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**TEXTS ADOPTED**

*Provisional edition*

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**The situation in the Philippines, including the case of Maria Ressa**

**European Parliament resolution of 17 September 2020 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 2016<sup>1</sup>, of 16 March 2017<sup>2</sup> and of 19 April 2018<sup>3</sup>,
- 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 Joint Staff Working Document on the EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) assessment of the Philippines covering the period 2018-2019, of 10 February 2020 (SWD(2020)0024),
- having regard to the Statement by the EEAS Spokesperson of 16 June 2020 on the conviction of Maria Ressa and Reynaldo Santos,
- having regard to the EU guidelines on human rights,
- having regard to the Resolution adopted by the UN Human Rights Council on 11 July 2019 on the promotion and protection of human rights in the Philippines,
- having regard to the Report by the UN High Commissioner for Human Rights Michelle Bachelet of 30 June 2020 on the situation of human rights in the Philippines,

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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.

- 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 Rules 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 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 report by the UN High Commissioner for Human Rights on the situation of human rights in the Philippines of 30 June 2020 found 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 2022; whereas a majority of victims are from poor and marginalised communities;
  - C. whereas the space for civil society is shrinking to an increasing extent; whereas human rights defenders, journalists and activists routinely face threats, harassment, intimidation and violence for seeking to expose allegations of extra-judicial killings and other human rights abuses in the country; whereas according to the Office of the United Nations High Commissioner for Human Rights (OHCHR) ‘human rights advocacy is routinely equated with insurgency’; whereas according to the OHCHR, at least 208 human rights defenders, journalists and trade unionists, including 30 women, were killed between January 2015 and December 2019;
  - D. whereas Maria Ressa, a Filipino journalist and co-founder and CEO of the news website Rappler, has long been targeted for her criticism of the government’s ‘war on drugs’ and for Rappler’s critical reporting on extrajudicial killings; whereas Maria Ressa and Reynaldo Santos Jr, a Rappler researcher, were charged with ‘cyber libel’, convicted on 15 June 2020 by a Manila Regional Trial Court to an undetermined sentence, with the possibility of facing up to six years in prison; whereas Ms Ressa and Rappler are facing at least six other charges;
  - E. whereas in early July 2020, the Philippine Congress voted to deny the renewal of the broadcast franchise of ABS-CBN, the country’s largest TV and radio network; whereas the refusal to renew its broadcasting licence by President Duterte is seen as an act of retaliation for the media’s coverage of the anti-drugs campaign and serious human

rights abuses;

- F. 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 has remained in detention awaiting trial since her arrest on 23 February 2017; whereas there are serious concerns that the offences Senator de Lima has been charged with are fabricated and politically motivated;
- G. whereas according to Global Witness at least 43 land rights defenders were killed in 2019; whereas most of them were community leaders and active participants in campaigns against mining projects and agribusiness;
- H. whereas indigenous people in the Philippines account for 10-20 % of the entire population; whereas in 2018 the UN Special Rapporteur on the Rights of Indigenous Peoples identified the Philippines as a country among those with the highest worldwide incidence of criminalisation and attacks against indigenous human rights defenders; whereas the UN has warned that the militarisation of indigenous territories and restrictions on the freedom of assembly and expression are increasing, and that these developments are closely linked to business interests; whereas the persistent lack of security and economic development on the island of Mindanao, as well as the reported violations of international humanitarian law and the lack of progress in transitional justice and reconciliation, remain serious concerns;
- I. whereas Zara Alvarez, a legal worker for the human rights group Karapatan, was shot dead on 17 August 2020; whereas Ms Alvarez had received repeated threats, was subjected to harassment because of her human rights work, and was the 13th member of her organisation killed since mid-2016; whereas Randall 'Randy' Echanis, a peace advocate, land rights activist and member of Karapatan, was tortured and killed on 10 August 2020; whereas according to the OHCHR, both Mr Echanis and Ms Alvarez had been repeatedly 'red-tagged' (labelled as terrorists or communists), and their names figured on the list of at least 600 people the Philippine Department of Justice asked a court to declare 'terrorists' in 2018;
- J. whereas the OHCHR and UN special rapporteurs have raised concerns about what appears to be 'a pattern of intimidation' of independent news sources; whereas in 2020 Philippines ranked 136 out of 180 countries in the Press Freedom Ranking published annually by Reporters Without Borders; whereas 16 journalists have been assassinated since Mr. Duterte has been in power;
- K. whereas in March 2018, 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;
- L. whereas in 2017, the House of Representatives of the Philippines approved a bill to reinstate the death penalty; whereas this bill requires prior approval of the Senate before President Duterte - who is actively campaigning for its reinstatement - can enact it into law; 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;

