

The Philippines' Criminal Restrictions on Abortion and the CEDAW Committee's Role in Strengthening Calls for Reform

JIHAN JACOB AND MELISSA UPRETI

L'avortement est interdit aux Philippines sans exception claire et légale. Plus d'un million d'avortements clandestins sont responsables annuellement de la mort des femmes pauvres et des adolescentes. Une récente coalition d'activistes et de la Commission des droits de la personne ont utilisé le comité des recommandations de CEDEF pour décriminaliser l'avortement et le rendre légal dans certaines circonstances. Cet article réclame le ban sur l'avortement qui a un impact néfaste sur les femmes et serait un pas vers l'élimination de la discrimination.

The Philippines is an archipelago of more than seven thousand islands located in Southeast Asia out of which approximately two thousand are inhabited and home to a population of over one hundred million (Quintas; Commission on Population). Although it has one of the more vibrant economies in the region (World Bank), economic gains have not translated into poverty reduction, and socio-economic disparities remain high (Asia Development Bank). Poor women and adolescent girls face extremely serious challenges to their reproductive health mainly due to inadequate public funding for reproductive health services and ideological opposition to abortion and contraception led by the Catholic Bishops' Conference of the Philippines and its allies (Center for Reproductive Rights [CRR] 86).

The Philippines has one of the most restrictive abortion laws in the world. In 2012, an estimated 610,000 abortions took place and over 100,000 women were hospitalized for complications; at least one thousand women died from abortion complications in 2008 (Finer and Hussain 5). Approximately ten percent of maternal deaths in 2012

were linked to abortion (Department of Health "The 2012 Philippine Health Statistics" 205). The high incidence of unsafe abortion is fueled by lack of access to contraceptive information and services, especially among the poor and young. In 2008, over 50 percent of all pregnancies—close to two million—were unintended (Finer and Hussain 2, 5).

The Philippines was colonized by Spain for over three hundred years before being taken over by the United States (U.S.) and occupied by Japan during World War II (Agoncillo). Both Spain and the U.S. have had a lasting influence on the Philippines, which is predominantly Catholic. The country is governed by a constitution that draws heavily from the U.S. constitution and that coexists with a number of penal laws that can be traced back to Spain, such as the legal prohibition on abortion (CRR 77). The Philippines ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1981 and its Optional Protocol in 2003. This article highlights some of the important ways in which a newly formed coalition of activists and the Commission on Human Rights (CHR) have utilized the CEDAW Committee's recommendations to advocate for the decriminalization of abortion and its legalization in specific circumstances, in response to the harmful impact of the abortion restrictions on women's health and as a matter of eliminating discrimination.

The Legal Framework on Abortion

Abortion was widely practiced and permitted in the Philippines prior to the arrival of the Spanish colonizers in the late nineteenth century ("Resisting Religious Repression").

It was legally prohibited and made punishable with the introduction of the Spanish Penal Code of 1870, which was enforced in the Philippines from 1887–1931 (CRR 77). The legal prohibition on abortion was maintained in the Revised Penal Code (RPC), which took effect in 1932, after the U.S. assumed control over the Philippines.

Abortion is prohibited and criminalized by articles 256-259 of the RPC, which prescribes penalties for everyone involved in causing or performing an abortion, ranging from imprisonment for one month and a day to twenty

Enforcement of the Law

Cases of women being arrested, investigated, and prosecuted are frequently reported by the local media.¹ However, there are not many cases of women serving time in prison for having abortions, because a guilty plea can lead to a person's provisional release, with supervision, or even the eventual dismissal of the case due to the failure of witnesses to appear and testify. Health service providers are not required by law to report women who have abortions to

For many women, the fear of being reported to the authorities serves as a major deterrent to seeking post-abortion care.... Similarly, the fear of exposure to criminal prosecution forces women to remain silent about the abuse and discriminatory treatment that they experience while seeking post-abortion care.

