



## COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES

### INPUTS TO HRC RESOLUTION 32/13: THE PROMOTION, PROTECTION AND ENJOYMENT OF HUMAN RIGHTS ON THE INTERNET 29 JANUARY 2017

1. The Commission on Human Rights of the Philippines (herewith the Commission)<sup>i</sup> submits to the Office of the High Commissioner for Human Rights, its inputs on the situation and obstacles faced by women (and vulnerable and marginalized groups) in the Philippines to access the internet, and measures taken to bridge the gender digital divide in the country.
2. This submission took into consideration local and international reports from government, civil society, the media, and international non-government organizations. This submission also utilized the Commission's own documentation of independent monitoring activities and statements on technology and human rights, which were subjected to the internal deliberations of the Commission En Banc.

#### **Access to information and communications technology (ICT) in general and the internet in particular**

3. The Philippines consistently ranks among the top 10 countries with the least gender disparity in the Asia Pacific, based on World Economic Forum data.<sup>ii</sup> Significantly, the country is one of the very few States in the region where women have almost equal participation in the technical field as men, and where women, although only marginally, outnumber men in having access to the internet. However, it is also in the Philippines where information and communications technology (ICT) adoption is not regarded by people as an immediate priority due to rampant poverty.<sup>iii</sup>
4. Freedom House rated the Philippines as "free" in its Freedom on the Net 2016 report. Internet freedom in the county improved since there was no recurrence of internet shutdowns.<sup>iv</sup>
5. Connection speeds in the Philippines remain among the slowest in the world although the government attempts to provide thousands of free Wi-Fi hotspots with the aim of connecting 99 percent of the population.<sup>v</sup> The country also has the most expensive internet subscriptions in the Asian region.<sup>vi</sup>
6. In 2015 the World Wide Web Foundation in collaboration with the Foundation for Media Alternatives (FMA) prepared gender audits to help countries assess their actions to overcome the gender digital divide. The report on the Philippines identified the primary obstacles faced by women in the country with respect to ICT to wit:

*Internet Access & Women's Empowerment - While in urban areas the gender gap in Internet access is closing, our Women's Rights Online study showed that few women*

*in poor areas of Manila have used the Internet to look for important information on their rights (18%) or voice their opinions online (8%)*

*Affordability - In 2015, the Philippines committed resources to establish free nationwide Wi-Fi in public places. A new national broadband plan is due to be adopted within the next year. However, the Philippines has the second lowest Internet speed in the region at 3.2 Mb per second.*

*Digital Skills & Education - The Department of Science and Technology provides digital skills and education training at its Technology for Education Centers. However, 79% of the country's public primary and secondary schools lack Internet connectivity.*

*Relevant Contents & Services - The government makes some information about reproductive and sexual health rights and services available online, but it is often not easy to locate. Additionally, just 5% of women have access to mobile financial services*

*Online Safety - Specific laws are in place for victims of online violence to seek recourse. Law enforcement officers have undergone training on investigating cyberviolence against women, and a few cases have resulted in arrests. A robust data privacy law was enacted in 2012.<sup>vii</sup>*

7. Women living in rural areas spoke of challenges standing in the way of increased ICT accessibility, including:
  - a. *The lack of power in many villages which compels women to walk for hours to the nearest town to charge their mobile phones; and*
  - b. *The periodic evacuations due to ongoing clashes which has created communities that are always on the move, settling in makeshift structures, thus making it difficult to equip schools, for instance, with computers and internet connectivity*
  - c. *General discomfort with unfamiliar technology, especially among rural residents.*
  - d. *Hesitation to try a peculiar-looking device, even if it is meant for public use, without someone first teaching them how it works.<sup>viii</sup>*
8. In low-income areas where women are more prone to sexual exploitation and trafficking, rights groups worry that women may be learning to use the Internet for purposes that make them more vulnerable to online and offline abuse. Digital skills training must thus not only be about how one can connect to the Internet, but also include ways by which women can use it productively for self-development.<sup>ix</sup>
9. In a study conducted by Google, women in the Philippines cited lack of time, skills and income as the biggest obstacles to Internet use.<sup>x</sup>

