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Philippines: Analysis Finds Major Problems in Cybercrime Law

Immediately after it was passed on 12 September 2012, the Philippines' Cybercrime Prevention Act was met with a flurry of legal challenges from journalists and civil society organisations in the Philippines. An Analysis released today by the Centre for Law and Democracy confirms and supports their concerns, finding that the law perpetrates significant violations of international standards on freedom of expression.

"There is a widespread tendency for lawmakers to seek to apply rules to the Internet which fail to take into account its unique nature, thereby violating freedom of expression online," said CLD Executive Director Toby Mendel. *"It is possible to address legitimate concerns in a way which protects the free flow of information online; unfortunately, this law fails to do that."*

Some of the more serious problems cited in the Analysis are that the Cybercrime Prevention Act:

- extends existing criminal rules, including the country's already problematic criminal defamation laws, to the Internet with no consideration of the specific implications of this, in most cases imposes even harsher penalties;
- grants law enforcement sweeping surveillance powers and requires the Department of Justice to block websites in cases of *prima facie* breach of the Act;
- grants Philippine authorities vast jurisdiction to police the Internet;
- criminalises mere recklessness and cybersquatting; and
- imposes very extensive data retention requirements on service providers.

The implementation of the Cybercrime Prevention Act has been suspended by the Supreme Court for 120 days, in order to allow the challenges against the law to proceed. We call on the Court to recognise the ways in which the Act breaches the right to freedom of expression, and for lawmakers in the Philippines to amend it so as to strike an appropriate balance between addressing crimes and respecting fundamental human rights.

The Analysis is available at: <http://www.law-democracy.org/live/philippines-analysis-finds-major-problems-in-cybercrime-law/>.

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