



RIGHTS AT THE CROSSROADS:

A LEGAL ANALYSIS OF
RELIGIOUS ATTACKS IN
SRI LANKA

November 2024 to October 2025

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Rights at the Crossroads:

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Introduction

The National Christian Evangelical Alliance of Sri Lanka (NCEASL) documents incidents of attacks against persons and groups on the basis of their religious identity. During the period November 2024 to October 2025, it documented over 80 such attacks from 56 incidents. Many of these incidents potentially constitute violations of Sri Lankan law, including Sri Lanka's Constitution and penal legislation. The NCEASL also provided its database of social media posts, which were similarly analysed.

NCEASL retained a team of lawyers to analyse each of the incidents reported by NCEASL in order to assess their legal ramifications. The legal team included Attorneys-at-law Malsirini de Silva, Avishka Jayaweera as the principal authors, and Januki Jayakody and Farhath Rhysa assisted with the research. Januki Jayakody designed the cover page and provided editorial and design support. In setting out the contextual framework for the

analysis, and framing conclusions, the team relied on inputs from the published and unpublished scholarship of legal academics including Attorney-at-law Gehan Gunatilleke.

This study is presented in five sections. The first sets out the methodological approach adopted in the legal and quantitative analysis of incidents. The second explains specific elements of the legal framework, which forms the frame of reference for the analysis of incidents. Each legal provision that is relevant to the analysis is dissected and explained. The third section examines recent judgments and broader trends in the interpretation of Freedom of Religious Belief (FoRB). The fourth section presents a legal analysis and quantitative account of the incidents based on the data provided by NCEASL including a section on the social media related attacks. The final section presents the conclusions emerging from the legal and quantitative analysis of incidents.

1. Methodological Approach

The methodological approach adopted in this study entailed two stages.

Stage 1: Data gathering and the compilation of a database that categorises incidents

Based on NCEASL's incident reports, a database was compiled to categorise each incident involving an attack on a person or group on the basis of their religious identity. The universe of incidents analysed in this study is not necessarily representative of the prevailing situation in Sri Lanka or in any particular location in Sri Lanka. It is confined to the incidents that are detected through NCEASL's network of monitors in specific locations and as reported by affiliate churches. NCEASL used fourteen monitors.¹ There may be many more incidents of religious attacks that have not been detected by this network. Therefore, the quantitative analysis presented in this study should be understood as an *impression* of the ground situation and not necessarily an accurate representation of it.

¹ The breakdown of the monitors used by NCEASL are as follow: three monitored anti-Christian incidents, three monitored anti-Buddhist incidents, four monitored anti-Muslim incidents, and five monitored anti-Hindu incidents. These monitors, appointed by NCEASL, are tasked with primarily reporting incidents applicable to their own religious affiliation. However,

During the data gathering stage of study, the following information with respect to each incident was recorded to compile a database:

1. Date of incident;
2. Location of incident, i.e., province, district, and division;
3. The religious identity of the person or group targeted by the violence or intimidation;
4. The type of perpetrator, i.e., state official (whether police, armed forces, local authority official, other official), religious actor, private individual, or non-state organisation;
5. The religious identity of the perpetrator;
6. A summary of the salient facts;
7. Type of alleged attack, i.e., whether it is a violation of some aspect of the freedom of religion or belief (FoRB); discrimination on the grounds of religious identity, or another type of attack (physical violence, destruction of property, threat or intimidation, or other type of non-physical attacks) on the basis of religious identity²;
8. The relevant legal provision that is potentially violated:

these monitors are not limited from cross reporting incidents which may cover other religions.

² It is noted that according to the methodology adopted for this study, a single incident could give rise to several attacks, as the term 'attack' captures a number of acts, practices and policies that cause some form of harm to persons or groups on the basis of their religion.

- a. The Sri Lankan Constitution (articles 10, 12(2) and (3), or 14(1)(e));
- b. The Penal Code (sections 290, 290A, 291, 291A, 291B, 292, 310-13, or 483);
- c. The International Covenant on Civil and Political Rights (ICCPR) Act (section 3(1));
- d. The Police Ordinance (section 79(2));
- e. The Computer Crimes Act (section 6(1); or
- f. The Online Safety Act (sections 15 and 16).

Following the compilation of the database, a focus group discussion was held with several lawyers who are actively involved in litigating FoRB cases. These lawyers advise and work with NCEASL and victims of religious attacks.

This report contains a section on analysing incidents of religious attacks on social media. The analysis for this section relied on the database of social media posts that was compiled by Hashtag Generation and identified posts that potentially constituted an attack on the basis of religion.

Stage 2: A legal analysis of the incidents

During its analytical stage, the study assessed the incidents categorised in the database and generated a quantitative breakdown of the various categories. It then assessed each incident in terms of the elements of specific provisions of Sri Lankan law that protect persons and groups on the basis of their religious identity.

Based on this assessment, this study offers a legal opinion on whether an incident potentially constitutes a violation of a fundamental rights guaranteed by the Sri Lankan Constitution or an offence under Sri Lankan law. It should be noted, however, that such an opinion was provided based on the information made available to the team and cannot be considered a factual conclusion with respect to the occurrence of a fundamental rights violation or an offence under Sri Lankan law.

Based on the legal analysis of reported incidents, the study then offers broader conclusions on the religious attacks that took place in Sri Lanka between November 2024 and October 2025.

2. The Legal Framework

This study focuses on 'attacks' on a person or group on the basis of their religious identity. The term 'attack' is used as an umbrella term to capture a number of acts, practices and policies that cause some form of harm to persons or groups on the basis of their religion. The term covers the following categories:

1. Violations of a person's or group's FoRB;
2. Discrimination against a person or group on the basis of religious identity;
3. Physical violence against a person or group on the basis of their religious identity;
4. Damage to property on the basis of the religious identity of the property's owners or users;
5. Incitement to discrimination, hostility or violence against a person or group on the basis of their religious identity;
6. Non-physical violence (such as threats or intimidation) against a person or group on the basis of their religious identity;
7. Causing any other types of non-physical attacks (such as disrupting an ongoing religious assembly or outraging religious feelings) against a person or group on the basis of their religious identity.

Sri Lanka's legal framework offers protection to persons and groups from each of the above categories of attacks. The subsections below dissect and explain these legal provisions.

2.1 Violations of FoRB: Articles 10 and 14(1)(e) of the Constitution

FoRB contains a number of aspects. It first entails the freedom of a person to have or adopt (and therefore change) a religion or belief. This aspect of FoRB is guaranteed by article 10 of the Sri Lankan Constitution. Article 10 provides:

Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.

FoRB also entails the freedom of a person, either individually or together with others, to manifest their religion or belief through worship, observance or teaching. Article 14(1)(e) provides:

[Every citizen is entitled to] the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice and teaching.

The terms 'worship', 'observance', 'practice' and 'teaching' may be understood by referring to the explanations offered by the United Nations (UN) Human Rights Committee in

General Comment No 22 – Article 18 (Freedom of Thought, Conscience or Religion):³

Worship: extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest.

Observance and practice: include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language customarily spoken by a group.

Practice and teaching: include acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.

There may be some overlap between these concepts. Meanwhile, the Supreme Court in the case of *Karuwalagaswewa Vidanelage*

³ United Nations Human Rights Committee in General Comment No 22 – Article 18 (Freedom of Thought, Conscience or Religion) (30 July 1993), CCPR/C/21/Rev.1/Add.4, para 4.

Swarna Manjula et al v. Pushpakumara, Officer-in-Charge, Police Station, Kekirawa et al (the Jehovah’s Witnesses Case),⁴ concluded that ‘propagation’ did not fall within the protected scope of article 14(1)(e) of the Constitution. This case was upheld in May 2025 by the Supreme Court in the case of *Manimandre Arachilage Suneetha Kalyani de Silva et al v. S.J.B. Suwaris, Officer-in-Charge, Police Station, Walasmulla et al*, which concerned the arrest of Jehovah’s Witnesses.⁵ See Section 4 for a further discussion on the applicable international legal doctrine on this issue.

The Sri Lankan Constitution, in articles 17 and 126(2), only provides a remedy to a victim if the violation of their fundamental right is carried out by an executive or administrative actor of the state. Therefore, some acts by private actors, which ostensibly violate rights including the right to FoRB or non-discrimination, may not fall within the scope of article 17, and would not attract a remedy before the Supreme Court of Sri Lanka. For the purpose of this study, the team counted and analysed incidents in which private actors were involved in the violation of fundamental rights while noting the potential absence of a remedy under article 17.

While the state cannot impose legitimate restrictions on the right guaranteed by article 10, the rights guaranteed under article

⁴ SC (F.R) No. 241/14. See Gehan Gunatilleke, ‘The Jehovah’s Witnesses Case’, (2020) 25 *The Bar Association Law Journal* 440.

⁵ SC (F.R) No. 119/15, 120/15, 121/15 and 122/15 (See section 4 for further discussion on the case).

14(1)(e) may be subject to restrictions under article 15(7) of the Constitution. Article 15(7) provides:

The exercise and operation of all the fundamental rights declared and recognized by [Article 14] shall 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. For the purposes of this paragraph "law" includes regulations made under the law for the time being relating to public security.

Therefore, the freedom to manifest religion or belief may be restricted for legitimate reasons, provided the restriction is imposed by an Act of Parliament or an emergency regulation issued under the Public Security Ordinance, No. 25 of 1947.

The term 'law' in article 15(7) should be interpreted in terms of article 170 of the Constitution, which provides:

"law" means any Act of Parliament and any law enacted by any legislature at any time prior to the commencement of the Constitution and includes an Order in Council.

⁶ [2003] 1 Sri.L.R. 74, 97-98.

⁷ S.C (FR) Application No. 92/2016.

Notably, an instrument used to restrict a fundamental right should fall within the ambit of 'law'. In *Thavaneethan v. Dayananda Dissanayake*,⁶ the Supreme Court clarified that the term 'law' found in article 15(7) of the Constitution is restrictively defined in article 170 to mean Acts of Parliament and Orders-in-Council and is only extended to include emergency regulations issued under the Public Security Ordinance. While in *Faril et al v. Bandaragama Pradeshiya Sabha et al*⁷ the Court dismissed the petitioner's argument that a circular does not come within the definition of 'law', the Court cited an interpretation of law relevant to article 12 of the Constitution, and the question of interpreting the term 'law' in article 15(7) as set out by the same Court in *Thavaneethan v. Dayananda Dissanayake* was not dealt with. Thus, the team was of the view that the said decision in *Thavaneethan v. Dayananda Dissanayake* reflects the prevailing law with regard to article 15(7).

The Supreme Court has, additionally, held that any restriction of a fundamental right must comply with the criteria of rationality, necessity, and reasonableness. With respect to the criterion of rationality, the Supreme Court has observed that there must be a proximate or rational nexus between the restriction on a citizen's fundamental right and the object that is ought to be achieved by the restriction.⁸ With respect to the test of necessity, the Court has found that the crite-

⁸ See *Joseph Perera v. the Attorney-General and Others* [1992] 1 Sri.L.R 199, at 217.

tion 'involves a review of whether the restrictions are proportionate to the legitimate aim pursued'.⁹ It was also held that 'the sweeping nature of the restriction can make it over-broad and disproportionate'.¹⁰ In terms of the criterion of reasonableness, the Supreme Court has held: 'If this Court is satisfied that the restrictions are clearly unreasonable, they cannot be regarded as being within the intended scope of the power under Article 15(7)'.¹¹ These standards were endorsed by the Supreme Court in the *Local Authorities Elections (Special Provisions) Bill Determination*.¹² Therefore, each restriction of a fundamental right must be: (1) provided by law; (2) necessary and have a rational nexus to a legitimate aim (such as public order or public health); and (3) reasonable.

Meanwhile, article 16(1) of the Constitution provides: 'All existing written law and unwritten law shall be valid and operative notwithstanding any inconsistency with the preceding provisions of this Chapter.' Accordingly, this article ensures the validity of laws despite inconsistency with articles 10, 12 or 14(1)(e). For instance, such laws may contain discriminatory provisions on the basis of religion or belief. An example of such a law is the Marriage Registration Ordinance, No. 19 of 1907, which excludes from its scope 'persons professing Islam'. However, article 16 does not prevent the repeal or amendment of such laws.

In assessing whether a particular reported incident may constitute a violation of article 14(1)(e), the study first assesses whether the conduct of the targeted person or group falls within the scope of the fundamental right. If the right concerns the right to the freedom to manifest religion or belief, the study then assesses whether the conduct of the state is permissible in terms of the authority of the state to impose legitimate restrictions on this right. The study opines whether a violation may have taken place once these analytical steps have been completed.

