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**Call for input: Visit of  
the Special Rapporteur  
on freedom of  
expression and opinion  
to the Philippines**

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## **I. National normative framework**

Article III Section 4 of the 1987 Philippines Constitution guarantees the freedom of expression:

“No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.”<sup>1</sup>

This article suggests a prohibition on prior restraint and opposes systems of subsequent punishment that excessively restrict expression.<sup>2</sup> Article III Section 7 provides a disposition to guarantee the right to access to information relating to freedom of expression:

“The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.”<sup>3</sup>

In addition to this constitutional enshrinement, numerous laws govern media activity.<sup>4</sup>

The Philippines actively participate at the international level in this domain, having ratified key agreements such as the International Covenant on Civil and Political Rights (in 1986), the International Covenant on Economic, Social and Cultural Rights (in 1974), and the Convention on the Elimination of All Forms of Discrimination against Women (in 1981). Nevertheless, this assurance is not absolute, and the right to freedom of expression and opinion must be weighed against the State’s exercise of its law enforcement power for the overall well-being of its citizen.<sup>5</sup> In this regards, hate speech is a good example as there is no specific legislation addressing hate speech in a comprehensive manner.<sup>6</sup> Although discussions have

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<sup>1</sup> Article III of the Philippines Constitution, available [here](#) (accessed 14 January 2024).

<sup>2</sup> “Unshackling Expression: The Philippines Report”, *Foundation for Media Alternative, CYRILLA, and Association for Progressive Communications*, 10 October 2020, p. 3, available [here](#) (accessed 14 January 2024), see Appendix 4 (p. 19.).

<sup>3</sup> Article III of the Philippines Constitution, *Op. Cit.*

<sup>4</sup> Law on the prevention of cybercrime, Official Gazette of the Republic of the Philippines, 12 September 2012, available [here](#) ; Law no. 11479 known as the “anti-terrorism law”, Official Gazette of the Republic of the Philippines, 03 July 2020, available [here](#) ; Law no. 109631, Official Gazette of the Republic of the Philippines, 27 December 2017, available [here](#) ; and Law no. 11469 or the “Bayanihan to heal as One Act” to combat COVID-19, Official Gazette of the Republic of the Philippines, 11 September 2020 available [here](#) (accessed 14 January 2024).

<sup>5</sup> “Position Paper on House Bill No. 9177 or the proposed Anti-Hate Speech Act”, Republic of the Philippines Commission on Human Rights, 02 September 2021, p. 1, available [here](#) (accessed 14 January 2024).

<sup>6</sup> “Understanding Hate Speech : The Philippine Context”, *Foundation for Media Alternative*, 29 June 2022, available [here](#) (accessed 14 January 2024).

occurred in Parliament regarding the Anti-Discrimination Bill,<sup>7</sup> none of these discussions have resulted in the bill being enacted into law. This proposed bill aims to prohibit any discrimination based on factors such as sexual orientation, age, gender, race, ethnicity, religion, political beliefs, social class, and other reasons.<sup>8</sup>

## **II. Freedom of the media**

Media freedom, including the freedom of print and online media and the right to information, is guaranteed both by Philippine domestic law and the international instruments to which the Philippines is a party. At the national level, freedom of the media and the right to information are enshrined in Article III sections 4 and 7 of the 1987 Philippines's Constitution and are further reinforced by various legislative acts.<sup>9</sup> At the international level, media freedom is enshrined in Article 19 of the International Covenant on Civil and Political Rights:

“ No one shall be molested for his opinions. Everyone has the right to freedom of expression ; this right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

Similarly, Article 19 of the Universal Declaration of Human Rights recognises freedom of the press in similar terms.<sup>10</sup>

Despite international and constitutional safeguards, press freedom and the right to information in the Philippines face significant challenges. Media freedom is consistently under threat, experiencing frequent harassment and attacks. The Philippines ranks 132nd out of 180

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<sup>7</sup> Senate Bill n°1264, Comprehensive Anti-Discrimination Act, 01 September 2022, available [here](#) (accessed 14 January 2024).

<sup>8</sup> “Preventing hate speech, incitement, and discrimination: lessons on promoting tolerance and respect for diversity in the Asia Pacific”, Global Action Against Mass Atrocity Crimes, August 2021, p. 65, available [here](#) (accessed 14 January 2024), see Appendix 1 (p. 17.).

<sup>9</sup> Article III of the Philippines Constitution, *Op. Cit.* ; Law on the prevention of cybercrime, Official Gazette of the Republic of the Philippines, 12 September 2012, available [here](#); Law no. 11479 known as the “anti-terrorism law”, Official Gazette of the Republic of the Philippines, 03 July 2020, available [here](#); Law no. 109631, Official Gazette of the Republic of the Philippines, 27 December 2017, available [here](#); and Law no. 11469 or the “Bayanihan to heal as One Act” to combat COVID-19, Official Gazette of the Republic of the Philippines, 11 September 2020 available [here](#) (accessed 14 January 2024), see Appendix 3 (p. 18.).

<sup>10</sup> Article 19 of the Universal Declaration of Human Rights : “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”, available [here](#) (accessed 14 January 2024).

countries in terms of press freedom, underlying the existing concerns and constraints on journalistic activities in the country.<sup>11</sup>

Journalists, particularly those who express criticism towards authorities, are subject to intimidations, threats, bans and arrests.<sup>12</sup> The ABS-CBN media outlet, for instance, was forced to cease operations for criticizing the authorities' abuses in the fight against drug trafficking and for not advertising President Duterte's campaign.<sup>13</sup> In addition, Maria Ressa, editor-in-chief and founder of the Rappler news website and winner of the 2021 Nobel Peace Prize, has been arrested multiple times on unfounded charges.<sup>14</sup> Moreover, certain journalists have experienced harassment and cyber-attacks by people associated with the government.<sup>15</sup> Regrettably, the Philippines stands as one of the most dangerous and deadly countries for journalists.<sup>16</sup> Between 2016 and 2023, over twenty journalists were killed,<sup>17</sup> not including the massacre of thirty-two reporters in Maguindanao (2009), in the south of the country.<sup>18</sup> In just 2017, three journalists were killed in five days.<sup>19</sup> In 2022, two more journalists were murdered according to UNESCO.<sup>20</sup> Federico Gempesaw, a radio commentator, was shot dead on 29 June in the town Cagayan de Oro, while Jaynard Angeles, also a radio journalist, was killed on 12 January in the southern Philippine town of Tacurong.<sup>21</sup> Journalist Percival Mabasa, was shot dead on 3 October 2022.<sup>22</sup> Juan Jumalon, another journalist, met a similar fate at the hands of gunmen.<sup>23</sup>

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<sup>11</sup> "Get informed - Countries and Regions - Philippines", *Reporters Without Borders*, available [here](#) (accessed 14 January 2024).

