



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

COUNTRY UPDATE: SRI LANKA

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To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

Religious Freedom Conditions in Sri Lanka

By Zack Udin, Researcher

Overview

This Country Update provides an overview of recent key religious freedom conditions that occurred in Sri Lanka. In the six years since the U.S. Commission on International Religious Freedom (USCIRF) last reported on Sri Lanka, religious minorities suffered myriad religious freedom violations. USCIRF previously reported on Sri Lanka in the Commission's 2014 and 2015 Annual Reports and in publications regarding global [blasphemy laws](#) and [limitations](#) on religious freedom in South Asia.

Ethno-religious tensions remain unresolved in the wake of the civil war and terror attacks, leaving room for nearly unrestricted communal discrimination and violence. Most recently, as highlighted in [USCIRF's 2021 Annual Report](#), the COVID-19 pandemic spurred government and societal discrimination against Muslims that contributed to the already robust feelings of marginalization and stigmatization, due in part to problematic laws such as the blasphemy law, the Prevention of Terrorism Act (PTA), and the misused [International Covenant on Civil and Political Rights](#) (ICCPR) Act.

Background

The Democratic Socialist Republic of Sri Lanka is a presidential [republic](#) with a unicameral parliament. President Gotabaya Rajapaksa serves as chief of state and head of government while his older brother, Mahinda Rajapaksa, serves as prime minister. Under [Article 9](#) of the Sri Lankan constitution, Buddhism is afforded special status: the State is directed to “protect and foster” Buddhism which holds the “foremost place” within the country. The constitution also guarantees the freedom of religion or belief in subsequent articles.

Sri Lanka is both religiously and ethnically diverse. Buddhists [account](#) for about 70 percent of the population, followed by Hindus at 12.6 percent, Muslims (mostly Sunni) at 9.7 percent, Roman Catholics at 6.1 percent, other Christians at 1.3 percent, and adherents of “other” religions. Most Sri Lankans are Sinhalese, a [majority](#) of whom are Buddhist. The second largest ethnic group, Sri Lankan Tamils, are mostly Hindu with a significant Christian minority. Following them are Muslims—traditionally called Sri Lankan Moors—but who [eschew](#) formal ethnic classification. Indian Tamils and a small number of other ethnicities round out the population.



Complex ethno-religious divisions account for much of the conflict in Sri Lanka which accompanied the [civil war](#) sparked in 1983. The Liberation Tigers of Tamil Eelam (LTTE, or Tamil Tigers) fought against the government to create an independent state. Although the civil war ended in 2009 with a decisive military victory by the government over the Tamil Tigers, tensions did not end with the ceasefire.

In the decade succeeding the end of civil war, discord among the various ethnic and religious groups has remained at a heightened level and has [affected](#) political, social, and economic life in the country. On [Easter Sunday](#) in 2019, a series of coordinated bombings at various churches and luxury hotels in the capital city of Colombo killed over 200 people and injured nearly 500 more. The perpetrators were part of a local Islamist terror group with [possible](#) links to the Islamic State (ISIS). The Easter Sunday attacks and discriminatory [conspiracy theories](#) surrounding the COVID-19 pandemic led to increased harassment, scapegoating, and stigmatization of Muslims. Together with a general [erosion](#) of democratic norms, this violence and harassment has created a volatile environment for ethnic and religious minorities.

Religious Freedom Issues and Violations

Despite protections guaranteed by the constitution and international law, government regulations disproportionately affect Muslims and other religious communities and they endure societal discrimination that often goes unnoticed or uninvestigated by authorities.

