**Mandate of the Special Rapporteur on the right to education**

**ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION**

**IN EDUCATIONAL INSTITUTIONS**

**Call for CONTRIBUTIONs**

For her upcoming report to the Human Rights Council to be presented in June 2024, the United Nations Special Rapporteur on the right to education, Ms. Farida Shaheed, will consider academic freedom and freedom of expression in educational institutions.

The report will build on previous work achieved by other United Nations human rights mechanisms on the topic, particularly the Special Rapporteur in the field of cultural rights, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Committee on Economic, Social and Cultural Rights. While recognizing that there is no single, exclusive international human rights framework for the subject, Ms. Shaheed will consider academic freedom through the right to education framework. More precisely, the report intends to consider academic freedom as part of the entitlement to receive and provide quality education, at all levels of education.

The Special Rapporteur intends to take stock of setbacks and progress both under international human rights law and in domestic legislation and practice with respect to defining academic freedom, ensuring its enjoyment by all relevant actors and protecting it from attacks and interferences.

The report will examine existing legal frameworks and normative content of academic freedom as a human right. It will consider subjects and duty bearers of this right. It will also analyze, from a human rights perspective, direct and indirect attacks on and interferences with respect to academic freedom of staff and students, including through commercialization, online surveillance, funding, conditions of work and studies and other pertinent issues.

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| **Name of the country/entity submitting information** | **Alliance of Concerned Teachers** |

**Questions**

**General framework**

1. How is academic freedom defined and protected in the constitution or laws of your country, and what are possible limitations or restrictions? Please provide the original citation and source, as well as a summary of relevant judicial practice, if any.

* Article XIV Section 5.2: Academic freedom shall be enjoyed in all institutions of higher learning
* Practice of academic freedom is limited to higher education; basic education teachers, even those in the technical skills education level are not included

2. Are academic staff, teachers, students all entitled to academic freedom? Does this differ by level of education? Please explain.

* Yes, as stated above, the Philippine Constitution provides that the academic freedom shall be enjoyed in all institutions of higher learning, directly disqualifying teachers and students from the basic education and technical skills development sector.
* There is concrete provision as well on how this provision can be enjoyed by students in the higher education institutions
* Although, in the case of ACT, academic freedom was allowed in the Collective Negotiation Agreement, its implementation is yet to be seen.

3. What do you consider to be (a) the main challenges to academic freedom, and (b) gaps in the legal framework for protecting academic freedom?

* Lack of legislation that will guarantee the exercise of academic freedom in all levels
* Lack of actual policy guidelines on how academic freedom is best protective and promoted
* Lack of knowledge of the educators, teachers and students about it

**Autonomy of educational institutions**

4. Please explain the autonomy and self-governance enjoyed by educational institutions at the different tiers of education. Please explain what autonomy and self-governance entail. Are there restrictions on police or military personnel entering educational institutions? If so, please share the rules.

* Tertiary/Higher Educational Institutions
  + In the tertiary level, operations are generally guided by their respective university/college governing bodies. Though they get policy guidance from the Commission on Higher Education, they generally operate as independent.
  + As a general rule, military and police personnel may enter in their premises through coordination with the university/college authorities
* Technical Skills and Development
  + Technical schools are not degree providing schools, they are to provide technical skills training to learners who want it. There are privately owned and there public also.
  + Each school has its own management. However, the public training centers are under the office of the Director General through the respective regional and provincial directors.
  + Police and military access can be done anytime especially since the center is publicly owned.
* Basic Education (Kinder, Elementary, Junior High School, Senior High School)
  + Public Schools
    - The director supervisor in the school level is the principal, followed by the district supervisor, then by the division superintendent, regional director and lastly by the secretary of education.
    - Policies are developed at the level of the secretary
    - All other officials are just implementers
    - Access of military and police is open, they just have to go the school principal and they can get inside the school.
  + Private schools
    - Management is composed of the school owner and designated officials
    - Military and police access is through coordination of the school principal/director.

5. Please provide examples of institutional guidelines/codes of conduct developed to ensure respect for academic freedom, including from external public or private actors.

* Collective Negotiation Agreements
  + Provisions are included to make sure that the academic freedom is respected and implemented
* Accords
  + University of the Philippines – Department of National Defense Accord
  + University of the Philippines – Department of Interior and Local Government Accord
  + Polytechnic University of the Philippines – Department of National Deffense Accord
  + These 3 accords aimed at banning the entry, presence and operations of the military and police personnel including their agents inside these Universities
  + All 3 accords were abrogated unilaterally during the presidency of Rodrigo Duterte

**Funding**

6. How is funding, including for research, regulated? Is the process transparent, and are there any guarantees put in place to ensure respect for academic freedom?

