

## Democratic backsliding and threats to human rights in Duterte's Philippines

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Rodrigo Duterte ends his six-year presidential term on June 2022 with the highest late-term approval rating among Philippine presidents in recent history. He also sustained high approval and trust ratings during the pandemic, even when he placed Manila under one of the world's longest lockdowns, and throughout his violent war on drugs in which at least 7,700 civilians have been killed by government forces and anti-drug vigilantes (Armed Conflict Location & Event Data Project, 2022). In fact, while his war on drugs was in full swing, voters overwhelmingly backed the senatorial candidates he endorsed in the 2019 mid-term elections. This gave him control over the Senate, in addition to the House which he already held from 2016.

Duterte's appeal is the subject of extensive media and scholarly interest, with most sources referring to him as "populist". This chapter provides an analytical overview of Duterte's populism and its historical antecedents in the Philippines. It also offers an assessment of the challenges to human rights under his regime, with some focus on women's rights. It concludes with reflections on future human rights mobilizations.

### *Duterte's populism*

Duterte served as Mayor of Davao City in southern Philippines for over two decades, and his achievements have morphed into urban legend, with him being credited for single-handedly delivering peace and order to the city. Extra-judicial killings of nearly 1,400 persons committed by the "Davao Death Squad" took place under Duterte's watch (Johnson and Fernquest, 2018). There is credible evidence that Duterte endorsed the Davao Death Squad as part of his agenda to deter crime and drug use, and he certainly threatened criminals with assassination (Johnson and Fernquest 2018, 370). Until late 2015, Duterte refused calls from supporters to run for president. However, in a highly dramatic twist, he declared his candidacy six months before the May 2016 election, framing it as a reluctant sacrifice in the nation's hour of need. He won by a landslide, running on a platform of killing drug users, ending corruption, instituting federalism, and ending the decades-old conflict between the Philippine state and the communist-led National Democratic Front. Davao's transformation into a booming urban center, supposedly safer than most places in the Philippines, was a strong selling point in Duterte's campaign. Furthermore, as the first Philippine president to have come from Mindanao (Southern Philippines), his message of replacing traditional political elites from "imperial Manila" resonated heavily with the electorate.

Duterte's cross-class appeal is likely explained by several factors rather than a single cause. Bello (2020), drawing on Weber's (1958) theory of charismatic politics, notes that Duterte's combined "menace and charm" convinced voters that he could "clean up" the Philippines by ridding it of criminals in the same way he had supposedly done for Davao City. Like a tough but benevolent patriarch, he could impose discipline upon a rowdy population and solve problems such as traffic congestion and lack of access to public transport, crime, and the corruption of elites and bureaucrats, which made life harder for ordinary Filipinos. Indeed, the cult of personality around Duterte is reflected in his supporters' dual reference to him as "The Punisher" and "Tatay Digong" (Tatay means "father" in Filipino). Perttierra (2017) observes that Duterte's appeal is also mediated by the integration of media, melodrama, celebrity, and politics. His charisma and force of personality, the cinematic style of his political speeches, his combative stance against the previous

Aquino administration, and his celebration of his own frailties, such as his weakness for women, provided an emotional dimension to his campaign that allowed him to connect with voters. Curato (2016, 149), drawing on Pratt's (2007) concept of "penal populism", argues that Duterte tapped into the public's anxiety about criminality, warning Filipinos of an "imminent disaster" if the "problem of illegal drugs" went unresolved. While his presidential rivals were perceived as reformists who would continue Aquino's trajectory, Duterte effectively positioned himself as an action-oriented tough leader built for a time of "crisis". Thompson (2020) adds that Duterte had seized a political opportunity that arose out of the failure of "liberal reformism". In the context of the Philippines, Thompson defines this as a political structure underpinned by a discourse of "good governance" and a general adherence to liberal institutional arrangements such as checks-and-balances and respect for civil liberties, and as composed of key elite supporters, the Catholic Church, civil society activists, and US influence. Despite rapid economic growth and political stability under the Aquino administration, there were high-profile corruption scandals, a perceived weak approach to crime, and a general sense that economic growth befit only a few. This allowed Duterte to portray due process and human rights as obstacles to justice, and persuade people that an "iron fist" approach to crime would solve the "drug problem" and supposedly avert disaster for the Philippines in the first three to six months of his presidency.<sup>1</sup> Duterte also managed to outmaneuver the Catholic Church, which historically holds significant influence in Philippine politics and was instrumental in mobilizing against former dictator Ferdinand Marcos, Sr., and former President Joseph Estrada. Duterte accused the Church of hypocrisy over corruption in its ranks and threatened to expose the Church's sex scandals, claiming to have been abused by a priest as a child (Thompson, 2016).

