

Philippines

Country:

[Philippines](#)

Year:

2016

Freedom Status:

Partly Free

Political Rights:

3

Civil Liberties:

3

Aggregate Score:

65

Freedom Rating:

3.0

Overview:

A deadly gun battle in January, combined with technical legal challenges, derailed progress in 2015 on congressional ratification of the Bangsamoro Basic Law (BLL), under which a new self-governing region, Bangsamoro, would replace and add territory to the current Autonomous Region in Muslim Mindanao (ARMM). The BLL was the next step outlined in a landmark 2014 peace treaty between the government and the Moro Islamic Liberation Front (MILF), the country's largest rebel group. The agreement, which could end more than 40 years of separatist violence among Moros, as the region's Muslim population is known, must be approved by Congress and in a referendum in Mindanao before going into effect.

President Benigno "Noynoy" Aquino's popularity suffered during the year due to his role in the January violence—in which about 70 police, rebels, and civilians were killed—and ongoing corruption. Presidential and legislative elections were scheduled for 2016.

In October, the Permanent Court of Arbitration in The Hague, the Netherlands, ruled that it had jurisdiction to hear a case filed by the Philippines regarding its dispute with China over territory in the South China Sea, despite objections from China.

Political Rights and Civil Liberties:

Political Rights: 27 / 40 (+1) [Key]

A. Electoral Process: 9 / 12

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. Aquino

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

The next presidential election was set for May 2016. The leading candidates as of late 2015 included Vice President Jejomar Binay, Manuel Roxas of Aquino's Liberal Party, and independent senators Grace Poe and Miriam Santiago. The candidacy of Poe, who had built a following by distancing herself from entrenched interests and dynastic politics, was challenged based on claims that she did not meet the 10-year residency requirement and was not a natural-born citizen. The case was before the Supreme Court at year's end.

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 through party-list voting. 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 held 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, with about 80 election-related deaths, down from 130 reported in the 2010 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: 11 / 16 (+1)

The Philippines has a strong record of open competition among multiple parties, as demonstrated during 2015 in the preliminary campaigning and other preparations for 2016 elections. However, 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: Almost half of the funds for the 2013 Senate campaigns came from less than 4 percent of donors.

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.

The Roman Catholic Church 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 2013, the Supreme Court ruled that the party-list portion of 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. 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

Elected government officials and legislative representatives determine state policies, but corruption and cronyism are rife, including in business. A few dozen leading 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.

High-level corruption also abounds among national officeholders. In October 2015, Vice President Binay, his son, and several others were indicted for suspected involvement in rigged procurements; graft allegations mounted against Binay after he declared that he would run for president. Separately, Customs Commissioner John Sevilla resigned in April, citing political interference with his anticorruption efforts, and the director general of the Philippine National Police (PNP), Alan Purisima, was dismissed along with 10 other PNP officers in June for graft related to a 2011 government contract.

Investigations and trials over lawmakers’ misuse of local development funds were ongoing at the end of 2015; the program in question, which allowed discretionary allocations by members of Congress, was discontinued in 2013 after an audit found widespread abuses. The Philippines was ranked 95 out of 168 countries and territories surveyed in Transparency International’s 2015 Corruption Perceptions Index.

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 cases often take several years to be resolved in the special anticorruption court. As of September 2015, the court had a backlog of more than 3,000 cases.

President Aquino came to power on a reform agenda and has made some progress on transparency. The International Budget Partnership’s 2015 Open Budget Survey indicated significant improvements since the report’s 2012 edition. 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. Both houses of Congress passed versions of a long-awaited freedom of information bill in 2014, but final adoption was not expected before the 2016 elections.

Civil Liberties: 38 / 60 (+1)

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 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. In 2014, the Supreme Court upheld the libel provisions of the 2012 Cybercrime Prevention Act, but limited liability for online libel to the original author, meaning those who react to or repost libelous comments will not be penalized. The court also ruled that clauses authorizing the government to record phone or internet data in real time and to block websites without a warrant were unconstitutional. Implementing regulations for the act were adopted in August 2015.

The Philippines remains one of the most dangerous places in the world for journalists. The Committee to Protect Journalists (CPJ) reported seven murders during 2015, though it could not confirm that the victims were killed in connection with their work. CPJ also ranked the Philippines as the fourth-worst country in the world on its 2015 Impunity Index, noting dozens of unresolved murder cases over the past decade. In February, Eric Vargas was sentenced to life in prison for carrying out the 2010 murder of radio reporter Miguel Belen, but another suspect remained at large, and the organizer of the assassination had yet to be identified. In September, Thai authorities arrested and deported a former Filipino governor and his brother, a former mayor, who had fled the Philippines in 2012 after being accused of ordering the 2011 murder of environmental journalist and activist Gerardo Ortega. They were awaiting trial at year's end.

