

Freedom of Religion

The Experience of Religious Minorities, Asylum-Seekers and Refugees in Sri Lanka

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Introduction

The movement of people to and from Sri Lanka has always been fluid given its proximity to India, its centrality to trade routes, and its colonial experiences. The diversity of its multi-ethnic, multi-religious population has played an important role in its colonial history as well as significantly shaped its post-independence trajectory.

Despite the diversity of the populace, there have been conflicts that originated due to, or were exacerbated by, ethnic identities and religious beliefs. Discrimination and even persecution on the basis of religion is thus not a new phenomenon; it was a feature of Sri Lanka's post-independence reality, and, more recently, is a particular characteristic of its post-war reality.

This chapter will specifically look into discrimination against two of Sri Lanka's religious minorities—Muslim and Christian. It will also broadly examine the violence and discrimination against refugees and asylum-seeking communities after the Easter Sunday attacks of April 2019, and situate these within the larger context of discrimination and violence against religious minorities in the country.

Demographic Composition of Sri Lanka

The Sinhala community makes up 75 per cent of the total population of Sri Lanka.¹ The next two largest ethnic groups are

¹ Census of Population and Housing 2012 (Colombo: Department of Census and Statistics Sri Lanka) accessed November 3, 2019, <http://>

Sri Lankan Tamils at 11 per cent and Sri Lankan Moors (Muslims) at 9.3 per cent.² Buddhism is the predominant religion with 70 per cent of the population identifying as Buddhists. Followers of Hinduism and Islam make up 12.6 per cent and 9.6 per cent of the population respectively, and Roman Catholic and other Christian denominations make up 7.6 per cent.³

Indian Tamils, also known as ‘Up-Country Tamils’, make up 4 per cent of the population. They are a multi-generational community of Indian origin, descendants of Indians brought to Sri Lanka as plantation labourers in the mid-19th century by the British. They became the primary ‘stateless’ population in post-independence Sri Lanka after the enactment of the Citizenship Act No. 18 of 1948, which denied citizenship rights to Up-Country Tamils.⁴ This was subsequently remedied through a series of legislations, including the Grant of Citizenship to Stateless Persons Act No. 5 of 1986 (GCA 1986), Grant of Citizenship to Stateless Persons (Special Provisions) Act (GCA 1988), and Grant of Citizenship to Persons of Indian Origin Act No. 35 of 2003.⁵ Though they now have *de jure* citizenship in Sri Lanka, the Up-Country Tamil community remains one of the most marginalised with many challenges to accessing basic government services and socio-economic rights.

Over the last decade or so, Sri Lanka has also seen an influx of asylum-seekers fleeing religious persecution in countries such as Pakistan, Afghanistan and Myanmar. These groups include the Ahmadiya and Shia Muslims, Pakistani Christians, and Rohingya Muslims. These communities have made their home within Sri Lanka, and are most often at some stage of acquiring refugee status from the United Nations High Commissioner for Refugees (UNHCR). As individuals on Sri Lankan soil, they are eligible to certain rights granted in the Constitution, but not others.⁶

www.statistics.gov.lk/PopHouSat/CPH2012Visualization/htdocs/index.php?usecase=indicator&action=Map&indId=10.

² Ibid.

³ Ibid.

⁴ Luwие Ganeshathasan and Asanga Welikala, *Report on Citizenship Law: Sri Lanka*, (Italy: European University Institute, 2017), 4.

⁵ Ibid, 9-11.

⁶ Discussed in section on refugees and asylum seekers.

Violence against Religious Minorities

Following the end of the 26-year-long civil war in Sri Lanka in 2009, the existence of prolonged and systematic attacks, human rights violations, and discrimination against religious minorities was brought into sharper focus. An examination of the last two decades of intercommunal relations in Sri Lanka vis-à-vis the freedom to practise one's religion reveals a notable increase in both the frequency of incidents of violence as well as systematic discrimination and harassment of religious minorities, often coupled with State inaction. The post-tsunami period in 2004-05, with its influx of religiously-affiliated aid and rescue workers; the post-war period; and the establishment of the Bodu Bala Sena (BBS)⁷ in 2012 can be considered critical junctures which have impacted and shaped contemporary relations among religious communities. In the first years of this period, there were separate proposals to introduce laws against conversion by the political party, Jathika Hela Urumaya (JHU)⁸ and also by President Chandrika Kumaratunga's government,⁹ which faced opposition from civil society organisations and minority religious groups on the basis that, inter alia, the broad interpretation of 'conversion' infringes on constitutional guarantees of right to freedom of religion.

Extensive research and documentation in the last decade by local civil society organisations¹⁰ and INGOs¹¹ along with UN

7 The BBS is a Sinhala Buddhist nationalist organisation, founded as a breakaway organisation from the Jathika Hela Urumaya, a Sinhala nationalist right wing political party in Sri Lanka. Its aim is the protection of Buddhism in Sri Lanka, and it often targets minority communities in its advocacy campaigns.

8 Prohibition of Forcible Conversion of Religion Bill, 2004.

9 Freedom of Religion Bill, 2005.

10 See Vijay Nagaraj and Farazana Haniffa, *Towards Recovering Histories of Anti-Muslim Violence in the Context of Sinhala-Muslim Tensions in Sri Lanka*, 2017; Gehan Gunatilleke, *The Chronic and the Acute: Post-War Religious Violence in Sri Lanka*, 2015; Nirmal Ranjith Dewasiri, *New Buddhist Extremism and the Challenges to Ethno-Religious Coexistence in Sri Lanka*, 2016; Gehan Gunatilleke, *The Chronic and the Entrenched: Ethno-Religious Violence in Sri Lanka*, 2018; Dhammika Herath and Harshana Rambukwella, *Self, religion identity and politics : Buddhist and Muslim encounters in contemporary Sri Lanka*, 2015; Farzana Haniffa, Harini Amarasuriya, Vishakha Wijenayake and Gehan Gunatilleke, *Where Have all the Neighbours Gone? Aluthgama Riots and its Aftermath*, 2014; NCEASL Incident Reports.

11 See 'We are not safe here': Refugees under attack in Sri Lanka and

reports and press releases¹² have captured incidents of violence between religious communities as well as against refugees and asylum-seekers in Sri Lanka. While violence against Muslim and Christian minorities by factions of the majority Buddhist community predominates, there have also been documented incidents of violence and discrimination by Sunni Muslims against Sufi and Ahmadiya Muslim minorities, and sporadic violence between Christian and Hindu communities, and Muslim and Hindu communities.¹³

That was the situation when on 21 April 2019, Easter Sunday, Sri Lanka witnessed the most violent attack on its citizens since the end of the civil war. Islamic extremists, identified as members of local militant groups, National Tawheed Jamaat (NTJ) and Jamathei Millathu Ibrahim (JMI),¹⁴ attacked Christian places of worship and luxury hotels, causing large-scale death and destruction. In keeping with the modus operandi of ISIS, their targets were Christians and Western tourists, and it is thought that the bombers were seeking a higher profile that would accompany this affiliation with ISIS.¹⁵ The aftermath of this attack on the Muslim community and the refugees and asylum seekers in Sri Lanka, specifically on their

the need for resettlement, 2019, <https://www.amnesty.org/en/documents/asa37/0558/2019/en/>; 'Act now to prevent further anti-Muslim violence', 2017, <https://www.amnesty.org/en/documents/asa37/6361/2017/en/>; 'Refugees fear for their safety amid desperate conditions', 2019, <https://www.amnesty.org/en/latest/news/2019/05/sri-lanka-refugees-fear-for-their-safety-amid-desperate-conditions>.

