

# report

minority  
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group  
international

## Confronting intolerance: Continued violations against religious minorities in Sri Lanka





Muslim woman in Colombo, Sri Lanka. The dress of Muslim women was one of the key prongs of Islamophobic discourse seen in post-war Sri Lanka. Incidents of discrimination manifested both in terms of individual attacks as well as institutional restrictions.

Abdul Halik Azeez

### Acknowledgements

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# Confronting intolerance: Continued violations against religious minorities in Sri Lanka

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# Key findings

## Key findings

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|---|--|
| <ul style="list-style-type: none"> <li>While the change in government in 2015 appears to have led to a decrease in organized violence against religious minorities, other forms of rights violations persist against these communities. This reflects the continued discrimination affecting religious minorities in Sri Lanka, which has a long and varied history, and has been a key feature of the post-war context in Sri Lanka since 2009. Crucially, drawing on local rapporteur reports focused on Christians and Muslims, the report finds that state actors continue to be complicit in violations of freedom of religion or belief against minorities in Sri Lanka.</li> </ul>                                 | <ul style="list-style-type: none"> <li>Over a slightly shorter period, from November 2015 until the end of June 2016, 64 incidents of religious freedom violations against Muslims were documented in 13 districts across Sri Lanka. Hate speech constitutes the most common form of violation, comprising more than half of all reported incidents. The majority of violations against Muslims during the period were perpetrated by Buddhist nationalist groups, highlighting that despite the activities of such groups appearing to have declined under the current government, they continue to operate. A notable spike in the frequency of incidents was recorded alongside the upsurge of the '<i>Sinha Le</i>' (Lion's Blood) Sinhala Buddhist nationalist movement between December 2015 and January 2016. Given the role of hate speech in previous anti-Muslim riots, this remains a key area of concern.</li> </ul> |
| <ul style="list-style-type: none"> <li>During the period under review, from the beginning of November 2015 until the end of September 2016, 47 incidents of religious freedom violations against Christians were documented in 14 districts across Sri Lanka. Harassment and intimidation – particularly targeted at Christian clergy members – remains commonplace, frequently with the involvement of state actors, who were the main perpetrators of violations against Christians. Many of these incidents pivot on the issue of recognition, enabled by a contentious 2008 government circular, which is repeatedly misapplied to justify harassment of worshippers, particularly evangelical Christians.</li> </ul> | <ul style="list-style-type: none"> <li>There remain substantial gaps in terms of legal action against perpetrators of religious violence and discrimination. This is despite the fact that the Sri Lankan Constitution guarantees the right to equality, non-discrimination, and freedom of religion and religious worship, highlighting a persistent culture of impunity when it comes to such acts. To ensure a sustainable and effective transition process in the country, more must be done to strengthen institutional responses to violations of religious freedom against Sri Lanka's minorities, including taking effective legal measures against all those who perpetrate violations against religious minorities.</li> </ul>   |



# Executive Summary

Though Sri Lanka's three-decade long armed conflict came to an end in 2009, hopes for a peaceful transition have been marred by ongoing violence against the country's minorities. Post-war triumphalism and resurgent ethno-nationalism, including the formation of Buddhist nationalist groups, has contributed to an increasingly hostile environment for the country's religious minorities, in particular Muslims and Christians. This has manifested in various forms, including threats and hate speech, attacks on places of worship and mass violence, enabled by a culture of widespread impunity.

The beginning of 2015 saw political change in Sri Lanka with the election of President Maithripala Sirisena in January, followed by the parliamentary election of the United National Front for Good Governance led by the United National Party in August. This was welcomed by many, including religious minorities, as an important step towards greater inclusion in the country. However, despite some signs of progress, the new government has not yet brought an end to violence and discrimination. This report therefore aims to highlight the continued rights abuses affecting religious minorities in Sri Lanka and the particular issues confronting both Christians and Muslims.

Drawing on incidents documented by local reporters between November 2015 and September 2016, this report presents an overview of the major trends and specific challenges for Sri Lanka's Christians and Muslims. While the reported data indicates a decline in direct physical violence, suggesting that extremist groups such as *Bodu Bala Sena* (BBS) and others have less space to operate under the current government, the findings nevertheless demonstrate that significant problems persist. Crucially, there also remain substantial gaps in terms of legal action against perpetrators of religious violence and discrimination. This is despite the fact that the Sri Lankan Constitution guarantees the right to equality, non-discrimination, and freedom of religion and religious worship, highlighting a persistent culture of impunity when it comes to such acts.

For Christians in Sri Lanka, the report finds that harassment and intimidation – particularly targeted at

Christian clergy members – remains commonplace, frequently with the involvement of state actors such as police. Indeed, in the majority of cases the intervention of police was negative, effectively imposing or supporting restrictions on religious freedom such as the closure of a church or halting worship services as illegal activities.

Many of these abuses have been enabled by a 2008 government Circular stipulating that the construction of new places of worship must be approved by the then Ministry of Religious Affairs and Moral Upliftment. This Circular, which lacks legal validity, has been repeatedly misapplied to justify the harassment of worshippers, particularly evangelical Christians.

As has been widely documented, Muslims have been subjected to hostility and hate speech in recent years, in large part at the hands of Buddhist nationalist groups such as BBS. Anti-Muslim riots in June 2014 that left four dead, many injured and widespread property damage was the culmination of an extensive anti-Muslim hate speech campaign by BBS – violence that they threaten to repeat.

While the analysis of recent incidents shows that direct physical attacks against Muslims and their places of worship has reduced since 2015, they continue to face a climate of fear and hostility that is actively orchestrated by Buddhist nationalist outfits, including more recent movements such as *Sinha Le* which was very active during the early months of 2016. The incidents illustrate the daily reality of propaganda targeting the Muslim community as a whole, as well as frequent hate speech, threats, and intimidation.

There have also been reports by activists, politicians, and other violations affecting Hindu places of worship. However, since these have not been systematically quantified, it was not possible to include a full analysis in this report.

Ensuring the full rights and protections of all religious communities in the country is essential if Sri Lanka is to move forward from the traumas of its past towards a more peaceful and sustainable future. This therefore requires a clear commitment from the government, religious leaders, law enforcement and local communities to respect religious diversity and equality before the law.

# 1 Introduction and methodology

## Introduction

Sri Lanka's religious minorities face violations of their constitutional right to religious freedom in many forms, including hate speech, discriminatory practices, threats and intimidation, destruction of property as well as physical violence. Hindus, Muslims and Christians, who together make up just under 30 per cent of the population, are affected to varying degrees. Other religious minorities, including Parsis and Baha'i, are also present in the country in smaller numbers.

This report seeks to analyse religious freedom violations against Muslims and Christians by state and non-state actors during a period of 11 months, from November 2015 to September 2016, in the context of the election of a new head of state and government in 2015. While the ability of perpetrators to act with impunity has reduced since the change of government, with a decrease in organized violence, other forms of rights violations against minority communities still persist.<sup>1</sup>

Clear distinctions emerge as to the methods employed by perpetrators and the particular character of rights abuses corresponding to each religious group. While the Christian minority face discriminatory practices and

harassment by state actors and religious leaders, for example, the Muslim minority by contrast is primarily affected by hate speech disseminated by Buddhist nationalist movements. Detailed analysis of religious freedom infringements affecting Christian and Muslim minorities discussed in this publication is based on reports of incidents compiled by rapporteurs based in Sri Lanka.

## Methodology

All incidents targeting Christians outlined in this report have been derived from incidents documented and shared by the National Christian Evangelical Alliance of Sri Lanka (NCEASL). Incidents against Muslims included in the report have been documented and shared by the Secretariat for Muslims. Non-availability of verified data may affect the number of violations accounted for, meaning this compilation of incidents is not exhaustive. Verification of facts surrounding an incident was done through rapporteurs in instances requiring clarification or further information, and incidents were cross-checked with media and other reports where possible.

Incidents were examined for trends according to the following categories: month, geographic location by district, types of violations, targets, principal perpetrators, sub-categorization of perpetrators, types of interventions by state actors (with regard to the Christian community) and hate speech trends (with regard to the Muslim community). Each incident was assigned a unique code and then sorted according to classifications under each category, designed and defined by the author.

In the analysis of some categories - victims, perpetrators, types of violations, forms of state actor involvement and hate speech trends - an incident may be counted under more than one classification. For example, when classifying perpetrators, a given incident may involve more than one classification of perpetrator, such as villagers as well as religious leaders.

Incidents reported which did not fall within the definitions under each category, as well as incidents which could not be verified as violations affecting religious freedom, were not included. A brief comparison with principal trends of previous years was also undertaken, where verified data was available, to frame the findings against the general trend of religious freedom violations.

### MRG's work in Sri Lanka

MRG's work in Sri Lanka has included several projects focusing on different aspects of religious and ethnic exclusion in the country, highlighting the persistence of human rights abuses since the end of the conflict in 2009. Its publications include *No War, No Peace: The Denial of Minority Rights and Justice in Sri Lanka* (2011), followed by *Living with Insecurity: Marginalization and Sexual Violence against Women in North and East Sri Lanka* (2013), highlighting the prevalence of sexual exploitation and gender-based violence disproportionately affecting (predominantly Hindu) Tamil and Muslim women. More recently, the publication *Rights and Reconciliation for Women in Sri Lanka* (2015) showcased art and poetry by more than 170 minority women still dealing with the legacy of the war to explore their fears and hopes for the future. This provided a unique window on minority women's perspectives on the country's difficult path towards reconciliation.

# 2 Overview of religious freedom in Sri Lanka

## Historical context

According to official statistics, Buddhists account for 70.1 per cent of Sri Lanka's population of 20 million, while Hindus are the largest minority at 12.6 per cent.<sup>2</sup> The smaller minority religions are Islam (9.7 per cent) and Christianity (7.6 per cent), which includes Roman Catholics (6.2 per cent) and Protestant Christians (1.4 per cent).

Buddhism was introduced to Sri Lanka over 2,000 years ago and, given these deep historical roots, most Buddhists believe that Sri Lanka is the custodian of Theravada Buddhism. Islam was introduced to Sri Lanka by Arab traders in the seventh century. It is generally accepted that Roman Catholicism and Protestant Christianity were introduced by the Portuguese, Dutch and British, who invaded the island between 1505 and 1780. However, archaeological evidence indicates the presence of a Persian Christian community as far back as 500 AD.<sup>3</sup>

Religion is intrinsically linked to ethnicity in Sri Lanka: Buddhists are mostly Sinhalese, Hindus are mostly Tamil and to be Muslim is both an ethnic and religious identity. The Christian community, comprising Roman Catholics, traditional Protestant Christians and non-traditional or evangelical Christians, encompasses both Sinhalese and Tamil ethnic groups.

## Legal framework

Article 10 of the Constitution guarantees freedom of thought, conscience and religion and the freedom to have or to adopt a religion or belief of choice.<sup>4</sup> This is framed as an inalienable right, not subject to any restrictions.

Article 12 guarantees equality, stating that 'no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds'. It further elaborates that 'no person shall, on the grounds of race, religion, language, caste, sex or any one such grounds, be subject to any disability, liability, restriction or condition with regard to access to ... places of public worship of his own religion'.

