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Short communication: Discrimination against LGBT community in Sri Lanka: As a humane issue toward sustainability

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Abstract

In the late 1950s and early 1960s, social theory contributed to the emergence of sexual orientation and gender identity as study topics, as shown by the available literature. The first sociological literature on homosexuality highlights concerns like community formation, social roles, and stigmatization (Serrano Amaya & Ríos González, 2019) ^[10]. Although the discussion on LGBT is not an abnormal topic today, different cultures have adopted the concept of "LGBT"

according to non-scientific norms and values. This paper examines the public perception of the LGBT community in Sri Lanka, a country in South Asia enriched with traditional culture, and an explanation of its sustainability perception. Available interviews on public perception were utilized as secondary data, and recommendations were given to control and prevent LGBT discrimination in Sri Lanka.

Keywords: Gender, LGBT Community, Public Perception, Sustainability Issue

1. Introduction

The social concept of gender stresses the connection between society and its members. Gender is not determined by the sexual traits of either women or men but rather by social construction. Persons are assigned a gender role in society based on their personal or biological sex, and this position comprises several acts and attitudes that are typically deemed acceptable, proper, or desirable for people in that role (Ranaweera, 2020) ^[9]. LGBT is an acronym that stands for lesbian, gay, bisexual, and transgender. These terms describe a person's sexual orientation or gender identity (Defining LGBTQ, 2021) ^[3]. Many new laws have been passed, including legislation prohibiting discrimination and criminalizing homophobic and transphobic hate crimes. Other legislation recognizes same-sex relationships and makes it easier for transgender people to obtain official documents that reflect their preferred gender identity, among other things. In addition, anti-bullying initiatives have been implemented in many schools, and training programs have been developed for police officers, correctional facility staff members, school teachers, social workers, and other personnel (OHCHR, 2021) ^[6].

Compared to other countries in the region, Sri Lanka performs admirably on several gender equality indices, including the United Nations Development Programme. Although some sources question the validity of these indices, some support them. Furthermore, when it comes to gender equality, Sri Lanka is ranked relatively low globally. Females are undervalued as a result of this pattern of social history, which results in only secondary access to health care and education, and as a result, fewer opportunities to pursue high-level positions or receive advanced training (Gender Roles in Sri Lanka, 2021) ^[5].

According to the Penal Code, same-sex relationships are still illegal in Sri Lanka. The Supreme Court condemned the laws in 2016, but there has been no improvement to repeal them. In addition to Sri Lanka's vaguely worded Vagrancy Ordinances, the Penal Code provides legal protection for law enforcement officers' targeting, harassment, and extortion of LGBT people. Even though prosecutions under these statutes are rare, they contribute to widespread hostility toward LGBT people. Although public officials have stated that the Sri Lankan Constitution implicitly prohibits discrimination based on sexual orientation and gender identity, LGBT people continue to face discrimination regularly. A critical omission from the National Human Rights Action Plan for 2017-2021 was the inclusion of explicit protections against discrimination based on sexual orientation and gender identity. Earlier this year, the Gender Recognition Circular was published. The procedure was implemented the following year and appeared to be running smoothly.

In most cases, legal gender recognition can be obtained within 3-5 days, with the new identity card containing no evidence of previous gender identification. When it comes to LGBT issues, public officials have a mixed reaction. Others have begun to express tentative support for the human rights of LGBT people, whereas some politicians dismiss LGBT identities as a disease

or as an "import from Western culture." The media's portrayals of LGBT issues are frequently inaccurate, contributing to the general public's perception that LGBT people threaten Sri Lanka's culture, religion, and traditional values (OutRight Action International, 2020) [7]. This paper addresses the discrimination against the LGBT community in Sri Lanka as an identified sustainability issue.

2. Discussion

According to a recent mapping study conducted by EQUAL GROUND (2021) [4], 19.6% of people over 18 who live in Colombo, Matara, Nuwara Eliya, and Galle identify as LGBT. Findings may appear to be a disproportionately large proportion, and the report acknowledges that the figure may be slightly skewed since the enumerators who conducted the mapping were "LGBT" friendly, and as a result, they approached a more significant number of LGBT individuals for the study. It also mentions that LGBT individuals felt more at ease with these enumerators and, as a result, felt more confident in identifying themselves as such ("Counting in LGBT - Opinion | Daily Mirror," 2018). Of course, these figures only represent some districts in Sri Lanka, but it is safe to say that the overall percentage is much closer to 5% than the minuscule figure claimed in that article. If 5% is an accurate estimate, approximately 1,100,000 Sri Lankans identify as L, G, B, or T (EQUAL GROUND, 2021) [4].