A typical FoRB violation would be the following scenario. A pastor conducts weekly religious worship for Religion A at his house for a small congregation. Village neighbours begin to protest this weekly gathering on the basis that the village's religion is 'Religion B', as the majority of the villagers adhere to Religion B. During this protest, the villagers begin to shout insults and threats. The threats include threats of physical violence against the pastor and the congregation. As a result of the commotion a police officer arrives and asks the pastor to stop the worship. Subsequently, the pastor is called in for an inquiry by the area police. During this inquiry the Officer-In-Charge (OIC) states that as the villagers are opposing the worship, and if the pastor continues to hold the weekly gatherings to worship, it may cause a breach of peace. Given this reasoning, the police of-

⁹ *Sunila Abeysekera v. Ariya Rupasinghe, Competent Authority and Others* [2000] 1 Sri.L.R. 314, at 375.

¹⁰ *Ibid*, at 374.

¹¹ *Wickramabandu v. Herath and Others* [1990] 2 Sri.L.R. 2 348, at 359.

¹² S.C.S.D No. 01/2025-04/2025.

ficer informs the pastor to discontinue worship services in his residence or change the location of the worship service.

In analysing the above scenario, the first step would be to assess whether conduct of the targeted person or group falls within the scope of the fundamental right. Here, the pastor was conducting worship services for his congregation which falls within the scope of article 14(1)(e). The disturbance caused by the villagers during the worship together with the request of the police officer to stop the worship, and the subsequent order by the OIC to refrain from conducting worship service or change the location of the worship service amounts to a restriction on FoRB, as it places a restriction on both the pastor's and the congregation's freedom to manifest their religion.

An assessment must now be made on whether the conduct of the state is permissible in terms of the authority of the state to impose legitimate restrictions on FoRB. The source of restriction in this scenario is the claim that there will be a 'breach of peace'. Article 15(7) of the Constitution provides that restrictions on fundamental rights may be imposed if it is 'in the interest of public order'. The restriction must have a 'proximate and rational nexus between the restriction on a citizen's fundamental right and the object that is ought to be achieved'.¹³ Additionally, any restriction must be 'proportionate to the legitimate aim pursued'.¹⁴ In this instance, the

legitimate aim is to maintain 'public order' and prevent a 'breach of peace'. However, in this scenario, the anticipated breach of peace should be attributed to the villagers themselves, as it is these actors who are threatening to breach the peace by resorting to violence and not due to the pastor's actions. Restricting the pastor's and the congregation's FoRB lacks a rational nexus to the interest and is disproportionate, as the act of breach of peace would be caused by the villagers. It appears that rights of the pastor and his congregation are being restricted due to threats to public order that are originating from others who are reacting to the pastor's religious acts and not from the religious act, i.e., worship services, itself. The appropriate response in such a situation would be for the police officer to ensure the villagers do not engage in violence and commit a breach of peace. Therefore, the claim of a possible breach of peace being used as the basis on which the pastor is prevented from holding worship is a violation of article 14(1)(e). Furthermore, as a police officer was involved in causing this violation, it constitutes executive action and falls within the scope of articles 17 and 126(2) of the Constitution. Therefore, a remedy before the Supreme Court of Sri Lanka may lie.

¹³ *Joseph Perera v. the Attorney-General and Others* [1992] 1 Sri.L.R 199, at 217.

¹⁴ *Sunila Abeysekera v. Ariya Rupasinghe, Competent Authority and Others* [2000] 1 Sri.L.R. 314, at 375.

2.2 Discrimination: Articles 12(2) and (3) of the Constitution

'Discrimination' is defined by the UN Human Rights Committee to mean:

[A]ny distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.¹⁵

Discrimination on the basis of religion may include a range of areas including socio-economic discrimination (e.g., banning from certain economic activities or from market participation), political discrimination (e.g., banning of public gatherings), and discrimination in the application of law (e.g., discriminatory application of criminal law). For the purpose of this study, the discriminatory act that the incident involves should directly or indirectly target the religious identity of a person or group.

The Sri Lankan Constitution protects persons from discrimination on the grounds of religion. Article 12(2) provides:

No citizen shall be discriminated against on the grounds of ...religion...

Article 12(3) meanwhile provides:

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.

Although the remedy for the violation of article 12(3) of the Constitution is confined to 'executive or administrative action' in terms of article 17, the scope of article 12(3) covers a range of locations that are not necessarily owned or administered by the state, i.e., shops, public restaurants, hotels, places of public entertainment and places of public worship. Therefore, denying any person the right to access these places, even if such denial is by a private individual, would constitute a violation of the article if the appropriate state authority has failed to intervene to remedy the denial.

Discriminatory acts can vary. Typical cases of discrimination would include scenarios where a state official provides differential treatment to an individual on the basis of their religion, such as a Public Health Inspec-

¹⁵ United Nations Human Rights Committee, *General Comment No 18: Non-discrimination*, adopted at the

Thirty-seventh Session of the Human Rights Committee on 10 November 1989, para 7.

tor refusing to provide information to a Muslim student for her research purely on the basis of her religion.

A good example of criminal law being used in a discriminatory manner is seen through the use of sections 81, 98, and 106 of the Code of Criminal Procedure Act, No. 15 of 1979¹⁶ against a person or group on the basis of their religious identity. Such discrimination may occur when a group of individuals belonging to Religion A are conducting a religious worship or ceremony in a residential area. Individuals belonging to Religion B complain to the police that the religious activities constitute noise pollution and are causing a nuisance to the public, which has led to a tense situation in the area. The police, upon this complaint, obtain an order from the Magistrate to halt religious worship to prevent a breach of peace. However, the police do not obtain such orders when dealing with similar religious worship or ceremonies conducted by adherents of Religion B.

Another example is the use of section 66 of the Primary Courts' Procedure Act, No. 44 of 1970.¹⁷ This provision may be utilised when

a dispute arises between individuals belonging to Religion A and Religion B over a particular religious site. For example, imagine a scenario in which a particular land in question is of historical significance to Religion A and religious festivals are held at this site. Individuals belonging to Religion B have obtained control over this site. When individuals belonging to Religion A attempt to hold their annual festival on the said site, individuals belonging to Religion B lodge a complaint with the police. In this scenario, the police could utilise the said provision to arrest individuals belonging to Religion A and prevent the festivities from taking place. Such action may constitute discrimination in violation of article 12(2) of the Constitution.

2.3 Physical Violence: Sections 310 to 313 of the Penal Code

The Penal Code Ordinance, No. 2 of 1883 criminalises assault against a person. The elements of the relevant offences are explained below.

Section 310 of the Penal Code provides:

should not be ordered to execute a bond with or without sureties for keeping the peace for such period not exceeding two years as the court thinks fit to fix'. Section 98 relates to conditional orders for the removal of nuisance, and section 106 relates to absolute orders for urgent cases of nuisance.

¹⁷ This provision refers to situations where owing to a dispute affecting land a breach of the peace is threatened or likely.

¹⁶ Section 81 reads: 'Whenever a Magistrate receives information that any person is likely to commit a breach of the peace or to do any wrongful act that may probably occasion a breach of the peace within the local limits of the jurisdiction of the court of such Magistrate, or that there is within such limits a person who is likely to commit a breach of the peace or do any wrongful act as aforesaid in any place beyond such limits the Magistrate may in manner hereinafter provided require such person to show cause why he

Whoever causes bodily pain, disease, or infirmity to any person is said to 'cause hurt'.

Section 312 of the Penal Code provides:

Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said to 'voluntarily to cause hurt'.

The main elements of the offence are: (1) the act of causing hurt; and (2) *either* the intention to cause hurt or the knowledge that hurt is likely to be caused.

Section 313 of the Penal Code provides:

Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said 'voluntarily to cause grievous hurt'.¹⁸

¹⁸ According to section 311 of the Penal Code, 'grievous hurt' is confined to the following acts: (a) emasculation; (b) permanent privation or impairment of the sight of either eye; (c) permanent privation or impairment of the hearing of either ear; (d) privation of any member or joint; (e) destruction or permanent impairment of the powers of any member or joint; (f) permanent disfiguration of the head or face; (g) cut or fracture, of bone, cartilage or mouth or dislocation or

The main elements of the offence are: (1) the act of causing grievous hurt; and (2) *either* the intention to cause grievous hurt or the knowledge that grievous hurt is likely to be caused.

A typical instance of physical violence would include a case where a group of villagers who have opposed a religious worship ceremony in the village attack the attendees of the worship ceremony. The attack may injure the worshippers. It is fair to assume that the villagers assaulted the worshippers with the intention to cause hurt, and even if the said intention is absent, it is reasonable to assume that the villagers had the knowledge that the action is likely to cause hurt. This would amount to an offence under section 312 of the Penal Code. In the event that one such attack results in the dislocation of a person's bones, then the said incident would become an offence under section 313 of the Penal Code.

2.4 Damage to Property: Section 290 of the Penal Code

Section 290 of the Penal Code provides:

sublimation, of bone, joint or tooth; (h) any injury which endangers life or if the consequence of which an operation involving the opening of the thoracic, abdominal or cranial cavities is performed; (i) any injury which causes the sufferer to be in severe bodily pain or unable to follow his ordinary pursuits, for a period of twenty days either because of the injury or any operation necessitated by the injury.

Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby insulting the religion or insult any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

'Defilement' is defined as 'the doing of some act which would impair the sacredness of the building'.¹⁹ Meanwhile, the phrase 'any class of persons' has received a liberal interpretation to include sects within each religion'.²⁰

The main elements of the offence are: (1) destroying, damaging, or defiling any place of worship or object held sacred by any class of persons; and (2) *either* the intention of insulting the religion or insult any class of persons or the knowledge that any class of persons is likely to consider such destruction, damage, or defilement an insult to their religion.

A typical example of damage to a place of worship would be where a group of individuals damage an image or statute of a religious figure. Such a statue or image would be considered an object held sacred by the adherents of that particular religion. It would be reasonable to assume that when damaging

such an image or statue, the perpetrator would have the knowledge that those who adhere to this particular religion would consider the damage an insult to their religion. Thus, the perpetrator potentially commits an offence under section 290 of the Penal Code.

2.5 Incitement: Section 3 of the ICCPR Act

Section 3(1) of the ICCPR Act, No. 56 of 2007 provides:

No person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

Section 3 only prohibits certain types of advocacy of hatred, i.e., hate speech that amounts to incitement against persons on the basis of their national, racial, or religious identity. If the speech in question does not involve incitement or does not target a person or group on the basis of their national, racial, or religious identity, it falls outside the scope of the Act. For example, the use of religious slurs against a person, even if it amounts to hate speech, does not fall within the ambit of the Act if there is no incitement. The element of incitement must be satisfied.

The legal test for incitement is set out in a recent judgment of the Supreme Court of Sri

¹⁹ *Sri Mudali v. Sabastian*, (1898) 4 Bal. Rep. 133, 134.

²⁰ *Sewanthinathan v. Nagalingam*, (1960) 69 N.L.R. 419.

Lanka,²¹ in which His Lordship Justice Yasantha Kodagoda, P.C. endorsed the guidelines issued by the Human Rights Commission of Sri Lanka (HRCSL) on section 3 of the ICCPR Act.²² The Supreme Court held that, for any form of expression to constitute an offence under section 3 of the ICCPR Act, several factors must be considered by law enforcement authorities. These include whether the impugned expression amounts to 'incitement' to discrimination, hostility, or violence. This feature of the offence requires law enforcement authorities to consider whether there is an 'imminent danger' that the impugned expression would cause actual harm. Moreover, in its guidelines on section 3 of the ICCPR Act, the HRCSL states that, for there to be 'incitement', there must be a 'reasonable probability' that the expression would cause imminent harm. The HRCSL endorses a six-part test to determine incitement as set out in the United Nations Rabat Plan of Action, i.e., the (1) the context of the speech, (2) the speaker, (3) the intent of the speaker, (4) the content and form of the speech, (5) the extent of the speech, and (6) the imminence of discrimination, hostility, or violence.²³ Accordingly, for there to be an offence under section 3 of the ICCPR Act, the speech concerned must encourage others to commit

acts of religious discrimination, hostility or violence, and there must be a likelihood that such acts are imminent.

A typical instance of incitement would be when a politician, during a campaign speech that is well attended by the public, makes a statement that members of Religion A who do not support him are engaged in a conspiracy against the people of his religion (Religion B) and then encourages the attendees to attack members of Religion A.

