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- Discrimination Against LGBT Students in the Philippines

Students across the Philippines experience bullying and discrimination in school because of their sexual orientation and gender identity. While Philippine law provides protections against discrimination and exclusion in schools, lawmakers and school administrators need to take steps to ensure they are fully implemented.

A girl covers anti-LGBT messages in rainbow handprints during a Pride rally in Manila on June 27, 2015. 2015 Bullit Marquez/AP Photo.

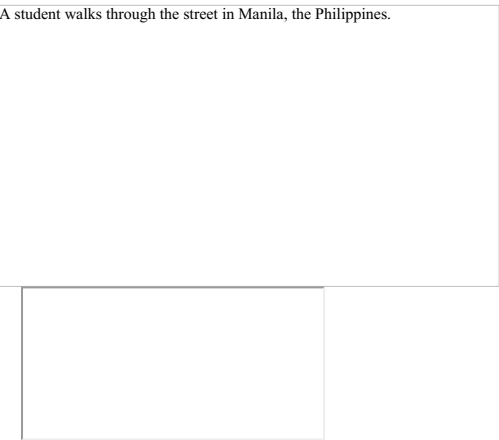
Students across the Philippines experience bullying and discrimination in school because of their sexual orientation and gender identity. While Philippine law provides protections against discrimination and exclusion in schools, lawmakers and school administrators need to take steps to ensure they are fully implemented.

[Senator and boxing legend] Manny Pacquiao says were not human. They should just let us be.

Edgar T., an 18-year-old gay high school student in Manila, February 2017

Schools should be safe places for everyone. But in the Philippines, students who are lesbian, gay, bisexual, and transgender (LGBT) too often find that their schooling experience is marred by bullying, discrimination, lack of access to LGBT-related information, and in some cases, physical or sexual assault. These abuses can cause deep and lasting harm and curtail students right to education, protected under Philippine and international law.

In recent years, lawmakers and school administrators in the Philippines have recognized that bullying of LGBT youth is a serious problem, and designed interventions to address it. In 2012, the Department of Education (DepEd), which oversees primary and secondary schools, enacted a Child Protection Policy designed to address bullying and discrimination in schools, including on the basis of sexual orientation and gender identity. The following year, Congress passed the Anti-Bullying Law of 2013, with implementing rules and regulations that enumerate sexual orientation and gender identity as prohibited grounds for bullying and harassment. The adoption of these policies sends a strong signal that bullying and discrimination are unacceptable and should not be tolerated in educational institutions.



But these policies, while strong on paper, have not been adequately enforced. In the absence of effective implementation and monitoring, many LGBT youth continue to experience bullying and harassment in school. The adverse treatment they experience from peers and teachers is compounded by discriminatory policies that stigmatize and disadvantage LGBT students and by the lack of information and resources about LGBT issues available in schools.

This report is based on interviews and group discussions conducted in 10 cities on the major Philippine islands of Luzon and the Visayas with 76 secondary school students or recent graduates who identified as LGBT or questioning, 22 students or recent graduates who did not identify as LGBT or questioning, and 46 parents, teachers, counselors, administrators, service providers, and experts on education. It examines three broad areas in which LGBT students encounter problems: bullying and harassment, discrimination on the basis of sexual orientation and gender identity, and a lack of information and resources. It also recommends steps that lawmakers, DepEd, and school administrators should take to uphold LGBT students' right to a safe and affirming educational environment.

The incidents described in this report illustrate the vital importance of expanding and enforcing protections for LGBT youth in schools. Despite prohibitions on bullying, for example, students across the Philippines described patterns of bullying and mistreatment that went unchecked by school staff. Carlos M., a 19-year-old gay student from Olongapo City, said: "When I was in high school, they'd push me, punch me. When I'd get out of school, they'd follow me [and] push me, call me gay, faggot, things like that. While verbal bullying appeared to be the most prevalent problem that LGBT students faced, physical bullying and sexualized harassment were also worryingly common. And while students were most often the culprits, teachers ignored or participated in bullying as well. The effects of this bullying were devastating to the youth who were targeted. Benjie A., a 20-year-old gay man in Manila who was bullied throughout his education, said, 'I was depressed, I was bullied, I didn't know my sexuality, I felt unloved, and I felt alone all the time. And I had friends, but I still felt so lonely. I was listing ways to die.'

[Map of the of areas in the Philippines protected from discrimination based on Sexual Orientation and Gender](#)



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The mistreatment that students faced in schools was exacerbated by discriminatory policies and practices that excluded them from fully participating in the school environment. Schools impose rigid gender norms on students in a variety of ways—for example, through gendered uniforms or dress codes, restrictions on hair length, gendered restrooms, classes and activities that differ for boys and girls, and close scrutiny of same-sex friendships and relationships. For example, Marisol D., a 21-year-old transgender woman, said:

When I was in high school, there was a teacher who always went around and if you had long hair, she would call you up to the front of the class and cut your hair in front of the students. That happened to me many times. It made me feel terrible: I cried because I saw my classmates watching me getting my hair cut.

These policies are particularly difficult for transgender students, who are typically treated as their sex assigned at birth rather than their gender identity. But they can also be challenging for students who are gender non-conforming, and feel most comfortable expressing themselves or participating in activities that the school considers inappropriate for their sex.

Efforts to address discrimination against LGBT people have met with resistance, including by religious leaders. The Catholic Bishops Conference of the Philippines (CBCP) has condemned violence and discrimination against LGBT people, but in practice, the Roman Catholic Church has resisted laws and policies that would protect LGBT rights. The CBCP has sought to weaken anti-discrimination legislation pending before Congress, for example, and has opposed implementation of comprehensive sexuality education in schools. Representatives of the Church warn that recognizing LGBT rights will open the door to same-sex marriage, and oppose legislation that might promote divorce, euthanasia, abortion, total population control, and homosexual marriage, which they group under the acronym DEATH. In a country that is more than 80 percent Catholic, opposition from the Church influences how LGBT issues are addressed in families and schools, with many parents and teachers telling students that being LGBT is immoral or wrong.

One way that schools can address bullying and discrimination and ameliorate their effects is by providing educational resources to students, teachers, and staff to familiarize them with LGBT people and issues. Unfortunately, positive information and resources regarding sexual orientation and gender identity are exceedingly rare in secondary schools in the Philippines. When students do learn about LGBT people and issues in schools, the messages are typically negative, rejecting same-sex relationships and transgender identities as immoral or unnatural. Juan N., a 22-year-old transgender man who had attended high school in Manila, said, "There would be a lecture where they'd somehow pass by the topic of homosexuality and show you, try to illustrate that in the Bible, in Christian theology, homosexuality is a sin, and if you want to be a good Christian you should not engage in those activities. Virtually all the students interviewed by Human Rights Watch said the limited sexuality education they received did not include information that was relevant to them as LGBT youth, and few reported having access to supportive guidance counselors or school personnel."

When students face these issues—whether in isolation or together—the school can become a difficult or hostile environment. In addition to physical and psychological injury, students described how bullying, discrimination, and exclusion caused them to lose concentration, skip class, or seek to transfer schools—all impairing their right to education. For the right to education to have meaning for all students—including LGBT students—teachers, administrators, and lawmakers need to work together with LGBT advocates to ensure that schools become safer and more inclusive places for LGBT children to learn.

Human Rights Watch conducted the research for this report between September 2016 and February 2017 in 10 cities on the major islands of Luzon and the Visayas in the Philippines. To identify interviewees, we conducted outreach through LGBT student groups, particularly at the university level. Human Rights Watch interviewed members of those groups as well as students who were known to those groups, whether or not they had experienced discrimination in school. We sought interviews with students of diverse sexual orientations and gender identities, but gay boys and transgender girls were disproportionately represented among the students identified by LGBT groups and the students who attended the group discussions.

Human Rights Watch conducted a total of 144 interviews, including with 73 secondary school students or recent graduates who affirmatively identified as LGBT or questioning, 25 students or recent graduates who did not affirmatively identify as LGBT or questioning, and 46 parents, teachers, counselors, administrators, service providers, and experts on education. Of the LGBT students, 33 identified as gay, 12 identified as transgender girls, 10 identified as bisexual girls, 6 identified as lesbians, 4 identified only as LGBT, 3 identified as transgender boys, 2 identified as bisexual boys, 2 identified as questioning, and 1 identified as a panromantic girl.

Interviews were conducted in English or in Tagalog or Visayan with the assistance of a translator. No compensation was paid to interviewees. Whenever possible, interviews were conducted one-on-one in a private setting. Researchers also spoke with interviewees in pairs, trios, or small groups when students asked to meet together or when time and space constraints required meeting with members of student organizations simultaneously. Researchers obtained oral informed consent from interviewees after explaining the purpose of the interviews, how the material would be used, that interviewees did not need to answer any questions, and that they could stop the interview at any time. When students were interviewed in groups, those who were present but did not actively volunteer information were not counted in our final pool of interviewees.

Human Rights Watch sent a copy of the findings in this report by email, fax, and post to DepEd on May 15, 2017 to obtain their input on the issues students identified. Human Rights Watch requested input from DepEd by June 2, 2017 to incorporate their views into this report, but did not receive a response.

In this report, pseudonyms are used for all interviewees who are students, teachers, or administrators in schools. Unless requested by interviewees, pseudonyms are not used for individuals and organizations who work in a public capacity on the issues discussed in this report.

Bading

A slang term for gay in Tagalog, usually used pejoratively.

Bakla

A Tagalog term for a person assigned male at birth whose gender expression is feminine and who may identify as gay or as a woman; it can be used pejoratively as a slur for an effeminate individual.

Bayot

A Cebuano term for a person assigned male at birth whose gender expression is feminine and who may identify as gay or as a woman; it can be used pejoratively as a slur for an effeminate individual.

Bisexual

A sexual orientation in which a person is sexually or romantically attracted to both men and women.

Cisgender

The gender identity of people whose sex assigned at birth conforms to their identified or lived gender.

Gay

Synonym in many parts of the world for homosexual; primarily used here to refer to the sexual orientation of a man whose primary sexual and romantic attraction is towards other men. In the Philippines, the term gay can also refer to a person who is assigned male at birth but expresses themselves in a feminine manner or identifies as a woman.

Gender Identity

A person's internal, deeply felt sense of being female or male, neither, both, or something other than female and male. A person's gender identity does not necessarily correspond to their sex assigned at birth.

Gender-Fluid

A descriptor for people whose gender fluctuates and may differ over time.

Gender

Non-Conforming

A descriptor for people who do not conform to stereotypical appearances, behaviors, or traits associated with their sex assigned at birth.

Homosexual

A sexual orientation in which a persons primary sexual and romantic attractions are toward people of the same sex.

Lesbian

A sexual orientation in which a woman is primarily sexually or romantically attracted to other women.

LGBT

An acronym to describe those who are lesbian, gay, bisexual, and transgender.

Panromantic

A sexual orientation in which ones romantic attraction is not restricted by sex assigned at birth, gender, or gender identity.

Sexual Orientation

A persons sense of attraction to, or sexual desire for, individuals of the same sex, another sex, both, or neither.

Tibo

A slang term for lesbian in Tagalog, usually used pejoratively.

Tomboy

A term for a person assigned female at birth whose gender expression is masculine and who may identify as lesbian or as a man; it can be used pejoratively as a slur for a masculine individual who was assigned female at birth.

Transgender

The gender identity of people whose sex assigned at birth does not conform to their identified or lived gender.