<sup>12</sup> Ana P. SANTOS, "Life of journalists is cheap' - how the Philippines became deadly for reporters", *Al Jazeera*, 19 July 2023, available [here](#) (accessed 14 January 2024).

<sup>13</sup> Ben WESCOTT, "Major Philippines broadcaster regularly criticized by President Duterte forced off air", *CNN Business*, 06 May 2020, available [here](#) (accessed 14 January 2024), see Appendix 2 (p. 18.).

<sup>14</sup> "Maria RESSA and Dmitry MURATOV's Nobel Peace Prize win is a victory for press freedom", *Amnesty International*, 08 October 2021, available [here](#) (accessed 14 January 2024).

<sup>15</sup> "Philippines: PCIJ website targeted by cyber attack", International Federation of Journalists, 17 November 2023, available [here](#) (accessed 14 January 2024).

<sup>16</sup> "Killing with impunity: Vast majority of journalists' murderers go free", Committee to Protect Journalists, 01 November 2022, available [here](#) (accessed 14 January 2024).

<sup>17</sup> "Explore CPJ's database of attacks on the press", Committee to Protect Journalists, available [here](#) (accessed 14 January 2024).

<sup>18</sup> "Ten years after massacre of 32 reporters, Philippine justice on trial", *Reporters Without Borders*, 22 November 2019, available [here](#) (accessed 14 January 2024).

<sup>19</sup> "Director-General condemns killing of journalists Leo Diaz and Rudy Alicaway in the Philippines", UNESCO, 16 August 2017, available [here](#) (accessed 14 January 2024).

<sup>20</sup> "Observatory of killed journalists", UNESCO, available [here](#) (accessed 14 January 2024).

<sup>21</sup> Tirana HASSAN, World report 2023 : Philippines, *Op. Cit.*

<sup>22</sup> Jairo BOLLEDO, "Broadcaster Percy LAPID killed in Las Piñas, 2nd under Marcos", *Rappler*, 04 October 2022, available [here](#) (accessed 14 January 2024).

<sup>23</sup> "Observatory of killed journalists", UNESCO, *Op. Cit.*

Although the authorities are not directly responsible for the murder of journalists, impunity for such crimes has become the norm.<sup>24</sup> The Human Rights Committee’s recent report on the country deplores the inadequate investigation, lack of transparency, and impartiality in handling attacks and murders of journalists.<sup>25</sup> The report emphasizes that the perpetrators are not held accountable through proper legal processes. The Philippines authorities are falling short in their efforts to apprehend and prosecute those responsible for these assaults on the lives and physical integrity of journalists.<sup>26</sup>

In addition, the criterias for granting and renewing licenses are unclear and discriminatory.<sup>27</sup> Media opposed to government policies face pressure and challenges in the granting and renewal of these licenses.<sup>28</sup> This situation became even clearer when Congress refused to renew the license of the ABS-CBN press network, leading to the closure of dozens of radio and TV stations.<sup>29</sup>

In this context, the Anti-Terrorism Act<sup>30</sup> has been used to restrict media freedom.<sup>31</sup> This law introduced a mechanism known as “red marking” or “communist labeling”,<sup>32</sup> wherein individuals suspected of having links with the communists are considered to be terrorists.<sup>33</sup> Consequently, journalists presumed to have links with the communists become potential targets for arbitrary arrest, or in extreme cases, extrajudicial execution.<sup>34</sup>

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<sup>24</sup> “Cases of impunity in the Philippines”, European Parliament, Resolution (2012/2681(RSP), 14 June 2012, available [here](#); “Philippines: One year after the murder of anti-corruption journalist, the government must act to protect journalists”, *Reporters Without Borders*, 03 October 2023, available [here](#) (accessed 14 January 2024), see Appendix 11 (p. 29.).

<sup>25</sup> “Concluding Observations on the fifth periodic report of the Philippines”, Human Rights Committee, 30 November 2022, available [here](#) (accessed 14 January 2024).

<sup>26</sup> *Ibid.*

<sup>27</sup> “Asia-Pacific Philippines”, *Reporters Without Borders, Op. Cit.*, see Appendix 5 (p. 20.).

<sup>28</sup> Karen LEMA, Neil Jerome MORALES, “Philippine Lawmakers block license bid for broadcaster that angered DUTERTE”, *Reuters*, 10 July 2020, available [here](#) (accessed 14 January 2024), see Appendix 7 (p. 22.).

<sup>29</sup> “Philippine Congress denies ABS-CBN news broadcaster’s franchise renewal”, Committee to Protect Journalists, 10 July 2020, available [here](#) (accessed 14 January 2024).

<sup>30</sup> “Anti-Terror Act remains dangerous and fundamentally flawed”, *Amnesty International*, 09 December 2021, available [here](#) (accessed 14 January 2024).

<sup>31</sup> Tirana HASSAN, “World report 2023 : Philippines”, Human Rights Watch, 05 December 2022, available [here](#) (Accessed 14 January 2024).

<sup>32</sup> *Ibid.*

<sup>33</sup> Jose Cielito REGANIT, “Duterte formally declares CPP-NPA as terror group”, *Philippine News Agency*, 05 December 2017, available [here](#) (accessed 14 January 2024).

<sup>34</sup> “Frenchie Mae CUMPIO”, Committee to Protect Journalists, 07 February 2020, available [here](#) (accessed 14 January 2024).

### III. Internet freedom

Internet freedom in the Philippines is at a turning point, impacted by the fast growth of digital communications in the vast globe of the Information and Communications Technology Industry. Maintaining legislative frameworks that ensure fundamental rights and liberties in the digital age poses considerable challenges, particularly given the swiftly evolving technological landscape, especially in the context of online freedoms.

The COVID-19 pandemic has reinforced the role of the Internet as a basic yet essential tool, indispensable for conducting work, attending school, and participating in social and political activities.<sup>35</sup> In response to this crisis, the Philippines government declared a state of calamity in March 2020, and Congress passed an emergency law leading to abusive law enforcement actions and freedom of expression restrictions.<sup>36</sup>

The Philippines' decline in internet freedom occurred amid an erosion of political and civil rights under former president Duterte whose war on drugs led to thousands of extrajudicial killings,<sup>37</sup> and whose administration blocked 27 websites, including online news sites known for critical reporting,<sup>38</sup> alleging that they were affiliated to "Communist-Terrorist" groups and citing the Anti-Terrorist Act<sup>39</sup> as justification for the request.<sup>40</sup>

In addition, section 4 and 19 of "cybercrime law" criminalize defamation on the internet.<sup>41</sup> While the fight against defamation seems desirable, it is nevertheless regrettable that the application of the law is being falsely deviated into a "witch-hunt".<sup>42</sup> Indeed, media critical of the government often find themselves the target of numerous libel suits.<sup>43</sup> Maria Ressa and the

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<sup>35</sup> "Promoting Internet Freedoms in Southeast Asia Toolkit for parliamentarians", Asean parliamentarians for Human Rights & International Center for not for profit law, February 2022, available [here](#) (accessed 14 January 2024).