12 See 'Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir', 2005, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/CN.4/2006/5/Add.3&Lang=E>; 'Pillay alarmed by intercommunal violence, calls for end to hate speech', 2014, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14715>; 'Joint Statement by Adama Dieng, United Nations Special Adviser on the Prevention of Genocide, and Karen Smith, United Nations Special Adviser on the Responsibility to Protect, on attacks against religious minorities in Sri Lanka', 2019, <https://reliefweb.int/report/sri-lanka/joint-statement-adama-dieng-united-nations-special-adviser-prevention-genocide-and>.

13 'Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir', (NY: United Nations Economic and Social Council, 2005), accessed on November 3, 2019 <http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/CN.4/2006/5/Add.3&Lang=E>.

14 *After Sri Lanka's Easter Bombings: Reducing Risks of Future Violence—Crisis Group Asia Report*, (Brussels: International Crisis Group, 2019), 5.

15 *Ibid.*, 6.

right to religious expression as well as access to services are briefly explored in the following sections.

Freedom of Religious Belief and Politicisation of Religion

Sri Lanka's Constitution protects and upholds the fundamental right of its citizens to freedom of religion and belief as well as non-discrimination based on religion. Sri Lanka is also signatory to the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to freedom of thought, conscience and religion. However, the Sri Lankan Constitution also gives Buddhism the 'foremost place' and commits the state to the protection of Buddhism,¹⁶ which gives it *de facto* recognition as the religion of the State.

This pre-eminence of Buddhism leaves the secular nature of the Sri Lankan state open to questions and interpretations. In her analysis of legal judgements related to freedom of religion, Esufally notes that in 2004 the Supreme Court adopted a progressive stance on its verdict against the JHU's constitution amendment bill to make Buddhism the official state religion.¹⁷ The court noted: 'The theoretical content of the amendment remains a subtle and constant reminder to religious minorities within the country of their differences with, and alienation from, the dominant religious culture.'¹⁸

Successive governments, however, have continued to prioritise and uphold Buddhism as the *de facto* state religion. Buddhism has also consistently been invoked as a political tool by political actors from the majority Sinhala community, going back to the actions of Anagarika Dharmapala and others in mobilising resistance to the British colonial powers in the late 19th and early 20th centuries; the inclusion of the Article on Buddhism in the 1972 Constitution; the resurgence of Sinhala Buddhist nationalism in the 1980s, particularly the intellectual movement of the Jathika Chinthanaya; the formation of the JHU in the early 2000s; and the rise to power

16 Article 9.

17 Sabrina Esufally, *Judicial Responses to Religious Freedom: A Case Analysis*, (Colombo: National Christian Evangelical Alliance of Sri Lanka, 2015).

18 *Nineteenth Amendment to the Constitution*, S.C. Determination No. 32/2004. Quoted in *Ibid.*, 13.

of Mahinda Rajapakse in 2005 with the support of a powerful Sinhala Buddhist voting bloc.¹⁹ This ‘revival of Sinhala-Buddhist nationalism’ is seen as integrally linked to the ‘new radicalisation of political Buddhism’.²⁰

Following the end of the civil war, the state has pursued an active agenda of promoting Buddhism by providing patronage in some instances and failing to act in others, as right-wing majoritarian forces engaged in hate speech, harassment and violence against minority religious communities. Some of the, mostly unsubstantiated, themes along which these groups engage in fear-mongering while inciting violence and ethno-religious animosity are: the relative decline of the Sinhala Buddhist population in the face of a growing Muslim one; forced conversions of Buddhists by evangelical Christian groups; the economic prosperity of Muslim-owned businesses; and the erosion of Sinhala Buddhist culture.

Discrimination against Muslims

The extent of violence against Muslims was brought to national attention following the end of the war in 2009. Stand-out incidents over the last decade include the anti-*halal* campaigns in 2013,²¹ calls to ban the *niqab*,²² the attacks on Muslims in 2014, 2017 and 2018,²³

19 Nirmal Ranjith Dewasiri, *New Buddhist Extremism and the Challenges to Ethno-Religious Coexistence in Sri Lanka* (Colombo: International Centre for Ethnic Studies, 2016).

20 Ibid, 11.

21 See Ameer Ali, ‘Four Waves of Muslim-Phobia in Sri Lanka: c.1880–2009,’ *Journal of Muslim Minority Affairs* 35:4 (2015):497; Mohammad Agus Yusoff and Athambawa Sarjoon, ‘Anti-Halal and Anti-Animal Slaughtering Campaigns and Their Impact in Post-War Sri Lanka,’ *Religions* 8(4):46 (April 2017) for a discussion on the social and economic dimensions of these campaigns.

22 Megara Tegal, ‘BBS Call for Ban on Niqab,’ *The Sunday Leader*, June 23rd 2013, accessed January 28, 2020, <http://webcache.googleusercontent.com/search?q=cache:http://www.thesundayleader.lk/2013/06/23/bbs-calls-for-ban-on-niqab>.

23 Farzana Haniffa, Harini Amarasuriya, Vishakha Wijenayake and Gehan Gunatilleke, *Where Have All the Neighbours Gone? Aluthgama Riots and Its Aftermath*, (Colombo: Law and Society Trust, 2014); M. Riza, ‘Fear grips Muslims in Sri Lanka’s Ginthota after attack,’ *Al Jazeera*, 24th November 2017, accessed 25th January 2020 <https://www.aljazeera.com/indepth/features/2017/11/fear-grips-muslims-sri-lanka-ginthota-attack-171123131130193.html>; and United States Department of State, ‘Sri Lanka 2018 International Religious Freedom Report’, in *International Religious Freedom Report for 2018*, (Washington DC: United States Department of State, 2018).

and the violence following the Easter Sunday attacks in multiple districts.²⁴ However, evidence shows that violence against Muslims is not a new phenomenon. The present trend of violence ‘does not derive merely from post-war tensions nor is it necessarily a response to global, Islamist terrorism’,²⁵ as historical records show that violent incidents and anti-Muslim rhetoric have existed at least as far back as the late 19th century. According to Ameer Ali, Sri Lanka is currently in the fourth wave of anti-Muslim violence, with the first dating back to 1880, beginning with ‘inflammatory speeches and writings by Buddhist nationalists’ that culminated in the anti-Muslim riots of 1915.²⁶

The Muslim community, particularly the ‘Coast Moors’ or Muslims who migrated from South India at the end of the 19th and early 20th centuries, flourished through trade under colonial capitalism.²⁷ Sentiments towards the immigrant Muslim community were not favourable though, and were further worsened by the rising cost of living. The Sinhalese low-country traders who were in competition with Muslim traders for business capitalised on this sentiment through actions such as forming exclusive Buddhist traders’ associations.²⁸ This inter-community competition and tension, coupled with the ethno-religious nationalist sentiment driven by the Buddhist revivalist movement, made Muslims an easy mark for violence. The 1915 riots, triggered by the diversion of a Buddhist procession away from a mosque in Kandy under a colonial law regarding noise pollution, resulted in at least four rapes, 25 deaths, and attacks on more than 4,000 Muslim properties across 5 provinces.²⁹

24 Saeed Shah and Uditha Jayasinghe, ‘Buddhist Mobs Target Muslims in Sri Lanka Following Deadly Easter Bombings,’ *The Wall Street Journal*, May 14th, 2019, accessed September 15, 2019 <https://www.wsj.com/articles/buddhist-mobs-target-muslims-in-sri-lanka-11557854344>.

25 Shamara Wettimuny ‘A brief history of anti-Muslim violence in Sri Lanka’ *Sunday Observer*, July 14, 2019, accessed September 15, 2019 <http://www.sundayobserver.lk/2019/07/14/opinion/brief-history-anti-muslim-violence-sri-lanka>.

