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SPF TRUMP



CONTENT AND TRIGGER WARNING

This comic contains content that depicts homophobic, transphobic and violent attitudes, and may be challenging to read for some people.

ACKNOWLEDGMENT

Amnesty International would like to acknowledge the LGBTI people who bravely shared their stories with us, and to the individuals and organizations who have been working tirelessly to fight for the rights of LGBTI people in Sri Lanka, despite threats to their own and loved ones' safety. Amnesty International would also like to acknowledge and thank Bhoomi Harendran, Damith Chandimal, EQUAL GROUND, Heart2Heart, iProbono, Nehama Jayawardena, Thilani Samarasingha, and everyone who played a part in the publishing of 'Spectrum'.

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Cover artwork and chapters :

Chapter 1- Manju: Gimhani Galagedera

Chapter 2- Kiruthika: Madhri Samaranyake

Chapter 3- Thenu: Shenuka Corea

Chapter 4-Samanali: Akiel Surajdeen



INTRODUCTION

In 1883, the British who had taken control of the island of Sri Lanka, passed the main law which deals with crimes in Sri Lanka – the Penal Code. This law identified all the acts that became a “crime”. Some of these prohibitions, such as Section 365 and 365A, were not enshrined in law before the Penal Code was passed. These two sections prohibited “carnal intercourse against the order of nature” and “gross indecency”. The Penal Code did not give a specific explanation of what these meant, but these vague and overly broad 136-year-old colonial laws are still being used to target people in Sri Lanka who identify as or are thought to be lesbian, gay, bisexual, transgender or intersex (LGBTI).

Section 399 of the Penal Code bans “cheating by impersonation” which means pretending to be someone else or telling a person they are someone that they are not. This law has been used to target LGBTI people, especially transgender people, to allege that they are “pretending” to be a different gender.

The Vagrants Ordinance, put in place by the British in 1841, punishes anyone behaving in a “disorderly manner”, which can mean anyone who is begging, thought to be taking part in sex work (defined in law as “prostitution”), or accosts or annoys anyone, amongst other things. This 178-year-old law has been used to disproportionately target LGBTI people, allowing the police to take them into custody and even put them in prison.

Even though these colonial British laws are still part of Sri Lanka’s legal system, the Government of Sri Lanka has signed agreements, also known as treaties, at the United Nations (UN). Some of the agreements Sri Lanka signed include the International Covenant on Civil and Political Rights (ICCPR), which is aimed at ensuring that the civil and political rights of its people are upheld; the International Covenant on Economic, Social and Cultural Rights (ICESCR), which aims to protect the economic, social and cultural rights of all people; and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to protect women and girls. These conventions apply to all individuals equally, which means the State should protect people against discrimination on the basis of sexual orientation (who they are attracted to) or gender identity (how they define themselves), regardless of their sex assigned at birth. By signing these conventions, the Sri Lankan government has pledged to ensure they will protect and promote the rights of all people including LGBTI people, and protect people from discrimination based on their sexual orientation and/or their gender identity.

The Constitution of Sri Lanka, which was first introduced after independence in 1978, protects important “Fundamental Rights” that apply to everyone in the country. These rights must be obeyed by everyone as the Constitution is the highest law in Sri Lanka. Some fundamental rights include: the right to freedom of thought, conscience and religion, the right to not be tortured, the right to not be arrested without a reason, the right to freedom of speech and to associate with anyone.

Article 12 of the Constitution promises the right to equality for all people. This means that no one can be treated differently because of their “race, religion, language, caste, sex, political opinion, and place of birth”. In 2014, the Government of Sri Lanka, confirmed before the UN that Article 12 also prohibits discrimination based on sexual orientation and gender identity. Therefore, under both Sri Lankan and international law, no one should be treated differently because they are LGBTI, and people who are LGBTI should have the same rights and protections as anyone else in Sri Lanka.

