

HUMAN RIGHTS IN THE PHILIPPINES

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Human rights are laws implemented by the government for us to know our civil right as citizens of this country; Right to speak, Right to Vote, Right to defend ourselves when we are being abuse by any people. Human rights as defined by the web as (law) any basic right or freedom to which all human beings ore entitled and in whose exercise as a government may not interfere (including rights to life and liberty as well as freedom of thought and expression and equality before the law (wordnetweb.priceton.edu/perl/webwn)). Human rights are those rights which are held by all human beings (en.wikipedia.org/wiki/Humanright). A basic right that all humans should be guaranteed (e.wiktionary.org/wiki/humanright). An individual's statutory right to equal treatment and free from discrimination prohibited by statute and which, generally, provides a civil remedy to provide compensation or to punish such discrimination when it is reported. Expanded Legal Definition of Human Right (www.wwlia.org/LegalDictionary.aspx)

Before starting up my article about Human Rights, I made an interview with people of different walks of life, like a businessman at the age of 69. I asked him as to how he understands the word human right. He said, "Human rights is the right of any individual to seek help from proper authorities for abuses committed against them by either government authorities or private individuals. The government has assigned person: to handle cases of persons who cannot afford to pay private lawyers to defend them. It was created so that those who are less in law will have somewhere to turn for help and for those who have less in law will not be afraid to seek help from those who were assigned to help them. Next an engineer but an instructor by profession, he said 'I don't believe human rights are still existing in the Philippines because for people in the position they don't even mind if they are already hurting others rights. Prominent officials don't even dare to respect the rights of lawless individuals.'" To some students they said, that, "Human rights is the right to respect people without considering the culture and religion of each individual, to me what I understand about his ideas is that, human rights is implemented to all people whether you are of different religion, race different beliefs and traditions. Human rights must be there. This is from Mr. C1TTE 2010. He said. "Human Rights means freedom. Freedom is like making decisions. For me as a student I can say I am free to study and be ready for my long time career in the future. I am a 3rd year Electrical Engineering explains that to him. "Human right is you have the right for anything, like you have the ability to defend yourself in any situation or problems. Human rights means you are not violating the rules and regulations as well as policy of the institution, you have the right to share your opinion, to ask for justice. However, students themselves can express their ideas to what Human Rights is for them as a students, in one way or the other human right still depends on how people comprehend to the word.

As what I have downloaded from the internet, Human rights are rights inherent to all hllman beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other statue;. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Universal human

rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law, international human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups

To me Human Rights is like with the golden rule of Confucius, 'Do not do unto others what 'you don't want others to do unto you"', it simply explains that we need to respect each other's feelings, ideas and thoughts that we ordinary people have also the same rights as of those with position or other prominent personalities. We are all humans, that is why we need to have the same amount of respect, It is giving justice to the things that we are liable. we know our responsibilities as human being, if we do not like to put ourselves into chaos then we must abide or follow the rules regulations, procedures of the government, sometimes it is us who is actually destroying it, that is why we are being punished or put into jail, it's because we sometimes violate the right implemented to us but if we, us people of the Philippines know what is right and what is wrong then nothing is erroneous, people complains that human rights does not exist will then, but if we are also going to look into or go through it, sometimes people themselves are to be blamed if why human rights was not implemented on their dilemma. Sometimes we are the implementers 'and yet we are the violators.

Human Rights is respecting others cultural beliefs, religion, traditions and other things, it is not depriving once right from doing on what he believes is right. it is "not treating individual viciously on what he thinks that is right for as long as he is not stepping and de trying the feeling and laws of concerned people or the laws of the government itself. The principle applies to everyone in relation to all human right and freedoms and it prohibits discrimination on the basis of a list of nonexhaustive categories such as sex, race, and color and so on. The principle of non discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights. "Human rights entail rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that the states must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against the human rights abuses. The obligation to fulfill means that the State must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others.

