

THE ACTIVIST

HRSI's annual student-led human rights journal

MAY 2017



Editorial

The troubling reliance on democracy for human rights protections has led to some concerning developments this past year. Elections from the Philippines to the U.S. ushered in waves of resistance to politics as usual, and referendums from the UK to Colombia produced disappointing results for human rights advocates.

The challenges we face are huge. Environmental, LGBTQI+, migrant, and other crises seem to be growing larger by the day. As academics and activists, we should question the role of human rights and how best to implement them, as politicians and voters have already done around the world. Our thinking must reflect reality.

Indeed, this year made us face some harsh realities. In this issue of *The Activist*, we cannot ignore the law that passed the Hungarian parliament in April. With government propaganda instilling anti-migrant sentiment and attacks on the free press and civil society taking place at the hands of a democratically elected, center-right government, the CEU community and larger Hungarian community have had to stand up for their own rights. Necessarily, our activism has had to come from a personal place.

The gap between international standards and national and local

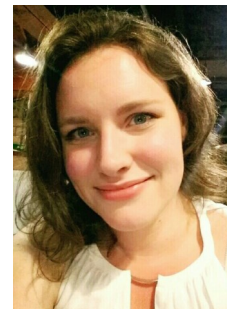
politics seems wider than ever. Despite this, more and more people are resisting the attacks on minority rights and civil rights. Hungary saw one of the largest protests in recent memory, including many young people who represent a new generation willing to stand up to the tyranny of the majority. In other areas of the globe, record numbers have come out to protest Trump, the Dakota Access Pipeline, Brexit, corruption in South Korea, the criminalization of asylum seekers, attacks on reproductive rights, and other causes.

Under these circumstances, the selections from this year's submissions touched on common themes relating to the importance of rhetoric in political dialogue, the tensions between rule of law and democratically-elected authoritarian-style rule, and the importance of people's movements in environmental protection. The authors grappled with these issues in both personal and academic fashion to craft thought-provoking pieces.

Thank you to the authors and editors for their hard work and contributions to *The Activist*, and HRSI for providing a platform for student publications.

Free country! Free university!

Szabad ország! Szabad egyetem!



From top to bottom: Andrea Schnitzer, Danielle Johnson, Renan Akyavas

Andrea Schnitzer, MA student, Department of Legal Studies

Danielle Johnson, MPA student, School of Public Policy

Renan Akyavas, MA student, Department of International Relations

Editors-in-Chief

Contents

5 / How Refugees Become Defectors: “Escapees” in Slovenia

Alenka Mrakovčić, MA student, Department of Gender Studies, CEU

8 / Parks and Rivers are People Too: the Te Urewera and the Whanganui River Case Study from Natural Resource to Legal Person

Carly Soo, MSc student, Department of Environmental Sciences and Policy, CEU

12 / Children Living in Institutions: a Serious Worldwide Human Rights Issue

Mara Tissera Luna, MPA student, School of Public Policy, CEU

15 / Introspecting on Hate in Florida: The Experience of Participating in The Hate Speech Monologues

Elizabeth Loudon, MSc student, Department of Environmental Sciences and Policy, CEU

18 / Climate Change and Human Rights: Mass Resistance. Or No Future?

Zuzana Pavelková, MA student, Department of Legal Studies, CEU

21 / Duterte’s War on Drugs: a War on the Philippines’ Poor

Angel Bombarda, MPA student, School of Public Policy, CEU

24 / The Trump Effect

Peter Mate, MA Exchange Student, Department of International Relations, CEU / Fairleigh Dickinson University

27 / “Human Rights Cannot Be Used as a Shield to Destroy the Country”: Challenges to Legitimizing Human Rights in the Philippines

Cleve Kevin Robert V. Arguelles, MA Student, Department of Political Science, CEU

FRONT COVER IMAGE COURTESY **Daniel Vogel**—www.vegeldaniel.com.

ABOUT HUMAN RIGHTS INITIATIVE Human Rights Initiative (HRSI) is an awareness raising and capacity building organization based at Central European University (CEU) in Budapest. It was founded in 1999 by the students of the CEU Legal Studies Department, Human Rights Program. Since then, it has grown into an internationally-recognized human rights organization, focusing on youth involvement, informal education and student participation. HRSI’s mission is to promote social engagement through awareness raising and capacity building. Our main target groups are CEU students and alumni, local and regional NGO staff and activists.

THE ACTIVIST TEAM **Andrea Schnitzer**, Editor-in-Chief, proofreader • **Danielle Johnson**, Editor-in-Chief, proofreader • **Renan Akyavas**, Editor-in-Chief, proofreader • **Abigeya Wolde**, associate editor • **Anshu Adhikari**, associate editor • **Freya Cumberlidge**, associate editor, proofreader • **Isabelle Adam**, associate editor, proofreader • **Valentine Njogu**, associate editor • **Vilius Kubekas**, associate editor • **Trinh Lien Huong**, designer, HRSI project manager.

How Refugees Become Defectors: “Escapees” in Slovenia

Alenka Mrakovčić analyses refugee and migrant terms used by the Slovenian government that obscure the forced nature of migration and justify the securitization of borders and changes in policy which endanger the human rights of asylum seekers.



In September 2015, the Hungarian-Serbian border closed, leaving many refugees and migrants outside of its territory. As a consequence, the so-called Balkan migration route shifted towards Croatia and Slovenia, thus the “refugee crisis” became more visible in Slovenia. There, the term *prebežnik_prebežnica*,¹ or “escapee,” is commonly used to describe refugees and migrants in media and governmental discourses. The use of “escapee” seemed to be preferred over *begunec_begunka*, or “refugee” by media and gov-

ernment’s communication. Thousands of refugees and migrants waited in front of Slovenian borders and walked across Slovenia – from the Croatian to the Austrian border, until the closure of the Balkan Route in March 2016. The public narrative of the “escapee crisis” has enabled the Slovenian government to justify their investments into securitization of borders and the adoption of changes in the asylum policy that threaten the human rights of refugees and migrants and do not comply with the Refugee Convention

(1951).

Why did the rhetoric shift from “Slovenia wants to act in solidarity. It wants to help the refugees and other [EU] member states,”² to: “not international conventions nor constitutions can be interpreted in ways that would endanger the human rights of our citizens,”³? These quotes from the speeches of Miro Cerar, Slovenia’s Prime Minister, in May 2015 and January 2017 (the latter after the approval of the changes to the Alien Act, which enabled a potential complete closure of borders for asylum



Refugees and migrants walking across the fields close to Rigonce in October 2015, escorted by the police.

Source: dailymail.co.uk



More than 200 km of razor wire fence has been erected at the borders, also called "technical obstacles" by the government.

Source:
www.sloveniatimes.com

seekers under "special circumstances"), represent the transformation of the narrative from the position of "solidarity" to a strategy of fuelling anti-migrant hatred, where the question of providing protection to asylum seekers is framed as a threat to the human rights of citizens.

I believe that by referring to refugees and migrants as "escapees", the Slovenian state has played a crucial role in enabling this shift. Both *prebežnik_prebežnica* and *begunec_begunka* have the same root *-beg*, which means escape. In a study of asylum in Slovenia in 1990s, Pajnik et al. (2001) say

that *begunec*, rather than describing a person who managed to get protection in another country, suggests the continuation of a precarious situation where the individual is still on the move to a safer place.⁴ The prefix *pre-* in *prebežnik_prebežnica* suggests escaping *across*, that could indicate escape across the territory of Slovenia or elsewhere. A look at the history of the word reveals its problematic nature. In an article discussing the term "escapee", Debenjak (2016) explains the word is a constructed homonym of what emerged in the Slovenian language as

"defector" or "deserter" some 150 years ago – it described the soldier who escaped (defected) to the opposite side during war.⁵ So how did "defector" become "refugee"?

The recent "refugee crisis" is not the first mass migration to spark angry debate in Slovenia. As explained by Zavrtnik Zimic (2001), what used to be a "no-border" between Slovenia and Croatia, became a border after the breakup of Yugoslavia in 1991, and this has started a transformation towards EU border control systems (along with Slovenia approaching EU accession). At the same time, the national imaginary of Slovenian identity started appearing through rejection of "Balkan identity" in favour of "European identity" and fear against uncontrollable immigration.⁶

The first "refugee crisis" in Slovenia happened during the Bosnian war (1992-1995), when a large number of refugees were

"The connotation of illegality... detaches refugees from their urgent need for protection and it enables the state to avoid compliance with international standards of protection for refugees."

seeking protection in Slovenia. As Dupona Horvat et al. (2001) show, the discourse of “refugee tide” and the perceived threat to maintaining security was already present then, and refugees became targets of abnormalization and criminalization by the government⁷. In the following decade, asylum seekers from Middle East, Africa and Asia joined those from former Yugoslavian countries. Jalušič (2001) in a report on hate speech explains how that changed the position of the former Yugoslavian refugees from “refugees” to “our people”, while the new “escapees” became a threat to the Slovenian identity⁸. Two categories emerged: the former Yugoslavian refugees were *pribežniki* and the others undeserving *prebežniki*. The prefix *pri-* means *escape to*, suggesting a genuine motivation to reach safety as opposed to *pre-* suggesting *escaping across*. Jalušič argues that the idea that these people are only exploiting Slovenia on their way to wealthier countries was key to the process of the criminalization of refugees and legitimized the rejection and prevention of entrance to the country as the only possible politics.⁹

The connotation of illegality sticks with the term until today, and this seems to dictate what terms are used for refugees and migrants of the new “refugee crisis.” It detaches refugees from their urgent need for protection and it enables the state to avoid compliance with international standards of protection for refugees and minimizes refugees’ and asylum seekers’ rights. The new Alien Act, instituted in January 2017, strips refugees of all

their rights if the government decides that the increased number of asylum seekers and decisions of other countries are “special circumstances” affecting national security. Since March 2016, Slovenia has erected 200 km of razor-wire fence and invested millions into increased presence of military and police at the borders (in first three months 2,2 million Euros were spent and only 5 people were “captured”).¹⁰ The public consensus on refugees’ “undeservingness” provides the government with possibilities to conflate the need for protection with combating “illegal immigration,” and to justify intense securitization of borders, while it also furthers the exclusion of refugees and migrants through their criminalization and the erasure of their vulnerability.