2.6 Threats and Intimidation: Section 483 of the Penal Code

Section 483 of the Penal Code makes criminal intimidation an offence:

Whoever threatens another with any injury to his person, reputation, or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

²¹ SC (F.R.) Application No. 135/2020.

²² 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* (August 2019); Also see Gehan Gunatilleke, 'Is Section 3 of Sri Lanka's ICCPR Act Fit for Purpose?' (2023) 26 *The Bar Association Law Journal* 156.

²³ Human Rights Council, *Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred That Constitutes Incitement to Discrimination, Hostility or Violence* (11 January 2013) A/HRC/22/17/Add.4, annex, appendix, para. 29.

The main elements of the offence are: (1) a threat; (2) the content of the threat should concern the injury to a person, reputation, or property, or to the person or reputation of any one that person is interested; and (3) *either* the intent to cause alarm to the person or the intent to cause the person to do any act that person is not legally bound to do or cause that person to omit to do any act that person is legally bound to do.

A typical example of a threat or act of intimidation would be where a political actor threatens a pastor with a death threat unless the pastor ceases to hold worship services at his residence. The action of the political actor is a threat, the content of which concerns the injury of the pastor's person. It can be presumed that the intent of the threat is to cause alarm to the pastor and thereby compel him to stop holding worship services which he is lawfully entitled to hold. The act could, therefore, constitute criminal intimidation, which is criminalised under section 483.

Section 342 of the Penal Code makes assault an offence:

Whoever makes any gesture or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit 'an assault'.

The main elements of the offence are: (1) making a gesture or the preparation of doing an act; (2) causing a person present to apprehend that criminal force is about to be used; and (3) *either* the intention to cause the said apprehension or the knowledge that such a gesture or preparation would induce the said apprehension. While mere words do not amount to an assault, the words said may give a meaning to a gesture of preparation resulting in an assault. Furthermore, actual physical violence is not a requirement for this offence.

Additionally, section 79(2) of the Police Ordinance, No. 16 of 1865 criminalises the use of threatening, abusive or insulting words or behaviour intended to breach the peace:

Any person who in any public place or at any public meeting uses threatening, abusive or insulting words or behaviour which is intended to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence under this section.

The specific elements of the offence are: (1) the use of threatening, abusive or insulting words or behaviour; (2) in a public place or at any public meeting; and (3) *either* intention to provoke a breach or knowledge that a breach of peace is likely to be occasioned.

A typical example of threatening, abusive or insulting words or behaviour intended to breach the peace would be where a group of individuals tell a Buddhist priest in a public

area that unless he stops holding religious events in that area they will come and attack him. There is a use of threatening words made in a public place. It can be assumed that the group of individuals have the knowledge that a breach of peace is likely to occur as a result of their actions.

2.7 Other Types of Non-Physical Attacks

Offences under the Penal Code

Apart from physical and non-physical acts of violence, the law offers protection to persons and groups from certain types of attacks that target their religious beliefs. The Penal Code contains several offences of this nature.

Section 290A criminalises acts in relation to places of worship with intent to insult the religion of any class:

Whoever does any act, in or upon, or in the vicinity of, any place of worship or any object which is held sacred with intent to or in veneration by any class of persons, with the intention of wounding the religious feelings of any class of persons or with the knowledge that any class of persons is likely to consider such act as an insult to their religion, shall be punished with imprisonment of either de-

scription for a term which may extend to one year, or with fine, or with both.

The main elements of the offence are: (1) doing any act, in or upon, or in the vicinity of any place of worship or any object which is held sacred or in veneration by any class of persons; and (2) *either* the intention of wounding the religious feelings of any class of persons or the knowledge that any class of persons is likely to consider such act an insult to their religion.

Section 291 of the Penal Code makes disturbing a religious assembly an offence (see the discussion on the Online Safety Act below for the corresponding online offence):

Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

The main elements of the offence are: (1) voluntarily causing disturbance; and (2) the assembly is lawfully engaged in the performance of religious worship or religious ceremonies. The courts have held that for a religious worship or ceremony to be engaged in 'performance', it should be in progress at the time of the disturbance.²⁴ For example, the

²⁴ *Sub-Inspector of Police, Bentota v. Zoysa*, (1921) 23 N.L.R. 125.

obstruction of a priest or monk on their way to the religious worship or ceremony would fall outside this offence.

Section 291A of the Penal Code criminalises uttering words with deliberate intent to wound religious feelings:

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

The main elements of the offence are: (1) the deliberate intention of wounding the religious feelings of any person; and (2) uttering any word or making any sound in the hearing of a person or making a gesture in the sight of a person or placing any object in the sight of a person.

Additionally, section 291B criminalises deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs (see the discussion on the Online Safety Act below for the corresponding online offence):

Whoever, with the deliberate and malicious intention of outraging the religious feelings of any class of persons, by words, either spoken

or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

The main elements of the offence are: (1) the deliberate and malicious intention of outraging the religious feelings of any class of persons; (2) words, either spoken or written, or visible representations; and (3) insulting or attempting to insult the religion or the religious beliefs of that class.

Finally, section 292 criminalises trespassing on burial places:

Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to

one year, or with fine, or with both.

The main elements of the offence are: (1) *either* committing any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, *or* offers any indignity to any human corpse, *or* causes disturbance to any persons assembled for the performance of funeral ceremonies; and (2) *either* the intention of wounding the feelings of any person, *or* the intention of insulting the religion of any person, *or* the knowledge that the feelings of any person are likely to be wounded, *or* the knowledge that the religion of any person is likely to be insulted thereby.

The elements of some of these Penal Code offences, such as the offences under sections 291A or 291B, are akin to 'blasphemy'. 'Blasphemy' may be defined as an act that is sacrilegious or insulting towards a divine being or sacred object.²⁵ Notably, United Nations Special Rapporteurs on Freedom of Religion or Belief have opined that blasphemy laws or 'defamation of religion' laws often criminalise conduct that is 'offensive' towards a particular religious belief but would not meet the in-

ternational legal criteria for a permissible restriction on the freedom of expression.²⁶ Therefore, although these offences remain in the Penal Code of Sri Lanka, they remain inconsistent with international law, and notably article 19(3) of the ICCPR.²⁷

A typical example of a type of non-violent attack would be a situation where, when a worship service is ongoing at a residence without causing any disturbance to the neighbourhood, a police officer interrupts it and makes them stop the worship service. First, the officer has voluntarily caused a disturbance by stopping the worship service. Second, the worship service is an assembly lawfully engaged in the performance of religious worship and is currently ongoing. Based on the above facts, the officer is disturbing a religious assembly and thereby committing an offence under section 291 of the Penal Code.

Offences under the Online Safety Act

Section 15 of the Online Safety Act, No. 9 of 2024 provides:

Any person, whether in or outside Sri Lanka who by communicating a false statement, voluntarily causes

²⁵ 'Blasphemy' in the *Merriam Webster Dictionary* (2013).

²⁶ Human Rights Council, *Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt*, 23 December 2015, A/HRC/28/66/Add.1, para. 61; Human Rights Council, *Freedom of religion or belief: Report of the Special Rapporteur on freedom of*

religion or belief, 5 March 2019, A/HRC/40/58, paras. 25-30.

²⁷ Article 19(3) of the ICCPR provides that a restriction on the freedom of expression shall 'only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.'

disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies, commits an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding three years, or to a fine not exceeding three hundred thousand rupees, or to both such imprisonment and fine.

The main elements of the offence are: (1) communicating a false statement; and (2) voluntarily causing disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies.

Section 16 of the Online Safety Act provides:

Any person, whether in or outside Sri Lanka who with the deliberate and malicious intention of outraging the religious feelings of any class of persons by way of an online account or through an online location by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class by communicating a false statement, commits an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding three years, or to a fine not exceeding three hundred thousand rupees or to both such imprisonment and fine.

The main elements of the offence are: (1) the deliberate and malicious intention to outrage the religious feelings of any class of persons; (2) by way of an online account or through an online location and by words, either spoken or written, or by visible representations; and (3) insults or attempts to insult the religion or religious beliefs of that class by communicating a false statement.

A typical example of an offence under the Online Safety Act would be where A, posts a video on a social media platform where he insults Religion X and makes false allegations against individuals belonging to Religion X. It can be assumed that he had a 'deliberate and malicious intention to outrage the feelings' of individuals belonging to Religion X. He did this act through an online account using words and has insulted Religion X by making false allegations. Accordingly, a *prima facie* case of an offence under section 16 of the Online Safety Act can be noted.

For there to be an offence under the Online Safety Act, the statement made should be established as 'false'. Therefore, if X had visited a place of worship and posted a video online stating that individuals belonging to Religion A are meeting for worship services at this particular place, and that people should come there and disrupt it, the act would fall outside the scope of section 15 of the Online Safety Act, as the statement about the meeting taking place would not be ostensibly false. However, the act may still fall within the scope of section 291 of the Penal Code, and may, if the elements of incitement are established,

fall within the scope of section 3 of the IC-CPR Act.

Offences under the Computer Crimes Act

Section 6(1) of the Computer Crimes Act, No. 24 of 2007 provides:

Any person who intentionally causes a computer to perform any function, knowing or having reason to believe that such function will result in danger or imminent danger to
(a) national security;
(b) the national economy; or
(c) public order,
shall be guilty of an offence and shall on conviction be punishable with imprisonment of either description for a term not exceeding five years.

The main elements of the offence are: (1) intentionally causing a computer to perform any function; (2) knowing or having reason to believe such function will result in danger or imminent danger; and (3) *either* to national security, or national economy, or public order.

A typical example of an offence under this section would be a case where a person uses a computer to periodically post videos on social media that encourages violence against individuals belonging to Religion A. By intentionally causing the computer to perform the posting of videos on social media and having a reason to believe that the said videos will cause a danger to public order, the said person may commit an offence under section 6(1) of the Computer Crimes Act.

3. Recent Judgments and Trends in FoRB

This section presents a brief overview of the recent judgments of the Supreme Court of Sri Lanka in relation to FoRB as well as trends in international human rights law on FoRB.

3.1 FoRB and Propagation

On 21 May 2025, the Supreme Court in *Manimandre Arachilage Suneetha Kalyani de Silva et al v. S.J.B. Suwaris, Officer-in-Charge, Police Station, Walasmulla et al*²⁸ dealt with the issue of whether the arrest of the petitioners – four female Jehovah’s Witnesses – violated their fundamental rights. The arrests were made by a police officer following rising tensions between the petitioners and villagers. The police officer and the Grama Niladhari (who was also present at the scene) had alleged that the situation between the petitioners and the villagers was one that amounted to an imminent threat of breach of peace.

In its judgment, the Court focused on the issue of whether the petitioners were engaged in ‘propagation’ at the time of arrest and whether ‘propagation’ was protected by article 10 or article 14(1)(e) of the Constitution. In deciding whether the petitioner’s right to the freedom of thought, conscience or religion under article 10 was violated, the Court held that while this constitutional provision includes ‘the freedom to have or to adopt a

religion or belief of one’s choice’ it does not include the ‘external manifestation of one’s thought, conscience or religion’. Accordingly, the Court held that ‘propagation’ was an external manifestation of one’s belief or religion and does not form part of the fundamental rights guaranteed under article 10. Thereafter, in considering whether article 14(1)(e) was violated, the Court, while recognising that this article covers the external manifestation of FoRB, stated that it does not extend to every form of manifestation and only secures ‘worship, observance, practice, and teaching’. In this judgment, His Lordship Justice Janak De Silva, while recalling the *Karuwalagaswewa Vidanelage Swarna Manjula et al v. Pushpakumara, Officer-in-Charge, Police Station, Kekirawa et al* (the Jehovah’s Witnesses Case),²⁹ went on to state that teaching is fundamentally directed towards ‘educating a person on a particular subject’ and that the ‘spread of religion involves much more’. In conclusion, the Supreme Court was of the view that there was no compelling reason to deviate or disagree with the view previously held by the Court in the 2018 Jehovah’s Witnesses Case. Accordingly, the Court found that the activities of the petitioners fell outside the scope of article 14(1)(e).

The ability to distribute publications about one’s religion is often a fundamental aspect

²⁸ SC (F.R) No. 119/15, 120/15, 121/15 and 122/15.

²⁹ SC (F.R) No. 241/2014.

of manifesting religion or belief and may be treated as falling within the scope of 'teaching' under international human rights law. The UN Human Rights Committee, in paragraph 4 of General Comment No. 22, notes that practice and teaching include '*the freedom to prepare and distribute religious texts or publications*' (emphasis added).³⁰ Such distribution cannot impede the rights and freedoms of others and cannot be coercive. More recently, the UN Human Rights Council in its Resolution 58/5 dated 2 April 2025, urged States to 'step up their efforts to promote and protect freedom of thought, conscience and religion or belief, and to this end... to ensure, in particular the right of all individuals to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all individuals to seek, receive and impart information and ideas in these areas'.