years, depending on whether the abortion was intentional or unintentional and if it was performed by the woman herself or a third party (Articles 256-259). The RPC recognizes “justifying or exempting circumstances” that may excuse a person from criminal liability that could theoretically apply to abortions performed to save a pregnant woman's life or health (Articles 11 [4], 12 [6]). However, these defenses have not yet been applied in a criminal prosecution for abortion. The RPC's criminalization of abortion is supported by the Constitution, which establishes as state policy the equal protection of the “life of the mother and the life of the unborn from conception” (Article 2[12]). Records of the formal deliberations surrounding the inclusion of this provision reveal that the drafters did not unanimously intend to legally restrict abortion in all circumstances and they specifically recognized the Roman Catholic principle of double-effect, according to which the termination of a pregnancy may be permitted when the intended effect is to preserve the life of a pregnant woman (Records of the 1987 Constitutional Commission of the Philippines 803).

Despite the constitutional possibility of recognizing legal exceptions for abortion, the RPC's prohibition on abortion was reinforced by lawmakers in the 2012 *Responsible Parenthood and Reproductive Health Act (RPRHA)*, which declares that abortion shall remain “illegal and punishable by law” (Section 3[j]). It also mandates the “[p]roscription of abortion” in its definition of reproductive health services (Section 4[q][s]). Meanwhile, the law clearly states that women seeking medical treatment for post-abortion complications shall be “treated and counseled in a humane, nonjudgmental and compassionate manner in accordance with law and medical ethics” (Section 3 [j]).

the authorities, but there is a common misconception that they will be viewed as potential accomplices to a crime if they fail to report women seeking medical care for complications (CRR 71). For many women, the fear of being reported to the authorities serves as a major deterrent to seeking post-abortion care (see CRR 56).² Similarly, the fear of exposure to criminal prosecution forces women to remain silent about the abuse and discriminatory treatment that they experience while seeking post-abortion care. A groundbreaking post-abortion care policy was introduced in 2016 which reflected numerous recommendations issued by the CEDAW Committee and clarified for the first time that there is no legal obligation to report women who have abortions to the authorities for investigation and prosecution (Department of Health “National Policy on the Prevention and Management of Abortion Complications” 4). This policy was however superseded by a new policy in 2018, and it does not contain many of the progressive provisions of the previous policy (Department of Health “National Policy on the Prevention of Illegal and Unsafe Abortion and Management of Post-Abortion Complications”).

The Harmful Impact of the Abortion Restrictions

The abortion restrictions have led to severe physical and mental health consequences for women and adolescent girls who have experienced unplanned or unwanted pregnancies and resorted to unsafe abortion, whether it be motivated by their inability to provide for more children, satisfaction with their family size, concerns about their health, lack of support from a partner, or because the pregnancy

is a result of non-consensual sex (Finer and Hussain 4). Young women (aged twenty-four and below) often resort to abortions because they want to continue with their education, feel they are too young to be a mother, or have had issues with their partners (4).

The complications most frequently seen among women include incomplete abortion, blood loss, and infection; severe complications include septic shock and intestinal perforation (5). Over eighty percent of all women who have experienced unsafe abortions have suffered from at least one complication from the procedure, and nearly half have experienced a severe complication (5). Abortion complications may be attributed to the dangerous methods commonly used to induce abortions, which include the insertion of plants or sharp objects into the uterus, abdominal pressure, and consumption of illegally procured drugs such as Cytotec—a brand of misoprostol—or local wine made from the bark of a cinchona tree (CRR 32).

The Philippines' Obligation to Ensure Abortion Rights under CEDAW

The Philippines ratified CEDAW without reservation in 1981 and its Optional Protocol in 2003. As a state party to CEDAW, the Philippines is obligated to adopt the necessary measures to prohibit all forms of discrimination against women, refrain from committing discriminatory acts against women, and repeal all penal provisions that discriminate against women (UN General Assembly Page 13 Article 2).

