

# Human rights violation in the philippines



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Human Rights Violation in the Philippines “ All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. ” Human rights describe equal rights and freedom for everybody by the fact of being human and without distinction of any kind of race, color, sex, language, religion, political or other opinions. However, many people have always suffered from the lack of them throughout history. In fact, the lack of human rights has a lot of effects on people lives.

Human rights is defined as the rights as freedom from unlawful imprisonment, torture, and execution and regarded as belonging fundamentally to all persons. Another definition for human rights is those basic standards without which people cannot live in dignity. To violate someone’s rights is to treat that person as though she or he were not a human being. To advocate human rights is to demand that the human dignity of all people be respected. Everyone is entitled to this rights and freedom. It belongs to all human being and that it is fundamental and essential to every type of society.

Human rights are held by all persons equally, universally, and forever. Human rights are the rights a person has simply because he or she is a human being. Human rights are both conceived as universal and egalitarian. Human rights is universal because it is applicable everywhere and egalitarian because it is the same in everyone. In claiming these human rights, everyone also accepts the responsibility not to violate the rights of others and to support those whose rights are abused or denied. Human rights are about recognizing the value and dignity of all people.

Human rights entail equality and fairness. Human rights violations occur when actions by state or non-state actors abuse, ignore, or deny basic human rights including civil, political, cultural, social, and economic rights. Furthermore, violations of human rights can occur when any state or non-state actor breaches any part of the UDHR treaty or other international human rights or humanitarian law. “ Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”.

The right to life describes the essential right to live, particularly that a human being has the right not to be killed by another human being.

The concept of a right to life is central to debates on the issues of abortion, capital punishment, euthanasia, self defense and war. According to many human rights activists, the death penalty violates this right.

The United Nations has called on states retaining the death penalty to establish a moratorium on capital punishment with a view to its abolition. States which do not do so face considerable moral and political pressure.

Throughout history, torture has been used as a method of political re-education, interrogation, punishment, and coercion. In addition to state-sponsored torture, individuals or groups may be motivated to inflict torture on others for similar reasons to those of a state; however, the motive for torture can also be for the sadistic gratification of the torturer. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

The right to a fair trial has been defined in numerous regional and international human rights instruments. It is one of the most extensive human rights and all international human rights instruments enshrine it in more than one article. The right to a fair trial is one of the most litigated human rights and substantial case law has been established on the interpretation of this human right. Despite variations in wording and placement of the various fair trial rights, international human rights instrument define the right to a fair trial in broadly the same terms.

The aim of the right is to ensure the proper administration of justice. “ Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. ” Freedom of speech is the freedom to speak freely without censorship. The term freedom of expression is sometimes used synonymously, but includes any act of seeking, receiving and imparting information or ideas, regardless of the medium used.

In practice, the right to freedom of speech is not absolute in any country and the right is commonly subject to limitations, such as on libel, slander, obscenity, incitement to commit a crime, etc. The right to freedom of expression is recognized as a human right under Article 19 of the Universal Declaration of Human Rights and recognized in international human rights law in the International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR states that “[e]veryone shall have the right to hold opinions without interference” and “ everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart

information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice". Human rights is a concept that has been constantly evolving throughout human history. They have been present in the laws, customs and religions all throughout the ages. The ideas of human rights are present in the ancient world.

One of the first laws that contain references to individual rights is the tablet of Hammurabi. The tablet was created by the Sumerian king Hammurabi about 4000 years ago. The system of laws created a guide for legal system but is considered barbaric by today's standards. It is considered barbaric because it contains scaled punishments and adjusts to the belief of " an eye for an eye, a tooth for a tooth. " The meaning of the principle, " an eye for an eye, a tooth for a tooth", is that a person who has injured another person receives the same injury in return.

The problems with Hammurabi's code were mostly due to its cause and effect nature, it held no protection on more abstract ideas such as race, religion, beliefs, and individual freedoms among others. Regardless of this principle there are still some basic differences between natural rights of the past and human rights today. One example is slavery. In the past it is perfectly normal to keep slaves and this practice today is totally against the ideas of freedom and equality that we associate with human rights.

