

Independent submission to the
Committee on the Rights of the Child
on the consideration of the combined 5th and 6th periodic reports
of the Government of the Philippines

**Supplementary NGO alternative report
on the status of adolescents' reproductive rights
in the Philippines**

For the adoption of the list of issues
in the Committee's 87th session
on October 5, 2020

Respectfully submitted on
1 October 2020

by

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CENTER *for*
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f filipino freethinkers



1. The undersigned coalition of civil society groups submits supplemental information for the upcoming adoption of the list of issues (LOI) for the Republic of the Philippines (state party) by the Committee on the Rights of the Child (the Committee). This submission provides updated information since our submission to the Committee on 01 March 2020.
2. Since January 2020, the novel coronavirus that causes COVID-19 has spread rapidly globally including in the Philippines. On March 11, 2020, the World Health Organization (WHO) has declared a global pandemic and called on governments to “take urgent and aggressive action” to curb transmission and respond to the crisis.¹ The UN Secretary General,² the UN Office of the High Commissioner for Human Rights (OHCHR),³ UN human rights treaty bodies,⁴ UN independent human rights experts,⁵ and the WHO⁶ have affirmed that human rights must guide the public health response to COVID-19. Specific to reproductive health and rights in the context of COVID-19, UN human rights treaty bodies,⁷ UN special procedures,⁸ and the WHO⁹ have reiterated that sexual and reproductive health care is essential health care that governments must prioritize and include as part of their COVID-19 responses. Essential sexual and reproductive health services include confidential access to contraception, safe abortion and post-abortion services, maternity care, and easy-to-access procedures such as online prescriptions, if necessary, free of charge.
3. To curb the transmission of the virus, the state party initially imposed selective quarantine in February 2020.¹⁰ With the first local transmission reported in early March, the state party declared a state of national emergency with all government agencies required to render full assistance in responding to COVID-19.¹¹ By mid-March, an expanded quarantine over the entire Luzon island including Metro Manila was implemented with a prohibition on all mass gatherings, suspension of all classes and mass public transport facilities, and restrictions on all land, air, and sea travel.¹² The enhanced community quarantine which has been one of the strictest measures put in place globally has affected over 55 million Filipinos.¹³ However, **despite the state party’s efforts to address the challenges to ensuring the reproductive health and rights of millions of Filipinos before and during the COVID-19 pandemic, barriers to reproductive health services have not only remained in place but have also been aggravated by the current crisis.** In addition to the issues on abortion, post-abortion care, modern including emergency contraceptives which we have extensively discussed in our March submission, the COVID-19 crisis have also exposed the cracks and inequities in the state party’s health care system in relation to maternal health care services. Due to the heightened lack of access to essential reproductive health services, there have been preventable maternal deaths, an expected substantial increase in unintended pregnancies including among adolescents, and a projected decline in contraceptive prevalence rate (with the last two estimates potentially contributing in an increase in the number of unsafe abortions).
4. In a February 2020 release, the Philippine Statistics Authority (PSA) reported an increase in the number of women dying from childbirth.¹⁴ The data released by PSA showed that from 1,484 in 2017, the number of maternal deaths increased to 1,616 in 2018—far from the Sustainable Development Goal target of 70 per 100,000 live births. In early August, the Department of Health reported that at least 245 pregnant women were confirmed to be

COVID-19 positive exposing them to potentially higher risks of mortality and morbidity.¹⁵ **In a study on the impact of the pandemic on the reproductive health and rights of Filipinos, it was estimated that the maternal mortality cases in 2020 can increase to up to 670 additional deaths from the 2019 level (26% increase).**¹⁶ The WHO has warned that risks of adverse outcomes associated with unattended childbirth outweigh the potential risks of COVID-19 transmission at health facilities, with reductions in access to essential maternal services during epidemics having a significant impact on maternal health — a decline of 10% in service coverage potentially resulting in an additional 28,000 maternal deaths.¹⁷

5. In the Philippines, a study found that **the COVID-19 pandemic will result in 2.56 million unintended pregnancies in 2020 which is 751,000 more than last year reflecting a 42% increase.**¹⁸ **A portion of these births (10%) will be among girls and young women (below 20 years of age) – a group which is projected to have an additional 5,000 pregnancies.**¹⁹ According to the Commission on Population and Development, based on 2018 data, at least 40 Filipino girls under the age of 14 give birth every week.²⁰ In addition, around 400,000 women will drop out of the state party's family planning program and not be able to access the contraceptives they need either as a direct or indirect consequence of the pandemic e.g. limited access to transportation issues, loss of income opportunities, and reduction in the availability of supplies.²¹ **For adolescents or those between the ages of 15 and 19, the initial estimate for unmet need for family planning will increase by 9.3% (163,000 to 178,000).**²²
6. Despite the urgency of addressing the increasing number of adolescent pregnancies in the country which has been described as a “national social emergency”²³ by the state party itself, **the Senate has recently suspended plenary debates on a proposed law to prevent adolescent pregnancies following opposition from an association of Catholic schools and universities.**²⁴ The pending Senate Bill No. 1334 or the proposed “Prevention of Adolescent Pregnancy Act of 2020” mandates the state party to launch a comprehensive, age-appropriate sexuality education covering public and private school, universities and calls for the education program to be provided even to out-of-school youth.²⁵ The bill also mandates more social protection programs for adolescent mothers, such as accessible maternal health services, workshops, and livelihood programs, as well as medical, legal and other services for those who have been subjected to sexual abuse or violence.
7. We reiterate our call for the Committee to raise the same questions to the state party as outlined in our March submission and as repeated below with requests for additional information in relation to the short- and long-term impact of the COVID-19 pandemic on adolescents' reproductive health and rights.
 - a. What are the steps taken by the state party to ensure that adolescents have access to comprehensive and quality sexuality education? Please provide information on the status of implementation of Department of Education Order No. 31, series of 2018 and how comprehensive sexuality education has been integrated in relevant subjects at the informal and nonformal educational system as mandated under the Responsible Parenthood and Reproductive Health Act of 2012.

