

Human Rights and Development

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Introduction

The Philippines still has a long journey towards becoming a prosperous nation. This year, the prices of basic commodities increased.¹ The unemployment rate worsened.² The quality of learning in the Philippines is deteriorating.³ These are only some of the problems that continue to plague the lives of Filipinos. To address the aforementioned, the Philippine Development Plan (PDP) 2023-2028 was approved and adopted. The PDP 2023-2028 aims to bring back the country to a high-growth trajectory and enable economic and social transformation for a prosperous, inclusive, and resilient society.⁴

But what exactly is development? Under the United Nations (UN) Declaration on the Right to Development, development is a comprehensive economic, social, cultural, and political process aimed at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.⁵

It is apparent that people are at the center of development. Efforts towards attainment of development are made for their benefit. However, they are not merely beneficiaries of the fruits of development. They also participate in development directly, where they themselves perform tasks or responsibilities, or indirectly, through the election of representatives. In order to allow people to participate with the best of their abilities, it is of utmost importance that their human rights be respected and protected. Human rights and development are interdependent with a shared goal – that is, creating opportunities for people.

¹ Revin Mikhael Ochave, “DTI releases new SRP for basic commodities”, Business World, February 9, 2023, <https://www.bworldonline.com/top-stories/2023/02/09/503827/dti-releases-new-srp-for-basic-commodities/#>.

² Ronnel Domingo, “Jobless rate inched up to 4.3% in December 2022”, Inquirer, February 8, 2023, <https://business.inquirer.net/385543/jobless-rate-inched-up-to-4-3-in-december-2022>.

³ Mong Palatino, “The Philippines’ Basic Education Crisis”, The Diplomat, February 22, 2023 <https://thediplomat.com/2023/02/the-philippines-basic-education-crisis/>.

⁴ “Philippine Development Plan 2023-2028”, <https://pdp.neda.gov.ph/philippine-development-plan-2023-2028/>.

⁵ United Nations, “Declaration on the Right to Development”, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-development>.

Rights to Liberty and Prosperity

Liberty and prosperity embody the twin beacons of justice.⁶ Liberty enshrines civil and political rights (first generation rights). Prosperity embraces economic, social, and cultural rights (second generation rights).

Historically, there existed a dichotomy between first generation rights and second generation rights. First generation rights place negative obligations on States which means that the State can protect said rights by taking no action. On the other hand, second generation rights place positive obligations on States. First generation rights were thought to be of immediate application while second generation rights were understood to be implemented progressively. First generation rights have attracted much attention while second generation rights have often been neglected.⁷

Despite the differences between the two sets of rights, it should be emphasized that all human rights are interdependent and indivisible. Human rights must always go together. People can truly enjoy civil and political rights only if they can also enjoy their economic, social, and cultural rights. Without economic security, people cannot assert their civil and political rights. All rights are equal and none can be fully enjoyed without the others.

Human Rights and Development

In the words of Kofi Annan, the 7th Secretary-General of the UN⁸, “*Human rights propel peace and development, reinforce the rule of law, and release, without inhibition, the creativity of individuals and societies alike*”.

The UN has consistently established the symbiotic relationship between human rights and development from the Millennium Development Goals⁹ (MDGs) in the year 2000 to the 2030 Agenda for Sustainable Development¹⁰. It emphasizes human rights-based approach to development which requires policies to be based on obligations from international human rights conventions. The adherence to human

⁶ Artemio V. Panganiban, “Visionary Leadership by Example”, The Personal Website of Retired Chief Justice Artemio V. Panganiban, February 7, 2007, <https://cjpanganiban.com/2007/02/07/visionary-leadership-by-example-2/>.

⁷ Asbjørn Eide, et al., *Economic, Social, and Cultural Rights*, 2nd ed. (Kluwer Law International, 2001), 3.

⁸ Kofi Annan, “Statement by Mr. Kofi Annan, Secretary-General of the United Nations to the opening of the fifty-fourth session of the Commission on Human Rights”, United Nations, March 16, 1998, <https://www.ohchr.org/en/statements/2009/10/statement-mr-kofi-annan-secretary-general-united-nations-opening-fifty-fourth>.

⁹ UN, “MDG Acceleration and Beyond 2015”, United Nations, <https://www.un.org/millenniumgoals/bkgd.shtml>.

¹⁰ UN OHCHR, “About the 2030 Agenda on Sustainable Development”, United Nations, <https://www.ohchr.org/en/sdgs/about-2030-agenda-sustainable-development>.

rights is necessary because development is only possible if fundamental human rights are respected. Human rights principles¹¹ such as equality and non-discrimination help create better societies. Attainment of higher standards of living and economic and social progress cannot be separated from universal respect for human rights. When an individual's humanity is respected and protected, he or she is given an opportunity to further improve himself or herself which in turn is beneficial to the society. Furthermore, the human rights principles of good governance, independence of the judiciary, and legislative capacity ensure that the rule of law is followed.

