

Current threats to religious freedom in Sri Lanka

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Thank you to the staff and members of the Commission for the generous invitation to offer my analysis of current threats to religious freedom in Sri Lanka.

First the good news:

There is no overt or formal discrimination on religious grounds in Sri Lanka – and Buddhists, Muslims, Hindus, and Christians are generally free to worship as they please and do so in large numbers.

The continued existence of separate personal laws for Muslims (as well as Tamils in Jaffna and Sinhalese in Kandy) also indicates the formal respect for religious diversity.

Key restrictions on religious freedom

However, less formally, there are important restrictions on religious freedom (and the cultural expression that goes with it) and effective second tier status for minority religions, enforced by a combination of pressure from central government bureaucracy and local police and politicians. This is underpinned by the constitutional injunction that the state must give Buddhism the foremost place.

These restrictions affect evangelical Christians the most – through burdensome and unclear regulations on church registration and through the decades of periodic physical attacks on churches local Buddhists, who can sometimes be provoked by reports of the allegedly “illegal” nature of the structures and the “unethical conversions” supposedly being taking place. Similar de-facto restrictions have affected Muslim places of worship, though to a lesser degree, and contributed to the mistrust and marginalisation that fed the Buddhist nationalist campaign of hate speech and physical violence from 2012-2019.

In addition, the government has used the Prevention of Terrorism Act (PTA) and especially the International Covenant on Civil and Political Rights (ICCPR) Act to target dissenting voices among both Muslims and Christians – at times in response to politically motivated complaints filed by monks or Buddhist activists alleging Buddhism has been insulted or communal harmony has been disturbed. Other panelists have spoken at length about how these laws have been weaponised more generally against religious minorities, especially Muslims following the 2019 Easter bombings. The tradition of using laws this way makes even more worrisome the 2024 passage of the Online Safety Act, whose expansive powers and broad phrasings allow the state to criminalise virtually any statement it deems as untrue on social media.

Increasingly there are pressures on Hindu worship at specific spots in the north and east, many that lie at the intersection of the northern and eastern provinces, a highly contested and politically important area. Buddhist nationalist monks and followers have challenged the continued existence of a number of Hindu temples – sometimes quite simple structures – in locations that Buddhist nationalist groups claim had centuries earlier held Buddhist structures that were destroyed or fell into ruin.

Two examples recently in the news reveal the role of state bureaucracy, police, and military in promoting a Buddhist nationalist narrative and sanctioning land grabs:

Most recently, in March of this year, police arrested Hindu worshippers and detained them for more than a week after they had attempted to conduct their worship on the important day of Sivarathri, at a

small forest temple in the village of Veddukunaari. The arrests happened despite court orders explicitly allowing the devotees to access the temple.

Another long running dispute has been at the nearby Kurunthumalai area in Mullaitivu, where a Buddhist stupa is being completed on grounds that some Buddhists claim once held a Buddhist temple. Expansion of the archaeological reserve's boundaries in 2020 to include areas that Tamils had long lived in or cultivated in, as well as a small Hindu temple, has led to serious tensions. A Tamil judge was forced to flee the country in 2023 after being threatened for ruling in favour of the right of Hindu worshippers to access their own adjacent temple, access to which had been blocked by the police.

Similar cases exist at a range of other locations along the eastern coast and stretching into the northern peninsula of Jaffna, where at least half a dozen temples have been constructed since the end of the war in an area where the only Buddhists are military personnel.

Why are these disputes happening now?

They are in part the delayed effect of a long-term project of rediscovering and protecting Buddhist heritage in the north and east of the island. This was a project explicitly initiated by nationalist monks even before the end of the war and inaugurated as soon as the LTTE was forced out of the Eastern Province in 2007. The project later received formal state sanction through a presidential task force on Archaeological Heritage Management in the Eastern Province appointed by Gotabaya Rajapaksa in 2020. While the task force has ceased to function, monks continue to work closely with the archaeology and forest depts and military and police to establish – they would argue re-establish – Buddhist sites they claim have been allowed to decay or actively destroyed over the past centuries.

These claims gain an apparent degree of legitimacy thanks to the constitutional privileges given to Buddhism – which is turn effectively defined as Sinhala Buddhism, ignoring the existence of Tamil Buddhism in previous millennia and rejecting, more generally, the complex and multi-ethnic character of the island.

The ongoing project of (re)establishing Buddhist temples across the north and east also needs to be understood as part of a long-standing state-backed Sinhala nationalist project to break the contiguity of the territory of the “northeast”, seen by Tamil nationalists as a continuous stretch of land that the Tamil homeland. More generally, the Sinhala Buddhist nationalist project poses a long-term – and to some of its proponents – a deliberate threat to Tamil-speaking – Hindu, Christian and Muslim – character of the northeast, or north and east, of the island.

The process of claiming land as “belonging” to Sinhala Buddhists, even when it involves destroying or displacing long-standing sites of active Hindu worship, is allowed to continue in part because of the lack of clear or consistent reaction from the president, and the many central government officials who take their lead from him. This reticence to intervene strongly is likely due to the president's perceived short-term political need to maintain the support of the Buddhist clergy and military as well as his and others' awareness of the power of the ideological deep structures of Sinhala Buddhist nationalism, rooted in religious narratives, and fostered by religious institutions, social separation, state power, and political expediency. Few Sinhala politicians even dare to challenge or temper these forces. (Mangala Samaraweera, who died in 2021, was one of the only Sinhala politicians to try to do so, with limited success.)

