

INACTION AND IMPUNITY: INCIDENTS OF RELIGIOUS VIOLENCE TARGETING CHRISTIANS, MUSLIMS AND HINDUS

2015 - 2019

This report was produced by Verité Research based on information provided by the National Christian Evangelical Alliance of Sri Lanka (NCEASL).

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The study is based on data collected by The National Christian Evangelical Alliance of Sri Lanka (NCEASL).

The NCEASL works actively in three broad areas: Mission and Theology; Religious-Liberty and Human Rights; and Relief and Development. The NCEASL is affiliated to the World Evangelical Alliance (WEA), a worldwide network of over 620 million Christians in 129 countries. The NCEASL is led by renowned social transformation, religious liberty and human rights activist Deshamanya Godfrey Yogarajah.

For over two decades, the Religious Liberty Commission (RLC) of the NCEASL has monitored and documented incidents of violence, intimidation and discrimination against Sri Lanka's Christian community. The aim of the Religious Liberty Commission, however, is to advance religious liberty for all Sri Lankans through advocacy and lobbying, research and documentation and training and education.

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Foreword

Over the last few years, the Freedom of Religion or Belief (FoRB), has increasingly come under fire in Sri Lanka. Despite FoRB being recognised as a fundamental right in the Sri Lankan Constitution and considered universally as one of the most important and basic human freedoms, Sri Lanka has been found wanting in its efforts to safeguard FoRB for all its citizens.

This research, commissioned by the NCEASL to analyse the FoRB situation in Sri Lanka from 2015 to 2019, follows the 20-year trend analysis report released by the NCEASL in 2015. In this study, 397 incidents of FoRB violations against Christians, multiple incidents of anti-Muslim riots and discrimination against Hindu Communities in the Northern and Eastern Province have been analysed.

Worryingly, the study highlighted a concerning trend of increased involvement of state officials as both active and passive actors in FoRB violations against minority communities, and that religious violence is sustained invariably through the action or inaction of the state. As such, the research bears grim testament to the fact that there remains much to be done to ensure FoRB in Sri Lanka.

With rising extremism and increased state restrictions, the road ahead for religious minorities seems a difficult one. The onus, therefore, remains on the state to be intentional and proactive in taking steps to uphold the rights of religious minorities in Sri Lanka. We hope that this report will shed light on the current status of FoRB and promote much needed dialogue and action around this issue.

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EXECUTIVE SUMMARY

Ethno-religious violence in Sri Lanka is a chronic and systemic problem that has persisted despite the platform of change that the previous government came in on in January 2015.¹ This research study presents an overview of the key trends and challenges of incidents of violence faced by the minority Christian, Muslim and Hindu groups in Sri Lanka. The study's methodology includes the following components: (i) a review of incident reports on violence against Christians compiled by the National Christian Evangelical Alliance of Sri Lanka (NCEASL) for the years 2015 to August 2019; and (ii) a review of secondary literature on ethno-religious conflict and anti-minority violence in Sri Lanka.

The study analyses a total of 397 incidents of violence against Christians during the period of January 2015 to August 2019. It finds that in comparison to the five-year period from 2010-2014, the post-2015 period recorded an immediate drop in the frequency of such incidents. Much of this drop is explained by the decline in the number of incidents involving physical violence. However, 87 percent of non-physical incidents against Christians featured *discriminatory action or practice*, primarily targeting places of worship and pastors. State officials were the

key perpetrators in over 50 percent of these incidents.

The state played a significant role in perpetrating and facilitating religious violence targeting Christians during the period from January 2015 to August 2019. The level of state involvement remained the same from the previous five-year period (2010-2014). State officials were identified as the key perpetrators in over 40 percent of all incidents of violence. Additionally, the study records an overwhelmingly negative police response to incidents of violence perpetrated by non-state actors such as the Buddhist clergy. The state thus appears to fail in both respecting the rights of Christians to exercise their religious beliefs and protecting their rights from infringement by non-state actors.

The district with the highest number of incidents between 2015 and 2019 is Batticaloa, followed by Polonnaruwa. However, further analysis revealed that Polonnaruwa recorded the highest percentage increase in incidents (by 400 percent), from the previous five-year period, despite having the lowest share of the Christian population. Furthermore, Polonnaruwa recorded the highest increase in the annualised rate of incidents of religious violence.

During the period under review, Christians in the Polonnaruwa district were nearly five times more likely to face an act of religious violence compared to the previous period (2010-2014).

During the last five years, the Muslim community in Sri Lanka has faced multiple episodic incidents of acute violence.^[a] These include the anti-Muslim riots in Gintota (in November 2017), Ampara (in February 2018), Digana/Teldeniya (in March 2018), and Kurunegala/Minuwangoda (in May 2019). Meanwhile, the Hindus in the Northern and Eastern Sri Lanka faced widespread discrimination following alleged media and incident reports of 'Sinhalisation/Buddhistisation' taking place in these areas. These incidents revealed how deeply entrenched socio-political and cultural drivers are in Sri Lanka in perpetuating ethno-religious violence. They include the entitlement complex

of majority communities and the existential fears exploited by militant nationalist groups. The prevalence of these drivers suggests that the violence is reactive in terms of a threat or insecurity felt by the majority Sinhala-Buddhist ethno-religious group.

Lastly, the study highlights how the entrenchment of these underlying drivers of ethno-religious violence has ultimately led to 'institutional decay' at all levels.² It is argued that that this institutional decay prompts state instructions and law enforcement officers to be biased towards majority ethno-religious group to the detriment of minority groups. This entrenchment of Sinhala-Buddhist majoritarianism within state institutions may serve as an explanation for the state's documented inaction and complicity in acts of ethno-religious violence.

[a] In this study, 'acute' violence is described as sporadic in nature, and high in intensity.

INTRODUCTION

During the tenure of former President Mahinda Rajapaksa's government, Sri Lanka witnessed a rise in Buddhist militant groups, who acted with visible impunity.³ The impunity afforded to these Buddhist militant groups suggests the possibility of state patronage in enabling ethno-religious violence.⁴ Therefore, Rajapaksa's defeat in the 2015 Presidential Election created expectations of reconciliation, accountability, and pluralistic democracy.⁵ However, the chronic and systemic nature of ethno-religious violence in Sri Lanka has persisted despite the democratic transition in January 2015.⁶

This study delves into the post-war context in Sri Lanka and examines acts of religious violence against religious minority groups between 2015 and 2019. For the purpose of this study, religious minority groups include Christians, Muslims and Hindus, who together make up under 30% of the population. Furthermore, while noting scholarly debate over the term 'violence', this study adopts a broad definition of religious violence to include physical, non-physical and structural forms of violence.⁷ This definition thereby captures a wide range of acts such as: property damage or destruction; physical violence against person/s; hate speech; threats, intimidation

or coercion, and systemic discriminatory action or practice.

Against this backdrop, this study analyses incidents of violence targeting religious minority groups in the post-2015 period. Additionally, it aims to explain the persistent ethno-religious violence despite the establishment of the *yahapaalanaya* (Good Governance) government in 2015. The study concludes that anti-minority violence persists because the state plays some role in enabling that violence or has allowed for perpetrators to act with impunity due to its inaction.

This study is presented in four sections. The first section examines the socio-political context for the period under review (January 2015-August 2019) in which incidents of violence targeting religious minority groups take place. The second section presents a comparative quantitative and qualitative analysis of the trends relating to incidents of religious violence against Christian communities. This section compares the key findings from incidents of religious violence targeting Christians during the 2010-2014 period against the period under review.⁸ Accordingly, the study analyses four years and eight months of data relating to the period under review—on

incidents of violence against Christians—compiled by the National Christian Evangelical Alliance of Sri Lanka (NCEASL). The data provided by NCEASL was classified using a classification system developed and used by Verité Research (VR) in the preceding study, *Silent Suppression: Restrictions on Religious Freedoms of Christians 1994-2014*. The classified data was thereafter used to identify frequent types of harm, geographic mapping of the incidents, primary target groups, key perpetrators and the role of the state in incidents of religious violence targeting Christian communities.

The third section adopts a case-study approach to qualitatively analyse three incidents of 'acute' violence targeting the Muslim community in the years 2017, 2018 and 2019. Furthermore, the study undertakes a qualitative analysis of the alleged 'Sinhalisation/Buddhistisation' in the Northern and Eastern parts of Sri Lanka. The concluding section presents the key findings regarding religious freedom and religious violence targeting religious minority groups in Sri Lanka.

Parameters of the study

Similar to the study *Silent Suppression: Restrictions on Religious Freedoms of Christians 1994-2014*, the incidents in this study were classified as 'religiously motivated' based on NCEASL's incident reports. However, certain incidents were omitted where VR could not identify the incident as religiously motivated. The details of the incidents included in NCEASL's incident reports were obtained from primary sources. The details were thereafter verified by NCEASL by contacting its network in the relevant area and/or the NCEASL regional officer (where available). A minimum of two officers from the NCEASL head office reached out to the respondent separately to assess the veracity of the details presented. The incident records provided by NCEASL may not always be exhaustive lists. However, no attempt has been made to add to that list from third party sources of data (in relation to the reports of violence against Christians). Apart from the basic error checking and data cleaning, VR has not verified the data through third party sources. However, VR checked for possible duplicate recording of incidents and when found, the duplicate record was omitted.

SOCIO-POLITICAL CONTEXT ANALYSIS

Resurgence of anti-minority sentiments

In the last five years, the country witnessed a change in government, the formation of a new 'Sinhala-Buddhist nationalist' political party,⁹ and a deadly terror attack. Against this backdrop, this study critically analyses and evaluates emerging trends in the treatment of religious minorities in Sri Lanka, post-2015.

The post-war years have been marked by an upsurge in Sinhala-Buddhist nationalism, which has contributed to the marginalisation of minority ethno-religious groups.¹⁰ This marginalisation is often attributed to the former Mahinda Rajapaksa administration, whose post-war approach was to develop the country's infrastructure while promoting a Sinhala-Buddhist nationalist ideology.¹¹ It is in this context that Sri Lanka witnessed an emergence of ethno-religious nationalist groups, including the Bodu Bala Sena (BBS), a militant Buddhist group with an anti-minority agenda.