* Generally, researches are done based on what is available grant. If the research is via a grant, the researcher merely does a research on a topic or subject as specified in the grant

7. Which rules and regulations protect academic freedom from interferences by commercial actors and financial sponsors, at different tiers of education? Please explain how conflicts of interest that may arise are addressed.

* **We don’t know any**

**Surveillance**

8. Please explain whether and the extent to which academic staff and students, at all levels of education, are subject to surveillance by public authorities, for example through on-site cameras or online scrutiny. Has this led to undue restrictions to academic freedom and freedom of expression in educational institutions?

* There were reports were teachers’ activities teaching were monitored by their school heads through the CCTV cameras installed in ther classrooms which actually intimidates the teacher.
* In private schools, teachers are strictly monitored on how they teach, even the language the use in teaching is monitored and is very limited to what is   
  “acceptable” to the owner.
* A Leaked memoranda from the Philippine National Police showed that there was a nation-wide attempt to gather the names and other relevant information of ACT members. Several teachers, even administrators, were able to provide a photo of those memoranda which were then used in the case filed before the Court of Appeals (CA) and Office of the Ombudsman in 2019.
* Department of Education released a memorandum requesting the list of ACT Union-Affiliated Teachers who are availing Automatic Payroll Deduction System (APDS) last June 14, 2023. This is the third time that ACT has been subjected to illegal profiling. The first one was in December 2018 when an internal memorandum by the PNP Intelligence Directorate ordered the conduct of profiling ACT members from both private and public schools. This was followed by internal instruction from DepEd asking for the list of ACT members in 2021.

**Freedom of expression in teaching and access to books**

9. Do teachers and professors, at all levels of education, enjoy freedom of expression in their own teaching? Are there any limitations imposed, such as remaining “neutral” or forwarding a particular perspective, e.g. on religious and political matters?

* Under the Philippine Education system, teachers and professors do not enjoy freedom of expression in their own teaching. The focus of the curent curiculum is to produce graduates with the so-called 21st Century skills that is just being funnelled to produce a “Digital World” equipped graduates to attend to the demand of the business process outsourcing, digital marketing and digital creation. Hence, to produce cheap labor and implement the labor export policy that will serve the interests of giant digital companies. Teachers therefore are forced to teach in accordance to the identified goals.
* Books to be used in the classes are prescribed by the Department of Education through the Bureau of Learning Services, the teacher is not allowed to used materials that is not prescribed even though these books contain errors or discrepancies, the teacher is obliged to use it.

10. Please explain the extent to which teachers and professors at different education levels can chose school manuals and other books/resources for teaching, and the reasons for any restriction in this regard. Have any specific books/materials been banned, including from school libraries, and alternatively is some material mandatory? If so, why?

* Teachers and professors are required to use prospectus, syllabus and textbooks approved by their respective management (Department of Education, Board of Regents of the Universities, Management Commitees of Colleges, etc).
* In the Philippines, a standard curriculum guide is mandated by the Department of Education. Public schools are being provided books that are only authorized by a book council. Private schools can use other references for as long as it is approved by the Department of Education. Strict implementation of the use of government approved books limits the academic freedom of teachers. There are instances of historical distortion in the creation of curriculum like historical facts and downgrading of historical events.
* In 2022, the Komisyon sa Wikang Filipino (KWF) released a memorandum ceasing the publication and distribution of works of books accused as “subversive” and “anti-government” ideologies. Books including History, Economic and Political books published by progressive institutions and authors were banned in libraries.
* Books authored by Dexter Cayanes, Rommel Rodriguez, and Reuel Aguila, Malou Jacob, and Don Pasugara are among the authors whose works were tagged as whose works were tagged as “subversive” and “anti-government,” .
* Their work is a great reference could have been a great reference for college and universities. Banning literary forms that articulate the truth is an “attack” on our nation’s memory.

**How to submit information**

Submissions should be sent electronically no later than **2 February 2024 to** [hrc-sr-education@un.org](mailto:hrc-sr-education@un.org), using the email title: “Contribution: Academic freedom”.

Please select and answer the questions most relevant for your agency. Kindly limit your responses to **3,000 words** and attach annexes where necessary. To facilitate their consideration, please send responses in a Word document, and in English, French, or Spanish. **Please clearly specify the entity making the contribution on the document itself and add paragraph numbers**.

All inputs received will be posted on the OHCHR website. Please indicate if you have any objections regarding to your reply being posted on the OHCHR website.