Duterte's political leadership style is undoubtedly populist because it conforms to the classic populist structure of dividing society into homogeneous and antagonistic camps, "the pure people" against the "corrupt elite" (Mudde and Kaltwasser 2017, 6). His populism is distinct from clientelism, where voters obtain goods, direct payments, or direct employment in exchange for supporting a political patron (Mudde and Katwasser 2017, 8). Curato (2016) observes that even if Duterte's campaign engaged in some traditional patronage practices, a huge number of his supporters were intrinsically driven to attend his political rallies and campaign for him. However, Duterte's populism defies ideological categorization, and his campaign slogan, "tapang at malasakit" ("tough and caring"), foreshadowed this. His war on drugs, which targeted people who were already at the margins of society, is reminiscent of right-wing populist tendencies to demonize a dehumanized "Other" (Thompson, 2016). However, Duterte does not share the ethno-nationalist and xenophobic character of right-wing European and US populists. At the same time, unlike many left-wing Latin American populists and previous populist politicians in the Philippines, Duterte's initial support base comprised of elite and middle class sectors who bought into his promise of making the Philippines safer and more disciplined, and not necessarily the poorest voters, who were won over later in his campaign (Thompson, 2016). While he gestured towards some left-leaning ideas in his campaign such as ending unfair labour contractualization practices and agrarian reform, many of his administration's core priorities, such as the "Build Build Build" public-private infrastructure program and tax reform packages to attract foreign investment, ultimately have a liberal orientation (Capuno, 2020). Duterte also tapped into Filipinos' postcolonial resentment towards US interference in the Philippines, and promised to institute an "independent foreign policy". However, this was soon replaced by his strong pivot towards China, which included his disregard for the Philippines' landmark international legal victory pursued by the Aquino government in a dispute over claims to the South China Sea (Lim, 2016). Early in his term, he indicated a willingness to pursue peace with the communist left, released political prisoners, declared a ceasefire with communist insurgents, appointed cabinet ministers from left-leaning organizations, and resumed peace

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<sup>1</sup> Duterte has since acknowledged that his administration failed in this goal (Presidential Communications Operations Office, 2022).

talks that had stalled under Aquino. However, these peace talks soon broke down, left-leaning cabinet members were forced out, and aggressive military operations resumed against communist insurgents (World Politics Review, 2018). Additionally, during the first two years of the COVID pandemic, his government took a heavily securitized approach, prioritizing lockdowns over social protection (Parmanand, 2022). All these suggest that while Duterte may have styled himself as a political outsider who displayed care and compassion for the poor, it is analytically difficult to categorize his populism within the “left versus right” spectrum.

In view of the thin-centeredness of Duterte’s populism (Mudde and Kaltwasser 2017, 6), Moffitt and Tormey’s (2014, 387) conceptualization of populism as a “political style”, or as “the repertoires of performance that are used to create political relations”, is a helpful analytical framework for understanding Duterte’s populism. According to them, the defining characteristics of this style, regardless of ideological content, is an appeal to “the people”, usually through “us versus them” binaries, them being the “elites” or “the establishment”, or “Others” such as immigrants and other social groups (2014, 391). Another defining feature of this style is the evocation of a “crisis” or impeding societal breakdown that is attributed to “the enemy of the people”, who are actors or institutions that are constructed as either directly causing the crisis or blocking its resolution (Moffit and Tormey 2014, 392). Finally, populism is characterized by the coarsening of political discourse (what Moffitt and Tormey refer to as “bad manners”), such as the use of slang, swearing, or overly colourful language, which demonstrates that there is no time for political correctness and complicated bureaucratic conventions (Moffit and Tormey 2014, 392). Indeed, Duterte’s vulgarity and regular stream of cursing, threats and assorted profanities, sometimes directed at critics of his human rights abuses, including US President Obama, the United Nations, the European Union, and the Philippine Commission on Human Rights, resonated with his supporters because it suggested a sense of urgency in solving problems that had frustrated them for a long time. Even his jokes about raping attractive women, and his public sexual banter and boorish behaviour towards women (such as wolf-whistling in response to a female journalist’s question), are received as a form of relatable authenticity and a refreshing contrast to the polished political correctness of the liberal elite (Parmanand 2020, Rafael 2019, Gutierrez, 2019)

Finally, it is important to acknowledge Duterte’s extensive online machinery and his team’s use of disinformation architects from public relations agencies (Ong and Cabanes, 2018). In their study backed by the University of Oxford, “Troops, trolls and troublemakers: A global inventory of organized social media manipulation”, Bradshaw and Howard (2017) revealed that Duterte’s team spent 200,000 USD on “cyber troops” who would target and harass dissenters online and post pro-Duterte comments, as well as “bots” who flooded social media with spam and fake news and inflated the number of likes and shares of pro-Duterte articles. These strategies differed significantly from previous digital campaign strategies of Filipino politicians.

