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**International Centre for Trade Union Rights**

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ICTUR was founded to  
defend and extend trade union rights and  
to raise awareness of these rights and their violations  
around the world

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**Attn:**

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**CC:**

Secretary Silvestre Bello III, Department of Labor and Employment  
(DOLE)

Office of the United Nations Special Rapporteur on the rights to freedom  
of peaceful assembly and of association

Ecumenical Institute for Labor Education and Research (EILER)

Kilusang Mayo Uno (KMU)

Centre for Trade Union and Human Rights (CTUHR)

International Trade Union Confederation (ITUC)

Industriall

**February 2018**

Dear Mr President,

The International Centre for Trade Union Rights is writing to express concerns about violent attacks against human rights and political activists, and an apparent overall deterioration in the climate for trade union rights in the Philippines.

We are specifically concerned by three developments occurring over the past six months, these being:

**The killing of a rural workers representative**

We note with grave concern the murder of Reneboy Magayano, the leader of a local plantation workers' association, who was killed on 18 September 2017.

### **Severe violations against the PISTON transport workers' union**

In October 2017 the PISTON transport workers' union launched a two-day jeepney strike. Immediately, there followed a series of extremely serious violations which have been recorded against the leaders of that union, including:

- The 'labelling' of PISTON and the national trade union centre to which it belongs, the Kilusang Mayo Uno (KMU), as legal fronts of the Communist Party of the Philippines, and the allegation – without evidence – that these groups were guilty of the crime of 'rebellion', which was made by President Duterte in public speeches and interviews, quoted widely in local media;
- Threats to the life and safety of George San Mateo, the leader of the PISTON transport workers' union, which he has been receiving since the strike and in the wake of President Duterte's response;
- the murder of Edwin Pura, the leader of a local chapter of PISTON, who was shot dead in Gubat, Sorsogon, on 25 October 2017;
- threats issued by the President in December 2017 to use the military and 'rubber bullets' to end the PISTON strike;
- the arrest of PISTON leader George San Mateo in December 2017.

### **Mass dismissals from Amertron Incorporated Philippines**

Since August 2017, the Industriall global union federation reports that some 532 activists and members of the Associated Labor Unions (ALU), were fired from Amertron Incorporated Philippines after forming a union, the United Amertronians Organization, founded in January 2017. A campaign of harassment and intimidation of union officers and members prompted the union to file a complaint with the Department of Labor and Employment (DOLO) for union-busting. Then, in September and October the company began mass layoffs of union members.

### **Human rights law and the responsibilities of the State**

ICTUR wishes to remind the government of the Philippines of its obligations under international law and in particular under the fundamental ILO Conventions, all of which the Philippines has ratified. The ILO's Committee on Freedom of Association has stated clearly that fundamental rights – especially those relating to human life and personal safety – must be fully respected and in order to guarantee the principles of freedom of association, enshrined in Conventions 87 and 98. According to the Committee, the rights of workers can only be 'exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for governments to ensure that this principle is respected'. (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, paras. 42-45). The Committee has further noted that an independent judicial inquiry should be instituted immediately to investigate assaults on the physical or moral integrity of individuals, in order to determine responsibility, punish those responsible and prevent repetition (*ILO*

*Digest*, paras. 46, 50, 184, 191). Failure to hold guilty parties to account creates a culture of impunity, ‘which reinforces the climate of violence and insecurity, and which is extremely damaging to the exercise of trade union rights’ (*ILO Digest*, para. 52).

Further to the arrest of labour leader George San Mateo, the Committee has emphasized that ‘no one should be deprived of their freedom or be subject to penal sanctions for the mere fact of organizing or participating in a peaceful strike’ (*ILO Digest*, para. 672), and that ‘the arrest, even if only briefly, of trade union leaders and trade unionists, and of the leaders of employers’ organizations, for exercising legitimate activities in relation with their right of association constitutes a violation of the principles of freedom of association’ (*ILO Digest*, para. 62).

ICTUR considers that the labelling of trade unions is an attempt to delegitimise their work and to tarnish their reputation. ICTUR recalls that the Committee has expressed ‘deep concern’ at ‘stigmatization and intimidation’ by the State, emphasising the ‘importance of strong measures to avoid such actions and statements against individuals and organizations that are legitimately defending their interests under Conventions Nos 87 and 98’ (*Committee on Freedom of Association of the ILO, Interim Report - Report No 374, March 2015, Case No. 2254*). ICTUR recalls that PISTON and the KMU are well known internationally as legitimate and effective trade unions, and that the KMU is affiliated internationally to the ITUC. We note that that the ‘labelling’ of trade unions places members and leaders of KMU unions at risk, and we further observe that the strike in question was not, in any case, a political event, but an action organised specifically in defence of the livelihoods of PISTON members.

On the subject of the attempts that have been made to de-legitimise left unions in the Philippines, ICTUR further wishes to remind the authorities that membership in the Communist Party of the Philippines is legal, and has been since 1992, when Congress repealed the Anti-Subversion Act. ICTUR further recalls that the 2008 report of the UN Special Rapporteur on Extrajudicial Executions addressed the problem of stigmatisation and labelling of left activists and political representatives, concluding that ‘the party list system — whereby some members of the House of Representatives are elected nationwide rather than from a particular district — was established by Congress in 1995 for the purpose of encouraging leftist groups to enter the democratic political system. Characterisation of Congressional representatives and much of civil society as “enemies” is thus completely inappropriate. Unsurprisingly, it has encouraged abuses’ (*Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philipp Alston, Addendum*, 16 April 2008, UN Doc: A/HRC/8/3/Add.2, para. 15).

With respect to the mass dismissals at Amertron Incorporated Philippines ICTUR recalls that Article 1 of ILO Convention 98 provides that workers shall ‘enjoy adequate protection against acts of anti-union discrimination in respect of their employment’, specifically in respect of acts calculated to cause the dismissal of or otherwise prejudice workers because of union membership or participation in union activities. The Committee has affirmed that this requires the State to take appropriate measures ‘which include the protection of workers against anti-union discrimination in their employment’ (*Digest*, para. 814, 817, 835). We also note a similar case – referred to the ILO’s Committee on Freedom of Association by the International Union of Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF) – in

which the Committee called on the government to conduct independent inquiries into the allegations of anti-union discrimination and mass dismissals, and to ensure the workers' full reinstatement without loss of pay (or if not possible adequate compensation) (See ILO Committee on Freedom of Association, Report No 383, October 2017 - Case No 3236).

ICTUR calls on the government to undertake all necessary measures to ensure that it complies with the Philippines' international obligations, and to protect the fundamental freedoms of workers to join and form unions and take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director