

**After the ILO High Level Mission to the Philippines:
A Briefing Paper on the Situation of Trade Union and
Human Rights Violations in the Philippines**

Kilusang Mayo Uno (KMU)

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The International Labor Organization (ILO) High Level Mission (HLM) occurred six months ago from 22-28 September 2009. That the mission took place was a recognition of the gross and systematic violations of human and trade union rights under the government of Gloria Macapagal Arroyo that the KMU has put forward in an ILO complaint. In a sense, it was a vindication for the victims of trade union and human rights violations who are up to now, waiting for justice to be served. For the victims and for those of us whose lives continue to be at risk, we perceived the mission as a warning signal to the Arroyo government that the international community is watching, monitoring and wants to put an end to the climate of impunity in the country.

Since the ILO HLM, we have yet to see any let up in the violations being committed. With a national election soon approaching, we are concerned that we will experience a spike in violations being committed against our union organisers and members. It is the purpose of this briefing paper to update you on the continuing violations of trade union and human rights since the ILO HLM, brief you on the ramifications of the upcoming election and request your advocacy for a stronger HLM report and recommendations.

Updates to existing cases since the ILO HLM

1. **The legal offensives against Atty Saladero.** In October 2008, Atty Saladero together with 71 other activists was charged with murder and multiple frustrated murders in relation to a New People's Army (NPA) raid. He spent three months in jail before being released on technical grounds. The military however refiled the case and is still pending before the courts. A week after his release from custody, Saladero together with 26 others faced new charges relating to the killing of a member of a para-military group. This case was dismissed in November 2009 due to lack of probable cause. The Court noted that the charges including the testimonies of supposed witnesses were full of loopholes, contradictions and inconsistencies.
2. **The continuing detention of Vincent "Ka Bebot" Borja:** On May 7, 2007, KMU National Council member Vincent Borja was arrested by members of the military, charged with 'murder' before the Regional Trial Court of Ormoc, in Leyte province and has been detained in prison since then. The details of the alleged murder have not even been provided to his legal defense team. A petition to grant bail for Vincent Borja is still currently pending despite the fact that it has been almost three (3) years since his arrest. Only in February this year that the petition to transfer the venue of his case has been decided by the Supreme Court. A formal court hearing on the merits of his case is yet to be called.

3. **The death in detention of Leo Paro.** Leo Paro, 25 years old, died in detention during the high level mission on September 24th. Paro is among the 20 workers of Karnation Industries jailed after holding a brief strike on May 2, 2007. Like his fellow detainee and co-worker Melvin Lupe, Leo died through contracting tuberculosis; a consequence of his detention in inhumane prisons conditions. Their employer fabricated evidence and pressed charges against them alleging that they had committed serious illegal detention against management during the strike. Whilst in detention, the union they organized was busted and other union members were dismissed. Fourteen (14) of the workers were released on bail in December 2009, another was released last week and the remaining three are due to be released on bail soon. The case against them will still proceed to court.

4. **Continuing Militarization in Robina Farm, Antipolo, Rizal.** On July 26th last year, the 16th Infantry Battalion of the Armed Forces of the Philippines established a military detachment next to the Universal Robina Corporation Farm in Antipolo and in the community where a majority of the union members and officers reside.

On August 24, the 16th IB held their first forum in partnership with the Robina farm management and forced the workers to attend. The forum was entitled "Peace and Unity between Workers and Capitalists". The forums have continued up to the present. In the forums, the military tell the workers that the KMU is a front organization of the Communist Party of the Philippines (CPP) and its armed group New People's Army, talk about the evils of communism and the KMU and said that they have information that some of the workers are CPP members. Former military and intelligence agents have also been employed in the factory. The forums are causing severe anxiety and fear to our members as they can be targeted under the pretext of counter insurgency operation.

Union officer and Robina worker Gaudencio Garcia continues to be under constant surveillance and has been continuously visited and threatened by military officers. Garcia was also one of 61 activists (including 13 trade unionists) charged last year in the murder of Ricky Garmino of Rodriguez, Rizal who is a member of the para-military group Citizen Armed Forces Geographical Unit. This case was later dismissed in November 2009 by the Provincial Prosecutor of Rizal due to the lack of probable cause of the complaint. Garcia continues though to fear for his life as he is now publicly accused by the military as being a member of the New People's Army.

