



2020

SRI LANKA

Religious Freedom
Landscape Report



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INTRODUCTION

Religion has been integral to the spirit and culture of humanity for millennia.¹ The cradle of multiple ancient religions, South and Southeast Asia remains one of the world's most religiously diverse and spiritually vibrant regions on earth. At the same time, all too many of its two and a half billion people suffer on account of their religion. The South and Southeast Asia Action Team, an arm of the Religious Freedom Institute (RFI), exists to advance religious freedom for all people throughout this vast region, especially those who are most persecuted. This landscape report on Sri Lanka constitutes an important step towards achieving that goal and represents the combined expertise of numerous scholars and analysts.

The purpose of this report on Sri Lanka's religious freedom landscape is to determine where and in what ways this fundamental human right is being preserved and promoted, where it is being violated, and what governments, civil society organizations, and communities can do to strengthen this foundational freedom for the future well-being of Sri Lanka as well as South and Southeast Asia as a whole. RFI aims to assess where the terrain is rough and treacherous, as well as where it is smooth and pleasant. Only once you know the landscape and identify a favorable route, any experienced traveler knows, can the journey begin.

The RFI's South and Southeast Asia Action Team focuses on eight of the most populous and strategically

significant countries in South and Southeast Asia: Bangladesh, Burma (Myanmar), India, Indonesia, Malaysia, Nepal, Pakistan, and Sri Lanka. Indonesia and India in particular are the two most populous, economically robust, and strategically significant countries in the region. Together these eight countries have a population of about 2.2 billion people, comprising 86 percent of the regional population (about 2.5 billion) and 28 percent of the total world population (about 7.8 billion).² The whole regional population comprises about 32 percent of the world population. South and Southeast Asia is home to the four largest Muslim populations in the world (Indonesia, India, Pakistan, and Bangladesh), 99 percent of the world's Hindus, and almost all of the world's Buddhist-majority countries.³ In other words, that is more than 1.15 billion Hindus, 825 million Muslims, and over 80 million Buddhists, as well as about 72 million Christians.⁴

The region is also home to some of the most religiously restricted societies in the world, even while several of its countries maintain reasonably robust democratic institutions and dynamic civil societies.

For example, Polity IV's democracy index rates Indonesia and India as "democracies," with high levels of political competition and restraints on executive power, and Freedom House rates both countries as "partly free" electoral democracies.



About the Religious Freedom Institute

Securing religious freedom for “everyone, everywhere”—for Buddhists in Bangladesh as much as Muslims in Maryland—is the mission of the RFI. An independent, nonprofit organization based in Washington, D.C., RFI is committed to achieving broad acceptance of religious liberty as a fundamental human right, a source of individual and social flourishing, the cornerstone of a successful society, and a driver of national and international security. It achieves this goal by convincing stakeholders in select regions that religious freedom can help them achieve their own goals—political, economic, strategic, and religious.

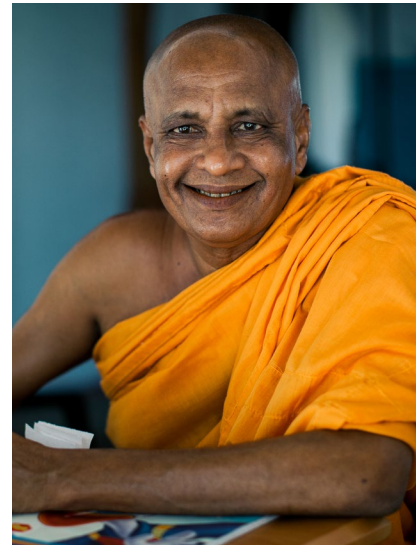
Accordingly, RFI’s action teams establish a presence in strategic regions across the globe in order to build coalitions and local and regional networks to make religious freedom a greater priority—and ultimately a lived reality—for governments, civil society, religious communities, businesses, and the general public. Each of these sectors of society has a crucial stake in the future of the religious freedom landscape in their country. Drawing on the research of its associated scholars as well as the cumulative body of scholarship produced by its predecessor project, the Religious Freedom Project at Georgetown University, RFI makes an evidence-based case to these and other important sectors and stakeholders that the freedom of religious belief and practice is a principle they can and should embrace in order to benefit themselves and their societies.

Foundational to RFI’s outlook is the recognition that religion is an integral feature of human nature and an irreducible component of human flourishing. Human beings, who are religious animals just as profoundly as they are political animals or conjugal animals, have always asked religious questions, and persist in asking these questions as much as they ever have: Who am I? Where did I come from? What is the meaning and purpose of existence? What is the nature of ultimate reality? The search for the best answers to these questions, and the attempt to align

one's reason, will, and whole being with ultimate or transcendent reality as best as one can discern it, is what we generally call religion. Religious freedom, then, is the most fundamental and distinctively human of all freedoms because it reflects the most basic and characteristically human of all strivings—the striving not only to know the truth, but to *place one's whole self in alignment with the whole truth about the whole of Reality*. As such, religious freedom has at least four distinct dimensions.

