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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 the academic freedom of staff and students, including through commercialization, online surveillance, funding, conditions of work and studies, and other pertinent issues.

Name of the country/entity submitting information	Network in Defense of Historical Truth and Academic Freedom
[REDACTED]	[REDACTED]

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.

Paragraph 2, Section 5 of Article XIV of the 1987 Constitution of the Republic of the Philippines specifically provides protection for academic freedom which states that “(a)cademic freedom shall be enjoyed in all institutions of higher learning”.

In the case of *Ateneo De Manila University v. Capulong*, the Court cited the 1986 Constitutional Commission’s discussion on academic freedom, to wit:

“In anticipation of the question as to whether and what aspects of academic freedom are included herein, ConCom Commissioner Adolfo S. Azcuna explained: ‘Since academic freedom is a dynamic concept, we want to expand the frontiers of freedom, especially in education, therefore, we shall leave it to the courts to develop further the parameters of academic freedom.’

More to the point, Commissioner Jose Luis Martin C. Gascon asked: ‘When we speak of the sentence ‘academic freedom shall be enjoyed in all institutions of higher learning,’ do we mean that academic freedom shall be enjoyed by the institution itself?’ Azcuna replied: “Not only that, it also includes . . .” Gascon finished off the broken thought, — “the faculty and the students.” Azcuna replied: “Yes.”¹

Emanating from this provision of the Constitution and as a matter of public policy, various republic acts, memorandum circulars, orders, rules, and regulations stipulate academic freedom and institutional autonomy. For instance, Section 5 of Republic Act No. 9500 or “The University of the Philippines Charter of 2008” provides that “the national university has the right and responsibility to exercise academic freedom.”² Moreover, Section 11 of Republic Act No. 8292 or the Higher Education Modernization Act of 1997 states that “Pursuant to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the Philippines, all institutions of higher learning, public or private, shall enjoy academic freedom and institutional autonomy.”³ Section 26, Rule X of the Revised Implementing Rules and Regulations of the Higher Education Modernization Act of 1997 states that “all SUCs shall enjoy academic freedom and institutional autonomy as provided for in B.P. Blg. 232, and paragraph 2, Article XIV of the 1987 Constitution.”⁴

In the case of *Garcia v. Faculty Admission Committee*, the Supreme Court denied the petition for mandamus and held that the academic freedom expressly granted by the Constitution to “institutions of higher learning” involves two kinds of freedom: that which is enjoyed by the university as a corporate body to determine for itself who may teach, what may be taught, how it shall be taught, and who may be admitted to study,

¹ *Ateneo De Manila University v. Capulong*, G.R. No. 99327, [May 27, 1993]

² The University of the Philippines Charter of 2008, Republic Act No. 9500, [April 29, 2008]

³ Higher Education Modernization Act of 1997, Republic Act No. 8292, [June 6, 1997]

⁴ CHED Memorandum Order No. 07, s. 2022, [June 20, 2022]

and that which is accorded to a university professor to inquire, discover, publish and teach the truth as he sees it in the field of his competence.⁵

The Supreme Court, in the case of *St. Louis University, Inc. v. Olarez*, has held that “academic freedom is both a right and an obligation. It thrives not only on the independent and uninhibited exchange of ideas among teachers and students, but also on autonomous decision-making by the academy itself.”⁶

In the same case, the Court discusses academic freedom as defined in the Constitution, to wit:

“It is different from the academic freedom granted to individuals such as students and professors, who have the right “to seek and express truth” in their academic work. This type of academic freedom is separate and distinct from academic freedom which refers to the autonomy of academic institutions as a corporate body.

As corporate entities, educational institutions of higher learning are inherently endowed with the right to establish their policies, academic and otherwise, unhampered by external controls or pressure. Academic freedom accords an institution of higher learning the right to decide for itself its aims and objectives and how best to attain them.”

