

Legal framework

The constitution of the Democratic Socialist Republic of Sri Lanka contains several provisions that explicitly protect freedom of religion or belief. Buddhism is accorded a special status, however, and the state is required to protect it, though it is not the state religion.

The law recognises four religions: Buddhism, Islam, Hinduism, and Christianity, but according to a 2003 Supreme Court ruling, only Buddhism is protected by the state, not other religions, and there is no right to proselytize under the constitution.

On 16 October 2008, the then Ministry of Religious Affairs and Moral Upliftment (now the Ministry of Buddhasasana), issued a Circular to regional secretaries and local governments concerning the construction and registration of new places of worship. While the Circular is not a law, as it was not passed by the legislature, it has been used by law enforcement and local government officials to target religious minority groups and their places of worship. Furthermore, while the Circular only applies to constructions after 2008, attempts have been made to apply it retroactively.

A 2020 ban on domestic cattle slaughter has raised concerns that this law could lead to an increase in vigilantism against religious minorities, as has been observed in parts of India where similar laws exist.

The Prevention of Terrorism Act (PTA) gives security forces sweeping powers to arrest and imprison suspects. This has led to several fundamental rights abuses including torture, arbitrary arrest and detention and repression of free speech. Several members of the Muslim minority community continue to be held in indefinite detention, having been arrested after the Easter Sunday Bombings, and it has also been used as a justification for the arrests of human rights lawyers and others who have criticised the government, including Hejaaz Hizbullah and poet Anhaf Jazeem.

On 10 June 2021 the European Parliament adopted a resolution on arrests made under the Prevention of Terrorism Act (PTA), calling for a temporary withdrawal of the GSP+ status to the country until the law is repealed.

The Rajapaksa administration

On 5 August 2020 the Sri Lanka Podujana Peramuna (SLPP), led by Mahinda Rajapaksa, secured a two-thirds majority in Sri Lanka's general election, just months after the 2019 presidential election of Mahinda's brother, Gotabaya Rajapaksa. The two brothers face allegations of war crimes and crimes against humanity for their role in the ending of the country's long civil war, following findings from a [UN report](#) in 2015, and their authoritarian rhetoric is concerning.

Civil society groups are concerned they will embolden Buddhist extremists across Sri Lanka, to the detriment of religious minorities. For example, on 27 October 2021 the president [established](#) a 13-member 'Presidential Task Force for One Country, One Law', chaired by Galagodaatte Gnanasara of the Buddhist nationalist group Bodu Bala Sena

(Buddhist Power Force). Mr Gnanasara has been repeatedly accused of expressing anti-minority sentiments towards Christian and Muslim communities.

Violations against religious minorities

Despite the 30-year ethnic civil war ending in 2009, there are ongoing challenges to unifying Sri Lanka's diverse ethno-religious population. Ethno-religious tensions have been fuelled by Buddhist nationalist groups since 2012. Crimes are committed in an environment of impunity, and the Muslim and Christian communities are discriminated against, intimidated and attacked.

Muslims

The Muslim community has faced decades of suspicion and distrust. Many Sinhalese-Buddhist nationalists fear a rapid rise in the Muslim population, which would turn them into the dominant ethno-religious group. These tensions were further exacerbated after the 2019 Easter Sunday bombings, in which over 250 people were killed in an attack perpetrated by a little-known local Islamist group called National Towheed Jamath (NTJ).

The attacks led to anti-Muslim violence in Northwestern province and the Gamapal district. Nationalist Sinhala-Buddhist mobs attacked Muslim homes, mosques and businesses in apparent retaliation for the bombings, resulting in the death of one person. In some cases, police and security officials have been accused of being complicit in these attacks and refusing to intervene.

Religious intolerance towards Muslims predates the 2019 Easter Sunday attacks. Many propagators of hate speech play on economic factors, [suggesting](#) that all Muslims are successful businessmen. Responses to this include Halal boycotts and repeated attacks and destruction of Muslim businesses.