The first of these “religious freedoms” reflects the intellectual and spiritual dimension of religion, and requires that all people should be free to use their natural powers of discernment, reason, and intuition to seek and explore the truth about ultimate reality in all of its depths. The second of these freedoms reflects the dimension of doing or practice. It means that all people should be free to engage the truths they have learned from theoretical inquiry and act on them with authenticity and integrity. In other words, this dimension of religious freedom involves engaging one's conscience and will to align oneself as fully as one can with the truths one discovers about transcendent reality. Third, the social dimension means that all people must be free to share the truths they discover about ultimate reality with others, and to join with those of like mind and spirit to live them out. Fourth, the civil or political dimension means that all people should be free, both individually and communally, to express their religious beliefs in civil and political society, and to formulate and propose visions of the common informed by these beliefs. Included here is the right to create and operate religious institutions that reflect a religious community's foundational principles and defining mission.

From a broader perspective, the aforementioned dimensions represent aspects of what might be considered the liberty wing of religious freedom. That is, religious freedom in full requires that people enjoy the liberty to embrace and express whatever beliefs about religion—including unorthodox beliefs or beliefs that differ from traditional religious claims—most accord with the dictates of their own conscience,



without direct, coercive interference by government or non-government actors.

At the same time, religious freedom requires another wing—the wing of equality—in order to take full flight and make it possible for all individuals and societies to achieve both the basic good of religion as well as other components of human flourishing. The equality wing of religious freedom requires that people be free from arbitrary discrimination or unequal treatment because of their beliefs about religion. Violation of religious equality—as through the infliction of systematic discrimination on particular individuals or groups merely because of their religious beliefs or identities, or the creation of a climate of hatred or intolerance of certain people because of religion—is unjust and illegitimate even when it does not directly block or limit one’s free exercise of religion.

One reason is that arbitrary discrimination or unequal treatment is incompatible with the demands of human dignity, which all human beings equally share by virtue of their common humanity. As sources as diverse as the Universal Declaration of Human Rights, the Basic Law for the Federal Republic of Germany, and the Declaration on Religious Liberty of the Roman Catholic Church recognize, human dignity is the proximate ground of religious freedom as well as all fundamental human rights, and it is the ground, furthermore, of every person’s entitlement to equal justice.⁵ Another reason is that gross violations of religious equality are incompatible with the vision of a society animated by a dynamic pluralism in which all citizens can share their religious and moral

insights with each other. Only within a framework of basic equality can people of all religious perspectives draw on their distinct convictions and unique “spiritual capital” both to contribute to the common good and to enrich the perspectives of their fellow citizens.

Religious freedom is thus a fundamental and capacious right that deserves secure protection in law and widespread respect in culture. On paper if not in practice, this idea has been widely accepted by the international community. The 1948 Universal Declaration of Human Rights states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance (Article 18).

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2).⁶

The mission of the Religious Freedom Institute is motivated by the conviction that religious freedom in full—in its equality dimension and in each of its liberty dimensions—is a natural, universal, and inviolable human right that is grounded in the inherent dignity of every human being. At the same time, because religious

belief and practice are such central components of human life and flourishing, religious freedom is also a powerful driver of a wide array of social goods, including democracy, civil liberty, stability, economic prosperity, equality of women, and security.

RFI activities are further premised on the reality that religious freedom tends to be strong and enduring only when it is embedded in a society's moral and religious culture as well as its legal and political structure. Religious freedom actors must pursue not only top-down institutional reform but also bottom-up persuasion, education, and mobilization. If religious freedom is promoted only by governments and is not practiced at the level of local communities, it remains an empty ideal. On paper, most of the world's national constitutions recognize religious freedom as a fundamental right in one form or another. The reality remains, however, that the vast majority of the world's population lives in countries with high or very high government or social restrictions on religion and the trendlines over the past decade appear to be worsening.⁷

Religious freedom will be a reality for “everyone, everywhere” only when it enjoys grassroots support and is articulated, practiced, and spread at the level of local and national communities and traditions. Advancing religious freedom while respecting local and national contexts entails adopting approaches to articulating and justifying religious freedom that are credible and compelling within local perspectives. In fact, RFI's South and Southeast Asia Action Team seeks to identify and cultivate seeds of religious freedom that are already present in the region's own spiritual and cultural soil. As this Sri Lanka landscape report underscores, the soil of South and Southeast Asia tends to be fertile and receptive insofar as all of its countries and cultures enjoy histories and traditions of vibrant religious pluralism.

As the example of Sri Lanka highlights, embedding religious freedom in both political structures and moral and spiritual cultures requires an approach that works across multiple sectors—religious, political, legal, cultural, and educational.



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Religious Freedom Institute



It requires identifying and mobilizing networks of actors that are willing to contribute resources and effort in a coordinated fashion. Among these actors, RFI's South and Southeast Asia Action Team strives to be a partner that joins with others on a footing of equality and mutual respect, and that works collaboratively towards the goal of religious freedom for "everyone, everywhere," in South and Southeast Asia and beyond.

RFI's South & Southeast Asia Action Team

RFI pursues its mission and vision through teams of scholars and other experts working to advance religious freedom in a particular region or issue area. This *Sri Lanka Religious Freedom Landscape Report* is one of eight religious freedom landscape reports by the South and Southeast Asia Action Team (SSEA-AT) on our eight focus countries of Bangladesh, Burma (Myanmar), India, Indonesia, Malaysia, Nepal, Pakistan, and Sri Lanka. Building on the analysis in these reports, SSEA-AT is committed to advancing religious freedom across South and Southeast Asia. SSEA-AT seeks first and foremost to build mutual trust and partnerships with local religious freedom actors and entities across the region. Currently, the team has accumulated hundreds of such contacts, including over 275 individuals and more than 200 organizations. These contacts comprise an invaluable foundation and support network, which makes it possible to develop a shared assessment of the religious freedom landscape in South and Southeast Asia as well as a shared action plan that seeks to cultivate religious freedom from the ground up. RFI's ongoing engagement efforts in the region include private meetings with religious and political leaders, activists, and other religious freedom actors and organizations; private meetings with legislators and government officials; public events and grassroots outreach; conflict resolution initiatives; policy formation and analysis; humanitarian relief and/or development services; and educational initiatives.

