



Freedom in the World 2018 - Philippines

Publisher [Freedom House](#)

Publication Date 5 April 2018

Cite as Freedom House, *Freedom in the World 2018 - Philippines*, 5 April 2018, available at: <https://www.refworld.org/docid/5ad8578ea.html> [accessed 14 January 2019]

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Freedom Status: Partly Free

Aggregate Score: 62 (0 = Least Free, 100 = Most Free)

Freedom Rating: 3.0 (1 = Most Free, 7 = Least Free)

Political Rights: 3 (1 = Most Free, 7 = Least Free)

Civil Liberties: 3 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 102,600,000

Capital: Manila

GDP/capita: \$2,878

Press Freedom Status: Partly Free

Net Freedom Status: Free

OVERVIEW

Governing institutions are well developed in the Philippines, but the rule of law and application of justice are haphazard and heavily favor ruling elites. Long-term violent insurgencies have continued for decades. Impunity remains the norm for crimes against activists and journalists, and President Rodrigo Duterte's war on drugs since 2016 has led to more than 12,000 extrajudicial killings as well as vigilante justice.

Key developments in 2017:

- In May, a group of Islamic State (IS)-linked foreign fighters and local militants attacked the city of Marawi in the southern province of Mindanao, sparking months of fighting that led to 1,200 deaths and hundreds of thousands of displaced persons.
- As a result of the Marawi fighting, President Duterte declared martial law across Mindanao, a region comprising a fifth of the population.
- By year's end, the total number of extrajudicial killings at the hands of both police and vigilantes in President Duterte's ongoing war on drugs exceeded 12,000.

POLITICAL RIGHTS: 27 / 40

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

Rodrigo Duterte won the 2016 presidential election with 39 percent of the vote, followed by Manuel Roxas II with 23 percent. Observers considered the elections to be open and competitive. 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 Philippines' president is directly elected 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. Maria Leonor "Leni" Robredo won the closely contested vice presidency in 2016 with 35 percent of the vote. Several other candidates competed for both offices that year.

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 President Duterte's 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 also serve three-year terms, with 238 elected in single-member constituencies and the remainder elected through party-list voting.

After President Duterte initially postponed local elections by a year to October 2017 citing concerns about the influence of drug lords, they were further delayed on October 2 until May 2018.

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: 11 / 16

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 members of Congress often change party affiliation.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

The Philippines has seen a regular rotation of power, but the political system is not without restrictions. For example, in February, armed police arrested Senator Leila de Lima, one of the most outspoken critics of President Duterte's war on drugs, on charges that many suspected to be politically motivated; she remained in jail at year's end.

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 individuals' or companies' contributions to candidates, 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 corruption. In a nod to his campaign promises, President Duterte has fired tens of officials due to corruption, including the interior minister. 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). As of year-end 2017, the court had a backlog of 5,493 cases, compared to 4,214 at the end of 2016.

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 by the executive branch and allows major exemptions.

CIVIL LIBERTIES: 35 / 60 (-1)

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. The 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 2017. Two reporters were murdered in 2017 according to the Committee to Protect Journalists (CPJ). An investigation by the newly formed Presidential Task Force on Violations of the Right to Life, Liberty, and Security of the Members of the Media had yet to bear fruit.

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.

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 / 3

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. Within 48 hours in December, 10 activists were killed in three separate incidents, nine by police or soldiers. 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 (-1)

F1. Is there an independent judiciary? 2 / 4

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. Judges and lawyers often depend on local power holders for basic resources and salaries, which can lead to

compromised verdicts. In October, the Supreme Court ruled that Senator de Lima's case would be heard by Department of Justice prosecutors; this raise suspicion of bias as the secretary of justice is an outspoken critic of de Lima.

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

Due process is seriously comprised. Arbitrary detention, disappearances, kidnappings, and abuse of suspects continue. The police and military have been implicated in corruption, extortion, and involvement in local rackets. In the drug war, police have used watch lists to identify targets for extrajudicial execution. In May in the southern province of Mindanao, President Duterte declared martial law and suspended habeas corpus for the 21 million people there. In December, Congress approved extension of martial law for another year.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4 (-1)

The police and military 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 led to the extrajudicial killing of more than 12,000 people from July 2016 to December 2017, including deaths of innocent civilians and deliberate targeting of children. Convictions for extrajudicial killings and other such crimes are rare, and Duterte has appeared to encourage the actions, boasting in December 2016 that he had killed suspected drug dealers and users himself during his time as mayor of Davao. With drug users fearfully turning themselves in to police en masse, prisons have become dangerously overcrowded.

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 May, a group of Islamic State (IS)-linked foreign fighters and local militants attacked the city of Marawi in Mindanao. More than 1,200 people, mostly militants, were killed in a five-month siege of the city, and hundreds of thousands of residents fled their homes. Martial law authorizes the military to suppress violence in the province.

The Philippine Congress continued to stall on new drafts of a law that would create 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, despite President Duterte's public support for the law and for a comprehensive peace settlement, in addition to new trust-building campaigns between the Philippine Armed Forces and the MILF, a formal agreement remained elusive through 2017.

In August 2016, 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. Deadly clashes between the leftist group's militarized wing, the NPA, and the Philippine army continue to occur regularly throughout the country, though the violence has declined over recent years.

Score Change: The score declined from 1 to 0 due to the continuation of violence related to the war on drugs, as well as the declaration of martial law in Mindanao and open warfare in 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 unanimous vote in September, 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.

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.

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. 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, 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 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.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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