Throughout much of the history, people have acquired rights through their association in a group like a family, nation, religion, class, community or a state. These societies have had a tradition similar to the rule of " Do unto

others as you would have them do unto you". Other oldest written sources which address questions of people's duties, rights and responsibilities are the Bible, the Quran, and The Babylonian Code of Hammurabi as stated earlier among others. In fact, all societies, whether in oral or written tradition, have had systems of justice as well as ways of tending to the health and welfare of their members.

The World Wars, and the huge losses of life and gross abuses of human rights that took place during them, were a driving force behind the development of modern human rights instruments. The idea of human rights emerged stronger after World War II. The world was horrified after the Nazi Germany exterminated millions of Jews, homosexuals, persons with disabilities and others. After World War II trials were made and officials of the defeated countries were given punishment for committing war crimes such as the crimes against peace and the crimes against humanity. Different government then committed themselves in establishing the United Nations.

The United Nations primary goal is to strengthen international peace and prevent conflict. People wanted to ensure that no one would be unjustly denied of freedom, food, shelter and nationality. In President Franklin Delano Roosevelt's 1941 State of the Union Address he stated that a world was founded on four essential freedoms: The freedom of speech, freedom of religion, freedom from want and freedom from fear. The calls came from across the globe for human rights standards to protect citizens from abuses by their governments, standards against which nations could be held accountable for the treatment of those living within their borders.

Human rights advocates agree that, sixty years after its issue, the Universal Declaration of Human Rights is still more a dream than reality. Violations exist in every part of the world. Take for example the report of Amnesty International's World Report last 2009 that individuals are tortured or abused in eighty one countries, some face unfair trials over fifty four countries, and restricted in their freedom of expression in at least seventy seven countries.

Not only that, but women and children in particular are marginalized in numerous ways, the press is not free in many countries, and dissenters are silenced, too often permanently. While some gains have been made over the course of the last six decades, human rights violations still plague the world today. A bill of rights is a list of the most important rights of the citizens of a country. The purpose of these bills is to protect those rights against infringement. Article III of the 1987 Philippine Constitution is the Bill of Rights.

This article enumerated the rights and liberties considered essential for the enjoyment by the people in the Philippines. It is considered one of the greatest political achievements of the Filipinos. Although a bill of rights is present in the Philippines violations of human rights is still very much rampant. Extra-judicial killings, torture, threats, harassments, forced servitude, enforced disappearances, and illegal arrest and detention are increasing in alarming proportions in the Philippines.

Often the victims are targeted because of their social advocacy, community work, defense of human rights and other forms of pro-poor involvement. Many cases of human rights violations happened in areas where there is a

strong military presence. Human right in the Philippines has been a subject of concern and controversy. The U. S. State Department reported that Philippine security forces have been responsible for serious human rights abuses despite the efforts of civilian authorities to control them.

The report found that although the government generally respected human rights, some security forces elements—particularly the Philippine National Police are behind these human rights violations. Prison conditions were harsh, and the slow judicial process as well as corrupt police, judges, and prosecutors impaired due process and the rule of law. Besides criminals and terrorists, human rights activists, left-wing political activists, and Muslims were sometimes the victims of improper police conduct.

Violence against women and abuse of children remained a serious problem, and some children were pressed into slave labor and prostitution. A Commission on Human Rights exists in the Philippines. The Commission on Human Rights is an independent office created by the Constitution of the Philippines, with the primary function of investigating all forms of human rights violations involving civil and political rights in the Philippines. The Commission originated from the Presidential Committee on Human Rights established in 1986 by President Corazon Aquino.

A separate Commission on Human Rights was established upon the promulgation of the 1987 Constitution. Under this section, the Philippine Commission on Human Rights is explicitly empowered to investigate all forms of human rights violations involving civil and political rights. One case that struck me is that there are currently reported cases of “ worst form” of



child labor here in our country. Child labour refers to the employment of children at regular and sustained labour. This practice is considered exploitative by many international organizations and is illegal in many countries.

