



Freedom in the World 2015 - Philippines

Publisher [Freedom House](#)

Publication Date 31 March 2015

Cite as Freedom House, *Freedom in the World 2015 - Philippines*, 31 March 2015, available at: <http://www.refworld.org/docid/5523d2cc15.html> [accessed 26 May 2015]

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2015 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 3.0

Civil Liberties (1 = best, 7 = worst): 3

Political Rights (1 = best, 7 = worst): 3

OVERVIEW

In March, the Government of the Philippines and the Moro Islamic Liberation Front (MILF), the country's largest rebel group, signed a landmark, comprehensive peace treaty that provides a roadmap for peace. A power-sharing arrangement in a new self-governed region, Bangsamoro, will replace and add territory to the current Autonomous Region in Muslim Mindanao (ARMM) by 2016. It is hoped that the treaty will end more than 40 years of conflict between separatist Moros, an indigenous Muslim group, and the government in the southern Philippines. The peace agreement provisions must be approved by Congress and in a referendum in Mindanao before they will go into effect.

President Benigno "Noy" Aquino's popularity suffered in 2014 due to the government's slow response in advancing a comprehensive rehabilitation plan for regions affected by 2013 Typhoon Haiyan (Yolanda). Approval ratings also declined due to ongoing corruption, despite governmental progress on holding perpetrators accountable.

The Philippines continued to clash with China over rights to disputed waters in the South China Sea, and both countries have seized fishing boats. In March 2014, the Philippines filed an arbitration case against China with the Permanent Court of Arbitration in The Hague.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 26 / 40

A. Electoral Process: 9 / 12

The Philippines's 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. Aquino

won the 2010 election with 42 percent of the vote, followed by former president Joseph Estrada with 26 percent; several other candidates also competed.

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 290 members of the House of Representatives serve three-year terms, with 234 elected in single-member constituencies and the remainder elected by party lists. In 2013 congressional elections, a coalition led by Aquino's Liberal Party (LP) took 9 of the 12 contested Senate seats, giving the president's allies a total of 13 seats in the upper house (the LP itself holds 4 seats). The remainder went to the United Nationalist Alliance (UNA), led by Estrada. The LP captured 110 seats in the lower house, followed by three allied parties with a combined 44 seats, giving the administration a clear majority in that chamber as well.

While open and competitive, elections in the Philippines are typically marred by fraud, intimidation, and political violence, though conditions have improved in recent years. The 2013 congressional, provincial, municipal, and village-level ("barangay") elections were largely peaceful. Although there were approximately 80 election-related deaths, this marks a sizeable reduction from the 130 reported in the 2010 elections. Election-related violence is typically tied to local rivalries and clan competition. The decrease in violence has been aided by restrictions on firearms for 30 days before and 15 days after elections. Other persistent problems included media bias, which tends to favor wealthier candidates, and vote buying.

The president appoints the Commission on Elections (Comelec). Although discredited in past scandals, Comelec's performance faced less criticism in the 2013 elections. Registration requirements for the approximately 900,000 overseas voters were eased in 2013. Appointments or promotions in government offices are banned in the period surrounding elections.

B. Political Pluralism and Participation: 10 / 16

Political parties typically have weak ideological identities. Their legislative coalitions are exceptionally fluid, and members of Congress often change party affiliation. Distribution of power is strongly affected by kinship networks, as is the pattern of leadership. Imelda Marcos, the wife of former president Ferdinand Marcos – who was overthrown in a people's revolution in 1986 – remains a member of Congress; her daughter is a governor, and her son is a senator. Former president Gloria Macapagal Arroyo, herself the daughter of a president, also sits in Congress, while former president Estrada is now the mayor of Manila and his son is a senator. Current president Aquino, the son of a former president, heads his own political dynasty. Each of these clans has a strong regional power base and draws on the support of other political families. The nature of election-related funding contributes to the concentration of power: almost half of the funds for the 2013 Senate campaigns came from less than 4 percent of donors.

The Roman Catholic Church in the Philippines has historically played a significant role in politics. In 2013, several dioceses publicly opposed the reelection of specific senators and House members who voted in support of the 2012 Responsible Parenthood and Reproductive Health Act (RH Law). In the past, church leaders publicly described the attributes of a worthy candidate.

In 2013, the Supreme Court ruled that the party-list system, traditionally meant to represent marginalized or underrepresented 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. Evidence suggests that a number of party-list groups gained seats in 2013 not by representing national sectors or interests as intended, but through substantial support from single geographic regions.