The Philippines has a long history of robust LGBT advocacy. In 1996, LGBT individuals and groups held a solidarity march to commemorate Pride in Manila, which many activists describe as the first known Pride March in Asia.^[11] Lawmakers began introducing bills to advance the rights of LGBT people in the country in 1995, including variations of a comprehensive anti-discrimination bill that has been reintroduced periodically since 2000.^[2]

In the absence of federal legislation, local government units across the Philippines have begun to enact their own anti-discrimination ordinances that prohibit discrimination on the basis of sexual orientation and gender identity. As of June 2017, 15 municipalities and 5 provinces had ordinances prohibiting some forms of discrimination on the basis of sexual orientation or gender identity.^[3] Attitudes toward LGBT people are relatively open and tolerant; a survey conducted in 2013 found that 73 percent of Filipinos believe society should accept homosexuality, up from 64 percent who believed the same in 2002.^[4] President Rodrigo Duterte has generally been supportive of LGBT rights as well. During his time as mayor, Davao City passed an LGBT-inclusive anti-discrimination ordinance, and on the campaign trail, he vocally condemned bullying and discrimination against LGBT people.^[5]

Nonetheless, many of the basic protections sought by activists remain elusive. A bill that would prohibit discrimination based on sexual orientation and in later versions, gender identity in employment, education, health care, housing, and other sectors has been regularly introduced in Congress since 2000.^[6] The Anti-Discrimination Bill, or ADB, passed out of committee in the House of Representatives for the first time in 2015, but never received a second reading on the House floor and never passed out of committee in the Senate.^[7] In the current Congress, the ADB has passed out of committee in the Senate for the first time, but at time of writing, it has not yet passed out of committee in the House.^[8]

The anti-discrimination ordinances that have passed in the absence of federal legislation remain largely symbolic, as Quezon City is the only local government unit to follow the passage of its ordinance with implementing rules and regulations that are required to make such an ordinance enforceable.^[9] Even if fully enforced, these municipal and provincial ordinances would collectively cover only 15 percent of the population of the Philippines.^[10]

In a pair of decisions, the Supreme Court limited the possibility of legal gender recognition, ruling that intersex people may legally change their gender under existing law but transgender people may not.^[11] The Philippines does not recognize same-sex partnerships, and although Duterte signaled openness to marriage equality in early 2016 while campaigning for the presidency and his legislative allies promised to support same-sex marriage legislation, he appeared to reverse course and express opposition to marriage equality in a speech in early 2017.^[12] Moreover, HIV transmission rates have soared in recent years among men who have sex with men (MSM) and transgender women, due to a combination of stigma, a lack of comprehensive sexuality education, barriers to obtaining condoms, and laws that prevent children under age 18 from purchasing condoms or accessing HIV testing without parental consent.^[13]

Many of the efforts to advance LGBT rights have met with resistance from the Catholic Church, which has been an influential political force on matters of sex and sexuality. While the CBCP rejects discrimination against LGBT people in principle, it has frequently opposed efforts to prohibit that discrimination in practice. In 2017, for example, the Church sought amendments to pending anti-discrimination legislation that would prohibit same-sex marriage and allow religious objectors to opt out of recognizing LGBT rights.^[14] It has also resisted efforts to promote sexuality education and safer sex in schools.^[15]

The Church vocally opposes divorce, euthanasia, abortion, total population control, and homosexual marriage which it groups under the acronym DEATH and rejects recognition of LGBT rights with particular fervor when it is concerned those rights might eventually open the door to same-sex unions.^[16] Beyond its influence in law and policy, the Church has shaped attitudes toward homosexuality and transgender identities throughout the country; citing religious doctrine, teachers, counselors, and other authority figures often impress upon students that it is immoral or unnatural to be LGBT.

In spite of this opposition, activists lengthily efforts to engage policymakers on LGBT issues have led to important protections for LGBT youth, as discussed below. But these protections have not been effectively implemented. They will need to be strengthened and expanded if they are to uphold the rights of LGBT youth in schools.

In 2012, DepEd enacted a Child Protection Policy, which it describes as a zero tolerance policy for any act of child abuse, exploitation, violence, discrimination, bullying and other forms of abuse.^[17] Among the acts prohibited by the policy are all forms of bullying and discrimination in schools, including on the basis of sexual orientation and gender identity.^[18]

The policy requires all public and private schools to establish a child protection committee, which is to draft a school child protection policy to be reviewed every three years; develop programs to protect students and systems to identify, monitor, and refer cases of abuse; and coordinate with parents and government agencies.^[19] The Child Protection Policy also details a clear protocol for handling bullying incidents and dictates that investigation by school personnel and reporting by the school head or schools division superintendent should be swift.^[20]

As advocates have pointed out, however, monitoring and implementation of the Child Protection Policy is uneven. One analysis notes that [u]nfortunately, no monitoring is done on its implementation and hence whether it is helping LGBT children in schools.^[21] A collective of LGBT organizations in early 2017 concluded such mechanisms did not deter the prevalence of violence [LGBT] children experience.^[22] In interviews with Human Rights Watch, advocates and school personnel noted that many child protection committees are not trained to recognize or deal with LGBT issues, and overlook policies and practices, discussed below, that overtly discriminate against LGBT youth.^[23]

In 2013, the Philippine Congress passed the Anti-Bullying Law of 2013, which instructs elementary and secondary schools to adopt policies to address the existence of bullying in their respective institutions.^[24] At a minimum, these policies are supposed to prohibit bullying on or near school grounds, bullying and cyberbullying off school grounds that interferes with a students schooling, and retaliation against those who report bullying. The policies should also identify how bullying will be punished, establish procedures for reporting and redressing bullying, enable students to report bullying anonymously, educate students, parents, and guardians about bullying and the schools policies to prevent and address it, and make a public record of statistics on bullying in the school.^[25]

The Anti-Bullying Law does not specify classes of students at heightened risk for bullying. The implementing rules and regulations for the law, however, explain that the term bullying includes gender-based bullying, which refers to any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity (SOGI).^[26] With the promulgation of these implementing rules and regulations, the Philippines became the first country in the region to specifically refer to bullying on the basis of sexual orientation and gender identity in its laws.^[27]

The Anti-Bullying Law does not shield against all types of bullying, however. It does not account for instances where teachers bully LGBT youth.^[28] As described in this report, many students and administrators are unaware of school bullying policies. Further, many students told Human Rights Watch that they did not feel comfortable reporting bullying, or did not know how to report bullying or what the consequences would be for themselves or the perpetrator. The datasets that DepEd releases regarding reported incidents do not disaggregate bullying on the basis of SOGI, so there is no available data to identify when such bullying occurs or what steps might be effective in preventing it.^[29]

As with the Child Protection Policy, the implementation and monitoring of the Anti-Bullying Law has proven difficult. A United Nations Education, Scientific and Cultural Organization (UNESCO) report observed that only 38 percent of schools submitted child protection or anti-bullying policies in 2013, and the low rate of submission has been attributed to a low level of awareness of requirements of the Act and weak monitoring of compliance.^[30]

LGBT rights activists in the Philippines have long called for comprehensive sexuality education in schools. In 2012, Congress passed the Responsible Parenthood and Reproductive Health Law, which provides that [t]he State shall provide age- and development-appropriate reproductive health education to adolescents which shall be taught by adequately trained teachers.^[31] The law and its implementing rules and regulations require public schools to use the DepEd curriculum and allow private schools to use the curriculum or submit their own curriculum for approval from DepEd, promoting a uniform baseline of information in both private and public schools.^[32] In response to lengthy delays, President Duterte issued an executive order in January 2017 requiring agencies to implement the law; in part, the order instructs DepEd to implement a gender-sensitive and rights-based comprehensive sexuality education (CSE) in the school curriculum.^[33]

DepEd has previously incorporated some sexuality education materials into school curricula, but implementation is uneven. The sexuality education curriculum has not yet incorporated the recommendations developed by experts, teachers, parents, students, and other stakeholders, nor has it been accompanied to date by training to ensure that it is taught correctly and effectively.^[34] At the time of writing, there were no sexuality education modules targeted at LGBT youth.^[35]

As DepEd and the Congress recognized with their initial efforts to address bullying in schools, exclusion and marginalization can exact a damaging toll on the rights and well-being of LGBT youth. In addition to the documentation contained in this report, data collected by the Philippine government, academics, and civil society organizations illustrate how bullying and harassment, discrimination, and a lack of access to information and resources are adversely affecting LGBT youth across the Philippines.

In the Philippines, as elsewhere, violence and discrimination place LGBT youth at heightened risk of adverse physical and mental health outcomes, including depression, anxiety, substance use, and suicide.^[36] As the Psychological Association of the Philippines has noted, LGBT Filipinos often confront social pressures to hide, suppress or even attempt to change their identities and expressions as conditions for their social acceptance and enjoyment of rights. Although many LGBTs learn to cope with this social stigma, these experiences can cause serious psychological distress, including immediate consequences such as fear, sadness, alienation, anger and internalized stigma.^[37] This has been borne out in small-scale empirical studies on LGBT youth and mental health in schools. One such study found that LGBT high schoolers were preoccupied with stigma, violence, bullying, discrimination in school, and anxiety over their future career prospects.^[38] Nor do these problems end upon graduation from high school; another study determined that LGBT college students exhibited extremely underdeveloped emotional and social capacity because they continue to experience stigma, prejudice and discrimination in the Philippine society that served as specific stressors that have an impact on their emotional and social intelligent behaviors.^[39]

On a broader scale, the increased risk of suicidal thoughts and attempts for LGBT youth is evident in nationally representative data. The results of the Young Adult Fertility and Sexuality Survey 3, for example, indicate that 16 percent of young gay and bisexual men in the Philippines had contemplated suicide, while only 8 percent of young heterosexual men had done so.^[40] Young gay and bisexual men were also more likely to attempt suicide, with 39 percent of those who had contemplated suicide actually attempting suicide, compared to 26 percent of their heterosexual peers.^[41] A similar trend was evident for young lesbian and bisexual women; 27 percent of young lesbian and bisexual women contemplated suicide compared to 18 percent of young heterosexual women,^[42] and of those who considered suicide, 6.6 percent of lesbian and bisexual women made suicide attempts compared to only 3.9 percent of their heterosexual peers.^[43] GALANG, a Philippine nongovernmental organization that works with lesbian and bisexual women and transgender people, found even higher rates among their constituencies. In a survey conducted in 2015, researchers from GALANG found that 18 percent of LBT respondents, who were almost all between the ages of 18 and 29, had attempted suicide.^[44]

Whether it takes physical, verbal, or sexualized forms, in person or on social media, bullying endangers the safety, health, and education of LGBT youth.^[45] Studies in the Philippines and elsewhere have found that, among young LGBT people, low self-esteem and poor self-acceptance, combined with discrimination was also linked to destructive coping behaviours such as substance use or unprotected sex due to anxiety, isolation and depression.^[46] Benjie A., a 20-year-old gay man in Manila who was bullied throughout his education, said, I was depressed, I was bullied, I didnt know my sexuality, I felt unloved, and I felt alone all the time. And I had friends, but I still felt so lonely. I was listing ways to die.^[47]

When schools are unwelcoming, students may skip classes or drop out of school entirely. Felix P., a 22-year-old gay high school student in Legazpi, said, Ive skipped school because of teasing. In order to keep myself in a peaceful place, I tend not to go to school. Instead, I go to the mall or a friends house. I just get tired of the discrimination at school.^[48] Francis C., a 19-year-old gay student from Pulilan, said, I just felt like I was so dumb. I wanted to stay at home, I didnt want to go to school. And I would stay at home. Once I stayed at home for two weeks.^[49]

In many instances, the repercussions of bullying are long-lasting. Geoff Morgado, a social worker, observed that for some students bullying turns into depression, because they feel they dont belong, and he believed that many students drop out because [t]hey feel they dont have a support group and feel isolated.^[50] Students who skip class, forgo educational opportunities, or drop out of school may experience the effects of these decisions throughout their lifespan. As a UNESCO report on school bullying notes, [e]xclusion and stigma in education can also have life-long impacts on employment options, economic earning potential, and access to benefits and social protection.^[51]

In interviews with Human Rights Watch, students described physical bullying that took various forms, including punching, hitting, and shoving. Most of the students who described physical bullying to Human Rights Watch were gay and bisexual boys or transgender girls. These incidents persisted even after the passage of the Anti-Bullying Law. Carlos M., a 19-year-old gay student from Olongapo City, said: When I was in high school, theyd push me, punch me. When Id get out of school, theyd follow me [and] push me, call me gay, faggot, things like that.^[52] Felix P., a 22-year-old gay high school student in Legazpi, said, People will throw books and notebooks at me, crumpled paper, chalk, erasers, and harder things, like a piece of wood.^[53] Benjie A., a 20-year-old gay man in Manila, said that once a classmate pushed him down the stairs at his high school, and added he still avoided his assailant as an adult for fear of physical violence.^[54]

As detailed below, very few of the students interviewed reported bullying to teachers, either because they felt that reporting would not resolve the bullying or because they feared that reporting would lead to retaliation by other students and make the situation worse. In some instances, teachers also participated in harassment. Such behavior is not only discriminatory toward students of different sexual orientations and gender identities, but deters students from turning to teachers and administrators for help when they are bullied or harassed by their peers.

