



#MINORMATTERS

# A Review of the State of Religious Freedom in Sri Lanka

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## Introduction

Freedom of religion or belief is a fundamental right guaranteed by law to all citizens of Sri Lanka and applies equally to all religious communities in the country. However, in the last decade we have seen a trend of religious freedom violations in Sri Lanka with several cases where the violation of religious freedom took a violent form.

In the latter part of 2021, reports published by the United States Commission on International Religious Freedom (USCIRF) and the UK-based Christian organization "Christian Solidarity Worldwide" (CSW) reveal legal and policy obstacles that limit religious freedom for certain identified communities in Sri Lanka. These two reports refer to a number of trends in the violation of religious freedom, as well as the threat of further violations due to the consequences of incorrect legal practices.<sup>1</sup>

Furthermore, in March 2022, Ahmed Shaheed, the Special Rapporteur on Religious Freedom of the United Nations Human Rights Council, drew attention to the discrimination against the Muslim and Christian religious communities in Sri Lanka.<sup>2</sup> Here he pointed out that the establishment of the Eastern Archaeological Heritage Task Force, acts such as intimidation and detention of minorities under the Prevention of Terrorism Act and restrictions on funerals and burials due to Covid-19 are curtailing the rights of religious minorities.

Understanding the state of religious freedom in the country is important to find out which religious communities are being targeted for the violation of religious freedom in Sri Lanka, how their religious freedom is violated and what factors lead to the violation of religious freedom. Accordingly, this report first gives an overview of the context by presenting the political developments affecting religious freedom in Sri Lanka since 2018 and presenting the legal and policy framework related to religious freedom.

The report then elaborates on the nature of religious freedom violations at the regional and national levels through quantitative and qualitative secondary data collected from studies

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<sup>1</sup> Thames, K., 2021. *Shrinking Space for Religious Minorities in Sri Lanka*. [online] The Diplomat. Available at: <https://thediplomat.com/2021/10/shrinking-space-for-religious-minorities-in-sri-lanka/>

<sup>2</sup> United Nations Human Rights Council. 2022. *A/HRC/49/44: Rights of persons belonging to religious or belief minorities in situations of conflict or insecurity - Report of the Special Rapporteur on freedom of religion or belief*. [online] Available at: <https://www.ohchr.org/en/documents/thematic-reports/ahrc4944-rights-persons-belonging-religious-or-belief-minorities>

conducted in 2018 and thereafter, and uses secondary data to fill the gaps identified. Furthermore, at the end of this report, appropriate recommendations have been made on how to protect the religious freedom of vulnerable religious communities from further violations.

It should be noted that subject to resource and time limitations, this research focused on the three religious groups, Muslims, Christians and Hindus which had been mainly identified through previous researches as having an obstacle to their freedom of expression.

## Methodology

As mentioned above, the main objective of this research was to get an understanding of the religious freedom in Sri Lanka. For that purpose, as per the requirement of MinorMatters, this study was designed to be largely dependent on secondary data. Therefore, qualitative and quantitative data from research conducted between 2018 and 2022 were used for this study. To compile the report, the study focused on the reports of the studies conducted since 2018, legal framework related to religious freedom in Sri Lanka and related social, cultural, and political developments. However, as the study progressed, the research team felt the need to collect primary data. The main reasons were the need to fill some gaps in the secondary data and to find out whether there has been any impact on the relevance of the secondary data used in the analysis due to the current social, economic, and political crises in the country. Therefore, the research team conducted interviews with local level experts on the topic. Data required for the Study was collected from 13 interviews conducted with local level civil society activists (CSOs), religious leaders and district level experts on interfaith coexistence including government officials from Colombo, Negambo, Nuwara Eliya, Vavuniya, Batticaloa, Monaragala, Kandy, Puttalam, Jaffna, Kurunegala and Kalutara. Several aspects were considered in selecting participants for the interview. Whether the respondents represent the religious groups under study, whether there are familiar with the local practices related to religious freedom, whether they could be easily contacted during the study period, and whether the geographical area in which they operate has received attention regarding the restriction of religious freedom, etc. were the aspects taken into consideration.

## Major Events at National Level during the Study Period

This chapter provides an overview of political events that may have affected religious freedom in Sri Lanka during the period from 2018 to mid-May 2022.

2018	February 22	A Sinhala lorry driver from Ambala, Meda Mahanuwara is attacked by four Muslim youths in Karalliyadda, Theldeniya. <sup>3</sup>
	February 27	Four shops and a mosque are damaged from a clash that occurred in Ampara early morning. It is reported that more than 3 persons were injured in the clash. <sup>4</sup>
	March 2	A group of people protest against the February 22 attack on a Sinhala lorry driver who later succumbed to his injuries. Protesters burn tires on the road. Violence against Muslim shops in Udispattuwa is also reported on the same day. <sup>5</sup>
	March 5	A large number of rioters gather in the Digana town and set fire to a Mosque, shops and houses in the area. Unrest which spread in Digana during the morning spills over to other areas as well. <sup>6</sup>
	March 6	In response to anti Muslim riots in the Kandy District, the government declares a 10 day Emergency State in the country, limits access to social media and takes over 100 people into custody. <sup>7</sup>
	October 26	President Maithreepala Sirisena appoints former president and MP Mahinda Rajapaksa as the Prime Minister, triggering a constitutional crisis in the country. Before PM Ranil Wickremasinghe was officially sacked, it appeared as if two concurrent Prime Ministers were in office. <sup>8</sup>
	December 26	An incident of attacking and harming a Buddha statue in Mawanella of the Kegalle District is reported. <sup>9</sup>

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<sup>3</sup> 2018 Anti-Muslim Riots in Sri Lanka. [online] Available at: [https://en.wikipedia.org/wiki/2018\\_anti-Muslim\\_riots\\_in\\_Sri\\_Lanka](https://en.wikipedia.org/wiki/2018_anti-Muslim_riots_in_Sri_Lanka)

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> 2018 Sri Lankan Constitutional Crisis. [online] Available at: [https://en.wikipedia.org/wiki/2018\\_Sri\\_Lankan\\_constitutional\\_crisis#:~:text=A%20constitutional%20crisis%20begin%20in,in%20two%20concurrent%20Prime%20Ministers.](https://en.wikipedia.org/wiki/2018_Sri_Lankan_constitutional_crisis#:~:text=A%20constitutional%20crisis%20begin%20in,in%20two%20concurrent%20Prime%20Ministers.)

<sup>9</sup> Colombo Telegraph. 2018. *Several Buddha Statues Attacked In Mawanella: Police Arrest Two Suspects.* [online]

2019	April 21	Easter Sunday attacks that targeted three churches and three five-star hotels cause the death of 269 individuals and wounds around 500. <sup>10</sup>
	April 26	Former Defense Chief, Gotabaya Rajapaksa announces that he will be running for the presidential elections that year. <sup>11</sup>
	May 14	President Maithreepala Sirisena issues a gazette extra ordinary, banning National Thawheed Jamath (NTJ), Jamathey Milathey Ibrhim (JMI) and <i>Wilayath As-Seilani (WAS)</i> . <sup>12</sup>
	May 23	General Secretary of Bodu Bala Sena (BBS) Galagodaththe Gnanasara Thero receives presidential pardon. <sup>13</sup>
	May 25	Segu Shihabdeen Mohamed Shafi, a 42 year-old doctor is arrested by the Kurunegala Police on suspicions of collecting funds for a terrorist organization and forcibly carrying out sterilization surgeries on Sinhala women. <sup>14</sup>
	June 4	Nine ministers, including four who held cabinet positions, resigned on Monday as part of a collective stand against the anti-Muslim threats in society after the Easter Sunday terror attacks. <sup>15</sup>
	July 26	A Muslim doctor that was arrested on May 25 is granted bail. <sup>16</sup>
	August 21	The Cabinet grants approval for the proposal to amend the Muslim Marriages and Divorce Act. Abdul Haleem, the Minister of Muslim Religious Affairs and Culture, and Thalatha Athukorala, the Minister of Justice and Prison Reforms table the

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Available at: <https://www.colombotelegraph.com/index.php/several-buddha-statues-attacked-in-mawanella-police-arrest-two-suspects/>

<sup>10</sup> CNN. 2019. *Terror in Sri Lanka*. [online] Available at: <https://edition.cnn.com/interactive/2019/04/world/sri-lanka-attacks/>

<sup>11</sup> Reuters. 2019. *Exclusive: Sri Lankan ex-defense chief Gotabaya says he will run for president, tackle radical Islam*. [online] Available at: <https://www.reuters.com/article/us-sri-lanka-blasts-gotabaya-exclusive-idUSKCN1S21UF>.

<sup>12</sup> The Economic Times. 2019. *Sri Lanka President bans NTJ, two other Islamist extremist organisations*. [online] Available at: <https://economictimes.indiatimes.com/news/international/world-news/sri-lanka-president-bans-ntj-two-other-islamist-extremist-organisations/articleshow/69322882.cms?from=mdr>

<sup>13</sup> Daily FT. 2019. *President pardons Gnanasara Thero*. [online] Available at: <https://www.ft.lk/Front-Page/President-pardons-Gnanasara-Thero/44-678714>

<sup>14</sup> NDTV. 2019. *Doctor Arrested For "Sterilising" Women In Sri Lanka Was Framed: Probe*. [online] Available at: <https://www.ndtv.com/world-news/doctor-arrested-for-sterilising-women-in-sri-lanka-was-framed-probe-2064837>

<sup>15</sup> New York Times. 2019. *All 9 of Sri Lanka's Muslim Ministers Resign, as Bombing Backlash Intensifies*. [online] Available at: <https://www.nytimes.com/2019/06/03/world/asia/sri-lanka-muslim-ministers-resign.html>

<sup>16</sup> Aneez, S., 2019. *Sri Lanka court grants bail for doctor accused of sterilizing Buddhist women*. [online] Available at: <https://www.reuters.com/article/us-sri-lanka-doctor-idUSKCN1UK2SN>.

		proposal. <sup>17</sup>
	October 25	Presidential candidate of the Sri Lanka Podujana Peramuna (SLPP) publishes his election manifesto titled "Vistas of Prosperity and Splendor" which prioritizes economic development, national security and the concept of "one country-one law." <sup>18</sup>
	November 16	Presidential election is held. <sup>19</sup>
	November 17	Gotabaya Rajapaksa wins the Presidential election. <sup>20</sup>
	November 18	Presidential candidate of Sri Lanka Podujana Peramuna, Gotabaya Rajapaksa swears-in as the 7 <sup>th</sup> Executive President of Sri Lanka near the Ruwanweli Stupa, Anuradhapura. <sup>21</sup>
2020	March 27	Sri Lankan Prime Minister Mahinda Rajapaksa announces that if the Sangha Sabha unanimously agrees, an anti-conversion bill can be presented after the parliamentary elections. <sup>22</sup>
	April 12	A Gazette notification that made cremation compulsory for Covid-19 deaths is issued by the government disregarding the objections made by Muslims and Christians in the country. <sup>23</sup>
	June 2	The President of Sri Lanka establishes the Presidential Task Force for the Management of Archaeological Heritage in the Eastern Province through the a Gazette extraordinary notification. <sup>24</sup>
	August 5	Parliamentary election is held on 5 <sup>th</sup> August to elect 225 representatives to the 16 <sup>th</sup> Parliament. <sup>25</sup>

<sup>17</sup> The Morning - Sri Lanka News. 2019. *Cabinet nod for MMDA reforms*. [online] Available at: <http://www.themorning.lk/cabinet-nod-for-mmda-reforms/>

<sup>18</sup> Colombo Gazette. 2019. *Gotabaya releases manifesto giving priority to economy, security*. [online] Available at: <https://colombogazette.com/2019/10/25/gotabaya-releases-manifesto-giving-priority-to-economy-security/>

<sup>19</sup> 2019 Sri Lankan Presidential Election. [online] Available at: [https://en.wikipedia.org/wiki/2019\\_Sri\\_Lankan\\_presidential\\_election](https://en.wikipedia.org/wiki/2019_Sri_Lankan_presidential_election)

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> New Europe. 2020. *Sri Lankan PM promises to introduce new anti-conversion bill to protect Buddhists*. [online] Available at: <https://www.neweurope.eu/article/sri-lankan-pm-promises-to-introduce-new-anti-conversion-bill-to-protect-buddhists/>

