



**UNIVERSAL PERIODIC REVIEW
JOINT SUBMISSION OF THE CIVIL SOCIETY ORGANIZATIONS
(CSOs)
on the Situation of Lesbian, Gay, Bisexual, Transgender,
Intersex and Queer (LGBTIQ) Persons in the Philippines (4th
Cycle, 2022)**

This Report is submitted by the following coalition members:

ASEAN Sexual Orientation, Gender Identity and Expression (SOGIE) Caucus
Ryan Silverio, Executive Director, (rsilverio@aseansogiecaucus.org)

ASEAN SOGIE Caucus is a regional organization aimed at advancing the human rights of LGBTIQ+ persons in the Southeast Asian region. The group supports the capacity of local organizations in seeking redress and in influencing local, regional, and global processes to develop human rights norms that are inclusive of SOGIESC. It was created in 2011 as a network of activists; it obtained legal registration as a Philippines-based non-profit organization in 2015.

Metro Manila Pride (MMPrize)

Nicky H. Castillo, Overall Co-Coordinator, (hello@mmpride.org)

Metro Manila Pride is a volunteer-managed, non-partisan, not-for-profit organization dedicated to educating, equipping and empowering the Filipino LGBTQIA+ community to work towards a future that recognizes and respects the rights of persons to a dignified life without discrimination and prejudice. MMPrize works towards this goal through community building, education and research, policy advocacy, and through the arts. The organization was formed in 2016 and formalized in 2017.

Pioneer Filipino Transgender men Movement (Pioneer FTM)

AR Arcon, Executive Director and Founder, (pioneerftm@gmail.com)

Pioneer FTM is a community of transgender masculine/ men with the principles of solidarity, self-acceptance, mutual respect, and effective action to promote and defend human rights, especially transgender rights. Its mission is to take action focused on recognition of transgender people's rights, identities and experiences through human rights education, participation in policy lobbying, and direct support for its membership. It was founded in the year 2011.

GALANG Philippines

Maroz R. Ramos, Executive Director, (galangphilippines@gmail.com)

GALANG Philippines is a feminist human rights organization aspiring to be a catalyst for the empowerment of economically disadvantaged Filipino lesbians, bisexual women, and transgender men. GALANG hopes to achieve this through grassroots community organizing, intensive capacity building, policy advocacy and networking, research, and institutional development and sustainability. GALANG was formed in 2008 by a small group of lesbian activists who saw that the LGBTQI sector in the Philippines was predominantly middle class.

Lagablab LGBT Network

Jap Ignacio, Secretary-General, (info@lagablab.org)

Lagablab LGBT Network is a coalition of organizations in the Philippines lobbying for LGBTQI-responsive national and local policies. The network has been spearheading campaigns and mobilizations in pursuit of its mandate since its formation in 1998. It has been revived in 2015 with more member organizations and renewed commitment to the cause for human rights, equality, and nondiscrimination.

Babaylanes, Inc.

Jap Ignacio, Executive Director, (info@babaylanes.org)

Babaylanes, Inc. is a non-profit organization established in 2008 and mandated to serve as an LGBTQI resource center by (1) developing SOGIESC-focused research and LGBTQI-responsive policies, (2) providing expertise in LGBTQI issues and human rights education, and (3) organizing networks for advocacy and campaigns. It is the alumni organization of the trailblazing, pioneering student LGBTQI organization from the University of the Philippines, UP Babaylan.

Transman Equality and Awareness Movement

Chase Go Tolentino, Founder, (team5cebu@gmail.com)

TEAM Cebu is a trans-led organization working to promote gender recognition, rights awareness and healthcare access for trans individuals. The organization was founded in 2014.

BISDAK Pride

Roxanne Omega Doron, Founder, (bisdakpride@yahoo.com)

Established since 2005, Bisdak Pride, Inc. is a product of the First Visayas-Mindanao LGBTQ Leadership Conference entitled, "In The Pink of Health" funded by the Royal Norwegian Embassy held in Davao City on September 25-27, 2005.

Mujer-LGBT Organization, Inc.

Alvin Toni Gee Fernandez, Executive Director, (alvinramirezfernandez@yahoo.com.ph)

Mujer-LGBT Organization, Inc is a volunteer-initiated and LGBT rights based organization in Zamboanga City, Island of Mindanao. The group provides paralegal, psychosocial, temporary shelter and HTC services to the LGBTQ+ community for free.

Side B Philippines

Fire Sia and Raffy Aquino, Co-Founders, (sidebphil@gmail.com)

Side B Philippines is a organization founded in 2016 majority of whose members identify as bisexual, with some who identify as other SOGIE. The organization actively advocates for Diversity, Equity, and Inclusion in the workplace, as well as SOGIESC Education and Bi-Visibility.

Rainbow Rights Philippines

Nicky H. Castillo, Deputy Director, (info@rightspnl.org)

Rainbow Rights Philippines (RRights) is a non-governmental, non-profit, non-partisan organization focused on legal literacy and empowerment with respect to SOGIE and gender based laws and policies. It was first founded in 2008.

The Philippine LGBT Chamber of Commerce

Angel Romero, Director for Partnerships and External Affairs (lgbtph.secretariat@gmail.com)
The Philippine LGBT Chamber of Commerce is an industry organization of businesses of, by, and for Philippine LGBT. The thrust of the organization is business excellence and national economic development via the efforts of its LGBT members and allies.