For many LGBT students, bullying is often sexual in nature. Eric Manalastas, a professor of psychology at the University of the Philippines who has studied LGBT youth issues, observed a theme of being highly sexualized and sexually harassed, especially for the gender non-conforming male students.^[55] Geoff Morgado, a social worker, described working with LGBT youth who told him that other students grab the hand, or arm lock the child, or they force them into doggy style position. This is what you want, right, this is what you want?^[56] In interviews with Human Rights Watch, LGBT students described similar patterns of harassment and sexual assault in schools.

Gabby W., a 16-year-old transgender girl at a school in Bayombong, described a series of incidents that she experienced, including other students attempting to strip off her clothes in public, being forced into a restroom and sexually assaulted, and on a separate occasion being locked in a cubicle in a mens restroom and sexually assaulted.^[57]

Several gay or bisexual boys and transgender girls told Human Rights Watch that their fellow students had subjected them to simulated sexual activity or mock rape. Ruby S., a 16-year-old transgender girl who had attended high school in Batangas, described [s]tudents acting like they were raping me, and then my friends saying, oh you enjoyed it, hes cute. One of my classmates even said that LGBT people are lustful in nature, so its because youre a flirt.^[58]

Gabriel K., a 19-year-old gay student who attended high school in Manila, similarly noted his classmates would grab my hands, and theyd touch them to their private parts, and theyll say to me thats what gay is, thats it.^[59] Jerome B., a 19-year-old gay man from Cebu City, recalled: The worst thing, physically speaking, is they would ironically, they hate gays, but they would dry hump me. It was like rape to me. I felt violated.^[60]

Other LGBT students recounted slurs and stereotypes that were highly sexualized—for example, being catcalled in school or being labeled as sex workers. Sean B., a 17-year-old gay student in Bayombong, recalled how other students would shout 50 pesos, 50 pesos! as he walked past, because [t]hey think that were prostitutes.^[61] Gabby W., a 16-year-old transgender girl at the same school, said: I feel bad about it its so embarrassing. Youre walking around hundreds of people, and they shout that and that shapes the perception of other people about us, that yelling by other people.^[62] Melvin O., a 22-year-old bisexual man from Malolos, recalled how in high school people, especially the guys, would just sexually harass you, like youre gay, you want my dick, stuff like that.^[63]

Rhye Gentoleo, a member of the Quezon City Pride Council, a city commission designed to enforce LGBT rights protections, observed that LGBT youth often face considerable pressure from heterosexual, cisgender peers to be sexually active because they are LGBT: And thats how the LGBT kids are being bullied as well. Oh, youre gay, can you satisfy me? Theyre being challenged, how far can you go as a gay, how far can you go as a lesbian. And they have different ways of copingsome are hiding, but a lot of them are taking the challenge, being sexually active, without thinking of the consequences.^[64] As discussed below, the sexualization of LGBT youth is exacerbated by the absence of LGBT-inclusive sexuality education, which leaves many youth ill-equipped to protect themselves and their sexual health.

The most common form of bullying that LGBT students reported in interviews with Human Rights Watch was verbal harassment. This included chants of *bakla*, *bakla*, *bayot*, *bayot*, *tomboy*, or *tibo*, using local terms for gay, lesbian, or transgender students in a mocking fashion.^[65]

Daniel R., an 18-year-old gay student in Bacacay, said People will say gaytheyll say gay, gay, repeating it, and insulting us.^[66] Ernesto N., a gay teacher in Cebu City, observed, Here in the Philippines, being called *bayot*, its discrimination. Its being told youre nothing, youre lower than dirt. That youre a sinner, that you should go to Hell.^[67]

Many students described being labeled as sinners or aberrations. Leon S., a 19-year-old gay student from Malolos, said that [s]tudents would say that homosexuality is a sin.^[68] Marco L., a 17-year-old gay student in Bacacay, said that [p]eople say *ipako sa krus*, that you should be crucified.^[69] Gabriel K., a 19-year-old gay student who attended high school in Manila, said people told gay students that you have to be crucified because youre a sinner.^[70]

Anthony T., a gay student at a high school in Cebu City, said: Some of my classmates who are religious say, Why are you gay? Its a sin. Only men and women are in the Bible. And I say, I dont want to be like this, but its what Im feeling right now. Even if I try, I cant change it. And if they ask why I am a gay and why do I like gays, I say, its how I feel, Ive tried, and I cant be a man.^[71]

Others described how they were treated as though they were diseased or contagious. Felix P., a 22-year-old gay high school student in Legazpi, noted: Here, they call us carriers theres a stereotype that gays are responsible for HIV.^[72] Benjie A., a 20-year-old gay man in Manila, recalled a classmate telling him dont come near me because youll make me gay.^[73]

Some students noted verbal harassment that was predicated on the idea that their sexual orientation or gender identity was a choice. Analyn V., a 17-year-old bisexual girl in Mandaue City, observed, It is inevitable that theyll judgelike, you should date a real man instead of a lesbian because your beauty is wasted.^[74] Dalisay N., a 20-year-old panromantic woman who had attended high school in Manila, said: When I was walking with my girlfriend, [other students] would tease us they would say things like its better if you have a boyfriend, or they would shout things like you dont even have a penis.^[75]

The high levels of verbal harassment that LGBT youth faced in schools had repercussions for their experiences in schools. Teasing prompted some students to remain closeted, particularly in the absence of other positive resources to counteract negative messaging. Jerome B., a 19-year-old gay man from Cebu City, remarked, For the majority of my life, I was in the closet. Its really hard for me to express what I feel. In my school, being gay is really its really the worst thing you could be. Youll be treated like shit. So being gay was a curse, I thought for a long time.^[76]

Some students altered their behavior or personality in an attempt to avoid disapproval from classmates. Patrick G., a 19-year-old gay man who had attended high school in Cainta, said:

Patricks experience is not unique. As one elementary school counselor observed, youth are quite intimidated that kids will call them gayeven in Grade Six, you can tell that they dont want to be called gay or lesbian.^[78] When verbal harassment became unbearable, some students removed themselves from the school environment entirely. Ella M., a 23-year-old transgender woman who had attended high school in Manila, noted that [v]erbal bullying was why I transferred.^[79]

In addition to verbal harassment by peers, many LGBT students described verbal harassment and slurs from teachers and administrators. Patrick G., a 19-year-old gay man, said that at his high school in Cainta, [s]ometimes teachers would join in with *bakla*, *bakla*.^[80] Jerome B., a 19-year-old gay man from Cebu City, said that it really feels bad, because the only figure you can count on is your teacher, and theyre joining in the fun, so who should I tell about my problems?^[81]

Often, disapproval from teachers was expressed in overtly religious terms. Wes L., an 18-year-old gay student at a high school in Bacacay, said, My teacher in school told me that people are created by God, and God created man and woman. They say that gays are the black sheep of the family, and sinners.^[82] Danica J., a 19-year-old lesbian woman who had attended a high school in Cainta, described how a teacher told me not to be lesbian anymore, and then he prayed over my head. He prayed for me. There were no supportive teachers at the school.^[83]

In some cases, disapproval from teachers was voiced in front of other students, reinforcing the idea that LGBT youth are wrong or immoral. Gabriel K., a 19-year-old gay student who attended high school in Manila, recalled how a teacher brought him before his peers and compared me to the othersthat being gay is not welcome into heaven, and made an example in front of the whole class.^[84] Benjie A., a 20-year-old gay man in Manila, recalled how a teacher in elementary school called him and two other effeminate students in front of her biology class to tell the students:

As students interact with their peers on social media and in other virtual spaces, cyberbullying has increasingly impacted LGBT youth in schools. LGBT students described anti-LGBT comments and slurs as well as rapidly spreading rumors facilitated by social media.

Leon S., a 19-year-old gay student from Malolos, said: They would post things online, which is a far easier thing to do than say it personally.... I would post something, and they would comment about my sexual orientation. It was the usual, *bakla*, *bading*.^[86] Marisol D., a 21-year-old transgender woman, similarly noted, Some of my friends would put comments like *bakla*, *bakla* on my posts. You just ignore it [because if they see that youre being affected theyll bully you more].^[87] Carlos M., a 19-year-old gay student from Olongapo City, said, My classmates would post stuff online memes against LGBT, Satan saying Im waiting for you here.^[88]

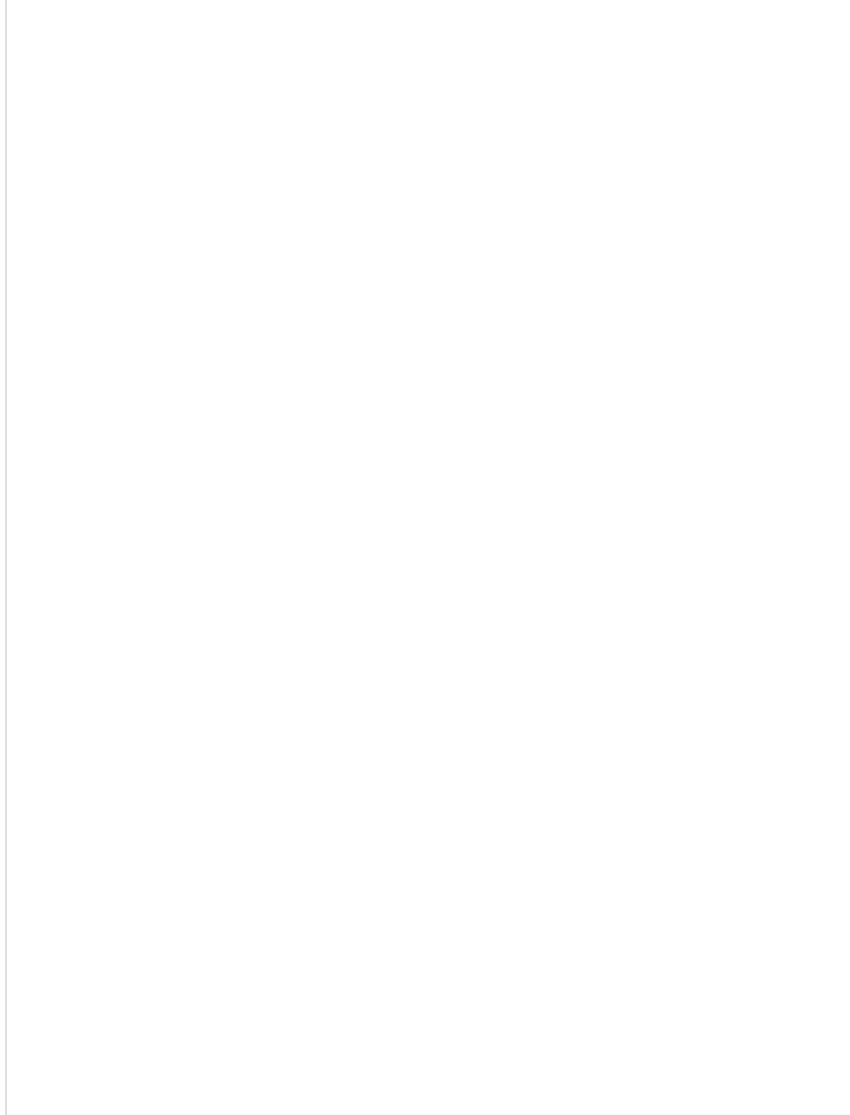
Jack M., an 18-year-old gay high school student in Bayombong, was a victim of rumors spread through social media: Theyll make up stories. People will tell others [online] that I had sex with a person, even if its not true.^[89]

Cyberbullying also draws on stereotypes about LGBT students, and particularly transgender women and girls, with harsh disapprobation for those who were perceived to fall short of social expectations. Geoff Morgado, a social worker, observed that:

Morgado added that many same-sex couples in schools must also contend with comments on social media criticizing their conformity to gender norms and the appropriateness of same-sex pairings.^[91]

Human Rights Watch heard repeatedly that schools fail to instruct students about what bullying entails, how to report incidents when they occur, and what the repercussions will be. As a result, many schools convey tacit acceptance to perpetrators and leave victims unaware of whether or how they can seek help.