### **Online violence, cyberbullying**

10. In a statement regarding human rights violations online, Micheline Rama of DAKILA – Philippine Collective for Modern Heroism<sup>xi</sup> reiterated their stand that human rights online are the same as human rights offline, thus abuses occurring online should also have the same repercussions as those happening offline.<sup>xii</sup> The internet can also be a place to gather information, participate in

discourse, express ourselves and our opinions, and more. However, it can also be used for human rights abuses against people of all ages, gender, identities and political affiliations from all over the country.<sup>xiii</sup> This statement came out during the height of the presidential campaign in 2016, when human rights activists and ordinary “netizens” were being harassed and bullied online for expressing their political opinions and criticisms about the presidential and vice-presidential candidates. While anyone can be prone to online violence, women are particularly targeted with hate speech, death and rape threats. The case of Renee Karunungan is one example. Karunungan, a writer and human rights activist, filed a criminal case at the Department of Justice (DOJ) and an election offense case at the Commission on Elections (COMELEC) after she received a torrent of hateful and threatening comments and messages for her facebook posts explaining why she had chosen not to vote for a certain candidate.<sup>xiv</sup> Commission on Human Rights of the Philippines (CHRP) noted that “no one has the right to hurt or threaten others in the real world...same with the virtual world, you cannot violate the rights of others.”<sup>xv, xvi</sup>

### **Laws and policies related to ICT and internet governance**

11. Over the years, several national laws designed to protect the rights of women and children were passed, but a review of these policies showed that the term “information and communications technology” (ICT) has not been categorically defined in Philippine statutes.<sup>xvii</sup> Nonetheless, in the last decade the Philippines has attempted to bridge gaps in existing legislation through amendments or the creation of new laws.
12. In 2009, the Philippines enacted Republic Act 9710 or the Magna Carta of Women which affords better protection of women’s rights. The law mentioned numerous times the role of technology as means to fulfill their rights to a life with dignity. It specifically recognizes technology in women’s right to livelihood and states that women shall be provided with “updated, useful information and gender-sensitive technologies for production, processing, and marketing of food products<sup>xviii</sup>.” It likewise demands the State ensure “right to livelihood, credit, capital and technology.”<sup>xix, xx</sup> Although Government efforts to maximize the use of ICT for development and delivery of services are laudable, there is still a considerable lack of commitment to advance gender equality and empowerment through the internet and ICT.
13. In 2016, legislators introduced the Comprehensive Anti-Discrimination Bill,<sup>xxi, xxii</sup> which seeks to guarantee equal protection of rights of persons with diverse sexual orientation, gender identity and expressions (SOGIE) and penalize perpetration of discriminatory practices against them. Under the bill, “it shall be unlawful to deny a person of his freedom of opinion and expression based solely or partly on Protected Attributes. This includes “freedom to seek, receive, and impart information and ideas of all kinds through any medium.”<sup>xxiii</sup>
14. Following a mapping of online gender-based violence in the Philippines conducted by the FMA, it was found that there have been more than one hundred and sixty (160) cases of online gender-based violence cases in the country since 2012. These include incidents of online harassment, cyber bullying, digital stalking, identity theft, verbal sexual assault, threats and abusive comments, and uploading of photos and videos on intimate nature without consent.<sup>xxiv</sup>
15. In response to the increasing incidence of sexual harassment, misogynist attack and unwanted remarks against women both online and offline, in 2016, Senator Risa Hontiveros filed three bills dubbed as the ‘Tres Marias bills’ which are The Anti-Rape Act, Anti-Sexual Harassment Bill, and

the Gender-Based Electronic Violence Bill. The said measures seek to strengthen the existing Anti-Rape Law, criminalize peer-to-peer sexual harassment and impose penalties on perpetrators of misogynistic and homophobic attacks on social media and other multimedia sites.<sup>xxv, xxvi</sup>

