



HUMAN RIGHTS VIOLATIONS

FACED BY THE LGBTQ PEOPLE IN SRI LANKA

(August 2021 – March 2023)

An analysis by BRIDGE

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SECTION 1: **TERMINOLOGY**

LGBTQ:	LGBTQ is an acronym for lesbian, gay, bisexual, transgender, and queer or questioning
Lesbian:	A woman who is physically, emotionally, and / or spiritually attracted to other women.
Gay:	A person physically, emotionally, and / or spiritually attracted to someone of the same sex. Usually used to describe men loving men and frequently used to identify the whole LGBTIQ community- as in 'Gay Community'.
Bisexual:	A person physically, emotionally, and / or spiritually attracted to both men and women.
Transgender:	A person whose sense of personal identity and gender does not correspond with their birth sex.
Questioning:	A person who is questioning their sexuality or gender identity.
Queer:	A word that describes sexual and gender identities other than straight and cisgender. Lesbian, gay, bisexual, and transgender people may all identify with the word queer.
Survivors:	The LGBTQ persons who have suffered human rights violations are referred to in this brief as survivors.
Perpetrators:	The identified individuals who have been responsible for subjecting the survivors to human rights violations are referred to as perpetrators

Documentation Officers (DOs) :	These are Field officers working in the grassroots with YOH & NTN, tasked with finding survivors. These DOs are often members of the community with connections within the community and / or substantial social media influence.
Fundamental rights :	Fundamental rights are the human rights declared and recognized by the Constitution of the Democratic Socialist Republic of Sri Lanka and as per (Article 4(d)) of the Constitution of the Democratic Socialist Republic of Sri Lanka, they "shall be respected, secured and advanced by all the organs of government, and shall not be abridged, restricted or denied save in the manner and to the extent provided by the Constitution." These rights are set out in Chapter III of the Constitution and include Articles 11, 12, 13, and 14.
Common crimes :	Common crimes are criminal offenses that are committed against persons. The bulk of the common crimes are defined in the Penal Code Ordinance No. 2 of 1883 of Sri Lanka and some others are defined in legislation such as the Motor Traffic, Act, No. 8 of 2009, the Vagrants Ordinance of 1842, etc.
Identifying factors:	These are the various factors the survivors have in common such as age, gender, sexual orientation, geographical location, economic status, etc.
Out status:	If the survivor is publicly open about their sexual orientation / gender identity.
Minority ethnic groups:	This refers to the minority ethnic groups in Sri Lanka, and in this Data Brief includes Tamils and Muslims among others, mostly concentrated in the Northern and Eastern Provinces of Sri Lanka.

SECTION 2: **INTRODUCTION**

Individuals in Sri Lanka are protected from discrimination based on 'sex' and "other such grounds" under Article 12(2) of the Constitution (enacted in 1978). However, "carnal intercourse and acts of 'gross indecency between same-sex individuals (described in law as "acts against the order of nature") are criminalized under Section 365 and Section 365A of Sri Lankan Penal Code, 1833, thus, criminalising consensual same-sex sexual acts regardless of the gender of those involved. These penal laws together with various social stigmas, have subjected LGBTQ individuals to an array of prejudices, injustices, and violence for decades. While the movement towards the decriminalisation of same - sex relationships has grown in strength since it emerged in the late 1990s, these legal, political and social barriers remain.

The objectives of this data analysis brief are as follows;

- To analyse the offenses and human rights violations committed against a cross-section of the LGBTQ community based on their sexual orientation or gender identity and expression.
- To provide quantitative analysis of the key issues faced by members of the community, the common denominators relating to the most prevalent type of human rights violations, and the perpetrators of the said violations.
- To support the work and strengthen the knowledge of local activists, lawyers, and human rights defenders in understanding domestic issues faced by the LGBTQ community.
- To effectively engage with the Human Rights Commission of Sri Lanka (HRCSL) and UN human rights mechanisms along with the UN Independent Expert on Sexual Orientation and Gender Identity and Expression.
- To focus on overcoming challenges imposed by the current legal framework and facilitating the overall promotion and protection of the human rights of the LGBTQ community.

SECTION 3:

METHODOLOGY

The Data brief quantitatively analyses 235 Human Rights Violations (HRV)), collected throughout two years with the help of two organizations Young Out Here (YOH) and the National Transgender Network (NTN). It aims to analyse the issues faced by the LGBTQ community of Sri Lanka.

YOH & NTN collected the cases in the form of interviews by Documentation Officers ('DO's of the respective organisations, both YOH & NTN have 10 DOs each). The DOs have used their contacts and reached out to the survivors. Following this they have conducted interviews with the survivors and gathered information by filling the information gathering sheets drafted by the Local Legal Advisor of YOH & NTN regarding the HR violations committed against them. Cases where the survivors have consented to submit to the police or the Human Rights Commission have been submitted to those institutions with Written Consent and the remaining have been recorded for documentation.

BRIDGE took measures to gather cases from the North-East including communicating with networks already in place. Unfortunately, there are only two documentation officers located in the North and East regions of the country thus the resources to collect data from these regions of the country are limited. In 2022-23 BRIDGE succeeded in building relationships with the networks to gather relevant information from the North - East. The provided data must be understood in this context.

The Data Brief will identify the prevalent violations against LGBTQ persons in Sri Lanka, with the use of the identified cases, and quantify the survivors based on common denominators such as age, gender, sexual orientation, geographical location, economic status, type of violation, remedy sought, etc and identify key findings.

SECTION 4: **EXPLANATION**

1.2 What are Human Rights Violations?

Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. Fundamental rights are human rights recognized by the Constitution.

The Constitution of the Democratic Socialist Republic of Sri Lanka declares and recognises the Fundamental Rights of Citizens protected under the Laws of the Country¹. Article 4(d) of the Constitution is directed at all organs of the government and aims to uphold the sovereignty of the people by respecting and securing their fundamental rights. These rights are protected through Chapter III of the Constitution and is outlined in Articles 10, 11, 12, 13, and 14 under the same Chapter and include the right to thought, conscience, and religious liberty (Article 10), protection against, cruel, inhumane, or humiliating treatment (Article 11), given equal protection under the law and not discriminated against based on race, religion, language, caste, sex, political stance, or place of birth (Article 12(1)& Article 12(2),), protected against unlawful arrests and detention and the right to a fair trial (Article 13 (1), Article 13(2) & Article 13(3) and the presumption of innocence until proven guilty (Article 13(5), right to free speech, freedom of assembly, the right to join Trade Unions, etc., and the right to information (Article 14).