The purpose of the SSEA-AT's country landscape reports is to survey the current state and future trajectory of religious freedom in the region. Specifically, each country landscape analysis, including the present Sri Lanka report:

- ◆ Assesses the religious freedom environment in terms of the favorability of political, socio-cultural, religious, economic, and historical conditions; the leading threats and obstacles to advancing religious freedom given these conditions; the major opportunities or enabling conditions for advancing religious freedom; and the positions of leading political and religious actors vis-à-vis religious freedom. Each report focuses on a given country's religious freedom *capabilities* as well as its religious freedom *challenges*.
- ◆ Assesses the state of empirical knowledge and research on religious freedom, including any significant gaps that may exist.
- ◆ Assesses the education system with respect to religious freedom, including the extent to which religious freedom concepts are integrated into primary, secondary, and higher education curricula.

- ◆ Identifies key religious freedom actors (individuals, organizations, and initiatives) already in place, and actors that might engage in religious freedom activities if given the opportunity, resources, and rationale to do so.
- ◆ Assesses the comparative strengths and weaknesses of these actors.
- ◆ Identifies the major gaps or missing elements in their activities.
- ◆ Evaluates the status of communication in the region, including the primary communicative mechanisms by which the views of elites and public opinion are shaped and disseminated.

Based on the findings in the landscape reports, SSEA-AT has developed a Regional Action Plan that lays out a comprehensive strategy for advancing religious freedom in South and Southeast Asia, with RFI as a partner working in close and equal partnership with other actors. The Regional Action Plan includes:

- ◆ A strategic assessment of the status of religious freedom in the region, based on the findings of the landscape reports.
- ◆ A strategy to leverage political, socio-cultural, religious, economic, and historical factors that are conducive to the promotion of religious freedom throughout SSEA.
- ◆ A strategy to operationalize networks of existing religious freedom actors.
- ◆ A strategy to overcome or neutralize obstacles to the advancement of religious freedom.
- ◆ A strategy to identify and encourage new actors, including religious and political leaders, to advance religious freedom.
- ◆ A strategy to expand the quality and scope of freedoms enjoyed by inhabitants of various countries throughout the region.
- ◆ Recommendations on how funders can most strategically invest to advance religious freedom in the region.

ACKNOWLEDGEMENTS

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- ◆ **Director:** Timothy Shah
- ◆ **Associate Director:** Rebecca Samuel Shah
- ◆ **Project Managers:** Liris Thomas and Ana Spevak
- ◆ **RFI Associated Scholars:** Tehmina Arora, Chad Bauman, Robert Hefner, Farahnaz Ispahani, Paul Marshall, Daniel Philpott, Yamini Ravindran, Benedict Rogers, Nilay Saiya, and Eugene Yapp
- ◆ **Research Assistants:** Luke Adams, Michael Gioia, and Matt Mills
- ◆ **Research Interns:** Sachal Jacob and Sarah Thomas

Though they are not responsible for the ultimate form or content of the reports, outside researchers who contributed invaluable and extensively to the reports include Thomas Dinham (Indonesia); Dicky Sofjan (Indonesia and Malaysia); Josiah Ponnudurai (Malaysia and Indonesia); Luke Wagner (Nepal); and Sara Singha (Pakistan). In addition, Michael Gioia worked indispensably—and indefatigably—to edit, re-write, format, and incorporate extensive feedback into all the reports over several intense weeks in the summer of 2019.

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Finally, the editors of the report want to single out Matt Mills, a rising junior at Baylor University, for special gratitude. Matt served as our primary research assistant on all the landscape reports in the final six months of their drafting, redrafting, and publication. He did far more than an ordinary research assistant, contributing immeasurably to the conceptualization and drafting of the landscape report introduction as well as to the careful proofreading and formatting of the entire manuscript. His work was consistently meticulous and his demeanor unfailingly cheerful. The document could not have assumed the form that it did, when it did, without Matt's superb efforts.

OVERVIEW

KEY CHALLENGES

Despite boasting legal protections for religious freedom, Sri Lanka displays significant social intolerance and religiously motivated violence, exemplified by the 2019 Easter Sunday attacks, which caused the deaths of over 300 people. These attacks are an extreme example of a longer history of religious violence in the country. Recent years have seen riots against Christian and Muslim minorities, targeting both individuals and their homes and businesses. Unfortunately, the Easter attacks have only inflamed anti-Muslim animus in the country, leading to a series of riots, where mosques and Muslim-owned businesses

were set on fire. These recent cases of violence are only the latest chapter in a longer history of religious conflict, particularly between the Buddhist Sinhalese and Hindu Tamil populations.

While the government does not systemically persecute religious minorities, it is not entirely free from blame either. Following the Easter Sunday attacks, the government banned full veils in response to popular animus against Islam. Furthermore, government agents have participated in movements to close churches and disrupt Christian religious services.



