

Introduction to **SOGIESC**

MODULE 1

Introduction to Sexual Orientation, Gender Identities and Expression, and Sex Characteristics (SOGIESC)

Overview

This is the first of 4 modules that form this facilitator's guide. This module introduces to the participant, key concepts on diverse sexual orientations, gender identities and expressions, and sex characteristics (SOGIESC). At the same time, this Module seeks to influence values and attitudes of the participants on people with diverse SOGIESC. The module examines the response of media and other stakeholders to rights of LGBTIQ people in Sri Lanka through discussing events from the queer movement. The module discusses discrimination and violence faced by LGBTIQ people before concluding the day by examining key international developments on the rights of diverse SOGIEC.

This module uses slides, activities, and discussions as methods of communication. These sessions can be used to train a group of 30 participants. 2 Facilitators are needed to implement this module, and it is highly recommended to have experts from LGBTIQ communities in implementing this module in order to make the sessions meaningful.

Throughout this module, Sri Lanka's socio-political and legal environment with regard to people with diverse SOGIESC is discussed. It highlights the impact of criminalisation of sex between same-sex partners by virtue of s.365 and s.365A, of Sri Lanka's Penal Code. The module refers to and quotes notable resources on the lived experience of LGBTIQ people in Sri Lanka, including documents compiled by Sri Lankan Civil Society organisations to engage with international human rights mechanisms.



Online Reference

To access the Online Version of the Module 01 and the Presentation,
SCAN THE QR CODE BELOW:



Or simply type the below URL on your web browser:

www.shorturl.at/nFHK7

Session Plan

Time: 09:00 AM- 05:00 PM (6 hours)

START TIME	TIME ALLOCATION	SESSION
09:00 AM	15 minutes	Welcome & Introduction
09:30 AM	40 minutes	Session 01: Introduction to diversity of gender identity & expression <i>Activity and discussion</i>
10:15 AM	40 minutes	Session 02: Introduction to diversity of sexual orientation <i>Activity and discussion</i>
	20 minutes	Session 03: Laws on same-sex sex in Asia <i>Discussion assisted by a map</i>
	20 minutes	Session 04: Common fears and common myths <i>Discussion prompted by questions</i>
11:15 AM	15 minutes	Break
11:30 AM	1 hour	Session 03: Sri Lanka's queer rights movement- a timeline <i>Activity and discussion</i>
12:30 PM	1 hour	Mid-day break
01:30 PM	1 hour	Session 04: Words Matter <i>Discussion</i>
02:00 PM	30 minutes	Session 05: Diversity of SOGIESC and Sri Lankan Media <i>Discussion</i>
02:30 PM	45 minutes	Session 06: Discrimination and violence against people with diverse SOGIESC in Sri Lanka <i>Presentation and Q&A</i>
03:45 PM	15 minutes	Break
04:00 PM	45 minutes	Session 07: International Developments relating to rights of people with diverse SOGIESC <i>Presentation and Q&A</i>
04:45 PM	15 minutes	Closing and final thoughts

Session 01: Introduction to Gender Identity and Expression

Two activities: individual roleplay and individual reflection and sharing, accompanied by a discussion assisted by slides.

Time

40 minutes

Target group

All groups

30 participants in a group

Objectives

At the end of this session, the participants will be able to:

- Distinguish between sex assigned at birth and gender
- Articulate the diversity of gender identity and expression
- Define the meaning of 'sex characteristics' and 'intersex person'

Tools needed

- Note pads and pens

Preparation

- Slides

Steps:

- Explain that in this session we will learn about the diversity of gender & sexuality. Explain that first we will try to understand about gender.
- **Activity (10 minutes):** Divide the participants into four groups, ensuring a gender balance in all groups. Invite the participants to stand in a semi-circle.
- Invite participants of the first group to 'Act like a man'. Invite participants of the second group to 'Act like a woman'. Invite the third group to 'Say something a man would say' and invite the fourth group to 'Say something a woman would say'. Give an opportunity to every member of the group to come to the middle and do something/ say something 'like a man' or 'like a woman'.
- Give a round of applause for all and note what the participants did/ said.

- Note if there are any stereotypical notions about men and women. Explain that regardless of content of the words and substance of the actions, we associate certain mannerisms with men and women.
- Explain that the way we dress and present ourselves through our mannerisms, style, the way we walk and talk is about **gender expression**. Based on our feeling of gender we present ourselves in a feminine way or masculine way.
- Sometimes a person may choose to present themselves in an androgynous way. This means they will have a combination of both masculine and feminine expressions. Sometimes they may have mannerisms that cannot be categorised as feminine or masculine – this means they have an ambiguous gender expression.
- Feminine, masculine, androgynous, and ambiguous are all gender expressions.
- Then move on to discussing gender identity. You may say: We present ourselves based on the feeling of our gender. Then, how do we get this feeling?
- **Activity (10 minutes):** Ask the participants to take a few minutes and write down when and how they understood that they are a girl or a boy. Ask a few participants to share their experience.
- Assisted by the slides, explain that when a child is born, based on genitals sex is assigned as male or female. Then society expects/ tells the child to behave in a certain way. For instance, a girl is given pink dresses, dolls, cooking sets, make up sets, and books about princesses etc. A boy is given a blue shirt, a cricket ball and bat, a toy car, a toy gun, books about superheroes etc. In this way the society teaches children gender as a way in which they should behave in society. Gender roles are man-made, or 'socially-constructed'.
- At the same time the child who is growing up begins to identify themselves with a gender. It is a deep internal sense of self. We call this GENDER IDENTITY. Sometimes people identify themselves to be of the gender that is normatively associated with the sex assigned at birth – that means a child assigned male at birth will identify as/ have a deep feeling that they are, a man. Or a child assigned female at birth will identify as/ have a deep feeling that they are, a woman. We call such people cis gender people.
- Sometimes, a child who is assigned male at birth and is told that they are a boy and expected to behave like a boy, may have a deep internal feeling that they are a girl. They will want to wear dresses, play with other girls, and behave like a girl in society. Similarly, a girl assigned female at birth and expected to behave in society may feel that they are in fact a boy. This is not a mental illness or an anomaly. This is natural. Such a person can go through a process of 'transition' to change their gender identity, gender expression, and

even sexual organs. A person who wishes to go through such a transition will identify as a TRANSGENDER person.

- A person who is assigned male at birth who identifies as a woman and who wants to become a woman is a transgender woman or trans woman. A person assigned female at birth and who identifies as a man and who wants to become a man is a transgender man or a trans man. These persons do not necessarily need to act on or actually undertake surgery or hormone therapy to undertake the transformation from one gender to another.
- Gender identity is about the deep internal feeling. How they look and their genitals may not correctly represent this.
- Even though in our first activity, we acted like a man and acted like a woman, these are not the only genders. The understanding of gender that is limited to 'man' and 'woman' is called a binary interpretation. This is incorrect. A person can identify as a woman, a man, a trans woman, a transman, a gender fluid person, a gender non-binary person, a gender non-conforming person, or a gender queer person. The latter 4 identities are similar in the sense that they are all non-binary identities, and they are different based on the way a person interprets their own gender. A gender fluid person is someone whose gender is not fluid. They may identify and express their gender differently during different periods. A gender non-binary person is someone who does not identify as either a man or a woman. A gender non-conforming person is someone who does not conform to gender roles and expressions. A gender queer person can be someone who is masculine, feminine, who has an identity which is a combination of masculinity and femininity, or someone who is neither masculine nor feminine. 'Gender queer' and 'non-binary genders' are also used as umbrella terms to denote gender identities that fall outside the binary.
- Feminine characteristics and masculine characteristics can be understood as the two sides of a continuum. A person can stand anywhere in this continuum as well as outside it.



Note

Note that historically transgender people have been part of the South Asian culture.

Indian Sanskrit texts from 2000-3000 years ago, such as the Rigveda, Mahabharata and Ramayana document a third gender: The Mahabharata tells of a trans man, Shikhandi. In the Ramayana, when Rama asks "men and women" not to follow him, hijras remain and he blesses them. Hijra is a cultural identity adopted by some trans women in South Asia.

The Pali Tipitaka, which is the form of Buddhism followed in Thailand and Sri Lanka, "mentions several different types of transgendered states and individuals – the man-like woman (vepurisikā), sexual indistinctness (sambhinna), one having the characteristics of both genders (ubhatovyañjanaka), etc."

- Ask the participants if they have any questions about being transgender. Some possible questions are given below:
 - **Is it legal to be transgender in Sri Lanka?**
Yes, in 2016, the Government of Sri Lanka issued a Circular establishing a process to change gender. Now, in Sri Lanka a transgender person can change their birth certificate and identity documents to state their true gender.
 - **Can a transgender person get married in Sri Lanka?**
Once a transgender person has an identity card that shows their correct gender, they can marry someone of the opposite gender.
 - **What causes a person to be a transgender?**
What causes a person to be transgender is not known.
 - **How do you know a person's gender?**
The best way to find out what a person's gender is to ask them. You can also ask what their preferred pronoun is. She/ her, he/ him, and they/ them can be a person's preferred pronoun. Gender non-binary people usually use they/them as their preferred pronoun.

Sometimes, being transgender is confused with being intersex. Therefore, using slides explain the difference between being transgender and intersex.

- Explain that sometimes being transgender is confused with being intersex. This confusion sometimes even creeps into our legal frameworks. For example, Pakistan's Transgender Persons (Protection of Rights) Act of 2018 defines 'transgender' to include people who are intersex. This is incorrect.
- We know that sex is assigned at birth by examining external anatomy. Human beings have anatomical and physiological features that are associated with sex. These are called SEX CHARACTERISTICS. External genitals, reproductive organs, hormones, and chromosomes are examples of sex characteristics. According to the sex characteristics we can identify male and female bodies.
- A male bodied person will have a penis and a scrotum; an internal reproductive system consisting of prostate gland, Cowper's gland, vas deference, ejaculatory duct etc; XY chromosomes; and primarily produce the hormone testosterone. A female bodied person will have a vagina and breasts, an internal reproductive system consisting of ovaries, fallopian tubes, a uterus etc.; XX chromosomes and primarily produce oestrogen hormone. We call such people whose sex characteristics conform to male or female bodies, endosex people.

- But there are also people who have sex characteristics that do not exactly match the definitions of male body and female body. A person with any such variation is called an intersex people.
- There is not one type of intersex body. Intersex is an umbrella term that applies to a broad range of variations in sex characteristics.

Summarise

Summarise that based on the sex assigned at birth the society expects you to behave in a certain way. In other words, we can say that the society teaches you to conform to gender roles. At the same time a person develops an awareness about their gender identity- a deep internal feeling about their own gender. Sometimes one's gender does not align with the sex in a normative way. Then that person can go through a process of transition to affirm their true gender by changing their body.

