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22 June 2020

Hon. Rodrigo Roa Duterte

President

Republic of the Philippines

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Dear President Duterte,

Anti-Terror Bills (Senate Bill 1083 and House Bill 6875) violate international labour standards

In solidarity with Filipino workers, Japanese Trade Union Confederation is writing to express our serious concerns with the passing of two anti-terror Bills (Senate Bill 1083 and House Bill 6875) to replace the Human Security Act of 2007.

We are extremely concerned about the new anti-terror bills, which are strongly opposed by the ITUC affiliates and Nagkaisa, the largest labour coalition in the Philippines. The said bills, if signed by you into law, will further securitize, shrink and stifle civic space and rights at work, placing workers, trade union activists and other human rights actors and defenders under even more jeopardy and danger of arbitrary, indiscriminate and baseless attacks, harassment, intimidation and killings at the hands of the police, the military and other security agencies.

Numerous provisions of the bills are in serious contradiction with international law. For example, the S. No. 1083 under section 4 defines “terrorism” in extremely broad terms, including any damage to public facility, private property and infrastructure. This could place workers in danger of being caught in this overbroad definition of terrorism when engaging in peaceful and legitimate trade union activity that under this definition could be interpreted as directly or indirectly resulting in damage to property.

We recall that under international labour standards, overly broad legislative definitions

that weaken or undermine the exercise of the right to organize, including the right to strike, violate the principles of freedom of association. The ILO Committee on Freedom of Association has specifically discouraged governments from resorting to terrorism and other emergency legislation when it comes to trade union activity.

In the same vein, section 9 of both the Senate Bill 1083 and House Bill 6875 criminalizes persons who, though not taking part in the commission of a terrorism act, express an opinion or other forms of expression in favour of the alleged terrorists. With the broad definition of terrorism in the Bills, other workers or members of the general public who express their positive opinions or hold paraphernalia favourable to a protest or mass action deemed as terrorism would fall foul of this provision.

We note that freedom of opinion and expression and, in particular, freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media constitute civil liberties which are essential for the normal exercise of trade union rights. Therefore, section 9 will violate Convention 87 and the principles of freedom of association in the light of the overly broad definition of terrorism in the anti-terrorism Bill.

Moreover, we highlight section 3(c) of Senate Bill 1083 which legalizes “Extraordinary Rendition” defining it in reference “...to the transfer of a person, suspected of being a terrorist or supporter of a terrorist organization, association, or group of persons to a foreign nation for imprisonment and interrogation on behalf of the transferring nation” adding that “The extraordinary rendition may be done without filing any formal charges, trial, or approval of the court.”

We are deeply concerned that this provision may be used against Filipino citizens and other human rights actors without any form of accountability. We recall that the Committee of Freedom of Association “has pointed out the importance that it attaches to the right of trade unionists, like all other persons, to enjoy the guarantees afforded by due process of law...”. We note that it made it unwarranted under any circumstance for rendition to occur without a system of legal accountability. This provision must be amended.

Furthermore, sections 29 of Senate Bill 1083 and House Bill 6875 deny persons

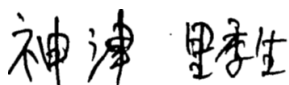
suspected of terrorism the protection of a warrant-based arrest. Securing a warrant prior to arrest or search ensures that security forces do not arbitrarily interfere with personal privacy or the enjoyment of one's property. Fatally, neither of the Bills provides remedy to persons who suffer false and malicious actions, charges and prosecution. This remedy was removed in the process of amending the Human Security Act of 2007.

Mr President, we have mentioned a few of these illegal and unreasonable anti-terror provisions in the Bills which violate international labour standards. You have an obligation to guarantee the enjoyment of the right to organize, in law and practice, under an atmosphere of respect for human rights and civil liberties. We are concerned that already, the United Nations and the ILO Committee of Experts on the Application of Conventions and Recommendations have on several occasions expressed disquiet about your government's use of anti-terror and other public order legislation to suppress human rights and renege on your obligations under Convention 87.

The United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines has recently warned your government against adopting new laws aimed at countering terrorism, which risk eroding constitutional and other legal protections. The Commissioner recalled that "red-tagging" – or labelling individuals and groups as communists or terrorists – has been a persistent and powerful threat to civil society and freedom of expression.

As we understand it, this law is awaiting your signature. Japanese Trade Union Confederation urge you to veto the Bills in their current form. Anti-terrorism legislation as such should be deliberated in full compliance with the Philippines' obligations under Convention 87 and other international human rights obligations through tripartite and wide public consultations.

Sincerely yours,

Handwritten signature in black ink, consisting of the characters '神津 里季生' (Kozu Rikio).

Rikio KOZU
President

cc:

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