A poster for an anti-bullying campaign hangs on a wall at a secondary school outside Cebu, November 2016.



[Click to expand Image](#)

A poster for an anti-bullying campaign hangs on a wall at a secondary school outside Cebu, November 2016. 2016 Ryan Thoreson/Human Rights Watch

Both the Child Protection Policy and Anti-Bullying Law require that schools develop and convey policies regarding bullying and harassment. Nonetheless, many students interviewed by Human Rights Watch indicated they were unaware of the policies in place. Danica J., a 19-year-old lesbian woman who had attended high school in Cainta, said, We didnt get any information about bullying as high school students.[92] Others said they had received some instruction on bullying, but it was incomplete or did not address LGBT issues. Leon S., a 19-year-old gay student from Malolos, said [t]he school did anti-bullying seminars, but it didnt really address bullying about your sexual identitythe seminar is more general in scope.[93]

When students do not know how to report bullying and harassment or do not believe that reporting would be effective, they are unlikely to bring incidents to the attention of teachers and administrators. Jerome B., a 19-year-old gay man from Cebu City, said:

Some students attributed their reluctance to report bullying to the negative messages about LGBT people theyd received from teachers. Students identified negative messaging in various classes, including values education, a subject taught throughout secondary school to instill positive values and morals in Filipino youth. Although many students told Human Rights Watch that their values education courses were largely secular and focused on topics like respect and responsibility, others described overtly religious lessons that disparaged LGBT people. Dalisay N., a 20-year-old panromantic woman who had attended high school in Manila, remarked: Theres a lot of teasing and bullying, but we dont talk about it with teachers or counselors. I think thats because of what theyre trying to teach us, in values education, things like that.[95]

Interviews with LGBT students indicate that many teachers fail to intervene when they witness bullying or harassment occurring or it is brought to their attention, even since passage of the Anti-Bullying Law, which in turn discourages students from reporting cases of bullying. Analyn V., a 17-year-old bisexual girl in Mandaue City, said, Teachers dont step in. They think its a joke. But some jokes are below the belt. We conceal being hurt because maybe they think its overreacting.[96] The teachers dont say anything or get mad if they hear people saying *bakla*, they just smile or laugh, said Felix P., a 22-year-old gay high school student in Legazpi. Teachers might ask the students to stop, but they dont punish them. And as soon as they leave, the bullying happens again.[97]

In some instances, teachers and administrators may not have intervened because they had not received proper training or were unsure of their responsibilities. In one interview, a high-level administrator at a high school in Mandaue City remarked that she had never heard of the Anti-Bullying Law.[98] In another interview, a DepEd trainer and educator erroneously stated that the law did not cover LGBT students.[99] According to Rowena Legaspi of the Childrens Legal Rights and Development Center, uncertainty about existing protections is due in part to the tendency for school administrators to simply adopt policy templates from DepEd without tailoring them to the school environment, undergoing training, or fully understanding what is being implemented.[100]

As a coalition of Philippine organizations has noted, in many instances, [b]ullying and other forms of violence within the schools or education settings is steered by institutional policies, for example, through gender-insensitive curricula, SOGI-insensitive school policies (e.g. required haircuts and dress codes), and [a] culture of bullying.[101] As evidenced in the following sections, the many forms of exclusion and marginalization that LGBT youth experience in Philippine schools can reinforce one another. In schools where LGBT youth lack information and resources, for example, they may struggle more deeply with their sexual orientation or gender identity or be unsure where to turn for help. In schools where policies discriminate against LGBT youth, they may be placed in situations where bullying by peers is likely to occur and may feel administrators are unlikely to help them.

In addition to bullying and harassment, LGBT students encounter various forms of discrimination that make educational environments hostile or unwelcoming. To ensure that all youth feel safe and included in schools, school administrators should examine policies and practices that punish LGBT students for relationships that are considered acceptable for their heterosexual peers, restrict gender expression and access to facilities, and stereotype LGBT youth in a discriminatory manner.

Discrimination takes a toll on LGBT students mental health and ability to learn. Some students who encountered discrimination in schools reported that they struggled with depression and anxiety[102] Others told Human Rights Watch that discrimination made it difficult to concentrate on the material or participate in class,[103] or caused them to skip classes, take a leave of absence, or drop out entirely.[104]

Both the Philippine Constitution and the Philippines international treaty obligations recognize a right to education. The UN Committee on Economic, Social and Cultural Rights has emphasized that the right to education, like other rights, must not be limited on the basis of sexual orientation or gender identity.[105] For educational environments to effectively serve all youth, they must treat LGBT youth the same as they treat their non-LGBT peers.

It is common practice for secondary schools in the Philippines to require students to wear uniforms. Under these policies, the attire is gender-specific and the two options, male or female, are typically imposed upon students according to the sex they were assigned at birth.

[Uniform guidelines for students hang on a wall at a university in Manila, November 2016.](#)

[Click to expand Image](#)

Uniform guidelines for students hang on a wall at a university in Manila, November 2016. 2016 Ryan Thoreson/Human Rights Watch

In addition to clothing, many secondary schools have strict hair-length restrictions for their students, particularly for boys. Almost all interviewees reported that boys could not grow out their hair past ear-length or dye their hair at their schools, and many also noted that girls were prohibited from wearing their hair shorter than a permissible length.

Students whose gender expression differed from the norms associated with their sex assigned at birth told Human Rights Watch how these restrictions impeded their education. Students reported that being forced to dress or present themselves in a manner that was inconsistent with their gender expression made them unhappy^[106] and uncomfortable,^[107] lessened their confidence,^[108] and impaired their concentration.^[109] As Del M., a 14-year-old lesbian student who was allowed to wear the boys uniform, remarked, Its easier for me to learn wearing the boys uniform.^[110]

At many of these schools, students who did not conform to the uniform and hair-length requirements faced disciplinary action. Common punishments included being sent to the guidance or discipline offices and mandatory community service. Ella M., a 23-year-old transgender woman who had attended high school in Manila, described being punished solely on this basis of her general gender presentation. She said that her schools handbook punished an act of effeminacy, not further defined, with a conduct grade of 75, which basically means you did something really really bad. I might as well have cheated.^[111]

For many transgender or gender non-conforming students, the strict uniform and hair-length requirements were sources of intense anxiety and humiliation, and in some cases led to extended school absences and even leaving schooling entirely.^[112]

Marisol D., a 21-year-old transgender woman, said:

Other interviewees reported similar incidents in which teachers or prefects would publicly call out students in violation of the restrictions and forcibly cut their hair in front of the class.

Jerome B., a 19-year-old gay man, said that in his high school in Cebu City:

In most cases, teachers and administrators provided little to no explanation for the hair-length requirements when students asked about the policies at their respective schools. Felix P., a 22-year-old gay high school student in Legazpi, told Human Rights Watch:

As Lyn C., a 19-year-old transgender woman in Manila, recounted, gendered clothing requirements also extended to school-sponsored events such as prom nights:

In some instances, students were able to request a full switch of the uniforms according to their gender identity. However, agreements to alter uniform requirements were usually not the result of consistently applied policies designed to respect students right to free expression of their gender identity, but rather of the compassion of a specific school administrator or principal. In one of the few such cases Human Rights Watch documented, a lesbian student was permitted to wear the boys' uniform primarily because the schools principal was himself openly gay and supportive of the petition.^[117]

Even when students are formally permitted to wear the uniforms of their choice, however, school personnel at times harass or humiliate them in practice. Gabby W., a 16-year-old transgender girl in high school in Bayombong, told Human Rights Watch:

Uniform and Hair Length Restrictions in Universities

Although this report focuses on secondary schools, many interviewees said they had experienced similar issues with uniform and hair-length restrictions at the university level.

In some extreme cases, students who repeatedly cross-dressed a term that schools and some students used to describe gay, lesbian, or transgender students expressing their gender in school were suspended or even expelled. According to Danica J., a 19-year-old lesbian woman at a university in Manila, people are punished if they violate the uniform policy. Its like a disciplinary action. They wont let you in if youre cross-dressing, and after a couple times, you can be suspended or expelled.^[119]

As one 19-year-old university student in Caloocan told Human Rights Watch,

Even in universities without formal uniform or hair-length policies, however, transgender and gender-fluid students sometimes reported harassment or reprisals from teachers, classmates, and administrators when they expressed their gender. Patrick G., a 19-year-old gay man in Manila, said that despite a policy at his university guaranteeing students the freedom to dress based on their gender expression, he was aware of one case in which the Discipline Office (DO) summoned a transgender woman to interrogate her about her clothing: She was within the scope of the policy, but the DO said, Are you not ashamed of what youre wearing? Are you not thinking of how others will think about how you dress?^[121]

Dalisay N., a 20-year-old panromantic woman at a university in Caloocan, said:

When I enrolled in college, I even talked to the head of the office for student affairs, and told her Im not comfortable wearing a skirt. They allow us to wear

slacks, but its different from the male uniform. And she said, What are you, youre a female, right? I was speechless.

The guards are also a headache. They'll ask, Why are you wearing slacks? Why aren't you wearing women's shoes? I tell them I'm not comfortable wearing that. And sometimes they'll even look me up and down from head to toe, which is really uncomfortable.^[122]

Carlos M., a 19-year-old gay student at the same university, said that university security guards forced transgender women to go home if they were wearing makeup or long hair.^[123]

According to Lyn C., a 19-year-old transgender woman at a university in Manila:

Lyn's university removed its uniform and hair-length restrictions in January 2017 after years of persistent advocacy from student groups. However, even after the changes, some students still faced discrimination from teachers.

Several interviewees also told Human Rights Watch that they or their classmates had dropped out of classes or transferred sections at their universities to avoid conflicts with professors who were hostile to transgender students.^[125]

Certain departments and colleges also tend to have more stringent uniform and hair-length restrictions than their affiliated universities, often forcing transgender students to conform in order to matriculate. Some students and professors identified colleges of hospitality, management, and education among those requiring gendered clothing, irrespective of the broader university's policies.^[126]

For students who are transgender or identify as a sex other than their sex assigned at birth, rigid gender restrictions can be stressful and make learning difficult. One of the areas where gender restrictions arose most often for LGBT interviewees was in access to toilet facilities, known in the Philippines as comfort rooms (CRs). Most interviewees said that their schools required students to use CRs that aligned with their sex assigned at birth, regardless of how they identified or where they were most comfortable. Some said that both female and male CRs posed safety risks or made them uncomfortable, but that all-gender restrooms were scarce.

