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Country Policy and Information Note
Sri Lanka: Minority religious groups

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI) and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the Country Policy and Information Team.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspector@icinspector.gsi.gov.uk

Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

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Policy guidance

Updated: 26th March 2018

1. Introduction

1.1 Basis of claim

1.1.1 Fear of serious harm or persecution by state and/or non-state actors because the person belongs to a minority religious group.

1.2 Points to note

1.2.1 For the purposes of this note, religious minority groups include Muslims, Christians and Hindus.

1.2.2 Almost all Hindus in Sri Lanka are Tamils (although a small number of Tamils practice other religions). The available information, where it is broken down by specific religious group, often does not refer specifically to 'Hindus' as it does to 'Christians' and 'Muslims'. For claims by Tamils, decision makers must refer to the country policy and information note on Sri Lanka: Tamil separatism.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

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2.2 Assessment of risk

2.2.1 Sri Lanka is a majority-Buddhist country. Religious minorities, mainly Hindus, Muslims and Christians, account for a little over 30% of the population (about 7 million people). The largest religious minority group are Hindus (15% of the population), who are mainly Tamils and are strongly present in the Northern, Eastern, Central, Sabragamuwa and Uva provinces; Muslims (8% of the population) are mainly present in Ampara, Batticaloa and Trincomalee in the east, and Mannar and Puttalam in the west; and Christians (8% of the population) are mainly present in Eastern, Northern, North-western and Western provinces (see Religious demography).

a. State treatment

2.2.2 The Constitution and Penal Code guarantee various freedoms to religions. However, Article 9 of the Constitution affirms that Buddhism occupies the 'foremost place' in the country and that it is the duty of the State to protect the teaching of the Buddha. The Supreme Court ruled that the authorities are constitutionally required to protect Buddhism only (see Constitution and Penal Code).

2.2.3 There are some restrictions on freedom of belief and incidents of discrimination and harassment against religious minorities. However, religious minorities participate in political life and are represented in Government (see State treatment).

2.2.4 Incidents of intimidation and violence against religious minorities by state officials do occur, although are rare (see Overview of recent incidents against religious minorities and State treatment).

2.2.5 In general, a person will not face a real risk of serious harm or persecution from state actors because of their religion. Decision makers must consider each case on its facts, with the onus on the person to show that they would be at real risk of serious harm or persecution on return.

b. Societal treatment

2.2.6 There is some societal discrimination and harassment, particularly against Evangelical Christians, but there are very few such incidents (see Non-state and societal treatment).

2.2.1 Most violence against religious minorities is perpetrated by hardline Sinhalese Buddhist nationalist groups, but they represent a minority of Buddhists and in general there is peaceful coexistence between religions. Large-scale violence occasionally flares up, most recently in March 2018. However, this was the first such reported incident targeting a religious group since the Aluthgama riots of June 2014, when groups apparently inspired by Bodu Bala Sena, a Sinhalese Buddhist nationalist group, attacked Muslim homes and properties, killing four and injuring 80 people (see Non-state and societal treatment).

2.2.2 Incidents of intimidation and violence against religious minorities by non-state and societal actors does occur, although are rare (see Overview of recent incidents against religious minorities and Non-state and societal treatment).

2.2.3 In general, a person will not face a real risk of serious harm or persecution from non-state or societal actors because of their religion. Decision makers must consider each case on its facts, with the onus on the person to show that they would be at real risk of serious harm or persecution on return.

2.2.4 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.3 Protection

2.3.1 If the person's fear is of persecution and/or serious harm by the state, they will not be able to avail themselves of the protection of the authorities.

2.3.2 Where the person fears persecution and/or serious harm from non-state actors or rogue state agents, decision makers must assess whether the state can provide effective protection.

2.3.3 Although the state appears able to offer protection and there is evidence that in some cases the police have responded to the mistreatment of religious minorities, such as by arresting Buddhist militants for threatening violence against Muslims, there is also evidence of police and judicial inaction and a failure to properly investigate abuses against, and deliver justice for, religious minorities (see Protection).

2.3.4 Decision makers must consider each case on its facts, with the onus on the person to demonstrate that they cannot obtain protection.

2.3.5 For further guidance on assessing the availability of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.4 Internal relocation

2.4.1 If the person's fear is of persecution and/or serious harm by the state, they will not be able to relocate to escape that risk.

2.4.2 If the person's fear is of persecution and/or serious harm by non-state actors, they may be able to relocate to escape the risk, depending on their circumstances. Decision makers must consider each case on its facts, with the onus on the person to demonstrate why they cannot relocate to another part of the country.

2.4.3 For further guidance on internal relocation and the factors to be considered, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.5 Certification

2.5.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.5.2 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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3. Religious demography

3.1.1 The population of Sri Lanka is 22.2 million (2016 estimate by the US government). Most people (approximately 69% – 15.3 million) are Buddhist. Of the remaining 31% of people (6.9 million):

- 15% (3.3 million) are Hindu
- 8% (1.8 million) are Muslim (mainly Sunni), including:
  - a small number of Shia (less than 2% of the Muslim population), including members of the Bohra community, who originate from India and reside mainly in Colombo
  - the Malay community, which is largely made up of descendants of the Malay members of the Ceylon Police Force, and of whom some members still hold senior positions in the police and the military
  - the Mermon community (Muslims of Indian or Pakistani descent who speak Urdu), based mostly in Colombo
  - a small number of Sufis([1])
- 8% (1.8 million) are Christian (mainly Roman Catholic)
- there are 'smaller numbers' of Baha'is and Parsis([2])
- a very small number are Jewish[3]

3.1.2 Tamils are mainly Hindu, with a relatively large Christian minority. They are the majority in Northern Province and, according to the 2012 census data, are strongly represented in Eastern Province and in Central, Sabaragamuwa and Uva Provinces[4]. See also the country policy and information note on Tamil separatism (June 2017), which also provides information and analysis about Tamils generally.

3.1.3 Muslim communities are found throughout Sri Lanka, including in Colombo and Kandy, but larger communities exist in the east in Ampara, Batticaloa

[1] Australian Government, Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report – Sri Lanka, 24 January 2017, p. 13, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017
[2] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 4, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017
[3] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section I. Religious Demography, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018
[4] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section I. Religious Demography, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

and Trincomalee, and in the west in Mannar and Puttalam. Most Muslims speak Tamil as their first language[5].

