

The background of the entire page is decorated with several thick, 3D-rendered rainbow ribbons. These ribbons are twisted and looped in various ways, creating a sense of movement and depth. The colors of the ribbons are the standard rainbow spectrum: red, orange, yellow, green, cyan, blue, and purple. The ribbons are scattered across the page, with some appearing in the top left, middle left, and bottom right areas.

UNIVERSAL PERIODIC REVIEW


**JOINT SUBMISSION OF
THE CIVIL SOCIETY
ORGANISATIONS (CSOs)**
on the Situation of Lesbian, Gay, Bisexual,
Transgender, Intersex and Queer (LGBTIQ)
Persons in the Philippines
(3rd Cycle, 2017)

1. INTRODUCTION

- 1.1. The Philippines ratified several international human rights instruments.¹ Meanwhile, the 1987 Philippine Constitution (Article 2, Section 11, and Article 3 Section 1), upholds the dignity, equality and human rights of all persons.
- 1.2. Violations of the rights of LGBTIQ persons persist though not consistently documented. Denial of access to public services including education, health care and housing exist. Negative stereotypes against LGBTIQ persons are perpetuated through policies and practices of some government officials and private actors such as schools. Hate related violence, including killings of LGBTIQ persons, have been reported. Meanwhile, there is an absence of a comprehensive national legal framework recognizing the rights of LGBTIQ persons, prohibiting SOGIESC-based discrimination and ensuring provision of adequate services for LGBTIQ persons in difficult situations.²



2. DESCRIPTION OF METHODOLOGY

- 2.1 This report was prepared by LGBTIQ civil society organizations (CSOs) after series consultations to identify priority issues and recommendations. A workshop was convened to enable LGBTIQ human rights defenders (HRDs) to understand and appreciate the UPR process. A lead writer for the UPR was identified, and references and case reports were initially requested from the organizations. A draft was circulated among NGOs for feedback and validation before submitting the final report to the OHCHR.
 - 2.2 This report is based on interviews with HRDs, researches, case reports, media reports, court decisions, and records of the Philippine government and United Nations agencies.
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3. RIGHT TO EQUALITY AND NON-DISCRIMINATION BEFORE THE LAW

- 3.1. Philippine laws affirm that every person has the right to equal protection before the law. However, the 1987 Constitution itself do not explicitly mention SOGIESC, making subsequent policies and programs non-responsive to the various forms of discrimination against LGBTIQ persons.
- 3.2. There are no laws criminalizing consensual same-sex relations in the Philippines, but some laws have been used as a pretext to persecute LGBTIQ persons. Activists reported that certain local government units criminalize transgender persons for “cross-dressing”, e.g. Marawi City.
- 3.3. Certain provisions of the Revised Penal Code have been used to criminalize LGBTIQ persons such as Article 200 (on grave scandal), Article 201 (on offenses against decency and good customs), Article 202 (on vagrancy), Article 226 (on acts of lasciviousness) and Article 340 (on corruption of minors). Article 267 of the Revised Penal Code has been used, particularly towards lesbian, bisexual and transgender persons, who elope with their partners.
- 3.4. The Anti-trafficking in Persons Act of 2003 has been used to discriminate LGBTIQ persons. It has been used as a justification for law enforcers to conduct surprise searches towards LGBTIQ-specific establishments, and for harassment, extortion and arrests of patrons and staff.³