Enforcement of Blasphemy Law and Other Restrictions on Expression

Several restrictions on expression impact the freedom of religion or belief in Sri Lanka. Sri Lanka is one of over 80 [countries](#) with criminal blasphemy laws, and the government continues to prosecute individuals who allegedly break this law. Article 291A and 291B of the Penal Code [restricts](#) expressions that deliberately “[wound] the religious feelings of any person” or “[outrage] the religious feelings of any class of persons,” with a penalty of between one and two years in prison or a fine for transgressors. Additionally, the country’s Prevention of Terrorism Act and ICCPR Act (designed to [incorporate](#) the international treaty into domestic law) restrict freedom of expression for language that can be construed to incite violence, disharmony, discrimination, or hostility among community groups. Observers say that these laws are used by authorities to unfairly target minorities and critics of the government. The UN Special Rapporteur on freedom of religion or belief [notes](#) that the ICCPR Act has been used to protect religions from insult, instead of protecting religious communities from incitement, and “ironically become a repressive tool used for curtailing freedom of thought or opinion, conscience, and religion or belief.”

In June 2020, a Buddhist monk lodged a complaint against nontheist activist Indika Rathnayake, claiming that he *propagated* fictitious ideas about Buddhism and Buddha, created unrest among Buddhists, and mislead the younger generation by writing on Facebook that Buddhism originated from Jainism. Authorities summoned Rathnayake for questioning but subsequently released him from detention and *dropped* the case, *advising* him to refrain from writing about Buddhism. Rathnayake also reported that his Facebook account was blocked.

Award-winning writer Shakthika Sathkumara was similarly treated after he wrote a short story published on his Facebook page. The story *garnered* anger from the Buddhist community and allegations of defamation of Buddhism due to veiled references to homosexuality within the Buddhist clergy and a retelling of the Siddhartha. He was arrested in April 2019 and held in pre-trial for 127 days due to multiple procedural delays in the case. The United Nations Working Group on Arbitrary Detentions *found* in May 2020 that his detention was arbitrary. After further delays in the case in late 2020, Sathkumara's lawyer reported in February 2021 that the Attorney General dropped the case.

Police arrested Ramzy Razeek in April 2020 for allegedly violating the ICCPR Act by inciting religious hatred. Razeek *wrote* a Facebook post calling for “ideological jihad ... using the pen and key-board as weapons” in social and mainstream media to enlighten the country to the “hate propagated against Muslims” during the COVID-19 pandemic. The Colombo High Court later *granted* him bail on medical grounds, after five months of detention.

Use of the Prevention of Terrorism Act to Target Muslims

The Prevention of Terrorism Act (PTA), enacted in 1979, *gives* Sri Lankan authorities broad powers to search, arrest, and detain individuals. While the PTA aims to curb *legitimate* terrorism concerns, the law's broad language has been the catalyst for multiple religious freedom violations.

The Human Rights Commission of Sri Lanka found that many prisoners *held* under the PTA are detained for up to 15 to 20 years. In March and April 2021, two new regulations were added under the PTA—Regulations *No. 1* and *No. 2*—which observers *say* employ vague language to make it easier for the government to

target religious communities that have not engaged in terrorism. These regulations are also in *contravention* of guarantees included in *Article 13* of the Sri Lankan Constitution and the nation's obligations under the ICCPR.

The PTA has been criticized as being used as a pretext to detain Muslims and hold those individuals indefinitely. Among those held and denied due process include poet *Ahnaf Jazeem* and lawyer Hejaaz Hizbullah. Jazeem was arrested in May 2020 due to a Tamil-language poetry anthology he wrote in 2017 and for unfounded claims of exposing students to “extremist” content. Authorities found his poetry while searching a school in connection with the Easter Sunday attacks. Though the book is not banned in the country and reportedly aims to *promote* religious harmony rather than extremism and violence, authorities detained Jazeem and have held him without charge for over a year.

Hejaaz Hizbullah—Muslim lawyer and minority rights activist who has *represented* numerous Muslim victims of human rights violations—has been *held* for over 17 months. He was originally accused of aiding and abetting one of the perpetrators of the Easter Sunday attacks, but that accusation has since been withdrawn and the charges leveled against him have changed several times since. The latest charge is “causing communal disharmony.” At one point during his detention, he was unable to gain access to his legal counsel until the Court of Appeal ordered that he be given access. Later, in April 2021, he was moved from police custody to judicial custody and again deprived of counsel. Lack of legal representation is a regular *obstacle* for Muslims arrested under the PTA, due to financial hardships or the reluctance of lawyers who fear reprisals for defending Muslims.

