

August 31, 2022

Sara Z. Duterte
Vice President and Secretary
Department of Education
2F Rizal Bldg., DepEd Complex
Meralco Ave., Pasig City

J. Prospero E. De Vera III, DPA
Chairperson
CHED Center Building
C.P. Garcia Ave, Diliman, Quezon City, Philippines

Re: Discriminatory Policies on Haircuts, Uniforms and Names; Respect Students' Lived Name, Gender Identity and Expression

Dear Hon. Sara Z. Duterte and J. Prospero E. De Vera III,

Education is for all, regardless of sexual orientation, gender identity, gender expression and sex characteristics.

The resumption of face-to-face classes implementing discriminatory practices such as deadnaming and forced short haircuts, uniforms and behavior impinge on the right of transgender girls/women, transgender boys/men and gender-diverse learners to safe, gender-inclusive basic education, free from gender-based violence and harmful stereotypes. Gender-based discriminatory policies and practices that target one's appearance, lived name, and other expressions of gender negatively impact the basic freedoms of learners to gender expression and diverse identities.

Imposing a binary gendered expression on haircuts and uniforms forwards a culture of exclusivity which has no place in learning environments. We call for an end to gendered uniform and haircut restrictions. Notable in school handbooks, within all levels of education, are subjective and harmful binary stereotypes that are outdated and have not been modified to embrace gender diversity and inclusivity and abide by national and local laws and policies.

In the Department of Education (DepEd) Gender-Responsive Basic Education Policy (DepEd Order No. 32, s. 2017), the policy seeks to eliminate all forms of discrimination and abuse and promote basic respect for gender identity and expression. DepEd must take action such as allowing hair styles, clothes, and other forms of gender expression that are aligned with the learners' diverse gender identity and expression.

In DepEd Regional Memorandum NCR No. 358, s. 2022, DepEd NCR reiterated, "[T]his Office reminds the field to respect the gender expression of students. **Gender Expression** refers to the way in which a person acts to communicate gender within a given culture, for example, in terms of clothing, communication patterns and interests. X x x School heads/School Administrators and

all school personnel are hereby advised to allow students to attend school-initiated activities **such as End-of-School Year (EOSY) rites wearing clothes which are aligned with their gender identity**, without restricting students' gender expression x x x." This must not be limited in practice to the NCR given DO 32, s. 2017.

While DepEd Regional Order CAR No. 07, s. 2018 merely suggests a standardized haircut, given its stated goals to remove any and all obstacles to their enrolment in schools, this policy, however, is practiced segregationally and subjectively, effectively discriminating against learners with diverse gender expressions and identities. There has been no scientific basis or rational sense for restrictions of haircut unless proven as a health hazard. Having short or long hair does not affect learning processes, outcomes and academic performance--else everyone would have to conform to one manner or another, or that there would be proof that is not essentialist by design. The same policies policing hair length do not exist objectively especially in the workforce or as one passes through their education.

This is unfortunately neither an isolated issue nor a new one. Reports of threats and denial of education purely because of hair length have existed for decades. These discriminatory policies and practices do not advance the rights of gender expression and identity protected in the Philippine Constitution and international treaties ratified by the Philippines such as the Convention on the Rights of the Child, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and Convention on the Elimination of All Forms of Discrimination Against Women. Denial of education due to sexual orientation, gender identity, expression and sex characteristics (SOGIESC) also contradicts the government's decision to forward the Sustainable Development Agenda, alongside SDG 5, "to ensure inclusive and equitable quality education and promote learning opportunities for all". Furthermore, the Philippine government committed to implement a recommendation from its last Universal Periodic Review (UPR), which is to strengthen measures to prevent discrimination and violence on the basis of SOGIE in all educational institutions. Rights can be violated through direct action or omission, including through institutions or agencies at the national and local levels.

Gender policing is a form of gender-based violence, invoking certain differential characterizations that lead to social harm, bullying, or exclusion, where their rational endpoint highlights no significant benefit especially in the face of diversity. Controlling people's freedoms to look their authentic selves is also a form of gender-based violence against bodily autonomy, especially when their identities are displaced onto who they are not, by characterization or categorization, enabling the foundations for indirect discrimination by enforced differentiation. We live our gender and expressions daily--our actions have provenance--whether our language speaks of mere expressions or of anything deeper.

Expressions carry stories and characterizations in themselves, under obedience or discipline; for whom do those values stand for? While some institutional narratives end upon those values, they do not recognize the negative impact on learners, especially socially from relationships with friends and family members to productivity at work or school.