The democratic transition of government in 2015 created expectations of a shift from 'ethnic nationalism' to 'civic nationalism'.¹² Ethnic nationalism entails the ethnicisation of the state by the majority ethno-religious group (Sinhala-Buddhists), which

has often been followed by conflicts with minorities. By contrast, civic nationalism adheres to the values of freedom, equality, individual rights and inclusivity. It advances a political identity built around shared citizenship as opposed to promoting one national culture over others.¹³ Accordingly, the change in government led to a temporary decrease in organised violence against religious minorities.¹⁴ However, this study argues that the failure to prosecute perpetrators of past communal violence ultimately gave way to the environment of impunity in which such perpetrators operate today. This inaction and impunity manifested in a rising number of incidents and entrenchment of religious violence targeting the country's minorities in the post-2015 period. These incidents reached a peak in 2019 with the Easter Sunday attacks, and the reprisal violence and discrimination against the Muslim community. On 18 November 2019, Sri Lanka's political context changed with former Secretary of Defence Gotabaya Rajapaksa being sworn in as the seventh executive president. Notably, ethno-religious nationalist Sinhala-Buddhist groups such as the Bodu Bala Sena (BBS) and Sinhala Ravaya viewed Rajapaksa's victory as a win for the protection of the Sinhala race from Muslim and Tamil extremist groups. Against this backdrop, they announced their intention to disband their groups following the general election, stating that there

was no longer a 'need' for them.¹⁵ However, media and press reports indicate that other ultra-nationalist Sinhala-Buddhist groups such as Sinha Le have recently been vocal on issues, particularly in relation to United National Party (UNP) MP Ranjan Ramanayake's controversial telephone recordings reportedly insulting Buddhism and Christianity.¹⁶ Overall, it remains to be seen if the new administration will take steps to combat ultra-national Sinhala-Buddhist, Islamist and Hindu militant groups and protect religious minorities.

Scholars including Gehan Gunatilleke argue that ethno-religious violence can be sustained even without the active and/or tacit support of the government.¹⁷ Therefore, anti-minority violence persists despite changes in government. The prevailing anti-minority sentiment and violence can be understood in light of the history of ethno-religious violence in Sri Lanka. Violence in Sri Lanka has most often taken place between majority and minority communities – the majority Sinhala-Buddhist community and minority communities defined along ethnic and religious lines.¹⁸ Accordingly, Gunatilleke argues that the anti-minority violence is predominantly driven by the entitlement complex and existential insecurities prevalent among segments of the majority Sinhala-Buddhist community.¹⁹

This entitlement complex is largely driven by the inherent belief held by some segments of the Sinhala-Buddhist community that they hold a legitimate historical claim to the country (i.e. that the country is authentically Sinhala-Buddhist). The *Mahavamsa* (a mytho-historical text that chronicles Buddhist kingship in Sri Lanka) has been a source that is often promoted as providing 'historical evidence' for this claim.²⁰ In effect, this complex gives rise to a host-guest dynamic entrenched in the majority mindset, where Sinhala-Buddhists are viewed as the primary citizens and minorities as guests.²¹ Within this 'host-guest' dynamic, guests are encouraged not to 'challenge

existing power structures'.²²

Existential insecurities relate to the perceived 'existential threat' to the Sinhala-Buddhist community's hegemonic position in the country. Scholars such as Stanley J. Tambiah explain this insecurity by pointing out that the Sinhala-Buddhist community is a 'majority with a minority complex'.²³ Tambiah claims that some Sinhala-Buddhists consider themselves a minority within the larger global context. This global context refers to Tamils, Muslims and Christians in Sri Lanka being perceived as having global communities, making the Sinhala Buddhists the real minority in the country.²⁴ As such, Sinhala-Buddhists seek to protect their ethno-religious identity from perceived threats that could potentially undermine Sinhala-Buddhist hegemony in Sri Lanka.²⁵

Examples of these existential threats can be found in all ethno-religious minorities. For instance, the fear of the growth in the Muslims population coupled with the perception that the Muslim community are economically more prosperous is identified as a threat to the identity and economic space of the majority Sinhala-Buddhists. Meanwhile, the separatist agenda by the Liberation Tigers of Tamil Eelam (LTTE) seeking Tamil autonomy is identified as a threat to the territorial dominance of the Sinhala-Buddhist community. Christian proselytism (i.e. propagation or conversion) is viewed as posing a threat to the numerical and cultural dominance of Sinhala-Buddhists.²⁶

More recently, in the post-war context, there has been an emergence of Tamil-Hinduism as a dominant ideology in the North and East parts of Sri Lanka.²⁷ This ideology is primarily driven by the perceived existential threat faced by the Tamil-Hindus from the propagation of other religions, including Christian conversions.²⁸

These threats can be interpreted as the minority 'guest' challenging the existing power structure,

which could escalate to violence between the majority and minority communities. Notably, these majority-minority dynamics tend to differ at a regional district-level analysis as undertaken in this study. For instance, while Batticaloa comprises a Tamil-Hindu dominated ethno-religious composition, Polonnaruwa comprises a majority Sinhala-Buddhist

ethno-religious composition. In this context, the incidents of ethno-religious violence documented and analysed in this study targeting Christians, Muslims and Hindus can be viewed as a response to the manifestation of these existential threats that are seen to undermine the regional majority ethno-religious dominance.

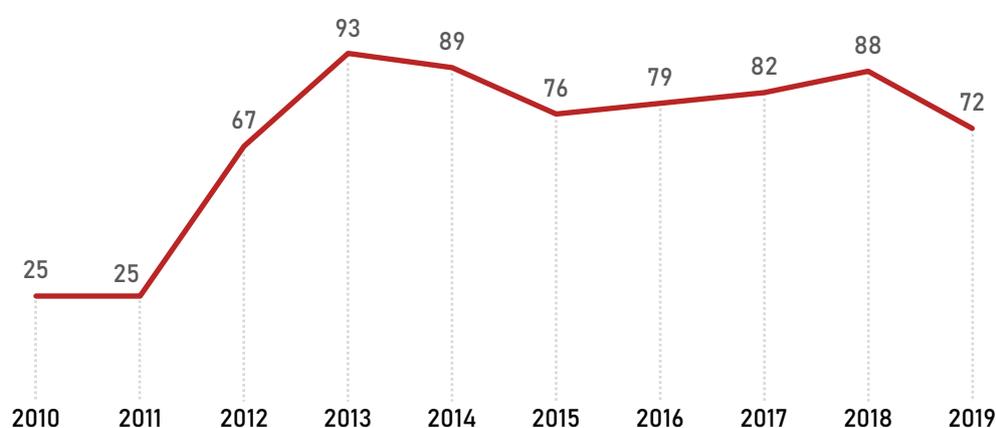
ANALYSIS OF TRENDS OF RELIGIOUS VIOLENCE AGIANST CHRISTIANS

This study focuses on the period from January 2015 to August 2019. It is noted that at the time of writing this study incident reports for the last four months of 2019 were not available. Therefore, this study is limited to data up until the month of August 2019. Bearing this limitation in mind, over the course of four years and eight months, there were at least 397 documented incidents of religious violence targeting Sri Lanka's Christian community. The period under review is not viewed in isolation. Instead, it is analysed in the context of continued patterns of violence faced by Christians, which were recorded over a 21-year period (1994-2014) in a previous study. The previous

study – *Silent Suppression: Restrictions on Religious Freedoms of Christians 1994-2014* – analysed religious discrimination and violence targeting Christians in Sri Lanka based on over 20 years of reports gathered by the NCEASL.

The incidents documented during the period under review were categorised by type of harm, primary targets, key perpetrators and geographic dispersion. This categorisation helps analyse the characteristics of the incidents of religious violence faced by Christians. Successive sections in this study examine interconnections between incidents of religious violence that

Figure 1: Total number of incidents of religious violence targeting Christians 2010-2019 (Aug)



took place between January 2015 to August 2019 and comparisons across successive time periods — i.e., post-2010 (2010-2014) and post-2015 (2015-2019).

The following observations are made on the assumption that NCEASL's coverage of incidents and rate of reporting (i.e. NCEASL's remained constant throughout the periods under review).

Chronological breakdown of incidents

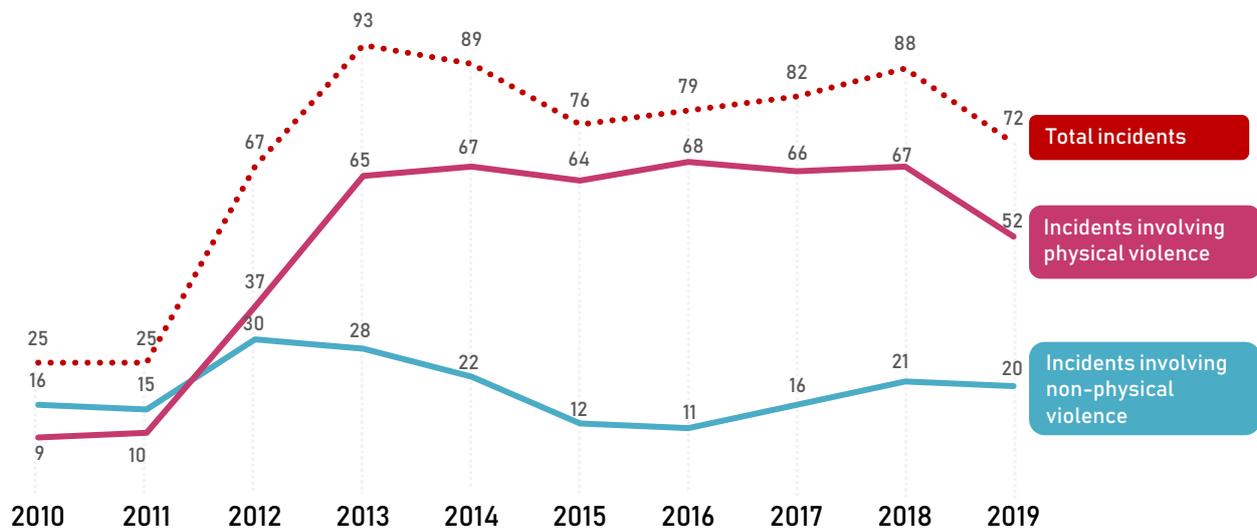
A closer examination of the post-2015 period reveals two positive trends in the pattern of religious violence targeting Christians in comparison to the post-2010 period. These two trends manifest in both quantitative and qualitative forms — i.e., in terms of the frequency of incidents and type of violence, respectively.

(1) Frequency of incidents — Despite the post-2015 period recording a gradual increase in the average

number of incidents per month (7 incidents in comparison to 5 incidents per month in the post-2010 period), there was an immediate drop in the frequency of the number of incidents that occurred in comparison to the post-2010 period. In this study, frequency refers to the rate at which the incidents took place in the relevant time periods. The post-2010 period saw a dramatic increase, in comparison to the pre-2010 period, in the frequency in which incidents of religious violence took place, with the years 2013 and 2014 recording the highest number of incidents (93 and 89, respectively). Notably, if the frequency at which the violence increased in the post-2010 continued, the post-2015 period would have surpassed the highest number of incidents recorded in 2013. Therefore, while the frequency of incidents in the post-2015 period did not go back to the base level of violence (25 incidents),^[b] incidents of religious violence did not increase at the same frequency as in the post-2010 period. In other words, in any given year in the post-2015 period, the number of incidents were less than it was in 2013.