3.1.4 Christians have large communities in Eastern, Northern, Northwestern and Western Provinces, with a smaller presence in Sabaragamuwa and Uva Provinces[6].

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4. Legal context

4.1 Constitution

4.1.1 The following table[7] shows Articles in the Sri Lankan Constitution relevant to religious freedom:

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* [the teaching of the Buddha], while assuring to all religions the rights granted by Articles 10 and 14(1)(e).
Article 10	Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice
Article 12(2)	No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds.
Article 12(3)	No person shall, on the grounds of race, religion, language, caste, sex or any one such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his own religion.
Article 14(1)(e)	Every citizen is entitled to the 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 or teaching.
Article 27(6)	The State shall ensure equality of opportunity to citizens, so that no citizen shall suffer any disability on the ground of race, religion, language, caste, sex, political opinion or occupation

4.1.2 A 2003 Supreme Court ruling (S.C. Special Determination No.19/2003) determined the state was constitutionally required to protect only Buddhism[8].

[5] Australian Government, Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report – Sri Lanka, 24 January 2017, p. 13, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017

[6] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section I. Religious Demography, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[7] The Constitution of the Democratic Socialist Republic of Sri Lanka, http://www.wipo.int/edocs/lexdocs/laws/en/lk/lk007en.pdf. Accessed: 10 October 2017

[8] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section II. Status of Government Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

4.1.3 A report by Minority Rights Group International (MRGI), dated December 2016 ('the MRGI report'), stated:

'Sri Lanka's constitutional provisions on the freedom of religion broadly mirror international standards. However, judicial interpretation – particularly of Article 9 – demonstrates disparity in the manifestation of this right. It appears that the majority religious community enjoys greater protection and freedom to manifest their religious beliefs than the minority religious communities, as exemplified in the Menzingen Sisters case [see 4.1.2]…In this case, which challenged the incorporation of a Catholic order of nuns, the Supreme Court determined that the right to propagation was not guaranteed by the Constitution and further, that 'the propagation and spreading of Christianity…would not be permissible as it would impair the very existence of Buddhism'.'[9]

4.1.4 The US State Department (USSD), in their International Religious Freedom report for 2016, published in August 2017 ('the USSD international religious freedom report'), noted:

'On September 23 [2016], the Court of Appeal reinforced a 2003 Supreme Court ruling that determined the state was constitutionally required to protect only Buddhism by dismissing an appeal by the Jehovah's Witnesses seeking police assistance in conducting investigations and criminal prosecutions in cases of criminal attacks and harassment targeting them. The court decided the constitution did not guarantee the right to propagate religion, thus the police could not be compelled to investigate these incidents.'[10]

See: Police and judicial inaction

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4.2 Penal Code

4.2.1 The following table show Articles[11] in the Penal Code of 1885 (updated several times since then) 'Of Offences Relating to Religion':

Article 290	Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class persons, with the intention of thereby insulting the religion of insult the any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
Article 290A	Whoever does any act, in or upon, or in the vicinity of, any place of worship or any object which is held sacred with intent to or in veneration by any class of persons, with the intention wounding the religious feelings of any class of persons or with the knowledge

[9] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 5, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 3 November 2017

[10] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section II. Status of Government Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[11] Sri Lankan Penal Code – 'An Ordinance to Provide a General Penal Code for Ceylon', 1885, available at: http://www.refworld.org/docid/4c03e2af2.html. Accessed: 20 February 2018

	that any class of persons is likely to consider such act as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
Article 291	Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
Article 291A	Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
Article 291B	Whoever, with the deliberate and malicious intention of outraging the religious feelings of any class of persons, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
Article 292	Whoever with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, ore that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

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4.3 Other legal rights

4.3.1 The USSD international religious freedom report stated:

‘Matters related to family law, including divorce, child custody, and property inheritance, are adjudicated according to either the customary law of the applicable ethnic or religious group or the country’s civil law. Religious community members, however, report practice varies by region and exceptions exist. Muslim community members state marriages are governed by customary law derived from sharia and cultural practice while civil law applies to property rights. According to Tamil civil society groups in the Northern Province, marriages are governed by civil law while the Thesawalamai customary law governs the division of property. Most

Sinhalese and Tamil marriages are governed by civil law, including mixed marriages or those of individuals who claim no religious affiliation.'[12]

4.3.2 The Australian Department for Foreign Affairs and Trade (DFAT), in their January 2017 country report on Sri Lanka (the DFAT 2017 Country Report), stated:

'There is a place for religions other than Buddhism in public life. Sri Lanka recognises religious holidays for all four religions. Prominent Buddhist, Hindu, Muslim and Christian leaders are invited to national functions, although at most events only Buddhist rituals are performed…School students are able to study their choice of Buddhist, Hindu, Muslim and Christian religious classes in most public and private schools, depending on the availability of teachers. There are also Hindu and Muslim public schools.'[13]

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4.4 Conversion

4.4.1 In October 2013, the Sunday Leader, a Sri Lankan Sunday newspaper, in an online article, cited a police spokesman, Ajith Rohana, who said

'"It is the right of every individual to practice or convert to any religion. However even though it is unethical for any religious faction to recruit people by bribing them or brainwashing them, we cannot take legal action against such conversions unless a complaint is made regarding such unethical conversions. However the fact remains that unless the laws are changed in order to deal with such incidents, no one has the right to take the law into their own hands and destabilise the law and order of this country"'[14]

4.4.2 An article in the Colombo Telegraph, dated 4 November 2016, which looked at religious conversions in the country, noted that a 'common complaint or grievance of both the Bodu Bala Sena (BBS) [a Sinhalese Buddhist nationalist organisation] and Siva Senai (SS) [a Hindu organisation] is that Buddhists and Hindus are being converted to Christianity through material and spiritual inducements.'[15]

For more information on alleged 'forced' conversions, see: Non-state and societal treatment