Child labour was employed to varying extents through most of history, but entered public dispute with the advent of universal schooling, with changes in working conditions during the industrial revolution, and with the emergence of the concepts of workers' and children's rights. In many developed countries, it is considered inappropriate or exploitative if a child below a certain age works excluding household chores, in a family shop, or school-related work. An employer is usually not permitted to hire a child below a certain minimum age. This minimum age depends on the country and the type of work involved.

The Philippines is one of over 120 countries where the worst forms of child labor continue to exist, perpetuating a cycle of poverty and often denying children the chance to attend school and learn the skills they need to become productive adults, according to a US Department of Labor report. The exploitation of an unspecified number of Filipino children in prostitution, pornography and the sex tourism industry, as well as agriculture, domestic work, drug trafficking and child soldiering, is a significant problem, said the report which was posted on the US Embassy website. US Labor Secretary Hilda Solis submitted the report.

Findings on the Worst Forms of Child Labor last Dec. 15 to US Vice President Joseph Biden and the US Congress. According to the US labor department,

Filipino children, primarily girls, are trafficked from rural to urban areas for forced domestic service and commercial sex exploitation. While there are no reports of children in the military, child soldiering is a problem among anti-government and terrorist organizations, it said. The secessionist Moro Islamic Liberation Front has made commitments to stop the recruitment and use of children as child soldiers, but the current status of children in its ranks is unclear, according to the report.

It said both the extremist Abu Sayyaf Group and communist New People's Army, both terrorist organizations, continue to recruit and use child soldiers. The report also said that many Filipino children are exploited in agriculture, where they often work long hours, perform physically arduous tasks, use dangerous tools, and face a high risk of occupational injury. Children are also commonly employed as domestic servants. Many child domestics work long hours and their isolation in homes makes them susceptible to sexual harassment and physical abuse. Domestic workers are sometimes subjected to forced labor.

Children are involved in compressor mining to extract gold, which requires them to dive into pools of mud using an oxygen tube, and in deep-sea fishing where they dive from platforms to cast and retrieve nets in deep waters, which can result in falls, drowning and injuries. Some Filipino children also work in home-based manufacturing industries that range from making fireworks to fashion accessories which can be harmful because children work longer hours with no supervision, the report said. The report noted government efforts to strengthen its legal and policy framework to combat the worst forms of child labor by creating anti-child pornography legislation

and granting labor inspectors the authority to close businesses violating child labor laws. However, it said significant gaps remain in child labor law enforcement efforts while existing social protection programs are not sufficient to prevent and eliminate the worst forms of child labor. Child labor is one of the results of the lack of human rights all around the world. According to UNICEF (The United Nations Children's Fund) statistics, around 158 million children between 5 to 14 years old in the world work under inhumane conditions.

Many of them work in mines, construction and work with dangerous chemicals. They are paid with minimum wages and have no health insurance. Even though there should be equal rights for every child, they have always been exploited by employers and prevented from the basic education. The incidence of child labour in the world decreased from 25% to 10% between 1960 and 2003, according to the World Bank. Child labour is still common in some parts of the world, it can be factory work, mining, prostitution, quarrying, agriculture, helping in the parents' business, having one's own small business for example selling food, or doing odd jobs.

Some children work as guides for tourists, sometimes combined with bringing in business for shops and restaurants where they may also work as waiters. Other children are forced to do tedious and repetitive jobs such as assembling boxes, polishing shoes, stocking a store's products, or cleaning. However, rather than in factories and sweatshops, most child labour occurs in the informal sector, selling many things on the streets, at work in agriculture or hidden away in houses—far from the reach of official labour inspectors and from media scrutiny.

Exploitation of child workers continues in the Philippines due to the inefficiency of the policies promulgated by the government to eradicate child labor. For all children who are deprived of their rights. “ But even we have a responsibility too. Because while nobody is angered by their conditions or realizes the waste of a future that is being slowly squandered, they will remain in this world and they will cease to be children”. All people were born with rights. Children are people too; so, children also have rights. These rights are violated through child labor.