### *Historical antecedents*

While Duterte’s populism may seem like a radical aberration in Philippine national politics, the image of a pro-poor, anti-elite “political outsider” has been invoked by presidential contenders in the past. Former President Joseph Estrada, a movie star, won by a wide margin in 1998. Estrada, despite his wealthy background, portrayed himself as a champion of the poor, with “Erap para sa mahirap” (Erap for the poor) as his campaign slogan. “Erap” is the inverse of “pare”, or “good friend” in Filipino. Estrada was backed by former cronies of dictator Marcos, Sr., Eduardo Danding Cojuangco and Lucio Tan. Estrada, who was viewed as unintelligent and incompetent by middle class, “progressive” constituencies, was forced out of office in

an elite-led revolution in 2001 on corruption allegations (Abinales and Amoroso 2005, 275). Estrada's good friend and fellow movie star, Fernando Poe, Jr., ran for president against incumbent President Gloria Macapagal-Arroyo in 2004, and lost the election amidst credible allegations of cheating by Macapagal-Arroyo's camp (Muego, 2015). Both Estrada and Poe, Jr., were action stars who took on bad guys and protected the weak and helpless in their movies, in many cases playing the role of benevolent outlaws or bandits, which helped them convert fans into voters (Hedman, 2001). Other political figures like former Vice President Jejomar Binay, who was Mayor of Makati City in Metro Manila for over 20 years, built strong personal relationships with his constituents and local government officials, including strategic connections with village captains, and instituted welfare policies such as free health care and education (Curato, 2016). While these strategies helped him win a close Vice-Presidential race in 2010, serious corruption allegations eventually undermined his presidential campaign in 2016. Nonetheless, Binay, whose declared net worth was 1.5 million USD in 2013, invoked anti-elitism in his defense against credible corruption charges, saying "They don't want us poor to come together" (Cupin, 2014). Duterte, however, pushed boundaries other populist politicians had not, for example, through his vulgar language; attacks on the politically powerful Catholic Church; unequivocal endorsement of "extra-judicial killings" of supposed drug users and sellers and reliance on the spectacle of violence as a way of instituting "discipline" among the population; explicit pronouncements against the US, a long-standing Philippine diplomatic ally; and open display of extra-marital affairs and objectification of women.

### *Human rights under attack*

While Duterte is not strictly an "authoritarian" leader, democratic backsliding, defined as the "weakening or disassembling of a given set of democratic institutions" (Bermeo, 2016), has certainly occurred during his term. Duterte and his surrogates have employed a range of strategies to undermine the electoral opposition and other dissenting voices during his administration. Duterte's success in diminishing the credibility of competing bases of authority such as the Catholic Church, media institutions, other branches and agencies of government, and international human rights institutions, was instrumental in perpetuating his popularity and power. It should also be noted that in the Philippines, the President and Vice-President are elected separately, and indeed, on multiple occasions, the elected President and Vice-President have belonged to different parties. Duterte's Vice-President, Leni Robredo, ran under the party of former President Aquino, and was the highest-ranked elected political opposition figure during his administration. Robredo was publicly critical of the war on drugs, which made her a target of his and his supporters' attacks. This section outlines many of the strategies deployed by the populist Duterte regime to disable checks on his power and explores how they shaped prospects for human rights.

First, Duterte and his allies regularly invoked democratic legitimacy based on his strong electoral victory and high trust and approval ratings. This operated on multiple levels. Bello (2020) notes that there is a "democratic dialectic" that animates creeping authoritarianism: supporters have invested in their chosen leaders and are inclined to give these leaders the benefit of the doubt rather than admit they might have been wrong. Critics are therefore seen as "anti-democratic", or told to simply "respect the will of the majority". Thompson (2021), writing about how the Duterte regime has legitimated autocratization, explains that the erosion of civil liberties has happened through ostensibly "legalistic" means. Drawing on Bermeo's (2016) discussion of executive aggrandizement as a form of democratic backsliding, Thompson (2021) argues that Duterte gradually weakened checks on his executive power through a series of technically legal institutional changes, shrinking the space for opposition forces. All throughout, Duterte could effectively claim to be acting democratically.

