

THE STATE OF RELIGIOUS FREEDOM IN SRI LANKA

ANNUAL REPORT 2024

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THE STATE OF RELIGIOUS FREEDOM IN SRI LANKA

ANNUAL REPORT 2024

National Christian Evangelical Alliance of Sri Lanka

2025

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INTRODUCTION

Sri Lanka is home to different ethnic, religious, and linguistic groups. While Buddhism, Islam, Hinduism, and Christianity are officially recognised as religions,¹ the constitution accords Buddhism the “foremost place” and entrusts the state to protect it.² Despite Buddhism’s place, Sri Lanka has, in many ways, been accommodative of its ethnoreligious³ minorities.

Significant dates in the Hindu, Islamic and Christian calendars that are observed as public holidays, along with the presence of faith-based private schools that operate fairly independently, and the absence of any current legal restrictions on religious attire, signal an inclusive environment. The government also continues to maintain separate religious departments for all recognised religions, with the history of the Department of Muslim Religious and Cultural Affairs, going back to the 1950s.⁴ While acknowledging concerns about stalled reform of the Muslim Marriage and Divorce Act, the presence of customary laws for Muslims, Kandyan Sinhalese⁵ and Northern Tamils that suggest the potential for a culturally inclusive legal framework is significant.

Religious Group	Percentage	Description	Geographic Area (Province)
Buddhists	70.2%	Almost all Buddhists are Sinhalese and practice Theravada Buddhism	The majority of Buddhists live in the Central, North-Central, North-Western, Sabaragamuwa, Southern, Uva, and Western provinces.
Hindus	12.6%	Hindus are “Sri Lankan Tamils” [descendants of Tamil-speaking groups who migrated from South India centuries ago] or “Malaiyaha/Upcountry Tamils” [Tamil of recent Indian origin].	“Sri Lankan Tamils” live mostly in the Northern and Eastern provinces whereas “Malaiyaha Tamils” live in the Central, Sabaragamuwa and Uva provinces.

1 Department of Census and Statistics, Census of Population and Housing - 2012, (Department of Census and Statistics, Sri Lanka), 2012, <https://www.statistics.gov.lk/pophousat/cph2012visualization/htdocs/index.php?usecase=indicator&action=Data&indId=10>

2 The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art.9

3 The report focuses on ‘ethnoreligious’ as opposed to ‘religious’ communities. The use of this term addresses overlapping distinctions of religious communities in Sri Lanka and is discussed further in the report Trend Analysis of Violence against Christians in Sri Lanka, (National Christian Evangelical Alliance of Sri Lanka & Verite Research, October, 2023), <https://minormatters.org/wp-content/uploads/2024/08/Trend-Analysis-of-Violence-Against-Christians-in-Sri-Lanka-November-2022-October-2023.pdf>, 35

4 Department of Christian Religious Affairs, “About Us”, (Colombo, Department of Christian religious Affairs, 2020), <https://www.christian.gov.lk/aboutus.php>; Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs, Department of Hindu Religious and Cultural Affairs, Performance and Progress Report, 2015, (Colombo, Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs, 2015), <https://www.parliament.lk/uploads/documents/paperspresented/performance-report-department-of-hindu-religious-2015.pdf>; Department of Muslim Religious and Cultural Affairs, “History”, (Colombo, Department of Muslim Religious and Cultural Affairs, 2015), <https://muslimaffairs.gov.lk/history/>

5 Sinhalese with ancestry linked to the Kandyan kingdom - the last independent monarchy in Sri Lanka before British colonisation, located in the Central province.

Muslims	9.7%	Muslims are recognised as a separate ethnoreligious group. Most are either Moor or Malay and a majority practice Sunni Islam.	A majority of Muslims live in the East but have a significant presence in the Central, North-central, North-Western, Sabaragamuwa, Uva, and Western provinces.
Christians	7.4%	Primarily consist of Sinhalese, Tamils, and Burghers [descendants of Dutch or Portuguese]. Most practice Roman Catholicism, while others belong to mainline Protestant groups such as Anglicanism and Methodism. In recent years, there has been growth in Evangelical and independent groups, although numbers are not known.	Christians are scattered throughout the country but with a larger presence in the Eastern, Northern, North-Western, and Western provinces.

Based on data published in the 2012 census of the Department of Census and Statistics and the 2022 Report by the U.S Department of State on International Religious Freedom: Sri Lanka.

More importantly, Sri Lanka has a significant constitutional and legal framework to protect the freedom of religion or belief (FoRB) of all ethnoreligious groups. This includes the freedom to “have or adopt a religion” and manifest religion in “worship, observance, practice and teaching”.⁶ Additionally, Sri Lanka’s commitment to FoRB is strengthened as a signatory to international treaties such as the International Covenant on Civil and Political Rights (ICCPR).⁷

However, a state’s close association with religion - like in many countries with an official or favoured religion⁸ - inevitably bestows it with a special status, consigning other religions to a secondary status. At a symbolic and relatively innocuous level, this has led to deference to Buddhism in state symbolism and events, and the prioritisation of Buddhist holidays and cultural events. However, the special status awarded to Buddhism extends beyond symbolism. The supremacy of Buddhism in the constitution and deference to the interests of the majority Buddhist community have influenced the legal landscape and thinking in the political, communal and private spheres. This has often resulted in undermining the status of other ethnoreligious groups and their right to FoRB.

Since Independence in 1948, an unwritten rule has only destined those who’ve openly identified themselves as Buddhist, to hold the posts of President and Prime

6 The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art. 10 & 14

7 International Covenant on Civil and Political Rights art. 18(1), opened for signature Dec. 19, 1966, 999 U.N.T.S. 171, 6 I.L.M. 30 (entered into force Mar. 23, 1976)

8 Pew Research Centre, Many Countries Favour Specific Religions, Officially or Unofficially, (Pew Research Centre, 2017), <https://www.pewresearch.org/religion/2017/10/03/many-countries-favor-specific-religions-officially-or-unofficially/>

Minister.⁹ During their tenures - to varying degrees - they have upheld the Sinhala-Buddhist nature and character of the state. However, the election of President Anura Kumara Dissanayake and the new parliament in 2024 signals a shift in this dynamic.

The elections in 2024 were the first to be held after military officer turned President, Gotabaya Rajapaksa, was ousted in July 2022 by mass protests - better known as the Aragalaya¹⁰ - over his mismanagement of the economy. His brother Mahinda Rajapaksa, serving as Prime Minister, was also forced to vacate. Following their exit, six-time Prime Minister Ranil Wickremesinghe was elected by his fellow MPs as President to serve out the current term till elections were held in 2024.¹¹

The Rajapaksa brothers served as Presidents between 2005-2015 and 2019-2022 and thrived on Buddhist insecurities. They used their political and military bases to introduce measures that victimised sections of the Muslim, Hindu and Christian populations for political advantage.¹² Gotabaya Rajapaksa, elected in the wake of the Easter Sunday Attacks (ESA) in 2019 and anti-Muslim retaliation, based his campaign on providing strong leadership on national security.¹³ The series of coordinated suicide bombings that killed more than 250 people, were linked to a radicalised Muslim group in Sri Lanka and is widely perceived to have involved local political forces.¹⁴

During the Rajapaksa administrations, militant Buddhism surged, with extremist Buddhist organisations like the Bodu Bala Sena (Army of Buddhist Power - BBS) playing a key role in leading mobs and riots against Muslims and to a lesser extent Christians. Gotabaya Rajapaksa was repeatedly seen endorsing the group, and in 2021 appointed its leader to head a Presidential task force on legal reform that also looked to abolish all customary laws applicable to minorities.¹⁵

9 "Sri Lanka: Buddhism to Remain Paramount in New Charter", Aljazeera, July, 12 2017, <https://www.aljazeera.com/news/2017/7/12/sri-lanka-buddhism-to-remain-paramount-in-new-charter>

10 The Sinhala word for 'struggle'. A series of mass protests in 2022 against the government and its handling of the economy.

11 Meera Srinivasan, "Gotabaya Rajapaksa Quits, Ranil Wickremesinghe Sworn in as Acting President of Sri Lanka", The Hindu, July, 15 2022, <https://www.thehindu.com/news/international/sri-lanka-crisis-president-gotabaya-rajapaksas-resignation-confirmed/article65642804.ece> ; Ayeshea Perera & Simon Fraser, "Sri Lanka Crisis: Gotabaya Rajapaksa Appoints Veteran Politician as PM", BBC News, May, 13, 2022, <https://www.bbc.com/news/world-asia-61417972>

12 Zuhair, Ayesha, Dynamics of Sinhala-Buddhist Ethno-Nationalism in Post-War Sri Lanka, (Centre for Policy Alternatives, 2016), <https://www.cpalanka.org/wp-content/uploads/2016/04/Dynamics-of-Sinhala-Buddhist-Ethno-Nationalism-in-Post-War-Sri-Lanka.pdf>, 20-28

13 International Crises Group, After Sri Lanka's Easter Bombings: Reducing Risks of Future Violence, (International Crises Groups, 2019), <https://www.crisisgroup.org/asia/south-asia/sri-lanka/302-after-sri-lankas-easter-bombings-reducing-risks-future-violence>, 18-20

14 Verite Research, Syndicated Surveys: Easter Sunday Attacks, October 2023, (Verite Research, November 2023), <https://archive.veriteresearch.org/handle/456/6419>

15 "Sri Lanka President Extends Tenure of Controversial One Country One Law Task Force", Economy Next, June 2, 2022, <https://economynext.com/sri-lanka-president-extends-tenure-of-controversial-one-country-one-law-task-force-95065/>

In the North and East, the Rajapaksas led projects - involving the Department of Archaeology (DoA), Buddhist clergy and military - that were accused of designating sites significant to Hindus in the region as Buddhist sites and restricting access to worship.

Campaigning on an anti-corruption and anti-poverty platform, Dissanayake, an avowed leftist, dropped the habitual hyper-focus on Buddhism and instead advocated to keep religion away from politics. Despite some criticism for his perceived stance in not favouring Buddhism, he was elected President in September. Voters fatigued with the old political guard were drawn by his stance against corruption and cronyism - traits closely associated with the Rajapaksa family.¹⁶ Additionally, divisive religious rhetoric - another political strategy tied with the discredited Rajapaksas - had lost its appeal, making Dissanayake's call that there should be "no room for racism" all the more attractive.¹⁷

Ethnoreligious communities, particularly Tamils in the North and East, were hesitant to support Dissanayake. They remembered the historic role of his party, the Janatha Vimukthi Peramuna (JVP), in the armed conflict between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan state, where the JVP often aligned with Sinhala-Buddhist nationalists, including the Rajapaksas.¹⁸ During the Presidential Elections, Opposition Leader Sajith Premadasa secured the highest share of votes in the North and East.¹⁹ However, in the parliamentary elections, Tamils voted in larger numbers for the president's coalition, the National People's Power (NPP), with the NPP winning most seats in nearly all electoral districts in the North and East.²⁰ Fatigue with ethnic politics and their Tamil nationalist representatives, the lack of viable alternatives, and more demand for development may have influenced the shift.²¹

As discussed in this report, over 2024, both Dissanayake and Wickremesinghe have

16 Joel Guinto & Ayeshea Perera, "Sri Lanka Swears in New Left-Leaning President", BBC News, September 23, 2024, <https://www.bbc.com/news/articles/cqxr03x4dvzo>; Election Manifesto of the Jathika Jana Balawegaya (NPP Sri Lanka), A Thriving Nation, a Beautiful Life, (NPP Sri Lanka, August 2024), <https://www.npp.lk/up/policies/en/npppolicystatement.pdf>, Accessed 1 September 2024

17 Meera Srinivasan, "Fixing Sri Lanka's Economy, Wiping out Racism Top Priority, says JVP Leader Anura Kumara Dissanayake", The Hindu, September 3, 2024, <https://www.thehindu.com/news/international/fixing-sri-lankas-economy-wiping-out-racism-top-priority-says-jvp-leader-anura-kumara-dissanayake/article68601908.ece>.

18 Nirupama Subramaniam, "On the Janatha Vimukthi Peramuna | Explained", The Hindu, March 8, 2024, <https://www.thehindu.com/news/international/on-the-janatha-vimukthi-peramuna-explained/article67926353.ece>; Ambihai Akilan, "The Tamil Question in a Changing Sri Lanka: The Limits of Dissanayake's Leftist Agenda", The Diplomat, November 13, 2024, <https://thediplomat.com/2024/11/the-tamil-question-in-a-changing-sri-lanka-the-limits-of-dissanayakes-leftist-agenda/>

19 Election Commission of Sri Lanka, "Presidential Election 2024 - All Island Results", <https://results.elections.gov.lk/pre2024/index.php>

20 Election Commission of Sri Lanka, "Parliamentary Election 2024 - All Island Results", <https://results.elections.gov.lk/>

21 Amit Baruah, "Is Sri Lanka witnessing a shift in its ethnic politics?", Frontline, November 12 2024, <https://frontline.thehindu.com/world-affairs/sri-lanka-parliamentary-elections-2024-dissanayake-srilankan-tamils-jaffna-voters-economic-crisis/article68860523.ece>

distanced themselves from the policies of their predecessors that marginalised ethnoreligious minorities. Notable was Wickremesinghe's apology for the mandatory cremation policy during COVID-19, which contradicted expert opinions and Muslim beliefs and was perceived to be an extension of anti-Muslim sentiment following the ESA. Also encouraging is Dissanayake's election campaigns and early months in office, which have been more accommodating of religious minorities, moving away from an exclusive emphasis on Buddhism.

However, long-nurtured trends that threaten FoRB have not been fully reversed and continue to play a role in influencing legal policy and state action. Also significant are other spoilers, including politico-religious hardliner groups exploiting grievances and trends of religiosity at a community level that threaten the environment for FoRB and pluralism.

OVERVIEW

This report highlights key patterns that have direct implications for FoRB or support or undermine the environment to exercise FoRB. It draws on incidents and developments in 2024, that involve both state and non-state actors to demonstrate this. Each chapter is followed by a series of indicators and a scoring card that will be used as a guide to assess developments and incidents.

Chapter 1 examines the legislative and policy framework of FoRB while exploring developments with implications for FoRB. The chapter highlights the Online Safety Act (OSA), which criminalises statements that “outrage religious feelings” raising concern that it could disproportionately target religious minorities. It suggests that precedence for the enforcement of such laws is reflected in the application of legislations like the International Covenant on Civil and Political Rights (ICCPR, Act No. 56 of 2007) that though intended to protect ethnoreligious groups, has been used instead as a pseudo blasphemy law and to target minorities. The arrest of four Tamils in Trincomalee under the ICCPR Act for rituals at a Hindu temple commemorating the end of the war exemplifies this concern. Also significant in developments raised, is the judgement against the Gender Equality Bill that demonstrates how provisions intended to support FoRB can be misused to infringe on other rights. Also discussed is the introduction of the NGO Supervision and Registration Bill, which in requiring stricter regulations, can impact faith-based organisations.

Chapter 2 explores key trends and patterns influencing government and political players and highlights how authorities often prioritise the interests of the Buddhist majority in most conflicts and the regional majority in conflicts among ethnoreligious minorities. This is evident in the enforcement of laws on religious places of worship and the handling of community disputes. Similarly, developments at contested religious sites including in Vedukkunaari in Vavuniya and Kurunthumalai in Mullaitivu, reveal bias favouring Sinhala-Buddhist interests in the preservation of religious heritage sites. Drawing on a number of incidents over the year, the report also highlights increased activity among Hindutva-inspired politico-religious groups, in promoting anti-Christian and anti-Muslim sentiment while attempting to influence state action. Additionally, the report also highlights persisting anti-Muslim sentiment among some state officials, as revealed in the misapplication of guidelines on head coverings over this year.

Chapter 3 highlights the nature of incidents - threatening the environment for FoRB and pluralism - instigated by community members. Incidents are marked by a sense of majoritarianism and entitlement, with many targeting Evangelical or independent churches. The nature of incidents also suggests that fear of religious conversion is a motivating factor. Further exploring this issue, the chapter highlights

how cultural and societal bias against conversion, has affected religious groups whose beliefs mandate the sharing of their faith. The chapter delves into the practice of propagation among Evangelical groups and highlights religious trends within the Evangelical, Hindu and Islamic communities, that trigger inter and intra-community conflict. Also explored are the prejudicial positions of mainline religious institutions, which have led to resistance to reforms affecting LGBTIQ+ persons and the rejection of new religious sects seen to challenge traditional beliefs.

Chapter 4 provides a snapshot of hate speech and social-media commentary on ethnoreligious groups, as an indicator of public sentiment towards pluralism and FoRB. It reveals that dominant narratives are often linked to events and developments at the socio-political and community level. The chapter highlights that despite a notable decline in harmful content targeting ethnoreligious minorities, worrying patterns persist. While there is no evidence that social media content directly incited violence in 2024, it likely exacerbated disputes on contested religious sites, including in Vedukkunaari. Notably, Muslims continue to be the most targeted group, with narratives that exploit deep-seated fears of demographic change, demonise Islamic customs and associate Islam with Terrorism. Given the role traditional media continues to play in influencing public perception, the chapter also explores concerns related to media ownership, media segregation and ethnoreligious profiling and its impact on media reporting.

The report also highlights positive developments over the year. Notable, is the overall decline in the use of religious rhetoric and harmful speech that was also reflected in the nature of election campaigning in 2024. Chapter 2 discusses the significance of political gestures and symbolism, indicating a shift toward a more inclusive and welcoming culture and a setback to politico-religious groups seeking to exploit religious divisions. Discussing the performance of mechanisms supported by the government, the report also highlights the effective role of the Human Rights Commission of Sri Lanka (HRCSL) in addressing concerns of communities targeted for their religious expression. Further opportunities to address matters of FoRB are discussed in Chapter 3 which also looks at the potential of interfaith groups and initiatives when debate and discussion are favoured over the introduction of new laws or regulations. In conclusion, the opportunities identified are presented in further detail in the form of recommendations for faith leaders and faith-based organisations, government officials, the international community, and civil society.



RESEARCH METHODOLOGY

1. DATA COLLECTION AND ANALYSIS

The research utilised a mixed methods approach. Qualitative data was collected from primary and secondary sources, whereas quantitative data was obtained solely from secondary sources.

Primary qualitative data was collected through a combination of key informant interviews and focus group discussions. 28 key informant interviews were conducted with religious clergy, representatives of faith-based organisations, legal experts, media analysts, representatives of organisations promoting religious coexistence and researchers/academics specialising in identity politics. At least 50% of the interviews - including those with participants based outside Colombo - were conducted remotely and in two phases from October 2024 – March 2025.

Reports published by organisations including the National Christian Evangelical Alliance of Sri Lanka (NCEASL), the Centre for Policy Alternatives (CPA), and Verité Research formed a large part of the qualitative secondary data. Incidents and developments of 2024, were examined against trends and patterns of FoRB observed in past years and analysis presented in these reports. Other secondary data included reports published by UN bodies and local government institutions and news articles.

Secondary quantitative data was based largely on unpublished reports by the NCEASL, Hashtag Generation and the National Peace Council (NPC). This included the documentation of incidents of violence, intimidation, and hate speech targeting ethnoreligious groups and public perception surveys on matters relating to FoRB.

2. INDICATORS AND SCORING

Each chapter features 2-6 indicators and a scoring card that aims to measure incidents related to FoRB and support comparable assessments for the future.

The indicators are premised on key domestic legislation and international commitments (binding and non-binding) that have an impact on FoRB, guidance/best practices developed by faith-based institutions for the use of religious institutions and clergy, and key trends and patterns observed in Sri Lanka. While it is understood that legal provisions are enforceable on the state and government bodies, it is used here to develop indicators and support analysis on the climate for FoRB, both at the state and societal level. Insights were drawn from indicator frameworks developed by the Office of the High Commissioner for Human Rights²²

²² United Nations Human Rights, Office of the High Commissioner, Human Rights Indicators: A Guide for Measurement and Implementation, (United Nations, 2012) <https://www.ohchr.org/en/publications/policy-and-methodological-publications/human-rights->

and Freedom House²³.

Each indicator is composed of a series of sub-indicators that take the form of questions. Both qualitative (i.e. expert opinions and assessments on the climate for FoRB) and quantitative data (i.e. observable number of incidents of intimidation and violence against religious groups) are considered in the formulation of each indicator.

Each sub-indicator is ranked on a scale of 1-10 based on the following criteria:

Score	Rag Rating	Criteria
0-2		Very poor performance, with no adherence to guarantees and commitments supporting FoRB and pluralism.
3-4		Poor performance with little adherence to guarantees and commitments supporting FoRB and pluralism.
5-6		Uncertainty over performance in adherence to guarantees and commitments supporting FoRB and pluralism/performance in the area is mostly neutral.
7-8		Good performance and adherence to guarantees and commitments supporting FoRB and pluralism.
9-10		Very good performance with adherence to guarantees and commitments supporting FoRB and pluralism.

Each sub-indicator is assessed based on qualitative and quantitative data and analysis relevant to the indicator presented in the corresponding Chapter. A summary of this detail is provided as justification for the score provided. The average of the aggregated scores of each sub-indicator determines the score for that indicator.

The scoring for each indicator was assessed by the authors of the report and by a team of reviewers at the NCEASL with a background in law, social sciences, and research.

3. LIMITATIONS

The incidents and developments discussed in this report are not an exhaustive list but are meant to represent key issues in the realm of FoRB in 2024.

Incidents where religious communities or places of worship have been attacked or vandalised but the motivation is unclear, have not been included. The theft

indicators-guide-measurement-and

23 Freedom House, Freedom in the World 2024 Methodology Question, (Washington DC: Freedom House, 2024) February 2024, https://freedomhouse.org/sites/default/files/2024-02/FIW_2024%20MethodologyPDF.pdf

of Hindu temples in parts of the North and East - that is widely perceived to be crime-related - falls into this category.²⁴

Incidents and developments that appear isolated and do not indicate broader trends have not been included in this report. For instance, Muslim traders in Kaduruwela, Polonnaruwa (North-Central), have been required to close their shops on Poya²⁵ days for several years. It is unclear if this requirement is enforced elsewhere in Sri Lanka, as similar cases have not been reported.

Similarly, in May, two incidents of Muslim youth being prevented or reprimanded/abused for taking part in Dansals²⁶ in Mawanella, Kurunegala (Sabaragamuwa), by members of the Muslim community, were highlighted. While the incident implies intolerance within the community and perhaps the presence of Muslim-Buddhist tensions, no other similar incidents have been reported.²⁷

Chapter 4 of the report explores hate speech and social media commentary on ethnoreligious groups and also considers the representation of ethnoreligious communities in the mainstream media. The research found little publicly available data on media reporting on matters concerning FoRB and has therefore drawn on available data, research findings, and observations of media experts.

Given limited data in this area, the report does not offer an assessment or score for an indicator relating to the "Representation of ethnoreligious groups and concerns by the mainstream media" [See Chapter 4, Section 'Scoring and Rag Rating'].

The NCEASL networks monitoring violence against the Hindu and Muslim community are developing, and may not be as robust as data-collection mechanisms in place to monitor anti-Christian violence. Therefore, data on intimidation and violence against Hindu and Muslim communities may not be fully represented.

Similarly, the authors did not identify any mechanisms that have been systematically monitoring incidents of intimidation and violence against Buddhists, including smaller Buddhist sects. Analysis in this area is based on incidents of hate speech documented or reported in the press and may not be fully representative of the situation.

24 National Christian Evangelical Alliance of Sri Lanka (NCEASL), Incidents of Violence and Intimidation against Hindus 2024, unpublished report, December 2024, NCEASL

25 Monthly Buddhist (and public) holiday, coinciding with a full moon that commemorates events in the life of the Lord Buddha

26 A temporary food stall set up mostly by Buddhists during the Vesak festival – a very significant day in the Sri Lankan Buddhist calendar. Dansals symbolise generosity and charity and many Sri Lankans enthusiastically participate in serving and being served regardless of ethnoreligious background.

27 National Christian Evangelical Alliance of Sri Lanka (NCEASL), Incidents of Violence and Intimidation against Muslims 2024, unpublished report, December 2024, NCEASL

In the course of this study, some conversations raised the presence of ethnoreligious tensions in the Central province involving members of the Malaiyaha Tamil community, Evangelical Christian organisations, and Hindu nationalist groups. However, incidents and developments available to the authors do not highlight these patterns.

The indicator framework presented in this report is not robust given certain limitations with regard to data availability and project capacity for data analysis. The framework offered is meant to act as a prototype that can be further developed for future editions.



CHAPTER 1

LEGISLATION AND POLICY

Legislative and policy framework and developments with implications on Freedom of Religion and Belief (FoRB) in Sri Lanka

KEY FINDINGS

- In Sri Lanka, FoRB is given effect by Constitutional provisions and is impacted, both directly and indirectly, by several domestic legislative instruments including the Penal Code, personal laws, and anti-terrorism legislation.
- Several provisions across legislative instruments which appear in furtherance of FoRB, such as the ICCPR Act and the Antiquities Ordinance, have however been utilised by authorities to target minority communities, sometimes in direct contravention of FoRB. The wide ambit of some of these provisions make them especially vulnerable to exploitation. The 2024 Online Safety Act carries the same risk.
- Provisions and principles purportedly in furtherance of FoRB have sometimes contributed to the violation of other rights such as Freedom of Expression and gender equality.

Enforcement and implementation of FoRB rely on a comprehensive and effective legislative and policy framework. As such, the legislative and policy framework of a State plays a crucial role in the preservation of FoRB – enshrining the right and its scope, preventing violations of the same and affording remedies and relief when violations of the right have already taken place. An evaluation of the relevant legal framework is thus crucial to assessing the prevalence and exercise of FoRB in Sri Lanka. While legislation is integral to ensuring FoRB, the law alone is not in itself enough to ensure FoRB.²⁸

1. KEY LOCAL AND INTERNATIONAL PROTECTIONS FOR FORB

1.1 International Standards and Commitments

FoRB is enshrined as a right in the Universal Declaration of Human Rights.²⁹ Article 18 of the International Covenant on Civil and Political Rights (hereinafter ICCPR) echoes the same right, stating;

“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and

²⁸ Bhavani Fonseka. (Human Rights Law expert), interview by Yanitra Kumaraguru, February 18, 2025, Colombo; J. M Swaminathan (Legal expert), interview by Yanitra Kumaraguru, January 16, 2025, via telephone call.

²⁹ Universal Declaration of Human Rights, art. 18, G.A Res. 217A(III), U.N. Doc. A/RES/217 (III) (Dec. 10, 1948)

freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”³⁰

The protection afforded by Article 18 extends to theistic, non-theistic, and atheistic belief and the right not to profess any religion or belief.³¹ Additionally, the freedom of thought and conscience as well as the freedom to have or adopt a religion or belief of one’s choice are conferred absolute and unconditional protection.³² The freedom to manifest one’s religion and belief however, as per Article 18(3) of the ICCPR, may be restricted. The freedom may only be subject to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.³³

The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief frames the freedom in a very similar manner.

Sri Lanka has, as one of its commitments in international human rights law, ratified the ICCPR. Additionally, the Government of Sri Lanka also enacted the ICCPR Act, No. 56 of 2007; citing the purpose of giving effect to certain articles in the ICCPR relating to human rights which have not yet been recognised through legislative measures in Sri Lanka.³⁴

1.2 Constitutional Guarantees

Article 10 of the Sri Lankan Constitution provides that every person is entitled to Freedom of Religion. This includes the freedom to have or adopt a religion or belief of one’s choice.³⁵ The freedom to manifest one’s religion is enshrined in Article 14 of the Constitution. This freedom may be exercised in private or in public, alone or in association with others, and may take the forms of worship, observance, practice or teaching.³⁶

The freedom of religion enshrined above is further buttressed through Article 12 of the Constitution, stating “All persons are equal before the law and are entitled

³⁰ International Covenant on Civil and Political Rights art. 18(1), opened for signature Dec. 19, 1966, 999 U.N.T.S. 171, 6 I.L.M. 30 (entered into force Mar. 23, 1976)

³¹ UN Human Rights Committee (HRC), CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), CCPR/C/21/Rev.1/Add.4, 30 July 1993, <https://www.refworld.org/legal/general/hrc/1993/en/13375>

³² Ibid.

³³ International Covenant on Civil and Political Rights. Article 18(3)

³⁴ The International Covenant on Civil and Political Rights Act No. 56 of 2007

³⁵ The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art. 10

³⁶ Ibid., art.14

to the equal protection of the law.”³⁷ Article 12(2) further recognises that no citizen shall be discriminated against on the grounds of religion.³⁸ Article 12(3)³⁹ ensures that a person will not be discriminated against on the grounds of his or her religion in relation to access to public places while also ensuring access specifically to places of public worship of one’s own religion, without discrimination on the grounds of race, caste, sex etc.

Freedom of religion was identified as an absolute right in the case of *Premalal Perera v Weerasuriya* (1985)⁴⁰ in the Supreme Court. The broad interpretation afforded to religious belief by the court was also evident in its holding that a religious belief need not be logical, acceptable, consistent or comprehensible in order to be protected⁴¹ and that courts should not undertake to dissect religious beliefs.⁴²

The constitution states, however, that freedom to manifest one’s religion as well as the right to equality, may be subject to restrictions. Possible restrictions are set out in a very similar manner to the ICCPR, with Article 15(7) providing that the right to equality and the freedom to manifest one’s religion can be subject to such restrictions as may be prescribed by law in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society.⁴³

Additionally, as per Article 27(5) of the directive principles of state policy, the State’s duty to strengthen national unity by promoting cooperation and mutual confidence among all sections including religious groups taking steps in the fields of teaching, education and information to eliminate discrimination and prejudice is notable.⁴⁴ Article 27(6) entrusts the state with ensuring equality of opportunity to citizens, to eliminate disability on grounds such as religion.⁴⁵ Finally, Article 27(11)

37 Ibid., art.12(1)

38 Ibid., art.12(2)

39 “No person shall on the grounds of race, religion, language, caste, sex or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his own religion.”

40 *Premalal Perera v Weerasuriya* (1985) 2 Sri L R 177

41 The court went on to state that “Unless the claim is bizarre and clearly non-religious in motivation, it is not within the judicial function and judicial competence to inquire whether the person seeking protection has correctly perceived the commands of his particular faith.”

42 *Premalal Perera v Weerasuriya*. page 192

43 The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art. 15(7)

44 Ibid., art. 27(5)

45 Ibid., art. 27(6)

mandates the State to support an enabling economic and social environment for all religious groups.⁴⁶

2. FoRB AND THREATS TO SECURITY AND PUBLIC ORDER

Legislation addressing threats to safety and upholding national security may intersect with freedom of religion and belief in one or both of two ways:

1. Facilitating the exercise of FoRB by affording protection; ensuring that persons are able to follow a religion, hold a belief and manifest their freedom of religion and belief without fear and danger of violence, or experiencing a breach of the peace.
2. Ensuring that manifestation of religion or belief does not amount to a breach of or threat to peace.

Legal provisions addressing threats to safety in a manner that explicitly intersects with the FoRB are found in several Sri Lankan statutes such as the Penal Code, the ICCPR Act No. 56 of 2007, the Prevention of Terrorism Act (PTA) No. 48 of 1979, and the Online Safety Act (OSA) No. 9 of 2024.

2.1 Penal Code

As per Section 290 of the Penal Code, the destruction, damage or defilement of any place of worship or any object held sacred by any class of persons, with the intention of insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such action as an insult to their religion, is deemed an offence.⁴⁷ Section 291 frames as an offence the disturbance of a religious assembly, stipulating the punishments accorded for voluntarily causing disturbance to an assembly lawfully engaged in the performance of religious worship or religious ceremonies.⁴⁸ Section 292 criminalises trespassing on burial grounds, having regard to intention to or knowledge of insulting the religion of any person. Causing disturbance to persons assembled to perform funeral ceremonies falls within this scope.⁴⁹

⁴⁶ Ibid., art. 27(11)

⁴⁷ Penal Code of Sri Lanka (Ordinance No. 2 of 1883), Section 290

⁴⁸ Ibid., Section 291

⁴⁹ Ibid., Section 292

2.2 Antiquities Ordinance

The Antiquities Ordinance is intended to ‘provide for the better preservation of the Antiquities of Sri Lanka, and of sites and buildings of the historical or archaeological importance in Sri Lanka.’⁵⁰ Section 15A, in particular, captures the theft of antiquities as an offence under the Ordinance and Section 15B makes it an offence to wilfully destroy, injure, deface or tamper with any antiquity or wilfully damage any part of it.⁵¹ It is notable that under Section 15C, a person charged with an offence under this Ordinance will not be released on bail.⁵²

While this legislation too, appears to protect sites and buildings of religious significance and therefore contribute towards the protection of FoRB, a closer look at how the provisions of the legislation have been utilised indicates the potential for its exploitation [See: Chapter 2, Section 2 on the use of the Antiquities Act in furthering a pattern of ethno-nationalism].

2.3 Prevention of Terrorism Act No. 48 of 1979

Section 2(1)(h) of the Prevention of Terrorism Act (PTA) provides that where someone causes or intends to cause the commission of acts of violence, or religious, racial or communal disharmony, or feelings of ill-will or hostility between different communities or racial or religious groups, they shall be guilty of an offence.⁵³

While the section itself has been criticised for how broadly the offence has been framed,⁵⁴ it must also be examined in light of how the PTA has been utilised to target minority communities and cannot be divorced from other key features of the Act that violate human rights guarantees; such as the facilitation of unduly prolonged and/ or arbitrary detention and allowing for the procurement of confessions under torture.⁵⁵

The impact of the use of PTA in relation to FoRB was most clearly seen in relation to the spate of arrests that took place consequent to the Easter Attacks. In a 2022 report on the PTA, Human Rights Watch explained,

⁵⁰ Antiquities Ordinance (as amended)

⁵¹ Antiquities Ordinance (as amended), Section 15A and 15B

⁵² Antiquities Ordinance (as amended) Section 15C

⁵³ Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, Section 2(1)(h)

⁵⁴ Centre for Policy Alternatives, Confronting Accountability for Hate Speech in Sri Lanka: A Critique of the Legal Framework, (Centre for Policy Alternatives, 3 September 2018), <https://www.cpalanka.org/confronting-accountability-for-hate-speech-in-sri-lanka-a-critique-of-the-legal-framework/>

⁵⁵ “In a legal blackhole – Sri Lanka’s Failure to Reform the Prevention of Terrorism Act,” Human Rights Watch (2022) page 2, Mimi Alphonsus, “Recent detentions raise concerns over Govt stance on repealing PTA” Sunday Times, Dec 8 2024, <https://www.sundaytimes.lk/241208/news/recent-detentions-raise-concerns-over-govt-stance-on-repealing-pta-580163.html>

"According to court filings reviewed by Human Rights Watch, some of these suspects who remain in detention over 2 years since they were arrested, were arbitrarily arrested for no apparent reason at all except their being Muslim."⁵⁶

Among these arrests was that of Hejaaz Hizbullah, a lawyer, who was initially arrested under the PTA for aiding and abetting a suicide bomber, but was later indicted for causing "communal disharmony".⁵⁷ Other landmark arrests associated with this Section were of poet Ahnaf Jazeem, for promoting "religious extremism" through his poetry collection and promoting extremism among his students,⁵⁸ and Azath Salley who was charged for causing communal disharmony based on a statement regarding Sharia law. The High Court later found that Salley did not in fact make such a statement.⁵⁹ All three instances lacked sufficient credible evidence for the arrests that took place.