In the way we present ourselves- that is in the way we dress and our mannerisms, we express our gender. This is called gender expression.

There are not only two genders, but many. One's gender identity is based on how they interpret their own gender.

Intersex people are not to be confused with transgender people. Being intersex is about sex characteristics and being transgender is about gender identity.

Despite a person's gender identity and expression, all people are equal and should be treated with equal respect and dignity.

Session 02: Introduction to Diversity of Sexual Orientation

Time

1 hour

Target group

All groups

30 participants in a group

Objectives

At the end of this session, the participants will be able to:

- Understand that sexual orientation encompasses much more than mere sexual attraction
- List some of the commonly recognised sexual orientations

Tools needed

- Post-it notes and pens

Preparation

- Slides
- A designated wall space that is divided into three parts and labelled 'Emotional Attraction', 'Romantic Attraction', 'Sexual Attraction' (in this order)

Steps:

- Explain that in this activity we will talk about attraction.
- **Activity (15 minutes):** Provide each respondent with 3 posts-it notes. Explain that attraction to a partner is commonly described as emotional, romantic, and sexual attraction. Note that some interpretations also include an element on spiritual attraction. Sometimes attraction to a person results in falling in love. Invite the participants to think about these different aspects of attraction and write down the answers to each of the following questions in each post-it note. Once they have written the answers, they can paste the post-it on the wall under the category that they think is most relevant. Some answers can even fall in between two categories.
- Invite the participants to recall a time when they were attracted to someone or when they were 'in love' and attempt to answer these 3 questions:
 1. When you realised that you were attracted to someone – how did you feel?
 2. When you were feeling attracted to someone what activities did you want to do with them?
 3. In the person you were attracted to, what did you find yourself attracted to in them?

- Once everyone has pasted their answers, take a collective look at the answers. Note similar answers and unique answers.
- Discuss whether the answers are in the correct category. There are no hard and fast rules to what a right answer is, and many answers may have a combination of more than one type of attraction. For ease of understanding, the table below seeks to explain attraction and provides some examples.

	Emotional Attraction	Romantic Attraction	Sexual Attraction
	Description: There is an emotional bond. You feel connected. You feel safe to share your thoughts with them. You feel that you understand each other.	Description: There is a deep feeling of love that goes beyond emotional connection. This is often coupled with a desire to spend time with them, sometimes a lifetime.	Description: You feel a sexual desire towards the person.
When you realised that you were attracted to someone- how did you feel?	Examples: Happy Safe Trusted	Examples: Want to spend time with them Feeling love Want to make them happy	Examples: Desire to touch them, kiss them. Find them 'sexy/ attractive'
When you were feeling attracted to someone what activities did you want to do with them?	Examples: Talk with them Listen to them Tell them about your day	Examples: Hold hands Go to movies/ coffee Meet them	Examples: Kiss Have sex
In the person you were attracted to, what did you find yourself attracted to in them?	Examples: Kindness Good listener Caring / affectionate	Examples: Resilience/ perseverance Stability Strength of character	Examples: Their body Their expressions/ mannerisms

- Note that one type of attraction can exist without the other and that is a personal experience. For instance, someone may be only sexually attracted to a person but not emotionally and romantically attracted to them. Some people do not experience sexual attraction. Those who do not experience sexual attraction towards any person may identify as an asexual person. However, some asexual people experience emotional/romantic attraction.
- Explain that now that we have understood what emotional, romantic, and sexual attraction, it is time to take a look at the person who is the subject of this attraction and their gender.

- Using the slide show, explain that sexual orientation is to do with emotional, romantic and sexual attraction. Based on the gender of the person who is the subject of attraction, sexual orientation can be identified.
- Our understanding about sexual orientation is still evolving. According to our current understanding, 5 sexual orientations can be identified: Heterosexuality, homosexuality, bisexuality, pansexuality, and asexuality.

Note

HETEROSEXUALITY: An enduring emotional, romantic, or sexual attraction primarily or exclusively to people of a different gender. For example, men who are attracted to women. This sexual orientation is generally referred to as “straight”.

HOMOSEXUALITY: An enduring emotional, romantic, or sexual attraction primarily or exclusively to people of the same gender. People who experience homosexual attraction may identify themselves as “gay”, “lesbian”, “queer” or “same-sex attracted people”.

BISEXUALITY: An enduring emotional, romantic, or sexual attraction to people of two genders. For example, men who are attracted to men and women.

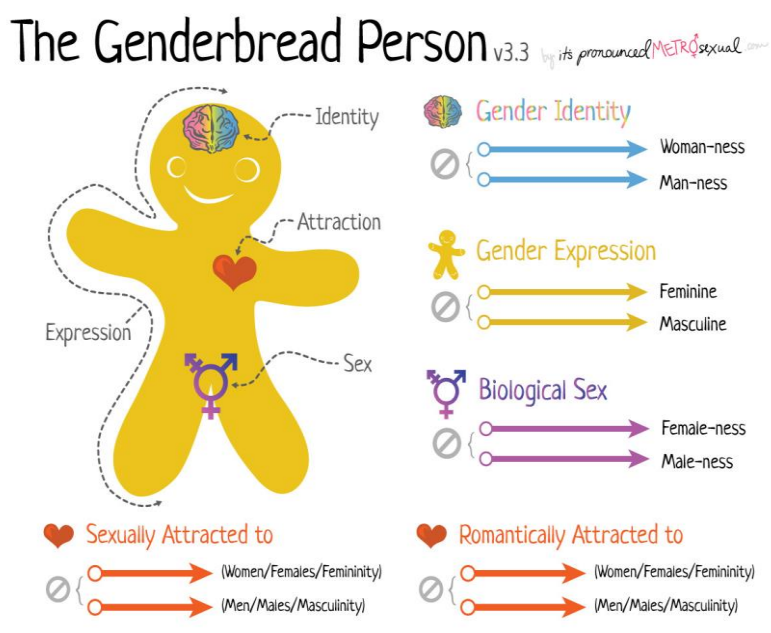
PANSEXUALITY: Emotional, romantic, or sexual attraction to people regardless of their gender. A pansexual person may be attracted to a man, woman, trans woman, trans man, or gender non-binary person.

ASEXUALITY: An enduring absence of sexual attraction. People who do not experience such sexual attraction may identify as “asexual” or “ace”. Absence of sexual attraction does not mean lack of other forms of attractions such as emotional and/or romantic attraction. It also does not mean that asexual persons never have or never enjoy sex.

- Ask the participants if they have any questions about what was discussed thus far and address their concerns. Some of the potential questions that may be asked, and respective answers can be found in Session 04: Common Fears and Common Myths.

Summarise

Using the image of the gender person, summarise that as discussed in the previous session, gender expression is about how you present yourself. It's about how you look externally, how you dress, how you behave, your mannerisms etc. Your gender identity is about how you deeply and internally understand your gender. It is one's own understanding of gender. It can be different from sex assigned at birth which is based on your external genitals – a sex characteristic. Sexual orientation is about who you are emotionally, romantically, and sexually attracted to. It is their gender that determines your sexual orientation.



Key term	Quick definition	Examples or categorisation
Sex	Assigned at birth	Male, Female
Sex Characteristics	Anatomical and physiological make up	Intersex, Endosex
Gender Identity	Deep internal feeling about gender	Man, Woman, Trans man, Trans woman, Gender Queer, Gender Fluid, Gender Non-binary, Gender Non-conforming
Gender Expression	How a person presents themselves	Feminine, Masculine, Androgynous, Ambiguous
Sexual Orientation	Emotional, romantic, and sexual attraction	Homosexual, Bisexual, Heterosexual, Pansexual, Asexual

All elements of human gender and sexuality occur on a spectrum. SO/GIE/SC are not merely binaries. What exactly causes this diversity is not known. It is a result of biological and environmental factors. This is the diversity of the human race.

Gender identity and sexual orientation are not necessarily definitive and can be more fluid and change over time. However, your sexual orientation is a personal matter; it cannot be changed by force or outside pressure.

Human beings are equal in all their diversity and deserve equal dignity and respect.

Session 03: Laws on Same-Sex Sex in Asia

A discussion assisted by a map depicting legal situation of countries on homosexuality.

Time

20 minutes

Target group

All groups

30 participants in a group

Objectives

At the end of this session, the participants will be able to:

- Understand the colonial origins of criminalisation of same-sex activity
- Identify countries where there are liberal laws regarding sex between same-sex partners
- Understand that legal frameworks of countries are constantly evolving and there are opportunities to change laws through advocacy

Preparation

- Slides
- Download a high-resolution image of the map given below at this link
<https://ilga.org/maps-sexual-orientation-laws>

Note to Facilitator

Consider initiating the first step of Session 04: Common fears and common myths before starting this session, thus allowing the co-facilitator time to go through and sort the questions from the participants and prepare briefly.

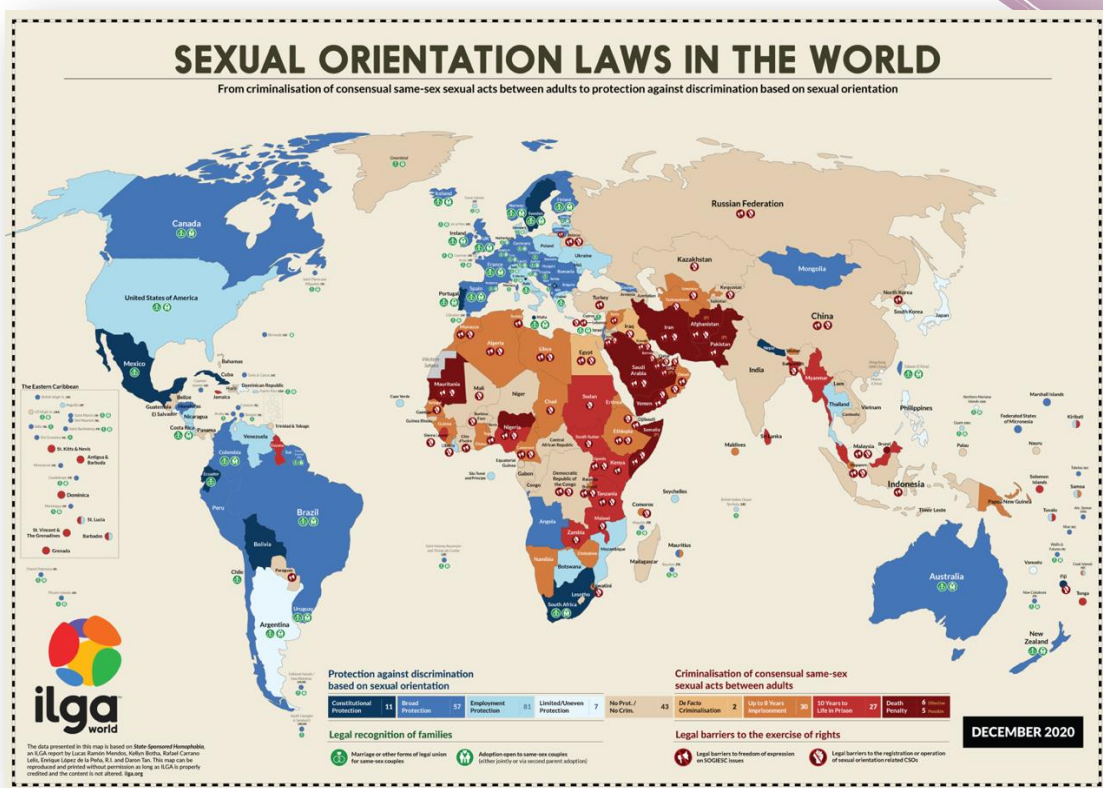
Steps:

