Philippines | Freedom House

POLITICAL RIGHTS: 26 / 40 (−1)

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is both head of state and head of government, and is directly elected to a single six-year term. Rodrigo Duterte of the Philippine Democratic Party—People’s Power (PDP-Laban) won the 2016 presidential election with 39 percent of the vote, followed by Manuel Roxas II of the Liberal Party, with 23 percent. While they were marked by dozens of violent episodes, including a number of killings, there were fewer such incidents compared to previous election years. Other persistent problems included media bias and vote buying, offers for which affected nearly 20 percent of voters in 2016.

The vice president is directly elected on a separate ticket and may serve up to two successive six-year terms. Maria Leonor “Leni” Robredo won the closely contested vice presidency in 2016 with 35 percent of the vote.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Elections for the bicameral Congress took place concurrently with the presidential vote and suffered from the same limitations. No single party won an outright majority in either house, but the PDP-Laban Party secured unprecedented majority alliances in both. The 24 members of the Senate are elected on a nationwide ballot and serve six-year terms, with half of the seats up for election every three years. The 297 members of the House of Representatives serve three-year terms, with 238 elected in single-member constituencies and the remainder elected through party-list voting.

Local elections originally scheduled for 2016 were held across the country in May 2018. Violence plagued the campaign period, leading to at least 33 deaths, including a former member of Congress who was shot dead while delivering a campaign speech.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The president appoints the Commission on Elections (Comelec), whose performance was generally praised in 2016. However, frequent litigation complicates the interpretation of electoral laws and makes the already complex framework even less accessible to the public.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16 (−1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

The Philippines has a strong record of open competition among multiple parties, though candidates and political parties typically have weak ideological identities. Legislative coalitions are exceptionally fluid, and politicians often change party affiliation.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4 (−1)

The Philippines has seen a regular rotation of power, but opposition politicians have faced increasing harassment and even arrest in recent years. In 2017, Senator Leila de Lima, one of the most outspoken critics of President Duterte’s war on drugs, was arrested on charges viewed as politically motivated by the opposition, of accepting money from drug dealers; she remained in jail at the end of 2018, nearly two years after her arrest. In September 2018, another vocal critic of the president, Senator Antonio Trillanes, was arrested after Duterte voided the amnesty granted to him in 2010 for leading mutinies in 2003 and 2007, when he was an officer in the navy. The action revived rebellion and coup cases against Trillanes in the lower courts. Trillanes posted bail on the day of his arrest and awaited trial at year’s end. In addition, the president’s son and son-in-law filed libel charges against Trillanes in December, over accusations lodged by the senator that both men were involved in smuggling methamphetamine. Trillanes also posted bail on those charges.

Duterte has cracked down on the CPP and its armed wing, the New People’s Army (NPA). In late 2017, Duterte signed a proclamation stating that both the CPP and the NPA are terrorist organizations. In February, the government filed a petition with a Manila court to declare 649 individuals CPP and NPA members, which would effectively designate them as terrorists. The names on the list include actual members of the CPP, as well as other critics of the president, the UN special rapporteur on the rights of indigenous peoples, and a former member of Congress. If the court approves the petition, those on the list could be closely monitored by the government. Human Rights Watch (HRW) called the list a "virtual hit list," since people officially accused of involvement with the NPA are often assassinated. The case was pending at year’s end.

Score Change: The score declined from 3 to 2 due to the arrest of a second senator who has opposed President Duterte and a government attempt to have more than 600 people—including leftist critics of the administration—designated as members of the Communist Party and terrorists.
B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

Distribution of power is heavily affected by kinship networks. Political dynasties are prevalent at the provincial and municipal levels, with implications at the national level as politicians there often draw on a regional base of support. The nature of election-related funding contributes to the concentration of power: there are no limits on campaign contributions and a significant portion of political donations come from a relatively small number of donors.

The Roman Catholic Church has historically played a significant role in politics. The activities of armed rebel groups and martial law also continue to affect politics in the south of the country and on part of the main island of Luzon.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

While women make up about a quarter of the legislature, political life is male-dominated and few women are elected without following in the footsteps of a male relative. Muslims and indigenous groups are not well represented; perceptions of relative socioeconomic deprivation and political disenfranchisement, along with resentment toward Christian settlements in traditionally Muslim areas, have played a central role in the Philippines' Muslim separatist movements.

In 2013, the Supreme Court ruled that the party-list portion of the electoral framework for the House of Representatives, traditionally meant to represent marginalized or underrepresented demographic groups, could also be open to other groups, including national political parties, provided that they do not stand in the single-member constituency contests. A number of party-list groups gained seats in 2016 not by representing national sectors or interests as intended, but through substantial support from kinship networks in single geographic regions.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected government officials and legislative representatives determine state policies, but corruption and cronyism are rife, including in business. A few dozen families continue to hold a disproportionate share of political authority. Local “bosses” often control their respective areas, limiting accountability and committing abuses of power.

