

Impact of Sri Lanka's economic crisis on LGBT+ population

Education

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Policy brief

Background

Sri Lanka's economic crisis has been driving millions of people into poverty, jeopardising their fundamental rights and freedoms. The crisis was multi-dimensional and comprised food insecurity, a dire shortage of fuel and transport, loss of livelihoods, shortage of essential medicine and healthcare equipment. By July 2022, Sri Lanka owed more than 51bn US dollars (USD) to foreign lenders, while official foreign reserves dropped to USD 1.82 billion. The UN estimated that, in 2022, 5.7 million people needed humanitarian assistance, with 4.9 million – 22% of the population – being food insecure. According to UNICEF, families were already struggling from the pandemic, with 36% reporting reducing their food consumption, which doubled to 70% in 2022, as the economic crisis hit. Disenfranchised groups, such as women, children, and LGBT+ communities have been disproportionately affected by the crisis, while incidents of sexual and gender-based violence (SGBV) are reportedly increasing.

The crisis adversely affected the basic rights of Sri Lanka's LGBT+ population. During the crisis many LGBT+ people alongside many others lost their means of earning a living. An issue that is compounded for many LGBT+ people given the discrimination and exclusion they continue to face.¹

Objectives

The objective of this policy brief is to assess how Sri Lanka's political upheaval and economic crisis has exacerbated existing structural weaknesses and negatively impacted the rights to work of LGBT+ communities.

LGBT+ communities' access to justice and rights to remedy for human rights violations are cross-cutting themes.

¹<https://womensmajorgroup.org/feminist-collective-statement-on-the-sri-lankan-crisis/>

Methodology

This policy brief was based on literature and field data gathered with qualitative data analysis. The analysed literature covered reports produced by civil society organisations and media outlets on the economic crisis and its impact on LGBT+ communities in Sri Lanka. Further information was gathered through eight Focus Group Discussions (FGD) and eight Key Informant Interviews (KII) conducted across the country, with a representative sample of geographical areas and an intersectional representation across gender identities, sexual orientations, ethnicities, classes, and languages. The questions were open-ended, and participants' safety was protected with the utmost confidentiality. Informed consent was obtained before all discussions. The key issues identified in this paper are those that emerged from the interviews.

Human rights framework

Article 13 of the ICESCR calls on states to “recognise the right of everyone to education” and “that education shall be directed to the full development of the human personality and the sense of its dignity...”²

Sri Lanka ratified the ICESCR on June 11, 1980, and consequently has the obligation to “guarantee that the rights (...) will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”³

Beyond the exercising of this right free from prejudice and discrimination the ICESCR goes on to state that the right to education whilst establishing primary level education as free obliges all states to progressively ensure that secondary and tertiary education become available and free and that the quality of said education be subject to constant improvement. General Comment No. 13 requests states to ensure the provision of education at all levels is available, accessible, acceptable and adaptable.⁴ It suggests that state level disaster prevention plans should include provisions on how to ensure the enjoyment of the right to education is not interrupted.

In Sri Lanka, the right to an education is not included as a fundamental right. Article 27(2)(h) of the Constitution (Directive Principles of Public Policy) however does mandate the state to end illiteracy and provide all individuals with equal access to education. The Supreme Court has on occasion addressed procedural conditions such as equal access to education at all levels. For example, the decision in *Chandani de Soyza v. Minister of Education* (SC. FR. No. 77/2016) dealt with the issue of discrimination against a student affiliated with an HIV-positive parent.

² ICESCR 1966 Accessed February 2023

³ ICESCR 1966 Accessed February 2023

⁴ General Comment No.13 <https://www.refworld.org/pdfid/4538838c22.pdf> Accessed February 2013

Major issues faced by LGBT+ communities during the crisis

Inaccessibility of private education

Many LGBT+ people were faced with a severe shortage of funds to support their education during the economic crisis. Other students across the country faced similar issues, although a lack of parental support and other supportive networks deeply aggravated the situation for LGBT+ students.⁵ Some interviewees in tertiary and vocational training in private educational institutions claimed that they faced severe difficulties continuing their education during the crisis. At home priority was given to food and healthcare course fees and other expenses such as materials and travel were suspended. Non-payment of course fees, meant that some students had to leave education and find employment. Others were not able to attend physical classes due to the fuel crisis and high transport costs. Prohibitively high internet costs prevented some students from attending online classes.

Harassment at educational institutions

Many of those interviewed faced a certain level of discrimination or harassment at educational institutions, including schools, universities, and tertiary education or vocational training centres. These statements have been corroborated by recent studies on LGBT+ communities in Sri Lanka.⁶ The crisis fuelled ongoing discrimination and existing prejudice resulting in LGBT+ students being unfairly targeted for issues such as non-payment of fees that were common amongst the wider student body.

“My university administration threatened that I will not be able to sit for exams unless I pay the full course fee. When I requested instalments, they vehemently refused and said ‘we should allow to take your place to a more capable student.’ I was having depression during this period, but the administration did not listen to my grievances.”

(Interview with X, identified as gay, Colombo, 26 years old)

Lack of additional assistance for education

Due to the lack of state support, several NGOs had to support LGBT+ persons with emergency assistance during the crisis. In most cases this support was limited to the provision of dry food rations, with the exception of one organisation who were able to provide assistance for food and medical support. As one interviewee mentioned, NGOs are focused more on long-term challenges to discrimination, and were not prepared to operate in a severe economic crisis, it was difficult for them to divert funds towards educational support.

⁵ Pieris, P, 2021, Knowledge, Attitudes and Perceptions Survey Report, Social Scientists Association

⁶ <https://www.upr-info.org/en/review/sri-lanka>

Recommendations

- a)** Provide immediate targeted measures to support all disenfranchised groups, including LGBT+ persons who have educational needs.
- b)** Establish a mechanism through the Legal Aid Commission to provide necessary legal support against discrimination in educational institutions, including admissions.
- c)** Take necessary steps to repeal 365 and 365A of the Penal Code of Sri Lanka, which criminalise same-sex intimacy.
- d)** In consultation with trans activists, develop and table a bill for legal gender recognition in Sri Lanka that's based on self-identification to allow trans and non-binary people to change their identification documents enabling their access to educational services.

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