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[12] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section II. Status of Government Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018
[13] Australian Government, Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report – Sri Lanka, 24 January 2017, pp. 12-13, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017
[14] The Sunday Leader, 'The Fight Against Forced Religious Conversion', 27 October 2013, http://www.thesundayleader.lk/2013/10/27/the-fight-against-forced-religious-conversion/. Accessed: 6 June 2017
[15] Colombo Telegraph, 'Are Religious Conversions Taking Place in Sri Lanka?', 4 November 2016, https://www.colombotelegraph.com/index.php/are-religious-conversions-taking-place-in-sri-lanka/. Accessed: 8 November 2017

5. Overview of recent incidents against religious minorities

5.1 Incidents against Christians

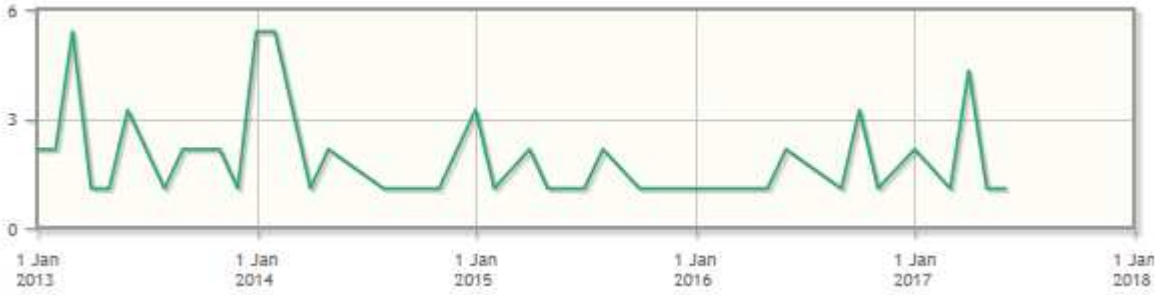
5.1.1 The National Christian Evangelical Alliance of Sri Lanka (NCEASL) recorded 'incidents' against Christians. The NCEASL provided the below graph documenting such incidents between January 2013 and March 2018:

Graph showing number of incidents against Christians (data from the National Christian Evangelical Alliance of Sri Lanka (NCEASL)), January 2013 – March 2018

These 'incidents' are comprised of: church attacks; church closures; demonstrations; intimidation; physical attacks; threats; 'hate speech'; desecration; false allegations; and abduction. Of these, 'intimidation' was the most frequently reported incident[16].

5.1.2 The NCEASL separated such 'incidents' from 'violence'. The NCEASL provided the below graph documenting 'violence' against Christians between January 2013 and August 2017 (latest available data at time of writing):

Graph showing number of incidents of 'violence' against Christians (data from the National Christian Evangelical Alliance of Sri Lanka (NCEASL)), January 2013 – August 2017



[16] National Christian Evangelical Alliance of Sri Lanka (NCEASL), 'Attacks on Christians in Sri Lanka', updated March 2018, https://slchurchattacks.crowdmap.com/. Accessed: 26 March 2018

According to the NCEASL's definition, 'violence' is comprised of: sexual harassment; injury; vandalism; death; Bibles burnt; and arson. Of these injury and vandalism were the highest reported categories of 'violence'[17].

5.1.3 According to the NCEASL, the perpetrators of these 'incidents' and of violence, over this period, were: state officials; extremist groups; villagers; mobs led by Buddhist monks; Buddhist monks; Catholic priests; unidentified perpetrators; and other religious groups. Of these, state officials and villagers were the most frequent reported perpetrators of 'incidents' and violence[18].

5.1.4 The NCEAL explained their methodology: 'A majority of the reports on the platform are releases by the National Christian Evangelical Alliance of Sri Lanka (NCEASL). These reports are compiled by the NCEASL from information received from member churches and affiliates. All information has been verified as far as possible through interviews with the victims, church leaders, eye witnesses and police and through site visits by NCEASL staff.'[19]

5.1.5 The MRGI provided information about where 'incidents' against Christians occurred, from NCEASL data between November 2016 and September 2017. In this data:

- 14 out of the 24 districts in Sri Lanka recorded incidents (the highest concentration occurred in Puttalam (the most religiously diverse district) (10 incidents) and Kegalle (8 incidents))
- 10 districts where incidents occurred had majority Buddhist populations (the exceptions being Batticaloa and Jaffna (majority Hindu) and Ampara and Trincomalee (majority Muslim) – although the perpetrators of attacks in these districts may not have necessarily come from the majority community)[20]

5.1.6 Of these documented incidents:

- 53% targeted the clergy
- 37% targeted individuals from a specific religious group
- 10% targeted the local religious community[21]

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[17] National Christian Evangelical Alliance of Sri Lanka (NCEASL), 'Attacks on Christians in Sri Lanka', updated August 2017, https://slchurchattacks.crowdmap.com/. Accessed: 26 March 2018
[18] National Christian Evangelical Alliance of Sri Lanka (NCEASL), 'Attacks on Christians in Sri Lanka', updated August 2017, https://slchurchattacks.crowdmap.com/. Accessed: 26 March 2018
[19] National Christian Evangelical Alliance of Sri Lanka (NCEASL), 'Attacks on Christians in Sri Lanka', updated August 2017, https://slchurchattacks.crowdmap.com/reports/index/?s=1356978600&e=1504204199&z=17&c=6&i=month. Accessed: 26 March 2018
[20] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 9, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 3 November 2017
[21] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 11, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 3 November 2017

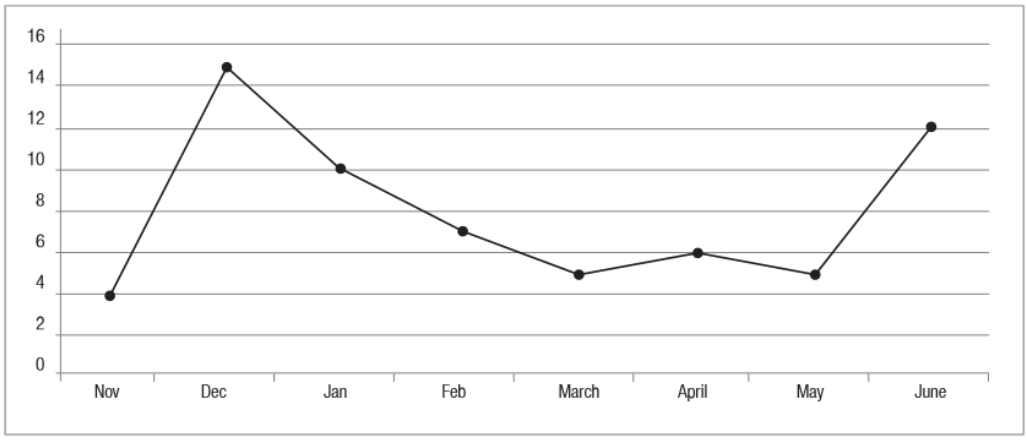
5.2 Incidents against Muslims

5.2.1 Minority Rights Group International (MRGI) also commented on incidents against Muslims between November 2015 and June 2016. Note that incidents were documented by the Secretariat for Muslims. Verification was done through rapporteurs in instances requiring clarification or further information, and incidents were cross-checked with media and other reports where possible. They caveated their analysis by noting that:

- an assessment of the pattern of rights violations over previous years is difficult due to the lack of verified data; and
- in the Sri Lankan context, the term 'Muslim' denotes both ethnicity and religion so it 'may not always be clear if the incident is an infringement of religious freedom spurred by anti-Islamic sentiments'[22]

5.2.2 The MRGI produced the following graph[23] showing 'anti-Muslim incidents' between November 2015 and June 2016 (data from the Secretariat for Muslims[24]).

Graph showing 'anti-Muslim' incidents, November 2015 – June 2016 (data from the Secretariat for Muslims)



5.2.3 Between November 2015 and June 2016 10 out of the 13 districts in which incidents occurred had majority Buddhist populations. However, the MRGI stated that, as with anti-Christian incidents, 'diversity in the composition of a district does not seem to have significant bearing when targeting religious

[22] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, pp. 4, 15, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. The USSD also noted: 'Because religion and ethnicity are often closely linked, it was difficult to categorize many incidents as being solely based on religious identity' (US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section III. Status of Societal Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[23] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 16, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf

[24] The website for the Secretariat for Muslims did not include this data (although it includes earlier data).

minorities' and that the district of Colombo [the most populous] 'remains the most volatile with the highest number of incidents recorded each year'.[25]

5.2.4 Of documented incidents against Muslims in the reported period:

- 52% was 'hate speech'
- 20% was threats and intimidation
- 12% was discrimination
- 8% was destruction of property
- 5% was economic embargoes
- 3% was physical violence[26]

5.2.5 Of documented incidents against Muslims in the reporting period:

- 46% targeted the Muslim community in general
- 44% targeted the Muslim community in a specific locality
- 9% targeted individuals; and
- 1% targeted the clergy[27]

5.2.6 Of documented incidents against Muslims in the reporting period, the perpetrators were:

- political/social movements (54%)
- religious leaders (15%)
- unidentified persons (15%)
- state officials/institutions (11%)
- villagers (5%)[28]

5.2.7 Amnesty International, in a statement dated May 2017, said that since 16 April 2017, human rights defenders recorded 18 alleged incidents of 'violence and intimidation' against Muslims, including petrol bomb and mob attacks on mosques, businesses and homes, and that this represented a 're-emergence of violence against Muslims in Sri Lanka'[29].

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[25] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 16, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf

[26] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 17, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf

[27] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 17, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf

[28] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 18, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf

[29] Amnesty International, 'Amnesty International Public Statement – Sri Lanka: Act now to prevent further anti-Muslim violence', 25 May 2017, https://www.amnesty.org/download/Documents/ASA3763612017ENGLISH.pdf. Accessed: 7

5.2.8 The BBC reported that, in early March 2018, two people were killed, nearly 450 Muslim-owned homes and shops were damaged and 60 vehicles burnt in attacks in the central district of Kandy. The BBC claimed that 'violence [fuelled by hardline Buddhist groups] has risen…since 2012'.[30] Other sources, including International Crisis Group (ICG)[31] and Human Rights Watch (HRW)[32], also reported this violence.

See also: Non-state and societal treatment

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6. State treatment

6.1 Government position

6.1.1 The USSD 2016 international religious freedom report stated:

'On December 4 [2016], President Maithripala Sirisena made remarks during the bicentennial celebration of the Methodist Church of Thempola stating, "the freedom to follow any religion is guaranteed in Sri Lanka, as religious philosophies help people live more virtuous and disciplined lives." He also stressed the importance of moral and spiritual development in the overall development of any country.

'On November 22 [2016], the minister of justice and Buddha Sasana announced the creation of a ministerial committee tasked with defusing rising religious tensions in response to publicized incidents of interfaith attacks. The four ministers with religious portfolios will serve on the committee. Under the auspices of this committee, President Sirisena met religious leaders in December to promote interfaith dialogue. On December 24 [2016], Sirisena hosted a Christmas celebration, during which he called for peace and reconciliation among all citizens.'[33]

6.1.2 The DFAT 2017 Country Report for Sri Lanka stated: 'The Sirisena Government has publicly said that it is committed to religious (as well as ethnic) reconciliation.'[34]

6.1.3 The DFAT 2017 Country Report on Sri Lanka also stated that Buddhist nationalist groups like the Sinhala Ravaya and the BBS 'enjoyed a level of

November 2017

[30] BBC News, 'Sri Lanka violence: Nationwide state of emergency lifted', 18 March 2018, http://www.bbc.co.uk/news/world-asia-43446239?intlink_from_url=http://www.bbc.co.uk/news/topics/cywd23g0gxgt/sri-lanka&link_location=live-reporting-story. Accessed: 26 March 2018

[31] International Crisis Group (ICG), 'Buddhist Militancy Rises Again in Sri Lanka', 7 March 2018, https://www.crisisgroup.org/asia/south-asia/sri-lanka/buddhist-militancy-rises-again-sri-lanka. Accessed; 26 March 2018

[32] Human Rights Watch (HRW), 'State of Emergency Declared in Sri Lanka', 7 March, Human Rights Watch (HRW), 'State of Emergency Declared in Sri Lanka', https://www.hrw.org/news/2018/03/07/state-emergency-declared-sri-lanka. Accessed: 26 March 2018

