



**Civil society engagement with UN human rights mechanisms on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC)**

# PHILIPPINES

## ABOUT THE COUNTRY BRIEF

This country brief charts efforts by lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) activists to raise issues related to sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) within UN human rights mechanisms. This brief is based on a review of engagements with various mechanisms, including a desk review of civil society submissions and national-level discussions and individual interviews with activists and stakeholders. The discussions took place over the first half of 2016, with additional data gathered on review cycles. **The objective is to provide baseline information for LGBTIQ activists to help maximize their engagement with UN human rights mechanisms.**

# UNIVERSAL PERIODIC REVIEW

## 1ST CYCLE (2008)

During the first UPR cycle, the submission by the Women's Legal Bureau included a reference to lesbian women within the context of sexual and reproductive health rights. They wrote that "the heterosexist bias manifested in the invisibility of lesbian rights and health in government programs predictably trickles down the public health bureaucracy."<sup>1</sup> This was reflected in the summary of stakeholder information, reporting that "there is no anti-discriminatory legislation protecting lesbians."<sup>2</sup>

There were no references to SOGIESC issues in the UPR working group discussions, nor in the working group report adopted by the Human Rights Council.<sup>3,4</sup>

## 2ND CYCLE (2012)

During the second UPR cycle, submissions on SOGIESC issues were made by the following groups:

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**JOINT SUBMISSION 1 (JS1)** by Rainbow Rights Project (R-Rights) and Philippine LGBT Hate Crime Watch<sup>5</sup>

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**JOINT SUBMISSION 17 (JS17)** by Progressive Organization of Gays in the Philippines (PROGAY), and Lesbians for National Democracy (LesBond)<sup>6</sup>

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**JOINT SUBMISSION 13 (JS13)** Coalition including: Akei, Alliance of Young Health Advocates, Alliance of Young Nurse Leaders & Advocates International Inc., Amnesty International Philippines - LGBT Group (AIPh-LGBT), Coalition for the Liberation of the Reassigned Sex (COLORS), Filipino FreeThinkers (FF), Lesbian Activism Project Inc. (LeAP!), Inc., OUT Philippines, Philippine Fellowship of Metropolitan Community Churches (MCC), Philippine Forum on Sports, Culture, Sexuality and Human Rights (TEAM PILIPINAS), Philippine LGBT Hate Crime Watch (PLHCW), TMC Globe Division League, with assistance from IGLHRC<sup>7</sup>

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**SOCIETY OF TRANSEXUAL WOMEN OF THE PHILIPPINES (STRAP)<sup>8</sup>**

- 1 Women's Legal Bureau, 2007. Filipino Women's Human Rights in an Environment Hostile to the Realization of the Women's Convention. Retrieved from [http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/PH/WLB\\_PHL\\_UPR\\_S1\\_2008\\_WomensLegalBureau\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/PH/WLB_PHL_UPR_S1_2008_WomensLegalBureau_uprsubmission.pdf)
- 2 UN Human Rights Council, 2008. Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1: Philippines, A/HRC/WG.6/1/PHL/3.
- 3 UN Human Rights Council, 2008. Report of the Working Group on the Universal Periodic Review: Philippines, A/HRC/8/28.
- 4 UN Human Rights Council, 2008. Report of the Human Rights Council on its eighth session, A/HRC/8/52.
- 5 Rainbow Rights Project and Philippine LGBT Hate Crime Watch, 2011. The Status of Lesbian, Gay, Bisexual and Transgender Rights in the Philippines. Retrieved from [http://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/JS1\\_UPR\\_PHL\\_S13\\_2012\\_JointSubmission1\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/JS1_UPR_PHL_S13_2012_JointSubmission1_E.pdf)
- 6 Progressive Organization of Gays in the Philippines and Lesbians for National Democracy, 2008. A Report on Violations of Human Rights Based on Sexual Orientation and Gender Identity in the Philippines. Retrieved from [http://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/JS17\\_UPR\\_PHL\\_S13\\_2012\\_JointSubmission17\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/JS17_UPR_PHL_S13_2012_JointSubmission17_E.pdf)
- 7 International Gay and Lesbian Human Rights Commission, et al., 2011. Submission of the Civil Society Organizations (CSOs) Coalition Report on the situations of Lesbian, Gay, Bisexual and Transgender (LGBT) persons in the Philippines for the 13th Session of the UN Universal Periodic Review for the Philippines. Retrieved from: [http://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/JS13\\_UPR\\_PHL\\_S13\\_2012\\_JointSubmission13\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/JS13_UPR_PHL_S13_2012_JointSubmission13_E.pdf)
- 8 Society of Transsexual Women of the Philippines, 2011. The human rights situation of transgender people in the Philippines. Retrieved from [http://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/STRAP\\_UPR\\_PHL\\_S13\\_2012\\_SocietyofTranssexualWomenofthePhilippines\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/STRAP_UPR_PHL_S13_2012_SocietyofTranssexualWomenofthePhilippines_E.pdf)