Intersex Philippines

Jeff Cagandahan, Chair (jeffcagandahan@gmail.com)
Intersex Philippines is the first intersex-led organisation in the Philippines aimed at advocating for the rights of intersex people in the country. It was registered in the year 2019 with a view to acting as a support group for intersex people.

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1. INTRODUCTION

- 1.1. The Philippines signed and ratified various international human rights instruments.¹ Meanwhile, the 1987 Philippine Constitution (Article 2, Sections 11 and 15, and Article 3 Section 1) upholds the dignity, equality and human rights, and right to health of all persons.
- 1.2. Violations of the rights of LGBTIQ persons persist, and documentation remains a huge challenge for civil society organizations, especially when the COVID-19 pandemic hit the country. Denial of access to public services remained. Negative stereotypes against LGBTIQ persons are perpetuated through policies and practices of some government officials and private actors, despite the enabling laws and policies issued. Hate-related violence, heinous crimes including killings of LGBTIQ persons have been reported.

Meanwhile, the country lacks national laws, concretely prohibiting SOGIESC-based discrimination, and ensuring the provision of adequate services for LGBTIQ persons in difficult situations.²

- 1.3. During the previous UPR cycle, the Philippines received two SOGIESC-specific recommendations. The government of Australia recommended to the Philippine government to “consolidate its recent progress through implementation of comprehensive anti-discrimination legislation covering sex and sexual orientation, gender identity and intersex status”. This was not accepted by the government. On the other hand, the government of Mexico made recommendation to “take action to eradicate violence and discrimination against women and lesbian, gay, bisexual, transgender and intersex persons, primarily in educational institutions”. This was accepted by the government.

2. DESCRIPTION OF METHODOLOGY

- 2.1. Mindful of COVID-19 health protocols, LGBTIQ civil society organizations (CSOs) prepared this report after online consultative meetings to prioritize and consolidate issues and recommendations. Online references and case reports were initially requested from the concerned CSOs. A lead writer was engaged. A draft was circulated among CSOs for inputs, validation, revisions and approval.
- 2.2. This report was prepared based on the documented interviews with HRDs, existing CSO researches, media reports mostly based on CSO information, and official government records.

3. RIGHT TO EQUALITY AND NON-DISCRIMINATION BEFORE THE LAW

- 3.1. The 1987 Philippine Constitution affirms that every person has the right to equal protection before the law. However, the former does not explicitly

mention SOGIESC, making subsequent policies and programs non-responsive to the various forms of discrimination against LGBTIQ persons.

- 3.2. In the UPR 3rd Cycle report, relevant provisions of the Revised Penal Code 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) were reported to have been used to criminalize LGBTIQ persons. Article 267 of the Revised Penal Code has been used, particularly towards lesbian, bisexual and transgender persons, who elope with their partners. Said laws are still in effect, hence risks and violations prevail in the current UPR cycle report. Similarly, the Anti-trafficking in Persons Act of 2003 and the Family Code of the Philippines (Executive Order No. 29) are still in effect and without revision, hence, risks of impacting and discriminating the LGBTIQ persons prevail.
- 3.3. Attempts to legislate anti-discrimination on the basis of SOGIESC took place during the 18th Philippine Congress (period of July 2019 - 2022).

In the Senate, various legislations were filed to address non-discrimination based on SOGIESC. These include: three (3) bills aimed at enacting a SOGIESC-specific anti-discrimination law³, three (3) bills on enacting a comprehensive anti-discrimination law that is inclusive of SOGIE⁴, one (1) bill on creating LGBT help desks in police stations⁵, and one (1) bill on recognizing the proposed National Day against Homophobia, Transphobia, and other related SOGIE-phobias⁶. Unfortunately, none of the said bills were approved.

Meanwhile in the House of Representatives, the following bills were filed: 14 separate bills authored by various legislators calling for a SOGIESC-specific anti-discrimination law⁷, one (1) bill on the prohibition of SOGIESC-based discrimination in employment⁸, one (1) bill to create LGBT help desks in police stations⁹, eight (8) bills calling for a comprehensive anti-discrimination law that covers SOGIESC as of the protected attribute¹⁰, and a bill to provide for a national commemoration of the IDAHOT¹¹. None of the aforementioned bills were approved by the House of Representatives.

- 3.4. A comprehensive anti-discrimination law is still lacking. During the 18th Congress, different bills have been filed in the Congress but none passed into law. At the House of Representatives, a bill calling for an anti-discrimination law that covers sexual orientation and gender identity was considered by the Committee on Human Rights and Committee on Appropriations together with other bills focusing on discrimination on the basis of race, religion, and ethnicity.¹² However, the outcome decision of the aforementioned committee reflected a consolidated bill which erased sexual orientation and gender identity in its scope.¹³