An Anti-Terrorism Bill was published in the Gazette in March 2023, to replace the PTA. It was withdrawn and re-gazetted in September 2023 and presented to Parliament in January 2024. Despite being proposed as a 'more humane' legislation to regulate questions surrounding terrorism, the Anti-Terrorism Bill still drew heavy criticism for its wide definition of terrorism, lack of safeguards against arbitrary arrest and detention, the permissibility of unduly long pre-trial detention, limitations in access to places of detention etc.⁶⁰ A Special Determination in February 2024 pronounced that several amendments were necessary for it to be deemed in accordance with the Constitution of Sri Lanka.

2.4 ICCPR Act No. 56 of 2007

Section 3(1) of the ICCPR Act states that "no person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence."

Despite the straightforward text seemingly contributing towards protection against discrimination, hostility and violence, this provision has been utilised

56 Human Rights Watch. "In a Legal Blackhole – Sri Lanka's Failure to Reform the Prevention of Terrorism Act." 40,41

57 Ibid., 42

58 Ibid., 1; "Poet Ahnaf detained for 18 months under the PTA acquitted", Newswire, Dec 12 2023, <https://www.newswire.lk/2023/12/12/poet-ahnaf-detained-for-18-months-under-pta-acquitted/>

59 "In a Legal Blackhole – Sri Lanka's Failure to Reform the Prevention of Terrorism Act." 38

60 Australian Government, Department of Foreign Affairs and Trade, Country Information Report – Sri Lanka (2 May 2024) Section 4.42 <https://www.dfat.gov.au/sites/default/files/country-information-report-sri-lanka.pdf>; Spokesperson for the UN High Commissioner for Human Rights: Ravina Shamdasani, "Call to Sri Lanka to revise anti-terrorism bill", Press Briefing Notes - Office of the High Commissioner for Human Rights, January 19 2024, accessed March 26, 2025 <https://www.ohchr.org/en/press-briefing-notes/2024/01/call-sri-lanka-revise-anti-terrorism-bill>

in a manner that unduly restricts human rights.⁶¹ Given that the ICCPR Act was meant to give effect to human rights enshrined in the ICCPR that had not yet been recognised by means of local legislation in Sri Lanka,⁶² such utilisation of its provisions constitutes a grave misapplication of the law. The legislation has therefore, through its enforcement acquired a reputation of serving as a ‘tool of repression’, targeting minorities and in effect functioning as a blasphemy law.⁶³

A brief consideration of the arrests made under this Section is illustrative of the above. [See Chapter 2, Section 3 on the use of the ICCPR in recent cases involving Comedian Nathasha Edirisooriya, YouTuber Bruno Divakara, and Evangelical Pastor Jerome Fernando.]

Pointing to the misapplication of the ICCPR, Human Rights groups have highlighted that even if the language is ‘shocking, offensive, or disturbing, it should be protected by the state’ and must be distinguished between language that shows ‘intent to incite others to discriminate, be hostile toward, or commit violence.’⁶⁴

The Human Rights Commission of Sri Lanka (HRCSL) too, has recognised that this Section “has come to be routinely misapplied in practice”, addressing the Inspector General of Police in a letter dated May 2024 regarding the misapplication of Section 3 in relation to the arrest and detention of four persons in Trincomalee for engaging in a commemoration event and the alleged assault of a police officer. Acknowledging that the detainees had been allowed bail, the HRCSL further pointed out that such bail was only possible due to the consequent removal of Section 3 of the ICCPR from case proceedings.⁶⁵

Dr. Gehan Gunatilleke has identified two features that contribute to why law enforcement authorities have been able to use this legislation unfairly. First, he highlights that although Section 3 encompasses three different forms of incitement (incitement to discrimination, incitement to hostility, and incitement to violence), the penalty that corresponds to the three different forms remains the same. The State has not utilised an opportunity to tailor a corresponding penalty to each form of incitement. He explains that instead, as an example, the revocation of a

61 Gehan Gunatilleke, “How a Human Rights Law became a Tool of Repression in SL,” Himal South Asian, 07 February 2023, <https://www.himalmag.com/politics/icpr-human-rights-law-repression-blasphemy-sri-anka>

62 The International Covenant on Civil and Political Rights Act No. 56 of 2007

63 Gehan Gunatilleke, “How a Human Rights Law became a Tool of Repression in SL.”

64 Amnesty International South Asia, Regional Office (@amnestysasia), “...is concerned by the arrest of comedian Nathasha Edirisooriya last evening. The right to freedom of expression applies to information and ideas of all kinds including those that may be deeply offensive...”, Twitter, October 22, 2024, <https://twitter.com/amnestysasia/status/1663080845890969600>.

65 Human Rights Commission of Sri Lanka to Inspector General of Police, 20 May 2024, Letter. <https://www.hrcsl.lk/wp-content/uploads/2024/05/HRCSL-Letter-to-IGP-on-20-05-2024.pdf>

broadcast licence or the restriction of a social media account could have been a suitable penalty for incitement to discrimination or incitement to hostility.⁶⁶

Second, Dr. Gunatilleke highlights the manner in which the offence has been constructed in Section 3(4) where an offence “shall be cognizable and non-bailable, and no person suspected or accused of such an offence shall be enlarged on bail, except by the High Court in exceptional circumstances.”⁶⁷ The combined effect of not requiring a warrant for arrest in relation to this offence and the inability to be bailed out, effectively translate to a sinister reality where the suspect in question can be not just arrested but also detained, without an appropriate amount of evidence, prosecution or conviction.⁶⁸

In August 2019, the HRCSL – in response to concern over the application of the hate speech law – set out its own analysis and guidance.⁶⁹ The HRCSL highlights the Rabat Plan of Action and recommends that this test be utilised to determine the scope of Section 3 of the ICCPR Act.⁷⁰ The Rabat Plan of Action, an initiative by the UN Office of the High Commissioner for Human Rights (OHCHR)⁷¹ suggests a high threshold for the application of article 20 of the ICCPR, taking into account the social and political **context**, status of the **speaker**, **intent** to incite the audience, **content** and form of the speech, **extent** of its dissemination and **likelihood** of harm. HRCSL amongst its recommendations also states that Section 3 of the ICCPR Act should be balanced with Freedom of Expression and lays out State obligations in relation to Section 3.⁷² The Supreme Court has endorsed these guidelines.⁷³ Consequent to the HRCSL guidelines, a circular has also been issued directing all Officers in Charge to conduct investigations under Section 3 of the ICCPR Act only on the advice of the Director/Legal Division of the police and providing that misuse of the Act by a police officer would result in a disciplinary procedure.⁷⁴

66 Gehan Gunatilleke, “How a Human Rights Law became a Tool of Repression in SL.”

67 The International Covenant on Civil and Political Rights Act No. 56 of 2007, Section 3(4)

68 Gehan Gunatilleke, “How a Human Rights Law became a Tool of Repression in SL.”

69 Human Rights Commission of Sri Lanka, Legal Analysis of the Scope of Section 3 of the ICCPR Act, No.56 of 2007 and Attendant Recommendations, (Human Rights Commission of Sri Lanka, August 2019), <https://www.hrcsl.lk/wp-content/uploads/2020/02/ICCPR-Act-s-3-Guidelines-English.pdf>. Accessed 1 Oct. 2024.

70 Ibid.

71 United Nations High Commissioner for Human Rights, Report of the United Nations High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred, (United Nations High Commissioner for Human Rights, January 11, 2013) accessed August 24, 2024, https://ohchr.org/sites/default/files/Rabat_draft_outcome.pdf.

72 Human Rights Commission of Sri Lanka, Legal analysis of the scope of section 3 of the ICCPR Act, No.56 of 2007 and attendant recommendations.” (Human Rights Commission of Sri Lanka, August 2019), <https://www.hrcsl.lk/wp-content/uploads/2020/02/ICCPR-Act-s-3-Guidelines-English.pdf>. Accessed 1 Oct. 2024.

73 SC (F.R) Application No. 135/2020

74 Circular No. RTM 541

Notably, in the Bail Order (5th July 2023) pertaining to Natasha Edirisooriya, the High Court Judge, although not explicitly referencing the guidance issued by the HRCSL, took into consideration the intention articulated in Parliament as the purpose behind the ICCPR Act, the interpretation of Section 3 alongside Freedom of Expression and evaluated the incident that took place against the requirements articulated in the Rabat Plan of Action. It was concluded that “merely making a statement that hurts the feelings of a certain nationality, religion or group does not enable action to be taken not only under Section 3 of the ICCPR Act but also under Section 291(a) of the Penal Code.”⁷⁵

2.5 Online Safety Act No. 9 of 2024

The enactment of the Online Safety Act (OSA) was a key, yet controversial, legislative development that took place in 2024. Foremost amongst the criticisms levelled against the Act was the manner in which its provisions involved an unjustified restriction on expression, thus violating the right to Freedom of Speech and Expression, contributing to the stifling of dissent and resulting in a chilling effect on all relevant parties.⁷⁶ The hasty manner in which the Act was passed, the secrecy surrounding the drafting of the Bill and the failure to comply with all the requirements that were stipulated by the Supreme Court for the Bill to be passed with a simple majority, resulted in grave implications to the rule of law and separation of powers while casting doubt as to the Government’s motivations in passing the law.⁷⁷

Section 16 of the Act very widely defines as an offence, the online communication of a false statement that insults or attempts to insult the religious beliefs of a class, with the intention of outraging religious feelings.⁷⁸ Other concerns relating to FoRB, include the fact that the OSA provides for offences that were already provided for in the Penal Code. As per Section 15 of the OSA, for example, voluntarily causing disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies by way of communicating a false statement, amounts to an offence. The corresponding penalty for such an offence shall be imprisonment not exceeding three years, a fine not exceeding three hundred thousand rupees or both such imprisonment and fine. It is noteworthy that this

⁷⁵ Natasha Edirisooriya Bail Judgment, Colombo High Court Case No: HCEBA/1335/2023

⁷⁶ Sumudu Chamara, “The Online (Un)Safety Bill”, The Morning, 05 October 2023, quoting Gehan Gunatilleke and Ermiza Tegal <https://www.themorning.lk/articles/jRwwUbaNAi5mzPn5kz1m>; Centre for Policy Alternatives, Statement on the Online Safety Act No. 09 of 2024, 07 February 2024 <https://www.cpalanka.org/statement-on-the-online-safety-act-no-09-of-2024/>

⁷⁷ Centre for Policy Alternatives, Statement on the Online Safety Act No. 09 of 2024.

⁷⁸ Online Safety Act No. 9 of 2024, Section 16

provision applies to an offender whether ‘in or outside Sri Lanka.’⁷⁹

In addition to unnecessary replication and the uncertainty in applicable law that would flow from the same, the offences provided for in the OSA carry higher penalties. Ermiza Tegal points out that where very similar offences carry different penalties under different laws, it is left to the discretion of the police and other relevant stakeholders involved in the prosecutorial process to determine which law to charge the suspect under.⁸⁰

Critiques of the Act also explained that its provisions should not be read in a vacuum, but should instead be understood in the context of how Sri Lanka has been implementing and enforcing similar Acts and legal provisions in recent times. This is due to the fact that legal provisions that textually seem in compliance with international human rights standards have been utilised selectively in relation to particular groups and persons, or enforced in such a manner as to detract from the rights of those charged under the provision.⁸¹

Ahead of Parliamentary elections in November 2024, however, the Government announced its intention to amend the OSA.⁸²

2.6 Other Instruments

While the different legislative instruments examined above discuss matters of security, and intersect with FoRB in an explicit manner, most other instruments that tackle questions of security and disturbances of the peace may still intersect with the exercise of FoRB implicitly.

Section 483 of the Penal Code setting out ‘Criminal Intimidation’ as an offence⁸³, Section 79(2) of Police Ordinance No. 16 of 1865 (as amended) addressing a breach of the peace⁸⁴, Section 6(1) of the Computer Crimes Act No. 24 of 2007 covering offences against national security and public order via the utilisation of a computer,⁸⁵ the emergency regulations that may be made under the Public Security Ordinance No. 25 of 1947,⁸⁶ as well as Section 81 of the Code of Criminal

79 Online Safety Act No. 9 of 2024, Section 15

80 Sumudu Chamara, “The Online (Un)Safety Bill.”

81 Ibid.

82 “Online Safety Bill: Govt announces stance”, Newswire, 06 November 2024 <https://www.newswire.lk/2024/11/06/online-safety-bill-govt-announces-stance/>

83 Penal Code of Sri Lanka, Section 483

84 Police Ordinance No. 16 of 1865 (as amended), Section 79(2)

85 Computer Crimes Act No. 24 of 2007, Section 6(1)

86 Public Security Ordinance No. 25 of 1947

Procedure Act No. 15 of 1979 (as amended)⁸⁷ and Section 66(1) of the Primary Court's Procedure Act No. 44 of 1970 (as amended) detailing what measures may be taken in the event of a likely breach of the peace⁸⁸, are some examples as to how legislation that generally governs questions of security may still implicitly relate to FoRB by allowing for undisturbed exercise of the right as well as by ensuring that no threats to security are perpetuated in the guise or furtherance of the manifestation of religion or belief.

3. FoRB AND FREEDOM OF EXPRESSION (FoE)

FoRB relates to and intersects with FoE in several ways. First, FoE is necessary in order to meaningfully exercise the right to manifest one's religion. Second, under Sri Lankan law, religious sentiments are often afforded protection from exercises of expression that may be construed as insulting towards the religion. Third, FoE relating to a religion or its followers may be curtailed in order to prevent and protect from incitement to discrimination and violence.

All of the above instances involve an interplay and balancing of rights, as they sometimes complement, and at other times stand in tension with each other. It is noteworthy to remember in this regard, that both as per the international human rights framework and the Sri Lankan Constitutional Fundamental Rights framework, it is permissible to restrict both FoE and FoRB on the basis of certain limited grounds. As per article 15(7) of the Sri Lankan Constitution, both FoE and FoRB may be subject to restrictions "as may be prescribed by law in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society."⁸⁹ Additionally, as per Article 15(2) of the Constitution, FoE shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or in relation to, among others, defamation or incitement to an offence.⁹⁰

⁸⁷ Code of Criminal Procedure Act No. 15 of 1979 (as amended), Section 81

⁸⁸ Primary Court's Procedure Act No. 44 of 1970 (as amended), Section 66(1)

⁸⁹ The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art. 15(7)

⁹⁰ Ibid., art. 15(2)

3.1 The Manifestation of Religion

The ability to exercise FoE is embedded in the right to manifest one's religion or belief "in worship, observance, practice and teaching."⁹¹ However, legislative developments and judicial opinion have placed limitations on this ability.

Restrictions on sound levels, if the volume and duration are such that it may be deemed a nuisance to the general public, is one such instance where the manifestation of religion has been subject to control. Section 80 of the Police Ordinance for example, lays out regulations on sound output that may impact the public, providing for abatement of sound where it is deemed excessive or otherwise likely to cause a nuisance to the public.⁹² This nexus was explicitly addressed in the Noise Pollution Case (*Ashik v Bandula and Others*) before the Supreme Court, where Chief Justice Sarath Silva explained, "A perceived convenience or advantage to some based on a religious practice cannot be the excuse for a public nuisance which causes annoyance to the public or to the people in general who dwell or occupy property in the vicinity."⁹³ Similarly, in 2016 an order was issued in relation to the use of loudspeakers in a temple between 5 am and 6 am.⁹⁴

3.2 Protection Afforded to Religious Sentiment

In Sri Lanka, the legal framework affords special protection to religious sentiment, in that it deems as offences the exercises of expression that may be construed as insulting towards a certain religion.

Section 290A of the Penal Code, for example, criminalises acts in relation to places of worship with intent to insult the religion of any class of persons.⁹⁵ According to 291A, uttering any word or making any sound in the hearing of a person, making any gesture in the sight of a person or placing any object in the sight of a person, with the deliberate intention of wounding the religious feelings of such person, is deemed an offence.⁹⁶ Finally, Section 291B makes guilty of an offence, "whoever with the deliberate and malicious intention of outraging the religious feelings of any class of persons....insults or attempts to insult the religion or the religious beliefs of that class." This may be through spoken words, written words or visible

⁹¹ Ibid., art. 14(e)

⁹² Police Ordinance No. 16 of 1865 (as amended), Section 80

⁹³ *Ashik v Bandula and Others* (Noise Pollution Case) SC FR 38/2005

⁹⁴ Sound Pollution Case MC 64172/6/1

⁹⁵ Penal Code of Sri Lanka, Section 290A

⁹⁶ Ibid., Section 291A

representations.⁹⁷ [See: Chapter 2, Section 3 on the use of 291 (b) of the Penal Code in the case involving Ven. Gnanasara Thero in March 2024.] These provisions have been critiqued as “a de facto prohibition on blasphemy.”⁹⁸

In addition to the Penal Code, Section 15 of the Sri Lanka Press Council Law, No. 5 of 1973 (as amended) stipulates that every person who publishes or causes the publication of, any profane matter, any advertisement that is calculated to injure public morality or any indecent or obscene statement or matter, in any newspapers shall be guilty of an offence. ‘Profane matter’ is defined as any matter that is intended to insult any religion, the founder of any religion, or any deity or saint venerated by the followers of any religion. ‘Indecent or obscene statement’ is defined as ‘any statement or matter which is likely to deprave and corrupt persons who may, having regard to all relevant circumstances, read or see that statement or matter.’⁹⁹

3.3 Restriction of FoE to Protect from the Incitement to Discrimination & Violence

Several legislative instruments capture the necessity to restrict FoE to protect from incitement to discrimination and violence, explicitly in relation to religion.

As mentioned previously, any person who causes or intends to cause the commission of acts of violence or religious, racial or communal disharmony, or feelings of ill-will or hostility between different communities or racial or religious groups will be held guilty of an offence under Section 2(1)(h) of the PTA. This may be by spoken words or words that are intended to be read, by signs, visible representations or other means.¹⁰⁰ As per Section 14(2)(a)(ii) of the same Act, no person shall print or publish in any newspaper any matter relating to incitement to violence, or which is likely to cause religious, racial or communal disharmony or feelings of ill-will or hostility between different communities or racial/religious groups, unless they have approval in writing from a competent authority.¹⁰¹ Section 3(1) of the ICCPR Act states that no person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.¹⁰²

⁹⁷ Ibid., Section 291B

⁹⁸ Sumudu Chamara, ‘How much should laws govern religion?’, The Morning, 13 December 2021, quoting Gehan Gunatilleke <https://www.themorning.lk/articles/178996>

⁹⁹ Sri Lanka Press Council Law (No. 5 of 1973), Section 15

¹⁰⁰ Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, Section 2(1)(h)

¹⁰¹ Ibid., Section 14(2)(a)(ii)

¹⁰² International Covenant on Civil and Political Rights, art. 3(1)

Similarly, legislation that has been passed in relation to the prohibition of incitement to and advocacy of discrimination, hostility and violence more generally, also captures restrictions on FoE relating to religion towards such end.¹⁰³

While restrictions on FoE may be occasioned for the above reasons, such restrictions must still be necessary, must not be excessively broad, and must instead be proportionate.¹⁰⁴

3.4 Restriction of FoE towards Preventing the Distortion of Religion

While statements and reports have indicated intention to introduce legislation regulating distortion of religion, there remains no clarity as to exactly what the scope of the legislation will be.

In May 2023, then Minister for Buddhasasana, Religious and Cultural Affairs Vidura Wickremanayake claimed, in the context of discussing instances where persons were deemed to have insulted religion, that new legislation on religious freedom and distortion of facts was to be introduced.¹⁰⁵ A press briefing of the Cabinet decision taken on the 26th of June 2023 recognised the need for legislation to protect religious freedom and prevent defamation of religious teaching, approving the appointment of a committee comprising religious leaders, legal experts, civil society activists, and media.¹⁰⁶ In January 2024, the Ministry of Buddhasasana, Religious and Cultural Affairs stated that legislation “to prevent religious teachings and practices being intentionally distorted by parties, and which could cause disharmony between communities” was to be introduced to Parliament.¹⁰⁷ At a Parliamentary Caucus for functioning towards safeguarding National Heritage on 22 May 2024 it was recorded that the Caucus was looking forward to “making necessary recommendations to prevent distortions of the Buddhist philosophy, propagation of myths about the character of the Buddha, as well as propaganda that insults the monks.”¹⁰⁸ Separately, the introduction of such legislation has

¹⁰³ See also as an example, Section 69 of the Sri Lanka Telecommunications Act, No.25 of 1991 (as amended) in reference to the power of the government to prohibit or restrict the use of telecommunication in instances of public emergency and in the interest of public safety and tranquillity.

¹⁰⁴ UN Human Rights Committee (HRC), General comment no. 34: Article 19 (Freedoms of opinion and expression) CCPR/C/GC/34, 12 September 2011, <https://www.refworld.org/legal/general/hrc/2011/en/83764>

¹⁰⁵ “New Act to be brought on religious freedom and distortion of facts – Minister” Ada Derana, May 28 2023 <https://www.adaderana.lk/news.php?nid=90860>

¹⁰⁶ Press briefing of Cabinet Decision taken on 2023.06.26 https://www.cabinetoffice.gov.lk/cab/index.php?option=com_content&view=article&id=16&Itemid=49&lang=en&dID=12074

¹⁰⁷ Sahan Tennekoon, “Distorting Religion: Government Moots New Legislation”, The Morning, 08 January 2024 <https://www.themorning.lk/articles/b0iLnVccWmwV12ljSweD>

¹⁰⁸ “Caucus for functioning towards safeguarding National Heritage directs attention towards making recommendations to prevent

been encouraged by some in a context where media reported that 7 suicides had followed 'religious teachings' allegedly claiming suicide as a faster path to rebirth [See Chapter 2, Section 5].¹⁰⁹ In December 2024, news reports stated that Articles 42 and 43 of the Buddhist Temporalities Ordinance were to be amended to capture the distortion of religious teachings and practices.¹¹⁰

While it is impossible to evaluate the proposed legislation until a draft bill becomes available, any legislation of the proposed nature runs great risk of violating FoE and must therefore be undertaken with great care.

3.5 Proselytisation and Propagation

To proselytise is defined as "to try to persuade someone to change their religious or political beliefs or way of living to your own."¹¹¹ Relatedly, propagation, refers to the transmission or spreading of one's religion 'by the exposition of its tenets'.¹¹² The ability to engage in such activities and whether they fall within the scope of FoRB remains a very contested and controversial question [See: Chapter 2, Section 3].

FoRB includes the right to manifest one's religion or belief in worship, observance, practice and teaching.¹¹³ As per General Comment No. 22 to Article 18, the practice and teaching of religion or belief 'includes acts integral to the conduct by religious groups of their basic affairs.' The establishment of seminaries and religious schools, as well as the freedom to prepare and distribute religious texts and publications, are explicitly cited as examples of these acts.¹¹⁴ Article 18(2) of the ICCPR however, also provides that no one shall be subject to coercion which would impact their freedom to have or adopt a religion/belief of their choice.¹¹⁵

Sri Lankan law is clear that there is no right to propagate one's religion or belief. In the Jehovah's Witness Case, for example, the Supreme Court ruled that there does not exist a constitutionally protected right for citizens to propagate their religion or beliefs in Sri Lanka. The court also cited S.C. Determination No. 2/2001 and S.C.

the distortion of Buddhist doctrine, the collapse of the Sangha community and the distortion of Sri Lankan history", parliament.lk, 31.05.2024

109 Sahan Tennekoon, "Distorting Religion: Government Moots New Legislation."

110 Ibid.

111 "Proselytise", Cambridge dictionary

112 Rev. Stanislaus v Madhya Pradesh (AIR SC 1977 908 at page 911) as quoted in S.C.F.R No.241/14 (The Jehovah's Witness Case)

113 International Covenant on Civil and Political Rights art. 18(1); The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art. 14(e)

114 UN Human Rights Committee (HRC), CCPR General Comment No. 22 paragraph 4: Article 18 (Freedom of Thought, Conscience or Religion)

115 International Covenant on Civil and Political Rights art. 18(2)

Determination No. 19/2003 in this regard.¹¹⁶ The Jehovah's Witness Case judgment also clarified that conversations that may take place between Jehovah's Witnesses and members of the public during house-to-house visits as part of public ministry, do not fall within the purview of 'teaching' as a protected manifestation of the freedom of religion.¹¹⁷

In delivering this judgment, however, the court maintained an important distinction – the absence of a right or constitutionally protected freedom to propagate religion or belief as articulated by the court, does not in any way render actions of propagation (more specifically, the actions of the petitioners in this case) unlawful or deem them to be offences.¹¹⁸ Unsuccessful attempts have been made to pass legislation, however, that would criminalise coercive conversions.¹¹⁹

Although the Sri Lankan legislative framework is unambiguous on the absence of a right to propagate religion and belief, Dr. Gunatilleke has made an argument in favour of recognising the freedom to propagate religion as falling within the scope of FoRB. He explains that this will still allow for legally permissible restrictions to be placed on the exercise of this freedom.¹²⁰ Additionally, Dr. Gunatilleke highlights that failure to recognise the freedom to propagate will result in a legislative framework that advantages traditional and established religions, over newer and more unorthodox religions that would need to rely on propagation.¹²¹

4. OTHER LEGISLATION / POLICY THAT IMPACT FoRB

4.1 Imposition of State/Majority Religion on Wider Community

The imposition of a State or majority religion on a wider community or the general population may take place in several ways, including the establishment of a State religion and mandatory observance of rituals and restrictions associated with the majority religion.

116 S.C.F.R No.241/14 (The Jehovah's Witness Case)

117 Ibid., page 35

118 Ibid.

119 "New Laws against Unethical Conversions", The Morning, 18 February 2021 <https://www.themorning.lk/articles/120252>

120 The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art.15(7)

121 Gehan Gunatilleke, Does the freedom of religion include the freedom to propagate?, (Minor Matters, 26 September 2022), <https://forbdashboard.minormatters.org/resource/does-the-freedom-of-religion-include-the-freedom-to-propagate/>

In Sri Lanka, Article 9 of the Constitution stipulates that Buddhism shall be given the foremost place. It proceeds to state, “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).”¹²²

In giving Buddhism the ‘foremost’ place, the State clearly elevates and prioritises one religion over all others. The broad nature of this prioritisation also allows for its ramifications to trickle down into several areas of practice. It is noteworthy, however, that despite this, the provision remains qualified by the duty of the State to assure all religions the rights to equality and FoRB. Additionally, the relative ineffectiveness of affording a religion the ‘foremost place’ in contrast to mandating the religion to be the official State religion can be appreciated.¹²³

4.2 Education

Education can be instrumental in enabling freedom of thought, conscience and religion as well as the freedom of manifesting religion. As per Article 18(4) of the ICCPR, States must respect the liberty of parents and legal guardians to ensure that their children receive religious and moral education that aligns with their (parent’s/guardian’s) own beliefs.¹²⁴

In Sri Lanka, Section 35 of the Education Ordinance provides for religious instruction, stating that in a government school, each student shall receive instruction in the religion of their parent,¹²⁵ as part of their studies at the school.¹²⁶ If, however, the parent has voluntarily made a written request to the principal of the school to exempt the student from attendance at instruction, worship or observance relevant to the religion of his or her parent, then such attendance will not be required or permitted.¹²⁷ Conversely, a student shall not be required or permitted to attend instruction, worship or observance related to a religion that is not the student’s parent’s religion, on school premises.¹²⁸ As per Section 35(1)(a), instruction in a particular religion need not be provided in a Government school where there are

¹²² The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art.9

¹²³ Rohan Edrisinha, (Constitutional Law expert), interview by Yanitra Kumaraguru, December 28, 2024, Colombo. (Point that was discussed as arising from an external anecdote during the interview)

¹²⁴ International Covenant on Civil and Political Rights art. 18(4)

¹²⁵ As per Section 35(4) the religion of the parent, in the instances described in this Section, shall be determined by considering a declaration of religion as made by the father of the student. In the absence of such declaration, regard may be had to a declaration made by the mother of the student, of her religion. In any other case, the religion of the parent of the student will be considered to be what was declared to be the pupil’s religion by any person having legal or actual control of the student.

¹²⁶ Education Ordinance No. 31 of 1939, Section 35(1)

¹²⁷ Ibid., Section 35(1)(b)

¹²⁸ Ibid., Section 35(2)

15 or fewer students whose parents are of the religion in question.¹²⁹

Freedom of religion and education may intersect in yet another way; in considering what impact, if any, a student's religion may have on their admission into a school.

The Education Ordinance, in this regard, states that no applicant shall be refused admission into any assisted school for reason of the religion of such applicant or of either of his/her parents.¹³⁰ The Ministry of Education Notice, 'Instructions related to the admission of children to Grade One in Government Schools for the Year 2025', states that in filling vacancies in schools that were vested to the Government, "the proportion of children belonging to different religions at the time of vesting the school to the Government will be taken into consideration." As such, the number of vacancies in the school will be divided in the same manner, among different religions and categories.¹³¹

4.3 Non-citizens

Article 18 of the ICCPR stipulates that "**Everyone** shall have the right to freedom of thought, conscience and religion."¹³² Article 27 of the ICCPR, states that where ethnic, religious or linguistic minorities exist, persons belonging to these minorities shall not be denied the right to profess and practice their own religion etc.¹³³ General Comment No. 23 to Article 27, explicitly clarifies that the persons whose rights are protected under this section include those who are not nationals, non-citizens and those who are not permanent residents. Migrant workers and even visitors to a State would benefit from protection under this Article.¹³⁴

While the above sections apply broadly, more specifically, the 1951 Refugee Convention also affords protection for the Freedom of Religion of those who fall within the definition of a refugee. As per Article 4, States shall ensure that those refugees within their territories are provided 'treatment at least as favourable as that accorded to their nationals' in relation to freedom to practice their religion and freedom pertaining to the religious education of their children.¹³⁵ Sri Lanka has not, however, acceded to the 1951 Refugee Convention.

129 Ibid., Section 35(1)(a)

130 Ibid., Section 34

131 Ministry of Education, Notice - Instructions related to the admission of children to Grade One in Government Schools for the Year 2025, para 3.2

132 International Covenant on Civil and Political Rights art. 18

133 Ibid. art. 27

134 UN Human Rights Committee (HRC), CCPR General Comment No. 23, paragraphs 5.1 and 5.2: Article 27 (Rights of Minorities), CCPR/C/21/Rev.1/Add.5, 8 April 1994, <https://www.refworld.org/legal/general/hrc/1994/en/26900>

135 Convention Relating to the Status of Refugees, Article 4, July 28, 1951, 189 UNTS 137* (Refugee Convention)

In Sri Lanka, Article 10 of the Constitution states that **every person** is entitled to the freedom of thought, conscience and religion.¹³⁶ Article 12(2) however, uses terminology that is less inclusive, stating that no **citizen** shall be discriminated against on grounds such as religion.¹³⁷ Article 14(e) is couched in a similarly restrictive manner, stating that every **citizen** is entitled to the freedom to manifest his/her religion or belief in worship, observance, practice and teaching.¹³⁸ Restricting the protection afforded to FoRB to the citizens of a country in such a manner, entails that migrant workers, refugees, tourists, visitors and other non-citizens present in the territory of the State do not fall within the ambit of the protection that is otherwise constitutionally afforded.

4.4 Establishing, Maintaining and Regulating Places of Worship and Faith-Based Organisations

Places of Worship

The ability to establish, maintain and utilise places of worship is key to enabling FoRB; particularly, the freedom to manifest one's religion¹³⁹ and especially, in a collective manner. The right to establish and maintain such places is accordingly recognised explicitly in Article 6 of the Declaration on the Elimination of all forms of Intolerance and Discrimination Based on Religion or Belief 1981¹⁴⁰ as well as General Assembly Resolution 55/97¹⁴¹ on the 'Elimination of all forms of religious intolerance'. Human Rights Resolution 2005/40 recognises the same and urges States to review registration practices in a manner that aligns with the right to manifest religion and belief.¹⁴²

In Sri Lanka, matters pertaining to all religions fall within the scope of the Ministry of Buddha Sasana Religious and Cultural Affairs.¹⁴³ Three circulars issued by this Ministry in 2008, 2011 and 2022 respectively, imposed a requirement of obtaining

136 The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art.10

137 Ibid., art. 12(2)

138 Ibid., art.14(e)

139 General Comment No. 22 explains that the concept of worship extends to 'various practices integral to such acts, including the building of places of worship.'

140 United Nations General Assembly, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Article 6(a), G.A. Res. 36/55, U.N. GAOR, 36th Sess., Supp. 51 (1981)

141 United Nations, Resolution 55/97: Elimination of all forms of religious intolerance, March 1, 2001

142 Office of the High Commissioner for Human Rights, Human Rights Resolution 2005/40, Clause 4(c) and (d). See also Clause 14(f) of General Assembly Resolution A/RES/77/221

143 The Gazette of the Democratic Socialist Republic of Sri Lanka No.2187/27; Website of the Ministry of Buddhasasana, Religious and Cultural affairs <https://mbs.gov.lk/web/> (accessed on 7th January, 2025)

approval from the Ministry for the construction of new places of religious worship.¹⁴⁴ The latest was introduced in April 2022, superseding previous circulars and applying to all religious centres, places of worship, prayer centres, or any establishments engaging in collective worship. The only exceptions are establishments that have been incorporated under parliament.¹⁴⁵ While lacking in legal basis, the parameters of the circular are vague with ambiguity surrounding the registration process and associated benefits.¹⁴⁶ Despite the fact that there has been no legislative mandate for the same and that organisations are not penalised when the requirement is not fulfilled, there has still been significant impacts flowing from such a requirement.¹⁴⁷

A lack of familiarity with smaller or lesser-known religious groups sometimes results in difficulties faced during registration and denial of registration.¹⁴⁸ Such denial of registration could be a barrier to completing necessary administrative tasks for the functioning of such a place of worship.¹⁴⁹ Additionally, incidents have been observed where the absence of registration of a place of worship has been weaponised to target the religious practices of minorities [See Chapter 2, Section 4.1].¹⁵⁰

Registration of Non-Governmental Organisations

Human Rights Resolution 2005/40 urges States to ensure the freedom to establish and maintain religious, charitable, and humanitarian institutions in line with international human rights law.¹⁵¹ This need is also recognised in General Assembly Resolution A/RES/77/221 on FoRB.¹⁵²

In January 2024, a proposal was made for a NGOs (Registration and Supervision) Act. The bill, if it came into force, would substitute the Voluntary Social Services Act of 1980 that is presently in force. Substantively, the proposed law seeks to introduce mandatory registration with some exceptions and demands compliance with government policy and agenda, with ramifications for resisting and objecting.¹⁵³

144 Verite Research, "Fading Beliefs: Addressing the lacunae in the right to religious worship in Sri Lanka" July, 2024, pages 29-30 https://www.veriteresearch.org/wp-content/uploads/2024/07/20240507_VeriteLegal_FadingBeliefs.pdf

145 NCEASL focus group (status of religious freedom in Sri Lanka), in discussion with Jovita Arulanantham, December 12, 2024, Colombo

146 Lakshan Dias (Human Rights Lawyer), interview by Jovita Arulanantham, October 10, 2024, Colombo

147 Verite Research, "Fading Beliefs: Addressing the lacunae in the right to religious worship in Sri Lanka" 12

148 Ibid., 6,12

149 Ibid., 12 citing the opening of bank accounts as an example

150 Ibid., 7

151 Office of the High Commissioner for Human Rights, Human Rights Resolution 2005/40, Clause 4(e)

152 A/RES/77/221, 'Freedom of Religion or Belief', Paragraph 14(i), 15th December 2022

153 Ermiza Tegal, "Government proposes a law to control NGO activity", Groundviews, 14th May 2024 <https://groundviews.org>

Taking into consideration factors such as these, Ermiza Tegal described the proposed Act stating that it “appears to introduce legal legitimacy for the current oppressive treatment of NGOs.”¹⁵⁴

Procedurally, too, the Act has come under severe criticism for the very limited and informal manner in which the draft was initially circulated, its availability in only the English language at the time, the absence of effort to meaningfully carry out consultations regarding the law and the failure to articulate any rationale or justification for enacting the new law. Tegal argues that a need to prevent financial crime cannot be the primary rationale for the new law, given that a separate legal framework and system is already in existence, equipped with the expertise to tackle matters of financial crime.¹⁵⁵ No official draft of the proposed law was circulated.¹⁵⁶

4.5 Legal Framework surrounding Antiquities and Land

The legal framework governing antiquities, archaeological sites, and land ownership is of substantial significance to the exercise of FoRB in relation to access to, utilisation of and ownership of places and structures of religious significance to communities. It is especially important in Sri Lanka, given numerous land disputes and conflicts ongoing over decades – including in relation to places of worship.

