

# **Distorting boundaries, amalgamating perspectives: A proposed integration of international law on protection of refugees and stateless persons in higher education curricula**

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## **Abstract**

The United Declaration of Human Rights (UDHR) proclaims that “all human beings are born free and equal in dignity and rights, are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (*Article 1*),” and are “entitled to all the rights and freedoms outlined in (said) Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or another status. (*Article 2*)” This formal declaration is supposed to be a simple institutionalization of a generally recognized realism – those human beings are born with inherent dignity, from which fundamental basic human rights flow and which provides reasonable justification for fostering justice and equality despite each person’s individuality. It is an affirmation that amidst personal and cultural divergences, human beings are called upon to respect each other primarily on account of their shared humanity, and not based on wealth, power, educational background, race, gender, and other social clusters – to treat each other fairly without discrimination. However, while the aforementioned international convention narrates a chronicle filled with beautiful social expectations, reality may be chanting a different narrative. Across different epochs, stories of horrifying violations of human rights have reverberated throughout the world. The infamous holocaust during the 2<sup>nd</sup> World War, the genocide of the Tutsis in Rwanda, and the martial law defilements during the Marcos regime in the Philippines are just some of the many horrific instances of human rights violations that have shocked humanity. One of the more prominent reasons for the occurrence of different human rights violations is deleterious discrimination – the arrogant sense of superiority that some assert over others, the conceited belief of being entitled with a guaranteed place atop the zenith of societal hierarchies at the detriment of those who do not share the same shade, nook or status. To address these discriminatory leanings of different cultures and States and provide international legal frameworks for ensuring that basic

human rights are genuinely protected and promoted, the United Nations (U.N.) was created. To realize the objectives for its establishment, sundry international conventions have been crafted, negotiated, issued, and implemented. In the area of human rights protection, the primordial international convention is the UDHR. Two social groups that suffer from significant discrimination as to their capacity to properly enjoy and exercise basic human rights are refugees and stateless persons, which are governed by the **1951 United Nations Convention Relating to the Status of Refugees**, and its **1967 Protocol**, and the **1954 Convention Relating to Status of Stateless Persons**, respectively. Because of their conditions and contextual situations, they are very vulnerable to being discriminated against and abused. This humanitarian crisis has been haunting the world for decades already and has also been knocking at the doorsteps of the Philippines in recent times, whose presence in the country has been rapid. Unfortunately, very few are aware of their existence, much less care about the predicaments and struggles of refugees and stateless persons worldwide and in the Philippines. It is in this context that the researcher is proposing the integration of international law on human rights, particularly that which relates to the protection of refugees and stateless persons, in the curriculum of higher education institutions (HEIs) in the Philippines.

**Keywords:** International Law, International Conventions, Treaties, Human Rights, Refugees, Statelessness, 1951 Convention Relating to the Status of Refugees, 1967 Protocol, 1954 Convention Relating to Status of Stateless Persons, 1961 Convention on the Reduction of Statelessness.

## **Statement of the Problem**

This paper seeks to answer the following questions:

1. What are the different international conventions relating to the protection of refugees and stateless persons to which the Philippines is a party signatory?
2. What is the impact of social awareness in comprehensively realizing the Philippines' commitment to partaking in the global collective action towards upholding the human rights of refugees and stateless persons?
3. How can the incorporation of International Law on Human Rights, particularly as regards the protection of refugees and stateless persons, in the present curriculum of HEIs in the Philippines aid in expanding the country's participation in upholding the human rights of refugees and stateless persons?

## **Statement of Specific Objectives**

To this end, this study seeks to determine the importance of integrating the study of international principles and laws in higher education curricula, as applied in current global humanitarian crises, specifically on the plights of refugees and stateless persons, and analyze available data for developing an institutional framework necessary for an in-depth discussion of the relevance of these concepts to the youth of today – not only as students or as future professionals, but more importantly, as compassionate socio-political beings who ought to care for the well-being of the world, in general, and are willing to engage in participative actions to guide these ideals into fruition.

## **Theoretical Framework**

This study will adopt a combination of conceptual and operational framework in its attempt to establish the afore-stated objectives. Conceptual framework shall be utilized in reviewing, evaluating and analysing all available documents that are relevant to this study, while operational framework shall be employed in establishing the interrelationship between international principles and laws, on the one hand, and domestic legal system and educational structure, on the other.

## Discussion

### *Introduction: Blurred Borders, Deafening Silence*

Perception is important in our appreciation of truth. “We never cease living in the world of perception (Merleau-Ponty, *An Unpublished Text*, 1964, 3) - the world which is revealed to us by our senses and in our everyday life (and is) at first sight the one we know best of all (Merleau-Ponty, 2004, 39)”. This perceived world is the world which is the “always presupposed foundation of all rationality, all value and all existence (Merleau-Ponty, *The Primacy of Perception*, 1964, 13)”. It is the basic echelon of our experience; the horizon of all meanings. “Perception constitutes the ground level for all knowledge and its study has to precede that of all other strata such as those of the cultural world and specifically that of science. (Spiegelberg, 1976, 560)” It is our privileged access to the basic strata in our experience of the world as it is given to all scientific interpretations. It gives a view of the world before the same was reduced to the peripheries of pre-set norms and axioms. Maurice Merleau-Ponty described this as the *phenomenal field* “to indicate that it is not a spectacle spread out before a disembodied mind, but rather an ‘ambiguous domain’ in which perspectival, incarnate subjects are situated. It is in this domain that perceptual experience can be rediscovered. (Langer, 1989, 15)”

This enclosure within the world of perception is also a reflection of our finitude, and as finite beings, we only perceive reality piecemeal and never in its totality. It is not a matter of choice, but an innate restriction to our humanity. What we get to choose is where to look or from what angle we want to see something – or someone. We can only see something from a particular vantage point, at a specific time, within the confines of limited space. The world that we experience is itself finite and has been the nook of perpetual transformations and scenario shifts.

But amidst this panorama, man has from time immemorial geared on the attempt of reducing the immensity of the world within his clench; trying to translate the calligraphies of nature into a language devoid of ambiguities and mysteries. Rapid technological advancements and swift, albeit almost uncontrollable, transformation in the various media for data gathering and information dissemination have softened the rigidity of the restrictions brought about by the limited field of perception. These fluidities are better manifested through the Internet, the different social media platforms, and the fast-developing smartphones and gadgets. And while this easier access to information does not necessarily translate into a

facilitated route toward the truth, such innovations have widened the plausible horizons for understanding reality in a global scheme and symbiotic manner.

This, in part, is due to the constantly evolving clout of globalization in almost every facet of social living, which has further magnified international interdependence and abridged multi-cultural proximities. Globalization has not only influenced the ecosystem of world economies but has also expanded global awareness, even sympathy, on certain international issues and concerns. As such, a problem that one country might be enduring may also become a dilemma for another – either in actuality or simply as a matter of adopting policies relative thereto. Furthermore, the principles one particular sector or culture stands for may also become the standing voice of another culture, which may be thousands of miles away from where the actual conundrum has taken place.

This has been exemplified in some recent international events such as the general outrage on the discriminatory conduct that resulted in the so-called “*Black Lives Matter*” movement and the global concern regarding the ongoing military aggression of Russia against Ukraine. In addition, the international consciousness of numerous humanitarian crises has also grown exponentially over the years. One international humanitarian crisis that has grown in metes and bounds over the past few decades is the forced displacement of individuals throughout the world. This will be discussed further as this research paper progresses.