- 3.5. Legislative advocacy to include "intersex" in the definition of "sex" which could pave the way for legal recognition of intersex people in the country failed to gain support from legislators.
- 3.6. There are 27 local government units (LGU) that passed local anti-discrimination ordinances. While indicating a positive development, the ordinances remain limited in jurisdiction. These ordinances can only provide legal protection to less than 15% of the total population. Not all ordinances have implementing rules and regulations (IRR), thus the rest of LGUs have no clear direction on how these will be implemented.
- 3.7. Safe Spaces Act (SSA) or Republic Act No.11313 and its IRR were signed in 2019, which defines and penalizes all forms of sexual harassment in streets, public and online spaces, and educational and training institutions. Sexual harassment includes catcalling, misogynistic, transphobic, homophobic, and sexist slurs.¹⁴ The implementation at the local government level is stalled due to the ongoing pandemic.
- 3.8. In 2020, Philippine government agencies issued a joint memorandum for the Guidelines on the Localization of the Safe Spaces Act and its IRR, particularly on how the local LGUs shall implement this in streets and public spaces. A majority of the LGUs have not complied with the said guidelines.
- 3.9. The Civil Service Commission (CSC) issued in 2021 the Resolution No. 2100064, which amends relevant provisions in the 2017 Rules on Administrative Cases in the Civil Service (RACCS) to further deter sexual harassment in the public sector and to harmonize with RA 11313, which provides protection for LGBTIQ persons¹⁵. The penalty for sexual harassment ranges from a reprimand to outright dismissal from the government service.
- 3.10. In 2018, the Department of Education (DepEd) issued the Policy Guidelines on the Implementation of the Comprehensive Sexuality Education (CSE).¹⁶ CSE is anchored on cognitive, emotional, physical and social aspects of sexuality that are scientific, age- and developmentally appropriate, culturally and gender-responsive, and with a rights-based approach.

4. GENDER LEGAL RECOGNITION

- 4.1. Paramount to the well-being of transgender people or gender diverse people is the use of their lived names aligned with their gender identities. Thus, a law that recognizes their names and gender marker in legal documents remains vital. However, Philippine laws prevent them from using their lived names, and instead mandating the use of legally assigned names or known as "dead names" in legal documents. This has adverse effects on their mental health or can induce harm. The following are the problematic laws:

Revised Penal Code (Republic Act [RA] 3815), Article 178 (Paragraph 2): Any person who conceals his true name and other personal circumstances shall be punished by arresto menor or a fine not to exceed 200 pesos.

Civil Code of the Philippines (RA 386), under the following provisions: no person can change his name or surname without judicial authority (Article 376); the employment of pen names or stage names is permitted, provided it is done in good faith and there is no injury to third persons; pen names and stage names cannot be usurped (Article 379); and except as provided in the preceding article, no person shall use different names and surnames (Article 380).

Anti-alias Law (RA 6085) prohibits the use of pen names or aliases except for purposes of cinematic, television, radio, entertainment, literary, or athletic purposes. This requires the use of legally assigned names (dead names) as reflected in birth registration documents in all public or private transactions, private or public documents such as contracts. A fine of 5,000 to 10,000 PHP and imprisonment of 1 to 5 years may be imposed for violations of this law.

Clerical Error Law of 2001 (RA 9048) states that “no correction must involve the change of nationality, age, status or sex of the petitioner” without a judicial order. Hence, this makes it illegal for transgender persons in the Philippines to change their sex in their birth certificates.¹⁷ There are no significant updates on the petitions to the Supreme Court of the Philippines concerning the change of gender marker in legal documents, as reported in the previous UPR cycle.

The **Subscriber Identity Module (SIM) Card Registration Act** was recently passed by the congress, and is presently for veto/approval of the President. This law will require end-users to register their full name and complete address as it appears in government-issued IDs with photos. Likewise, this mandates social media users to use their real names and registered mobile numbers. This is potentially detrimental to the safety, security and privacy of transgender persons given the mandatory use of their dead names.

- 4.2. While national law provides protection for LGBTIQ persons against gender-based sexual harassment in public, online and various spaces, it fails to provide protection from the abuse and potential harm brought about by refusing to recognize the lived names of gender diverse people. The absence of legal gender recognition law fundamentally denies gender diverse people their right to use their lived names and the safety and security it brings.

Accessing public amenities is often a traumatic experience for gender diverse people. One incident documented by GALANG Philippines and their partner local lesbian, bisexual women, and transmen (LBT) people's organization was a transgender person who experienced discrimination on the basis of his gender identity and expression. This happened in a condominium at Quezon City where they stayed in February 2021. Despite his insistence on the use of

his personal gender pronouns and lived name, he was repeatedly misgendered and dead named by condominium staff who relied on his ID on record containing his legal (dead) name and sex assigned at birth. He was also verbally instructed by staff to remove his cotton top at the poolside since men were only allowed to wear swimming shorts by/in the pool.

- 4.3. The absence of legal gender recognition legislation also presents a barrier to transgender peoples' right of freedom of movement. In April 2020, Transgender Equality and Awareness Movement (TEAM) Cebu documented an incident where a transgender man in Cebu was stopped at a COVID-19 checkpoint.¹⁸ Seeing that the gender marker on his ID did not match his gender expression, the checkpoint officer demanded more identification and visually scrutinized the body of the transgender man, paying particular attention to the chest and genital area. As a response to a complaint filed by TEAM Cebu regarding the issue, the local government issued a written memorandum to the checkpoint officers to avoid discrimination on the basis of SOGIE.
- 4.4. Intersex people in the country also face similar challenges when it comes to recognition of legal gender in identity documents. Since birth, intersex children are given names based on binary understanding of their gender and sexuality. In this regard, it is instructive for the government to enact a law complying with the ruling of the Supreme Court of the Philippines in the case of *Republic of the Philippines v. Jennifer Cagandahan*. Recognizing the existence of intersex people, the Supreme Court said: "The current state of Philippine statutes apparently compels that a person be classified either as a male or as a female, but this Court is not controlled by mere appearances when nature itself fundamentally negates such rigid classification."¹⁹

