



Global Union Federations in the Asia-Pacific Region Call for Immediate Action to Stop Violence Against Trade Unionists in the Philippines and End the Climate of Fear



The undersigned Asia-Pacific Regional Organizations of the Global Union Federations (GUFs) express their grave concern that the killing of trade unionists and violence and threats of violence against organizers and trade union leaders continue to escalate in the Philippines.



This systematic and widespread violence and threats and intimidation against trade union leaders, organizers and members creates an environment in which the fundamental right to freedom of association is no longer guaranteed. Every instance of violence perpetrated against trade union leaders and organizers constitutes a violation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).



It is a matter of great urgency that the Government of the Philippines, under the technical assistance and guidance of the ILO, take immediate action to implement effective measures to stop violence against workers and guarantee the rights protected under ILO Convention No.87.



In June 2019, trade unions from the Philippines reported on violence against trade unionists to the Conference Committee on the Application of Standards (CAS) at the 108th Session of the International Labour Conference. This included the killing of trade unions, violence against organizers and trade union leaders and threats of violence. In response the Committee has requested that the Government accept a high-level tripartite mission (HLTMs) to the Philippines. Trade unions in the Philippines and the GUF Asia-Pacific Regional Organizations welcomed the HLTMs as an important step in addressing these serious rights violations.



However, due to the restrictions on international travel in the COVID-19 pandemic, the HLTMs were postponed and are unlikely to take place before June 2022.



In the meantime, the Government has taken no concerted action to stop the violence. Instead, the Government has only asked the ILO CAS what constitutes “effective measures” to prevent violence against workers and what constitutes “immediate and effective investigation” that would ensure compliance with ILO Convention No.87.¹ As the Government asks how it should fulfill its most basic obligations under this fundamental ILO convention, the killings, violence and climate of fear continues.

The ILO Committee on Freedom of Association has been very clear in its decisions in past cases concerning ILO Convention No.87 exactly what are the obligations of all Governments

¹ Observation (CEACR) - adopted 2020, published 109th ILC session (2021). Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Philippines.



to protect these rights. For example, the Committee on Freedom of Association has stated that:

The rights of workers' and employers' organizations 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.²

All appropriate measures should be taken to guarantee that, irrespective of trade union affiliation, trade union rights can be exercised in normal conditions with respect for basic human rights and in a climate free of violence, pressure, fear and threats of any kind.³

The Committee requested a government to ensure that any emergency measures aimed at national security did not prevent in any way the exercise of legitimate trade union rights and activities, including strikes, by all trade unions irrespective of their philosophical or political orientation, in a climate of complete security.⁴

All allegations of violence against workers who are organizing or otherwise defending workers' interests should be thoroughly investigated and full consideration should be given to any possible direct or indirect relation that the violent act may have with trade union activity.⁵

² See the 2006 Digest, para. 44; 340th Report, Case No. 1787, para. 607, Case No. 2393, para. 1062, Case No. 2268, para. 1090; 342nd Report, Case No. 2298, para. 548, Case No. 2323, para. 695; 343rd Report, Case No. 1787, para. 418, Case No. 2445, para. 896, Case No. 2313, para. 1167; 344th Report, Case No. 2169, para. 140, Case No. 2486, para. 1213; 346th Report, Case No. 2528, para. 1437; 348th Report, Case No. 1787, para. 274, Case No. 2516, para. 684, Case No. 2540, para. 813, Case No. 2254, para. 1323; 349th Report, Case No. 2486, para. 1242; 350th Report, Case No. 2554, para. 504; 351st Report, Case No. 2540, para. 894, Case No. 2268, para. 1037; 353rd Report, Case No. 1787, para. 507, Case No. 2619, para. 580; 354th Report, Case No. 2068, para. 57; 355th Report, Case No. 2609, para. 863; 356th Report, Case No. 1787, para. 554, Case No. 2669, para. 1253; 357th Report, Case No. 2382, para. 25, Case No. 2713, para. 1102; 358th Report, Case No. 2723, para. 555, Case No. 2735, para. 609; 359th Report, Case No. 2445, para. 571, Case No. 2609, para. 628; 362nd Report, Case No. 2723, para. 834; 363rd Report, Case No. 2761, para. 427, Case No. 2768, para. 636, Case No. 2850, para. 873; 364th Report, Case No. 2859, para. 551; 367th Report, Case No. 2761, para. 443, Case No. 2923, para. 710, Case No. 2913, para. 806; 368th Report, Case No. 2609, para. 458, Case No. 2959, para. 505, Case No. 2978, para. 519; 370th Report, Case No. 2957, para. 411, Case No. 2723, para. 441; 371st Report, Case No. 2982, para. 700; 372nd Report, Case No. 3018, para. 494; 374th Report, Case No. 3050, para. 468; 376th Report, Case No. 3067, para. 953, Case No. 3113, para. 987; and 378th Report, Case No. 2609, para. 300, Case No. 3119, para. 668 and Case No. 2254, para. 848.