Access to reproductive healthcare has been recognized as a basic right under CEDAW (*General Recommendation No. 24* Paragraph 1). While interpreting the scope of state obligations under Article 12 on women's health, the Committee has noted that “[i]t is discriminatory for a State party to refuse to provide legally for the performance of certain reproductive health services for women” (Paragraph 11), and that “legislation criminalizing abortion should be amended, in order to withdraw punitive measures imposed on women who undergo abortion” (Paragraph 31[c]).

Restrictive abortion laws perpetuate stereotypes of women as child-bearers and child-rearers and are used to limit or deny their reproductive autonomy. The CEDAW Committee has expressed concern about the prevalence of such discriminatory stereotypes in the Philippines (*Concluding Comments: Philippines* Paragraph 17). It therefore recommended that the Philippines prioritize the protection of women's sexual and reproductive health rights over any discriminatory religious norms that negatively impact their access to related services, commodities, and information (“Summary of the inquiry” Paragraph 51 [xii]). The Constitution of the Philippines provides

support for these measures in that it promises “full respect for human rights” by the government and recognizes the binding nature of treaties and international agreements entered into by the government (Article 2 Sections 2, 11; Article 7 Section 21).

In 2009, the government enacted the *Magna Carta of Women* (MCW), a national law that codifies the principles of CEDAW and commits to end discrimination against women in accordance with its norms (Section 2). It states that the government shall review and amend or repeal all laws that are discriminatory against women within three years of the *Magna Carta of Women* law coming into effect (Section 12). While the MCW and its Implementing Rules and Regulations explicitly guarantee access to health services for the “prevention of abortion,” they do not include abortion services in the list of health services for women (Section 17 [7]; Philippine Commission on Women Section 20 [a][7]), although the right to access post-abortion care for the treatment of complications following an unsafe abortion is guaranteed (Section 17 [7]; Philippine Commission on Women Section 20 [a][7]).

During the Philippines' periodic review in 2006, the CEDAW Committee expressed concern about the criminalization of abortion and, for the first time, issued a specific recommendation calling for its decriminalization. In its Concluding Observations, the Committee noted that induced abortions have contributed to the high number of maternal deaths in the country and called for the removal of the criminal penalties on abortion as well as the provision of quality post-abortion care (*Concluding Comments: Philippines* Paragraphs 27-28).

The Committee reiterated its concern about the harmful consequences of the criminalization of abortion during a special inquiry conducted by the Committee in 2012, under article 8 of the Optional Protocol to CEDAW. The special inquiry was undertaken to investigate allegations of the grave and systematic violations of women's reproductive rights under CEDAW, resulting from the enforcement of a series of executive orders that effectively banned access to modern contraceptives in Manila City and withdrew government funding (“Summary of the Inquiry” Paragraph 1). In a report released in April 2015, the CEDAW Committee noted the widespread occurrence of violations of women's rights under CEDAW, especially in Manila City because of an “official and deliberate policy that places a certain ideology above the well-being of women” (Paragraph 47). Importantly, the CEDAW Committee recognized a direct connection between the high number of maternal deaths, unsafe abortions, and women's lack of access to modern contraceptives (Paragraph 47).

The CEDAW Committee concluded that the government had failed to fulfill its obligations under CEDAW

and that this failure was attributed to a number of national and local laws and policies that restricted access to reproductive health information and services, including the legal prohibition on abortion (Paragraph 48). The Committee further noted the disproportionate and discriminatory impact of these laws and policies on vulnerable groups of women including adolescent girls, poor women, and those in abusive relationships (Paragraphs 9, 33-34, 46-48).

In connection with abortion, the CEDAW Committee called for the amendment of the RPC to decriminalize

other U.N. treaty-monitoring bodies (TMBs) to advocate for abortion law reform and accountability for violations in the context of post-abortion care.³ PINSAN's efforts are aimed towards removing the criminal penalties for abortion, addressing abortion stigma, and ending the abuse and mistreatment of women seeking post-abortion care.

