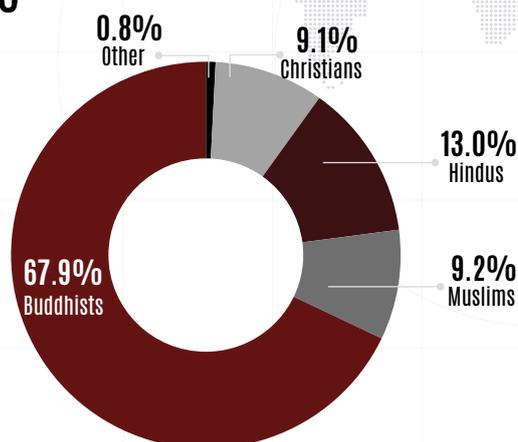




SRI LANKA

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Constitution¹ of the Democratic Socialist Republic of Sri Lanka, revised in 1972 and 1978, provides for religious freedom and enshrines no preferential treatment on the basis of religion. According to Article 14 (1, e), every citizen is entitled to “freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice and teaching.” However, amendments that took effect in 1972 grant Buddhism a privileged constitutional status. According to Article 9, “The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the state to protect and foster the Buddha Sasana” (Buddhist teachings, practices and doctrine).

Religious coexistence and identity

Notwithstanding this constitutional and legal framework, rising ethno-religious nationalism and the failure of successive governments to address the genuine and growing disaffection of religious and ethnic minorities now threatens to plunge the country into a prolonged period of religious repression and conflict. This is despite the fact

that Sri Lanka closed the door on a decades-long ethnic conflict that assumed the form of a destructive 30-year civil war only a little more than 10 years ago. Buddhist nationalist organisations are becoming more extremist even as they are becoming more numerous and powerful. Organisations promoting Buddhist supremacy include Bodu Bala Sena (“Buddhist Power Force”, BBS) Ravana Bala-va (Ravana Power), Sinhala Ravana (Sinhala Echo), and the Sinhale Jathika Balamuluwa (Sinhala National Force). As they expand their reach, they threaten to destroy Sri Lankans’ shared national identity, and they are provoking a reactive extremism among Muslim and Hindu minority communities.²

The BBS is the most prominent of these organisations and is led by a Buddhist monk, the Venerable Galagoda Athete Gnanasara whose rhetoric has prompted numerous attacks on houses of worship and businesses belonging to religious minorities. Often using social media, such as Facebook to disseminate hateful messaging, the BBS has targeted Muslims with particular viciousness and violence.

As hard-line Buddhists continue to press for dominance, there is a disturbing growth of militant Tamil Hinduism. Siva Senai is a radical Hindu Tamil group that operates in northern and eastern Sri Lanka. The emergence of an

extremist form of Tamil Hinduism is particularly alarming because it could portend the revival of the kind of violent Tamil militancy that fuelled the separatism of the Tamil Tigers, but in a religious and sectarian form. Radical groups like Siva Senai could become the minority counterparts of majoritarian groups, such as BBS, with each feeding off the other in a downward spiral of sectarian rivalry. The potential for Siva Senai to grow in militancy and capability is especially high because it enjoys the support of surging Hindu-nationalist groups, such as the Rashtriya Swayam Sevak Sangh (RSS), in nearby India. Militant Hindu Tamil groups are particularly active in Batticaloa, where they have organised numerous attacks against Christians.

Instances of interfaith violence represent the most dramatic threat to religious freedom in Sri Lanka. Such attacks, however, do not occur in a vacuum, but rather are carried out in the context of profound and growing interreligious tensions in Sri Lankan society.