- Explain that the criminalization of sexual minorities in this part of the world is in fact part of the colonial legacy. During the British rule, Victorian ideology was inserted into local legal frameworks in various ways, one of the ways being the criminalisation of 'unnatural sex'. As a result, same-sex sexual activity remains criminalised in Sri Lanka through s.365 and s.365A of the Penal Code (of 1883). This law will be discussed in detail in Module 03.
- There is no history of criminalisation of same-sex sex before colonisation. It is an outcome of the British influence, based on Judeo-Christian values, exported to all colonial countries, changing their legal environment. Ironically, the mixing of those laws with the religious values of the South Asian region has ensured that, even after the British themselves had decriminalized same-sex sex in 1967, active criminalization continued in South Asia, justified in the name of local cultural values.

- In many postcolonial states, particularly those that belonged to the British Empire, homosexuality has been portrayed as a western concept. At the same time, human rights, including the rights of sexual minorities are seen as impositions on local traditions and culture.
- Ask the participants what are some of the cultural practices and values in South Asia that pose a barrier to realising equality for queer people in Asia. Some discussion points are given below.
 - Community identity is strong. People are not seen as individuals but as part of a community. People are conscious of about their relatives' or community's opinion.
 - Marriage and having children are linked to social status. Both feminine and masculine ideals are around motherhood and fatherhood.
 - Marriage is seen as a duty to parents rather than a choice.
 - Sex is seen as a secret or as a taboo. There is no effective sex education in schools. People who have sex except for procreation (such as same-sex couples) are seen as lustful, promiscuous, or vulgar.
 - South Asian political scene is dominated by nationalistic politics. Nationalistic politics often make use of traditional and conformist values to strengthen their ideologies. Liberal and non-conformist ideas are rejected.
 - Lack of respect for human rights is a factor. Human rights are seen as a western concept. There is no strong regional collaboration (such as the European Union) that protects and promotes human rights.
 - Major religions originated in Asia and religious values are strongly held by people. Sometimes religious values are used as an excuse to curtail the right to equality for queer people.
- Out of the 53 countries in the Commonwealth – 36 have laws that criminalise homosexuality. However, there has been significant progress in terms of equality around the world. So far, 28 countries in the world recognise same-sex marriages, and 34 others provide for some partnership recognition for same-sex couples. As of December 2020, 81 countries had laws against discrimination in the workplace on the basis of sexual orientation. Twenty years ago, there were only 15.
- Take the participants to the image of this map (slides) and note the legal context in Asian Countries. Note the countries where same-sex sex is not criminalised and where same-sex marriages and partnerships are recognised. Also note the countries where same-sex sexual activity is criminalised. A high-resolution image of the map can be viewed/ downloaded here: <https://ilga.org/maps-sexual-orientation-laws>
- As you navigate the map with the participants, you may share information on how decriminalisation came about and recent cases or incidents which may be relevant. For instance, you can say that in 2018, Indian Supreme Court read down s.377 which

criminalised sex between same-sex partners. Judges focused their arguments primarily on the importance of individual autonomy, non-discrimination, and privacy. They also referred to the recognition by American Psychiatric Association that homosexuality is not a mental illness. Details of the legal situation in Asian countries are provided in the 'Note to Facilitator' section below.

- Note that Bhutan's legal situation has changed since the map was developed.
- 'Note to Facilitator' section also provides additional information on the recognition of non-binary gender identities. This information needs to be shared in a way that does not create confusion between 'sexual orientation' and 'gender identity'.



Note to Facilitator

Rights in Asia are limited in comparison to other regions of the world. Same-sex sexual activity is outlawed in at least twenty Asian countries.

While at least eight countries have enacted protections for LGBTIQ people, only Israel and Taiwan provide a wide range of rights that includes the recognition of same-sex relationships.

In Afghanistan, Brunei, Iran, Qatar, Saudi Arabia, the United Arab Emirates, and Yemen, homosexual activity is punished with the death penalty.

EAST ASIA

South Korea's constitution prohibits discrimination based on sex, religion, or social status, which the Ministry of Justice has said applies to LGBTQ people. But, these "protections" act as rights without any enforcement power behind them. There is no right to same-sex marriage. People can request a change in gender, but only if they comply with stringent circumstances that deprive them of other civil liberties.

China's latest Penal Code doesn't explicitly prohibit sex between same-sex adults. Same-sex sexual activity has been legal since 1997. However, there are no laws protecting LGBTQ people from discrimination, and no laws that recognise same-sex marriage or partnership. The right to change one's gender, though available, is riddled with caveats.

Hong Kong does not recognise same-sex marriage but individual couples can challenge discriminatory policies in court.

In 2021, it was reported that married same-sex partners will be allowed to own subsidised housing together in Hong Kong after a landmark High Court ruling. The case was the second victory for gay couple Henry Li and his deceased partner Edgar Ng against the city's government, after a 2020 ruling allowing same-sex couples equal rights to inheritance.

Japan does not recognize same-sex marriage. However, several local municipalities recognize same-sex couples' rights as "equivalent to marriage". Transgender people may request a change of gender in the state family registry under certain conditions.

SOUTH ASIA

Bangladesh criminalizes same-sex sexual activity. Punishment could include life in prison, and only applies to penetrative sex between gay men (does not include women). There is an express ban on gay people serving in the military. In 2013, Bangladesh legally recognized the Hijra population as being a "third sex" for purposes of voting, travel, identification, and other core civil rights.

In 2019, Bhutan began the process to remove the Penal Code's s.213 prohibiting "unnatural sex," which was defined to include "sodomy". In a joint sitting in December 2020, the Parliament agreed to amend the prohibition of "unnatural sex". It was clarified that "homosexuality between adults shall not be considered unnatural sex." The law then came into force from 17th February 2021 following the signature of Druk Gyalpo, the King of Bhutan.

Note that the map by ILGA was developed in 2020, and this change is not correctly identified in the map.

In 2018 same-sex sexual activity was made legal in India. In case of same-sex unions, Unregistered Cohabitation was recognised. Discrimination based on sexual orientation and gender identity was prohibited nation-wide. As a result, Courts throughout India have upheld right to equality and non-discrimination based on sexual orientation and gender identity. For example, in February 2021, in a significant ruling, the Allahabad High Court of Uttar Pradesh stated that is illegal to remove any employee from employment due their sexual orientation. The High Court stated further that sexual orientation is a private matter and is protected by the constitutionally recognised right to privacy.

The Transgender Persons (Protection of Rights) Bill 2019 was introduced in Lok Sabha on 19th July 2019 by the Minister for Social Justice and Empowerment in India.

Indian Supreme Court ruling in 2018 (*Navtej Singh Johar & Ors. vs. Union of India AIR 2018 SC 4321*) read down s. 377 of the Penal Code introduced by the British in the 19th-century that made sex “against the order of nature” a crime punishable by life in prison. The law had been previously overturned by Delhi High Court in 2009 but was reinstated in 2013. While the judges focused their arguments primarily on the importance of individual autonomy, non-discrimination and privacy, they pointed repeatedly to the American Psychiatric Association’s (APA) 1973 decision to remove homosexuality from its list of mental disorders. The judges also cited several APA documents, including APA’s amicus brief in the U.S. Supreme Court case that decriminalized same-sex sexual activity in the United States in 2003.

The Maldives prohibits same-sex intercourse and marriage, with potential punishments including imprisonment, lashings, and the death penalty. These prohibitions are rarely enforced. The country has banned gay people from serving in the military.

Nepal’s Supreme Court ruled in 2007 that LGBTIQ persons would be regarded as “natural persons” under the law. The country’s Constitution specifically recognises ‘sexual minorities’ in the Article on right to equality noting that affirmative action in favour of sexual minorities will not constitute discrimination.

Pakistan criminalizes same-sex sexual activity with imprisonment, which is rarely enforced. But another law that criminalizes “obscene acts” in public is frequently used to target gay and transgender male sex workers.

In 2009, the Supreme Court called on authorities to allow individuals to self-identify as “transgender-male” or “transgender-female” on national identity cards: *Kakhi vs. Rawalpindi (2009)*, a landmark ruling in the Supreme Court of Pakistan, extended benefits and equal protection to Pakistan’s trans communities under the leadership of Chief Justice Iftikhar Chaudhry. In 2018, the Government of Pakistan passed Transgender Persons (Protection of Rights) Act.

SOUTHEAST ASIA

Cambodia has not criminalised same-sex sexual activity since independence. Although gay marriage is not expressly legal, the 2008 Civil Code uses the word “spouses” to describe couples. But discrimination persists, especially due to laws that give police broad authority to discriminate in the name of security.

In Indonesia, there are no laws that criminalize same-sex sexual activity at the national level. However, some laws discriminate against LGBTQ people. Same-sex marriage is expressly illegal, and there are differing ages of consent for heterosexual and homosexual people—16 for the former, and 18 for the latter. Broadcasting standards limit LGBTQ expression on TV, and there are proposed bans on LGBTQ-focused apps and websites.

In January 2021, two men were publicly caned in the conservative Indonesian province of Aceh for having sex. Aceh is the only region of Indonesia that imposes Islamic law.

Malaysia's Penal Code criminalizes anal and oral sex and levies a punishment of imprisonment up to 20 years. Some states in Malaysia have enacted Islamic Sharia law and punish same-sex intercourse with lashings. The country explicitly prohibits gay individuals from serving in the military.

In Myanmar, same-sex intercourse can result in a prison term of up to 10 years. There are no laws protecting the right of same-sex couples to marry or the right to non-discrimination.