Antiquities Ordinance

In addition to the provisions discussed under Section 2.2, the Antiquities Ordinance (as amended) has several other provisions of relevance to FoRB relating to the lands upon which places of worship stand and areas of cultural significance.

As per Section 6, for example, no excavation shall be carried out for discovering antiquities unless under a license for excavation from the Director General of Archaeology.¹⁵⁷ As per Section 8, such a licence shall only be granted where the Director General is satisfied that the owner of the land has consented to the excavation and that no damage or inconvenience will be caused to those residing in the vicinity or to any place used for religious purposes unless provision has been made for adequate compensation.¹⁵⁸ Further, Section 13 states that, the State may

[org/2024/05/14/government-proposes-a-law-to-control-ngo-activity/](https://www.sri.lanka.gov/2024/05/14/government-proposes-a-law-to-control-ngo-activity/)

154 Ibid.

155 Ibid.

156 Bhavani Fonseka, Interview.

157 Antiquities Ordinance (as amended), Section 6

158 Ibid., Section 8

not be held liable for loss or damage during such excavation.¹⁵⁹

Additionally, Section 18 provides for the declaration of ‘protected monuments’, where it appears to the Minister that any ancient monument that is not located on State land, is in danger of destruction or removal, or damage from neglect or injudicious treatment, and that it is in the public interest to protect such monument.¹⁶⁰

Section 31 deems it an offence to wilfully destroy, injure, deface or tamper with any protected monument/ancient monument on State land, or engage in an act that wounds or offends or is likely to wound or offend the religious susceptibilities of the class of persons who venerate or hold such monument sacred. The penalty for such an offence is stipulated as a fine between Rs. 50,000 and Rs. 250,000, imprisonment for 2 to 5 years, or both such fine and imprisonment.¹⁶¹

While appearing to further FoRB, the provisions must however, be also examined in how they have been utilised to truly understand the relation between the law and FoRB.

Such an examination, unfortunately, reveals that, despite being couched in terms protective of religious freedom, these provisions have been utilised in a targeted manner to further ethno-nationalist agendas and prejudice minority communities [See: Chapter 2, Section 2]. In Mullikulam Malai in Ampara (East), for example, the fact that the Department of Archaeology had claimed Mullikulam Malai to be an archaeological site under Sections 15 and 16 of the Antiquities Act was utilised to impede the Muslim population of the region from using the land to resume their agricultural activities.¹⁶² In relation to the Vedukkunaari Aathi Lingeswarar Temple in Vavuniya (North) (disputed as a Buddhist temple under the name Vaddamana Pabbathaya Viharaya), the temple in concern was gazetted as an archaeological monument by the Department of Archaeology. A field visit undertaken by the Department of Archaeology reported only Buddhist ruins and did not acknowledge any Hindu monuments. As per a declaration that was thereafter issued by the Department, locals were not allowed to enter the area- inclusive of the temple, would face arrest if they so attempted to enter the area and Vedukkunaari Malai would come under the control of the Archaeology Department.¹⁶³ A case was also instituted in the Vavuniya District Court against the board of trustees of the temple

159 Ibid., Section 13

160 Ibid., Section 18

161 Ibid., Section 31

162 Centre for Policy Alternatives, The Intersectional Trends of Land Conflict in Sri Lanka, (Centre for Policy Alternatives, August, 2024), <https://www.cpalanka.org/the-intersectional-trends-of-land-conflicts-in-sri-lanka/#:~:text=15%20years%20after%20the%20end,to%20a%20post%2Dconflict%20society,14-15>

163 Ibid., 57-58

on the basis of the Antiquities Act.¹⁶⁴

The furtherance of an ethno-nationalist agenda by way of the Antiquities Act may also be seen through how protection is selectively afforded using the Act. In Kurunthur Hill in Mullaitivu (North) where the Kurunthumalai Aathi Shivan Aiyandar Temple is located, no action was taken by the Archaeology Department nor the Forest Department when trees were burnt and cut down within the boundaries of the archaeological site by Buddhists.¹⁶⁵ Similarly, in relation to The Vedukkunaari Aathi Lingeswarar Temple, despite cases being filed against the trustee's board of the temple on the basis of the Antiquities Act, no such action was taken when the temple was destroyed by uprooting its deities.¹⁶⁶

Town and Country Planning Ordinance No.13 of 1946

As per Section 6(2) of the Town and Country Planning Ordinance, the Minister may declare any town or area to be an urban development area,¹⁶⁷ triggering restrictions on the use of such town/area.¹⁶⁸

Section 6(2)(b) has been used in certain instances, however, as a basis to gazette 'sacred areas', despite the provision only providing for the gazetting of urban development areas.¹⁶⁹ The Statute has in such manner been (incorrectly) utilised as a tool in facilitating the construction of Buddhist temples in the North and East.¹⁷⁰

Other Land Laws

The above statutes are also supplemented by a more general framework of laws governing land acquisitions that, owing to extremely wide grounds for invocation and power imbalance, allow for its exploitation in the pursuance of extraneous agendas such as ethnonationalism and religious imposition. The Land Acquisition Act No. 9 of 1950, Emergency Regulations providing for the declaration of High-Security Zones, the Mahaweli Authority Act, and the Tourism Act No. 38 of 2005 are some examples.¹⁷¹

In land and archaeological disputes surrounding places of worship, it is noteworthy that several attempts made to seek justice through the court system have proved

¹⁶⁴ Ibid., 58; case no. B/2084/19. For a more comprehensive overview of all the legal action that was pursued in relation to Vudukkunaari Malai please refer report.

¹⁶⁵ Centre for Policy Alternatives, The Intersectional Trends of Land Conflict in Sri Lanka, 41,42

¹⁶⁶ Ibid., 58-59

¹⁶⁷ Town and Country Planning Ordinance No. 13 of 1946, Section 6(2)

¹⁶⁸ Centre for Policy Alternatives, The Intersectional Trends of Land Conflict in Sri Lanka, 70

¹⁶⁹ See for example the instance of Muhudu Maha Viharaya as cited in the above report

¹⁷⁰ Centre for Policy Alternatives. "The Intersectional Trends of Land Conflict in Sri Lanka." 69

¹⁷¹ See the above report for a more detailed explanation of the Statutes in relation to the acquisition of land

to be futile even in instances where courts have ruled in favour of those whose FoRB and/or land rights have been violated.¹⁷² As explained in an interview with Bhavani Fonseka, with local level courts in the North and East having tried to halt the ethnonationalist drive, where the judiciary does fulfil its role, the implementation of the decision remains a question. Ignoring court orders would amount to contempt of court, but the question of who would implement this still remains. This difficulty in enforcement persists due to both its natural reliance on the State machinery and the fact that the State machinery works very closely with the Buddhist clergy and the military. As such, “Each actor needs to do its part to ensure it’s not driven by other forces. The Judiciary is one actor- judiciary alone cannot fix the entrenched problem.”¹⁷³

4.6 Personal Laws

The complex legal framework of Sri Lanka allows for the co-existence of special ethno-cultural and religious personal laws- the Kandyan Law, the Thesawalamai Law and the Muslim Law, alongside the general law of the land. Of these, the recognition of Muslim Law – given effect to through statutes such as the Muslim Marriage and Divorce Act, contributes directly to the furtherance of FoRB.

Due consideration must however be given to ensuring the amendment of these personal laws where they are in violation of other fundamental freedoms and rights. This is especially owing to the fact that the 1978 Constitution of SL in allowing for the continuation in force of personal laws in Article 16 stated that “all existing written law and unwritten law shall be valid and operative notwithstanding any inconsistency” with the provisions of the Fundamental Rights chapter of the Constitution.¹⁷⁴ [See Chapter 3, Section 3.3]

5. GENDER AND FoRB

Discussions have considered whether there exists tension between FoRB and gender equality. There have been many instances where FoRB has been used against women and gender minorities: abortion law, the decriminalisation of homosexuality, and matters surrounding the Muslim Marriage and Divorce Act

¹⁷² See for example, the Manikkamadu Mayakkalli Hill, Mullikulam Malai, and Kurunthumalai Aathi Shivan Iyanar Temple as documented in the above report

¹⁷³ Bhavani Fonseka, Interview

¹⁷⁴ The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art.16

are examples.¹⁷⁵

In Sri Lanka, several legal developments in furtherance of gender equality took place in 2024. The Women Empowerment Act No. 37 of 2024, passed in Parliament on the 20th of June, 2024 is one such example. The Act makes provisions for the empowerment of women; providing for the National Policy on Advancement and Empowerment of Women, a National Commission on Women, the appointment of ombuds for women's rights and mechanisms for the protection of women's rights.

¹⁷⁶

Separately, a Gender Equality Bill was also published in the Gazette on 17th April 2024 and presented by the Minister of Women, Child Affairs and Social Empowerment on 9th May 2024. The Bill was in furtherance of the following objectives: the establishment and facilitation of gender equality principles in making policies; ensuring that all persons enjoy the fundamental rights and freedoms enshrined in the Constitution without discrimination on the grounds of sex or gender identity; the facilitation of the identification and elimination of systemic and structural causes of gender inequality and gender-based discrimination; taking measures to redress disadvantage, marginalisation, sexism, stigma, categorising, stereotyping, prejudice and violence as well as the accommodation of men, women and persons of different gender identities through structural change; the protection of human dignity irrespective of sex or gender identity; the provision of equal opportunities and an enabling environment to achieve results on gender equality; the establishment of principles of gender equality and ensuring compliance with such principles in the conduct of public institutions, businesses, Civil Society Organisations, employment and other legal entities and individuals.¹⁷⁷ Section 3 of the Bill expressly articulated the right to gender equality.¹⁷⁸

Despite seemingly straightforward content, the Bill was challenged in the Supreme Court by way of two petitions (SC SD No.54/2024 and SC SD 55/2024) and was held to be inconsistent with the Constitution as a whole.¹⁷⁹ Such a holding entailed that the Bill could then only be enacted into law through the approval of two-thirds of the whole number of Members of Parliament (inclusive of those absent) and the approval of the nation's people at a referendum.¹⁸⁰

¹⁷⁵ Legal expert, interview by Yanitra Kumaraguru, February 18, 2025, Colombo.

¹⁷⁶ Women Empowerment Act, No. 37 of 2024

¹⁷⁷ Gender Equality Bill, Section 2 (Published in the Gazette on April 17 2024)

¹⁷⁸ Ibid., Section 3

¹⁷⁹ SC SD 54/2024 and SC SD 55/2024 (Gender Equality Bill Case)

¹⁸⁰ Ibid., 41,45

While the Bill did not expressly refer to religion in any of the provisions that were proposed, it is noteworthy that FoRB was significantly considered by the Court in its judgment against the Bill.

An argument by the Petitioners was that if enacted as law, this Bill would prevent religious establishments such as the Sasana, Convents, Bhikku universities, Pirivenas, Churches and Mosques from being selective or restrictive on the basis of gender or sex when admitting into these institutions, the potential servers of their worship activities.¹⁸¹ It was submitted that it was not permissible under regulations governing the ordination of Buddhist monks, for a female or for a person who identified neither as male nor female, to be so ordained.¹⁸²

Justice Surasena in considering this issue turned to the definition of a ‘private institution’ in the Bill. As per Clause 29 of the Bill, a private institution is defined as an institution that is “established, recognised or licensed under any written law and include a higher educational institution, a university and a professional institution and an institution offering vocational or technical education, other than those funded wholly by the government.”¹⁸³ It was observed that Buddhist universities, Pirivenas, and other similar institutions would fall under this definition and have to comply with the principles of gender equality as per the stipulations of the Bill.¹⁸⁴ As such, the exclusion of any sex or gender from admissions into religious institutions may be viewed to be in violation of the Gender Equality Bill, even if such restriction was in adherence to established religious practices.

Additionally, even where the practice of restricting admissions to these institutions on the basis of sex or gender had been captured in legislation,¹⁸⁵ it was noted by Justice Surasena that these restrictions would still not prevail if the Gender Equality Bill was passed into law. This was due to the priority placed on the provisions of the Bill by means of Clause 28, which stated that in the event of any inconsistency with any other written law, it would be the provisions of the Gender Equality Bill that prevail.¹⁸⁶

181 Ibid., 21

182 Ibid.

183 SC SD 54/2024 and SC SD 55/2024 (Gender Equality Bill Case) page 22 quoting Clause 29 of the Bill

184 Ibid., 22

185 An example of such an instance considered in the Judgement was Section 2 of the Pirivena Education Act No. 64 of 1979 which stated that “The object of Pirivena Education shall be to provide educational facilities a) to bhikkus and b) to male lay pupils over 14 years of age who are desirous of following a course of studies imparted in a Pirivena and who wish to receive their education in a Buddhist environment.”

186 Gender Equality Bill, Section 3 Clause 28

The judgment also gave significant consideration to the question of religion in relation to the decriminalisation of homosexuality and legalisation of same-sex marriages that the Bill, if passed as law, would entail.¹⁸⁷ Speaking of same-sex marriages, for example, it is stated as follows on page 29 of the judgment:

“Thus, it is clear that when this Bill becomes law it becomes possible for any interested party to claim legal status for same-sex marriages through the definitions and provisions of this Bill. This is something that neither our Constitution nor our culture has envisaged.

All the religions practised in this country have not deviated from this culture for both culture and religion are part and parcel of the practice of the people of this country. Practice of culture and religion in general cannot be contrary to the law of the country.”¹⁸⁸

By contravening the laws, rules and practices adhered to by religions in the manner described above, it was held that the Gender Equality Bill was therefore in violation of Article 10 of the Sri Lankan Constitution on Freedom of Thought, Conscience and Religion as well as Article 14(1)(e) of the Sri Lankan Constitution on the manifestation of Freedom of Religion.¹⁸⁹ Additionally, when the laws, rules and practices negated by the Gender Equality Bill were those that belonged to Buddhism, it was also held that the Gender Equality Bill was in contravention of Article 9 of the Constitution.¹⁹⁰

¹⁸⁷ Gender Equality Bill Case 29, 32. It is interesting to note however that in the Supreme Court Special Determination No.13/2023 (Penal Code Amendment Bill) pertaining to the decriminalisation of homosexuality etc. the argument made by the petitioners that homosexual activity is contrary to the principles of Buddhism and therefore violates Article 9, was dismissed by the Bench as lacking in merit.

¹⁸⁸ Gender Equality Bill Case 29

¹⁸⁹ Ibid., 23

¹⁹⁰ Ibid., 22

SCORING AND RAG RATING

Each sub-indicator is ranked on a scale of 1-10. The average of the aggregated scores determines the score for each key indicator [See: Page 12 on ‘Indicators and Scoring/Research Methodology’ for further detail].

The scoring that appears below is based on Sri Lanka’s current legislative framework and does not take into account implementation by law enforcement or state mechanisms

INDICATOR	SCORE	RATIONALE	RAG RATING
Indicator 1: A foundational legal framework supportive of FoRB			
1. Has Sri Lanka ratified relevant international instruments on FoRB and enacted enabling legislation to give effect to such commitments domestically?	7	Sri Lanka has ratified the ICCPR. ICCPR Act of 2007 has been enacted as enabling legislation. Section 3 of the Enabling Act is subject to criticism as being overbroad. SL has also acceded to ICERD.	
2. Has SL afforded constitutional protection for FoRB in line with its international commitments?	7	The Constitution entrenched Freedom of Religion including freedom to manifest religion. Constitutional provisions are sometimes narrower in scope than international commitments and thus offer less protection to Freedom of Religion. Limitations on FORB are recognised but are in line with international standards.	

Indicator 2: Legislation that supports FoRB with regard to matters of security			
1.	Does the legislative framework provide for the protection of peaceful exercise of FoRB from any disturbances of the peace and threats to security?	5	Provisions in the Penal Code, Prevention of Terrorism Act, ICCPR Act, and Online Safety Act all appear to guard against the disturbances of peace and threats to security. The broad manner in which these provisions have been framed however, also leaves them open to exploitation and utilisation to target minorities.
2.	Does the legislative framework of SL provide adequate protection for religious places?	7	Legislatively protection is afforded to religious places through the Penal Code and, in instances of relevant significance through the Antiquities Ordinance [Practical enforcement of these provisions considered under Chapter 2].
Indicator 3: Legislation that supports FoRB with regard to matters of Freedom of Expression			
1.	Does the legislative framework allow for religious expression/manifestation of religion of ethnoreligious groups?	9	The only significant restriction by way of legislation at present is the laws regulating sound pollution: a permissible restriction, in line with the limitations recognised under international standards.
2.	Does the legislative framework balance FoRB interests with Freedom of Expression?	6	Broad restrictions on the expression on grounds of religion towards protecting religion and religious sentiment. The broad nature of the restrictions may result in overbroad censorship that does not meet the required tests of necessity and proportionality.
Indicator 4: Legislation that supports FoRB with regard to matters of Proselytisation			
1.	Does the legislative framework afford protection to proselytisation/recognise a right to propagate religion?	4	Not recognised as a right under the Constitution. This position has been buttressed by the judiciary.
2.	Does the legislative framework refrain from placing a prohibition on propagation?	5	Legislative attempts against conversion have failed. The judiciary has endorsed that while there is no protection for the ability to propagate, such activity is also not illegal.

Indicator 5: Absence of other legislation that discriminates against religion or belief			
1.	Does the legislative framework refrain from imposing a State/majority religion on its population?	4	Buddhism is constitutionally given the foremost place.
2.	How does the legislative framework address the interests of FoRB in relation to education?	6	Entitlement to receive instruction in the religion of the parent has been provided. In admission to Government schools, the proportion of children belonging to different religions at the time of vesting the school to the Government will be taken into consideration.
3.	Do non-citizens benefit from the protection of FoRB?	4	Some constitutional guarantees have limited the protection afforded to only citizens. No formal protection is afforded to refugees. Sri Lanka has not acceded to the 1951 Refugee Convention.
Indicator 6: Establishing and maintaining places of worship and faith-based organisations			
1.	Does the legislative framework facilitate establishing and maintaining places of worship?	4	Impediments to establishing and maintaining places of worship include a circular requiring mandatory registration, difficulties in obtaining registration and an absence of registration used to target the place of worship in question.
2.	Does the law facilitate establishing and maintaining faith-based organisations?	4	Proposed NGO law requires mandatory registration and strict compliance with government policy, discouraging dissent. No meaningful consultations were conducted with regard to the law. As no official draft has been circulated it is difficult to determine the impact on faith-based organisations.



CHAPTER 2

SOCIO-POLITICS AND GOVERNANCE

Key trends and patterns influencing government and political players with implications for FoRB

KEY FINDINGS

- Despite reduced state patronage, developments on contested religious sites in the North and East reveal persisting trends prioritising Buddhist heritage while undermining others.
- The enforcement of laws and regulations concerning religious groups and places of worship tends to favour the regional majority, often prioritising Buddhist interests in most conflicts and giving preference to the larger community in conflicts involving minorities.
- While there have been no reported incidents involving Buddhist hardliner groups at the socio-political level, there has been an uptick in incidents linked to Hindu hardliner organisations promoting anti-Muslim and anti-Christian sentiment.
- Although organised campaigns and the intensity of state measures have eased, ongoing state biases and persisting restrictions in certain areas marginalise sections of the Muslim community.
- Elections in 2024 reflect a notable decrease in harmful rhetoric targeting religious groups, while political and symbolic gestures signal some openness towards a more inclusive and welcoming culture.

The association of Buddhism with statehood and government has determined its supremacy, influencing government and political players with implications for FoRB. While the environment for FoRB has improved with the easing of state patronage for ethno-nationalist projects and some targeted interventions by the 2024 administrations, problematic practices persist.

1. PROTECTING RELIGIOUS HERITAGE

The constitution gives Buddhism the “foremost place,” officially recognising it with statehood and government. The constitution also mandates the state to “protect and foster the Buddhasasana” [See Chapter 1, Section 4.1]. This extends to safeguarding Buddhist practices and ideologies related to temples, relics, temple lands, and lay devotees.¹⁹¹

¹⁹¹ Verite Research, *Fading Beliefs: Addressing the Lacunae in the Right to Religious Worship in Sri Lanka*, (Verite Research. July, 2024), https://www.veriteresearch.org/wp-content/uploads/2024/07/20240507_VeriteLegal_FadingBeliefs.pdf, 22

Successive governments - in adhering to this directive - have associated Buddhism with “superiority”¹⁹² and this sentiment has permeated the national, societal, and private levels. The state’s approach to the preservation and management of heritage sites is revealing of this posture.

Over 2023 and 2024, there’s been emphasis on expediting work on the Anuradhapura sacred site development plan. The site is one of the four UNESCO World Heritage Sites located in Sri Lanka’s North-Central province. In July, while the DoA announced new measures to protect the site - prohibiting future construction at the entrance to the city¹⁹³ - the President is understood to have discussed cooperation in archaeological excavations with visiting UNESCO Director General.¹⁹⁴

Given the universal and national significance of these sites - including to Sri Lanka’s Buddhist community - attention is necessary and welcome. However, studies suggest that the Department of Archaeology’s (DoA) operations in protecting heritage sites, prioritise sites linked to the Sinhala-Buddhist majority despite being tasked with the ‘protection of the total archaeological heritage of Sri Lanka’.

This is evident in the treatment of sites such as Kandasamy Hill in Trincomalee (East), which has been described as an ancient settlement where the ruins of a Hindu temple venerating Lord Murugan are situated. Though the Government declared Kandasamy Hill a protected ‘archaeological site’ in 2013, no action has been reportedly taken to protect it, with ancient inscriptions defaced and ruins left unrestored¹⁹⁵.

More celebrated places of worship have also complained of unfair treatment. Thirukoneswaram, also located in Trincomalee, is considered to be an important site of Hindu veneration with a history going back to 205 BC.¹⁹⁶ Though a key attraction to both local and international tourists, the temple administration and political representatives of the area, have highlighted developments - that include

192 Nazlia Ghanea, Hatred on the Basis of Religion or Belief: Report of the Special Rapporteur on Freedom of Religion or Belief, (United Nations Human Rights Council, April 2024), <https://documents.un.org/doc/undoc/gen/g23/267/05/pdf/g2326705.pdf>, 5

193 Kenolee Perera, “Anuradhapura Sacred Site: Future Construction Ban at City Entrance,” The Morning, July 21, 2024, <https://www.themorning.lk/articles/skKfP5IgC5za6U99Tqck>.

194 Embassy of Sri Lanka – France, “President Ranil Wickremesinghe Discusses Sri Lanka’s Cooperation with UNESCO in Meeting with Director General Audrey Azoulay in Paris,” 26 June 2023, <https://www.srilankaembassy.fr/en/page/953-president-ranil-wickremesinghe-discusses-sri-lankas-cooperation-unesco-meeting>.

195 Centre for Policy Alternatives, The Intersectional Trends of Land Conflict in Sri Lanka, (Centre for Policy Alternatives, August, 2024), <https://www.cpalanka.org/the-intersectional-trends-of-land-conflicts-in-sri-lanka/#:~:text=15%20years%20after%20the%20end,to%20a%20post%2Dconflict%20society.53-54;>

The Oakland Institute, Trincomalee Under Siege: Land Grabs Target the Tamil Homeland in Sri Lanka, (The Oakland Institute, September 12, 2024), <https://www.oaklandinstitute.org/trincomalee-under-siege-land-grabs-target-tamil-homeland-sri-lanka.16>

National Christian Evangelical Alliance of Sri Lanka (NCEASL), Incidents of Violence and Intimidation against Hindus 2024, unpublished report, NCEASL, December 2024

196 “The Pancha (five) Ishwarams of Eelam,” Tamil Nation, October 16, 1999, <https://tamilnation.org/heritage/eelam/fiveishwarams#Koneshwaram>

the opening of new routes and traders in close proximity to the temple - that have compromised the security and sanctity of the site.¹⁹⁷

In response to a Right to Information (RTI) request, the DoA highlighted that it “does not carry out excavations based on religion, ethnicity or other specialities...”. The DoA also shared that “excavations are carried out...with external provisions” given that “the amount allocated annually...is not sufficient...”.¹⁹⁸ [See Annexure 1] In May 2023, then President Wickremesinghe criticised the DoA for obtaining funds from Buddhist clergy to carry out excavations.¹⁹⁹ It is important in this context to consider streamlining funding processes, since motives of external funders may not solely focus on national archaeological value and preservation.

Apparent bias is also evident in committees formed around heritage management. In March, the then Minister of Buddhasasana, Religious, and Cultural Affairs Vidura Wickremenayake, announced plans to develop a new bill aimed at managing the discovery and preservation of antiquity and archaeological heritage. Reporting around the bill suggests consultation with only the Buddhist religious leadership.²⁰⁰ The exclusion of religious minorities in discussions on heritage isn’t new. In 2020, then President Gotabaya Rajapaksa, appointed a 11-member Task Force for ‘Heritage Management’ in the Eastern Province that did not initially include any Tamils or Muslims, despite the communities making up the majority of the province.²⁰¹ Given that discussions around national heritage have the potential to shape policies that could impact identity politics, demographics and land control,²⁰² this pattern of exclusion is concerning.

2. FoRB IN HERITAGE CONTESTS

In addition to the apparent neglect of minority religious sites and the exclusion of minorities in heritage discussions, contested religious sites present even greater concerns for FoRB. Incidents violating FoRB on sites in the North and East have

¹⁹⁷ D.B.S. Jeyaraj, “Murugeysen Tiruchelvam and Koneswaram Issue,” Daily Mirror, November 19, 2022, <https://sangam.org/murugeysen-tiruchelvam-and-koneswaram-issue/>

¹⁹⁸ Information provided by the Department of Archaeology in response to a Right to Information (RTI) request submitted by the author. December 3, 2022

¹⁹⁹ “Sri Lanka President Raps Archaeological Dept. for Obtaining Funds from Monks,” EconomyNext, May 12, 2023, <https://economynext.com/sri-lanka-president-raps-archeological-dept-for-obtaining-funds-from-monks-120425/>.

²⁰⁰ “New Act Proposed to Preserve Archaeological Heritage,” Daily News, March 4, 2024, <https://www.dailynews.lk/2024/03/04/admin-catagories/breaking-news/430450/new-act-proposed-to-preserve-archaeological-heritage/>.

²⁰¹ The Oakland Institute, Trincomalee Under Siege: Land Grabs Target the Tamil Homeland in Sri Lanka, 14-15

²⁰² Centre for Policy Alternatives, The Intersectional Trends of Land Conflict in Sri Lanka, 83

involved the imposition of Buddhist symbolism under irregular circumstances, the defacing of religious symbols and sites, and restrictions on worship.

Disputes here while violating FoRB, also lie in the context of the North-East's conflict-legacy issues and unresolved calls for the devolution of regional autonomy. The imposition of Buddhist symbolism on sites significant to Hindus is widely viewed as resistance to claims of a 'Tamil homeland'.²⁰³

According to information published in a news report, the DoA's identification of archaeological sites in 2023, suggests a new preoccupation with the East. In 2023, the DoA identified 996 archaeological sites in Ampara and Batticaloa (East) while numbers on its website point to a total of 329 archaeological sites in Anuradhapura, Polonnaruwa (North-Central), Galle (South West) and Kandy (Central). According to the report, Minister Wickremanayake speaking to the press in Colombo, suggested that 'history' cannot be 'erased' and the DoA's actions were centred on preservation.²⁰⁴

The Antiquities Act which comes under the purview of the DoA and has been widely perceived to be unequally enforced and manipulated, has furthered this pattern [See: Chapter 1, Section 2.2 & Section 4.5]. Research over this year highlights a number of cases where the DoA - together with other state departments and the military - is seen to be contributing to perpetuating Sinhala-Buddhist ethno-nationalism.²⁰⁵

Ongoing construction activity on the disputed site on which the Kurunthormalai Aathi Shivan Aiyandar Temple in Mullaitivu (North) is located, highlights the imposition of new Buddhist symbolism on contested religious sites.

First gazetted in 1933 as an archaeological site, the site is understood to have been associated for generations with Hindu rituals and practices. Following a 2018 attempt by Buddhist clergy to install a Buddhist stupa, the courts also underscored the importance of the area as a Hindu site, authorising the police to prevent disturbances. In 2020, a survey signifying the presence of 'Kurundi Vihara' - a Buddhist monastery, marked the beginning of the DoA's activities.²⁰⁶ Soon construction of a new stupa - on the ruins of what is understood to be the 'Kurundi Vihara' - followed under the claim of restoration. Despite numerous court orders

203 Harindra Dassanayake and Rajni Gamage, "Mapping the Kurundi Discourse and Politics of Culture (and expediency)," Daily FT, July 22, 2024 <https://www.ft.lk/columns/Mapping-the-Kurundi-discourse-and-politics-of-culture-and-expediency/4-750898>.

204 Nethmi Rajawasam, "Sri Lanka Archaeology Dept. to Continue Excavations in the East: Minister," EconomyNext, March 18, 2024 <https://economynext.com/sri-lanka-archaeology-dept-to-continue-excavations-in-the-east-minister-154506/>

205 Centre for Policy Alternatives, *The Intersectional Trends of Land Conflict in Sri Lanka*, 61

206 Ibid., 41-42

blocking new constructions - including one in July 2022 ordering that the new structure be removed - activity continues.²⁰⁷

While fact-based excavation efforts are important and welcome, concern has been raised regarding the hasty effort to claim the site as 'Sinhala-Buddhist', undermining thorough excavation efforts and disregarding the plausible presence of shared ethnoreligious history.²⁰⁸

These efforts have also led to further violations of FoRB including the erasure of links to Hindu heritage and blocking of worship. As highlighted [See: Chapter 1, Section 4.5], it was reported over this year that Hindu idols of the temple were removed, while burning and cutting of trees took place despite regulations calling for the area not to be disturbed.²⁰⁹

Furthermore, while both Buddhist and Hindu communities visit and perform rituals on the site,²¹⁰ treatment of communities differs. In June 2024, more than 200 people, including Buddhist monks and Sinhalese devotees from Anuradhapura, visited the site and worshipped there²¹¹ with little hindrance and police protection though Hindu communities visiting the site report surveillance.²¹²

As highlighted [See: Chapter 1, Section 4.5], restrictions on religious worship on contested sites are also evident in developments surrounding the Vedukkunaari Aathi Lingeswarar Temple in Vavuniya that drew the involvement of the DoA in 2018. The site rife with tensions saw the Shivaratri²¹³ observance of Hindu devotees in March disrupted by police despite a court order permitting it. The altercation resulted in the desecration of religious symbols, the arrest of eight devotees who were reportedly ill-treated in police custody (and later released without charge), and an assault on a devotee.²¹⁴

In July, at the site of the Neeraviyadi Pillaiyar temple in Karaithuraipattu, Mullaitivu - also designated as a heritage site by the DoA - authorities attempted to prevent an annual Hindu festival. The police, having obtained a court order that any new excavation, construction, or installation was prohibited, alleged that the

207 Ibid.

208 Dr. Mahendran Thiruvarangan, (Academic, University of Jaffna), interview by Jovita Arulanantham. November 21, 2024, Remotely.

209 Centre for Policy Alternatives, *The Intersectional Trends of Land Conflict in Sri Lanka*, 41-42

210 Harindra Dassanayake and Rajni Gamage, "Mapping the Kurundi discourse and politics of culture (and expediency)"

211 Centre for Policy Alternatives, *The Intersectional Trends of Land Conflict in Sri Lanka*, 41-42

212 "Tamil Devotees Subjected to Surveillance by Sri Lankan Police During Worship at Kurunthumalai", *Tamil Guardian*, June 24, 2024, <https://www.tamilguardian.com/content/tamil-devotees-subjected-surveillance-sri-lankan-police-during-worship-kurunthumalai>

213 A festival of devotion to Lord Shiva where devotees keep vigil through the night and special prayers and pujas are offered.

214 NCEASL, *Incidents of Violence and Intimidation against Hindus 2024*

devotees were attempting to install a Shiva lingam (religious symbol). The temple administration and devotees claim that in an attempt to disrupt the festival, the power supply was interrupted, while the Police, military, and officials of the DoA accompanied by the Buddhist monk of the neighbouring temple, accosted the Hindu clergy.²¹⁵

Similarly, in the East, police and soldiers blocked Hindu devotees from taking part in the monthly Pongal festival in February at the Lord Murugan Temple on Kandasamy Hill [See: Section 1]. With the site now placed under the control of the DoA, devotees are not allowed to climb the hill to the temple and are only permitted to worship at the bottom of the hill, where ruined and broken statues are located.²¹⁶

Other key trends in the North and East superimposing Buddhist symbolism involve the expansion of single Buddhist temples. In Pottuvil, Ampara (East), home to a Muslim majority, the Muhudu Maha Viharaya established in the 1950's, has expanded to a large project. Now encompassing at least 72 acres of land, it affects the livelihood of at least 300 Muslim farmers. In February, this project was further formalised when the National Physical Planning Department designated 11 temples, including Muhudu Maha Viharaya as 'sacred sites'.²¹⁷

Other extensive projects have led to fears of demographic change, with possible implications for identity politics. In recent years, the Kuchchaveli division in Trincomalee, home to both Tamil and Muslim communities, has reportedly seen the construction of 32 Buddhist temples with more than 2506.5 acres of private land allegedly acquired.²¹⁸

Buddhist structures have also appeared in areas occupied by the military during the war and post-war phase, with attempts now being made to formalise them. In Thaiyiddi, Killinochchi (North), a Buddhist temple encroaches on private land and continues to affect the livelihoods of the Tamil landowners. In March, the Sri Lankan Oversight Committee on National Security, issued a directive to the local authority, requiring the transfer of private land to the Buddhist temple²¹⁹ in an apparent attempt to formalise the temple's establishment and possibly deter protests.

215 Ibid.

216 Centre for Policy Alternatives, The Intersectional Trends of Land Conflict in Sri Lanka, 53-54

217 Ibid., 16-17

218 Ibid., 46-49

219 Ibid., 27-28

The presence of the military in the North and East has also had broader implications for FoRB, with restrictions on access to land, including places of worship. In a welcome move in February, however, conditional access was granted for devotees to visit seven temples within the Jaffna High-Security Zone.²²⁰

The “Sarasavai Viharaya” - a large Buddhist temple constructed at the Killinochchi campus of the University of Jaffna - is also indicative of this pattern of imposing Buddhist symbolism in areas significant to other ethnoreligious groups. In comparison to the shrines of other faiths, the Buddhist temple is a large-scale construction reportedly built with external funding and amidst opposition. In a concerning development over this year, Sinhalese and Tamil-speaking students were reportedly directly and indirectly compelled to worship at the temple, violating their FoRB.²²¹

Though incidents outside the North and East haven’t been documented recently, similar events of contestations have taken place in recent years. Incidents surrounding the Devanagala Rock in Kegalle (Sabaragamuwa) and the Dambulla Khairiya Mosque in Matale (Central)²²² highlight this pattern.