There is one article that I have read from the net dated March 11, 2010, which states that. "The Philippines, with a population of 92 million, is a multiparty republic with an elected president and bicameral legislature. In 2007 approximately 73 percent of registered citizens voted in midterm elections for both houses of congress and provincial and local governments. The election generally was free and fair but was marred by violence and allegations of vote buying and electoral fraud. Long-running Communists and separatists insurgence affected the country. Civilian authorities generally maintained effective control of security forces; however, there were some instances in which elements of the security forces acted independently. Arbitrary, unlawful, and extrajudicial killings by elements of security services and political killings, including killings of journalists, by a variety of actors continued to be major problems. Concerns about impunity persisted. Members of the security services committed act of physical and psychological abuse on suspects and detainees, and there were instances of torture prisoners

awaiting trial and those already convicted were often held under primitive condition. Disappearances occurred, and arbitrary or warrantless arrests and detentions were common. Trials were delayed, and procedures were prolonged. Corruption was endemic. Leftist and human rights activists often were subject of harassment by local security forces. Problems such as violence against women, abuse of children, child prostitution, trafficking in persons, child labor, and Ineffective enforcement of worker rights were common. In addition to killing soldiers and police officers in armed encounters. The New People's Army (NPA), the military wing of the Communist Party and the Abu Sayyaf Group (ASG) killed local government officials and other civilians. The terrorist group NPA and ASG reportedly used child soldiers in combat or auxiliary roles. Terrorist groups committed bombings causing civilian casualties and conducted kidnappings for ransom.

Section 1 Respect for the Integrity of the Person, Including Freedom, Arbitrary or Unlawful Deprivation of Life it's all about Security forces and antigovernment insurgents committed a number of arbitrary and unlawful killings, including in connection with an increase in fighting between government forces and Muslim rebels in central Mindanao (see section 1.g.). The Commission on Human Rights (CHR), an independent government agency investigated 57 new complaints of politically motivated killings that occurred from January through November. The CHR suspected personnel from the Philippine National Police (PNP) and the Armed Forces of the Philippine (AFP) in some killings of leftist activities operating in rural areas. Suspect in other cases were ordinary citizens or remained unknown. The nongovernment organization (NGO) Task Force Detainees of the Philippines (TFDP) investigated allegation of summary executions by government security forces. The TFDF was unable to investigate all of these allegations, but it counted eight cases involving 12 victims of summary executions by government forces during the year. President Gloria Arroyo abolished the Interagency Legal Action Group, which some human rights groups alleged was a tool for targeting activists. PNP expanded human rights training and community outreach efforts network of 1,841 human rights desk officers at the national, regional, provincial and municipal levels. Human rights group and the CHR noted little progress in implementing and enforcing some reforms aimed at decreasing the incidence of killings. For example, cooperation and coordination between police and prosecutors continued to be a problem. Funding for the CHR and the government witness protection was considered inadequate.

This is for some cases of disappearance, according to local human rights NGOs, government forces were responsible for disappearances. From January through November, the CHR investigated nine new cases of enforced disappearances, abductions, and kidnappings involving 15 victims, some of whom had been detained without a warrant (see section 1.d.). Seven cases remained under investigation: two cases were closed when the two persons involved appeared and confirmed that no government actors were involved in their cases. An additional six persons were accounted for: Three were found alive in police custody; unknown captors detained and later released two; and the six victims died in the hands of his abductors (see section 1.g.). Seven persons remained missing. The CHR suspected member of the military in three unresolved cases. Suspects in the other cases remained unidentified. The NGO Families of Victims of Involuntary Disappearances (FIND) monitored 12 reported disappearance cases involving 20 victims, most of who were later found alive. A foreign citizen of Filipino descent claimed that she and two others were abducted and tortured by members of the military in Tarlac. An Investigation was ongoing (see section 1.c.).

Prison and Detention Center Conditions in the Philippines, Prison conditions were rudimentary and sometimes harsh. Provincial jails and prisons were overcrowded, lacked basic infrastructure, and provided prisoners with an inadequate diet. Jails managed by the Bureau of Jail Management and Penology (BJMP) operated at an average of 174 percent of designed capacity. Prison administrators allotted a daily subsistence allowance of 50 pesos (\$1.04) per prisoner. The Bureau of Corrections under the Department of Justice administered seven prisons and penal farms for prisoners sentenced to more than three years in prison. Lack of potable water, poor sanitation, and poor ventilation continued to cause health problems. Some prisoners, including women and children, were abused by other prisoners and prison personnel. The slow judicial process exacerbated overcrowding. A local NGO claimed that, since 2007, at least seven elderly prisoners diagnosed with serious illnesses have died in prison annually and blamed this problem on the "deficient" parole system. At year's end the president granted executive democracy to 32 elderly persons. According to BJMP regulations, male and female inmates are to be held in separate facilities and, in national prisons, overseen by guards of the same sex. Anecdotal reports suggested that these regulations were not uniformly enforced. In provincial and municipal prisons, male guards sometimes supervised female prisoners directly or indirectly. Although prison authorities attempted to segregate children or place them in youth detention centers, in some instances children were held in facilities not fully segregated from adult male inmates. Girls were sometimes held in the same cells as boys. As part of reform and budget reduction effort during the year, the government consolidated women and minors into fewer jails, including some that contained separate facilities for those groups. Out of 1,011 jails managed by the BJMP and PNP, 190 had separate cells for minors while 334 jails have separate cells for adult female. Lack of adequate food for minors in jails and prisons was a concern (see section 6, Children).