In the Philippines, a strong Catholic population has been able to delay legislation that would protect same-sex couples. In 2004, government approved an Anti-discrimination bill. The US-based Pew Research Centre ranked the Philippines to be most friendly to the gay community: 73% of adult Filipinos agreed that homosexuality should be accepted by society, as compared to 54% in Japan, 39% in South Korea, and 60% in the US.

Singapore penalizes same-sex sexual activity under s.377A, a crime that carries imprisonment up to 2 years. In 2014, the Singapore Supreme Court ruled that there is "no definitive conclusion" on the "supposed immutability" of homosexuality. Singapore explicitly bans gay people serving in the military. However, Singapore has adopted a liberal policy towards transgender people. Singapore is the only country in Southeast Asia that allows for gender change in identity documents.

There are two cases challenging s.377A in Singapore that are currently underway; *Tan Eng Hong vs. Attorney-General* and *Lim Meng Suang vs. Attorney-General* filed by a gay couple Kenneth Chee and Gary Lim. The Court of Appeal has agreed to hear both cases together.

In Vietnam, same-sex sexual activity has been decriminalized since 1945. Gay people can serve in the military. In 2014, Vietnam passed a revised marriage law with no clause to prohibit or recognize same-sex marriage, making it implicitly legal. Thus same-sex marriages will no longer be fined. When it comes to transgender people however, Vietnam is not as liberal; it is still illegal to undergo gender reassignment surgery.

In Brunei, homosexuality remains illegal and this law applies to both men and women. Sexual relations between men are punishable by death or whipping; sex between women is punishable by caning or imprisonment. In May 2019, the Brunei government extended its existing suspension on the death penalty to the Sharia Criminal Code that made homosexual acts punishable with death by stoning.

In Thailand, sex between same-sex partners was decriminalized in 1956. The law which prosecuted homosexuals came to be acknowledged as costly and unnecessary because though it existed, there were no actual prosecutions.

Session 04: Common Fears and Common Myths

The facilitator answers questions anonymously asked by the participants.

Time

20 minutes

Target group

All groups

30 participants in a group

Objectives

At the end of this session, the participants will be able to:

- Counter some common myths and misconceptions about diversity of SOGIESC

Tools needed

- Papers and pens for the participants

Preparation

- Slides
- Before you begin the previous session (Session 03: Laws on same-sex sex in Asia) give each participant 2 pieces of paper. Ask them to write down anonymously questions that they have about being LGBT. Pass a jar around the room to collect the questions. Note that this is an opportunity to examine myths and misconceptions about being LGBT. The participants may seek to clarify a confusion that they have. Or they may simply share a myth that they have come across. Encourage genuine questions that participants may have. Highlight that this exercise will be anonymous and completely non-judgemental.
- During the Session 03, the co-facilitator can go through the questions, sort the question into a logical categorisation, and if needed, find answers to the questions asked.

Steps:

- Explain that in this session the participants will get the opportunity to discuss some of the common misconceptions around people with diverse SOGIESC and importantly, to respond to these misconceptions.
- Take each question or group of questions and try to answer the questions using evidence and facts. Some potential questions/ myths and answers/ responses are given below.

Notes

Is being gay is a mental illness?

- Homosexuality is not a mental illness.
- In 1973 the American Psychiatrists Association declassified homosexuality as a mental illness.
- May 17th (commemorated as International Day Against Homophobia and Transphobia also known as IDAHOT) is the day in 1992 when the World Health Organization (WHO) finally accepted the wealth of evidence to declassify homosexuality as a mental illness.
- The UN Human Rights document released for the commemoration of the International Day Against Homophobia and Transphobia (IDAHOT) in 2016 discusses the need to stop the pathologization of human sexuality.
- In August 2021 **Sri Lanka College of Psychiatrists** issued a statement recognising that homosexuality is not a mental illness and calling for the decriminalisation of same-sex sexual activity.

Is being gay a choice or a preference?

- Homosexuality is no more a choice or decision than being straight. Asking a gay person, "When did you decide to be gay?" is similar to asking a heterosexual person, "When did you decide to be attracted to people of the opposite sex?"
- Scientific data indicates that sexual orientation (homosexuality or heterosexuality, i.e. gay or straight) is a result of biological and environmental factors.

Homosexuality counters evolution. Then, isn't it unnatural?

- In fact, homosexuality is common in nature. Some animals such as Japanese macaque and red flour beetles engage in homosexual sexual activity.
- Penguins and Laysan albatrosses who mate for life sometimes partner with same-sex partners. Gay penguin couples in zoos have even been known to adopt penguin chicks.
- Two species have been observed to have life-long sexual attraction towards same sex partners, even when partners of the opposite sex are available. One is, of course, humans. The other is domestic sheep.

<http://www.bbc.com/earth/story/20150206-are-there-any-homosexual-animals>

<https://www.independent.co.uk/news/world/australasia/gay-penguin-couple-adopt-chick-melbourne-b1762200.html>

Myth: Homosexuality is a Western concept.

- Criminalization of sexual minorities in this part of the world is in fact part of the colonial legacy. During the British rule, Victorian ideology was inserted into local legal frameworks in various ways, one of the ways being the criminalization of 'unnatural sex'. Criminal laws in India, Bangladesh, Sri Lanka, and Nepal continued to include criminalization of 'unnatural sex' long after colonization.

Myth: People with diverse SOGIESC are promiscuous or somehow more sexual than heterosexual people

- This is a stereotype propagated by the fact that those individuals who are promiscuous are the most visible. As more and more gays and lesbians “come out”, the promiscuous stereotype diminishes. People with diverse SOGIESC are just as capable of stable, monogamous, committed relationships as anyone else. Same-sex couples often disappear from the urban communities to live and raise their families in the suburbs or the country where they may be less visible.
- Another issue around this myth is that being LGBTIQ+ is only about sex. People with diverse SOGIESC live full lives, which includes shopping for groceries, doing the laundry, raising children, planting a garden, and going to work every day. Being LGBTIQ+ is about who you love and how you identify yourself.
- Sexual orientation is not only about sexual attraction. It also has elements of emotional and romantic attraction.

Myth: People with diverse SOGIESC can be identified by certain mannerisms, clothing, or physical characteristics

- People with diverse SOGIESC come in as many different shapes, sizes and colours, as do heterosexual people. Some LGBTIQ+ people can be identified by stereotypical mannerisms and characteristics. However, many heterosexual people also display these same mannerisms and characteristics. Today, fewer people with diverse SOGIESC feel they must dress to pass in the mainstream community and therefore some LGBTIQ+ people choose to make a political statement through their appearance.

Myth: Homosexual teachers should not be allowed in the classroom

- Paedophilia and homosexuality are two entirely different concepts. Paedophilia or child sexual abuse is about abuse of power – exerting sexual control over a child. Homosexuality is about same-sex attraction. In a same-sex relationship, sex occurs between consenting adults.
- Child sexual abuse is perpetrated against children regardless of their gender. However, girls are victimized twice as often as boys are. The perpetrators are motivated by power and control, not by sexual desire.

Myth: People can be ‘cured of homosexuality’

- There is no illness. So, there are no cures.
- On the basis of pathologizing classifications, LGBT people continue to be subjected to abusive, harmful and unethical forced treatments. These include so-called ‘conversion’ or ‘reparative therapies’ based on their sexual orientation or gender identity with particularly harmful effect on children and adolescents.
- Forced, coercive and otherwise involuntary treatments and procedures can lead to severe and life-long physical and mental pain and suffering and can violate the right to be free from torture and other cruel, inhuman, or degrading treatment or punishment. Pathologizing classifications are also used to justify other abuses against LGBT people – including the continued criminalization of transgender people and same-sex relations, denying or placing abusive conditions for the official recognition of the gender identity of trans people – and it contributes to the marginalization and exclusion of LGBT people in contexts of, among others, education, health, employment and housing.

Session 05: Sri Lanka's Queer rights movement a timeline

A discussion accompanying an activity.

Time

1 hour

Target group

All groups

30 participants in a group

Objectives

At the end of this session, the participants will be able to:

- Identify landmark events in Sri Lankan history relating to the queer rights movement
- Identify the fluctuations in the state response to LGBTIQ rights

Tools needed

- Cards

Preparation

- Print out the descriptions of events listed in Notes in individual papers. Only one event should be printed on a single paper. There are 26 events. If there are a lesser number of participants, remove some of the papers, or group papers that list consecutive events in twos to match the number of participants.

Steps

- Explain that in this activity, you will look at the history of queer rights movement in Sri Lanka.
- Distribute the papers on which events are printed among the participants.
- Ask the participants to read the events and stand in a line so that the events are in chronological order. Give 10 minutes for this activity. Offer support where required.
- Once the participants have stood in a line, ask the participants to read out the events in their papers.
- Engage in an interactive discussion around these events by prompting participants to comment on these events using questions such as 'What do you think about this?', 'Why do you think this happened?', 'Is it possible for this to happen again?', and 'what do you think happened after that?'.
- Notice patterns. For example, you will notice that the government's stance before the international community is progressive. However, there have been politicians and media who have posed serious barriers to rights of LGBTIQ people, and perpetuated

misconceptions about the communities. Observe how the HIV prevention programs have positively contributed to the movement. Notice how increasingly, there is acceptance of and respect for LGBTIQ people, especially on social media.

Notes

1995

Companions on a Journey (COJ) started its functions as the first queer-led organisation in the country. The group focused on working with gay men and eventually became a leading organisation for gay rights. The main purpose of the group was to decriminalize homosexuality. Sherman de Rose, its founder, is known as the first openly gay person in Sri Lanka. As a result of coming out, he faced various threats and assaults. However, COJ became a safe place for the gay community; screening queer films and providing access to gay literature and information about HIV/AIDS; and playing a key role in the country's HIV prevention strategy working with both governmental and non-governmental agencies. In 2011 COJ was dissolved after allegations of mismanagement of funds.

1999

By 1999, the Women's Support Group (WSG) had emerged as an autonomous body within COJ. It was the first and only group advocating for the rights of Lesbian, Bisexual and Transgender (LBT) women.

In 1999, WSG called for the first lesbian conference. But the event was cancelled after *The Island*, a national newspaper, published an article calling for the rape of women attending the conference. The organization was later dissolved in 2010.

2004

Equal Ground (EG) was created by Rosanna Flamer-Caldera. The organization advocates for the human rights of people of all sexual orientations and gender identities.

2005

With the change in government in 2005, LGBTIQ-led organisations came under surveillance. There was also homophobic reporting targeting LGBTIQ groups by the media.

2009

The first National Consultation Meeting on Men who have Sex with Men (MSM), HIV and Sexual Health took place. The first drop-in centre for people seeking treatment for sexually transmitted infections was opened through COJ.