16. In September 2012, the Cybercrime Prevention Act (R.A. 10175) was passed to address the growing cybercrime incidences in the country. 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.<sup>xxvii</sup> Online libel under the Cybercrime Prevention Act imposes penalties harsher than offline libel. Human rights activists opposed this law as this is a rights violation that the Supreme Court failed to rectify when it considered its constitutionality in 2014. It is believed to be violative Article 19 paragraph 3 of the International Covenant on Civil and Political Rights (ICCPR) on freedom of expression.
17. Human rights activists and gender advocates lobbied against the law as it lacks reiteration of women's rights and focuses mainly on cyber-libel and freedom of speech. According to them, the provision on "cybersex"<sup>xxviii</sup> laid down under the law endangers women's rights as elements of the crime are not well-defined, too vague and overbroad. The law allegedly fails to consider the transnational nature of cybersex where site owners or operators are outside the jurisdiction of the Philippines, therefore causing women found in local cybersex dens to be the ones arrested and put behind bars.<sup>xxix</sup>
18. As a countermeasure to the law, the late Senator Miriam Defensor-Santiago introduced a crowdsourced bill<sup>xxx</sup> entitled the Magna Carta for Philippine Internet Freedom (MCPIF) in 2014 which sought to repeal the Cybercrime Prevention Act. The bill, among others strengthens the right of free expression, protects privacy rights of users and aspires towards internet access for all. It likewise seeks to address the overbreadth and vagueness of provisions set forth in RA 10175.

### **Initiatives to bridge the gender divide**

19. The Department of Science and Technology (DOST) is initiating a Free Wifi Internet Access in Public Places Project, which aims to connect 14 cities and 994 municipalities to the web. The project aims to raise connectivity in the Philippines to 99% in a few years.<sup>xxxi</sup>
20. The DOST likewise set out plans to limit the list of websites people can access, blacklisting sites, and designating site coordinators. This alarmed a number of advocates as it might be interpreted as a "form of censorship." As of 2015, No systematic government censorship of online content has been documented in the Philippines, and internet users enjoy unrestricted access to both domestic and international sources of information.<sup>xxxii</sup>
21. Telecentre.org Foundation, in partnership with the DOST-ICTO, aims to provide women, especially those in disadvantaged communities, an avenue to become part of the ICT industry and make them aware that they can strive for a career in this field by way of digital literacy. Through this campaign, women in different ages are taught various levels of digital literacy, ranging from how to use the computer to more advanced ICT-related lessons, all of which are geared for the empowerment and improvement of their lives.

22. Apart from the Telecentre Women campaign, the ICT Office, through its eSociety division, is also making strides in reaching out to communities in rural areas and teaching them about digital literacy by establishing Tech4ED centers.<sup>xxxiii</sup>
23. In a statement by internationally-recognized gender expert, Dr. Carolyn Sobritchea during Information and Communications Technology Office's (DOST-ICTO) kick-off activity in celebration of National Women's Month, she cited the following steps for gender development in ICT:
- a. *Strict implementation of ICT related laws and administrative guidelines*
  - b. *Continue with current efforts to document cases of violation of ethical and legal norms and standards*
  - c. *Continue with efforts to make the ICT community more gender sensitive through public education and other forms of advocacy work*
24. In November 2015, The FMA in partnership with the Department of Information Communications and Technology (DICT) and other civil society organizations launched the Philippine Declaration on Internet Rights and Principles. The Declaration focused on 10 areas: (1) internet access for all; (2) democratizing the architecture of the internet; (3) freedom of expression and association; (4) to privacy and protection of personal data; (5) gender equality; (6) openness and access to information, knowledge and culture; (7) socioeconomic empowerment and innovation; (8) education and digital literacy; (9) liberty, safety and security on the internet; and (10) internet and ICTs for environmental sustainability.<sup>xxxiv</sup>

## ENDNOTES

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<sup>i</sup> As the National Human Rights Institution (NHRI) of the Philippines, the Commission has the mandate vested by the 1987 Philippine Constitution and the Paris Principles to address, promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. We have the mandate to regularly report on human rights situations and violations, and recommend steps on advancing the realization of human rights and dignity of all.