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: 9 / 12 (+1)

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

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 have occasionally been raided by authorities. Nevertheless, 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. 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 hundreds of thousands of 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 2015. The process has featured witness intimidation and flawed forensic investigations, and only a portion of the 197 suspects have been arraigned. At least eight witnesses and witnesses' relatives have been killed since 2009. The media have complained of limited access to court proceedings. In December 2015, the National Police Commission dismissed 21 officers for grave misconduct and serious neglect of duty for their role in the massacre.

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. Lack of effective witness protection has been a key obstacle to investigations against members of the security forces. Convictions for extrajudicial killings and other such crimes are extremely rare. In 2014, retired general and former congressman Jovito Palparan was arrested for his alleged role in the kidnapping and illegal detention of two students in 2006. Despite being in jail with his case ongoing, Palparan registered as a candidate for the 2016 Senate race.

A 2014 Human Rights Watch (HRW) report revealed evidence of a death squad in Mindanao that was allegedly formed to combat crime and target political opponents. 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. After pursuing the HRW findings, the National Bureau of Investigation recommended in March 2015 that 29 individuals be charged with the murder of almost 300 people.

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 a village chief in August 2015 and a Malaysian businessman in November. Several new foreign hostages were kidnapped during the year. Abu Sayyaf also regularly carries out bombings and other attacks. In September 2015, a regional trial court approved a petition by the Department of Justice to declare Abu Sayyaf a terrorist group, making it the first group to be so labeled under the 2007 Human Security Act. In November, seven Abu Sayyaf bandits and a senior leader and financier were sentenced to life in prison for kidnappings in 2008 and 2011.

The government has engaged in peace negotiations with the Communist Party of the Philippines–New People's Army–National Democratic Front of the Philippines (CPP-NPA-NDFP). Deadly clashes between the leftist group's militarized wing (NPA) and the Philippine army continue to occur regularly, though the violence has declined under President Aquino. Since the 2014 capture of NPA leader Benito Tiamzon and his wife, a senior CPP official, additional high-ranking members of the organization have been arrested, and multiple trials were pending at the end of 2015.

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 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 MILF, paving the way for a new legal and governing framework for the region.

In 2015, Congress postponed deliberations on legislation (the BLL) to carry out the peace agreement after a botched police raid in January—aimed at capturing Malaysian terrorism suspect Zulkifli Abdhir, known as Marwan—resulted in the deaths of not only Marwan himself and two other suspected terrorists, but also 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. The gun battle was the first violent clash between the government and the MILF since a 2011 cease-fire took hold. In March, the United Nations reported that more than 120,000 people were internally displaced as a result of the confrontation and ongoing violence in the region, particularly between the government and the BIFF.

Also in March, a Senate committee and a police board of inquiry concluded that President Aquino, PNP chief Purisima, and PNP special action force commander Getulio Napeñas had violated regulations in connection with the operation, as Purisima had been formally suspended due to graft charges and yet planned and managed the police action with the complicity of Aquino and Napeñas. The MILF submitted its own report that month, finding that its fighters had acted in self-defense and that the police had violated the cease-fire agreement. Nevertheless, 90 members of the MILF, BIFF, and other armed groups were charged in September for their roles in the confrontation; prosecutors denied that police had violated the cease-fire, noting that they were seeking a terrorism suspect and not MILF members. No action had been taken against Aquino by the end of year, but Napeñas was suspended shortly after the operation and later retired, and Purisima was dismissed over the graft charges. Although the BLL was stalled in Congress, other aspects of the peace agreement moved forward, including the decommissioning of some MILF fighters beginning in June.

Indigenous rights are generally upheld, but land disputes and local development projects regularly cause friction and sometimes lead to violence. In February 2015, an environmental activist and defender of indigenous people's rights was murdered in northern Mindanao. Indigenous people often live in conflict areas and are targeted by combatants for their perceived loyalties. Villages and schools of the indigenous Lumad community were attacked by anti-NPA paramilitary groups during the year, resulting in multiple deaths and the displacement of many residents.

National law does not prohibit discrimination based on sexual orientation or gender identity, though some local protections are in place. The Philippines' largest city, Quezon, adopted an ordinance banning discrimination against LGBT (lesbian, gay, bisexual, and transgender) people in 2014. LGBT people reportedly face bias in employment, education, and other services, as well as societal discrimination. In December 2015, a U.S. marine was convicted of killing a woman in 2014 after discovering that she was transgender.

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 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. A 2009 law included provisions calling for women to fill half of third-level government positions, requiring that each barangay open an office to handle cases of violence against women, and recognizing women's rights as human

rights. Enforcement of these measures has been uneven. Violence against women continues to be a significant problem, and while spousal rape is a crime, very few cases are prosecuted. A 2015 report by the World Bank noted some legal differences in the treatment of men and women in the Philippines, such as unequal tax status and access to certain government services.

In 2014, 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 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 tighter restrictions were adopted in a 2013 law. The country's various insurgent groups have been accused of using child soldiers. In a bid to combat another form of exploitation, the 2013 Domestic Workers Act granted household workers a minimum wage, paid leave, and insurance, among other protections.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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