on the authorities of the Philippines to end the political harassment of Senator Leila De Lima, to order her immediate and unconditional release, 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 of her right to due process; calls for the EU to continue to closely monitor the case against Senator De Lima;
  7. Strongly condemns President Duterte’s demeaning, sexist and misogynist statements about women and people who identify as belonging to the LGBTIQ+ community and urges him to refrain from inciting violence against them;

8. Calls on the authorities of the Philippines to immediately carry out impartial, transparent, independent and meaningful investigations into all extrajudicial killings, including the cases of Jory Porquia, Randall ‘Randy’ Echanis and Zara Alvarez, as well as into the enforced disappearance and death of Elena Tijamo, and into alleged violations of international human rights and humanitarian law, with a view to prosecuting the perpetrators; calls on the authorities of the Philippines to ensure investigations into and prosecutions of all senior police and politicians where there is reasonable suspicion that they have direct and/or command or superior responsibility for crimes under international law and other serious violations and abuses of human rights;
9. Demands that the Philippine authorities immediately consult trade unions on a time-bound roadmap to implement the conclusions of the ILO virtual exchange report on the Philippines, and that they accept an ILO high-level tripartite mission to the Philippines before the 2022 ILO Conference to monitor the implementation of the ILO’s 2019 conclusions;
10. Stresses that the individuals responsible for violations of domestic law and international human rights law are to be held accountable, regardless of rank or position, in fair trials before civilian courts;
11. Reaffirms its opposition to the death penalty and recalls that criminal legislation must always be based on the presumption of innocence;
12. Calls on the Philippines to amend or repeal legislation which continues to discriminate against women and to promote and protect women’s rights;
13. Underlines that the Pre-Trial Chamber I of the ICC granted the Prosecutor’s request to commence an investigation into crimes within the jurisdiction of the Court allegedly committed on the territory of the Philippines between 1 November 2011 and 16 March 2019 during the ‘war on drugs’ campaign;
14. Deeply regrets the decision of the Government of the Philippines to withdraw from the Rome Statute; calls on the government to reverse this decision; encourages the ICC to continue its inquiry into the allegations of crimes against humanity in the context of the killings during the ‘war on drugs’; calls on the Government of the Philippines to cooperate fully with the Office of the Prosecutor of the ICC in its investigation into the situation in the Philippines and to urgently improve and better fund domestic instruments ensuring the safety of witnesses and mediators;
15. Calls on the government to amend the Anti-Terrorism Act and its implementing rules and regulations in order to bring them into line with international standards on counter-terrorism;
16. Is of the view that without public and transparent disclosure of all findings and the active involvement of independent human rights and civil society organisations, the capacity of the UN Joint Programme for the Promotion and Protection of Human Rights in the Philippines to monitor the human rights situation in the country is undermined and may not lead to the necessary remedies;
17. Urges the Philippines to fully implement the Indigenous Peoples’ Rights Act and comply with its obligations under international law to protect the human rights of

indigenous peoples, including during armed conflict; is appalled by the practice of the trafficking, military recruitment and involvement of children in conflicts by paramilitary groups in the country, and urges all parties involved to stop such practices;

18. Fears that during the upcoming election and campaign period, political rights in the on- and offline world will be further violated and restricted; calls on all candidates to refrain from using disinformation campaigns and troll armies, and to commit to fair and fact-based campaigning, thus preventing further divisions in Philippine society and politics; calls on the Philippine authorities to closely cooperate with social media companies to prevent manipulation, spamming and all other attempts to debase public discourse;
19. Calls on the Philippine authorities to step up their efforts to ensure fair and free elections and a non-toxic environment for on- and offline campaigning; regrets, in this context, that the Philippine authorities have not invited the EU to conduct an election observation mission; calls on the Government of the Philippines to ensure a safe, free and fair electoral campaign and to take measures to ensure access for all to electoral resources; calls on the EU Delegation and EU Member States' representations to support sending an international electoral mission and give their full support to independent local election observers, to regularly meet with them and to closely follow up on any incidents reported during the election campaign, including by addressing these concerns directly with the Philippine authorities;
20. Deplores the deteriorating human rights situation in the Philippines under President Duterte and hopes to see free and fair elections leading to a new democratic government which upholds human rights, investigates and prosecutes past human rights violations and rejoins the Rome Statute;
21. Calls 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 reiterates its call on the Commission to immediately initiate the procedure which could lead to the temporary withdrawal of GSP+ preferences if there is no substantial improvement and willingness to cooperate on the part of the Philippine authorities;
22. Reiterates its call 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;
23. Calls on the Member States to refrain from all exports of arms, surveillance technology and other equipment that can be used for internal repression by the Philippine authorities;
24. Calls on the EU Delegation and Member States' representations in the country to prioritise support to civil society and to use all available instruments to increase their support for human rights and environmental defenders' work;
25. 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.