To reiterate, public awareness of socio-cultural issues and problems occurring in one country is no longer limited to its citizenry but has gone beyond visible boundaries and into the consciousness of people from other countries or cultures. Equipped with the right information and coupled with enlightened objectivity, the expanded horizon of one's facilitated access to global realism may result in participative action between and among different nations.

“True consciousness is parallel to the world...(but) our unity is never guaranteed though... (Hence) we maintain some modicum of human integrity only at the cost of constant struggle and re-interpretation. (Merleau-Ponty, 1963, xvi)” The world has something to say and simultaneous to its voice is the body-subject giving meaning to the world. It is a constant dialogue between meaning and value. The body is a possibility of a meaning-giving activity while the world is a realm pregnant with form. “We are related to the world through and through (Merleau-Ponty, 2004, viii) ...I am present to myself by being present to the world

(Ibid., 466)” Our perception of the world through all perspectives is not that of athetic, propositional, or clearly defined perception. Rather, it is an ambiguous encounter grounded upon the body's primordial participation and comprehension of the world and of the meanings that constitute the horizon of experience. Because our bodily involvement in the world is pre-objective and indeterminate, we encounter significant things in an integrated yet ever-open-ended world.

The perceiving subject is not (an) absolute thinker; rather, it functions according to a natal pact between our body and the world, between ourselves and our body. Given a perpetually new natural and historical situation to control, the perceiving subject undergoes a continued birth; at each instant, it is something new. Every incarnate subject is like an open notebook in which we do not yet know what will be written (Merleau-Ponty, *An Unpublished Text*, 1964, 6).

However, the same tools that have facilitated humanity's capacity to gather data and share information have also been weaponized, be it consciously or simply as a natural consequence of its uncontrollable advancement, to cultivate misinformation, steal personal data, and manipulate the system for the few to gain more power and wealth in the process. “Working out who to trust and who not to believe has been a facet of human life since our ancestors began living in complex societies. Politics has always bred those who will mislead to get ahead. But the difference today is how we get our information. The internet has made it possible for many voices to be heard that could not make it through the bottleneck that controlled what would be distributed before. Initially, when they saw the prospect of this, many people were excited about opening up to multiple voices. Now we are seeing some of those voices saying things we don't like and there is great concern about how we control the dissemination of things that seem to be untrue... The difference that social media has made is the scale and the ability to find others who share your worldview. In the past, it was harder for relatively fringe opinions to get their views reinforced. If we were chatting around the kitchen table or in the pub, often there would be a debate. But such debates are happening less and less. Information spreads around the world in seconds, with the potential to reach billions of people. But it can also be dismissed with a flick of the finger. What we choose to engage with is self-reinforcing and we get shown more of the same. It results in an exaggerated “echo chamber” effect. People are quicker to assume they are being lied to but less quick to assume people they agree with are lying, which is a dangerous tendency (Gray, n.d.)”

As such, with technological advancement and media expansion being both a gift and a curse to humanity's access to knowledge, established social institutions must be able to steer intellectual ventures through the waves that lead closer to a more comprehensive appreciation of the truth and genuine consciousness for global immersive action. One such social mechanisms are educational institutions, whose influence and impact are both generational in reach and global in scope.

And with the humanitarian crises looming in all four winds, such as the unfortunate plight of refugees and stateless persons globally, it is important that not only are we made aware of these issues through social media and similar platforms, but that we are properly equipped with the necessary intellectual know-hows through our educational institutions to better understand such crises, recognize the different means through which the same are being addressed internationally, and how these issues may also affect us domestically. As a necessary first step in achieving this goal, the basic principles and formulations of international laws, in general, and those specifically relating to the protection of refugees and stateless persons should be incorporated into the higher education curriculum in the Philippines.

### ***International Law: Unity in Diversity***

Human behavior and social relations are largely influenced by one's environment and culture. This social facet of human existence eventually metamorphoses into norms through positive reinforcement, such as the grant of rewards, and negative fortification, such as the imposition of punishments. Norms are then elevated and institutionalized into more enforceable obligations and demandable responsibilities. Laws are generally the manifestation of the institutionalization of socially acceptable norms. And because they are more often than not dictated by culture and territorial nuances, laws are naturally nationalistic in approach and territorial in the application.

“Law is that element which binds the members of the community together in their adherence to recognized values and standards. It is both permissive in allowing individuals to establish their legal relations with rights and duties, as in the creation of contracts and coercive, as it punishes those who infringe its regulations. Law consists of a series of rules regulating behavior, and reflecting, to some extent, the ideas and preoccupations of the society within which it functions (Shaw, 2017, 1).”

However, there are socio-political issues whose impact goes beyond the singular border of one State, and create ripple effects in other States. And due to the vast range of effects that such issues spawn within

the international community, the solution cannot be undertaken by just one State – rather it must be one of collective and symbiotic response. It is in this context that international laws and principles emerged and have been institutionalized.

“Take for example the question of the environment. No State can prevent global warming by acting alone. It may impose severe restrictions upon carbon dioxide emissions and engage in massive tree-planting programs; but if no other State is doing so, its efforts will be practically pointless. Worse, the additional costs imposed on manufacturers and taxpayers as a result of those measures will tend to put that State’s economy at a competitive disadvantage: the role of ecological custodian comes at a real cost. Unless ‘greenness’ can be sold as a consumer good (as many companies, making a virtue of necessity in the face of environmental legislation, now seek to do) whatever international influence the State has as a competitor will begin to dwindle as businesses abroad unencumbered by strict environmental constraints increase their market shares. Unilateral action is at best ineffective and may be positively counter-productive. Co-operation is necessary, and cooperation needs a framework. In order even to begin to attempt to co-operate, States must contact each other and know who is competent to give binding undertakings that will be respected by the government, the courts, and other public authorities of the other State. They need to know how to indicate that a particular agreement made by a State is formally binding, as a matter of legal obligation, and is not regarded simply as a matter of policy that can be varied or abandoned at will by the other State (Lowe, 2007, 1).”

In a nutshell, international law establishes and operationalizes the different bodies of legal rules and principles to govern the multi-faceted correlation between and among States and their subjects, preferably in the most amicable and diplomatic of ways. “International law is further divided into the conflict of laws (or private international law) and public international law. The former deals with those cases, within particular legal systems, in which foreign elements obtrude, raising questions as to the application of foreign law or the role of foreign courts. By contrast, public international law is not simply an adjunct of a legal order, but a separate system altogether. It covers relations between states in all their myriad forms, from war to satellites and from trade to human rights and regulates the operations of the many international and regional institutions. It may be universal or general, in which case the stipulated rules bind all the states (or practically all depending upon the nature of the rule), or regional, whereby a group of states linked geographically or ideologically may recognize special rules applying only to them (Ibid., 1-2).”

In the Philippines, there are two recognized doctrines regarding the cognizance and implementation of international law in Philippine jurisdiction, regarding existing domestic laws. The first doctrine is “incorporation”. This is primarily reflected in Article II, Section 2 of the Philippine Constitution, which states that “the Philippines adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations.” This doctrine means that even absent any formal concession to an international agreement or convention, the Philippines may incorporate into its legal system generally accepted principles of international law. In the case of *Kuroda vs. Jalandoni* (G.R. No. L-2662, March 26, 1949), the Supreme Court applied both Hague and Geneva Conventions in determining the commission of war crimes in the Philippines, even if the Philippines is not a party-signatory to both conventions. In particular, the Court explained therein that “such rule and principles form part of the law of our nation even if the Philippines was not a signatory to the conventions embodying them for our Constitution has been deliberately general and extensive in its scope and is not confined to the recognition of rule and principle of international law as continued in treaties to which our government may have been or shall be a signatory.”