2011

A draft Bill of Rights, prepared by a Committee reporting to the Ministry of Disaster Management and Human Rights, expressly included sexual orientation as a protected characteristic. The Bill was submitted to the Ministry of Justice for review, as mandated by the National Human Rights Action Plan adopted by Cabinet in 2011. However, it was not adopted.

2014

With the rise of religious extremism, extremist organisations such as Sinhale and Bodu Bala Sena contributed to an environment of intolerance. They persistently condemned efforts to ensure right to equality for LGBTIQ people, and threatened & attacked LGBTIQ organisations, especially on social media.

2014

In April, then Minister for Economic Affairs, reported to the press that the government had turned down the option of British aid which had been offered on the condition that Sri Lanka move to legalise gay marriage. A country heavily in debt and just after a crippling civil war refused to make an evidence backed amendment to their legal framework based on a misguided notion of cultural values.

2014

Following a review of Sri Lanka's record on civil and political rights by the United Nations Human Rights Committee in October in Geneva, Additional Solicitor General Bimba Jayasinghe Thilakeratne stated: *"Article 12.1 [of the Constitution] ensures equality for sexual orientation and gender identity"* and that under Article 12.2 *"laws discriminating on the grounds of sexual orientation and gender identity are unconstitutional"*. She also noted, *"Sections 365 and 365A [of Sri Lanka's Penal Code] do not target any particular group but are there to protect public morality."*

2015

In June, Wimal Weerawansa from the National Freedom Front, asked for then Foreign Minister Mangala Samaraweera's arrest after he had voted against a Russian resolution to withdraw spousal benefits to gay and lesbian UN employees. Weerawansa reportedly stated that: *"Being gay and lesbian-friendly has become our foreign policy today. This will result in negative consequences in the long run for Sri Lanka... It will affect our culture. Therefore, the Minister should be arrested for violating the Penal Code."*

On the same issue, another opposition leader, Udaya Gammanpila, General Secretary of the Pivithuru Hela Urumaya party, said equality did not mean all groups should be recognised as equals.

2015

In December, MP Nalinda Jayatissa, in an interview with the Daily News, stated: *"I am totally against Lesbian, Gay, Bisexual and Transsexual (LGBT) rights. This is not the need of the human being. We need a future generation. Scientific experiments reveal this kind of emotions come out due to stress. When people go through stressful periods or are in such environments, unnatural feelings come out. For example, we do not see this behaviour when they are living in the wild. However, if they are caged, we could see this behaviour. I believe in marriage between a man and woman. Same sex marriage is unnatural. It is against the evolution of the human being."*

2016

The Human Rights Commission of Sri Lanka (HRCSL) appointed 9 Sub-Committees on specific thematic issues. The sub-committees were expected to review legislation, policies, and official practices pertaining to each theme in order to make recommendations to the Commission on the policy interventions to be made to the Government of Sri Lanka pursuant to its mandate under section 10 of HRCSL Act No 21 of 1996. Further, the Sub-Committees were expected to advise the Commission on required policy and practical interventions on respective issues.

They established a Sub-Committee on the Rights of LGBTIQ Persons, which has since been made inactive. The Sub-Committee on the Rights of LGBTIQ Persons drew the attention of the Private Health Services Regulatory Council which is mandated to monitor and regulate private medical institutions to inquire into unauthorized medical clinics which advertise and offer medical treatments to “cure” LGBTIQ persons. The Sub-Committee also had discussions on including Comprehensive Sexuality Education (CSE) in the school curriculum, monitoring incidents of bullying of LGBTIQ persons in universities, and challenges faced by those applying for Gender Recognition Certificates; such as the requirement to undergo hormone therapy and surgical procedures which prevent those who are not able to/or do not wish to undergo such treatment from obtaining Gender Recognition Certificates.

2016

In June The Ministry of Health in Sri Lanka issued a circular setting up the procedure for granting Gender Recognition Certificate for transgender people.

Transgender people can now change their birth certificate and other identity documents to match their true gender identity. The circular also recognised the discrimination and violence faced by transgender persons.

The circular allowed those above 16 to apply for the certificate. Applicants must obtain a Gender Recognition Certificate (GRC) after an assessment with a psychiatrist. The GRC must be certified by a consultant psychiatrist and then the head of an institution under the Ministry of Health.

Up until the 3rd Quarter of 2021 the number of GRCs issued is 193. However, there remain some challenges to obtaining the certificate particularly due to the limitedness of health facilities having the authority to issue the certificate.

2017

Sri Lanka government considered the decriminalization of homosexuality. This project was eventually abandoned, inspiring local LGBTIQ-led NGOs to escalate advocacy work in the country.

2017

In January, the government dropped a proposal to decriminalise same-sex sexual activity from the Human Rights Action Plan; the State Minister of Finance Lakshman Yapa Abeywardena stated that the President had decided to abandon “culturally inappropriate” proposals.

2017

In January, then Justice Minister, when speaking on conditions of the EU's GSP+ concession, stated: *"We were also asked to legalise homosexuality in the country. The Europeans asked us to include it in the closes of the fundamental constitution. We clearly told them although they have a culture of indecency Sri Lankans are not people of such mental illness".* Prominent trans rights activist, Dr Chamindra Weerawardhana remarked that *"this comment is proof that we have a Justice Minister who is so small-minded that he withholds justice to his own fellow citizens on the grounds of sexual orientation and gender identity."*

2017

In August, in its Concluding Observations, the Committee on Economic, Social, and Cultural Rights (CESCR) urged Sri Lanka *"to amend the Penal Code with a view to decriminalising consensual same-sex conduct."* It further recommended that Sri Lanka *"take[s] urgent steps to combat and prevent violence against LGBTI persons and ensure their equal enjoyment of all human rights, in particular the right to health, education, work and housing."* The CESCR also recommended that Sri Lanka adopt an anti-discrimination law that encompassed sexual orientation and gender identity within its protective scope.

2017

In November, Sri Lanka's Deputy Solicitor General, Nerin Pulle, pledged to change the Penal Code in Sri Lanka after the country's UPR review, stating: *"The government is committed to ensuring that no provision in the law would be applied to persons of the LGBTIQ community in a discriminatory manner."*

2017

The National HIV/STI Strategic Plan Sri Lanka 2018 – 2022 proposed under to build a supportive environment, reconstitute the legal and ethical subcommittee of the NAC so that it can advocate with policy makers to strengthen the supportive environment for key populations and people living with HIV, and to revisit and repeal laws that criminalise key populations – particularly the s.365 and s.365A of the Penal Code, Brothels Ordinance, and Vagrants Ordinance.

The Strategic Plan recognised that the two sections of the Penal Code that criminalize same-sex relations create a barrier for men who have sex with men and transgender women to access HIV/STI services. In order to prevent HIV, it is important to revisit the laws that impede service uptake by key populations.

2018

In early 2018, during its third UPR cycle, the Sri Lankan government supported recommendations from Italy, Argentina, and Portugal on preventing and combating discrimination towards LGBT persons. Numerous recommendations to decriminalise consensual same-sex conduct were made.

2018

In November, during the Constitutional Coup, then President of Sri Lanka Maithripala Sirisena, attacked the Prime Minister Ranil Wickremesinghe in a speech by using the phrase “samanala rela”- a derogatory term alluding to sexual minorities. Representatives of LGBTIQ organisations protested against the coup in Colombo together with other civil society organisations throughout the constitutional crisis.

2019

In April 2019 Sri Lanka submitted the 6th periodic report to the Human Rights Committee. In the report, the government noted that deliberations with respect to constitutional reform include recommendations for the explicit prohibition of discrimination on the grounds of sexual orientation and that it is a policy priority.

*“Article 12 of the Sri Lankan Constitution guarantees the right to equality and non- discrimination. In 2014, Sri Lanka clarified before the Committee that the scope of article 12 (1) of the Constitution guarantees equality to persons without exception. Moreover, Sri Lanka clarified before the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Economic, Social and Cultural Rights Committee that the prohibited grounds of discrimination under article 12 (2) of the Constitution are non- exhaustive, and discrimination on the grounds of sexual orientation is **implicitly prohibited**. Thus acts that deny equal protection of the law or discriminate on the grounds of sexual orientation are prohibited under the Sri Lankan Constitution. The Civil and Political Rights Chapter of the NHRAP has also included a policy commitment to review all penal legislation that are discriminatory in nature and ensure compliance with the international human rights standards stated the government of Sri Lanka.*

2021

On 1st March @GotabayaR – Official Twitter Account of President Gotabaya Rajapaksa tweeted, “Today is #ZeroDiscriminationDay. As the president of #lka I am determined to secure everybody’s right to live life with dignity regardless of age, gender, sexuality, race, physical appearance, and beliefs.”

President Rajapaksa’s Tweet commemorating Zero Discrimination Day recognizing people’s right not to be discriminated against comes at a time when the President has initiated the drafting process of a new Constitution.

2021

In June, in recognition of PRIDE month, several Sri Lankan Members of Parliament (MP) expressed their support via social media statements; making statements on Twitter through their official accounts;

MP from Colombo and Former Minister of Economic Reform and Public Distribution of the Government of Sri Lanka, Harsha de Silva wrote “*No country should deny people their rights because of who they love; which is why we must stand up for the rights of the LGBTQ community. We all have a role to play in fighting hatred, discrimination and ignorance*”.

MP Shanakiyan Rasamanikam of the Batticaloa District tweeted: *“Everyone has the right to be who they are and love who they want to. Just like the ethnic minorities in Sri Lanka (Tamils and Muslims), LGBTIQ individuals are only ‘minorities’ in numbers. We must take special care to de-stigmatise and raise awareness in the North and East.”*

MP Dr.Harini Amarasuriya, who has been an outspoken advocate for LGBTIQ rights engaged in online public discussions to raise awareness about the LGBTIQ community.

2021

In August 2021 **Sri Lanka College of Psychiatrists** issued a [statement](#) recognising that homosexuality is not a mental illness and calling for the decriminalisation of same-sex sexual activity. This statement was issued in response to a video of a psychiatrist stating that homosexuality is a mental illness during a training for police officers. The video that had gone viral in social media had sparked an outrage among LGBTIQ communities, activists, and civil society organisations.

2021

At present, there are numerous LGBTIQ organizations in the country. There are also organisations supporting LGBTIQ rights, including the Human Rights Commission of Sri Lanka, the International Centre for Ethnic Studies, Women and Media Collective, & Grassrooted Trust among others.