<sup>36</sup> "Philippines: Freedom on the net 2022 country report", *Freedom House*, available [here](#) (accessed 14 January 2024) ; Carlos H. CONDE, "Philippines activist charged with sedition, fake news", *Human Rights Watch*, 22 April 2020, available [here](#) (accessed 14 January 2024) : for instance by using the COVID-19 pandemic as an excuse to charge political opponents and activists with criminal offenses, see Appendix 8 (p. 23.).

<sup>37</sup> "Philippines: Freedom on the net 2022 country report", *Freedom House*, *Op. Cit.*, see Appendix 6 (p. 21.).

<sup>38</sup> Janvic MATEO, "Internet freedom declined in Philippines - report", *The Philippine Star*, 08 October 2023, available [here](#) (accessed 14 January 2024).

<sup>39</sup> "Act to secure the state and protect our people from terrorism", Congress of the Republic of the Philippines (2019) - Senate no. 1083, available [here](#) (accessed 14 January 2024), see Appendix 9 (p. 24.).

<sup>40</sup> "Philippines: Freedom on the net 2023 report", *Freedom House*, available [here](#) (accessed 14 January 2024).

<sup>41</sup> Republic Act No. 10175, Official Gazette of the Republic of the Philippines, 12 September 2012, available [here](#) (accessed 14 January 2024).

<sup>42</sup> "Philippines: Analysis Finds Major Problems in Cybercrime Law", Centre for Law and Democracy, 22 November 2019, available [here](#) (accessed 14 January 2024).

<sup>43</sup> *Ibid.*, see Appendix 10 (p. 25.).



editor-in-chief of Dawn Joshua Molo have been accused of defamation respectively for criticizing government abuses in the fight against drug trafficking and the government's response to COVID-19.<sup>44</sup>

Furthermore, harassment of journalists persisted over the past year. In July, the government attempted to suppress critical voices by shutting down the websites Bulatlat and Pinoy. Weekly, both alternative press publications.<sup>45</sup> The National Security Council sought to close these media outlets alleging links with the communist insurgency – an accusation vehemently denied by the editors and journalists.<sup>46</sup> The media also faced cyber-attacks by supporters of the government authorities.<sup>47</sup>

Newly elected leaders also aimed to reshape the online environment to their advantage. President Ferdinand 'Bongbong' Marcos Jr. signed a law in October 2022 mandating all Filipinos to register their SIM cards under their real name, undermining anonymous communication in an environment that remains perilous for journalists and activists. Additionally, a blocking order restricting access to 27 websites has been retained.<sup>48</sup>

The United Nations and numerous governments have globally recognized internet access as a human right, the fulfillment of which relies on the safe and free exercise of Internet freedoms.<sup>49</sup> The UN has explicitly stated that “the same rights that people have offline must be protected online.”<sup>50</sup>

#### **IV. Freedom of expression of specific groups**

If Rodrigo Duterte's tenure was widely known for its violence and a threat for specific groups,<sup>51</sup> the current President Marcos is following a similar path. In fact, the government is

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<sup>44</sup> “Philippines : Rappler verdict a blow to media freedom”, *Human Rights Watch*, 15 June 2020, available [here](#) (accessed 14 January 2024).

<sup>45</sup> Tirana HASSAN, “World report 2023 : Philippines”, *Op. Cit.*

<sup>46</sup> *Ibid.*

<sup>47</sup> “Philippines: PCIJ website targeted by cyber attack”, International Federation of Journalists, 17 November 2023, available [here](#) (accessed 14 January 2024).

<sup>48</sup> Jeffrey MAITEM, “Report: Internet freedom in Philippines deteriorated sharply in 2022”, *Benar News*, 04 October 2023, available [here](#) (accessed 14 January 2024).

<sup>49</sup> “Promoting Internet Freedoms in Southeast Asia Toolkit for parliamentarians”, Asean parliamentarians for Human Rights & International Center for not for profit law, *Op. Cit.*

<sup>50</sup> “The promotion, protection and enjoyment of human rights on the Internet”, A/HRC/RES/47/16, Human Right Council, 26 July 2021, available [here](#) (accessed 14 January 2024).

<sup>51</sup> Rebecca RATCLIFFE, “The punisher: Rodrigo Duterte's violent reign as Philippines president to end”, *The Guardian*, 28 June 2022, available [here](#) (accessed 14 January 2024).

continuously employing the fight against communist New People's army insurgents<sup>52</sup> to silence specific groups.<sup>53</sup> The National Task Force to End Local Communist Armed Conflict has been widely engaging in "red-tagging", accusing political opponents, activists, and even international non-governmental organizations such as Oxfam.<sup>54</sup> Recently, this National Task Force "red-tagged" several human rights groups and opposed the enactment of a Human Rights Defenders Protection Act.<sup>55</sup> Thus, human rights defenders and civil society activists cannot undertake their activities without fear of being harassed, threatened or harmed for their speech.<sup>56</sup>

Moreover, the Anti-Terrorism Act adopted in 2020,<sup>57</sup> poses a threat for religious groups. Even before the law was passed, Security Forces' activities had escalated their surveillance of islamic schools and schools attended by indigenous communities in the Southern Philippines, where the military was involved in anti-terrorism operations.<sup>58</sup> In October 2020, the military's top general announced plans for the armed force to surveil around 500 islamic schools nationwide, considering them potential locations for militant recruitment.<sup>59</sup> However, the law also criminalizes incitement without providing a clear definition, leaving it open to interpretation and potentially leading to the prosecution of speech.<sup>60</sup> The irony lies in the fact that a law intended to combat terrorism may, if abused and unchecked, actually fuel dissent and terrorism.<sup>61</sup> Consequently, religious communities face the risk of stigmatization, and their freedom of expression curtailed, as these groups could be prosecuted for expressing their religious affiliation.<sup>62</sup>

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<sup>52</sup> "The Communist Insurgency in the Philippines: tactics and talks", Report 202, International Crisis Group, 14 February 2011, available [here](#) : The New People Army is the arm component of the Communist Party of the Philippines who started an armed conflict with the legitimate government in 1968 based on divergent political ideology (accessed 14 January 2024).