Growing discrimination against minorities by the state, as well as non-state actors, especially against Muslims, coupled with widespread animus toward Muslims generally since the end of the civil war, have also contributed to Muslim radicalisation. The danger of radicalisation was most evident with the Easter Sunday attacks carried out by individuals affiliated with the Islamic State group, which resulted in the deaths of over 300 people.³

In addition to growing ethno-religious conflict, recent political crises have deepened the country's instability. In particular, a constitutional crisis lasted for almost two months after President Sirisena of the Sri Lanka Freedom Party (SLFP) dismissed Prime Minister Ranil Wickremesinghe (United National Party) in October 2018 and appointed instead his rival, Mahindra Rajapaksa, former president and head of the SLFP.⁴ Chaos ensued when Sirisena dissolved parliament even after the UNP insisted it still commanded a parliamentary majority. Although the Supreme Court suspended the dissolution of Parliament, the UNP needed to woo the Tamil National Alliance (TNA) to establish a firmer majority. With the TNA as part of the ruling coalition, the arch-nationalist Rajapaksa, who presided over the decisive but bloody and controversial conclusion to the 30-year civil war with the Tamil Tigers, became the opposition leader.

This parliamentary chaos, combined with the Easter bombings and the failure of the political establishment to act on intelligence reports that attacks were imminent, further eroded the credibility of the country's political lead-

ership and strengthened extremist leaders and their organisations, such as Gnanasara and the BBS. Indeed, the calculation that Sirisena could instantly enhance his crumbling political authority by making himself the friend of Gnanasara – whose anti-Muslim stance was seemingly vindicated by the Easter bombings in the eyes of many Sri Lankans – no doubt led to his decision to pardon the extremist monk. The country held a historic presidential election on 16th November 2019, and Nandasena Gotabaya Rajapaksa, the brother of former President Mahinda Rajapaksa, came away victorious, winning 52 percent of the vote.⁵

In the midst of growing coronavirus infections, in March 2020, President Gotabaya Rajapaksa dissolved the opposition-controlled Parliament six months earlier than required in the hope that his party could win a majority in the new election. Rising levels of infection compelled the government to postpone the vote scheduled for 25th April to 20th June. The Sri Lanka constitution stipulates that a dissolved Parliament must be replaced within three months. Finally, after two COVID-19 induced postponements the parliamentary elections took place on 5th August 2020. Former two-term President Mahinda Rajapaksa, and the older brother of current President Gotabaya Rajapaksa, was sworn in as Prime Minister in August after the Sri Lanka Podujana Permana (SLPP) won a landslide victory across the island of 22 million, winning 150 out of a total of 225 seats in the unicameral legislature.⁶

While interreligious conflict and the rising democracy deficit in Sri Lanka have their own intricacies, many challenges are similar to those faced by other countries in the region. In particular, recent events in Sri Lanka have highlighted the dangers of a sectarian Buddhist nationalism that goes beyond Sinhalese ethno-linguistic chauvinism (which at least had the virtue of including non-Buddhists who were also ethnically Sinhalese) in that it casts all non-Buddhists of whatever ethnicity - Muslims, Hindus, and Christians - as existential threats to Buddhist survival. This specifically Buddhist nationalism tends to regard all non-Buddhist communities and institutions as alien and unwelcome on the island of Sri Lanka, which they believe the Buddha himself consecrated for the defence and propagation of Buddhism.

INCIDENTS AND DEVELOPMENTS

Despite boasting legal protections for religious freedom, Sri

Lanka displays growing social intolerance and religiously motivated violence. Increasing attacks are an extreme example of a longer history of religious violence in the country. Recent years have seen riots against Christian and Muslim minorities, targeting both individuals and their homes and businesses.

According to a report by the National Christian Evangelical Alliance of Sri Lanka (NCEASL) and a Sri Lankan think tank, Verité Research, consistent failure to prosecute perpetrators for relentless violence against religious minorities has created an “environment of impunity,” which has given rise to a growing number of violent incidents against religious minorities.⁷ In fact, NCEASL suggests that entrenched violence against religious minorities over many years reached its peak in April 2019 with the Easter Sunday attacks, which included a series of explosions at two Catholic churches, St Anthony’s in Kochchikade and St Sebastian Church in Katana, and one Protestant church, Zion Church in Batticaloa. Other explosions occurred at three high-end hotels in Colombo: The Cinnamon Grand, The Kingsbury, and the Shangri-La.⁸