FOOTNOTES AND REFERENCES

¹ Masculine and feminine form or the same noun, the underscore symbol is used as an alternative to slash symbol (*prebežnik/prebežnica*), to allow a variety of genders, rather than an either/or binary, as discussed by Nina Perger (Nina Perger, *Simbolno nasilje spolnega zaznamovanja v jeziku in praksi upora v visokšolskem prostoru*. Družboslovne razprave, 22 (2016) 81: 41-60).

² S., K. “Pribežniške kvote ali kje so meje slovenske solidarnosti.” *Rtvslo.si*. Last modified: May 13, 2015, <http://www.rtvslo.si/evropska-unija/pribezniske-kvote-ali-kje-so-meje-slovenske-solidarnosti/365010>.

³ L., L. “Cerar v bran zakonu o tujcih: Razlage konvencij ne smejo ogrozati človekovih pravic.” *Rtvslo.si*. Last modified: January 16, 2017, <http://www.rtvslo.si/slovenija/cerar-v-bran-zakonu-o-tujcih-razlage-konvencij-ne-smejo-ogrozati-clovekovih-pravic/412594>.

⁴ Mojca Pajnik et al., *Prebežniki, kdo ste?* (Ljubljana, Slovenia: Mirovni Inštitut, 2001), 118.

⁵ Božidar Debenjak, “So migranti res prebežniki?” *Mladina*, 52. Accessed: December 9, 2016, <http://www.mladina.si/171650/so-migranti-res-prebezniki/>.

⁶ Simona Zavratnik Zimic, “Perspektiva konstruiranja schengenske “e-meje”: Slovenija”. In *Evropski Vratarji: Migracijske in azilne politike v Vzhodni Evropi*, (ed.) Aldo Milohnič (Ljubljana, Slovenia: Mirovni Inštitut, 2001), 67–81.

⁷ Dupona Horvat, Marjeta et al., *Rethorics of Refugee Policy in Slovenia* (Ljubljana, Slovenia: Peace Institute, 2001), section 3.2, para. 3–5.

⁸ Vlasta Jalušič, *Ksenofobija ali samozaščita? O vzpostavljanju nove slovenske državljske identitete*. In *Skupina za spremljanje nestrpnosti, 2001, Poročilo št. 01*, (ed.) Brankica Petković, (Ljubljana, Slovenia: Mirovni inštitut, 2001), 16.

⁹ Ibid., 17.

¹⁰ “Koliko nas v resnici stanejo vojaško-policijske patrulje?” *Združena levica*. Last modified: July, 14, 2016, <http://www.zdruzena-levica.si/584-koliko-nas-v-resnici-stanejo-vojasko-policijske-patrulje>.

Parks and Rivers are People Too: the Te Urewera and the Whanganui River Case Study from Natural Resource to Legal Person



Carly Soo analyses the idea of a natural resource, such as a river or a mountain, having the same legal rights as a person. While seemingly unthinkable in a modern Western legal system, in New Zealand this has become a reality.

On 14 March 2017, the New Zealand government made history by passing the *Te Awa Tupua (Whanganui River Claims Settlement) Act*. The Te Awa Tupua Act is unique because it bestowed legal personality on the Whanganui River, one of the longest and most significant rivers in New Zealand. The law grants the river all the rights, duties, liabilities, and privileges of a legal person. Anyone who harms the river directly or indirectly could potentially face serious

criminal penalties. The passage of the act ends one of the longest-lasting negotiations between the New Zealand government and Whanganui iwi,¹ who have sought legal protection and recognition of the river since 1873.

The Whanganui River is the first river in the world given such status and reflects the indigenous Māori world view that natural resources are connected to people and their identity, reflected in the phrase '*Ko au te awa, ko te*

awa ko au,' which translates into English as '*I am the river and the river is me*.' In Māori culture, the wellbeing of the river is directly linked to the wellbeing of the people. The Minister in charge of the negotiations, Chris Finlayson, said the law recognized "the deep spiritual connection between the Whanganui iwi and its ancestral river and created a strong platform for the river's future."

This is not the first time that a natural resource was given the



Whanganui River, New Zealand

Source: guidetoneewzealand.nz



Hon Chris Finlayson, the Minister in charge of Treaty Negotiations and Attorney General

Source: inthehouseNZ. "Te Awa Tupua (Whanganui River Claims Settlement) Bill - Third Reading - Part 1". Filmed March 2017. Youtube video <https://www.youtube.com/watch?v=qneDKKdKv4k>.

same legal rights as a person. In 2014, the New Zealand Government granted legal personhood to Te Urewera, a former national park and one of the largest areas of native forest in the North Island. Te Urewera attained this legal status under the *Te Urewera Act 2014*. Like the Whanganui river, the Act declared Te Urewera a "legal entity, and has all the rights, powers, duties and liabilities of a legal person" (Te Urewera Act 2014, Section 11). Effectively, this means Te Urewera is no longer owned by the government nor by Ngāi Tūhoe iwi (the name of the local tribe). Instead Te Urewera is recognized as its own legal person in the eyes of New Zealand law. In practice Te Urewera still operates like a national park; it is open to the public and is managed alongside the assistance of the Department of Conservation. However, the Te Urew-

era Act emphasizes that all decisions must serve the interests and preserve the relationship of the Te Urewera and Ngāi Tūhoe iwi.

The origins of the Te Urewera and Whanganui river case is embedded in New Zealand history and the historical grievances between the Māori people and the British Crown. Starting with the Treaty of Waitangi, the Treaty is New Zealand's founding document that established British sovereignty over New Zealand. The purpose of the Treaty was to create a partnership between Māori and the British Crown. However different translations between the English and Māori versions of the Treaty over the concepts of 'sovereignty' and 'governance' meant there was no consensus over exactly what was agreed. Ever since, significant Treaty breaches have caused

long-term conflict in New Zealand's history. Years of negotiation between the Crown and Māori people have culminated in several major settlement processes intended to resolve historical grievances (many of which are still ongoing and yet to be settled). Both the Whanganui River and Te Urewera case are examples of such redress.

The legal instruments that grant the natural resource rights – the Te Awa Tupua Act and the Te Urewera Act – represent an important and meaningful point in New Zealand legal and political history. Firstly, they changed the governance structures between the Government and iwi on the management and administration of the land and river. The Te Urewera Act established a Board composed of joint Tūhoe and Crown representatives who are appointed as 'guardians' on be-

"The recognition of the Whanganui River and Te Urewera as legal entities challenges conventional Western thought of man's dominance over nature."



Local iwi (the Māori tribe of the area) marking the passing of the legislation with a waiata (a song) in Parliament.

Source: inthehouseNZ. "Te Awa Tupua (Whanganui River Claims Settlement) Bill - Third Reading - Part 13". Filmed March 2017. Youtube video <https://www.youtube.com/watch?v=BX0IFd-4Kpo>.

half of Te Urewera. Similarly, the Whanganui river can be represented in court proceedings by its two officials (one elected from the Whanganui iwi and one appointed from the New Zealand Crown), who act as trustees on behalf of the river. This law operates similarly to a charitable trust or incorporated society, marking a change from a hierarchal government structure towards a co-governance and partnership model. The representatives of the Whanganui river and Te Urewera must serve the interests and preserve the relationship of the iwi and the natural resource.