5. RIGHT TO LIFE AND 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 LGBTIQ persons remains prevalent. There is still no law defining, and criminalizing hate crimes. If circumstances and evidences point to hate or bias based on SOGIESC, government authorities treat or report these as ordinary crimes or murders. Moreover, there are no coordinated and comprehensive mechanisms that monitor the instances of discrimination and violence.
- 5.2. On May 23, 2017, a group of armed men allegedly affiliated with ISIS seized the entire city of Marawi. This resulted in massive displacements, destruction of property and deaths, which directly affected LGBTIQ persons. In May 2018, NGOs conducted a focused group discussion to gather evidence and generated the following findings.²⁰ First, the culture of gender policing that limits their freedom of expression (i.e. wearing of preferred floral printed shirt; putting on make up) was exacerbated. Second, various forms of threats to life

ensued weeks prior to the siege (i.e. anonymous text messages to LGBTIQ persons working in salons relayed that bad things will happen to them for being "bakla" in Marawi). Third, during the siege, feminine presenting gay and transgender persons were given *kimon*, a traditional Muslim Maranao clothing for men, to help them pretend to be religious Muslim men in an effort to keep them safe from ISIS-linked militants who were specifically targeting Christians and LGBT persons. Fourth, when the ISIS-linked militants allowed people to evacuate Marawi, gay and transgender people had to act masculine, cut their hair or shave their head before crossing the check-points. An FGD participant relayed that some people were asked to separate while the others were allowed to pass through the checkpoint, and the others (i.e. hairstylists) were asked to step back. Fifth, after the siege, the internally displaced persons (IDPs) lived in evacuation centers and alternative living arrangements with relatives as home-based IDPs. LGBTIQ persons in evacuation centers often heard lamentations from other IDPs that they were the cause of the siege, or as part of the "sins of Marawi".

- 5.3. In early 2022, a lesbian partner of GALANG Philippines was subjected to the unlawful implementation of war on drugs when she and her family were illegally arrested for possession of drugs, which was a planted evidence of the police officers in civilian clothes who had access to their house.²¹
- 5.4. From January 2021 to September 2021, sixteen (16) alarming murders of the following transgender persons were recorded by civil society organizations: Emy Yruma, Erika Endrina, Nicole Quilaneta, RR Bondoc, F. Escalante, L. E. Parama, Julie Catamin, Pet Galea Madrijanon, Ebeng Mayor, Jhie Bangkiao, S. Militante, Bryan Gallan, Cindy Jones Torres, Muslimah Hasim, R. Tamboong, and one unnamed case.²² This is the highest recorded number since official documentation of the murder of transgender persons in the Philippines began in 2008.
- 5.5. A self-identified gay and Muslim filmmaker and human rights defender became a target of online threats, including death threats, over his involvement in LGBTIQ advocacy. The threats started in December 2018 when he made public statements of LGBTIQ rights at a Pride demonstration in Mindanao. Online threats were amplified resulting from his production of a film, titled "Lupah Sug", that tackled the plight of LGBTIQ Muslim people in the Bangsamoro areas. The human rights defender submitted complaints to the Philippine government but no clear action was undertaken. He eventually sought redress from the UN Special Procedures. Despite the joint communication made by the mandate holders, the Philippine government did not take clear actions.²³
- 5.6. In June 2021, a community in Maguindanao province forcibly shaved the heads of six women aged 16 to 20 years old as a punishment for their sexual orientation.²⁴ Residents of the community issued prior warnings to the women, who were accused of being lesbians. The punishment was carried out in public and reportedly with the consent of the parents. Photos and videos of the act were posted online and went viral on social media. Consequently, the Bangsamoro Parliament adopted Resolution 176, "Resolution condemning the

Public Shaming of the Six (6) Young Women whose heads were shaved in public view in the Province of Maguindanao”.²⁵ This resolution was adopted on October 14, 2021. The resolution expressed condemnation of the violence but did not explicitly mention any undertaking to seek redress or to prevent recurrence of similar abuses.

