

Senator the Hon. Marise Payne
Minister for Foreign Affairs
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Senate
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30 November 2020

Dear Minister

I write to you on behalf of the Australian union movement on the global union day of action for human and trade union rights in the Philippines. As I noted to you in my correspondence on 8 September 2020, and previously on 10 December 2019, human and trade union rights violations are escalating in the Philippines.

The International Trade Union Confederation ranks the Philippines as among the ten worst countries in the world¹ for working people, with no guarantee of rights for workers or trade unions. Fifty union members and officials have now been killed by extrajudicial violence under the Duterte administration. The persecution of unionists has increased through the process of 'red tagging', where unionists are spied on, profiled, portrayed as terrorists, arrested, unjustly detained and even killed by police and paramilitary groups, in an attempt to suppress dissent and crush union organising. We also condemn the attacks on and killings of investigative journalists in a bid to instil fear, as well as the judicial harassment of critics of government policies and independent news media exemplified in the arrest of Maria Ressa and the forced shutdown of ABS-CBN leading to 11,000 media workers losing their jobs.

Over a year ago, the Committee of Application of Standards of the International Labour Organisation (ILO) requested the government of the Philippines at the International Labour Conference (ILC) to take all effective measures to prevent violence against trade unions, and to investigate and punish the perpetrators in the 43 cases submitted by global unions of trade unionists murdered by extra-judicial killings under the Duterte administration. Seven more trade unionists have been killed in that time. Little progress has been made to address the persistent impunity for crimes targeting trade union and labour activists, or to ensure a safe environment for them to carry out their work, and the Duterte administration has yet to accept the ILO high-level tripartite mission recommended at the 2019 ILC.

The COVID-19 pandemic has worsened the situation for Filipino workers, with job losses, under-employment and increased insecure work leading to rising inequality and poverty. The Duterte administration has used the pandemic as cover to suppress unionists in essential service and healthcare sectors demanding safe workplaces, protective equipment, severance pay and wage protection, and to further target unions through the enactment of the Anti-Terrorism Act on 3 July 2020.

The Anti-Terrorism Act further threatens the ability of trade unions to exercise the rights to Freedom of Association and Collective Bargaining protected under ILO Conventions 87 and 98. The new law criminalises acts that are legitimate forms of freedom of speech, expression and peaceful assembly; creating a new offence of 'inciting to commit terrorism' where a person could be sentenced for up to 12

¹ https://www.ituc-csi.org/IMG/pdf/ituc_globalrightsindex_2020_en.pdf

years for inciting others through speech, writing or other representations; and giving more power to military and law enforcement to carry out warrantless arrests and detain suspects for 14 days without charge. The broad scope of terrorist activities under the Act contravene agreed international boundaries of terrorist acts under the United Nations Security Council's resolution (No.1566), and the Office of the United Nations High Commissioner for Human Rights (OHCHR) has expressed alarm that the Act could violate rights enshrined in the International Covenant on Civil and Political Rights and the United Nations Declaration of Human Rights.

Strikes in export processing zones and other legitimate union activities have been faced with criminalisation based on trumped-up charges and red-taggings by the Armed Forces of the Philippines and the Philippines National Police which the ministerial human rights guidelines have failed to eliminate. In the name of combating communist infiltration, industrial police offices, JIPCO, have been established since January in export processing and special economic zones to conduct surveillance of trade unionists, break up labour protests, intimidate families and force members to quit the trade unions they choose to join. A list of alleged terrorists is being compiled by the newly created Anti-Terrorism Council without due judicial procedure. The result is the authorisation of unwarranted surveillance, arrests and detentions. These developments pose tangible threats by institutionalising and normalising red-tagging activities by state agents who, as has been demonstrated, lack accountability and do not make a distinction between terrorism and legitimate trade union activities.

I urge the Australian Government to use all possible leverage to end these horrific acts of violence and repression against workers and their trade unions in the Philippines. Despite the many reports of attacks by the Armed Forces of the Philippines against their own people, the Australian Government is offering the Duterte regime increased military support through the 'Enhanced Military Cooperation Program' that commenced in December 2019. The ACTU urges the Australian Government to stop supporting the Armed Forces of the Philippines and the Duterte regime – Australian taxpayers' money should not be used to support a regime that routinely violates human and trade union rights. I also urge the Australian Government to use your position within the ILO Governing Body to ensure that the Philippines Government accepts the ILO High-Level Tripartite Mission at the earliest possible opportunity to conduct an open, transparent and robust investigation of the workers' rights situation.

Furthermore, we request an urgent meeting with your office to brief you on the worsening human and trade union rights situation in the Philippines. Please have your office contact Clare Middlemas, international officer (cmiddlemas@actu.org.au) to arrange a meeting at your earliest convenience.

Yours sincerely



Michele O'Neil
President

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