The Court also discussed the limitations of academic freedom exercised by academic institutions. “Academic freedom has never been meant to be an unabridged license. It is a privilege that assumes a correlative duty to exercise it responsibly.” Where the decision of the academic institution runs afoul overriding constitutional rights such as right to peaceable assembly and free speech, the Court did not hesitate to strike down the institution's actions.”⁷

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

The Supreme Court, in *Pimentel v. Medialdea*, has sufficiently described who is entitled to academic freedom, namely: faculty members, professors, researchers, or administrators, in relation to the freedom of speech and press; the students’ right to enjoy in school the guarantees of the Bill of Rights; and that of the institutions of higher education.⁸

As stated in the 1987 Philippine Constitution, academic freedom is enjoyed in all institutions of higher learning. The case of *Garcia v. Faculty Admission Committee* discusses the freedom enjoyed by two stakeholders, namely the university as a corporate body and faculty member or university professor. In a dissenting opinion of Justice Makasiar in the same case and in the records of the 1986 Constitutional Commission, “Academic freedom is not limited to the members of the faculty nor to the administrative authorities of the educational institution. It is also deemed granted in favor of the student body; because all three — the administrative authorities of the college or university, its faculty and its student population — constitute the educational institution, without any one of which the educational institution can neither exist nor operate.”

⁵ *Garcia v. Faculty Admission Committee*, G.R. No. L-40779, [November 28, 1975], 160-A PHIL 929-958

⁶ *Saint Louis University, Inc. v. Olarez*, G.R. No. 197126 (Notice), [January 19, 2021]

⁷ *Saint Louis University, Inc. v. Olarez*, G.R. No. 197126 (Notice), [January 19, 2021]

⁸ *Pimentel v. Legal Education Board*, G.R. Nos. 230642 & 242954, [September 10, 2019]

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?

We have monitored over 20 incidents of such historical distortion and attacks on academic freedom since the start of the Marcos Jr. government from July 2022 to December 2023. The data come from our on-going work in monitoring and advocacy of academic freedom by the Network in Defense of Historical Truth and Academic Freedom, formed by educators and researchers in response to concerns raised during recent presidential elections. Our initial monitoring of academic freedom threats and risk incidence complements existing monitors of academic freedom globally and in Asia, including the annual Free to Think incident monitoring by Scholars at Risk itself (to which I had previously co-authored a Philippine case study). The inclusion of incidents generally conforms to the Scholars at Risk definition in its own global incidence monitoring but includes such additional categories as historical distortion/revisionism, repressive policy, red-tagging, surveillance, and harassment among others.

Two patterns emerge. The first, academic freedom risks in the Philippines are a direct consequence of state-sponsored historical revision and distortion of public memory of the Marcos dictatorship. For instance, the Department of Education (DepEd) issued a 2023 directive to erase references to the Marcos name, in relation to the Marcos dictatorship, on the eve of the commemoration of the Martial Law declaration. The directive sought to strike references to “Diktadurang Marcos” (Marcos Dictatorship) instead of referring to just “Diktadura” (Dictatorship). Similarly, in August 2022, the Komisyon sa Wikang Filipino (KWF or Commission on the Filipino Language) banned five books on ludicrous charges that encouraged terrorism and the destabilization of the government. The books were censored for containing “Anti-Marcos and Anti-Duterte contents”. The resolution did not specify to which Marcos or Duterte they were referring. Despite the withdrawal of most KWF commissioners from the original order, the books have yet to be published or distributed. Furthermore, historians speaking against historical revisionism benefiting the Marcos government have been vilified, attacked online, and threatened with harm.

The second pattern in the academic freedom risks and threats data includes McCarthyist red-tagging, primarily from state institutions that are then amplified by less identifiable sources online, social media in particular. While not originating from Duterte—red-baiting, red-tagging, and similar vilification are practically as old as communism itself after all—pervasively red-tagging opposition and dissent as communists has continued from the Duterte administration. Red-tagging is facilitated by the Philippine government’s approach to terrorism in which terrorism is broadly and vaguely defined so that laws, including the Anti-Terrorism Act, are used to vilify, harass and kill people exercising their human rights. The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) extensively practices red-tagging against a broad range of individuals and groups. International governmental bodies, including the United Nations High Commissioner for Human Rights and the European Parliament, have recognized the practice of red-tagging as a particular threat to civil society and freedom of expression in the Philippines. The academic community’s concerns over red-tagging are in response to violent attacks and even extrajudicial killings, as well as targeted harassment and intimidation that members of the education community have suffered. For instance, in February 2022, soldiers killed two volunteer teachers Chad Booc and Jojarain Alce Nguho, along with three others at a school for *lumad*

(indigenous peoples) children. Booc had been red-tagged in the past and had been a petitioner in a challenge to the constitutionality of the Anti-Terrorism Act filed with the Supreme Court. There are many such instances linking a communist label to lethal violence in the post-dictatorship period.