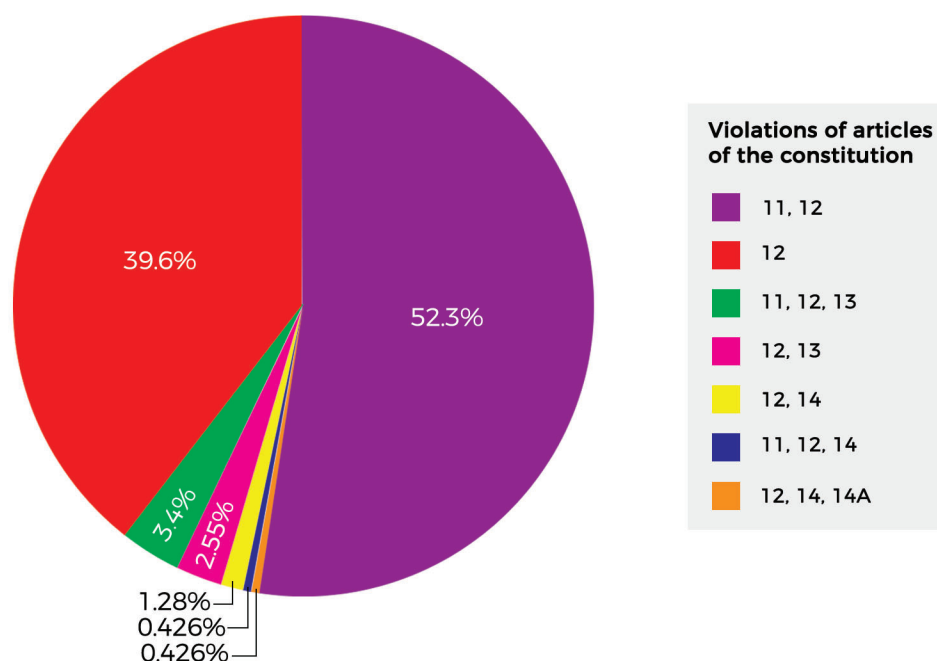
¹(Article 4(d)) of the Constitution of Sri Lanka: Fundamental rights that "shall be respected, secured, and advanced by all institutions of Government, and shall neither be abridged, restricted, or denied except perhaps in the manner specified provided by the Constitution".

SECTION 5:

ANALYSIS OF THE CASES (HUMAN RIGHTS VIOLATIONS)

The Data brief quantitatively analyses 235 cases out of which 149 cases **have been submitted to the Human Rights Commission (HRCSL)** but the survivors of the remaining have not consented for such submission.

The human rights violations that were identified among the survivors include, violations of Article 11², Article 12(1) & (2)³, Article 13⁴, Article 14⁵ and Article 14A⁶. The most prevalent violations are Article 12 violations (100%) since each of the violations are Article 12 violations coupled with other violations. The next most prevalent are Article 11 violations (56%), followed by Article 13 violations (6%), Article 14 violations (2.17%) and Article 14A violations (0.50%).



It was evident in the analysis, that the most prevalent group of violations are Article 11 coupled with Article 12 violations.

² Article 11 of the constitution provides; "No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

³ Article 12 (1) provides that, "All persons are equal before the law and are entitled to the equal protection of the law."
Article 12(2) provides that, "No citizen shall be discriminated against on the grounds of race, religion, language, caste, Sex, political opinion, place of birth or any one of such grounds:

⁴ Article 13 provides that, "(1) No person shall be arrested except according to procedure established by law. Any person arrested shall be informed of the reason for his arrest. (2) Every person held in custody, detained or otherwise deprived of personal liberty shall be brought before the judge of Freedom of thought, conscience and religion Freedom from torture Right to equality Freedom from arbitrary arrest, nearest competent court according to procedure established by law and shall not be further held in custody, detained or of liberty except upon and in terms of the order of such judge made in accordance with procedure established by law.

⁵ Article 14 provides; "(1) Every citizen is entitled to - (a) the freedom of speech and expression including publication; (b) the freedom of peaceful assembly; (c) the freedom of association; (d) the freedom to form and join a trade union; (e) the freedom, either by himself or in association with others, and either in public or private

⁶ Article 14A: "(1) Every citizen shall have the right of access to any information as provided for by law, being information that is required for the exercise or protection of a citizen's right

The majority of the perpetrators (96) out of 235 were police followed by the medical sector.

Perpetrator	Frequency	Percentage %
Police	96	40.85%
Medical sector	64	27.27%
Grama Niladharis / Officers in Municipal Councils	22	9.78%
Divisional Secretariat	9	4.25%
Army	8	3.40%
Public school staff	5	2.13%
Registrar General's Department	6	2.55%
Railway station staff	3	1.28%
Vocational Training Authority	2	0.85%
Sri Lanka Examination Department	2	0.85%
CTB Bus staff	2	0.85%
Attorney Generals Department	2	0.85%
Children and Women Bureau	1	0.43%
Not indicated	1	0.43%
Military Police	1	0.43%
Grama Niladhari	1	0.43%
Ceylon Fishery Harbors Corporation	1	0.43%
Labour Department	1	0.43%
State Bank	1	0.43%
Provincial Council	3	1.25%
Municipal Council	1	0.43%
Navy	1	0.43%

1.1 Analysis of Human Rights violations against the common denominators of the survivor

District	Frequency	%
Gampaha	57	24.26%
Galle	35	14.89%
Colombo	35	14.89%
Jaffna	15	6.38%
Puttalam	14	5.95%
Kandy	11	4.68%
Anuradhapura	10	4.26%
Batticaloa	8	3.40%
Kegalle	7	2.98%
Kurunegala	8	3.44%
Ampara	6	2.55%
Polonnaruwa	3	1.28%
Nuwara Eliya	3	1.28%
Ratnapura	3	1.27%
Hambantota	3	1.27%
Mannar	2	0.85%
Matara	3	1.27%

The above depiction may not be an accurate demonstration of the demographical locations due to the limited number of cases from the Northern and Eastern Provinces as a result of the limited number of documentation officers in the North and the East.

