

1. Give your insight/understanding to the phrase “The State as guarantor of Human Rights”.

"The State as the Guarantor of Human Rights" - This phrase conveys the idea that governments have a fundamental responsibility to safeguard and uphold the rights and freedoms of individuals within their jurisdiction. It emphasizes that the state should actively ensure that human rights are respected, protected, and fulfilled for all its citizens and residents.

2. What is the relationship of Human Rights and the Rule of Law?

The relationship between Human Rights and the Rule of Law is closely intertwined. The Rule of Law establishes a framework where laws are clear, consistent, and applied equally to everyone, including the government. Human Rights, on the other hand, are legal and moral principles that protect individuals' fundamental freedoms and dignity. The Rule of Law ensures that these rights are not just words on paper but are effectively protected and enforced through legal mechanisms. Human Rights require that violations by both state and non-state actors are accountable under the law. The Rule of Law ensures that all individuals and institutions, including the government, are subject to and accountable under the law. This accountability is essential for addressing human rights abuses, as it allows for investigations, prosecutions, and remedies for victims. The Rule of Law establishes checks and balances in a democratic society, preventing any one individual or entity, including the government, from having unchecked power. This system helps prevent human rights abuses by ensuring that power is exercised within legal boundaries. Human Rights include the right to a fair trial and access to justice. The Rule of Law guarantees that legal procedures are fair, transparent, and accessible to all, regardless of their status or background. This ensures that individuals can seek redress when their rights are violated. Human Rights are often codified in domestic and international laws. The Rule of Law provides the legal framework for the creation, implementation, and enforcement of these laws, making them an integral part of a just and lawful society. In summary, the Rule of Law is the foundation upon which Human Rights can be effectively protected, as it ensures that laws are justly applied, rights are respected, and accountability is maintained.

### 3. Explain the following concept:

States are abstract entities; they do not act on their own. States act through their agents, or “state actors”. When a state actor violates the human rights of an individual, it is deemed a violation by the State itself.

States are abstract entities; they do not act on their own.

States act through their representatives, or “state actors.

” When a state actor violates the human rights of an individual, that action is considered a violation by the state itself.

This concept emphasizes that "state" is not a tangible, independent entity but a general term representing a government and its various officials, organizations, and representatives.

States are incapable of independent action; instead, they act through individuals and organizations known as “state actors.

” These state actors include government officials, law enforcement agencies, the military, and others who carry out state functions and policies.

When a state actor, acting in an official capacity or under the authority of the state, violates the human rights of an individual, the state itself is said to have committed the violation.

Legally and ethically, this means that the state is responsible for the actions of its agencies.

This principle emphasizes the importance of governments taking steps to prevent human rights abuses committed by their agencies, conducting thorough investigations, and providing remedies for victims.

when a violation occurs.

4. When can state liability for human rights violations committed by non-state actors may attach? Explain.

State liability for human rights violations committed by non-state actors may attach in certain circumstances when the state fails in its duty to protect and uphold the human rights of individuals within its jurisdiction. If the state is aware of a foreseeable risk of human rights abuses by non-state actors but does not take reasonable and effective measures to prevent those violations, it may be held liable. This duty to prevent may arise in situations such as communal violence, hate crimes, or acts of terrorism. If there is evidence that the state provided support, encouragement, or resources to non-state actors engaged in human rights violations, it may be deemed complicit in those abuses. This could include providing arms, funding, or safe havens to groups known to commit abuses. States have a duty to regulate and supervise non-state entities and individuals to ensure that they do not violate human rights. If the state is found to be negligent in regulating certain sectors and this negligence leads to human rights abuses, state liability may be considered. When state authorities are aware of ongoing human rights violations by non-state actors, but fail to investigate, prosecute, or take corrective action, they may be seen as complicit in those violations. This is often referred to as "turning a blind eye" to abuses. Failure to Investigate and If the state does not conduct thorough and impartial investigations into human rights violations by non-state actors or does not provide adequate remedies to victims, it can be held responsible for not fulfilling its obligations to protect and ensure justice for its citizens. In some cases, there may be evidence of active collaboration between state actors and non-state actors in committing human rights violations. Such collaboration can lead to direct state liability. It's important to note that the extent of state liability can vary depending on the specific facts of each case and the legal standards applied, including domestic and international human rights laws. The determination of state liability often involves a complex legal and factual analysis by courts or international human rights bodies to establish the state's responsibility for human rights violations committed by non-state actors.

5. What is your reaction/understanding of this phrase “Pag rebelde ang biktima, violation of human rights, pero pag pulis o sundalo ang pinatay, alright.”

The phrase presented highlights a concerning double standard in how human rights violations are perceived and addressed. It suggests that when the victim of a human rights violation is seen as a rebel or a dissenter, their rights may be disregarded or downplayed. However, when law enforcement or military personnel are involved in a killing, it is somehow deemed acceptable or "alright." This type of perspective raises several critical issues. Human rights principles emphasize the equal protection of rights for all individuals, regardless of their beliefs, affiliations, or actions. To uphold the rule of law, it's essential that human rights violations are treated consistently, regardless of the identity or status of the victim. Ensuring accountability for human rights violations is vital for justice and the prevention of abuses. The idea that certain groups or individuals are exempt from accountability undermines the principles of justice and the rule of law. The rule of law requires that law enforcement and security forces act impartially and within legal boundaries. When their actions are perceived as exempt from scrutiny, it can erode trust in the institutions responsible for maintaining public safety. Dissent and activism are legitimate expressions of freedom of speech and assembly. Human rights defenders often play a critical role in advocating for positive social change. They should not face discrimination or violence simply for their activism. In essence, the phrase highlights a need for consistent application of human rights principles and the rule of law. Regardless of the circumstances or the identity of those involved, all individuals should be entitled to the protection of their fundamental rights, and any violations should be thoroughly investigated and addressed. This ensures fairness, justice, and the upholding of human rights for all members of society.