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Freedom in the World 2012 - Philippines

2012 Scores

Status: Partly Free

Freedom Rating: 3.0

Civil Liberties: 3

Political Rights: 3

Overview

The government of President Benigno Aquino continued its anticorruption drive in 2011, which yielded progress against military graft as well as the landmark arrest of former president Gloria Macapagal-Arroyo for alleged election fraud in November. Although political violence increased during the year, the government returned to negotiations with the Moro Islamic Liberation Front (MILF) for the first time in two years.

After centuries of Spanish rule, the Philippines came under U.S. control in 1898 and won independence in 1946. The country has been plagued by insurgencies, economic mismanagement, and widespread corruption since the 1960s. In 1986, a popular protest movement ended the 14-year dictatorship of President Ferdinand Marcos and replaced him with Corazon Aquino, whom the regime had cheated out of an electoral victory weeks earlier.

Aquino's administration ultimately failed to implement substantial reforms and was unable to dislodge entrenched social and economic elites. Fidel Ramos, a key figure in the 1986 protests, won the 1992 presidential election. The country was relatively stable and experienced significant if uneven economic growth under his administration. Ramos's vice president, Joseph Estrada, won the 1998 presidential election by promising concrete socioeconomic reform, but his administration was dogged by allegations of corruption. Massive street protests forced him from office in 2001 after a formal impeachment process failed.

Gloria Macapagal-Arroyo, Estrada's vice president, assumed the presidency, and her political coalition won the May 2001 legislative elections. In the 2004 presidential election, Arroyo initially seemed to have defeated her challenger by some 1.1 million votes. However, claims of massive fraud triggered demonstrations and were verified by some members of the administration. When an audiotape of a conversation between the president and election officials surfaced in June 2005, supporting the previous year's vote-rigging allegations, many cabinet officials resigned to join a new opposition movement. An ultimately unsuccessful impeachment bid was launched, and the first of years of frequent protests called for the president's resignation.

The administration mounted several efforts to undercut the opposition movement, including punitive prosecutions and executive orders in 2005 and a week-long state of emergency in 2006 in response to an alleged coup attempt. The congressional opposition initiated a second unsuccessful impeachment bid that June.

Although the president's coalition increased its lower house majority in May 2007 legislative elections, the opposition bolstered its control of the Senate. Later that year, Arroyo was implicated in a major corruption scandal involving a national broadband contract with the Chinese company ZTE that had been approved in April. Separately, Arroyo pardoned Estrada in October, a month after the country's antigraft court sentenced him to life in prison. His conviction had been the first of a former president, and the pardon was widely perceived as a bid to set a favorable precedent for Arroyo's own treatment after leaving office. Leaders of an unsuccessful coup attempt in November called for Arroyo's removal on the grounds of electoral fraud and corruption, and yet another failed impeachment bid was launched in October 2008.

In November 2009, the wife of a local vice-mayor was ambushed by 100 armed men as she traveled with other family members and supporters to file her husband's candidacy for the Maguindanao provincial governorship. A total of 57 people were massacred in the incident, including 29 journalists and three other media workers who were accompanying the unarmed group. Evidence soon emerged to implicate the Ampatuan

clan, which dominated the province's politics and was closely allied with the Arroyo administration.

Arroyo responded in early December by declaring martial law for the first time in nearly 30 years, as well as a state of emergency, which remained in place in three provinces even after martial law was lifted in mid-December. At least 62 people were arrested, including Maguindanao governor Andal Ampatuan Sr., and the authorities dug up arms caches amid an effort to weaken local clans. Nevertheless, the Arroyo administration was widely criticized for its longtime policy of tolerating local warlords and supporting clan patronage as part of its counterinsurgency strategy.

National elections held in May 2010 included contests for the presidency and both houses of Congress. A campaign to lift the one-term limit on the presidency had failed, leaving an open field for the presidential contest. The reformist Liberal Party (LP) candidate Benigno "Noynoy" Aquino – the son of former president Corazon Aquino – ultimately prevailed with 42 percent of the vote. As in past elections, the campaign centered more on personality and family connections than policy or party affiliation, with Aquino benefiting from his mother's prodemocracy, anticorruption legacy. His considerable margin of victory protected him from accusations of electoral fraud.

With 12 out of 24 Senate seats up for election, three went to LP candidates; two each to Arroyo's Lakas-Kampi CMD party, the Force of the Filipino Masses, and the Nationalist Party; and one each to the National People's Coalition, the People's Reform Party, and an independent. In the 250-member lower house, the LP ultimately won 119 seats, while Lakas-Kampi CMD took 46 and other parties split the remainder. In keeping with a long-standing pattern, the LP's predominance resulted from a number of lawmakers defecting to join the new president's party.

Soon after taking office, Aquino established a Truth Commission to investigate the corruption and electoral fraud allegations against Arroyo. The former president was arrested on related charges in November 2011, and court proceedings were pending at year's end.

