

118TH CONGRESS  
1ST SESSION

# H. R. 1433

To suspend the provision of security assistance to the Philippines until the Government of the Philippines has made certain reforms to the military and police forces, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2023

Ms. WILD (for herself, Ms. SCHAKOWSKY, Mr. GARCÍA of Illinois, Mr. MCGOVERN, Mr. POCAN, Mr. RASKIN, Ms. OMAR, Mr. GOMEZ, Mr. GRIJALVA, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To suspend the provision of security assistance to the Philippines until the Government of the Philippines has made certain reforms to the military and police forces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Philippine Human  
5 Rights Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The United States State Department's  
4 2021 Human Rights Report on the Philippines  
5 found "significant human rights issues" in the coun-  
6 try, including "extrajudicial killings, by and on be-  
7 half of the government and nonstate actors; reports  
8 of forced disappearance by and on behalf of the gov-  
9 ernment and nonstate actors; torture by and on be-  
10 half of the government and nonstate actors; harsh  
11 and life-threatening prison conditions; arbitrary de-  
12 tention by and on behalf of the government and  
13 nonstate actors; serious problems with the independ-  
14 ence of the judiciary." The Report also notes, "seri-  
15 ous restrictions on free expression and media, in-  
16 cluding violence, threats of violence, and unjustified  
17 arrests or prosecutions of journalists, censorship,  
18 and the use of criminal libel laws to punish journal-  
19 ists; high-level and widespread government corrup-  
20 tion; serious government restrictions on or harass-  
21 ment of domestic human rights organizations; and  
22 threats and violence against labor activists".

23 (2) The United Nations Office of the High  
24 Commissioner for Human Rights (OHCHR), re-  
25 ported in September 2022, that major human rights  
26 issues persist in the Philippines, including, "harass-

1 ment, threats, arrests, attacks, red-tagging against  
2 civil society actors, as well as the continued drug re-  
3 lated killings by police,” and, “access to justice for  
4 victims of human rights violations and abuses re-  
5 mained very limited”.

6 (3) A 2021 international independent investiga-  
7 tion, Investigate Philippines, found that since 2020,  
8 “the perpetuation of human rights violations by  
9 State forces has become more institutionalized,  
10 streamlined, and entrenched, and domestic remedies  
11 for such violations are insufficient, ineffective at pro-  
12 viding redress and halting continued abuses”. Said  
13 investigation further found: police and military  
14 forces are perpetuating violations and obstructing  
15 justice; investigations are not impartial; mechanisms  
16 for civilians to hold police and military accountable  
17 are failing; court protections are inaccessible, slow  
18 and discriminatory; government forces are orches-  
19 trating political repression and militarizing govern-  
20 ance; counterinsurgency activities are targeting law-  
21 yers and denying victims access to counsel; efforts to  
22 challenge unjust laws through legal channels are  
23 being dismissed; public institutions and bodies which  
24 should provide checks and balances or oversight have  
25 been eviscerated or lack clout.

1           (4) In a 2023 report, Human Rights Watch re-  
2           ports there has been “no letup” in the War on drugs  
3           in the Philippines under the Ferdinand Marcos Jr.  
4           administration, which leading human rights organi-  
5           zations estimate took up to 30,000 lives under  
6           former President Rodrigo Duterte.

7           (5) According to the Joint Report of Trade  
8           Unions to the International Labor Organization,  
9           from 2019 to the beginning of 2023, there have been  
10          16 killing of trade unionists, two cases of forced dis-  
11          appearances, 68 cases of arrests and detention, 90  
12          cases of forced disaffiliation, 58 cases of red-tagging,  
13          and 127 cases of intimidation of union leaders and  
14          members. Additionally, the Report notes that the  
15          Government of the Philippines has failed to act on  
16          any previous recommendations by the International  
17          Labor Organization to protect workers’ rights, and  
18          responded directly to recommendations that, “it re-  
19          quires further clarification as to what constitutes ef-  
20          fective measures to prevent violence against workers;  
21          what constitutes immediate and effective investiga-  
22          tion”.

23          (6) In 2022, the International Trade Union  
24          Confederation (ITUC) listed the Philippines as one  
25          of the “10 worst countries in the world for working

1 people” for the sixth consecutive year. In its 2022  
2 report, the ITUC stated: “Workers and their rep-  
3 resentatives in the Philippines remained particularly  
4 vulnerable to violent attacks, intimidation and arbi-  
5 trary arrests. Trade unionists, maliciously red-  
6 tagged by President Duterte, remained under imme-  
7 diate threat from the police and the army, which  
8 conducted targeted raids against them. Over 50  
9 trade unionists have been killed since President  
10 Duterte came to power in 2016”.

11 (7) In the first six months of the Marcos ad-  
12 ministration alone, the Alliance for Advancement of  
13 People’s Rights (Karapatan) has documented 17  
14 extrajudicial killings, 165 illegal arrests, 9,159  
15 forced evacuations, and 357,726 cases of harassment  
16 and intimidation.

