HUMAN, RIGHT?
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It is EQUAL GROUND’s sincere hope that this booklet on the basis of Human Rights be read and appreciated by all.

The constitution of Sri Lanka, based on the Universal Declaration of Human Rights, ensures equality for all its citizens regardless of their class, caste, sex, religion or ethnic background.

The aim of EQUAL GROUND is to create awareness for persons to appreciate the rights of others, without bias and without pre-judgment or prejudice.
In recent times, the United Nations Human Rights Commission has been debating the right to sexual orientation as a fundamental human right. The right to equality and freedom from discriminating attaches to all persons. All individuals should enjoy the right to life, liberty and personal security. Many rapporteurs of the United Nations have advocated the recognition of the right to sexual orientation and the need for the enactment of protective legislation.

The efforts of the Rapporteurs have been complemented by the UN Declaration made in Cairo at the Social Summit in 1995. The summit recognized the importance of sexual autonomy and the right of individuals to make choices about their reproductive lives. It recognized sexuality as an important component of people’s lives and sexual health as an essential human right.

The history of the modern world has been a struggle for inclusivity. Groups that have been marginalized, brutalized and terrorized have slowly gained recognition as equal members of society. In some ways sexual orientation is the last frontier. As we push forward our humanity to include everyone living within our borders as part of the mainstream of society, we must acknowledge the right of people to make decisions about their personal lives and the right of individuals to be free from discrimination.

Radhika Coomaraswamy
Former UN Special Rapporteur on Violence Against Women
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preamble (Universal Declaration of Human Rights)</td>
<td>1</td>
</tr>
<tr>
<td>Human Rights</td>
<td>2</td>
</tr>
<tr>
<td>Different Identities</td>
<td>3</td>
</tr>
<tr>
<td>The Whole and Partial Identities</td>
<td>4</td>
</tr>
<tr>
<td>Universal Declaration of Human Rights</td>
<td>5</td>
</tr>
<tr>
<td>Universal Declaration of Human Rights (Continued)</td>
<td>6</td>
</tr>
<tr>
<td>Diversity</td>
<td>7</td>
</tr>
<tr>
<td>Marginalised Identities</td>
<td>8</td>
</tr>
<tr>
<td>Know your rights</td>
<td>9</td>
</tr>
<tr>
<td>Science not Superstition</td>
<td>10</td>
</tr>
<tr>
<td>Regaining our heritage</td>
<td>11</td>
</tr>
<tr>
<td>Declaration of Human Rights on behalf of Sri Lanka’s LGBTIQ</td>
<td>12</td>
</tr>
<tr>
<td>Declaration of Human Rights on behalf of Sri Lanka’s LGBTIQ (Continued)</td>
<td>13</td>
</tr>
</tbody>
</table>
"WHAT HAPPENS TO OTHERS, AFFECTS ME"

Preamble - Universal Declaration of Human Rights, 1948 states:

"Recognition of the inherent dignity and of the equal and inalienable rights of all members of the Human Family is the foundation of freedom, Justice and Peace in the world".

Human Rights are about defining the dignity and respecting the integrity of those who are different from us – whether or not we understand or agree with that difference.
Human Rights are……

**INALIENABLE**

**INDIVISIBLE**

**INTERDEPENDENT**

All human rights are part of a larger, complementary framework.

Our identity indicates how we relate to others.

The quality of our lives depends on the quality of our relationships.