In the case of *Borovsky vs. Commissioner* (G.R. No. L-4352, September 28, 1951), the Supreme Court declared illegal the prolonged and unjustified detention of the petitioner, who was a stateless alien, citing the Universal Declaration of Human Rights as the basis for the same, to wit:

“The Philippines ‘adopts the generally accepted principles of international law as part of the law of Nation.’ And in a resolution entitled ‘Universal Declaration of Human Rights’ and approved by the General Assembly of the United Nations of which the Philippines is a member, at its plenary meeting on December 10, 1948, the right to life and liberty and all other fundamental rights as applied to all human beings were proclaimed. It was there resolved that ‘All human beings are born free and equal in degree and rights’ (Art. 1); that ‘Everyone is entitled to all the rights and freedom outlined in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinions, nationality or social origin, property, birth, or another status (Art. 2); that ‘Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law’ (Art. 8); that ‘No one shall be subjected to arbitrary arrest, detention or exile’ (Art. 9), etc.”

The other doctrine is known as “transformation”, which means that for an international law principle to be integrated into the Philippine legal

system, there has to be a corresponding legislative act or domestic law that will properly implement the same. In the case of *Laguna Lake Development Authority vs. Court of Appeals* (G.R. No. 110120 March 16, 1994), the Supreme Court explained that Article II, Section 16 of the Philippine Constitution, which provides that “the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature”, was patterned after the Universal Declaration of Human Rights and the Alma Conference Declaration of 1978, in which the Philippines is a signatory.

### ***Sources of International Law***

There are various sources of international law, but the most recognized ones are treaties or international conventions, customs or customary international law, general principles of international law, and judicial decisions, as provided under Article 38(1) of the Statute of the International Court of Justice.

Of the four, treaties are considered by most scholars as the most essential source of international law, because it embodies the voluntary act of sovereign and independent States to enter into a concession or compromise. Treaties are generally characterized as “written agreements whereby the States participating bind themselves legally to act in a particular way or to set up particular relations between themselves. A series of conditions and arrangements are laid out which the parties oblige themselves to carry out. Treaties are express agreements and are a form of substitute legislation undertaken by states. They bear a close resemblance to contracts in a superficial sense in that the parties create binding obligations for themselves, but they have a nature of their own that reflects the character of the international system (Shaw, 2017, 60-70).”

Its importance lies in the fact that it fosters international amity and goodwill because parties willingly set aside their socio-cultural and political divergences to achieve concessions that are mutually beneficial to the States involved, as well as to their subjects. Therefore, “it follows from the essence of an international treaty that, like a contract, it sets down a series of propositions which are then regarded as binding upon the parties.”

In the Philippines, international agreements need to be ratified by the President to be effective and executory, according to Executive Order No. 459, s. 1997. In the case of *Bayan Muna vs. Romulo*, the Court

explained that “international agreements may be in the form of (1) treaties that require legislative concurrence after executive ratification; or (2) executive agreements that are similar to treaties, except that they do not require legislative concurrence and are usually less formal and deal with a narrower range of subject matters than treaties.” The requirement for legislative concurrence is expressly provided under Article VII, Section 21 of the Philippine Constitution: “No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate.”

The Philippines has been a party to sundry international agreements, both bilateral and multilateral, whose coverage varies from dispute settlement to commercial to socio-political. In the realm of economics, the Philippines is a party to the Regional Comprehensive Economic Partnership (RCEP), which seeks to bolster and deepen the growing economic relations between ASEAN member states, as well as other countries in the Asia-Pacific region (*particularly* the People's Republic of China, Republic of Korea, Japan, India, Australia, and New Zealand. “The RCEP was built upon the existing ASEAN+1 Free Trade Agreements (FTAs) with the spirit to strengthen economic linkages and to enhance trade and investment-related activities as well as to contribute to minimizing the development gap among the parties. (ASEAN, n.d.)”

Cognizant of the fact that international commercial relations are larger and more frequently affected and initiated by individual persons and private companies, international instruments have also been crafted not only to facilitate such activities but more importantly to provide for mechanisms through which disputes arising from these undertakings may be promptly and amicably resolved. In the ASEAN region, the recently concluded Protocol for Enhanced Dispute Settlement Mechanism (EDSM) echoes this international advocacy, to which the Philippines, as an ASEAN member state, is also a party. Among others, the ASEAN EDSM Protocol provides for mechanisms for the grant of Special and Differential Treatment (S&D Treatment) to the Least-Developed ASEAN Member States (AMS) and Extended Third-Party Rights during dispute settlements.

### *International Conventions on Human Rights and its Domestic Incorporation*

The Philippines is also a signatory to different international human rights conventions and treaties, such as the Universal Declaration of Human Rights (UDHR), which the Philippines ratified in 1967. In consonance thereto, the 1987 Philippine Constitution is resonant with provisions that are geared towards genuinely upholding the international declaration of protecting and promoting human rights – provisions which are not present in the 1935 and 1973 Philippine Constitutions.

**Table 1.**

#### *Constitutional Provisions on Human Rights*

Article/Section	Provision
Article II, Section 11	“The State values the dignity of every human person and guarantees full respect for human rights.”
Article XIII, Section 1	“The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.”
Article XIII, Section 17(1)	“There is hereby created an independent office called the Commission on Human Rights.”
Article XIV, Section (2)	“They shall inculcate patriotism and nationalism, foster love of humanity, <u>respect for human rights</u> , appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency.”

Other examples of international human rights conventions that the Philippines is a party to are provided hereunder:

**Table 2.**

*International Conventions on Human Rights*

Conventions	Year of Ratification
International Covenant on Civil and Political Rights (CCPR)	1986
International Covenant on Economic, Social and Cultural Rights (CESCR)	1974
International Convention on the Elimination of All Forms of Discrimination (CERD)	1967
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	1981
Convention Against Torture (CAT)	1986
Convention on the Rights of the Child (CRC)	1990
International Convention on the Protection of the Rights of All Migrant Workers (CMW)	1995
Convention on the Rights of Persons with Disabilities (CRPD)	2008

Similar to the UDHR, the aforementioned conventions mandate State Parties to uphold and protect the basic human rights of all persons without discrimination as to gender, race, physical condition, and age and direct them to take positive, progressive, and definitive steps and measures to ensure that such objective is properly implemented and accomplished.

For example, Article 2 of the CEDAW directs State Parties:

- a. “To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b. To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

- c. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d. To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e. To take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise;
- f. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices that constitute discrimination against women;
- g. To repeal all national penal provisions which constitute discrimination against women.”

As a continuing commitment to the afore-quoted tenets, the Philippine legislature has enacted laws aimed at guaranteeing the protection of women's rights, citing the CEDAW as the basis, among others. Some of these laws are as follows:

- a. Republic Act No. 9262 (2004) – Section 2 “It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members, particularly women and children, from violence and threats to their safety and security.

