



Butterflies under the rainbow sky: Discrimination and criminalisation of the LGBTIQ community in Sri Lanka

by

Nadeeka Dilrukshie Melegoda Gamage

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Abstract

Under the socio-cultural, religious, and political conditions of Sri Lanka, LGBTIQ-related matters are, in general, not an issue to discuss openly. As a member of the Commonwealth of Nations, and like other South Asian countries, Sri Lanka has criminalised homosexuality and third gender identity through sodomy laws written into the Penal Code. Being a member of the LGBTIQ community is not easy, attractive or valued in conservative Sri Lankan society. This thesis argues that research about the LGBTIQ community is limited and most studies have focused on the community's legitimacy. The paper aims to fill the academic gap when looking at the discrimination and criminalisation faced by gender and sexual minority groups in the island nation. As young and Colombo-centred activism, the Sri Lankan LGBTIQ movement campaigns for their rights and introduces queer culture to the broader community. Activists and scholars have urged past and present Sri Lankan governments to amend the legislation and decriminalise homosexuality, but it is still only a dream due to the opposing views of the Sinhala-Buddhist majority. Finally, this thesis suggests that policy reforms are implemented, and further research be conducted to create a conducive environment for the LGBTIQ community to openly express their desires while enjoying equal freedoms in society.

Key words: LGBTIQ, Sri Lanka, Penal Code, Discrimination, Criminalisation.

Declaration

'I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university; and to the best of my knowledge and belief it does not contain any material previously or written by another person except where due reference is made in the text'

Signed: Nadeeka Gamage Date: 04th December 2020

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Chapter 1: Introduction

1.1 Background

Sri Lanka is a multicultural South Asian country with different cultural, religious, and folk practices and beliefs (Perera 2011). The country was colonised by the Portuguese, the Dutch, and the British from 1505 to 1948. The legislation of the country has been highly influenced by colonisation and it can be defined as a mixture of Sri Lankan customary laws, Roman-Dutch laws, and English common law (Perera 2011). Article 12 of the Constitution of Sri Lanka states that “(1) All persons are equal before the law and are entitled to the equal protection of the law. (2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds” (Constitution of the Democratic Socialist Republic of Sri Lanka 1978). However, even after four decades under the present constitution, all the ruling parties since the constitution’s implementation have failed to amend the penal code to recognise ‘the right to life’ as fundamental in protecting LGBTIQ rights also, in accordance with Article 12, the Constitution’s ‘Right to Equality’ clause (Chandratilaka & Mahanamahewa 2015; Wijayath 2018). Moreover, the Vagrants and Brothel ordinances introduced by the British colonists are still used by Sri Lankan police today to charge LGBTIQ people working in the sex industry (Equal Ground 2013). LGBTIQ people face discrimination when accessing housing, securing employment, and receiving health services. They are also discriminated against in speeches given and statements made by political, religious, and social leaders about the LGBTIQ population, something which is common in mainstream printed, visual, audio-visual, and social media in Sri Lankan society (Equal Ground 2013).

1.2 Problem analysis

Over 80 countries, including Sri Lanka, have criminalised homosexuality and third gender identity, introducing criminal laws accordingly (Gerber, 2014; Gerber, Paula & Gory 2014; Ungar 2000). Sri Lanka, as a member of the Commonwealth of Nations, has been using British-introduced ‘sodomy laws’ since colonisation. These sodomy laws mean that homosexuality and all sexual activities which are deemed as not aligning to heterosexual norms are criminalised under Sections 365 and 365A of the Penal Code (Ellawala 2019). Moreover, the

supremacy of nationalism and religion have enforced a dominance of heterosexuality while fuelling homophobic attitudes toward homosexuality (Ellawala 2019). Even though the United Nations International Human Rights Convention calls for an end to the discrimination and criminalisation of homosexuality, Sri Lanka, as a member of the United Nations, has not yet given any attention to changing its laws and regulations regarding homosexuality (Gerber, Paula & Gory 2014; Richards & Dwyer 2014). Activists in some Asian countries such as India, a country with extreme religious and ethnic differences, and Indonesia, a Muslim majority country, have openly fought against the stigma and discrimination demonstrated against the LGBTIQ community (Misra 2009; Ridwan & Wu 2018). However, in the Sri Lankan context, activists and the relevant NGOs are more hesitant in their fight for LGBTIQ rights due to the supremacy of the law and societal ethics (Ellawala 2019).

Spiegelhalter (2015), cited in Broadway-Horner (2017), states that most gay people prefer to behave as 'straight', even entering heterosexual marriages. However, they are often unable to continue with this practice of sexual fluidity, preferring to have sex with men, which only compounds instability in their legally married life. According to Broadway-Horner (2017), gay people in Sri Lanka may marry a person of the opposite sex for societal privileges only to then face difficulties performing heterosexual duties due to the sexual mismatch. Kuru-Utumpala (2013) highlights the same tragedy about gender non-conforming lesbians in Sri Lanka. Even though they prefer behaving as men from puberty onwards and demonstrating female masculinity, their parents force them to behave with 'femininity' (Kuru-Utumpala 2013). Moreover, they prefer living with partners who behave 'feminine' but then need to hide their sexual desires and lesbian identity so as not to become victims of verbal and sexual harassment from the heteronormativity-embedded mainstream society (Kuru-Utumpala 2013). Similarly, the lives of transgender people, who prefer to present their gender as they wish, have also been discriminated against, with most of them having experienced homophobic discrimination at home and in the broader society (Wijewardena 2007). Transgender and intersex people are frequented as homosexual sex workers in Sri Lanka but, according to the prevailing laws, they may be arrested and victimised not only for prostitution but also for homosexuality (Nichols 2010).

A considerable amount of research has been done on homosexuality and transgender people in Sri Lanka but the majority of that research has been highly restricted to the middle class, Sinhalese, and educated urban people, excluding religious and ethnic minorities or less

educated people in rural areas. Most of the available Sri Lankan literature has been written by Western scholars, and activists have not addressed the central issues experienced by LGBTIQ people in Sri Lanka. Researchers and interested organisations should conduct research on gender and sexuality-related matters of the marginalised LGBTIQ people in Sri Lanka with a view to combatting any prevailing criminalisation and discrimination they experience. While considering all related issues, this research paper will attempt to identify the central issue of the prevailing discrimination against the LGBTIQ community in Sri Lanka, and contribute to raising awareness of the issue and empowering the underprivileged sexual minorities, especially those who are living in rural and semi-urban Sri Lanka.

1.2.1 Research questions

Being a multiethnic and multi-cultural country colonised by three European nations, Sri Lanka offers a rich cultural and religious mix together with ranging political and legal scenarios (Perera 2011). As a result, homosexuality and third gender identity are still taboo in Sri Lankan society (Ellawala 2018). In other words, homosexuality and third gender identity have not been accepted by mainstream Sri Lankan society due to the prevailing legitimacy and cultural barriers. Even though most countries have extended freedoms for same-sex relations and third gender rights, Sri Lanka has been hesitant when it comes to decriminalising homosexuality and third gender identity and minimising the negative effects of controversial political, legal, and cultural prejudices and stereotypes (Chandratilaka & Mahanamahewa 2015). Considering the prevailing situation about the LGBTIQ community in Sri Lanka, this thesis will address the following questions:

1. How does LGBTIQ identity affect privileges and rights in the legally bound, highly cultural, and religious society of Sri Lanka?
2. What are the reasons to criminalise and discriminate against the LGBTIQ community in Sri Lanka?

1.3 Definitions of important terms

The term 'gender' is a psychological construct and cultural identity which is important to classify human beings as men or women, whereas one's anatomy and physiology define their 'sex' as male, female, or intersex (Johnson, Mimiaga & Bradford 2008). According to Diamond (2002), cited in Wijewardena (2017), sex and gender are not synonyms; 'sex' differentiates

male versus female while 'gender' refers to masculinity versus femininity. Therefore, 'gender' is more inclusive for the LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer) population and its desires. 'Heterosexuality' is the sexual and psychological attraction of a person towards a partner of the opposite sex while 'homosexuality' is the sexual and romantic attraction of a person towards a partner of the same sex (Indralal De Silva, Karunathilake & Perera 2009). Furthermore, female-to-female attraction is defined as 'lesbianism' while male-to-male attraction is defined as 'gay' (Samaraweera & Samarasinghe 2016). Moreover, when individuals are attracted to both males and females, it is called 'bisexual', and the term 'intersex' refers to people who were born without typical genitalia or reproductive organs (Johnson, Mimiaga & Bradford 2008). Samaraweera and Samarasinghe (2016) explain the term 'transgender' as an inclusive one used to describe people who differ, in terms of gender, from their sex assigned at birth. Wijewardena (2007) explains the term 'queer' as an umbrella term to introduce all who challenge the boundaries of sex and gender.

1.4 Objectives of the research

Since this study will research the discrimination experienced by LGBTIQ people in Sri Lanka when looking at the legal, societal, and cultural contexts of the contemporary, mainstream society, the objectives of this research are:

1. To study the representation of LGBTIQ people in mainstream Sri Lankan society,
2. To study the religious and societal taboos and myths about homosexuality and third gender identity,
3. To discuss the discrimination, violence, and abuse directed at LGBTIQ people and make several suggestions to improve the quality of life of LGBTIQ people in Sri Lanka.

1.5 Research Methodology

This thesis will use secondary information obtained from library and internet sources. A broad range of documents including research papers, constitutions, statues, international agreements, book chapters, and web pages will be referred to and analysed in the research.