Key issues identified in the summary of stakeholder information<sup>9</sup> include:

Lack of legal protection against discrimination on the basis of sexual orientation and gender identity in the workplace

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Need for legal recognition of self-defined gender identity, including non-binary gender identities, without infringement on other rights

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Gender-based discrimination in the judiciary

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Need to adopt legislation prohibiting discriminating on the basis of sexual and gender identity, and the provision of mechanisms to protect the rights of same-sex spouses

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Failure to implement laws ensuring equal protection and security of all children regardless of sexual orientation and gender identity

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Need for inclusion of LGBT issues in the existing programs for sexual and reproductive health and rights

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Need for sexual and gender diversity training in the teacher education curriculum and institutionalized gender sensitivity training in schools

Furthermore, the Commission on Human Rights of the Philippines (CHRP) drew attention to the denial of registration of a political party as a result of SOGIE-based discrimination.<sup>10</sup>

In its national report, the government of the Philippines stated that a National Human Rights Forum had discussed the rights of LGBT persons in December 2011.<sup>11</sup>

There were no references to SOGIESC in the compilation of UN information.

The following recommendations were “noted” by the Philippines:

### **Argentina**

Consider establishing a comprehensive legislation to combat discrimination faced by LGBT people.

### **Norway<sup>12</sup>**

Establish a legal framework in order to help women and men develop knowledge to enable them to decide freely and responsibly on matters related to their sexuality, including their sexual and reproductive health.

Finally, a joint statement was delivered by COC Netherlands, STRAP Kababaihan Philippines Inc, Progay Philippines, Rainbow Rights Project Inc, Metropolitan Community Church – Quezon City, and IGLHRC Asia program during the adoption of the Philippines’ UPR report by the Human Rights Council.<sup>13</sup> The statement called on the government to:

Enact and effectively implement the pending anti-discrimination bill

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Launch a congressional inquiry on violence based on SOGIE

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Initiate dialogues in aid of gender recognition legislation to ensure full and inclusive legal recognition of transgender people

9 UN Human Rights Council, 2012. Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Philippines, A/HRC/WG.6/13/PHL/3.

10 UN Human Rights Council, 2012. Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Philippines, A/HRC/WG.6/13/PHL/3.

11 UN Human Rights Council, 2012. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Philippines, A/HRC/WG.6/13/PHL/1.

12 UN Human Rights Council, 2012. Report of the Working Group on the Universal Periodic Review: Philippines, Addendum – Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/21/12/Add.1.

13 ARC International, 2012. Philippines (2nd cycle). Retrieved from <http://arc-international.net/global-advocacy/universal-periodic-review/o-r/philippines2/>

## 3RD CYCLE (2017)

Three shadow reports raised SOGIESC-related human rights issues and recommendations during the 3rd UPR cycle. These are:

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**JOINT SUBMISSION 4 (JS4)** by ASEAN SOGIE Caucus, 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 SOCCSKARGEN, Side B Philippines, The Philippine LGBT Chamber of Commerce and TLF SHARE.