- 5.7. On September 18, 2021, a bomb exploded during a volleyball game in Datu Piang, Maguindanao, where one person died and seven others were injured in a group of self-identified LGBTIQ persons.²⁶ There were reports that the bombing was carried out by the Bangsamoro Islamic Freedom Fighters (BIFF), a splinter group from the MILF who wanted to continue the cause of separation and establishment of an independent Islamic state.²⁷ The day after the bombing, a lesbian woman was shot dead in her residence in Datu Piang by an unknown assailant on September 19, 2021. It remains unclear whether the attack was due to the victims’ SOGIESC. Consequently, the Bangsamoro Parliament adopted Resolution 170, “Resolution condemning the violence, discrimination and murder committed against reportedly some members of the lesbian, gay, bisexual, transgender and queer (LGBTQ++) community in the Municipality of Datu Piang, Maguindanao last September 18 and 19, 2021”. The resolution condemned the incidents and called on the Bangsamoro government (specifically the Office of the Chief Minister and relevant Local Government Units) to implement concrete measures to protect the human rights of LGBTIQ persons in their jurisdiction.²⁸
- 5.8. Various incidents of SOGIE-based violence were recorded in Zamboanga City. A viral video showed young men violently attacking a gay man without provocation on August 15, 2021 in Barangay Tentuan, Zamboanga City; in Barangay Putik a LGBTIQ person was assaulted without clear reason; and in Pagadian City an LGBTIQ person was murdered. Several attacks were also made on transgender women in the Zamboanga Peninsula. Civil society organizations report that at least one attack against transgender women was allegedly perpetuated by police officers; another involved five (5) transgender women who were allegedly beaten with paddles and whose hair was cut off by police officers on duty as punishment for violating COVID-19 curfews.²⁹
- 5.9. The murder of Jang Lucero with at least 50 stab wounds who was found in her car parked along Bucal Bypass Road in Calamba City.³⁰
- 5.10. Sexual assault and violent death of lesbian Monobo tribe member Lenie Rivas in the hands of soldiers claiming that she was one of the three (3) rebels killed in Lianga town of Surigao del Sur on June 15, 2021.³¹
- 5.11. As a punishment for violating the quarantine curfew, three (3) LGBTIQ people were singled out among curfew violators in Pandacaqui, Mexico, Pampanga. They were ordered by a village official (Barangay Chairperson) to kiss each other and do a sexy dance in front of a 15-year old minor on April 5, 2020. This order was caught on the official's Facebook account on live stream. When they did not perform the act, the official threatened to arrest and paddle

the LGBTIQ persons if they did not appear for community service the next day.³²

6. RIGHT TO A HIGHEST ATTAINABLE STANDARD OF HEALTH

- 6.1. The Department of Health (DOH) 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. There is an absence of government-provided professional health services for transgender persons, which leads many transgender persons purchasing medicines and products from the black market and taking hormone replacement therapy without medical supervision. As a result, the lack of guidance on proper dosage, correct procedure and possible side-effects, the health and lives of transgender people are endangered by possible over-dosage.
- 6.3. 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.”³³ The Department of Health (DOH) reported that from January 1984 to December 2021, 29% of the reported cases of human immunodeficiency virus (HIV) were 15-24 years old.³⁴ Moreover, transgender women are part of the key population who are affected by HIV/AIDs. Government statistics pointed out that from 2018 to 2021 a total of 1,131 transgender women were diagnosed, which comprises 2.54% of the total number of cases for the said period.³⁵ There are around 175 medical or health centers and facilities that provide counseling, HIV testing and, in some cases, treatment as of December 2021.³⁶ 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 in HIV/AIDS.

7. RIGHT TO A FAMILY

- 7.1. There is no law in the Philippines that criminalizes 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, LGBTIQ 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.

- 7.3 During the onset of pandemic lockdown in March 2020, three (3) LBT couples among the partner communities of GALANG Philippines were not considered as household families by the local village (Barangay) government personnel, and as such were ineligible for relief goods and hygiene kit assistance. Despite the presence of a local ordinance in the city where the couples resided that prohibits discrimination on the basis of SOGIE, many of the village level personnel needed training on the said local law and the fundamentals of inclusive development and gender equality.

8. FREEDOM FROM DISCRIMINATION IN THE AREA OF EMPLOYMENT

- 8.1. There is no national policy requiring employers to undertake measures to ensure workplace inclusion. Some private companies have good practices such as 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.
- 8.2. A research by Side B Philippines, which involves a sample of 433 respondents, revealed varying experiences of LGBT workers with regards enjoyment of inclusion measures: 35% of the respondents indicated that their workplace provide gender-neutral toilets (compared to 55% who reported the absence of gender-neutral toilets); 66% reported that they can wear uniforms reflecting their gender identity or expression (compared to 27% who cannot); 8% reported that their employers provide life insurance for their same-sex partners (compared to 78% who reported that it was not provided to them); and 14% reported that their employers provide health insurance for their same-sex partners (compared to 73% who reported that it was not provided to them).³⁷
- 8.3. With regards to job application, Side B Philippines reported that LGBT Filipinos experience some form of discrimination.³⁸ In their research which involved a sample of 670 respondents, LGBT workers generally felt comfortable when applying for jobs. However, many respondents disclosed some aspects of discrimination. On the issue of gender identity, 51% reported that they were not asked about their preferred pronouns, and 43% said their preferred/lived names were not asked during the interview. With regards disclosure of SOGIE, 55% reported that the employers asked about their SOGIE during the interview. Furthermore, 58% reported that they felt discriminated against during the job interview. A significant majority of the respondents pointed out that the passage of an anti-discrimination law will improve their chances of finding employment.

- 8.4. In 2018, the Philippine LGBT Chamber of Commerce conducted a research that involved a sample of 100 companies that employ more than 267,000 in the Philippines participated in the study.³⁹ The study found out that only 17% have anti-discrimination policies that explicitly reference "sexual orientation", "gender identity" and/or "gender expression". These companies are all from the business process outsourcing/ business process services (BPO/BPS) sector or are foreign-headquartered. These policies refer to explicitly prohibiting specific actions such as misgendering, "outing" (publicizing an employee's SOGIE without their consent), and making use of slurs against LGBTQIA+ employees. This means local companies and businesses are at a disappointing 0% when it comes to providing an inclusive and diverse environment for all employees, especially the LGBTQIA+ community. The lack of diversity, equity, and inclusion in the workplace is indeed an alarming concern that needs to be addressed through a national laws or policies addressing discrimination on the basis of SOGIE.
- 8.5. There are no efforts undertaken by government nor the private sectors with regards addressing workplace discrimination faced by intersex people on the ground of sex characteristics.