Secondly, the Te Awa Tupua Act and the Te Urewera Act recognize the cultural and intrinsic values of the land by putting it "beyond human ownership." This is one of the most significant aspects of both pieces of law because it incorporates the Māori view of the relationship between people and the envi-

ronment. In the case of the Te Awa Tupua Act, the river is recognized as "an indivisible and living whole," including all "its physical and spiritual elements from the mountains of the central North Island to the sea" (Te Awa Tupua (Whanganui River Claims Settlement Bill)). This reflects the views of Whanganui iwi who consider the river as a sacred ancestor intrinsically interconnected with the health and wellbeing of the people. The recognition of the Whanganui River and Te Urewera as legal entities challenges conventional Western thought of man's dominance over nature.² Instead, it recognizes the 'Rights of Nature' as proposed by Christopher Stone in 1972. Stone asserted that natural objects should be granted legal rights through a guardian in order to secure an "effective voice for the voiceless." Legal scholars in New Zealand have picked up on this idea and sug-

gested using it in the co-management of resources to "neutralise arguments over property rights" (Barraclough 2013). Hence, these legal mechanisms are not only a realization of Stone's proposition, but are also inspired by it (Morris and Ruru 2010). By incorporating indigenous values of land and identity into the law, the two pieces of legislation prove that 'Rights of Nature' can be mainstreamed. Māori values about the environment can work together with the law, rather than opposing it.

Both the Whanganui River and Te Urewera cases represent significant progress in historical redress under the Treaty and of legal innovation. The unique legal mechanisms that grant the natural resources its own legal personality challenge the conventional notion of man's relationship over nature. The impact of granting legal personhood to the Whanganui river and Te

Urewera is two-fold: it helps to provide greater environmental protection by giving a 'voice' to natural resources, while also reconciling Western and indigenous legal philosophies. As Chester Borrows, a member of New Zealand Parliament was quoted saying: "The fact is that the river has a personality and has always had a personality. Now it is Pākehā [us] who are waking up to that realization. "

FOOTNOTES

¹ 'Iwi' refers to the Māori tribe of the area. Although there are several iwi that have interests in the Whanganui river and its tributaries, this group is referred to as 'Whanganui iwi' for the purposes of this article.

² The notion of 'man's dominance over nature' is deeply rooted in Western philosophy, dating back to the Enlightenment, and promoted by Francis Bacon during the 16th century. The idea is based on assumption that man has the right to "tame" nature and that natural resources should be controlled.

REFERENCES

Barraclough, Tom. "How far can the Te Awa Tupua (Whanganui River) proposal be said to reflect the rights of nature in New Zealand." *Otago Yearbook of Legal Research* (2013).

Davison, Isaac. "Whanganui River given legal status of a person under unique Treaty of Waitangi settlement". Wanganui Chronicle. March 15, 2017.

Haunui-Thompson, Shannon. "Whanganui River to gain legal

personhood", Radio NZ. March 16, 2017. Accessed March 25, 2017 <http://www.radionz.co.nz/news/top/326689/whanganui-river-to-gain-legal-personhood>.

Morris, James D. K.; Ruru, Jacinta. "Giving Voice to Rivers: Legal Personality as a Vehicle for Recognising Indigenous Peoples' Relationships to Water." 14.2 Australian Indigenous Law Review 49, 62 (2010).

New Zealand Government. Te Awa Tupua (Whanganui River Claims Settlement) Bill — Third Reading. New Zealand Parliament. 14 March 2017. https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20170314_20170315_12

Orange, Claudia. 'Treaty of Waitangi', Te Ara - the Encyclopedia of New Zealand. 2012. Accessed December 10, 2016. <http://www.TeAra.govt.nz/en/treaty-of-waitangi>.

Ruru, Jacinta. "Tūhoe-Crown settlement – Te Urewera Act 2014." Māori Law Review October 2, 2014. Accessed December 10, 2016. <http://maorilawreview.co.nz/2014/10/tuhoe-crown-settlement-te-urewera-act-2014/>.

Stone, Christopher D. "Should Trees Have Standing--Toward Legal Rights for Natural Objects." 45.2 Southern California Law Review 450, 501 (1972).

Children Living in Institutions: a Serious Worldwide Human Rights Issue



In this article [Mara Tissera Luna](#)¹ describes the causes and consequences of child institutionalization, and ways in which we can contribute to its prevention and guarantee that all children grow up within families and communities.

On the first week of March, Guatemala was mourning 43 teenage girls who died at the state-run care institution *Virgen de la Asunción* (and paradoxically called "safe home"), when a group of girls in confinement set fire to mattresses to riot against overcrowding, violence and sexual abuse.² Even though this institution was supposed to protect children who had gone through all kinds of hardships, it was overcrowded, lacking basic services, and its staff had been denounced for sexually abusing, prostituting and torturing internees.³ This preventable tragedy brought to the front a social issue affecting not only Guatemalan or Latin American children, an issue that is often over-

looked: that of the pervasive human rights violations against children living in care institutions (the so-called "orphanages").

Causes and magnitude of children's institutionalization

It is estimated that across the world nearly eight million children live in care institutions⁴, of which more than 90% have at least one living parent or an extended or kinship family that could care for them.⁵ In North Atlantic countries, the placement of children in care institutions has been largely replaced by child care policies that focus on family support and foster care programs during the past century. However, in most developing and underdeveloped countries⁶

it continues to be the prevalent response for the care of children affected by family-breakdown, belonging to minority ethnic groups, migrant families, families caring for disabled children or children with learning difficulties; and children from communities afflicted by poverty, marginalization, armed conflicts and natural disasters.⁷ In poverty-stricken contexts, many families will relinquish the care of their children to institutions with the hope that the food, healthcare and education which they are not able to provide will be guaranteed.⁸ This means that most children currently living in care institutions could live within their families and communities by means of a higher state in-



The grandmother of Madelin Patricia Hernandez, a victim of a fire at the Virgen de Asuncion children shelter. Guatemala March 9, 2017.

Source: REUTERS Saul Martin



vestment in programs and services that provide them with material and psychological support.

Why is institutionalization harmful for children?

As stated in the Convention of the Rights of the Child, growing up in a family is a prerequisite for the realization of most children's rights, in particular in the case of young children. This principle emerges from several studies proving a correlation between institutionalization and serious violations of human rights, such as:

1. Negative effects on the cognitive, psychological and social development of young children: These have been demonstrated through research in the fields of neurosciences and psychology for the past sixty years.⁹
2. Social segregation: Since the average periods of institutionalization are very long, children end up being detached from their families and communities. Additionally, in some contexts poor families and/or those belonging to minorities (such as Roma families in some European countries) are stigmatized as "inadequate". This may lead the staff of the institutions and welfare professionals to discourage contact between children and their families of origin, thus hindering reintegration efforts.¹⁰ Both these practices (long average periods of institutionalization and lack of contact with their families) cause a detachment of institutionalized children from their families and communities. This will result in children and youth lacking a support network once they leave the institution and make their transition to adulthood, exposing them to a higher risk of social exclusion.¹¹
3. Violence: Children living in institutions are four times more exposed to sexual abuse and six times more exposed to physical violence, in comparison to those living within families.¹²

Giving the negative impact of institutional care on children and their communities, it is crucial that states develop programs and services that assist families and communities in the care of their children. Also, when alternative care becomes really necessary, care in families and other forms of family-like care should be made available.¹³ Otherwise, not only do we expose children to violations of their rights, but we also risk facing devastating long-term implications. A lack of adequate care and protection hampers children's opportunities to develop, learn, and be active citizens capable of contributing to the social and economic well-being of our societies.

Helping promote better care for children

All of us can do our part to prevent children from enduring the hardships of living in orphanages, by getting informed and supporting national and international organizations working towards the paradigm shift from widespread institutional care to family care in our countries.¹⁴ Some of the most reputable ones are Save the Children,

"It is estimated that across the world nearly eight million children live in care institutions, of which more than 90% have at least one living parent that could care for them."

Hope and Homes for Children, SOS Children's Villages, Lumos, International Social Service, UNICEF, RELAF in the Latin American Region and APFEL (Acting for the Promotion of Fostering at European Level) in Europe; and platforms, coalitions and networks where these organizations cooperate, such the Working Group on children without appropriate care of Child Rights Connect (the former NGO Group for the Convention on the Rights of the Child), the Better Care Network, the "Better Volunteering, Better Care" Initiative, the Global Campaign to End Child Detention, and the International Foster Care Network.¹⁵ Also, we can contribute to the cause by engaging in responsible ways of fundraising, donating¹⁶ and volunteering that are actually helping children and their families and communities in the long-term.¹⁷

FOOTNOTES AND REFERENCES

¹ The author is a former coordinator of international relations, technical assistant and researcher at the Latin American Network for children's right to live in a family (RELAF).

² A tragedy at a children's home in Guatemala. (2017, March 16). *The Economist*.

³ Rosenthal, E. (2017, March 22). The Guatemalan fire tragedy shows why it's time to get rid of orphanages. *The Washington Post*.

⁴ Pinheiro, P. S. (2006). *World report on violence against children*. Geneva: United Nations.

⁵ Carter, R. (2005). *Family matters: a study of institutional child-care in Central and Eastern Europe and the former Soviet Union*. London: Every Child. P.19

⁶ These terms are more accurate than "Global South", since some of the largest numbers of children living in institutions can be found in mainland China (around 712,000. 2011 *China Children Welfare Policy Report by UNICEF/One Foundation Philanthropy Research Institute*) and Russia (371,300. Alternative Report 2013 to the Committee on the Rights of the Child by a Coalition of Russian NGOs).