Just as the sun rises and sets – I am entitled to treatment as a Human Being, inclusive of my Human Rights.
“WE ARE ONE HUMAN RACE”

DIFFERENT IDENTITIES

We often identify just as:

<table>
<thead>
<tr>
<th>Ethnic</th>
<th>Social</th>
<th>Familial</th>
<th>Religious</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tamil</td>
<td>Trishaw Driver</td>
<td>Father</td>
<td>Buddhist</td>
</tr>
<tr>
<td>Sinhala</td>
<td>CEO</td>
<td>Mother</td>
<td>Christian</td>
</tr>
<tr>
<td>Muslim</td>
<td>Student</td>
<td>Uncle</td>
<td>Hindu</td>
</tr>
<tr>
<td>Burgher</td>
<td>Teacher</td>
<td>Aunty</td>
<td>Muslim</td>
</tr>
<tr>
<td>Suddha</td>
<td>Housewife</td>
<td>Son</td>
<td>Etc</td>
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<tr>
<td>Veddha</td>
<td>Clergy</td>
<td>Daughter</td>
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<tr>
<td>Etc…</td>
<td>Politician</td>
<td>Grandmother</td>
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<td></td>
<td>Activist</td>
<td>Grandfather</td>
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<td>Domestic help</td>
<td>Etc.</td>
<td>Etc</td>
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Often these identities overlap. It is acceptable to acknowledge more than one identity. In fact we have as many identities as we have significant, key relationships.

The Universal Declaration of Human Rights was born out of the recognition that

“WE ARE ALL ONE HUMAN RACE”

The member countries of the United Nations that have signed this document show their commitment to the universal rights of all humans.
"INTERGRATED IDENTITIES"

THE WHOLE AND PARTIAL IDENTITIES

The Whole Identity

One Human Being – A Member of the Human Race

“ME”

Partial Identities

Family
Race
Profession
Sexual Orientation
Social Circle
Religion
Gender

“My Many Identities”
These rights are:

**UNIVERSAL DECLARATION OF HUMAN RIGHTS**
(Abbreviated Version)

**Article 8**
Right to remedy by Competent Tribunal

**Article 9**
Freedom from Arbitrary Arrest and Exile

**Article 10**
Right to Fair Public Hearing

**Article 11**
Right to be considered innocent until proven guilty

**Article 12**
Freedom from Interference with Privacy, Family, Home and Correspondence

**Article 13**
Right to Free Movement in and out of the Country

**Article 14**
Right to Asylum in other Countries from Persecution

**Article 15**
Right to a Nationality and the Freedom to Change it
“EQUAL RIGHTS FOR ALL”

Continued…

UNIVERSAL DECLARATION OF HUMAN RIGHTS
(Abbreviated Version)

Article 23
Right to Desirable Work and to Join Trade Unions

Article 24
Right to Rest and Leisure

Article 25
Right to Adequate Living Standard

Article 26
Right to Education

Article 27
Right to Participate in the Cultural Life of Community

Article 28
Right to a Social Order that Articulates this document

Article 29
Community Duties Essential to Free and Full Development

Article 30
Freedom from State or Personal Interference in the above rights
It is important that all of us know about our human rights and claim them. We must also stand for the rights of others even when they may be very different from us.

“I may not agree with what you say but will defend to the death your right to say it”.

Voltaire
Minorities are one of the risk groups for Human Rights violations. Consider one such group – those who do not identify as heterosexual. They consist of:

**Gay:** A person physically, emotionally and/or spiritually attracted to someone of the same sex. Usually used to describe men.

**Lesbian:** Women physically, emotionally and/or spiritually attracted to other women.

**Bisexual:** A person physically, emotionally and/or spiritually attracted to some men and some women.

**Transgender:** A broad term used to describe individuals whose gender identity and expression, when measured against conventional notions of sexuality and gender, do not correspond with their biological sex.

**Intersex:** persons born with both male and female sex organs.

**Questioning:** a person who is wondering whether his/her sexual orientation and/or gender identity is hetero-normative or whether it might have other dimensions to it.

