

# Philippines

The Philippines is an archipelago of which 7 islands host the majority of the 100 million population, the second largest population of countries in the ASEAN (Association of Southeast Asian Nations). Spanish and US influences remain strong, especially in terms of religion (mainly Roman Catholic) and government. Nominally Roman Catholics are a significant majority religion (80%), with Islam as a minority religion (10%). The Philippines has a number of active human rights and non-religious groups.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<u>There is systematic religious privilege</u> <u>Preferential treatment is given to a religion or religion in general</u> <u>There is an established church or state religion</u> <u>Legal or constitutional provisions exclude non-religious views from freedom of belief</u>	<u>There is state funding of at least some religious schools</u> <u>Religious schools have powers to discriminate in admissions or employment</u> <u>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</u>	<u>Some religious courts rule in civil or family matters on a coercive or discriminatory basis</u> <u>Discriminatory prominence is given to religious bodies, traditions or leaders</u> <u>Religious groups control some public or social services</u>	<u>Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted</u> <u>Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect</u>
<u>Official symbolic deference to religion</u> <u>Anomalous discrimination by local or provincial authorities, or overseas territories</u>	<u>State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional</u>	<u>Religious courts or tribunals rule directly on some family or 'moral' matters; it is legally an opt-in system, but the possibility of social coercion is very clear</u>	<u>Some concerns about political or media freedoms, not specific to the non-religious</u> <u>Concerns that secular or religious authorities interfere in specifically religious freedoms</u>

Legend

## Constitution and government

The constitution and other laws and policies generally protect religious freedom. There is no state religion, as such, and the constitution provides for the separation of church and state. In practice, however, both Roman Catholic and Islamic religions have close associations with government.

### Catholic privilege and pressure

Governments have generally avoided taking strong measures to curb the birth rate for fear of antagonising the Catholic Church. In 2013, several dioceses publicly opposed the reelection of specific senators and House members who voted in support of the 2012 Responsible Parenthood and Reproductive Health Act (RH Law), which provided for free contraceptives at government health clinics. A measure of the government's sensitivity to the Catholic Church was the use of an obscure article of the penal code which criminalises acts that "offend religious feelings." The law was used

for the first time in January 2013 to convict Carlos Celdran for protesting against the Catholic Church's opposition to the RH Law during a religious ceremony in 2010. While he faced a sentence of up to 13 months in jail, he remained free on bail pending appeal.

## **Muslim privilege**

Driven in large measure by secessionist violence based on perceived discrimination against Muslims (in two Southern Islands), the government has also given Muslim interests a preferential relationship with government. The National Commission on Muslim Filipinos (NCMF), a part of the Office of the President, promotes the rights of Muslims at both the national and local levels and supports economic, educational, cultural, and infrastructure programs for Muslim communities. NCMF's Bureau of Pilgrimage and Endowment administers logistics for the Hajj. It also administers *awqaf*, an endowment for the upkeep of Islamic properties and institutions, and oversees establishment and maintenance of Islamic centres and other projects. The Office of the Presidential Assistant for Muslim Concerns helps coordinate relations with countries that have large Islamic populations and contributes to economic development and the peace process.

The Code of Muslim Personal Laws recognizes Sharia as part of national law; it does not apply in criminal matters and applies only to Muslims. The state court hears cases involving Muslim and non-Muslim respondents, and national laws apply.

## **Education and children's rights**

The government permits religious instruction in public schools with written parental consent provided there is no cost to the government. Based on a traditional policy of promoting moral education, local public schools give religious groups the opportunity to teach moral values during school hours. Attendance is not mandatory and the various groups share classroom space. The government also allows groups to distribute religious literature in public schools. By law, public schools must ensure the religious rights of students are protected. Muslim students may wear the hijab.

<[refworld.org/docid/53b2b8b1b.html](http://refworld.org/docid/53b2b8b1b.html)>

## **Family, community and society**

### **The RH Law**

Culturally dominated by Catholicism, the Philippines is the only country in the world, other than the Holy See, to ban divorce. Legal during the American colonial period and the Japanese occupation at the beginning of the 20th Century, the 1949 Civil Code prohibited divorce.

The Catholic Church have fiercely opposed the Reproductive Health Bill, arguing that the law's implementation will undermine marriage and promote promiscuity. Following several challenges in court by conservative Catholic groups, the RH law was initially halted by the Supreme Court from going into effect. Fourteen petitions questioning the constitutionality of the law on the grounds that it violated a range of rights, including freedom of religion and speech, were consolidated for oral arguments that began on July 9, 2013 and continued through August 2013.