<sup>23</sup> The Times of India. 2020. *Sri Lanka makes cremation compulsory for Covid-19 deaths*. [online] Available at: <https://timesofindia.indiatimes.com/world/south-asia/sri-lanka-makes-cremation-compulsory-for-covid-19-deaths/articleshow/75109273.cms>

<sup>24</sup> Tamil Guardian. 2020. *All Sinhala task force for Sri Lanka's 'archaeology' in East*. [online] Available at: <https://www.tamilguardian.com/content/all-sinhala-task-force-sri-lanka%E2%80%99s-%E2%80%98archaeology%E2%80%99-east>

<sup>25</sup> Wikipedia. 2020. *2020 Sri Lankan Parliamentary Election*. [online] Available at: [https://en.wikipedia.org/wiki/2020\\_Sri\\_Lankan\\_parliamentary\\_election](https://en.wikipedia.org/wiki/2020_Sri_Lankan_parliamentary_election)

	September 8	SLPP, the governing party announces that PM Mahinda Rajapaksa proposed that slaughtering cattle for meat be banned. <sup>26</sup>
	October 22	20 <sup>th</sup> Amendment to the Constitution is passed with 2/3 majority in Parliament. <sup>27</sup>
2021	January 27	The new report released by the UN in on Wednesday states that Sri Lanka has failed to address past violations, and that the risk of the recurrence of human rights violations has increased significantly. The report points out a trend of releasing individuals convicted by the law, and increased militarization of state functions, ethnic nationalism, fake news and threats against the civil society throughout the year. <sup>28</sup>
	February 3	March from Pottuvil to Polikandy or "P2P" is initiated in the Ampara district of the Eastern Province and journeyed to Jaffna in the Northern Province, passing several towns. Prominent Tamil and Muslim politicians, activists, students and local residents participated in the march. The protest demands include land grabbing in Tamil areas, "state-sponsored" Sinhalese settlement, enforced disappearances, militarization, intimidation of social activists and journalists, continued use of the Prevention of Terrorism Act and detention of political prisoners without trial. Furthermore, activists called on the government to reverse the forced cremation policy affecting Muslims and ensure fair wages for plantation workers. <sup>29</sup>
	February 14	Tripura Chief Minister Biplab Deb makes a statement that Amit Shah has plans to form India's Bharatiya Janata Party governments in Nepal and Sri Lanka. <sup>30</sup>
	February 18	Ministry of Buddha Sasana, Religious and Cultural Affairs states that a legal framework is being drafted against proselytization. <sup>31</sup>

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<sup>26</sup> TRT World. 2020. *Why is Sri Lanka planning to ban cattle slaughter?*. [online] Available at: <https://www.trtworld.com/magazine/why-is-sri-lanka-planning-to-ban-cattle-slaughter-39643>

<sup>27</sup> Parliament of Sri Lanka – News. 2020. "20<sup>th</sup> Amendment to the Constitution" passed in Parliament. [online] Available at: <https://www.parliament.lk/news-en/view/1943>

<sup>28</sup> United Nations Human Rights – Office of the High Commissioner for Human Rights. 2021. [online] Available at: <https://www.ohchr.org/en/press-releases/2021/01/sri-lanka-alarming-path-towards-recurrence-grave-human-rights-violations-un>

<sup>29</sup> The Hindu. 2021. *Analysis | A long march in Sri Lanka — to register protest, forge a new alliance*. [online] Available at: <https://www.thehindu.com/news/international/a-long-march-in-sri-lanka-to-register-protest-forge-a-new-alliance/article33792547.ece>

<sup>30</sup> The Wire. 2021. 'Amit Shah Has Plans to Form BJP Govts in Nepal, Sri Lanka': Tripura CM Biplab Deb. [online] Available at: <https://thewire.in/politics/amit-shah-has-plans-to-form-bjp-govts-in-nepal-sri-lanka-tripura-cm-biplab-deb>

<sup>31</sup> Fonseka, R., 2021. *New laws against unethical conversions*. [online] The Morning - Sri Lanka News. Available at: <http://www.themorning.lk/new-laws-against-unethical-conversions/>

	February 26	Sri Lanka amends its compulsory cremation order to allow for both burial and cremation of those who died due to Covid-19. <sup>32</sup>
	March 13	Sarath Weerasekera, the Minister of Public Security states that the controversial Anti-Terrorism Act, which is called 'draconian' by human rights defenders, will be used in the future with broad powers to detain suspects to deal with religious extremism. He also announces that steps will be taken to ban the <i>burqa</i> and close unregistered <i>Madrassa</i> schools in Sri Lanka. <sup>33</sup>
	March 23	The United Nations resolution against Sri Lanka mainly highlighted 'the increasing militarization of government activities, the erosion of the independence of the judiciary and the increasing marginalization of the Tamil and Muslim minorities' that have been exacerbated across the island. It also drew attention to the denial of the religious right to burial of Muslims and members of other religions who die as a result of the Covid-19 pandemic. <sup>34</sup>
	October 27	Gotabaya Rajapaksa, the President of Sri Lanka appoints a 13 member taskforce to establish the concept of, and draft the bill 'one country and one law.' <sup>35</sup>
2022	February 25	The report of the United Nations High Commissioner for Human Rights on Sri Lanka shows the deterioration of human rights in the country and reveals that the government is not taking proper measures to prevent it. <sup>36</sup>
	March 8	The Cardinal tells the UNHRC that the Easter Sunday attacks are part of a grand political plot. <sup>37</sup>
	March	Protests break out all over the island against the government of Gotabaya Rajapaksa in response to the economic crisis. <sup>38</sup>

<sup>32</sup> BBC News. 2021. *Covid-19: Sri Lanka reverses 'anti-Muslim' cremation order*. [online] Available at: <https://www.bbc.com/news/world-asia-56205737>.

<sup>33</sup> Srinivasan, M., 2021. Sri Lanka announces burqa ban, to shut 1,000 madrasas. [online] The Hindu. Available at: <https://www.thehindu.com/news/international/sri-lanka-to-ban-burqa-shut-many-islamic-schools-minister/article34061652.ece>

<sup>34</sup> UN News. 2021. *Human Rights Council strengthens rights office probe into Sri Lanka's long civil war*. [online] Available at: <https://news.un.org/en/story/2021/03/1088122>

<sup>35</sup> Crisis Group. 2021. "One Country, One Law": The Sri Lankan State's Hostility toward Muslims Grows Deeper. [online] Available at: <https://www.crisisgroup.org/asia/south-asia/sri-lanka/%E2%80%9Cone-country-one-law%E2%80%9D-sri-lankan-states-hostility-toward-muslims-grows-deeper>

<sup>36</sup> Human Rights Watch. 2022. *Sri Lanka: UN Report Describes Alarming Rights Situation*. [online] Available at: <https://www.hrw.org/news/2022/03/03/sri-lanka-un-report-describes-alarming-rights-situation#:~:text=The%20report%2C%20issued%20on%20February,past%20abuses%20has%20been%20blocked>

<sup>37</sup> The Hindu. 2022. Easter attacks was a 'grand political plot', Sri Lanka cardinal tells UNHRC. [online] Available at: <https://www.thehindu.com/news/international/easter-attacks-was-a-grand-political-plot-sri-lanka-cardinal-tells-unhrc/article65201574.ece>

April 30	The Maha Sangha issues an ultimatum to the Prime Minister and the members of the ruling party, Sri Lanka Podujana Peramuna to resign from the Cabinet immediately or face the consequences. Also, the seniors of the Maha Sangha issue a statement asking for support from political parties. <sup>39</sup>
May 6	With increasing protests island wide, the President declares a state of emergency. <sup>40</sup>
May 9	Mahinad Rajapaksa resigns from the post of Prime Minister in the midst of public protests and violence that broke out across the country indicating the displeasure of the people regarding the current economic and political crisis in the country. <sup>41</sup>
May 12	Ranil Wickremasinghe is sworn in as Prime Minister. <sup>42</sup>

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<sup>38</sup> Reuters. 2022. *Protests flare in crisis-hit Sri Lanka as govt readies for IMF talks*. [online] Available at: <https://www.reuters.com/world/asia-pacific/sri-lanka-begin-official-talks-with-imf-next-month-protests-grow-2022-03-15/>

<sup>39</sup> Business Standard. 2022. *Sri Lanka's powerful Buddhist clergy threatens to issue anti-govt decree*. [online] Available at: [https://www.business-standard.com/article/international/sri-lanka-s-powerful-buddhist-clergy-threatens-to-issue-anti-govt-decree-122043000368\\_1.html](https://www.business-standard.com/article/international/sri-lanka-s-powerful-buddhist-clergy-threatens-to-issue-anti-govt-decree-122043000368_1.html)

<sup>40</sup> Wikipedia. 2022. *2022 Sri Lankan Protests*. [online] Available at: [https://en.wikipedia.org/wiki/2022\\_Sri\\_Lankan\\_protests#March](https://en.wikipedia.org/wiki/2022_Sri_Lankan_protests#March)

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

## Laws and Regulations Applicable to Religious Freedom

This chapter provides a review of the various recently enacted laws and regulations that directly and indirectly affect the religious freedom of various religious communities in Sri Lanka. This chapter examines not only existing legislation, but also proposed laws, regulations, circulars, state practices and gazettes that restrict religious freedom.

### Constitutional Provisions

Constitutional provisions relating to religion are found in Articles 9, 10, 12 and 14 (1) (e). Article 9 gives the foremost place to Buddhism and affirms state responsibility to protect and nurture Buddhism. Also, Article 9 guarantees the rights under Articles 10 and 14 (1)(e) to all religions.

Article 10 of the Constitution grants citizens "the freedom of thought, conscience and religion, including freedom to have or to adopt a religion or belief of his choice". Also, this is an absolute right of the citizens. Section 14 (1)(e) gives citizens the necessary freedom to manifest and practice their religion or worship or services, by themselves or with others, in association with others, in public or in private. However Article 14 (1)(e) is subject to certain limitations imposed by law under Article 15 (7). Those restrictions may be for the purpose of protecting national security, public order and public health or morals, or for the purpose of obtaining due recognition and respect for the rights and freedoms of others, or meeting the reasonable interests of the general welfare of a democratic society.

According to Gunathilaka (2015), Sri Lanka's broad constitutional framework guarantees religious freedom, while being somewhat ambivalent about the restrictions on the expression of that freedom. For example, according to the interpretations given to some constitutional provisions, propagation of religion is not a right given equally to all religions in Sri Lanka.<sup>43</sup> Moreover, some scholars are of the opinion that the Constitution has created a category of the "other" by giving a clear priority to Buddhism.<sup>44</sup> Creating such a distinction has the potential to

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<sup>43</sup> Gunatilleke, G., 2015. *The Chronic and the Acute Post War Religious Violence in Sri-Lanka*. [online] International Centre for Ethnic Studies. Available at: <https://ices.lk/wp-content/uploads/2016/01/The-Chronic-and-the-Acute-Post-War-Religious-Violence-in-Sri-Lanka.pdf>

<sup>44</sup> Welikala, A., 2013. *The Sri Lankan Republic at 40*. Colombo, Sri Lanka: Centre for Policy Alternatives (CPA).

discriminate and undermine the basic principle of equality in a pluralistic society.<sup>45</sup>

## **International Law**

In the international arena, Sri Lanka has signed several international agreements that recognize freedom of religion, including the Universal Declaration of Human Rights (UDHR). Article 18 of the Universal Declaration of Human Rights states that everyone has the right to freedom of thought, conscience and religion. Likewise, Article 18 of the International Covenant on Civil and Political Rights further states that freedom of religion is the freedom of a person to have or adopt a religion or belief of his choice and to worship, practice and teach, or believe his or her religion individually or in community with others, publicly or privately.

In addition, Article 20 (2) of the International Covenant on Civil and Political Rights (ICCPR) states that advocacy of national, ethnic or religious hatred which constitutes discrimination, hostility or incitement to violence is prohibited by law. Since Sri Lanka is a signatory to such agreements at the international level, it is bound to protect, promote and fulfil religious freedom.

## **Laws Exclusive to Ethnic Groups**

Here, family/civil law matters including divorce, custody of children and property inheritance are adjudicated under the customary law of the respective ethnic or religious group or the civil law of the country. According to the Muslim Marriage and Divorce Act of 1951, Islamic personal law governs Muslim marriages and divorces, while civil law applies to most property rights. Civil law in the Northern Province governs marriage, while Tesavalamai Law (Tamil Customary Law) often governs the division of property. For some Sinhalese, Kandyan law (based on the traditions of the colonial Kandyan kingdom) governs civil matters such as inheritance issues and operates on the caste system.<sup>46</sup>

## **Prevention of Terrorism Act**

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<sup>45</sup> Ibid.