C. Functioning of Government: 7 / 12

Corruption and cronyism are rife in business and government. A few dozen leading families continue to hold a disproportionate share of land, corporate wealth, and political power. Local "bosses" often control their respective areas, limiting accountability and committing abuses of power. High-level corruption also abounds. The Philippines was ranked 85 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

A culture of impunity, stemming in part from case 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 new ombudsman, installed in 2012, has focused on major cases with senior government officials and those involving large sums of money. However, cases take an average of six to seven years to be resolved in the special anticorruption court. In order to speed the processing of graft cases, in May 2014 the Senate approved a law that will require only two out of three justices to agree on a verdict rather than necessitating a unanimous decision. The new rules also permit the transfer of cases involving graft of less than approximately \$23,000 – which account for 60 percent of pending cases – to other courts.

A 2013 report by the Commission on Audit found widespread abuses in the use of the Priority Development Assistance Fund (PDAF) by members of Congress. All lawmakers receive annual budgets from the PDAF account that they can direct to local development projects. While it has long been suspected that funds were siphoned off the PDAF, the scale and organized nature of the corruption was not previously known. At the end of 2013, the Supreme Court found the PDAF to be unconstitutional and halted the use of the funds. Three high-profile senators were arrested in relation to the scandal in June and July 2014. In October, four former congressmen were formally indicted, and 24 others were accused of managing bogus nongovernmental organizations (NGOs) that received PDAF funds or participated in the scam. In September, an associate justice of the anticorruption court was dismissed after being found guilty of gross misconduct related to the PDAF scandal.

In July, the anticorruption court ordered former president Gloria Macapagal Arroyo to be suspended from Congress temporarily in connection with her role in a broadband network deal with a Chinese company. Arroyo has been under hospital arrest since 2012 on charges related to the misuse of state lottery funds. She is also implicated in several other corruption cases stemming from her tenure as president.

As a result of public outcry over an armed robbery and kidnapping case against eight police officers, as well as an ongoing corruption case against former national police force (PNP) director general Alan Purisima for his alleged hidden assets, PNP officers will undergo mandatory "lifestyle checks" for wealth gained as a result of illegal activities.

President Aquino came to power on a reform agenda and has made some progress on open and democratic governance. 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. In 2014, both houses of Congress passed versions of a long-awaited freedom of information (FOI) bill, which will go before a full plenary session in 2015. The law is expected to require the government to respond to FOI requests within 15 days, but to exclude information deemed to jeopardize national security, law enforcement, international relations, or individuals' right to privacy.

Civil Liberties: 37 / 60

D. Freedom of Expression and Belief: 14 / 16

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.

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 suspicion of involvement in terrorism. Libel is a criminal offense, and libel cases – including the reprinting of existing statements – have been used frequently to quiet criticism of public officials.

The internet is widely available in the Philippines. However, rights groups have expressed concern about censorship of anonymous online criticism and the criminalization of libelous statements posted on the internet. The 2012 Cybercrime Prevention Act was suspended pending review by the Supreme Court due to public anger over controversial provisions regarding online libel. In February 2014, the court upheld the constitutionality of the libel clause, but limited criminality for online libel to the original author, meaning that those who react to or repost libelous comments online will not be penalized. The court also ruled that previous clauses providing the government with the authority to record phone or internet data in real time and to block websites without a warrant were unconstitutional.

The Philippines remains one of the most dangerous places in the world for journalists. While in 2014 the Committee to Protect Journalists (CPJ) confirmed only one death of a journalist as linked to her work, two others were murdered during the year. CPJ ranked the Philippines as the third-worst country in the world on its 2014 impunity index, with dozens of unresolved murder cases registered over the past decade.

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

E. Associational and Organizational Rights: 8 / 12

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 and social welfare groups, along with other NGOs. Various labor rights 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, 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. Approximately 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 has been part of the broader trend of extrajudicial killings over the past decade.

F. Rule of Law: 5 / 16

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 a backlog of more than

600,000 cases. Judges and lawyers often depend on local power holders for basic resources and salaries, which can lead to compromised verdicts. At least 12 judges have been killed since 1999, and there have been no convictions for the attacks.

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 2014. The trial has featured witness intimidation and flawed forensic investigations, and only half of the 197 suspects have been arraigned. At least eight witnesses and their families have been killed since 2009, including one in 2014. The media have complained of limited access to court proceedings.