This method will allow for the research to compare and evaluate available information about the LGBTIQ society in Sri Lanka. Furthermore, information about LGBTIQ people in developed and developing countries will be analysed and compared with the present situation in Sri Lanka, enabling the researcher to offer suggestions to improve the quality of the social and legal situation of LGBTIQ people in Sri Lanka. Since information technology has opened up pathways for the exchange of data and information about other countries and cultures, a considerable number of literary research papers will be analysed and evaluated. Primary data will also be referred to when sourcing governmental, international, and Non- Government Organisational (NGO) reports, and grey data will be used when the secondary data is not satisfactory to analyse the research problems.

1.6 Content of Chapters

The first chapter of this thesis provides the background of the research. It defines the research questions and methodology, and it provides an overview of the research paper. Chapter two, the literature review section, explains the theoretical background, global history, and global scenario regarding the LGBTIQ identity. Furthermore, it gives attention to homosexuality and third gender identity in some Asian countries, to explore the relationship between the Asian and LGBTIQ identities. The third chapter emphasises the Sri Lankan perspective on LGBTIQ matters, looking at both historical and contemporary situations. As the discussion section, chapter four of the thesis analyses the topics of the research questions in describing the legal, cultural, social, and political influences on the LGBTIQ community in Sri Lanka. The chapter provides evidence of both success and failure in terms of homosexuality and third gender identity while analysing problems. The final chapter, chapter five, suggests some improvements and implementations to improve the lives of the LGBTIQ community while also concluding the research findings.

Chapter 2: Literature review

2.1 Introduction

The term LGBTIQ has a close and detailed but complicated relationship with sex, gender and sexuality (Srivastava 2014). Furthermore, the LGBTIQ community has faced several issues associated with heteronormativity and heterosexuality, being one of the marginalised groups in mainstream society (Balsam et al. 2011). As a result, LGBTIQ activism has developed across the world discussing the issues of sexuality and gender non-normativity as it seeks “normalcy” (Srivastava 2014). Considering the contemporary LGBTIQ politics, the Euro-American countries have responded to the issues experienced by the LGBTIQ people more positively than Asian and African countries (Chandratilaka & Mahanamahewa 2015). This is especially true in the Asian region where gender and sexual desire have been closely bound by culture, religion, and regional political visions and so, therefore, LGBTIQ people have faced health, financial, and social disparities more often than the gender and sexual normative majority (Balsam et al. 2011). This chapter discusses the situation of the LGBTIQ community, giving attention to theoretical and historical evidence. Moreover, it evaluates the LGBTIQ movements of several Asian countries in order to find a suitable model to comparatively discuss the Sri Lankan context.

2.2 Sex, gender, and sexuality

The concepts of homosexuality and third gender identity have been closely related to sex, gender, and sexuality or sexual desire (Srivastava 2014). Johnson, Mimiaga and Bradford (2008) claim that sex can be used to determine whether people are biologically male, female, or intersex, while Kollen (2016) explains gender as the socially constructed, hierarchical, and cultural category assigned to individuals in terms of their apparent sex at birth. Moreover, gender has a deep-rooted classification called “gender binary” which categorises men and women according to their biological sex (Johnson, Mimiaga & Bradford 2008). However, in a conservative society, only two main gender roles are traditionally accepted: male or masculine for a man and female or feminine for a woman (Wijewardena 2007). Sexuality can simply be defined as a desire or wish towards someone else (Indralal De Silva, Karunathilake & Perera 2009). Srivastawa (2014), explains sexuality broadly as “the quality or state of being sexual: the condition of having sex, sexual activity and expression of sexual receptivity or

interest especially when excessive". Similarly, it can be someone's capacity for sexual feelings, sexual orientations, and sexual activities (Bernhard 2002).

Furthermore, Bernhard (2002) states sexuality can be identified as the most complex part of human life containing biological, psychological, social, economic, and spiritual values. While sexual orientation is related to sexuality, it cannot be defined as clearly, however. It is employed to refer to one's dominant and natural preference for the gender of their sexual (romantic) partners (Savage & Harley 2009). Homosexuality, heterosexuality, and bisexuality refer to categories of sexual desire and these terms explain people's psychosocial, emotional, spiritual, erotic, and sexual attraction which is oriented toward a person of the same, opposite, or both sexes and genders (Bernhard 2002). Of these, heterosexuality has traditionally been the dominant way of organising sexuality (Bernhard 2002). As a result, people with a preference toward homosexuality and bisexuality have been categorised as sexual minorities in mainstream society (Bhattacharyya & Fernando 2016).

2.3 Relationship between homosexuality and third gender identity

In the LGBTIQ community, lesbians, gay men, and bisexual people have been defined according to their sexual orientation, that is, their sexual attraction, behaviour, and identities or a combination of these characteristics (IOM 2011). Kollen (2016) states that their sexual identity is non-heterosexual and their sexual orientation has been stereotyped by mainstream society as a deviation from the normal gender binary rule adhered to in society with two sexes: man and woman. Transgender and intersex identity in the LGBTIQ community can be identified according to their gender identity and presentation (IOM 2011). Further to the classification offered in Chapter One, transgender and intersex people can also be categorised as male, female, both, or neither while showing sexualities as heterosexual, bisexual, homosexual, and nonsexual or asexual (Johnson, Mimiaga & Bradford 2008). In other words, they are people who vary from or reject gender dichotomy or cultural and traditional conceptualisations of gender in society (IOM 2011). However, Drescher (2010) emphasises that transgender and intersex people have been identified as visible identities among the homosexual community due to the conventional frame of heterosexuality and the bipolar manner of gender traditionally being defined as masculine versus feminine with historical and cultural beliefs.

Sullivan (2004) claims that LGBTIQ people have challenged the hegemonic nature of normative gender and sexuality in mainstream society. In a conservative society, to be a 'straight' male means one must behave like a male showing his masculinity (Srivastava 2014). Similarly, females must show femininity in their outward appearance and behaviour socially (Srivastava 2014). Furthermore, in a conservative society, both men and women are expected to be attracted to each other in what is known as heterosexuality (Indralal De Silva, Karunathilake & Perera 2009). Bhattacharyya and Fernando (2016) support the idea that heterosexuality has been dominant as normal and legal, and people who have deviated from the societal norm have been categorised as abnormal, law-breaking citizens, or sexual minorities. For example, due to non-normative behaviours in terms of sexuality and gender, the LGBTIQ community has been categorised as 'other', stereotyping them as homosexual people without considering their typical sexuality (IOM 2011). Therefore, this 'otherness' has fuelled stigmatisation of the LGBTIQ community with prejudice, discrimination, criminalisation, and violence toward LGBTIQ identities (IOM 2011). However, Ellawala, (2019) emphasises in his research findings that gender non-normativity has articulately affected the social and cultural lives of the LGBTIQ community beyond their sex lives. That is, Eurocentric theoretical and political discourse surrounding gender-variant people has not only been initiated but it has developed around the world.

2.4 Theoretical background of gender and sexuality

Since the early 1970s, the gay and lesbian community have been continuously fighting for their rights. Therefore, researchers and scholars have been actively generating theories about the LGBTIQ community through research (Minton 1997). As Ellawala, (2018) states, many theories regarding gender and sexuality have been developed within the last fifty-year period by western psychologists and sociologists focusing on the development of sexual and gender identities. Considering this psychoanalytical view towards homosexuality, several theories have been identified as theories of normal variation. Homosexuality has been treated as a natural phenomenon while theories of pathology have treated adult homosexuality as a disorder (Drescher 2010). Drescher (2008; 2010) emphasises that theories of immaturity have determined that homosexuality is normal behaviour at a young age, considering it as a passing

phase to be grown out of, but the same theory neglects adult homosexuality, evaluating it as a factor for stunting growth. Freud (1905), as cited in Drescher (2008), analyses homosexuality psychologically and explains that everyone was born with bisexual tendencies. As a result, homosexuality can be considered a normal part of heterosexual development, with psychological analysis having not tried to separate homosexuality from the general behaviour of mankind as a special characteristic (Drescher 2008).

According to Coleman (1982), as cited in Troiden (1988), following the identity development process, homosexuality is a stable and unchangeable event in an individual's life because undergoing the commitment process means those people would then be able to emphasise their sexual identity openly to mainstream society. However, Ellawala (2019) argues that the mentioned identities among homosexual community cannot be developed along a linear route as scholars propose. Moreover, scholars have criticised those theories as western-based initiatives because theorists have focused on the experiences and behaviours of gender and sexually non-normative people in the western world to develop those models (Kuru-Utumpala 2013; Nichols 2010; Wijewardena 2007). For example, Ellawala, (2019) points out that in the Sri Lankan context, scholars have not done a single piece of research to examine or evaluate gender and sexually non-normativity in terms of identity development theory. Especially in non-western cultures, the majority of people would like to see sexuality as about sex and sex as a private matter (Cornwall & Jolly 2009). Since society believes 'non-normative' sexuality is a matter of or for minorities, this area of sexuality has not been deemed an important matter compared to other prevailing matters such as poverty, hunger, and climate change (Cornwall & Jolly 2009). According to Ellawala, (2018), being a sexual and gender non-normative individual has not been as easy, attractive, or inexpensive in conservative societies as the theories claim. As a result, LGBTIQ people have behaved in a way so as to change their desires toward others and their living environments, deviating away from the western-based theoretical models (Ellawala, TI 2018).

