

Universal Periodic Review (41st session)

Contribution of UNESCO

Philippines

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Ratified in 1964	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 19 September 1985 Committee Member (1991-1997 ; 2013-2017)			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 18 August 2006 Committee Member (2016-2020)			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not ratified			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The **Constitution of the Republic of the Philippines of 1987**¹, in its article XIV Section 1, provides that “the State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all”.
2. The **Education Act of 1982**² guarantees the right to education without discrimination.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedom of expression is guaranteed in the Constitution, in Article II Section 24, Article III Section 4, and Article XVI Section 10.³ The Constitution guarantees that no law shall be passed if it is conflicting with freedom of information, of press, and of expression (Art. III, Sec.4) and the State shall provide a policy environment that respects this freedom (Art. XVI, Sec.10).
4. The right to access information is explicitly mentioned in the Philippine Constitution Article III Section 7.⁴ However, there are no specific laws on access to information which articulate the rights stated in the Constitution. The privacy of communication and correspondence may not be violated unless ordered by a court (Art. III, Sec.3).
5. In the revised Penal Code,⁵ defamation is considered a criminal offence, according to Articles 353 to 362. The penalties for such offences would be imprisonment or a fine ranging from 200 to 6,000 pesos.
6. The Philippines’ Cybercrime Prevention Act of 2012 (Republic Act No. 10175)⁶ specifies what constitutes an online crime. The act authorizes state enforcers to collect traffic data and requires service providers to cooperate and assist in law enforcement by preserving data for six months and disclosing information to aid investigation; and it gives law enforcement wide discretion to detain and charge individuals on the grounds of national security.

¹ <http://www.unesco.org/education/edurights/media/docs/21a5a6460118be83368659d8217bc934c88e5a8c.pdf>

² <http://www.unesco.org/education/edurights/media/docs/0a8cdc307422471ccdb85a6cd3a96c48487c14ec.pdf>

³ https://www.constituteproject.org/constitution/Philippines_1987?lang=en

⁴ https://www.constituteproject.org/constitution/Philippines_1987?lang=en

⁵ http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/PHL_revised_penal_code.pdf

⁶ <https://www.officialgazette.gov.ph/2012/09/12/republic-act-no-10175/>

⁷ <https://www.officialgazette.gov.ph/2016/06/20/irr-data-privacy-act-2012/>

7. The Data Privacy Act of 2012 (Republic Act No. 10173)⁷ regulates the protection of individual personal information. Section 1 of the Republic Act No. 53,⁸ otherwise known as the Sotto Law, states that journalists cannot be compelled to reveal the source of any news-report or information appearing in said publication which was relayed in confidence.

Implementation of the Law:

8. The National Telecommunications Commission (NTC), attached to the Department of Information and Communications Technology is responsible for the supervision and regulation of radio and television stations throughout the Philippines. In 2020, the NTC issued a cease-and-desist order to ABS-CBN, the country's biggest broadcaster after the Philippine Congress did not extend the station's license. The NTC has the mandate of regulating and supervising radio and television broadcast stations, cable television (CATV) and pay television. Concerns have been raised about the immediate shutdown of broadcasting services in the country.⁹
9. The Philippines drafted an Executive Order on Freedom of Information (2016). An Access to Information draft bill has been pending in Congress for over 10 years. The National Privacy Commission is tasked with implementing and enforcing the Data Privacy Act of 2012 (Republic Act No. 10173).
10. The Philippine Press Institute¹⁰ was established in 1993, founded by Journalists as well as representatives from academia, business, and the legal community. It is tasked with working towards the preservation of ethical standards among media professionals. It is now an independent regulatory body within the Philippine Press Institute.
11. The Media is also self-regulated through journalists' unions and associations such as the National Union of Journalists of the Philippines,¹¹ the Association of Broadcasters of the Philippines (KBP),¹² and the Philippines Network of Environmental Journalists.¹³ A non-binding code of journalists' ethics was adopted by the Philippines Press Institute and the National Press Club¹⁴ in 1988, and a Broadcast Code of the