- 3.5. The Family Code of the Philippines (Executive Order No. 29) portray LGBTIQ persons negatively. Article 46 of the said law mentions “homosexuality” and “lesbianism” as grounds for annulling marriages, along with other perceived socially detrimental or unwanted psychological conditions like alcoholism and drug addiction.
- 3.6. The Armed Forces of the Philippines (AFP) Code of Ethics states: “Military personnel shall likewise be recommended for discharge/separation for reason of unsuitability due to all acts or omissions which deviate from established and accepted ethical and moral standards of behaviour and performance as set forth in the AFP Code of Ethics. The following are examples: Fornication, Adultery, Concubinage, Homosexuality, Lesbianism, and Pedophilia.”⁴ The National Police Commission (NAPOLCOM) Memorandum Circular No 2005-002 states that a police officer can be discharged for sexual perversion, including “latent and overt homosexuality,” placing homosexuality under “neurological and psychiatric disorders” disqualifying a person as suitable for service.⁵
- 3.7. There is no law criminalizing LGBTIQ people, but social stigma persists. Such stigma is perpetuated by social institutions including the faith-based organizations. For example, the Catholic Bishops Conference of the Philippines issued a statement in August 2015 urging all Catholic believes to “resist all attempts to normalize homosexual behavior and homosexual unions in their culture” and to “oppose all gravely unjust laws that contravene both divine law and natural law - including all laws that legalize homosexual unions”.⁶ The said statement while preaching mercy and understanding towards LGBTIQ people continues to consider homosexuality as a “familial shame”.⁷
- 3.8. Social stigma is also reinforced by public messages

including by government officials. For example, former Sarangani Representative Manny Pacquiao said in media that couples in same-sex partnerships are “mas masahol pa sa hayop (worse than animals)”.⁸

- 3.9. Social stigma is reinforced in health related policies. According to reports, the Philippine National Red Cross continues to implement a ban against persons engaged in same-sex activities from donating blood.⁹
- 3.10. Despite attempts to legislation at the national level since the 1990s, a comprehensive anti-discrimination law is still lacking. Various versions of legislative proposals have been filed in Congress for almost two decades but have not been successfully passed into law.
- 3.11. Despite absence of a national anti-discrimination legislation, local ordinances banning discrimination have been passed. These local ordinances exist in at least 14 local government units (LGU) such as Quezon City, Davao City, Cebu City, Bacolod City, Mandaue City, Vigan and Cavite Provinces. While this is a positive development, such ordinances have limited jurisdiction. Moreover, all these ordinances combined can only provide legal protection to less than 15 per cent of the total Philippine population. Not all ordinances have corresponding implementing rules and regulations (IRR) leaving the rest with lack of clarity and direction how the law will be implemented. Meanwhile, Quezon City is a good case of an LGU where civil society was thoroughly consulted in the crafting and adoption of the IRR of its anti-discrimination ordinance.
- 3.12. The public sector provides some protection for LGBTIQ persons from employment discrimination within the public sector. The Civil Service Commission (CSC) Office Memorandum 29-2010 forbids discrimination against LGBTIQ people applying for civil service examinations. Meanwhile, the CSC Revised Policies on Merit Promotion Plan prohibits discrimination in the selection of employees based on various criteria including gender.

4. GENDER LEGAL RECOGNITION

- 4.1 The Clerical Error Law of 2001 (RA 9048) makes it illegal for transgender persons in the Philippines to change their sex in their birth certificates.¹⁰ The said law specifically states that “no correction must involve the change of nationality, age, status or sex of the petitioner” without a judicial order.
- 4.2. There have been petitions to the Supreme Court of the Philippines concerning the change of gender marker in legal documents. However, the decisions proved detrimental to transgender persons as these reinforced the notion that sex-assigned at birth remain to be a constant marker for a person. The Supreme Court reversed a previously granted petition to allow a transgender woman to change her gender legal marker citing that a person’s biological sex is “an essential factor in marriage and family relations” and that “there is no special law in the Philippines governing sex reassignment and its effects”.¹¹ Moreover, the court said, “while petitioner may have succeeded in altering his body and appearance through the intervention of modern surgery, no law authorizes the change of entry as to sex in the civil registry for that reason”.¹² In another case, however, the Supreme Court affirmed a lower court’s decision to change the person’s gender legal marker due to the person’s intersex status.¹³
- 4.3. This lack of legal recognition also allows discrimination in public services. While no national law in the Philippines criminalizes cross-gender behavior, such behavior can be sanctioned in both


private and public spaces with no legal consequence. The Philippines has many accounts of gender diverse people being refused entry to and service by establishments.