17 (8) In 2021, the international NGO Global Wit-  
18 ness declared the Philippines to be the deadliest  
19 country in Asia for environmental activists for the  
20 ninth consecutive year. Since President Duterte took  
21 office in 2016, 30 environmentalists, 54 indigenous  
22 people, and 207 farmers and peasants have been  
23 extrajudicially killed. Included in the targeting of en-  
24 vironmental activists during this timeframe, was  
25 United States citizen, Brandon Lee, who was sub-

1       jected to an assassination attempt on August 6,  
2       2019. Brandon Lee has been subjected to repeated  
3       threats and harassment by the Philippine military  
4       due to his advocacy relating to the land and rights  
5       of indigenous people in Ifugao province and the sur-  
6       rounding Cordillera region of the Philippines. While  
7       Brandon Lee survived the attack, he has been left  
8       paralyzed and his assailants have not been brought  
9       to justice.

10           (9) Philippine State actors have targeted law-  
11       yers, judges, and politicians for repression. Accord-  
12       ing to the National Union of Peoples' Lawyers, 133  
13       Filipino lawyers have been murdered over the past  
14       40 years, with 59 being murdered during Duterte's  
15       6-year term as President.

16           (10) Since February 2017, Senator Leila de  
17       Lima, vocal critic of the Government of the Phil-  
18       ippines' human rights violations, has been jailed on  
19       spurious charges. Amnesty International, other lead-  
20       ing human rights organizations, and the Working  
21       Group on Arbitrary Detention in the Office of the  
22       United Nations High Commissioner for Human  
23       Rights have documented the fabricated charges, coer-  
24       ced testimonies, and other violations of Senator de  
25       Lima's rights that have occurred. This case reflects

1 a broader pattern, with authorities in the Philippines  
2 consistently targeting political opposition leaders  
3 through politically motivated, spurious charges.

4 (11) It is widely recognized that the Govern-  
5 ment of the Philippines silences dissent and the  
6 press. In May 2020, ABS-CBN, one of the Phil-  
7 ippines’ two major sources of news, and an occa-  
8 sional critic of Duterte’s policies, was forced off air  
9 due to the denial of a franchise license by the Con-  
10 gress of the Philippines, at the behest of the Duterte  
11 administration. Similarly, Maria Ressa, a vocal critic  
12 of the repressive practices of State security forces,  
13 recipient of the 2021 Nobel Peace Prize, and found-  
14 er of the digital news site Rappler was convicted of  
15 cyber libel in June 2020. Multiple journalists critical  
16 of the Government, including Percy Lapid—a radio  
17 broadcaster and critic of the Marcos administration  
18 who was killed in October 2022—have been mur-  
19 dered since the beginning of the Marcos administra-  
20 tion. And according to Freedom House’s 2022 re-  
21 port on the Philippines, “impunity remains the norm  
22 for violent crimes against activists and journalists”.

23 (12) On March 7, 2021, nine activists were  
24 killed in a joint operation conducted by the Phil-  
25 ippine National Police and the Armed Forces of the

1 Philippines in an event widely referred to as “Bloody  
2 Sunday” in the Philippines. Included in those who  
3 were killed by State security forces was labor leader  
4 Emmanuel “Manny” Asuncion. The Philippines’ De-  
5 partment of Justice has declined to prosecute indi-  
6 viduals implicated in the murder of Manny Asun-  
7 cion, as well as in the murders of other activists.  
8 This failure to bring perpetrators to justice reflects  
9 the systemic lack of accountability within Philippine  
10 State security forces and prosecutorial agencies.

11 (13) On July 3, 2020, the Anti-Terrorism Act  
12 of the Philippines was passed into law. While pur-  
13 porting to counter terrorism, the bill rolls back many  
14 civil liberties by lessening requirements for judicial  
15 warrants, allows for extended pre-trial detention,  
16 and allows for the prosecution of conduct that is  
17 considered protected political speech. The Anti-Ter-  
18 rorism Act is viewed by many as a threat to Free-  
19 dom of Speech in the Philippines. Representative  
20 Jan Schakowsky, along with 49 other members of  
21 the United States Congress, urged the Government  
22 of the Philippines to repeal “this repressive legisla-  
23 tion”.

24 (14) The practice of “red-tagging”, wherein the  
25 Government labels activists, critics, and non-govern-



1 mental organizations as terrorists, has been growing  
2 in the Philippines, including the red-tagging of over-  
3 seas Filipinos, United States citizens, and Philippine  
4 election observers. This tactic is used to isolate indi-  
5 viduals or groups and chill political speech, and in  
6 many cases, mark them for harassment or assassina-  
7 tion by Philippines security or paramilitary forces.

8 (15) The Government of the Philippines fails to  
9 cooperate in matters of international law, including  
10 the International Criminal Court investigation into  
11 alleged crimes committed in the Philippines between  
12 November 1, 2011, and March 16, 2019, in the con-  
13 text of the so-called “war on drugs” campaign.

