

Beyond Section 365: Navigating LGBTQ+ Rights in Sri Lanka's Legal Landscape

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The historical and legal background of LGBTQ+ rights in Sri Lanka is firmly anchored in a synthesis of colonial, religious, and cultural factors. With Tamil and Moor minority and a mostly Sinhalese population, Sri Lanka has long struggled with issues of gender nonconformity and sexual orientation. This study explored the development of LGBTQ+ rights in Sri Lanka, emphasizing the intricate relationship between historical tolerance and colonial-era laws that continues to influence modern legal systems. Even though there were early signs of acceptance, non-heteronormative sexual activities were made illegal by British colonial laws, a legacy that is still present in the legal system today. This study highlights the persistent social and legal obstacles that Sri Lanka's LGBTQ+ population faces, including Penal Code Sections 365 and 365A, which prohibit same-sex partnerships and uphold systematic discrimination. By comparing the legal systems of Sri Lanka, India, and the UK, the study provides a comparative viewpoint on how colonial inheritances have influenced contemporary legislation. This study employed a qualitative approach to examine national laws, rulings from international courts, and pertinent scholarly literature in order to present a thorough picture of LGBTQ+ rights in Sri Lanka. This subject is significant since it discusses how the LGBTQ+ population in Sri Lanka continues to endure criminality and discrimination despite constitutional assurances of equality. Finally, it concluded that, despite the progress that has been accomplished, considerable cultural and legal changes are required in order to attain full equality and safeguard the rights of LGBTQ+ people in Sri Lanka.

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