

Aktionsbündnis Menschenrechte – Philippinen/ AMP  
Action Network Human Rights - Philippines

c/o philippinenbüro e.V. im Asienhaus  
Hohenzollernring 52  
D - 50672 Cologne, Germany

+49 [221] 7161 21 22  
info@amp.ngo  
[www.amp.ngo](http://www.amp.ngo)



Cologne, 10.02.2025 | AMP Briefing Note

## **On the relevance of the human rights situation in the Philippines for the EU-Philippines bilateral free trade agreement negotiations**

Former Philippine President Rodrigo Duterte (2016-2022) left the new President Ferdinand Marcos Jr. with a devastating human rights record. The country remains plagued by widespread impunity and a dysfunctional rule of law with thousands of unsolved cases of extrajudicial killings as part of the so-called “war on drugs.” This situation was, among other things, decisive for the European Commission to put the bilateral free trade agreement negotiations with the Philippines (EPFTA) on hold in 2019.

Despite President Marcos Jr.'s pro-human rights rhetoric, the human rights situation in the Philippines has not significantly improved by 2025: Drug-related killings have continued, and impunity persists. Additionally, the political persecution of human rights defenders has increased, with an alarmingly high number of [enforced disappearances](#) and targeted [fabricated charges](#) related to alleged terrorism financing. In April 2023, the EU Special Representative on Human Rights [emphasized](#) that “a handful of criminal convictions of police for ‘drug war’ killings in the [Philippines](#) is ‘not enough’ to guarantee continued trade perks with the European Union.” The UN Special Rapporteur on Freedom of Expression also [urged](#) President Marcos Jr. in January 2024 to denounce the practice of so-called *red-tagging* (i.e., branding an individual or organization as “terrorist”) which has been used to target human rights defenders.

Concrete measures in the area of human rights that lead to clear progress are still lacking; yet the European Commission announced the resumption of the EPFTA negotiations in March 2024. The first round of negotiations took place in October 2024, and the second round will [start](#) on February 10, 2025.

### ***Why is it important to consider the human rights situation in the Philippines in the context of the EPFTA negotiations?***

Although an FTA [contains](#) a **human rights clause**, the mechanism **has not proven to be effective in improving the human rights situation** in EU’s partner countries. To date, the EU has triggered the option of “appropriate measures” concerning human rights violations only in exceptional situations, such as a *coup d’etat*. The EU-Vietnam FTA (EVFTA) from 2020 exemplifies the shortcomings of the human rights clause. Despite the Vietnamese government’s systemic suppression of individuals and organizations advocating for environmental protection, labor and land rights, and exposing the socio-

economic impacts of infrastructure and investment projects in 2023, which [violated](#) the EVFTA, the EU Commission restrained from using the human rights clause under the FTA to influence the situation.

This is a familiar dilemma [known](#) from the EU's Generalized Scheme of Preferences. If the threshold for a breach or serious breaches of human rights violations and objective benchmarks to assess the situation in a partner country are not clearly defined in a trade agreement, **it is difficult to determine when and what measures will be taken to address possible human rights issues**. Without considering these factors, an EPFTA would have little impact on the human rights situation in the Philippines.

Even though ensuring economic, social, and cultural rights, especially core labor rights, is of particular importance in the context of trade, **guaranteeing a functioning rule of law that prevents civil and political rights violations is equally essential**. The EU Commission should not overlook this, considering that with [896 cases](#) (as of January 31, 2025), drug-related killings continue while in only three cases, police officers were convicted for their human rights violations. In Marcos Jr.'s third year in office, the AMP [recorded](#) 12 cases of enforced disappearances of human rights defenders, of which five individuals remain missing until today. More than half of these recorded disappearances are environmental defenders. Amid a global ecological crisis, environmental resources have become even more contested and scarce, also in the Philippines. The country has a long history of land conflicts, especially over agricultural lands, mining concessions and ancestral territories. Against this backdrop, the trend of political motivated enforced disappearances in connection with the EU's trade aspirations with the Philippines is alarming.

Local human rights groups also [criticized](#) that the **EPFTA negotiations resumed without a new human rights impact assessment (HRIA)** that could give guidance on how and when the negotiations should continue with respect to the current human rights situation. A sustainability impact assessment was [released](#) in 2019, prior to the Covid-19 pandemic and geopolitical crises as well as the change in government in 2022. In the case of the EVFTA, the Commission refused to carry out an HRIA despite critical [conclusions](#) of the European Ombudsman because the assessment should not "[decide](#) if a country is eligible for a trade agreement". The Ombudsman, however, [stated](#) in 2016 that "negotiated provisions need to be modified and mitigating measures have to be decided before an agreement is entered into," when negative impacts on human rights, for instance, are identified. The Commission should strongly consider carrying out a new HRIA for the EPFTA to adopt a tailor-made approach to past, present, and future human rights issues in the Philippines.

The human rights issues in the Philippines are not yet sufficiently resolved for the EPFTA negotiations to continue at this pace. **The Commission should take civil society concerns seriously into account and adequately adapt the EPFTA to prevent negative impacts on human rights as it happened in Vietnam.**