



Home Office

Country Policy and Information Note

Sri Lanka: Sexual orientation and gender identity or expression

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Executive summary

Sri Lanka is about half the size of England with an estimated population of around 22 million people. One study found 12% of people aged 18-65 considered themselves to be lesbian, gay, bisexual, trans or intersex (LGBTI) with populations predominantly located in Colombo, the Northwestern and North Central provinces.

The Constitution states that all persons are equal under the law but does not specifically prohibit discrimination based on sexual orientation, gender identity or expression. Consensual same-sex acts between adults are a criminal offence under the Penal Code, although prosecutions are rare. LGBTI people are unlikely to be at risk of prosecution under the Penal Code, although if it were applied it would be disproportionate and discriminatory. Other laws are used to harass, arrest, and detain LGBTI people, particularly trans women and sex workers, although most cases do not proceed to court.

The government states it will ensure and strengthen the rights for the LGBTI community, and homophobic and transphobic rhetoric from government and public officials has decreased since its peak during the election period of 2020. The government supports a 2023 bill to decriminalise same-sex acts and has committed to non-enforcement of the existing law, indicating a significant shift in attitudes towards LGBTI people at an official level.

Although Sri Lanka is a culturally conservative country there are indications of increasingly tolerant public attitudes towards LGBTI people, particularly among the younger, urban, educated population.

LGBTI people face harassment, threats, hostility from the community and family, abuse and hate speech and 'outing' online. There are some examples of LGBTI people being pressured by family to undergo conversion therapy (CTP) or witchcraft practices. There is no information to suggest the state is involved in forced CTP. Lesbians and bisexual women face pressure to conform to societal expectations of women including traditional marriage. Where incidents of violence occur against LGBTI people, they tend to be within the family, and there are very few specific examples of wider societal violence.

LGBTI people experience discrimination, stigma, and prejudice in healthcare and in access to education, employment, and housing, particularly affecting trans people and others whose behaviour or appearance is perceived to be not heteronormative, due to cultural stereotypes. The level of discrimination faced by members of the trans community is likely to depend on their socioeconomic class, religion, place of residence, and how they present themselves.

In general, LGBTI people are unlikely to face persecution or serious harm from state and/or non-state/rogue state actors. The onus is on the person to demonstrate otherwise.

In general, the state is able but is not willing to offer effective protection. Internal relocation is likely to be reasonable to other areas such as (but not limited to) Colombo. Each case must be decided on its facts.

Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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Assessment

Updated: 25 September 2024

About the assessment

This section considers the evidence relevant to this note – that is the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person faces a real risk of persecution/serious harm by state and/or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity or expression.
- the state (or quasi state bodies) can provide effective protection
- internal relocation is possible to avoid persecution/serious harm
- if a claim is refused, it is likely to be certified as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

This note provides an assessment of the situation for gay men, lesbians, bisexuals, trans and intersex (LGBTI) people, as well as those perceived as such. Sources often refer to LGBTI people collectively, but the experiences of each group may differ. Where information is available, the note will refer to and consider the treatment of each group discretely.

Decision makers **must**, however, consider all claims on an individual basis, taking into account each case's specific facts.

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1. Material facts, credibility and other checks/referrals

1.1 Credibility

- 1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).]
- 1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 1.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

Official – sensitive: Not for disclosure – Start of section

- 1.1.4 The information in this section has been removed as it is restricted for internal Home Office use only.
- 1.1.5

Official – sensitive: Not for disclosure – End of section

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1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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2. Convention reason(s)

- 2.1.1 A person's actual or imputed membership of a particular social group (PSG).
- 2.1.2 Lesbian, gay, bisexual, transgender and intersex (LGBTI) people in Sri Lanka form a particular social group (PSG) within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, **and** have a distinct identity in Sri Lanka which is perceived as being different by the surrounding society.
- 2.1.3 The country guidance case [LH and IP \(gay men: risk\) Sri Lanka CG \[2015\] UKUT 00073 \(IAC\)](#), promulgated on 18 February 2015 (heard on 6–8 August 2014) the Upper Tribunal (UT) found that, all LGBTI people form a PSG. Specifically in relation to people in a civil partnership or married, the UT found that that they '...do not consider that individuals whose civil partner status or status as married homosexuals is not reflected in their legal status in their country of origin form a separate particular social group' (para 25).
- 2.1.4 Although LGBTI people in Sri Lanka form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the person will face a real risk of persecution on account of their membership of such a group.
- 2.1.5 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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3. Risk

3.1 Risk from the state

- 3.1.1 LGBTI people are unlikely to be at real risk of persecution or serious harm from the state. The onus is on the person to demonstrate otherwise.
- 3.1.2 LGBTI people are unlikely to be at real risk of prosecution under the Penal Code, although if applied it would be disproportionate and discriminatory.
- 3.1.3 The Constitution states that all persons are equal under the law but does not specifically prohibit discrimination based on sexual orientation, gender identity or expression. Same-sex marriage is not recognised. There is legal provision for a person to change their gender and in identity documents, however the process can be lengthy and complex (see [Legal context](#)).
- 3.1.4 Consensual same-sex acts between adults are criminal offences under the Penal Code with available sentences ranging from a fine to 10 years imprisonment. The offence of 'gross indecency' does not necessitate a sexual act having taken place and does not limit it to same-sex acts, therefore can be applied to public displays of affection between LGBTI or heterosexual couples (see [Legal context](#)).
- 3.1.5 Trans people are affected by the offence under the Penal Code which criminalises a person who is said to 'cheat by personation'. Available sentences upon conviction range from a fine to 3 years imprisonment. The Vagrants Ordinance law is used to harass and detain trans women, particularly sex workers (despite prostitution not being an offence per se under this law) and lesbians, although most cases do not proceed to court (see [Legal context](#) and [Treatment of trans people, lesbians, and bisexual women](#)).
- 3.1.6 The government states it will ensure and strengthen the rights for the LGBTI community, and homophobic and transphobic rhetoric from government and public officials has decreased since its peak during the election period of 2020. In May 2023 a bill to decriminalise homosexuality was found by the Supreme Court of Sri Lanka to be consistent with the Constitution meaning it would no longer be a punishable offence. The government has said it will support the bill, and 2 readings in parliament occurred in late 2023. It has also committed to non-enforcement of the existing law indicating a significant shift in attitudes towards LGBTI people at an official level. At the time of writing, no further information could be found on the bill's progress through parliament in 2024 (see [Penal Code \(Amendment\) Bill \(2023\)](#) and [Official views on sexual orientation and gender identity](#)).
- 3.1.7 In the country guidance case [LH and IP \(gay men: risk\) Sri Lanka CG \[2015\] UKUT 00073 \(IAC\)](#), promulgated on 18 February 2015 (heard on 6–8 August 2014), the Upper Tribunal (UT) noted '...that s.365 [of the penal code] dates from before Sri Lanka's Independence in 1948; but that there have been no prosecutions since Independence' (para 16). It also found that in general the treatment of gay men in Sri Lanka does not amount to persecution or serious harm (para 123(3)).
- 3.1.8 The UT in [LH and IP](#) also found that there is a 'significant population of homosexuals and other LGBT individuals in Sri Lanka, in particular in

Colombo. While there is more risk for lesbian and bisexual women in rural areas, because of the control exercised by families on unmarried women, and for transgender individuals and sex workers in the cities, it will be a question of fact whether for a particular individual the risk reaches the international protection standard, and in particular, whether it extends beyond their home area.’ (Para 123(4)). The country information in this note does not indicate that there are ‘very strong grounds supported by cogent evidence’ to depart from the findings in [LH and IP](#).

- 3.1.9 There have been 3 unreported judgements heard in the UT that relied on the case of [Galabada](#), heard in the Sri Lankan Supreme Court on appeal in 2016, where two men were prosecuted for engaging in consensual oral sex in public in 2003. It should be noted that such conduct could also lead to a prosecution in the UK. The UT unreported judgements were considered on the specific facts of those particular cases. Since 2016 when [Galabada](#) was heard and in response to the Penal Code (Amendment) Bill 2023 the Sri Lankan government has committed to non-enforcement of the Penal Code provisions relating to consensual same-sex intercourse. Therefore, and as highlighted in the paragraph above it remains that the information in this note does not indicate that there are ‘very strong grounds supported by cogent evidence’ to depart from the findings in [LH and IP](#) (see [Penal Code \(Amendment\) Bill \(2023\)](#) and [Official views on sexual orientation and gender identity](#)).
- 3.1.10 LGBTI people experience harassment, arrest or threat of arrest, detention, and extortion by the police although there have been efforts by the Sri Lankan Police force to improve treatment. The risk of arrest for trans women, particularly sex workers, is generally higher than other sexual and gender minorities due to their increased visibility. Trans women are often held in police cells designated for men and there are some allegations of sexual assault by police staff whilst detained (see [Other legal provisions affecting LGBTI persons](#) and [Treatment of LGBTI people](#) and [Treatment of trans people, lesbians, and bisexual women](#)).
- 3.1.11 There are reports of forced physical examination in custody to ‘prove’ sexuality however, information is limited. Human Rights Watch were informed of six incidences relating to LGBTI persons in 2019-2020. Human Dignity Trust (HDT) note ‘numerous’ arrests of LGBT persons with those detained ‘often’ being subjected to forced physical examinations based on information from reports by civil society organisations, activists, and police records. However, HDT does not provide further detail on the information used to support its findings to allow proper analysis of its sources or to enable an evaluation of the scale and extent to which the practice of forced physical examination occurs (see [Treatment of LGBTI people](#) and [Treatment of trans people, lesbians, and bisexual women](#)).
- 3.1.12 There are no official statistics on arrest and prosecution for same-sex sexual activity. Published statistics from Sri Lanka police which specifically recorded details of LGBTI people prosecuted for the offence of ‘Homosexuality’, are available for 2016-2018 and 2021-2023. These show a general decline amongst the already low number of men prosecuted during these periods. In 2016 there were 17 cases involving 33 men, in 2021 11 cases involving 11

men and in 2022 and 2023 there were no cases filed or prosecuted. The data shows women are not prosecuted for this offence. The offence of 'Homosexuality' does not exist in law so it not possible to ascertain the specific offence under the relevant law that has resulted in the prosecution of the person. The details surrounding these 'offences' – including whether the cases were between consenting, same-sex adults and whether the prosecutions resulted in conviction and sentence – are not known (see [Prosecutions](#) and [Statistics on arrests and prosecutions](#)).

- 3.1.13 Sri Lanka police statistics for 2022, the most recent available with a breakdown of where the cases were in the system, show 571 cases recorded as 'Unnatural offences and grave sexual abuse', 75% of which were at pending investigation stage and 12% were pending in the courts. These cases are likely to include offences under 365 and 365A of the Penal code. However, there are a range of offences the data could apply to, and other unknown factors such as age of the victim, the gender and sexual orientation of the accused and whether the offences were consensual or not mean it is impossible to ascertain how many cases relate to LGBTI people. Taken in the context of the 37,152 total number of grave crimes recorded in 2022 and the size of the Sri Lankan population of around 22 million people, there is not in general a real risk of LGBTI people being prosecuted for 'unnatural offences' (see [Prosecutions](#) and [Statistics on arrests and prosecutions](#)).
- 3.1.14 In March 2022 a lesbian was ordered by the courts to undergo psychiatric evaluation after a complaint from family about her relationship with a woman. However, the initial decision was overturned by magistrates due to a lack of evidence of any mental illness and because no offence had been committed (see [Treatment of trans people, lesbians, and bisexual women](#)).
- 3.1.15 LGBTI people experience discrimination and a lack of understanding in some public healthcare settings, particularly in reproductive and mental health services. However, the Ministry of Health provides specialist psychiatric services to trans people. Medical gender reassignment procedures are free, but difficult to obtain due to the absence of experienced health care professionals and hormone treatments are not always available. There is no information to suggest the state is involved in forced conversion practices (see [Healthcare](#)).
- 3.1.16 If a person does not openly express their sexual orientation or gender identity, consideration must be given to the reasons why they do not. Each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return.
- 3.1.17 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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3.2 Risk from non-state actors

- 3.2.1 LGBTI people are unlikely to face a real risk of persecution or serious harm from non-state actors. The onus is on the person to demonstrate otherwise.

- 3.2.2 Trans women, due to their increased visibility in society, and lesbians and bisexual women, especially from rural and more conservative areas are more likely to experience violence, particularly within familial settings. Whether this treatment reaches the high threshold of persecution will be case specific.
- 3.2.3 The UT, in the country guidance case [LH and IP](#) held ‘There is a significant population of homosexuals and other LGBT individuals in Sri Lanka, in particular in Colombo. While there is more risk for lesbian and bisexual women in rural areas, because of the control exercised by families on unmarried women, and for transgender individuals and sex workers in the cities, it will be a question of fact whether for a particular individual the risk reaches the international protection standard, and in particular, whether it extends beyond their home area.’ (para 123 (4)).
- 3.2.4 The country information in this note does not indicate that there are ‘very strong grounds supported by cogent evidence’ to depart from the findings in [LH and IP](#).
- 3.2.5 Sri Lanka is a culturally conservative country and many LGBTI people are reluctant to discuss or disclose their sexuality or gender identity in public. Some Sri Lankans are open about their sexuality within their family and community circles. However, anti LGBTI views persist, particularly in rural areas and amongst some Muslim communities (see [Attitudes towards gender and sexual identity](#)).
- 3.2.6 There are, however, indications of increasingly tolerant public attitudes towards sexual and gender minorities, particularly among the younger, urban, educated population. Although a 2020 study of 2130 people in Sri Lanka’s 25 districts continued to reveal negative perceptions were held depending on a particular issue and context, it also found that 60% of people would not be ashamed traveling next to a gay or lesbian person, 73% of respondents believed LGBT people should not be punished for their sexual identity and 51% said they would support legislation that ensures the rights of LGBT people (see [Attitudes towards gender and sexual identity](#)).
- 3.2.7 LGBTI people face harassment, threats, hostility from the community and family, abuse and hate speech and ‘outing’ online. There are some examples of LGBTI people being pressured by family to undergo ‘conversion’ treatment or witchcraft practices to ‘cure’ their sexual orientation. Although in the 2023 submission by NGOs to CEDAW, conversion therapy practices (CTPs) were described as ‘widespread’ there is no information on numbers, location or specific groups affected within the wider LGBTI community to enable further assessment of the scale and extent of CTP. The Australian Government’s Department for Foreign Affairs and Trade, and the United States Department of State reports suggest cases are low, referring to ‘some’ reports of pressure on LGBTI persons from their families to seek treatment. There are no reports of forced ‘normalisation’ surgery on intersex children or adults (see [Conversion therapy](#)).
- 3.2.8 There is more available information on the treatment of lesbians compared to other sexual and gender minorities. It is not clear whether this is due to increased incidences or more specific reporting. However, DFAT notes that

lesbians, like most women in Sri Lanka regardless of their SOGIE face some public harassment. Additionally, the country information indicates that as a patriarchal society, women are expected to marry meaning lesbians and bisexual women face further pressure to conform to societal expectations, hide their sexuality and enter into traditional marriage, particularly in rural areas. Incidents of violence tend to be within the family (see [Treatment of lesbian and bisexual women](#)).

- 3.2.9 Like lesbians, there is more available information on the experiences of trans people, particularly trans women and sexual and gender minorities involved in sex work. The risk of violence is largely encountered within the family and there are very few specific examples of wider societal violence. According to DFAT verbal abuse, physical and sexual violence directed at trans women is reportedly more common in Jaffna and Batticaloa, and slightly less so in Colombo (see [Treatment of trans and intersex people](#)).
- 3.2.10 Although LGBTI people experience discrimination, harassment, stigma, and prejudice in healthcare and in access to education, employment, and housing, it particularly affects trans people and others whose behaviour or appearance is perceived to be not heteronormative (those who are 'visibly queer'), due to cultural stereotypes around sexual orientation and gender identity. The level of discrimination faced by members of the trans community is likely to depend on their socioeconomic class, religion, place of residence, and how they present themselves (see [Treatment of trans and intersex people](#) and [Access to services](#)).
- 3.2.11 There are very few specific examples of societal violence against gay and bisexual men and intersex people and therefore it is difficult to ascertain the scale, frequency, and severity of any incidents. There is, however, no reason to believe that they are treated differently from other sexual minority groups ([Treatment of LGBTI people](#)).
- 3.2.12 Workplace harassment against occurs against LGBTI people who are open about their sexuality or gender identity and is largely unreported due to the lack of employment law protections and for the fear of further harassment or reprisal (see [Access to services](#)).
- 3.2.13 If a person does not openly express their sexual orientation or gender identity, consideration must be given to the reasons why. The onus is on the person to demonstrate that they would be at real risk on return.
- 3.2.14 For further guidance on assessing risk, see the Asylum Instructions on [Assessing Credibility and Refugee Status, Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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4. Protection

- 4.1.1 In general, the state is able but is not willing to offer effective protection. However, each case must be considered on its facts.
- 4.1.2 LGBTI people are not protected by the constitution or in legislation from discrimination. Same-sex sexual acts are illegal, and although the law is not systematically enforced there are arrests and rare prosecutions. As LGBTI persons are arrested for offences related to their gender identity and/or

expression it would be unreasonable to expect a person identifying as LGBTI to seek protection from the authorities ([State attitudes and treatment](#)).

