

Country Updates on Human Rights and Democracy 2019

Philippines

1. Overview of the human rights and democracy situation: In 2019, the way the campaign against illegal drugs was conducted remained of serious concern. According to verifiable information, the 'war on drugs' resulted in a significant number of drug-related killings during law-enforcement operations (although the numbers seem to have slightly receded in comparison with 2018), a lack of investigations and convictions for wrongful deaths and overcrowding in jails while the supply side remained largely unaddressed.

The fight against impunity is eroded by an ill-functioning judicial system. The withdrawal of the Philippines from the International Criminal Court (ICC) in March adds to that negative trend. In accordance with the constitution, President Duterte was in a position to make appointments for the Supreme Court. Following the mid-term elections in May, President Duterte is supported by a 'super-majority' in both chambers of Congress.

There is also a worrying shrinking space for civil society where human rights defenders are under attack and a high number are killed. 2019 saw an increase of 'red-tagging' of organisations and a more restrictive regulatory framework for CSOs.

As regards poverty reduction, the statistics published in late 2019 by the Philippine Statistics Authority show a remarkable progress, with the poverty incidence dropping to 16.6 % of the population in 2018 from 23.3 % in 2015 (i.e. nearly 6 million Filipinos lifted out of poverty). The Philippines has advanced in social and economic rights introducing the universal healthcare act, magna carta for the poor and an extended maternity leave. Children rights have been further upheld with the Special Protection of Children in Situations of Armed Conflict Act but legislative work aiming at lowering the age for criminal responsibility from 15 to 12 years old is of concern.

The death penalty was not reintroduced, nor was the age for criminal responsibility reduced.

The approval of Bangsamoro Organic Law and the creation of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) is a significant milestone in the history of the Philippines and a step towards lasting peace, sustainable development and prosperity in this region. A ceasefire with the communists for the Christmas period may signal a possible resumption of the peace negotiations with the government.

The Third National Human Rights' Plan (2018-2022) has not been adopted yet, even though work is ongoing.

2. EU action - key focus areas: The EU has been a staunch supporter of the Mindanao Peace Process throughout the years and welcomed the peaceful conduct of the referendum early 2019. The EU remains committed to supporting the BARMM through its different instruments.

In December, the EU delegation in Manila welcomed the Quezon City Regional Trial Court decision regarding a case of mass execution of 58 people (32 of them journalists) in Maguindanao; 53 of the perpetrators were convicted after 10 years.

3. EU bilateral political engagement: The EU delegation and several EU Member States'

embassies had public speaking engagements and development cooperation projects on human rights. There were meetings with human rights defenders, including NGO representatives, journalists and the Commission of the Human Rights, to get updates on the human rights situation in the Philippines, as well as to share views on possible contributions from the international community to improve the general situation of human rights in the country.

During 2019, the EU worked at the finalisation of the GSP+ country Report for the Philippines (2018-2019), which has subsequently been published.

4. EU financial engagement: The EU financial engagement in the field of human rights remained in line with the EU's priorities for the year. They included the extension of a successful programme (GOJUST) in the area of justice reform and support to national human rights institutions; support to CSOs through calls for proposals under the EIDHR and CSO/LA instruments; and support to the Mindanao Peace Process through the Instrument contributing to Stability and Peace (for a total budget of EUR 16 million).

5. Multilateral context: The Philippines started its fifth term as a member of the Human Rights Council (HRC) for the period 2019-2021. In 2019, no UN human rights special procedures visited the country, nor any invitation was issued.

In June, 11 UN Special Rapporteurs stated that they 'recorded a staggering number of unlawful deaths and police killings in the context of the so-called war on drugs, as well as killings of human rights defenders' and that 'very few independent and effective investigations have taken place'.⁴⁹

In July, the human rights situation of the Philippines was the subject (for the first time) of a HRC Resolution 42/1⁵⁰ that was supported by 27 EU Member States. The resolution called for a comprehensive report on the country's human rights situation to be presented in 2020. On the occasion of the adoption of this resolution, the EU reiterated its concerns on the human rights situation in the Philippines, including the high death toll and the severe conditions in detention associated with the campaign against illegal drugs and called for prompt, effective, impartial and transparent investigations of all cases of death. The resolution triggered an unprecedented reprisal by the government to the countries that had supported the resolution, including the suspension of grants/loans and the boycott by government officials of national days.

The ICC has yet to determine if there is a reasonable basis to proceed with an investigation on the war on drugs after the Prosecutor initiated a preliminary examination, which started in 2018 and has not yet been concluded.

⁴⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24679&LangID=E>

⁵⁰ Resolution adopted by the Human Rights Council on 11 July 2019, Promotion and protection of human rights in the Philippines
<https://undocs.org/A/HRC/RES/41/2>