

**HUMAN,
RIGHT?**



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The background of the entire page features a light blue and white color scheme. In the upper left, there are four stylized human figures in white, holding hands. In the upper right, the title 'HUMAN, RIGHT?' is written in a large, bold, sans-serif font. The word 'HUMAN,' is in white with a black outline, and 'RIGHT?' is in solid black. Below the title, there is a large, faint, stylized human figure in white. The overall design is clean and modern, with a focus on human rights and equality.

"HUMANITY IS INDIVISIBLE"

HUMAN, RIGHT?

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- ▶ Gazala Anwar and Ameena Hussein for editorial assistance.
- ▶ David M. Donahue for letting us publish sections from his book: *Lesbian, Gay, Bisexual and Transgender Rights – A Human Rights Perspective*.

It is EQUAL GROUND's sincere hope that this booklet on the basis of Human Rights will 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.



"FOREWARD"


HUMAN, RIGHT?

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



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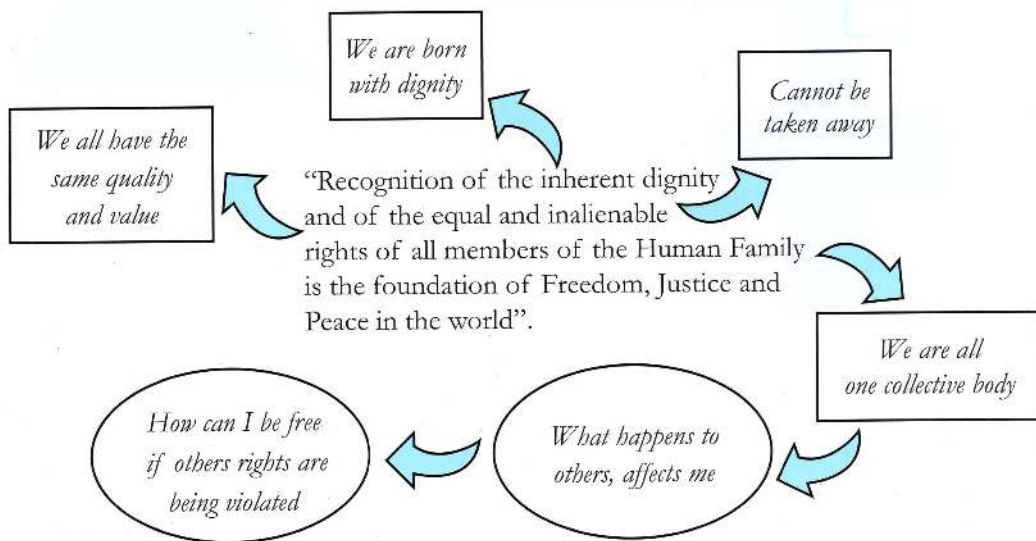
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"WHAT HAPPENS TO OTHERS, AFFECTS ME"

HUMAN, RIGHT?

Preamble - Universal Declaration of Human Rights, 1948 states:



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.



"WE ARE ALL BORN WITH DIGNITY"

HUMAN, RIGHT?

HUMAN RIGHTS



Human Rights are.....

INALIENABLE

INDIVISIBLE

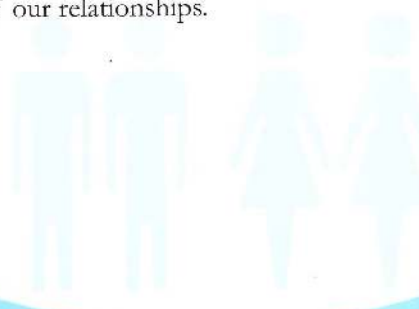
INTERDEPENDENT

*Just as the sun rises and sets –
I am entitled to treatment as a
Human Being, inclusive of
my Human Rights.*

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.





"WE ARE ONE HUMAN RACE"

**HUMAN,
RIGHT?**

DIFFERENT IDENTITIES

We often identify just as:

Ethnic

Tamil
Sinhala
Muslim
Burgher
Suddha
Veddha
Etc...

Social

Trishaw Driver
CEO
Student
Teacher
Housewife
Clergy
Politician
Activist
Domestic help
Etc...

Familial

Father
Mother
Uncle
Aunt
Son
Daughter
Grandmother
Grandfather
Etc.

Religious

Buddhist
Christian
Hindu
Muslim
Etc.

