



1 December 2017: World AIDS Day

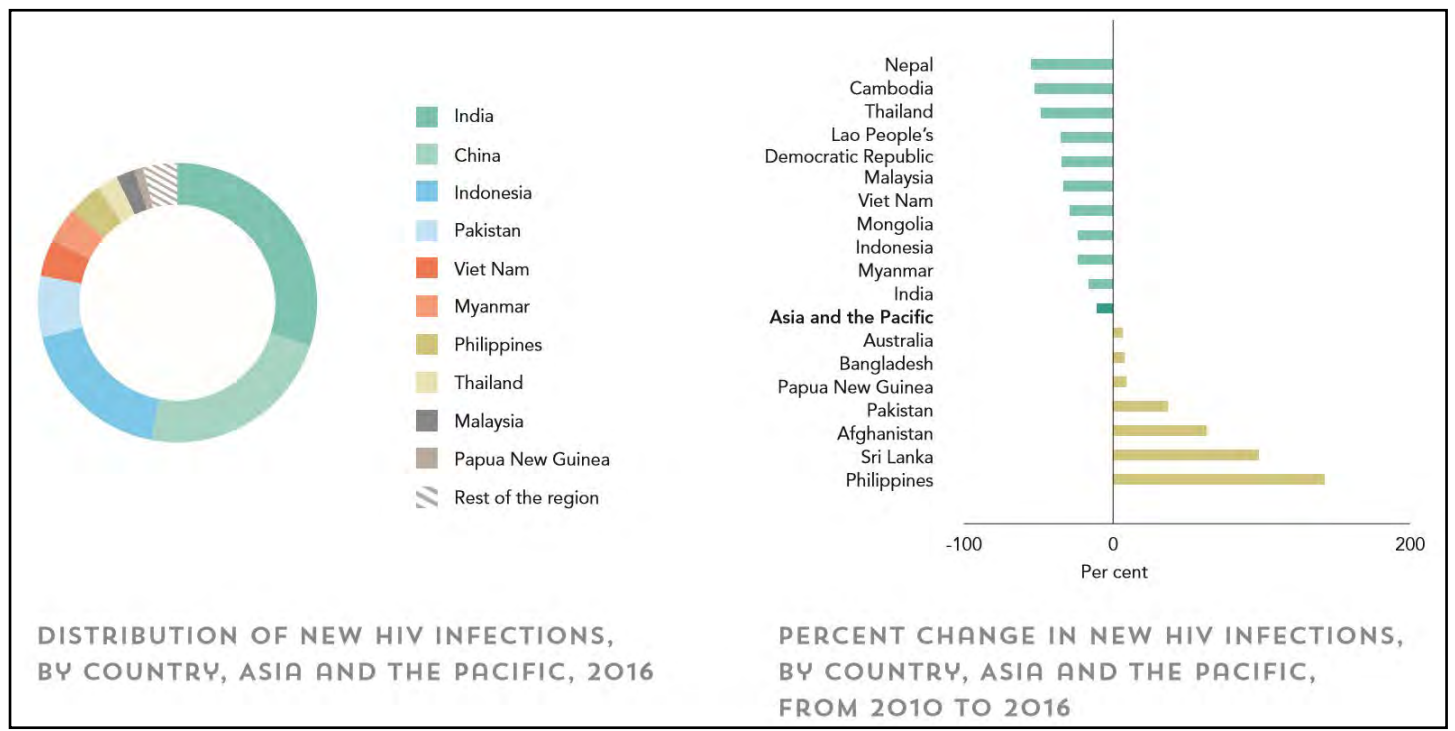
Legislating the fight vs. HIV and AIDS: The Philippines' road to 90-90-90

Michael (not his real name), a 24-year-old professional, was tested positive for human immunodeficiency virus (HIV) earlier this year. Aside from his 27-year-old partner, no other people he regularly interacts with is aware of his circumstance. He is afraid he might lose his job and the attached health insurance coverage to it. He is scared of the disappointment this may cause to his parents, as well as the succeeding disgrace that will haunt his family. He fears his friends will avoid him. He is frightened by the thought that people will judge and talk about him. He is terrorized by all possible forms of social stigma accompanying his medical condition.

According to the recent data released by the Department of Health (DOH), Philippines, Michael is just one of the 4 388 cases reported during the first four months of the year; 1 098 of them were reported in May alone, the highest ever recorded since 1984.¹ There have now been a total of 44 010 HIV reported cases since 1984—a great majority of the cases are men who have sex with men (MSMs), people who inject drugs and young people.² While India remains to have the most number of new HIV infections among the countries in the Asia-Pacific region, the Philippines is at the top in terms of the rate of increase—with 132% increase from 2010.³

And he is not the only one.