[b] In this study, the base level of violence is estimated as the lowest number of incidents of religious violence recorded during the 10-year period (2010-2019).

Figure 2: Violence against Christians 2010-2019 (Aug)



(2) Type of violence – Although the post-2015 period recorded a slight decline in the frequency of the incidents documented, much of this decline results from the significant decline in the number of incidents involving physical violence during the period under review (as seen in Figure 2). For the purpose of this study, physical violence includes *physical violence against persons, and destruction of or damage to property*, while non-physical violence includes *hate speech, threats, intimidation or coercion, and systemic discriminatory action or practice*. Notably, incidents involving physical violence hit an all-time low in 2016 with only 11 incidents. Such incidents involving physical violence as a proportion of the total number of incidents faced by Christians fluctuated over the 10-year period. April 2019 recorded an anomaly in the patterns of physical violence faced by Christians. This anomaly is presented in more detail in Annex 1.

Type of harm

Figure 2 highlights the spike and sustained levels of non-physical incidents across the 10-year period. Within this context, a large proportion (87 percent) of the non-physical incidents faced by the Christian community during the period under review comprised *discriminatory action or practice* (i.e., 276 as seen in Figure 3). This type of harm (*discriminatory action or practice*) primarily targeted places of worship (in 192 incidents) and pastors (in 96 incidents) (see Figure 4). Therefore, incidents documented under this type of harm typically involved a pastor being questioned on the legality of the place of

worship or being asked to discontinue any religious activities. Other instances of discrimination against Christians included the denial of burial rights in public cemeteries and the refusal to admit Christian students into schools.

A common feature of this type of harm was that the state officials were the perpetrators in over 50 percent of these incidents. In effect, the frequent involvement of the state in the discrimination faced by Christians suggests the systemic nature of such involvement. The visibly significant role played by the state in perpetrating religious discrimination is examined in greater detail in subsequent sections of this study.

Meanwhile, locals in the area (classified as identifiable individuals) – the second most prevalent category of perpetrators – were the perpetrators in over 60 percent of incidents involving *threats, intimidation or coercion*. Incidents featuring locals in the area would often involve individuals surrounding churches and threatening/demanding the pastors to stop their respective worship activities. Moreover, in an overwhelming number of these incidents, locals would be accompanied by either a local religious leader (i.e. a Buddhist monk or Hindu priest) or a local state actor (i.e. divisional secretariats). This non-physical nature of violence targeting the Christian community was typically 'localised', i.e., the incidents were restricted to a particular locality and did not occur at a national level. As observed by the Minority Rights Group (MRG), 'the underlying sentiment is that Christians are 'outsiders' who do not conform to the traditional description of a 'local' and therefore

[c] Johan Galtung defines 'structural violence' as harm inflicted on individuals when social structures or social institutions prevent them [individuals] from meeting their basic needs. In this context, 'structural violence' is 'hostile' in nature.

are unwelcome in the village'.²⁹ Thus, the threat to the status quo of the particular locality seemingly drives this violence.

Overall, the post-2010 period recorded *threats, intimidation or coercion* as the most recurring type of harm. Concurrently, there was an increase in the incidents involving discrimination during the post-2010 period in comparison to the previous five-year period (i.e., 2005-2009). Collectively, data on the types of harm

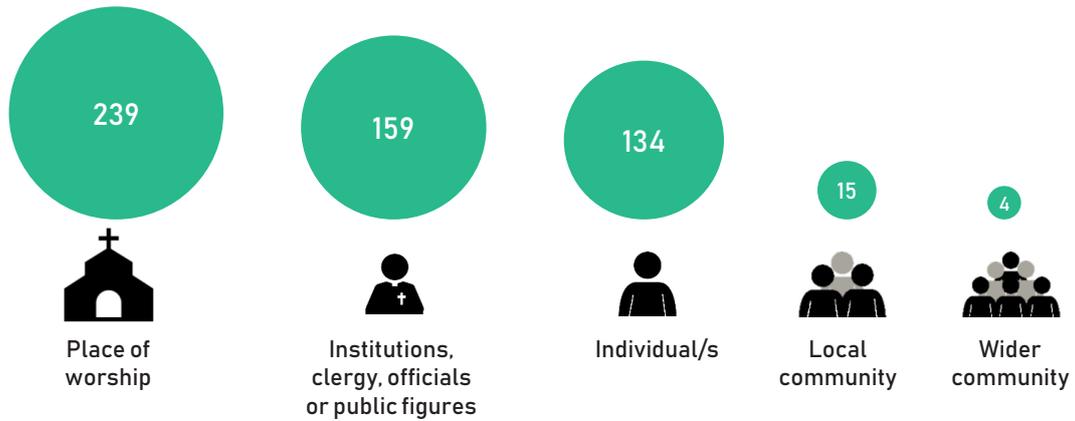
faced by Christians in the previous five years as well as the current period under review indicates that the nature of violence against Christians is systemic, non-physical, and structural.⁶³ An evaluation of the two time periods reveals that the broader nature of violence against Christians remains unchanged. However, there is a marked shift in the type of harm faced by Christians in the post-2015 period, i.e., a shift from *threats, intimidation or coercion* to *discriminatory action or practice*.

Figure 3: Types of harm featured in incidents of religious violence targeting Christians, 2015-2019 (Aug)



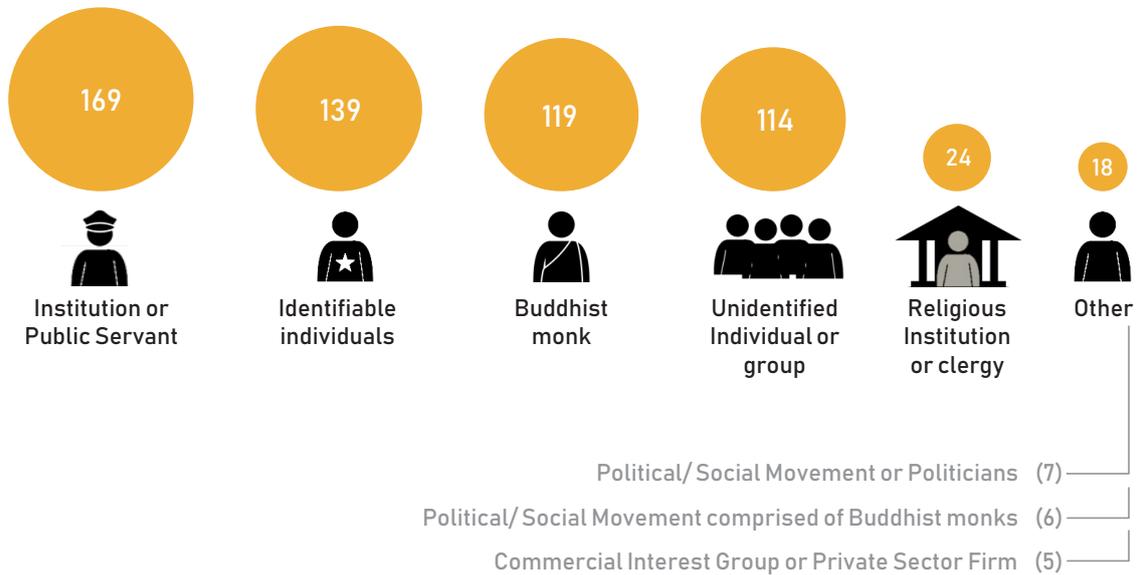
*A single incident could feature more than one type of harm. Therefore, the total amount calculated within each type of harm may exceed the total number of incidents.

Figure 4: Primary targets of incidents of religious violence against Christians, 2015-2019 (Aug)



'A single incident could feature more than one primary target.'

Figure 5: Key perpetrators featured in incidents of religious violence targeting Christians, 2015-2019 (Aug)



ROLE OF THE STATE

In his preliminary findings of his visit to Sri Lanka in August 2019, the United Nations Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed identified two state obligations regarding the protection of the right to freedom of religion or belief (FORB).³⁰ He identified these obligations to include both a negative obligation by the state to respect the rights of individuals to exercise their FORB, and a positive obligation by the state to protect these rights against infringement by third parties/non-state actors.

This section critically examines the role of the state in fulfilling these obligations in relation to acts of religious violence faced by Sri Lanka's Christian communities in the post-2015 period. Therefore, the role of the state is assessed in terms of its: (1) negative, and (2) positive obligation towards Christian communities. In this study, acts of religious violence perpetrated by the state predominantly featured actors at a local level, including police officers, divisional secretariats, officials of provincial councils, urban councils, pradeshiya sabhas, and the Urban Development Authority.

(1) The state's negative obligation

As explained above, the state's negative obligation involves respecting the rights of individuals to exercise their FORB. Figure 5 illustrates the significant proportion of incidents (over 40 percent) that recorded a state institution or public servant as a key perpetrator / offending party in religious violence against Christians. In other words, the state appears to directly impede the FORB of Sri Lanka's Christians in over 40 percent of the incidents of religious violence targeting them. In effect, the state's direct interference in the ability of Christians to exercise their FORB has resulted in its (the state's) failure to fulfil its negative obligation towards the Christian community.

In most cases, the state was a key perpetrator / the offending party by being complicit in incidents involving non-physical violence. Of these non-physical incidents, the main type of harm that the state was responsible for was *discriminatory action or practice* (158 out of 276 incidents or 57 percent).

Incidents of state-led discrimination against Christians typically involved the use of the 2008 Circular on the Construction of New Places of Worship. The Ministry of Buddha Sasana and the Department of Christian Affairs have affirmed that there is no such requirement for registration of Christian places of worship following petitions made under the Right to Information Act.³¹ However, state actors have continued to enforce the circular to determine whether a place of worship is illegal/unauthorised or to seek clarification on the registration/legality of a place of worship. This state-led discrimination against places of worship heightened in 2013 and 2014 (39 churches were shut down for failing to register). The reporting period noted 35 incidents, where state actors determined that Christian places of worship were illegal/unauthorised and suspended or discontinued their religious activities for not obtaining the necessary approval.

