



# Civil Laws affecting LGBT+ persons in SL

## MODULE 5

*Civil Laws affecting LGBT+ persons in Sri Lanka*



### Overview

Discrimination on the basis of sexual orientation, gender identity or expression (SOGIE) is as common as discrimination based on other grounds of religion, disability, economic status or health, in Sri Lanka. However, discrimination is not exclusively limited to prosecution but is also grounded in the individual's denial of civil liberties.

While considering the Law and Policies affecting Lesbian, Gay, Bisexual, Transgender (LGBT+) persons in Sri Lanka, there are a number of laws which directly affect marginalised groups including LGBT+ persons in the country and act as laws that discriminate them instead of providing protection. Some of these discriminate against such persons and others offer protection.

Many of these laws directly affect the LGBTQ community, while others have an indirect impact. Criminal law often directly targets LGBTQ individuals, either prosecuting them based on these laws or using them for protection. In contrast, civil laws operate more indirectly. Therefore, identifying such laws involves analysing them through a social lens. This entails examining the rights afforded to heterosexual individuals or those conforming to traditional gender norms and then assessing whether similar rights are denied to LGBTQ individuals.

In doing so, certain aspects of society are not afforded to the LGBTQ community. They are denied marital rights, rights regarding succession, certain rights granted to the elderly, rights to adoption, and numerous others. In this module, we will examine such laws that present obstacles for the LGBTQ community in a discriminatory fashion, as well as other relevant laws.

This module covers the following:

- Overview of laws, policies and practises which criminalise same sex sexual conduct among consenting adults.
- Laws relating to marginalised groups including LGBT+ persons.
- Policies and practices relating to marginalised groups including LGBT+ persons.





## Online Reference

To access the Online Version of the Module 05 and the Presentation,  
SCAN THE QR CODE BELOW:



Or simply type the below URL on your web browser:

**<https://tinyurl.com/modulefive5>**

## Session Plan

Time: 09:00 AM- 02:00 PM (5 hours)

START TIME	TIME ALLOCATION	SESSION
09:00 AM	15 minutes	Recap of day 1
09:15 AM	1 hour	Session 01: About Marriage <i>Activity</i>
10.15 AM	30 minutes	Discussion about Marriage
10:45 AM	15 minutes	<i>Break</i>
11:00 AM	30 minutes	Session 02: About Succession and Property Introduction
11.30 AM	1 hour	<i>Activity &amp; discussion</i> about Succession and Property
12:30 AM	30 minutes	Session 03: About Adoption, Maintenance and Elders <i>Introduction</i>
1.00 PM	1 hour	Mid-day break
2.00 PM	1 hour	<i>Activity &amp; discussion</i> about Adoption, Maintenance and Elders rights

## Session 01: About Marriage

An activity followed by a discussion.

### Time

1 hour

### Target group

All groups

Approximately 30 participants in a group

### Objectives

At the end of this session, the participants will be able to:

- Articulate what is the law with regard to marriage
- List features of prohibited degrees relationships

### Tools needed

- Flip chart paper & markers
- Tape/ repositionable spray to display the poster paper on a wall

### Preparation

- Slides

### Steps:

- Divide the participants into 5 groups.
- Ask each group to discuss and share their existing knowledge and perceptions on marriage as a social contract. Provide prompts such as:
  - a. Do you think marriage is merely a social contract, or does it entail legal responsibilities?
  - b. What are the expectations of a married couple in society?
  - c. Can anyone get married, or are there restrictions based on certain criteria?
  - d. Why do people choose to get married? Are there cultural, religious, or personal reasons?
  - e. What are the advantages of marriage, both socially and legally?
  - f. Can individuals of the same gender marry each other in your country or community?
  - g. Are you aware of existing laws that stipulate the rules and regulations of marriage?
- Give the groups 30 minutes to brainstorm and jot down their responses.
- Circulate among the groups at 5-10-minute intervals to prompt deeper discussion and encourage comprehensive answers to the prompts.
- After the allotted time, ask each group to present their findings and responses to the entire gathering.