⁷ Lumos. *Children in institutions. The global picture*. Retrieved from <https://wearelumos.org>

⁸ Csáky, C., & Whitbread, J. (2009). *Keeping Children Out of Harmful Institutions: Why we should be investing in family-based care*. London: Save the Children. P. 5.

⁹ UNICEF (2010). *At home or in a home? Formal care and adoption of children in Eastern Europe and Central Asia*. P. 19; The Leiden Conference on the Development and Care of Children without permanent parents. The development of care of institutionally reared children. *Child development perspectives*. Volume 6, number 2, 2012, pages 174-180.

¹⁰ Carter D. (2005). *Family Matters: A study of institutional child-care in Central and Eastern Europe and the former Soviet Union*. Every Child, London. P. 24.

¹¹ SOS children's villages (2010). *Ageing out of care. From care to adulthood in European and Central Asian societies*.

¹² SOS children's villages (2010).

Ageing out of care. From care to adulthood in European and Central Asian societies.

¹³ Cantwell, N. et al (2012). *Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'*. UK: CELCIS

¹⁴ A good source for specialized research, events and job posts is the web page of the Better Care Network: <http://www.bettercarenetwork.org/>

¹⁵ For Spanish speakers, a quite exhaustive list of organizations and their descriptions can be found in: Tissera Luna, Mara (2014, unpublished thesis). *Disputes over the setting of 'children without parental care' as social issue*. Facultad de Filosofía y Letras, Universidad de Buenos Aires. Retrieved from: <http://antropologia.filo.uba.ar/sites/antropologia.filo.uba.ar/files/documentos/Mara%20Tissera%20Luna%20-%20Tesis.pdf>.

¹⁶ Child Care Movement (2015). *Don't Create More Orphans* [Video file]. Retrieved from https://youtu.be/E_T0frGOMZk

¹⁷ A highly reliable source of advice is the *Better Volunteering, Better Care* Initiative: <http://bettervolunteeringbettercare.org/>

Introspecting on Hate in Florida: the Experience of Participating in The Hate Speech Monologues



Elizabeth Loudon discusses the rewards and challenges of her personal experience preparing for and performing in the most recent Hate Speech Monologues at CEU.

Should I tell my story?

The task of coming up with a monologue is intimidating, as it requires exploration of emotional and personal connections to hate.

The Hate Speech Monologues are authored by event participants. This event, created by Peter Molnar, has become a tradition as the 2017 performance marked its 5th anniversary at CEU. The format of the event includes the cast reciting their monologues in three parts, each sharing about 90 seconds per part.

In the early stages of planning, I agreed that I would do a monologue. I knew there would be brave and talented people from around the world participating. Still, I feared sharing something in front of a packed venue. I agonized for weeks about what to say. All of our lives include multi-

ple encounters with hate, which is one point that the audience is expected to learn. The first task for me as a performer was to introspect on my lifetime of memories. Should I talk about my experiences hating, being hated, or observing the conse-

quences of these interactions? All answers to this question provide insight into the trauma of identity in a globalized world.

Increasingly, I have felt hate-fueled violence is spreading. If you don't believe this, Google

Picture taken from a memorial to the victims of the Pulse nightclub massacre in Orlando.

Source: The author



"Trump Quotes." In this time of tragedy, one can feel hopeless. The political atmosphere has polarized society and increased disunity. It has been devastating for me to watch since this reality is something I have spent years trying to fight. For my monologue, I initially considered talking about being an ally in the first Black Lives Matter protests. This movement was part of my development as an activist, as I sympathized with the cause. Still, I learned I could not fully empathize. Police violence hurt me, but not in the same way it hurt members of the black community. It reminded them that they were not safe, and that the justice system excluded them. To access these emotions of insecurity and express them, I needed to tell my own story about the 2016 Pulse Massacre.

I frequented Pulse as a college student from 2011-2015, so I know the layout of the nightclub. I

watched survivors recount their stories, and I could imagine the horror as they tried to escape through the back patio. I am a queer person, so my first response to the tragedy at Pulse was: "Oh my God, these were my people." As I watched the story unfold, I began to think about how this attack was not felt only by people who enjoyed Pulse. Every queer person in the world can say: "These were my people." In the wake of the massacre, I saw people from the global gay, lesbian, bi, transgender, and queer community processing grief. They mourned because 49 people died, and they were all

part of their extended family. It didn't matter if they knew them or not. How could I communicate this pain?

While I originally thought that writing less than five minutes of text would be easy, it pushed my limits. During the writing process, I remembered a lesson from a high school English class. We examined the quote: *"I want you to feel what I felt. I want you to know why story-truth is truer sometimes than happening-truth."* from the novel by Tim O'Brien, *The Things They Carried*.

Sometimes telling a true story doesn't do justice to an experience. The structure of the Hate Speech Monologues helps to simulate reality by allowing stories to be told in parts. Unfortu-

"Should I talk about my experiences hating, being hated, or observing the consequences of these interactions?"

nately, this alone does not guarantee the audience will feel the full impact of each message. As a performer, I decided it was my responsibility to communicate feelings. In the text that I finally produced, I took creative liberties because I wanted the audience to come closer to identifying with how the massacre affected my community.

My story was built up as a journey. I used the names of globally recognized singers to introduce each monologue section, mimicking how periods of time in our lives are often marked by music as much as by days on a calendar. The first part was light-

hearted, detailing my entry into Orlando nightlife. I knew the audience could empathize with how I felt, becoming part of an accepting queer community after loneliness. We have all found new communities after moving to CEU. The second part of my story focused on the fear and vulnerability of falling in love, which everyone who has loved understands is a scary thing to do. Lastly, I switched from the format of introducing singers and instead began introducing the names of my friends at Pulse Nightclub. The audience was confused about whether my roommate died in the massacre. He did not, but that wasn't important to the monologue. The attack killed the spirit of being out and proud, which my roommate and Rihanna's "Shine Bright Like a Diamond" represented. Bullets pierced the illusion of safe spaces for millions of queer people. I believe the audience came closer

to feeling this sorrow.

Members of a community challenge, care for, educate, and encourage each other. Opportunities to share stories are important and empowering. The experience of performing in The Hate Speech Monologues inspired me, as CEU showed up to offer love and support. The people who gathered at Pulse were there for inclusion without judgement. I am grateful for The Hate Speech Monologues, which included me and helped honor the spirit of Pulse. CEU is Orlando Strong.



Picture taken from a memorial to the victims of the Pulse nightclub massacre in Orlando.

Source: The author

REFERENCES

O'Brien, Tim. *The Things They Carried*. New York, NY: Houghton Mifflin, 1990. Print.

Climate Change and Human Rights: Mass Resistance. Or No Future?



Zuzana Pavelková discusses the interconnectedness between climate change and human rights. She argues that while international law may no longer save us, compassion and activism remain our only hopes for the future.

“What do we want?” –
“Climate justice!” –
“When do we want it?” – “Now!” a crowd is shouting in the middle of an icy-cold Paris. It is December 2015 and activists from all over the world have come together to a city still under emergency status in order to put pressure on governments to take bold action against what they consider the biggest challenge in humankind’s history: climate change.

The stakes are high. The COP summit, abbreviation for the Conference of Parties of the United Nations Framework Convention on Climate Change (UNFCC), is the highest discussion and decision making body

on climate change. With UNFCC being only a framework agreement, additional treaties are necessary to establish specific, binding obligations on emission reductions which are indispensable in the fight against climate change. Following the failure of the Copenhagen summit in 2009, activists put high hopes in Paris to anchor the shape of the climate change regime for the Post-Kyoto era. By the end of the week long negotiations, the world leaders – holding each other’s hands – announce they have reached an agreement. They commit to limit climate change to below 2 C in comparison to the pre-industrial era. Can the activists finally scratch climate change from

their to-do lists?

What Paris is and what it is not

Admittedly, the Paris Agreement is an important step forward in the fight against climate change. Signed by 194 states, it promises to limit the rise of temperatures globally between 1.5 to a maximum of 2C above the levels of 1990’s. A range of negotiations preceded the actual COP 21. As a result, 186 states have submitted country-specific Intended Nationally Determined Contributions (INDS) including tailored action plans on domestic emission reductions.¹ Albeit not binding, the progress towards them is to be reviewed periodically every five years. Moreover, the Global North is expected to transfer 100 billion dollars towards mitigation and adaptation technologies in the Global South.

And yet, in the aftermaths of the



Activists create a symbolic red line during last days of COP21 negotiations. Paris, December 2015.

Source: https://pbs.twimg.com/media/CWr6H_ZWcAISzo5.jpg

summit, James Hansen, a former NASA scientist, did not hesitate to call the Agreement a fraud.² According to a study conducted by Hansen and others, even a two degree warming will be highly dangerous for the people and the planet,³ while already today, we live in a climate which is one degree warmer compared with the pre-industrial era. In order not to surpass the 2 degree threshold, we would have to transfer to a fossil free economy as early as 2050, meaning that 80 % of the world's still available fossil fuels would have to stay under ground.⁴ Consequently, making the Agreement work may require no less than a radical re-thinking and re-doing of the world. As such, we need to seek ways of re-imagining the economy beyond the neoliberal paradigm of growth. Keeping large parts of fossil reserves underground will be hard to achieve as long as coal remains cheap and a profitable business, in part due to heavy governmental subsidies.⁵ The real problem with the Agreement is a much more principled one.

