

Human Rights Council
Attn: OHCHR Civil Society Unit
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Re: Supplementary Information on Philippines
Scheduled for the 1st Session of Universal Periodic Review, Human Rights Council, April
2008

Dear Members of the Human Rights Council:

The Center for Reproductive Rights (CRR) is an independent, non-profit organization that works to protect women's reproductive rights throughout the world. We believe that reproductive rights are fundamental to women's health and social equality and an explicit part of the Human Rights Council's mandate. Pursuant to HRC Resolution 5/1 of 18 June 2007, we submit this information for your review. Most of the information contained in this letter is taken from letters submitted by CRR to the CEDAW Committee and the Committee on Economic, Social, and Cultural Rights (CESCR). Some of the information is taken from a fact-finding report entitled "Imposing Misery: the Impact of Manila's Contraception Ban on Women & Families," recently published by CRR in collaboration with Likhaan and ReproCen, which documents human rights violations ensuing from the imposition of a ban on contraceptives in Manila City. Those letters and the report, which contain further details and source citations, are appended to this memorandum.

National Context

Although the Philippines is a constitutionally secular state, the Catholic Church consistently uses its moral authority and political power to interfere with politics and governance, thereby violating the Philippines' constitutional separation of church and state and violating the Constitutional guarantee of the non-establishment of a state religion. An unholy alliance between the Catholic Church and the ruling government has led to official policies that have caused irreparable harm to women's reproductive health and obstructed law reform. For example the Department of Health, under the influence of the Church, has declared a preference for "natural family-planning" (NFP) since 2002. President Arroyo has also publicly spoken on the issue and stated that the "rhythm method" of contraception, a form of natural family planning, has a 99% rate of success, which is grossly misleading. The poor status of women's reproductive health in the Philippines (discussed in detail below and in the annexed documents) reflects a lack of respect for women's basic human rights. In a comparative study conducted by CRR of 5

countries in Southeast Asia it was found that despite the fact that the Philippines has ratified or acceded to more U.N. treaties than any other country in the region, its indicators of reproductive health are among the poorest.¹ Since there is no national law specifically codifying Filipino women's reproductive and sexual rights, they have been left without legal recourse for violations of their internationally protected human rights under domestic law.

Furthermore, U.N. treaty monitoring bodies have repeatedly expressed concern about the negative impact of decentralization of health services, especially where local government units (LGUs) have failed to prioritize or restricted access to services. The imposition of a ban on artificial contraceptives in Manila City, is a compelling example of a harmful restriction.²

1. Lack of Access to Family Planning and Contraceptive Methods.

The most important concerns relating to family planning in the Philippines are the lack of access to modern contraceptives and mis-information. 70% of Filipinos rely on the government for family planning services, including oral contraceptives, IUDs, condoms and sterilization, yet many LGUs have failed to prioritize women's reproductive health care needs and some have sought outright to deny access altogether. In recent years, a number of LGUs have introduced and subsequently retracted restrictive policies, however one that still remains in force is Executive Order No. 003 (EO) introduced by the mayor of Manila City, Jose Atienza, in 2000, which officially requires the City government to "discourage[s] the use of artificial methods of contraception like condoms, pills, intrauterine devices, surgical sterilization, and other" by cutting off supplies and providing mis-leading information about the efficacy of natural family planning. In Manila City, there are 1.5 million persons, and over half a million women of childbearing age. National figures show that almost half of all pregnancies in the Philippines are unintended. Poor women are most affected by the government's policies and, on average, it is poor women who have two or more children than they want. While the text of the EO does not explicitly ban modern contraceptives, when introduced in 2000, it resulted in the abrupt suspension of existing contraceptive supplies and women have been left without an alternative source of artificial contraceptive methods of their choice ever since.