## Civil Laws affecting LGBT+ persons in Sri Lanka

- Facilitate a brief discussion following each presentation to delve deeper into the different perspectives and insights shared by the groups.
- Encourage participants to critically analyse and discuss the similarities and differences in their responses, as well as any societal implications of their findings.
- Conclude the activity by summarizing key points and insights gathered from the discussions and encourage further reflection on the significance of marriage as a social institution.
- Display all the posters on a wall.

This activity aims to foster critical thinking, promote dialogue, and deepen participants' understanding of the complexities surrounding the institution of marriage in society.

### Notes:

During the discussion introduce the following information:

## Marriage

Any persons of adult age may enter into a marriage. The entering of a marriage contract is governed by the **Marriage Registration Ordinance No 19 of 1907**.

The Marriage Registration Ordinance (MRO) states the laws pertaining to marriage under general law. The Ordinance applies to marriages between individuals of different ethnic and religious communities. Kandyan Sinhalese may choose to be governed by the General Law or Kandyan Law. The ordinance does not govern marriages contracted between Muslims as the provisions of MRO do not apply.

Customary marriages are governed by the customary laws established in Sri Lanka, the Kandyan Marriage and Divorce Act for Kandyans, Muslim Marriage and Divorce Act (MMDA) for Muslims and Tesawalamai for Tamils of the Northern Province. Any other ethnicities can enter into a marriage under the MRO.

### ***Section 15. Prohibited age of marriage***

**No marriage contracted after the coming into force of this section shall be valid unless both parties to the marriage have completed eighteen years of age.**

This was affirmed in the case of (*Thiyagarajah V Kurukkal (1923) 25 NLR 69*). In this case the girl was 11 years and one month when she entered into marriage. The courts held the marriage null and void.

After the amendment act no.18 of 1995, both parties must have completed 18 years.



## Civil Laws affecting LGBT+ persons in Sri Lanka

Entering into a marriage contract affords access to rights and services including the sharing and succeeding to the property of a domestic partner; raising children together; protection from domestic and intimate-partner violence; right to be intimate with each other in private and lawfully in public.

A domestic, familial relationship between monogamous heterosexual couples may be afforded legal recognition if there is evidence of cohabitation and some essential marriage ceremonies at the beginning of that period of cohabitation (by operation of the presumption of marriage by habit and repute).

### The presumption of marriage by habit and repute

While Marriage Registration is the best evidence of marriage, customary marriages, including those of various ethnicities and the rites and rituals they follow, have been accepted as valid despite the fact that they are unregistered.

When a man and woman have lived together as husband and wife, the law will presume unless and until the contrary is proved that they were living together in consequence of marriage and not in a state of concubinage. It must be noted that cohabitation by habit and repute based on a mere presumption and the simple justification that they are living together does not create a valid marriage.

The burden of rebutting the presumption rests on the person who alleges that there was no lawful marriage and they exist as concubines. In *Fernando V Dabarera* both the parties cohabiting were dead and there was a need to see if such parties were married as there was no evidence of registration of their marriage. The only evidence that existed was the evidence of how they treated each other. Court held marriage by habit and repute could be recognised by law.

The presumption of habit and repute cannot be raised in the case of Kandyan parties. **The Kandyan Marriage and Divorce (Amendment) Act (KMDA)** specifically states that registration is compulsory under such act and that a marriage which is not registered either under MRO or KMDA is void.

### ***Section 16. Prohibited degrees of relationship***

No marriage contracted after the coming into force of this section shall be valid unless both parties to the marriage have completed eighteen years of age.