Article 14 (1) (e) guarantees the freedom, either by him- or herself or in association with others, and either in public or in private, to manifest one's religion or belief in worship, observance, practice or teaching. This right to manifest a religion or belief is subject to Article 15 (7),

whereby the state may prescribe laws which restrict the operation of these rights in the interest of national security, public order, protection of public health and morality or public security.

Article 9 accords Buddhism 'foremost place', casting a duty upon the state to foster and protect Buddhism. While this does not amount to Buddhism formally declared the state religion, in practice it plays a significant role in every aspect of Sri Lankan society, culture and politics.

Sri Lanka's constitutional provisions on the freedom of religion broadly mirror international standards. However, judicial interpretation – particularly of Article 9 – demonstrates disparity in the manifestation of this right. It appears that the majority religious community enjoys greater protection and freedom to manifest their religious beliefs than the minority religious communities, as exemplified in the *Menzingen Sisters* case in 2004. In this case, which challenged the incorporation of a Catholic order of nuns, the Supreme Court determined that the right to propagation was not guaranteed by the Constitution and further, that 'the propagation and spreading of Christianity ... would not be permissible as it would impair the very existence of Buddhism'.<sup>5</sup>

The Penal Code of Sri Lanka also includes specific provisions addressing offences related to religion as well as hate speech as detailed in Table 1 overleaf.<sup>6</sup>

The International Covenant on Civil and Political Rights Act (ICCPR Act) Section 3(1) states that 'no person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence'. Furthermore, the Prevention of Terrorism Act (PTA) Section 2(1)(h) makes any act causing violence, disharmony, ill will or hostility between different religious groups an offence punishable by law.

## Rise of religious intolerance

The historical perception of Christianity as a tool of Western colonialism, perpetuated by ardent Buddhist nationalists in the years following independence, has led to Christians – particularly evangelical denominations – being viewed by many as a suspicious 'other' and a threat to Buddhism and Sinhala culture. Propaganda-driven attacks on religious minorities gained momentum in the 1980s, targeting Protestant Christians.<sup>7</sup> These incidents

**Table 1:** Specific provisions in the Penal Code relating to hate speech

Section 290	Injuring or defiling a place of worship with intent to insult the religion of any class.
Section 290A	Acts in relation to places of worship with intent to insult the religion of any class.
Section 291	Disturbing a religious assembly.
Section 291A	Uttering words with deliberate intent to wound religious feelings.
Section 291B	Deliberate and malicious acts intended to outrage religious feelings of any class, by insulting its religion or religious beliefs.

intensified with the emergence of Buddhist nationalist movements such as the SUCCESS (Society for Upliftment and Conservation of Cultural, Educational and Social Standards) movement, formed by prominent Buddhist clergy and laity in the 1990s, and the Jathika Hela Urumaya (JHU) in December 2003. Buddhist nationalists used accusations of proselytization to stoke animosity towards evangelical Christians.<sup>8</sup> The JHU subsequently positioned itself as a political party, championing the establishment of a Buddhist nation and the introduction of laws prohibiting religious conversion, inciting further intolerance against the country's Christian community. That year also marked a significant increase in violent attacks against Christians, with 2004 recording the highest number of attacks to date.<sup>9</sup> During the past 20 years, there have been over 900 documented incidents against Christians, including targeted killings of Christian clergy, physical violence and extensive destruction of places of worship and property.<sup>10</sup>

Religious hate campaigns were subsequently extended to the Muslim community, a key target of ethno-nationalist violence since the end of the war. In 2013, for example, Buddhist nationalists launched campaigns to ban halal products and face coverings such as the hijab. Muslim women faced harassment for their dress where in some instances veils were pulled from individuals.<sup>11</sup>

The anti-Muslim riots in Aluthgama in June 2014, as well as violent attacks on Christian churches, including a church in Kottawa in March 2013 and two churches in Hikkaduwa in January 2014, were marked by the visible leadership of Buddhist clergy aligned with various newly formed Buddhist nationalist groups. Notable is the Bodu Bala Sena (BBS), founded in 2012, which later formed a political wing (Bodu Bala Peramuna) and contested the 2015 parliamentary elections. Sinhala Ravaya and Ravana Balaya are other prominent groups active during this period.

The resurgence of Sinhala Buddhism with the end of the civil war in 2009 helped catalyse the emergence of such groups. Anti-minority campaigns by Buddhist nationalist groups included vicious propaganda, protest rallies and demonstrations, violent attacks on places of

Muslim and Christian worship as well as the economic boycott of Muslim-owned businesses and halal products. These groups operated with impunity, often in the presence of law enforcement officers. Perpetrators were rarely if ever brought before the law, despite being clearly identifiable in footage of these incidents that also shows police officers as bystanders to the violence. Inaction and apathy on the part of the state to effectively address the persecution of minorities, as well as the seeming lack of political will to control the BBS and similar organizations, suggested the tacit approval of the state. In March 2013, for instance, Gotabhaya Rajapakse, then Minister of Defence and brother of President Mahinda Rajapakse, signalled his support of the BBS by attending the opening of its Buddhist Leadership Academy.<sup>12</sup>

## Recent developments

The Rajapaksa government (2005 – 2015) promoted Sinhala Buddhist nationalism as a means of garnering the support of the majority community while alienating the country's minorities. The regime's tenure was marked by human rights violations and repression of dissenting voices. However, the year 2015 marked significant political change with the common opposition candidate Maithripala Sirisena being elected Executive President, defeating Rajapaksa in January. This was followed by the coalition United National Front for Good Governance (UNFGG) led by the United National Party, winning the parliamentary election with Ranil Wickramasinghe as Prime Minister. The election represented hope for change for many, including Sri Lanka's minorities. One of the first steps of the new government was its attempt to criminalize hate speech through an amendment of the Penal Code. However, this hasty and ill-thought-out proposal was shelved in December 2015 following widespread opposition from legal and human rights activists. The proposed amendment was almost identical to provisions found in the controversial Prevention of Terrorism Act, and it was feared that the amendment could be similarly used as a potential tool of harassment and repression rather than a deterrent to hate speech.<sup>13</sup>



Another area of possible reform is the drafting of a new Constitution. This process has already prompted diverse views on the status of religion, with the Public Representations Committee on Constitutional Reform recommending six separate courses of action, ranging from the retention of Article 9 and the special status afforded Buddhism, to the establishment of a fully secular state. How the drafters will frame the status of ‘religion’ in the new Constitution remains to be seen.

The operation of groups such as the BBS has visibly reduced under the Sirisena–Wickramasinghe government, indicating less space for impunity and organized violence. However, in many instances, those responsible for acts of incitement or previous incidents of violence have not been

held accountable and violations targeting religious minorities continue at a lower level. Outside the time period of this study, troublingly, November 2016 has seen a concentration of threats, protest marches, hate speech and suspected attacks involving such groups, including Buddhist clergy. In the face of this, many civil society actors have called upon the Sri Lankan government to condemn and address these incidents – many of which are in violation of hate speech and anti-discrimination protections – as well as inaction or slow response on the part of the police.<sup>14</sup> Meanwhile, other forms of infringements, such as harassment and discrimination by state and non-state actors, continue. These are described in greater detail in the remainder of the report.

# 3 Violations against Christians

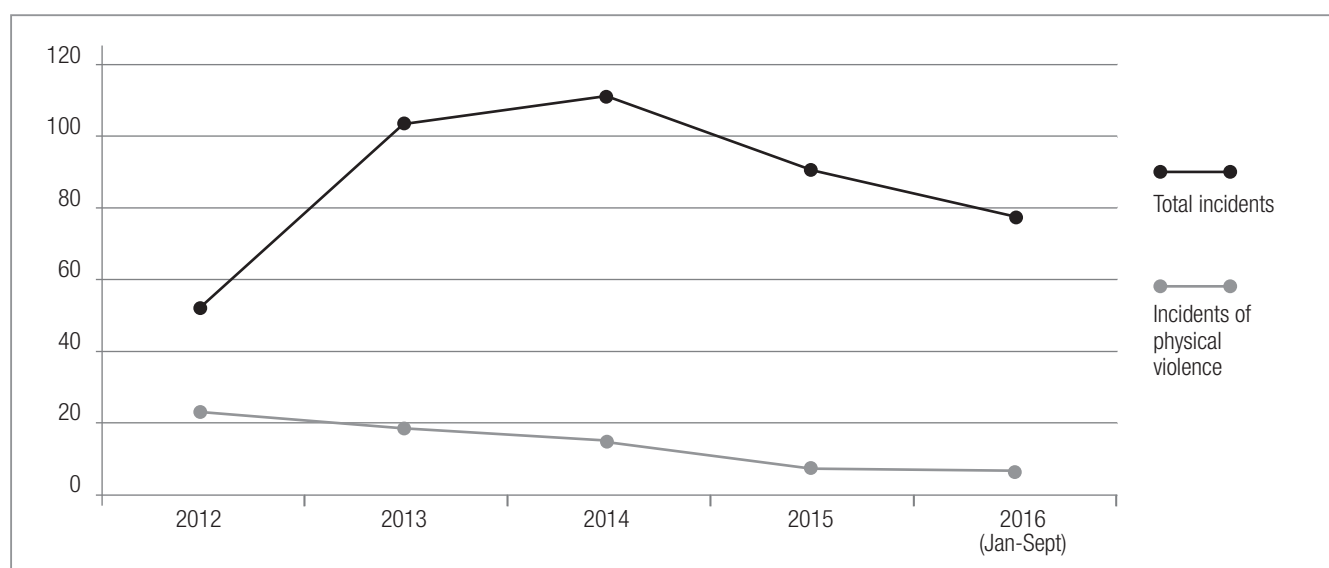
## The wider context

The period under review in this report, November 2015 to September 2016, included 47 documented incidents of religious freedom violations over the course of 11 months. This period cannot be viewed in isolation but must be seen in the context of an ongoing pattern of violations dating back almost 30 years. Hostility towards Christians, particularly evangelical Christians, has persisted for decades. The various manifestations of this hostility, however, have evolved over time, transitioning from high numbers of incidents of violence to high numbers of

incidents of harassment – a phenomenon that will be examined in greater detail later. A comparison of data collected by the NCEASL during the reporting period and previous years is in Figure 1, below.

When considering the trend of incidents over the past five years, a slight decrease in the overall number of incidents is evident in 2015 and 2016, though it should be noted that the data for 2016 does not cover the entire year. However, more significant is the gradual decrease in incidents of physical violence, from 23 reported incidents in 2012, the year that saw the emergence of violent Buddhist nationalist groups, to 6 during the reported period in 2016 (Figure 1).