Duterte directed his attempts to use ostensibly legal means to intimidate those who were critical of him in the Supreme Court, the Senate, and the media. There are several crucial examples from the first half of his term:

Chief Justice Maria Lourdes Sereno voted against Duterte in controversial cases involving his declaration of martial law in Mindanao and his plan to bury former dictator Marcos, Sr., in a national cemetery for heroes. When Duterte publicly released names of judges he accused of being “narco-judges” without any due process, Sereno issued a statement that law enforcers must first secure warrants of arrest from judges before arresting anyone. Duterte threatened Sereno, “I’m giving you a warning. Don’t create a crisis because I will order everybody in the executive department not to honor you” (Jerusalem and Ramos, 2016). In 2018, Sereno was removed from her position through an 8-6 Supreme Court vote on a petition filed by Duterte’s solicitor general accusing her of having failed to disclose income earned before her appointment. The Integrated Bar of the Philippines criticized the proceedings for skipping over the constitutional requirement for impeachment to happen only after impeachment in the House and trial and conviction in the Senate (Dressel and Bonoan, 2019).

Media outlets considered to be critical of Duterte have also faced repercussions. In July 2017, Duterte accused Rappler, a major online newspaper, of being owned by Americans, and in December 2017, the Security and Exchange Commission revoked Rappler’s certificate of incorporation for violating foreign-equity restrictions in mass media. In 2018, Duterte spoke against the franchise renewal of the television network, ABS-CBN, and in 2020 they lost their legislative franchise and had to cease their free TV and radio broadcasting immediately. In both these cases, Duterte claimed to have not been involved in decision-making (Tapsell, 2021).

In July 2016, Senator Leila de Lima filed a senate resolution calling for an investigation of the abuses under Duterte’s drug war. In February 2017, de Lima was arrested without bail on drug charges, supposedly for receiving bribes and allowing illegal drugs and other banned items to be transported into the national penitentiary where 19 drug lords were imprisoned and discovered to have been living in luxurious conditions (Ferreras, 2021). The inmates who initially testified against de Lima have died or recanted their testimonies, saying they were pressured to do so by Duterte allies, but de Lima is still in jail (Philstar, 2022). De Lima had to serve out the rest of her senate term in jail, and lost her re-election bid in 2022, after six years of Duterte’s systematic public attacks against her. The political prosecution of de Lima has had a chilling effect on the opposition, and there were mass defections to Duterte’s legislative coalition in the first half of his term.

The Philippine Commission on Human Rights (CHR) is tasked with investigating human rights violations against marginalized and vulnerable sectors. It is constitutionally mandated to investigate alleged human rights violations perpetrated by state actors or the government. CHR has consistently raised concerns about police abuses in the war on drugs (Commission on Human Rights, 2022), military abuses against indigenous groups and other civilians in the war against communists (Commission on Human Rights, 2019), and increasing threats to human rights defenders in the Philippines (Commission on Human Rights, 2020). CHR is independent of other branches of government, but Duterte has retaliated against the CHR for what he perceived as unacceptable meddling in his powers. Duterte issued several presidential orders and directives to the effect of instructing government agencies to ignore requests from CHR for police documents vital to its investigations into drug war-related killings. This has significantly hampered CHR investigations and arguably obstructs justice (Commission on Human Rights 2022, 27-34). Duterte also regularly accused the CHR of being “one-sided” in criticizing abuses of state actors, and called on CHR to investigate crimes committed by rebel groups as well, which is outside the CHR’s mandate (Gavilan, 2017). The

misrepresentation of CHR as caring only for the human rights of “criminals” and thereby contributing to widespread criminality, has gained traction among Duterte supporters, forcing the CHR to constantly clarify its mandate and the importance of due process for every citizen (Commission on Human Rights, 2018). Nonetheless, after Duterte allies in Congress successfully slashed CHR’s budget to 20 USD to punish it for “only investigating government abuses”, CHR was forced to agree to look into violations by criminals and insurgents as well as state actors in exchange for having its budget restored (Reuters, 2017). It should be noted that CHR has remained steadfast in its role as a watchdog against abuses by state institutions, but its powers are limited.

Second, Duterte constructs his authoritarian projects as battles between good and evil. He frames his war on drugs as a battle between good citizens and monstrous others (Kusaka, 2017), and on several occasions argued that the mental and psychological damage caused by drug use has rendered drug users “non-human” (Bello, 2020). In his speeches, he consistently deployed imagery of drug users as crazed and violent rapists attacking innocent women and children, and human rights advocates as their “enablers”, thereby positioning himself and his military and police extensions as protectors of a nation under threat (Parmanand, 2020). He portrayed communist rebels in similar dehumanising terms, accusing them of rape and murder (Parmanand, 2020). A prime example of his tirades against human rights is his State of the Nation Address in 2017, where he accused human rights defenders of trivializing the violence suffered by victims of “drug-addled” criminals. (Official Gazette, 2017). During the height of the pandemic, he painted “undisciplined” Filipinos who failed to adhere to strict lockdown regulations (either because they were searching for food or medical help, or protesting the lack of social protection) as responsible for the deaths of other citizens, thereby justifying heavy-handed measures against them (Parmanand, 2020).