5. **Violations in the right to freedom of association and collective bargaining agreement in Dole Philippines.** Dole Philippines continue to conduct an orchestrated campaign to undermine the leadership of the democratically-elected union AMADO KADENA-

NAFLU-KMU¹. Since 2006, union officers and members have been subjected to various kinds of harassment, threats, intimidation and slapped with trumped-up criminal charges due to their active involvement in union activities. In the midst of a CBA renegotiation, elements of the 27th Infantry Battalion of the Philippine Army have been deployed in the company premises to monitor the union activities and movement of union leaders. A number of workers have been terminated due to alleged violations in company rules and regulations. Dole management continues to undermine AK-NAFLU-KMU by supporting the formation and activities of the yellow union UR-Dole.

Among the many violations are:

(1) Workers are being discriminated against because of their leadership or membership in AMADO-KADENA-NAFLU-KMU union. They are slapped with criminal charges and subjected to illegal dismissal, among many discriminatory acts.

(2) Dole Philippines management is supporting another labor organization, UR-Dole and is allowing it to operate freely within Dole's facilities to conduct campaigns against the union.

(3) Dole management and Dole supervisory employees are assisting the Philippine military in conducting anti-union activities including maligning union officers and undermining union leadership against the workers' democratically elected union in clear violation of the workers right to freedom of association.

(4) Dole management is systematically violating the CBA to undermine the union's ability to represent and protect the interest of Dole's workers. It now refuses to recognize the union on the basis of a farce "special general assembly" called by UR-Dole and "impeached" the officers of AK-NAFLU-KMU in clear violation of the CBA. The Dole management provided the time, venue and the means to organize the illegal assembly.

(5) Dole Philippines management is acting in bad faith and refusing to cooperate in resolving complaints raised by union on behalf of workers. Instead, it aids in sowing division among the workers by actively supporting the formation and activities of the yellow union UR Dole.

New Violations

These are the some of the new cases of gross violations of civil and political rights that have been committed after the HLM:

1. Danilo Belano: Extreme harassment and possible torture causing death.

¹ Asosasyon sa mga Mamumuo sa Dolefil Alang sa Kalingkawasan ug Demokrasya sa Nasud (AMADO-KADENA) - National Federation of Labor Unions (NAFLU) - Kilusang Mayo Uno (KMU)

Danilo Belano, an organizer of seafarers, died while in the hands of alleged intelligence agents on November 25, 2009. In the morning of the 25th, he was walking with his daughter in Pedro Gil Street Manila, when he was approached by members of the Intelligence Service of the Armed Forces of the Philippines (ISAFP). He was told that he had been under surveillance for the past year and that he should agree to work with them or something bad would happen to his family. Between 5 and 7pm, fearing for the safety of his family, he went to meet these agents and while in their custody suffered a stroke. He was taken to the Ospital ng Manila where he died at 3:00am. The cause of the stroke is still not determined, but his family believes that it was induced by the agents or caused by torture or the extreme harassment he suffered from. His family experienced harassments, from unidentified men, during the funeral and continues to receive threats.

2. Detention, torture and criminalization of 43 health workers (Morong 43)

On Feb 6 in Morong Rizal, 43 health workers were conducting a Community First Responders' Health Skills Training sponsored by the Council for Health and Development (CHD) and the Community Medicine Development Foundation (Commed) at a farmhouse owned by Dr. Melecia Velmonte, an infectious disease specialist at the Philippines General Hospital. About 300 military officers raided the seminar, arrested the health workers and accused them of being members of the New People's Army and undertaking a bomb-making seminar. Dr. Alex Montes, a 62-year old health worker with the United Church for Christ of the Philippines, is accused of being an NPA assassin who was on a mission to kill congressman and retired army General Jovito Palparan. The health workers complained of mental torture and physical torture. One was presented to the media and coerced to admit that he was a member of the New People's Army. His mother has said that when she visited him he told her he was being tortured. They remain in military custody with limited access with their families, doctors and lawyers.

3. The extra-judicial killing of Reynaldo Bucaling and the legal offensives against the National Federation of Sugar Workers (NFSW) Negros.

