

**Brief supporting Evidence Report 21**

**POLICY AUDIT: SOCIAL PROTECTION  
POLICIES AND URBAN POOR LBTS IN THE  
PHILIPPINES**

**Sexuality, Poverty and Law**

GALANG Philippines, Inc.

August 2013



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Since the turn of the twenty-first century, the global lesbian, gay, bisexual and transgender (LGBT) movement has passed a number of milestones that some thought were not possible in their lifetime. The world saw its first openly lesbian head of government when Jóhanna Sigurðardóttir became Iceland's first female prime minister in 2009. In 2010, Ban Ki-moon became the first United Nations Secretary-General to speak publicly about the need to decriminalise homosexuality and to curb discrimination based on sexual orientation and gender identity (SOGI). The United Nations Human Rights Council adopted its first-ever resolution on SOGI in 2011, expressing grave concern at violence and discrimination based on sexual orientation and gender identity. As of May 2013, at least 12 countries had passed a marriage equality law, taking their cue from The Netherlands, which was the first to do so, in 2001.

In the Philippines, talking about marriage equality has become fashionable in many circles. In fact, in the recent national elections, one mainstream media organisation identified same-sex marriage as one of ten emerging issues that candidates running for national office must address. The list of issues also included divorce, reproductive health, freedom of information, and political dynasties. While many advocates are certainly pleased that LGBT issues are now being discussed more openly all over the world, some frontline organisations are not entirely comfortable with the fact that LGBT discourses worldwide have tended to train the spotlight on marriage equality at the expense of other equally pressing but sometimes 'less sexy' concerns such as gender-based discrimination and violence, and poverty among sexual minorities. GALANG's work with lesbians, bisexual women, and trans men (LBTs) living in urban slums indicates that while marriage is of course an important issue, it is hardly foremost in the minds of many Filipino LBTs who are systematically deprived of decent jobs, humane housing conditions, and adequate health care. Even casual conversations would reveal that for many, finding a job and putting food on the table are their most pressing concerns.

For decades, the Philippines had been dubbed the 'sick man of Asia' because it consistently lagged behind its next-door neighbours. Just this year, however, credit rating agencies Fitch Ratings and Standard & Poor's both upgraded the country to investment grade status. The present administration has trumpeted this welcome news in the promotion of its centerpiece agenda: curing the ailing economy of its perennial lethargy by curbing corruption. If international ratings are any indication, the Philippines is finally showing signs that it is living up to its new moniker of 'tiger cub economy', an honour that the country shares with Thailand, Malaysia and Indonesia.

Despite rapid growth in the Philippine economy, official government statistics show that poverty has not changed much since 2006. About one-third of the population of nearly 100 million continues to live on a dollar a day or less, and nearly three million Filipinos are unemployed, while almost eight million workers are underemployed. Income inequality is still a huge problem for the country. Reports from the Asian Development Bank and the World Bank found that the richest 10 per cent of Filipino families are 'raking in more than a third of the country's total income' and that the richest 20 per cent of the population 'outspent' the poorest 10 per cent by more than eight times (Xinhua 2011).

A quick visit to Metro Manila slum communities would easily lend credence to official poverty and inequality statistics. In many parts of Quezon City where GALANG operates, high-end luxury residences and gated communities are developed in prime sections of the metropolis, while those who cannot afford such properties are forced to build makeshift homes on the fringes of these sprawling estates. Many informal settlers are migrants from far-flung rural areas who have moved to the city in search

of a better life. To save on travel costs, they build rough-and-ready homes on vacant land or on city sidewalks in order to live closer to their place of work. Further aggravating the living conditions of slum dwellers is the tendency of poorer families to have more children than families who are better off financially. While middle-class Filipino families usually have two to four children, it is fairly common to see informal settler families living in the streets with six children or more.

Overpopulation has been identified as one of the major causes of poverty in the country. Despite the unimpeded growth of the population, to this day the Catholic Bishops' Conference of the Philippines (CBCP) rabidly campaigns against the so-called 'DEATHS bills', i.e., parliamentary bills relating to divorce, euthanasia, abortion, total reproductive health, homosexuality (which the church has conflated with same-sex marriage), and sex education. For years, it has threatened to campaign actively against legislators who push for or support any of these bills. When the movement for the passage of the Reproductive Health (RH) Law gained ground, parish priests all over the country took to the pulpit in a bid to persuade the faithful not to support the measure, which church leaders claimed would legalise abortion. Contrary to this claim, the law in fact explicitly recognises that abortions are illegal and only seeks to provide Filipinos better access to information on safe family planning methods. Misinformation is a tactic that the CBCP has been known to use liberally in rallying opposition to the RH Law. This tactic has also been used by the CBCP against anti-discrimination bills, with claims that measures to provide LGBTs with equal opportunities to employment, education and social services will open the floodgates to the legalisation of same-sex marriage.

When the RH Bill was signed into law, the church hierarchy became even more aggressive in mobilising against the candidacy of progressive legislators who supported the population control measure. The Diocese of Bacolod in central Philippines gained notoriety after putting up a large tarpaulin sign that called for Catholics to vote only for senatorial candidates identified as members of Team *Buhay* or 'Team Life'; those who fought against the passage of the RH Law. Candidates who voted for or advocated in favour of the RH Law were labelled Team *Patay* or 'Team Death'. Huge billboards were also erected along major highways, some with pictures of aborted fetuses side by side with bible-based admonishments against those who promoted the use of artificial contraceptives such as condoms. The church-backed White Vote Movement endorsed ten senatorial candidates, including five incumbent legislators who voted against the RH Law and political neophytes who likewise have been very vocal in their opposition to divorce and contraception.