26 Ali, ‘Four Waves’, 490.

27 Ibid.

28 Robert Chalmers to the Secretary of State, 11 August 1915, Court Documents. 8167. Quoted in Ibid., 488-89.

29 Wettimuny, ‘A brief history’.

The 1970s saw the next wave of violence³⁰ marked by the attack in Puttalam in February 1976.³¹ This was followed by a period of brutal violence against Muslim communities in the North and East by the Liberation Tigers of Tamil Eelam (LTTE)³², which included the Kattankudy and Eravur massacres, and the expulsion of Muslims from the North in 1990, leaving hundreds dead and thousands internally displaced.³³ There was also, to a lesser extent, conflict between the Sinhala and Muslim communities, and incidents of violence across the southern, western and central parts of the country.³⁴ These incidents reflected the tensions that existed between the two communities as a result of the political-economic changes taking place, such as the impacts of the open economy reforms introduced by the-then government, increasing economic inequalities, the formation of the Sri Lanka Muslim Congress, and the rise in Sinhala Buddhist ethno-nationalist organisations.³⁵

The most recent period of post-war violence against minorities is characterised by the overt triumphalism and Sinhala Buddhist nationalist discourse of the Sinhala community, fuelled by the rise of organisations like the Bodu Bala Sena (BBS) and Sinhala Ravaya, led by Buddhist clergy and laymen, with the tacit support of the post-war Rajapakse government.³⁶ This, coupled with increasing economic inequality and rise in debt and dispossession caused by the post-war development policies has led to harassment, hate speech and violence against minorities, particularly the Muslim

30 As conflict between the Sinhalese and Tamils intensified during this period, anti-Muslim tensions took on more of a structural nature. Ali (*Four Waves*, 490-494) attributes this to two factors: economic challenges faced by Muslims due to the United Front-Government's (UFG) closed economic policy and changes to education policy which resulted in the emergence of an educated professional class of Muslims; both which lead to an increase in tensions between the majority and minority community.

31 See Ali, 'Four Waves', 493-494; Nagaraj and Haniffa, 'Towards Recovering Histories'.

32 The LTTE was a militant Tamil organisation fighting for a separate state and self-determination for Tamil people, in the North and East of Sri Lanka, since the early 1980s. They were militarily defeated by the Sri Lankan state in 2009.

33 Ali, 'Four Waves', 495.

34 Nagaraj and Haniffa, *Towards Recovering Histories*.

35 Ibid.

36 Nira Wickramasinghe 'Sri Lanka in 2014: Cracks in the Edifice', *Asian Survey*, Vol. 55, No. 1, A Survey of Asia in 2014 (January/February 2015), 62.

community, which is seen as being relatively more prosperous.³⁷ In the 2009-2015 period, several incidents of vandalism and looting of Muslim businesses and mosques, most often led by Buddhist clergy, were documented across the island.³⁸

The Aluthgama attack in June 2014 was particularly significant for the extent of its violence. The attack was triggered by the alleged assault of a Buddhist monk by three Muslim youth in Dharga Town, following which the situation became tense. The next day, the BBS held public meetings across Kalutara district, and in a speech designed to incite racist and anti-religious sentiment, the BBS leader, Galagoda Aththe Gnanasara Thera, spoke to a large gathering in Aluthgama, saying: 'In this country we still have a Sinhala police; we still have a Sinhala army. After today if a single *Marakkalaya*³⁹ or some other *paraya*⁴⁰ touches a single Sinhalese.....it will be their end.'⁴¹ Following the rally, the gathering moved to Dharga town, and clashes broke out with the resident Muslims. The violence continued well into the night and the next day, spreading to surrounding neighbourhoods, despite a curfew being in place.⁴² Four people were killed in the attacks and scores injured;⁴³ 155 houses, business and mosques were damaged amounting to a loss of more than 600 million Sri Lanka rupees;⁴⁴ while 10,000 people, including 8,000 Muslims were displaced by the attacks.⁴⁵

The attacks on Muslims continued even after the change

37 Ahilan Kadirgamar, 'The Political Economy of Anti-Muslim Attacks', *The Island*, March 2, 2013, accessed September 22, 2019 http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=73829.

38 Ali, 'Four Waves', 495-96

39 A derogatory term to refer to Muslims.

40 Meaning an alien.

41 Quoted in Tisarane Gunasekara, 'Horror in Aluthgama: Their Crime; Our Shame,' *Sri Lanka Guardian*, June 16th 2014, accessed September 21, 2019 <http://www.srilankaguardian.org/2014/06/horror-in-aluthgama-their-crime-our.html>.

42 See Haniffa et al, *Where Have All the Neighbours Gone?* for a detailed account.

43 Secretariat for Muslims, 'Violations of Muslims' Civil & Political Rights in Sri Lanka,' *Stakeholder Report, UN Human Rights Committee*, September 9th 2014.

44 Haniffa et al, *Where Have All the Neighbours Gone?* Annex 2.

45 Waruni Karunarathne, 'The Human Tragedy of Aluthgama' *The Sunday Leader*, June 22, 2014, accessed February 16, 2020 <http://webcache.googleusercontent.com/search?q=cache:http://www.thesundayleader.lk/2014/06/22/the-human-tragedy-of-aluthgama/&strip=1&vwsrc=0>.

in government in 2015. Extensive documentation by civil society groups reveal the extent to which Muslims experienced harassment, intimidation and violence in Sri Lanka during President Maithripala Sirisena's presidency, demonstrating that 'ethno-religious violence, and the fault lines that underlie them, have persisted despite democratic transitions in Sri Lanka.'⁴⁶

Such violence has taken the form of consistent, low-intensity attacks, mostly in the form of hate speech and harassment. The Minority Rights Group reported that from November 2015 to June 2016 there were 64 documented incidents against the Muslim community, of which the majority was hate speech, followed by threats and intimidation.⁴⁷ According to the International Religious Freedom Reports of 2017 and 2018,⁴⁸ sporadic attacks took place on mosques and prayer rooms, including threats to shut down Muslim places of worship. In May 2017, the Human Rights Commission of Sri Lanka expressed its concern over the increasing acts of violence and aggression toward the Muslim community in a letter to President Sirisena.⁴⁹ Large-scale anti-Muslim riots took place once again in February and March 2018 in Ampara⁵⁰ and Kandy⁵¹ districts.

On 21 April 2019, Islamic militants attacked three Christian churches and three luxury hotels in the Western and Eastern provinces.⁵² Around 270 people were killed, which included Sri Lankans of all faiths as well as visiting foreign nationals. The attack

46 Gehan Gunatilleke, *The Chronic and the Entrenched: Ethno-Religious Violence in Sri Lanka*, (Colombo: International Centre for Ethnic Studies and Equitas–International Centre for Human Rights Education, 2018), 28.

47 Roshini Wickremesinghe, *Confronting Intolerance: Continued Violations Against Religious Minorities in Sri Lanka* (Minority Rights Group International, 2016), 15-16.

48 Published by the United States Department of State–Bureau of Democracy, Human Rights, and Labour.

49 Human Rights Commission's letter to His Excellency the President on growing religious intolerance, May 31, 2017, <http://hrcls.lk/english/2017/06/02/human-rights-commissions-letter-to-his-excellency-the-president-on-growing-religious-intolerance>.

50 'Tension in Ampara Town', *Daily Mirror*, February 27, 2018, <http://www.dailymirror.lk/article/Tension-in-Ampara-town-146513.html>.

