

Sri Lanka: New laws proposed to protect LGBTQI+ rights, but LGBTQI+ community suspicious

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A bill to amend sections 365 and 365A of the Penal Code with the aim of protecting the rights of the LGBTQ+ communities in Sri Lanka was handed over to President Ranil Wickremesinghe yesterday (24) by MP and lawyer Premanath C. Dolawatte.

This bill to amend the Penal Code was submitted to Parliament on Tuesday (23) by MP Premnath C. Dolawatte as a Private Member's Bill, the President's Media Division (PMD) announced in a press release yesterday (24).

"The society of this country has an extremely backward notion regarding the LGBTQI+ community, and as a result, not only in daily life but even in Government and law enforcement agencies, this community has been subjected to various forms of violence, oppression, and harassment. At times, even their democratic basic rights have been violated. Punishment of individuals based on sexual orientation and sexual identification was spread throughout the world by colonial legal systems in the Victorian era. But in modern psychiatry, this is not considered a crime or a perversion. Also, developed countries have worked to amend the laws that penalise this community and limit their rights," the press release highlighted as the reasons for Dolawatte submitting this Private Member's Bill.

However, a group calling itself "Members of the LGBTQI+ community of Sri Lanka and allies", in a statement, said that the Private Member's Bill by MP Premnath Dolawatte introduced yesterday to decriminalise same-sex sexual activity between consenting adults by amending sections 365 and 365A of the Penal Code comes amid a number of disturbing developments that directly impact LGBTQI+ Sri Lankans.

"The Government led by President Ranil Wickremesinghe is engaged in a systematic campaign to arrest and detain protestors involved in the aragalaya protests. This has been carried out the Emergency Regulations and, most alarmingly, the Prevention of Terrorism Act (PTA). This crackdown seemingly aims to intimidate and silence Sri Lankans who have been voicing dissent against the Government, including LGBTQI+ Sri Lankans. They now face arbitrary questioning, arrest, and detention by law enforcement authorities, including authorities wholly untrained in criminal procedure, putting LGBTQI+ people in a particularly vulnerable situation. As a result, a number of LGBTQI+ Sri Lankans are in hiding and in legitimate fear for their safety."

It also raised doubts as to whether this is an attempt to put a "progressive" spin on the Government's repression by using the LGBTQI+ community.

"The Government is also attempting to put a 'progressive' spin on its repression by directly using the LGBTQI+ community. It has thus far removed sections 365 and 365A from the Emergency

Regulations, through the amended Regulations No. 2291/43 of 5 August 2022. The Government presented this as evidence of its liberal credentials to Sri Lankans and the international community. Yet, the very same amended regulations introduced a host of new Penal Code offences subject to stronger search, arrest, and detention powers," the statement added.

It said that these developments raise the genuine concern that this Private Member's Bill has been introduced right now simply to further whitewash the Government's repression.

"To allay these concerns, we urge both Dolawatte and the Government to pass this Bill urgently within the minimum possible time period under Parliamentary procedure. If this does not happen, we can only conclude that both Dolawatte and the Government have no sincere commitment to the LGBTQI+ community and are only interested in using it to sustain a frightening campaign of repression which we both strongly condemn and whose targets we stand in complete solidarity with," it said.

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