Red-tagging in the education sector intensified under the Duterte government and continues under the present administration. Vice President Sara Duterte herself, Duterte's daughter, Marcos Jr.'s running mate in the 2022 election, as well as concurrent Secretary of Education and co-vice chair of NTF-ELCAC, has singled out teachers and their unions. Red-tagging, which has led to profiling, monitoring, harassment, disappearance, and violence against in many cases, has targeted universities as well as their faculty, students, and officials in the first 18 months of the Marcos, Jr. administration. For example, shortly after the May 2022 election, the Philippine News Agency, the government's official web-based newswire service, published a story alleging that Danilo Arao, professor at the College of Mass Communication of the University of the Philippines, was a leader and operative of the Communist Party of the Philippines. The allegations were made by Jeffrey "Ka Eric" Celiz, then secretary-general of Sambayanan, an organization of former rebels. Celiz repeated these allegations in December 2023 on an online program with former NTF-ELCAC spokesperson Lorraine Badoy. Celiz accused Arao of recruiting students, and Badoy commented that parents should ask their children if Arao was their professor, warning them to be careful.

With respect to threats to human rights, in general, arising from red-tagging, various human rights advocates have already argued that the abolition of NTF-ELCAC and the repeal of the Anti-Terrorism Act will go a long way to remove these threats. For example, in November 16, 2023, Ian Fry, UN Special Rapporteur on the promotion of human rights in the context of climate change, urged the Philippine government to abolish NTF-ELCAC and repeal the Anti-Terrorism Act. Doing so would "create a clean slate around its approach to terrorism" and demonstrate commitment "not to use the laws to harass, vilify and kill environmental human rights defenders".⁹ The abolition of NTF-ELCAC and the repeal of the Anti-Terrorism Act will also remove threats to academic freedom arising from the red-tagging of academic staff, teachers and students.

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.

An important accord that guaranteed the exercise of academic freedom and had been in force for 31 years between the University of the Philippines (UP) and the Philippine Department of National Defense (DND) was unilaterally abrogated by former DND Secretary Delfin Lorenzana on 15 January 2021. He justified the unilateral abrogation of the agreement by alleging that there is an ongoing "clandestine recruitment" on UP campuses by the Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA). According to him, the accord is being used as "a shield for

⁹

[communist] propaganda,” and the abrogation is meant to “secure” the youth against the enemies of the people.

There still exists the UP-Department of Interior and Local Government (DILG) Agreement which was signed by UP President Jose V. Abueva and then DILG Secretary Rafael M. Alunan on December 2, 1992. The Agreement is still in full force despite a proposed review in 2021 which has not yet moved forward. The arrest violates multiple provisions in the UP-DILG Accord. The Agreement states that “Prior notification shall be given by a commander of a PNP, or other Police-affiliated unit intending to conduct and military or police operations in any of the U.P. Diliman, U.P. Manila, U.P. Los Baños, and U.P. Visayas, or in any of the regional units in Baguio, San Fernando, Tacloban, Miag-ao and Cebu, Palo, Leyte, Bolinao and other U.P. units to the U.P. President, or the Chancellor of the constituent university, or the Dean of the regional unit concerned, or their respective officers-in-charge in the event of their absence, when the situation so warrants.