- 4.4. Mara La Torre, a transgender woman, filed a complaint to the Quezon City prosecutor’s office against her employer prohibiting her from using women’s toilets and sleeping quarters within their office premises. She invoked the existing ordinance in Quezon City which prohibits discrimination on the basis of SOGIE.¹⁴
- 4.5. Kate Montecarlo, a transwoman leader of the Association of Transgender People of the Philippines, filed a complaint to the Manila airport authorities due to discriminatory remarks by their security staff.¹⁵ Kate complained that the airport security repeatedly called her “sir” even if she already corrected the concerned staff and asked to be referred to as a woman. Her assertion was not initially taken seriously until she filed an official complaint.
- 4.6. Two transgender women were refused entry by an upscale bar in Taguig City, Metro Manila due to the establishment’s policy against “cross-dressers”.¹⁶ One even presented her identification card bearing her preferred gender marker but the establishment refused to recognize it and commented “lalaki pa rin ‘yan (he’s is still a man)”. Due to the absence of a law prohibiting discrimination against transgender persons, the two affected individuals utilized media and public pressure which resulted the bar management’s issuance of public apology and lifting of its discriminatory policy.

5. RIGHT TO SECURITY AS A PERSON

- 5.1. The Philippines committed to uphold the right of all persons to life, security, and to protect them from torture, cruel, inhuman or degrading treatment or punishment. Unfortunately, violence against LGBTIQs remain prevalent. Moreover, there are no coordinated and comprehensive mechanisms that monitor the instances of discrimination and violence.
- 5.2. There is no law criminalizing hate related crimes. In cases when evidence points to hate or bias based on SOGIE, government authorities treat these as ordinary crimes.
- 5.3. The case of Jennifer Laude, a 26-year-old Filipino transwoman who died by “asphyxiation by drowning” on October 11, 2014 in Olongapo is an example. The suspect Private First Class Joseph Scott Pemberton, a United States Marine who was in the Philippines for a regular joint-military exercises under the Philippines-United States Visiting Forces Agreement, was found by the local court guilty of homicide only, and not murder, with two mitigating circumstances, hence, handed with a reduced sentence. The court found that the assailant, “in the heat of passion, ...arm-locked the deceased, and dunked his (her) head in the toilet” acting out of “passion and obfuscation” after finding out that the victim is a transgender woman.¹⁷
- 5.4. A research undertaken by Rainbow Rights cited interviews of victims of violence, including physical, verbal and emotional abuse both from strangers and from family members, who were predominantly males.¹⁸ Some of the accounts are as follows:
 - 5.4.1. A transgender woman was boxed by her brother after seeing her in a dance party wearing a dress and a wig.
 - 5.4.2. A transgender woman was beaten up by strangers after the latter was offended seeing her in a dress. They beat her and cut her hair while insulting her. She managed to escape, naked, and ran zigzag in order to dodge the bullets being fired at her.
 - 5.4.3. A transgender woman was playing with her nephew, tickling and making the latter laugh, when the former’s mother told her that such action “tickling a baby on and you are gay; that is a form of molestation, child molestation.”
 - 5.4.4. A transgender woman was molested by her uncle and her neighbours when she was around 10 years old, and she surmised that the perpetrators thoughts her being transgender/effeminate was a license to molest her.
 - 5.4.5. A transgender woman was raped by her uncle when she was second grade and this resulted to physical injuries. After reporting the incident, the victim was accused to have shown motive to the perpetrator. During the hearing of the case, even the judge asserted that she must have shown motives to her uncle.
- 5.5. A community-driven Facebook page titled “Transgender Murder and Violence in the Philippines” proactively reported incidents of violence, including killings, of identified transgender as well as gay persons.¹⁹ The absence of thorough media reporting in this issue forced concerned citizens to report cases through social media. Some cases reported in the said Facebook page include the following: the killing of Richelle Labitad Bequilla (a.k.a. Rased), a 33 year old transgender woman from Cebu City and was found dead last May 30, 2015; the killing of Jordan Borabien, who is from Camarines Sur and whose case was reported in social media last August 18, 2015; the killing of Rolando Apolinario, a 40 year old person from Zambales and who case was reported last April 10, 2016; the killing of Joice Florance, a 30 year old transgender from Northern Samar and who case was reported last June 6, 2016; the physical violence

against a certain Joselito, who was repeatedly stabbed and mauled by unidentified persons in August 2016.²⁰

