BROKEN CHALK

Submission to the United Nations OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

CALL FOR INPUT | OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

ISSUED BY OHCHR

Solutions to promote digital education for young people and to ensure their protection from online threats

Submitting Organization: BROKEN CHALK

February 2024

By

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SOLUTIONS TO PROMOTE DIGITAL EDUCATION FOR YOUNG PEOPLE AND TO ENSURE THEIR PROTECTION FROM ONLINE THREATS.

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Broken Chalk is an Amsterdam-based non-governmental organisation (NGO) committed to addressing human rights violations in the education sector. It was established in October 2020. A multinational team of dedicated human rights advocates collaborates extensively on researching violations in every corner of the world.

The organisation's primary activities include removing obstacles to education, promoting peace and tranquillity in society through intercultural tolerance, preventing radicalism and polarisation, and eliminating educational opportunity gaps across different demographics.

Broken Chalk works hard in advocacy and lobbying on behalf of these educational victims, engaging with international organisations to prompt action. Additionally, the volunteers and interns working remotely worldwide at Broken Chalk prepare comprehensive reports for international organisations, stakeholders, and governments, highlighting human rights violations in education. These reports aim to draw attention to the often-overlooked aspects of human rights violations, providing stakeholders with a complete understanding and calling for the international community to act in cases where conflict halts access to education and endangers civilians' lives. This approach ensures that awareness is raised and necessary actions are taken to address these violations. Broken Chalk is genuinely international, achieving a local and global perspective in its work.

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What are the main challenges that young people in your country face in accessing digital education? Please consider the specific situation of marginalised young people and those in vulnerable situations in your response.

Impact of COVID-19

The COVID-19 pandemic has exposed significant challenges for young Filipinos adapting to digital education. The abrupt shift to online learning, driven by social distancing measures, revealed inequalities in access, particularly affecting marginalised youth[1]. Economic disparities contribute to obstacles in acquiring essential devices and stable internet connections, intensifying the existing digital divide[2]. This transition disrupted traditional learning methods, emphasising the immediate need for inclusive strategies to cater to diverse student needs[3]. Additionally, the absence of face-to-face interaction exacerbates feelings of isolation among vulnerable groups, impeding their overall educational experience[4].

Emerging Threats

The convergence of digital education and online threats introduces a multifaceted challenge for Filipino youth. The increased reliance on online platforms exposes young learners to explicit content and potential hacking risks. Insufficient digital literacy programs compound these issues, leaving students ill-prepared to navigate the complex digital landscape securely[5]. The prevalence of cyber threats has direct implications for the mental health and well-being of young individuals[6]. Integrating robust cybersecurity measures and comprehensive digital literacy curricula into educational frameworks is crucial to empower students to navigate the digital world safely.

Children in Rural Areas

As of the latest available data, sourced from reports by UNESCO, approximately 25% of rural households in certain regions still lack reliable internet access[7]. This digital divide significantly hampers the integration of digital education, limiting the learning opportunities for young people in these areas[8]. Collaborative efforts between the government and private sectors are essential to address these challenges and bridge infrastructural gaps, ensuring equitable access to education for rural youth.

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[1] Tria, J. Z. (2020). The COVID-19 pandemic through the lens of education in the Philippines: The new normal. *International Journal of Pedagogical Development and Lifelong Learning*, *1*(1), 2-4. Available at: https://www.researchgate.net/profile/Jose-Tria/publication/341981898_The_COVID-19_Pandemic_through_the_Lens_of_Education_in_the_Philippines_The_New_Normal/links/5edde90f92851c9c5e8fa962/The-COVID-19-Pandemic-through-the-Lens-of-Education-in-the-Philippines-The-New-Normal.pdf

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] Medina, V. G., & Todd, R. J. (2019). Young people's digital safety and wellbeing: findings from Philippines and Qatar. In *Information Literacy in Everyday Life: 6th European Conference, ECIL 2018, Oulu, Finland, September 24–27, 2018, Revised Selected Papers 6* (pp. 176-187). Springer International Publishing.

[6] Ibid.