In 2017 at Sri Lanka's third Universal Periodic Review (UPR) at the UN, the Sri Lankan government confirmed that it was committed to ensuring that no laws would be used to discriminate against people on the basis of their sexual orientation or gender identity. Unfortunately, however, laws such as the Penal Code and the Vagrants Ordinance are still being used to target and harass people on the basis of their real or perceived sexual orientation or gender identity.

This comic uses real stories of LGBTI people who spoke to Amnesty International about the discrimination and harassment they have faced. These stories only show a small sample of the wide scale of threats, abuses and violations that people face in Sri Lanka because of their real or perceived sexual orientation or gender identity.

To make sure the Government of Sri Lanka follows its Constitution and lives up to its international human rights commitments it must immediately:

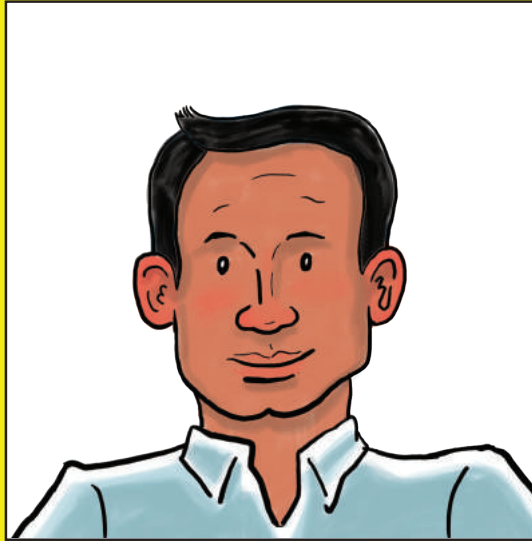
- Remove sections 365, 365A and 399 from the Penal Code so that they cannot be used to target people because of their real or perceived sexual orientation or gender identity.
- Remove the Vagrants Ordinance from the laws of Sri Lanka, so that it cannot be used to discriminate against people because of their real or perceived sexual orientation or gender identity.
- Make sure no other laws can be used to discriminate against people because of their real or perceived sexual orientation or gender identity.
- Make sure that LGBTI people are given the full protection of the law, and are not harassed, extorted or abused by police because of their real or perceived sexual orientation or gender identity.
- Take steps to make sure people are not discriminated against, harassed or subjected to violence in public and private places because of their real or perceived sexual orientation or gender identity. If this happens, the government must make sure there is a mechanism through which complaints can be made and heard safely. And make sure all cases are properly investigated and the perpetrators are held accountable.

The people of Sri Lanka must:

- Cultivate an environment that is inclusive of all people, and make sure people are not discriminated against, harassed or abused because of their real or perceived sexual orientation or gender identity.
- Be allies to LGBTI people.

Chapter 01

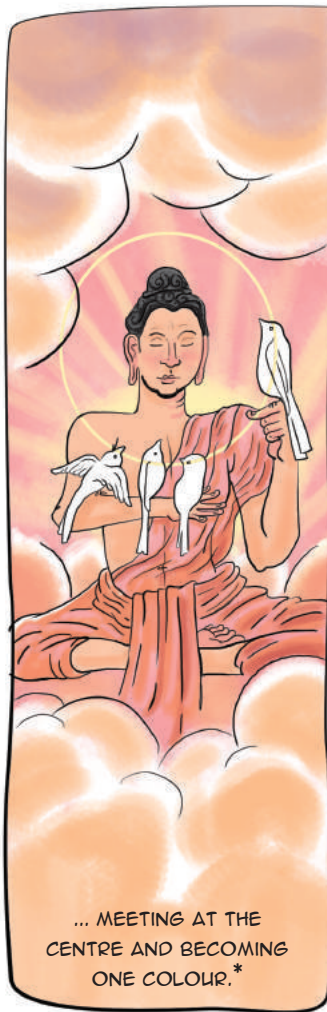
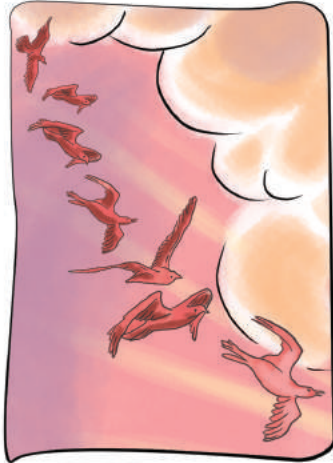
MANJU