Efforts to end a Muslim insurgency that had plagued the southern provinces since the early 1970s continued in 2011. In February, a government delegation held talks with the Moro Islamic Liberation Front (MILF) leadership for the first time in two years, agreeing to meet again for further negotiations. The government postponed elections set to take place in the Autonomous Region of Muslim Mindanao (ARMM) in 2011 until 2013, citing ongoing disorder and the need to implement governance and electoral reforms. Bombings became more common throughout Mindanao, with attacks in Zamboanga in December claimed by the terrorist group Abu Sayyaf. Other attacks throughout the

region are attributed the violence to the terrorist group Jemaah Islamiyah (JI) or carried out by political interests to ensure the delay of the ARMM elections.

Political Rights and Civil Liberties

The Republic of the Philippines is an electoral democracy. The May 2010 elections marked a significant improvement over previous polls marred by fraud, intimidation, and political violence. The country has a presidential system of government, with the directly elected president limited to a single six-year term. The national legislature, Congress, is bicameral. 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 280 members of the House of Representatives serve three-year terms, with 228 elected in single-member constituencies and the remainder elected by party list to represent ethnic minorities. Legislative coalitions are exceptionally fluid, and members of Congress often change party affiliation.

The Commission on Elections (Comelec) is appointed by the president, and with the president's permission it has the authority to unseat military, police, and government officials. Comelec was widely discredited by the 2005 audiotape scandal regarding cheating in the 2004 elections, and the 2007 legislative elections were overseen by the same tainted officials. However, during the 2010 balloting, the commission was led by the respected lawyer Jose Melo, and its push for a fully automated election system was seen as an effort to restore the commission's reputation. According to international observers, polling stations encountered some problems with the new voting machines, resulting in delays and long lines. Other complications included inaccurate voter lists, some campaigning in polling stations, and security concerns, particularly in the southern provinces. Media bias tended to favor wealthier candidates, and vote buying was noted among the most serious and persistent problems. In a positive step for human rights, detainees were permitted to vote for the first time.

One of the most significant areas of improvement in the 2010 elections was the reduction in political violence, aided by restrictions on firearms during the campaign. Such bloodshed is typically tied to local rivalries and clan competition. Under outgoing president Gloria Macapagal-Arroyo's administration, violence had increasingly targeted leaders of legitimate left-wing parties that were perceived to be associated with leftist guerrillas. Despite the clear 2010 improvements, widespread intimidation, bombing incidents, and low-level violence remained prevalent in the ARMM.

Corruption and cronyism are rife in business and government. A few dozen leading families continue to hold an outsized share of land, corporate wealth, and political power. Local bosses often control their respective areas, limiting accountability and

encouraging abuses of power. High-level corruption also abounds. Upon entering office in 2010, President Benigno Aquino ordered the establishment of a Truth Commission, headed by former Supreme Court justice Hilario Davide, to look into Arroyo's corruption record. Arroyo was arrested on charges of corruption and election fraud in November 2011, and court proceedings were pending at year's end. Additionally, Renato Corona, the Chief Justice of the Supreme Court, an Arroyo appointee, was impeached on December 14, 2011. The trial is set to begin in early 2012. Separately, the military faced a widespread corruption scandal when it was uncovered that senior and retired military officials had been siphoning off military funds to personal accounts.

A culture of impunity, stemming in part from a case backlog in the judicial system, hampers the fight against corruption. More high-profile cases have been filed in recent years, and several civic organizations have emerged to combat corruption, but cases take an average of six to seven years to be resolved in the Sandiganbayan anticorruption court. The country's official anticorruption agencies, the Office of the Ombudsman and the Presidential Anti-Graft Commission (PAGC), have mixed records. Many observers maintain that the former was compromised under the Arroyo administration, as convictions declined, while the PAGC lacks enforcement capabilities. In May 2011, the Arroyo-era ombudsman, Merceditas Gutierrez, was forced from office after Aquino's congressional allies voted to impeach her. The Philippines was ranked 129 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index. The constitution provides for freedoms of expression and the press. The private media are vibrant and outspoken, although newspaper reports often consist more of innuendo and sensationalism than substantive investigative reporting. The country's many state-owned television and radio stations cover controversial topics and are willing to 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. The internet is widely available and uncensored.

Potential legal 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 mere suspicion of involvement in terrorism. Libel is a criminal offense, and libel suits have been used frequently to quiet criticism of public officials. Despite persistent lobbying by press freedom groups, Congress has yet to pass a draft Freedom of Information Act, and Aquino has not made it a priority.

The Philippines remains one of the most dangerous places in the world for journalists to work, and impunity for crimes against them is the norm. The Maguindanao massacre trial, widely seen as a major test for the country's judicial system, was transferred to

Manila to prevent local interference. Although the case has moved forward with unusual speed, a number of complications have been noted, including witness intimidation, flawed forensic investigations, and the fact that only 19 of the 196 suspects were on trial. As of 2011 the trial was not yet complete. A total of five journalists were killed during 2011, according to the Committee to Protect Journalists, which found that at least two were targeted because of their work.

