



NATIONAL CHRISTIAN EVANGELICAL ALLIANCE
S R I L A N K A

Advocacy Brief on the Status of Religious Freedom in Sri Lanka

FREEDOM OF RELIGION OR BELIEF

SRI LANKA

BACKGROUND

Sri Lanka is a pluralistic society made up of diverse ethnic, religious, and cultural communities. Following a period of nearly 30 years of polarising civil war, new faultlines surfaced between religious groups. Particularly since 2011, several religious-nationalist groups emerged. These groups propagated the notion of ethnoreligious supremacy and led violent attacks against minorities. However, in the recent past, there has been a gradual decline in such incidents and an increase in incidents of discrimination, threats and intimidation perpetrated by state officials.

FoRB VIOLATIONS

Christians

Since the end of the war, the NCEASL has documented 983 incidents of persecution against Christians.

In 2021 and 2022, NCEASL documented 77 and 81 incidents respectively. In the report published by the NCEASL and Verite Research the following observations were made during November 2021 to October 2022:¹

- Christians continue to face discrimination, property damage, physical violence, hate speech and threats, intimidation, or coercion; and the most recurring type of harm was **discriminatory action or practice (72%)**.
- Key perpetrators have been **state officials (56%)**. In most cases, the state was a key perpetrator/ the offending party by being complicit in incidents involving non-physical violence. Of these non-physical incidents, the main type of harm that the state was responsible for was discriminatory actions or practices.
- Key targets in anti-Christian violence have been **clergy/pastors (69.3%)** and **places of worship (56%)**. On many occasions, Christian clergy were threatened or coerced into ceasing worship activities.
- Incidents included where Christian clergy were questioned about the legality of their place of worship and the permission received to make renovations to or construct buildings connected to the church. Furthermore there were protests and petitions demanding the cessation of worship services.

From January - March 2023, the NCEASL documented 10 incidents of persecution against Christians and the following observations were made²:

- Incidents of discriminatory action or practice (05 incidents), and threats or intimidation or coercion (05 incidents) were the most prevalent types of incidents perpetrated against Christians during the year. There was also an incident of hate speech or propaganda (01 incident).
- Perpetrators of religious violence and intolerance against Christians have included institutions or public servants (04 incidents), identifiable individuals (05 incidents), religious institutions or

¹ Verite Research, Religious violence against Christians: Disruptions and Distractions (November 2021 - October 2022): <https://www.minormatters.org/storage/app/uploads/public/63f5b9/ad7/63f5b9ad77acb463416603.pdf>

² A single incident could feature more than one target. Therefore, the summation by type of target is more than the total number of incidents.

clergy (04 incidents), political/social movement or politician (01 incident) and unidentifiable individuals (01 incident).

- Places of worship (07 incidents) were targeted in most incidents of religious violence and intolerance. This was followed by institutions/clergy (05 incidents), individuals (02 incidents) and wider community (01 incident).
- Incidents of religious violence and intolerance targeting Christians were reported in 05 out of 25 administrative districts in 2023. Kalutara district reported the highest number of incidents (06).

Muslims

Since 2013, over 500 incidents of right violations have been reported against the Muslim community.³ Recent violations of religious freedom specifically targeting the Muslim community coincide with the rise of several Buddhist nationalist movements since 2012.

A study conducted in 2021⁴ identified **cultural ‘peculiarities’**,⁵ and **land acquisition and encroachment**⁶ as the dominant narratives which drive violence against Muslims. Furthermore there is contestation over religious sites. Kuragala is a site contested by Buddhists and Muslims since 1961. The site comprises a mosque (Dafthar Jailani) and historical records verify that the site holds religious significance for Sufi Muslims for over 800 years. However, since 2011, nationalist Sinhala Buddhist organisations have been attempting to claim Kuragala, saying that it is a site of significance for Buddhists. In 2019, the site was taken over by a monk and the Trustee board of the Jailani mosque was forced to comply. In 2020, the Ministry of Defence assisted the monk to establish the Kuragala Raja Maha Viharaya.⁷ On 15th May 2022, the Kuragala Buddhist Vihara and the Sacred Land Development Project were completed and ceremonially opened with the Sri Lankan Army Commander as the chief guest.⁸

In 2022, the NCEASL documented 14 incidents against Muslims and the following observations were made⁹:

- There were 05 incidents of discriminatory practice or action, followed by threats, intimidation or coercion (03 incidents), hate speech or propaganda (04 incidents), physical violence (02 incidents) and property damage/destruction (02 incidents).
- The targets were places of worship (4 incidents), wider community (4 incidents), individuals (3 incidents), local community (4 incidents) and businesses (1 incidents).
- The perpetrators were the public servants (5 incidents), unidentifiable individuals (5 incidents) and religious institutions/clergy (5 incidents) and identifiable individuals (2 incidents).
- Incidents of religious violence and intolerance targeting Muslims were reported in 08 out of 25 administrative districts in 2022. Ratnapura and Trincomalee district reported the highest number of incidents (03 incidents each).