Separately, the Human Rights Committee interprets the term 'observance' as including 'not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language customarily spoken by a group'.³¹ Accordingly, what constitutes 'observance' will largely depend on the tenets of a particular religion, and may not be

easily interpreted by a secular judicial authority. It is the case that for many faith groups, including Jehovah's Witnesses, sharing their faith (propagation or proselytisation) is not merely an optional activity but a religious obligation or 'observance' of their faith. In this context, it comes as no surprise that some courts, such as the European Court of Human Rights, have recognised proselytisation as a bona fide manifestation of religion or belief. In *Kokkinakis v. Greece*,³² which concerned the criminal conviction of a Jehovah's Witness for attempting to convert a Greek Orthodox Christian during an unsolicited visit to her home, the Court found that the conviction was disproportionate and that proselytisation was a legitimate manifestation of religious beliefs. The Court also observed that such proselytisation was an integral part of enabling people to choose to change their religion, and without it the right to change religion 'would belikely to remain a dead letter'.³³ Therefore, it is arguable that propagation can constitute a form of observance falling within the scope of the freedom to manifest religion or belief, and the proper way of dealing with such activity would be to treat it within the domain of limitations. Accordingly, propagation would be treated as within the scope of FoRB, but an activity that may be legitimately restricted on the grounds of protecting certain rights of others, including their right to privacy, and their right to have a religious belief without coercion.

³⁰ Human Rights Committee, *General Comment No 22 – Article 18 (Freedom of Thought, Conscience or Religion)*, 30 July 1993, CCPR/C/21/Rev.1/Add.4, para. 4.

³¹ *Ibid.*

³² (1993) 17 EHRR 397.

³³ *Ibid.*, para 31.

In the 2025 Jehovah's Witnesses Case, though the Supreme Court did not find that the petitioner's activities were protected by article 14(1)(e), it did note that 'propagation in the sense of a right to convert any person to one's own religion or in the sense of spreading one's religion is not an offence as the law stands'. On this basis, the Court held that there was no lawful basis for arrest. The Court also found that despite the police officer's claims with respect to a breach of peace, there was no material evidence to conclude that an imminent breach of peace had occurred. The Court then went on to hold that petitioners' fundamental rights under article 13(1), i.e., freedom from arbitrary arrest, and articles 12(1) and (2), i.e., the rights to equality and non-discrimination, were violated, as the petitioners were arbitrarily arrested and subject to discriminatory treatment based on their religious affiliation.

While delivering this judgment, the Supreme Court also observed that 'religious tolerance is a cornerstone of harmonious coexistence in diverse societies. It entails respecting and accepting the beliefs, practices, and traditions of individuals and communities, regardless of their faith or religion'. The importance of promoting religious tolerance was also highlighted by the UN Human Rights Council in its Resolution 58/5.³⁴ This resolution also called on States to 'take all necessary and appropriate action, in conformity with international human rights obligations, to combat

hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to persons belonging to religious minorities'.³⁵ This duty placed on states is particularly relevant to Sri Lanka in light of the trends discussed in the analysis below.

3.2 FoRB and Arbitrary Arrest

Another recent judgment by the Sri Lankan Supreme Court is *Abdul Raheem Masahena v. Hon. Attorney General et al.*³⁶ In this case, decided in July 2025, the petitioner claimed a violation of articles 12(1) and 13(1), during her arrest back in 2019. The petitioner was arrested for wearing a dress with an image, a ship's wheel, resembling a *Dharma-chakra*. While this case did not directly deal with article 14(1)(e), it concerned an arrest under section 3 of the ICCPR Act and section 291B of the Penal Code. The Supreme Court stated that section 3 of the ICCPR Act required that the petitioner must either 'engage in the propagation of war' or 'engage in the advocacy which takes the manifestation of national, racial, or religious hatred that constituted incitement of discrimination, hostility or violence'. While noting that wearing a particular apparel can be a form of expression and thus a form of communication advocating a particular view, the Court held

³⁴ UN Human Rights Council, *Resolution 58/5 on Freedom of religion or belief*, 3 April 2025, A/HRC/RES/58/5.

³⁵ *Ibid*, para 9(k).

³⁶ SC (F.R) No. 245/2019.

that the petitioner was not engaged in such expression for the purpose of advocacy aimed at discrimination, hostility etc. The Court also found that the petitioner lacked the intention contemplated under section 291B of the Penal Code. Accordingly, the Court observed that 'it must be borne in mind by all law enforcement officers that this type of reaction or the abuse of power against any person who entertains radical religious ideology and maniacal faith can easily drive such a person into religious extremism and violence. Law enforcement overreach as manifested in this case can also affect religious harmony and peaceful coexistence among communities.' In this regard, the UN Human Rights Council Resolution 58/5 urged States to 'ensure that all public officials and civil servants, including members of law enforcement bodies in the course of fulfilling their official duties respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided'.³⁷ As discussed in the analysis below, the role of state actors in FoRB related attacks in Sri Lanka remains a serious concern.

3.3 FoRB and Breach of Peace

The approach that emerged from a Court of First Instance in June 2025 is also worth noting. In Case No. 3765/25/MISC, the OIC of the Hambantota Port Police Station requested the Hambantota Magistrate to issue

³⁷ Human Rights Council, Resolution 58/5, para.9(j).

an order under section 106(1) of the Code of Criminal Procedure Act, No. 15 of 1979.³⁸ According to the OIC's submissions, several complaints were received from Buddhist monks and individuals in the area opposing the worship and activities of a church in the area claiming that the church was involved in converting Buddhists to Christianity. The complainants had requested that the church cease worship activities until the church is registered. As the Buddhist monks and villagers had increased their opposition to the church, the OIC submitted that he had a concern that a disturbance to public order may occur when the next worship takes place the following Sunday. Accordingly, the OIC requested that an order under section 106(1) be granted until the church was registered. However, the magistrate observed that the OIC failed to demonstrate as to how the registration of the church will end the public opposition. He also stated that the OIC had failed to establish a situation requiring an order under section 106(1). When analysing the incidents below, similar factual scenarios may be observed where villagers and monks' opposition to church worship often resulted in law enforcement authorities reacting by either demanding registration or preventing such worship due to concerns of public order or public peace. The approach taken in this case supports the view that registration or the suppression of worship does not address the root cause of conflicts, potentially resulting in threats to public order or public peace.

³⁸ Section 106(1) provides for a magistrate to issue absolute orders in urgent cases of nuisance.

4. Legal Analysis

This section presents an assessment of the incidents reported by NCEASL in terms of whether they constitute a violation of any fundamental rights or constitute an offence under Sri Lanka's penal law. It then presents a quantitative account of these incidents.

4.1 Sociocultural, Economic, and Political context

Prior to presenting the analysis of incidents, it may be useful to briefly set out the broader sociocultural, economic and political context in which attacks on persons and groups on the basis of their religious identity take place.³⁹

Post-war Sri Lanka has witnessed a rapid rise in violence of a distinct ethnoreligious nature – particularly against Muslims and Christians. For instance, widespread anti-Muslim mob violence took place in the Southern Province in 2014 and 2017, in the Central Province in 2018, in the Eastern Province in 2018, and in the Western and North-Western Provinces in 2019. In most of these episodes, except for the anti-Muslim violence in 2019 following the April 2019 Easter Sunday Attacks, common altercations, such as a traffic dispute or arguments at restaurants, triggered widespread mob violence.

The overarching context of this post-war ethnoreligious conflict reflects, at least with respect to anti-Muslim violence, a cyclical relationship between majoritarian discrimination and violence, and violent radicalisation within minority communities. For example, in the lead up to the Easter Sunday Attacks and its aftermath, years of anti-Muslim violence and discrimination are likely to have prompted some disenchanted members of the Muslim community to gravitate towards radical forms of Islamism.⁴⁰ In turn, Sinhala-Buddhist militant groups point to such radicalism to justify further hostility and violence towards Muslims. However, it should be noted that this same cycle is not always evident in all contexts of religious attacks.

There are two underlying drivers of conflict that have sustained violent ethnoreligious conflict in Sri Lanka. These are as follows:

Entitlement complexes: A sense of entitlement to land, sociocultural dominance, and economic dividends among the majority Sinhala-Buddhist community is founded on the belief among some segments of this community that Sri Lanka is a Sinhala-Buddhist coun-

³⁹ This section relies on the analysis in Gehan Gunatilleke, 'Do Faith-based Conflict Resolution Mechanisms Prevent and Mitigate Ethnoreligious Conflict in Sri Lanka?' (2025) 60(3) *Zygon: Journal of Religion and Science* 938.

⁴⁰ Gehan Gunatilleke, 'Fear, Radicalism and Violence: Sri Lanka's Cyclical Crisis' in Farahnaz Ispahani (ed.), *The Politics of Hate: Regional Majoritarianism in South Asia* (HarperCollins 2023), 126.

try, and that Sinhala-Buddhists are the original inhabitants of the island.⁴¹ The culmination of generations of political and ideological discourses, and socialisation through school curricula have contributed to this complex. The same 'complex' may also manifest similarly in the case of regional or local majorities, including in Tamil, Muslim, and Catholic majority areas. For example, assertions by groups, such as 'Siva Senai', that certain territories in the North and East are 'Hindu', reflect regional entitlement complexes and underlie antagonism towards other communities.

Existential fears: Some Sinhala-Buddhists feel deep existential fears that their dominant status at the national level would be eroded by the activities of Tamils, Muslims and Christians. Similarly, certain members of the Hindu, Muslim and mainline Christian communities possess existential fears connected to their regional entitlement complexes.

First, there are fears that Muslim population growth and perceived Muslim dominance over trade threaten the numerical majority and economic prosperity of other communities. These fears also include a sociocultural dimension and underlie antagonism towards Muslim appearance and attire, which are perceived as representing the 'growth' of Islamic cultural and ideological influence.

Second, Christian proselytisation is perceived as a threat to the numerical and cultural dominance of other communities. This threat has historical roots, as the propagation of Christianity is associated with colonial missionary projects through which many Buddhists and Hindus converted to Christianity, and certain Buddhist and Hindu sites of worship were destroyed.

Third, longstanding conflict over territory in the North and East underlie existential fears among Sinhala-Buddhists with respect to Tamil (and by extension, Tamil Hindu) claims to autonomy and notions of a homeland. These fears often drive Buddhist-Hindu contestation over sacred sites.

The above existential fears are relevant to this study, as the team analysing the data began to observe a nexus between the nature of the existential fear and the type of attack encountered by the targeted religious group.

Additionally, local dynamics or fault lines between ethnoreligious groups may, either by themselves or in combination with more deeply rooted drivers of conflict, produce the conditions for religious attacks. These fault lines include:

Economic fault lines: competition over scarce resources, such as land, capital and business opportunities;

⁴¹ Neil DeVotta, *Sinhalese Buddhist Nationalist Ideology: Implications for Politics and Conflict Resolution in Sri Lanka* (East-West Center 2007), 5.

Political fault lines: political disputes, such as disputes over power-sharing arrangements, that underlie tensions between communities; and

Sociocultural fault lines: disputes over sociocultural matters, such as religious attire, sacred space, and burial rites.

As most of these 'drivers' are often the culmination of generations of political and ideological discourses, the change in government which occurred in the period covered by this study (November 2024 to October 2025) presented a potential shift in the socio-political landscape.

In September 2024, National People's Party (NPP) candidate Anura Kumara Disسانayake was elected President and in November 2024 the NPP's mandate was reaffirmed during the parliamentary elections with the party securing 61.56% of the votes, which gave them 159 seats and a two-third majority in parliament. While the NPP was outperformed in the North and East in the presidential election, NPP saw improvements in the parliamentary election with their vote share in the Northern and Eastern Provinces gaining 72,226 votes in the North and 91,153 votes in the East compared to the presidential election. While the NPP saw a slight decrease during the local

government elections, it still maintained substantial support, even amongst minority communities. A key feature in NPP's political campaigns in this election cycle was that they did not feature strong ethno-religious grounds as the basis for their campaigns. The NPP campaigns were based on economic and governance issues, such as corruption.