4.1.3 Some police officers refuse to register cases of violence committed against LGBTI people, particularly trans people. LGBTI people can be reluctant to approach police for fear of homophobic attitudes, harassment, and reprisal from the authorities. There are some examples of the police providing protection to LGBTI people, such as during the June 2023 Pride march where the actions of anti-LGBTI protesters were disrupted by the police.

4.1.4 For further guidance on assessing state protection, see the Asylum Instructions on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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5. Internal relocation

5.1.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.

5.1.2 LGBTI people are likely to be able to internally relocate to escape persecution or serious harm by a rogue state and/or non-state actors. This is because in general, there are parts of country, such as (but not limited to) Colombo where it will be reasonable to expect them to relocate.

5.1.3 The Upper Tribunal in [LH and IP](#) found that internal relocation would normally be sufficient to enable an individual to avoid the risk of serious harm/persecution since risks are usually from family, friends or neighbours especially for gay men, particularly if they relocated to the more 'gay-friendly' cities such as Colombo (paragraph 119). The Tribunal also held that 'where a risk of persecution or serious harm exists in an appellant's home area, there may be an internal relocation option, particularly for individuals returning via Colombo from the United Kingdom' (paragraph 123(5)).

5.1.4 The country information in this note does not indicate that there are 'very strong grounds supported by cogent evidence' to depart from these findings.

5.1.5 Geographically, Sri Lanka is about half the size of England. It has an estimated population of around 22 million people. The total population of the LGBTI community in Sri Lanka is unknown and it is difficult to meaningfully extrapolate data from studies to enable an accurate estimate. However, Equal Ground, a Sri Lankan NGO, found in its 2021 study 12% of the 4500 people surveyed, identified as LGBTI. Those more likely to identify as LGBTI were aged 18-29 and from the Northwestern and North Central provinces (see [Demography and geography](#)).

5.1.6 Support groups like NGO Equal Ground are concentrated in urban areas. Sources indicate some LGBTI people have chosen to relocate to larger centres which have larger LGBTI communities and support networks. Pride marches have been held in Colombo and Jaffna in recent years without issue, indicating a more general tolerance for open displays of a person's sexual orientation gender identity or expression, particularly in Colombo (see [Existing organisations](#) and [Gay 'scene' or 'community'](#)).

5.1.7 For further guidance on considering internal relocation and factors to be

taken into account see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), the [Asylum Instruction on Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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6. Certification

- 6.1.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 6.1.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

About the country information

This contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

The structure and content of this section follow a [terms of reference](#) which sets out the general and specific topics relevant to the scope of this note.

This document is intended to be comprehensive but not exhaustive. If a particular event, person or organisation is not mentioned this does not mean that the event did or did not take place or that the person or organisation does or does not exist.

The COI included was published or made publicly available on or before **August 2024**. Any event taking place or report published after this date will not be included.

Decision makers must use relevant COI as the evidential basis for decisions.

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7. Geography and demography

7.1 Geography

7.1.1 Sri Lanka is a small country with a land mass of 64,630 sq km¹, about half the size of England².

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7.2 Demography

7.2.1 CIA World Factbook, provided information on the general population of Sri Lanka, the total of which is estimated at 21,982,608 (2024 est). It stated 'the population is primarily concentrated within the southwest, urban centers along the eastern coast, and on the Jaffna Peninsula in the north.'³

7.2.2 Equal Ground, a non-profit organisation seeking political and human rights for LGBTIQ individuals, in their June 2021 report Mapping LGBTIQ Identities in Sri Lanka, which used qualitative (8 focus group discussions in 4 districts) and quantitative (national survey covering all 25 districts with a sample size of 4500) data to estimate the size of the Sri Lankan LGBTI community stated: '... [T]he survey results show that 12% of the total population interviewed for the survey identified themselves as LGBTIQ which can be projected to a total of 1,469,574 individuals within the projected base of people between the ages of 18-65 in Sri Lanka.'⁴

7.2.3 Equal Ground noted 'In the United Kingdom, the population identifying as lesbian, gay or bisexual (LGB) ..[was] 2.2% in 2018.. [and] ...Research from Gallup (2017) indicates that 4.5 percent of people identify as LGBT in the United States.'⁵ The extrapolation of the data from the Equal Ground study

¹ CIA, '[The World Fact Book Sri Lanka](#)' (population, geography), 26 March 2024

² Encyclopedia Britannica, '[England](#)' (geography and travel), 31 March 2024

³ CIA, '[The World Fact Book Sri Lanka](#)' (geography), 26 March 2024

⁴ Equal Ground, '[Mapping LGBTIQ Identities in Sri Lanka](#)' (page 8), June 2021.

⁵ Equal Ground, '[Mapping LGBTIQ Identities in Sri Lanka](#)' (page 23), June 2021.

to give an estimate of the size of the LGBTI community in relation to the general Sri Lankan population is much higher than other countries. It is not clear from the report why that might be however, the same source noted the difficulty with accurately estimating LGBTI populations:

‘...a mapping study by EQUAL GROUND (2017) noted 19.6% percent of people over 18 years of age living in Colombo, Matara, Nuwara Eliya and Galle, identify as LGBTIQ. This may seem a rather large proportion and the report does mention that this number may be slightly skewed for the simple reason that the enumerators conducting the mapping were LGBTIQ friendly and therefore, LGBTIQ people were comfortable disclosing their identities for the study (Daily Mirror, 2018).’⁶

7.2.4 The same Equal Ground survey noted:

‘Of [the 12% who identified themselves as LGBTQ] ... 8% identified as bisexual, 0.5% as gay, 0.5% as being lesbian and 1% as transgender. Another 2% have responded as ‘other’.

‘The highest number of those identifying themselves as LGBTIQ was found between the age group of 18 – 29. Regionally, the highest percentage of LGBTIQ population was found in the North Western and North Central provinces.’⁷

7.2.5 Equal Ground defined bisexual as ‘A person physically, emotionally and/or spiritually attracted to both men and women.’⁸ However, it is not clear whether this same definition was used by the respondents when self-identifying. The report also does not provide any assessment of why those identifying as bisexual may be so much higher than other sexual minorities (for example whether the population is actually larger or whether social/cultural norms or differences in definition are a factor).

7.2.6 In sources consulted, no other recent information (within the last 2 years) on the LGBTI population of Sri Lanka could be found (see [Bibliography](#)).

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8. Legal context

8.1 Constitution

8.1.1 Article 12 of the Constitution states that all persons are equal before the law and that no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any other such grounds. It does not, however, include sexual orientation or gender identity among the grounds upon which discrimination is prohibited⁹.

8.1.2 The Australian Government’s Department for Foreign Affairs and Trade (DFAT), in its Country Information Report Sri Lanka, 2 May 2024 (DFAT report 2024), based on their ‘knowledge and discussions with a range of sources in Australia and overseas. It takes into account relevant and credible

⁶ Equal Ground, ‘[Mapping LGBTIQ Identities in Sri Lanka](#)’ (page 23), June 2021.

⁷ Equal Ground, ‘[Mapping LGBTIQ Identities in Sri Lanka](#)’ (pages 28), June 2021.

⁸ Equal Ground, ‘[Mapping LGBTIQ Identities in Sri Lanka](#)’ (pages 6), June 2021.

⁹ The Parliament of Sri Lanka, ‘[The Constitution ...](#)’, Revised Edition 2023

open source reports [examples of which are listed in the report]¹⁰ noted ‘The constitution does not protect freedom of sexual orientation...’¹¹

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8.2 Statutory laws

- 8.2.1 Same-sex acts are a criminal offence according to section 365 of the Penal Code., even when consensual. It is an offence to engage in “carnal intercourse against the order of nature” under 365 and in “acts of gross indecency” under 365 (a) and offences carry sentences of up to 10 years’ prison and a fine^{12 13 14 15 16 17}.
- 8.2.2 According to Equal Ground, in their publication entitled My Rights, My Responsibility, published in January 2020: ‘Sections 365 and 365A specifically speak about consenting sexual relations and does not limit it to same sex acts. In fact, the section includes both heterosexual and same-sex acts alike and apply to any sexual act between any persons if such act falls within the interpretation of “against the order of nature and/or is grossly indecent”.’¹⁸
- 8.2.3 An October 2020 article published by Groundviews, a citizen journalism website by Shihara Maduwage, from NGO Equal Ground, explained: ‘... [A]ccording to Section 365, sexual intercourse needs to occur for it to be constituted as a crime in the eyes of the law. 365A, on the other hand, is more ambiguous; the term “gross indecency” can be interpreted in different ways and does not necessarily mean that a sexual act needs to take place for a charge to be placed. In other words, a simple act such as holding of hands by a same-sex couple in public can be constituted as an act of indecency and they can be arrested. This means that the police are free to judge what constitutes as “gross indecency” and arrest individuals – whether they are LGBTIQ [Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning] persons or not. Further, in both these provisions, whether the acts are consensual or not is not taken into account.’¹⁹
- 8.2.4 In relation to laws affecting trans persons, Section 399 of the Penal Code states, ‘A person is said to “cheat by personation” if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is’.²⁰
- 8.2.5 Section 402 of the Penal Code states, ‘Whoever cheats by personation shall be punished with imprisonment of either description for a term which may

¹⁰ DFAT ‘[DFAT Country Information Report Sri Lanka](#)’ (paragraph 1.3), 2 May 2024

¹¹ DFAT ‘[DFAT Country Information Report Sri Lanka](#)’ (paragraph 3.165), 2 May 2024

¹² National Legislative Bodies/National Authorities, ‘[Penal Code](#)’, 1 January 1885

¹³ DFAT ‘[DFAT Country Information Report Sri Lanka](#)’ (paragraph 3.166), 2 May 2024

¹⁴ HRW, ‘[World Report 2024](#)’ (covering events of 2023), 11 January 2024

¹⁵ Equal Ground, ‘[My Rights, My Responsibility](#)’ (page 5,6), 7 January 2020

¹⁶ ILGA, ‘[Laws on Us](#)’, May 2024

¹⁷ USSD, ‘[USSD report 2023](#)’ (section 6), 22 April 2024

¹⁸ Equal Ground, ‘[My Rights, My Responsibility](#)’ (page 5,6), 7 January 2020

¹⁹ Maduwage, S, (Groundview), ‘[Arrests and Harassment of LGBTIQ Persons](#)’, 22 October 2020

²⁰ National Legislative Bodies/National Authorities, ‘[Penal Code](#)’, 1 January 1885

extend to three years, or a fine, or with both.’²¹

8.2.6 The DFAT report 2024 published in May 2024 noted: ‘... no laws exist to protect discrimination on the basis of sexual orientation, gender identity or expression.’²²

8.2.7 On 13 August 2024 The Human Rights Commission of Sri Lanka (HRCSL) sent a letter to the Minister of Justice, Prison Affairs and Constitutional Reforms which noted:

‘According to section 2(d) of the recently enacted Women Empowerment Act, No. 37 of 2024, one of the objects of the Act is ‘to protect women from all forms of discrimination based on gender and *sexual orientation*’ (emphasis added). Therefore, for the first time in Sri Lanka’s legislative history, a person’s right to non-discrimination on the grounds of sexual orientation has been formally recognised.

‘The Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023 already recognised ‘sexual orientation’ as a factor that may determine the vulnerability of a victim of crime or witness.’²³

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8.3 Other legal provisions affecting LGBTI people

8.3.1 Same-sex marriage is not recognised in Sri Lanka²⁴.

8.3.2 Human Rights Watch (HRW) and the International Commission of Jurists (ICJ), an international human rights non-governmental organisation (NGO) noted in relation to the ‘the Vagrants Ordinance’ law, it contained overbroad and vague provisions which are used to target transgender women²⁵ and women suspected to be sex workers²⁶. The sources did not provide information on how frequently the law has been applied and to how many trans people.

8.3.3 ICJ in its report ‘Sri Lanka’s Vagrants Ordinance No. 4 of 1841: A Colonial Relic Long Overdue for Repeal: A Briefing Paper December 2021’, explained the effect of vagrancy laws: ‘Vagrancy laws created “status crimes” where the offence is not based upon prohibited action or inaction, but rests upon the identity of the offender who has, or is perceived to have, a certain personal condition or is of a specified character. Essentially, these laws prohibited “being something” as apposed [sic] to “doing something with the intent of doing so”.’²⁷

8.3.4 In relation to prostitution, the same ICJ report noted ‘Despite court judgments pronouncing that sex work per se cannot be penalized, the Vagrants Ordinance is routinely used by the police to incriminate sex workers in Sri Lanka.’²⁸

²¹ National Legislative Bodies/National Authorities, ‘[Penal Code](#)’, 1 January 1885

²² DFAT ‘[DFAT Country Information Report Sri Lanka](#)’ (paragraph 3.165), 2 May 2024

²³ HRCSL, ‘[Follow up on Recommendation on S365 and 365A of the Penal Code](#)’, 13 August 2024

²⁴ Equaldex, ‘[LGBT Rights in Sri Lanka](#)’, no date

²⁵ ICJ, ‘[Sri Lanka’s Vagrants Ordinance No. 4 of 1841: A Colonial Relic ...](#)’ (page 3), December 2021

²⁶ HRW, ‘[World Report 2024](#)’ (covering events of 2023), 11 January 2024

²⁷ ICJ, ‘[Sri Lanka’s Vagrants Ordinance No. 4 of 1841: A Colonial Relic ...](#)’ (page 3), December 2021

²⁸ ICJ, ‘[Sri Lanka’s Vagrants Ordinance No. 4 of 1841: A Colonial Relic ...](#)’ (page 14), December 2021

8.3.5 According to Equal Ground:

'Section 353 of the Penal Code relating to abduction is also used against individuals in same sex relationships especially targeting lesbians. ... In a similar manner the vagrants Ordinance No. 4 of 1841 is also used to disproportionately target and punish community members; the intention of this archaic law is to punish those deemed to be "rogues and vagabonds" behaving in an idle and disorderly manner. Section 07 of the vagrants Ordinance is commonly used to arrest members of the community for soliciting and acts of public indecency.'²⁹

8.3.6 ICJ in its article dated 16 August 2023 noted:

'Sri Lanka is a party to all core international human rights treaties. Article 26 of the International Covenant on Civil and Political Rights (ICCPR) prohibits discrimination and guarantees equal protection to all persons before the law; its provisions have been interpreted by the UN Human Rights Committee...to include transgender persons under the category of "sex". Article 9 of the ICCPR guarantees the right to liberty to "everyone", including LGBTI persons, regardless of their real or imputed sexual orientation, gender identity etc., which the Human Rights Committee has confirmed...

'Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), guaranteeing the right to health, has been interpreted by the Committee on Economic, Social and Cultural Rights ...to recognize the right to health of transgender persons as requiring positive State protections due to their being at greater risk of human rights abuses than others. Similarly, the Committee established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) ...requires that States adopt special measures to protect transgender persons from torture and guarantee effective redress mechanisms for transgender victims of torture under the Convention.'³⁰

8.3.7 In relation to gender recognition the DFAT report 2024 noted:

'In 2016, the Ministry of Health established a Gender Recognition Certificate allowing people aged 18 or above to change their legal gender and amend government-issued identity documents, including NICs. The process for changing legal gender is reportedly onerous: according to the International Lesbian, Gay, Bisexual, Trans and Intersex Association, individuals seeking a Gender Recognition Certificate must undergo a psychiatric evaluation by a medical professional, receive a diagnosis of 'trans-sexualism' based on the International Classification of Disease, and undergo hormone and surgical treatment.'³¹

8.3.8 The Equal Ground and the Center for International Human Rights (CIHR)'s (an independent NGO focussing on democracy and human rights) submission to the Committee on the Elimination of Discrimination against Women (CEDAW), dated January 2023 stated:

'An individual must receive a GRC before they can obtain a national identity

²⁹ Equal Ground, '[My Rights. My Responsibility](#)' (page 6), 7 January 2020

³⁰ ICJ, '[Sri Lanka: Protecting transgender persons: Going beyond rule by circular](#)', 16 August 2023

³¹ DFAT '[DFAT Country Information Report Sri Lanka](#)' (paragraph 3.174), 2 May 2024

card and other official documents that reflect their preferred name and gender...

'Unfortunately, the GRC process is long, complex and expensive – for many, prohibitively so. A person must undergo psychiatric evaluation by a medical professional, receive a diagnosis of “trans-sexualism” and undergo hormone and surgical treatment before they can be issued a GRC...

'The extremely long process for obtaining a GRC creates serious problems for transgender people. National Identity Cards are used throughout daily life in Sri Lanka – for example, when applying for jobs, renting an apartment, obtaining healthcare, banking, or buying train tickets. The transition process can take up to ten years, and the GoSL does not issue any form of temporary ID documentation to accommodate a change in gender identity during the transitioning process...

'Additionally, even if one receives a GRC, the Birth Certificate that is issued by the State is a mere amended document instead of a fresh one, which would still mention the previous gender of the trans individual thus exposing them to constant and humiliating scrutiny about their gender identity.'³²

- 8.3.9 The United States Department of State (USSD) Country report on Human Rights Practices: Sri Lanka, covering events of 2023 (USSD report 2023) published on 22 April 2024, also noted in relation to the availability of legal gender recognition:

'Transgender persons could request a Gender Recognition Certificate if they wished to change the sex on their birth certificate... Transgender persons, however, reported the process to obtain a certificate was overly burdensome and included a mandatory psychiatric evaluation, which they said was difficult to obtain. They said some government officials did not support or understand the Gender Recognition Certificate process and the requirements to obtain them were not clear. The [Human Rights Commission of Sri Lanka] HRCSL reported receiving complaints of problems with the name and sex change process at registrar offices, and stated it intervened on behalf of the complainants.'³³

- 8.3.10 CPIT was unable to find information on laws relating to intersex persons in Sri Lanka in the sources consulted (see [Bibliography](#)).