<sup>46</sup> *Sri Lanka 2020 International Religious Freedom Report*. [online] Available at: <https://lk.usembassy.gov/wp-content/uploads/sites/149/2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT-SRI-LANKA.pdf>

The Prevention of Terrorism Act was introduced in Sri Lanka in 1979 with the objective of addressing the threats posed in that society by any group, individuals or organizations who promote or support any practice. This law started as a temporary piece of legislation. The primary objectives of this law were to prepare the background necessary to prevent coercion or criminal activity in the country.<sup>47</sup> Historically, the Prevention of Terrorism Act was used extensively in three national emergencies.<sup>48</sup> For example, the Prevention of Terrorism Act was used recently after the Easter 2019 attacks. Since then, there has been a wide debate about this Act because of not only the arbitrary use of the law, but also because of the human rights violations of targeted religious minorities, especially the violation of the freedom of religion, belief and worship of the minorities protected by the Constitution.

### **Anti-Conversion Bill**

The background to the creation of the anti-conversion law has been highlighted periodically for more than a decade. In 2009, the Jathika Hela Urumya Party proposed a bill against the immoral conversion of people to different religions.<sup>49</sup> Their argument was to stop forced proselytization or using the economic benefits to proselytize people. However, in 2004, when such a bill was presented, the Supreme Court considered that bill to be unconstitutional. This Bill was condemned by Protestants and Catholic groups.<sup>50</sup> In the first half of 2021, the Ministry of Buddha Sasana started drafting a legal framework against unethical conversion of people to various religions in the country, pointing out the need for a legal framework to be implemented immediately.<sup>51</sup> However it was not an enforceable legal provision. However, legal scholars argue that in enacting such laws, it is necessary to distinguish between voluntary change of religion (proselytization through personal choice) and conversion through coercion.<sup>52</sup> In

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<sup>47</sup> Tegal, E., 2020. *Understanding Rule of Law, Human Security and Prevention Of Terrorism in Sri Lanka*. [online] Available at:

[https://lstlanka.org/images/publications/reports/2021/Understanding\\_Rule\\_of\\_Law\\_Human\\_Security\\_and\\_Prevention\\_of\\_Terrorism\\_in\\_Sri\\_Lanka\\_English.pdf](https://lstlanka.org/images/publications/reports/2021/Understanding_Rule_of_Law_Human_Security_and_Prevention_of_Terrorism_in_Sri_Lanka_English.pdf)

<sup>48</sup> Manoharan, N., 2006. *Counterterrorism Legislation in Sri Lanka: Evaluating Efficacy*. [online] Available at:

<https://www.eastwestcenter.org/publications/counterterrorism-legislation-sri-lanka-evaluating-efficacy>

<sup>49</sup> Perera, M., 2009. *Anti-conversion bill: minorities fear restrictions on religious freedom*. [online] Available at:

<https://www.asianews.it/news-en/Anti-conversion-bill:-minorities-fear-restrictions-on-religious-freedom-14360.html>

<sup>50</sup> Ibid.

<sup>51</sup> Liyanapathirana, N., 2021. *New laws against unethical conversions*. [online] Available at:

<https://www.themorning.lk/new-laws-against-unethical-conversions/>

<sup>52</sup> Ibid.

addition to this, the Court recognizes "religious manifestation" under Article 14 (1) (e) as true evangelicalism while the courts do not recognize improper proselytization.

### **One Country-One Law Task Force**

President Gotabaya Rajapaksa introduced the concept of one country - one law during the 2019 presidential election campaign. In October 2021, a special Presidential Task Force was appointed to draft the One Country - One Law framework. One of the ideas identified is an attempt to abolish the customary rights that were exclusively and predominantly used by the three ethnic communities as indicated earlier. The plan to introduce one country, one law concept disregards the need to accommodate the nuances of the various cultural practices of ethnic and religious communities within the country. Much attention was drawn to the leadership of this Task Force, led by a Buddhist monk said to be at the forefront of the anti-Muslim movement, with a well-known history of promoting and supporting Sinhala majority interests. However, this move also contravenes Article 26 of the 2012 International Covenant on Civil and Political Rights.<sup>53</sup>

It states that in areas where there are ethno-religious or linguistic minorities, persons belonging to such minorities shall not be denied the right to enjoy their rights in the community with other members of their group. They also have the right to express and accept their culture, their religion or use their language. However, in March 2022, the President extended the term of the Task Force by another three months, saying that the time given to the Task Force to consult the public and academics covering all the provinces of the island is not sufficient.<sup>54</sup>

### **Cremation Policy**

With the onset of Covid-19 in April 2020, over 190 countries had allowed burials under specific guidelines. However, the Sri Lankan government imposed a policy to compulsorily cremate those who died due to Covid-19.<sup>55</sup> This cremation policy is considered as a deprivation of the

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<sup>53</sup> Palansuriya, N., 2021. *One Country, One Law – What Does It Mean for Justice and Democracy?*. [online] Available at: <https://www.cepa.lk/blog/one-country-one-law-what-does-it-mean-for-justice-and-democracy/>

<sup>54</sup> Economy Next. 2022. *Sri Lanka president extends tenure of controversial 'One Country, One Law' task force*. [online] Available at: <https://economynext.com/sri-lanka-president-extends-tenure-of-controversial-one-country-one-law-task-force-91025/>

<sup>55</sup> BBC News. 2021. *Covid-19: Sri Lanka reverses 'anti-Muslim' cremation order*. [online] Available at: <https://www.bbc.com/news/world-asia-56205737>

basic religious rights of the Muslim community. However, it was implemented on the grounds that burial under religious rites would only allow the Covid virus to accumulate in the groundwater and help it spread further in the future. This situation made the Muslim community uncomfortable and frustrated. Their dissatisfaction with this move by the government could be seen publicly expressed through protests. The World Health Organization has repeatedly stated since the beginning of 2020 that there is no evidence that cremation prevents the spread of Covid-19. On April 20, 2020, the World Health Organization also stated on their official Twitter page that “it is a common myth that people who died of an infectious disease should be cremated, but it is not true. Cremation is a cultural choice and a matter of available resources”.<sup>56</sup> Similarly, the College of Community Physicians of Sri Lanka and the Sri Lanka Medical Officers' Association issued statements saying that there is no evidence to prove that burying covid-19 corpses poses a threat to public health.<sup>57</sup> Despite efforts to reverse the policy of covid cremation with scientific evidence showing that burials pose no risk, cremation of covid deaths continued. However, in February 2021, the government decided to revoke or cancel this policy after about a year of its implementation.<sup>58</sup>

## **Burqa and Madrasa Ban**

At a ceremony held in a Buddhist temple in March 2021, former Public Security Minister Sarath Weerasekera stated that they would try to ban the burqa in the country arguing that it is a threat to national security. Addressing this statement, a temporary burqa ban was implemented in the country after the Easter attack in 2019. This ban on the burqa contravenes Article 14 (1) (e) of the Constitution as well as international law on the right to freedom of religious expression.<sup>59</sup>

In addition, Sarath Weerasekera, the former Minister of Public Security announced at the event

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<sup>56</sup> World Health Organization via Twitter. 2020. [online] Available at: <https://twitter.com/who/status/1248611493320392709>

<sup>57</sup> *Sri Lanka: Compulsory cremation of COVID-19 bodies cannot continue, say UN experts*. 2021. [online] Available at: <https://www.ohchr.org/en/press-releases/2021/01/sri-lanka-compulsory-cremation-covid-19-bodies-cannot-continue-say-un?LangID=E&NewsID=26686>

<sup>58</sup> France 24. 2021. *Sri Lanka ends forced cremations after Imran Khan's visit*. [online] Available at: <https://www.france24.com/en/live-news/20210226-sri-lanka-ends-forced-cremations-after-imran-khan-s-visit>

<sup>59</sup> The Guardian. 2021. *Sri Lanka to ban burqa and close 1,000 Islamic schools*. [online] Available at: <https://www.theguardian.com/world/2021/mar/13/sri-lanka-to-ban-burka-and-close-1000-islamic-schools>

that they are expecting to ban approximately a thousand unregistered Madrasa schools, saying that they do not follow the National Education Policy. Responding to this, the National Peace Council said that instead of closing unregistered madrasa schools, steps should be taken to monitor them as required. Also, the Peace Council further emphasized that Sunday schools belonging to other religions should have similar provisions for registration without discrimination.<sup>60</sup>

## **Legal Framework Regarding Hate speech**

Several laws in Sri Lanka can be used to prosecute hate speech targeting religion. In the Penal Code of Sri Lanka, Article 291(a) defines expressions of words with the intention of intentionally hurting religious sentiments and Article 291 (b) defines the acts with the intention of provoking religious feelings of a certain group with intent and malice as hate speech. Likewise, chapter xv defines intentional and malicious acts, hateful presentation of religious beliefs, as hate speech. Additionally Article 20 of the International Covenant on Civil and Political Rights Act enacted through Article III, prohibits discrimination/hostility or advocacy of national/racial or religious hatred that constitutes incitement to violence. However, the report published by the Center for Policy Alternatives in 2018 points out that there are gaps in prosecuting or enforcing the law against the perpetrators of hate speech.<sup>61</sup>

## **2008 Circular on the Registration of Religious Places**

In October 2008, the Ministry of Buddha Sasana and Religious Affairs issued a circular on the construction of new places of worship. According to this circular, any newly constructed place of worship has to be registered. However, a decision given by the Supreme Court of Sri Lanka in 2018 has confirmed that the 2008 circular for the registration and construction of religious facilities and its requirements apply only to Buddhist religious places. Thus, according to Sri Lankan law, there is no legal requirement to register religious places. Yet, several reports reveal that various local authorities are demanding religious leaders of other religious groups to register existing or new places of worship citing the 2008 circular. However, there have been

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<sup>60</sup> The Island. 2021. *Banning burqas and madrasas would have impacted rights – NPC*. [online] Available at: <https://island.lk/banning-burqas-and-madrasas-would-have-impacted-rights-npc/>

<sup>61</sup> Centre for Policy Alternatives. 2018. *Confronting Accountability for Hate Speech in Sri Lanka: A Critique of the Legal Framework*. [online] Available at: <https://www.cpalanka.org/wp-content/uploads/2018/09/Confronting-Accountability-for-Hate-Speech-in-Sri-Lanka-2018.pdf>

cases in the past where the circular has been upheld as law. For example, on June 28, 2017, the Supreme Court of Sri Lanka ruled on the construction of a Madrasa. The court ruled here that the petitioners have not complied with the requirements of the 2008 circular and the circular can be interpreted as a law.<sup>62</sup>

## Religious Freedom and its Challenges

The main focus of this chapter is to gain further understanding of religious freedom in Sri Lanka. In particular, it attempts to provide an understanding of the religious freedom of three religious groups. Here, the obstacles to religious freedom of the selected religious groups are examined, and the contexts and parties pose these obstacles is further studied in order to gain an understanding of religious freedom. In addition, the study focuses on the women of the selected religious groups in order to examine challenges to their right to practice their religion from within the respective religious group and from the outside society because they are women belonging to the respective group.

Various research institutes have recently conducted several studies that can give an indication about religious freedom in Sri Lanka. Data from the study on religious freedom conducted by the National Peace Council in 2018, is helpful to identify some important facts about the state of religious freedom in Sri Lanka experienced by various religious groups at the regional and national level.<sup>63</sup> One fact that can be identified from this study is that the majority of Sri Lankans (62.5%) believe that there is freedom of religion in the country (see Graph 1 in the Appendix). On the other hand, the data analysis of this study shows that all five religious groups do not judge their religious freedom in the same way.

In terms of religion, it is important to note that this survey highlights that the three minority religious groups, Muslims, Christians (non-Roman Catholic Christian churches) and Hindus believe that their religious freedom is being challenged in the country. It is clear from the data that more than half of the Muslims in Sri Lanka believe that their religious freedom is hindered in some way. Also, 41.9% of the Christian community and 37.2% of the Hindu community

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<sup>62</sup> Available at: <https://www.minormatters.org/storage/app/uploads/public/5b5/5a4/4be/5b55a44be214a270694958.pdf>

<sup>63</sup> This is a survey conducted with the participation of experts in the field. This survey was conducted by asking religious leaders of all five religious groups/government officials/police and 823 local community leaders belonging to five religious groups about the state of religious freedom in their respective areas.

believe that there is some obstacle to religious freedom in the country (see graph 2 in the Appendix).

