

Title: Application of Human Rights Principles to Philippine Corruption

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Summary:

This lesson explores the links between Filipino's perceived corruption and human rights. The assumption is that if state corruption occurs where there is inclination and opportunity, a human rights approach may help to minimize corruption and create opportunity for the design and implementation of anticorruption policies.

Objectives:

1. Study human rights standards as established in Universal Declaration of Human Rights (UDHR) and obligations as states for human rights violations.
2. Assess the definition of corruption as applied in context to the Philippines. Special attention will be discusses on the perceptions on corruption held by the Filipino people as they define corruption.
3. Explore the ways in which perceived corruption and perceived corrupt way may violate specific human rights.
4. Apply and analyze the specific links between perceived corruption and violations or human rights, described accurately.
5. Compare and contrast how collaboration with national and international anticorruption agencies and outside organizations benefit human rights.

Content:

Corruption in the Philippines clearly remains a challenge. Corruption remains subjective. Countless campaigns to raise awareness and countless media and political action and reform have tried to expose and improve political administration. Despite these attempts, public perceptions suggest that the Philippine public is pessimistic about the likelihood of elimination of corruption in their society. Corruption's covert nature has the unwillingness of those engaged in corruption to discuss it. It is not the intent of this lesson to fix political corruption but instead is based on the Filipino public's perception of corruption in the Philippines. Most of the information available on corruption used in this lesson remains subjective based on the perceptions of the Filipino people.

The recognition of a right to live in a corruption-free world is emphasized in Council of European Criminal Law Convention on Corruption (Council of European Law Convention on Corruption 19) "corruption threatens the rule of law, democracy and human rights, undermines good governance, fairness and social justice, distorts competition, hinders economic

development and endangers the stability of democratic institutions and the ‘moral foundations of society’”. At the same time, the ignorance, forgetfulness or contempt for human rights are understood to be causes of corruption in government. (DHCR 19)

This lesson builds a case for saying that, where human rights are perceived to be guaranteed and implemented, perception of corruption will drastically reduce. This is therefore not a scholarly treatise but a lesson report written mainly for college and high school classrooms who want to know how they might effectively address perceptions of corruption held by the Filipino people and the human rights harm it causes.

This lesson draws from perception of “corruption “violates” human rights”. An analysis of how corruption emphasizes harm to individuals and violates human rights can draw from a range of issues. When perception of corruption is held by Filipinos it can suggest people do not perceive access to justice, are not secure and cannot protect their livelihood. Perception of corruption may mean police: government may pay more heed to bribes than to law. Hospitals may be perceived not to heal people because staff may lack supplies, resources due to corrupt government contracting procedures. Poor families cannot feed or house themselves because government programs may be perceived to be corrupt to support patronage or preferred groups. Schools may not offer students textbooks because the education budget may be perceived to be looted. Farmers and indigenous peoples may not be able to earn a living or produce food because government administration is perceived to be corrupt by taking or selling land. It is in many, many ways perceptions of corruptions encourage discrimination, deprives vulnerable people of income and land, and prevent people from fulfilling their political, civil, social and cultural rights. Perceived corruption can be linked as a violation of human rights.

The Universal Declaration of Human Rights (UDHR) has concluded that where perceptions of corruption are widespread, a state cannot comply with their human rights obligation. Specifically, the Committee on Economic, Social and Cultural Rights states “states face serious problems of [perceived] corruption, which have negative effects on the full exercise of rights covered by the Covenants” (ICESUR). The Committee on the Rights of the Child states that it “remains concerned at the negative impact [perceived] corruption may have on the allocation of already limited resources to effectively improve the promotion and protection of children’s rights, including their right to education and health” (CRC). The lesson sets out an operational framework to establish a perceived corrupt act violates human rights or leads to a violation of human rights. This aim is to provide a technique for analyzing perceived corruption in human rights terms.

How to determine when a given act or perceived corruption violates a human right? To apply the human right framework it is necessary to distinguish specific corruption perceptions that directly violate a human right. A state is responsible for a human rights violation when it can be shown that its actions (or failure to act) do not conform to the specific human rights norm. To establish the content of the human rights obligation from the UDHR, as ratified in the Philippine

Constitution in all branches of the Philippine government, the human right must be understood effective at all government levels. From a corruption perspective of the Filipino, a broad understanding may include any person of public service at all levels conforming to government obligation.

It is commonly understood the state has three levels of obligations in relation to human rights – to respect, to protect and to fulfill. These are guidelines that assist us to see obligations that must be considered essential to the realization of human rights principles. The state’s behavior/practice is required in relation to each right. The Philippine state or perceived public official is required to refrain from any measure that may deprive individuals of the obligation to respect – economic, social and cultural, too. The obligation to protect requires the perception of the public official to prevent violations of human rights by third parties to Filipinos – labor, wage, health, bribes, transport, water, land. The obligation to fulfill requires the Philippine official to ensure the Filipino can satisfy basic need that they cannot fulfill on their own as an economic, social and cultural right – prohibit torture, create fair trials, elections, laws. Therefore we can suggest violation of a human right occurs when a state acts or fails to act with the obligation to respect, protect, fulfill. These are basic protections of human rights (UDHR).

The commitments that states have made to combat corruption and perceptions of corruption have run parallel with the commitments to promote and respect human rights. The links are evident that decline of corruption does benefit human rights.