“Normative” - Acceptable by society’s norms
“Marginalized” - on the periphery, not accepted as part of mainstream society.
Often people have their rights violated and they don’t even know it:

Here are some examples of violations:

• Being referred to in derogatory terms
• Being denied employment based on a person’s sexual orientation or gender identity
• Being bullied into heterosexual marriages
• Being bullied into dressing and acting in a gender normative way
• Being made to feel ashamed
• Being shunned by family and society for being different
• Being deprived of the possibility of having a ‘different’ relationship

The reasons why these persons rights are violated by society are because of the misguided beliefs that they are wayward, bad, wicked, sick or unnatural. On the contrary, David Nimmons in ‘The Soul Beneath the Skin’ presents scientific data that LGBTIQ* individuals (frequently closeted) are socially sought-after and are disproportionately well represented in:

• The caring professions – doctors, nurses, social workers, clergy
• Humane and charitable agencies
• The artistic profession – dancers, painters, musicians, sculptors, interior designers

And that they are significantly less violent than their heterosexual counterparts, particularly in public venues.

*LGBTIQ stands for Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning
The facts come from bringing a scientific approach to sexual minorities. Replacing a narrow and dogmatic system with an evidence-based methodology, re-classifies homosexuality. It is no longer acceptable to consider it a perversion, a sickness, or a psychiatric disorder. It is acceptable to consider it natural! This is what makes stigmatising it or criminalising it or discriminating against it, a human rights violation.

Many countries have responded to this knowledge by recognizing and respecting homosexual partnerships.

On December 15, 1973 the American Psychiatric Association voted 13-0 to remove homosexuality from its official list of psychiatric disorders. Many other professional associations across the world followed suit. The American Psychoanalytic Association took similar steps, accepting openly homosexual men and women. So did the World Health Organisation, followed by the Chinese Psychiatric Association.
From the temple art of Khajuraho to the writing of the Vedas, Purans and Itihasas, Asian science has an ancient tradition of recognising plural gender. This is where a variety of sexual orientations is recognised as natural. Binary gender is a Western construct. This is where only male-female sexual relations are respected; all others are stigmatised and discriminated against, if not actually criminalised.

The Penal Code that criminalises homosexuality was enacted by the British in Sri Lanka, yet today they themselves agree it is wrong and have repealed it in their own country.
DECLARATION OF HUMAN RIGHTS ON BEHALF OF THE LGBTIQ PEOPLE OF SRI LANKA.

For too long now, the Lesbian, Gay, Bisexual and Transgender community of Sri Lanka has suffered silently, denied their basic human rights. Under Section 365A of the Sri Lanka Penal Code, homosexuality is condemned as a criminal offence. Although this law, a relic of Colonisation has not been enforced in many, many years, it still serves as a reminder that in this country, not everyone is equal. Its vicious shadow is the threat of blackmail and continuing Police harassment.

It is remarkable that there still exists today, a penal code that condemns a citizen and denies them their fundamental rights. Many heterosexual people find comfort in thinking that homosexuality is unnatural. However, science has proved it is a biological attraction that is just as natural as heterosexual attraction.¹ It also condemns them if they choose a different gender identity than that which they are born with (Transgender).

¹ Edward O Wilson: “On Human Nature”
DECLARATION OF HUMAN RIGHTS ON BEHALF OF THE LGBTIQ PEOPLE OF SRI LANKA.

It has been recorded that homosexuality also exists throughout all species of the animal kingdom as well, and is not just a human phenomenon. There are also records of humans and animals that have both male and female genitalia (Intersex).

Although often hidden due to social and judicial pressures, Lesbians, Gay men, Bisexuals, Transgenders, Intersex and Questioning persons are all around us. They are school teachers, doctors, nurses, lawyers, politicians, mothers, fathers, next door neighbours, boutique owners, businessmen and businesswomen, clergy; the list is endless. And they all have a right to live as persons with dignity, devoid of fear and stigmatisation.

“I want freedom for the full expression of my personality”
Mahatma Gandhi

“The Charter [The Canadian Charter of Rights and Freedoms] was enshrined to ensure that the rights of minorities are not subjected, Are never subjected, to the will of the majority….”

Paul Martin, Prime Minister of Canada
February 16, 2005
Ottawa