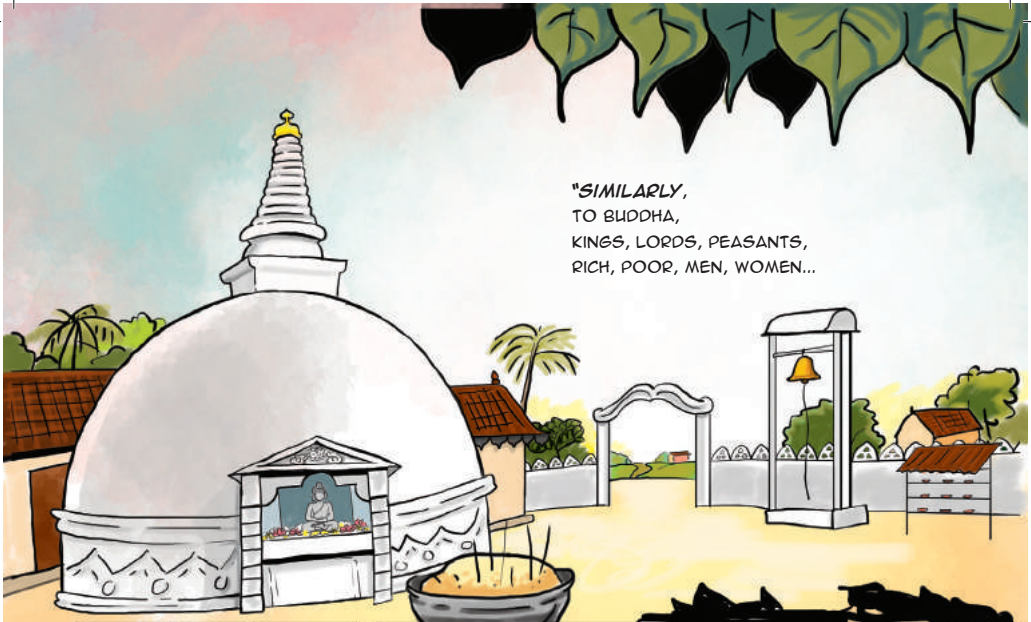
Part 1



ONE OF THEM WAS ABOUT BIRDS OF FOUR DIFFERENT COLOURS, FLYING TOWARDS EACH OTHER FROM FOUR DIRECTIONS....



*ALL HUMANS BELONGING TO DIFFERENT CASTES ARE TREATED AS EQUALS.



"SIMILARLY,
TO BUDDHA,
KINGS, LORDS, PEASANTS,
RICH, POOR, MEN, WOMEN...



...EVERYONE BECAME EQUAL."



HE ATTENDED DAANA* AT EVERYONE'S HOUSES
WHEREVER HE WAS INVITED.

*ALMS GIVING



HE DIDN'T DISCRIMINATE
AGAINST ANYONE WHO
WANTED TO BE ORDAINED.

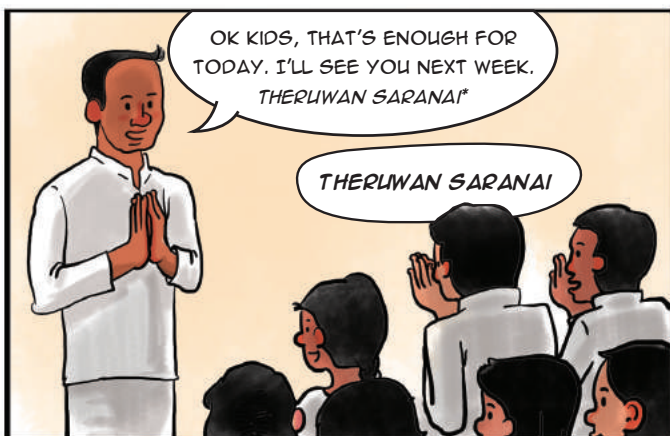
HE TREATED
EVERYONE
AS EQUALS.