<sup>53</sup> Tirana HASSAN, "World report 2023 : Philippines", *Op. Cit.*

<sup>54</sup> Mara CEPEDA, "Red-tagged Oxfam, NCCP slam military for malicious, careless attack", *Rappler*, 06 November 2019, available [here](#) (accessed 14 January 2024).

<sup>55</sup> "Philippines: deadly practice of red-tagging continues under Marcos administration", Amnesty International Public Statement, 23 March 2023, ASA 35/6582/2023, available [here](#) (accessed 14 January 2024).

<sup>56</sup> "Philippines: Court acquits 10 human rights defenders", World Organization Against Torture, 11 January 2023, available [here](#) (accessed 14 January 2024).

<sup>57</sup> Nicholas BEQUELIN, "Philippines: Une dangereuse loi anti-terroriste constitue un nouveau revers pour les droits humains", *Amnesty International*, 03 July 2020, available [here](#) (accessed 14 January 2024).

<sup>58</sup> "Philippines: Freedom in the World 2021 country report", *Op. cit.*

<sup>59</sup> *Ibid.*

<sup>60</sup> "Philippines: New Anti-Terrorism Act Endangers Rights", *Human Rights Watch*, 05 June 2020, available [here](#) (accessed 14 January 2024).

<sup>61</sup> Ronald U. MENDOZA, Rommel Jude ONG and others., "Counterterrorism in the Philippines: review of key issues" in "About *Perspectives on Terrorism.*", vol. 15, no. 1, 2021, pp. 246–261, available [here](#) (accessed 14 January 2024).

<sup>62</sup> Lian BUAN, "How Duterte Gov't Froze Assets of Religious Group as It Worked on Anti-Terror Law" *Rappler*, 19 November 2020, available [here](#) (accessed 14 January 2024).

In this context, particular attention must be given to the status of women which is continually evolving, although there are still significant advances to be made. Prevailing influences in the country continue to exert control over women.<sup>63</sup>

For instance, contraception remains highly restricted,<sup>64</sup> often seen as synonymous with abortion, which remains illegal.<sup>65</sup> Many public or rural clinics choose not to provide them<sup>66</sup> and only a small majority of births (60%) occur in a professional setting.<sup>67</sup> Consequently, the maternal mortality rate is higher,<sup>68</sup> and social stigma surrounding reproductive health issues is more pronounced. In cases of an unwanted pregnancy, social pressure can prevent women from freely expressing themselves, fearing condemnation.<sup>69</sup> In addition, the difficulty of accessing contraception, coupled with conservative social and religious norms, contributes to a form of censorship.<sup>70</sup> While the right to protest is protected by the 1987 Constitution, as stated in Article III, Section 4,<sup>71</sup> the fear of reprisals may make it challenging for women to voice dissenting opinions, thereby limiting their freedom of expression.

Concerning the LGBTQIA+ communities and sexual orientation, the Philippines takes a distinct yet vague approach to gender, often leading to a lower social status.<sup>72</sup> Nevertheless, it is important to emphasize the lack of information concerning this community. The challenges in achieving complete transparency may indicate a tendency to conceal the difficulties faced by this population, raising legitimate questions about the government's stance on LGBTQIA+ issues.

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<sup>63</sup> "Filipino Culture - Religion", Cultural Atlas, 2017, available [here](#) (accessed 14 January 2024).

<sup>64</sup> "L'interdiction des moyens de contraception à Manille", *La Vie économique*, 24 February 2016, available [here](#) (accessed 14 January 2024).

<sup>65</sup> "Facts on Barriers to Contraceptive Use In the Philippines", Guttmacher Institute, May 2010, available [here](#) ; Article 256 to 259 of the Revised Penal Code of the Philippines, 08 December 1930, available [here](#) ; Article II of the Philippines's Constitution, 1984, available [here](#) (accessed 14 January 2024), see Appendix 12 (p. 29.).

<sup>66</sup> "Philippines: the decline in maternal mortality rates is not enough to reach the MDGs", United Nations Population Fund, 07 April 2009, available [here](#) (accessed 14 January 2024).

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> "Forsaken Lives The Harmful Impact of the Philippine Criminal Abortion Ban", Center for Reproductive Rights, available [here](#) (accessed 14 January 2024), see Appendix 13 (p. 30.).

<sup>70</sup> *Ibid.*

<sup>71</sup> Article III of the Philippines's Constitution, *Op. Cit.*

<sup>72</sup> Garcia NEIL, "*Philippine Gay Culture*", Hong Kong University Press 2009, available [here](#) (accessed 14 January 2024).

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- The Universal Declaration of Human Rights, article 19, available [here](#)

#### **Domestic conventions:**

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- The Revised Penal Code of the Philippines, 08 December 1930, Article 256 to 259, available [here](#)
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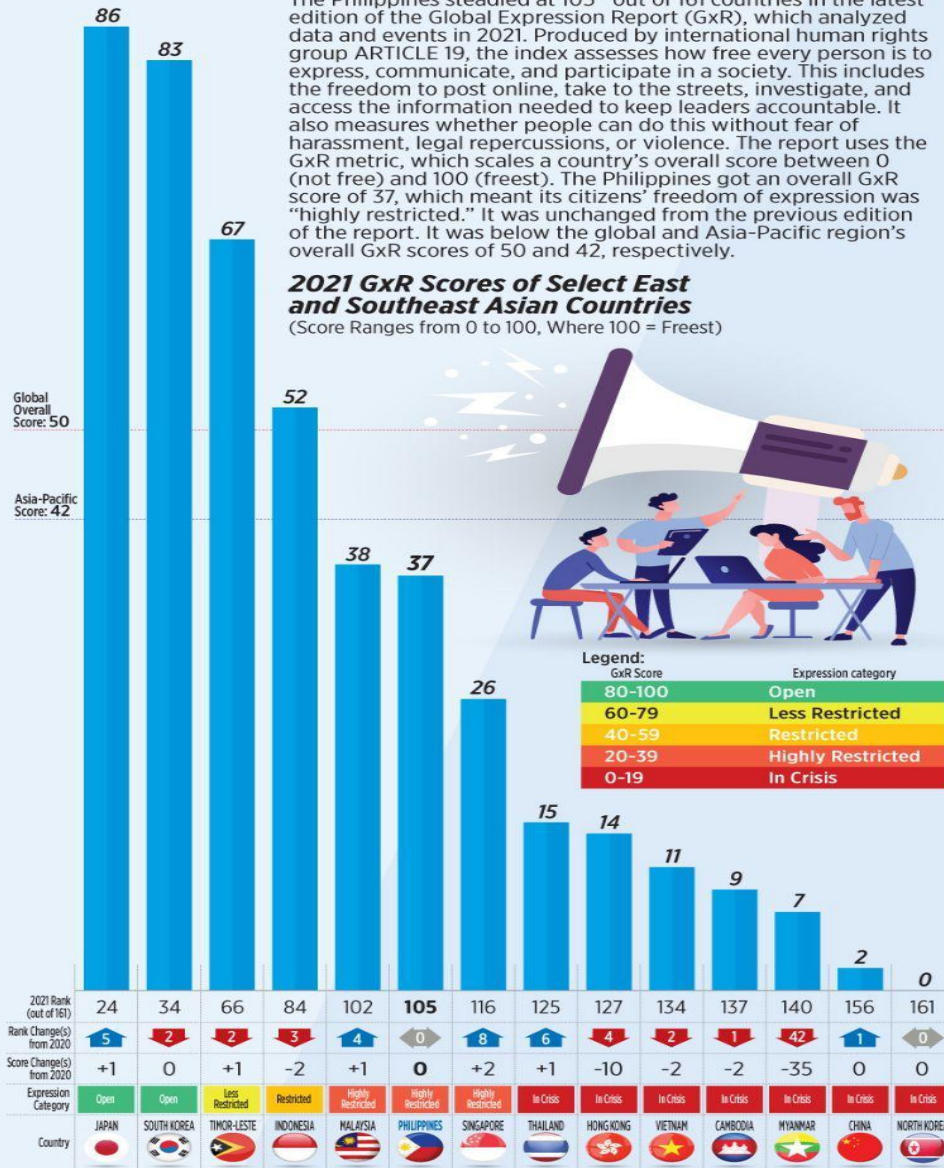
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**Appendix 1 : Philippines' freedom of expression rank - Article 19's The global expression report 2022**