Age	Frequency	%
21-30	128	54.47%
31-40	65	27.66%
41-50	23	9.79%
Not indicated	9	3.83%
50 or more	5	2.13%
16-20	5	2.13%

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%

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%

Education level	Frequency	%
A/L	121	51.49%
O/L	60	25.53%
Degree	21	8.94%
Primary education	15	6.38%
Not indicated	9	3.83%
No Educational Background	4	1.70%
Diploma	3	1.28%
Post Graduate/ Masters	1	0.43%
Sasrapathi	1	0.43%

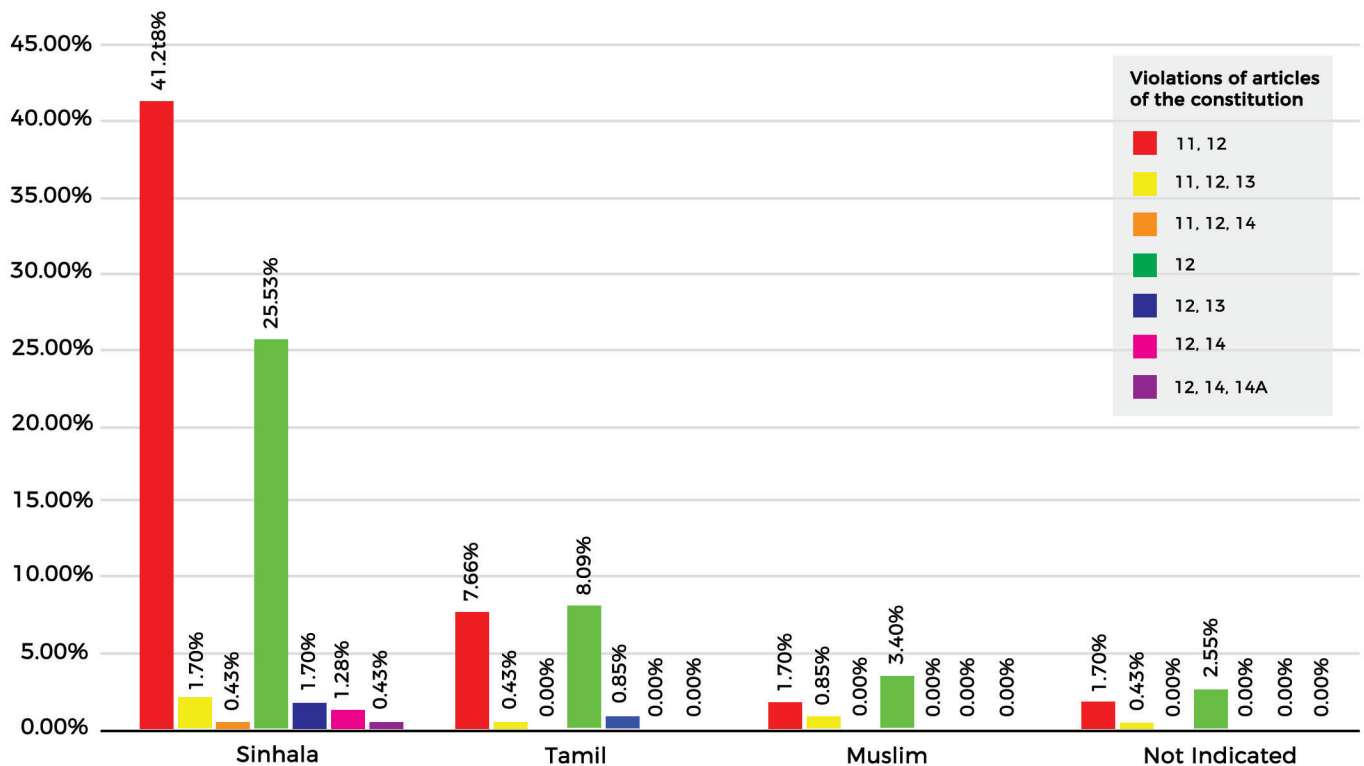
Income status	Frequency	%
20,000-40,000	82	34.89%
10,000-20,000	54	22.98%
40,000 or more	44	18.72%
No income	33	14.04%
Not indicated	16	6.81%
Irregular	6	2.55%

Ethnicity	Frequency	%
Sinhala	170	72.34%
Tamil	40	17.02%
Muslim	14	5.96%
Not indicated	11	4.68%

Religion	Frequency	%
Buddhist	154	65.53%
Hindu	36	15.32%
Islamic	15	6.38%
Not indicated	11	4.68%
Catholic	10	4.26%
Christian	6	2.55%
Atheist	3	1.28%

1.2. Prevalence of the Human Rights Violations

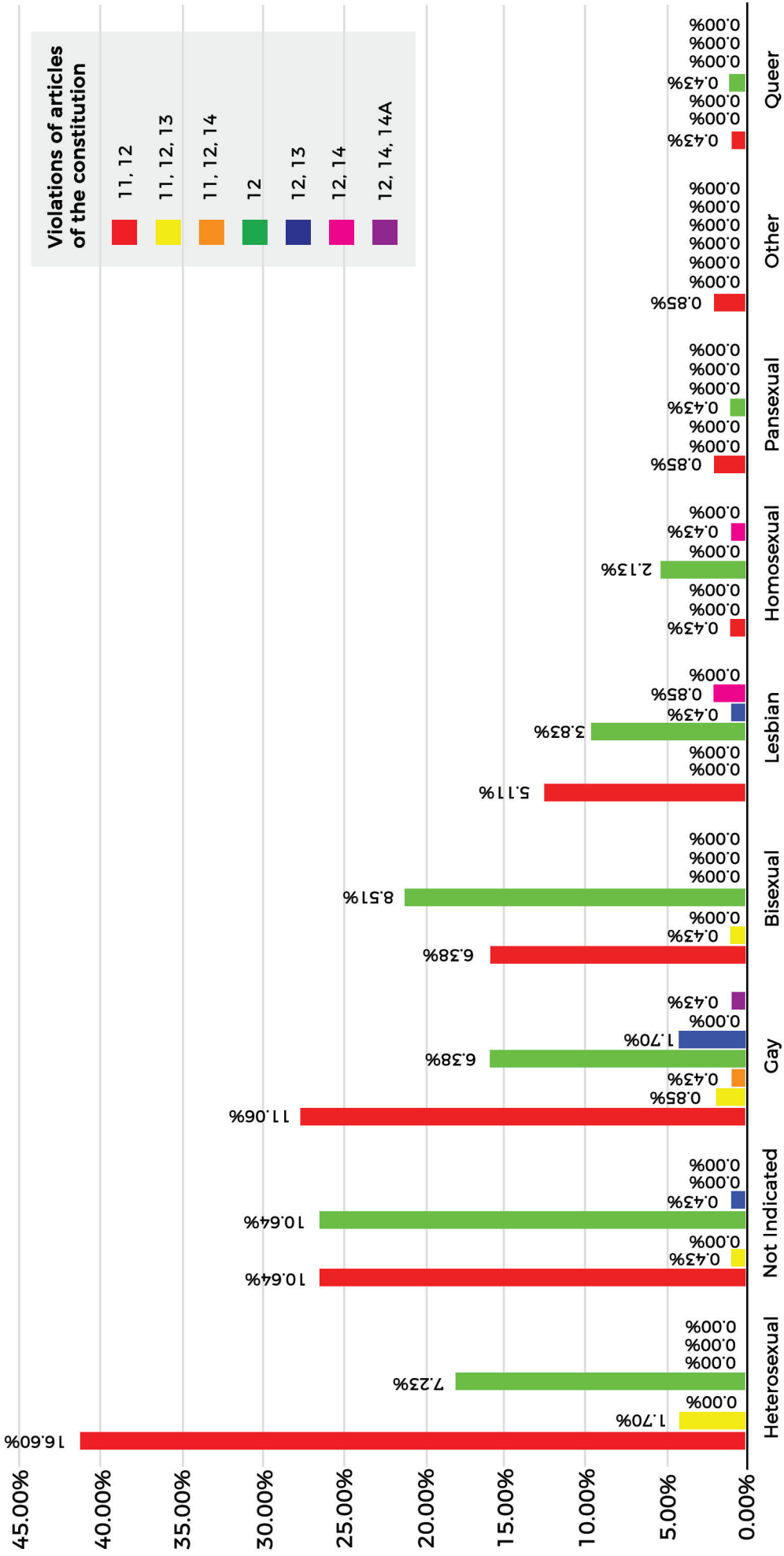
The correlation between ethnicity of the survivors and HR violations