As the accompanying report was being written, the final results of the 2013 mid-term elections were not yet known but analysts have observed that, contrary to claims of the Catholic leadership in the Philippines, there is no 'Catholic vote'. The final tally of elected senators will show that they have been chosen not on the basis of their stated positions on divorce, RH, or LGBT issues, but rather on the basis of their popularity, name recognition, or other personality-based criteria unconnected with issues of national importance.

With the vast store of resources available to it, the Roman Catholic hierarchy has been able to not only stall the enactment of the RH Law but also block the decade-old anti-discrimination bill that would protect LGBTs from discrimination in schools, workplaces and public institutions. Even though the Philippines is a secular country whose Constitution mandates the separation of church and state, the influence of Christianity and Roman Catholic beliefs pervades its institutions, including the law. The Spanish conquistadors effectively used both the sword and the cross in

subduing pre-colonial Filipinos, making Christianity Spain's most enduring legacy in the Philippines. The International Social Survey Programme's (ISSP's) 2008 Survey of Religion found that 81 per cent of Filipinos were Roman Catholic, with 6 per cent belonging to other Christian denominations (Mangahas), reconfirming the nation as the bastion of Christianity in Asia.

For most of the nearly four centuries of Spanish rule in the Philippines, the Spanish legal system, which was transplanted to the archipelago, criminalised sodomy (Bernal 2008). During the American Occupation in the first half of the twentieth century, local ordinances that criminalised sodomy were also in effect in parts of Manila (*Ibid.*). Such laws may have largely contributed to the erosion of the pre-colonial culture of tolerance for – if not acceptance of – non-normative expressions of gender and sexuality in the country. Today, although Philippine law does not criminalise consensual same-sex acts and the principle of equality and non-discrimination are enshrined in the Constitution, homosexuality is policed by various social institutions, including the nuclear family, which often eschew any sexual behaviour that takes place outside the context of marriage and family life. Indeed, patriarchy, religion and traditional cultural values reinforce one another. According to activist writer Aida Santos, 'Even with the existence of legal mandates, at the end of the day, in patriarchal society, religious and cultural norms remain very strong. This is reinforced by the state, the community and the family.'<sup>1</sup>

Feminist scholar Dr. Sylvia Estrada-Claudio notes that society has since time immemorial distinguished good women and children from bad, according to various criteria:

The good woman is the married woman, the one who is married to a man, the woman who bears legitimate children or the children of her husband. The bad woman is the woman who is not married to a man, the woman who bears children without a legal marriage, the 'other woman', and the woman who is single, remains unmarried and without a child. This also translates to the good or the bad children, the bad children as the illegitimate. What constitutes a good man or a bad man, including cases of men with multiple families outside of the legal marriage, on the contrary, is hardly discussed.

The conceptualisation of heteronormativity as only a part of the more encompassing patriarchy is widespread. Patriarchy, as Professor Maureen C. Pagaduan underscored, is not only about men dominating women, but also what pervades in beliefs, values, practice, systems and structures of society. Santos stressed that in further interrogating heteronormativity, one will find that patriarchy is the bigger picture. Within each heterosexual family unit, it is the husband who serves as the head. Anthropology professor Jennifer Josef similarly illustrated that in patriarchal society, men hold the economic and political power. Ana Leah Sarabia, a women's rights advocate, points out, however, that this model was imposed by the West. Filipino families before colonisation were matrilineal and extended – not constituted by heterosexual, married parents and their children.

The issue of how the law defines *family*, *household*, and *head of the family* is at the core of a heteronormativity audit of social protection policies in the Philippines. As the corresponding audit to this brief illustrates, protection is afforded in most cases only to a bona fide member's designated dependants or beneficiaries who are, by default, understood to be family members by blood or marriage. This is clearly an area of

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<sup>1</sup> A list of key informants who contributed to the research carried out for this audit by taking part in personal interviews or focus group discussions is given in Annex 1 at the end of the report.

great contestation, especially for non-traditional families whose choice of dependants and beneficiaries may be severely restricted by the law's heteronormative biases and traditions. This heteronormativity audit seeks to make visible the manner by which selected social protection policies in the Philippines fail to take sexuality into account, not only to the detriment of excluded populations but also and more importantly to the disadvantage of society in general. Specifically, the objectives of the audit are:

1. to identify and analyse the sexuality content of the selected social protection policies;
2. to ensure that this analysis is rooted in the experiences of LBTs living in GALANG's partner urban poor communities in Quezon City and that their voices and concerns are captured in the analysis;
3. to share and communicate the findings of this audit with an eye towards influencing the conduct of donors and national and sub-national decision-makers, including mainstream activist organisations focusing on sexuality, social justice and feminism;
4. to draw cross-cutting policy lessons that can inform future advocacy and policy development; and
5. to stimulate others to replicate this analysis in their own settings.

To achieve these aims, the research team embarked on developmental and feminist research methodologies directed at emancipatory and transformative goals. Throughout this process, the research team also sought to contribute to the growing body of scholastic work on the plight of LGBTs and their families, a subject that is too often neglected and rendered invisible.