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Philippines: 'Cybercrime' law threatens free speech and must be reviewed



Cybercrime generic © ASIF HASSAN/AFP/Getty Images

A new 'cybercrime' law in the Philippines poses serious risks to freedom of expression and must be reviewed, Amnesty International said.

Under the new law, known as the Cybercrime Prevention Act of 2012 (Republic Act No. 101750), a person could be sentenced to 12 years imprisonment for posting online comments judged to be libellous.

"The 'cybercrime' law rolls back protections for free speech in the Philippines. Under this law, a peaceful posting on the Internet could result in a prison sentence," said Isabelle Arradon, deputy Asia director at Amnesty International.

The law, which came into effect on Wednesday, broadly extends criminal libel (defined in the Philippines as the public and malicious imputation of a discreditable act that tends to discredit or dishonour another person and which currently exists under the Revised Penal Code) to apply to acts "committed through a computer system or any other similar means which may be devised in the future".

It also increases the criminal penalties for libel in computer-related cases.

In January 2011, the UN Human Rights Committee found the Philippines's criminalization of libel to be "incompatible" with the freedom of expression clause in the International Covenant on Civil and Political Rights.

The Human Rights Committee said that, in the case of Alexander Adonis, a journalist who was imprisoned for libel for two years in 2007, the Philippines was “obligated to take steps to prevent similar violations occurring in the future, including by reviewing the relevant libel legislation”.

“Instead of bringing its libel legislation in line with its UN treaty obligations, the Philippines has set the stage for further human rights violations by embedding criminal libel in the “cybercrime” law,” said Arradon.

“The law gives the Department of Justice the power to close down websites and monitor online activities without a warrant. This violates due process guarantees and will have a chilling effect on freedom of expression.”

To date, at least five petitions have been filed asking the Philippine Supreme Court to review the constitutionality of the new law.

The Philippine constitution establishes that ‘no law shall be passed abridging the freedom of speech’.