9. RIGHT TO SOCIAL SECURITY AND ACCESS TO SOCIAL SERVICES AND FACILITIES

- 9.1. There is discrimination faced by LGBTIQ 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 LGBTIQ 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) was considered as a landmark reform initiative 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 involving 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.

- 9.4. As illustrated by the following incidents, transgender persons are continuously denied access to public facilities due to their gender identity and expression:

Gretchen Custodio Diez, was detained by police due to an unjust vexation complaint by a mall personnel who barred Diez from using the women's restrooms in the mall. Diez invoked the 2014 Quezon City Gender-fair Ordinance to file a complaint against the shopping mall.⁴² To date, no penalties have been levied against the shopping mall by the local government for this incident.

On a similar note, Isla Reta Beach Resort in Samal Island, Davao del Norte was accused of discriminating against a transgender woman who was denied access to the resort's women's restroom by the staff and management. Meanwhile, the Department of Tourism (DOT) assured the public that they will conduct an investigation on the said incident and reiterated its stand against discrimination.⁴³

10. RIGHT TO EDUCATION

- 10.1. The Anti-Bullying Act of 2013 (Republic Act No. 10627) and Department of Education Order No. 40 (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. In the context of the COVID-19 pandemic, the monitoring and reporting of this mechanism may have been challenged, specifically in the digital space when the students shifted to online mode of classes.
- 10.2. Bullying and other forms of violence within schools or other educational settings is steered by institutional policies that discriminate against a person based on their SOGIE. In a 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.
- 10.3. A survey conducted by Rainbow Rights Philippines and Metro Manila Pride from 2017 to 2019 shows that despite claims to changing attitudes, children are still especially vulnerable to bullying and harassment in schools. The 2019 version of this three year survey, which involved 400 respondents most of whom were aged 13-24 years old, found that 62% of those who identified as part of the LGBTIQ community experienced discrimination on the basis of their sexual orientation or gender identity. Of this group, 51% experienced

SOGIESC-based discrimination in public school, 31% in the streets, 28% in private schools, 25% in their neighborhood, and 19% in their church.⁴⁴

- 10.4. The University of the Philippines (UP) Diliman, a state university, issued a policy that affirms the students' gender identity and enables them to freely express their gender through the use of lived names and pronouns in academic settings, including having these reflected in their university-provided email addresses. This policy can be a model for other universities across the country.⁴⁵
- 10.5. A state university-led research entailed evidence of SOGIESC violence experienced by students, faculty, and other university stakeholders.⁴⁶ The results showed that of the 70 victim-survivors of discrimination on the basis of SOGIESC, most were physical and sexual threats and abuse (22.9%), followed by voyeurism through photo or video and online bullying (20%). The third highest number of incidences were on discriminatory or stigmatizing remarks (17.1%), and deadnaming or misgendering comes in fourth (8.6%). The research also showed limitations of policies to protect people with diverse SOGIESC and the limited (to non-existent) awareness of attending office were among the barriers considered when conceptualizing programs/services and handling cases effectively.

11. VIOLENCE AGAINST INTERSEX CHILDREN AND 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 by different organizations.
- 11.2. GALANG Philippines documented a case involving a queer person who was being physically and verbally abused by the father in their household.⁴⁷ It was also relayed that their mother and siblings were also being abused. After several attempts of reporting to various mechanisms at the Barangay (village) level and at the Philippine National Police, and City emergency services, the victim decided to not pursue the case further due to the lack of decisive action from these offices to address the situation.
- 11.3. Intersex children in Philippines continue to be at risk of forced medical interventions which aim to align their body with normative definitions of 'male' and 'female'. Healthcare professionals perform these surgeries without any prior and informed consent of the child. Such medical interventions are violative of the fundamental right to bodily integrity and physical autonomy. Still, there is no legislative protection against such surgeries.

12. RECOMMENDATIONS

- 12.1. Legislate a comprehensive anti-discrimination law which protects all persons from all forms of discrimination on the basis of sexual orientation, gender identity and gender expression and sex characteristics 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. Adopt a national policy that ensures SOGIESC-inclusive access to all social protection, social security, and humanitarian or emergency response programs;
- 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, focal persons on violence against women, and the Barangay Council for the Protection of Children, are competent to address discrimination and violence against LGBTIQ persons;
- 12.6. Ensure that SOGIESC-protocols to address violence against LGBTIQ persons at the community-level, including case intake forms, are developed and cascaded to all barangays;
- 12.7. 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.
- 12.8. Pursue education policies and school curricula that 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;
- 12.9. Strengthen policy and redress measures to address SOGIESC-based violence in education institutions including, a) integrating SOGIESC policy guidelines and protocols in the school's GAD-related guidelines and anti-sexual harassment code; (b) undertaking capability-building activities within the school; (c) institutionalizing monitoring, documentation, reporting and coordination mechanisms; (d) establishing gender-responsive and inclusive facilities; (e) sustaining SOGIESC advocacy campaigns and the conduct of regular consultations for affirmative development and action.
- 12.10. 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;

12.11. 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 gender affirming healthcare services.