Following the Easter bombings, then President Maithripala Sirisena used an emergency law to impose a nationwide ban on any face garment that “hinders identification.” Although the niqab and the burka were not specifically mentioned, the move was widely understood as targeting those particular articles of clothing worn by Muslim women.⁹ Furthermore, in the immediate aftermath of the bombings, Muslim communities feared retaliation. In Negombo, a Muslim-majority neighbourhood outside Colombo, Muslim leaders stopped broadcasting prayer calls and shop owners closed their stores.¹⁰ In May 2019, a top Buddhist monk, Sri Gnarathana Thero, called for violence against the Muslim community and some Buddhists spread rumours that a Muslim doctor had sterilised thousands of Buddhist women.¹¹

After the Easter bombings, the leader of the Islamic State group, Abu Bakr al-Baghdadi, praised the attacks and claimed that the bombers had pledged their allegiance to his organisation. Al-Baghdadi urged militants in Sri Lanka to be a “thorn in the chest of the crusaders,” and spoke of the bombings as revenge for the fall of Baghouz in Syria, which was the last territory in Iraq held by the extremist group. Al-Baghdadi’s statements were met with significant concern in the Sri Lankan Catholic community, which bore the brunt of the Easter Sunday attacks. Cardinal Ranjith,

the Archbishop of Colombo, stated that if the government did not act to protect its people then the Church might not be able to stop them from taking the law into their own hands. Additionally, Catholic officials urged the government to make concerted efforts to identify Islamic extremists and go about such efforts “as if on [a] war footing.”¹²

Two days after his resounding victory on 16th November 2019, Gotabaya Rajapaksa, a former defence minister and brother of the former President Mahinda Rajapaksa, was sworn in as the eighth president of Sri Lanka. During the swearing-in ceremony the new head of state emphasised that he had won the election because of the support of the majority Sinhala people. His statements were interpreted to mean that he planned to reinforce Sinhalese Buddhist hegemony on the island.¹³

Controversy followed Gotabaya’s election campaign as allegations surfaced about his role in extrajudicial killings, abductions, and rape of Tamil separatists, particularly during the last four years of the civil war.¹⁴ While Gotabaya denied all the charges against him, Tamil Catholic priests and intellectuals feared that his landslide victory and his presidency would exacerbate ethnic and religious tensions in the northern and eastern parts of the country which are home to a majority of the country’s Catholics and Muslims. Fr. Rohan Dominic, the coordinator of the Claretian missionary group at the United Nations, said that he was “saddened by the environment created by the election.” Many Catholic groups, including the Catholic Bishops’ Conference of Sri Lanka and Caritas, are involved in numerous peace and reconciliation activities, but Fr. Dominic feared that the positive outcomes of these programs would be lost as “racism and supremacy theories are surfacing again.”¹⁵

In August 2020, after winning parliamentary elections, the current president’s brother, Mahinda Rajapaksa, became the prime minister of Sri Lanka. For Christian Solidarity Worldwide’s Chief Executive, Mervyn Thomas, this might lead to a “further deterioration of the rights and treatment of religious minorities within the country.” These fears are fuelled by the unfortunate experiences of Catholics, particularly Tamil Catholics, during the civil war. In 2005, when Mahinda Rajapaksa first came to power, Roman Catholics, who make up a majority of Christians in Sri Lanka, began to face increasing pressure. Seven years later, in 2012, a group of 200 Tamil Catholics were forced into refugee camps because they were accused not only

of supporting Tamil separatists but also of “compromising the Buddhist identity of the area”¹⁶ where they lived.

Over the past few years open threats and intimidation of Christians have continued unabated. At the end of December 2019, the NCEASL reported a total of 95 incidents against Christians, including 46 acts of intimidation, threats, and coercion. In some cases, mobs or groups of assailants, accompanied by religious leaders, usually Buddhist monks, tried to stop liturgical services. For example, on 8th December 2019 in Kalutara District, a group of 80 individuals led by a Buddhist monk demanded the pastor of the Pentecostal Assembly of Sri Lanka to stop conducting the service he was celebrating. The mob attempted to attack the pastor’s wife when she intervened on her husband’s behalf. Later that evening, the mob returned with the officer-in-charge (OIC) of the Dodangoda Police Station who threatened the clergyman and forbade him from holding any more services.¹⁷

In their report, “Inaction and Impunity”, Verité Research and NCEASL strongly suggest that, based on their research, “the state was a key perpetrator/the offending party by being complicit in incidents involving non-physical violence.”¹⁸ In particular, the report singles out state-led discriminatory actions or practices through the use of the 2008 Circular on the Construction of New Places of Worship, which is used to harass Churches about their registration requirements.