C2. Are safeguards against official corruption strong and effective? 2 / 4

A culture of impunity, stemming in part from backlogs in the judicial system, hampers the fight against government corruption. In a nod to his campaign promise, President Duterte has fired tens of officials due to corruption, including the interior minister in 2017. However, the anticorruption drive had led to few convictions by the end of 2018. In December, an anticorruption court acquitted former senator Ramon Revilla Jr. on plunder charges for allegedly embezzling over $4 million in government funds, although one of his aides was convicted. In November, former first lady and current member of Congress Imelda Marcos was found guilty of corruption for improperly moving $200 million into Swiss foundations as governor of Manila in the 1970s. She was sentenced to between 6 and 11 years in prison. Marcos posted bail and filed an appeal with the Supreme Court, which had not yet heard her case at year’s end.

The country’s official anticorruption agencies, the Office of the Ombudsman and the Presidential Anti-Graft Commission (PAGC), have mixed records. The PAGC lacks enforcement capabilities. The Ombudsman focuses on major cases against senior government officials and those involving large sums of money, and some cases languish for years in the special anticorruption court (Sandiganbayan).

C3. Does the government operate with openness and transparency? 2 / 4

Governmental transparency remains limited despite some positive initiatives. Local governments have been required to post procurement and budget data on their websites, and in 2012 the national government began participatory budgeting at various levels. Duterte issued an order establishing the country’s first freedom of information directive in 2016, but it mandates public disclosure only in the executive branch and allows major exemptions.

CIVIL LIBERTIES: 35 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 2 / 4

The constitution provides for freedoms of expression and the press. Private media are vibrant and outspoken, although content often lacks fact-based claims or substantive investigative reporting. The country’s many state-owned television and radio stations cover controversial topics and criticize the government, but they too lack strict journalistic ethics. While the censorship board has broad powers to edit or ban content, government censorship is generally not a serious problem in practice.

However, the Philippines remains one of the most dangerous places in the world for journalists, and the president’s hostile rhetoric toward members of the media continued to exacerbate an already perilous situation in 2018. According to the Philippine Center for Investigative Journalism, there were 85 recorded verbal and physical attacks on journalists in the first 22 months of Duterte’s administration, through April 2018.
Other obstacles to press freedom include Executive Order 608, which established a National Security Clearance System to protect classified information, and the Human Security Act, which allows journalists to be wiretapped based on suspicion of involvement in terrorism. Libel is a criminal offense, and libel cases have been used frequently to quiet criticism of public officials.

In January, the government revoked the certificate of incorporation for the news site Rappler, which has been critical of Duterte’s war on drugs, for violation of regulations that forbid foreign entities from exerting any control over domestic news outlets. Reporters for Rappler, accused by Duterte of being part of a “fake news outlet,” were banned in February from the presidential palace and from all official presidential events. The outlet’s editor-in-chief, Maria Ressa, was charged with tax evasion in November, which rights activists assailed as an attempt to further intimidate independent media; she posted bail the following month.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is guaranteed under the constitution and generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant impediments to free and open private discussion. The internet is widely available. Rights groups have expressed concern about threats against and censorship of anonymous online criticism and the criminalization of libelous posts, but this has yet to have a major impact on private discussion.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

Citizen activism and public discussion are robust, and demonstrations are common. However, permits are required for rallies, and police sometimes use violence to disperse antigovernment protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Assassination of civil society activists is a serious problem in the Philippines, and President Duterte’s public threats against activists who oppose his policies have exacerbated an already dangerous atmosphere of impunity. The Ireland-based human rights group Front Line Defenders reported that 39 human rights defenders were killed in the Philippines in 2018. Despite the danger, the Philippines hosts many active human rights and social welfare groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Trade unions are independent, though less than 10 percent of the labor force is unionized. Among them, collective bargaining is common, and strikes may be called as long as unions provide notice and obtain majority approval from their members. Violence against labor leaders has been part of the broader trend of extrajudicial killings over the past decade.

F. RULE OF LAW: 3 / 16

F1. Is there an independent judiciary? 1 / 4 (−1)

Judicial independence has deteriorated during President Duterte’s administration. Chief Justice of the Supreme Court Maria Lourdes Sereno, a harsh critic of the president, was ousted in May 2018 when the court voted eight to six to grant a petition by the solicitor general to cancel her 2010 appointment, due to allegations that she had failed to disclose some of her assets. The decision was sharply criticized by the opposition as politically motivated and a brazen attack on the independence of the judiciary. Mereno argued that her removal was improper, because the only means of removing a Supreme Court Justice prescribed by the constitution is through congressional impeachment proceedings.

The efforts of the judiciary are stymied by inefficiency, low pay, intimidation, corruption, and high vacancy rates. Judges and lawyers often depend on local power holders for basic resources and salaries, which can lead to compromised verdicts.