Requiring students to use restrooms that did not match their gender identity or expression put them at risk of bullying and harassment. Gabby W., a 16-year-old transgender girl in Bayombong, said that boys peep on us when we use the boys restroom, and they say were trying to have sex with them, things like that.^[127] Reyna L., a 24-year-old transgender woman, agreed: Boys or male persons are always vigilant when it comes to gays and transgenders. Any time they see us going in the CR, they sometimes look at you like I'm going to do something, with malice, or look at us like a maniac.^[128] Because of this, Gabby said, Sometimes you don't have a choice but to go home and use your own restroom.^[129]

Some schools punish students for using the CRs where they felt comfortable. Ruby S., a 16-year-old transgender girl who attended high school in Batangas, said:

Even students who were not formally punished described being humiliated by faculty and staff policing gendered spaces. Alon B., a gay teacher in Cebu City, said that the administration at the school where he taught had posted a printed sign that says only biological females are able to be in this bathroom.^[131]

At least one secondary school has created all-gender CRs that any person can use regardless of their gender identity.^[132] But while some students may feel more comfortable using all-gender CRs, others prefer to use the same CRs that everybody else uses. Reyna L., a 24-year-old transgender woman, said, I'd like to use the female comfort room, and be treated as a normal person. If I can't, I'd rather not use it at all.^[133] Allowing students to use CRs consistent with their gender identity can be a simple and uncontroversial step that makes a positive difference for transgender youth. Ella M., a 23-year-old transgender woman from Manila, noted that when she transferred to a new high school:

Access to Facilities in Universities

Policies that prevent students from accessing restrooms consistent with their gender identity exist in post-secondary institutions as well.

Dalisay N., a 20-year-old panromantic woman at a university in Caloocan, said:

Marisol D., a 21-year-old transgender woman, said that in her university, instructors reported transgender students to the discipline office for using the wrong restroom.^[136] Ace F., a 24-year-old gay man in Manila, noted that another member of his university's LGBT group was apprehended by our school administration'shes a transgender woman and she used a girls bathroom. The office of student behavior gave her a minor disciplinary offense.^[137]

As in secondary schools, university policies that prevent students from accessing facilities on the basis of their gender identity are discriminatory and function to undermine student safety, health, privacy, and the right to education.

Even when students identify as transgender, some teachers and administrators insist on treating them as their sex assigned at birth. David O., a high school teacher in Mandaue City, recounted a story in which a transgender boy and his parent wanted the school to socially recognize him as a boy, but another teacher insisted that the student was female and should be treated as a girl.^[138]

Imposing strictly gendered activities and requiring students to participate according to their sex assigned at birth can constitute discrimination and impair the right to education. Human Rights Watch found that some schools require boys to take physical education classes and girls to take arts classes, for example, which reinforces stereotypes and deprives boys who want to pursue art and girls who want to pursue sports of educational opportunities.^[139] It can also be profoundly stigmatizing and uncomfortable for students. As Felix P., a 22-year-old gay high school student in Legazpi, said: During flag ceremony, students used to line themselves up by male or female, and I think it's really difficultwhich line should I go in? I don't think I'm welcome in the boys group, and I'm not allowed to go in the women's group.^[140]

Many schools in the Philippines have policies restricting public displays of affection among students, and outline those policies in student handbooks or codes of conduct. Yet LGBT students reported that their relationships were policed more carefully or punished more harshly than their non-LGBT peers. In particular, young lesbian and bisexual women and transgender men who attended exclusive schools those that are only open to one sex reported that their friendships and relationships were closely scrutinized and policed by school staff.

Juan N., a 22-year-old transgender man who had attended high school in Manila, said:

Angelica R., a 22-year-old bisexual woman who had attended high school in Manila, said that more masculine girls were especially targeted to keep them from becoming close with other girls:

The same standards were not applied to heterosexual students, as teachers and administrators acknowledged. Even a gay teacher defended this double standard, citing social and religious conventions. Ernesto N., a gay teacher in Cebu City, said of same-sex couples dating in schools: It's just like having sex in school! Goodness! It's really our culture.... For boys and girls it's okay, but not for LGBT.^[143]

LGBT youth also described the pressure that teachers and administrators imposed on them to act in a stereotypical fashion.

Many of the LGBT youth interviewed by Human Rights Watch emphasized that, to the extent they were respected in school, they had earned that respect by being better students than their peers. Often, this meant that LGBT students were tasked with more work or responsibilities than other students as part of the price they paid to be accepted and respected. Eric Manalastas, a psychology professor at the University of the Philippines who has conducted research on LGBT youth issues, found that:

In a similar vein, one university instructor told Human Rights Watch that as faculty members, were often delegating responsibilities to members of the LGBT community because we know they'll do it well.^[145] Rodrigo S., a gay high school teacher in Dipolog City, observed: I guess there are pressures for gay children and I see this do really well in class, I guess, because that kind of saves you from being bullied. Like, you ought to get somewhere so people won't make fun. A lot of my students wanted to excel in whatever they were doing, being artistic, because they wanted to be accepted. A lot of my gay students were at the top of the class.^[146]

In interviews, it appeared that many LGBT students had internalized the message that their acceptance as LGBT was conditional on being dutiful, talented members of the school community. Virgil D., a 20-year-old gay man in high school in Bacayay, said, I think the gays should dress properly and be responsible. And then they'll be treated well.^[147] Mary B., an 18-year-old transgender woman in a high school in Manila, said:

Manalastas found that the demand to be respectable put a heavy burden on LGBT students who did not conform: It may be that gay students are warmly received, generally speaking, but if you're characterized as one of the indecent ones perceived as very sexual, very loud, very gender non-conforming or out, it's different. He added that LGBT people from lower socioeconomic strata often face double discrimination, as exemplified by the common insult *baklang kalye* you're *bakla* and also you come from the streets, you don't have a proper house, you're poor.^[149]

Some students were keenly aware of these conditions and expressed frustration with them, voicing a desire to be treated with the same inherent respect as their non-LGBT classmates. Felix P., a 22-year-old gay high school student in Legazpi, said:

Jerome B., a 19-year-old gay man from Cebu City, described another stereotype that he found oppressive: the idea that gay males should be entertainers, jokers, and talented performers. He said classmates and teachers:

When students and teachers reinforce these stereotypes, they put pressure on those who do not fit preconceived notions of being gay and constrain their education and employment options. In an interview with Human Rights Watch, a local government official who had organized a job training program for LGBT people noted that the program specifically trained LGBT people to be clowns and hosts for pageants and other events.^[152]

Young lesbian women encounter different stereotypes. Dalisay N., a 20-year-old panromantic woman who had attended high school in Manila, observed that lesbian girls were particularly disadvantaged by teachers because the lesbian community, they don't see us like that, like the gays, the creative ones who do something artsy, that gay people are at the top of the list.^[153] Instead, according to Eric Manalastas, the stereotype with lesbians is that they're dangerous, a danger to other female students. Not in terms of being violent, but maybe as predatory. Or generally a bad influence not good for moral development as though they aren't also adolescents themselves.^[154] In interviews with Human Rights Watch, young bisexual women recounted how teachers scrutinized girls they considered butch or masculine, and took steps to separate them from other girls to prevent them from becoming close.^[155]

For youth who are transgender, pressure to pass according to their gender identity and, for transgender girls, to achieve high standards of physical beauty, were a serious source of stress for those who felt they lacked the ability or resources to meet the expectations of others.

These stereotypes were among the most consistent themes in interviews with LGBT youth. They illustrate how attitudes and informal practices, even when well-intentioned, can place heavy expectations on LGBT youth and undermine the notion that all youth are deserving of respect and acceptance. They underscore the importance of anti-bullying efforts, information and resources, and antidiscrimination policies that emphasize that all students, regardless of sexual orientation or gender identity, have rights that must be respected in schools.

When LGBT students face hostility in their homes, communities, and peer groups, access to affirming information and resources is vitally important. In interviews, however, few LGBT students in the Philippines felt that their schools provided adequate access to information and resources about sexual orientation, gender identity, and being LGBT.

As scholars have noted, heterosexism or the assumption that heterosexuality is the natural or preferable form of human sexuality can take two different forms in educational settings: (1) denigration, including overt discrimination, anti-gay remarks, and other forms of explicit homophobia against gay and lesbian students and teachers, or (2) denial, the presumption that gay and lesbian sexualities and identities simply do not exist and that heterosexual concerns are the only issues worth discussing.^[156] By neglecting or disparaging LGBT youth, both forms of heterosexism, alongside cisnormativity the assumption that people's gender identity matches the sex they were assigned at birth, sometimes accompanied by denigration of transgender identities are harmful to the rights and well-being of LGBT students in the Philippines.

A recent analysis of issues related to sexual orientation and gender identity in the Philippines found that LGBT youth are often neglected in school environments, particularly in light of strong constitutional protections for academic freedom, which give schools considerable leeway to design curricula and resources.^[157] In interviews with Human Rights Watch, LGBT students described how the absence of information and resources proved detrimental to their rights and well-being and why DepEd, lawmakers, and school administrators should embrace inclusive reforms.

Very few of the LGBT students interviewed by Human Rights Watch said they encountered positive portrayals of LGBT people as part of the school curriculum.

In many cases, LGBT people were simply invisible, with no acknowledgment that people are LGBT or discussion of LGBT history, literature, or other issues. One study found that, in elementary school textbooks required by DepEd:

Students confirmed that discussions of LGBT people in classes where LGBT issues might arise—for example, history, literature, biology, or psychology—are exceedingly rare. As Leah O., a 14-year-old bisexual girl in Marikina, said, The teachers dont mention LGBT. [159] Alex R., a 17-year-old gay boy from San Miguel, similarly noted, I didnt hear teachers say anything about LGBT issues in class. [160]

Interviews with teachers and administrators illustrated why LGBT issues are absent from the curriculum. Alon B., a gay teacher in Cebu City, recalled how a gay student asked a question about LGBT identities, which he answered in front of the class. Alons department chair overheard the conversation and reprimanded him, and relieved him of his teaching load the following semester. [161] One LGBT advocate recalled asking his aunt, who was a high school principal, how LGBT issues were handled in the school: She told me I was surprised, she said, I dont want to touch on that subject. And I asked why immediately, and she said it was a sensitive issue. [T]heyre careful not to offend parents. [162]

Interviews with LGBT students suggest that when LGBT issues are discussed in class, teachers frequently portray them in a negative light. Often, this was the case in values education or religion classes, which were offered in public as well as private schools but often had a strongly Catholic orientation. Juan N., a 22-year-old transgender man who had attended high school in Manila, said that in theology classes, There would be a lecture where theyd somehow pass by the topic of homosexuality and show you, try to illustrate that in the Bible, in Christian theology, homosexuality is a sin, and if you want to be a good Christian you shouldnt engage in those activities. [163] Jessica L., a 22-year-old transgender woman from Pampanga province, noted how challenging this was as a student who was questioning her gender identity: [T]eachers would say, oh God only created man and woman, and so Im like who created me, I want to know? And who created us? So were the imperfections of God? Its so hard. Its like youre taking the bull by the horns every day. [164]

Ernesto N., a gay teacher in Cebu City, recalled walking down a hallway past a class being taught by a values education teacher, who says that you should not be gay because you will go to hell. You will no longer go to heaven. [165] One values education teacher explained why she taught students that a proposed anti-discrimination bill protecting LGBT rights was wrong:

I informed them of the SOGI bill, I told them that it will become a law soon. For some of us Christians its alarming, because for example two boys will be approaching a priest, and will ask them to be married. And if the priest wants to marry them, again as Christians, we have this kind of same-sex marriage, what can be next is a slippery slope, there will be sexual intercourse, I dont think that will be good. [166]

Juan N. said, I remember even in a physics class, we had the topic of negative and positive attraction, and negative doesnt attract, and [the teacher] said men are for women only, and never men for men or women for women. And I remember it because it came out of nowhere we were talking about magnets! [167] In a speech class, Ruby S., a 16-year-old transgender girl who had attended high school in Batangas, recalled delivering a presentation about coming out, coming out of your shell, coming out as a gay man which I was then and I said coming out was a good thing to do, but the teacher commented, I support you gay people, but if you have a relationship with a man, its a sin, the Bible says this, the Bible says that. [168] Pablo V., an 18-year-old gay student who attended high school in San Jose, said: In our school, we presented a play where a gay character and then our principal told me that its not possible for us to present because theres a gay character in our presentation. [169]

Without training teachers about LGBT identities and issues, stereotypes and misinformation spread unchecked. Jerome B., a 19-year-old gay man from Cebu City, recalled an instance in high school where one teacher said that if you eat a lot of chicken, you turn gay. And she said if you would eat a lot of ramen, you turn lesbian. I wouldnt dare question her, because shes in charge of my grade, but deep inside I was shaking! mean, how unbelievable. Eating chicken will turn you gay? Thats crazy. It would really help if they would undergo training. Because theyre teaching the kids wrong stuff. Its a cycle if they teach this, they pass it on to the next generation. [170]

In discussions about curricular offerings, students of all sexual orientations and gender identities voiced a desire to learn about LGBT topics in school. As Isabel A., a 16-year-old heterosexual girl in Cebu City, observed: We want to understand, even if were not lesbian or gay, so we can understand gays and lesbians. [171] For LGBT students, discussing LGBT issues was particularly important. Felix P., a 22-year-old gay high school student in Legazpi, suggested that it would be better if there was education on LGBT rights in the school, because it would be easier to respect and value individuals, regardless of whether theyre women or men and LGBT people in school wouldnt be stereotyped as infected with HIV. [172]

Discussions of LGBT topics in high schools were rare, but occurred more frequently at the university level. There, professors who were open to discussing LGBT topics observed how inclusivity improved the educational environment. According to one literature professor, If theyre out as members of the LGBTQ community, I can ask them questions about it, and theyre more engaged. When Im open with my students about their relationships, they tend to study better. Theyre never absent. Theyre more comfortable. If the teacher is more discriminatory, they wont be open to talking about how it affects them and what they think about it. [173]

In order to understand their own sexuality and to make responsible choices, LGBT students, as well as other students, need access to information about sexuality that is non-judgmental and takes into account the whole range of human intimacy. In recent years, many countries have moved toward providing comprehensive sexuality education, which UNESCO describes as an age-appropriate, culturally relevant approach to teaching about sex and relationships by providing scientifically accurate, realistic, non-judgmental information. [174]

As part of comprehensive sexuality education, LGBT students as well as their heterosexual, cisgender peers should have access to relevant material about their development, relationships, and safer sex. Scholars in the Philippines have found that [r]esearch on Filipino young adult sexuality has been explicit in stressing the need for a comprehensive educational framework that addresses gender and sexuality issues. [175] One study found that gay learners expressed dissatisfaction about sexuality education in high school, both for its heterosexist bias and its restrictive philosophy, and desired more information about sexual identity and orientation, body image, love and friendship, HIV/AIDS, and gender roles. [176] This is more generally true across the Asia-Pacific region, where UNESCO has found that young people want more inclusive content that address same-sex attraction and diversity. [177]

The passage of the 2012 Reproductive Health Law, which calls for DepEd to issue a sexuality education curriculum and for schools to adopt minimum standards, created an opening for accurate and non-judgmental discussions of LGBT identities and sexuality. UNESCO, in a 2015 report, noted that NGOs are working with experts and Department of Education officials to establish minimum standards on sexuality education that include anti-bullying standards addressing both gender-based violence and other bullying and violence on the basis of sexual orientation, gender identity and expression. [178]

However, at the time of this writing, DepEd had only recently incorporated sexuality education into school curricula, five years after the passage of the law, without adopting standards developed by a panel of experts or training teachers in sexuality education. Both the UN Population Fund and the governments task force on the implementation of the law have noted that implementation of the law has fallen short, leaving students across the Philippines without access to comprehensive sexuality education. [179] Professionals who work with students have found that existing sexuality education modules are limited for youth of all sexual orientations and gender identities but also routinely exclude instruction about LGBT concerns. Percy Cendana, a commissioner with the National Youth Commission, explained that at present, Young people dont get information about safer sex, period. And young [men who have sex with men] and [transgender] kids dont get it from the sources where they should get it. [180] Human Rights Watch recently documented how resistance from conservative lawmakers and school administrators has stymied comprehensive sexuality education in schools in the Philippines, exacerbating rapidly rising rates of HIV transmission among MSM and transgender women. [181]

In interviews with Human Rights Watch, students who received sexuality education described receiving that education at various grade levels, with varying degrees of comprehensiveness. But across the board, they stated that their sexuality education classes either excluded any discussion of LGBT people or conveyed inaccurate and stigmatizing messages about same-sex conduct and the existence of transgender people.

While some students only discussed anatomy and reproduction in their sexuality education curriculum, others learned about sexually transmitted infections, HIV/AIDS, safer sex, and family planning. In virtually all cases, however, sexuality education was limited to discussions of heterosexual reproduction and sex. Mary B., an 18-year-old transgender woman in a high school in Manila, said, We had classroom instruction on sexual health. They told us about sexuality my teacher strongly believes in the Bible, and the idea that God created only men and women. They havent mentioned LGBT people. [182] Efen D., an 18-year-old bisexual man who had attended high school in Quezon City, said, we tackled the planning methods, the condoms, other contraceptives. But its basic. Not deeper than that. And it was all boy-girl. Id like LGBT sexuality education, to be a little more aware, as LGBT people. [183]

In many instances, sexuality education conveyed misinformation or disapproval about LGBT identities and relationships. Gabby W., a 16-year-old transgender girl at a high school in Bayombong, said that teachers always say that gay is a disease, that its a contagious disease. Or say being gay is a sin. [184] Bea R., a 22-year-old transgender woman at another school in the area, said that although science teachers do cover safer sex at her school, They say that LGBT are the ones spreading HIV and chlamydia. [185] Francis C., a 19-year-old gay student from Pulilan, was similarly told by teachers that there were same-sex who were doing those activities, but they would say that if two males or two female did those activities, they would become sick or ill. [186] Jonas E., a 17-year-old gay boy in high school in Mandaue City, noted: I get really offended when they talk about HIV. They say that gays are the main focus of HIV Im a bit ashamed of that, because I was once in a section where Im the only gay, and they kept pointing at me. [187]

When comprehensive sexuality education is not provided in schools, students may not receive information about their physical and emotional development, relationships, decision making, HIV and sexually transmitted infections, safer sex, contraception, and reproductive health at all. Past research has suggested that, especially for LGBT youth, [s]exuality is rarely discussed informatively in the home, and being gay not at all. [188] Rodrigo S., a gay high school teacher in Dipolog City, observed that parents avoid [sexuality] as much as possible. I dont know if its actually easy for students to find a figure, someone they can ask about things like that. [189]

With little guidance at home or in school, LGBT students turned to various sources of uncertain quality for information about sexuality. Students told Human Rights Watch that they had learned what they knew about LGBT identities, relationships, and sexual health from friends, the internet, pornography, and experience. As previous research has suggested, [p]eers may provide very vivid information presented using shared meanings, but the adequateness of this information is, in hindsight, suspect. [190] Students themselves doubted the information they received. Tricia C., a 14-year-old girl in Marikina, admitted, The information we get from other people is not accurate. Its too early for us to know whats true. [191] Reports that LGBT students learned about sexuality from what Jin W., a 20-year-old man who attended high school in Manila described as live action [192] are particularly worrying, as they illustrate how LGBT youth engage in sexual activity before they have access to information about how to keep themselves safe.

In addition to formal curricula, schools provide a variety of resources to students. Support from teachers, guidance counselors, school psychologists, and other school personnel is a valuable asset, and should be available to guide LGBT youth as well as their non-LGBT peers. According to UNESCO, support from teachers can have a particularly positive impact on LGBT and intersex students, improving their self-esteem and contributing to less absenteeism, greater feelings of safety and belonging and better academic achievement. [193]

Students in the Philippines have signaled a desire for faculty and staff support. As one study found, [s]tudents want their teachers, who are in a position of influence and credibility, to dispel common misconceptions and misperceptions about gay and bisexual people. [194] Nonetheless, few teachers or guidance counselors are trained to provide support for LGBT youth. As Rina Fulo of the Women and Gender Institute at Miriam College noted, We do a lot of training related to gender fair education, and we see that teachers and administrators have their biases. Were worried if they can actually follow through. [195] Remedios Moog, a guidance counselor at the University of the East in Caloocan, similarly recalled that when she presents papers on LGBT-inclusive counseling, there are different reactions, negative, positive, some counselors saying great job, and you see the affirmation, and other counselors, No, you should not label, you should not call them lesbian, gay, bisexual, seeming to suggest that guidance counselors should ignore students sexual identities altogether. [196]

Although some counselors have created successful programs for LGBT students, such as support groups, such efforts need to have support from the school administration to ensure counselors are recognized as affirming, non-judgmental resources. [197] As one study found, it has been the experience of gay students (or perhaps students in general) that the guidance counselor is associated with delinquent and problem students. This image of the guidance counselor may contribute to the problematization of gay identity in school settings, that being gay is something that has to be dealt with and by these counselors. [198]

Interviews with LGBT youth in the Philippines underscore the urgent need for resources and support. Jerome B., a 19-year-old gay man from Cebu City, recalled that in secondary school, I was questioning for a long time if there something wrong with me? Am I mentally ill? I planned to talk to a psychiatrist because I thought I had a mental illness. We had a guidance counselor. But I wouldnt go to them, because I was too ashamed. [199] For some students, bullying and a lack of resources led to depression and thoughts of suicide. Benjie A., a 20-year-old gay student from Manila, recounted struggling to make sense of his identity until I thought about getting a gun from a policeman and shooting myself. [200]

Many students declined to go to counselors for help and support, expecting that they would be hostile to LGBT youth. Patrick G., a 19-year-old gay man who had attended high school in Cainta, recalled that his high school guidance counselor would quote Bible passages and say that God created Adam and Eve, and not Adam and Steve, things like that. [201] As a result, Patrick said, I didnt really have the courage to come out of the closet, or at least accept or think I was gay. I think it made me step back farther in the closet. [202]

When students did seek out help, some counselors declined to discuss LGBT issues. Ella M., a 23-year-old transgender woman who had attended high school in Manila, recalled an instance when a counselor asked about her personal life. When she confided that she thought she might be attracted to a boy, the counselor told her Im not going to comment on that, because I dont have any information on that. [203]

Other LGBT students described going to counselors and facing outright hostility or condemnation. Ace F., a 24-year-old gay man who had attended high school in Manila, said that his school counselor used decades-old psychological materials:

LGBT students interviewed said some counselors passed moral judgment on them. Reyna, a 24-year-old transgender woman, recalled being told to go to her high school counselor because she wore nail polish and makeup, and said they would read some biblical passage or verses that includes, you know, Sodom and Gomorrah. They would always tell me, Reyna, you will go to Hell if you dont change. And I was afraid that time, because of course, who wants to go to Hell?[206]

When guidance counselors were willing to discuss LGBT identities in an open and non-judgmental way, many LGBT students said they felt affirmed and supported. For instance, Nathan P., a 19-year-old gay man who attended a high school in Bulacan, said I did talk to my counselors in high school, and I was thankful theyre so open minded, and helping me, when Im so confused.[207] For Nathan, whose friends were pressuring him to disclose his sexuality and causing him stress, having a supportive counselor was a source of comfort that ultimately helped him resolve the situation with his peers.