Towards this end, the State shall exert efforts to address violence committed against women and children **in keeping with the fundamental freedoms guaranteed under** the Constitution and the Provisions of the Universal Declaration of Human Rights, the **Convention on the Elimination of all Forms of Discrimination Against Women**, Convention on the Rights of the Child and other international human rights instruments of which the Philippines is a party.” (*emphasis supplied*)

- b. Republic Act no. 9710 (2009) – Section 2 “Recognizing that the economic, political, and sociocultural realities affect women's

current condition, the State affirms the role of women in nation building and ensures the substantive equality of women and men. It shall promote the empowerment of women and pursue equal opportunities for women and men and ensure equal access to resources and development results and outcomes. Further, the State realizes that equality of men and women entails the abolition of the unequal structures and practices that perpetuate discrimination and inequality. To realize this, the State shall endeavor to develop plans, policies, programs, measures, and mechanisms to address discrimination and inequality in the economic, political, social, and cultural life of women and men.

The State condemns discrimination against women in all its forms and pursues all appropriate means and without delay the policy of eliminating discrimination against women **in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** and other international instruments consistent with Philippine law. The State shall accord women the rights, protection, and opportunities available to every member of society.” (*emphasis supplied*)

Similarly, the CAT has been used as the fundamental basis for the institutionalization of domestic legal mechanisms for the prohibition against torture and other inhuman punishment or treatment. In particular, the 1987 Philippine Constitution states that:

- a. No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited (Article III, Section 12(2)).
- b. The law shall provide for penal and civil sanctions for violations of this section as well as compensation to and rehabilitation of victims of torture or similar practices, and their families (Article III, Section 12(4)).

The afore-quoted provision is not present in both the 1935 and 1973 Philippine Constitutions.

Republic Act No. 9745, otherwise known as the “Anti-Torture Act of 2009”, was enacted specifically catered for penalizing torture and other similar inhuman punishment. In its Declaration of Policy, particularly Section 2(d) it is stated that the State shall “**fully adhere to the principles**

**and standards on the absolute condemnation and prohibition of torture** as provided for in the 1987 Philippine Constitution; **various international instruments to which the Philippines is a State party** such as, but not limited to, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)**; and all other relevant international human rights instruments to which the Philippines is a signatory. (*emphasis supplied*)”

In the same manner, Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" refers to the CRC as one of its fundamental basis. In particular, Section 2 of said law states that “the best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, **consistent with the principle of First Call for Children as enunciated in the United Nations Convention of the Rights of the Child**. Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life. (*emphasis supplied*)” The same convention is also cited under Republic Act No. 9208, or the “Anti-Trafficking in Persons Act of 2003”, which declares that “it shall be a State policy to **recognize the equal rights and inherent human dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Rights of the Child, United Nations Convention on the Protection of Migrant Workers and their Families, United Nations Convention Against Transnational Organized Crime Including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory (Section 2).**”

As manifested through the different international conventions relating to human rights, there are as many avenues through which human dignity may be tampered with and violated as there are means through which the same may be protected and upheld. And with the constantly evolving facets of human existence and social relations, the need to consistently assess and evaluate the different niches of human

vulnerabilities must be undertaken, especially in those areas that have a vast international and over-arching impact.

Two (2) of the growing number of vulnerable groups, who are experiencing socio-political tribulations that have multi-faceted effects across different territorial jurisdictions, are refugees and stateless persons – i.e., persons suffering from persecution due to race, religion, nationality, membership of a particular social group or political opinion, for the former, and those who are experiencing discrimination based on their lack of nationality, for the latter. These two (2) humanitarian crises have been happening for centuries already but were only truly recognized as such after the Second World War. In UNHCR's *Nationality and Statelessness, Handbook for Parliamentarians*, it was explained that:

“In the aftermath of the Second World War, one of the most pressing issues for the Member States of the newly created United Nations was how to address the needs of the millions of individuals whom the war had left as refugees or who had been rendered stateless. A 1949 resolution of the UN Economic and Social Council (ECOSOC) led to the appointment of an Ad Hoc Committee whose task was to consider formulating a convention on the status of refugees and stateless persons and to consider proposals for eliminating statelessness.

In the end, Committee members drafted a convention on the status of refugees and a protocol for the proposed convention that focused on stateless persons. Historically, refugees and stateless persons both received protection and assistance from the international refugee organizations that preceded UNHCR.”

### *Statelessness*

Generally, the ability of a person to exercise his or her rights is anchored upon his or her nationality or citizenship. While, as shown above, basic human rights ought to be protected and upheld regardless of one's nationality, the actual enjoyment of the same is largely dependent upon how the national laws of a particular State will implement and actualize such international commitments.

One's right to education, for example, is enshrined under different international conventions, such as the UDHR, specifically under Article 26, and CRC, specifically under Articles 23(3 and 4), 24(2.e), 28, and 29, but the actual and definite exercise of the same will vary depending on the measures and mechanisms in place in one country relating to education. Similarly, the freedom of a person to move from one country to another, while enshrined under the UDHR and CCPR, specifically under Article 10(2), its enjoyment is heavily regulated by one's nationality and the

national immigration laws of the country of destination. Without a valid passport or visa, for instance, a person cannot simply squeeze in and out of his or her country.

Aside from this, the exercise of some basic human rights also requires identification. Before one gets admitted to school or accepted to employment or be able to exercise one's profession, he or she is first required to submit proof of identity, such as a birth certificate or a government-issued ID, which are issued based on one's nationality. In addition, the exercise of a person's civil rights, such as the right to marry, and political rights, such as the right to vote, are also based upon one's citizenship.

As such, one's nationality must be established and firmly ascertained. A person without a nationality is susceptible to a sundry of discriminations, which hampers his or her capacity to fully and genuinely exercise fundamental human rights.

A person's right to nationality is recognized under different international conventions, such as the UDHR (Article 15), CCPR (Article 24(3)), and CRC (Article 7). However, this notwithstanding, people all over the world have suffered from the societal malady of statelessness. According to the United Nations High Commissioner on Refugees (UNHCR), in its statement relating to its #IBelong Campaign, "without any nationality, stateless persons often don't have the basic rights that citizens enjoy. Statelessness affects socio-economic rights such as education, employment, social welfare, housing, and healthcare as well as civil and political rights including freedom of movement, freedom from arbitrary detention, and political participation. When thousands of people are stateless, the result is communities that are alienated and marginalized. In the worst cases, statelessness can lead to conflict and cause displacement."

The 1954 Convention Relating to Status of Stateless Persons (1954 Convention) was created to aid in institutionalizing domestic State mechanisms that are geared toward upholding the rights of stateless persons. In its Introductory Note, it is stated that the 1954 Convention is intended to establish "a framework for the international protection of stateless persons and is the most comprehensive codification of the rights of stateless persons yet attempted at the international level."

A stateless person, as previously defined, “means a person who is not considered as a national by any State under the operation of its law.” Statelessness may result from a sundry of reasons, such as discriminatory nature of domestic nationality laws of a particular State, conflict in nationality laws between different States, State succession, or lack of proper access to birth registration. Other factors that may cause statelessness are the “redrawing of international borders, the manipulation of political systems by national leaders to achieve questionable political ends, and/or the denial or deprivation of nationality to exclude and marginalize racial, religious or ethnic minorities have resulted in statelessness in every region of the world. (Nationality and Statelessness, Handbook for Parliamentarians)” Because of the magnitude of its effects, statelessness has been considered an international humanitarian crisis. As such, the solution to this global malaise would require the concerted and unified effort of the different States.