**Figure 1:** Comparison of incidents against Christians, January 2012 – September 2016



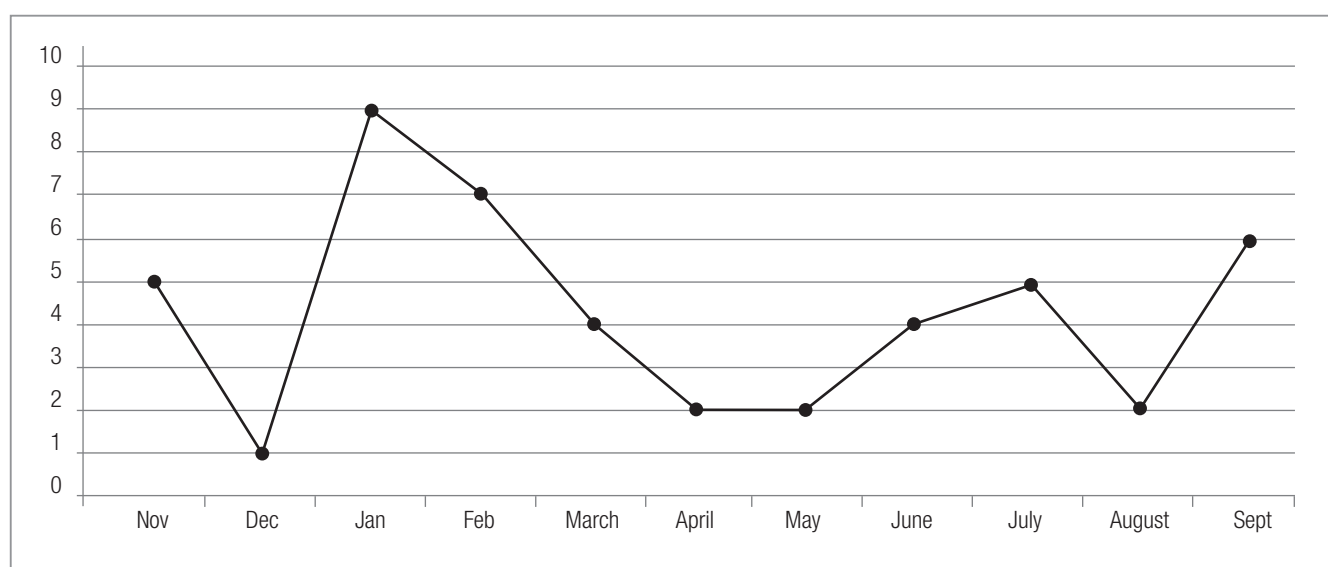
## Analysis by month

The concentration of incidents within a particular time-period is often reflective of a significant ‘trigger’ event, as demonstrated in the data on incidents against Christians during the reporting period (Figure 2). The spike in January 2016 coincides with the increasing visibility of the *Sinha Le* symbol in public spaces and on Facebook as this Sinhala Buddhist nationalist group gathered momentum. A similar spike in incidents against Muslims is also evident around the same period. While the movement’s activities singled out Muslims, the resurgence and wide popular

support of what appeared to be another Sinhala Buddhist nationalist wave evidently emboldened anti-minority elements more broadly.

Of the 9 incidents in January, 8 were instigated by religious leaders, villagers or mobs. For example, the Sunday worship service of the Apostolic church in Alawwa was disrupted by Buddhist clergy and a large group of villagers who forcibly entered the church and threatened the Christian pastor with violence if he continued the service. Later, when the pastor sought to file a complaint with the police, the officer in charge refused to record his complaint.

**Figure 2:** Distribution of incidents against Christians by month, November 2015 – September 2016



## Geographic distribution of incidents

Of the 25 districts in Sri Lanka, 14 (56 per cent) recorded incidents of religious freedom violations during the reporting period. The highest concentration of incidents occurred in the district of Puttalam (10) and the second highest in the district of Kegalle (8).

When considering the religious composition of the population in each district, 10 out of the 14 districts where incidents occurred have majority Buddhist populations (the exceptions being Batticaloa and Jaffna, where the majority of the population is Hindu, and Ampara and Trincomalee where the inhabitants are mostly Muslim).

While incidents against Christians also took place in two majority Muslim districts, and one Hindu majority district, the perpetrators may not necessarily belong to the majority community of that district. In Ampara, for instance, where Muslims form the majority, the recorded incidents were carried out by Buddhists who are the second largest community in the district.

Puttalam, which records the highest number of incidents, features greater religious diversity in comparison with other districts, with 43 per cent Buddhists, 31 per cent Roman Catholics, 20 per cent Muslims, 4 per cent Hindu and 2 per cent Protestant Christians. Hence, anti-Christian incidents are reported from districts where Buddhists are a very large majority, districts where another religion is the majority as well as districts where there is greater religious diversity. This suggests that the greater dominance of a geographic area by the majority religion is not a precondition to anti-Christian acts.

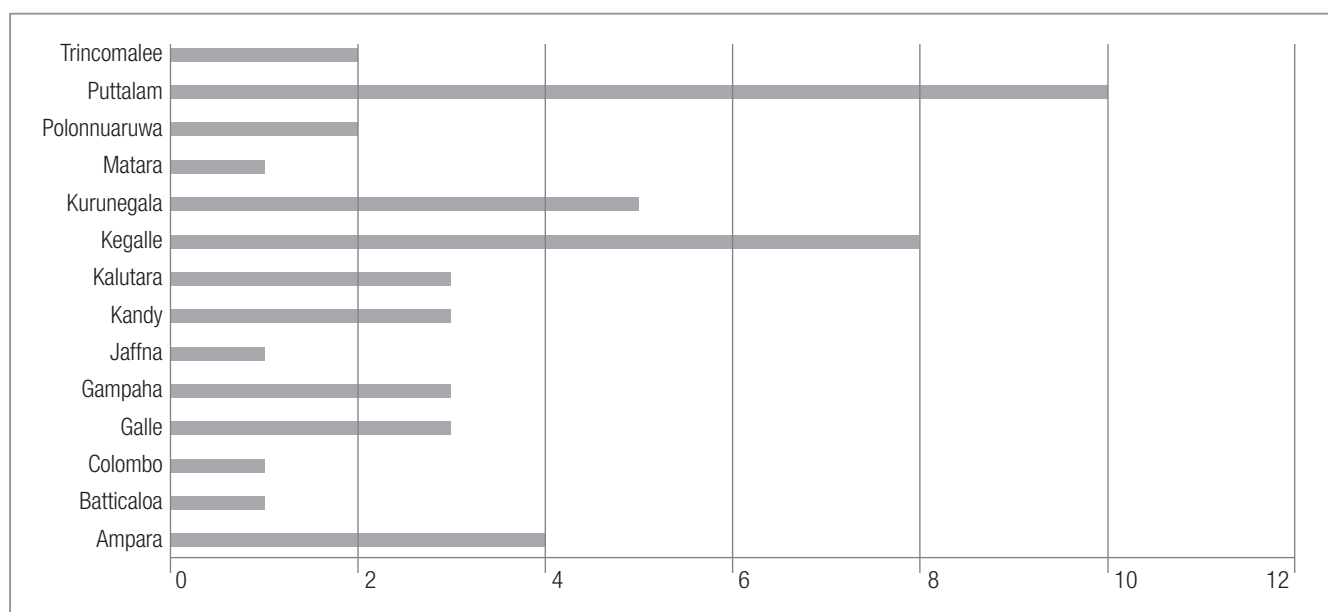
The district with the highest number of incidents during 2010 – 2014 was Hambanthota, which was the home town and electorate of the former President, with a total of 30 recorded incidents.<sup>15</sup> However, during the current period of review, there were no incidents reported from Hambanthota.

## Types of violations

An action specifically targeting Christians is counted as an incident where it results in the violation or restriction of religious freedom. The types of violations or incidents have been categorized according to the nature of the incident: 'Threats and intimidation', 'Destruction of property', 'Physical violence', 'Discrimination', 'Propaganda' and 'Harassment by state officials'. An incident involving more than one classification may be designated under multiple classifications.

The highest proportion of incidents recorded during this period is threats and intimidation, accounting for 44 per cent of incidents, while harassment by state officials accounts for 35 per cent of incidents. Often a causal link exists between these two categories. A common example is where a mob enters or surrounds a church and threatens the worshippers and clergy with violence if they do not immediately close down the church. Police intervention is then sought and the police question the Christian pastor's right to conduct Christian worship services and sometimes instruct him to close down the church. Another example is where other religious leaders level a complaint about the existence of a Christian church to local government officials and they in turn demand that the pastor in charge furnish proof of legitimacy or declare the church an

**Figure 3:** Geographic distribution of incidents against Christians by district, November 2015 – September 2016



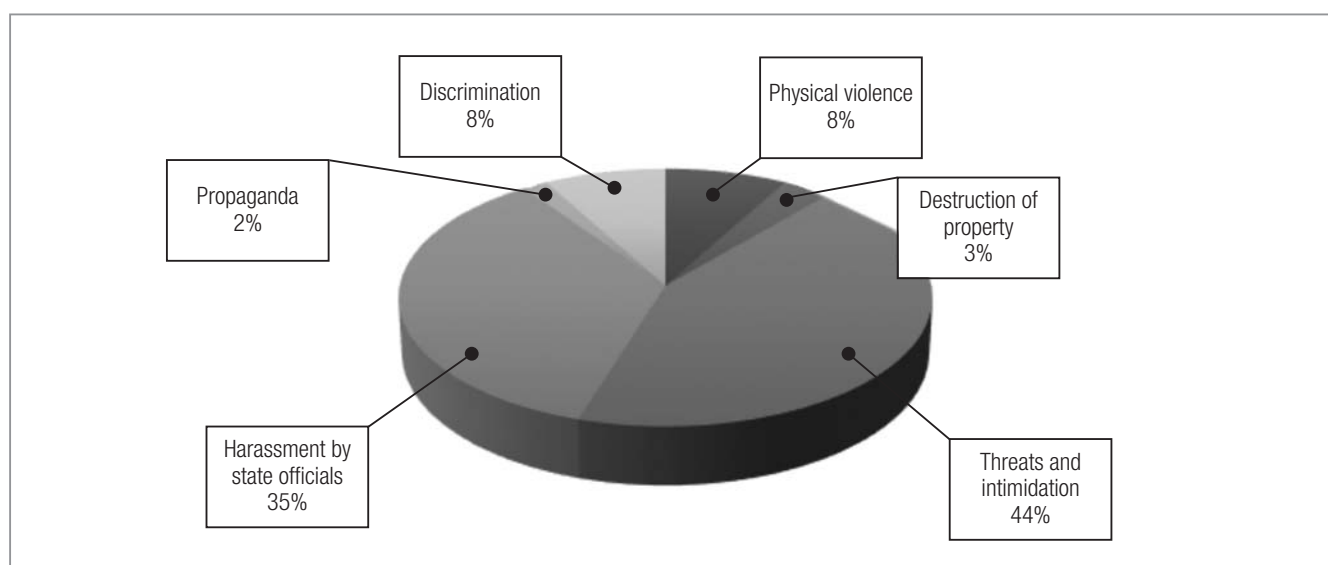
unauthorized place of worship. A contentious circular issued by the then Ministry of Religious Affairs and Moral Upliftment in 2008 is repeatedly misapplied by state actors (police, local government and other officials) to obstruct Christian worship.

As mentioned previously in this report, the general trend in the manifestations of hostilities has evolved over time, from frequent incidents of physical violence to an increased occurrence of threats and intimidation. In the period under review, physical violence accounts for only 8 per cent of total incidents and destruction of property 3 per cent. This transition to less violent incidents may be attributable to the conscious adoption of alternative

methods (such as administrative restrictions, harassment and intimidation) by perpetrators faced with a government less likely to condone explicit violence against religious minorities, as well as the decline of organized Buddhist nationalist mob activity.