PTA Regulation No. 1

No. 1 focuses on “rehabilitation” and de-radicalization of individuals suspected of holding violent extremist religious ideology.

Anyone found to cause or intend to cause “commission of acts of violence or religious, racial or communal disharmony or feelings of ill will or hostility between different communities or racial or religious groups” are subject to detention in “reintegration” centers for up to two years, without trial.

PTA Regulation No. 2

No. 2 outlaws 11 organizations identified as extremist, nine local and religious and social groups plus the Islamic State and al-Qaida. It also prescribes criminal penalties—20 years' imprisonment in some cases—for anyone found to be associated with these 11 or other organizations deemed similar to the 11 named organizations.

Additionally, any person who “conspires to commit or attempts, abets or engages in conduct in preparation to commit an offence” may be sentenced to up to 10 years' imprisonment.

The European Parliament adopted a [resolution](#) in June 2021 which directly denounced the PTA and urged the European Union to reassess its trading relationship with Sri Lanka unless the law is replaced. Shortly after the resolution passed, Sri Lankan Justice Minister Ali Sabry [said](#) that the law could be revised or repealed soon. Later that month, the government [pardoned](#) 16 people convicted under the PTA as part of celebrations for a Buddhist holiday. However, many of them were close to the [end](#) of their sentences or had already been incarcerated for longer than their sentences prescribed. Following the 2019 Easter Sunday bombings, around 2,500 people ([mostly](#) Muslims) were arrested under the PTA, the ICCPR Act, and/or Emergency Regulations [passed](#) in the aftermath of the attacks. Despite the large number of arrests in the immediate aftermath, the government has made [little](#) progress in investigating the attacks in the subsequent two years, and some in the Christian community are [upset](#) with the lack of justice and question the [credibility](#) of the probe. Authorities recently [charged](#) 25 people in connection with the attacks, but Catholics in the country [suspect](#) these are “smaller fish” rather than the true conspirators.

Online Hate Speech and the Mobilization of Violence against Muslims

Bodu Bala Sena (BBS) and other Buddhist nationalist groups have used social media to [spread](#) anti-Muslim propaganda and espouse the supremacy of the ethnic Sinhalese Buddhist majority. Starting in March 2020, the COVID-19 pandemic exacerbated this phenomenon. BBS, other Buddhist nationalist groups, and individuals used social media to peddle conspiracy theories about Muslims deliberately spreading the virus and to call for the boycott of Muslim businesses. Though other minority

communities were the targets of online hate speech, Muslims were reportedly the [most](#) targeted group. Authorities did not [adequately](#) refute or investigate these anti-minority messages, and most nongovernmental organizations (NGOs) in the country do not have the resources necessary to monitor websites effectively.

In the [past](#), social media such as Facebook and WhatsApp were weaponized by Buddhist nationalists and led to deadly anti-Muslim riots in 2018, for which Facebook directly apologized. Following the 2019 Easter Sunday attacks, the Sri Lankan government [temporarily](#) shut down social media platforms to limit the spread of misinformation targeting the Muslim community and protect against further attacks.

Other Instances of Discrimination and Harassment Against Religious Minorities

Due to the privileging of Buddhism in the constitution and the societal stigmatization of religious minority communities, religious freedom abuses against these communities are commonplace, widespread, and often occur with impunity. In 2020, local government officials and police were minimally responsive or unresponsive to several [incidents](#) of religiously motivated discrimination and violence, often siding with Buddhists in such instances and in some cases allowing these offences to occur. NGOs reported that police “continued to prohibit, impede, and attempt to close Christian and Muslim places of worship.”