On January 22, 2016, PINSAN went public with its advocacy agenda and released a call for action to publicly talk about unsafe abortion and address it as a human rights concern (Women's Global Network). This was marked by

PINSAN celebrated Global Safe Abortion Day by participating in a global campaign, "Step Into Her Shoes," used to showcase the experiences of women who have had abortions with the aim of encouraging empathy and to counter the negative stereotypes of women and adolescent girls who have abortions and address abortion stigma.

abortion and to allow it in cases of pregnancies resulting from rape or incest, in cases where there are threats to the life or health of the woman, and in cases of serious fetal malformation (Paragraph 51[v]). Notably, for the first time, the Committee called upon the government to take steps to ensure legal accountability for violations in the context of post-abortion care, including setting up complaint mechanisms where women can, without fear of reprisals, report discrimination and abuse (Paragraphs 52[ii], 52[v], 52[ix]).

During the Philippines' periodic review in 2016, the CEDAW Committee further urged the government to ensure the full and immediate implementation of the recommendations made in the 2015 inquiry report (*Concluding Comments: Philippines* Paragraph 56).

The Positive Influence of the CEDAW Committee Recommendations

The government did not formally accept the Committee's findings of the special inquiry. However, since its release in 2015, local advocacy groups and the country's national human rights institution have utilized the Committee's findings and recommendations to demand stronger protections for women's reproductive rights.

Utilization of the CEDAW Committee's Recommendations by Advocates

The Philippine Safe Abortion Advocacy Network (PINSAN), an abortion advocacy coalition established in 2015, has strengthened its advocacy by utilizing the Committee's recommendations as well as those issued by

an event where they engaged in a public dialogue with government officials and the press. On September 28, 2016, PINSAN celebrated Global Safe Abortion Day by participating in a global campaign, "Step Into Her Shoes," which was used to showcase the experiences of women who have had abortions with the aim of encouraging empathy and to counter the negative stereotypes of women and adolescent girls who have abortions and address abortion stigma. In the first event of its kind, the day was commemorated with an art installation and constructive dialogue between advocates and health service providers about the human rights implications of the criminal restrictions on abortions and abuses at the Philippines' national maternity hospital located in Manila City, Dr. Jose Fabella Memorial Hospital. PINSAN's public engagements have served as important platforms to raise the visibility of the harmful impact of the abortion restrictions and provided crucial opportunities for networking and creating and strengthening new alliances and partnerships with diverse stakeholders. PINSAN played a critical role in shaping the new PAC policy adopted in 2016, for which it relied extensively on the CEDAW Committee's recommendation to the government to improve the quality of post-abortion care and ensure accountability for the mistreatment and abuse of women seeking care (Department of Health "Minutes"). From February to May of 2017, PINSAN expanded its advocacy to the international sphere. Relying heavily on the CEDAW Committee's recommendations and those of other UN TMBs and women's testimonies, PINSAN drafted a formal submission for the Philippines Universal Periodic Review (UPR) highlighting the human rights implications of the criminalization of abortion and

post-abortion care abuses. This was accompanied by outreach to diplomatic missions specifically to request that they raise the issue of abortion during the formal review (PINSAN “UPR Member States”). As a direct result of their efforts, the Netherlands recommended that the government take immediate steps to allow abortion in certain circumstances, such as in cases where a woman’s or girl’s life or physical or mental health is in danger, where the pregnancy is a result of rape or incest, and in cases of fetal impairment and to decriminalize abortion “in the near future” (Human Rights Council Paragraph 133.232).