On October 4th, Reynaldo Bucaling, chairperson of an NFSW local was killed. The NFSW had suffered 2 disappearances - Razel (18) and Jason (20) Pelayo - who are still both missing and 3 extra judicial killings of its organizers in 2009 gaining it the reputation of being the most dangerous KMU affiliated union to be active in. At approximately 8 pm on October 3, 2009, heavily-armed men visited the home of Reynaldo Bucaling. He refused to go out of his house and hid. At around 6am the next day, believing that the armed men had already gone away, he came out of hiding. An alleged member of the paramilitary group RPA-ABB (Revolutionary Proletarian Army-Alex Bongcayao Brigade) appeared and shot him with an M16 rifle. The RPA-ABB has been implicated in all the killings and disappearances of the NFSW members in Negros. It is a paramilitary group that has signed a peace accord with the government; that allows its members to carry weapons and openly work with the military in counter-

insurgency operations in the island. It is also on the pay roll of local government units and works as a private army for the Sugar barons (hacenderos). The NFSW believes that the RPA-ABB is being directed and carrying out the dirty work for the 11th Infantry Battalion of the Philippine Army.

The NFSW and the Negros chapter of the farmers' union the Kilusang Magbubukid ng Pilipinas (KMP) have had a total of 374 baseless criminal cases filed against their members/organizers in the last quarter of 2009. Presently, 80 individuals have pending warrants of arrest while 13 are already detained in various detention centers in the province.

A national election, the end of Oplan Bantay Laya and heightened violations

A national election will be held on May 10 to elect a new President, senators, congressmen and party list representation and local government officials. Elections in the Philippines are bloody events, and events to date indicate that this one will go down in history as the nation's bloodiest. The first instance of election-related violence was the horrific Maguindanao massacre, which claimed 57 victims, on November 23, 2009. 34 of the victims were journalists making this the single largest massacre of journalists in the world's history and gaining the Philippines the title of being the most dangerous country in the world to be a journalist.

In the lead up to the 2007 election, human rights violations increased simultaneously with electoral related violence. The military monitored and harassed members and organizers of progressive political parties, including the Anakpawis (Toiling Masses) Partylist that KMP is actively supporting. The terror sown by the military had the impact of slashing the votes of these partylists. To date, we have already received reports of the Armed Forces of the Philippines conducting community forums in the National Capital Region in which it vilifies Anakpawis Partylist and other progressive parties as being fronts of the Communist Party of the Philippines (CPP) and New People's Army (NPA).

This year, a fully automated system has also been introduced for the first time. Failure of elections (no proclamation) remains a possibility and has been reinforced by the lack of preparation, failure of field tests, lack of credibility of the Commission on Elections (Comelec) and that the Arroyo regime would view such a situation advantageous to its desire to cling to power. If the elections do fail, we can expect complete chaos and the possible introduction of martial law.

Not only is this election year, and the end of President Arroyo's term as the head of state, it is also the deadline set by the President Arroyo to wipe out the communist insurgency through the Oplan Bantay Laya (OBL) 1 & 2 (Operation Freedom Watch)

counter-insurgency program. The vast majority of the extra-judicial killings and enforced disappearances of trade unionists has been attributed to this counter-insurgency program. As the deadline for OBL 2 expires this June, it is most likely that political repression and gross trade union and human rights violations will increase.

Conclusion

This briefing paper has attempted to briefly explain human and trade union rights violations that continue to be perpetuated by the Arroyo government, most victims of whom are organizers, leaders and union members of KMU. We, representing our members and the victims' families, are pleased that the ILO HLM took place, but do have some reservations with the draft report of the HLM. We have attached for you our response "Comments on High Level ILO Mission to the Philippines on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)".

We believe that it would assist the struggle for trade union rights in the Philippines, if the ILO HLM produced a stronger report with more categorical conclusions and recommendations. We are of the view that this could put much pressure on the Government and state forces into at least abating the gross violations. After the long-awaited High Level Mission, we believe that the ILO is in the best position to come up with an independent analysis on the state of trade union rights in the Philippines; that it can come up with more categorical conclusions and recommendations that, while not agreeable to all parties concerned, will impact more on the struggle to defend and uphold trade union rights in the country.