³ The Secretariat for Muslims

⁴ Verite Research, Prejudice and Patronage: An Analysis of Incidents of Violence against Christians, Muslims, and Hindus in Sri Lanka (September 2019-September 2020), pg. 21-22.

⁵ This narrative draws from the view that Muslims have certain laws, customs, and practices that are at odds with that of the Sinhalese-Buddhists and discourage cultural assimilation. Insecurities held by certain segments of the population in this regard have resulted in increased scrutiny and propaganda against Muslims’ religious attire (e.g., burka), sharia law, Islamic financial systems, and the consumption of halal certified food.

⁶ This narrative suggests that minority communities, including Muslims, are acquiring or encroaching into lands that have historically been owned and populated by Sinhala-Buddhists.

⁷ Twitter, Amjad Moulana,

<https://twitter.com/moulanaamjad/status/1525798809103585281?s=12&t=pTeSE-dZu41nowHcCzRpXQ>

⁸ Twitter, Ambika Satkunanathan,

<https://twitter.com/ambikasat/status/1526071146768060419?s=21&t=pTeSE-dZu41nowHcCzRpXQ>

⁹ A single incident may include more than one incident type/target/perpetrator. Therefore, the summation by type of incident/target/perpetrator is more than the total number of incidents.

From January - March 2023, the NCEASL documented 03 incidents against Muslims (01 incident of discriminatory practice or action and 02 incidents of hate speech or propaganda).

Hindus

In 2022, the NCEASL documented 19 incidents against Hindus and the following observations were made¹⁰:

- There were 11 incidents of threats, intimidation or coercion and 07 incidents of discriminatory practice or action. This was followed by incidents of hate speech or propaganda (01) and property damage/destruction (01).
- The targets were local communities (8 incidents), places of worship (6 incidents), wider community (3 incidents), individuals (4 incidents), and clergy (1 incidents).
- The perpetrators were the public servants (13 incidents), religious institutions/clergy (8 incidents), unidentifiable individuals (3 incidents) and a politician (01 incident) .
- Incidents of religious violence and intolerance targeting Christians were reported in 07 out of 25 administrative districts in 2022. Trincomalee district reported the highest number of incidents (08).
- Similar to the narrative surrounding Muslims, the narrative of land acquisition and encroachment and contestations over religious sites continue.¹¹ In June 2022, an attempt was made to erect a Buddha statue in Kurundumale as an ongoing effort of Buddhisation.¹²

From January - March 2023, the NCEASL documented 5 incidents against Hindus. These incidents involve property damage, intimidation and discriminatory action.

EXECUTIVE ACTION

- On 12th March 2020, the President promulgated Prevention of Terrorism (De-Radicalization from holding violent extremist religious ideology) Regulations No. 01 of 2021 which provided for the detention of any person suspected of causing 'religious, racial, or communal disharmony' for a period of up to two years without trial.¹³
- Moreover, on 02nd June 2020, the President gazetted a Presidential Task Force for Archaeological Heritage Management in the Eastern Province,¹⁴ made up entirely of Sinhala representatives, even though Tamils and Muslims constitute two-thirds the population in the province.
- The Prevention of Terrorism (Temporary Provisions) (Amendment) Bill was passed in Parliament on 22nd March 2022. The proposed amendments have been censured as problematic provisions in the original law such as sections on admissibility of confessions, the broad definition of terrorism, lack of judicial oversight of arrest, detention and investigations, and stringent bail conditions have

¹⁰ A single incident may include more than one incident type/target/perpetrator. Therefore, the summation by type of incident/target/perpetrator is more than the total number of incidents.