[7] Servallos, N.J. (2023). Unesco: Philippines Still Lacking Computers for Students Learning. Available at: https://www.philstar.com/headlines/2023/12/14/2318674/unesco-philippines-still-lacking-computers-students-learning

[8] Roberts, T., & Hernandez, K. (2019). Digital access is not binary: The 5'A's of technology access in the Philippines. *The Electronic Journal of Information Systems in Developing Countries*, *85*(4), e12084. Available at: https://onlinelibrary.wiley.com/doi/abs/10.1002/isd2.12084

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Indigenous Youth

Indigenous communities grapple with unique challenges, from linguistic and cultural differences to economic disparities[9]. The incorporation of digital education should be approached with cultural sensitivity, recognising and respecting the diversity of indigenous languages and traditions[10]. Tailored programs that consider the specific needs of indigenous youth are imperative for ensuring their active participation and success in digital learning environments.

Recent Case

In a recent case within the remote indigenous community of the T'boli tribe in Mindanao, Philippines, students faced insurmountable challenges in accessing digital education[11]. Connectivity issues and a shortage of digital devices left these students on the periphery of the educational system[12]. This poignant example, rooted in the struggles of the T'boli tribe, underscores the critical importance of localised interventions that address the unique circumstances of marginalised groups. It serves as a call to action for targeted initiatives that provide technological resources and consider the cultural context, ensuring the inclusivity of digital education for all in the T'boli tribe community.

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[9] Buenaflor, N. B., Adiaton, J., Ancheta, G. J., Balading, J., Bravo, A. K. B., & Tus, J. (2023). The Lived Experiences and Challenges Faced by Indigenous High School Students Amidst the New Normal of Education. Available at: https://philpapers.org/rec/BUETLE

[10] Ibid.

[11] Magdadaro, J. M. D., & Sacramento, N. J. J. E. (2022). Community engagement in the indigenous education discourse: unravelling policy lessons from Lumad's alternative school in Mindanao, Philippines. *Thammasat Review*, *25*(1), 57-81. Available at: https://www.researchgate.net/profile/Noe-John-Joseph-Sacramento/publication/361277025_Community_Engagement_in_the_Indigenous_Education_Discourse_Unravelling_Policy_Lessons_from_Lumad's_Alternative_School_in_Mindanao_Philippines/links/62a85853a3fe3e3df8776c03/Community-Engagement-in-the-Indigenous-Education-Discourse-Unravelling-Policy-Lessons-from-Lumads-Alternative-School-in-Mindanao-Philippines.pdf

[12] Ibid.

SOLUTIONS TO PROMOTE DIGITAL EDUCATION FOR YOUNG PEOPLE AND TO ENSURE THEIR PROTECTION FROM ONLINE THREATS.

What steps is the Government taking to ensure that digital education is accessible and promoted among young people? Please provide examples of specific laws and regulations, measures, policies, and programmes directed at ensuring young people's universal access to digital education.

Post-Digital Education Implementation

In response to the exponential growth of digital education, the Philippine government has proactively enacted several measures to ensure universal access. One prominent legislative stride is the Republic Act No. 10929, or the Free Internet Access in Public Places Act signed into law in 2017[13]. This landmark legislation is pivotal in addressing the digital divide by providing complimentary internet access in public spaces, including schools. The implementation of this law reflects the government's commitment to enhancing connectivity, a crucial component for the success of digital education initiatives.

Moreover, the Department of Education (DepEd) has spearheaded the Learning Continuity Plan (LCP) to address the unprecedented challenges posed by the COVID-19 pandemic[14]. This comprehensive strategy encompasses various modalities, including online classes, television and radio broadcasts, and the distribution of self-learning modules. The LCP not only serves as a response to immediate crises but also lays the groundwork for a more resilient and adaptable education system that integrates digital technologies seamlessly[15].

Pre-existing Frameworks

Before widespread digital education, the Philippines laid the groundwork with the Enhanced Basic Education Act of 2013, commonly known as the K-12 Law[16]. Although not specifically for digital education, this transformative policy extended the basic education cycle by two years, preparing students for a competitive global environment. The K-12 Law, while not directly addressing digital education, established the foundation for a more flexible and comprehensive educational system[17].