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**JOINT SUBMISSION 6 (JS6)** by the Civil Society Coalition on the Convention on the Rights of the Child

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**JOINT SUBMISSION 11 (JS11)** by Foundation for Media Alternatives, Association for Progressive Communications and Women's Legal and Human Rights Bureau

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**JOINT SUBMISSION 13 (JS13)** by Sexual Rights Network

JS4 reported on various issues. These include the absence of a comprehensive national legal framework recognizing the right of LGBTIQ persons and ensuring the provision of adequate and appropriate services. They reported that the lack of a legal framework have various consequences, including the exclusion of lesbian-headed households and other non-traditional households from public services (e.g. resettlement and housing); the treatment of hate-motivated crimes as "ordinary" crimes; and the perpetuation of violence against gender-diverse children. Among others, they recommended the adoption of national legislation prohibiting discrimination on the basis of SOGIESC, the strengthening of existing laws and policies to be inclusive of LGBTIQ people's issues, and the strengthening of the role of the Philippine Commission on Human Rights in addressing SOGIESC-related human rights violations.<sup>14</sup>

JS6 highlighted discrimination against children on the basis of SOGIE were on the rise and that "schools remain to be unsafe spaces for them despite the adoption of a Child Protection Policy (CPP) by the [Department of Education]". Among others, they recommended that the Council for the Welfare of Children "include programs to prevent and address SOGIE-based bullying in the National Plan of Action for Children and National Plan of Action on Violence against Children" and that the Department of Education "integrate discussion on the rights of LGBT children and other excluded groups of children, i.e., children of indigenous peoples (IPs) and children with disabilities in the school curriculum."<sup>15</sup>

JS11 highlighted "the rise in abuses ... in the form of hate speech, harassment, bullying, etc., in the online world", including the online bashing and sending of hate speech to social media pages demanding justice for the murdered transgender woman Jennifer Laude. They recommended, under the issue of online violence against women, that the Philippine government "Ensure that women's, including those from the sectors of persons with disabilities (PWDs), indigenous peoples (IPs), and LGBTQIs, representation and meaningful participation in policy discussions and decision-making."<sup>16</sup>

JS13 highlighted documented cases of abuse and violence against LGBTIQ people in different areas of society. These include cases of LGBTIQ people who are "discriminated against in court decisions implying LGBT rights are wants rather than human rights"; a declaration by state officials in the province of Jolo that "Lesbians will be brought to the countryside for military training and gays will be hanged"; and the disproportionately high rates of suicidal ideation among lesbian, gay, and bisexual youth as a result of living in environments that perpetuate and foster discrimination. They gave recommendations on various themes, such as the creation of guidelines "to ensure LGBT-responsive

14 ASEAN SOGIE Caucus et al, 2017. 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). Retrieved from [https://www.upr-info.org/sites/default/files/document/philippines/session\\_27\\_-\\_may\\_2017/js4\\_upr27\\_phl\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/js4_upr27_phl_e_main.pdf)

15 CSC-CRC, 2017. Joint CSC-CRCUPR Submission, 3rd Cycle - Philippines: 27th Session (2017). Retrieved from [https://www.upr-info.org/sites/default/files/document/philippines/session\\_27\\_-\\_may\\_2017/js6\\_upr27\\_phl\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/js6_upr27_phl_e_main.pdf)

16 Foundation for Media Alternatives, 2016. Human Rights and the Philippine Digital Environment: Joint Submission to the Universal Periodic Review of the Philippines. Retrieved from [https://www.upr-info.org/sites/default/files/document/philippines/session\\_27\\_-\\_may\\_2017/js11\\_upr27\\_phl\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/js11_upr27_phl_e_main.pdf)

health services” and the enactment of a “gender recognition law” and a “law allowing marriage equality”.<sup>17</sup>

