

# GENDER SENSITISATION MANUAL



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# Introduction to Gender

A social construct - A set of behaviours, roles, identities, activities and expressions that society expects from people based on their sex.

## Binary

Binary is a term used to describe a person whose gender identity is either male or female.

## Non-Binary

Non-Binary is a term used to describe a person whose gender identity falls outside the male-female gender binary. It includes people with various gender identities, including people with a specific gender identity that is neither man nor woman, people who identify as two or more genders (bigender, pangender or polygender), those who don't identify with any gender (agender), and those whose gender changes over time (gender fluid). Non-binary people might also describe themselves as trans or gender queer.

## What does LGBTIQA+ mean?

Lesbian, Gay, Bi-sexual,  
Transgender, Intersex,  
Queer/Questioning, Asexual+

**Lesbian** - Women who are emotionally, romantically and/or sexually attracted to other women. A lesbian can have any gender identity, gender expression or sex characteristics.

**Gay** - People who are emotionally, romantically, and/or sexually attracted to people of the same gender. While it is more commonly used to describe men, some women and non-binary people may also identify as gay. A gay person can have any gender identity, gender expression or sex characteristics.

**Bi-sexual** - People who are emotionally, romantically and/or sexually attracted to people of more than one gender. It does not always mean a person is equally attracted to all genders. Sometimes, people who have a distinct, but not exclusive, preference for one gender may

also identify as bisexual. A bi person can have any gender identity, gender expression or sex characteristics.

**Transgender** - Transgender people have a gender identity that doesn't match the sex they were assigned at birth. Some may choose to change their bodies with surgery or hormones, or take other steps (personal, social or legal steps in the transition process) to match their appearance with their identity, while others do not. A transgender person may have any gender expression, sexual orientation or sex characteristics.

**Intersex** - Intersex people are born with physical sex characteristics (like anatomy, reproductive organs, hormones, or chromosomes) that don't fit typical male or female definitions. These characteristics can be internal or external and may be noticeable at birth, during puberty, or not visible at all. Intersex people have a wide variety of sex characteristics. An intersex person can have any gender identity, gender expression, or sexual orientation.

**Queer** - An umbrella term for persons with diverse sexual orientations, gender identities and expressions. It is used by persons who do not conform to society's norms on sexual orientation, gender identity and/or gender expression.

**Questioning** - Persons who are exploring their sexual orientation and/or gender identity. They are uncertain about or questioning their sexual orientation and/or gender identity.

**Asexual** - A person who does not experience sexual attraction.

**+/Plus** - The + symbol represents people with diverse sexual orientations, gender identities and expressions or sex characteristics that are seen as not conforming to social norms and who identify with terms other than the above.

The above definitions are based on the definitions published by the United Nations Free and Equal initiative of the United Nations Human Rights Office and can be found at: <https://www.unfe.org/know-the-facts/definitions/>

# Gender vs. Sex

**GENDER** - Is a cultural and social construct

**SEX** - "Either of the two major forms of individuals that occur in many species and that are distinguished respectively as female or male, especially on the basis of their reproductive organs and structures"

**Myths - gender is based on sex**

# Gender Identity

How one feels internally about their own gender.

# Gender Expression

Gender Expression is how people express their gender identity - makeup, clothes, gestures, way of speaking etc.

# Sexual Orientation

The capacity to feel an emotional and/or sexual attraction to the same gender, another gender, more than one gender, any and all genders or for nobody. This includes non-normative sexual and gender diversity.

Sexual Orientation is a spectrum - you can be anywhere in this spectrum!

# Violence and Discrimination against the LGBTIQ+ community

## Types of discrimination faced by LGBTIQ+ persons

- **Internalised** - When someone has negative feelings or biases against LGBTIQ+ people and turns those feelings against themselves.
- **Familial** - When family members or loved ones show prejudice or discrimination against LGBTIQ+ people.
- **Interpersonal** - When prejudice or discrimination happens among individuals.
- **Institutional** - When discrimination is built into the rules and practices of important social, cultural, and economic institutions in society.

## What discrimination towards LGBTIQ+ persons looks like:

- **Violence** - a type of discrimination
- **Stereotypes** - beliefs or assumptions about the characteristics, roles, behaviours, and abilities considered appropriate based on gender. Eg: "Men don't cry"
- **Intolerance** - negative attitudes, prejudice, discrimination, and hostility
- **Micro-aggressions** - looks, gestures, tones, insults, comments
- **Intersectionality** - discrimination on more than one ground - different forms of discrimination intersect and operate at the same time reinforcing each other. E.g.: A woman from an ethnic minority and a low socio-economic status who is also transgender / non-heterosexual. Multiple levels of social injustice - racism and sexism overlapping. Double discrimination.
- **Denying** the existence of the concept of gender
- **Labelling** gender as an "ideological" construct, or something "abnormal" or a "mental illness"