Special Programs Impacting Digital Education

DepEd Commons, the Department of Education's online platform, demonstrates the government's commitment to expanding digital education resources[18]. Covering various subjects and grade levels, it democratically provides learning materials, particularly benefiting diverse socio-economic backgrounds during crises like the COVID-19 pandemic.

The Tech4ED Project, a multifaceted government initiative, promotes digital literacy and ICT access. While not exclusively focused on formal education, it empowers individuals in rural

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[13] Republic of the Philippines. (2017). Republic Act No. 10929: Free Internet Access in Public Places Act.
[14] Sabacajan, B. T., & Moradods, A. N. (2023). Basic Education Learning Continuity Plan (BE-LCP) Implementation: Challenges and Opportunities. *International Journal of Multidisciplinary: Applied Business and Education Research*, 4(3), 858-864. https://doi.org/10.11594/ijmaber.04.03.19
[15] Ibid.
[16] Republic of the Philippines. (2013). Basic Education Act of 2013 (K-12 Law).
[17] Ibid.
[18] Sabacajan, B. T., & Moradods, A. N. (2023). Basic Education Learning Continuity Plan (BE-LCP) Implementation: Challenges and Opportunities. *International Journal of Multidisciplinary: Applied Business and Education Research*, 4(3), 858-864. https://doi.org/10.11594/ijmaber.04.03.19

areas with digital skills, creating hubs for learning and economic opportunities, indirectly supporting effective digital education[19].

Edukasyon.ph, a private sector initiative aligned with the government's mission, serves as an online bridge connecting students to educational opportunities, scholarships, and career guidance[20]. In the digital age, Edukasyon.ph consolidates resources, offering a centralised platform for students to explore educational pathways, enhancing accessibility and transparency.

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[19] Republic of the Philippines. (2023). E-Filipino TechEd. Available at: https://dict.gov.ph/major-programs-and-projects/e-filipino/e-filipino-technology-for-the-economic-development-tech4ed/
[20] Edukayson.ph. (2023). Available at: https://www.edukasyon.ph/team

What steps is the Government taking to ensure that young people can realise their human rights online in a safe, empowering, and inclusive way?

Awareness Programs

The government has initiated awareness programs within schools to educate school staff, parents, and children about online safety and human rights[21]. Workshops for teachers and school staff are designed to enhance their understanding of online risks and equip them with tools to foster a safe online environment for students. Similarly, awareness campaigns targeting parents seek to promote digital literacy within families, fostering open communication about online safety.

However, the effectiveness of these programs depends on their reach and penetration. In some instances, limited resources or uneven implementation may result in gaps, leaving certain schools or communities without adequate access to these educational initiatives.

Laws and Regulations

The Philippines has enacted laws like the Cybercrime Prevention Act, Anti-Bullying Act, and Data Privacy Act to safeguard the online rights of young people, fostering a secure digital space[22]. Despite these regulations, criticisms highlight challenges in practical implementation, with concerns about loopholes and enforcement efficacy[23]. The gap between legislation and implementation raises questions about the actual effectiveness of these laws in providing robust protection for young individuals online.

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[21] Bolatete, M. C. M., Rojo, K. P. T., Sarmiento, C. N. T., Viana, D. J. L., Wilson, L. Y., Fernando-Raguro, M. C., & Lagman, A. C. (2022, December). CHARLIE: A Digital Awareness Campaign with Reporting System on Online Sexual Harassment for UNFPA Philippines. In *2022 IEEE 14th International Conference on Humanoid, Nanotechnology, Information Technology, Communication and Control, Environment, and Management (HNICEM)* (pp. 1-5). IEEE.

[22] Republic of the Philippines. (2012). Republic Act No. 10175: Cybercrime Prevention Act.

Republic of the Philippines. (2013). Republic Act No. 10627: Anti-Bullying Act of 2013.

Republic of the Philippines. (2012). Republic Act No. 10173: Data Privacy Act of 2012.

[23] Ibid.