- b. What steps have been taken to reduce the number of unintended pregnancies and maternal deaths among adolescent girls and to provide them access to the full range of contraceptive services including dedicated emergency contraceptives? Please provide information on steps taken to ensure women's and girls' reproductive autonomy including by removing third-party authorizations i.e. parental consent requirements for minors.
- c. What steps have been taken by the state party to reduce the number of unsafe abortions particularly among adolescent girls? Please provide information on the specific measures adopted to decriminalize abortion to ensure that girls have access to safe abortion and post-abortion services, as well as review legislation with a view to guaranteeing the best interests of pregnant adolescents and ensure that their views are always heard and respected in abortion-related decisions.
- d. What steps have the state party taken to address gender-based violence with due diligence including by providing access to emergency contraceptives and safe abortion and its effective prevention by raising the age of sexual consent to 16?
- e. What steps have the state party taken to ensure that adolescents of similar age are not criminalized for factually consensual and non-exploitative activity? Please provide information on how the state party's laws and policies balance protection and evolving capacities of adolescents while ensuring that its laws distinguish between non-coercive sexual conduct between adolescents and coercive sexual activity.

Considering the grave human rights violations resulting from the barriers and restrictions affecting adolescents' reproductive rights, we hope that this information is useful to the Committee as it prepares to review the state party's compliance with the provisions of the Convention. If you have any questions or would like further information, please do not hesitate to contact Jihan Jacob of the Center for Reproductive Rights at jjacob@reprorights.org.

¹ World Health Organization, Timeline of WHO's response to COVID-19 *available at* <https://www.who.int/newsroom/detail/29-06-2020-covidtimeline> (retrieved on Aug. 7, 2020).

² UN Secretary General, COVID-19 and Human Rights: We are all in this together (2020) *available at* https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf (retrieved on Aug. 7, 2020).

³ UN Office of the High Commissioner for Human Rights, COVID-19 Guidance (2020) *available at* <https://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx> (retrieved on Aug. 7, 2020).

⁴ UN media release, UN Human Rights Treaty Bodies call for human rights approach in fighting COVID-19 (Mar. 24, 2020) *available at* <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25742&LangID=E> (retrieved on Aug. 7, 2020).

⁵ UN Special Procedures, COVID-19 and Special Procedures (2020) *available at* <https://www.ohchr.org/EN/HRBodies/SP/Pages/COVID-19-and-Special-Procedures.aspx> (retrieved on Aug. 7, 2020).

⁶ World Health Organization, Addressing Human Rights as Key to the COVID-19 response (April 2020) *available at* <https://www.who.int/publications/i/item/addressing-human-rights-as-key-to-the-covid-19-response> (retrieved on Aug. 7, 2020).

⁷ UN media release, UN Human Rights Treaty Bodies call for human rights approach in fighting COVID-19 (Mar. 24, 2020) *available at*

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25742&LangID=E> (retrieved on Aug. 7, 2020).

⁸ Statement by the UN Working Group on discrimination against women and girls: Responses to the COVID-19 pandemic must not discount women and girls *available at*

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25808&LangID=E> (retrieved on Aug. 7, 2020).

⁹ WHO media release, WHO releases guidelines to help countries maintain essential health services during the COVID-19 pandemic (Mar. 30, 2020) *available at* <https://www.who.int/news-room/detail/30-03-2020-who-releases-guidelines-to-help-countries-maintain-essential-health-services-during-the-covid-19-pandemic> (retrieved on Aug. 7, 2020).

¹⁰ *Medialdea bared details of Duterte directive to contain nCoV –Panelo*, GMA NEWS, Feb. 2, 2020 *available at* https://www.gmanetwork.com/news/news/nation/724486/medialdea-bared-details-of-duterte-directive-to-contain-ncov-panelo/story/?just_in (retrieved on Aug. 10, 2020).

¹¹ President of the Philippines, Proclamation No. 922: Declaring a State of Public Health Emergency throughout the Philippines (Mar. 8, 2020) *available at* <https://www.officialgazette.gov.ph/2020/03/08/proclamation-no-922-s-2020/> (retrieved on Aug. 7, 2020).

