

POLICY BRIEF

CREATING SAFE AND INCLUSIVE SPACES FOR LGBTQI+

In 2015, *Outrage Magazine*, an LGBTQI publication in the Philippines, posted an online article describing Filipinos as generally tolerating– but not really accepting– of the LGBTQI+ community. In January 2019, the Philippine Consortium for Social Protection held a local roundtable discussion with the members of the LGBT sector from the project's areas of implementation to discuss their issues and concerns, mainly in terms of social protection. Among the most pertinent issues that they raised were the limited access to employment and alternative livelihood, absence of a stable government program, and the weak recognition of the sector's legal rights.

This document examines these issues and the responses of key government agencies that were gathered during the National Sectoral Consultation. This Policy Brief recognizes that the results of the consultations do not equally represent all concerns across the LGBTQI+ community; the narratives gathered came from organized LGBTQI+ groups. However, this does not diminish the Consortium's commitment for inclusiveness. The Consortium recognizes these as lessons learned on employing gender-accommodating strategies for all, especially those who are not part of organized groups.

LIMITED ECONOMIC/ EMPLOYMENT OPPORTUNITIES

Hindi tinitignan ng mga companies 'yung qualifications mo; instead, they look at your personality [as an LGBT]. Guard pa lang, hinaharang ka na.

(Companies look at your personality [as an LGBT] instead of your qualifications. Even at the entrance, the guard will immediately stop you)."

Participants reported that they get discriminated whenever they try to apply for formal work. Often, most companies reject their applications on the basis of their sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC).

Meanwhile, in instances where they get hired, some companies would still impose heteronormative standards and prohibit cross-dressing among their employees. Moreover, it was also mentioned during the national consultation that some workplaces require someone to get tested for HIV as part of their employment requirements.

Participants in the RTD noted that most companies who are more open to the possibility of hiring LGBTQI+ applicants, e.g. call centers, are often located in Metro Manila. Government offices are also more accommodating, and accept applicants regardless of gender as long as they were able to meet the qualifications.

Kapag bakla ka, waldas ka sa pera. (You're wasteful with money if you're gay.)"

Apart from the limitation and discrimination that they encounter during job applications, another problem of the LGBTQI+ sector is the unavailability of alternative

livelihood for them. These programs, e.g. tricycle repair shop/electronics spare parts and service center for men, and bread and pastry production for women—which are also “very gendered”—were not being offered to the sector because of the default mindset, “*Kapag bakla ka, waldas ka sa pera (You're wasteful with money if you're gay)*.” This statement was refuted by the participants, saying most of them are breadwinners of their own families and their focus is on daily survival; any form of extra livelihood that will help augment their income will be of big help to them.

During the national consultation, one of the participants asked if the utilization of the Gender and Development (GAD) budget is only intended for women and if it cannot be used to provide entrepreneurship opportunities for the LGBTQI+ sector. In response, a representative from the Philippine Commission on Women (PCW) explained that the provision of the GAD fund was focused on women because its allocation and utilization was mandated by Magna Carta of Women (MCW), which addresses the gender gap and inequality between men and women. The LGBTQI+ sector weren't included in this because the issues concerning the LGBTQI+ sector began surfacing later on.

Still, PCW, along with other government agencies such as the Commission on Human Rights, are starting to carry the advocacy for LGBTQI+. However, unlike the women's sector, the country still lacks laws mandating the creation of projects and programs for the LGBTQI+ sector so it will be more difficult to mainstream their issues.

LEGAL BARRIERS

On being a solo parent: "Yung batas ay para lang daw sa mga nanay na nabuntis.

(They said the Solo Parents Welfare Act is only 'for women who have been impregnated')."

One of the participants in the local discussion said despite being a solo parent to a kid and submitting the necessary documents, he was still denied of his supposed benefits and privileges under the law. The representative from DSWD who assisted him asserted that the law will only cover those “women who have been impregnated.”

Moreover, same-sex couples also find it hard to claim the financial privileges of their partners, e.g. SSS pension or health insurance from Philhealth, because they are not recognized as legal beneficiaries.

Meanwhile, participants at the national consultation also reported that after the onslaught of typhoon Yolanda (internationally known as “Haiyan”), priority was given to traditional households (composed of a father, mother and son/daughter). Lesbian-headed households/non-traditional families had been deprioritized as well as those grandparents who were living with their grandchildren and friends sharing households.