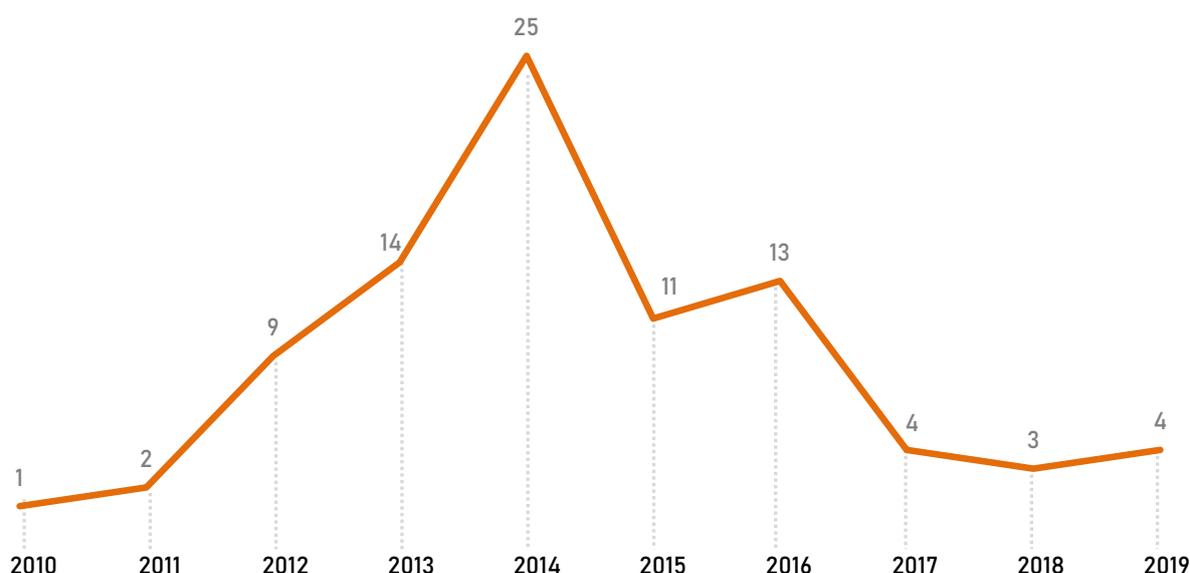
The state does not always make explicit reference to the Circular when deeming a place of worship 'illegal/unauthorised'. Furthermore, although the Circular is limited to 'new places of worship', NCEASL incident

reports document multiple instances of the Circular being enforced against existing places of worship, deeming them illegal/unauthorised. Extreme cases of the use of the Circular involved state actors coercing pastors into signing a letter and agreeing to stop all religious activities until they obtained the relevant registration. Figure 6 highlights a decline in the use of the Circular as a basis to deem a place of worship illegal/unauthorised during the post-2015 period. However, the continued forced enforcement of the Circular highlights the persistent involvement of local state actors in religious discrimination, despite the change in government in 2015.

The state's involvement in incidents involving physical violence was rare. However, in 2015, there was one incident in which the Chairperson of a Provincial Council physically assaulted a pastor who refused to stop religious activities and leave the village.

Overall, the analysed data strongly demonstrates the role of the state as an offending party. Furthermore, it suggests that state-led violence appears to be broadly structural, systemic and localised in nature.

Figure 6: Number of times places of worship were deemed illegal/unauthorised over the years



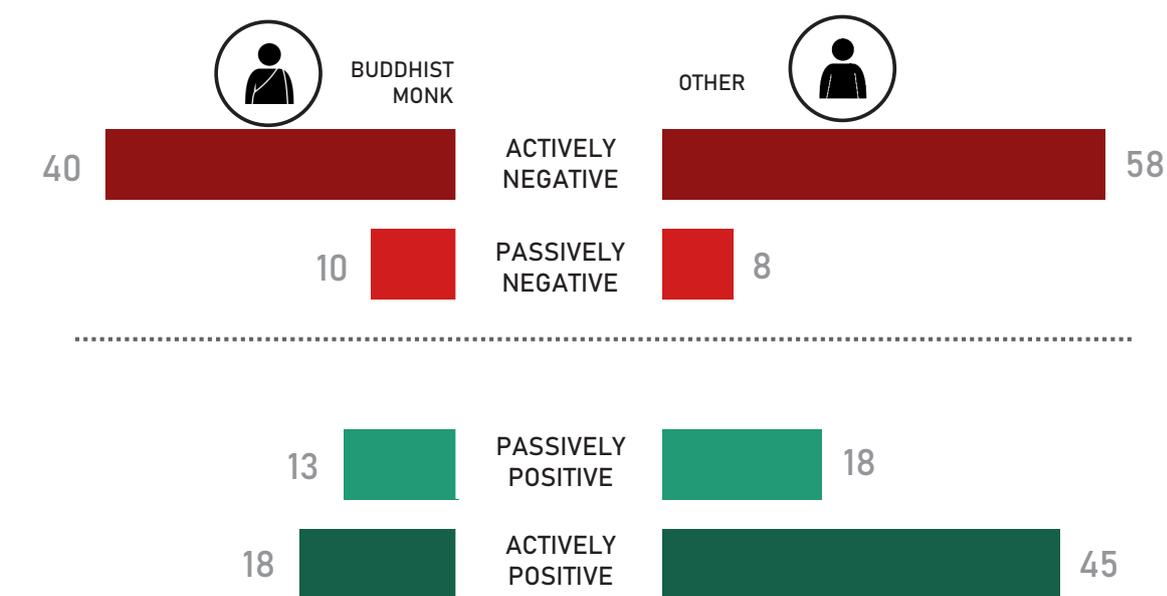
(2) The state’s positive obligation

This section aims to breakdown the state’s (i.e., the police and government officials) positive obligation towards the Christian community. This obligation entails protecting the rights of Christians against infringement by third party/non-state actors and facilitating arrangements to enable the exercise of their said rights.^[d] Notably, the recognition of non-state/third party actors (i.e. locals in the area, Buddhist monks, etc.) as perpetrators indicates that the state is not always driving the violence but plays a complicit role in it. This section only analyses the police’s response to incidents of religious violence involving or led by the Buddhist clergy in comparison to incidents involving actors other than the Buddhist clergy. In assessing the state’s fulfilment of its positive obligation, this study categorises police response to acts of religious violence perpetrated by Buddhist monks, as follows:

- Actively negative – if they (the police) were present during the act of violence and was actively/tacitly involved in supporting the act of violence.
- Passively negative – if they were present during an act of violence but allowed/facilitated the religious persecution to continue without intervening in the defence of the primary target. This category also includes instances the state was not present and did not follow up on the relevant accountability processes after the act.
- Actively positive – if they were present during an act of religious violence and intervened in the defence of the primary target.
- Passively positive – if they were not present during an act of violence but followed up on the relevant accountability processes after the act.

[d] For the purposes of this study, a third party/non-state actor is defined to include all other categories of key perpetrators other than a state institution or public servant.

Figure 7: Police response when Buddhist monks were key perpetrators



*Response was absent/unknown for 38 incidents featuring a Buddhist monk as a perpetrator.

From a total of 119 incidents in which Buddhist monks were identified as the key perpetrator (see Figure 7), the police responded in an actively negative manner and a passively negative manner in 50 instances (40 and 10 instances, respectively. See Figure 7). Such negative responses indicate that the police were present and actively/tacitly supported and/or passively facilitated the religious persecution of Christians when the Buddhist clergy was involved. Notably, in their passive decision to facilitate the religious persecution of Christians, the police allow for an additional layer of discrimination/violence against the Christians, even when it is not the direct offending party.

By contrast, the police responded in an actively positive manner and a passively positive manner in 31 instances that identified a Buddhist monk as a perpetrator (13 and 18 instances, respectively, see Figure 7). Meanwhile, the police responded in an actively positive manner and a passively positive manner in 63 instances, which did not feature a Buddhist monk as a key perpetrator. This data suggests that the police are less likely to positively intervene to help the primary target when the perpetrator is a member of the Buddhist clergy.

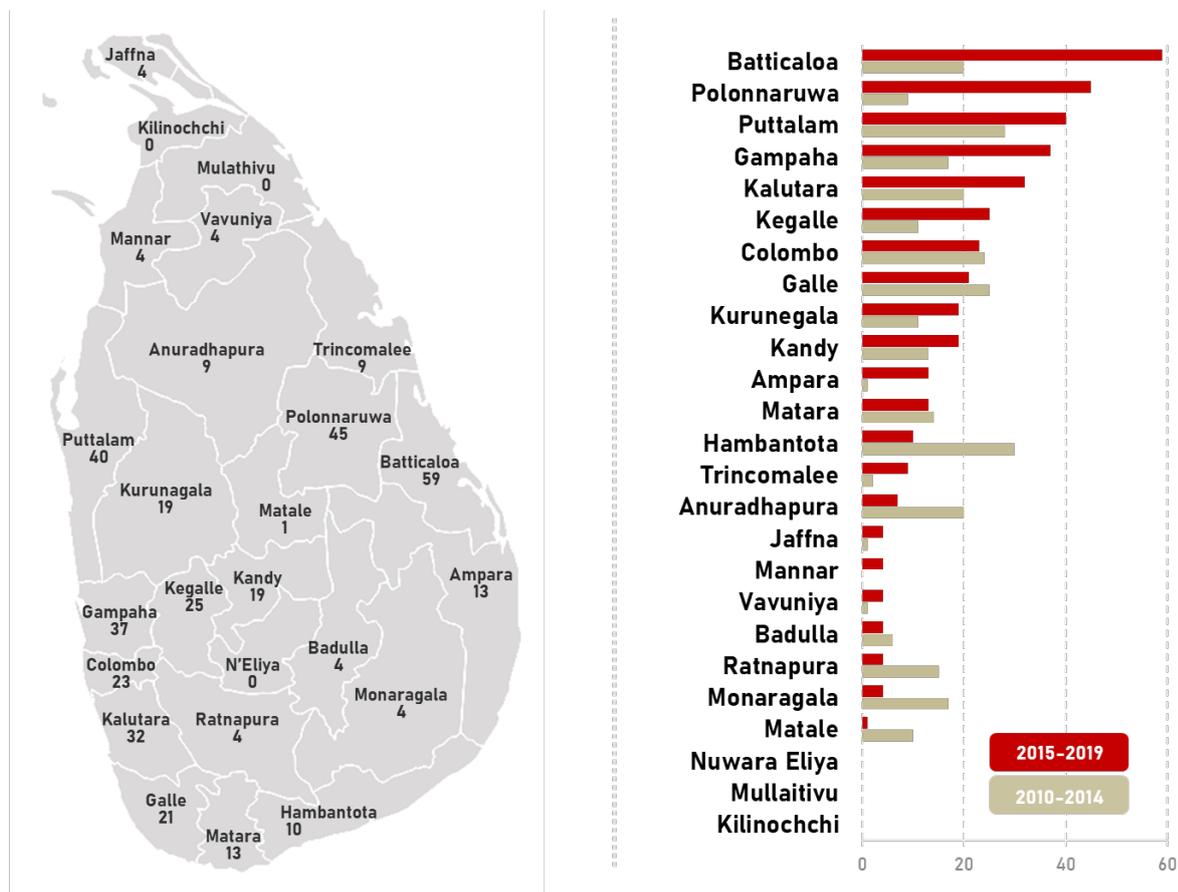
The relatively high proportion of negative (in)action and lower proportion of positive interventions from law enforcement bodies signifies the exceptional position and impunity afforded to the Buddhist clergy in Sri Lanka. Such 'Buddhist monastic exceptionalism' conveys how normal laws and constraints are suspended in favour of the clergy.³² For instance, there were several incidents in which the police did not attempt to diffuse the situation. Instead, Buddhist monks would explicitly threaten pastors in the presence of the police. This exceptionalism and impunity afforded to the Buddhist clergy flouts the state's positive obligation to protect the rights of religious minorities against infringements perpetrated by third party/non-state actors such as the Buddhist clergy. Furthermore, this exceptionalism enjoyed by the Buddhist clergy reflect the deep entrenchment of Sinhala-Buddhist majoritarianism within state institutions. In this context, scholars such as Gunatilleke has argued that the entrenchment of Sinhala-Buddhist majoritarianism within institutional structures has led to 'institutional decay'³³, which prompts institutional actors to appease majoritarian sentiments to the detriment of minority groups. This argument on institutional decay will be further explored in the section titled 'An analysis of ethno-religious violence targeting Muslims and Hindus'.