LGBT student groups are extremely rare at the secondary school level in the Philippines. Yet at the university level, these groups have been a powerful resource for LGBT students. Since at least 1992, when UP Babayan formed at the University of the Philippines, these groups have provided educational programming to the university community, advocated for policy changes, and offered peer support to LGBT members.[208] As a recent UNESCO study notes, these organizations can be powerful sources of information and support in school environments:

LGBT students have expressed a need for organizational support structures such as LGBT student groups.[210] Yet despite their many advantages and student demand, LGBT groups in Philippine secondary schools are rare. As Carlos M., a 19-year-old gay student from Olongapo City, observed: I wish they had it when I was in high school. There were so many of us LGBT when I was in high school. I wish they had a program to strengthen the bonds of LGBT students.[211] Gloria Z., a 22-year-old bisexual woman from Cavite, said: "I wish we had a support group. There were other female students, lesbians, and they were forced to be straight because of our Catholic upbringing. They would discriminate [against] them, just like me. And there were so many of us trying to act straight, and we were part of the rainbow community.[212]

In some instances reported to Human Rights Watch, school personnel have been unsupportive of LGBT groups. Sean B., a 17-year-old gay student in Bayombong, said: I tried to start a student organization, but we dont have enough allies with teachers. Its all about awareness, to make other students understand what we are, to be able to reach out to them, to make them feel, were gays, were also humans, not animals or trash.[213]

Student Organizations in Universities

LGBT organizations are increasingly prevalent at the university level, but many groups encounter obstacles from administrators in post-secondary settings as well. In interviews with Human Rights Watch, some university students also described difficulties forming or operating LGBT groups. Students from one university in Manila told Human Rights Watch that, after creating an LGBT organization in 2012, they were instructed in 2016 to rename the organization and work on the broad topic of gender sensitivity, as the university did not want a group overtly focused on LGBT issues.[214] Rosamie T., an 18-year-old bisexual woman, noted the group had been active and well-known as an LGBT organization, and they wanted us to rebrand because its known for that.[215] She said that, after losing a large number of members and becoming less active as a result of the reorganization, Its like were starting again from zero.[216] Although this report focuses on secondary schools, universities should also recognize the importance of LGBT organizations and take steps to foster and sustain them.

In recent years, the Philippines has enacted important laws and regulations that affirm the rights of LGBT learners in schools. DepEds Child Protection Policy, the Anti-Bullying Law, and the Reproductive Health Law as well as anti-discrimination ordinances at the local level reiterate the governments commitment to ensuring that all youth are safe, healthy, and able to learn in schools.

The Philippines has also ratified core international agreements that obligate lawmakers, administrators, and teachers to protect the rights of LGBT youth, including the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).[217] The UN expert bodies that interpret these agreements have expressed concern about discrimination against LGBT students in schools,[218] prompting the UN High Commissioner for Human Rights to recommend that States establish national standards on non-discrimination in education, develop anti-bullying programmes and helplines and other services to support LGBT youth, and to provide comprehensive, age-appropriate sexuality education.[219]

The right to education is enshrined in international law, notably in the ICESCR and the CRC, both ratified by the Philippines.[220] The CRC specifies that education should be directed toward, among other objectives, [t]he development of the childs personality, talents and mental and physical abilities to their fullest potential, [t]he development of respect for human rights and fundamental freedoms, and [t]he preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.[221]

LGBT students are denied the right to education when bullying, exclusion, and discriminatory policies prevent them from participating in the classroom or attending school. LGBT students right to education is also curtailed when teachers and curricula do not include information that is relevant to their development or are outwardly discriminatory toward LGBT people.

To make the right to education meaningful, schools should ensure that school curricula, interactions with school personnel, and school policies are non-discriminatory and provide information to LGBT youth on the same terms as their non-LGBT peers.[222]

The right to education includes the right to comprehensive sexual education,[223] which is especially lacking for LGBT youth in the Philippines. As the UN Special Rapporteur on the Right to Education has explained: The right to education includes the right to sexual education, which is both a human right in itself and an indispensable means of realizing other human rights, such as the right to health, the right to information and sexual and reproductive rights.[224] A curriculum that only prepares students for heterosexual sex inside of marriage normalizes, stereotypes, and promotes images that are discriminatory because they are based on heteronormativity; by denying the existence of the lesbian, gay, transsexual, transgender and bisexual population, they expose these groups to risky and discriminatory practices.[225]

The Philippine Congress recognized the importance of sexuality education with the passage of the Reproductive Health Law, which mandates age- and development-appropriate sexuality education in schools.[226] The Philippines should take further steps to implement the law in a manner that is consistent with its treaty obligations. To ensure the right to education is respected, the Committee on the Rights of the Child has said that sexuality education provided by schools:

This information must not only be provided to heterosexual, cisgender students. Schools must also provide LGBT students with relevant content to ensure they enjoy the same right to education without discrimination. Comprehensive sexuality education must be free of prejudices and stereotypes that could be used to justify discrimination and violence against any group.[228] and must pay special attention to diversity, since everyone has the right to deal with his or her own sexuality without being discriminated against on grounds of sexual orientation or gender identity.[229]

Under domestic and international law, LGBT children in the Philippines have the right to be free from bullying, harassment, and violence. The Constitution of the Philippines obligates the government to defend [t]he right of children to assistance, including special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.[230] To this end, the Anti-Bullying Law requires elementary and secondary schools to adopt policies to address the existence of bullying in their respective institutions, and outlines baseline requirements for such policies.[231] Similarly, DepEds Child Protection Policy requires that school administrators, among other responsibilities, [e]nsure the institution of effective child protection policies and procedures, and monitor compliance thereof, [c]onduct the appropriate training and capability-building activities on child protection measures and protocols, and [e]nsure that all incidents of abuse, violence, exploitation, discrimination, bullying and other similar acts are addressed.[232]

The terms of the Anti-Bullying Law and Child Protection Policy echo the Philippines obligations under international law. The ICCPR states that "[e]very child shall have the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State,"[233] while the CRC requires governments to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.[234] The government of the Philippines signed UNESCOs Call for Action on Homophobic and Transphobic Violence, issued in November 2016, which commits it to monitoring the prevalence of homophobic and transphobic bullying in schools, providing students with information about harmful gender-based stereotypes, training school personnel, and taking steps to make schools safe for LGBT youth.[235]

Children who are especially likely to face violence, including bullying, merit specific attention and protection from the state. As the Committee on the Rights of the Child, the UN body that monitors implementation of the CRC, has noted, [g]roups of children which are likely to be exposed to violence include, but are not limited to, children who are lesbian, gay, transgender or transsexual.[236] The committee has repeatedly described bullying, harassment, and violence against LGBT youth as violations of childrens rights,[237] and emphasized that [a] school which allows bullying or other violent and exclusionary practices to occur is not one which meets the requirements of article 29(1), the CRC provision specifying the aims of education.[238]

The Committee on the Rights of the Child has identified steps that governments should take to protect children from bullying, harassment, and other forms of violence. These include challenging discriminatory attitudes that allow intolerance and violence to flourish,[239] establishing reporting mechanisms,[240] and providing guidance and training for teachers and administrators to know how to respond when they see or hear about incidents of violence.[241] When taking these steps, the committee has stressed that children themselves should be involved in the development of prevention strategies in general and in school, in particular in the elimination and prevention of bullying, and other forms of violence in school.[242]

Bullying, exclusion, and discrimination generate physical and mental health risks that threaten the right to health for LGBT youth. The Committee on the Rights of the Child has expressed concern about the health consequences of bullying, including suicide, and has urged governments to take the necessary actions to prevent and prohibit all forms of violence and abuse, including sexual abuse, corporal punishment and other inhuman, degrading or humiliating treatment or punishment in school, by school personnel as well as among students.[243]

The ICESCR recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The CRC reinforces that children must enjoy this right, and states that, in pursuit of that goal, governments will ensure that all segments of society, in particular parents and children, are informed [and] have access to education, and will develop preventive health care, guidance for parents and family planning education and services.[244]

The Committee on the Rights of the Child has said that [i]n order to fully realize the right to health for all children, States parties have an obligation to ensure that childrens health is not undermined as a result of discrimination, which is a significant factor contributing to vulnerability, including discrimination on the basis of sexual orientation, gender identity and health status.[245]

The significant shortcomings of sexuality education in schools in the Philippines also undermine the right to health for all students, but particularly LGBT students. The Committee on the Rights of the Child has explained that youth are "vulnerable to HIV/AIDS because their first sexual experience may take place in an environment in which they have no access to proper information and guidance.[246] Omitting information about same-sex activity and transgender identity from sexuality education curricula undermines LGBT students right to health. To ensure their rights are respected, the committee has said that governments must refrain from censoring, withholding, or intentionally misrepresenting health-related information, including sexual education and information, and ensure children have the ability to acquire the knowledge and skills to protect themselves and others as they begin to express their sexuality.[247]

The ICCPR recognizes that everyone shall have the right to freedom of expression.[248] and the CRC expressly recognizes that the right extends to children.[249]

The right to free expression is violated when schools limit displays of same-sex affection or gender expression solely for LGBT youth. Schools need to ensure that LGBT students are able to participate in the school environment on the same terms as other students, regardless of their sexual orientation or gender identity.

Even as municipalities and provinces pass anti-discrimination ordinances to protect the rights of LGBT people, the Philippines has not passed comprehensive legislation prohibiting discrimination on the basis of sexual orientation and gender identity.

Discrimination on the basis of sexual orientation and gender identity is prohibited under many of the treaties the Philippines has ratified.[250] As the UN High Commissioner for Human Rights has concluded:

The Committee on the Rights of the Child has explained that discrimination in the school setting, whether it is overt or hidden, offends the human dignity of the child and is capable of undermining or even destroying the capacity of the child to benefit from educational opportunities.[252] Because of the dangers that discrimination poses to health and development, children at risk of discrimination are entitled to special attention and protection from all segments of society.[253] The committee has specifically expressed concern about discrimination against children on the basis of their sexual orientation and gender identity in its review of state policies. [254]

Students who are transgender or do not identify as their sex assigned at birth face especially pervasive discrimination as a result of uniform and hair-length policies and other gendered restrictions. The UN High Commissioner for Human Rights has expressed concern about discriminatory dress codes that restrict men dressing a manner perceived as feminine and women dressing in a manner perceived as masculine, and punish those who do so.[255] and noted that United Nations mechanisms have called upon States to legally recognize transgender persons preferred gender, without abusive requirements.[256] To make schools less discriminatory and more inclusive of transgender youth, UNESCO recommends that laws and policies should recognise self-defined gender identity with no medical preconditions or exclusions based on age, marital or

family status or other grounds.^[257]

Ryan Thoreson, a researcher in the LGBT Rights Program, wrote this report based on research that he undertook from September 2016 to February 2017. Daniel Lee, associate with the Asia division, conducted additional interviews and wrote a section of the report.