Increased Discrimination and Targeting of Muslims and Restrictions on Islamic Practices

The Sri Lankan government has proposed several measures that target the Muslim community and would restrict Islamic religious practices. In March 2021, Public Security Minister Sarath Weerasekara [proposed](#) a ban on burqas and niqabs, types of veils worn by Muslim women. Minister Weerasekara [said](#) that such veils are signs of “religious extremism” which affect “national security” and that “a permanent ban was overdue.” Such a move would be in violation of international law and the right to free religious expression [according](#) to the UN Special Rapporteur on freedom of religion or belief. It would also force Muslim women to choose between enduring public harassment or staying home, reinforcing a feeling of social stigmatization against Muslims in the country that has been mounting for years. The government instituted a [similar](#) ban under an emergency law following the 2019 Easter Sunday bombings, but the restriction was later lifted. Though the cabinet approved the plan on April 27, the bill has yet to be [adopted](#) by the parliament.

At the same time that Public Security Minister Weerasekara announced the forthcoming burqa ban, he also *announced* the closure of over 1,000 private Islamic schools, or madrassas, that he *alleged* were *unregistered* and operating outside of national education regulations. In response to news of the potential closings, Hilmi Ahmed, vice-president of the Muslim Council of Sri Lanka, *said* that a clear majority of Muslim schools were registered with the government and adhered to education regulations. He supported actions taken against “about 5%” of those schools which are unregistered.

Amnesty International *reports* that Sri Lanka customs began confiscating Islamic religious books shipped into the country from at least June 2020. Later, in March 2021, the Ministry of Defense decreed that all imported Islamic books are subject to review by the Ministry of Defense and will only be released following approval from the Ministry, to protect against “terrorism.”

In April 2020, Sri Lankan authorities mandated the cremation of those who died from COVID-19—including Muslims for whom the practice is religiously prohibited—despite the World Health Organization (WHO) specifically *stating* that there is no scientific evidence to suggest that cremation is necessary for victims of the disease. Families of the deceased were *coerced* into allowing cremation against their wishes or, in some cases, were not notified at all until after the procedure took place.

The mandate brought protests from the Muslim and Christian minorities in the country, as well as international scrutiny from the *United Nations* and the *Organization of Islamic Cooperation*. Many, including the UN Special Rapporteur on freedom of religion or belief, argued that this policy *violated* the *International Covenant on Civil and Political Rights* (ICCPR), including Article 18 which protects freedom of religion or belief. Although *limitations* to protected rights are permitted in certain public emergencies, the government failed

to provide evidence that the procedure was necessary and non-discriminatory. After a series of legal petitions were filed and *dismissed* by the Supreme Court, the government finally *allowed* for the resumption of burials of COVID-19 victims in late February 2021. However, the government *designated* a remote island nearly 200 miles away from Colombo for the burials.

Proselytization and Conversion

Religious minorities in Sri Lanka face obstacles to proselytization and conversion, two manifestations of freedom of religion or belief guaranteed by international law. The right to proselytize is not included in the constitution, and the Supreme Court *decided* in 2003 that the propagation and spreading of any religion other than Buddhism “would not be permissible as it would impair the very existence of Buddhism.” While conversion is not strictly prohibited by law, there is societal *pressure* against Jehovah’s Witnesses, Christians, and Muslims by the BBS and other Buddhist nationalist groups. In 2020, Prime Minister Rajapaksa reportedly *implied* that an anti-conversion bill could be introduced soon that would criminalize all attempts to convert another individual. Previous attempts to enact such legislation *occurred* in 2005 and 2009.

Conclusion

The ethno-religious tensions that dominate life in Sri Lanka have led to numerous religious freedom abuses against the country’s religious minorities. Unequal treatment, problematic laws, dangerous conspiracy theories, hate speech, and other issues contribute to an environment of harassment and stigmatization for religious minority communities. If the government chooses to implement measures that further limit religious minorities’ enjoyment of religious freedom, the road to reconciliation will be even longer than before.



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