GEOGRAPHIC DISPERSION OF INCIDENTS BY DISTRICT

Incidents of religious violence targeting Christians were recorded in 22 out of the 25 administrative districts in Sri Lanka during post-2015 period (see Figure 8). The district with the highest concentration of incidents between 2015 and 2019 is Batticaloa (59), followed by Polonnaruwa (45) (notable characteristics of these districts are explained in further detail in Annex 2). Keeping in line with the aim of the study to draw interconnections within certain periods and comparisons across periods, this section

will analyse the data on the geographic dispersion of the incidents along two strands. First, it is useful to identify and map out the five districts across the periods (post-2010 and post-2015) with the highest and lowest percentage change in the number of incidents of religious violence per district. Second, it is useful to map out and analyse the change in the annualised rate of incidents of religious violence, per 100,000 Christians, per district, across the periods.

Figure 8: No. of incidents by district between 2010-2014 and 2015-2019 (Aug)



(I) Percentage change in the number of incidents of religious violence per district

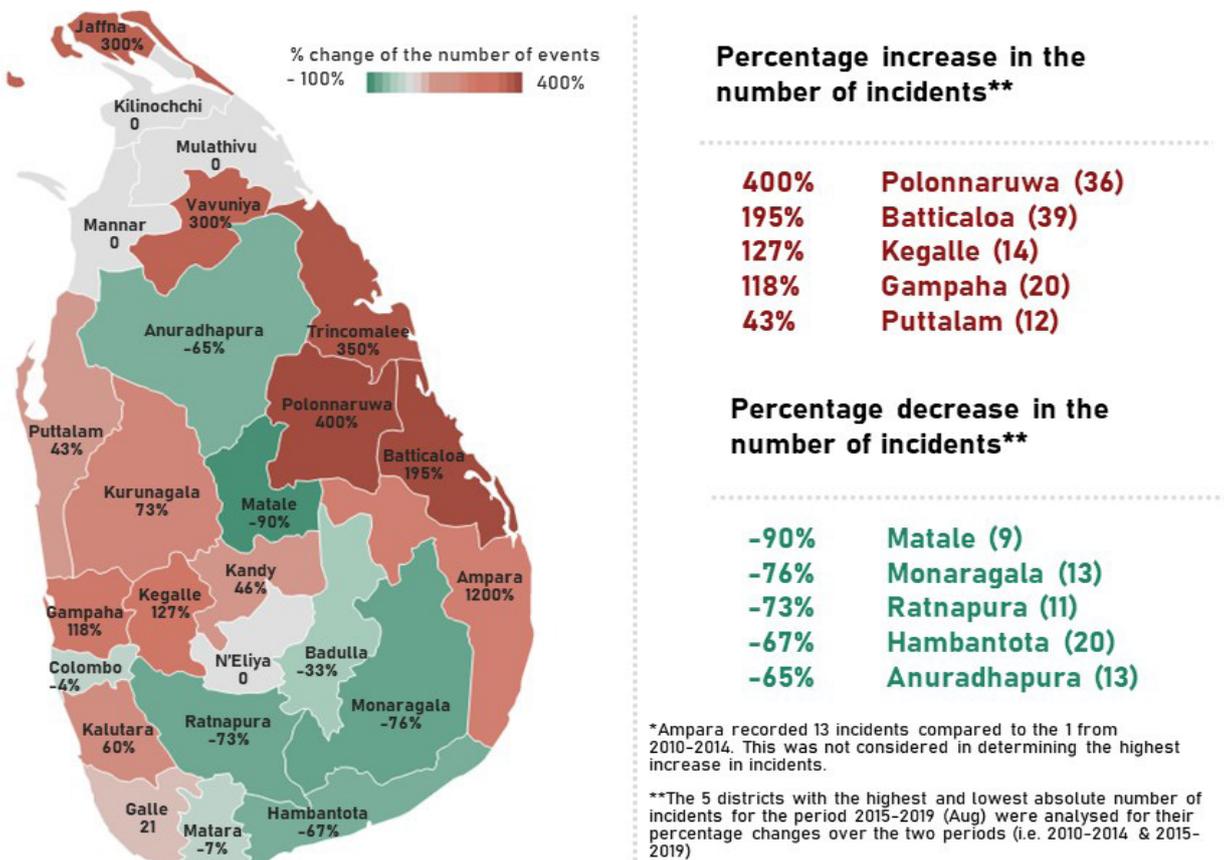
Figure 9 depicts the top five districts that recorded the highest percentage increase in incidents documented between the post-2010 and post-2015 periods. Four out of the top five districts have recorded increases of over 100 percent. Notably, Polonnaruwa recorded the highest percentage increase in incidents (400 percent) despite having the lowest share of the Christian population (1.1 percent) and Puttalam recorded the lowest increase in incidents (by 43 percent) despite having the highest share of the Christian population (33 percent). Furthermore, a majority of the top five districts recording the highest percentage increase in incidents of religious violence targeting Christians (3 out of 5) has a Christian

population of more than 9 percent, except for Polonnaruwa and Kegalle.

In order to eliminate any outliers, the study set a benchmark of a minimum of five incidents of religious violence for the same period. These outliers occurred if districts initially recorded little to no cases of religious violence between 2010 and 2014. For instance, Ampara only recorded one incident of religious violence between 2010 and 2014 against 13 incidents from 2015 to 2019. This resulted in a percentage increase in the number of incidents of religious violence by 1,200 percent. Therefore, although Ampara recorded an increase of 1,200 percent, it was eliminated from the highest percentage increase category.

Meanwhile, the top five districts which recorded the highest percentage decrease in the number of

Figure 9: Percentage change in the number of incidents by district between 2010-2014 and 2015-2019 (Aug)



incidents of religious violence targeting Christians were majority Sinhala-Buddhist dominated areas, with a Christian population of less than two percent. The percentage decrease in the number of incidents in these top five districts ranged from 60 percent to 90 percent. This decrease demonstrates that the percentage decreases in the incidents of religious violence are far less in comparison to the percentage increases of these incidents noted above. Notably, Hambantota district entered the top five districts with the highest decrease in incidents of religious violence. Hambantota displayed the highest religious tensions and violence (30 incidents) between 2010 and 2014. However, following the change in government, violence faced by Christians in that district has decreased by 67 percent.

(2) Annualised rate of incidents of religious violence, per 100,000 Christians, per district

The method adopted in this analysis contained three elements. First, the number of incidents per district (in each time period) was divided by the number of Christians in that district as per population data released by the Department of Census and Statistics in 2012 to calculate the number of Christians facing an act of religious violence. Second, the number of Christians that faced an act of religious violence per 100,000 Christians per district was calculated across the two periods. Finally, each figure was averaged by the number of years within the two time periods for comparability. Detailed explanation of calculation of the annualised rate of incidents, per 100,000 Christians, per district is presented in Annex 3.

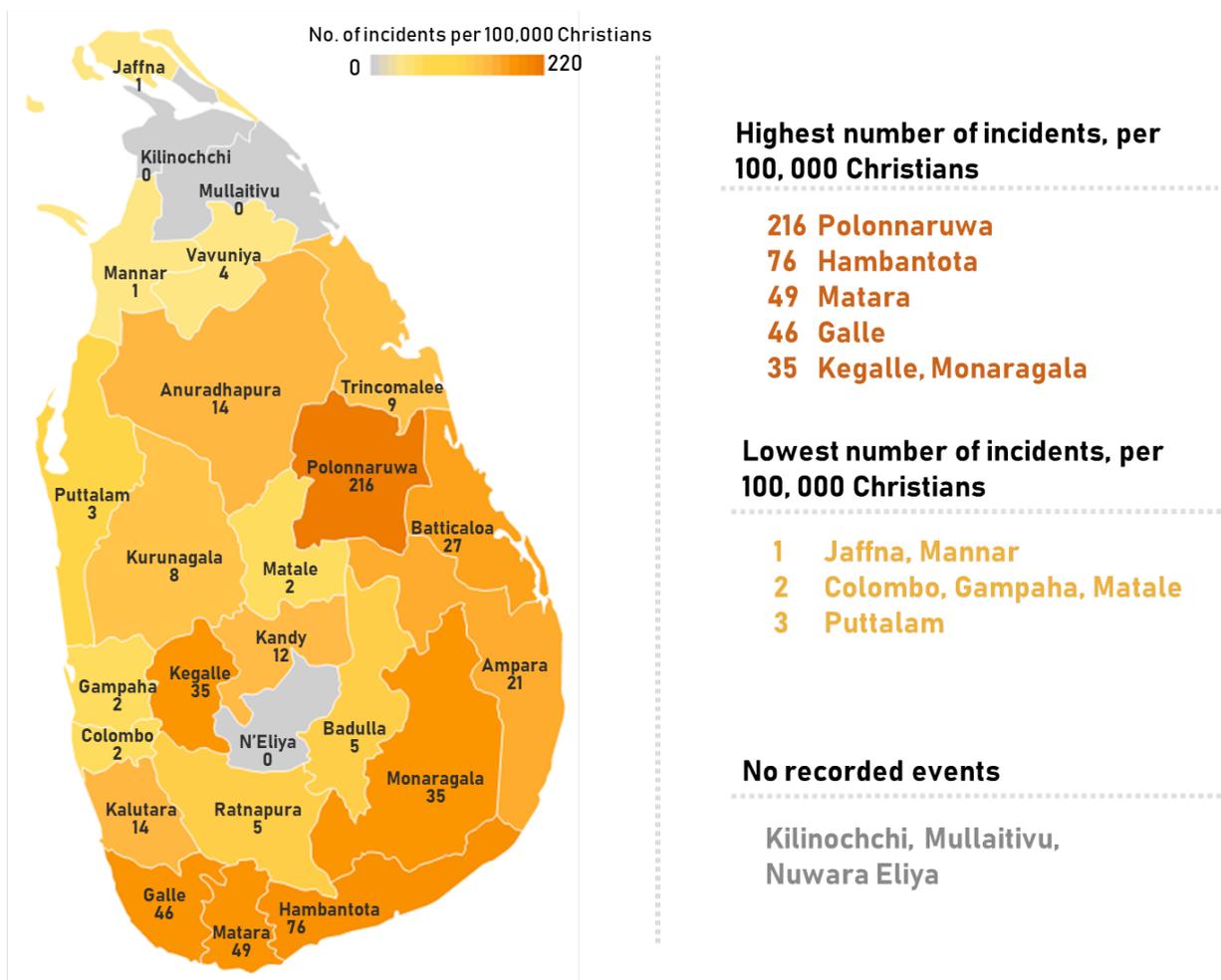
District	Number of incidents per district		Christian population per district	Annualised rate of incidents of religious violence, per 100,000 Christians, per district	
	2010-2014	2015-2019		2010-2014	2015-2019
Batticaloa	20	59	47,287	8	27
Polonnaruwa	9	45	4,468	40	216
Gampaha	17	37	495,478	1	2
Kegalle	11	25	15,163	15	35
Ampara	1	13	13,129	2	21
Kalutara	20	32	48,730	8	14
Puttalam	28	40	252,314	2	3
Kurunegala	11	19	53,637	4	8
Trincomalee	2	9	22,267	2	9
Kandy	13	19	35,177	7	12
Mannar	0	4	57,205	0	1
Jaffna	1	4	95,985	0	1
Vavuniya	1	4	23,803	1	4
Kilinochchi	0	0	18,499	0	0
Mullaitivu	0	0	12,727	0	0
Nuwara Eliya	0	0	48,984	0	0
Colombo	24	23	229,308	2	2

