



International Labor Rights Forum

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**Testimony of BRIAN CAMPBELL, Attorney,
on behalf of the INTERNATIONAL LABOR RIGHTS FORUM,**

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On behalf of the International Labor Rights Forum, I'd like to thank the Committee for providing us the opportunity to update you about the on-going human rights abuses being suffered by trade union leaders and other human rights advocates in the Philippines. Since we filed the original GSP complaint in 2007, we have seen little change in the Philippines where labor rights continue to be routinely violated by the Government of the Republic of the Philippines, often at the hands of the Armed Forces of the Philippines. Impunity for these crimes remains rampant, and many workers live in fear of being killed, kidnapped, tortured and arbitrarily arrested.

After the ILO opened its inquiries into labor and human rights violations in 2006; the UN Special Rapporteur released his findings concerning extra-judicial killings in 2007; and the US Congress conditioned continued military aid to the Philippines on respect for human rights in 2007, there was an immediate drop in the number of killings. Philippine military generals even publicly, though anonymously for fear of retribution, proclaimed that the "Palparan Solution", named after the General Jovito Palparan who stands accused of orchestrating some of the most egregious human rights crimes, was a failure.

Sadly, the decline in human rights abuses was short-lived and, in December 2008, the Philippine Commission on Human Rights (CHR) noted a "resurgence of incidences that violate the right to life, such as killings, summary executions, enforced disappearances and other inimical acts."¹ Between 2007 and the end of 2008, the CHR identified over 142 cases of extrajudicial killings, where "almost all victims . . . were affiliated with certain activist groups, labor organizations and other political associations."² According to the U.S. Department of State, "the CHR suspected personnel from the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) in a number of the killings of leftist activists operating in rural areas."³

CHR Chairwoman Leila de Lima also described "a shift in methods on silencing . . . civil society. While the incidence of extrajudicial killings has significantly dropped, arrests and enforced detentions have increased."⁴ As the Chairwoman further explained, "Many suspected leftists are the subject of hastily issued arrest warrants without the full and benefit of fair and impartial preliminary investigations. Upon arrest, they languish in jails, their detention protected by less than expeditious trials, effectively removing them from their advocacies."

Democratically-elected trade union leaders continue to be targeted for killings, death threats, harassments, arbitrary arrests in 2008 and 2009. According to the Center for Trade Union and Human Rights, four labor leaders were assassinated and two others survived assassinations attempts

¹ *State of the Philippines Human Rights Situation*, Address given by the Hon. Leila De Lima, Chairperson of the Philippine Commission on Human Rights, Dec. 10, 2008.

² *Id.*

³ U.S. Department of State, Country Report: Human Rights Practices in the Philippines, February 25, 2009, Sec. 1(a)

⁴ *State of the Philippines Human Rights Situation*, Address given by the Hon. Leila De Lima, Chairperson of the Philippine Commission on Human Rights, Dec. 10, 2008.

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in 2008. The military has also intensified its campaign of intimidation and harassment of democratically-elected trade unions, their leaders and the communities in which they live. Thirty-seven union leaders were arbitrarily arrested and detained and 479 union leaders reported surveillance, threats and harassments.

While unions affiliated with the Kilusang Mayo Uno (KMU) labor center have borne the brunt of the Government's anti-union efforts, the military's abuses are not limited to KMU affiliated unions. Union organizers for the Alliance of Progressive Labor (APL), **Bukluran ng Manggagawang Pilipino (BMP)**, Partido ng Manggagawang (PM), Makabayan, and other independent unions are experiencing military harassments.

Furthermore, the military's abuses are not localized in one area nor are they the result of "rogue elements" within the ranks of the military. From the Cordillera mountains in the north to Mindanao in the south, the entire military has implemented a coordinated strategy to weaken unions seeking to organize workers in many of the Philippines key industries, such as electrical wiring manufacturing, pineapples, sugar, bananas, universities and textiles. All branches and units of the military are working with other government agencies to violate the rights of the Filipino workers.

This past fall, we testified before this committee about the on-going military harassments of union members at Dole Foods' plantation and processing facility, which the military has designated as "infiltrated by" the workers' democratically-elected trade union, who they accuse of being a "front" for armed insurgents. The experience at Dole Foods' is not unique, but rather indicative of standard operating procedures by the military across the Philippines.

