

## **Chapter 16. Solidarity on multiple scales: repression in the Philippines**

Philippine President Rodrigo Duterte has indeed brought change in the Philippines, but towards strongman politics and authoritarian policies. By co-opting the military and the police, Duterte has consolidated power in the executive, heavily influenced the legislature, and challenged the judicial branches of government under strongman rule (Viajar 2022). The Covid-19 pandemic highlighted the authoritarian practices of Duterte's governance through harsh enforcement of Covid-19 restrictions, repression of dissent, and persecution of those critical of his policies.

Duterte's repression of critics has narrowed the freedoms and democratic spaces gained after the Marcos dictatorship, such as press freedom, respect for human rights, and expression of differing political views. A survey conducted by the Social Weather Station (SWS), released in March 2021, found that 65% of Filipinos perceived it dangerous to publish anything critical of the administration (Mercado 2021). Ironically, Duterte's populism remained high in September 2020 but followed the 'demobilized' form of populism, wherein people are restricted to participating in policy formulation and decision-making.

As Duterte thwarted long-held Filipino beliefs about solidarity, community and respect, illiberal norms regarding labour, human and women's rights and corruption of democratic institutions have been strengthened. Duterte's polarizing and heavy-handed stances and actions were expressed through the narrowing of freedoms and democratic spaces for peoples' civil, political and human rights, and the demobilization of peoples' participation in determining the future of their communities.

### **Labour repression under the Duterte regime**

The Duterte regime has been marred by an escalation of harassment, arrests and detentions, as well as killings of trade union leaders, human rights

defenders and labour activists and organisers. Red-tagging<sup>1</sup> or red-baiting has been used to intimidate, silence and sow fear in activists, labour leaders, church leaders, media persons, movie entertainers and lawmakers who are critical of the Duterte government. A number of those red-tagged became victims of extra-judicial killings.

The Covid-19 pandemic was also used to further erode human rights. The 2021 Corruption Perceptions Index<sup>2</sup> report by Transparency International found an association between violation of civil liberties and corruption. The report cites recent cases in the Philippines:

Since the election of Rodrigo Duterte, the Philippines has also seen a sharp decline in freedom of association and freedom of expression, making it harder to speak up about corruption. In 2020, it was the country with the second highest number of murdered human rights defenders, with a total of 25 deaths. (Transparency International 2022: 10)

It is not surprising therefore that, from 2017 to 2021, the Philippines has consistently been among the ten worst countries for working people in the International Trade Union Confederation's (ITUC) Global Rights Index.

### **Instruments of repression**

The state's military forces heightened their presence in areas considered to be major flashpoints of communist insurgency to prevent militant unions from organizing workers in factories. Trade unions strongly opposed the establishment by the Philippine National Police and the Philippines

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- 1 Red-tagging or red-baiting has been used for decades in the Philippines in the government's campaign against the Maoist Communist Party of the Philippines (CPP) and its armed wing, New People's Army (NPA). Established in the late 1960s, the CPP-NPA played a prominent role in the resistance against the dictatorship of Ferdinand Marcos. The NPA began guerrilla warfare in the 1970s and until 1986 against the authoritarian regime of Marcos, ambushing army troops and assassinating government officials. Currently, the CPP-NPA is considered an insurgent movement by the Armed Forces of the Philippines. For a brief overview of the growth of the communist insurgency in the Philippines, see International Crisis Group (2011).
  - 2 The corruption perceptions index (CPI) is one of the leading global trackers of public sector corruption, drawing data from 13 public sources. At least three sources are required to provide a ranking for each of the 180 countries included. The index gives a mark out of 100, with 100 representing 'very clean' and zero representing 'highly corrupt.' Countries are ranked relative to each other.

Economic Zone Authority of the Joint Industrial Peace and Concerns Office, now called the Alliance for Industrial Peace and Program (AIPP).

Trade unions view the AIPP as an attempt to thwart union formation in ecozones. The AIPP purportedly aims to promote industrial peace, competitiveness and productivity in export processing zones, and support the Duterte administration's policy program, End Local Communist Armed Conflict. To date, AIPPs have been established in the economic and freeport zones in Pampanga, Bataan, Cavite, and Baguio, and there are plans to expand to the whole of Luzon.