2.5 Global History of LGBTIQ Movements

Homosexuality, bisexuality, and gender non-normativity have existed in the world for centuries, stretching back through the ages. When considering pre-historical records of LGBTIQ matters, homosexuality and third gender identity could be identified through written

and oral archives (Morris 2018; Nadal 2013). In ancient Greece, evidence of transgender people and same-sex relationships were documented in the 7th century BCE (Nadal 2013). Famous historical leaders including Alexander the Great and Julius Caesar have been categorised as bisexual people in historical documents (Nadal 2013). However, Sullivan (2004) explains that little evidence of homosexuality could be concretely identified until the Victorian age when homosexuality became a criminal offence in European and American societies, including their colonies. However, Nadal (2013), opposes that argument, claiming that during the Middle Ages and in European and North American countries, sodomy laws were introduced to criminalise homosexuality and convict LGBT people, especially gay men. For example, the Buggery Act of 1533 was approved by King Henry VIII of England to punish gay men with a maximum penalty of hanging. The famous writer, Oscar Wilde, was convicted and sentenced to two years of hard labour in prison using provisions of the Buggery Act of 1553 (Nadal 2013).

The 18th century can be identified as the first revolution of sexual freedom because, despite sodomy laws, the enlightenment period made people think rationally in terms of gender and sexuality with the support of the arts and literature (Hekma & Giami 2014). As Sullivan (2004) states, in the 19th century, sexuality was discussed openly with liberal and reformist ideas. As a result, in the 1920s, gay life in the USA flourished with a host of catering and entertainment options including speak-easies, restaurants, saloons, public baths, and neighbourhood enclaves (Sullivan 2004). Meanwhile, homosexuality was still considered a mental disorder. The term 'sociopathic personality disturbance' was attributed to gay and lesbian practice and, therefore, for nearly two decades, psychiatrists and psychologists endeavoured to cure the disorder through electroshock therapy, lobotomy operations, hormone and drug treatments, and castration (Nadal 2013). Since the 1960s, western countries have taken remarkable steps forward to fight for LGBTIQ rights (Hekma & Giami 2014). The Stonewall Riots of 1969 in New York could be identified as the initiation of the gay rights movement because they started pride parades in metropolitan areas in the USA (Hekma & Giami 2014).

Eder (2014) emphasises that postmodernist thinkers have made theoretical platforms with the vision of radical thinking to discuss gender and sexuality in different ways. Feminist movements have criticised marriage, reproduction, and heterosexuality, seeking normalcy and recognition for sexual and gender minorities (Hekma & Giami 2014). On the other hand, the activities initiated in the 1960s set a revolutionary pathway for LGBTIQ politics,

introducing more liberal attitudes regarding gender and sexuality (Srivastava 2014). Panditaratne (2016) supports the idea, describing the mid-1960s as a remarkable era because the LGBTIQ community won their rights and freedoms step-by-step, and in 1967 homosexuality was decriminalised in England and Wales. The American Psychiatric Association and the American Psychological Association discontinued their view of homosexuality as a mental disorder and in December 1973, the American Psychiatric Association formally ended those views regarding homosexuality by removing them from their Diagnostic and Statistical Manual (Sullivan 2004).

Chandratilaka and Mahanamahewa (2015) explain that, when considering contemporary LGBTIQ movements, all the European countries have legalised homosexuality and the UK legalised same-sex marriage in 2014, giving most of the same legal rights to the LGBTIQ community as to the heterosexual majority. Moreover, the authors state that in the UK, in 2014, they had the highest number of elected LGBTIQ House members in their parliament's history. However, Gerber, P (2014) criticises the UK's position as the leader of the Commonwealth of Nations, writing "among 80 countries which criminalise homosexuality, over half are commonwealth members. Because most of the UK's former colonies have shown the remaining impact of introduced sodomy laws while the UK has been introducing the most humanitarian principles in terms of the LGBTIQ identity". For example, all of the UK's former colonies in the Asian region, excluding Hong Kong, have continued to criminalise homosexuality, believing the earlier western concept that homosexuality deteriorates cultural and religious values (Gerber, P 2014).

2.6 LGBTIQ Activities in the Asian Region

2.6.1 *Taiwan*

Most of the Asian cultures have shown negative attitudes toward non-normative gender and sexuality. However, Taiwan, officially the Republic of China, can be identified as a country with different political, economic, cultural, and social attitudes toward non-normative gender and sexual identities (Hsu & Yen 2017; Lin & Hudley 2009). The year of 1986 was very important for the Taiwanese LGBTIQ community because Dagway Chief-Cha-Wei, the first Taiwanese gay activist, challenged the court's decision to reject a request for same-sex marriage (Ho 2019). Ho (2019) emphasises that since then, LGBTIQ activists, together with

civil servants, civil activists, and their international connections, have continually fought for their rights. As a result, on the 24th of May 2019, Taiwan legalised same-sex marriage, giving similar legal protections for same-sex marriage as for heterosexual marriage. As Kao (2019) states, Taiwan, as the first country in the Asian region to legalise same-sex marriage, has moved to full marriage equality for same-sex couples without introducing an intermediate age of partial empowerment such as giving rights to domestic partnerships.

Even though the country has been labelled the most liberal Asian country for LGBT rights, restrictions can still be identified when it comes to gay adoption and international same-sex marriage (The Guardian 2019). Therefore, activists are still fighting for constitutional changes pertaining to adoption and international marriage rights (The Guardian 2019). Kao (2019) explains that since the legislative Yuan has focused its attention on same-sex marriage through Article No: 748, marginalised subgroups of the LGBTIQ community, especially transgender people, have faced problematic conditions to change their gender. Moreover, transgender people have faced violence and discrimination in Taiwanese society when finding housing, employment, and health care support (Kao 2019). In contrast, Chiu (2020) points out that the Taiwanese government appointed Audrey Tang, a transgender woman, as Taiwan's Digital Minister, making Taiwan the first country in the world to employ a transgender figure in its ministerial portfolio. Ho (2019) emphasises that while Taiwan's local LGBTIQ movement started late compared to western countries and other East Asians such as the Philippines, Indonesia, and Thailand, the country has achieved better success with moderate maturity on LGBT matters.

2.6.2 Thailand

Thailand is a Theravada Buddhist country but it has been popularized as a 'gay paradise', having relatively accepted the LGBTIQ community (Fongkaew et al. 2019; Ojanen, Timo T et al. 2020). Thailand's vocabulary is enriched with words relevant to gender and sexual non-normativity, for example, 'kathoe' or 'ladyboy' in English, 'tom', and 'dee' (Ocha 2013). Moreover, the present Thai constitution protects the LGBTIQ community as "all citizens are entitled to receive protection from the state regardless of their gender" (Fongkaew et al. 2019). Ojanen, Timo T (2009) emphasises that even though the constitution specifies that gender and sex non-normative people have the same rights as gender normative people, the actual perception of Thai society regarding LGBTIQ identities is largely negative, considering

them as deviants, disordered, or abnormal. Furthermore, Jackson (2003) and the UNDP (2014) explain that the religion has played a vital role in controlling Thai societal views regarding gender and sexuality. The major religion, Buddhism, considers LGBTIQ leanings as punishment for sins committed in past lives, while the Muslim minority has been more conservative toward the LGBTIQ community, viewing it as unfavourable.

When considering transgenderism in Thailand: 'kathoeys', or 'ladyboys', have become marginalised and discriminated against more than lesbians or other gay men, still being pathologized and not allowing them to change their gender on their passports or identity cards, and requiring them to serve in the military as men (UNDP 2014). Notwithstanding discrimination in Thailand today, some positive improvements toward the LGBTIQ community can be identified such as an abundance of gay bars, gay saunas, a ladyboy show and a ladyboy pageant, and facilities for sex reassignment surgeries, for example (Fongkaew et al. 2019). More recently, in July 2020, the Cabinet of Thailand approved the draft of the Civil Partnership Bill to make same-sex marriage legal, and the Bill is now before a committee which is charged with the responsibility of scrutinising the Bill before it is submitted to parliament for a vote (Phoonphongphiphat 2020). Some LGBTIQ activists have argued to amend the Thailand Civil and Commercial Code by introducing "marriage between two persons" instead of between "male and female" (Wiriyapong 2020). According to the author, amending the Code is a difficult process which takes years. Therefore, the majority of same-sex couples are waiting for the Civil Partnership Bill to become law even though it could only allow same-sex unions among cisgender couples (Wiriyapong 2020).

2.6.3 Indonesia

Indonesia is a Muslim-majority country which accepts more diverse sexual and gender identities compared to its neighbours, Singapore and Malaysia (Davies 2016; Ridwan & Wu 2018). Ridwan and Wu (2018) explain that historically Indonesia is a country which has consisted of complex sexual, gender, and cultural diversity. According to the authors, it has provided a home to transgender people, naming them 'waria', 'calalai', 'calabai', and 'warok'. However, in the recent past, discrimination against and the criminalisation of homosexual and transgender identities has been increasing due to poor state protection and legitimacies introduced by the state governments (Sarhini & Bintang P. Has 2019). As Davies (2016) claims, some people have argued that the present Widodo government is a friendly one toward the

LGBT community because he recently had dinner with a transgender TV personality, Dorce Gamalam. Watson (2017; 2018) objects to the argument that political scenarios are ceremonies only and, as the author states in 2017, Indonesian police arrested attendees to an illegal, gay party in a Jakarta sauna and circulated their photos online. Arli, Badejo and Sutanto (2020) discuss how, in the same year, police in the North Aceh Regency violently shaved the hair of transgender women and forced them to wear men's clothes as part of their re-education to become men.

State governments in Indonesia can still introduce separate laws (Sarbini & Bintang P. Has 2019). For instance, according to authors, the regional government of Depok, located in the southern part of the capital Jakarta, has introduced Anti-LGBT Draft Regional Regulation to criminalise the LGBT community in the state, making the community further marginalised in this location. Religious zealots have also shown disrespectful and violent behaviour toward LGBTIQ people, and religious leaders especially have influenced the bureaucratic and political authority to discriminate against gender and sexual minorities (Arli, Badejo & Sutanto 2020). Notwithstanding all prejudices, Ridwan and Wu (2018), as young LGBT activists and in Indonesia, have organised to fight against a growing phobia towards them. Since 1969, when the first LGBT movement in Indonesia was initiated by the transgender male-to-female group, the LGBTIQ community has been working hard to gain their homosexual and transgender rights over state and non-state actors (Khanis 2013; Ridwan & Wu 2018). However, without government and civil society intervention, the dream of achieving equal rights to the gender and sexual normative majority will remain a permanent dream for the LGBTIQ community in Indonesia (Khanis 2013; Ridwan & Wu 2018).