51 Zaheena Rasheed and Irfan Cader, 'Sri Lanka 'on the brink' amid fresh anti-Muslim violence', *Al Jazeera*, March 8 2018, accessed November 2, 2019 <https://www.aljazeera.com/news/2018/03/sri-lanka-brink-fresh-anti-muslim-violence-180307203031915.html>.

52 *After Sri Lanka's Easter Bombings*, 3.

brought a new dimension to religious relations in the country, linking Sri Lanka with the global ‘war on terror’, and resulting in on-the-ground attacks on local Muslim populations, and harassment and violence against refugees and asylum-seekers from Pakistan and Afghanistan.⁵³ Following the attack, the President imposed a State of Emergency that lasted four months. The State of Emergency gave security forces sweeping powers to arrest and detain suspicious persons, and also included social media restrictions and a temporary ban on the *burqa*.⁵⁴ The narrative of a volatile national security context has and may continue to result in discrimination against those of the Muslim faith and from Muslim countries.

Following the Easter Sunday attack, violence immediately erupted in several districts in the North Western and Western provinces of Sri Lanka. CCTV and mobile phone footage showed mobs of men armed with bottles and iron rods marching through streets, vandalising and setting fire to property. Mosques, shops and even homes of Muslims were damaged or destroyed in the riots, and at least one Muslim man was killed in the attacks.⁵⁵

In Kurunegala district of North Western Province alone, 2477 individuals from 516 families were directly affected, and 272 houses, 251 businesses and 83 vehicles were destroyed or damaged.⁵⁶ A community leader of the area described the attack as follows:

It began in the afternoon today. It was like they [the mobs] had planned to move from one village to the next, attacking our homes and property. [...] A group of men are still on motorbikes,

53 Amnesty International, ‘Refugees fear for their safety amid desperate conditions’, *Amnesty International*, May 16, 2019, accessed November 2, 2019 <https://www.amnesty.org/en/latest/news/2019/05/sri-lanka-refugees-fear-for-their-safety-amid-desperate-conditions>.

54 ‘Sri Lanka ends emergency rule imposed after Easter bombings’, *Al Jazeera*, August 23, 2019, accessed November 2, 2019 <https://www.aljazeera.com/news/2019/08/sri-lanka-ends-emergency-rule-imposed-easter-bombings-190823134350525.html>.

55 ‘Sri Lanka orders nationwide curfew amid anti-Muslim riots’, *Al Jazeera*, August 23, 2019, accessed November 2, 2019 <https://www.aljazeera.com/news/2019/05/sri-lanka-nationwide-curfew-crowds-attack-mosques-190513144625670.html>.

56 Muslim Aid Sri Lanka, *Economic Empowerment of Low-Income Families in Areas Affected by the Mob Attacks: Progress Report*, (Colombo: The Muslim Council of Sri Lanka and Muslim Aid Sri Lanka, 2019), 1.

making a big noise, while villagers are either indoors, or hiding in the nearby jungles in fear.⁵⁷

In the days and months following the Easter Sunday attack, harassment and discrimination against Muslims persisted. A few significant cases illustrating the nature of the harassment are described below.

Accusations against Dr Shafi Shihabdeen

Dr Shafi Shihabdeen, a gynaecologist at the Kurunegala Teaching Hospital, was accused of sterilising his female Sinhala patients, amassing wealth in a questionable manner, and having links to extremist Islamic groups. He was arrested under the Prevention of Terrorism Act (PTA). In the following days, hundreds of women lodged complaints about suspected sterilisations performed during their caesareans by Dr Shafi, but few agreed to undergo tests to substantiate the allegation. Dr. Shafi was granted bail two months after his arrest. The investigation conducted by the Criminal Investigations Department (CID) concluded that there was no evidence to support the allegations against him. It was later revealed that the Director of the hospital, the Kurunegala magistrate and law enforcement officials had colluded to fabricate evidence. They are currently under investigation for misleading the court, obstructing a criminal investigation and corruption. The media too had a prominent role in sensationalising the story and fanning the flames of ethno-nationalist, anti-Muslim sentiment regarding the case.⁵⁸ However,

⁵⁷ Community leader from Kurunegala, quoted in 'Mobs attack mosques, Muslim-owned shops and homes in Sri Lanka's Kurunegala District', *The Hindu*, May 13, 2019, accessed November 3, 2019, <https://www.thehindu.com/news/international/mobs-attack-mosques-muslim-owned-shops-and-homes-in-sri-lankas-kurunegala-district/article27119473.ece>.

⁵⁸ For more information on the case see: 'This country has destroyed image of our whole family, not only that of my husband, says Dr. Shafi's wife' <http://www.sundaytimes.lk/190630/news/this-country-has-destroyed-image-of-our-whole-family-not-only-that-of-my-husband-says-dr-shafis-wife-355945.html>; 'Prosecutors say tests needed before Sri Lanka sterilization case can proceed' <https://www.reuters.com/article/us-sri-lanka-doctor/prosecutors-say-tests-needed-before-sri-lanka-sterilization-case-can-proceed-idUSKCN1U62O5>; 'Sri Lanka police uncover criminal conspiracy over sterilization claims' <https://economynext.com/sri-lanka-police-uncover-criminal-conspiracy-over-sterilization-claims-15068>; 'Dr. Shafi case: CID reveals Hospital Director falsified

the case against Dr. Shafi was re-opened soon after the election of President Gotabaya Rajapakse in December 2019, following appeals made to the President by allegedly affected women.⁵⁹

Harassment of Muslim Women

The emergency regulations immediately after the Easter Sunday attacks banned clothing concealing the entire face, which included the niqab and burqa worn by Muslim women,⁶⁰ and resulted in Muslim women being harassed for their clothes on the street, in public and private establishments, and even in their places of work.⁶¹ Many instances of harassment of Muslim women were reported and the harassment continued even after the emergency regulations were lifted.

My friend's mother was asked to remove her *hijab* and put it around her neck. She was asked to do this in public, at the gate. Also, once she removed her *hijab* and put it on her head to cover her hair, she was again asked in a rough tone by the male guard to put the *hijab* around the neck. Also, this happened to every single Muslim lady who visited the hospital, but the Catholic nuns who passed by the entrance were allowed in without any questioning or demands. (Incident reported from the IDH base hospital, 29 April 2019)

I was asked to remove my head scarf and put it into the bag, if I wanted to travel in the bus. (Incident reported from a bus in Kohuwela, 1 May 2019)⁶²

complaints' <http://www.sundayobserver.lk/2019/07/14/news-features/dr-shafi-case-cid-reveals-hospital-director-falsified-complaints>.

59 S.M. Wijayarathne, 'Dr. Shafi's case: Hospital director gives fresh statements to CID', *Daily News*, December 24, 2019, accessed February 14, 2020 <http://www.dailynews.lk/2019/12/24/law-order/206553/dr-shafi-per-centE2-per-cent80-per-cent99s-case-hospital-director-gives-fresh-statements-cid>.

60 Dinesha Samararatne, 'Understanding the 'prohibition to wear any garment concealing the full face', *Daily FT*, May 6, 2019, accessed February 14, 2020, <http://www.ft.lk/columns/Understanding-the--prohibition-to-wear-any-garment-concealing-the-full-face-/4-677592>.

61 'Sri Lanka: Muslims Face Threats, Attacks,' *Human Rights Watch*, July 3, 2019, <https://www.hrw.org/news/2019/07/04/sri-lanka-muslims-face-threats-attacks>.

