

Free trade: opportunity or threat to human rights in the Philippines?

Briefing Note | February 2026

Following the severe human rights crisis under former President Rodrigo Duterte, negotiations on an EU free trade agreement (FTA) resumed in 2024. Is the Philippines ready for free trade with the EU?

The **previous Philippine administration** of President Rodrigo Duterte (2016-2022) **left behind** a disastrous human rights record with more than **27,000 unsolved extrajudicial killings, widespread impunity**, and an alarming situation of **political persecution** of human rights defenders (HRDs). This human rights crisis was one of the reasons why the European Union (EU) put talks on a free trade agreement on hold in 2017. Rodrigo Duterte is currently facing charges at the International Criminal Court for alleged crimes against humanity. Duterte's successor, President Ferdinand Marcos Jr., promised to uphold international human rights standards and open the country for foreign investment to stimulate economic growth. After more than three years in office, however, **Marcos Jr. still failed to break with his predecessor's repressive policies and initiate relevant institutional and legislative reforms to ensure accountability and protect HRDs.**

Despite the lack of improvements in human rights, the EU decided to resume free trade talks with the Philippines in 2024. In March 2026, the EU Commission and the Philippines will enter the fifth round of negotiations on an FTA. Both parties are confident that the agreement will be concluded by 2027 at the latest, i.e., before the presidential election campaign begins. Rodrigo Duterte's daughter and current vice president, Sara Duterte, has a good chance of winning the election. That means that if there is any **opportunity to secure some structural human rights improvements, it is now**; that window may close next year.

MINING THREATENS INDIGENOUS PEOPLES' RIGHTS

The Philippine association Trade Justice Pilipinas (TJP) has been **warning for years about possible human rights risks of an EU-Philippines FTA**, especially with respect to critical minerals and raw materials. The agreement could **exacerbate conflicts and human rights violations in mining**, as cheaper European raw material imports and a ban on Philippine export restrictions could encourage EU investments into the expansion of mining in the Philippines.

Having the fourth-largest copper and cobalt reserves and the **fifth-largest nickel deposits** in the world, the **Philippines is considered a strategically important partner for the EU in supporting its "green transition"** and diversification of imports of critical raw materials. **Around two-thirds of mineral deposits are located on indigenous peoples' (IP) territories.** Many of these territories are already affected by concessions for exploration or extraction of raw materials. According to estimates by local NGOs, **many indigenous communities suffer from the socio-economic and environmental consequences of mining.**

As a result of impunity and weak institutions, the **consent of IPs for mining on their territories is usually not obtained in accordance with** the "free, prior, and informed (FPIC) consent". Moreover, the Mining Act of 1995 grants mining companies extensive rights to log timber and use water free of charge, resulting in excessive plundering of natural resources. This also violates the rights of IPs to self-determination as laid down in the Indigenous People's Rights Act (IPRA) of 1997 and jeopardizes their livelihoods. **IP representatives** have therefore long been **calling for a revision of the Mining Act.** Not only IP defenders and environmental activists speak out against harmful mining activities but also local governments using local ordinances to ban further mining activities.

According to the local network Alyansa Tigil Mina (ATM), many **mining projects cause irreversible damage such**

as loss of livelihoods, food insecurity, biodiversity loss, deforestation, pollution of water catchment areas, displacement of communities, health issues, and human rights violations. The loss of forests and mangroves also exacerbates the effects of extreme weather events.

PROTECTION FOR HUMAN RIGHTS DEFENDERS NEEDED

Anti-mining activists, especially women, are often threatened, criminalized, harassed, and even killed.

Indigenous human rights defenders are also **frequently subjected to the practice of so-called “red-tagging,”** which means that they are accused of supporting the armed communist insurgency or of being “terrorists.” **Criminalization based on allegations of terrorism financing** (based on the 2020 Anti-Terrorism Act of (ATA) and the 2012 Terrorism Financing Prevention and Suppression Act (TFPSA)) **has become a common means of silencing HRDs, especially with the recent conviction of journalist Frenchie Mae Cumpio in January 2026.** Since 2024, the Aktionsbündnis Menschenrechte-Philippines (AMP) recorded several cases in which HRDs and NGOs have been charged with alleged terrorism financing. The AMP also counted the disappearance of 13 HRDs since 2022, seven of whom are still missing.

A **Sustainability Impact Assessment** (SIA) conducted by the European Commission in 2019 identified **possible negative human rights consequences** of the FTA, especially for **IPs, women, and children**. Concrete measures are unknown that could counteract these negative effects. Moreover, the **socio-economic situation in the county has changed significantly** once again in the wake of the coronavirus pandemic and geopolitical challenges. The EU’s interest into critical raw minerals only emerged in 2023. However, the **EU Commission rejected proposals of conducting a separate Human Rights Impact Assessment (HRIA)** in 2025, referring to the SIA-chapter on human rights.

The **trade and sustainability development** (TSD) chapter includes commitments to the implementation of already ratified core labor standards of the **International Labor Organization** and **multilateral environmental agreements**. **Commitments to**

international human rights standards in general, with reference to the EU-Philippines Partnership and Cooperation Agreement (PCA), are **only set out in the preamble**. In the **event of a breach** of the obligations in the TSD, the current negotiation text provides for **consultations** between the contracting parties. This mechanism, however, is considered ineffective as it **cannot lead to trade sanctions**. Unfortunately, negotiations on the TSD chapter were already closed in December 2025 without the supplementation of a separate section on human rights.

The EU has also proposed human rights as an “essential element” of the agreement or **human rights clause** by linking to the relevant provisions of the PCA. Human rights clauses, however, **have so far only been activated in “exceptional cases”** such as coups d’état and in economically insignificant EU partner countries. Notably, trade preferences have never been suspended. This means that “routine human rights violations” do not constitute grounds for suspending trade privileges.

LEGAL REFORMS ARE ESSENTIAL FOR FTA CONCLUSION

In conclusion, the **current FTA-negotiation text offers little scope for responding to human rights violations and imposing effective sanctions**. In the **run-up to ratification of the agreement**, the EU should **negotiate political demands for specific national legal reforms**, and the **adoption of pending legislative proposals** including:

- Review of / alternative to the Mining Act of 1995.
- Reform the ATA and TFPSA by aligning it with international human rights standards.
- Adoption of the Human Rights Defenders Protection Bill and the Anti-Red-tagging Bill to criminalize “red-tagging” and set up protections obligations for the state, and adoption of the Commission on Human Rights Charter (CHR) Bill to increase the CHR capacities to push for accountability.

These legal reforms should become key points for the conclusion of the agreement.

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