LGBT Sri Lankan family members, neighbours, coworkers, and friends face significant stigma and discrimination due to their sexual orientation or gender identity. It would be too much if even one person in our country were treated in this manner. Despite this, the study found that 46.7% of LGBT people have experienced police harassment, 72.2% have been denied education, 57.14% have been fired, and 70% have been denied medical assistance. More than 50% are subjected to physical and sexual abuse and psychological distress. Many of us would seek help from family and friends in such situations, but unfortunately, more than 58% of respondents reported discrimination from their friends. (EQUAL GROUND, 2021) [4].

More than 20% of respondents said they were forced to marry someone they were not physically or emotionally attracted to. According to the study, 27.2% of LGBT respondents were married. Lesbian and bisexual women in forced marriages have repeatedly reported sexual and physical abuse. Many LGBT people said they would be willing to be open about their sexual orientation or gender identity if they were better off financially. A lack of appropriate jobs resulted in no LGBT respondents earning over LKR 90,000.00 per month. Only 11.3% earn over LKR 40,000.00 per month. Many Sri Lankans are discriminated against, criminalized, and marginalized every day without recourse due to their sexual orientation or gender identity. The existence of the LGBT community has been confirmed in large numbers, and the Sri Lankan government is responsible for protecting ALL of its citizens regardless of who they are. These hardworking people get up, work, pay taxes, and even vote. Nevertheless, they lack basic protections (EQUAL GROUND, 2021) [4].

Research conclusions on public perception of the LGBT community in Sri Lanka by Westminster Foundation for Democracy – WFD (2021), administered in late 2020 among 2130 people in all of Sri Lanka's 25 districts. The sample was composed of respondents from different gender, ages, education and religious groups.

2.1 Respondents' awareness and knowledge of LGBT

A significant proportion of respondents reported hearing the terms transgender (39.9 percent), lesbian and gay (25.6%), and bisexual (16.1%), while slightly over half of respondents (55%) stated they had not heard of any of the LGBT terms. Younger urban dwellers with a college education are somewhat more knowledgeable about LGBT identification. In addition, a significant proportion of respondents indicated they knew someone who was transgender (27 percent) or homosexual, or gay (24 percent) (Westminster Foundation for Democracy - WFD, 2021). According to the revealed results, most of the sample is unaware of the LGBT identifiers, indicating more than half (55%). People with close identification related to the LGBT are significantly less than the whole. Moreover, the research has identified the nature of the respondents who had a considerable idea of the LGBT community as an "urban population with tertiary education". As most of the cultural beliefs are rooted in the elderly population in a rural context, these responses have created a more reliable picture of LGBT awareness and Sri Lankan society.

2.2 Respondents' attitudes towards LGBT

Many respondents had positive attitudes towards LGBT persons in varied contexts. For instance, 59.7% said they would not be ashamed to travel next to a gay or lesbian person. Attitudes were mixed or negative in some contexts. On whether it would be shameful for a transgender person to be President of Sri Lanka, 49.5% agreed, and 48% disagreed (Westminster Foundation for Democracy - WFD, 2021). Although the most undersized majority has accepted that they are not ashamed to travel next to a gay or lesbian person, another considerable number of respondents were embarrassed, and at the same time, the same picture has been drawn with the acceptance of a president elected through LGBT community. Sri Lankan politics, especially voting, is based on the caste system and gender. The percentage of females in the Sri Lankan parliament is less than 6, and none of the LGBT community is represented. The given status for the LGBT community by Sri Lankan people yet to make confident them to be an average people in the society, rather than participating in an election.

2.3 Respondents' perceptions of and prejudices against LGBT

The setting influences respondents' impressions of LGBT individuals. Positive views are present in several circumstances. Seventy-two-point five percent of respondents said a person living as an LGBT person should not be punished for their sexual identity; sixty-five percent said an LGBT person could perform a job as well as any other person, and just over half (51.4 percent) said they would support legislation to protect the rights of LGBT people.

However, unfavorable evaluations are visible in situations that are closer to the respondent or more relevant to them personally. 59.5% agreed that renting to an LGBT person would be troublesome. 44.4 percent said that having a child who is LGBT would be embarrassing, while 48.6 percent disagreed. Respondents subscribe to a number of conventional preconceptions about LGBT Sri Lankans. For instance, 51.4% claimed that they violate their beliefs, and 52.3% felt that association encourages a person to become

like them, although over 40% disagreed (Westminster Foundation for Democracy - WFD, 2021).

These figures elucidate the discrimination against the LGBT community in Sri Lanka. Although the majority believes they should have an everyday human life and agree to support it, many believe vice versa. Less than half of the respondents would not be ashamed to have an LGBT child, while most were ashamed. With this data, the impact of religion on the perception of the LGBT community is visible.

2.4 Which Sri Lankans are more likely to have a more positive attitude towards LGBT persons?

The vast majority of respondents acknowledge that discrimination is experienced by LGBT persons in public and private spheres in Sri Lanka, irrespective of the respondents' awareness, attitudes, and perceptions of LGBT. Examples of percentages of respondents who said Sri Lankan LGBT persons are discriminated against or harassed because they are LGBT persons include:

- Because they are LGBT, 89 percent of LGBT people encounter violence and harassment on social media. 87 percent of LGBT people face prejudice in seeking rental housing and in education.
- Police discriminate against LGBT people, according to 69% of respondents (Westminster Foundation for Democracy - WFD, 2021)

The above data and information related to the LGBT community in Sri Lanka indicate the Sri Lankan culture and religion-based perception. People are reluctant to accept standard human identities in a country with a high density of culture and religion-based mythological ideologies. Higher education levels, urban socialization, and freedom given by religion have created a platform to keep the LGBT community as humans, although the majority discriminates against them.

In Sustainable Development Goals, the framework addresses the issue in various sections.

Sustainable Development Goal 05. Achieve gender equality and empower all women and girls

In Sri Lanka, women were treated with less respect than men due to invisible patriarchy. The SDG cannot fully achieve gender equality and empower all women and girls. However, lesbian, bisexual, and transgender women may face discrimination and violence due to their intersecting LGBT and gender identities. Women are treated less seriously than men in the workplace, and lesbian or bisexual women are treated less seriously. More actions combat harmful gender stereotypes that prevent people from being themselves and achieving their goals. Gender-based violence frequently targets women who deviate from gender norms and men and non-binary people. Working with the entire community to address gender stereotypes is critical, prioritizing support for LBT women disproportionately affected by gender-based discrimination and violent assault.

Sustainable Development Goal 10: Reduce inequality within and among countries

In Sri Lanka, almost all social institutions expect a male or female. Institutions such as schools, universities, and job applications never allowed the LGBT community to reveal their gender. Apart from prostitution (a civil offence in Sri Lanka), the Sri Lankan LGBT community is not welcomed

by any other country sector. By-laws, policies, and practices that fail to recognize or intentionally exclude LGBT people have often exacerbated discrimination against them. These laws, policies, and procedures undermine lesser rights and protections for LGBT people. Globally, many discriminatory laws and policies limit social services for same-sex couples and transgender people.

Sustainable Development Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

The majority of society sees discrimination based on caste, ethnicity, and economic status in a country full of supernatural beliefs and ideologies. However, in many countries, LGBT people face the additional challenge of police and security services refusing to take their reports of violence seriously, which is highly frustrating. The consequences of discriminatory legislation have led to Police and security services being accused of attacking and harassing LGBT people.

LGBT people do not report violent acts or death threats in areas where the state does not protect them for fear of being arrested. Because of the media's and legal system's homophobic, transphobic, and biphobic attitudes and laws restricting civil society organizations' ability to speak out, LGBT people are particularly vulnerable to basic human rights violations.

However, if Police and security personnel are adequately trained to deal with LGBT hate crimes, they may help.

Before identifying the potential solutions, the root causes of the issue should be identified,

- **Social Stigmatization**

The cultural and social background of Sri Lanka is a lag, and norms and values cannot address the changing world. Male and Female genders have been identified as the only gender roles applicable to human beings, and other genders caused the social stigmatization ("All Five Fingers Are Not the Same," 2020) ^[1].

- **Religion**

In a multi-religious country, religious groups that have representation in the parliament, especially Sri Lankan moors, do not accept other gender roles, and they have been categorized as evil or children of the devil ("All Five Fingers Are Not the Same," 2020) ^[1].

- **Culture**

"..In Sri Lanka, there are two frames: man and woman. Society thinks that you are lucky if you're born as a man. You are sinners if you're giving up your manhood ("All Five Fingers Are Not the Same," 2020) ^[1]. As society is limited to socializing children into two gender roles, Sri Lankan culture is not ready to accept the third gender.

- **Myths**

"Their words are more piercing than needles," one transgender man said of the staff at public hospitals and clinics who asked unnecessary personal questions...People think we will turn their homes into a brothel.... We just need shelter.. ("All Five Fingers Are Not the Same," 2020) ^[1]. Many myths related to the LGBT people in Sri Lankan society are totally against human rights.

▪ **Law**
According to the penal code of Sri Lanka, many

behaviours related to the LGBT community have been named as punishable offences or crimes.