[33] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section II. Status of Government Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[34] Australian Government, Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report – Sri Lanka', 24 January 2017, p. 12, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017

state protection of their activities' under the 2005-15 government of Mahinda Rajapaksa, and that '[this] support…ended when Sirisena came to power in 2015'.[35]

6.1.4 In a report dated January 2017, the UN Special Rapporteur on minority issues welcomed 'the establishment of the Inter-Religious Council under the President with the participation of religious leaders from many different religions, with the mandate to increase society's understanding of and respect for other religious systems and institutions and serving as a platform for discussions, mediations, general peacebuilding, planning and advising.'[36]

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6.2 Religious minorities' participation in political life

6.2.1 The USSD 2016 international religious freedom report noted:

'Separate government ministers are tasked with addressing the specific concerns of each major religious community: The Minister of Justice is also responsible for the affairs of Buddha Sasana; the Minister of Prison Reforms, Rehabilitation, Resettlement is also responsible for Hindu Religious Affairs; the Minister of Postal Services is also responsible for Muslim Religious Affairs; and the Minister of Lands, Tourism Development is also responsible for Christian Religious Affairs. The assignments are not legally mandated but are connected to the religion of the minister, a tradition that has been customary for several administrations.'[37]

6.2.2 The DFAT 2017 Country Report for Sri Lanka stated:

'The Sri Lanka Muslim Congress (SLMC), the largest Muslim political party, has seven members of parliament and is part of the governing coalition. The SLMC's leader is a Cabinet Minister. The All Ceylon Muslim Congress is another Muslim party with elected members of parliament and its leader holds a ministerial position. There are also Muslim Members of Parliament in the two major parties, the SLFP [Sri Lanka Freedom Party] and the UNP [United National Party], including in ministerial positions.'[38]

6.2.3 The UN Special Rapporteur on minority issues, in a report dated January 2017, noted:

'It is essential to recognize the Muslim minority as a distinct group in Sri Lanka, with a specific set of circumstances and grievances. During the war [Sri Lankan Civil War, 1983-2009], the Muslims suffered greatly, particularly

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[35] Australian Government, Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report – Sri Lanka', 24 January 2017, p. 14, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017

[36] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to Sri Lanka', 31 January 2017, paragraph 28, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017

[37] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section II. Status of Government Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[38] Australian Government, Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report – Sri Lanka, 24 January 2017, p. 13, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017

at the hands of LTTE [Liberation Tigers of Tamil Eelam – the 'Tamil Tigers']. Intimidation, harassment, abduction and extortion were common, and many lost properties and land, as well as their lives either through targeted killings or being trapped between warring factions. Having suffered complete exclusion from successive peace talks despite having been severely affected by the conflict, Muslims feel that they have also been excluded from meaningful political representation in local and national governance since the end of the war, a situation that continues. As one representative said, "Good governance is also ignoring us". The Muslim representatives were anxious that any future electoral reform should fully and accurately ensure the proportional representation to which the community is entitled.'[39]

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6.3 Restrictions on freedom of belief

6.3.1 The MRGI, drawing on local 'rapporteur' reports focused on Christians and Muslims, concluded that 'state actors continue to be complicit in violations of freedom of religion or belief against minorities in Sri Lanka.'[40]

6.3.2 The UN Committee on the Elimination of Racial Discrimination, in a report dated October 2016, were 'concerned by reported cases of…disruptions of religious services, denials of building permits to construct religious buildings and denials of burials in public cemeteries of members of…ethno-religious groups'.[41]

6.3.3 The UN Special Rapporteur on minority issues, in a report dated January 2017, noted that she was

'…informed about difficulties in obtaining new places of worship and accessing cemeteries, especially for members of smaller Christian and Muslim denominations. It appears that article 9 of the Constitution, as well as the non-statutory government circular issued in 2008 by the Ministry of Buddha Sasana and Religious Affairs, are sometimes used to the detriment of other religions, including as the basis for arbitrarily denying applications for construction of places of worship.'[42]

6.3.4 The USSD 2016 international religious freedom report noted:

'Religious groups are only required to register with the government to obtain approval to construct new places of worship. In this case, they must register as a trust, society, or NGO [Non-Government Organisation] to engage in

[39] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to Sri Lanka', 31 January 2017, paragraph 53, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017
[40] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 2, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017
[41] UN International Convention on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of Racial Discrimination, Concluding observations on the combined tenth to seventeenth periodic reports of Sri Lanka, paragraph 18, available at: http://www.refworld.org/docid/597b11de4.html. Accessed: 14 February 2018
[42] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to Sri Lanka', 31 January 2017, paragraph 29, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017

financial transactions, open a bank account, or hold property. Religious organizations may also seek incorporation by an act of parliament, which is passed by a simple majority and affords religious groups state recognition and permission to operate schools…

'Evangelical Christian churches continued to report pressure and harassment by local government officials to…close down places of worship because they were not registered with the Government.'[43]

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6.4 Intimidation and harassment

6.4.1 The USSD 2016 international religious freedom report stated 'Evangelical Christian churches continued to report pressure and harassment by local government officials to suspend worship activities that the government classified as "unauthorized gatherings"...According to some Muslim and Christian groups, harassment from police and government officials sometimes appeared to be in concert with Buddhist monks and Buddhist nationalist organizations.'[44]

6.4.2 Human Rights Watch (HRW)[45] and Amnesty International[46] reported, in June 2017, that the Justice Minister, Wijeyadasa Rajapakshe, threatened to debar a prominent lawyer, Lakshan Dias, if he did not apologise for citing a NCEASL report about attacks on Christians.

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6.5 Discrimination

6.5.1 Freedom House stated that religious minorities face discrimination[47]. The MRGI report commented on 'the continued discrimination affecting religious minorities in Sri Lanka, which has a long and varied history, and has been a key feature of the post-war context in Sri Lanka since 2009'.[48] In these sources the term 'discrimination' was used widely, and it was not always clear whether this referred to discrimination by state or non-state actors.