**PHILIPPINES' FREEDOM OF EXPRESSION REMAINS 'HIGHLY RESTRICTED'**

The Philippines steadied at 105<sup>th</sup> out of 161 countries in the latest edition of the Global Expression Report (GxR), which analyzed data and events in 2021. Produced by international human rights group ARTICLE 19, the index assesses how free every person is to express, communicate, and participate in a society. This includes the freedom to post online, take to the streets, investigate, and access the information needed to keep leaders accountable. It also measures whether people can do this without fear of harassment, legal repercussions, or violence. The report uses the GxR metric, which scales a country's overall score between 0 (not free) and 100 (freest). The Philippines got an overall GxR score of 37, which meant its citizens' freedom of expression was "highly restricted." It was unchanged from the previous edition of the report. It was below the global and Asia-Pacific region's overall GxR scores of 50 and 42, respectively.

**2021 GxR Scores of Select East and Southeast Asian Countries**  
(Score Ranges from 0 to 100, Where 100 = Freest)



**Top 10**

2021 Rank (out of 161)	Country	Rank Change(s) from 2020	2021 GxR Score (Out of 100)	Score Change(s) from 2020	Expression Category
1	Denmark	0	95	0	Open
2	Switzerland	0	95	0	Open
3	Sweden	1	94	0	Open
4	Norway	1	94	0	Open
5	Estonia	2	93	+1	Open
6	Finland	1	93	-1	Open
7	Ireland	1	92	0	Open
8	Portugal	9	92	+3	Open
9	Belgium	3	91	-1	Open
10	Latvia	0	91	0	Open

**Bottom 10**

2021 Rank (out of 161)	Country	Rank Change(s) from 2020	2021 GxR Score (Out of 100)	Score Change(s) from 2020	Expression Category
161	North Korea	0	0	0	In Crisis
160	Turkmenistan	1	0	0	In Crisis
159	Syria	1	0	0	In Crisis
158	Eritrea	2	0	0	In Crisis
157	Belarus	11	2	-4	In Crisis
156	China	1	2	0	In Crisis
155	Cuba	2	2	-1	In Crisis
154	Nicaragua	13	3	-5	In Crisis
153	Saudi Arabia	2	3	0	In Crisis
152	Equatorial Guinea	4	0	0	In Crisis

**NOTE:** The 2022 edition of the index covered developments in 2021. The GxR metric tracks freedom of expression in more than 161 countries across 25 indicators to create a score between 0 and 100 for every country, which was classified in an expression category.

SOURCE: ARTICLE 19'S THE GLOBAL EXPRESSION REPORT 2022  
BUSINESSWORLD RESEARCH: MARIEDEL IRISH U. CATILOGO BUSINESSWORLD GRAPHICS: BONG R. FORTIN



**Appendix 2 : Anna Lea A. BARRON, “Freedom of Expression in ASEAN: Contextualizing Freedom of Expression in terms of ASEAN Values”, Central European University, 27 May 2021**

Country	UDHR	ICCPR	ICESCR	CEDAW	Rome Statute	Genocide Convention	ICERD
Brunei	✓			✓			
Cambodia	✓	✓	✓	✓	✓	✓	✓
Indonesia	✓	✓	✓	✓			✓
Laos	✓	✓	✓	✓			✓
Malaysia	✓			✓		✓	
Myanmar	✓			✓		✓	
Philippines	✓	✓	✓	✓		✓	✓
Singapore	✓			✓		✓	
Thailand	✓	✓	✓	✓			✓
Vietnam	✓	✓	✓	✓			✓

**Appendix 3 : “Preventing Hate Speech, Incitement, and Discrimination” in the Global Action Against Mass Atrocity Crimes review, May 2023, page 53**

The Philippine government has not enacted a law against hate speech, incitement to violence and discrimination. There are no legal provisions against such kinds of speech as jurisprudence on freedom of expression cases mainly focus on libel, defined as the public and malicious imputation of an act that tends to discredit or dishonour another person and which currently exists under the Revised Penal Code. This penal law on libel was expanded by the Cybercrime Prevention Act of 2012 (Republic Act No. 10175) to apply to acts “committed through a computer system or any other similar means which may be devised in the future”.

In the context of state actors themselves being central to hate speech and discrimination and of the real threat of the use of laws to perpetuate marginalisation and to suppress dissent, a penal approach, such as criminalisation of libellous speech, offline and online, and its impact on freedom of speech remain a serious concern, the United Nations Human Rights Council (UNHRC) holds that the Philippines’s criminalisation of libel does not conform with the freedom of expression clause of the International Covenant on Civil and Political Rights (ICCPR).

## **Appendix 4 : “Understanding Freedom of Speech: A Basic Human Right in the Philippines”, Attorneys of the Philippines, 15 June 2023**

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### **UNDERSTANDING FREEDOM OF SPEECH IN THE PHILIPPINES**

Freedom of speech is a fundamental right in the Philippines, recognized as one of the cornerstones of democracy. It is defined as the right of every person to express their opinions and ideas without censorship, restraint, or fear of retribution. The inclusion of freedom of speech in the 1987 Constitution reinforces the importance of this right to the country's democratic system.

