

**Statement of Action Canada for Population and Development – Item 6 - Universal Periodic Review – Sri Lanka – Adoption of UPR outcome on Sri Lanka – March 15, 2013**

Madame President,

I make this statement on behalf of EQUAL GROUND - Sri Lanka, Sexual Rights Initiative<sup>1</sup> and The Women's Support Group.

We welcome the voluntarily pledges made by the Sri Lankan Government especially in regard to setting up of gender focal points to be appointed to each Line Ministry. We urge the Government to set this up as soon as possible to have gender perspective and focus in every policy and programme.

We are however disappointed with the lack of engagement or acceptance of recommendations on non-discrimination on the basis of gender identity. A true gender focus in the policies and programmes can only be possible if the laws and policies are also in fact non-discriminatory. The Vagrancy provision under Section 399 of the Penal Code is still being used to prosecute and harass transgender persons under “cheating” or “impersonation”. We urge the State to strongly condemn such prosecutions and ensure that such violations against people only because of their gender identity is not continued. In this regard we strongly urge the government to amend Article 12 (2) of the Constitution to increase the scope of the non-discrimination clause.

We are also concerned by the lack of response on recommendation 128.24 on decriminalising homosexual relationships between consenting adults by repealing Section 365A of the Penal Code. The lack of protection of the right to equality and non discrimination for members of LGBT communities in Sri Lanka leads to stigma and discrimination against them as well as to their being rendered invisible in the eyes of society and of the law. This factor plays a role in deterring lesbian, gay, bisexual and transgendered people from reporting acts of discrimination, abuse and violence that they face to the relevant authorities.

Regrettably, the National Human Rights Action Plan also does not mention any of the specific violations faced by persons belonging to sexual minorities and any measures to protect the rights of groups and individuals belonging to sexual minorities.

We urge the Government, to take a holistic approach while dealing with violations of human rights and to repeal laws that decriminalise persons belonging to specific communities based on their gender or sexual orientation and affirm the rights of persons belonging to sexual minorities. We also urge the government to take a strong stand towards equality and non – discrimination by making the suitable amendment to the Constitution.

Thank you.

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<sup>1</sup> The Sexual Rights Initiative is a coalition of organizations comprising of Action Canada for Population and Development (ACPD), Akahata, Coalition for African Lesbians, Creating Resources for Empowerment in Action (CREA), Egyptian Initiative for Personal Rights (EIPR) and Federation for Women and Family Planning (Federa).