In its national report, the Philippine government mentioned that while the Comprehensive Anti-Discrimination Bill is still pending in the legislature, the country “has anti-discrimination laws and policies protecting all sectors, including the LGBT.” Such policies in government agencies were cited, namely: the Civil Service Commission’s Memorandum Circular (MC) No. 29-2010, “which prohibits discrimination against LGBTs applying for civil service examinations”; the same commission’s Revised Policies on Merit and Promotion plan that “inhibits discrimination in the selection of employees based on various criteria including gender”; and the Department of Social Welfare and Development’s memorandum that respects the right of LGBT personnel to “wear uniforms based on their preferred SOGIE”.<sup>18</sup>

The government of the Philippines also received one advanced question related to SOGIESC from Slovenia:

“Referring to the recommendation of the Human Rights Committee to adopt a comprehensive anti-discrimination law prohibiting discrimination on the basis of sexual orientation and gender identity, we would be interested to hear, if the government has already taken any steps to adopt a comprehensive anti-discrimination law that would cover all forms of discrimination?”<sup>19</sup>

The government of the Philippines received the following recommendations directly referring to LGBTIQ people, which will be decided on no later than September 2017:

### Australia

Consolidate its recent progress through implementation of comprehensive anti-discrimination legislation covering sex and sexual orientation, gender identity and intersex status.

### Mexico<sup>20</sup>

Take action to eradicate violence and discrimination against women and LGBTI persons, primarily in educational institutions.

17 Sexual Rights Network, 2016. Civil Society Organizations (CSOs) Report on the Philippines for the UPR (3rd Periodic Review, 27th Session, Apr-May 2017). Retrieved from [https://www.upr-info.org/sites/default/files/document/philippines/session\\_27\\_-\\_may\\_2017/js13\\_upr27\\_phl\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/js13_upr27_phl_e_main.pdf).

18 UN Human Rights Council, 2017. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Philippines, A/HRC/WG.6/27/PHL/1.

19 Advanced Question to the Philippines (Third Batch). Retrieved from [https://www.upr-info.org/sites/default/files/document/philippines/session\\_27\\_-\\_may\\_2017/advancequestionsphilippinesadd2.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/advancequestionsphilippinesadd2.pdf).

20 UN Human Rights Council, 2017. Draft report of the Working Group on the Universal Periodic Review: The Philippines, A/HRC/WG.6/27/L10.

# TREATY MONITORING BODIES

THE PHILIPPINES HAS RATIFIED<sup>21</sup> THE FOLLOWING HUMAN RIGHTS TREATIES:

- 01 International Covenant on Civil and Political Rights (with two Optional Protocols)
- 02 International Covenant on Economic, Social and Cultural Rights
- 03 Convention on the Elimination of All Forms of Discrimination against Women (with Optional Protocol)
- 04 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (with Optional Protocol)
- 05 Convention on the Rights of the Child (with Optional Protocols 1 and 2)
- 06 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- 07 Convention on the Rights of Persons with Disabilities
- 08 International Convention on the Elimination of All Forms of Racial Discrimination

A coalition of around 40 organizations working on SOGIESC issues submitted a shadow report to the 2012 review of the Philippines by the Human Rights Committee. The report highlights various substantive violations against the rights of LGBTIQ people, which includes what was formulated as the failures of the government “to address the mental and physical health needs of LGBT persons”, “to investigate and prosecute police mistreatment of the LGBT community and hate crimes against LGBT persons”, and “to address the sexual and reproductive health of LGBT persons”.<sup>22</sup> In addition, activists travelled to Geneva for the review to deliver statements and meet with Committee members.<sup>23,24</sup>

21 UN Office of the High Commissioner for Human Rights, n.d. Status of Ratification. Retrieved from <http://indicators.ohchr.org/>