The scope of freedom of speech in the Philippines is broad, covering all forms of expression, including verbal, written, and visual. This includes the freedom of the press, the right to peaceful assembly and protest, and the right to access information.

### **LIMITATIONS OF FREEDOM OF SPEECH**

While freedom of speech is protected in the Philippines, there are limitations to this right, particularly when it comes to protecting the safety and well-being of the public. Hate speech, libel, and speech that incites violence or rebellion are not protected under the law.

The limitations on freedom of speech serve to protect the public from harm and to prevent the spread of false information that could cause panic or unrest. It is important to note, however, that the interpretation of what constitutes hate speech or incitement to violence can vary, leading to potential conflicts between the government and civil society groups.

### **PHILIPPINE LAWS PROTECTING FREEDOM OF SPEECH**

The Philippine government recognizes the importance of freedom of speech and has implemented laws to protect this right. The Philippine Bill of Rights, Press Freedom Law, and Anti-Cybercrime Law all work together to safeguard the freedom of expression. The government's role in protecting freedom of speech is to ensure that these laws are enforced and that they do not infringe on the rights of individuals to express themselves freely.

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**Appendix 5 : “Killing with impunity: Vast majority of journalists’ murderers go free”,  
Committee to Protect Journalists, 01 November 2022**

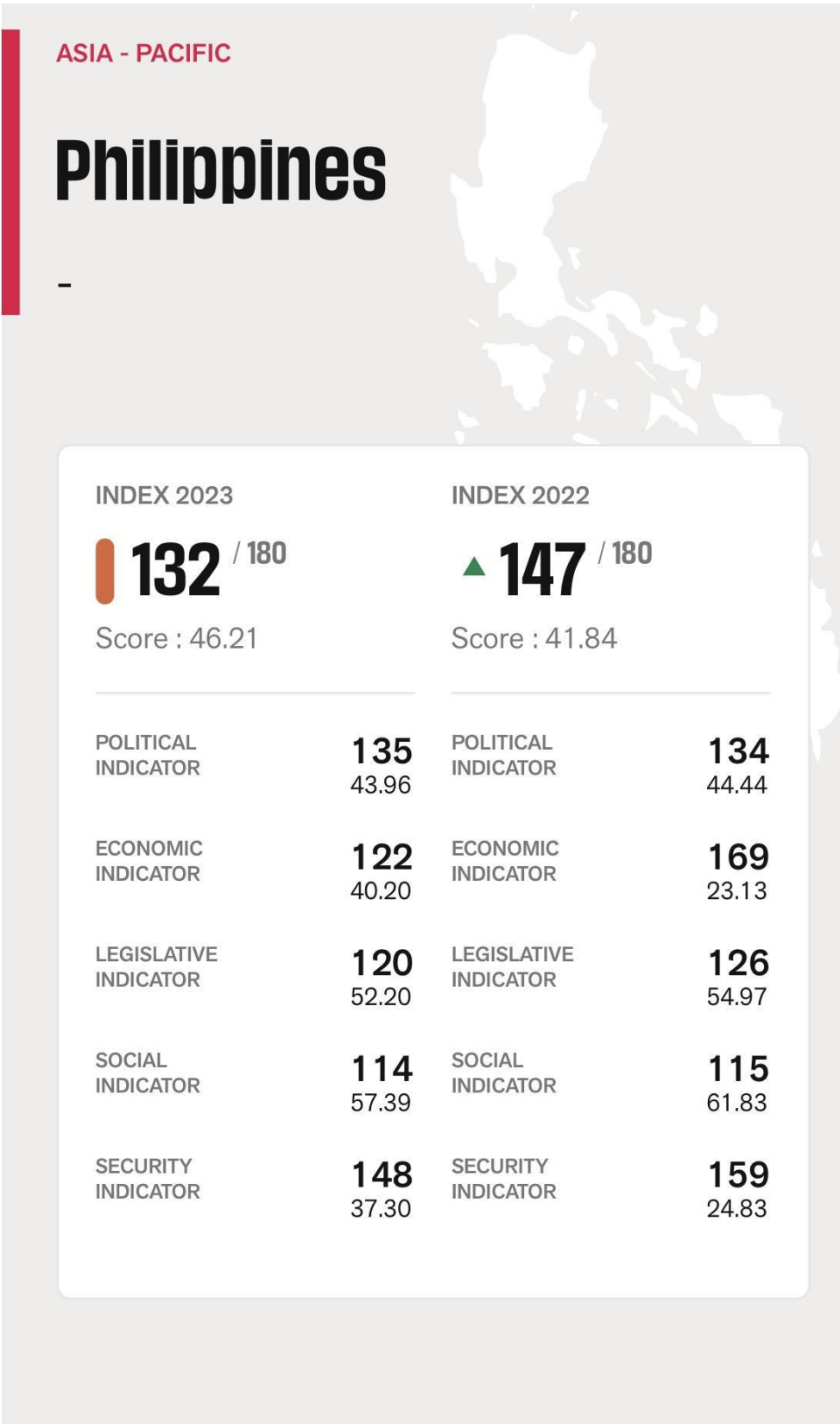
## 2022 Global Impunity Index

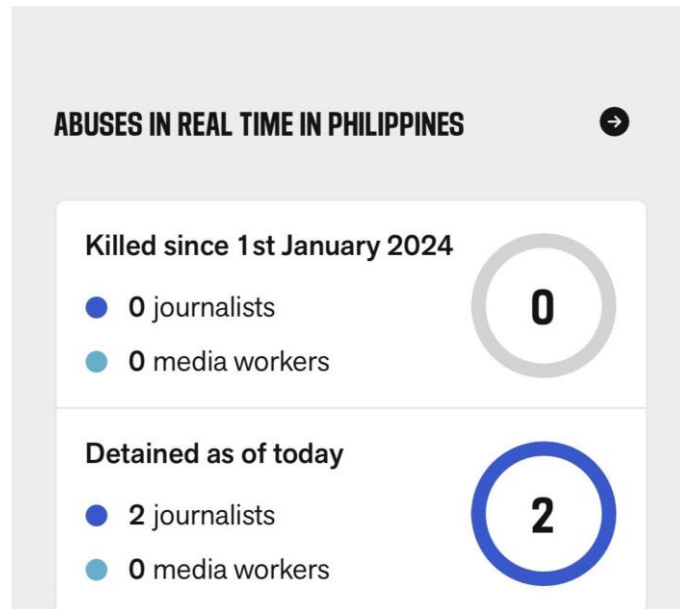
Index rank	Country	Population (in millions)*	Unsolved murders**	Years on index
1	Somalia	16.4	19	15
2	Syria	18.3	16	9
3	South Sudan	11.4	5	8
4	Afghanistan	39.8	17	14
5	Iraq	41.2	17	15
6	Mexico	130.3	28	15
7	Philippines	111	14	15
8	Myanmar	54.8	5	1
9	Brazil	214	13	13
10	Pakistan	225.2	9	15
11	India	1,393.4	20	15

\* Source: 2021 World Bank Global Development Indicators, viewed September 2022.