Among the NPP's key political pledges was its commitment to 'abolish all oppressive acts including the Prevention of Terrorism Act, No. 48 of 1979 (PTA) and ensure the civil rights of people in all parts of the country'. Despite this pledge, the repeal of the PTA is yet to materialise.⁴² Furthermore, the government has continued to invoke the PTA, particularly in cases involving members of the Muslim community accused of expressing anti-Israel or pro-Palestine views. The HRCSL highlighted such arrests under the PTA as 'racial profiling' and violative of the right to equality before the law and equal protection of the law guaranteed by article 12(1) and the right to non-discrimination on the grounds of race and 'religion' guaranteed by article 12(2) of the Constitution.⁴³

The NPP also pledged to 'amend the Online Safety Act, No. 9 of 2024 by removing restrictions on freedom of expression'. In line with this promise, the government issued a

⁴² There currently is a committee appointed to provide recommendations on the repeal and replacement of the PTA, which has submitted its report to the Minister of Justice.

⁴³ *Mohamed Hanifa Badhurnisa & Mohamad Liyaudeen Mohamed Rusdi v The Director, Counter Terrorism and Investigation Division & Five Others*,

HRC/1072/25 (Human Rights Commission of Sri Lanka Recommendation of 12 June 2025), <https://www.hrcsl.lk/wp-content/uploads/2025/06/HRCSL-Press-Notice-13062025.pdf>.

public notice in August 2025 inviting media organisations, civil society, and the public to submit observations and recommendations on proposed amendments to the Online Safety Act. While this consultation marks a procedural step towards reform, a draft amendment is yet to be publicly shared. The government has not outlined the specific provisions it intends to revise or repeal.

The NPP led government has also made several statements that could impact the freedom of religion or belief of religious minorities in Sri Lanka. For instance, in the government reply to the Office of United Nations High Commissioner for Human Rights (OHCHR), the government noted that a dispute review mechanism is being considered for contested religious sites.⁴⁴ Furthermore, during an official visit to the Northern Province in January 2025, the President stated that steps are being taken to expedite the process of returning land to its rightful owners and resolve such disputes.⁴⁵ Meanwhile, the Report of the OHCHR on the Situation of Human Rights in Sri Lanka, recommended the government to 'adjudicate land disputes in ways that are transparent, consultative, im-

partial and non-discriminatory and ensure interfaith dialogue about the erection of religious sites'.⁴⁶

The NPP manifesto also proposed creating a council with religious leaders of all major faiths to resolve inter-religious tensions and foster dialogue. To date, there is no public record of such a council being constituted. However, according to news reports, the government is in the process of establishing committees under the relevant departments for religious affairs to 'examine and respond to distorted or misleading religious interpretations that emerge from time to time' and to 'set criteria and recommend necessary measures to prevent the spread of such ideas'.⁴⁷

While the government has not actively taken steps to prevent attacks on the basis of religious identity, the lack of ethnic or religion-based politics at a high level has the potential to foster better relations between the state apparatus and those in the Northern and Eastern Hindu and Muslim communities.

While the economic conditions of the country have continued to stabilise, the recent

⁴⁴ Office of United Nations High Commissioner for Human Rights, Situation of human rights in Sri Lanka: Comprehensive report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/60/21, 12 October 2025, paragraph 28.

⁴⁵ Presidential Secretariat, 'People's Land Should Rightfully Belong to Them' (31 January 2025) <<https://www.presidentsoffice.gov.lk/peoples-land-should-rightfully-belong-to-them-the-issue-of-land-dis->

[puts-in-the-north-is-being-reviewed-and-steps-are-being-taken-to-expedite-the-return-of-land-to-the-people/](https://www.presidentsoffice.gov.lk/peoples-land-should-rightfully-belong-to-them-the-issue-of-land-dis-puts-in-the-north-is-being-reviewed-and-steps-are-being-taken-to-expedite-the-return-of-land-to-the-people/)>.

⁴⁶ OHCHR, Situation of human rights in Sri Lanka, paragraph 63.

⁴⁷ Dharshana Balasooriya, 'Govt doubles down on action against religious fanaticism', *Daily Mirror* (Colombo 7 October 2025) <<https://www.dailymirror.lk/breaking-news/Govt-doubles-down-on-action-against-religious-fanaticism/108-321554>>.

Census on Population and Housing 2024, being the first such census since 2012 provides some insight to the changes in religious compositions in the island.⁴⁸ At a national level the religious composition is as follows:

Religion	2012		2024	
	Total	Percentage	Total	Percentage
Sri Lanka	20,359,439	100.0	21,781,800	100.0
Buddhist	14,272,056	70.1	15,199,093	69.8
Hindu	2,561,299	12.6	2,734,839	12.6
Islam	1,967,523	9.7	2,337,379	10.7
Roman Catholic	1,261,194	6.2	1,224,348	5.6
Other Christian	290,967	1.4	282,185	1.3
Other	6,400	0.0	3,956	0.0

Source: Department of Census and Statistics, Census of Populations and Housing (2024), Table 8

While the proportion of Buddhists have declined, since 2012, Roman Catholics and Christian are the only religious categories whose absolute numbers have declined. Meanwhile, the Islamic population has seen an increase in its percentage of the total population by 1% (due to a 369,856 increase in the population).

At the district levels, the majority religion remains largely unchanged but with some noteworthy regional variations. Mannar District in the Northern Province shows the most significant internal shift where the Muslim population rose by over 10 percentage points (to 27.4%), while the Roman Catholic population declined from 52.6% to 46.6%. Similarly, the Sinhalese population has shown modest increases in Vavuniya (by 0.8 percent) and Jaffna (by 0.2 percent), districts traditionally characterised by a Tamil majority. Additionally, the Sinhalese population has increased

⁴⁸ Department of Census and Statistics, Census of Populations and Housing (2024).

in Badulla and Ratnapura. In urban districts such as Colombo and Kandy, moderate increases in the Muslim population and small declines in Catholic and Buddhist proportions can be noted. Despite the decrease of the total number of 'Other Christian' there were increases in the percentage of the same in the North (Kilinochchi, Mullaitivu, Vavuniya) and the East (Batticaloa).

4.2 Analysis of Incidents

A total of 89 'attacks' on a person or group on the basis of their religious identity were reported by NCEASL during the period November 2024 to October 2025. This figure only includes attacks that the team assessed as constituting a violation of a provision of law. Moreover, some attacks took place in the context of the same incident. Therefore, a single incident may have produced more than one attack. The team observed a total of 56 incidents. This section does not include reported attacks on social media. A detailed discussion on religious attacks on social media can be found in section E below.

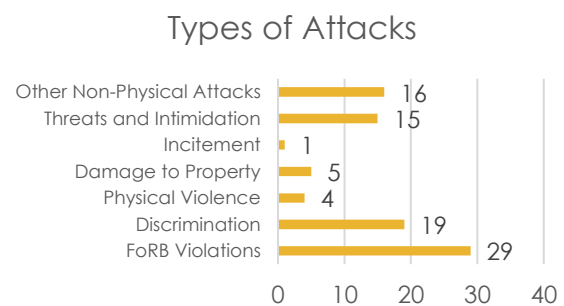


Figure 1: Types of Attacks

The most common types of reported attacks were violation of FoRB (29 attacks) and discrimination based on religious identity (19 attacks). Attacks involving threat and intimidation based on religion and other non-physical attacks were also commonly reported attacks. There was one incident that met the legal threshold of incitement. None of the other incidents of hate speech met the strict criteria required under section 3(1) of the IC-CPR Act.

However, several attacks involving hate speech met the threshold required to constitute an offence under the Penal Code and were counted under 'other types of non-physical attacks'. A disaggregation of each type of attack in Figure 1 can be found in the figures presented above. The attacks recorded between November 2024 to October 2025 indicate a reduction in reported attacks involving discrimination and FoRB violations when compared to the previous period between October 2023 and November 2024.⁴⁹

A. Analysis by Type of Incident

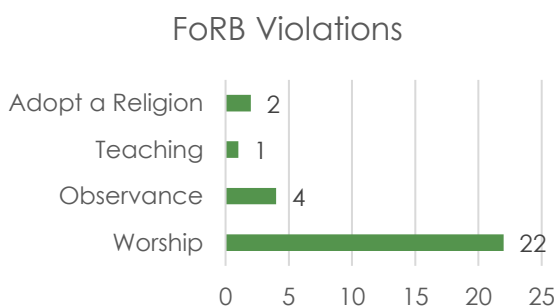


Figure 2: Disaggregation of FoRB Violations

⁴⁹ NCEASL, *From Fear to Violence: Religious Attacks in Sri Lanka: A Legal Analysis of Incidents: November 2023 to October 2024 (2025)*.

The most common type of FoRB violation (22 attacks) related to an interference with religious worship. Interference with religious observance was the second most common type of violation. There were two incidents involving an infringement of the right to the freedom to have or adopt a religion protected by article 10 of the Constitution.

For example, in June 2025, around ten villagers gathered outside a house church during a worship service in Gampaha. The villagers used obscene language, and expressed strong opposition to the church. Their demand was that worship services attended by outsiders be discontinued. Shortly afterward, four police officers arrived and requested the congregation to leave the church premises. The police then instructed the pastor to come to the police station. Once at the station, the OIC informed the pastor that he may continue to hold worship services, but if this continuation causes a breach of peace, then the pastor will be arrested. The team examined the information that was provided and assessed that this sequence of events, particularly the interruption of the worship, and dispersing of worshipers, constituted an attack that potentially infringed

the pastor's and his congregation's FoRB with respect to worship.

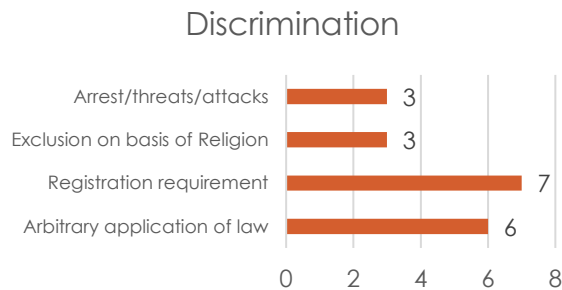


Figure 3: Disaggregation of Discrimination

For an act to be classified as 'discrimination', the team considered the power dynamic between the perpetrator and the victim. For instance, if the victim would be otherwise entitled to a benefit or entitlement (e.g., to visit a restaurant) and was prevented by some person holding power over entry (e.g., an owner of restaurant) purely on the basis of religious identity, the team would classify the attack as discrimination. However, if the person interfering with the benefit had no power over the entitlement (e.g., another customer at a restaurant demands the removal of a certain person on the basis of their religious identity), the act of such a person alone would not constitute discrimination.

Most reported attacks involving discrimination (seven attacks) related to the discriminatory application of the alleged requirement to register a place of worship. There appears to be a slight decrease in the number of re-

ported attacks involving discrimination connected to the registration requirement when compared to the previous period between October 2023 and November 2024, which recorded twelve attacks.⁵⁰ The next most common form of discrimination resulted from the arbitrary application of a law. Often, such incidents featured a misguided police officer arbitrarily preventing worship claiming there was a threat of breach of peace. Yet, any possible threat arises due to the actions of those reacting to the worship, rather than the worshipers. Moreover, there were a number of recorded incidents where persons were arrested, threatened or in some way attacked by a state official or private party purely on the basis of their religious identity. An example of exclusion on the basis of religion is where a state officer refuses to provide access to information on the basis of the religious identity of a person.

In one incident in Kegalle in February 2025, a student conducting a research project visited the Offices of the Mawanella Medical Officer of Health to interview Public Health Inspectors (PHIs) and distribute questionnaires with prior permission. The PHI in charge of the Mawanella Division refused to provide any information upon learning that the student was from the Muslim community and made discriminatory remarks about Muslims.

⁵⁰ NCEASL, *From Fear to Violence: Religious Attacks in Sri Lanka: A Legal Analysis of Incidents: November 2023 to October 2024* (2025).



Figure 4: Disaggregation of Physical Violence

The attacks that involved physical violence on the basis of religious identity appeared to target religious actors and laypersons equally. This analysis excluded instances of physical violence that did not take place due to the victim’s religious identity.

In an incident in August 2025 in Gampaha, around 50 villagers protested against a church and gathered in the vicinity of the church at around 7.30 a.m. According to the information provided to the team, the villagers blocked the road to the church with tree branches and a barrel. They then proceeded to assault around eleven congregants, including six women and two girls. One female congregant was admitted to a hospital for treatment.

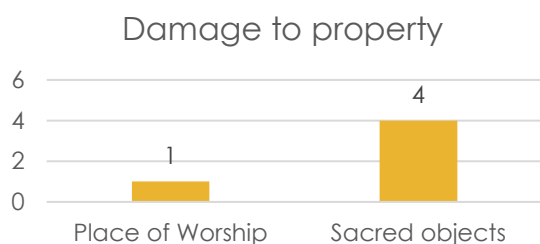


Figure 5: Disaggregation of Damage to Property

There were four (4) attacks that led to destruction or damage to property based on religious identity. These attacks related to damaging a sacred object and a place of worship respectively.