BATTLING WITH HIV/AIDS

Like in instances experienced by people in the gay community who opted to "come out" to their families, people living with HIV also get thrown out of their homes the moment they were diagnosed with the illness. Given that such diagnosis may challenge one's sense of overall well-being and there's a possibility of them losing their jobs, it is imperative for the State to come up with interventions to help them cope and improve their conditions.

To help those who were diagnosed with HIV, the Department of Health (DOH) has set up several treatment hubs across the country where anti-retroviral therapy (ART) can be availed for free. However, participants of the RTD said that these treatment hubs are absent in their areas and that the LGUs only focus on raising awareness about the illness due to budgetary constraints.

A DOH representative who participated in the national consultation explained that some treatment hubs may be located far from the municipalities due to the limitations in logistical supply and the training of health workers (who must be trained on specific counselling techniques and should be knowledgeable on SOGIESC). To address this, he recommended the individuals to visit the nearest Municipal Health Office or Rural Health Unit for proper coordination with the treatment hubs.

Furthermore, he added that patients who already began therapy through the hubs are included in the national registry for compliance monitoring. Thus, it is important for the patients to inform their treatment hubs about relocation for proper endorsement to a nearest facility as well as ensure that treatment will continue.

LACK OF AWARENESS ON SOGIESC

During the national consultation, lawyer Jazz Tamayo of Rainbow Rights Philippines pointed out that some local officials who have been assigned to handle issues at the women's desk are not educated about SOGIE. Thus, they tend to address their clients and the concerns stereotypically, without cognizance of the *differences in the issues and problems encountered by women, butch lesbian, lipstick lesbian, and transwomen*.

Other issues that have been raised during the roundtable discussion were: instances of bullying and enforcement of stereotypes and gender roles in academic institutions; instances of victim-blaming when reporting crimes that have been committed against the sector; and difficulty in organizing community-level LGBTQI+ groups due to exclusion as well as discrimination during accreditation.

POLICY RECOMMENDATIONS

Following the presentation of the aforementioned issues, the participants of the national consultation made the following recommendations:

- The programs that will be created for the sector should be supported with disaggregated data gathered from the barangay. For instance, among the VAWC cases recorded, document how many were perpetrated by a lesbian partner;

- The Department of Education should make sure that young students are made aware of SOGIESC and how to navigate their lives as men, women and LGBTQI+ at an early age; and
- The sector's priority in terms of legislation remains to be the Anti-Discrimination Bill. While some municipalities already passed their own Anti-Discrimination Ordinances, its provisions are not being properly implemented because the LGU still does not allocate sufficient funds.

Additionally, a representative from Galang Philippines, a feminist human rights organization, mentioned the audit that they conducted in 2013 on the implementation of the country's social protection policies in relation to urban poor lesbians, bisexual women and transexual men. Following the audit, they made the following recommendations:

- Amendments be made in the Family Code definitions of "marriage" and "family," and in the definitions of "dependents" and "beneficiaries" in the selected social protection policies in order to raise consciousness about the effects of exclusion on poverty reduction. This must be undertaken carefully and deliberately to prevent backlash from the Roman Catholic hierarchy and other conservative groups.
- Amendments be made to the Family Code provisions that include lesbianism and homosexuality as grounds for legal separation and annulment. Consciousness should also be raised about the effect of existing laws pathologising people with non-traditional SOGIESC on LGBTQI+'s self-esteem, commission of hate crimes, workplace discrimination, and ultimately, poverty and quality of life.
- SOGIESC rights advocates, especially in developing countries like the Philippines, shall include and/or emphasize economic implications of discrimination and exclusion for sexual minorities, in order to push for inclusive development in a fast-growing economy. Awareness of women's and LGBTQI+ groups should be expanded to include an understanding of the economic implications of exclusion and discrimination, to underscore the cross-cutting nature of gender and sexuality issues. Institutions and individuals already working in the sphere of policy and advocacy for economic justice must be engaged in this type of analysis and capacity-building.
- Resources for women's and LGBTQI+ organizations should be increased to enable them to participate in policy advocacy surrounding social justice legislation, and not just laws explicitly benefiting women and LGBTQI+.
- Dialogues and training with policy implementers, especially the Philippine National Housing Authority, be conducted to ensure that these institutions understand and mitigate the effects of the ambiguities in the law and raise consciousness about the effects of exclusion of sexual minorities on poverty reduction.
- Government and civil society actors, including agencies working on poverty and social development, be encouraged to conduct studies and gather SOGIESC disaggregated data to determine the actual extent of the exclusion and marginalization of sexual minorities.



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