

A COMPARATIVE ANALYSIS OF THE HUMAN RIGHTS VIOLATIONS IN THE PHILIPPINES AND COLOMBIA

Un análisis comparativo de las violaciones de derechos humanos en Filipinas y Colombia

Hannah Estelle Jeanne Gopez, Alyannah Catrina Maldia, Alexandra Carmeli Mendoza, Kamyll Migueyl Pla, Kaira Quizon, Paula Santos.

Abstract

The article aims to compare human rights violations in Colombia and the Philippines, two nations where grave violations of human rights are extremely prevalent. To examine human rights violations in both countries, the researchers will adopt three different lenses, namely: the structural violence theory, the transitional justice theory, and the constructivist theory. The structural violence theory can shed light on how social structures and institutions in Colombia and the Philippines cause harm upon individuals, especially the marginalized. In addition, the theory of transitional justice can be used to establish the effectiveness of justice mechanisms in providing justice for victims of human rights violations and enhancing existing social structures in Colombia and the Philippines. Finally, the lens of constructivism will be utilized to explain human rights violations due to the failure of Colombia and the Philippines to apply human rights norms at the societal or state level. In conducting this comparative study, the researchers will employ a comparative literature review that takes into account various cases of human rights violations in both countries. With this, the researchers will draw data from secondary sources, such as archives, journal articles, and reports.

Keywords: human rights violations, conflict-related violence, war on drugs, structural violence, transitional justice.

Resumen

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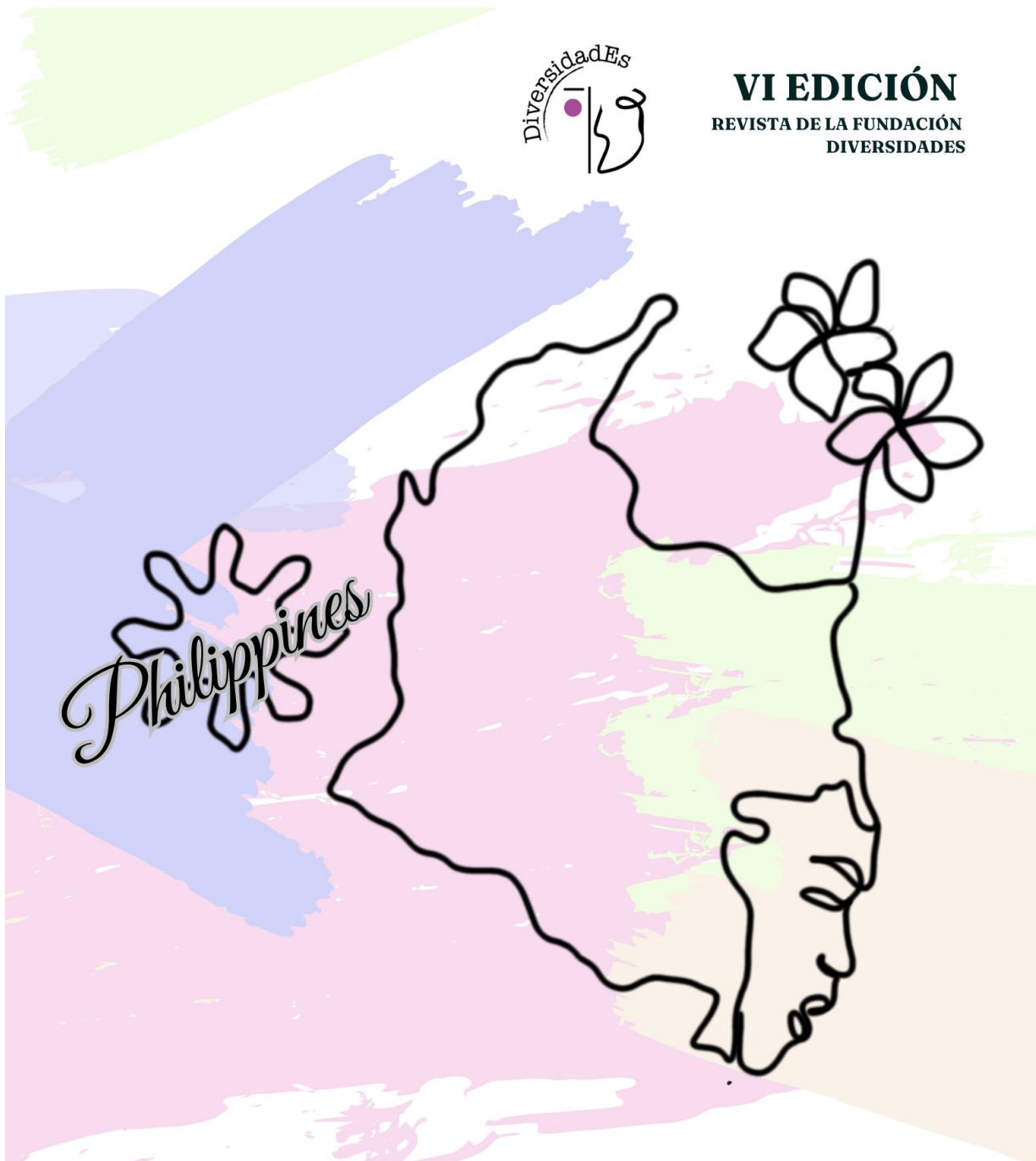
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Palabras claves: violaciones de derechos humanos, violencia relacionada con conflictos, guerra contra las drogas, violencia estructural, justicia transicional.

