

AN ESSAY ON HUMAN RIGHTS: PERSONAL OPINION

Rocelyn R. Albata

Faculty

School of Education, Arts and Sciences

Universidad de Zamboanga

Zamboanga City, Philippines

Homosexuals are generally tolerated within Philippine society although some disapprove, usually for religious reasons.

There is a vibrant gay scene in the Philippines with several bars, clubs and saunas in Manila as well as various gay rights organizations.

Criminal Laws against Homosexuality

Homosexual relations between consenting adults in private are not a crime. Although sexual conduct or affection that occurs in public may be subject to the "grave scandal" prohibition in Article 200 of the Revised Penal Code. The universal age of consent is set at 12, but contacts with minors (under 18) are an offense if the minor consents to the act for money, gain or any other remuneration or as the result of an influence of any adult person.

Military

Sexual orientation or religion does not exempt citizens from CAT Citizen Army Training, although some reports do suggest that people who are openly gay in this high school curriculum are harassed. On March 3, 2009, the Philippines announced that it was lifting its ban on allowing openly gay and bisexual men and women from enlisting and serving in the Philippine Armed Services.

Sectors

"Sectors" recognized in the national electoral law include categories such as elderly, peasants, labour, youth etc. Under the Philippine constitution some 20% of seats in the House of Representatives are reserved. In 1995 and 1997, unsuccessful efforts were made to reform the law so as to include LGBT people. A proponent of this reform was Senate President Pro Tempore Bias Ople who said (in 1997), ""In view of the obvious dislike of the ... administration for gay people, it is obvious that the president will not lift a finger to help them gain a sectoral seat".

Civil Rights Legislation

Sexual orientation is not included in the nation's civil rights code and thus LGBT persons have no legal recourse when they are the victim of public or private sector discrimination, whether at school, in the workplace, or health care settings. Even couples who have been together for

decades are seen as nothing more than mere friends in the eyes of the government, and none of the benefits and rights that heterosexual couples enjoy are extended to homosexual couples. The first bill that sought to recognize the LGBT community as a sector was filed by the Late Congressman Reynalo Calalay (District 1 of Quezon City) in 1995. The bill allowed for the participation of the LGBT sector in the party-list elections.

The various LGBT organizations and individuals consulted for the Calalay bill started discussions on the creation of LEGACY, or the Lesbian and Gay Citizens Alliance. The Alliance did not materialize.

In 1998, Akbayan Citizens' Action Party, a party-list organization competing for the 1998 elections, consulted members of the LGBT community to develop a party LGBT agenda. It is the first political party in the Philippines that has included an LGBT agenda in its platform for governance. The consultation has also been instrumental in the creation of the first LGBT lobby group. Discussions among several LGBT organizations and individuals began to create the Lesbian and Gay Legislative Advocacy Network, or LAGABLAB in 1999.

"The Lesbian and Gay Rights Act of 1999", a bill by Rep. Angara-Castillo, was filed in Congress. The bill, the first of its kind because of its comprehensive coverage (it includes domestic partnership), received several criticisms from the community, particularly LAGABLAB, because of its flaws and because of the authors failure to incorporate LAGABLAB proposed revisions. LAGABLAB joined the public demonstration against Estrada's second SONA.

The Anti-Discrimination Bill of 2000, a product of several months of discussions in LAGABLAB, was filed through Senator Miriam Santiago (People's Reform Party) and Akbayan Rep. Etta Rosales. The bill would prohibit discrimination in the private and public sector on the basis on sexual orientation.

LAGABLAB, along with Amnesty International-Pilipinas, the International Gay and Lesbian Human Rights Commission (IGLHRC), Lesbian Advocates in the Philippines (LEAP) and other supportive organizations and individuals launched the "Stop Discrimination Now" Campaign to boost lobbying efforts and get the attention of Philippine legislators to approve the Anti-Discrimination Bill 6416. In 2004, civil rights bill passed in Congress, but failed in the Senate.

Since 2006, four anti-discrimination bills have been submitted and are pending before the Senate and Congress. As-of 2009, however, none have been acted upon. Heated opposition from the Catholic Church (to which a majority of Filipinos belong), as well as from the largest political parties (all of which are socially conservative) has all but stopped the wheels of progress from turning.