1 Department of Health, Philippines, 2017
 2 Department of Health, Philippines, 2017
 3 UNAIDS, 2017



In the Asia-Pacific region, while India remains to have the most number of new HIV infections, the highest rate of increase since 2010 has been recorded in the Philippines. (Figures taken from UNAIDS Data 2017)

“If HIV programming is redirected to focus on the people most at risk and where they are located, I’m sure the country can not only return to a stable situation but even end the AIDS epidemic as a public health threat by 2030,” said Mr. Eamonn Murphy, Director of UNAIDS Regional Support Team for Asia-Pacific.

Almost 30% of the reported cases since 1984 were from Michael’s age group, 15-24 years old, and more than 80% were just confirmed from 2012 to 2017—almost all of them acquired the virus through sexual contact.

“Youth are now more sexually active. As data would show, not just in terms of the rise of HIV infections, but also of teenage pregnancies. Many of them do not have the adequate information with regard to safe sex and with regard to how you contract HIV infection,” Hon. Rep. Teodoro Baguilat, Jr., Vice Chairperson, Asian Forum of Parliamentarians on Population and Development, and Member of Parliament, Philippines remarked. He is also the Chairperson for the House of Representatives, Philippine Legislators’ Committee on Population and Development Foundation, Inc. (PLCPD), AFPPD’s National Committee in the Philippines. PLCPD has been working with different advocacy organizations, support groups, government agencies and people living with HIV, among others, to make sure that a new law—which will address the fast and furious concentrated epidemic—will be enacted lest the country loses more of its vibrant young population to HIV and AIDS.

In the wake of the alarming statistics on HIV and AIDS in the country, Hon. Rep. Baguilat and 16 other congressmen individually proposed bills containing legislative solutions to the epidemic. These have been consolidated into the bill now called, *House Bill 6617* or *Philippine HIV and AIDS Policy Act*. When fully approved, this should replace the current *Philippine AIDS Prevention and Control Act of 1998*, a law created in 1992—at a time when yearly reported cases were only less than 100. In February 1998, then President Fidel Ramos signed the law, a few months after he proudly introduced its draft to the international community during the *Fourth International Congress on AIDS in Asia and the Pacific* held in Manila. This legislation marked the Philippines as one of the first countries in the region committed to the fight against HIV and AIDS.

Almost two decades after, the country is facing an epidemic.



The Philippine Legislators’ Committee on Population and Development Foundation, Inc. (PLCPD), AFPPD’s National Committee in the Philippines, has been working with different advocacy organizations, support groups, government agencies and people living with HIV, among others, to make sure that a new law, which will address the fast and furious concentrated epidemic. (Photo: PLCPD)

Philippine HIV and AIDS law version 2.0

“The existing law was crafted during the time when HIV and AIDS weren’t a problem yet in the Philippines. But now that we have an epidemic, we need a stronger law,” Hon. Rep. Baguilat stressed.

Despite the more aggressive strategies to halt the spread of HIV in the country, the proposed measure will provide for responsive, rights-based mechanisms that will educate the general public and encourage voluntary testing of people at risk of HIV infection. Hon. Rep. Baguilat pointed out, “We do not criminalize non-disclosure. Although some wanted to penalize it and make testing mandatory, for us, it’s only voluntary. But this should be intensive, meaning, comprehensive information is given to people prior to testing.”

The bill endeavors to secure increased funding for comprehensive prevention, treatment, care and support.

One of the highlights of this proposed law is the strengthening of the role of the Philippine National AIDS Council (PNAC)—a DOH-attached agency established in 1992 and reconstituted in 1998 by virtue of the *Philippine AIDS Prevention and Control Act of 1998*—in the response to HIV and AIDS epidemic. PNAC, according to the new law, will include representations from people living with HIV. “Among the best resource persons on how to prevent HIV infections are those who are already living with HIV. Some of them are actually willing to help in the IEC campaigns,” Hon. Rep. Baguilat said.