14 (16) The Armed Forces of the Philippines uses  
15 tactics of strafing and aerial bombings in military  
16 operations that have killed dozens and displaced  
17 thousands of civilians. In 2017, Armed Forces con-  
18 ducted a widespread bombing campaign on Marawi  
19 City, displacing 400,000 people and destroying the  
20 city. In 2019, AFP bombings in Mindanao displaced  
21 300 Indigenous People. In November 2021, peace  
22 advocates called for a stop to ongoing aerial bomb-  
23 ings in Bukidnon. In February 2022, the Armed  
24 Forces dropped at least 30 bombs in Cagayan Valley  
25 where there is a population of 41,680 people. In Oc-

1 tober 2022, the 94th infantry battalion conducted  
2 strafing and bombings in Negros Occidental, result-  
3 ing in over 15,000 evacuees.

4 (17) The United States continues to provide ro-  
5 bust assistance to state security forces of the Phil-  
6 ippines. Despite clear documentation of abuses and  
7 international condemnation, in April 2020, the  
8 United States announced a pair of arms sales total-  
9 ing \$2,000,000,000 for items including hellfire mis-  
10 siles and attack helicopters. In July 2020, the  
11 United States announced an additional sale of  
12 \$126,000,000 worth of assault boats and arma-  
13 ments. In October 2022, the United States provided  
14 \$100,000,000 in military financing.

15 **SEC. 3. SUSPENSION OF SECURITY ASSISTANCE.**

16 (a) **SUSPENSION OF SECURITY ASSISTANCE.**—No  
17 Federal funds are authorized to be appropriated or other-  
18 wise made available to provide assistance for the police  
19 or military of the Philippines, including assistance in the  
20 form of equipment or training, until the date described  
21 in subsection (d).

22 (b) **LOANS FROM MULTILATERAL DEVELOPMENT**  
23 **BANKS.**—The President shall instruct United States rep-  
24 resentatives at multilateral development banks to vote

1 against providing any loans to the police or military of  
2 the Philippines.

3 (c) REPORT REQUIRED.—Not later than 180 days  
4 after the date of the enactment of this Act, the Inspectors  
5 General of the Department of State and Department of  
6 Defense shall jointly submit to the Committee on Foreign  
7 Affairs of the House of Representatives and the Com-  
8 mittee on Foreign Relations of the Senate a report that—

9 (1) specifies all forms of security assistance or  
10 loans made available to the Philippine National Po-  
11 lice or the Armed Forces of the Philippines, includ-  
12 ing any organizations or individuals operating with  
13 the authority of the Philippine National Police or  
14 the Armed Forces of the Philippines, by the United  
15 States or by multilateral development banks during  
16 the period beginning January 1, 2016, and ending  
17 on the date of the submission of the report;

18 (2) contains all reports generated by recipients  
19 of United States security assistance or loans from  
20 multilateral development banks to the Philippines  
21 with respect to the use, investment, or transfer of  
22 such assistance or loans; and

23 (3) details any and all misuses of security as-  
24 sistance and loans during the period beginning Jan-  
25 uary 1, 2016, and ending on the date of the submis-

1 sion of the report by the Philippine National Police,  
2 the Armed Forces of the Philippines, or any affili-  
3 ated groups or individuals, such as extrajudicial  
4 killings, intimidation of political opponents, illegal  
5 sales under Philippine or international law, or mis-  
6 appropriation.

7 (d) CONDITIONS FOR LIFTING SUSPENSION OF AS-  
8 SISTANCE.—The suspension of security assistance under  
9 subsection (a) shall terminate on the date on which the  
10 Secretary of State certifies to the Committee on Foreign  
11 Affairs of the House of Representatives and the Com-  
12 mittee on Foreign Relations of the Senate that the Gov-  
13 ernment of the Philippines has—

14 (1) investigated and successfully prosecuted  
15 members of military and police forces who have vio-  
16 lated human rights, ensured that the military and  
17 police cooperated in such cases, and affirmed that  
18 such violations have ceased;

19 (2) withdrawn the military from involvement in  
20 domestic policing activities, in accordance with the  
21 Philippine Constitution, and ensured that all domes-  
22 tic police functions are separated from the military  
23 chain of command and are instead directly respon-  
24 sible to civilian authorities;

1           (3) established that it effectively protects the  
2 rights of trade unionists, journalists, human rights  
3 defenders, critics of the Government, faith and reli-  
4 gious leaders, and other civil society activists to op-  
5 erate without interference;

6           (4) taken effective steps to guarantee a judicial  
7 system that is capable of investigating, prosecuting,  
8 and bringing to justice members of the police and  
9 military who have committed human rights abuses;  
10 and

11           (5) fully complied with domestic and United  
12 States audits and investigations regarding the im-  
13 proper use of prior security assistance.

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