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|   | <b>DIVISION ADVISORY</b>   |  | Name of Office: <b>OSDS-SDS</b>  |

**DIVISION ADVISORY**  
 No. 43 S. 2019

**To:** Heads of Public Elementary and Secondary Schools

**From:** Schools Division Superintendent

**Subject:** Human Rights Advisory on Wearing of Muslim Headscarves as a Right to Religious Manifestation

**Date:** April 2, 2019

Please be informed that the Commission on Human Rights issued an advisory on wearing of Muslim headscarves as a right religious manifestation.

Attached is a letter from Atty. Jasmin Navarro-Regino, Regional HR Director, Commission on Human Rights, for reference and information.

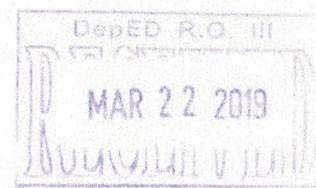
  
**LEILANI S. CUNANAN, CESO V**  
 Schools Division Superintendent

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CN 2019- DSG

**"SMILES BRIGHT, SERVES RIGHT"**





**Republic of the Philippines  
COMMISSION ON HUMAN RIGHTS**

**HUMAN RIGHTS ADVISORY  
CHR RO3-ADV-0313-2019**

**ON WEARING OF MUSLIM HEADSCARVES AS A RIGHT  
TO RELIGIOUS MANIFESTATION**

**INTRODUCTION**

This policy advisory is issued to reiterate the state obligation to respect every Filipino's freedom of religion and manifestation of belief. This is particular to Muslim women wearing headscarves in workplace, academic or training institutions, and even in availing government frontline services.

Further, this advisory is issued in the exercise of CHR's function as a National Human Rights Institution (NHRI), mandated to promote and protect the rights of every Filipino, regardless of race or beliefs; and as the Gender and Development Ombud under the Magna Carta of Women. This is also a restatement of CHR Human Rights Advisory addressing a related issue which was released on August 08, 2013.<sup>1</sup>

**BACKGROUND**

Consonant with the Muslim religious expression, wearing of headscarves and veils in the form of "hijabs," "burkas," and "niqabs" is an exercise of their Islam faith. This belief is found in two verses<sup>2</sup> of their Holy Book Q'uran that stresses the importance of decency, modesty, and safety in matters concerning the relationships of the opposite sex.<sup>3</sup>

Today, these headscarves and veils have become a source of identity of Muslims especially those who face various forms of injustices and unfair treatment on account of their religion and race.<sup>4</sup> Work opportunities have reported to be unfavorable as soon as they have attached their names with "Islam."<sup>5</sup> And, relocated Muslim children suffer social exclusion because of their new society's perception on their religious clothing. Worse, there were also reports of mandatory removal of hijab in availing government-issued licenses.<sup>6</sup>

1. CHR Advisory "On the Wearing of Headscarves" dated August 8, 2013
2. "And say to the faithful women to lower their gazes, and to guard their private parts, and not to display their beauty except what is apparent of it, and to extend their headcoverings (khimars)..." "O Prophet! Say to your wives and your daughters and the women of the faithful to draw their outer garments (jilbabs) close around them..."
3. <https://www.al-islam.org/hijab-muslim-womens-dress-islamic-ai-cultural-sayyid-muhammad-rizvi/quran-and-hijab>, visited on March 12, 2019
4. <https://www.aljazeera.com/news/2018/01/women-unite-world-hijab-day-180130075615413.html>, visited on March 12, 2019
5. <https://www.gmanetwork.com/news/news/nation/620441/muslims-experience-workplace-hiring-discrimination/story/>, visited on March 12, 2019
6. During the conduct of this Regional Office's Women's Forum last March 08, 2019



These incidents have solidified the fact that Muslim Filipinos are in fact vulnerable and disadvantaged on the basis of their beliefs and racial identity. And, these incidents can implicate various aspects of the **68,936**<sup>7</sup> Muslim Filipinos of Central Luzon such as their equal work opportunities, accessible educational services, and enjoyment of their basic rights. Thus, this advisory endeavors to remind both the public and the private sectors in respecting the rights of Muslim women in wearing religious headscarves and veils as part of their freedom to exercise their religion.