See also [State attitudes and treatment](#)

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8.4 Penal Code (Amendment) Bill (2023)

- 8.4.1 Human Dignity Trust (HDT), a non-profit global LGBTI rights organisation, in its 2024 report on Sri Lanka covering events of 2023 noted:

'In February [2023], the government [announced](#) its support for the repeal Sections 365 and 365A of the Penal Code, which criminalise same-sex sexuality activity. Responding to recommendations made by the governments of Canada, Norway, the United Kingdom and the United States during the country's Universal Periodic Review, Minister of Foreign Affairs,

³² Equal Ground, CIHR, '[Violations by Sri ...](#)' (paragraphs 2.10, 2.11, 2.12, 2.13), January 2023

³³ USSD, '[USSD report 2023](#)' (section 6), 22 April 2024

M.U.M. Ali Sabry stated, “There is a Private Member Bill initiated by Sri Lanka Podujana Peramuna (SLPP) Government MP and Attorney Premnath C. Dolawatte. The Government will support its position of decriminalising same-sex relationships.”³⁴

- 8.4.2 In relation to the progress of the Bill, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), a global LGBTI advocacy organisation, noted:

‘In April 2023, the Penal Code (Amendment) Bill (2023) was placed in official parliamentary business after being introduced sent to the President as a private member’s bill in August 2022. The bill seeks to amend Section 365 of the Penal Code to only criminalise “carnal intercourse” with an animal, removing reference to intercourse with a man or woman. The bill also seeks to repeal Section 365A regarding “gross indecency”...

‘In the same month, however, a petition was filed before the Supreme Court of Sri Lanka to declare the Penal Code (Amendment) Bill unconstitutional. The petitioners reportedly argued that the repeal of Section 365A would “promote homosexual activities” and would “expose children to LGBT programmes in schools, impacting the rights of children... exacerbate the situation of HIV/AIDS...while also arguing that national standards of culture and morality deem homosexuality as ‘prejudicial’”³⁵

- 8.4.3 The same ILGA report further noted:

‘In May 2023, the Supreme Court rejected such arguments. It determined... that the bill is not unconstitutional and that the legislation “would, in fact, ensure that all persons shall be equal before the law and be entitled to the equal protection of the law, irrespective of their sexual orientation”, clearing the way for a Parliamentary debate and vote on the subject. It was reported that the Committee on Parliamentary Business held its first reading of the bill on 20 November 2023, with a second on 12 December. Amid these discussions, in November 2023, the Human Rights Commission of Sri Lanka (HRCSL) submitted recommendations to Justice, Prison Affairs, and Constitutional Reforms Minister Wijeyadasa Rajapakse, urging the prompt repeal or amendment of Sections 365 and 365A of the Penal Code.’³⁶

- 8.4.4 Outright International, a global LGBTIQ rights organisation, in ‘We Remain Resilient: Pride Around the World in 2022’ report published 21 June 2023 noted ‘...this bill has been the subject of controversy and has not garnered sufficient support within Parliament, causing activists who have been carrying out efforts to achieve holistic queer liberation to express skepticism.’³⁷

- 8.4.5 The Hindu, an Indian English-language daily newspaper headquartered in Chennai, Tamil Nadu reported in May 2023:

‘The Supreme Court of Sri Lanka has ruled that a Bill seeking to decriminalise homosexuality is “not inconsistent with the Constitution”,

³⁴ Human Dignity Trust, ‘[Sri Lanka](#)’, 2024

³⁵ ILGA, [Laws on Us](#) (page 58), May 2024

³⁶ ILGA, [Laws on Us](#) (page 58), May 2024

³⁷ Outright International, ‘[We Remain Resilient](#)’, (section 2) June 2023

clearing the way for a Parliamentary debate and vote on the subject. ... The determination pertains to a recent case challenging a ruling party legislator's Private Member's Bill that seeks to amend Sri Lanka's penal code, and decriminalise homosexuality. The Bill, gazetted in March [2023], effectively states that sexual orientation of a person shall no longer be a punishable offence, and any sexual conduct between two consenting adults of the same sex, in public or private, shall no longer be an offence.'³⁸

8.4.6 Sources noted there had been no further progress on the legislation in 2023^{39 40 41}. On 11 January 2024, HRW in its World Report 2024 covering events of 2023 noted 'A private member's bill was presented in parliament to decriminalize same-sex relations but had not been brought to a vote by the time of writing.'⁴²

8.4.7 On 24 May 2024, the European Commission reported that 'Same-sex consensual relations remain criminalised under sections 365 and 365A of the Criminal Code. While a private member bill was introduced in the Parliament in August 2022 to amend these provisions, there has been no further progress on this legislation in 2023.'⁴³

8.4.8 The 13 August 2024 HRCSL letter to the Minister of Justice, Prison Affairs and Constitutional Reforms with reference to sections 365 and 365A of the Penal Code noted:

'The mention of 'sexual orientation' as a ground for non-discrimination in the Women Empowerment Act comes in the wake of a recent Supreme Court determination on a Private Member's Bill to amend section 365 and repeal section 365A of the Penal Code. The Court found that 'decriminalisation of sexual activity amongst consenting adults irrespective of their sexual orientation only furthers human dignity...' (SC SD 13/2023 et al, p. 31).

'The said Private Member's Bill clarifies that the legislative intent behind it is the amendment of provisions in the Penal Code that make sexual orientation a punishable offence. The HRCSL was of the view that the passage of this Bill would ensure full compliance with Sri Lanka's obligations under international law...

'The HRCSL accordingly reiterated its recommendation that the Ministry of Justice support the enactment of the said Private Member's Bill and consider adopting the Bill as a government proposal to ensure its expeditious passage.'⁴⁴

8.4.9 In sources consulted (see [Bibliography](#)) no further information on the progress of the Bill as at August 2024.

See also [Official views on sexual orientation and gender identity](#)

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³⁸ The Hindu, '[Sri Lanka Supreme Court clears way for Bill to decriminalise ...](#)', 9 May 2023

³⁹ HRW, '[World Report 2024](#)' (covering events of 2023), 11 January 2024

⁴⁰ European Commission, '[2023 Human Rights and Democracy](#)' (page 218), 24 May 2024

⁴¹ Amnesty International, '[Sri Lanka 2023](#)', 24 April 2024

⁴² HRW, '[World Report 2024](#)' (covering events of 2023), 11 January 2024

⁴³ European Commission, '[2023 Human Rights and Democracy](#)' (page 218), 24 May 2024

⁴⁴ HRCSL, '[Follow up on Recommendation on S365 and 365A of the Penal Code](#)', 13 August 2024

8.5 Gender Equality Bill

- 8.5.1 The Morning, a Sri Lanka news agency reported on the progress of the Gender Equality Bill⁴⁵ which was gazetted on 17 April and presented by the Minister of Women, Child Affairs, and Social Empowerment on 9 May 2024 to parliament⁴⁶.
- 8.5.2 The Morning reported the Bill's key objectives were to:
- 'Establish and facilitate gender equality principles in making social, economic, political, cultural, and technological policies
 - 'Ensure that every person enjoys without discrimination based on sex or gender identity the fundamental rights and freedoms guaranteed by the Constitution
 - 'Facilitate the identification and elimination of systemic and structural causes of gender inequality and gender-based discrimination including direct, indirect, multiple, and intersectional discrimination in policy, programmes, and delivery of services to persons of different gender identities
 - 'Take measures to redress disadvantage, marginalisation, sexism, stigma, categorising, stereotyping, prejudice, and violence, and to accommodate men, women, and persons of different gender identities through structural change
 - 'Protect human dignity irrespective of sex or gender identity
 - 'Provide equal opportunities and an enabling environment to achieve results on gender equality
 - 'Establish principles of gender equality and ensure compliance of such principles in the conduct of public institutions, businesses, civil society organisations, employment, and other legal entities and individuals.
 - 'Women, Child Affairs, and Social Empowerment Ministry Legal Officer Kumudu Perera told The Sunday Morning that the bill had been introduced to ensure the rights of all genders as there were people identifying with different genders in the country who had been facing much harassment.'⁴⁷
- 8.5.3 The Morning, in comments from iProbono Equality Director Aritha Wickramasinghe reported:
- '...[Wickramasinghe] viewed the bill as "positive and progressive" and that it would "do a lot to address discrimination and inequality based on many categories, especially gender and gender identity"...
 - 'Wickramasinghe said that they had expected the bill to specifically reference sexual orientation as well, adding that it would have been beneficial.
 - 'However, it is learnt that...requests to include provisions about sexual orientation, they had not been taken forward due to Article 365 of the Penal Code ...
 - "I don't think we need to wait for Penal Code amendments to prohibit

⁴⁵ The Parliament of Sri Lanka, '[Gender Equality Bill](#)', 17 April 2024

⁴⁶ The Morning, '[Gender Equality Bill: What could have been](#)', 16 June 2024

⁴⁷ The Morning, '[New Gender Equality Bill: Combating gender-based discrimination](#)', 28 April 2024

discrimination based on sexual orientation. Various Supreme Court determinations have been very clear that the Constitution already bars discrimination based on sexual orientation,” said Wickramasinghe.⁴⁸

8.5.4 The Morning’s 16 June 2024 news article noted the Bill was challenged in the Supreme court on the 7 June and found to be inconsistent with Article 12 of the Constitution⁴⁹ which, among other things, protects from discrimination on the grounds of sex and ‘any other grounds’ but does not specifically refer to sexual orientation or gender identity⁵⁰.

8.5.5 The Daily FT, a Sri Lankan national daily business newspaper, reported comments from President Ranil Wickremesinghe’s 18 June 2024 statement in parliament where he said that ‘The Supreme Court can’t rule on a bill. They can only advise us on the value. It is basically a pre-legislative scrutiny. This is really a perverse determination which this House should not follow. And I am going to recommend that a select committee be appointed to go into it.’⁵¹

See also [Official views on sexual orientation and gender identity](#)

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9. State attitudes and treatment

9.1 Official views on sexual orientation and gender identity

9.1.1 On 4 August 2021, the Colombo Gazette reported that:

‘The Government says discussions are still ongoing with regards to ...LGBT... rights in Sri Lanka. Cabinet co-spokesman Keheliya Rambukwella said that while discussions are ongoing with regards to LGBT rights, constitutionally it is not recognized... “This subject has been discussed over and over again. But right now it is not legalized,” he said. However, he said he was not aware if the Police are acting against any LGBT activities. “There are representations made from various quarters. It has not been completely ruled out nor has it been accepted,” he said.

‘The Minister was responding to a question raised by Daily Mirror at a post Cabinet press conference over a video shared on social media showing a counsellor discriminating against the LGBT community at a training session with the Police.’⁵²

9.1.2 In relation to the video clip from police training, on 6 August 2021, The Morning reported:

‘This past week, a video clip was shared widely on social media ... The video featured counsellor Ama Dissanayake inciting her audience to declare loudly that they, as parents, do not wish for their children to “fall prey to a homosexual”. Amongst other things, she goes on to also claim that if everyone was to engage in same sex relationships then “you or I won’t be here” as a man and woman must come together to procreate....

⁴⁸ The Morning, [New Gender Equality Bill: Combating gender-based discrimination](#), 28 April 2024

⁴⁹ The Morning, [Gender Equality Bill: What could have been](#), 16 June 2024

⁵⁰ The Parliament of Sri Lanka, ‘[The Constitution...](#)’, Revised Edition 2023

⁵¹ Daily FT, ‘[President raises point of order in Parliament...](#)’, 19 June 2024

⁵² Colombo Gazette, ‘[LGBT rights still under discussion](#)’, 4 August 2021

‘We reached out to lawyer and iProbono Equality Director Aritha Wickramasinghe [who said]...“LGBT individuals risk becoming victimised and persecuted because of this training. And this training proves that homophobia is being institutionalised in police education.”’⁵³

- 9.1.3 The Coalition of Civil Society Organizations⁵⁴ including Équité Sri Lanka, a non-governmental LGBTQ organisation, in its report to the 42nd session of the Universal Periodic Review (UPR), which included research from district-level consultations with a total of 125 LGBTI+ persons around the country during March- June 2022 noted:

‘Homophobic and transphobic statements made by politicians that were quite rampant in the past, have now seemingly reduced in the context of Sri Lanka’s economic crisis in 2022. Homophobic statements made by former President Sirisena against PM Wickramasinghe and bragging about the removal of LGBTI+ demands from the National Human Rights action plan became quite well known. In the context of Sri Lanka’s General election held in the year 2020, then election candidate Wijedasa Rajapakse (current Minister) published an election pamphlet claiming that he did not allow to pass an act titled “homosexual Act” as it is against the culture of the country. Also another election candidate, Medical Doctor Kavinda Jayawardena also made a homophobic statement at a television interview claiming that homosexuality is a mental illness. President Rajapakse’s brother Mahinda Rajapakse and other politicians also made fun at the main Opposition candidate for not having children.’⁵⁵

- 9.1.4 The Equal Ground and CIHR submission to CEDAW dated January 2023 stated:

‘During a December 2022 meeting held at the Sri Lanka Police Headquarters between the Inspector General of Police (IGP), senior police officials and representatives of LGBTIQ organisations, IGP C.D. Wickramaratne apologised for the longstanding harassment faced by the LGBTIQ community at the hands of the police. The meeting, organized by the Ministry of Women, Child Affairs and Social Empowerment and the Sri Lanka Police, discussed the way forward towards treating all human beings equally and without discrimination.’⁵⁶

- 9.1.5 The ICJ article in August 2023 reported:

‘Following his apology, [the IGP] issued a [circular dated 27 December 2022](#) titled: “Matters to be considered when dealing with transgender people and people who have undergone gender transition”. The circular indicates that it is a direct response to a legal case filed in the Court of Appeal arising from a police officers’ training where the trainer had made disparaging statements about LGBTI individuals. The petitioners in that case had sought a writ of prohibition preventing the police from conducting trainings or lectures that marginalize and violate the fundamental rights of LGBTI individuals. When the case was heard in court, the Attorney-General appearing for the IGP

⁵³ The Morning, [‘LGBT discrimination by Sri Lanka Police: Violation of their own ...’](#), 5 August 2021

⁵⁴ The Coalition of CSOs, [‘Situation of LGBTI+ persons in Sri Lanka’](#) (page 1), 2022

⁵⁵ The Coalition of CSOs, [‘Situation of LGBTI+ persons in Sri Lanka’](#) (paragraph 11.1), 2022

⁵⁶ Equal Ground, CIHR, [‘Violations By Sri Lanka’](#) (paragraph 2.18), January 2023

stated that a circular would be issued containing instructions on steps the police should take when engaging with LGBTI individuals. The case was concluded in January 2023 with the [December 2022 circular being filed on record](#).⁵⁷

- 9.1.6 In November 2023, after a case brought by NGO Equal Rights at the Court of Appeal, the IGP agreed to amend wording in guidelines on police interactions with trans persons to include lesbian, gay, bisexual, intersex and queer individuals. The government stated the revision was agreed to ensure more inclusive and respectful language⁵⁸.
- 9.1.7 HDT's 2024 report noted in respect of the same police circular: 'The circular contains several positive features including specifying that "under no circumstances shall such persons be subjected to verbal / physical or psychological harassment or humiliation by police officers."⁵⁹
- 9.1.8 The Foreign, Commonwealth & Development Office (FCDO) report, covering events in 2022 published on 13 July 2023 noted 'In a welcome move, the government signalled its readiness to decriminalise same-sex relations and there was some effort towards addressing LGBT+ community discrimination by public officials, including the police.'⁶⁰
- 9.1.9 The DFAT report 2024 noted:
'There have been recent positive developments with respect to the LGBTQIA+ community...A national policy on gender equality and women's empowerment, launched in March 2023, includes progressive references to the transgender community and diverse gender identities...In 2022, Sri Lanka Police appointed a dedicated Deputy Inspector General to work toward more sensitive interactions with, and policing of, the LGBTQIA+ community. As part of this process, Sri Lanka Police issued non-binding guidelines to police stations on nondiscriminatory policing of the transgender community.'⁶¹
- 9.1.10 The May 2024 ILGA report noted in relation to the Penal Code (Amendment) Bill (2023) (see [Penal Code \(Amendment\) Bill \(2023\)](#)): 'Representatives from several major political parties in Sri Lanka signalled their support for the bill, with many members of parliament discussing their views on ensuring the rights of LGBT Sri Lankans.'⁶²
- 9.1.11 In relation to the Penal Code (Amendment) Bill, the DFAT report 2024 noted 'President Wickremesinghe says his government will not oppose the bill and, in the meantime, committed not to enforce Penal Code provisions relating to consensual same-sex intercourse.'⁶³

See also [Legal context](#)

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⁵⁷ ICJ, '[Sri Lanka: Protecting transgender persons: Going beyond rule by circular](#)', 16 August 2023

⁵⁸ ILGA Asia, '[Sri Lanka: Amendment in Police Guidelines as a necessary first ...](#)', 29 November 2023