Christians

One of the factors driving intolerance towards Christians is fear of expansion via proselytism. Similar to the narratives surrounding the fear of the expansion of the Muslim population, Sinhalese-Buddhist nationalists perceive proselytism as a threat to their dominance.

Registration of places of worship continues to be a challenge particularly for Christian churches. To date, there is no law requiring registration, but the Ministry of Buddhasasana and regional state bodies continue to demand proof of registration with, or approval from, the Ministry of Buddhasasana, for churches to function. This has resulted in several churches having to shut down. In addition, regional state bodies have also demanded that churches obtain approval from a purported *Sasanarakshaka Balamandalaya* (roughly translated as a 'power force protecting the Sasana'), which typically comprises Buddhist monks.

A 2016 report by Minority Rights Group identified structural discrimination against Christians in Sri Lanka, characterised by the reactions of state officials to violence against Christians, which ranged from condoning illegal acts to

refusing to record complaints. At the ministerial level of government, there is a refusal to acknowledge the violence experienced by the Christian community. Seventy-seven incidents of religious violence and intolerance were reported against Christians in Sri Lanka in 2021.

Social media

Social media in Sri Lanka has a big influence on the spread of stereotypes and misconceptions surrounding religious minorities. For many, Facebook has become a dominant platform for ethno-nationalist groups. During the 2020 parliamentary election, online anti-Muslim propaganda was aimed at Muslim candidates.

Civil society surveillance and freedom of expression

Sri Lanka was ranked 127 out of 180 countries in the Reporters Without Borders 2020 World Press Freedom Index, with arbitrary arrests of journalists continuing. Authorities have used the pandemic to justify a further crackdown on freedom of expression, ordering the arrest of anyone who criticised officials for their handling of the COVID-19 pandemic.

In his visit to Sri Lanka in 2019, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association was [informed](#) that security and intelligence officers frequently enter NGO offices, submitting members to questioning. Following the pandemic, a more recent trend has been the surveillance of places of worship under the guise of national security or public health.

More details can be found in CSW's [2021 report](#) on freedom of religion or belief in Sri Lanka.

Recommendations

To the government of Sri Lanka:

- Remove the 2008 Circular on construction of places of worship.
- End widespread hate speech and acts of impunity based on ethno-religious grounds and actively promote a pluralistic society.
- Prosecute those responsible for perpetrating hate speech and targeted violence against religious minorities promptly.
- Provide training on human rights to the Sri Lanka police.
- Take steps to improve reconciliation and social cohesion among the different ethnicity and faith groups.
- End State surveillance, harassment and intimidation of human rights defenders, lawyers, journalists and civil society groups.

- Conduct impartial investigations of allegations of all international human rights violations and ensure accountability.

To the United Nations and Member States:

- Urge Sri Lanka to guarantee the right to FoRB for all, in law and in practice, in line with Article 18 of the International Covenant on Civil and Political Rights (ICCPR) to which the State is party.
- Urge all relevant UN mechanisms, including the High Commissioner for Human Rights, the Special Procedures and Treaty Bodies, to include the right to FoRB in their monitoring and reporting on Sri Lanka, addressing the vulnerabilities and violations faced by religion or belief communities and those seeking to defend them.
- Call on Sri Lanka to conduct impartial and timely investigations into allegations of violations against religious or belief minorities, ensuring that perpetrators are held to account.
- Ensure that the human rights violations highlighted in this briefing are consistently raised in public and in private with Sri Lanka, including during high-level visits and other bilateral exchanges.

To the government of the United States of America:

- The State Department should continue to closely monitor FoRB in Sri Lanka.
- The Ambassador for International Religious Freedom, and the US Commission for International Religious Freedom (USCIRF), should request an invitation to Sri Lanka with unhindered access to all parts of the country.

**CSW everyone
free to believe**

T +44 (0)20 8329 0010

🐦 @CSW_UK

f /CSWUK

csw.org.uk

PO Box 99

New Malden

Surrey, KT3 3YF

United Kingdom

© Copyright CSW 2022. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, transmitted, in any form or by any means, electronic, photocopying, mechanical, recording and/or otherwise without the prior written permission of CSW.