In the Compostella Valley, Mindanao, the military recently established an organization called WIPER, or Workers' for Industrial Peace and Economic Reform composed entirely of plain clothed military officers who canvass local towns to identify the homes of local union leaders and their families; conduct seminars in the local villages in an effort to get the local communities to turn against the unions. WIPER has also been conducting seminars inside the banana processing facilities where workers, most of whom are union members, are forced to listen to a bevy of accusations maligning the union. Trade union leaders in the remote Compostella Valley live in constant fear for their lives, where killings occur frequently. In 2008 alone, the Center for Trade Union and Human Rights reported that two trade union organizers were killed. One KMU official in nearby Davao has survived two assassination attempts.

In Central Luzon province, Angie Ladera, a vice-president of the KMU and former president of the democratically-elected trade at International Wiring Systems, was forced to seek asylum in Australia after the military branded her an "enemy of the state"; her brother-in-law, who was also listed as a threat to national security, was assassinated by a sniper's bullet while on his way home from work; and the military began visiting her children's school and asking the security guards about the identity and whereabouts of her 12 year old daughter and 10 year old son. The Australian government did not hesitate in granting her asylum request this past December. Yet, military officers have continued to regularly visit the homes of Ms. Ladera's colleagues at International Wiring Systems threatening them with death and harm to their families. The military has also been holding education seminars where they instruct the union not to ask for too much in the next collective bargaining agreement which is currently being negotiated.

In CALABARZON, the conglomeration of provinces south of Manila, the Philippine military has been working with local police and prosecutors to file politically motivated criminal charges as part of a “legal offensive” against dozens of leaders of civil society groups. Prominent among those targeted are labor leaders and advocates from across the region. In October last year, Remigio Saladero, chief legal counsel to the KMU, chairperson of the Pro-Labor Legal Assistance Center, and a member of the Free Legal Assistance Group was arrested on charges of murder. After spending more than three months in jail waiting for his first hearing, Mr. Saladero and five others arrested were released from jail on February 5, 2009, after the court ruled that the prosecutor had failed provide Mr. Saladero with due process. Only days after Mr. Saladero was released, government prosecutors filed new murder charges against him and many of the same labor organizers and activists for allegedly participating in a different NPA ambush this past July in yet another province.

Despite direct requests by the ILO, the Philippine government has not responded to the ILO’s queries concerning the on-going harassments, intimidations, and grave threats “by the military and police forces . . . ; militarization of workplaces . . . by establishing military detachments and/or deployment of police and military elements under the pretext of counter-insurgency operations.”⁵

Currently, the International Labor Organization has at least three inquiries into the on-going human rights violations of trade union leaders; the first in 2006 was based on a complaint by the KMU of the killings, disappearances and illegal harassments of its leaders; the second was initiated in 2007 by PSLINK, which represents public sector employees, on the use of criminal libel in retaliation for filing corruption charges against a government official; and the third in 2008 by the International Wiring Systems workers’ union seeking protection from death threats and other harassments by the military. As a result, the ILO has requested permission to send a High-level mission to investigate the abuses and provide technical assistance to remedy the violations, and this June, the ILO will once again be examining the continuing labor abuses in the Philippines where they will again seek acceptance by the Philippine government of a high-level mission to the Philippines. Trade unions from across the Philippines, including the Trade Union Congress of the Philippines, the KMU, and many others stand united in support of the ILO’s request. This past February, another seven Philippine union federations in a letter to Secretary Roque of the Department of Labor and Employment requested again that the government drop its opposition to the High-level mission. Up until now, though, the Philippine government has refused both the ILO’s and the Filipino trade unions’ requests.

The ILRF requests at this time that the USTR hold open the review until the Philippine government accepts the ILO’s request for a high-level mission and implements the resulting recommendations. However, if the ILO High-level mission is unable to conduct its assessment of on-going freedom of association (FOA) violations in the Philippines, we request that the USTR begin considering partial withdraw of trade benefits beginning in industries where FOA violations are egregious and systematic.

⁵ ILO CFA Report, ¶1238, pg. 340.