MANJU
SIR



LOKU HAMUDURUWO*
WANTS TO SPEAK TO YOU

*CHIEF PRELATE



OK KIDS, THAT'S ENOUGH FOR
TODAY. I'LL SEE YOU NEXT WEEK.
THERUWAN SARANAI*

THERUWAN SARANAI

*MAY THE TRIPLE GEM BLESS YOU!



MANJU,
I KNOW THE KIDS
LOVE YOU...



... BUT SOME PARENTS HAVE
ASKED ME TO STOP YOU FROM
TEACHING AT OUR TEMPLE'S
SUNDAY SCHOOL.

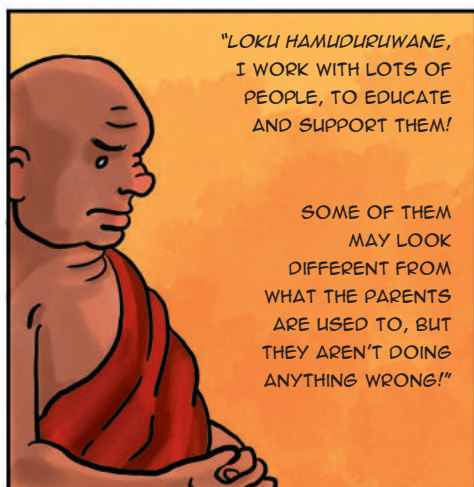


WHY LOKU HAMUDURUWANE?
WHAT HAPPENED?



SOME OF THEM
HAVE SEEN YOU
WITH SOME...
PEOPLE THEY
DON'T
APPROVE
OF

WHAT DO
YOU MEAN
HAMUDURU-
WANE?

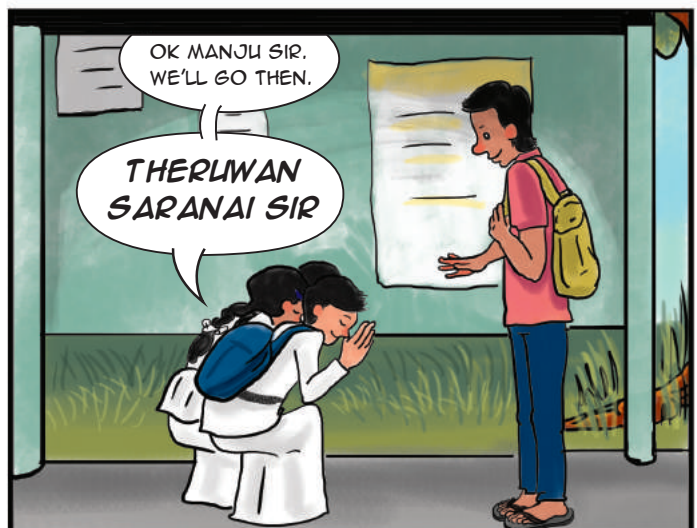


"... I'LL LEAVE."





