

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

9 August 2018 ASA 35/8926/2018

# PHILIPPINES: QUASH CONVICTION FOR PEACEFUL PROTEST

Amnesty International is deeply alarmed by the decision of the Philippines' Supreme Court to uphold the conviction and imprisonment of activist and reproductive-health advocate Carlos Celdran for allegedly "offending religious feelings". Amnesty International strongly calls for the conviction to be quashed, and for the government to initiate a review into Article 133 of the country's Revised Penal Code, a provision which dates back to Spanish colonial times and which, as has been shown in Carlos Celdran's case, is open to interpretations which are incompatible with the Philippines' obligations under international human rights law. Failure to overturn Carlos Celdran's conviction would create a dangerous precedent for the rights to freedom of expression and to freedom of thought, conscience and religion in the Philippines.

In September 2010, during an ecumenical service in Manila Cathedral, Carlos Celdran stood in front of the altar, shouted and displayed a placard with the word 'Damaso,' the name of a villain in Jose Rizal's novel *Noli Me Tangere* which portrays abuses by friars during Spanish rule. Carlos Celdran's provocative but peaceful protest voiced concern over the church's position towards the then Reproductive Health (RH) Bill, which has since become law. After his protest, Carlos Celdran was arrested, detained overnight, and charged under Article 133 of the 1930 Philippine Revised Penal Code for "offending religious feelings". Carlos Celdran was convicted and his subsequent appeals rejected. On August 6, 2018, the Supreme Court of Philippines upheld the conviction of Celdran in the Court of Appeals for his peaceful protest. In denying his appeal, the Supreme Court noted that it agreed with the Court of Appeals in its decision that Celdran "meant to mock, insult, and ridicule those clergy whose beliefs and principles were diametrically opposed to his own."

Such interpretation is excessively and arbitrarily restrictive of the right to freedom of expression. In its authoritative General Comment on Article 19 of the International Covenant on Civil and Political Rights, which guarantees freedom of expression and is legally binding on the Philippines as a State party to the Covenant, the UN Human Rights Committee has stated that "prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant," adding that "nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith." The Committee has also closely linked freedom of expression to freedom of thought, conscience and religion. Commenting on Article 18 of the Covenant, which provides for this right, the Committee has emphasised that "the freedom of thought and the freedom of conscience are protected equally with the freedom of religion and belief," and that the Covenant "protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief."

Amnesty International therefore believes that the conviction of Carlos Celdran, who faces between two months and 21 days and one year, one month and 11 days in prison, is in violation of his rights to freedom of expression and freedom of thought, conscience and religion. While international human rights law recognizes that these rights are not absolute and may be subject to certain restrictions, such restrictions should be only such as are provided by law and are necessary and proportionate for certain public interests or for the protection of the rights of others. The decision to uphold the conviction of Carlos Celdran is neither necessary nor proportionate. The right to freedom of expression under international human rights law protects the expression not only of opinions that are comfortable, inoffensive or politically correct, but also of ideas and acts that may, in the words of the European Court of Human Rights, "offend, shock and disturb." Amnesty International therefore calls for the Supreme Court to reconsider Carlos Celdran's case, and for his conviction to be quashed.

Amnesty International further calls on the Philippine authorities to review Article 133 of the Revised Penal Code with a view to ensuring that the right to freedom of thought, conscience and religion, and the right to freedom of expression are not arbitrarily restricted in the country but are enjoyed by all. Article 133 of the Revised Penal Code makes it a criminal offense for anyone to perform acts that are "notoriously offensive to the feelings of the faithful... in places of religious worship or during the celebration of any religious ceremony". It penalizes anyone found guilty of

“offending religious feelings” with maximum imprisonment of over one year. Amnesty International calls on the Philippine government to take swift action to remove this unlawful restriction on freedom of religion and expression and to work towards ensuring an environment that encourages - and does not penalize - diversity of belief and opinion.

## **BACKGROUND**

In January 2013, the Manila Metropolitan Trial Court found Carlos Celdran guilty of violating Article 133 of the Revised Penal Code. Celdran appealed the ruling to the Metropolitan Trial Court, the Regional Trial Court, and the Court of Appeals. All three courts denied his appeals. In October 2015, Celdran asked the Supreme Court to reverse the Court of Appeal’s dismissal of his appeal.

In December 2012, after over a decade of lobbying from civil society, then Philippine President Benigno Aquino III signed into law the Responsible Parenthood, Reproductive Health and Population and Development Act. The Reproductive Health Bill previously came under heavy criticism and opposition from Catholic clergy in the Philippines, where approximately 80% of the population are Catholic. Its most contentious provisions were on post-abortion medical care, proactive government funding for modern contraceptive methods, and mandatory health and sexuality education. The Catholic Bishops’ Conference of the Philippines actively advocated against the enactment of the law.

Amnesty International previously welcomed the introduction of the Act and, despite expressing concern that it fell short in some areas, affirmed it as the first step towards establishing long-awaited protection for women’s rights to reproductive health in the Philippines.