- 5.6. Meanwhile, there were media reports of killings of LGBTIQ persons. Alex Nodado, a 33 year old person, was reportedly killed in Pagadian City.²¹ A person known as “Papa John”, who was reported to be around 30 to 35 years old, was found dead due to stabbing and gun shots in his residence in Quezon City.²² One specific case reported involved the local police as a perpetrator. A 55-year old transgender woman from Zamboanga City, identified as “Erlinda”, was accused to have committed theft. She was brought to a police station and was physically abused and tortured through electrocution.²³
- 5.7. There were reports of molestation and sexual harassment experienced by deaf children.²⁴ There were two documented complaints of sexual harassment and other violence on deaf male adolescents against deaf and hearing males, including the victims’ teachers as perpetrators, that took place outside the school premises.²⁵ Reports were disclosed years after the incident due to social stigma associated with sexual abuse, to lack of information and guidance on seeking redress, and victims fear and anxiety over parents’ reactions. Limited access to vital information on redress and support is faced by deaf persons; most information are in Filipino language but education of the deaf uses almost exclusively written English.²⁶
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6. RIGHT TO A HIGHEST ATTAINABLE STANDARD OF HEALTH

- 6.1. The Philippines has committed to uphold every person’s right to the highest attainable standard of health. However, the Department of Health (DOH) has consistently failed to protect and promote the sexual and reproductive health and rights of LGBTIQ persons.
- 6.2. The Reproductive Health Law and its corresponding programs are non-responsive to the reproductive health needs of lesbian women, transgender persons and intersex persons. For example, there is an absence of public professional health services for transgender persons, which leads many transgender persons purchasing medicines and products from the black market and taking hormone replacement therapy to self-medicate without medical supervision, guidance or information on proper dosage, correct procedure and possible side-effects, hence, endangering their health and lives from over-dosage.²⁷
- 6.3. There were documented cases of transgender women who took incorrect dosages of hormones causing adverse reactions such as palpitations, raised high blood pressure and heart attacks.²⁸ Those who seek medical advice face difficulties due to religious beliefs of the health professionals. One transwoman leader shared that she “was told by the doctor that he [is] a [C]hristian and it’s against his belief to provide service to her kind because it’s an abomination in the eyes of God.”²⁹
- 6.4. While HIV/AIDs affects every person, LGBTIQ people are significantly affected by the growing epidemic, “not only because of the epistemology of the disease but because of the social and legal issues – human rights issues – that make them more vulnerable to infection.”³⁰

- 6.5. The number of reported new cases of people with HIV have been significantly rising. In 2008, there was only one newly diagnosed case per day;³¹ as of 2016, there are 26 newly diagnosed case reported per day. This makes the Philippines one of the fastest growing rates of HIV/AIDS infection in the world.³² Cumulative data from the period of January 1984 to June 2016, shows a total of 34,999 cases reported. Of this number, around 18.8% (6,572 persons) were infected through heterosexual contact, 45.7% (15,999) through same-sex contact, and 29.6% (10,348) through contact with both sexes. Beginning 2010, male to male sex has been the predominant mode of transmission, with 85% (23,419) of new infections from January 2011 to June 2016 through male to male sexual contact.³³
- 6.6. The DOH recorded 34,999 HIV cases and 31,825 AIDS cases, with 1,822 deaths since 1984, which is understated given to many unreported and misreported cases due to the still pervasive stigma both against HIV/AIDS and LGBT people.³⁴
- 6.7. Prevailing stigma against People Living with HIV (PLHIV) as well as LGBTIQ people hampers LGBT people's access to HIV testing and other health services. This is reinforced by the lack of SOGIE-sensitive sexuality education and the lack of access to condoms. Likewise, LGBT PLHIVs further face added discrimination from private health insurance companies' policy of disqualification from claiming their health benefits upon subsequent contraction of HIV.
- 6.8. There are around 51 medical centers and facilities that provide counselling, HIV testing and, in some cases, treatment. However, activists pointed out that the number of such facilities remain inadequate given the constantly increasing reported cases. Services are also inaccessible due to being located mostly in city centers, and there are many cities and municipalities without medical facilities specializing on HIV/AIDS.