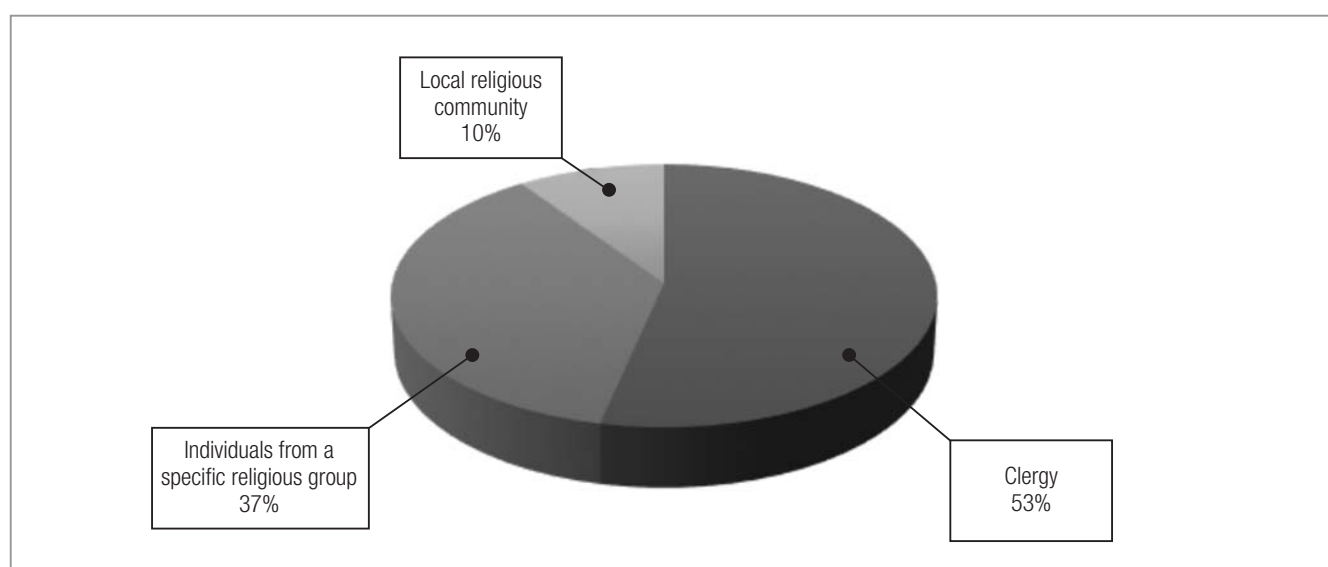
The forms of discriminatory practice recorded during the period under review were primarily to do with Christians being denied burial rights in public cemeteries (3 incidents). When the Bethel Assembly of God church in Serukele lost a congregation member in January 2016, Buddhist clergy sought the intervention of the Divisional Secretary to prevent the Christian from being buried in the public cemetery. In response, the Christian pastor sought a

**Figure 4:** Breakdown of incidents against Christians by classification, November 2015 – September 2016





**Figure 5:** Breakdown of main targets of incidents against Christians, November 2015 – September 2016



magistrate's order and, with police protection, proceeded with the burial. However, villagers surrounded the cemetery and, faced with angry protesters, the police informed the pastor in charge that the burial should be moved to another village. The Christians were forced to abandon the funeral.

Other instances of discrimination involved a Christian school girl attending a state school in Kelaniya who was coerced by a teacher into observing Buddhist worship rituals (January 2016), and a Christian couple in Udappuwa forced to move their Christian wedding to another village due to protests against the ceremony being conducted in their own village (September 2016).

The relatively sparse occurrence of propaganda against Christians (Figure 4) is in contrast to the frequent incidents targeting Muslims during the same reporting period (Figure 11).

## Analysis of targets

The primary targets are analysed according to classifications by asking the question 'Who is affected by the incident?' The classifications are 'Clergy', 'Individuals from a specific Christian group or church' (belonging to one church or group) and the wider 'Local religious community' (denoting Christians from more than one church or many churches within the locality). It is noted that an incident may affect more than one target group: in these instances, the incident has been designated to multiple categories.

As per Figure 5, clergy are the primary target in 53 per cent of instances. Clergy are often targeted with threats and intimidation – for instance, they may be ordered to close a church, accosted by perpetrators when visiting

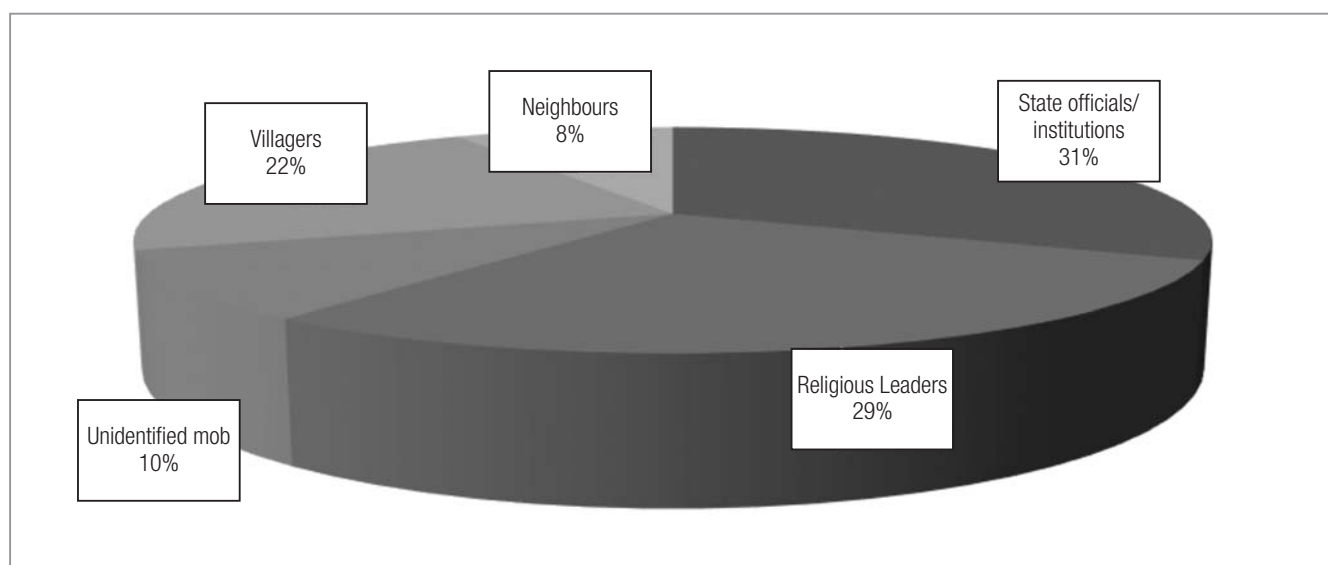
church members or told to leave the village. The underlying sentiment is that Christians are 'outsiders' who do not conform to the traditional description of a 'local' and hence unwelcome in the village. All of the incidents reported appear to have been driven specifically by the religious identity of the victims, rather than other factors.

## Analysis of perpetrators

As Figure 6 demonstrates, 31 per cent of key perpetrators in incidents are state actors, including the police. 29 per cent are religious leaders, engaged in violations including incitement. In most cases, this classification refers to Buddhist clergy - who often enjoy high levels of influence within villages, where even state officials may not challenge them. In a case reported from Wattala, for example, Buddhist clergy objected to Christian worship taking place in close proximity to the Buddhist temple, threatened arson, claiming the Christians had no permission from the Chief Monk of the Buddhist temple to function in that locality. The police endorsed the Buddhist clergy's objection. However, a small number of reports identified Hindu and Roman Catholic leaders as perpetrators. 22 per cent of perpetrators were villagers. The classification of 'Villagers' is based on the description in rapporteur reports, where the perpetrators are identified as local villagers, distinct from 'Unidentified mob', where the identity of the perpetrators is unclear.

The involvement of the perpetrator may be direct or tacit, including incitement and instigation, and may occur alongside multiple categories of perpetrators. It is noted that an incident may involve more than perpetrator, as is the case with the incident in Wattala.

**Figure 6:** Perpetrators of incidents against Christians by group, November 2015 – September 2016



## State actor involvement

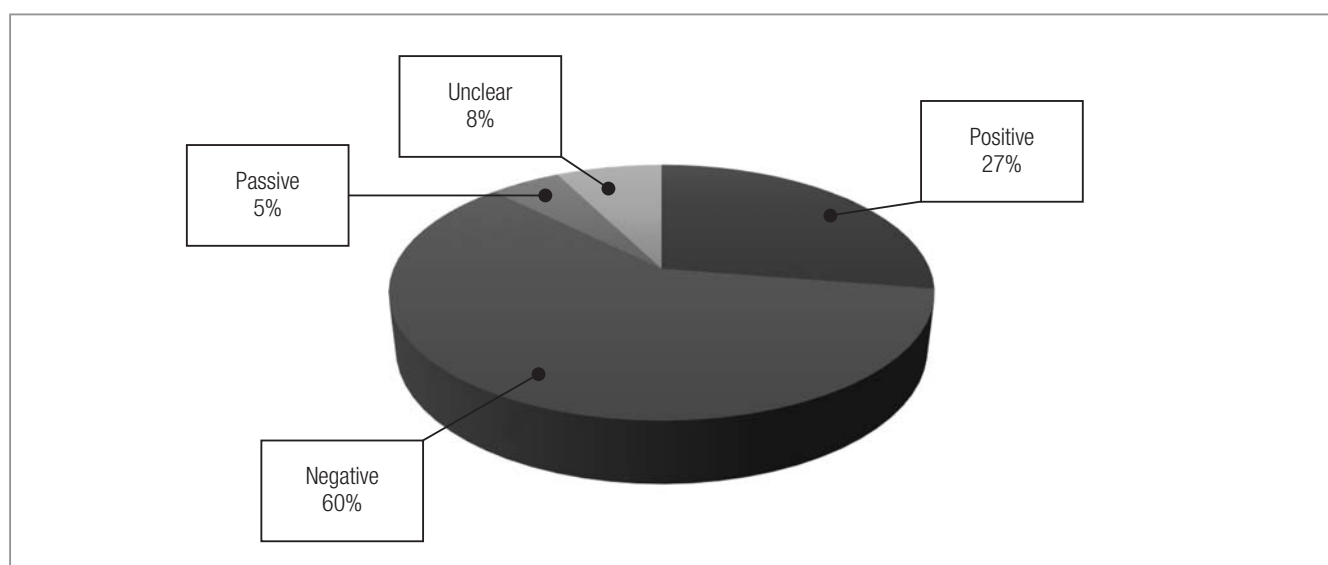
The increase in state actor involvement as perpetrators witnessed during 2012–14 continues during the period under review.<sup>16</sup> The majority of state actor involvement was by police (65 per cent). The other state actors include divisional secretaries (17 per cent), and other officials of provincial councils, urban councils, Pradeshiya Sabha (Divisional Councils) and the Urban Development Authority. Involvement indicates presence and active or tacit participation in a violation or in playing a negative role in the resolution of a violation.

As per Figure 7, interventions by state actors are largely negative (60 per cent). Positive interventions (27 per cent)

denote unbiased action upholding the law, preventing the anticipated violation of a rights, protection of victims of discrimination and impartial investigation of complaints.