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Keywords: human rights violations, conflict-related violence, war on drugs, structural violence, transitional justice.

Resumen

El artículo tiene como objetivo comparar las violaciones de derechos humanos en Colombia y Filipinas, dos naciones donde las violaciones graves de los derechos humanos son extremadamente prevalentes. Para examinar las violaciones de derechos humanos en ambos países, los investigadores adoptarán tres lentes diferentes, a saber: la teoría de la violencia estructural, la teoría de la justicia transicional y la teoría constructivista. La teoría de la violencia estructural puede arrojar luz sobre cómo las estructuras e instituciones sociales en Colombia y Filipinas causan daño a las personas, especialmente a los marginados. Además, la teoría de la justicia transicional se puede utilizar para establecer la eficacia de los mecanismos de justicia para brindar justicia a las víctimas de violaciones de derechos humanos y mejorar las estructuras sociales existentes en Colombia y Filipinas. Finalmente, se utilizará la lente del constructivismo para explicar las violaciones de derechos humanos debido a la incapacidad de Colombia y

Filipinas de aplicar las normas de derechos humanos a nivel social o estatal. Al realizar este estudio comparativo, los investigadores emplearán una revisión comparativa de la literatura que tenga en cuenta varios casos de violaciones de derechos humanos en ambos países. Con esto, los investigadores extraerán datos de fuentes secundarias, como archivos, artículos de revistas e informes.

Palabras claves: violaciones de derechos humanos, violencia relacionada con conflictos, guerra contra las drogas, violencia estructural, justicia transicional.

Resumo

O artigo pretende comparar as violações dos direitos humanos na Colômbia e nas Filipinas, duas nações onde as graves violações dos direitos humanos são extremamente prevalentes. Para examinar as violações dos direitos humanos em ambos os países, os investigadores adoptarão três lentes diferentes, nomeadamente: a teoria da violência estrutural, a teoria da justiça transicional e a teoria construtivista. A teoria da violência estrutural pode esclarecer como as estruturas e instituições sociais na Colômbia e nas Filipinas causam danos aos indivíduos, especialmente aos marginalizados. Além disso, a teoria da

justiça transicional pode ser utilizada para estabelecer a eficácia dos mecanismos de justiça na prestação de justiça às vítimas de violações dos direitos humanos e na melhoria das estruturas sociais existentes na Colômbia e nas Filipinas. Finalmente, a lente do construtivismo será utilizada para explicar as violações dos direitos humanos devido ao fracasso da Colômbia e das Filipinas em aplicar as normas de direitos humanos a nível social ou estatal. Ao conduzir este estudo comparativo, os investigadores utilizarão uma revisão comparativa da literatura que leva em conta vários casos de violações dos direitos humanos em ambos os países. Com isso, os pesquisadores extrairão dados de fontes secundárias, como arquivos, artigos de periódicos e relatórios.

Palavras-chave: violações dos direitos humanos, violência relacionada com conflitos, guerra às drogas, violência estrutural, justiça transicional.

