



International Network for Economic, Social & Cultural Rights
Red Internacional para los Derechos Económicos, Sociales y Culturales
Réseau international pour les droits économiques, sociaux et culturels
الشبكة العالمية للحقوق الاقتصادية والاجتماعية و الثقافية

11 June, 2014

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To: Benigno "Noynoy" Aquino III, President of The Philippines
CC: Secretary Voltaire T. Gazmin, Department of National Defense (DND)
Secretary Teresita Quintos-Deles, Office of the Presidential Adviser on the
Peace Process
Hon. Rosalinda Baldoz, Secretary, Department of Labor and Employment
Ms. Leila de Lima, Secretary, Department of Justice
Akio Toyoda, President of Toyota Motor Corporation
Michinobu Sugata, President of Toyota Motor Philippines Corporation
George S. K. Ty, Chairman/ Owner of G.T. Capital / Metrobank

Excellency:

We are writing in order to express concern regarding the ongoing harassment and intimidation of Ed Cubelo, a trade union leader and member of Defend Job who is working protect and defend human rights in the Philippines. Currently Mr. Cubelo serves as the President of Toyota Motor Philippines Corporation Workers Association (TMPCWA) and Education Officer of Defend Job Philippines.

According to reports received, on 18 March 2014, at approximately 2:00pm, Mr. Cubelo was approached at his home by four men who were dressed in civilian clothing and carrying pistols. When asked, the men allegedly stated that they were from the National Bureau of Intelligence. The daughter of Mr. Cubelo inquired about whom they were seeking, and the men allegedly stated that they were looking for someone from Toyota, but did not offer a name. When Mr. Cubelo introduced himself, the four men reportedly stared at him menacingly, saying "It's you. Yes, it's you."

We are concerned that this incident is consistent with the ongoing trend of harassment and intimidation of the trade union, TMPCWA, and Defend Job Philippines, in response to their efforts to defend the rights of workers and the urban poor. Reportedly, the above-mentioned incident occurred one day after another protest involving these organizations that sought to promote the right to freely form unions. The encounter is also reminiscent of another recent instance on 5 March 2014, when four men were found conducting surveillance during a protest action of TMPCWA and Defend Job Philippines at the Department of Labor and Employment, Intramuros, Manila.

We understand these acts seek to represent an effort to quell efforts to call for justice for the 237 Toyota workers who have allegedly been illegally dismissed. The issuance of threats and harassment against human rights defenders, such as Mr. Cubelo, has also

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been perceived by labor activists as an effort to impede the growing solidarity amongst workers who have faced similar situations at several national and international companies operating in the Philippines. Mr. Cubelo has reportedly experienced threats, harassment and intimidation as a result of his activities to promote the right to organize in a union, dating back to the year 2000.

The present incident also recalls the arrest and subsequent imprisonment, in late 2012 and early 2013, of activists Renante Gamara, Roy Velez, Amelita Bravante and Randy Vegas, subject of a previous petition coordinated by ESCR-Net. Following that urgent action, Mr. Velez and Ms. Bravante have since gone into hiding while Mr. Gamara, and several other grassroots activists are currently detained, reportedly on trumped up charges, consistent with a trend of ongoing criminalization and persecution of people who have mobilized to promote and defend human rights in the Philippines. Further, concern has been expressed that Mr. Cubelo and other union leaders could be targeted with extrajudicial killings, 11 of which have been reported since the beginning of 2014.

We wish to remind the Government of the Philippines that the International Covenant on Civil and Political Rights, which the Philippines ratified in 1986, requires States parties to respect the rights of all people to life, liberty and security of person, as well as the right of free expression and assembly. The Covenant furthermore guarantees protection from arbitrary or unlawful interference with one's privacy, family, home or correspondence. Furthermore, as a party to the International Covenant on Economic, Social and Cultural Rights, the Philippines has also undertaken obligations to respect and protect the right to work; to the enjoyment of just and favorable conditions of work which ensure, in particular, remuneration which provides all workers with a decent living for themselves and their families, safe and healthy working conditions, equal opportunity for promotions and a reasonable limitation of working hours and periodic holidays with pay; and to form and join trade unions.

Finally, the UN Declaration on Human Rights Defenders, which the Philippines is obligated to uphold, recognizes the right of each person to promote the realization of human rights and provides protection "of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of" their rights as human rights defenders.

Given the gravity of the threats faced by Mr. Cubelo, we hereby urge the Government of the Philippines to:

1. Put an end to all actions that may result in intimidation and threats against Mr. Cubelo, and other human rights defenders;
2. Impose sanctions on all individuals—whether private individuals or government officials—found to be conducting acts of intimidation and harassment against human rights defenders;
3. Take all possible steps to guarantee that Mr. Cubelo, and other human rights activists in the Philippines, are able to carry out their work to defend and promote human rights, without interference, intimidation or baseless criminal charges against them, and
4. Respect the International Labor Organization Recommendation and to make decisive action to resolve the long standing labor dispute between Toyota Motors and the Toyota Motor Philippines Corporation Workers' Association.

Finally, please keep us apprised of any further developments in this situation.

On behalf of ESCR-Net,



Chris Grove, Director