The Commission on Human Rights Recommends Abortion Law Reform

From March to May of 2016, the Philippine Commission on Human Rights (CHR) conducted its first ever national inquiry on reproductive health and rights in response to calls by civil society organizations concerned by the government’s failure to ensure women’s access to reproductive health services despite the passage of the 2012 *Responsible Parenthood and Reproductive Health Act (RPRHA)* and the Supreme Court’s decision upholding its constitutionality (*Report of the Commission on Human Rights* 4-5). The process for the national inquiry was guided by the CHR’s mandate as a national human rights body and role as Gender Ombudsperson under the MCW. The CHR specifically relied on the legal framework established by CEDAW and the observations and recommendations of the CEDAW Committee in its special inquiry report in their investigation and analysis. The process involved fifteen consultations on CEDAW and the MCW in addition to several fact-finding missions and public hearings in different parts of the country (4-5).

The CHR deemed “the absolute ban on abortion, which has led to unsafe abortions and to stigma in the access and availability of Post Abortion Care (PAC),” to constitute a barrier to ensuring access to reproductive health care (9-10). They concluded that the government had fallen short of its obligations under CEDAW, specifically its obligation to “ensure women’s access to services in the areas of family planning, pregnancy, confinement and post-natal period and to sexual and reproductive health services” (8).

The CHR recommended that Congress review and amend the penal code provisions on abortion and take into consideration the impact of its criminalization of the provision of post-abortion care, while relying on the CEDAW Committee’s recommendations (10, 18, 29). In making this recommendation, the CHR effectively reversed their previous stance opposing the legalization of abortion in the Philippines (Philippine Commission on Human Rights “Position paper on HB 6343”).

Conclusion

Women’s activism has always been at the forefront of efforts to address gender inequality. In the past, they have been influential and played key roles in the enactment of the MCW, *RPRHA*, and adoption of the CEDAW and other international conventions. They continue to have a strong voice in calling on the government to address gender inequality by amending or repealing discriminatory laws, including abortion restrictions, and ensuring that the government is held accountable before national and international mechanisms and human rights bodies for restricting women’s access to safe and legal abortion.

Despite the heightened stigma surrounding abortion and those advocating for women’s rights to access it, women activists are continuously challenging negative attitudes and raising awareness, engaging communities, amplifying their voices, and driving legal and policy reforms by leveraging national and international human rights standards to empower women to claim their rights and ensure their access to essential reproductive health services.

The passage of the MCW marked an important step toward the integration of the CEDAW framework into national law. Local organizing played a key role in ensuring the adoption of this landmark law. Since the adoption of the MCW, recommendations issued by the CEDAW Committee during the Philippines’ periodic reviews and from the special inquiry, have been critical to the efforts of advocates and national human rights bodies to fully realize women’s human rights and to promote the accountability of national and local level actors and institutions for violations of women’s rights as a result of specific laws and policies that jeopardize their reproductive health and lives.

The case of the Philippines demonstrates that when undertaken together, and strategically, by local and national social justice activists, international accountability strategies can be a powerful complement to national accountability strategies and help amplify women’s voices to accelerate legal and policy change. The mobilization of local advocates toward a common advocacy goal and their ability to engage transnationally to positively influence and, when needed, exert pressure on key political and institutional actors at the local and national levels, are crucial factors that determine the extent to which international norms and recommendations issued by treaty monitoring bodies such as the CEDAW Committee can have a positive impact on women’s lives.

In addition to facilitating law and policy reform, local organizing has also involved challenging negative attitudes and addressing stigma in local communities, which are common barriers to the implementation of human rights norms aimed at eliminating discrimination against women.

Local organizing has, in this and other ways, contributed to the empowerment of individual women to claim their rights in accordance with international norms. Transnational collaboration in the development and implementation of strategies at multiple levels has helped build solidarity and strengthen local movements in the Philippines, which has made great strides despite the organized opposition to the full recognition of women's rights in accordance with CEDAW, particularly their sexual and reproductive rights.