Below are the key differences between the 1998 law and the currently proposed one:

	Philippine AIDS Prevention and Control Act of 1998	Philippine HIV and AIDS Policy Act
Philippine National AIDS Council	Oversee prevention and control programme implementation 26 members (nine civil society representations)	Ensure implementation of response to HIV and AIDS epidemic 28 members (10 civil society representations, including persons living with HIV)
Education and information	No specific sections for programmes targeting key populations, vulnerable communities and people in closed settings	Education for key populations (groups of persons at higher risk of HIV exposure) and vulnerable communities (groups suffering from unequal opportunities, social exclusion, poverty, unemployment and other similar socio-economic, cultural and political conditions making them more susceptible to the infection) Prevention in prisons and other closed settings
Preventive measures, safe practices and procedures	No specific sections on preventive measures	Preventive measures that will focus on the positive roles of persons living with HIV Comprehensive health intervention for people who inject drugs Prevention of mother-to-child HIV transmission
Testing, screening and counselling	Voluntary HIV testing for persons below 18 years old, consent will be obtained from the parents or legal guardian	Voluntary HIV testing with pre- and post-test counselling for children aged 15 to below 18, consent will be obtained from the child If the child's parents/legal guardian refuse to give consent despite a licensed social worker confirming that voluntary testing is at the best interest of the child, consent will be obtained from the licensed social work
Health and support services	No specific section on access of treatment by indigents No specific section on voluntary HIV anti-body testing for pregnant women No specific section on immunity from lawsuit of HIV and AIDS service providers	Access to treatment, including medications for opportunistic infections, by indigents Voluntary HIV anti-body testing for pregnant women Immunity from lawsuit for HIV educators, licensed social workers, health workers and other HIV and AIDS service providers on the basis of their delivery of such services in HIV prevention, or in relation to the legitimate exercise of protective custody of children
Monitoring and evaluation (M&E)	Monitoring programme called, AIDSWATCH, was established under DOH	DOH to also maintain a comprehensive M&E programme based on updated HIV and AIDS response programme
Confidentiality	No specific section on media disclosure A person living with HIV is obliged to disclose his/her health status to his/her sexual partner at the earliest opportune time	Media disclosure of any information that would reasonably identify person living with HIV and AIDS is prohibited without prior consent A person tested to have HIV is strongly encouraged to disclose his/her health condition to his/her partner before engaging in penetrative sex or any potential exposure to HIV; related services will be available, including counselling, to assist persons living with HIV in disclosing the information to their partners
Discriminatory acts and practices	No specific section on restriction on housing or lodging as a discriminatory act No specific section on bullying in all forms as a discriminatory act	Discriminatory acts include restriction on housing or lodging on the basis of actual, perceived or suspected HIV status Discriminatory acts include bullying in all forms



Hon. Rep. Teodoro Baguilat, Jr., Vice Chairperson, Asian Forum of Parliamentarians on Population and Development, Member of Parliament, Philippines, and Chairperson for the House of Representatives, Philippine Legislators' Committee on Population and Development Foundation, Inc. (PLCPD), underwent voluntary HIV testing, including pre- and post-test counselling, in support of the campaign encouraging voluntary HIV testing. (Photo: Rappler)

In the House of Representatives, the *Philippine HIV and AIDS Policy Act* was approved on second reading on 21 November 2017, and is expected to get approved on third and final reading on the first week of December 2017. Its Senate counterpart is being deliberated in the plenary.

Youth, HIV and AIDS, and the *Reproductive Health Law (RH Law)*

Hon. Rep. Baguilat stressed the relationship between the new HIV and AIDS law and the controversial *RH Law*, which prevented minors from accessing RH services, including counselling and use of contraceptives.

“They are young. While we don’t want them to be sexually promiscuous, in reality they are already sexually active. So what do we do about this? Teenage pregnancies... young ones who had abortion... even though they’re minors, the fact that these happen, it already means they are sexually active. They are already vulnerable to teenage pregnancies or HIV infections. We always say that even it’s not in the law or we may not be able to pass a law that says access of minors (to RH services) is okay, we hope that at least DOH will have a programme on that,” he said.

Access of minors to RH services was, in the same way, considered in the new HIV and AIDS law, but was also rejected. With this, advocates, such as Hon. Rep. Baguilat, turn to pushing for compulsory sexuality education, instead, “We’re actually legislating compulsory age-appropriate sexuality education in schools, but it hasn’t taken off yet. Up to now, the Department of Education does not have a design yet when it comes to this. That’s one of the gaps of the implementation of the *RH Law*. At least that part should be covered. So even though the access of minors to other services is prohibited, it requires education in schools. And more than just reproductive health in terms of pregnancy, the stigma associated with living with HIV should also be discussed.”

Sources:

Department of Health (2017). HIV/AIDS and ART Registry of the Philippines. Retrieved from http://www.aidsdatahub.org/sites/default/files/publication/NEC_HIV_May-AIDSreg2017.pdf

Joint United Nations Programme on HIV/AIDS (2017). UNAIDS Data 2017. Retrieved from http://www.unaids.org/sites/default/files/media_asset/20170720_Data_book_2017_en.pdf

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