62 Reports of harassment compiled by citizens' groups.

Boycott of Muslim Businesses

Continuing with the trend of sporadic calls to boycott Muslim businesses over the years, the Chief Priest of the Asgiriya Chapter, Venerable Warakagoda Sri Gnanarathana Thera, gave an incendiary speech in June, stating, ‘The Muslim community doesn’t love us. [...] I would ask you all to boycott these businesses and even refrain from eating at Muslim restaurants. It is quite evident that they were a community that planned to poison the Sinhala community.’⁶³

In Batticaloa, another site that came under attack on Easter, there was a similar call by a Tamil group to boycott Muslim businesses.⁶⁴ The calls for boycott were largely spread and amplified through social media, where misinformation was rife, and targeted and localised boycotts also appeared to be taking place.⁶⁵

Discrimination against Christians

Violence against Christian communities, particularly evangelical and other minority Christian groups, has occurred consistently over the years in Sri Lanka’s recent history. They have been facing violence from the Sinhala Buddhist majority, from other minority groups such as the Hindu community in areas in which they are the dominant religious group,⁶⁶ as well as intra-religious attacks and harassment from members of the Catholic community against ‘non-traditional Christian groups’.⁶⁷

It is commonly believed that violence against Christian

63 K. Wickramasinghe, ‘Asgiriya prelate’s rhetoric draws criticism’, *Daily Mirror*, June 21, 2019, accessed February 14, 2020 <http://www.dailymirror.lk/news-features/Asgiriya-prelate-per-centE2-per-cent80-per-cent99s-rhetoric-draws-criticism/131-169728>.

64 A. Ananthalakshmi and Ranga Sirilal, ‘Muslims afraid, resentful as ethnic divide deepens in Sri Lanka’, *Reuters*, May 10, 2019, <https://www.reuters.com/article/us-sri-lanka-blasts-backlash/muslims-afraid-resentful-as-ethnic-divide-deepens-in-sri-lanka-idUSKCN1SG0TU>.

65 Nishel Fernando, ‘Atlas falls victim to anti-Muslim boycott campaign’, *Daily Mirror*, July 5, 2019, <http://www.dailymirror.lk/business-news/Atlas-falls-victim-to-anti-Muslim-boycott-campaign/273-170579>.

66 Janeen Fernando, *Silent Suppression: Restrictions on Religious Freedoms of Christians, 1994-2014*, (Colombo: National Christian Evangelical Alliance of Sri Lanka, 2015), 3.

67 *Attacks on Places of Religious Worship in Post-War Sri Lanka*, (Colombo: Centre for Policy Alternatives, 2013), 34.

minorities arises as a result of suspected forced conversions of members of other religions.⁶⁸ This played out in the aftermath of the tsunami in 2004, where the influx of foreign humanitarian organisations, including those with religious affiliations, gave rise to claims that they were taking ‘advantage of the disaster to promote their religion’.⁶⁹ The JHU bill in 2004 against conversions was in reaction to this perception, and there was a spike in violence that could be associated with this political move.⁷⁰ The National Christian Evangelical Alliance Sri Lanka (NCEASL) also attribute unfounded suspicions of the involvement of Christian groups in the death of a popular Buddhist monk, Venerable Gangodawila Soma Thero, in Russia in 2003 to an increase in violence against the Christian community.⁷¹

Following the end of the war in 2009, there was renewed attention on the activities of Christian communities. Proselytisation to propagate the religion was seen to be ‘fundamentally at odds with the constitutionally protected aim to protect and foster Buddhism.’⁷² Furthermore, suspicions of conversion and the threat posed by minority religions, particularly after the defeat of the LTTE, played directly on the existential anxiety of Sinhala Buddhists and the project of the Sinhala Buddhist nation-state.⁷³ Data to justify that unethical conversions are taking place is scarce. Instead, the incidents of violence can be linked to the need to maintain the status quo by the majority community, and the subsequent emergence of a range of religious and ethno-nationalist political movements, such as the BBS, the Ravana Balaya and the Sinhala Ravaya.⁷⁴

68 UN Commission on Human Rights, *Civil and Political Rights, Including The Question of Religious Intolerance Report of the Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir*, January 9, 2006, E/CN.4/2006/5, para 33, accessed November 9, 2019 <https://www.refworld.org/docid/441181fe0.html>; *Attacks on Places of Religious Worship*, 34.

69 *Civil and Political Rights*, para 34.

70 Fernando, *Silent Suppression*, 7.

71 Interview with NCEASL, September 30, 2019, Colombo.

72 Gehan Gunatilleke, *The Chronic and the Acute: Post-War Religious Violence in Sri Lanka*, (Colombo: International Centre for Ethnic Studies and Equitas—International Centre for Human Rights Education, 2015), 37.

73 Dewasiri, *New Buddhist Extremism*.

74 *Ibid.*, 12-13; *Attacks on Places of Religious Worship*, 34; Fernando, *Silent Suppression*, 7.

In the period between 2012 and 2015, there was a noticeable increase in the number of violent attacks, which NCEASL officials attribute to the emergence of the BBS and the proliferation of their activities, including rallies, hate speech and incitement of Sinhala Buddhist communities.⁷⁵ A report that analysed NCEASL incident data, pointed out that there wasn't a strong correlation between the campaigns by the BBS and the increase in local violence, but that their activities and rhetoric may have emboldened local actors.⁷⁶ Another report suggested that the violence and harassment is at least partially attributable to the enforcement of a 2008 circular mandating that the construction of new places of worship be registered with the government.⁷⁷ The circular was updated in 2011 to require permission for the 'continuation of place of worship or any activity headed by a religious leader'.⁷⁸ Though the 2011 circular was repealed in 2012, it enabled the local-level public officials to threaten, harass and 'shut down' Christian places of worship.

The perception of implicit and in some cases, explicit support by the post-war state⁷⁹ was also seen as a factor in emboldening both organised extremist forces and local actors in carrying out attacks against Christian leaders and places of worship.⁸⁰ As one source put it:

The main issue is not conversion; we also see it as the mere existence of a minority religion in the space of a dominant religion. It's perceived as a challenge to the status quo, as challenging the supremacy of one identity and the predominant identity of the village. They want to pushback saying you don't belong here, you don't have a legitimate right to be here.⁸¹

75 Interview with NCEASL.

76 Fernando, *Silent Suppression*, 7.

77 Esufally, *Judicial Responses*, 7-8.

78 Ministry of Buddha Sasana and Religious Affairs, Circular dated 02.10.2011, quoted in United States Department of State, *2014 Report on International Religious Freedom—Sri Lanka*, 14 October 2015, accessed November 8, 2019, <https://www.refworld.org/docid/5621054999.html>.

79 For example, the Bodu Bala Sena Leadership Academy was declared open in March 2013 by then Defense Secretary Gotabaya Rajapaksa.

81 Fernando, *Silent Suppression*, 7.

81 Interview with NCEASL.

The 2015 election and regime change resulted in a change in the trend of violence. While the number of very violent attacks reduced significantly,⁸² there was no decrease in the number of incidents. These incidents take the form of misapplication of the 2008 circular by government officials, and intimidation by mobs, particularly around the validity and registration of places of worship. NCEASL officials hypothesise that the change in the nature of incidents is related to the decrease in tacit approval and direct instigation of incidents by the state, and that extremist groups appear to be working indirectly with communities and targeting youth.⁸³ The consistency in the number of incidents is attributable to the systemic nature of structural violence, such as discrimination and harassment that is entrenched in state structures and continues regardless of changes in government.⁸⁴

In 2018/19, the most incidents documented were from Batticaloa in Eastern Province, which shows a change in the geographic spread of attacks from the previous years. Though there had been incidents in the past in the area, their frequency has increased and more churches have been attacked.⁸⁵ Another relevant, and related, phenomenon is the rise of Hindu nationalist sentiment, influenced by right-wing conservative groups like the Rastriya Swayamsewak Sangh (RSS) in India. Preliminary reports indicate that there has been a growing influence of the RSS in the North and the East for a number of years and local RSS groups have been mobilising members of the community.⁸⁶ NCEASL officials observed that they promoted Hindu nationalist ideology and appeared to be instigating the Hindu community against Christians.⁸⁷

Data on the violence and harassment faced by the Christian community over time in Sri Lanka can be analysed temporally

82 Ibid.

83 Ibid.

84 Janeen Fernando and Shamara Wettimuny, 'Religious violence in Sri Lanka: A new perspective on an old problem', Daily FT, May 26, 2017, accessed November 3, 2019 <http://www.ft.lk/article/617872/Religious-violence-in-Sri-Lanka:-A-new-perspective-on-an-old-problem>.