¹¹ Verite Research, Religious violence against Christians: Disruptions and Distractions (November 2021 - October 2022): <https://www.minormatters.org/storage/app/uploads/public/63f/5b9/ad7/63f5b9ad77acb463416603.pdf>

¹² The Morning, 'Tensions high over Kurundumale Archaeological Reserve', 27th June 2022, <https://epaper.themorning.lk/Home/ShareArticle?OrgId=2764d4249cd>

¹³ International Commission of Jurists, "Sri Lanka: 'De-radicalization' regulations should be immediately withdrawn", March 2021, <https://www.icj.org/sri-lank-de-radicalization-regulations-should-be-immediately-withdrawn/>

¹⁴ The Gazette of the Democratic Socialist Republic of Sri Lanka, Presidential Taskforce for Archaeological Heritage Management in the Eastern Province, 02nd June 2020: http://www.documents.gov.lk/files/egz/2020/6/2178-17_E.pdf

not been amended or adequately addressed.¹⁵ Furthermore, in March 2022, the Supreme Court determined that certain clauses in the Prevention of Terrorism (Temporary Provisions) Amendment) Bill are inconsistent with the Constitution.¹⁶ These amendments have been passed despite repeated calls locally¹⁷ and internationally¹⁸ for the complete repeal of this draconian law.

EASTER ATTACKS AND AFTERMATH

- On Easter Sunday, 21st April 2019, six bomb blasts took place in three churches and three hotels across the country, claiming more than 250 lives and injuring more than 500 persons. Responsibility for the attacks was linked to an Islamist terror group in the Eastern Province of Sri Lanka, known as the National Thowheed Ja'math (NTJ). ISIS also claimed a link to the NTJ and responsibility for the attacks.
- Following the attacks anti-Muslim violence was reported in several districts across the country, with Muslim owned businesses and houses being subjected to attacks by mobs. Extensive property damage, injury to persons and the loss of one life have been recorded.¹⁹
- Several fundamental rights cases were filed against the state for failing to take adequate measures to prevent the attacks.²⁰
- A Presidential Commission of Inquiry (PCoI) tasked with compiling a report on the circumstances of the attacks was published in February 2021, but was not made publicly available. Members of the opposition have accused the GoSL of not releasing the full report and omitting critical findings.²¹ The recommendations made by the Presidential Commission have not been implemented.²²
- The Catholic Church, social activists and rights groups have made repeated calls for an impartial and international investigation into the attacks.²³
- On 18th February 2022, Former Defense Secretary and former Inspector-General of Police (IGP) were acquitted from the case filed against them for their failure to prevent the 2019 Easter attack.²⁴

¹⁵ Daily Mirror, 'Certain clauses in PTA Amendment Bill inconsistent with Constitution: Speaker', 8th March 2022 https://www.dailymirror.lk/latest_news/Certain-clauses-in-PTA-Amendment-Bill-inconsistent-with-Constitution-Speaker/342-232608

¹⁶ Daily Mirror, 'Certain clauses in PTA Amendment Bill inconsistent with Constitution: Speaker', 8th March 2022 https://www.dailymirror.lk/latest_news/Certain-clauses-in-PTA-Amendment-Bill-inconsistent-with-Constitution-Speaker/342-232608

¹⁷ The Hindu, 'Sri Lankan Human Rights Commission calls for abolition of anti-terror law PTA', 16th February 2022 <https://www.thehindu.com/news/international/sri-lankan-human-rights-commission-calls-for-abolition-of-anti-terror-law-pta/article65055210.ece>

¹⁸ EconomyNext, 'EU parliament adopts resolution on Sri Lanka; wants PTA repealed, GSP+ withdrawn', 11th June 2021 <https://economynext.com/eu-parliament-adopts-resolution-on-sri-lanka-wants-pta-repealed-gsp-withdrawn-82891/>

¹⁹ BBC, 'Sri Lanka extends nationwide curfew after anti-Muslim riots', 15th May 2019, <https://www.bbc.com/news/world-asia-48269240>

²⁰ ColomboPage, 'Supreme Court begins hearing of the FR petitions against failure to prevent Easter Sunday attacks', 14th March 2022, http://www.colombopage.com/archive_22A/Mar14_1647279574CH.php

²¹ Imesh Ranasinghe, "Sri Lanka opposition MP alleges damning omission in Easter bombings probe", Economy Next, 20 April 2021, <https://economynext.com/sri-lanka-opposition-mp-alleges-damning-omission-in-easter-bombings-probe-80954/>

²² Daily Mirror, 'Cardinal says recommendations made by PCoI delayed', 21st April 2022, https://www.dailymirror.lk/breaking_news/Cardinal-says-recommendations-made-by-PCoI-delayed/108-235439

²³ AdaDerana, 'PCoI report on Easter attacks is incomplete – Cardinal Malcolm Ranjith', March 2021, <http://www.adaderana.lk/news/72310/pcoi-report-on-easter-attacks-is-incomplete-cardinal-malcolm-ranjith>;

Daily Mirror, 'Cardinal requests UNHRC to support an impartial investigation', 7th March 2022, https://www.dailymirror.lk/latest_news/Cardinal-requests-UNHRC-to-support-an-impartial-investigation/342-232529