Negative interventions include an order or action by a state actor that directly discriminates against a community member, the failure to uphold the victim's legal rights (such as refusal by police to record a complaint) or the condoning of an illegal act. One example of the latter occurred during a violent mob attack in Veyangoda during the service of the Christ Embassy church in May 2016, where police did not intervene or arrest the attackers. Instead, the pastor in charge was instructed to halt the service and produce documentation as proof of the church's legitimacy – in

**Figure 7:** Different form of intervention by state actors in incidents against Christians, November 2015 – September 2016



effect endorsing the stance of the assailants that the Christian gathering was potentially illegal.

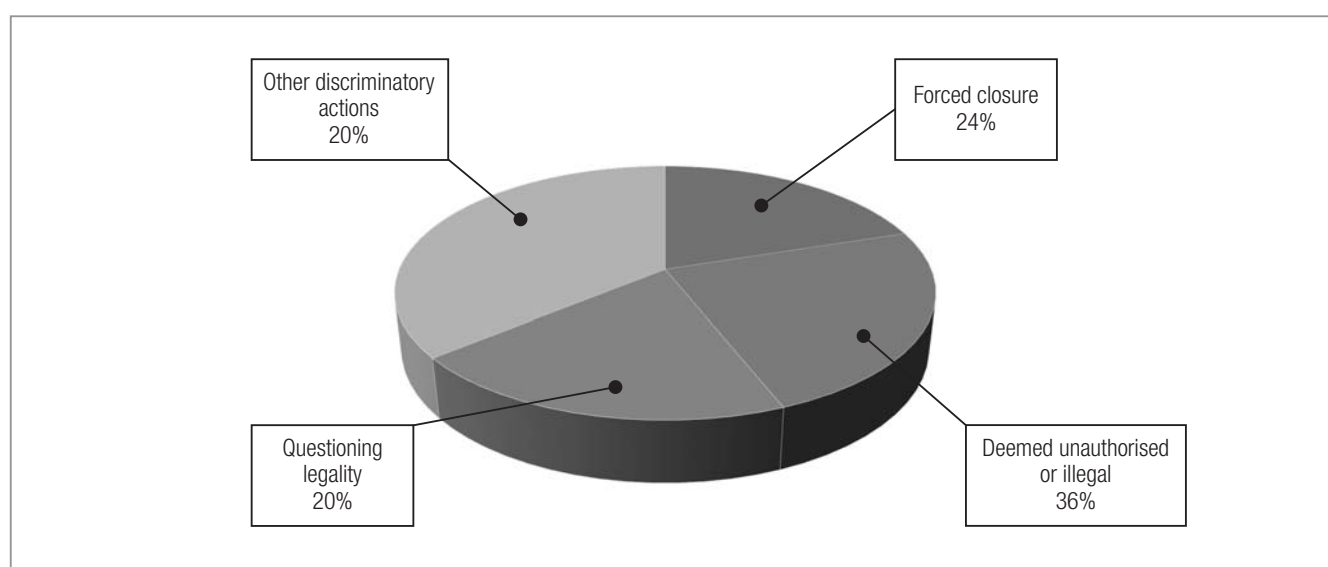
Instances in the rapporteur reports where the action taken is uncertain is distinguished from clear non-interventions where officials remain passive or refuse to take action in the presence of a violation or when a violation is reported.

A majority of incidents involving state actors deny or question the freedom of religion of Christians. Verbal or written intimation that a place of worship is unauthorized or illegal accounts for 36 per cent of negative interventions by state actors (see Figure 8). Forced closure of a church or stopping Christians from gathering for worship in a

specific location accounts for 24 per cent of incidents. Accordingly, 60 per cent of state actor interventions violate the freedom of worship guaranteed under the Constitution. Questioning the legality of places of worship or the act of Christian worship also interferes with this fundamental right.

This situation is precipitated by the introduction of a circular by the then Ministry of Religious Affairs and Moral Upliftment in 2008 (referred to as the 2008 Circular) and its misapplication by state actors. As described in more detail in the next section, this is often used to question the legality of Christian places of worship by hostile officials, Buddhist clergy and local villagers.

**Figure 8:** Breakdown of negative interventions against Christians involving state actors, November 2015 – September 2016



## 4 Main findings regarding violations against Christians

- Analysis of rapporteur reports covering the period under review for this report demonstrates continuing violations of religious freedom targeting the Christian community.
- While there is a notable decrease in violent attacks causing physical injury or property damage (11 per cent), other instances not involving physical violence (89 per cent) – such as harassment, threats, intimidation and discrimination – persist.
- The primary perpetrators are state actors wielding either administrative powers or police powers. Sixty per cent of state actor interventions were negative, ranging from religious discrimination, misapplication of the law and failure to uphold the law to denying rights of victims and acting in ways that exceed their authority.
- Frequent state actor interventions violating constitutional guarantees of the freedom of religion and the right to religious worship and practice under Article 10 and 14 (1) (e) of the Constitution continue. Declaring places of worship to be illegal or unauthorized and demanding discontinuation of worship services account for a large number of rights violations against the Christian community.
- These violations pivot on the question of legality stemming from the introduction of a circular by the Ministry of Religious Affairs and Moral Upliftment in October 2008, with regard to construction of new places of worship.

Out of a total of 47 violations during the period under review, 14 incidents related to the 2008 Circular, accounting for some 30 per cent of incidents. The circular is used by both state and non-state actors to support the notion that Christian places of worship require state ‘authorization’ or ‘registration’ with a state body, denoted by some form of documentary proof.

Sri Lankan law does not require state authorization or registration of places of worship or religious bodies. However, the 2008 Circular consists of an instruction issued by the Secretary of the Ministry to provincial councils and divisional secretaries that the construction of

new places of worship requires prior approval of the ministry. As the statistics above demonstrate, the 2008 Circular is widely used to support the restriction or prohibition of Christian places of worship as illegal or unauthorized.

Although the 2008 Circular clearly stipulates that it is applicable to new building construction and does not have retrospective effect, it is routinely misapplied by state actors to close down churches and forbid Christian worship, even in structures pre-dating the issuing of the circular. There are also instances where the circular is used to prohibit prayer meetings in private residences, as in an incident recorded in Naththandiya in July 2016, where a Christian family was informed by the police that they could not conduct prayer meetings in their home without authorization. A letter issued by the Divisional Secretariat stating that it was an unauthorized place of worship, as well as the 2008 Circular, were produced by the officer in charge, who instructed the family to stop prayer meetings in their home.

The circular stipulates submission of documentary evidence by applicant religious bodies to prove their bona fides. However, it exempts ‘traditional religions’ from this requirement. What constitutes a ‘traditional religion’ is not explained in the document or elsewhere, allowing the various officials of relevant bodies to apply their own interpretation. The implication of a special category of ‘traditional religions’ inevitably cements the perception that religions which are viewed as ‘non-traditional’ consequently lack legitimacy. This encourages discrimination against evangelical Christians in particular, extending even to evangelical denominations incorporated by Act of Parliament as far back as 1947, who are nevertheless not accepted as ‘traditional’.<sup>17</sup>

As per Article 15 (7) of the Constitution, the rights granted under Article 14 (1) (e) can only be restricted by law, including ‘regulations made under the law for the time being relating to public security’. The 2008 Circular has no effect in law since it is neither a law nor a regulation issued under the Public Security Ordinance No. 25 of 1947. However, it remains a potent tool of repression, infringing the Christian community’s right to religious freedom.



# 5 Violations against Muslims

## Wider context

This section of the report reviews a period of eight months, from November 2015 to the end of June 2016, during which there were 64 recorded incidents against the Muslim community. Their nature is complex since, in the Sri Lankan context, the term ‘Muslim’ denotes both ethnicity and religion. It may not always be clear if the incident is an infringement of religious freedom spurred by anti-Islamic sentiments. While it is possible to distinguish some incidents as opposition to Islam (examined further elsewhere in this report), the nature of yet others may be a combination of racial, religious and political repression. As the mandate of this study is to analyse religious freedom violations targeting minorities, incidents which are clear violations of religious freedom, as well as those which may only in part fall within the definition of religious oppression, have been included.

Since 2012, Buddhist nationalists have become increasingly active in their dissemination of anti-Muslim propaganda through a range of public platforms, including social media.<sup>18</sup> This wave of Buddhist nationalism was impelled by groups such as the BBS, *Sinhala Ravaya*, *Ravana Balaya* and others. Sporadic acts of violence and discrimination targeting Islamic places of worship have been recorded from 2009 onwards by various sources, the most notable being the 2012 attack on the Masjidul Kairiya mosque in Dambulla by a large mob who claimed it had been illegally constructed on sacred Buddhist land. Following the violence, the then Prime Minister and Minister of Religious Affairs D.M. Jayarathne ordered the 50-year-old mosque to be relocated.<sup>19</sup> However, the worst incidents of violence targeting the Muslim community in recent years were the mob attack on the Masjid Deenul Islam mosque in Grandpass in 2013 and rioting centred around Aluthgama in 2014 – widely attributed to BBS instigation, through inflammatory anti-Muslim rhetoric uttered at a public rally just before violence erupted. The violence in Aluthgama left four dead, many injured and displaced, and significant property damage.<sup>20</sup>

Assessing the pattern of rights violations over previous years is difficult due to the lack of verified data. Sporadic incidents of violence and harassment targeting Islamic places of worship are recorded since 2009, most notably,

6 incidents of violent attacks on mosques in 2012, recorded by various sources.<sup>21</sup> Data collected by the Secretariat for Muslims since 2013 indicate 241 incidents involving religious violations in 2013 of which 61 per cent involved hate speech and propaganda. There were 200 incidents reported in 2014, of which 62 per cent involve hate speech and propaganda.<sup>22</sup> While it is not possible to accurately assess the increase or decrease of incidents in comparison to the current period, it is evident that the Muslim community has been subjected to a sustained campaign of hate speech and propaganda in recent years.

