

**GUIDE ON ISSUES AFFECTING  
LESBIAN, GAY, BISEXUAL,  
TRANSGENDER AND  
INTERSEX SRI LANKANS**



**Women and Media Collective**  
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Norwegian Embassy  
*Colombo*

## Introduction

This Guide provides an overview of major issues affecting lesbian, gay, bisexual, transgender and intersex (LGBTI) Sri Lankans today.

This Guide has been created as a resource for Members of the Sri Lankan Parliament (MPs) and especially the members of the Sectoral Oversight Committee on Women and Gender. It is expected that MPs take the time to study the document and understand the issues highlighted in it closely, and use it to engage with and advocate for LGBTI Sri Lankans in future.

The Guide is organised according to the following areas of concern. Under each is a description of the issue, its current situation in Sri Lanka, relevant domestic and international developments and recommendations for MPs.

- A. Criminalisation of same-sex sexual conduct
- B. Policing of different gender identities
- C. Lack of non-discrimination protections
- D. Gender recognition
- E. Accessing healthcare
- F. Conversion therapy

## Definitions

This Guide refers to the lesbian, gay, bisexual, transgender and intersex or LGBTI community of Sri Lanka. The following definitions of these terms have been adapted from guidelines issued by the World Health Organisation (WHO) and the American Psychologists Association (APA).

**Sexual orientation** refers to a person's physical and romantic attraction towards other people. Sexual orientation is comprised of sexual attraction, sexual behaviour, and sexual identity.

**Lesbian:** A woman who is primarily sexually and romantically attracted to other women.

**Gay:** A man who is primarily sexually and romantically attracted to other men.

**Bisexual:** A person who is attracted to individuals of the same or different gender.

[This compares to Straight: a person who is primarily sexually and romantically attracted to individuals of the opposite gender]

**Gender identity** is an individual's internal sense of being male, female or another gender. Gender identity may or may not correspond with the sex assigned or presumed at birth.

**Transgender:** Refers to people whose internal sense of their own gender is different to the gender that they were assigned at birth. E.g. transgender women identify as women but were assigned the male gender when they were born; transgender men identify as men but were assigned the female gender when they were born.

**Intersex:** refers to people born with physical or biological sex characteristics (including sexual anatomy, reproductive organs and/or chromosomal patterns) that do not fit the traditional definitions of male or female. These characteristics may be visible at birth or emerge later in life.

[This compares to Cisgender: Refers to people whose internal sense of their own gender is the same as the gender that they were assigned at birth. E.g. cisgender men identify as men and were assigned the male gender when they were born]

## A. Criminalisation of same-sex sexual conduct

**Issue:** the continued criminalisation of consensual same-sex sexual conduct between adults in Sri Lanka through sections 365 and 365A of the Penal Code

- Section 365 criminalises “carnal intercourse against the order of nature” which is understood to apply only to sexual acts between two individuals of the same sex. The penalty for violating this section is up to ten years’ imprisonment and a fine.
- Section 365A criminalises “any act of gross indecency with another person”. Although “gross indecency” is not defined by Sri Lankan legislation or courts, it is understood to target sexual acts and displays of romantic affection between two individuals of the same sex in public or in private. The penalty for violating this section is up to two years’ imprisonment and/or a fine.
- Sections 365 and 365A remain the same in substance as when they were introduced to Sri Lanka by Britain in 1883. Section 365A was amended in 1995 to widen its scope from applying to just men to applying to same-sex sexual activity among all persons.