\*\* Murders of journalists in retaliation for their work with no convictions from Sept. 1, 2012, to Aug. 31, 2022.

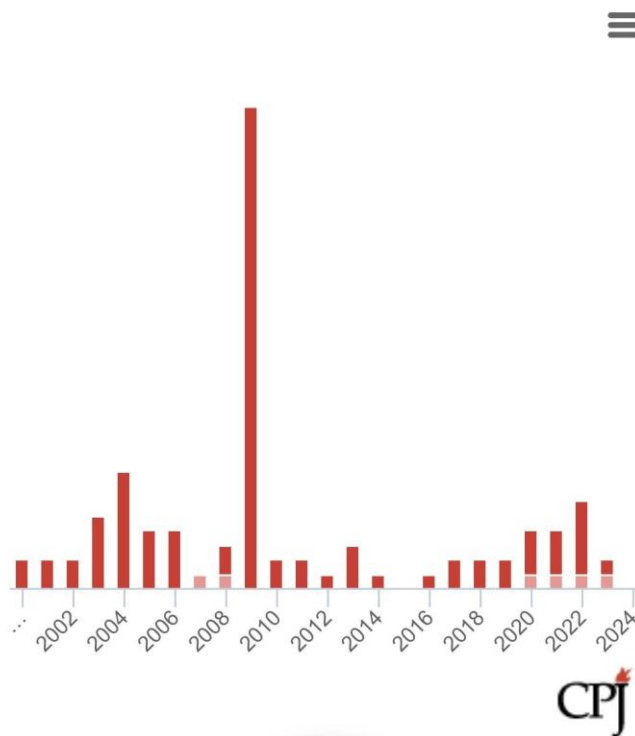
**Appendix 6 : “Get informed - Countries and Regions - Philippines”, Reporters Without Borders**





**Appendix 7 : “Explore CPJ's database of attacks on the press”, Committee to Protect Journalists**

**Journalists Attacked in Philippines** Reset  
 between 2000 and 2024 / Killed/motive confirmed or Missing or Imprisoned







**Appendix 8 : Statistics on killed journalist this past twenty years in the Philippines -  
Observatory of killed journalist, UNESCO**

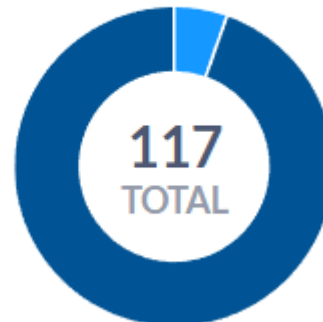
# 117

## Journalists killed



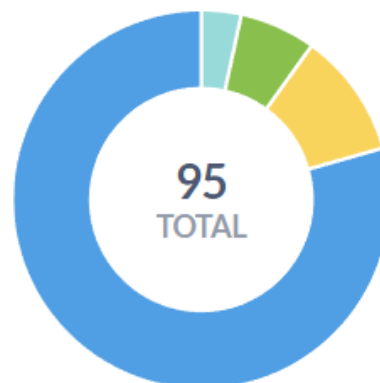
### Killings in conflict

- Conflict Zone 5,13%
- Not a Conflic... 94,87%



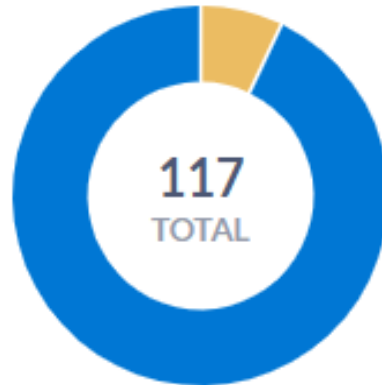
### Judicial status

- Unresolved - Archived 3,16%
- New request 6,32%
- Resolved 10,53%
- Ongoing/Unresolved 80,00%

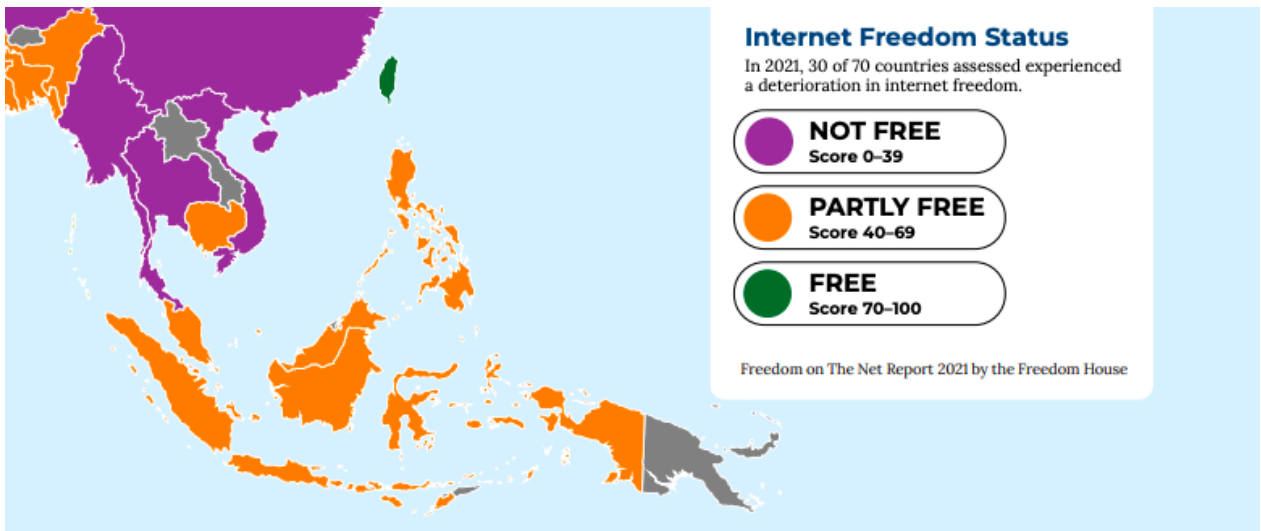


### Killings by gender

● Female 6,84%  
● Male 93,16%



**Appendix 9 : “Promoting Internet Freedoms in Southeast Asia Toolkit for parliamentarians”, Asean parliamentarians for Human Rights & International Center for not for profit law, February 2022**



**Appendix 10 : “Philippines: Freedom on the net 2023 report”, Freedom House, 2023**

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*Country Facts*

Global Freedom Score

**58/100** ● Partly Free

Internet Freedom Score

**61/100** ● Partly Free

Freedom in the World  
Status

**Partly Free**

Networks Restricted

**Yes**

Social Media Blocked

**No**

Websites Blocked

**Yes**

Pro-government  
Commentators

**Yes**

Users Arrested

**Yes**

# Philippines

# 61

/100

PARTLY FREE

<b>A. <u>Obstacles to Access</u></b>	<b>16</b> /25
<b>B. <u>Limits on Content</u></b>	<b>23</b> /35
<b>C. <u>Violations of User Rights</u></b>	<b>22</b> /40

LAST YEAR'S SCORE &amp; STATUS

65 /100 ● Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the [research methodology](#) and [report acknowledgements](#).

