



Towards an Enabling Policy Environment for State Inclusion of LGBT Human Rights in the Philippines

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Introduction

- Philippine State inclusion of LGBT rights -- a struggle of more than 20 years
- Study critically examines the policy debates
- Policy focus is the proposed Anti-Discrimination Bill (ADB)
- Analytical approach uses discourse analysis

Research Question

What are the socially constructed discourses shaping the public policy debate for the passage of a Philippine national law on LGBT human rights?

- The policy environment?
- Actors involved?
- Their positions?
- Underlying discourses?
- Counter or alternative discourses?

Tracing LGBT discourses

-- from sin, sickness, & crime towards human rights & public policy

- 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

towards...

- LGBT as **HUMAN RIGHTS** discourse
- LGBT **PUBLIC POLICY** for legal recognition and protection

Current state of LGBT state inclusion

- 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
- 24 Local Government Units (LGUs) passed ordinances against the discrimination of LGBT persons

At the national level...

- 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?

Method -- Policy-as-Discourse

Selection of bills -- versions of the ADB that progressed most:

- **HB 2784** (later refiled as HB 6416) progressed up to the third reading in the lower house
- **HB 5687** (consolidated version of HB110, 1842, 342, 1230, 2571 & 2572) passed the committee level and was pending in the committee on rules

Data sources

- Document reviews
- Key informant interviews

Document reviews

- Actual bills
- Position Papers, Statements, and/or Reference Materials
 - In support & in opposition to the bill
- Minutes of meetings

Key informant interviews

- Legislators
- Civil Society Organizations

Method -- Policy-as-Discourse

Discourse Analysis

- First identified the broad thematic clusters of discourses
- Second identified the specific discourses within each cluster
- Analyzed positioning within texts guided by FDA

Highlights...

- arguments for or against
- representation of key objects (i.e. LGBT people, the state)
- assigned realities
- asserted worldviews
- connections & distinctions of discourses
- discrete discourses
- position-location of the discourses

Results

12th Congress HB 2784 / 6416 **Policy Environment**

- ***Facilitative/Progressive conditions:***

- Filing of ADB
- Height of LGBT organizing
- Strong local LGBT political organizing created strong lobby for the bill (i.e. LAGABLAB), supported by international LGBT groups (i.e. ILGA and IGLHRC)

- ***Hindering/Regressive conditions:***

- Public awareness and support for LGBT rights was lacking/low (i.e. SWS survey 92-95% disapprove)
- Prevalent attitude as ambivalent, at best tolerant

Results

12th Congress HB 2784 / 6416 **Actors involved**

Actors in Support (Pro)

Local LGBT organizations

- KATLO
- LAGABLAB
- GAHUM
- CLIC
- LEAP
- PROGAY
- INDIGO
- KABARO-PUP
- WSWC
- TLF

Religious LGBT organizations

- MCC
- Order of St. Aelred

International LGBT organizations

- ILGA
- IGLHRC
- Asian Lesbian Caucus of ILGA

International civil society organization

- AI
- GBS

Academe-based human rights organizations

- UP Institute of Human Rights
- Ateneo Human Rights Center

National government agencies

- CHR
- DOH
- AFP
- PNP

Local government unit

- Quezon City Council

Local lawyers' association

- Las Piñas Bar City Association

Religious organizations

- UCCP
- INC

Results

12th Congress HB 2784 / 6416 **Actors involved**

Actor Opposed (Anti)

Religious organizations

- CBCP
- Abay Pamilya
- Association of Salesian Cooperators
- Courage Philippines