*CHILD



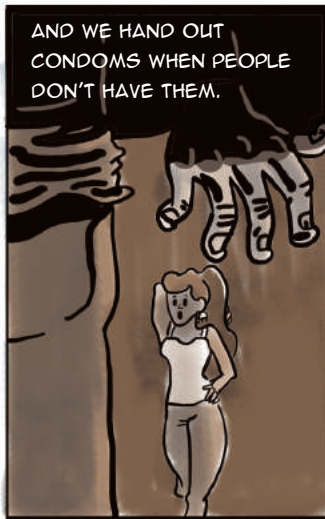
Chapter 01

MANJU



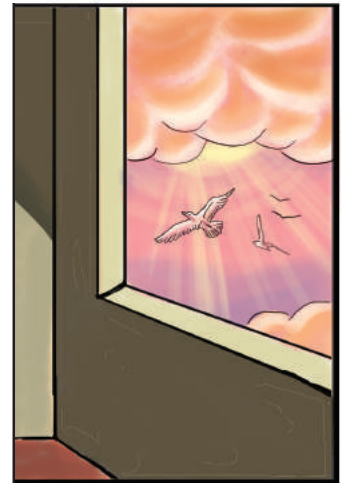
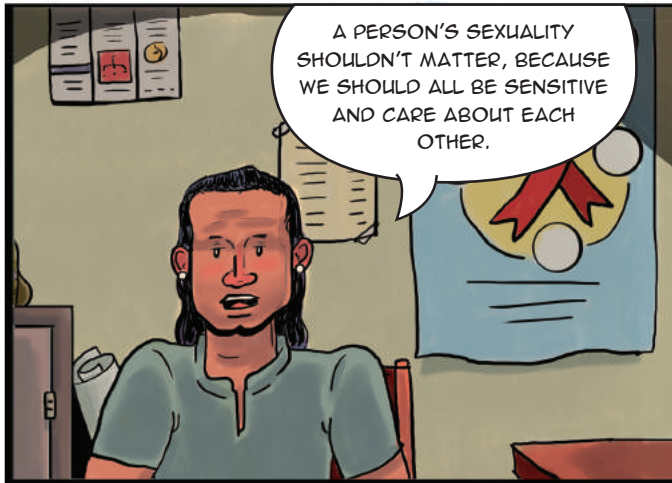
Part 2







I WAS MISTREATED, AND THE PEOPLE WHO MISTREATED ME DIDN'T SEE ME AS A PERSON WHO HELPS PEOPLE IN THE COMMUNITY. THEY SAW ME AS SOMEONE WHO SHOULD BE PUNISHED BECAUSE OF WHO I AM AND WHO I LOVE.



Sri Lanka signed up to the UN International Covenant on Civil and Political Rights (ICCPR) in 1980. the ICCPR, guarantees protections, such as the right to life, freedom of expression, freedom of religion and freedom of association. It also prohibits torture, slavery, and arbitrary arrest. Countries that have signed the Covenant must make sure that the rights in the Covenant apply equally to all people, without discrimination based on their race, colour, sex (includes sexual orientation), language, religion, political or other opinion, national, or social origin, property, birth, or any other status.