The LGBTIQ movement is not only diverse in the pool of institutions and organizations that comprise it, but also in terms of the identity of its collective actors. The movement is as diverse as the country in terms of the demographic make-up¹. People who are diverse in terms of their religion, ethnicity, language, and occupation make the movement truly intersectional

Note to Facilitator

LGBTIQ-led organisations currently working in Sri Lanka:

- Heart to Heart
- The National Transgender Network (NTN)
- Venasa Transgender Network
- Young Out Here (YOH)
- Community Welfare Development Fund (CWDF)
- Chathra Jaffna Sangam
- Equal Grounds

¹ Sri Lanka is the home of different ethnic groups, including Sinhalese (74,9%), Sri Lanka Tamil (11,1%), Indian Tamil (4,1%), Sri Lanka Moor (9,2%), Burgher (0,1%), and others including Malay, Sri Lankan Chetty and Bharatha (0.7%) (Department of Census and Statistics Sri Lanka, 2012). This multiplicity has been the root of cultural, social and political differences. Furthermore, Sri Lanka is also diverse in terms of religious affiliations: Buddhism accounts for 70% of the population, being the main religion in the country and having been granted constitutional privileges. Other religions include Hinduism (12,6%), Islam (9,7%) and Christianity (7,4%) (Department of Census and Statistics Sri Lanka, 2012). Tensions between the majority Buddhist and minority religions have been evidenced with anti-Muslim violence for over two decades, with riots in cities like Kandy and Ampara targeting mosques and Muslim-owned businesses.

Session 06: Words Matter

Discussion assisted by slides.

Time

30 minutes

Target group

- All groups
- 30 participants in a group

Objectives

At the end of this session, the participants will be able to:

- Correctly define key terms relating to diversity of SOGIESC
- Identify words that are harmful, negative, or which have fallen into disuse

Preparation

- Slides

Steps

- Explain that in this session, you will find out the meanings of some relevant terms. Explain that terminology around diversity of SOGIESC is still evolving as our understanding of sexuality and gender deepens. Therefore, it is good to stay up to date on related terminology.
- Using the slides, flash each word and give the participants an opportunity to explain what this means. Ask the participants if there are different meanings or explanations to the word. Once there is some consensus in the room, move to the next slide which has the explanation.
- At the end of the session, ask the participants if there are any other terms that they can think of that are relevant to LGBTIQ community? Ask the participants if there are any terms in local languages or 'slang' terms. However, note that this can be a cathartic experience for some participants, and as the facilitator, you may have to make sure that other participants are not uncomfortable. Make sure to adequately address any negative value judgements the participants may express.
- In the notes section below, you will find the words and definitions provided in the slides.

Notes

Transgender person

A person whose gender identity does not align with the sex assigned at birth in the normative or traditional sense.

Avoid using transgenders; a transgender; transgendered because transgender is an adjective not a noun.

Transitioning

The process by which a person changes their gender expression and sex characteristics to align with their true gender identity. This may include dressing to express one's gender identity, changing identity documents, and undergoing medical procedures.

Transsexual person

A person who has gone through medical and surgical procedures to change their body to align with their true gender identity. Hormone therapy, breast implants or mastectomy, voice modification surgery, and sex reassignment surgery are some of the ways in which a person can change their bodies to match their gender identity.

Top surgery

A surgery a trans person would go through to change their chest/ breasts to align with their gender identity. A transwoman will get breast implants. A transman will get a mastectomy – a breast removal surgery.

Bottom surgery

A surgery a trans person would go through to change their genitals to align with their gender. Also called a 'sex reassignment surgery' or 'gender affirmation surgery'.

MSM

MSM stands for Men who have Sex with Men. This word is used in HIV prevention programs to classify people based on their sexual behaviour, because it is sexual behaviour that may increase risk of HIV transmission. Gay and bisexual men, and male sex workers come within the MSM in category. It should be noted there are men who identify as heterosexual but who have sex with men – and they also come under this category.

Nachchi

Nachchi is a term used in Sri Lanka to refer to effeminate men. This emerged as an 'insider term' among a group of effeminate men and transwomen. Effeminate men, transgender women, and homosexual men may identify as Nachchi.

Napunsaka

Literal translation in Sinhala is the absence of a gender. However, in practice 'Napunsaka' is used to mean a third gender. Some people may find this term offensive.

Transman

A person who was assigned female at birth but whose true gender or gender identity is that of a man. Also known as 'F2M' or 'female to male'.

Transwoman

A person who was assigned male at birth but whose true gender or gender identity is that of a woman. Also known as 'M2F' or 'male to female'.

Cisgender person

A person whose gender identity conforms to the norm that is associated with their sex assigned at birth. For example, a person who was assigned male at birth and who identifies as a man.

Intersex person

A person who has sex characteristics that do not exactly match the definitions of male body and female body. They may have both male and female sex characteristics.

Sodomy

A word with Biblical origins which is rarely defined but is used to refer to anal sex between two men. 'Sodomy' and 'buggery' are similar words often used in legal language. These words have negative connotations about same-sex sex and are falling into disuse.

Sexual Orientation

Sexual orientation is determined by how one experiences emotional, romantic, and sexual attraction. Homosexual, heterosexual, bisexual, pansexual, and asexual are some commonly identified sexual orientations.

Demisexual

A demisexual is also a sexual orientation. Demisexual people only feel sexually attracted to someone when they have an emotional bond with the person.

Do you know of any other sexual orientations?

Lesbian

A woman who is emotionally, romantically, and sexually attracted to other women.

Bisexual person

A person who is emotionally, romantically, and sexually attracted to people of two genders. For example, a man who is attracted to both men and women.

Bicurious person

This refers to a person who is questioning or exploring bisexuality. This includes a curiosity about one's emotional, romantic, and sexual attraction to people of two genders.

Butch

A lesbian woman who has a masculine gender expression. Also referred to as 'tomboy' or 'dyke'. Butch lesbians have been marginalised throughout history – accused of perpetuating masculine and feminine binary dynamics in relationships by behaving as men. However, gender identities and expressions are subjective, and all non-conformist identities need to be respected.

A butch lesbian that has some feminine expressions/ characteristics may be called a 'baby dyke' or a 'soft butch'.

Drag

Usually referred to men who perform or dress up in hyper-expressive feminine clothing. Drag is considered an art form. A 'drag queen' is someone who regularly performs in drag. A 'drag party' is an event where some of the men attending will be in drag.

Women may also dress or perform in drag – wear masculine clothing.

Drag culture has a long history in the world going back to 1920s when there were parties where the best feminine figure or dress was given awards.

Do you know of any drag queens in Sri Lanka?

Coming out

Coming out is to open-up or publicly share about a person's own sexual orientation or gender identity to others. For most people, this is not a one-time event but a process. For example, a person may come out to a trusted circle of friends in the beginning.

Closeted

'Closeted' describes people in the LGBTIQ community who don't publicly or openly share their sexual orientation or gender identity. This is also referred to as 'in the closet'.

Queer

An umbrella term that describes individuals who aren't exclusively heterosexual. The term queer (the Q in LBGTIQ), acknowledges that sexuality is a spectrum as opposed to a collection of independent and mutually exclusive categories. Use of the word queer opens-up options beyond lesbian, gay, and bisexual, to individuals who don't fit into labels. Queer was used as a derogatory term in the past. Increasingly, this term is being reclaimed by LGBTIQ community.

Mx.

Mx. Is a gender-neutral pronoun which can be used instead of Mr. and Ms. It is used by people who do not identify with the binary genders.

Passing

Describes how a LGBT+ person is perceived as or assumed to be straight or cisgender. This term is most often used regarding transgender people who are perceived by the society to be cis gender. Some people may have a desire to pass, and others may find discomfort in it.

Session 07: Diversity of SOGIESC and Sri Lankan Media

Participants reflect on their experiences and share with the group.

A short lecture assisted by slides follows.

Time

30 minutes

Target group

All groups

30 participants in a group

Objectives

At the end of this session, the participants will be able to:

- Critically examine information shared by media with regard to LGBTIQ people

Tools needed

- Papers and pens for the participants

Preparation

- Slides

Steps

- Begin this brief discussion by explaining to the participants that there are negative connotations about LGBTIQ people in society. These include misconceptions and stereotypes. A misconception is an idea that is incorrect, or an incorrect understanding. A stereotype is a widely held but fixed and oversimplified image or idea of a particular type of person or thing. An example of a misconception about sexual orientation is that all sexual orientations except heterosexuality are 'unnatural'. A stereotype about gay men is that they have feminine gender expressions. As a result of these misconceptions and stereotypes LGBTIQ people are subjected to stigma and discrimination. They survive bullying, harassment, and violence due to misconceptions.
- Media is a main source of information that perpetuate these misconceptions and stereotypes. Explain that you will now have a discussion about how Sri Lankan media portrays diversity of SOGIESC.
- Ask the participants to write down what is the most memorable queer character that they have seen on Sri Lankan media or some information they read or heard about LGBTIQ people from Sri Lankan media. Give participants 5 minutes to reflect on this question.

- Ask the participants to share what they wrote down and how this image/character/information affected their understanding of LGBTIQ people. Ask the participants, in their opinion, whether this was a negative, positive, or neutral portrayal.
- Once the participants have shared their experiences note that sometimes no matter how educated we are, what we see on media and the information we receive can create prejudices and biases within ourselves. Note that, therefore it is important to question the information we consume and to double-check facts using reliable sources.
- Take the participants through the slides that highlight some representations made in Sri Lankan media. Content of the slides can be found in the Notes section below.

Notes

The Island

1999

P. Alles wrote an article encouraging rape of lesbian women. The article urged the release of criminals who had perpetrated crimes against queer people. Activist Sherman De Rose made a complaint with the Sri Lanka Press Council, but the Council dismissed the complaint and fined Sherman instead.

Sunday Observer

2011

The editorial accused some LGBT-led NGOs of promoting homosexuality in Sri Lanka "pretending that they are engaged in HIV/AIDS prevention".

Lakbima

2013

The newspaper printed an article claiming that a peer education workshop on HIV/AIDS was held in Anuradhapura to brainwash children and turn them into homosexuals.

Colombo Telegraph

2016

Quoted Secretary General of Bodu Bala Sena – Galagoda Aththe Gnanasara: "Today the country is governed by a group of homosexuals. This is a very serious concern...". The priest criticised the government and equated homosexuality with napunsa (absence of gender).

Summarise

Media perpetuates misconceptions and stereotypes that are harmful to LGBTIQ people. These actions can have long-term negative consequences for the queer movement. Influencing the public opinion makes it a challenge to change restrictive laws that discriminate against diverse SOGIESC. To counter the issue of negative perceptions in media we can sensitize media personnel and institutions and create our own positive narratives about LGBTIQ people. However, there should also be institutional mechanisms such as media guidelines and laws against homophobic hate speech.

Session 08: Discrimination and violence against people with diverse SOGIESC in Sri Lanka

Lecture assisted by slides.