7. RIGHT TO FAMILY


- 7.1. There is no law in the Philippines that criminalize conduct of same-sex or transgender-heterosexual marriage ceremonies. But such unions, even when entered into by consenting parties of full age, are not given the same legal recognition as those between heterosexual couples. The Family Code, which governs family relationships, specifically states that marriage is between a man and a woman, which is taken to mean as man or woman based on sex assigned at birth.
- 7.2. Due to the absence of marriage equality, LGBT Filipinos are treated unequally in a whole host of ways in comparison to heterosexual couples, including but not limited to rights of the spouse regarding hospital and prison visitations, making medical and burial decisions, transfer of joint properties, custody of children and insurance benefits.

8. FREEDOM FROM DISCRIMINATION IN THE AREA OF EMPLOYMENT

- 8.1. Some private companies have good practices regarding SOGIE sensitivity and non-discrimination, such in personnel recruitment, internal staff trainings, support for LGBTIQ organizations and activities in and outside the company, and extension of domestic partnership benefits like insurance coverage and leave incentives for same-sex or transgender-cisgender couples.³⁵ However, without a comprehensive anti-discrimination law, or a specific provision in the Labor Code of the Philippines prohibiting both direct and indirect discrimination based on SOGIE, there is difficulty in pressuring the private sector to address discrimination.
- 8.2. There are reports of specific private firms that have existing “verbal rules” against employees who do not conform to gender norms. In such cases, policies were not indicated in employment manuals.³⁶
- 8.3. A research cited testimonies of victims of employment-related discrimination derived from community-based consultations.³⁷ Some example are as follows:
- 8.3.1. A photograph of a gay teacher dressed up as a bride in a non-school and personal event was used by the officials of a private school to terminate his employment.
- 8.3.2. A transwoman employee was forced to cut her long hair to comply with a human resource policy concerning prescribed haircut for male employees. Unwilling to comply, the employee opted to resign.
- 8.3.3. A transwoman employee experienced harassment after being subjected to a pre-employment medical examination. She was required to be examined by a male doctor. A “butch” lesbian was constrained to dress up in a

8.3.4. stereotypical feminine way in order to be considered for the job.³⁸

8.4. An online survey revealed that 3 out of 10 respondents (98 out of 347) said they experienced unfair treatment while looking for a job or while at work, of which 13.2% said they refused employment, 9.7% were subjected to sexual harassment, and 7.2% were denied promotion or other incentives in the last five years of their employment. 86% of those who experienced unfair treatment did not report the incident to relevant authorities.³⁹