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[43] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section II. Status of Government Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[44] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section II. Status of Government Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[45] Human Rights Watch (HRW), 'Sri Lanka: Minister Threatens Defender of Minority Rights', 19 June 2017, https://www.hrw.org/news/2017/06/19/sri-lanka-minister-threatens-defender-minority-rights. Accessed: 7 November 2017

[46] Amnesty International, 'Amnesty International Public Statement – Sri Lankan Minister threatens human rights lawyer for highlighting allegations of religious attacks', 20 June 2017, https://www.amnesty.org/download/Documents/ASA3765502017ENGLISH.pdf. Accessed: 7 November 2017

[47] Freedom House, Freedom in the World 2017 – Sri Lanka, Civil Liberties, https://freedomhouse.org/report/freedom-world/2017/sri-lanka. Accessed: 11 October 2017

[48] Minority Rights Group International, 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 2, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017

6.5.2 The DFAT 2017 Country Report for Sri Lanka stated that 'many' Muslims were employed in sectors including the civil service, adding that they were 'not aware of any evidence to indicate that Muslims are economically disadvantaged in Sri Lanka.'[49]

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7. Non-state and societal treatment

7.1 Inter-religious relations

7.1.1 A report by the UN Special Rapporteur on minority issues, dated January 2017, observed: 'In many places, there is peaceful coexistence among different religious groups, […] temples, churches and mosques are constructed without hindrance and religious services are enjoyed without discrimination or harassment.'[50]

7.1.2 The UN Special Rapporteur also noted: 'Most Sinhalese Buddhist interlocutors noted that extremists represent a very small segment of the society and that the majority of Buddhists adhere to the key principles of Buddhism: tolerance, non-violence and non-discrimination.'[51]

7.1.3 The DFAT 2017 Country Report stated:

'There is no official data on the incidence or nature of interfaith marriages but based on anecdotal information DFAT understands that interfaith marriages can occur but are relatively rare. Sri Lankan Muslims seem to be more likely to marry Christians than members of other faiths but would require the non-Muslim to convert to Islam and raise any children as Muslim. DFAT is aware of reports that these conversions to Islam are sometimes symbolic. Marriage between Christians and Hindus is more common than any other kind of interfaith marriage in Sri Lanka, and Christians and Hindus live relatively peacefully in the north. Sinhalese Buddhists sometimes marry Christians.'[52]

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7.2 Intimidation and harassment

7.2.1 The Amnesty International 2016/17 report stated: 'Christians and Muslims reported incidents of harassment [and] threats…by members of the public and supporters of hardline Sinaha Buddhist political groups.'[53]

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[49] Australian Government, Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report – Sri Lanka', 24 January 2017, p. 13, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017

[50] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to Sri Lanka', 31 January 2017, paragraph 28, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017

[51] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to Sri Lanka', 31 January 2017, paragraph 33, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017

[52] Australian Government, Department of Foreign Affairs and Trade (DFAT), 'DFAT Country Information Report – Sri Lanka', 24 January 2017, p. 13, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017

[53] Amnesty International, Sri Lanka 2016/2017, February 2017, https://www.amnesty.org/en/countries/asia-and-the-pacific/sri-lanka/report-sri-lanka/. Accessed: 11 October 2017

7.2.2 The MRGI commented that many incidents 'pivot on the issue of recognition, enabled by a contentious 2008 government circular, which is repeatedly misapplied to justify harassment of worshippers, particularly evangelical Christians.'[54]

7.2.3 The MRGI report commented that Muslims

'…continue to face a climate of fear and hostility that is actively orchestrated by Buddhist nationalist outfits, including more recent movements such as Sinha Le which was very active during the early months of 2016. The incidents illustrate the daily reality of propaganda targeting the Muslim community as a whole, as well as frequent hate speech, threats, and intimidation…

'Since 2012, Buddhist nationalists have become increasingly active in their dissemination of anti-Muslim propaganda through a range of public platforms, including social media. This wave of Buddhist nationalism was impelled by groups such as the BBS, Sinhala Ravaya, Ravana Balaya and others.'[55]

7.2.4 The report also noted: 'Outside the time period of this study [November 2015 – September 2016], troublingly, November 2016 has seen a concentration of threats, protest marches, hate speech and suspected attacks involving such groups, including Buddhist clergy.'[56]

7.2.5 The DFAT 2017 Country Report on Sri Lanka stated:

'Although most Muslims sided with the Government (Sinhalese) forces during the civil conflict, there has been a recent rise in religious tensions between Muslims and the Sinhala Buddhist majority. Nationalist Buddhist groups such as Sinhala Ravaya (English: Sinhalese Roar) and Bodu Bala Sena continue to stoke religious and ethnic tensions and are known to post religiously-motivated attacks on social media…'[57]

7.2.6 The UN Special Rapporteur on minority issues, in a report dated January 2017, noted that 'civil society groups continue to report incidents of…harassment of religious leaders.'[58]

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[54] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 2, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017

[55] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, pp. 3, 15, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017

[56] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 7, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017

[57] Australian Government, Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report – Sri Lanka', 24 January 2017, pp. 13-14, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017

[58] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to Sri Lanka', 31 January 2017, paragraph 31, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017

7.2.7 Freedom House, in their 2017 world report, noted: 'In recent years, the minority Ahmadiyya Muslim sect has faced increased threats and attacks from Sunni Muslims, who accuse Ahmadis of apostasy.'[59]

7.2.8 The UN Special Rapporteur on minority issues, in a report dated January 2017, noted that 'construction of Buddhist temples, shrines and statues in areas that were traditionally non-Buddhist is met with animosity.'[60]

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7.3 Targeting of property

7.3.1 The UN Special Rapporteur on minority issues, in a report dated January 2017, noted that Sinhala-Buddhist nationalist groups such as the BBS 'carried out attacks on places of worship as well as businesses and the properties of religious minorities, including Muslims and Christians'. The Special Rapporteur continued that civil society groups 'continue to report incidents of destruction of religious property'.[61]

7.3.2 The UN Committee on the Elimination of Racial Discrimination, in a report dated October 2016, were 'concerned by reported cases of desecration of places of worship'. (It was not clear from the source whether these acts were perpetrated by state or non-state actors)[62].