BACKGROUND

RELIGIOUS DEMOGRAPHY & HISTORY

Religious & Ethnic Demography

In 2012, when the most recent census was conducted, the population of Sri Lanka was 20,359,439.⁸ Ethnic Sinhalese comprise 74.9% of the population and are concentrated in the densely populated southwest and central parts of the island.⁹ Sri Lankan Tamils, who live predominantly in the north and east of the island, form the largest ethnic minority group at 11.1%. The Moors, descendants of Arab traders who settled in Sri Lanka, form the third largest ethnic group at 9.3% of the population. They are mostly concentrated in urban areas in the southern parts of the island, with substantial populations in the Central and Eastern provinces. There are also Indian Tamils who constitute a distinct ethnic group

and make up 4.1% of the population.¹⁰ Buddhists comprise 70.1% of the population, Hindus 12.6%, Muslims 9.7%, and Christians 7.6%.¹¹ Most Sinhalese are Buddhist, most Tamils are Hindu, and most Moors are Muslim. Sizable minorities of both Sinhalese and Tamils are Christians, most of whom are Roman Catholic. The Burghers, a small population of mixed Sri Lankan and European descent, are mostly Roman Catholic or Presbyterian. The indigenous Vedda typically follow animist and Buddhist practices.

Ethnic Segregation

British divide-and-rule policies throughout the colonial period favored the minority Hindu Tamils and Christians while subjecting people who did not fall

under either category to various forms of discrimination. After Sri Lanka gained independence in 1948, the Sinhalese came to dominate the government and implemented discriminatory policies aimed at elevating the status of Sinhalese ethnicity and the Buddhist religion. Tamils, as the second-largest group, and having lost their colonial status, felt these Sinhalese nationalist changes very acutely.¹²

Ethnic conflict and tensions have made it difficult for independent Sri Lanka to become a peaceful, multi-religious, and multi-ethnic country. In 1977, politicians from the pro-Tamil independence party, the Tamil United Liberation Front (TULF), were elected into all the seats in Sri Lanka's Tamil-majority regions. Political parties such as TULF, however, had already begun to lose control as various militias and militant groups arose (often with clandestine TULF support), the most important of which had come to be known as the Liberation Tigers of Tamil Eelam (LTTE).¹³ The LTTE had already engaged in political assassinations for many years when, in 1983, its partisans ambushed a Sri Lankan army patrol, killing 13 soldiers. The Sinhalese responded by organizing massacres of Tamils in Colombo and elsewhere, leading to full-scale civil war between the Sinhalese government and the LTTE, which sought to create an independent Tamil state in the north and east of the island.

Sinhalese nationalists expressed anger over concessions made to Tamil independence groups. Various peace accords, including the 2002 Ceasefire Agreement, offered no lasting peace.¹⁴ Both government forces and Tamil rebels resorted to harsh and violent

tactics. The LTTE used suicide bombings against military and civilian targets. The government's response, "was marked by disappearances, unlawful killings and torture."¹⁵ Both sides have been accused of recruiting children to their war effort.¹⁶ In May 2009, after the death of key LTTE leaders, the Sri Lankan government declared victory over the LTTE and the inauguration of a new era of peace and stability in the country. However, many of the underlying issues remain unresolved, and the government has not effectively held accountable those officials who participated in the most egregious forms of violence (e.g., massacres and torture) carried out against the Tamil people.¹⁷ Over the past few years, several hardline Sinhalese Buddhist groups have emerged, once again pressing for Sinhalese Buddhist dominance in public affairs.¹⁸

Even now, a decade after the end of the war, feelings of mutual grievance remain, and acts of ethnic and religious discrimination continue. Ethnic tensions are often exacerbated by the lack of interaction among different ethnic and religious communities, which is partially due to the existence of monolingual communities and linguistic segregation in the education system. Ethnic communities outside of ethnically diverse urban areas tend to exist in isolation from one another, receiving information about others only from monolingual media sources, forming relationships only within their own ethnic group, and viewing other communities through the lens of long-established biases and stereotypes. These experiences tend to fuel antipathy and create barriers between communities.



Constitutional Landscape: Buddhism as the State Religion

Sri Lankans generally enjoy a substantial degree of religious freedom. Article 10 of the Constitution of Sri Lanka indicates that “Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.” Article 14(1)(e) indicates that “Every citizen is entitled to - the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice or teaching.”¹⁹

Despite guarantees of religious freedom, the Sri Lankan government is not secular. Article 9 of the Constitution stipulates, “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 [Buddhist teachings/community], while assuring to all religions the rights granted by Articles 10 and 14(1)(e).”²⁰

The constitution grants Buddhism the “foremost place” and obligates the government to “protect and foster” it while at the same time ensuring every citizen a broad range of religious freedoms (though freedom to propagate one’s religion, an essential tenet of many faiths, is not explicitly included among them). Reports of ongoing efforts to draft a new or revised constitution suggest that this ambiguous situation will likely endure.²¹

Other constitutional provisions also reach religious matters. Article 12 protects Sri Lankan citizens from discrimination on the basis of religion, and prevents any person from being subject to any disability,



liability, restriction, or condition with regard to access to public places on religious grounds. Additionally, Article 4(d) provides that all organs of the government have a responsibility to respect, secure, and advance all fundamental rights.²²