2.6.4 The Philippines

The Philippines, an archipelagic and predominantly Roman Catholic country, can be identified as one of the more tolerant Asian countries toward homosexuality and third gender identity (Cardozo 2014). Cardozo (2014) mentions that the country has joined international agreements which support the LGBTIQ community and that LGBTIQ people are able to behave openly, conduct 'drag queen' performances, and express their gender identities without being harshly or violently discriminated against or murdered. For instance, gay-owned businesses such as night clubs, bars, and beauty parlours exist in both urban and semi-urban areas, and transgender-participating comedy venues and 'drag shows' are popular, especially

in metropolitan Manila (Cardozo 2014). The first LGBT Pride March in the Asian region was organised by the Filipino LGBT community in 1996 (Human Rights Watch 2017). Sintos Coloma (2013) points out that the LGBT political party called 'Ladlad' was initiated in the Philippines in 2003, earning the achievement of not only being the first LGBT political party in the Philippines but in the world. In 2010, Ladlad ran in the general election and the party received nearly 130,000 votes without an organised campaign, showing the power of the LGBT community in the Philippines (Cardozo 2014; Macias 2010; Sintos Coloma 2013).

Even though same-sex activities have not been criminalised in the Philippines, some Filipino LGBTIQ community members have experienced stigma and discrimination from mainstream society (Reyes et al. 2017; Reyes et al. 2015). Manalastas (2013) explains the predominantly heteronormative and Roman Catholic Orthodoxy-embedded society considers the LGBTIQ community as unacceptable and immoral. As a result, the LGBTIQ minority has experienced disparities in the education, employment, and healthcare sectors. In Filipino society, same-sex marriage has not been legalised yet and this is especially due to pressure from the religious and cultural groups (Manalastas 2013; Turner 2017). The UNDP (2014) emphasises that past governments in the Philippines have introduced several legislative bills to legalise homosexuality and avoid discrimination since 1990 without any success. Furthermore, the legitimacy of transgender people has not been favourable in Filipino society because they have not been afforded the opportunity to legally change their identity or sex, even though intersex people are allowed to do so (UNDP 2014).

2.6.5 Singapore

Singapore is one of the most successful commercial and industrial Asian countries. With a rapidly growing LGBTIQ culture, it is situated in the South East Asian region (Han 2018; Yulius, Tang & Offord 2018). However, according to authors, as a former colony of the British Empire, sodomy laws introduced by the colonial administration still exist in the nation. Yulius, Tang & Offord (2018) state Singaporean society considers same-sex marriage as illegal and immoral. The authors explain that heteronormativity has made everything possible with regard to normative gender and sexuality in Singaporean society including, for example, national policies such as housing subsidies, baby bonuses, and tax rebates having been created in terms of the hegemonic heterosexual family. The conservative Christian minority with the support of the Buddhist majority and Muslim minority have made significant opposition

against the LGBTIQ community (Oswin 2014). Ng (2018) and Oswin (2014) emphasise that despite cultural and religious objections, the LGBTIQ community in Singapore has shown its power through LGBTIQ events and activities such as the annual 'Pink Dot' event gathering, for example. Singapore's Chinatown is identified as an area of the city where gay and lesbian entrepreneurs blend in with the hegemonic heterosexual majority, providing a sound image regarding LGBTIQ activities (Tan 2015).

As with all the penal codes in the other former British colonies, Article 377A in the Singapore Penal Code criminalises carnal intercourse against the order of nature between any two men (Tan 2015). Han (2018) refers to two LGBTIQ Singaporeans who, in 2012, attempted to litigate the state, challenging Article 377A. However, according to the author, the Court of Appeal of Singapore issued a final decision emphasising that the Article was constitutional. In 2014 the same Court declined to remove the constitutional anti-gay laws from the statute book, declaring that LGBTIQ people must wait for reforms of Penal Code Section 377A through the parliament (Wareham 2020). However, in 2018, a historic and rare exception was permitted by the High Court of Singapore when a gay Singaporean doctor won the right to adopt a child he fathered in the USA through surrogacy (CNN 2018). Tan (2015) claims that notwithstanding the legal, religious, and political barriers, as well as having minimal respect for and the inequality of the LGBTIQ community, Singapore can still be identified as one of the most favourable places in the world for gender and sexual deviant people to express their feelings freely and openly.

2.6.6 Pakistan

Pakistan, an Islamic Republic where homosexuality is not legal or socially accepted, and where prison sentences of up to ten years are issued for LGBTIQ relations, makes the LGBTIQ community live in secrecy (Ellis-Peterson & Baloch 2020). According to Charania (2017), Pakistan still uses the same laws and Penal Code as that formerly introduced by the British Empire to India, 73 years after gaining independence. However, the situation regarding transgender people in Pakistan can be identified as a favourable one compared to homosexual or same-sex companions (Ellis-Peterson & Baloch 2020; Jami & Kamal 2015). Farhat et al. (2020) describe how the Parliament of Pakistan has a Transgender Persons (Protection of Rights) Act, May 2018 (Act No: XII of 2018). The International Commission of Justice has issued a briefing on the Act, describing it a significant one. Pakistan's government

has provided transgenders with the right to vote and access public offices without any discrimination, while at the same time providing equal levels of health care and education (Farhat et al. 2020). While introducing laws to protect transgender rights, Pakistan's government has forbidden some apps such as Grindr and Tinder, for example, which are considered relevant to LGBT matters (Ellis-Peterson & Baloch 2020). The LGBTIQ community classifies those dating apps as important to the LGBTIQ community, providing a safe platform for them to meet and interact with each other without putting them at risk (Ellis-Peterson & Baloch 2020).

2.6.7 Bangladesh

In Bangladesh society, homosexuality is not accepted and the country has not implemented any legal pathways to legalise same-sex marriage (Wolf 2013). LGBTIQ people in Bangladesh face stressful life experiences including discrimination, criminalisation, stigma, and financial burdens (Mozumder 2017). Moreover, they experience legal discriminations due to Article 377 of the Penal Code, which was formerly introduced by the British Empire (Rashid et al. 2011). However, Mozumder (2017) argues that the social and religious pressure on gender and sexual minorities in Bangladesh are more oppressive than the legal limitations. Statistically, the number of lesbians and the bisexual people is still unknown, while there are only rough estimates as to the number of gay and transgender people (Mozumder 2017). As in Pakistan and India, transgender people are accepted in Bangladesh society openly while lesbians, gay men, and bisexual identities live in secrecy, unidentified by the government (Rashid et al. 2011).

Lesbianism cannot be regularly identified in Bengali society however, at present women activists are beginning to organise their rights (Hena 2011). For example, "Shawprowa", introduced in 2007, is the first homosexual women's group, although the country has given them a lower position in both private and public lives due to religious and cultural influences (Hena 2011). According to Wolf (2017), historically Bangladesh was a tolerant and open-minded Islamic country for all minorities, however, presently the situation is changing drastically to become a country which is most conservative about gender and sexuality. LGBTIQ activists face life-threatening verbal and physical assaults from organised religious and cultural groups who oppose homosexuality and third gender identity (Khan 2017). Khan (2017) explores how one of the senior editors, Xulhaz Mannan, of the country's first LGBT

magazine named 'Roopbaan' was killed by members of an extremist religious group in 2016. Moreover, Amundsen (2018) shows that Mannan's assassination has significantly hampered the LGBTIQ movement in Bangladesh, creating hurdles to organise an annual Rainbow Rally in Dhaka or to print the magazine, Roopbaan.

2.6.8 India

According to the available temple carvings and textual archives such as Ramayana and Mahabharata, historically India can be identified as a sexual and gender-tolerant society (Kalra 2012). According to Kalra (2012), historically India used the word 'hijras' to refer to transgender identities with the power to bless people with luck and fertility. In other words, Indian transgenders have traditionally been accepted by the heterosexual majority, allowing them to live in their neighbourhoods (Chauhan et al. 2019). Considering the legitimacy of homosexuality, Article 377 of the Indian Penal Code has been challenged by LGBTIQ activists several times since 1992. As a result, in 2009, the High Court of Delhi legalised private consensual sex between same-sex adults, reading down Article 377 of the Penal Code (Chauhan et al. 2019; Rao et al. 2016). Misra (2009) describes how the High Court's decision was complicated by the 2013 verdict of the Supreme Court to annul the High Court's decision, frustrating the LGBTIQ community. According to Azad and Nayak (2016), several petitions have since been lodged to challenge the Supreme Court's judgement and this pressure has made the court hear the appeal of the LGBTIQ community. Subsequently, in 2018, the Supreme Court issued a historical decision to decriminalise homosexuality in India (Chauhan et al. 2019). Also, the same Court of India issued another legal provision for the transgender minority, recognising their third gender name of 'other' alongside the established genders of 'male' and 'female' (Chauhan et al. 2019).

