



Republic of the Philippines
Department of Social Welfare and Development

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SENATOR CYNTHIA A. VILLAR

Chairperson

Committee on Social Justice, Welfare and Rural Development

Senate of the Philippines

Pasay City

Dear **Senator Villar**:

The Department of Social Welfare and Development supports Senate No. 163 entitled, "An Act Prohibiting Discrimination on the Basis of Ethnicity, Race, Religion or Belief, Sex or Gender or Sexual Orientation or Sexual Orientation, Language, Disability, Educational Attainment and Other Forms of Discrimination and Providing Penalties for the Purpose" or the "Anti-Discrimination Act of 2016", introduced by Senator Grace L. Poe, which seeks to prevent, criminalize and penalize various forms of discrimination as well as enhancing the basic rights enshrined in the Constitution and international declarations.

To contribute to the bills' enhancement, we are recommending the following:

1. Sec. 3 – Definition of Terms

- a. To revise letter (a) which will be read as follows:

"Discrimination - encompass any distinction, exclusion, restriction, or preference on the basis of race, ethnicity, religion, belief, age, sexual orientation and gender identity and other status on the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

- b. To include in the section the definition of "Disability" as stated in the International Classification of Functioning, Disability and Health by the World Health Organization which will be read as follows:

"Disability – an umbrella term for impairments, activity limitations or participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations."

- c. To include in the section the definitions of "Sexual Orientation" and "Gender Identity / Gender Expression" as stated in the United Nations Declaration on

Sexual Orientation and Gender Identity based on the Yogyakarta Principles which will be read as follows:

“Sexual orientation - refers to each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.”

“Gender identity / Gender Expression – refers to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerism.”

2. Section 4 – Prohibited Grounds for Discrimination

- a. Clarify what is meant by the term “other status” in this section.

3. Section 5 – Discriminatory Acts

- a. To revise letter (b) no. 1 which will be read as follows:

*“Deny a person, solely on the basis of the grounds in Section 4, **BASIC SOCIAL SERVICES AND ACCESS TO HEALTHCARE** available to the general public, such as but not limited to private and public insurance, housing and other forms of accommodation, medical and clinical services;”*

- b. To include in the section the denial of right to choose sexual orientation, gender identity / gender expression as a discriminatory act.

4. Section 7 – Programs to Promote Non-Discrimination and Diversity

- a. To include the Department among agencies that will implement this section.
- b. Insert a provision to review and strengthen existing social protection programs that will ensure that they will not discriminate based on the grounds provided for in Section 4 of the proposed bill.

5. Section 9 – Penalties


- a. Insert a provision to cover penalties or other interventions especially if the discriminatory acts were initiated by minors.

6. **Section 11 – Implementing Rules and Regulations:** To include the following in the crafting of the Implementing Rules and Regulations:

- i. Department of Social Welfare and Development (DSWD)
- ii. Philippine Commission on Women (PCW)
- iii. National Council on Disability Affairs (NCDA)
- iv. Council for the Welfare of Children (CWC)
- v. Philippine National Police (PNP)
- vi. Legitimate Non-Government Organizations

Thank you.

Very truly yours,


JUDY M. TAGUIWALO
Secretary

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