

Amnesty International Pilipinas
POSITION PAPER IN SUPPORT OF S.B. 1738
Committee on Labor and Employment
Philippine Senate

Amnesty International has long been campaigning for the enactment of laws which will address the human rights concerns faced by Filipino lesbians, gays, bisexuals, and transgenders. As such, it supports the passage of Senate Bill 1738 or the Anti-Discrimination Bill. Amnesty International adds its voice in support of the Anti-Discrimination Bill because it believes that such a concern belongs squarely in the human rights agenda, not only of the Philippine Senate but of everyone.

Lesbian and gay rights belong on everyone's human agenda because in the words of Colombian human rights defender Juan Pablo Ordóñez, "the defense of homosexuals solely by homosexuals is impossible – or at best, places them in imminent peril of their lives. The struggle must be taken up by LGBTs alongside straight people who are not themselves victims of this hostile society".

Lesbian and gay rights belong on the human rights agenda because if we tolerate the denial of rights to any marginalized group, we undermine the whole protective framework of human rights by taking away its central plank – the equal rights and dignity of all human beings.

And perhaps most centrally of all, lesbian and gay rights belong on the human rights agenda because sexual orientation and gender identity, like, for example, race, relates to the fundamental aspects of human rights.

Discrimination is an assault to the very notion of human rights as it systematically denies certain people or groups their full human rights because of who they are or what they believe in. It is an attack on the fundamental principle underlying the Universal Declaration of Human Rights: that human rights are everyone's birthright and apply to all without distinction.

The abuses against lesbian, gay, bisexual and transgendered people which AI has witnessed and documented in the Philippines and in many parts of the world, violate some of the basic rights protected under international standards such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which has been ratified by the Philippines.

The UN Convention on the Elimination on All Forms of Discrimination against Women also provides a useful framework for combating discrimination, not just against lesbians and bisexual women but against gay men and transgendered people too.

Article 5(a) obliges states to: "*modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either the sexes or on stereotyped roles for men and women.*"

Although the Philippine constitution guarantees equal protection for all citizens and the country is a signatory to several other international human rights conventions, the present laws are still insufficient to address discrimination on the basis of sexual orientation and gender identity.

Affirming LGBT rights as human rights through the passage of the Anti-Discrimination Bill, does not mean claiming new or “special” rights. It means demanding that everyone, regardless of sexual orientation or gender identity, is guaranteed the fullest enjoyment of their civil, political, social, economic and cultural rights.

Greater protection against discrimination in domestic laws and international standards will not in itself eradicate the prejudice and discrimination that LGBT people face. But it has an enormous symbolic as well as practical value because it reaffirms that the right to be free from discrimination is a basic human right.

Prepared by:

*James Dax de Castro
Amnesty International – Pilipinas
LGBT group coordinator
9 August 2006*

*based on:
The Louder We Will Sing
Campaigning for lesbian and gay human rights
Amnesty International Publications, 1999*