⁵⁹ Human Dignity Trust, '[Sri Lanka](#)', 2024

⁶⁰ FCDO, '[Human Rights & Democracy](#)' (Sri Lanka), 13 July 2023

⁶¹ DFAT '[DFAT Country Information Report Sri Lanka](#)' (paragraph 3.168), 2 May 2024

⁶² ILGA, [Laws on Us](#) (page 58), May 2024

⁶³ DFAT '[DFAT Country Information Report Sri Lanka](#)' (paragraph 3.168), 2 May 2024

9.2 Treatment of LGBTI people

- 9.2.1 Sources often consider the situation for LGBTI collectively and therefore the treatment of individual groups is difficult to ascertain. Often information focuses on the experiences of trans women due to their increased visibility in society. Where possible CPIT has attempted to differentiate between the experiences of different groups but there remains overlap (see also [Treatment of trans people, lesbians, and bisexual women](#), [Prosecutions](#) and [Statistics on arrests and prosecutions](#))
- 9.2.2 A study conducted by The Social Scientists Association for the Westminster Foundation for Democracy under the Commonwealth Equality Project on the knowledge, attitudes, and perceptions of Sri Lankans about Sri Lankan LGBT people in 2020, was published in June 2021 (The WFD report 2020). The study used a structured questionnaire distributed among 2130 people in all of Sri Lanka's 25 districts. The sample included respondents from different genders, age, education, and religious groups. The report noted that amongst respondents '69% said LGBT persons face discrimination by the police because they are LGBT'⁶⁴
- 9.2.3 The ICJ's Briefing Paper December 2021 stated: 'There is well documented allegation [sic] of Sri Lankan police conducting forced physical examinations, including forced anal and/or vaginal examination, in an attempt to provide proof of homosexual conduct.'⁶⁵ The ICJ paper cited the October 2020 Human Rights Watch report as the source of this information. The HRW report stated its information was obtained from a lawyer who (along with other counsel) had represented 6 defendants who had undergone anal examination as part of prosecution proceedings in the preceding 12 months (from October 2019)⁶⁶. ICJ did not cite any other source to corroborate its assessment that allegations were well documented⁶⁷.
- 9.2.4 HDT noted:
'There is substantial evidence of the law being enforced in recent years, with LGBT people being frequently subject to arrest. Reports by civil society organisations, activists, and police records suggest that numerous arrests take place each year, and those detained are often subjected to torture in the form of beatings and forced anal and vaginal "examinations"....There have been consistent reports of discrimination and violence being committed against LGBT people in recent years, including assault, harassment, extortion, and the denial of basic rights and services.'⁶⁸
- 9.2.5 Equal Ground and CIHR's submission to CEDAW, dated January 2023 stated:
'In a recent nationwide survey of Sri Lankan public opinion commissioned by the Westminster Foundation for Democracy [⁶⁹], a non-departmental public body supporting democratic institutions overseas, 69.2% of respondents

⁶⁴ WFD, '[Sri Lankans' perceptions of LGBT persons](#)' (Executive Summary), 28 June 2021

⁶⁵ ICJ, '[Sri Lanka's Vagrants Ordinance No. 4 of 1841: A Colonial Relic ...](#)' (page 16), December 2021

⁶⁶ HRW, '[Sri Lanka: Forced Anal Exams](#)' 20 October 2020

⁶⁷ ICJ, '[Sri Lanka's Vagrants Ordinance No. 4 of 1841: A Colonial Relic ...](#)' (page 16), December 2021

⁶⁸ Human Dignity Trust, '[Sri Lanka](#)', 2024

⁶⁹ WFD, '[Sri Lankans' perceptions of LGBT persons](#)', 28 June 2021

agreed that LGBT people “are subjected to discrimination by the Police because they are LGBT persons.” In another survey, conducted by EQUAL GROUND, the LGBTIQ respondents shared that “[t]heir main fear was getting identified and being arrested by the police.”⁷⁰

- 9.2.6 The USSD report 2023 noted ‘...human rights organizations reported police used the threat of arrest to assault and harass lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons.’⁷¹ The 2022⁷², 2021⁷³, reports also contained this information, however in those years unlike in 2023, the reports also added that police used the threat of arrest sexually and monetarily extort LGBTI people.
- 9.2.7 The US Overseas Security Advisory Council (OSAC), which is part of the US State Department, in their 2024 report also noted ‘...human rights organizations report police have used the threat of arrest to assault, harass, and sexually and monetarily extort LGBTI+ individuals.’⁷⁴ However it added ‘The Sri Lankan Police have made some effort to make changes in this realm and open a dialogue with the LGBTI+ community.’⁷⁵
- 9.2.8 The Bridge to Equality (Bridge), a coalition of NGOs focused on LGBTQ issues⁷⁶ produced the Human Rights Violations report, published in June 2023 (The Bridge report 2023). The report quantitatively analysed 235 Human Rights Violations (HRV) collected throughout two years via two Sri Lanka based organisations Young Out Here (YPH) and the National Transgender Network (NTN). YOH and NTN interviewed those who had experienced HRVs between August 2021 and March 2023⁷⁷. 149 of the 235 cases had been submitted to the Human Rights Commission of Sri Lanka (HRCSL)⁷⁸.
- 9.2.9 The Bridge report 2023 documented HRVs against LGBTQ persons of Articles 10, 11, 12, 13 and 14 of the constitution⁷⁹. 52.3% of the violations were of Article 11 (the right to freedom from torture, cruel, inhuman, or degrading treatment or punishment). The next most prevalent was of Article 12 (1) which provides for equality in law and protection and of Article 12 (2) which provides against discrimination based on race, religion, language, caste, sex, political opinion, and place of birth. 39.6% of violations were of Article 12. The majority of perpetrators were the police (40.85%) followed by the medical sector (27.7%)⁸⁰.
- 9.2.10 The following table produced by Bridge shows the gender identity of the person who reported experiencing the HRV⁸¹.

⁷⁰ Equal Ground, CIHR, ‘[Violations By Sri Lanka](#)’ (paragraphs 2.5, 2.6, 2.7), January 2023

⁷¹ USSD, ‘[USSD report 2023](#)’ (section 6), 22 April 2024

⁷² USSD, ‘[USSD report 2022](#)’ (section 6), 20 March 2023

⁷³ USSD, ‘[USSD report 2021](#)’ (section 6), April 2022

⁷⁴ OSAC, ‘[Sri Lanka Security Report 2024](#)’ (safety concerns for LGBTI+ travellers), 17 April 2024

⁷⁵ OSAC, ‘[Sri Lanka Security Report 2024](#)’ (safety concerns for LGBTI+ travellers), 17 April 2024

⁷⁶ Bridge to Equality, ‘[About Us](#)’, no date

⁷⁷ Bridge to Equality, ‘[Human Rights Violations](#)’ (Methodology), June 2023

⁷⁸ Bridge to Equality, ‘[Human Rights Violations](#)’ (Analysis), June 2023

⁷⁹ Bridge to Equality, ‘[Human Rights Violations](#)’ (Explanation) June 2023

⁸⁰ Bridge to Equality, ‘[Human Rights Violations](#)’ (Analysis), June 2023

⁸¹ Bridge to Equality, ‘[Human Rights Violations](#)’ (Analysis), June 2023

Gender Identity	Frequency	%
Transwoman	87	37.02%
Male	85	36.17%
Transman	32	13.62%
Female	21	8.94%
Non Binary	9	3.83%
Not indicated	1	0.43%

9.2.11 The following table produced by Bridge shows the sexual orientation of the person who reported experiencing the HRV⁸².

Sexual Orientation	Frequency	%
Heterosexual	60	25.53%
Not indicated	52	22.13%
Gay	49	20.85%
Bisexual	36	15.32%
Lesbian	24	10.21%
Homosexual	7	2.98%
Pansexual	3	1.28%
Queer	2	0.85%
Other	2	0.85%

9.2.12 The most common sexual orientation documented was heterosexual however, Bridge noted all those identifying as heterosexual in this study were transmen or transwomen⁸³.

9.2.13 Bertelsmann Stiftung, in the 2024 Country Report – Sri Lanka, 2024 noted ‘...there are no protections against discrimination based on sexual orientation, and consensual same-sex relations remain criminalized. This creates specific disadvantages and vulnerabilities for LGBTQ+ persons, including being targeted by law enforcement for bribery.’⁸⁴

9.2.14 CPIT was unable to find information on the specific treatment of gay and bisexual men and intersex people in the sources consulted (see [Bibliography](#)).

(See also [Ombudsman/Complaints’ mechanism\(s\)](#))

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9.3 Treatment of trans people, lesbians, and bisexual women

9.3.1 An Equal Ground publication called My Rights, My Responsibility, published in January 2020 noted that Section 399 of the Penal code is, ‘frequently

⁸² Bridge to Equality, ‘[Human Rights Violations](#)’ (Analysis), June 2023

⁸³ Bridge to Equality, ‘[Human Rights Violations](#)’ (Analysis), June 2023

⁸⁴ BTI, ‘[BTI 2024 Country Report – Sri Lanka](#)’ (Welfare regime), 2024

misused to abuse and arrest transgender individuals by the police, because their gender expression do not match the gender stated on their national identification documents wrongfully claiming that it is “cheating by personation” which is a definition adopted by law enforcement contrary to the intention of and the definition in law. Additionally, the law does not consider whether or not the impersonation is of a real or imaginary person.’⁸⁵

9.3.2 A research project undertaken by the Asia Pacific Transgender Network (APTN) in 2020 and published in March 2021 (The APTN report 2020) looked at conversion therapy practices (CTPs) being ‘implemented against trans and gender-diverse people’ in a variety of Asian countries, including Sri Lanka⁸⁶. The report noted that: ‘Trans and gender diverse citizens, as well as cisgender non-heteronormative citizens, especially those from underprivileged and socio-economically deprived backgrounds, face considerably high levels of transphobic and homophobic violence from law enforcement agencies.’⁸⁷

9.3.3 The ICJ Briefing Paper dated December 2021 stated:

‘While sections 365 and 365A of the Penal Code relating to “unnatural offences” and “acts of gross indecency” are primarily used against LGBT persons in Sri Lanka, the Vagrants Ordinance is routinely used to arrest LGBTI persons, especially lesbians perceived by the police to have masculine characteristics and trans women. In most instances charges are not filed against them and they are seldom taken to court. Instead, they are harassed and ridiculed and often made to pay bribes to secure their release.’⁸⁸

9.3.4 The same ICJ Briefing Paper stated:

‘Trans women and other sexual and gender minorities regardless of whether they are engaged in sex work are often caught up in raids that are conducted by the police to arrest those presumed to be engaged in commercial sex work. This is indeed ironic as sex work in itself is not criminalized under the Vagrants Ordinance.

‘Trans women who are engaged in sex work are subjected to further harassment owing to their gender identity. Often, those who are arrested are detained overnight in police cells designated for men and forced to dress like men while in custody. They are also often detained in cells together with men which poses a risk of violence and sexual assault.’⁸⁹

9.3.5 The Coalition of Civil Society Organizations (CCSO) 2022 report in its submission to the UN Universal Periodic Review (UN UPR) noted ‘A number of incidents of arbitrary arrests and detention [of LGBT individuals] were reported by community members at the community consultations conducted by Équité Sri Lanka and a few were reported in the media. However, in most of the cases, no formal complaints have been made regarding these

⁸⁵ Equal Ground, ‘[My Rights, My Responsibility](#)’ (page 6), 7 January 2020

⁸⁶ APTN, ‘[Conversion Therapy Practices in Sri Lanka](#)’ (page 3 to 4), 31 March 2021

⁸⁷ APTN, ‘[Conversion Therapy Practices in Sri Lanka](#)’ (page 4) 31 March 2021

⁸⁸ ICJ, ‘[Sri Lanka’s Vagrants Ordinance No. 4 of 1841: A Colonial Relic ...](#)’ (page 16), December 2021

⁸⁹ ICJ, ‘[Sri Lanka’s Vagrants Ordinance No. 4 of 1841: A Colonial Relic ...](#)’ (page 16), December 2021

incidents due to fear of reprisals.⁹⁰ Outlining its methodology, Équité Sri Lanka stated it conducted district-level consultations with a total of 125 LGBTI+ persons around the country during March- June 2022⁹¹. The specific examples taken from these consultations were in Gampaha district where five trans sex workers stated they had been arrested by the police on multiple occasions, detained and mistreated including being subjected to sexual assault. The report further stated ‘Many similar incidents were reported within the community consultations carried out by Équité Sri Lanka [in Trincomalee District, Gampaha District and Colombo District]⁹². The report did not give further details of the nature of the incidents, frequency or scale. It is also not clear whether the reference to those cases in Gampaha district were in addition to or including the 5 specific examples documented above.

9.3.6 The same Coalition of Civil Society Organizations 2022 report referred to the well-reported case of court proceedings against a lesbian couple in June 2022⁹³ 94: ‘In June 2022, an Indian and a Sri Lankan lesbian couple who have been planning to move to India were arrested, after the Sri Lankan woman’s family members complained to the Police regarding their same-sex relationship. They were produced before the Akkaraipattu Magistrate who ordered the two women to be examined by a psychiatrist and a report of psychiatric evaluation be prepared on them.’⁹⁵

9.3.7 Newswire in an August 2022 article explained the progress of the case: ‘A case was filed at the Wattala Magistrate’s Court [on 21 March 2022] against a 22-year-old lesbian woman. The parents of the victim, with the help of the Welisara Mahabage Police, had filed a motion in Court seeking a declaration that she was mentally ill because she was a lesbian... Despite there being no specific offence charged and no legal basis for a medical examination, the Interim Magistrate had ordered the victim to be produced before a [Judicial Medical Officer] JMO for examination before the next hearing... Following this decision by the Interim Magistrate, the victim’s lawyers filed a revision application to the High Court of Negombo to contest the Interim Magistrate’s decision... The case was [re] called...by the Wattala Magistrate Court... [where] [t]he Magistrate dismissed this case on the grounds that a JMO examination was not warranted since there was no evidence that the victim was suffering from a mental illness, thereby accepting that homosexuality was not a disease of the mind.’⁹⁶

9.3.8 HDT reported on the same case and noted that: ‘...Following a successful revision application to the High Court of Negombo, the Wattala Magistrate’s Court dismissed the case against the women...’⁹⁷

9.3.9 HDT also noted: ‘There is evidence that trans people are targeted

⁹⁰ The Coalition of CSOs, ‘[Situation of LGBTI+ persons in Sri Lanka](#)’ (paragraph 5.1), 2022

⁹¹ The Coalition of CSOs, ‘[Situation of LGBTI+ persons in Sri Lanka](#)’ (paragraph 5.1), 2022

⁹² The Coalition of CSOs, ‘[Situation of LGBTI+ persons in Sri Lanka](#)’ (paragraph 5.1), 2022

⁹³ Newswire, ‘[Wattala court dismisses case filed against a lesbian](#)’, 2 August 2022

⁹⁴ Human Dignity Trust, ‘[Sri Lanka](#)’(Enforcement), 2024

⁹⁵ The Coalition of CSOs, ‘[Situation of LGBTI+ persons in Sri Lanka](#)’ (paragraphs 5.1.1), 2022

⁹⁶ Newswire, ‘[Wattala court dismisses case filed against a lesbian](#)’, 2 August 2022

⁹⁷ Human Dignity Trust, ‘[Sri Lanka](#)’(Enforcement), 2024

specifically under the Vagrancy Ordinance and laws against impersonation.⁹⁸

9.3.10 Equal Ground and CIHR's submission to CEDAW, dated January 2023 stated: 'Incidents of police abuse against LBTQ women, including wrongful arrest, violence, and harassment, are quite common in Sri Lanka.'⁹⁹

9.3.11 The USSD report 2023, repeating information from its 2022 report¹⁰⁰ stated: 'The [Human Rights Commission of Sri Lanka] HRCSL reported that it received complaints of problems with the name and sex change process at registrar offices, and said it intervened on behalf of the complainants.'¹⁰¹

9.4 Prosecutions

9.4.1 In November 2016, the Sri Lankan Supreme Court heard a case, commonly referred to as Galabada from 2003, in which an accused appellant was charged along with another accused before the Magistrates' Court for 'committing an act of gross indecency between two persons in terms of Section 365A of the Penal Code'. Court documents show that the Magistrate had found the appellant and the other accused guilty despite the intercourse being consensual and imposed a term of imprisonment of one year and imposed a fine of Rs. 1,500 with a default sentence of 6 months. The Supreme Court heard all the evidence again and determined that the sentence of the one-year term of imprisonment should be set aside and substituted with a sentence of 2 years rigorous imprisonment, suspended for a period of 5 years, with the Supreme Court stating that the 'offenders should be afforded an opportunity to reform themselves'¹⁰². The court gave no indication of what the opportunity to reform might mean, however there is no information to suggest the court was imposing forced conversion practices (see also [Conversion therapy](#)).