Despite all these legal provisions, the marginalisation of, discrimination against, and violence toward homosexual and third gender identities prevail in Indian society with frequency because religious and cultural beliefs along with other legal provisions, have made LGBTIQ identities taboo (Bowling et al. 2020). According to Kaur (2017), the cinema industry in India could circulate a better image of gender and sexual non-normativity not only within the Indian mainland but also throughout the South Asian sub-continent. However, the Indian film industry has not been able to meet this need because it has mainly portrayed homosexual and third gender identities as disbelieved, stigmatised, outlawed, and comedic characters

(Kaur 2017). In addition, Azad and Nayak (2016) explain that in the Indian health sector, some health officials do not admit 'hijra' people to women's wards. Moreover, in the male wards, these transgender people might be abused sexually by other male patients (Azad & Nayak 2016). There is much discrimination against gender and sexual non-normative people in modern yet conservative India. Therefore, as Rao and Jacob (2014) mention, the Parliament of India and the Indian government should change the 19th-century law to better suit millennium-era democracy.

2.7 Summary

Since the early 1960s, the LGBTIQ community has organised and campaigned for their rights with researchers, scholars, and activists supporting them with evolving theories and movements. Being a sexual and gender non-normative individual has not been easier, more attractive, or less expensive in conservative society as these theories claim. As a result, the LGBTIQ community has still not been capable enough to fight against the frequent challenges they face. Western countries, including the UK, have decriminalised same-sex relationships while giving the most equal rights to the gender variant minority. However, in the Asian region, excluding Taiwan and Hongkong, it is problematic to legalise homosexuality and give equal rights to transgender people due to prevailing sodomy laws, religious extremity, and national and cultural values. Sri Lanka, an islander country, has been influenced by India for a long time. However, when considering homosexuality and third gender identity, Sri Lanka has shown similarities and differences not only to India but also to its other counterparts in the Asian region. On the other hand, Sri Lanka can be identified as one of the most backward states for sexual and gender non-normative issues and the next chapter of this thesis will discuss this in the Sri Lankan context, giving attention to historical and contemporary information about LGBTIQ matters in Sri Lanka.

Chapter 3: The LGBTIQ movement in Sri Lanka

3.1 Introduction

The Democratic Socialist Republic of Sri Lanka is an island situated 28 kilometres from the South East coast of India and it was known as Ceylon until 1972 (Marecek 1998). Similarly to its South Asian counterparts, Sri Lanka can be identified as a country having ethnic and religious divisions together with cultural, legal and political influences on LGBTIQ issues (Arteta 2019; Perera, K 2011). As De Costa (2019) mentions, academic and other literature such as documentaries, novels, poems, newspaper articles, and short stories about LGBTIQ matters are rare in the Sri Lankan context and it is the main obstacle which this research faces. However, this chapter examines the historical and contemporary situation of homosexuality and third gender identity in Sri Lanka comparatively with other South Asian countries using the available literature.

3.2 Background

Sri Lanka can be identified as a multicultural, multilingual and multireligious country consisting of several 'ethnic' groups: Sinhalese, Sri Lankan and Indian Tamils, Moors, and Burghers (Arteta 2019). When considering the demographics of the country, Sinhalese is the major nationality which makes up 74.9% of the total population (Central Bank of Sri Lanka 2019). After the Sinhalese, the Central Bank of Sri Lanka (2019) states that Sri Lankan Tamils are the second majority consisting of 11.2% of the total population while the Moors, Indian Tamils and others make up 9.3%, 4.1% and 0.5% respectively. Sri Lanka is home to the world's largest religions of Buddhism, Hinduism, Islam, and Christianity and therefore, religious diversity can be identified as one of the most dominant factors of Sri Lankan society (Marecek 1998). Indian interventions and European colonisations have influenced the culture and law of the country, showing a rich cultural mix and organised legal system (Marecek 1998). However, British influence can still be strongly identified in the legal, bureaucratic, and educational systems (Perera, 2011).

3.3 Historic Context of LGBTIQ in Sri Lanka

According to Sri Lanka's historical archives, Sri Lanka was civilised by the arrival of the exiled Indian prince "Vijaya" in 500 BC who reigned the island, removing the indigenous 'Yakka' tribe from their land (Coningham et al. 2015). In 246 BC, arhat Mahinda, the son of the famous Indian Emperor Ashoka, came to the country with the message of Buddhism and this became the royal religion in Sri Lanka, spreading widely among the ancient Sinhalese society (Gamage 2016). Agreeing with Sullivan (2004), Scherer (2006) also discusses how in historic Sri Lanka, little about homosexuality and transgender identity could be found in scholarly articles, poetry, and folk tales. The author argues that Buddhism explains the sexual variations as the power of causality or karma so, as a result, ancient Sri Lanka, which followed the Theravada account, did not discuss those immoral concepts. However, Jayathunga (2018) opposes that argument, describing ancient Si Lanka as a tolerant society for homosexuality due to the Buddhist teachings. At the same time, the author provides a historic example in Mahawansa, a legendary historical archive of the country, which discusses the intimate relationship of King Kumaradasa with the male Sanskrit poet, Kalidasa, in the 5th century BC without any criticism.

3.4 Colonial Sri Lanka

Sri Lanka was colonised by three European empires – the Portuguese, the Dutch, and the British – for nearly a 450-year period (Jayasuriya 2000; Marecek 1998). As Jayasuriya (2000) points out, the Portuguese era from 1505 to 1658 can be identified as the end of medieval Sri Lanka and the initiation of the modern country, turning the island's orientation away from India. Afterwards, the Dutch ruled the country and they introduced an improved judicial system to the country called Roman-Dutch Law (Britannica 2020). The effect of Roman-Dutch law remains residually in Sri Lankan law books today (Britannica 2020; De Livera 2019). When considering colonial history during the Portuguese era, however, non-heterosexuality was categorised as a violence of norms in sexuality by the church's declaration of sexual ethics (Jayathunga 2018). For example, the author explains that in 1547, a Portuguese soldier named Joao de Casto reported to the Governor of Goa that the then Sri Lankan King Buwanekabhahu III engaged in homosexuality.

The British Empire seized control of the country in 1796 and unified the country under a single government (Marecek 1998). According to Wijayath (2018), as in other South Asian colonies under the British regime, concepts on gender and sexuality worsened in Sri Lanka because

the British introduced several laws and ordinances to control the freedom of sexuality. The Penal Code of Sri Lanka, which was ratified in 1883, can be identified as a carbon copy of the Indian Penal Code which had been passed by the UK Parliament. However, the Article numbers about sodomy laws were different, being 365 for Sri Lanka and 377 for India (Miller 2002; Perera, 2011). Khubchandani (2016, p. 3) criticises the Penal Codes of British-colonised countries, especially in Bangladesh, India, Pakistan, and Sri Lanka, as “a relic of Victorian conservatism and a state-sanctioned homophobia”.

Similarly, in other colonies, the Sri Lankan Penal Code also prohibits carnal intercourse through Article 365, with Article 365A specifically referring to gross indecency by any person (Ellawala 2019; Panditaratne 2016). Moreover, Article 399 can be identified as the criminalisation of transgender people in the country, explaining the offences for cheating or substituting one person for another (Miller 2002). According to Equal Ground (2013), the Vagrancy ordinance introduced by the British in 1824 is still used by Sri Lankan police to criminalise and discriminate against the LGBTIQ community in the country using the provisions of Article 7. Like all other Asian colonies of the British, including India, Bangladesh, Pakistan (Charania 2017), and Singapore (Yulius, Tang & Offord 2018), the British introduced legitimacy regarding sexual offences and this still exists in Sri Lanka today without any significant changes after 72 years of independence (Arteta 2019; Nichols 2010; Panditaratne 2016).

3.5 Post-colonial Sri Lanka

Sri Lanka attained independence from the British Empire in 1948, with the country remaining a Commonwealth state until 1972 (Marecek 1998). Since becoming a republic, Sri Lanka has had two constitutions, dated 1972 and 1978. Of these, the 1978 Constitution of the Democratic Socialist Republic of Sri Lanka has been amended 20 times as of 22nd October 2020 (Coomaraswamy 2015; Srinivasan 2020). As Warnapala (1980) states, the Constitution has guaranteed fundamental rights to Sri Lankan citizens, providing the opportunity for any dissatisfied person to summon the Supreme Court for any violation of their fundamental rights. Panditaratne (2016) argues that when comparing Singapore and India, Sri Lanka has also provided a privileged status to the religion of the majority, with Article 9 of the Constitution providing a privileged status to Buddhism, giving it the “foremost place” and

requesting the state to protect and foster “Buddha Sasana”. In contrast to Singapore (Han 2018) and India (Chauhan et al. 2019; Rao et al. 2016), Sri Lankan criminal laws relevant to LGBTIQ issues have not been challenged in court by LGBTIQ activists yet regarding their fundamental rights mentioned in the Article 12 of the Constitution (Panditaratne 2016).

However, in 1995, the Sri Lankan Penal Code was amended, substituting the word ‘person’ for ‘male’ to make the Article gender-neutral (Chandratilaka & Mahanamahewa 2015; Perera, K 2011). According to (Puri 2009), the amendment shows the commitment of the LGBTIQ activists and the power of the state, because the amendment has worsened the situation for the LGBTIQ community by expanding the law and the possible penalty. In other words, due to the 1995 amendment, lesbianism is also now prohibited, identifying it as a criminal offence in Sri Lanka (Wijayath 2018). Ellawala, (2019, p. 89) argues it is “one of a long history of the state thwarting the designs of civil society and neglecting the plight of queer society”. Altogether, as Chandratilaka and Mahanamahewa (2015) state, the sodomy laws introduced by the British Empire have violated human rights in Sri Lanka and the authors categorise the country as one of the states in the Asian region most recognised for entertaining the sodomy laws of Articles 365 and 365A of the Penal Code until today.