Time

30 minutes

Target group

All groups

30 participants in a group

Objectives

At the end of this session, the participants will be able to:

- Identify forms of violence and discrimination against people with diverse SOGIESC perpetrated by state actors
- Identify forms of violence perpetuated against people with diverse SOGIESC
- Articulate the link between discrimination and violence in terms of access to justice

Preparation

- Slides

Steps

- Note that in this short lecture, you will attempt to share about various forms of discrimination faced by LGBTIQ people in Sri Lanka.
- Begin by explaining that discrimination is the unjust or prejudicial treatment of different categories of people, based on some characteristic that they have. For example, we know that pre-1950 USA, black people didn't have the same rights as white people. They were not allowed to study in the same schools as white people, use the same transport, or go to the same restaurants as white people.
- Discrimination can be perpetrated by private persons as well as governments. But there are laws to prevent the governments from discriminating against people. In Sri Lanka Article 12 of the Constitution states that all people are equal and should be free from discrimination. This is a fundamental right. If the government discriminates against you on sex, race, religion, or any such grounds, you can seek a remedy by petitioning to the Supreme Court of Sri Lanka.
- Even though government representatives in Sri Lanka have acknowledged that Article 12 prevents discrimination people based on sexual orientation and gender identity, there are many laws and practices in Sri Lanka that discriminate against LGBTIQ people. Now let us examine some of these laws and practices.

Notes

Laws and practices that discriminate against LGBTIQ people in Sri Lanka

Penal Code 1883

Section 365: Unnatural Offences

Section 365 criminalises “carnal intercourse against the order of nature”. Even though the meaning of terms is not clearly defined, this law is commonly understood to criminalise sex between same sex partners

Penal Code 1883

Section 365A: Acts of gross indecency between persons

Section 365A prohibits acts of “gross indecency”, or the procurement or attempted procurement thereof, with a penalty of up to two years imprisonment and/or a fine. This provision is applicable to acts between men and between women. In Sri Lanka, this section was made gender-neutral in 1995. Previously it only applied to men.

Penal Code 1883

Section 399: Cheating by personation

Section 399 of the Penal Code criminalises cheating “by pretending to be some other person”, with a penalty of up to three years imprisonment and a possible fine. This provision is used to target transgender persons.

Vagrants Ordinance

This law prohibits loitering and soliciting for sex.

These laws, despite being rarely enforced, are used to harass, extort, and abuse LGBTIQ people by law enforcement personnel.

The US State Department’s 2014 Sri Lanka Country Report on Human Rights Practices noted, “*while not actively arresting and prosecuting members of the LGBTI community, police harassed and extorted money or sexual favors from LGBTI individuals with impunity and assaulted lesbians in Colombo and other areas*”.

Vagrants Ordinance and s.399 of the Penal Code are used to intimidate, question, arrest, and detain transgender people and people who do not conform to gender norms – including butch lesbians, feminine-presenting men. Vagrants Ordinance is also used to harass sex workers.

Transgender women are perhaps the most vulnerable to abuse and harassment by law enforcement agencies. This is because it is often visible from their appearance that they are transgender. In contrast, gay, bisexual, and lesbian men/women may be able to pass as cis gender. Transwomen also face exclusion due patriarchal attitudes that looks down at femininity – as

something inferior. Rejection from family, & limited opportunities for education and employment for transwomen deprive transwomen of economic, social, and financial security making them even more vulnerable.

The research paper 'Dance Ponnaya, Dance! Police Abuses Against Transgender Sex Workers in Sri Lanka' (2010) by Andrea Nichols, for which 24 in-depth interviews and 3 focus groups were conducted with trans women sex workers in Sri Lanka, highlights police violence against transwomen. These abuses include verbal, physical, and sexual abuse as well as discrimination. Some quotes from the respondents are given below:

"Now even if they [police] see you in the road . . . they pass saying . . . "Ponnaya, ponnayo, what are you doing?" this and that, yes, "Ponnaya get in the jeep." So [police] say this and that and insult [us] in filth, remand for no reason. That is why. Now the police of course can't stand us. That much we are bitter to them, we also can't stand them. We're so disgusting to them. From that [I] get scared."

"From the police also we have plenty of harassment. Even if you just go to the road to buy something, sometimes they would take us and would hit and all and would send us back [from jail] next morning, there are times like that."

"A lot of injustice was done by the police to me. I was wearing a dress, keeping breasts, with long hair. I was like a woman that day . . . In the morning they put the radio on and told me to dance . . . Told me to dance for those [songs], I still danced for whatever way I could. [Police] came to squeeze these of mine [breasts]."

"Now so we go in the night and kollo [men] take us and beat us and take our money and gold jewellery and we report that to the police but no action is taken. They tell us, "Hah hah, get out. Get out!" and chase us."

"It's like this, something was stolen from my brother's house, and when I went to the police for that, two officers who were in the jeep called me. "If you don't stay [have sex] we will lock you up," they said."

A [Shadow Report](#) to the 110th Session of Human Rights Committee (2014) submitted by Equal Ground shares several incidents of discrimination and abuse against LGBTIQ people. It was pointed out that most arrests of LGBTIQ people lead not to the filing of charges, but to bribery, blackmail, extortion, violence or coerced sexual favors. Some examples of harassment by law enforcement mentioned in the report are noted below:

In 2012 a lesbian was arrested and charged with vagrancy when the police found her walking back to her motorcycle on a beach near Colombo. The police commented on her masculine appearance and the fact that she was wearing pants, and she was heavily questioned for her decision to ride a motorcycle. The lesbian was detained for approximately five hours before the police released her.

A graduate student from Galle, was accosted by police officers dressed in civilian clothing while he was conducting an interview of several men and one transgender woman for his thesis on safer sex. The men he was interviewing were arrested and beaten, and the transgender woman was sodomized by three police officers who inserted a wooden stick into her anus. The police accused the student of promoting homosexuality, and he was slapped by the police and thrown into a jail cell. In 2006, two gay men who were arrested by police at a public restroom in Colombo and taken to a police station. At the station, the police officers explained their reason for the arrest using derogatory terminology for gay individuals and accused the two men of having sex in the restroom. The police then drove the two men to another location, where the men were forced to pay the police a bribe to be released.

HIV prevention workers have reported that police harassment results in reluctance of gay/bisexual men and transwomen to carry condoms for fear of being arrested for sex work. Many men resort to having sex in public or semi-public places, due to lack of private spaces. They risk having rushed and unsafe sex due to the fear of being caught by the police.

While there are a large number of reported incidents regarding police brutality and violence directed at the LGBTIQ people, most victims are unwilling to come forth and complain out of fear. At the same time, LGBTIQ are also subjected to physical and sexual violence in Sri Lanka. In the 2014 shadow report to the Human Rights Committee, Equal Ground, details various forms of violence directed at people with diverse SOGIESC.

Over the four-month period between July and October 2013, EQUAL GROUND's Field Officers met with three transgender men who had received death threats as a result of their gender identity. Additionally, results from the 2011 Study indicate that approximately 37% of LGBT respondents were victims of physical abuse, threats, assault, harassment, rape, or battery, the majority of whom experienced such abuse more than once in the past two years. Of the respondents who had suffered physical abuse, 50% stated that it was due to their gender identity or expression, and another 41% of respondents who had suffered physical abuse reported that their physical abuse was due to both their sexual orientation and gender identity or expression.

EQUAL GROUND has received reports from LGBT individuals who recounted having been raped, assaulted, kidnapped or threatened with death. For example, within the past year, a 19 year old transgender woman reported that she was cycling home one evening when a man stopped her, dragged her into a forest area, and raped her. A bisexual male reported that he had been taken into one of the washrooms at his school at the age of 16 and raped by two senior students.

In another report, a transgender man reported that he was attacked as he and his boyfriend were standing in front of a hardware store. The transgender man suffered a blow to the eye that caused blood to drain into his eye. When the couple escaped and got into a three-wheeler taxi, they were followed by two men on motorbikes all the way to the house where they were staying.

In 2008 two gay Muslim men from East Sri Lanka reported that because of their sexual orientation, they were abducted, tortured, and had a Fatwa (death threat) placed on their lives. Additionally, in 2008 another young Muslim man from South Sri Lanka was attacked due to his sexual orientation, and was forced to flee his home.

A 2017 Shadow Report to the CEDAW Committee by Women and Media Collective also refers to incidents of violence survived by LGBTIQ people.

The Women's Support Group study found that more than half of the 33 LBT persons interviewed had experienced physical and sexual violence, 12 of whom spoke of on-going physical violence in their lives. Perpetrators included immediate family members, strangers, peers, partners, ex-partners employers, supervisors, co-workers and neighbours. Roshmi, a 39-year-old lesbian interviewed for the study, reported, "My partner's family forcibly tried to give her pills and medicine to cure her. They tried very hard to change her into a heterosexual... [T]wice she was subjected to electric shock therapy". Another interviewee, Chamila, a 36-year-old woman who lives with her parents said that her mother "had taken her to a mental health professional to try and 'cure' her gender non-conformity and her lesbianism".

All 33 LBT respondents in this study had experienced some form of emotional violence, including: gender norm enforcement, restrictions on socialization, physical and emotional neglect, family ostracism, and constant pressure to enter into (heterosexual) marriage. Mallika, a lesbian in her early 40s said: "I think the biggest discrimination for me was from my family. Emotionally and verbally they have discriminated [against] me - their denial that I am a lesbian and the refusal to accept anything other than me being with a man as being ok...They at best hide my sexuality or refuse to acknowledge it. So the problems are actively from them and it continues still".

Due to the criminalisation of sex between same-sex partners and discrimination by the Police, LGBTIQ people who face violence do not go to the police to seek justice. A 2016 report by Human Rights Watch sheds light on this concern.

Nithura, a 31-year-old lesbian, was repeatedly harassed and subjected to death threats by her girlfriend's father in late 2007 but did not go to the police. "If not for the laws, I would've said something," she said. "I'm a criminal in this country. What's the point wasting time saying something when the laws are unequal and unjust? I just don't want to be illegal."