⁷ <https://www.officialgazette.gov.ph/2016/06/20/irr-data-privacy-act-2012/>

⁸ https://lawphil.net/statutes/repacts/ra1946/ra_53_1946.html

⁹ A/HRC/44/22

¹⁰ <https://accountablejournalism.org/press-councils/Philippines>

¹¹ <http://www.nujp.org/>

¹² <https://www.kbp.org.ph/about-kbp>

¹³ <https://earthjournalism.net/tags/philippine-network-of-environmental-journalists>

¹⁴ <https://accountablejournalism.org/press-councils/Philippines>

Philippines was adopted in 2007 by the Association of Broadcasters of the Philippines (KBP).¹⁵

Safety of journalists:

12. As of 17 February 2022, UNESCO has recorded the killings of 90 journalists and media professionals in the Philippines since the Organization started systematic monitoring in 2006.¹⁶ The Government has systematically responded to UNESCO requests for information on the status of judicial follow-up of cases of killings of journalists, with 74 cases reported as ongoing/unresolved.
13. The Philippines launched first the National Plan of Action on the Safety of Journalists (PPASJ) in November 2020. The national plan was developed through multi-stakeholder consultations with media, government, academia, and local and international press freedom organizations and provides a roadmap for addressing five concrete flagship areas deemed crucial to improving the safety of journalists and the media environment from 2020-2024.¹⁷

III. Review and specific recommendations

A. Education

Legislative, regulatory and policy framework:

- The Special Education Act of 2019¹⁸ (see below).
- The UN Philippines partnership framework for sustainable development 2019-2023 draft¹⁹, 2018, sets strategies and priorities for its partnership with the United Nations for the 2019-2023 period, highlighting the importance of reducing inequalities and achieving more inclusive education where gender equality and discrimination are eliminated.
- The Philippine development plan 2017-2022²⁰, 2017, puts a focus on the importance of the key reforms and challenges the country faces notably in education, such as

¹⁵ <http://www.kbp.org.ph/wp-content/uploads/2008/04/Broadcast-Code-of-2007.pdf>

¹⁶ <https://en.unesco.org/themes/safety-journalists/observatory/country/223790>

¹⁷ <https://www.mediasupport.org/the-philippines-launches-first-national-plan-of-action-on-the-safety-of-journalists/>

¹⁸ <http://legacy.senate.gov.ph/lisdata/3181728677!.pdf>

¹⁹ https://planipolis.iiep.unesco.org/sites/default/files/ressources/philippines-undaf-2019-2023_draft.pdf

²⁰ https://planipolis.iiep.unesco.org/sites/default/files/ressources/philippines_development_plan_2017-2022.pdf

raising the quality of education, improving the enrollment rates and eliminating disparities among regions.

- The Adherence to *Sulong Edukalidad* (Advancing Education) as mechanism in addressing learning gaps in basic education²¹, 2020, highlights one of the most important challenges for basic education in the country: quality in education (especially with the increased use of technology). In this policy, the Department of Education (DepEd) sets several directives addressed to undersecretaries and directors to face this challenge with the launch of “Sulong Edukalidad”, a call for national effort for quality basic education, aiming to review and update the curriculums, improve the learning environments, help teachers upskilling and reskilling and engage more stakeholders for support and collaboration.
- The Gender-responsive basic education policy²², 2017, seeks to enable the DepEd to tackle gender disparities in education and address both enduring and emerging gender and sexuality-related issues in basic education, promote the protection of children from all forms of gender-related violence, abuse, exploitation, discrimination, and bullying. This policy provides guidelines for officials, employees of child-related institutions and learners of the public and the private sector in elementary, junior, senior, special education schools and universities. It sets some DepEd commitments, guidelines to follow and a system of monitoring (all levels of governance shall gather feedback from their respective planning offices on the implementation of the Gender-Responsive Basic Education Policy and conduct a periodic review).