9. RIGHT TO SOCIAL SECURITY AND ACCESS TO SOCIAL SERVICES

- 9.1. There is discrimination faced by LGBT individuals in accessing social services due to the non-recognition of same sex partnerships.
- 9.2. The government-managed social security and health insurance benefits will not be awarded to the surviving same-sex spouse of the LGBT person, since the laws governing such insurance do not recognise non-traditional families and thus the choice of LGBTIQ persons as to their dependents and beneficiaries are “severely restricted by the law’s heteronormative biases and traditions.”⁴⁰ Moreover, adoption in the Philippines is allowed for a single LGBTIQ person but not for two people who identify as same-sex or transgender-cisgender couple.
- 9.3. The Urban Development and Housing Act of 1992 (UDHA) has been hailed as a landmark reform initiative as it was the first Philippine policy to formally recognize that members of the urban poor sector have certain rights before the law. However, the UDHA is applied disproportionately against persons on the basis of SOGIE. A report by GALANG Philippines noted that lesbian-headed households were systematically de-prioritized in resettlement of evicted informal settlers because their family arrangement is not legally recognized.⁴¹ For example, they reported that a lesbian couple was not entitled to a home in a relocation site because they were not considered as a family. GALANG Philippines also reported that in Quezon City, the Philippine National Housing Authority and other local NGOs conducted a survey of urban poor families who will then be qualified for resettlement housing. It was later found out that two lesbian-headed households, one involves an elderly lesbian couple and the other is a lesbian-couple who were raising a biological child, were excluded from the potential list of grantees.

10. RIGHT TO EDUCATION


- 10.1. The Anti-Bullying Act of 2013 (Republic Act No. 10627) and Department of Education (DepEd) Order No. 40 (The DepEd Child Protection Policy) guarantees the protection of children in schools from any form of violence, abuse, discrimination or exploitation, including on the basis of SOGIE. Moreover, the Implementing Rules and Regulations of the Anti-Bullying Act of 2013 defines “gender-based bullying” as “any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity”.
- 10.2. In compliance with the said policies, child protection committees were set up in many schools. These serve as mechanisms to monitor, report, receive and respond to complaints that have been set up within schools. However, such mechanisms did not deter the prevalence of violence children experience.
- 10.3. In 2013, a second-year high school student in the town of Batangas committed suicide due to depression, following incidents of bullying by his classmates accusing him of being gay.⁴²
- 10.4. An online survey revealed that experiences of unfair treatment partially or fully because of being LGBT is slightly higher in schools than in general settings, with 48.79% saying they “often” or “sometimes” encounter unfair treatment or bias attitude because of their SOGI of which only 12.56% reported the incident to school authorities.⁴³
- 10.5. Bullying and other forms of violence within the schools or education settings is steered by institutional policies that discriminate a persons

based on SOGIE. In school setting, LGBTIQ youth, in particular, face discrimination, through gender-insensitive curricula, SOGI-insensitive school policies (e.g. required haircuts and dress codes), and culture of bullying.

- 10.6. A research conducted in 2014 focused on heteronormative discourses evident in textbooks used in public schools. The research findings are as follows: binary notions of masculinity and femininity exists where men were always depicted to portray the roles as economic foundation, firm, strong, affirmer, skilled and knowledgeable while women were always depicted to portray roles as nurturer, self-doubting, physically inferior and focused on aesthetics. The research also noted repeated depictions of the heterosexual family as the ideal model, where the father is responsible as the foundation of the home and the mother meant for child rearing.⁴⁴
- 10.7. Some educational institutions have policies discriminating LGBTIQ students. A group of six transgender women students from Jose Rizal Memorial State University sought redress from the Commission on Human Rights for being forced by their dean to cut their hair and comply with a “prescribed male haircut”. The students challenged the dean’s policy as a de facto denial of their right to education because non-compliance to said directive will result to negative implications on their academic standing. Moreover, the students challenged the dean’s directive as an act contrary to CEDAW because it reinforces traditional and stereotyped notions of gender where despite their self-identification as transgender women the school continued to treat them as men and subjected them to prescribe code of conduct for men.⁴⁵