However, there may be no such protections for other campuses or places of learning. In 2011, Human Rights Watch found five cases in which the military, in violation of Philippine and international law, had used parts of functioning schools as barracks or bases for military detachments since 2009.¹⁰ In 2021, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) released a list of universities all over the Philippines as “hotbeds for communist recruitment” and National Security Adviser Hermogenes Esperon said in a press conference in Davao City that allowing the presence of law enforcement bodies in UP campuses is not a threat to academic freedom. “The police operation inside the university does not in any way affect academic freedom which has the following elements: what to teach, who will teach, how it will be taught and who will be allowed to study,” Esperon said. However, different progressive groups are calling for the abolition of the NTF-ELCAC as it targets critics of the government.¹¹

The lack of a Magna Carta for Students enshrining the student’s right to academic freedom vis-a-vis the rights enshrined in the Constitution, such as freedom of speech and freedom of expression, remains a gap which academic institutions use to limit such freedom such as in the case of a Senior High School student in the University of Santo Tomas.¹²

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

There is a general lack of institutional definition of academic freedom. However, during the deliberation of 1986 Constitutional Commission, then-commissioner Adolf Azcuna said: “Since academic freedom is a dynamic concept and we want to expand the frontiers of freedom, especially in education, therefore, we will leave it to the courts to develop further the parameters of academic freedom.” The Supreme Court of the Philippines has, in a string of cases, progressively defined the metes and bounds of academic freedom, who may exercise it, and what is protected and what is not.

¹⁰ <https://www.hrw.org/news/2011/11/30/philippines-soldiers-school-grounds>

¹¹ <https://www.sunstar.com.ph/davao/local-news/ntf-elcac-reds-target-2-city-universities-for-recruitment>

¹²

<https://mb.com.ph/2021/02/27/ust-grade-11-student-found-not-guilty-of-recruiting-members-for-leftist-organization/>

Section 26, Rule X of the Revised Implementing Rules and Regulations of the Higher Education Modernization Act of 1997 states that “all SUCs shall enjoy academic freedom and institutional autonomy as provided for in B.P. Blg. 232, and paragraph 2, Article XIV of the 1987 Constitution.”¹³ But this protection is very broad. In 2023, Commission on Higher Education (CHED) Commissioner Prospero De Vera stated in the Second Congressional Commission on Education that due to lack of definition, “(The definition of academic freedom) continues to be a concern as well as a challenge in higher education”.¹⁴

However, some universities have guidelines as to the protection of academic freedom, such as the University of the Philippines Faculty Manual.¹⁵ The 2019 Magna Carta of Undergraduate Students’ Rights found in the Student Manual of Ateneo de Manila University states the academic freedom accorded to students (Article II, Section 1) and the right against militarization on campus (Article VIII, Section 3).¹⁶

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?

Funding for research in higher education institutions is regulated through a combination of government appropriations, tuition fees, and grants. In terms of government appropriations, the government allocates budget for state universities and colleges (SUCs) and other HEIs. For instance, Republic Act 11936 or the General Appropriations Act provided that in 2023, the University of the Philippines received Php 747,458,000 for the conduct of its research program.¹⁷ The Commission on Higher Education (CHED) Research Management Division, is an office tasked to strategize, manage and fund research and extension programs for HEIs which has various funds such as the CHED Research and Innovation Grant-In-Aid (GIA) Program.¹⁸ In the Basic Education level, the Department of Education (DepEd) release the Research Management Guidelines in relation to the Basic Education Research Fund.¹⁹ In private universities, research is governed by research councils such as the University Research Council (URC) in Ateneo de Manila University,²⁰ the Office of the Vice-Rector for Research and Innovation in University of Santo Tomas,²¹ and the Research and Grants Management Office under the Office of the Vice Chancellor for Research and Innovation of the De La Salle University.²² These are guided by their own set of guidelines.

¹³ CHED Memorandum Order No. 07, s. 2022, [June 20, 2022]

¹⁴<https://www.philstar.com/headlines/2023/04/20/2260367/ched-urges-edcom-finally-define-academic-freedom>

¹⁵ <https://facultymanual.upd.edu.ph/?p=topic&id=1>

¹⁶<https://www.ateneo.edu/sites/default/files/2023-09/Ateneo%20de%20Manila%20College%20Student%20Handbook%202023%20Volume%201.pdf>

¹⁷ <https://www.dbm.gov.ph/wp-content/uploads/GAA/GAA2023/VolumeI/SUCS/SUCS.pdf>

¹⁸ <https://chedresearch.wordpress.com/>

¹⁹<https://depedpines.com/wp-content/uploads/2017/03/DepEd-Order-No.-16-S.-2017-Research-Management-Guidelines.pdf>

²⁰ <https://www.ateneo.edu/research/urc>

²¹ <https://www.ust.edu.ph/administrative-offices/office-of-the-vice-rector-for-research-and-innovation/>

²² <https://www.dlsu.edu.ph/research/offices/urco/>

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.