However, the study revealed an interesting fact about how Muslim, Hindu and non-Roman Catholic Christian religious groups experience the nature of their religious freedom being violated. Although these three minor religious groups believe that there is some obstacle to their religious freedom in the country, when asked about the freedom to practice their religion at the local level, it was the Christian community (28.4%) and the Hindu community (19.8%) that had primarily stated that there is an obstacle. (See graph 3 in the Appendix).

Taking this context into account, the ensuing chapters of this study will attempt to highlight how these three minority religious groups experience religious freedom, and how and to what extent those experiences differ from one religious group to another.

## The Muslim Community

The history of anti-Muslim riots in Sri Lanka goes back as far as 1915. While economics and politics are fundamental in identifying the main drivers of these anti-Muslim riots, they derive from a range of triggers from specific religious rites and customs to beliefs to interpersonal differences/disputes. Several major riots/conflicts against the Muslim community can be identified in post-war Sri Lanka. Apart from the major riots such as Beruwala clashes,<sup>64</sup> Digana clashes<sup>65</sup> and the Easter Sunday attack,<sup>66</sup> conflicting cases of sowing hatred and suspicion aimed

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<sup>64</sup> This conflict broke out between Sinhala Buddhist and Muslim groups in the Dharga Town of Aluthgama on June 15, 2014. The main trigger for this was an incident with a Muslim youth regarding obstructing the vehicle of Ayagama Samita Thero on June 12, 2014, the Poson Poya day. Sinhala Buddhist organizations and local residents protested about this incident in front of the Aluthgama police alleging that a fair investigation was not carried out and several Muslim businesses were attacked. On June 15, after the conference called 'Avadivav Bodu Maha Samuluwa' held by Buddhist organizations including the Bodu Bala Sena in the Aluthgama town, a clash broke out when the crowds marched in a procession through Darganagar, a predominantly Muslim area. The clashes spread in several areas of Aluthgama and Beruwala and severe property damage and loss of life were reported.

BBC News සිංහල. 2014. අලුත්ගම සට බේරුවලටත් ඇදීම් නීතිය. [online] Available at: [https://www.bbc.com/sinhala/sri\\_lanka/2014/06/140615\\_aluthgama\\_clashes\\_video](https://www.bbc.com/sinhala/sri_lanka/2014/06/140615_aluthgama_clashes_video) BBC

News සිංහල. 2014. අළුත්ගම සන්සුන්. [online] Available at:

[https://www.bbc.com/sinhala/sri\\_lanka/2014/06/140613\\_aluthgama\\_muslim\\_shops\\_attacked](https://www.bbc.com/sinhala/sri_lanka/2014/06/140613_aluthgama_muslim_shops_attacked)

<sup>65</sup> A Sinhala Buddhist man who was in hospital after being attacked by a group of Muslim youths in Theldeniya area of Kandy on February 22, 2018 passed away on March 4, 2018. With that, anti-Muslim violence was reported in Katugastota, Ambathenna, Pujapitiya, Aladeniya, etc. Sri Lanka Muslim Council announced that 17 mosques, 91 business places and 62 houses were reported to be completely destroyed. Buddhist monks and Anti-Muslim Sinhala Buddhist organizations such as the Mahason Balakaya intervened systematically and their leaders had to

at the Muslim community can be recognized as a notable fact in post-war Sri Lanka. In addition to these conflict situations, riots and various incidents targeting Muslims from time to time have posed a challenge to the religious freedom of the Muslim society.

A primary feature of the challenges to the religious freedom of Muslims in Sri Lanka is that they are often a national construct rather than something created in daily life dealings with other religious groups. For example, the protests against Halal standardization, the *burqa* ban, the accusations that the Muslim community is trying to become a majority group, and the accusations that they are trying to convert other ethnic groups to their religion or make the Sinhalese nation infertile, as well as the accusations that highlight links between the Muslim community and terrorism. etc. are primarily the discourses at the national level. Our interviews revealed that these constructs at the national level often emerge due to political and economic factors. Accordingly, it is important to discuss separately how factors such as political needs and economic needs affect the religious freedom of the Muslim community.

### **Political Interests**

Discussions with civil society organizations dealing with religious harmony at the regional level show that party politics play a significant role in perpetuating anti-Muslim ideologies at the national level. A respondent from Gampaha district observed that the activities of various Buddhist extremist groups in the post-war period created an environment where events such as the Easter Sunday attack could be used to create a public protest against Muslims and that they used the backdrop of communal politics to gain electoral advantages. A respondent who contacted us said that Buddhist extremist organizations were often run under certain political arms. Moreover, in the past, even minor incidents between Sinhalese and Muslims were

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be arrested. Curfew had to be imposed on Digana and Kandy Administrative Districts and a social media ban was imposed to control this situation.

BBC News සිංහල. 2018. ' මහසේන් බලකායේ ප්‍රධානියා අත් අඩංගුවට. [online] Available at:

<https://www.bbc.com/sinhala/sri-lanka-43333317>

BBC News සිංහල. 2018. " මේක ජාතිවාදය නොවේ, මෙතන ආවේ මංකොල්ල කන්න". [online] Available at:

<https://www.bbc.com/sinhala/world-43351793>

<sup>66</sup> The terrorist attack on Easter Sunday, April 21, 2019 targeted Katuapitiya St. Anthony's Church, Batticaloa Zion Church and Kochchikade St. Sebastian's Church, and Shangri-La Hotel, Cinnamon Grand Hotel and Kingsbury Hotel in Colombo - More than 270 lives were lost and more than 300 were injured. Security forces announced that the attack was carried out by an Islamic extremist group. Security forces were criticized for failing to prevent the attack and also for justice not being served.

BBC News සිංහල. 2021. අප්‍රේල් 21 අනතුර ඇහවීම ගැන දැනසිටියේ කවුද?. [online] Available at:

<https://www.bbc.com/sinhala/sri-lanka-56777369>

propagated through social media and mass media, and at the same time, they succeeded in creating mistrust and doubt about national security in the minds of the majority, i.e., Sinhalese Buddhists. An activist engaging in inter-religious activities stated that suspicion and doubt that arose in the past are like sparks hidden under the ashes and they could ignite at any moment.<sup>67</sup> There is another connection between anti-Muslim riots and politics at the national level. Civil society activists are of the view that inter-religious tensions and inter-religious conflicts are related in line with the electoral pattern in Sri Lanka. Their observation is that incidents such as the Easter Sunday bombings are often exploited prior to elections. After the Easter attack in 2019, the attempt to gain political advantage by reminding that there is a threat to the Catholic community by attacking and damaging idols and statues was one of the examples they cited. However, they also observed that the tendencies of these discourses were diluted after the election. They had further observed that after the 2020 general elections, most of the communal tensions at the local level subsided as the political brokers who were mobilizing people at the local level became quite apathetic after the elections. This shows that there is a mutual relationship between party political interests and anti-Muslim sentiments and that it challenges the religious freedom of Muslims.

### **Business Interests**

It was evident that business interests are also behind the opposition shown by Sinhala Buddhists towards the Muslim community. As emphasized in the interviews conducted with a respondent in Kurunegala district, most of the tensions targeting the Muslim community occur in urban areas and the competition between Sinhala Buddhist businessmen and Muslim businessmen is the reason for this. The respondents pointed out that especially during periods like the Sinhala Hindu New Year season, various fears and doubts were spread with the aim of discouraging the Sinhalese community from going to Muslim shops. Due to this, the religious identity of the Muslim community has become a challenge for their business activities. Therefore, it can be stated that business interests and business competition have a detrimental effect on the religious freedom of the Muslim community. There are fewer conflicts in rural areas because the two groups, Sinhala Buddhists and Muslim traders, play different roles in

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<sup>67</sup> Moinudeen, S. (2021). Ethno-centric pandemic governance: The Muslim community in Sri Lanka's COVID response. In P. Peiris (Ed.), *Is the cure worse than the disease? Reflections on COVID governance in Sri Lanka* (pp. 111-128). Social Indicator, Centre for Policy Alternatives.

agriculture. That is, they depend on each other based on the economic factor. For example, in an interview conducted in the Akurana area, a respondent who represented the Sinhala business community said that Muslim traders come to the village to buy the crops from Sinhalese farmers who grow spices such as pepper enabling them to easily acquire market opportunities to sell their products.

The accusations aimed at the Muslim community, which are often created due to politics and business interests at the national level, appear to have been used by Sinhala Buddhists and other religious groups to create an idea about the Muslim other at the regional level. For example, the Sinhalese community living in Kandy district that participated in the EPI research conducted in 2018<sup>68</sup> stated that in order to live in harmony with the Muslim community in the area, the Muslim community should stop things such as making the Sinhalese community infertile in order to expand their population / acts of terrorism against the Sinhalese community etc.. Although the Sinhala community stated that these requirements should be met by the Muslim community at the regional level, most of these demands had already been discussed by various groups at the national level and the participants in the research had learned about those through social media.

In this context, the religious freedom of the Muslim community is hindered in the following ways:

- ***Being subjected to hate speech due to their religious identity***

In daily life, Muslims are subjected to hate speech based on their identity. This situation was widely seen in the wake of the Easter attack. One of the examples expressed in the interview we conducted was that Muslims were subjected to hate speech based on the way they maintain their beards. It was reported that Muslims were subjected to hate speech not only by civil persons but also by government officials.

In an interview conducted in the Kalutara area, an incident was revealed where Muslims were subjected to hate speech because of the hat they wore. When a Muslim man was

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<sup>68</sup> A 2018 study by the Social Scientists' Association. In order to understand and observe the differences in harmony in Sri Lanka, this study identified indicators of how people perceive harmony in relation to "everyday life". For this study, relevant indicators were developed by conducting group discussions with Muslim, Sinhalese and Tamil communities in 30 Grama Niladhari Divisions in the districts of Ampara, Batticaloa, Mullaitivu, Kilinochchi, Anuradhapura and Kandy. The report of this study is not available online but it can be accessed with written permission of the Social Scientists' Association.

travelling in a public transport bus, a Sinhalese man who was next to him had thrown the hat that the Muslim man was wearing into the Kalu Ganga. The interview participant stated that this incident also occurred after the Easter attack and at that time, no person raised any voice in this regard.

It was also reported from the interviews that Muslims living in the Northern and Eastern Provinces are subjected to hate speech by Hindus due to their habit of eating beef. For example, Hindus are often reluctant to rent a house to Muslims, for the reason that beef is kept inside their house by Muslims. Another reason for Hindus' reluctance to rent houses to Muslims was reported to be Muslim funeral rites of washing the dead body inside the house. In addition, a respondent related to Hindus in the Northern Province mentioned that Hindus engage in hate speech by refusing to eat at Muslim shops. The reason they cite is the preparation of beef in Muslim shops.

- **Obstacles to practicing religion at work**

Hindrances to practicing their religion at work is another form of obstacles to the religious freedom faced by the Muslims. A Muslim who was interviewed by us said that in some cases, some workplaces do not provide an opportunity to go to mosques on Friday, and even though some workplaces allow Friday prayers, they often do not get enough time for the prayers. On the other hand, the interviews further revealed that in some government institutions, Muslims often do not get a chance to say their prayers even when time is allocated in the morning for religious activities.

- **Boycotting businesses based on the religious identity**

Boycotting of Muslim businesses due to religious identity was a unique situation seen throughout the past. This situation can be seen both before and after the Easter attack. There are reports of incidents such as printing and distributing a separate list of Sinhala shops, displaying Buddha statues and idols/ playing *pirith* chanting symbolizing Sinhaleanness in their shops, and attacking customers going to Muslim shops and business premises with things like "eggs". It was reported in the discussions that especially after the Easter attack, Catholics were also encouraged to boycott Muslim businesses. A respondent from Kurunegala revealed that there were brochures with a

list of Sinhala shops with references such as "this Christmas which belongs to Sinhalese and Christians" and Christmas decorations with similar effects to get the attention of the Christian community especially during Christmas and church festivals. However, in the face of the current economic crisis and political crisis, it was reported in the discussions that the fear of halal standardization/infertility inducing pills/underwear that cause infertility etc. has been diluted to some extent. However, a Muslim respondent emphasized that if there is an incident that disturbs the communal harmony in the future, these discourses could resurface in the society.