²⁴ The Island, "Easter Sunday carnage case: Hemasiri, Pujith acquitted and released", 19th February 2022, <https://island.lk/easter-sunday-carnage-case-hemasiri-pujith-acquitted-and-released/>

- In November 2021, a Catholic reverend was summoned by the Criminal Investigation Department and questioned for over 15 hours after a complaint was lodged by the Director of the State Intelligence Service regarding a statement made about the 2019 Easter attacks.²⁵ On 5th February, a civilian was summoned over a comment he made on a Facebook post by Rev. Fr. Cyril Gamini.²⁶
- Furthermore, on 14th February 2022, social activist Shehan Malaka Gamage, who sought justice for victims of the Easter Sunday terror attacks, was arrested by the Criminal Investigation Department.²⁷
- However some progress has been made on ensuring justice for the victims of the Easter Sunday attacks and holding perpetrators accountable. In January 2023, the Supreme Court held there to be a violation of fundamental rights and ordered the former President Maithripala Sirisena to pay LKR 100 million as compensation to the victims of the Easter Attack. Furthermore, the former IGP Pujith Jayasundara, former SIS director Nilantha Jayawardhane, former Defence Secretary Hemasiri Fernando and former Chief National Intelligence Sisira Mendis were also ordered to pay compensation.²⁸

LEGAL FRAMEWORK

International legal framework

- The International Covenant on Civil and Political Rights (ICCPR)
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)
- The International Convention on the Elimination of Racial Discrimination (ICERD)
- Universal Declaration of Human Rights (UDHR)

Domestic legal framework

- *The Constitution*

Article 9: “The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by Articles 10 and 14(1)(e)”

Article 10: guarantees the “freedom of thought, conscience and religion” including the right to adopt a religion of his/her choice.

Article 14(1)(e): all citizens have the right to manifest one’s religion or belief in “worship, observance, practice and teaching.”

Article 15(7): restricts Article 14(1)(e) in the interest of “national security, public order, and protection of public health or morality.”

²⁵ Dr. Laksiri Fernando, ‘Easter Sunday attacks and harassment of Fr Cyril Gamini’, in The Island, 19th November 2021, <https://island.lk/easter-sunday-attacks-and-harassment-of-fr-cyрил-gamini/>

²⁶ News First, “Facebook comment leads to CID investigation”, 5th February 2022, <https://www.newsfirst.lk/2022/02/05/facebook-comment-leads-to-cid-investigation/>

²⁷ Ruwani Fonseka, ‘Social activist Shehan Malaka arrested by CID’, The Morning, 14th February 2022, <https://www.themorning.lk/social-activist-shehan-malaka-arrested-by-cid/>

²⁸ Daily Mirror, ‘Easter Sunday attack: Supreme Court orders Maithripala Sirisena to pay Rs.100 mn as compensation’, 12 January 2023: https://www.dailymirror.lk/top_story/Easter-Sunday-attack%3A-Supreme-Court-orders-Maithripala-Sirisena-to-pay-Rs-100-mn-as-compensation/155-252063

Article 12: all persons are equal before the law.

- *Penal Code*

Chapter 15: offenses relating to religion include physical attacks of religious places of worship, disruption of religious assemblies, disruption of religious rites during funerals, and certain restrictive and concerning offenses, such as criminalizing words or actions that may wound religious feelings or sentiments.

- *ICCPR Act, No. 56 of 2007*

Article 3: no person should advocate for national, racial or religious hatred which leads to discrimination, hostility or violence. This provision has however been used in the majority of incidents against religious minorities, or dissenting voices, to stifle free expression and dissent.

Registration of Religious Places of Worship

- In October **2008**, the Ministry of Religious Affairs and Moral Upliftment²⁹ issued a **circular**³⁰ requesting all future construction of any place of worship to seek prior permission from the Ministry. The Ministry instructed Provincial Councils and Divisional Secretariats to comply with this requirement and seek prior approval from the Ministry before approving applications for construction of places of worship. Ministry and local government officials make decisions to grant or deny permission based on their own understanding or biases.³¹ This has had an adverse effect on the freedom of religious belief particularly, Christians and Muslims.
- Moreover, as this Circular has no founding in parliamentary legislation, it has no legal validity.
- Several Right to Information requests submitted to the Ministry of *Buddha Sasana* and the Department of Christian Affairs regarding the Circular, have received responses definitively stating that the Circular in question is only applicable to Buddhist places of worship.³² However, government and law enforcement authorities continue referencing the Circular despite being made aware of these developments.
- In April 2022 another circular, once again not based on any existing law, was issued by the Ministry of Buddhasasana calling for the registration of all places of worship.