85 Interview with NCEASL.

86 Vimukthi Fernando, 'Anti-beef campaign heats up in the North and South,' *Sunday Observer*, June 17, 2018, <http://www.sundayobserver.lk/2018/06/17/news-features/anti-beef-campaign-heats-north-and-south>.

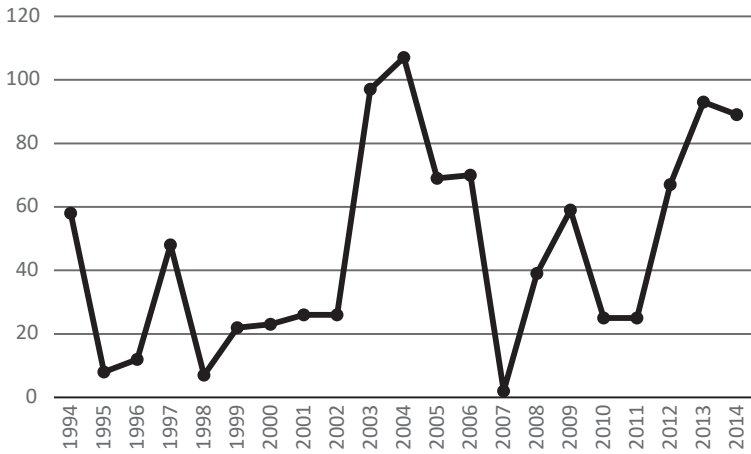
87 Interview with NCEASL.

as follows with the periods distinguished by change in political power at the centre.

1990s to 2015

NCEASL data over a period of two decades (1994-2014) shows an increase in incidents during the 2003/04 and 2012/2014 periods (Figure 1). The types of incidents that occurred the most were those classified as ‘threats, intimidations or coercion’ and ‘destruction of property’.⁸⁸ Nearly 45 per cent of the incidents included either property damage or physical violence; the former included theft, arson and damaging religious symbols, while the latter included assault and murder.⁸⁹ Places of worship and members of the clergy were the top two primary targets, and unidentified individuals and groups and members of the clergy of other faiths, the majority being Buddhist monks, were the top two perpetrators against them.⁹⁰ The number of incidents in which state actors such as the police, local magistrates, divisional secretaries and Grama Niladharis⁹¹ were key perpetrators saw a marked increase in 2013/14.⁹²

Figure 1: Number of incidents against Christians , 1994 to 2014



Source: Fernando, *Silent Suppression*.

88 Fernando, *Silent Suppression*, 9.

89 *Ibid.*, p. 8.

90 *Ibid.*, p. 13.

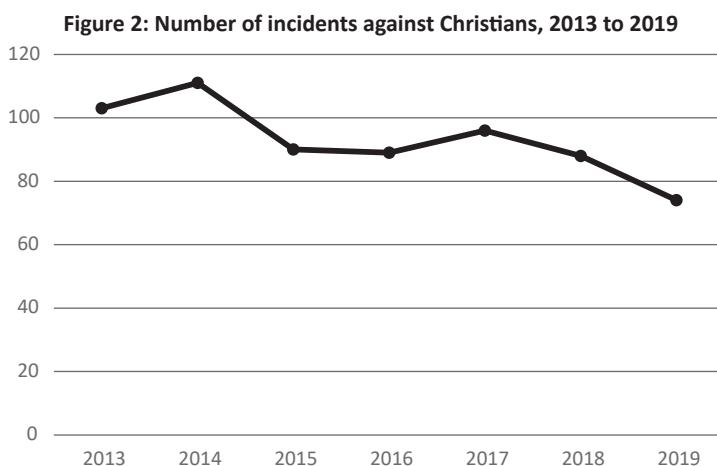
91 Public administrative officials working at the sub-divisional secretariat level

92 Fernando, *Silent Suppression*, 18 fig. 16.

Following the end of the war up to 31 December 2013, the majority of mob attacks on churches has been in the South, in districts such as Kalutara, Gampaha, Colombo, Matara and Puttalam.⁹³

Post-2015

The period immediately following the 2015 election and the change in government has some distinct characteristics of its own. As seen in Figure 2, NCEASL data shows a slight decrease in incidents compared to the pre-election data, but the number of attacks remains high overall.



Note: *2019 data reflects incidents only up to 22 September 2019.

Source: Based on annual incident reports compiled by NCEASL

While comprehensive data for recent years are hard to come by, NCEASL has continued to document incidents across the country. A press release by NCEASL in May 2017 reported that ‘190 incidents of religious violence against churches, clergy, and Christians have been recorded’ since the new government took office.⁹⁴ A Minority Rights Group report, analysing NCEASL data for the period between November 2015 and September 2016,

⁹³ *Attacks on Places of Religious Worship*, 41.

⁹⁴ National Christian Evangelical Alliance of Sri Lanka, ‘Increase in Attacks on Religious Minorities in Sri Lanka’, *NCEASL Press Release* 27 May 2017.

found 47 incidents of violence documented, of which 14 incidents involved the use of the 2008 circular.⁹⁵

Legal Framework

This section will focus on two pieces of legislation relevant to the attacks against Christian minorities.⁹⁶

The 2008 Circular

In 2008, the Ministry of Religious Affairs passed a circular requiring its approval for the construction of new places of worship whereby local government officials, such as the provincial councils and district secretaries, would have to comply with this order when approving new construction.⁹⁷ A second circular, published in 2011, extended the requirements of the 2008 circular for new places of worship to existing places of worship as well although it was repealed four months later.⁹⁸ While the 2008 circular did not immediately have a noticeable impact on religious communities and practices, taken together with the circular issued in 2011, it became commonly used by local government officials to harass and shut down places of worship of minority Christian groups,⁹⁹ many of which were small congregations conducting prayer meetings in the homes of the clergy or a member of the congregation, i.e., not recognisably as an 'official' place of worship.

NCEASL officials contend that since individual ministries have been instituted for each religion, the Circular should not be considered valid any longer, and furthermore, that it has no basis in law.¹⁰⁰

Anti-conversion Legislation

When the ethno-nationalist party, the Jathika Hela Urumaya, presented a bill before the Parliament entitled Prohibition of

⁹⁵ Wickremesinghe, *Confronting Intolerance*, 9.

⁹⁶ Further analysis on legal frameworks can be found in *Attacks on Places of Religious Worship*; and Esufally, *Judicial Responses*.

⁹⁷ Circular on Construction of New Places of Worship, 16.10.2008, Ministry of Religious Affairs and Moral Upliftment.

⁹⁸ Ministry of Buddha Sasana and Religious Affairs, Circular dated 02.10.2011.

⁹⁹ Fernando, *Silent Suppression*.

¹⁰⁰ See analysis on 'Legal Framework Governing Places of Religious Worship' in *Attacks on Places of Religious Worship*.