The Anti-Terror Act, which was hastily passed and signed into law in July 2020 at the height of the pandemic and lockdowns, has been used to justify the arrests and detentions of labour leaders, human rights defenders and activists. Individuals and legitimate organisations which oppose government policies or pose a political threat to it may be charged as, or associated with, a terrorist group.

These instruments of repression, among others, have emboldened military forces in the country. On Human Rights Day (10 December) in 2020, six union leaders and organisers of the Kilusang Mayo Uno, a militant labour centre in the Philippines, and a journalist/editor were arrested, allegedly for illegal possession of firearms and ammunition. Trade unions decried the arrests and trumped-up charges were brought against the 'HRD7' (the name given by the labour sector to this group of workers). Increased pressure from trade unions, civil society organizations, human rights groups and church groups, both in the Philippines and abroad, resulted in the release of three of the HRD7 by the time of writing. However, on 7 March 2021, the Philippine National Police and the Armed Forces of the Philippines mounted a deadly crackdown in Laguna, Rizal and Batangas, resulting in the deaths of nine activists and the arrest of six. This crackdown, called Bloody Sunday, is considered one of the biggest one-day offensives by the police and military against activist groups, many of which have been red-tagged by the Duterte administration (Talabong 2021). Sustained pressure from the labour sector and civil society organisations led the Department of Justice (DOJ) to investigate the killings. In mid-January 2022, the DOJ reported that the National Bureau of Investigation had filed a murder complaint against 17 policemen allegedly involved in the killings of two fisherfolk leaders in Nasugbu, Batangas (Navallo, 2022). As for the others killed, the DOJ has started preliminary investigations, albeit on an individual basis.

## National and global union actions to fight repression

In response to the continued suppression of labour rights and the spate of arrests and killings of labour leaders, activists and human rights defenders, trade unions in the Philippines have initiated solidarity actions at the national and international levels, and have embarked on legal and regulatory contestations.

In 2019, the Nagkaisa labour alliance, the largest coalition of trade unions in the Philippines, banded together with the other major trade unions and participated in the Council of Global Unions (CGU) fact-finding mission in the Philippines. This mission assessed the political and trade union situation in the country in the context of the reported killing of trade union leaders, organizers, and activists. The CGU delegations came from Education International, Building and Woodworkers International, Public Services International, IndustriALL Global Union, and ITUC. The Philippine trade unions narrated actual experiences of killing of union leaders and activists, red-tagging, harassment and threats allegedly committed by military and police authorities. The CGU mission found a systematic violation of labour rights and human rights. In order to address these issues, the CGU committed to build support for an ILO high-level mission, to create a country solidarity strategy and to develop a working group that will do coordinating work on the Philippines to support trade union actions and programmes.

In 2020, major trade unions in the country came together again and drew up, with the support of the ILO Philippine Country Office and an academic<sup>3</sup>, *Labour's Position Paper on the UN Socioeconomic and Peacebuilding Framework (UN SEPF) For Covid-19 Recovery in the Philippines (2020-2023) and the UN Sustainable Development Cooperation Framework*. The report, which was submitted to the UN Regional Coordinator, reiterated unions' demand to the Duterte government to end the harassment, arrests and killings of unionists and activists. In the report, the trade unions and other worker organizations stressed that, without peace, justice and strong institutions (Sustainable Development Goal 16), all the other SDGs will be difficult to achieve. A dialogue amongst the trade unions, the UN Regional Coordinator and the UN country team took place in June 2021, following the submission of the paper.