<sup>ii</sup> The World Economic Forum. *The Global Gender Gap Report 2016*. Geneva, Switzerland. 2016.

[http://www3.weforum.org/docs/GGGR16/WEF\\_Global\\_Gender\\_Gap\\_Report\\_2016.pdf](http://www3.weforum.org/docs/GGGR16/WEF_Global_Gender_Gap_Report_2016.pdf) (accessed January 19, 2017).

<sup>iii</sup> Asia Pacific Bureau. *National consultation highlights gender digital divide in the Philippines*. December 18, 2015.

<https://www.internetsociety.org/blog/asia-pacific-bureau/2015/12/national-consultation-highlights-gender-digital-divide-philippines> (accessed January 19, 2017).

<sup>iv</sup> Freedom House. *Freedom on the Net 2016: Philippines Country Profile*. 2016.

<https://freedomhouse.org/report/freedom-net/2016/philippines> (accessed January 17, 2017)

<sup>v</sup> Idem.

<sup>vi</sup> Idem.

<sup>vii</sup> World Wide Web Foundation. *Women's Rights Online: Report Card Philippines – Measuring Progress, Driving Action*.

2016. [http://webfoundation.org/docs/2016/09/WF\\_GR\\_Philippines.pdf](http://webfoundation.org/docs/2016/09/WF_GR_Philippines.pdf) (accessed on January 17, 2017)

<sup>viii</sup> Asia Pacific Bureau. *National consultation highlights gender digital divide in the Philippines*. December 18, 2015.

<https://www.internetsociety.org/blog/asia-pacific-bureau/2015/12/national-consultation-highlights-gender-digital-divide-philippines> (accessed January 19, 2016)

<sup>ix</sup> Idem.

<sup>x</sup> Idem.

<sup>xi</sup> DAKILA is one of the organizations working with CHR to monitor cases of human rights violations during the 2016 elections

<sup>xii</sup> Mateo, Janvic. *Election Related Cyber-Bullying Alarms CHR*. April 18, 2016.

<http://beta.philstar.com/headlines/2016/04/18/1574461/election-related-cyber-bullying-alarms-chr#RAo2oJ97KrYMjDWh.99> (accessed January 17, 2017).

<sup>xiii</sup> Idem.

<sup>xiv</sup> Rama, Micheline. *When a comments section turns into a crime scene*. May 5, 2016.

<http://www.gmanetwork.com/news/story/564738/scitech/technology/when-a-comments-section-turns-into-a-crime-scene> (accessed January 17, 2017)

<sup>xv</sup> Idem.

<sup>xvi</sup> According to CHRP Chairperson Chito Gascon, based on the monitoring of their "Bantay Karapatan sa Halalan" (BKH) program, poll bets were the primary victims of harassment and insults on social media. In relation to this, The CHR urged victims to come forward and report incidents. To address human rights violation during the 2016 elections, BKH, in partnership with poll watchdogs and human rights groups such as Lente and Dakila, has launched an online portal, [www.bantaykarapatan.org](http://www.bantaykarapatan.org), where netizens can report cases of election-related human rights violations.

<sup>xvii</sup> While ICT has not appeared in Philippine statutes, the term "information and communication system" has been defined in Sec. 2 of Republic Act 8792 or the Electronic Commerce Act of 2000

<sup>xviii</sup> 2009 Magna Carta of Women, Rule V Section 23

<sup>xix</sup> Asean Women Organization. *Development and Delivery of Livelihood-based e-Service for ASEAN Women: Philippines Country Report*. 2015. <http://asean.women.or.kr/wp-content/uploads/2015/03/Philippines-Country-Report.pdf> (accessed January 24, 2017)

<sup>xx</sup> 2009 Magna Carta of Women, Chapter V, Section 23

<sup>xxi</sup> An act which prohibits discrimination on the basis of Sexual Orientation and Gender Identity (SOGIE) and providing penalties therefore