Lesson:

Linking Corruption with Human Rights in the Philippines

Ask students to prepare for lecture and discussion by reading:

1. [Human Rights Case Against Corruption](#)

Office of the United Nations, High Commission for Human Rights

<http://www.ohcrh.org/Documents/Issues/Development/GoodGovernance/Corruption/HRCaseAgainstCorruption.pdf>, Dec.

Summary report of human rights case against corruption to promote human rights. Good governance, human rights and anti-corruption are mutually reinforcing.

2. [The Philippines In 2014: Aquino Fights Back](#)

Sidel, John T.. “The Philippines in 2014: Aquino Fights Back.” *Asian Survey* 55.1 (2015) 220-227

<http://doi.org/10.1525/as.2015.55.1.220>

The year 2014 in the Philippines witnessed President Aquino’s administration moving

forward with initiatives on multiple fronts as leading opposition politicians experienced anti-corruption charges.

3. [The Grim Reality Behind the Philippines' Economic Growth](#) by Julian Keenan. May 7, 2013. *The Atlantic*.
<http://www.theatlantic.com/international/archive/2013/05/the-grim-reality-behind-the-philippines-economic-growth/275579/>

The Philippines is being heralded as the new Asian economic success story, but only a few elite political dynasty families monopolize the rewards.

4. [What's The Real Score on Poverty?](#) by Jose Ramon G. Albert. Rappler. Published 9:14 AM, November 19, 2014. Updated 1:30 PM, November 23, 2014.
<http://www.rappler.com/thought-leader/75364-real-score-poverty>

Official poverty statistics and trends on poverty conditions do not suggest status of poverty or income has improved.

5. [Corruption and Human Rights: Exploring the Relationships](#) by Berihun A dugna Gebeye
www.du.edu/korbel/hrhw/workingpapers/2012/70-gebeye-2012.pdf

Promotion of human rights and the campaign against corruption is an integral approach essential in overcoming problems of corruption and violations of human rights.

Lecture 30 minutes on Philippines, human rights and corruption.

Instructor preparation needed: Familiarity with assigned resources and an understanding of the relationship between corruption and human rights.

For information and clarification, consult such sources as:

1. United Nations. [The Declaration of Human Rights](#). 1948.
<http://www.un.org/en/documents/udhr/> (UDHR)

Universal Declaration of Human Rights in a common standard of fundamental human rights that should be protected by law.

2. [Committee on Economic, Social and Cultural Rights](#) (CESCR)
<http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>

Committee on Economic, Social and Cultural Rights (CESCR), United Nations Human Rights Office of the High Commissioner, monitors implementation of the International Covenant on Economic, Social and Cultural Rights.

3. [Committee on the Rights of the Child](#)

<http://www.orchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

Committee on Rights of the Child (CRC), United Nations Human Rights Office of the High Commissioner, monitors implementation of the Convention on the Rights of the Child.

4. [Human Rights Case Against Corruption](#)

Office of the United Nations, High Commission for Human Rights

<http://www.ohcrh.org/Documents/Issues/Development/GoodGovernance/Corruption/HRCaseAgainstCorruption.pdf>, Dec.

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6. [Corruption in Asian Countries: Can It Be Minimized?](#)

Jon S. T. Quah, "Corruption in Asia Countries: Can it Be Minimized?" *Public Administration Review*. 59,6(1999): 483-494

<http://doi.org/10.2307/3110297>

Corruption can be combatted under certain circumstances. Strong political leadership and better pay scales proved to be the only success story – Singapore.

7. [The Philippines In 2014: Aquino Fights Back](#)

Sidel, John T.. "The Philippines in 2014: Aquino Fights Back." *Asian Survey* 55.1 (2015) 220-227

<http://doi.org/10.1525/as.2015.55.1.220>

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forward with initiatives on multiple fronts as leading opposition politicians experienced anti-corruption charges.

Lead a class discussion:

1. Why do you think human rights matter? What are human rights trying to accomplish? What ethical standards apply to human rights?
2. Do you think human rights should play a major role in government? What relevant role does the Philippine government play in corruption?
3. What kind of impact do you think corruption might have on the lives of the Philippine people? How would you measure or assess the corruption's impact on Filipino lives – housing, economy, water, education protection, laws and elections?
4. How can corruption in the Philippines be minimized?
5. What are some reforms or actions being implemented worldwide aimed at eliminating government corruption? How are some of the reforms expanding human rights to the citizens?
6. Is the broader goal of eliminating corruption and increasing the role of human rights a realistic one? What actions against corruption can actually lead to reform and have the capacity to set human rights reform into motion?

For homework, ask the student to:

1. Research various aspects of corruption in the Philippines and assign each student to write a 2 – 3 page paper on one aspect linking corruption to a human right.
2. Write a letter or attempt to interview the head of a Philippine government agency (Skype or social media) reporting the corrupt practice(s) found in your research on corruption. Suggest possible measures to be undertaken to protect against the human right the corruption violates. Report the response to the class at a later date.
3. Identify groups and organizations for collaboration on corruption and human rights. Demonstrate how the realization of human rights is protected. Report to class.

Works Cited:

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<http://www.coe.int/en/web/conventikons/full-list/-conventions/treaty/173> (accessed December 1, 2015).

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