



International
Labour
Organization

► Report of the High-Level Tripartite Mission, Philippines 23 - 26 January 2023

Conclusions and recommendations

International Labour Standards Department (NORMES)

III. Conclusions and recommendations

The HLTM has taken careful note of all the information provided to it and the initial reactions to its preliminary recommendations. While some progress may be observed in recent years, it considers that this remains largely insufficient in view of the very serious issues which have been raised to and by the ILO supervisory bodies over an extended period. The HLTM believes that there were many missed opportunities to advance on the roadmap with the social partners recommended by the virtual exchange and encourages the Government to seize on the opportunity of the important bipartite dialogue that they have already begun to identify priority areas of action, tangible deliverables, clear responsibilities and appropriate timeframes.

The HLTM observes in particular that despite the repeated assurances from the Government that the State did not have a policy of red-tagging, this was belied by the broad statements made by some of the government agencies repeatedly referring to connections between the CPP and workers and their collective representation, including harking back to the 1974 CPP manifesto. The HLTM wishes to make clear that it in no way has the intention of denying the right of a government to protect its citizens in a context of armed conflict, but emphasizes that free thought and expression in defense of workers' occupational interests also forms the basis of those civil liberties necessary for democracy, human rights, social justice and economic progress. The practice of red-tagging should stop and any suspicion of criminal acts should be brought before appropriate judicial bodies with assurances of due process and respect for the presumption of innocence.

It is in this context that the mission wishes once again to emphasize the great importance of ensuring full examination and investigation of the outstanding cases of EJK against trade union leaders and members so as to identify, prosecute and punish the direct perpetrators and any others directing or authorizing these killings and bring an end once and for all to the climate of impunity. Those cases that cannot be resolved should be considered by an independent non-judicial body able to receive and document testimony and make recommendations for compensation with a view to attaining reconciliation and closure.

In the light of the abovementioned considerations, the mission makes the following recommendations:

- Greater coordination and consistency across the varying arms of government to better guard against serious threats to freedom of association, including consideration of a presidentially mandated body to drive and coordinate actions and ensure accountability
- Engagement with the social partners to make genuine progress on the concerns raised by the CEACR and the CAS to prevent future violations of freedom of association, including through the finalization before the June 2023 ILC of a roadmap on the way forward to address the identified concerns, with agreed timelines
- Establishment of a single presidentially mandated body to comprehensively identify and address all outstanding cases of alleged labour-related EJKs and abductions with priority emphasis on criminal investigation and prompt prosecution and accountability
- Establishment of a specialized, eminent, independent non-judicial body to review cases referred by the presidential commission with a view to receiving and documenting testimony and making proposals for compensation
- Strengthening of the role of NTIPC-MB and incorporation of improvements recommended by the presidential body in order to identify and ensure rapid and effective protection measures with regard to imminent and/or emerging threats to the life, security or safety of trade unionists
- Full implementation of all previous recommendations

The way forward: the Government is expected to take tangible action towards implementing these recommendations before the 2023 ILC. A joint implementation report by the tripartite partners should be made available to the ILO prior to the 2023 CAS.