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## THE IMPORTANCE OF THE CONSTITUTIONAL GUARANTEE FOR LESBIAN, GAY, BISEXUAL AND TRANSGENDER RIGHTS IN SRI LANKA

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### ABSTRACT

Every human being is born with equal rights and no person can be considered as a criminal based on his/her sexual orientation and gender identity. If a person is discriminated on the above grounds, it is a violation of his basic human rights. It is evident that the Sri Lankan lesbian, gay, bisexual and transgender (LGBT) community is largely unseen, unheard and discriminated. Article 12 (2) of the 1978 constitution of Sri Lanka contains a general Article on non-discrimination but it does not specifically guarantee the gender identity of LGBT community. Moreover, The Penal code identifies the sexual orientation of LGBT community as a criminal offence. Therefore, it is questionable whether there are adequate laws and recognition in Sri Lanka to safeguard the identity and rights of LGBT individuals. In fact, this is the right time for Sri Lankans to step forward by guaranteeing LGBT rights in the new constitution to be introduced. The objectives of this paper are to critically evaluate the existing legal framework related to address LGBT discrimination and to examine necessary law reforms that should take place. The author seeks to assess both primary and secondary data. A questionnaire will be adopted to gather quantitative data within the age category of 19-45 years of individuals. Desk research entails the national and international legal standards with a comparative study of foreign legislation. In the contemporary society every individual has identified the importance of their rights to be treated without discrimination and they fight to win their rights. Therefore, a constitutional guarantee will change the stereotypical mindset and eventually LGBT community will have a comfortable life in the Sri Lankan society.

**Keywords:** Discrimination, Human Rights, LGBT, New Constitution, Sri Lanka