



Committee on the Elimination of Discrimination against Women (CEDAW) Inquiry concerning the Philippines

CEDAW/C/OP.8/PHL/1

Country: Philippines

Region: Asia

Year: 2015

Court: UN Committee on the Elimination of Discrimination against Women

Health Topics: Health care and health services, Hospitals, Sexual and reproductive health

Human Rights: Right to health, Right to life

Facts

An executive order was passed in Manila by the local authorities stating that it would take an affirmative stand on pro-life issues. In 1991, Philippines had delegated the issue of people's health and safety to the local authorities therefore they could make policy decisions such as family planning services, population and health services. The Executive Order did not expressly prohibit the use of contraceptives but in practice, it affected women's access to contraceptives and resulted in a ban of contraceptives in Manila. The Mayor passed another executive order banning the funding of modern contraceptives.

Decision and Reasoning

The Committee found that the Executive Orders limited the access of contraception to women leading to unplanned pregnancies and unsafe abortions. It also exposed women to HIV/AIDS. Poor, uneducated and adolescent women were at the highest risk of vulnerability due to the said order.

The Committee held the Philippine Government accountable for violation of rights under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) including the right to health and family planning. The Government was directed to ensure that women's right to reproductive choices and health is respected. The Committee further recommended that there should be easy and affordable access to modern contraceptives as well as emergency contraceptives and urged the State party to revoke the Executive Orders.

Decision Excerpts

“The Committee's determination regarding the gravity of the violations takes into account, notably, the scale, prevalence, nature and impact of the violations found. The number of persons affected by the policies embodied in the EOs is significantly high, as thousands of women of child-bearing age continue to have inadequate access to sexual and reproductive health services in the City of Manila, bearing in mind that teenage girls start having children at a young age. The implementation of both EO 003 and EO 030 has led to higher rates of unwanted pregnancies and unsafe abortions, increased maternal morbidity and mortality and increased exposure to sexually transmitted diseases and HIV. The Committee also takes note of the potentially life-threatening consequences of resorting to unsafe abortion as a method of contraception and recalls that there is a direct link between high maternal mortality rates resulting from unsafe abortion and lack of access to modern methods of contraception. In addition, the Committee stressed that each of the violations established reach the required threshold of gravity given the significant consequences, as detailed in the findings, for women's health, personal development and economic security, particularly for economically disadvantaged women. The denial of access to affordable sexual and reproductive health services, including the full range of methods of contraception, had severe consequences not only for the lives and health of many women, but also impacted on their enjoyment of several rights set forth in the Convention in areas such as employment and education. By limiting women's rights to freely choose the number and spacing of their children, women and girls were effectively undermined in accessing and pursuing the same education and employment opportunities as men, and thereby driven further into or maintained in poverty.” (Para 47)

“The Committee considers that the systematic denial of equal rights for women can take place either deliberately, namely with the State party’s intent of committing those acts or as a result of discriminatory laws or policies, with or without such purpose. The systematic nature of violations can also be assessed in light of the presence of a significant and persistent pattern of acts which do not result from a random occurrence. The Committee holds the view that the systematic character of each of the violations found is evident from the prevalent pattern of violations which occurred as a result of policies disproportionately impacting women and discriminating against them. The Committee takes note that while the lack of access to contraception is generally problematic throughout the State party, the situation in the City of Manila is particularly egregious as a result of an official and deliberate policy which places a certain ideology above the well-being of women and was designed and implemented by the Manila local government to deny access to the full range of modern contraceptive methods, information and services. The Committee believes that these violations are not isolated cases, as the continued implementation of EO 003 over a decade resulted in the health system’s incapacity to deliver sexual and reproductive health services other than “natural family planning” caused women to continuously face significant barriers to accessing affordable sexual and reproductive health services, commodities and information. The factual findings above demonstrate that the State party condoned a situation, which lasted for more than 12 years, during the successive terms of two different mayors of the City of Manila.” (Para 48)

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