- M. whereas the Philippines authorities adopted the new Anti-Terrorism Act on 3 July 2020; whereas according to local civil society groups, the law weakens human rights safeguards to an alarming degree, broadens the definition of terrorism, and expands the period of detention without a warrant from 3 to 14 days, thereby blurring important distinctions between criticism, criminality and terrorism, which raises issues of legality and further increases the risks of human rights violations;
- N. whereas, President Duterte has repeatedly engaged in sexist and misogynistic speech and behaviour; whereas according to local NGOs, cases of violence and sexual abuse against women, including women human rights defenders, have increased during the Duterte administration; whereas women human rights defenders face degrading and sexually charged comments, rape threats and attacks;
- O. whereas in the International Trade Union Confederation (ITUC) Report of 2020, the Philippines is included in the top 10 most dangerous countries in the world for workers; whereas the Philippine trade union movement has complained about the repression of workers' rights, including through 'red-tagging', disappearances and killings of labour leaders and trade unionists;
- P. whereas the LGBTQI community faces continuous harassment; whereas President Duterte has repeatedly referred to political opponents' sexual orientation as a smear against them, and publicly made statements in May 2019 implying that homosexuality is a disease; whereas in June 2020 the police cracked down on a LGBTQI pride event and reportedly arrested 20 people;
- Q. whereas there are an estimated 60 000 to 100 000 children in the Philippines involved in prostitution rings; whereas an undetermined number of children are forced to work under exploitative labour conditions; whereas UNICEF has expressed serious concern about the lowering of the age of criminal responsibility;
- R. whereas in 2019 Philippines ranked 113 out of 180 countries in the Corruption Ranking published annually by Transparency International;
- S. 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 in 2019, 25 % of total Philippine exports to the EU (almost EUR 2 billion) received preferential treatment under this scheme; 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. Expresses its deepest concern at the rapidly deteriorating human rights situation in the Philippines under President Duterte; acknowledges the publication of the report by the UN High Commissioner for Human Rights of June 2020, and calls on the Government of the Philippines to adopt and implement all the recommendations listed therein;
  2. Strongly condemns the thousands of extrajudicial killings and other serious human rights violations related to the so-called 'war on drugs'; calls on the Government of the Philippines to put an immediate end to all violence targeting suspected drug offenders, and to disband private and state-backed paramilitary groups; insists that the fight against

illicit drugs must be pursued in full compliance with due process of law, in accordance with national and international law, and with emphasis on public health;

3. 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 the law and judiciary systems as a means of silencing critical voices;
4. Calls on the authorities of the Philippines to immediately carry out impartial, transparent, independent and meaningful investigations into all extrajudicial killings, including the deaths of Jory Porquia, Randall ‘Randy’ Echanis and Zara Alvarez, as well as into other alleged violations;
5. Is alarmed about the deteriorating level of press freedom in the Philippines; condemns all threats, harassment, intimidation, unfair prosecutions, and violence against journalists, including the case of Maria Ressa; calls for all politically motivated charges against her and her colleagues to be dropped; recalls that press freedom and freedom of expression are fundamental components of democracy; calls on the Philippine authorities to renew the broadcast licence of the main audio-visual group, ABS-CBN; calls on the EU Delegation and EU Member States’ representations in Manila to closely monitor the cases against Maria Ressa and Reynaldo Santos Jr, and to provide all necessary assistance;
6. Reiterates its call on the authorities of the Philippines to drop all politically motivated charges against Senator Leila de Lima, to release her while she awaits trial, to allow her to freely exercise her rights and duties as an elected representative, and to provide her with adequate security and sanitary conditions while in detention; calls on the EU to continue closely monitoring her case;
7. Recalls 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;
8. Urges the Philippine authorities to recognise that human rights defenders play a legitimate role in guaranteeing peace, justice and democracy; invites the Philippine authorities to guarantee, in all circumstances, the physical and psychological integrity of all human rights defenders and journalists in the country, and to ensure that they can carry out their work in an enabling environment and without fear of reprisals; 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;
9. Expresses serious concern at the recent adoption of the Anti-Terrorism Act, and recalls that in no circumstance can advocacy, protest, dissent, strikes and other similar exercise of civil and political rights be considered terrorist acts;

10. Urges the EU and its Member States to support the adoption of a resolution at the ongoing 45th session of the UN Human Rights Council to establish an independent international investigation into human rights violations committed in the Philippines since 2016;
11. 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 preliminary examination of the situation in the Philippines;
12. Calls again on the authorities of the Philippines to immediately halt ongoing procedures to reinstate the death penalty; recalls that the EU considers capital punishment to be a cruel and inhuman punishment which fails to act as a deterrent to criminal behaviour;
13. Urges the Philippines to respect 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;
14. 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 repeated misogynist statements; calls on the President to treat women with respect, and to refrain from inciting violence against women;
15. 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;
16. 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 regard;
17. Recalls that measures adopted by governments in response to the pandemic should protect and not undermine the human rights of citizens; stresses that these measures should be necessary, proportionate and non-discriminatory, should comply with international human rights obligations and national laws, and should be kept in place only as long as they are strictly required, and not be used as a pretext to limit democratic and civic space, fundamental freedoms, and the respect of the rule of law;
18. Is appalled by the practice of trafficking, military recruitment and involvement of children in conflicts in the country, and urges the Philippine Government to stop such practices; encourages the Government to increase its efforts to protect all children from abuse, and to uphold their rights, including the right to education of indigenous children; strongly opposes any proposal to further lower the age of criminal responsibility;

19. Denounces the threats, intimidation and personal attacks directed against UN Special Procedure mandate holders; urges the authorities of the Philippines to cooperate with the OHCHR and all UN human rights mechanisms, including by facilitating country visits and refraining from acts of intimidation or retaliation against them;
20. Given the seriousness of the human rights violations in the country, calls on the European Commission, 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;
21. Calls on the Philippine authorities to support the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs), and to ensure effective human rights due diligence processes for investment, development and business projects, especially with regard to large scale agribusiness acquisitions, extractive industries, infrastructure projects and cooperation involving the security sector; calls on companies based in or operating within the EU to strictly comply with the UNGPs and both international and national human rights law, as well as to conduct a meticulous and comprehensive due diligence process in relation to all their business operations and relationships within the country;
22. 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;
23. 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).