Any effective response to the current wave of temple-building in the north/east would need to develop a more precise understanding of the extent and sources of support for Buddhist nationalist networks (which include and rely on significant sectors of the military and bureaucracy, especially the archaeology department, as well as politicians). At a deeper level, advocates of religious freedom and religious pluralism need to develop a better analysis of, and responses to, the cultural insecurities that help drive Buddhist nationalism. For lasting change, one would also need to build a critical mass of

monks willing to work within the Buddhist Sangha to develop a different, more accommodating narrative of Buddhism, away from seeing it as perpetually under siege and at risk of disappearing. This is a daunting challenge.

Finally, new vectors of religious tension are emerging as a result of the growing influence of a Hindutva-style identity among Sri Lankan Tamils. The slow shift away from a pan-religious identity as “Tamils” to identifying as “Hindu” is in part an effect of the absence of the LTTE or other powerful Tamil nationalist movement. It also appears to be the effect of growing influence of the ruling BJP in India, reportedly with an unknown degree of involvement of the Indian state, which increasingly celebrates the “civilisational” connections between Hindu India and Buddhist Sri Lanka. This growing power of “Hindu” identification by Sri Lankan Tamils has already increased tensions with Tamil Christians as well as Muslims, and opens up the space for a possible, if fragile, alliances between Hindu activists and Buddhist nationalist activists against the alleged threats posed by Christians and/or Muslims. These developments bear careful watching.

Factors behind inter-religious violence

So far none of Sri Lanka’s current sites of religious tension have boiled over into serious violence. But the threat of escalation is ever-present, particularly in a year that could have multiple, highly-charged elections.

When considering the challenge of preventing inter-religious violence in Sri Lanka, there are two basic truths to keep in mind.

First, the pervasive and institutionalised impunity for state violence and crimes is a key factor.

The fact that no one in Sri Lanka is ever punished for any ethnic or religious violence or state violence emboldens conflict entrepreneurs – both within the state and outside – and means the threat of violence is ever-present. This threat remains continues to hang over evangelical Christians and Muslims, even as actual violence is currently largely absent. The powerful anti-Muslim campaign of 2011-2021 had devastating consequences for the Muslim community and the country as a whole. While things are quiet for now, the fact that no one has been held accountable for any of the waves of violence increases the risk that the project could be reactivated if it seems politically useful to those in or close to power.

Which brings us to the second basic truth: state backing, or at least tolerance, is always needed for any serious inter-religious or inter-ethnic violence. This was true in the decades of periodic anti-Tamil rioting and pogroms that began in the 1950s and eventually led to full-scale war in 1983. This has also been true in the almost decade of violent anti-Muslim campaigning. Inter-religious and inter-ethnic violence are almost never spontaneous local events, but almost always need active support from the police and local, and often national, politicians and government officials.

2019 Easter Attacks

More surprisingly, state support increasingly appears to have been a factor in Sri Lanka’s sole case of Islamist violence against other communities.

The 2019 Easter bombings were Sri Lanka’s deadliest terrorist attacks ever. The basic facts aren’t disputed: a small band of Salafi Islamist men, based in the eastern province, carried out coordinated suicide bombs at two Catholic churches, one evangelical church, and a series of hotels in Colombo. 270 people were killed, and more than 500 were injured. The indirect victims are in the many thousands.

However, what looked at first like a relatively straight-forward case of Islamist political violence against Christians – something that had never happened in Sri Lanka – now appears to have been much more complicated.

First, evidence gathered since the attacks clearly indicates that the members of National Towheed Jamaat (NTJ), who carried out the attacks, were radicalised by the preceding years of state-sanctioned Buddhist nationalist violence and hate speech against Muslims – even as the targets of their attacks were Christian, not Buddhist.

Second, over the past five years, increasing evidence has emerged that indicates a significant degree of state involvement in the attacks: this includes evidence that military intelligence officials intervened to allow (and possibly to actively facilitate) the attacks, as well as evidence of active efforts by military intelligence to prevent police investigations from exposing this support and from uncovering its alleged political motivation. In this interpretation of events– which many suspected soon after the attacks – the objective was to generate enough fear of Islamist violence that Sinhala voters would support the candidacy of Gotabaya Rajapaksa in the presidential election in November 2019, running on a “security” and anti-Muslim agenda. This is exactly what happened. All those allegedly participated in the plan, of course, have denied any involvement.

To date, while there is an ongoing and very slow-moving criminal trial of about two dozen Muslims accused of – mostly peripheral – involvement in the attacks, there has been no punitive or disciplinary action taken against senior officers and politicians who have been found guilty of negligence by both a presidential commission of inquiry and a parliamentary select community. And there has been no credible, independent investigation into allegations of military intelligence complicity in the attack, despite evidence emerging from senior former police officials and well-placed eyewitnesses.

The international community, including those 14 governments whose citizens were among the 270 murdered in the attacks, should support the Catholic Church’s call for an independent international investigation, or at least an investigation with significant enough international involvement to be credible. The need for stronger international support for justice for the Easter bombings is another reason for continued monitoring of Sri Lanka’s human rights situation by the UN Human Rights Council, even after the current council resolution expires this September. The Human Rights Council – and with it the Office of the High Commissioner for Human Rights – remain essential tools for both justice and conflict prevention in Sri Lanka.

Thank you very much. I look forward to any questions you have.