Article 11 together with Article 12 violations are the most prominent group of violations and people of Sinhala ethnic groups are prevalently subjected to it.

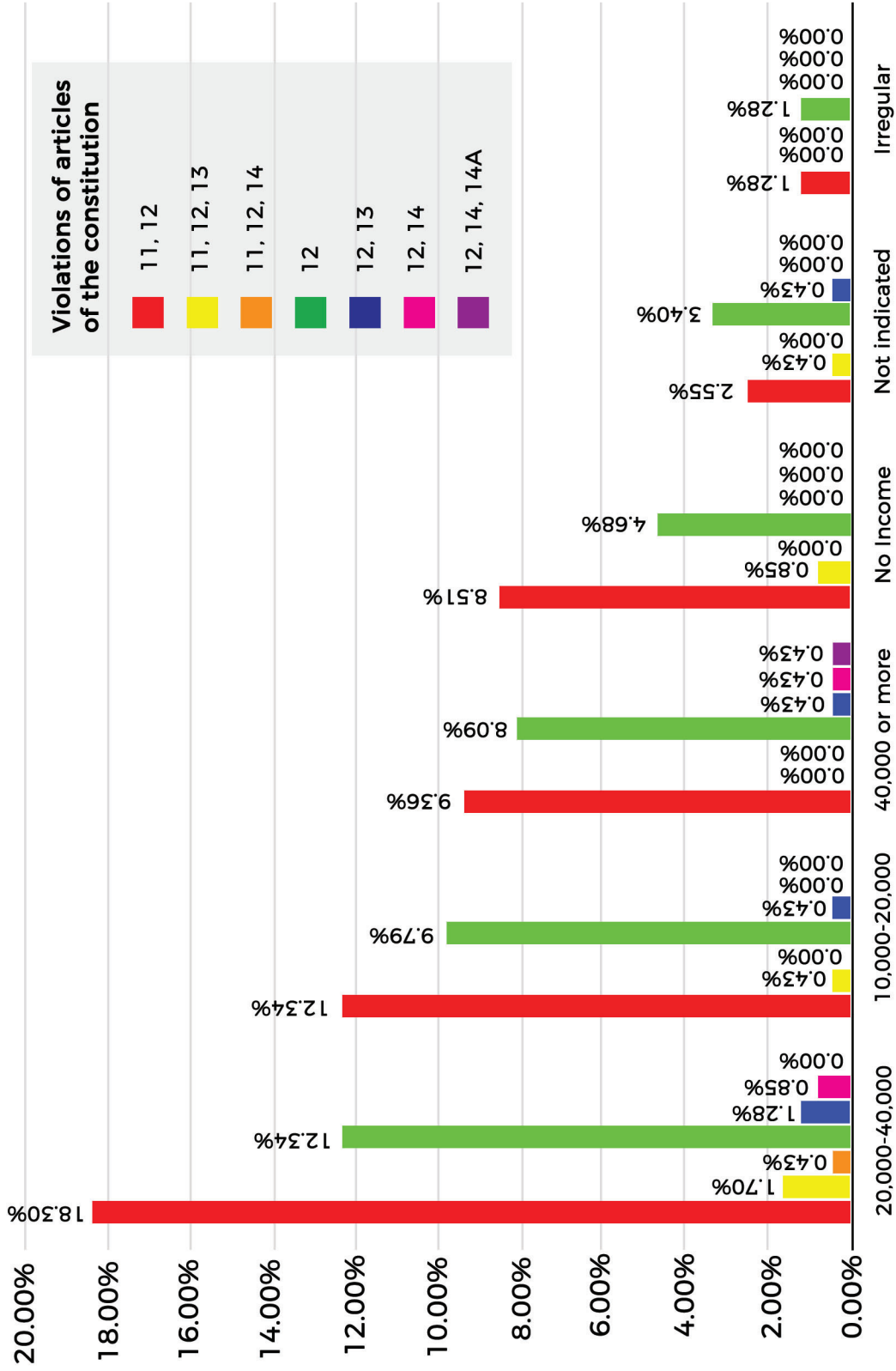
Note that despite the lack of data from the Northern and Eastern provinces there are still substantial Article 12 violations against Tamils.