### **Situation:**

- Although there have been very few reported cases of convictions under sections 365 and 365A since 1948, they nonetheless indirectly cause much discrimination, harassment and violence for LGBTI individuals.
- Police officers have used threats of prosecution under these laws to harass, physically or sexually assault LGBTI individuals or to solicit bribes from them. The existence of these laws also makes LGBTI victims of crime unwilling to report crimes to the Police for fear of experiencing discrimination, harassment and violence from the Police itself.
- In practice, LGBTI individuals are often arrested under sections 365 and 365A then later charged under the Vagrants’ Ordinance because prosecutions under the former are more time-consuming. Thus while the low rate of reported convictions under sections 365 and 365A is low, it does not capture the total number of LGBTI people persecuted by the law more broadly.
- Continued criminalisation of same sex sexual activity causes LGBTI individuals to experience discrimination, harassment and violence by society at large, particularly by their families, educational institutions, workplaces and public institutions.
- In the last few years, the Police has raided hotels and other locations to arrest people for offences including consensual same-sex conduct. Police performance reports indicate that charges are frequently made for “homosexuality”. Arrested persons have faced abuse including being whipped with wires. In a number of cases, Courts have ordered prosecuted persons to undergo HIV tests without their consent, the results of which were made public in court.
- Recent media reports have exposed law enforcement authorities subjecting people to forced anal and vaginal examinations since 2017 “in an attempt to provide proof of homosexual conduct”. Such examinations amount to sexual violence as well as cruel, inhuman, and degrading treatment which is prohibited under the Constitution of Sri Lanka and international legal instruments. In many of these cases, defendants were unaware that they could refuse such an examination.

### **Domestic developments:**

- In the 2016, the case of *Wimalasiri v. Maradana Police Station OIC and Attorney-General*, the Supreme Court held that while gross indecency under section 365 remained part of Sri Lankan law, "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 and may be the rationale" and that custodial sentences for the offence were inappropriate.
- A Committee headed by Supreme Court Justice B.P. Aluwihare titled the "Special Committee on Amending the Penal Code and the Code of Criminal Procedure Act" was appointed in 2016 to provide recommendations to update and reform criminal laws in Sri Lanka. It provided several rounds of legislative recommendations to be passed by Parliament including on sexual offences in the Penal Code, which includes sections 365 and 365A.
- The Public Representations Committee on Constitutional Reform (PRC) appointed in 2015 released its report after public consultations in 2016, and recommended that the Penal Code be amended and Police detention of LGBTI persons which could amount to torture and violation of fair trial rights be addressed. The draft constitution published by the Constitutional Assembly in 2019 included these provisions.
- In response to the reporting of forced anal and vaginal examinations, current Minister of Justice Hon. Ali Sabry stated in October 2020 that he had instructed authorities to refrain from the practice until proper investigation, and that he "strongly believes that no person should be discriminated against or made to suffer any form of abuse, indignity or injustice on the basis of their gender, sexual preference or identity."
- On Zero Discrimination Day on March 1, 2021, President Goatabaya Rajapaksa issued a statement that he was "determined to secure everybody's right to live life with dignity regardless of age, gender, sexuality, race, physical appearance and beliefs."

### **International developments:**

- At Sri Lanka's second Universal Periodic Review (UPR) in 2012, two countries (Canada, Argentina) recommended that Sri Lanka decriminalise same-sex sexual conduct between adults. In response, Sri Lanka 'noted' the recommendations.
- At Sri Lanka's third Universal Periodic Review (UPR) in 2017, six countries (Australia, Netherlands, Brazil, Canada, Sweden, Uruguay, Honduras) recommended that Sri Lanka decriminalise same-sex sexual conduct between adults. In response, Sri Lanka 'noted' the recommendations.
- At Sri Lanka's third UPR hearings in 2017, Sri Lanka officially stated that it is "committed to reforming the Penal Code to ensure that all offences contained in the Code are in compliance with international human rights standards" and "committed to ensuring that no provision in the law would be applied to persons of the LGBTIQ community in a discriminatory manner."
- In 2017, the UN Committee on Economic, Social and Cultural Rights urged Sri Lanka "to amend the Penal Code with a view to decriminalising consensual same-sex conduct."
- A growing number of countries worldwide have moved to decriminalise same sex sexual conduct, including India in 2018; Botswana and Angola in 2019; and Bhutan and Gabon in 2020.

**Recommendations to MPs:**

- Introduce and support legislative proposals to repeal sections 365 and 365A of the Penal Code
- Encourage issuing guidelines to public authorities, particularly the Police, on correctly interpreting the Penal Code and Vagrants' Ordinance to not apply to LGBTI Sri Lankans in light of legal developments
- Encourage issuing guidelines to the Police on fair and equitable treatment towards LGBTI Sri Lankans at Police stations and other places.

## B. Policing of Transgender Sri Lankans

**Issue:** the continued policing of transgender Sri Lankans through section 399 of the Penal Code and section 7 of the Vagrants Ordinance

- Section 399 makes it a criminal offense to “cheat by personation”. The penalty for violating this section is up to one year of imprisonment and/or a fine.
- Section 7 of the Vagrants Ordinance prohibits soliciting or committing acts of “gross indecency”, or being “incorrigible rogues” procuring “illicit or unnatural intercourse” in a public place. The penalty for violating this section is up to six months’ imprisonment and/or a fine.
- Section 399 and the Vagrants Ordinance remain the same in substance as when they were introduced to Sri Lanka by Britain in 1883 and 1841, respectively.

**Situation:**

- Section 399 is wrongfully applied to transgender Sri Lankans because their expression of their preferred gender identity is interpreted as ‘disguising’ their ‘true’ identity and intentionally misleading the public
- The Vagrants Ordinance is wrongfully applied to transgender Sri Lankans because they are assumed to be seeking to engage in criminal acts by their appearance. It is particularly used against transgender sex workers and cross dressers.
- In both cases, the gender identity of transgender Sri Lankans is presumed to be criminal (without them engaging in any criminal activity)
- Although there have been very few reported cases of convictions under section 399 and the Vagrants Ordinance since 1948, they nonetheless indirectly cause much discrimination, harassment and violence for transgender Sri Lankans
- Police officers have used threats of prosecution under these laws to harass, physically or sexually assault transgender Sri Lankans or to solicit bribes from them. The existence of these laws also makes transgender victims of crime unwilling to report crimes to the Police.
- Public officials are known to use section 399 in particular to discriminate against and harass transgender Sri Lankans in instances where official identity documents are required, such as at educational institutions, health service providers and immigration.

**Domestic developments:**

- A Committee headed by Supreme Court Justice B.P. Aluwihare titled the “Special Committee on Amending the Penal Code and the Code of Criminal Procedure Act” was appointed in 2016 to provide recommendations to update and reform criminal laws in Sri Lanka. It provided several rounds of legislative recommendations to be passed by Parliament including on sexual offences in the Penal Code, which includes sections 365 and 365A.

**International developments:**

- At Sri Lanka’s second Universal Periodic Review (UPR) in 2012, two countries (Canada, Argentina) recommended that Sri Lanka decriminalise same-sex sexual conduct between adults. In response, Sri Lanka ‘noted’ the recommendations.

- At Sri Lanka's third Universal Periodic Review (UPR) in 2017, two countries (Uruguay, Honduras) recommended that Sri Lanka adopt measures to prevent violence against transgender Sri Lankans.
- In response, Sri Lanka 'noted' the recommendations and officially stated that it is "committed to reforming the Penal Code to ensure that all offences contained in the Code are in compliance with international human rights standards" and "committed to ensuring that no provision in the law would be applied to persons of the LGBTIQ community in a discriminatory manner."

#### **Recommendations to MPs:**

- Introduce and support legislative proposals to amend section 399 of the Penal Code to prevent discrimination transgender individuals – at a minimum by including an explanation to the section which makes it clear it is not to be applied to transgender individuals
- Introduce and legislative proposals to repeal section 7 of the Vagrants Ordinance
- Encourage issuing guidelines to public authorities, particularly the Police, on correctly interpreting the Penal Code and Vagrants Ordinance in light of legislative amendment to not apply to transgender Sri Lankans



## C. Lack of non-discrimination protections

**Issue:** The lack of constitutional and legal provisions which recognise sexual orientation and gender identity as categories of non-discrimination and equality in Sri Lanka leaves LGBTI Sri Lankans unable to access their rights fully

**Situation:** Discrimination on the basis of sexual orientation and gender identity can occur at numerous instances by all public authorities. LGBTI Sri Lankans routinely experience discrimination in education, employment, housing and health care due to their real or perceived sexual orientation or gender identity:

- **Education** – LGBTI students are disproportionately affected by bullying and harassment by their peers at schools and universities, and discriminatory treatment by teachers and administrators. The lack of age-appropriate comprehensive sex education (CSE) and relationship education also negatively affects LGBTI students, like all students.
- **Housing** – LGBTI Sri Lankans routinely face problems finding adequate housing. Many LGBTI persons are faced with urgent housing needs due to sudden withdrawals of support from their families. LGBTI Sri Lankans are routinely evicted from temporary, rental or hostel accommodation when their identities are discovered. Transgender Sri Lankans are especially vulnerable because they may not be able to produce official documentation and because they are more visibly identifiable.
- **Healthcare** – LGBTI Sri Lankans face difficulties accessing adequate healthcare compared to the general population, due to discrimination and harassment they experience at healthcare facilities by healthcare officials. (For further detail, see section F)
- **Employment** – LGBTI Sri Lankans face difficulties in obtaining employment and transgender Sri Lankans are especially unable to gain employment due to a lack of proper identity documentation and because they are more visibly identifiable. Once employed, many LGBTI Sri Lankans go to great lengths to hide their true identities for fear of discovery. Those who are identified as LGBTI face routine discrimination (including through less pay and denial of promotions and opportunities) and verbal and physical harassment.
- **Public administration** – LGBTI Sri Lankans experience discrimination from public officials in numerous contexts, from local government officials to central government officials, particularly from those who required for official processes (such as Grama Niladharis)
- LGBTI Sri Lankans also experience sexual, emotional and physical violence, particularly in their home environments but also in public spaces.
- Transgender individuals are especially impacted by all these forms of discrimination as they tend to be more visibly identifiable and are less likely to have proper identity documents.

### Legal/Policy context:

- Article 12 of the Constitution does not explicitly recognise sexual orientation and gender identity as categories protected under non-discrimination and equality in the same way it does race, religion, language, caste, sex, political opinion and place of birth.
- The “or any one of such grounds” part in Article 12 means that sexual orientation and gender identity can indirectly be interpreted as grounds of non-discrimination, however, this is strictly dependent on judicial discretion.

- In addition, Articles 16(1) and 80(3) of the Constitution prohibits the judicial review of legislation after enactment. This means that laws which discriminate against LGBTI Sri Lankans cannot be reviewed by the judiciary to invalidate such laws and ensure that that such discrimination does not occur.
- There is no other legislation which protects LGBTI Sri Lankans from discrimination or hate crimes.
- Explicit recognition of sexual orientation and gender identity as categories protected against discrimination in the Constitution or through ordinary legislation, as well as repeal of Articles 16(1) and 80(3) of the Constitution to enable post-enactment judicial review, would enable LGBTI Sri Lankans to seek legal redress for the violation of their fundamental rights on the basis of their sexual orientation and gender identity.

### **Domestic developments:**

- The Public Representations Committee on Constitutional Reform (PRC) appointed in 2015 released its report after public consultations in 2016, and recommended 'sexual and gender orientation' be included in constitutional provisions on equality and non-discriminations, and that a further right to privacy be added. The draft constitution published by the Constitutional Assembly in 2019 included these provisions.
- On January 2017, the Cabinet denied the inclusion of the rights of LGBTI persons, including sexual orientation and gender identity in the National Action Plan for the Promotion and Protection of Human Rights.
- Parliament's Sectoral Oversight Committee on Women and Children has been extensively engaged with updating comprehensive sex education in school curricula since 2016, engaging stakeholders such as the Ministry of Education, Ministry of Health, Family Health Bureau, Child Protection Authority, academics and researchers in the field, and producing a number of reports.
- Shadow reports to the Committee on the Elimination of Discrimination against Women by Sri Lankan LGBTI organisations have highlighted the particular discriminatory experiences faced by lesbian, bisexual and transgender women, including Police harassment and violence, discrimination at work and gender-based violence.
- Shadow reports to the Committee on the Rights of the Child by Sri Lankan LGBTI organisations have highlighted the particular discriminatory experiences faced by lesbian, bisexual and transgender women, including Police harassment and violence, discrimination at work and gender-based violence.

### **International developments:**

- In 2017, the UN Committee on Economic, Social and Cultural Rights urged Sri Lanka to "take urgent steps to combat and prevent violence against LGBTI persons and ensure their equal enjoyment of all human rights, in particular the right to health, education, work and housing," and to adopt a comprehensive anti-discrimination law that encompassed sexual orientation and gender identity within its scope.
- In 2017, the Committee on the Elimination of Discrimination against Women reviewing Sri Lanka's progress against the Convention on the Elimination of All Forms of Discrimination

against Women recommended that Sri Lanka give due consideration to including sexual orientation and gender identity as a prohibited ground of discrimination. It also recommended that Sri Lanka “Institutionalize age-appropriate comprehensive education on sexual and reproductive health and rights, addressing responsible sexual behavior”

- In 2018, the Committee on the Rights of the Child recommended that Sri Lanka enact comprehensive anti-discrimination protections which take into account LGBTI children. It also recommended that Sri Lanka incorporate “segments on non-discrimination and equality into the mandatory school curriculum for children of all ages”.
- At Sri Lanka’s third UPR hearings in 2017, Sri Lanka officially stated that it “remains committed to law reform and guaranteeing non-discrimination on the grounds of sexual orientation and gender identity”

### **Recommendations to MPs:**

#### *Short to Medium Term*

- Introduce and support wide-ranging anti-discrimination legislation which include sexual orientation and gender identity as explicit grounds protected against discrimination
- Support and bolster the inclusion of sexual orientation and gender identity as categories that must be protected against discrimination in future National Action Plans for the Protection and Promotion of Human Rights (NHRAPs)
- Question public officials from relevant public authorities (especially the Ministries of Education, Health and Public Administration) at Sectoral Oversight Committee hearings on their policies and guidelines on responding to LGBTI Sri Lankans’ needs
- Support issuing guidelines for public officials at educational, health and administrative public institutions on treating LGBTI Sri Lankans with sensitivity
- Support sensitivity trainings for front-facing public officials (such as teachers, Police officers and Grama Niladharis) on responding to LGBTI Sri Lankans
- Continue the Sectoral Oversight Committee on Women and Children’s support for introducing comprehensive sex education to schools and support the inclusion of non-discrimination and LGBTI-sensitive material in the curricula

#### *Long Term*

- Introduce and support proposals to include sexual orientation and gender identity as explicit grounds protected against discrimination in Article 12 of the Constitution
- Introduce and support proposals to repeal Articles 16(1) and 80(3) of the Constitution and to enable the judicial review of legislation after enactment

## D. Gender Recognition

**Issue:** Transgender and intersex Sri Lankans continue to face a number of issues in having their gender recognised in official contexts.

- In Sri Lanka, birth certificates and identity cards must be shown at many points in daily life – for example, when a person applies for a job, goes to a bank, seeks medical care at a public hospital, visits a government office, or interacts with the Police. In every such situation, a transgender or intersex person whose official documents do not match their name and gender identity is vulnerable to humiliation, discrimination, harassment and the possibility of violence.
- A system to issue a Gender Recognition Certificate (GRC) was introduced via a circular in June 2016 by the Ministry of Health for individuals to change their identity documents so that they reflect their preferred gender as opposed to the one they were assigned at birth, the GRC process is problematic.

### **Situation:**

- The GRC requires that applicants must have undergone “surgical and hormonal treatment”. The standard practice for this is to first consult a psychiatrist, who determines if the transgender person should go ahead with the surgery process. Following the issuing of an official letter, the patient is then able to receive hormone therapy before moving on to surgery. The psychiatrist must finally certify that the person “underwent the gender transformation process”.
- Such procedures are expensive and unavailable outside large cities. Certain forms of surgery are also completely unavailable in Sri Lanka, and can only be performed overseas. Therefore, the GRC can force transgender Sri Lankans to undergo procedures they may not be able to afford, access or want in order to achieve document changes. In practice, some psychiatrists waive the surgical requirements but this is not consistently followed.
- For persons who have obtained a GRC, changing certain official identity documents have the disadvantage of making their previous gender identity obvious. For example, birth certificates obtained through the GRC process are amended by making a physical alteration on a person’s existing birth certificate, not by issuing a new certificate. Similarly, passports carry an ‘endorsement’ that states that the bearer is a transgender person whose previous passport was issued under their previous name and gender.

### **Domestic developments**

- The GRC process was established after years of extensive lobbying by Sri Lankan LGBTI organisations, with the Human Rights Commission of Sri Lanka acting as an intermediary. The limitations of the implemented process show, however, that government authorities cannot be fully sensitive to LGBTI Sri Lankans, and even where they are, there are frequent legislative and institutional barriers. For example, a number of provisions in the Births, Deaths and Marriages Act of 1954 prevent the issuing of new birth certificates to GRC holders.

## **International developments**

- According international best practice, surgical and hormonal treatment is not required for legal recognition of gender. In numerous countries, if the person is 18+ and have decided they want to live rest of the life in the gender they were not identified at birth, they can obtain a gender recognition certificate or equivalent through a simple process of self-declaration.

### **Recommendations to MPs:**

- Introduce or support legislation that allows for a gender recognition process which recognises the gender of transgender and intersex people on their official identity documents through a quick, transparent, accessible process of self-declaration that is free of medical procedures or coercion
- Amend the Births, Deaths and Marriages Act of 1954 and the Immigrants and Emigrants of 1948 in particular to allow new official identity documents to be easily issued to transgender and intersex people
- Advocate for collaboration between the Ministry of Health, the Department of Registration of Persons and the Department of Immigration and Emigration so that all changed official identity documents are issued newly

## E. Accessing Healthcare

**Issue:** LGBTI Sri Lankans face numerous difficulties accessing adequate healthcare compared to the general public, putting their lives at risk.

**Situation:**

- There is often a disregard and lack of concern for protecting the confidential details of LGBTI Sri Lankans' medical histories by healthcare facilities and services. LGBTI Sri Lankans, particularly transgender Sri Lankans, report that their personal medical information is regularly shared with non-medical hospital personnel such as cleaners and security staff. Such violations of privacy make receiving healthcare particularly stressful and humiliating for LGBTI Sri Lankans.
- LGBTI Sri Lankans, and especially transgender Sri Lankans, experience intimidation, harassment and discrimination at government healthcare facilities. LGBTI individuals frequently report facing unnecessary questioning and ridicule at hospitals and clinics
- Transgender Sri Lankans particularly report having experienced sexual harassment and other forms of harassment, such as unwarranted examinations of their genitals by medical staff. Transgender Sri Lankans also note that their cases can be unnecessarily delayed and their appointments pushed to the back of the queue at government healthcare facilities.
- There is a general lack of information and awareness raising by the government about healthcare services available to LGBTI Sri Lankans. Important services such as testing for HIV and sexually transmitted diseases (STDs), hormone treatments and sex reassignment operations which are available at government healthcare facilities is not well publicised, particularly for young persons and those who live outside cities.
- LGBTI Sri Lankans face significant mental health challenges. LGBTI Sri Lankans, particularly younger ones and transgender Sri Lankans, report having suicidal thoughts and attempting suicide at rates far higher than for the general population. Despite this, there is a nationwide lack of access to adequate psychosocial counselling and mental health services which are sensitive to LGBTI concerns.
- Sri Lanka has a low HIV transmission rate which has remained generally static. This leads national HIV prevention services to target LGBTI Sri Lankans for prevention and treatment as they are a key population for HIV transmission. However, this targeting can be inconsistent and reaches urban LGBTI Sri Lankans more than LGBTI Sri Lankans in rural areas, and especially the northern and eastern provinces.
- Transgender men (female to male) are often left out of HIV awareness programmes since often only transgender women (male to female) are categorised as men having sex with men by HIV service providers.

**Domestic developments**

- Sri Lankan LGBTI organisations have repeatedly raised many of these concerns with healthcare officials and healthcare facilities. While some of these interventions have been successful, they are often limited to specific instances (for instance, getting doctors at only a particular hospital to be more sensitive to LGBTI Sri Lankans). Health sector-wide reforms which address discrimination, harassment have not been put in place.

## **International developments**

- There is growing international acceptance that the healthcare needs of LGBTI persons can be unique and that healthcare systems often fail to meet these needs or to treat LGBTI persons with sensitivity. A number of countries provide LGBTI-specific healthcare services such as LGBTI sexual health services, and also have staff members trained to deal with LGBTI patients, similar to staff trained to respond to women, the elderly etc.

### **Recommendations to MPs:**

- Work with the Ministry of Health and the LGBTI community to develop a comprehensive health strategy for providing health services to LGBTI Sri Lankans
- Advocate for the Ministry of Health to develop comprehensive guidelines for the treatment of LGBTI Sri Lankans, addressing maintaining confidentiality of patients and avoiding discrimination and harassment, to be issued to healthcare facilities and staff islandwide.
- Advocate for the representation of LGBTI Sri Lankans in national healthcare advisory bodies, such as the National AIDS Committee.
- Advocate for increasing awareness about state healthcare services to LGBTI Sri Lankans, particularly targeting non-urban and young persons.
- Advocate expanding healthcare services (especially HIV prevention and treatment services) available to LGBTI Sri Lankans outside of major cities, and particularly in the northern and eastern provinces.
- Advocate for strengthening the provision of the psychosocial counselling and mental health services to LGBTI Sri Lankans and their families.

## F. Conversion therapy

**Issue:** Conversion therapy services cause significant mental and physical distress to LGBTI Sri Lankans and exploit them and their families.

**Situation:**

- Conversion therapy is the pseudoscientific practice of trying to change an individual's sexual orientation from homosexual or bisexual to heterosexual (or from transgender into cisgender) using psychological or spiritual interventions. Conversion therapy services are offered in Sri Lanka by medical or religious institutions, as well as private medical professionals.
- There is an overwhelming lack of scientific evidence that a person's sexual orientation or gender identity can be changed. Leading authorities including the World Health Organisation, the American Psychiatric Association, and recently the Sri Lanka College of Psychiatrists, all recognise that diverse sexual orientations and gender identities, including the including the categories of lesbian, gay, bisexual, and transgender, are not mental health disorders.
- Conversion therapy services in Sri Lanka are advertised in newspapers and the media. These services are completely unregulated and have no government approval or oversight over them. Because of the criminalisation of same sex sexual conduct, these services are able operate freely.
- The methods used by conversion therapy services vary, and can include coercive counselling methods, prescribing drugs that claim to 'cure' LGBTI identities and extreme methods such as electroconvulsive therapy.
- Conversion therapy can cause significant and permanent psychological distress and damage to persons who undergo it. Because the methods used for conversion therapy vary, and because of prevailing social prejudices against LGBTI individuals, this psychological distress can go unaddressed.
- LGBTI Sri Lankans are almost always coerced into accepting conversion therapy services by both their families and the service providers. Once initiated into a therapy programme, they also do not have any consent to stop the therapy, and in the case of residential conversion therapy programmes, may be physically unable to leave.

**Domestic developments**

- Sri Lankan LGBTI organisations have increasingly highlighted the prevalence of conversion therapy services in Sri Lanka.
- In July 2018, the Sri Lanka College of Psychiatrists (SLCP) announced that non-heterosexual sexual orientations and diverse gender identities including the categories of lesbian, gay, bisexual, and transgender (LGBT) are not mental health disorders. LGBTI Sri Lankans therefore do not require 'treatment' for their identities.

**International developments**

- There is growing international recognition that conversion therapy services constitute torture, cruel, inhuman and degrading treatment or punishment, and in the cases of forced institutionalisation, violation of the right to be free from arbitrary detention.



- A number of countries have moved to ban conversion therapy, including Argentina, Brazil, Malta, Ecuador, Taiwan, and states and territories in Canada, Spain and the United States.
- A very large number of multinational and national health organisations are deeply critical of conversion therapy and urge its ban.

**Recommendations to MPs:**

- Introduce and support legislation to ban conversion therapy services in Sri Lanka.
- Advocate for the Ministry of Health to issue guidelines to identify and close conversion therapy service providers
- Advocate for the Ministry of Health to issue guidelines to all psychological and psychiatric medical professionals to cease offering conversion therapy services



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