

The Emergence of LGBT Human Rights & Use of Discourse Analysis for Understanding LGBT State Inclusion

Based on a dissertation proposal to the University of the Philippines –
National College of Public Administration and Governance

Adviser:

Dean Maria Fe Villamejor-Mendoza, DPA

Submitted by:

Ma. Theresa “Tesa” Casal de Vela

October 6, 2016

Presentation Outline

- LGBT Discrimination, Exclusion, and Violence
- Current state of State Intervention
- Policy Analysis as Discourse Analysis
- Tracing LGBT Discourses – From Sin, Sickness, & Crime to Human Rights and Public Policy
- Problematizing LGBT Human Rights in the Philippines



LGBT Discrimination, Exclusion, and Violence



LGBT discrimination, exclusion, & violence

- 164 LGBT related murders in past 10 years
- LGBT hate crimes are brutal
- Gruesome murder of Jennifer Laude as testimony



LGBT discrimination, exclusion, & violence

- LGBT discrimination in community, schools, family...
- LGBT discrimination in seeking/keeping employment...
- LGBT stigma and rejection from religious institutions...
- Negative LGBT stereotypes in the media...
- LGBT exclusion in the law...



Current state of State Intervention



Current state of State Intervention

- In the Philippines, no national law that criminalizes LGBT people
- No national law that protects LGBT people
- There are public policies at the local level (Manalastas, ND)
- 15 Local Government Units (LGUs) passed ordinances against the discrimination of LGBT persons



Current state of State Intervention

- Bills filed in House of Representatives and Senate for the recognition and protection of LGBT human rights
- House of Representatives, a total of 18 bills were filed between 1995 and 2016
- Senate, a total of 15 bills were filed between 2004 and 2016



- Why are the bills not being passed?
- Who are behind these proposed bills? What are their arguments?
- Who are against? What are their arguments?
- What can facilitate the passage of a national law?
- What can hinder?



Policy Analysis as Discourse Analysis



Policy Analysis as Discourse Analysis

- Policy problems are not neutral, objective realities
- Policy problems are shaped and constituted within the policy proposals
- Policy language provides the frame, parameters, and limits on what can be said and thought with regards a policy problem

(Bacchi, 2000; Cooper, 2006)



Policy Analysis as Discourse Analysis

- Discourse as “systems of meaningful practices that form the identities of subjects and objects” (Howarth & Stavrakakis, 2000, pp.3-4).
- Texts that constitute a “discourse”, constructs a “reality”, and provides the conditions for experiencing such reality (Howarth & Stavrakakis, 2000)
- Discourse as “practices that systematically form the objects of which they speak” (Foucault, 1969, p. 49).



Policy Analysis as Discourse Analysis

- Discourses are contingent on historical and social contexts
- Discourses exercise power as they constitute which possibilities are included and which are excluded.
- For Foucault, power and discourse mutually constitute each other.



Tracing LGBT discourses
-- from sin, sickness, & crime
to human rights & public
policy



Tracing LGBT discourses – from sin, sickness, & crime...

- LGBT as Sin discourse from religious condemnation e.g. Catholic church
- LGBT as Sickness discourse from medical pathologization e.g. sexology and psychiatry
- LGBT as Crime discourse from criminalization e.g. penal system



Tracing LGBT discourses – from sin, sickness, & crime...

- 78 countries consider homosexuality illegal
some countries punishable by death (ILGA,
2015)
- Some ASEAN countries still uphold the Anti-Sodomy Law



Tracing LGBT discourses – ...to human rights & public policy

- LGBT as human rights discourse
- The Yogyakarta Principles in 2006
- UNHRC Resolution on Human Rights, Sexual Orientation and Gender Identity in 2011
- UN OHCHR Core State Obligations on LGBT Human Rights in 2012
- 113 UN member states recognize LGBT people



ILGA, 2015

Problematizing LGBT Human Rights in the Philippines



Problematizing LGBT Human Rights in the Philippines

- Focus of policy-as-discourse is the process of 'problematization'
- Shift from problem-solving to problem-questioning
- Occurs through an examination of where power is located
- Emphasizes the sites of power, where policy shapes, and is shaped by, wider discourses

(Bacchi, 2009)



Problematizing LGBT Human Rights in the Philippines

- Goes beyond individual actors, political parties, organizations, and institutions
- An analysis of how these various formulations of LGBT human rights have been discussed, debated, negotiated, and contested through time.
- Where can the debates, negotiations, and contestations be located?



Problematizing LGBT Human Rights in the Philippines

Can they be located within the sin discourse?

...the sickness discourse?

...the crime discourse?

...the rights discourse?

Are there new discourses?



Problematizing LGBT Human Rights in the Philippines

- Human rights of LGBT people are at risk and are being violated...
- State intervention to protect LGBT human rights is an imperative...
- Policy-as-Discourse approach can be a step towards addressing that imperative.



THANK YOU.