National government agency

- AFP

ACTORS INVOLVED

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Results

12th Congress HB 2784 / 6416 **Discourses in Support**

Legal Human Rights Discourses

Asserts legal arguments

Victimization of LGBT People Discourses

Highlights oppressive conditions of LGBT people

Philippine Development Discourses

Emphasizes contribution to national progress if there is LGBT recognition

Christian Love Discourses

Focuses on value of love and equality of all in the eyes of God

Results

12th Congress HB 2784 / 6416 **Discourses in Support**



DISCOURSES

DISCOURSES

Results

12th Congress HB 2784 / 6416 **Discourses Opposed**

Legal/Unconstitutional Discourses

Asserts legal arguments against the passage of bill

Philippine Morality Discourses

Pose challenges and changes to Filipino values, beliefs, and practices

Right to Discriminate Discourses

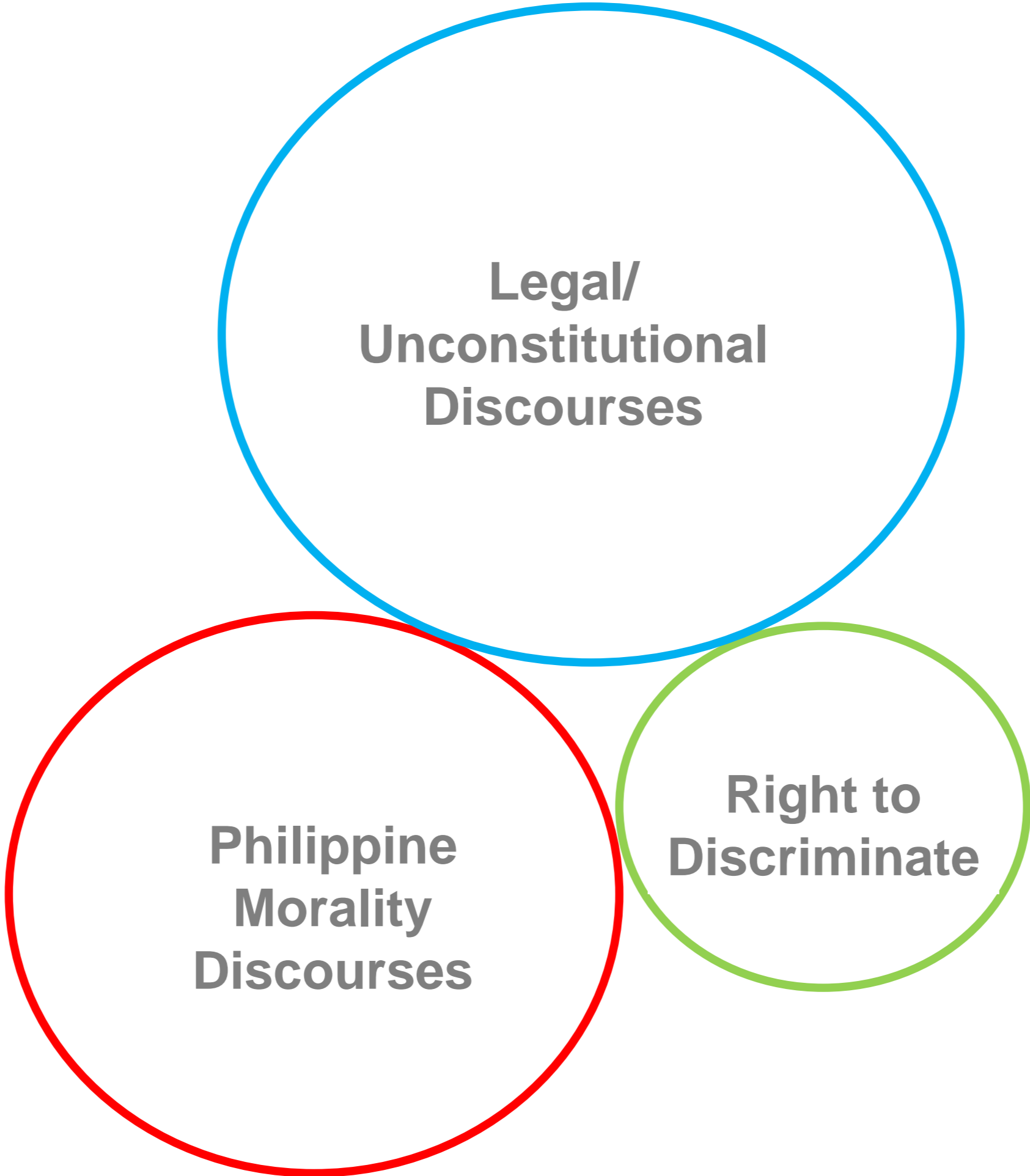
Right of certain individuals and institutions to set standards and criteria