Arbitrary detention, disappearances, kidnappings, and abuse of suspects continue. The police and military have been implicated in corruption, extortion, torture of detainees, extrajudicial killings, and involvement in local rackets. While torture is illegal, no case of torture has resulted in a conviction. A December 2014 Amnesty International report noted that fear of reprisal by authorities and lack of knowledge about, and legal obstacles to, victims filing criminal charges contribute to ongoing impunity, in addition to lack of access to medical examinations, overlapping rules and agency mandates, and an overstretched police force. According to the same report, in 2013 there were 75 alleged cases of torture, the highest ever recorded; in the first half of 2014, 28 alleged torture cases were reported to the Commission on Human Rights. These figures exclude cases in Mindanao. Torture victims tend to be from marginalized groups, and often include women and children.

In January, 10 members of the PNP were fired after a visit by the Philippine Commission on Human Rights to an unnamed detention site revealed the use of a "wheel of torture" to determine the method used to extract information from detainees. An alleged 41 detainees were victims of torture, although only half filed complaints, and several withdrew their affidavits.

The lack of effective witness protection has been a key obstacle to investigations against members of the security forces. Convictions for extrajudicial killings are extremely rare. In August, retired major general and former congressman Jovito Palparan was arrested for his alleged role in the kidnapping and illegal detention of two students in 2006.

A May Human Rights Watch report revealed evidence of a death squad in Mindanao that was allegedly formed to combat crime and target political opponents via extrajudicial mechanisms, including murder in public places. The squad is also alleged to have been hired out for other politically motivated assassinations, including those of a judge, a journalist, and a tribal leader. A 2012 law criminalizes forced disappearances.

Firearms are common and poorly regulated, though a 2013 law provides comprehensive rules for the possession, manufacture, and sale of guns and ammunition.

Kidnappings for ransom remain common in the South, perpetrated in large part by the militant group Abu Sayyaf, which advocates for an Islamic state. Abu Sayyaf also regularly carries out bombings and other attacks. In July 2014, Abu Sayyaf gunmen allegedly attacked and killed 21 travelers. In August, Apo Kahumbo, an Abu Sayyaf leader suspected of leading kidnappings, was arrested and subsequently killed during a reported attempt to escape. The same month, Abu Sayyaf member Jauhari Idris was arrested for kidnapping and illegal detention. In September, Hadji Aldam, a security guard who also belonged to a paramilitary group, was beheaded, allegedly by Abu Sayyaf militants.

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's Muslim separatist movements. The related 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. Several peace deals have fallen through as a result of the failure to effectively disarm, demobilize, and reintegrate former rebels, but a comprehensive agreement was reached in March 2014. Breakaway groups not part of the peace deal continued to launch sporadic deadly attacks throughout the year.

In the North, the government has been engaged in peace negotiations with the New People's Army (NPA), the militarized wing of the Communist Party. Deadly clashes between the NPA and the Philippine army continued in 2014. In March, soldiers arrested Benito Tiamzon, chairman of the Communist Party of the Philippines, and his wife Wilma, a senior party official. They are expected to stand trial for crimes against humanity.

Indigenous rights are generally upheld, but indigenous activists regularly come into conflict over land disputes and local development projects. In October 2014, Timuay Lencio Arig, an indigenous leader and a member of the Council of Elders of a political group advocating for rights to ancestral land, was murdered. An investigation into his death was in progress as of year's end.

National law does not prohibit discrimination based on sexual orientation or gender identity, though some local protections are in place. In October 2014, the Philippines' largest city, Quezon, adopted an ordinance banning antigay discrimination and announced the presence of centers for education on LGBT (lesbian, gay, bisexual, and transgender) rights. LGBT people reportedly face bias in employment, education, and other services, as well as societal discrimination.

G. Personal Autonomy and Individual Rights: 10 / 16

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

The UN Development Programme has found the Philippines to be 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 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. A 2009 law included provisions calling for women to fill half of third-level government positions, requiring that each barangay be equipped with a "violence against women" desk, and recognizing women's rights as human rights. Despite these measures, enforcement has been uneven. Violence against women continues to be a significant problem, and while marital rape is a crime, extremely few cases are prosecuted.

In April, the Supreme Court upheld the constitutionality of the landmark RH Law, which provides state funding for contraceptives in public clinics, reproductive health care, and sex education in schools. However, health-care workers may deny services in non-life-threatening circumstances if they have moral or religious misgivings; minors must obtain parental consent; and spousal consent is necessary for circumstances that are not life threatening.

The Philippines is a source country for human trafficking, which is a growing problem, though the president signed a stricter law on human trafficking in 2013. The country's various insurgent groups have been accused of using child soldiers. In a bid to end economic exploitation of household workers, the president signed a Domestic Workers Act in 2013 that entitles such workers to minimum wages, paid leave, and insurance, among other protections.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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