1. Introduction

1.1 Human Rights

Human Rights represent the basic freedoms and protections every individual is entitled to, regardless of nationality, gender, ethnicity, religion, or beliefs. These rights, as defined by the United Nations, are inalienable, meaning they cannot be taken away. They cover essential aspects like employment, food, health, and the right to life. The Universal Declaration of Human Rights (UDHR) was the first document to outline these fundamental principles, laying the foundation for International Human Rights Law. Key principles include equality, freedom from discrimination, and the universality of human rights, which emphasize that all individuals must be treated with equal dignity and respect.

1.2 Types of Human Rights Violations

As such, human rights law requires the government to carry out certain actions and prohibits them from carrying out others. Additionally, individuals have obligations. They must respect the rights of others when exercising their human rights. A person, group, or government has no authority to act in a way that violates another's rights (United Nations International Children's Emergency Fund (2015)). Afflicted rights holders have the capacity to file a

complaint for appropriate redress if they fail to do so in accordance with the rules and procedures established by the law. Within the given accountability, there are various actions that violate the rights of human beings, either directly or indirectly. These violations are engaged within the state and various actors have been involved such as police, government officials, and more that can affect either civil, political, economic, cultural, or social aspects. As mentioned by Soken-Huberty (2022), civil and political rights are violated when there is a war crime. Genocide, torture, and arbitrary arrest are examples of civil and political rights violations. An example of a violation is human trafficking or sexual exploitation. It depicts the failure of the state to protect its citizens. A conflict wherein the state has failed to ensure the security of vulnerable people.

1.3 Human rights violations in the Philippines and Colombia

The Philippines and Colombia are both member-states of the United Nations (UN) that have pledged to promote respect for the human rights of all. Both nations are also among the longest-standing democracies in the world, yet both struggle with violence and killings. The

Philippines' controversial 'War on Drugs' campaign carried out by past president Rodrigo Duterte has been deemed as the "symbol of the Philippine government's abandonment of its obligation to protect, promote, and fulfill human rights" (Linis-Dinco, 2018, p. 119). Whereas, the persistent fight between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) has gradually deteriorated the well-being and quality of life of Colombians. This then begs the question—of whether these nations can still consolidate and strengthen democracy against the backdrop of widespread human rights violations. This paper aims to discuss and analyse the human rights violations of the Philippines which are initiated by its government, and Colombia which are initiated by non-state armed groups.

1.4 Sustainable Development Goal #16: Peace, Justice, and Social Institutions

The Philippines and Colombia's social justice problems are deep-rooted, long-standing, and linked to many causes. Such as the lack of education and job opportunities, which has led to the vulnerability of children and adolescents to be recruited by non-state armed groups. As such, Colombia and the Philippines must also make the achievement of the UN Sustainable Goal of Peace, Justice,

and Social Institutions their top priority. Putting the focus on achieving SDG 16 will pave the way to solving other problems and attaining progress on other SDGs. Although it is difficult to measure the progress toward achieving SDG 16, there are still a few indicators that both countries can look at to monitor progress, as enumerated by the UN Economic and Social Commission for Asia and the Pacific (ESCAP).

Primarily, countries should reduce all forms of violence and related deaths everywhere. This means that the Philippine government should ensure that the human rights of all citizens, even those who are suspected drug users and dealers, are protected and are given legal representation. Whereas in Colombia, they should provide legal aid to marginal communities, such as the indigenous people, women, children, and the poor.

More fundamentally, the governments of both countries should be accountable and transparent. Enhancing the rule of law by improving the judicial system, promoting transparency, and fighting corruption are some of the several ways that countries can promote accountability and transparency. Attaining these qualities can help uphold peace and justice for the citizens.

1.5 Statement of the Problem

The study aims to answer the following questions:

- 1.) What are the similarities and differences of the causes and implications of violations of human rights in the Philippines and Colombia?
- 2.) What is the role of government agencies in perpetuating or preventing human rights violations in the Philippines and Columbia?
- 3.) How can Colombia and the Philippines address the human rights violations in their respective country?

This study aims to accomplish the following objectives:

- 4.) To compare and contrast the causes and implications of the violations of human rights in the Philippines and Colombia.

