

December 14, 2018

Dear Ms Malmström,

The undersigned civil society organisations write you to convey our profound concern about the gross and systematic violations of human rights occurring in the Philippines and to urge you to address this situation by starting the withdrawal procedure of the Philippines' GSP+ status.

As a beneficiary of the EU's Generalised Scheme of Preferences (GSP+), the Philippines committed itself to comply with the principles laid down in core human rights conventions in exchange for being granted considerable trade preferences. In its GSP+ assessment report on the Philippines covering the period of 2016-2017, the Commission already expressed grave concern regarding the human rights situation in the country.¹ Unfortunately, since then, the situation has continued to deteriorate:

Extrajudicial killings continue unabated in the government's 'war on drugs': The Commission's report notes that 'the large number of killings in the so called 'war on drugs' initiated after the election of President Duterte and a number of his statements raise serious questions regarding the respect of human rights and instigating impunity.' Since then, drug-related killings are continuing on a daily basis. According to the Philippine Drug Enforcement Agency (PDEA), 4,999 people were killed during police operations between July 2016 and October 2018.² Crucially, this number does not contain the drug-related killings officially attributed to 'vigilante groups'. However, several investigative media reports and human rights organisations have implicated the police in these killings.³ Since there are indications that state agencies systematically manipulate the crime statistics⁴, the overall number of killings can only be estimated, but could now have reached well over 20,000 cases.⁵ In only a single case of drug-related killings, police officers have been convicted for murder, while President Duterte has repeatedly promised impunity to security force personnel who use deadly armed force against drug suspects. Despite mounting evidence that the killings in the 'war on drugs' could amount to crimes against humanity, the Philippine government maintains that the campaign against illegal drugs is conducted with full respect for human rights and the rule of law.⁶ At the same time, President Duterte has warned during his third State of the Nation Address in July this year that 'the war against illegal drugs is far from over, it will be as relentless and chilling, as on the day it began.'

Killings and prosecution of human rights defenders have increased: Extra-judicial killings of human rights defenders have been a long-standing problem in the Philippines, as the Commission's report notes. Ever since the breakdown of the peace talks between the Philippine government and the National Democratic Front of the Philippines (NDFP) in late 2017, harassment, defamation and murders of activists, including land and environmental rights defenders, who are wrongly portrayed as State enemies, communist rebels or terrorists, increased considerably. In February 2018, the Department of Justice published a list of around 600 individuals, it accused of being members of the communist New People's Army (NPA). This list included several human rights defenders, among them the UN Special Rapporteur for the rights of Indigenous Peoples, Ms Victoria Tauli-Corpuz. Just recently, on 6 November 2018, Mr Benjamin Ramos, a prominent human rights lawyer, was murdered in Negros Occidental Province, a crime which was denounced in a statement by the EU Delegation in Manila and several EU member states. Before being killed, Mr Ramos was included in a

¹ http://trade.ec.europa.eu/doclib/docs/2018/january/tradoc_156546.pdf

² <https://newsinfo.inquirer.net/1057464/pdea-almost-5000-killed-in-dutertes-war-on-drugs-as-of-oct-2018>

³ <https://www.reuters.com/investigates/section/philippines-drugs/>

⁴ <https://www.dw.com/en/investigating-dutertes-drug-war-in-philippines-facts-and-fiction/a-43695383>

⁵ <https://newsinfo.inquirer.net/988352/pnp-admits-4251-killed-in-war-on-drugs>

⁶ <https://www.philstar.com/headlines/2018/06/24/1827407/philippines-does-not-need-call-38-states-hr>

poster distributed by the local police accusing him of being a member of the NPA. After the murder, several of his colleagues working for local human rights organizations received death threats.

Political opponents are silenced: Since February 2017, Senator Leila De Lima, one of the most outspoken critics of the 'war on drugs', languishes in jail. The European Parliament has repeatedly asked for her release. Even though her arrest was widely criticized as being politically motivated, the government moved to arrest Senator Antonio Trillanes IV, who criticized the 'drug war' killings and accused people in the administration of corruption. Senator Trillanes was subsequently released on bail, but still faces charges of 'rebellion'. Moreover, a dozen mayors and seven vice mayors have been killed since President Duterte assumed office. Five of the mayors were included in a so-called 'narcolist' of officials the president accused of being involved in drug trafficking.⁷

Freedom of opinion and expression is at risk: Journalism in the Philippines remains a high-risk activity, with several journalists having been killed for covering sensitive issues such as drug trade, corruption or local crime. President Duterte has publicly attacked media outlets which have critically reported on official complicity in 'drug war' deaths. During this second annual State of the Nation Address on 24 July 2017, he accused the news site Rappler of foreign ownership. Since then Rappler was subjected to a barrage of harassment and intimidation by the administration. Its reporters were blocked from covering the Presidential Palace and the Securities and Exchange Commission (SEC) moved to revoke its license, a decision which was criticized by several UN Special Rapporteurs.⁸ Most recently, the Philippine Department of Justice indicted Rappler and its founder, Ms Maria Ressa, for tax evasion and failure to file tax return, in an attempt to silence one of the most critical voices among the Philippine media. President Duterte has also repeatedly threatened not to renew the franchise of the TV channel ABS-CBN when it expires in 2020.