7.3.3 The MRGI report commented:

'Sporadic acts of violence…targeting Islamic places of worship have been recorded from 2009 onwards by various sources, the most notable being the 2012 attack on the Masjidul Kairiya mosque in Dambulla by a large mob who claimed it had been illegally constructed on sacred Buddhist land. Following the violence, the then Prime Minister and Minister of Religious Affairs D.M. Jayarathne ordered the 50-year-old mosque to be relocated. However, the worst incidents of violence targeting the Muslim community in recent years were the mob attack on the Masjid Deenul Islam mosque in Grandpass in 2013 and [the 2014 Aluthgama riots – see below].[63]

7.3.4 The USSD 2016 international religious freedom report stated: 'Vandals damaged the Muslim prayer room at Jaffna University three times during the

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[59] Freedom House, Freedom in the World 2017 – Sri Lanka, Civil Liberties, https://freedomhouse.org/report/freedom-world/2017/sri-lanka. Accessed: 11 October 2017

[60] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to Sri Lanka', 31 January 2017, paragraph 29, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017

[61] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to Sri Lanka', 31 January 2017, paragraphs 30-31, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017

[62] UN International Convention on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of Racial Discrimination, Concluding observations on the combined tenth to seventeenth periodic reports of Sri Lanka, paragraph 18, available at: http://www.refworld.org/docid/597b11de4.html. Accessed: 14 February 2018

[63] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 15, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017

year and in November individuals attacked the grand mosque in the Nikaweratiya area of Kurunegala District with gasoline bombs.'[64]

7.3.5 The MRGI report stated: 'There have also been reports by activists, politicians, and other violations affecting Hindu places of worship. However, since these have not been systematically quantified, it was not possible to include a full analysis [in their report].'[65]

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7.4 Violence

7.4.1 Freedom House stated that religious minorities face 'occasional violence' and that: 'Tensions between the Buddhist majority and the Christian and Muslim minorities—particularly evangelical Christian groups, which are accused of forced conversions—sporadically flare into attacks by Buddhist extremists.'[66] The Amnesty International 2016/17 report stated: 'Christians and Muslims reported incidents of…physical violence by members of the public and supporters of hardline Sinhala Buddhist political groups.'[67]

7.4.2 The MRGI report noted that 'rioting centred around Aluthgama in 2014 – widely attributed to BBS instigation, through inflammatory anti-Muslim rhetoric uttered at a public rally just before violence erupted' was one of 'the worst incidents of targeting the Muslim community in recent years'. Four people died and 'many' were injured[68].

7.4.3 This incident was also described by the UN Special Rapporteur on minority issues, in a report dated January 2017:

'Many expressed grave concern about Sinhala-Buddhist nationalism and extremism, which gained particular force under the previous Government. Groups such as the Bodu Bala Sena (Buddhist Power Force) incited violence and hatred against religious and other minorities while proclaiming the racial superiority of Sinhala Buddhists…The most notable of such incidents [of violence] was the Aluthgama riots in June 2014 when mobs were said to have been mobilized by the Bodu Bala Sena to attack Muslim homes and properties following a minor traffic incident, leaving 4 Muslims dead and 80 injured. For more than six days, more than 6,000 people were reportedly trapped and left to starve in mosques.'[69]

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[64] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section III. Status of Societal Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[65] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 3, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017

[66] Freedom House, Freedom in the World 2017 – Sri Lanka, Civil Liberties, https://freedomhouse.org/report/freedom-world/2017/sri-lanka. Accessed: 11 October 2017

[67] Amnesty International, Sri Lanka 2016/2017, February 2017, https://www.amnesty.org/en/countries/asia-and-the-pacific/sri-lanka/report-sri-lanka/ Accessed: 11 October 2017

[68] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 3, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017

[69] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues

See: Police and judicial inaction

7.4.4 The MRGI also noted that the BBS have 'threaten[ed] to repeat' the violence[70]. This was also reported by the USSD 2016 international religious freedom report: 'On the second anniversary of the 2014 Aluthgama Muslim-Buddhist riots in June, BBS General Secretary Gnanasara publicly threatened to initiate "phase two" of the violent confrontation if the government did not keep the Muslim community under control.'[71]

7.4.5 The DFAT 2017 Country Report on Sri Lanka stated that 'there has not been a large-scale incident since June 2014 when Galagoda Aththe Gnanasara, General Secretary of Bodu Bala Sena, delivered a speech that was blamed by many for inciting violent riots between Buddhists and Muslims in Aluthgama…Gnanasara continues to assert anti-Muslim sentiment publicly…'[72]

7.4.6 The MRGI report commented that 'the change in government in 2015 appears to have led to a decrease in organized violence against religious minorities' and that the 'operation of groups such as the BBS has visibly reduced under the Sirisena–Wickramasinghe government, indicating less space for impunity and organized violence.'[73] The UN Special Rapporteur on minority issues, in a report dated January 2017 noted that: '[The Special Rapporteur] was informed that the incidence of violent crimes motivated by religious intolerance has significantly decreased since the new Government took office'.[74]

7.4.7 In early March 2018, there was a large-scale outbreak of violence against Muslim communities in Kandy district[75]. See: Incidents against Muslims

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on her mission to Sri Lanka', 31 January 2017, paragraph 30, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017

[70] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, pp. 3, 15, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017

[71] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section III. Status of Societal Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[72] Australian Government, Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report – Sri Lanka', 24 January 2017, pp. 13-14, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017

[73] Minority Rights Group International (MRGI), 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, pp. 2, 7, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017

[74] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to Sri Lanka', 31 January 2017, paragraph 31, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017

[75] BBC News, 'Sri Lanka violence: Nationwide state of emergency lifted', 18 March 2018, http://www.bbc.co.uk/news/world-asia-43446239?intlink_from_url=http://www.bbc.co.uk/news/topics/cywd23g0gxgt/sri-lanka&link_location=live-reporting-story. Accessed: 26 March 2018

7.5 Discrimination

7.5.1 Freedom House stated that religious minorities face discrimination[76]. The MRGI report commented on 'the continued discrimination affecting religious minorities in Sri Lanka, which has a long and varied history, and has been a key feature of the post-war context in Sri Lanka since 2009'.[77] In these sources the term 'discrimination' was used widely, and it was not always clear whether this referred to discrimination by state or non-state actors.