22 International Gay and Lesbian Human Rights Commission, et al, 2011. Human Rights Violations on the Basis of Sexual Orientation, Gender Identity, and Homosexuality in the Philippines: Submission to the 103rd Session of the Human Rights Committee. Retrieved from [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/PHL/INT\\_CCPR\\_NGO\\_PHL\\_106\\_9911\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/PHL/INT_CCPR_NGO_PHL_106_9911_E.pdf)

23 IGLHRC, 2012. Remarks addressing the United Nations Human Rights Commission on the Occasion of the 4th Periodic Review of the State of Philippines' compliance with the International Covenant on Civil and Political Rights (ICCPR). Retrieved from <https://www.outrightinternational.org/sites/default/files/591-1.pdf>

24 TLF Share, 2012. Remarks addressing the United Nations Human Rights Commission on the Occasion of the 4th Periodic Review of the State of Philippines' compliance with the International Covenant on Civil and Political Rights (ICCPR). Retrieved from <https://www.outrightinternational.org/sites/default/files/592-1.pdf>

Following this engagement, the Human Rights Committee addressed SOGIESC issues in its Concluding Observations, making the following recommendations:

“The State party should ensure that LGBT persons are neither arrested nor prosecuted on the basis of their sexual orientation or gender identity including for violating the “grave scandal” provision under the Revised Penal Code. The State party should adopt a comprehensive anti-discrimination law that prohibits discrimination on the basis of sexual orientation and gender identity and take steps, including awareness-raising campaigns, to put an end to the social stigmatization of and violence against homosexuals.”<sup>25</sup>

In addition, LGBTIQ organizations partnered with women’s rights organizations to engage with the review of the Philippines under CEDAW, working intersectionally to produce a shadow report that would cover many issues. In the comments submitted in 2016 by the Commission on Human Rights on the CEDAW Committee’s Draft on General Recommendation 19, it was mentioned that women with diverse SOGI are among the sectors of women who face intersecting and multiple forms of discrimination. The report noted:

“The stigma that women with diverse SOGI face in primarily heteronormative and patriarchal societies expose them to different and often extreme forms of discrimination and gender-based violence. While states have acknowledged the different forms of violence based on SOGI, there remains to be a lacuna on data and monitoring from States and the responses have not been as directed in implementing effective legislative and other preventive and protective measures that address these forms of violence.”<sup>26</sup>

## SPECIAL PROCEDURES

Participants in the discussion indicated limited engagement with the UN Special Procedures mechanisms, and regretted the lack of a dedicated mechanism on SOGIESC issues at the time.

## OTHER POSITIONS AT THE UNITED NATIONS

The Philippines abstained on votes to include references to sexual orientation and gender identity in resolutions on extrajudicial executions at the General Assembly in 2010, 2012, and 2014.<sup>27,28,29</sup> It voted in favor of the 2014 Human Rights Council resolution on “Human rights, sexual orientation and gender identity.”<sup>30</sup>

In June 2016, the UN Human Rights Council approved a resolution establishing a new special procedure called the “Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity” (IESOGI), whose mandate is to assess the implementation of existing international human rights instruments with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, and to identify and address the root causes of violence and discrimination.<sup>31</sup> The Philippines abstained on the

25 UN Human Rights Committee, 2012. Concluding observations on the fourth periodic report of the Philippines, adopted by the Committee at its 106th session, CCPR/C/PHL/CO/4.

26 Commission on Human Rights Philippines, 2016. Comments to the CEDAW Committee Draft on General Recommendation 19 (1992): Accelerating elimination of gender-based violence against women. Retrieved from <http://www.ohchr.org/Documents/HRBodies/CEDAW/GRI9/Commission%20onHumanRightsPhilippines.pdf>

27 UN General Assembly, 2010. 71st plenary meeting, A/65/PV.71.

28 UN General Assembly, 2012. Voting on “Amendment to draft resolution A/C.3/67/L.36 as contained in document L.68”. Retrieved from [http://www.un.org/en/ga/third/67/docs/voting\\_sheets/L68.pdf](http://www.un.org/en/ga/third/67/docs/voting_sheets/L68.pdf).

