

CREATION OF A MODEL LEGISLATION FOR THE RIGHTS OF LGBTQAI INDIVIDUALS IN SRI LANKA

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Human rights are inalienable, inherent, and universal, yet in Sri Lanka—a nation steeped in religious and cultural traditions—the acknowledgment of these rights often mirrors prevailing social norms. For LGBTQAI individuals, the situation is grim, as their very humanity is often questioned, and the discrimination they face is normalized by the weight of centuries-old cultural, historical, and religious biases. Despite the advancements of the 21st century, where developed nations have increasingly recognized and safeguarded LGBTQAI rights, Sri Lanka lags behind, constrained by Penal Code 365A, which criminalizes LGBTQAI acts as “against the order of nature,” a relic of Victorian-era ideology. In a society so deeply entrenched in tradition, amending such laws presents formidable challenges, raising the crucial question of whether Sri Lankan citizens are prepared for this legislative shift and what factors fuel the persistent discrimination against the LGBTQAI community. The researcher, through qualitative methods, focused on the Eastern and Northern regions of Sri Lanka to gauge public opinion, uncovering a glaring lack of knowledge regarding the LGBTQAI community and questioning whether legal reform alone would suffice in ensuring their protection. Comparative analysis with nations such as the United Kingdom and the United States—where LGBTQAI individuals enjoy advanced rights—alongside similar developing countries like India, Singapore, and Thailand, reveals that Asian societies, including Sri Lanka, face invisible barriers to fully embracing LGBTQAI rights as societal norms as often prioritized over individual freedoms. Yet, the positive changes brought in these States, researcher notes are legal changes despite a harsh social setting. Thus, despite the background of Sri Lanka researcher proposes a special legislation on LGBTQAI people to ensure the human rights for all citizens of Sri Lanka regardless of their gender or sexuality. The model Legislation introduces three pillars of protection: Abolishing Discriminatory Laws, Upholding Human Rights, and Providing Safeguards against Loss, Harm and Torture Based on Sexual Orientation or Gender Identity. Held by these pillars the Legislation has five aims: Decriminalization, Marriage Equality, Inheritance and Adoption Rights, Workplace Protections, and Robust Anti-Discrimination Measures. In addition, it provides for a mandatory reporting mechanism, legal remedies, and penalties for violations, aligning with international human rights standards. Its implementation fosters inclusivity, equity, justice for LGBTQAI individuals and hope for the future.

Keywords: Human Rights, Discrimination, Legal Remedy, Practical Issues in Implementation.