

# URGENT ACTION

## HEALTH ACTIVIST FACES PRISON FOR PROTEST

**Filipino activist for reproductive health rights Carlos Celdran has been convicted of "offending religious feelings" in a peaceful protest. He is facing up to 13 months in jail.**

Filipino human rights defender **Carlos Celdran**, who campaigns for reproductive health rights, was convicted on 28 January 2013 by a Philippine court of "offending religious feelings" in a peaceful protest he had staged in 2010. He is free on bail, and is appealing his conviction. If he is detained, Amnesty International will consider him a prisoner of conscience.

On 30 September 2010, Carlos Celdran, dressed as the Filipino national hero Jose Rizal, protested against the Catholic Church's involvement in politics by going to the altar of the Manila Cathedral with a placard reading "Damaso", disrupting a meeting of Catholic priests and Protestant pastors. Damaso is the name of a character in Jose Rizal's novel *Noli Me Tangere* (Latin for "Don't touch me"), a morally corrupt priest symbolizing the abusive hold of Spanish friars over the Philippines during the 19th century. Carlos Celdran's controversial but peaceful protest addressed the clergy's efforts to influence the Congress against enacting a reproductive health law.

After his protest, Carlos Celdran was arrested and detained overnight. He was then charged with "offending religious feelings", under Article 133 of the Revised Penal Code. This punishes with imprisonment those who perform "acts notoriously offensive to the feelings of the faithful" in places devoted to religious worship or during a celebration of a religious ceremony. Carlos Celdran was convicted, and given an indeterminate sentence that could range from two months and 21 days to one year, one month and 11 days.

Even though Carlos Celdran's protest may have been perceived as offensive by some, such peaceful action is protected by the right to freedom of expression, which is guaranteed under international human rights law. As a state party to the International Covenant on Civil and Political Rights, the Philippines has a duty to uphold the right to freedom of expression, and ensure that its legislation does not impose unnecessary limitations to this right.

### **Please write immediately in English, Filipino or your own language:**

- Urging the authorities to ensure that Carlos Celdran is no longer at risk of imprisonment for having peacefully expressed his views, and uphold the right to freedom of expression, even for ideas that may offend, shock or disturb part of the population;
- Calling on them to repeal Article 133 of the Revised Penal Code and ensure that it conforms with international human rights law and standards;
- Urging them to raise awareness about the legitimate work of human rights defenders, according to the UN Guidelines on Human Rights Defenders and ensure that all those campaigning for reproductive health rights in the Philippines are free from harassment and the threat of criminalization.

### **PLEASE SEND APPEALS BEFORE 27 MARCH 2013 TO:**

#### President

His Excellency Benigno Aquino III  
Office of the President of the Philippines  
Malacanang Palace  
JP Laurel Street, San Miguel  
Manila 1005, Philippines  
Post on his official facebook page:  
<https://www.facebook.com/presidentnoy>  
Email: [pcoo.edp@gmail.com](mailto:pcoo.edp@gmail.com)  
Salutation: Your Excellency

#### Secretary of the Department of Justice

Secretary Leila de Lima  
DOJ Bldg., Padre Faura  
1004 Manila, Philippines  
Post on the DOJ's facebook page:  
<https://www.facebook.com/pages/Department-of-Justice-Philippines/127348227335377>  
E-mail: [soj@doj.gov.ph](mailto:soj@doj.gov.ph)  
Salutation: Your Excellency

#### **And copies to:**

Chairperson  
Commission on Human Rights  
Loretta Anne Rosales  
SAAC Bldg., Commonwealth Avenue  
U.P. Complex, Quezon City Philippines  
Post on the CHR's facebook page:  
<https://www.facebook.com/pages/Commission-on-Human-Rights-of-the-Philippines/230121043705969>  
E-mail: [chair.rosales.chr@gmail.com](mailto:chair.rosales.chr@gmail.com)

**Also send copies to diplomatic representatives accredited to your country.**

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

In December 2012, the Philippine Congress enacted the Responsible Parenthood, Reproductive Health and Population and Development Act (previously known as the Reproductive Health bill), after over a decade of lobbying from civil society. Its most contentious provisions were on post-abortion medical care, proactive funding for modern contraceptive methods by government, and mandatory health and sexuality education.

The Reproductive Health bill came under heavy criticism and opposition from Catholic clergy in the predominantly Catholic Philippines, where approximately 80% of the population are Catholic. The Catholic Bishops Conference of the Philippines actively advocated against the enactment of the law, and priests called advocates of the then Reproductive Health bill “evil” and “anti-life”, and threatened them with excommunication.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is a State party to, states that everyone has the right to freedom of expression. The UN Special Rapporteur on the promotion and protection of the Right to Freedom of Expression has observed that the right is applicable not only where opinions or expression is comfortable, inoffensive or politically correct, but also to ideas that “offend, shock and disturb”.

While international law recognises that this right is 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 protection of the rights of others. International law does not permit freedom of expression to be restricted simply on the grounds that some persons, including those who adhere to a particular religious or other belief, find a statement or act offensive.

Article 133 of the 1930 Philippine Revised Penal Code appears to be doing exactly that by making it a criminal offence 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 the religious feelings” with imprisonment of up to over one year. This provision of the law may be related to the 19<sup>th</sup> century historical past of the Philippines when the Catholic Church, brought by the Spanish colonizers, had major influence in running the Philippines’ political affairs.

In its General Comment 34, which interprets Article 19 of the ICCPR, the Human Rights Committee explains that “[p]rohibitions of displays of lack of respect for a religion or other belief system... are incompatible with the Covenant”. The Committee further states that it would not 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.”

Name: Carlos Celdran

Gender m/f: m

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