Non-cooperation with UN human rights mechanisms: As the Commission's report notes, the Philippine government has only accepted a fraction of the 257 recommendations received during its third Universal Periodic Review (UPR) at the UN Human Rights Council conducted in May 2017. Specifically, it has not accepted a single relevant recommendation related to extrajudicial killings in the 'war on drugs' or the protection of human rights defenders, many of which were made by EU member states. Not only has the government refused the requests of several UN Special Rapporteurs to visit the country to provide an independent assessment of the human rights situation. President Duterte and members of the cabinet have personally attacked and slandered several mandate holders, and even threatened them with violence.

What we are witnessing in the Philippines is an ongoing human rights crisis. These violations of core human rights principles amount to 'serious and systematic violation of principles' laid down in the conventions monitored by the GSP+ regime, which, according to Article 19.1 (a) of the regulations, would justify a temporary withdrawal of the preferential status. We appreciate that the GSP+ mechanism is designed to provide incentives to generate positive change in countries which face severe challenges in the area of human rights. But as the Commission rightly stated in its GSP+ assessment report covering the period 2014-2015, 'the beneficiaries are expected to demonstrate serious efforts towards tackling the identified problems.' Since then, the human rights situation in the Philippines has not only deteriorated dramatically, but the government also made it abundantly clear that it is unwilling to address or even acknowledge these issues.

We therefore urgently recommend that the EU Commission immediately commences the withdrawal procedure of the trade preferences granted under the GSP+ mechanism. At the same time, the Commission should set clear criteria the Philippines has to fulfil before the end of the six months monitoring and evaluation period following the notification of withdrawal in order to avoid the loss

⁷ <https://newsinfo.inquirer.net/1053841/what-went-before-slain-public-officials>

⁸ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22610&LangID=E>

of the status (Article 19.5). We therefore request that the European Union makes the non-withdrawal of the GSP+ status conditional upon the following measures by the Philippine government:

- Immediately order an end to all police operations involving unnecessary or excessive use of force, in particular the use of lethal force during the arrest of suspected drug offenders,
- End incitement to killings in its 'war on drugs' and publicly denounce all killings,
- Create an independent commission to investigate the role of police officers and all other perpetrators in the killings of drug suspects. This commission of inquiry should be completely independent from the Philippine National Police, the Philippine Drug Enforcement Agency, and the Office of the President and seek international technical assistance to assure the impartiality of the investigation,
- Make public on a regular basis specific information on any cases filed against police officers and other perpetrators for alleged misconduct in the anti-drug campaign,
- Take concrete measures that contribute to putting an end to the prevailing culture of impunity for human rights violations in the country,
- Cooperate with all UN mechanisms and in particular the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on the situation of human rights defenders and grant them unfettered and unconditional access as per the Terms of Reference of Special Procedures,
- Direct the Philippine authorities to stop making statements that stigmatize human rights defenders, especially statements that suggest that defenders are members of the New People's Army, and publicly recognise the legitimate role they play as pillars of democracy and watchdogs of the rule of law,
- Remove the names of all human rights defenders from the petition which seeks to declare the New People's Army and the Communist Party of the Philippines as terrorist organisations,
- Withdraw all charges against Senator Leila De Lima, Senator Antonio Trillanes IV, Rappler and Ms Maria Ressa.

We thank you for your prompt attention to this urgent matter.

Sincerely,

Aktionsbündnis Menschenrechte – Philippinen (AMP)

Brot für die Welt

CCFD-Terre Solidaire

GEPA – The Fair Trade Company

Hilfswerk der Katholischen Jungschar (DKA)

Katholische Frauenbewegung Österreich (Kfb)

Koordinierungsstelle der Österreichischen Bischofskonferenz für internationale Entwicklung und Mission (KOO)

MISEREOR

Missio München

United Evangelical Mission (UEM)

philippinenbüro e.V. im Asienhaus

World Organisation Against Torture (OMCT)