Chapter 02

KIRUTHIKA









10 YEARS LATER

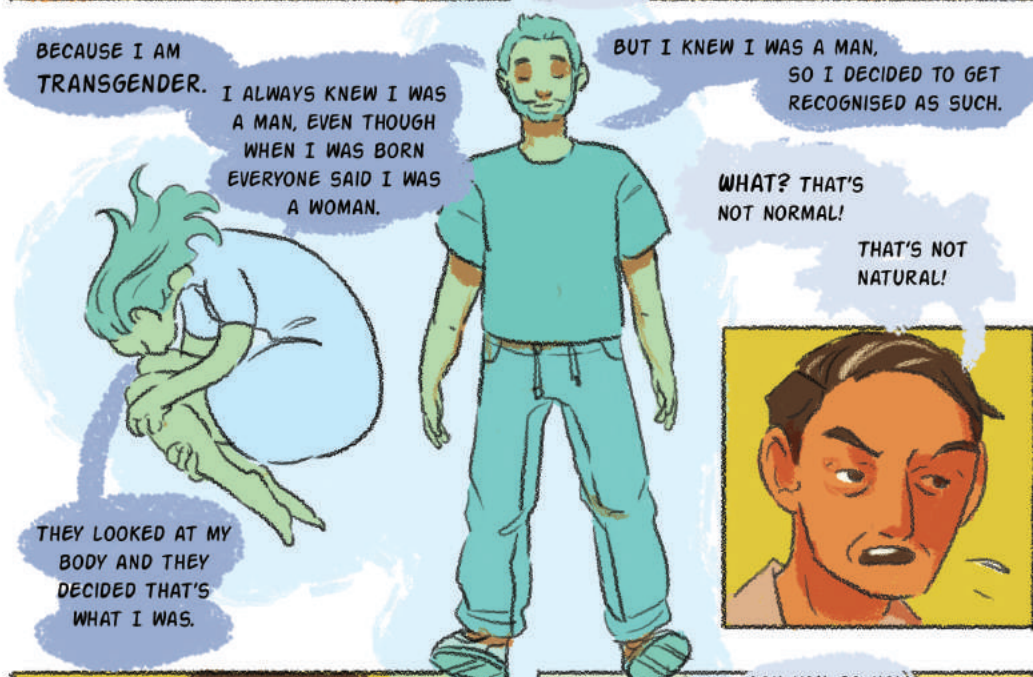
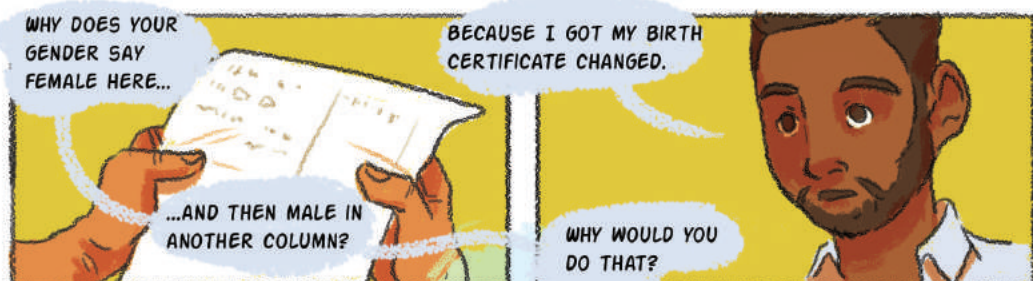


Sri Lanka signed up to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1980. Countries that signed the convention committed to end all discrimination against women in all its forms. Discrimination means any unequal treatment that can damage or take away the recognition or enjoyment of any right of a woman, no matter who they are or their social or other characteristics. Men and women must enjoy equal human rights and freedoms. Article 5(a) requires countries that have signed up to CEDAW to try and change social and cultural patterns to stop actions that are based on discriminatory views or stereotypical roles of men and women; this also applies to sexual orientation and gender identity

Chapter 03

THENU



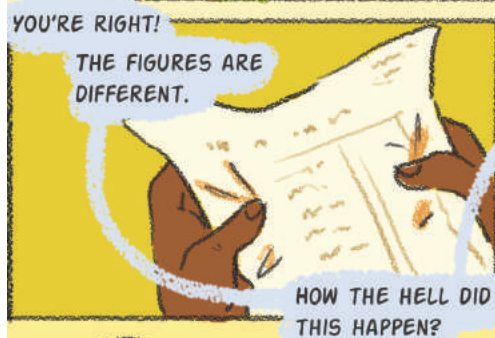
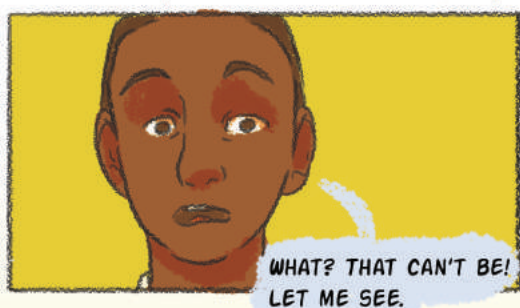


LATER, THE NEXT DAY...





1 WEEK LATER...



THE NEXT DAY...





WE ARE ALL BORN THE SAME AND WE ALL DIE THE SAME.

WHY DO WE NEED TO LABEL PEOPLE, AND GIVE ONE GROUP MORE POWER TO MISTREAT ANOTHER GROUP?



WE HAVE TO STOP SEPARATING OURSELVES AND LEARN TO UNDERSTAND ANOTHER PERSONS POINT OF VIEW. WE DON'T HAVE ANY RIGHT TO TARGET PEOPLE FOR IDENTIFYING AS A GENDER WHICH IS DIFFERENT TO THE ONE THEY WERE BORN IN.

