

Remarks addressing the United Nations Human Rights Commission on the Occasion of the 4th Periodic Review of the State of Philippines' compliance with the International Covenant on Civil and Political Rights (ICCPR)

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Madam Chair, thank you for this opportunity to participate in this Committee review.

I'm Jonas Bagas, a gay activist from the Philippines, and today I will speak about Article 16 (Recognition before the law) and Article 25 (political participation).

What must be accounted for in this committee is why there's difference between the text of the Covenant and the everyday reality for many Filipino lesbians, gays, bisexuals & transgenders. The treaty embodies human dignity but the reality represents exclusion.

First, the treaty says that we have the right to be recognized as a person before the law but for many transgenders, the truth is different. Because of the failure of the State to recognize their gender identity, they endure humiliation and dehumanization. They're forced to undress before immigration officials and forced to appear masculine in their passport photos because their official identification documents do not match their gender.

The Supreme Court sanctioned these acts of dehumanization when it banned the changing of one's sex in official documents in 2007 on the basis of the immutability of sex. Instead of curing this unjust decision, the government signed into law Republic Act 10172 last August 15, 2012, thereby legislating the prohibition imposed by the Supreme Court.

Second, the treaty affirms the right to participate in public affairs, and yet LGBTs face barriers to public service. The military, for instance, seems to think that media pronouncements stating that it welcomes LGBTs are enough to correct the deeply embedded culture of homophobia in the military establishment. But what's needed is a non-discrimination policy in the military, not mere press statements. Media sound bites, of which we have plenty, won't protect a gay soldier from being unfairly dismissed from the service due to his sexuality. Only a non-discrimination policy can, and of that we have none.

Third, in public service, the Supreme Court corrected the Commission on Election's scriptural fundamentalism in the case of Ang Ladlad Party, but basic fairness in political participation doesn't end in the accreditation of one LGBT party. What has been done to push political parties to encourage the political participation of marginalized communities like LGBTs? What has the government done to ensure that the rule of law and not religious bigotry is the basis of our election policies? What has the government done to change our national conversation, to educate the public, so that a candidate running for any post is weighed because of his or her ideals and vision and not because of his sexual orientation and gender identity? We long to see the day when LGBT candidates running for public office are not seen as political jokes or novelties but as legitimate contenders for political power.

The Philippine government would most likely cite deficits in legislation to explain some of these gaps. But while it is true that laws are necessary, legislative inertia or inaction must not be viewed as a dead-end. The President has broad powers to provide for rules to execute his or her constitutional or statutory mandates, which, in the words of our Constitution, includes this: “The State values the dignity of every human person and guarantees full respect for human rights.”

Thank you Madam Chair.