What a 2 degree target really means for human rights

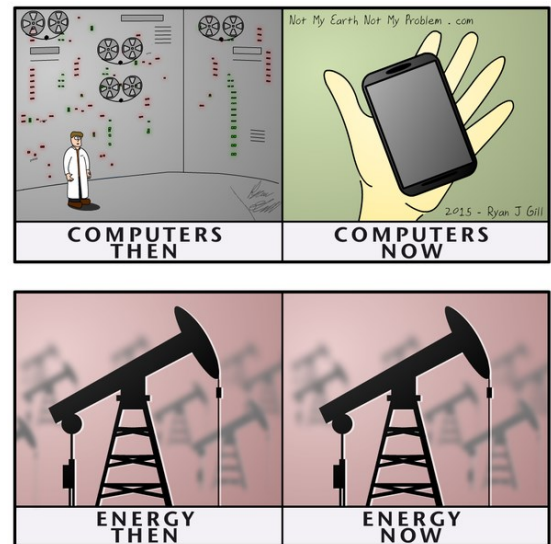
"At the moment we are relocating communities from certain parts of the islands where the water has not come up. We have adopted the policy of migration with dignity. We bought a piece

"So what does setting the target at two degrees really mean? Crucially, it means that some parts of the world population have agreed that other parts can become collateral damage of their action."

of land in Fiji," explains Kiribati's president in the newest National Geographic movie "Before the Flood."⁶

The example illustrates well that climate change is inherently unjust, *for some*. Today we know that climate change will, at very least, exacerbate poverty and increase food scarcity as agricultural land becomes not utilizable, increase likelihood of conflicts as resources become scarce and cause population displacements as parts of the planet become inhabitable by the end of the century.⁷

Meanwhile, the effects of climate change will not be spread equally around the globe. The populations which will be disproportionately impacted by rising sea levels, extreme weather conditions, floods and droughts are those in the countries in the Global South.⁸ What is more, not only regions, but on the micro level, certain groups within societies in Global South *and* Global North will suffer disproportionately. These will be typically indigenous communities, national or ethnic minorities and/or women. At the same time, we also know that it is the so called developed or industrialized nations who have contributed the most towards climate change.⁹ A study from 2013 has shown that only 90 companies are responsi-



Source: <https://www.climateRealityProject.org/blog/climate-change-explained-10-cartoons>

ble for 2/3 of worldwide greenhouse gas emissions.¹⁰

So what does setting the target at two degrees really mean? Crucially, it means that *some* parts of the world population have agreed that *other* parts can become collateral damage of their action. So I wonder, how can we sleep at night?

What brings us further: we are nature defending itself

"We are not fighting for nature. We are nature defending itself," was one of the mottos of the COP 21 protestors.¹¹ According to Klein or McKibben activism and organized resistance remain our only hopes to avoid a climate catastrophe in the future.¹²

Too idealistic? Consider this: Were human rights simply always there, waiting for us to be discovered? Of course not, they had to be fought for in hard battles. The whole history of human rights is written in struggles, solidarities and eventually, improb-

ble victories. The recent Fossil Free campaign is remarkably successful, forcing cities and universities to cut their financial ties with coal, gas or oil companies.¹³ Standing Rock was a victory, albeit not yet finished. And May last year, we could witness the possibly largest global civil disobedience in recent history.¹⁴ In Germany alone, some 4.000 people did not hesitate to put their body in the way when occupying the lignite mines in Lausitz, forcing the power plant to halt its production for some 48 hours.¹⁵

So if making sure those 80 % of fossil reserves remain under ground was the human rights issue of our generation, what would you do? Just do it.¹⁶

FOOTNOTES AND REFERENCES

¹ "INDC - Submissions," accessed April 19, 2017, <http://www4.unfccc.int/submissions/indc/Submission%20Pages/submissions.aspx>.

² Oliver Milman, "James Hansen, Father of Climate Change Awareness, Calls Paris Talks 'a Fraud,'" *The Guardian*, December 12, 2015, sec. Environment, <https://www.theguardian.com/environment/2015/dec/12/james-hansen-climate-change-paris-talks-fraud>.

³ J. Hansen et al., "Ice Melt, Sea Level Rise and Superstorms: Evidence from Paleoclimate Data, Climate Modeling, and Modern Observations That 2 °C Global Warming Is Highly Dangerous," *Atmospheric Chemistry and Physics Discussions* 15, no. 14 (July 23, 2015): 20059–

179, doi:10.5194/acpd-15-20059-2015.

⁴ Christophe McGlade and Paul Ekins, "The Geographical Distribution of Fossil Fuels Unused When Limiting Global Warming to 2 °C: Nature," *Nature* 517 (January 8, 2015).

⁵ "Fossil Fuel Subsidies & Finance," *Oil Change International*, accessed April 19, 2017, <http://priceofoil.org/fossil-fuel-subsidies/>.

⁶ *Before the Flood* (National Geographic, 2016), <http://channel.nationalgeographic.com/before-the-flood/>.

⁷ Office of the High Representative for Human Rights (OHCHR), "Understanding Human Rights and Climate Change," November 27, 2015, <http://www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf>.

⁸ "Oxfam Media Briefing - Extreme Carbon Inequality: Why the Paris Climate Deal Must Put the Poorest, Lowest Emitting and Most Vulnerable People First," December 2, 2015, https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/mb-extreme-carbon-inequality-021215-en.pdf.

⁹ Compare "UNdata | Record View | Carbon Dioxide Emissions (CO₂), Kg CO₂ per \$1 GDP (PPP) (CDIAC)," accessed April 19, 2017, <http://data.un.org/Data.aspx?d=MDG&f=seriesRowID%3A788>.

¹⁰ Richard Heede, "Tracing Anthropogenic Carbon Dioxide and Methane Emissions to Fossil Fuel and Cement Producers,

1854–2010," *Climatic Change* 122, no. 1–2 (January 1, 2014): 229–41, doi:10.1007/s10584-013-0986-y.

¹¹ Climate Games, *Climate Games Trailer*, accessed April 19, 2017, <https://www.youtube.com/watch?v=PLuSZSI0vz8>.

¹² Naomi Klein, "The Lesson from Standing Rock: Organizing and Resistance Can Win," *The Nation*, accessed April 19, 2017, <https://www.thenation.com/article/the-lesson-from-standing-rock-organizing-and-resistance-can-win/>; Bill McKibben, "Climate Deal: The Pistol Has Fired, so Why Aren't We Running?," *The Guardian*, December 13, 2015, sec. Opinion, <https://www.theguardian.com/commentisfree/2015/dec/13/paris-climate-talks-15c-marathon-negotiating-physics>.

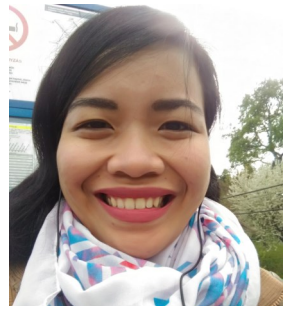
¹³ "Fossil Free," *Fossil Free*, accessed April 19, 2017, <https://gofossilfree.org>.

¹⁴ Oliver Milman, "'Break Free' Fossil Fuel Protests Deemed 'Largest Ever' Global Disobedience," *The Guardian*, May 16, 2016, sec. Environment, <https://www.theguardian.com/environment/2016/may/16/break-free-protest-fossil-fuel>.

¹⁵ Ende Gelände, "Press Release 15 May 2016: Mass Action Blocking German Lignite Mining Finishes after 48 Hours," May 15, 2016, <https://www.ende-gelaende.org/en/press-release/press-release-15-may-2016/>.

¹⁶ For further motivation, see: DocumentaryTrailers, *Just Do It (2011) - Official Trailer [HD]*, accessed April 19, 2017, <https://www.youtube.com/watch?v=AzUVqGXPWwY>.

Duterte's War on Drugs: a War on the Philippines' Poor



Angel Bombarda argues that controversial president Rodrigo Duterte's war on drugs is a war that discriminately inflicts violence on the economically marginalized in the Philippines.

2016 was not a good year for many reasons, and we knew it far too well in the Philippines. It was the year Rodrigo Duterte became president, and when his term began in July, he sanctioned a bloody and ruthless war on drugs that has by now resulted in the death of 7,028 Filipinos. This number includes 2,503 suspected drug users and drug dealers executed by the national police, and 3,603 murdered by "unidentified gunmen."¹

But Duterte was only keeping his word. In his campaign, he promised an iron fist against crime and corruption. Today, his presidency is characterized by an all-out war on drugs and an utter disregard for human rights, which begs the question, "How bad is the drug problem, really,

in the Philippines?"