Score Change: The score declined from 2 to 1 due to the removal of a Supreme Court chief justice who had clashed with the president through a court proceeding initiated by the government rather than a congressional impeachment as mandated by the constitution.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Due process is seriously compromised. Arbitrary detention, disappearances, kidnappings, and abuse of suspects continue. The police and military have been implicated in corruption, extortion, and involvement in the illegal drug trade. In the drug war, the police have used watch lists to identify targets for extrajudicial execution. In December 2018, Congress voted to extend martial law and the suspension of habeas corpus, which was first approved in May 2017, for one year in the restive southern region of Philippines.
Mindanao.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4 (+1)

The police and military routinely torture detainees. Lack of effective witness protection has been a key obstacle to investigations against members of the security forces. President Duterte’s war on drugs has led to widespread extrajudicial killing. Authorities stated in December 2018 that 5,000 people had been killed in the campaign, but human rights groups estimate as many as 20,000 deaths. The victims include civilians and children who were deliberately targeted. Convictions for extrajudicial killings and other such crimes are rare, and Duterte has appeared to encourage the actions. In February, the International Criminal Court (ICC) announced that it would conduct a preliminary examination into the war on drugs. In response, President Duterte declared in March that the Philippines was withdrawing its ratification of the Rome Statute, effectively ending the country’s participation in the ICC.

With drug users fearfully turning themselves in to police en masse, jails and prisons have become dangerously overcrowded, leading to the spread of disease and heightened violence. According to the Philippine Center for Investigative Journalism, the corrections system in the Philippines is now the most overcrowded in the world.

Conflict in Mindanao has caused severe hardship, more than 120,000 deaths, and the displacement of tens of thousands of people since it erupted in 1972. Both government and rebel forces have committed summary killings and other human rights abuses. In 2017, a group of Islamic State–linked foreign fighters and local militants attacked the city of Marawi; more than 1,200 people were killed in a five-month siege of the city. Heavy fighting subsided in 2018 due to the end of the siege.

In July, President Duterte signed the Bangsamoro Organic Law, creating a self-governing region, Bangsamoro, to replace and add territory to the current Autonomous Region in Muslim Mindanao. The law was the next crucial step outlined in a landmark 2014 peace treaty between the previous administration and the Moro Islamic Liberation Front (MILF), the country’s largest rebel group. However, some militant groups that had broken away from MILF and were not included in the deal continued to carry out attacks even after the law was signed.

In August, President Duterte stated that he was ending peace talks with the Communist Party of the Philippines–New People’s Army–National Democratic Front of the Philippines (CPP-NPA-NDFP), dashing hopes that the 50-year violent insurgency could see a peaceful end during his administration. Deadly clashes between the NPA and the Philippine army continue to occur regularly throughout the country, though the violence has declined in recent years.

Score Change: The score improved from 0 to 1 due to the end of heavy fighting between government forces and Islamist militants in the city of Marawi.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Equal treatment is severely limited. Indigenous rights are generally upheld, but land disputes and local development projects regularly cause friction and sometimes lead to violence. Indigenous people often live in conflict areas and are targeted by combatants for their perceived loyalties.

LGBT (lesbian, gay, bisexual, and transgender) people face bias in employment, education, and other services, as well as societal discrimination. In a landmark vote in 2017, the House of Representatives passed the Sexual Orientation and Gender Identity and Expression Equality (SOGIE) bill, which if passed by the Senate would formally protect the rights of the LGBT community against gender-based discrimination. However, the Senate failed to pass the bill in 2018, leaving its future in question.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Citizens enjoy freedom of travel and choice of residence, with the exception of the conflict zones. Martial law in Mindanao includes enabling the military to set up roadblocks and checkpoints. In June 2018, President Duterte announced a campaign against loitering, which led to the arrests of thousands of people in public places in Manila.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Private business activity is often dependent on the support of local power brokers in the complex patronage system that extends throughout the country. Outside of conflict zones, individuals are generally able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors, notwithstanding the domination and corruption of the economic dynasties.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Most individuals enjoy personal social freedoms. Divorce is illegal in the Philippines, though annulments are allowed under specified circumstances, and Muslims may divorce via Sharia (Islamic law) courts. Violence against women continues to be a significant problem, and while spousal rape is a crime, very few cases are prosecuted. President Duterte’s public statements on women’s rights have evoked misogyny.
G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Income inequality in the Philippines is increasing and there is an uneven urban-rural wealth distribution. Manila’s metro area accounts for just 12.5 percent of the population but is responsible for 36.5 percent of national GDP.

The Philippines is a source country for human trafficking, with some Filipinos taken abroad and forced to work in the fishing, shipping, construction, or other industries, or forced to engage in sex work. The country’s various insurgent groups have been accused of using child soldiers.