According to a 2019 report by the World Evangelical Alliance (WEA), the “Circular has no founding in parliamentary legislature.” The WEA report adds that local government officials make decisions on whether or not to grant permission for the future of any place of worship based on “their own understanding or biases.”¹⁹ Already in 2017, the NCEASL called on the Ministry of Buddha Sansana, Religious and Cultural Affairs and the Department of Christian Affairs to clarify when and how the circular might be used for Christian churches. Although the NCEASL was informed that the circular is only applicable to Buddhist places of worship, it is still being used to enforce registration requirements on churches across the country.²⁰

While the state might not always be the driver of religious violence, there is increasing evidence that it plays a complicit role particularly if incidents involve, or are led, by Buddhist clergy.²¹ In May 2020, a Christian businessman

was prohibited from opening an advertising agency in Uhana, a village in Ampara District. The man received a phone call from a Buddhist monk telling him that he could not open the shop in what the monk called a “Buddhist village.” When the businessman went to the police, the officer-in-charge agreed with the monk and told the businessman that if he persisted in opening his business and villagers set fire to it, there would be nothing the police could do to stop them.²²

Finally, Hindu extremists, who are a part of Siva Senai, a new Hindu fundamentalist organisation, have been concerned with what they regard as “threats” from other religions. In 2005, when the former United Nations Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, arrived in Sri Lanka to examine the claim by both the BBS and Siva Senai that vulnerable populations were being induced to convert to Christianity, she found that such claims “had rarely been precise and had largely been overestimated.”²³ Some of the attacks on churches in north-eastern Sri Lanka have been perpetrated by Hindu extremists from the surrounding areas. For example, on the 19th July 2020, a Hindu extremist mob of around 40 people attacked the Jesus Witness Church in Chenkalady, a town in eastern Sri Lanka. The pastor and his wife were beaten and some of the congregants were assaulted.²⁴

On 27th March 2020, the Ministry of Health issued a circular requiring mandatory cremation for the bodies of people who died or were suspected of dying from COVID-19. For Sri Lankan Muslims, full body burial is considered an essential part of the final rites of their tradition. Muslims make up close to 10 percent of the population on the island nation and fear that forced cremations are yet another way in which authorities are targeting their community.²⁵ Furthermore, it appears that Sri Lanka is the only country to implement this controversial practice while ignoring the World Health Organization (WHO) guidelines that allow cremation or burial for COVID-19 victims.²⁶

PROSPECTS FOR RELIGIOUS FREEDOM

Given current trends, there is a strong likelihood that the conditions for religious freedom will further deteriorate in Sri Lanka in the coming years. In an increasingly politically and culturally toxic environment, it is imperative that all Sri Lankans of good will take strong and practical steps

to build on the country's traditions and institutions of tolerance and interreligious understanding.

In its 2020 Sri Lanka Landscape Report, the Religious Freedom Institute (RFI) maintains that "most Sri Lankans respect tolerance as a social ideal, which is enshrined in the preamble of Sri Lanka's Constitution."²⁷ Although this ideal is badly frayed, the RFI report suggests that there is still "an opportunity to build on this principle of tolerance through further constitutional reform, work toward transitional justice, and engagement in creative policy-making."²⁸

In addition, an Inter-Religious Council established by the president to increase society's understanding of, and respect for, other religious traditions and institutions, can serve as a platform for discussions and mediations, as well as general peace-building activities, planning, and advising. To ensure that this body is inclusive and adequately represents all religious communities, it will be necessary, however, to include leaders of Sri Lanka's Evangelical Protestant community, who have thus far been excluded.²⁹

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