In 2015, the Philippines' Dangerous Drug Board (DDB) estimated that 1.8 million Filipinos between the ages of 10 and 69 years are drug users. Seventy-five percent of the total population of the Philippines (100.98 million people) is within this age range, so this means that 2.4% of those within this age bracket were identified as drug users—meaning they were either currently using or have used illegal drugs more than once during the period of the survey.² But this officially recorded rate of drug use is only half of the global average.³

It is extremely important to look at these numbers because Duterte has been carelessly bloating them to justify the grimness of the drug war. In his first

State of the Nation Address last year, he claimed that, according to another Philippine drug agency, there were about "three million drug addicts" in the country "two or three years ago," and possibly 3.7 million now.⁴ This is significantly lower than the recent numbers from the DDB, but this is the rhetoric that his government has been using all along—dodgy statistics to justify the deaths of thousands from extrajudicial killings and plain cold-blooded murder. These lives have been reduced to mere numbers, with no consideration for whether or not these people used drugs only once or if they have already reformed, and we'll never know. Not that Duterte's administration cares.

When I first came here to CEU and was explaining to my classmates what was happening back home, it seemed absurd to them. It was absurd to me, too. It still is. ***So people just get shot in broad daylight?*** Yes, people get shot—sometimes in broad



Rolando "Ronron" Bangayan, an alleged drug pusher, was killed in a "buy bust" operation by undercover operatives from Manila City Police Station 1 a few hours after his neighbors saw him get arrested by cops themselves, August 18, at Barangay 101 in Tondo, City of Manila, Philippines. Officers "recovered" a .38 caliber revolver and 11 sachets of methamphetamine from Bangayan.

Source: Martin San Diego, a freelance photographer based in Manila

daylight, sometimes between dusk and dawn, sometimes in the middle of a busy street, sometimes in their own homes, sometimes in front of their own children.

Who shoots them? When Duterte first became president, he openly emboldened the police, the military, vigilante groups, and everybody else to shoot and kill drug users, addicts, and pushers.⁵ Even as rivers of blood started flowing, Duterte remained firm in his stance. In his own words: “Are they [drug users] humans? What is your definition of a human being? Tell me.”⁶

And then what? The Philippines has since attracted international attention, with Human Rights Watch releasing an alarming report in March that found that “the Philippine police are falsifying evidence to justify [extrajudicial] killings, and that Duterte and other senior officials in government instigated and incited **killings of mostly urban poor** in a campaign that could amount to crimes against humanity.”⁷

That is the crux of the matter. This war on drugs is not really a war on drugs. **It is a war on the poor.** Amnesty International has asserted that it is the urban poor who have been paying the price in this unjust war: “The police and paid killers have built an economy off extrajudicial executions... An industry of murder is thriving, at the expense of the urban poor.”⁸

A Filipino lawyer recently filed a complaint at the ICC, which accuses Duterte and 11 other officials of “mass murder and

crimes against humanity” based on human rights groups’ and media reports on the drug war, and the testimony of a man who appeared before the Philippine Senate and testified that he was a former hit man from Duterte’s death squad back when Duterte

“... Duterte, president of the Philippines, does not give a damn. To him, the poor are only collateral damage.”

was still mayor of a city in Southern Philippines.⁹ The ICC has yet to evaluate the merits of the case.

But Duterte, president of the Philippines, does not give a damn. To him, the poor are only collateral damage. “People who have addictions are like monkeys clinging to your back,” he said. “Now, if you don’t kill these ones, there will always be people looking for a supply so there will always be the temptation to cook [drugs].”¹⁰

This is from the same man who, when he was running for president, campaigned for change and as a champion of the poor, who branded himself as anti-establishment (Sound familiar?), who promised equality, who said he was going to be a simple president, who said that

he was going to make the corrupt pay. But it was all smoke and mirrors.

In his war on drugs, the rich and the powerful have been spared. High-income communities in the Philippines are not touched by the police. Instead, authorities ransack urban poor areas. The poor are nothing but collateral damage, while the rich and powerful can plead their case.¹¹

Manjit Bhatia, an Australian specialist in the economics and politics of Asia, argues that Duterte is using the drug problem to distract the Philippines from his incompetence in creating actual policies to solve structural poverty.¹² Duterte remains unfazed. He still enjoys a fairly excellent trust rating among the rich and the middle class, but suffers a decline of trust among the poor, which does not come as a surprise and reflects how the drug war is a class issue.¹³

As I write this, the future of the Philippines is, in many ways, uncertain and a little bleak. Despite growing international pressure,



A chick symbolizing a call for justice walks on Eric Sison's coffin. Sison, a rickshaw driver, was killed as he was surrendering in a "routine anti-criminality patrol" by Pasay Police on August 23 in Tramo, Pasay City.

Source: Martin San Diego, a freelance photographer based in Manila



Friends of slain rickshaw driver Eric Sison wear shirts denouncing the current spate of killings in President Duterte's war on drugs, August 31, in Pasay City, Philippines. Sison was killed as he was surrendering, on August 23, in a "routine anti-criminality patrol" by Pasay Police.

Source: Martin San Diego, a freelance photographer based in Manila

including pressure from the European Union for Duterte to release Philippine Senator Leila De Lima, the staunchest critic of his drug war and his first political prisoner, there are no signs that Duterte will seriously consider putting an end to the war on drugs. Instead, what do we have now? We Filipinos have blood in our hands. This is on us—for electing a proud murderer who has no qualms about killing the poor, the same people who believed in his campaign for change but are now paying the price with their own lives.

FOOTNOTES AND REFERENCES

¹ Phelim Kine, "Deadly Milestone in Philippines' Abusive 'Drug War'." *Human Rights Watch*, January 24, 2017, <https://www.hrw.org/news/2017/01/24/deadly-milestone-philippines-abusive-drug-war>.

² Jodesz Gavilan, "DDB: Philippines has 1.8 million current drug users." *Rappler*, September 19, 2016, <http://www.rappler.com/nation/146654-drug-use-survey-results-dangerous-drugs-board-philippines-2015>.

³ Robert Muggah, "Duterte's drug war in the Philippines is out of

control, and he needs to be stopped." *The Guardian*, January 5, 2017, <https://www.theguardian.com/global-development-professionals-network/2017/jan/05/rodrigo-dutertes-drug-war-in-the-philippines-is-out-of-control-he-needs-to-be-stopped>.

⁴ "Explainer: How serious is the PH drug problem? Here's the data." *Rappler*, September 19, 2016, <http://www.rappler.com/newsbreak/iq/144331-data-drug-problem-philippines>.

⁵ Melissa Chan, "Philippine President-Elect Urges Citizens to Shoot and Kill Drug Dealers." *Time*, June 5, 2016, <http://time.com/4357763/rodrigo-duterte-reward-kill-drug-dealers/>.

⁶ Marlon Ramos, "Junkies are not humans." *Inquirer.net*, August 28, 2016, <http://newsinfo.inquirer.net/810395/junkies-are-not-humans#ixzz4dRSG8LaW>.

⁷ "Philippines: Police Deceit in 'Drug War' Killings." *Human Rights Watch*, March 2, 2017, <https://www.hrw.org/news/2017/03/02/philippines-police-deceit-drug-war-killings>.

⁸ Matt Wells, "Philippines: Duterte's 'war on drugs' is a war on the poor." *Amnesty International Blog*, February 4, 2017, <https://www.amnesty.org/en/latest/news/2017/02/war-on-drugs-war-on-poor/>.

⁹ Oliver Holmes, "Mass murder' complaint filed against Philippines' President Duterte at ICC." *The Guardian*, April 25, 2017, <https://www.theguardian.com/world/2017/apr/25/mass-complaint-launched-against-philippines-president-duterte-at-icc>.

¹⁰ Joanne Lu, "Duterte: 'Of course' poor are biggest casualty in drug war." *Humanosphere*, March 27, 2017, <http://www.humanosphere.org/human-rights/2017/03/duterte-course-poor-biggest-casualty-drug-war/>.

¹¹ Joseph Franco, "The Philippines' War on Drugs is Really a War on the Poor." *IPi Global Observatory*, August 10, 2016, <https://theglobalobservatory.org/2016/08/philippines-duterte-drugs-extrajudicial-killing-tokhang/>.

¹² Manjit Bhatia, "Duterte's war on drugs in the Philippines can't hide his policy incompetence." *South China Morning Post*, September 23, 2016, http://www.scmp.com/comment/insight-opinion/article/2021971/dutertes-war-drugs-philippines-cant-hide-his-policy?utm_source&utm_medium&utm_campaign=SCMPSocialNewsfeed.

¹³ Carmela Fonbuena, "Trust in Duterte erodes among the poor." *Rappler*, April 5, 2017, <http://www.rappler.com/nation/166121-duterte-pulse-asia-survey-poor-rich>.

The Trump Effect

Peter Mate analyzes the socioeconomic conditions and rhetorical strategies that helped to pave the way for a Trump victory in the United States' 2016 presidential election.



Donald Trump's presidential upset over Hillary Clinton remains unpalatable to opponents, leaving a bitter political taste in mouths on both sides of the aisle. This bitter taste is most evident in his disingenuous executive travel bans and construction of a "Great Wall".

