

## LGBTIQ

Mr. Vice President,

There were several questions pertaining to non-discrimination and protecting and promoting the rights of the LGBTIQ community.

Sri Lanka is in the process of taking measures to guarantee the right to non-discrimination on the ground of sexual orientation and gender identity. Three developments in this regard are:

- First, the government is committed to reforming the Penal Code of Sri Lanka to ensure that all offences contained in the Code are in compliance with international human rights standards. This commitment is reflected in the NHRAP 2017-2021, which was approved by the Cabinet of Ministers.
- Second, as the government has emphasised before numerous UN treaty bodies, the general right to equality and non-discrimination reflected in the Constitution implicitly includes non-discrimination on the grounds of sexual orientation. Therefore, 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.

Moreover, the present constitutional reform process includes the consideration of the explicit guarantee of non-discrimination on the grounds of sexual orientation - this was in fact recommended by the parliamentary sub-committee on fundamental rights.

- Third, the Supreme Court of Sri Lanka has made a recent progressive pronouncement on Penal Code offences that may be applied to same sex sexual conduct.

In SC Appeal 32/11, the court acknowledged: “*contemporary thinking, that consensual sex between adults should not be policed by the state nor should it be grounds for criminalisation.*” While acknowledging that such offences are part of Sri Lanka’s criminal law, the court held that imposing custodial sentences would be inappropriate in cases where the impugned acts were between consenting adults.

Despite the socio-political and cultural challenges that remain with respect to reforming the law, Sri Lanka remains committed to law reform and guaranteeing non-discrimination on the grounds of sexual orientation and gender identity.