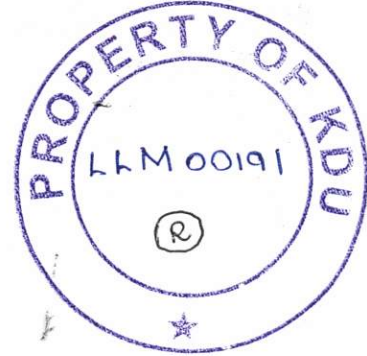


**HUMAN RIGHTS CHALLENGES OF SEXUAL MINORITIES
IN SRI LANKA: A COMPARATIVE ANALYSIS WITH
INDIAN AND THE UNITED KINGDOM JURISDICTIONS**



by

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Human Rights Challenges of Sexual Minorities in Sri Lanka: A Comparative Analysis with Indian and the United Kingdom Jurisdictions

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ABSTRACT

The rapid evolution of International Human Rights Law has recognized the equality of human beings regardless the gender identity or sexual orientation universally. In general, lesbian, gay, bisexual, transgender, intersex, and queer/questioned, or LGTBIQ, is the umbrella term defining sexual minorities. Back in the centuries, the British introduced the Buggery law across the colonies and criminalized and marginalized sexual minorities, adhering to Victorian morality. Sexual minorities have had somewhat success in achieving their rights in the global context. However, in post-colonization, these laws continue to be in force and use against sexual minorities. Despite Sri Lanka having its cultural preferences developed over two millennia, being a British colony for centuries has influenced the Victorian Law principles in Sri Lankan legal systems which recognize sexual minority activities as ill practices. Therefore, this study aims to critically analyze the prevailing legal framework concerning the Human Rights of sexual minorities to find out to what extent the prevailing law is capable of protecting them. Although Scholarly literature on sexual minorities focusing on perspectives such as medical, sociological, and political are available, limited attention in legal academia has been paid to the rights of sexual minorities while the recent developments in Sri Lanka have not been catered for the legal academia. While appraising the recent positive developments in the legal context and change of attitudes in the Sri Lankan society on preserving the Human Rights the sexual minorities, there is a dearth of legal reforms adhering to International Human Rights standards. Given the aforementioned, this study further aims in proposing possible legal reforms and recommendations to fill the lacuna in the domestic jurisdiction. Indian jurisdiction has proactively adopted reforms in favour of sexual minorities while the United Kingdom has gradually developed the domestic legal system in enhancing their rights. The black letter approach has been dominantly used to gather data following library research reviewing both domestic and international primary and secondary sources throughout the research while gathering secondary data of evidence by conducting interviews adhering to the socio-legal research methodology. Further, a comparative study is instrumental in studying India and the United Kingdom's jurisdictions whereas the qualitative analysis methods are used in a broad assessment. The research concluded with a view that State intervention with law reforms such as enactment of new laws are the key to creating a supportive environment. The domestic legal framework needs to be aligned with the International Human Rights standards obtaining inspiration from the developed jurisdictions to enhance the Sri Lankan legal regime for the well-being of the sexual minorities.

Key Words: Sexual minorities, Human rights, Law reforms