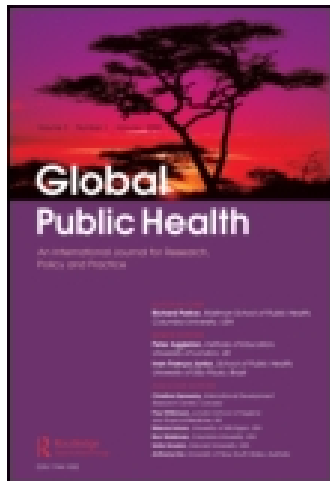


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Commentary: Sustained advocacy produces success in the Philippines

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THEME: SEXUAL HEALTH, HUMAN RIGHTS AND THE LAW

Commentary: Sustained advocacy produces success in the Philippines

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After a protracted 14-year debate, Republic Act 10354, ‘The Responsible Parenthood and Reproductive Health Act of 2012’ (hereby referred to as The Law) was passed on 17 January 2013. In response to severe assaults on The Law, the Supreme Court on 8 April 2014 finally upheld its constitutionality and supported the validity of most of its key provisions. Among other points, The Law affirms women’s right to reproductive and sexual health information and services, including contraception, and mandates the government to include age and development appropriate reproductive health education for all school-going adolescents.

Advocates, such as the Reproductive Health Advocacy Network, one of several who initiated The Law in 1999, understood the influence of the Roman Catholic Church over Filipinos (Ruiz-Austria, 2004), and therefore emphasized that the draft law promoted basic ‘pro-life’, ‘pro-family’ and ‘pro-poor’ values (Sales, 2012). They focused primarily on contraceptive access, arguing that The Law ‘recognizes, respects and promotes the right of every Filipino, including the youth, to free and informed choice’ (Youth Consortium for the RH Bill, 2011). Faculty of Roman Catholic colleges and universities (Fonbuena, 2012; InterAksyon, 2012), and major Protestant and indigenous Filipino Churches, among others, rallied in support of the draft, pointing out that it protects and helps to fulfil the human rights to health, gender equality and freedom of religion and expression encompassed by the national constitution and state obligations under international human rights law.

By contrast, opponents of the draft emphasized Article II Section 12 of the 1987 Constitution, which requires the state to ‘equally protect the life of the mother and the life of the unborn from conception’ (Viado, 2004). They assert that The Law is a departure from God’s decree on the sanctity of family, life and marriage, and that the nation would be decimated by unbridled population control. One Supreme Court judge publicly stated that The Law would ‘prevent a child through poison’ (Audio Recording of Oral Argument, 2013a) and restrict poor people’s right to procreate (Audio Recording of oral argument, 2013b).

Despite opposition campaigns, the public has long supported access to contraception. In 1991, 80% preferred electoral candidates who supported family planning (Mangahas, 2008). In 2008, the Social Weather Station, a leading poll centre, reported that 71% of Filipinos supported legislation on reproductive health and that ‘Filipino opinion on RH is roughly the same for Catholics and non-Catholics, the same for regular (weekly and up)

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and irregular churchgoers, and the same for the great many who trust, and the few who distrust, the Catholic Church' (Mangahas, 2008). Despite active campaigning by the Catholic Church against pro-Law Senatorial candidates, a significant number won in the 2013 elections. 'The election results show there is no Catholic vote', concluded a leading activist (Yu-Tzu, 2013).

Civil society groups now aim to ensure that The Law is translated into effective policies and programmes, shaped and evaluated against a human rights framework. This requires, for example, monitoring and advocacy to ensure that quality information, equipment, supplies and services are available to women and girls, especially those who are disadvantaged; monitoring of the availability and quality of services; and data gathering to inform programming and budgeting processes. Civil society also aims to participate in the development of a comprehensive reproductive health education curriculum; to inform women and young people about their rights and entitlements under The Law; and to counter inevitable challenges to The Law in the courts and during implementation. Finally, civil society coalitions will work to fill shortfalls in The Law, for instance by removing third party consent requirements; preventing abuses of the right of providers to conscientious objection; and ensuring that public officials vigorously carry out the requirements of The Law.

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