When countries integrate human rights into the development process, the most favorable conditions for the enjoyment of human rights are created. Each country must also consider the actual needs of its people. They are at the center of human rights and development thus their needs should be heeded.

Safeguarding of Liberty and Nurturing of Prosperity Under the Rule of Law

Rule of law, in its simplest terms, is the idea that no one is above the law and no one is beneath its protection. The Department of Justice (DOJ) defines rule of law as a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights and standards.¹² It can be said that rule of law and human rights have an indivisible relationship. Rule of law is the means by which human rights are realized.

The rule of law is an essential requisite for liberty. It is through the rule of law that a nation's collective freedom can be achieved. There can be liberty only if protection of law is guaranteed. Otherwise, a person's rights would be subject to arbitrary acts of others. Laws are enacted to set forth the guidelines which people must comply with. There is security and peace when people follow the law and the law applies equally to everyone. When there is security and peace, there is liberty.

The rule of law is the foundation on which prosperity is built. It places inherent limitations on the intrusiveness of governments into the economy and civil society. Limiting arbitrary government activity allows rule of law to provide an institutional

¹¹ UN FPA, "Human Rights Principles", United Nations Population Fund, 2005, <https://www.unfpa.org/resources/human-rights-principles>.

¹² DOJ, "Philippine Development Forum", Department of Justice, <https://doj.gov.ph/philippine-development-forum.html>.

framework conducive to investment, entrepreneurship, and long-term capital development.¹³ Investment and innovation flourish when government institutions are accountable to the citizens and subject to the rule of law. A society that protects the fundamental freedoms of individuals nurtures the inherent creativity of its people which, in turn, allows development to naturally prosper.

Human rights and development are two sides of the same coin. Former UN Secretary-General Kofi Annan said that “*We will not enjoy security without development, we will not enjoy development without security, and we will not enjoy either without respect for human rights.*”¹⁴ Both human rights and development promote freedom and well-being of individuals. Development improves the capabilities of individuals. Human rights provide the social framework that enables and secures the capabilities and freedoms expressed by human development. And it is through the rule of law that the human rights embodied by liberty and prosperity can be achieved.

Human Rights Situation in the Philippines

The Philippines is a signatory to and has ratified eight core international human rights treaties¹⁵, namely: International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), International Convention on the Protection of All Migrant Workers and Members of their Families (CMW), and Convention on the Rights of Persons with Disabilities (CRPD). Despite the aforementioned, the Philippines is currently taking the spotlight when it comes to human rights violations – with the extrajudicial killings under the government’s war on drugs as the most infamous. Recently, the International Criminal Court (ICC) authorized the resumption of investigation into the alleged crimes against humanity in the

¹³ Todd J. Zywick, “The Rule of Law, Freedom, and Prosperity”, https://www.law.gmu.edu/assets/files/publications/working_papers/02-20.pdf.

¹⁴ UN FPA, “Quotes on Human Rights”, United Nations Population Fund, 2004, <https://www.unfpa.org/resources/quotes-human-rights>.

¹⁵ Commission on Human Rights, “On the Reporting of the Philippine Government to Human Rights Treaty Bodies”, <https://chr.gov.ph/wp-content/uploads/2018/05/Human-Rights-Advisory-on-the-Reporting-of-the-Philippine-Government-to-Human-Rights-Treaty-Bodies001.pdf>.

Philippines.¹⁶ The investigation covers the extrajudicial killings during the term of former President Rodrigo Duterte up to the time when the Philippines withdrew from the Rome Statute. Now that the Philippines has a new president, the situation remains dire. At least 81 human rights violations during President Ferdinand Marcos Jr.'s first 100 days in office was reported.¹⁷ Additionally, the UN women's rights committee found that the Philippines violated the rights of sexual slavery victims, commonly referred to as "comfort women", during World War 2 by its failure to provide reparation, social support and recognition. On the other hand, war veterans who are predominantly men have been given benefits by the government.¹⁸

Other countries also expressed their concerns about the human rights situation in the Philippines. The European Union (EU) Parliament has called for the Philippines to act on human rights abuses. Failure to do so results in the Philippines losing trade perks and market access under the Generalized Scheme of Preferences Plus (GSP+). GSP+ is set to expire at the end of 2023. GSP+ grants the Philippines special incentives and zero tariffs on 6,200 products which include fruits, textiles, vehicle parts, and metals.¹⁹ GSP+ privileges made Philippine exports tariff-free and consequently less expensive when it enters the European market. The exported products are made by micro, small, and medium enterprises. Losing these benefits will lead to thousands of Filipinos suffering due to income loss.