## STATE OBLIGATIONS

The right to religious beliefs manifestation is explicitly found in the International Convention on Civil and Political Rights (ICCPR), which the Philippines is a state party. The convention states that:

*"Everyone shall have the right to freedom of...religion...This right shall include freedom of...religion...This right shall include freedom...to manifest his religion or belief in worship, observance practice..."*<sup>8</sup>

***This right to manifest one's religion can only be subject to limitations as prescribed by law and if it is only necessary for public safety, order, health, morals or the fundamental rights of others.***<sup>9</sup>

Thus, exercise of this freedom which includes religious clothing should not be hampered or restrained, **especially if it only involves daily circumstances and in ordinary manner that does not affect public order and safety.**<sup>10</sup> There are indeed government agencies, nonetheless, that implement existing regulations that regulate the wearing of hijab and other related religious headscarves, as part of their statutory powers to promote the general welfare of the public.<sup>11</sup> The 1987 Philippine Constitution, likewise, guarantees that its people have freedom to exercise religion, without discrimination or preference.

In 2014, with an aim to promote the rights of female Muslim workers in the government, the Civil Service Commission (CSC) clarified that Muslim women wearing headscarves shall be allowed in government offices.<sup>12</sup> The same is true with public health care institutions but this can be modified to conform to their rules and regulations concerning pertinent infection control and aseptic techniques while observing the religious rights of Muslim workers/students/trainees. CSC also clarified that for government institutions taking of pictures (e.g. application of licensure examinations, passport, clearances, and etc.), Muslim women applicants cannot be forced to remove their religious headscarves, and instead, taking of picture may be allowed showing full-face and both ears without necessarily taking off the hijabs.<sup>13</sup> Conditions imposed by government institutions should not negate the religious meaning of Muslim women in wearing their hijabs. The Office of the United Nations High Commissioner for Human Rights had concurrently commented that "restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner."<sup>14</sup> It further expounded that any restrictions in this right should proceed from the need to protect the rights guaranteed under the ICCPR, including the right to equality and non-discrimination.

<sup>7</sup> Based on the 2018 Population Count of National Commission on Muslim Filipinos—North Luzon located at City of San Fernando, Pampanga

<sup>8</sup> ICCPR, Article 18, sec. 1

<sup>9</sup> ICCPR, Article 18, sec. 2

<sup>10</sup> CHR Advisory "On the Wearing of Headscarves" dated August 8, 2013

<sup>11</sup> Ibid

<sup>12</sup> CSC MC No. 20, s. 2014, Clarification on the Practice of Wearing Hijabs in Government Institutions

<sup>13</sup> Ibid

<sup>14</sup> General Comment No. 22: The Right to Freedom of Thought, Conscience, and Religion, section 8



The Republic Act No. 9710 or the Magna Carta of Women offers another protection for Muslim women on their unrestricted right to wearing their religious headscarves. This law stands as the gender equality law of the country and serves as the translation in its commitment after it signed the Convention on the Elimination of All Forms of Discrimination Against Women. It guarantees women's freedom to exercise their rights equally with their male counterpart, without being restricted on the basis of their gender.

The Magna Carta of Women, under its Section 28, stipulated that the state should adopt measures to protect women in manifesting or expressing their identities and/or ways of life. In fact the Department of Education (DepEd), Commission on Higher Education (CHED), National Commission on Indigenous Peoples (NCIP), National Commission on Muslim Filipinos (NCMF), Bureau on Cultural Heritage—ARMM, and this Commission, to assure that the Philippine educational system are sensitive to needs, orientation, and culture of Muslim students.

### RECOMMENDATIONS

In view of the foregoing, the Commission on Human Rights (CHR) Regional Office 3 hereby recommends the following in order to advance the protection of Muslim women in wearing their religious headscarves:

- for all government offices taking pictures as part of their frontline service processes, to be mindful of the right to religious expression, particularly wearing of headscarves of Muslim women, availing these services in ordinary manner without apparent threat to public safety;
- for DepEd and CHED, to continuously assure that the education of Muslim students are sensitive enough to their religious and cultural needs;
- for Local Government Units (LGUs) together with the NCMF, to conduct informational activities to raise awareness in cultural and religious sensitivity; and
- for private establishments, to respect the rights of Muslim women in their right to religious manifestation.

Issued this 13<sup>th</sup> day of March 2019, City of San Fernando, Pampanga.

Atty. JASMIN NAVARRO REGINO  
Regional HR Director

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