

Legal framework

The Constitution of the Democratic Socialist Republic of Sri Lanka contains several provisions that explicitly protect freedom of religion or belief (FoRB). 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 proselytise under the constitution.

On 16 October 2008, the then Ministry of Religious Affairs and Moral Upliftment (now the Ministry of the Buddha Sasana), 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 2019 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on arrests made under the PTA, calling for a temporary withdrawal of the GSP+ status to the country until the law is repealed.

In March 2023, the government proposed the Anti-Terrorism Act (ATA), which introduced some positive reforms, including improved access to bail; however, it still contains a broad definition of terrorism, which human rights groups fear could result in continued arbitrary detention of religious minorities. In December 2023, the ATA remained under further review, leaving the PTA in effect.

Political turmoil in Sri Lanka

In May 2022, Sri Lanka's prime minister, Mahinda Rajapaksa, resigned after months of protests over the country's deepening economic crisis. Turmoil began to engulf the country, following violence at a major protest site in Colombo, where pro-government supporters attacked

peaceful demonstrators and police responded with teargas and water cannon. The violence quickly spread across the country. Houses and vehicles of several pro-Rajapaksa politicians and the residence of Mahinda Rajapaksa were set on fire. A nationwide curfew was imposed but five were killed and almost 200 injured. Mahinda Rajapaksa had been asked to resign by his brother, the president, Gotabaya Rajapaksa, at a special meeting, in an attempt to appease demonstrators who had been taking to the streets in their thousands since March 2022. Protesters had been calling for both brothers of Sri Lanka's powerful Rajapaksa political dynasty to be removed from office for mishandling the economy and plunging the country into the worst financial crisis since independence. Mahinda Rajapaksa, who was president for a decade between 2005 and 2015, had reportedly been resistant to stepping down, but on 9 May submitted his letter of resignation to the president.

Amid growing economic meltdown and widespread protests Gotabaya Rajapaksa resigned as president of Sri Lanka on 14 July 2022. Rajapaksa's office said his resignation letter had been received by the country's parliamentary speaker, after it was flown from Singapore, to where the leader had fled via the Maldives.

In May 2022, Wickremesinghe was reappointed as prime minister amidst the political crisis. Following the resignation of President Gotabaya Rajapaksa in July 2022, Wickremesinghe became acting president and was subsequently elected as the 9th President of Sri Lanka by Parliament on 20 July 2022.

The 2024 Sri Lankan presidential election, held on 21 September, resulted in the victory of Anura Kumara Disanayake, leader of the National People's Power (NPP). His win signals a major shift, reflecting the electorate's desire for reform after years of political instability and economic hardship. In terms of FoRB, Disanayake's campaign emphasised a commitment to inclusive governance. This is significant for Sri Lanka, where religious and ethnic tensions have historically fuelled discord. He aims to promote unity beyond ethnic and religious lines, focusing on reconciliation with minority communities which have faced long-standing marginalisation. His administration has also pledged to decentralise power and ensure fair representation at the regional level, potentially fostering greater autonomy and trust among these groups.

However, it remains to be seen how effectively these promises will translate into action. Addressing deeply rooted divisions and curbing nationalist rhetoric will be essential to ensuring long-term progress on the right to FoRB for all in Sri Lanka, and to promote social harmony under Disanayake's leadership.

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.¹

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.² 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 misconceptions and misinformation 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.

Human rights groups continued to report authorities monitoring expression on social media. In November 2023, however, the Sri Lankan Supreme Court determined that Section 3 of the Sri Lanka's International Covenant on Civil and Political Rights (ICCPR) Act of 2007 should not be interpreted as criminalising blasphemy, including in online contexts. It cited the case of Ramzy Razik, a Muslim man who was detained for five months without charges in 2020 for writing a Facebook post expressing his views of challenges faced by Muslim communities.

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,³ with arbitrary arrests of journalists continuing. Authorities used the COVID-19 pandemic to justify a further crack down on freedom of expression, ordering the arrest of anyone who criticised officials for their handling of the COVID-19 response.

Surveillance, intimidation, and detention of religious minorities continued in 2023, under the premise of national security concerns. As of August 2023, 21 detainees were on remand under the PTA, and 25 individuals were serving prison terms on terrorism charges. In April, three detainees, who had been held in pretrial detention for 14 years, were released after determining that their confessions had been coerced. In June 2024, human rights organisations and international lawyer associations expressed concerns about witness intimidation and coercion in PTA trials, specifically Hejaaz Hizbullah, who was detained for 20 months before being charged and ultimately granted bail in 2022.

1 Minority Matters, 'The challenge for the Muslim community after the recent communal violence in Sri Lanka,' 7 March 2019 <http://www.minormatters.org/en/blog/the-challenge-for-the-muslim-community-after-the-recent-communal-violence-in-sri-lanka>

2 Minority Rights Group (MRG), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', 2016 <https://minorityrights.org/app/uploads/2024/01/mrg-rep-sri-lan-dec16.pdf>

3 Reporters Without Borders, 'World Press Freedom Index: Entering a decisive decade for journalism exacerbated by Coronavirus', 2020, <https://rsf.org/en/2020-world-press-freedom-index-entering-decisive-decade-journalism-exacerbated-coronavirus>

Recommendations

To the government of Sri Lanka:

- Immediately repeal the Prevention of Terrorism Act (PTA).
- The government should meaningfully engage with civil society and other stakeholders to substantively revise the Anti-Terrorism Bill and bring it fully into line with Sri Lanka's international human rights obligations.
- Remove the 2008 Circular on construction of places of worship.
- Take every step to 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 Lankan 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 government of the United Kingdom:

- Ensure that any British government aid, particularly from the Conflict, Stability and Security Fund, is used in a way that promotes FoRB, especially regarding funding for police, who have been accused of being indifferent to or even complicit in FoRB violations.
- Call for the release of detainees held under the PTA without fair trial, and ensure that cases of arbitrary detention, including those involving religious minorities, are fully investigated.
- Call on the Sri Lankan government to end state surveillance, harassment, and intimidation of human rights defenders, journalists, lawyers, and civil society groups, particularly those advocating for freedom of religion or belief (FoRB).
- Encourage the Sri Lankan government to take tangible steps to improve reconciliation efforts between different ethnic and religious groups, particularly in light of ongoing ethno-religious tensions since the end of the civil war.

- Support initiatives that promote social cohesion, dialogue, and mutual understanding among Sri Lanka's Buddhist, Muslim, Christian, and Hindu communities.
- Provide training to Sri Lankan police forces on human rights and religious tolerance, ensuring that law enforcement officers protect all religious communities impartially and are held accountable for complicity in acts of violence or harassment.

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T +44 (0)20 8329 0010

🐦 @CSWAdvocacy

f /CSWUK

csw.org.uk

PO Box 99

New Malden

Surrey, KT3 3YF

United Kingdom

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