Third, Duterte embraced the mantle of “local authenticity”, and started his term with strong and bombastic criticism of the US, EU, UN, and other human rights institutions. He has consistently referred to criticism against his human rights abuses as an attack on Philippine sovereignty and maintained that Western nations and international human rights institutions do not understand the threat posed by illegal drugs to the Philippines. He regularly attacked the US, UN, and EU countries for their hypocrisy, reminding his local and international audiences that the US had invaded Iraq illegally, and that EU nations have a long and violent history of colonization (Presidential Communications Operations Office, 2016). In his last State of the Nation Address, he remained defiant, despite the prospect of an International Criminal Court (ICC) probe into his role in the drug war killings: “I have never denied, and the ICC can record it: those who destroy my country, I will kill you. And those who destroy the young people of our country, I will kill you. I will really finish you, because I love my country” (Official Gazette, 2021). Duterte has leaned heavily on his friendships with Chinese President Xi Jinping and Russian President Vladimir Putin to assert diplomatic muscularity against critics of his war on drugs, even threatening to withdraw the Philippines from the ICC and join a new “global order” led by China and Russia (Aljazeera, 2016). It should, however, be recognized that some of his criticism against wealthier nations, such as his strong condemnation of vaccine inequality and climate injustice (UN Affairs, 2021), even if self-serving, is substantively important and necessary. In this context, a complex, multi-sited critique of the shortcomings of international human rights institutions and Western nations, as well as Duterte’s own tyranny, are called for.

He and his surrogates also tagged his critics and human rights advocates as Western-centric, a strategy that is moderately successful in a country with legitimate postcolonial grievances and a vexed relationship with its former colonial master, the US. As mentioned earlier, Duterte accused news agency *Rappler* of being funded by the US Central Intelligence Agency (CIA) (Gita-Carlos, 2020a) and used this as a justification for denying them access to covering his events. He also claimed in public speeches and interviews that the CIA “wants him out of government” and may be plotting to kill him (Presidential Communications Operations

Office 2017a, Aljazeera, 2018). He bemoaned US interference on behalf of the imprisoned opposition senator De Lima (Gita-Carlos, 2020b) and accused Robredo of untrustworthiness because of her willingness to consult with US and UN officials on fighting against illegal drugs (Gita-Carlos, 2019). Pro-Duterte bloggers, reporters, and “influencers” have also regularly accused Robredo and Duterte’s critics of being backed by US funders (for examples, see for example Panti 2017; Tiglao 2022).

Duterte has also framed criticism against his objectification of women as a form of “Western political correctness” that threatens male freedom, while accusing Western critics of hypocrisy in their own commitments to gender equality. For example, in response to criticism of his rape jokes by former US first daughter Chelsea Clinton, Duterte noted that American soldiers stationed in foreign bases have raped local women (Presidential Communications Operations Office, 2017b). By conflating political correctness and Western imperialism, Duterte mobilized racial insecurities and resentment to weaken the appeal of feminist critics in a nation that otherwise has performed relatively well on gender empowerment metrics, such as the Global Gender Gap report.

Fourth, in an ironic tension with the previous strategy of invoking the threat of “Western intervention”, Duterte and his team have aggressively “red-tagged” critics and dissenters, suggesting while some of them might be Western puppets, they are also colluding with communist rebel groups. This accusation frames them as “security threats”, and thus, enemies of the state. As mentioned earlier, Duterte’s candidacy was supported by hard leftist groups in the Philippines, but peace talks broke down a year after he was elected, at which point he instituted an all-out war on the left. He formed the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) in 2018, to institutionalize a “whole-of-nation” approach against the communist rebellion in the Philippines. NTF-ELCAC has a mandate to warn the public against “front organizations” or “groups with links to communist rebels” (Philippine News Agency 2021; Nepomuceno 2021). Driven by NTF-ELCAC, Duterte himself, and his allies and supporters, “red-tagging” has intensified against critics, opposition leaders, media organizations, grassroots activists, peasant organizations, public health professionals calling for better conditions for health workers, and even community pantry leaders who were simply trying to alleviate pandemic-induced food shortages (Macaraan 2021; Macaraeg 2020; Docot 2021). In light of the police and military’s worsened culture of impunity under Duterte’s regime, red-tagging has serious consequences for its targets, including online harassment, and risk of arrest, detention, or even summary execution, which befell several human rights defenders (de Leon, 2021).