29 UN General Assembly, 2014. Amendment to draft resolution A/C.3/69/L.47/Rev.1. Retrieved from [http://www.un.org/en/ga/third/69/docs/voting\\_sheets/L64.L47Rev1.pdf](http://www.un.org/en/ga/third/69/docs/voting_sheets/L64.L47Rev1.pdf)

30 UN Human Rights Council, 2014. Human rights, sexual orientation and gender identity, A/HRC/RES/27/32.

31 UN Human Rights Council, 2016. Protection against violence and discrimination based on sexual orientation and gender identity, A/HRC/32/L.2/Rev.1.

resolution, explaining that “a human rights mandate holder specific to lesbian, gay, bisexual, transgender and intersex rights would run counter to the universality of human rights” and that they “expressed hope that this would not derogate the rights of States and impinge on their sovereignty.”<sup>32</sup>

In November 2016, the African regional group filed a resolution in the UN General Assembly that sought to block the work of the IESOGI. When a counter-resolution was filed to amend the earlier resolution deleting the postponement of the IESOGI's functions, the Philippines abstained.<sup>33</sup> The Philippines again abstained on another attempt to halt the mandate in December 2016.<sup>34</sup>

## STRATEGIES

Participants in the discussions stressed the importance of influencing international policy development to define human rights norms and standards on SOGIESC issues in the absence of specific international instruments. This was seen as a goal that would also impact national level rights recognition. While the participants recognized that the international rights mechanisms are flawed, and may not lead to effective change, it was nevertheless seen as important to explore all avenues to advance rights and to contribute to influencing international normative change and recognition. Philippine CSOs working on SOGIESC issues were also involved in advocacy to encourage the government to support the IESOGI mandate.

In terms of engagement with specific mechanisms, the broader coalition organized a division of labor between organizations, with individual groups taking responsibility for coordinating advocacy on upcoming reviews by the UN Human Rights Committee, the Committee on the Elimination of Discrimination Against Women (CEDAW), and the Universal Periodic Review (UPR). The shadow reports were co-authored by a coalition of organizations, with consultation and discussions organized through social media. Participants expressed excitement about the strategy and the process and consultative and collaborative work.

Participants in the discussions shared insights into various strategies around documentation, lobbying, and follow-up:

### DOCUMENTATION

They also highlighted the particularity of human rights issues affecting transgender persons, with many cases remaining undocumented, and it was necessary to build documentation skills.

### LOBBYING

At the time of the first UPR cycle, civil society organizations were pushing for greater attention to be brought to hate crimes and killings based on SOGIE. However, it was seen to be too early to bring the issues to the UN or to the government at that time. Instead CSOs invested in networking and sharing information with mainstream human rights and women's rights organizations so they could convey the issues. During the time of the discussions, CSOs stressed the need to move beyond SOGIESC issues, and to work on broader intersectional issues. Participants stressed the importance of coalition building at the national level, and of having a common message.

### FOLLOW-UP

UN recommendations were seen as a challenge, while participants said they were unsure of the advocacy process following the submission of information. Those more engaged in UN human rights advocacy processes stressed the importance of ensuring continuity and sustaining efforts throughout cycles of review, including monitoring, implementation, and incorporating international advocacy tasks into annual planning and programming. Participants also stressed the need to develop a monitoring mechanism, to centralize information on international advocacy processes, to build stronger coalitions and alliances, and to publish relevant documents and information.

<sup>32</sup> UN Office of the High Commissioner for Human Rights, 2016. Council establishes mandate on protection against violence and discrimination based on sexual orientation and gender identity. Retrieved from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20220>.