The 1954 Convention mandates the establishment of national measures that would aid States in determining whether or not a person may be considered a stateless person. Once a person qualifies as a stateless person, the 1954 Convention then directs States to substantially accord said the person with basic human rights without discrimination, such as the right to religion, employment, education, housing, and social legislation, as well as the right to be issued with travel documents and identity papers.

Another significant international convention geared towards addressing the global problem of statelessness is the 1961 Convention on the Reduction of Statelessness (1961 Convention). In its Introductory Note, it is stated that “the 1961 Convention is the leading international instrument that sets rules for the conferral and non-withdrawal of citizenship to prevent cases of statelessness from arising. Underlying the 1961 Convention is the notion that while States maintain the right to elaborate the content of their nationality laws, they must do so in compliance with international norms relating to nationality, including the principle that statelessness should be avoided. By adopting the 1961 Convention safeguards that prevent statelessness, States contribute to the reduction of statelessness over time. The Convention seeks to balance the rights of individuals with the interests of States by setting out general rules for the prevention of statelessness, and simultaneously allowing some exceptions to those rules.”

Together, these twin conventions aim at ensuring not only the protection of stateless persons, but also the institutionalization of practical and definitive solutions towards the significant reduction, and eventually

eradication, of statelessness globally. As such, these conventions do not only intend to cover stateless persons, but also those who may be at risk of becoming stateless.

### ***By the Numbers***

UNHCR data shows that “it is estimated that at least 10 million people are stateless worldwide: they are not considered as nationals by any State under the operation of its law.” Of this estimate, around 4.2 million stateless persons have been duly reported and accounted for as of 2020 (Source of data: Nationality and Statelessness, Handbook for Parliamentarians).

“The Rohingya from Myanmar are still the largest stateless population for whom data is provided. This year, the methodology for reporting on displaced Rohingya has been amended further, with available data on Rohingya refugees also provided for India, Indonesia, Malaysia, and Thailand – alongside Rohingya refugees in Bangladesh and Rohingya in Myanmar. The total number reported across these six countries is 1.57 million, yet this data is still not comprehensive and does not provide a full picture of the global Rohingya population. New data is also reported for Côte d'Ivoire, which has moved to the 'top' of the list of countries with the largest (non-displaced) stateless populations: 955,399 people. The new figures given for Uzbekistan, Greece, Italy, and Tajikistan are also higher than the data from the previous year. In Thailand, Estonia, and Latvia – three countries in the top 10 of largest reported populations globally – the data shows a decrease in numbers, but only at a rate of 2.5%, 8.5%, and 10% respectively over the past three years. Globally, a total of 754,500 stateless people acquired or confirmed their nationality between 2010 and 2019: important progress and encouraging when seen in absolute numbers, yet less so when understood in percentage terms of the global stateless population. This must also be understood against a context in which inherited statelessness continues to cause tens of thousands of children a year to be born without access to nationality and where new situations loom that have the potential to generate large-scale statelessness (*ibid.*)”

In the Philippines, there is also a significant number of groups or populations who are at risk of statelessness. “The Philippines hosts an estimated 264,000 persons of concern (POC) to UNHCR. Of this figure, around 129,000 (48%) are stateless persons or persons at risk of statelessness. (UNHCR Philippines, n.d.)” Some of these populations, alongside the potential causes of their statelessness risk, are provided hereinafter:

**Table 3.***Populations at Risk of Statelessness*

<b>Group/Population</b>	<b>Reason for Risk</b>	<b>Location/Large Concentration</b>
1. Persons of Indonesian Descent	Conflict of national/ citizenship laws between the Philippines and Indonesia	Southern Philippines
2. Sama Bajaus	Itinerant lifestyle and frequent border crossing	Southern Philippines
3. Persons of Japanese Descent	Conflict of national/ citizenship laws between the Philippines and Japan	No specific area of concentration
4. Children of Philippine Descent in Migratory Settings	Unable to register children's births and acquire birth certificates as proofs of identity due to lack of consular office or stringent immigration policies	The Middle East and Sabah
5. Unregistered children	Unable to register children's births and acquire birth certificates as proofs of identity due to the non-accessibility to a properly functioning civil registry. This is also brought about by the frequent armed conflicts in the areas of concentration, which results in forced displacement.	Mostly in BARMM and Region XII
6. Foundlings	Difficulty in establishing parentage	No specific area of concentration

(Source: UNHCR, Philippine Statistics Authority, and Committee on Overseas Workers Affairs.)

**Refugees**

Forced displacement throughout the world has been deemed as an increasingly alarming international humanitarian crisis over the past few decades, which is caused by a variety of reasons, ranging from war to persecution to natural disasters. Populations throughout the world are forced to leave their places or countries of habitual residence and trek the path of fear, uncertainty, and oblivion. A person, for example, may be compelled to depart from his or her country of origin because of armed

conflict, not knowing where to go for sanctuary and how to attend to his or her daily needs in a country that he or she is neither a citizen nor recognized as a legal immigrant. And while some States may be generous enough to accept such displaced individuals, others may not be as accommodating – to the point even of having them deported, or worse, arrested and incarcerated.

**Displaced individuals are generally classified as refugees if the reason for their displacement is persecution.** More specifically, a refugee, under the 1951 Convention, is a person who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it." And the number of refugees scattered and forced to wander in different parts of the world has considerably grown over the years.

The definition of a refugee under the 1951 Convention has five elements, which are as follows:

1. The applicant must be outside his country of nationality;
2. There must be persecution;
3. The applicant's fear of persecution must be well-founded. "It is well-founded where there is a real chance or a serious possibility for it to happen but not if it is merely assumed, or if it is mere speculation. In determining whether the fear is well-founded, both the subjective (frame of mind of applicant) and the objective (conditions in the country of origin to cause fear) elements of fear must be present. (Paragraph 38, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol)";
4. The persecution is for the reason of race, religion, nationality, membership of a particular social group or political opinion, and
5. The applicant is unable or unwilling to avail of the protection of, or to return to, her country of origin due to such fear.

As stated above, the refugee problem has first been formally recognized as an international crisis after the 2nd World War. And from this collective recognition came one of the most outstanding achievements of the modern era in the humanitarian field, which is the establishment of the principle that the refugee problem is a matter of concern to the international community and must be addressed in the context of international cooperation and burden-sharing.

In line with this communal advocacy between and among nations, the United Nations High Commissioner for Refugees (UNHCR) was established on December 14, 1950, by the UN General Assembly to principally address the problems brought forth by the unfortunate plight that refugees are forced to undertake. On July 28, 1951, grounded upon Article 14 of the Universal Declaration of Human Rights of 1948, which recognizes the right of persons to seek asylum from persecution in other countries, the United Nations Convention Relating to the Status of Refugees (1951 Convention) was adopted. The 1951 Convention defined the internationally-accepted standard for the treatment of refugees and became the centerpiece of international refugee protection today. The same entered into force on 22 April 1954.

The 1951 Convention was amended through the 1967 Protocol Relating to the Status of Refugees (1967 Protocol), which removed the geographic and temporal limits of the 1951 Convention and gave it a more comprehensive scope. There was a need to amend the 1951 Convention because as a post-Second World War instrument, it was originally limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe. It has since been supplemented by other refugee and subsidiary protection regimes in several regions, as well as via the progressive development of international human rights law.