Fifth, the performance of masculinity as a “political style” has helped Duterte undermine the credibility of his opponents. There are several ways in which Duterte uses gender as a tool of statecraft. Broadly, his assertions of male dominance include regular threats of violence against his enemies and alleged criminals, attempts to diminish threats to his authority or events beyond his control (such as his initial pandemic denialism), and gestures such as publicly soliciting kisses from female supports, and general bombastic physical humour. His sexist jokes and open admiration (ogling) of women endears him to a significant constituency nostalgic about a hetero-patriarchal order that they see as being threatened by feminists and human rights defenders.

However, unlike Brazil’s Jair Bolsonaro or US’ Donald Trump, Duterte’s sexism does not consist of a straightforward attack on rights for women and gender and sexual minorities. In fact, his supporters are quick to dismiss his sexist jokes as “playful banter” and point to gender equality legislation enacted when he was Mayor of Davao City (Musico, 2018). To a great extent, his sexism is reminiscent of Young’s (2003) male head of household, a courageous and self-sacrificing protector who guarantees the safety of his family, but requires them to cede power to him. This “benevolence”, however, disappears when he is challenged or criticized. He has regularly accused his opponents and critics of homosexuality and/or sexual

perversity, thereby constructing them as weak, cowardly, or untrustworthy. During his presidential campaign, when rival candidate Mar Roxas questioned Duterte's promise to end the drug problem in six months, Duterte responded with, "Mar is gay. He can't do it. I can because I am a man. He isn't a man, so how will he do it? He is afraid to kill, he is afraid to die. But try me. Hold *shabu* [local slang for metamphetamine] in front of me, and I will blow your head off!" (ABS-CBN News, 2016). In response to the CHR's criticism of the killings of young adolescents in Duterte's war on drugs, Duterte said of its Commissioner, ""Why is this guy so pre-suffocated [sic] with the issue of the young people, especially boys? Are you gay or are you a pedophile?" (Presidential Communications Operations Office, 2017c). He has also capitalized on sexist norms to disempower female political opponents. For example, he complemented Robredo on her physical appearance while calling her a weak leader throughout his presidency. He also threatened to publicly release opposition senator de Lima's alleged sex tape to prove she had an affair with her driver and directly accused her of immorality while flouting his own extramarital affairs. These actions have reputational costs for women politicians who are already regularly physically objectified, stereotyped as weak, and punished for perceived sexual transgressions, especially in a predominantly religious country such as the Philippines (Parmanand, 2020).

Sixth, Duterte used the pandemic as a justification for expanding his powers and enacting more draconian legislation, leading V-Dem Institute to identify the Philippines as a country that stands out for its democratic backsliding during the pandemic, particularly in terms of abusive law enforcement, violations of inalienable rights, and curtailment of media freedom (Kaiser, 2021). I argue elsewhere that once Duterte had reframed the pandemic as a problem of adherence to strict lockdown, this legitimized increased suppression, surveillance, and arrests of protesters and critics, who were seen as a danger to public health (Parmanand, 2022). In late March 2020, Congress passed the Bayanihan to Heal As One law (bayanihan is a Filipino word for working together to achieve a common goal). This law gave Duterte emergency powers and included a questionable provision on criminalizing fake news. In the first month since the law was passed, 47 individuals who criticized the government's pandemic response were arrested for supposedly violating this provision (Joaquin and Biana, 2020). While Filipinos were grappling with the effects of the pandemic, Duterte's legislative allies prioritized passing an Anti-Terrorism Act, which he signed into law on July 2020. This law expanded the government's power and scope for defining "terrorism". It gave him the power to appoint an Anti- Terrorism Council (ATC) without oversight from the judiciary or legislature. The ATC can order mass arrests without warrants and detain individuals without due process on the suspicion of 'terrorism' (Agojo, 2021).

Seventh, Duterte relied on the spectacle of violence to intimidate the population. There have been a few political leaders in the Philippines who also took on a "tough on crime" approach, such as former Manila City Mayor Alfredo Lim, who spray-painted houses of alleged drug users to humiliate them in the 1990's, and Ping Lacson, who, as head of the Presidential Anti-Organized Crime Task Force (before he was elected senator), was prosecuted for killing gang members in an illegal police operation in 1995. None of them explicitly called for the assassination of civilians and publicly guaranteed the police immunity from accountability (Commission on Human Rights, 2022). Reyes (2016) points to deliberate disciplinary strategies, such as public shaming through the publication of names of suspects in radio and television shows (without any formal investigation); the killing of suspects in public spaces or their homes (sometimes in front of other family members) and the dumping of corpses on the streets; the use of their bodies to broadcast political messages (such as announcing that they were criminals who deserved to be killed); and incentives and rewards for police officers based on their "kills", as ways in which Duterte communicated a "credible threat" to the population, while also allowing those who viewed themselves as law-abiding to feel safe and protected.