While there is no clear judicial consensus on how these articles should be read, the Supreme Court of Sri Lanka has gestured toward some degree of state secularity. In a famous judgment on noise pollution, the Supreme Court held that Sri Lanka is a secular state: “It has to be firmly borne in mind that Sri Lanka is a secular State. In terms of Article 3 of the Constitution, Sovereignty is in the People at common devoid of any divisions based on perceptions of race, religion, language and the like.”²³ Similarly, in 2004 the Supreme Court rejected a constitutional amendment proposed by the Buddhist

nationalist Jathika Hela Urumaya party (whose candidates were nearly all monks) because the proposed amendment called for a clear reference to Buddhism as the state religion.²⁴

Non-Justiciable Constitutional Guidelines

Article 27(5) of the Directive Principles of State Policy and Fundamental Duties dictates, “The State shall strengthen national unity by promoting co-operation and mutual confidence among all sections of the People of Sri Lanka, including racial, religious, linguistic and other groups, and shall take effective steps in the fields of teaching, education, and information in order to eliminate discrimination and prejudice.”²⁵

Article 27(11) instructs, “The State shall create the necessary economic and social environment to enable people of all religious faiths to make a reality of their religious principles.”²⁶ Although the Directive Principles are not justiciable in court, the Constitution puts them forth as general guidance for the government in legislative and policy matters.

Statutory Provisions

According to the Penal Code No. 2 of 1883 Chapter XV – Offences relating to Religion, the following religion-related matters are deemed unlawful:

- ◆ 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.
- ◆ Section 292 – [Committing] any trespass in any place of worship or on any place of [burial].²⁷

Similarly, Section 79(2) of Police Ordinance No. 16 of 1865 criminalizes the use of “threatening, abusive or insulting words or behavior which is intended to provoke a breach of the peace,”²⁸ while Section 2(h) of the Prevention of Terrorism Act (PTA), made permanent law in 1982, criminalizes words intended to “cause... violence or religious, racial,

or communal disharmony or feelings of ill-will or hostility between different communities or racial or religious groups.”²⁹

In short, Sri Lanka has strong legal protections for religious freedom on paper. In practice, however, the government does not consistently act to protect these rights, and indeed is often accused of various forms of discrimination against religious minorities.

Sri Lankan law does not require religious bodies to register places of worship with the state. However, the police occasionally ask for registration, justifying their requests with circulars issued in 2008 and 2011 by the Ministry of Buddha Sasana and Religious Affairs.³⁰ Human rights activists have challenged the legal basis of these circulars,³¹ but police have still used them to harass religious minorities.³²

CHALLENGES TO RELIGIOUS FREEDOM

The 2019 Easter Sunday terror attacks, and instances of interfaith violence more generally, represent the most dramatic threat to religious freedom in Sri Lanka. Such attacks, however, do not occur in a vacuum, but rather are carried out in the context of profound and growing interreligious tensions in Sri Lankan society.

Growing discrimination against minorities by the state as well as non-state actors, especially against Muslims, coupled with widespread animus toward Muslims generally since the end of the civil war, has contributed to Muslim radicalization. The danger of radicalization was most evident with the Easter Sunday attacks carried out by individuals affiliated with ISIS, which resulted in the deaths of nearly 300 people.

Unfortunately, these attacks fed into further anti-Muslim animus, prompting a wave of anti-Muslim riots and also providing the government – which remains dominated by Buddhists – with a justification for cracking down on Islam generally.³³ In the days following the attacks, Sri Lanka took the unusual step of banning face coverings as part of emergency legislation. The law banned any face garment that “hinders identification.” “The ban is to ensure national security ... No one should obscure their faces to make identification difficult,” Sri Lankan President Maithripala Sirisena said in justifying the decision. The president’s office argued it would develop “a peaceful and reconciled society.”³⁴ Yet the president also used openly pejorative and provocative language when he referred to the full-face veil as

a “flag of fundamentalism.”³⁵ Others justified the measure in the hopes that it would encourage assimilation of ethnic and religious minorities. Opponents of the law worried about the precedent the law would set, especially with respect to the freedom of Muslim women who consider the wearing of veils to be a religious obligation.

Regrettably, the Easter Sunday attacks and ensuing anti-Muslim prejudice are only the latest chapter in a long and complex story of interfaith tensions in Sri Lanka.

Enduring Nationalism

The civil war between the Tamil-Hindu minority and Sinhalese-Buddhist dominated government has dominated Sri Lanka’s recent history. Generations of Sinhalese-Buddhist majoritarian leadership, as well as the failure of successive governments to address genuine minority grievances, precipitated the war. These issues were not resolved by the civil war. Even now, after the government’s 2009 victory, Buddhist nationalist organizations remain, threatening to destroy Sri Lankan citizens’ shared sense of belonging and identity. Organizations promoting the supremacy of Sinhalese Buddhists include Bodu Bala Sena (“Buddhist Power Force,” BBS) Ravana Balava (Ravana Power), Sinhala Ravana (Sinhala Echo), and the Sinhale Jathika Balamuluwa (Sinhala National Force).³⁶