This is the role of the police and security apparatus in the Philippines as explained in this article, The Department of National Defense directs the FP, which shares responsibility for counterterrorism and counterinsurgency operations with the PNP. The Department of Interior and Local Government directs the PNP, which is responsible for enforcement of law and order and urban counterterrorism; however, governors, mayors and other local officials have considerable influence. The 125,000 member PNP has deep-rooted institutional deficiencies and suffered from a widely held and accurate public perception that corruption remained a problem. The PNP's Internal Affairs Service remained largely ineffective. Members of the PNP were regularly accused of torture, soliciting bribes and other illegal acts. Efforts were underway to reform and professionalize the institution through improved training, expanded community outreach, and pay raises. During the year there were 177 administrative cases filed against members of the police force, including administrative officials and police officers for various human rights violations. By year's end of the 177 cases filed, 137 were resolved and 40 were undergoing summary proceedings. In response to these cases the PNP dismissed 240 of its personnel. The deputy ombudsman for the military received 71 cases involving alleged human rights abuses by the military and law enforcement officers during the year, the majority of which were filed against low-ranking police and military officials. All of the cases were under investigation by the Deputy Ombudsman's Office at year's end.

The police and military routinely provided human rights training to their members, augmented by training from the CHR. The CHR noted that senior PNP officials appeared receptive to respecting the human rights of detainees, but rank and file awareness of the rights of detainees remained inadequate. The Commission on Appointments determines whether senior

military officers selected for promotion have a history of human rights violations and solicits inputs from the CHR and other agencies during the course of its background investigations, in some instances a promotion can be withheld indefinitely when the commission uncovers a record a human rights abuses. Negative findings do not however, preclude promotion, and there were no reports of promotions, withheld on human rights grounds during the year. Arrest procedures and treatment while in detention. Citizens are apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official and are brought before an independent judiciary. However, there were some reports during the year of citizens picked up by security forces without a warrant and detained arbitrarily. Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence, the right 10 bail. From January through March, 2,076 detainees (4 percent of detainees) were able to post bail. The law provides that an accused or detained person has the right to a lawyer of his choice' and that the state must provide one when the accused cannot afford one. Authorities are required to file charges within 12 to 36 hours for arrests made without warrants, with the time given to file charges increasing with the seriousness of the crime. Lengthy pretrial detention remained a problem. The BJMP released 39,746 inmates during the year as part of jail decongestion programs. There was no available data indicating the number of detainees who were released because they had been jailed for periods equal to or longer than maximum prison terms they would have served if convicted. Large jails employed paralegals to monitor inmates' cases to prevent detention beyond the maximum sentence and to assist decongestion efforts.

There is another issue to share in my article about the denial of fair and public trial that the law provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency. Personal ties and sometimes bribery resulted in impurity for some wealthy or influential offenders and contributed to widespread skepticism that the judicial process could ensure due process and equal justice. The Supreme Court continued efforts to ensure speedier trials, sanction judicial malfeasance, increase judicial branch efficiency, and raise public confidence in the judiciary. The Supreme Court dismissed or disciplined several judges during the year for various crimes and infractions. The national court system consists of four levels: local and regional trial courts, a notional court of appeals divided into 17 divisions, a 15-member Supreme Court, and an informal local system for arbitrating or mediating certain disputes outside the formal court system. The Sandiganbayan, the government's anticorruption court, hears criminal cases brought against senior officials. A Shari'a (Islamic law) court system, with jurisdiction over domestic and contractual relations among Muslim citizens operates in some Mindanao provinces. The courts-martial each composed of at least five active-duty military officers, hear cases against military personnel accused of violating the Philippine Articles of War. The president, the chief of staff of the armed forces or a military unit commander may appoint the members of court-martial. Military or security tribunals cannot try civilians.

In other words, human right is like a human shield that protects us from any maltreatment situation or abuses from any common or prominent people, even during the time when the present administration is under the area Marcos Regime also experienced the sad and negative side of what human rights really implicates, where his father was the leading prisoner of conscience of the Marcos era, kept in solitary confinement and under psychological torture for seven years. His family enjoyed in Boston what Cory tenderly recalled as their three years of "normal life".

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