Philippines

PARTLY FREE

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Global freedom statuses are calculated on a weighted scale. See the methodology.
Overview

Governing infrastructure is well developed in the Philippines, but the rule of law and application of justice are haphazard and heavily favor ruling dynastic elites. Long-term violent insurgencies have continued for decades. Impunity remains the norm for crimes against activists and journalists, and newly elected president Rodrigo Duterte’s war on drugs has led to a surge in extrajudicial killings and vigilante justice.

Key Developments in 2016

- Newly elected president Rodrigo Duterte’s war on drugs saw the extrajudicial killing of more than 6,000 people in both police operations and at the hands of vigilantes.
- Duterte’s threats against journalists and civil society activists exacerbated their already dangerous operating atmosphere.
- In February, the Philippine Congress quashed the Bangsamoro Basic Law (BBL), under which a new self-governing region, Bangsamoro, would replace and add territory to the current Autonomous Region in Muslim Mindanao (ARMM). The BBL was the next critical step outlined in a landmark 2014 peace treaty between the previous administration of President Benigno Aquino and the Moro Islamic Liberation Front (MILF), the country’s largest rebel group.
- In July, Duterte issued an order establishing the country’s first freedom of information directive, though it only applied to the executive branch.

Executive Summary

Rodrigo Duterte was elected president in May 2016 after running on a law and order campaign. His ensuing war on drugs saw the extrajudicial killing of more than 6,000 people in both police operations and vigilante justice, which Duterte appeared to encourage. During the year Duterte also publicly threatened journalists and civil society activists, exacerbating an already dangerous environment. Three journalists were killed in 2016, according to the Committee to Protect Journalists (CPJ), though
the motives for their murders was unclear. An environmental activist and two labor leaders were also killed during the year.

In December, Vice President Leni Robredo resigned as chairperson of the Housing and Urban Development Coordinating Council, a cabinet position, citing “major differences in principles and values” with Duterte. Robredo, who had voiced opposition to the drug war and other policy initiatives, stayed on as vice president.

In February, the Philippine Congress quashed the Bangsamoro Basic Law, under which a new self-governing region, Bangsamoro, would replace and add territory to the current Autonomous Region in Muslim Mindanao. The BBL was the next critical step outlined in a landmark 2014 peace treaty between the previous Aquino administration and the Moro Islamic Liberation Front (MILF), the country’s largest rebel group. The lack of an agreement, which could have ended more than 40 years of separatist violence among Moros, as the region’s Muslim population is known, means that peace remained elusive even as the newly elected president’s peace team talked of creating a more inclusive replacement agreement in 2017.

In July 2016, the president issued an order establishing the country’s first freedom of information directive, though it applied solely to the executive branch. Separately, in an effort to address longstanding concerns about media freedom and the safety of journalists, in October Duterte issued an order creating the Presidential Task Force on Violations of the Right to Life, Liberty, and Security of the Members of the Media. However, it had yet to open a major investigation by year’s end.

**Political Rights**

**A. Electoral Process**

The Philippines’ directly elected president is limited to a single six-year term. The vice president is directly elected on a separate ticket and may serve up to two successive six-year terms. Rodrigo Duterte won the May 2016 presidential election with 39 percent of the vote, followed by Manuel Roxas II with 23 percent. Maria Leonor “Leni” Robredo won the closely contested vice presidency with 35 percent of the vote,
followed by Ferdinand Marcos Jr. with 35 percent. Several other candidates also competed for both offices.

In the bicameral Congress, 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. In the 2016 congressional elections, no single party won an outright majority in either house, but President Duterte’s PDP-Laban Party secured unprecedented majority alliances in both chambers.

While open and competitive, elections in the Philippines are typically marred by fraud, intimidation, and political violence. The 2016 national elections were credible, and while they were marked by dozens of incidents of election-related violence, including a number of killings, there were fewer such incidents compared to previous election years. Other persistent problems included media bias, which tends to favor wealthier candidates, and vote buying, offers for which affected nearly 20 percent of voters in 2016, according to one survey.

The president appoints the Commission on Elections (Comelec). Although discredited in past scandals, Comelec’s performance was generally praised in 2016. Approximately 1.3 million overseas voters were registered for the 2016 elections compared to 700,000 for the 2013 midterm elections; registration requirements for overseas voters had been eased in 2013. Appointments or promotions in government offices are banned in the period surrounding elections.