Surveillance of Minority Religious Places of Worship

- A recent report on surveillance of places of worship and faith based organizations, stated that in a survey of 50 respondents from Muslim and Christian backgrounds, it was "...established that visits and surveillance by police, military and intelligence officers happen on a regular basis. In some cases, it is instigated by local residents and members of the Buddhist clergy, and in other cases, it is accompanied by arrest and detention, especially in the immediate aftermath of the Easter bombings. In some cases, they have accelerated into violence. The incidents taken cumulatively, establish an unequivocal pattern of discrimination against religious minorities in this country."

Hindu groups

²⁹ Also designated as the Ministry of Buddha Sasana and Religious Affairs

³⁰ The Circular 2008 issued by the Ministry of Religious Affairs and Moral Upliftment, which calls for the registration of new constructions of religious worship places.

³¹ See comment 33, Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt presented to the Human Rights Council 19th Session, 22nd December 2011.

³² Verité Research, "*Inaction and Impunity: Incidents of Religious Violence Targeting Christians, Muslims and Hindus 2015-2019*:", 2019, p. 19, <https://www.minormatters.org/storage/app/uploads/public/5f7fef17a/5f7fef17a04b5744424400.pdf>

In the North and East of the country, the *Shiv Senai* group with purported links to the Indian Rashtriya Swayamsevak Sangh (RSS), has attempted to establish a Hindu nationalist ideology,³³ and is responsible for hate speech online particularly against the Christian and Muslim communities. The Shiv Senai has also repeatedly called for anti-conversion laws³⁴ and laws to battle cattle slaughter.³⁵ On 6th July 2022, the Rudra Sena distributed leaflets on anti-conversion, that implied against Christians and Muslims, to devotees who attended the *Kumbabhishekam* ceremony in Thiruketheeswaram (Mannar District). Furthermore on 30th December 2022, Siva Senai staged a protest in front of the Jaffna District Secretariat against a Mullaitivu Government Agent following reports that she was to be appointed to the post for the Jaffna District Government Agent (GA). The Siva Senai cited her personal conversion to Christianity, stating that appointing her could lead to many conversions and the formation of Christian congregations in the area.³⁶ In March 2023, a prominent Indian evangelist from the Jesus Calls global ministry was sent back by Immigration officials following complaints from Shiv Sena that the evangelist had violated his visa conditions while in Sri Lanka.³⁷

RECOMMENDATIONS

1. The Ministry of *Buddha Sasana* should withdraw the Circular issued in October 2008 and/or April 2022 pertaining to the construction of new places of worship and abstain from regulating places of worship.
2. The PTA should be repealed and any new counter/prevention of, terrorism laws, should adhere to international human rights standards
3. Develop appropriate curriculum for primary, secondary, and tertiary levels of education that promote religious harmony and tolerance.
4. Take concrete action against perpetrators of hate speech and those who incite violent attacks against religious minorities and take steps to prevent reoccurrence.³⁸
5. Give particular emphasis to the effective participation of minorities in decision-making processes, offering equal economic and social opportunities, and create practices and institutions to ensure that the religious diversity of the country is fully integrated.

³³ “Now a ‘Siva Senai’ group in Sri Lanka”, The Hindu, 13 October 2016:

<https://www.thehindu.com/news/international/south-asia/Now-a-%E2%80%98Siva-Senai%E2%80%99-group-in-Sri-Lanka/article16070094.ece>

³⁴ <http://thinakkural.lk/article/39649>

³⁵ Meera Srinivasan, *When anti-beef protest reached Sri Lanka*,

<https://www.thehindu.com/news/international/when-anti-beef-protest-reached-sri-lanka/article24068447.ece> (2 June 2018)

³⁶ Facebook:

https://m.facebook.com/story.php?story_fbid=pfbid0NZ7RgVEmdffobKYm6HWRSF2w58aTiVz22tvjCtivSPqHuW1iT8vDM35gp1qXNSPdI&id=100000017588742&mibextid=Nif5oz

³⁷ Organiser, ‘Sri Lanka Govt sent back Tamil Nadu-based evangelist Paul Dhinakaran after Hindus protests against “Blessing Meeting”’, 27th March 2023

<https://organiser.org/2023/03/27/166463/bharat/sri-lanka-govt-sent-back-tamil-nadu-based-evangelist-paul-dhinakaran-after-hindus-protests-against-blessing-meeting/>

³⁸ Report of the Working Group on the Universal Periodic Review—Sri Lanka, 29th December 2017, Namibia (116.42) & Australia (116.43)