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"

HUMAN, RIGHT?

THE WHOLE AND PARTIAL IDENTITIES

The Whole Identity

Partial Identities

One Human Being – A
Member of the Human Race

Family
Race
Profession
Sexual Orientation
Social Circle
Religion
Gender

"ME"

"My Many Identities"



"EQUAL RIGHTS FOR ALL"

HUMAN, RIGHT?

These rights are :

UNIVERSAL DECLARATION OF HUMAN RIGHTS (Abbreviated Version)

Article 1

Right to Equality

Article 2

Freedom from discrimination

Article 3

Right to Life, Liberty, Personal Security

Article 4

Freedom from Slavery

Article 5

Freedom from Torture and Degrading Treatment

Article 6

Right to Recognition as a Person before the Law

Article 7

Right to Equality before the Law

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"

HUMAN, RIGHT?

Continued...

UNIVERSAL DECLARATION OF HUMAN RIGHTS (Abbreviated Version)

Article 16

Right to Marriage and Family

Article 17

Right to Own Property

Article 18

Freedom of Belief and Religion

Article 19

Freedom of Opinion and
Information

Article 20

Right of Peaceful Assembly and
Association

Article 21

Right to Participate in Government
and in Free Elections

Article 22

Right to Social Security

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

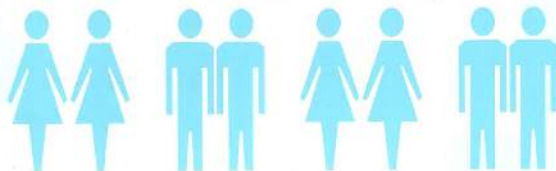
Freedom from State or Personal
Interference in the above rights



"MY NEIGHBOUR'S RIGHTS ARE
AS IMPORTANT AS MINE"

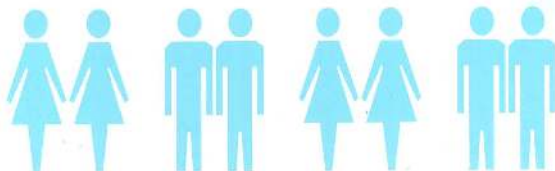
HUMAN, RIGHT?

DIVERSITY



*EQUAL
RIGHTS*

*EQUALITY
NOW*



It is important that all of us know about our human rights and claim them. We must also stand up 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

The background of the page features stylized human figures in white and light blue. At the top left, there are four figures: two men and two women, some holding hands. A large, faint white figure of a person is centered in the background. At the bottom, there are more stylized figures in light blue. The overall theme is human rights and diversity.

"STAND UP FOR YOUR RIGHTS"

HUMAN, RIGHT?

MARGINALISED IDENTITIES

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 who is physically, emotionally and/or spiritually attracted to someone of the same sex. Usually used to describe men.

Lesbian: A Woman who is physically, emotionally and/or spiritually attracted to other women.

Bisexual: A person who is physically, emotionally and/or spiritually attracted to both men and women.

Transgender: A broad term used to describe individuals whose gender identity and/or 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.



"HUMANITY IS ONE"

HUMAN, RIGHT?

KNOW YOUR RIGHTS

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.

**Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning*



"EMBRACE FACT"

HUMAN,
RIGHT?

SCIENCE NOT SUPERSTITION

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.



"EMBRACE OUR CULTURE"

**HUMAN,
RIGHT?**



REGAINING OUR HERITAGE

From the temple art of Khajuraho to the writing of the Vedas, Purannas and Itihaasas, 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.



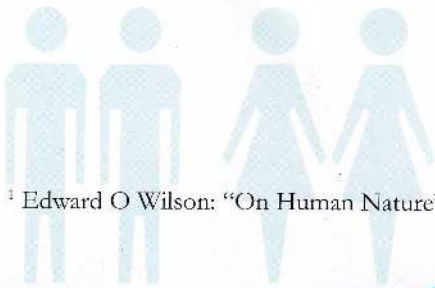
"EMBRACE DIVERSITY"

HUMAN, RIGHT?

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"



"EMBRACE DIVERSITY"

HUMAN, RIGHT?

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 kingdom² 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

²Bruce Bagemihl: "Biological Exuberance: Animal Homosexuality and Natural Diversity"
and National Geographic: "Out in Nature"

“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

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"Equality for all Sexual Orientations and Gender Identities:
Human Rights for Everyone"