Political Party Opinion

Philippine political parties are typically very cautious about supporting gay rights, as most fall along the social conservative political spectrum.

The Akbayan Citizens' Action Party was the first Philippine political party to integrate LGBT rights into its party platform in the 1990s, although they are a minor political party. A major political opponent of LGBT rights legislation has been Congressman Bienvenido Abante (6th district, Manila) of the ruling conservative Lakas-CMD party [1]. Rodolfo Biazon and his son Rufty Biazon along with Miriam Santiago are the most vocal opponents of same sex marriage in the Philippines. They have filed bills in the Senate and Congress in 2006 that would ban recognition of such marriage, even if those marriages were performed in other countries. As of 2009 the bills are stalled.

The administration of former president Gloria Macapaga-Arroyo was recently called "not just gender insensitive, but gender-dead" by Akbayan Party representative Risa Hontiveros. Rep. Hontiveros also said that the absence of any policy protecting the rights of lesbians, gays, bisexuals, and transgender betrays the government's homophobia. "This homophobic government treats LGBTs as second-class citizens," she said.

Philippines did not sign the United Nations declaration on sexual orientation and gender identity, which condemns violence, harassment, discrimination, exclusion, stigmatization, and prejudice based on sexual orientation and gender identity.

Ang Ladlad

The Philippine Commission on Elections(COMELEC) denied the Filipino LGBT political party Ang Ladlad's petition to be allowed to run in the May 2010 elections, on the grounds of "immorality".

In the 2007 elections, Ang Ladlad was previously disqualified for failing to prove they had nationwide membership.

On 8 April 2010, the Supreme Court of the Philippines allowed Ang Ladlad to join the May 2010 elections.

Marriage and Family

The Philippines does not offer any legal recognition to same-sex marriage, civil unions or domestic partnership benefits.

In 1998, Senators Marcelo B. Fernan and Miriam Defensor Santiago submitted a series of four bills that barred recognition of marriage involving transgender individuals, contracted in the Philippines or abroad, and bar recognition of marriages or domestic partnership between two people of the same biological sex contracted in countries that legally recognize such relationships.

Since 2006, three anti-same sex marriage bills have been introduced and are pending before the Senate and Congress.

LGBT Community

The main gay rights organizations in the Philippines are ProGay-Philippines, founded in 1993, which led the first Gay March in Asia in 1994, LAGABLAB, the Lesbian and Gay Legislative Advocacy Network established in 1999, STRAP (Society of Transsexual WOMEN of the Philippines), a Manila-based support group for women of transsexual experience and transgender established in 2002, and Philippine Forum on Sports, Culture, Sexuality and Human Rights (TEAM PILIPINAS), a non-profit organization which evolved from the Team Philippines to Sydney 2002 Gay Games and is now working to promote and strengthen human rights, sexual and gender diversity and equality and peace through research and advocacy and through organizing the participation and representation of diverse Filipino sexual orientations and gender identities in local, regional and international LGBT sporting, cultural and human rights events.

The first gay lesbian bisexual and transgender pride parade in Asia and also the Philippines was led by ProGay Philippines on June 26, 1994 at the Quezon Memorial Circle. It was attended by hundreds and the march coincided with the march against the imposition of the VA T or the value added tax imposed by the government.

Since the 1990s LGBT people have become more organized and visible, both politically and socially. There are large annual LGBT pride festivals, and several LGBT organizations which focus on the concerns of University students, women and transgender people.

Concerns about the rising incidences of STOs and HIV among the members of the community, however, have brought some concerned groups together to tackle the issue. The existence of several anonymous sex bars parading as gyms and saunas contribute to this concern, aside from the numerous orgy parties around the Metro.

Underground Activities

While there is an increase in the tolerance levels towards the homosexual sector of society, there is still an urge to conceal, and hide under a mask of machismo or simply just act "normal". Tolerance, however, should not be confused with equality. While many Filipinos may "tolerate" gay people, gay people are certainly not equal under the law today. . To express homosexuality freely, some homosexual men and women turn to online chatrooms, which are unknown to their relatives, and the general public.