



**SRI LANKA**





# "NOT GONNA TAKE IT LYING DOWN"

Experiences of Violence and Discrimination  
as Told by LBT Persons in Sri Lanka

**WOMEN'S SUPPORT GROUP**



## CONTENTS

INTRODUCTION .....	7
DEDICATION .....	9
ACKNOWLEDGEMENTS .....	9
INTERVIEWEE DEMOGRAPHICS .....	10
HUMAN RIGHTS CONTEXT IN SRI LANKA .....	12
MANIFESTATIONS OF VIOLENCE BY NON- STATE ACTORS AND PRIVATE INDIVIDUALS .....	14
Emotional Violence .....	14
Verbal Abuse as Violence .....	15
Violence of Cultural Norm and Gender Norm Enforcement .....	17
Physical Violence .....	17
Sexual Violence .....	18
Intimate Partner Violence .....	20
DISCRIMINATION AT THE WORKPLACE .....	21
VIOLENCE AND DISCRIMINATION BY STATE ACTORS .....	24
ACCESS TO REDRESS .....	25
IMPACT OF VIOLENCE, RESPONDING AND COPING .....	26
Affective Responses .....	26
Passive Responses .....	28
Active/Activist Responses .....	29
LAWS AFFECTING LBT PEOPLE IN SRI LANKA .....	31
Section 365A - Penal Code – Gross Indecency .....	32
Section 399 – Penal Code - Cheating by Personation .....	32
Vagrancy Ordinance of 1842.....	32
Fundamental Rights .....	32
International Treaties.....	33
RECOMMENDATIONS .....	34
REFERENCES .....	35
APPENDIX A: TERMINOLOGY .....	37
APPENDIX B: GLOSSARY OF TERMS .....	38
APPENDIX C: METHODOLOGY .....	40



Photo: Theresa Thadani



## INTRODUCTION

From 2010 to 2012, the Women's Support Group (WSG), a Colombo-based non-governmental organization (NGO) providing support and advocacy for lesbians, bisexual women and transgender people (LBT),<sup>2</sup> documented experiences of violence and discrimination specific to LBT people in Sri Lanka. This initiative, titled the Asia Action Research to Address Violence Against Non-Heteronormative Women and Transgender People on the Basis of their Sexual Orientation, Gender Identity or Gender Expression, was part of a five-country project spearheaded by the International Gay and Lesbian Human Rights Commission (IGLHRC).

The WSG carried out 33 qualitative interviews with LBT people and 51 qualitative interviews with related stakeholders (i.e., lawyers, doctors, mental health professionals, media representatives, employers, religious leaders, representatives of educational institutions, NGOs, and state employees). Questions were structured around the following themes: emotional violence, physical violence, sexual violence, intimate partner violence, workplace discrimination, state violence, access to redress and coping mechanisms.

The interviews provided crucial insights on LBT human rights issues, which had never before been documented in Sri Lanka.

One key research finding is that Sri Lankan lesbians, bisexual women and transgender people most commonly experience emotional violence as a result of their sexual orientation, gender identity or gender expression (SOGIE). All 33 LBT interviewees had experienced some form

*"I think the biggest discrimination for me was from my family. Emotionally and verbally they have discriminated [against] me - their denial that I am a lesbian and the refusal to accept anything other than me being with a man as being ok... They at best hide my sexuality or refuse to acknowledge it. So the problems are actively from them and it continues still."*

– Mallika<sup>1</sup>, early 40s, identifies as a femme lesbian

*"My partner's family forcibly tried to give her pills and medicine to cure her. They tried very hard to change her into a heterosexual... [T]wice she was subjected to electric shock therapy."*

– Roshmi, 39 years old, identifies as a lesbian

---

<sup>1</sup> All names have been changed to maintain anonymity and confidentiality.

---

<sup>2</sup> For the purpose of this research we will include both transgender men and women. The acronym 'LBT' will be used as an abbreviation for Lesbian, Bisexual and Transgender. This umbrella term is meant to include lesbians, bisexual women, transwomen (male-to-female transgender persons) and transmen (female-to-male transgender persons).

of emotional violence, including: non-verbalized/silent contempt, invisibilization, emotional manipulation, gender norm enforcement, religious condemnation, invasion of privacy, restrictions on socialization, neglect, severing of relationships between family and friends and controlling behaviour.

A second key finding is that, as almost all interviewees admitted, family members are the main perpetrators of emotional violence. In some cases, although interviewees were not slow to state that they had experienced emotional violence from family members, the term “perpetrator” was not one they readily associated with or wanted to associate with a family member – even in the context of the narrative of violence. The research sheds light on the reasons for this reluctance, which in itself is a potentially significant aspect of the findings.

These findings suggest that Sri Lankan women, while achieving high on development indicators like literacy and education, are still subjects of a conservative social environment where patriarchal authority and heteropatriarchal norms are reinforced. In this society, heterosexual marriage is encouraged, divorce and separation discouraged, and family violence as well as partner violence is invisibilized. Given that this environment actively discourages female independence, especially sexual autonomy and gender difference, and limits women’s access to and exposure in the public sphere, the private space of the family is a primary locus of the control of women – perhaps the most oppressive institution for them. For LBT persons, these circumstances are compounded by the fact that they have no other forms of support. For example, they may not be able to request help from friends and colleagues, and cannot approach religious communities or government institutions such as the police and even women’s sheltering services.

In addition to emotional violence, over two-thirds of interviewees (26 out of 33) reported physical violence. The project sought information on experiences of physical violence in connection with three aspects: coming out experiences; external reactions to a respondent’s non-conformity in

terms of gender and sexual orientation; and in relation to being in queer (see Glossary) relationships. Interviewees were questioned specifically on which acts constituted physical violence for them. The interviews also revealed that more than half (18 out of 33) had experienced sexual violence. Both forms of violence (physical and sexual), were linked to their sexual orientation, gender identity or gender expression.

A staggeringly high number of interviewees (31 out of 33) reported the impact of the violence on their mental health; amongst the mental health issues cited were depression, anxiety, anger, frustration, and fear arising from actual experiences of violence and anticipation of further violence. Nearly two-thirds of the interviewees (20 out of 33) chose not to disclose their sexual orientation to anyone for fear of rejection from society, friends and family. Self-harming behaviour was reported by 20 respondents, including an alarming one third of the interviewees (11 out of 33) reporting attempted suicide. This fact was reflected in Sri Lankan newspaper reports of female couple suicides, as the WSG has observed.<sup>3</sup>

The stakeholder interviews provided an in-depth understanding of the intensity and forms of anti-gay attitudes and myths prevalent in sections of contemporary Sri Lankan society. These interviews also helped identify potential allies across a range of professions, including medicine, mental health, education, religion and media.

For instance, a mental health professional who

---

3 In July 2005, Deepika and Chanika, two 15-year-old girls, hugged each other and jumped in front of an oncoming train in the Gampaha District (reported in *Lankadeepa* – 22/07/2005); in August 2002, 18-year-old Sujani and 16-year-old Anoma hanged themselves from a rubber tree in the Matale District. A suicide note left behind read, “Since we cannot live together, we will die together” (reported in *Divaina* – 23/08/2002); in October 2001, the bodies of 30-year-old Nandani and 21-year-old Shanika, hands tied together by a piece of cloth, were found washed up on the beach in the Galle District. There were no signs of murder, rape or sexual abuse. Police investigations revealed love letters that the young couple had written to each other (reported in *Lankadeepa* – 05/11/2001).



had worked with many LBT people, especially in the area of transgender issues, was aware of the problems in the Sri Lankan mental health system and the scarcity of specially trained professionals working with LBT individuals. She identified the need for more clinical psychologists to work with LBT individuals and also stressed the need to educate the public on issues relating to sexual orientation, gender identity and gender expression. She said, “People have a right to live this particular way as long as they are not into harmful behaviours [sic].”<sup>4</sup>



Photo: Courtesy of Megara Tegal

## DEDICATION

This study is dedicated to Sunila Abeyskera (1952 – 2013), a founding member of the Women’s Support Group (WSG), but most importantly, a mentor and inspiration to all of us who continue to advocate for the right to be free from violence and discrimination based on sexual orientation, gender identity and gender expression.

## ACKNOWLEDGEMENTS

The Women’s Support Group would like to thank all the respondents who willingly shared their stories of despair, hope, courage and resilience in order to make this research possible. We are also grateful to all the stakeholders who participated in this study.

The WSG wishes to especially thank the International Gay and Lesbian Human Rights Commission (IGLHRC) for providing guidance and support throughout this research.

Finally, we would like to express our sincere gratitude to our funders, the Global Fund for Women, IGLHRC and South Asia Women’s Fund, who made this possible.

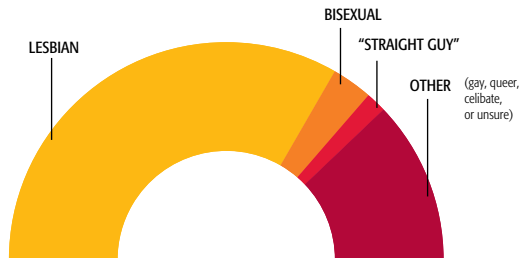
---

4 Interview with Mental Health Professional, Women’s Support Group, Sri Lanka, July 14, 2011.

# INTERVIEWEE DEMOGRAPHICS

## SRI LANKA

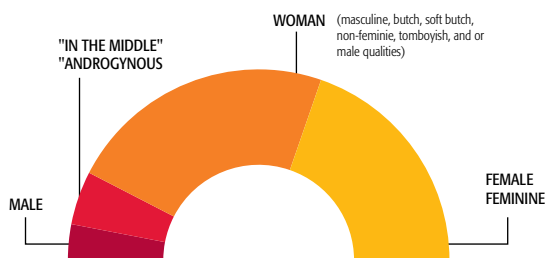
### SELF-IDENTIFICATION: SEXUAL ORIENTATION



**Sexual Orientation:** Of the 33 LBT interviews conducted by the WSG, 22 were with self-identified lesbians, two with bisexual women, and one with a person who saw himself as a “straight guy.” The remaining eight interviewees varied in defining their sexual orientation – as gay, queer<sup>5</sup>, celibate, or unsure. Some preferred to simply say they “liked women” while others resisted labelling their sexual orientation.

## SRI LANKA

### SELF-IDENTIFICATION: GENDER IDENTITY OR EXPRESSION

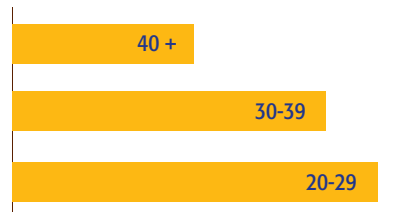


**Gender Identity or Expression:** In terms of gender identity, two of the interviewees identified as male; three identified as neither male or female but preferred to refer to themselves as being “in the middle” or “androgynous;” 15 identified as female, woman, and/or being feminine; and 13 identified as women, but were quick to qualify that they were either masculine, butch, soft butch, non-feminine, tomboyish, and/or had male qualities.

5 For this research, we use the term ‘queer’ to represent people with non-conforming sexual orientation, gender identity and gender expression. One of the participants used the term “queer” to identify herself as it provided a broader identity than the term “lesbian.”

## SRI LANKA

### AGE RANGE

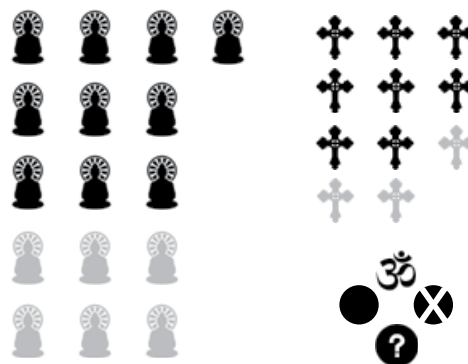


**Age:** Fourteen interviewees fell into the age range of 20 to 29 years; twelve interviewees were between 30 and 39 years; and seven were above 40 years old.

**Ethnicity:** In terms of ethnicity, the sample population had an over-representation of Sinhala people (19); nine interviewees of mixed ethnicity (Sinhala/Burgher or Sinhala/Tamil); three who identified as Burghers; and two Tamils. Similarly the number of Tamil interviewees was low, despite recruitment efforts.

## SRI LANKA

### RELIGIOUS IDENTITY



**Faith:** Almost half of the number of interviewees (16) had been born into Buddhist families, but only ten of the total sample claimed to be practicing Buddhists. Similarly, of the thirteen interviewees who had been born into Christian families, only eight were practicing Christians. The others were Hindus, atheists, agnostics or did not identify with any religion. Recruitment was unsuccessful in the case of Muslim respondents.

**Education:** Fourteen interviewees had completed tertiary education, eight interviewees held an undergraduate degree, and eleven had postgraduate qualifications.

**Employment:** Of the 33 respondents, 30 were employed in the formal sector. In terms of annual income, four interviewees earned below USD \$3,000; nine earned between USD \$3,000 and 5,000; seven earned between USD \$5,000 and 10,000; and eight earned more than USD \$10,000. Two interviewees did not have a fixed income.

**Stakeholder Interviews:** Of the 51 stakeholder interviews, seven were conducted with people who worked in state agencies; eleven with human rights advocates (including lawyers and women's rights activists); seven with service providers (including mental health and medical health professionals); and 26 with employers and representatives of media, religious and educational institutions. Time constraints permitted the analysis of only 30% of all stakeholder interviews (i.e., 16 stakeholder interviews), and this limitation may affect the conclusions in this chapter. However, participant recruitment was designed to capture a cross section of stakeholders, including at least one person from each sub-category (i.e., educationists, employers, media, religious). All stakeholder interviews were conducted in either English or Sinhala, as those of Tamil ethnicity preferred to speak in English.

The stakeholder interviews illuminated negative social attitudes and myths about homosexuality in Sri Lanka, providing useful insights for advocacy strategies and service improvement. The most common response by stakeholders across the spectrum was the conflation of homosexuality with paedophilia, even in instances where such beliefs contravene professional training, as stated by Dr. Lakruwan, a medical health professional:

A homosexual person also cannot say who he is [be open about his sexuality] because it is looked upon with disgust. So all this happens in secret... [and as a result] they [gay men] also go after small children.<sup>6</sup>

---

6 Interview with Dr. Lakruwan, Medical Health Professional, Women's Support Group, Sri Lanka, August 13, 2011.

Another common response was the association of homosexuality with HIV/AIDS/STDs. Mohomad, a Muslim Maulavi (religious leader of Islam) says:

God has made 100% sure that if such things exist between men or between women... unidentifiable diseases that have no medicine will be spread. The Quran mentions that those who approve of such things will die of humiliation and blame.<sup>7</sup>

A third response was that homosexuality was inappropriate and ran counter to the existence of cultural and religious sensitivities in the country according to Menika, a school principal who says that she "...cannot say that it is appropriate when we consider our surroundings" (referring to Sinhala and Tamil cultures).<sup>8</sup> LBT people were also viewed as "people who have some kind of sexual or psychological disorder, who cannot live in a normal way. Since they have no other choice, they behave as homosexuals."<sup>9</sup>

However, there is little basis for this perception in the dominant cultural scripts. For instance, in Buddhism, the country's official religion, which is practised by a majority of Sri Lankans, there is no documented evidence of the Buddha professing any views against homosexuality.<sup>10</sup> The *Vinaya* (monastic rules for the religious order) holds that monks and nuns are not permitted to penetrate any bodily orifices with their sexual organs; it does not make a distinction between homosexual and heterosexual activities, and the rule is only for those who have taken religious vows.

---

7 Interview with Mohomad, Muslim Maulavi, Women's Support Group, Sri Lanka, August 1, 2011.

8 Interview with Menika, School Principal, Women's Support Group, Sri Lanka, June 16, 2011.

9 Interview with Sudath, media representative, Women's Support Group, Sri Lanka, August 9, 2012.

10 Bellanvila Sudaththa Thero and Cecil J. Dunne, "Homosexuality, Buddhism and Sri Lankan Society," *Groundviews*, <http://groundviews.org/2007/08/28/homosexuality-buddhism-and-sri-lankan-society/>.

# HUMAN RIGHTS CONTEXT IN SRI LANKA

Sri Lanka is a constitutional multiparty republic, currently governed by its President, HE Mahinda Rajapakse, who was re-elected to a second six-year term in January 2010. Sri Lanka witnessed internal armed conflict for over 30 years in which the Government of Sri Lanka (GOSL) engaged in a civil war with the Liberation Tigers of Tamil Eelam (LTTE) who were fighting for a separate state in the North and the East of the island. This conflict claimed the lives of more than 70,000 Sri Lankans and displaced thousands.<sup>11</sup> The eventual military defeat of the LTTE in May 2009 ended in a bloody battle, resulting in 40,000 Tamil civilian deaths and nearly 60,000 Tamil civilians injured. The Lessons Learnt and Reconciliation Commission (LLRC), appointed by the President in May 2010, is defined as a national accountability mechanism. However, the LLRC does not meet international standards, especially in the area of accountability, and is considered deeply flawed by international and intergovernmental human rights organizations for failing to investigate the systematic violations of human rights that occurred during the internal conflict.<sup>12</sup> The failures of the LLRC are indicative of a deeper lack of political will to address human rights violations more generally.

In the aftermath of the conflict, the country still faces the challenge of building a just and peaceful society that recognizes and respects the identities and rights of all people, including women. There have been reports of major human rights violations – unlawful killings, disappearances, arbitrary arrests, torture and gender-based violence – committed against civilians, human rights defenders, media personnel

---

11 “Q & A: Post-war Sri Lanka,” BBC News, September 20, 2013, <http://www.bbc.co.uk/news/world-south-asia-11393458>

12 A/HRC/22/38, Human Rights Council, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-38\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-38_en.pdf); “Sri Lanka: Report Fails to Advance Accountability,” Human Rights Watch, December 16, 2011, <http://www.hrw.org/news/2011/12/16/sri-lanka-report-fails-advance-accountability>

and political figures. Such human rights violations, attributed to security forces and government-allied paramilitary groups, continue to be reported.<sup>13</sup> The number of prosecutions remains low and convictions are even lower, especially in cases where state officials stand accused. This reflects an overall state of impunity in the country which is characterized by lengthy pre-trial detention, denial of fair trial, lack of independence of the judiciary, lack of accountability measures for conflict-related crimes, lack of administration of the rule of law, and lack of political will. Reports also show restrictions of basic human rights, including the freedom of expression, freedom of assembly, and freedom of association and movement.<sup>14</sup>

Overall, the State’s reaction to any form of dissent has been contempt or denial. For instance, during 2011 and immediately thereafter, when a United States resolution on Sri Lanka was pending before the United Nations Human Rights Council scheduled for March 2012, Sri Lankan human rights defenders faced constant threats and experienced severe hardship.<sup>15</sup> In many instances, journalists, human rights defenders and those who criticise the government have been labelled as “Tigers” (alleging that they support the LTTE), terrorists, separatists or traitors. This reaction has had a tremendous impact on the work of human rights defenders. They have been compelled to confine their work to those issues that the government does not perceive as “sensitive.”<sup>16</sup>

In terms of a broad range of human rights concerns, journalists face censorship and often

---

13 “Human Rights Report, Sri Lanka,” US Department of State (2011), accessed on October 11, 2012, <http://www.state.gov/j/drl/rls/hrrpt/2011/sca/186475.htm>.

14 A/HRC/22/38, Human Rights Council, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-38\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-38_en.pdf)

15 “Joint Statement by Sunila Abeysekara, Nimalka Fernando and Pakiasothy Saravanamuttu,” March 23, 2012, <http://www.scribd.com/doc/86440203/joint-statement-sunila-abeysekara-nimalka-fernando-and-dr-paikiasothy-saravanamuttu>.

16 For example, any issues dealing with the conflict or in relation to post conflict human rights violations against the Tamil minority are deemed “sensitive” issues by the government.

life-threatening risks.<sup>17</sup> A large number of Tamils remain in detention without being formally charged. In addition, there is a lack of disaggregated data in relation to ethnicity as this information has not been provided by the authorities, and non-governmental organizations can merely provide varying estimates.

A distressing development has been the emergence of extremist religious intolerance fuelled by a group of militant Buddhists priests.<sup>18</sup> New forms of media such as Twitter and Facebook have been used to spread the groups' intolerance of Muslims and instil a "fear psychosis" among the greater population. Many of these militant groups speculate that the last concluded census in 2011 showed a rapid growth in the birth rates of Muslims, which they identify as a potential threat to the Sinhala ethnic group. Although the activism of these militant priests has largely targeted people of minority ethnicities and religions, they enjoy the tacit support of the government in spreading majority Sinhala and Buddhist propaganda. Their fear of Muslims outnumbering Sinhalese people in Sri Lanka serves as the impetus for advocating that Sri Lankan laws be changed to permit a Sinhalese man to wed five women in order to propagate the Sinhala race.<sup>19</sup> Reportedly a government communiqué has been issued to state hospitals to stop implementing and administering all forms of voluntary, irreversible family planning methods, namely Ligation and Resection of Tubes (LRTs) and vasectomies, unless done for medical purposes.<sup>20</sup>

---

17 "VIDEO: I chased Poddala, warning to 'traitors' – Mervyn," Truth First (March 2012), accessed September 25, 2012, <http://www.adaderana.lk/news.php?nid=17473&mode=beauti>.

18 "Bodu Bala Sen and Buddhism's militant face in Sri Lanka," *Groundviews*, January 15, 2013, <http://groundviews.org/2013/01/15/bodu-bala-sena-and-buddhisms-militant-face-in-sri-lanka/>; "Bodu Bala Sena a Threat to Sri Lanka's Future," *Groundviews*, March 19, 2013, <http://groundviews.org/2013/03/19/bodu-bala-sena-a-threat-to-sri-lankas-future/>; "The Muslims are the New Tamils," *Lanka Standard*, January 27, 2013, <http://www.lankastandard.com/2013/01/the-muslims-are-the-new-tamils/>

19 "Bodhu Bala Sena Wants Law Changed to Permit a Sinhalese Man to Marry Five Wives to Propagate the Sinhala Race," *dbsjeyaraj.com*, January 23, 2013, <http://dbsjeyaraj.com/dbsj/archives/15219>

20 "Govt Bans LRT on Women and Vasectomy on Men After

NGOs working in the areas of contraception, sexual health and family planning have reported being instructed by the government to cease their outreach work in this field.

The independence of the Police Commission, the Human Rights Commission and the Judiciary was compromised by the 2010 passage of the 18th Amendment to the Constitution, which resulted in presidential appointments being made to the related public institutions. Previously, the 17th Amendment to the Constitution (and Section 2 of the Act) provided that the members of the Human Rights Commission would be appointed by the President on the recommendation of the Constitutional Council. This 18th Amendment to the Constitution, which came into effect on 9 September 2010, established a Parliamentary Council comprised of the Prime Minister, the Speaker of the Parliament, the Leader of the Opposition, a Member of Parliament nominated by the Prime Minister, and a Member of Parliament nominated by the Leader of the Opposition. The President now has to "seek the observations of a Parliamentary Council" (as opposed to obtaining the Council's approval) in making appointments to the Human Rights Commission.

This situation of general impunity and lack of judicial independence has made LBT people in general more vulnerable and invisible. Their vulnerability and invisibility are compounded when sexuality intersects with membership in another disadvantaged group. For example, many lesbian, gay, bisexual and transgender (LGBT) groups report a lack of Tamil membership. In short, it is clear that the human rights crisis facing the country creates a complex context in which LBT people find it even more difficult to effectively advocate for their rights.<sup>219</sup>

---

Bodhu Bala Sena Protested Against Birth Control to Protect Dwindling Sinhala Race," *dbsjeyaraj.com*, February 24, 2013, <http://dbsjeyaraj.com/dbsj/archives/17118>.

21 As in other South Asian countries, politicians and other public figures in Sri Lanka often dismiss same-sex relations as a Western way of life in order to justify the continued criminalization of sexual activities between consenting adults even in private spaces. For example in August 2008, the Sri

# MANIFESTATIONS OF VIOLENCE BY NON-STATE ACTORS AND PRIVATE INDIVIDUALS

## Emotional Violence

According to the definition of emotional violence in the research methodology, emotional violence is a term that is often inter-changeably used with mental and psychological abuse. Some interviewees might be more comfortable calling it a violation of their spirit or dignity. What is important in this research are the behaviours or actions that are experienced as emotionally / psychologically / mentally / spiritually violating. The types of actions or behaviours that constitute emotional abuse in this research are: verbal abuse (insults, taunts, swearing, put downs / personally demeaning comments, allegations of abnormality); threats (to harm self or others, to abandon, evict, imprison, disclose sexual identity to others, etc); controlling actions (for example, restricting socialising with family / friends / neighbours; invading privacy, entering personal space); silent hostility (for example non-verbal behaviours that express contempt for, denial of and/or non-acceptance of gender identity and sexual expression), neglect,

---

Lankan government hosted the 8th International Conference of AIDS in the Asia Pacific (ICAAP). In spite of the government taking this initiative to host this event which included many sessions on sexuality, sexual health and the rights of sexual minorities, at the end of the conference in response to a comment raised on the unavailability of condoms for participants of the conference by the ICAAP rapporteur, the Minister of Health is quoted as replying "I don't want people to think I brought all of these people here to promote lesbianism and homosexuality. There are many nice women and handsome men in Sri Lanka. People in South Asia practice good sexual behaviour with single partners. When the Western world was living in the jungles, we were leading a civilised life." See M. Fernando, "Vagrant Voices," *Himal South Asia*, Vol. 21 (3), (2008), accessed on February 8, 2013, <http://himalmag.com/component/content/article/1010-vagrant-voices.html>.

(for example, withholding financial support, denying human contact).

All LBT people interviewed for this study reported experiencing emotional violence. As mentioned in the introduction, LBT people experience this violence more intensely due to lack of a support system. Given that it is customary for Sri Lankans to live with their families until marriage (and at times, even in the post-marriage period), this domestic set up can add to the pressure on LBT persons who are already facing emotional violence. It is not uncommon therefore for lesbians, bisexual women and transgender people to use employment or education as a "reason" to leave home (see the section on "Active/Activist Responses" for a more detailed account of this).

There are different triggers to when emotional violence occurs. However, emotional violence was a common occurrence mostly in connection with the discovery of an individual's sexual orientation or gender identity or in relation to an individual's "coming out" experience (where a person revealed her sexuality or gender identity). The gender expression of some of the more boyish respondents was also a cause for emotional abuse.

In a few cases, interviewees experienced violence on the grounds of being women and being queer. In such cases, when it was not just being queer but being a *woman* who was queer that triggered emotional violence, the data showed the intersections between discrimination against women, homophobic and transphobic violence.

Who perpetrates emotional violence varies. Often, the perpetrators were the respondent's family members or the respondent's partner's family members. In some cases, the violence was perpetrated by an ex-partner, an ex-partner of a current partner, or a peer. A few interviewees had experienced violence or the threat of violence from strangers.

The ways that LBT individuals experience the harassment, humiliation, power and control associated with emotional violence were many.

This violence primarily involved an invasion of privacy (more than three fourths, reported by 26 of

the 33 respondents); non-verbal or silent contempt and hostility (more than half, reported by 19 of the respondents); and emotional manipulation (more than half, reported by 18 respondents).

More than half, (18 respondents) reported experiencing restrictions on socializing, such as their phone calls and letters being monitored; having 'curfews' imposed on them when their sexuality became suspect; being chaperoned when leaving the house; and being confined to the house due to their sexual orientation or gender identity. Approximately one third (13) had been forced to end their same-sex relationships, and one third (13) believed that their sexual orientation or gender identity was met with silent hostility or was invisibilized in one way or another (e.g., they were treated as if they were not in the room and/or were spoken about in the third person).

Interviewees reported facing a high degree of peer teasing that often escalated into verbal harassment and bullying, in addition to intentional emotional abuse from peers, teachers, work colleagues, supervisors, friends and state actors.

DKS, a 28-year-old feminine lesbian, lives with her soft butch partner in a suburb of Colombo. She spoke of their experience of facing prying eyes and contempt at a place of worship. She said:

I go to church and then I stand there and I think...you know, all these people are staring at us, they clearly know that we're a gay couple or we're a little out of the ordinary, and I am sure some of them think, 'What the hell are they doing here?'<sup>22</sup>

One interviewee spoke of the non-verbal contempt directed towards her by her previous partner's parents. Chandani is 39 years old, lives in Colombo, and identifies as a feminine/soft butch lesbian. She spoke about her ex-partner's family, who felt that she was "spoiling" (ruining) their daughter and responded by rendering her invisible. She said:

---

22 Interview with DKS, Women's Support Group, Sri Lanka, 18 September 2010.

That has happened to me a lot ... [T]he parents refused to acknowledge me at all, even though I had dinner with them.<sup>23</sup>

Twenty-one-year-old Dhammi, a Sinhala Buddhist and a resident of a Colombo suburb, does not want to use a specific term to identify her sexual orientation; instead, she prefers to "stay with both" and describes her gender identity as being "in the middle." Dhammi spoke about how her brother had emotionally manipulated or blackmailed her once he found out that she was a lesbian. She said, "He told me that he will not speak to me if I continued my relationship with my girlfriend. He also threatened to inform our parents about it."<sup>24</sup>

Chamila is 36 years old and lives with her parents in a Colombo suburb. She identifies as a lesbian and prefers dressing in masculine attire. She referred to an incident where her mother had taken her to a mental health professional to try and "cure" her gender non-conformity and her lesbianism. She said:

[My mother] said she was taking me to the doctor's for my headache. I was wondering what headache I had... I didn't say anything then, but later I realized that she had taken me to a mental doctor [psychologist].<sup>25</sup>

## Verbal Abuse as Violence

Verbal abuse, a specific means of belittling and demeaning someone through a barrage of insults, derogatory comments and hate speech, was a common experience across all age groups. Perpetrators of verbal abuse ranged from family members to neighbours, other members of the LGBT community, ex-partners, employers and prospective employers.

---

23 Interview with Chandani, Women's Support Group, Sri Lanka, 17 November 2010.

24 Interview with Dhammi, Women's Support Group, Sri Lanka, 19 January 2011.

25 Interview with Chamila, Women's Support Group, Sri Lanka, 8 August 2011.

Kuma is 47 years old and lives in a suburb of Colombo. She identifies as a lesbian and says she prefers men's casual wear. She spoke to us about the street-based verbal harassment she faced as a result of her masculine gender expression. She said:

Once when I was walking in Pettah with a girl I was holding her hand, honestly because she was my friend and I didn't want her to get lost in the crowd. Then I heard one guy say, 'Hey *machang*,<sup>26</sup> I haven't had an *Aappa*<sup>27</sup> in a long time, hope I get one today.'<sup>28</sup>

Chandani spoke about a specific incident where she and her partner at the time were verbally abused by some neighbours. She said:

I was seeing this girl, and I went to her house, and it was late at night, maybe eleven or twelve [midnight] and we went into her house. As soon as we shut the gate, some guys from the top of the road came and banged on her gate and started shouting *Aappa, Aappa* at us.<sup>29</sup>

Some individuals interviewed for this project reported that because of their sexual orientation or gender expression, they were perceived as "sick" and in need of a "cure."

For instance, Skinner is 34 years old and lives in Colombo. Biologically female, he describes his sexual orientation and gender identity in two words: "straight guy." He said, "If someone finds me odd, you know, they'd say names. I've been called *ponnaya*,<sup>30</sup> or they would say, 'is this a man or woman.'<sup>31</sup> His mother

has been forcibly taking him to religious/medical men. He said:

Sri Lankan Buddhists are like 90 per cent Hindus, and they all go to these places – you know – fortune tellers and horoscope and stuff like that, and they also have another person, or the same person, giving Ayurvedic medicine [herbal medicine] at the same place. So I was taken to that place last month also.<sup>32</sup>

Finally, fourteen interviewees said that their sexual orientation or gender identity was revealed without their consent to other people such as friends, families, the public-at-large (i.e., through media), other students at education institutes, colleagues, and unknown bystanders, resulting in their being made more vulnerable to the possibility of losing employment, family support, housing and more.

A total of 21 interviewees reported being verbally threatened with personal harm or harm to loved ones. The verbal threats were communicated directly to the victims or to someone associated with the victims. Physical violence such as slapping and punching accompanied verbal threats in fifteen cases.

Twenty-nine-year-old Anu, a Tamil bisexual woman, explained to us that she has experienced threats from "people who say that they will castrate [my] friends. That they would beat us up with hockey sticks, set us on fire, those kinds of things have been told."<sup>33</sup>

Chamila said that her partner's family had neither met her nor said anything directly to her, "but apparently they have said [to my partner] that if they meet me they will slap me."

In July 1999 when the Women's Support Group announced its intention of holding a conference for

---

26 *Machang* – Colloquial Sinhala term for mate/friend/buddy

27 *Aappa* – Sinhala derogatory slang for lesbian. Also a bowl shaped pancake made of rice flour that is 'usually consumed for breakfast or dinner.

28 Interview with Kuma, Women's Support Group, Sri Lanka, May 10, 2011.

29 Interview with Chandani, Women's Support Group, Sri Lanka, November 17, 2010.

30 Sinhala slang for effeminate man.

31 Interview with Skinner, Women's Support Group, Sri Lanka,

---

October 7, 2011.

32 Interview with Skinner, Women's Support Group, Sri Lanka, October 7, 2011.

33 Interview with Anu, Women's Support Group, Sri Lanka, May 13, 2011.



lesbians, it was met with fierce public opposition. One of these protests came in the form of a letter to the editor, published by the English language newspaper, *The Island*, which went so far as to advocate the rape of women attending the conference by a team of convicted rapists. When a complaint was filed against the newspaper, the Press Council of Sri Lanka defended the newspaper and condemned lesbianism as “sadistic and salacious.”<sup>34</sup>

## Violence of Cultural Norm and Gender Norm Enforcement

Twelve out of 33 interviews highlighted the constant pressures that butch lesbians and transgender people face in having to perform and live according to culturally expected gender norms—from being forced to marry, to having to wear particular clothes and maintaining certain hairstyles—all of which were experienced as psychological and emotional violence. Cultural and gender norm enforcement was also experienced as violence when interviewees were quizzed about their gender identity when using public toilets. Similarly, some interviewees were forced to keep their sense of self a secret and not look “too gay” in order to keep the family reputation intact. Some interviewees also spoke of being denied jobs or promotions on the basis of their gender expression – “not looking feminine enough” – and losing employment because their identity cards did not match their appearance.

## Physical Violence

Interview analysis established a crucial finding, chiefly that the family and domestic space were two key (related) factors that, first, shaped how LBT people viewed physical violence against them, and, second, whether or not they reported the violence. (For more information about report-

34 M. Fernando, “Vagrant Voices,” *Himal South Asia*, Vol. 21 (3), (2008), accessed on February 8, 2013, <http://himalmag.com/component/content/article/1010-vagrant-voices.html>.

ing violence, see the section on Access to Redress in this chapter.)

Twelve out of 33 interviewees spoke of on-going physical violence in their lives.<sup>35</sup> Twenty-six out of 33 interviewees shared stories of battery.

Perpetrators included immediate family members, strangers, peers, partners, ex-partners and neighbours. Significantly, twelve such incidents were cases of partner violence.

DKS recalled an incident where she was at a nightclub dancing with her partner. She said:

You know people generally tend to stare anyway, when we dance there...and this guy actually, like, came, you know, and stepped on my foot or rubbed shoulders with me...and I think he did it on purpose because I think he was quite tickled that I was dancing with a girl that looked like a guy ... I think he wanted to start a fight, because my partner and I looked gay.<sup>36</sup>

Thirty-four-year-old Sandra identifies as a lesbian/dyke and views herself as a “masculine female.” She spoke about being accosted by a group of strangers at the car park of a popular nightclub in Colombo because they had noticed her dancing with a girl. She said:

I remember two guys holding me from my shoulder, pinning me down from my shoulder against the wall and hitting me in my stomach. I remember breaking loose, hitting one guy in the face, and I cracked his lip and that’s what got them to go, ‘Whoa! You know, she’s not gonna take it lying down.’ ... When they knew I

35 During the interviews, if there were any interviewees who were either experiencing ongoing violence or who were feeling troubled/depressed after the interview, the researchers conducting the interviews were advised by the WSG to offer the name and number of a designated therapist who would be available to meet with any of the respondents.

36 Interview with DKS, Women’s Support Group, Sri Lanka, September 18, 2010.

was not going to stop fighting back, they ran off and I just got into a *tuk tuk*.<sup>37</sup>

Chamila spoke to us about how she was beaten by her father at age 25 when a former partner, upset by the breakup, disclosed Chamila's sexual orientation to Chamila's family.

---

## Sexual Violence

Interview data revealed that 18 out of 33 interviewees had faced some form of sexual violence. Experiences of sexual violence ranged from rape to sexual assault. Family members, friends, employers or superiors, unknown persons and colleagues were the perpetrators.

To threaten someone with rape is to make someone feel unsafe in their own body, in their most fundamental and intimate sense of self. For instance, Roshmi is a 39-year-old, lesbian-identified woman who currently lives with her partner in a suburb in Colombo. When she and her partner were living in the North Central Province, she said, "Even the neighbours who were friendly towards us had said they would forcibly rape us," once they found out that they were a lesbian couple.<sup>38</sup> Even though this threat was not carried out, Roshmi and her partner lived in constant fear and were eventually forced to move to Colombo for their own safety.

---

LBT people were also viewed as "people who have some kind of sexual or psychological disorder, who cannot live in a normal way..."

---

A bisexual woman's boyfriend used her past lesbian experiences to justify repeatedly raping her. Twenty-eight-year-old Christy (who has a feminine gender expression) described how her boyfriend at the time forced her to have sex with him. She said:

It was like 24/7 sex for him, and I felt that, you know, he was raping me. He forced me to have sex with him...even if I said no to that, you know, he used to push me into it and ask me 'Why?' if I refuse, and say things like, 'You don't like me anymore,' 'You don't love me anymore,' 'But I need it,' something like that. He also used to tell me to imagine that I was with my girlfriend. And he used to tell me 'I'm going to do you so that, you know, she can watch' or something like that.<sup>39</sup>

Sri Lankan law specifically excludes marital rape from criminal sanctions, contributing to a situation where rape in intimate relationships is considered less serious than stranger rape. This legal blindness on marital rape creates an even more permissive and potentially abusive relationship for sex between people who are not married.

In this instance, Christy's past erotic bonds with women were readily exploitable, objectified by the male gaze as lurid pornographic fantasies of two women together. This should not be forgotten, just as much as the physical violence, since what was manifest more than anything (according to her interview) was his sense of unquestionable male and heterosexual prerogative over her—that he could assert his desires and make her experiences and will subordinate to his needs.

H is 23 years old and identifies as "gay." Her gender identity is female and gender expression is masculine. H spoke to us about an incident of unwanted sexual touching when she was on her way home from a nightclub. She said:

I was going home in a trishaw after partying at *Amuseum*,<sup>40</sup> and this *tuk tuk* driver started talking to me. Since I look like a boy, usually nothing happens. But I think this time this guy kind of [may have] figured out that I was a girl [but wanted

---

37 A *tuk tuk* is a three-wheeled taxi.

38 Interview with Roshmi, Women's Support Group, Sri Lanka, January 6, 2012.

---

39 Interview with Christy, Women's Support Group, Sri Lanka, February 16, 2011.

40 A popular nightclub in Colombo.

to make sure coz I didn't look like a girl]. So he was being weird. I gave him five hundred rupees, and my house is very close to *Amuseum*, like walking distance.<sup>41</sup> So it would have only cost like a hundred rupees or something. And then, instead of giving me my change, he was like, '*Malli katata gannawada, ethakota dennam*' ('Younger brother, give me a blow job, and I'll give you your change.'). And I said *pissuda!!* (Are you mad!!) and then he said '*Kollekda? Kellekda?*' ('[are you a] boy or a girl?') And I was like, *Panseeya aran yanna* (Take the 500 rupees and leave.). And then he just grabbed me from the hand and almost felt me up. I just ran away.<sup>42</sup>

This incident highlights the vulnerability to violence of those who do not fit into the normative binary gender categories of male or female. Despite her subversive gender presentation, H's sense of safety also comes from being perceived to be one or the other—usually male.

This might not be so ironic in the light of this incident where it appears that the uncertainty of H's gender was made capital of—in fact made the occasion of an attempt to sexually exploit her. The precise motives of the *tuk tuk* driver are unclear (whether purely commercial or sexual or both), but his behaviour is clearly opportunistic. This illustrates how it is possible to exploit gender ambiguity (quite profitably) in a societal context where the norm is to conform to stereotypically demarcated categories of “male” and “female.” Those who are clearly neither one nor the other are always already aware of their vulnerability to such exploitation, and of the fact that there is little or no recourse for the violence except to physically escape.

A similar experience was recounted by Indrani, a 32-year-old lesbian resident of a Colombo suburb. Indrani views her gender identity as being ‘in the middle’ – neither feminine nor masculine. She spoke to us about an incident where she had been subjected to sexual harassment as a result of her gender non-conformity.

## CHAMILA

Chamila is 36 years old, single, and lives in a suburb of Colombo, Sri Lanka, with her parents. She is ethnically Sinhalese, and a Buddhist, and has completed tertiary education. She works for the State Security Forces and earns less than approximately USD \$300 a month.

Chamila identifies as lesbian and butch. She realised that she was a lesbian at the age of 22 when she was attracted to women. She had a close friendship with one woman, which developed into a sexual experience after a year. She disclosed her sexual orientation to a few selected friends and to her boss at the age of 25. Chamila was “outed” publicly when a jilted lover made a scene outside her house, exposing Chamila's sexuality and their relationship to the neighbourhood. Her family was extremely disturbed by this incident,

and Chamila was given a beating by her father. Chamila's mother made her visit a psychologist on the pretext of getting her a headache remedy. In addition, Chamila faced intimate partner violence at the age of 30. She has also experienced discrimination and sexual harassment at her workplace, but never filed a complaint because she did not feel she would be protected by the law. She has been overlooked in selections for a sports team, and has twice been approached by seniors at her office to perform sexual favours with their wives and girlfriends. She has also been approached for sex by a senior colleague. She has been the object of her seniors' taunts at the workplace. Chamila counts on her lesbian friends, an LBT organization, and a colleague at work for support.

41 Approximately equal to USD \$5.

42 Interview with H, Women's Support Group, Sri Lanka, February 12, 2011.

Indrani: One day a man came and squeezed my breasts. We had gone to a carnival. A few boys were joking at us from a distance. We were there with lots of our friends [when this happened]. But when I looked back I didn't know who had done it. We were in the midst of a crowd.

Interviewer: Do you think it happened because you looked different?

Indrani: Yes! They can't bear us. We wear shoes and jeans and we smoke.<sup>43</sup>

As in H's case, Indrani also faced sexual harassment because her gender expression was neither 'feminine' nor 'masculine'. She was groped sexually by strangers who not only wished to establish her gender identity but also wished to convey the message that she and her friends were being closely watched.

## Intimate Partner Violence

Intimate partner violence (IPV) spanned emotional, physical and sexual violence. Because of the stigma associated with homosexuality and transgenderism in Sri Lanka, intimate partner violence in LBT relationships is enormously difficult to grapple with; when one's partner becomes abusive, it can seem impossible to seek help. When one is bisexual and with an opposite-sex partner, one's past homosexual experiences can be used against them. While 26 out of 33 interviewees had faced physical violence from an intimate partner, 11 out of the 26 had experienced emotional, physical and/or sexual violence at the hands of their partners.

For some, intimate partner violence happened on a single occasion, and the individual managed to break free. Sachini, 36, identifies as a lesbian and is a resident of a Colombo suburb. She spoke to us about how her break-up with her same-sex partner led to her being subject to physical violence and being confined to a room for a couple of hours. She said:

---

43 Interview with Indrani, Women's Support Group, Sri Lanka, April 28, 2011.

I was in a room, and [she] came in, and she locked the room so that I couldn't go out. Because I was not talking to her... she locked the room so that I couldn't go out. She threw me on the bed ... she wasn't rational. And I think she was also very drunk. So my reply was that we would talk in the morning ... but she wouldn't accept it. So then she wouldn't let me leave the room [and physically restrained me]. And I had to be ... rescued practically. The door had to be ... opened forcibly by others and she had to be forced [to let go of me].<sup>44</sup>

For others, violence was chronic. For instance, Sandra spoke about the physical and emotional violence she faced in a three-year relationship. She said:

She was mainly very jealous, very jealous, and very possessive, like I couldn't look at someone ... Someone looked at me, [and] I'd get slapped .... If she was having a bad ... time at home or at work... and if I got like five minutes late to get home, she'd accuse me of ... screwing around. And she'd get violent .... she'd throw things at me ... she'd claw me ... she'd bite me ... she head-butted me and broke my nose ... but I was in that relationship for three and a half years.<sup>45</sup>

For others, violence would erupt in conjunction with the abuser's chronic substance use. Kamala, a 59-year-old woman and a resident of a Colombo suburb, describes her sexual orientation as something that moved from heterosexuality to lesbianism. Kamala spoke to us about her second relationship, which she described as being "very abusive." She recalled, "In my stupidity I had believed that alcoholism is something that you can cure by

---

44 Interview with Sachini, Women's Support Group, Sri Lanka, April 4, 2011. The phrasing in square brackets were requested by Sachini because she felt more specific descriptions would enable identification of people involved in the incident.

45 Interview with Sandra, Women's Support Group, Sri Lanka, September 18, 2010.

loving people ... and so ... I was not able to stop the alcoholism ... even though I tried, and ... the person was a very violent alcoholic ... and tried to harm herself as well as me, as well as others in the vicinity, and that was really disastrous.”<sup>46</sup>

Christy shared her experience of a relationship with a guy who knew that she was bisexual. She said:

Once I went out for this ‘Lady’s Night’ [themed party] and came home, and the first question that he asked was ‘With whom did you sleep?’ And I said, what do you mean? He was like ‘Obviously you were with your friends, and you know no guys can get into that club. So with whom did you sleep?’ I said nobody. Then he slapped me, and that was it for the relationship ... it was more like a big slap on my face and he, you know, tried to choke me.<sup>47</sup>

Although Section 23 of the Prevention of Domestic Violence Act of 2005 allows for cohabiting partners to seek redress through the Act, none of the above interviewees reported any of these incidents to the police due to the fact that they were all in same-sex relationships. Consensual same-sex sexual activity can be read by police as criminal activity under Section 365A of the Penal Code, which covers a whole range of sexual behaviours, including between heterosexuals, but is used to criminalize male homosexuality and lesbianism.

Historically, 365A targeted gay men and men who have sex with men. The language of this law was amended in 1995, which criminalized lesbianism.<sup>48</sup>

---

46 Interview with Kamala, Women’s Support Group, Sri Lanka, May 31, 2011.

47 Interview with Christy, Women’s Support Group, Sri Lanka, February 16, 2011.

48 In 1995, the Sri Lankan Penal Code was substantially amended for the first time in over a century, the focus of alteration being sexual offences (including rape, abortion, sexual harassment and unnatural offences, the latter being the law that criminalized homosexual acts). The reforms included developing gender neutral language for perpetrators of sexual offences, which led to the criminalization of lesbian sexual acts for the first time. The revised language now refers to ‘any persons’ instead of ‘any man’

The Domestic Violence Act has not been tested against 365A. The ambiguity between having legal recourse under the anti-domestic violence law while also being at risk for penalties under the anti-sodomy law further deters women experiencing violence in same-sex relationships from filing complaints or seeking protection orders.

## DISCRIMINATION AT THE WORKPLACE

For the purpose of this research discrimination is considered as violence if the discriminatory acts result in violence. For example, as in the following instances:

- If the act of discrimination causes physical or psychological harm, or increases the severity or frequency of physical violence;
- If the discrimination compounds a situation that ends up causing or leading to violence;
- If the discrimination contributes to particular types of violence and/or invites certain types of violators;
- If discrimination becomes the justification for violence by state and private actors;
- If discrimination serves as a rationale for the state’s inaction when violence occurs;
- If discrimination results in institutional mistreatment of LBT victims of violence.

Four interviewees spoke about experiences of emotional, physical and sexual abuse at the workplace as a result of discrimination against them.

Christy, a bisexual women, spoke about how her CEO had sexually harassed her and summoned her to his cubicle after work hours despite her repeated refusals. This situation was exacerbated after one of her Directors “outed” (revealing a person’s sexual

---

committing an unnatural offence. For more details see Y. Tambiah, “(Im)moral Citizens: Sexuality and the Penal Code in Sri Lanka,” In A.J. Canagaratna (Ed.), Neelan Tiruchelvam Commemoration Conference Papers (Colombo: ICES, 2004), 107 – 141.

orientation or gender identity without permission or inadvertently) Christy to the CEO, who then invited her to perform sexual acts with other women for his viewing pleasure. Christy said:

He came up with this idea that he'll introduce me to another girl and wanted to know whether he could watch while I had sex with her. And it was very sickening .... because of that reason I wanted to leave my job. Because when he got to know that I love women more than men, then he always kept coming up with ideas such as these. Every time I see him ... I just want to run because I know that even he is just looking at me, he looks at me in a very odd way like. And then sometimes, you know, since he has my mobile number, he would text me saying, 'How is your girlfriend?' or 'Can you send pictures of her?' and 'How are your private parts?' ... I was so harassed and mentally down and I really didn't want to work. And you know, in my office, people just gossip and if you don't sleep with the manager, you don't get anything. You don't get salary increments, you don't get promotions, nothing. So I'm stuck in the same place as a customer care person; I work like a dog and I don't get salary increments because of the reason that I don't sleep around. And in my office, from the security guard to the management, they all want to know details about my personal life ... and the situation is so bad ... I can't tell them or introduce my girlfriend as my 'partner' because then they want to know if they can 'join' or if they can 'watch.' Those are the questions they would ask.

Christy's experience of sexual harassment at work is not uncommon for many women. However, it was clearly exacerbated by her being a bisexual woman who was at the time in a relationship with a woman. It was difficult for her to access any formal redress without being subject to further harassment and abuse by her employer.

Most sexual harassment policies in both public

and private employment settings do not include harassment on the grounds of sexual orientation although the 2013 Code of Conduct and Guidelines on Sexual Harassment at the Workplace defines sexual harassment as harassment that is based on "sex and/or sexuality" and could include verbal harassment that refers to a person's "sexual identity."

Indrani, a lesbian with masculine gender expression, reported that she had faced discrimination at her previous workplace in relation to employee housing. She said:

When we are working, boys and girls all work together. But when it comes to sleeping, bathing and reserving rooms, the management separates us from the other girls, saying that we are abnormal. They do not like to stay with us. Because they don't like us, we have been given separate places.<sup>49</sup>

Skinner, an FTM, pointed out that, many times, his female-to-male status affects his chances of finding suitable employment. He said:

On all my documentation, my name is different [feminine] and my gender is different [masculine]. So when I appear in front of them [prospective employers], it's someone else they see. So some people find bad excuses saying, 'sorry we can't hire you' or 'we will let you know.' But some have been really rude saying things like, 'you can never get a job like [looking like] this!' or 'why are you dressing like a man?' or 'why can't you be normal?'<sup>50</sup>

---

49 Interview with Indrani, Women's Support Group, Sri Lanka, April 28, 2011.

50 Interview with Skinner, Women's Support Group, Sri Lanka, October 7, 2011.

## CHRISTY

28-year-old Christy was born in Kandy, but currently lives in Colombo with her girlfriend. Ethnically Sinhalese, she was born into a Roman Catholic family but says that she “hardly goes to church” and practises her religion in her “own way.” Christy currently works in Colombo as a customer care executive at a private company. Her perception of her gender identity is that it is 75% feminine and 25% tomboyish. She does not use a specific term to describe her sexual orientation, but says she is “100% happy with a woman rather than being with a man.”

Four years ago, when Christy was 24 years old, she told her brother that she preferred women over men as sexual partners. Although at first he did not take it seriously and did not want to talk about it, eventually he was in support of her preferences and asked her to make her own choices when her parents were trying to force her into marriage. When Christy came out to her aunt at age 21, she met with an unexpected reaction. Instead of being supportive of Christy’s choices, her aunt made sexual advances towards her. A couple of years after this

incident, when Christy’s uncle found out that Christy had a girlfriend instead of a boyfriend, he tried to forcibly show her porn and stalked her on Facebook by making rude comments on her page.

Apart from these experiences of physical, sexual and emotional abuse, Christy also faced physical and sexual abuse from her ex-boyfriend who shoved, pushed, and throttled her, and constantly forced sex on her after he found out about her past experiences with women. At her workplace, the then CEO would constantly harass her with crude SMS messages asking her how her “private parts” were and whether he could “join” or “watch” when she was having sex with her girlfriend. As a result of this physical, sexual and emotional abuse, Christy began to exhibit self-harming behaviour, which included cutting herself and burning herself with cigarette butts. She even notes that, to date, even though she thinks about committing suicide when “it’s really hard,” she is unable to trust anyone to talk about it after her abusive experiences with her aunt and uncle.

Chamila, a lesbian state sector employee spoke of discrimination and sexual harassment at the hands of her supervisors on two separate occasions. In the first instance, one of her supervisors (approximately 59 years old) asked her to have sex with his wife, who he claimed was also a lesbian.

“He called me to be with his wife. I told him that I was not a person who would go behind any old woman and that I was not ready to fulfil each one’s wish and that I didn’t like it.”<sup>51</sup> He had also offered to grant her a job transfer. At the time of these incidents, Chamila wanted to be transferred to the head office in the capital, Colombo. Her supervisor used this to rationalize the demands for sexual favours. When Chamila refused to comply, her employer rejected the job transfer request and passed her over for a promotion.

---

51 Interview with Chamila, Women’s Support Group, Sri Lanka, August 8, 2011.

Chamila also spoke of how another male supervisor at the same workplace became verbally abusive after a colleague “outed” her [to him]. “Apparently ... someone had told some tale about me. So he called me and scolded me in front of about four or five others. He used some swear words and the word ‘*Aappa*.’”

Government authorities have not adopted any formal policies on sexual harassment in the workplace. There is no formal policy in the corporate sector either although some private companies regard such a policy as a progressive mechanism, which they voluntarily develop and adopt. Even in this instance, the sexual harassment policies do not have explicit provisions that prevent harassment on the basis of sexual orientation, gender identity or gender expression.<sup>52</sup>

---

52 See earlier reference to 2013 Code of Conduct and Guidelines on Sexual Harassment at the Workplace.

# VIOLENCE AND DISCRIMINATION BY STATE ACTORS

The interviews revealed that 13 out of 33 interviewees had experienced violence from state officials, mainly the security forces and the police. Violence committed by state officials renders lesbians, bisexual women and transgender people vulnerable in particular ways. For instance, in such cases, reporting the violence is not a straightforward option because of fear of reprisals including the potential for being charged with homosexuality or otherwise criminalized for one's gender identity or gender expression.

Indrani, a masculine-looking lesbian described an encounter with the police on one occasion when she and her female friend (who had a feminine gender expression) were dining at a restaurant on the beachfront. The beachfront areas are well known for police raids on heterosexual couples who meet in this area.<sup>53</sup> Indrani said:

After having our dinner, my friend and I chatted till about 8pm and left the restaurant. When we came out, there were a few policemen outside and they were checking all the people on the beach. They were especially checking [straight] couples, who were near the bushes. We were walking towards the road from the beach. As we were coming out from the restaurant, two policemen stopped us and asked us where we were going. We told them we had had dinner at the restaurant and were now going home. We even showed them the bill [from the restaurant]. They said that we were loitering on the beach and took us to the police station for further questioning.<sup>54</sup>

53 Since most Sri Lanka youth live with their families and since pre-marital sex is frowned upon, [heterosexual] young people who cannot afford to meet in private spaces meet on the beach. "Near the bushes" in the quote is a reference to [heterosexual] couples who take refuge in the shrubbery in this area.

54 Interview with Indrani, Women's Support Group, Sri Lanka,

As per the Vagrants Ordinance of 1842,<sup>55</sup> anyone deemed to be "loitering in public" can be questioned by police. This law is used to target masculine-looking lesbians and transgender persons of lower socio-economic status, rendering them most vulnerable to police abuses. Police raids on the beachfront area generally result in detention (where physical and sexual violence take place). Release from detention is often conditional on paying a bribe.<sup>56</sup>

Transgender persons and lesbians with a masculine appearance have also reported harassment at security checkpoints from security forces personnel who have been known to ask insulting questions if the picture and name on identity cards do not match the security officers' perceptions of masculinity and femininity.

Sandra spoke about how she would often be mistaken for a man at military checkpoints in Colombo. She said:

I've had a lot of guys check my ID and ask me why I have a girl's name and then I turn around and say, 'Yes Officer, that's because I'm a girl.' Some guys have said, 'Are you a Miss or a Sir?' and I turn it around and say, the ID card will tell you whether I'm female or male, so why don't you check that first. So that really pisses me off and I try to set them straight right from the beginning.<sup>57</sup>

Some interviewees also spoke of failed attempts to obtain state services such as pension schemes and bank loans on the basis of a shared income with their same-sex partner. They considered this denial to be an instance of institutionalised state discrimination.

---

April 28, 2011.

55 "Vagrants Ordinance," Sri Lanka Penal Code, [http://www1.umn.edu/humanrts/research/srilanka/statutes/Vagrants\\_Ordinance.pdf](http://www1.umn.edu/humanrts/research/srilanka/statutes/Vagrants_Ordinance.pdf)

56 For more details on police raids against nachchi (transgender) sex workers in Sri Lanka see Andrea Nichols, "Dance Ponnay, Dance! Police Abuses Against Transgender Sex Workers in Sri Lanka," *Feminist Criminology*, April 2010 vol. 5 no. 2 195, <http://fcx.sagepub.com/content/5/2/195>

57 Interview with Sandra, Women's Support Group, Sri Lanka, September 18, 2010.



Seven interviewees reported facing violence from state sector service providers including mental health and medical professionals. Some of the violence took the form of being forcibly taken to religious institutions, hospitals, medical services, and mental health services to “be cured,” often accompanied by a parent.<sup>58</sup> One interviewee even stated that her partner’s family had used electro-shock therapy on her partner in order to “cure” her.<sup>59</sup>

## ACCESS TO REDRESS

I knew I couldn’t go to the police. What was I going to say? – ‘You know they beat me up ‘coz I danced with some girls?’ It was just going to get me into even more trouble, and I was alone...So I just got into a tuk and went home.<sup>60</sup>

– Sandra, 34 years old, butch lesbian

This research thus suggests that incidents of physical violence, both in the public and private spheres, remain under-reported and undocumented, and that LBT people who experience physical violence rarely seek compensation, redress or even counselling from mental health service providers who work with women who have experienced violence – such as domestic violence programs or support groups.

A key issue faced by all interviewees is that they have no access to redress. As mentioned above, when describing their experiences of violence at the hands of family members, many interviewees had difficulty associating a family member with the term “perpetrator” and were reluctant to report the violence to the police or any other organization, especially when the violence took place in the private space of the

family home. Some interviewees said that they were reluctant to report violence in the home to police because this would entail placing a family member in the hands of the law. Similarly, interviewees did not want the risk of unwelcome publicity or the likelihood of exposing the family to shame and ridicule.

When they were the victims of violence in a public space, such as on the street, at community gatherings, in public transport, or at the workplace – and targeted for their gender non-conformity or sexual orientation – there was reluctance to report the violence for fear of being personally exposed as LBT.<sup>61</sup> Even when the crime is not related to their sexuality or gender identity, LBT individuals feel vulnerable because of a Penal Code provision that can be read to criminalize adult consensual same-sex sexual activity. In fact, some of the LBT people we spoke to specifically cited both Section 365A of the Penal Code and the Vagrants Ordinance as reasons used to target them for arrest and harassment.<sup>62</sup>

Police in Sri Lanka are generally perceived by the LBT community as dangerous. A reason for this perception is that police officers use blackmail and violence against people who they perceive to be homosexual, bisexual or transgender.<sup>63</sup> In this context, interviews revealed that LBT persons doubted the possibility of getting redress for violence by police.

Additionally, the court system in Sri Lanka is generally not victim-friendly.<sup>64</sup> Court hearings

---

58 See interview by Chamila and Skinner for more details of how interviewees were forcibly taken to religious and medical institutions to be cured.

59 Interview with Roshmi, Women’s Support Group, Sri Lanka, January 6, 2012.

60 Interview with Sandra, Women’s Support Group, Sri Lanka, September 18, 2010.

---

61 Interviewees feared being exposed for multiple reasons: some feared that their families would find out that their sexual orientation, while others feared that they would be opening themselves up for police harassment and /or arrest under Section 365A of the Penal Code.

62 Section 365A of the Penal Code (Amendment), [http://www.aidscontrol.gov.lk/web/Web%20uploads/Policy%20or%20Law/Penal%20Code%20\(Amendment\)%20Act,%20No.%202022%20of%201995.pdf](http://www.aidscontrol.gov.lk/web/Web%20uploads/Policy%20or%20Law/Penal%20Code%20(Amendment)%20Act,%20No.%202022%20of%201995.pdf). And see earlier reference to Vagrants Ordinance.

63 Andrea Nichols, “Dance Ponnay, Dance! Police Abuses Against Transgender Sex Workers in Sri Lanka,” *Feminist Criminology*, April 2010 vol. 5 no. 2 195, <http://fcx.sagepub.com/content/5/2/195>

64 In the Kamal Addararachchi Rape Case, the judgment of the High Court for the victim was subsequently overturned in the Sri Lanka Supreme Court and the judge of the High Court was accused of mollycoddling the witness for taking measures to hold closed

are open to the public, which deters most people from reporting violence they experience to the police so as to avoid going to court. They fear that their sexual orientation and gender identity could be exposed in open court when the reasons for the violence are revealed.

Furthermore, as mentioned earlier in this chapter, the Human Rights Commission, the Police Commission, the Public Services Commission, and the Judicial Services Commission are not trusted to function independently since these commissions are made up of presidential appointees.<sup>65</sup>

## IMPACT OF VIOLENCE, RESPONDING AND COPING

This research also examined how lesbians, bisexual women and transgender people responded to violence. While some LBT interviewees felt that the best way to deal with a difficult situation was to leave/ignore the discriminatory situation or site of violence, others reacted by confronting the situation at hand. For the purpose of this research, we have categorized three distinct responses that were used by LBT respondents:

1. Affective response;
2. Passive response;
3. Active/activist response.

---

door sessions. See “The pendulum swings again,” *Sunday Times*, January 7, 2001, <http://www.sundaytimes.lk/010107/news4.html>.

65 Chapter VII(a) of the 18th Amendment to the Constitution of Sri Lanka grants the President the authority to appoint the chairman and members of the following state institutions: The Election Commission, The Public Service Commission, The National Police Commission, The Human Rights Commission of Sri Lanka, The Commission to Investigate Bribery and Corruption, The Finance Commission, The Delimitation Commission. The 18th Amendment is available online at: [http://www.priu.gov.lk/Cons/1978Constitution/18th%20Amendment%20Act\(E\).pdf](http://www.priu.gov.lk/Cons/1978Constitution/18th%20Amendment%20Act(E).pdf)

## Affective Responses

All interviewees suffered drastic and lasting emotional effects because of the violence and discrimination they had experienced. All but two interviewees said that the violence had negatively impacted their mental health. They reported experiencing depression, anxiety, and emotions of anger, frustration and fear. They often felt “extremely low” [Maya], “mentally very down” [Roshmi], and “wanting to cry, wanting to hammer the walls, frustrated” [Chandani]. Christy said she often had “depressing attacks,” and would take “whatever pills” the doctor prescribed for her “and just be high sometimes” so as not to “feel the reality.” Maya also said she “broke out in psychosomatic symptoms” chiefly eczema, as a “nervous reaction” after she was forcibly “outed” to her parents.<sup>66</sup>

Twenty of those interviewed chose to hide their sexual orientation for fear of rejection from society, friends and family. A further 18 felt resigned to their fate, minimized the severity of the violence, normalized the violence, or internalized the violence. Almost two-thirds of the interviewees blamed themselves for the violence they had experienced. They felt self-hatred because of their gender identity and sexual orientation and engaged in self-harming behaviour like cutting or skin-burning. Jenny stated, “Normally I do not like to hit or scold anyone. So in order to control my sadness I do it, I cut myself and suffer in order to get relief from my sad feelings.”<sup>67</sup> Jenny is 28 years old and grew up in the North Central Province but currently lives in a suburb of Colombo. She identifies as a “butch lesbian.”

Eleven interviewees said that they had thoughts of committing suicide or had attempted suicide at some stage in their lives as a coping mechanism.<sup>68</sup>

---

66 Interview with Maya, Women’s Support Group, Sri Lanka, January 22, 2011; Interview with Roshmi, Women’s Support Group, Sri Lanka, January 6, 2012; Interview with Chandani, Women’s Support Group, Sri Lanka, November 17, 2010.

67 Interview with Jenny, Women’s Support Group, Sri Lanka, 2011.

68 According to a 2011 WHO study, suicide rates in Sri Lanka are the second highest in the world, in relation to both female and

Chamila stated, "I attempted it once because I couldn't take the pain anymore. I was very disappointed with life and it took me a very long time to get over it."<sup>69</sup> Another respondent, Skinner, fantasized about perishing in a bus bomb blast.<sup>70</sup>

A smaller number (5) of the sample population reported that substance abuse (alcohol, cigarettes and drugs) and clubbing were coping mechanisms. Roshmi said that when she was "severely mentally down" in the past, she had smoked 15-20 packets of cigarettes: "I used to chain smoke without breathing. Then I got sick."<sup>71</sup>

Discrimination in employment was also an aspect that affected mental health. Skinner said he often felt very depressed because employment opportunities were denied him on the basis of his gender identity. He said, "I just want to, you know, earn a living ... I mean like I'm not asking for charity! It's like I have this skill ... and like, let me work and get paid for it - that's all."<sup>72</sup>

Disclosing their sexual orientation or gender identity to friends ("coming out") often made interviewees feel rejected. DKS said she felt rejected when "all of a sudden ... they kinda treated me as if I was ... someone different ... when I wasn't ... I was the same person ... but somehow ... I don't know, they just refused to be associated with me."<sup>73</sup>

---

male suicide rates. See "Suicide rates per 100,000 by country, year and sex," World Health Organization (2011), accessed October 11, 2012, [http://www.who.int/mental\\_health/prevention/suicide\\_rates/en/](http://www.who.int/mental_health/prevention/suicide_rates/en/) Suicide is no longer a crime in Sri Lanka, although there was rigorous punishment for it up to 1998. See "Suicide Prevention: Emerging from Darkness," World Health Organization (2004), accessed October 11, 2012, [http://www.searo.who.int/en/Section1174/Section1199/Section1567/Section1824\\_8089.htm](http://www.searo.who.int/en/Section1174/Section1199/Section1567/Section1824_8089.htm).

69 Interview with Chamila, Women's Support Group, Sri Lanka, August 8, 2011.

70 A reference to a period in the conflict between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE), when the LTTE targeted civilians by bombing buses. Interview with Skinner, Women's Support Group, October 7, 2011.

71 Interview with Roshmi, Women's Support Group, Sri Lanka, January 6, 2012.

72 Interview with Skinner, Women's Support Group, Sri Lanka, October 7, 2011.

73 Interview with DKS, Women's Support Group, Sri Lanka, September 18, 2010.

Anu, a bisexual woman, said she felt very sad when a friend was bi-phobic. She said, "I was very angry and very frustrated, just not being able to understand why this was done to people who were really just trying to live their lives and love who they loved."<sup>74</sup>

Thirty-one interviewees said that they often felt depressed and guilty while they struggled to come to terms with and accept their non-conforming sexuality or gender identity. However, despite enduring negative social and psychological effects, the vast majority of interviewees spoke of positive feelings arising from the support of friends, partners, family members, LGBT organizations, religious leaders and workplace colleagues.

Dharshi, a 46-year-old woman who lives in Colombo, detests labels, and prefers to say she "sleeps with women." She said that she could not deal with her sexual orientation for a very long time, "but then I met people who were cool about it and slowly it became the cooler thing to me and I was happy and comfortable."<sup>75</sup>

Indrani, too, spoke to us about a similar experience. She said:

Even though I don't have people who understand me at home, I met friends who understood me. They had parties. Everyone spoke to me. No one laughed at me. No one asked me why I don't wear earrings. I was very comfortable there. I don't care what society thinks about me. There are a lot of people who accept me. So I felt good.<sup>76</sup>

It must be noted that although a number of interviewees reported getting support from different sources and feeling supported in many ways, only a third of the population expressed feelings of pride and strength in themselves.

---

74 Interview with Anu, Women's Support Group, Sri Lanka, May 13, 2011.

75 Interview with Dharshi, Women's Support Group, Sri Lanka, October 30, 2010.

76 Interview with Indrani, Women's Support Group, Sri Lanka, April 28, 2011.

## Passive Responses

Most of the people we spoke to did not verbally or physically fight back in response to violence, discrimination or abuse. Twenty-five interviewees avoided any form of confrontation, saying that they had felt paralyzed and decided not to take action during, and in the aftermath of, the violence. Indrani said:

Once at the place I work, I had an argument with two boys. After that, while I was having my lunch they shouted in front of everybody and said, ‘Ah ... today the *Aappa* pan has been burned.’ I stayed silent as if it was not said to me.<sup>77</sup>

Some interviewees practiced self-restraint, especially with family and relatives. For instance, Skinner said, “It’s better off that way [laughs] ... I try not to think of those things most of the time and bottle it up as much as possible ... what else ... to do ...”<sup>78</sup>

Our interviews also revealed that lesbians in particular avoided public spaces to steer clear of potential homophobic violence and/or abuse directed at them because of their sexual orientation, gender identity or gender expression. Scholars have noted that “Many places inhabited by lesbians and gay men are “contested sites,” where the forces of homophobia challenge the survival and formation of communities of sexual minorities.”<sup>79</sup>

Anishka is 25 years old, lives in Colombo, and identifies as “bi or lesbian but 80% lesbian.” Her gender identity is feminine. She spoke to us about how she and her partner would deliberately avoid public spaces: “We are very conscious of where we go ... we know our spots ... the small little juice

bars, or we eat at home, we hang out at friends’ places. We don’t do public places.”<sup>80</sup>

Socio-economic background played a vital role in determining how lesbians, bisexual women and transgender people shielded themselves from violence. The research found that if LBT people had the finances they could afford to “buy safety” by not exposing themselves to environments that were unsafe. As Maya says, she will “pick and choose places” she goes to. She said:

There are certain activities I’ve curtailed as a result, certain parts of town I won’t go to. I don’t walk on the streets, I go everywhere by car, I don’t take public transport, not even trains, that kind of thing.<sup>81</sup>

Interviewees also had to safeguard their privacy at their workplace as a way to minimize any potential homophobic comments. Soma is 40 years old and was born in Colombo but presently lives overseas with her partner. She says her gender identity is feminine and her sexual orientation is lesbian. At the age 24, while she was living in Sri Lanka and looking for a job, she felt she was discriminated on the basis of her perceived sexual orientation, which led to her changing her entire career. She said:

I think it affected my decision to not get into a social support type of job or career that required close proximity and building close relationships with people. I think ... that maybe I felt safer working in areas where my sexuality would not be used as an issue by people to say, well, you know if you are a lesbian you may take advantage of clients, well female clients that sort of thing.<sup>82</sup>

---

77 Interview with Indrani, Women’s Support Group, Sri Lanka, April 28, 2011.

78 Interview with Skinner, Women’s Support Group, Sri Lanka, October 7, 2011.

79 Gordon Brent Ingram, Anne-Marie Bouthilette, Yolanda Retter, Eds, *Queers in Space: Communities / Public Places / Sites of Resistance*, (Bay Press: USA, 1997).

---

80 Interview with Anishka, Women’s Support Group, Sri Lanka, October 7, 2010.

81 Interview with Maya, Women’s Support Group, Sri Lanka, January 22, 2011.

82 Interview with Soma, Women’s Support Group, Sri Lanka, 2011.

## Active/Activist Responses

Responses in this category included leaving one's family, city, region or country; passing as "straight" or adhering to normative gender roles; seeking support through LGBT community or groups; seeking solace outside the home (e.g., playing sports, going to the gym/library and spending time away from home); and physically and verbally fighting back.<sup>83</sup>

Six interviewees said they had left, or expressed a desire to leave, their family, city, or country, in response to facing discrimination and violence. As Christy pointed out, "It's really hard to live my life. There are times that I ... just want to leave without a trace... just leave the country sometimes or maybe just die."<sup>84</sup>

Not all those who expressed a desire to leave were able to do so for varying reasons, the most pressing being lack of financial resources. Others stated that they had left their parental home or their place of residence as a result of familial violence or, in some cases, due to violence and mistreatment from landlords who viewed lesbianism as immoral.

Passing in different forms is an interesting and useful strategy adopted by seven of the lesbian and transgender interviewees in order to avoid violence, abuse, and mistreatment in their daily lives. Just as "masculine" clothing or style of dressing made lesbian identity visible, it also afforded safety in male-dominated public spaces. For instance, one lesbian interviewee claimed that, for reasons of safety, she preferred to pass as a boy when riding her motorcycle at night.<sup>85</sup>

While some interviewees chose to "pass" by adhering to normative gender roles (masculine, if born male/feminine, if born female), others passed either in their self-identified (trans)gender role or in their socially

"misrecognized" gender role (masculine, although born female, and feminine, although born male).<sup>86</sup> For instance, H stated that she often passed as a boy due to being "misrecognized," and that it was, therefore, more convenient for her to continue as such. She said:

Public toilets – every time you walk into the bathroom, it's like '*Malli Malli weradila anith eka*' ('*Younger brother, you've got it wrong, it's the other one*'), and I'm like oh God! And then I'm like, oh Shit! I went into the wrong one, and I go to the guys' one ... coz everyone thinks I'm a boy.<sup>87</sup>

For Maya, on the other hand, passing as a feminine woman was a strategy she tried out for a short period of time in order to avoid having to deal with being stared at in public on a daily basis. Maya is a 37-year-old, lesbian-identified androgynous woman who lives in Sri Lanka. She said:

I changed my gender appearance, I grew my hair out, I put on a bit of weight as well. I looked much more feminine and at that point, you wouldn't believe it, I faded, no one paid any attention to me at all. I could go into banks you know, any institution, whereas previously I would get so many stares, [but this time] absolutely nothing. So it was refreshing but at the same time I felt really at odds with the person that I was at the time. I felt that how I looked didn't

83 The use of "passing" here means convincingly appearing in public as conforming to norms related to gender and/or sexual orientation.

84 Interview with Christy, Women's Support Group, Sri Lanka, February 16, 2011.

85 Interview with Indrani, Women's Support Group, Sri Lanka, April 28, 2011.

86 Ruth Rubinstein (1995) notes that signs and symbols are useful to analyse the language of clothing. She defines 'signs' as that which conveys a single, clear-cut meaning, in contrast to "symbols" which have multiple meanings (p.7). Fashion and clothing images can, therefore, be an effective means of communication only if the signs and symbols are recognized and interpreted by a knowing audience. Failure to do so would result in misrepresentation or misinterpretation. For example in Sri Lanka, a "butch lesbian" would only be identified as a "butch lesbian" within a social space that recognized the style of clothing associated with "being butch." In contrast, in a rural village in Sri Lanka, a "butch lesbian" would simply be (mis)recognized either as a "boy" or a "girl pretending to be a boy."

87 Interview with H, Women's Support Group, Sri Lanka, February 12, 2011.

really reflect my subjectivity.<sup>88</sup>

Twenty interviewees reported that they had actively sought solace or guidance from support groups, individuals or institutions, either within the queer or feminist community or movement. As Maya has rightly pointed out:

It's amazing, you know, these support groups (referring to the Women's Support Group), you can have ten million activities, but really just having the space and hanging out there and having lunch, that's support enough.<sup>89</sup>

Chandani explained that for many years she actively sought support from her "chosen family" (friends she relied on) as opposed to being dependent on her biological family.<sup>90</sup>



Photo: Courtesy of Megara Tegal

Eleven of the interviewees said that their solace from violence, abuse, and mistreatment came from activities that gave some mental stimulus and could be conducted outside the home, such as listening to music, watching movies, and going to the library. Others turned to more physically demanding activities, such as workouts in the gymnasium and jogging.

For most lesbians and transgender people interviewed (22 out of 33), verbal resistance was the most common form of fighting back and dealing

with discrimination and violence. These individuals said that the only way to deal with emotional harassment from parents was to fight back by arguing whenever possible.

Thirty-six-year-old Hothead is a lesbian-identified soft butch woman, living in Colombo. She said:

My mother wanted me to get married ... and then she kept proposing these friends' sons as being the ideal husbands. And I [said] ... you know I think you better give up because I don't really fancy men ... I prefer women.<sup>91</sup>

A similar response emerged from Inoka, a 29-year-old who identifies as a butch lesbian and is a Colombo resident. Describing how she had responded to her mother's questions after she came out as a lesbian, she said:

Her first question went straight to the ... sex act ... She was like 'How do you have sex with another woman?' ... or 'Have you had sex with another woman for you to know that you're gay?' ... I said ... Well, did you have sex with a man to know that you're not?<sup>92</sup>

Christy, who spoke about being sexually harassed at her workplace, said that the harassment stopped at verbal abuse and did not escalate to physical abuse because she confronted the perpetrator. She said:

I warned my CEO that if he tried to do something that I'd definitely [go] to the Labour Department. I told him that if he tried to touch me I would slap him, and that I would slap him in front of people.<sup>93</sup>

Naomi, 20, lives in Colombo with her parents, and

---

88 Interview with Maya, Women's Support Group, Sri Lanka, January 22, 2011.

89 Interview with Maya, Women's Support Group, Sri Lanka, January 22, 2011.

90 Interview with Chandani, Women's Support Group, Sri Lanka, November 17, 2010.

---

91 Interview with Hothead, Women's Support Group, Sri Lanka, September 18, 2010.

92 Interview with Inoka, Women's Support Group, Sri Lanka, October 14, 2010.

93 Interview with Christy, Women's Support Group, Sri Lanka, February 16, 2011.

does not like to use labels to describe her sense of self. She said that she used the English language as a tool to intimidate strangers who hurled verbal abuse at her: “I spoke to him in English because I know that always intimidates people and ... after a while, he shut up and went away.”<sup>94</sup>

## LAWS AFFECTING LBT PEOPLE IN SRI LANKA

### Section 365A - Penal Code – Gross Indecency

Section 365A of the Sri Lankan Penal Code Amendment Act No. 22 of 1995 is used to criminalize adult consensual same-sex sexual relations.<sup>95</sup> Prior to the 1995 amendment of the Sri Lankan Penal Code, Section 365A was read as criminalizing sex between men only. In an ill-conceived bid to make the provision gender neutral and non-discriminatory, 365A was amended to read as “an act committed between persons,” and this amendment brought sex between women under its purview.<sup>96</sup>

“Gross indecency” is not defined, and it is unclear whether the absence of a definition means that

the provision could be read as also applying to heterosexual sexual relations. In a social context where political and other public leaders routinely direct hostile remarks at LGBT communities, it is likely that “gross indecency” is associated with same-sex relations in the public imagination.

Though Section 365A has seldom been tested in a court of law, the mere fact that such a vague value-based provision is on the books makes sexual minorities vulnerable to police abuse and extortion from others, not only in their life choices or sexual practices, but also in their activism around sexual rights.<sup>97</sup> There have also been “instances where private citizens threatened to use it against others, usually family members, and roped in the agents of the law.”<sup>98</sup>

The criminalization of homosexual sexual activity paves the way for police and anti-gay groups to brand all lesbian, bisexual women, and transgender people as “perverts” and criminals. The fear of being apprehended and identified as non-heterosexual leads to a cycle of silence involving LBT people, their families, friends and the society as a whole. This leaves LBT people vulnerable to a range of human rights violations, including extortion, intimidation, unlawful arrest and detention, physical and sexual harassment and bullying, torture, rape, even murder on the basis of sexual orientation, gender identity or gender expression by state and non state actors, including private individuals.

---

94 Interview with Naomi, Women’s Support Group, Sri Lanka, September 22, 2011.

95 It reads: “Any person who, in public or private 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 offence, and shall be punished with imprisonment of either description, for a term which may extend to two years or with fine or with both and where the offence is committed by a person over eighteen years of age in respect of any person under sixteen years of age shall be punished with rigorous imprisonment for a term not less than ten years and not exceeding twenty years and with fine and shall also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person.”

96 Y. Tambiah, “(Im)moral Citizens: Sexuality and the Penal Code in Sri Lanka,” In A.J. Canagaratna (Ed.), Neelan Tiruchelvam Commemoration Conference Papers (Colombo: ICES, 2004), 107 – 141.

---

97 “Two men fined for gross indecency”, *Daily Mirror*, November 16, 2012, <http://www.dailymirror.lk/news/23546-two-men-fined-for-gross-indecency-.html> “A Colombo Court today imposed a fine of Rs.1,500 each on two men who pleaded guilty to the charge of engaging in homosexual acts inside a public lavatory at the Fort Railway Station. The Fort Police arrested the two men, one aged 40 and the other 50, while they were engaging in oral sex. One of them was identified as a state institution employee. In the charge sheet filed before Colombo Fort Magistrate Kanishka Wijeratne, the prosecutors said the suspects had committed a punishable offence which came under section 365 (A) of the Penal Code. Police charged that the suspects had engaged in activities of gross indecency at a public lavatory. Defence Counsel Jayantha Pathirana told Court that his clients would plead guilty to the charges.”

98 Y. Tambiah, “Man-made Laws and Feminine Feelings: A ‘Lesbian’ Encounter with the Law in Sri Lanka,” *Lines 2* (1), (May 2003)

## Section 399 – Penal Code - Cheating by Personation

Section 399 of the Sri Lankan Penal Code, “Cheating by Personation” is often used against transgender people.<sup>99</sup> There have been several cases of “impersonation” and “misrepresentation” brought to court, where women were discovered to be “disguised” as men and their “true sexual identity” exposed to the public. Similarly, transwomen have also been arrested for “misleading the public.”<sup>100</sup>

## Vagrancy Ordinance of 1842

Sri Lanka’s Vagrancy Ordinance of 1842 continues to give authorities the power to detain people whom they consider to be loitering in public.<sup>101</sup> The police

---

99 It reads: “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. Explanation - the offence is committed whether the individual personated is a real or imaginary person. Whoever is convicted of this offence will have to face a punishment of imprisonment of either description for a term which may extend to three years, or with fine or with both.”

100 “Boy Disguised as Girl since the age of 18,” *Lankadeepa*, August 31, 2010; “Woman disguised as a Male Army Officer married to a Woman following mobile phone love affair,” *Lankadeepa*, August 23 2010; “Women Disguised as Men (aka Tom Boys),” *Divaina*, May 17, 2009; “Person who had disguised himself as a man for 20 years becomes a woman at the police station,” *Lankadeepa*, January 3, 2009; “16 year old nomadic/ gypsy girl, disguised as a man, arrested as a suspect for a murder case,” *Lankadeepa*, May 11, 2005; “Boy becomes Girl at Dambulla Temple,” *Lankadeepa*, March 10, 2004; “Female Corporal arrested on charges of giving fake ID to male army officer disguised as a female army officer,” *Sunday Lankadeepa*, January 18, 2003; “Case of Man Disguised as Woman,” *Sunday Lankadeepa*, July 20, 2003.

101 It reads: Section 3 (1)(b) specifies that “every common prostitute wandering in the public street or highway or in any place of public resort and behaving in a riotous manner or indecent manner ... shall be deemed an idle and disorderly person and shall be liable upon first conviction to be imprisoned with or without hard labour for any term not exceeding 14 days or to a fine.” Sec 3(2) specifies that “such a person can be arrested without a warrant.”

have the discretion to interpret *mala fide* of the “idle person” to that of a vagrant and thereby enforce the law. This often leads to a wrongful application and misuse of the Vagrancy Ordinance, which results in wrongful detention of non-heteronormative women, transgender men and people from the nachchi<sup>102</sup> community because they look different. The Vagrancy Ordinance is especially used to target transgender people of lower socio-economic status who are the most vulnerable to police abuses.<sup>103</sup> Their manner of dress (different from their biological sex) is often the basis for the assumption that they are sex workers – the Vagrancy Ordinance justifies the harassment, arrest and prosecution of sex workers.<sup>104</sup>

The law requires the police to present the alleged offender (taken into custody without a warrant) before a magistrate within 24 hours. In January 2013, the Code of Criminal Procedure was amended to extend this period to 48 hours. However, if the offender is apprehended on a Friday, he or she could remain in detention for over 48 hours, because magistrates do not work over the weekend. Reports of victimization and abuse have emerged in some cases when arrests were made at night and the alleged offenders were detained in police stations overnight.<sup>105</sup>

## Fundamental Rights

The rights of the Sri Lankan citizen are spelled out in Chapter 3 of the Sri Lanka Constitution.<sup>106</sup> The Constitution does not explicitly guarantee protection on the grounds of sexual orientation, gender identity

---

102 The Sinhala term nachchi, is a category that is used by the nachchi community who view themselves as male bodied persons who “embraced female subjectivity but with no interest in abandoning key facets of their “maleness,” and are also unwavering in their ardent sexual desire for men” (Miller & Nichols, 2012: 555).

103 A Nichols, “Dance Ponnaya Dance,” *Feminist Criminology* April 2010, *Volume 5, No.2*, <http://fcx.sagepub.com/content/5/2/195>.

104 A Nichols, “Dance Ponnaya Dance,” *Feminist Criminology* April 2010, *Volume 5, No.2*, <http://fcx.sagepub.com/content/5/2/195>.

105 Ibid.

106 Article 12 of the same chapter spells out that no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds.



or gender expression. It can be argued that these guarantees would fall under provisions that address non-discrimination and equality before the law to all persons. The constitution also does not give any indication that the term “sex” refers to anything other than the system of biological classification used to distinguish sex at birth as male or female. However, the provision covering discrimination prohibits distinctions made on “any such grounds” which, to be compatible with international human rights law, must be interpreted to include a prohibition of discrimination on the grounds of sexual orientation, gender identity and gender expression. However this is not so in practice, given the existence of a law that can be read to criminalize same-sex sexual activity.

The Constitution’s lack of specific anti-discrimination language related to sexual orientation, gender identity and gender expression has an immense impact on sexual minorities, chiefly because it places sexual minorities at a severe disadvantage in accessing rights, protections and legal guarantees. Section 17 of the Sri Lanka Constitution spells out remedies that are available to a person whose constitutionally guaranteed rights are infringed or threatened with imminent infringement by executive or administrative action. The remedies granted have included seeking redress through the courts, receiving compensation or restitution, reinstatement and promotions in employment. Many cases have been filed with the courts, including the Supreme Court, using the Fundamental Rights Application, which is a grievance mechanism for Sri Lankans wanting justice from the country’s highest court. However, these remedies offered by the law were infrequently accessed by individuals who experienced discrimination on the basis of sexual orientation, gender identity or gender expression.

Sri Lanka’s National Human Rights Commission investigates complaints of human rights violations and thus is an important mechanism for pursuing remedial action. However a scan of the Human Rights Commission’s Act will reveal that the enabling law restricts its scope of investigations and inquiries to “fundamental rights” alone—in short, to those human rights that are entrenched in the Constitution and therefore justiciable.

This leaves out discrimination on the basis of sexual orientation, gender identity and gender expression, which contravenes Sri Lanka’s commitment to respect, protect and fulfil all human rights under international law.<sup>107</sup> The Human Rights Commission Act also empowers the National Human Rights Commission to make recommendations to the government on measures to be taken to ensure that national laws and administrative practices are in accordance with international human rights norms and standards.<sup>108</sup> However, there have been no known initiatives taken by the Human Rights Commission towards striking down the discriminatory laws that affect lesbians, bisexual women, transgender people and other sexual minorities.

## International Treaties

Sri Lanka has ratified the major United Nations human rights treaties and most optional protocols.<sup>109</sup> Sri Lanka has yet to amend any of its national laws and policies and bring them in line with international human rights law with regard to protecting the rights of lesbians, bisexual women, transgender people and other sexual minorities.

---

107 *Sri Lanka Atrophy and Subversion of the Human Rights Commission, Law and Society Trust* (2010), ANNI Report on the Performance and Establishment of National Human Rights Institutions in Asia, Colombo, Sri Lanka.

108 Section 10 (d) Human Rights Commission of Sri Lanka Act No. 21 of 1996

109 The International Convention on the Elimination of All Forms of Racial Discrimination; The International Covenant on Economic Social and Cultural Rights; The International Covenant on Civil and Political Rights; The Convention on the Elimination of All Forms of Discrimination Against Women; The Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

# RECOMMENDATIONS

## The government of Sri Lanka must:

- Implement the Concluding Observations of the CEDAW Committee, which were presented during the review of the Sri Lankan government report in February 2011, following the 48<sup>th</sup> session of the CEDAW Committee. In its Concluding Observations, the CEDAW Committee urges the Sri Lankan government to “decriminalize sexual relationship between consenting adults of same sex, and abide by the obligation of non-discrimination under the Convention.”
- Implement the Conclusions and Recommendations of the Report of the United Nations High Commissioner for Human Rights on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation, gender identity and gender expression.
- Repeal Section 365A of the Penal Code which is read to criminalize consensual same-sex sexual relations between adults in public and private spaces.
- Take measures to prevent the Vagrancy Ordinance from being arbitrarily used against non-heteronormative women, transgender people and the nachchi community in Sri Lanka.
- Take measures to prevent the police from arbitrarily using Section 399 of the Penal Code (“Cheating by Personation”) against transgender people.
- Amend Article 12 (2) of the Constitution which deals with non-discrimination so that it explicitly includes sexual orientation, gender identity and gender expression among the prohibited grounds for discrimination.
- Adopt measures to protect the right to privacy as a Constitutional guarantee. Privacy is not a fundamental right in our constitution unlike other constitutions, such as in India. LGBT persons are frequently being “outed” against their will and they have no remedies available to them. The Internet fosters the violation of the right to privacy.<sup>110</sup>
- Encourage state and corporate sector employers to develop and implement uniform policies on sexual harassment at the workplace to enshrine principles of non-discrimination, explicitly taking into account harassment based on sexual orientation, gender identity and gender expression.
- Engage with organizations working with lesbians, bisexual women, transgender people and other sexual minorities with a view to developing and implementing policies that are sensitive to issues faced by lesbians, bisexual women and transgender people.
- Refer to the Yogyakarta Principles<sup>111</sup> as a guide to assist in policy development.
- Provide resources to the National Human Rights Commission so it can effectively implement the recommendations of the Asia Pacific Forum’s Advisory Council of Jurists on how to address violence, discrimination and criminalization of LGBT people.
- Implement sex education in schools in accordance with the Guidelines for Comprehensive Sexuality Education.

---

110 In addition, without a Constitutional right to privacy, the state adopts surveillance measures on the grounds of national security and uses technology to intrude into private lives.

111 Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity. (2007) The Yogyakarta Principles are a set of principles relating to sexual orientation and gender identity and, intended to apply international human rights law standards to address the abuse of the human rights of LGBT people and issues of intersexuality. The Principles were developed at a meeting of the International Commission of Jurists, the International Service for Human Rights and human rights experts from around the world at Yogyakarta, Indonesia in 2006.

## REFERENCES

Aizura, Aren, Jenny Walsh, Ash Pike, Roz Ward and Jak (2011) *Gender Questioning: A Joint Project of Trans Melbourne Gender Project*, Gay and Lesbian Health Victoria and Rainbow Network Victoria, Melbourne, Australia.

Ada Derana (Truth First) March 2012 [online] Available from: <http://www.adaderana.lk/news.php?nid=17473&mode=beauti>

BBC News (2012) Q & A Post War Sri Lanka, 13 November 2012. Available online at: <http://www.bbc.co.uk/news/world-south-asia-11393458>

Bastians, Dharisha (2013) Bodhu Bala Sena Wants Law Changed to Permit a Sinhalese Man to Marry Five Wives to Propagate the Sinhala Race, 23 January 2013, [www.dbsjeyaraj.com](http://www.dbsjeyaraj.com) Available online at: <http://dbsjeyaraj.com/dbsj/archives/15219>

Bellanvila Sudaththa Thero and Dunne, C. J., (2007) Homosexuality, Buddhism and Sri Lankan Society, *Groundviews* 28 August 2007: Colombo [online] Available from: <http://groundviews.org/2007/08/28/homosexuality-buddhism-and-sri-lankan-society/>

Bruce-Jones E., & Itaborahy L., (2011) *State Sponsored Homophobia: A World Survey of Laws Criminalizing Same Sex Sexual Activity between Consenting Adults*, An ILGA Report, The International Lesbian, Gay, Bisexual, Trans and Intersex Organization.

Colombage, Dinouk (2013) Bodu Bala Sena: A Threat to Sri Lanka's Future, *Groundviews*, 19 March 2013, Colombo, Sri Lanka. Available online at: <http://groundviews.org/2013/03/19/bodu-bala-sena-a-threat-to-sri-lankas-future/>

Daily Mirror, Two men fined for gross indecency, 16 November 2012, Sri Lanka. Available online at: <http://www.dailymirror.lk/news/23546-two-men-fined-for-gross-indecency-.html>

Fernando, M. (2008) 'Vagrant Voices', *Himal South Asia*, Vol. 21 (3), Available online at: [http://www.himalmag.com/Vagrant-voices\\_nw2138.html](http://www.himalmag.com/Vagrant-voices_nw2138.html)

Gunasekara, Tisaranee (2013) The Muslims are the new Tamils, *Lanka Standard*, 27 January 2013, Colombo, Sri Lanka. Available online at: <http://www.lankastandard.com/2013/01/the-muslims-are-the-new-tamils/>

Human Rights Watch (2011) Sri Lanka: Report Fails to Advance Accountability, 16 December 2011, New York. Available online at: <http://www.hrw.org/news/2011/12/16/sri-lanka-report-fails-advance-accountability>

Human Rights Watch (2008) *This Alien Legacy: The Origins of "Sodomy" Laws in British Colonialism*. [www.hrw.org/sites/default/files/reports/lgbt1208\\_webwcover.pdf](http://www.hrw.org/sites/default/files/reports/lgbt1208_webwcover.pdf).

Human Rights Commission of Sri Lanka Act No. 21 of 1996

Ingram, Gordon Brent, Anne-Marie Bouthilette, Yolanda Retter (Eds) (1997). *Queers in Space: Communities / Public Places / Sites of Resistance*, Bay Press, USA.

Law and Society Trust (2010) Sri Lanka Atrophy and Subversion of the Human Rights Commission, ANNI Report on the Performance and Establishment of National Human Rights Institutions in Asia, Law and Society Trust: Colombo.

Miller, J and Nichols, A (2012) Identity, sexuality and commercial sex among Sri Lankan nachchi. *Sexualities*, Special Section, 15 (5/6) pp.554 – 569, Sage Publications, Available online at: DOI: 10.1177/1363460712446120

Nichols, Andrea (2010) Dance Ponnaya, Dance! Police Abuses Against Transgender Sex Workers in Sri Lanka, *Feminist Criminology* 2010 5: 195, Sage Publications, Available online at: <http://fcx.sagepub.com/content/5/2/195>

*The Sunday Leader*, “Don’t Abandon the Gay Men”, 6 June 2010.

Rubinstein, Ruth (1995) *Dress Codes: Meanings and Messages in American Culture*. Boulder: Westview Press.

Raghavan, Suren (2013) Bodu Bala Sena and Buddhism’s Militant Face in Sri Lanka, Groundviews, 15 January 2013, Colombo Sri Lanka. Available online at: <http://groundviews.org/2013/01/15/bodu-bala-sena-and-buddhisms-militant-face-in-sri-lanka/>

Section 10 (d) Human Rights Commission of Sri Lanka Act No. 21 of 1996

Section 365A, Sri Lanka Penal Code (Amendment) Act No.22 of 1995, 31 October 1995  
Section 399, Cheating by Personation, Sri Lanka Penal Code 1883

Tambiah, Y. (2004) (Im)moral Citizens: Sexuality and the Penal Code in Sri Lanka. In A.J. Canagaratna (Ed.), Neelan Tiruchelvam Commemoration Conference Papers (pp. 107 – 141) Colombo, ICES

Tambiah, Y. (2003 May). Man-made Laws and Feminine Feelings: A ‘Lesbian’ Encounter with the Law in Sri Lanka, *Lines*, 2(1) 2003

US Department of State (2011) Human Rights Report, Sri Lanka, Available online at: <http://www.state.gov/j/drl/rls/hrrpt/2011/sca/186475.htm>  
UNOHCHR (2013) Report of the Office of the United Nations High Commissioner for Human Rights on advice and technical assistance for the Government of Sri Lanka on promoting reconciliation and accountability in Sri Lanka, Human Rights Council, 22<sup>nd</sup> Session, United Nations General Assembly, 11 February 2013. Available online at: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-38\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-38_en.pdf)

Vagrants Ordinance No.20 of 1942

World Health Organization (2004) *Suicide Prevention: Emerging from Darkness*, Available online at: [http://www.searo.who.int/en/Section1174/Section1199/Section1567/Section1824\\_8089.htm](http://www.searo.who.int/en/Section1174/Section1199/Section1567/Section1824_8089.htm)

World Health Organization (2011) *Suicide rates per 100,000 by country, year and sex*. [online] Available from: [http://www.who.int/mental\\_health/prevention/suicide\\_rates/en/](http://www.who.int/mental_health/prevention/suicide_rates/en/)

(2012) Joint Statement by Sunila Abeyssekara, Nimalka Fernando and Pakiasothy Saravanamuttu, 23 March 2012, Colombo Sri Lanka. Available online at: <http://www.scribd.com/doc/86440203/joint-statement-sunila-abeysekara-nimalka-fernando-and-dr-paikiasothy-saravanamuttu>

(2007) Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.

## APPENDIX A: TERMINOLOGY

When discussing issues relating to terminology, it has been quite a challenge to use terms such as “Sexual Orientation,” “Gender Identity,” “Gender Expression” and “Heteronormativity” in the vernacular (Sinhala and Tamil). For example, the Sinhala form of “Heteronormativity” is a sentence (ie: ‘*Wishama Lingika Sammathayak*’) as there is no single word to describe it.

Similarly, the formal term we used to describe “Sexual Orientation” in Sinhala is “*Lingika Namburuwa*.” However, this term had to be abandoned very often during the interviews as not many respondents were aware of its meaning. It was more useful to avoid formal terms altogether and simply ask respondents whether they preferred to have sexual and emotional relationships with either women or men or both.

Gender Identity has been translated into Sinhala as “*Sthree Purusha Samajabhawaya matha padanam wu ananyathawaya*.” This formal definition contrasted with the colloquial Sinhala of the interview, and could not be used without some explanation of its meaning. To explain, some researchers asked the respondent to take herself as an example and state whether she saw herself as a girl or not while preferring non-feminine/boyish/masculine clothing.

It has also been quite challenging to explore non-heteronormative sexual and gender identities within a non-western context, as in the case of Sri Lanka. A good example is the identity of the “transman.” Within a western context, a transman is usually defined as an individual who is biologically female and whose gender identity and gender expression are masculine; while he may/may not undergo surgery, he would carry on with his life as a man. However in Sri Lanka, although there have been a number of newspaper reports of women being “disguised” as men<sup>112</sup> or “impersonating” men, it is difficult to say whether gender expression in each case is legible as a trans-like gender identity. For instance, in some cases that have been documented by the WSG, the individual concerned said she/he preferred to take on a male persona in order to avoid the kinds of sexual harassment that women face on a daily basis. An added complication is that if such individuals live and “pass” on a daily basis, questions about being biologically female might put them at risk. Within the past year, however, there has been an increase in awareness on transgender issues, particularly amongst medical professionals.

---

112 “Boy Disguised as Girl since the Age of 18,” *Lankadeepa*, August 31, 2010; “Woman Disguised as a Male Army Officer Married to a Woman Following Mobile Phone Love Affair,” *Lankadeepa*, August 23 2010; “Women Disguised as Men (aka Tom Boys),” *Divaina*, May 17, 2009; “Person who had Disguised Himself as a Man for 20 Years Becomes a Woman at the Police Station,” *Lankadeepa*, January 3, 2009; “16-year-old Nomadic/ Gypsy Girl, Disguised as a Man, Arrested as a Suspect for a Murder Case,” *Lankadeepa*, May 11, 2005; “Boy becomes Girl at Dambulla Temple,” *Lankadeepa*, March 10, 2004; “Female Corporal Arrested on Charges of Giving Fake ID to Male Army Officer Disguised as a Female Army Officer,” *Sunday Lankadeepa*, January 18, 2003; “Case of Man Disguised as Woman,” *Sunday Lankadeepa*, July 20, 2003. Please see Appendix B for more details of archived media reports.

## APPENDIX B: GLOSSARY OF TERMS

**Aappa:** slang (derogatory) for 'lesbian' in the Sinhala language

**Bisexual:** a person who is emotionally and/or physically attracted to members of both the same and the opposite sex.

**Butch:** a masculine lesbian. Her masculinity could be expressed through masculine mannerisms, male clothing and/or haircuts. She is very comfortable with her female body and identity as a woman.

**Cisgender:** a cisgender person is someone who identifies as the gender/sex they were assigned at birth. For example, if your birth certificate says "female" and you identify as a "female woman," you are a "cisgendered" person (as opposed to a transgendered person).

**Femme:** a feminine lesbian. Her femininity may or may not be expressed through makeup, high-heeled shoes and dresses. She could either be soft spoken, sweet and passive, or bold and aggressive. She is very comfortable with her female body and identity as a woman.

**Gay:** A person who is emotionally and/or physically attracted to members of the same sex. Although all-encompassing, this term refers mainly to men.

**Gender:** is a socially constructed concept, or social classification, of certain sets of behaviours, character traits and roles as feminine or masculine. Though the specifics of what may constitute feminine/female and masculine/male behaviours can vary across cultures, they uniformly impose a set of restrictions and rules on how each man or woman should behave in all areas of life.

**Gender Binary:** is the classification of sex and gender into two separate categories of masculine and feminine. Most societies divide people into these two distinct categories, which exclude many people who don't fit neatly into either category.

**Gender Identity:** refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.

**Gender Expression:** refers to the external manifestation of one's gender, usually expressed through "masculine," "feminine" or gender variant dress, appearance, mannerisms, speech patterns, and behaviour. Gender expression is not necessarily an indication of sexual orientation or gender identity.

**Heteronormativity:** a view implying that all people fall into only one of two genders (i.e., male or female), that there are particular roles that men and women should follow, and that heterosexuality (i.e., attraction to the opposite sex/gender) is the only "normal" sexuality.

**Heterosexism:** refers to the belief that heterosexuality is the only "normal" and legitimate expression of sexual desire, intimacy and family life. It is institutionalized in societies around the world through laws, practices and cultural traditions.

**Heterosexual:** a person who is sexually, emotionally, and/or romantically attracted to the opposite sex.

**Homosexual:** a person who is sexually, emotionally, and/or romantically attracted to the same sex.

**Homophobia:** irrational fear, hatred, or prejudice towards homosexuals.

**Intersex:** a person who is born with external genitalia, or internal reproductive systems that are determined to be neither exclusively male nor female. Intersex people often have biological characteristics of both the male and female sexes. Intersex variations describe a large variety of conditions where a body varies from the male or female standard in areas such as chromosomes, hormonal makeup and genitalia. Intersex variations may be noticeable at birth or develop later

in life. The word “intersex” replaces “hermaphrodite,” which is generally considered impolite and/or derogatory.

**LGBTIQ:** an acronym which stands for Lesbian, Gay, Bisexual, Transgender, Intersex, Questioning and Queer. (Although more recently, with an increasing number of identity categories and labels this has expanded to LGBBHHTTQQI to include Lesbian, Gay, Bisexual, Bi-curious, Heterosexual, Homosexual, Transgender, Transsexual, Queer, Questioning and Intersex).

**Lesbian:** a woman who is emotionally and/or physically attracted to other women.

**Non-Heteronormative Women / Men:** is a term used to describe women / men who choose to live outside the heterosexist and heteronormative framework.

**Ponnaya:** derogatory slang in the Sinhala language, used to refer to a gay / effeminate man. It also has “multilayered meanings, and is used as a scornful characterization of men who have failed to meet Sri Lanka’s hegemonic standards of masculinity: a cuckolded husband, a man who fails to provide for his family, a man who is effeminate, a man whose sexual desire is for men” (Miller & Nichols, 2012: 557).

**Queer:** a person who transgresses established gender and/or sexual norms. Queer refers to LGBTIs as well as heterosexual persons who live outside heteronormative / heterosexist norms.

**Sex:** is the biological classification of bodies as male or female. At birth, infants are assigned a sex based on the socially constructed understanding of a certain combination of biological characteristics as representative of either male or female. These characteristics include chromosomes, hormones, internal reproductive organs and genitals.

**Sexual Orientation:** refers to each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

**Transgender** is an umbrella term for people whose gender identity, expression or behaviour is different from that typically associated with their assigned sex at birth, including but not limited to transsexuals, travestis, transvestites, transgenderists, cross-dressers, and gender non-conforming people. Transgender people may be heterosexual, lesbian, gay or bisexual. “Transgender,” as it is used in western societies, has limited resonance in many other countries. The term does not convey the multiple and diverse expressions of gender identity or the intersecting expressions of sexual desire, intimacy and gender nonconformity. For example, *Metis* in Nepal, like *Zananas* in Pakistan and *Travesti* in Argentina are effeminate men who have not surgically altered their bodies or transitioned to being women. *Hijra* in India may or may not be castrated and have sex with straight men but not gay men. In many cultures, the terms “third gender” or “other gender” are frequently preferred over “transgender.” In Sri Lanka, the *Nachchi* are “best characterized as both transgender and homosexual: they embrace a feminine gendered subjectivity, but with no interest in abandoning key facets of their “maleness,” and are also unwavering in their ardent sexual desire for men” (Miller & Nichols, 2012: 555).

**Trans\*:** (with the asterisk) is a term that is used as an umbrella term to include all the identities within the gender identities spectrum. This can mean many experiences of sex and gender: trans, transsexual, transgender, genderqueer.

**Transgender Man (Female-to-Male/FTM):** refers to a person who identifies as male or masculine, but was assigned the female sex at birth and may or may not have been raised as a girl. Also known as Transman, FTM or F2M (female-to-male).

**Transgender Woman (Male-to-Female/MTF):** refers to a person who identifies as female or feminine, but was assigned the male sex at birth and may or may not have been raised as a boy. Also known as Transwoman, MTF or M2F (male-to-female).

**Transphobia:** prejudice against, and/or fear of trans\* people, or anyone thought to be trans\*. Transphobia can include violence, harassment and discrimination as well as the general idea that says everyone must fit into being male or female. Transphobia can be built into the way things work — for example being forced to use either a male or female bathroom or having to continually tick “male” or “female” when filling in forms. Homophobia works in the same way but is aimed at anyone seen as being outside heterosexuality.

**Transsexual:** refers to a person whose gender identity is different from their assigned sex at birth. Often transsexual people alter or wish to alter their bodies through hormones or surgery in order to make it match their gender identity.

**Transition:** transitioning often consists of a change in style of dress, selection of a new name, and a request that people use the correct pronoun. This may or may not include medical care like hormone therapy, counselling and/or surgery.

**Transvestite:** a person, usually a man, who derives pleasure from dressing in clothes usually worn by the opposite sex. Transvestites, like anyone else, may be gay, lesbian, bisexual, heterosexual, queer or something else.

## APPENDIX C: METHODOLOGY

The WSG conducted qualitative interviews with 33 LBT<sup>113</sup> respondents, all of whom were known to us through our organizational network. Although we wished to have a wider outreach for this study, it was quite difficult to do so, as a number of LBT individuals outside the network were not willing to be interviewed. In addition to the interviews with LBT respondents, we also interviewed 54 stakeholders.

Questionnaires were used during the interviews with both LBT and stakeholder respondents. While the LBT interviews were about two hours in duration (on average), the stakeholder interviews usually lasted for about an hour. The language of interviews was either Sinhala or English, depending on the participant’s language proficiency. All Tamil respondents preferred to be interviewed in English (there was provision for interviews to be conducted in Tamil).

Prior to interviewing, each respondent was informed of the aims and objectives of the research, and then required to sign the Consent Form. In addition to ensuring anonymity and confidentiality, the Consent Form also emphasised the voluntary nature of participation in the research project. Respondents could decline to answer any question and were also given the option of withdrawing from the interview at any time before or during the interview, without any explanation. They were also given the option of recalling their interview within three months of being interviewed. Two respondents recalled their interviews within the stipulated time period (reasons were not provided).

Some respondents said they may not be ideal candidates for a research study on violence; interestingly, though, it was revealed through

---

113 Although we use ‘LBT’ here, it must be noted that there were some respondents who preferred not to identify as either ‘lesbian’, ‘bisexual’ or ‘trans’. Please see Section IV: Interviewee Demographics for more details.



the interviews that they did have experiences of violence on the basis of their sexual orientation. It was also a point of interest that a number of respondents found it uncomfortable to refer to their parents or family members as “perpetrators,” even though they were the cause of their emotional/psychological violence.

Stakeholder interviews, conducted by two researchers, were often challenging. Both researchers had to face prejudice from potential participants who were not too keen to be interviewed, or who had anti-gay attitudes. In deciding who should interview stakeholders (many of whose attitudes on the subject were not known), we opted to be strategic and not choose researchers whose appearance—in combination with their research questions—could potentially provoke curiosity about their gender or sexuality. Despite this strategy however, both researchers who conducted stakeholder interviews had faced inappropriate questions such as,

“Are you being paid? If so, how much are you being paid to do this research?”

“Which countries are funding this research?”

“Why is it that you have long hair?”

“Do you have a boyfriend?”

Both researchers were instructed to record their experiences conducting interviews. We have reproduced some excerpts from their field notes to illustrate stakeholders’ attitudes.

### **STAKEHOLDER CATEGORY: LAWYER**

---

#### **Researcher’s Location: Urban**

“When he heard the name of the research, he was very worried. He wanted to know how I had got his name and number. He said he did not want to be recorded. He asked me if I had a boyfriend and when I replied that I did not have one, he said he was not surprised, implying that if I continue to do research on such topics,

it would lessen my chances of finding a boyfriend. He also said that homosexuality is something that is hidden in our society, and that we should not try to unearth this rubbish because it would only make things worse. He noted that for many cases of divorce, they had cases where the husband was a gay man. In the end he agreed to be interviewed, but he wanted most of his views and attitudes to be off record.”

### **STAKEHOLDER CATEGORY: MEDICAL HEALTH**

---

#### **Researcher’s Location: Rural**

“The doctor reprimanded me, especially because he knew my husband. He said he was very sad that his friend’s wife was doing such research. He also said that western culture is destroying our culture by being brought into our villages by this kind of research. I responded by saying that it [homosexuality] happened in the past during the ancient kingdoms. But he retorted by saying that I would not know this as I was not there during that time!”

### **STAKEHOLDER CATEGORY: MEDICAL HEALTH**

---

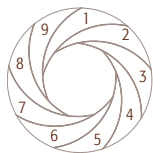
#### **Researcher’s Location: Rural**

“This doctor had pointed out that many children were sent for counselling by their parents and teachers if they demonstrated any same-sex attraction. The counselling would put them back on the correct path. Even though this doctor was theoretically ok about homosexuality, he did not want to be supportive of it on record.”

# PHOTO AND ARTWORK CREDITS

## COVER

Front cover:



### Photo Credits:

1. Grace Poore,
2. Courtesy of Ang LadLad
3. Theresa Thadani,
4. Grace Poore
5. Theresa Thadani
6. Jay, Women's Support Group, Sri Lanka,
7. Jay, Women's Support Group, Sri Lanka
8. Theresa Thadani
9. Grace Poore.

## EXECUTIVE SUMMARY

- Page 1 **Photo Credit:** Theresa Thadani
- Page 4 **Photo Credits:** Courtesy of the United Nations, <http://www.ohchr.org/>

## CROSS COUNTRY ANALYSIS

- Page 5 **Photo Credit:** Grace Poore

## JAPAN CHAPTER

- Page 67 **Photo Credit:** Theresa Thadani
- Page 79 **Photo Credit:** Theresa Thadani

## MALAYSIA CHAPTER

- Page 99 **Photo Credit:** Grace Poore
- Page 109 **Caption:** Used with permission from KRYSS.  
**Artwork Credit:** Rosie Marie, *Violence Is Not Our Culture*, KRYSS, 2012
- Page 129 **Caption:** Used with permission from KRYSS. **Artwork Credit:** Jellene Khoh, *Violence Is Not Our Culture*, KRYSS, 2012

## PAKISTAN CHAPTER

- Page 141 **Photo Credit:** Theresa Thadani

## PHILIPPINES CHAPTER

- Page 166 **Photo Credit:** Courtesy of Ang LadLad.
- Page 177 **Photo Credit:** Rainbow Rights Project
- Page 185 **Photo Credit:** Still from "Courage Unfolds" video, IGLHRC, 2011

## SRI LANKA CHAPTER

- Page 200 **Photo Credit:** Jay Kuru Utumpala
- Page 203 **Photo Credit:** Megara Tegal.
- Page 224 **Photo Credit:** Megara Tegal.  
[http://www.flickr.com/photos/the\\_puppeteer/7988257472/](http://www.flickr.com/photos/the_puppeteer/7988257472/)