Inclusion

- In response to recommendations N°133.223 of the last UPR cycle, the Philippines continued to enhance laws and policies regarding access to education for the most disadvantaged learners. In this regard, the Special Education Act of 2019 intends to establish the Bureau of Special Education to institutionalize and manage special education through the design of an appropriate curriculum and tailored programmes and supervise divisions for gifted and talented youth and children and youth with disabilities within the DepEd. It is also responsible for early identification of special needs and the provision of medical and financial assistance.

²¹ https://planipolis.iiep.unesco.org/sites/default/files/ressources/phlippines_adherence-to-sulong-edukalidad-as-mechanism-in-addressing-learning-gaps-in-basic-education.pdf

²² https://planipolis.iiep.unesco.org/sites/default/files/ressources/philippines_gender_basic_education_policy.pdf

- The Mandatory Provision of Neutral Desks in Educational Institutions Act adopted by the Philippines Senate in 2019 mandates provision of neutral desks (desks which are adapted to both right-handed and left-handed students) to 10% of the student population at all levels, including technical, vocational and higher education, within a year.²³ Once rules and regulations are formulated, administrative penalties may be imposed for non-compliance.

Gender discrimination

- In response to the recommendations N°133.126, N°133.225 and N°133.225 of the last UPR cycle, the Philippines took action to eradicate violence against women and children, fight gender discrimination and increase the number of girls enrolled in education. In 2017, Philippines adopted the Gender-responsive basic education policy to tackle gender disparities in basic education.

Enrolment rates

- In 2019, the net enrolment ratio of girls in primary education decreased compared to 2017, going from 93.7% to 91.4%²⁴. Net enrolments rates have also decreased for boys and from 2014 (94.6%) to 2019 (92.2%) and the total net enrolment decreased from 95.4% to 91.8%.²⁵ Regarding gender equality in secondary education, gross enrolments rates in 2019 were higher for girls (93.91%) than for boys (85.88%), and higher for both groups comparing to 2018.²⁶

Minimum age of marriage

- The Republic Act No. 11596²⁷ was signed in December 2021, in consolidation of the Senate Bill No. 1373 and House Bill No. 9943 of 27 September 2021. This law prohibits the practice of child marriage and imposes penalties. The State recognizes the role of women in nation-building and shall therefore protect and promote their empowerment, entailing the abolition of the unequal structures and practices that perpetuate discrimination and inequality. This legislation contributes to the realization of the right to education, as girls who marry are more likely to drop out of school.

Financing education

²³ UNESCO [GEM Report on Inclusion and education](#), 2020

²⁴ <http://uis.unesco.org/en/country/ph>

²⁵ Ibid.

²⁶ Ibid.

²⁷ <https://mirror.officialgazette.gov.ph/downloads/2021/12dec/20211210-RA-11596-RRD.pdf>

- In response to recommendations N°133.218 and N°133.221 of the last UPR cycle, the Philippines put efforts to allocate the highest budgetary priority to public education. In 2020, Philippines dedicated 14.2% of its total government expenditure on education. The 2030 Education Framework for Action requires States to allocate “at least 15% to 20% of public expenditure to education” (para. 105). The Philippines has allocated 3.2%²⁸ of its GDP to education in 2019, which is not in line with the 4-6% required by the Framework for Action.

Compulsory education and minimum age of employment

- The Philippine’s legal age of employment is 15 years, according to article 139 of the Labor Code of 1977. Considering that secondary education ends when the child reaches the age of 18 and is part of basic compulsory education, the age of employment is not aligned with the end of compulsory education.