<sup>xxii</sup> "The Anti-Discrimination bill was first filed during the 11th Congress by then Akbayan Rep. Etta Rosales in the House of Representatives and by Miriam Defensor-Santiago in the Senate, which means that this initiative has been pending in Congress for 17 years now. The bill itself was a direct policy proposal from the Lesbian and Gay Legislative Advocacy Network or LAGABLAB, the first LGBT policy advocacy network in the Philippines, as a response to LGBT-related bills filed by some legislators that did not necessarily reflect the priorities of the community," What you need to know about the Anti-Discrimination Bill, <https://fullman.wordpress.com/2016/08/03/adb/> (accessed 24 January 2017)

<sup>xxiii</sup> Senate Bill No. 2475 – An Act Prohibiting Discrimination on the Basis of Age, Racial Or Ethnic Origin, Religious Belief or Activity, Political Inclination or Conviction, Social Class, Sex, Gender, Sexual Orientation, Gender Identity and Expressions, Marital or Relationship Status, Disability, Hiv Status, Health Status or Medical History, Language, Physical Features, and Other Status, and Providing Penalties Therefor.

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<sup>xxiv</sup> Take Back The Tech Philippines. *FMA joins 1st Senate Public Hearing on Gender-Based Electronic Violence*. January 26, 2017.

<sup>xxv</sup> *Idem*.

<sup>xxvi</sup> Senate of the Philippines, 17<sup>th</sup> Congress. *Hontiveros files "Tres Marias" bills vs. gender-based electronic violence, peer-to-peer sexual harassment and rape*. November 22, 2016.

[https://www.senate.gov.ph/press\\_release/2016/1122\\_hontiveros1.asp](https://www.senate.gov.ph/press_release/2016/1122_hontiveros1.asp). (accessed January 27, 2017)

<sup>xxvii</sup> Garcia, Lisa S., and Florence Y. Manikan. *Gender Violence On the Internet: The Philippine Experience*. Quezon City: Foundation for Media Alternatives (FMA) Association for Progressive Communications (APC). 2014.

<sup>xxviii</sup> Cybersex. — The willful engagement, maintenance, control, or operation, directly or indirectly, of any lascivious exhibition of sexual organs or sexual activity, with the aid of a computer system, for favor or consideration.

<sup>xxix</sup> Fialova, Katerina. *Philippines: The Problematic Cybercrime Prevention law of 2012*. October 8, 2012.

<http://www.genderit.org/articles/philippines-problematic-cybercrime-prevention-law-2012> (accessed January 23, 2017)

<sup>xxx</sup> Crowdsourcing is an online process of getting work done by tapping people on the Internet who volunteer their talent and skills.

<sup>xxxi</sup> RightsCon summit, 2015 presentation of Undersecretary Louis Napoleon Casambre

<sup>xxxii</sup> Freedom House. *Organization Freedom on the Net 2015: Philippines*. 2015.

[https://freedomhouse.org/sites/default/files/resources/FOTN%202015\\_Philippines.pdf](https://freedomhouse.org/sites/default/files/resources/FOTN%202015_Philippines.pdf) (accessed on January 17, 2017)

<sup>xxxiii</sup> Such centers serve as knowledge hubs where rural folk can have access to opportunities that are present in the Internet, from alternative learning for basic education, skills training for livelihood and employment, to online job portals and markets, as well as various channels of government services;

Department of Information and Communications Technology. *Women can ICT too! - International Girls in ICT Day*. 2015.

<http://www.dict.gov.ph/women-can-ict-too-international-girls-in-ict-day/> (accessed January 19, 2017)

<sup>xxxiv</sup> Department of Information and Communications Technology. *Launch of the Philippine Declaration on Internet Rights and Principles*. 2015. <http://www.dict.gov.ph/launch-of-the-philippine-declaration-on-internet-rights-and-principles/> (accessed January 19, 2017).