- Threats and marginalization

After the Easter attack, suspicion towards Muslims further increased among the Sinhalese-Buddhists. After the Easter attack, it can be seen influencing the interpersonal relations between people belonging to different ethnic groups. It was revealed in interviews with Muslims and Sinhalese that they threatened and discriminated against each other during this period as well. A respondent from Kurunegala district described the breakdown of relations between Muslims and Sinhala Buddhists as follows;

"During the Kurunegala riots, a Muslim youth's house was pelted with stones by his Sinhalese friend of the same age. The Sinhalese youth behaved that way at that time because he was afraid that he would be marginalized among his Sinhalese peers. Also, a Sinhalese youth tagged a Muslim youth on Face book and shared racist stories, not only that, anti-Muslim racism was also present in some WhatsApp groups. Some Muslim friends left these groups at that time. Also, there seem to be a lack of participation by many Muslim friends in common activities together with us like before..."

Field discussions revealed that some Muslims resorted to worshipping in secret, under these circumstances.

"The Sinhalese looked suspiciously at Muslims who always go to the mosque, and perform religious worship regularly. The Sinhalese said that you are going to organize and plan these extremist acts in the Friday mosque. To do this, they

always sneak into the mosque....Some Muslims would go to prayers on Friday from their shops, saying that 'I am going out for a little bit to pay the electricity bill' or something like that. It was because they were afraid that they will lose their business if the Sinhalese customers find out that they go to the mosque regularly."

In this context, it is clear that there has been a curtailment of the freedom of the Muslim community to worship and say their prayers on a daily basis. Furthermore, they identified the newly constructed Buddha image houses and *pirith* broadcasts near the mosques as an obstacle for the Muslim community to perform their religious rites. In an interview conducted with a young Muslim respondent, he said,

"There are four narrow lanes near the town. In front of each Lane, Buddha image houses have been newly built and decorated. There are only Muslims in one of the lanes. But in the same way, Buddha booths were built in that lane and *pirith* is broadcast. The airing of *pirith* at the time of our prayer is a hindrance to our prayer...."

These incidents make it clear that discrimination/marginalization and threats against Muslims continue to be a hindrance to their religious freedom at the national level as well as in their daily lives.

- **Being subjected to attacks in their places of worship and businesses**

Attacks and property damage to Muslim places of worship and business premises could be observed from field data based on different scenarios and incidents before and after 2018. While studying these conflicts and incidents, it was mostly clear that the outsiders started the conflicts, damaged property and stole goods from the shops. A respondent from Kurunegala district disclosed in the interview that the main targets were to damage and loot the business places of Muslims. However, due to these attacks and property damage, fear and suspicion/insecurity of the other has developed in Muslims. In an interview, a respondent said as follows,

"Even now, when we Sinhalese go to a Muslim's house, they are afraid. If a

Sinhalese is sitting on a chair in the local council, a Muslim will not sit next to them. And a Sinhalese will not sit next to a Muslim."

This indicates that fear, suspicion and a feeling of insecurity about each other still remain among the ethnic groups. It hinders the freedom of each individual and naturally affects religion as well.

- **Hindrances to religious freedom faced by the Muslims during the Covid pandemic**

Several challenges to the religious freedom of the Muslim community have emerged during the Covid era. The mandatory cremation of the bodies of people who die due to the Covid-19 pandemic is one such challenge. Muslims were allowed to bury the dead according to their religious beliefs only after carrying out several protests. During an interview conducted in Kurunegala, a respondent made a statement confirming this.

During this period, there was a suspicion in other religious communities that Muslims are being instrumental in spreading Covid-19. Mass media channels also were involved in forming such an opinion regarding the spread of the Covid.<sup>69</sup> Also, in 2021, data from the survey conducted by Social Indicator<sup>70</sup> further confirms this.

"We went to the Kurunegala Divisional Secretariat to distribute masks and safety kits during the covid. The officials there did not know that I am a Muslim. There is vaccination drive in the nearby Muslim village. Don't you know, they are not sure. They are the ones who spread this disease...."

In this study, it was revealed that the attitudes that had already been instilled in the society about the behavior and religious customs of the Muslim community were the main factors that influenced the Muslims to be accused thus. Due to these attitudes, the religious freedom of the Muslim community was challenged during the Covid pandemic.

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<sup>69</sup> Moinudeen, S. (2021). Ethno-centric pandemic governance: The Muslim community in Sri Lanka's COVID response.

<sup>70</sup> Socio-Economic Index in the Face of COVID-19", a survey conducted to understand the extent to which the pandemic has affected the livelihoods, health, education and social relations of the Sri Lankan public – Social Indicator (Centre for Policy Alternatives), 2021

## Religious freedom and the Muslim woman

Religious freedom affects Muslim women in two ways. The first of these is the influence of other religious communities on the religious freedom of Muslim women. The second is how women are limited in their ability to practice religion freely within their own Muslim religious community. A primary way in which other religious communities target Muslim women is through their choice of clothing and attire. The proposed *burqa* ban in Sri Lanka in March 2021 is a direct violation of religious freedom. In interviews with experts on interfaith harmony, the discomfort faced by Muslim women due to the proposed *burqa* ban was described as follows:

"Muslim women who wore the *burqa* since childhood were faced great discomfort due to the *burqa* ban. Because they wore the *burqa* since childhood, they were afraid to go out in other clothes. Some elderly women cried because of this ban, they couldn't go out..."

According to interviews with a civil society activist working on interfaith reconciliation, women who wear the *burqa* or *hijab* face hateful comments and public discrimination because of their outfit when engaging in activities of daily life, such as going to school, at work, in the hospital when receiving health care, or in accessing essential services. A respondent from Kurunegala said,

"Many Muslim women wearing *burqas* were targeted and terms like *gonibillo* (bogeyman) were used to describe them. Muslim women wearing the *burqa* are called *gonibillo* because of the long, black sack-like clothes. They are told to go to Arabia and wear such clothes without wearing them here..."

The other challenge faced by Muslim women is that they have less religious freedom compared to men within their own religious community. According to community laws, women are restricted from visiting mosques for prayers and cemeteries. Furthermore, women are prohibited from performing any religious rituals during menstruation. Although this may not be seen as a hindrance or hindrance to the religious freedom of all Muslim women, the inability of some Muslim women to pray or attend the last rites of their dying relatives was revealed by a district-level interfaith activist as a hindrance to the freedom of Muslim women. Thus, it can be understood that the religious freedom of the Muslim woman is limited by being a Muslim as well as by being a woman and by the challenges that come from within her society as well as

from outside it.

In the face of the current economic and political crises, the current discussion about the relationship between Sinhala Buddhists and Muslims is not observed to be so negative. It is evident that both groups are fighting for a common cause such as the elimination of bribery and corruption. Nevertheless, the coming together of these groups in the hope for better governance implies that some of the seeds planted and prejudices created by ethnic politics in Sri Lanka's post-war context are likely to fade away.

### **Christian community**

It is evident that the Christian community in Sri Lanka has been facing various challenges that hinder their religious freedom for a long time. This is evidenced by the data collected by the National Christian Evangelical Alliance of Sri Lanka (NCEASL) since 1994 on specific incidents where the freedom of the Christian community has been challenged. However, in recent times, the attention to violations of the religious freedom and beliefs of the Christian community has been at a minimum at the national level, compared to the attention received at the national level for the challenges and obstacles faced by the Muslim community regarding the violation of religious freedom. Furthermore, qualitative interviews and surveys conducted since 2018 suggest that anti-Christian sentiment is more prevalent at the regional level.

According to a report by the National Christian Evangelical Alliance of Sri Lanka published in 2019, the religious freedom of the Christian community is subject to various violations, the majority of which are verbal in nature, such as threats, intimidation, instances of discrimination and the use of hate speech against the community.<sup>71</sup>

According to the data from the reports released by the National Christian Evangelical Alliance of Sri Lanka, it is clear that the actions of government officials and the police in the regions suppress the religious freedom of the Christian community. The findings of this study reveal that the police directly or indirectly take the side of other government officials, and that the actions of the police often have a negative impact on the Christian community. Also, this study

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<sup>71</sup> Schubert, M., 2019. *Restrictions and Violence against Religious Minorities: An Incident Analysis*. [online] Available at: <https://www.minormatters.org/storage/app/uploads/public/5d3/7fb/10c/5d37fb10ce12e404095654.pdf>

report reveals that the police officers do not take action in violations against the Christian community unless it is a serious incident.<sup>72</sup> The report explains that in areas where the Christian community is a minority, the religious freedom of the Christian community is more likely to be violated by local monks who mobilize large groups against the Christian community.

Interviews conducted with the respondents for this study also reveal that the police are biased towards the local monks when intervening in cases of violation of the religious freedom of the Christian community.

The study conducted by the National Peace Council on Religious Freedom in 2018 identifies proselytization as a major threat to religious freedom (see Appendix Chart 4).<sup>73</sup> This study further reveals that “proselytization” has been identified as a major challenge by the three religions of Buddhism, Hinduism, and Catholicism. However, the Christian community and the Muslim community are relatively less likely to state that they have a problem with proselytization (see Appendix Graph 5). Also, when asked whether they are worried about followers of their religion changing their religion in the future, respondents representing Buddhist, Hindu and Catholic religions stated that they are more concerned about it, while respondents representing Muslim and Christian religions were not that concerned (see Graph 6 in Appendix). Interviews conducted with for this study revealed that Christians and Muslims are primarily blamed for proselytizing at the regional level. Among them, the Christian priests who participated in the study admitted that this accusation is common based on a misunderstanding of the preaching of the good news or the gospel.<sup>74</sup>

An interview with a respondent revealed that there is a fear among other religious groups about the Christian community and their intentions. An interview with a Christian priest also confirmed that the problem of conversion to Christianity (proselytization) on this basis is more common in rural areas than in urban areas. It was mentioned in an interview that Buddhists,

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<sup>72</sup> Verité Research. 2021. *Prejudice and Patronage: An Analysis of Incidents of Violence against Christians, Muslims, and Hindus in Sri Lanka (September 2019 – September 2020)*. [online] Available at:

[https://www.veriteresearch.org/wp-content/uploads/2021/06/VR\\_Eng\\_RR\\_Mar2021\\_Prejudice-and-Patronage-An-Analysis-of-Incidents-of-Violence-against-Christians-Muslims-and-Hindus-in-Sri-Lanka.pdf](https://www.veriteresearch.org/wp-content/uploads/2021/06/VR_Eng_RR_Mar2021_Prejudice-and-Patronage-An-Analysis-of-Incidents-of-Violence-against-Christians-Muslims-and-Hindus-in-Sri-Lanka.pdf)

<sup>73</sup> National Peace Council – Religious Freedom Index (2018)

<sup>74</sup> The gospel is explained in the Bible. Accordingly, the message related to God's work for the salvation of mankind centered on Jesus Christ's sacrifice of his life on the cross and resurrection from death.

Religion Wiki. n.d. *Good News (Christianity)*. [online] Available at:  
[https://religion.fandom.com/wiki/Good\\_news\\_\(Christianity\)](https://religion.fandom.com/wiki/Good_news_(Christianity))

Hindus and Roman Catholics also feel uneasy about the Christian society due to such proselytization.

However, interviews conducted with Christian clergy indicated that they were opposed to using force or influence to convert members of other religious groups to Christianity and encouraged their own Christian clergy from doing so. Furthermore, they said that in many cases, Christian churches do not seek to convert non-Christians by providing material benefits to people, but they do help those in need because helping others is an important part of their faith, beliefs and religious teachings.

In this context, the religious freedom of the Christian community can be seen to be hindered in the following ways.

- **Insults and threats**

Proselytization is one of the main reasons for the insults and criticisms faced by the Christian community. A Christian priest explaining this mentioned that even when they tried to help destitute families during the Corona period and when they tried to share refreshments with those waiting in long queues due to the current oil/gas crisis, their good intentions were viewed as an effort to proselytize and they were reproached. Talking about reprimands related to proselytization, a respondent representing the Malayaha Tamil community said that many Hindus in his area are converting to Christianity, and if the converts preach Christianity in their village, the Hindus will join together to reprimand and threaten them.