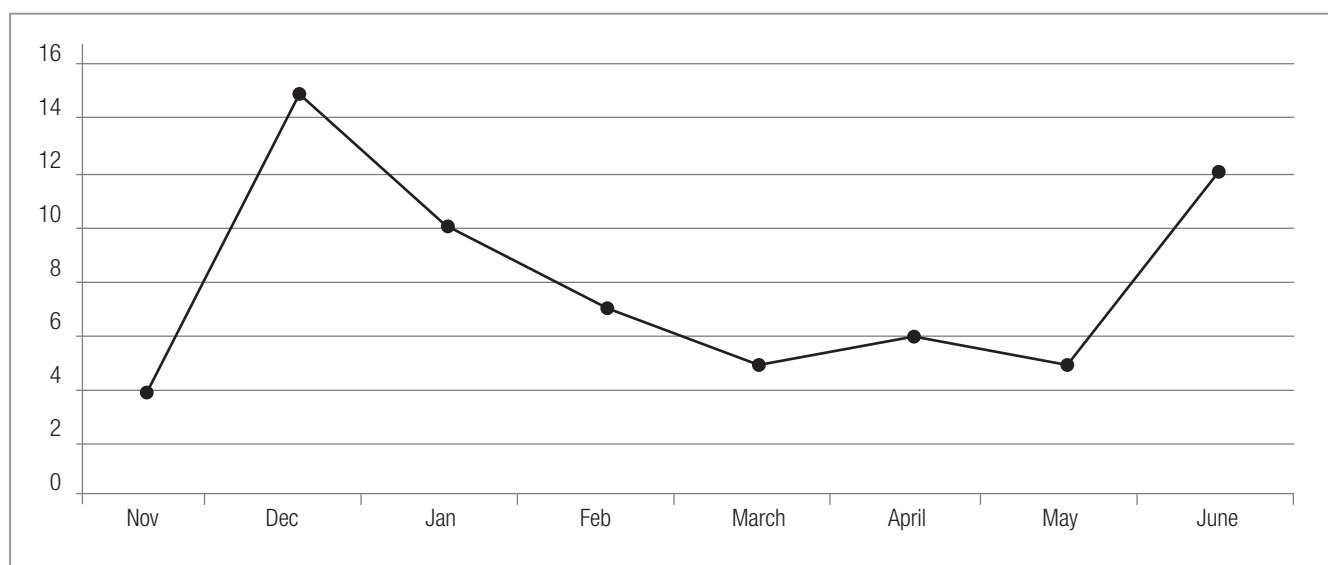
## Analysis by month

There is a notable spike in frequency of incidents in December 2015 and January 2016, accounting for 25 of the total incidents reported (Figure 9). This increase is similar to that noted in incidents against Christians around this time, coinciding with the upsurge of the ‘*Sinha Le*’ movement. The Sinhala Buddhist nationalist ideology of the movement translated into acts of hate speech and aggression targeting the Muslim community. As per the rapporteur reports, in early January, some Muslim residents of the Nugegoda area in the district of Colombo found the words ‘*Sinha Le*’ spray-painted on the walls and gates of their homes. A sudden proliferation of ‘*Sinha Le*’ bumper stickers and graffiti appeared in Colombo and other areas. The movement also attracted a large following on social media. The Muslim community have been specifically targeted by the movement.

## Geographic distribution of incidents

It should be noted that 27 incidents (including 24 instances of hate speech or propaganda campaigns carried out at a national level) where geographical location is not applicable or is of no significance are not included in this section. The remaining 37 incidents analysed below reveal violations infringing the right to religious freedom in 13 out of the 25 districts (52 per cent). The highest occurrence of violations is recorded from the district of Colombo with 11 incidents. Four of the districts recorded single incidents during the reporting period.

**Figure 9:** Distribution of anti-Muslim incidents by month, November 2015 – June 2016



The religious composition of each district reveals that 10 out of the 13 districts where incidents occurred have majority Buddhist populations. In Ampara district, however, which records a marginal majority of Muslims over Buddhists, the Masjidul Raula mosque situated in Sorikalmunai was attacked by unidentified persons causing damage to the fence. As stated in the geographical analysis of anti-Christian incidents, diversity in the composition of a district does not seem to have significant bearing when targeting religious minorities.

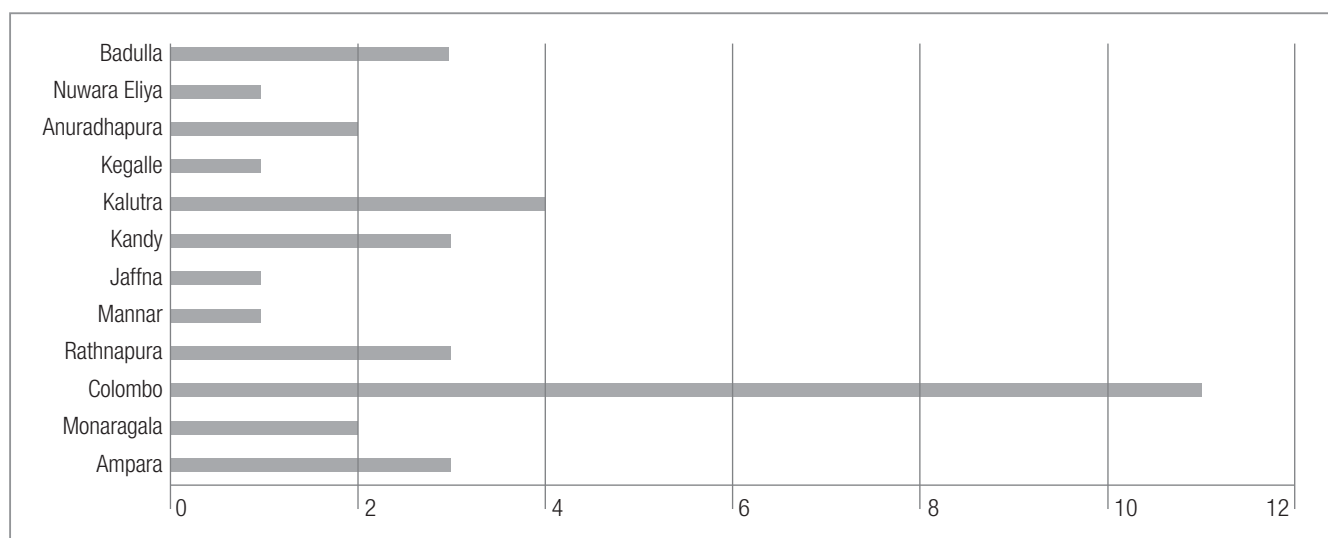
When compared to previous data from 2013 and 2014, the district of Colombo remains the most volatile with the highest number of incidents recorded each year: 31 out of 166 location specific incidents in 2013 and 25 out of 90 location specific incidents in 2014.<sup>23</sup>

## Types of violations

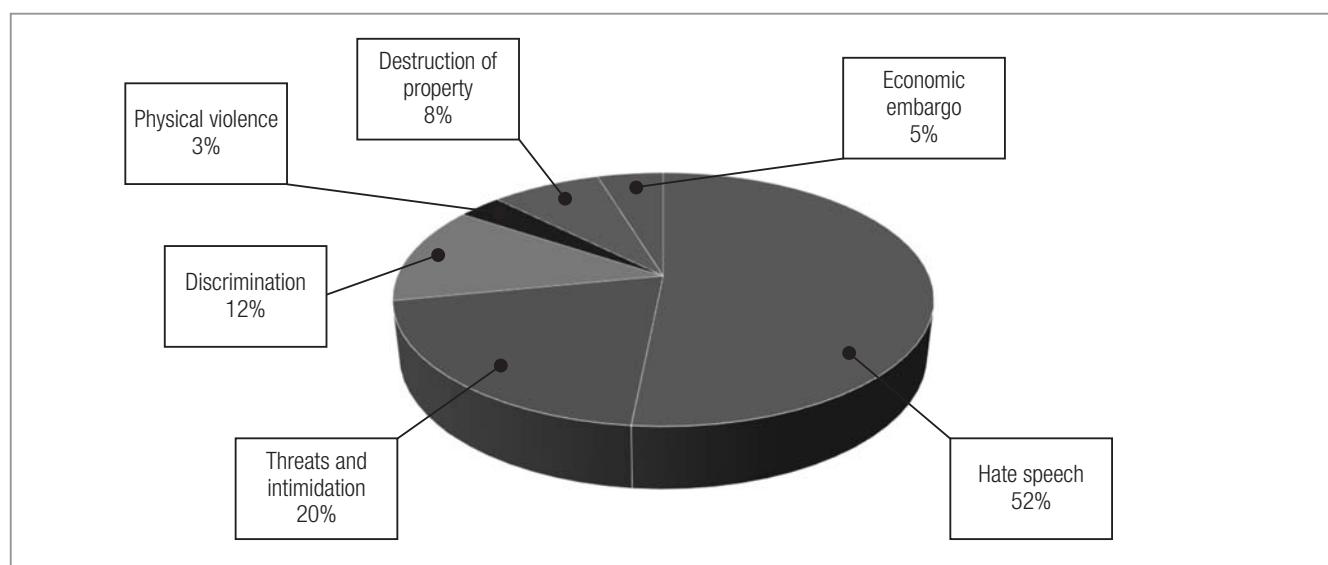
The types of violations or incidents infringing upon the religious freedom of the Muslim minority are categorized according to the nature of the incident. The incidents are categorised as follows: 'Hate speech', 'Discriminatory practice', 'Destruction of property', 'Threats and intimidation', 'Physical violence' and 'Economic embargo'.

The largest share of incidents recorded during the reporting period is hate speech, accounting for 52 per cent of incidents (discussed in more detail later). Threats and intimidation account for 20 per cent of incidents. Economic embargos (5 per cent of incidents) aimed at the Muslim community include boycotting Muslim-owned

**Figure 10:** Geographic distribution of incidents by district, November 2015 – June 2016



**Figure 11:** Anti-Muslim incidents by classification, November 2015 – June 2016



shops and businesses, as well as activism to ban traditionally Muslim-owned trades such as butcher shops.

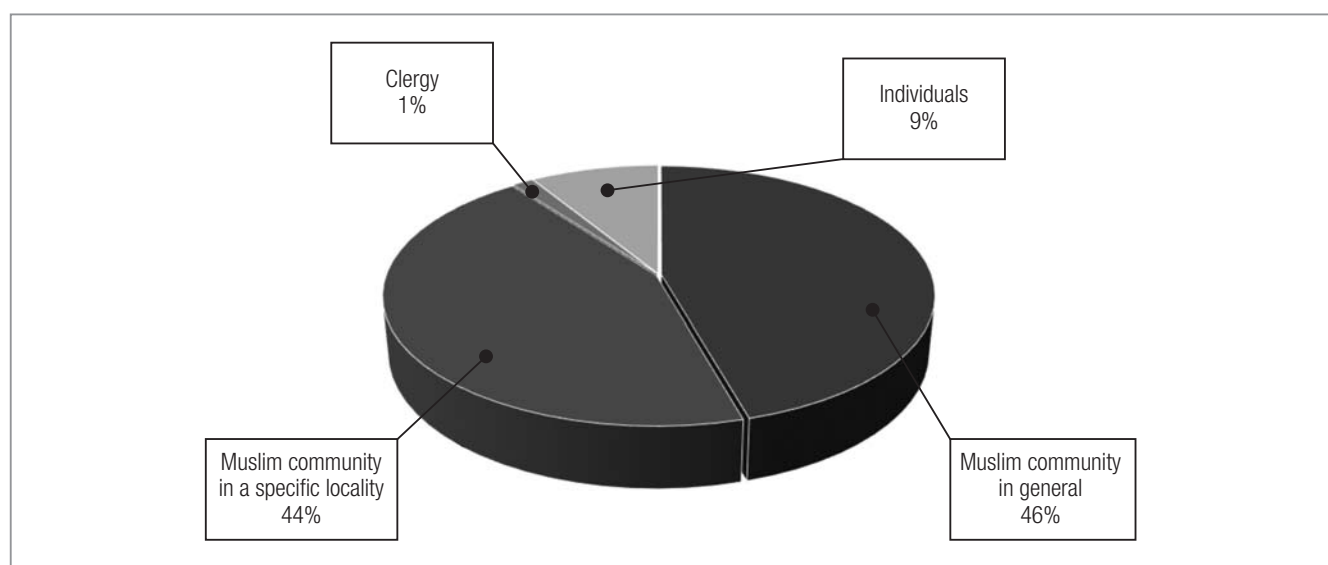
The patterns of violations perpetrated against Muslims are distinct from those experienced by Christians, where propaganda and hate speech feature in only 2 per cent of incidents, compared to 52 per cent for Muslims. The instances of reported anti-Muslim hate speech are almost exclusively expressed by Buddhist nationalist political or social movements.

