

Mrs Chair and colleagues at the table, Member States, Representatives from UN agencies and colleagues from Civil Society, thank you for the opportunity to take the floor today. I am addressing you as a Human Rights Activist from Sri Lanka on behalf of the Coalition of Civil Society Organizations with Équité Sri Lanka.

We faced one of the most devastating Economic Crises within the year which led to socio-political instability across the country. Even at this very moment many who peacefully protested for a better livelihood, are being arrested and detained under the Prevention of Terrorism Act. A state Emergency has been declared, limiting the freedom of speech and freedom of association which are fundamental rights listed in our constitution.

Dear all,

As a marginalized community, the LGBTIQ individuals in Sri Lanka have been deprived of Fundamental Rights such as the Right to Equality, Freedom from torture, Freedom of Expression, Freedom of Association, and Freedom from arbitrary arrest, detention and punishment for decades. The contemporary deterioration of Human Rights conditions within the country has only worsened these discriminations and the community has become victims of discrimination in multiple layers. The individuals are deprived of filling cases at local authorities, arbitrary arrests are being carried out solely based on their diverse gender expressions and sexual orientations and the list could go on.

Further, due to the discrimination based on diverse gender identities and sexual orientations, many community members are vulnerable to accessing Justice and essential services within the contemporary socio-political-economic conditions. For example, the economic worsening has immensely impacted the health requirements of the LGBTIQ community such as a shortage in hormones, medication for PLHIV, PrEP and PEP, etc.

Dear All,

At the 3rd UPR cycle, Sri Lanka received 10 recommendations on sexual orientation and gender identity. Three of them were related to discrimination and enjoyed the Government's support. The remaining 7, primarily related to the decriminalization of consensual same-sex relationships, were noted.

As you can see in the presentation, Sri Lanka specifically supported to Prevent & combat of all kinds of discrimination, in particular, those on the grounds of ethnicity & sexual orientation and ensure respect for the rights & fundamental freedoms of the LGBTIQ community. However, no tangible actions are yet taken to ensure equality and enforce non-discriminatory laws for the LGBTIQ community in Sri Lanka.

The colonial sodomy laws introduced by the British in 1883 are still exercised to criminalize same-sex relationships. On August 2022, a private member bill was submitted to the parliament on reforming the penal code section criminalizing same-sex relationships to partial

decriminalization. However, actions on the bill are yet to be taken. Although we welcome the initiative, The LGBTIQ community demands repeal over reform as the proposed bill does not meet the necessity of the community as a whole and we urge the Parliament to take proactive measures to eliminate all discriminatory laws violating the rights of LGBTIQ individuals.

Further, we ask the Parliament to recognize gender within the constitution of Sri Lanka and allow the filing of Fundamental Rights petitions against the violations of human rights which are conducted by private parties who are offering public services.

We are Citizens of the Country. Being an LGBTIQ community member does not make us less of a Citizen. The reforms we demand are to ensure the basic rights and the needs of the LGBTIQ community of Sri Lanka.

In conclusion, and based on the information previously provided, we would respectfully encourage all member states to consider putting forward the following recommendations to Sri Lanka during its upcoming review,

1. Repeal sections 365 and 365A of the penal code, and specific sections of other laws that criminalize homosexuality including the vagrancy ordinance.

2. Reform the constitution to ensure the fundamental Rights of the people with diverse gender identities and sexual orientations within Sri Lanka.

3. Consider introducing laws to protect and guarantee the rights of LGBTIQ individuals, especially with concern to banning conversion therapies and other treatments or practices.

4. Consider adopting measures to eliminate all forms of discrimination in government and private sector service providers, especially within the healthcare setting.

Thanks again to UPR-Info for giving us the floor today, and on behalf of the Coalition of Civil Society Organizations with Équité Sri Lanka I would like to thank all delegations attending, and the public. We remain at your disposal for your questions and requests on the topics discussed

Thank you.