Since the Constitutional Commission has explained that much of the protection of academic freedom is left to the Supreme Court, jurisprudence provides for what academic freedom entails in terms of funding. In the case of *Garcia v. Faculty Admission Committee*, the Court defined that:

“the academic freedom enjoyed by institutions of higher learning as recognized in the Constitution is more often identified with the right of a faculty member to pursue his studies in his particular specialty and thereafter to make known or publish the result of his endeavors without fear that retribution would be visited on him in the event that his conclusions are found distasteful or objectionable to the power that be, whether in the political, economic, or academic establishment. It is “a right claimed by the accredited educator, as teacher and as investigator, to interpret his findings and to communicate his conclusions without being subjected to any interference, molestation, or penalization because these conclusions are unacceptable to some constituted authority within or beyond the institution.” Otherwise stated, “it is the freedom of professionally qualified persons to inquire, discover, publish and teach the truth as they see it in the field of their competence. It is subject to no control or authority except the control or authority of the rational methods by which truths or conclusions are sought and established in these disciplines.”²³

In subsequent cases, the Court has defined the push and pull between the prerogative of the academic institutions in the management and the rights of the students and faculty members. In terms of the relationship between funders and researchers, both public and private higher education institutions and other government stakeholders include conflict of interest policies, which are included in forms and personal declarations, to manage and disclose conflicts, including instances where commercial actors or financial sponsors may attempt to influence academic activities. There are instances wherein funders influence research direction depending on the agreement between stakeholders but maintain a relatively independent means for conducting research. Moreover, codes of ethics and ethics offices in universities and HEIs provide guidelines for maintaining academic integrity and preventing undue influence from external sources. In addition, civil society organizations, faculty associations, and groups may raise potential interferences to academic freedom and related research.

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?

We have monitored a number of incidents suggesting that campus surveillance is a growing concern. The University of the Philippines Faculty Regent reported on several surveillance operations on campuses. For example, drones were sighted hovering over

²³ *Garcia v. Faculty Admission Committee*, G.R. No. L-40779, [November 28, 1975], 160-A PHIL 929-958

the University of the Philippines-Mindanao in Davao City for two days, on August 18 and 19, while a General Assembly of Student Councils took place. On August 4, a surveillance drone had also crashed near Quezon Hall, the University's main administrative building in UP Diliman in Quezon City, in the country's capital. University security personnel later confirmed that it was a police drone after members of the Quezon City Police District claimed the equipment. On August 22, 2023, Red Masacupan, a student of the University of the Philippines Mindanao, and nominee for the position of the Student Regent, the sole representative of the students in the Board of Regents, the highest governing body of the UP system, received an unsigned letter that accused them of being a "communist", along with threats of surveillance. These and similar incidents have contributed to a growing sense that faculty and student activities, especially activism and protest, are being targeted, monitored, and dissuaded.

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?

The Anti-Terrorism Act of 2020 is a dangerous constraint to the freedom of expression in teaching at all levels of education. Members of the higher education community have argued that the law contains vague and overly broad provisions on the definition of terrorism and related acts, inimical to academic freedom and human rights. For example, Section 9 provides a 12-year prison sentence for anyone deemed to be inciting others to commit terrorist acts through such means as speeches, writings, or banners even "without taking any direct part in the commission of terrorism". Thus, teaching about dissent, activism, and revolution may be considered incitement to terrorism under the new law. Scholars are also concerned about the inclusion of the Commission on Higher Education (CHED), which regulates all public and private institutions of tertiary education, and the DepEd in the Anti-Terrorism Council that the law creates. Risks are increased considering the concurrent appointments of Ms. Sara Duterte as Secretary of DepEd and co-vice chair of the NTF-ELCAC. Given the current climate of red-tagging and other campaigns vilifying academics as terrorists or traitors, state security forces may be emboldened to charge scholars and students under the Anti-Terrorism Act. The involvement of education authorities is an unprecedented inclusion of the academe and schools into the security sector's purview, creating a chilling effect on teaching, research, and activism. The Anti-Terrorism Act of 2020 was largely upheld by the Supreme Court in December 2021 despite multiple legal challenges.

