

# Philippines - Human Rights Scorecard<sup>1</sup>

The Republic of the Philippines is a sovereign Southeast Asian country in the Western Pacific, comprising more than 7,000 islands. Despite occasional political upheavals and issues of corruption, the Philippines is a functional democracy. While as a whole, the country shares a single national identity, there are certain exceptions, including the Autonomous Region in Muslim Mindanao (ARMM.) The country has strong relations with the West, and is also a member of member of the East Asia Summit (EAS), the Asia-Pacific Economic Cooperation (APEC), the Latin Union, the Group of 24, and the Non-Aligned Movement.<sup>2</sup>

**Official language:** Filipino and English

**Ethnic groups:** 28.1% Tagalog; 13.1% Cebuano; 9% Ilocano; 1.6% African; 7.6% Bisaya/Visayans; 7.5% Hiligaynon; 6% Bikol; 3.4% Waray; 25.3% Other

**Government:** Unitary presidential constitutional republic

- President: Rodrigo Duterte

**Death penalty:** Abolitionist for all crimes

**Population:** 98.39 million

**Life expectancy:** 68.5 years

**Under-5 mortality:** 28 per 1000

**Adult literacy:** 94 percent (According to 1990 statistics; there is no recent data)



## Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

### Freedom from arbitrary or unlawful deprivation of life



#### Largely Disrespected<sup>3</sup>

There are several reports of government forces committing arbitrary killings. In particular, Muslim rebels, journalists, activists, judicial officials, local government leaders, and antigovernment insurgents are often the targets.

### Freedom from disappearance



#### Largely Disrespected<sup>4</sup>

Local credible human rights NGOs claim government forces and antigovernment insurgents are responsible for disappearances. The government refuses to respond to the UN Working Group on Enforced or Involuntary Disappearances, which has requested to visit the country.

### Freedom from torture and other cruel, inhuman or degrading treatment or punishment



#### Largely Disrespected<sup>5</sup>

While the constitution prohibits torture, members of security forces routinely abuse and occasionally torture suspects and detainees.

### Freedom from arbitrary arrest or detention



#### Largely Disrespected<sup>6</sup>

The law requires probable cause before issuing an arrest warrant and prohibits holding of prisoners in secret detention. However, the Filipino Commission of Human Rights and NGOs report that police detain dozens of persons arbitrarily each year.

### Freedom from denial of fair public trial



#### Partially Respected<sup>7</sup>

The law provides for an independent judiciary, which the government typically respects. However, corruption continues to result in impunity for wealthy or influential offenders. Insufficient personnel have also caused delays to the justice system.

### Freedom from arbitrary interference with privacy, family, home or correspondence



#### Partially Respected<sup>8</sup>

The government generally respects the privacy of its citizens. NGOs and leftist groups have nevertheless documented many cases where privacy has not been fully and properly legally respected.

## Section 2: Respect for Civil Liberties

*Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.*

### Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)<sup>9</sup>



**Score: 44.66, Rank: 138 / 179 – Highly controlled, limited or intimidated**<sup>10</sup>

Filipino journalists carry guns due to the constant danger they face, as many are murdered. However, the internet is not subject to any control mechanisms.

### Freedom from academic censorship



**Partially Respected**<sup>11</sup>

While there are allegations of security forces harassing student groups, there is generally no government restrictions on academic freedom.

### Freedom of peaceful assembly and association



**Respected**<sup>12</sup>

The law provides for freedom of assembly and association, and the government generally respects these rights.

### Freedom of religion



**Respected**<sup>13</sup>

Freedom of religion is permitted in the Philippines. The government promotes religious harmony. Relations among religious groups are generally amicable, with the exception of discrimination against the Muslim population. The government recognizes Sharia Law for Muslim cases.

### Protection of refugees and stateless persons



**Partially Respected**<sup>14</sup>

There is no legislation to grant refugee status or asylum. In 2015, UNHCR estimated there were 253 refugees residing in the country. The government allows refugees to obtain work permits. Stateless persons do not face discrimination and may be naturalized.

### Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)<sup>15 16</sup>



**3 / 7 – Partly free**<sup>17</sup>

While freedom of speech is guaranteed, the Philippines remains one of the most dangerous places in the world for journalists due to suppressive laws and selected targeting.

## Section 3: Respect for Political Rights

*Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..*

### Overall protection of political rights (*FreedomHouse Political Rights Index*)<sup>18</sup>



**3 / 7 – Partly Free**<sup>19</sup>

Elections in the Philippines are typically fraught with fraud, intimidation and police violence. Media bias further has a tendency to favour wealthier candidates.

## Section 4: Corruption and Lack of Transparency in Government

*The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.*

### Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)<sup>20</sup>



**Score: 35%, Rank: 95 / 175 – Highly corrupt**<sup>21</sup>

Corruption is a longstanding problem in the Philippines, and continues to be rampant according to Transparency International.

## Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

### Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



#### Largely Disrespected<sup>22</sup>

While most international human rights groups operate without government restriction, local human rights activists encounter occasional harassment.

## Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

### Rights of women (World Economic Forum Gender Gap Index)<sup>23</sup>



#### Score: 79%, Rank: 7/ 142 – Somewhat unequal rights<sup>24</sup>

In law, women have the same rights as men. However, in practice, women face discrimination in various areas such as employment. In addition, the law does not provide for divorce.

### Rights of Children (KidsRights Index Overall Score)<sup>25</sup>



#### Score: 79.1%, Rank: 73 / 165 – Protected<sup>26</sup>

Most children are protected, live in safety, and have free access to education. Child abuse and sexual exploitation remain a serious problem in the Philippines, however. In addition, there are large numbers of street children.

