

Statement of the CGU Pilipinas on the Continuing Deterioration of Trade Union and Human Rights in the Philippines

For four straight years (2017-2021) the Philippines earned the dubious distinction of being one of the ten worst countries for workers according to the Global Rights Index of the International Trade Union Confederation (ITUC). This steady and alarming deterioration in the human and trade union rights prompted the International Labour Organization (ILO) to express concern especially violations related to freedom of association as enshrined in ILO Convention 87 which the Philippines ratified in 1953.

Thus, the International Labour Conference in June 2019 requested the Philippine government to receive a high-level tripartite mission (HLTM) to look into reported killings, harassments and violations of trade union rights, particularly ILO Convention 87. Unfortunately, the government dragged its feet and extended the invitation to the ILO HLTM only on April 2020. By then, the COVID-19 pandemic was raging. Health protocols and travel restrictions have so far prevented the conduct of the in-person HLTM.

Not only did the Philippine Government delay extending the invitation to the ILO HLTM, it failed to comply substantially with any of the recommendations of the 2019 Report of the ILO's Committee on the Application of Standards. It DID NOT "take effective measures to prevent violence in relation to the exercise of workers' ... legitimate activities". It DID NOT "immediately and effectively undertake investigations into the allegations of violence" against workers. It DID NOT "operationalize the monitoring bodies, including by providing adequate resources, and provide regular information on these mechanisms and on progress on the cases assigned to them. It FAILED to substantially "ensure that all workers ... are able to form and join organizations of their choosing..."

Instead, the Philippine government (a) created the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) which is responsible for indiscriminate red-tagging of trade unions and their leaders and interference in union affairs (b) set up the Joint Industrial Peace Concerns Office (JIPCO), now renamed Alliance for Industrial Peace Program that restricts union activities and organizing in economic zones and (c) enacted the Anti-Terrorism Act, a draconian law aimed at stifling dissent.

From 2019 to date, the Philippine affiliates of the Council of Global Unions have, so far, documented seven (7) killings of trade unionists, sixteen (16) cases of arrests and detention, twelve (12) cases of forced disaffiliation and other state interference with the right to self-organization through threats, harassment and intimidation and seventeen (17) cases of red-tagging/terrorist-tagging/intimidation/harassment. The environment of fear these created severely undermined the ability of workers to exercise their rights.

Among those killed are:

- Emmanuel (Manny) Asuncion, killed on March 7, 2021 at the Worker Assistance Center at Dasmariñas, Cavite by elements of the PNP serving a search warrant;
- Dandy Miguel, shot to death by two motorcycle-riding gunmen in the evening of March 28, 2021 while he was on his way home from a meeting of union leaders in Calamba, Laguna.
- Leonides "Dennis" Sequeña, assassinated on June 2, 2019 after giving a seminar to workers.

- Leonardo Escala ("Ka Esca), who was shot dead by unidentified assailants on February 7, 2021.

The rampant red-tagging and terrorist tagging constitutes the weaponization of the law and abuse of institutions. The mere accusation of being a member of a "communist-terrorist group (CTG)" is often enough justification for the police or the military to detain or question trade unionists. What makes red-tagging even more insidious is that these accusations are not necessarily made through official, verifiable channels. Anyone from the security forces, police or military, with or without uniforms, in military bases or police stations, or in the street or in workers' homes, can tag a union leader or organizer as "red". This adds to the uncertainty and heightens the fear.

Some blatant examples include the following:

- On May 6, 2021, 604 public school teachers were made to attend a seminar organized by the National Task Force to End Local Communist Armed Conflict where they were asked to disaffiliate from the Alliance of Concerned Teachers (ACT),
- The NTF-ELCAC has been trying to erode workers' confidence in the Federation and Cooperation of Cola, Beverage and Allied Industry Unions (FCCU-Sentro-IUF) by repeatedly tagging FCCU as a communist front organization.
- The officers and members of the union of civilian employees of the Philippine National Police (PNP-NUPAI-PSLINK) were red-tagged by no less than the then-PNP Chief Debold Sinas when the union spearheaded a campaign for a Collective Negotiation Agreement. False charges were made against the union president which is punishable by dismissal from the service. Because of harassment, 300 union members withdrew membership from the union.

In recent days, there have been some positive developments in the case of Manny Asuncion and the recognition of bargaining rights of the union of non-uniformed personnel in the PNP. But these are just drops in a bucket and incidence of trade union rights violations continue to increase.

As we await the Supreme Court decision on the Anti-Terrorism Act of 2020, the CGU Pilipinas reiterates its stand that the ATL should be struck down as unconstitutional. The ATL would further weaponize the law against trade unions and other progressive forces and worsen the country's human rights situation.

CGU Pilipinas demands immediate and concrete Executive Action from the Philippine government to address the alarming increase in red-tagging/terror-tagging, harassment, violence and, most especially, the killings of trade unionists. We demand that the Philippine government

- immediately investigate all cases of killings and other trade union rights violations. We urge the Department of Labor and Employment (DOLE) to strengthen the NTIPC's High- Level Monitoring Body and the Regional Monitoring Bodies by providing it with the necessary staffing, budget and power to investigate union rights violations.
- meaningfully operationalize the Guidelines on the Conduct of the DOLE, DILG, DND, DOJ, AFP, and PNP Relative to the Exercise of Workers' Rights and Activities issued on 12 May 2012 and elevate these Guidelines into an Executive Order of the President of the Philippines.
- fully operationalize the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and

Security of Persons as provided in Office of the President's Administrative Order No. 35 series of 2012 with meaningful trade union representation and renewed mandate

- take effective measures to protect labor rights in Special Economic Zones by, among others, emphasizing that all labor laws and jurisprudence shall be fully enforced in SEZs, abolishing the Joint Industrial Peace and Concern Office (JIPCO) without replacing it with similar entities that restrict the exercise of labor rights within the ecozones as well as ensuring labor representation in ecozone advisory bodies as provided for in Section 38 of the aforementioned PEZA law
- rescind the EO 70 to abolish the National Task Force to End Local Communist Armed Conflict (NTF ELCAC) that is being used for wholesale red-tagging and terrorist-tagging even of trade unions and other labor organizations.

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