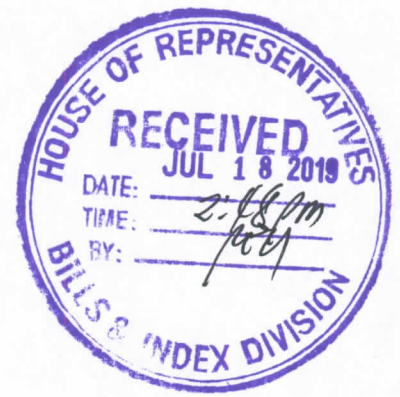


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2370



INTRODUCED BY HONORABLE CHERYL P. DELOSO-MONTALLA

AN ACT DEFINING HATE SPEECH AND PROVIDING PENALTIES THEREFOR

EXPLANATORY NOTE

Article 20 of the International Covenant on Civil and Political Rights tells governments that they must ban speech that incites war, or discrimination, hostility or violence towards a group. Groups include race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, sexual orientation, gender identity, disability or other status. International standards do not say "hate speech" because it's not precise enough and its vagueness could be used to censor legitimate speech. Often hate speech laws are used to persecute minorities and stop criticism of government, rather than protect marginalised people.¹

The Rabat Plan of Action which was created by the UN in 2013 tells governments how to stop incitement without damaging freedom of expression. The Plan says that only the worst examples of hateful speech are incitement, and has 6 measures for testing whether it is or not, to wit:

- (1) How unsafe the social and political context is – e.g. conflict or history of discrimination?
- (2) How influential the speaker is – e.g. influential politicians or religious leaders?
- (3) How intentional was the speech – e.g. did the speaker intend to incite?
- (4) What was said – e.g. what was the content and how did people understand it?
- (5) How big was the audience – e.g. was it public and how far did it go?
- (6) How likely was it to harm – e.g. how certain was it that incitement would result in a short time?²

The Rabat Plan also says that governments must prioritize promoting tolerance so that freedom of expression and equality are both guaranteed. Freedom of expression is actually very important for minority groups. Laws on hateful speech are often used worldwide to repress and censor minorities for "hating" the majority, rather than protect them. Instead, minorities need their freedom of expression so that they can give alternative opinions, say about their culture, and stop stereotyping. Majorities are more likely to stop discrimination if they can hear minorities talk about it.³

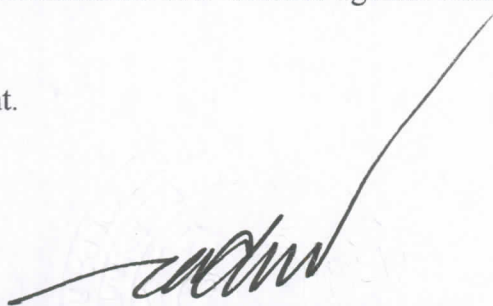
¹ <http://freeexpressionmyanmar.org/protection-against-hate-speech->

² UN Committee on the Elimination of Racial Discrimination (CERD), General recommendation No. 35 Combating racist hate speech, 26 September 201

³ UN Human Rights Council, Report of the Special Rapporteur on minority issues, 5 January 2015

It is important in a democracy that people can criticize ideas and opinions, including those about religion or people within a religion. Even within a religion people have different opinions and should be free to talk openly. Many people in the Philippines have been calling on the government to stop hateful speech which has incited discrimination and violence against women, ethnic and religious

Immediate passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'CDM', with a long, sweeping line extending upwards and to the right.

CHERYL P. DELOSO-MONTALLA
Representative
2nd District, Zambales

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AN ACT DEFINING HATE SPEECH AND PROVIDING PENALTIES THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. - This Act shall be known as the “*Anti-Hate Speech Act.*”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to define and punish acts constituting hate speech on the basis of ethnicity, race and religion. Section 11 of Article II of the 1987 Constitution of the Republic of the Philippines declares that the State values the dignity of every human, person and guarantees full respect for human rights. With the 1987 Constitution adopting generally accepted principles of international law as part of the law of the land, the Philippines adheres to international human rights laws and conventions such as the Universal Declaration of Human Rights, including the International Covenant on Civil and Political Rights which proscribe under Article 20 (2) “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence x x x.” Likewise, Article 4 and 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination urges the State parties to “undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of” racial hatred and discrimination in any form and “declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another color or ethnic origin.”

The right to a remedy is itself guaranteed under existing human rights treaties and customary international law, being peremptory in character (*jus cogens*) and as such has been recognized as non-derogable.

SEC. 3. Hate Speech. - “Hate Speech” refers to all forms of expressions that discriminates against and actively incites hostility or foments violence against any person or group of persons on the basis of ethnicity, race, and religion.

SEC. 4. Acts Punishable. - Any person committing, consenting to or allowing the commission of hate speech by means of any of the following shall suffer the penalty imposed by this Act:

- a. Words, oral or in writing, or displays of behavior or depiction; or
- b. Publication or distribution of written material to the public or through social media, broadcasting or other forms of communication; or
- c. Public performance of plays, shows, recordings of audio or visual images.

SEC. 5. Penalty. - Any person liable under this Act shall be meted a penalty of imprisonment of six (6) months and one (1) day to six (6) years.

SEC. 6. *Separability Clause.* - If any provision of this Act shall be held invalid, the remainder of this Act not otherwise affected shall remain in full force effect.

SEC. 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspaper of general circulation.

Approved,