DISCOURSES

DISCOURSES

Results

12th Congress HB 2784 / 6416 **Discourses Opposed**



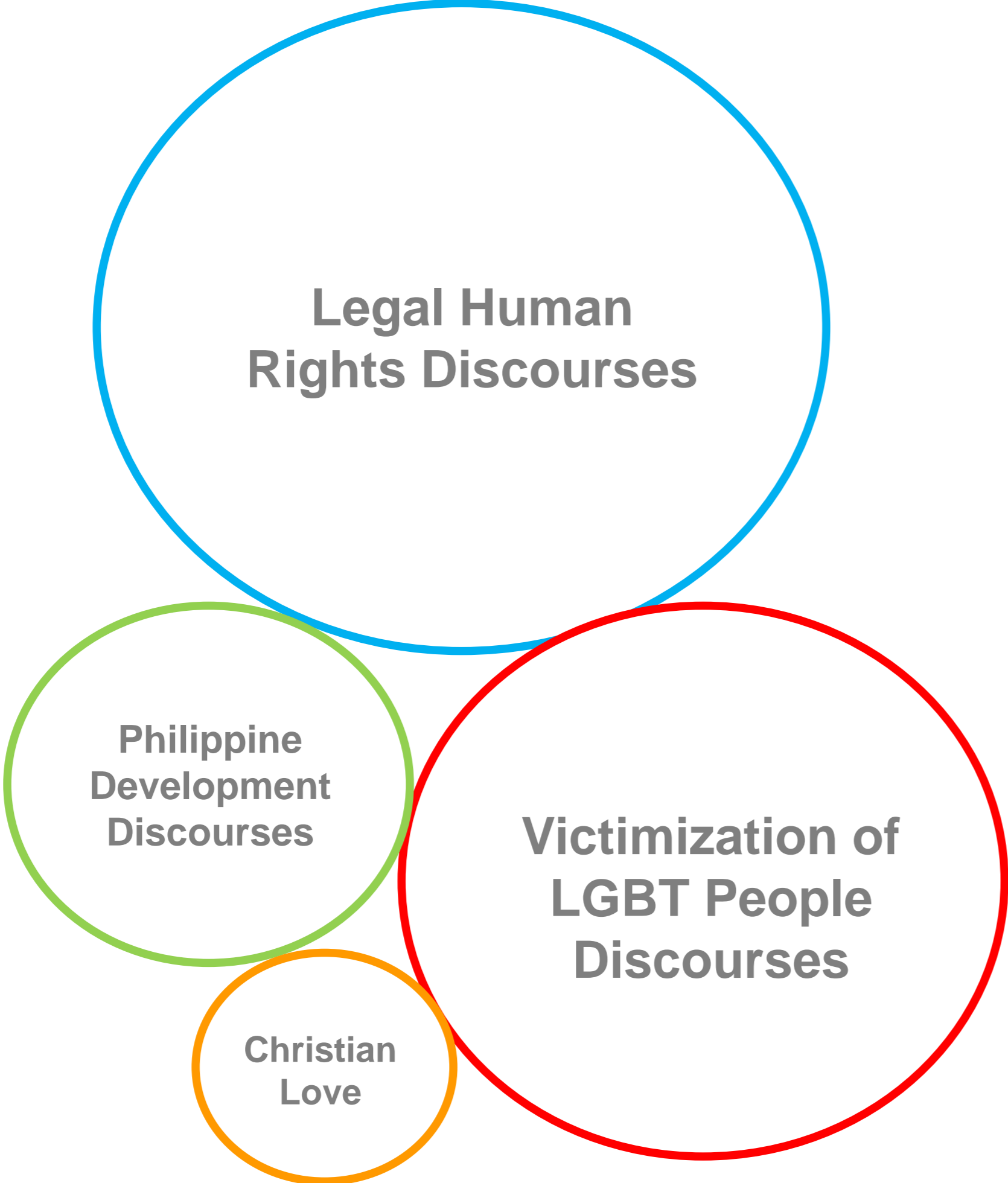
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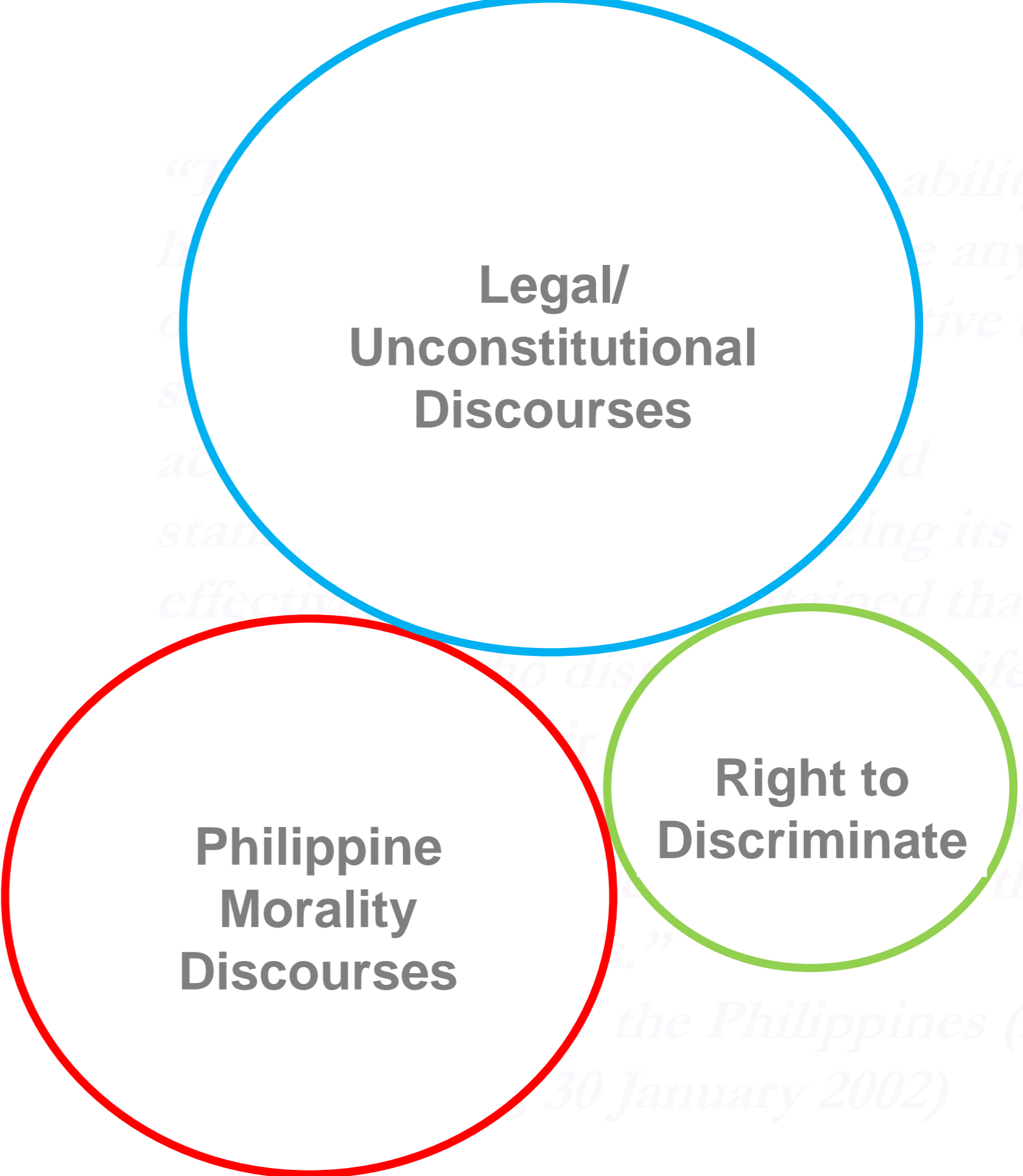
Summary