2. Conceptual Referents

2.1 Theories

Serious human rights breaches are on the rise in both Colombia and the Philippines over the recent years. In Colombia, conflict-related violence perpetrated by paramilitary and guerilla groups and police authorities has resulted in massive human rights abuses in the forms of killings, harassment, massacres, and forced displacement that impacted several communities in the country (Human Rights Watch, 2022). In addition to this, there have been many reports of assaults on social activists and human rights defenders in the country, with many of them killed for their cause (Human Rights Watch, 2022). Similar trends have been observed in the Philippines, especially during former president Rodrigo Duterte's war on drugs campaign (Amnesty International, 2022). Indigenous peoples, human rights defenders, and journalists have also been targeted through threats, harassment, and serious attacks (Amnesty International, 2022). In light of these trends, the researchers have identified three key theories that can be used to analyse human rights violations in Colombia and the Philippines. These theories are the theory of structural violence, the transitional justice theory, and the constructivist theory.

2.1.1 Structural Violence Theory

The Structural Violence theory explains how the structures of society can construct and maintain systems that are harmful and unjust — particularly to the marginalized and oppressed groups. The theory was proposed by Johan Galtung (1969), a Norwegian sociologist, as he defines violence as an “avoidable impairment of fundamental human needs.” To further prove the correlation between the theory and human rights issues, the researchers will apply the structural violence theory in both countries’ contexts. Ranking 15th out of 63 countries on income inequality (World Bank, 2022) — The Philippines has a history of political and economic inequality, leading to systemic injustices and widespread poverty. This disparity in power and wealth has led to a lack of access to resources and opportunities for these marginalized groups, perpetuating a cycle of poverty and oppression. To illustrate, the extrajudicial killings during the Duterte Administration were regarded as an anti-poor operation that mainly targeted the urban poor. Law officials continuously labelled the victims as drug suspects — Such characterizations were based on stereotypes and prejudices, affecting poor communities (OHCR, 2020). In Colombia’s case, there have been numerous cases of

enforced disappearances. Records of these disappearances have been recorded since 1970, and more than 110,000 people have been reported missing (Molina et al., 2022). The enforced disappearances can be recognized as structural violence, since this phenomenon is associated with the concentration of power and the social marginalization of some groups. The Colombian Truth Commission report (2022) found that paramilitary groups and other armed actors mostly carry out disappearances.

2.1.2 Transitional Justice Theory

In addition, the researchers will use the framework of transitional justice to examine human rights violations in Colombia and the Philippines. Fischer (2011) defines transitional justice theory as an approach to how societies address historical violations of human rights. The remnants of widespread human rights abuses can be tackled in two ways, according to a transitional justice approach. The first is to guarantee that victims receive a certain degree of justice, and the second is to advance and establish peace, democracy, and tolerance (Kosotova, 2019). To achieve these, a number of justice measures can be employed, such as but not limited to reparations, truth commissions, and institutional reform (Schmid, 2008). Reparations are among the most common forms of

transitional justice mechanisms. They seek to make amends for rights that have been violated, for injuries incurred, and for humiliations experienced by the victims or their families through monetary compensation and other forms of symbolic benefits (Schmid, 2008). In addition to reparations, truth commissions are frequently employed to seek justice for heinous crimes. According to Brahm (2007), truth commissions are appropriate for looking into cases of systemic abuse in order to ascertain the facts of the case. Finally, institutional reform involves restructuring government institutions, particularly the judicial system, police, and military in order to prevent the same atrocities from occurring again (Sandoval, 2011). Using the transitional justice approach in comparing human rights violations in Colombia and the Philippines, can illuminate the effectiveness of different mechanisms in place that address human rights transgressions in both countries.

2.1.3 Constructivist Theory

In defining a constructivist theoretical perspective, we perceive how beliefs, values, and attitudes shared by various actors—including nations, armed groups, and civil society organizations—influence human rights conditions

in Colombia and the Philippines. When looking at the significance of norms, beliefs, and ideas in influencing state action, Wendt's framework on constructivist theory can serve as a guide for researchers since it highlights the need to understand the socially imposed framework that governs international relations. Likewise, this work can be used as a foundation for further investigation into the theoretical foundations of constructivism and its relevance to the investigation of human rights abuses in Colombia and the Philippines (Wendt, 1992). Moreover, human rights, according to constructivists, are not predetermined but instead constructed through the interactions of many people. As such, the meaning, extent, and relevance of human rights can vary among nations due to the influence of each person's different historical, social, and political conditions. To support this, Donnelly (2013) examines the theoretical roots and actual consequences of human rights, claiming that human rights norms are socially produced and context-dependent. Donnelly illustrates how individuals' mutual knowledge and perception of human rights values influence these norms, leading to variances among cultures by tracing their origins and progression. Aside from this, the influence of internal and international values and standards on the actions of states is addressed by constructivists. Human rights crimes and how they are