# Know LGBTIQ+ Rights

- **Legal Recognition:** LGBTIQ+ people must have a right to legal recognition of their relationships, including marriage and adoption rights. This would ensure equal access to benefits, protections, and responsibilities afforded to heterosexual couples.
- **Non-Discrimination:** Laws prohibiting discrimination based on sexual orientation and gender identity in employment, housing, education, healthcare, and public accommodations. Everyone should be treated fairly and equally under the law.
- **Anti-Bullying Measures:** Policies to prevent bullying, harassment, and discrimination against LGBTIQ+ individuals. Safe environments are crucial for the well-being and development of all students and employees.
- **Freedom of Expression:** LGBTIQ+ persons, like all other persons, have the right to express themselves.
- **Access to Healthcare and Education:** Access to healthcare and education services that are inclusive, respectful, and sensitive to their needs is vital. This includes access to gender-affirming healthcare for transgender individuals and education on sexual and reproductive health and rights.
- **Protection from Violence:** Laws should protect LGBTIQ+ individuals from hate crimes, violence, and discrimination based on their sexual orientation or gender identity.
- **Gender Identity Recognition:** Transgender individuals should have the right to legally change their gender and name on official documents without unnecessary barriers. Legal recognition of gender identity is important for access to services and participation in society.
- **Parental Rights:** Family composition should not dictate a person's ability to be a loving and capable parent. They should have equal parental rights, including the right to foster, adopt, and raise children.

# Legal Framework in Sri Lanka

- **The Constitution of Sri Lanka**

**Article 12** of the Constitution of Sri Lanka deals with the right to equality and non-discrimination. It is part of Chapter III, which focuses on fundamental rights, and lists out grounds on which a person cannot be discriminated. While “sex” is recognised as a ground for non-discrimination, “gender”, “gender identity” or “sexual orientation” are not recognised as grounds for non-discrimination.

- **Penal Code**

**Sections 365** (Unnatural offences) and **365A** (Acts of gross indecency) of the Penal Code of Sri Lanka have historically been associated with the criminalization of certain sexual activities, and are controversial due to their impact on LGBTIQ+ rights in Sri Lanka.

**Section 399** of the Penal Code dealing with “Cheating by personation” is misused to target transgender persons and those who do not conform to traditional gender norms. For example, transgender individuals may be accused of “impersonating” another gender, leading to harassment or arrest.

- **Vagrants Ordinance (1841)**

This law is used against LGBTIQ+ individuals, especially transgender and gay persons, often under the guise of “indecent behaviour” or being in public spaces “without lawful purpose”.

- **Other laws**

There are many other laws that negatively impact the LGBTIQ+ community, both directly and indirectly.

# Regional and International Best practices

- **Convention to Eliminate all forms of Discrimination Against Women (CEDAW) -**  
Article 1 – Definition of Discrimination Against Women, has been expanded by the CEDAW Committee to include discrimination based on gender identity and sexual orientation. Article 2 – Obligations to Eliminate Discrimination: The CEDAW Committee has recognised double-discrimination faced by LGBTIQ+ Women. Article 5 – Gender Stereotypes: The CEDAW calls for discriminatory gender norms and stereotypes to be dismantled. The CEDAW Committee's General Recommendation No. 28 emphasises that discrimination based on sexual orientation and gender identity falls under CEDAW's broader mandate to eliminate gender-based discrimination. General Recommendation 33 emphasises the importance of ensuring equal access to justice for all women, including those marginalized due to their sexual orientation or gender identity.
- **Inter-American Convention Against All Forms of Discrimination and Intolerance -**  
This Convention explicitly recognises SOGIE as protected categories (Article 1 - Definition).
- **European Convention on Human Rights (ECHR) prohibits discrimination based on sexual orientation and gender identity.** Article 3 – Prohibition of Torture and Inhuman or Degrading Treatment, Article 8 – Right to Respect for Private and Family Life, Article 12 – Right to Marry and Article 14 – Prohibition of Discrimination have been interpreted to prohibit discrimination based on sexual orientation and gender identity. In *Dudgeon v. United Kingdom* (1981), the Court ruled that criminalising consensual same-sex relations violated Article 8 (right to private life).
- **Countries which legalised same-sex relations/marriage:** The Netherlands (2001) was the first country in the world to legalise same-sex marriage. Most of Europe have decriminalised same-sex relation and legalised same-sex marriage. Some Asian countries such as Thailand, India (since 2018), Japan (limited to some



regions), and Taiwan have decriminalised or never criminalised same-sex relations. However, Taiwan (2019) is the first and only Asian country to legalise same-sex marriage. Many other countries across the world, including Canada and the United States have legalised same-sex marriage.

- **In South Asia**, India and Nepal are the most progressive in terms of LGBTIQ+ legal protections, with India decriminalising homosexuality and Nepal constitutionally protecting sexual orientation and gender identity. In 2021, Bhutan decriminalised same-sex relations by amending Sections 213 and 214 of the Penal Code.
- **LGBTIQ+ rights are human rights and should be upheld globally. International organisations and Governments should work together to promote and protect the rights of LGBTIQ+ individuals worldwide.**

## Let's Take Action

- **States must take account of multiple factors, and include these perspectives in all State measures designed to prevent, investigate, punish and provide redress for acts of violence against LGBTQIA+ people. Perpetrators of hate crimes, violence and discrimination based on sexual orientation and gender identity should be held accountable under the law.**
- **Inclusive policies and practices that recognise and affirm the diversity of sexual orientations and gender identities are important to foster a culture of acceptance and respect for all individuals.**
- **Comprehensive education about sexual orientation and gender identity should be incorporated into school curricula and workplace training programs. Increased awareness and understanding reduce stigma and promote inclusivity.**