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- [193] United Nations Education, Scientific and Cultural Organization (UNESCO), From Insult to Inclusion: Asia-Pacific Report on School Bullying, Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity, 2015, p. 58, <http://unesdoc.unesco.org/images/0023/002354/235414e.pdf> (accessed April 25, 2017).
- [194] Eric Julian Manalastas & Raymond Aquino Macapagal, What Do Filipino Gay Male College Students Want to Learn in Sex Education? *Review of Womens Studies*, vol. 15, no. 1 (2005), p. 156.
- [195] Human Rights Watch interview with Rina Fulo, project associate for gender, peace, and security, Women and Gender Institute at Miriam College, Quezon City, November 15, 2016.

- [196] Human Rights Watch interview with Remedios Moog, guidance coordinator, University of the East, Caloocan, February 15, 2017.
- [197] One example is the Guidance and Counseling Office at University of the East in Caloocan, which has developed successful staff-led and peer support programs for LGBT students at the school. See Remedios C. Moog, Emotional-Social Intelligence, Self-Efficacy and Life Satisfaction of Self-Identified Lesbian, Gay, Bisexual and Transgender Students, unpublished masters thesis, University of Santo Tomas (2012).
- [198] Eric Julian Manalastas & Raymond Aquino Macapagal, What Do Filipino Gay Male College Students Want to Learn in Sex Education? *Review of Womens Studies*, vol. 15, no. 1 (2005), p. 156.
- [199] Human Rights Watch interview with Jerome B. (pseudonym), Cebu City, November 18, 2016.
- [200] Human Rights Watch interview with Benjie A. (pseudonym), Manila, February 21, 2017.
- [201] Human Rights Watch interview with Patrick G. (pseudonym), Manila, November 28, 2016.
- [202] Ibid.
- [203] Human Rights Watch interview with Ella M. (pseudonym), Quezon City, November 25, 2016.
- [204] The third and second editions of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) were published by the [American Psychiatric Association](#) in 1980 and 1968 respectively.
- [205] Human Rights Watch interview with Ace F. (pseudonym), Manila, February 17, 2017.
- [206] Human Rights Watch interview with Reyna L. (pseudonym), Quezon City, February 18, 2017.
- [207] Human Rights Watch interview with Nathan P. (pseudonym), Manila, February 17, 2017.
- [208] UP Babaylan was the first LGBT student organization to receive official recognition from a university in the Philippines; notably, other groups preceded UP Babaylan but were not recognized by administrators.
- [209] United Nations Education, Scientific and Cultural Organization (UNESCO), From Insult to Inclusion: Asia-Pacific Report on School Bullying, Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity, 2015, p. 63, <http://unesdoc.unesco.org/images/0023/002354/235414e.pdf> (accessed April 25, 2017).
- [210] Eric Julian Manalastas & Raymond Aquino Macapagal, What Do Filipino Gay Male College Students Want to Learn in Sex Education? *Review of Womens Studies*, vol. 15, no. 1 (2005), p. 156.
- [211] Human Rights Watch interview with Carlos M. (pseudonym), Caloocan, February 20, 2017.
- [212] Human Rights Watch interview with Gloria Z. (pseudonym), Caloocan, February 20, 2017.
- [213] Human Rights Watch interview with Sean B. (pseudonym), Bayombong, November 26, 2016.
- [214] Human Rights Watch interview with Rosamie T. (pseudonym), Quezon City, February 19, 2017; Human Rights Watch interview with Danica J. (pseudonym), Quezon City, February 19, 2017.
- [215] Human Rights Watch interview with Rosamie T. (pseudonym), Quezon City, February 19, 2017.
- [216] Ibid.
- [217] Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990; the Philippines ratified the CRC in 1990. International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976; the Philippines ratified the ICCPR in 1986. International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976; the Philippines ratified the ICESCR in 1974. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, 1979 G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981; the Philippines ratified CEDAW in 1981.
- [218] UN High Commissioner for Human Rights, Discriminatory Laws and Practices and Acts of Violence against Individuals Based on their Sexual Orientation and Gender Identity, A/HRC/19/41 (November 17, 2011), para. 59.
- [219] United Nations Education, Scientific and Cultural Organization (UNESCO), From Insult to Inclusion: Asia-Pacific Report on School Bullying, Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity, 2015, p. 10, <http://unesdoc.unesco.org/images/0023/002354/235414e.pdf> (accessed April 25, 2017). The term LGBTI, used here by UNESCO, refers to LGBT students as well as those who are intersex, or born with sex characteristics that do not conform to binary notions of male and female.
- [220] ICESCR, art. 13; CRC, art. 28.
- [221] CRC, art. 29(1).
- [222] As the Committee on the Rights of the Child has noted, [t]he effective promotion of article 29(1) requires the fundamental reworking of curricula to include the various aims of education and the systematic revision of textbooks and other teaching materials and technologies, as well as school policies. Committee on the Rights of the Child, General Comment No. 1: The Aims of Education, U.N. Doc. CRC/GC/2001/1 (2001), para. 18.
- [223] The Committee on Economic, Social and Cultural Rights has found that the right to sexual and reproductive health, combined with the right to education (articles 13 and 14) and the right to non-discrimination and equality between men and women (articles 2 (2) and 3), entails a right to education on sexuality and reproduction that is comprehensive, non-discriminatory, evidence-based, scientifically accurate and age appropriate. Committee on Economic, Social and Cultural Rights, General Comment No. 22 on the Right to Sexual and Reproductive Health, U.N. Doc. E/C.12/GC/22 (May 2, 2016), para. 9. See also Committee on the Rights of the Child, General Comment No. 20 on the Implementation of the Rights of the Child During Adolescence, U.N. Doc. CRC/C/GC/20 (December 6, 2016), paras. 59-60 (concluding that all adolescents, including LGBT youth, should have access to comprehensive sexual and reproductive health education).
- [224] UN Human Rights Council, Report of the United Nations Special Rapporteur on the right to education, Vernor Muoz, U.N. Doc. A/65/162, July 23, 2010, para. 19.
- [225] Ibid., para. 69.
- [226] Republic Act No. 10354, An Act Providing for a National Policy on Responsible Parenthood and Reproductive Health, *Official Gazette*, December 21, 2012, sec. 14, <http://www.officialgazette.gov.ph/2012/12/21/republic-act-no-10354/> (accessed April 25, 2017).
- [227] Committee on the Rights of the Child, General Comment No. 15 (2013) on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health, U.N. Doc. CRC/GC/15, April 17, 2013, para. 60.
- [228] UN Human Rights Council, Report of the United Nations Special Rapporteur on the right to education, Vernor Muoz, U.N. Doc. A/65/162, July 23, 2010, para. 63.
- [229] Ibid., para. 23.
- [230] Constitution of the Republic of the Philippines (1987), art. XV, sec. 3(2), <http://www.gov.ph/constitutions/the-1987-constitution-of-the-republic-of-the-philippines/the-1987-constitution-of-the-republic-of-the-philippines-article-xv> (accessed April 25, 2017).
- [231] Republic Act No. 10627, An Act Requiring All Elementary and Secondary Schools to Adopt Policies to Prevent and Address the Acts of Bullying in their Institutions, *Official Gazette*, September 12, 2013, sec. 3, <http://www.officialgazette.gov.ph/2013/09/12/republic-act-no-10627/> (accessed April 25, 2017).
- [232] Department of Education, DepEd Child Protection Policy, DepEd Order No. 40 (May 14, 2012), sec. 7.
- [233] ICCPR, art. 24(1).
- [234] CRC, art. 19.
- [235] UNESCO, *Call for Action by Ministers: Inclusive and Equitable Education for All Learners in an Environment Free from Discrimination and Violence*, November 2016, <http://unesdoc.unesco.org/images/0024/002462/246247E.pdf> (accessed May 19, 2017).
- [236] Committee on the Rights of the Child, General Comment No. 13 (2011): The Right of the Child to Freedom from All Forms of Violence, U.N. Doc. CRC/C/GC/13, April 18, 2011, para. 72(g).
- [237] See, e.g., Committee on the Rights of the Child, Concluding Observations: Sweden, U.N. Doc. CRC/C/SWE/CO/5 (Mar. 6, 2015), para. 15; Committee on the Rights of the Child, Concluding Observations: the Bolivarian Republic of Venezuela, U.N. Doc. CRC/C/VEN/CO/3-5 (Oct. 12, 2014), para. 27.
- [238] Committee on the Rights of the Child, General Comment No. 1: The Aims of Education, U.N. Doc. CRC/GC/2001/1 (2001), para. 19.
- [239] Committee on the Rights of the Child, General Comment No. 13 (2011): The Right of the Child to Freedom from All Forms of Violence, U.N. Doc. CRC/C/GC/13, April 18, 2011, para. 47(a)(i).
- [240] Ibid., para. 49.
- [241] Ibid., paras. 50-51.
- [242] Ibid., para. 63.
- [243] Committee on the Rights of the Child, General Comment No. 4 (2003): Adolescent Health and Development in the Context of the Convention on the Rights of the Child, U.N. Doc. CRC/GC/2003/4, July 1, 2003, para. 17.
- [244] CRC, art. 24(1) and art. 24(2)(e)-(f).
- [245] Committee on the Rights of the Child, General Comment No. 15 (2013) on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health, U.N. Doc. CRC/GC/15, April 17, 2013, para. 8.
- [246] Committee on the Rights of the Child, General Comment No. 3 (2003): HIV/AIDS and the Rights of the Child, U.N. Doc. CRC/GC/2003/1, para. 1.

[247] Ibid., para. 13.

[248] ICCPR, art. 19(2).

[249] CRC, art. 13(1).

[250] There is now consensus among UN treaty bodies and other authorities that discrimination on the basis of sexual orientation and gender identity is prohibited as a matter of international law. UN High Commissioner for Human Rights, Discriminatory Laws and Practices and Acts of Violence against Individuals Based on their Sexual Orientation and Gender Identity, A/HRC/19/41 (November 17, 2011), para. 59.

[251] UN High Commissioner for Human Rights, Discrimination and Violence against Individuals Based on their Sexual Orientation and Gender Identity, A/HRC/29/23 (May 4, 2015), para. 16.

[252] Committee on the Rights of the Child, General Comment No. 1: The Aims of Education, U.N. Doc. CRC/GC/2001/1 (2001), para. 10.

[253] Committee on the Rights of the Child, General Comment No. 4 (2003): Adolescent Health and Development in the Context of the Convention on the Rights of the Child, U.N. Doc. CRC/GC/2003/4, July 1, 2003, para. 6.

[254] See, for example, Committee on the Rights of the Child, Concluding Observations: Hungary, U.N. Doc. CRC/C/HUN/CO/3-5 (Oct. 14, 2014), paras. 19-20; Committee on the Rights of the Child, Concluding Observations: the Bolivarian Republic of Venezuela, U.N. Doc. CRC/C/VEN/CO/3-5 (Oct. 13, 2014), para. 27; Committee on the Rights of the Child, Concluding Observations: United Kingdom of Great Britain and Northern Ireland, U.N. Doc. CRC/C/GBR/CO/4 (Oct. 20, 2008), para. 24.

[255] UN High Commissioner for Human Rights, Discriminatory Laws and Practices and Acts of Violence against Individuals Based on their Sexual Orientation and Gender Identity, A/HRC/19/41 (November 17, 2011), para. 50.

[256] UN High Commissioner for Human Rights, Discrimination and Violence against Individuals Based on their Sexual Orientation and Gender Identity, A/HRC/29/23 (May 4, 2015), para. 17.

[257] United Nations Education, Scientific and Cultural Organization (UNESCO), From Insult to Inclusion: Asia-Pacific Report on School Bullying, Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity, 2015, p. 20, <http://unesdoc.unesco.org/images/0023/002354/235414e.pdf> (accessed April 25, 2017). UNESCO also suggests that schools should include more than the binary sex or gender options for those who identify outside of male and female. Ibid.

Discrimination and Lack of Support Undermine Right to Education

Universities LGBT Student Group Provides Support System

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