WE MUST LEARN TO EMPATHISE AND TREAT PEOPLE THE WAY WE EXPECT TO BE TREATED IN RETURN. WE HAVE TO PUT OURSELVES IN THE OTHER PERSONS SHOES TO UNDERSTAND WHAT THEY GO THROUGH.



Sri Lanka signed up to the UN International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1980. The ICESCR made countries that signed up to the Covenant commit to providing their people with good working conditions (eg.. Fair wages, decent living, safe and healthy working conditions, equal opportunity to be promoted, and reasonable time to rest). These rights must apply to all people of the country, without discrimination based on their race, colour, sex (includes sexual orientation and gender identity), language, religion, political or other opinion, national, or social origin, property, birth, or any other status. This means that no one can be discriminated against or treated unfairly in their workplace because of their sexual orientation or gender identity.

Chapter 04

SAMANALI

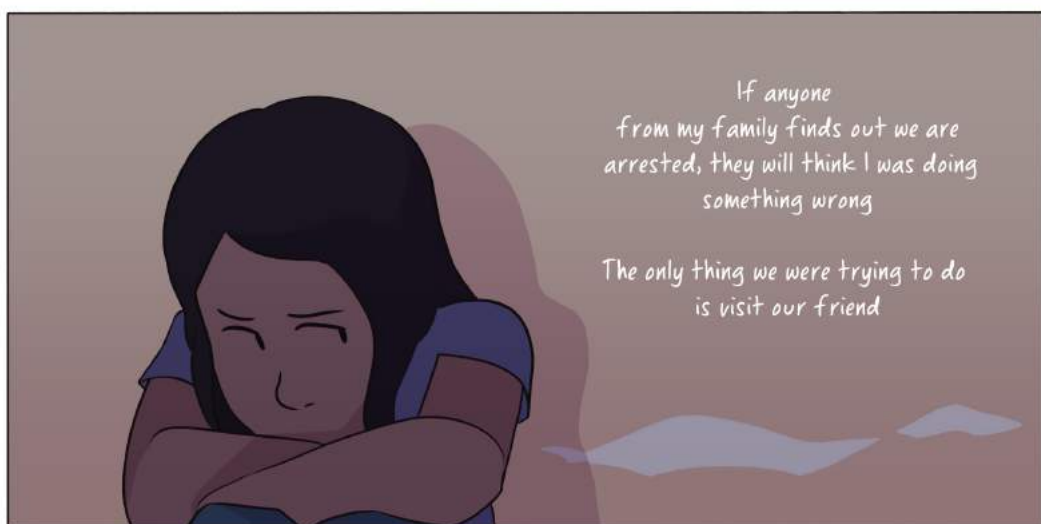












*Under the Vagrants Ordinance 1841 which is used to target trans people



Sri Lanka ratified the UN Universal Declaration of Human Rights (UDHR) in 1955. The UDHR starts with the pledge that all human beings are born free and should have the same rights. The rights in the UDHR must apply to all people in the country, without looking at their race, colour, sex (includes sexual orientation), language, religion, political or other opinion, national, or social origin, property, birth, or any other status. Article 07 says that everyone should be treated and protected equally by the law, without discrimination. Article 09 says that no one should be arbitrarily arrested, detained or exiled.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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Manju was abused by the police because of his sexual orientation and Samanali because of her gender identity. Kiruthika faced abuse and harassment because her rights are not protected by the law. Thenu was harassed and bullied at work because of his gender identity.

In Sri Lanka laws that were put in place by the British in 1883, when they colonized the island, are still used to unfairly target and discriminate against Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people. Even though there are constitutional provisions that clearly state this is illegal, LGBTI people face discrimination, harassment, and even violence because of their sexual orientation and/or gender identity. This comic features real stories drawn from interviews conducted by Amnesty International of LGBTI people in Sri Lanka.