## A. Obstacles to Access

**A1** 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

**4** /6

**A2** 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

**1** /3

**A3** 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

**5** /6

**A4** 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

**4** /6

**A5** 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

**2** /4

## B. Limits on Content

<b>B1</b> 0-6 pts	
Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?	<b>4</b> /6
<b>B2</b> 0-4 pts	
Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?	<b>3</b> /4
<b>B3</b> 0-4 pts	
Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	<b>3</b> /4
<b>B4</b> 0-4 pts	
Do online journalists, commentators, and ordinary users practice self-censorship?	<b>2</b> /4
<b>B5</b> 0-4 pts	
Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	<b>1</b> /4
<b>B6</b> 0-3 pts	
Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	<b>1</b> /3
<b>B7</b> 0-4 pts	
Does the online information landscape lack diversity and reliability?	<b>3</b> /4
<b>B8</b> 0-6 pts	
Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?	<b>6</b> /6

## C. Violations of User Rights

<b>C1</b> 0-6 pts	
Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?	<b>3/6</b>
<b>C2</b> 0-4 pts	
Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?	<b>2/4</b>
<b>C3</b> 0-6 pts	
Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	<b>3/6</b>
<b>C4</b> 0-4 pts	
Does the government place restrictions on anonymous communication or encryption?	<b>3/4</b>
<b>C5</b> 0-6 pts	
Does state surveillance of internet activities infringe on users' right to privacy?	<b>3/6</b>
<b>C6</b> 0-6 pts	
Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?	<b>4/6</b>
<b>C7</b> 0-5 pts	
Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?	<b>2/5</b>
<b>C8</b> 0-3 pts	
Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	<b>2/3</b>

**Appendix 11 : “Philippines: deadly practice of red-tagging continues under Marcos administration”, Amnesty International, 23 March 2023**

**AMNESTY INTERNATIONAL PUBLIC STATEMENT**

22 March 2023 ASA 35/6582/2023

**PHILIPPINES: DEADLY PRACTICE OF ‘RED-TAGGING’ CONTINUES UNDER MARCOS ADMINISTRATION**

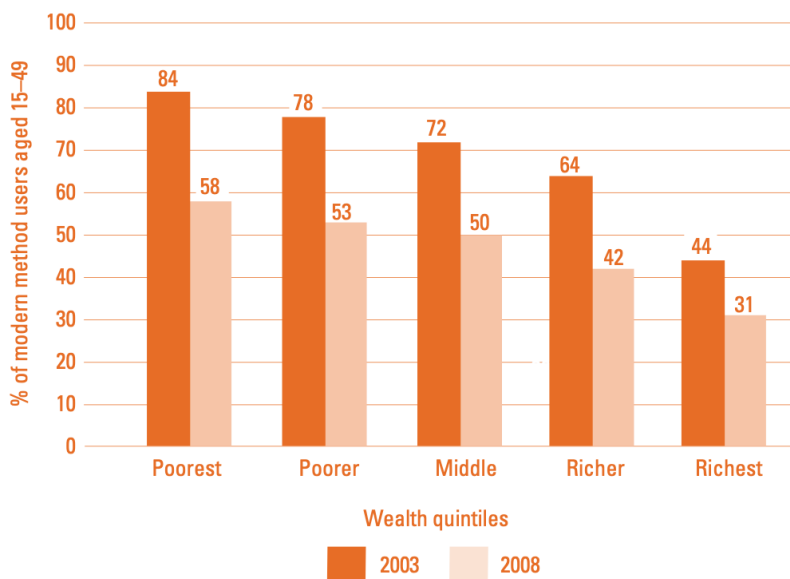
Amnesty International reiterates its concern over the continued practice of “red-tagging” – or accusations of links to communist groups – by government agencies and pro-government groups against human rights defenders, activists, development workers and other targeted groups under the Marcos administration.

On 13 March 2023, the government’s National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), which has previously and repeatedly labeled groups and individuals as “communists and terrorists” for being critical of the government, once again red-tagged various human rights groups and opposed the enactment of a Human Rights Defenders Protection Act. In a statement, the task force’s Legal Cooperation Cluster said the proposed legislation would create a committee composed of “Communist Terrorist Groups” that included human rights groups Karapatan and Philippine Alliance of Human Rights Advocates, as well as lawyers’ groups the National Union of Peoples’ Lawyers and Free Legal Assistance Group.

**Appendix 12 : “Facts on Barriers to Contraceptive Use In the Philippines”, Guttmacher Institute, May 2010**

**Figure 3**

**Public-Sector Supply of Modern Methods**  
 The proportion of poor women obtaining contraceptives from the public sector dropped dramatically between 2003 and 2008.



**Appendix 13 : “Forsaken Lives The Harmful Impact of the Philippine Criminal  
Abortion Ban”, Center for Reproductive Rights, pages 95-101, 2010**

***Post-abortion care: Reporting requirements and disrespect for patient confidentiality violate women's liberty and security***

Women's right to security of person is violated in the healthcare context when “a local law or institutional or professional practice cause[s] women presenting with incomplete abortion to be reported to police authorities on suspicion of involvement in unlawful behavior.”<sup>478</sup> Where abortion is criminalized, the threat of being reported by healthcare providers may be so real that it makes a woman compromise her own bodily integrity and safety by delaying treatment for post-abortion complications. This trend is visible in the Philippines. (For testimonies of women's fears of arrest in seeking post-abortion care, see Chapter 2, p. 52.)

Women's liberty and security may also be compromised by the absence of safeguards that ensure confidentiality during the course of treatment. The CEDAW Committee has noted specifically that the absence of guarantees of confidentiality may harm women by deterring them from seeking healthcare in a range of serious situations, including treatment of incomplete abortion.<sup>479</sup> Women's testimonies show that the lack of protection for confidentiality in the Philippines has resulted in exactly that sort of harm. (For accounts of violations of women's confidentiality, see Chapter 2, p. 55.)