### *Missed opportunities, backsliding, and dangerous norm-setting*

In addition to the laws discussed earlier that expand presidential powers, there have also been some landmark human rights and social protection laws passed under Duterte's regime, such as (ironically) the Safe Spaces Act, principally authored by Opposition Senator Risa Hontiveros, which covers gender-based sexual harassment committed in public spaces, educational or training institutions, workplaces, and online; a law expanding maternity leave; and stronger laws on ensuring the health and safety of mothers and their children in the early stages after childbirth (Philippine Commission on Women, 2022).

Nonetheless, there have been many missed opportunities to enact meaningful gender equality legislation under Duterte's watch. In light of his massive political capital and legislative supermajority, he would not have encountered the same amount of opposition from the Catholic Church and other conservative forces as previous presidents who tried to push for socially progressive legislation. After promising to back gay marriage during his campaign and winning over key LGBT personalities, he reversed his position upon assuming power (Ross, 2017). The Sexual Orientation and Gender Identity Expression (SOGIE) Equality Bill, also known as the Anti-Discrimination Bill (ADB), languished in the Senate, becoming the longest-running bill under the Senate interpellation period in Philippine history in 2019. It was blocked by Duterte ally and Senate President, Tito Sotto. The Philippines is the only state apart from the Vatican that disallows divorce, and it has among the most restrictive abortion laws in the world. There was no meaningful legislative reform on both fronts under a Duterte administration that could have easily achieved it. Furthermore, while peace and security (rebranded as "law and order") was a priority for the Duterte administration, women's participation in peace and security decision-making in the context of the Bangsamoro peace process in Mindanao has declined, with far more men, particularly from the military, being appointed to leadership positions in the peace negotiations and other major committees (University of the Philippines Center for Women's and Gender Studies, 2021).

The earlier sections show how Duterte's flagship project, the war on drugs, led to state-sponsored killings and an erosion of due process. However, it also undermined poverty alleviation, illustrating how democratic deficits ultimately undermine social rights. Pangilinan, et. al., (2021) examined the effects of drug-related killings on recipients of poverty alleviation programs and found that these killings conclusively entrenched poverty cycles. Their research revealed that most of those killed were breadwinners, which lead to a decrease in household income and heightened pressure on the partners (usually women) and families (parents and grandparents) left behind. Further, reduced income and the stigma of a drug-related death in the family were likely to lead children to drop out of school. Since the killings target predominantly urban poor males, the families of victims were likely to be exposed to other hazards such as flooding, fires, home demolitions, and other disasters and socio-economic shocks. All these traumatized families, eroded social cohesion, and foreclosed social mobility. Additionally, extensive research has shown that the expansion of police powers has harmful consequences for marginalized populations, such as gender and sexual minorities and sex workers, who are vulnerable to harassment, extortion, planted evidence, and warrantless arrests, and who lack the legal standing or support to access justice (Martinez 2022; Parmanand, 2019; Tang, 2016).

As discussed earlier, Duterte's heavily securitized approach to the pandemic emphasized discipline, obedience, and adherence to lockdown regulations, without provisions for robust social protection. The pandemic also served as a justification to enact draconian laws that have a high likelihood of being misused. Additionally, health care workers were not provided their legally mandated hazard pay and allowances for food, transportation, and accommodation nor adequate protective equipment, and were subjected to

extended working hours. However, when they peacefully protested their exploitation, they were red-tagged and portrayed as unpatriotic by members of Duterte's cabinet and staff (Macaraan, 2021). Duterte also instituted a "deployment ban" on Filipino nurses to compel them to serve in the Philippines under the difficult working conditions outlined above. Despite his spokesperson's insistence that the ban would be lifted after the pandemic, it had long-term consequences on those affected, because they risked losing their contracts or security deposits, having their immigration documents expire, defaulting on investments made in the Philippines based on expected income from working overseas, or having no income with which to sustain themselves and their families in the short-term (Ortiga and Liao, 2021). After enthusiastically exporting nurses and benefitting from their remittances, the Duterte government's deployment ban, disingenuously framed by spokesperson Harry Roque as an opportunity to "serve their country", and "an opportunity for nurses to prove their worth in the Philippines" to become more attractive to recruiters, as well as supposedly borne out of Duterte's "concern for their safety overseas" (Tomacruz, 2020), was implemented in an abrupt, brutal, and extractive manner. In addition to all these, the relatively long lockdown period, mobility restrictions on the population, and the significant disruption to the provision of social services led to more women experiencing domestic violence while trapped in their homes with their partners and having no access to support (UN Women, 2020).