Acts of discriminatory practice account for 12 per cent of violations, with 7 of the 8 incidents involving state actors. A notable example was the February 2016 report of Buddhist opposition to the expansion of a madrasa in Bandaragama where, in spite of the madrasa obtaining the necessary approval for the construction, the Divisional

Secretary halted the construction in deference to the objections of local Buddhist clergy. Subsequently the police conceded that the construction was legal, but advised the Muslims to abandon the extension, stating that the police would not be able to provide security in the event of an attack.

Construction of a minaret at the Jumma Line mosque (also called the Malay Military mosque) in Kandy similarly drew angry demonstrations in June 2016, led by Buddhist clergy who alleged that, once completed, the minaret would stand taller than the sacred Buddhist Temple of the Tooth in Kandy. The mosque is built on land gifted to the Malay Regiment by the British colonial powers in 1820, prior to which the Buddhists claim it belonged to the Buddhist temple. Seeking to defuse a very volatile situation

**Figure 12:** Target of anti-Muslim incidents by group, November 2015 – June 2016



and the threat of possible violence, the mosque gave an undertaking to halt construction of the disputed minaret.

## Analysis of targets

The primary targets are identified through the same method applied in analysing targets among the Christian community. The classifications are clergy, individuals (non-clergy), the Muslim community in a specific locality and the Muslim community in general. An incident may involve multiple classifications of victims.

As per Figure 12, Muslim communities in general are the primary target (46 per cent), with 30 out of these 31 instances involving hate speech. Muslim communities in specific localities were targeted in 44 per cent of incidents, including threats, violence and economic embargos. The construction or extension of mosques and other structures was frequently perceived as an expression of Islamic culture, and an implicit threat to Buddhist culture and religion. Criticism of Muslim women adopting the *burka* or *niqab* as a sign of radicalization was noted in one of the reported incidents.

## Analysis of perpetrators

The involvement of the perpetrator may be direct or tacit and includes incitement and instigation. 54 per cent of perpetrators in incidents were political or social movements and their members, followed by religious leaders (15 per cent) and unidentified persons (15 per cent). Direct state actor involvement as perpetrators was relatively low, with 7 recorded incidents (11 per cent), in contrast to state actor involvement in violations against the Christian community (31 per cent).

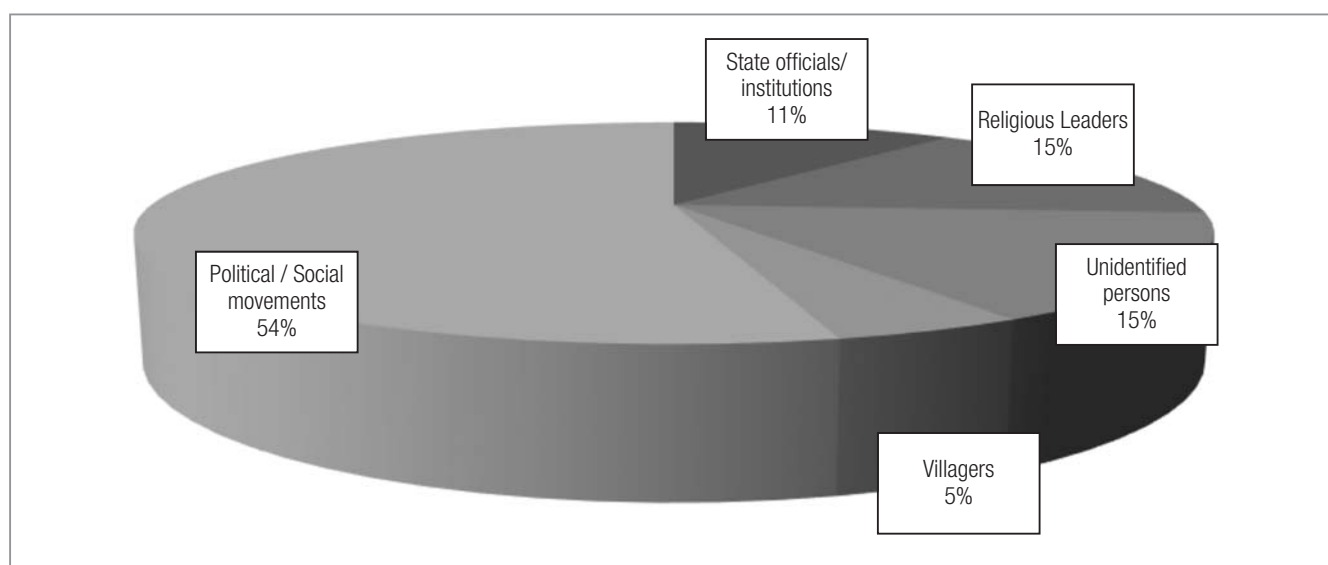
Political or social movements denote organized groups with nationalist agendas and broad mobilization. Buddhist nationalist movements such as the BBS, *Ravana Balaya*, *Sinhala Ravaya* and *Sinha Le* feature under this classification. Although a majority of the perpetrators who are leaders of these movements are Buddhist clergy, they are classified under political or social movements.

Out of 35 (54 per cent) incidents perpetrated by political or social movements, the BBS feature in 20 incidents (57 per cent), all involving hate speech. The group *Ravana Balaya* is identified in 6 incidents (17 per cent) and *Sinha Le* is also identified in 6 incidents (17 per cent). *Sinhala Ravaya* is featured in 3 incidents (9 per cent). 'Religious leaders' refers exclusively to Buddhist clergy (often from the locality) who are not identified as representing any Buddhist nationalist movement. 'Unidentified group' includes incidents involving an unidentified mob or incidents where the identity of the perpetrators is unverified. It is noted that some incidents may involve more than one classification of perpetrators: in these instances, the incident has been designated to multiple categories.

## Hate speech topics

The content of hate speech documented in these incidents demonstrates the recurrence of certain topics or issues. As per the chart below, fear-mongering features prominently, with 31 per cent of incidents of hate speech against Muslims constructed around warnings of Islamic terrorism, Islamic State of Iraq and Al-Sham (ISIS) and the threat of Muslim dominance and expansion. Thirty per cent of incidents of hate speech address the spread of Islam and Islamic religious practices – for example, the

**Figure 13:** Perpetrators of anti-Muslim incidents by group, November 2015 – June 2016



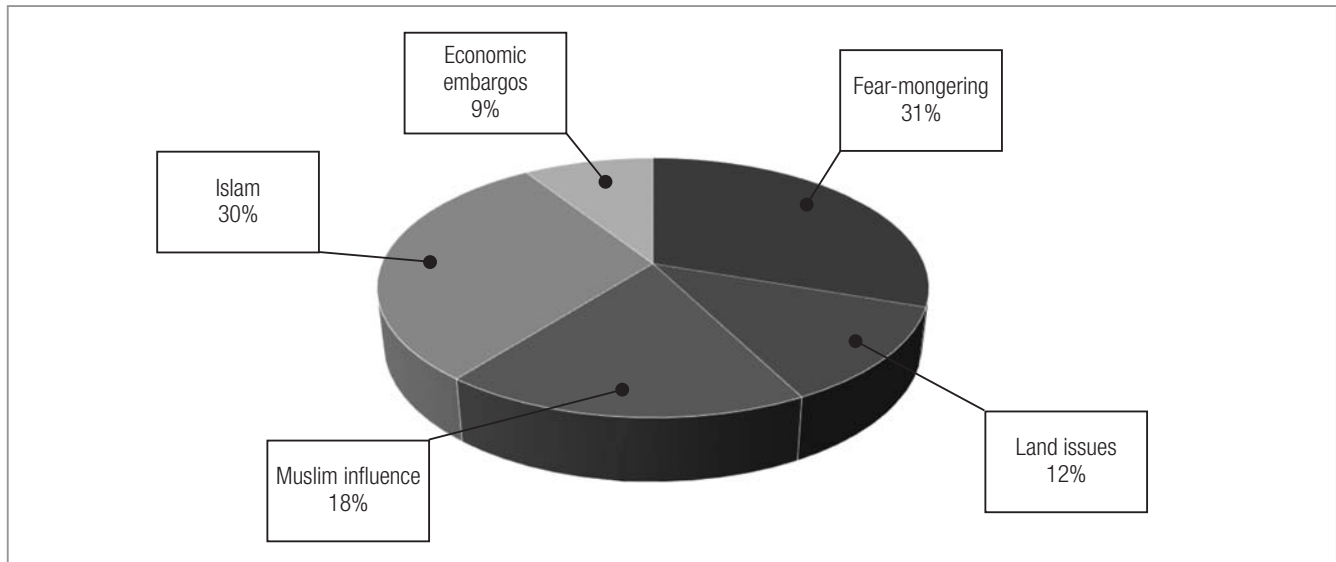


BBS in December 2015 called for the banning of the Qur'an in Sri Lanka for the sake of national unity.

Other broader issues underlying hate speech are objections to the Muslim presence and influence on Sri Lankan society, politics and culture, calls for economic

embargos and conflict over land rights (as demonstrated in the resettlement of Muslims in Wilpattu and the issue of 'traditional' ownership of land, particularly near Buddhist sacred sites such as Kuragala).

**Figure 14:** Breakdown of anti-Muslim hate speech by topic, November 2015 – June 2016



## 6 Main findings of violations against Muslims

- Recent violations of religious freedom specifically targeting the Muslim community coincide with the emergence of several Buddhist nationalist movements from around 2012, operating with apparent impunity and at times with the tacit complicity of state actors.
- Analysis of rapporteur reports pertaining to the period under review demonstrates continuing violations of religious freedom targeting the Muslim community, despite an apparent decrease in organized violence by Buddhist nationalist groups since the installation of the new government in 2015.
- Hate speech constitutes the most common form of rights violation, comprising more than half (52 per cent) of all reported incidents, followed by threats and intimidation (20 per cent). Economic embargos targeting Muslim business interests are also a regular occurrence.
- Violations perpetrated by state officials or institutions are notably less (11 per cent) in comparison to violations by state actors against the Christian community (31 per cent).
- The primary perpetrators are political or social movements, including groups such as BBS and *Sinha Le*, accounting for 54 per cent of all violations, the majority of them hate speech. BBS features particularly prominently, with 20 separate incidents of hate speech.

Hate speech emerges as the most common form of discrimination targeting the Muslim community. While other forms of rights violations, such as threats and intimidation, physical violence and destruction of property are serious infringements with immediate and profound impacts on the victims, the effectiveness of hate speech as a tool of repression depends on its frequency and repetition, rooting fears and prejudices deep into Sri Lankan society and local communities. Hence the large number of incidents involving hate speech recorded should not be viewed any less seriously than other rights violations, particularly as these incidents have the potential to escalate into direct physical violence. The nexus between inflammatory language and violent outbreaks, as evidenced by the eruption of the 2014 Aluthgama riots in the wake of hate speech by the General Secretary of the BBS, highlighted elsewhere in this report, demonstrates

the volatile potential of hate speech as a catalyst for violence.<sup>24</sup>

Scare tactics, ‘othering’ and xenophobia continue to feature prominently in rhetoric targeting the Muslim community. For example, a media briefing by the BBS in February 2016 charged the All Ceylon Jamiyyathul Ulama (ACJU) of having links with ISIS and accused local madrassas of spreading fundamentalist teaching. The BBS further attributed the recent adoption of the *burka* and *niqab* among Muslim women to the radicalization of female Muslim educational institutions. In June 2016, on the second anniversary of the Aluthgama riots, the General Secretary of the BBS, addressing an anti-Muslim protest in Mahiyanganaya, threatened ‘phase 2’ if the authorities failed to deal with the Muslim community overstepping their boundaries. At a later date, responding to the Muslim Council’s complaint against this statement to the Inspector General of Police, the General Secretary of the BBS compounded his comments with a religious slur against the community.

