



RIGHT TO LIFE
HUMAN RIGHTS CENTRE

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Right to Life Human Rights Centre

No. 4/71,
4th Lane,
Thalakotuwa Gardens,
Colombo 5,
Sri Lanka.
19th January 2026

Hon. Harshana Nanayakkara

Minister of Justice and National Integration Ministry of Justice
No. 19,
Sri Sangaraja Mawatha,
Colombo 10.

URGENT APPEAL FOR THE REFORM OF ARCHAIC LAWS TARGETING THE LGBTIQ COMMUNITY IN SRI LANKA

Dear Hon. Minister,

I am writing to you on behalf of the Right to Life Human Rights Centre to urgently bring to your attention the continued misuse of archaic colonial-era legislation against the Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer (LGBTIQ) community in Sri Lanka. While our Constitution guarantees equal protection under the law, specific provisions in the Penal Code and the Vagrants Ordinance are frequently weaponized by law enforcement to harass, intimidate, and arbitrarily detain citizens based on their sexual orientation and gender identity.

We specifically urge the Ministry of Justice to prioritize the amendment or repeal of the following legal provisions:

1. Penal Code Sections 365 & 365A (Unnatural Offences & Gross Indecency) Although intended by British colonizers to penalize specific acts, these sections are routinely used by police to justify the surveillance and harassment of LGBTIQ individuals. The vague terminology "carnal intercourse against the order of nature" and "gross indecency" allows for broad interpretation, leading to invasions of privacy and arbitrary arrests even where no non-consensual act has occurred.

2. Penal Code Section 399 (Cheating by Personation) This section, designed to prevent fraudulent impersonation, is maliciously misapplied against the transgender community. Law enforcement officers frequently arrest transgender women under this provision, alleging that their gender expression dressing in alignment with their gender identity rather than their sex assigned at birth constitutes a criminal act of "cheating." This interpretation effectively criminalizes transgender identity itself.



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3. The Vagrants Ordinance (1841) This obsolete ordinance is aggressively used to target transgender persons and sex workers in public spaces. Provisions related to "idling" or behaving in a "disorderly manner" are cited to arrest individuals simply for their presence in public, often leading to indefinite detention in state run rehabilitation centers without proper judicial process.

The Path Forward We commend the initiative taken previously regarding the Private Member's Bill submitted by MP Premnath C. Dolawatte, which sought to decriminalize consensual same-sex relations. We remind the Ministry that in May 2023, the Supreme Court of Sri Lanka determined that this bill was consistent with the Constitution, removing the primary legal barrier to reform.

In light of this, we earnestly request the present government to:

1. **Expedite the legislative process** to amend Penal Code Sections 365 and 365A, consistent with the Supreme Court's determination.
2. **Issue immediate circulars** (in collaboration with the Ministry of Public Security) instructing police officers that Section 399 and the Vagrants Ordinance must not be used to target individuals based on gender identity or appearance.
3. **Repeal the Vagrants Ordinance**, replacing it with modern legislation that respects human dignity and does not criminalize poverty or status.

We trust that under your leadership, the Ministry will take decisive action to align Sri Lanka's legal framework with modern human rights standards.

Yours Sincerely,

Philip Dissanayaka
Executive Director,
Right to Life Human Rights Centre

Copies to:

1. **His Excellency Anura Kumara Dissanayake**, President of the Democratic Socialist Republic of Sri Lanka.
2. **Hon. Dr. Harini Amarasuriya**, Prime Minister of Sri Lanka.
3. **Hon. Ananda Wijepala**, Minister of Public Security.