“A remarkable feature of the Convention is the establishment of a system of international protection to persons who require it. From the perspective of international law, the Convention accords the status of a refugee to a person who has lost the protection of their state of origin or nationality. It is essentially the loss, or failure, of state protection that makes international protection necessary for refugees (The Refugee Convention, n.d).”

### ***By the Numbers***

In 2019, the number of forcibly displaced people worldwide is approximately 79.5 million (UNHCR, n.d.). By the end of 2021, the world has witnessed an unprecedented increase in this number, which now sits at 89.3 million people, 21.3 million of which are refugees, under UNHCR's mandate, and 5.8 million are Palestinian refugees, under the United Nations Relief and Work Agency (UNRWA)'s mandate (*ibid.*). Around half of the total number of refugees are under 18 years of age (*ibid.*). Almost 70% of the number of refugees came from five (5) countries, namely Syria, Venezuela, Afghanistan, South Sudan, and Myanmar (*ibid.*). This number is only moving southwards, as more and more people are being displaced from their communities for fear that their lives are in danger, such as those who have been forced out of their homes because of the military attacks of Russia in Ukraine.

For instance, “the civil war that erupted in Syria in 2011 had displaced 1 million people in just two (2) years. In 2020, more than half of the pre-war population of Syria has been internally displaced or forced to seek safety in neighboring countries, which is approximately 13.2 million people constantly running for their lives. In South Sudan, more than 4 million people have been uprooted from their homes since the start of a brutal civil war in 2013, including about 2.2 million people who have been forced to cross into neighboring countries, the majority of them women and children. (Mercy Corps, n.d.)” In Ukraine, “as of April 25, 2022, over 5.2 million Ukrainians have fled the country, with nearly 3 million taking shelter just across the border in Poland. This has exceeded the UNHCR's initial estimate that 4 million Ukrainians — nearly 10% of the country's population — would be displaced internationally as a result of the conflict. In all likelihood, the global refugee population has reached a new high in 2022, surpassing 30 million people (Concern Worldwide USA, n.d.)”

As cited above, the Philippines is the host to approximately 264,000 POCs, around 1,400 (UNHCR, n.d.) of whom are refugees and asylum-seekers, and nearly half of which number have already been duly determined and recognized by the Department of Justice (DOJ). Most of these refugees and asylum seekers are from Syria, Cameroon, Pakistan, and Iran, where cultural or racial persecution and socio-political discrimination continue to subsist.

### ***National Measures***

The Philippines is a signatory to the 1951 (*as amended by the 1967 Protocol*), 1954, and 1961 Conventions, acceding thereto in 1981, 2011, and 2021, respectively, and throughout the years, the Philippine government has undertaken various multi-level and inter-agency mechanisms to fulfill its international commitment of protecting refugees and stateless persons.

DOJ is the designated lead agency in the implementation of these conventions in the country. In such capacity, intending to institutionalize the domestic procedures for the formal recognition of refugees and stateless persons in the Philippines, DOJ issued Department Order (D.O.) No. 94 in 1998, which establishes a refugee and stateless person status determination procedure. To further enhance D.O. No. 94, DOJ issued Department Circular (D.C.) No. 058 in 2012 to create the Refugees and Stateless Persons Protection Unit (RSPPU), which is principally mandated to facilitate the identification, determination, and protection of refugees and stateless persons in the Philippines, and establish the pertinent procedures and mechanisms for such determination.

Some of the other national measures that were undertaken for the protection of refugees and stateless persons in the Philippines are as follows:

**Table 4.**

#### *Domestic Measures on Protection of Refugees and Stateless Persons*

<b>Measure</b>	<b>Year signed/ issued</b>	<b>Framework summary</b>
1. NSO Administrative Order (A.O.) No. 1	1993	This established the rules relating to the registration of children with unknown parentage or foundlings. This is also a reiteration of Section 21 of the Family Code
2. R.A. No. 8239, or the Philippine Passport Act of 1996	1996	This law allowed the issuance of travel documents to refugees in the Philippines, in place of a passport ( <i>Section 13</i> )
3. NSO Memorandum Circular No. 2004-01	2004	This issuance enhanced the registration provided under NSO A.O. No. 1.
4. DOLE Circular No. 120-12	2012	This refers to the issuance of Alien Employment Permits (AEPs) to foreign nationals, which included refugees and stateless persons in the country.

**Table 4.***Continued*

Measure	Year signed/ issued	Framework summary
5. Revised Rules for the Issuance of Employment Permits to Foreign Nationals	2015	This issuance seeks to further liberalize the capacity of refugees and stateless persons to work in the Philippines, by exempting them from securing AEP.
6. Inter-Agency Agreement on the Protection of Asylum Seekers, Refugees, and Stateless Persons in the Philippines	2017	This agreement institutionalizes the whole-of-nation approach in fulfilling the country's international commitment to the twin international convention on refugee and stateless person protection by establishing an inter-agency coordination mechanism for the creation and implementation of measures that are within the mandates and competencies of each government agency involved.
7. DOJ Circular No. 26	2018	This issuance establishes the mechanisms for the registration of PIDs, who are considered as being at risk of statelessness.
8. DOLE-DOJ-BI Joint Guidelines on the Issuance of Work and Employment Permits to Foreign Nationals	2019	This issuance further liberalizes the ability of refugees and stateless persons to work in the Philippines.
9. R.A. No. 11767, or the Foundling Recognition and Protection Act	2022	This law recognizes foundlings as natural-born Filipino citizens, which was established in the 2016 Supreme Court ruling in the case of Poe-Llamanzares vs. COMELEC.
10. Rule on Facilitated Naturalization of Refugees and Stateless Persons	2022	This rule seeks to facilitate and expedite the judicial process for the naturalization of refugees and stateless persons. "With the approval of the Rule, the Philippines becomes the first in the world to have a judiciary-led initiative to simplify and reduce legal and procedural hurdles in the naturalization procedure for refugees and stateless persons, facilitating access to durable solutions to their displacement or lack of nationality. (UNHCR Philippines, n.d.)"

The Philippines has also actively participated in the international pledges geared toward providing sufficient to refugees and statelessness, such as the *10-year National Action Plan to End Statelessness* and the *Global Compact on Refugees*.

Specifically, “in October 2013, the UN High Commissioner for Refugees called for the *total commitment of the international community to end statelessness*. The Global Action Plan to End Statelessness: 2014 – 2024, developed in consultation with States, civil society, and international organizations, sets out a guiding framework made up of 10 Actions that need to be taken to end statelessness within 10 years. The 10 Actions to end statelessness are:

- Action 1: Resolve existing major situations of statelessness.
- Action 2: Ensure that no child is born stateless.
- Action 3: Remove gender discrimination from nationality laws.
- Action 4: Prevent denial, loss, or deprivation of nationality on discriminatory grounds.
- Action 5: Prevent statelessness in cases of State succession.
- Action 6: Grant protection status to stateless migrants and facilitate their naturalization.
- Action 7: Ensure birth registration for the prevention of statelessness.
- Action 8: Issue nationality documentation to those with entitlement to it.
- Action 9: Accede to the UN Statelessness Conventions.
- Action 10: Improve quantitative and qualitative data on stateless populations (UNHCR #IBelong n.d.)”