In interviews with civil society leaders, with some scepticism, many also shared optimism that these patterns – though not disrupted – were not endorsed by the political administrations this year.²²³ In June 2023, then President Wickremesinghe criticised the DoA’s land acquisition approach in the North and East, leading to the resignation of the Director General.²²⁴ At a Jaffna rally before the parliamentary elections, President Anura Kumara Dissanayake promised to return land held by state agencies.²²⁵ Following a decisive victory, the closure of a military camp in Karkolam, Jaffna, after nearly three decades was announced,²²⁶ though reports indicate that the land has not yet been returned. Civil society also points to the

220 Large areas of land in the Jaffna peninsula and islands are under military occupation.

221 National Christian Evangelical Alliance of Sri Lanka (NCEASL), Incidents of Violence and Intimidation against General/Other Religious Communities 2024, unpublished report, NCEASL, December 2024

222 Bhavani Fonseka, A Brief Examination of Contested Religious Sites in Sri Lanka, (Minor Matters, November, 2023), <https://minormatters.org/wp-content/uploads/2024/08/A-Brief-Examination-of-Contested-Religious-Sites-in-Sri-Lanka.pdf>, 18-19

223 Dr. Jehan Perera, (Executive Director, National Peace Council of Sri Lanka), interview by Jovita Arulanantham, October 08, 2024, Colombo; Mohamed Hisham, (Development Professional/Social Activist), interview by Jovita Arulanantham, October 08, 2024, Remotely; Dr. Vinya Ariyaratne, (President, Sarvodaya Shramadana Movement), interview by Jovita Arulanantham, October 12, 2024, Colombo; Human Rights lawyer and activist, interview by Jovita Arulanantham, October 14, 2024, Remotely; Hilmy Ahamed, (Vice President, Muslim Council of Sri Lanka), interview by Jovita Arulanantham, October 25, 2024, Remotely;

224 “Prof. Anura Manatunga Steps Down as DG of Archaeology Dept,” Ada Derana, June 12, 2023., <https://www.adaderana.lk/news/91211/prof-anura-manatunga-steps-down-as-dg-of-archaeology-dept>

225 Meera Srinivasan, “Sri Lanka President Anura Dissanayake Promises Return of Tamils’ Land Grabbed by State Agencies,” The Hindu, November 10, 2024, <https://www.thehindu.com/news/international/sri-lanka-president-anura-dissanayake-promises-return-of-tamils-land-grabbed-by-state-agencies/article68852893.ece>.

226 “Katkolam Army Camp Land in North Disbanded,” Daily Mirror, November 21, 2024. <https://www.dailymirror.lk/print/front-page/Katkolam-Army-Camp-land-in-North-disbanded/238-296466>.

government's commitment to upholding the 'rule of law', where they suggest if enforced without 'fear or favour', it should help address issues around heritage sites.²²⁷

Resolving grievances related to heritage sites however, is multifaceted. While the concern of the Hindu community regarding threats to their heritage is evident, also significant are the views and perceptions of the Buddhist community.

In an interview, Ven. Kalupahana Piyaarachana Thero, while sharing his opposition to projects imposing new Buddhist symbolism, alluded to the responsibility of the Tamil community in assuring Buddhists of their support in protecting historic Buddhist sites. He highlighted the "suspicion of the Buddhist community" rooted in old fears of the destruction of Buddhist monuments in the North and East.²²⁸ Relatedly, a 2024 survey conducted by the National Peace Council (NPC) identifies that 60% of Buddhists believe that the community faces some obstacles in safeguarding their ancient religious heritage and ruins.²²⁹ Discussing the nature of excavations in the North and East, Dr. Thiruvarangan stressed however the need for it to be seen to be credible, in order to draw Tamil support. He felt that genuine efforts towards heritage management and conservation in the North and East that are localised - involving experts from the community - are unlikely to face resistance.²³⁰

3. BUDDHISM AND LAW AND ORDER

The pattern of incidents violating FoRB on contested religious sites demonstrates deference to Buddhist interests and the Buddhist clergy. Buddhist interests also influence matters of law enforcement outside the realm of contested sites.

As discussed in Chapter 1, Sri Lanka has a range of tools intended to protect FoRB and the rights of faith communities. However, there has been a concerning trend in its use to target political dissidents, stifle freedom of expression or ostensibly protect Buddhist interests.²³¹ In recent years, the ICCPR has been increasingly

227 Dr. Jehan Perera, Interview; Hilmy Ahamed, Interview; Human Rights lawyer and activist, Interview; Mohamed Hisham, Interview; Dr. Vinya Ariyaratne, Interview; Ven. Galkande Dhammananda Thero (Founder/Director, Walpola Rahula Institute), Interview by Jovita Arulanantham, November 26, 2024, Colombo

228 Ven. Kalupahana Piyaarachana Thero, (Convenor, Sangha for a Better Sri Lanka), interview by Jovita Arulanantham. October 25, 2024, Colombo

229 National Peace Council (NPC), Survey on Religious Freedom 2024, unpublished report, NPC, December 2024, 13-16

230 Dr. Mahendran Thiruvarangan, Interview

231 Shreen Saroor, Waging War on Women's Bodies, (Minor Matters. July, 2023), <https://www.minormatters.org/storage/app/uploads/public/659e16/ef8/659e16ef8d894655383751.pdf>, 5; Gehan Gunatilleke, "How a Human Rights Law Became a Tool of Repression in Sri Lanka",

used in matters impacting FoRB, but as a pseudo-blasphemy law [See: Chapter 1, Section 2.4].

In May 2023, Natasha Edirisooriya, a female stand-up comedian was remanded under the ICCPR for allegedly insulting Buddhism.²³² She was granted bail in July 2023, and in a welcome development in June 2024, was released when the case was dismissed citing insufficient evidence to sustain the trial and charge her with hate speech. The case of Bruno Divakara - who was also arrested in connection with broadcasting the comedian's show - was similarly dismissed.²³³

More complicated is the case of Pastor Jerome Fernando. In May 2023, Ps. Fernando made statements considered to be derogatory, about the Lord Buddha, Islam, and Hinduism in front of a packed congregation. Additionally, the Pastor also faces accusations of financial misconduct. In a statement following his arrest in December 2023 under the ICCPR, the NCEASL called on authorities to withdraw charges, suggesting that his comments were not properly assessed, violating his right to free speech.²³⁴ He was released on bail in January 2024.

While there's readiness to use the ICCPR when mainline Buddhist interests are purportedly targeted, authorities have hesitated to act in the interests of other ethnoreligious groups, particularly when the speaker is a prominent member of the Buddhist clergy. Successive governments have shied away from penalising Ven. Gnanasara Thero, the Secretary of the Bodu Bala Sena (Army of Buddhist Power), despite his role in expressing hate speech, inciting violence against minorities and instigating anti-Muslim riots.²³⁵ Half-hearted attempts to rein in Ven. Gnanasara Thero has been mostly met with evaded arrest warrants, ignored court summons, and even presidential pardons.

In March however, the Colombo High Court sentenced him to four years of rigorous imprisonment for anti-Muslim remarks made during a press conference at a Buddhist temple in Kurunegala (North West) in 2016. He was charged under section 291 (b) of the Penal Code [See: Chapter 1, Section 3.2] for hurting religious sentiments, with the judge noting that his remarks were "intentional and malicious".²³⁶ Although he

Himal South Asian, February 7, 2023. <https://www.himalmag.com/politics/iccpr-human-rights-law-repression-blasphemy-sri-anka?access-token=b1a1ccc9-6160-449b-9e03-3d3a1a634c04-1730528547394>

232 "No Right to Laugh", Daily FT, May 30, 2023. https://www.ft.lk/ft_view_editorial/No-right-to-laugh/58-748881.

233 "Court Clears Natasha, Bruno of Controversial Statement Charges," News First, June 19, 2024. <https://www.newsfirst.lk/2024/06/19/court-clears-natasha-bruno-of-controversial-statement-charges>.

234 National Christian Evangelical Alliance of Sri Lanka, "Statement on the Arrest of Pastor Jerome Fernando", 3 December 2023, <https://www.nceasl.org/post/statement-on-the-arrest-of-pastor-jerome-fernando>.

235 Centre for Policy Alternatives, "CPA Statement on the Presidential Pardon of Gnanasara Thero", 24 May 2019, <https://www.cpalanka.org/cpa-statement-on-the-presidential-pardon-of-gnanasara-thero/>

236 "Gnanasara Thera's Bail Application Denied," Daily FT, 3 April, 2024. <https://www.ft.lk/news/Gnanasara-Thera-s-bail-application->

was released on bail in July while awaiting a revised petition hearing, an arrest warrant was issued in December after he failed to appear.

Also evident in this case is the direct intervention of the Buddhist hierarchy in influencing law and order. In 2019, the Monk was convicted on charges of contempt of court and threatening an activist but was released on a Presidential pardon following the intervention by the Chief Prelates - the Buddhist hierarchy. In 2024 too, the Chief Prelates wrote to then-President Wickremesinghe seeking a pardon.²³⁷ While a pardon was not granted, there's been suggestion that it may have helped influence his bail application.²³⁸

While the ICCPR has been selectively used on individuals perceived to insult Buddhism, it has also been applied to events and activities that don't comply with the state narratives or broader public sentiment of Sinhala-Buddhists. This approach is evident in the treatment of Tamil commemorative events linked to the war, which has also involved restrictions on FoRB.

In May, events take place across Sri Lanka marking the end of the war in 2009. The war concluded with a military offensive in the last LTTE stronghold in Mullaitivu (North), and Tamil events also commemorate the 40,000 Tamil civilians believed to have been killed in the final months.²³⁹ Uncomfortable with this narrative, successive governments have imposed - to varying degrees - restrictions on these memorial events.

Similar commemorative events marked by mostly Sinhala-Buddhists however, have not faced such restrictions. The 'Heroes Commemoration' memorialising those killed by the state in the 1971 Southern Insurgency, is one such event. In 2024 too, the "53rd April Heroes Commemoration" proceeded without any incident reported. A month later in Trincomalee, four Tamils marking the end of the war anniversary were arrested under the ICCPR for allegedly violating an order by observing rituals at a Hindu temple. Reportedly, the police also failed to adhere to expected protocol while the arrested were also subject to intimidation and gender-based humiliation.²⁴⁰

denied%C2%A0/56-760240.

237 Veeragathy Thanabalasingham, "Pardon for Gnanasara Thero; Chief Prelates Appeal to the President," *The Morning*, May 26, 2024. <https://www.themorning.lk/articles/u4FXbKHQ4RgrvO0MxR8s>.

238 Dr. Ameer Ali, "Prelates Loosen Condemned Provocateur," *Financial Times*, August 3, 2024. <https://www.ft.lk/columns/Prelates-loosen-condemned-provocateur/4-765095>

239 United Nations Secretariat, Report of the Secretary General's Panel of Experts on Accountability in Sri Lanka, (United Nations Secretariat, March 2011), <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/POC%20Rep%20on%20Account%20in%20Sri%20Lanka.pdf>.

240 NCEASL, Incidents of Violence and Intimidation against Hindus 2024

In a welcome move, the Human Rights Commission of Sri Lanka (HRCSL), expressed concern regarding the “misapplication” of the ICCPR Act, determining that the commemoration did not constitute the advocacy of national or religious hatred²⁴¹ [See: Chapter 1, Section 2.4]. In this context, also significant is the report released in June by the Expert Committee on Memorialisation, established by then President Wickremesinghe, that the Office of the United Nations High Commissioner for Human Rights (OHCHR) assesses “could be an important foundation for new initiatives, with the full participation of victims...”.²⁴²

The state’s paranoia over Tamil commemorations has also led to restrictions on Hindu religious events mistaken for the same. Karthikai Vilakeedu (November Festival of Lights), observed by Hindu devotees, has been mistaken by state authorities for commemorations linked to Maveerar Naal that also takes place in November. Maveerar Naal introduced by the LTTE in 1989, continues to be marked by sections of Tamils in the Diaspora and Sri Lanka,²⁴³ with some events displaying paraphernalia and images linked to the LTTE. While restrictions on Karthikai Vilakeedu are understood to have significantly eased, reports of close surveillance and some intimidation persist.²⁴⁴

4. REGIONAL MAJORITARIANISM, LAW ENFORCEMENT AND FoRB

While authorities defer to mainstream Buddhist interests [See: Chapter 3, Section 5 and Chapter 4, Section 1.1 for state and community response to emerging Buddhist preachers /sects] in most conflicts at the national level, similar patterns are observed at the community level. When conflicts arise between minority groups, however, authorities appear to demonstrate partiality to the numerically larger community. This is also considering that local authorities in the area, are likely to hail from the majority.

The enforcement of laws pertaining to religious places of worship, handling of community disputes and favouritism in resource allocation, reflect this dynamic.

241 Human Rights Commission of Sri Lanka, “Misapplication of Section 3 of the ICCPR Act in Relation to Commemoration Event in Trincomalee”, 21 May 2024, <https://www.hrcsl.lk/wp-content/uploads/2024/05/HRCSL-Press-Notice-21052024.pdf>.

242 United Nations Human Rights Council, Situation of Human Rights in Sri Lanka, Comprehensive Report of the Office of the United Nations High Commissioner for Human Rights, (Human Rights Council Fifty-seventh session, August 2024), <https://www.ohchr.org/en/documents/reports/ahrc5719-situation-human-rights-sri-lanka-comprehensive-report-united-nations>, 10

243 D.B.S Jeyaraj, “The Birth and Growth of the Maveerar Naal (Great Heroes Day) Event”, DBS Jeyaraj.com, November 25, 2024. <https://dbsjeyaraj.com/dbsj/?p=83174>

244 National Christian Evangelical Alliance of Sri Lanka, The Landscape of Freedom of Religion or Belief in Vavuniya 2023-2024, (Minor Matters, December, 2024). <https://minormatters.org/wp-content/uploads/2024/12/FoRB-Landscape-in-Vavuniya-2023-24.pdf>, 5

Additionally, other regulations - including those on construction and noise pollution - are applied unequally, targeting minority groups within the community.

4.1 Compulsion to Register

A number of circulars have attempted to control the registration and operation of places of worship, but Sri Lankan law does not require this [See: Chapter 1, Section 4.4]. While the latest April 2022 circular is vague, with ambiguity surrounding the registration process and associated benefits²⁴⁵ [See: Chapter 1, Section 4.4], views from government bodies have also been inconsistent.

According to a 2024 US Commission on International Religious Freedom report, the Department of Christian Affairs within the Ministry of Buddha Sasana has reportedly stated that existing churches are not required to register nationally but suggested that those that do so may receive “more security”.²⁴⁶ In March 2024 however, Minister Wickramanayake suggested that all religious institutions, regardless of faith, will need to be registered. Singling out the Jehovah’s Witnesses and the Church of Jesus Christ of Latter-day Saints, he announced plans to raid unregistered places of worship.²⁴⁷ It is understood that authorities - who can’t impose registration - are trying to pressure groups to register voluntarily.²⁴⁸

Motivated to a great extent by community drive and sentiment, local authorities have used these vaguely defined calls to hamper the operation of minority places of worship.

Over 2024, the NCEASL recorded several incidents involving at least 5 Churches in the Colombo, Hambanthota, Kandy, Kurunegala and Galle districts over registration. The incidents display a lack of consistency and understanding on the part of the authorities, including on matters such as registration oversight.

In July, a Church in Kurunegala (North-West) complied with a request from the Divisional Secretary to apply “for the construction of a new religious place and renovation of an existing religious place”. However, the Department of Christian Affairs to whom the application was sent, suggested that they lacked the authority to address such matters.

245 Lakshan Dias (Human Rights Lawyer), interview by Jovita Arulanantham, October 10, 2024, Colombo

246 United States Commission on International Religious Freedom, Sri Lanka’s Shrinking Space for Religious Minorities, (Washington, DC, 2024), <https://www.uscifr.gov/sites/default/files/2024-06/2024%20Sri%20Lanka%20Country%20Update.pdf>, 3

247 Ibid.

248 Lakshan Dias, interview

Some religious groups have also highlighted their inability to comply with the extent of documentation called for. A recent research in Batticaloa (East) revealed that the loss of important documents like land deeds during the war, was a concern in Arayampathy, a village where there are 54 Saiva Temples of which some are unregistered.²⁴⁹

In an interview, Lawyer Lakshan Dias shared that the enforcement of the circular so far has been inconsistent, with certain establishments under greater scrutiny than others. The registration process is also understood to be burdened with red tape, and the opportunity it provides for community objections when registering can disadvantage less popular groups.²⁵⁰

Interviews revealed a mixed picture of the extent of pressure to register Hindu places of worship. Some felt that pressure from local authorities was limited given that Hindu temples were mostly situated in areas where authorities hailed from the same community. Others observed that Hindu places face similar scrutiny to that of Evangelical churches, although this pressure appears to be focused on places perceived to be less influential. It was also highlighted that state scrutiny mostly centres on interest in keeping track of monitory transactions, including from the Diaspora. Reportedly in Vavuniya, Hindu clergy have highlighted extensive delays, discrimination and “obstacles at every stage” when it comes to obtaining permits for Saiva temples, noting that these barriers do not similarly affect Buddhist establishments.²⁵¹

The issue of registration is understood not to affect Muslims similarly, given that mosques are encouraged to register with the Wakf Board which operates under the Department of Muslim Religious and Cultural Affairs.²⁵² As of August 2024, the Department and the Wakf Board, that manages properties dedicated to religious or charitable purposes, announced the resumption of the registration of new mosques²⁵³ following a five-year suspension following the Easter Sunday Attacks (ESA).

249 National Christian Evangelical Alliance of Sri Lanka, *The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024*, (Minor Matters, December, 2024). https://minormatters.org/report_policy_briefs/the-landscape-of-freedom-of-religion-or-belief-in-batticaloa-2023-2024/, 9

250 Lakshan Dias, interview

251 Sriyani Thevakumar (Human Rights Defender), interview by Jovita Arulanantham, November 20, 2024, remotely; Human Rights lawyer and activist, interview; National Christian Evangelical Alliance of Sri Lanka, *The Landscape of Freedom of Religion or Belief in Vavuniya 2023-2024*, 13

252 Hilmy Ahamed, Interview

253 *The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024*, 9

Interviews revealed mixed views on the need for registration. Some believed that the circular was primarily meant to address concerns about independent churches registering as non-governmental organisations or under the Cooperation Act - converting houses to churches.²⁵⁴ Others considering potential benefits suggested that registration could offer better recognition, enhance accountability, and curb fraud.²⁵⁵ Others argue however that current regulations including on finances, buildings, and noise pollution are adequate to address concerns²⁵⁶ and that any new laws introduced to close loopholes must be enforced fairly.²⁵⁷

4.2 Surveillance and Intimidation

Alongside calls for registration are reports of security surveillance. In May, at a church in Matara (South), observation of a service by local authorities was followed by a visit by police making inquiries and calling for information to be submitted to the Ministry of Defence.²⁵⁸

Incidents of police surveillance also reveal the strong influence of Buddhist clergy over local authorities. A pastor in Balapitiya, Galle reported that after a Buddhist monk asked him to refrain from religious activities at his home, citing the area's predominantly Buddhist population, local authorities intervened through police surveillance, calls to restrict the number of worshippers and compulsion to register.²⁵⁹

Highlighting this pattern, a report by a Christian INGO pointed to "a noticeable increase in surveillance targeting the Christian community", with law enforcement entities including police and the Criminal Investigation Department (CID), visiting places of worship, faith-based NGOs, and pastors.²⁶⁰

254 Ven. Kalupahana Piyaarachana Thero, interview

255 Interview with Fr. Rohan De Silva (Director, Centre for Society and Religion), interview by Jovita Arulanantham, November 27, 2024, Colombo

256 Study on the status of religious freedom in Sri Lanka, NCEASL focus group, December 12, 2024, Colombo
Participants: Mahesh De Mel, Mike Gabriel and Salome De Silva

257 Lakshan Dias, interview

258 National Christian Evangelical Alliance of Sri Lanka (NCEASL), Incidents of Violence and Intimidation against Christians 2024, unpublished report, NCEASL, December 2024

259 Ibid.

260 Open Doors - World Watch Research, Sri Lanka Full Country Dossier, (Open Doors, March 2024), <https://www.opendoors.org/research-reports/country-dossiers/WWL-2024-Sri-Lanka-Full-Country-Dossier.pdf>, 34-35

4.3 Restrictions on Civil Society

Alongside places of worship, faith-based organisations have also faced scrutiny. While interviews revealed a general consensus that the situation has improved with many expressing hope for a better environment under the new government, the experiences of organisations slightly differed.

Commenting on the NPC's inter-faith work, Dr. Jehan Perera shared that he found local authorities mostly supportive, adding that they welcomed such initiatives given that they also felt it alleviated the need for their intervention in community disputes.²⁶¹ Other interviews more sceptical of improvements, stressed the need to reform structures like the Terrorism Investigation Department (TID), noting that civil society representing marginalised communities at disputed religious sites in the North and East, faced surveillance and harassment.²⁶² The NCEASL reports that while they haven't directly faced incidents of surveillance and intimidation by state authorities in recent years, they've had pushback from local authorities who do not favour work in the realm of religious freedom.²⁶³ Discussing the operation of Muslim faith-based organisations, Mohamed Hisham noted a decline in incidents of surveillance over the past three years. Surveillance of Muslim organisations take place in the context of waves of anti-Muslim sentiment with the latest following the ESA [See: Section 7].²⁶⁴

4.4 Handling Disputes

Despite concerns regarding the response of law enforcement on matters of FoRB, the NCEASL's documentation of community-level disputes, reveals effective response by the authorities in some locations. In incidents involving at least five independent churches in Moratuwa, Puttalam, Mannar and Matara, police and local authorities appear to have responded swiftly and appropriately.²⁶⁵

In Mannar (North), where Catholic-Evangelical tensions are reported, a group from the Catholic community disrupted a service at a Church, by pelting stones and setting off fireworks. The NCEASL notes that tensions emerged after the war due to the loud worship practices of the Church that inconvenienced the neighbouring Catholics. The police intervened and facilitated a discussion leading to an

²⁶¹ Dr. Jehan Perera, interview.

²⁶² Interview with Human Rights lawyer and activist, interview

²⁶³ Study on the status of religious freedom in Sri Lanka, NCEASL focus group

²⁶⁴ Mohamed Hisham, interview

²⁶⁵ National Christian Evangelical Alliance of Sri Lanka (NCEASL), Incidents of Violence and Intimidation against Christians 2024, unpublished report, NCEASL, December 2024

agreement that church services would continue but without inconveniencing the neighbours. Currently, services are being held and authorities are monitoring the situation.²⁶⁶

In other areas however as discussed above, local authorities are being directed by the sentiment of the majority. In June, on an estate in Nuwara Eliya (Central), village opposition to attempts to build a house-church led to the arrest of seven, the use of abusive language by the police, and an assault by the police on the 14-year-old son of the pastor. While it is not clear if opposition to the construction was justified, and if the Pastor had sought necessary approvals for construction, the incident is revealing of the poor conduct of the police.²⁶⁷

In March, in Kalutara, village opposition to the construction of a baptismal pond at a Church, resulted in police intervention and a call to seek the permission of court. The pastor was advised by his lawyer that there was no requirement to comply with this demand, but construction is understood to have been suspended.²⁶⁸

4.5 Allocation of Resources

The role of local authorities, in matters concerning FoRB, is also revealed in the allocation of community resources.

According to research, Kattankudy - a densely populated area predominantly inhabited by Muslims in Batticaloa - is experiencing severe land shortage. Reportedly, allocation is being blocked by government officials who are predominantly Tamil. In August 2024, the Forum of Civil Institutions and Professionals submitted a letter, highlighting these land issues and noting that while Muslims make up 27% of the Batticaloa population, only 1.46% of the total district land is allocated to them.²⁶⁹ The research also highlights incidents involving the denial of promotions and the deliberate transfer of Muslim government officers including teachers to remote areas as other instances where decisions seem to be taken along racial and religious lines.²⁷⁰ While it's not clear how widespread this concern is across Sri Lanka, the 2024 NPC survey that identified that 22.1% of Hindus and 27.1% of Muslims believe there are obstacles for their community in accessing services from government offices, offers some insight.²⁷¹

²⁶⁶ Ibid.

²⁶⁷ Ibid.

²⁶⁸ Ibid.

²⁶⁹ The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024, 9

²⁷⁰ Ibid., 16-17

²⁷¹ National Peace Council (NPC), Survey on Religious Freedom 2024, 32

5. HARDLINER POLITICO-RELIGIOUS ORGANISATIONS

While community sentiment plays a key role in influencing or directing law enforcement, hardliner politico-religious organisations have also shaped ethnoreligious narratives and influenced state action.

As discussed [Section 3], groups like the BBS were notorious for the role they played in stirring up mobs to attack Muslims and to a lesser extent Christians. Over this year, while the BBS along with Buddhist hardliner groups like the Ravana Balaya and Sinhala Ravaya continue to operate in the country, there have been no recorded incidents of violence or hate speech directly linked to them. An increased number of incidents however have been associated with Hindu organisations.

The ‘Siva Senai’ (Army of Siva), is one such organisation founded in 2016 by Maravanpulavu Satchidanandan, a former UN official turned Hindu Nationalist. Reported to have links with Hindutva groups in India, the organisation has pushed a pro-Hindu religious agenda in the North and East promoting anti-Christian and anti-Muslim sentiment.

In 2024, a notable incident involved protests in July seeking the removal of a newly appointed Christian Zonal Director of Education - for removing pictures of Hindu deities from the office - prompting his transfer. Protests referred to Christians as “Remnants of the Portuguese Burgher army!” and raised fear that Hindu traditions were being destroyed to “make the land of Shiva the land of Christianity!”²⁷² Interviews highlight that the group has exploited concerns around conversions by Evangelical groups²⁷³ [See: Chapter 3, Section 2], to promote anti-Christian sentiment. Over the years they’ve disrupted Christian meetings while also undermining the contribution of Christian-Tamil members of parliament.²⁷⁴

Also, in July in Mannar, a Siva Sena social media campaign claimed that the Catholic Our Lady of Madhu festival,²⁷⁵ replaced the traditional Hindu Aadi Pooram festival.²⁷⁶ Condemning the celebration of the Madhu festival, they demanded that it be immediately halted and “returned to its traditional roots”, enabling Tamil

²⁷² NCEASL, Incidents of Violence and Intimidation against Christians 2024

²⁷³ Ven. Kalupahana Piyarathana Thero, interview

²⁷⁴ Skandha Gunasekara, “Surge in Hindu Nationalism Concerns Tamil community”, The Morning, August 27, 2023. <https://www.themorning.lk/articles/SX6ExzwZEokbdYLy8t0>

²⁷⁵ One of the most significant annual Catholic festivals, dates back to the 1870s and attracts thousands of devotees from across Sri Lanka.

²⁷⁶ A traditional Hindu festival marking the beginning of the July-August period, centred on Goddess Andal – a revered saint believed to be an incarnation of the Goddess Lakshmi.

Hindus to celebrate Aadi Pooram in its place.²⁷⁷

In May, a Siva Senai-led demonstration in Nallur, Jaffna condemned the Muslim community for slaughtering cattle and transporting meat. According to Siva Sena, beef stalls and slaughtering of cows should be banned as Jaffna - according to them - is 'Shiva Bhumi' (Land of Hindu God Shiva). Revealing the collaboration between Hindu hardliners and sections of Buddhist clergy, was the participation - along with other Hindu leaders - of the chief Buddhist monk from the Naga Vihara in Jaffna.²⁷⁸

In a further example of collaboration in 2024, a group called the 'Hindu Federation of Sri Lanka', joined the Chief Buddhist prelates in calling for a Presidential pardon for hard-line Buddhist monk Ven. Gnanasara.²⁷⁹ Research in Vavuniya, revealed the presence of collectives such as the "Hindu-Buddhist Association" formed four years ago and backed by a Sinhalese politician. Locals have raised concern about their influence in conflicts in the area, including those related to contested religious sites.²⁸⁰

Attempts by Hindu extremist groups to cause divisions are not limited to the North. Research in Tamil-Hindu-dominated Batticaloa highlights the presence of local groups inspired by organisations like the India-based Rashtriya Swayamsevak Sangh (RSS), Vishwa Hindu Parishad, and Shiv Sena promoting Hindutva. Reportedly, the Thiruchenthur Murugan Temple serves as a headquarters for their activity. In a recent development in June, when members of the adjacent Catholic church attempted to install a statue of Mary at a junction on the road leading to the Temple, they faced opposition from the organisations.²⁸¹

In an interview, Kurukkal Dharshaka shared that the government's poor handling of key issues affecting the Hindu community - including those concerning contested sites - has created a vacuum that groups like the Siva Senai have exploited.²⁸² Other interviews highlight geopolitics, the trend of Hinduisation in India, and the influence of its central government as reasons behind its emergence.²⁸³ Further, it

277 NCEASL, Incidents of Violence and Intimidation against Christians 2024

278 NCEASL, Incidents of Violence and Intimidation against Muslims 2024

279 Chaturanga Samarawickrama, "Hindu Federation Requests Presidential Pardon for Ven. Gnanasara Thera", Daily Mirror, May 22, 2024. <https://www.dailymirror.lk/breaking-news/Hindu-Federation-requests-Presidential-pardon-for-Ven-Gnanasara-Thera/108-283138>.

280 National Christian Evangelical Alliance of Sri Lanka, The Landscape of Freedom of Religion or Belief in Vavuniya 2023-2024, (Minor Matters, December, 2024), https://minormatters.org/report_policy_briefs/the-landscape-of-freedom-of-religion-or-belief-in-batticaloa-2023-2024/, 11-12

281 The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024, 13

282 Kurukkal Dharshaka (Secretary, Hindu Priests Association), interview by Jovita Arulanantham, March 1, 2025, remotely

283 Shreen Saroor (Co-founder, Women's Action Network), interview by Jovita Arulanantham, October 15, 2024, remotely; Hilmy Ahamed, interview; Lakshan Dias, interview; Human Rights lawyer and activist, Interview; Sriyani Thevakumar, interview

has also been viewed as a political strategy to weaken the Tamil community by creating divisions between Hindus and Christians who have remained united even through the war²⁸⁴ influencing conflicts within key Tamil political parties.²⁸⁵

Despite an uptick in incidents, these groups may not have had as much traction as they might have hoped for. Groups profiting off ethnoreligious tensions have faced setbacks with changes in government and the promise of a new political culture [See: Section 7]. The resistance to Hindu nationalism by Tamil nationalist parties that have focussed on secular nationalism based on ethnic and national language identity, rather than religion is also understood to have helped.²⁸⁶

It is currently unclear what the government's position is on the rise of Hindu fundamentalist groups. While the Siva Senai leader has reportedly been investigated for alleged links to the LTTE,²⁸⁷ they've not faced pushback for activity that may incite discrimination against Muslims and Christians. Discussing the government's response, Kurukkal Dharshaka stressed the need for the government to engage with the Hindu leadership on the growth of Hindu fundamentalism and other community concerns such as contested religious sites [See: Recommendations].²⁸⁸ Dr. Thiruvarangan noted that such hardliner groups will look for opportunities if the new government is perceived to fail to deliver on its promises.²⁸⁹

6. ISLAMOPHOBIA AND ANTI-MUSLIM SENTIMENT

While religious minorities have faced incidents of violence and intimidation involving the state or politico-religious groups, anti-Muslim ideologies have been sustained by government policies explicitly targeting the community.²⁹⁰ In addition, an unhealthy emphasis on ethnoreligious identity, fuelling fearmongering about demographic changes and loss of prominence among both Sinhalese and Tamil communities, has led to community support for anti-Muslim policies. It is significant that the NPC's 2024 study reveals that one in four Muslims in Sri Lanka, believe

284 Adayaalam Centre for Policy Research, "15 Years of Mullivaikkal – Reflections on Religious Issues," YouTube, June 20, 2024, video, <https://www.youtube.com/watch?v=n6qogLSRVxw>

285 Shreen Saroor, interview; Lakshan Dias, interview

286 Dr. Mahendran Thiruvarangan, interview

287 "TID Interrogates Hindu Extremist Leader over Alleged Links to LTTE," Tamil Guardian, June 21, 2024, <https://www.tamilguardian.com/content/tid-interrogates-hindu-extremist-leader-over-alleged-links-ltte>.

288 Kurukkal Dharshaka, interview

289 Dr. Mahendran Thiruvarangan, interview

290 Amnesty International, "Sri Lanka: Authorities Must End Violence and Discrimination Against Muslims", 18 October 2021, <https://www.amnesty.org/en/latest/news/2021/10/sri-lanka-authorities-must-end-violence-and-discrimination-against-muslims/>

that their freedom to practice their religion has, at times, been challenged.²⁹¹

Since 2012, there has been a surge in anti-Muslim rhetoric and violence with the most recent, following the ESA. The attacks that killed 253 civilians and injured 500, involved Muslim bombers and were blamed on a Muslim group called the National Thowheeth Jama'ath (NTJ). Mosques and businesses across the country were attacked and a spate of 'hate speech' posts were seen on social media.²⁹²

Although anti-Muslim campaigns led by extremist Buddhist organisations and the intensity of state measures have subsided, certain incidents over this year, reflect biases within sections of the state sector and some ongoing post-ESA restrictions.

The dress code observed by some Muslim women has made them targets; leading to discrimination at educational and employment establishments and the denial of state services. Following the ESA, public bodies received instructions on the attire of female officers, but varied interpretations of the guidance caused incidents that infringed on the cultural and religious expression of a section of Muslim women.²⁹³

Though ESA restrictions were lifted, over this year too, there were at least three incidents centring on head coverings. In June, the Advanced Level examination results of 70 students from Zahira College, Trincomalee were withheld when they allegedly disobeyed the rule of leaving their ears uncovered for the duration of the exam.²⁹⁴ Investigation into the incident by the HRCSL, reveals that the invigilators may not have been objective when determining if the head coverings - which according to the students had not impeded visibility of their ears - had in fact violated the examination rule.²⁹⁵ The results were released later in July.

In another incident in June, the examination results of 13 female Muslim principals sitting for an examination at the Kotahena Maha Vidyalaya Exam Centre in Colombo (West) were denied for the same reason.²⁹⁶

The NCEASL reported a further incident in May, where students sitting for their GCE Ordinary Level Examination at the Pahlavi Sinhala Vidyalaya in Puttalam (North West) were asked to remove their purdahs and wear a scarf instead.

291 National Peace Council (NPC), Survey on Religious Freedom 2024, 10

292 Sudha Ramachandran, "Sri-Lanka's Anti-Muslim Violence", The Diplomat, March 13, 2018. <https://thediplomat.com/2018/03/sri-lankas-anti-muslim-violence/>

293 Saroor, Waging War on Women's Bodies, 15

294 Pamodi Waravita, "Rule of Leaving Ears Uncovered During an Exam: Decision Pending on the Results of Several Students." The Morning, 23 June, 2024, <https://www.themorning.lk/articles/uge514dFEa88535OkVmi>

295 Human Rights Commission of Sri Lanka, "Interim Directions with Regard to the Alleged Infringement of the Freedom of Religion or Belief", July 18, 2024, <https://www.hrcsl.lk/wp-content/uploads/2024/07/HRCSL-Interim-Directions-to-Department-of-Examinations.pdf>.

