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International Centre for Trade Union Rights

Centro Internacional para los Derechos Sindicales
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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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By e-mail:

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Attn:

Rodrigo Roa Duterte
President of the Republic of the Philippines
Presidential Communications Operations Office
3/F New Executive Building (NEB), Malacañang Compound
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Philippines

CC:

Secretary Silvestre Bello III, Department of Labor and Employment (DOLE)
Kilusang Mayo Uno (KMU)
Centre for Trade Union and Human Rights (CTUHR)
International Trade Union Confederation (ITUC)
Ms. Annalisa Ciampi, United Nations Special Rapporteur on the rights to
freedom of peaceful assembly and of association

Dear President Duterte,

The International Centre for Trade Union Rights is gravely concerned about reported violence against striking workers in Compostela Valley, Mindanao.

ICTUR understands that on 2 June 2017, over one hundred armed police and soldiers surrounded workers picketing at the Shin Sun Tropical Fruits company in Compostela Valley. It is understood that a non-uniformed group also participated in the attack on the picket line, and that this group sprayed the striking workers and their supporters with a substance that the workers believe was chemical formaldehyde. It is further understood that twelve protestors were injured and then arrested, including Vicente Barrios, the union leader of the Sumitomo Fruit Company union (SUMIFRU), who was beaten, tied-up and interrogated by the police. Barrios is understood to be still in detention at the Compostela Municipal jail along with Pio Salazar (Freshmax Workers' Union) and Eric Noble (Shin Sun Workers' Union). Nine others were arrested and later released. Other union leaders have reported receiving death threats by mobile text message, demanding that the union halt the protest.

Prior to this, it was reported by the Kilusang Mayo Uno (KMU) union that, on 26 May 2017, a few days after Martial Law was declared on Mindanao, government soldiers belonging to the Army's 66th Infantry Battalion forcibly occupied and camped inside the Shin Sun packing plant and threatened to kill workers unless they end the strike. While Martial Law has been ostensibly imposed on Mindanao to combat terrorist activity, it seems apparent that the security services are exploiting Martial Law to harass and intimidate workers, curtail democratic rights, and justify egregious human rights violations. Workers are on strike at Shin Sun Tropical Fruits Inc. to demand that they be employed as regular workers and to protest over the illegal dismissal of 53 workers. It is understood that the Department of Labor and Employment (DOLE) Davao Office has ruled in their favour, finding that the 287 agency-hired workers of Shin Sun are indeed regular workers of Shin Sun Tropical Fruits and not employees of the ECQ Human Resources Corporation. Shin Sun is understood to have ignored this decision and filed a petition for a court injunction to end the dispute.

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).

ICTUR calls on the government to ensure that the three detained trade union leaders are immediately released; that any charges against the protestors are dropped; that a full investigation is conducted into this attack by the security services; and further to undertake all necessary measures to ensure the fundamental freedoms of workers to join and form unions and to 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