11. VIOLENCE AGAINST GENDER-DIVERSE CHILDREN

- 11.1. Discriminatory policies coupled by social stigma against LGBTIQ persons translate into acts of violence against gender-diverse children. Narratives of violence against children due to SOGIE have been reported.
- 11.2. A group of self-identified children aged 13 to 17 years old shared during a a consultation workshop various incidents of violence faced at the community level. Many reported instances of verbal abuse where they were told the following slurs: “ipako sa krus” (crucify to death), “salot sa lipunan” (disgrace to society); “wala ang bakla sa bible...anak kayo ng demonyo” (gay people cannot be found in the bible...you are devil’s children). A child reported an incident of extortion. He narrated, “When I was in Grade 7, I was bullied. I was on my way to home from school and someone put an arm over my shoulder and asked for a peso. It did not end there. The next day, a kid pushed me and asked money from me and I said I didn’t have any money! He threatened me with a sharp object if I didn’t give him money. I was relieved there were a lot of people who saw us and he couldn’t hurt me in front of them. I told my parents about it but I haven’t forgotten about it.”⁴⁶

- 11.3. LGBTIQ children face violence in the homes. Several children shared that they felt pressured because their parents always fight due to their identity. One child participant to a workshop narrated, “Mom and dad fight because of me. They raised me normal but I didn’t turn out normal. I am what I am. I hope they can accept that and stop the fighting”.⁴⁷ Another self-identified gay child reported that his being blamed as a family burden. He narrated, “I am angry... especially to my father who always ridicules me. He goes on everyday and rambles on about me as just an extra mouth to feed. I feel he doesn’t have the right to say those things, even if he’s my father. It really hurts that it is my own father who despises me.”⁴⁸ As a result of pressures within the family, children have resorted to self-blaming, running away and contemplating on suicide. One transgender child reported that he had a disagreement with grandmother, who did not approve of his gender identity as transgender. His grandmother resorted to verbally abusing him. He left the house for two weeks and his family had to search for him.⁴⁹
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12. RECOMMENDATIONS

- 12.1. Legislate a comprehensive anti-discrimination policy which protects all persons from all forms of discrimination on the basis of sexual orientation, gender identity and gender expression in all settings;
- 12.2. Adopt a legislation that criminalizes hate crimes and to consider crimes committed on the basis of SOGIESC as an aggravating circumstance;
- 12.3. Amend all SOGIESC-based discriminatory provisions in existing policies on social security and housing;
- 12.4. Adopt a national SOGIESC-inclusive labor policy that includes prohibition of SOGIESC-based employment discrimination, and support for SOGIESC-affirmative programs in workplaces;
- 12.5. Ensure that community-based redress mechanisms, e.g. the Barangay Justice System and the Barangay Council for the Protection of Children, are competent to address cases of human rights violations and abuses against LGBTIQ persons;
- 12.6. Strengthen the role of the Philippine Commission on Human Rights to monitor, document and investigate cases of SOGIESC-related human rights violations, and to provide adequate support for LGBTIQ persons whose rights have been violated.
- 12.7. Ensure that education policies and school curricula promote the human rights of LGBTIQ persons such as by removing all SOGIESC-based discriminatory content in textbooks and learning materials, providing SOGIESC-inclusive counselling services for students, and providing access to gender-neutral

toilets in all schools and educational facilities;

12.8.

Intensify public education and awareness on SOGIESC especially among public servants such as by conducting trainings at least twice a year in each government agency/office;

12.9

Strengthen implementation of the Reproductive Health Law (R.A. 10354) and other relevant policies and programs to address health concerns of LGBTIQ persons, including access to hormonal replacement therapy.

¹ These include International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of all Forms of Racial Discrimination (CERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention Against Torture (CAT), Convention on the Rights of the Child (CRC), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), and Convention on the Rights of Persons with Disabilities (CRPD).

² LGBTIQ stands for lesbian, gay, bisexual, transgender, intersex and queer persons. The report recognizes that there may be other identities that are discriminated and marginalized based on their Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIESC) that may not be explicitly referred to in the LGBTIQ acronym.

³ International Gay and Lesbian Human Rights Commission, 2015. Violence against Lesbians, Bisexual Women, and Trans People in the Philippines. Submitted to the United Nations Commission on the Status of Women Annual Communications Procedure.

⁴ Philippine National Police Reform and Reorganisation Act of 1998 (RA 8551), Section 59.