Statements only go as far as their audience, but actions go further than memory into lived experience. In light of these incidences, we urge DepEd and CHED to issue and practice clear policy guidelines on inclusive education that respect diverse SOGIESC of all students rather than impose restrictions and for the Commission on Human Rights to conduct investigations on alleged discriminatory acts of school officials and file the necessary complaints against erring officials. Furthermore, these issues highlight the urgent need for school officials to be SOGIESC-responsive in their policies and practices.

Discriminatory practices and policies on haircuts, uniforms and behavior infringe on students' rights to education and freedom of expression. It is the duty of all academic institutions, teachers, school officials, DepEd and CHED to promote safe, gender-inclusive environments for learning, free from gender-based violence and harmful stereotypes, where learners are free to express their diverse gender identities in accordance with the Philippine Constitution, international human rights standards, and their existing commitments such as the DepEd's Child Protection Policy and Gender-Responsive Basic Education Policy.

Education is for all, regardless of sexual orientation, gender identity, gender expression and sex characteristics.

This is a collective statement of various organizations in the Philippines:

Society of Trans Women of the Philippines (STRAP)

EnGendeRights, Inc.

ASEAN SOGIE Caucus

House of Iris Vito Cruz

Outrage Magazine

Bahaghari Center for SOGIE Research, Education and Advocacy, Inc.

Ateneo de Manila University Gender Hub

LakanBini Advocates Pilipinas Inc.

Pioneer Filipino Transgender Men Movement

GALANG Philippines Inc.

UP Center for Integrative and Development Studies - Program on Alternative Development

Psychological Association of the Philippines LGBT Special Interest Group

Cebu United Rainbow LGBT Sector Inc. (CURLS)

HappYness Project

UP Babaylan

UPLB Babaylan

TUP Dugong Bughaw

Mindanao Pride Inc.

Side B Philippines

Kanlungan Center Foundation, Inc.

Philippine Anti-Discrimination Alliance of Youth Leaders (PANTAY)

Mujer-LGBT Organization Inc - Zamboanga City

LGBTS CHRISTIAN CHURCH

Side B Philippines

CvSU Silayan
Transmasculine Philippines
Southern Tagalog Pride
Lakapati Laguna
Initiatives and Movement for Gender Liberation Against Discrimination (IMGLAD)
OutRight Action International
Gayon Albay LGBT Org., Inc.
Pinay Sa Holland - Gabriela NL
Filipino LGBT Europe
Manticao Pride
Bahaghari Philippines
Miriam College Women and Gender Institute (MC - WAGI)
Philippine Normal University - University Center for Gender and Development
Youth for YOUth Organization
Association of Transgender People in the Philippines
ILOILO PRIDE TEAM
SK Olingan Dipolog City
San Juan Pride Advocacy Group Inc
Youth for Mental Health Coalition, Inc.

[1] DO 32, s. 2017 – Gender-Responsive Basic Education Policy <https://www.deped.gov.ph/2017/06/29/do-32-s-2017-gender-responsive-basic-education-policy/>

[2] DepEd Regional Memorandum NCR No. 358, s. 2022 [https://depedmarikina.ph/issuances_folder/July%207,%202022%20-%20Reiteration%20of%20DEPED%20Order%20No.%2032,%20s.%202017%20\(Gender-Responsive%20Basic%20Education%20Policy\)%20Relative%20to%20Gender%20Expression%20of%20Students.pdf](https://depedmarikina.ph/issuances_folder/July%207,%202022%20-%20Reiteration%20of%20DEPED%20Order%20No.%2032,%20s.%202017%20(Gender-Responsive%20Basic%20Education%20Policy)%20Relative%20to%20Gender%20Expression%20of%20Students.pdf)

[3] DepEd Regional Order CAR No. 07, s. 2018 - DepEd Guidelines in the Development of Learners' Discipline Manual; https://www.depedcar.ph/sites/default/files/regionalOrders/ro_no_007_s_2018.pdf; <https://www.teacherph.com/learners-discipline-manual/>

[4] "Reports of threats and denial of education" examples include: <https://bangkok.unesco.org/content/school-related-violence-and-bullying-basis-sexual-orientation-and-gender-identity-or>

[5] Convention on the Rights of the Child (1989) <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

[6] International Covenant on Economic, Social and Cultural Rights (2009) <https://www.refworld.org/docid/4a60961f2.html>

[7] Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

[8] United Nations Sustainable Development Goal 5: <https://sdgs.un.org/goals/goal5>; <https://unric.org/en/sdg-5/>

[9] Universal Periodic Review - Philippines <https://www.ohchr.org/en/hr-bodies/upr/ph-index>

[10] Indirect discrimination refers to "laws, policies or practices which appear neutral at face value, but have a disproportionate impact on the exercise of rights as distinguished by prohibited grounds of discrimination."