Another occasion in which Christians are reproached is when they visit rural villages to preach the good news or the gospel. A respondent from Vavuniya district stated that the Christian community is being reprimanded due to the distribution of printed leaflets while visiting the villages.

The study revealed that the Christian community living in some villages is under attack due to the accusation of bringing strangers to the village. Another respondent mentioned that priests come to the houses of Christians to pray on certain occasions and this may happen several times a month and sometimes a considerable number of

unfamiliar people are gathered this way. People belonging to other religious groups in that village allege that the Christians bring stranger into their village. The respondents further stated that they are viewed with suspicion because this practice is different from the religious practices of other religions.

Another criticism levelled against the Christians was that they maintain more than one church in a given village. A respondent from the Northern Province who commented in this regard stated that in some villages of the Northern Province, more than one Christian congregation is functioning and that people of other religions who do not know the differences between these congregations blame Christians for maintaining several Christian shrines in the same village and trying to Christianize the village while their religious group has only one shrine.

Other criticisms reported in this study were reprimands by other religious groups due to the noise made during Christian religious ceremonies. Commenting on this, a respondent mentioned that Christian religious groups often hold their religious ceremonies in homes where the use of musical instruments is a part of the religious rituals and the noise raised there is a main cause for Christians being blamed by other religious groups.

- **Discrimination**

Another accusation raised by the Christian community regarding their religious freedom is that they are discriminated because of their religious identity. A respondent commenting in this regard took the admission of children to school as an example and mentioned that the child's religious identity interferes when admitting a Christian child to a Catholic school. According to the respondent,

"At the interview to admit a child of ours to a Catholic school, the application form was sent flying, then and there. They asked us to become Catholics if we want to admit the child to their school..."

Also, the study reveals that the Christian clergy are subjected to discrimination in public places compared to other religious priests due to their religious identity. According to

that respondent,

"We and our clothing are not treated with the same care that the Catholic religious leaders receive for the cloth they wear. Also, some monks and priests will not participate in an interfaith program when they say we are coming. If we come, those priests and monks directly say that they will not participate in that program...."

Apart from this, opening new religious places of worship is another situation where Christians are discriminated against. The respondents commenting in this regard mentioned that in such a situation, both the Roman Catholic Church and the Buddhist Temple come together and protest against it. Commenting on the establishment of new shrines, another respondent stated that the Buddhist society would use the circular of 2008 related to the establishment of Buddhist temples to prevent Christian groups from establishing new religious places. Also, a respondent from the Central province mentioned that local government officials are also abusing the same provisions.

- **Being subjected to negative ideologies created in society**

Another obstacle to the religious freedom of the Christian community is that they have to face the negative ideologies that have been formed in the society. The Christian community is mainly labelled as "heretics" and "fundamentalists". The main reason given by the respondents is their healing services and other religious practices. Referring to such healing services, some Christian priests also say that there are cases of disagreement among Christian congregations regarding the nature of healing services. Therefore, it is further stated that the activities of some Christian churches also cause this labelling.

Another negative view regarding Christian congregations held by the society is that they are a type of religious group that cannot guarantee long-term survival and that they lack a strong institutional structure. According to one respondent,

"Christian churches spring up like mushrooms. Let's say there is one group. If one person in that group holds a different opinion to the group's opinion, that person

leaves that group and starts another group. The peculiarity of Christian churches is that they separate like this..."

Another negative opinion prevalent in society regarding Christian churches is that those churches are maintained for financial purposes. Respondents commenting on the collection of money in Christian congregations state that it is different from other religious practices, causing misconception among people from other religions in this regard. Another point of view is that the Christian churches receive a lot of foreign aid. However, according to the Christian priests who participated in this study, the financial support needed for the social services they perform is provided by their followers who make donations.

Ultimately, it can be stated that the obstacles to religious freedom face by Christians arise as a result of the misunderstanding of their practices by believers of other religions at the regional level, as well as from the clash between religious practices. Suspicion regarding the propagation of religion is the primary reason while the response of the Christian congregations in this regard too is challenged because there are disagreements among certain congregations regarding the way religion is propagated. However, verbal abuse, which has become a major obstacle to religious freedom in the Christian society, has a significant impact on the religious freedom restrictions of that religious community.

### **Hindu community**

The religious freedom study conducted by the National Peace Council in 2018 revealed that the Hindu community is among the three religious communities that are most concerned about their religious freedom. According to the study, the Hindu community is more worried about their religious and cultural status than other religious groups (see Table 1 in the Appendix). 49% of Hindus who expressed such concern mentioned proselytization as their main focus (see Appendix Chart 5). Another finding of the study was that Hindus are religiously and culturally insecure about the future as compared to other religious groups. Most of the Hindus who accept this believe that the people of their religious group, will not be treated equally by law and order institutions in the future (33%), will not be noticed in national level politics and (33%)

will gradually convert to other religions (29%) (See Table 2 in the Appendix).

Interviews conducted in the Northern, Eastern and Central Provinces suggest that the extent to which the religious freedom of the Hindu community is violated varies by district. This is due to certain differences in religious-cultural practices among the Hindu community in Jaffna, Batticaloa, Trincomalee, the Central and other areas. The interviews revealed that there are threats to the religious freedom of the Hindus from Christians, Muslims as well as Buddhists, but the nature of the challenges posed by these groups is largely different from each other. An important point further revealed by the interviews is that most members of the Hindu community do not perceive the Roman Catholic community as a threat to their religious freedom. The commonality of religious practices of the Hindu and Catholic communities and how they began to resemble each other with the passage of time provides the basis for this sentiment. Further confirming this idea, a respondent said that the mutually integrated nature of the practices of the two religions is evident in the areas occupied by both the Catholics and the Hindus. For example, Catholics living in areas where Hindus live may accept the Hindu caste system and that the way Catholic churches are colored can give an idea of the caste the church belongs to. It was further reported that Hindu rituals such as putting a necklace on the bride are performed at Catholic weddings. Accordingly, it is implied that there is harmony and interdependence in the Hindu and Catholic communities compared to other religious communities.

In this context, religious freedom of the Hindu community is hindered in the following ways.

- **Proselytization**

Most of the interviews identified proselytization as a major obstacle to the religious freedom of the Hindus. It was stated that the Hindus are proselytized mostly by the Christian and Muslim communities. Interviews with the Malayaha Tamil community and North Eastern Hindus indicated some of the primary factors that led to the conversion of members of their religious group to Christianity. One factor is the caste division in Hindu society which is viewed as an obstacle for them to gain social acceptance. The respondents were of the opinion that most Christian churches reject discrimination based on caste. A respondent from Batticaloa notes that the way

Christians address each other as “brother/sister” and the leadership positions given to them by the religion are very attractive to the lower caste members of the Hindu community. According to the views expressed in the interviews conducted in the Central Province, home to the Indian-origin Tamil community, it appears that material benefits received from Christian congregations that are not available from their own religious leaders has provided the impetus for Hindus to convert to Christianity.

Also, it was revealed in an interview conducted with a respondent from Batticaloa that members of the Hindu community in the Eastern Province have a tendency to convert to Islam. He said that he could observe two ways of converting many Hindu communities to Islam in areas like Ampara and Kalmuna. On one hand, there are Hindu women converting to Islam by marrying Muslim men while, on the other hand, the expansion of the Muslim business community and the success of the Muslim business also created an attraction towards converting to Islam.

- **Buddhistization**

Another hindrance to the religious freedom of Hindus observed by the interviewees was the establishment of Buddhist shrines in areas inhabited by Hindus. Members of the Hindu community view the establishment of such shrines as an attempt to spread Buddhist culture. It was reported in the discussions that Hindus fear that this situation may have an impact on the Hindu religious and cultural identity of their areas. According to one respondent,

"It is one of the main accusations that Hindus make when they go to worship at the Kataragama temple. Sinhala Buddhist cultural influence is more than Hindu culture there. Also, the Hindus in the Northern Province are afraid that the Hindu culture will be distorted due to the construction of Buddhist shrines in the Northern Province."

A respondent from Batticaloa stated that in areas like Trincomalee and Pothuvil, Buddhists arbitrarily installed Buddha statues, Bo trees, etc. in places where Hindus had worshiped for many years and called them Buddhist shrines. Likewise, a respondent from the Malayaha Tamil community revealed that the increase in Sinhalese-Buddhist

settlements in the areas of Uva Province, where Hindu communities live, is also a threat to their religious freedom. Furthermore, it was further revealed in the discussions that, these effects can also be caused by the settlement of Sinhalese people in certain areas in the North East.

- **Being subjected to discrimination**

A respondent from the Vavuniya district revealed that the Hindu community also has problems with trusting government authorities such as the Department of Archaeology as well as the Army. The Hindu community is of the opinion that these authorities represent Sinhala-Buddhist interests, even though these authorities are expected to function ideally to protect rights violations such as religious freedom. According to one respondent of the study,

"Hindus think that the Department of Archaeology is not interested in Hindu archaeological sites... Archaeology Department is only interested in Buddhist archaeological sites. One of the accusations that Hindus sometimes make is that they are trying to depict certain Hindu places of worship as Buddhist heritage."

According to a respondent from Batticaloa, the Hindu community in the Eastern Province is often reluctant to protest against the construction of places of worship by Buddhists in areas inhabited by Hindus because they believe that the Buddhist community will be protected by the military.

- **Influence of the Shiv Sena**

Interviews conducted with the respondents made it clear that the spread of Indian influence in the Hindu community could threaten their religious freedom in the future. Many respondents who participated in this study revealed that the Shiv Sena group is present in areas like Jaffna, Batticaloa and Vavuniya. They claimed that the Shiv Sena was a group with close ties to the right-wing Hindu organization of the same name, more prominent in India's Maharashtra region. The spread of this ideology is also attributed to the influence of "Hindutva"<sup>75</sup>, promoted by parties supporting the

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<sup>75</sup> The *Hindutva* movement describes itself as a "right-wing" version that believes in homogenous majority and

Rashtriya Swayamsevak Sangh (RSS), a Hindu right-wing organization with a strong presence across India. According to a respondent from the Malayaha community, the increasing influence of Shiv Sena in the country's Hindu community poses a significant threat to Sri Lankan Hindu identity. He added that the worship of only Shiva and Vishnu is promoted under this ideology, as opposed to worshipping Bahirava and Katharagama gods that the Hindus in Sri Lanka have been worshipping for a long time. Interviews indicated that this influence may limit the religious freedom of Sri Lankan Hindus and their ability to practice their religion. On the other hand, the presence of organizations like Shiv Sena was seen as a greater threat to the Hindu communities in the Eastern and Central Provinces than in the Northern Provinces. Although the influence of these organizations has not been observed much at present, the respondents were of the opinion that the influence of such organizations will increase in the future as Indian influence increases in Sri Lanka.

- **Abusive language and hate speech**

One of the main reproaches reported in this study against the Hindus was criticism due to the noise emitted during Hindu religious ceremonies. According to a respondent from Batticaloa, the Hindu community is often accused of making too much noise during worship at temple festivals. Another respondent stated that there were times when the Muslims of Puttalam complained to the temple authorities about such loud noises. Some members of the Hindu community regard this situation as a threat to their freedom of religion, pointing out that the noise pollution by Hindus is less compared to the noise pollution by other religious communities.

Being subjected to hate speech on the grounds of religious identity was mainly reported by the Malayaha Tamil community living in the Central Province. A respondent from the Central Province said,

"The Sinhalese make fun of Hindu custom of bathing the *Shiva Linga* with milk. Not only that, other groups look at religious rituals like fire walking and impaling are

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cultural supremacy. Indian culture is defined by Hindu values and strongly opposes secular principles and their practices. According to some analysts, *Hindutva* is an extreme fundamentalist extreme of conservatism or "communal absolutism".

viewed with scorn..."

Therefore it is evident that Hindus are subjected to hate speech when they engage in their religious rituals.