7.5.2 The DFAT 2017 Country Report for Sri Lanka stated: 'Although many Muslims are employed in agriculture and fisheries, many are also employed in business, [and] industry…DFAT is not aware of any evidence to indicate that Muslims are economically disadvantaged in Sri Lanka.'[78]

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8. Protection

8.1 Police protection

8.1.1 The USSD 2016 international religious freedom report noted that the police attempted to protect a Christian man's family and the pastor at his attempted burial in a public cemetery in Puttalam in January 2016, but advised the family to move the burial to another cemetery[79].

8.1.2 The same report stated:

'Authorities arrested the leaders of militant Buddhist [organisations]...in November for hate speech and threats of violence. On November 15 [2016], police arrested Dan Priyasad, the leader of the Savior of Sinhalese organization, for publicly inciting hate speech against Muslims. According to media reports, on November 7 [2016] Priyasad stated in front of Colombo's Fort Railway station that he would "kill all Muslims" and "deploy suicide bombers to fulfill his mission." Priyasad was released on bail on December 2 [2016].'[80]

8.1.3 The BBC reported that, on 6 March 2018, the government imposed a state of emergency in response to an outbreak of violence against Muslim communities (the first state of emergency for seven years, before which the country was under the measure for almost 30 years because of the war with the LTTE). The police arrested almost 300 people, including a hardline

[76] Freedom House, Freedom in the World 2017 – Sri Lanka, Civil Liberties, https://freedomhouse.org/report/freedom-world/2017/sri-lanka. Accessed: 11 October 2017
[77] Minority Rights Group International, 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 2, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017
[78] Australian Government, Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report – Sri Lanka', 24 January 2017, p. 13, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017
[79] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section III. Status of Societal Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018
[80] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section II. Status of Government Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

Buddhist organisation leader, and deployed hundreds of troops to Kandy. The government lifted the state of emergency and the ban on social media websites on 18 March[81].

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8.2 Police and judicial inaction

8.2.1 The Amnesty International 2016/17 report noted: 'Police failed to take action against attackers or in some cases blamed religious minorities for inciting opponents.'[82]

8.2.2 The USSD 2016 international religious freedom report stated: 'According to the National Christian Evangelical Alliance of Sri Lanka, in multiple instances police reportedly failed to respond to, or were reluctant to arrest or pursue, criminal cases against individuals instigating attacks on religious minority sites. Legal experts with experience representing minorities with discrimination claims also noted the prosecution of perpetrators was rare.'[83]

8.2.3 For example, the report stated that police made no arrests in connection with incidents of vandalism of the Muslim prayer room at Jaffna University and the gasoline bomb attack on the grand mosque in the Nikawratiya area of Kurunegala District[84].

8.2.4 The MRGI report stated that, while organised violence has decreased, 'in many instances, those responsible for acts of incitement or previous incidents of violence have not been held accountable' and that civil society actors have called upon the Sri Lankan government to address the 'inaction or slow response on the part of the police'.[85]

8.2.5 The MRGI also observed 'There remain substantial gaps in terms of legal action against perpetrators of religious violence and discrimination. This is despite the fact that the Sri Lankan Constitution guarantees the right to equality, non-discrimination, and freedom of religion and religious worship, highlighting a persistent culture of impunity when it comes to such acts.'[86]

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[81] BBC News, 'Sri Lanka violence: Nationwide state of emergency lifted', 18 March 2018, http://www.bbc.co.uk/news/world-asia-43446239?intlink_from_url=http://www.bbc.co.uk/news/topics/cywd23g0gxgt/sri-lanka&link_location=live-reporting-story. Accessed: 26 March 2018

[82] Amnesty International, Sri Lanka 2016/2017, February 2017, https://www.amnesty.org/en/countries/asia-and-the-pacific/sri-lanka/report-sri-lanka/. Accessed: 11 October 2017

[83] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section II. Status of Government Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[84] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section III. Status of Societal Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[85] Minority Rights Group International, 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 7, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017

[86] Minority Rights Group International, 'Confronting intolerance: Continued violations against religious minorities in Sri Lanka', December 2016, p. 2, http://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf. Accessed: 11 October 2017

8.2.6 Amnesty International, in a statement dated May 2017, claimed that police 'failed to prevent' attacks against Muslims in April-May 2017, although noted that the President ordered the Law and Order Ministry to act[87].

8.2.7 The USSD 2016 international religious freedom report noted: 'The cases against monks accused in 2014 attacks on Muslims and Christians progressed slowly.'[88] The UN Special Rapporteur in minority issues, in a report dated January 2017, noted that 'there has yet to be a credible investigation and effective prosecution' following the Aluthgama riots of June 2014.'[89] However, the DFAT 2017 Country Report on Sri Lanka stated that Galagoda Aththe Gnanasara, the General Secretary of BBS, 'is under ongoing judicial investigations.'[90]

8.2.8 The UN Special Rapporteur on minority issues, in a report dated January 2017,

'…was told by Christian as well as Muslim groups that in dealing with these cases [violence, harassment and destruction of religious property], the police as well as the courts continue to ignore the motives — religious intolerance or hatred — behind such attacks and refuse to consider them as aggravating circumstances, thus failing to send a clear signal that they will not be tolerated. Many also reported that political patronage of religious leaders or politicians are often in the way of prosecution for these crimes, effectively contributing to a climate of impunity. Lack of accountability increases the likelihood for further violations.'[91]

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[87] Amnesty International, 'Amnesty International Public Statement – Sri Lanka: Act now to prevent further anti-Muslim violence', 25 May 2017, https://www.amnesty.org/download/Documents/ASA3763612017ENGLISH.pdf. Accessed: 7 November 2017

[88] US State Department (USSD), International Religious Freedom Report for 2016 – Sri Lanka, Section II. Status of Government Respect for Religious Freedom, August 2017, https://www.state.gov/documents/organization/265760.pdf. Accessed: 26 March 2018

[89] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to Sri Lanka', 31 January 2017, paragraph 30, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017

[90] Australian Government, Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report – Sri Lanka', 24 January 2017, pp. 13-14, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf. Accessed: 7 November 2017

[91] UN General Assembly, Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to Sri Lanka', 31 January 2017, paragraph 31, available at: https://www.ecoi.net/file_upload/1930_1489054249_g1702175.pdf. Accessed: 8 November 2017

Version control

Clearance

Below is information on when this note was cleared:

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