In an incident in October 2025 in Vavuniya, the statues at a Hindu religious site devoted to the deity Siva in the Parasankulam Village were vandalised by unknown individuals. The area where the statues had been placed had previously been an area that contained an Army camp.

There was one reported incident that the team determined may constitute incitement under the ICCPR Act.

In November 2024, a politician made several comments targeting the Muslim community in Batticaloa during an interview published on social media. He alleged that Muslims in Batticaloa had an extremist mindset and had been radicalised to commit suicide terrorist attacks. He also stated that if law enforcement was done properly such radical Muslims would be hanged. His comments also referred to the Easter Sunday Attacks. Based on the available information, the content of the speech and the context, the team considered this attack to potentially constitute an offence under section 3 of the ICCPR Act. The impugned speech advocated hatred against a

religious group, and such advocacy appeared to amount to incitement based on the legal test recommended by the Supreme Court and the HRCSL.

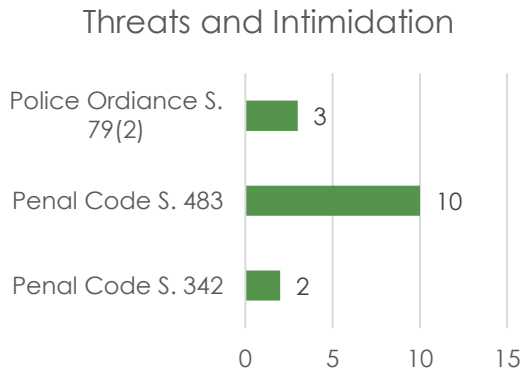


Figure 6: Disaggregation of Threats and Intimidation

Section 483 of the Penal Code was the most common legal provision under which offences concerning threats and intimidation were potentially committed, with ten (10) such reported instances. These were often threats of physical violence including death threats. In some instances, these threats were made towards religious actors. An example of an instance of a section 342 violation would be where an individual attempted to physically attack a priest. There were also three (3) instances where there was a threat of breach of peace by the perpetrators.

In an incident in July 2025 in Gampaha, following the conclusion of a worship service at a house church, the Chairman of the Funeral Aid Society and a villager expressed their opposition

against conducting worship services with outsiders. They did so by approaching the church and shouting using obscene language. Death threats were also issued to all those present at the house church, including the pastor, pastor's wife and a church member. They also threatened physical assault and stated that the pastor and church members would not be allowed to practice their religion. The team examined the information provided and determined that the villagers' actions constituted threats and intimidation on the basis of religious identity, potentially amounting to criminal intimidation under section 483 of the Penal Code. The team reached this assessment based on the reported fact that the death threats and threats of physical violence were made.

Other Non-Physical Attacks

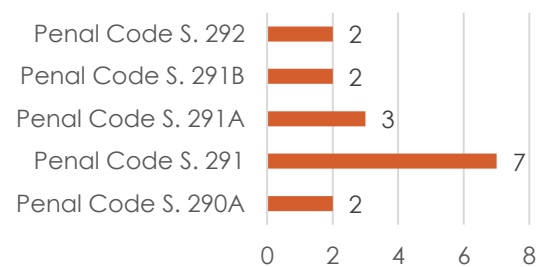


Figure 7: Disaggregation of Other Non-Physical Attacks

From the reported incidents, sections 291 and 291A of the Penal Code were the most common legal provisions under which offences concerning other non-physical attacks (sixteen attacks) were potentially committed. These incidents included disrupting religious assemblies and uttering words with intent to wound religious feelings. The disruption of religious assemblies often occurred following initial complaints or opposition by laypersons and subsequent disruptions by police officers, either citing a registration requirement or alleging a threat to breach of peace.

potentially amounting to an offence under section 291 of the Penal Code.

B. Analysis by Religious Community

Religious Identity of Victim

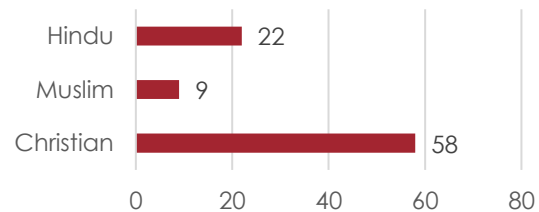


Figure 8: Distribution of Attacks by Religious Identity of Victims

In an incident in Hambantota in May 2025, during a worship service, the OIC of the local police station, along with several police officers, instructed the priest to stop the worship service, stating that villagers might oppose it. As a result, the worship services were abruptly discontinued. Previously, several Buddhist monks in the area had opposed the holding of the worship service and complained to the local authorities in the area. The team examined the information provided and determined that the interference by the police constituted an interruption to an ongoing lawful religious assembly and

The highest number of reported attacks in this study was against Christians. The second highest number of attacks was against Hindus. Overall, there appears to be a reduction in the reported number of attacks on all religious groups, with a noticeable decrease in attacks against Muslims when compared to the previous period between October 2023 and November 2024.⁵¹ However, this statistical decrease may not necessarily indicate an increase in religious tolerance in Sri Lanka. For instance, despite fewer reported incidents of physical and non-physical religious attacks on Muslims, a review of social media-based religious attacks revealed that most such attacks targeted Muslims (see section E below). Additionally, given the methodology and the relatively small sample of incidents in

⁵¹ Christians faced 68 reported attacks, while Hindus and Muslims faced 28 reported attacks. See NCEASL, *From Fear to Violence: Religious Attacks in Sri Lanka*:

A Legal Analysis of Incidents: November 2023 to October 2024 (2025).

this study, the comparative distribution of attacks based on the religious identity of the victims should not be regarded as a representation of the actual distribution of attacks.

A breakdown of the victims based on the type of attack can be found below (see Figures 9 to 14).

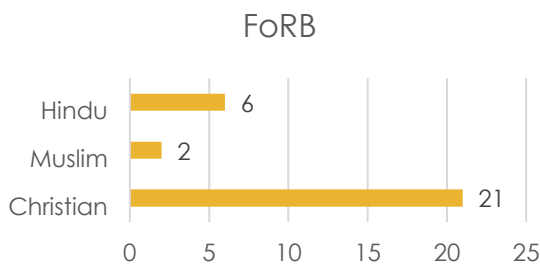


Figure 9: Distribution of Attacks by Religious Identity of Victims of FoRB Violations

Most of the victims of reported FoRB violations were Christian (21). However, the distribution of the type of FoRB violations differed for each religious group. Upon disaggregation of the reported FoRB violations (29) by the religious identity of the victim, it appeared that most of the violations involving interference with worship related to Christians. This datapoint does not necessarily mean that, compared to other groups, more Christians face interference with worship, as the datapoint is based on the number of incidents recorded by the NCEASL monitors. However, the datapoint does reveal the type of attack that Christians are often exposed to. Most of these incidents involved interference with worship at 'home' or 'house' churches (i.e., a private residence used as a place of worship), where a local religious leader or the individuals in that area oppose

such worship and a state official interferes with such worship either by questioning them on registration or claiming a threat to a breach of peace.

Hindus faced FoRB violations involving observance. These were often related to the removal of a statue or religious object at a location contested by both Hindu Tamils and Sinhala Buddhists.

The FoRB violations that targeted Muslims involved interference with worship and observance. There was one instance related to the holding of a prayer worship and another concerning burial rites.

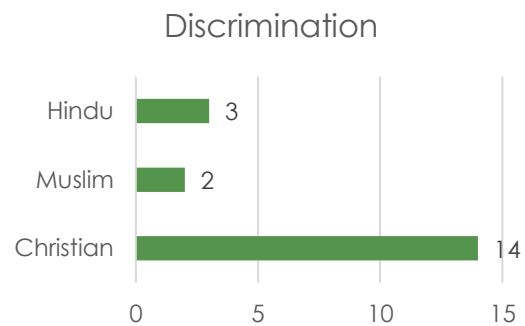


Figure 10: Distribution of Attacks by Religious Identity of Victims of Discrimination

While most of the victims of reported discrimination were Christian, the type of discrimination faced by each religious group varied.

All discriminatory attacks involving registration requirements were against Christians. Muslims faced a form of exclusion on the basis of religion. For Hindus, the most common form of discrimination involved the arbitrary application of law.

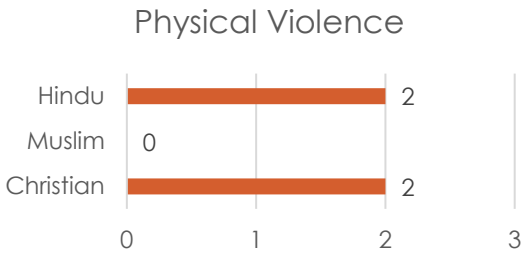


Figure 11: Distribution of Attacks by Religious Identity of Victims of Physical Violence

Both Christians and Hindus faced two incidents of physical violence on the basis of their religious identity. There were no reported incidents of physical violence against Muslims recorded between November 2024 and October 2025.

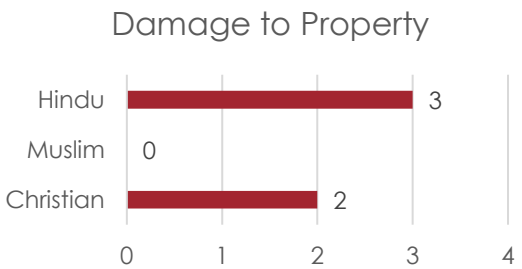


Figure 12: Distribution of Attacks by Religious Identity of Victims of Destruction of Property

Most of the reported attacks that constituted damage to property were against Hindus. Among these, the most common form of such an attack was vandalism or destruction of a sacred object.

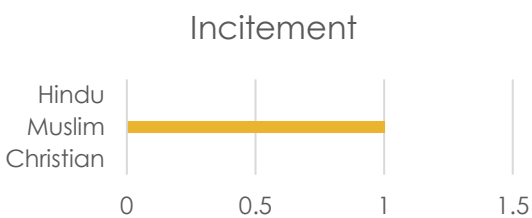


Figure 13: Distribution of Attacks by Religious Identity of Victims of Incitement

Meanwhile, the victims of the only recorded incident of incitement (i.e., in terms of section 3 of the ICCPR Act) were Muslims.

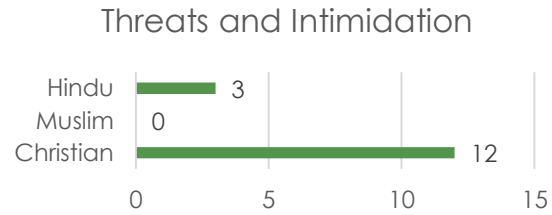


Figure 14: Distribution of Attacks by Religious Identity of Victims of Threats and Intimidation

Christians and Hindus faced attacks that constituted threats and intimidation on the basis of religious identity. One incident of threat and intimidation faced by Hindus and Christians each concerned the threat of arbitrary arrest by the police. After careful consideration, the team determined that such threats of arbitrary arrest could potentially fall within the ambit of the offence of criminal intimidation due to the fact that there was a potential threat of injury to the physical liberty or reputation of the person. The other two incidents of threat and intimidation faced by Hindus related to threats of physical violence and destruction of property. Three (3) of the incidents of threat and intimidation faced by Christians concerned death threats made to a pastor.

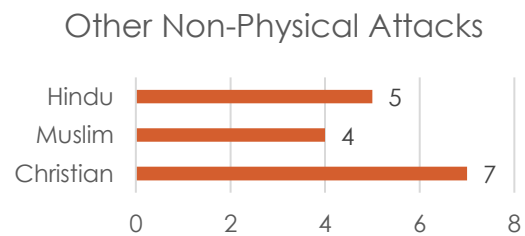


Figure 15: Distribution of Attacks by Religious Identity of Victims of Other Non-Physical Attacks

The distribution of other non-physical attacks was observed across all three religious groups, with all religious groups facing instances of disruption to religious assemblies, trespassing of burial places, as well as some form of hate speech which amounted to an offence either under section 291A or 291B of the Penal Code.

With regard to the gender identity of the victim, the team also noted attacks that specifically targeted women. The disaggregation of the types of attacks faced by women is presented below.