9.4.2 ILGA, in their 2023 report noted:

'On the occasions that cases do go to trial and are presided over by sympathetic judges, Sri Lankan courts have no power of judicial review over enacted laws, and as such even judgments in favour of defendants do not typically set any precedent for future cases. The restrictions within which the judiciary must operate, and thus uphold criminalising legislation, can be plainly seen in the 2016 Supreme Court case of OIC Maradana v Wimalasiri [[the Galabada case](#)], in which the judge acknowledged that the accused's crime of "gross indecency" was a 19th century colonial relic and that imprisoning the accused was unwarranted, yet still noted in his ruling that:

'I see no reason to interfere with the finding of guilt of the Appellant [...] The contemporary thinking, that consensual sex between adults should not be policed by the state nor should it be grounds for criminalisation appears to have developed over the years ... The offence however remains very much

⁹⁸ Human Dignity Trust, '[Sri Lanka](#)', 2024

⁹⁹ Equal Ground, CIHR, '[Violations By Sri Lanka](#)' (paragraphs 2.5, 2.6, 2.7), January 2023

¹⁰⁰ USSD, '[USSD report 2022](#)' (section 6), 20 March 2023

¹⁰¹ USSD, '[USSD report 2023](#)' (section 6), 22 April 2024

¹⁰² Sri Lankan, '[Supreme Court case- SC Appeal No.32/11](#)', 30 November 2016

a part of our law.’¹⁰³

- 9.4.3 Freedom House, a US based NGO concentrating on human rights, political freedom and democracy in their World Report published in February 2024 covering events of 2023 noted Penal Code Article 365 prohibiting same-sex sexual activity was ‘rarely enforced’¹⁰⁴.
- 9.4.4 The FCDO in their advice to UK travellers in Sri Lanka in April 2024 stated ‘Same-sex relations are illegal, but the FCDO is not aware of any prosecutions.’¹⁰⁵
- 9.4.5 The USSD reports covering 2021¹⁰⁶ and 2022¹⁰⁷ reported that prosecutions for same-sex sexual activity were rare. The 2023 report repeated this information but also stated that arrests as well as prosecutions were rare¹⁰⁸.

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9.5 Statistics on arrests and prosecutions

9.5.1 ILGA noted the difficulty with official statistics on arrests in their 2023 report: ‘Specific details of cases or more accurate statistics are often difficult to come by as police regularly merge cases of consensual same-sex sexual acts with “unnatural offenses” and “sexual abuse” in their official reporting.’¹⁰⁹

9.5.2 The same ILGA report noted:

‘Between 2000 and the time of publication [November 2023] ILGA World has noted around 23 examples of apparent criminal enforcement [of offences under the penal code] in Sri Lanka, including cases of prosecution. Official statistics from the Sri Lanka Police indicate at least 26 additional cases between 2016 and 2018 (involving a total of 48 people), the details of which could not be further discerned. As Sri Lankan authorities appear to only disaggregate cases of rape and sexual assault where women and minors are involved, it cannot be said how many of the cases in the police report represent consensual same-sex activity. Regardless, even the combined tally of 46 examples likely falls short of the real figure, as several detainees have alleged multiple arrests each. A local civil society organisation even estimated that in 2019 alone, around 800 arrests were made with police citing “unnatural sex” as justification...’¹¹⁰

9.5.3 The last available statistics from Sri Lanka police which specifically recorded details of LGBTI people prosecuted are from 2021-2023. The offence of ‘Homosexuality’ is recorded under a group of offences termed as ‘Offence related to corruptions’. The following table provides information on these cases¹¹¹:

¹⁰³ ILGA, ‘[Our identities under arrest](#)’ (page 210), 30 November 2023

¹⁰⁴ Freedom House, ‘[Freedom in the world 2024](#)’ (Sri Lanka), 29 February 2024

¹⁰⁵ FCDO, ‘[Sri Lanka Travel Advice](#)’, (safety and security), 29 April 2024

¹⁰⁶ USSD, ‘[USSD report 2021](#)’ (section 6), April 2022

¹⁰⁷ USSD, ‘[USSD report 2022](#)’ (section 6), 20 March 2023

¹⁰⁸ USSD, ‘[USSD report 2023](#)’ (section 6), 22 April 2024

¹⁰⁹ ILGA, ‘[Our identities under arrest](#)’ (pages 209-210), 30 November 2023

¹¹⁰ ILGA, ‘[Our identities under arrest](#)’ (pages 209-210), 30 November 2023

¹¹¹ Sri Lanka Police, ‘[Performance Report 2023](#)’ (page 37) no date

Year	Reported	Number of filed cases	% of prosecutions	Number of males prosecuted	Number of females prosecuted
2021	12	11	92	11	0
2022	0	0	0	0	0
2023	3	0	0	0	0

- 9.5.4 The report explained that... ‘the term “Number of Filed Cases”, comprehensively means all the number of cases filed in the court after concluding investigations by the Police’.¹¹²
- 9.5.5 In sources consulted (see [Bibliography](#)) no data for offences termed as ‘Homosexuality’ could be found for the period 2019-2020.
- 9.5.6 The Performance report (2018) of the Sri Lanka police report revealed that, under ‘Vice’ offences, the police prosecuted 17 cases involving 33 men ‘for homosexuality’ in 2016, 6 men in 2017, and 9 men in 2018. No women were prosecuted under this offence during this period¹¹³.
- 9.5.7 The offence of ‘Homosexuality’ does not exist in law, so it is not possible to ascertain the specific offence under the relevant law which has resulted in the prosecution of the person. The details surrounding these ‘offences’ – including whether the cases were between consenting, same-sex adults and whether the prosecutions resulted in conviction and sentence – are not known.
- 9.5.8 The following table compiled by CPIT, taken from Sri Lanka Police statistics ‘The Grave Crime Abstract For Whole Island’ from the 1st of January 2022 to the 31st of December 2022 shows 571 cases recorded as ‘Unnatural offences and grave sexual abuse’:¹¹⁴

Grave Crimes	‘Unnatural offence and grave sexual abuse’ 1 Jan 2022 to 31 Dec 2022
Cases recorded	571
Complaints filed	69
Accused unknown	5
Otherwise disposed of	0
Ending in conviction	0
Ending in discharge acquittal	0
Total disposed of	5
Investigation pending	429
Pending in Magistrates	68

¹¹² Sri Lanka Police, [‘Performance Report 2023’](#) (page 37) no date

¹¹³ Sri Lanka Police, [‘Performance report \(2018\) of the Sri Lanka police’](#) (page 37), no date

¹¹⁴ Sri Lanka Police, [‘Grave Crime Abstract’](#), 2022

Courts	
Pending with the Attorney General	68
Pending with District Court / High Court	1
Total pending	566

- 9.5.9 It is not clear from the data whether the cases ‘pending’ statistics include those from previous years or just those reported in 2022. The source does not provide information on the definition of ‘unnatural offence’ and the specific criminal offence(s) this relates to. It may refer to articles 365 and / or 365a of the penal code which lists “carnal intercourse against the order of nature” and “acts of gross indecency”.
- 9.5.10 The report also does not provide information on the sex or gender of the accused person or whether the offence relates to same-sex sexual activity or not. Offences under Section 365 include both heterosexual and same-sex acts and apply to any person if the act is considered ‘against the order of nature’ and/or is considered ‘grossly indecent’¹¹⁵.
- 9.5.11 The data includes crimes considered as ‘grave sexual abuse.’ It is not clear what this refers to, whether it involves child sexual abuse, and other non-consensual sexual acts. It would not seem to appear to include rape of women and girls or sexual exploitation of children as there is separate data within the report on those specific offences¹¹⁶.
- 9.5.12 The total number of cases of ‘Grave Crimes’ recorded in the period was 37,152 (see the report for details of the crimes included in the statistics)¹¹⁷. Those constituting ‘Unnatural offences and grave sexual abuse’ form less than 0.02% of the total number of cases recorded in 2022.
- 9.5.13 Given the range of offences the data could apply to and other unknown factors such as age of the victim, gender, and sexual orientation of the accused and whether the offences were consensual or not it is not possible to ascertain how many cases relate to the arrest and/or prosecution of LGBTI people.
- 9.5.14 In sources consulted (see [Bibliography](#)) comparable data for the year ending December 2023 was not available. Sri Lanka police did provide data to parliament for this period which recorded 44,969 Grave Crimes which included 675 ‘Unnatural offences and grave sexual abuse’ 637 of which were ‘solved’ and 38 were ‘being investigated’¹¹⁸. Those constituting ‘Unnatural offences and grave sexual abuse’ form 0.01% the total number of cases recorded in 2023.
- 9.5.15 In sources consulted ((see [Bibliography](#)) there was no available data for any period on other offences charged or prosecuted that affect LGBTI people

¹¹⁵ Equal Ground, ‘[My Rights, My Responsibility](#)’ (page 5,6), 7 January 2020

¹¹⁶ Sri Lanka Police, ‘[Grave Crime Abstract](#)’, 2022

¹¹⁷ Sri Lanka Police, ‘[Grave Crime Abstract](#)’, 2022

¹¹⁸ Sri Lanka Police ‘[Performance Report 2023](#)’ (page 11), no date

(see [Other legal provisions affecting LGBTI people](#))

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9.6 Protection

- 9.6.1 In respect of protection from conversion therapy practices (CTPS) the APTN report 2020 noted: ‘...there are no monitoring mechanisms and policy guidelines that discourage and ban conversion therapy. Efforts made by many stakeholders, including the Human Rights Commission of Sri Lanka, to address this gap, have been unsuccessful.’¹¹⁹
- 9.6.2 The DFAT report 2021 noted ‘According to local sources, police protection of LGBTI individuals at public events such as LGBTI marches has increased since 2015.’¹²⁰
- 9.6.3 Groundviews Sri Lanka, a citizen journalism website, in an article by Shihara Maduwage from NGO Equal Ground, published 23 July 2022 noted:
‘Earlier this month [July 2022], a news report revealed that a 22 year old woman had filed a complaint with the Human Rights Commission [HRC] against the Welisara-Mahabage police. She alleged that her parents had subjected her to severe abuse after learning that she was a lesbian... With the help of a friend, she had managed to make the police aware about her situation [however]... the police illegally confiscated her personal belongings and attempted to subject her to physical examinations against her will.’¹²¹
- 9.6.4 In sources consulted (see [Bibliography](#)) no further information on the progress of the July 2022 complaint with the HRC against Welisara-Mahabage police could be found. See also [Ombudsman/Complaints’ mechanism\(s\)](#)).
- 9.6.5 The DFAT report 2024 noted ‘In a first-of-its-kind ruling, in August 2022, a Colombo court granted a lesbian woman an interim protection order against her parents, who had subjected her to abuse because of her sexual orientation.’¹²²
- 9.6.6 In respect of protection during Pride, the USSD report 2023 noted ‘In June, during Pride month activities, police reported increased online threats towards the LGBTQI+ community... Local organizations reported incidents of protesters attempting to disrupt Pride events but stated in most cases police defused the situation.’¹²³
- 9.6.7 The 2023 Bridge report noted: ‘The analysis shows that some LGBTQ persons are reluctant to go to the authorities (such as the Human Rights commission of Sri Lanka or the Police) due to existing penal laws and various social stigmas that continue to exist in society. These stigmas may include inaccurate perceptions that LGBTQ persons are psychologically unwell or that it is a ‘trend’ or ‘lifestyle’ that conflicts with Sri Lankan culture.’¹²⁴

¹¹⁹ APTN, ‘[Conversion Therapy Practices in Sri Lanka](#)’ (pages 6, 7), 31 March 2021

¹²⁰ DFAT, ‘[DFAT Country Information Report Sri Lanka](#)’, (paragraph 3.114), 23 December 2021

¹²¹ Groundviews, Shihara Maduwage ‘[Out of the Shadows](#)’ 23 July 2022

¹²² DFAT ‘[DFAT Country Information Report Sri Lanka](#)’ (paragraph 3.171), 2 May 2024

¹²³ USSD, ‘[USSD report 2023](#)’ (section 6), 22 April 2024

¹²⁴ Bridge to Equality, ‘[Human Rights Violations](#)’ (Methodology), June 2023

9.6.8 The 2023 joint report by the Coalition of CSOs noted:

‘There were multiple incidents in which Police officers refused to accept complaints made by transgender persons regarding the violations and abuses they have faced from others. Also, they have faced verbal abuse from Police officers.

‘In one incident, a Police officer at the Police Station in Karaitivu, Ampara district, belonging to Eastern Province, Police had first refused to accept a complaint regarding a physical assault faced by a transgender person, on the basis that she should provide the residential addresses of the alleged perpetrators. When the victim managed to find the residential addresses of the alleged perpetrators, the Police asked to reach an amicable settlement and asked her to forgive them.

‘On 4th October 2021, a transgender person in Galle has been scolded by a Police officer’s asking her not to bring “faggot cases”, he has advised him just to change the way that she dresses, and to behave like a man. On 22nd March, a Police officer who had visited to settle a dispute between a neighbor and a transwoman in Gamapha, has verbally abused the transgender woman focusing on her attire and outer appearance, humiliated her and name called her abusive terms.’¹²⁵

9.6.9 Equal Ground and CIHR’s January 2023 submission to CEDAW stated:

‘Due to the existence of the discriminatory laws and their frequent abuse by police, LGBTQ crime victims are deprived of normal police protection, because they are unwilling to report crimes to the police. A case referred to EQUAL GROUND in July 2021 involving a lesbian in Kiribathgoda, Western Province, provides an example. In that case, a lesbian who was constantly harassed by her brother after revealing her sexual orientation refused to lodge a harassment complaint with the police, for fear of further harassment and reprisal by the police themselves...

‘.... in January 2023, a 23-year-old lesbian filed a historic fundamental rights petition at the Supreme Court against the Sri Lanka Police for discrimination based on her sexual orientation. In her petition, she highlights that she was forcefully confined at home and abused by her parents after she revealed her sexual orientation to them and when a complaint was filed with the Welisara Mahabage Police, the petitioner cites the police conducted an inquiry into the woman’s sexual orientation. Furthermore, the police ... forced the petitioner to meet with a psychiatrist and ... attempted to force the woman to have a Judicial Medical Officer conduct a physical examination to find proof of homosexuality.’¹²⁶

9.6.10 The same Equal Ground and CIHR’s submission outlined the case of a lesbian who was physically and sexually abused and kidnapped by her partner’s husband and 4 other men. The victim did not report the matter to the police. The report stated:

‘After the incident, Anoma [the victim] and Chathuri [the victim’s partner and wife of the perpetrator] were both summoned to the police for an ongoing

¹²⁵ The Coalition of CSOs, ‘[Situation of LGBTI+ ...](#)’ (paragraphs 9.1.1- 9.1.1.2), 2022

¹²⁶ Equal Ground, CIHR, ‘[Violations By Sri Lanka](#)’ (Paragraphs 2.5, 2.6, 2.7), January 2023

inquiry... . At this inquiry, even though Anoma mentioned to the police about the physical and sexual assault she faced by Chathuri's husband and others, the police did not take any action. ... The police threatened Anoma that she will be arrested and detained if they did not end their relationship with each other.¹²⁷

- 9.6.11 The Ministry of Women, Child Affairs, and Social Empowerment Sri Lanka, with support from the UN Population Fund (UNFPA), put forward Sri Lanka's National Gender Equality and Women's Empowerment Policy (2023-2033), published on 12 March 2023. The policy paper noted '...LGBTQI+ individuals are...often overlooked as victims of gender-based violence.'¹²⁸
- 9.6.12 The DFAT report 2024 provided its assessment of state protection based on its findings from on-the-ground knowledge and discussions with a range of sources in Sri Lanka and elsewhere and credible open source reports '.While state protection mechanisms exist for the LGBTQIA+ community, DFAT assesses they are not generally accessible, equitable, effective or protective in practice.'¹²⁹

(See also [Official views on sexual orientation and gender identity](#) and [Ombudsman/Complaints' mechanism\(s\)](#))

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9.7 Ombudsman/complaints' mechanism(s)

- 9.7.1 The Equal Ground publication published in January 2020 noted 'There is no specific legal device to address the rights and protections of the LGBTIQ community and therefore common law applies. However, the Sri Lankan Constitution grants Fundamental Rights (FR) to all citizens and these rights should not be violated other than in exceptional situations specifically mentioned in the Constitution and within the emergency laws of the country which allows specific restrictions.'¹³⁰
- 9.7.2 The article went on to note that: 'Any action violating your rights in Chapter III of the Constitution which lists your Fundamental Rights, is grounds enough for you to file a FR Petition in the Supreme Court.'¹³¹
- 9.7.3 The same article also noted that complaints can also be lodged with the Human Rights Commission of Sri Lanka, the National Authority for the Protection of Victims of Crimes and Witnesses and the National Police Commission¹³².
- 9.7.4 The CCSO 2022 report noted: 'Though ... arrests and maltreatment by the Police are quite common, LGBTI+ community members often do not make complaints to the legal bodies regarding the violations they face, due to fears that they would face reprisals. The criminalization of homosexuality and homophobic attitudes of the law enforcement officers are among the major

¹²⁷ Equal Ground, CIHR, '[Violations By Sri Lanka](#)' (paragraph 6.5), January 2023

¹²⁸ UNFPA, '[National Policy on Gender Equality](#)' (page 41), 12 March 2023

¹²⁹ DFAT '[DFAT Country Information Report Sri Lanka](#)' (paragraph 3.177), 2 May 2024

¹³⁰ Equal Ground, '[My Rights. My Responsibility](#)' (page 7), 7 January 2020

¹³¹ Equal Ground, '[My Rights. My Responsibility](#)' (page 7), 7 January 2020

¹³² Equal Ground, '[My Rights. My Responsibility](#)' (pages 14,15), 7 January 2020

reasons behind such a lack of interest in making complaints.¹³³

See also [Treatment of LGBTI people collectively](#) and [Treatment of trans and intersex people](#) and [Protection](#)

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10. Societal norms

10.1 Societal attitudes

- 10.1.1 The APTN report 2020 noted ‘The interactions with the interviewees...revealed that in Sri Lankan society, gender identity and expression is often conflated with sexual orientation. A young trans person’s gender identity and expression, for instance, is often regarded as a manifestation of their non-heteronormativity.’¹³⁴
- 10.1.2 The Equal Ground June 2021 report noted: ‘... [T]he survey [of 4500 people across all 25 districts] results show ... 30% of the LGBTIQ respondents said they do not want to reveal their identity to anyone, 45% of them said that they do not know if they should reveal it to anyone. This indicates that the LGBTIQ community is still uncomfortable with and/or afraid of revealing their identity and therefore did not even think of coming out to anyone.’¹³⁵
- 10.1.3 A study conducted by The Social Scientists Association for the Westminster Foundation for Democracy (WFD) under the Commonwealth Equality Project on the knowledge, attitudes, and perceptions of Sri Lankans about Sri Lankan LGBT people in 2020, was published in June 2021 (The WFD report 2020). The study used a structured questionnaire, available in Sinhala, Tamil and English and was distributed among 2130 people in all of Sri Lanka’s 25 districts. The sample included respondents from different genders, age, education, and religious groups. The study found in relation to respondents’ awareness and knowledge on LGBT people:
- ‘• A reasonable percentage said they had heard of the terms transgender (39.9%), lesbian and gay (25.6%) and bisexual (16.1%). 55% said they had not heard of any of the LGBT terms.
 - ‘• Awareness of LGBT amongst younger, urban and the tertiary educated is slightly higher.
 - ‘• A reasonable percentage said they personally knew someone who was transgender (27%), lesbian or gay (24%) and bisexual (21%).’¹³⁶
- 10.1.4 The same study noted in relation to the respondents’ attitudes towards LGBT people:
- ‘• Many respondents had positive attitudes towards LGBT persons in varied contexts. For instance, 59.7% said they will not be ashamed to travel next to a gay or lesbian person.
 - ‘• Attitudes were mixed or negative in some contexts. On whether it would be shameful for a transgender person to be president of Sri Lanka, 49.5%

¹³³ The Coalition of CSOs, ‘[Situation of LGBTI+ persons in Sri Lanka](#)’ (paragraphs 5,2), 2022

¹³⁴ APTN, ‘[Conversion Therapy Practices in Sri Lanka](#)’ (page 5), 31 March 2021

¹³⁵ Equal Ground, ‘[Mapping LGBTIQ Identities in Sri Lanka](#)’ (pages 8, 51), June 2021.

