

IG's Circular : 2740/2022
Crime Circular : 03 /2022

My Number:
Police Headquarters
Colombo-01
27.12.2022

All : Senior Deputy Inspectors General of Police,
: Deputy Inspectors General of Police,
: Commandants / Directors,
: Officers in charge of Territorial Divisions,
: Senior Gazetted Officers in charge of Districts
: Headquarters Inspectors of Police /Officers in Charge

Matters to be considered when dealing with transgender persons and persons who have undergone gender transition

"No citizen shall be discriminated against on the grounds of race, religion, language, cast, sex, political opinion, place of birth or any such grounds" is a fundamental right set out in the Article 12(2) of the Constitution.

However, opinions have been expressed that the Police, have, on several occasions, acted in violation of the above provisions of the constitution when dealing with transgender and persons who have undergone gender transitions.

A writ case No.425/2021 has been filed before the Court of Appeal in respect of an incident of criticism aimed at the above-mentioned persons by a lecturer during a training attended by officers and thereby, Sri Lanka Police has been requested to take formal measures against suppression of fundamental rights of the said community.

The Hon. Attorney General presenting facts before the courts in this case has stated that Sri Lanka Police Will adhere to the existing criminal law of the country and take measures to issue a formal circular containing instructions in this regard.

Accordingly, following measures should be taken when performing duties in respect of transgender persons and persons who have undergone gender transition.

01. Complaints received from a transgender person or persons who have undergone gender transition regarding physical or psychological harassment through inuendo or verbal comments and complaints against such a person shall be investigated by the Unit for the Prevention of Abuse of Children and Women under the direct supervision of the relevant H.Q.I /Officer in Charge.

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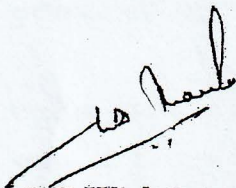
9. Since the possession of contraceptive pills, capsules or condoms is not an offence, no person shall be questioned or arrested solely on the ground of such possession and no action shall be taken against such persons under the "Vagrants Ordinance" or any other law for that reason alone.

Since transgender persons or persons who have undergone gender transition also enjoy equal rights and the right to equal treatment as citizens of Sri Lanka, actions should be taken in a manner that they are not discriminated against in the process of implementation of the law, ensuring the protection of the law and the administration of the law.

Therefore, this IG'S Circular setting out these instructions is issued to ensure that appropriate measures are taken by the Sri Lanka Police to protect the fundamental rights of the transgender persons or persons who have undergone gender transition and to uphold the Constitution and to motivate every officer to act accordingly.

Hence, you shall keep all your subordinate officers informed and take action to protect the rights of transgender persons or persons who have underdone gender transition.

However, I emphasise that none of the provisions of this circular should be considered as an interference to the legal obligations of the Sri Lanka Police and / or police officers to act in terms of the law as per the provisions laid out in the Penal Code and / or other written laws regarding criminal offences.



C.D Wickramaratne
Inspector General of Police

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