No marriage shall be valid;

(a) Where either party shall be directly descended from the other; or

(b) where the female shall be sister of the male either by the full or the half-blood, or the daughter of his brother or of his sister by the full or the half-blood, or a descendant from either of them, or daughter of his wife by another father, or his son's or grandson's or father's or grandfather's widow; or

(c) where the male shall be brother of the female either by the full or the half-blood, or the son of her brother or sister by the full or the half-blood, or a descendant from, either of them, or the son of her husband by another mother, or her deceased daughter's or granddaughter's or mother's or grandmother's husband.

### ***Section 17. Marriage of persons within prohibited degrees of relationship an offence.***

Shall be deemed to be an offence, and shall be punishable with imprisonment, simple or rigorous, for any period not exceeding one year.

Section 16 prohibits marriage where either party is a direct descendent of the other; between a sister and a brother (Either half blood or full blood); between parents and their step children. (*Gunaratnam V Registrar General*)

Section 18. States that, no marriage is valid where either party has contracted a prior marriage until it has been legally dissolved or declared void. Affirmed in the case of *Hettiarachchi V Hettiarachchi and others (2004) 3 SLR 116*. Section 17 of MRO states that any marriage or cohabitation between parties standing towards each other in any of the above-enumerated degrees of relationship shall be deemed to be an offence, and shall be punishable with imprisonment, simple or rigorous, for any period not exceeding one year.

*Though none of the statutes relating to marriage explicitly require the sexes of the parties to be different as a criterion of validity of the marriage, all the statutes clearly indicate an assumption that marriage is between a husband and a wife. With reference to "female" and "male" as the parties involved.*

## Civil Laws affecting LGBT+ persons in Sri Lanka

Marriage Registration Ordinance No 19 of 1907

Matrimonial Rights and Inheritance (Jaffna) Ordinance, No 1 of 1911

Marriage and Divorce (Muslim) Act, No 13 of 1951

Marriage and Divorce (Kandyan) Act, No 44 of 1952

### Summarise:

Marriage laws in Sri Lanka are governed by various statutes, including the Marriage Registration Ordinance No 19 of 1907, which sets the legal age for marriage at 18 years. The ordinance applies to marriages between individuals of different ethnic and religious communities, while customary marriages are governed by specific laws for each community. Marriage contracts grant access to rights such as property sharing, child-rearing, and protection from domestic violence. Additionally, the presumption of marriage by habit and repute recognizes unregistered marriages based on evidence of cohabitation and marital conduct. However, certain prohibitions exist, such as marrying within prohibited degrees of relationship, which is punishable by imprisonment.

While marriage statutes do not explicitly require different sexes for validity, they typically assume marriage between a husband and wife. Overall, Sri Lankan marriage laws encompass diverse legal provisions aimed at regulating marital unions while upholding societal norms and protecting individuals' rights within the institution of marriage.

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## Session 02: About Succession and Property

Participants, in groups will carry out an activity to discuss each of the topics.

### Time

1 hour

### Target group

All groups

Approximately 30 participants in a group

### Objectives

At the end of this session, the participants will be able to:

- Distinguish Succession and Intestate Succession
- Understand the concepts of Last Will and Testament
- Discuss Tenancy Rights, deed of gift and burial rights

### Tools needed

- Print outs/ cards of Notes section below, separated as 7 cards.
- Flip chart paper and markers

### Preparation

- Slides

### Steps: Activity 1

Succession and Intestate Succession Discussion:

- Divide participants into small groups.
- Assign each group to discuss the concept of succession and intestate succession.
- Provide scenarios where individuals in domestic relationships are involved.
- Encourage groups to identify legal implications and rights of partners in such relationships.
- Facilitate a group discussion to share insights and interpretations of the laws.



### Notes:

#### Succession

Persons in domestic, familial relationships with each other should be able to succeed to a share of their partner's property on such partner's passing.

\* Intestate succession to property is only possible if a person is either related by marriage or blood to the deceased person. However, where a person has cohabited with the deceased on a long-term basis and is of a different sex, there would be a presumption of marriage by habit and repute in their favour (provided there is evidence of some essential matrimonial ceremonies).

\* Intestate succession; where an individual passes away without a valid Will or some other legal declaration.