- **Obstructions to starting religious places of worship**

Interviews conducted with respondents in Batticaloa and Puttalam reveal that the procedure for acquiring land from the government for the construction of temples is a difficult process. Due to this, the Hindu community often builds temples on private lands, the respondents said. Respondents see this as a hindrance to the religious freedom of the Hindu community and the practice of their faith. The Malayaha Tamil community believes that they are the most marginalized in terms of the government's attention to the Hindu community. Respondents belonging to the Malayaha Tamil community are of the belief that, whatever financial provisions received from the Department of Hindu Religious and Cultural Affairs, are likely to be received by the Hindus living in the northern and eastern provinces

### **Religious freedom and the Hindu woman**

Interviews show that women's religious freedom is challenged in two ways in the Hindu community, similar to the Muslim community. The two types are: the challenges faced by Hindu women from the outside society, and the challenges from within their own religious community. Chief among the challenges posed by the external society is that women become easy targets for proselytization. The respondents who commented in this regard stated that many of the war widows who were displaced after the war were subjected to such proselytization. Two main factors that led the war widows to change their religion could be identified in the discussions. One of them is that they volunteered to become followers of Christian congregations as a refuge for the economic difficulties faced by war widows during the post-war period. The other was that the women believed that after becoming a part of the Christian congregations, they would have the strength to face the sexual abuses they allegedly had to face during the post-war period.

The study also reported instances of religious freedom of Hindu women being challenged from within their religious corporation. In other words, the interviews revealed that the position of women in Hinduism is second to that of men and that Hindu women are ridiculed and treated as unimportant within their own religion as well as from the outside society. Respondents explained that the patriarchal influence within Hinduism affects women's ability to fully participate in religious activities and rituals while menstruating or pregnant. Another notable fact is that widows and barren women are considered “unfortunate women” and their religious freedom is further challenged. It was also mentioned that the caste of each woman is also a basis for these violations.

It appears that the Hindu community is a religious community that is concerned about the religious freedom it has today as well as the challenges that may arise to its religious freedom in the future. Among the obstacles to their practice, Hindus identified the threat of their community becoming diminished due to proselytization as the most prominent challenge. Proselytization challenges the Hindu community in Sri Lanka to present itself as a unique religious group. The study shows that in the long run, this challenge may go beyond a religious issue and become a matter of political power. For example, the Hindu community is worried about the threat of becoming a group with less political bargaining power due to factors such as the decline of Hindus, the presence of Sinhalese settlements in Hindu areas, the spread of Muslims in the eastern provinces, and less political representation. Ultimately, it seems that the Hindu religious community's problems related to their religious freedom are related to the Tamil ethnic problem and the problem related to the inalienable political power.

## **Recommendations**

This chapter will present some recommendations for the establishment of religious freedom in Sri Lanka for interested parties. Although some of these recommendations should be implemented through state level interventions, some of them can be implemented by various groups in society including religious leaders and non-governmental organizations and other parties interested in this subject. While some of these recommendations can be implemented

in the short term, others require medium or long-term interventions.

- In an intervention on religious freedom, it is important that the intervention goes beyond the problems related to religious freedom at the national level and takes cognizance of the realities at regional level. One of the main findings from this study is that in addition to the anti-Muslim acts that have attracted attention at the national level in the past, Christians and Hindus too have faced various religious freedom challenges at the regional level. However, in the recent discussions on religious freedom at the national level, issues faced by the Christians and the Hindus did not receive as much attention as the issue of the Muslims.
- In any intervention regarding the religious freedom of a religious group, all the followers of that religion should not be grouped in to a single homogeneous cluster. The followers of a particular religious group may be challenged in different ways based on different geographical, social, cultural and economic factors. For example, the challenges faced by the Hindu community vary according to the economic, political and cultural factors related to the geographical environment in which the Hindu community lives. There were differences in the way that Hindus living in the Eastern province and the Central province described the influence of the Shiv Sena on their religious freedom when compared with what was presented by the Hindus living in Jaffna. Furthermore, this study also revealed that matters related to the proselytization of Hindus vary according to caste and social class. Furthermore, it was evident that the problems related to religious freedom faced by the Christian community differ from congregation to congregation within the Christian community. It is clear that there is no consensus among churches regarding the works of healing and that the challenges faced by each church are different depending on the way they carry out healing activities.
- Discussions about religious freedom often arise when religious freedom is threatened. Therefore, in addition to the national level approaches, the problems related to religious freedom can be solved more meaningfully by creating a mechanism that can study each case separately and propose solutions in relation to the challenges that may arise at the regional level.
- It is vital to pay attention to the issue of proselytization in an intervention regarding religious freedom in Sri Lanka. Strong accusations regarding proselytization are hurled by religious communities. An opposing view is that the right to change one's religion is an act of

guaranteeing religious freedom rather than a violation of religious freedom. The conflict between these two ideologies has resulted in a discussion of immoral proselytization. However, defining unethical conversions is not an easy task. For example, the interviews revealed that the care of war widows by Christian congregations motivated the women to voluntarily change their religion. The opposite view is that Christian churches target marginalized communities because there is an opportunity for proselytization in those communities. In this context, proselytization has become a cause for tension between religious groups. Nevertheless, the complexity of this issue does not diminish the need to come up with solutions to this problem.

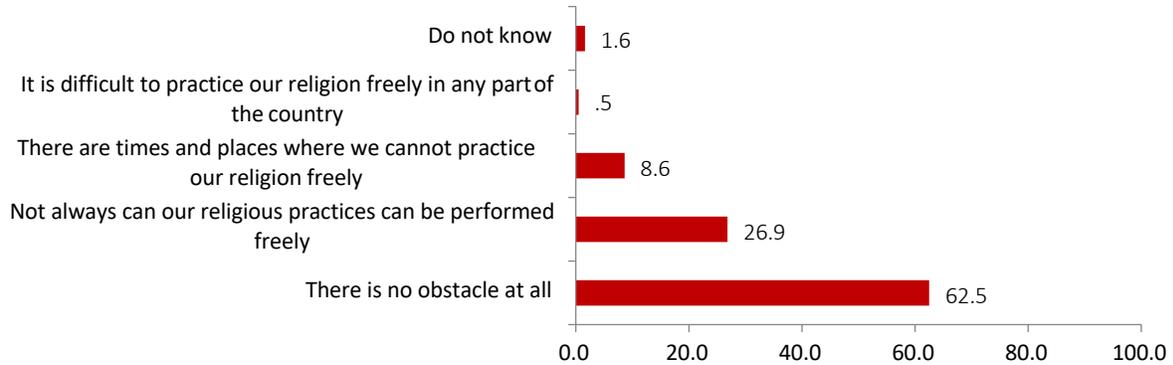
- The accusations made by certain religious groups regarding religious freedom seem to accuse the individual religious practices of certain priests rather than indicting any particular religious belief. Other priests of the same religion who do not agree with these methods point out that they too have to pay for the wrongdoings of some people. For example, a priest of a Christian church mentioned that some Christian priests create a misunderstanding about Christian churches among Hindus by preaching the religion without proper understanding of the doctrine. The priest further stated that these tensions arise because certain priests carry out propagation activities with a strong opinion that their religious belief is the only religious belief that can exist on earth. Therefore, maintaining minimum standards for religious groups can help minimize harm to their respective religions and harm to other religions through individual actions.
- Some religious groups that have faced challenges regarding religious freedom have stated that the challenges are the outcome of the ignorance of the other religious groups. For example, it was reported in this study that other religious groups view Muslims with suspicion and threaten them due to their ignorance about Muslim religious practices. In the interviews, it was reported that certain fundamentalist groups, who take advantage of the ignorance of these religious groups, carry wrong propaganda about Muslims. Due to the ignorance of other religious groups, they are misled by such propaganda. For this reason, it would be important for every religious group to provide education regarding religious customs of other groups right from the school level.
- Each religious group accuses other groups of noise violations in their religious places. Often accusations are made regarding the use of loudspeakers. Residents who complain about excessive noise see it as a hindrance to their daily lives. Religious groups who are accused by such persons see such accusations as an obstacle to their religious freedom. Every religious group is sometimes an accused, and sometimes a victim. Therefore, establishing minimum

standards regarding the sounds emitted by places of worship, as well as ensuring that those standards are followed in practice, is important in terms of religious freedom.

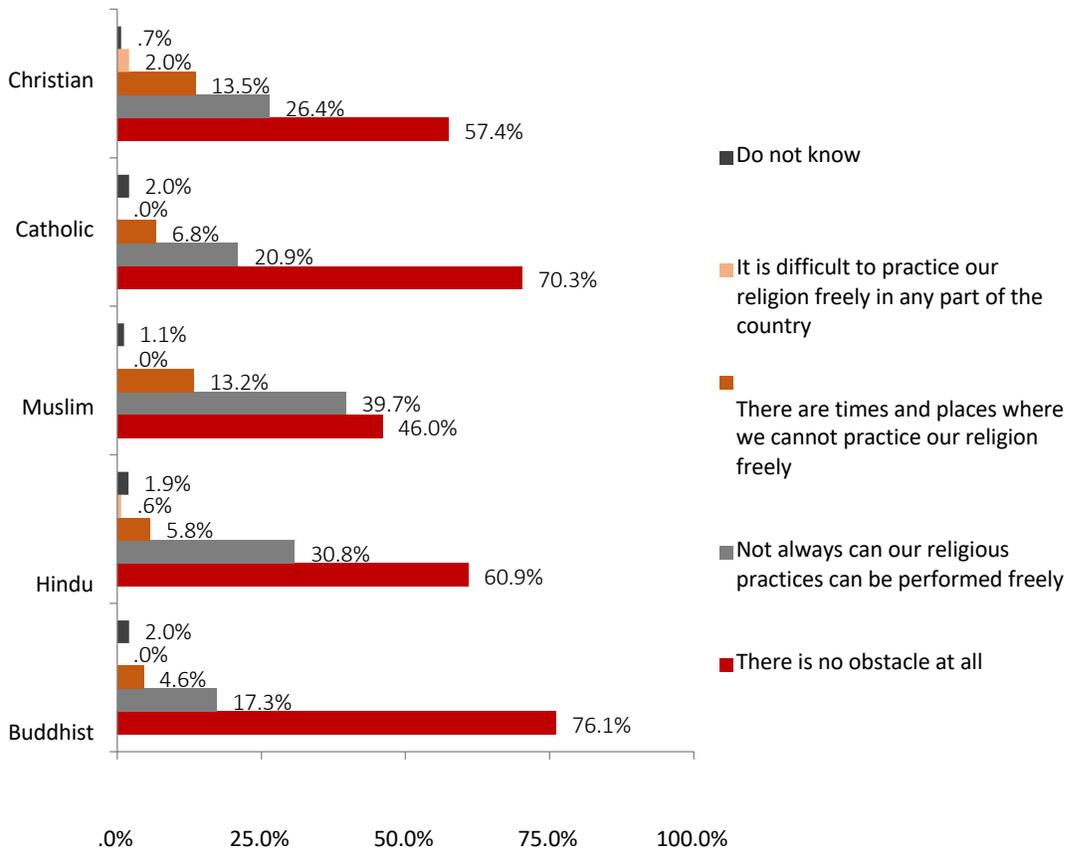
- It is important to consider religious freedom not only as a spiritual issue but also as a political issue when planning for the promotion of religious freedom. For example, it was observed in this study that the hindrances to the Muslims' religious freedom were caused by political interests rather than spiritual beliefs of other religious communities. Also, the study indicated that the challenges to the religious freedom of the Hindus in the North, are influenced by political interests of the South as well as Indian political interests. Given the current political and economic crisis in the country, the political influence of religious freedom may further increase. Therefore, it is important for institutions dealing with religious freedom to take into account the influence of politics on religious freedom.
- The competition in the free market economic system is another issue that challenges religious freedom as well as politics. In this study it was evident that religion is leveraged for business success. Therefore, building a public opinion against the institutions that engage in such unethical practices to maximize their profits will be important to establishing the religious freedom of communities that are challenged by such interests.
- In addition to the above recommendations, revising certain laws and regulations identified in this study as an obstacle to religious freedom, as well as introducing new laws and regulations, is also important to establish religious freedom. Chief among them are eliminating potential harm to specific religious communities by the Prevention of Terrorism Act (PTA), action against misuse of the 2008 circular on establishment of new places of worship, elimination of bias in the One-Country-One-Law Task Force, consultation of all religious groups during drafting the bill on proselytization, and the practical implementation of existing provisions on hate speech.
- Finally, it should be mentioned that the rights of other religious groups are being limited in favor of the state's majority religion, as mentioned by many religious groups who claim that religious freedom has been threatened. While interventions to change this cannot be executed in the short or medium term, any such intervention must be determined through a discussion on what should be the nature of the Sri Lankan state. It could include amendments made through the Constitution, changes to certain practices of government institutions, changes to the manner in which education system is set up, and the changes to use of media.