### Rights of persons with disabilities



#### Partially Respected<sup>27</sup>

The law prohibits discrimination against disabled persons. Unfortunately, this law is often unenforced as most buildings are inaccessible.

### Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



#### Partially Respected<sup>28</sup>

While there are no discriminatory laws against indigenous peoples, indigenous people suffer disproportionately from armed conflict and children have a lack of basic healthcare and education.

### Freedom from abuse and discrimination based on sexual orientation or gender identity



#### Largely Disrespected<sup>29 30</sup>

There are no laws regarding same-sex marriage or discrimination based on sexual orientation/gender identity. Some local communities in the Philippines have made it their prerogative to outlaw discrimination based on sexual orientation.

## Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

### Rights to freedom of association and to collective bargaining



#### Partially Respected<sup>31</sup>

Although most workers have the right to engage in collective bargaining mechanisms, join unions, and conduct strikes, the law places several restrictions on these rights. Union members who engage in an illegal strike are susceptible to dismissal.

### Freedom from forced or compulsory labour



#### Partially Respected<sup>32</sup>

The law prohibits forced labour, with sentences as high as life in prison. However, the government does not effectively enforce the law. Forced labour, be it adult or children, occurs in the informal sector of the economy.

## Freedom from forced labour for children, and a minimum age of employment



### Partially Respected<sup>33</sup>

There are strict laws surrounding paid child labour, with forced labour remaining illegal. The government has supported programs to prevent child labour, but they lack resources. Despite these efforts, child labour still remains a problem. There is a minimum age of 15 for children.

## Right to acceptable conditions of work



### Partially Respected<sup>34</sup>

While there is a minimum wage, it does not apply to all workers. There is a set workweek of 48 hours, with at least one day of rest per week. In addition, the law guarantees safe, healthy, acceptable working conditions. However, there are gaps and uneven applications of the law.

## Right to employment



### 7.3% - Reasonable unemployment<sup>35</sup>

While the unemployment rate in the Philippines has dropped somewhat over the last five years, it is projected to rise again in the coming years.

<sup>1</sup> A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

<sup>2</sup> Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed July 12, 2016.

<https://www.amnesty.org/en/documents/act50/001/2014/en/>.

<sup>3</sup> "Country Reports on Human Rights Practices for 2015 Philippines." U.S Department of State. Accessed July 12, 2016.

<http://www.state.gov/documents/organization/253005.pdf>.

<sup>4</sup> Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

<sup>5</sup> Ibid. U.S Department of State.

<sup>6</sup> Ibid. U.S Department of State.

<sup>7</sup> Ibid. U.S Department of State.

<sup>8</sup> Ibid. U.S Department of State.

<sup>9</sup> The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

<sup>10</sup> "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. Accessed July 12, 2016. <https://rsf.org/en/ranking>.

<sup>11</sup> "Country Reports on Human Rights Practices for 2015 Philippines." U.S Department of State. Accessed July 12, 2016.

<http://www.state.gov/documents/organization/253005.pdf>.

<sup>12</sup> Ibid. U.S. Department of State.

<sup>13</sup> "Philippines." International Religious Freedom Report for 2014. Accessed July 12, 2016. <http://www.state.gov/documents/organization/238538.pdf>.

<sup>14</sup> "Country Reports on Human Rights Practices for 2015 Philippines." U.S Department of State. Accessed July 12, 2016.

<http://www.state.gov/documents/organization/253005.pdf>.

<sup>15</sup> Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

<sup>16</sup> Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed July 12, 2016

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

<sup>17</sup> "Philippines." Freedom in the World 2015: Philippines. Accessed July 12, 2016. <https://freedomhouse.org/report/freedom-world/2015/philippines>.

<sup>18</sup> See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed July 12, 2016. <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

<sup>19</sup> "Philippines." Freedom in the World 2015: Philippines. Accessed July 12, 2016. <https://freedomhouse.org/report/freedom-world/2015/philippines>.

<sup>20</sup> Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial

secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

<sup>21</sup> "Philippines." Corruption by Country. Accessed July 19, 2016. <https://www.transparency.org/country/#PHL>

<sup>22</sup> "Country Reports on Human Rights Practices for 2015 Philippines." U.S Department of State. Accessed July 12, 2016.

<http://www.state.gov/documents/organization/253005.pdf>.

<sup>23</sup> This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

<sup>24</sup> "Philippines." World Economic Forum. Accessed July 19, 2016. <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=PHL>.

<sup>25</sup> This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

<sup>26</sup> "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed July 12, 2016. <http://www.kidsrightsindex.org/>

<sup>27</sup> "Country Reports on Human Rights Practices for 2015 Philippines." U.S Department of State. Accessed July 12, 2016.

<http://www.state.gov/documents/organization/253005.pdf>.

<sup>28</sup> Ibid. U.S Department of State.

<sup>29</sup> "ILGA World Map." International Lesbian Gay and Intersex Association. Accessed July 19, 2016. <http://ilga.org/>. See also Ibid. U.S Department of State.

<sup>30</sup> ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

<sup>31</sup> "Country Reports on Human Rights Practices for 2015 Philippines." U.S Department of State. Accessed July 12, 2016.

<http://www.state.gov/documents/organization/253005.pdf>.

<sup>32</sup> Ibid. U.S Department of State.

<sup>33</sup> Ibid. U.S Department of State.

<sup>34</sup> Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

[http://en.wikipedia.org/wiki/List\\_of\\_minimum\\_wages\\_by\\_country](http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country)

<sup>35</sup> "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed July 12, 2016. [http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS\\_233936/lang--en/index.htm](http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm).