

I N D E X

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Hyperlinks to on-line resource material in blue:

Note: (the current law) Country Guidance (February 2015) relying on evidence from August 2014: *LH and IP (gay men: risk) Sri Lanka CG* [2015] UKUT 00073 (IAC)

<https://www.bailii.org/uk/cases/UKUT/IAC/2015/73.html>

Headnote (3) Applying the test set out by Lord Rodger in the Supreme Court judgment in HJ (Iran) & HT (Cameroon) v Secretary of State for the Home Department [2010] UKSC 31, in general the treatment of gay men in Sri Lanka does not reach the standard of persecution or serious harm.

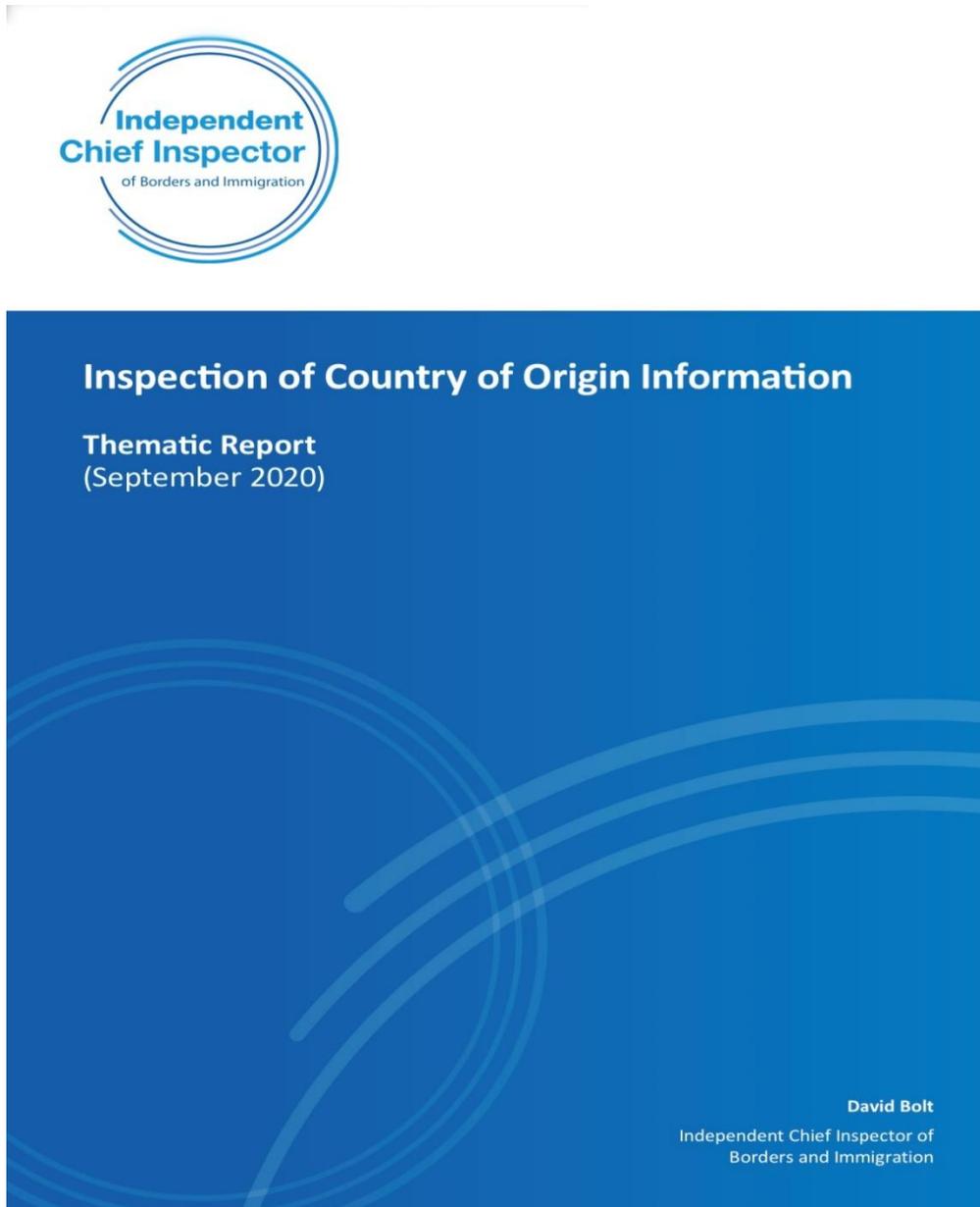
‘[16] It is common ground that these provisions have the effect of criminalising homosexual conduct; that s.365 dates from before Sri Lanka’s Independence in 1948; but that there have been no prosecutions since Independence.’

(the starting point) - In [*Jain v Secretary of State for the Home Department*](#) [1999] EWCA Civ 3008; [2000] INLR 71, as Schiemann LJ held, the issue is ‘*a state which enforces the law*’ arising from a right ‘*not to be interfered with by the State in relation to what he does in private at home*’.¹

¹ (**emphasis added**) (*additional emphasis added*): ‘As it seems to me there is now a broad international consensus that everyone has a right of respect for his private life. A person’s private life includes his sexual life, which thus deserves respect. Of course no person has a right to engage interpersonal sexual activity. **His right in this field is primarily not to be interfered with by the State in relation to what he does in private at home, and to an effort by the State to protect him from interference by others.**’

ICI Independent Inspector Report: (published 8 December 2020)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941969/Inspection_of_Country_of_Origin_Information_Thematic_Report_on_Sexual_Orientation_and_Gender_Identity_or_Expression.pdf



That is the core right. There are permissible grounds for State interference with some persons' sexual life - eg those who most easily express their sexual desires in sexual activity with small children, or those who wish to engage in sexual activities in the unwilling presence of others. However, the position has now been reached that **criminalisation of homosexual activity between consenting adults in private is not regarded by the international community at large as acceptable. If a person wishes to engage in such activity and lives in a State which enforces a criminal law prohibiting such activity, he may be able to bring himself within the definition of a refugee.** That is one end of the continuum.'

The following pages provide the Summary of the recommendations: (from the reviewer):

2. Reviewer's comments and recommendations and CPIT's response

Updates to CPINs

- 2.1 Dr Chelvan's review, 'Removing the mask: Locating 'The Martyr'' is at Annex C. It includes his assessment of each of the COI products he reviewed, which he banded "Excellent", "Very Good", "Good", "Neutral", "Action Required", "Urgent Action", "Priority Urgent Action". One case (Kenya) was banded "Priority Update", one (India) "Need for internal review", and one (Morocco) "Request for further information".
- 2.2 IAGCI did not look to endorse or challenge these bandings. However, the CPIT response noted that it was "pleasing" that the reviewer had found over half (17 of 31) of the countries reviewed "Excellent", "Very Good", or "Good", but pointed out that this was the reviewer's "opinion" and that "the absence of any key criteria, scoring system or methodology for how these countries were ranked, makes it difficult for CPIT to ... learn anything from this in its current guise".³
- 2.3 Nonetheless, CPIT provided a response for all those countries where the reviewer indicated a need for some level of "Action": Afghanistan, Algeria, Ghana, Malawi, Malaysia, Myanmar and Sri Lanka. CPIT also provided a response to the Kenya review.
- 2.4 CPIT's responses are at Annex D. CPIT refers to an updated version of the Afghanistan CPIN, issued after the review was completed but before IAGCI met. Since the IAGCI meeting, CPIT has published a further five updated CPINs. In each case, the title of the CPIN has been amended to include "or expression":
 - Afghanistan: 'Sexual orientation and gender identity or expression' (Feb 2020)
 - Algeria: 'Sexual orientation and gender identity or expression' (May 2020)
 - Ghana: 'Sexual orientation and gender identity or expression' (May 2020)
 - Kenya: 'Sexual orientation and gender identity or expression' (Apr 2020)
 - Malaysia: 'Sexual orientation and gender identity or expression' (Jun 2020)
 - Sri Lanka: 'Sexual orientation and gender identity or expression' (Sept 2020)
- 2.5 As at the beginning of October 2020, CPIT had not published updated CPINs for Malawi or Myanmar. In the case of Malawi, CPIT's response indicated that while it accepted the need to update the CPIN, it did not have the resources to do so, noting that the number of protection cases was "low and declining".
- 2.6 In the case of Myanmar, CPIT declined to update the CPIN, as it "does not aim to address claims based on SOGIE but rather a person's actual or perceived criticism of the Burmese government". While this is reasonable, its refusal to follow the reviewer's alternative recommendation to publish a related COIR is not. The argument that this is available internally to Home Office staff is a poor one. The Home Office accepts that transparency is important

³ Dr Chelvan subsequently produced an Addendum to his Review explaining the rationale for his banding of countries. This is at Annex E.

and, as a point of principle, the guidance available to decision makers should also be available to claimants and their representatives.

Overall recommendations

2.7 In addition to the individual country reviews, the reviewer made ten overall recommendations:

1. ALL Country of Origin Information ('COI') reports to include Section on 'Risk to Open SOGIE applicants'
2. Identify – The Martyr: to accurately assess real risk – there are very few 'martyrs' in countries where there is well-founded risk (HJ (Iran)⁴). COI reports need to identify sources specifically with respect to those who choose to be, or are identified as, 'open'
3. Separate sections on COI on Lesbians and Bisexual Women, Trans and Intersex
4. The Silence Fallacy: All COI reports to include section on 'Social Norms and Public Opinion'
5. Internal Relocation Alternative: All COI reports should include a section on specifically identified places of suggested internal relocation alternative, if this issue is to be relied on by Home Office decision-makers
6. Knowledge of the Law: All CPIT-undertaken research and drafting of the reports should be done in the knowledge of the approach of the Tribunals and Courts, specifically with respect to binding Country Guidance and reported cases
7. Statistics on SOGIE Claims: Need for on-going data collection for SO claims, to also include protection claims based on Gender Identity or Expression and Intersex claims
8. Publication of Country Bulletin Updates ('CBU')
9. Publication of Responses to Requests for Information
10. Publication of basic country facts: – including population and predominant religion provides useful background context to religious, social and cultural norms and approximate size of SOGIE population expected to be visible if living 'freely and openly without fear of persecution'

2.8 CPIT "accepted" six of the ten recommendations (numbers 1, 2, 3, 4, 6 and 10) and "partially accepted" two (5 and 7). Recommendations 8 and 9 were "not accepted". It wrote in response (Annex F):

1. **Accepted.**
We already consider the risk to openly gay persons. COI rarely makes the distinction the reviewer seeks and therefore this isn't always possible.
2. **Accepted.**
We already do this. We collate information about the treatment of LGBTI people generally and, where it is available, about specific 'profiles'. However, the treatment of individuals may not always be representative of that faced by a group more generally – which is what a CPIN aims to cover – and further context may be needed to explain the individual's particular experiences.
3. **Accepted.**
Where information exists, we will. However, many sources reporting on LGBTI issues tend to use the term generically.

⁴ <https://www.bailii.org/uk/cases/UKSC/2010/31.html>

4. **Accepted.**
We're moving towards this now (it's in our suggested standard ToRs). However, as above, we are sometimes confined by the available information. Therefore, we agree in principle but in practice it is sometimes difficult.
 5. **Partially accepted.**
Disagree that it is for CPIT to dictate; it is as much for DMs to evaluate in individual cases. We will aim to provide information about geographical variation in treatment of LGBTI persons where it is available.
 6. **Accepted.**
CPIT staff receive training on RSD processes. We construct CPINs taking into account relevant country-specific country guidance caselaw. During the production process HO lawyers are consulted for advice on relevant caselaw and that the CPINs are compliant with the law.
 7. **Partially accepted.**
We record data on sexual orientation/expression and we publish it. However, we do not currently record data on gender identity/expression or trans expression. Therefore we are unable to agree to expand the scope of data collection in this area, though we are looking at the potential to do so.
 8. **Not accepted.**
Unclear what is meant or how this is different to what CPINs, COIRs and "Inspired" COIRs and, increasingly, background notes (which we are looking to expand across more countries) do. However, the issue facing CPIT is resources and priorities; not the product – we are not resourced to provide running commentaries on country situations.
 9. **Not accepted.**
 - a. We already make responses available via the decision letter and/or appeal bundle, which the applicants and the Tribunal get to see
 - b. Often there are disclosability issues if the response directly or indirectly provides information about the applicant which prevents wider publication
 - c. COIRs contain no stated position by the SSHD
 - d. The information is in the very large majority of responses already in the public domain (as can be seen in the responses reviewed)
 - e. We are planning to produce more background CPINs on more countries, which will be published and we think are a better vehicle for contextual information about LGBTI persons
 - f. Logistically we produce around 1,200+ responses a year and the process of organising, checking and publishing responses becomes a bureaucratic industry in itself – for CPIT and colleagues elsewhere – requiring limited resources with an unclear (if any) benefit
 10. **Accepted.**
As stated above, we are planning to produce more background notes. However, with finite resources and a near endless demand for COI, CPIT has to prioritise accordingly.
- 2.9 The CPIT response also commented on "repeated references [by the reviewer] to no "template" being provided to the reviewer by CPIT". It explained that: "CPIT does not use a SOGIE- (or any issue-) specific template when previously we did; rather we use a standard Terms of Reference as a starting point to guide research to answer relevant questions. We shared this with the IAGCI in June 2019."

2.10 The issues raised by CPIT's responses are covered in Chapter 3.

Terminology

2.11 The reviewer identified the importance of using the correct terminology when referring to SOGIE matters. IAGCI agreed and recommended that CPINs should be clearer about the search terms used to look for information contained in reports, and the terms that people use to self-identify. It was recognised that this was difficult, as terminology differs from country to country, but it was important for asylum decision makers to phrase their questions so that they make sense to applicants and elicit the most accurate responses, and to be able to navigate and make sense of the relevant country information.⁵

Questions:

- (1) **Recommendation Five: (partially accepted) Internal relocation alternative:** - a decision-maker must identify area of relocation in order for this matter to be considered on appeal – on this basis without COI in the CPIN on internal relocation – policy issue on accepting internal relocation not available MB (Internal relocation - burden of proof) Albania [2019] UKUT 392 (IAC) ([link](#)) (**emphasis added**):

[24] We conclude the burden of proof remains on appellant, **where the respondent has identified the location to which it is asserted they could relocate,** to prove why that location would be unduly harsh.⁷

- (2) **Recommendation Seven: – SOGIE data collection (partially accepted) - no data currently being collected on gender identity** – ‘looking at potential to do so’ (the last API on Gender Identity was in 2011 ([Transgender identity issues in asylum claims - GOV.UK \(www.gov.uk\)](#)) – and there is a 2009 API ‘*Asylum cases involving Gender recognition*’ ([Gender recognition in asylum claims - GOV.UK \(www.gov.uk\)](#)) (pre-HJ (Iran) in July 2010)) – ***when is the updated API on Gender Identity and Expression being published?***
- (3) **Recommendation Eight: – (rejected) Publication of Country Bulletin Updates - issues and resources** (see Sri Lanka Country example to see *why* this is a recommendation needing urgent consideration); and
- (4) **Recommendation Nine – (rejected) Publication of Responses to Requests for Further Information** - see above, example *Kenya* - new SOGIE CPIN expected in 2019 – but was instead kept internally as a RRFI – and then updated to a SOGIE CPIN in April 2020 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879496/Kenya-SOGIE-CPIN-v3.0_GOV.UK.pdf) ***why not publish all COI reports used by DMs?***

Sri Lanka review – **Annex C:** pages 316-332 (the Sri Lanka report) of PDF [Inspection of Country of Origin Information: Thematic Report \(publishing.service.gov.uk\)](#)

Annex D:

CPIT response to Sri Lanka review (see next page)

Annex D: IAGCI SOGIE review, February 2020: CPIT response to reviewer’s summary assessment of countries requiring urgent or priority action

Reviewer’s definitions

As set in his Addendum of 13 March 2020 to the review, the reviewer opined that:

“All these reports need to be urgently updated to address either an inaccurate/misleading COI and/or omission of important COI going to the core of “well-founded fear of persecution” of those who are open.”

Priority action – “The difference between the two bands is negligible but nuanced in the fact that with the Priority Action examples (Sri Lanka and Kenya) it is clear that either inaccurate information is contained within the CPIN (Sri Lanka, the State persecution arising from criminalisation, so CG case should not be applied, or does inaccurately records no COI on intersex where the HRW report used as a source document does do so) – or the CPIN has missing post CPIN COI (Kenya – no reference to the May 2019 Kenyan High Court judgment and link to persecution due to judicial measure).”

Urgent action – “For Urgent Action – for example with respect to Afghanistan [...] – the issue is with respect to lack of adoption of the key issues of concern in the 2008 and 2014 thematic reviews with respect to continued inclusion (January 2017) of the ‘bacha bazi’ (dancing boys) where this does not, as a matter of fact or law, relate to sexual orientation/identity protection claims. This approach is consistent with the 2017 EASO report.[...]”

Arising from this is a need to explore what policy decisions were made to ignore the recommendations of the earlier reviewers and IACI minutes. There is additionally a need to address the issue of relocation to Kabul and ‘prove straight’ to not cause public outrage (in order not to be at risk), noting the lack of engagement with the detail within the 2009 CG case and the fact the COI relied from the 2016 BBC on-line article is either misleading (gay man left Kabul in 2013 due to individual targeting) or inaccurate (the COI records no evidence on trans where the same BBC article records the experiences of a trans woman).”

Sri Lanka	Priority	The CPIN inaccurately records the 2016 Sri Lankan Supreme Court judgment in Galabada by omitting part of the sentence (the five years' suspension) was based on the added need to 'reform' (ie 'prove straight') and the Upper Tribunal have agreed, this leads to positive determinations on protection claims, and is a clear departure from the 2015 CG case of LH and IP (incorrectly recording no prosecutions since 1948 independence). Paragraph 4.1.2's omission of this crucial part of the judgment, when linked with the COI with respect to the use of 'aversion therapy' in Sri Lanka, establishes state persecution.	We will look again at the CPIN. We will ensure there is accurate reference to the Galabada judgement – changing reference from <u>no prosecutions to one prosecution</u> – as well as other relevant COI.
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Country	Reviewer's Classification	SOGIE summary	HO response
		<p>Paragraph 4.1.3 in effect contradicts the above paragraph, as the Galabada judgment is proof there has been a prosecution under the Criminal Code.</p> <p>The Home Office have had access to the judgment prior to the July 2017 CPIN was updated, where no reference was made to this judgment. The October 2018 CPIN, by including reference to the judgment, does so, without highlighting the persecutory nature of this judicial measure. Since the November 2018 proceedings in MKMR before the Upper Tribunal, the Home Office have not succeeded in arguing the judgment does not amount to persecution.</p> <p>The CPIN needs to be updated as a Priority to ensure decisions can be made with accuracy, certainty and with transparency.</p>	

26 March 2020

STATE -PERSECUTION:

Galabada judgment – 30 November 2016: Supreme Court of Sri Lanka

[sc_appeal_32_11.pdf \(supremecourt.lk\)](#)

Facts: 2003 conviction of two men before Colombo Magistrates' Court for gross indecency (section 365A) – sentenced for 12 months – appeal determined by Supreme Court to address constitutional lawfulness of section 365A of the Penal Code. Held: part of Sri Lankan law to be enforced – sentence to be increased from 12 months to 24 months – but as first offence – suspended for 5 years for 'opportunity to reform themselves': **Positive Refugee Claims?**

**IN THE DISTRICT COURT OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA**

In the matter of an application under
and in terms of Section 9(a) of the
High Court of Provinces (Special
Provisions) Act No.19 of 1990

Officer-in-Charge.
Police Station, Maradana.

Complainant.

SC Appeal No.32/11
SC SPL LA No.304/2009
HCMCA no. 595/04
Magistrate's Court of Maligakanda
No. 7923/C

Vs.

01. Galabada Payagalage Sanath
Wimalasiri,
No.D/1/2, Police Quarters,
Gonahena, Kadawatha.
02. R. Jeganathan,
No.139, Ericwatte,
Galaha

Accused.

AND BETWEEN

Galabada Payagalage Sanath
Wimalasiri,
No.D/1/2, Police Quarters,
Gonahena, Kadawatha.

Accused-Appellant.

Vs.

Officer-in-Charge.
Police Station, Maradana.

Complainant-Respondent

When Sergeant Wijetunga was under cross examination it was suggested to him on behalf of the Appellant that both the Appellant and the other accused were seated in the rear seat engaged in a discussion, whereas the Appellant in his dock statement had said that the other accused arrived at the scene after the Police officers confronted him. These are some of the factors that make the defense version so improbable, and I am of the view that both the learned Magistrate as well as the learned Judge of the High Court were correct in rejecting the dock statement. Thus I hold the question of law raised in sub paragraph (c) of paragraph 8 of the Petition also in the negative.

In view of the conclusions referred to above I see no reason to interfere with the finding of guilt of the Appellant.

The final question on which leave was granted is, as to whether the sentence imposed on the Appellant is excessive in the circumstances of this case and as to whether this is a fit case to invoke Section 303(1) of the Code of Criminal Procedure.

There is no question that the individuals involved in the case are adults and the impugned act, no doubt was consensual. Section 365A was part of our criminal jurisprudence almost from the inception of the Penal Code in the 19th century. A minor amendment was effected in 1995, however, that did not change its character and the offence remains intact.

This offence deals with the offences of sodomy and buggery which were a part of the law in England and is based on public morality. The Sexual Offence Act repealed the sexual offences of gross indecency and buggery in 2004 and not an offence in England now.

The contemporary thinking, that consensual sex between adults should not be policed by the state nor should it be grounds for criminalisation appears to have developed over the years and may be the *rationale* that led to repealing of the offence of gross indecency and buggery in England.

The offence however remains very much a part of our law. There is nothing to say that the appellant has had previous convictions or a criminal history. Hence to visit the offence with a custodial term of imprisonment does not appear to be commensurate with the offence, considering the fact that the act was consensual, and absence of a criminal history on the part of the other accused as well. In my view this is a fit instance where the offenders should be afforded an opportunity to reform themselves.

In view of the above I am of the view that imposing a custodial sentence is not warranted in the instant case. Furthermore the incident had taken place more than thirteen years ago.

Considering the above I set aside the sentence of the one year term of imprisonment and substitute the same with a sentence of 2 years rigorous imprisonment and acting under Section 303(1) of the Code of Criminal Procedure Act, suspend the operation of the term of imprisonment for a period of 5 years effective from the date the sentence is pronounced by the learned Magistrate.



Subject to the variation of the sentence referred to above, the conviction is affirmed.

Registrar of this court is directed to have this judgment conveyed to the learned Magistrate for the purpose of pronouncement of the sentence. Subject to the variation of the sentence, the Appeal is dismissed.

JUDGE OF THE SUPREME COURT

JUSTICE EVA WANASUNDERA, PC
I agree

JUDGE OF THE SUPREME COURT

JUSTICE ANIL GOONERATNE
I agree

JUDGE OF THE SUPREME COURT

13

Current CPIN on Sri Lanka:

Sexual Orientation and Gender Identity and Expression (30 September 2020)

[CPIN Template - January 2020 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



Home Office

Country Policy and Information Note **Sri Lanka: Sexual orientation and gender identity and expression**

Version 4.0
September 2020

- ...period of 6 years in order to offer the offenders the opportunity to reform.
- 2.4.8 In November 2018 the UK Upper Tribunal dismissed the Secretary of State's appeal and held in the unreported determination in [Secretary of State for the Home Department v. MKMR \(PA/01821/2018\)](#) (heard 1 November 2018, promulgated 26 November 2018) that the Galabada case 'shows at the very least that contrary to the basis on which the Tribunal proceeded in LH and IP at [16] that the criminal law has been used in Sri Lanka, if only once but nonetheless recently and in a judgment of the Sri Lankan Supreme Court.' [para 28].
- 2.4.9 The appellant in the [MKMR](#) case was trans and gay and as such any conclusions drawn from this case should be looked at in light of these specific aspects. Notwithstanding this whilst the Upper Tribunal in this case stated that '...it was open to the judge to take the view that judgment in Galabada was cogent evidence providing strong grounds for not following LH and IP and to find that there was a reasonable degree of likelihood that the appellant would be at risk of persecution on return'[Para 32] they do not appear to be endorsing a departure from [LH and IP](#) but merely concluding that the First-tier Tribunal judge was open to do so.
- 2.4.10 Whilst the case of [Galabada](#) shows that a prosecution under Section 365(a) has occurred in recent times (17 years ago) the evidence still points to the fact that prosecutions on the basis of same sex activity are very rare. The Supreme Court in the case of [Galabada](#) took into consideration the fact that the act itself was consensual but noted that same sex activity remained illegal in Sri Lanka. The Court stated in this instance they were affording the offenders an opportunity to reform. It is unclear what was meant by reform in this particular instance and although 'conversion therapy' is available in Sri Lanka there is no evidence that this is forced upon a person by the state or was referred to in the Galabada case (see [Conversion therapy](#)).
- 2.4.11 In the country guidance case [LH and IP \(gay men: risk\) Sri Lanka CG \[2015\] UKUT 00073 \(IAC\)](#), promulgated on 18 February 2015 (heard on 6–8 August 2014) the Upper Tribunal found that in general the treatment of gay men in Sri Lanka does not amount to persecution or serious harm (para 123(3)).

4.1.3 The Sri Lanka Brief, in January 2017, reported that a statement by the National Peace Council in response to the government’s decision not to proceed with legal reform that decriminalizes homosexuality, said: ‘We note that same sex relations are rarely if ever prosecuted in the Sri Lankan courts.’²⁰

Compare with Earlier October 2018 CPIN: <https://www.ecoi.net/en/file/local/1445311/sri-lanka-country-policy-info-sexual-identity-oct-18+%2810%29.docx> (accessed on 3 March 2021)

[4.1.2]:

‘In November 2016, the Sri Lankan Supreme Court heard a case in which an accused appellant was charged along with another accused before the Magistrates Court for “committing an act of gross indecency between two persons in terms of Section 365A of the Penal Code”. The Magistrate had found the Appellant and the other accused guilty and imposed a term of imprisonment of one year and imposed a fine of Rs. 1,500 with a default sentence of six months. The Supreme Court heard all the evidence again and determined that the sentence of the one year term of imprisonment should be set aside and substituted with a sentence of 2 years rigorous imprisonment, suspended for a period of 5 years’.

[*why omit 5 year suspended sentence in order to give ‘an opportunity to reform themselves’?*]

For those who are open – then clear ‘judicial measure’ amounting to persecution “a legal, administrative, police, or judicial measure which in itself is discriminatory or which is implemented in a discriminatory manner” (Article 9 (2) (b) of the 2004 Minimum Standards Qualification Directive/Regulation 5(2) (b) of the International Protection Regulations ([link](#)))

[4.1.3]: (January 2017 statement)

‘Attorney-at-law Dushantha Kularathne, however, told Roar (an online media platform covering current affairs, business, lifestyle, technology, arts, and culture in South Asia), that: ‘homosexuality in Sri Lanka is definitely an offence, but conceded that it is indeed open to interpretation. [...] Homosexuality, among other things, comes under “unnatural offences” or acts of a sexual nature that go against nature, as per section 365 of the Penal Code. According to Kularathne, however, no cases have been reported of anyone actually being prosecuted for being gay. [...]

July 2017 CPIN: https://www.ecoi.net/en/file/local/1445308/1830_1538726993_sri-lanka-sexual-orientation-country-note-3.docx (accessed on 3 March 2021)

[2.3.10]f “no real risk of prosecution even when the authorities become aware of such behaviour”

(earlier 2015 CIG – pre-dates November 2016 *Galabada* judgment (but not 2003 prosecution)).

Summary of SSHD position as of 30 September 2020:

- The *Galabada* judgment does not lead to risk on return due to conversion therapy
- There is ONLY ONE case of prosecution under the Penal Code in Sri Lanka (March 2020 IAGCI response); and/or
- Same sex relations (as of 2017) rarely if ever prosecuted.

Conversion/Aversion Therapy:

Source cited in Sri Lanka SOGIE Review

(2016 report) Human Rights Watch “All Five Fingers are not the Same” (page 45) (https://www.hrw.org/sites/default/files/report_pdf/srilanka0816web.pdf)

(source cited in both the October 2018 and September 2020 CPIN SOGIE reports) – but extract not cited when cited at page **330** of IAGCI review (page 325 of Annex C)

Aversion Therapy In March 2016 the World Psychiatric Association (WPA), which represents over 200,000 psychiatrists worldwide, stated that it “accepts same-sex orientation as a normal variant of human sexuality,” and that “same-sex sexual orientation, attraction, and behaviour and gender identity are not seen as pathologies.”¹⁵² The WPA also issued a statement declaring so-called “treatments of homosexuality” ineffective, potentially harmful, and unethical.¹⁵³ **In Sri Lanka, some families seek “aversion” or “conversion” therapy for their children, including for those above the age of 18—treatments that are aimed at turning them away from homosexuality or gender non-conformity, or toward heterosexuality.** Dr. Pinnawala reported seeing a young man whose parents wanted aversion therapy for him. “We can’t have our son being gay; fix this,” she said the parents told her. Dr. Pinnawala refused, trying to explain to the parents that aversion therapy does not work and that it is unethical.¹⁵⁴ Maneesha said that she went to a psychiatrist at 15 because she wanted to speak with someone about her newly discovered feelings for women. When she revealed to the psychiatrist that she had feelings for women, the psychiatrist offered her a “choice” between conversion therapy or “going ahead with it.”¹⁵⁵ When Maneesha replied that she did not want to have feelings for men, the psychiatrist referred her to Heart2Heart, an organization that works with gay and bisexual men, transgender people, and MSM. **“Even when doctors are gay friendly, they think conversion is an option.”** Maneesha said.⁷

September 2020 CPIN:

6.5 Conversion Therapy:

- 6.5.1 Roar media, a services news platform covering South Asia, reported in April 2019 that: ‘Conversion therapy—or programmes designed to “convert” people in the LGBTIQ spectrum— **is widely practised in Sri Lanka, by both medical and religious institutions. Since homosexuality is illegal in the country, the practitioners of conversion therapy are allowed to operate freely and without question...** “Many parents will take their child’s behaviour as an indication of being gay, and seek out advice from professionals on how to ‘undo’ it when their child is still young” said Thushara Manoj, Senior Manager for advocacy at the Family Planning Association. “Usually, before they take their children for treatment, a parent will go to a therapist themselves. The first thing they’re advised to do is cut off their child from social media, from their phones, and to monitor their communications.” ‘According to Manoj, this is especially

likely to happen to young boys who behave in an effeminate manner. In some cases, parents perceive their child's homosexual "behaviours" as externally influenced, and are told to cut off their child's communication with the friends they believe are responsible. They are also advised to remove posters of anyone of the same sex that the child may have in his or her personal space, and replace them with posters of people of the opposite sex... 'Many private hospitals also have psychiatrists who administer hypnotic and shock therapies on their patients to "counter" homosexuality... 'These forms of malpractice are not solely relegated to the field of Western medicine. Many ayurvedic doctors offer their own forms of conversion therapy as well, and are often very open about providing it. **Ads are often posted in the newspapers, with claims that they are able to 'fix' homosexual tendencies in children.'**

6.5.2 **CPIT were unable to find any sources which state that conversion therapy is forced on**

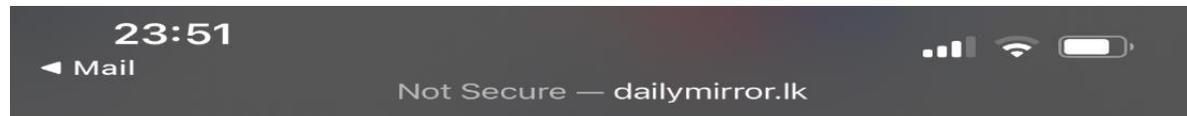
individuals by the state (see Bibliography)

Questions:

- (1) Where the Supreme Court only provides a 24 months suspended sentence- for 5 years a **first time offence** in order to provide the individual 'an opportunity to reform' and the COI provides clear cogent evidence of use of 'aversion' therapy (*towards heterosexuality* (HRW 2016) – then to 'reform' how is the Supreme Court not forcing this on individuals by the State?
- (2) Does CPIT now accept the COI material approach/research material on prosecutions of gay men in Sri Lanka has been fundamentally flawed since the November 2016 *Galabada* judgment, where:
 - (a) July 2017 CPIN position was 'no real risk of prosecution';
 - (b) October 2018 CPIN position chooses to omit the reasons for the 5-year suspended sentence (first time offence only, and opportunity to reform themselves); and
 - (c) September 2020 CPIN – refers to no evidence linking conversation therapy being forced on individuals by the state and continues to refer to very rare number of prosecutions *without* referring to any data or what other means are used by the Sri Lankan authorities
- (3) The author is aware of a number of FITT determinations being allowed on the basis of the *Galabada* judgment forming the basis of a positive finding on risk to 'open' LGBTQ+ in Sri Lanka (second limb of *HJ (Iran)*) and these positive determinations not being appealed by the SSHD. How can this approach to granting refugee status be reconciled with the published COI/CPIN?

Current COI and/or Missing COI:

- (a) (30/10/20) [Sri Lanka: Forced Anal Exams in Homosexuality Prosecutions | Human Rights Watch \(hrw.org\)](#)



JMOs and Police conducting forced anal and vaginal examinations on LGBT people

30 October 2020 03:06 am - 2 - 6288
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The World Medical Association has called on all medical professionals to stop conducting the exams, saying that it is deeply disturbed by the complacency of medical personnel in these non-voluntary and unscientific examinations, including the preparation of medical reports that are used in trials to convict men and transgender women of consensual conduct



23:52

◀ Mail

Not Secure — dailymirror.lk

The Justice Ministry employed Judicial Medical Officers (JMOs) and Sri Lanka Police have been accused of conducting degrading anal and vaginal virginity tests on lesbian, gay, bisexual and transgender (“LGBT”) Sri Lankans.

In an

By
Special
Correspondent

investigation done by our special correspondent, we can confirm that Judicial Medical Officers and the Police have subjected LGBT people to anal and vaginal examinations by doctors to prove their homosexuality when prosecuting them in Court. Over the last 3 years lawyers have represented several LGBT people who were subject to forced anal and vaginal examinations by JMOs and the Police. In all the cases referenced, there were no witnesses to any alleged sexual activity and all the accused were fully clothed at the time of arrest.

Gay men whipped with wires

In one case, two of the accused were whipped with wires by the police. They were kept in remand custody for several days and only allowed one two-minute telephone call each.

National STD/AIDS Control Programme (NSACP) revealing HIV results in Court



(b) *Arrests and Harassment of LGBTIQ Persons* (article by Shihara Maduwage, for *Groundviews* (22 October 2020))

[Arrests and Harassment of LGBTIQ Persons – Groundviews](#)



Arrests under 365 and 365A of the Penal Code

However, among all these challenges, perhaps one of the most concerning issues is the way the police wield these laws to persecute anyone who does not conform to the heteronormative standards.

In September, a local newspaper revealed that the Fort Magistrate's Court was set to sentence two men who had confessed to engaging in same-sex sexual relations. The news garnered quite a bit of attention and stirred up controversy. However, this is nothing new; the police repeatedly persecute the LGBTIQ community in Sri Lanka, using several sections in the Penal Code – primarily Sections 365 and 365A.

In a recent [joint press release](#), EQUAL GROUND (EG) and Human Rights Watch (HRW) revealed that in last few years, Sri Lankan police have not only arrested individuals perceived as engaging in “acts of gross indecency” in public spaces, but have raided private spaces such as hotel/motel rooms as well as people's private residences.

In a Facebook post, LGBTIQ activist and lawyer, Aritha Wickramasinghe, highlighted another case where the police had arrested three gay men in a hotel room in Colombo in 2019. According to Mr. Wickramasinghe, the men were not engaging in sexual relations but they are being prosecuted for same-sex sexual relations because they had condoms in their wallets.

These are not isolated cases. According to the [performance report \(2018\) of the Sri Lanka police](#).

they had condoms in their wallets.

These are not isolated cases. According to the [performance report \(2018\) of the Sri Lanka police](#), submitted to the Parliament, homosexuality is considered a “vice” which is defined as “offences that impact adversely on morality and well-being which is expected from the society.” The report reveals that, under this provision, the police has prosecuted 33 people for homosexuality in 2016, six in 2017, and nine in 2018. All of them are identified as men in the report.

Meanwhile, the Grave Crimes Abstract of the police paints a different picture. Problematically, it lumps together cases of “unnatural sex” or cases of same-sex sexual relations with cases of grave sexual abuse. In 2019, the report recorded 710 cases of “unnatural offences/grave sexual abuse”, but it is difficult to discern how many of these cases are consensual same-sex relations among adults and how many are cases of sexual abuse. This also shows that the legal system does not take consent, nor the age of consent, into account when considering sexual relations among same-sex adults. (Ironically, while the report does distinguish between cases of consensual same-sex sexual relations and cases of sexual abuse, it does dedicate a separate section to record cattle theft!) This highlights the vague, imprecise, and unclear nature of Sri Lanka’s laws criminalising same-sex sexual relations among consenting adults, leaving ample room for the police to abuse these laws and use them to target the LGBTIQ community.

Repercussions beyond Arrests: Forced Anal/Vaginal Examinations and Abuse

As bizarre as it sounds that Sri Lanka still criminalises adults for consensual sex, the arrests are not the most disturbing element of this issue. In the EG-HRW joint press release, it was revealed that, in the 2017 – 2020 period, the authorities forced medical tests that include anal/vaginal examinations on at least seven individuals to provide proof of homosexual conduct.

The press release notes that the exams “are a form of sexual violence as well as cruel, inhuman, and degrading treatment that can rise to torture.” It went on to call the government to end such abusive examinations. “Sri Lanka’s Justice Ministry should immediately bar judicial medical officers from conducting forced anal examinations, which flagrantly violate medical ethics as well as basic rights,” it said.

As pointed out by HRW, anal and vaginal exams have no scientific or medical basis and have been largely discredited as viable proof of “sexual activity” and international bodies such as the World Health Organisation (WHO) have called these examinations a form of violence and torture.

Much like Sections 365 and 365A, these examinations are also rooted in 19th century European practices and values. As such, it is somewhat unsurprising that Sri Lanka continues to use these 150-year-old medical science to probe into consensual sexual conduct among adults.

Police Performance Report 2018:

performance-report-srilanka-police-2018.pdf (parliament.lk)

Performance Report 2018



Sri Lanka Police

Homosexuality prosecutions (reported in Statistics):

2016 = 17 cases reported, 17 cases filed, 33 persons prosecuted

2017 = 4 cases reported, 3 cases filed, 6 persons prosecuted

2018 = 5 cases reported, 5 cases filed, 9 persons prosecuted.

reported from 2016 to 2018 are shown comparatively in the following table No. 17.

Table No. **Table on raids on Vice from 2016 to 2018**

Serial Number	Offense	2016					2017					2018				
		Reported	Number of cases filed	percentage of prosecutions	Number of persons who have been prosecuted		Reported	Number of cases filed	percentage of prosecutions	Number of persons who have been prosecuted		Reported	Number of cases filed	percentage of prosecutions	Number of persons who have been prosecuted	
					Male	Female				Male	Female				Male	Female
1	Prostitution	628	627	100%	10	662	522	516	99%	183	495	441	414	94%	15	456
2	Brothels	118	114	97%	79	281	262	255	97%	181	606	278	261	94%	141	725
3	Seduction (a child below 18 years for sexual abuse)	14	9	64%	3	6	0	0		0	0	4	4	100%	6	5
4	Homosexuality	17	17	100%	33	0	4	3	75%	6	0	5	5	100%	9	0
5	Exhibitionism, voyeurism & outrage of Modesty	130	111	85%	100	0	61	51	84%	36	0	89	55	62%	67	0
6	Selling pornographic cards, photographs and leaflets	348	339	97%	333	3	206	200	97%	205	0	137	129	94%	118	7
Total		1255	1217	97%	558	952	1055	1025	97%	611	1101	954	868	91%	356	1193

Source: Police Statistics Unit

Questions:

1. Anal probing of gay -men has been accepting to amount to state persecution (no internal relocation alternative) (**emphasis added**) – Home Office response?:
- MK - AA003042013 [2013] UKAITUR AA003042013 (5 July 2013) (unreported) **Upper Tribunal Judge Kekić**
<https://www.bailii.org/uk/cases/UKAITUR/2013/AA003042013.html>

[8] With respect to the second challenge, I was referred to paragraph 53 of the determination. In that paragraph the judge accepts that the government introduced anal testing in order to identify gay men. Mr Chelvan argued that despite the other articles before the judge on gay tourism (geared, it has to be said, towards foreign tourists rather than locals), this evidence and the judge’s acceptance of same showed that the appellant would not be able to live freely in Beirut or anywhere else. Having considered the evidence contained in the bundle I concur with Mr Chelvan’s submissions. **Whilst it may be that the public have condemned such testing, the fact that they are continuing does demonstrate the attitude of the state towards homosexuality. It therefore directly impacts on the appellant’s ability to live freely and openly as a gay man in Lebanon.** This being the case, I did not consider it necessary to hear further oral evidence from the appellant and Mr Nath did not indicate that he had any questions to ask. The judge erred in her finding that the appellant would be able to live freely and openly without any fear of persecution given the evidence before her on the attitude of the state (which she accepted).’

2. These October 2020 news reports address judicial officers using anal and vaginal probing from 2017-2020 – and the 2018 Police Performance Report was not cited in the September 2020 CPIN (were instead a 2017 report was cited) – **CPIT response?**
3. Will the Home Office **urgently withdraw** the September 2020 CPIN and publish a **Country Bulletin Update?**

3. Independent Chief Inspector's Comments and Recommendations

- 3.1** CPIT responded relatively quickly (within three months) to update most of the CPINs that the reviewer had identified as requiring "Urgent" or "Priority Action". But, at the time of writing (October 2020), one (Sri Lanka) had only just been published and another (Malawi) was outstanding.
- 3.2** IAGCI has not had the opportunity to review the updated CPINs or to revert to the reviewer for his comments. However, for the most part, CPIT appears to have addressed the reviewer's specific concerns. The notable exception is the updated Sri Lanka CPIN.
- 3.3** Here, the reviewer was at pains to point out that the reference in the October 2018 version to the Sri Lankan Supreme Court judgment in Galabada was incomplete and inaccurate, and that the CPIN should better reflect the law in Sri Lanka which, according to the reviewer, states that the only way people can be released from jail is by undergoing conversion therapy. The updated CPIN provides further detail regarding the judgement, but notes:

"The [Supreme] Court stated in this instance [Galabada] they were affording the offenders an opportunity to reform. It is unclear what was meant by reform in this particular instance and although 'conversion therapy' is available in Sri Lanka there is no evidence that this is forced upon a person by the state or was referred to in the Galabada case (see Conversion therapy)."

The cross-referenced section on 'Conversion therapy' ends:

"CPIT were unable to find any sources which state that conversion therapy is forced on individuals by the state."

- 3.4** In the case of Malawi, CPIT had indicated when IAGCI met that an update was unlikely in the near future. As CPIT observed: "the issue facing CPIT is resources and priorities".
- 3.5** Managing within finite resources will always be a challenge for CPIT, as it is across the whole of the Borders, Immigration and Citizenship System (BICS). Like all business areas, CPIT has to make difficult decisions about priorities and what will and will not get done. However, as ICIBI has pointed out previously,⁶ the reduction in staff numbers in 2014 when the functions of the Country Specific Litigation Team (CSLT) and Country of Origin Information Service (COIS) were combined to form CPIT, and more recently the abstractions of CPIT staff to other business areas, has left an already small team looking seriously under-resourced.
- 3.6** While CPIT has maintained a generally high-quality output in terms of individual CPINs, the intervals between updates are an issue. And, the frequent references in this and previous reviews to the absence of information on points raised by reviewers may say as much about CPIT's capacity to search for relevant information (combined with the lack of funding for

⁶ <https://www.gov.uk/government/publications/an-inspection-of-country-of-origin-information>

translations of source material that is not in English) as it does about the existence of such information.

- 3.7 Overall, this points to an under-investment by the Home Office in COI. Given that the department is dealing with increasing numbers of asylum claims, this is neither sensible nor acceptable.
- 3.8 In responding to the reviewer's references to there being no template for SOGIE CPINs, CPIT correctly points out that it shared its standard Terms of Reference for COI production with IAGCI in June 2019. However, this ducks the question of whether, when dealing with a cross-cutting theme such as SOGIE, a template might be the better option. A template could be helpful in addressing two key concerns that ICIBI has raised before: whether busy and inexperienced asylum decision makers are able easily to engage with and navigate COI; and, whether silence on a particular point risks being interpreted as evidence of absence, rather than a knowledge gap. For these reasons, the Home Office should look again at its methodology.
- 3.9 The CPIT response to the reviewer's ten recommendations contains examples of IAGCI and CPIT talking past one another. This is characterised by the latter "accepting" recommendations but not recognising it needs to change something. This is not new, but it happens too often. In making any recommendation a reviewer/IAGCI and ICIBI is saying that some change is needed. If the Home Office, in this case CPIT, responds by saying none is required it is rejecting rather than accepting the recommendation.
- 3.10 In practice, CPIT is "judge and jury" in this review process and I remain concerned about oversight of CPIT and its output within BICS. In 2018, I recommended that CPIT should be moved under the management of UKVI. This was rejected,⁷ and I am not seeking to re-open that argument. But, there is still insufficient senior-level oversight of the work of CPIT, and by extension of the IAGCI review process. While I have tried to remedy this by putting these reviews on the same footing as other ICIBI inspection reports, reflecting their equivalence in terms of ICIBI's statutory remit, it still feels that the Home Office takes too little interest in this key area of its business.

Recommendations

The Home Office should:

1. Review the resources (staffing and budgets) currently allocated to the production and maintenance of Country of Origin Information products (CPINs and COIRs), with a view to building the capacity of the Country Policy and Information Team to a point where it is able to:
 - a. review, and where necessary update, all extant CPINs at least every two years
 - b. publish an updated version of any extant CPIN within three months where the Home Office agrees that the CPIN requires urgent or significant amendment
 - c. carry out (or sponsor and assimilate) sufficient research, including of information that is not available in English, to ensure that references in COI products to the absence of evidence in relation to information that may be material to an asylum decision are not, in reality, knowledge gaps

⁷ <https://www.gov.uk/government/publications/response-to-an-inspection-report-on-the-home-offices-production-and-use-of-country-of-origin-information>

2. Ensure that the management structure above the Country Policy and Information Team (CPIT) has the “bandwidth” to engage with the detail of CPIT’s work and output, and the “clout” to resist the deprioritising of Country of Origin work in favour of other areas of business
3. With input from asylum decision makers and other regular users of COI, look again at whether information in Country Policy and Information Notes (CPINs) about cross-cutting issues might be better presented using a template or standard format.

D J Bolt
Independent Chief Inspector of Borders and Immigration

Home Office response (September 2020) (published 8 December 2020);



**The Home Office response to the
Independent Chief Inspector’s report:
Country of Origin Information
September 2020**

Introduction

The Home Office thanks the Independent Chief Inspector of Borders and Immigration (ICIBI) for this report, as well as the Independent Advisory Group on Country Information (IAGCI).

Response to Recommendations

Recommendation 1

1. The Home Office should:

Review the resources (staffing and budgets) currently allocated to the production and maintenance of Country of Origin Information products (CPINs and COIRs), with a view to building the capacity of the Country Policy and Information Team to a point where it is able to:

- a. review, and where necessary update, all extant CPINs at least every two years*
- b. publish an updated version of any extant CPIN within three months where the Home Office agrees that the CPIN requires urgent or significant amendment*
- c. carry out (or sponsor and assimilate) sufficient research, including of information that is not available in English, to ensure that references in COI products to the absence of evidence in relation to information that may be material to an asylum decision are not, in reality, knowledge gaps*

1.1 Not accepted.

- 1.2 We are continually reviewing whether we have resources in the right place across all of the decision-making parts of asylum and immigration system more generally, to ensure we maintain the acknowledged high quality of COI produced by the Home Office. However, we must do so in a way that is affordable and responsible.

- 1.3 In accepting the recommendation of the Independent Chief Inspector's *Report on Country of Origin Information, June 2019*¹ to "carry out a thorough and open needs analysis for Country of Origin Information (COI), involving both Home Office 'customers' and external stakeholders, and use the results to 'right-size' CPIT and resource it appropriately" the Home Office has already conducted a review to understand this supply and demand challenge and how we resource the team within the confines of money available.

- 1.4 CPIT's capacity has been built up since the formation of the team in 2014. At that time, we merged two teams and cut the number of posts from 24 to 15. Since then, the team has grown to 20 (one of which is a vacancy that will be filled in December). Once complete, we estimate that CPIT can maintain the volume of its current portfolio of COI products.

- 1.5 We acknowledge this means that we cannot give this undertaking in respect of any potential growth in the number of products required. However, as we explained in response² to the Independent Chief Inspector's *Report on Country of Origin Information, June 2019* – repeating a point we made in response to the Independent Chief Inspector's *Report on the production and use of Country of Origin Information, January 2018*³ – the demand for COI is potentially limitless, whereas we must operate within tight financial constraints and prioritise accordingly. We therefore cannot commit to increasing the capacity of the team further.

¹ <https://www.gov.uk/government/publications/inspection-of-country-of-origin-information-report-june-2019>

² <https://www.gov.uk/government/publications/response-to-an-inspection-report-on-the-home-offices-production-and-use-of-country-of-origin-information>

³ <https://www.gov.uk/government/publications/an-inspection-of-country-of-origin-information>

- 1.6 As to the issue of pace of delivery, the Home Office already considers it has the capacity to update priority COI products within a three-month window where we acknowledge it requires urgent or significant amendment. In the example cited as part of this review, the issue was that – according to the reviewer – 9 CPINs needed this in parallel. This was on top of existing priorities the team was already dealing with and at a time when half of the team were temporarily re-deployed to deal with the unprecedented situation we found ourselves following the early days of the covid-19 pandemic.
- 1.7 CPIT has also been successful in making, now, three applications to finance projects under the Asylum, Migration and Integration Fund. This has allowed for fact-finding missions, the purchasing of books, commissioning of experts and translation of relevant non-English language material. As to the example cited in this report, we do not accept it was a knowledge gap. However, we do acknowledge that silence on a particular point risks being interpreted as evidence of absence and will look to be clearer on this.

Recommendation 2

2. The Home Office should:

Ensure that the management structure above the Country Policy and Information Team (CPIT) has the “bandwidth” to engage with the detail of CPIT’s work and output, and the “clout” to resist the deprioritising of Country of Origin work in favour of other areas of business.

2.1 **Not accepted.**

- 2.2 The Home Office considers that the management structure above CPIT can and does take the necessary interest and involvement in the work of the team. However, CPIT is already a well-led team; is highly appreciated by the operational end users who rely on its products and services; is respected internationally; and the ICIBI recognises the quality of work produced.
- 2.3 All Country Policy and Information Notes (CPINs) produced by the team that contain a new or updated position are reviewed and cleared by a deputy director prior to publication. Likewise, recommendations made by the ICIBI are subject to review and approval. As above, reviews by the IAGCI are often technical and country-specific in nature.
- 2.4 The Home Office is unable to give an undertaking to prevent future short-term re-deployment of staff from Country of Origin work. We recognise the importance of the work and the quality of the work produced by the team. We do not take these decisions lightly. The two examples cited – Brexit preparations and covid-19 response – both involved short-term moves to respond to truly exceptional circumstances. These were also not limited to staff involved in Country of Origin Information work.

Recommendation 3

3. The Home Office should:

With input from asylum decision makers and other regular users of COI, look again at whether information in Country Policy and Information Notes (CPINs) about cross-cutting issues might be better presented using a template or standard format.

3.1 **Accepted.**

3.2 The Home Office already provides COI products on cross-cutting issues using standard format. The Terms of Reference supplied as part of this review provide the scope of the relevant products. What has not been drawn out in the report is that these have evolved over time, and therefore some of the different approaches represent that evolution, bearing in mind the timeframe of the products reviewed. Both internal and external stakeholders have provided valued input into those. We have also since supplemented that with revised internal guidelines on how to draft COI products and have some standard paragraphs we use to provide structure.

3.3 We will continue to discuss how well our products serve our end users to determine whether or not this is desirable and the extent to which they consider we already do this.

Summary

Recommendation	HO Response
<p>1. <i>Review the resources (staffing and budgets) currently allocated to the production and maintenance of Country of Origin Information products (CPINs and COIRs), with a view to building the capacity of the Country Policy and Information Team to a point where it is able to:</i></p> <p>a. <i>review, and where necessary update, all extant CPINs at least every two years</i></p> <p>b. <i>publish an updated version of any extant CPIN within three months where the Home Office agrees that the CPIN requires urgent or significant amendment</i></p> <p>c. <i>carry out (or sponsor and assimilate) sufficient research, including of information that is not available in English, to ensure that references in COI products to the absence of evidence in relation to information that may be material to an asylum decision are not, in reality, knowledge gaps</i></p>	Not accepted
<p>2. <i>Ensure that the management structure above the Country Policy and Information Team (CPIT) has the “bandwidth” to engage with the detail of CPIT’s work and output, and the “clout” to resist the deprioritising of Country of Origin work in favour of other areas of business.</i></p>	Not accepted
<p>3. <i>With input from asylum decision makers and other regular users of COI, look again at whether information in Country Policy and Information Notes (CPINs) about cross-cutting issues might be better presented using a template or standard format.</i></p>	Accepted



Question: *In light of the Sri Lanka COI reports example – what steps can CPIT actively engage in to ensure a far more robust and accurate approach to the publication of CPIN reports for decision-making in protection claims based on Sexual or Gender Identity and Expression?*

Dr S Chevan, Barrister PhD Law

3 March 2021