¹² Memorandum from the Executive Secretary, Community quarantine over the entire Luzon and further guidelines for the management of the coronavirus disease 2019 (COVID-19) situation (Mar. 16, 2020) *available at* <https://www.officialgazette.gov.ph/downloads/2020/03mar/20200316-MEMORANDUM-FROM-ES-RRD.pdf> (retrieved on Aug. 7, 2020).

¹³ Philippine Statistics Authority, National Quickstat for 2020 *available at* https://psa.gov.ph/statistics/quickstat/national-quickstat/all/* (retrieved on Aug. 7, 2020).

¹⁴ *PSA data show spike in PHL maternal deaths*, BUSINESS MIRROR (Feb. 11, 2020) *available at* <https://businessmirror.com.ph/2020/02/11/psa-data-show-spike-in-phl-maternal-deaths/> (retrieved on Aug. 17, 2020).

¹⁵ *New COVID cases include 245 pregnant patients*, BUSINESS MIRROR (Aug. 6, 2020) *available at* <https://businessmirror.com.ph/2020/08/06/new-covid-cases-include-245-pregnant-patients/> (retrieved on Aug. 11, 2020).

¹⁶ *Significant rise in maternal deaths and unintended pregnancies feared because of COVID-19, UNFPA and UPPI study shows*, RELIEFWEB (Aug. 14, 2020) *available at* <https://reliefweb.int/report/philippines/significant-rise-maternal-deaths-and-unintended-pregnancies-feared-because-covid> (retrieved on Sept. 21, 2020).

¹⁷ World Health Organization, Maintaining essential health services: operational guidance for the COVID-19 context, p. 24 (1 June 2020) *available at* <https://apps.who.int/iris/rest/bitstreams/1279080/retrieve> (retrieved on Aug. 10, 2020).

¹⁸ *Significant rise in maternal deaths and unintended pregnancies feared because of COVID-19, UNFPA and UPPI study shows*, RELIEFWEB (Aug. 14, 2020) *available at* <https://reliefweb.int/report/philippines/significant-rise-maternal-deaths-and-unintended-pregnancies-feared-because-covid> (retrieved on Sept. 21, 2020).

¹⁹ *See e.g. POPCOM: Pandemic may increase live birth in PHL to almost 2M with FP efforts hampered, thousands of teens also projected to give birth*, COMMISSION ON POPULATION AND DEVELOPMENT *available at* <https://popcom.gov.ph/popcom-pandemic-may-increase-live-births-in-phl-to-almost-2m-with-fp-efforts-hampered-thousands-of-teens-also-projected-to-give-birth/> (retrieved on Aug. 17, 2020); *Coronavirus lockdown could lead to 214,000 extra babies in the Philippines*, THE GUARDIAN (June 29, 2020) *available at* <https://www.theguardian.com/world/2020/jun/29/coronavirus-lockdown-could-lead-to-214000-extra-babies-in-the-philippines> (retrieved on Aug. 17, 2020).

²⁰ *At least 40 Filipinos under age 14 give birth in the Philippines weekly: POPCOM*, ABS-CBN NEWS (Sept. 17, 2020) *available at* <https://news.abs-cbn.com/news/09/17/20/at-least-40-filipinos-under-age-14-give-birth-in-philippines-annually-popcom> (retrieved Sept. 21, 2020).

²¹ *See e.g. POPCOM: Pandemic may increase live birth in PHL to almost 2M with FP efforts hampered, thousands of teens also projected to give birth*, COMMISSION ON POPULATION AND DEVELOPMENT *available at* <https://popcom.gov.ph/popcom-pandemic-may-increase-live-births-in-phl-to-almost-2m-with-fp-efforts-hampered-thousands-of-teens-also-projected-to-give-birth/> (retrieved on Aug. 17, 2020); *Coronavirus lockdown could lead to 214,000 extra babies in the Philippines*, THE GUARDIAN (June 29, 2020) *available at* <https://www.theguardian.com/world/2020/jun/29/coronavirus-lockdown-could-lead-to-214000-extra-babies-in-the-philippines> (retrieved on Aug. 17, 2020).

²² *Id.*

²³ *Teen pregnancies now 'nat'l social emergency'*, INQUIRER.NET (Aug. 23, 2019) available at <https://newsinfo.inquirer.net/1156646/teen-pregnancies-now-natl-social-emergency> (retrieved on Sept. 21, 2020).

²⁴ *Senate defers debates on prevention of adolescent pregnancy as CEAP registers 'strong objections'*, MANILA BULLETIN, (Sept. 16, 2020) available at <https://mb.com.ph/2020/09/16/senate-defers-debates-on-prevention-of-adolescent-pregnancy-as-ceap-registers-strong-objections/> (retrieved on September 21, 2020).

²⁵ Senate Bill No. 1334, An Act providing for a National Policy in Preventing Adolescent Pregnancies, Institutionalizing Social Protection for Adolescent Parents, and providing funds therefor http://legacy.senate.gov.ph/lis/bill_res.aspx?congress=18&q=SBN-1334 (retrieved on Sept. 21, 2020).