Furthermore, while it may be difficult to measure the impact of Duterte's public sexism, it is reasonable to assume that high-profile national leaders have strong norm-setting abilities. Krook demonstrates in her work on violence against women in politics (2020, 187), there is a need to name the words, images, and body language enacted to injure, discipline, and subjugate women. She refers to this as "semiotic violence", and argues that the "public signification" of these acts matters, because through their circulation among citizens, they are meant to not only attack individual women but also shape public perceptions about the validity of women's political participation more broadly (Krook 2020, 67). One concrete manifestation of the harms of Duterte's hypermasculinist performance is the normalization of online thuggery, including cursing and threats of violence, against Duterte's critics, especially women (Curato, 2016). Moreover, in the campaign period for the 2022 presidential election, alleged sex tapes of Robredo's daughters were being circulated, reminiscent of Duterte's threat to release de Lima's supposed sex tapes (Cepeda, 2022). Finally, Duterte has essentially legitimized sexual violence in conflict situations, reversing decades of progress on women, peace, and security, through his instructions to soldiers to "shoot communist women in the vagina", which he justified as commensurate punishment for "useless mothers" who abandoned their children to join the insurgency (Presidential Communications Operations Office, 2018a) and his reassurance to soldiers fighting insurgents in Southern Philippines that despite the concerns of human rights groups, if they each "rape up to three women", he would take responsibility (Presidential Communications Operations Office, 2018b).

Ultimately, it needs to be acknowledged that democracy and human rights have faced serious setbacks globally, and the Philippines is not exceptional in this regard. However, while keeping in mind the limitations of quantitative indicators of human rights and democratic progress, it is important to recognize the consistently weakening position of the Philippines across some of the more respected ranking systems on civil and political rights and social and economic rights. Freedom House, which measures political rights and civil liberties, describes the Philippines as "partly free", but scored it significantly lower in 2022 (55/100) compared to 2015, before Duterte was elected (63/100) (Freedom House, 2022). In 2021, the Philippines received its lowest ranking on Transparency International's Corruption Perceptions Index (which measures perceived levels of public sector corruption, according to experts and businesspeople), at 117th out of 180 countries, compared to 95<sup>th</sup> out of 168 in 2015 (Transparency International, 2022). World Justice Project, which measures countries' rule of law based on the experiences and perceptions of the general public and in-country legal practitioners and experts worldwide, had the Philippines 102 out of 139 countries in 2021,

a long way from 51th place in 2015 (World Justice Project, 2021). Reporters Without Borders noted that the Philippines has fallen 22 places in their World Press Freedom Index since the beginning of Duterte's term, and called upon President-elect Marcos Jr. to reverse Duterte's policy of harassment against critical media outlets (2022). In 2021, the Philippines ranked 17<sup>th</sup> in World Economic Forum's Global Gender Gap Report, slipping from 7<sup>th</sup> in 2015 (World Economic Forum, 2021). The report tracks gender gaps across four key areas: economic participation and opportunity; educational attainment; health and survival; and political empowerment.

### ***Looking Ahead***

Given the significant damage incurred by political liberalism in the Philippines, both through the failings of its proponents and from Duterte's populist attacks, normative appeals to human rights, "civilized discourse", or "moral decency" are unlikely to be effective on their own. They need to be combined with a range of measures in the face of vast disinformation networks, media censorship, and attempts by the newly elected Marcos, Jr. government to revise history. These measures will need to include targeted efforts to protect the archives and preserve and disseminate information on the atrocities committed by the state during Marcos, Sr.'s dictatorship and the extent of his family's and cronies' corruption, which essentially buried future generations of Filipinos in debt. Concrete steps also need to be taken to dismantle disinformation architecture, such as pushing for more transparency and monitoring around politicians' spending on social media (Ong and Tapsell, 2020), holding state-run media outfits to ethical journalistic standards through self-regulatory boards, and challenging the increased censorship of private-owned and independent media. A thorough audit of the abuses during the war on drugs is necessary, and avenues such as the ICC probe need to be pursued. In light of Duterte's mobilization of sexist norms to build support for his authoritarian projects and undermine his critics, a more systematic and deliberate effort to restore (and further promote) respectful and gender-inclusive norms is necessary. However, it is crucial to learn from unsuccessful campaigns against populist leaders in the Philippines and elsewhere, and to accept that "culture war" rhetoric in political campaigns need to be reframed to emphasize inclusive growth, the provision of social services, and respect for differences.

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