**B. Political Pluralism and Participation**

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 members of Congress often change party affiliation.
Distribution of power is heavily affected by kinship networks. Political dynasties are particularly prevalent at the provincial and municipal levels, and those that vie for national office 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 individuals’ or companies’ contributions to candidates, and a significant portion of political donations come from a relatively small number of donors. There have been several unsuccessful attempts to pass an anti-dynasty law limiting the number of members of a single family that may run for or hold political office at the same time. The Roman Catholic Church has historically played a significant role in politics.

The activities of armed rebel groups continue to affect political activity in the country. In areas dominated by the leftist New People’s Army (NPA), for example, candidates face demands for money in exchange for a rebel “permit” to campaign.

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. Critics of the decision warned that it would allow the wealthy and powerful to gain more congressional seats at the expense of marginalized groups. 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

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 land, corporate wealth, and political authority. Local “bosses” often control their respective areas, limiting accountability and committing abuses of power.

Investigations and trials over lawmakers’ misuse of local development funds were ongoing at the end of 2016; the program in question, which allowed discretionary
allocations by members of Congress, was discontinued in 2013 after an audit found widespread abuses.

A culture of impunity, stemming in part from backlogs in the judicial system, hampers the fight against corruption. 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 current ombudsman has focused on major cases against senior government officials and those involving large sums of money, but some cases have languished for years in the special anticorruption court (Sandiganbayan). At the end of 2016, the court had a backlog of 4,214 cases compared to 3,206 cases at the end of 2015.

The country lacks a nationwide freedom of information law. In July 2016, Duterte issued an order establishing the country’s first freedom of information directive, though it mandating public disclosure only by the executive branch, and did not apply to the legislature or judiciary, and in August the government proposed a long list of types of requests that would be exempt from the order. 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.

Civil Liberties

D. Freedom of Expression and Belief

The constitution provides for freedoms of expression and the press. The private media are vibrant and outspoken, although content often consists more of innuendo and sensationalism than 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 hostile rhetoric toward members of the media by Duterte further exacerbated an already perilous situation in 2016; Duterte, for example, weeks after his election asserted that “corrupt” reporters “are not exempted from assassination.” According to CPJ, three reporters were murdered in 2016. Though none of the killings could be definitively linked to the victims’ work, each had reported on sensitive issues, including official corruption and organized crime. Two people were convicted of murdering journalists in 2016, though impunity remains the norm for attacks against media workers. In October 2016, President Duterte announced the creation of the Presidential Task Force on Violations of the Right to Life, Liberty, and Security of the Members of the Media, but no major investigations had been opened by year’s end.

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.

The internet is widely available. However, rights groups have expressed concern about censorship of anonymous online criticism and the criminalization of libelous posts.

Freedom of religion is guaranteed under the constitution and generally respected in practice. Academic freedom is also generally respected, and there are no significant impediments to free and open private discussion.

**E. Associational and Organizational Rights**

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.
Assassination of civil society activists is a serious problem in the Philippines, and President Duterte's public threats against activists who oppose his policies, including his administration’s violent war on drugs have exacerbated an already dangerous atmosphere. Gloria Capitan, an environmental activist, was murdered inside of her family’s business in Bataan in July, and labor activists Orlando Abangan and Edilberto Miralles were both gunned down in the span of a week in September. The cases remain unsolved. Labor rights and farmers’ organizations dedicated to ending extrajudicial killings and helping families of the disappeared face serious threats, and their offices have occasionally been raided by authorities. Despite the danger, the Philippines hosts many active human rights and social welfare groups, and the civil society sector as a whole has grown more robust in recent years.

Trade unions are independent, but in order to register, a union must represent at least 20 percent of a given bargaining unit. Large firms are increasingly using contract workers, who are prohibited from joining unions. Less than 10 percent of the labor force is unionized. Among unionized workers collective bargaining is common, and strikes may be called, though unions must 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

Judicial independence has traditionally been strong, particularly in the Supreme Court. The efforts of the judiciary are stymied, however, by inefficiency, low pay, intimidation, corruption, and high vacancy rates, all of which have contributed to excessive delays and significant case backlogs. Judges and lawyers often depend on local power holders for basic resources and salaries, which can lead to compromised verdicts.

The trial for alleged perpetrators of the 2009 Maguindanao massacre, in which 58 civilians—including 32 journalists—were killed to stop the registration of a local political candidate, continued in 2016. The process has featured flawed forensic investigations and intimidation of and attacks against witnesses; at least eight
witnesses and witnesses’ relatives have been killed since 2009. The media have complained of limited access to court proceedings.