However, in the early 1990s, some LGBTIQ-related organisations, such as the local human rights watchdogs the Centre for Policy Alternatives and the Gay Advocacy Organisation, have put effort into changing the prevailing legitimacy of LGBTIQ identities, even though this has been neglected by both the civil and political arms of government (Ellawala, 2019). According to Arteta (2019), 1995 can be categorised as the birth year for the Sri Lankan LGBTIQ movement with the formation of the first gay group called ‘Companies on the Journey’. The Women Support Group was initiated parallel to the gay group and both organisations worked to decriminalise homosexuality and transgenderism until they were dissolved in 2011 and 2010 respectively (Arteta 2019). Despite all efforts by the activists, and as in all British colonies in the South and South East Asian regions, (Bowling et al. 2020; Jung 2020; Oswin 2014), the Sri Lankan LGBTIQ community has been marginalised and its activities criminalised due to legitimacy and cultural taboos. However, they have initiated an improved discourse regarding their widespread rights since the new millennium (Wijewardene & Jayewardene 2020).

3.6 The New Millennium and Sri Lanka

In the new millennium, Sri Lanka can be observed as one of the most reluctant countries to embrace gender and sexual non-normativity, however, since the year 2000, LGBTIQ groups and organisations have organised more broadly and with greater strength to fight for their rights (Ellawala, 2019; Panditaratne 2016). When considering to impact of NGO activities on LGBTIQ matters, in 2004, the first Sri Lankan LGBTIQ-related NGO called “Equal Ground” was formed (Ellawala, T 2019). According to its founder and Executive Director, Rosanna Flamer-Caldera, it is a non-profit organisation which provides services to the LGBTIQ community to achieve their rights through education, political awareness, and organised cultural events such as Colombo Pride (O'Neil 2013). Some other NGOs such as Venasa Transgender Network, Chathra, Heart to Heart, and Grassrooted Trust have been participating actively in Sri Lankan gender-sexual advocacy, especially at the more local and less visible level (Arteta 2019). On the other hand, as Ellawala, (2019) claims, they would each like to focus on a specific segment of the population while discussing sexuality broadly.

Recently, as Yi et al. (2018) mention about the relationship between technology and LGBTIQ matters in South Korea, so too several Sri Lankan LGBTIQ-related information networks online such as Sakhi Collaboration, Accept Lanka and Equal Ground have been initiated to circulate informative posters, raise awareness of issues, and relay local and international news to the Sri Lankan LGBTIQ community (IAGCI 2018; IPID 2016). Of these online resources, Sakhi and Accept Lanka have organised outreach campaigns for their site visitors, providing information such as quotes of well-known people who have been involved in LGBTIQ rights (IPID 2016). According to a report by IAGCI (2018, pp. 29-30), Equal Ground’s social media platform has been run as part of their NGO portfolio and it can be identified as a well-organised platform showing important research publications, periodicals, and advocacy information.

According to Chandimal (2016), cited in Arteta (2019), and similar to what is happening in Indonesia, Pakistan, and Bangladesh (Ellis-Peterson & Baloch 2020; Khan 2017), in Sri Lanka’s new millennium, LGBTIQ organisations have faced obstacles due to ethno-nationalist politics and government-backed, homophobic reporting in the media. Notwithstanding prevailing threats, in 2016, the then elected government passed a new circular to issue Gender Recognition Certificates to transgender people (Wijayath 2018). As a result, transgender people are able to change the gender indicated on their birth certificates, national identity cards, and passports after their gender reassignment (Wijayath 2018). The Committee on

Economic, Social and Cultural Rights then proposed to affirm the Constitutional rights of the LGBTIQ community to be protected from discrimination and criminalisation by the same government (Panditaratne 2016) and therefore, in 2017, the government introduced a proposal to repeal the relevant clauses of the Penal Code (Ellawala, 2019). However, according to Ellawala (2019), the proposal was rejected by the then President Sirisena, showing his strong opposition to LGBTIQ rights.

Besides political, legal and community interventions, during the 21st century, some films about homosexuality and transgender identity have been produced which discuss LGBTIQ issues cinematically (De Costa 2019). The film 'Flying with One Wing' (2003) illustrates the reality of homosexuality in heteronormative Sri Lankan society while 'Maya' (2016) discusses the stigmatisation, stereotypical nature and prejudice against transgender people (Boyagoda 2018). 'Frangipani', or 'Sayapethi Kusuma' in the local language, (2013) explains homosexuality as a humanised matter (Boyagoda 2018; O'Brien 2015). In contrast to the Indian film industry (Kaur 2017), Sri Lankan queer cinema has been growing slowly; however, as Boyagoda (2018) writes, it has contributed considerable space to discuss LGBTIQ issues. In contemporary Sri Lanka, the LGBTIQ movement campaigns for LGBTIQ rights, however, discrimination and criminalisation are gradually dominating them. The next chapter of this thesis discusses the situation further by analysing the research questions using available academic articles, government documents and grey literature.

Chapter 4: Discrimination, criminalisation, and the Sri Lankan LGBTIQ community

4.1 Background

Sri Lanka is a country of hegemonic heterosexuality and heteronormativity with cultural, religious and legal values and norms (Samaraweera & Samarasinghe 2016). In other words, heterosexuality has become the accepted human sexuality in mainstream society. As a result, the sexual and gender minorities of the LGBTIQ community have been discriminated against and criminalised (Arteta 2019). Even though the LGBTIQ movement in Sri Lanka was started in the early 1990s, the progress of the movement cannot be identified as a success story as in India and other East Asian countries (Arteta 2019; Ellawala, 2019). Since literature about the Sri Lankan LGBTIQ movement remains under-explored and most academic literature has investigated its legitimacy, especially with regard to the Penal Code, a clear understanding of the broader LGBTIQ issues cannot be defined well (Arteta 2019). However, this chapter will discuss the discrimination and criminalisation faced by Sri Lankan LGBTIQ people, looking at the social, religious, legal, political, and societal impacts.

4.2 Social and cultural impacts

Sri Lankan mainstream society has shaped homosexuality and third gender identity in accordance with cultural and social beliefs, and they would still like to treat homosexuality as a disease and imported burden from western culture (Liyanage & Adikaram 2017). The LGBTIQ community in Sri Lanka faces several areas of discrimination in society in terms of housing, employment, education, and health care in both the government and private sectors (Human Right Watch 2016). Not only the LGBTIQ community, but also the people who are supporting them, have faced the violence of heteronormativity (Liyanage & Adikaram 2017). Using derogatory or demeaning words to criticise both the LGBTIQ community and their activists is common not only among the general public but also in the workplace and political cultures (Human Right Watch 2016).

According to Nichols (2010) and Samaraweera and Samarasinghe (2016), 'nachchi' is used to refer to male-to-female transgender people and sometimes for both transgender men and women. Furthermore, historically, the word was used for crossdressers. However, much of the general population likes to use the term 'napunsakaya' instead of 'nachchi', with

'napunsakaya' meaning eunuch or hermaphrodite (Nichols 2010). Meanwhile, the word 'ponnaya' is common in society as 'derogatory slang' for describing transgender men, with the word referring to men who cannot maintain a strong relationship with women (Nichols 2010). In Sri Lanka, police officers have used this word widely to abuse transgender people, especially sex workers. For example, one transgender sex worker explains his experience to the researcher:

When police see us on the road, they're asking "Ponnaya, Ponnayo (a plural word), what are you doing?" and we get in the jeep. So, police insult us with filth, remanding us for no reason.

We are so disgusted with them and, especially from that, I get scared (Nichols 2010, p. 205).

Lesbians have been labelled as 'aappa', meanings hoppers, a breakfast common among Sri Lankans which is prepared using flour and coconut milk (Wijewardena 2007). For instance, Shanthi, a research participant, had been criticised by the broader community, calling her 'aappa' due to her masculinity which she explains as follows:

I was not frightened of any physical abuse during my time at school. I was frightened only that they labelled me. You know, how did they label me? They used dirty words. Do you know the word 'aappa'? It was frightening when they labelled me using that word (Wijewardena 2007, pp. 108-9).

According to Wijewardene and Jayewardene (2020), gay men have been verbally discriminated against using the word 'samanalaya', which means butterfly. One of the following sub-sections will discuss this term in more detail.

In Sri Lanka, transgender and intersex people are not considered 'real men' or women and, at the same time, bisexual women are considered masculine and men effeminate (Human Right Watch 2016). Janitha, an intersex person, explains her experience of being intersex below:

I approached the police over a land matter in 2015 and the police officer insulted me, considering my gender non-conformity. But I was dressed well, as a respectable man. Despite all this, he blamed me (Human Right Watch 2016, p. 11).

According to the research done by Ellawala, (2018), transgender people do not like to introduce themselves as transwomen or transgender men because they prefer to be 'real men', even though they have not undergone any sex reassignment surgery. According to the author, they prefer the cisgender identity over the transgender identity for reasons of pride and privilege. Tharindu, one research participant explains his view:

I prefer to identify myself as a man. Then society also thinks of me as a man. I do not like being identified as a transgender man anywhere (Ellawala, TI 2018, p. 1332).

Not only male research participants, as Ellawala (2018) claims, but some transgender women are also reluctant to describe themselves as transgender.

LGBTIQ people are discriminated against due to their sexual desire and identity in workplaces, however, very little research has been conducted in terms of the stigmatisation and prejudice they face (Liyanage & Adikaram 2017). Sometimes, in a heteronormative embedded society, people have been dismissed from workplaces in both the public and private sectors. One coach in his late 30s explained his experience as:

I have applied to several jobs in both the private and public sectors. They have interviewed me and selected me considering my previous experience and qualifications. Afterwards, they have taken a recommendation from my previous employers, and they have told me that I am unsuccessful due to my gayness. As a result, they have not offered the job to me and I am a broken man (Liyanage & Adikaram 2017, p. 6).