Many LGBTIQ+ individuals carry on relationships with their lovers over long periods of time in the same household, wherein they share their incomes and belongings, and purchase various property together; however, in the event of intestacy, when a partner of such a domestic relationship passes away, their family members have preferential rights to succeed to such property. Partners who lived as homemakers with the deceased are not identified as a surviving spouse with inheritance rights.

### Steps: Activity 2

Last Will and Testament Activity:

- Explain the importance of a Last Will and Testament.
- Provide templates or examples of Last Will documents.
- Ask participants to create hypothetical Last Wills based on given scenarios.
- Discuss the requirements and legal implications of executing a Last Will.
- Encourage participants to consider the needs and rights of LGBTIQ+ individuals in drafting their Wills.

### Notes:

#### Last Will

Anyone may succeed to the property of a deceased person if a Will has been executed prior to their death; a Will would be an ideal legal tool for many LGBTIQ+ Sri Lankans in long-term relationships that are not yet amenable to formal recognition; however, the execution of Wills and Last Testaments tend to be an expensive process that may exclude LGBTIQ+ Sri Lankans of poorer socio-economic backgrounds.

A Will is a legally prepared and bound document that states your intentions for the distribution of your assets and wealth after your death.

***Section 4 of the Prevention of Frauds Ordinance*** sets out the requirements;

**Relating to the execution of Last Wills in Sri Lanka. These requirements are as follows:**

1. The Will or Codicil must be in writing;
2. It must be signed at the foot or end thereof by the testator or some other person in his presence and by his direction;
3. Such signature must be made or acknowledged by the testator either;
  - a. in the presence of a licensed Notary Public and two or more witnesses, or
  - b. in the presence of five or more witnesses;
4. The Notary and the two witnesses or the five witnesses must be present at the same time;
5. The Notary and the two witnesses must duly attest the execution, or the five witnesses must subscribe the Will in the presence of the testator.

A Notary may be dispensed if five witnesses are present. The duplicate of the Will need not be sent to the Registrar of Lands as is required in respect of other notarially attested documents. The signature must be placed in the presence of a licensed Notary Public and two witnesses or five witnesses. If any of the witness is incompetent the Will will be invalid.

In selecting a witness, no person should be indicated in whom or a wife or husband of whom any benefit is conferred under the Will. If such a person attests the Will the beneficiary or the wife or husband of the beneficiary who attest the Will can take nothing under the Will.

***The Will must be revoked by -***

1. By the marriage of the testator;
2. By another Will or Codicil, executed in the same manner;
3. By some writing declaring an intention to revoke the same and executed in the same manner as Wills and Codicils.
4. By the burning, tearing, or otherwise destroying the same by the testator or some person in his presence and by his direction, with the intention of revoking the same.

***The Will that is revoked may be revived***

1. By a re-execution thereof; or
2. By a Codicil executed and provided by the Ordinance and showing an intention to review the same

## Civil Laws affecting LGBT+ persons in Sri Lanka

Under section 544 of the Civil Procedure Code, any person over sixteen years of age can nominate another person to be entitled to receive the certain types of assets they may have (funds in a bank; insurance policy; shares in a company, etc.).<sup>1</sup>

This provision greatly relaxes the strict need for a Last Will; since a nomination under section 544 overrides a Last Will, LGBTIQ+ Sri Lankans who may not otherwise be able to afford to execute a Last Will may nominate their unmarried life-partner to receive, e.g., their savings upon death without much hassle.

A spouse succeeds automatically, at least during their lifetime, to any (State) land alienated to a person through a 'permit' under the **Land Development Ordinance No 19 of 1935, s 48A(1) (as amended)**.

Where the LGBTIQ+ individuals may carry on relationships with their lovers over long periods of time in the same household, which may in rare occasions be built on State land obtained by the deceased partner; however, upon their passing away, their family members have preferential rights to 'succeed' to such property. Partners who lived as homemakers with the deceased person in that home, do not enjoy any inheritance rights rendering them homeless.

Only relatives by blood can be nominated by a permit-holder to succeed to State land alienated to them under the Land Development Ordinance.

### Steps: Activity 3

Tenancy Rights Role-play:

- Allocate roles to participants, including tenants and landlords.
- Provide scenarios where a tenant passes away.
- Encourage participants to enact discussions on the continuation of tenancy rights for surviving partners.
- Facilitate discussions on relevant laws, such as the Rent Act, and its implications for LGBTIQ+ individuals.

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<sup>1</sup> <https://www.ft.lk/article/49083/-Nominations--in-bank-accounts--Think-before-you-ink>

### Notes:

#### Tenancy

When a tenant dies, the general rule (at common law) is that the tenancy terminates, regardless of who else is living in the rented home.

However, under the **Rent Act (No. 7 of 1972)**, a surviving spouse, child, or unmarried sibling who lived in the rented premises for at least a period of six months before the tenant's death, is deemed to be a tenant themselves after the death.

Section 36. Rent Act (No. 7 of 1972) and Section 18 Rent Restriction Act: Continuance of tenancy upon death of tenant.

LGBTIQ+ individuals may be in relationships with their lovers over long periods of time in the same rented premises; however, upon their tenant partner's passing away, they will not have any legal right to be deemed a tenant of the premises they had been sharing with the deceased partner until then.

### Steps: Activity 4

Deed of Gift Simulation:

- Explain the concept of a Deed of Gift and its significance.
- Provide case studies or scenarios involving property transfers through Deeds of Gift.
- Divide participants into pairs or small groups to simulate drafting Deeds of Gift.
- Discuss the legal requirements and implications of revocable and irrevocable Deeds of Gift.
- Encourage participants to consider the socio-economic backgrounds of LGBTIQ+ individuals in property transfers.

### Notes:

#### Deed of Gift

Transfer of property can be done via a Deed of gift.

A deed of gift is a contract where the owner of the property (donor) gifts property to another person (donee) with or without conditions. This contract may include conditions such as the donor reserves the right to revoke the gift or conditions that make the deed of gift absolute and completely irrevocable. Generally, once the Deed of Gift is accepted, the Gift will be completed.



## Civil Laws affecting LGBT+ persons in Sri Lanka

The general conditions such as Reserving the Life Interest, Reserving the Right to revoke, and/or any other conditions can be mentioned by the donor except conditions related to fideicommissum (a gift of property, usually by will, to be held on behalf of another who cannot receive the gift directly).

Any person can be a donor or donee in Sri Lanka. However the donor should grant the property by way of a Gift in consideration of Love, Affection, Service or Progression to the other party. Most of the time in Sri Lanka the properties are gifted among family members.

The Donor or Donee should be more than 18 years in age. If not, the Gift shall be *void ab initio* unless Parents / Custodian / Agent accepts the Gift on behalf of the minor.

Under Revocation of Irrevocable Deeds of Gift on the ground of **Gross Ingratitude Act, No. 5 of 2017**, a deed of gift can be revoked by reason of Gross Ingratitude within 10 years from the execution of the Gift and 2 years from the date which Cause of Action arose.

Even if a deed of gift has been written off as irrevocable by the donor, it is still revocable under certain conditions;

- If the donee fails to carry out a command concerning its applicability (donatio sub modo)
- If the donor was childless at the time of the gift but later became the father of a lawful child through birth or legitimation.
- On the ground of the donee's ingratitude
- If the heirs of the Donor were highly prejudiced due to granting of the Gift.

Ingratitude towards the donor by the donee covers instances such as;

- If the donee lays manus impias (impious hands) on the donor.
- If he causes him a grievous damage
- If he intentionally causes him considerable loss of property
- If he makes an attempt on his life
- If he fails to fulfil the gift's requirements

Other equally grave causes

However generally Gifts are irrevocable under Roman Dutch Law but they are revocable under Special Laws such as Kandyan Law and Muslim Law.

A deed of gift and a will are both legally recognized documents that usually involve property transfers. The main difference between the two however is that a deed of gift allows the donee to claim ownership of a particular property immediately while a will only become valid after the Court has ordered to execute it. Besides this, registration and Stamp Duty payment is not required for a will however the Gift can be registered and Stamp Duty will be imposed.

### Steps: Activity 5

#### Burial Rights Debate:

- Initiate a debate on burial rights and duties.
- Present scenarios where a surviving partner is denied burial rights.
- Divide participants into opposing groups to argue for and against the recognition of burial rights for unmarried partners.
- Facilitate a structured discussion to explore legal precedents and ethical considerations.
- Encourage participants to propose alternative legal frameworks to address the issue of burial rights for LGBTIQ+ individuals.

#### Notes:

### Burial rights

A person's lack of spousal status to a deceased intimate partner should not strip them of their right and duty to administer the deceased person's last rites according to the latter's wishes.

However, upon the passing of a lover, surviving partner will not have any legal right to take possession of the body of the deceased and dispose of it according to the deceased person's wishes (unless the deceased partner has left a will).

In Sri Lanka, the duty to bury the body of a deceased person is read together with the right to administer their estate. See, *Somarathne v Luwis Nona (2002) 2 Sri L R at 376*

As per **section 523 Civil Procedure Code** When a person passes away without a Will, their surviving spouse (widow/widower) is deemed to be the preferred option by the Court for appointment as the administrator of the estate. See also, In *re intestacy of Ukku Banda, deceased (1900) 4 NLR 257, 260.*

As per **section 29/section 42 of Births and Deaths Registration Act** on the issuance of death certificates, the law privileges relatives over others by recognising certain rights as well as duties.

#### Summarise:

By engaging in these activities, participants will have the opportunity to delve into various legal matters, discuss their implications for LGBTIQ+ individuals, and explore potential solutions to address legal challenges faced by the community.

## Session 03: About Adoption, Maintenance and Elders

Presentation and Q &A

### Time

1 hour

### Target group

All groups

Approximately 30 participants in a group

### Objectives

At the end of this session, the participants will be able to:

- Refer to Fundamental Rights Chapter of the Constitution
- Identify key elements with regard to selected Fundamental Rights: Freedom from torture, right to equality, freedom from arbitrary arrest and detention, freedom of expression, assembly and association, & right to information
- Understand key steps with regard to seeking information under the Right to Information Act

### Tools needed

- Flip chart paper & pens

### Preparation

- Slides

### Steps: Activity 1

Adoption Role-play:

- Divide participants into small groups.
- Assign each group a scenario involving adoption.
- Encourage participants to role-play different roles, such as prospective adoptive parents, court officials, and social workers.
- Provide prompts for discussion, such as the legal requirements for adoption and the challenges faced by LGBTIQ+ individuals in the adoption process.
- Facilitate a group discussion after the role-play to reflect on the legal implications of adoption and potential ways to address barriers faced by LGBTIQ+ individuals.

Notes:

## Adoption

**Section 2 (1), (2). Adoption of Children Ordinance, No. 24 of 1941 (as amended)** states that any person may adopt individually; but no two persons may adopt jointly unless they are spouses.

LGBTIQ+ Sri Lankans who wish to adopt and parent a child or children will have to be single parents or, if they are part of an intimate relationship, they would have to exclude their partner from the parental role in an official capacity.

### **Section 3 Restrictions on making of adoption orders**

**(2) An adoption order shall not be made in any case where the sole applicant is a male and the child in respect of whom the application is made is a female, unless the court is satisfied that there are special circumstances which justify the making of an adoption order.**

This provision stems from gender stereotypes, that all men are attracted to the opposite sex and that all men are likely to sexually abuse girl-children etc.