District	Number of incidents per district		Christian population per district	Annualised rate of incidents of religious violence, per 100,000 Christians, per district	
	2010-2014	2015-2019		2010-2014	2015-2019
Matara	14	13	5,640	50	49
Badulla	6	4	18,635	6	5
Galle	25	21	9,730	51	46
Matale	10	1	10,241	20	2
Ratnapura	15	4	18,056	17	5
Anuradhapura	20	7	10,407	38	14
Monaragala	17	4	2,460	138	35
Hambantota	30	10	2,831	212	76

The results (see table above) indicate that across the 24 districts, for every 100,000 Christians, only five Christians per year faced an act of religious violence in the post-2015 period. This figure has increased by one more Christian from the previous five-year

period (post-2010). However, while the overall figures across all districts may seem trivial, the concentration of incidents of religious violence per district has changed dramatically. The top five districts with the highest concentration of incidents of religious

Figure 10: Incidents per 100,000 Christians, per district



violence were examined to identify trends and patterns. For instance, results in the Polonnaruwa district indicate that, on an annual basis, nearly 40 in every 100,000 Christians faced an act of religious violence between the years 2010 and 2014. This number has significantly increased to 216 Christians (per 100,000 Christians) between 2015 and 2019. This

increase indicates that post-2015, Christians in the Polonnaruwa district are nearly five times more likely to face an act of religious violence. Similarly, post-2015, Christians in Batticaloa are three times more likely to face an act of religious violence, while in Gampaha and Kegalle districts, they are two times more likely to face such an incident.

AN ANALYSIS OF ETHNO-RELIGIOUS VIOLENCE TARGETING MUSLIMS AND HINDUS

This section of the study analyses incidents of religious violence targeting Muslim and Hindu communities in the post-2015 period. The lack of compiled and verified data on incidents of religious violence targeting these communities poses a challenge to conducting a comprehensive study on chronic incidents of anti-Muslim and anti-Hindu violence at a local level. Therefore, the study adopts two approaches to analyse the incidents of religious violence specific to each minority community.

First, in relation to anti-Muslim violence, the study focuses on 'acute' episodic cases. Examples of these riots include Gintota (November 2017), Digana/Teldeniya (March 2018), and Kurunegala/Minuwangoda (May 2019). In this study, 'acute' violence is described as sporadic in nature, and high in intensity.³⁴

Second, in relation to anti-Hindu violence, the study analyses data collected by NCEASL on post-2009 incidents of religious violence targeting Hindus in the North and East. It is noted that this data has not been verified through third party sources. Bearing this

limitation in mind, the study also analyses incidents of anti-Hindu violence reported in the press between October 2018 and November 2019.³⁵ Most data provided by NCEASL, and the reported incidents of anti-Hindu violence, have concerned Hindus in the North and East. Therefore, the analysis on anti-Hindu violence is limited to incidents that took place in the North and East of Sri Lanka.

It is noted that violence directed towards Muslim and Hindu communities take place along both ethnic and religious lines. Gunatilleke points out that the entrenched nature of violence is better understood when violence is conceptualised as 'ethno-religious' rather than merely 'religious'.³⁶ In this context, this section aims to unpack and examine the correlation between underlying drivers of Muslim and Hindu ethno-religious violence and the actual incidents of violence. The study also explores the state's involvement (or lack thereof) in incidents of ethno-religious violence targeting Muslim and Hindu communities. This section attempts to explain the continued anti-minority violence despite the promises of the *yahapaalanaya* government in 2015 to contain it.

Correlation between underlying drivers of ethno-religious violence and actual incidents of violence

As explained in the section on the socio-political context, anti-minority violence is predominantly driven by the entitlement complex and existential insecurities prevalent among segments of the majority Sinhala-Buddhist community. Accordingly, senior lecturer at University of Colombo, Nirmal Ranjith Dewasiri (2016) argues that violence has emerged as a 'fundamental desire of the Sinhala-Buddhist nationalist imagination'.³⁷ In this context, the prevalent anti-minority violence can be interpreted as a response to perceived threats that undermines the Sinhala-Buddhist hegemony in the country.

Anti-Muslim violence

This study examines two of the many preconceptions that segments of the majority Sinhala-Buddhist population entertains about the Muslim community. Such preconceptions often underlie anti-Muslim violence. These preconceived narratives relate to perceived threats to the Sinhala-Buddhist majority in terms of: (a) population rebalancing, and (b) economic prosperity of the Muslim community.³⁸

(a) Population rebalancing

This narrative suggests that the Muslim community in Sri Lanka is pursuing an agenda of rebalancing Sri Lanka's population.³⁹ This narrative emerges partly as a result of the growth of the Muslim population between 1981 to 2012 (an increase from 7% in 1981 to 9.3% in 2012 out of the total population). This growth is perceived as a threat to the numerical dominance of the Sinhala-Buddhist majority.⁴⁰

Accordingly, the Muslim community is perceived as pursuing this agenda by reducing the

Sinhala-Buddhist population to the point of 'extinction'.⁴¹ Manifestations of this preconception have emerged over the past few years. Examples of these manifestations include allegations that Muslim business owners are mixing 'sterilisation pills' in food items sold to the public, and Muslims are applying infertility-inducing substances to undergarments sold to Sinhalese women to 'stop the spread of the Sinhala race'.⁴¹ Other instances included hate messages spread by the Bodu Bala Sena (BBS) claiming that a popular Muslim-owned shop NOLIMIT was handing out toffees, which when consumed would render Sinhalese mothers infertile.⁴³ These allegations were used to justify or legitimise the anti-Muslim riots that erupted in Ampara in February 2018, which served as a precursor to the anti-Muslim riots that occurred in Digana/Teldeniya a few weeks later. Notably, these riots damaged and destroyed numerous Muslim-owned businesses, homes and places of worship and injured several individuals. The most recent manifestation of this preconception is the claim that a Muslim doctor had carried out 4,000 'illegal sterilisations' on Sinhala-Buddhist mothers.⁴⁴

(b) Economic prosperity

This narrative draws on the notion that the Muslim community in Sri Lanka is more economically prosperous than the Sinhala-Buddhist community. According to this narrative, the Muslims are perceived as dominating various industries and trade networks, thereby posing a threat to Sinhala-Buddhist businesses.⁴⁵ This narrative has contributed to two negatives outcomes.

First, it has contributed towards the emergence of a phenomenon that can be referred to as 'negative economic nationalism' i.e. using anti-minority/nationalist sentiment to obtain a market advantage. This phenomenon emerged prominently in the aftermath of the Easter Sunday attacks. Sinhalese consumers were encouraged to boycott products and services

associated with Muslim-owned businesses. Sinhalese consumers were encouraged to only consume Sinhala-Buddhist products and services. For instance, a taxi company ran an advertisement offering taxi services for Sinhala-Buddhist women. These women were to be taken to Sinhala-Buddhist doctors to ensure that they could conceive as opposed to being subjected to 'illegal sterilisations'. Prior to the period under review, the BBS carried out an 'Anti-Halal campaign' in 2013. The campaign called for the total ban of Halal goods to ensure the protection of the 'sacred Sinhala franchise'.⁴⁶ Such attempts to hamper the competitiveness of Muslim-owned enterprises have been described by analysts such as Ahilan Kadirgamar as 'economic grievances and frustrations being channeled as ethno-religious hatred'.⁴⁷

Second, this narrative generally precedes the actual incidents of anti-Muslim violence in which Muslim-owned businesses are targeted. During the period under review, four major incidents of anti-Muslim riots took place in Gintota (November 2017), Ampara (February 2018), Digana/Teldeniya (March 2018), and Kurunegala/Minuwangoda (May 2019). The primary targets of the violence, and on some occasions, the timing of these incidents, point to the likely involvement of business interests. For instance, some of the primary targets of the violence were Muslim-owned businesses. Furthermore, the timing of the incidents—such as Gintota and Digana/Teldeniya—has been associated with Christmas and the Sinhala and Tamil New Year.⁴⁸ Typically, there is an increase in the demand for goods and services during these periods, which may encourage uncompetitive business practices. The timing of the violence may suggest an objective to undermine the competitiveness of Muslim-owned businesses. Therefore, narratives on the perceived disproportionate economic prosperity of the Muslim community can underlie incidents of ethno-religious violence targeting Muslims.