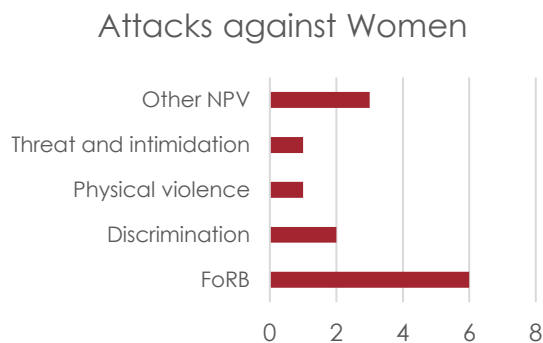


Figure 16: Disaggregation of Attacks against Women

The above figure only includes reported attacks that specifically targeted women on the basis of their gender identity in addition to their religious identity. For example, while there were numerous instances where worship in a church was prevented and would have restricted the FoRB of women who were a part of the congregation, such attacks are not included, as they did not specifically target women. There were no reported instances of women being targeted in attacks relating to damage to property or incitement.

An example of an attack specifically targeting a woman would be where a female priest was prevented from conducting worship.

C. Analysis by Perpetrator

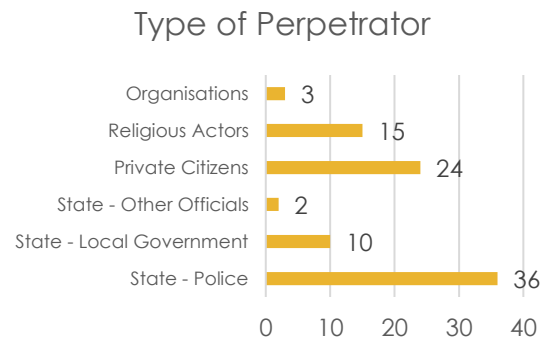


Figure 17: Types of Perpetrators

The state was the alleged perpetrator in most of the reported incidents, with police officers being listed as the main perpetrators in most attacks. However, many of these attacks involved either the instigation or presence of a private individual or religious actor. There were no incidents that involved the military. Public health officers were noted among the category of 'other state officials'. Organisations include actors such as the 'Siva Sena' as well as political representatives or actors.

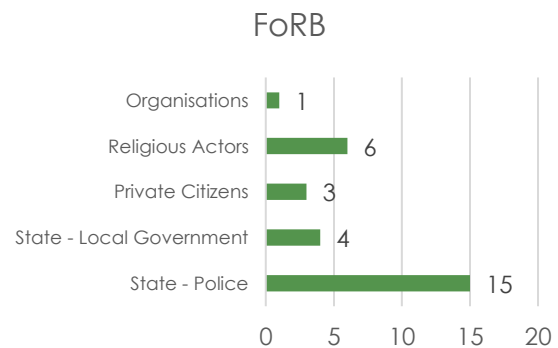


Figure 18: Types of Perpetrators of FoRB Violations

Most FoRB violations reported in the dataset appear to have been perpetrated by Sri Lanka Police. However, it was observed that while the primary perpetrator of the violation was a state actor, in almost all the reported instances, the said state actors had acted in response to a complaint by non-state actors, including religious leaders or due to a situation of tension arising from opposition by such private actors. Of the fifteen (15) FoRB violations, five (5) followed complaints or opposition by religious leaders while another five (5) followed opposition and tensions with the community. For example, a common type of reported incident was where some villages would gather to protest the religious activities of a particular person or group, and the police would then restrict the religious activity on the grounds of a threat of breach of peace.

Discrimination

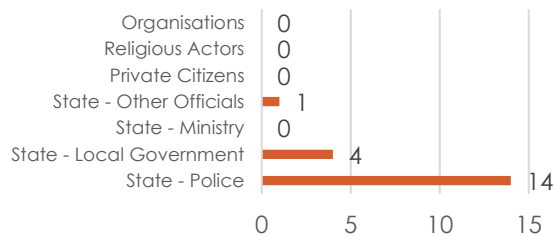


Figure 19: Types of Perpetrators of Discrimination

Similar to the above observation, most discriminatory attacks were carried out by the police upon a complaint by a non-state actor or in response to a perceived tension with the community. Furthermore, out of the four (4) incidents of discrimination by the local government officials, two (2) occurred in a

meeting where such religious leaders were present.

Physical Violence

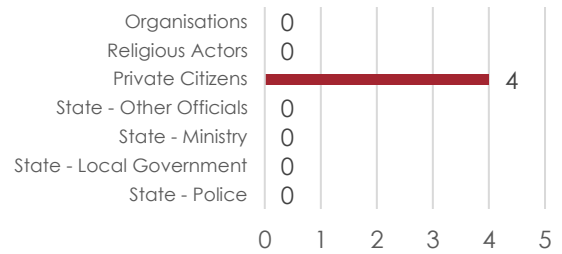


Figure 20: Types of Perpetrators of Physical Violence

Damage to Property

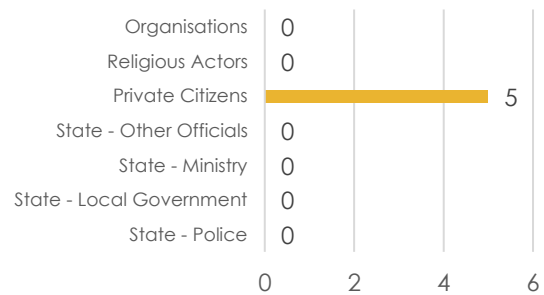


Figure 21: Types of Perpetrators of Damage to Property

All reported incidents of physical violence (four) and damage to property (five) were carried out by private citizens.

Threats and Intimidation

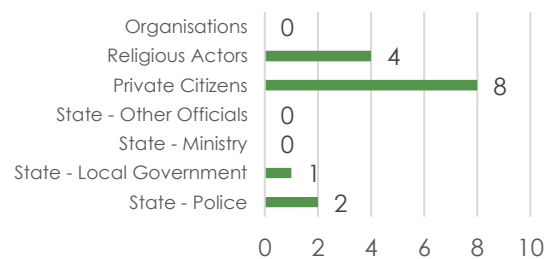


Figure 22: Types of Perpetrators of Threats and Intimidation

With regard to the reported attacks of threats and intimidation, private citizens were the most common perpetrators, followed by religious actors. Most of these instances involved such individuals threatening violence unless religious worship was discontinued or restricted. This trend is a variation from the previous period between October 2023 and November 2024, as police officers were identified as the most common perpetrators (six incidents) of this type of attack during that period.

Other Non-Physical Attacks

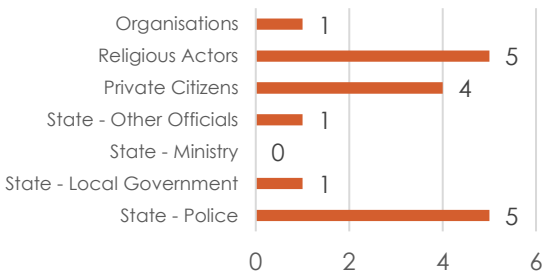


Figure 23: Types of Perpetrators of Other Non-Physical Attacks

Most reported other non-physical attacks were carried out by either religious actors or the police. In the case of the police, these attacks took place when an ongoing religious worship was interrupted following a complaint. With regard to religious actors and private actors, such attacks were often where such actors disrupted ongoing worship or engaged in hate speech.

Type of Perpetrator

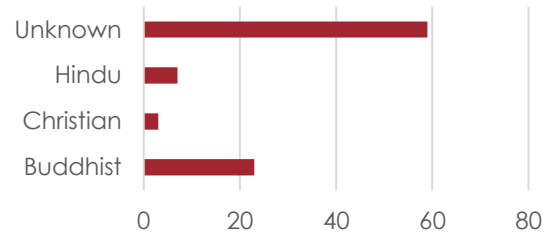


Figure 24: Distribution of Attacks by Religious Identity of Perpetrators

Although a considerable number of religious attacks were carried out by state actors, in most cases, the religious identity of such perpetrators was classified as 'unknown'. While it may be reasonable to assume that most state actors are likely to belong to the majority ethnicity and religion of Sri Lanka, a definitive conclusion cannot be arrived at in the absence of an explicit identification. In some instances, however, the religious identity of the perpetrator was known, such as when the alleged perpetrator was a Buddhist monk.

D. Geographical Dispersion of Incidents

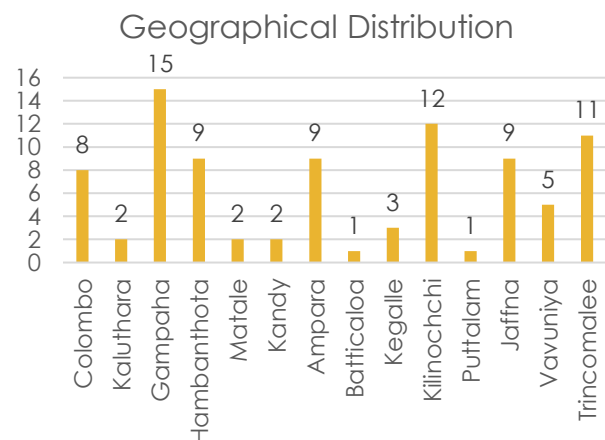
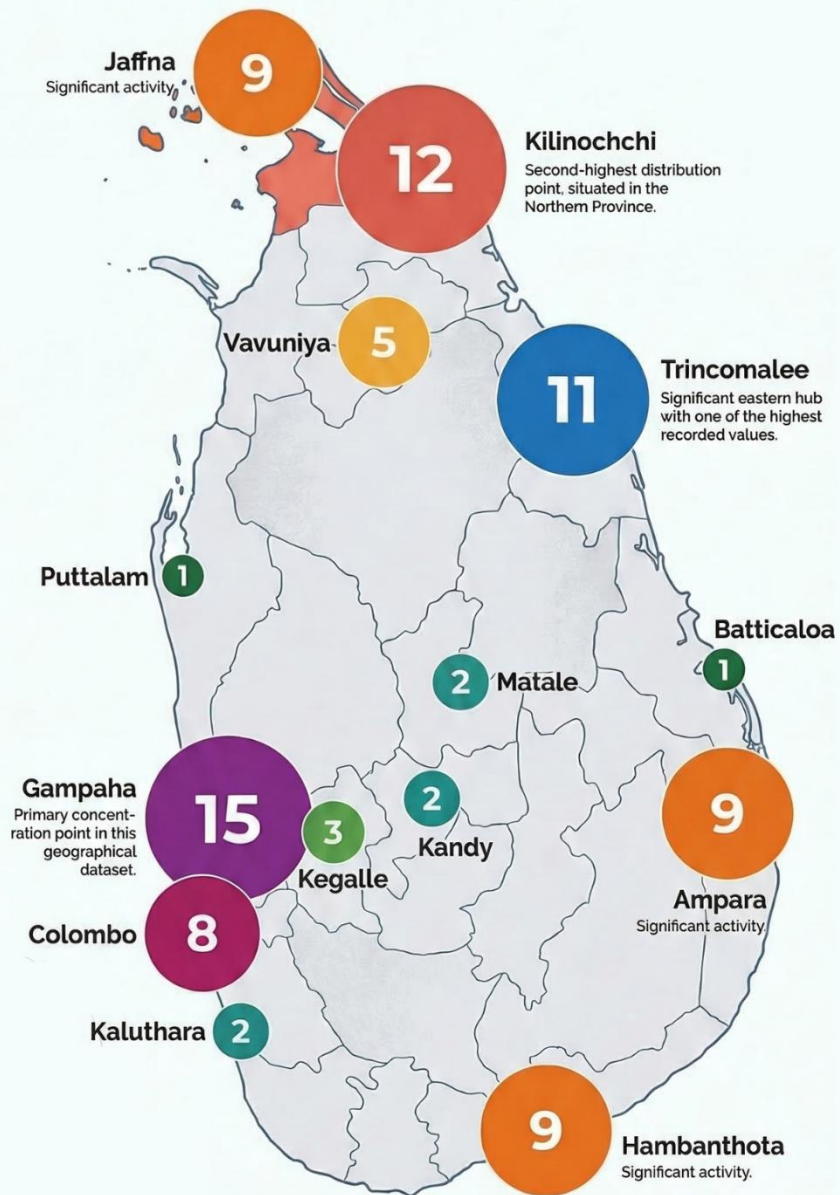


Figure 25: Geographical Distribution of Attacks

Most attacks were recorded in the Gampaha District, followed by the Kilinochchi and Trincomalee Districts. The districts of Galle, Vavuniya, Matara, Nuwara Eliya, Kurunegala, Badulla, Ratnapura, Anuradhapura, Polonnaruwa, Mannar, Mullaitivu, and Monaragala did not contain reported incidents that amounted to attacks within the scope of this study. It should be noted that this geographical distribution of attacks is only a reflection of the distribution of reported attacks and

should not be considered an accurate representation of the actual number of attacks. It is noted that it may be reflective of NCEASL’s distribution of monitors and the fact that the majority of Christian incidents are directly reported from churches to NCEASL (See Figure 26 below). The data-points below do, however, offer an insight into which districts persons and groups are particularly vulnerable to certain types of religious attacks.

