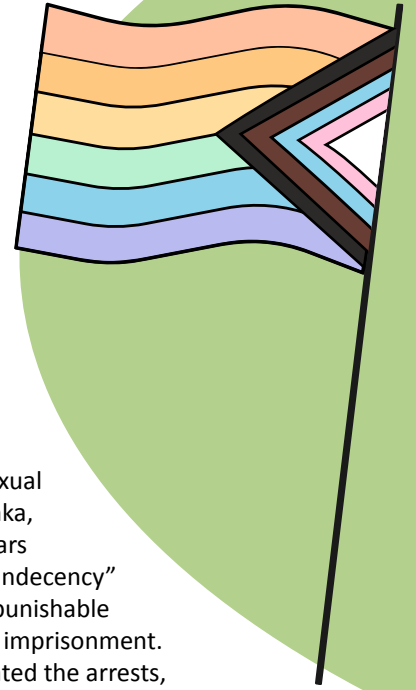


# Pride Guide | Sri Lanka



The Australian Volunteers Program strives to provide a safe, supportive and equitable environment for LGBTIQ+ volunteers, approved accompanying dependents, partner organisations and all program staff. The Australian Volunteers Program has supported volunteers with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) in all program countries and has ongoing connections with community organisations in almost every country we work in.

Diverse SOGIESC program participants must be aware of the country context before undertaking an assignment. This guide is designed to introduce some key issues related to people with diverse SOGIESC and their participation in the program.

## If you are a volunteer with diverse SOGIESC, you will need to:

- Do your own research. You will be required to follow the local laws, even if you disagree with them.
- Understand what the local law says you can and can't do when in-country;
- Be aware of what the legal protections are for LGBTIQ+ people in your destinations;
- Consider whether or not you are comfortable living and working in a place where you may be discriminated against and unable to live as openly as you can in some parts of Australia.

## Language

Terminology may differ across urban and rural contexts, and across provinces or ethnic and cultural groups. Information sourced online can be outdated or inaccurate. For current and accurate information, please confirm with an appropriate diverse SOGIESC Civil Society Organisation (CSO) or ask your in-country team.

## Legal and policy context

Adult consensual same-sex sexual acts are criminalised in Sri Lanka, with a penalty of up to ten years imprisonment. Acts of “gross indecency” between women or men are punishable with a maximum of two years imprisonment. In 2020, several reports indicated the arrests, forced examinations and prosecution on the basis of homosexuality.<sup>1</sup> Same-sex marriages and civil unions are not recognised by the State.

There are no specific laws that criminalise transgender or intersex people, however the aforementioned laws and laws criminalising the impersonation of another person have been used to target transgender people. However, there is a national gender certification process that allows transgender people to change their national identification to that of their current gender

In 2017, during the Universal Periodic Review, the government ‘noted’ recommendations to decriminalise same-sex relations and accepted six recommendations to combat societal discrimination. In 2021, Sri Lankan President Gotabaya Rajapaksa stated his determination to “secure everybody’s right to live life with dignity regardless of age, gender, sexuality, race, physical appearance and beliefs”.<sup>2</sup> However, any human rights work that is perceived as challenging the government may be met with surveillance, intimidation or violence. The Ministry of Defence regulates CSOs, which may hold implications for civil society working on diverse SOGIESC issues.

## Discrimination

No legal protections exist for people with diverse SOGIESC in Sri Lanka. This includes a lack of constitutional protections and laws that protect against SOGIESC discrimination, laws that protect against SOGIESC discrimination in employment, and laws that protect against hate crimes, incitement to hatred, violence or discrimination based on one’s SOGIESC. A lack of legal gender recognition for transgender individuals on identity cards can lead to exclusion from housing, employment, healthcare, government benefits and travel.

<sup>1</sup> ILGA World, State-Sponsored Homophobia. Global Legislation Overview Update (Geneva: ILGA, 2020), 136.

<sup>2</sup> Star Observer, “In a first, Sri Lankan President acknowledges LGBT rights,” International News, published March 3, 2021, <https://www.starobserver.com.au/news/201090/201090>.

## Cultural and societal attitudes

In Sri Lanka, traditional ideas about family and patriarchy are deeply entrenched, which can lead to male dominance and violence. Discrimination and violence against Tamil communities is sanctioned by the government, and diverse SOGIESC Tamil groups are disproportionately at risk of state-sanctioned violence.

Conflict-related sexual violence (CRSV) persists in Sri Lanka. One multi-country study<sup>3</sup> found that in post-conflict settings, diverse SOGIESC communities often experience harassment and hide their identities to avoid abuse. It is also common for people with diverse SOGIESC in Sri Lanka to conceal their identities from their family. Lesbian women, bisexual women and transgender people often experience emotional violence from family members<sup>4</sup> and gay men experience physical violence from their family.<sup>5</sup>

In 2018, Sri Lanka's diverse SOGIESC community held one of its most public demonstrations in retaliation to derogatory comments and incitement to homophobic hatred made by Former President Maithripala Sirisena.

## Health and wellbeing

Primary healthcare is provided by the State in Sri Lanka, however criminalisation makes people with diverse SOGIESC vulnerable to health and human rights violations. Healthcare workers may take advantage of the discriminatory laws that are in place. A lack of confidentiality and SOGIESC-specific care also hinders the community from accessing health services. Mental health services with diverse SOGIESC-trained specialists do not exist. In some instances, families use conversation therapy and seek assistance from religious leaders, doctors, healers and mental healthcare professionals to "cure" their relative of their sexuality or gender identity. Hormone replacement therapy and gender-affirming surgeries are not available for transgender people.

HIV rates are low in Sri Lanka, with vertical transmission successfully eliminated. For those living with HIV, leading health insurance companies now cover HIV-related medical costs, providing access to treatment and care.

Youth with diverse SOGIESC face significant barriers to receiving an education. In a 2012 study<sup>6</sup>, 75% of students with diverse SOGIESC had been dismissed, suspended or prevented from attending school because of their identities. Sexual education is not taught as part of the curriculum, and does not include diverse SOGIESC topics.

## Media

Government-controlled media channels have been used as a weapon to disseminate negative perceptions about people with diverse SOGIESC, in many instances inciting violence against them.<sup>7</sup>

Diverse SOGIESC activists and community members use media platforms to expose homophobic attitudes amongst civil society and government. This was seen in 2018 with the public denouncement of the Prime Minister's homophobic incitement to hatred.<sup>8</sup>



3 Ligia Kiss et al., "Male and LGBT survivors of sexual violence in conflict situations: a realistic review of health interventions in low- and middle-income countries," *Conflict and Health* 14, no. 11 (2020): 2.

4 IGLHRC, *Violence Through the Lens of Lesbians, Bisexual Women and Trans People in Asia* (New York: IGLHRC, 2014).

5 Stefan Arestis, "Gay Sri Lankan boy Kaluu tells us about gay life in Sri Lanka," Interview, published January 22, 2021, <https://nomadicboys.com/gay-life-in-sri-lanka/>.

6 [https://ilga.org/downloads/submission\\_to\\_IE\\_SOGI\\_Data\\_Collection\\_June2019.pdf](https://ilga.org/downloads/submission_to_IE_SOGI_Data_Collection_June2019.pdf)

7 IGLHRC, *Violence Through the Lens of Lesbians, Bisexual Women and Trans People in Asia* (New York: IGLHRC, 2014), 2.

8 ILGA World, *State-Sponsored Homophobia* (Geneva: ILGA, 2019), 137.