



SuR: Sri Lanka  
42nd session of the Submission to the Universal  
Periodic Review

# Situation of LGBTI+ persons in Sri Lanka

Joint NGO Submission to  
the Universal Periodic Review by Coalition of Civil Society  
Organizations with Équité Sri Lanka.

Presented by Thushara Manoj

# Background

As a marginalized Community, LGBTI+ individuals becomes victims of multiple discrimination intersectional to socio political economic conditions of Sri Lanka. The shadow report was compiled with the participation of LGBTI+ community members and Community organizations covering all Provinces. Over 30 cases of true incidents have been documented in The report which demonstrate the issues faced by the LGBTI+ community within Sri Lanka.

# Recommendations from the Previous UPR Review

Recommendation	Recommending State	Sri Lanka's Response
<p><b>116.37 Prevent &amp; combat all kind of discrimination, in particular those on the grounds of ethnicity &amp; sexual orientation</b></p>	Italy	Support
<p><b>116.38 Ensure respect for the rights &amp; fundamental freedoms of lesbian, gay, bisexual, transgender &amp; intersex persons, by investigating &amp; sanctioning acts of discrimination &amp; violence against such persons</b></p>	Argentina	Support
<p><b>116.39 Adopt measures to eliminate all forms of discrimination in health-care settings, including in the context of HIV/AIDS, while paying particular attention to the specific needs of key populations, including lesbian, gay, bisexual, transgender &amp; intersex persons</b></p>	Portugal	Support

# Current Situation

## + Legal Discrimination

- Penal Code Section 365, 365A criminalizing same sex relationships.
- Penal Code Section 399 mainly enforced to arrest Transgender community.
- Vagrancy Ordinance

## + Constitutional Discrimination

- Sri Lankan Constitution does not recognize Gender within the constitution under Fundamental Rights, Right to Equality.
- Article 16 in the Sri Lankan constitution does not permit filing fundamental rights petitions against the existing laws, even at a violation of fundamental rights or other constitutional provisions.

# Recommendations

Repeal sections 365 and 365A of the penal code, and specific sections of other laws that criminalize homosexuality including the vagrancy ordinance.

Reform the constitution to ensure the fundamental Rights of the people with diverse gender identities and sexual orientations within Sri Lanka.

Consider introducing laws to protect and guarantee the rights of LGBTIQ individuals, especially with concern to banning conversion therapies and other treatments or practices.

Consider adopting measures to eliminate all forms of discrimination in government and private sector service providers, especially within the healthcare setting.

**The reforms we demand are to ensure the basic rights and the needs of the LGBTI+ community of Sri Lanka. It is to create an environment where we can live true to ourselves and love freely with respect and dignity.**

Thank you From all the members of our coalition:

- Équité Sri Lanka
- Bridge to Equality
- Raja Rata Gemi Pahana