

DRAFT ANTI-DISCRIMINATION ORDINANCE

AN ORDINANCE PROHIBITING DISCRIMINATION IN _____ (NAME OF MUNICIPALITY, CITY OR PROVINCE) ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY AND PROVIDING PENALTIES THEREFOR.

Introduced by _____

WHEREAS, Article XIII, Section 1 (a) of 1987 Philippine Constitution states that the enactment of measures that protect and enhance the right of the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities shall be given highest priority;

WHEREAS, Article II, Section 11 of 1987 Philippine Constitution states that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, the Philippines is state party to several international agreements such as the Universal Declaration of Human Rights, International Convention on the Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, that seek to eliminate all forms of discrimination and abuse;

WHEREAS, as citizens living in a democratic society, lesbians, gays, bisexual, transsexuals and transvestites must be given the equality of access and opportunity in all fields of human endeavor and to equitable sharing of social and economic benefits by promoting them to freely exercise the rights to which they are rightfully entitled away from any prejudice and discrimination;

WHEREAS, promoting and upholding their rights will not only enhance their freedom, welfare, and dignity as humans, but will also promote social justice as a whole and will contribute in the creation of a human rights culture in the country;

NOW, THEREFORE,

**BE IT ORDAINED BY THE (CITY/MUNICIPAL) (PROVINCIAL) COUNCIL OF
_____(NAME OF MUNICIPALITY, CITY OR PROVINCE)___ IN SESSION ASSEMBLED:**

SECTION 1. SHORT TITLE - This Ordinance shall be known and cited as "Anti-discrimination Ordinance of _____(NAME OF MUNICIPALITY, CITY OR PROVINCE)___".

SECTION 2. DECLARATION OF POLICY - It is hereby declared a policy of (NAME OF MUNICIPALITY, CITY OR PROVINCE) to promote equality and to actively eliminate all forms of discrimination that violate and offend the equal protection of Human Rights as stated in the Bill of Rights, the country's signed international conventions and obligations, and other existing laws, particularly such practices defined herein.

SEC. 3. Definition of Terms. – For purposes of this Ordinance, the following terms shall be defined as follows:

Sexual Orientation refers to the direction of emotional sexual attraction or conduct. This can be towards people of the same sex (homosexual orientation) or towards people of both sexes (bisexual orientation) or towards people of the opposite sex (heterosexual orientation)

Gender Identity refers to the personal sense of identity as characterized, among others, by manners of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with the physiological characteristics of the opposite sex, as in the case of transsexuals and transvestites

Discrimination shall be understood to imply any distinction, exclusion, restriction, or preference which is based on any ground such as sex, sexual orientation, gender identity, whether actual or perceived, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise by all persons of an equal footing of all rights and freedoms.

SECTION 4. PROSCRIBED ACTS - It is hereby prohibited to discriminate any person and/or group of persons on the basis of their sexual orientation and gender identity. It is unlawful for any person, natural or juridical, to:

- a.) Deny access to public service to any person on the basis of sexual orientation and/or gender identity;
- b.) Include sexual orientation and gender identity in the criteria for hiring, promotion and dismissal of workers, and in the determination of employee compensation, training, incentives, privileges, benefits or allowances, and other terms and conditions of employment;
- c.) Refuse admission to or expel a person from educational institutions on the basis of sexual orientation and gender identity, without prejudice to the right of educational institutions to determine the academic qualifications of their students;
- d.) Refuse or revoke the accreditation, formal recognition, and / or registration of any organization, group, institution or establishment, in educational institutions,

- workplaces, communities, and similar settings, solely on the basis of the sexual orientation or gender identity of their members or of their target constituencies;
- e.) Deny a person access to medical and other health services open to the general public on the basis of such person's sexual orientation or gender identity;
 - f.) Deny an application for or revoke a professional license issued by the government due to the applicant's sexual orientation or gender identity;
 - g.) Deny a person access to or the use of establishments, facilities, utilities or services, including housing, open to the general public on the basis of sexual orientation or gender identity; There is a denial when a person is given inferior accommodations or services;
 - h.) Deny an application for a license, clearance, certification or any other document issued by governmental authorities or other entities on the basis of the applicant's sexual orientation or gender identity, as provided by existing laws;
 - i.) Subject or force any person to any medical or psychological examination to determine and / or alter the person's sexual orientation or gender identity without the expressed approval of the person involved;
 - j.) Other analogous circumstances.

SECTION 5. PENALTIES - Any violation of the provisions of this ordinance shall be punishable by a fine not less than _____ Pesos (P_____) or an imprisonment of not less than ____ (____) days, or both at the discretion of the court.

SECTION 6. SEPARABILITY- If any provision or part hereof is held invalid or unconstitutional, the remainder of the Ordinance or the provision of otherwise affected shall remain valid and subsisting.

SECTION 7. EFFECTIVITY- This Ordinance shall take effect upon approval.

Adopted,