The correlation between sexual orientation of the survivors and HR violations



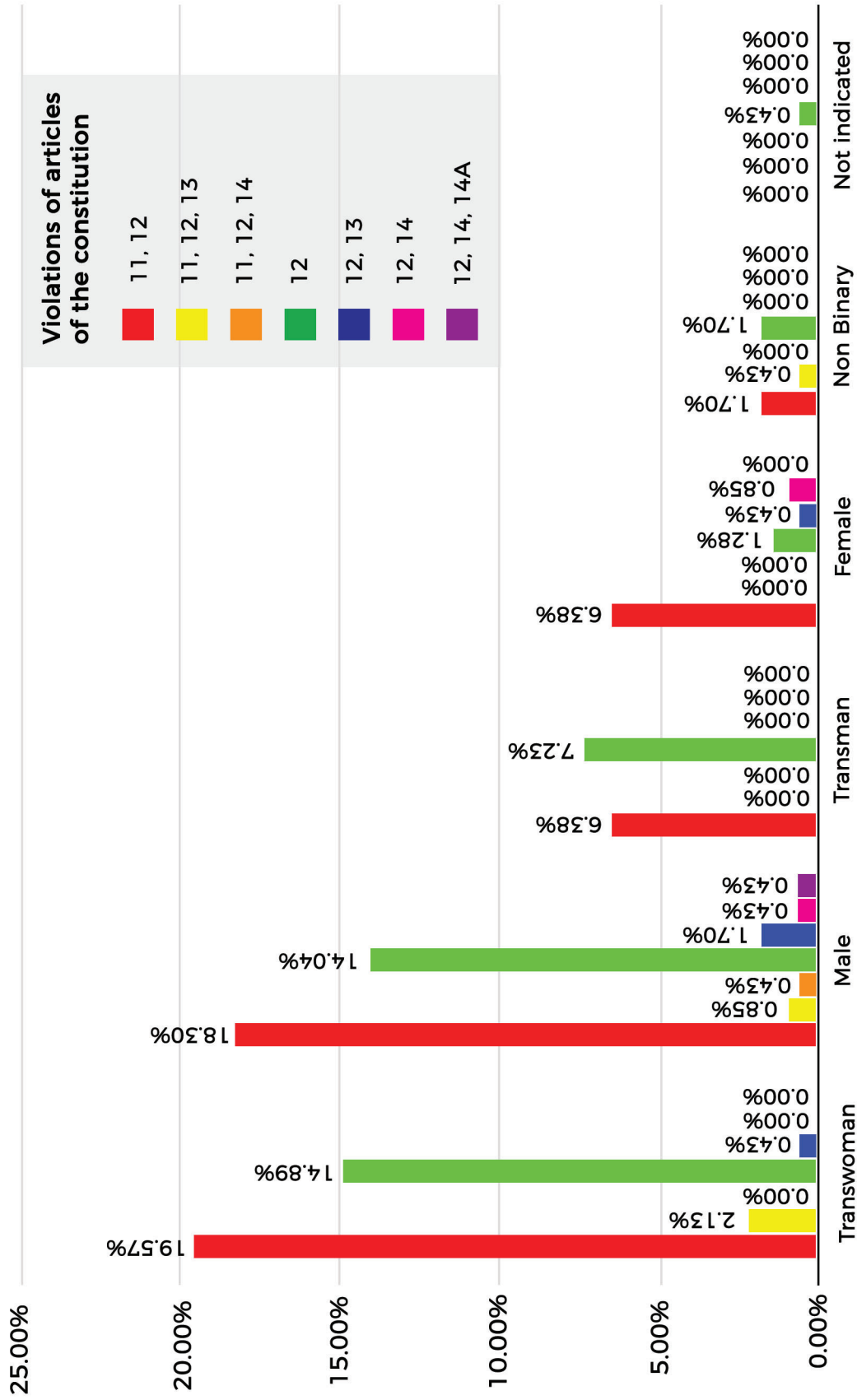
This graphical representation demonstrates that the most prevalent violation is Article 11, 12 and the most vulnerable group in this regard are heterosexual individuals but please note that all heterosexual survivors here are Transmen or Transwomen.

The correlation between income of the survivors and Human Rights Violations



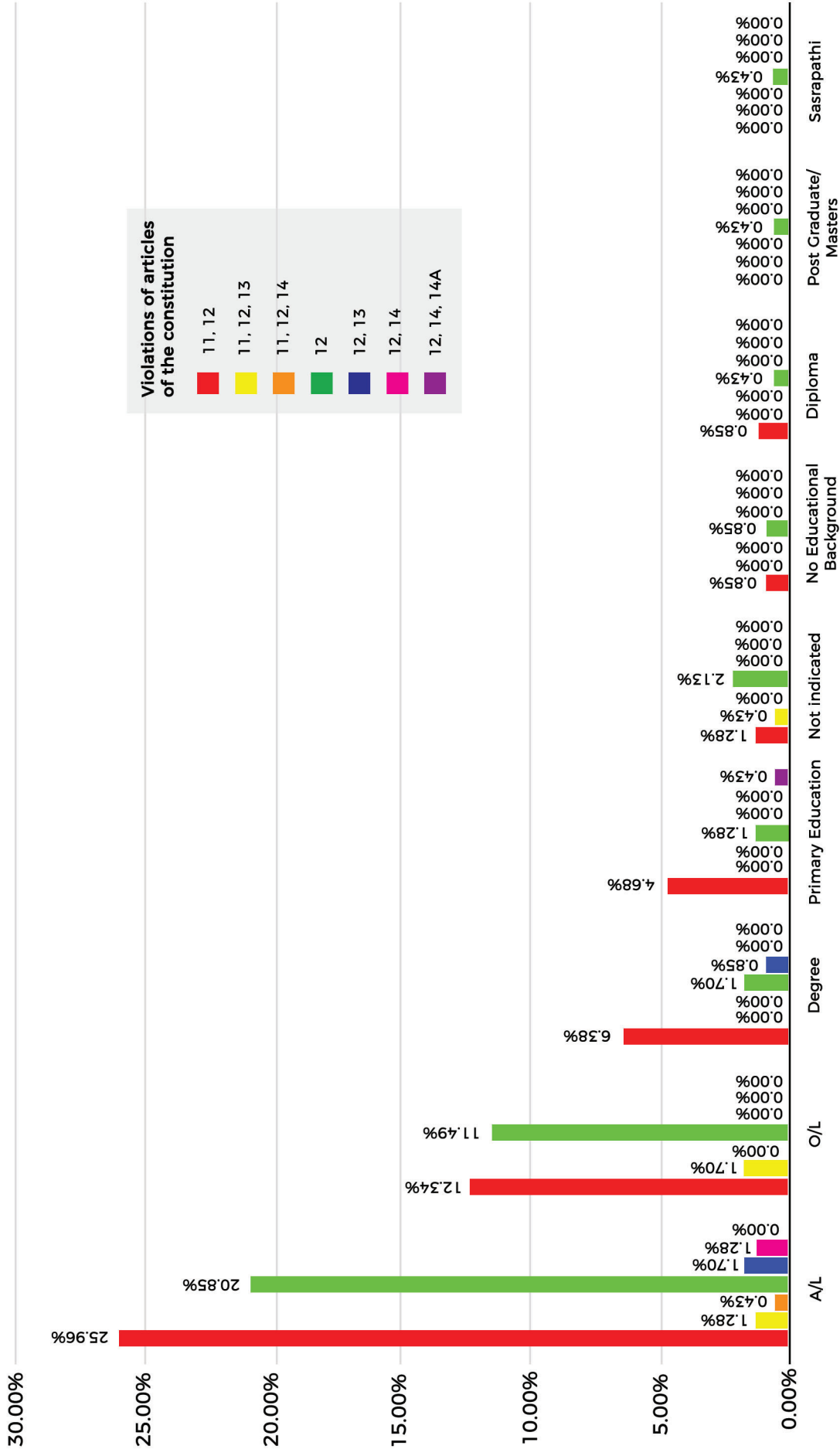
This graphical representation demonstrates that survivors with the lowest form of income are susceptible to Human rights violations, the most prevalent being Article 11 and 12 violations.