296 NCEASL, Incidents of Violence and Intimidation against Muslims 2024

Reportedly, authorities had initially specified that students could wear the purdah inside the Examination Centre as long as the face and both ears were visible and the students are understood to have abided by these guidelines.²⁹⁷

In addressing the incidents that arose in Trincomalee and Colombo, the HRCSL appears to have acted both swiftly and effectively. In the Trinco incident, the HRCSL directed the Department of Examinations to conduct an internal inquiry into whether the invigilators had been objective and review the “interpretation of the relevant examination rule in order to ensure greater consistency and certainty”.²⁹⁸

In addition, the HRCSL has engaged in a consultative process to formulate guidelines on FoRB for the benefit of state authorities.²⁹⁹ Commenting on the need for guidelines in an interview, Prof. Farzana Haniffa shared that the investigation into the incidents raised several questions that the guidelines will look to address. These include the issuance of ambiguous rules, haphazard enforcement and inconsistency in application.³⁰⁰

In other areas, Muslims continue to be affected by some ongoing post-ESA restrictions. Civil society highlights continuing restrictions on the importation of Islamic literature. According to Mohamed Hisham an RTI application in 2022, revealed that the Ministry of Defence (MoD) has to give the final approval for the importation of religious texts or Quranic translations despite a committee of Islamic scholars initially vetting the publication. Reportedly, none of the other religious departments are subject to this process.³⁰¹ This year a shipment of Islamic texts including Qurans were held at the port since May. It was only released in September following the intervention of the All Ceylon Jamiyyathul Ulama (ACJU), the Islamic theological leadership.³⁰²

In other areas, restrictions on Muslim organisations [See: Section 4.3] have significantly eased, but some remain. In 2024, over 90 individuals - including those linked to the ESA - were removed from the list of designated persons under the United Nations Regulations No. 1 of 2012. However, the Islamic student movement is listed³⁰³, despite ongoing efforts for its removal. It is perceived that the listing is

297 Ibid.

298 Human Rights Commission of Sri Lanka, “Interim Directions with Regard to the Alleged Infringement of the Freedom of Religion or Belief”

299 Ibid.

300 Prof. Farzana Haniffa, (Commissioner, Human Rights Commission of Sri Lanka), Interview by Jovita Arulanantham, December 5, 2024

301 Mohamed Hisham, Interview

302 NCEASL, Incidents of Violence and Intimidation against Muslims 2024

303 Ministry of Defence, The United Nations Act, No. 45 Of 1968: Amendment to the list of designated persons, groups and entities

unjustified given that the two students implicated in the ESA acted independently.³⁰⁴ Human Rights groups have also highlighted that former detainees linked to the ESA and their families continue to report security surveillance leading to their marginalisation in the community due to fears of security attention [See: Chapter 1, Section 2.3 on use of the PTA].³⁰⁵

In more positive news this year, the Department of Muslim Religious and Cultural Affairs announced that the National Thawheed Jamath Mosque and the Dharul Athar Mosque in Kattankudy which were closed following the 2019 attacks, will be handed over to the public soon.³⁰⁶ Other positive developments include the exoneration of Dr. Shafi Shihabdeen, who in 2019 faced allegations of suspicious asset accumulation, performing illegal sterilisations on Sinhalese women, and having links to terrorism. In a welcome development, the case was dismissed in November due to insufficient evidence, resulting in his acquittal.³⁰⁷

7. RELIGIOUS RHETORIC AND SYMBOLISM

Hateful attitudes, including those that marginalise the Muslim community, can be perpetuated through everyday political and social discourse leading to “exclusion, restriction or preference”.³⁰⁸ In Sri Lanka too, since the 1920s, political discourse has been influenced by ‘ethnic outbidding’³⁰⁹ with politicians exploiting these sentiments for electoral gain. This was evident in the 2019 Presidential election that brought Gotabaya Rajapaksa into power on the back of the ESA and backlash against Muslims. Rajapaksa took oaths at the premises of a sacred Buddhist site, the Ruwanwelisaya Stupa, acknowledging the ‘Sinhalese majority vote’ that brought him into power.³¹⁰ From this election where ethnoreligious polarisation

under regulation 4(7) of the United Nations Regulations No. 1 of 2012, General Kamal Gunaratne, No. 2387/02, (Sri Lanka, Monday, June 3), 3, https://fiusrilanka.gov.lk/docs/UNSCR/List/2387_02/2387_02_E.pdf.

304 Mohamed Hisham, interview

305 “Sri Lanka: False Terrorism Cases Enable Repression”, Human Rights Watch, 17 July, 2024, <https://www.hrw.org/news/2024/07/17/sri-lanka-false-terrorism-cases-enable-repression>

306 The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024,10

307 “Court Exonerates Dr. Shafi of all Charges”, Daily FT, November 7, 2024. <https://www.ft.lk/front-page/Court-exonerates-Dr-Shafi-of-all-charges/44-768942>.

308 Nazlia Ghanea, Hatred on the Basis of Religion or Belief..., 4

309 Pradeep Peiris and Nipunika Lacamwasam, Shifting Tides: A Trend Analysis of Public Opinion on Reconciliation and Democracy in Sri Lanka, (Centre for Policy Alternatives – Social Indicator, March, 2024), https://www.cpalanka.org/wp-content/uploads/2024/04/Shifting-Tides_A-Trend-Analysis-of-Public-Opinion-on-Reconciliation-and-Democracy-in-SL_FINAL_FF.pdf, 12

310 “Sinhalese Majority Secured My Win: Gotabaya”, The Morning, November 18, 2019, <https://www.themorning.lk/articles/51463>.

was perceived to be at its highest,³¹¹ elections in 2024 have seen several positive changes.

The Rajapaksas' role in the economic crises and their loss of credibility with the public, is perceived to have also extended to scepticism of their political strategies including those that exploited religious sentiment. This and the need to respond to the public's preoccupation with economic woes is understood to have led to a decline in the use of religious rhetoric during recent election campaigns.³¹²

Many interviewed as part of this research, also felt that the Aragalaya³¹³ played a role in minimising the appeal of racist rhetoric. The Aragalaya distanced itself from politics, and was perceived to be inclusive, cutting across ethnic and religious divides.³¹⁴ Civil society also noted shifts in youth perception that may have contributed.³¹⁵

Presidential manifestos of key candidates, also indicate some attempt to respond to this shift. Wickremesinghe, pledged protection for all places of worship while citing state development of Hindu heritage sites alongside Buddhist sites.³¹⁶ Even the manifesto of Namal Rajapaksa, son of former Prime Minister Mahinda Rajapaksa, while characteristically emphasising the protection of the Buddha Sasana, also presented a dedicated section on 'respecting religious freedom'.³¹⁷

Dissanayaka's manifesto did not place any of the usual emphasis on prioritisation of Buddhism, but promised 'safety, mutual understanding, trust, and rights of ethnicities and religious groups'.³¹⁸ In an interview ahead of the Presidential election, Dissanayake said that building "a country with no racism or religious intolerance" would be his primary goal.³¹⁹ At the inauguration of parliament, he emphasised his commitment to combating religious extremism in Sri Lanka, pledging to prevent the rise of "racist politics".³²⁰

311 Dr. Jehan Perera, interview

312 Dr. Jehan Perera, interview; Dr. Vinya Ariyaratne, interview; Ven. Galkande Dhammananda Thero, interview

313 The Sinhala word for 'struggle'. A series of mass protests in 2022 against the government and its handling of the economy.

314 Centre for Policy Alternatives - Social Indicator, A Brief Analysis of the Aragalaya, (Centre for Policy Alternatives, May 2023), https://www.cpalanka.org/wp-content/uploads/2023/05/A-Brief-Analysis-of-the-Aragalaya_Final-Report.pdf, 6-26,

315 Dr. Vinya Ariyaratne; Interview, Fr. Rohan De Silva, Interview; Ven. Galkande Dhammananda Thero, Interview

316 Ranil Wickremesinghe, Five Years of Winning the Country with Ranil, Accessed 15 October 2024,

317 Namal Rajapaksa, For You a Developed Country, 13-14 & 47, Accessed 22 October 2024, <https://namal2024.com/full-manifesto>

318 Election Manifesto of the Jathika Jana Balawegaya (NPP Sri Lanka), A Thriving Nation, a Beautiful Life, (NPP Sri Lanka, August 2024), <https://www.npp.lk/up/policies/en/npppolicystatement.pdf>, Accessed 1 September 2024

319 Meera Srinivasan. "Fixing Sri Lanka's Economy, wiping out racism top priority, says JVP leader Anura Kumara Dissanayake." The Hindu. 3 September, 2024, <https://www.thehindu.com/news/international/fixing-sri-lankas-economy-wiping-out-racism-top-priority-says-jvp-leader-anura-kumara-dissanayake/article68601908.ece>

320 "The Full Speech Delivered by President Anura Kumara Dissanayake at the Inauguration of the First Session of the Tenth Parliament"

Following the elections, politicians representing ethnoreligious minorities noted this change, congratulating the President on his “impressive win, achieved without recourse to racial or religious chauvinism”.³²¹

Also contributing to this decline may have been the limits set by the election commission. While previous codes of conduct have cautioned against the use of hate speech targeting religious groups, additional caution called for campaigns to “abstain from using...religious symbols...”³²²

However, while a shift was observed in the nature of campaigning at the national level, regional pocket meetings did not always reflect this. NCEASL reports anti-Muslim rhetoric at a campaign rally in Sammanthurai, Batticaloa (East) organised by a political party called the Viduthalai Pulikal Makkal Munnani (People’s Front of Liberation Tigers). Those representing the Tamil United Freedom Front - led by former LTTE commander turned politician Vinayagamoorthy Muralitharan alias Karuna Amman - are also reported to have dabbled in similar rhetoric.³²³

In May, ahead of the elections, Sivanesathurai Chandrakanthan alias Pillayan, leader of the Tamil Makkal Viduthalai Pulikal (TMVP), released a book titled ‘Easter Padukolai’ (Easter Massacre). Pillayan, a former leader of an LTTE breakaway faction and former State Minister, has been closely implicated in the Easter Sunday Attacks. Research in Batticaloa reveals concern that the book demeans Islam, reinforces harmful stereotypes and was an attempt to exploit anti-Muslim narratives ahead of the elections.³²⁴

The former Minister is known for aggravating Tamil-Muslim tensions in the area. In August, his interference in Muslim-Hindu disagreement over the installation of an arch at the Weeramunai Sinthayathirai Pillayar temple in Ampara (East), led to increased animosity between the communities. As a result, Muslims who usually participated in the temple festival were denied admission.³²⁵

Unhindered, the former Minister in an interview published on social media in November, made derogatory comments fearmongering against the Muslim community in Batticaloa. He stated that sections of the community were radicalised

(Sri Lanka, November 2024), <https://www.presidentsoffice.gov.lk/the-full-speech-delivered-by-president-anura-kumara-dissanayake-at-the-inauguration-of-the-first-session-of-the-tenth-parliament/>.

321 Mathiapparan Sumanthiran (@MASumanthiran), “Congratulations @anuradisanayake win, achieved without recourse to racial or religious chauvinism”, Twitter, September 22, 2024, <https://twitter.com/MASumanthiran/status/1837666232264544430>.

322 Election Commission of Sri Lanka, Code of conduct issued in pursuance of section 8(8) of the parliamentary elections Act, No. 22403/21, (Election Commission, September 2024), 6, https://elections.gov.lk/web/wp-content/uploads/2024/10/GAZ_2403_21_E.PDF

323 Sriyani Thevakumar, interview; NCEASL, Incidents of Violence and Intimidation against Muslims 2024

324 The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024,6

325 NCEASL, Incidents of Violence and Intimidation against Muslims 2024

with a mindset to commit suicide terrorist attacks.³²⁶ However, his strategy seems to have backfired, with the former minister failing to win a seat in the November parliamentary election.

In other instances, political parties did not explicitly target ethnoreligious groups in their campaigning but focussed on ethnoreligious identity. In the North, Tamil nationalist parties are understood to have frequently used the 'ethnic card' urging constituents to galvanise around their Tamil identity and desist from voting for a 'Sinhala party'.³²⁷ Similarly in the East, campaign rallies for presidential candidate Wickremesinghe, were reportedly organised along ethnic lines with separate meetings held for Muslim and Tamil communities often featuring negative insinuations about the other.³²⁸

Outside the elections, gestures and rhetoric - including those associated with the new government's first steps - have signalled some openness towards a more inclusive and welcoming political culture. Interviews welcomed the uncharacteristically simple ceremony that opened parliament in November while noting the absence of the Jaya Mangala Gatha, a Buddhist chant.³²⁹

8. STATE INTERVENTIONS TOWARDS PROMOTING FoRB

As described above, state action or inaction has contributed to protecting or violating FoRB and the religious interests of communities. The state has also made deliberate attempts to address matters concerning religion and religious groups, including through proposed legislation such as those centring on the 'distortion of religion' [See: Chapter 1, Section 3.4 and Chapter 3, Section 5].

Other developments over this year also demonstrate the state's commitment to address the grievances of faith communities and tackle incidents of violence and intimidation against religious groups. Significant here is the government's response to calls for a credible investigation into the ESA.

In April 2024, the country marked the fifth anniversary of the attacks amidst calls from the Catholic Church for an international investigation given the lack of progress on the investigation. It is widely perceived that the attacks were the

³²⁶ Ibid.

³²⁷ Dr. Mahendran Thiruvarangan, interview

³²⁸ The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024,18

³²⁹ Ven. Galkande Dhammananda Thero, interview; Dr. Mahendran Thiruvarangan, interview

result of a conspiracy to bring about a change in government. The report by a select committee of parliament looking into the attacks pointed to those who looked to “create chaos and instil fear and uncertainty” and “lead to the call for a change of regime”.³³⁰

Acknowledging this, President Dissanayake, meeting with the victims of the ESA, promised a fresh probe, committing to change the politics in the country if it “has reached such an extreme”.³³¹

The Catholic community are now once again hearing promises from the new President after having seen both the Rajapaksa and Wickremesinghe administrations alternatively stall investigations. Despite frustrations, leaders from the community like Fr. Rohan Silva share confidence that the “investigations will happen in the right direction”.³³² Speaking to the press in December, the Head of the Catholic Church, Cardinal Malcolm Ranjith said they are “optimistic that the perpetrators will be brought to book”.³³³ They see the reappointment of investigator SSP Shani Abeysekara as the Director of the Criminal Intelligence Analysis and Prevention Division to play a key role in the ESA investigation as a positive development.³³⁴

Another relatively new practice that has signalled the state’s support for faith communities, is the state security provided for religious places of worship, including those of Islamic and Christian faiths. This measure which was brought in more widely following the ESA, has been mostly welcome. Over this year, special police security continued to be provided to all churches on significant days in the Christian calendar³³⁵ while similar provisions were made for mosques during Ramadan.³³⁶

Although inadequate and long-delayed, goodwill towards the Muslim community was also seen in the government’s apology to all communities affected by

330 Parliament of Sri Lanka, Select Committee of Parliament to Look Into and Report to Parliament on the Terrorist Attacks that Took Place in Different Places in Sri Lanka on 21st April 2019, No. 22403/21, (The Parliament of Sri Lanka, October 23, 2029), 1-5, <https://www.parliament.lk/uploads/comreports/sc-april-attacks-report-en.pdf#page=1>

331 “President Assures Justice for Easter Attacks Victims”, Ada Derana, October 6, 2024. <http://www.adaderana.lk/news.php?nid=102485>.

332 Interview with Fr. Rohan De Silva (Director, Centre for Society and Religion), interview by Jovita Arulanantham, November 27, 2024, Colombo

333 “Cardinal Commends Govt. over Easter Sunday Probe”, Daily Mirror, December 19, 2024. <https://www.dailymirror.lk/breaking-news/Cardinal-commends-Govt-over-Easter-Sunday-probe/108-298498>

334 “Seasoned Investigator Shani Returns to SL police”, Daily FT, October 11, 2024. <https://www.ft.lk/front-page/Seasoned-investigator-Shani-returns-to-SL-Police/44-767819>

335 “Special Security Plan for Good Friday, Easter Sunday”, Daily News, 27 March, 2024, <https://www.dailynews.lk/2024/03/27/admin-categories/breaking-news/468487/special-security-plan-for-good-friday-easter-sunday/>.

336 Darshana Balasuriya, “IGP Urges Heightened Security for Upcoming Religious and Cultural Events”, Daily Mirror, 10 April, 2024 <https://www.dailymirror.lk/print/front-page/IGP-urges-heightened-security-for-upcoming-religious-and-cultural-events/238-280528>.

the mandatory cremation policy enacted during COVID-19. Then President Wickremesinghe further announced forthcoming legislation to allow burial, cremation, or body donations to medical institutions.³³⁷ The mandatory cremation policy that went against expert views and the religious sentiment of Muslims, was widely perceived to be a result of anti-Muslim sentiment following the ESA. Reportedly, 276 Muslim COVID-19 victims were cremated before burials were allowed in February 2021.³³⁸ In other areas, responding to criticism that the new cabinet did not have Muslim representation, the government sought to appease the community by appointing a Muslim as deputy speaker and another as a deputy minister.³³⁹

Despite some tensions with ethnoreligious minorities at home, Sri Lanka has also been mostly welcoming of non-Buddhist communities travelling to Sri Lanka [See: Chapter 1, Section 4.3]. In July, 15,000 members of the Bohra community³⁴⁰ arrived in Sri Lanka for their spiritual conference and annual convention.³⁴¹ Held for the seventh time in Sri Lanka in recent years, the repeated gatherings stand testament to the good welcome they receive.

While this reception is likely motivated by tourism interests, it suggests the State's consciousness of the religious sentiment of travellers. This deference, however, can sometimes be at the cost of the interests of its own citizens. Recent incidents concerning Israeli tourists in Arugambay - a popular surfing destination in Ampara - are reflective of this.

In October, information about a possible threat to Israeli travellers, led to raised security and travel warnings by diplomatic missions and the arrest of six suspects. Government officials informed the US that their findings reveal links to organised crime and not extremism.³⁴²

Leading up to this development, it was reported that Jewish tourists in Arugambay were setting up prayer centres. Observations were made that the stringent

337 "Sri Lanka President Apologises for Covid Burial Restrictions" News First, June 19, 2024, <https://www.newsfirst.lk/2024/06/19/sri-lanka-president-apologizes-for-covid-burial-restrictions>.

338 "Govt Extends Apology after Three Years", Ceylon Today, July 24, 2024. <https://ceylontoday.lk/2024/07/24/govt-extends-apology-after-three-years/>

339 "MP Rizvie Salih Elected Deputy Speaker of Parliament", Daily Mirror, November 21, 2024. <https://www.adaderana.lk/news.php?nid=103657>; Presidential Secretariat, "Deputy Minister's Officially Sworn In", November 21, 2024, <https://www.presidentsoffice.gov.lk/deputy-ministers-officially-sworn-in/>.

340 A religious denomination with the Muslim community

341 "15,000 Bohra Community Members Set to Gather in Sri Lanka", Daily Mirror, June 26, 2024 <https://www.dailymirror.lk/front-page/15-000-Bohra-community-members-set-to-gather-in-Sri-Lanka/238-285760>

342 Sunil Jayasiri, "Govt Clarifies Arugam Bay Incident as Organised Crime, Not Extremism", Daily Mirror, November 1, 2024. <https://www.dailymirror.lk/breaking-news/Govt-clarifies-Arugam-Bay-incident-as-organized-crime-not-extremism/108-295001>

regulations governing the establishment of new places of worship for locals, didn't seem to apply to the tourists.³⁴³ While the Jewish tourists appear to have been provided with preferential treatment in matters of faith, also concerning was the lack of deference shown to the sentiment of many Sri Lankans - including Muslims in the area - opposing Israel's warfare methods and the Genocide in Gaza.³⁴⁴ Reports highlight that provocative pictures of Israeli soldiers in Gaza and graffiti in Hebrew appeared on the walls of Israeli resorts in the area.³⁴⁵

Asylum seekers and refugees - including those facing religious persecution - are another category of foreign nationals who choose to come to Sri Lanka. Though Sri Lanka hasn't always been welcoming - with cases of deportations, hostility and unwillingness to provide support - successive governments have mostly tolerated their temporary stay.³⁴⁶ According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as of 31 January 2024, there are 311 registered refugees and 180 registered asylum-seekers in Sri Lanka. Among these persons are 105 Rohingya refugees, and many asylum-seekers from the Ahmadiyya community - groups persecuted based on their ethnoreligious identity.

Over this year, a significant development affecting this group of people was the announcement that the UNHCR will close its operations in Sri Lanka. According to the UNHCR, 176 asylum seekers who are registered will not be considered for third-country resettlement and are likely to remain in Sri Lanka beyond December 2024. In addition, the monthly subsistence allowance and education assistance to refugees and asylum-seekers has been discontinued.³⁴⁷ Despite these developments, refugees continue to arrive in Sri Lanka. In December, a multi-day trawler carrying 116 persons from the Rohingya community including children arrived towards the coast off Mullivaikkal in Mullaitivu (North), though it's unclear where their intended final destination was.³⁴⁸

343 Bishop Duleep De Chickera, "Arugam Bay: Hidden Currents", Groundviews, November 23, 2024. <https://groundviews.org/2024/11/23/arugam-bay-hidden-currents/>

344 The United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, UN Special Committee finds Israel's warfare methods in Gaza consistent with genocide, including use of starvation as weapon of war, (United Nations, November 14, 2024), <https://www.ohchr.org/en/press-releases/2024/11/un-special-committee-finds-israels-warfare-methods-gaza-consistent-genocide>; Amnesty International, "Amnesty International Investigation Concludes Israel is Committing Genocide against Palestinians in Gaza," 5 December 2024, <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>

345 Ameen Izzadeen, "Security Alert: More to it Than Meets the Eye", Daily Mirror, October 25, 2024. <https://www.dailymirror.lk/opinion/Security-alert-More-to-it-than-meets-the-eye/172-294504>,

346 Ruki Fernando, "Sri Lanka Falls Short in its Responsibilities Towards Refugees and Asylum Seekers", June 20, 2024. [https://groundviews.org/2024/06/20/sri-lanka-falls-short-in-its-responsibilities-towards-refugees-and-asylum-seekers/#:~:text=In%202023%2C%20the%20number%20of,Bangladesh%20\(about%201%20million\).](https://groundviews.org/2024/06/20/sri-lanka-falls-short-in-its-responsibilities-towards-refugees-and-asylum-seekers/#:~:text=In%202023%2C%20the%20number%20of,Bangladesh%20(about%201%20million).)

347 Human Rights Commission of Sri Lanka, "Statement of the Human Rights Commission of Sri Lanka on World Refugee Day 2024," 20 June, 2024, <https://www.hrcsl.lk/wp-content/uploads/2024/06/HRCSL-Statement-on-World-Refugee-Day-2024.pdf>

348 Human Rights Commission of Sri Lanka, Report on the Status of Rohingya Asylum Seekers Detained in Mullaitivu, and other

In a statement on World Refugee Day 2024, the HRCSL called upon the government to formulate a comprehensive policy to ensure the protection and promotion of the human rights of all refugees and asylum-seekers. It reminded Sri Lanka that it is a party to a number of international human rights treaties that legally bind it to abide by the principle of non-refoulement. It called upon the government to refrain from repatriating those who are at risk and consider accession to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.³⁴⁹

The role of the HRCSL - now accredited with an A status³⁵⁰ - is notable. As highlighted in their intervention here and events discussed in this chapter, they have played a significant role in promoting FoRB and addressing concerns of communities targeted for their religious expression. Their effectiveness is also a testament to the improved climate for independent commissions over this period.

Government departments representing the four main religions in Sri Lanka, continue to function separately under the Ministry of Buddhasasana. Faith-based organisations like the NCEASL have highlighted that while the Department of Christian Affairs recognises the Catholic church and the National Christian Council (NCC) - which represents the mainline churches - it doesn't recognise Evangelical and independent churches. They attribute several of the problems that these churches face to this lack of recognition. For instance, the government seeks the approval of the NCC for matters concerning Christian teacher appointments and approvals for missionary visas even when concerning Evangelicals. This has resulted in approvals being delayed or blocked. It is unclear how far this problem extends to other religious groups that also include multiple sects or denominations.

Prof. Hiniduma Sunil Senevi, an academic with a background in social sciences and national languages, replaces Minister Vidura Wickramanayaka as the new Minister. Wickramanayaka who served from 2022-2024 September is widely perceived to have spearheaded pro-Buddhist policies, including those pertaining to archaeological excavations in the North and East. The change in senior leadership may provide more opportunities to address long-prevailing FoRB-related concerns that call for the Ministry's attention [See: Recommendations].

Related Issues, (Human Rights Commission of Sri Lanka, January 2025), https://www.hrcsl.lk/wp-content/uploads/2025/01/HRCSL-Report-on-Rohingya-Asylum-Seekers_January-2025.pdf

349 Ibid.

350 Human Rights Commission of Sri Lanka. "GANHRI Sub-Committee on Accreditation Recommends That HRCSL Be Reaccredited with 'A' Status." May 14, 2024, <https://www.hrcsl.lk/ganhri-sub-committee-on-accreditation-recommends-that-hrcsl-be-reaccredited-with-a-status/>

SCORING AND RAG RATING

Each sub-indicator is ranked on a scale of 1-10. The average of the aggregated scores determines the score for each key indicator [See: Page 12 on 'Indicators and Scoring/Research Methodology' for further detail].

INDICATOR	SCORE	RATIONALE	RAG RATING
Indicator 1: Preservation of cultural and heritage sites and protection of FoRB on disputed sites.			
1. Is there equal preservation of cultural and heritage sites?	4	<p>Evidence [Sections 1 & 2] reflects the prioritisation of Buddhist heritage sites and apparent neglect of sites associated with non-Buddhist communities. This is also evident in poor ethnoreligious representation in decision-making on heritage matters.</p> <p>Sri Lanka's constitution prioritises Buddhism and the 'Buddha Sasana' and this explains the emphasis on preservation of Buddhist heritage sites. It does not however explain neglect of non-Buddhist sites, particularly given that the DoA is tasked with the responsibility of protecting the 'total archaeological heritage' of Sri Lanka.</p>	
2. Are government regulations and laws preserving cultural and heritage sites equally enforced?	3	<p>As described [Section 2], the Antiquities Act has been perceived to be unequally enforced and manipulated to support an ethno-nationalist agenda. This includes permitting the construction of new structures on areas designated as heritage sites despite court orders and the DoA's own regulations prohibiting it. The very same regulations have been used however to block minority worship.</p> <p>Over this year, however, there have been some improvements. This includes the absence of explicit support from the top leadership and verbal commitments including on land release by the new President.</p>	

3.	Is there evidence of violations of FoRB on contested religious sites that also involve the imposition of religious symbols under irregular or illegal circumstances?	3	<p>Examples [Section 2] point to the imposition of Buddhist symbolism under irregular circumstances, particularly in areas where non-Buddhist communities hold significance. In other contested sites, regulations have been used to block worship and access to religious places of worship of minority communities.</p> <p>In a positive development in the North, conditional access was granted to Hindu devotees to temples located on land occupied by the military in the North.</p>	
4.	Has the government provided economic or other incentives to change the ethnic composition of a certain area?	4	<p>There is concern that projects such as the construction of 32 Buddhist temples in the Kuchchaveli division in Trincomalee will facilitate and lead to demographic changes. While developments are concerning, the evidence available for this research does not confirm the government's provision of incentives to change the ethnic composition of the area.</p>	
Indicator 2: Enforcement of laws and regulations with implications for FoRB and ethnoreligious communities.				
1.	Have laws protecting FoRB and the interests of ethnoreligious groups been equally enforced?	5	<p>Recent incidents [Section 3] indicate that laws pertaining to FoRB, have been unequally enforced. There's readiness to use the ICCPR when Buddhist interests are purportedly targeted, but hesitance to act in the interests of other ethnoreligious groups. The ICCPR has also been misapplied to events and activities that don't comply with state narratives.</p> <p>However, the acquittal of comedian Nathasha Edirisooriya is a welcome development in 2024. The HRCSL has also played an effective role, intervening in cases where the law has been misapplied.</p>	

2.	Have places of worship and religious institutions including faith-based humanitarian organisations operated freely?	6	<p>Incidents point to the unequal enforcement of laws pertaining to religious places of worship with minority groups - particularly Evangelical churches - disproportionately affected [Section 4.1 and 4.2].</p> <p>Faith-based organisations however report a mixed picture. Faith-based organisations focusing on religious coexistence work, report an improved climate and support from local authorities. On the other hand, civil society working specifically in the areas of FoRB and on contentious FoRB issues (i.e. contested religious sites) face pushback and some surveillance or intimidation [Section 4.3].</p>	
3.	Have resources (i.e government housing and land allocation, government jobs) been allocated equally among ethno-religious groups?	5	<p>Research points to favouritism in resource allocation in certain parts of the East. Though the NPC Survey results of 2024 offers some insight, it is unclear how far this concern extends to other parts of Sri Lanka [Section 4.5].</p>	
4.	Has the police responded fairly when intervening in clashes between ethnoreligious groups at the community level, and has there been evidence of state involvement in intimidation and violence?	4	<p>According to available data, law enforcement when handling disputes between ethnoreligious groups in the community reveals a mixed picture. Some incidents reveal effective intervention and appropriate handling by the police while others reveal poor conduct [Section 4.4].</p> <p>In other disputes, however, particularly those centring on heritage sites, the police appear to favour Buddhist interests. [Section 2]</p>	

Indicator 3: Involvement of state actors or politically aligned groups in propagating discrimination, extreme content, intimidation and violence against religious groups and atheists/agnostics.

1.	Is there evidence of hardliner politico-religious groups promoting intolerance and dogmatism?	6	While incidents linked to Buddhist hardliner groups have decreased there's been a notable uptick in incidents associated with Hindu hardliner groups in the North and East. Encouragingly however the political environment and some resistance from Tamil political parties to galvanise around the Hindu identity may have reduced their traction in the community. However, while authorities seem to have intervened in activity perceived to threaten the state or Buddhist interests, activity that has the likelihood of inciting discrimination against Muslims and Christians in the community has not been addressed. There's also some concern that the government has not effectively engaged the Hindu leadership in addressing such concerns affecting the community [Section 5].	
2.	Have there been restrictions on religious expression and the display of cultural markers?	6	Systematic campaigns led by hardliner groups and the state, targeting the religious expression of Muslims has significantly eased. However, incidents centring on head coverings reveal that ingrained biases in sections of the state-sector persist. Similarly, some measures introduced in the aftermath of the ESA that marginalise the Muslim community still continue [Section 6].	
3.	Has there been use of religious rhetoric in political campaigning and elections?	8	While there were some reports of harmful rhetoric during election campaigning, particularly at the regional level, there's been a notable decline in general. Also, significant, are the refined regulations set forward by the election commission [Section 7].	

Indicator 4: State initiatives supporting the interests of religious communities or addressing matters of FoRB			
1.	Has there been progress on initiatives and demands of significance to faith communities?	5	Amongst key concerns highlighted by ethnoreligious groups, are concerns relating to contested religious sites in the North and East affecting Tamil and Muslim communities. While there's been no clear commitment to address such concerns, the State has demonstrated some sincerity in conducting a credible investigation into the ESA [Section 8].
2.	How well have national institutions performed in protecting and promoting FoRB (i.e. the Ministry of Buddhasasana and Religious Affairs, the HRCSL)	5	While the main religious groups in Sri Lanka continue to be officially recognised and supported through government mechanisms, smaller denominations have raised concerns regarding the lack of recognition by the government which also results in its marginalisation. In other areas independent commissions like the HRCSL, appointed by the President, have appeared to have effectively intervened in matters concerning FoRB [Sections 3, 6 and 8].
3.	How well has the state received foreign nationals openly identifying as an ethnoreligious group?	6	Though Sri Lanka has fared mostly well in its reception of foreign travellers identifying with a religion, it falls short in its treatment of refugees and asylum seekers [Section 8].



CHAPTER 3

COMMUNITY AND CULTURE

Trends in communal relations, religious practices and beliefs influencing the treatment of FoRB at the community and private levels

KEY FINDINGS

- Community-led opposition to religious activity or the operation of places of worship appears to disproportionately target Evangelical or Independent Churches. Resistance appears to be fuelled by deep-seated fears of conversion and a sense of majoritarianism.
- Cultural and societal bias against conversion has affected religious groups whose beliefs mandate the sharing of their faith.
- Some religious trends and practices among minority ethnoreligious groups have provoked hostility and led to intra and inter-religious tensions. These include reports of zealous advocacy among Evangelical/Independent churches, Hindutva influence that undermines Sri Lankan-Hindu traditions and ultra-conservatism among segments of the Muslim community.
- Mainline religious establishments continue to uphold views that foster intolerance towards diversity. This is evident in resistance to reforming outdated laws that marginalise LGBTQI+ individuals.
- The presence of controversial self-styled preachers has led to lobbying for fresh legislation to curb them but has also led to calls for tolerance, debate and discussion to address concerns.

Beliefs and practices among ethnoreligious groups have shaped the approach to FoRB and affected communal relations, at both community and private levels. Some of these trends which are new or emerging, have provoked animosity while leading to intra and inter-religious tensions. Similarly, prejudiced positions among mainline religious groups have promoted intolerance, including on matters of gender, despite calls from global religious hierarchies for a more tolerant and inclusive approach. However, evidence of religious syncretism and inter-faith collaboration demonstrates the potential for religious coexistence and forums that can address contentious FoRB matters, particularly where debate and dialogue are favoured over new laws.

1. REGIONAL-MAJORITARIANISM, COMMUNAL RELATIONS AND FoRB

As discussed in Chapter 2, local authorities often act in favour of the regional majority, resulting in incidents that marginalise the numerically weaker religious group. In relation to community-led opposition, data indicates that incidents related to religious activity or the operation of places of worship, disproportionately target Evangelical or independent Churches. Evangelical churches appear to be mostly targeted in areas that hold a homogenous ethnoreligious group. These include areas in the South where Buddhists are a majority and areas in the North where Hindus or Catholics are a majority [See: Chapter 2, Section 4].

Discussing the motives behind the targeting of Evangelicals, the NCEASL felt that opposition stems from them being viewed as ‘outsiders’ within the community. Research in Batticaloa that highlights a pattern of ‘regionalism’ in incidents of intimidation and attacks on religious groups, echoes this view.³⁵¹ The nature of incidents also reveals that fear over the loss of primacy in the community goes hand-in-hand with deep-seated fears of losing numbers to religious conversion.

1.1 Opposing the Operation of Places of Worship

As discussed (Chapter 2, Section 4.1), a majority of the incidents involving police and local authorities in restricting the operation of places of worship, have involved members of the community. Incidents recorded by the NCEASL involving Christian establishments in Kalutara, Colombo, Hambantota, Kurunegala, Kandy and Galle are indicative of where community members have played the lead role.³⁵²

In several incidents recorded, complaints against the churches were made by immediate neighbours. In April, police received a petition against a Church in Kelaniya, Colombo (West) by the pastor’s neighbours, stating that the church was being operated ‘illegally’. The petition was copied to the Kelaniya Buddhist temple, Kelaniya Divisional Secretariat, and the Department of Christian Affairs. Following this, the police called for the church to be registered or relocated.³⁵³

³⁵¹ Study on the status of religious freedom in Sri Lanka, NCEASL focus group, December 12, 2024, Colombo
Participants: Mahesh De Mel, Mike Gabriel and Salome De Silva; National Christian Evangelical Alliance of Sri Lanka, The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024, (Minor Matters, December, 2024). https://minormatters.org/report_policy_briefs/the-landscape-of-freedom-of-religion-or-belief-in-batticaloa-2023-2024/, 21

³⁵² National Christian Evangelical Alliance of Sri Lanka (NCEASL), Incidents of Violence and Intimidation against Christians 2024, unpublished report, NCEASL, December 2024

³⁵³ Ibid.