³ See the 2006 Digest, para. 35; 346th Report, Case No. 1865, para. 787, Case No. 2528, para. 1453; 351st Report, Case No. 2528, para. 1204; 356th Report, Case No. 2528, para. 1145; and 360th Report, Case No. 2745, para. 1076.

⁴ See 356th Report, Case No. 2528, para. 1184.

⁵ See 356th Report, Case No. 2528, para. 1143.



A climate of violence, coercion and threats of any type aimed at trade union leaders and their families does not encourage the free exercise and full enjoyment of the rights and freedoms set out in Conventions Nos. 87 and 98. All States have the undeniable duty to promote and defend a social climate where respect of the law reigns as the only way of guaranteeing respect for and protection of life.⁶

These are just some of the decisions made by the ILO Committee on Freedom of Association that clearly are applicable to the current situation in the Philippines. Therefore, the obligations of the Government are absolutely clear.

It is equally clear that the Government has failed to ensure the immediate and thorough investigation of all acts of violence and threats against trade union leaders, organizers and members. This in turn reinforces an environment of impunity for the security force personnel involved, thereby exacerbating the climate of fear.

In June 2020 the ILO CAS made similar observations regarding the urgent need for the Government to thoroughly investigate violence and intimidation of trade unionists *"with the aim of effectively preventing and combating impunity."*⁷

This environment of fear is deliberately orchestrated by organs of the Government – acting with impunity - to restrict and undermine trade union activity. In this environment of fear trade union members have resigned from their unions and non-organized workers have been too afraid to vote in favour of unions. This reflects the complete failure of the Government to ensure the rights guaranteed in ILO Convention No.87 are accessible to workers in the Philippines.

It is in this context that the GUF Asia-Pacific Regional Organizations call for immediate action by the Philippines government under the guidance and direction of the ILO.

The GUF Asia-Pacific Regional Organizations welcome the position of ILO CAS in June 2020 regarding the follow-up to the conclusions of the CAS June 2019, that the Government, while awaiting the HLTM, *"... in the meantime, it can avail itself of the technical assistance of the Office, including in order to elaborate a plan of action, detailing progressive steps to be taken to achieve full compliance with the Convention."*⁸

⁶ See the 2006 Digest, para. 58; 342nd Report, Case No. 2441, para. 627; 346th Report, Case No. 2528, para. 1459; 349th Report, Case No. 2561, para. 381; 351st Report, Case No. 2528, para. 1226; 356th Report, Case No. 2669, para. 1253; and 378th Report, Case No. 2254, para. 842.

⁷ Observation (CEACR) - adopted 2020, published 109th ILC session (2021). Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Philippines.

⁸ Observation (CEACR) - adopted 2020, published 109th ILC session (2021). Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Philippines.



There we must now proceed to develop this plan of action in the Philippines through an effective, inclusive tripartite process overseen by the ILO in which the affiliated unions of the GUF Asia-Pacific Regional Organizations will participate. Given the continued violence and threats of violence against trade unionists, this is a matter of great urgency.