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What are the main gaps and challenges to young people's protection from online threats in law, policy, and practice in your country and the impacts on young people's human rights? Please consider the specific situation of marginalised young people and those in vulnerable situations in your response.

Gap in Protection

Consider a scenario where a student receives an online threat falsely claiming the leakage of compromising photos or a hacking attempt on their email/bank account. This instance underscores several critical gaps in protection. First, there may be hesitancy on the part of the student to report the threat due to fears of judgment or victim-blaming. Societal norms and attitudes play a role in shaping the willingness of young individuals to disclose such incidents, potentially leaving them without the necessary support.

Cultural Constructs and Societal Response

Cultural constructs in the Philippines can impact how society reacts to online threats and influence individuals' decisions on addressing such problems. In many cases, there may be a prevailing stigma associated with being a victim of online harassment or cyberbullying. The fear of judgment and the potential damage to one's reputation can deter individuals, particularly young people, from seeking help or reporting incidents.

Moreover, there might be a lack of awareness about the available channels for reporting and addressing online threats. In some instances, individuals may not be aware of data protection departments or cyber police units, or they may lack confidence in the effectiveness of these entities.

Impact on Marginalised and Vulnerable Groups

Marginalised young people and those in vulnerable situations face additional challenges in the realm of online protection. Limited access to resources and educational opportunities may exacerbate their vulnerability to online threats. Moreover, cultural constructs that intersect with societal attitudes can disproportionately affect marginalised groups, further discouraging them from seeking help or reporting incidents.

The impact on human rights is profound, as the gaps in protection contribute to a climate of fear, intimidation, and potential harm. The right to privacy is compromised when individuals hesitate to report online threats due to concerns about the societal response. The right to education is affected when students face barriers to accessing online learning environments due to cyberbullying or harassment. Overall, the gaps in law, policy, and practice undermine the broader human rights framework, particularly for marginalised and vulnerable young people.

Recommendations for Improvement

Education and Awareness: Strengthening education and awareness programs is crucial. Promoting a culture of openness and awareness about online threats and available support mechanisms can empower young individuals to seek help without fear of stigma.

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Enhanced Legal Framework: Continuously evaluate and improve the legal framework to address emerging online threats effectively. Ensure that laws and policies are comprehensive, provide clear guidelines for reporting, and include robust enforcement mechanisms.

Support for Marginalised Groups: Implement targeted programs to support marginalised and vulnerable groups. This may include initiatives to provide better access to education, resources for reporting online threats, and culturally sensitive support services.

Digital Literacy and Cybersecurity: Integrate digital literacy and cybersecurity education into the school curriculum. Empowering young people with the skills to navigate the online world safely is essential for their protection.

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What steps is the Government taking to ensure that young people are protected from online threats? Please provide examples of specific laws and regulations, measures, policies, and programmes.

Legal Frameworks and Unique Measures

The Cybercrime Prevention Act of 2012 serves as a foundational legal framework, criminalising various online offences such as hacking, identity theft, and cyberbullying[24]. Additionally, the Anti-Bullying Act of 2013 provides specific protections for students, both online and offline, against bullying and harassment[25]. These laws establish a legal basis for the prosecution of those engaged in online threats against young people.

A unique measure is the Safe Spaces Act, enacted in 2019, which penalises acts of gender-based harassment, including online harassment[26]. This legislation recognises the gendered impact of online threats and takes steps to protect young people from gender-based violence in the digital realm.

Student-Led Awareness and Accessibility Initiatives

Students actively advocate for online safety through workshops, seminars, and campaigns, fostering peer-to-peer learning and collective responsibility. Concurrently, efforts ensure the accessibility of online safety laws for young people, with child-friendly versions integrated into the school curriculum, empowering students to engage actively with regulations.

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[24] Republic of the Philippines. (2012). Republic Act No. 10175: Cybercrime Prevention Act.
[25] Republic of the Philippines. (2013). Republic Act No. 10627: Anti-Bullying Act of 2013.

[26] Republic of the Philippines. (2019). Republic Act No. 11313: Safe Spaces Act.