12th Congress HB 2784 / 6416 **Discourses**

Discourses In Support



Discourses Opposed



DISCOURSES

DISCOURSES

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...”
...the Philippines (AFP)
...30 January 2002)*

Results

16th Congress HB 5687 **Policy Environment**

- ***Facilitative/Progressive conditions:***
 - Numerous versions of the ADB by various authors
 - Increased recognition for LGBT human rights among legislators and presumably their constituencies
 - Increased public awareness and support for LGBT issues
 - AngLadlad able to run as partylist in 2013 elections
 - Number of LGBT groups increased
- Introduction of local anti-discrimination ordinances (ADO)
- Significant developments in the UN in support of LGBT rights
- ***Hindering/Regressive conditions:***
 - Many old LGBT groups involved in the lobby closed down
 - Lagablab seized to exist
 - Lack of a unified front of LGBT community
 - Groups opposed to bill increased

Results

16th Congress HB 5687 **Actors involved**

Actors in Support (Pro)

Local LGBT organizations

- Rainbow Rights
- Ganda Filipinas
- Babaylanes, Inc.
- TLF *
- ATP
- GALANG
- LADLAD

International LGBT organization

- IGLHRC *

International civil society organizations

- DAWN
- AI *

Academe-based gender equality organizations

- UP DGO
- MC WAGI

National government agencies

- PCW
- PNP-WCPC
- CSC
- CHR *
- DOLE-BWSC

** Organizations involved also in the 12th Congress*

Results

16th Congress HB 5687 **Actors involved**

Actors Opposed (Anti)

Religious organizations

- CBCP *
- CCF
- ALFI
- Lighthouse Bible Baptist Church
- Intercessors for the Philippines
- Philippine Association of Christian Counselors (PACC)
- Pro-Life
- Courage Philippines *
- Coalition of Christians for Change

Business organization

- ECOP

Individuals

- Anselmo Beluso (ex-gay person, Pro-Life)
- Jemy Gatdula of UAP (lawyer, UA&P)
- Rodante Marcoleta (1-SAGIP Party List)

** Organizations involved also in the 12th Congress*

Results

16th Congress HB 5687 Discourses in Support

Old Discourses:

- Legal Human Rights Discourses
- Victimization of LGBT People Discourses
- Philippine Development Discourses
- Christian Love Discourse

New Discourses:

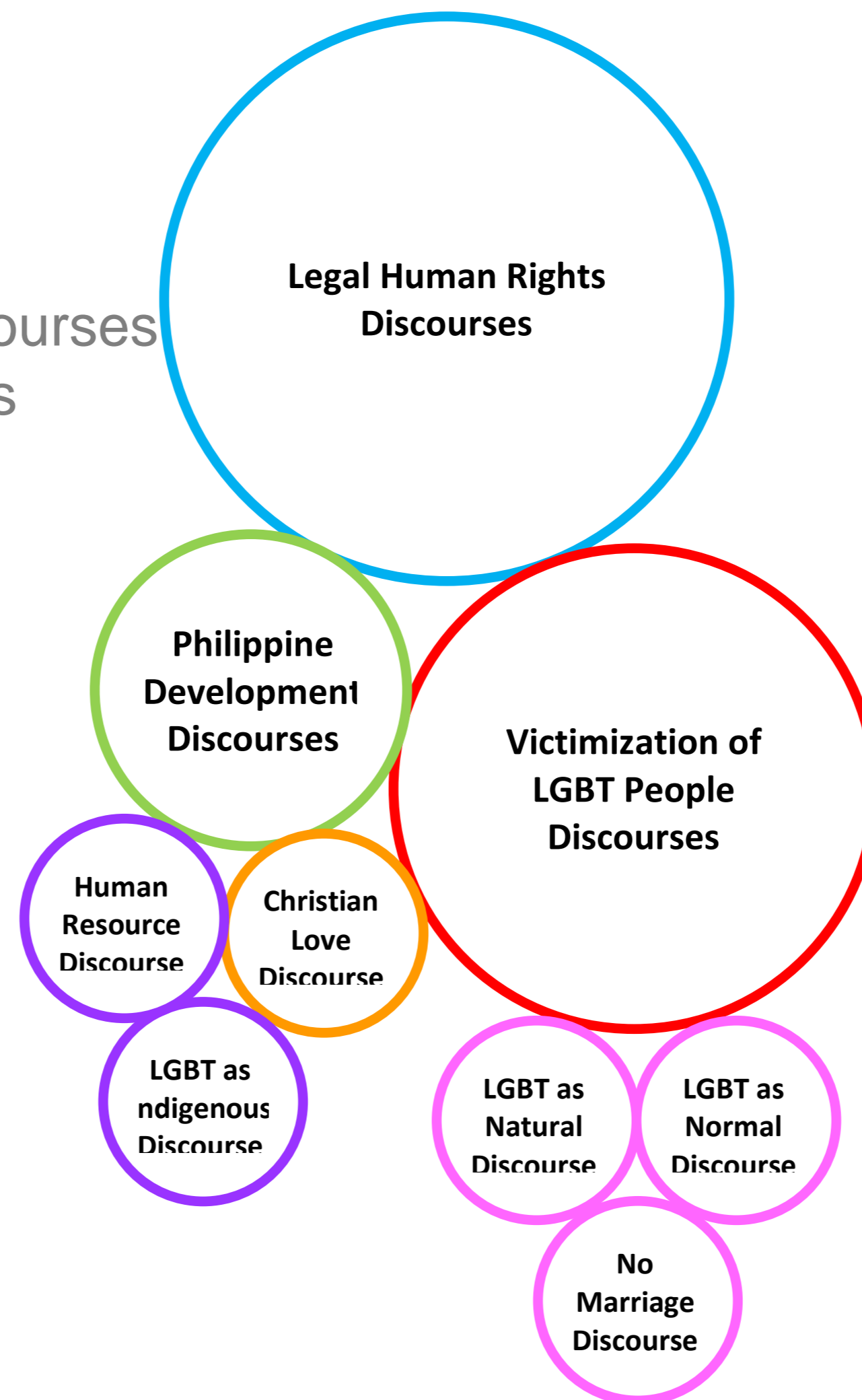
- Human Resource Practice Discourse
- LGBT as Indigenous to Philippine Culture Discourse
- LGBT as Natural Discourse
- LGBT as Healthy and Normal Discourse
- LGBT will Respect Institution of Marriage Discourse

Results

16th Congress HB 5687 Discourses in Support

Old Discourses:

- Legal Human Rights Discourses
- Victimization of LGBT People Discourses
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New Discourses:

- Human Resource Practice Discourse
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DISCOURSES

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Results

16th Congress HB 5687 **Discourses Opposed**

Old Discourses:

- **Legal/Unconstitutional Discourses**
Asserts legal arguments against the passage of bill

Magnified Discourses:

- **Philippine Morality Discourses**
 - *Social/Cultural Norms Discourses*
 - *Natural Law/Order Discourses*
 - *Catholic/Christian Morality Discourses*

Old Discourses:

- **Right to Discriminate Discourses**
Right of certain individuals and institutions to set standards and criteria

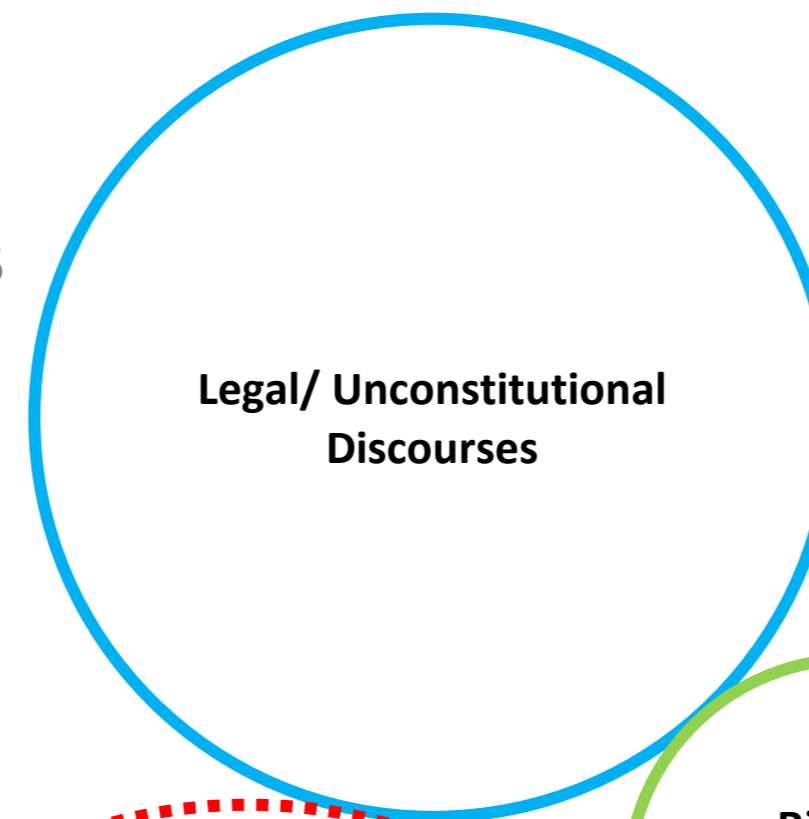
New Discourses:

- **The Philippines as Gay-Friendly Discourses**
Philippine society as tolerant of LGBT people; no discrimination of LGBT people, therefore no need for a law

Results

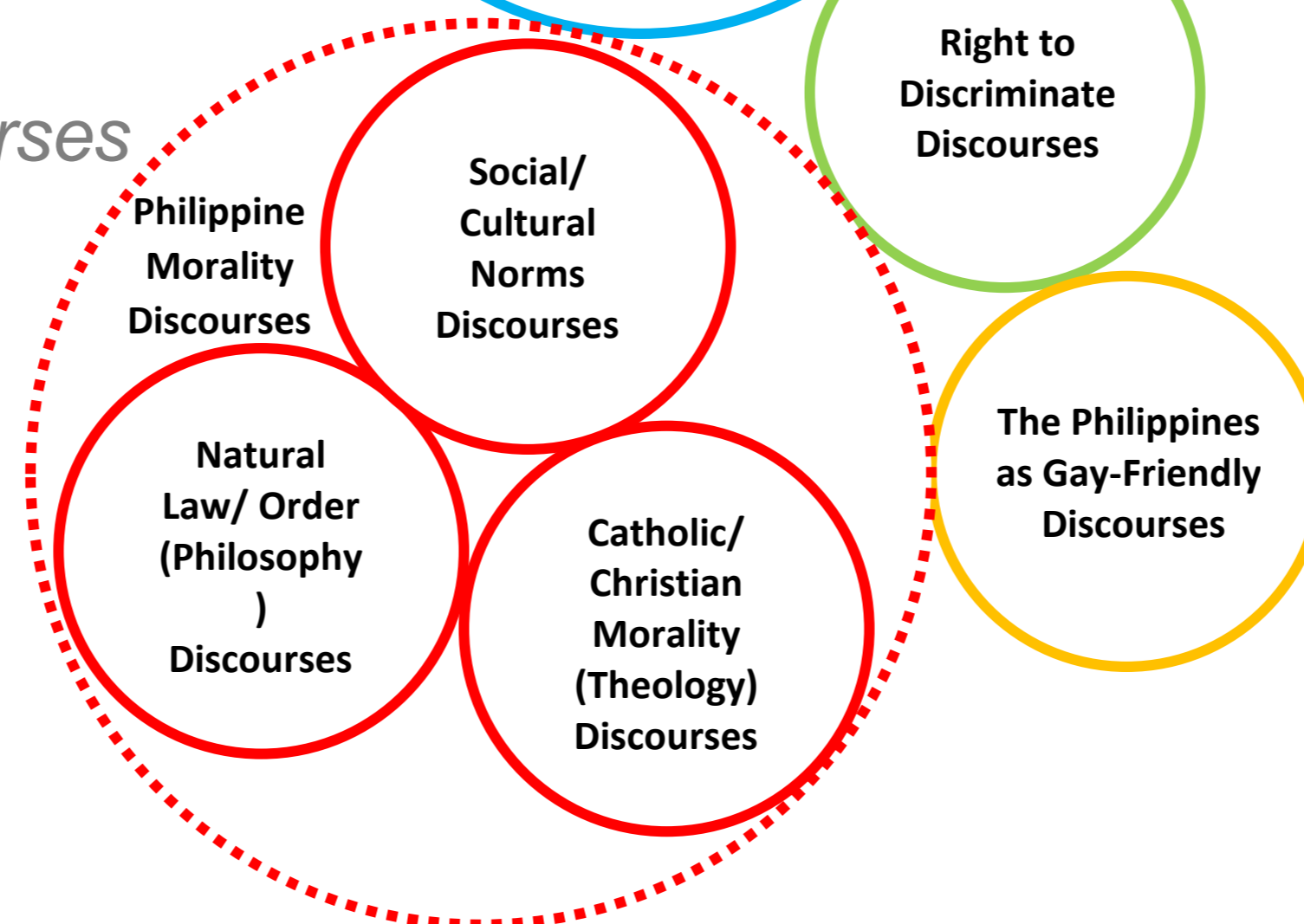
16th Congress HB 5687 Discourses Opposed

Old Discourses:
Legal/Unconstitutional Discourses



Magnified Discourses:
Philippine Morality Discourses

- *Social/Cultural Norms Discourses*
- *Natural Law/Order Discourses*
- *Catholic/Christian Morality Discourses*