The Philippine government must address the human rights situation. It has the duty to respect, protect, and fulfill human rights. By doing so, it enables its citizens to reach their maximum potentials which ultimately leads to the development of the country. Moreover, upholding human rights boosts investments and attracts foreign investors.

The Philippines' effort in attaining development is futile if the government continues to turn a blind eye to the rampant human rights violations in the country. The government must learn to place its people at the center of development.

¹⁶ Al Jazeera, "ICC to resume investigation into Philippines' deadly drug war", January 27, 2023, <https://www.aljazeera.com/news/2023/1/27/icc-to-resume-investigation-into-philippines-deadly-drug-war>.

¹⁷ Jelo Ritzhie Mantaring, "At least 81 human rights violations in Marcos' first 100 days – youth group", October 8, 2022, <https://www.cnnphilippines.com/news/2022/10/8/at-least-81-human-rights-violations-in-Marcos-first-100-days.html>.

¹⁸ UN, "Philippines failed to redress continuous discrimination and suffering of sexual slavery victims perpetuated by Imperial Japanese Army, UN committee finds", March 8, 2023, <https://www.ohchr.org/en/press-releases/2023/03/philippines-failed-redress-continuous-discrimination-and-suffering-sexual>.

¹⁹ Ralf Rivas, "EU Parliament to PH: Act on human rights abuses or lose GSP+ perks", February 18, 2022, <https://www.rappler.com/business/european-union-parliament-message-philippines-act-human-rights-gsp-perks/>.

With the PDP 2023-2028²⁰, the Philippines appears to be in the right path. A reading of the plan shows that it employs a human rights-based approach to development planning. The plan speaks of human rights-based peace and security policy, compliance of security institutions on human rights and rule of law, and designation of the Commission of Human Rights (CHR) as a National Human Rights Institution, among others. However, the execution of the plan remains to be seen. The period for its implementation seems to be limited considering that a systemic change is desired. Nevertheless, the change has to begin in one way or another.

Promoting Liberty and Prosperity as a Law Student and a Future Lawyer

As a law student, I have the duty to excel academically. I have been diligent in my studies since the first day of law school. It is my belief that everything that I am going to learn will someday help someone whose life, liberty, or property is at stake.

I have been given a chance to serve others, in a limited capacity and with the supervision of a supervising lawyer, as a Law Student Practitioner (LSP) under the Clinical Legal Education Program (CLEP). My school, Jose Rizal University (JRU), has partnered with the Integrated Bar of the Philippines (IBP)-RSM Chapter. It is during my externship where I am able to apply my legal knowledge in helping those who come to the legal aid clinic of IBP-RSM. Upon witnessing first-hand that those who are less fortunate in life do not have an immediate access to legal services, I vowed to do better in my studies. I can only serve our clients to the extent of what I know and understand.

The philosophy of liberty and prosperity under the rule of law will serve as a guide in my journey towards becoming a lawyer. I will do my best to fully embrace the philosophy and make it a part of my identity. Liberty and prosperity can only be achieved under the rule of law. Hence, it is fundamental that, as early as now, I refuse to perform any act which violates the rule of law. It is also imperative that I engage in meaningful conversations within my circle with the goal of educating them of their rights and of the law. Having a well-educated citizenry is one step closer to attaining progress.

I want to become a lawyer who is competent and with integrity. When I become one, I plan to work in a law firm where I can practice in different areas of law. While doing so, I will continue serving indigent clients by becoming a volunteer-lawyer at IBP. I believe that equal access to law for the rich and those who have less in life is

²⁰ *Ibid.*

essential to the maintenance of the rule of law. Moreover, if given the opportunity, I plan to teach in law schools so that I will be able to impart knowledge and wisdom to the next generation of Filipino lawyers. I also plan to pursue higher studies and possibly become an author of books with legal topics which can be easily understood by the ordinary Filipino. As to what field of law I am going to specialize in, I still have to figure it out. Perhaps, being exposed to different practice areas will help me decide where I am most interested. At the time when I finally possess all the constitutional and statutory qualifications for appointment, I will submit an application to the Judicial and Bar Council – hoping that I will become a member of the judiciary.

Conclusion

The Philippines' journey towards becoming a prosperous nation is filled with challenges. Human rights violations remain unaddressed – curtailing development. As development necessarily uplifts and involves the entire population, all individuals' human rights must be respected, protected, and fulfilled. What needs to be done is for the Philippines to perform in good faith its obligations under the core international human rights treaties which it has signed and ratified.