The correlation between gender of the survivors and HR violations



This graphical representation demonstrates that the most vulnerable gender groups to be Transwomen followed by male survivors (almost all who identify as gay or bisexual) and the most prevalent type of HR violation is Article 11 and 12 violations.

The correlation between education status of the survivor and HR violations



This graphical representation shows that the most prevalent violation is Article 11 and 12 and the most susceptible group is those with Ordinary Level education status.

1.3. Personal Narratives

Some survivor testimonies are as follows;

M.P. was discriminated due to her sexual orientation at the STD clinic where she was ridiculed and insulted.

"The doctor then proceeded to scold me, very harshly that why are you in need of getting tested so often, "do you have that much sex?" "Are you that depraved to have sex all the time and why are you having sexual relations with other men?" he also asked "if you are in such dire need of sex and are so depraved then why not get married?"

G.T. was unlawfully arrested, discriminated, humiliated and taken advantage of by Police Officers;

"After going through my purse they found two condoms and they announced that we must come with them now to the police station. They hit us on the head a few times as well. We then asked the officer if it is illegal to have condoms with us and they replied saying that it is none of our business and we shouldn't be wisecracking with them and giving them attitude.

....The two officers then took us to a nearby bush and asked us to do them a sexual favour. We were forced to perform fellatio on them. The officers were in uniform this whole time, and they even lit a cigarette during the act. Because we were too scared and unfamiliar with what will happen we did as they demanded."

V.S. was harassed in the police station, humiliated and discriminated;

"The Police Officer talking to another person in remand about VS said, 'Bring a punk over there and have a good time until you get out.' He pulled me inside the powder room, trying to take off my clothes, I screamed for them to take me out, put me in another powder room, the officer who was standing in the chair near the door with his back to the powder room was not listening."

R.M. was insulted and humiliated by the Hospital staff when they went to the Hospital to visit a friend who had met with an accident;

"My friend is a trans woman. She was admitted to a ward in Jaffna Hospital due to a sudden accident. When I went to see her, one of the hospital nurses looked at me and asked, "Brother, where are you going?" I replied, "My friend has met with an accident and I have come to take care of her. To which he replied, "You cannot stay here, people like you are thieves, wrongdoers, you cannot stay here"

S.G. and their friend were taken to the police station because according to the Police Officer "කට වැඩ" ('you talk too much'). This survivor was hesitant to submit their case to the HRCSL because they were not out with their sexual orientation/gender identity.

..."But the policemen talked to me and insulted me and my friend referring to us as පොන්නයෝ (derogatory Sinhala slang referring to a homosexual person) First, we were accused of being on the beach to pay for sex, then we were called us robbers and further insulted and they arrested us."

H.G. and their friend was falsely accused of being drunk and on drugs by a bunch of Police officers in civilian clothing, beaten up, taken to the police station and thrown in remand when they suggested that their sobriety could be proven with a medical test from Asiri Medical, which was closeby;

"While we were inside the cell, they were repeatedly calling us homophobic slurs like "පොන්නයෝ", insulting our appearance, and saying that we looked like girls. One Officer who was still angry at my friend's earlier comments about getting a medical report told him repeatedly in a threatening manner "මං උඹට මෙඬිකල් පොන්නන්නම්" (I will show you a medical)."

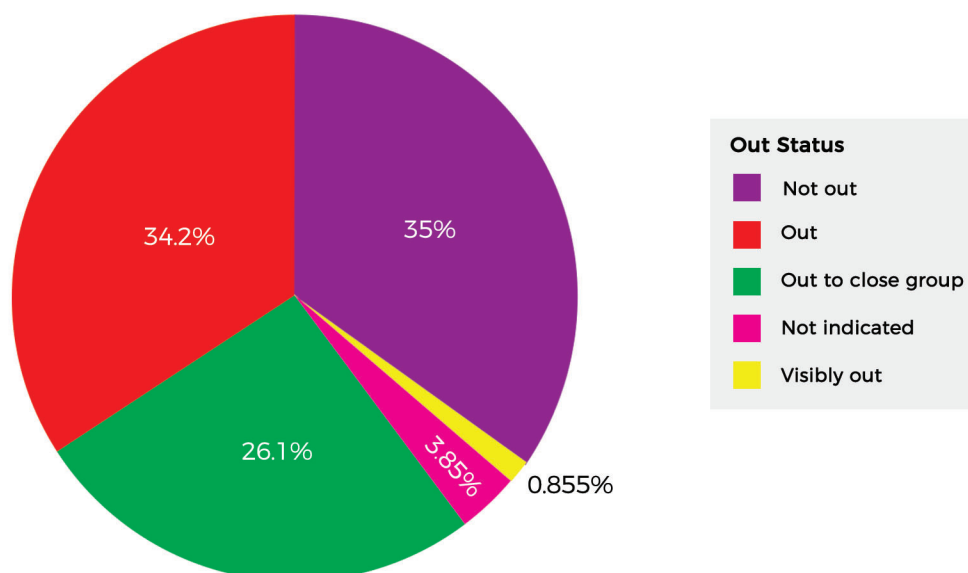
SECTION 6: KEY FINDINGS

01. Based on the testimonies of the survivors Human (HR) violations most of them were not too keen to complain or go to the authorities due to various socio-economic reasons which included;

- Fear of being discriminated against due to their sexual orientation/gender.
- Fear of family members/employers finding out about their gender and sexual orientation in the event of pressing charges.
- Pressure to keep their stories to themselves to prevent being ridiculed by their next of kin.
- Fear of being oppressed further.
- It is a great deal of procedural inconvenience that may result in no favourable justice.