Some instances of hate speech may not contain explicit religious slurs but need to be considered within the local context to identify their underlying religious dimension. While the proliferation of online hate speech falls outside the mandate of this analysis, which is based on rapporteur reports, it must be noted that social media, and specifically Facebook, is an ever expanding and dynamic platform for hate campaigns targeting Muslims, with the added advantage of anonymity.

The installation of a new president and government in 2015 ushered in a period with visibly less space for groups such as the BBS to use violence against minorities. However, proliferation of hate speech persists. While the new government has demonstrated its intention to address hate speech through its stalled move to enact legislation criminalizing hate speech – a measure that was criticized by rights activists as potentially repressive, as discussed earlier in this report – such a process requires careful consideration and consultation. Indeed, the more pressing issue is ensuring that existing legal provisions are effectively implemented to support the protection of minority rights.

At the very least, existing legal provisions dealing with offences relating to religion need to be implemented. The Penal Code of Sri Lanka Sections 290 and 291 deal with

destruction, damage or defilement of places or objects of worship, offensive utterances intended to wound religious feelings, insulting a religion, disturbance of a religious assembly and trespass in a place of worship.<sup>25</sup> Bringing the

perpetrators of past incidents to justice is an important first step to signal an end to impunity and a renewed commitment to the protection of the rights of Sri Lanka's religious minorities.

# Recommendations

## To the government of Sri Lanka

**Take effective legal measures against all those who perpetrate or incite hate speech against religious minorities.** This will require stricter enforcement of existing laws on hate speech, including relevant aspects of the Penal Code, as well as the International Covenant on Civil and Political Rights (ICCPR) Act to meet Sri Lanka's international commitments. Law enforcement agents, including the police, must act immediately and without delay against perpetrators who are inciting violence against religious minorities, as per the Police Ordinance and Penal Code. At the same time, steps must be taken to ensure that enforcement of hate speech legislation is done so with impartiality, while also respecting the right to free expression. Special attention is drawn to the proliferation of online hate speech on social media. Deliberation of effective methods of combating it - which may not necessarily be through legislation - should include the participation of civil society.

**End the misuse of the Circular issued by the then Ministry of Religious Affairs and Moral Upliftment in 2008 requiring government permission for construction of new places of worship.** The Circular not only lacks validity, since there is no legal requirement for places of worship to register in Sri Lanka or for the government to provide permission for their functioning, but is also repeatedly misapplied by state actors to obstruct worship of minority religions, in particular Christianity. The Circular should therefore be withdrawn, and steps should be taken to ensure that local officials and the police desist from applying it against minority religions.

**Transform attitudes within government and law enforcement agencies towards the rights of religious minorities.** As many of the incidents documented in this publication demonstrate, religious freedom violations are often enabled by inaction or even the active involvement of police and local officials. Systematic training, awareness raising and clear penalties should therefore be put in place to ensure a full and impartial commitment to the protection of religious freedom.

**Publicly condemn religious intolerance and ensure full protection of minorities and their places of worship.** It is the primary responsibility of the government to make clear that religious violence will not be tolerated. This must be done by addressing impunity and holding those responsible to account, but also by publicly voicing opposition to religious intolerance in Sri Lanka, including the recently reported rise in such incidents. Moreover, the security of religious minorities and their places of worship must be guaranteed by the State.

**Keep the public informed on measures being taken to address religious violence and prevent recurrences.** The government must build trust amongst religious minority communities who feel threatened by religious intolerance and exclusionary Buddhist nationalism. An important step towards addressing these concerns is for the government to clearly communicate the measures being taken to ensure their protection and safety. There should be due consideration of religious freedom issues in ongoing transitional justice processes, where appropriate.

**Ensure ongoing political processes, including the Constitutional Reform process, is inclusive of all minority groups, including religious minorities, and provide guarantees for inclusion of minority rights protections.** In the context of the ongoing Constitutional Reform process, the government must ensure effective participation of all Sri Lankans. Moreover, it is essential that the promotion and protection of minority religious communities are safeguarded in ongoing reform processes to prevent further repression and discrimination against these groups.

**Strengthen institutional responses to violations against religious minorities, including on the part of the judiciary.** Selective judicial interpretation of religious freedom in cases concerning religious minorities leads to a situation in which majority religious communities appear to enjoy greater protection and freedom to manifest their religious beliefs. To safeguard the rights of religious minorities in Sri Lanka and promote a more inclusive approach to religious freedom, equal application of relevant legal frameworks must be ensured.



## To the government and civil society

**Consistently and accurately monitor violations against religious minorities.** While certain communities have civil society organisations which have been documenting and compiling lists of violations on an ongoing basis, others do not – in particular, Hindus. In order to develop a more comprehensive understanding of the situation on the ground and therefore effectively address it, there is a need for fuller documentation of incidents against all religious minority communities. It is therefore crucial that the government, civil society actors and others ensure that such incidents are effectively documented, analysed and shared. It is particularly important that attention to monitoring violations against religious minorities continues, and is not sidelined amidst the country's broader political transition processes.

**Address the broader context of religious intolerance in Sri Lanka, and promote coexistence amongst all religious groups.** A holistic approach should be taken put an end to religious violence and discrimination in Sri Lanka, taking into account social, economic, political and other factors that contribute to intolerance. Towards this end, it is crucial that particular attention is paid to the situation of religious minority women and children facing intersectional forms of discrimination in areas such as education. While this report focuses on interreligious tensions, it is similarly important to address intra-religious divides, which also contribute to the broader climate of religious intolerance in Sri Lanka.

# Notes

- 1 While there have been reports of violations of religious freedom of Hindus, due to a lack of thorough and verifiable data it was not possible to undertake a comprehensive analysis in this report.
- 2 Department of Census and Statistics, Sri Lanka, Census of Population and Housing of Sri Lanka, 2012.
- 3 Codrington, H.W., *A Short History of Ceylon*, New Delhi, Asian Educational Services, 1994, p. 202 refers to the sixth century Nestorian cross found in Anuradhapura.
- 4 Constitution of the Democratic Socialist Republic of Sri Lanka 1978.
- 5 Sister Immaculate Joseph and 80 Teaching Sisters of the Holy Cross of the Third Order of St Francis in Menzingen of Sri Lanka, Supreme Court determination 19/2003.
- 6 Penal Code of Sri Lanka, Chapter XV Offences Relating to Religion.
- 7 *Human Rights and Christian Community in Sri Lanka*, Christian Concern of Sri Lanka, 1998.
- 8 Haviland, C., 'The darker side of Buddhism', BBC, 30 May 2015.
- 9 *Silent Suppression: Restrictions on Religious Freedom of Christians 1994–2014*, National Christian Evangelical Alliance of Sri Lanka, 2015, p. 6.
- 10 As per records of documented incidents by the National Christian Evangelical Alliance of Sri Lanka
- 11 MRG, *Living with Insecurity: Marginalization and Sexual Violence against Women in North and East Sri Lanka*, MRG, London, October 2013.
- 12 Gunasekara, T., 'Gotabhaya Rajapaksa and his Bala Sena', *Colombo Telegraph*, 14 March 2013.
- 13 The amendment sought to introduce Section 291C to the Penal Code, No. 11 of 1887. The proposed Section 291C was nearly identical to Section 2(1) (h) of the controversial Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 (PTA).
- 14 'Public complaint to IGP on police inaction to against monk-led extremist groups', 18 November 2016, retrieved 15 November 2016 at <https://www.change.org/p/urgent-action-igp-to-take-immediate-action-against-monk-led-extremist-leaders-groups>; Centre for Policy alternatives (CPA), 'CPA statement on recent events endangering ethnic harmony and reconciliation', 15 November 2016, retrieved 15 November 2016 at <http://www.cpalanka.org/wp-content/uploads/2016/11/CPA-Statement-on-Recent-Events-Endangering-Ethnic-Harmony-and-Reconciliation.pdf>.
- 15 National Christian Evangelical Alliance of Sri Lanka., *Silent Suppression: Restrictions on Religious Freedom of Christians 1994–2014*, p.11.
- 16 As per rapporteur statistics.
- 17 Wickremesinha, R., 'Government and judicial action defining religious freedom', *International Journal for Religious Freedom*, vol. 2, no. 2, 2009, p. 43.
- 18 Samararatunge, S. and Hattotuwa, S., *Liking Violence: A Study of Hate Speech on Facebook in Sri Lanka*, Colombo, Centre for Policy Alternatives, 2014.
- 19 Groundviews, 'Deeds of Mosque in Dambulla', 24 April 2012, retrieved 9 November 2016, <http://groundviews.org/2012/04/24/deed-of-mosque-in-dambulla-and-photos-of-damage-how-is-this-structure-illegal>.
- 20 Bastians, D., 'Death toll rises to 4 in Aluthgama riots', *Daily Financial Times*, 18 June 2014.
- 21 CPA, *Attacks on Places of Religious Worship in Post-War Sri Lanka*, March 2013, pp.50–52.
- 22 Gunatilleke, G., *The Chronic and the Acute: Post-War Religious Violence in Sri Lanka*, Colombo, International Centre for Ethnic Studies and Equitas, 2015, pp. 18 and 24.
- 23 *Ibid.*, pp.18 and 23.
- 24 Samararatunge and Hattotuwa, *op. cit.*, p. 9.
- 25 Sri Lanka Penal Code No. 2 of 1883, Chapter XV, Offences relating to religion.



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## Confronting intolerance: Continued violations against religious minorities in Sri Lanka

Though Sri Lanka's three-decade long armed conflict came to an end in 2009, hopes for a peaceful transition have been marred by ongoing violence against the country's minorities. Post-war triumphalism and resurgent ethno-nationalism, including the formation of Buddhist nationalist groups, has contributed to an increasingly hostile environment for the country's religious minorities, in particular Muslims and Christians. This has manifested in various forms, including threats and hate speech, attacks on places of worship and mass violence, enabled by a culture of widespread impunity.

Drawing on incidents documented by local rapporteurs between November 2015 and September 2016, this report presents an overview of the major trends and specific challenges for Sri Lanka's Christians and Muslims. While the

reported data indicates a decline in direct physical violence, suggesting that extremist groups such as Bodu Bala Sena (BBS) and others have less space to operate under the current government, the findings nevertheless demonstrate that significant problems persist. Crucially, there also remain substantial gaps in terms of legal action against perpetrators of religious violence and discrimination. This is despite the fact that the Sri Lankan Constitution guarantees the right to equality, non-discrimination, and freedom of religion and religious worship, highlighting a persistent culture of impunity when it comes to such acts.

Ensuring the full rights and protections of all religious communities in the country is essential if Sri Lanka is to move forward from the traumas of its past towards a more peaceful and sustainable future.

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