Ellawala, (2018) explains that, like all South Asian countries, Sri Lanka also has the concept of the family accepting only heterosexuality, masculinity, and femininity. Marriages are an important part of the Sri Lankan culture to protect cultural and historical values. As a result, LGBTIQ individuals are often forced to marry against their homosexual desires (Broadway-Horner 2017). According to a report by Equal Ground (2016) , in 2011, one girl who was in a lesbian relationship was forced by her family members to marry a man. Her brothers and the villagers harassed them frequently. As a result, the girl gave her consent to marry the man. However, the situation was not preferred by her partner and she took poison, committing suicide. A case study was conducted by Broadway-Horner (2017) about a Sri Lankan gay man who had been living in the UK. He described the relationship between family honour and heterosexual marriage, and the tragedy of homosexuality in the highly cultural society.

4.3 Religion and LGBTIQ issues

Due to colonisation and the invasion of Christian traditions, Sri Lankan Buddhism had been suppressed for many years. So, in 1753, the monkhood in Sri Lanka was re-established with the help of Thai monks (Mós 2015). However, compared to Thailand, Sri Lankan Buddhist society cannot be identified as tolerating gender and sexual non-normativity (Keyes 2016). According to Sudantha and Dunne (2007), this is the effect of colonialism. Authors explain that Thailand was never colonised and has a purer form of Buddhism than Sri Lankan Buddhism, which has been poisoned and deteriorated by western principles. Moreover, the

compulsory celibacy that Lord Buddha instructed should be followed by monks and nuns, not by lay Buddhists (De Silva 2003). De Silva (2003) argues that the Lord Buddha identified the reality of human sex and his philosophy was free from prejudice against homosexuality and third gender identities.

However, according to Keyes (2016), the present situation can be categorised as the effect of Sinhalese Buddhist Nationalism on society, which was introduced by Anagarika Dharmapala and developed from 1956 when S.W.R.D. Bandaranayake came to power. With the prevailing nationalism, the majority of Sinhalese Buddhists have a deep-rooted idea that the country belongs to the major ethnicity and religion of Sinhalese Buddhists (Arteta 2019; Perera, K 2011). Since 2009, after concluding the 30-year-old ethnic war, the concept has been rooted firmly in mainstream Sri Lankan society (Keyes 2016). Since then, according to Keyes (2016), Buddhist nationalism has become more powerful; sometimes Buddhist monks and their followers have guided the state regarding highly sensitive matters, including LGBTIQ issues. Hena (2011) explains in her research paper that almost all of the population do not know exactly what is written in their religious books, but they all believe that homosexuality is a sin as all the major religions of Buddhism, Christianity and Islam state it is. A report by the Special Rapporteur of the Office of the High Commissioner of Human Rights (2019) further emphasises the situation in Sri Lanka as “religious teaching is one of the important factors to marginalise LGBTIQ people and it leads to deep personal stigmatisation of them because they have failed to reconcile the religious identity with their sexuality”. As Panditaratne (2016) illustrates in her paper, not only the majority of Buddhist leaders, but also both Christian and Muslim religious leaders, have informally blocked the government’s attempts with their limited autonomy to legitimise non-conforming gender and sexuality, forcing a repeal of any such changes to legislation. Rosanna Flamer Caldera (2011) also highlights the situation, writing “Sri Lankan Muslims and Tamil communities are highly traditional compared to the Sinhalese in terms of homosexuality and third gender identity”.

Despite Buddha’s teaching, monks have also been in fear to describe the reality of LGBTIQ issues, instead opposing LGBTIQ rights because they may be stereotyped as homosexuals (Sudantha & Dunne 2007). For instance, the Chief Incumbents of the Asgiriya Chapter, one of the main Sri Lankan Buddhist institutes, rejected the first transgender woman’s appointment as the Governor of the central province in 2016 (Colombo Telegraph 2016). According to the Colombo Telegraph (2016), the Deputy Leader of the Chapter, Wendaruwe Upali Thero,

insisted that the “Chief Priest of our chapter is strongly against this appointment because the Governor must work with the Temple of the Tooth Relic closely, but she is not suitable for the post and the President should appoint someone else who is suitable”. According to the journalist, the former Governor, Surangani Ellawala, a woman belonging to the high caste and class, also worked closely with the temple, however, the monks did not oppose her visiting the temple.

In 2016, the Facebook page called ‘Island Nation of Sinhale’ began a homophobic campaign against Equal Ground’s Colombo Pride event, asking the public to attack the event for national pride (Ellawala, 2018). Ellawala, (2018) argues that in the face of the power of this ethnonationalist organisation, and with the help of one extremist Buddhist organisation called Bodu Bala Sena, police and the Colombo Municipal Council showed resistance to the event without giving reasonable evidence. In 2019, a novelist who wrote a short book about a gay Buddhist monk was arrested and charged by the local magistrate court (Colombage 2019). According to Colombage (2019), this charge was considered a breach of the International Covenant on Civil and Political Rights. Sometimes, Sri Lankan society behaves differently regarding homosexuality. For example, the National Institute of Fundamental Studies (Koeverden 2018) has named a tiny spider belonging to the *Brignolia* species as *Brignolia shyami* to honour the Sri Lankan-Canadian gay novelist, Shyam Selvadurai, who has written popular books such as the ‘Funny Boy and the Cinnamon Garden’.

4.4 Law and abuse of power

Sri Lankan law does not criminalise the LGBTIQ community as Pakistan and Bangladesh do, nor does it ensure to protect their rights (Human Right Watch 2016). Even though the constitution protects the fundamental rights of gender and sexual minorities through Article 12, Articles 15 and 16 impose some restrictions on Article 12’s provisions if the state needs to protect the morality or “meet the justice requirements of the general welfare of a democratic society” (Equal Ground 2016 p.4). Equal Ground (2016) emphasises that Article 16 (1) states that “all existing written and unwritten laws shall be valid and operative notwithstanding any inconsistency with the preceding provisions of this law”. Therefore, the Penal Code’s vagrancy ordinance provisions, which criminalise homosexuality and transgenderism, are protected by these Articles. As a result, Sri Lankan police are involved in LGBTIQ right violations such as

arbitrary arrest, extortion, rape, and assault (The Secretary of State for the Home Department 2015).

Sri Lankan police use these criminal laws frequently to target the LGBTIQ community, especially among transgender people and gay men who are involved in commercial sex work (Nichols 2010). However, according to Panditaratne (2016), legal experts in LGBTIQ matters often criticise these laws because both state officials and civil society use them to abuse the LGBTIQ community verbally, physically, and emotionally. The 1995 amendment to the Penal Code aims to guard against child abuse and child sex tourism. The amendment increased the penalty from ten to twenty years imprisonment when engaging in same-sex activities with children under sixteen years of age (Panditaratne 2016). According to Panditaratne (2016), since the amendment came into effect, mainstream society has made a strong argument about the relationship between homosexuality and child abuse, marginalising the LGBTIQ community with strong resistance to LGBTIQ rights from the general populace.

Even though the state expected to minimise child abuse, some police officers rape young gay, bisexual, and transgender people, especially in popular tourist destinations (Ghoshal 2017). One gay man living in Ambalangoda explained his experience as follows:

Police ordered me into a jeep and took me to the beach. One of them raped me and I was so scared. Since we are afraid of the police, I let him do anything (Ghoshal 2017, p. 1).

Also, one 20-year-old transgender woman living in the capital city of Colombo told the same researcher, “one police officer raped me when I was 17, it was so painful and I screamed” (Ghoshal 2017, pp. 1-2). According to research conducted by Nichols (2010), transgender sex workers describe the police as opportunistic thieves and criminals. One research participant explains how the police extract bribes:

The police of course are just trash. They stole our money. They take our money and go. They like to tell us to bring a bottle of Arrack (alcohol) and to bring a chicken. We earn about 100-200 rupees. Using that money, how could we buy those items? So, the police are very undisciplined and always make trouble (Nichols 2010, pp. 206-7).

4.5 Politics and Discrimination

The Sri Lankan political scenario has not matured enough to protect LGBTIQ rights and welcome LGBTIQ people as warmly as in Taiwan, Thailand, and India (Panditaratne 2016; Wijewardene & Jayewardene 2020). The most common example is the former President's

controversial statement about former Prime Minister Wickremasinghe as a man who enjoys the 'butterfly life' without considering the wishes and expectations of Sri Lankan citizens (Perera, S 2018). However, rights activist and lecturer, Thaygaraja Waradas, told BBC Sinhala that "the word 'butterfly' can be defined in several ways. However, the President used the word aiming at a group of people who are homosexual. This may be hateful. It will strongly affect the gay community in rural areas rather than those who are living in urban areas" (Perera, S 2018). According to Wijewardene and Jayewardene (2020), the Prime Minister's family life has not been affected, however, the word's use as a metaphor to discriminate against the LGBTIQ community has become widespread.

One former Member of Parliament who is also a medical doctor, and who supports left-wing politics, criticised homosexuality, "I totally refuse to support LGBTIQ rights, considering it as not an important part of the human life. Moreover, I would like to consider same-sex marriage as unnatural, something against the evolution of human beings" (Human Right Watch 2016). Another parliamentarian who is also a doctor, but who belongs to the right-wing United National Party, a party which is regarded as the most LGBTIQ-friendly political party in Sri Lanka, criticised homosexuality as a mental illness and, as a born Catholic, he said that the "church strongly condemns homosexuality and these matters should not be discussed openly because children would behave badly using this misleading information" (UCA News 2020).