## Annexes

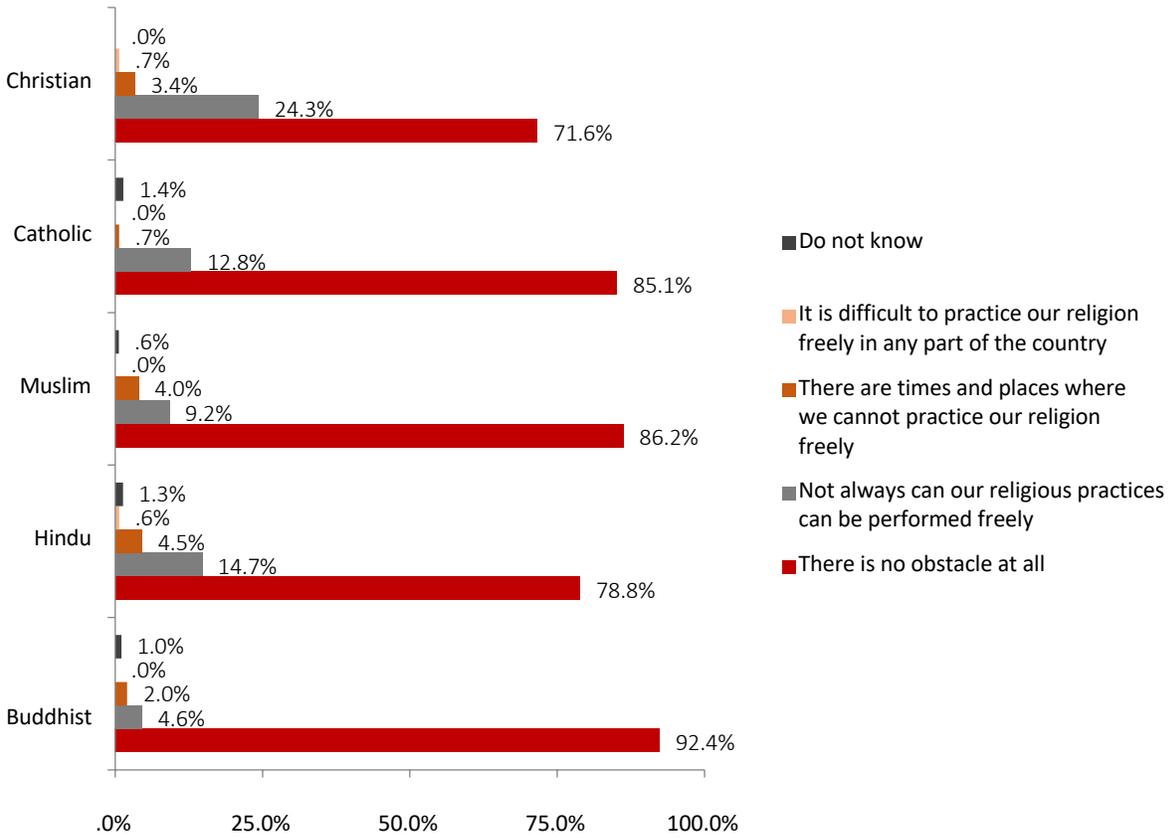
The following graphs are extracts from the religious freedom indicator survey carried out by the National Peace Council in 2018.



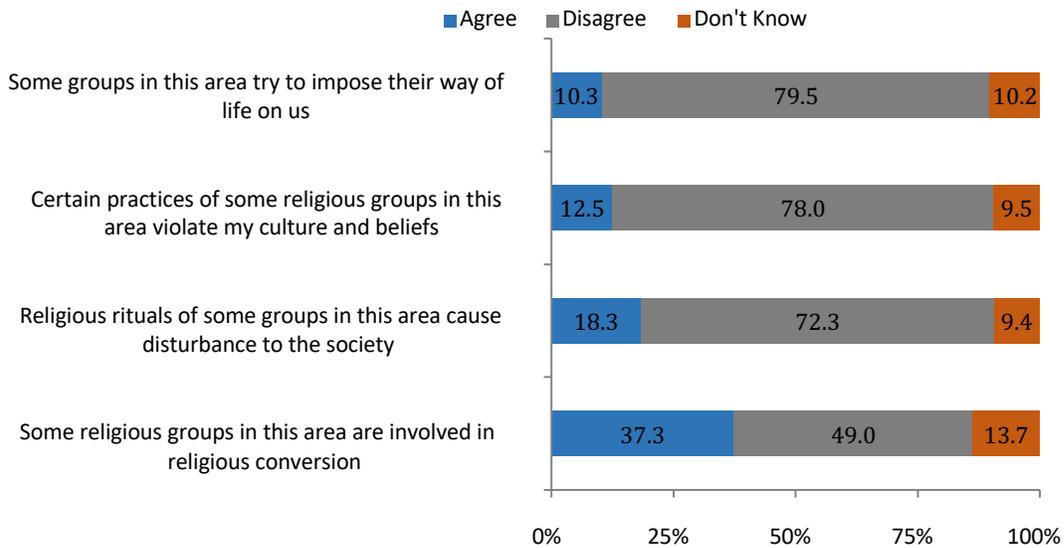
**Figure 1: Generally how freely do you think religious activities of your religion can be practiced in the country?**



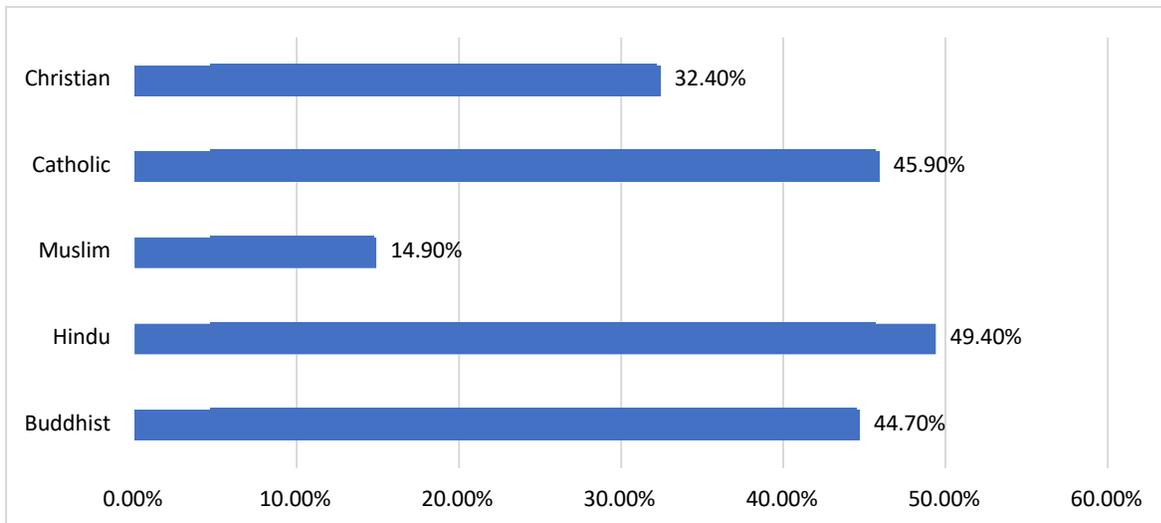
**Figure 2: Generally, how freely do you think religious activities of your religion can be practiced in the country?  
(by religion)**



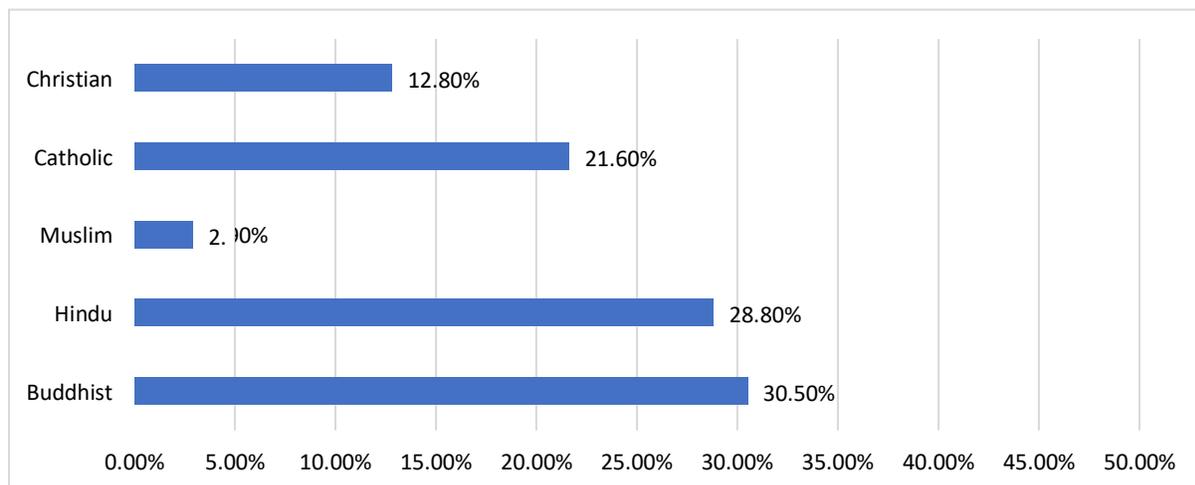
**Figure 3: How freely can your religion be practiced in this area? (by religion)**



**Figure 4: Religio-Cultural Insecurities about the Current State of Affairs**



**Figure 5: Religious groups concerned regarding unethical religious conversions**



**Figure 6: Religious groups concerned about increased unethical religious conversions of their community members in the future**

	Buddhist	Hindu	Muslim	Catholic	Christian
No worries about the current situation	46.2%	49.4%	78.2%	43.9%	53.4%
Little worried about the current situation	46.2%	36.5%	18.4%	46.6%	36.5%
Very worried about the current situation	7.6%	14.1%	3.4%	9.5%	10.1%
Base	197	156	174	148	148

**Table 1: Religio-Cultural Insecurities about the Current State of Affairs (by religion)**

		Agree	Disagree	Don't Know	Base
People of my religious group may have to leave this area/city	Buddhist	12.2%	87.3%	.5%	197
	Hindu	14.1%	71.2%	14.7%	156
	Muslim	4.0%	89.1%	6.9%	174
	Catholic	10.8%	79.1%	10.1%	148
	Christian	7.4%	83.1%	9.5%	148
People of my religious groups will gradually convert to other religion	Buddhist	30.5%	61.9%	7.6%	197
	Hindu	28.8%	59.0%	12.2%	156
	Muslim	2.9%	93.7%	3.4%	174
	Catholic	21.6%	67.6%	10.8%	148
	Christian	12.8%	76.4%	10.8%	148
People of my religious group will not be able express their views freely	Buddhist	13.2%	83.8%	3.0%	197
	Hindu	23.7%	61.5%	14.7%	156
	Muslim	10.3%	80.5%	9.2%	174
	Catholic	8.8%	77.7%	13.5%	148
	Christian	18.2%	67.6%	14.2%	148
People of my religious group will not be able to practice their religion freely	Buddhist	13.2%	84.3%	2.5%	197
	Hindu	20.5%	64.7%	14.7%	156
	Muslim	12.6%	75.9%	11.5%	174
	Catholic	6.8%	79.7%	13.5%	148
	Christian	18.2%	70.9%	10.8%	148
People of other religious groups will be the rich class in this area in the future	Buddhist	29.4%	54.8%	15.7%	197
	Hindu	25.0%	45.5%	29.5%	156
	Muslim	14.9%	66.7%	18.4%	174
	Catholic	19.6%	56.1%	24.3%	148
	Christian	20.3%	54.7%	25.0%	148
People of my religious group will not be able to get fair treatment from legal and law enforcement authorities in this area	Buddhist	14.7%	80.2%	5.1%	197
	Hindu	33.3%	42.3%	24.4%	156
	Muslim	23.0%	64.4%	12.6%	174
	Catholic	13.5%	75.0%	11.5%	148
	Christian	20.3%	66.9%	12.8%	148
People of my religious group will not get the attention of the national politicians in the area	Buddhist	16.8%	77.7%	5.6%	197
	Hindu	33.3%	41.7%	25.0%	156
	Muslim	22.4%	62.1%	15.5%	174
	Catholic	20.3%	58.8%	20.9%	148
	Christian	21.6%	58.1%	20.3%	148

**Table 2: Perceived Religio-Cultural Insecurities about the Future (by religion)**