Arbitrary detention, disappearances, kidnappings, and abuse of suspects continue. President Duterte’s war on drugs led to the extrajudicial killing of more than 6,000 people in 2016, including a number of innocent civilians, from the time he entered office on June 30. Between July 1 and December 14, police killed 2,102 “suspected drug personalities” according to the Philippine National Police; police statistics attributed an additional 3,993 deaths between July 1 and December 12 to “unidentified gunmen.” Convictions for extrajudicial killings and other such crimes are extremely rare, and Duterte has appeared to encourage such actions, revealing in December 2016 that he had killed suspected drug dealers and users himself during his time as mayor of Davao.

The police and military have also been implicated in corruption, extortion, torture of detainees, extrajudicial killings, and involvement in local rackets. Lack of effective witness protection has been a key obstacle to investigations against members of the security forces. With drug users fearfully turning themselves in to police en masse, dangerously crowded prison conditions and extended wait times for access to justice for even minor infractions have become the norm.

Kidnappings for ransom remain common in the south, perpetrated in large part by the Islamist militant group Abu Sayyaf; victims whose ransoms are not paid have been beheaded, including Canadian tourists John Ridsdel and Robert Hall in April and June 2016, respectively. Abu Sayyaf also regularly carries out bombings and other attacks. In September 2016, a bomb attack in Davao claimed by Abu Sayyaf killed at least 14 people and wounded dozens more. Since the current administration came to power, military operations have led to a serious weakening of the group. As of October 2016, 14 hostages had been released or escaped since Duterte took office; in mid-December a military official reported that the group continued to hold 23 hostages.

In August, the Duterte government engaged in a second official round of peace negotiations with the Communist Party of the Philippines–New People's Army–National Democratic Front of the Philippines (CPP-NPA-NDFP), restoring hope that the nearly 50-year violent insurgency could see a peaceful end for the first time since
negotiations broke down in under the previous administration. Deadly clashes between the leftist group’s militarized wing, the NPA, and the Philippine army continue to occur regularly, though the violence has declined over recent years.

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. The related conflict has caused severe hardship on Mindanao and nearby islands, and has resulted in 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. Several peace deals have fallen through as a result of the failure to effectively disarm, demobilize, and reintegrate former rebels, but a landmark comprehensive agreement was reached in 2014 with the Moro Islamic Liberation Front (MILF), the country’s largest rebel group, paving the way for a new legal and governing framework, namely the Bangsamoro Basic Law, for the region.

However, after a botched antiterrorism raid in January 2015 that left dead 44 elite police officers, 18 members of the MILF, 5 members of the Bangsamoro Islamic Freedom Fighters (BIFF, a splinter faction that opposes the peace process), and several civilians, Congress postponed deliberations on the BBL. Despite President Duterte’s public support for the BBL and a comprehensive peace settlement, in addition to new trust-building joint antidrug campaigns between the Philippine Armed Forces and the MILF, a formal agreement remained elusive through 2016.

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 people face bias in employment, education, and other services, as well as societal discrimination. In September, Congresswoman Geraldine Roman, the Philippines’ first transgender person elected to national office, advocated for a House bill prohibiting at a national level discrimination based on sexual orientation or
gender identity. The Senate proposed companion legislation, though the measure had yet to pass at year’s end.

G. Personal Autonomy and Individual Rights

Outside of conflict zones, citizens enjoy freedom of travel and choice of residence. Private business activity is often dependent on the support of local power brokers in the complex patronage system that extends through the country’s social, political, and economic spheres.

Although more women than men now enter high schools and universities, women face some discrimination in private-sector employment, and those in Mindanao enjoy considerably fewer rights in practice. Divorce is illegal in the Philippines, though annulments are allowed under specified circumstances; 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.

In 2014, the Supreme Court upheld the constitutionality of the landmark Reproductive Health Law, which provides state funding for contraceptives in public clinics, reproductive health care, and sex education in schools. However, the Philippine Congress denied funding for the program in January 2016 in a bid backed by elements of the country’s powerful Catholic Church. Health workers may deny services in non-life-threatening circumstances if they have moral or religious misgivings.

The Philippines is a source country for human trafficking, with some Filipinos abroad 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. NGOs have reported increases in the number of child sex tourists traveling to the country.
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