Geographical Distribution of Attacks



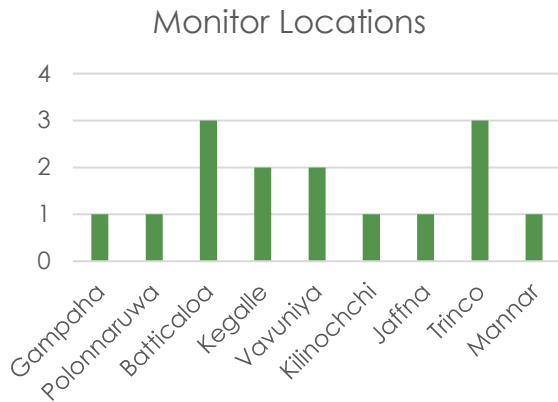


Figure 26: Geographical Distribution of NCEASL monitors

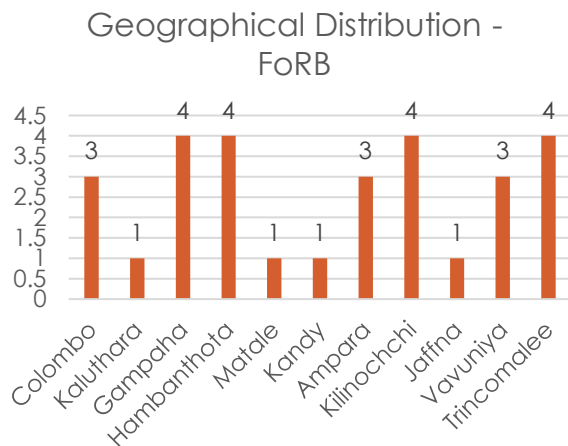


Figure 27: Geographical Distribution of FoRB Violations

The highest incidents of reported FoRB violations occurred within the Gampaha, Hambantota, Kilinochchi and Trincomalee Districts.

Disaggregation of data by geography does not make sense with respect to discriminatory attacks, as the sample size is quite small.

It is noted, however, that the greatest number of reported discriminatory attacks (four) occurred within the Hambantota District.

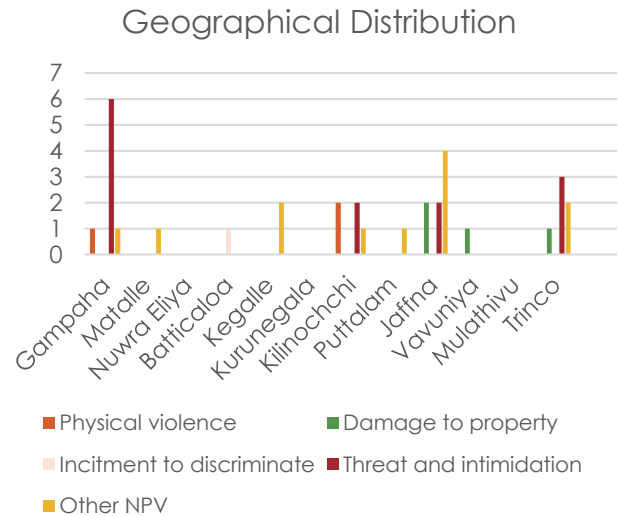


Figure 28: Geographical Distribution of Physical Violence, Destruction of Property, Incitement, Threats and Intimidation, and Other Non-Physical Attacks

Most reported incidents of physical violence occurred in the Kilinochchi District, while the highest number of incidents concerning damage to property occurred in Jaffna. The single incident of incitement occurred in Batticaloa. Gampaha was the district with the greatest number of the reported incidents of threat and intimidation, and Jaffna had the highest number of recorded attacks involving non-physical violence.

4.3 Social media related Attacks

This section analyses the database of recorded religious attacks on social media.⁵² The

⁵² Data from social media platforms were provided by Hashtag Generation.

reported attacks were assessed against the applicable law, namely, section 3(1) of the ICCPR Act (incitement), section 483 of the Penal Code (threats and intimidation), and the OSA as well as section 291B of the Penal Code (other non-violent attacks), which encompass hate speech. This figure only includes attacks that the team assessed as constituting a violation of the said provisions of law. While several posts were categorised as chauvinistic speech, the speech involved in these posts did not meet the threshold required for classification as legal violations and, therefore, were not counted as attacks.

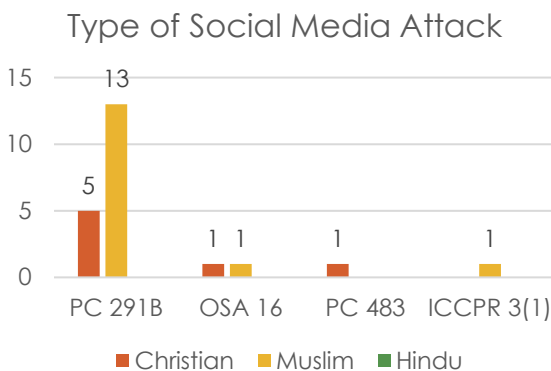


Figure 29: Disaggregation of Social Media attacks by targeted Religion

With only 22 attacks meeting the threshold of a religious attack constituting a violation of some legal provision, it appears that the sample of reported religious attacks on social media is extremely small. Disaggregation and extrapolation of this data to suggest concrete trends would, therefore, be inappropriate. The highest number of reported attacks were

against Muslims (fifteen in total) with a majority of attacks relating to section 291B. This section criminalises deliberate and malicious acts intended to outrage religious feelings. Christians faced seven (7) attacks, with the most common type of attack being insults to a religion or to religious beliefs. While there were no reported attacks that were explicitly targeted on the basis of the religious identity of Hindus, there were several incidents of hate speech targeting the Tamil ethnic identity, such as attacks targeting ‘Northerners’ or ‘Tamils’. While there were two instances that potentially constituted an offence under section 16 of the OSA, a social media related attack falling within the scope of the OSA was rare. Section 52 of the OSA provides that the statement must be ‘known or believed by its maker to be incorrect or untrue...’. Given this subjective element, the team classified a statement as falling within the scope of the OSA only in instances where it was obvious that the statement was a false statement.

An example of a social media attack amounting to a violation of section 291B of the Penal Code would be where a post calls ‘Islam’ a curse on the world and directly insults the religious beliefs of Muslims. Another example of a section 291B violation would be where the Cardinal is insulted in derogatory terms in a social media post along with stating that the beliefs of Catholics and Christians are invalid.

5. Conclusion

This section presents the main conclusions that may be drawn from the legal analysis of the incidents recorded by NCEASL.

First, the method of religious attacks appears to differ according to religion. For instance, the manner in which religious attacks were perpetrated against Muslims is different from that which was experienced by Christians. Yet, while the reported incidents on religious attacks against Muslims were comparatively lower compared to previous years, social media-based religious attacks against Muslims as well as widespread chauvinistic speech targeting Muslims continued. Chauvinistic speech targeting Muslims should be regarded as precursors to hate speech and even incitement. Often, chauvinistic and discriminatory speech and coded forms of hate speech can precede more serious forms of harmful speech, such as incitement to violence. For instance, previous violent episodes, such as the anti-Muslim violence in Digaana in 2018, was preceded by an increase in online chauvinistic speech. Therefore, the lack of reported incidents of FoRB violations or violence should not be perceived as necessarily reflective of a transformed environment, as the continuation of underlying chauvinistic speech could still stimulate entitlement complexes and existential fears, and could lay the ground for future incitement. Similarly, differences can be observed in the method of attack against Christians and Hindus as well. For instance, while Christians continue to face direct attacks to worship by

both individual and state actors, the attacks faced by Hindus mainly involve religious observance or destruction of property, i.e., a religious symbol or statue.

Accordingly, **short-term preventative measures, such as the adoption of an early warning system, should be prioritised. Deployment of such systems, especially online, can allow FoRB advocates to respond early and prevent tensions from escalating to violence. Additional efforts to address chauvinistic speech through counter-messaging and the vigilant reporting of community standard violations can also help prevent the dissemination of such harmful content.**

Second, the team observed that the recent jurisprudence on FoRB poses a unique challenge for the manifestation of certain religious beliefs. Recent judgments of the Supreme Court further entrenched the position that propagation falls outside the scope of FoRB regardless of whether certain religious groups might consider it a form of 'observance'. For some religious groups, such as Jehovah's Witnesses, observing one's religious beliefs includes engaging in proselytisation. Such matters appear to be matters of theology, no different to how one's religious belief may require one to pray a certain number of times a day, visit certain places of worship, or follow certain rituals and customs. Where a fundamental part of a person's religious belief is that they must spread their

faith, it would appear to be unreasonable to exclude such acts from the 'scope' of FoRB. Of course, treating certain acts as falling within the scope of FoRB does not mean that there is an absolute right to engage in such acts. Any manifestation of FoRB can be restricted on certain grounds, provided the restrictions are necessary, proportionate, and reasonable. For example, one cannot trespass on another's property to distribute religious material. Similarly, such acts may be subject to a restriction on grounds such as 'public order'. Accordingly, propagation should be treated as a matter relating to limitations on FoRB rather than completely excluded from the scope of FoRB.

Finally, the team observed that state actors, particularly the police, who are often the main perpetrators in reported incidents, appear to be in a state of flux and in a process of realigning priorities. The ecosystem for religious attacks (particularly against Christians) consists of three factors. The first factor involves existential fear and opposition within the majority community resulting in the *demand* to perpetrate the attack. The second factor is the *blessings* (in some instances even the instigation) by religious or community leaders. The third factor is the patronage of the state, either as an active participant or a passive actor enabling the continuation of impunity for religious attacks by non-state actors. Such demand, blessings, and patronage often come together to produce religious attacks on minorities. The foregoing analysis indicates that the factor concerning state patronage is currently in a state of flux. The data

highlights a decrease in the intensity with which the state actively seeks to violate the FoRB of religious minorities. This data that emerged from the quantitative analysis was supported by the findings emerging out of the Focus Group Discussion with legal professionals. For instance, while the registration requirement continues to be a mode of restricting FoRB of religious minorities, the frequency and the gravity with which this requirement is enforced appears to have decreased. The reported data suggests that it is often only where there is demand from the community that state actors are animated to facilitate an attack.

This change in the approach of the state towards religious minorities could be attributed to uncertainty among local state actors about the current priorities of the political leadership. However, the team cautions against concluding that this decrease in intensity of the state's active role necessarily reflects a permanent shift. There remains a continued lack of accountability for religious attacks, and the state's continued unwillingness to investigate violations of the law and prosecute perpetrators may embolden non-religious actors to increase the frequency and intensity of religious attacks in the future. For instance, the data is indicative of a steady uptick in violence (on the basis of religious identity) orchestrated by non-state actors. This violence is often protected with impunity, as it goes unpunished or unaddressed by the police. Accordingly, while the police may not adopt an 'active' role in attacks at the same intensity as previously observed, it continues to enable

such attacks through its 'passive' role in the ecosystem of religious attacks by non-state actors.

The analysis also sheds light on the continuation of the trend where the FoRB of religious minorities is restricted based on an alleged threat of a breach of peace. Yet, the actual breach of peace is originated by those who oppose the legitimate exercise of FoRB. The current approach by the state reflects an arbitrary application of the law and a failure to interpret and apply the law with precision and good faith. The state has a positive duty to prevent such unlawful violence from occurring in the first place rather than restrict the legitimate exercise of FoRB. Accordingly, the above discussed repositioning of the state and its role in how religious attacks take place in Sri Lanka should not be considered a reason to reduce advocacy efforts in this area. In fact, this period of uncertainty within the state apparatus should be considered a

time to reinforce advocacy efforts. Similarly, **FoRB advocates should continue to promote legal awareness with respect to FoRB, the grounds of restricting FoRB, and the elements of specific FoRB-related offences, and campaign for greater enforcement of the law. FoRB advocates should also explore strategic opportunities to generate discussions around inclusion of propagation within the scope of FoRB while being mindful of the current jurisprudence on the matter.**

In conclusion, the period under review reflected disturbing trends in continued intolerance and impunity. Yet, it also reflected some reticence among state actors to actively enable religious attacks. The right to FoRB, therefore, currently appears to be at the crossroads; it is crucial that FoRB advocates seize the opportunity to steer the discourse in the right direction.



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