Anti-Hindu violence

Following the armed conflict that ended in 2009, segments of the majority Sinhala-Buddhist population continue to suffer from territorial insecurity. This insecurity is often evident in the manner in which issues such as 'devolution of power' and land reform are portrayed in the Sinhala media.⁴⁹ This territorial insecurity is evident in the type of discrimination prevalent in the North and East of Sri Lanka.

The violence involving Hindu places of worship were widely perceived by Tamil press commentators and political figures as evidence of 'Sinhalisation/Buddhistisation' by the state in predominantly minority areas.⁵⁰ The terms 'Sinhalisation/Buddhistisation' are often used by Tamil-Hindu communities (and appear in the Tamil press) to express their 'fear and insecurity over their cultural and religious rights being under threat following the end of the war'.⁵¹ Meanwhile, 'Sinhala nationalists' reject the term on account of it being a 'politically charged' term.⁵² Studies point to various forms of 'Sinhalisation/Buddhistisation' in the North and East, including the militarisation of the North and East and the introduction of new Sinhalese settlements.⁵³ The present study focuses on two forms of 'Sinhalisation/Buddhistisation' widely reported and documented during the period under review.

(a) Construction of Buddhist places of worship/symbols

There were several reported/alleged incidents in Jaffna, Mannar, Mullaitivu and Vavuniya relating to the construction of Buddhist temples within the premises of a Hindu Kovil or in close proximity to an existing Hindu place of worship. Furthermore, there were numerous reports on the construction of Buddhist statues in places where the military is

present, including areas where there were no Sinhalese residents. For instance, the Pillayar Kovil in the Semmalai area, in the Neeravedi region in Mullaitivu was reportedly taken over by the army and the Department of Archaeology in 2018, and a Buddha statue was constructed thereafter.⁵⁴

(b) Contestation over religious sites

Contestation over religious sites in the North and East often involve competing claims relating to the historic identity and the ownership of the site. In the recent past, the most prominently featured event involved the archaeological site in the vicinity of the Kanniya hot springs in Trincomalee (in July 2019). Voices in the Sinhala press claimed that it is an ancient Buddhist site built by King Bhathika Tissa of the Anuradhapura era. Others claimed that it was an ancient Hindu Kovil built during King Ravana's era. Similarly, Sinhala press voices claimed that a religious site in Nayaru, Mullaitivu was an ancient Buddhist Vihara named 'Gurukanda Rajamaha Vihara' while the Tamil press claimed it was an ancient Hindu Kovil named 'Neeraviyadi Pillayar Kovil'.

Such incidents are often viewed by the Tamil community as 'deliberate expressions of majority dominance', where the majority ethno-religious group asserts its majority status over Hindu religious sites in the North and East parts of Sri Lanka.⁵⁵ On the one hand, these incidents point to the existential insecurity Tamils in the North and East often face in the aftermath of the armed conflict; they reveal how these communities perceive the suppression of their identity and rights as a result of 'state-facilitated Sinhalisation/Buddhisitisation'.⁵⁶ On the other hand, these incidents point to the entitlement of the Sinhala-Buddhist community to '[safeguard] Buddhist heritage from threats in the North [and East]'.⁵⁷

Overall, the underlying drivers of anti-Muslim and anti-Hindu violence explains why anti-minority violence may persist regardless of changes in government.

State's involvement (or lack thereof)

The arrival of the *yahapaalanaya* government in 2015 renewed hopes of containing anti-minority violence and protecting the right to FORB of all communities. However, at the end of its tenure, the *yahapaalanaya* government was widely accused of enabling ethno-religious violence and reinforcing the climate of impunity seen under the previous administration. These accusations stemmed from the perceived failure of the government in fulfilling its positive and negative obligations towards the country's minority ethno-religious groups.

The state's (in)action in relation to anti-minority violence appears to be shaped by the deep entrenchment of Sinhala-Buddhist majoritarianism within state institutions and actors. Along this line of argument, Gunatilleke argues that the deep entrenchment of the will of the majority ethno-religious group (the Sinhala-Buddhists) within the organs of the state has incentivised and sustained decay within institutional structures at all levels.⁵⁸ According to Neil DeVotta, 'institutional decay' occurs when the state's rule-making, applying, adjudicating and enforcing institutions show preferential treatment to a particular group while disregarding the legitimate grievances of other groups'.⁵⁹ This form of institutional decay was evident in the state's response to violent incidents targeting Muslim and Hindu communities during the post-2015 period.

Examples of institutional decay in the context of anti-Muslim violence

In Gintota in 2017, Special Task Force (STF) personnel were deployed to 'maintain order' when clashes between Sinhalese and Muslim youth were reported in the area following a traffic accident. The STF then 'prematurely withdrew', once initial clashes subsided.⁶⁰ However, shortly after they withdrew, violence targeting Muslim homes and businesses erupted in the area. Meanwhile, in Digana/Teldeniya in 2018, CCTV footage and numerous eyewitness statements revealed that perpetrators carried out assaults against Muslims in the presence of armed STF personnel and special police units.⁶¹ Notably, in both Digana/Teldeniya in 2018 and Kurunegala/Minuwangoda in 2019, the violence continued unabated, despite curfews imposed by the police, and the State of Emergency declared by the president.⁶² It was widely reported that law enforcement officers who were deployed to maintain order acted as 'passive onlookers' as the mobs executed the violence.⁶³

Following the anti-Muslim violence in Kurunegala/Minuwangoda in 2019, the Chairperson of the Human Rights Commission of Sri Lanka (HRCSL) observed in a letter to the Acting Inspector General of Police (IGP) that 'no preventative measures were taken although retaliatory violence against the Muslim community was a distinct possibility after the attacks on 21 April'.⁶⁴ She noted that the provision of any additional police officers/ STF personnel in the areas of violence was delayed. She also claimed that the individuals who were arrested in connection to the violence (or taken for questioning) may have wielded some extent of political influence to be released on bail.⁶⁵

Examples of institutional decay in the context of anti-Hindu violence

In incidents of anti-Hindu violence, military officials and officials from the Department of Archaeology can be identified as the common actors who spearhead the alleged attempts of 'Sinhalisation/Buddhisisation' in the North and East based on press and incident reports referred to in the study. In particular, voices in the Tamil press accused officers of the Department of Archaeology of discrimination by systematically targeting Hindu places of worship.⁶⁶ These officers were portrayed as being 'an arm of the government that promotes Sinhala majoritarian dominance in the North and East'.⁶⁷

Outside of these actors, the NCEASL incident reports also revealed how local and national level government politicians remained silent when the alleged incidents took place. For instance, in 2015, former president Maithripala Sirisena was set to attend the opening of a Buddhist temple named 'Maathottam Raja Vihara' in Mannar. After he was informed that the temple was unauthorised and built within the confines of the Thirukethiswaram Sivan Kovil with the alleged support of the army, he refused the invitation to attend the opening. Meanwhile, Mannar District MP Selvam Adaikalanathan and then Leader of the Opposition R. Sampanthan allegedly remained silent on the matter. This example demonstrates the passivity of the state regarding contestations over the ownership of religious places of worship in the North.

The foregoing analysis attempts to explain the prevalence of anti-minority violence despite the promise made by the *yahapaalanaya* government to contain it. This analysis suggests that the underlying drivers of

ethno-religious violence continue to be 1) the entitlement complex of the majority Sinhala-Buddhists and 2) the existential insecurity they feel. The prevalence of these drivers in all incidents of ethno-religious violence further suggests that the violence is reactive in terms of a threat or insecurity felt by the majority group. Furthermore, the fact that these drivers were seen even in incidents that took place prior to the period under review further indicates that there is a longstanding majoritarian complex that drives

perpetrators of ethno-religious violence. Notably, an entrenched sense of majoritarianism is evident in the (in)action of state institutions and state actors in the face of ethno-religious violence. When the state fails to take action against third party/non state actors who instigate and perpetrate violence, as seen in the above cases of anti-Muslim and Hindu violence, an additional layer of impunity is created, which in turn enables further violence against minorities.

CONCLUSION

This study aimed to critically analyse trends in the treatment of religious minorities during the post-2015 period, as compared to the pre-2015 period. It concludes that ethno-religious violence targeting minorities continues to occur regardless of the government in power.

The study focused on the role of the state in fostering an environment that enables the persecution of religious minorities. It found that the state often permitted non-state actors to perpetrate acts of violence and failed to fulfil its obligations in protecting religious minorities from violence. Therefore, as seen in other parts of the world, in Sri Lanka, religious violence is sustained invariably through the action or inaction of the state.⁶⁸

This study examined a total of 397 incidents of religious violence targeting Sri Lanka's Christian community during the period January 2015 to August 2019. 70 percent of these incidents featured *discriminatory action or practice*, of which over 50 percent were perpetrated by state officials. Overall, the state was complicit in a number of incidents of non-physical violence. Accordingly, data on the state as a key perpetrator revealed that state-led violence was structural, systemic and localised in nature.

In addition to the state's direct interference with the rights of Christian minorities, post-2015 data revealed that the state failed to protect the rights of Christians against infringement by third party/non-state actors, especially the Buddhist clergy. The data revealed the role of the state in affording a special status of exceptionalism and impunity to Buddhist monks when they were identified as a key perpetrator. The analysis revealed that the police are less likely to positively intervene to help the primary target when the perpetrator is a member of the Buddhist clergy.

The study also offered a qualitative analysis of violence against Muslims and Hindus. The state's involvement (or lack thereof) in violence directed at Muslim and Hindu communities was analysed using the lens of Sinhala-Buddhist majoritarianism within state institutions. The study found that the entrenchment of majoritarianism has led to institutional decay / bias within the state apparatus, including law enforcement authorities. It concluded that there was strong evidence of such institutional decay / bias in the state's response to incidents of ethno-religious violence targeting Christian, Muslim and Hindu communities during the period under review.

ANNEXURE

Annex I

Type of harm: Incidents involving physical violence

In light of the Easter Sunday attacks, this section will explore the type of harm related to *Physical violence against persons* and *Destruction of property*. The Easter Sunday attacks can be treated as an exceptional event that featured both *Physical violence against persons* and *Destruction of property* at a national level.

On average, the two post-war periods under review (2010-2014 and 2015-2019 – see Figure 3 for a breakdown of the number of violent attacks by year) were marked by two incidents per month that involved either physical violence towards a person/persons or damage to property. Incidents classified under the *Destruction of property* ranged from the pelting of stones at churches and Christian homes to arson attacks. Meanwhile, incidents classified under *Physical violence* largely included physical assault on pastors and churchgoers.