2. Illegal and Unsafe Abortion.

The Philippines government has criminalized abortion without providing clear exceptions to this ban even when the woman's life or health is in danger, when the pregnancy is the result of rape, or when there is medical evidence of fetal impairment. The penalty for women undergoing abortion and for providers ranges from 2 to 6 years in prison. Despite its illegality, abortions are still prevalent. In 2000, approximately 473,000 women had abortions and an estimated 79,000 women were hospitalized due to complications arising from the abortion. As further evidence of the bleak situation, it is

estimated that only 30% of women who attempt an unsafe abortion succeed the first time, leading to repeated attempts which detrimentally impact their health and lives each time. Criminalization of abortion has created an extremely prohibitive environment leading to inhumane treatment, in the form of verbal abuse and slapping, of women who seek post-abortion care. As a result, when there are complications from an illegal abortion, women are strongly deterred from seeking life saving health care.

The correlation between the lack of access to reliable contraceptive methods and unsafe abortion is strongly evident in Manila City, for example, where denial of access to modern contraceptives in Manila City has exacerbated the problem of illegal and unsafe abortions. The national abortion rate in metropolitan centers, such as Manila City, has increased from 41 to 53 per 1000 women aged 15-44. The Government's own Periodic Report to the CESCR concedes that Manila City has the highest abortion rate in the country. However, the Government tragically refuses to acknowledge this link and take steps to prevent the future occurrence of human rights violations associated with these practices.

3. Maternal Mortality and Morbidity.

The Philippines accounts for one of the highest maternal mortality rates in the East and Southeast Asia region. Roughly over 11 women die every day in the Philippines due to pregnancy related complications. Seven out of 10 of these deaths occur at child birth or within a day after delivery. Four out of 10 deaths are due to complications and infections. Furthermore, for every woman who dies, it is believed that 40 more women suffer complications. A large percentage of maternal deaths are due to complications from unsafe abortion. An estimated 800 women die every year due to complications resulting from unsafe abortion. The Government has conceded great disparities in women's maternal health, with maternal mortality higher in poor rural and isolated areas and poor urban communities, however, adequate steps have not been taken to address these disparities by ensuring that local governments provide, as a matter of priority, access to a full range of reproductive health care services to all women, without discrimination and official bias.

CEDAW's Most Recent Concluding Observations on the Philippines

In the CEDAW Committee's most recent concluding observations, issued 2006,³ they determined that the Philippines had still not complied with its obligations to uphold women's reproductive and sexual health rights. Below are excerpts from that set of concluding observations.

- The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the Philippines. The Committee is concerned about the high maternal mortality rates particularly the number of deaths resulting from induced abortions, high fertility rates, inadequate family planning services,

the low rates of contraceptive use and difficulties in obtaining contraceptives. It is also concerned about the lack of sex education, especially in rural areas. ö

- öThe Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives more widely available and affordable and without any restriction and by increasing knowledge and awareness about family planning . . .ö
- ö. . . The Committee urges the State party to consider the problem of unsafe abortion as a matter of high priority. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion and provide them with access to quality services for the management of complications arising from unsafe abortions and to reduce women's maternal mortality rates in line with the Committee's general recommendation 24 on women and health and the Beijing Platform for Action.ö

We respectfully urge the Human Rights Council to take this information into consideration as it reviews the Government of Philippines' performance and use it as a basis for emphasizing the urgent need to prioritize the protection and fulfillment of women's reproductive rights as a matter of social justice and human rights.

Very truly yours,

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¹ Center for Reproductive Rights, *Women of the World: Laws and Policies Affecting Their Reproductive Lives,* East & Southeast Asia, (2005).

² Center for Reproductive Rights, *Imposing Misery: The Impact of Manila's Contraception Ban on Women and Families,* (2007).

³ *Concluding Comments of the Committee on the Convention on the Elimination of all forms of Discrimination Against Women,* 36th Sess., 747th and 748th mtgs., CEDAW/CO/PHI/06 (2006), P. 6, paras 27-28.