Forcible Conversion of Religion Bill in 2004, it was challenged in the Supreme Court by several civil society groups and sections of it were found to be unconstitutional.¹⁰¹ In 2005, the government tried to introduce its own Freedom of Religion Bill but could not get cabinet approval. In 2009, once again there were discussions of the Bill being reintroduced to the Parliament, with amendments to address the Supreme Court judgement but nothing came of it. In 2017, Cardinal Malcolm Ranjith, the Archbishop of Colombo, expressed his view that the Government should legislate the banning of forcible conversion to preserve religious harmony.¹⁰²

Refugee and Asylum-seekers in Sri Lanka

Over the last decade or so, Sri Lanka has seen an influx of foreign citizens fleeing persecution in countries such as Pakistan, Afghanistan and Myanmar. At present, there are approximately 1600 refugees and asylum-seekers in Sri Lanka.¹⁰³ Most are from religious or ethnic minorities in Pakistan, Afghanistan, Iran and Myanmar, such as Pakistani Christians, Ahmadiyahs and Shia Muslims, and Rohingya Muslims from Myanmar. Many are registered as asylum-seekers with the United Nations High Commissioner for Refugees (UNHCR) and are awaiting approval of their refugee claim.¹⁰⁴ Those who have been already granted refugee status await resettlement in a third country, while those who have been denied claims may reside as undocumented individuals in Sri Lanka or be repatriated.¹⁰⁵ Since 2015, 495 asylum seekers have received refugee status by the UNHCR and have been

101 For an analysis of the Bill and the Supreme Court judgment see Esufally, *Judicial Responses*, 11-13.

102 Ajith Alahakoon, 'Cardinal calls for new laws to ban forcible conversion', *The Island*, March 29, 2017, accessed November 4 2019 http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=162777 per centC2 per centA0 per centC2 per centA0 per cent20 per centC2 per centA0 per cent20.

103 Michael Safi, 'Muslims in hiding in Sri Lanka as tensions rise after bombings,' *The Guardian*, April 26, 2019, accessed November 4 2019, <https://www.theguardian.com/world/2019/apr/25/muslims-flee-town-in-sri-lanka-as-tensions-rise-after-bombings>.

104 Interview with Rabia Mehmood, Regional Researcher for Amnesty International, November 1, 2019, Colombo.

105 Ibid.

resettled in third countries, most often in the USA and Canada.¹⁰⁶

Although Sri Lanka is not a signatory to the 1951 UN Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees, it is bound by the principle of non-refoulement¹⁰⁷ to prevent the forcible return of asylum seekers to places where they might be subject to human rights violations. Furthermore, as part of the 2005 Memorandum of Understanding between the UNHCR and the Sri Lankan government, the UNHCR is permitted to carry out its mandate for asylum-seekers and refugees, which includes registration, documentation and refugee status determination (RSD) procedures for asylum-seekers, and facilitation of third country resettlement for refugees.¹⁰⁸

As individuals on Sri Lankan soil, refugees and asylum-seekers are eligible to some rights granted in the Constitution, but not to rights guaranteed only to citizens. For instance, they are not entitled to the right to non-discrimination¹⁰⁹ or right to freedom of speech, assembly, association, to engage in lawful occupation, movement and right to information.¹¹⁰ They are entitled to the right to freedom of thought, conscience and religion, freedom from torture, equal protection of the law, and freedom from arbitrary arrest, detention and punishment, as rights guaranteed to all persons in Sri Lanka. While their claims are being processed, they are not allowed to engage in any form of employment, and the state does not provide them with any support or services, including any transitional shelter, monetary allowance, education for their children, or access to government programmes.¹¹¹ They can, however, access free healthcare in state hospitals. Once their claim is approved, they

106 Amnesty International, *We are not safe here: Refugees under attack in Sri Lanka and the need for resettlement*, (Colombo: Amnesty International, 2019), 10-11.

107 Amnesty International and Minority Rights Group International, *Unsafe at Home Unsafe Abroad: State Obligations Towards Refugees & Asylum-Seekers in Sri Lanka*, (London: Amnesty International, 2019), 9-10.

108 United Nations High Commissioner for Refugees, 'UNHCR Submission on Sri Lanka : UPR 28th Session', March 2017, accessed February 10, 2020, <https://www.refworld.org/docid/5a12ae1f2.html>.

109 Article 12 (2).

110 Article 14(1).

111 Ruki Fernando, 'Refugee crisis in Sri Lanka after the Easter Sunday bombings,' *Groundviews*, May 4, 2019, <https://groundviews.org/2019/05/04/refugee-crisis-in-sri-lanka-after-the-east-sunday-bombings>.

receive a refugee certificate, which entitles them to a small monthly stipend and assistance for their children's education.¹¹²

Refugees and asylum-seekers have to rely on local and international support networks for the fulfilment of their basic needs. Faith-based and civil society groups support them with food, clothing, and informal education for children. Yet, they face many challenges in Sri Lanka. One challenge highlighted by local activists was that in some cases, when there is a death in a refugee family, the hospital may require the family to provide official documentation to release the body back to them.¹¹³ This includes documentation from the police and their relevant High Commission or Embassy, neither of which is easily available. As an Amnesty International official put it,

As a process this is a very inhumane practice. While it makes sense in the system—the legality of it, they need to do some verification probably—it adds to the misery of the community which is already at a lot of disadvantage. I was told this is a standard practice...It's really strange because these communities have fled persecution in their countries, but for some reason, despite being registered by the UNHCR, they are still made to go back to the High Commissions of their countries. What if it's a political dissident? What if it's someone who has fled a false case of treason by the state, like a political blogger for example? What happens in that scenario?¹¹⁴

Refugees and asylum-seekers, while most often living peacefully within communities across Sri Lanka, have come under sporadic attacks over the years. Amnesty International documents incidents from 2014 when the state arrested and forcibly deported 183 people to Afghanistan and Pakistan, and in 2017 when a UNHCR safe-house sheltering a group of Rohingya Muslims came under attack.¹¹⁵ Following the Easter Sunday attacks in 2019, refugees and asylum-seekers from Pakistan, Afghanistan and Iran were subject to mob

112 'UNHCR Submission on Sri Lanka', 1.

113 Fernando, 'Refugee crisis in Sri Lanka'.

114 Interview with Rabia Mehmood, Regional Researcher for Amnesty International, November 1, 2019, Colombo.

115 Amnesty International, *We are not safe here*, 3 .

attacks in the Catholic-majority town of Negombo, the site of one of the church bombings.¹¹⁶ Many were evicted from their rented homes and sought shelter in police stations, places of worship and community centres.¹¹⁷ In some instances, young men went door to door, evicting refugees and asylum-seekers.¹¹⁸ One such asylum-seeker lamented: 'The people in Pakistan attacked us and say we're not Muslims. Then in Sri Lanka, people attack us because they say we are Muslims.'¹¹⁹

This period was fraught with tension and anxiety for the refugees and asylum-seekers who were displaced from their homes. In the immediate aftermath of the attacks, it was impossible for them to find housing or any kind of shelter, as fear of and bigotry toward Muslims were pervasive among locals. People relied on their community networks to find shelter, and local activists and community organisations stepped in to provide them with basic services such as food, clothing, medicine and sanitation. Over 100 individuals stayed for up to a week in makeshift shelters in the Negombo police station, and another 700 were accommodated in a community centre in Pasyala.¹²⁰ However, none of these locations had the necessary facilities to accommodate overnight guests and the conditions were very poor. In a report, an official of the UNHCR describes the living conditions in the police station and the resultant outbreak of illness due to the heat, open air living area, and poor sanitary facilities.¹²¹

In the weeks following the Easter attacks, security forces conducted search operations at these temporary shelters and several persons were detained arbitrarily, including people who lacked the requisite documentation to prove that they were registered with the UNHCR. This affected many individuals who had arrived in the country just prior to the bombings and had been taken to the shelters before they could be registered. Others

116 Amnesty, *We are not safe here*, 2.

117 Caroline Gluck, 'Pakistani and Afghan Refugees Seek Safe Haven in Sri Lanka' *Inter Press Service*, May 31st 2019, accessed November 4, 2019, <http://www.ipsnews.net/2019/05/pakistani-afghan-refugees-seek-safe-haven-sri-lanka>.