The BBS is one of the most prominent of these organizations, and is led by the monk, Venerable Galagoda Athethe Gnanasara (or Galagoda Aththe Gnanasara Thero). The BBS was formed



in 2012 to protect Theravada Buddhism in Sri Lanka and seeks to exclude contributions of non-Buddhists to Sri Lankan history and society. The group has been known to incite violence against non-Buddhists in Sri Lanka.³⁷ The government, for its part, has softly supported some of the BBS’s activities. For example, the state approved pro-Buddhist revisions to Sri Lankan history, such as claiming historical Buddhist links to sites traditionally sacred to minority groups. Moreover, government forces have tacitly allowed BBS-organized rallies against minorities, and the violence incited by such rallies has gone unpunished. Contrary to the evidence of government collusion with the BBS, the government denies any direct links with the organization.³⁸

The BBS and other national groups have frequently resorted to violence



against minorities. BBS actions include attacks on places of worship as well as businesses and properties of religious minorities. According to the National Christian Evangelical Alliance of Sri Lanka (NCAESL), there were 195 incidents of such violence against Christians in 2016.³⁹ BBS has also been known to stir up anti-Muslim sentiment. The two-day riots in Aluthgama that led to the death of 4, injury of 80, and burning of over 60 homes and businesses, were allegedly directly incited by the BBS's general secretary, Gnanasara.⁴⁰ In September 2017, Buddhist monks and hardline nationalists forced a small group of Rohingya refugees – mostly women and children – to flee a U.N. shelter in the capital Colombo.⁴¹ In 2018, Sinhalese mobs attacked Muslims in a series of religious riots in the towns of Kandy and Ampara.

Unfortunately, the Sri Lankan government has done little to deter BBS-organized violence. Although Gnanasara was imprisoned after being convicted in 2018 on a contempt of court charge and for threatening the wife of an abducted journalist, President Sirisena had him pardoned and released in May 2019, and even invited him and his mother to the presidential palace, despite his notoriety for inciting violence against religious minorities.⁴² This disturbing move raises further questions about the present government's willingness to combat religious intolerance and extremism.

Importantly, the strand of Buddhist nationalism represented by the BBS is not confined to Sri Lanka – rather, it represents a broader threat of religious intolerance throughout Southeast Asia. The BBS maintains contacts with

Burma's 969 Movement, pointing to the regional scale and networks of Buddhist nationalism.⁴³ In fact, in 2014, Gnanasara signed a pact with Burma's Ashin Wirathu, the founder and leader of 969 who once described himself as "the Burmese bin Laden," in what the two prominent Buddhist leaders described as an effort to counter regional conversion efforts by Islamists.⁴⁴

Legal & Political Challenges

I: Language

According to the Constitution, Sri Lanka's national languages are Sinhala and Tamil. But many Tamil-speaking officials, including those representing the Hindu population in the northern and eastern provinces, have faced challenges dealing with state institutions at both the provincial and local levels. Tamil speakers often also face disadvantages in employment and access to services.⁴⁵ Because of the strong connection between language, ethnicity, and religion in Sri Lanka, this disadvantage disproportionately disfavors the island's Hindus.

II: Demilitarization

While the civil war ended with the defeat of Tamil forces in the northern and eastern parts of Sri Lanka, the Sinhalese-dominated army maintains a strong presence in Tamil regions. The region has yet to fully demilitarize, and land has not been reallocated to those displaced by military encampments.⁴⁶ The continued application of the Prevention of Terrorism Act (PTA), passed during the civil war, disproportionately affects the nation's Tamil population.

According to Human Rights Watch, "The law allows arrests for unspecified 'unlawful activities' without warrant, and permits detention for up to 18 months without requiring that authorities produce the suspect before a court pre-trial."⁴⁷ The PTA has been heavily criticized nationally and internationally, and a significant number of people remain in custody under its authority.⁴⁸ The repeal of the PTA is a serious and important step to which the government has committed in the reconciliation process.⁴⁹

Furthermore, minority groups in occupied northern regions have expressed concern toward the erection of Buddhist temples by the Sri Lankan military, which is viewed as an imposition of Buddhist identity on non-Buddhist regions.⁵⁰ These acts are particularly charged in areas where the Bo tree, revered by Hindus and Buddhists alike, is present.⁵¹

III: State Persecution

According to the NCAESL, "there was a notable increase in state-driven persecution between 2016 and 2017. Over 50 reported incidents from a total of 90 incidents of attacks against Christians in 2015 involved the participation of State officials. In 2016, there were 42 such incidents. Additionally, 24 out of the 59 incidents reported as of October 2017, have explicitly or implicitly involved state officials. The majority of incidents involved church closures or demands to stop prayer meetings on the basis of registration."⁵²

The government has not effectively worked to end such persecution. In fact, a Sri Lankan minister recently

threatened to remove a senior lawyer and prominent human rights defender from the legal profession for publicly speaking out about the attacks on Christians.⁵³

Additionally, Sri Lanka's religious minorities face social and legal obstacles when attempting to construct new places of worship and access public cemeteries. Burials of religious minorities have also provoked violence, particularly when the deceased converted away from the region's majority religion.⁵⁴

IV: Inter-Minority Tensions

Considerable tensions and even conflict between Sri Lanka's religious minority groups remain, making it harder to establish a united front for religious freedom.