Further reading

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3. Equal Ground, Shadow Report to 110th Session of Human Rights Committee (2014) https://www.ecoi.net/en/file/local/1179388/1930_1389716045_int-ccpr-ico-lka-15986-e.pdf
4. Equal Ground, Human Rights Violations against Lesbian and Bisexual Women in Sri Lanka: A Shadow Report to Committee on the Elimination Of Discrimination Against Women (CEDAW) (2016). Available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LKA/INT_CEDAW_NGO_LKA_24_294_E.pdf
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6. Women and Media Collective, Discrimination of Lesbians, Bisexual Women and Transgender Persons in Sri Lanka: Shadow Report Presented to the 66th Session of the Committee for the Elimination of All Forms of Discrimination Against Women (CEDAW) (2017). Available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LKA/INT_CEDAW_NGO_LKA_26_252_E.pdf
7. Kaleidoscope Human Rights Foundation & Equal Ground, Parallel Report to the UN Committee on the Elimination of Discrimination Against Women regarding Sri Lanka's Protection of the Rights of LGBTI Persons (2017). Available here https://www.ecoi.net/en/file/local/1393616/1930_1487246228_int-cedaw-ngo-lka-26326-e.pdf

Session 09: International Developments relating to rights of people with diverse SOGIESC

Lecture assisted by slides followed by 15 minutes of Q&A

Time

45 minutes

Target group

All groups

30 participants in a group

Objectives

At the end of this session, the participants will be able to:

- List notable achievements in the world on rights of people with diverse SOGIESC
- Identify key international human rights instruments and mechanisms relevant to human rights of LGBTIQ people

Preparation

- Slides

Steps

- Explain that in this last session, you will look at international developments relating to rights of people with diverse SOGIESC.
- Conduct the lecture assisted by slides for 20-30 minutes. Notes to assist the lecture with slides are provided below.
- Considering that this is the last session for the day, allocate at least 15 minutes at the end for questions and answers on this session or previous sessions. If there are no questions, you may ask the participants to share the most interesting or memorable thing they learnt today.

Notes

In most countries in Asia, there is a restrictive legal and socio-political environment with regard to rights of people with diverse SOGIESC. LGBTIQ people face stigma, discrimination, and violence. Myths and misconceptions about diverse SOGIESC are widespread. But the world is slowly changing. More and more countries and international organisations are recognising rights of LGBTIQ people. The following notes discuss some of the notable global achievements on the rights of people with diverse SOGIESC.

Some achievements relate to distinguishing diverse sexual orientation and gender identity from mental health challenges.

In 1973, the American Psychiatric Association (APA) declassified homosexuality as a mental illness. This was done by removing the diagnosis of “homosexuality” from the second edition of its Diagnostic and Statistical Manual (DSM).

In 1992 the World Health Organization (WHO) [declassified homosexuality as a mental illness](#). More recently, in 2019, WHO depathologised being transgender. In the 11th Revision of International Classification of Diseases (ICD-11) gender incongruence is defined as a marked and persistent incongruence between a person's experienced gender and assigned sex. In the previous version (ICD-10), this was considered ‘gender identity disorder’, in the chapter entitled mental and behavioural disorders.

Meanwhile the international human rights framework has also made notable progress. Universal Declaration of Human Rights (1948) enshrined in its preamble the ‘recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family’ as the ‘foundation of freedom, justice and peace in the world’.

International Covenant on Civil and Political Rights (ICCPR) that entered in to force in 1976, recognised human rights of all people including right to be free from torture, right to privacy, right to liberty and right to be equal before the law. Human Rights Committee was established by the Covenant to monitor how the States that have ratified to the Covenant are respecting the Covenant. In 1992, Human Rights Committee heard the case of [Toonen vs. Australia](#). Committee stated that the Australian Government’s criminalisation of homosexuality in Tasmania (an Island state of Australia) violated the ICCPR. After this decision, the Australian Government passed a law to decriminalise homosexuality in Tasmania.

International Covenant on Economic, Social and Cultural Rights (ICESCR) that entered in to force in 1976, recognised right to work, right to an adequate standard of living, right to enjoy the highest attainable standard of physical and mental health, right to education, and right to take part in cultural rights, among others, as human rights. The Covenant established Committee on Economic, Social and Cultural Rights to monitor how the States that have ratified to the Covenant are respecting the Covenant. In 2019, the Committee made recommendations on decriminalising same-sex sex and recognising rights of LGBTIQ people to governments of Cameroon, Estonia, Kazakhstan, and Mauritius.

Committee on the Rights of the Child (CRC); the Committee Against Torture (CAT); and the Committee on the Elimination of Discrimination against Women (CEDAW) have also explicitly included the prohibited grounds of sexual orientation and gender identity in the implementation and interpretation of the treaty they are respectively tasked to monitor.

In 2013 the concepts of ‘sexual orientation’, ‘gender identity’ and ‘gender expression’ were altogether incorporated for the first time in a legally binding instrument – the Inter-American Convention against all Forms of Discrimination and Intolerance.

In 2011, we had the first SOGI Resolution at the Human Rights Council. Two consecutive resolutions at the Human Rights Council followed in 2014 and 2016. The latter established the mandate of an [Independent Expert](#) on matters of protection against violence and discrimination on the basis of sexual orientation and gender identity.

Yogyakarta Principles

- | | |
|---------------------|--|
| PRINCIPLE 1 | The Right to the Universal Enjoyment of Human Rights |
| PRINCIPLE 2 | The Rights to Equality and Non-Discrimination |
| PRINCIPLE 3 | The Right to Recognition before the Law |
| PRINCIPLE 4 | The Right to Life |
| PRINCIPLE 5 | The Right to Security of the Person |
| PRINCIPLE 6 | The Right to Privacy |
| PRINCIPLE 7 | The Right to Freedom from Arbitrary Deprivation of Liberty |
| PRINCIPLE 8 | The Right to a Fair Trial |
| PRINCIPLE 9 | The Right to Treatment with Humanity while in Detention |
| PRINCIPLE 10 | The Right to Freedom from Torture and Cruel, Inhuman or Degrading Treatment or Punishment |
| PRINCIPLE 11 | The Right to Protection from all Forms of Exploitation, Sale and Trafficking of Human Beings |
| PRINCIPLE 12 | The Right to Work |
| PRINCIPLE 13 | The Right to Social Security and to Other Social Protection Measures |
| PRINCIPLE 14 | The Right to an Adequate Standard of Living |
| PRINCIPLE 15 | The Right to Adequate Housing |
| PRINCIPLE 16 | The Right to Education |
| PRINCIPLE 17 | The Right to the Highest Attainable Standard of Health |
| PRINCIPLE 18 | Protection from Medical Abuses |
| PRINCIPLE 19 | The Right to Freedom of Opinion and Expression |
| PRINCIPLE 20 | The Right to Freedom of Peaceful Assembly and Association |
| PRINCIPLE 21 | The Right to Freedom of Thought, Conscience and Religion |
| PRINCIPLE 22 | The Right to Freedom of Movement |
| PRINCIPLE 23 | The Right to Seek Asylum |
| PRINCIPLE 24 | The Right to Found a Family |
| PRINCIPLE 25 | The Right to Participate in Public Life |
| PRINCIPLE 26 | The Right to Participate in Cultural Life |
| PRINCIPLE 27 | The Right to Promote Human Rights |
| PRINCIPLE 28 | The Right to Effective Remedies and Redress |
| PRINCIPLE 29 | Accountability |
| PRINCIPLE 30 | The Right to State Protection |
| PRINCIPLE 31 | The Right to Legal Recognition |
| PRINCIPLE 32 | The Right to Bodily and Mental Integrity |
| PRINCIPLE 33 | The Right to Freedom from Criminalisation and Sanction on the Basis of Sexual Orientation, Gender Identity, Gender Expression or Sex Characteristics |
| PRINCIPLE 34 | The Right to Protection from Poverty |
| PRINCIPLE 35 | The Right to Sanitation |
| PRINCIPLE 36 | The Right to the Enjoyment of Human Rights in Relation to Information and Communication Technologies |
| PRINCIPLE 37 | The Right to Truth |
| PRINCIPLE 38 | The Right to Practise, Protect, Preserve and Revive Cultural Diversity |

In 2006, in the context of a fragmented international framework and well-documented patterns of abuses, a number of distinguished human rights experts met in Yogyakarta, Indonesia. These experts consolidated into one document 29 principles built on the interpretation of international human rights law as it applies to people of diverse sexual orientations and gender identities. This document is known as Yogyakarta Principles.

In 2017, additional Principles known as 'YP+10' were included to the Principles. These Principles recognise the right to freedom from criminalisation and sanction on the basis of sexual orientation, gender identity, gender expression or sex characteristics.

The Yogyakarta Principles are not as legally binding on states as a treaty would be. Because of this, it is called a soft law instrument. But they provide a comprehensive articulation of human rights that are needed to be recognised and protected in order to achieve equality for LGBTIQ people.

The Yogyakarta Principles have been referred to at international and regional levels, as well as in national courts, especially in Asia. The Indian and Nepalese landmark decisions (*Naz Foundation vs. Government of NCT of Delhi*, and *Pant vs. Nepal*) highlighted what may well be the greatest success of the Yogyakarta Principles: confirming the integration of the term 'gender identity' into international law and the language of human rights.

Other similar soft law instruments include the following:

1996 Montreal Declaration

The Declaration of Montreal on Lesbian, Gay, Bisexual, and Transgender Human Rights is a document adopted in Montreal in 2006, by the International Conference on LGBT Human Rights. The Declaration proposes a number of rights and freedoms to be universally guaranteed.

2013 Malta Statement

This Statement was adopted during the Third International Intersex Forum in Malta by 34 human rights defenders, representing 30 intersex organisations from all continents. This Statement demands the end of forced surgical procedures on intersex people, infanticide and killing of intersex people, and forced sterilisation of intersex people among other demands.

ABBREVIATIONS

SOGIESC	Sexual orientations, gender identities and expressions, and sex characteristics
WHO	World Health Organization
IDAHOT	International Day Against Homophobia and Transphobia
COJ	Companions on a Journey
WSG	Women's Support Group
LBT	Lesbian, Bisexual and Transgender
EG	Equal Ground
MSM	Men who have Sex with Men
LGBT	Lesbian, Gay, Bisexual and Transsexual
HRCSL	Human Rights Commission of Sri Lanka
CSE	Comprehensive Sexuality Education
GRC	Gender Recognition Certificate
CESCR	Committee on Economic, Social, and Cultural Rights
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
MP	Members of Parliament
NTN	The National Transgender Network
YOH	Young Out Here
CWDF	Community Welfare Development Fund
ICD	International Classification of Diseases
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
CAT	Committee Against Torture
CRC	Committee on the Rights of the Child
CEDAW	Committee on the Elimination of Discrimination against Women



BRIDGE to Equality - BRIDGE project which aims to improve the protection of human rights for LGBTQ people in Sri Lanka through the use of international human rights law to enable justice actors (judges, lawyers and other legal professionals), activists and human rights defenders to improve justice outcomes for the LGBTQ community; with a focus on overcoming challenges imposed by the current legal framework, as well as the overall promotion and protection of human rights of LGBTI people.

BRIDGE is jointly implemented by DAST, National Transgender Network and Young Out Here in partnership with the International Commission of Jurists since 2021.

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