

36^h session of the Human Rights Council

Item 6 –UPR Adoption of United Kingdom

Statement by the Allied Rainbow Communities International

Delivered by Arvind Narrain on behalf of EQUAL GROUND, Sri Lanka and Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CariFLAGS)

Mr. President,

Laws criminalizing same sex conduct were crafted in the middle of the nineteenth century in Britain and made their way on the backs of the empire to all the then British colonies. Thus today, the laws criminalizing same sex conduct hold sway in jurisdictions as distinct as India and Malaysia in Asia, Uganda and Ghana in Africa and Jamaica and Guyana in the Americas. Out of 52 members of the Commonwealth 40 countries criminalize same same conduct- Another bitter legacy of colonialism.

The UK this year celebrates marks years of decriminalization of same sex relations in the UK through the enactment of the Sexual Offences Act, 1967 and as part of these celebrations has ‘pardoned’ those convicted under these laws. While we commend Britain for issuing pardons for those convicted under the anti sodomy laws, we would like to remind the UK that their responsibility is wider.

It is integral that Britain apologize for the colonial laws criminalizing same sex desire and the logic of ‘pardon’ for British homosexuals should be extended to the logic of ‘apology’ to same sex desiring people in the ex-British colonies whose lives have been blighted by these laws.

The act of apology has as its essential component, a commitment to non-repetition. The UK by both owning and apologizing for this law, makes a clear statement that the law is a coercive, brutal colonial imposition. The apology will clarify that this law is an imposition and not part of the indigenous tradition of the ex-British colonies. The apology provides LGBT activists in all parts of the Commonwealth a tool to argue these laws are an ‘alien legacy’ disowned even by the progenitor of these laws.

We seek an apology not as backward looking gesture but a forward looking gesture as by apologizing the UK removes a key justification for the laws , i.e that it is part of the culture of the countries we come from. The apology is a forceful reiteration of the fact that the criminalisations of same sex relations has nothing to do with precolonial cultures or traditions but everything to do with outdated Victorian moralities and by so stating will immeasurably strengthen the hands of those fighting for freedom from these laws.

Thank you Mr President.