Old Discourses:
Right to Discriminate Discourses

New Discourses:
The Philippines as Gay-Friendly Discourses



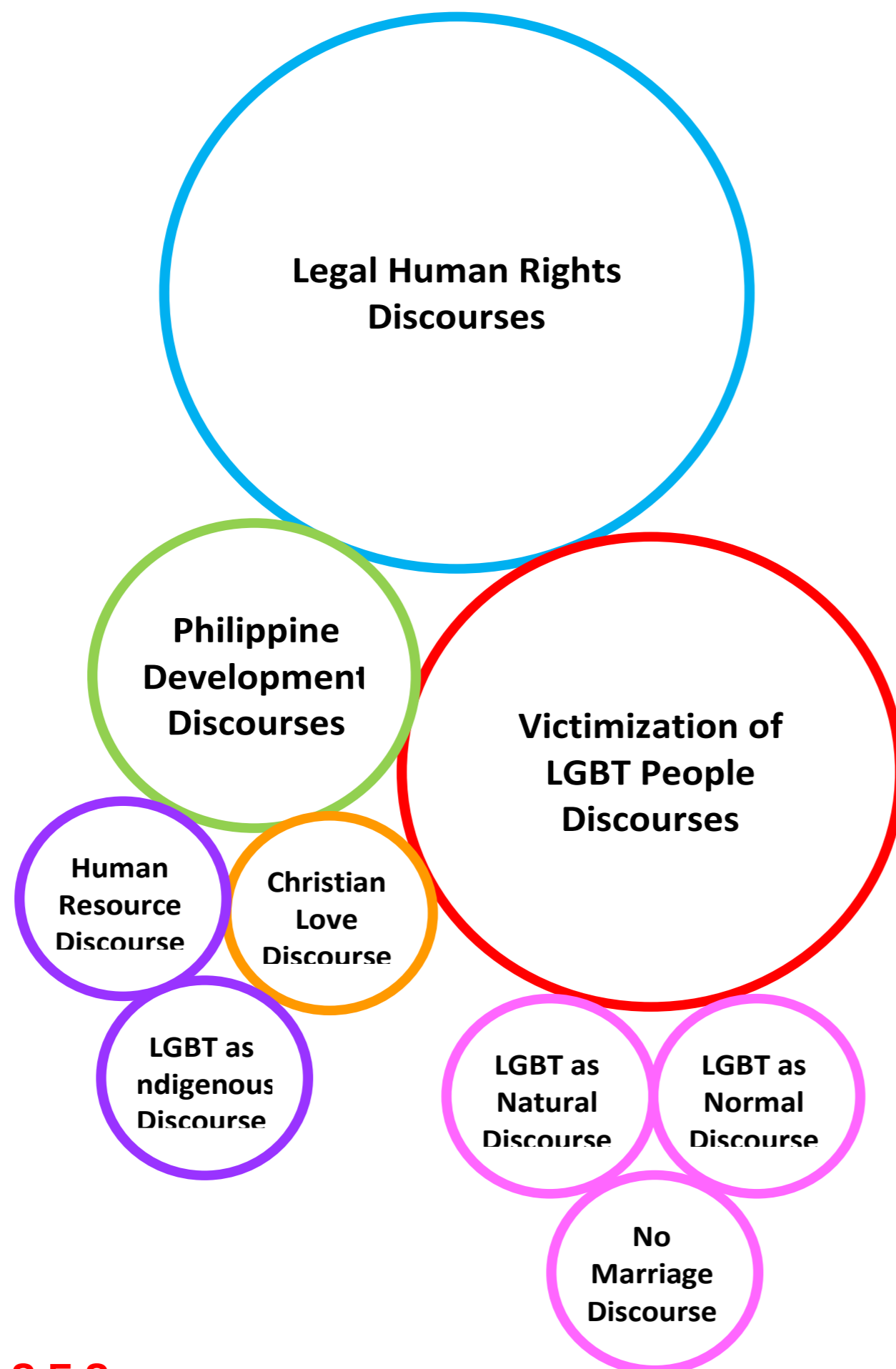
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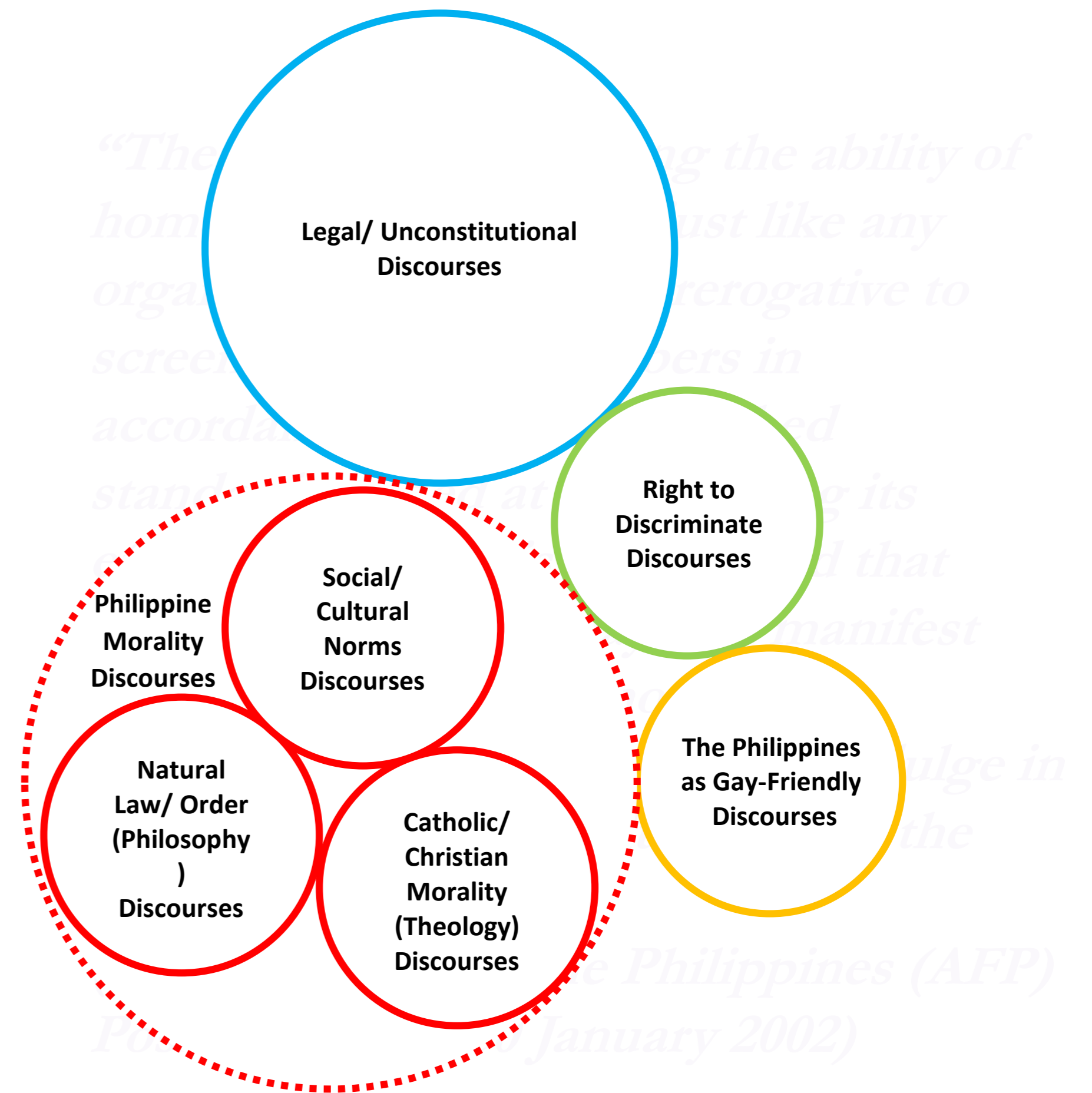
Summary