¹³⁶ WFD, ‘[Sri Lankans’ perceptions of LGBT persons](#)’ (Executive Summary), 28 June 2021

agreed and 48% disagreed.¹³⁷

10.1.5 In terms of respondents' perceptions of and prejudices against LGBT people, the same survey noted:

• Respondents' perceptions towards LGBT persons vary depending on the context in which a respondent and LGBT+ person are situated.

• Positive perceptions are evident in some contexts not seemingly immediately connected to a respondent's personal circumstances. 72.5% said a person living life as a LGBT person should not be punished; 65% said a LGBT person can do a job as well as any other person; 51.4% said they would support legislation to ensure the rights of LGBT persons.

• Negative perceptions are evident in some contexts closer or more personally relevant to a respondent. 59.5% said renting their house to a LGBT+ person would be a problem.

• In some personal contexts, respondents' views are mixed. 48.6% said it will not be shameful to have a LGBT child; 44.4% said it will be shameful.

• Respondents subscribe to many social prejudices tested in the survey against Sri Lankan LGBT persons. For instance... 52.3% said association encourages a person to become like them; relevantly, upwards of 40% disagreed.¹³⁸

10.1.6 The same study concluded that those who were more likely to have positive attitudes towards LGBT people were under 30 years old, lived in urban areas, were educated to tertiary or higher levels, had a higher level of awareness of LGBT identities and more interactions with LGBT people and were more likely to be Buddhists or Hindus (rather than Muslims or Christians)¹³⁹.

10.1.7 Outright International noted in June 2023 'Sri Lanka is a socially conservative state where any form of LGBTQ advocacy faces substantive challenges...'¹⁴⁰

10.1.8 The same Outright International report noted 'Sri Lanka remains a deeply homophobic and transphobic country, with severe curtailments of basic freedoms to all citizens, which adversely affect sexual and gender minorities. There is little discussion of intersex human rights, which remains a body of rights on which substantive work remains to be developed in Sri Lanka.'¹⁴¹

10.1.9 The WFD report 2023 noted 'Cultural stereotypes in Sri Lanka are rigid. Definitions of what it is to be masculine and what it is to be feminine are a key part of that rigidity.'¹⁴²

10.1.10 The DFAT report 2021 noted: 'According to local sources, anti-LGBTI sentiment is deeply ingrained in Sri Lankan culture and society, particularly in rural areas. The majority of Sri Lankans hold conservative views about sexual orientation and gender identity, and many prioritise collective values

¹³⁷ WFD, '[Sri Lankans' perceptions of LGBT persons](#)' (Executive Summary), 28 June 2021

¹³⁸ WFD, '[Sri Lankans' perceptions of LGBT persons](#)' (Executive Summary), 28 June 2021

¹³⁹ WFD, '[Sri Lankans' perceptions of LGBT persons](#)' (Executive Summary), 28 June 2021

¹⁴⁰ Outright International, '[We Remain Resilient](#)', (Section 2) June 2023

¹⁴¹ Outright International, '[We Remain Resilient](#)', (Section 2) June 2023

¹⁴² WFD, '[Examining lived experiences of LGBT+](#)' (page 41), 14 November 2023

over individual rights.¹⁴³

10.1.11 The DFAT report 2024 suggested the situation was more nuanced: ‘In-country sources reported that community attitudes toward same-sex relations were slowly shifting in a progressive manner, particularly in Colombo and other major urban centres. Educated and urban Sri Lankans are generally more tolerant...In-country sources said there was a growing LGBTQIA+ community in the east, and people were more likely to be open about their sexuality than 10 years ago, although less so compared to the north. Nevertheless, overall attitudes to the LGBTQIA+ community remain hostile, particularly in rural areas and among Muslims.’¹⁴⁴

10.1.12 In relation to attitudes of employers in the workplace towards discrimination the study by Equal Ground which surveyed 45 decision makers, managers and/or representatives from different organisations operating in Sri Lanka, published in 2021 found ‘...11% suggested that national legal system should be reformed so that organisations can take bold steps to eliminate workplace discrimination for LGBTIQ people. 35% also believed that strong organisational policies should be developed to end workplace discrimination.’¹⁴⁵

See also [Gay ‘scene’ or ‘community’](#) and [Religious attitudes](#)

For information on treatment in the workplace see [Employment](#).

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10.2 Religious attitudes

10.2.1 The WFD report 2020 noted ‘Respondents subscribe to many social prejudices tested in the survey against Sri Lankan LGBT persons. For instance, 51.4% said they [LGBT persons] go against my religion...’¹⁴⁶

10.2.2 The Mahanayaka Theras, the leaders of Sri Lankan Buddhist clergy¹⁴⁷ on 25 July 2024 were reported to have ‘expressed displeasure over the move to decriminalize homosexuality through a private members [Penal Code (Amendment)] Bill...’¹⁴⁸. In their letter to President Wickremesinghe they stated “‘Homosexuality will lead Sri Lankan people to behave like animals without respecting the bonds with parents, brothers and sisters. The Buddha in his Chakkawathi Sihanada Suthra had taught that improper sexual behaviour will destroy a person’s complexion, life span and it will lead to social decline.’”¹⁴⁹

10.2.3 Licas News, a lay Asian Catholic missionary website with primary focus on the Philippines, in an article dated 31 July 2024 noted:

‘Cardinal Malcolm Ranjith, Archbishop of Colombo, has publicly criticized the Sri Lankan government’s legislative priorities, particularly its focus on introducing bills supporting same-sex marriages...’ ‘The bill presented by

¹⁴³ DFAT, ‘[DFAT Country Information Report Sri Lanka](#)’, (paragraph 3.116), 23 December 2021

¹⁴⁴ DFAT ‘[DFAT Country Information Report Sri Lanka](#)’ (paragraph 3.169), 2 May 2024

¹⁴⁵ Equal Ground, ‘[A study on workplace discrimination: ...](#)’ (pages 12), 2021

¹⁴⁶ WFD, ‘[Sri Lankans’ perceptions of LGBT persons](#)’ (Executive Summary), 28 June 2021

¹⁴⁷ The Diplomat ‘[Sri Lankan President Pledges Full Implementation...](#)’, 6 February 2023

¹⁴⁸ The Daily Mirror, ‘[Mahanayaka Theras express displeasure...](#)’, 25 July 2024

¹⁴⁹ The Daily Mirror, ‘[Mahanayaka Theras express displeasure...](#)’, 25 July 2024

Dolawatta [on same-sex marriage], as well as the bill to be presented by the Government on women's rights, both uncover an effort to create a very dangerous situation in Sri Lanka. An effort to sabotage marriage and family life. I believe this is wrong," Cardinal Ranjith said...[he] also suggested that these legislative initiatives might be influenced by international pressures, pointing to similar trends in Western countries and noting the involvement of foreign diplomats and local politicians in supporting these causes.¹⁵⁰

- 10.2.4 The opinion piece by J Mack, *Culture vs. Human Rights: Decriminalisation of Same-Sex Relationships in Sri Lanka* published on the citizen journalism website Groundviews on 13 August 2024 noted:

'Sri Lanka's attempts to build an inclusive society through legislative moves that could result in greater equality for the minority LGBTIQ community have been met with opposition by the country's religious leaders. They fear that doing so will threaten the culture and social values upheld in Sri Lanka. The backlash comes in the wake of the [Penal Code (Amendment)] Bill ... In response to this, several prominent religious figures in the country put forward their stances on the matter through means that have included public statements as well as a letter to the president...

'Religion is a subject frequently brought up in LGBTIQ-related discussions, with claims being made that it goes against religious teachings, is unnatural and is a foreign concept...During the Supreme Court hearing, one of the arguments posed by the petitioners was that homosexual activity goes against the principles of Buddhism...

'A significant portion of the outcry against improving LGBTIQ rights revolves around the subject of protecting the country's children as well as the upholding of the family unit and its values.'¹⁵¹

See also [Penal Code \(Amendment\) Bill \(2023\)](#) and [Official views on sexual orientation and gender identity](#)

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11. Societal treatment

11.1 Treatment of LGBTI people

- 11.1.1 Sources often consider the situation for LGBTI collectively and therefore the treatment of individual groups is difficult to ascertain. Often information focuses on the experiences of trans women due to their increased visibility in society. Where possible CPIT has attempted to differentiate between the experiences of different groups but there remains overlap (see [Treatment of lesbian and bisexual women](#), [Treatment of trans and intersex people](#) and [Conversion therapy](#)).

- 11.1.2 The WFD report 2020 key findings included:

'The vast majority of respondents acknowledge discrimination is experienced by LGBT persons in different public and private contexts in Sri Lanka, irrespective of the respondents' awareness, attitudes, and perceptions of LGBT. Examples of percentages of respondents who said Sri Lankan LGBT

¹⁵⁰ Licas News, ['Sri Lankan cardinal criticizes government's legislative focus'](#), 31 July 2024

¹⁵¹ Groundviews, J Mack, ['Culture vs. Human Rights'](#), 13 August 2024

persons are discriminated or harassed because they are LGBT persons include:

- 89% said LGBT persons face violence and abuse on social media because they are LGBT
- 87% said LGBT persons face discrimination in finding rental housing and/or in school because they are LGBT'.¹⁵²

11.1.3 It should be noted that these responses do not relate to the percentage of people who had directly experienced this treatment, but to the number of people who thought such treatment occurred. It is also not explained what these perceptions were based on.

11.1.4 The DFAT report 2024, noted: 'According to in-country sources, members of the LGBTQIA+ community faced threats, physical and/or verbal abuse from family members, and may be forced into heterosexual marriage. In-country sources told DFAT that members of the LGBTQIA+ community concealed their sexual identity or left home in order to avoid family harassment and abuse.'¹⁵³

11.1.5 Whilst the DFAT report 2021 noted 'Local sources told DFAT that hostility toward LGBTI individuals was "across the board" and was not confined to a particular ethnic group or geographic area.'¹⁵⁴ the DFAT report 2024 noted 'In-country sources reported the level of risk faced by the LGBTQIA+ community differed from place-to-place, with risks perceived to be lowest in major urban centres...Colombo is considered the most liberal and progressive'¹⁵⁵

11.1.6 DFAT further noted 'In-country sources reported that gay and lesbian Tamils were generally not open about their sexuality, due to fears of family ostracisation and societal discrimination.'¹⁵⁶

11.1.7 The Freedom House annual publication Freedom on the Net 2023 covering events up until May 2023 noted 'LGBT+ individuals were...the target of hate speech and were identified as gay online.'¹⁵⁷

11.1.8 The HRCSL's August 2024 letter to the Minister of Justice, Prison Affairs and Constitutional Reforms stated '... that it was deeply concerned by the recent rise in hostile and discriminatory discourse against the LGBTIQ community. Such discourse has also featured disinformation that the [Penal Code (Amendment) Bill] ...legalises same sex marriage [when it does not]...it urged the Ministry of Justice to disregard any hostile, discriminatory and misleading discourse when considering necessary and salutary legislative reform.'¹⁵⁸

See also [Penal Code \(Amendment\) Bill \(2023\)](#), [Official views on sexual orientation and gender identity](#) and [LGBT groups, civil society and human](#)

¹⁵² WFD, '[Sri Lankans' perceptions of LGBT persons](#)', 28 June 2021

¹⁵³ DFAT '[DFAT Country Information Report Sri Lanka](#)' (paragraph 3.171), 2 May 2024

¹⁵⁴ DFAT, '[DFAT Country Information Report Sri Lanka](#)', (paragraph 3.112), 23 December 2021

¹⁵⁵ DFAT '[DFAT Country Information Report Sri Lanka](#)' (paragraph 3.169), 2 May 2024

¹⁵⁶ DFAT '[DFAT Country Information Report Sri Lanka](#)' (paragraph 3.172), 2 May 2024

¹⁵⁷ Freedom House, '[Freedom on the Net](#)' (Sri Lanka), 4 October 2023

¹⁵⁸ HRCSL, '[Follow up on Recommendation on S365 and 365A of the Penal Code](#)', 13 August 2024

[rights NGO's](#)

- 11.1.9 In the sources consulted CPIT was not able to find specific information on the treatment of gay and bisexual men in Sri Lanka (see [Bibliography](#)).

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11.2 Treatment of lesbian and bisexual women

- 11.2.1 Equal Ground and CIHR's January 2023 submission to CEDAW stated:

'During October 2021, Anoma (pseudonym) a lesbian from Colombo, was forced to marry a man by her father, who claimed the marriage would make her heterosexual. Chathuri (pseudonym) is in a lesbian relationship with Anoma and is married. Chathuri's husband started abusing her physically, sexually, and emotionally after it was revealed to him that she is in a relationship with Anoma. One night in November 2021, he with four other men, kidnapped Anoma and took her to a remote area. There the five men beat her, forcefully removed her clothes, verbally abused her, attempted to rape her, and left her there. Anoma didn't make a complaint about this incident to the police...'¹⁵⁹

- 11.2.2 Equal Ground and CIHR's January 2023 submission to CEDAW stated 'There are no laws in Sri Lanka that protect LB [Lesbian] women from being forced into heterosexual marriages where in many instances they suffer from physical and mental abuse, but these cases remain in the dark as the victims fear further reprisal from the police, law and family. Women forced into heterosexual marriages are also susceptible to marital rape, which is still not treated as a criminal offense under the Penal Code of Sri Lanka.'¹⁶⁰

- 11.2.3 The same Equal Ground and CIHR's submission noted:

'Coming out as a lesbian or bi-sexual woman to one's family may cause backlash among the family members that sometimes result in extreme harassment and often young girls are forced into conversion therapy and psychiatric evaluations against their will. For example, a case was filed against a lesbian woman by her parents seeking a court declaration that their daughter was mentally ill due to her sexual orientation. It was also reported that the 22-year-old girl had been illegally confined at her home by her parents where she was also subjected to abuse and harassment. The court later dismissed the application.

'In another example, two women in a relationship were arrested in Akkaraipattu in June 2022, following a complaint lodged by one woman's father, who had opposed their relationship.

'Meghna (pseudonym), an 18-year-old lesbian, was subjected to physical violence and imprisonment by her parents after they learned she was lesbian and was in a relationship with another woman. In 2019, Meghna and her partner were told by both families to discontinue their relationship. In April 2020, they were caught dating and one of the women was beaten by her mother. Both women's families threatened them with violence, and Meghna was locked in her room during the day. Meghna's parents also threatened to

¹⁵⁹ Equal Ground, CIHR, '[Violations By Sri Lanka](#)' (paragraph 6.5), January 2023

¹⁶⁰ Equal Ground, CIHR, '[Violations By Sri Lanka](#)' (paragraph 6.3), January 2023

bring in doctors to “fix” her sexual orientation.’¹⁶¹

- 11.2.4 The DFAT report 2024, largely repeating information contained in its 2021 report¹⁶² noted:

‘In-country sources told DFAT that lesbian and bisexual women, particularly in rural areas, faced added difficulty being open about their sexuality due to traditional familial expectations and values. In-country sources told DFAT that being a woman in Sri Lanka – as a patriarchal society – was challenging in itself, and the challenge of being a lesbian was greater still. Lesbian women are reportedly pressured by their families into heterosexual marriage and, like most women in Sri Lanka, face harassment in public, including on public transport.’¹⁶³

For information on societal treatment within the workplace see [Employment](#).