118 Amnesty, *We are not safe here*, 2.

119 Quoted in Safi, 'Muslims in hiding in Sri Lanka'.

120 A town about 40km from Negombo.

121 Gluck, 'Pakistani and Afghan Refugees'.

were arrested based on their possessions, including mobile phones.

Six months after the attacks, the situation for these refugees and asylum-seekers has returned to a semblance of what it had been before. Many have returned to their homes, or found new homes and resumed their lives. However, those whose asylum claims had been rejected now face serious risks. Some families have made the decision to repatriate, at the risk of their lives.¹²² There have also been cases of asylum-seekers from Pakistan being deported by Sri Lankan immigration, in violation of the principle of non-refoulement, as well as of the 2005 Memorandum of Understanding between UNHCR and Sri Lanka, which assures the UNHCR ‘unimpeded access’ to asylum-seekers.¹²³ The Sinhala Buddhist nationalist election campaign during the November 2019 presidential elections, and the negative political climate toward Muslims appear to have resulted in the government taking drastic measures towards asylum-seekers, and at least informally there appears to now be a policy to deport asylum-seekers.¹²⁴

The 2019 Presidential Elections

In the presidential election of 2019, the two leading candidates were the strongly nationalist Gotabaya Rajapakse of the Sri Lanka Podujana Peramuna (SLPP) and the market-oriented, neoliberal Sajith Premadasa of the New Democratic Front (NDF). Their campaign rhetoric and election manifestos indicated their approach towards religious minorities under their presidency.

Rajapakse promised to ‘[...] provide vision and leadership guided by Buddhist philosophy and nurtured by other religions, for all Sri Lankans to live in harmonious co-existence.’¹²⁵ He also leant on the contradiction in the constitution and states that Buddhism will be given the foremost place as per Article 9 of the constitution, while also committing to ‘fulfil all the duties and obligations of the

122 Mehmood, interview.

123 Ruki Fernando, ‘Sri Lanka resumes deportation of asylum seekers,’ Groundviews, October 21, 2019, accessed November 4, 2019, <https://groundviews.org/2019/10/31/sri-lanka-resumes-deportation-of-asylum-seekers>.

124 Ibid.

125 Gotabaya Rajapaksa’s election manifesto, accessed November 5, 2019, <https://gota.lk/sri-lanka-podujana-peramuna-manifesto-english.pdf>.

government to protect the rights of every religion'.¹²⁶ Premadasa's manifesto promised to 'create a democratic and pluralistic society in which the rights of all people are protected, and the beliefs of all people are respected'.¹²⁷ But even his manifesto stated that 'Buddhism shall have the foremost place'.¹²⁸

Rajapakse was elected as the seventh Executive President of Sri Lanka on 16 November 2019 with 52.5 per cent of the votes, primarily from the majority Sinhala Buddhist community.¹²⁹ The election revealed the high degree of ethno-religious polarisation in the country, with minority communities overwhelmingly voting for Premadasa.¹³⁰ In his first speech, President Rajapakse made note of this fact, saying: 'We knew right from the start that the main factor of this election victory is the Sinhalese majority of the country. Although I knew that the Presidential Election could have been won with only the support of the Sinhalese, I made a special request from the Tamil and Muslim people to be partners in that victory. The response to that was not up to my expectation'.¹³¹

How this polarisation will shape the realities of the ethno-religious minorities in Sri Lanka, and the exercise of their religious freedoms in the years to come remains to be seen. However, as laid out in the preceding sections, the entrenched nature of religious discrimination and the dominance of the Sinhala Buddhist political imagination is likely to remain unchanged, regardless of which party is in power.

126 *Ibid.*, 9.

127 Sajith Premadasa's manifesto, accessed November 5, 2019, <https://sajithpremadasa.lk/manifesto/english>.

128 *Ibid.*, 63.

129 Hannah Ellis-Petersen, 'Gotabaya Rajapaksa elected president of Sri Lanka', *The Guardian*, November 17, 2019, <https://www.theguardian.com/world/2019/nov/17/sri-lanka-presidential-candidate-rajapaksa-premadasa-count-continues>.

130 *Ibid.*

131 'President will establish new govt. to execute his policies', *Presidential Secretariat*, November 18, 2019, <https://www.presidentsoffice.gov.lk/index.php/2020/01/03/the-policy-statement-made-by-his-excellency-gotabaya-rajapaksa-president-of-the-democratic-socialist-republic-of-sri-lanka-at-the-inauguration-of-the-fourth-session-of-the-8th-parliament-of-sri-lanka/?lang=en> accessed on February 2, 2020.

Conclusion

This chapter was an attempt to demonstrate the extent to which religious freedom is under attack in Sri Lanka. There have been distinct periods within recent history which have shaped and re-shaped both inter-community relations and the relationship between the state and religious minorities. Going forward, one area of concern is the renewed focus on national security, which was a by-product of the Easter Sunday attacks. Both leading presidential candidates devoted chapters in their manifestos to plans on combating extremism and strengthening national security and the intelligence services, and President Rajapakse has made strengthening the national security regime one of his top priorities.¹³² How this will impact the rights of individuals to practise their beliefs, particularly for those from smaller sects and non-denominational religions, is not yet clear although the current environment has led to fear of intimidation and harassment among them. The rhetoric of 'extremism' can also be manipulated and deployed by major religious groups to also intimidate smaller factions of their own faith who may be in disagreement with their hegemonic interpretations.

Sinhala Buddhism, as a political movement with extremist elements, looms large over the context in which other faiths co-exist in Sri Lanka. The state and religious actors draw upon their own interpretations of existing government edicts and the aforementioned constitutional contradictions to dictate the terms upon which other religious communities can follow their faith. This severely impacts the religious plurality of Sri Lanka, and is a major barrier to creating an inclusive society. It is also likely to generate a defensive ethno-nationalism among other religious groups.

Finally, in the case of asylum-seekers and refugees, there exists a hostile environment for people already fleeing persecution in their own countries, which contributes towards the re-victimisation and re-living of the trauma these individuals hoped to escape.

¹³² 'A sound strategy for defense, national security', Ministry of Information and Mass Media, 28th January 2020, <https://www.media.gov.lk/media-gallery/latest-news/2305-a-sound-strategy-for-defence-national-security> accessed on 2nd February 2020.

Recommendations

Based on the analysis provided in this report, and in keeping with key issues raised by UNHCR at Sri Lanka's Universal Periodic Review,¹³³ it is recommended that the state:

- Accede to the 1951 UN Convention relating to the Status of Refugees, and the 1967 Protocol relating to the Status of Refugees.
- Establish a national legal and policy framework regarding asylum-seekers and refugees living within its borders, including but not limited to access to services and government assistance, formal employment opportunities and education services.
- Ensure that the UNHCR is given access to all asylum-seekers and is able to carry out its mandate, including refugee status determination procedures.
- Ensure that asylum-seekers are not detained at or deported from the border entry points.
- Refrain from arbitrary arrest or detention of asylum-seekers and refugees, and allow UNHCR access to individuals in detention.

133 'UNHCR Submission on Sri Lanka: UPR 28th Session'.