Up until the Easter Sunday attacks, violent incidents targeting the Christian community were characterised as 'chronic' due to their occurrence at low levels of intensity.⁶⁹ Thus, the highly coordinated and sophisticated nature of the suicide bombings targeting Christian places of worship (and hotels in the city of Colombo) on 21 April 2019 was an anomaly in the trends seen in the past 25 years (1994-2018).⁷⁰ The attacks resulted in over 250 deaths, injuring over 485 people and causing extensive property destruction. Overall, the Easter Sunday attacks marked two significant departures. They are: (1) a departure from the typical form and scale of violence against the Christian community, and (2) a departure from the enduring pattern of Sinhala Buddhist-led religious violence in Sri Lanka, since the perpetrators were identified as belonging to Islamist groups or subscribing to Islamist ideology. The second type of departure has also arguably given rise to a new 'victim-perpetrator dichotomy' in Sri Lanka between Christians and Muslims.⁷¹

Annex 2

Characteristics of the two districts with the highest concentration of incidents of religious violence against Christians: Batticaloa and Polonnaruwa

The district with the highest concentration of incidents between 2015 and 2019 is Batticaloa (59), followed by Polonnaruwa (45). A common feature in the data of the two districts is that *Discriminatory action or practice* is the most recurring type of harm documented in the post-2015 period. However, it is noteworthy that some forms of discrimination targeting Christians and carried out by the majority ethno-religious group in a particular area, varied. For instance, religious discrimination against Christian burial rites were observed to be unique to one of the two aforementioned districts.

The demographic composition of the two districts with the highest concentration of incidents presents a sharp contrast in terms of their respective ethno-religious compositions. According to 2012 census data, 72.7% of Tamils make up Batticaloa's majority ethnic community, followed by 25.4% of Sri Lankan Moors, 1.3% of Sinhalese and 0.5% of Burghers.⁷² In terms of Batticaloa's religious communities, the Christians are a minority community (8.9 %), while the Hindus

are the religious majority (64.4%), followed by the Muslims (25.5%).⁷³ By contrast, Polonnaruwa's ethnic and religious majority comprise Sinhala-Buddhists (90.7% Sinhalese and 89.7% Buddhists), while Christians remain a religious minority, accounting for only 1.1 % of the population in Polonnaruwa.

Within this context, incidents that were classified as *Discriminatory action or practice* in both Batticaloa and Polonnaruwa were in relation to the obstruction of (i) constructing Christian places of worship, or (ii) the conduct of Christian religious activities. However, a majority of incidents involving burial rites took place in the Batticaloa District. These incidents included Christians being forced to conduct burial rites according to the majority (Hindu) religion or to relocate the site of burial outside the immediate locality. As argued by Gunatilleke, the motive behind the denial of burial rites can be attributed to two factors. On the one hand, the 'high visibility of Christian burials may serve to undermine the dominance of the majority religion concerned', in this case the majority Hindu community in Batticaloa (see 'socio-political context analysis' section to understand the driving force behind Tamil-Hinduism in the North and East parts of Sri Lanka). On the other hand, denial of burial rites can also be attributed to a 'spiritual belief' as often the Hindus believe in cremating the

deceased as opposed to the practice of burying.⁷⁴ Although the incidents of discrimination over burial rites predominately took place in Batticaloa (a Hindu dominated locality), there were disputes and tensions over burial rites documented in Puttalam (a Buddhist dominated locality). The prevalence of tensions over

burial rites in districts with the above ethno-religious demographic compositions may be explained by the fact that Buddhists and Hindus share similar beliefs regarding burial rites. For example, both communities share similar beliefs regarding the concept of rebirth.⁷⁵

Annex 3

Calculating the annualised rate of incidents of religious violence, per 100,000 Christians, per district

An example is provided on the calculation for the annualised rate of incidents from 2010-2014.

Equation (1) calculates incidents per Christian in Batticaloa from 2010-2014. This is the proportion of total incidents faced by Christians in Batticaloa from 2010-2014 over the total Christian populace in Batticaloa.

$$\text{Equation 1: } 20/47287 = 0.0004$$

An annualised rate of incidents is provided by dividing equation (1) by the number of years considered in the duration of the period under review. The post-2010 period comprise of 5 years of data, therefore the answer in equation (1) is divided by 5 to provide an annualised rate of incidents. This is then multiplied by 100,000 and interpreted as the annualised rate of incidents, per 100,000 Christians in Batticaloa.

$$\text{Equation 2: } [(20/47287)/5] \times 100,000 = 8$$

METHODOLOGY AND CLASSIFICATION OF INCIDENTS

The methodology given below was created by VR in 2013 and was adopted by VR in its previous study, which analysed restrictions on religious freedoms of Christians from 1994 to 2014.

Incident and Incident ID

Each individual incident was given a unique ID based on date.

An incident is a single data point. Therefore, a series of related acts of religious violence or multiple acts taking place at the same location at different times were classified as separate incidents. The timing of the act may range from taking place on the same day to taking place on a different day, in order to qualify as a separate incident. Furthermore, to qualify as an 'Incident' that is counted as an instance in which violence^[e] with a religiously motivated dimension occurred, the data available regarding should be sufficient to ascertain that the 'Type of Incident' falls within the categories listed below.

Type of harm

Definitions for the categories are listed below. A report that did not fit any of the five categories was not classified as an *Incident*. A single incident may have more than one type of harm.

- 1.** *Property damage or destruction* – unlawful forced entry, vandalism or any other form of attack on the property of an individual, institution or group.
- 2.** *Physical violence* – violence against person/s of any form including but not limited to forcible restraint, assault, rape, abduction and murder.
- 3.** *Hate speech* – includes any printed material, meeting, rally or media campaign which has express messages attacking or inciting feelings against a religion, religious practices, religious symbolism, places of worship, religious community or followers of a religion based on their religious affiliation.
- 4.** *Threats, Intimidation or Coercion* – includes any verbal threats, phone calls, or direct encounters which do not result in violent acts against persons

[e] The term violence is defined broadly to include elements of structural violence such as discrimination and hate speech.

or property but where there is a threat of force or a forcing of person/s to perform any action against their will

5. *Discriminatory Action or Practice* – Any form of discrimination on religious grounds; including but not limited to denying or limiting services, deny or limiting access through differential treatment on the basis of the ethno-religious group in an isolated case or a sustained policy/practice of differential treatment. Actions in this category are not limited to state actors but apply to any of the ‘Key Perpetrator’ categories listed.

Key Perpetrators

Perpetrators were classified from the given list for primary actor category as identified by NCEASL reports. A single incident may have more than one category of perpetrator.

1.
 - a. *Political/Social Movement or Politicians* - refers to all groups that identify themselves by a name or political figures who are not holding any government office at the time of being involved in an incident. For example, a provincial councillor would fall in this category, but a provincial minister would be considered under the category of ‘public servant’ below.
 - a. *Political/Social Movement comprised of Buddhist monks or led by a Buddhist monk*
2. *Unidentified Individual or Group* - when the affiliations of perpetrators are unclear or unstated.
3. *Institution or Public Servant* - only used when the institution or person in question had a legal affiliation to the state including elected individuals holding public office (e.g. state-run school, government administrator, minister).

- a. *Religious Institution or Clergy* - to a member of a religious order, a place of worship or a religious institution (e.g. religious education institute, welfare institution affiliated to a religion), but excludes clergy formally associated with a social/political movement, which is captured above
- b. *Buddhist Monk* – refers to a member of the Buddhist clergy
4. *Commercial Interest Group or Private Sector Firm* - refers to a formally registered private commercial entity (e.g. a company registered under the companies act of Sri Lanka), business association or any other entity involved in any form of commercial activity or acts as a space for promoting commercial activity.

Perpetrators’ religious affiliation

This category was used if the group or individual either self-identifies or has an unambiguously identifiable religious affiliation; otherwise classified as ‘unknown’.

Perpetrators’ ethnic affiliation

This category was used if the group or individual either self-identifies or has an unambiguously identifiable ethnic affiliation; otherwise classified as ‘unknown’.

Primary Target Group

The section refers to the main target in the recorded incident. The six choice categories represent the broader classifications of potential targets and more than one may be entered for a given incident.

The Primary Targets are classified as:

1. *Individual/s-* could include an individual or a group of individuals not specified in any of the other categories for 'Primary Targets'. E.g. a Christian church worker or the Church congregation
2. *Local community-* could include, for example, all the Christian households in the village or a sect of Christians being targeted
3. *Place of worship-* could be a church or the location/ house where prayer meetings are held
4. *Business* – could be a Christian-owned enterprise
5. *Wider community* – could be used particularly in incidents when many or all categories may be targeted *en masse*, or Christians targeted at the nationwide level
6. *Institutions, clergy, officials or public figures-* could be a pastor, or a Christian organisation or other Christian public figure

Police Action at Incident

1. *Actively/Tacitly Involved-* if the police play any role whether actively or tacitly in the perpetration of the incidents including direct involvement in perpetration of the incident, supporting perpetrators by endorsing their actions in any form or refusing to engage in official duties in relation to an incident when notified *after* its occurrence.
2. *Present and Inactive-* if the police are present and allow the religious persecution to continue without intervention
3. *Present and Intervene-* if the police are present and intervene in the defence of the primary targets
4. *Absent/Unknown-* if there is no mention of police action at incident or if the action is not discernible in incident report
5. *Intervene After the Incident-* if the police are called

in or approached after the incident and if some follow-up action is taken

Government Official Action at Incident

A government official could be any employee of the state excluding the Police e.g. an official from the Divisional Secretariat, *Grama Sevaka* etc.

1. *Actively/Tacitly Involved-* if a government official plays any role whether actively or tacitly in the perpetration of the incidents including direct involvement in perpetration of the incident, supporting perpetrators by endorsing their actions in any form or refusing to engage in official duties in relation to an incident when notified *after* its occurrence.
2. *Present and Inactive-* if a government official is present and allows the religious persecution to continue without intervening
3. *Present and Intervene-* if a government official is present and intervenes in the defence of the primary targets
4. *Absent/Unknown-* if there is no mention of a government official's actions at incident or if the action is not discernible in incident report
5. *Intervene After the Incident-* if a government official is called in or approached after the incident and some follow-up action is taken

Legality of Place of Worship

The question of the legality of a place of worship was classified for all incidents occurring after the Ministry for Buddha Sasana issued a Circular in 2008 calling for the registration of such places.

1. *Legality questioned without reference to legislation or Circular* – legality of place of worship is

questioned without reference to legislation or Circular

- 2.** *Legality questioned with reference to legislation or Circular* – legality of place of worship is questioned with reference to legislation or Circular
- 3.** *Clarification sought*- if the legality of the place of worship is questioned and if asked to show proof of authorisation

- 4.** *Deemed illegal/unauthorised*- a place of worship was deemed illegal if a public official e.g. a policeman claimed that the pastor could not continue his worship services at a church or prayer meeting without the necessary documentation from the Ministry of Buddha Sasana and Wayamba Development.

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