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11.3 Treatment of trans and intersex people

- 11.3.1 The APTN report 2020 noted that Sri Lanka was: ‘A country with a strong socially conservative cultural backdrop, [and] trans and gender diverse citizens face multiple forms of systemic marginalisation and stigmatisation... The risk of high levels of violence from within family circles (especially correctional rape), remains a major concern for trans masculine and trans feminine people alike.’¹⁶⁴

- 11.3.2 A blog dated 14 February 2023, on the Global Communities website, an international non-profit organisation, in relation to the establishment of the Jaffna Transgender Network, noted:

“Some of our community members don’t have sustainable shelter and economic resources for their livelihood... says Angel Queentus, a transgender woman who grew up in Jaffna District and describes the challenges she and others have faced as members of the lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) community in Sri Lanka...

“When we were coming up, we faced a lot of direct violence and discrimination from society, in schools, at home and in workplaces,” she says. “... The community didn’t allow us to at least walk on the road. They bullied us and threw stones and other things at us.”

‘These acts of discrimination, an increasing sense of isolation and the overall lack of community resources and organizational support available to transgender people prompted Queentus to start the Jaffna Transgender Network (JTN) in 2019.’¹⁶⁵

- 11.3.3 The USSD report 2023, repeating information from its 2022 report¹⁶⁶ noted: ‘Transgender persons continued to face societal discrimination, including arbitrary detention, mistreatment, and discrimination accessing employment,

¹⁶¹ Equal Ground, CIHR, ‘[Violations By Sri Lanka](#)’ (paragraphs 6.6, 6.7, 6.8), January 2023

¹⁶² DFAT, ‘[DFAT Country Information Report ...](#)’, (3.111, 3.112, 3.113), 23 December 2021

¹⁶³ DFAT ‘[DFAT Country Information Report Sri Lanka](#)’ (paragraph 3.175), 2 May 2024

¹⁶⁴ APTN, ‘[Conversion Therapy Practices in Sri Lanka](#)’ (page 8), 31 March 2021

¹⁶⁵ Global Communities, ‘[Expanding Outreach and Support for the LGBTQI+ ...](#)’, 14 February 2023

¹⁶⁶ USSD, ‘[USSD report 2023](#)’ (section 6), 22 April 2024

housing, and health care.¹⁶⁷ The source did not provide details on the nature of arbitrary detention in the context of societal discrimination. The source did not provide further information on the scale and extent to which LGBTI people experienced societal discrimination specifically in 2023.

- 11.3.4 The Tamil Guardian, an online news site focused on Tamil affairs, information provided by Angel Queentus, the Director of Jaffna Transgender Network noted: ‘Within the Tamil community, particularly the trans community, [we] are not treated even as human beings. In Sri Lanka, we are oppressed because of our Tamil identity and also our trans identity...We are marching today with pride because of the obstacles that we had to face in order to carve out the limited space that we have - from our families, in our schools, at our workplaces. We need to treat people with dignity.’¹⁶⁸
- 11.3.5 The DFAT report 2024 noted ‘Insofar as they are more visible, the risks faced by transgender people, particularly trans women, are more acute...According to in-country sources, it was common for trans women to be beaten by family members or experience physical attacks, verbal abuse and sexual violence from members of the public. Such risks were reportedly more pronounced in Jaffna and Batticaloa, and slightly less so in Colombo.’¹⁶⁹
- 11.3.6 In the sources consulted CPIT was not able to find information on the societal treatment of intersex people in Sri Lanka (see [Bibliography](#)).

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11.4 Conversion therapy

11.4.1 The APTN report 2020 noted:

‘CTPs in Sri Lankan society are best understood by taking stock of the backdrop in which they take place—a society with high levels of gender-based violence. Sri Lankan society normalises violence against children and youth, including corporal punishment in schools and family settings. It is in this context of a “culture of impunity” that practices such as CTPs are widely implemented...

‘CTPs conducted in family circles include emotional and physical abuse, and in some cases, correctional rape...Irrespective of where one is positioned on the gender spectrum, trans and gender diverse people continue to face major threats of conversion practices. CTPs outside family circles often involve faith-based approaches... [including] Buddhism ... Christianity (especially the Catholic Church...), offer CTPs in multiple forms. Many parents, guardians, and elders resort to astrology, horoscope reading, and a variety of supernatural beliefs when seeking external support to make trans and gender diverse youth conform to the gender assigned to them at birth.’¹⁷⁰

11.4.2 The same APTN report noted:

‘Advocates of CTPs in the medical sector face next to no

¹⁶⁷ USSD, ‘[USSD report 2022](#)’ (section 6), 20 March 2023

¹⁶⁸ Tamil Guardian, ‘[Jaffna LGBTIQ+ community holds second annual Pride march](#)’, 13 June 2023

¹⁶⁹ DFAT ‘[DFAT Country Information Report Sri Lanka](#)’ (paragraph 3.173), 2 May 2024

¹⁷⁰ APTN, ‘[Conversion Therapy Practices in Sri Lanka](#)’ (pages 5, 6), 31 March 2021

repercussions...[t]he lack of legal safeguards and monitoring mechanisms provide a carte blanche to individuals who use their position as medical professionals to give expression to their own homophobia and transphobia, by engaging in CTPs. Astrologers, purported adepts of supernatural practises like exorcisms, and medics offering CTPs earn a lucrative income out of the high levels of homophobia and transphobia in Sri Lankan society...

‘As a result of the cultural practice of never questioning one’s elders, the interviews helped shed light on the fact that there exists a great deal of reluctance among trans and gender diverse people affected by CTPs to file cases against their perpetrators. The fear of further violence from law enforcement, ill-treatment and systemic discrimination at the hands of the judiciary, and further repercussions and the transphobia that may follow if their stories were to become public, are among the reasons that keep many trans and gender diverse people from making complaints or taking legal action against perpetrators of CTPs...

‘Despite the lack of clear legislation that protects the rights of trans and gender diverse citizens, certain mechanisms, such as lodging complaints at the Sri Lanka Medical Council, remain open to trans and gender diverse people victimised by CTPs. Respondents repeatedly highlighted the clear need for protective legislation that identifies the harmful consequences of conversion practices and bans them.’¹⁷¹

- 11.4.3 The same APTN report 2020 noted. ‘.. CTPs involving astrologers, soothsayers, practitioners of local forms of exorcisms and black magic, as well as practitioners of western medicine... lead to physical injuries, lasting forms of mental trauma, and in some cases, severe side effects due to the administration of electroshocks and medication.’¹⁷²
- 11.4.4 The Groundviews article by Shihara Maduwage from NGO Equal Ground, published 23 July 2022 noted: ‘It is common for certain hospitals and clinics in Sri Lanka to provide conversion or corrective therapy – the pseudoscientific practice of trying to change an individual’s sexual orientation and gender identity from LGBT to straight (heterosexual). For instance, Suwasevana Hospitals (Pvt) Ltd in Kandy lists homosexuality and transvestitism as conditions that can be treated with its medical hypnosis service.’¹⁷³
- 11.4.5 CPIT used the search tool on the Suwasevana Hospitals website on 23 July 2024 with search terms ‘trans’ ‘transvestitism’ ‘homosexual’, ‘homosexuality’ ‘hypnotherapy’ and ‘hypnosis’. There were ‘no results found’¹⁷⁴.
- 11.4.6 Equal Ground and CIHR’s January 2023 submission to CEDAW stated:
‘Human rights violations pertaining to mental health include the practice of conversion therapy which is a practice that is discredited by the [World Health Organization] ... These conversion therapy practices include administration of medication, shock therapy, and masturbatory reconditioning. These practices are widespread in Sri Lanka. Families on

¹⁷¹ APTN, ‘[Conversion Therapy Practices in Sri Lanka](#)’ (page 7), 31 March 2021

¹⁷² APTN, ‘[Conversion Therapy Practices in Sri Lanka](#)’ (page 8), 31 March 2021

¹⁷³ Groundviews, ‘[Out of the Shadows](#)’ 23 July 2022

¹⁷⁴ Suwasevana Hospitals, [website](#), no date

occasion seek help from medical or mental health providers to “cure” persons who manifest “non-normative tendencies”, which can lead to institutionalization, psychotherapy, medication or detention, in complete violation of these persons' human rights. These forms of treatment are in conflict with Principle 18 of the Yogyakarta Principles [a set of principles that apply international human rights law to sexual orientation and gender identity].¹⁷⁵

11.4.7 The Equal Ground and CIHR’s submission to CEDAW did not provide any further detail on how it defined widespread in terms of numbers, location or specific groups affected within the wider LGBTI terminology¹⁷⁶. It provided a footnote after its assessment that practices were widespread to an article published by Roar media, a digital media platform¹⁷⁷, written by Zahara Dawoodbhoy entitled ‘Homosexuality Is Wrong!': The Chilling Reality of Conversion Therapy In Sri Lanka.¹⁷⁸ The Roar article does not provide the credentials of Dawoodbhoy or provide a bibliography of the sources used.

11.4.8 The USSD report 2023 noted:

‘There were some reports of so-called conversion therapy. According to LGBTIQ+ community members, some parents sent their LGBTIQ+ children to so-called therapy that included forced medication and harmful religious rituals. One activist in an interview said many parents believed their children needed conversion therapy so they could lead a normal life. There were no reports of irreversible “normalization” surgeries performed on children or nonconsenting adult intersex persons.’¹⁷⁹

11.4.9 The DFAT report 2024 noted ‘Conversion therapy’ is permitted in Sri Lanka, and some families are known to forcibly seek curative treatment for LGBTQIA+ family members at dedicated profit-making centres, or through witchcraft.¹⁸⁰

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12. Access to services

12.1 General

12.1.1 The WFD report 2020 noted:

‘In Sri Lanka, official documentation in the form of birth certificates, national identity cards (NICs) and other forms of identity are required at numerous points of daily life and to access numerous services. This includes applying for jobs; accessing financial services; seeking medical care; seeking any service from a public authority; accessing education; and interacting with law enforcement and the justice system...

‘In every instance where official documentation is required in Sri Lanka, a LGBTIQ+ person (and especially a transgender or gender non-conforming person) whose official documents would record the name and sex they were

¹⁷⁵ Equal Ground, CIHR, [‘Violations By Sri Lanka’](#) (paragraph 4.17), January 2023

¹⁷⁶ Equal Ground, CIHR, [‘Violations By Sri Lanka’](#) (paragraph 4.17), January 2023

¹⁷⁷ Roar Media, [‘About us’](#) no date

¹⁷⁸ Roar Media, Dawoodbhoy, Z, [‘Homosexuality Is Wrong!’](#), 11 April 2019

¹⁷⁹ USSD, [‘USSD report 2023’](#) (section 6), 22 April 2024

¹⁸⁰ DFAT [‘DFAT Country Information Report Sri Lanka’](#) (paragraph 3.171), 2 May 2024

assigned at birth which may not match their actual name and gender identity (and gender presentation) is vulnerable to humiliation, discrimination, harassment and the prospect of violence. An inability to obtain official documents reflecting their correct name and gender designation is a major contributing factor to LGBTIQ+ Sri Lankans being unable to access healthcare, education, employment and other services, as well as being exposed to violence and other ill treatment and abuse. In effect, the lack of correct documentation forces many LGBTIQ+ Sri Lankans to live their lives without accessing services contingent on, or avoiding situations requiring, such documentation - in other words, in a different plane of socialisation to other Sri Lankans.¹⁸¹

- 12.1.2 The USSD report 2023 noted ‘Transgender persons continued to face societal discrimination, including mistreatment, and discrimination accessing employment, housing, and health care.’¹⁸²
- 12.1.3 The WFD report 2023 noted ‘The failure of the state to fulfil the right to adequate housing, particularly of LGBT+ young people, curtails their rights to education and, consequently, to employment. Lack of job security forces many LGBT+ Sri Lankans to earn a living in the informal sector, leaving them unable to obtain secure tenancies, loans or government housing.’¹⁸³
- 12.1.4 The DFAT report 2024 noted ‘In-country sources reported that transgender people and openly gay and lesbian people experienced discrimination and bullying in the workplace, education and healthcare...Discrimination, violence and bullying of transgender children is reportedly common in schools, and many do not complete their studies.’¹⁸⁴

See also [Societal treatment, violence, and discrimination](#)

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12.2 Healthcare

- 12.2.1 The APTN report 2020 noted ‘Despite a public declaration that homosexuality is not a mental illness, the Sri Lanka College of Psychiatrists continues to remain opposed to many aspects of trans rights, including the implementation of a system of gender recognition based on informed consent and self identification. Their hostility remains a key factor that helps strengthen the hands of medics who openly practice CTPs.’¹⁸⁵
- 12.2.2 The DFAT report 2024 noted: ‘In August 2021, the Sri Lanka College of Psychiatrists, the main medical body on mental health and psychiatry, declared that it did not consider homosexuality a mental illness and called for its decriminalisation.’¹⁸⁶
- 12.2.3 The Groundviews article by Shihara Maduwage from NGO Equal Ground, published 23 July 2022 noted
‘Last year, EQUAL GROUND received a complaint from a gay man in his

¹⁸¹ WFD, ‘[Rethinking laws and policies that leave LGBTIQ+ Sri Lankans ...](#)’ (page 93), 29 June 2021

¹⁸² USSD, ‘[USSD report 2023](#)’ (section 6), 22 April 2024

¹⁸³ WFD, ‘[Examining lived experiences of LGBT+](#)’ (Executive Summary), 14 November 2023

¹⁸⁴ DFAT ‘[DFAT Country Information Report Sri Lanka](#)’ (paragraph 3.172, 3.173), 2 May 2024

¹⁸⁵ APTN, ‘[Conversion Therapy Practices in Sri Lanka](#)’ (pages 6, 7), 31 March 2021

¹⁸⁶ DFAT ‘[DFAT Country Information Report Sri Lanka](#)’ (paragraph 3.68), 2 May 2024

mid-twenties, who sought treatment at a mental health clinic in a state run hospital. The psychiatrist who was supposed to treat his mental health issues reprimanded him, claiming that homosexuality was unnatural and it was the cause of all his problems. He went on to pressure Kamal to change himself if he wants to be helped and claimed that no medical professional in the world would be able to assist him with his mental health issues if he continued to be gay...

'[however]... the Sri Lanka College of Psychiatrists (SLCP), the country's main medical body on mental health and psychiatry, last year stated that it does not consider homosexuality a mental illness and called for its decriminalisation.'¹⁸⁷

12.2.4 Sri Lanka's National Gender Equality and Women's Empowerment Policy 2023-2033, published on 12 March 2023 noted that:

'Despite services, legal barriers continue to prevent women and persons with different sexual orientations and gender identities from accessing essential and life-saving health services. The basic health needs of LGBTIQ+ people and the general population are the same, yet their sexual orientation and gender identity acts as a barrier in accessing health related information and services, including reproductive health. They often avoid or delay receiving health care, receive inappropriate or inferior care, face discrimination and prejudice when accessing services and may not be treated with confidentiality in health care settings. Yet, there is greater visibility of LGBTIQ+ persons in HIV/AIDS and sexually transmitted disease prevention intervention programmes, which poses a barrier to recognizing their need for general health and reproductive health services and may also reinforce negative stereotypes...'¹⁸⁸

12.2.5 The WFD report An Exploration of Inclusion Gaps: An Assessment of the Health Sector, published in September 2023 conducted qualitative research through 9 focus groups and key person interviews in 4 areas of Sri Lanka and additional consultation with government officials, healthcare providers, development organisations and LGBTQIA community organisations¹⁸⁹. The report noted:

'Health services which are accessed by the LGBTQIA+ community apart from general healthcare include STD/STI clinics which also include care for HIV/AIDS, trans healthcare, and mental health. This, however, does not mean that one's sexual orientation and gender identity/ expression does not affect their access to general healthcare, and this is especially the case if you are "visibly queer" [This would include any behaviour, appearance through clothing, or physical features which are perceived to be transgressing the boundaries of heteronormativity]...