Freedom of religion is guaranteed under the constitution and generally respected in practice. While church and state are separate, the population is mostly Christian, with a Roman Catholic majority. The Muslim minority is concentrated on the southern island of Mindanao and, according to the most recent census, represents 5 to 9 percent of the total population. Perceptions of relative socioeconomic deprivation and political disenfranchisement, and resentment toward Christian settlement in traditionally Muslim areas, have played a central role in the Muslim separatist movement.

Academic freedom is generally respected in the Philippines; professors and other teachers can lecture and publish freely.

Citizen activism is robust, and demonstrations are common. However, permits are required for rallies, and antigovernment protests are often dispersed. The Philippines has many active human rights, social welfare, and other nongovernmental groups, as well as lawyers' and business associations. Various labor and farmers' organizations that are dedicated to ending extrajudicial killings and helping families of the disappeared face serious threats, and their offices are occasionally raided.

Trade unions are independent and may align with international groups. However, in order to register, a union must represent at least 20 percent of a given bargaining unit. Moreover, large firms are stepping up the use of contract workers, who are prohibited from joining unions. Only about 5 percent of the labor force is unionized. 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 remains a problem and has been part of the broader trend of extrajudicial killings in recent years.

Judicial independence has traditionally been strong, particularly with respect to the Supreme Court. However, by early 2010 all members of the Supreme Court except outgoing chief justice Reynato Puno were Arroyo appointees. When Arroyo moved to appoint an ally, Associate Justice Renato Corona, as the new chief justice just after the May elections, despite a constitutional ban on such late appointments by outgoing presidents, the court ruled in favor of maintaining the nomination, and Corona took office.

Rule of law in the country is generally weak. A backlog of more than 800,000 cases in the court system contributes to impunity, and low pay encourages rampant corruption. The judiciary receives less than 1 percent of the national budget, and judges and lawyers often depend on local power holders for basic resources and salaries, leading to compromised verdicts. At least 12 judges have been killed since 1999, but there have been no convictions for the attacks.

Arbitrary detention, disappearances, kidnappings, and abuse of suspects continue to be reported. Mounting evidence has confirmed the military's responsibility for many of the numerous killings of leftist journalists, labor leaders, and senior members of legal left-wing political parties in the context of the Arroyo administration's counterinsurgency against the New People's Army (NPA), a communist rebel group. Military officers maintain that such killings are the result of purges within the communist movement. The lack of effective witness protection has been a key obstacle to investigations. About 90 percent of extrajudicial killing and abduction cases have no cooperative witnesses. Especially problematic is the fact that the Department of Justice oversees both the witness-protection program and the entity that serves as counsel to the military. Similarly, the Philippine National Police, tasked with investigating journalist murders, falls under the jurisdiction of the military.

Convictions for extrajudicial killings are extremely rare, and not a single member of the military was found guilty during Arroyo's presidency. Overall numbers of extrajudicial killings have declined from an annual peak of 220 in 2006. However, there was a significant spike in death-squad killings at the local level in 2008 and 2009, especially in Davao. A study conducted by attorney Al Parreño found that 305 extrajudicial killings were committed from 2001 to August 2010, though the actual number is believed to be higher. Since Aquino took office there have been seven extrajudicial killings and at least three forced disappearances, but none of these have been investigated.

Local officials are believed to keep lists of suspected criminals who are abducted or killed if they fail to heed warnings to reform or leave the area. The death squads responsible reportedly collect about 5,000 pesos (US\$100) for each job. The Commission on Human Rights launched independent investigations into the death squads in March 2009, but Human Rights Watch has reported that local authorities, powers, and courts are inhibiting the process. There has also been a recent rise in kidnappings for ransom; authorities killed at least 47 suspected kidnappers during 2009, while 60 others were arrested in a government crackdown. In 2011, several foreigners were kidnapped in separate instances by members of the Abu Sayyaf group. Kidnappings are particularly prevalent in Mindanao.

The Muslim separatist conflict has caused severe hardship for many of the 15 million inhabitants of Mindanao and nearby islands, and has resulted in more than 120,000 deaths since it erupted in 1972. Both government and rebel forces have committed summary killings and other human rights abuses. The resumption of violence in 2011 displaced up to 3,500 additional people, bringing the total number to 15,000, mostly in the Maguindano province. Clan violence has been on the rise since 2009 and is now believed to be the greatest source of displacement.

Citizens may travel freely outside conflict zones, and there are no restrictions on employment or place of residence. The poor security situation inhibits individuals' ability to operate businesses.

Women have made many social and economic gains in recent years. The UN Development Programme notes that the Philippines is one of the few countries in Asia to have significantly closed the gender gap in the areas of health and education. Although more women than men now enter high school and university, 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. A 2009 law known informally as the Magna Carta of Women included provisions calling for women to fill half of third-level government positions, requiring that each barangay (local administrative unit) have a "violence against women desk," and recognizing women's rights as human rights. Despite these measures, enforcement has been uneven. The trafficking of women and girls abroad and internally for forced labor and prostitution remains a major problem, despite antitrafficking efforts by the government and civil society. There are reports of bonded labor, especially by children, in black-market trades such as prostitution and drug trafficking. The country's various insurgent groups have been accused of using child soldiers.