16th Congress HB 5687 Discourses

Discourses In Support



Discourses Opposed



DISCOURSES

DISCOURSES

Conclusions & Recommendations

Why did the ADB not pass in the 12th and 16th Congress?

- **Consistent block of the Catholic religious groups opposed to the bill**
 - Regardless of the increasing number of legislative authors
 - Regardless of the strength or weakness of the LGBT lobby
 - Regardless of the implicit or explicit existence of international support
 - Regardless of high or low levels of public awareness on LGBT rights

Conclusions & Recommendations

Why is the Catholic religious opposition construct so dominant in blocking the bill?

- Opposing discourses are linked to values, beliefs, and ideologies that are ingrained in the religious teachings of the Catholic Church
- Opposing discourses are internalized in the historically rooted structures and systems of Philippine contemporary society
- Practices outside of the hetero norm remain as 'unnatural' therefore sinful, as 'unnatural' therefore 'not normal' and therefore needing correction
- The 'sin and sickness' discourses are reinforced, intertwined, and continue to be carried by the religious groups

Conclusions & Recommendations

Three discursive areas put forward as strategic interventions for moving the ADB out of the standstill in Congress

- Discourses that need to be maintained as strong/dominant discourses within the policy debate
- Discourses that need to be strengthened and expanded to be stronger or more dominant within the policy debate
- Discourses that need to be introduced/evolved and made strong or dominant within in the policy debate

Discursive Interventions

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- **Maintain dominant discourses**
 - Legal human rights discourse
 - Victimization discourse
- **Strengthen the Philippine Development Discourse**
 - Towards a household/economic discourse
 - Linked to everyday life
 - Raising social awareness of public
- **Introduce a progressive Philippine morality discourse**
 - Based on culture – “pakikipagkapwa”
 - Based on philosophy – ethics of care
 - Based on theology – nonjudgment, care, and love

directed at addressing the religious/Christian resistance and transforming traditional Philippine morality

inclusion of LGBT rights in the Philippines would serve to strengthen a Philippine State that is secular in character and performance

evolve religious/Christian institutions, ideologies, and relations, towards a stronger church for all people

thank you 😊

THANK YOU

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