'Although the respondents were not aware of mental health care providers specifically specialised in LGBTQIA+ persons, the availability of counsellors at the STD/STI clinics was mentioned... Sri Lanka, at the moment, has five dedicated clinics for trans healthcare. These clinics can be found at the

¹⁸⁷ Groundviews, '[Out of the Shadows](#)' 23 July 2022

¹⁸⁸ UNFPA, '[National Policy on Gender Equality](#)' (page 28), 12 March 2023

¹⁸⁹ WFD, '[An Exploration of Inclusion Gaps](#)' (Methodology), September 2023

Kandy National Hospital, Jaffna Teaching Hospital, Karapitiya Teaching Hospital, Kalubowila Teaching Hospital, Ragama (Colombo North) Teaching Hospital, and Mulleriyawa (Colombo East) Base Hospital where the main trans clinic referred to as Navodya clinic can be found. It was reported in the first phase of this study that procedures for medical ... were provided at some of these clinics ... however, this current phase of data collection revealed that medical surgeries for trans persons were only carried out in government hospital in the country once as a test.¹⁹⁰

12.2.6 Equal Ground and CIHR's January 2023 submission to CEDAW stated:

'The right to health is disproportionately denied to those of LGBTQ status. In particular, the provision of reproductive and sexual health care in Sri Lanka does not consider the particular needs or experiences of LGBTQ women. This is compounded by the fact that because same-sex activity is still criminalized, people are less likely to be honest and transparent about their medical and personal histories to public healthcare providers, and as a result they are denied confidential and appropriate healthcare services.'¹⁹¹

12.2.7 The same report noted in respect of gender recognition for trans people 'Hormone treatment and gender confirmation surgery services are scarce and expensive...'¹⁹²

12.2.8 The USSD report 2023 noted 'The Ministry of Health provided specialist psychiatric services to the transgender community... Medical gender reassignment procedures were free and covered by the health system, but human rights organizations reported in practice it was difficult to find doctors who understood transgender matters and provided adequate care. They stated sometimes hormone treatment was not available.'¹⁹³

12.2.9 The DFAT report 2024 noted:

'While it is broadly possible for transgender people to access healthcare, they often experience harassment and judgmental comments by medical personnel. The Ministry of Health provides specialist psychiatric services to the transgender community...In-country sources told DFAT that hormone treatment and sex reassignment surgery services were scarce and expensive. They reported that parental consent was required by hospitals for sex reassignment surgery even where the patient was an adult, which created barriers to access. Many people reportedly went to India for surgery. Although post-operational care was available in Sri Lanka, it was inadequate. In June 2023, in-country sources reported that injections required by trans men were unavailable.'¹⁹⁴

12.2.10 For more information on access to healthcare see the Country Policy and Information Note on [Sri Lanka: Medical treatment and healthcare](#)

See also [Conversion therapy](#)

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¹⁹⁰ WFD, '[An Exploration of Inclusion Gaps](#)' (page 13), September 2023

¹⁹¹ Equal Ground, CIHR, '[Violations By Sri Lanka](#)' (paragraph 4.16), January 2023

¹⁹² Equal Ground, CIHR, '[Violations By Sri Lanka](#)' (paragraphs 2.10, 2.11, 2.12, 2.13), January 2023

¹⁹³ USSD, '[USSD report 2023](#)' (section 6), 22 April 2024

¹⁹⁴ DFAT '[DFAT Country Information Report Sri Lanka](#)' (paragraph 3.173, 3.174), 2 May 2024

12.3 Employment

12.3.1 A study conducted by Equal Ground and published in 2021, in which 193 LGBTIQ employees in various sectors were surveyed found that:

‘...though the majority of the respondents completed tertiary level education (undergraduate-31%, postgraduate-24%), most of them are not employed at higher than entry level jobs. When the respondents were asked if they are ‘out’ at their workplaces, 42% responded in the negative. This is also because half of the respondents (50%) believed that if they reveal their Sexual Orientation and/or Gender Identity/Expression (SOGIE) at the workplace, they might face more stigma and discrimination.’¹⁹⁵

12.3.2 The same study found:

‘The respondents were subsequently asked if they have a supportive and non-discriminative work environment. To this, 38% of the respondents gave a negative response. With regard to employment opportunities and benefits, 16% said they experienced discrimination during job interviews, 10% said they have been denied employment benefits (i.e. salary increments, promotions, transfers etc.), and 3% confirmed that they were terminated from jobs due to their SOGIE. It should be noted here that the percentages of such discriminatory behavior are low because most of the respondents did not reveal their SOGIE to anyone at the workplace. Moreover, when respondents were asked if they can complain to the management about such rights violation incidents at the workplace, 56% said they cannot because they fear facing more reprisals.

‘Respondents were further asked if they ever encountered any type of harassment at their workplaces. 58% stated that they have experienced verbal harassment...31% said they have experienced sexual harassment, ... When respondents were asked if they can complain to the management ... 44% said they cannot because they fear facing more reprisals. This indicates that even if LGBTIQ employees experienced verbal and/or sexual harassment at their workplace, they chose to remain silent because of the fear facing increased discrimination and/or stigmatisation. Consequently, 23% of the respondents also mentioned leaving their jobs due to psychological and emotional harassment...’¹⁹⁶

12.3.3 The WFD report - Examining lived experiences of LGBT+ Sri Lankans on housing, education, and employment, 14 November 2023 (The WFD report 2023) a qualitative study using group discussions with nearly 60 LGBT+ Sri Lankans across four districts, noted:

‘... reductive cultural norms and binaries...are...found in the workplace and often reduce LGBT+ employees’ willingness and/or ability to remain at work. ... behaviours that don’t fit within strict gendered stereotypes often result in ridicule, harassment and, in some cases, sexual violence by colleagues with little to no recourse for the LGBT+ employee but to seek remedy or other employment. The legislative framework does little to guarantee the rights of LGBT+ employees. There is nothing in the Constitution of Sri Lanka or any specific law that instructs employers to insist on gendered binaries in matters

¹⁹⁵ Equal Ground, ‘[A study on workplace discrimination: ...](#)’ (page 11), 2021

¹⁹⁶ Equal Ground, ‘[A study on workplace discrimination: ...](#)’ (pages 11, 12), 2021

of dress, appearance, mannerisms and, in some cases, types of employment. If insisting on gendered uniforms, appearance and behaviours can be understood as infringing on the fundamental right to freedom of expression, then, under the Constitution, no law may permit such infringement.’¹⁹⁷

12.3.4 The WFD report 2023 also included testimony from individuals about their experiences in the workplace.¹⁹⁸

12.3.5 The DFAT 2024 report noted ‘Employers can be reluctant to hire transgender people, and DFAT is aware of accounts of transgender people being dismissed from their jobs because of their gender identity.’¹⁹⁹

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12.4 Housing

12.4.1 The WFD report 2023 noted:

‘Many LGBT+ people do not enjoy... [the] right [to live without the danger of being evicted or the fear of harassment that forces them to leave], particularly when the discrimination they face because of their perceived or known [SOGIE]... intersects with inequalities such as economic status, location, education, employment and so on. Many live in informal tenancy arrangements. Where there is some form of written agreement, there is little chance of enforcing it...

Though Article 12(3) of the Constitution prohibits the denial to any person of access to shops, hotels, restaurants, and so on, based on prohibited grounds of discrimination such as ... sex, and others, this prohibition does not include buildings on the market for sale or rent. In practice, it is common for classified advertisements for properties available to buy or rent to openly state preferences as to race, religion, sex, professional status, marital status and other matters. Such criteria have disparate impacts on various at-risk groups, including LGBT+ Sri Lankans.’²⁰⁰

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13. LGBT groups, civil society and human rights NGO’s

13.1 Existing organisations

13.1.1 A blog dated 14 February 2023, on the Global Communities website, an international non-profit organisation, in relation to the establishment of the Jaffna Transgender Network, noted:

‘... [Angel] Queentus [a trans woman]... start[ed] the Jaffna Transgender Network (JTN) in 2019, with the help of her transgender friends and gender-nonconforming people from Jaffna.

‘With no safe space for gathering and no funding opportunities or assistance, the group mobilized support from the transgender community and young people across Sri Lanka through social media. Eventually, the organization

¹⁹⁷ WFD, ‘[Examining lived experiences of LGBT+](#)’ (Executive Summary), 14 November 2023

¹⁹⁸ WFD, ‘[Examining lived experiences of LGBT+](#)’ (pages 41, 42, 43), 14 November 2023

¹⁹⁹ DFAT ‘[DFAT Country Information Report Sri Lanka](#)’ (paragraph 3.173), 2 May 2024

²⁰⁰ WFD, ‘[Examining lived experiences of LGBT+](#)’ (pages 41, 42, 43), 14 November 2023

grew from Queentus and her small group of friends to nearly 30 members, including transgender people from Batticaloa, Kandy and Puttalam districts. The group mainly collaborated online and began working towards educating those in their communities on the challenges facing transgender and other LGBTQI+ people.²⁰¹

13.1.2 The DFAT report 2024 noted:

‘While the LGBTQIA+ community has some support mechanisms, these are limited overall and are concentrated in urban areas. A small number of local NGOs support LGBTQIA+ rights, through advocacy or provision of services. The most prominent, Equal Ground, based in Colombo, provides legal aid and mental health counselling to members of the LGBTQIA+ community. It also operates a helpline, available in Sinhala, Tamil and English, including separate lines for lesbian women and transgender people. In 2021, Equal Ground was active in 18 of Sri Lanka’s 25 districts, and more than 50 towns and villages across the country. There is one LGBTQIA+ shelter in the country (in Colombo). Women’s shelters do not accept trans women.’²⁰²

13.1.3 [Equal Ground](#), founded in 2004, are an organisation based in Sri Lanka who fight for the equal rights for the LGBTIQ community. Information on their work can be found on their website²⁰³.

13.1.4 [Venasa Transgender Network \(VTN\)](#), founded in 2015, is a non-profit organisation working for equal rights and legal and social recognition for the trans community in Sri Lanka²⁰⁴

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13.2 State treatment

13.2.1 According to DFAT, although not referring specifically to LGBTI organisations, generally most NGOs can operate freely in Sri Lanka²⁰⁵.

13.2.2 Outright International noted:

‘Sri Lanka is a socially conservative state where any form of LGBTQ advocacy faces substantive challenges....In such a context, the LGBTQ community has made significant forward strides despite persistent challenges and backlash from the state, elements of the general public, and religious establishments. It is against this backdrop that the 2022 Pride march and the 2023 Freedom Pride Parade represent historic milestones not only in LGBTQ rights advocacy, but also in the broader sphere of human rights advocacy in general.’²⁰⁶

13.2.3 The ILGA Asia article of 29 November 2023, noted:

‘Progress for LGBTIQ rights in Sri Lanka has been hard-won and incremental. In 2018 founder of EQUAL GROUND, Rosanna Flamer-Caldera won a case at the Committee on the Elimination of Discrimination against Women (CEDAW) challenging the criminalization of bisexual and lesbian

²⁰¹ Global Communities, [‘Expanding Outreach and Support for the LGBTQI+ ...’](#), 14 February 2023

²⁰² DFAT [‘DFAT Country Information Report Sri Lanka’](#) (paragraph 3.176), 2 May 2024

²⁰³ Equal Ground [‘Who we are’](#), no date

²⁰⁴ Planet Romeo Foundation, [‘Venasa Transgender Network’](#), no date

²⁰⁵ DFAT [‘DFAT Country Information Report Sri Lanka’](#) (paragraph 3.124), 2 May 2024

²⁰⁶ Outright International, [‘We Remain Resilient’](#), (Section 2) June 2023

women in Sri Lanka under Section 365A. The Committee ruled in favour of Rosanna declaring that decriminalization of consensual same-sex relations is “essential to prevent and protect against violence, discrimination and harmful gender stereotypes”. The Committee called upon the Sri Lankan government to repeal Section 365A and pass comprehensive measures to protect LGBTI individuals from discrimination.’²⁰⁷

- 13.2.4 The USSD report 2023 noted ‘There were no reported restrictions of freedom of expression, association, or peaceful assembly regarding LGBTQI+ matters.’²⁰⁸

See also [Statutory laws](#), [Treatment of trans and intersex people](#), [Gay ‘scene’ or ‘community’](#)

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13.3 Gay ‘scene’ or ‘community’

- 13.3.1 Global Voices, an international, multilingual community of writers, translators, and human rights activists, reported in a June 2023 article:

‘The first LGBTQ+ Pride event [was held in Sri Lanka](#) privately in 2005 and attended by around 300 people. Over the past decade, Sri Lanka has witnessed a growing movement for LGBTQ+ rights. The community supported by the non-profit organisation Equal Ground started to hold public Pride events in annual intervals and they received good responses despite some resistance. In last year’s [2022] event, certain streets of the capital Colombo were painted in vibrant rainbow colours for the first time.

‘This year also there were a series of vibrant and empowering Pride events spearheaded by Equal Ground and various other LGBTQ+ organisations advocating for equality and demanding an end to discrimination. ... The first event of the month was the 2023 Freedom Pride Parade which [took place](#) on Sunday June 4, from Viharamahadevi Park in Colombo. The participants held rainbow flags and placards calling for an end to the police harassment of LGBTQ+ people, and for their equal treatment. They also called for a ban of conversion therapies ... On June 22, the Young Activists Collective staged a tri-lingual episode play titled “Closet Cases” as part of the month-long celebrations.’²⁰⁹

- 13.3.2 Outright International noted:

‘...the Pride march of 2022 took place on 25 June. This march was preceded by a Rainbow Pride Walk organized on 11 June by LGBTQ groups based in Jaffna...

‘This Pride march was built upon previous LGBTQ activism... As one commentator noted, this march was the first of its kind, in the sense that it was a large-scale Pride march, during Pride month, which was part of a broader political movement. The march was attended by a broad spectrum of people representing diverse sexual orientations, gender identities and expressions, and sex characteristics...While the Pride marches in Colombo

²⁰⁷ ILGA Asia, ‘[Sri Lanka: Amendment in Police Guidelines...](#)’, 29 November 2023

²⁰⁸ USSD, ‘[USSD report 2023](#)’ (section 6), 22 April 2024

²⁰⁹ Global Voices, ‘[Sri Lanka’s LGBTQ+ community holds Pride events demanding ...](#)’, 26 June 2023

and Jaffna faced no physical obstacles, they were not immune to wide-ranging opposition both on and off social media...

'...the organizers of the 2022 Pride parade managed to prevail, and they hosted an even bigger Pride parade in Colombo on 4 June 2023. The 2023 parade, named the Freedom Pride Parade...The 2023 Parade led to high levels of abuse against the LGBTQ people, especially on social media platforms.'²¹⁰

- 13.3.3 The Tamil Guardian reported on 13 June 2023 'The LGBTIQ+ community in Jaffna held their second annual Pride March on June 10th [2023]...The march was a peaceful and joyous event. It was a celebration of diversity and a protest against oppression. The LGBTIQ+ community in Jaffna is sending a message that they will not be silenced. They will continue to fight for their rights and for the right of all people to be treated with dignity and respect.'²¹¹
- 13.3.4 EFE, a Spanish daily global news service reported on the Pride celebration in Colombo on 16 June 2024. The article noted
- 'Activists for equal rights in Sri Lanka gathered in Colombo on Sunday to celebrate Pride Month and demand urgent changes, including the repeal of the law that criminalizes homosexuality. This marks the third consecutive year that the community has taken to the streets...
- 'Navoda [a non-binary person who identifies as feminine] expressed her satisfaction at participating in the Pride march, which she has attended since the Aragalaya popular movement in 2022—a wave of street protests triggered by the economic crisis that led to the government's collapse. "I feel that after the Aragalaya, Colombo is a safer place for us. There is more exposure to the LGBT+. There was awareness about the queer community for cops (police) too. There is a positive change," Navoda said.'²¹²
- 13.3.5 Both the DFAT 2021 and 2024 reports noted that larger urban centres have larger support networks and LGBTI communities, and that LGBTI people have relocated to Colombo^{213 214}.
- 13.3.6 The DFAT report 2024 noted 'In-country sources told DFAT they could speak more openly today about LGBTQIA+ issues and had greater freedom to organise LGBTQIA+ events...'²¹⁵.
- 13.3.7 The following images are from the June 2024 EFE report²¹⁶:

²¹⁰ Outright International, '[We Remain Resilient](#)', (Section 2) June 2023

²¹¹ Tamil Guardian, '[Jaffna LGBTIQ+ community holds second annual Pride march](#)', 13 June 2023

²¹² EFE, '[Dozens march in Colombo](#)', 16 June 2024

²¹³ DFAT, '[DFAT Country Information Report Sri Lanka](#)', (paragraph 3.112), 23 December 2021

²¹⁴ DFAT '[DFAT Country Information Report Sri Lanka](#)' (paragraph 3.169), 2 May 2024

²¹⁵ DFAT '[DFAT Country Information Report Sri Lanka](#)' (paragraph 3.169), 2 May 2024

²¹⁶ EFE, '[Dozens march in Colombo](#)', 16 June 2024



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Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2024. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Commentary may be provided on source(s) and information to help readers understand the meaning and limits of the COI.

Wherever possible, multiple sourcing is used and the COI compared to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Geography and demography
 - General context
 - LGBTI people
- Legal context
 - constitution
 - statutory laws
 - Other legal provisions affecting LGBTI people
- State attitudes and treatment
 - Official views on sexual orientation and gender identity
 - Treatment of LGBTI people (differentiated where possible)
 - Arrests and prosecutions including data
 - Ombudsman/Complaints' mechanisms
- Societal norms
 - Attitudes including any public surveys / data
- Societal treatment
 - Treatment of LGBTI people (differentiated where possible)
 - Conversion therapy
- Access to services
 - Healthcare
 - Employment
 - Housing
- LGBTI groups, civil society and human rights NGO's
 - Existence
 - State treatment of civil society, NGO's and LGBTI groups
 - Gay 'scene' or 'community'

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Version control and feedback

Clearance

Below is information on when this note was cleared:

- version **6.0**
- valid from **27 September 2024**

Official – sensitive: Not for disclosure – Start of section

The information in this section has been removed as it is restricted for internal Home Office use only.

Official – sensitive: Not for disclosure – End of section

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Changes from last version of this note

Updated country information and assessment

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Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team.

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The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support them in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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