However, in April 2014, The Supreme Court of the Philippines unanimously approved the groundbreaking Responsible Parenthood and Reproductive Health Act of 2012, the RH Law, which requires government health centres to provide access to family planning and reproductive health services including recognizing a woman's right to post-abortion care, and mandates reproductive

health education in government schools. The UN recognises this move towards meeting the Millennium Development Goal to reduce maternal mortality.

Nancy Northup, president and CEO at the Center for Reproductive Rights has said that “with universal and free access to modern contraception, millions of Filipino women will finally be able to regain control of their fertility, health, and lives...The Reproductive Health Law is a historic step forward for all women in the Philippines, empowering them to make their own decisions about their health and families and participate more fully and equally in their society.”

The Supreme Court struck down a number of provisions in the RH Law including the requirement for spousal consent for women in non life-threatening circumstances, parental consent for minors seeking medical attention who have been pregnant or had a miscarriage, and health care providers will have the right to deny reproductive health services to patients based on their own personal or religious beliefs in non-emergency situations.

The Filipino government’s long-standing hostility towards modern contraception has contributed to 4,500 women dying from pregnancy complications, 800,000 unintended births and 475,000 illegal abortions each year.

<[jurist.org/paperchase/2014/04/philippines-supreme-court-approves-reproductive-health-law.php](http://jurist.org/paperchase/2014/04/philippines-supreme-court-approves-reproductive-health-law.php)>  
<[www.reproductiverights.org/press-room/Philippine-Supreme-Court-Upholds-Historic-Reproductive-Health-Law%20](http://www.reproductiverights.org/press-room/Philippine-Supreme-Court-Upholds-Historic-Reproductive-Health-Law%20)>

## **Freedom of expression, advocacy of humanist values**

The Roman Catholic Church in the Philippines has historically played a significant role in politics. A law against “offending religious feelings” has recently been activated against a critic of Catholic Church policies.

Section 4 of the revised penal code (largely unchanged since 1930) covers “Crimes against religious worship”, including a ban on “interruption of religious worship” (article 132) and more pertinently, “offending the religious feelings” (article 133):

*“Offending the religious feelings. – The penalty of arresto mayor [suspension of suffrage] in its maximum period to prision correctional in its minimum period [from 6 months 1 day, up to 2 years 4 months] shall be imposed upon anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful.”*

## **Broader human rights issues**

The Philippines, under previous presidents, has been notably corrupt and critics and opponents have been subject to increasing levels of human rights abuses. Press freedom is guaranteed under the constitution, but violence against media workers has been a serious problem.

The government came under fire in late 2012 over a new cybercrime law which aims to prevent cybersex, online child pornography, identity theft and spamming. It also provides for prosecution for online libel and gives officials new powers to search and seize data from people’s online accounts.

There are some signs that these restrictions are being addressed. Amnesty International recently reported the arrest of a General accused of abductions and torture in the Philippines as an encouraging sign that the authorities are finally tackling a culture of impunity for serious human rights violations by the security forces.

<[www.refworld.org/docid/53edb3684.html](http://www.refworld.org/docid/53edb3684.html)>

The Organization of Islamic Cooperation (OIC) recognize the Moro National Liberation Front, which was designated in a United Nations Security Report as one the groups around the world that recruit and use children.

<[daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/311/28/PDF/N1031128.pdf](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/311/28/PDF/N1031128.pdf)>

## Highlighted cases

In 2012 the crime of “offending religious feelings” was used to convict **Carlos Celdran** for protesting the Catholic Church’s opposition to the Reproductive Health Law. Carlos Celdran is a performing artist and cultural activist promoting HIV/AIDS awareness and reproductive health. In 2010 Carlos entered Manila Cathedral during mass to stage a protest action against Church opposition to the reproductive health bill. Carlos dressed as José Rizal carrying a sign and shouting “stop getting involved in politics!” He was escorted out by police and later charged by the Catholic Bishops Conference of the Philippines for “offending religious feelings”. In Dec 2014, the Court of Appeals upheld the conviction. Carlos intends to appeal to the Supreme Court.

## Testimonies

*“It saddens me to hear this decision upholding my conviction for ‘offending religious feelings.’ I’m sad not only for my case in particular, but for the Philippines as well. This conviction is just a symptom of a larger disease,”*

*“There is a bigger picture of corruption and patronage in the Philippine justice system. We need to address these issues if ever we are to move forward as a people.”*

— Carlos Celdran