dealt with can be impacted by factors such as the extent to which states, society, and international institutions are committed to human rights standards and ideals. A great illustration of the effect of standards and values on human rights violations is the peace agreement between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC). The conditions of the peace agreement and the methods employed were heavily influenced by domestic and international human rights standards and values that were discussed and debated during the negotiation process. In fact, victims' groups and other members of Colombia's civil society took an active role in the peace talks, pushing for the incorporation of human rights principles and ideals. The contributions of these parties were essential to guaranteeing that victims' entitlements to justice, compensation, and protection from recurrence were met during the peace process (Bouvier, 2016). Consequently, the researchers can acquire a deeper understanding of the role of shared ideas, norms, and beliefs in determining the behaviour of various actors and the impact of human rights concerns by utilizing constructivist theory in their investigation within the context of Colombia and the Philippines. Knowing about the significance of norms, values, and attitudes in defining state behaviour and human rights consequences

can enable determining the underlying causes of human rights violations and potential measures for prevention and mitigation.

3. Methodology

With the two countries in mind, the study aims to compare both by conducting a comparative literature review that takes into account similar phenomena in both countries. The study utilizes human rights violation cases from the Philippines as well as Colombia, with the Philippine case focusing on government initiatives, whereas the Colombia case focuses on human rights violations initiated by non-state armed groups. With both in mind, the policies and initiatives to combat the issues in both countries are also taken into consideration. Due to geographical and time constraints, the researchers have chosen a literature review and comparative study to be able to provide insight into the situation in an efficient and truthful manner.

The research draws its data from secondary sources such as online libraries, archives, published journals, and reports in order to make these comparisons and analyse them. These sources will be utilized in the literature review in order to establish the research's data as reported by other authors. This data assists the

researchers in drawing comparisons between the two countries and observing how well their response to human rights violations has performed over time. As it is a matter of observation of human rights violations and responses to them, the analysis is synthesized through a subjective lens with adherence to universal human rights under international law.

3.1 Scope and Limitations

The study focuses solely on the Philippines and Colombia and incidents in both countries that are strictly classified as human rights violations under international human rights law and that have occurred within the past decade. With this in mind, there is also the matter of the comparative study between both cases oversimplifying the complexities of the matters at hand, which may lead to a surface-level understanding of the situations, as there is only so much that can be understood from second hand sources.

4. Analysis

4.1 Human rights violations in the Philippines

Elected in 2016, the current head of the executive branch is Rodrigo Roa Duterte. The 16th President of the Philippines, he is also the 6th President of the Philippines' Fifth Republic, which was established after the People Power Revolution of 1986 ousted Marcos and his 21-year-old authoritarian regime. Upon assuming office, Duterte initiated a countrywide campaign against illegal drugs, called the "War on Drugs," which relied heavily on the National Police force (Atun et al., 2019). This campaign, commonly known as the "War on Drugs" aimed to eradicate drug-related crimes and improve public safety in the country. However, it has been a controversial issue, with reports of extrajudicial killings and human rights violations. Despite criticisms, the government has continued to implement the campaign, stating that it is necessary to address the drug problem in the Philippines.

According to Conde (2022), rights defenders, political activists, community leaders, and politicians are frequently harassed, killed, and tortured in the

Philippines. Furthermore, “red tagging,” the practice of branding activists and other people as members or supporters of the communist New People's Army, has become the Philippine government’s top counterinsurgency tactic (Lee-Brago, 2022). Since the onset of former President Rodrigo Duterte’s drug war campaign in 2016, an estimated 12,000 individuals, mostly urban poor, have been killed, and around 2,000 of these deaths are linked to the Philippine National Police (Human Rights Watch, 2018).

In addition to this, from June 2016 to August 2021, there have been 1,138 victims of unlawful arrest and detention, most of whom have been red-tagged at least once (Human Rights Watch, 2022). Although Duterte denies that he has directly authorized extrajudicial killings (EJK), as on one occasion when he said to the commissioner of the customs bureau, Rey Leonardo Guerrero that “If it’s drugs, you shoot and kill” (Associated Press in Manila, 2020).

The Department of Justice has been widely criticized, and understandably so, due to a lack of transparency, persistent delays, and unwillingness to include the Commission on Human Rights in their investigation. It is highly evident that the Philippines is facing a human rights crisis, as a culture of violence

continues to characterize the country.