02. Majority of the cases have been submitted to the Human Rights Commission (HRCSL) and the survivors of the remaining case have not consented to such submission.

03. 35% of the survivors of HR Violations are **not out** to the public.



04. The most prevalent violations are Article 12 violations (100%) since each of the violations are Article 12 violations coupled with other violations. The next most prevalent are Article 11 violations (56%), followed by Article 13 violations (6%), Article 14 violations (2.17%) and Article 14A violations (0.50%).

05. The majority of the survivors of HR violations were found in the Gampaha district with a percentage of 25.26%. (not a conclusive deduction due to the limited number of cases from the Northern and Eastern provinces)
06. The most prevalent age group of survivors of HR violations were aged between 21-30 years old.
07. The most prevalent gender of survivors of HR violations were Transwomen (37.02%)
08. The most prevalent sexual orientation of the survivors of HR violations was heterosexual (25.53%) but all survivors identified as such were Transmen and Transwomen
09. The most prevalent race/ ethnicity amongst the survivors of HR violations was identified to be Sinhalese (72.34%) (not a conclusive deduction due to the limited number of cases from the North and East).
10. The majority of the survivors of HR violations were A/L qualified persons (51.49%)
11. The majority of the survivors of HR violations earn a low-income and fall within the income bracket 20,000-40,000 (34.89%).
12. The perpetrators of HR violations were identified to be Police (40.85%), Medical sector (26.81%), Grama Niladharis/officers in Municipal Councils(9.36%), Divisional secretariat (3.83%), Army (3.4%), State school staff (2.13%), Registra General's Department (2.13%), Railway station staff (1.28%), Vocational Training Authority (0.85%), Sri Lanka Examination Department (0.85%), CTB Bus staff (0.85%), Attorney Generals Department (0.85%), Child and Women Bureau (0.43%), Not indicated (0.43%), Millitary Police (0.43%), Grama Niladhari(0.43%), Ceylon Fishery Harbors Corporation (0.43%), Labour Department (0.43%), Provincial Council (0.43%), Municipal Council (0.43%), Navy (0.43%)

SECTION 7:

CONCLUSION

To conclude, the objective of the Data Brief was to quantify the violations faced by the LGBTQ community in Sri Lanka based on the 235 cases collected from August 2021-March 2023.

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.

SECTION 8:

RECOMMENDATIONS

Reflecting on the deductions of the study and with careful consideration towards the socio-economic status of the survivors, the procedural and legal complications, social standards, and ingrained social stigmas, recommendations are made to safeguard rights and ensure the just and equitable treatment of the LGBTQ community. These recommendations are directed toward the survivors, the HRCSL, civil society organizations, public officials, and the Government:

General Recommendations

1. Legal Reform:

Same-sex relationships are criminalised in Sri Lanka, therefore the continued discrimination and harassment they are subjected to by law enforcement and state officials will continue to be justified. While there has been a progression in gender recognition with the introduction of the gender recognition certificate (of which however most public officials are unaware) with the existence of rigid laws criminalizing them LGBTQ persons will struggle to be treated equally and accepted. Therefore, only the complete repeal of these draconian laws, including section 365 and section 365A⁷ of the Sri Lankan Penal Code, 1833⁸, will ensure the safeguard of the rights of these individuals and ensure that the public authorities do not abuse their power and discriminate against the liberties of these individuals. There is currently a bill to decriminalise LGBTQ persons already in discussion in the Parliament of Sri Lanka and a positive result in this regard will be a victory towards the welfare of LGBTQ persons in Sri Lanka.

2. Encourage survivors to seek litigation :

Challenging discriminatory actions is an important part of legal reform. Discriminatory actions can be challenged in the Supreme Court in terms of the fundamental rights provided for in the constitution. Actions can also be challenged in the Court of Appeal using its writ jurisdiction. For example, EQUAL GROUND and seven others including the Executive Director of the Centre for Policy Alternatives, filed a petition in the Court of Appeal of Sri Lanka, seeking a Writ of Prohibition against the conducting of a training program for the police where malicious, erroneous and discriminatory remarks were made about the LGBTQ community.

Therefore, survivors should be encouraged to go to court with their grievances. This however requires individuals to have faith in the legal system of the country and the lack therein has led to survivors refusing to vocalize the discriminations they are faced with.

⁷Section 365A, which criminalizes 'acts of 'gross indecency' in public or in private, with a penalty of up to two years' imprisonment and/or a fine upon conviction, is applicable to consensual same-sex sexual acts regardless of the gender of those involved. Section 365A originally criminalised "any act of gross indecency" between males. However, in 1995, the provision was amended to replace the term "male person" to "person", thereby expanding the its scope and bringing women who engage in consensual same -sex sexual conduct acts within its ambit.

⁸Violations under this section can result in up to ten years in prison and a fine. The Penal Code was enacted during colonial rule and has been subjected to several amendments since.

3. Educate LGBTIQ individuals about their rights :

LGBTQ individuals in Sri Lanka need to be educated on the various laws and constitutional provisions that they can rely on when they are treated differently due to their gender or sexual orientation. Although the deductions of the Data Brief do not indicate a substantial number of violations from places outside of the Western Province, it is important to devise mechanisms to educate individuals from all around the island on their rights and what they can do in case of a violation. While LGBTIQ persons in Colombo may have easy access to support services, members of the community in other parts of the island have had difficulties in accessing the same services. Therefore, these awareness / education programs must be conducted in Sinhala and Tamil in other parts of the country as well, where a majority of the marginalized are located. Accurate legal information should be conveyed to members of the community. It could be in the form of a document that can be handed over to them in medical clinics, awareness programs, etc. This document can contain all the laws and policies relating to LGBTQ persons in Sri Lanka simplified in all three languages.

Specific Recommendations

RECOMMENDATIONS TO THE GOVERNMENT

4. Reform within educational institutions (Schools and higher education institutions) :

2.13% of perpetrators of HR violations are teachers and lecturers of public and private educational institutions. This includes discrimination and bullying in educational institutions. Educational institutions should develop strong anti-bullying policies to safeguard LGBTQ students. Further, they need to implement sensitizing programs with students and teachers on issues regarding gender identity, sex education, sexual and reproductive health rights, and sexual orientation. This will help build a safe space for children who are struggling with their gender or sexual identity to open up about their issues and seek necessary guidance. It will further enable teachers to be more empathetic and understanding about these sensitive topics and handle the situation better.

5. Share experiences and hardships of LGBTQ persons, with public and government officials (including public medical officers) to sensitize them regarding their problems :

Based on the experiences shared by the survivors it is quite apparent that the public and government officials who are sometimes the perpetrators of these violations lack empathy and while it is vital to educate them about gender identity and sexual orientation it is equally important to realize that an officer will act on his will if he lacks empathy towards his peers. Therefore, education programs designed for public officials and law enforcement personnel should include education on human values such as non-violence and right conduct.

RECOMMENDATIONS TO THE HRCSL

6. Maintain a log of the key violations, key perpetrators, and the nature of survivors in reference to LGBTQ individuals :

A statistical record of the key violations, the key perpetrators and the nature of survivors amongst the cases submitted to the HRCSL will assist civil society organisations to reach out to the grassroots and provide support to address the striking issues amongst LGBTQ individuals. This will also help civil societies both local and international to get a broad idea of the socio-economic status of the community in Sri Lanka. This therefore will become a tool in the reform and development of community-based activities in the future.

RECOMMENDATIONS TO THE POLICE AND MILITARY

7. Include sexuality and gender training into training sessions for police officers and members of the armed forces :

40.85% of perpetrators of HR violations are committed by the Police, while 3.40% are committed by the Army and 0.43% are committed by the Navy. Therefore, simply having laws and policies in place is not adequate, it is important to uphold them. To do this, the law enforcement authorities should be made aware of these laws and policy decisions and the intricacies of gender and sexual identity. Many survivors revealed that the police officers were unaware of the gender identification certificate, demonstrating that there is a flaw in the system. An interview with a police officer from the 'Hulftsdorp' Police Station regarding the treatment of LGBTQ individuals revealed that Police officers are not provided sexuality and gender awareness training during departmentally mandated training sessions. Public officials who are responsible to enforce the law to treat all citizens equally should be provided proper education on LGBTQ individuals and the discrimination and challenges they face in our society.

8. Share experiences and hardships of LGBTQ persons, with police officers and Members of the Military to sensitize them regarding their problems :

Based on the experiences shared by the survivors it is quite apparent that the police and members of the military specifically the Army and the Navy lack empathy and have committed violations against the survivors due to certain prejudices they hold regarding members of the LGBTQ community. While it is vital to educate them about gender identity and sexual orientation it is equally important to realize that an officer will act on his will if he lacks empathy towards his peers. Therefore, education programs designed for Police officers and the Military should include education on human values such as non-violence and right conduct.

RECOMMENDATIONS TO CIVIL SOCIETY ORGANISATIONS

9. Create social media awareness on LGBTQ helplines :

Various civil society organizations such as Equal Ground have helplines set up to support LGBTQ individuals in times of need and the information about these helplines has to be publicized to those in all parts of the island and the best way to put this in motion would be to use social media platforms abundantly used by young generations including LGBTQ persons such as 'Facebook', 'Tiktok' and 'Instagram'.

10. Create an LGBTQ help app :

This is a suggestion directed toward civil societies. It is important to have a helpline and people they can reach out to for support and guidance in times of need. Civil society Organizations that provide legal assistance to LGBTQ individuals can be made popular via social media. The app can be developed in such a way that it contains contact information for legal, economic, and psychological support for individuals in need and enable survivors to enter an issue and receive immediate guidance. Such mechanisms of easy assistance would ensure immediate assistance to those in need, at all times, regardless of where the violation or discrimination has taken place.

11. Create a support network between parents, families, and friends of LGBTQ individuals:

The key findings demonstrate that most survivors refused to go to the authorities about the violations committed against them due to the fear of shaming their families. The various social stigmas against these individuals need to be systematically reformed to achieve justice for these individuals. While this is not a process that can be put into place overnight, it is however possible to help families with LGBTQ persons understand and be desensitized. It can be proposed to create a network where family members of LGBTQ persons can reach out to family members of other LGBTQ persons who have already gone through the emotional and social issues of their family members and help them form a friendship, for advice and share each other's experiences, which will help them understand what their family members are going through and take a sympathetic approach.

RECOMMENDATIONS TO PRIVATE SECTOR

12. Educate the workforce :

The survivor testimonies demonstrated that most LGBTQ individuals have been subjected to discrimination and subject to violations committed against them at their workplaces. Further, some survivors have also been passed on for job opportunities simply due to their gender or sexual orientation. Thus, strategically planned sensitization programs for both the private and public sectors would be imperative. These programs can include an open discussion of gender and sexuality issues and the challenges that come with them. This will ensure the protection of the rights of LGBTQ individuals and enable them to have better access to employment opportunities both within and outside public / private organizations.

RECOMMENDATIONS TO SURVIVORS

13. Approach the Authorities in reference to HR violations committed against the survivor and encourage other LGBTQ individuals to do the same :

While there are certain legal mechanisms available to support survivors against discrimination committed against them, it is important to seek these legal reliefs for their benefit. It is important to have a record of such incidents to build advocacy for policy changes and legal reform. Therefore, all survivors must recognise that their story will help other members of their community to avoid injustice.

14. Inform the police and public officers and other perpetrators that their actions are violations of the survivor's sovereignty and therefore the survivor has a right to take legal action against them :

It is important to make public officers aware that the survivor is aware of their Human Rights and that they will not stand for discriminations against them based on their sexual orientation and / or gender identity. This might urge perpetrators to think twice when committing violations against other members of the community.



BRIDGE to Equality - BRIDGE project which aims to improve the protection of human rights for LGBTQ people in Sri Lanka through the use of international human rights law to enable justice actors (judges, lawyers and other legal professionals), activists and human rights defenders to improve justice outcomes for the LGBTQ community; with a focus on overcoming challenges imposed by the current legal framework, as well as the overall promotion and protection of human rights of LGBTI people.

BRIDGE is jointly implemented by DAST, National Transgender Network and Young Out Here in partnership with the International Commission of Jurists since 2021.



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