On application to Court for an adoption order, a Guardian is appointed by the Court to cause a report to be made on the suitability of the applicant to adopt the child. Device of Guardian can expose a LGBTIQ+ Sri Lankan's attempt at adoption to scrutiny of a third party.

Everyone should have the right to choose a partner with whom to raise a biological child, subject only to the best interests of the child and the lawfully established rights of access of the other biological parent.

Biological parent's rights relating to their child are extinguished upon adoption as seen in *Milton v Baby Nona and others [1985] 1 Sri.L.R. 212*, this means a person cannot adopt their unmarried same-sex partner's biological child without extinguishing the partner's biological parental rights.

There may be occasions in which, for instance, one member of a relationship would be the biological mother of her child, and would wish to grant her same sex partner parental rights as regards their child in recognition of their partnership in bringing the child up together; under the law, the other partner may obtain an adoption order in her favour, but only by extinguishing the maternal rights of the biological mother with whom she is an intimate partner.

### Steps: Activity 2

#### Maintenance Case Study:

- Present participants with a case study involving a parent neglecting to provide maintenance for their child or adult offspring.
- Guide participants through the process of applying for maintenance orders under the Maintenance Act.
- Discuss the criteria considered by the Magistrate when making maintenance orders, including the income of the parents and the needs of the child or adult offspring.
- Encourage participants to analyze the impact of the Maintenance Act on family dynamics and the rights of children and adult offspring.

### Notes:

## Maintenance

Maintenance Act, No. 37 of 1999

Section 2 Order for Maintenance of a spouse or child or adult offspring or disabled offspring.

(2) Where a parent having sufficient means neglects or refuses to maintain his or her child who is unable to maintain himself or herself, the Magistrate may upon an application being made for maintenance and upon proof of such neglect or refusal, order such parent to make a monthly allowance for the maintenance of such child at such monthly rate as the Magistrate thinks fit, having regard to the income of the parents and the means and circumstances of the child.

(3) Where a parent having sufficient means neglects or refuses to maintain his or her adult offspring who is unable to maintain himself or herself, the Magistrate may upon an application being made for maintenance and upon proof of such neglect or refusal, order such parent to make a monthly allowance for the maintenance of such adult offspring at such monthly rate as the Magistrate thinks fit, having regard to the income of the parents and the means and circumstances of the adult offspring.

Provided however, that no such order shall be made in the case of a non-marital child unless parentage is established by cogent evidence to the satisfaction of the Magistrate.

### Steps: Activity 3

#### Elders' Rights Discussion:

- Facilitate a group discussion on the protection of the rights of elders under the Protection of the Rights of Elders Act.

## Civil Laws affecting LGBT+ persons in Sri Lanka

- Provide examples of situations where elders may face neglect or discrimination based on their age.
- Discuss the responsibilities of children towards their parents and the role of the state in providing care for destitute elders.
- Encourage participants to explore ways to ensure the rights of LGBTIQ+ elders are upheld and protected under the law.

### Notes:

## Protection of rights of elders

### Protection of the Rights of Elders Act, No 9 Of 2000.

#### *Section 15 Provision for the protection of rights of Elders.*

**(1) Children shall not neglect their parents wilfully and it shall be the duty and the responsibility of children to provide care for and to look into the needs of, their parents.**

**(2) The State shall provide appropriate residential facilities, to destitute elders who are without children or are abandoned by their children.**

**(3) No elder shall on account of his age, be subject to any liability, restriction or condition with regard to access to, or use of, any building or place or institution which any other person has access to or is entitled to use, whether on payment of any fee or not.**

If LGBTIQ+ elderly are to find themselves in need of the state's care, the State is bound to provide them with residential facilities.

### Steps: Activity 4

#### Interactive Quiz:

- Create an interactive quiz with questions related to adoption, maintenance, and elders' rights.
- Divide participants into teams and encourage them to work together to answer the questions.
- Provide explanations for correct answers to enhance participants' understanding of the legal concepts.
- Use the quiz as an opportunity to reinforce key information and address any misconceptions.



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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