In July, an opening ceremony at a Church in Gelioya, Kandy (Central) was disrupted by Buddhist clergy and residents of the area who informed the pastor that he could not conduct worship services in a 'Buddhist Village'. This was soon followed by the police calling for details on the centre including its visitors. The pastor learned from the police that while no formal complaint had been filed, numerous phone calls were made alerting the police.³⁵⁴

1.2 Disrupting Worship and Violence

In incidents where members of the community take the lead, the alleged 'illegality' of the churches and the lack of registration has been often used to rationalise threats and assaults on establishments and their members. The NCEASL have also recorded physical altercations or attacks on at least five Christian establishments in Colombo, Puttalam, Mannar, Kurunegala and Gampaha.³⁵⁵

In July, a worship service at a church in Wattala, Gampaha (West) was disrupted by neighbours using loud music and obscene language, demanding an end to services. The pastor's wife was assaulted in the altercation that ensued. In addition, a church in Polgahawela, Kurunegala that was under compulsion to register or discontinue services also faced a series of incidents where stones were pelted. On one occasion villagers blocked the road leading to the church preventing the congregants and the pastor from entering. At a Church in Balapitiya Galle (South West), ongoing community opposition led to rumours of an attack in October compelling the pastor and his family to temporarily leave their home.³⁵⁶

1.3 Denial of Community Resources

Community-led opposition to Evangelical Christian activity has also led to discrimination. Funeral Aid Societies in Sri Lanka are prominent community-based associations that support families - including through finances - during times of bereavement. The NCEASL recorded at least two incidents in Matale (Central) and Kurunegala (North West) where there were attempts to deny Christians or recent converts access to benefits from the society.

At a Funeral Aid Society meeting in Madatugama, Matale, a pastor - facing opposition from the villagers - was told that while he and his family could conduct their burial rights according to Christian customs while receiving support from the

354 Ibid.

355 Ibid.

356 Ibid.

society, it would be moved to the public cemetery if village opposition arose. They warned that any further Christian converts in the village would not receive the support of the society.³⁵⁷

According to research led by a Christian NGO new Christian converts are also pressured to renounce their faith with threats that final Buddhist rites won't be given to Buddhist members of their family. Additionally, at the private level, denial or loss of inheritance rights are also reportedly used as strategies to convince new converts to renounce their faith.³⁵⁸

An incident that took place in March in Maha Oya – a predominantly Buddhist region in Ampara (East) – where 26 Christian workers visiting were forced to leave following complaints about potential religious conversions, further highlights this dynamic.³⁵⁹

2. PROBLEMATIC PROPAGATION

Given concerns regarding the perceived decline in the status of dominant groups through conversions, propagation remains one of the most contentious issues within the domain of FoRB in Sri Lanka³⁶⁰ and has even led to attempts to pass legislation restricting conversions [See: Chapter 1, Section 3.5].³⁶¹ Despite constitutional protection for “the freedom to...adopt a religion or belief” conversion in Sri Lanka is often opposed and at best tolerated. Religious converts – regardless of the faith in question – face conflicts in inter-personal relationships including with parents and immediate family.³⁶²

The perceived role of Evangelical Christians in converting members of other faiths or from mainline Christian denominations has contributed to their unpopularity. According to a 2024 survey conducted by the National Peace Council (NPC), ‘proselytisation’ is identified as a main barrier to religious freedom [See: Chapter

³⁵⁷ Ibid.

³⁵⁸ Open Doors, Sri Lanka Full Country Dossier - Open Doors, World Watch Research, (Open Doors, March 2024), <https://www.opendoors.org/research-reports/country-dossiers/WWL-2024-Sri-Lanka-Full-Country-Dossier.pdf>, 32-33

³⁵⁹ NCEASL, Incidents of Violence and Intimidation against Christians 2024

³⁶⁰ Gehan Gunatilleke, Does the Freedom of Religion Include the Freedom to Propagate?, (Minor Matters, September 2022), <https://forbdashboard.minormatters.org/resource/does-the-freedom-of-religion-include-the-freedom-to-propagate/>

³⁶¹ The Centre for Policy Alternatives, The Prohibition of Forcible Conversion of Religion' Bill, (Centre for Policy Alternatives, August 2007), <https://www.cpalanka.org/the-prohibition-of-forcible-conversion-of-religion-bill/>

³⁶² Mary Varughese, Religious conversion and cultural trauma, (International Journal for Religious Freedom, November 2024), [https://ijrf.org/index.php/home/article/view/291/338#:~:text=The%20new%20movement%20was%20a,a%20whole%20\(Brantley%202022\);](https://ijrf.org/index.php/home/article/view/291/338#:~:text=The%20new%20movement%20was%20a,a%20whole%20(Brantley%202022);) Open Doors, Sri Lanka Full Country Dossier - Open Doors, World Watch Research, 28-29

1, Section 3.5 for the distinction between ‘propagation’ and ‘proselytisation’]. More than 50% of respondents from the Buddhist, Hindu, and Catholic communities identified certain Christian groups as being primarily responsible for the practice, highlighting that it takes place in a way that negatively affects their religion.³⁶³

Revealing this sentiment, in March in Poovarasankulam, Vavuniya (North), posters under the name of the ‘Tamil Assembly’ were pasted over posters advertising a Christian Blessing Festival accusing Christians of ‘destroying the Tamil race’ by converting Tamils to Christianity. The notice also demanded that Christians ‘should get out of the Tamil homeland’.³⁶⁴

Christian clergy have shared concerns that “aggressive proselytism” associated with Evangelical churches has fed negative perceptions of the wider Christian-Catholic community.³⁶⁵ Echoing this concern, a recent study conducted in Vavuniya revealed that the Christian sect ‘Jehovah’s Witnesses’ have been reported to actively convert Hindus from marginalised backgrounds including those facing caste discrimination.³⁶⁶ Such reports also raise the question of “unethical conversions”,³⁶⁷ explaining why financial support by Evangelical/Independent churches are looked at with suspicion despite the fact that all major religions engage in social service work.³⁶⁸

Spiritual favours, psychosocial support, marriage, an improved position for women, easing of caste and religious restrictions, and financial incentives are some of the reasons cited for conversion. While many of these motives are non-spiritual, conversion for financial incentives is widely considered ‘unethical’.³⁶⁹ In Batticaloa, Christian groups providing funds and resources to poor communities who convert to Christianity has even led to Hindu religious clergy taking up the matter in court.³⁷⁰

363 National Peace Council (NPC), Survey on Religious Freedom 2024, unpublished report, NPC, December 2024, 19,22

364 NCEASL, Incidents of Violence and Intimidation against Christians 2024

365 Antollea Palermo, “Church in Sri Lanka and Challenge of Interreligious Dialogue,” Vatican News, March 18, 2024, <https://www.vaticannews.va/en/church/news/2024-03/sri-lanka-church-and-the-challenge-of-interreligious-dialogue.html>

366 National Christian Evangelical Alliance of Sri Lanka, The Landscape of Freedom of Religion or Belief in Vavuniya 2023-2024, (Minor Matters, December, 2024). https://minormatters.org/report_policy_briefs/the-landscape-of-freedom-of-religion-or-belief-in-batticaloa-2023-2024/, 5-6

367 Conversions that have taken place as a result of fraud, coercion or undue influence. In Sri Lanka, the focus has been on the perceived role of financial incentives.

368 Sumudhu Chamara, “Cracking Down on ‘Religious Conversions’: What is Behind the Government’s Dangerous Dogmas of Faith?”, The Morning, March 14, 2024, <https://www.themorning.lk/articles/PNej5DTVlhbbfZNVnOQr>

369 National Christian Evangelical Alliance of Sri Lanka, The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024; Sriyani Thevakumar (Human Rights Defender), interview by Jovita Arulanantham, November 20, 2024, remotely; Interview with Fr. Rohan De Silva (Director, Centre for Society and Religion), interview by Jovita Arulanantham, November 27, 2024, Colombo

370 The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024, 8

Sharing their views on the role of financial incentives in conversion, some felt that the ‘weaknesses’ of the impoverished shouldn’t be exploited,³⁷¹ while others focussed on the ‘choice’ of the individual to choose her/his religion regardless of the motivation.³⁷²

The NCEASL shares that their ‘code of conduct’ - that pastors in their membership are encouraged to follow - clearly states that ‘social action, or helping the poor’ should not be used as bait for evangelism.³⁷³ Setting out recommendations for conduct international Christian networks including the World Evangelical Alliance notes that “..the exploitation of situations of poverty and need has no place in Christian outreach and Christians should denounce and refrain from offering all forms of allurements, including financial incentives and rewards, in their acts of service”.³⁷⁴

The NCEASL pointed out however that in the realm of FoRB, matters regarding propagation and motives are going to be subjective, making regulation challenging. They called instead for more conversations and awareness raising on FoRB literacy and its legal safeguards. While sharing strong concerns around conversion by Evangelical groups, Buddhist leader Ven. Kalupahana Piyaarachana Thero also felt that concerns should not be addressed by law, though government intervention through mediums like inter-religious committees was welcome.³⁷⁵

3. RELIGIOUS TRENDS AND INTER/INTRA-COMMUNITY CONFLICT

Religious literacy on the legal safeguards of FoRB is important and will help protect the interests of vulnerable religious groups. Religious groups are also, however, accountable for the bearing their religious teachings and practices have in their communities and wider society.

Recent incidents and developments have pointed to religious trends and practices

371 Ven. Galkande Dhammananda Thero (Founder/Director, Walpola Rahula Institute), Interview by Jovita Arulanantham, November 26, 2024, Colombo

372 Dr. Mahendran Thiruvarangan, (Academic, University of Jaffna), interview by Jovita Arulanantham. November 21, 2024, Remotely.

373 National Christian Evangelical Alliance of Sri Lanka (NCEASL), National Christian Evangelical Alliance of Sri Lanka – Code of Conduct, unpublished document, NCEASL. Accessed 12 November 2024

374 Study on the status of religious freedom in Sri Lanka, NCEASL focus group, December 12, 2024, Colombo
Participants: Mahesh De Mel, Mike Gabriel and Salome De Silva; World Council of Churches, Pontifical Council for Interreligious Dialogue, World Evangelical Alliance, “Christian Witness in a Multi-Religious World: Recommendations for Conduct”, January 2011

375 Study on the status of religious freedom in Sri Lanka, NCEASL focus group; Ven. Kalupahana Piyaarachana Thero, (Convenor, Sangha for a Better Sri Lanka), interview by Jovita Arulanantham. October 25, 2024, Colombo

among minority ethnoreligious groups that have provoked animosity, inter and intra-religious conflict, intolerance and the marginalisation of women.

3.1 Zealous Advocacy among Christian Denominations

Along with accusations of “aggressive proselytism” and “unethical conversions”, irresponsible preaching by sections of the community has drawn further criticism of the Evangelical Christian movement.

International guidance to Evangelical churches states that an invitation to others “to an understanding of their faith, should not be exercised by violating others’ rights and religious sensibilities”. It further notes that freedom of religion enjoins an “equally non-negotiable responsibility to respect faiths...and never to denigrate, vilify or misrepresent them”.³⁷⁶ The NCEASL felt that awareness raising and engagement with the Church, has prompted a sense of maturity with regard to practising Christianity in a pluralistic society. They pointed to a drop in incidents with regard to noise pollution that was revealing of the sensitivity in which churches were beginning to operate but agreed that there may be some churches that don’t adhere to best practice.³⁷⁷

Evangelical preacher Pastor Jerome Fernando drew national attention for practices and rhetoric perceived to insult other religions [See: Chapter 2, Section 3]. While his speech may be protected by international law, it has been widely perceived to be - including by members of the Christian denomination - unwise and damaging.

Following incidents in May 2023 [See: Chapter 2, Section 3], in December 2024, Ps. Fernando led a service where an individual attired as a Buddhist monk was - according to Ps. Fernando’s media sources - cured from an ailment after receiving his blessings. It was widely perceived that the individual was in fact not a Buddhist monk. The incident circulated on social media, irked Buddhist communities including the Chief prelates [See: Chapter 4, Section 1.3].³⁷⁸

While causing ill-feeling and animosity among religious groups, there’s a risk that such actions will only increase the unpopularity of a Christian denomination that is already targeted. In November, Fernando’s arrival at a Church in Nawalapitiya, Kandy (Central) was opposed by villagers who alleged that the pastor was building

³⁷⁶ “Christian Witness in a Multi-Religious World: Recommendations for Conduct”, January 2011

³⁷⁷ Study on the status of religious freedom in Sri Lanka, NCEASL focus group

³⁷⁸ Pastor Jerome blessing a Buddhist monk (Chakra TV, 2024), <https://www.youtube.com/watch?v=7BxQTxnSHSU>; Sahan Tennekoon, “Distortion of religions: Govt. moots amending laws,” The Morning, December 27, 2024, <https://www.themorning.lk/articles/VJZxpXsjgLVZ8W7euvW1>

a religious site under the pretext of constructing a rehabilitation centre.³⁷⁹

Another concern highlighted is the practice among certain Evangelical churches of setting up prayer centres or churches in areas where there are no Christians and instead strong opposition.³⁸⁰ Guidance by the NCEASL has also cautioned churches to consider the ‘immediate cultural and human environment’ in their actions.³⁸¹ Evident of these dynamics, in October, in Seeduwa, Gampaha (West), village opposition arose to plans to establish a Christian prayer centre in the village. The villagers and resident Buddhist monk raised that while they do not oppose the construction of the prayer centre elsewhere, conflict is likely to ensue if established in such close proximity to the village Buddhist temple. As of now, the pastor is understood to have complied with the instructions of the police and has refrained from proceeding with services at the location or construction.³⁸²

In the North, concerns have been raised that the lack of cultural awareness and sensitivity among certain Christian groups, has been affecting intra-Tamil relations. In a recent documentary focussed on Tamil relations and religious issues, mainline Christian and Catholic clergy discussed the presence of ‘Christian Fundamentalism’ in the region. They share that Christian fundamentalists trying to convert Hindu groups living in the area, cause dissonance, affecting the unity of Tamils.³⁸³ Observations have also pointed to newly converted Christians antagonising Hindus with their ‘fanatical zeal and fervour’.³⁸⁴ In an interview, Hindu leader Kurukkal Dharshaka cautioned that such practices without restraint can also result in further conflict and issues of governance.³⁸⁵

3.2 Hindutva Influence

Emerging religious trends in other communities have also contributed to divisions and intra-religious conflict. As discussed, activity linked to Hindu nationalist organisations promoting anti-Christian and anti-Muslim sentiment has increased [See: Chapter 2, Section 5] while it has also encouraged divisions within the Hindu

379 NCEASL, Incidents of Violence and Intimidation against Christians 2024

380 Ven. Galkande Dhammananda Thero, interview

381 National Christian Evangelical Alliance of Sri Lanka (NCEASL), National Christian Evangelical Alliance of Sri Lanka – Code of Conduct

382 NCEASL, Incidents of Violence and Intimidation against Christians 2024

383 15 Years of Mullivaikkal - Reflections on Religious Issues (Adayaalam Centre for Policy Research, 2024), <https://www.youtube.com/watch?v=n6qogLSRVxw>.

384 D.B.S Jeyaraj, ‘A ‘Hindu’ Presidential Candidate and the ‘Hindu Tamil Eelam’ Concept’, Financial Times, April 10, 2024. <https://www.ft.com/columns/A-Hindu-presidential-candidate-and-the-Hindu-Tamil-Eelam-concept/4-760530>.

385 Kurukkal Dharshaka (Secretary, Hindu Priests Association), interview by Jovita Arulanantham, March 1, 2025, remotely

community.

Concern has been raised that Hindutva's influence poses a threat to Saivism - a sect of Hinduism that has been practised in Sri Lanka for centuries by Tamil Hindus. In Batticaloa, groups aligned with Hindutva groups such as Rashtriya Swayamsevak Sangh (RSS), Shiv Sena, and Vishwa Hindu Parishad in India, have been reportedly engaging in training activities perceived to undermine traditional worship practices.³⁸⁶

Civil society and religious clergy have noted that their influence has encouraged divisions within families. Youth - particularly those engaged in temple activities - are understood to be attracted to the teachings.³⁸⁷ In October, the Siva Senai spoke to approximately 70 Hindu youth in a private meeting in Jaffna where they urged them to spearhead the organisation's activities in opposing other 'foreign' religions and particularly the 'onslaught of the Christian church against the Hindu community'.³⁸⁸

3.3 Ultra-Conservatism within the Muslim Community

Within the Muslim community, teachings and Quranic interpretations among certain sects are understood to have fostered intolerance and contributed to resistance to reform of traditions widely perceived to be harmful.

Movements like Wahhabism³⁸⁹ have been largely associated with fundamentalism, rigidity and the social exclusion of individuals perceived to deviate from its principles.³⁹⁰ National interest and scrutiny in the movement grew following the Easter Sunday Attacks (ESA) in 2019. This was largely due to the association of the National Thawheed Jamath (NTJ) - the group linked to the attacks - with the discipline.³⁹¹

However, state security measures following the ESA and surveillance within the

386 The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024, 3-14; Minor Matters, Minor Matters, A Review of the State of Religious Freedom in Sri Lanka, (Minor Matters, September, 2022), <https://minormatters.org/wp-content/uploads/2024/08/A-Review-of-the-State-of-Religious-Freedom-in-Sri-Lanka-English.pdf>, 36 & 37; Sriyani Thevakumar, interview

387 15 Years of Mullivaikkal - Reflections on Religious Issues; Human Rights lawyer and activist, interview by Jovita Arulanantham, October 14, 2024, Remotely; Kurukkal Dharshaka, interview

388 NCEASL, Incidents of Violence and Intimidation against Christians 2024

389 Wahhabism is a revivalist movement Sunni branch of Islam originating from Saudi Arabia. Sunni Islam is understood to be practised by a majority of Sri Lankans. Wahhabis are understood to adhere to the literal interpretation of the Quran and seek to implement Sharia law in all aspects of life. The rigidity is often perceived to foster intolerance towards other sects and contribute to extremism among some followers.

390 Shreen Saroor, Waging War on Women's Bodies, (Minor Matters, July, 2023), <https://www.minormatters.org/storage/app/uploads/public/659/e16/ef8/659e16ef8d894655383751.pdf>, 2; Shreen Saroor (Co-founder, Women's Action Network), interview by Jovita Arulanantham, October 15, 2024, remotely

391 Alexandra Ulmer and Omar Rajarathnam, "Wahhabism Confronted: Sri Lanka Curbs Saudi Influence after Bombings," Reuters, July 5, 2019, <https://www.reuters.com/article/world/wahhabism-confronted-sri-lanka-curbs-saudi-influence-after-bombings-idUSKCN1U00LT/>

Islamic community are understood to have contributed to Wahhabism's reduced visibility and influence. Developments in Saudi Arabia where there's an indication that the government has stepped back from promoting Wahhabism and has embraced modernism - relaxing restrictions on women - is also understood to have played a role.³⁹²

However, ultra-conservatism within the Muslim community is not limited to sects that promote Wahhabism. Despite an apparent decline in the influence of Wahhabism, ongoing resistance from certain segments of the community to reform the Muslim Marriage and Divorce Act (MMDA) and Madrasa education and to abolish the practice of female genital mutilation³⁹³ that continues to be practised among some rural communities, exemplifies this.³⁹⁴

Over decades, sections of the Muslim community and activists have raised concerns regarding discrimination and harm experienced by Muslim women, girls and families as a consequence of the MMDA.³⁹⁵ Since 1956, proposed reforms by multiple government committees have stalled mostly as a result of opposition from within the community. In May 2023, an unofficial version of a draft bill for the amendment of the MMDA became public. Despite contestation on some issues, the bill was generally regarded as a means to enable progress. In June 2023 however, Muslim parliamentarians rejected the bill and set out new recommendations that UN experts state violate Sri Lanka's local and international obligations including those under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).³⁹⁶

While the Islamic theological leadership - the All Ceylon Jamayyuthal Ulama (ACJU) is understood to have played a role in stalling progress on reform of the MMDA,³⁹⁷ scepticism among sections of the Muslim community - both men and women - has also contributed. Among the women who've resisted reform,

392 Mohamed Faslan (Academic with focus on identity politics and radicalisation), interview by Jovita Arulanantham, November 24, 2024, remotely; Human Rights Watch, "Saudi Arabia: Important Advances for Saudi Women", August 2, 2019 <https://www.hrw.org/news/2019/08/02/saudi-arabia-important-advances-saudi-women>

393 World Health Organisation, Female Genital Mutilation: Key facts, (World Health Organisation, February, 2024), <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation> [also referred to among Sri Lankan Muslim communities as Female Genital Circumcision/Cutting]

394 Shreen Saroor, Waging War on Women's Bodies, 2; Mohamed Faslan, interview; Nabeela Iqbal (Founder / Co-Director, Sisterhood Initiative), interview by Jovita Arulanantham, November 25, 2024, remotely

395 Muslim Personal Law Reform Action Group (MPLRAG), "STATEMENT: Minister Vijitha Herath's comments that MMDA reforms are not on the agenda fails to recognise long-standing demands for change", 7 November 2024, <https://www.mmdasilanka.org/statement-minister-vijitha-heraths-comments-that-mmda-reforms-are-not-on-the-agenda-fails-to-recognize-long-standing-demands-for-change/>

396 United States Commission on International Religious Freedom, Sri Lanka's Shrinking Space for Religious Minorities, (Washington, DC, 2024), <https://www.uscifr.gov/sites/default/files/2024-06/2024%20Sri%20Lanka%20Country%20Update.pdf>, 4

397 Shreen Saroor, interview; Nabeela Iqbal, interview; Mohamed Faslan, interview

it's understood that many are not aware of what the changes entail, have little understanding and feel it's been foisted on them.³⁹⁸

Concerns have also been raised that sections of the Sri Lankan Muslim Diaspora have influenced communities in Sri Lanka to resist reform. Anti-reform campaigns originating outside Sri Lanka have continued to propagate content undermining the MMDA reform process while singling out and targeting organisations and activists involved.³⁹⁹ Though Foreign Minister Vijitha Herath's remarks in November stating that "there is no decision or need at this point to amend the MMDA", left reformists deflated, some optimism was shared that the new government - that includes a female Prime Minister - will support a better environment for reform.⁴⁰⁰

4. INTOLERANCE OF DIFFERENCE

Alongside trends and religious practices observed in certain movements and sects, mainline religious institutions across faiths have also upheld prejudiced positions. Many religious establishments are guilty of enforcing their personal religious values on those who don't identify with the same while being intolerant of difference. The role of the religious clergy in resisting attempts at reforming archaic laws affecting LGBTIQ+ persons is revealing of this.

In July, a section of religious clergy including the head of the Catholic Church, voiced their opposition to proposed Bills including the Gender Equality Bill, Women's Empowerment Bill and a proposed amendment to the Penal Code to decriminalise homosexuality. At a joint press conference titled "Degenerate and Immoral LGBTQ Laws, Destroy Civilised Society", they endorsed the traditional family nucleus as the only accepted structure warning that decriminalising homosexuality will 'destroy Sri Lankan civilisation and society'.⁴⁰¹ It is notable in this context that Freedom of Religion was also significantly considered by the Court in delivering its judgment against the Women's Empowerment Bill [See: Chapter 1, Section 5].

Civil society and religious clergy interviewed felt that the religious leaders were

398 Nabeela Iqbal, interview

399 Ibid.

400 Ajith Siriwardana, "Muslim Marriage and Divorce Act will not be Changed: Minister", Daily Mirror, November 6, 2024. <https://www.dailymirror.lk/breaking-news/Muslim-Marriage-and-Divorce-Act-will-not-be-changed-Minister/108-295360>; Prof. Farzana Haniffa, (Commissioner, Human Rights Commission of Sri Lanka), Interview by Jovita Arulanantham, December 5, 2024

401 Yohan Perera, "Religious Leaders call for Withdrawal of Three Bills", Daily Mirror, July 26, 2024, <https://www.dailymirror.lk/print/front-page/Religious-leaders-call-for-withdrawal-of-three-Bills/238-288110>; "Faith Leaders Oppose Bills Promoting Homosexuality in Sri Lanka", UCA News, 26 July 2024, <https://www.ucanews.com/news/faith-leaders-oppose-bills-promoting-homosexuality-in-sri-lanka/105856a>

voicing concerns their constituents are likely to share on the perceived impact legislative reform can have on traditional family structures.⁴⁰² These conversations also raised however the generous and accommodative position taken by religious bodies like the headquarters of the Catholic Church. In an interview in 2023, Pope Francis called on the Church to, in fact, do more to end laws that criminalise same-sex relations.⁴⁰³

Last year, the UN's Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity said that religious beliefs are often positioned against the rights of LGBT individuals, creating a perception of inherent conflict. His views that "violent and discriminatory positions of prejudice are beyond the international legal protections of religious or other beliefs" were echoed across several interviews conducted for this study.⁴⁰⁴

5. SELF-STYLED TEACHERS AND PREACHERS

Discussions around the need for greater tolerance have grown alongside concerns about the emergence of new religious teachers and preachers allegedly 'distorting' religions, especially Buddhism [See: Chapter 1, Section 3.4]. While some have called for greater control and regulation, others have argued for tolerance and more discussion.

Over this year, there were reports of at least two incidents of self-styled lay preachers, basing their preaching on Buddhist doctrine but reportedly distorting Buddhism. Disturbingly, one of the preachers was linked to a mass suicide that took place in January. In July, a "Parliamentary Caucus functioning towards safeguarding National Heritage" alleged that there were 12 centres that "distort Sri Lankan history as well as Buddhist doctrine", 85 individuals "perverting the Buddhist Dhamma" and who were "fake monks" operating in the country.⁴⁰⁵

The operation of alternate preachers appears to have been long under the

402 Fr. Rohan De Silva, interview; Study on the status of religious freedom in Sri Lanka, NCEASL focus group.

403 Fr. Rohan De Silva, interview; Elisabetta Pavoleto, "Pope Francis Says Homosexuality is Not a Crime", New York Times, January 25, 2023, <https://www.nytimes.com/2023/01/25/world/europe/pope-francis-homosexuality.html>

404 Victor Madrigal-Borloz, Freedom of Religion or Belief not Incompatible with Equality for LGBT Persons, (Special Procedures: United Nations Human Rights, Office of the High Commissioner, 5 February 2024); <https://www.ohchr.org/en/press-releases/2023/06/freedom-religion-or-belief-not-incompatible-equality-lgbt-persons-un-expert>; Prof. Farzana Haniffa, interview; Fr. Rohan De Silva, interview; Study on the status of religious freedom in Sri Lanka, NCEASL focus group

405 Methmalie Dissanayake, "Mass Suicide Incited by Religious Cult, Shocks the Nation", Ceylon Today, 6 January 2024, <https://ceylontoday.lk/2024/01/06/mass-suicide-incited-by-religious-cult-shocks-the-nation/>; "12 Centres Distorting Sri Lankan History and Buddhist Doctrine Identified - Parliamentary Caucus." Daily Mirror, 27 July, 2024, <https://www.dailymirror.lk/print/front-page/12-centres-distorting-sri-lankan-history-and-buddhist-doctrine-identified-parliamentary-caucus/238-288108>.

consideration of the Buddhist leadership even before recent events began to draw media attention. There appears to have been ongoing discussion and engagement with the government on advancing certain Bills that have the potential to address these concerns [See: Chapter 1, Section 3.4].⁴⁰⁶ Concerned with recent developments however, the Buddhist hierarchy - the Mahanayaka Theros of all three Buddhist Chapters in Sri Lanka, urged then President Wickremesinghe to enforce laws against organised groups “disseminating false ideologies about Buddhism, causing harm to its philosophy and cultural values”.⁴⁰⁷

Similarly, the Catholic church has also raised concerns regarding the function of preachers like Ps. Fernando. In addition to speech and expression perceived to insult other religious groups [See: Section 3.1]. Other developments surrounding the pastor have also caused some confusion and surprise within the wider Catholic-Christian community. In November, Fernando was ordained as a ‘Bishop’ by a group called the Synod of the Global Apostolic Dioceses Churches USA. The Catholic Church clarified that the Pastor was not a Bishop of the Catholic Church, urging the “Catholic faithful not be deceived”.⁴⁰⁸

Speaking to the press, the newly appointed Minister of Buddhasasana, Religious and Cultural Affairs, committed to engaging with the concerned religious leadership while pointing to plans to amend the Buddhist Temporalities Ordinance - that governs Buddhist temples and their properties. On the subject of distortion, he shared that the church leadership has raised similar concerns, name-checking Ps. Fernando. The minister has not, however, committed to proposals by his predecessor to formulate fresh legislation.⁴⁰⁹

Other religious leaders while recognising concerns - particularly regarding those who’ve preached hate or induced devotees to harm themselves - have shared alternate views. Ven. Prof. Induragare Dhammaratana Thero, a Professor of Humanities, speaking to the media on the subject, discussed that Buddhism does not ban laypersons from preaching the Dhamma, suggesting that their operation in itself will not pose a threat to Buddhism in Sri Lanka.⁴¹⁰

406 Buwanaka. S. Perera, “Critical Examinations of ‘Distortions’ of Buddhism in Sri Lanka”, Ceylon Today, 13 January 2024, <https://ceylontoday.lk/2024/01/13/critical-examination-of-distortions-of-buddhism-in-sl/>

407 “Distortion of Buddhist Teachings: Mahanayake Theros Write to President”, Newswire, 15 January 2024, <https://www.newswire.lk/2024/01/15/distortion-of-buddhist-teachings-mahanayake-theros-write-to-president/>

408 “Jerome Fernando not a Bishop of the Catholic Church”, NewsWire, 11 December 2024, <https://www.newswire.lk/2024/12/11/pastor-jerome-not-a-bishop-of-the-catholic-church/>

409 Sahan Tennekoon, “Distortion of Religions: Govt. Moots Amending Laws”, The Morning, 27 December 2024, <https://www.themorning.lk/articles/VJZXpXsgLVZ8W7euvW1>; “Govt. Expedites Legislation Against Religious Distortion”, Daily Mirror, 6 January 2024, <https://www.dailymirror.lk/breaking-news/Govt-expedites-legislation-against-religious-distortion/108-274536>

410 Buwanaka. S. Perera, “Critical Examinations of ‘Distortions’ of Buddhism in Sri Lanka”

Religious leaders and civil society representing both the Buddhist and Christian communities, point out that alternative preachers have existed throughout history. They share that content from these sermons however are finding greater reach due to the presence of social media [See: Chapter 4, Section 1.1]. This naturally also contributes to an increase in counterinterviews, debate and discussion.⁴¹¹

Historically, all religious ideas came forth through a great deal of contestation and competition and it has been reasoned that competing ideas should be tolerated.⁴¹² Commenting on the presence of new Buddhist teachers, Ven. Galkande Dhammananda emphasised tolerance and acceptance of the existence of multiple truths. Quoting Buddhist Scripture (Sutta Nipata) he shared that the Lord Buddha has said that “to be attached to a certain view and to look down upon others’ views as inferior” is what “wise men call a fetter.”⁴¹³

Supporting this view, many civil society and religious leaders argued for debate and discussion that challenge positions deemed to be problematic instead of controlling it through further legislation. The NCEASL, emphasising that FoRB ‘protects people and not religions’ stressed that further laws were unnecessary and that prevailing laws in Sri Lanka can address preaching that harms others or oneself.⁴¹⁴

6. ETHNORELIGIOUS COEXISTENCE & COOPERATION

Despite inter-religious and intra-religious conflict - provoked at the state or at the community level - space and opportunity for religious co-existence and cooperation can exist.

In Sri Lanka, a number of trends highlight the presence of or potential for religious syncretism. Despite contestation on some religious sites [See: Chapter 2, Section 2] some sites such as Adam’s Peak in the Ratnapura/Nuwaraeliya district (Central) are recognised and respected as common to devotees across multiple faiths. In addition, daily religious rituals, the worship of common deities across religions and inter-religious festivals highlight this shared environment.⁴¹⁵

411 Ven. Galkande Dhammananda Thero, interview; Study on the status of religious freedom in Sri Lanka, NCEASL focus group

412 Gehan Gunatilleke, Does the Freedom of Religion Include the Freedom to Propagate?

413 Ven. Galkande Dhammananda Thero, interview

414 Ven. Galkande Dhammananda Thero, interview; Study on the status of religious freedom in Sri Lanka, NCEASL focus group

415 Sulochana Peiris, An Introduction to Religious Pluralism in Sri Lanka, (Internews Sri Lanka, March 2019), <https://internews.org/>

Building on potential here, initiatives promoting interfaith coexistence have looked to foster relations between religious communities while addressing key concerns including those that impact FoRB. Several organisations in Sri Lanka including the National Peace Council and Sarvodaya continue to work with faith communities in this area while partnering with community-based groups and local government.⁴¹⁶

Last year the Global Tamil Forum - a Tamil Diaspora Organisation and the Sangha for Better Sri Lanka - a group of Buddhist Clergy who have engaged in peace and reconciliation activities, presented the 'Himalaya Declaration'. The declaration comprises six brief statements with the first emphasising the "pluralistic character of the country where no community feels threatened about losing its identity and pride of place".⁴¹⁷ In 2024, they engaged with inter-faith groups and also weighed in on developments around contested religious sites, visiting hot spots and engaging with affected communities.⁴¹⁸

Civil society supporting interreligious work for many years has shared however that deep-seated biases can pose a challenge. For instance, Dr. Jehan Perera of the NPC highlighted that Catholic clergy are often reluctant to participate in forums where Evangelicals are present due to tensions between the groups [See: Section 2 and 3.1].⁴¹⁹ Research has also pointed to concerns regarding the lack of real authority, erosion of independence, and dependence on NGO funding that affects the performance of inter-religious groups.⁴²⁰ The 'Himalaya' initiative also faced criticism from sections of civil society and the Tamil Diaspora for poor representation in its makeup and a declaration which is "tepid and vague".⁴²¹ Notably, at the time, there was no opposition to it by the Buddhist hierarchy.⁴²²

sites/default/files/2020-01/SriLanka_Handbook_Religious_Freedom_English_2020.pdf; Bhavani Fonseka, A Brief Examination of Contested Religious Sites in Sri Lanka, (Minor Matters. November, 2023), 8-9

416 DrVinya Ariyaratne, (President, Sarvodaya Shramadana Movement), interview by Jovita Arulanantham, October 12, 2024, Colombo; Dr. Jehan Perera, (Executive Director, National Peace Council of Sri Lanka), interview by Jovita Arulanantham. October 08, 2024, Colombo

417 Global Tamil Forum, "Start of a National Conversation: A Sri Lanka, Where Every Citizen Can Live Peacefully with Dignity, Trust, and No Fear or Suspicion, Enjoying Equal Rights", 7 December 2023, <https://www.globaltamilforum.org/media/press-releases/start-of-a-national-conversation-a-sri-lanka,-where-every-citizen-can-live-peacefully-with-dignity,-trust,-and-no-fear-or-suspicion,-enjoying-equal-rights.aspx>; Global Tamil Forum, "Himalaya Declaration", 7 December 2023, <https://www.globaltamilforum.org/media/press-releases/himalaya-declaration.aspx>

418 Buddhika Samaraweera, "For a Pluralist Sri Lanka: Discussion on 'Himalaya Declaration Commences'", The Morning, 12 February 2024, <https://www.themorning.lk/articles/SUQbiTEEGnZoYWykoBLW>; Global Tamil Forum, "Statement by the Sangha for Better Sri Lanka (SBSL) and the Global Tamil Forum (GTF) on Recent Events in Sri Lanka", 30 March 2024, [https://www.globaltamilforum.org/media/press-releases/statement-by-the-sangha-for-better-sri-lanka-\(sbsl\)-and-the-global-tamil-forum-\(gtf\)-on-recent-events-in-sri-lanka.aspx](https://www.globaltamilforum.org/media/press-releases/statement-by-the-sangha-for-better-sri-lanka-(sbsl)-and-the-global-tamil-forum-(gtf)-on-recent-events-in-sri-lanka.aspx)

419 Dr. Jehan Perera, interview

420 The Landscape of Freedom of Religion or Belief in Batticaloa 2023-2024, 22

421 "A Whitewash", Tamil Guardian, 13 December 2023, <https://www.tamilguardian.com/content/whitewash-0>; Mark. S .Cogan, "Himalayan Declaration' Lays Bare Deep Divide among Sri Lankan Tamil Groups", The Diplomat, 3 January 2024, <https://thediplomat.com/2024/01/himalayan-declaration-lays-bare-deep-divide-among-sri-lankan-tamil-groups/>

422 Sahan Tennekoon, "GTF-monks' Himalaya Declaration: Asgiri Chapter backs imprecise yet progressive objectives", The Morning,

While these concerns may be valid and can affect the performance and delivery of inter-religious groups; inter-faith initiatives are understood to play a vital role in fostering inclusivity and acceptance of diversity. In some cases, community-led groups have effectively diffused tensions and contained riots by working closely with local police. In addition, such inter-religious forums may be the most suitable platforms for when debate and discussion - particularly concerning issues related to religious conversion or self-styled preachers [See: Section 2 and 5]- are favoured over the introduction of new laws or regulations.⁴²³

SCORING AND RAG RATING

19 December 2023 <https://www.themorning.lk/articles/E95KWqkbVpWW3IBQCO3g>

423 Nawaz Mohammed and Kelsey Hampton, 'Opportunities for Peace and Reconciliation in Sri Lanka through Shared Values', (Search for Common Ground, June 2024), <https://www.sfcg.org/wp-content/uploads/2024/10/Opportunities-for-peace-and-reconciliation-in-Sri-Lanka-June-2024.pdf>; Dr. Vinya Ariyaratne, interview

Each sub-indicator is ranked on a scale of 1-10. The average of the aggregated scores determines the score for each key indicator [See: Page 12 on 'Indicators and Scoring/Research Methodology' for further detail].