Child labor is defined as, “ the employment of a child in a business or industry especially in violation of state or federal statutes prohibiting the employment of children under a specified age”. Obviously, it has become a rigid social problem the world over, specifically in third world countries such as the Philippines where child labor is widespread. Children should devote most time to education. Labor is distracting them and weakening the desire to study; it may also negatively affect the young growing organism and worsen its future development.

On the other hand, if a child is not taught to work and try “ grown-up” life, he may never adjust to it. There can be set several cases when children from well-to-do families were guarded from labor, they only did the easiest job and went on studying. None of the people placed in such situation was learnt to become independent, they just remained in charge of their parents and experienced difficulties in becoming full members of the society. So, as any controversial subject, the idea of child labor has both positive and negative sides.

There are some cases when child labor is always inadmissible. In my opinion, the main of them are: physically hard labor of children under 12 etc. ; any cases when children are forced to work more time than it is indicated by laws; any cases of age discrimination concerning the amount of salary, the future (and possibly current) career growth, and cases of any other discrimination by age. It is evident that totally inadmissible are the cases when children are exploited and in any way forced to work.

In my opinion, these cases should get very strong punishment, otherwise the tendency for using child labor and for paying them a pittance will hardly ever be stopped. I think, that there should be worked out clear laws and regulations concerning child labor which have to regulate the duration of working hours per week or per month, minimal payment, the description of basic working conditions for a child (depending on the type of work the child has to do), perhaps the regulations of special break-time, including necessary nutrition and movement etc.

The state and its law system are the main guarantee of the observance of children's rights within the system. Current world and international situation in the sphere of child labor is slowly improving but there still are a lot of cases where children's rights are impaired. Partly basing on these facts there exists a common opinion that child labor is necessary evil. Yet in addition to the cases where children without labor didn't receive an important part of surviving skills there can be set a lot of examples when child labor played a positive role.

It is true for poor families, for families with one or more disabled members and in general families with hard financial situation. In this case working gives a child first of all social recognition, the possibility to help his or her family, the improvement of the contemporaries opinion and therefore relations with other children and in general the chance to get on own feet. In this case child labor plays positive role in physical and mental development of a child.

Even for children from families with sufficient financial situation finding own job can be the first step into adult life for a child. It depends on the state and the society whether this step will be successful or not. For many people finding a job in early age can help to define their inclinations and abilities, and appears to be a good chance for determining future profession. Another good side is that children learn how to handle money.

In my opinion, wise parents will allow their child to find a job and try to work, and let him or her spend the earned money independently. Such policy of the parents helps the child to become conscientious concerning money, to understand the value of labor and education in their future life. Working can also improve material and spiritual values of a child. For many children a job in early age is the first time when they take the responsibility upon themselves, and most children become more serious and purposeful after the experience of working.

All above-mentioned positive sides of child labor are true for any children, and noticeably stronger for disabled children. For a lot of them finding a job, even the simplest one, is a chance to improve financial situation and to gain

a profession suitable for their physical condition. A number of disabled children in this way broaden their circle of acquaintance and friends. It may be even possible to say that finding a job can bring sense into life of a child, especially a disabled child. In this case the society should never reject child labor as evil.

So the conclusion of all the above-mentioned is the following: child labor is evil when the child's rights are impaired, when children are exploited and treated badly. Child labor is easy to take advantage of, and therefore the task of the society, of the state, its legislative and executive system is not to let such "utilization" happen. Under appropriate supervision child labor can be turned into the instrument of educating and upbringing the child, forming his or her personality and helping the young individual better adjust to adult life and its conditions.

Modern society is rather complicated to live in, even for adult people, not to mention children who are not accustomed to the tough concurrence, changing environment and constant stresses of the contemporary world. In case of a right approach, first experience of working and gaining own money can be a successful start in life for the child. In my opinion, state and parents should not reject such a powerful instrument of upbringing children and helping them to become full members of modern society.