Tamil-Hindu dominated areas in the north of the country have proven no friendlier to minorities, including Muslims and Christians, than the rest of the country. Hindu-dominated Batticaloa district reported the third most incidents of violence against Christians in 2015-2016.⁵⁵ Muslims also report discrimination in the north – for example, the Muslim community was expelled by the Tamil Tigers during the war and has experienced difficulty in reclaiming their land following the war's conclusion in 2009.⁵⁶

Several religious groups have called for laws banning forced conversions. Both Hindu groups and some leaders within the Roman Catholic Church have called for such laws.⁵⁷ While protections against forcible conversions are good in principle, in practice, they may prove extremely difficult to enforce properly in Sri Lanka.

V: Education

Religious instruction is mandatory in public and private schools in Sri Lanka. Parents may elect to have their children study Buddhism, Christianity, Hinduism, or Islam, so long as at least 15 students have also enrolled to study that religion in a given location. "All schools teaching the Sri Lankan Ordinary Level syllabus must use the Ministry of Education curriculum on religion, which covers the four main religions and is compulsory for the General Certificate Education Ordinary Level exams (equivalent to U.S. grade 12)."⁵⁸ Religious minority students at some schools may be required to study a religion contrary to their parents' wishes since religious course offerings are dependent upon demand. In certain circumstances, teachers may also be compelled to teach about a religion other than their own. To what extent these requirements present religious freedom concerns is yet unclear, but they merit additional monitoring.



STRENGTHS OPPORTUNITIES & NEEDS

Despite nearly 30 years of civil war, and continued tensions between ethnic and religious groups, the nation is rebuilding a sense of unity, belonging, and common nationhood. The recent lifting of a ban on the Tamil version of the National Anthem, “Sri Lanka Matha,” and its first ever public performance during the Independence Day celebrations in 2015, were major steps towards reconciliation.

Most Sri Lankans respect tolerance as a social ideal, which is enshrined in the preamble of Sri Lanka’s Constitution. The preamble assures “to all People – Freedom, Equality, Justice, Fundamental Human Rights and the Independence of the Judiciary, as the intangible heritage that guarantees the dignity and well-being of succeeding generations of the People of Sri Lanka and of all the People of the World, who come to share with those generations the effort of working for the creation and preservation of a Just and Free society.”⁵⁹ The current

détente between ethnic and religious groups, though increasingly frayed in the aftermath of the Easter bombings, still presents an opportunity to build on this principle of tolerance through further constitutional reform, work towards transitional justice, and engagement in creative policy-making.

Role of the Government

In the last few years, the Public Representations Committee on Constitutional Reform (PRCCR) and the Consultation Task Force on Reconciliation Mechanisms (CTF) has engaged with thousands of people through oral and written submissions.⁶⁰ Such an official process has given citizens hope that their views and aspirations will now be heard and considered. The PRCCR, the CTF, and the National Human Rights Commission have drawn staff from diverse ethnic and religious groups, as well as women, allowing for more

opportunities for different voices to be heard in the government.⁶¹

Reconciliation, Redress & Human Rights

The National Unity Government was established at the beginning of 2015 and enjoys the support of most communities, bringing new hope for reconciliation and progress. In October 2015, with the co-sponsorship of the Government of Sri Lanka, the national Human Rights Council adopted resolution 30/1 on promoting reconciliation, accountability, and human rights, in which a commitment was made to address the past through the four pillars of non-recurrence, right to truth, right to justice, and reparations.⁶² Moreover, the establishment of the Office for

National Unity and Reconciliation and the Secretariat for Coordinating Reconciliation Mechanisms, along with other organizations like the National Human Rights Council, point to a certain degree of investment in improving interfaith toleration and unity in Sri Lanka.

The establishment of the Inter-Religious Council under the President brings together leaders from many different religions, sponsors peace talks, and offers hope to victims of sectarian violence. Its mandate is to increase society's understanding of and respect for other religious systems and institutions, serving as a platform for discussions and mediations, as well as general peace-building activities, planning, and advising.

SRI LANKA

SWOT ANALYSIS

Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis is a structured planning method that evaluates a given organization, program, or a project in each of these areas. What follows is a SWOT analysis for religious freedom for Sri Lanka.

STRENGTHS

What does the country do well with regard to religious freedom?

What areas are vibrant, positive, and healthy when it comes to religious freedom in the country?

- ◆ Strong Cultural Emphasis on tolerance
- ◆ Strong Legal Protection of religious freedom enshrined in the constitution
- ◆ Relatively strong and independent judiciary capable of prosecuting illegal infringements upon religious freedom

WEAKNESSES

What does the country do less well when it comes to religious freedom?

What areas of weakness does the country encounter with religious freedom?

- ◆ Special constitutional status of Buddhism
- ◆ State favoritism of Buddhism
- ◆ De facto quasi segregation of different ethnic, linguistic, and religious communities
- ◆ Faulty registration rules/circulars disproportionately targeting minority cemeteries and places of worship
- ◆ Laws including the Prevention of Terrorism Act disproportionately targeting minority groups, especially Tamils
- ◆ Failure to enforce current laws when transgressed by Buddhist nationalist groups in acts of violence or intimidation against minorities

SRI LANKA

SWOT ANALYSIS

OPPORTUNITIES

*What are the needs of the people in the country who wish to exercise their right to faith?
What trends can the country take advantage of to promote religious freedom?
What is changing in the country's communities that can be harnessed to promote religious freedom?*

- ◆ Government efforts toward reconciliation after a long civil war
- ◆ Precedent within the Sri Lankan judiciary for a secular state
- ◆ Media efforts to create and foster national unity
- ◆ Striving for a more integrated educational system that fosters interfaith relations