INDICATOR	SCORE	RATIONALE	RAG RATING
Indicator 1: Communal conflict including incidents of discrimination, intimidation and violence motivated by religious hatred or bias.			
1. Have there been incidents of crimes/ malicious acts including boycotts or harassment/ intimidation?	6	<p>While there were no reports of community-led boycotts being carried out [See: Chapter 4, Section 2 for social media campaigns encouraging boycotts], incidents described in Section 1 point to a number of incidents in Kalutara, Colombo, Hambantota, Kurunegala, Kandy and Galle involving intimidation by members of the community.</p> <p>As discussed in Chapter 2, Section 4, a majority of the incidents involving police and local authorities (i.e. restricting the operation of particularly Evangelical places of worship) have been in many instances motivated by community opposition.</p> <p>Chapter 2, Section 2 also points to the strong involvement of the Buddhist clergy in preventing access of Hindu devotees to contested religious sites.</p>	
2. Have there been incidents of property damage, defiling of places of worship and intentionally causing insult?	5	<p>The NCEASL have recorded physical altercations or attacks on at least five Christian establishments in Colombo, Puttalam, Mannar, Kurunegala and Gampaha.</p> <p>It is unclear if the desecration of religious symbols described in Chapter 2 [Section 2] involved members of the community or was carried out by state parties.</p>	

3.	Have there been incidents of physical assault, killings, abductions, displacement from homes or group violence?	6	<p>While there have been no reports of abductions or killings in connection with religious conflict, there have been incidents pointing to group violence and one assault.</p> <p>As discussed [Section 1.2], a church in Kurunegala that was under compulsion to register or discontinue services faced a series of incidents including stones being pelted. On one occasion villagers blocked the road leading to the church preventing the congregants and the pastor from entering.</p> <p>In July, a worship service at a Church in Wattala, Gampaha was disrupted by neighbours using loud music and obscene language. The pastor's wife was assaulted in the altercation that ensued.</p>	
4.	Have there been incidents where the use of common public spaces and resources has been denied by members of the community?	6	<p>The NCEASL recorded at least two incidents in Matale and Kurunegala involving denial or restrictions on access to common resources from the Funeral Aid Society as a result of Christian faith or recent conversion. Beyond these reports, no further incidents of denial of access at the community level were reported.</p>	

Indicator 2: Trends and religious practices at the community level influencing intra and inter-community conflict.			
1.	Is there evidence of religious trends and practices including among ethnoreligious minorities provoking intra and inter-religious conflict?	4	<p>As discussed, “aggressive proselytisation” and fervour among sections of the Evangelical community [Sections 2 and 3.1] are widely perceived to be contributing to intra and inter-community tensions. Preaching and practices perceived to insult other faiths have also been associated with sections of the community. There’s concern that this trend has increased the vulnerability of Evangelical churches and the wider Christian community.</p> <p>Similarly, there’s some evidence that Hindutva influence is encouraging divisions within the Hindu community by undermining traditional Sri Lankan Hindu customs [Section 3.2]. However, as highlighted in Chapter 2, Section 5 their influence is not perceived to be extensive and they have faced setbacks with changes in the political administration.</p>
2.	Is there evidence of religious trends and practices, marginalising vulnerable groups including children and women in the community?	5	<p>Despite an apparent decline in the overt influence of Wahhabism, conservative positions in the wider Muslim community have contributed to resistance to reform on provisions like the MMDA while sections of the community residing in rural areas continue to support harmful practices like female genital mutilation.</p>

Indicator 3: Enforcement of religious norms on public life and evidence of religious intolerance.			
1.	Is there evidence of religious organisations enforcing their perspective on 'morality' on public life including through state mechanisms?	4	Despite progressiveness from sections of the religious clergy, the religious hierarchy in Sri Lanka has persisted in positions that marginalise the LGBTQI+ community and women. Recent opposition to the Gender Equality Bill, Women's Empowerment Bill, and the Penal Code Amendment is revealing of this.
2.	Is there evidence of harassment and intimidation of human rights campaigners and activists based on religious doctrine?	6	As discussed, sections of the Muslim community, including those based in the Diaspora - resisting reform of the MMDA - have continued to single out and target activists. Beyond this, no further similar incidents have been reported.
3.	Is there evidence of intolerance of religious doctrines and practices perceived to challenge the prevailing status quo?	6	As discussed, despite constitutional safeguards, religious conversion is generally resisted at the private level and by the wider community. Religious leaders have also called for legislation to contain preachers who are perceived to 'distort' religions, especially Buddhist doctrine. Encouraging however are the alternate views offered by other members of the clergy and civil society calling for more tolerance and debate instead of further laws.

Indicator 4: Opportunities for inter-faith coexistence and cooperation.				
1.	Is there evidence of religious sites, festivals and traditions that highlight religious syncretism?	7	Inter-religious and intra-religious conflict - provoked at the state or community level - does not appear to have significantly affected the observance of shared rituals and festivals in Sri Lanka and worship at common religious sites.	
2.	Are there opportunities for initiatives that promote interfaith coexistence and dialogue?	7	Despite limitations and valid concerns, the function and support for inter-religious networks highlight opportunities in Sri Lanka for such forums to operate as platforms for when debate and discussion are favoured over the introduction of new laws and regulations.	



CHAPTER 4

PUBLIC AND MEDIA SENTIMENT

A snapshot of hate speech and social-media commentary on ethnoreligious groups as an indicator of public sentiment on pluralism and FoRB in Sri Lanka

KEY FINDINGS

- Since 2021 and over this year, there has been a notable decline in the spread of harmful content online, particularly concerning ethnoreligious minorities.
- Although there was no evidence that social media content directly incited violence in 2024, it played a role in aggravating disputes on contested religious sites in the North and East.
- Muslims remain the most targeted religious group on social media, with narratives exploiting deep-seated fears of demographic change, demonising Islamic customs, and associating Islam with Terrorism prevalent this year.
- Despite an overall decline in religious rhetoric and hate speech during election campaigning, some took to fear-based campaigning on social media. Election results also triggered harmful content targeting Tamils and Muslims, with some emanating from within the community.
- Given traditional media's influence, concerns relating to media ownership, media segregation and ethnoreligious profiling, may affect public perception on matters concerning FoRB.

Although there has been an encouraging decline in reported cases of harmful speech targeting ethnoreligious groups, some forms of speech may go undetected. In addition, certain harmful patterns of speech persist. These include narratives promoting anti-Muslim and anti-Christian sentiment, debate on the presence of alternate Buddhist preachers, and fear-based campaigning during elections. Many of these narratives are closely linked to events and developments at the socio-political and community level [See: Chapters 2 and 3]. While online narratives on social media are useful in gauging public perception on matters concerning FoRB, it is also important to consider the role of traditional media in influencing thinking in this area, given its importance as a news source.

1. HATE SPEECH IMPACTING ETHNORELIGIOUS COMMUNITIES AND FoRB

At the start of January 2024, 47% of Sri Lankans over the age of 18 were using social media.⁴²⁴ Some posted 'hate speech' or engaged with content targeting ethnoreligious communities.

Some forms of hate speech can lead to discrimination, hostility and even violence, justifying prosecution.⁴²⁵ The 2014 anti-Muslim riots in Aluthgama, Beruwala and Dharga in Kalutara (West) where social media played a key role in spreading disinformation and inflammatory content, epitomises this. Similarly, in the 2018 anti-Muslim riots, a false narrative on Facebook about a Muslim conspiracy to sterilise the Sinhala population, led to violence in Ampara (East), compelling Facebook to issue an apology.⁴²⁶

Hate speech can also be considered 'lawful'⁴²⁷ – offending target groups, advocating hate, damaging communal relations but not necessarily inciting discrimination or violence [See: Chapter 1, Section 2.4 and Chapter 2, Section 3]. This chapter also considers such speech given its potential to undermine the environment to exercise FoRB by fostering disrespect and intolerance.⁴²⁸

Since 2021 - and this year in particular - studies have pointed to an encouraging decline in the propagation of harmful content. According to the UN, harmful content, is down 32% year-on-year in 2024, largely due to a 52% decline in content targeting ethnic and religious minorities.⁴²⁹ This decline is significant considering the surge in anti-minority hate speech in neighbouring India by 74.4% in 2024.⁴³⁰ Also significant is the spike in crime targeting Muslim and Jewish communities in

424 Simon Kemp, "Digital 2024: Sri Lanka," Data Reportal, 23 February, 2024, <https://datareportal.com/reports/digital-2024-sri-lanka>

425 United Nations Human Rights, Office of the High Commissioner, Hate Speech and Incitement to Hatred in the Electoral Context, (United Nations Human Rights, Office of the High Commissioner, May, 2024) <https://www.ohchr.org/sites/default/files/2024-05/information-note-hate-speech-incident-hatred-in-electoral-context.pdf>.

426 Verite Research, Better Moderation of Hate-Speech on Social Media: A Sri Lankan Case Study for Reputational-cost Approaches. Strategy Brief, (Verite Research, July, 2021), https://www.veriteresearch.org/wp-content/uploads/2021/07/VR_ENG_RB_Jul2021_Better-Moderation-of-Hate-Speech-on-Social-Media.pdf, 5-7,15-16; Marc-André Franche, "Safeguarding Democracy by Combatting Hate Speech and Disinformation," United Nations, 7 April 2024, <https://srilanka.un.org/en/265414-safeguarding-democracy-combatting-hate-speech-and-disinformation>.

427 United Nations Human Rights, Office of the High Commissioner, Hate Speech and Incitement to Hatred in the Electoral Context

428 National Christian Evangelical Alliance of Sri Lanka, Harmful Content against Religious Minorities on Social Media: November 2022 - August 2024, unpublished report, (NCEASL, 22 January 2025), 20-21

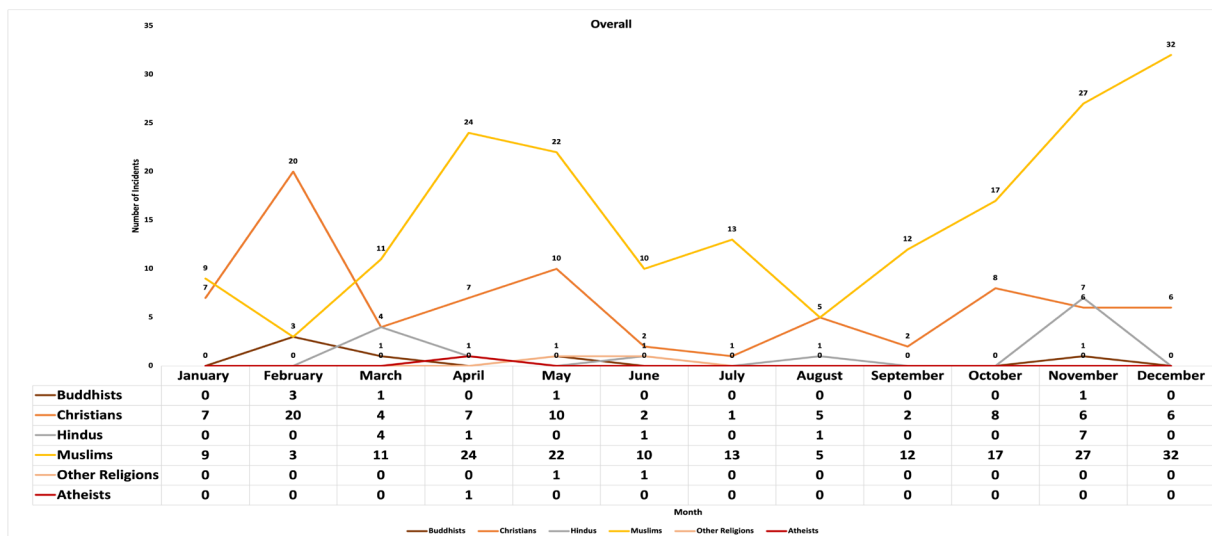
429 Marc-André Franche, "Safeguarding Democracy by Combatting Hate Speech and Disinformation"; "Harmful speech in Sri Lanka" United Nations Sri Lanka, September 2024, <https://srilanka.un.org/sites/default/files/2024-09/ENG%20Harmful%20Speech%20Bulletin.pdf>

430 "74% rise in anti-minority hate speech in India in 2024: Study", India Hate Lab, 25 February, 2025, <https://indiahatelab.com/2025/02/25/scroll-74-rise-in-anti-minority-hate-speech-in-india-in-2024-study/>

the context of the war in Gaza.⁴³¹

Growing censure of divisive religious rhetoric [See: Chapter 2, Section 7], preoccupation with the economic crises and public awareness campaigns pushing back and countering hate speech, may have all contributed towards this shift. A trend analysis of public opinion on reconciliation and democracy in 2024, also recognises improvements in this environment, noting positive shifts in inter-communal interactions, minority perception of ethnic-based discrimination, and public knowledge of other ethnic groups.⁴³² It is important to note, however, views that some forms of harmful content maybe going undetected. Media analysts observe that over the past year, social media users have turned to alternate methods such as satire and caricature⁴³³

Despite an overall decline in documented harmful content targeting ethnoreligious groups, an analysis of the Hashtag Generation data - that is based on content drawn from Facebook, TikTok, and YouTube - reveals worrying narratives targeting Muslims, Christians and Hindus.⁴³⁴ Over this year, alternative preachers of Buddhism have also faced backlash.



Breakdown of Online Incidents Collected by Hashtag Generation in 2024, Disaggregated by Month and Religious Group

⁴³¹ Beatrix Immenkamp, "Hate Speech and Hate Crime: Time to Act?," European Parliamentary Research Service, September 2024, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762389/EPRS_BRI\(2024\)762389_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762389/EPRS_BRI(2024)762389_EN.pdf), 2-3

⁴³² Pradeep Peiris Nipunika O. Lecamwasam, Shifting Tides: A Trend Analysis of Public Opinion on Reconciliation and Democracy in Sri Lanka, (Centre for Policy Alternatives – Social Indicator, March, 2024) https://www.cpalanka.org/wp-content/uploads/2024/04/Shifting-Tides_A-Trend-Analysis-of-Public-Opinion-on-Reconciliation-and-Democracy-in-SL_FINAL_FF.pdf

⁴³³ Interview with Senior Journalist/Media Consultant based in Colombo, interview by Ammaarah Nilafdeen, 12 December 2024, Colombo; Nalaka Gunawardene, (Media analyst and Communication consultant), interview by Ammaarah Nilafdeen, 5 December, 2024, Remotely

⁴³⁴ Monthly Report on Harmful Speech on Social Media, Hashtag Generation, <https://dashboard.hashtaggeneration.org/>, (subscriber-only access)

2. ISLAMOPHOBIC AND ANTI-MUSLIM CONTENT

Muslims remain the most targeted religious group on social media. Concerted anti-Muslim campaigns and the proliferation of Islamophobic content in Sri Lanka are not new [See: Chapter 2, Section 6]. In recent years, broad spikes in anti-Muslim content online have not only accompanied anti-Muslim campaigns and riots but also national events and developments like the Easter Sunday attacks and the Covid-19 pandemic. Hate speech triggered by events such as the COVID-19 pandemic was also known to reflect long-standing stereotypes, myths, and disinformation against Muslims that have persisted on social media for several years.⁴³⁵

A cursory analysis of online attacks on Muslims over this year reflects a similar pattern with narratives falling into three broad categories. Narratives centred on the exploitation of deep-seated fears of demographic change, demonisation and disinformation of Islamic customs and practices, and the association of Islam and Muslims with Terrorism. Derogatory terms including “Thambi”, “Naana”, and “Hambayo” were frequently used in these narratives.⁴³⁶

2.1 Fearmongering of Demographic Change

Accusations of Muslim restaurants mixing birth control pills in food and Muslim vendors spitting in food three times before it’s served, exploited fears of demographic change.⁴³⁷ These narratives were mostly evident in April during the Sinhala and Tamil New Year, when the preparation of sweetmeats and purchasing of new clothes is a major tradition. It is understood that these posts were shared with the intention of promoting boycotts of Muslim businesses.

Also, in April, fearmongering on population change was observed during Iranian President Ebrahim Raisi’s visit to Sri Lanka to open a Tehran-assisted hydropower project.⁴³⁸ His visit triggered Islamophobic memes claiming that Sri Lanka would become a Muslim-majority country within 150 years.⁴³⁹

435 Hate Speech in Sri Lanka during the Pandemic, (Minor Matters, 2022), <https://minormatters.org/wp-content/uploads/2024/08/Hate-Speech-in-Sri-Lanka-during-the-Pandemic.pdf>

436 Monthly Report on Harmful Speech on Social Media, Hashtag Generation; Shamara Wettimuny, The Colonial History of Islamophobic Slurs in Sri Lanka, (History Workshop, 7 September, 2020), <https://www.historyworkshop.org.uk/empire-decolonisation/colonial-history-islamophobia/>

437 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

438 “Iran President to Visit Sri Lanka amid Rising Tension, Inaugurate Uma Oya Project,” Economy Next, 15 April, 2024, <https://economynext.com/iran-president-to-visit-sr-lanka-amid-rising-tension-inaugurate-uma-oya-project-158564/>

439 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

Similarly, in December, the arrival of Rohingya refugees from Myanmar [See: Chapter 2, Section 8] triggered anti-Muslim sentiment, with posts calling for their deportation and some fearmongering about the growth of the Muslim population.⁴⁴⁰

2.2 Demonisation of Islamic Customs

Demonisation and disinformation regarding Islamic customs and practices were noted in discussions on polygamy, Sharia law, the hijab, and the Islamic practice of circumcision. Most of these comments were observed in June during the Hajj festival, where posts using dehumanising language and sexist memes relating to the hijab were prevalent. Tensions between communities also played out on social media in local incidents centring on Islamic religious expression.⁴⁴¹ This was evident in the Trincomalee hijab controversy [See: Chapter 2, Section 6], where Muslim and Tamil groups exchanged memes and posts insulting each other.⁴⁴²

2.3 Association of Islam with Extremism and Terrorism

Alongside these narratives, more worryingly, were posts associating Islam and Muslims with Terrorism. These included claims that Muslim vendors are bomb dealers, Islam is a “satanic” religion, and Muslims are inherently violent. Much of this content proliferated in the context of global events, where Sri Lankan users were observed engaging with Islamophobic content circulating internationally.⁴⁴³

In September, extremist attacks on Buddhists in Bangladesh during the Quota Reform Movement protests⁴⁴⁴ sparked narratives alleging genocide against the Buddhist population by Islamic extremists in Bangladesh. Terms like “aagamika thrasthawaadaya” (religious terrorism) heightened fears about Islamic extremism.⁴⁴⁵

Similar narratives were also observed in the context of the war in Gaza, with posts framing the war as a ‘religious conflict’, referring to the Muslim community as “para anthavaadeen” (a slur combining casteist and extremist terms), celebrating America and Israel’s actions in Gaza, and advocating violence against the Muslim population in Gaza and Yemen. In December, Hashtag’s social media monitors

440 Ibid.

441 Ibid.

442 Mohamed Fairouz, (Editor of a Tamil language newspaper), interview by Ammaarah Nilafdeen. 24 November, 2024, Colombo

443 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

444 Harindrini Corea and Nazia Erum, “What is Happening at the Quota-reform Protests in Bangladesh?,” 29 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/what-is-happening-at-the-quota-reform-protests-in-bangladesh/>

445 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

observed comments on TikTok, glorifying Israel's attack on a Yemeni airport.⁴⁴⁶

Related to the war in Gaza, the Arugam Bay incident [See: Chapter 2, Section 8] became a focal point for anti-Muslim rhetoric, unfairly shifting blame onto Muslims and using terms like "cancer" to describe the community. An uptick in Islamophobic rhetoric was noted across social media following warnings from U.S. and Israel about potential attacks in Arugam Bay. Comments labelled Muslims as "terrorists" and "extremists", while unfounded theories suggested that Muslims in Sri Lanka were involved in a global jihadist plot. Terms such as "thambi" and "hambayo" were commonly used to vilify the community.⁴⁴⁷

Other events that sparked similar narratives on social media were the Houthi missile attack on a vessel carrying Sri Lankan sailors in March and misinformation about the UK's far-right anti-immigrant riots in July-August.⁴⁴⁸ Recent research highlights that posts negatively stereotyping the Muslim community as being violent or linked to terrorist activity, were also observed in the days leading up to and on the anniversary of the Easter Sunday attacks.⁴⁴⁹

3. ANTI-CHRISTIAN NARRATIVES

According to Hashtag data, the second most targeted group on social media were Christians. An analysis of incidents highlights attacks directed at key personalities but reflecting underlying prejudices. The use of derogatory terms like "Kallathoni" (a Tamil word for 'illegal' migrant, but widely used by Sinhalese), "Palli Kaakka" (Church Crow), and "Palliye niralala" (atheists of the Church) were widely seen on social media and used to target Christians and in particular Christian priests and popular figures. Personalities included Cardinal Malcolm Ranjith, the Head of the Catholic Church in Sri Lanka, Brother Charles Thomas, a Roman Catholic Brother involved in charitable deeds, and Pastor Jerome Fernando [See: Chapter 3, Section 3.1].⁴⁵⁰

446 Monthly Report on Harmful Speech on Social Media, Hashtag Generation; "Israel Strikes Yemen's Sanaa Airport, Hodeidah Power Plant," Aljazeera, 26 December 2024, <https://www.aljazeera.com/news/2024/12/26/israel-strikes-yemens-sanaa-airport-other-key-sites-reports>

447 Monthly Report on Harmful Speech on Social Media, Hashtag Generation; Muqaddasa Abdul Wahid, (Editor, Sisterhood Initiative / Freelance Journalist), interview by Ammaarah Nilafdeen, 15 November, 2024, Colombo

448 Monthly Report on Harmful Speech on Social Media, Hashtag Generation; "Sri Lankans among Crew Members Rescued after Fatal Houthi Attack on Ship off Yemen," Ada Derana, 7 March 2024, <https://www.adaderana.lk/news.php?nid=97803>

449 National Christian Evangelical Alliance of Sri Lanka, Harmful Content against Religious Minorities on Social Media: November 2022 – August 2024,¹⁷

450 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

3.1 Calls for Violence and Action against Christian Influence

As discussed [See: Chapter 1, Section 3.5 and Chapter 3, Section 2], propagation remains one of the most contentious issues within the domain of FoRB in Sri Lanka. As highlighted in Chapter 3, Section 2, a survey on FoRB in 2024 by the National Peace Council (NPC), identified ‘proselytisation’ as a key concern among religious groups, with much of the blame directed at independent churches.⁴⁵¹

Reflecting this perception, social media narratives were observed blaming Christians for undermining Sri Lankan society through religious conversions and encouraging violence against Christian converts.⁴⁵²

In February, online hate speech targeting Christians was notably high, with at least 20 cases recorded. Much of this content was directed at Br. Thomas, accusing him of converting Buddhists to Christianity. In one case Buddhist Monks attending an event hosted by Br. Thomas in Anuradhapura (North Central) also faced backlash, with the Chief Incumbent of the Cheythiyagiri Vihara, Ven. Kuda Hammillawe Wanarathana Thero, doxed for alleged involvement in organising the event.⁴⁵³

A recent report highlighted that statements made by Ps. Fernando in 2023 [See: Chapter 2, Section 3] allegedly insulting religions, led to a large amount of reactionary content, with some calling for restrictions on Ps. Fernando’s teaching and others accusing him of extremism.⁴⁵⁴ In December, following the incident involving a purported Buddhist Monk’s attendance at a service [See: Chapter 3, Section 3.1], Dan Priyasad - an extreme Sinhala-Buddhist nationalist who had been previously arrested for inciting communal violence - posted a TikTok video threatening Ps. Fernando. Using derogatory words like “paraya” (originating from a word used to refer to people of a “lower” caste) he claimed that Ps. Fernando was disrespecting Buddhism.⁴⁵⁵

Also, in December, Buddhist monk Ven. Rajangane Saddha Rathana Thero - notorious for inciting violence and spreading hate speech through his YouTube channel - posted a video where he urged Buddhists to take steps to protect their religion saying that “killing Ps. Fernando wouldn’t take too long”. Hashtag - drawing on observations of social media monitors - reports that the Thero’s comments risk

451 National Peace Council (NPC), Survey on Religious Freedom 2024, unpublished report, NPC, December 2024, 19,22

452 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

453 Ibid.

454 Harmful Content against Religious Minorities on Social Media: November 2022 – August 2024, 31

455 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

inciting real-world harm against Ps. Fernando.⁴⁵⁶

3.2 Rise in Hindutva Narratives and Anti-Christian Speech

As discussed [See: Chapter 2, Section 5], anti-Christian sentiment in the North and East is being led by politico-religious organisations promoting Hindutva. In its 2024 update, the US Commission on International Religious Freedom in fact notes that anti-Muslim and anti-Christian sentiment on social media platforms is growing more prominent in the North and East.⁴⁵⁷

Online narratives linked to events and developments targeting Christian groups in the North and East were mirrored online. The backlash against the newly appointed Zonal Educational Director of Jaffna for removing pictures of Hindu Deities after assuming office [See: Chapter 2, Section 5] was one such incident.⁴⁵⁸

3.3 Hate Speech against Catholics and Campaigns for ESA Justice

Hate Speech against Catholics appears to be mostly directed at the head of the Catholic Church, Cardinal Malcolm Ranjith, and his perceived role in politicising the investigations of the Easter Sunday Attacks (ESA).

Much of this content was observed following a statement by then Cabinet Spokesperson Vijitha Herath on investigating the attacks. Posts surfaced referring to the Cardinal as “kallathoni wurkaya” (a derogatory term referring to the Catholic community, and depicting the Cardinal as “evil”), “thanking” the attackers and calling for further exclusion and violence against Catholics.⁴⁵⁹

In April, as Buddhists were making preparations for Vesak⁴⁶⁰ in May, social media posts were seen urging the community to prevent Christians and “atheists” from “blackening” Vesak lanterns.⁴⁶¹ Vesak celebrations involve the display of colourful lanterns and preparations for Vesak coincide with the anniversary of the ESA. During the 2022 Aragalaya⁴⁶² protests, black lanterns symbolising the lack of

456 Ibid.

457 Sema Hasan, Sri Lanka’s Shrinking Space for Religious Minorities, (United States Commission on International Religious Freedom, Country Update Sri Lanka, June 2024), <https://www.uscifr.gov/sites/default/files/2024-06/2024%20Sri%20Lanka%20Country%20Update.pdf>, 3-4

458 Ibid.

459 Ibid.

460 A significant day in the Buddhist calendar, commemorating the birth, enlightenment and death of the Lord Buddha.

461 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

462 The Sinhala word for ‘struggle’. A series of mass protests in 2022 against the government and its handling of the economy.

justice for victims were displayed.⁴⁶³

Content targeting the Catholic church was also observed in attacks on Tamil Catholic priests based in the North-East for their alleged links to the LTTE. Many of these posts were observed in May, when Tamil communities also commemorated civilians killed during the final stages of the war [See: Chapter 2, Section 3].⁴⁶⁴ Recent research that discusses this pattern of narrative, also highlights content alleging that the Catholic clergy is an arm of the LTTE and that the Christian Clergy and community supported the creation of a separate state during the armed conflict.⁴⁶⁵

4. HINDU-BUDDHIST HERITAGE CONFLICT

Reflecting key patterns of violence and intimidation directed at the Hindu community at the socio-political level, social-media content too was largely centred around contested religious sites in the North and East. As highlighted in Chapter 2, it is significant that the above-mentioned survey on FoRB, also identified the protection of religious archaeological sites as a key concern among both Buddhists and Hindus.⁴⁶⁶ Posts in Sinhala raised fears about a “cultural genocide against Buddhists”, rallying the Sinhala-Buddhist community to oppose Hindu religious practices and events on disputed sites.⁴⁶⁷ On the other hand, Tamil posts are understood to have pushed provocative content that focussed on Tamil rights to the ‘Tamil homeland’.⁴⁶⁸

Online interest surrounding the disputed sites of Vedukkunaari in Vavuniya and Kurunthormalai in Mullaitivu, appear to have been more intense, considering the various developments at these sites over the year [See: Chapter 2, Section 2].

In February, social media posts highlighting the visit by Buddhist monks, Sinhala academics, and military personnel to the Vedukkunaari site, drew criticism from Tamil users. Concerns were raised about Buddhist monks wearing sandals and disrespecting the sanctity of the site, while allegations of religious conversions were made. Sinhalese users countered these views with accusations of encroachment

463 Ibid.

464 Ibid.

465 Harmful Content against Religious Minorities on Social Media: November 2022 – August 2024, 25

466 National Peace Council, Survey on Religious Freedom 2024, 5,14

467 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

468 Ramkumar Ravichchandrasarma, (Senior Journalist), interview by Ammaarah Nilafdeen. 28 October, 2024, Colombo

by the Tamil community.⁴⁶⁹

Social media posts, and live coverage on YouTube highlighting the disruption of the Shivaratri observance in March at Vedukkunaari [See: Chapter 2, Section 2], prompted protests from Tamil users and hate speech directed at the Hindu community. Also, in March, coordinated efforts on social media were seen, urging the Sinhala community to “re-claim Vedukkunaari”.⁴⁷⁰

Similarly, the intense debate around the disputed site in Kurunthumalai, particularly in relation to Buddhists and Hindus conducting parallel religious activities was highlighted.⁴⁷¹

5. NEW BUDDHIST TEACHERS AND THE DISTORTION OF BUDDHISM

While most patterns of speech - directed at particularly the Muslim and Christian communities - have been observed in previous years, online content in relation to the presence of self-styled preachers is comparatively new. Social media narratives targeting such preachers, basing their sermons on Buddhist doctrine, were observed in the context of growing concerns about the “distortion” of Buddhism [See: Chapter 3, Section 5].

In 2024, the controversy surrounding Vishwa Buddha, a self-styled monk, stirred debates with concerns raised that his practice was offensive to Buddhist beliefs. The monk was arrested in December 2023 for posting content allegedly offensive to Buddhism, released on bail and re-arrested in January 2024 for persisting with his practice despite court warnings.⁴⁷² Supporters framed his arrest as an infringement on freedom of expression, while critics viewed it as necessary to address harmful narratives.⁴⁷³

Also, in January, videos circulated online of an individual called Mahinda Kodithuwakku being worshipped. Kodithuwakku claimed to be “Avalokiteshvara Bodhisattva”, a deity primarily associated with Mahayana Buddhism. His arrest for alleged blasphemy against Buddhism, led to intense debate with supporters

469 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

470 Ibid.

471 Hashtag Generation focus group, in discussion with Ammaarah Nilafdeen, 23 October, 2024, Colombo

472 Darshana Sanjeewa Balasuriya, “Controversial Monk Visha Buddha Arrested Again by CID,” Daily Mirror, 21 January 2024, <https://www.dailymirror.lk/breaking-news/Controversial-monk-Vishwa-Buddha-arrested-again-by-CID/108-275424>

473 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

advocating for religious freedom, and critics condemning his actions and calling for violence against him.⁴⁷⁴

In May, claims by an individual called Ven. Kekirawe Sudassana Thero, that the Lord Buddha did not come to Sri Lanka, led to calls on social media advocating for violence against him and calling for his exclusion.⁴⁷⁵

6. POLITICAL AND ELECTORAL RHETORIC

Often drawing on narratives such as those discussed above, election campaigns and debates in Sri Lanka have historically focussed on ‘polarising grievances’ often using fearmongering, scapegoating and stigmatisation for political gain.⁴⁷⁶

In 2024 however, mirroring the overall decline in hate speech on social media, a reduction in divisive rhetoric targeting ethno-religious groups - during both the Presidential and Parliamentary election campaigns - was observed. PAFFREL, an election watchdog, notes, “significantly fewer attempts to influence and sway voters based on their race, religion, or ethnicity”.⁴⁷⁷ The decline may be attributed to several factors, including the reduced appeal of religious rhetoric in political discourse, growing focus on economic issues and improved regulations by the election commission [See Chapter 2, Section 7].

However, despite the overall decline, during the elections, divisive rhetoric sought to dissuade voters from supporting certain candidates.⁴⁷⁸ In addition, post-election outcomes and measures by the new government also triggered harmful speech targeting ethno-religious groups.