Melissa Upreti is a human rights lawyer and women's rights activist. She is Senior Director of Program and Global Advocacy at the Center for Women's Global Leadership at Rutgers University, The State University of New Jersey, in the United States.

Jihan Jacob is a woman human rights defender and an active member of the Philippine Safe Abortion Advocacy Network. She is Legal Adviser for Asia at the Center for Reproductive Rights.

Endnotes

¹See, for example, Abelgas; "Police Arrest Couple for Inducing Abortion"; and Balagtas.

²See, also, Committee on the Elimination of All Forms of Discrimination Against Women, "Summary of the Inquiry Concerning the Philippines under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women." U.N. Doc. CEDAW/C/OP.8/PHL/1. 2015. para. 52(v).

³Committee on Economic, Social, and Cultural Rights. *Concluding Observations: Philippines*. UN Doc. E/C.12/PHL/CO/4. 2008. paras. 31-32; Human Rights Committee. *Concluding Observations: Philippines*, UN Doc. CCPR/C/PHL/CO/4. 2012. para. 13; Committee against Torture. *Concluding Observations: Philippines*. UN Doc. CAT/C/PHL/CO/3. 2016. paras. 39-40; Committee on Economic, Social, and Cultural Rights. *Concluding Observations: Philippines*. UN Doc. E/C.12/PHL/CO/5-6. 2016. paras. 51-52.

References

Abelgas, Gus. "92-year-old abortionist arrested in Calcoocan." *ABS-CBN News*. 20 Sept. 2013. Web. 13 May 2017.

Agoncillo, Teodoro. *History of the Filipino People*. [1990]. 8th ed. Quezon City: Garotech Publishing, 2012. Print.

An Act Providing for a National Policy on Responsible Parenthood and Reproductive Health. Rep. Act No. 10354. 21 Dec. 2012. Print.

An Act Providing for the Magna Carta of Women. Rep. Act. 9710. 28 July 2008. Print.

An Act Revising the Penal Code and Other Penal Laws. Act No. 3815. 8 Dec. 1930. Print.

Asia Development Bank. "Poverty in the Philippines: Causes, Constraints and Opportunities." Manila: Asian Development Bank, 2009. Web. 13 May 2017.

Balagtas, Aie. "Woman nabbed for abortion." *The Philippine Star*, 12 July 2015. Web. 13 May 2017.

Center for Reproductive Rights (CRR). *Forsaken Lives: The Harmful Impact of the Philippine Criminal Abortion Ban*. New York: CRR, 2010. Print.

Commission on Population. "Population Clock." Web. 13 May 2017.

Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW). *Concluding Comments: Philippines*. UN Doc. CEDAW/C/PHI/CO/6. 2006. Print.

Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW). "Summary of the inquiry concerning the Philippines under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women." UN Doc. CEDAW/C/OP.8/PHL/1. 2015. Print.

Committee on the Elimination of Discrimination Against Women (CEDAW). *General Recommendation No. 24: Article 12 of the Convention (Women and Health)*. UN Doc. A/54/38/Rev.1. 1999. Print.

Department of Health. "Minutes of the 17th Meeting of the National Implementation Team (NIT) for Responsible Parenthood and Reproductive Health (RPRH) Law." Manila, Philippines. 9 October 2015. Print.

Department of Health. "National Policy on the Prevention and Management of Abortion Complications (PMAC)." Administrative Order No. 2016-0041. Manila, Philippines. 25 Nov. 2016. Print.

Department of Health. "National Policy on the Prevention of Illegal and Unsafe Abortion and Management of Post-Abortion Complications." Administrative Order No. 2018-0003. Manila, Philippines. 6 Feb. 2018. Print.

Department of Health. "The 2012 Philippine Health Statistics." Manila, Philippines. 2012. Web. 13 May 2017.

Finer, Lawrence B. and Rubina Hussain. "Unintended Pregnancy and Unsafe Abortion in the Philippines: Context and Consequences." *In Brief*. New York: Guttmacher Institute, 2013. Print.