THREATS

*Are there any threats or regulations with regard to religious freedom in the country?
What challenges exist in the country that threaten religious freedom?*

- ◆ Persistent Buddhist nationalist activity and demonization of minorities
- ◆ Use of social media and other venues to incite hate between groups
- ◆ Social and governmental action and threats against human rights workers
- ◆ Continued failure to address certain minority grievances (which could create more tension)
- ◆ Persistence of state-driven persecution of religious groups
- ◆ Growing radicalization of religious minority communities with ties to transnational extremist networks

PEW RESEARCH CENTER REPORT

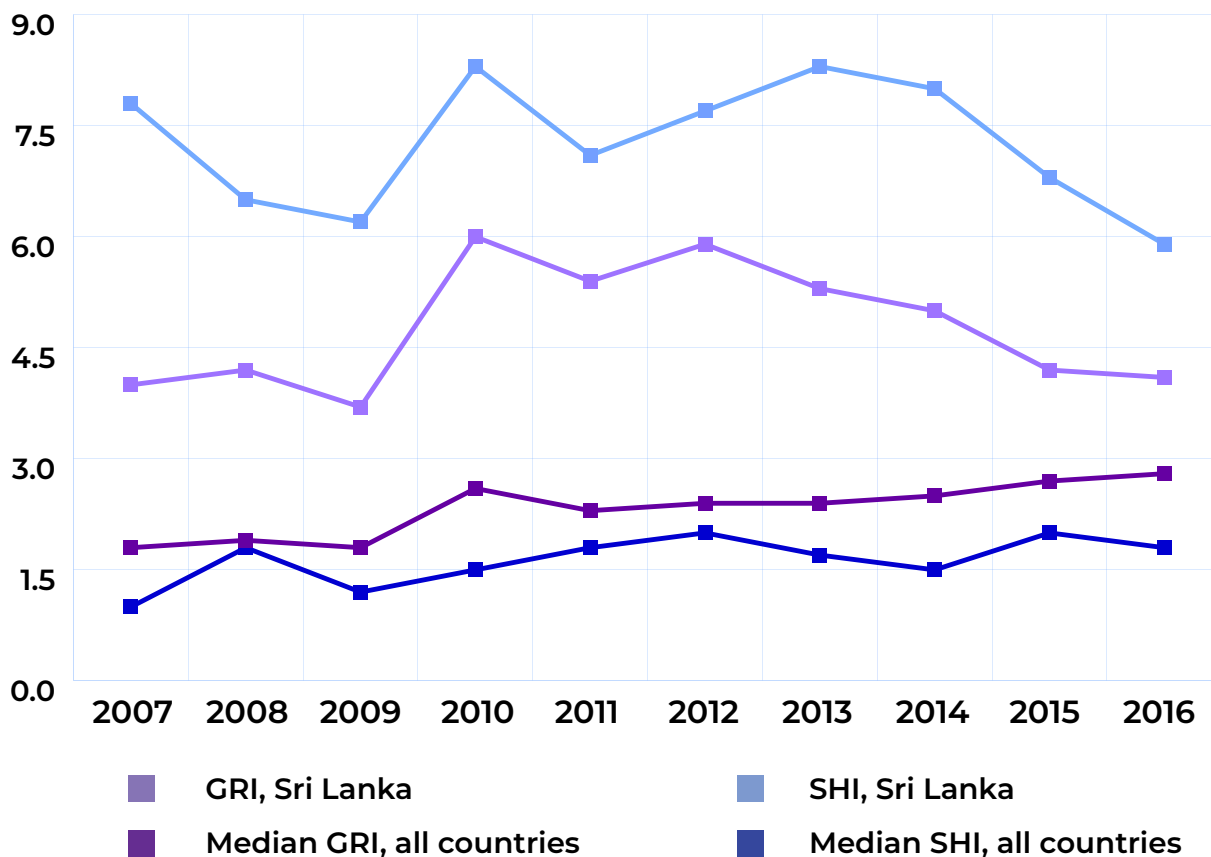
RESTRICTIONS ON RELIGION AMONG 198 COUNTRIES, 2007-2016

Since 2009, the Pew Research Center has released an annual report⁶³ on restrictions of religious freedom around the world. The Pew report uses a 10-point index to rate 198 countries and self-governing territories based on Government Restrictions Index (GRI) and Social Hostilities Index (SHI).

The GRI measures government restrictions on religious actors ranging from favoring one religion over another to outright bans on a particular religion. Sri Lanka scored “high” on the GRI in 2015, ranking 37th worst among 198 countries.⁶⁴ In 2016, Sri Lanka improved to a “moderate” GRI score, ranking 64th worst among 198 countries.⁶⁵

The SHI measures hostilities towards religion by non-state actors, ranging from harassment to attacks in the name of religion. In 2015, Sri Lanka’s SHI ranked “very high” with the 6th worst SHI rating among the 198 countries surveyed.⁶⁶ In 2016, Sri Lanka improved to a “high” rather than “very high” SHI score—moving to the 27th worst SHI rating among the 198 countries.⁶⁷

Figure 1: Restrictions on Religion in Sri Lanka (GRI & SHI) 2007-2016





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316 Pennsylvania Ave. SE, Suite 501
Washington, DC 20003
Tel: 202-838-7734
rfi@religiousfreedominstitute.org
www.religiousfreedominstitute.org