Table 1: Penal Code Identification

PENAL CODE	DEFINITION OF OFFENSE	MAXIMUM PENALTY
Section 365	“Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished...”	imprisonment up to 10 years and a fine
Section 365A	“Any person who commits, or is a party to the commission of, or procures or attempts to procure the commission by any person of, any act of gross indecency with another person , shall be guilty of an offense...”	imprisonment up to two years and a fine
Section 360A	prohibits “procuring” any person to become “a prostitute,” regardless of consent	imprisonment between two and ten years with the potential for a fine
Section 399	“A person is said to ‘cheat by personation’ if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.”	imprisonment up to one year, or a fine, or both

(Penal Code Sri Lanka, 1883) [8]

In order to control and prevent the issue, potential solutions for the root causes could be classified into two.

Table 2: Potential Solutions

Community Awareness	Legal Reformation
Educate the community regarding Human Rights	Specify equal opportunities, emphasizing LGBT
Clarify the non-scientific facts of the myths related to the LGBT community	Reformations of the penal code
Aware people of the natural biological phenomena of LGBT, and it is not a selection of a person	Legalizing LBGt marriages

Both attitude and systemic change are needed to address the issue. For an attitude change, a collaboration of educational institutes, NGOs and media is required as the public perception relies on these stakeholders. Another cluster with government collaboration, corporate laws and ethical codes is needed for a systemic change. These two stakeholders are to get together for equal opportunities for the LGBT community in Sri Lanka.

3. Conclusions and recommendations

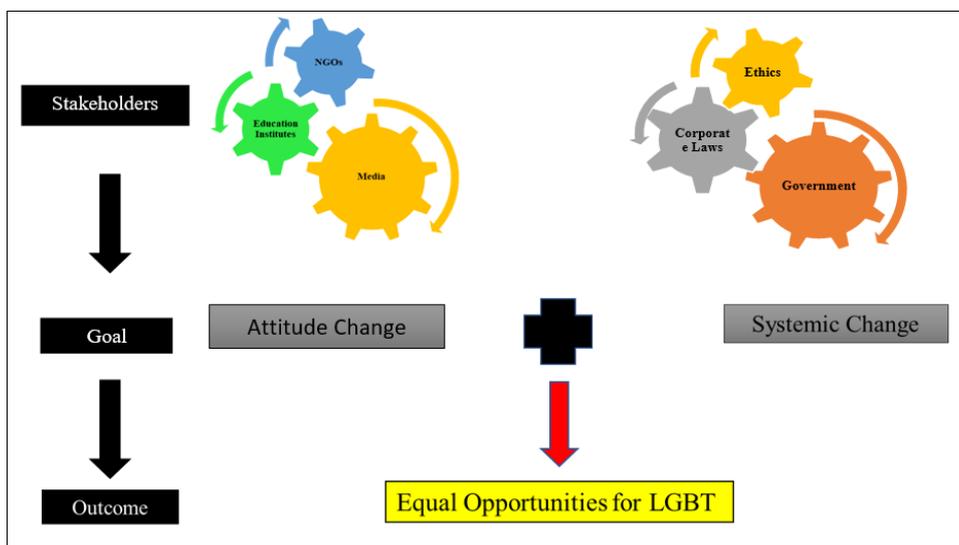


Fig 1: Stakeholders Intervention - The key stakeholders and how they should be framed

Although national plans and sector plans in Sri Lanka have given space to gender equality and equal education for all, it only emphasizes female and male genders. Most rural women and marginalized urban women fight for female rights as the hidden patriarchal county. LGBT community also awoken as small groups but is yet to be winners. However, with the statement of gender equality, as an umbrella term, the LGBT community is enabled to raise

their voice, but the society and the legal procedures reject those rights while rejecting the LGBT community as non-human beings.

As the Sri Lankan corporate sector is based on profit and social image, none of the corporations intervenes to LGBT related issues. There are no open LGBT-friendly services available in the community, such as restaurants, bars, shops, or public gathering places. The online LGBT community, on

the other hand, has grown in recent years, particularly on social media sites such as Facebook, which are perceived as safe spaces for socializing and scheduling dates. The LGBT activist community is small, but it is becoming more assertive. Equal Ground, a non-governmental organization that advocates for the LGBT community, has faced discrimination when organizing events and has encountered difficulties engaging with the government on LGBT issues. Other LGBT activists and those advocating for their rights have faced threats and attacks on social media, as well as being denied registration to run for public office (EQUAL GROUND, 2021)^[4].

In order to abolish LGBT discrimination, social acceptance is needed. In Sri Lanka, Socio-cultural factors act as the basement of society; moving with people might lead to LGBT acceptance in future. Giving political representation, collaborative social work, including LGBT awareness in the school syllabus, and experience sharing workshops with people would help create equal opportunities for the LGBT community and accept them as normal human beings in society.

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