Human Rights Council. Report of the Working Group on the Universal Periodic Review. 36th Session 11-29 Sept. 2017. UN Doc. A/HRC/36/12. Web. 13 May 2017.

Philippine Commission on Human Rights (CHR).

“Position Paper on HB 6343.” Web. 13 May 2017.
 Philippine Commission on Human Rights (CHR). *Report of the Commission on Human Rights Philippines’ National Inquiry on Reproductive Health and Rights*. Manila, Philippines. 2016. Web. 13 May 2017.
 Philippine Commission on Women. *An Implementing Rules and Regulations of the Act Providing for the Magna Carta of Women*. Board Resolution 1. 30 March 2010. Print.
 Philippine Constitution. 2 Feb. 1987. Print.
 PINSAN: Philippine Safe Abortion Advocacy Network. “UPR Member States to Ask the Philippines on Abortion Rights.” Press release. 8 May 2017. Web. 14 April 2018.
 PINSAN: Philippine Safe Abortion Advocacy Network. “Step Into Our Shoes: Safe Abortion Advocates Ask for Empathy in Sept. 28 Campaign.” Web. 13 May 2017.
 “Police Arrest Couple for Inducing Abortion.” *Coconuts Manila* 30 July 2013. Web. 13 May 2017.

Quintas, Kristine. “Philippines has more than 7,107 islands: Publishers urged: Update textbooks.” *The Philippine Star*, 16 Feb. 2016. Web. 13 May 2017
 Records of the 1987 Constitutional Commission of the Philippines. 19 Sept. 1986. Print.
 “Resisting Religious Repression through Memory, Medicine, and Movements, An interview with Dr. Michael Tan.” Isis International. *Women in Action* 1 (2008): n.p. Web. 13 Sept. 2018.
 UN General Assembly. *Convention on the Elimination of All Forms of Discrimination Against Women*. 18 December 1979. U.N.T.S. vol. 1249. Print.
 Women’s Global Network for Reproductive Rights. “PINSAN Call for Action.” Web. 13 May 2017.
 World Bank. *Philippines: Overview*. Web. 13 May 2017.

PENN KEMP

Berlin, 1945: for the Six Children of Goebbels

Tenderly as a lion licking fresh
 kill, she combs her children’s cow
 licks down, bids them tidy bunks
 and toys: they may choose one to
 bring along. Dress smartly now &

hurry, your father will be back any
 minute. There’s no time left, none
 at all for any of her customary in-
 dividual admonishments before

she must administer the spoonfuls
 that will lay them all down to sleep
 forever. Helga, Holde, Helmut,
 Heide, Hedda and Hilde. So pretty
 to be raised like porkers, pink for
 slaughter.

This poem was written upon seeing a Swiss newspaper reproduction of a photograph of Frau Goebbels with her six beautiful, blond children. Neither Frau Goebbels nor her children had any human rights as they ingested the cyanide.

Poet, performer and playwright Penn Kemp is the inaugural Poet Laureate for London Ontario, a Life Member of the League of Canadian Poets, and a recipient of the Queen Elizabeth Diamond Jubilee medal.

KAY EGINTON

The Dance

Tossing spring winds of November
 Dancing white pine
 Here in war sun
 Longed for long

So long ago. Cooling all
 In white sunlight,
 Warm spring winds
 The reprieve

The end only a dream we had
 Schubert, Mahler, Brahms attendant.
 Who can say how? No one seems to have the
 time.
 No one we know.

The cold spring winds of November
 Dance on, the sun cools, cools
 We dance long.
 We dance long together for an hour’s time.

We dance on.
 No one seems to have the time.

Kay R. Eginton is the author of Poems (1981). Kay has also been a contributor to Lyrical Iowa, a publication of the Iowa Poetry Association. She lives in Iowa City, Iowa.