6.1 Fear-based Campaigning

Some politicians continued to exploit religious and cultural tensions [See: Chapter 2, Section 7] with many relying heavily on social media platforms, bypassing traditional media and transparency mechanisms. Media analysts speculate that campaign financing laws that have reduced traditional media advertisements, may have also contributed to this shift. They also suggest that platforms like

474 Ibid.

475 Ibid.

476 United Nations Human Rights, Office of the High Commissioner, Hate Speech and Incitement to Hatred in the Electoral Context

477 People’s Action for Free and Fair Elections (PAFFREL), “Parliamentary Election 2024, Election Day Report,” 14 November 2024, <https://paffrel.com/images/2024/Media%20Releases/2024-11-14%20-%20REPORT%20ON%20ELECTION%20DAY.pdf>

478 Harmful Content against Religious Minorities on Social Media: November 2022 – August 2024, 19

TikTok have increased in popularity with such segments given that it lacks the robust complaint mechanisms that platforms like Facebook offer.⁴⁷⁹

Fringe groups pushing extreme narratives on social media are understood to often align their content in support of such divisive campaigns that exploit religious and cultural tensions.⁴⁸⁰ Media experts observe that certain minority politicians - including in districts like Batticaloa - are understood to hire youth to produce and spread divisive content on social media. These campaigns target ethnic groups with misinformation and hate speech to influence voters closer to elections.⁴⁸¹

In Colombo, Sinhala politicians like Udaya Gammanpila, the leader of the Pivithuru Hela Urumaya - a political party widely recognised for its ultra Sinhala-Buddhist nationalist position - is accused of exploiting the ESA investigations for political advantage, triggering anti-Muslim sentiment online. Gammanpila accused the government of distorting the truth about the ESA through selective security appointments and suppressing the release of two commission reports on the investigation. He alleged that this was done in order to protect Mohamed Ibrahim - a Muslim who was on the 2015 Janatha Vimukthi Peramuna's (JVP) national list and whose sons were implicated in the attacks.⁴⁸²

In addition, fear-based campaigning was also observed in intra-community attempts to deter voters from supporting certain candidates based on their alleged endorsement of policies perceived to be detrimental to the community. A case where a Muslim candidate from the National People's Power (NPP), the President's coalition, was targeted through social media by members of the community due to his alleged promotion of an LGBTQ+ agenda and amendments to the MMDA without adequate consultation [See: Chapter 3, Section 3.3] was highlighted in these discussions.⁴⁸³

Similarly, in September, Facebook posts raised fears about threats to Buddhism in the constitution by citing statements allegedly made by members of the NPP, that communicated the idea of secularism.⁴⁸⁴ The NPC's survey, which highlights that a majority of Buddhists (90%) and, interestingly, Roman Catholics (50%) agree

479 Interview with Editor of Tamil language web platform, interview by Ammaarah Nilafdeen. 12 November, 2024, Colombo; Mohamed Fairouz, interview; Senior Journalist/Media Consultant, interview

480 Muqaddasa Abdul Wahid, interview

481 Mohamed Fairouz, interview

482 Hashtag Generation, Focus group; Chamikara Weerasinghe, "Gammanpila Under Fire for Exploiting Easter Attacks," Sunday Observer, 20 October 2024, <https://www.sundayobserver.lk/2024/10/20/news/35865/gammanpila-under-fire-for-exploiting-easter-attacks/>; "Gammanpila Makes Shocking Claims Regarding Unreleased Easter Attacks Reports," Ada Derana, <https://www.adaderana.lk/news.php?nid=102835>

483 Muqaddasa Abdul Wahid, interview; Mohamed Fairouz, interview

484 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

that Buddhism should be continued to be given priority in the constitution, adds context to narratives centred on perceived threats to Buddhism.⁴⁸⁵

6.2 Post-Election Hate Trends

Post-election outcomes and measures by the new government also triggered harmful speech targeting ethnoreligious minorities including the wider Tamil community.

One of the key candidates of the Presidential Election, Sajith Premadasa of the Samagi Jana Balawegaya (SJB), topped the polls in the North, East and Central provinces where the majority of Sri Lankan Tamils, Muslims and Malaiyaha Tamils live. Their decision to not vote for the populist candidate Anura Kumara Dissanayake was met with online mockery questioning their political awareness and loyalty.⁴⁸⁶ Derogatory and racial slurs like “illiterate”, “cows”, “donkeys”, “koti” (Tiger – referring to Tamils as terrorists/LTTE), “Demala haueththa” (Tamil “buggers”), “wathakara demalu” (estate Tamils – in reference to the Malaiyaha Tamil community), and “Thambi” (targeting Muslims) were widely seen.⁴⁸⁷

Commentators observe that euphoria on social media following the victory of Dissanayake also saw the depiction of Sinhalese voters and NPP supporters as more educated and focussed on the country’s welfare, while dismissing minority voters as uninformed or selfish.⁴⁸⁸

Some targeted hate speech was also seen directed at Tamil and Muslim politicians. This included Sivanethurai Chandrakanthan alias Pillayan, who has also played a key role in inciting hate against Muslims in Batticaloa [See: Chapter 2, Section 7] and P. Ariyaneththiran, fielded as a “Common Tamil candidate” by some civil society and political groups in the North. Muslim members of parliament, Rishad Bathiudeen and Rauff Hakeem were also targeted including through slurs like “Thambiya”.⁴⁸⁹

In the parliamentary elections, where the President’s coalition the NPP won a two-thirds majority, voting patterns of the minorities reflected a shift. For the first time in Sri Lanka’s history, a majority of the North voted for a party made up of largely Sinhalese-Buddhists. The NPP also made significant gains in the Central province

485 National Peace Council, Survey on Religious Freedom 2024, 42

486 Nalaka Gunawardene, interview; Muqaddasa Abdul Wahid, interview; Hashtag Generation, Focus group

487 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

488 Muqaddasa Abdul Wahid, interview; Devaka Senanayake, “Sri Lanka’s Presidential Election Reflected a Regional Divide,” The Diplomat, 19 October, 2024, <https://thediplomat.com/2024/10/sri-lankas-presidential-election-reflected-a-regional-divide/>

489 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

where most Malaiyaha Tamils reside.⁴⁹⁰ The shift in the minority pattern of voting however - that was now more aligned with majority sentiment - elicited targeted attacks on Muslims and Tamils from within the community.

In November, hate campaigns were seen on social media targeting voters in the North, East and Central provinces accusing them of undermining traditional minority parties. On the other hand, media experts observe that Muslims also faced backlash for largely voting for the NPP, but later failing to secure the community a Ministerial post.⁴⁹¹ Criticism from within the online Muslim community was also accompanied by derision of Muslims from outside the community. Social media posts were observed celebrating the absence of Muslim representation in the newly appointed Cabinet, claiming it to be the “purest” Cabinet in Sri Lanka’s history.⁴⁹²

Misinformation, rumours, and propaganda also played a role in creating tensions following the elections. Media analysts observe that rumours about removing constitutional articles prioritising Buddhism led to a wave of hate speech online against the NPP with Buddhists expressing fears of losing their cultural prominence.⁴⁹³ Similarly, a letter circulating on social media, purportedly signed by President Dissanayake, claiming that there were no restrictions on the Maaveerar Naal commemoration [See: Chapter 2, Section 3] and rumours about the Kandy Perahera⁴⁹⁴ being cancelled, also triggered hate speech and criticism of the government.⁴⁹⁵

7. MEDIA REPRESENTATION OF ETHNORELIGIOUS GROUPS AND CONCERNS

While social media has increased in popularity and helps provide a snapshot of sentiment on matters concerning FoRB, traditional media still dominates Sri Lanka’s news landscape. A 2019 survey revealed that as many as 96% regularly watch television for news,⁴⁹⁶ while a 2024 survey on print readership gathered

490 R.K Radhakrishnan, “Sri Lanka Hands NPP Historic Super-Majority, Backing Dissanayake’s Reform Agenda,” The Hindu, 15 November 2024, <https://frontline.thehindu.com/news/sri-lanka-election-2024-npp-victory-dissanayake-reforms-tamil-support-parliament-majority-economic-agenda/article68871257.ece>

491 Monthly Report on Harmful Speech on Social Media, Hashtag Generation; Mohamed Fairouz, interview

492 Monthly Report on Harmful Speech on Social Media, Hashtag Generation

493 Ramkumar Ravichchandrasarma, interview

494 A key festival in the Buddhist calendar honouring the sacred tooth relic of the Lord Buddha.

495 Mohamed Fairouz, interview

496 Nalaka Gunawardene, Sri Lanka Media Audience Study 2019: Consuming News in Turbulent Times, (International Media Support, November 2020), <https://www.mediasupport.org/wp-content/uploads/2021/02/Sri-Lanka-Media-Audience-Study-2019-Low-Res.pdf>, 23-24

that print remained popular particularly among “older, more educated, and urban individuals”.⁴⁹⁷ Given the public’s engagement with traditional media and its likely influence on public perception, it is helpful to review key patterns that have affected the media’s representation of ethnoreligious groups and matters relating to FoRB.

7.1 Media Ownership, Pluralism and Impartiality

Mirroring the drop-in hate speech targeting ethnoreligious communities on social media, media analysts also note a decline in hate speech in political discourse and media coverage.⁴⁹⁸ Despite this positive shift, deep-seated media trends in Sri Lanka - that are understood to have perpetuated stereotypes and prejudices of ethnoreligious groups - continue to hinder responsible reporting on matters concerning FoRB.

The nature of media ownership in Sri Lanka, has been highlighted by media watchdogs as a key concern with the potential to undermine pluralism and impartiality and promote deep-seated biases.⁴⁹⁹ Highlighting this, a 2018 Verité study concluded that fewer than one in five Sri Lankan citizens have access to politically independent media.⁵⁰⁰ State-owned media dominate the sector and have been generally viewed as publicity arms of the ruling party, with journalists having little independence.⁵⁰¹ Similarly, privately owned media organisations also push out content favoured by their owners, whether it be pro-government or pro-opposition. This is significant considering that privately-owned networks are understood to have the larger share of the TV audience.⁵⁰² Media analysts share that the country’s media market is highly concentrated, with cross-ownership of media platforms (TV, radio, print, and online) by a few influential groups.⁵⁰³ In addition, data reveals that in print media, the top four owners have a combined readership share of 75%.⁵⁰⁴ Analysts highlight that these patterns allow greater control over

497 Gayan Madushanka et al., *Print Media Readership Survey 2024 in Sri Lanka: Demography, Content Preferences and Behaviours Insights for a Loyal Readership Base*, (Department of Film and Television Production Technology of the University of Vocational Technology Sri Lanka, October 2024), https://www.researchgate.net/publication/384928539_Print_Media_Readership_Survey_2024_in_Sri_Lanka_Demography_Content_Preferences_and_Behavioral_Insights_for_a_Loyal_Readership_Base, 19-22

498 Deepanjalie Abeywardana as quoted in Amantha Perera, “Sri Lanka’s Traditional Media Risks being Jettisoned with its Old Political Guard”, *HIMAL Southasian*, 4 December 2024, <https://www.himalmag.com/politics/sri-lanka-media-freedom-politics-memes-aragalaya-protests-election>

499 “Media Landscape: Sri Lanka 2024” Reporters without Borders, Accessed 25 January, <https://rsf.org/en/country/sri-lanka>

500 “Media Ownership Monitor Sri Lanka – 2018”, Verite Research, 8 November 2018, <https://sri-lanka.mom-gmr.org/>

501 Amantha Perera, “Sri Lanka’s Traditional Media Risks being Jettisoned with its Old Political Guard”

502 “Sri Lanka Media Guide”, BBC News, 4 October 2024, <https://www.bbc.com/news/world-south-asia-12000330>

503 Hashtag Generation focus group; Ramkumar Ravichchandrasarma, interview

504 Media Ownership Monitor Sri Lanka – 2018, Verite Research

public opinion, reducing diversity in reporting, and amplifying biases.⁵⁰⁵

These patterns are understood to be especially evident among Diaspora media as well, with some tailored to align with specific agendas.⁵⁰⁶ A brief overview of Tamil Diaspora-managed news sites over this year, reveals strong emphasis on calls for wartime justice and accountability, as well as reporting meant to highlight the popularity of Tamil nationalism among the masses. These include extensive coverage of events memorialising LTTE leaders and Tamil commemorative events linked to the war.

Platforms supported by Muslim Diaspora groups have been observed promoting anti-MMDA reform narratives, framing activists as betraying Islamic principles and using fear-based messaging to influence opinions [See: Chapter 3, Section 3.3]. It is understood that many activists have been targeted with smear campaigns, questioning their morality and accusing them of appeasing Western ideologies.⁵⁰⁷

7.2 Segregated Media

In addition to biases promoted by media owners, studies have gathered that Sri Lankan media is also polarised across language, geographical location and the interests of their audience.⁵⁰⁸ This inevitably impacts reporting on incidents and developments affecting FoRB.

This dynamic is reflected in reporting on contested religious sites in the North and East. Media experts highlight that some regional and Diaspora-funded media outlets, in particular, have been guilty of publishing incomplete or exaggerated accounts. On the other hand, Sinhala Media coverage often still reflects nationalist legitimisation and a continuation of the rhetoric and ideas shaped during the Gotabaya Rajapaksa administration [See: Chapter 2, Section 2].⁵⁰⁹

Verité Media's press analysis reflects this pattern in Sinhala and Tamil press reporting on the disrupted Maha Shivaratri event at the contested site in Vavuniya [See: Chapter 2, Section 2]. The Sinhala paper Lankadeepa, referred to the event

⁵⁰⁵ Deepanjalie Abeywardana, (Head of Media Research Team, Verite Research), interview by Ammaarah Nilafdeen, 29 October 2024; Nalaka Gunawardene, interview

⁵⁰⁶ Hashtag Generation focus group; Ramkumar Ravichchandrasarma, interview

⁵⁰⁷ Muqaddasa Abdul Wahid, interview; "Exploring the Muslim Marriage and Divorce Act: Navigating Online Discourse and Dialogue," Hashtag Generation, 2 April 2024, <https://hashtaggeneration.org/exploring-the-muslim-marriage-and-divorce-act-navigating-online-discourse-and-dialogue/>

⁵⁰⁸ Nalaka Gunawardene, "Sri Lanka Media Audience Study 2019: Consuming News in Turbulent Times"; "Racial Profiling and Language Polarisation in Sri Lankan Media: A Problem Highlighted by 'Ethics Eye' and 'The Divide,'" Verité Research, September 2021, https://www.veriteresearch.org/wp-content/uploads/2021/09/VR_RB_ENG_Sep2021_Racial-Profiling-and-Language-Polarisation-in-Sri-Lankan-Media-1.pdf.

⁵⁰⁹ Ramkumar Ravichchandrasarma, interview; Nalaka Gunawardene, interview

as “an unauthorised ceremony” organised by a “group of Tamil politicians” who “behaved provocatively”, while the Tamil paper *Virakesari*, referred to the organisers as devotees who have “worshipped [God] Athi Lingeswarar for five generations” and “engaged in religious observances devoutly” while interacting “humbly” with the police.⁵¹⁰

Over this year, media reporting on developments around the MMDA also reflected this dynamic. Press analysis by Verité of selected Sinhala and Tamil state-owned TV channels revealed that then Cabinet Spokesperson Vijitha Herath’s statement that the government will not make any changes to the act (See: Chapter 3, Section 3.3), saw Tamil coverage but none in Sinhala.⁵¹¹ This may imply the lacklustre attitude of the Sinhala media to consider reportage of issues concerning Muslims.

7.3 Ethnoreligious Profiling

These in-built and nurtured biases in the media industry have also contributed to ethnoreligious profiling - a practice that escalated in the aftermath of the Easter Sunday Attacks and again during the COVID-19 pandemic.⁵¹² The Code of Ethics, laid out by the Editor’s Guild of Sri Lanka, notes that journalists must “avoid prejudicial or pejorative reference to...race, colour, religion...unless these are directly relevant to the story”.⁵¹³ Studies have however highlighted that Sri Lankan media have emphasised minority identities, particularly in negative contexts, even when irrelevant to the story.⁵¹⁴

While there has been an encouraging decline in this practice in recent years, certain developments highlight that this trend persists among some sections of the media.

Verité’s “Ethics Eye”, monitoring violations of media ethics, revealed that the Sinhala language newspaper *Divaina* - widely recognised for its Sinhala nationalist stance - reported on the Arugam Bay incident [See: Section 2 & Chapter 2, Section 8] in the context of an imminent attack on Israelis in Sri Lanka by an “Islamic Terrorist Group”, despite government investigations revealing links to organised crime and

510 “Contested Sacred Site in Vavuniya”, *The Divide*, Verite Media, <https://media.veriteresearch.org/features/the-divide/contested-sacred-site-in-vavuniya-contested-coverage/>, Accessed February 2025,

511 “Government’s Stance on the Muslim Marriage and Divorce Act”, *The Divide*, Verite Media, <https://media.veriteresearch.org/features/the-divide/governments-stance-on-the-muslim-marriage-divorce-act-mmda/>, Accessed February 2025

512 “Racial Profiling and Language Polarisation in Sri Lankan Media”, Verité Research

513 “Code of Professional Practice (Code of Ethics) of The Editors’ Guild of Sri Lanka adopted by the Press Complaints Commission of Sri Lanka,” 2016, https://www.fmmssrilanka.lk/wp-content/uploads/2019/05/2016-Code-of-Professional-Practice_Eng.pdf

514 “Racial Profiling and Language Polarisation in Sri Lankan Media”, Verité Research

not extremism.⁵¹⁵

While discouragement from owners, bias, and a general lack of interest affect coverage of incidents and developments impacting FoRB, a lack of resources, training, and professionalism is also understood to play a role. Media experts share that fact-checking platforms often lack resources, personnel, and swift response mechanisms, allowing misinformation to spread widely before corrections are issued.⁵¹⁶ This ultimately affects the quality and balance of reporting leading to biases and a lack of ethical standards.⁵¹⁷ The new NPP administration has however, signalled some interest in addressing key concerns affecting the media industry. This was also highlighted in its election manifesto that criticised what it described as a partisan mass-media while announcing plans to safeguard the “professional integrity of journalists”.⁵¹⁸

Following the parliamentary elections, the government-run Associated Newspapers of Ceylon Limited, reportedly called for applications to fill top editorial positions at its newspapers. In the past, these positions were typically filled by political appointees.⁵¹⁹ Alongside this, journalists have reportedly urged the government and industry groups to collaborate on streamlining the process of issuing official media IDs. Over the years, these accreditations lost their credibility, as successive governments are understood to have granted media IDs to their supporters, regardless of their status as journalists.⁵²⁰

The rise of alternative Sinhala media outlets pushing for better reporting on religious and ethnic minorities has also been noted as a positive development.⁵²¹ Platforms like MediaLK, launched in 2019 by Tharindu Jayawardena, a Sinhalese journalist, is one such outlet that focuses on investigative reporting, with stories highlighting corruption and human rights issues and concerns affecting ethnoreligious minorities, topics often overlooked by wider Sinhala media.⁵²²

515 Verite Media (@media.veriteresearch), “On October 23, several foreign embassies issued a travel advisory due to a credible threat of an attack in the #ArugamBay area in #lka, Swipe to see which Sinhala newspaper editorial called it an “Islamic attack”?”, October 26, 2024, https://www.instagram.com/p/DBlpjMrouPv/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA%3D%3D&img_index=1

516 Mohamed Fairouz, interview

517 Mohamed Fairouz, interview; Interview with a key member at a non-profit supporting independent media, interview by Ammaarah Nilafdeen, 18 November, 2024

518 Election Manifesto of the Jathika Jana Balawegaya (NPP Sri Lanka), A Thriving Nation, a Beautiful Life, (NPP Sri Lanka, August 2024), <https://www.npp.lk/up/policies/en/npppolicystatement.pdf>, Accessed 1 September 2024

519 Deepanjalie Abeywardana as quoted in Amantha Perera, “Sri Lanka’s Traditional Media Risks being Jettisoned with its Old Political Guard”

520 Amantha Perera, “Sri Lanka’s Traditional Media Risks being Jettisoned with its Old Political Guard”

521 Nalaka Gunawardene, interview

522 Amantha Perera, “Sri Lanka’s Traditional Media Risks being Jettisoned with its Old Political Guard”

Support for these measures and platforms could provide more opportunities for balanced reporting, including on ethnoreligious communities and FoRB.

SCORING AND RAG RATING

Each sub-indicator is ranked on a scale of 1-10. The average of the aggregated scores determines the score for each key indicator [See: Page 12 on 'Indicators and Scoring/Research Methodology' for further detail].

This chapter does not offer an assessment or score for an indicator relating to the "Representation of ethnoreligious groups and concerns by the mainstream media", given limited data in this area [See: Section 3 on 'Limitations/Research Methodology' for further detail]

INDICATOR	SCORE	RATIONALE	RAG RATING
Indicator 1: Evidence of social media content rallying communities and calling for direct action against an ethnoreligious group			
1. Is there evidence that content orchestrated campaigns against ethnoreligious groups?	6	Social media content over 2024 suggests concerted campaigns affecting FoRB only in relation to disputed religious sites in Vedukkunaari, Vavuniya and Kurunthormalai, Mullaitivu.	
2. Is there evidence of content calling for violence against groups or individuals for their religious beliefs or identity?	5	Some content calling for violence against Christian converts and Buddhist preachers perceived to 'distort' Buddhism is evident. In addition, calls for violence were also seen against Ps. Jerome Fernando, including from Buddhist priest Ven. Rajangane Saddha Rathana Thero, who is also considered to be influential.	
3. Is there evidence of content leading to physical disturbance of lawful assembly of worship or religious rituals?	6	Some indications that organised campaigning on social media may have contributed to increased tensions, particularly in Vedukkunaari, Vavuniya affecting Hindu devotees' access to worship. The extent to which this took place however is unclear.	
4. Is there evidence of content leading to violence or communal riots?	9	No documented evidence of content leading to violence or communal riots.	

Indicator 2: Evidence of hate speech targeting individuals or groups for their ethnoreligious identity			
1.	Is there evidence of content ridiculing or criticising an ethnic group with malicious intention?	4	Evidence of hate-speech against the Muslim community [Section 2] and attacks on the Catholic and Christian community [Section 3] particularly through the use of derogatory language is reflective of this. Hate speech directed at minority ethnoreligious groups concerning the outcome of the elections [Section 6.2] is also significant.
2.	Is there evidence of content demeaning cultural practices and beliefs associated with a particularly ethnoreligious group?	5	Hate speech targeting the Muslim community, particularly in relation to Islamic customs and practices is evident [Section 2.2]
3.	Is there evidence of politically motivated hate speech to favour a political outcome?	8	Some isolated reports of this particularly at the regional level [Section 6.1], but a significant decline in reports of politically motivated hate speech.



KEY RECOMMENDATIONS

Faith Leaders, Places of Worship, and Faith-based organisation

1. Challenge divisive and harmful rhetoric by religious preachers and teachers within the community and seek opportunities to speak against such practices to religious devotees. (All Faiths)
 - Adopt a zero-tolerance approach for fundamentalist religious organisations within the community that promote ideologies that target other religious groups and promote discrimination or violence. (All Faiths)
2. Promote tolerance within the community for diverse interpretations of a religion, including religious subsects and emerging groups within the community. Promote tolerance towards converts, the right to convert, and for religious groups to manifest their religion through culturally sensitive propagation. (All Faiths)
3. Promote culturally and environmentally sensitive worship practices including those that respect regulations on sound and the use of loudspeakers. (All Faiths)
4. Promote intra-Catholic/Christian reconciliatory efforts that address tensions between Evangelical and mainline churches and foster mutual respect and understanding. (Wider Catholic/Christian community)
5. Conduct an exploratory study to understand actual and perceived motives for the targeting of Evangelical churches and review practices and behaviours of pastors and congregants in areas where attacks against the Evangelical community are high. (Evangelical community)
6. Promote self-regulation and awareness through training Evangelical pastors and congregants on culturally sensitive worship, establishment of places of worship in culturally homogenous areas, and limits around propagation (Evangelical community).

International Community

7. Use opportunities for diplomatic engagement with political, community and religious leaders - including those from the Tamil and Muslim communities - to challenge divisive and ethnocentric narratives.
8. Use opportunities for engagement with Diaspora communities - including from the Muslim and Tamil Diaspora - to raise concerns on Diasporic rhetoric and behaviours that increase intra-community divisions among the local communities and vulnerability of local activists.

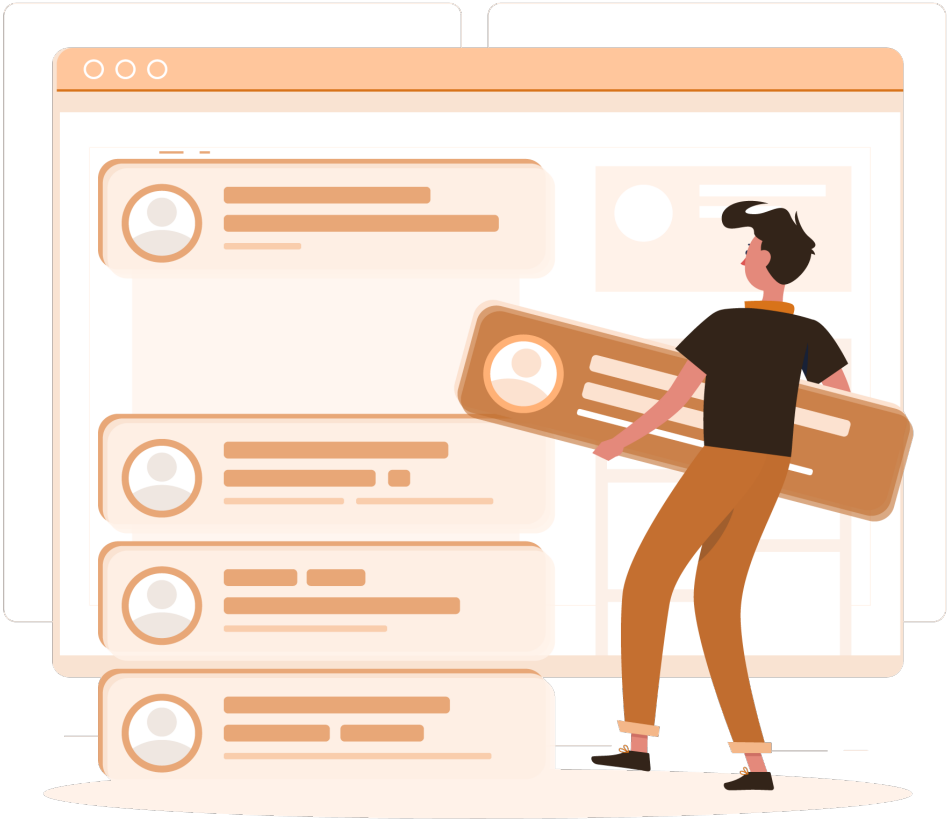
Government

9. Review funding mechanisms of the Department of Archaeology and streamline funding processes in order to ensure that operations are transparent, aren't politically motivated, and key archaeological sites aren't neglected. Consider the appointment of an independent expert to review funding processes, allocation, and implementation. (Ministry of Buddha Sasana and Religious Affairs / Department of Archaeology)
10. Consultations and discussions on heritage management to include experts representing minority communities including in areas where sites or structures associated with minority communities exist. (Ministry of Buddha Sasana and Religious Affairs / Department of Archaeology).
11. Localise archaeological excavations by involving local experts including archaeologists, academics and students including in areas in the North and East. (Ministry of Buddha Sasana and Religious Affairs / Department of Archaeology)
12. In consultation with representatives of religious bodies - including those representing smaller sects / sub-groups - introduce changes in the Ministry of Buddha Sasana and Religious Affairs and its Religious Departments that adequately recognise the presence and concerns of sub-sects within the mainline religious groups including groups that have been targeted for their faith. (Ministry of Buddha Sasana and Religious Affairs)
13. Review and address persisting restrictions on the Muslim community following the Easter Sunday Attacks in 2019 including the disproportionately complex verification process on imported Islamic literature. (Ministry of Buddha Sasana and Religious Affairs/Department of Muslim Religious and Cultural Affairs)

14. Revisit the need and necessity for regulations pertaining to the registration of places of worship.
 - Measures if introduced should be developed in consultation with representatives of religious groups including communities that are disproportionately targeted with requirements for registration.
 - Regulations should set out clear parameters with informed instructions and should be equally applied and enforced regardless of religious affiliation or status of religious centre/place of worship.
 - Regulations if introduced should be made clear and accessible to the public providing them with adequate time and opportunity to comply. (Ministry of Buddha Sasana and Religious Affairs)
15. Provide necessary endorsement and support for the SLHRC's recommendations on FoRB and orientation with public officers.
 - Revisit recommendations set out by the SLHRC in the application of the ICCPR, ensuring that police officers are adequately equipped with knowledge and skills for the use of appropriate legislation. (Sri Lanka Human Rights Commission)
16. In keeping with the government's commitment to maintaining law and order ensure that law enforcement officials adjudicate communal disputes in a manner that is impartial and non-discriminatory. This includes the equal and non-discriminatory application of regulations and court orders pertaining to contested heritage sites. (Ministry of Public Security and Parliamentary Affairs)

Civil Society

17. Training and awareness-raising programmes promoted by inter-faith and coexistence initiatives also focus on international and local protections on FoRB, particularly those related to propagation, conversion, limits on the manifestation of religion and access to common resources.
18. Consider launching evidence-based research and analysis on the presence of contested religious sites island wide including in areas outside the North and East to understand better concerns that have been raised.
19. Consider conducting research in areas in the hill province where anecdotal evidence and narratives point to ethnoreligious tensions involving Hindutva-aligned groups and members of the Evangelical community. Also, consider evidence-based research - including in the South - where tensions between evangelical groups and the host community are high to understand key trends.
20. Consider raising awareness on pre-existing guidance and literature that relates to reporting on ethnoreligious groups - including those developed by the Editor's Guild of Sri Lanka - with the broader public. This may help encourage responsible consumption of news, engagement with institutes like the Press Complaints Commission and deter irresponsible and harmful reporting.



ANNEXURE 1

RTI 04

Decision to Provide Information

Registration Number of the Request – ARCH/INFO/281

Date Request Received – 15th November 2024

Name of the Public Authority – Ms. Jovita Arulanantham

1. This is to inform you that in accordance with section 25 (1) of the act we have decided to provide you with the information/part of the information requested by you through application dated **15th November 2024** with the registration number of **ARCH/INFO/281** (in case if the decision is to provide only part of the information, The information should clarify the reasons in detail and under which clause/s of the section 5 the exception was made)

I am kindly submitting herewith the information sent by the Excavation Division of the Department of Archaeology. I will send if I get any other information as soon as I receive them.

- ~~2. We have decided to withhold the following parts of the requested information because they are considered as exempted information under the section 5 (.....) of the RTI act due to the detailed reasons given below~~
3. In order to provide the Information please pay the necessary fee of **Rs. 00.00** by cash, bank draft or pay order or postal order or postage stamps to our office.
4. We will provide you with the information within 14 days of payment of the required fee. We will also inform you within the same period (with reasons) if there is any extension needed to the time period in which to provide the information.
5. If you have not satisfied with the time frame mention in the section 04 you may submit and appeal to the designated officer within two weeks by RTI 10 form. Name and address of the designated officer is given below.

Designated Officer

Name – ~~Prof. D. Thushara Mendis~~
 Designation – ~~Actg. Director General of Archaeology~~
 Address – ~~Sir Marcus Fernando Mawatha, Colombo 07~~
 Contact details – ~~(0112 488128)~~

Date-

2024/12/12

Yours,
Faithfully,


 Information Officer
 (Sign, Name & Designation)

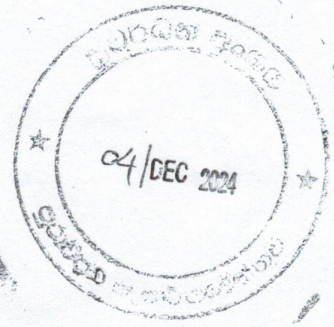
Acting Director (Promotions)
Department of Archaeology
Sir Marcus Fernando Mawatha,
Colombo - 07.

24/31/2

File No: D.Arch/Ho/Exc/06/07
Assistant Director (Excavation)

2024.12.03

Director (Promotion)



Providing information under 24(3) of the Right to Information Act No. 12 of 2016

The letter No ARCH/INFO/281, dated 15.11.2024 requested information about the excavation activities requested by the applicant under No. 5 is attached to this letter.

As a government department, the Department of Archaeology of Sri Lanka does not carry out excavation work based on religion, ethnicity or other specialities, and only archaeological heritage sites are subjected to excavation work.

Section 11 of Amendment No. 24 of 1998 relating to the Antiquities Act, of 1940 defines it as follows:

"Archaeological heritage" means that part of the material heritage of mankind in respect of which archaeological methods provide primary information and includes all vestiges of human existence and places relating to all manifestations of human activity abandoned structures and remains of all kinds (including subterranean and underwater sites), together with all the portable cultural material associated with them: ..."

Considering the number of archaeological heritage sites in Sri Lanka, the amount allocated annually to the Sri Lanka Department of Archaeology is not sufficient for the necessary excavations. As a result, excavations are carried out by the Sri Lanka Department of Archaeology with external provisions, and the majority of the excavations indicated in this list were accomplished in this manner.

I am kindly informed that if any party needs to carry out excavations in archaeological heritage sites on external provision, after a field test, the relevant estimates will be given to the concerned party and the relevant excavation work will be carried out according to regulations of the Department of Archaeology.

2023 - Excavation List

	Name of the Project	Provision Type	District	Province	Excavation Period
01	Pabbatharama Sapumalgaskada Excavation , East Enrrance	External Provision	Wauniya	North	
02	Excavation of Stupa & Maluwa of Dathusena R.M.V		Kurunegala	North West	
03	Rajanganaya - No 06 Sudarshana Stupa Excavation	External Provision	Anuradhapura	North Central	
04	Kegalle Rockhill Test Excavation	External Provision	Kegalle	Sabaragamuwa	
05	Papiliyana Sunethradevi Purana Viharaya Excavation	External Provision	Colombo	Western	April - May
06	Samangala Stupa Excavation	External Provision	Ampara	East	February - December
07	Deegavapiya Stupa Excavation	External Provision	Ampara	East	October - December
08	Dehiwatta Mandalagiri Vihara Stupa	External Provision	Trincomalee	East	October - December
09	Happoruwa Raja Maha Viharaya Stupa Excavation	External Provision	Monaragala	Uva	
10	Mihinthale Anulathisa Stupa Excavation	External Provision	Anuradhapura	North Central	
11	Sapumalgaskada pabbatharamaya Excavation	External Provision	Wauniya	North	
12	Kuragala Research Excavation	Department Provision	Rathnapura	Sabaragamuwa	
13	Mahagal Kanda Old Road Excavation	Department Provision	Western	Kaluthara	

2024 - Excavation List

	Name of the Project	Provision Type	District	Province	Excavation Period
01	Bandarawela Pre Historic Sites Excavation	External Provision	Badulla	Uva	January - December
02	Nagadeepa, Image House Excavation	External Provision	Badulla	Uva	January - December
03	Weerakatiya Otagiriya Rajamaha Viharaya ruins	External Provision	Hambanthota	South	January - December
04	Dambulla, Eraulla, AIA	External Provision	Matale	Central	February - March
05	Dedarangamuwa Old Ruins	Department Provision	Rathnapura	Sabaragamuwa	January-May
06	Seethawaka Rajasinghe Palace & Datch Foteress	Department Provision	Kegalle	Sabaragamuwa	January-November
07	Deegavapiya Oluwill road Excavation	Department Provision	Ampara	East	February - April
08	Alankulama Test Excavation	Department Provision	Ampara	East	February - December
09	Excavaton Of Deegawapiya Stupa Maluwa	Department Provision	Ampara	East	March - December
10	Colombo fort Baternburg Rampart	External Provision	Colombo	West	June - June
11	Samangala Stupa Maluwa Excavation	External Provision	Ampara	East	
12	Vessagiriya Archaeological Site	Department Provision	Anuradhapura	North Central	October - November
13	Public toilet Complex - AIA	External Provision	Galle/Matara		
14	Rockhillwatta, Private land (AIA) Excavation	External Provision	Kegalle	Sabaragamuwa	August - December
15	Galewala Pathkolagolla Stupa Excavation	External Provision	Matale	Central	
16	Asha Mineral Test Excavation	External Provision	Kurunagala	North West	
17	Punchi Halmillawa Kirimatiyava Excavation	Department Provision	Anuradhapura	North Central	

