



November 20, 2009

The Commission on Elections
Postigo St., Intramuros
Manila 1002

Dear Commissioners,

I am writing on behalf of the International Gay and Lesbian Human Rights Commission (IGLHRC) to express my dismay and concern at the decision of the Commission on Election (Comelec) to deny accreditation to the Ang LADLAD party to run for a seat in the Lower House of the Philippines Congress in the May 2010 national election. Commissioners claim that Ang LADLAD advocates for "immorality" and that LGBT individuals are a "threat to the youth," and cite these as reasons for denying Ang LADLAD's petition to be included on the party list.

These claims are discriminatory and homophobic. I call on you to reverse this prejudicial decision and support the human rights of all people, regardless of their sexual orientation, gender identity or gender expression.

As a secular and democratic country, the Philippines must abide by its Constitution, which states in Article 2(6) that the "separation of Church and State shall be inviolable." By rejecting Ang LADLAD's registration on the basis of individual religious beliefs of the Commissioners, the Comelec resolution is violating Constitutional guarantees and promoting discrimination, which amounts to state-sponsored homophobia and transphobia.

Likewise, under international law, the Philippines must ensure the rights to equality before the law and non-discrimination on the basis of sexual orientation and gender identity, and the right to participate in government. Articles 2 and 26 of the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is a party, ensure that "[all] persons are equal before the law and are entitled without discrimination to the equal protection of the law" and that all rights are respected and ensured "without distinction of any kind," including based on sexual orientation (Human Rights Committee, *Toonen v. Australia*, 1994).

Furthermore, under Article 25(a) of the ICCPR and Article 20 of the Universal Declaration of Human Rights (UDHR), "everyone has the right to take part in the government of his country, directly or through freely chosen representatives." According to the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity, Principle 25, people have "the right to stand for elected office, to participate in the formulation of policies affecting their welfare, and to have equal access to all levels of public service and employment in public functions ... without discrimination on the basis sexual orientation or

International Gay and Lesbian Human Rights Commission
80 Maiden Lane, Suite 1505, New York, NY 10038
T: 212-268-8040 F:212-430-6060 E: iglhrc@iglhrc.org

gender identity."

By denying Ang LADLAD accreditation as a political party and denying them the right to take part directly in the government of their country because of the sexual orientation, gender identity, and political views of its members, the Philippines government is violating the human rights of those members, and of the lesbian, gay, bisexual, transgender and allied citizens of the Philippines who seek political representation.

IGLHRC respectfully requests that Comelec reconsider the appeal of Ang LADLAD and grant its accreditation so that the members of the party can practice their right to participate in the upcoming May 2010 national elections and so the rights of all people, including lesbian, gay, bisexual and transgender people are respected.

We trust that you will give our request the attention it deserves.

Sincerely,



Cary Alan Johnson
Executive Director, IGLHRC

The International Gay and Lesbian Human Rights Commission's mission is to advance human rights for everyone, everywhere to end discrimination based on sexual orientation, gender identity, and gender expression. A non-profit, non-governmental organization, IGLHRC is based in New York, with offices in Cape Town and Buenos Aires. www.iglhrc.org