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 These pertain to the following Senate Bill Numbers 159, 412, and 689. The following are bills filed at the Senate of the Philippines, 18th Congress, and can be retrieved from <http://legacy.senate.gov.ph/>. Note that these bills were consolidated into one single bill, which is Senate Bill 1934, resulting from the positive appraisal by the Senate Committee on women, children, family relations, and gender equality.

⁴ These pertain to the following Senate Bill Numbers 137, 315, and 1675. The following are bills filed at the Senate of the Philippines, 18th Congress, and can be retrieved from <http://legacy.senate.gov.ph/>. Note that none of these bills covered sex characteristics.

⁵ This pertains to Senate Bill Number 480. The following are bills filed at the Senate of the Philippines, 18th Congress, and can be retrieved from <http://legacy.senate.gov.ph/>.

⁶ This pertains to Senate Bill Number 2213. The following are bills filed at the Senate of the Philippines, 18th Congress, and can be retrieved from <http://legacy.senate.gov.ph/>.

⁷ These pertain to the following House Bill Numbers 95, 134, 160, 258, 640, 865, 1041, 1359, 2211, 2870, 4470, 5818, 6294, and 7754. The following are bills filed at the House of Representatives, 18th Congress, and can be retrieved from <https://www.congress.gov.ph/legisdocs/?v=bills>.

⁸ This pertains to House Bill 8490. The bill was filed at the House of Representatives, 18th Congress, and can be retrieved from <https://www.congress.gov.ph/legisdocs/?v=bills>.

⁹ This pertains to House Bill 4369. The bill was filed at the House of Representatives, 18th Congress, and can be retrieved from <https://www.congress.gov.ph/legisdocs/?v=bills>.

¹⁰ These pertain to the following House Bill Numbers 136, 522, 4216, 4587, 4648, 5356, 5969, and 7217. The following are bills filed at the House of Representatives, 18th Congress, and can be retrieved from <https://www.congress.gov.ph/legisdocs/?v=bills>.

¹¹ This pertains to House Bill 7759. The bill was filed at the House of Representatives, 18th Congress, and can be retrieved from <https://www.congress.gov.ph/legisdocs/?v=bills>.

¹² This pertains to House Bill 522, titled "An Act Prohibiting Racial, Ethnic, Gender Identity, Sexual Orientation, and Religious Discrimination". The bill was filed at the House of Representatives, 18th Congress, and can be retrieved from <https://www.congress.gov.ph/legisdocs/?v=bills>.

¹³ Republic of the Philippines, House of Representatives, 18th Congress, Second Regular Session. Committee Report 689 [Recommending the approval of House Bill No. 8243 in substitution of House Bills 55, 487, 522, 1579, and 4586]. The Committee Report can be retrieved from <https://www.congress.gov.ph/legisdocs/?v=bills>.

¹⁴ Republic Act 11313, An Act Defining Gender-based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures And Prescribing Penalties Therefor, <https://www.officialgazette.gov.ph/2019/04/17/republic-act-no-11313/>; The Implementing Rules and Regulations of Republic Act 11313, <https://pcw.gov.ph/republic-act-11313/>.

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- ¹⁵ Civil Service Commission, “CSC revises rules of sexual harassment”, May 17, 2021, <http://www.csc.gov.ph/new-updates/2117-csc-revises-rules-on-sexual-harassment.html>; Civil Service Commission, Memorandum Circular No.11, S. 2021, Revised Administrative Disciplinary Rules on sexual Harassment Cases, <https://www.csguide.org/files/original/259027833793c59773eac9117504e00c.pdf>.
- ¹⁶ Department of Education, DepEd Order 31, S. 2018, Policy Guidelines on the Implementation of Comprehensive Sexuality Education, <https://www.deped.gov.ph/2018/07/13/do-31-s-2018-policy-guidelines-on-the-implementation-of-the-comprehensive-sexuality-education/>.
- ¹⁷ 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.
- ¹⁸ Documentation report by Transgender Equality and Awareness Movement (TEAM) Cebu.
- ¹⁹ Republic of the Philippines v. Jennifer Cagandahan, Supreme Court of the Philippines, Second Division (12 September 2008)
- ²⁰ ASEAN SOGIE Caucus, 2018. Focused Group Discussion on LGBT Issue in Marawi, May 7 to 8, 2018. Unpublished report.
- ²¹ Documentation provided by Galang Philippines (specific case details withheld to protect the security of the victim).
- ²² Transgender Europe, 2021. “Transrespect Vs. Transphobia Trans Murder Monitoring Update - Trans Day of Remembrance 2021”. Retrieved from https://transrespect.org/wp-content/uploads/2021/11/TvT_TMM_TDoR2021_Namelist.pdf.
- ²³ Mandates of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on freedom of religion or belief, [Communication to the Philippine Government], AL PHL 6/2019, November 25, 2019.
- ²⁴ “Maguindanao Community shaves women’s heads to punish them for being lesbians”, GMA News, June 10, 2021, <https://www.gmanetwork.com/news/topstories/regions/791070/maguindanao-community-shaves-women-s-heads-to-punish-them-for-being-lesbians/story/>.
- ²⁵ Republic of the Philippines, Bangsamoro Autonomous Region of Muslim Mindanao, Bangsamoro Parliament, Resolution 176, “Resolution condemning the Public Shaming of the Six (6) Young Women whose heads were shaved in public view in the Province of Maguindanao”, October 14, 2021. Retrieved from: <https://parliament.bangsamoro.gov.ph/resolutions/>.
- ²⁶ “One dead in Maguindanao explosion”, CNN Philippines, September 19, 2021, <https://www.cnnphilippines.com/regional/2021/9/19/datu-piang-explosion-pnp-wesmincom.html>.
- ²⁷ “Army, LGU execs say BIFF rebels behind Maguindanao blast”, Philippine News Agency, September 20, 2021, <https://www.pna.gov.ph/articles/1154005>; “LGBT community members possible target of bombing in Maguindanao”, ABSCBN News, September 20, 2021, <https://news.abs-cbn.com/news/09/20/21/lgbt-community-possibleng-target-ng-pambobomba-sa-maguindanao>.
- ²⁸ Republic of the Philippines, Bangsamoro Autonomous Region of Muslim Mindanao, Bangsamoro Parliament, Resolution 170, “Resolution condemning the violence, discrimination and murder committed against reportedly some members of the lesbian, gay, bisexual, transgender and queer (LGBTQ++) community in the Municipality of Datu Piang, Maguindanao last September 18 and 19, 2021”, September 22, 2021. Retrieved from: <https://parliament.bangsamoro.gov.ph/resolutions/>; “Bangsamoro Resolution condemns violence against LGBTQ+ persons”, Daily Tribune, October 11, 2021, <https://tribune.net.ph/index.php/2021/10/11/bangsamoro-resolution-condemns-violence-against-lgbtq-persons/>.
- ²⁹ Documentation report provided by Mujer-LGBT Organization, Inc. dated April 26, 2020; “Attacks on LGBTQ+ people disturb officials, advocates in Zamboanga”. Rappler, August 23, 2021, <https://www.rappler.com/nation/attacks-lgbtq-people-disturb-officials-advocates-zamboanga/>.
- ³⁰ “Suspect allegedly behind Jang Lucero’s killing arrested in Laguna”. Coconuts Manila, July 8, 2020, <https://coconuts.co/manila/news/suspect-allegedly-behind-jang-luceros-killing-arrested-in-laguna/>.

