

# **Human rights situation in the Philippines - Resolution of the European Parliament**

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## **Texts adopted by Parliament**

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European Parliament resolution of 26 April 2007 on the human rights situation in the Philippines

The European Parliament ,

- having regard to the Report of the independent Commission to Address Media and Activist Killings, chaired by Justice Jose Melo (the Melo Commission), which was released on 22 February 2007,
- having regard to the preliminary report by Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions,
- having regard to the statement by the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, of 12 March 2007,
- having regard to the pledges the Philippine Government gave to the international community prior to its election to the UN Human Rights Council,
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, as ratified by the Philippines on 18 June 1986, and its First and Second Optional Protocols allowing, respectively, individual complaints and visits to detention facilities by independent bodies,
- having regard to the UN International Convention for the Protection of All Persons from Enforced Disappearance of 2006,
- having regard to the Congressional and local elections in the Philippines scheduled for 14 May 2007, and the EU observer mission to be deployed,
- having regard to the 16<sup>th</sup> EU-ASEAN Ministerial Meeting Joint Co-Chairmen's Statement of 15 March 2007,
- having regard to the Asia-Europe Meeting (ASEM) of Foreign Ministers scheduled for 28 and 29 May 2007 in Hamburg,
- having regard to the Declaration by the Presidency on behalf of the European Union of 26 June 2006 on the complete abolition of the death penalty in the Philippines,

- having regard to the European Commission's Country Strategy Paper (CSP) and the National Indicative Programme (NIP) 2005-2006 for the Philippines,
- having regard to its previous resolutions on the Philippines,
- having regard to Rule 115(5) of its Rules of Procedure,

A. whereas in recent years the number of politically motivated killings in the Philippines has dramatically risen and the human rights situation in the country gives reason for serious concern,

B. whereas the local human rights organisation Karapatan has recorded 180 forced disappearances and over 800 killings, most of them by unidentified gunmen, since 2001,

C. whereas most of those killed, such as opposition party members, church people, community leaders, peasants, journalists, lawyers, human rights activists, trade unionists or simply witnesses of extra-judicial killings, have been accused by government representatives of being members of front organisations for illegal armed groups and 'terrorists',

D. whereas the President of the Republic of the Philippines, Gloria Macapagal-Arroyo, has appointed the above mentioned Melo Commission to examine the problem and a national-level police task force (Task Force Usig) to investigate the killings promptly and to prosecute the perpetrators,

E. whereas both the findings of the Melo Commission and the results of the investigations by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions indicate the involvement of the Armed Forces of the Philippines (AFP) in those political killings and whereas attacks rarely result in the arrest, charge or prosecution of the murderers,

F. whereas the Melo Commission's recommendations include: the creation of an independent civilian investigative agency with authority to execute warrants and make arrests; training for prosecutors; the creation of Special Courts to handle these cases; enhancement of the Witness Protection Programme; increasing the investigative capabilities of the police; and orientation and training for security forces,

G. whereas as a follow-up to the recommendations of the Melo Commission, President Arroyo has issued a 6-point plan to stop extrajudicial killings, including an order to the Department of Justice to broaden and enhance the Witness Protection Programme, requests to the Supreme Court to create Special Courts to try those accused of killings of a political or ideological nature, to the AFP to issue a new document on Command Responsibility and to the Department of Justice and the Department of National Defence to coordinate with the independent Melo Commission on Human Rights and an order to the Department of Foreign Affairs to submit a formal request to the European Union, Spain, Finland and Sweden to send investigators to assist the Commission,

H. whereas recent anti-terrorist measures adopted by the Government give rise to serious concern regarding the possible breaches of human rights of the persons detained on the basis of this law,

1. Expresses its grave concern at the increasing number of political killings that have occurred in recent years in the Philippines and urges the Philippine authorities to make the necessary investigations in a timely, thorough and transparent manner and to bring those responsible to justice;

2. Condemns in the strongest terms the murder of Mrs Siche Bustamante-Gandinao, a dedicated human rights activist who was killed just days after testifying to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, and is concerned about the lack of any police

investigation concerning this important case;

3. Takes the view that the adoption of the Human Security Act 2007, which will enter into force in July 2007, is liable to further increase the incidence of human rights violations by the Security Forces because it will allow arrest without warrant and arbitrary detention for up to three days; calls in this respect upon the Government of the Philippines to introduce concrete protection measures to avoid human rights abuses that could result from the application of this law;

4. Denounces attacks on legal opposition groups, and calls on the authorities to put an end to allegations of collusion between peaceful opposition groups and illegal armed groups;

5. Welcomes the establishment and the recommendations of the Melo Commission and the establishment of the Task Force Usig, as well as President Arroyo's declaration of 30 January 2007 that she has 'no tolerance for human rights violations', as a first step;

6. Calls upon the Philippine Government to adopt measures to end the systematic intimidation and harassment of witnesses in connection with prosecutions for killings and to ensure truly effective witness protection; stresses also the need to stop inciting violence towards certain political or civil-society groups and to restore normal accountability mechanisms to check government abuses; calls particularly in this respect on the Philippine Ombudsman to take seriously his constitutional role in responding to extrajudicial killings attributed to public officials;

7. Views positively the 6-point plan of the Government to end the political killings; stresses, however, that the Government of the Philippines must show real commitment to investigating those killings and a readiness to bring those responsible for them, including representatives of the security forces, to justice; notes that so far most police investigations have tended to be flawed;

8. Welcomes the signing by President Arroyo on 24 June 2006 of legislation abolishing the death penalty in the Philippines (Act No. 9346 or "An Act Prohibiting the Imposition of Death Penalty in the Philippines"); also calls on the Philippine authorities to ratify the newly adopted UN Convention on Enforced Disappearances and to adopt implementing legislation;

9. Is concerned that the climate of impunity has a corrosive impact on public confidence in the rule of law and that the killings are creating a climate in which people in the Philippines do not feel free to exercise their rights of political expression and association;

10. Appeals to President Arroyo to take immediate action in order to prevent the risk of the further escalation of violence before and during the upcoming polls;

11. Calls on the Government of the Philippines to guarantee the security of those applying for the redistribution of land under the Comprehensive Agrarian Reform Programme (CARP) and to expedite the implementation of the land reform programme in order to curb one of the root causes of political violence;

12. Welcomes the Commission's announcement that it will contribute to the Philippine Government's efforts with regard to the inquiries into extrajudicial killings by sending a team of experts;

13. Instructs its President to forward this resolution to the Council, the Commission, the UN Human Rights Council, the governments of the ASEAN Member States and the Government and Parliament of the Philippines.

Last updated: 30 April 2007

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**Annex: oral question before the session****Oral question to the Council (EU) on repression in the Philippines, Tobias Pflüger MEP**

ORAL QUESTION for Question Time at the part-session in April 2007 pursuant to Rule 109 of the Rules of Procedure by Tobias Pflüger to the Council

Subject: Extrajudicial executions in the Philippines

What is the Council's assessment of the political situation in the Philippines, where more than 830 left-wing political activists, journalists, lawyers, judges, human rights activists, priests and trade unionists have been killed in extrajudicial executions since Gloria Macapagal Arroyo's government took office in 2001, a situation which has recently been strongly criticised by the UN special rapporteur Philip Alston? What is the Council's assessment of the Arroyo government's evident failure to act and reports that the Philippines army is behind these killings?