Furthermore, “on 17 December 2018, the United Nations General Assembly affirmed the Global Compact on Refugees, after two years of extensive consultations led by UNHCR with the Member States, international organizations, refugees, civil society, the private sector, and experts. The Global Compact on Refugees is a framework for more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation. It provides a blueprint for governments, international organizations, and other stakeholders to ensure that host communities get the support they need and that refugees can lead productive lives. Its four key objectives are to (1) ease the pressures on host countries; (2) enhance refugee self-reliance; (3) expand access to third-country solutions; and (4) support conditions in countries of origin for return in safety and dignity (UNHCR, n.d.)”

During this pandemic, the Philippine government has also undertaken steps to ensure that the basic needs of refugees and stateless persons are attended to. Examples of these measures are the following:

- a. Department of Labor and Employment DO 218-20;
- b. Department of the Interior and Local Government (DILG) Memorandum Circular No. 2020-153;
- c. Department of Health Memorandum No. 2021-0157; and
- d. DOLE-DOT Joint Memorandum Circular No. 2021-001.

At present, steps are also being embarked on towards the enactment of a comprehensive law that would further enhance the country's compliance with its international commitment to protecting refugees and stateless persons and institutionalizing.

### ***Integration***

The challenges presented by the seemingly indiscriminate access to or dissemination of unchecked, unverified, and unsubstantiated information through the different social media platforms, can be mitigated, if not utterly eradicated, by the constant retooling and recalibration of curriculum and mechanisms being adopted and implemented by educational institutions. Remaining stagnant and stubbornly clinging to outdated means of instruction may only encourage the youth of today to principally favor social media platforms, and other similar channels, as their primary sources of information, and simply breeze through their academic undertakings just to acquire a diploma, without genuine regard to the education that they should be received therefrom. Undeniably, in this era of misinformation and fake news, the stability that educational institutions provide for the universal cause of searching for knowledge and establishing the truth becomes more crucial.

This is not to say though that social media platforms are utterly appalling and completely unreliable. On the contrary, these platforms may be productively utilized in academic endeavors as well. The problem lies with letting such forums completely dictate our lives, and gullibly treating them as if they are mindless tools, without realizing that they have the capacity of taking over and switching our behaviors towards the intended outcome of those who control the technology.

According to Martin Heidegger “technology is not equivalent to the essence of technology. When we are seeking the essence of ‘tree’, we have to become aware that That which pervades every tree, a tree, is not itself a tree that can be encountered among all the other trees. Likewise, the essence of technology is by no means anything technological. Thus we shall never experience our relationship to the essence of technology so long as we merely conceive and push forward the technological, put up with it, or evade it. Everywhere we remain unfree and chained to technology, whether we passionately affirm or deny it. But we are delivered over to it in the worst possible way when we regard it as something neutral; for this conception of it, to which today we particularly like to do homage, makes us utterly blind to the essence of technology (Heidegger, 1977, 1).”

Herbert Marcuse, in his work *One-Dimensional Man* (1964), also shared the same perspective. In particular, he stated that:

“Each new power won by man is a power over man as well. Each advance leaves him weaker as well as stronger. In every victory, besides being the general who triumphs, he is also the prisoner who follows the triumphal car.” Let us consider three typical examples: the airplane, the wireless, and the contraceptive. In a civilized community, in peacetime, anyone who can pay for them may use these things. But it cannot strictly be said that when he does so he is exercising his own proper or individual power over Nature. If I pay you to carry me, I am not therefore myself a strong man. Any or all of the three things I have mentioned can be withheld from some men by other men--by those who sell, or those who allow the sale, or those who own the sources of production, or those who make the goods. What we call Man's power is, in reality, a power possessed by some men that they may, or may not, allow other men to profit by. Again, as regards the powers manifested in the airplane or the wireless, Man is as much the patient or subject as the possessor, since he is the target both for bombs and for propaganda. And as regards contraceptives, there is a paradoxical, negative sense in which all possible future generations are the patients or subjects of a power wielded by those already alive. By contraception simply, they are denied existence; by contraception used as a means of selective breeding, they are, without their concurring voice, made to be what one generation, for its reasons, may choose to prefer. From this point of view, what we call Man's power over Nature turns out to be a power exercised by some men over other men with Nature as its instrument.”

As such, we must be properly equipped with the necessary intellectual tools and conversant social values to consciously interact with the information we are receiving through the different social media platforms, without blindly following every word that comes out of these virtual amphitheatres. To master, rather than be enslaved, by the technological advancements that humanity has created and engraved into

the depths of social existence – to positively conquer, rather than be deleteriously conquered. For this purpose, schools play a significant part.

In the Philippines, at least ideally and on paper, education has always been considered as being at the forefront of societal development. The 1987 Philippine Constitution declares that “the State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all” and “shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.”

A transformative approach to education in the Philippines to adapt to the changing times, while relatively moving at a slower pace compared to neighboring Asian countries, has been implemented in recent years. This concept of adaptability was especially highlighted when the pandemic struck. To ensure the continuity of effective education in the country amid the challenges posed by the pandemic, especially among the youth, the government, in collaboration with the different academic institutions in the country, actively sought steps to institutionalize innovative mechanisms geared towards the realization of the aforementioned objective.

Another example of conforming to the need for educational flexibility is the incorporation of the K-12 program in the secondary curriculum, wherein two (2) years have been added to the traditional 4-year high school educational undertaking. Under Section 1 of R.A. No. 10533, otherwise known as the “*Enhanced Basic Education Act of 2013*”, which effectively implemented the K-12 program in the Philippines, the State “shall establish, maintain and support a complete, adequate, and integrated system of education relevant to the needs of the people, the country and society-at-large,” and “shall create a functional basic education system that will develop productive and responsible citizens equipped with the essential competencies, skills, and values for both life-long learning and employment.”

Given the two (2) additional years of secondary education that students are now required to embark on, the usual general education subjects in the tertiary curriculum have been integrated into secondary education to harmonize these two stages of academic endeavor, and "ensure college readiness, while avoiding remedial and duplication of basic education subjects (Section 5 of R.A. No. 10533)". This led to the revision and recalibration of the general education subjects offered in college.

Under Commission on Higher Education (CHED) Memorandum No. 46, 2012 (*Policy-Standard to Enhance Quality Assurance (QA) in the Philippine Higher Education Through an Outcomes-Based and Typology-Based QA*), one of the main objectives of higher education is “to produce thoughtful graduates imbued with 1) values reflective of a humanist orientation (e.g., fundamental respect for others as human beings with intrinsic rights, cultural rootedness, an avocation to serve); 2) analytical and problem-solving skills; 3) the ability to think through the ethical and social implications of a given course of action; and 4) the competency to learn continuously throughout life – that will enable them to live meaningfully in a complex, rapidly changing and the globalized world while engaging their community and the nation's development issues and concerns (Section 2).”

To this end, and in light of the institutionalization of the K-12 program in Philippine basic education, CHED issued Memorandum No. 20, 2013 (“CMO No. 20”). Under its Curriculum Objective chapter, CHED declared that “the fundamental purpose of higher education is not only to develop knowledgeable and competent graduates in a particular field, but also well-rounded individuals who appreciate knowledge in a general sense, are open-minded because of it, secure in their identities as individuals and as Filipinos and cognizant of their role in the life of the nation and the larger community (Article 1).”

