



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. **3672**



Introduced by Hon. MUJIV S. HATAMAN of the Lone District of Basilan and
Hon. AMIHILDA J. SANGCOPAN of Anak Mindanao (AMIN) Party-list

EXPLANATORY NOTE

The Christchurch mosque shooting in March 2019 and the El Paso shooting in August 2019 are two of the most recent cases of hatred. Both gunmen of the aforementioned shootings reportedly published racist and anti-immigrant documents over social media accounts.

The increasing number of such attacks has raised new concerns about the connection between inflammatory speech online and violent acts.

Hate speech is indeed a globally growing phenomenon. Whether it be in social media platforms or in our everyday life-environment, the fear of the “other” increases. The fear of another just because they are different on the basis of ethnicity, race, and religion.

In the Philippines, a recent 2017 study published in the Association for Psychological Science found that adolescents who spend more time on social media are more likely to have mental health issues such as depression and anxiety.

Thus, social media can magnify discord and on-line hatred speech can cause post serious health issue as reported in the 2017 study.

The United Nations instruments and covenants, as adopted by the Philippines, provided enough protection against racial and religious hatred. The International Covenant on Civil and Political Rights, adopted in 1966, provided:

“2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” – Article 20, PART III

172 states, including the Philippines are parties to the Covenant. The Philippines ratified the international instrument in 1986.

Further, the International Convention on the Elimination of All Forms of Racial Discrimination, which Philippines is also a state-party, provides that as Member States they pledged themselves to take joint and separate action, in co-operation with the Organization to *promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.*


As party-state thereto, the country is duty-bound to enforce the international instruments through legislation of enabling laws locally. The 1987 Philippine Constitution stressed:

ARTICLE II
Declaration of Principles and State Policies

"The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations." – Section 2

In recognition of the foregoing, it is deemed necessary and appropriate to end the unfortunate suffering of groups or individuals by reason of hatred on the basis of their ethnicity or religion. The propose measure seeks to define, prohibit and penalize hate speech in the country.

Immediate passage of the bill is earnestly sought.



HON. MUJIV S. HATAMAN
Lone District of Basilan



HON. AMIHILDA J. SANGCOPAN
AMIN Party-list



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AN ACT
DEFINING HATE SPEECH AND PROVIDING PENALTIES THEREFOR

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

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

SEC. 2. **Declaration of Policy.** – It is hereby declared the policy of the states 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 urge 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 colour 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 foment 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 (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 Gazzette or in at least two (2) National newspaper of general circulation.

Approved,