4.2 Human rights violations in Colombia

In Colombia, conflict-related violence involving guerrilla groups such as the National Liberation Army (ELN), Revolutionary Armed Forces of Colombia (FARC) dissidents, paramilitary successor groups, and police forces manifests itself through numerous forms such as harassment, murders, massacres, and forced displacement that continue to plague several communities in some areas of the country, where human rights advocates, journalists, and Indigenous leaders are often targeted (Human Rights Watch, 2022). Violence that is committed in Colombia includes war crimes, massacres, killings, forced displacement, and child recruitment, kidnappings, and extra-judicial killings.

The OHCHR recorded 76 massacres in 2020, the highest number since 2014, and 82 more from January to September 2021, followed by 60 massacres in 2022 (Human Rights Watch, 2022). In addition, since 2016, more than 500 human rights advocates and social leaders have been murdered in Colombia, making it one of the countries in the world with the highest number of activist

killings (Human Rights Watch, 2022). Aside from that, 70,000 individuals were estimated to have been displaced between January and October 2022 (Human Rights Watch, 2022).

Despite these numbers, the government has taken inadequate measures to protect civilians from conflict-related violence. For instance, the National Commission of Security Guarantees, an institution tasked with developing strategies to disarm armed organizations responsible for the murder of human rights advocates, has been infrequently convened by the government. As such, the results from the Commission have been meagre.

Table 1: Comparison of the Human Rights Violations in the Philippines and Colombia

	Colombia	Philippines
Type of Human Rights	Civil and political rights	Civil and political rights

Violation		
Human rights offender	Non-state armed groups criminal organizations	Administration and the police force
Target of violence	Indigenous and Afro-Colombian leaders, journalists, human rights defenders	Drug pushers / sometimes innocent people, journalists, human rights defenders

Based on the circumstances of both Colombia and the Philippines, it is evident that they are facing significant problems regarding human rights violations. Although there are existing laws in place to safeguard human rights, it has been shown that law enforcement and military authorities in both countries often violate these laws. Observing these conditions through the lens of the Structural Violence Theory, it can be observed that social, political, and economic factors also play a role in contributing to human rights violations. Furthermore, using the transitional justice approach will help the researchers examine the effectiveness of different mechanisms in place that address human rights abuses in both countries. Lastly, using constructivism theory, human rights in the Philippines and Colombia will be analysed through the influence of the actors' shared values and beliefs.

5. Conclusion and Recommendations

In conclusion, this analysis reveals the reality of the challenges faced by the Philippines and Colombia in protecting their people's rights and promoting peace and justice within their countries. Both countries' governments have shown their deficiencies and

shortcomings in protecting their citizens' human rights amidst their agendas for improving their countries. The two countries should take a step back and assess the current situation, as their actions have not improved the situation. More importantly, countries need to prioritize SDG #16: Peace, Justice, and Social Institutions as this will be a huge step in upholding justice and alleviating the quality of life of the people. People are dying, and their quality of life is deteriorating because of what their respective governments “think” the country needs. The Philippines' Duterte made it seem as if eliminating drugs is the number one priority to alleviate the lives of Filipinos when they should have directed their focus on helping those suffering from poverty. Similarly, the Colombian government should consider that a military response may not be the key to stopping the attacks from non-state armed groups. Instead, they should focus on empowering their citizens by promoting education, which can lead to job opportunities. Hopefully, this can tackle the number one reason these armed groups are revolting: poverty. It is evident that there is still much work to be done to ensure that Filipino and Colombian citizens' rights are protected. Moreover, the governments of the Philippines and Colombia need to reevaluate their objectives and shift their focus to dealing

with the root causes of concerns like poverty and injustice as they seek to improve human rights situations and promote peace and justice in their respective countries. As a response, we now have to take a broader view when developing policies and allocating funds. Especially in underprivileged and battle areas, the two nations should allocate their money where their concerns are and fund services that improve education, train workers, and create new jobs. Subsequently, citizens will feel more confident, be less likely to be recruited by violent organizations, and be more likely to come together as a community. Lastly, to develop cooperation and confidence among various actors, administrations should have comprehensive interactions with diverse partners, such as civil society organizations, underprivileged communities, and foreign organizations. Taking these ideas into action and focusing their efforts, the Philippines and Colombia may work towards developing an environment in which everyone's rights are respected and their dignity is protected

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