In 2016, the then Sri Lankan Foreign Minister, Mangala Samaraweera, voted in favour of gay rights at the United Nations. This is regarded as a supportive decision taken by the Sri Lankan government regarding LGBTIQ issues (GSN 2015). Sri Lanka was the only South Asian country to vote in favour of gay rights at the United Nations (Weerawardena 2017). As Weerawardena (2017) points out, Samaraweera can be identified as a politician who is respected by the LGBTIQ community, because he has never hidden his homosexuality behind a cis-heterosexual marriage. Due to his intervention in the United Nations, some opposing politicians demanded his arrest, claiming that he violated the country's Penal Code (GSN 2015). Moreover, his homosexuality was discriminated against often in parliament. For example, in 2017, opposition backbenchers discriminated against him using the word 'ponnaya', however, he accepted the word, explaining that being a eunuch is better than being a murderer (Sri Lanka Mirror 2017).

Samaraweera's struggle as an openly gay man in parliament is appreciated by the LGBTIQ community and gay rights activists, however, cis-heteronormative politicians, especially those

representing the same party, have not contributed any support for him openly (Weerawardena 2017). In 2019, Samaraweera resigned from active politics, erasing the single but tolerable LGBTIQ representative in the Sri Lankan political arena (The Sunday Morning 2020). Altogether, there is a complicated homophobic and transphobic nature in contemporary Sri Lankan politics and, therefore, the present Sri Lankan politicians prefer to represent the popular ethno-nationalist majority to protect their political career for the long-term (Arteta 2019; Wijewardene & Jayewardene 2020). As Wijewardene and Jayewardene (2020) mention, the judicial power of Sri Lankan citizens is vested in the elected parliament representatives. As a result, making amendments to Penal Code provisions and the Constitution will be a long process considering the contemporary political scenario (Wijewardene & Jayewardene 2020).

4.6 Intersectionality and NGOs

Since the political, societal and religious leaders have been reluctant to get involved in LGBTIQ issues, activism by NGOs can be identified as a vital force (Ellawala, 2019). However, as reported by Ellawala, (2019), some NGOs in Sri Lanka working to support gender and sexual non-normative people have not been registered with the government due to the prevailing prejudice of both the community and the state against LGBTIQ people. Both Ellawala, (2019) and Arteta (2019) describe Equal Ground, as the dominant NGO for LGBTIQ rights in Sri Lanka, as a place where it is only convenient for the high-class queer society to enjoy a professional working environment, and with certain standards which need to be adhered to such as a dress code. Therefore, according to the authors, Equal Ground cannot be recommended to poorer people in the queer society who are living in the rural and estate sector of Sri Lanka, struggling with poverty.

Some community members would like to categorise the NGO culture as a hybrid of western and Sri Lankan cultures, also criticising it as a Colombo-centric one (Arteta 2019). In other words, the rural and estate sector LGBTIQ community, as the working-class queer segment of society, has been discriminated against internally without them having the space to obtain the legal or medical support they need. A member of this community explained the situation as follows:

I think the movement should be spread all over Sri Lanka to be stronger. We are centralised in Colombo. So, people who have an urgent need should come to Colombo city. Though the

movement thinks Colombo is a safe and convenient city, I think it has failed. I think, step-by-step, the movement is going towards other cities but only down south and to Jaffna, but it should go to the rural areas (Arteta 2019, p. 41).

In addition, some community members have criticised events conducted by Equal Ground as out of reach, “we do not have money to go to events like that. Also, it is not worth it either” (Ellawala, 2019, p. 91). Therefore, Ellawala (2019) classes NGOs in Sri Lanka as non-radical organisations because their politics are compatible with state politics in order to be protected legally and financially. According to Arteta (2019), existing organisations should be reorganised, seeing each community member as a peer and erasing prevailing class barriers. However, according to the author, NGOs in Sri Lanka have been funded by the western donors and, as a result, western notions such as pride parades, dance parties, and workshops should be organised without considering the primary issues of the community. Therefore, the LGBTIQ movement should not be the privilege of only the top-class queer society, it should transition as in most liberal nations to one where all could offer a better discourse regarding the movement (Arteta 2019).

4.7 Summary

Sri Lanka can be categorised as a country which criminalises homosexuality, considering it an illegal offence. Furthermore, due to the prevailing socio-cultural and religious situation, gender and sexual non-normativity cannot be discussed as an issue and, therefore, strong negative attitudes toward the LGBTIQ community are created, in which only heterosexuality is considered acceptable. Pure Buddhist beliefs do not restrict any type of sexual behaviour for lay Buddhists, however, the present form of Sri Lankan Buddhism has become an unaccepting orthodoxy against the LGBTIQ identity. Even though activists have been fighting for the equal rights of the LGBTIQ community through law reforms for many years, the Sri Lankan political structure has not matured enough to support the legitimacy of LGBTIQ rights. Overall, civil society, scholars, and religious institutes together with political intervention have a duty to change the attitudes of Sri Lankans to be tolerant and acceptable toward gender and sexual minorities irrespective of any differences.

Chapter 5: Conclusion

This thesis examined the discrimination and criminalisation faced by the LGBTIQ community in Sri Lanka in terms of socio-cultural, religious, legal, political, and non-government organisational activities. It has also attempted to answer the research questions of how this discrimination and criminalisation occurs and what the reasons are for this prejudice in Sri Lankan society. As a heterosexual individual, I chose this topic to better understand the real situation which is faced by LGBTIQ people in the heteronormativity embedded mainstream Sri Lankan society. Before writing this thesis, I had very little knowledge regarding LGBTIQ issues, which were made opaque by the typical Sri Lankan heteronormativity and religious beliefs that I have followed. However, while writing this thesis, I have grown to have a clearer understanding of the prevailing situation, realising that present hostilities of the heterosexual majority are a matter of their unchangeable traditional values combined with the present political scenario.

To summarise the findings, as mentioned in Chapter two, scholars argue that homosexuality and third gender identity have been evident since pre-colonial time, however, it became a controversial discourse after the introduction of sodomy laws during the Victorian era. Afterwards, the LGBTIQ community in Western countries started to struggle for equal rights and, according to the literature, as a result of that continuous struggle, at present over 40 countries in the world have decriminalised homosexuality. Furthermore, some of them have put one further step forward, giving authority to same-sex marriage. Chapter three explored how Victorian-era law on gender and sexuality is still used by Sri Lanka today, while the society at large criticises homosexuality as a European concept. The LGBTIQ movement in Sri Lanka is young and the least accepted, however, it has improved the discourse surrounding LGBTIQ culture among Sri Lankans.

Furthermore, this concluding chapter discusses the findings regarding this prejudice and how, according to the research, Sri Lanka has amended the Penal Code Articles to make them more gender-neutral. Afterwards, however, gender and sexual non-normativity rights have worsened by supporting the police and the general public to discriminate against the LGBTIQ community, targeting their dignity and self-respect, and criticising them as a criminal group. As mentioned in Chapter Four, socio-cultural beliefs have made LGBTIQ people feel helpless,

with society deeming and justifying them as lower-level people in society. As a result, LGBTIQ people in Sri Lanka endure this prejudice silently, without informing the relevant authorities. Political intervention is an important factor to change the prevailing bigotry laws, however, in the Sri Lankan political context, which is powered by religious and nationalist views, it is an unsuccessful effort. This is because politicians are fearful of losing their power without having the conservative Sinhala-Buddhist majority of votes. As mentioned earlier, and as in other Asian countries, religion plays a crucial role in LGBTIQ issues in Sri Lanka, and contemporary Sri Lankan Buddhists, including monks, oppose LGBTIQ rights openly. The Christian church and Islamic mosque indirectly nourish that concept further, even though they have not formally organised with the majority Buddhists to do so.

As examined in Chapter Four, according to the present cultural, religious, and political scenarios, NGOs should play the dominant role in organising the LGBTIQ community to campaign for their rights. In Sri Lanka, there is also a monopolistic LGBTIQ role of one well-known NGO which is funded by the western donors. The NGO culture in Sri Lanka is shaped by urban middle-class LGBTIQ activists who, to some degree, ignore the underprivileged rural communities and, therefore, intersectionality could also be observed within the community. As a result, the main responsibility of these organisations to empower all LGBTIQ people in need is neglected through restrictive high-class events organised only in the capital city. A significant academic gap regarding LGBTIQ matters in Sri Lanka could be identified with the majority of research having been conducted on the topics of reproductive health and the Penal Code, ignoring socio-cultural and religious matters. Furthermore, according to the available information, it is evident that academic literature on relevant theories is rare in Sri Lanka. Moreover, due to the stereotypical nature, the majority of heterosexual academics prefer not to be involved in LGBTIQ related research so, therefore, this thesis attempts to contribute to a closing of the prevailing academic gap.

Finally, it suggests further policy action to reduce the prevailing discrimination against and criminalisation of the Sri Lankan LGBTIQ community. Firstly, school children should be made aware of homosexuality and transsexuality with teachers and schools providing correct knowledge to children; that is, that it is a natural phenomenon. Therefore, the Ministry of Education should change the present sexual education curriculum with the support of health experts. The dominant NGO should take more responsibility to provide clear information to the general public, religious leaders, and politicians, encouraging them to change their social

and religious norms. Since norms and beliefs are not static, this can be done gradually, but not forcefully. Since most of the research conducted about LGBTIQ people has been restricted to the Sinhalese, middle-class, urban population, this thesis encourages academics to research LGBTIQ communities among Sri Lanka's minority nationalities as well as the rural and estate sector. In addition, the parliament should revisit the opportunity to amend the Penal Code to decriminalise same-sex relations and protect transgender rights. With such changes as these, the LGBTIQ community will be able to work more effectively toward their final aim of legalising same-sex marriage. Even though this is a difficult task, it is hoped that one day Sri Lankan butterflies will be the first South Asians to fly under the rainbow sky freely and proudly.

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