In the 108<sup>th</sup> Session of the International Labour Conference in Geneva in June 2019, trade union delegates from the Philippines brought up the

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3 The academic is one of the authors of this paper, Melisa R. Serrano.

spate of killings of labour leaders and activists when the Philippines' implementation of ILO Convention 87 was discussed during the ILO Committee on Application of Standards (CAS). This move resulted in the CAS calling on the Philippine government to accept a Tripartite High-Level Mission tasked with reviewing the steps taken to address the numerous allegations of anti-union violence and the progress made in pending investigations. The Philippine government has not yet accepted the Tripartite High-Level Mission despite repeated follow ups by ILO supervisory bodies. In its 2022 report on the application of international labour standards, the ILO Committee of Experts on the Application of Conventions and Recommendations again urged the Philippine government to investigate and punish those behind the attacks on trade union leaders and members. The ILO Committee noted with deep concern new allegations of violence and intimidation against trade unions and unionists as described in detail by the ITUC:

... (i) the extrajudicial killing of ten trade unionists (some of whom were mentioned in previous observations of the trade unions); (ii) at least 17 cases of arrests and detention, in particular following police dispersal of a protest and police raids on union offices and unionists' homes (November–December 2020 and March 2021), as well as additional incidents of arrests and detention since 2019; (iii) 17 cases of red-tagging, intimidation and harassment, including against leaders and members of the ACT [Alliance of Concerned Teachers], the Kilusang Mayo Uno (KMU), the Philippines National Police Non-Uniformed Personnel Association Inc. (PNP-NUPAI) and other workers' organizations; and (iv) 12 cases of forced disaffiliation campaigns and seminars, including for public school teachers, workers at a beverage producing company and palm oil plantation workers. (ILO 2022: 291)

On the legal front, in 2020 the Nagkaisa labour alliance, the biggest coalition of trade unions in the Philippines, along with other groups, filed a petition in the supreme court assailing the constitutionality of the Anti-Terror Act. On 9 December 2021, the supreme court declared several parts of the law unconstitutional but upheld the rest of the law.

These national initiatives have been complemented by trade union actions at the global level. Through sustained pressures and representation from trade unions and human rights organizations in the European Union (EU), the European Parliament adopted a resolution on 17 February 2022 that urged the European Commission to initiate the procedure which could lead to the temporary withdrawal of the Philippines' trade perks under the Generalized Scheme of Preferences Plus (EU GSP+) should the Philippines continue to fail to act on human rights abuses. This action followed

similar resolutions initiated in 2017 and September 2020. The EU is the Philippines' fourth largest trading partner (after China, the US and Japan), accounting for 8.4% of the country's total trade in 2020 (European Commission, n.d.).

Following its fact-finding mission to the Philippines, the CGU urged trade unions around the world to show their support for workers in the Philippines. The forms of support included writing a letter to the Duterte government and delivering it to Philippine embassies in various countries and posting pictures of workers' solidarity actions on social media. On 30 November 2020, union affiliates of the CGU in the Philippines staged a national protest called 'Global Day of Action – Jobs, Rights, Safety, Accountability in the Philippines', at the University of the Philippines.



*Trade unions in the Philippines staging a national protest called 'Global Day of Action – Jobs, Rights, Safety, Accountability' at the University of the Philippines, 30 November 2020. Photo: <https://www.industriall-union.org/end-repression-and-killings-of-trade-unionists-duterte-told>.*



*Screenshot of Global Solidarity for Jobs, Rights, Safety, and Accountability in the Philippines. Photo: ITUC (2020). <https://www.ituc-csi.org/global-solidarity-philippines>.*

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On the same day, trade unions in Southeast Asia and other parts of the world also staged solidarity actions to support the demands of the Filipino trade union movement (ITUC, 2020).

## Critical factors

The actions taken by trade unions in their fight against repression in the Philippines are characterized by ‘complementarity of forms and spaces of solidarity’ that involves not only national and global trade unions, the ILO and international trade union support organisations, but also other worker organizations, peoples’ organizations, civil society groups, academics, church-based groups, and other progressive sectors. Using a multi-scalar approach, trade unions have been able to identify and make use of existing political and economic opportunity structures (such as affiliation with global unions, dialogue with the government and employers, ILO bodies, EU GSP+, national laws and regulations), and, in their absence, created new ones (such as consultations with the UN Regional Coordinator and the UN Country Team) in their fight against labour repression in the country.

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