

SCHOOL SAFETY FOR LGBTI STUDENTS

A HUMAN RIGHTS APPROACH

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I. SUMMARY

LGBTI students worldwide face bullying, harassment and abuse on a routine basis in their formative adolescent years at school. Such acts are solely based on their perceived sexual orientation and /or gender identity. The endemic nature of such bullying, harassment and abuse against LGBTI students requires immediate action on the part of education authorities to stem such acts. But, what usually happens in educational settings as illustrated by our case study is the exact opposite, students are instead instigated to further harass an already vulnerable LGBTI student. Acts of bullying, harassment and abuse are often driven by stigma and prejudice and rooted in cultural beliefs about gender roles and gender expression.

In line with international human rights law, LGBTI students have the right to an education free from violence and discrimination, that promotes respect for human rights and fundamental freedoms. UN human rights mechanisms including the CRC Committee, the CEDAW Committee and the Human Rights Committee have on many occasions raised concerns about SOGIE based violence and discrimination in education and have called on states to take measures to prohibit, prevent and punish the harassment, bullying, and expulsion from schools of LGBTI children, including through raising public awareness and implementing safety and support measures. In Sri Lanka, the Penal Code, the Anti-Ragging Act, the ICCPR Act and the Constitution all provide safeguards against acts of bullying, harassment or abuse which may occur against school children. But unfortunately, the implementation of these provisions especially regarding protection of LGBTI children has been woefully inadequate.

Decriminalisation of consensual same- sex sexual relations, the enactment of anti-discrimination legislation and anti-bullying policies/law, professional development of teachers including training on SOGIE and tools for prevention of bullying, harassment and abuse, strict implementation of the Anti-Ragging Act, a comprehensive sex education curriculum which includes information on the diversity of sexualities and gender are basic steps which can provide a supportive environment for LGBTI students to live without fear.

II. CASE STUDY

VS*¹ was a 16-year-old school student when he first realized that he was attracted to boys. He wondered if something was wrong with him. He didn't have access to a phone or internet at that time. After his Ordinary Level (O/L) examinations, he started working part time in a shop and earned enough to buy himself a mobile phone. It was through access to social media that he realized that there were others like him. He became aware that there were gay couples in long lasting relationships and that being gay was not a disease of the mind. He also saw posts by 'out and proud' local LGBTI activists and sought out more information about his sexual orientation. At his previous school, he had been bullied by senior students and peers for his feminine expression including the way he walked.

VS joined a new school for his Advanced Level (A/L) examinations. A Catholic government school, his new school was one of the oldest schools in Sri Lanka. At his new school he became President of the Media Club, an achievement he was proud of. He updated his Facebook account with his name, photograph, school and his position in the media club. When he heard that a trainer at a police training had talked about being gay as a mental illness, he was worried his mother might hear about it and reject him, so he informed her himself of his sexual orientation and convinced her to accept his sexuality by showing her the 'out and proud' videos of local LGBTI activists. He also started openly sharing LGBTI related content on his social media. And then, the harassment began.

School alumni and teachers saw his social media posts and told his classmates and some of his relatives. Rumors spread in school about his sexual orientation, and old boys messaged him on social media warning him that he was a shameful person bringing disgrace to their school, which had only produced gentlemen not '*ponnayas*'². He refuted this by informing them that it only meant that other LGBTI students were still 'closeted'. Some of the students in the school messaged VS asking for sex, but he reported this to the teacher in charge of discipline. Unfortunately, his complaints were not addressed despite them being related to the unacceptable behavior of students in his school. Instead, the teachers simply encouraged others, including his own friends, some of whom were prefects in the school to actively isolate him.

VS learnt that the old boys were going to physically assault him and that the Principal had informed the prefects of the school that if VS did not behave 'normally' the school would not be responsible for any untoward action against him. The principal proceeded to set up a

¹ Initials are used for identification.

² Derogatory word used to refer to homosexuality directed at effeminate men

student board consisting of school prefects to investigate his personal life including social media posts. These prefects were instructed by the principal to find out about his sexuality. These actions VS believes were a gross and unnecessary violation of his privacy as an individual person. He was also instructed to remove any personal data relating to his school from his social media including his achievements at the Media Club.

School became an incredibly hostile environment for him as a student. VS was left with no choice but to leave the school as the stress and trauma was beginning to affect his performance in school. He couldn't study and it was mentally draining for him to continue at the school. However, despite his valid reasoning, the school refused his request to leave the school.

Since he was not allowed to officially leave the school, he had to continue to endure the harassment of the students and teachers in the school – there were many examples of verbal harassment, with some students even calling his home to berate or threaten him. VS finally stopped going to school but as a result lost his mandatory attendance record which is a requirement to sit for A/L exams. He decided to apply for his A/L exams privately.

VS (now aged 19) became a youth LGBTI activist through which he obtained human rights training from an LGBTI organisation. This made him realize his rights were being violated by the school due to which he proceeded to file a complaint at the Human Rights Commission of Sri Lanka (HRCSL) against his school principal citing a violation of his right to equality and non-discrimination. Once the school was informed of the complaint, his Media Club teacher called and told him what he did was wrong but did not listen to his reasoning that the students were harassing him with the principal's endorsement. Later, his A/L sectional Head also called him and asked him to apply for his A/L exams from the school, stating that they would manage his lack of attendance as it was during the pandemic period.

The HRCSL inquiry was held in November 2022. His school principal had left the school, and a new Principal was in office. Both the former Principal and the new Principal attended the inquiry. At the inquiry the inquiring officer informed them that sexual orientation was a natural part of being a person and that it was not a choice. The former Principal made a statement that being LGBTI was like a disability and special treatment for students with disabilities should be as provided for by a Ministry of Education Circular. These statements which indicate lack of awareness and education amongst educators about sexual orientation and gender identity, were immediately refuted, and he was informed that being gay was not a disability nor a mental illness and that it was equality not special treatment that VS had requested. Finally, it was agreed that there would be no restriction on VS sitting for his A/L exams through the school, that no such incidents should take place in school again, and that the HRCSL would conduct an awareness program on gender and sexuality at the school for teachers and students so that they are better equipped to prevent any bullying based on sexual orientation and gender identity.

VS sat for his A/L exams through his school in early 2023. He is in contact with at least 20 students from his school who are LGBTI and still closeted due to their fear of not being accepted and/or bullied. They contacted him because they heard about his HRCSL complaint and believe he can help them.

VS said that even though there was a counsellor in his school, she was more than 50 years old and of no help. In fact, his was not the first incident, in 2019, two gay students in a relationship had been caught sharing letters and their parents called and warned. The students had been subjected to a lot of pressure resulting in one of the students being hospitalized with depression.

"I felt the need to make a safe environment for others at school. I don't believe the teachers or community understand what sexual orientation or gender identity means. They need sensitization programmes and training. There is a lack of knowledge on comprehensive sex education. We are taught more about how plants reproduce but not about how humans do, aren't we humans? Even when it comes to sex education, teachers are shy to talk about it. The HRCSL only tried to settle my specific problem and did not address the broader issue of bullying and harassment of LGBT students. The other LGBT students do not have the same supportive network or contacts that I do. They lack support and are also not mentally strong enough to withstand any abuse. Juniors who are considered effeminate are still being bullied by the seniors. The sensitization programme has not been conducted yet, even though it is now 6 months post - inquiry," says VS.

III. SCHOOL SAFETY FOR LGBTI STUDENTS

LGBTI students worldwide face bullying, harassment and abuse on a routine basis in their formative adolescent years at school. Such acts are solely based on their perceived sexual orientation and /or gender identity. A majority of LGBTI individuals in Sri Lanka interviewed by BRIDGE during the period 2022-2023 remembered well and spoke about the abuse they endured in school, including incidents of sexual violence by students junior and senior to them. The endemic nature of such bullying, harassment and abuse against LGBTI students requires immediate action on the part of education authorities to stem such acts. But what usually happens in educational settings as illustrated by the case study above is the exact opposite, students are instead instigated to further harass an already vulnerable LGBTI student.

Acts of bullying, harassment and abuse are often driven by stigma and prejudice, and rooted in cultural beliefs about gender roles and gender expression. As a result, LGBTI students face teasing, ridicule, rumors, social isolation, physical and sexual assault. Such acts happen within the school and outside including online (as seen in our case study). Research shows that acts of bullying and abuse based on SOGIE leaves a deep impact on LGBTI students including on their physical and psychological health leading to loss of confidence, anxiety, guilt, depression, withdrawal, and even self-harm and suicide.³ LGBTI students are likely to feel unsafe at school, miss classes, or avoid school itself (as seen in our case study) thereby damaging their educational and employment prospects which leads to further economic disadvantage.

WHAT DOES THE LAW SAY?

Sri Lanka is a Party to all core international human rights treaties. Therefore, the rights to equality and non-discrimination protected under these treaties apply to all Sri Lankans. In line with international human rights law, LGBTI students have the right to an education free from violence and discrimination.

The Universal Declaration of Human Rights (1948), the Convention Against Discrimination on Education (1960), the Convention on the Elimination of All Forms of Discrimination Against Women (1981) and the Convention on the Rights of the Child (CRC) (1990) all protect the right to education.

³ UNESCO. 2016. Out in the Open: Education sector responses to violence based on sexual orientation and gender identity/expression. See also, Statement by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Mr. Victor Madrigal-Borloz, and the Special Rapporteur on the right to education, Ms. Koumbou Boly Barry-
<https://www.ohchr.org/en/statements/2019/10/inclusion-lgbt-people-education-settings-paramount-importance-leaving-no-one>

The CRC obliges States to protect children from all forms of physical or mental violence, including in education, and sets binding standards to protect children's rights to non-discrimination, life, survival and development, as well as the right to be heard. Even though these documents did not explicitly mention SOGIE and variations of sex characteristics, in some cases these have been recognized subsequently. For instance, the UN Committee on the Rights of the Child issued General Comment 4 in 2003 on adolescent health and development, stating therein that the right to non-discrimination also covered the case of 'adolescents' sexual orientation'. General Comment 13 in 2011 on freedom from all forms of violence also mentioned 'lesbian, gay, transgender or transsexual' children.

UN human rights mechanisms including the CRC Committee, the CEDAW Committee and the Human Rights Committee have on many occasions raised concerns about SOGIE based violence and discrimination in education and have called on states to take measures to prohibit, prevent and punish the harassment, bullying, and expulsion from schools of LGBTI children, including through raising public awareness and implementing safety and support measures.⁴ In addition States have also been called upon to conduct studies and collect SOGIE disaggregated statistical data on education, to inform policy development.⁵ States have also been called upon to develop sex education programmes for students that contain comprehensive, accurate and age-appropriate information regarding sexuality and diverse gender identities.⁶

In its most recent review of Sri Lanka in 2018, the CRC Committee raised queries about SOGIE based discrimination and violence against children. In its Concluding Observations⁷ the Committee recommended the adoption of *'a proactive and comprehensive strategy containing specific and well-targeted action, including affirmative social actions to eliminate discrimination against children in marginalized or vulnerable situations, includinglesbian, gay, bisexual, transgender and intersex children'* and to *'combat discrimination against lesbian, gay, bisexual, transgender and intersex children, including by decriminalizing consensual same-sex sexual acts, prohibit the harassment of transgender children by law enforcement personnel and bring perpetrators of violence, including of sexual abuse of lesbian, gay, bisexual, transgender and intersex children, to justice'*.

⁴ CRC General comment No.20 (2016) on the implementation of the rights of the child during adolescence, CRC/C/GC/20, para.33-34.

⁵ CEDAW/C/ARG/CO/7 (2016), para.49

⁶ CCPR/C/KOR/CO/4 (2015), para.15. A/65/162 (SR Education, report on sex education), para.23; A/66/254 (SR Health 2011), para.59

⁷ Concluding observations on the combined 5th and 6th periodic reports of Sri Lanka: Committee on the Rights of the Child (2018) available at <https://digitallibrary.un.org/record/1476611?ln=en>

The Yogyakarta Principles of 2007 are a set of principles on the application of international human rights law in relation to sexual orientation and gender identity. It also sets forth state obligations on the right to education. In 2017, additional state obligations were adopted through the Yogyakarta Principles +10 (YP+10).

YOGYAKARTA PRINCIPLES (2007)

PRINCIPLE 16

The Right to Education

Everyone has the right to education, without discrimination on the basis of, and taking into account, their sexual orientation and gender identity.

States shall:

- a) Take all necessary legislative, administrative and other measures to ensure equal access to education, and equal treatment of students, staff and teachers within the education system, without discrimination on the basis of sexual orientation or gender identity;
- b) Ensure that education is directed to the development of each student's personality, talents, and mental and physical abilities to their fullest potential, and responds to the needs of students of all sexual orientations and gender identities;
- c) Ensure that education is directed to the development of respect for human rights, and of respect for each child's parents and family members, cultural identity, language and values, in a spirit of understanding, peace, tolerance and equality, taking into account and respecting diverse sexual orientations and gender identities;
- d) Ensure that education methods, curricula and resources serve to enhance understanding of and respect for, inter alia, diverse sexual orientations and gender identities, including the particular needs of students, their parents and family members related to these grounds;
- e) Ensure that laws and policies provide adequate protection for students, staff and teachers of different sexual orientations and gender identities against all forms of social exclusion and violence within the school environment, including bullying and harassment;
- f) Ensure that students subjected to such exclusion or violence are not marginalised or segregated for reasons of protection, and that their best interests are identified and respected in a participatory manner;
- g) Take all necessary legislative, administrative and other measures to ensure that discipline in educational institutions is administered in a manner consistent with human dignity, without discrimination or penalty on the basis of a student's sexual orientation or gender identity, or the expression thereof;
- h) Ensure that everyone has access to opportunities and resources for lifelong learning without discrimination on the basis of sexual orientation or gender identity, including adults who have already suffered such forms of discrimination in the educational system.

Yogykarata Principles + 10 (2017)

Additional State Obligations relating to the Right to Education

States Shall:

- i) Ensure inclusion of comprehensive, affirmative and accurate material on sexual, biological, physical and psychological diversity, and the human rights of people of diverse sexual orientations, gender identities, gender expressions and sex characteristics, in curricula, taking into consideration the evolving capacity of the child;
- j) Ensure inclusion of comprehensive, affirmative and accurate material on sexual, biological, physical and psychological diversity, and the human rights of people of diverse sexual orientations, gender identities, gender expressions and sex characteristics, in teacher training and continuing professional development programmes.

Goal 4 of the Sustainable Development Goals (SDG) which states 'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all' and its specific targets related to education for human rights, gender equality, promotion of a culture of peace and non-violence, and to providing safe, non-violent, inclusive and effective learning environments for all, requires effective education sector responses to harassment and violence in educational settings, including on homophobic and transphobic violence.

Further, preventing and reducing the health impacts of violence and responses to homophobic and transphobic violence will also contribute to the achievement of SDG 3 – Ensure healthy lives and promote well-being for all at all ages.

SRI LANKA

The Prohibition of Ragging Act of 1998⁸ was enacted to prevent violence against students in schools, universities, and other higher education institutes, and included ragging against teachers as well. Section 17 of the Act includes Government Schools within the interpretation of 'educational institution'. The Act defines Ragging⁹ as "any act which causes or is likely to cause physical or psychological injury or mental pain or fear to a student or a member of the

⁸ Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act (No. 20 of 1998)

⁹ Section 2 of the Act states: "Any person who commits, or participates in; ragging, within or outside an educational institution, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable, to rigorous imprisonment for a term not exceeding two years and may 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.

(2) A person who, whilst committing ragging causes sexual harassment or grievous hurt to any student or a member of the staff, of an educational institution shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding ten years and may -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."

staff of an educational institution” while the provision on criminal intimidation¹⁰ prohibits verbal or written threats ‘to cause injury to the person, reputation or property of any student or a member of the staff with the intention to cause fear to the victim or to compel the victim to do things which they are not legally required to do’.

The Penal Code of Sri Lanka in section 308A punishes cruelty to children¹¹. The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act¹² also prohibits physical or psychological violence committed by public officers against children or adults. In Sri Lanka, the Establishment Code regulates the conduct of public officers, and provides that ‘An officer should at all times act in a manner befitting his public office. He should not commit any act that would bring the public service or the post he holds into disrepute’ (Chapter XLVII, section 1:4.). Appendix I of the Code includes types of behaviors that amount to misconduct, such as ‘improper conduct’ and ‘indiscipline’; but the definition does not refer to discrimination, harassment, bullying, or similar conduct.¹³

The Constitution of the Democratic Socialist Republic of Sri Lanka 1978 guarantees in its Fundamental Rights Chapter the right to equality before the law and equal protection of the law of all persons (Article 12). Article 12 (2) enumerates the grounds of non-discrimination as race, religion, language, caste, sex, political opinion, and place of birth but does not prohibit discrimination on the grounds of sexual orientation, gender identity or gender expression. But the Sri Lankan government has indicated before various UN bodies that ‘the prohibited grounds of discrimination under Article 12 (2) of the Constitution are non-exhaustive, and discrimination on the grounds of sexual orientation is implicitly prohibited.’ The Supreme Court determination in the case of Manuwel Dura

Article 12 of the Sri Lankan Constitution:

- (1) All persons are equal before the law and are entitled to the equal protection of the law.
- (2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds

¹⁰ Section 3 of the Act states : “Any person who, within or outside an educational institution, threatens, verbally or in writing, to cause injury to the person, reputation or property of any student or a member of the staff, of all educational institution (in this section referred to as “the victim”) or to the person, reputation or property of some other person in whom the victim is interested, with the intention of causing fear in the victim or of compelling the victim to do any act which the victim is not legally required to do, or to omit to do any act which the victim is entitled to do, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to rigorous imprisonment for a term not exceeding five years.”

¹¹ Section 308A which reads : (1) Whoever, having the custody, charge or care of any person under eighteen years of age, wilfully assaults, ill-treats, neglects, or abandons such person or causes or procures such person to be assaulted, ill-treated, neglected, or abandoned in a manner likely to cause him suffering or injury to health (including injury to, or loss of sight of hearing, or lingo or organ of the body or any mental derangement), commits the offence of cruelty to children.

(2) Whoever commit* the offence of cruelty to children shall on conviction be punished with imprisonment of either description for a term not less than two years and not exceeding ten years and may also be punished with fine and 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. This section was introduced by the Penal Code (Amendment) Act No. 22 of 1995

¹² Act No.22 of 1994

¹³ Visakesa Chandrasekeram, Respectful Conduct in Public School Community in Sri Lanka: Exploring the Policy and Program Framework, Vol. 3 No. 01 (2021): International Journal of Governance and Public Policy Analysis - (IJGPPA) – 2021 available at <https://journals.sjp.ac.lk/index.php/ijgppa/article/view/5572>

Chandani¹⁴, where the Court held that unfairly treating a student perceived to be HIV positive by the school authorities was an infringement of the student's fundamental rights¹⁵ supports this view. Further, the Supreme Court in its Determination¹⁶ on the constitutionality of the Penal Code (Amendment) Bill which seeks to decriminalise consensual same- sex relations stated that *"the decriminalisation of sexual activity amongst consenting adults irrespective of their sexual orientation only furthers human dignity and as such this cannot be considered as being an offence that must be maintained in the statute book."*

Anti-bullying and non-discrimination policies and/or laws can protect LGBTI students from bullying and harassment if strictly implemented. Such policies/laws should be widely published and be readily available to students to be educated about their rights. Research has shown that when such policies are available, teachers provide more support to LGBTI students and intervene more frequently against homophobic and transphobic rhetoric and/or acts.¹⁷ Schools themselves can have such policies with a staff board appointed for implementation. Non-discrimination entails not being unfairly denied access to facilities, sports teams or clubs on the basis of the student's SOGIE. The presence of a counsellor in school is welcome but appointees to the position need to be aware of the different issues that will come before them especially regarding SOGIE and have enough enforcement powers to take stringent action against acts of bullying, harassment and abuse. The professional development of teachers should include training on SOGIE and provide tools necessary to support LGBTI students including access to helplines and counselling. Such training would seek to build empathy and awareness in teachers which may translate into creating a supportive environment for LGBTI students and reduction in discriminatory acts. A directive in the form of a circular by the Ministry of Education in this regard is highly necessary to dispel SOGIE related stigma and misinformation (the need for such was raised in our case study.)

As indicated by the survivor in our case study, comprehensive sex education at school level is still lacking with teachers being reluctant to teach it disregarding its importance to a student's health and well-being. Similarly, access to information and support through a SOGIE inclusive curriculum is necessary for the wellbeing of LGBTI students to alleviate their doubts and misconceptions about their SOGIE.

¹⁴ *Manuvel Dura Chandani v. Akila Viraj Kariyawasam* (SC.FR.77/2016)

¹⁵ *supra* 13

¹⁶ SC SD No. 13/2023

¹⁷ *Promoting School Safety for LGBTQ and All Students*, Policy Insights Behav Brain Sci. 2021 Oct; 8(2): 160–166. Published online 2021 Sep 11. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8454913/#>

IV. CONCLUSION

Our case study is only one of many that illustrates the harassment and abuse that LGBTI students undergo in and outside school settings. The lack of proper protection or support services within school is detrimental to student health and well-being. The lack of awareness and/or empathy amongst teachers exacerbates this situation. Our case study survivor educated himself on his rights, revealed his LGBTI status, and stepped forward to make a complaint to the HRCSL. Even then, the HRCSL inquiry revealed how confused even his school principal was regarding SOGIE protection. There are scores of similarly affected students who are unaware of their rights and/or are afraid to reveal their SOGIE status due to the stigma and abuse they may face. Such students suffer in silence.

Decriminalisation of consensual same- sex sexual relations is a necessary first step for LGBTI individuals (including students) to live without the fear caused by the illegal nature of their existence.¹⁸ Even the Supreme Court had opined in its Determination on the Penal Code (Amendment) Bill that decriminalisation of consensual same-sex relations would safeguard the dignity of all persons and provide them equal protection irrespective of their sexual orientation. The inclusion of SOGIE as prohibited discrimination grounds in the Fundamental Rights protection afforded by the Constitution and/or the enactment of a separate anti-discrimination law that includes SOGIE as grounds of non-discrimination are also essential to ensure that LGBTI individuals experience the full gamut of rights that are available to them as equal citizens of Sri Lanka.

The enactment of anti-bullying policies/law, professional development of teachers including training on SOGIE and tools for prevention of bullying, harassment and abuse, implementation of the Anti-Ragging Act, comprehensive sex education with a curriculum which includes information on the diversity of sexualities and gender are other basic steps which can provide a supportive environment for LGBTI students to live without fear.

Ensuring that these basic steps are taken would lead to LGBTI students feeling safer at school which would lead to increased attendance at school. Stringent use of policies and/or law relating bullying, harassment and abuse would lead to reduction of such incidents and an increase in the mental and physical health and wellbeing of LGBTI students.

¹⁸ Sections 365 and 365A of Sri Lanka's Penal Code of 1883 criminalize "carnal intercourse against the order of nature" and "acts of gross indecency", respectively. Both sections have been used to criminalize consensual same-sex sexual relations, although the Penal Code does not provide a definition of the terms used by those sections. Section 399 of the Penal Code criminalises cheating by personation with punishment of up to three years' imprisonment and a possible fine. The section defines cheating by personation as '*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*'. The illustrations to the section indicate that it is applicable to actions of cheating for fraudulent purposes and not relevant to transgender persons and their identity and expression, but in practice this section has been used to harass and intimidate transgender persons.

V. RECOMMENDATIONS

To the Government of Sri Lanka

1. Repeal sections 365 and 365A of the Penal Code in so far as they are applicable to those who engage in consensual same-sex sexual relations.
2. Enact in accordance with international human rights law and standards comprehensive anti-discrimination legislation including sexual orientation, gender identity/ expression as grounds of non-discrimination.
3. Include sexual orientation and gender identity/ expression as prohibited grounds of discrimination in the Fundamental Rights Chapter of the Constitution and/or in any new Constitution to be enacted.
4. Ensure that the Ministry of Education has the necessary resources to provide training and tools for prevention of bullying, harassment, and violence in educational settings.

To the Human Rights Commission of Sri Lanka

1. Monitor systematically the prevalence of bullying, harassment, and violence in educational settings, including based on sexual orientation and gender identity/expression.
2. Collect SOGIE disaggregated statistical data on complaints made to the HRCSL
3. Provide recommendations and policy guidance to the Ministry of Education on bullying, harassment, and violence in educational settings.
4. Review any policies prepared by the Ministry of Education for compliance with international human rights law and standards.
5. Provide awareness training on sexual orientation, gender identity/expression from a human rights perspective at educational settings as required.
6. Inquire into and provide recommendations in accordance with international human rights law and policies in cases brought to the Commission by LGBTI students.

To the Ministry of Education

1. Enact comprehensive national and school policies to prevent and address bullying, harassment, and abuse in educational settings, including on sexual orientation and gender identity/expression.
2. Provide training and support to teachers and other education and school staff to prevent and address bullying, harassment, and abuse in educational settings, including on sexual orientation and gender identity/expression.
3. Ensure that the curriculum is inclusive.
4. Provide access to non-judgmental and accurate information on sexual orientation and gender identity/expression through information campaigns and partnerships with civil society and the wider school community.
5. Ensure comprehensive sex-education that is inclusive of sexual and gender diversities and is medically and scientifically accurate.



BRIDGE to Equality - BRIDGE project which aims to improve the protection of human rights for LGBTQ people in Sri Lanka through the use of international human rights law to enable justice actors (judges, lawyers and other legal professionals), activists and human rights defenders to improve justice outcomes for the LGBTQ community; with a focus on overcoming challenges imposed by the current legal framework, as well as the overall promotion and protection of human rights of LGBTI people.

BRIDGE is jointly implemented by DAST, National Transgender Network and Young Out Here in partnership with the International Commission of Jurists since 2021.



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