<sup>33</sup> UN General Assembly, 2016. “Amendment to draft resolution A/C.3/71/L.46”. Retrieved from [https://www.un.org/en/ga/third/71/docs/voting\\_sheets/L.52.pdf](https://www.un.org/en/ga/third/71/docs/voting_sheets/L.52.pdf).

<sup>34</sup> APCOM. 21 December 2016. Another Victory of the UN Rejecting Another Effort to Suspend the Mandate of Independent Expert on Sexual Orientation and Gender Identity. Retrieved from <https://apcom.org/2016/12/21/lgbtiq-regional-organizations-asia-pacific-welcome-decision-ungas-5th-committee-meeting-safeguard-mandate-independent-expert-sexual-orientation-gender-identity/>

# OUTCOMES

## **IT WAS RECOGNIZED THAT ENGAGING THE UPR PROCESS YIELDED OUTCOMES BEYOND LEGISLATIVE OR POLICY CHANGE:**

Expanding a broader understanding of rights by bringing SOGIE issues to the Human Rights Council

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Providing a means and space to engage with the government, inform them of issues, and engage in dialogue

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Giving civil society a space to be heard when the government does not otherwise facilitate this

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Publicly holding the government accountable to international obligations

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Providing strong bases for domestic advocacy using the UN reports and recommendations

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Bringing funding through international advocacy

Participants noted that in addition to influencing legislative change at the national and local levels, engaging the international human rights mechanisms strengthened coalitions and movements.

While it was not possible to conclude that international advocacy efforts had directly led to legislative change, they were seen as a contributing factor. Civil society welcomed the passage of anti-discrimination ordinances at the local level, including with references to protection on the basis of SOGIESC, and pushed for the passage of a comprehensive national anti-discrimination bill.

International, regional, national and local human rights advocacy was seen to have fostered the creation of a national coalition on SOGIESC, and to have led to other civil society groups and movements being more inclusive of SOGIESC issues. As a result, women's human rights organisations were inclusive of LBT women's issues in CEDAW reporting, and generalist human rights organizations invited information from SOGIESC groups in a submission to the Committee on Economic, Social and Cultural Rights (CESCR).

Finally, UN documentation affirming that international law protects people of diverse SOGIESC boosted confidence in pushing for rights recognition, and provided a sense of hope.

# CHALLENGE

## **PARTICIPANTS OF THE DISCUSSIONS IDENTIFIED CHALLENGES IN THE FOLLOWING STAGES OF THEIR ENGAGEMENT WITH THE VARIOUS MECHANISMS:**

Unequal access to international rights mechanisms

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Difficulty in documenting human rights violations against transgender persons, partly due to the transgender community being under-resourced and lacking in the necessary skills to undertake documentation

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Working with more branches of government

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Maintaining consistent engagement throughout the review cycles

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Existing knowledge gap in terms of understanding international human rights law and monitoring mechanisms, which led to surface-level engagement

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Only a privileged few – urban, middleclass, educated – had access to trainings, and may become gatekeepers or monopolize the process

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A “hierarchy” in the LGBTIQ advocacy community, based on intersections of class and other statuses, and the need to level the playing field for other activists

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A need for greater knowledge-sharing practices, for example through training of trainers programs

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Engaging the government and ministries beyond the Commission on Human Rights, which remains a challenge acknowledging the need to sensitize government on SOGIESC issues and create dialogue

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The need to engage the international rights mechanisms throughout the review cycles and not just submit reports as one-off efforts, and to submit consistently to ensure engagement and implementation by the government



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**ASEAN SOGIE Caucus (ASC)** is a regional organization of human rights defenders from various countries in Southeast Asia. ASC advocates for the promotion, protection and fulfilment of the rights of all persons regardless of their sexual orientation, gender identity and expression, and sex characteristics (SOGIESC). The organization aims to support capacities of local activists to engage with domestic and international human rights mechanisms. The organization envisions a SOGIESC-inclusive Southeast Asian community, and advocates for the human rights of all persons regardless of SOGIESC to be respected, protected, promoted, and fulfilled.

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