Under Article 1, Section 3 of CMO No. 20, the following are the general education core courses for the higher education curriculum:

1. Understanding the Self;
2. Readings in Philippine History;
3. The Contemporary World;
4. Mathematics in the Modern World;
5. Purposive Communication;
6. Art Appreciation;
7. Science, Technology, and Society; and
8. Ethics.

Given the aforementioned objective of developing well-rounded and comprehensively intellectual individuals, equipped with genuine concern for others and sincere awareness of global issues, there is a need to include *international law on human rights* as a general education core subject in higher education – with particular focus on the protection of refugees and stateless persons, as discussed above, either as a separate core subject or as part of the course *The Contemporary World*.

Its incorporation with the course *The Contemporary World* may be plausible considering that such a subject primarily focuses on globalization and the Philippines' nook and participation in this globalized community. Specifically, under CMO No. 20, the intended objective of the course *The Contemporary World* is to "introduce students to the state of the world today and the new global order by explaining the phenomenon of globalization from a variety of perspectives as well as its effects on traditional cultures and communities, nations and political institutions, and local, national and regional economies. (Appendix A(3))"

Globalization is not limited to the intertwining of different economies, but more importantly, covers the interweaving of social existence between different States and cultures. "It is the inexorable movement to greater interdependence founded upon economic, communications, and cultural bases and operating quite independently of national regulation. This in turn stimulates disputes of an almost ideological nature concerning, for example, the relationship between free trade and environmental protection. To this may be added the pressures of democracy and human rights, both operating to some extent as countervailing influences to the classical emphasis upon the territorial sovereignty and jurisdiction of states (Shaw, 2017, 35-36)."

Considering that the international principles relating to the exercise and protection of basic human rights are not only generally accepted by the global community, as manifested by the different international conventions initiated by the UN and signed or acceded to by different States, but are also fundamentally embedded into our Constitution and domestic laws, it is important that such principles, coupled with actual issues related thereto, are being taught in the tertiary level of education. The empathy needed to address the transgressions to human rights happening around the world should be wide-ranging and comprehensive, which can be achieved by the proper integration of such topics in the curriculum of educational institutions.

## Conclusion

To reiterate, the magnanimity of the importance that the globalized community is placing upon the objective of protecting human rights is reflected through the many international conventions acceded to by different States.

The International Convention on the Elimination of All Forms of Racial Discrimination was signed in 1965 and entered into force in 1969. It builds on the non-discrimination provisions in the UN Charter. States Parties undertake to prohibit racial discrimination and guarantee equality for all in the enjoyment of a series of rights and to assure to all within their jurisdiction effective protection and remedies regarding such human rights. It is also fair to conclude that in addition to the existence of this Convention, the prohibition of discrimination on racial grounds is contrary to customary international law.<sup>86</sup> This conclusion may be reached on the basis *inter alia* of articles 55 and 56 of the UN Charter, articles 2 and 7 of the Universal Declaration of Human Rights, the International Covenants on Human Rights, and regional instruments on human rights protection and general state practice. Discrimination on other grounds, such as religion and gender, may also be contrary to customary international law. The International Covenant on Civil and Political Rights provides in article 2(1) that all states parties undertake to respect and ensure to all individuals within their territories and within their jurisdictions the rights recognized in the Covenant 'without distinction of any kind such as race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or another status. Article 26 stipulates that all persons are equal before the law and thus, 'the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'. The UN Human Rights Committee established under this Covenant has noted in its General Comment 18 on Non-Discrimination that non-discrimination 'constitutes a basic and general principle relating to the protection of human rights'. The Committee, while adopting the definition of the term 'discrimination' as used in the Racial Discrimination and Women's Discrimination Conventions, concludes that it should be understood to imply any distinction, exclusion, restriction, or preference which is based on any grounds such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms (*ibid.*, 222-223).

As discussed above, refugees and statelessness are two of the most pressing humanitarian crisis the world is facing right now. Their vulnerability to discrimination and inability to properly exercise basic human rights become more immense in scope and tragic in effect the longer they have to endure their legal incapacities. The armed conflict in

Ukraine, for example, has resulted in millions of refugees. As of 06 July 2022, UNHCR has already recorded approximately “5,650,272 individual refugees from Ukraine recorded across Europe, and 3,620,348 refugees from Ukraine registered for Temporary Protection or similar national protection schemes in Europe. (UNHCR Operational Data Portal, n.d.)” This number is only growing by the day and is limited to those recorded in Europe. The number of refugees and stateless persons in the Philippines is similarly growing considerably. For the Philippines to properly protect their rights, both in compliance with the country's international commitments and in consonance with our national advocacy of valuing the dignity of every human person and guaranteeing full respect for human rights (Article II, Section 11, 1987 Philippine Constitution), it must be a whole-of-nation approach. The responsibility does not only fall within the cauldrons of the government but must more importantly start with the citizenry.

Awareness without an envisioned communicative or participative action might render futile the pursuit of educational institutions of honing students into becoming holistic persons. Understanding how the globalized community works is one thing, but knowing the socio-political issues that affect this intertwined web of State correlations is another. Education is a significant and crucial first step toward achieving this, as it not only opens our perspectives on the realities happening around the world, but it also helps eliminate biases and prejudices. “The first philosophical act would appeal to be to return to the world of experience which is before the objective world since it is in it that we shall be able to grasp the theoretical basis no less than the limits of that objective world, restore to things their concrete physiognomy, to organisms their ways of dealing with the world and to subjectivity its inherence in history. Our task will be, moreover, to rediscover phenomena, the layer of living experience through which other people and things are first given to us, the system 'Self-others-things' as it comes into being (Merleau-Ponty, 2004, 57).”

From the intellectual, we can then proceed to the actual, real and pragmatic. From understanding respect for humanity in a globalized sense, we can then translate this into actions. Because it is in understanding that human beings have intrinsic value and dignity that needs to be respected that we can truly appreciate the world in its globalized intertwining. Immanuel Kant, in his work *Groundwork of a Metaphysics of Morals*, stated that: “Act in such a way that you always treat humanity, whether in your person or the person of any other, never simply as a means, but

*always at the same time as an end.*” Respect involves recognizing the unique value of each individual and the fact that each person is priceless. For Kant, if something has a relative value, then it has a price. If it has a price, it can be replaced by something else of equivalent value. If it has an absolute value, it has dignity and is not for sale. It is also irreplaceable. Human beings do not have a price; rather, they have absolute value, are unique, and cannot be substituted one for the other (Hinman, 2013, 176).

While the humanitarian crisis of international forced displacement and statelessness has been happening throughout the world for decades now, including here in our country, very few Filipinos are aware of the same. This lack of social awareness among Filipinos regarding the plight of refugees and stateless persons has widely opened the floodgates towards them becoming more susceptible to discrimination and inequity. They end up facing the same predicaments that they have tried to escape from in their motherlands. Because of this, coupled with the uncertainty and unpredictability of their living condition, they also become easy targets for recruitment from illegal or rebel groups in the country. Their vulnerabilities have only been highlighted further due to the Covid-19 pandemic. While the Government has been taking steps towards expanding the protection for refugees and stateless persons in the Philippines, raising proper public awareness, especially through education, of their presence and vulnerabilities would provide the necessary socio-cultural foundations for the national policies being undertaken by the Government to be successful.

Undeniably, the educational institution, especially in the higher education curriculum, is one of the more potent social tools through which awareness may be raised and communicative actions may be encouraged, especially among the youth.

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