This rhetoric – as ridiculous as it sounds – resonates with millions of American voters. According to Gallup, an American opinion poll consultancy, 26% of Americans picked the economy as the most important problem¹. Meanwhile, dissatisfaction with government (21%), healthcare (9%) and immigration (8%) trailed closely, with immigrants' perceived theft of jobs of particular importance. What's most important is that, of those questioned, most voted for Trump. 55 percent of Trumpists are white, working-class Americans², who feel ignored by Washington. These Americans blame the Obama administra-

tion's failure to assert economic and territorial sovereignty for their declining standard of living. To them, their livelihoods are evaporating because Washington has allowed globalization's destruction of unskilled jobs.

In this sense, Trump's victory is a rebuke of American industrial decline. Disintegrating industrial towns are Trump's electoral backbone. Of the 11.4 million more votes cast in this presidential election than in the last one, 47 percent came from rural counties and small metro areas³; Trump received 58% of these counties' votes. Industrial cities voted for Trump because he symbolizes American entrepreneurship. Moreover, Trump is hailed as a strategic political maverick. According to Alex Jones, host of "Infowars," the election of Trump places a populist in Washington. Trump actually listens to the people, and does not buy the propaganda of the

big mainstream corporations⁴. Moreover, the convenience of recurring terrorist attacks and illegal immigration fuelled Trump's appeal. He created a narrative where terrorists and migrants threaten the American way of life – something only he can protect.

Through this narrative, Trump's success provides a sobering lesson for his political opponents. His electorate are willing to overlook his shortcomings for the sake of economic security. Industry in Trump strongholds once promised blue-collar workers a future; this promise is gone. There were more than 18 million manufacturing jobs in 1984. By 2012 it had declined to a little over 12 million⁵. What remains from this haemorrhaging are dying communities.

This inequality is why Trump is president: he stoked anxieties of American inequality. Since 1979 income inequality has increased

"Liberals shouldn't blame Trump's electorate for his presidential success. Instead, they should view his election as a sobering reminder of the fallibility of American democracy."



Picture taken from one of Trump supporters' celebrations in New York on election night 2016

Source: The author

in all 50 states and the District of Columbia⁶. Nowhere is this inequality more visible than between cities and their peripheries. New York and Chicago are centers of post-industrial American prowess; industrial towns flounder in an industrial past. Since the mid-20th century, the populations of Rust Belt cities have plummeted: former centers of industry are now epicenters of American inequality. These cities contain some of the highest crime and drug-use rates in the country.

Framed from this perspective, why wouldn't those affected by inequality gravitate towards the president? His background and rhetoric echoes populism: he claims to represent the interests of ordinary people⁷; he wants to "drain the swamp" – sweeping away globalist and moneyed Washington with patriotic fervour. Most importantly, he communicates through social media. He uses Twitter as a principle means to release unfiltered information – unheard of in Ameri-

can politics. These elements construct a political outsider – someone who working-class, white Americans can stand behind.

Moreover, the great institutions of social mobility – universities, public schools and social security are declining. These institutions are essential for American democracy to remain viable. Following the American Revolution, Benjamin Rush stated, "To conform the principles, morals, and manners of our citizens to our republican forms of government, it is absolutely necessary that knowledge of every kind, should be disseminated through every part of the United States"⁸. The importance of education creates citizens to protect republicanism through educated voting and awareness of democratic threats. Who then will protect democracy if Americans are denied education?

Within this context, educational inequality has created the environment necessary for Trump to

be president. In most major U.S. cities, the achievement gap between students from low-income families and their more advantaged peers stagnated or grew between 2011-14⁹. This gap results from successive governments valuing efficiency over quality education; public education is underfunded – post secondary is too expensive. These barriers are compounded by little social protection for the old and poor. Amidst this backdrop, liberals shouldn't blame Trump's electorate for his presidential success. Instead they should view his election as a sobering reminder of the fallibility of American democracy. Intensified economic and social inequality has perverted the country's election.

This is the "Trump Effect": his presidency embodies America's failure to adapt to a globalizing world. His electorate – for better or for worse – have justified reservations, which must be acknowledged. Herein lies the insidiousness of President



Picture taken from one of Trump supporters' celebrations in New York on election night 2016

Source: The author

Trump's political strategy. Most of the industrial jobs will never return. Automation and cheap overseas labour will continue to undermine American industry. Moreover, the unaffordability of tertiary education and the erosion of public education institutions create an environment conducive for Trump's success. When reduced educational opportunities are combined with unemployment, voters will gravitate towards those who promise jobs and protection – an Americanized version of the Roman "Bread and Circus".

With this in mind, Trump's opposition faces an existential question: how do we convince his electorate that his positions are wrong? After all, he gives these people a voice — a voice unheard in previous administrations.

FOOTNOTES AND REFERENCES

¹ Gallup, Inc. 2017. "Most Important Problem". *Gallup.Com*. <http://www.gallup.com/poll/1675/most-important-problem.aspx>.

² Brookings Institute,. 2017. "Is Trump "Taking Advantage" Of American Anxieties? | Brookings Institution". Brookings. <https://www.brookings.edu/blog/fixgov/2016/01/01/is-trump-taking-advantage-of-american-anxieties/>.

³ "The Small Town-Big City Split That Elected Donald Trump | Brookings Institution". 2017. *Brookings*. <https://www.brookings.edu/blog/the-avenue/2016/11/11/the-small-town-big-city-split-that-elected-donald-trump/>.

⁴ Infowars,. 2016. *Donald Trump Thanks Infowarriors For The Win*. Video. <https://www.youtube.com/watch?v=e93ibNdwoRo>.

⁵ Lilleker, Darren G. 2016. *US Election Analysis 2016: Media, Voters And The Campaign*. 1st ed. Poole: Bournemouth University; Centre for the Study of Journalism, Culture and Community.

⁶ Maher, Mark, and Beth Jarosz. 2017. *The demography of inequality in the united states*. Washington DC: Population Reference Bureau.

⁷ "populism, n.". OED Online. March 2017. Oxford University Press. <http://www.oed.com/view/Entry/147930?redirectedFrom=populism> (accessed April 01, 2017).

⁸ Kesler, Charles R. "Education and Politics: Lessons from the American Founding," *University of Chicago Legal Forum*: Vol. 1991: Iss. 1, Article 6. Available at: <http://chicagounbound.uchicago.edu/uclf/vol1991/iss1/6>

⁹ Education Equality Index,. 2016. *Education Equality In America*. Education Cities.

“Human Rights Cannot Be Used as a Shield to Destroy the Country”: Challenges to Legitimizing Human Rights in the Philippines



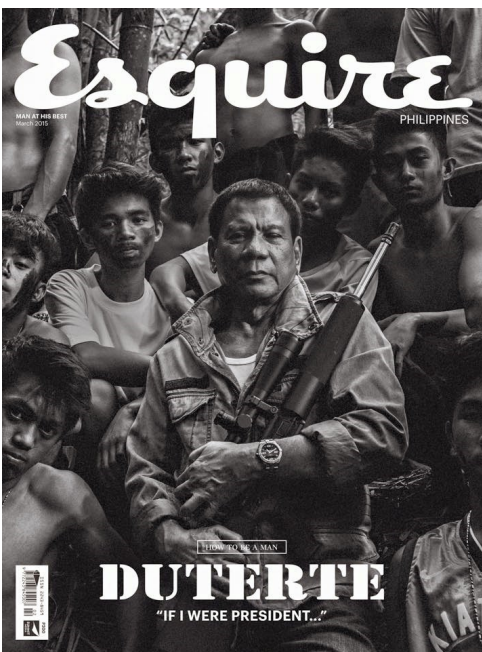
Cleve Kevin Robert V. Arguelles argues in this article that the Duterte government’s intensified attacks on human rights are only a continuity of the challenges that human rights have faced since the Philippine transition to democracy in 1986.

On his first State of the Nation Address, Philippine President Rodrigo Duterte responded to his critics, “human rights must work to uplift human dignity. But it cannot be used as a shield or excuse to destroy the country”.¹ This statement was received with a resounding applause by the members of the Philippine Congress. Since his ascendance to the presidency in June 2016, piles of dead bodies are fast rising- Duterte’s policy of

war against illegal drugs has already resulted in more than 8,000 killings.² Local human rights advocates, including the Philippine Commission on Human Rights, have called the president out for the unprecedented level of extrajudicial killings in the country since the end of dictatorship.³ Overseas, Duterte’s mass killings of illegal drug users and pushers have earned the condemnation of many international organizations including the United Nations.⁴ Despite this, public trust for the president and support for his drug war remains exceptionally high.⁵

Elsewhere, I have explored why Duterte’s policy of state-sanctioned murders remains popular.⁶ Here, I focus on the renewed attention that human

rights communities have been giving to the Philippines. While they provide necessary and vocal critiques of Duterte, they seem to miss the long view on the human rights situation in the country. The Duterte government’s intensified attacks on human rights are only a continuity of the challenges that human rights have faced since the Philippine transition to democracy in 1986. Since the end of authoritarianism, the country has been continuously haunted by a developing culture of impunity where state and non-state human rights violators are not brought to justice.⁷ In fact, just a year prior to Duterte’s elections, the Philippines was ranked fourth in the Global Impunity Index.⁸ Therefore, it is necessary to take a *longue durée* view to situate Duterte’s de-legitimizing challenges to human rights in Philippine political time. This essay will discuss how human rights have persistently worsened since the end of the dictatorship and analyze continuing



Rodrigo Duterte for Esquire Philippines

Source: images1.spot.ph

challenges to legitimizing human rights in the Philippines in relation to this.