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- ³¹ “CHR, governor probe ‘lumad’ killings by soldiers in Surigao del Sur.” Inquirer.net, June 19, 2021, <https://newsinfo.inquirer.net/1448037/chr-governor-probe-lumad-killings-by-soldiers-in-surigao-del-sur>.
- ³² “Barangay captain makes LGBTQ+ quarantine violators do lewd acts as punishment.” Rappler, April 7, 2020, <https://www.rappler.com/nation/barangay-captain-lgbtq-quarantine-violators-lewd-acts-punishment/>.
- ³³ UNDP, USAID (2014). “Being LGBT in Asia: The Philippines Country Report.” Bangkok.
- ³⁴ Department of Health, HIV/AIDS and ART Registry of the Philippines, December 2021, https://doh.gov.ph/sites/default/files/statistics/EB_HARP_December_AIDSreg2021_withAdvisory.pdf.
- ³⁵ Department of Health, HIV/AIDS and ART Registry of the Philippines, December 2021, https://doh.gov.ph/sites/default/files/statistics/EB_HARP_December_AIDSreg2021_withAdvisory.pdf.
- ³⁶ Department of Health, HIV/AIDS and ART Registry of the Philippines, December 2021, https://doh.gov.ph/sites/default/files/statistics/EB_HARP_December_AIDSreg2021_withAdvisory.pdf.
- ³⁷ Side B Philippines, 2017, “Employment Equality in the Philippines” (unpublished report).
- ³⁸ Side B Philippines, 2018, “LGBT Talent Acquisition Experiences” (unpublished report).
- ³⁹ Philippine LGBT Chamber of Commerce, 2018. Philippine Corporate SOGIE Diversity and Inclusiveness Index 2018.
- ⁴⁰ Institute of Development Studies and GALANG Philippines Inc., 2013. “Policy Audit: Social Protection Policies and Urban Poor LBTs in the Philippines.”
- ⁴¹ Institute of Development Studies and GALANG Philippines Inc., 2013. “Policy Audit: Social Protection Policies and Urban Poor LBTs in the Philippines.”
- ⁴² “Trans woman detained after being harassed for using ladies’ toilet in QC mall.” ABS-CBN News, August 14, 2019, <https://news.abs-cbn.com/news/08/13/19/trans-woman-arrested-after-prevented-from-using-womens-comfort-room-in-qc-mall>.
- ⁴³ “Resort accused of discrimination vs. transgender woman; DOT to investigate.” ABS-CBN News, May 12, 2021, <https://news.abs-cbn.com/news/05/12/21/samal-resort-discrimination-transgender>.
- ⁴⁴ Metro Manila Pride and Rainbow Rights, 2019. “Metro Manila Pride 2019: Profiling Survey”. (Unpublished report).
- ⁴⁵ University of the Philippines Diliman, 2021. Memorandum No. OVCAA-MTTP 21-029: Guidelines on affirming transgender and gender non-conforming (TGNC) students’ names, pronouns, and titles. Retrieved from: <https://cws.up.edu.ph/?p=2060>.
- ⁴⁶ University of the Philippines Diliman Gender Office, 2021. SOGIESC Situation in the University of the Philippines Diliman, <https://dgo.upd.edu.ph/wp-content/uploads/2021/11/SOGIESC-UPD-1.pdf>.
- ⁴⁷ Documentation by Galang Philippines.