COVID-19 and digital education

- UNESCO’s Initiative on the Evolving Right to Education raises the importance of digital inclusion. In the Philippines, as of 30 November 2021, schools were closed a total of 63 weeks and to reach learners, the three main channels used for distance learning were the TV through the DepEd TV Channel²⁹, online through the DepEd Commons³⁰ and through the DepEd radio.³¹
- In addition to the several guidelines issued in 2020 to ensure the continuity of education,³² the Philippines adopted the Basic Education Learning Continuity Plan (BE-LCP) for School Year 2020-2021 in Light of the COVID-19 Public Health Emergency.³³ It include interventions that respond to education challenges caused by the COVID-19 pandemic, including: protecting the health, safety and well-being of learners, teachers and personnel; ensuring learning continuity through the K-12 curriculum adjustments, alignment of learning material, teacher training, etc.; facilitating the return to school and workplaces of teaching and non-teaching personnel and learners; being sensitive to equity considerations and concerns and linking and bridging the BE-LCP with other policy measures regarding quality.

²⁸ <http://uis.unesco.org/en/country/ph>

²⁹ <https://governmentph.com/dep-ed-tv/>

³⁰ <https://commons.deped.gov.ph/>

³¹ <https://covid19.uis.unesco.org/global-monitoring-school-closures-covid19/country-dashboard/>

³² <https://www.deped.gov.ph/covid-19/covid19-memoranda/>

³³ https://www.deped.gov.ph/wp-content/uploads/2020/06/DO_s2020_012-1.pdf

- A set of policy directives of the DepEd Task Force were adopted in 2020³⁴, to provide guidance to DepEd officials, personnel and staff on heightened precautions in light of the pandemic.

Specific recommendations:

14. Philippines should be encouraged to:

- Continue efforts to increase the enrolment rates in both primary and secondary education.
- Ensure the full enforcement of marriage laws to protect the right to education of girls and women.
- Consider harmonizing legislation to ensure children complete their compulsory education by aligning the minimum age of employment and related exceptions, with the full compliance with compulsory education attendance.
- Consider allocating at least 15-20% of government expenditure on education, as required by the Education 2030 Framework for Action, and/or 4-6% of the GDP.
- Continue efforts to ensure the digital inclusion of all students and teachers, while ensuring their protection online.
- Submit regularly comprehensive national reports for the periodic consultations on UNESCO’s education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- Share with UNESCO any relevant information to update its country profile on UNESCO’s [Observatory on the Right to Education](#) and [Her Atlas : Monitoring the right to education for girls and women](#).

B. Freedom of opinion and expression

15. It is recommended that the Philippines decriminalize defamation and place it within a Civil Code that is in accordance with international standards.³⁵

³⁴ <https://www.deped.gov.ph/covid-19/covid19-memoranda/>

³⁵ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, and the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression.

16. The Philippines is encouraged to introduce access to information legislation that is in accordance with international standards.³⁶
17. It is recommended that the Philippines reviews the Cybercrime Prevention Act of 2012, to ensure that its provisions are in line with international human rights standards.
18. It is recommended that the Philippines align the functioning of the National Telecommunications Commission to ensure it complies with international human rights standards.
19. The Philippines is urged to continue to investigate the cases of killed journalists until these are judicially resolved, and to continue to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a mean to strengthen protection of journalists and freedom of expression.

C. Cultural Rights

20. The Philippines is encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). The UNESCO Culture Conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, The Philippines is encouraged to facilitate the participation of communities, practitioners, cultural actors and civil society organizations as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

³⁶Ibid.

21. The Philippines did not submit its national report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2018 to 2021. Therefore, the Philippines is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) as well as human rights obligations related to the practice of science generally; the human rights related to access to and uses of scientific knowledge through education; the principle of non-discrimination, requiring, in this case, active promotion of women and girls entering scientific careers, as well as protections for human rights of human subjects of research. The Philippines is invited to include information about issues covered by the 2017 Recommendation in its national report to the UPR allowing thereby a dedicated discussion at the Human Rights Council and the formulation of specific recommendations. Additionally, the Philippines is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers.