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Sri Lanka: Laws proscribing homosexual acts and whether they are applied in practice; the treatment of homosexuals by authorities, by society at large and by the Muslim community

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Legislation and treatment by the authorities

Homosexuality is illegal in Sri Lanka (AI July 2006; Freedom House 2006; WSG n.d.a). Under Section 365A of the country's penal code, homosexual acts are punishable by a jail term of up to ten years (*Gay Times* n.d.; see also AI July 2006). According to the website of Women's Support Group (WSG), a Sri Lankan non-governmental organization (NGO) and "the first women's group in Sri Lanka to dedicate itself to issues of lesbians, bisexual women and transgendered persons," prior to 1995, this law applied only to homosexual men (n.d.a). However, in 1995, the law was amended to be "gender-neutral," resulting in the criminalization of both male and female homosexual activity (WSG n.d.a).

Sources consulted by the Research Directorate indicate that this law criminalizing homosexual behaviour is "routinely" not enforced (Freedom House 2006; Equal Ground 2005, 16; US 6 Mar. 2007, Sec. 5; *Gay Times* n.d.). In a travel review of Sri Lanka, the London-based *Gay Times* reports that there have been no prosecutions of homosexuals in Sri Lanka in 50 years (N.d.). However, despite its lack of enforcement, gay rights groups claim that the "discriminatory" law has led to the stigmatization of homosexuals (*Gay Times* n.d.; see also Equal Ground 2005, 16; WSG n.d.a). The Sri Lankan authorities have reportedly used the law "to exact bribes or to threaten gays" (Freedom House 2006; see also Equal Ground 2005, 16; GlobalGayz.com June 2007). According to *Country Reports on Human Rights Practices for 2006*, "human rights organizations reported that police harassed, extorted money or sexual favours from, and assaulted gay men in Colombo and other areas" (US 6 Mar. 2007, Sec. 5).

Treatment by society at large and by the Muslim community

Homophobia in Sri Lanka is said to be "rampant" (*Gay Times* n.d.). Homosexuals may face blackmail (WSG n.d.a; US 6 Mar. 2007, Sec. 5), may be forced to leave their homes (BBC 20 May 2005; WSG n.d.a), and may lose their jobs (ibid.). The stigma associated with homosexuality prevents many from living openly (ibid.; ILGA 3 June 2005; BBC 20 May 2005; *Gay Times* n.d.).

According to GlobalGayz.com, a website that provides information on "worldwide gay life, sites and insights," in Sri Lanka, there is a "staunch but not violent homophobia in the culture" (June 2007). However, cited in a 14 June 2007 *Toronto Star* article, the founder of gay rights group Equal Ground and co-secretary-general of the International Lesbian and Gay Association (ILGA), Rosanna Flamer-Caldera, stated that persons advocating for human rights in Sri Lanka, particularly the rights of

lesbians, are "at risk." The same article indicates that in certain areas of Sri Lanka, "Tamil extremists and Muslim militias impose the death penalty for homosexual crimes" (*Toronto Star* 14 June 2007). Corroborating or further information on this observation could not be found among the sources consulted by the Research Directorate.

Information on the treatment of homosexuals specifically by Sri Lanka's Muslim community could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

LGBT resources

According to *Gay Times*, by "Western" standards, there is no gay scene in Sri Lanka; however, there are several gay rights groups in the country that lobby on behalf of the lesbian, gay, bisexual and transgender (LGBT) community and organize events for and provide support to its members (N.d.). These groups include WSG (WSG n.d.a), Equal Ground (ILGA 3 June 2005; GlobalGayz.com June 2007) and Companions on a Journey (BBC 20 May 2005).

WSG has conducted workshops and meetings and has participated in conferences in support of lesbian, bisexual and transgender (LBT) women (WSG n.d.b). Equal Ground, "the only mixed organization mandated to serve the Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) community in Sri Lanka" (ILGA 3 June 2005), has organized an annual gay pride event in Colombo since 2005 (Equal Ground 21 July 2005; *ibid.* 13 Dec. 2007; GlobalGayz.com June 2007). Companions on a Journey, a "society for gay men and women," shows gay-themed films once a week and has a collection of gay literature (BBC 20 May 2005). The group has a drop-in centre in Colombo, as well as two other drop-in centres located in Anuradhapura and Kandy (*ibid.*).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Internet sites, including: *The Advocate* [Los Angeles], *The Daily News* [Colombo], European Country of Origin Information Network (ecoi.net), *The Gully*, Human Rights Watch (HRW), International Gay and Lesbian Human Rights Commission (IGLHRC), *Pink News* [London], SodomyLaws.org, United Kingdom Home Office.

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