The 1986 Philippine “people power” revolution erupted after more than two decades of rampant human rights violations while the country was under martial law. Yet, just a few months after a new democratic government was elected, the public had to swallow the bitter pill that the removal of the dictator would not necessarily mean the triumph of human rights. The election of the democracy icon Corazon Aquino as president generated high hopes for a rights-respecting government at home and abroad, but the promise of a new government faced challenges from multiple fronts: Aquino inherited the problems of a strong communist insurgency and a stubborn military that refused to turn their backs on authoritarian practices of extrajudicial killings, torture, and enforced disappearances.⁹ In January 1987, unarmed protesters in front of the presidential palace were showered with bullets by the police.¹⁰ From that point, this massacre would be repeated by every successor government, from the Hacienda Luisita massacre¹¹ to the Maguindanao massacre¹², with the number of casualties increasing and the form of state violence becoming ever more brutal. If we consider how extrajudicial killings have



Thousands of bodies are scattered in Manila as a result of Duterte's drug war

Source: [i.dailymail.co.uk](https://www.dailymail.co.uk)

been normalized in the post-authoritarian Philippines, there should be no wonder that the call to end Duterte's bloody war on drugs falls on deaf ears. This is only an expected consequence of years of state-sanctioned killings. The immediate post-authoritarian transition years were critical junctures to the human rights project and their failure set a bad precedent, with severe consequences felt three decades after.

While the police carry out much of the killings in Duterte's drug war, many vigilante groups are also involved.¹³ The killings by vigilante groups, like state-sponsored massacre, are as much a feature of the current government as it is in the past thirty years. All governments prior to Duterte relied on paramili-

taries, private armies or other forms of vigilante groups to counter security challenges coming from the communist and Islamic separatist rebels.¹⁴ Despite being implicated in atrocious crimes, they are employed by ruling politicians throughout the country. Prior to assuming the presidency, Duterte's “Davao Death Squad” had become the most public representation of this practice. He confessed to heading the infamous vigilante group, responsible for almost a thousand murders in a city where Duterte was himself mayor.¹⁵ In fact, he claims actual involvement in several of the deaths.¹⁶ How he and other local politicians have maintained their own vigilante groups for a long time without being prosecuted reveals the state of accountability and justice systems in the Philippines.

What troubles me the most about the human rights situation in the Philippines under Duterte is that many of today's violations can be traced back to

“Behind the trappings of a restored democracy, the Philippines continue to be burdened by its authoritarian legacies- haunted by a dark continuing past and a deep-rooted institutional culture of human rights abuse.”

the immediate post-authoritarian years. Despite renewed interest at home and abroad, large-scale human rights violations have characterized many governments even before Duterte. While formal democracy has been restored, the use of the state monopoly on violence for political ends characterized a changeless land like the Philippines.

A key explanation as to why the atrocities of thirty years ago are still occurring in 2017 is that subsequent Philippine governments have been unsuccessful, whether by omission or complicity, to make accountability a preeminent concern. Political families, responsible for the more heinous massacres like the Ampatuan or Cojuangco-Aquino, continue to operate in politics without the slightest threat of prosecution from national authorities. Despite being implicated in many abuses and killings of civilians by international fact-finding bodies, not a single military officer has been brought to justice.¹⁷ Worse still, none of the people responsible for the vicious activities during the dictatorship years were punished. In fact, many of the key leaders and allies of the dictator

were given political offices in the transition years, including Fidel Ramos, who, as commander of the Philippine Constabulary, oversaw the torture chambers, and who was later elected president in 1992.¹⁸ Many other post-authoritarian countries have dealt with their dark legacies differently: from truth commissions to public trials. In comparison, no Philippine administration has formally attempted to prosecute the responsible actors, let alone keep the memory of injustices, human rights violations and corruption alive.¹⁹

The intent is not to absolve Duterte from the present spate of human rights violations that his administration unleashed. Instead, these de-legitimizing attacks must be situated in the *longue durée*. In the long run, the challenge to solidifying rule of law and respect for human rights demands bold and lasting efforts. This requires a collective national undertaking to put a stop to extrajudicial killings, whether committed by local “death squads” in the name of promoting peace and order in the city, or by the military to crush insurgencies in the countryside. It necessitates professionalizing the armed forces by

making human rights central to their work. Such a task demands immediate focus on justice and accountability, with its reach unconstrained no matter how high up in civilian or military bureaucracy.

The seeds of the culture of impunity that we are reaping in the era of Duterte were planted in the years after martial law.

Three decades into transition, successive Philippine administrations have helped the seeds grow and allowed impunity to deepen. The authoritarian legacies have persisted within the government, giving expansive space for the brutality of martial law to carry on in the present. A politician like Duterte, promising his term to be the bloodiest ever, was just smart enough to use the opportunity to his advantage. Behind the trappings of a restored democracy, the Philippines continue to be burdened by its authoritarian legacies, haunted by a dark past and a deep-rooted institutional culture of human rights abuse.

FOOTNOTES AND REFERENCES

¹ Cayabyab, Marc Jason, “Duterte: Don’t use human rights as excuse to destroy PH,” *Philippine Daily Inquirer*, July 25 2016.

² Mogato, Manuel. “Philippine drugs war gets complex as Duterte creates new super-agency,” *Reuters*, March 10 2017.



Families are shattered in the Philippine drug war

Source: www.thecitizen.in

³ Cayabyab, Marc Jason, "CHR: Extrajudicial killings in Duterte war on drugs 'unprecedented'," *Philippine Daily Inquirer*, August 24, 2016.

⁴ Santos, Eimor, "Int'l groups continue to protest Duterte's drug war," *CNN Philippines*, March 17 2017.

⁵ Fonbuena, Carmela, "Understanding public support for Duterte's drugs war," *Rappler*, April 06 2017.

⁶ Arguelles, Cleve Kevin Robert, "How a failed peaceful revolution led to Rodrigo Duterte," *TIME*, December 20 2016.

⁷ Alston, Philip. United Nations, General Assembly, Human Rights Council. Report of the special rapporteur on extrajudicial, summary or arbitrary executions on his mission to the Philippines, 12-21 February 2007.

⁸ Committee to Protect Journalists, Getting away with murder, October 08 2015.

⁹ McCoy, Alfred, "Dark legacy: Human rights under the Marcos regime", in *Memory, truth telling and the pursuit of justice* (Ateneo De Manila University Press 2001), 129-144.

¹⁰ Ganesan, N. and Sung Chull Kim, "The end of an illusion: The Mendiola massacre and political transition in post-Marcos Philippines", in *State Violence in East Asia*, eds N. Ganesan and Sung Chull Kim (University Press of Kentucky 2013), 209-229.

¹¹ Carranza, Danilo, *Hacienda Luisita massacre: A tragedy waiting to happen*, (Philippine Ecumenical Action for Community Empowerment Foundation 2004).

¹² McIndoe, Alastair, "Behind the Philippines' Maguindanao massacre," *TIME*, November 27 2009.

¹³ Human Rights Watch, License to kill: Philippine police killings in Duterte's war on drugs, March 01 2017.

¹⁴ Ross, James, "People power and the Philippines after 25 years," *Philippine Daily Inquirer*, February 21 2011.

¹⁵ Goldman, Russell, "'I cannot lie,' Rodrigo Duterte says, confirming he did kill people as Mayor," *New York Times*, December 16 2016.

¹⁶ Goldman, Russell, "'I cannot lie,' Rodrigo Duterte says, confirming he did kill people as Mayor," *New York Times*, December 16 2016.

¹⁷ Alston, Philip. United Nations, General Assembly, Human Rights Council. Report of the special rapporteur on extrajudicial, summary or arbitrary executions on his mission to the Philippines, 12-21 February 2007.

¹⁸ McCoy, Alfred, "Dark legacy: Human rights under the Marcos regime", in *Memory, truth telling and the pursuit of justice* (Ateneo De Manila University Press 2001), 129-144.

¹⁹ Arguelles, Cleve Kevin Robert, "Duterte's other war: The battle for EDSA People Power's memory", in *The Duterte Reader*, ed Nicole Curato (Ateneo De Manila University Press 2017).



HUMAN RIGHTS INITIATIVE hrsi.ceu.edu • hrsi@ceu.edu • Nador street 11, 3rd Floor,
Room 309, H-1051 Budapest, Hungary • (361) 327-3000 / ext. 2377

CENTRAL EUROPEAN UNIVERSITY www.ceu.edu

EDITORIAL Akyavas_Renan@student.ceu.edu • Johnson_Danielle@spp.ceu.edu •
Schnitzer_Andrea@student.ceu.edu

MAY 2017