In terms of forwarding a particular perspective, Section 7.1 of the University of the Philippines Handbook on Protocol, prohibits the conduct of prayers in classrooms by faculty members.²⁴ This prohibition is also found in other enabling laws of state universities such as that of University of Mindanao which states that "no instructor in the University shall inculcate sectarian tenets in any of the teachings, nor attempt, either directly or indirectly, under penalty of dismissal by the Board of Regents, to influence

²⁴https://osu.up.edu.ph/wp-content/uploads/2016/12/HANDBOOK-ON-PROTOCOL-IN-THE-UNIVERSITY-OF-THE-PHILIPPINES-2005_.pdf

students or attendants at the University for or against any particular church or religious sect.”²⁵

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?

We have monitored incidents showing that materials containing content deemed “communist” or “subversive” are targeted by state security forces for being subversive. On September 2, 2021, three public universities removed books with allegedly subversive content from their libraries and turned the materials over to the military. The Commission on Higher Education (CHED) urged other universities to do the same. On August 9, 2022, the board of the *Komisyon sa Wikang Filipino* (KWF, or Commission for the Filipino Language), under the Office of the President, issued a memorandum and, the following day, a resolution to stop the publication and distribution of five books it deemed as having “subversive themes, explicit Anti-Marcos and Anti-Duterte contents”, inciting terrorism under the Anti-Terrorism Act. In an August 16 memorandum, the KWF chairperson created an ad hoc review committee, including an NTF-ELCAC representative, to assess the five books and 11 additional books. Despite the withdrawal of a majority of KWF commissioners from the original order, the books have yet to be published or distributed.

Our Recommendations to the UN Special Rapporteur on the Right to Education

1. Many of the threats to academic freedom and the Right to Education stem from the on-going conflict between the government and the communist insurgency. We urge the UN Special Rapporteur on the Right to Education, Ms. Farida Shaheed, to support the peace process between the Philippine government and the Communist Party of the Philippines-New People’s Army-National Democratic Front of the Philippines. We ask the Special Rapporteur to reiterate earlier calls of the UN Special Rapporteur on Human Rights and Climate Change, Ian Fry, revoke the anti-terror law and—as UN Special Rapporteur on Freedom of Expression, Irene Khan, has also recommended in her recent visit to the Philippines—to abolish the NTF-ELCAC. We ask that the Special Rapporteur condemn the practice of red-tagging and support civil society efforts to prohibit the practice (particularly prohibit state officials from red-tagging), as part of a law to protect human rights defenders.
2. Given the pattern of heightened risks illustrated in this report, we recommend that the Special Rapporteur take into serious account the Philippines’ deteriorating state of academic freedom as a dimension of the Right to Education. We seek the Special

²⁵<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/2/10890#:~:text=In%20the%20appointment%20of%20Professors,the%20University%20shall%20inculcate%20sectarian>

Rapporteur's support for our calls against historical revisionism and distortion, particularly related to the country's experience under the Marcos dictatorship.

3. We ask that the Special Rapporteur support our calls to strengthen the institutional mechanisms that protect our campuses from state monitoring and surveillance, as well as regulate the entry of state security personnel on campus.
4. We recommend that the UN Human Rights Council and the Special Rapporteur urge the Philippine government to stop attacks on scholars, students and activists, and to call on the Philippine government to hold accountable those who incited violence and have continued to incite violence against members of the Academe.
5. We join other human rights organizations calling for the UN Human Rights Council to conduct an international and independent investigation of the human rights situation in the Philippines, including attacks against educators, scholars, researchers, and students.

Annex: Attacks on Academic Freedom in the Philippines (January 1, 2021 to December 31, 2023)

How to submit information

Submissions should be sent electronically no later than **2 February 2024** to 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.