⁵ Ocampo, M.B., 2011. "Sex In The Workplace: Approaches To Sexual Orientation and Gender Identity in The Workplace Absent An Anti-Discrimination Law". Philippine Law Journal, Vol. 86, 190-232.

⁶ "A Pastoral Response to the Acceptance of Homosexual Lifestyle and the Legalization of Homosexual Unions", August 28, 2015. Retrieved from: <http://www.cbcnews.com/cbcnews/?p=62674>

⁷ "A Pastoral Response to the Acceptance of Homosexual Lifestyle and the Legalization of Homosexual Unions", August 28, 2015. Retrieved from: <http://www.cbcnews.com/cbcnews/?p=62674>

⁸ "Manny Pacquiao provokes storm by calling gay people 'worse than animals'". The Guardian, February 16, 2016. Retrieved from: <https://www.theguardian.com/sport/2016/feb/16/manny-pacquiao-gay-people-worse-than-animals>; "Pacquiao: Couples in same-sex unions 'worse than animals'". Rappler, February 16, 2016. Retrieved from: <http://www.rappler.com/move-ph/122620-pacquiao-lgbt-same-sex-unions-worse-animals>

⁹ Personal Communication with Jason Masaganda, Metropolitan Community Church of Marikina City, September 1, 2016.

¹⁰ RA 9048 specifically states that "no correction must involve the change of nationality, age,

status or sex of the petitioner." Republic Act 9048 (An Act Authorizing the City or Municipal Civil Registrar or The Consul General to Correct a Clerical or Typographical Error in an Entry and/or Change of First Name or Nickname in the Civil Register Without Need of a Judicial Order). Available from http://www.lawphil.net/statutes/repacts/ra2001/ra_9048_2001.html.

¹¹ Rommel Jacinto Dantes Silverio versus Republic of the Philippines (G.R. No. 174689). Retrieved from: <http://sc.judiciary.gov.ph/jurisprudence/2007/october2007/174689.htm>.

¹² Rommel Jacinto Dantes Silverio versus Republic of the Philippines (G.R. No. 174689). Retrieved from: <http://sc.judiciary.gov.ph/jurisprudence/2007/october2007/174689.htm>.

¹³ Republic of the Philippines versus Jennifer B. Cagandahan (G.R. No. 166676). Retrieved from: <http://sc.judiciary.gov.ph/jurisprudence/2008/sepember2008/166676.htm>

¹⁴ Press Statement of the Association of Transgender People in the Philippines About Mara's Case. Retrieved from: <http://www.philippine-transgender-movement.com/news/press-statement-of-the-association-of-transgender-people-in-the-philippines-about-maras-case/>; "LGBT groups 'blast' discrimination against transgender", ABS-CBN News, March 31, 2014. Retrieved from: <http://news.abs-cbn.com/nation/metro-manila/03/31/14/lgbt-group-blasts-discrimination-against-transgender>.

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UNIVERSAL PERIODIC REVIEW

JOINT SUBMISSION OF THE CIVIL SOCIETY ORGANISATIONS (CSOs) on the Situation of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Persons in the Philippines (3rd Cycle, 2017)

This Report is submitted by the following coalition
members:

ASEAN Sexual Orientation, Gender Identity and
Expression (SOGIE) Caucus
(www.aseansogiecaucus.org)

Association of Transgender People of the Philippines

Babaylanes, Inc.

GALANG Philippines

LGBTS Christian Church, Inc.

Metropolitan Community Church of Marikina City

Metro Manila Pride

MUJER-LGBT Organization

PDRC/ Deaf Resources Philippines

SHINE SOCCSKSARGEN Inc.

Side B Philippines

The Philippine LGBT Chamber of Commerce

TLF Share



ASEAN SOGIE Caucus

8th Floor Unit-8R Future Point Plaza 3,
111 Panay Avenue, South Triangle,
Quezon City, Philippines
Email: aseantoo@gmail.com



**ASEAN SOGIE
CAUCUS**

