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Policy Officer, International
Department,
CGT France

Director

Daniel Blackburn, MA, barrister

Researcher

Ciaran Cross, LL.M.



International Centre for Trade Union Rights

Centro Internacional para los Derechos Sindicales
Centre International pour les Droits Syndicaux

Address: 177 Abbeville Road, London SW4 9RL , UK
Tel: +44 (0) 20 7498 4700
Fax: +44 (0) 20 7498 0611
E-mail: ictur@ictur.org
Web: www.ictur.org

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

By e-mail:

op@president.gov.ph, secshb3@dole.gov.ph, osec@dole.gov.ph,
useclr@dole.gov.ph, iaccluster@yahoo.com, pcc@malacanang.gov.ph,
chairgascon.chr@gmail.com, stqd.papp@opapp.gov.ph,
feedback@opapp.net

Attn:

Rodrigo Roa Duterte
President, Republic of the Philippines
Malacanang Palace, JP Laurel St.,
San Miguel, Manila
Philippines

CC:

Secretary Silvestre Bello III, Department of Labor and Employment (DOLE)
Jose Luis Martin Gascon, Chairperson, Commission on Human Rights
Jesus Dureza, Presidential Adviser on the Peace Process
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)

March 2018

Dear President Duterte,

The International Centre for Trade Union Rights is writing to again express its grave concerns about the repression of trade union rights in Mindanao.

It is recalled that in December 2017, the status of martial law was extended in Mindanao for another year. In the same month, a Presidential Proclamation declared the New Peoples Army (NPA) to be a “terrorist organisation”. In February, a fact-finding investigation into allegations of military harassment of trade unionists in Compostela Valley, Mindanao, reported widespread accounts of threats and intimidation by the military, particularly targeting workers and trade unionists at foreign-owned banana plantations. Under the pretext of Martial Law, the military has labelled all trade unionists in the region as supporters of the NPA and demanded that they surrender to the military camp of 66th Infantry Battallion - Philippine Army - to clear their names. The trade unionists have been threatened that if they fail to surrender they risk of charges being brought against them, or of being killed.

Since January 22, the military has intensified these operations, demanding that trade unionists either surrender to the army barracks and denounce fellow workers and relatives, or face death. It is reported that the military have been conducting house-to-house visits and village meetings, on the ostensible grounds that they are implementing the President's orders to hunt down communist rebels and supporters, including members of organisations that have been stigmatised and tarnished as “front organisations” of the Communist Party of the Philippines (CPP). In October last year, the President personally branded the trade union Kilusang Mayo Uno (KMU) and its transport affiliate Pagkakaisa ng mga Samahan ng mga Tsuper at Operators Nationwide (PISTON) as "fronts" of the CPP. The local trade unions at Sumitomo Fruits, Shin Sun Tropical Fruits and Freshmax banana plantations are all affiliated to the KMU. Their members have now found themselves targeted by the government’s anti-terrorism and counter-insurgency campaign. Locals have been told by the soldiers that all members of KMU affiliated unions are considered “NPA supporters”. The military further alleges to have a list of names of NPA supporters. Both those who have reported to the military camp, and those that have refused to do so, now fear for their safety. Soldiers also reportedly demanded that locals reveal the whereabouts of Arman Blasé – a full-time union organiser for the National Federation of Labor Unions.

It is recalled that last year in May, shortly after Martial Law was first declared in Mindanao, the military threatened to kill the striking workers at Shin Sun Tropical Fruits – who were protesting illegal dismissals and demanding the regularisation of their employment – unless they cease the strike. On June 2, mass arrests were carried out and several union leaders and members were beaten. It is understood that the workers’ case is still pending at the Department of Labor and Employment (DOLE). As noted in our previous correspondence, the murders in Mindanao on 28 September 2017 of Reneboy Magayano – an agricultural worker and chairperson of Maragusan Workers Association – and on 29 November 2017 of Lando Moreno – an oil palm worker – demonstrate the extremely serious and grave deterioration of security in Mindanao. These murders are suspected to be extrajudicial killings carried out by the military and – alongside the above incidents – clearly require the immediate opening of an independent judicial inquiry.

ICTUR wishes to again 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.

ICTUR reiterates that it considers the President’s labelling of trade unions as a highly dangerous attempt to delegitimise their work and to tarnish their reputation. The ILO Committee on Freedom of Association has expressed ‘deep concern’ at such ‘stigmatization and intimidation’, 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*). Both PISTON and the KMU are well known internationally as legitimate and effective trade unions; the KMU is affiliated internationally to the ITUC.

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 ‘characterisation of Congressional representatives and much of civil society as “enemies” is ... 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).

The Committee on Freedom of Association has further 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 in a case when emergency measures were extended over many years that “martial law was incompatible with the full exercise of trade union rights” (*ILO Digest*, para. 200).

ICTUR calls on the Philippines to address to take all measures to ensure that trade unionists in Mindanao are able to exercise their rights in full freedom and security, and that the government immediately reviews the operations of the military. In particular, this requires a complete retraction of any official statements labelling KMU and PISTON – or any other civil society organisations – as “fronts” of either the CPP or the NPA. These statements that have led to members of KMU affiliates being targeted in anti-terrorism operations. ICTUR further urges the government to take 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 horizontal line extending to the right.

Daniel Blackburn, Director